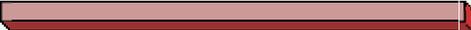
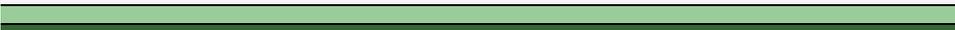
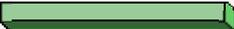
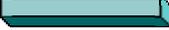


JUDICIAL RECRUITMENT SURVEY

How long have you been practicing law?		Response percent	Response total
Less than 5 years		14.4%	133
More than 5 years but less than 10 years		14.6%	135
More than 10 years but less than 20 years		27.7%	256
More than 20 years		43.4%	401
Total # of respondents 927 . Statistics based on 925 respondents		0 filtered;	2 skipped.

What is your sex?		Response percent	Response total
Male		74.7%	687
Female		25.3%	233
Total # of respondents 927 . Statistics based on 920 respondents		0 filtered;	7 skipped.

What is the main emphasis of your practice?		Response percent	Response total
Private law practice—transactional		12.9%	119
Private law practice—criminal litigation		5.8%	53
Private law practice—civil litigation		40.5%	372
Government agency—transactional		3.8%	35
Government agency—criminal litigation		13.2%	121
Government agency—civil litigation		8.8%	81
House counsel		7.6%	70
Not for profit		1.7%	16
Education		1.3%	12
Not currently practicing but otherwise employed		3.3%	30
Not currently employed		0.2%	2
Retired		0.9%	8
Total # of respondents 927 . Statistics based on 919 respondents		0 filtered;	8 skipped.

Do you participate in any of the following sections of the Bar? (check all that apply)		Response percent	Response total
Alternate Dispute Resolution		7.3%	36
Business & Corporate Law		15%	74
Commercial Law & Bankruptcy		11.5%	57
Diversity		4.5%	22
Employment & Labor Law		10.7%	53
Environmental & Natural Resources Law		6.9%	34
Family Law		15.4%	76
Government & Public Sector Lawyers		11.9%	59
Health Law		3.4%	17
Indian Law		2%	10
Intellectual Property Law		3.6%	18
International Law		2%	10
Law Practice Management		2.6%	13
Litigation		24.9%	123
Professionalism & Ethics		8.5%	42
Real Property		18.4%	91
Taxation, Probate & Trust Law		9.3%	46
Water Law		5.3%	26
Workers Compensation		6.1%	30
Young Lawyers		9.3%	46
Total # of respondents 927 . Statistics based on 494 respondents 0 filtered; 433 skipped.			

Do you participate in any of the following law-related organizations? (check all that apply)		Response percent	Response total
Idaho Trial Lawyer's Association		27.8%	129
Idaho Association of Defense Counsel		13.4%	62
Idaho Prosecuting Attorneys Association		16.2%	75
Idaho Association of Criminal Defense Lawyers		12.9%	60
Inns of Court		35.1%	163
Idaho Women Lawyers		11%	51
View Other			
Total # of respondents 927 . Statistics based on 464 respondents 0 filtered; 463 skipped.			

View Other	Responses	20%	93
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IVLP
Federal Bar
Management Labor and Employment Roundtable, International Association of Defense Counsel
idaho municipal attorneys
J. Reuben Clark Law Society
Local Rules Committee (U.S. District Court)
DRI
ABA
Federal Bar Association
Idaho Municipal Attorneys
Federalist Society
National Association of College and University Attorneys
federal bar association
Seventh Judicial District Idaho State Bar
ABA
ABA, ATLA or whatever its called now
J. Reuben Clark Law Society
Oregon Trial Lawyers & OSB committees
Media Law Resource Center/a national organization
AAJ
Idaho Municipal Attorneys
national legal groups
National Conference of Commissioners on Uniform State Laws
Idaho Municipal Attorneys Association
ACTL, IADC, DRI, ABOTA
The organization formally know as the Coeurdalene Inns of Court
American College of Trial Lawyers, American Board of Trial Advocacy, Federal Bar Association
District Bar
Clark County (Nevada) Bar Association
Federal Bar Association
Local bar association.
International Assoc. Defense Counsel, DRI
ABA
Idaho Municipal Attorneys
ABA, ACLU
Kootenai County Bar Association
Am College of Trial Lawyers, Am Board of Trial Advocates, WSBA, ABA
Idaho Legal History Society, Idaho Chapter of the Federal Bar Association
State Bar Health Insurance Trust
various organizations

Idah Municipal Attorneys

National Elder Law Foundation; National Academy of Elder Law Attorneys,
Elder Counsel, Life Care Planning Law Firms Association

J. Reuben Clark Law Society

Federal Bar Association

american judiciary society ; national director; many others

ABA

ABA

Intermountain Collaborative Alliance and International Association of
Collaborative Professionals

local Bar Association, ABA, other specialty associations nationally and in
other state

Washington Trial Lawyers, American Trial Lawyers

Washington State Association for Justice

Commercial Law League of America

American Bar Association, Family Law Council of Community Property
States

I used to but no longer particiapte in ITLA and IWL

National District Attorneys Association

Federal Bar Association

Idaho Municipal Attorneys, Inc.

National Association Criminal Defense Lawyers

American Bankruptcy Institute

Spokane County Bar Association, Spokane Elder Law Grou[

Spokane County Bar Association, Spokane Elder Law Grou[

Idaho Bar Association programs

IVLP; Delivery of Legal Services Council

Idaho Municipal Attorneys

Montana, Washington and American Trial Lawyers

First District Bar and Kootenai County Bar Association

ABA

American Immigration Lawyers Association

S W Idaho Estate Planning Counsel

American Immigration Lawyers Association

American College of Trial Lawyers

AAJ, ITLA

ABA; Federal Bar Association

Federal Bar Association, AAJ

CASA volunteer attorney for over 20 years

NACDL

National Employment Lawyers Association

First District Bar Association

6th District Bar

Youth Court
 Federal Bar Association
 ABA
 CASA
 DRI; International Society of Barristers
 Federal Bar Association
 ABA, California Bar, National Association of Women Lawyers
 Idaho Municipal Attorney's Association
 Utah Women Lawyers
 J Reuben Clark Law Society
 Federal Bar Association
 ABA, Energy Bar Assoc, Federal Communications Bar
 Association of Corporate Counsel
 American Bar Association

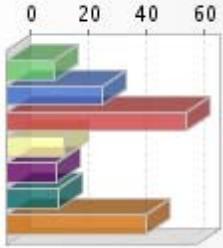
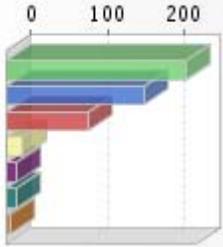
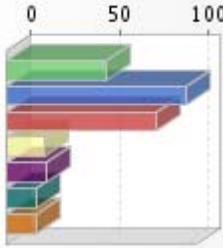
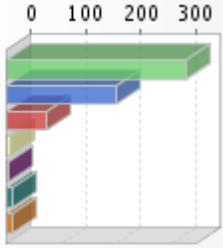
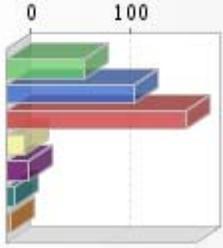
Have you ever applied for a judicial position?		Response percent	Response total
Yes		25.5%	236
No		74.5%	688

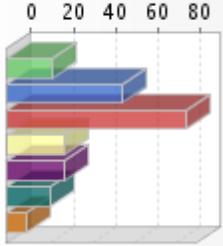
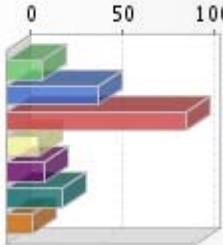
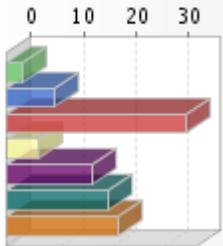
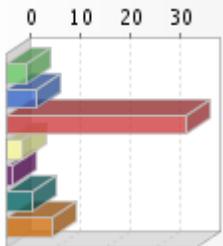
Do you have or have you ever had any interest in a judicial position?		Response percent	Response total
Yes		51.8%	480
No		17.2%	159
Perhaps		31.1%	288

Total # of respondents **927**. Statistics based on **927** respondents 0 filtered; 0 skipped.

Why are you interested in becoming a judge? (Please rank the top 3 reasons with 1 being the top reason.)

View	1	2	3	4	5	6	7		Response total
								1	
								2	
								3	
								4	
								5	
								6	
								7	

Prestige of the office	7.5% (16)	15.4% (33)	29% (62)	9.3% (20)	7.9% (17)	8.4% (18)	22.4% (48)		214
Public service	41.2% (235)	31.3% (179)	18.6% (106)	3.7% (21)	2.3% (13)	2.1% (12)	0.9% (5)		571
Career goal	17.7% (56)	32% (101)	26.6% (84)	6.6% (21)	7% (22)	5.1% (16)	5.1% (16)		316
The role of the judge as decision-maker and problem-solver	52.2% (326)	31.7% (198)	11.5% (72)	1.1% (7)	0.5% (3)	1.4% (9)	1.4% (9)		624
Personal and professional development	17.7% (77)	29.3% (127)	41.2% (179)	4.1% (18)	5.1% (22)	1.6% (7)	0.9% (4)		434

Stability of compensation	8.6% (21)	22.5% (55)	34.8% (85)	11.1% (27)	11.1% (27)	8.2% (20)	3.7% (9)		244
The benefits package—insurance, leave, and retirement	7.7% (19)	20.2% (50)	39.5% (98)	6.9% (17)	8.1% (20)	12.1% (30)	5.6% (14)		248
Collegiality of the bench	2.8% (3)	8.3% (9)	31.5% (34)	5.6% (6)	14.8% (16)	17.6% (19)	19.4% (21)		108
Other	6.2% (4)	9.4% (6)	56.2% (36)	4.7% (3)	1.6% (1)	7.8% (5)	14.1% (9)		64

Total # of respondents **927**. Statistics based on **768** respondents **0** filtered; **159** skipped.

Please list your "other" reason from the previous question.

Response total

Responses

View

- might be more interesting than retirement
- The ability to have greater control over my time. As an intellectual property litigator in high-profile high-stakes cases my time gets completely engulfed by my work at times, and at others there are lulls. As I am aware from having grown up in the home fo a judge, the time stability is much better.
- Change and potentially make a difference in people's lives
- One judge in the family already
- Intellectual challenge.
- I didn't mean to mark other

64

I would like to see innovative judicial engagement in critical issues relating to children including juvenile justice and Family Law issues. (This may be a subset of the "problem solver" aspect.)

I really think I would be well-suited to the job, better than many other candidates might be. Thus, I feel almost an obligation to try and do it at some point, although I realize how difficult it is to get selected -- particularly to be a district judge as there seems to be a political component to those selections.

Commitment to justice

boredom with current position

Being a judge is a duty that good lawyers must be willing to undertake in order for the system to work.

Work load

State benefits

continue in legal field with more stability.

none of the other factors fit

My years of experience (over 50 years as a member of the Idaho bar) allow the exercise of good judgment that I feel my age should not disqualify me for using for the good of the profession.

Respect, authority, and the opportunity to make decisions.

It is a simple job that is currently staffed by mostly incompetent people who cry about how tough their job is, all the while knowing that they could not succeed outside the bench and that each one could be replaced rather easily. To be fair, there are a handful of truly qualified people, but there does seem to be a problem when the judge's first jury trial is from the bench and not from one of the participants.

The need for experience trial judges. Too many of our judges simply do not have adequate knowledge of the rules (or the law).

Interest in the job

Improve the judiciary, which in Idaho is perceived as an old boys network.

To work with a broader variety of legal issues and areas of the law.

Ability to help shape the administration of justice and enhance access to justice

Change of pace from practice; using skills in a different way

interested in helping to shape law as an appellate judge, for future generations

No billing or office management

Different tempo than private practice

To help contribute to the resolution of disputes and development of the law

Legal research, writing and logic.

The position offers the Ability to assist my fellow man and give back to the community as an everyman rather than elite.

Variety of the case load.

?

Change of pace from private practice

Improve efficiency of Court

Educating the public on their duties and responsibilities as well as their protections under the law.

Tired of the "buisness" side of practicing law. Billings, collections etc.

To promote the concept of Justice and transforming that abstract quality into a concrete reality through experience gleaned over the course of practicing law throughout the Pacific Northwest for nearly 35 years.

We have serious problem w/a lack of quality judges at all levels. I thought (not realizing the politics and the mess of a system the selection process is) I might have something to offer in terms of experience, etc.

The need for competent practitioners to serve

Disagreements with certain decisions of the court.

Less stress than a trial litigator

Private practice is increasingly stressful and unsatisfying. Judicial appointment affords an escape, to some extent, from the pressure cooker of private practice.

I have worked in the capacity as a law clerk and staff attorney for a judge. In most respects my work experience has been similar to that of a judge.

To fulfill my purpose in life.

To maintain the quality of the bench.

contribution to the legal profession

I believe I have a good temperament and ability to be a judge

The scarcity of "working class" attorneys on the bench.

Personal

Position (ideally) allows for independence of mind, freedom from pressures of politics and money.

Improve the delivery of justice

need for different perspectives in the judiciary

Role of a judge in protecting individual liberties, maintaining rule of law for all persons regardless of gender, race, ethnicity, sexual orientation, socioeconomic status

At the beginning of my legal career, I had the opportunity to work with and for Warren Jones who now sits on the Idaho Supreme Court. I learned from a great deal from Warren including how to enjoy the intellectual complexity and challenges of thinking like a "lawyer" and how our profession substantially impacts day to day life for most people. I would like to carry my love for the law and all of its complexities over into the judicial arena someday.

I would like to be a difference maker in our society as must other areas of my life have been fulfilled.

A desire to see that justice is served to the extent possible.

Love to write.

Service within the local community

personal fulfillment

intellectual challenge

ability to evaluate merits and decide

No billable hours

n/a

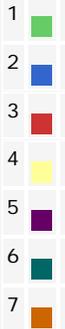
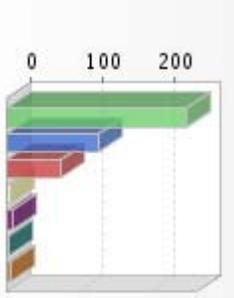
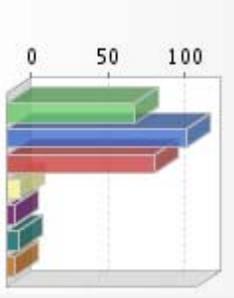
proper application of the law

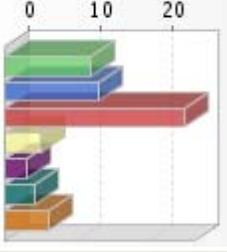
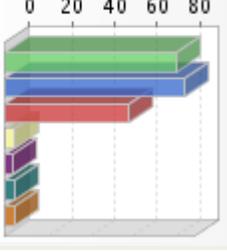
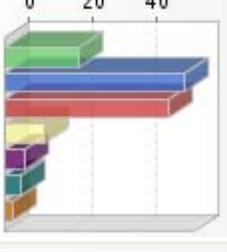
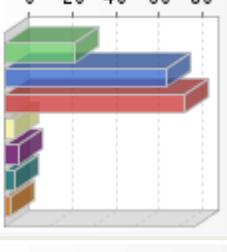
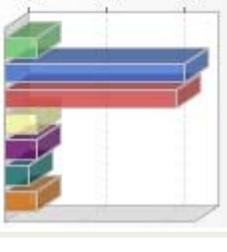
Total # of respondents **927**. Statistics based on **64** respondents **0** filtered; **863** skipped.

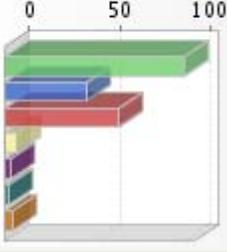
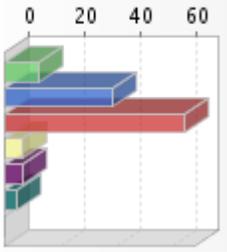
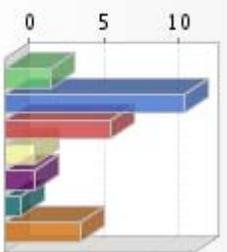
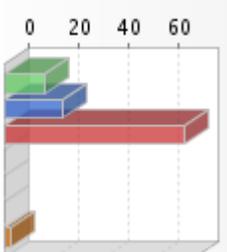
Do you someday intend to apply for a judgeship?		Response percent	Response total
Yes		20.3%	156
Perhaps		60.8%	467
No		8.5%	65
I have applied before but do not intend on applying again		10.4%	80

Total # of respondents **927**. Statistics based on **768** respondents **0** filtered; **159** skipped.

What concerns do you have about applying for or becoming a judge? (Please rank the top 3 concerns with 1 being the top reason.)

