



TEXAS APPELLATE JUDICIAL SELECTION SURVEY

The Appellate Section of the State Bar of Texas is pleased to present this report, which provides the results of the Texas Appellate Judicial Selection Survey. The aim of the survey is to assist the Texas Commission on Judicial Selection by presenting the views of Texas appellate lawyers and judges regarding the selection of Texas appellate judges.

The survey was designed by volunteers from the leadership of the Appellate Section. It was conducted electronically between May 22 and June 1, 2020. Participation was limited to active members of the Appellate Section, of which there were 2,067 as of December 31, 2019. A total of 546 members participated in the survey, with 167 providing written comments. Participation was anonymous.

Please note that the survey reflects the views of individual members of the Appellate Section. The Appellate Section itself has not taken any position on these issues.

On behalf of the Appellate Section, thank you for your interest in the views of our members. We hope the survey is helpful to the Commission as it continues its important work.

A handwritten signature in blue ink that reads "Kent Rutter".

Kent Rutter
Chair, Appellate Section
State Bar of Texas

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Question 1:

When choosing a system for selecting Texas appellate judges, how important is it to you to reduce or eliminate the following?

Note that the answers to this question were rotated, meaning that they were presented to each survey participant in random order. A demographic breakdown of the results can be found in the attached Appendix.

	Not at All Important	Slightly Important	Moderately Important	Very Important	Extremely Important	Extremely or Very Important
The selection of judges who lack relevant experience or qualifications	1.3%	2.3%	8.0%	19.9%	68.4%	88.3%
The selection of judges based primarily on friendships or political relationships	5.2%	6.5%	13.2%	24.4%	50.7%	75.0%
Pressure on a sitting judge from his or her political party	6.0%	6.8%	14.4%	22.6%	50.1%	72.7%
The actual or perceived influence of campaign contributions	3.7%	9.8%	20.4%	22.0%	44.1%	66.1%
The selection of judges who have a high disapproval rating from lawyers	3.7%	11.4%	27.7%	25.4%	31.8%	57.2%
A lack of diversity among Texas judges	16.3%	18.7%	28.5%	18.7%	17.7%	36.4%
The selection of judges who are not popular with voters	38.9%	23.8%	21.8%	9.8%	5.7%	15.5%

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Question 2:

Please rank, in order of preference, the following options for selecting Texas appellate judges (1 being most preferable and 7 being least preferable):

A demographic breakdown of the results can be found in the attached Appendix.

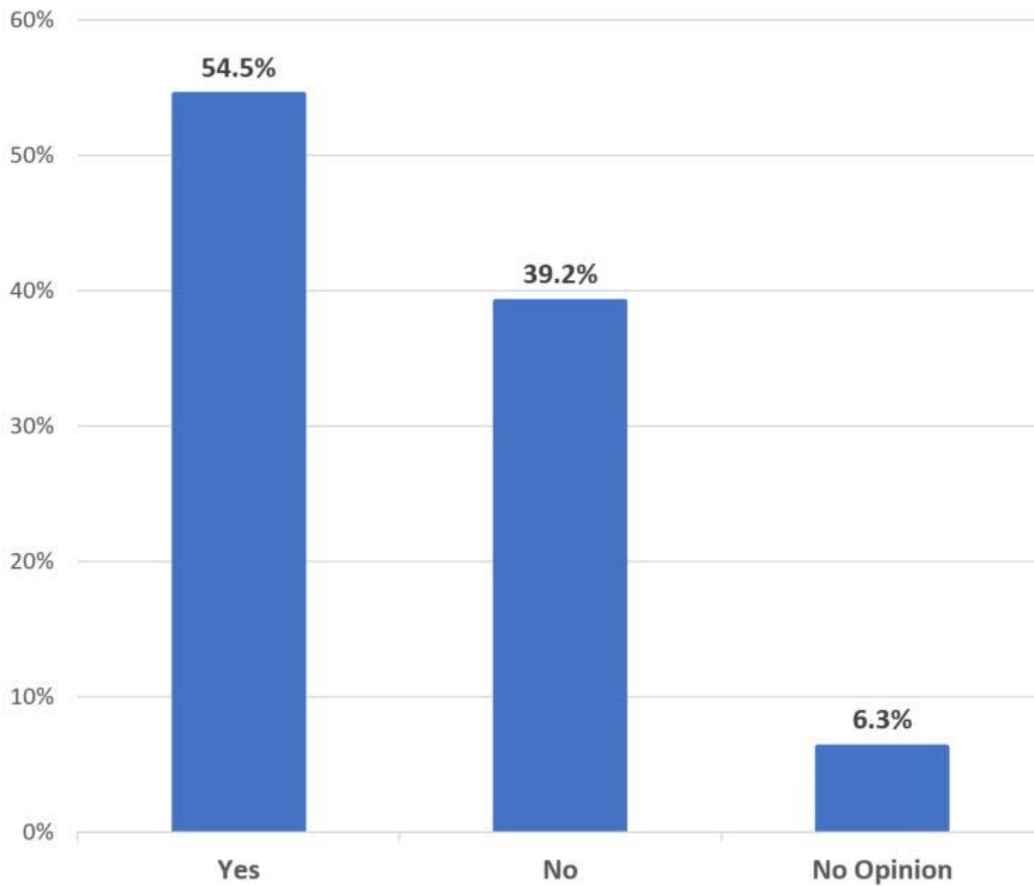
Rank	
1	Non-partisan elections
2	Gubernatorial appointment for a term of years, followed by non-partisan elections
3	Gubernatorial appointment for a term of years, followed by retention elections in which voters decide whether to retain or replace the judge
4	Gubernatorial appointment for a term of years, followed by a partisan election at the end of the first term, followed by periodic retention elections in which voters decide whether to retain or replace the judge
5	Gubernatorial appointment for a term of years, followed by partisan elections
6	Partisan elections
7	Gubernatorial lifetime appointment, subject to confirmation by the Texas Legislature

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Question 3:

If Texas were to establish a bipartisan judicial qualifications committee, do you believe such a committee would fairly and objectively assess the qualification of potential judges without regard to political considerations?

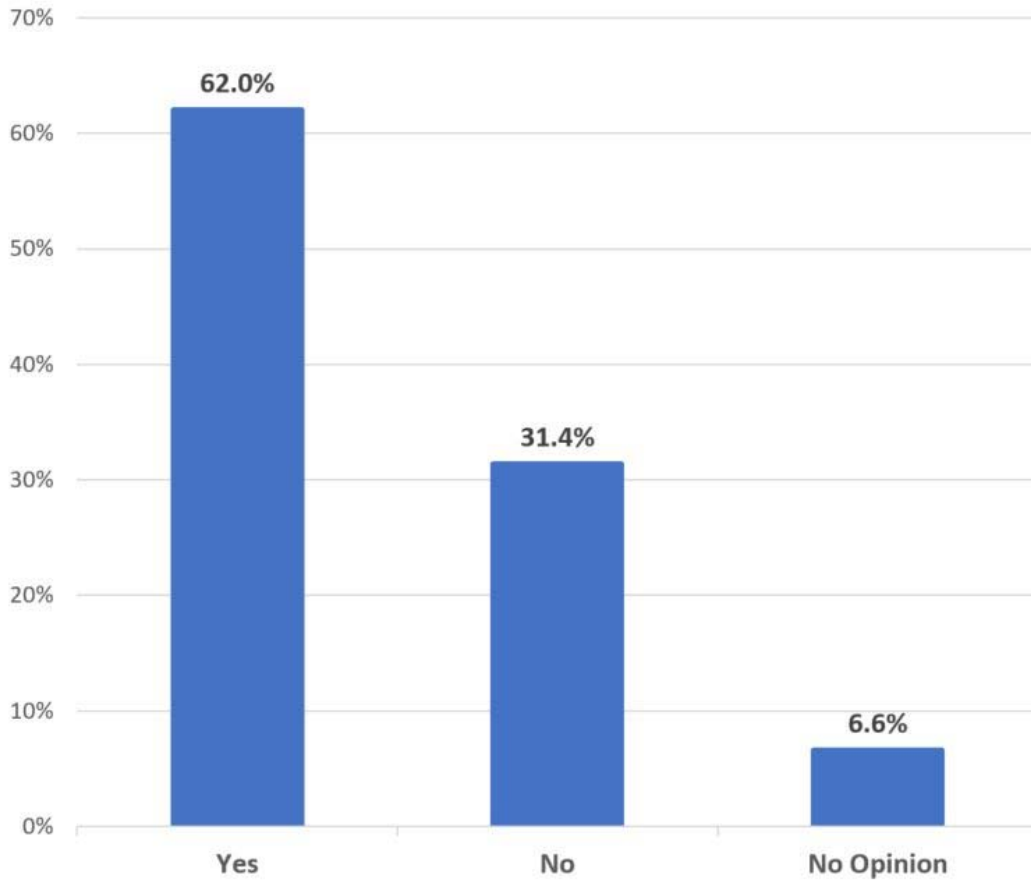


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Question 4:

Should Texas require that a potential judge be approved by a bipartisan judicial qualifications committee as a prerequisite to being either appointed or included on a ballot?



