

## FOR IMMEDIATE RELEASE

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### **Poll Shows Pennsylvanians Favor Judicial Merit Selection**

*Statewide poll also reveals citizens have negative opinions about judicial elections*

**HARRISBURG (June 9, 2010)** – An overwhelming majority – 93 percent – of Pennsylvanians want the opportunity to vote on whether Pennsylvania should change the way we select our appellate court judges, according to a poll recently conducted for Pennsylvanians for Modern Courts and PMCAction.

The poll clearly demonstrates why citizens want this opportunity. Among the most compelling results: 73 percent do not believe that the most qualified candidates win elections, and 76 percent believe campaign contributions influence judicial decision-making. Taken together, these results indicate frustration with the electoral system and justify a desire to find a better way to choose judges for the Supreme, Superior and Commonwealth Courts.

The poll indicates that 62 percent of respondents favor replacing the current appellate judicial election system with merit selection, a hybrid system that combines elements of appointive and electoral systems, with a citizens nominating commission that screens candidates and recommends the most highly qualified for possible nomination.

“The fact that 93 percent of Pennsylvanians want the chance to decide the best way to select our state’s appellate court judges is a resounding call for the legislature to take the first steps to bring this issue to the people,” said Lynn A. Marks, Executive Director of PMC and PMCAction.

"Merit selection is a bipartisan issue, and a long overdue reform," said Governor Ed Rendell. "There are many reasons why Pennsylvania needs to make this change, and the bottom line is that if we embrace merit selection, we will get the most qualified, fair and impartial judges to serve our residents. The people understand this, which is why they overwhelmingly want the right to vote on a new way to select judges."

“During my second term as governor, I made merit selection a priority reform and brought all the stakeholders together to collaborate on designing a merit selection plan for Pennsylvania,” said Governor Tom Ridge. “I am heartened that many of those stakeholders are here today as part of the coalition supporting this critical reform. And I hope that Pennsylvania will be able to move forward to implement a better way to select appellate court judges.”

The merit selection system ensures that qualifications determine who becomes an appellate judge, and removes money from the selection process. A study released earlier this year by the American Judicature Society examined how often contributors to Pennsylvania Supreme Court justices' campaigns appeared before those justices in court, and found that in 60 percent of recent cases, at least one of the litigants, lawyers, or law firms had contributed to the election campaign of at least one justice. In the 2009 Pennsylvania Supreme Court race, contributors helped the two candidates raise and spend almost \$4.7 million

Senator Jane Earll, R-Erie, and Representative Matt Smith, D-Allegheny, have introduced bills in the legislature to amend the constitution to implement merit selection for appellate court judges. Final approval for the amendment must come from voters, who would vote in a referendum to a general election.

“The time is right for us to allow constituents to make this decision,” said Sen. Earll. “Clearly Pennsylvanians want and deserve the right to decide. They are demanding reform, and it is up to lawmakers to grant them this right.”

“The poll shows that 69 percent of Pennsylvanians admitted that they knew not very much or nothing at all about the judicial candidates in the last election,” said Rep. Smith. “We have to face it—the election system is not working for our state, and citizens realize this.”

Retired United States Supreme Court Justice Sandra Day O'Connor is an active proponent of merit selection. She applauded Pennsylvania for its move toward adopting the system, saying “Right now, Pennsylvanians are being shortchanged by the way their judges are chosen. Judges running for election have to raise campaign contributions from individuals and organizations that appear before them in court. In fact, the average cost to run for a state Supreme Court seat is staggering – reaching into the millions of dollars. I applaud Pennsylvania's current effort to change its system to protect the impartiality of the judiciary without sacrificing accountability to the voters.”

“During the last decade, high court candidates around the country raised more than \$206 million, much of it from parties who appear before them in court,” said Bert Brandenburg of Justice at Stake. “Merit selection is moving forward in Pennsylvania and around the country because Americans want judges to be accountable to the law, not campaign supporters.”

“The poll results reaffirm the sentiment of business leaders who understand that merit selection is better for business and better for the public,” said Mike Petro vice president for business and government policy at the Committee for Economic Development. “Merit selection provides a fair and impartial alternative to politically charged judicial campaigns.”

“This is the year for Pennsylvania to recognize the superiority of merit selection over partisan election of appellate court judges,” said Seth Andersen, Executive Director of the American Judicature Society. “Constituents know the benefits, and the Legislature needs to let their state move forward.”

The Public Opinion Strategies poll was made possible by the American Judicature Society, the Committee for Economic Development, Justice at Stake, Pennsylvanians for Modern Courts and PMCAction.

**Pennsylvanians for Modern Courts** is a statewide nonprofit, nonpartisan organization founded to improve and strengthen the justice system in Pennsylvania by reforming the judicial selection process; improving the jury system, court administration and court financing; eliminating bias; and assisting citizens in navigating the courts and the justice system, whether as litigants, jurors, or witnesses. **PMCAction** is an affiliated nonprofit that lobbies for court reform initiatives. Visit [www.pmconline.org](http://www.pmconline.org).

Founded in 1913, the **American Judicature Society** is a nonpartisan organization with a national membership of judges, lawyers, and other citizens interested in improving our nation's courts and the administration of justice. As part of its mission to ensure a fair, impartial, and independent judiciary, AJS offers model merit selection plans and expertise and training to merit selection systems.

The **Committee for Economic Development** is a non-profit, non-partisan organization of over 200 business leaders and university presidents. Since 1942, its research and policy programs have addressed many of the nation's most pressing economic and social issues, including education, workforce competitiveness, campaign finance, health care, and global trade and finance. CED promotes policies that increase productivity, living standards, opportunities and quality of life for every citizen.

**Justice at Stake** is a nonpartisan national partnership of more than 50 organizations working to keep courts fair and impartial. Our partners include leading national advocates, legal and business groups, and civic reform organizations that care about keeping courts independent from inappropriate political pressure.

To view the full poll and results, please visit:

<http://judgesonmerit.org/wp-content/uploads/2010/06/2010-Merit-Selection-Poll1.pdf>

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