

# Judicial Selection Task Force

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Hon. Sandra Day O'Connor

## Co-Chairs

Hon. Marilyn Kelly

Hon. James L. Ryan

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Justin R. Long, Reporter

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## Less partisanship, more transparency: Bipartisan task force calls for improved Supreme Court selection process

LANSING, Mich. – Calling for increased public transparency, less partisanship and a better informed electorate, a bipartisan task force today issued its recommendations for improving the state's process for selecting Supreme Court justices.

Led by two veteran Michigan jurists – Supreme Court Justice **Marilyn Kelly** and Senior Judge **James L. Ryan** of the U.S. Court of Appeals for the 6<sup>th</sup> Circuit– the task force noted that Michigan's process for choosing Supreme Court justices has attracted national attention for its excessive cost, its lack of transparency and its damaging negativity.

“The current process of selecting justices undermines public trust and confidence in the impartiality and independence of the Michigan Supreme Court,” said Kelly. “Polling has consistently shown that a majority of Michigan voters believe that judicial campaign contributions have influence on the decisions judges make. As the saying goes, perception becomes reality -- a judiciary that is not perceived as impartial is a compromised judiciary. That's not fair to anyone – not to voters, and not to the judges. Michigan deserves better.”

Included in the task force's report – which can be viewed in its entirety at [mi-judicialselection.com](http://mi-judicialselection.com) – are the following recommendations:

- **The public disclosure of all judicial campaign spending.** The 2010 Michigan Supreme Court campaign was the most expensive in the nation; yet, it was one of several elections over the last decade when more than half of all spending in the Michigan Supreme Court race was unreported. Voters deserve to know which special interest groups are spending to influence the outcome of these elections and how much they are spending.

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- **The implementation of an open primary system.** Michigan citizens vote for justices on the nonpartisan section of the ballot. An open primary election system – rather than the partisan nomination process that exists now – would reduce partisanship in a place where it never belonged.

- **Increased citizen involvement.** The creation of two impartial citizen bodies – one to monitor judicial campaign conduct and advertising, and another to screen candidates for appointment to fill Supreme Court vacancies – will help build confidence among citizens in the impartiality of their judicial system.

- **Increased information about Supreme Court candidates.** A voter education guide – produced by the Secretary of State each election cycle – will help citizens overcome misinformation and a lack of facts about the candidates.

- **The elimination of the discriminatory age-70 ceiling on judicial candidates.** The constitutional requirement that prohibits the election or appointment to a judicial office of a person who has reached the age of 70 years is arbitrary and serves no legitimate public interest. It should be removed by amendment of the constitution.

“Many members of the task force favored moving to a merit-based appointment system for justices. However, this was not a consensus position, so it did not rise to the level of a recommendation in the report,” said Ryan. “There *was* a consensus that partisanship doesn’t belong in Michigan’s highest court – and neither do special interest groups and undisclosed spending. The practical, common-sense reforms we have recommended will help elevate public trust and confidence in the impartiality of the Michigan judiciary.”

In addition to Kelly and Ryan, the Michigan Judicial Selection Task Force comprises conservatives, liberals, and independents; lawyers and non-lawyers; business people and experienced campaigners. A full list of task force members is available at [mi-judicialselection.com](http://mi-judicialselection.com)

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