View	1	2	3	4	5	6	7		Response total
									
The judicial selection process	53.8% (250)	27.1% (126)	15.7% (73)	0.6% (3)	1.3% (6)	0.4% (2)	1.1% (5)		465
Potential election(s) to keep your position	26% (83)	36.7% (117)	30.1% (96)	2.5% (8)	1.3% (4)	2.2% (7)	1.3% (4)		319

Not a career goal	17.6% (12)	19.1% (13)	36.8% (25)	7.4% (5)	4.4% (3)	5.9% (4)	8.8% (6)		68
Inadequate compensation	33.8% (80)	35.4% (84)	24.5% (58)	1.7% (4)	1.3% (3)	1.7% (4)	1.7% (4)		237
Heavy workloads	14.8% (23)	36.1% (56)	32.9% (51)	7.7% (12)	3.9% (6)	3.2% (5)	1.3% (2)		155
Isolation of the judiciary	15.5% (32)	36.4% (75)	40.3% (83)	1.9% (4)	2.9% (6)	1.9% (4)	1% (2)		206
Negative perception of judiciary	6.2% (4)	35.9% (23)	34.4% (22)	6.2% (4)	6.2% (4)	4.7% (3)	6.2% (4)		64

Do not possess the appropriate experience	44.6% (99)	20.3% (45)	28.4% (63)	2.7% (6)	1.4% (3)	0.9% (2)	1.8% (4)		222
Transition to the bench	9.2% (12)	29.2% (38)	49.2% (64)	4.6% (6)	4.6% (6)	3.1% (4)	0% (0)		130
Judicial canons governing a judge's conduct are too restrictive	9.4% (3)	37.5% (12)	21.9% (7)	6.2% (2)	6.2% (2)	3.1% (1)	15.6% (5)		32
Other	14.2% (16)	20.4% (23)	63.7% (72)	0% (0)	0% (0)	0% (0)	1.8% (2)		113

Total # of respondents **927**. Statistics based on **623** respondents **0** filtered; **304** skipped.

Please list your "other" reason from the previous question.

Response
total

Responses

could be boring

Questions 8 and 11 make no sense--my answers are worthless. You ask us to rank and what you can clique is just not accurat. I don't see that whoever put this together knows what they are doing.

Only the selection process and potential elections cause me concern, but I was asked to list top 3.

Lack of appreciation for the role of the judiciary by the Legislature.

I don't live in Idaho.

Perception that judges' resources are inadequate for them to perform at the necessary level of quality.

Political part of getting through the selection process

age

NO ther reason

I would be interested in applying for a judicial position in Cascade or Council, but the requirement to live in the same district as the bench would preclude the latter, and I don't think there will be any vacancies in Cascade anytime soon.

constant scrutiny from the bar and weight of making decisions that impact people's lives

My age -- the nearer I get to retirement age, the more difficult it is to take on a position which demands such regularity.

Appointments to the judiciary seem, in many cases, to be used as "political payback." Governors, both Republican and Democrat, seem to care less about having good lawyers on the bench than they do about furthering their own political agenda. Similarly, there has been a disheartening effort to politicize judicial elections at the level of the State Supreme Court. It also appears that the Judicial Council has specific agendas when reviewing applications for judicial appointments. When appointment to the bench is based on politics rather than choosing people who have the wisdom, the legal ability, and the temperament to sit on the bench, it is a disincentive to apply for judicial positions.

I don't wish to provide at this time.

I really didn't have a third reason; the survey just wouldn't let me stop at 2. The biggest obstacle in my mind is the selection process. I am a prosecutor, so it is unavoidable that some defense lawyers will criticize my application. I think that's much more true for a prosecutor than for civil lawyers. Also, I don't have the political connections of some applicants, and I have a concern that who you know might matter more than your experience. This means you fear you're wasting your time applying, and you'll just take a lot of criticism in the process, which is daunting.

No "other" reason that I can think of. I selected "other," because none of the other listed reasons applied, and I believed it necessary to select three options.

Satisfied with current job

The system seems very geared toward those who are politically connected. I am not.

The hassle of soliciting support from other members of the bar.

View

[113](#)

I represent several private family foundations and would not be able to continue to represent them

The process seems very much determined by political forces and factors.

Inflexible schedule/difficult to attend to family needs during workday. It seems you would be trapped in the courthouse all day.

inexperience

Adequate courthouse facilities to insure my safety if I were a judge.

I did not have more than one negative in response to the question, but it would not let me advance without checking 3 boxes so I checked this one.

The possible negative effects that being a judge could have on my family.

The perception in the legal community is that unless you please the governor and the Republican establishment, you have NO chance to be judge.

I perceive it to be a popularity contest to a certain extent. The more connected the applicant, the more likely it is that they will be chosen. Hence, low profile attorneys need not apply. Further, the process appears to favor trial attorneys over business attorneys

Being subjected to media/public opinion when media tends to report incomplete or inaccurate information.

Location of position lack of substantive knowledge in certain areas of the law (very experienced in civil litigation and most civil subjects; virtually no experience in criminal law)

The judicial selection process is highly political and the current bench, from a legal-education standpoint, is not particularly diverse.

Do not want credit and tax info made public.

This "other" probably ties in with my first two reasons; the likelihood of being chosen as a judge in this State in the absence of connections to members of the republican party, and as a criminal defense lawyer, are slim to none. Where I do not have the political connections, and I have never worked as a prosecutor, even though I am qualified, I would never be given a second look. The perception is that it isn't what you know, it is who you know.

The "other" reason is the same as the first reason -- inadequate compensation. When a second or third year associate at a major firm can earn more than an experienced judge, or when an experienced lawyer can earn multiples of the compensation of an experienced judge, then the better and best lawyers cannot afford to become judges.

I only have 2 concerns but the survey made me select three items so I chose "other"

The responsibility that comes with serving as a judge.

I put other because only the marked areas are any concern to me.

Political bullshit from unqualified county commissioners including sexual harassment

The reason is related to "isolation of the judiciary" but is more specifically that my peers would become other judges. What I mean by this is that many, although certainly not all, judges become arrogant and conceited by their positions and are not the type of people I would choose to associate with.

I just had the one main reason, but the form required that I put three.

It is fairly apparent in this district that females need not apply.

Inadequate or incompetent trial court administration -- in other words, too much politics within the court administration

I am an Army JAG. Hiring committees do not understand the depth of experience JAG attorneys possess.

I am concerned that my decision-making and people skills would be overlooked because of my age (mid-50s) and background (government practice--not a litigator).

potentially negative items in background

None.

Sometimes I see the selection process as being too political.

A 3rd choice was required so I selected other.

Restrictive schedule; handling matters outside of areas of interest

compensation is the only real issue

I am 61, and would very much like to serve. Is my age a factor?

I currently do not live in Idaho.

Honestly, fear of retribution by parties-I live in a small town.

Always thought that only those ranked in the top 10% of their graduating classes need apply.

I am a single mom and don't feel, at this point in my life, I have the time to devote to the application process and/or the position if I were to be a successful applicant.

location of available position

Decline

Intrusiveness of review process and political requirements into my private life.

Press.

Politics and political forces involved in being a viable candidate for judicial office.

By the time I have put in all the years and hard work to become a good candidate, my private practice may be such that I would not want to leave it.

too much politics involved in the selection process

There has never been a female District Judge in my district. The difficulty of becoming "the first" is intimidating.

Requirement to move residence.

family obligations prevent me from devoting the necessary time to be a judge

Transition from a private partnership and the difficulty with that transition.

lonely position as all seem to be critical of your performance

Honestly, the other answers that you had me choosing from did not fit. It's almost like you have chosen the answer for me. If you want me to answer the question, don't answer it for me.

Becoming stuck in a judicial position like traffic or juvenile.

Judges should not have to reside in the County in which they become a Judge. Moving, and an undesirable location would be the concern.

None--questionnaire required three responses.

Family Issues

Amount of consideration given for life experience.

I am concerned that if you aren't from a big firm or aren't politically connected, you are not fairly considered for the position, regardless of ability or experience.

Only reason 1 applies. The survey does not allow a single answer to suffice.

Not sure if the timing is right to apply.

Politics of the office. The perception that our world is somehow controlled by the left-right paradigm.

perception of gender bias, which is probably real

leaving my practice and partner

Standing for election

The survey of the Bar is not a neutral or even very fair process. While I believe most members of the bar try to be honest and fair in evaluating candidates, others take the survey as an opportunity to slander the applicants they disagree with.

negative bar results influenced by firm size and vindictiveness

I don't really have one, but it won't let me continue without marking something.

As someone who has made the "short list" on several occasions and finished "second" more than once, it appears that there is an insurmountable bias in favor of former prosecutors & criminal defense attorneys, with little value placed on what a candidate w/ business law experience brings to the table.

Selection process appears to be based on being well-known and political

Extreme importance of getting decisions correct given the tremendous impact on other's lives

Not good at politicking and unsure how that may affect my ability to get the support of the local bar.

A person needs "politically correct" alliances otherwise when it comes to the Gov. he/she is wasting their time. Also, of note, is forms like this that don't allow, "other" to be used more than once, thus "transition" being marked as #3.

Ability to continue with private practice if not selected for position.

Neither the magistrate commissions nor the governor have shown interest, through their appointments, in naming women to the bench.

Because the duties of a judge are often repetitive, and judges often deal with the most negative parts of our society, I am concerned that I may become burned out or cynical as a judge.

Residency requirements

By the time, you have enough experience to be a good judge, it is too late to qualify for appropriate retirement, unless you are willing to stay on the bench until you are near 70.

If I put my name in the hopper to be a judge, my partner may see this as disloyalty; that means that if I don't get appointed, my existing position may be jeopardized.

The political aspect of being selected.

Other than judicial selection process, I do not have any concerns, but the survey wouldn't let me move on unless I checked two more circles

The potential physical location of the judgeship-- needing to uproot and move my family.

The selection committees are too heavily persuaded by political factors and the best qualified candidates continue to be overlooked. The political appointments have been disappointing at best by their performance on the bench.

I suspect it could be quite difficult on my family. I do have some not so good history with a prior DUI and putting myself through alcohol treatment. Though my past does not bother me in the least and I am not ashamed of anything I have ever done because it has made me who I am today. Plus, I cannot change the past but only learn and grow from it. That being said, I could see how me becoming a judge could be tough on some of my family members if I were talked down about by others. My decision to ever seriously attempt to take the bench would be a group decision and I would consult and listen to both friends and family.

I am not a republican and this is Idaho.

The anonymity of the survey gives people free reign to slam you, and I have been slammed despite that fact that many people think I am highly qualified and, quite candidly, a much better candidate than several recent appointments. I think it is absurd that a lawyer can be appointed a Magistrate and his first jury trial is from the bench. Seriously, how ridiculous is that. It happens because Magistrates are selected by in part by mayors and commissioners. It's very obviously political. When I apply for a Magistrate position, with 15 years of working in the trenches, and don't even get an interview, and then an attorney who has never had a jury trial gets the nod, it's frustrating. Frankly, most attorneys think the whole selection process is a joke. If this message isn't plain and clear, I am sorry but I can't make it any clearer.

I am house counsel and not otherwise licensed in Idaho to actively practice law. Otherwise, I would be very interested.

The "politics" of the selection process. It seems some individuals get appointed not because of merit or experience, but political reasons

I enjoy advocating for clients and helping people make positive changes in their lives.

My primary concerns about applying for a judicial position are the effect of political partisanship on the judicial selection process and the apparent inclination of some judicial commissions to not consider prosecutors favorably.

generalized anxiety, not just knowledge base, but of screwing up.

I don't have another reason.

I am a sitting magistrate. I have virtually no interest in applying for a District Judge position. The principal reason is I think the magistrate's role is much more fulfilling than I perceive to be the role of a District Judge. We have better interaction with those people who are in our courtrooms; we have enhanced opportunities to actually attempt to solve problems as opposed to simply deciding cases. It's a role that suits me better.

Lack of criminal law experience and concerns with heavy criminal law caseload.

Concerned that failure to have proper "connections" in the old boy network, since I'm a young female, will limit ability to obtain position.

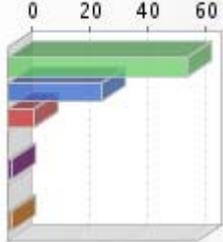
Really only concern is the selection process. Seems highly politicized (especially the appointment process), and arbitrary. The survey/ comment process is particularly troubling on a number of levels. Perception is that it is more of an inquisition than an appointment.

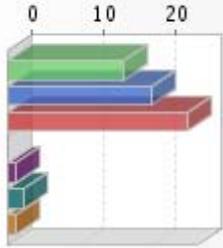
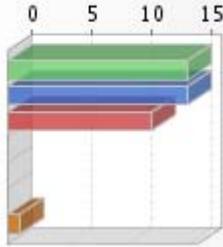
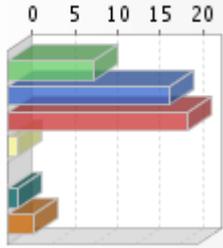
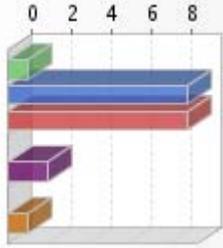
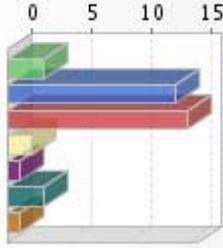
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judiciary lack of responsiveness to the public reflected in part by the significant effort by the bench to avoid democratic selection

Total # of respondents **927**. Statistics based on **113** respondents **0** filtered; **814** skipped.

Please identify your top 3 reasons for not applying (or not applying again):

	View	1	2	3	4	5	6	7		Response total
										
The judicial selection process		59% (62)	30.5% (32)	8.6% (9)	0% (0)	1% (1)	0% (0)	1% (1)		105

Potential election(s) to keep your position	24.6% (16)	30.8% (20)	38.5% (25)	0% (0)	1.5% (1)	3.1% (2)	1.5% (1)		65
Not a career goal	34.9% (15)	34.9% (15)	27.9% (12)	0% (0)	0% (0)	0% (0)	2.3% (1)		43
Inadequate compensation	18.2% (10)	34.5% (19)	38.2% (21)	1.8% (1)	0% (0)	1.8% (1)	5.5% (3)		55
Heavy workloads	4.5% (1)	40.9% (9)	40.9% (9)	0% (0)	9.1% (2)	0% (0)	4.5% (1)		22
Isolation of the judiciary	7.7% (3)	35.9% (14)	38.5% (15)	5.1% (2)	2.6% (1)	7.7% (3)	2.6% (1)		39

Negative perception of judiciary	8.3% (1)	33.3% (4)	41.7% (5)	0% (0)	0% (0)	8.3% (1)	8.3% (1)		12
Do not possess the appropriate experience	35% (7)	40% (8)	20% (4)	0% (0)	5% (1)	0% (0)	0% (0)		20
Transition to the bench	20% (3)	26.7% (4)	40% (6)	6.7% (1)	0% (0)	0% (0)	6.7% (1)		15
Judicial canons governing a judge's conduct are too restrictive	0% (0)	14.3% (1)	71.4% (5)	14.3% (1)	0% (0)	0% (0)	0% (0)		7
Other	40% (26)	21.5% (14)	35.4% (23)	0% (0)	0% (0)	1.5% (1)	1.5% (1)		65

Total # of respondents **927**. Statistics based on **145** respondents **0** filtered; **782** skipped.

Please list your "other" reason from the previous question.

Response
total

Responses

The District Judge appointment is very political.

The peer review process is heavily weighted and easily misleading. Most attorneys don't take the time to fill it out and those that do are after the job so they sway results. Also a person who only gets 5 responses that are good ranks higher than someone with 60 mixed responses. It does not make sense. There is no standard county to county how judges are selected for interviews. The District Court positions are motivated by political views. So, with a Republican Governor for instance, there is no point in applying if you are known in the community for having liberal views. The decisions does not seem to be made on true merit but rather who you know.

My perception is that a transactional attorney would have little chance of being selected for an appellate opening.

the average workday of a magistrate no longer appeals to me as it is essentially six hours in sitting in a courtroom each day reciting the same things over and over and over . . . and then making people unhappy. The job does not pay enough to make me want to do that each day for the rest of my career!

Time wasting

Live out of state

Other.

I believe that my age (63) and how close I am to retirement does not make me a viable candidate.

I'm now too old to make a career change.

Too close to retirement.

Somewhat akin to "lack of experience". I am not a trial attorney. I am a transactional attorney who has never done trial work and lacks in-depth working experience with procedural, evidentiary, and trial process issues.

Currently engaged in a busy law practice, and am devoting considerable time to the Board of Governors of the ABA.

My current age would prohibit it

Now too old.

At 64 the time has undoubtedly passed... previously the selection process was far too political.

I'm 61. By the time I knew what I was doing, I'd retire.

because survey reqd 3 responses

This is tied to the selection process. Any person with good experience and a willingness to advocate for their client in the courtroom makes enemies while barely competent people who cave in to the other side make no such enemies. This also applies to those who rarely or never enter a courtroom until they become a judge.

Too old

My 1 and 2 reasons are the primary reasons I will not apply again. None of the other options was applicable.

too old

I am no longer practicing law because I have gone into full time ministry

Not the kind of work that interests me.

Becoming a judge used to be a career goal, but no longer is.

I am nearing retirement age and am too old for a career change since I would not likely

View

[65](#)

serve long enough on the bench to qualify for retirement.

Obligation to other partners. None of the rest are even an issue but the form required that I complete three so your results will be biased and misleading for this answer.

too political for what should be a non-political position.

Politics.

The anonymous bar survey is concerning.

Over the years my priorities have changed

The Idaho judiciary is one of the least objective benches around. Decisions are made based not on the merits of the case, but rather the ideological predispositions of the judge. For this reason, I am unlikely ever to seek a judgeship

I live out of state.

