

Open letter to Minnesota Lawyer

From: Jill Clark (Former Candidate for Supreme Court Justice Seat #4 in Primary Election)

Date: September 21, 2008 Re: Outcome of Primary Election and beyond...

I want to congratulate Judge Hedlund on winning the #2 spot in the primary. In a country fraught by concern over voting machines, the recount increased public trust in the process.

I want to thank Minnesota Lawyer for covering judicial elections. This is quite an important topic. I want to thank Barb Jones for her balanced coverage of the challenge-to-the-ballot litigation. Balanced reporting is so important in this day of “blogs.”

Now that I am officially not a candidate any longer, I have a few comments:

I have not been shy about criticizing judges. Those who have experience with me know that I am displeased with some district judges (their conduct, their willingness to apply the law, or their ethics). But mostly, our district bench is talented and hard-working. They perform a tough job, without thanks. No one notices them until they want to criticize them. But our district bench also sports some “stars.” These jurists have stellar legal minds. They can read the law, handle practicalities of system and budget, wend their way through ‘political’ cases, conduct a jury trial with fairness and foresight, and write brilliant opinions. It is with great sadness that I realized during the challenge-to-the-ballot litigation, that the current system of judicial selection has placed a glass ceiling over these judges. The word “incumbent” on the ballot insures the election to the one with that label. It will be impossible to convince me that most voters knew who Candidate Gildea was, and had an opinion about how she had served during her vacancy-filling period. There is much talk about how judicial election discussions should be about “qualifications.” Yet the current system precludes our stellar district judges from running on their qualifications **and winning** an election to the appellate bench. (This is particularly true if the media continues to ignore issues about actual qualifications.) I am calling for Candidate Gildea to give up “incumbent” on the November 4 ballot. Just because she can, doesn’t mean she should....

Who is willing to stand up and say that 15, or 20, or 25 years on the district bench is not a qualification to be one of the judges who critiques the work of that bench? Think it doesn’t matter whether the district bench is represented on the appellate courts? Think again. If the district judges do not respect the appellate judges’ qualifications, then the district bench will not follow their opinions. Think that isn’t happening? Think again. I am wondering why the small group of power brokers in our state court system think they have the right to erode our system of laws in this way. For short-term control of the system, they have risked long-term damage to our system of laws.