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will perform with more than 30 exotic
instruments at an April 10
concert in Lakeville.
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Yes on judicial retention elections

Bills are slowly moving through the Minnesota Legislature that would change the way Minnesota's judges are selected.

Under current law, all judges run for election to six-year terms. However, the reality is that almost all judges resign in mid-term, and then are replaced by an appointment by the governor. Those appointees then run in the next general election.

The reality also is that most Minnesota judges run unopposed.

While Minnesota has had few problems under this system, the judicial climate is rapidly changing, and that's why the judicial appointment system needs to change.

An ideal judicial system must balance judicial independence with accountability. The proposed change would move Minnesota in that direction. Recent developments are politicizing the courts, drawing in partisans to support judicial candidates who support their political views.

However, most of what judges do has little to do with the current political battles. They spend much of their time on matters like traffic and criminal cases, divorces, probate, etc.

Raising the flag of concern are developments such as these:

- In 2002, the U.S. Supreme Court ruled 5-4 that a Minnesota law, preventing judicial candidates from commenting on issues that may come before them if elected, was unconstitutional.

- In 2007, the two candidates for a Wisconsin Supreme Court seat spent \$1.2 million between them, but an additional \$4.8 million was spent by special interest groups trying to influence the election.

- In 2008, another case came before the U.S. Supreme Court because a judge did not recuse himself even though one of the parties in the case had given \$3 million to the judge's recent election campaign.

To prevent such occurrences in Minnesota, the legislation moving forward would take the best parts of the existing de facto judicial selection system, and combine them with retention elections.

Under the plan, a judicial selection com-

mission would nominate candidates to fill judicial vacancies and the governor would appoint from among them. That's the way 90 percent of Minnesota judges obtain their offices today.

What will be different, however, is that at the end of their initial partial term, the judge would face a "retention election." To stay on the bench for an additional eight-year term, the judge would face the voters, who would vote "yes" or "no" on keeping him or her on the bench.

If the judge loses, then the selection process would re-start, with the governor appointing a new judge.

No judge who wants to keep his or her job will stray too far from the existing case law under this system.

A Judicial Performance Commission would also be formed, and would conduct performance evaluations midway through a judge's term and also in the year that the judge is up for a retention vote. These evaluations would be made public to help educate voters.

Since retention elections are only a referendum on a judge's performance, not a political contest between two candidates, most judges would have little need to solicit huge campaign contributions.

Once the Legislature approves the proposed constitutional amendment, it would go to the voters in November. Given what is at stake – increasing politicizing of the judiciary – passage is critical. Minnesota has thus far avoided much of the legislating from the bench that has afflicted other states, and the vast majority of its judges run their courtrooms based on the facts and the law.

Let's keep it that way. Retention elections will allow judges to maintain their independence but still hold them accountable for their actions.

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