Reside outside Idaho

the "shroud of secrecy", lack of transparency and perception of a good old boys club especially in the selection process

There is not enough flexibility in the position to allow me to pursue my community and church activities, such as volunteering for various groups and participating at my son's school and extracurricular events.

I applied once; not chosen. Don't propose to apply again as job given to a much junior attorney.

It appears to me that the work has become extremely bureaucratic and boring, especially in the area of criminal arraignments and sentencings.

Previously served and retired. Too much travel involved. Crappy caseload assignments in other counties. Too much job-related stress.

I am not a member of the good-old-boy network, and thus do not feel that I have any realistic chance of ever being chosen. I do not feel that judicial appointments are based on merit, but instead on connections.

personal

The current system penalizes a magistrate who has been on the bench for a significant period of time if he moves to the District Court. A unified system in ALL RESPECTS is what is needed.

I have the impression that anyone who has any health issue would not be favorably considered, that he or she would be edited out of consideration early in the process.

To be appointed to the bench it appears that someone has to have a prosecutor background, so there is no point in bothering if I have not served in that position

Part of the selection process is being "rated" by my peers, who continually use that process to attack my character and reputation without having to disclose who they are and the bias they hold because I am a very good, very conservative, pro-community advocate against the criminals they represent. They actually laugh about "rating" prosecutors poorly. I think our bar members have no ethics or morals when it comes to this process.

I was a transaction attorney, so chances of being selected are minimal, even though I personally don't see lack of trial experience as overly critical,

It is a variety of factors that impact such a decision.

Not intelligent enough

I am not interested in the lobbying that appears to be necessary to obtain a judicial position.

It is my perception that an individual has to have political connections in order to have a good chance of being appointed to the bench.

My interest is in problem-solving. At one time I would have applied to be Idaho's first Family Court Ombudsman if such a position were created. I believe I would chafe under the limits of the judicial role - especially as I observed evidence the borderline unethical practices of the attorneys who simply run up their clients (and opponents) fees unnecessarily through excessive discovery and delay.

I am near retirement

Age - Time has passed me by and I have nearly reached retirement age.

Much of a judge's work (especially a magistrate) is extremely routine and lacks intellectual challenge.

I applied for several positions as a district court judge. The selection committee seem intent on protecting the local bar members and does not provide access for a lifetime Idaho resident who spent his professional career serving our Nation in the US military. After 31 years of service with 8 as a trial judge, I was told I needed to practice law in the state of Idaho for 5-10 years and then apply. This ignores service to our Nation and the many years developing the skills as a trial judge and the many letters of support from the members of the military bar familiar with an individual's competency as a trial judge and attorney. I now serve as a Federal ALJ and turned down positions as an Immigration judge and appellate ALJ. Rather than welcome one home to the state where I was born raised and my family was born, I was treated as an outsider. Your survey questions why qualified applicants do not apply, perhaps it is because your selection committee is determined to act as a bar to those well qualified to sit as trial judges so as to protect the local bar membership.

Survey wouldn't let me just list 2.

I am a federal administrative law judge. The pay is far better, the benefits are far better, I have better control over my docket, I do not face elections, and my name is never in the paper.

My experience has led me to believe that if you are a minority or a woman and have had high profile jobs where you have had to make tough decisions, your chances of moving being appointed to the bench in Idaho, no matter how competent or experienced you are are slim to none and slim just walked out the door.

Physical demands of the job - not sure I could sit for that long every day.

Political process is unfair

Blogs

I have a very successful practice and at times believe I can be more effective actually helping people as a litigator than as a judge.

The selection of district judges, in my opinion, is a sham. It boils down to pure politics and not ability. I would only consider the election process if the desire to seek a judicial position were ever my goal.

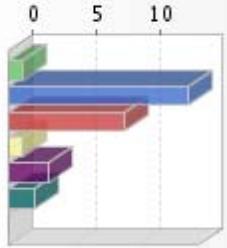
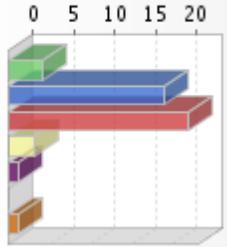
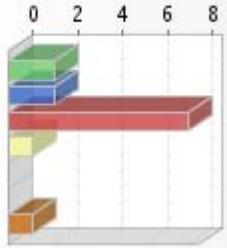
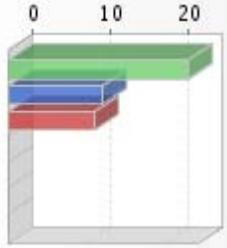
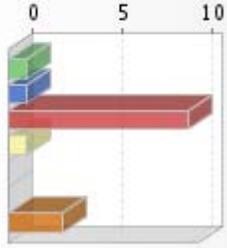
I am a judge now.

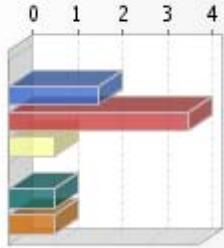
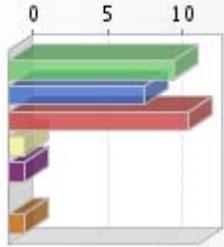
Inadequate compensation is really the only answer. Otherwise, I would have applied many times until appointed.

The application and selection process for magistrates is a joke in this district if you are a woman or minority.

Why are you NOT interested in becoming a judge? (Please rank the top 3 reasons with 1 being the top reason.)

View	1	2	3	4	5	6	7		Response total
The judicial selection process	32.9% (26)	32.9% (26)	24.1% (19)	5.1% (4)	0% (0)	5.1% (4)	0% (0)		79
Potential election(s) to keep your position	6% (3)	42% (21)	40% (20)	4% (2)	4% (2)	2% (1)	2% (1)		50
Not a career goal	60.6% (66)	20.2% (22)	16.5% (18)	1.8% (2)	0.9% (1)	0% (0)	0% (0)		109
Inadequate compensation	26.3% (20)	38.2% (29)	30.3% (23)	3.9% (3)	1.3% (1)	0% (0)	0% (0)		76

Heavy workloads	3.3% (1)	46.7% (14)	30% (9)	3.3% (1)	10% (3)	6.7% (2)	0% (0)		30
Isolation of the judiciary	8% (4)	38% (19)	44% (22)	6% (3)	2% (1)	0% (0)	2% (1)		50
Negative perception of judiciary	14.3% (2)	14.3% (2)	57.1% (8)	7.1% (1)	0% (0)	0% (0)	7.1% (1)		14
Do not possess the appropriate experience	50% (23)	26.1% (12)	23.9% (11)	0% (0)	0% (0)	0% (0)	0% (0)		46
Transition to the bench	6.2% (1)	6.2% (1)	62.5% (10)	6.2% (1)	0% (0)	0% (0)	18.8% (3)		16

Judicial canons governing a judge's conduct are too restrictive	0% (0)	22.2% (2)	44.4% (4)	11.1% (1)	0% (0)	11.1% (1)	11.1% (1)		9
Other	31.4% (11)	25.7% (9)	34.3% (12)	2.9% (1)	2.9% (1)	0% (0)	2.9% (1)		35

Total # of respondents **927**. Statistics based on **159** respondents **0** filtered; **768** skipped.

Please list your "other" reason from the previous question.

Response total

Responses

- The possibility of threats to safety of self and family
- Plan to retire within the next 5 -7 years
- Not interested in becoming a judge.
- I acknowledge that I lack judicial temperament. I am highly successful as an advocate.
- too many bosses, little flexibility in work schedule too many criminal cases just no desire or ambition to become a judge, respect those that are, but it isn't for me
- Would not enjoy the work environment.
- I'm now too old
- It really seems too boring
- I don't have judicial temperament,I make up my mind and tend to be more adversarial.
- no thank you
- I don't think I would enjoy it, and wouldn't be very good at it.
- The type of work does not interest me. I really enjoy private practice, and do not enjoy litigation.

View

35

This is really easy. I have wanted to share this with someone who wanted to know for a long time. Here's the problem. If you look at very many counties, there are judges on the bench whose job as a judge is the highest paid position of their life. They go from county prosecutor to judge or they go from county public defender to judge, etc. When you look at the list of attorneys running for judge, many of them will often double their income if they become a judge. The fact is that a really smart judge, like Randy Smith, is worth twice as much as the job pays and he can do three times the work of the "average" judge. Don't think I am overstating this. Randy Smith mediated 150+ cases a year. I seriously doubt that all other district court judges combined mediated 150+ cases a year. How much did that save the system? Did that save an extra \$100k that he could have been paid? You may think that Randy Smith is an exception, and in many ways he was the exception. But there are really good lawyers in private practice that are as good as Randy Smith, but they cannot take the pay cut for the position. If you want really good candidates, and I think we should, then we need to really increase the pay a substantial amount. I know there are studies that justify the current pay. People who rely on these should stop thinking like someone justifying the pay and start thinking like a business guy wanting the best people to run his business. And that is what the district judges are: People who run the third branch of government. If you want more qualified applicants, we need to really increase the pay--substantially. The state can find money for welfare projects and other programs, yet the key third branch of government, our judges, are not getting paid enough to attract the best talent. Consequently, the third branch of government is much weaker than it needs to be and the whole system suffers. Let me put it a different way, if you get applicants with mediocre talent, you get a mediocre judge and mediocre rulings. All that judge has to do is make some really bad rulings and then appeals follow. This means that 5 judges on appeal have their time taken to fix the problem. This means that clerks' time is taken to fix the problem. This means that lawyers' time is taken to fix the problem. The whole system slows down like a computer with some virus having to work harder because a judge infected the judicial system with a really bad decision, a decision that could have been avoided with a really good judge who could have been hired if we would just pay these folks enough to attract the best talent. So for what it's worth, we need to move away from saying that our judges get paid competitively with other states and attract the best talent with more money.

pay

don't want a full time position

No interest in criminal matters, which are likely to predominate any judge's docket.

Work does not seem very interesting, especially criminal.

The courts' abandonment of the rule of law and principled, predictable decision making.

I think I would find being a referee rather than a participant exceedingly boring.

I can make a ton more money than a judge can make. Why would any attorney worth anything give up a lucrative practice to get paid crap? That's why you get prosecutors and crappy attorneys who apply to be judges. And there is no prestige in the position. Who would want to spend their day resolving inconsequential disputes or drafting scheduling orders or completing other mundane administrative tasks? And most courthouses I've been to in Idaho are old and run down - they have bad energy - not a place where I would want to go on a daily basis.

At first, when younger, did not want to take a cut in pay. Later, when older, felt too old and lack of interest.

background check and prior history is problematic

Retired. No longer interested in becoming a judge.

campaign financing for judicial elections

The ultimate selection by the Governor is based on "who you know", i.e., political affiliation, which, in my opinion, has no place in the judiciary.

Concern of incompatibility with my lifestyle.

Little contact with clients (parties).

just not interested

Inadequate salaries.

No interest in criminal law or working in the criminal justice system.

Do not like criminal law.

I am not involved in trial work and don't have the desire to re-learn rules of evidence, procedure, etc.

The position is undesirable because of the disproportionate amount of criminal and domestic relations case work.

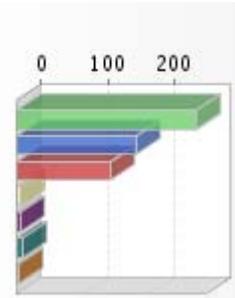
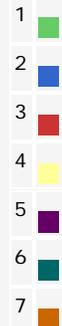
want to keep law firm together

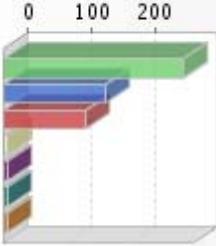
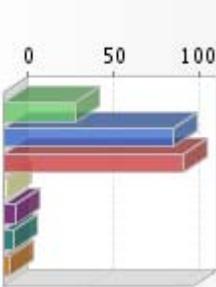
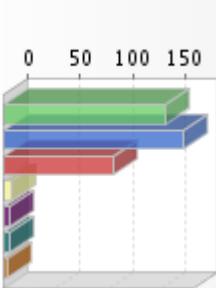
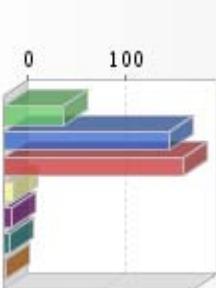
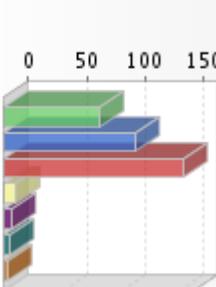
Do not have personality to be a judge

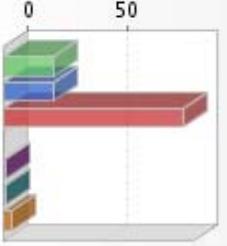
Total # of respondents **927**. Statistics based on **35** respondents **0** filtered; **892** skipped.

In order to attract the highest caliber of applicants for judicial openings it is most important to: (Please rank the top 3 actions with 1 being the top action.)

View	Rank							Response total
	1	2	3	4	5	6	7	
Increase compensation	44.3% (270)	29.2% (178)	23% (140)	1% (6)	0.7% (4)	1.3% (8)	0.5% (3)	609



Change the selection process	48% (282)	27% (159)	21.8% (128)	1% (6)	0.9% (5)	0.7% (4)	0.7% (4)		588
Raise the qualifications	16% (42)	37.6% (99)	39.9% (105)	0.8% (2)	2.7% (7)	1.9% (5)	1.1% (3)		263
Eliminate contested elections	34.3% (154)	38.3% (172)	23.2% (104)	1.6% (7)	1.1% (5)	1.1% (5)	0.4% (2)		449
Promote judicial opportunities	13.9% (61)	38.6% (169)	42% (184)	2.3% (10)	1.8% (8)	1.1% (5)	0.2% (1)		438
Educate members of the bar regarding judicial selection processes	22.1% (82)	30.2% (112)	41.2% (153)	2.7% (10)	1.6% (6)	1.3% (5)	0.8% (3)		371

Other	17% (25)	17% (25)	61.9% (91)	0% (0)	0.7% (1)	0.7% (1)	2.7% (4)		147
Total # of respondents 927 . Statistics based on 927 respondents 0 filtered; 0 skipped.									

Please list your "other" reason from the previous question. **Response total**

Responses

- Again, the methoadoogy of what you can check makes no sense. Please disregard my survey for this reason. I am just trying to get through it.
- Create "pro-tem" and part-time opportunities for highly qualified senior members of the bar who are interested in public service, need only moderate compensation, and are looking for an alternative to full retirement.
- I din't agree with any other choices. I don't think there is a terrible problem with getting qualified applicants
- lack of adequate court administration
- Appeal more to female applicants. i.e. have a female on the bench
- Again, I would like to live in McCall and work in Weiser or Cascade, but can't live outside the judicial district. I also think the judiciary's perceived heavy case load is a deterrent to some.
- It would be important to de-politicize the judicial selection process. It would probaably also help to change the manner in which people are appointed to the Judicial Council. It might also help to provide greater scrutiny of the manner in which governors make their choices for judicial appointments. This could involve greater transparency of the reasons certain selections are made, including an inquiry into the political contributions, campaign work, and party connections of the person selected for either the short list or for the position.
- Other
- The role of judge is too promotive of over-solemnity. I have seen too many of my colleagues who have become judges lose their joi d'vivre. Life is too wondrous for such a trade off.
- None
- more job security
- Liberals and Mormans picking judges in a conservative state.
- Increase opportunities for members of the bar to interact with judges about the position.
- More specialization among judges
- No change is necessary. We have a fine bunch of judges.
- My first two choices are sufficient.
- I think more qualified women would apply if there was a more flexible work schedule so that work and family needs can be better met. Either four 10-hour days, or offering part-time judicial positions and putting two part-time judges on a calendar, would be some ideas.
- n/a

View

147

The best judicial job is: 1. Idaho Supreme Court; 2. Ada County Juvenile Court Judge. 3. Ada County Traffic Court/Misdeamom Judge. I would consider those. The worst judicial jobs are: 1. District Court Judges - little pay for the complexity and difficulty of the work; 2. Ada county Family Law Judges-putting up with ridiculous pro se family law cases. 3. Idaho Court of Appeals-all the criminal appeals that the Supreme Court does not want.

personal and don't care to share

n/a

I don't have a third selection. It won't let me go on without a third, so this was it.

None of the other option expressed my feelings, so I selected other.

i CAN'T THINK OF ANOTHER, AND I ONLY THINK THE TWO I MARKED APPLY

IIIIIIIIIIIIIIIIIIII

Improve benefits.

Perhaps there's a way to implement a program where members of the Bar who are unsure about whether they are interested in the judiciary could "shadow" a judge for a day. Another alternative would be putting on more presentations by members of the judiciary regarding the judicial selection process and regarding the details of a judge's or justice's position, experiences, etc. on the bench.

I think the work load is perceived, correctly, as unreasonable. More judicial positions sharing the work load might well result in more applicants.

I did not intend to list "other", but can't go back in the survey....

Improve the judiciary's image and you will get increased number of qualified applicants. As is evident from recent elections, the court is viewed as not 'tuned in' to rest of the state.

x

Remove the residency requirement for each county

Increase compensation!?! If any of these folks think they can make more money with as little work, let them. They will be easily replaced by similarly qualified people. Judicial elections are the only check we have and we should have it for magistrates as well. Why do you think our federal judiciary is so poor?

disgust with the politicizing of the process

Select judges with wider experience in the world. Today most judges primary or only experience has been as a government employee.

