

Editorial: System for picking judges needs overhaul

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(Photo: Getty Images/iStockphoto)

A slating fee by any other name is still a slating fee, and so it is with the money that Marion County judicial candidates are essentially forced to pay to the two major political parties to have a chance to serve as a judge.

As an investigative report by The Star's Marisa Kwiatkowski documented Sunday, judicial candidates are expected to pay between \$12,000 and \$14,000 each to the Marion County Democratic and Republican parties ahead of the May primary. The parties then select their favored — slated — candidates for judicial offices. In November, the nominees are all but assured of victory because of a 2006 state law that in most cases matches up the number of candidates with the number of vacant seats on the bench. Securing status as a slated candidate is critical because in only two cases in the past 14 years has a judge won office without first gaining

the party's endorsement.

So why should taxpayers care? First, the reality that judicial candidates must secure — and later maintain — the favor of political party insiders undermines the principle of an independent judiciary. Second, the voluntary-in-name-only contributions to the parties violate the spirit and perhaps the letter of the state's Code of Judicial Conduct, which prohibits slating fees in judicial races.

Finally, the current system leaves it up to party leaders, instead of voters, to select Marion County's judges. Average residents in Indianapolis have virtually no say in who represents them in the local courts.

Of course, no system for selecting judges is perfect, and politics never can be removed fully when picking judges. But a merit selection system involving a nominating committee, favored by the American and Indiana bar associations, among others, offers the best chance for straining as much partisanship as possible from the process. At the least, the General Assembly needs to revisit the 2006 legislation that not only shuts the public out of making decisions on who serves as a judge but also limits competition for those crucial positions.

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