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Question 5:

Please provide any comments you would like to be submitted to the Texas Commission on Judicial Selection:

All comments provided by participants are set forth below in the order they were received. Comments have not been edited, except to correct clear spelling and typographical errors.

1	Removal of the perception and fact of politicization of the appellate judiciary should be the primary goal of any reforms.
2	Charles Geyh at Indiana University would be an excellent resource to consult.
3	We must eliminate partisan elections of all judges, not just appellate judges. There has to be at least one branch of the government that isn't bought and paid for. The idea of governor appointment is not good either, although the so-called "Missouri plan" of appointment and then elections to throw a bad judge out could work.
4	Partisan election is the single biggest problem for justice.
5	The number of years of required practice for appellate judges should be increased. I would suggest 15 years of practice. Someone who has never tried a case should not be an appellate judge. There should be some required number of trials and appeals as a prerequisite to being considered for election or appointment as an appellate judge. We have appellate judges who have never really been in the courtroom. They may be brilliant but it is important for appellate judges to understand just how difficult trial practice really is and appreciate that there is no such thing as a perfectly tried case.
6	I strongly disfavor gubernatorial appointments.

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7	To me, governor appointment is the least desirable of all potential options, but was included in 5 of the 7 options. I would have voted first for some sort of bipartisan judicial committee appointment (followed by other potential approvals or retentions). I do not endorse any method that would make the process more political.
8	You didn't mention anything that resembles the South Carolina system. A legislative committee prepares reports on judicial candidates that are based on professional history, bar-member comments, and public comments. The legislature then chooses three candidates to send to the governor, with the governor selecting the appointee from that list of candidates. Such a peer-review-based, well-documented system discourages poorly suited candidates and reduces the potential for patronage-based and other primarily political appointments.
9	Too many unqualified judges are getting elected.
10	Popular, partisan elections for judges too often produces unqualified, result-oriented judges. Change to a nomination, selection, retention election system. A bi-partisan committee screens applicants for a bench and nominates three candidates to the governor. The governor appoints one, who serves subject to recurring retention elections.
11	The current system is not perfect, nor is any other. It provides some measure of vetting and direction for voters, but the judicial selection—for a number of reasons—does not need to be placed in the hands of any small committee, even just to assess "qualifications." It should be left to the voters in the state.
12	There should be a limit on how many judges are appointed by the governor. There should not be a panel of judges who are all from the same political party.
13	I absolutely reject any system that involves any gubernatorial selection process because it will make a bad system worse. Keep the governor out of this process. The judicial branch should be kept separate and independent from the executive branch.

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14	<p>I detest partisan elections and fund-raising by judicial candidates—it flies in the face of the Code of Judicial Conduct. I believe we should have a committee comprised of lawyers (defense, plaintiff, and criminal from both political parties) and citizens, who receive applications from those seeking judicial office. The committee will settle on three candidates, submit the names to the Governor for appointment. After the appointed judge’s term ends, the process would begin all anew—the incumbent would be permitted to resubmit his/her name for consideration, along with new candidates.</p>
15	<p>Almost every aspect of our society seems to be more and more partisan/political. The independence and neutrality of the judiciary is as important as it has ever been. Given my first point, I have doubts that a committee of state representatives or senators would be anything but partisan in vetting candidates. However, if a bipartisan committee vetted candidates solely on qualifications and made recommendations for appointment or non-partisan elections, I think this may be step in the right direction. Perhaps the committee were to rank candidate solely on qualifications, and the top candidates make it to the governor or the ballot. I like the idea of periodic non-partisan retention elections either retention or just “replacement” elections as well. Given the huge number of judges in Texas, this may not be realistic, I know. But I really think partisan elections along party lines are not the best way to get independent judges.</p>
16	<p>A major problem is the difference between metropolitan areas and non metropolitan. Elections work best when the voters actually know the candidates. But, political appointments have clearly preferred partisan politics over qualifications.</p>
17	<p>I favor a Missouri plan that attempts to remove politics as much as possible from this process. Gubernatorial appointment is just as political as elections. The vast majority of appellate judges are already appointed and run as incumbents anyway. Failing being able to radically increase the influence of the bar and legal academics in the process, the next best alternative is non-partisan elections.</p>
18	<p>I just wanted to note that I am a staff attorney at an appellate court.</p>

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19	<p>Although I believe it would be valuable to require a bipartisan commission to approve judges, that would only be if we do not elect judges. If we elect judges, voters should have total control. Additionally, if we appoint judges rather than elect them, we should dispense with the idea of post-appointment elections and instead have long terms (perhaps 18 years?) such to retain independence but also allow for a rotation of the bench. Additionally, if we allow the governor to appoint judges, the first governor to do so should not have the power to appoint every judge to long terms, because that would inappropriately vest an inordinate amount of power in a single governor who is lucky enough to be in charge when the system changes. Finally, any bipartisan commission, which I believe to be the best method to appoint judges, must be truly bipartisan—it should have equal membership by party, and appointments to the committee should be made by the parties themselves (and not by individual politicians).</p>
20	<p>Judges should not take campaign contributions and these races should not be partisan.</p>
21	<p>Gubernatorial appointment does not necessarily remedy the problem of cronyism or the appointment of an unqualified judge.</p>
22	<p>It has become painfully obvious that non straight ticket voting did not accomplish its intended purpose. The Harris County Criminal and Family Law Judges should be investigated.</p>
23	<p>Every system will be subject to cronyism and abuse by partisans.</p>
24	<p>Any system that begins all judgeships with gubernatorial appointments will be partisan and difficult to check/balance. Any later election, whether partisan or non-partisan, will heavily favor most incumbents, and voters will not be any more educated about the judicial candidates in those elections than they are now. If a gubernatorial appt system is implemented, then a bipartisan judicial selection committee should be used as quality-control and a check/balance before the person is appointed and allowed to take the bench. But better not to use any appt system at all.</p>

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25	Under current political realities, a “bipartisan” selection committee is a nonstarter; it assumes two parties and that parties are relevant to judicial selection. What is needed is a truly nonpartisan screening/selection commission and process. I confess I don’t how to achieve such a process in this climate.
26	Appt by gov or committee should only be used to fill vacancies. Using a committee or gov only changes (increases) the location and political power of the person(s) doing the appointment, i.e. the majority party.
27	A bipartisan committee approving a list of judicial candidates, with the governor appointing from that, would be the best system. I don’t think it’s politically feasible, but it would be the best way to go.
28	The Commission might consider how changing the confusing overlap of trial courts’ jurisdictions could have salutary effects on judicial-selection questions. For example (but not necessarily an endorsement), fewer trial courts in a given county should tend to increase voter knowledge about the courts that remain and their incumbents.
29	Let’s take money out of judicial selection.
30	The selection of judges is inherently a political process. Full stop. Partisan elections at least tells voters about a potential judges philosophy. For example, I definitely want to know if a potential judge is supports Trump-Abbott-Patrick, by being in the same party, so I can vote against their inherently dangerous philosophy and lack of integrity. And I definitely do not want judges, like those on the Texas Supreme Court, selected by and totally beholden to Abbott and TLR. It is laughable how every week Texas Supreme Court Justices fall over each other trying to write opinions to please their masters. Having said this, I think a bipartisan commission on judicial qualifications is a step in the right direction so we do not lose anymore great judges like Daryl Moore in Houston to a clearly unqualified primary opponent.