The criminal caseload side consumes too much of a dj's time

I'm not sure of the current qualifications, but possibly "lower" the qualifications to ensure more people apply. The more people that apply, the better you can ensure that you're choosing the best candidate.

*

Again, 1 and 2 are the primary issues, however, it depends upon whether you are talking about Magistrate or District. Elections is the biggest problem with district judges, the selection process is the biggest problem with magistrate positions.

Make attorneys who are not politically "connected" feel like they have a chance in hell to be appointed.

The "other" is the same as the first reason - inadequate compensation.

It is important that our judiciary better reflect the diversity of our state's citizens so that all of our state's citizens feel someone among those tasked with defending our fundamental rights and freedoms understands their diverse perspective and how encountering discrimination and barriers to full participation in our society impacts that individual's life. Racial, gender, religious, disability-based, and sexual-orientation-based discrimination still persist here in Idaho and elsewhere. As an under-40 straight white woman who's spent about half of my life in Idaho (off and on), I've seen it, heard it, and experienced it. As much as I understand the desire to believe that we live in a color-blind, gender-blind, equal opportunity state, that simply is not reality in many of our communities. Factors of diversity should be taken into consideration as a positive attribute that a candidate brings, not ignored.

unknown

I think the workloads are a problem. "A Judge's job is never done"

Decrease workload requirements

If you are going to keep elected or appointed lay persons involved in the process make them accept personal contact from the applicants.

none

Reduce workloads

I would have chosen "change the selection process" as my 1, 2, and 3 top picks, but wasn't allowed to. So, I picked other and increase qualifications as the other 2. Right now, the selection process seems to be largely a blend of a popularity contest (through the surveys) and a political contest. By this I mean that it is fairly well known that many attorneys "rig" the surveys by giving low marks to all but the one they want to be chosen. Also, despite rules against it, many candiditates "lobby" to get the position. This is done either directly or through third parties. It is certainly not uncommon for a magistrate's commission member to be contacted regarding candidates. The current process frequently fails to pick the best candidate and certainly discourages many from applying. Due to the "popularity contest" aspect, many attorneys who would be excellent judges do not apply.

Pick some females. In eastern Idaho and throughout the state we could use more female judges.

I only had the primary reason, but the form required three.

The magistrate and judicial commissions are inherently political, despite the charge otherwise. A person grooming himself for a judicial position presently is wiser to develop relationships with important people rather than develop his legal skills

Unscrupulous individuals can use peer reviews to exact personal vendettas. I applied for numerous magistrate positions from 2003-2004. I consistently got low peer reviews. I believe the reviews said I was unethical or untrustworthy. I have a security clearance above top secret. I cannot have anything unethical in my background or the FBI would have found it. I believe in law school I crossed a clique and each time they saw my name come up for peer review they submitted false information. The one time I got an interview, I placed second on the order of merit list out of over 15 people.

Remove politics from the selection process in having district court judges appointed and simply having retention elections. Get rid of the politics in the magistrate selection process

no thank you

Really, I'm just guessing. I've had many friends & colleagues apply to be magistrates or judges, and I had no idea the number of applicants is decreasing. I don't have any idea why that is the case.

Eliminating the perception that the only good judges are the lawyers who have years of litigation practice

Is it necessary for the bar survey to be anonymous?

None.

There needs to be a priority committment from state government to create new judgeships when the caseloads require it, not when the budgets allow it.

Reliance upon statewide attorney surveys provides incomplete picture where district wide appointment being considered.

Have judges participate in educating the bar about the day to day realities of the judicial position.

Judicial workload, assignments.

Provide an environment where a judge can do her job and not be burdened with too much work load.

I think some of the visiting judges are traveling way to much.

Judges, especially Magistrate and District Judges, need more support staff and law clerks.

lighten workload

increase training opportunities specific for judicial appointment - CLEs.

See my other response

See earlier answer - Idaho is an incestuous bar, and it promotes based on connections rather than merit.

As it stands, the selection process is not based on qualifications (in the perception of the Bar, as borne out by many appointments). It's a political "who you know" process. Until it's a qualification based process without the politics, most of us don't want to go through the hassle and the utter crap (pardon the expression, but it's more polite than the word we generally use in discussion of the subject).

Reduce the routine, paper-pushing, tedious workload, or add clerks to assist with those burdens.

take politics out of the process - an election can be 'bought' with enough donor-supplied advertising money.

Private practice provides a great deal of "freedom" that I don't believe is enjoyed in public sector and judiciary. I believe that many of the most talented and brightest minds understand that the compensation is better and the flexibility of private practice (e.g. setting your own schedule, being selective on cases you accept, working from home, etc.) allows a potentially higher quality of living for the lawyer and his/her family.

Perhaps applications to judgeships are not unlike applications to other govt/public sector legal jobs and are very tied to the economy. Perhaps if you were to look at judgeship applications over the past year, you would find a very different applicant pool than 2 or 3 years ago. It may be that the economy has already corrected this since we are seeing about 50 applicants for each position where I work.

Take politics and "good ole boy" mentality from the process. It is far better in Idaho than in Oregon. But to become a judge here seems to be more dependant on who you know than how good you may be in that position.

Selection is far too political - totally under-qualified applicants are being appointed based on political considerations. The best, most qualified applicants are not getting the jobs, i.e. appointment of Berecz over Cosho in Ada county. Ann Cosho was qualified for that job when Berecz was still in grade school, and she'll be teaching him at judicial college. The selection process has become a farce, and everyone knows it. Unless Ann becomes a prosecutor and republican, she has no chance. It's pathetic. Governor Otter's recent, totally politically based manipulation of the magistrate commission illustrates that Idaho has no interest in appointing the most qualified applicants, and several attorneys I know of have simply decided to refuse to participate in such a sham. A significant percentage of recent appointments don't have a clue how to do their jobs, resulting in backlogs and delays in processing cases. A recent appointment to magistrate asked me the question "Where's the authority for misdemeanor probation being a year long?" He's clueless, and has to learn the job on the fly. The selection process is a joke. And Darla Williamson recently manipulated the feedback process in Ada county to include only "selected" attorneys that wouldn't criticize this garbage. Why should qualified applicants participate in this farce?

When I went from private practice to the bench, I transitioned from top-notch secretarial staff to clerks who could barely type. The magistrate job would be a lot more attractive if they had more control over their staff and calendars. Also, magistrates should be selected by their peers - not by the current political process. I know, because I served for years as attorney member of our magistrate commission.

Frankly, beyond that compensation issue I do not know what would attract more and better qualified applicants.

Small group of business/insurance and large Boise firms with connections to the Governor control the process for District and Supreme Court Selections which deters truly capable and independent minded lawyers from applying. Successful applicants are those who will look over their shoulder all the time to avoid irritating those who will run candidates against them or use the various arms of the Supreme Court and legislature to harass them or eliminate them. No one with any real experience has much faith in the process. The weak reputation of the Idaho Supreme Court is evident by how few cases are cited as authority by other state courts or even our own Federal Courts.

It was checked because the other options were not realistic concerns within my experience.

I think that they just pick prosecutors for the magistrate and district judge positions, so attorneys who are not prosecutors are discouraged from applying. I also think that there is an unwarranted bias in favor of promoting sitting judges to the appellate bench. I also think that the selection committee should not include sitting judges. There is a checks and balances problem here. When Justice Schroeder retired, he was on the committee that picked this list of candidates from which the governor could choose Justice Schroeder's successor. This smacks more of royalty than democracy.

eliminate the politics

A one level unified court system would encourage some of the currently serving magistrates to consider the District Judge positions.

Provide either monetary or flexible incentives (housing, flex time, accelerated retirement) for hard to fill positions, allowing greater incentives for more experience. Those with the greatest experience usually have more to sacrifice to serve. Also, create a supplemental application process if in the judgment of the council or commission there has been an inadequate response.

Judges shouldn't be jacks of all trades - judges should only sit on cases in which they have specialization.

There must be a reasonable degree of predictability in the judicial process for the courts to be viewed by lawyers as worthy of their personal commitment.

Have standard questions to be asked by the selection body and let the candidates know those in advanced. Set standards to be considered so applicants understand how the criteria and process works.

There is not a dialogue between members of the bar and the judicial selection committee. Every time I have expressed serious misgivings about a judicial candidate, that candidate has been appointed to the bench.

Educate the people selecting the candidates so they understand the bias and prejudice built in to the selection process. Create a non-biased process that takes the lawyers out of the process. Put judges and elected officials on the screening/selection commissions and take the power of appointment out of the "rating" process.

I really only had ONE answer, but the form required me to choose three...my second and third DO NOT really apply. Raise the standards. That's my only answer.

provide classes on transition so applicants will feel qualified

Again, the answers did not fit the question. I think you go out of your way to let people know of open positions. While I haven't applied myself I have watched others apply. I haven't applied because the area that I want to practice in has not come open and rarely does. It has been my observation that when they do come open it's not always the best qualified that gets the position, but the local person who knows everyone.

We should allow Judges to keep a temporary residence in the County where they are appointed, or have their permanent residence nearby but not in the County. Example, people would rather live in Boise than Mountain Home.

isolation

Recruit judges that enjoy their job. lack of collegiality.

Judges have an immense workload and do not always have the support of county commissioners to hire law clerks or otherwise deal with the burden they bear. Lawyers who are ill-prepared and who file frivolous lawsuits and motions contribute to the problem.

stop excluding public defenders from process

Maybe if the courts separated the duties of various judges so some judges only handle civil matters and others only handling criminal matters. I would never want to handle a criminal matter - lame.

It seems to me there is a large "political" aspect to these elections, no matter what the type of judge. Judges basically run for the positions and get supporters lined up. Take for instance the District Court position in Rexburg which was highly political. I don't know if you can ever eliminate this, but it makes myself not interested in the position.

There should be some effort to evaluate necessary judicial skills (legal acumen, listening, judgment, impartiality, etc.) with the selection process, which is currently weighted towards trial advocacy and social skills.

Ignore answer 12. The survey does not allow a respondent to refrain from answering.

Don't force me to have three reasons. Inadequate compensation is, in my view, the most important reason for not having the very best applicants.

Change forms so they don't imply that if you don't have substantial recent trial experience you shouldn't bother applying.

eliminate the politics of "who you Know" in order to get selected

I've consistently observed very well qualified candidates not be selected based upon perceived political allegiance and not with regard to their ability to perform well as judicial officers. that has turned me off to the whole system. I am unsure about elections, but know we've lost at least 2 exceptional jurists due to contested elections for the Supreme Court and I'm bothered by that. I wish I felt the "Missouri" system worked better - but have been disappointed by what I've seen in Magistrate selections of late, as "good old boys" get selected over better qualified and better fit candidates.

more perks

provide better training

I think high caliber candidates are already attracted to the bench.

Would like to see the selection process include testing--with written decisions--from hypothetical case files. The problem with the existing system, is that lawyers who are not well known--for example those that do not deal with other local lawyers (e.g. because they litigate in Tax Court and other federal courts) are not likely to be selected

No changes are required

All ratings should be done by mail. The electronic ratings are difficult to do and can be overlooked or skewed by negative remarks or ratings. Many lawyers do not have the time to devote to the electronic ratings. Go back to mail.

Be more open to accept progressive candidates.

Emphasize the public service and duty aspects of judicial service (INSTEAD of increased compensation)

have judges talk about their process, concerns, and preparation for the position

Provide for Justices from each geographic region in the state.

magistrates commission too political and conservative

By discriminating against those that are highly qualified to sit as judges, the State discourages highly qualified individuals from applying. Were the committee truly looking at qualifications of those applying and not looking to protect local bar members, they would encourage well qualified individuals to apply. There are many highly qualified individuals that may not live in a local community that could provide service as a trial judge. Justice is to be blind, then an individual should not be bound to any one local group or constituency. Rather, someone with high qualities as a trial judge would owe allegiance to no one person or group and be free to render decisions free of outside influences based upon the law and facts of a case.

?

Provide longer terms between elections(eight or ten years instead of four) (if elections cannot be eliminated), and make the period for vesting in the District Judges' retirement system shorter.

the current DQ rules make the judges the targets of endless speculation about the judges by the attorneys as to why things happen like they do, they promote vindictiveness by the attorneys (dont like the ruling-DQ the judge), and they result in more travel and longer hours for the judges

None

I perceive, and I think many other attorneys believe, that the selection process for judges is highly political and not really based on merit. I think more effort must be made to make sure judges are selected on merit and not on any other reason.

The retirement system should be modified so that the judge can qualify for full retirement after less time on the bench.

Better training for new judges.

Educate bar members re: training opportunities upon appointment to the bench.

Offer some kind of student loan forgiveness.

bifurcate civil and criminal case loads

The Judicial Council's heavy reliance on the bar's rating system disproportionately advantages those who can manipulate the scoring.

Don't really have one. Just needed to have three in order to move on. I think if the elections were done away with or modified and the compensation was increased, you would get more applicants. I think we get qualified applicants now, so the question is some what loaded.

With some exceptions, I think the judiciary is generally not highly regarded for scholarship, high-mindedness, wisdom and similar qualities (that are admittedly difficult to quantify). This works as a self-fulfilling prophecy -- fewer excellent people apply resulting in a generally lower level of excellence among those who hold the positions, resulting in less interest in the positions among excellent persons. This would presumably change over time if more and more excellent persons took the bench, but I don't pretend to know exactly how you break the vicious cycle.

Lack of diversity is a serious problem and has discouraged women and minorities from applying. The last 38 state court judges have been white men.

Encourage a court-sanctioned ADR option (for civil cases) to allow volunteer practitioners the opportunity to act as the adjudicator.

Qualifications should also include characteristics of fairness, impartiality and not being arrogant and pompous.

I'm not sure that attorneys that believe they are able to make the best decisions as a judge are the ones that should be making the decisions. Yet it is exactly those attorneys that apply for judgeships. The best attorneys for the job may well be the attorneys that will never apply because of the inherent difficulty of making tough decisions and a realization that judging individuals is a very heavy burden.

The selection process must be more than a resume review, a brief interview and selection of new judge, usually in one day. Hiring administrative staff is a more in depth interview process than what judicial candidates face. Candidates are being selected that really don't have any experience in the type of hearings that judicial position will be hearing.

I don't have an appropriate 3rd choice from the list to choose from so I chose other

Find lawyers outside of government employment to become judges. In particular, the judiciary comprises too many former prosecutors.

Lower qualifications - maybe less experience required?

Judges have no life.

When I watched interviews for a magistrate position there was no female representation among the magistrate commission and two female applicants who interviewed. They appeared to be at a disadvantage from the start.

a combination of all of the above

Provide information regarding judicial support available, lawclerks, clerical etc.

none of the other issues seemed to fit

Establish civil versus criminal divisions in court.

Again, selection process is the only real issue here.

have all judges stand for contested election every few years and limit terms

Total # of respondents **927**. Statistics based on **147** respondents **0** filtered; **780** skipped.

What is your perception of the role that politics and/or party affiliation play, if any, in judicial selection?

Response total

Responses

Politics and party affiliation is significant in the final selection of District Judges and appellate judges by the Governor but is not significant in the selection of magistrates or in the Judicial Counsel.

None

I believe it plays a significant role. It shouldn't as judges should disassociate themselves from politics.

In selecting a district judge, party affiliation is everything.

I believe it plays a role in the district and appellate appointments and elections. Not so much at the Magistrate level.

Politics does not play a role at the Judicial Council level but does play an important role at the level of Gubernatorial appointment.

Party affiliation is not a factor until the final selection is made and it depends on who is governor. Some governors do not consider party affiliation and some do not.

politics and party affiliation are important in governor appointments. the executive branch should not be appointing judges.

One or two individuals in each region who have the Governor's ear determine the selection.

I play too much of a role. I do not believe it has anything to do with the qualification of a person or by a good judge.

While it hasn't always been the case, my current perception is that political affiliation is the overriding consideration in selection to District and Appellate Court positions. It is unfortunate that, with respect to District Court positions, the candidates are not even interviewed by the Governor, which tends to enforce the perception that the appointment is made without real regard for the applicant's individual qualifications. I don't believe politics plays nearly as significant a role in magistrate selection, and I believe the magistrate bench has benefited greatly from that circumstance.

Politics is the chief factor once the Judicial Council makes its selections

My fear is that people are forced to disclose their political beliefs on hot button issues (abortion, death penalty, etc.) especially when it comes to the higher courts. This forces potential judges to essentially commit to HOW they would rule on a case without knowing any of the facts or legal arguments.

It is my perception that politics and party affiliation play an enormous role in the appointment of a judge in this state. It appears that there is almost no reason to apply if a lawyer is not affiliated with the correct party.

pretty strong in Idaho

very little role

If not politically connected, the chances of being appointed are slim.

They control more than any qualifications or merit do.

I feel it plays a very limited role.

Usually fairly low, but in certain contested elections that occurred from time to time, it manifests itself in bizarre and inappropriate ways

I have no way to gauge. My belief is that it is difficult to become a District Judge in Idaho unless you have been a Magistrate Judge first, or have significant (15-20 years) experience.

Judging from the people who are selected, I suspect that there is a strong tendency to evaluate candidates on something other than qualifications.

large (and I would include religion along with politics)

View

800

Too much!!!

