

Judges Must Be Impartial And Independent

Judges are central to our democracy. Judges resolve disputes between people peacefully and fairly, protect citizens from the power of the government, and apply our laws to protect or punish people.

For our democracy to function, judges must carry out their tasks impartially and independently. Judges' decisions should not follow public opinion or promote special interests or even reflect their personal beliefs. Judges should not bow to pressure from large corporations or powerful government institutions.

Instead, judges should act on their best informed understanding of what the facts are and what the laws require. This judicial impartiality protects fair trials and upholds the rule of law.

Judicial Candidates Are Different

Candidates for public office generally campaign by advocating for their views and promising to implement those views if they are elected.

If judicial candidates advocated for partisan views or pledged to decide cases in certain ways, judicial impartiality would be undermined. So judicial candidates are different:

☑ Judges are not elected to represent partisan views. They are elected to make important and complicated decisions fairly, independently, and impartially.

☑ Judicial candidates may not make promises about how they plan to decide certain types of cases or rule on controversial issues. They must pledge to consider each case carefully and objectively on its own merits.

Ohio Judges are elected by majority vote and serve six year terms. If a seat becomes vacant mid-term, a new judge is temporarily appointed by the Governor. In the next election cycle, voters elect a judge for the time remaining on the six-year term.

Judicial Campaigns

Judicial campaigns are more carefully regulated than other campaigns for public office.

Speech

Judicial candidates may not make statements that create an impression of partiality or seem to prejudge a legal controversy. (Details on the right.)

Qualifications

Judicial candidates must...

- ☑ have a law degree, have passed the Ohio bar examination and satisfied bar admission character and fitness requirements, and be admitted to practice law in Ohio.
- ☑ have practiced law for at least six years, as a working trial attorney or in another capacity that employs legal expertise.

Campaign Contributions

- ☑ Judicial candidates may not personally solicit or accept contributions—this must be done by a campaign committee.
- ☑ Judicial campaigns may solicit or accept contributions only within 120 days before and after the election.
- ☑ Employees of a judge's court may not contribute.
- ☑ Campaign contribution amounts are limited. These are the limits as of February, 2005:

Contributor:	Individual	Organization	Political Party
Candidate for:			
Supreme Court			
Primary:	3,000	5,500	150,000
General:	3,000	5,500	275,000
Court of Appeals			
Primary:	1,000	3,000	30,000
General:	1,000	3,000	60,000
Trial court in district with 750,000 or more inhabitants			
Primary:	500	3,000	30,000
General:	500	3,000	60,000
Trial court in district with fewer than 750,000 inhabitants			
Primary:	500	3,000	25,000
General:	500	3,000	50,000

Code of Judicial Conduct, 7(C)(5). These amounts are occasionally adjusted to reflect cost of living increases.

Preserving Judicial Impartiality

Judicial candidates may not...

“make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;”

“make statements that commit or appear to commit the judge or judicial candidate with respect to cases or controversies that are likely to come before the court;”

“comment on any substantive matter relating to a specific pending case on the docket of a judge.”

(Code of Judicial Conduct, 7(B)(2) (c), (d) and (e))

Questions You Might Ask

Ask about legal experience:

What kind of law have you practiced? Have you practiced in the court you wish to serve on? Talk about the hardest case you were involved in.

Ask about the administration of justice:

What is your view about Internet access to court records? What can a court or judge do to promote public understanding of the law?

Ask about experience:

What positions of public service have you served in? How have you been involved in community affairs? What do you consider your greatest accomplishments?

Ask about judicial philosophy:

What should be the role of mediation in the judicial system? What is the greatest obstacle to justice in our court system?

Ask about character:

As a judge, what would be your greatest strength? Your greatest weakness? How do you handle difficult decisions?

Ask yourself:

If this candidate were to judge a case concerning yourself or someone close to you, would you be confident of a fair hearing?

Learn About Your Judicial Candidates

Judicial candidates do campaign. Even with the limits on judicial campaigning there is much that they may and want to convey to the voters. They may, for example:

- ✓ Present their record of public service and other relevant experience and qualifications.
- ✓ Discuss their general views about the administration of justice.
- ✓ Talk about court management and policies.

Where To Find Information

While judicial elections often do not get the media attention that other elections do, there are ways to learn about your candidates:

- ✓ Many communities have candidate forums, sometimes for all candidates and sometimes just for judicial candidates.
- ✓ If you belong to an organization, consider inviting judicial candidates to speak to your group about their candidacies.
- ✓ In some communities, local bar associations rate candidate qualifications.
- ✓ In some communities, civic groups publish candidate information.

When you consider information about judicial candidates from advocacy groups, it is important to remember that a judge's decisions are not a record of his or her personal views. Judges apply the law to the facts of cases and decide as they believe the law requires. Those decisions are often not the same ones the judge would choose as a matter of personal or political views.

Ohio's judges are elected—

and like other candidates for office, candidates for judge want to tell you, the voter, about the difference they can make in the life of the community.

But to preserve judges' ability to render fair and impartial judgments, judicial candidates must follow strict limits on how they campaign.

This means that judicial campaigns do not usually provoke headlines and extensive media coverage. So it may take a little extra effort to learn about judicial candidates.

Judges are a crucial link in our system of government. Take a moment to become familiar with the candidates for judge. And this November—

Cast an informed vote to help choose your judges!



ELECTING JUDGES

A CITIZENS GUIDE