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31	<p>I believe the ranking of possible selection processes will lead to skewed results. People should have been able to rate each possible selection process independent of the others. I believe this survey made my selections look like I feel more favorably about certain possible judicial selection methods than I actually do. I doubt that I am alone.</p>
32	<p>To paraphrase the quote regarding democracy often attributed to Churchill: our current system of electing judges in partisan election is the worst way to select judges, except for all the others.</p>
33	<p>Another option that should be considered is raising the statutory requirements for judges. Examples: Appellate justices should have handled a minimum number of appeals. Trial judges should have had a minimum number of trials. Or at least increase the time of licensure requirement. Or the statute could set up either/or requirements. For example, for a trial bench, one would be qualified by combine 5 years practice and 20 jury trials, by being board certified in civil trial law, or merely by having over 20 years practice regardless of number of trials. An appellate justice would need to be X years plus X appeals plus X oral arguments, or board certified, or X amount of long years without the appellate experience. Regardless, folks with zero to little experience, who can't make a living as a lawyer, should not have an "easy" path to seeking a bench by being in the right place at the right time in a swing county. This has happened in 2006 in Dallas County and again in 2018 in Dallas, Travis, and Harris Counties (appellate and trial benches)—and it happened when benches went from D - R in the 1980s-1990s. In 2018, the Dallas Ds primaried several male trial judges out (according to news reports) on the basis of race, gender, and intra-partisan politics, including a losing litigant funding a challenger. This should not be how we select our judiciary. Law review articles have been written on the phenomenon of swing counties going R-D and D-R. In 2020, many of the benches that have been held by R candidates in Tarrant County have all drawn D opponents—who have varying degrees of experience. If a sweep were to occur, many good judges would be swept out by some folks with qualifications and some without. This should not be the system by which we have judges because, regardless of which party is in favor, you lose good judges and have many inexperienced people or</p>

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	<p>partisan ideologues take the bench. We should want good judges who understand the law and fairly apply it. Good judges shouldn't feel compelled to pander to partisan politics and should not be scared of ruling because a deep pocket oilman in West Texas (or elsewhere) is going to fund a challenger based on the rulings of each judge. We need a truly independent judiciary—freed of the obscene money and the divisive politics.</p>
<p style="text-align: center;">34</p>	<p>Selection of judges has been unsatisfactory for many years. The ultimate right of voters to select judges should not be abridged, but selection of a qualified judge could work, if transparent and non-partisan. In these current times, all is partisan. NON-partisan judicial selection by a BI-partisan review panel, with opportunity for public comment and input, could be a good option for a short term; however, it is most important that the initial term is not more than four years before vote on continuation, or replacement by an opponent. The role of voter involvement with the best information possible, with or without initial judicial appointment at the beginning, is as fundamental as the right to vote. The state should also, as part of initial selection, help fund education and campaigns on a non-partisan basis, so that the public has access to information on the candidates, and bad judges can be voted out. If the governor were to appoint judges for an initial term, that initial term should be four years or less.</p>
<p style="text-align: center;">35</p>	<p>The Judges we are getting are the product of a woefully over-politicized process that has nothing to do with merit as a lawyer or understanding of the law. The TX Supreme Court in particular is a disaster. And too many judges are on the bench when they lack basic competence in any area of the law. As a criminal appellate lawyer I see astounding ignorance of both the law and the Code of Judicial Conduct. I would mandate further training for all judges on the trial court bench & better bench books. And additional training in mental health issues for criminal judges in particular—there are too many incompetent people ending up in TDCJ or getting absurdly long sentences.</p>

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36	I favor appointment of all judges by the governor with senate approval, subject to a recall election every 4 years on petition of 1% of registered voters, with gubernatorial appointment of the successor of a recalled judge.
37	We must be certain that the bipartisan commission is truly bipartisan and that the governor doesn't have the right to ignore the commission's findings and appoint on his/her own.
38	Think more creatively. Just voters or the Gov get to pick? I have been a strong advocate for doing away with elections since I clerked for an appellate court. But the courts and the Gov have become so partisan I feel the Rule of Law is being destroyed. I am very skeptical of the sudden interest in the leadership of the state in doing away with elections now because OMG DEMOCRATS ARE WINNING! The timing is suspicious. And giving more power to this Governor is the last thing I'd want to do.
39	I like non-partisan elections followed by a retention vote. I'm not sure about a committee vetting qualifications because of potential bias. It would depend on the criteria for qualifications.
40	The selection choice I prefer is partisan elections, BUT such elections would NOT be on the November ballot (i.e., not with the elections for president, governor, Congress, Texas Legislature, et cetera).
41	Incorporate blind qualifications consideration of candidates to selection committee to eliminate judges being selected based on political connections and to ensure better qualified judges.
42	Sadly, partisan elections usually leave us with political hacks, or people with the correct ethnicity for the community, but with poor skills and experience. We have to end partisan elections, and develop a merit-based system of getting the best and brightest on the bench.

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43	<p>The selection of judges is political whether done by voters or a committee or another elected official. We have to pick people who we trust to be independent and I believe also that voters should have the opportunity remove judges who are unmoored to existing law and trying to advance the law or advance a political agenda. Although we often complain about partisan judicial elections, there is still a significant benefit in allowing the people to remove judges who don't follow existing law.</p>
44	<p>By holding partisan elections for Judges in Texas we automatically disenfranchise the voters from the opposite party when the true contest is at the Primary level because of the strong partisanship in a given County. For instance, in Tarrant County, most Judges are Republican. When there are multiple Republican challengers, and no Democratic challengers, the Democrats are unable to have a say in the Judicial election because they cannot vote in both the Democratic Primary for other offices and the Republican primary for Judges. The opposite is true for the Counties along the Texas border. One can very rarely win as a Republican in primarily Democratic areas and there Republican primary voters are excluded. I think that the Judicial elections therefore should be nonpartisan so that you do not exclude the folks who are voting in the other primary from having a say in who ultimately becomes the Judicial candidate in an election which is determined at the Primary.</p>
45	<p>I want qualified judges who rule based on the law, not according to party doctrine/loyalties or who supported their campaigns. I think partisan judicial elections are inappropriate. I favor non-partisan judicial elections.</p>
46	<p>If judges continue to be elected, we should consider separating judicial elections from normal partisan elections, in addition to making them non-partisan. A big part of the problem is that a large number of voters who know little or nothing about the candidates are voting for or against judicial candidates based mainly on party affiliation, sex, or the sound of a candidate's name. Those uninformed voters would be less of a factor if judicial elections were decoupled from partisan political elections, and the results would better reflect an informed electorate's preference.</p>

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47	Let's give the "no straight-ticket voting" a chance before we make any further big changes.
48	No appointment system involving selection by the governor will work. A gubernatorial appointment will always be politically tinged and will not resolve the problem.
49	Please provide voters a key role in judicial selection.
50	I do not trust a governor (or a committee created by a governor) to appoint fairly. It <i>might</i> work if the committee were independent of the governor and truly bipartisan. Depriving the people of any voice seems inconsistent with the way the judicial system was set up in Texas. The system of delivering information to voters needs to be improved. The papers are bad at it and it's a low-information but high importance election. I might suggest an independent committee to rate the candidates as "not qualified," "qualified," or "highly qualified," and distribute that information at the polls and elsewhere. Requiring board certification is exclusive and would keep a lot of people who would be great judges off the bench.
51	WE have to find a better way. The system of election brings in both qualified and unqualified judges because voters are just voting for party labels. Moreover, it is very unseemly that judges raise campaign funds by asking for contributions from the very lawyers that are appearing in their courts.
52	We have a regular appellate for criminal matters. It makes sense to add layer of civil appellate courts for probate, family law, personal injury courts...just so that the initial appellate review is more comprised of individuals who specialize in those areas. They will be able to handle a specialized load more quickly and set more consistent precedents.