Very partisan

It seems that party affiliation plays a significant role in the process

It should not play a predominant role.

I believe politics play some part, mostly regarding the type of law an attorney practices and his/her personal contacts.

Republicans get appointed

Seems that appointments are based upon party affiliation.

My perception is that politics plays an increasing role the higher the level of court for which candidates are being sought.

High

Some

There is the continued threat of being removed by the election process by special interest groups.

I think that the magistrate slots are the most susceptible to inappropriate political influence by the members of the commission. Above that level, it is unreasonable to believe that a gubernatorial appointment would be otherwise

No perception of an improper role.

The Governor will necessarily consider party affiliation, but I do not think that politics comes into play at the Magistrate Division.

I believe it plays a very significant role.

Since the politicians are involved in the selection process, I suspect the politics plays some role in the process, but I don't think it overruns the process.

It is overwhelming

Politics is the determining factor in selection of judges.

I think it has some significance inasmuch as it speaks to judicial philosophy and guiding principles the judge espouses. A judge can be neutral while at the same time being guided by a judicial philosophy that some may label as political. On the other hand, a judge may espouse a philosophy that is counter-productive to the judicial role, which some may label as political. I think judges have an obligation to candidly state their judicial philosophies, even if such philosophies may be deemed by some to be political matters.

Significant role

I think that a Republican is going to have a distinct advantage and be factored in by the selection committee.

It depends on the area of the state. At times, an applicant's party affiliation has a large influence on the selection process, especially if the individual has been outspoken about related issues.

Party affiliation/politics should have no role in the selection of judges. Judges should not and cannot be made to run for office on a platform like a politician.

I do not think that it plays any role until the final selection

one party state

I think party affiliation plays a very strong role in the judicial selection process

None

Clearly, it plays an important part of the process, particularly for appellate judgeships. And I think it's a bit disingenuous for anyone to pretend otherwise. Nor do I find this particularly troubling -- as among equally qualified candidates, it is only natural to prefer one whose views and experience are more aligned with your own.

I do not believe it plays a great role in state judicial selections

Significant

In recent years judicial elections are becoming more political and lawyers believe that judges are basing decisions on whether they will hurt their reelection chances.

That the selection committee is unlikely to appoint someone with political views which conflict with their own.

It is very high, if you don't have the proper "connectins" you have little or no chance.

I always hope this doesn't play into judicial selection at all but, unfortunately, it does once the names are provided to the governor. I don't believe it has any play at the Judicial Council level.

They play a huge part.

Politics play a 25% role in judicial selection. Also, certain it appears as though judicial candidates are selected from a couple of firms only.

Politics and party affiliation play an enormous role in Idaho judicial selection. From the Governor's appointment process to the elections themselves, it is all tainted by politics.

Shouldn't play any.

Some role is played, as we have elections. However, I don't think it's as big as in other states.

In the recent past, it is clear that party affiliation plays an extremely important role. Elections demonstrate that one must be affiliated with the Republican party in order to win a seat on the bench.

My hope is that it doesn't, but fear that it does

I imagine it to be the top priority and little or no room for other considerations at every level except magistrate, where I assume because there is a selection committee, it is less political.

allot.

It's who you know, not what you know.

I don't know

The process is extremely political, although I don't believe that party politics are much of an issue most of the time.

I have practiced 40years this Sept. When I applied for a SC position, the questions from the non lawyers were rude and the bias was evident. One judge memeber opined" its nice to see the cream come to the top". I would never apply again, even if younger. Any person who applies should be treated with dignity and respect.

Although applicants for election or appointment do not declare a party, they are often well known and their party affiliation is not a secret. It does appear to be a factor. Perhaps not overwhelming, as many applicants tend to be from the same party, in which case it is very minimal. However, it still may be a deciding factor to people who have no other basis for an informed decision.

It is my perception that politics and party affiliation play a huge role in judicial selection.

Depends upon the area of the state. Politics plays a huge role and is dependent upon a candidate's affiliations etc.

Political considerations elevate weak and mediocre candidates so they can compete with more qualified candidates for judicial positions.

I think that politics and/or party affiliation play too important a role in judicial selection, particularly at the district court and appellate judge levels.

No opinion

I don't think that politics or party affiliation play a part in judicial selection of magistrates. It certainly plays a part for the governor's appointment and that should be done away with. The Judicial Committee's nomination for district judges and appellate judges should be confirmed by the supreme court.

They appear to play a significant part.

Too much of a role.

much too great a role! having the governor select district and appellate judges may not be the worst way to get the best judges, and it may not be the best way to get the worst judges, but it certainly is not the best way to get the best judges.

I believe it plays a big role in the selection process. I believe an applicant has a much better chance of being selected or recommended to the governor based on his or her political activity and party affiliation. Depending on the governor making the selections I think your political activity or party affiliation will make or break your chances of being selected or appointed.

I do believe that members of the majority party have an advantage. It's just the way Idaho is.

As I've indicated, my perception is that politics and party affiliation play a huge role. I would like to think that I'm wrong, but I fear not. There is at least one local judge who, in my view, was appointed due only to political connections and not due to merit in any way.

It does. It always will. It is the nature of the system of government. We need not lament that, it just is. Idaho's system is at least partly merit based. That is good.

It depends in part on the governor, but in general the role is minimal

I don't know in district judge and appellate justice selection, I have never had any first hand experience. I have had first hand experience in magistrate selection and it came across to me that the persons who were well known to the commission members regardless of their actual legal abilities fared better than those who were perhaps less well known or politically connected but had superior legal abilities.

Politics plays a significant sometimes overwhelming role.

For appellate level positions, party affiliation seems to play a primary role.

Gov. appointees are subject to the gov's politics.

My perception is that the role of politics and/or party affiliation is significant. If you are not a Republican, it is extremely unlikely that a Republican Governor would appoint you to judicial office. The other problem is the stepping stones that need to be in place to become a district judge. The path of succession seems to be from a prosecutor's office to magistrate to district judge. These unspoken requirements limit the prospects of many highly qualified applicants who, for a variety of reasons, have chosen to practice in other areas.

That the applicant must be well known.

Have to be in the right political party.

I think it plays a huge behind the scenes role in this state.

My perception, and one that I think many share based on comments I've gotten, is that politics and/or "who you know" plays a huge role in the selection process, that there isn't much point to applying if you aren't connected.

I do not perceive that it plays a significant role in the judicial selection process. However, being relatively new to the bar (3 years), I may simply have not observed how politics and/or party affiliation have played a role. My opinion is that it should not play a significant role in the process.

Other than for appellate positions, it does not appear that politics or party affiliation play much, if any role in selecting a judge.

Some impact. Likely varies.

The single party system in Idaho adversely affects the competence of our elected officials, and unfortunately, Judges are elected in Idaho. Moreover, a candidate must be connected within the single party in order to receive the initial selection.

A conservative laden population can taint the selection process

The process to select judges has two problem areas - first, the selection is extremely politicized, and second, comments from the bar are considered, regardless of whether or not the allegations can be or have been substantiated.

while overt politics are not too apparent the past several district court appointments appear to show a definite advantage to individuals with strong party ties once the candidates go to the governor for final appointment.

It helps to be a well connected liberal or LDS

I don't think it comes down to party lines as much as it has to do with who you know. very strong perception both play heavy role in selection. Just look at who y'all select.

I believe there is a significant amount of political interaction involved in the selection process.

I've only practiced in Idaho for a couple of years but I know a judge in California who had to prove he had registered to vote in a particular party his entire adult life.

Politics permits special interests or others with an agenda and lots of money to create an issue and "buy" a judicial election, as happened when Judge Herndon, in East Idaho, and Justice Silak were defeated.

has a prominent role if an applicant is an active member of the governor's party

Don't know but suspect it is important for higher level judge positions.

I think politics play a role in selection, but more in the sense of politics within the bar than partisan politics, though that can play an obvious role in elections for higher judicial office.

s lot

They seem to play a huge role from my perspective. Those who are connected get the appointments.

My perception is that party affiliation is a key to final selection.

Way too much in this one-party state

Extremely high.

My perception is that there is a prejudice against qualified candidates who are not from the right political party and a bias for candidates who have been prosecutors. The perception is it is also hard for private practice civil litigators to get appointed.

none

Far too much. The intrusion of politics in our judiciary is deadly to justice.

it plays a big role

Deciding.

I think it's an important consideration to those making the selection.

It is my perception that political affiliation does play a role in the selection process.

Too much good old boy in the process.

I think that participation in political activities and party affiliation greatly influences the selection of judges, particularly district court and appellate judges.

They really only play a role in the eyes of the general public.

If you belong to the dominant demographic (white, male, religious, Republican), then you have an automatically better chance at being selected, without any consideration to any other factors.

Plays a heavy role

See answer #11.

I don't think it should play any, but it appears to play too large a role--it may be cynical, but I think it is the final factor, which is why it is important that the final candidates be the best so that if the political card is played, we nevertheless get a well qualified candidate.

That it seems to matter quite a bit

I believe politics play a significant role for District Judge positions, as the Governor has the final say off of the "short list." I do not believe politics plays as much of role in magistrate positions as those are appointments made by the magistrate commission which have a broader spectrum of politics represented.

Party affiliation, political views, and cultural views of a particular kind are required in order to even be considered.

Substantial.

Whether or not its a reality, I perceive that politics plays a very real role in selection and that the political aspects become more ingrained once a person is on the bench.

NONE

Party membership is the overriding factor in judioial selection in Idaho. Simply stated, if you're not a Republican you will not be appointed, whether or not you are qualified.

I don't think politics and/or party affiliation plays a huge role after the judge has been appointed. However, the later may affect how a judge is originally appointed.

In my view it plays a major part. Without proper connections or party affiliation it would be a waste of time to apply.

Partisan politics are central to the whole selection process (especially in a one-party state), and politics and political ads distort qualifications, particularly as they relate to issues that actually come before the courts.

As I perceive it, to become a judge you need to have certain politcal connections that are not related to the qualifications that a judge is required to have.

You must be actively invoved in politics to be selected

substantial role

I don't know enough about the selection process to state an opinion.

Republican party politics damage judicial selection by de-emphasizing qualifications and emphasizing party loyalty. In cases of contested elections for a new judge, attorneys with greater qualifications will not consider competing against a less qualified candidate with Republican party connections.

Politics plays way too important a role in the current judicial selection process. It should not matter what political party a candidate for a judgeship belongs to.

At the District Court level and above, the more contested elections you have, and the more money is involved, the more politics control the process. You cannot avoid that with contested elections.

In contested judicial elections, politics and party play a significant and highly undesirable role

Very little, if any.

Would like to believe it doesn't matter but think it actually does.

I believe that political party/affiliation is being definitely considered as well as who you know and not what you know.

Politics plays a big part after the canidate gets past the Jucicial Council and at the local magistrate level.

There is no place for party affiliation or politics in the role of the judiciary, but when the position is only retained by election, and when the elections are available to unseat a judge who made a difficult decision that affected a perceived issue of one party or another, inevitably political partisanship rears its ugly head.

It shouldn't play a role but it does.

It controls

Especially for district judgeships, any "blue" judges are not going to be realistically considered in our state when they are appointed by the Gov. I think that turns off a lot of potential applicants.

It is a good old boy system that considers heavily the political and social connection with the members of the selection board. This perception is bolstered by the poor quality of the recent judicial appointment (e.g. Steckel) who know NOTHING about criminal law and who do not tax themselves to put in the work of learning it.

I think they try to avoid politics, but the backgrounds of those selected indicate politics and/or party affiliation is most likely involved or only those who fit that background are applying

I believe politics and/or party affiliation is inextricably linked to the process of judicial election by the Governor. It think magistrate selection is much less affected by it, if at all.

Who you know is very significant.

Somewhat political, as it is with any appointment process. I am far more concerned about nasty partisan activities in contested elections.

Certainly plays a role in contested elections. Republican will cast his/her opponent as liberal/democrat with the intent of winning based not on qualification but on party affiliation - a tactic that frequently is successful in this state. Hence, liberal/democrats are at a distinct disadvantage in a contested race. At the committee level, I perceive this to still be a factor but not nearly as critical - at this point it is more about who can get the most lawyers to make phone calls and write letters to committee members.

It plays too much of a role, especially in District Judge slots. Candidates who are perceived to be a member of the minority party appear to be discounted.

I do not feel that politics or party affiliation should play any role in judicial selection, other than the unavoidable fact that even apolitical judicial selection involves a selector who is or may be a member of a certain party.

Significant role

It should not play any role and that is the problem with the election system in Idaho.

I believe politics play too big a role in the judicial selection process. Unless you are of the correct political party and are well known in political circles, I believe it is unlikely you will be selected for a judgeship, regardless of your abilities.

Since the early 1990s I have witnessed politics become a large part of elections, especially in certain Supreme Court elections and certain district court elections. Although "politics" is carefully not mentioned it was evident it was a factor. I have a real problem with elections for judges especially in the larger venues in the state and nationally. Witness the idiot judge back east who thought he could be fair and impartial in a case involving his largest campaign donor. If elections are to be held I would advocate having all elections state financed so there are no perceptions of quid pro quo once on the bench. Elections are probably the worst way to get the best qualified judges as opposed to the most popular.

Somewhat

Judges are too often selected for ideologic reasons. Often prosecutors without an ounce of civil experience are selected or civil (read insurance defense, etc.) attorneys are picked without criminal experience, even though the criminal calendar occupies the bulk of any judge's time.

There is way too much politics in district court judicial selection. Here in eastern Idaho it's not party affiliation; it is the role of the "recommendation" to the governor from those who have the governor's ear. Same is true, to a much lesser degree, in magistrate selection.

When the governor has to appoint the position, party affiliation can be crucial. Otherwise, party affiliation may not be that big of a role.

I don't believe that party affiliation plays much of a role, but I feel the judiciary should be separate from politics. That does not mean that the people should have no say, but head to head elections, even when party affiliation is not involved, is too political. I like the Magistrate system seeking a vote of confidence.

I DON'T THINK IT MATTERS AT THE LOCAL LEVEL, BUT HAS MORE IMPACT AT THE STATE (GOVERNOR) LEVEL

Should be none, but has been an obvious and harmful influence in the past selection of some judges.

Very great role. Republican connections appear to be necessary.

Party affiliation impedes best decisions being made. Popularity becomes more important than principle, and

Probably should know someone or you will never end up on the bench.

very significant

I believe it can play a fairly significant role, depending upon the specific position being filled.

both governmentally and collegially it is who you know and not quality of decision-making that are determinative

Politics should play no role. I perceive that the recommendation by local party officials is the decisive factor in who is selected by the Governor after the short list is determined by the local review committee.

No strong perception.

In Ada County, I don't think it plays any role, but I'm concerned that in outlying areas politics/party/religion do play a role.

None

Politics play a heavy role in judicial selections. You need to know the right people, have the right connections, and more than likely be of the proper political party.

Hard to believe that it doesn't come into play.

I feel that party affiliation of the Governor (which is almost always Republican) really restricts those of us who may be democrats from even attempting to gain the District or Appellate bench.

In some instances the selection appears to be a popularity contest, not a determination of whom would be the best candidate.

Hopefully, party politics does not play any role and should not play any role.

Heavy influence in elections, no influence in committee selections

Sure it plays a role since elected county commissioners choose magistrates and governor picks the DJs

Madison was right; the basic problem is an elected judiciary. How many judges will come down on the "wrong" side of an issue, if they know they are apt to be replaced? Yet, one who is willing to be unpopular is likely exactly the judge we want to stay on the bench. In Idaho, of course, this translates to a huge advantage if candidate can suggest that he/she is a Republican and the other candidate is not.

Too much.

My perception is that the Governor gets who he wants and w/o a specific party affiliation, such plums are unavailable.

It appears to play a major role

Party affiliation does not appear to play too much of a role though it is fairly clear that most of the judges are fairly conservative, regardless of party affiliation

I believe politics plays a significant role.

Preference is for white, male, Republican (conservative), LDS (Mormon) men who support "traditional" (ancient) Idaho values and who has contributed most to the Republican party.

I perceive that attorneys make choices in their career to follow a certain path (political, bar association, public sector, getting recognition) in pursuit of becoming a judge. I have not made those choices, thus I assume it would be difficult for me to become a judge.

large role

It plays a significant role in the ultimate selection of an appellate or district judge who is appointed by the governor. Special interest groups affect the outcome of elections. Politics play a lesser role in the election of magistrates.

Unsure at this time. Not enough experience, although I'd be concerned about single party dominance.

It plays a large part. Not good or bad. It just does.

I don't think party affiliation plays much of a role, but politics does. Social networking and knowing influential people plays too much of a role in the process.

EXTREMELY HIGH perception well supported by careful observation of recent selections

Very important and prominent.

Only in the final choice by the Governor or in the final choice of the Magistrate Commission

Not much at the appointment level - a lot in the election process.

Politics and relationships with "important" people play too much a part of judicial selection.

Inconsequential until the election process; in other words, the selection process appears to be apolitical for the most part

It plays a heavy role, especially in the appointment of district judges.

On a scale of 1-10 --- 8.

I believe sometimes the new judges are chosen based on who's currently on the bench, who they'll get along with that is currently on the bench based upon the candidate's politics over their ability to do the job itself

I think that any election naturally draws political motives and party affiliation into the picture - I absolutely do not believe that either should play a role in selecting our judiciary.

