

MEDIA ADVISORY



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Statement of AJS President Carole Wagner Vallianos on U.S. Chamber of Commerce Institute for Legal Reform Report on Merit Selection

November 2, 2009 – Des Moines, Iowa: Last week, the U.S. Chamber of Commerce's Institute for Legal Reform (ILR) released a new report entitled *Promoting "Merit" in Merit Selection: A Best Practices Guide for Commission-Based Judicial Selection*.

<http://www.instituteforlegalreform.com/images/stories/documents/pdf/research/meritselectionbooklet.pdf>

Many of the report's recommendations are based on the *AJS Model Judicial Selection Provisions*, including commentary on the significant role of non-lawyer commissioners, the need for accessible procedures in appointing commissioners, the desirability of written ethical and procedural rules for the commission, and the need for regular training that allows commissioners to assess their role. Other AJS recommendations that are included in the Institute's report include the need for active recruitment of judicial applicants, the importance of applicant interviews, the necessity for staff and administrative support of the commission's work, and the need to develop comprehensive conflict of interest provisions for commissioners.

AJS commends the Institute for Legal Reform's efforts to create, maintain, and promote fair and effective commission-based appointment systems. We are pleased to find common ground with the nation's largest organization representing the business community, as we believe that fair and impartial courts help promote healthy competition in a free market. In fact, the five states that earn top honors in the Institute's 2008 State Liability Systems Ranking Study appoint their judges, with four of the five using merit selection to do so.

As a national leader in the effort to advance merit selection for nearly a century, AJS has dedicated substantial time and attention to the question of how merit selection systems can best function to ensure the appointment of high quality judges using procedures that minimize politics and emphasize integrity, fairness, and impartiality on the bench. We believe that a democratic government requires that judges remain free from political pressures, enabling them to make rulings that accurately reflect the case facts and the law. Creating commission-based appointment systems that embody these ideals is of paramount importance, and the Chamber of Commerce recommendations can help to realize these goals.