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53	Any method of awarding governmental authority to a human being is necessarily political. We should not shy away from that fact, but we have to be mindful of it. To the greatest extent possible, those who exercise governmental authority should be subject to regular elections by citizens. Judges should not be allowed to run in partisan elections, but stand for election they must.
54	For all of its flaws, selection by voters (elections) are the best way. While systems of appointment have the appearance of avoiding some ills, whenever the power is given to a few, it is eventually abused. Being from a small suburban town, I would never have been elected to this court because I did not have the right political connections or legal pedigree. I've seen the worst happen in areas of privilege.
55	Anything that takes the politics out of judicial races would be good, along with campaign finance reform for judicial races.
56	To the extent there are elections with multiple candidates, rank order voting. Especially with judicial offices, it is important people be encouraged to support who they conclude the best candidate to be and not be forced into a Keynesian beauty contest of selecting from who they think most people could support.
57	While there are some drawbacks to partisan judicial elections, gubernatorial judicial appointment is far worse, and imposing a putatively neutral commission to filter the pool of potential judicial candidates is inherently antidemocratic. Any suggestion that a partisan judicial election process is more susceptible to improper political influence than an executive appointment system is disproved by the state of the federal judiciary (e.g., Justin Walker, Jonathan Kobes, Leonard Grasz, Charles Goodwin, Holly Teeter). If there is a perception that judges are politically beholden, better they should be perceived to be beholden to a large pool of voters than a single executive who also serves as the effective head of his or her political party. Whether judges are chosen democratically by election or installed by an executive, political influence is inevitable. Judicial elections have the advantage over executive judicial appointments in that this political influence is at least spread among the people in an open and democratic fashion and not concentrated in a politician

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	<p>who can wield that political influence autocratically behind closed doors. Interposing a nominating or vetting committee is no improvement over a more directly democratic process for several reasons. First, we practice within a jury-based justice system that places trust in the collective wisdom of the people, and the assumption that a non-elected commission of appointed elites are better able to define who is qualified for public office than the voters is antidemocratic. Second, the current state of the federal judiciary disproves that ABA-vetting schemes and a Senate-confirmation process do not work. Third, anyone who has served on a nonpartisan committee (as I have) can confirm that the process favors the selection of inoffensive candidates who resemble the committee members (in temperament or beliefs if not in physical appearance); if such a committee had reviewed the field of Republican presidential primary candidates for 2016, for example, the committee surely would not have selected the candidate who currently serves as President, and such decisions—for better or worse—should be left to the voters in a democracy. Ultimately, we live in a democracy “of the people, by the people, for the people,” and we must trust the voters because, since there is no way to remove political influence from the judicial selection process, the best we can do in to vest that political influence in the hands of the people. The better solution is to fix the judicial election process rather than replace the process with a less democratic alternative. Rebranding the judicial elections as nonpartisan is not the answer because removing partisanship from the ballot without removing partisanship from the candidates merely deprives the voters of information and would further enhance the influence of money in judicial elections as a determinative factor. Instead, judicial campaign finance reform would be the best place to start reform of the judicial selection process.</p>
58	<p>I would only support the gubernatorial appointment options if a truly bipartisan commission presented the governor with candidates to appoint and there was some safeguard in place to ensure that he could not choose only candidates from his party. Otherwise, we will not have taken politics out of the process. In addition, there need to be safeguards to ensure that the selection committee itself would be truly bipartisan and that appointments to it would be based on the qualifications of the people involved, not their politics. We need to do</p>

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	whatever we can to make sure that candidates are selected in an unbiased way, based on their qualifications. Having a bipartisan commission select candidates would help ensure diversity of candidates' backgrounds, experiences, and viewpoints.
59	The ABA model has shown that "non-partisan" commissions will act like partisans. They systematically discriminate against one judicial philosophy. That prejudice is unavoidable.
60	It is critical that qualified people are serving as appellate justices to assure that the justice system functions properly and that the lawyers and public have confidence in and respect for the judicial system in Texas. Now they do not because of the system of electing judges without regard to qualifications.
61	Any appointment system should be coordinated with judicial retirement vesting to insure a person appointed will be able to receive some vested level of retirement compensation. Failure to do so will either render the governor a threat to judicial independence, and will discourage qualified people from applying.
62	The question about the judicial selection committee is vague. Cannot tell from the question whether politics will be a factor.
63	I hate when we lose a good judge just because a small group of lawyers gets cross-wise with that judge and launches a campaign against the judge.
64	The phrase "for a term of years" and "diversity" (race, gender, professional or personal background, ?) is unspecified.
65	We must take personal relationships and political ideology out of the judicial selection process. A judicial selection committee is worse than having the governor appoint to fill vacancies because at least the governor is accountable to the voters. Same goes if the governor appoints in the first instance with retention elections.
66	Minimize/eliminate partisan politics and campaign contributions in the selection of judges.

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67	<p>I believe the use of a bipartisan committee is an imperative first step to any of the options provided. Average voter (any even many lawyers) have no clue who are judicial candidates are, whether they are properly qualified, have the right temperament, etc. Candidates are forced to raise (and lawyers and firms thereby forced to donate) tons of money to campaigns, which don't even seem effective at educating the general population of voters. We can do better!</p>
68	<p>Absolutely do not want judges appointed by the governor as the regular method judges are selected no matter what the later step is taken for that judge to stay on the bench. The governor would just pick people politically aligned with him or her that may not reflect the area where that judge serves. I also am leery of selection committees because the crucial question becomes who picks the selection committee. I think that partisan elections, despite all their faults, are the best way to select judges at this time. I also have no problem with "wave elections" because I believe it is a part of a democratic system. I agree with Thomas Jefferson that sometimes "the tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." While I of course do not advocate literally spilling of judicial blood, I do think partisan elections keep the judiciary in touch with the people they serve. I do not know any other system that achieves that crucial goal.</p>
69	<p>Our system of Elected judges is AOK & would be improved by making it non-partisan.</p>
70	<p>Appointment by a bipartisan panel with retention elections has worked for many years in other states. After law school, I worked for a Tennessee appellate judge on a panel which was appointed in that manner. The judges were uniformly qualified and down the center on almost all issues, although they had widely different political views. This is the best system by far resulting in highly qualified, experienced lawyers who had no interest or need to inject politics into their decisions.</p>
71	<p>If we have any form of gubernatorial appointment, the governor's choices need to be limited to candidates approved by a bipartisan board.</p>

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72	<p>About time to do something. We are lucky to have the quality of judges we have with the system we have for selecting and retaining them.</p>
73	<p>Always keep in mind: in the 15 largest urban areas of Texas judicial elections at all levels are a joke: a pathetic way to get judges. In the 200 or so overwhelmingly rural counties of Texas, a huge percentage of voters know exactly who they are voting for or against, and you'll take away their right to vote for their local judges when you pry their cold dead finger off their trigger. Fixing the broken judicial selection process only at the appellate level has a chance of success, which I completely support. Your "Area of practice" dropbox was horrible: it eliminated me and who knows how many others that try cases on both sides of the docket, handle appeals on both sides of the docket, and hence just want fair and unbiased appellate justices on all courts. I have been Bd Cert in civil trial and civil appeal for over 30 years, and I assure you way too many appellate justices have a political agenda and anything we do to decrease that travesty is a good thing.</p>
74	<p>Texas is too big and diverse a state for the governor and legislature to solely control the selection process. On the same token, voters know too little about the candidates to be trusted to vote for judges based on qualifications. I believe that any bipartisan qualification committee should also have input from regional representatives, either from the bar or elected officials, for the region in which the judicial candidate may be serving. Perhaps the candidates have to be cleared both by the folks on the statewide bipartisan committee and by some sort of regional body. That way citizens get candidates who are qualified and who are representative of their areas.</p>
75	<p>A system that eliminates partisan elections should be the goal.</p>
76	<p>Partisan and nonpartisan elections are much better than any of the other listed methods, all of which would have been a 7 if the system had allowed for that.</p>

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77	<p>The alternative approaches mentioned in this poll for selection and retention of judges seem a good start. Still, every solution proposed retains an overtly political component, undercutting the point of the exercise (namely, restoring faith in the judiciary by reducing or, ideally, eliminating partisan influence to the greatest extent possible). Vetting and recommendation of judicial candidates by a non-partisan commission would constitute the superior approach.</p>
78	<p>Keep the selection process as is.</p>
79	<p>Any choice other than partisan elections is unacceptable. To change the rules because the political demographics of the State are changing is shameful.</p>
80	<p>In order to have faith that the bipartisan judicial qualifications committee would fairly and objectively assess the qualifications of potential judges without regard to political considerations, it is critically important that the members of such committee be selected with extreme care to ensure that each member is a person that has a proven ability to make unbiased and non-partisan decisions and is a person of the utmost integrity. It would also be helpful not to limit the committee to only Republicans or Democrats but instead also allow those who affiliate with the independent party or even have real no political affiliation to be selected.</p>
81	<p>Sadly, I have come to the conclusion that no such thing exists as a ‘bi-partisan committee.’ No matter how members are selected someone will attempt to stack it in favor of a party or business interest. Likewise, I doubt local voters will accept having a committee in Austin limit their choices for local judges. I think the best hope lies in either nonpartisan elections or in an appointment/retention system.</p>
82	<p>I think the ranking question above 1-7 did not adequately test people’s opinions. I would have ranked many of the options as 7, least important, so I had to arbitrarily assign numbers. I’d throw that question out. District judges and below should have to run for election, should be non-partisan. Appellate judges should be appointed by the gov but then have to run on retention elections.</p>

