

# ***CURRENT STATE APPELLATE JUDICIAL ELECTIONS***

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## **JUDICIAL SELECTION IN OREGON: MONEY, POLITICS, AND THE INITIATIVE PROCESS**

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Informed criticism of court rulings, or of the professional or personal conduct of judges, should play an important role in maintaining judicial accountability. However, attacking courts and judges—not because they are wrong on the law or the facts of a case, but because the decision is considered wrong simply as a matter of political judgment—maligns one of the basic tenets of judicial independence—intellectual honesty and dedication to enforcement of the rule of law regardless of popular sentiment. Dedication to the rule of law requires judges to rise above

interests offended by past judicial decisions. As noted above, the public criticism leveled by special interests groups seldom asserts that the decision is legally or factually incorrect. Instead the groups assert that the decision is wrong as a matter of political judgment. In Oregon, the disagreement with various decisions of the Oregon Supreme Court—decisions alleged to be contrary to the will of the voters—has led to intense efforts by individuals and special interest groups to change the composition of Oregon’s appellate courts. Those efforts have taken two forms. First, special interest groups have sponsored judicial candidates touted to be sympathetic to the interest group’s political view. The second, and more recent effort, has been an attempt to change the state’s judicial selection frame-work through the initiative process. This essay focuses on those dual efforts by examining recent contested races for Oregon’s appellate courts, the upwardly spiraling costs associated with those elections,<sup>3</sup> and the individuals and groups most involved in the efforts to change the composition of the appellate courts through candidate sponsorship and the initiative process.

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3. For example, noncandidate spending in judicial races in 2000 in the states of Alabama, Michigan, Ohio, Mississippi, and Illinois was estimated to be at least \$16,000,000. Roy Schotland, *Financing Judicial Elections, 2000: Change and Challenge*, 2001 LAW REV. M.S.U.-D.C.L. 849, 851 (2001).