

Fair & Impartial Courts in Georgia

Judicial independence means that judges are free to decide cases fairly and impartially, relying only on the facts of the case and the law. It means judges are protected from political pressure from the legislature, special interest groups and the media.



Judicial independence is a central theme of the United States Constitution, because one goal of the Founding Fathers was to avoid the dependent judiciary of Great Britain under the rule of King George III. The Founders established an independent judiciary so that American citizens would be assured that the rule of law is carried out fairly and equitably. Today, impartial judges are a bedrock of our democracy.

Judicial independence ensures that cases are decided on their merits and what is just under the law, not on the prevailing political atmosphere at the time, thus protecting our constitutional rights. With growing pressure from all sides, are we doing everything we can to foster an impartial and fair system in Georgia?

4 Key Threats to Georgia's Courts

- Increase in campaign contributions**

Over the last ten years, state level court races have become the battleground for special interests, with millions of dollars pouring into judicial campaigns. Georgia experienced this in both 2004 and 2006.

- Soaring campaign costs**

Much of the money coming into judicial elections comes from sources with no limit on their contributions - such as political parties and 527 organizations. This has caused spending in judicial races to skyrocket with no limits to reign it in.

- Partisan political overtones**

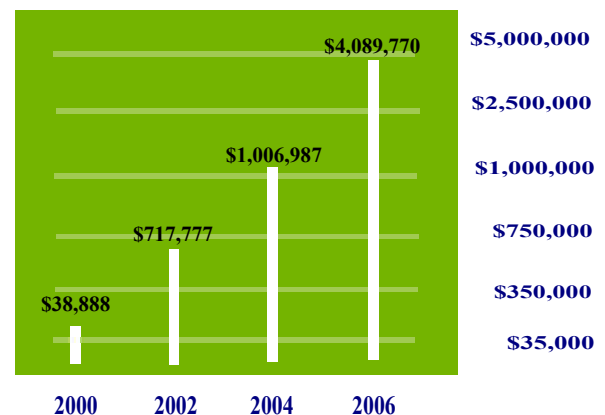
Pressure is increasing for judges to carry a partisan label when running for office. Do we want judges applying their personal ideology to cases or do we want impartial judges who can set aside their personal beliefs and apply the law?

- Appearance of conflict of Interest**

A judge who has gained office after a contentious election involving high campaign contributions from partisan or special-interest organizations may influence judicial decision-making.

Is there a better way to conduct our judicial elections to safeguard impartiality?

Georgia Supreme Court Fundraising: 2000-2006



Data provided by Justice at Stake, a nationwide, nonpartisan partnership dedicated to educating the public and work for reforms to keep politics and special interests out of the courtroom.

Beyond Law & Order - TV Ads Add Political Overtones

	Candidate Sponsored Ads	Special Interest Group Sponsored Ads	Political Party Sponsored Ads	TOTAL
# Of TV Airings	757	1,073	570	2,400
Cost	\$960,554	\$1,321,494	4550,003	\$2,832,051

FACT: Georgia was one of three states to break the \$2 million mark in television advertising.

In Georgia, judges are:

• Elected by Popular Vote

Most judges in the state of Georgia are elected by voters every four or six years depending on the judgeship. More judges in the U.S. are elected than appointed.

While alternatives to elections such as the Missouri Plan (merit selection with retention elections) hold promise, voters in other states have consistently rejected alternatives to popular election.

• Impacting the Lives of All Georgians

Each of us is impacted by the justice system every single day of our lives. Our justice system protects us from warrant-less police searches of our homes, upholds the integrity of contracts, and provides assurance to anyone involved with the justice system that they will be treated fairly.

You may not be the one before the judge today, but at some point, most of us will have our day in court. We have a right to expect a fair hearing in every case and should have confidence that all will be treated fairly under the law.

• Held Accountable

Citizens should have a right to remove a judge if they do not fulfill their responsibility properly. In Georgia, judges are elected on a regular basis by voters, providing a mechanism for accountability. However, Georgia's current popular election model, coupled with loopholes in campaign finance law, fosters a breeding ground for favoritism. There is a way to hold judges accountable without money being a deciding factor.

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Georgia could learn from North Carolina which implemented a successful public funding program for judicial candidates in 2004. This was in response to growing voter concern over soaring campaign contributions and the conflicts-of-interest that arise from parties appearing before a judge who helped fund his or her campaign. In 2002, surveys indicated 78% of NC voters believed that campaign contributions had some influence over judges' decisions.

Judicial System Hierarchy in Georgia

Court	Number of Judges	Length of Term	Elected by Whom?
State Supreme Court	7	6 years staggered	Popular vote, statewide nonpartisan
Court of Appeals	12	6 years staggered	Popular vote, statewide nonpartisan
Superior Courts	189 in 49 Judicial Circuits	4 years	Popular vote district-wide, non-partisan election
State Courts	71 covering 159 counties	4 years	Popular vote, countywide non-partisan election
Juvenile Courts	120 covering 159 districts	4 years	Not elected - Appointed by Superior Court judges
Probate Courts	159	4 years	Popular vote, countywide election
Magistrate Courts	159	4 years	Popular vote, countywide election

North Carolina as a Model?

In 2004, North Carolina adopted a public funding program to address growing campaign contributions to judicial candidates.

Specifics include:

- Candidates for appellate or Supreme Court have a public financing option. To qualify, candidates must raise a minimum amount through small donations.
- In return for an allocation of campaign funds to run a sufficient campaign, qualifying candidates agree to not solicit or accept any additional outside contributions.
- Public financing is supported by a voluntary check-off on the state income tax return and a \$50 fee levied on all attorneys in the state.
- In order to protect publicly-funded candidates, "rescue" funds are available if a privately-funded candidate raises high amounts.

Success Story:

To date, 75% of candidates have opted into the public funding program, causing contributions from business, lawyers and special interest groups to drop dramatically.