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83	Chief Justices of the appellate courts should be selected by and from the sitting Justices on the court. Some states adhere to this practice.
84	A change in this area of our Texas judiciary is certainly welcomed. At the very least, thank you for bringing this to the appellate section of the State Bar of Texas—to begin a discussion.
85	Get rid of campaign contributions from parties and lawyers appearing before the court, or at a minimum require recusal.
86	I would prefer a system that selects judges based upon qualifications.
87	Prefer non partisan what is in it for anyone to oppose retention of a bad judge.
88	I would be a supporter of a judicial selection system that includes a judicial qualifications committee ONLY if the committee truly is bipartisan and is composed of individuals who themselves are qualified to objectively assess the qualifications of potential judges without regard to political considerations. Quite frankly, I'm not convinced that is a real possibility in the current environment.
89	Get rid of the politics.
90	Judges should be as apolitical as possible. Because the gubernatorial appointment process has been entirely taken over by a political purity test (and I do not think that this would be unique to either major party—a trend that is also seen in the Federal Judiciary), I would prefer an appointment process that is run entirely by a commission such that the selection of judges would not be made by an elected official. As all of the options presented necessarily inject politics into the process, they are all flawed. For the same reasons, I also do not think judges should be elected either in the first instance or on a “retention” basis by the general public—there are too many judges for informed choices to be made, as has been demonstrated by the several cyclical mass shifts in the makeup of the judiciary during my lifetime based on party-line voting.

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91	The first set of questions were very biased, asking about excluding people to be voted on.
92	Political parties should play no role in selection of judges in Texas.
93	The wording of this survey includes double negatives; consequently, several re-readings were necessary and even after doing so I'm still not confident my selection reflect my intent or beliefs.
94	Start by having a judicial qualification committee for each district similar to the ABA to evaluate each candidate on primary ballot. Publish the rating by each name on the ballot. Same for the general election. This might give the public, after a couple of elections, confidence to approve an appointment.
95	Abuse of power is an inherently human failing, and it applies to judges. There must be a better way to address and prevent or correct it than exists presently.
96	This is a great start to reducing the taint of politics from selecting qualified judges. I like the idea of a committee, but worry that the committee itself would become political and its recommendations tainted also.
97	As a staff attorney at an appellate court, I have worked directly with three different lawyers who were elected as Justices through partisan elections. I speak from first-hand experience when I stress the importance and absolute necessity to have a qualified judicial candidate with the requisite experience.
98	I was a member of the Florida bar before I was admitted to the Texas bar. Florida has a merit selection and retention system for appellate judges. Although it is not a perfect system, it does seem to help ensure that qualified individuals serve on the appellate courts and to reduce the role of partisan politics.
99	Commission should appoint; Gov must choose from Com'n list; retention elect. Longer terms.

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100	As neutral a process as possible but give the voters the ability to toss the corrupt out.
101	The present system does not work as well as you would like. We need judges that are selected on their ability not their party.
102	Partisan elections have significantly decreased the current competency of our district and appellate justices are least in the large metropolitan cities.
103	No matter what you do, this will be perceived—probably correctly—as Republicans finding a way around the fact that they can no longer get judges elected in the largest cities in the state.
104	Partisan elections, and the lack of a bipartisan commission to vet judicial candidates, have resulted in the election of many justices, particularly in the intermediate appellate courts, who are not well qualified to serve in the positions to which they have been elected.
105	Something has got to change.
106	Poor wording re: gov apptmt question...only in event of vacancy does Gov appt; this should be followed by that appointee standing for election at NEXT election, the winner of which thereafter stands for retention elections.
107	Elections should be wholly non-partisan and based solely upon the candidates experience and qualification. Our trial and appellate judges should not be political positions, but service positions for the best and most qualified candidate possible. Specialty Courts should absolutely require specialty. An attorney that has never tried a probate case or even handled a probate matter should never be eligible to be statutory probate judge, much less, be elected to that bench; same is true for family courts and criminal courts. The idea that a person could be elected to a specialized court inherently violates due process. All courts should have qualifications. An attorney that has practiced law more than 5 years, but never tried a case, should not qualify to be a judge. An understanding of motions in limine, evidence rules, charge conferences, etc. should be mandatory;

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	<p>there must be an qualification test as well. I dream of the day we have specialized courts or, maybe, just judges. Require that a certain percentage of appellate judges be qualified or specialized in certain areas and assign only those judges to cases in those specialized areas. Lastly, we gotta pay all judges more (\$250,00.00 per year or more/subsidized by the State of Texas, if needed). The current system, sometimes, has a tendency to attract struggling attorneys that cannot make a living practicing law; the latter references certain judges, and is not meant to be a sweeping statement about all of them. Right now, good quality attorneys that are making a very good living practicing law are not going to be enticed to become a judge if they would have to take a huge pay-cut on top of shutting down their practice and then starting it up again after their judicial tenure. Only the Chief Justice of the Texas Supreme Court makes more than \$250,000.00 per year (best information I could find). Increasing salaries might entice more people—more qualified people—to run for judge, it will also expand the “struggling attorneys” group mentioned earlier; so it might be self-defeating, but there must be some way to entice better qualified judicial candidates. Just a suggestion.</p>
108	<p>I believe bipartisan committee selections by majority vote, followed by gubernatorial appointment, followed by non-partisan retention elections is probably the most fair way to approach this process.</p>
109	<p>I believe judges must be selected by the voters to maintain equality between the executive, legislative, and judicial branches of the government. Any citizen can aspire to any state executive or legislative position. Any citizen meeting the Texas Constitution’s set judicial qualifications should be able to aspire to be a Texas judge. If Texas feels it needs better qualified judges, we should change/increase the Texas Constitution’s required qualifications—require a set number of years of practice or experience linked to the particular judicial office sought. Or board certification. Or increases in the judicial terms of office between elections. Or make other changes to the Texas Constitution to require greater qualifications for judicial candidates. But having the judicial branch beholden to the executive and/or legislative branch to attain a judgeship, to me, is not the answer. One need only look at the Federal system to see a judicial selection process by the executive and/or legislative branches simply</p>

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	raises worse problems than voter selection of judges.
110	I know this is an Appellate Section survey, but partisan election of trial judges are of greater concern—that’s where the action is, and qualifications and judicial temperament are paramount.
111	I believe governor appointments are fraught with as much if not more partisanship and politics than partisan elections. It appears to be driven by the “good old boy” method of judicial selection.
112	Direct election is of paramount importance. Since judges are ostensibly impartial, association with a particular political party is irrelevant.
113	Selection by the governor of either party would not be beneficial to the public.
114	The options on least desirable to most desirable methods of seating judges were mostly based on some sort of gubernatorial appointment process. But there wasn’t any information about how a governor would appoint. IF it’s going to be a political appointment, that’s a flawed start. IF there is some sort of advisory committee making recommendations for appointments based on qualifications, merit etc., that would change the rankings. We need to reduce the influence of politics rather than increase it.
115	As a life-long Republican, I am dismayed by the lack of respect for the rule of law currently holding sway in the GOP. You need look no further than Governor Abbott’s requirement that all appointees be a member of the Federalist Society. We have seen some seriously unqualified judges appointed in Texas because they are: FedSoc members and are young. Conservative judicial activism is still judicial activism.
116	I adopt the views contained in 45 TBJ 1517, 1519 (1982). Let’s keep the State Bar of Texas “nonpartisan” on the issue of judicial selection and leave lobbying efforts to individuals and organizations who wish to take whatever political position they may desire on their own time and with their own money.

