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Bill would let Senate veto judge choices

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PHOENIX - Saying they want more accountability, members of the Senate Judiciary Committee voted 5-3 Monday to give themselves and their colleagues the right to veto a governor's choice of judges.

The measure they endorsed, Senate Concurrent Resolution 1038, would require Senate confirmation of nominees for the state Supreme Court and the Court of Appeals or to fill any vacancy on Pima and Maricopa county Superior Courts.

The measure, which now goes to the Senate, would have to be approved by voters next year.

State Sen. Jay Tibshraeny, R-Chandler, said the current system creates a "disconnect" between people and the judges who render decisions.

Tibshraeny said SCR 1038 would mirror the federal model in which the Senate reviews a president's nominations.

Sen. Bill Brotherton, D-Phoenix, pointed out that federal judges, once confirmed, can serve until they die or retire. But SCR 1038 would require gubernatorial appointees to ask voters every four to six years to let them stay in office, until they have to retire at 70.

A state constitutional amendment approved by voters in 1974 says applicants for appellate-level courts and trial judges in the two largest counties are screened by a special panel, which must recommend at least three nominees to the governor. All nominees cannot be of the same political party. The person chosen by the governor from that list becomes a judge without legislative action.

Charles Jones, chief justice of the Arizona Supreme Court, predicted that fewer qualified attorneys would agree to apply to be judges - and give up their private practices - if there were a chance their nominations could be sidelined by senators. Jones also said such a change would inject "political sway" into the courts.

But Len Munsil, president of the Center for Arizona Policy, said additional political accountability is necessary. "The current system ... insulates activist judges from any accountability for issuing activist, results-oriented decisions," he said.

Nothing in the proposal would affect the other 13 counties where judges are elected like any other politicians.

Despite the vote Monday, committee members were unwilling to approve another measure to require the Legislature to approve any court decision that would force the state to spend at least \$1 million to comply.

In separate action Monday, the House of Representatives voted 33-26 to eliminate the requirement in existing law that a county get a new Superior Court judge every time the population grows by another 30,000. The formula was designed make sure courts keep pace with population growth.

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