The magistrates commission, for example, in the Fourth Judicial District is made up of:
a. The chair of the board of the county commissioners
b. The mayors of three cities in the district
c. Two qualified electors appointed by the GOVERNOR and
d. Two attorneys appointed by the Bar
Where elected officials and Governor appointed reps have such power, can it be a surprise that candidates are coached by all sorts of members from the Bar to make phone calls and seek letters and support from political figures to influence the Commission members?

I think Idaho has been doing quite well in limiting the role of politics in judicial selection.

Probably plays a significant role.

It is not necessarily party politics (although there seems to be some of that). It is more who has friends in the right spots.

I would expect the judiciary to be party neutral. I don't need more judges interested in making law. That is up to the legislature. I would enforce the law and only deviate when sound justice requires it.

None

None.

It is possible that selection is based on familiarity with candidates affects outcome. Then again, some candidates that look good on paper or who win the popularity contest on the surveys may not make good judges. The system with surveys seems flawed. Most attorneys I know do not bother to fill out the surveys on prospective judges. As far as surveys go, though, I did not even receive a survey questionnaire for the last set of applicants for Third District Magistrates.

none

Plays a huge role.

Party affiliation plays a major role in the selection process.

Sometimes plays the most important role and it probably should not be the most important factor.

Very important.

At the Supreme Court level politics seems to be playing a greater role than in the past to an extent I don't believe is good for the Court.

not much

High.

The influence who gets elected because people vote along party lines.

at the district court level, not much, although known party affiliation may bear on election results. At the appellate level, I suspect politics play a more prominent role.

I think politics definitely plays a role in the selection of those chosen by the governor. Less so with magistrate selection.

They should not have a role

My perception is that they play a huge role, at least in my county for magistrate positions. Since there are no standards against which an application is measured by the magistrate commission, each round of applications is an ad hoc, entirely subjective process.

A HUGE role. It is apparent when attorneys who've had a heretofore undistinguished career, with very little court experience, and a very narrow field of experience end up being appointed as judges, and the most salient fact of their career is that they are in the same firm as well-known politically connected/powerful individuals, well, it's tough to believe that it was MERIT that led to the appointment.

Politics heavily influences selection

Politics plays a crucial, but unnecessary and dangerous role in the judicial selection process in Idaho. The intertwining of politics and the judiciary is one of the reasons most people, including lawyers, do not have faith in the fairness of the judiciary.

Unfortunately, in district and appellate judge appointments, party affiliation and knowing the right people is paramount. The best known person is often selected instead of the best qualified.

The issue is "who you know" and not party affiliation.

This question actually has many layers, and it is a shame that it has to even be asked. Judicial selections should be based solely on the judge's ability to properly construe the law and then blindly apply it regardless of his/her personal biases or sympathies.

I suspect affiliation and involvement in the Governor's political party can inure to a candidate's benefit, but don't think that the Governor has a litmus test (it wouldn't seem so based on recent appointees here in the 2nd District)

The Judicial Council does a good job identifying qualified candidates. However, politics enters the process as the Governor makes his selection from the short list.

it can be unfair

Limited, although it may vary by county.

Politics is certainly in play and to a lesser degree party affiliation. It seems that "your connections" are the determinative factor in getting an appointment.

some role, but not exclusively

I believe it is a politically tainted process. Look at the Hack Reberger who is on the committee.

Obviously significant, at least at the point of the governor's selection from names submitted to him or her.

I believe there is an obvious connection, from the make-up of magistrate commissions being mainly local politicians, to selection of candidates by the governor. I have seen what I believe to be political appointments to district court.

I feel this question is about whether politics or party affiliation is a benefit to being selected as a judge. I think the answer is yes. It would be pretty rare for a candidate to appear so non-political that his politics could not be discerned, and I think how a candidate sits politically is considered. It is considered by local attorneys who respond to surveys, and it is considered by selection committee members whether they want to admit it or not. Having political contacts is essential for any elected office. Judges facing a contested election must rely on donations to his or her campaign. I worked with a man considering a judicial career who became politically active to support a future candidacy. He was networking so when he did apply to be a judge, he would have people to donate to any campaign he may have to mount to keep his seat. He saw it as yet another elected office to aspire to. I think the insertion of politics into judicial selection and retention provides too much temptation to stray from doing the right thing. Being a judge is pressure enough: to add the potential of losing the job because of a politically unwise yet legally proper decision can only lead to questionable decisions.

Politics always plays a role, in one way or another, in the selection process. Particularly as it relates to the selection of District Judges, since the Governor always has the final say as to whom is selected at the end of the day.

I practice mainly in Nevada, so my comments may not be helpful. Here, all judges are elected, so although there is no party affiliation, per se, it absolutely plays a role, particularly in fundraising.

Both play a significant role

If you are a democrat in Idaho, then outside interest groups target you unfairly.

I feel it is the primary reason most district judges are appointed. This does not mean that most judges do not merit appointment, but my impression is that a governor will not appoint a member of the opposite party when the applicants are of equal experience and merit.

I don't have a perception that they play a large role
not a factor

It has infected elections badly in recent years.

Politics does play a role.

I really detest the extent to which judicial elections are becoming more and more "politisied" . Now we see Partys wanting to make things more partisan rather than less. DJ's and appellate judges should stand for retention only...

For appellate positions, which were the positiosn I was interestd in, politics/party affiliation seemed to be the only criteria which mattered

Politics rule the game. Its a good old boy republican selection process that everyone but the applicants participate in.

definitely in the D.J. selections.

Politics is everything. If your area of practic is politically unpopular, such a trial attorney, your chances of selection are basically zero.

judicial selection is totally political, but not necessarily geared toward party affiliation in the 4th district

Politics determine the appointment of District Judges, Judges in the Court of Appeals, and Supreme Court Judges, though I have not made the same observation with the selection of Magistrate Judges.

In Idaho, I believe politics plays a considerable role in judicial selections, particularly if the selection process is through a contested election.

Major influence.

It plays a huge role. It is the deciding factor in the selection. When my colleagues and I discuss who is running, we always ask how active the candidates are in their political party and if they are from the "correct" party to be appointed.

Little or none at the state level

The election process requires judicial candidates to pander to the public. The candidates are essentially forced to take positions on matters that may come before them later.

I think politics overrides all else, but that seems to have always been so. Behind the scene lobbying of magistrate panels is the primary means of appointment. Party affiliation is a factor in appellate judqeships, not so much below.

too much

Uncertain, but suspect that "relationship politics" have more of an effect than party politics. Without visability in the private practice arena or friends in high places, you chances are slim.

At the trial level, it does not appear to pay a part

party affiliation does not seem to matter, but politics in the sense of networking and "who you know" does seem to be very important.

I believe that these are major factors in the process.

Too much.

I do not think party affiliation plays as much of a role as more basic politics. It seems more like a situation of a patronage to the right individuals that have the 'pull'.

It helps to be politically connected at least for initial appointment.

I think it plays a huge role. This may be largely behind the scenes, but it is definitely there.

My perception is that party affiliation plays a significant role in Idaho because the state is heavily influenced by the conservative wing of the Republican party. There's nothing necessarily wrong with that, but a conservative challenger can throw out sound bites during an election that have strong appeal to people of that political persuasion. I think that puts a more moderate judge who is up for reelection in difficult position.

In Idaho, I think you have to be pretty heavily involved in the Republican party to become a judge. I also wonder why so many career-minded prosecutors transition into a job on the bench. Obviously, if this were a two party state, I think the makeup of the judiciary would be significantly different.

Lots. Look at the \$ in some of the last elections.

It sure seems weird that we have had so many Republican Governors, yet the judiciary is full of liberals. I blame the process. Too much emphasis is placed on the attorney surveys. Most judges do criminal work, so the defense bar is always interested. They tend to vote in blocks and torpedo the chances of prosecutors and conservative minded attorneys.

On hot-button issues, I think politics/party can play a large role. I'm more concerned with the idea that judges have to campaign for their positions.

Unsure. I have heard that it plays some role, and that is too much.

the perception, at least, is that the powers that be do not want the most qualified or independent candidates but rather those who mirror the politics and the policies of the party in power.

I don't perceive that to be much of an issue so much as "good ol' boy" affiliations and the exclusions that arise from same.

It plays a role, but I don't think it should.

It is the dispositive factor for deciding judges in Idaho because clearly the most qualified persons are not being selected. For example, in Ada County, the judges are mostly former prosecutor's under Greg Bauer -- coincidence or politics?

None.

Significant

I think party affiliation plays a huge role in judicial contests at the Supreme Court level. Almost all of the judges on the appellate courts come from the Boise area. It makes the court look out of touch with the rest of the state. On the local level, I do not perceive party affiliation as a factor, nor do I perceive a good ol boys' club or good ol girls' club. I just think it is really really hard to become a judge - as it should be.

Too much old boy network. If you work for firm "A" your chances of becoming a DJ or Magistrate increase. But if you are a solo practitioner your chances decrease.

Politics is the major way of getting appointed to the role. I have no political affiliation one way or the other, so I know I would have no chance in prevailing. Without the backing of the party, I see it as a waste of my time.

The nature of the magistrate commissions selection process and the appointment by the governor of other judgeships makes it VERY political.

Extensive, at least in perception. Likely varies by district (referring to magistrate commissions). Attorneys most likely to be selected are often those who have served, or are serving, on the magistrate commission.

It is probably necessary to be of the same political persuasion as the one(s) doing the selection.

Politics does play a key role with the governor ultimately deciding after being presented with choices. Unless someone has political connections, it is a waste of time to go through the process

I believe politics and political party affiliation play too big a role, but my biggest concern is that prosecutors and other large blocks of attorneys seem to be told how to vote or how to evaluate candidates.

Very large role. Party affiliation and church affiliation each play a role. Contested elections taint judicial selection and damage the image of the judiciary.

None. Single party state, so it becomes a battle of who is most conservative.

Party affiliation is becoming increasingly noticeable in District Judge elections and judicial appointments and politics is regrettably rampant. Our highest judicial offices are becoming the playgrounds of the politically astute, rather than legal scholars.

Because so much effort and attention is given to attracting candidates who are DIVERSE, rather than those with true ability and talent, I think you attract MORE candidates who are liberal and who have an agenda. Liberals and those with political agendas eat that "diversity" non-sense up, and they perceive (probably rightfully so) that their chances are pretty good if they're non-white, non-male, non-rich, gay, transgender, Muslim, etc., vs. the many white, educated, very talented, Christian males who might apply. I don't want a judge who is diverse. I want a judge who is SMART and who has NO political AGENDA. You, on the other hand, don't seem to want this. If you did, that's what you'd ask for. By saying that you want anything more than the best-qualified-talented person, you encourage candidates who are not the best-qualified-talented people, and you dramatically increase the probability that someone other than the best-qualified-talented person will get the job. Diversity should have NOTHING to do with this process, and even mentioning the word makes it clear that factors other than talent and ability are very much at play in the selection process. That's wrong, ridiculous, way played out, and plain stupid. We should all grow up a little and accept that we should not be able to rely on our skin color, our religion, our genitals, what we like doing with our genitals, etc., to secure a better opportunity at landing the judge job, or any other job for that matter. Diversity has truly become perversity, and you are just another indication of this, because by even mentioning it, you pervert the selection process.

In contested elections it is my belief that issue focused groups are granted too much latitude.

My perception is that selection is based mostly on old-established friendships, and the insider good-old-boy network, that I am not a part of. Behind the scenes politics seem to be a big factor.

I feel political affiliation is a significant factor in Ct of App and Sup Ct selections, and insignificant otherwise.

I think that politics (in the "it is who you know" sense of the word) plays a HUGE role. I don't think that party affiliation plays such a big role, but in terms of appointments, I think it is a factor.

The judiciary MUST be totally independent and not have to worry about ANY outside influences EVER in order to fairly decide issues and cases. Under the current system of judges potentially facing "re-election", it is next to impossible for them NOT to be affected by politics, mob mentality, and the media, even though they may not realize or acknowledge this pressure.

Dominant factor - spoils of victory

If an applicant is a member of, or has in the past been active in, a political party which is not the party of the Governor, he or she does not stand a chance of appointment regardless of how qualified he or she may be. Also, a person may be at a disadvantage no matter who is Governor if they are independent, moderate, and/or not politically active.

Politics/party affiliation become important when the governor gets involved. I don't think it's an issue with the Judicial Council. I don't know at the Magistrate Commission.

My perception is that politics plays a very large role in filling a vacancy, then in raising funds to support the next election. At least that seems to apply for Washington (where my office is).

with final appointment in hands of the executive, it appears that some political party affiliation is necessary.

It is my opinion that politics and party affiliation are more important than a person's legal abilities or the ability to deliberate and be fair-minded

very little for magistrates, with increasing play as you move from District Court to the Supreme Court.

It is becoming more of an issue with each election.

I perceive that political affiliation plays a major part in the final selection process of each district judge (non-magistrate) and all appellate judges. I am not so much concerned with politics at any other stage of judicial selection.

I believe politics and party affiliations, play much more of a role than are appropriate. If I am ever appointed to the bench, I would want to go in beholding to no one.

Politics play a major role

I believe that judicial selection is entirely about politics and political favors. If you are not a participant in local politics you have very little chance of being evaluated on merit.

Magistrate...little or none District/Appellate...great

IT should be none.

I don't have an opinion on the reality of the roles played, if any, but I do believe providing an experientially balanced set of judges in every district is important to the professional development of judges through cross-training and effective achievement of justice for the citizenry. By experientially balanced I mean that I don't think justice is necessarily advanced by having judges with only or primarily legal experience.

I agree with the non-partisan nature of judicial positions and also agree with the restrictions placed on political activity by sitting judges. The public perception of bias is my key factor there.

It appears that one must have prosecutorial experience and have some sort of connection to the political party in power.

I believe that there is far too much politics in the appointment process of judges in Idaho. Most judges are not elected. They are appointed by politicians and those who serve them.

politics and party affiliation are significant

The role of party politics and party affiliation cannot be overstated. Quite simply, it plays a huge and determinative role. We have had four consecutive Republican governors: Batt, Kempthorne, Risch and Otter. I believe Kempthorne appointed 2 Democrats to the bench -- the others appointed none. The not too subtle message: "Democrats need not apply. Even if you make it through the Judicial Council, your chance of appointment is nil."

If the governor is involved, politics are in play.

It seems that a person must be well connected to obtain a position on the bench, even if that person would not be the best or most qualified for the position.

none except federal positions

It's a great advantage to be "connected" when seeking appointment to the bench.

politics should not play any role in the selection of judges.

A significant role, once the selection committee has narrowed the choices

I believe politics and party affiliation have played a significant role regardless of the party in power. Both are equally adept at political selection

None

Very little.

Too great a role. It should be completely non-partisan. Partisan elected officials should be a minority of the selection process, legal professionals should have a greater role.

not a significant factor

I think that politics but not necessarily party affiliation play a role.

It does and will always play a role.

The judicial appointments for District Judge are an inside game for Republicans. If you are not a good, well connected republican you have no chance of getting appointed, regardless of your qualifications.

I think it definitely plays a role what is unclear is the degree to which it does.

I don't perceive that politics plays a critical role in the State judiciary (much different question for Federal judiciary).

It appears that an applicant must be from the correct political party which excludes independents.

For District Judges and Appellate Judges it is perceived that party affiliation/politics play a major role in the selection/nomination process.

I believe it plays a role

I feel that party politics should be kept out of the judicial selection process all together, yet I am not so naive as to believe that it is completely possible. However, if I could change any one thing about the judicial selection process it would be the election of judges and justices. I feel is a gross contradiction of the separation of powers doctrine to allow such elections to continue. The courts need to be independent of the influence of politics, and free to render justice under the law. I think that the fear of job loss through election may, at times, taint the opinions and judgments of judges. In addition, many qualified judicial candidates may not seek judicial office out of the fear and expense of running a campaign for reelection. After all, we are not politicians.

As Idaho politics have grown more polarized (i.e., Republican), the selections made by the Governor for judges and justices have become much more political. Where Gov. Andrus often appointed Republicans and Gov. Batt often appointed Democrats, Gov. Kempthorne and Gov. Otter's selections have been almost uniformly people who identify as Republican. In addition, several supposedly non-partisan judicial elections (e.g. Justice Silak vs. Judge Eismann) have had significant Party identification injected into them.

It seems that being a conservative Republican is huge plus to being selected.

Bar politics play a huge role, although they shouldn't. It seems to be a buddy/buddy system, where far too much emphasis is put on the "popularity survey" that is sent out. If you are an unknown in the criminal community your chances of getting a criminal magistrate position is far better because you won't have a survey where the folks who will be working in that area can criticize you. Then we end up with civil attorneys being criminal judges that don't know what they are doing. It is completely frustrating!

It is a 65/35 red state.

Obviously plays a big role in recent Supreme Court elections; would like to think it does not play that big a part in the others but suspect it does anyway.

Party affiliation plays a huge role in the current selection process

It depends on the position. I think politics has more to do with it than party affiliation as it always has in the good ol boy club.

Politics should have no role in judicial selection.

some influence

It is a major factor in the judicial selection. It is not only political affiliation, but simply "who you know" that's very important.