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117	<p>Partisan election of judges by an uninformed electorate, with no prohibition against campaign contributions to judges that have a pending case involving the contributor is the worst of all possible worlds. My three priorities are: (1) find some means of selection other than an uninformed electorate; (2) get partisanship out of the process; and (3) eliminate campaign contributions by lawyers or parties with cases pending before the judge, or establish a system of contributions to a central fund, which are then transmitted anonymously to the candidate. On the other hand, the federal system of unfettered life-time appointments also presents dangers. I favor nominations by a bi-partisan committee, limited-time appointments, and retention voting by petition.</p>
118	<p>Although the current system is much maligned, I think that it works well and is better than the alternatives. The voters ensure that the judiciary remains tied to the values of the community, unlike the U.S. Supreme Court. I oppose non-partisan elections because party affiliation at least proves some basic information about the candidates. The use of a commission would eventually develop a bias, which is what happens at the federal level with the ABA approval process.</p>
119	<p>The devil is in the details on many of the possible choices we were given to rank. And, the question about the bipartisan committee asked “would” the committee be fair and objective...not “could” they. Depends on who the committee members are, doesn’t it? Happy to see these questions being asked and the topic being explored. Godspeed, y’all.</p>
120	<p>The survey questions do not allow for objective data to be gathered. The best judicial selection method would be one where there is a public finance schematic that removes money from the campaign process and gives voters equal access to the candidates.</p>

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121	<p>I find the timing of this push very curious. I do not recall any such surveys in my 23 years of practice, and though I am happy to provide my opinion, I find it more than a little disturbing that there was (in this voter’s mind) a push to change a long-standing practice of electing judges when new individuals (many, people of color) were elected in 2018 elections. As you consider the issues, I urge all Commission members to consider their own potential implicit biases as any decisions are recommended or implemented. Go to implicit.harvard.edu for more info. Your results might surprise you. Finally, I would urge Commission members to ensure that any proposed “solutions” be aimed at solving true, existing problems. Depending on the appellate court system’s case processing and reversal numbers, perhaps the sky really is not falling, after all.</p>
122	<p>I strongly favor gubernatorial appointments, confirmed by the Senate and then stand for a retention election (non partisan) and if the judge isn’t retained, the seat is filled again by appointment and confirmation. There are far too many hyper-partisan judges, particularly on the trial bench, who have poor temperaments, little practical experience and who really aren’t subject to any meaningful electoral review. The trial court system is essentially broken in the major metropolitan areas.</p>
123	<p>I find it interesting and hypocritical that now that Texas is turning blue, the powers that be suddenly are concerned with our historical practice of electing judges.</p>
124	<p>judges need to be re-tested periodically on each area of law that pertains to their work, and only those with overwhelming command of those subjects should be allowed to continue to serve</p>
125	<p>Elections for judges have proven to be a bad system. I’m not sure there is a good system, but some sort of appointment based on qualifications would be much better.</p>

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126	<p>While I think a bipartisan qualifications committee could act without political bias, I don't think it would act fairly and without bias. There will always be "insiders" and those who serve on the committee will be "insiders" and they will choose "insiders" and exclude "outsiders." The governor's appointment process is more political, less transparent and fraught with influence-peddling. Elections are the most transparent and fair process, even though it occasionally yields a judge who is a better campaigner than adjudicator. (The governor's process quite frequently yields judges who are better at political maneuvering and working the inside angles than they are at adjudicating.) I trust the voters to cast a pure ballot in the secrecy of the ballot box more than a governor who will make a decision based on who he wants to curry favor with and the recommendations of his biggest donors.</p>
127	<p>Although I believe a bipartisan commission would go a long way in solving some of our current judicial issues, I still have concerns as to how the process would work in determining the membership of the commission.</p>
128	<p>Texas cannot continue to have excellent judges replaced by unqualified people in partisan elections. Texas must establish an appointment system of some kind to assure the highest level of qualifications for our judiciary and to maintain respect for our judicial system. All citizens are entitled to the best possible system of justice that Texas can provide.</p>
129	<p>Missouri Plan! Missouri Plan! Missouri Plan! I went to law school in a state where it was used. It works beautifully. I'm tired of getting fleeced by candidates who know I have cases in their courtroom and know I won't do anything that might risk hurting a client. Partisan elections have to end! The system's integrity is too important.</p>
130	<p>I have extensively reviewed all the methods of judicial selection. In my opinion, despite the clear distaste for it by judges, the best is partisan elections. It results in judges who work harder and longer hours, opinions that are more balanced and less extreme and a state where people feel the judges are more accountable to the people they serve.</p>

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131	<p>It is easy to malign partisan elections, but party affiliation gives voters at least some idea about the person on the ballot, and helps keeps voters more engaged (in my opinion, at least) than non-partisan elections. I think the biggest thing that will help is raising the bar for judges qualification-wise: increase the number of years they must be licensed, and maybe institute a requirement for x number of jury trials or y number of first-chaired hearings. There is merit to partisan elections, and I don't think it should be tossed out altogether just because it's produced some unsatisfactory results. If you would like to contact me about this, I'm happy to weigh in further. Thank you so much for your work on this. Allison Miller, Beck Redden LLP amiller@beckredde.com</p>
132	<p>I know it is claimed that "politics" affect the selection of judges. But, the "political sweeps" only occur in the larger metropolitan areas. A "retention election" scheme has been proposed for decades. If the goal is to eliminate politics from judicial elections, such a system will not work. If anything, allowing the Governor to appoint all judges (which would be the first step in the retention election process) would only increase the level of political involvement in the selection of judges. Leave the system alone. Or, if anything is changed, make the retention scheme applicable to only the larger populated areas. When you exclude those areas from the argument, there is no problem with partisan elections. I am a trial judge and will soon become an appellate justice. We serve the people of this state. Therefore, those that we serve should have the right to select the judicial officers, not a handful of politicians and hand-picked committee members. There has never been a problem with the selection of the judiciary in my area, so if you need to change the system focus on the areas where politics and party affiliation have truly affected the outcome of judicial races (Dallas, Houston, Austin, San Antonio).</p>
133	<p>I'm a former state judicial law clerk. I've seen first hand the damage and stress that can be caused by judicial elections. There has to be a better way. Please eliminate judicial elections. They can have a huge impact on a judge's decision and interpretation of the law because they are afraid of being voted out. Opinions can also be sensationalized and misinterpreted by the media and the public for</p>

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	<p>political purposes to remove a judge who made a fair and correct legal decision. The general public does not understand the legal issues in some cases and that can be used to misrepresent the actual holding of the case. For example, an opinion that is purely about a purely procedural issue but touches on a highly politically charged topic can be misrepresented to the public as a holding on the political topic. This causes the judge to double think the legal holding on the issue and potentially participate in judicial activism just to appease the public and preserve his or her spot on the bench. This is detrimental to the state of the law in Texas and to the public’s faith in the legal system. I think a bipartisan judicial selection committee is the best way to guard against the above concerns. Please, please recommend that judges be selected by such a committee. Thank you.</p>
134	<p>The process of selecting judges is inherently political. The focus must be on eliminating unqualified candidates, not on the minutiae of the selection process. Voters should be presented with a selection of qualified candidates from both parties. I don’t want Abbott appointing cronies who will do his will as the Texas Supreme Court did by suppressing votes.</p>
135	<p>If the inherent bias associated with an evaluation of qualifications process could be eliminated, to me, the ideal system would involve an evaluation of qualifications combined with a non-partisan election. Until a fair and impartial qualification evaluation process can be developed and instituted, non-partisan elections seem to be the next best thing.</p>
136	<p>I am tired of Judges who don’t have knowledge of basic evidence rules or rules of procedure. The way family court associate judges are selected is not putting competent persons on the bench either.</p>
137	<p>The focus must be on qualifications rather than political affiliation and campaign contributions.</p>
138	<p>Very much in favor of the O’Connor Judicial Selection Plan. See here: https://iaals.du.edu/projects/oconnor-judicial-selection-plan</p>

