Supreme Court Lottery Draw

To the Editor:

I was encouraged to read Brian Einhorn's President's Page in the December 2013 *Bar Journal* calling for reform of the way we select Supreme Court justices. It is difficult to imagine a method of selection less likely to result in a fair and independent court than the system we use now. Our current system is dominated by money and politics, and then left to either a political appointment or to an electorate that is largely ignorant of who the candidates are or even which political party they represent. It should surprise no one that this has resulted in a court that was evaluated a few years ago by the University of Chicago to be the worst supreme court in the country. But alas, the reforms that have been suggested by President Einhorn and former Justice Weaver, among others, seem unlikely to generate much public support. The reforms are too complicated to sell in a sound bite, and one must wonder how effective they would really be at overcoming the stranglehold that business interests currently enjoy.

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I have long argued that the only hope of ridding the Supreme Court of the corrupting influence of money and politics is to select justices by lot from among the circuit court judges and have them serve for only a few years before returning to their former positions on the circuit court. True, we could get unlucky with some of the selections, but they would be time limited. And all things considered, I would take seven circuit court judges picked at random any day over what we have now. And it's actually not as extreme a suggestion as it may seem at first blush. For centuries, the Doge of Venice was selected by a modified lottery system, and for the very same reason I am suggesting it today: to make corruption difficult, if not impossible. Money could not influence the selection of the Doge, and once selected he owed allegiance to no one. It worked for Venice and it might work for us.

James Ford
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Repeal Equine Activity Liability Act

To the Editor:

I read with interest Julie Fershtman's article about the Michigan Equine Activity Liability Act (December 2013 *Michigan Bar Journal*). Michigan's Equine Act is emblematic of what is wrong with tort law in Michigan today:

- *The legislature throwing a monkey wrench into the works* by shifting the focus from "What is just?" to "What does this statute mean?"
- *Hypocritical judges.* Republican judges claim fealty to the plain-English reading of statutes, but when construing the negligence exception to the Equine Act it is trumped by the desire to protect the pocketbooks of their favored class (businessmen, landowners, and corporations).
- *Corrupt legislators.* In the case of the Equine Act, doubly so: they not only sold legislation to campaign contributors, but also sold out those contributors by failing to deliver (since the negligence exception swallows up the rule).
- *Justice for sale.* Magna Carta forbade King John from selling justice to the highest bidder, but in Michigan, the store is open.

The solution to this problem is not to give the contributors what they paid for, but to repeal the Equine Activity Liability Act, thus sending a message to those attempting to buy legislation that it is not for sale. However, that would require lawmakers with integrity—a seemingly rare commodity in Michigan today.

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