Clearly a role when the selections go to the governor. Some concern at the Judicial Council level also

It plays far too large a roll in selecting the poole from which the judge is ultimately chosen. It tends to freeze out excellent applicants who have had not engaged in politics.

n/A

a) At the Magistrate and Judicial Council level, none. b) Once it hits the Governor's desk, yes. c) Judicial elections are highly politicized.

you have to be a republican or pretend to be one

Very strong influence

I really do not have any grounding regarding this with respect to local judicial selection. I have seen it very clearly at the Federal level but can only make ungrounded assumptions as to influences at the local level.

Only once it gets to the Governor for DJ, but more at the magistrate commission level.

It matters a lot. It is probably the most important predictive factor in who will be selected out of a field of qualified candidates.

Politics and/or party affiliation should not play any role in judicial selection. However, since the country is becoming more and more polarized between conservative and liberal interpretations of the law, it has become a very real part of the selection process.

I do not feel party affiliation plays a role

As a sole practioner in a small town for all of my carrer, and one who is not a member of the dominant political party or religious faith, I feel that I have always had two strikes against me, as it were. I have applied for three judgeships. The candidates who were eventually selected are deserving, but I sense that they had the appropriate connections.

I believe it is high.

I do not think judges should be elected.

I think it has a significant role. However, it should not. However, with appointment it really can't be avoided.

If you do not have the connections, you may have no shot at being selected.

No opinion

EVERYTHING. Please, with the likes of Butch Otter and Dirk Kempthorne. Good lord.

presently too much political influence

Other than when there is an appointment by the Governor, I don't believe it has any role in judicial selection.

Party politics: not a great role. Local and personal politics: a much greater role.

Party affiliations not so much. But overall political connections -- quite a bit.

It matters little if at all

Its obvious. The Chief Justice went to the Republican Lincoln Day Banquet so that his party affiliation would be well published.

Political party is important in District and Appellate selections, not so much in Magistrate selections.

I believe it plays a large part in the initial selection.

I believe that a candidate has a better chance of being selected as a district court judge, judge on the Court of Appeals or Supreme Court justice if he or she is a member of the same political party as the governor.

Those who are currently affiliated with political parties are better able to rally supporters come re-election day.

Everything

Always has been important, especially in this state; and getting more important

Not a significant factor

Less so with selection, but political affiliation and social agendas play a significant and negative role in election of judges, usually based upon incorrect perceptions of the public. I make this comment based upon my experience as a candidate in a 3 way judicial election about 7-8 years ago. I was also a candidate in the selection process for a magistrate's position about 10 years ago. I believe there is too much emphasis placed on the wrong criterion in that process, as well.

I am not sure that party affiliation plays a part in the process. This is Idaho, is there more than one party?

Politics, not necessarily party affiliation, play a HUGE role, at least in southeastern Idaho.

a large part

These selections are largely political - for example - the governor does not even interview applicants for DJ. Correct or not, the perception among lawyers is that these decisions are often political payback.

far too much at both the District Judge and Magistrate levels

everything. In Idaho you are a right wing republican and 98% of the time, that person gets the job; anything else is pure luck.

A significant role.

In the 3 instances when the Judicial Council sent my name to the Governor, I found that politics and party loyalty was controlling.

Please see previous answer - it's all about politics.

It was made very clear in a political contest for a spot on Idaho's Supreme Court several years ago that the two major political party's each had their favorites and were doing all they could to assure the election of one of the two candidates. I personally attended several different political functions, hosted by one side and then the other, wherein the supreme court race was a topic of considerable interest. I also witnessed a challenge to the District Bench in my District fairly recently wherein the challenger was clearly backed by the constituents of one party and the incumbent by the other. In my opinion, politics plays a large role in the election of judges, despite the attempts to keep the process politically neutral. Likewise, I think it is the general perception that a candidate, otherwise qualified, has little no chance of appointment to the bench if his/her political affiliations and/or contacts are not approved of by the executive.

I do not know

Although judicial selection is intended to be non-partisan, and I have no doubt all the players do their best to honor that aspiration, my realistic impression is that, despite my clerkship for the Idaho Supreme Court, and what I humbly perceive to be my excellent skills and reputation, it is my perception that I will be unlikely to be selected upon my first application and will have to spend substantial time seeking appointment, if not election. It seems that without "connections," political or otherwise, the selection process will be too time consuming and potentially damaging to my existing position to be worth the effort. I have never applied, so my perceptions are of course not based on experience.

Too much in the sense that local politics plays a major role for some positions, while state connections play too much for higher positions.

too much

It is way too influential and intrusive

Minimal

Negligible.

I do not know.

Very little.

very high - contested judicial elections are all about politics and moneyed special interests.

Judicial selection is 100% political. The most qualified and capable candidates are not necessarily the candidates chosen for office. Who you know trumps what you know (and everything else for that matter).

Most of this is taken care of through the judicial commissions for magistrate positions. The District, Appellate and Supreme Court are heavily influenced by party politics. This is Idaho after all. It should be expected that Idaho will continue to appoint conservative judges and justices.

how many dj's are dems?????????

You've got to have one to get the support base that you need to sustain elections.

Probably very little at the Judicial Council level. Totally at the gubernatorial level.

I think politics and party affiliation are wrapped into a more global problem that the judicial selection process seeks those who think a certain way, look at the world in a certain way. There seems to be little room for diversity of view points which may or may not look like a lack of diversity of political affiliation.

Political affiliation should have nothing to do with it. However, your view of the social issues and legal issues should be out there for the public to understand your application of law to real life.

Is this question a joke? Obviously isn't being asked by anyone who has observed the selection process in Idaho. Appointments are nothing but politically based.

Duh!!!

Politics and party affiliation appear to play a significant role when a candidate has actively participated in political activity for or against the party in power. For other applicants there does not appear to be much effect.

That it is relevant

unknown

Too much of a role.

Magistrate selection process too political for the nonpolitical drudge work magistrates do on a day-to-day basis.

I think it plays a big role in who ultimately gets appointed to the bench, which is why I do not necessary oppose judicial elections (if you work for Blake Hall's firm your chances of getting appointed go way up). Judicial elections with all their faults provide a check against the appointment process which often does not result in the best candidate.

It plays a role since the Governor fills vacant seats between elections and running for office is inherently political.

It does affect the consideration process, although the extent varies from position to position.

Seems too much a part of the process. An independent judge should be be swayed or qualified by party dogma.

significant

They play a big roll for the courts of appeal not so much for the lower courts.

It totally controls it and reflects the power groups that control the legislature and governor's office. Justice Scalia recently said it well in his dissent in *Caperton v A.T. Massey Coal Co*, June 8, 2009. "What above all else is eroding public confidence in the Nation's judicial system is the perception that litigation is just a game, that the party with the most resourceful lawyer can play it to win, that our seemingly interminable legal proceedings are wonderfully self-perpetuating but incapable of delivering real-world justice." Idaho is like West Virginia as recent Supreme Court races here have shown.

The State of Idaho is dominated by the Republican Party. There is no semblance of impartiality in these regards. The "conservative" opinions mitigate against civil equality in so many diverse areas that one questions whether true justice can be meted out. This has been experienced by this practitioner on a personal basis and related to me by numerous other attorneys practicing law in the civil arena.

Significant. Many members of the Bar believe that members with left leaning political philosophies our affiliation with the Democratic Party need not apply under the current Governor.

The judicial council, shrouded in secrecy, needs to make some simple changes. The Magistrate system is better but purely political. Politics, and the political types permeate the process and this is not a good thing for a quality judiciary.

Major role, together with connections, is everything.

Politics plays a significant role in who the governor picks as judges. Applicants have a much better chance of getting picked if they are of the same party as the governor. Cecil Andrus used to tell the selection committee not to forward Bob Newhouse's name to him because Newhouse was a Republican. This was why Bob Newhouse ran against Alan Schwartzman. Party affiliation has a larger role in appointments by the governor than in direct elections.

substantial

Too heavy.

At least in some areas it is of critical importance. Republicans have no qualms about supporting only those they identify as Republican, and excluding from consideration those that are not so identified.

The magistrate selection process is quite good in that the commission that selects the judge is acquainted with most of the candidates. The Governor does not have a clue who is most qualified for the District Bench. He relies on political hacks to make the selection.

The process of selection is political whether you like it or not. Whether it is the judicial council, magistrate commission, elections, or appointment, it all involves politics.

if you do not have the right politics behind you, you will not be considered

More than it should

Judicial selection is a political appointment.

You have to be well known within the selection committee. If the County commissioners have a favorite, don't bother with taking applicants. There is also no mechanism (like a test) to see if a judge actually understands the rules of evidence. This is easily observed in some courtrooms during trials. Impartiality is also a scare commodity.

Can be very influential and the judges' hands are tied if they follow the cannons.

It is naive to think they play no role. That is true of all important jobs, however, and I don't think it is a negative, necessarily.

Politics and party affiliation play a significant role in the selection of district court judges. Not so much at the magistrate level.

It has seemed to play out in some of the Supreme Court elections which is troubling. Also, as for district judge selections I assume that judges selected share the party affiliation of the governor most of the time.

Moderate at the magistrate, district court and even court of appeals level. More significant for Supreme Court.

a material but not controlling role

Don't know

Politics play a very significant role in Idaho, but should not be a part of the process at all.

For Supreme Court or Court of Appeals appointments... or for that matter District Court appointments... the party of the Governor and the party of the applicant/nominee matter a great deal. Currently, if you are NOT a Republican, your chances of appointment are slim to none. Other recent Governors have had a more flexible attitude toward this (Batt, Andrus, Evans, to name several) but during the last 10 years, party affiliation has been very important or determinative. It would be interesting if someone were to survey this to see if this perception (which many hold) is accurate!

More observation is that, unfortunately, politics is the primary consideration for selection of judges both at the magistrate level (local politics) and supreme court level (state wide) which leads to incompetencies at both levels.

It appears it is best to be a prosecutor or have that in your background and be a republican

I believe it plays a very big role.

Politics is life. Contested elections need to go. Judges should get a 10 year single term then back to practice.

It should not play a role, but does.

Unknown

Judges are most commonly drawn from the more conservative elements of the bar, eg., prosecutors. There would be more balance in the judiciary if an equal number of judges were recruited from the defense bar.

The entire process is motivated by defense and private attorneys attacking prosecutors, stacking the "ratings" against them while "rating" their friends and associates as highly as possible.

should play no role in judicial selection in the ideal world. Reality is probably different. White male Republicans will choose white male Republicans to be judges. Sen. Risch just said he probably would not vote to confirm Judge Sotomayor because of her "politics". And he is an attorney! I don't think it is any different in state judicial selections.

Politics was evident in the process that I went through years ago. That instance did lead to reforms but I still have a sense that politics will play a role in a close contest

I do think politics plays a big role in judicial selection.

Minimal

In certain counties, it is the number one issue. That is probably true in my county of residence.

Very little.

From my perspective, politics controls to a large extent the judicial selection process. There are a significant number of experienced, excellent candidates who are not politically astute to weather the politics of the selection process.

It is either the key to selection or disqualification from the final round

I believe that politics are an extreme barrier

It's huge. It's not what you know, it's all about who you know.

Weighs heavily in District Judge selection.

I believe, but do not know for sure, that it is helpful in getting a judgeship to be in good with the local party of your choice (one of the two that matters, at any rate).

Advertising and distortion of records create an environment that allows opportunists to sway electorate opinion in judicial races.

None.

Don't know - assume it may have some impact.

Plays little to no role.

My perception is that politics and party affiliation play a role in judicial selection.

Candidates will attempt to imbed themselves with local Republican committies which utilize their networks to place signs and promote that candidate.

Very significant.

Republicans have the political inside.

Politics is everything. It's who you know; not what you know that gets a person selected. This inhibits otherwise qualified, competent attorneys from seeking judicial positions.

I think it has a lot to do with the selection process, though it tends to fly under the radar screen. As a result, the most qualified individual is not necessarily the one selected.

Because of the high amount of control the Republican party has over state politics, regardless of whether or not a person is qualified, having proper Republican credentials is almost a necessity before applying for the bar. There are two major instances where I see this as the case. The first is the unfair removal of Justice Silak in the 1990s who was steamrolled by the Republican party after her water law decision. The second is the Trout-Kelo election where Chief Justice Trout, a highly respectable justice, had to tow the party line because Kelo accused Justice Trout of being a liberal. This process greatly taints my desire to become a member of the bench.

Politics are key in district judge or higher appointments

magistrate, not much. district judge, entirely dispositive

It is key, but it should not be.

I believe the Governor selects the judge, so it is important to be affiliated with the Governor's political party.

Very Little other than is Supreme Court elections.

no response

I don't see politics as an issue.

Very strong.

It appears that political affiliation is a primary motivator for selection.

I believe judicial appointments by the governor's office are based on, at least in part, the perception of the candidate's party affiliation.

It is my understanding that District Judges are selected by the sitting Governor. As a result, there must be some party bias.

Political Party is very influential in the judicial process, as the Governor's party affiliation seem to be a large part of the selection process.

I have seen little evidence that party plays a role in Ada County except at the supreme court level. Idaho was singled out in many publications and discussions for the partisan nature of one of its elections for the position of supreme court justice.

I don't believe they play a strong role, but a judge who has leftist views is probably less likely to be a strong candidate than a judge who is more conservative.

I believe that politics play a large role in the judicial selection process. I was particularly discouraged by what happened to the magistrate judge Todd Joyner. I felt like his removal was motivated by the fact that he was a former prosecutor. I feel like the defense bar has far too much control over the Idaho judiciary and the judicial selection process. I also feel that the defense bar exerts pressure on the judiciary to impose more lenient sentences on criminal defendants for fear of not being re-elected or ostracized by the defense bar.

In my district, party/politics is said to be a significant factor

It is very politically based for district and court of appeals judges and depending on the particular position it can have a significant impact who you know and how you are perceived regardless of whether the perception of belief system is accurate or not. For magistrates it depends on who is on the particular commission and their own personal agendas may have more weight than which candidate is most qualified.

Only at the District level and above, does it seem like this is an issue.

It determines whether you get on the bench or not.

Too much.

Plays a large role, as does the local "good old boys" system.

My perception is that it does play a role and if not associated with the correct party or at least viewed as apolitical, one may have difficulty being appointed, especially from the private bar.

Limited

A ton. Duh! Don't be stupid. I heard that Randy Smith guy in Pocatello was apparently the former chairman of the Idaho Republican party. I wasn't impressed and figured that the only way he would be a judge is because of his political connection. It seemed that he was really good friends with Judge Bush and it wasn't surprising that Judge Bush became a Federal Magistrate judge after Judge Smith became a 9th Circuit guy.

A very large role. In my district, you must be a male Republican.

Don't know what role this really plays but I believe it is significant.

Tough to tell. Due to the small number of applicants for recent judicial openings, it is difficult to determine how political the decision making process is.

I think it is a significant factor and, with some position, a decisive factor.

As Justice Eismann demonstrated, affiliation with one party can play a role in the election process

It depends on what position. State court district judges are appointed by the Gov., and therefore, it is fairly political. Also, federal judges with the exception of bankruptcy judges are also pretty political. Magistrates and federal bankruptcy judges appear to be the least political.

I believe it is the single largest issue. However, as I think back upon the last 3 magistrate positions, they have all been excellent choices in southeastern Idaho. So, I don't think this has been necessarily bad, but it does play a large role.

They play far too great a role. Whether or not somebody is a Republican or Democrat really has no bearing on his or her qualifications to serve. Additionally, the amounts of money spent by third parties on deceptive advertising is particularly troubling.

I think political party affiliation and/or perceived political leanings play a huge role in the selection of certain applicants at the appellate level. Major rulings that have gone against the prevailing political winds have also proven to be fodder for reelection challenges. I also think the prospect of having a contested election at the district level causes some judges to consider the hometown perception of their rulings.

My perception is that party politics/affiliation carries significant weight and influence regarding judicial selection. Due to this influence there is less balance in experience, judicial temperament, and belief that the best candidate for position will rise through the selection process.

Not significant

Politics has a huge role in the selection process, as well as the buddy system. My experience mainly deals with the magistrate selection process and of the 6 magistrates that have been appointed to the bench to handle a criminal calendar since I started prosecuting, only two of them are qualified to be on the bench (even after several years). In my perception, it's all about who you know, not what your qualifications are.

I think that it plays a tremendous role. In this one party state, it may be difficult for non-republicans to be selected. Another type of politics plays a role as well - the Bar is still relatively small, and I know that there are those types of political issues.

Politics and having a wide circle of friends and connections within the bar is everything. Party affiliation is less important.

The Governor appoints the District Judges. Magistrates' appointments appear less political because a committee of diverse interest makes the selection.

substantial - less than some states, but still a major concern.

Just local politics, not really party affiliation. One has to know people who are in a position to get one appointed. I think a purely merit-based appointment process is a pipe dream.

Unknown. I think in small rural communities that it would be important for the judge to be a known figure in that locale. However, if there isn't enough legal work in the area, you won't have any attorneys living there.

Unknown. I think in small rural communities that it would be important for the judge to be a known figure in that locale. However, if there isn't enough legal work in the area, you won't have any attorneys living there.

I think "politically correct" motivations more than politics/parties play a role in the process.

Politics and party affiliation play a heavy role in judicial selection. District judgeships depend on political favors, not qualifications.