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139	<p>Partisan elections of judges is a truly awful system in my opinion. Thank you for the opportunity to weigh in.</p>
140	<p>I am an appellate attorney who has worked for or on behalf of courts of appeals for more than 10 years and was in a DA's appellate unit for more than nine years. As a court staff attorney, I have witnessed judges elected to the COAs who had NO appellate experience and very little trial experience. If you wonder why COA backlogs occur, I have personally observed, more often than not, that the answer is inexperienced appellate judges. They become overwhelmed and lack the skill set to accurately and efficiently produce opinions, often because they send their staff attorneys on "fools errands" in trying to reach a result rather than the outcome that an application of the law to facts requires. As I have told my court colleagues in the past, if we require folks to have a minimum number of cases "under their belts" before they are qualified to sit for a board specialty exam, we should require the same of those who will render opinions on appeal. I know this is anonymous but if you are looking for candidates to serve on a bipartisan judiciary qualification committee who knows the inner workings of the courts of appeals (large and small), I am interested in applying or being considered. 915-309-6069.</p>
141	<p>If set up properly, a non-partisan or bipartisan board could be quite effective. I hope one is set up and that it is effective. I think it should exist. If the board determined who got nominated to positions instead of the governor, I would support retention elections. If the governor decides whom to appoint, I do not support retention elections.</p>
142	<p>Don't know a better system out of all of the options you proposed than partisan elections that will avoid either one person having too much power, i.e. the governor, or an electoral free for all (non-partisan elections where anyone can decide to run with no vetting from anyone). While a judicial commission sounds appealing on the surface, the issue then becomes who is on the commission and who chooses them. Just puts too much power and influence in a smaller number of hands. I think you can never go wrong placing the power to select judges in the hands of the people. I personally prefer an occasional incompetent judge getting elected (who can be removed</p>

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	<p>at the next election) rather than giving the governor or some small commission of political insiders the power over who is appointed or allowed to run.</p>
143	<p>In theory, I like the idea of a bipartisan commission to determine judicial qualifications, but I have serious doubts that a newly formed commission would be unbiased and uninfluenced by partisan politics in this state at this time. Also, I do not regard well the fact that those who have benefitted from partisan elections have taken a strong interest in looking at other methods at the exact same time partisan elections have come to possibly not benefit them. I have been to several CLEs recently where we have been assured that the search for another selection process has always been a priority, but my experience in the legal profession in this state tells me otherwise.</p>
144	<p>The federal system of life time appointments is a disaster and should never be repeated by any system of a self-governing people. It is impossible to remove politics from the process. Any system that eliminates or even reduces the people’s determination from the selection simply privileges the choices and political preferences of the governing class and, again, has no place in the system of a self-governing people. I am unalterably opposed to any system that makes any part of the selection process dependent on the decisions of a small group of unelected, unaccountable grandees. As the saying goes, partisan elections of judges is the worst possible system, except as compared to any other system.</p>
145	<p>While all systems run by human beings are subject to political influence, I think the best system would be nomination of judges by a non-partisan commission for appointment by the governor with the legislature having the authority to override the governor’s refusal to appoint the candidate based on a supermajority (60%) votes, with periodic retention elections.</p>

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146	<p>I would prefer that at the Appellate level Judges not be selected by general elections. My preference would be a system in which appellate judges are selected by a commission that is made up members from the general public, attorneys licensed to practice law in Texas, and maybe members of the various political parties. This commission could be partly appointed and partly selected and all members would either meet periodically for purposes of selecting judges every 6 months or so, and for a period of years at the end of which time a new commission would be appointed and selected. In addition all judicial campaign contributions for the selection of judges or commissioners for the commission to select appellate judges should not be allowed from anyone other than the State who shall designate an equal to each campaign. Eliminating even the appearance of impropriety is of paramount importance. This is an important issue and we should get right.</p>
147	<p>Partisan elections inevitably result in sweeps. Sometimes the sweeps go in one direction; sometimes, the other. A decision to keep partisan elections as a component of judicial selection is a decision to tolerate sweeps that remove good judges without regard to qualifications or performance, and install new judges without regard to qualifications or performance. That is the worst of all worlds. The partisan election component of judicial selection should be eliminated for that reason. It also should be eliminated because the partisan primary process in particular is harmful to the values of competence, experience, independence, fairness, balance, open-mindedness, and neutrality that we should want our judges to embody. The partisan primary process—along with partisan elections generally—requires activities and strategic conduct that are the antithesis of those values; it also requires money-raising that damages public confidence in the judiciary. Another way to think about it is this: How many disincentives does Texas want to create that will dissuade qualified lawyers from serving on the bench? Partisan elections provide significant disincentives including party politics; fund-raising; and the threat of sweeps that remove judges without regard to performance or qualifications. If Texas wants to maintain and reinforce disincentives to public service on the bench, then it should keep partisan elections of judges.</p>

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148	Partisan elections are not good. For a retention vote, who would oppose a judge for removal? If it fails, the opposition would be toast in that judge's court. The ABA screens judicial candidates but not followed by senate or president. Too many hacks with no trial experience get appointed. Yes, elections sometimes gets a bad result, but they can work.
149	Any change of selection of appellate judges after election in which the other party won a majority of the judges on the big courts of appeal looks political and would be highly suspect.
150	Served as the Appellate Court of Illinois, 2nd District. Had the opportunity to observe and know justices that were elected and those appointed. A combination of elected and appointed judiciary is worth exploring.
151	Any selection committee should be devoid of cronyism. There should be an open application and decision-making process.
152	Appointments should be made of non-party-affiliated candidates that have been pre-screened by an apolitical panel of actual lawyers.
153	I'd like to see a system where judges or judicial candidates must be approved by a bipartisan or independent commission. Or by me.
154	My concern about selection/nomination by a "non-partisan commission" will preclude the appointment (or selection) of attorneys who lack big firm credentials or strong ties to leadership in a local bar association.
155	My biggest concern about our method of judicial selection is the increasingly quality of the judiciary, regardless of party affiliation. I am also concerned about the influence of campaign contributions. Although I represent mostly civil defendants, I find my clients are best served by well-qualified judges before whom they are on an even playing field. That is all a litigant can ask but what our system should demand. With our partisan system funded by contributions from attorneys with cases in front of the very judges deciding their cases, litigants cannot have confidence that they will get a fair shot. The

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	<p>questions I get about judges over the last twenty years have been very interesting. Rarely do they include questions about qualifications. Instead, the questions tend to be about party affiliation. I cannot blame them. Since 2016, even the Supreme Court has been demeaned by partisan TV ads and campaign promises by candidates to appoint judges vetted to decide issues one way or the other, depending on the candidate’s party affiliation. Party politics needs to be out of our process of selecting judges. The focus needs to be on qualifications. The fact that the federal judiciary has been openly and shamelessly tainted by party politics should give us all pause. Any commission should be bipartisan with an EQUAL number of members from each party. There should be standards clearly set out that commission members must follow. Any attempt by a potential candidate to lobby the commission, run ads, or otherwise influence members should be disqualifying. It used to be that well-respected lawyers with substantial well-rounded litigation experience sought a bench as the culmination of a career. We need to get back to that as an ideal. A lawyer without significant litigation experience cannot be expected to competently preside over a jury trial, complex discovery motions, or criminal trials. The litigants pay the price. The same is true for appellate judges who make law in Texas. Please understand I am not commenting on any particular judge or court. But I do get questions from friends, family and clients about candidates. If I know the qualifications of a candidate, I answer honestly based on my philosophy about the judiciary. Unfortunately, I have had to answer too many times in the past that I cannot recommend either of the candidates.</p>
156	<p>Some of my answers to the 1-7 questions were dumped by the survey. There should be no unanswered questions.</p>
157	<p>Before becoming a judge myself, I worked for both state and federal courts. Politics is the enemy of a fair judiciary.</p>
158	<p>There is nothing wrong with non-partisan election of judges. It is for the voters to evaluate the items of concern on page 1 of this survey.</p>

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159	While I favor a bi-partisan committee to recommend appointment of judges, I am enough of a realist to realize there will always be political, partisan consideration of the candidates. The saving grace is that such a process beats what we have now..
160	I'd like to see a Judicial Appointments Commission that selects appellate judges and district judges. It could be composed of members of the bar, the public, and the legislature. The commission, without regard to partisan preference should select 2, or more, persons to fill a judicial vacancy. The Governor should then have the ability to select one of those persons to be a judge for a set term—say 6 years. After that, the voters should have a say in a retention election where the options are to “retain” or “not retain.” If retained, the judge gets another full term.
161	The only qualification for a lawyer to be a district judge is that they be: (1) 25 years old (so practically any lawyers); and (2) breathing. And why is our judiciary a laughing stock when lawyers who can't pass the bar in their first few tries and are disciplined by the state bar are unseating fair and experienced judges? Significant experience working for a court and/or board certification in an area in which the candidate's prospective court has jurisdiction should be required. Discipline from the State Bar should be a disqualification for a term of years.
162	I believe practical experience is essential. Justice cannot be a priority unless you are interested in the details besides the law and sometimes lose a case even though you believe you are right under the law. Laws are man made but may be need to be reexamined especially if new science, or newly available evidence.
163	Please eliminate partisan elections—they are inherently inconsistent with judicial independence.
164	I will try to keep this under 20,000 characters. Partisan election of judges is a bad idea. When the governor's party was the dominant party throughout the state (whether Democratic or Republican) we generally got good judges, because good lawyers like good judges and had the political stroke to make that happen. On the other hand,

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	<p>election of judges is rooted in Texas. That means that there has to be some way for a consensus to choose good judges. I think that means we will need some type of bipartisan approval panel.</p>
165	<p>Non-partisan elections held in conjunction with local non-partisan elections, and lower contribution limits; ban donations from out of state.</p>
166	<p>I'm most concerned with judicial qualifications. The current partisan election system often results in unqualified judges taking the bench. This problem exists in both Republican and Democrat controlled areas of the state—it is often impossible to raise enough in campaign donations to actually educate the public about the judicial candidates, which results in uninformed voters selecting judges on a ballot based on gender, race, or name similarities or ballot position. I believe this is more of a problem with statewide seats than in local races.</p>
167	<p>No one has tracked the qualifications of the appellate judges most recently elected in 2018. When the Chief Justice of the Texas Supreme Court makes comments likening the election of new appellate judges to the devastation caused by Hurricane Harvey, it is offensive and lacks research on his part. No one tracked the incoming judges and their board certifications, breadth of experience, or diversity. There was a dearth of criminal law experience in the intermediate appellate courts. The 2018 election cycle received an influx of much needed criminal law experience overnight. What makes a good judge is not number of years on the bench, but the decisions they make once they are there. Many older male appellate judges first received a bench based on a gubernatorial appointment. It should not come as a surprise that gubernatorial appointments over the past 20 years have not been filled with diverse candidates. Most appointees are, and continue to be, white men. The lack of prior judicial experience only seems to matter when the party in power starts to lose elections.</p>

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APPENDIX

Question 1—results by participant role:

When choosing a system for selecting Texas appellate judges, how important is it to you to reduce or eliminate the following?

Note that the answers to this question were rotated, meaning that they were presented to each survey participant in random order.

	All Respondents	Judge—trial or appellate	Private practice—representing mostly plaintiffs in civil cases	Private practice—representing mostly defendants in civil cases	Private practice—other	Corporate/in-house	Criminal—prosecution	Criminal—defense	Government—other	Public interest	Law faculty	Other law related	Retired/not currently working
The selection of judges who lack relevant experience or qualifications	88.3%	91.8%	91.1%	93.5%	83.9%	100.0%	91.7%	82.4%	89.4%	33.3%	80.0%	88.9%	60.0%
The selection of judges based primarily on friendships or political relationships	75.0%	69.4%	73.3%	80.4%	70.5%	71.4%	75.0%	64.7%	78.8%	33.3%	80.0%	77.8%	88.9%
Pressure on a sitting judge from his or her political party	72.7%	55.3%	79.1%	78.1%	74.1%	71.4%	50.0%	58.8%	81.0%	66.7%	80.0%	77.8%	80.0%
The actual or perceived influence of campaign contributions	66.1%	53.1%	60.0%	68.8%	67.0%	85.7%	58.3%	76.5%	66.7%	100.0%	90.0%	77.8%	70.0%
The selection of judges who have a high disapproval rating from lawyers	57.2%	40.8%	52.3%	65.9%	66.1%	57.1%	45.5%	58.8%	53.1%	33.3%	44.4%	22.2%	40.0%
A lack of diversity among Texas Judges	36.4%	32.7%	26.7%	38.9%	26.6%	50.0%	33.3%	41.2%	46.0%	66.7%	40.0%	44.4%	40.0%
The selection of judges who are not popular with voters	15.5%	36.2%	20.5%	9.7%	20.0%	0.0%	9.1%	11.8%	6.8%	0.0%	10.0%	0.0%	20.0%

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APPENDIX

Question 1—results by years licensed and board certification:

When choosing a system for selecting Texas appellate judges, how important is it to you to reduce or eliminate the following?

Note that the answers to this question were rotated, meaning that they were presented to each survey participant in random order.

	All Participants	Years Licensed							Not Board Certified	Board Certified
		0-2	3-6	7-10	11-15	16-20	21-25	26+		
The selection of judges who lack relevant experience or qualifications	88.3%	66.7%	80.0%	86.1%	89.4%	92.5%	87.9%	90.0%	86.6%	91.6%
The selection of judges based primarily on friendships or political relationships	75.0%	58.3%	72.0%	67.6%	82.2%	74.1%	81.0%	75.0%	77.1%	72.3%
Pressure on a sitting judge from his or her political party	72.7%	58.3%	75.0%	75.0%	73.3%	79.2%	75.9%	73.0%	71.8%	77.0%
The actual or perceived influence of campaign contributions	66.1%	33.3%	64.0%	50.0%	72.3%	68.5%	67.2%	69.8%	67.5%	66.3%
The selection of judges who have a high disapproval rating from lawyers	57.2%	41.7%	62.5%	54.1%	53.3%	64.2%	56.9%	58.5%	52.8%	65.1%
A lack of diversity among Texas judges	36.4%	27.3%	44.0%	41.7%	54.8%	39.6%	40.0%	29.5%	38.5%	31.9%
The selection of judges who are not popular with voters	15.5%	0.0%	4.5%	11.4%	11.4%	20.4%	13.0%	18.4%	15.9%	14.4%

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APPENDIX

Question 2—results by participant role:

Please rank, in order of preference, the following options for selecting Texas appellate judges (1 being most preferable and 7 being least preferable):

	All Respondents	Judge—trial or appellate	Private practice—representing mostly plaintiffs in civil cases	Private practice—representing mostly defendants in civil cases	Private practice—other	Corporate/In-house	Criminal—prosecution	Criminal—defense	Government—other	Public interest	Law faculty	Other law related	Retired/not currently working
Non-partisan elections	1	3	1	1	1	3	1	1	2	1	3	2	4
Gubernatorial appointment for a term of years, followed by a non-partisan elections	2	4	2	3	3	2	3	3	1	4	2	4	3
Gubernatorial appointment for a term of years, followed by retention elections in which voters decide whether to retain or replace a judge	3	5	6	2	2	1	5	2	3	5	1	1	1
Gubernatorial appointment for a term of years, followed by a partisan election at the end of the first term, followed by periodic elections in which voters decide whether to retain or replace the judge	4	6	4	4	5	4	4	4	4	6	4	3	6
Gubernatorial appointment for a term of years, followed by partisan elections	5	2	3	5	4	5	6	6	5	3	5	5	5
Partisan elections	6	1	5	6	6	7	2	5	6	2	6	6	7
Gubernatorial lifetime appointment, subject to confirmation by the Texas Legislature	7	7	7	7	7	6	7	7	7	7	7	7	2

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APPENDIX

Question 2—results by years licensed and board certification:

Please rank, in order of preference, the following options for selecting Texas appellate judges (1 being most preferable and 7 being least preferable):

	All Participants	Years Licensed							Not Board Certified	Board Certified
		0-2	3-6	7-10	11-15	16-20	21-25	26+		
Non-partisan elections	1	3	4	2	1	1	1	1	1	1
Gubernatorial appointment for a term of years, followed by non-partisan elections	2	1	2	1	2	2	3	3	2	3
Gubernatorial appointment for a term of years, followed by retention elections	3	2	1	3	3	3	2	2	3	2
Gubernatorial appointment for a term of years, followed by a partisan election at the end of the first term, followed by periodic retention elections	4	4	3	4	5	6	4	5	4	5
Gubernatorial appointment for a term of years, followed by partisan elections	5	6	5	5	6	4	5	4	5	4
Partisan elections	6	7	7	7	4	5	6	6	6	6
Gubernatorial lifetime appointment, subject to confirmation by the Texas Legislature	7	5	6	6	7	7	7	7	7	7

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