Politics and party affiliation are present in the selection process. To say otherwise is to ignore reality. Politics is especially present in "non-partisan" judicial elections. A person must be politically connected to be considered for a position and a person must continue those relationships in order to retain the position.

substantial - less than some states, but still a major concern.

When the judge is elected, party plays minor role. When the judge is appointed, party plays more of a role.

There certainly seems to be a "good ole boys" network in play. Usually party affiliated. Perhaps the perception is wrong, but it is there.

not a great deal

Although Judicial elections are non partisan, we have seen how politics enter in such races.

It's not what you know, but who you know that counts.

Unfortunately the democrats and republicans have taken over most institutions in this country, and unfortunately you can see it in the judiciary. It seems very overt at the federal level. I am unsure of the composition of the judicial selection committee in this state, but presume it is made up of democrats and republicans who are trying to get the rest of us to see the world through their left-right ideologies. As to politics, its simple: judges should not take money from lawyers or litigants that have an interest before their court. They should not rule on matters involving people that have given them money. Period..

Too much politics. Good old boy networks, political rewards.

An individual's political affiliation is important in the selection process, especially in an appointment to the district court bench.

Unsure.

Politics plays a role with the governors selection but not with the Judicial Council process. We have the best of both worlds, i.e. merit selection and political appointment.

major factor for all District judge appointments

Depending upon the inclinations of those making the selection, politics can play a significant role in judicial selections.

Don't know.

Politics OBVIOUSLY play a significant role in judicial selection. If you walk the party line of the party in power in Idaho, your chances increase significantly.

As far as I can tell, politics controls the process.

Somewhat high in District Judge selection at the Gov. level.

There is a perception that politics and party affiliation has a strong influence in selection process.

It is my understanding that "who you know" plays a bigger part in the selection process than "your qualifications"

Almost 100%.

My perception is that politics have a very high influence in judicial selections.

100%

My perception is that politics and party affiliation play a significant role in judicial selection.

It is a large, if not the largest, factor in selection. That selection criteria was less of a problem when Idaho was a balanced, 2-party state.

Qualifications for the judiciary come second to political considerations and party affiliations.

One woman candidate told me that a judge discouraged her from apply to the court of appeals because it was all about who you knew, rather than about your qualifications. She was also told that the committee liked the fact that some candidates applied over and over again, and that was a factor in whether the candidate was selected, because they were thought to be more serious about the candidacy. That seemed like an odd thing to consider, and it would block good candidates who maybe felt like they were wasting their time instead of being persistent.

The Governor always appoints conservative Republicans.

R is vital to selection in this state

Some but not overly so.

Huge

If you are not in right party or a government employee ie Prosecutor or AG there is very limited chance of being selected.

Extremely significant

Since Id is a one party state politics tends to eliminate very qualified individuals- Ken Howard is an example.

I believe that executive branch appointments to the bench is better than elections for judiciary. That said, however, the appointment process is very political, ultimately excluding very qualified candidates to the bench.

unknown

I am surprised at how little partisanship plays a role in Idaho, especially considering that we have judicial elections.

Politics and/or party affiliation are more important than personal qualification. The selection process provides some with a perfect tool for revenge for past slights.

Quite a bit. Probably sways the decision in most cases.

Minimal

Appointments are almost always influenced by politics and to some extent the effect the one doing the appointing wants to have on the future of the law.

It controls selection

I do not see political affiliation or politics as playing much of a role. I see a system where administrative judges attempt to influence the judicial selection committees as well as a system of tit for tat between the local commissioners on the committees and the applicants more of an issue in the selection process.

Extreme. Candidates without political connections or politicians helping their cause do not get selected.

some

Not really any.

None

Please see my earlier response. Politics has an extremely negative effect on the perception that the judiciary should be independent. That includes campaign financing by partisan and special interests groups.

Too much - and way too much out-of-state influence.

It helps to have the recommendation of the Republican Party

none

This plays out in two ways: (1) through the bar survey that is so heavily relied upon by the Judicial Council during the selection process; and (2) when names are submitted to the Governor. Perception (even faulty perception) becomes reality to the detriment of the applicant -- particularly women applicants.

it may impact selection after judicial council selection

I don't think it should play a role, and I don't really know if it does right now (being in the AF and away from ID, I'm kind of aloof from the process).

It should be minimized

An an indicator of the role that party affiliation plays in the judicial selection process, I think one need only look to the scarcity of dissenting opinions issued from the Idaho Supreme Court. The uniformity of thought indicates that Idaho has created a judiciary that has little, if any, meaningful debate and discourse regarding the issues before it, which tends towards poorly reasoned, result oriented decisions, which affects the judiciary at all levels. I think the result is largely symptomatic of a politically homogenous judiciary and also serves as a disincentive (in the form of a political glass ceiling) to members of the bar who would otherwise be interested in judicial service.

My perception is that the legal field is like any other, who you know matters. It is human nature. This perception, whether true or not, makes the judicial selection process feel a bit like a junior high Class Representative election. With respect to party affiliation, it is ridiculous (especially in Idaho) that a judge or prosecutor must declare party affiliation. Although I view myself as an independent politically, good luck to the judge that attempts to run as a Democrat except in Blaine County. Party affiliation is meaningless and disingenuous for the bench/prosecutors. Do the US Supreme Court justices declare party affiliation??!! I think not.

Politics should not play a role

Judicial officers should never be elected; one main role of the judiciary is to be a counterweight to the current passions of the electorate and partisan politics and to maintain stability of the constitutional system.

APPEARS TO BE SIGNIFICANT, IN REALITY FAR LESS THAN THE PERCEPTION

I believe it is much more about who you know on the commission/council than it should be.

Politics seem to be a predominate factor in the final selection of Judges.

Politics and party affiliation play far too important a role in the selection process, which should be based upon the applicant's qualifications and not upon sex, race or political affiliation.

Being politically well-connected is important, and knowing (and being liked by) people on the selection committee - or knowing and being liked by people who know those people - is vital to becoming a judge.

There is a lot of "back door" politicking that takes place and, if you are perceived to be of the "wrong" political persuasion, especially for district court & higher positions, the conventional wisdom counsels against applying.

only prior prosecutors will be elected

Everything. The selection process is driven almost solely by partisan politics and special interests. As a lifelong Democrat and non-Mormon in east Idaho and a highly experienced trial attorney that would love to serve on the bench, it is not simply unlikely that I would ever be appointed, it makes going through the rigorous application process seem futile. Depending on the selection for McDermott's position in Bannock County, east Idaho may not have a single non-Mormon judge going forward. The seventh district currently has no non-Mormon judges at any level. This is truly disturbing. The election process, as evidenced by the Eismann-Silak and Herndon-Simpson elections has caused judicial elections to degenerate to levels of unparalleled partisanship and special interest influence. At the recent ITLA convention in Sun Valley, someone asked why we were having such problems getting good judges. I responded that in east Idaho, it boiled down to one name--Frank Vandersloot. As the Herndon-Simpson election clearly and very publically demonstrated, judgeships in east Idaho are for sale. This perpetuates in judges actually fearing for their jobs, if Vandersloot's special interest machine deems a person unfit, by whatever arbitrary criterion involved, that person's career as a judge is over.

It plays a major role in the selection process

Political considerations drive the selection process.

It is a part of the process, but a minor part at least for magistrate selection.

It seems that if you are not in with the right crowd, or right side of support you are not likely to become part of the judiciary.

Necessary to be at least somewhat connected

Major role

Frankly, there is an appearance of preference for government or pro prosecution attorneys for consideration as future judges. I believe the various prosecuting agencies play a substantial role in determining whether particular members receive adequate peer review during the initial stages of the selection process.

No perception

Too Much!

Too Much!

Very high.

I believe that politics plays a large role in the appointed positions.

Very little until the decision reaches the governor. Then it depends upon the chief executive. If judicial officers would serve their full term as they implicitly promise to do when standing for election, the decision would be out of the governor's hands.

It has a HUGE Role

I think politics plays a role especially in the initial process--where lawyers who are unknown because of their type of practice--are unlikely to be selected

?

Politics are supposed to play a role in elections and Governors' appointments. If anything, the role politics plays is too small right now. Contested elections are good for the judiciary. I don't think party politics has a significant effect on magistrate appointments.

We all know politics/party affiliation plays a role in the Supreme Court elections. Party affiliation has always been a factor in appointments by every governor.

I perceive that politics plays a large role in the judicial selection process. I have observed several colleagues navigate this process and am convinced that who you know is very important. I am equally concerned with the role politics plays in judicial elections.

It seems that it really does matter who you know, and your political affiliation is affected by that. After all, the Governor (usually an elected republican) decides who to appoint.

All things being equal, the candidate with a proper political affiliation will get the job.

I believe they play a huge role and account for lesser qualified applicants being appointed over seemingly better qualified ones.

Politics should have no role in judicial selection

very little in terms of party affiliation.

I believe that politics plays a role in the selection of the selection of ultraconservative members of the judiciary.

None.

In Idaho the R behind your name is key to getting an appointment to a District level.

Politics have a major impact not only on selection and retention, but also factor into judicial decision-making, undermining the independent judiciary. It is concerning that good judges can be unseated by a well-financed opponent, all too often supported by a party machine even though "non-partisan".

If there is a contested election, politics may play a significant role. The election should be without politics and/or party affiliation. Contested elections are difficult for judicial candidates (and particularly sitting judges) because they require money and time.

Plays a substantial role.

Appointments by a governor are inherently political (notwithstanding the composition of the Judicial Council and its process).

I'm not aware of any.

The "good ol' boy" network (related to, but not the same as, pure partisan politics) seems to reign, such that qualified women and persons of color are not given serious consideration if they are not part of the ruling elite.

Political affiliation is the paramount role in the selection process.

Because Idaho is highly republican, openly liberal attorneys will have a harder time being appointed to the bench.

I don't believe that politics or party affiliation has undue influence on the selection of qualified judges in Idaho.

none

The process is closer to a lobbying effort than a selection of the most qualified.

It is the only perceptin.

No perception.

It controls magistrate appointments and likely most appointments

It plays a significant role. More important, the members of the selection committee are acting to protect the local bar in the community where the judge will sit. They will nominate someone with no judicial experience over someone with extensive experience and significant recommendations from practicing attorneys, judges, and lay persons. Rather than encourage, they discourage well qualified persons from applying for a position. This extends to well qualified individuals in one part of the state that might consider moving to another to serve as a judge.

At the Supreme Court level, party affiliation is extremely and inappropriately important

The determining factor

I think that elections can be purchased with enough capital.

My perception is that politics plays a significant role in the selection of candidates. However, since I have never gone through the process my perception may be based on inadequate data. I have some concerns that the people on the judicial council become too entrenched. I think the judicial council should be changed regularly.

It is determinative.

Not a factor in the judicial council Is a factor in final appointment. This is not inappropriate in our democracy

At the magistrate level, I do not generally believe politics plays any significant role. At the District Court level, I see the role of politics/party affiliation being more prominent, though not overwhelmingly so.

It is clear that politics play the largest role in selection of all judges.

I saw very little problem with party affiliation. However, generic politics played a large role. Being an appropriate advocate for clients (not rolling over to the established big boy firms) has resulted caustic attacks during the selection process. The more "prominant" the attacker, the less likely a qualified individual had of being appointed.

I'm not familiar enough with the selection process at the state level to have a perception (I'm a first-year attorney who moved to Idaho from another state). At the federal level, it's pretty obvious, especially at the Supreme Court.

In most of Idaho the conservative politics of the selection committee member works to favor conservative candidates.

Politics plays too big a role now, and if left unchecked, can destroy the independence of the judiciary. Politics come into play in two areas: 1. When a district judge is appointed, the governor makes the appointment; the governor will either know the appointee or will follow the recommendations of his close associates, who have the same political affiliations as the governor. Accordingly, the perception (and reality) is that unless you have an "in" with the governor or some politico who has the ear of the governor, there's no point in applying. 2. In contested elections, politics play a role even though the elections are supposed to be non-partisan. Political parties or high-profile leaders from the parties end up endorsing candidates for judicial office. Equally important, elections cost money, and once you start taking money for your campaign, you lose the appearance of impartiality. To eliminate the bad influences of politics and money, we should select and retain District Judges the same way we select and retain Magistrates: 1. use a large, politically balanced committee, and 2. use retention elections.

disappointingly high role

I don't think politics plays a part but I know that prosecuting attorneys seem to always be selected over those who have served as public defenders or defense counsel. Seems very biased.

Some.

Depend on the judicial position. I don't think it plays a role at the magistrate level and only a slight role at the district court or appellate level. However at the Supreme Court level, I think it plays a significant role

That the governor rewards politically loyal people with his judicial appointments.

I believe they play a very large part.

Politics seem to play an overriding role, especially with appellate positions.

Too much. In addition, who you are related to is more important than experience and ability.

Both politics and party affiliation play a significant role in being selected. Many believe that a person who is not active in the Republican party does not have a chance to be appointed by the governor. The politics of who you know and whether you've obtained the blessing of the old boy network determines whether your name will be forwarded to the governor at all. As for the magistrate commission, local politics seems to play a significant role in being selected.

Almost none in the judicial council selections, they play some role in the governor's selection, and they play a large role in some or most contested elections. A judge who is non-partisan is at a heavy disadvantage if a top party candidate seeks to run against him or her. And the crap that gets thrown around in contested elections from private third parties is hard to believe.

I think that sometimes it plays a large role and that the best candidate gets overlooked due to the political party affiliation associated with that person (R or D behind their name). A judge is to be fair, objective and open-minded and set aside any political agendas while performing judicial duties. The governor should take note of this and appoint the more qualified individual and not go political - it hurts the legal process because attorneys and staff suffer through the training of a non-competent candidate who doesn't have the legal knowledge to deal with criminal or civil areas of law immediately and causes havoc with the system. Political and party affiliation biasness is not good.

Regarding district judges and appellate judges, it helps to be a Republican and to have support from a wealthy Republican.

Significant, particularly the role the Republican Party plays.

The present system has many good points. One that should be changed is that the application should tell the commission about the person but without the interview it becomes a political football. Everyone who is not disbarred should be interviewed.

Politics and party affiliation play a major role in judicial selection.

Inappropriately high.

Very little at the Commission or council level, some effect at the appointment level.

It is a huge factor. One must be, if not of the correct political party, sufficiently bent in the direction of that party's philosophical core to get past the governor.

I think politics and party affiliation play a large part in the judicial selection process. I have seen attorneys selected as judges that have no business holding that office. The only explanation for their selection is their political ties and clout.

Just look at the procedure: judges quit between elections so that a chosen appointee can have an advantage as an incumbent.

As with any election, any candidate with the slightest liberal inclination runs the risk of having his or her name dragged through the mud by the ultra-conservative Idaho constituency.

determinative

Substantial.

noone.

it is consideration & in certain instances eliminates qualified applicants

Significant role

Huge role, particularly in rural areas where applicants have ties to majority party (as often do the selection committee)

I know they play some part. My understanding is that on some councils mayors, county commissioners, etc. are a part of the council.

There is plenty of evidence that politics plays a pivotal role. There are a lot of good lawyers throughout Idaho who would be excellent judges but are also identified as Democrats, and it has become evident they will not get appointed by the Republican Governors, even if they can get past the Republicans on the Judicial Council. So why waste the time.

NA

perceive they play a significant role but believe they should not

I believe it plays a part in whom the governor ultimately selects to be a judge. I think party affiliation should be a less important factor and experience in the practice of law should be a more important factor.

I personally feel that is reflected more in the bar's rating of a candidate. Each region may reflect a different party affiliation. At the Governor's level, I think it plays a more obvious role.

I think they both play a roll in the judicial selection process. I'm not sure that means that judges who are selected necessarily favor one party or another, but I think they have an impact on the selection process.

About 25 years ago I applied for the position of a Magistrate Judge. I did not get the position and was informed by very well informed persons that the determining factor was simply politics with the most influential political figures simply choosing the candidate with the best political connections. Because of this experience, I gave up on being a judge as a career option. I have had a great practice, had wonderful experiences and made more money, but I have often wondered if my career would have been very different if merit rather than politics had been the deciding factor those many years ago.

Politics now plays a significant role in the process. In my view it is likely the major role, either on the local or statewide level.

A lot. This comment also applies to religion as a factor - in the last selection of a district court judge for Madison County, the local lawyer with no judicial experience was chosen over an extremely competent and well-respected magistrate with first-rate experience; the guy that got the job was known as the person who got the LDS temple in Rexburg approved and built. The more qualified person did not get the job; the person with better LDS credentials did.

In Idaho, you better have some conservative basis or be stigmatized as bleeding heart and be precluded from the bench

I do not feel that party affiliation plays an important role at the Magistrate and District Court judge levels. However, I believe "politics" plays a major role in judicial selection, to

the extent that an applicant must "schmooze" the members of the judicial selection committee who decide which applicant is selected. It is to some extent a popularity contest, rather than based upon qualifications.

none

Huge.

It depends on the County. In some Counties it matters greatly what party you belong to when it comes to elections. However the selection process puts party affiliation at center stage because of the governor appointment.

None.

Politics are heavily involved. It's not what you know, its who you know. I have been contacted in the past by political party workers regarding candidates' political persuasion.

Significant advantages to Republicans and members of the LDS faith

Huge.

In my perception, this is the most heavily weighted consideration and it is, in my opinion, an improper consideration for judicial qualification. Everyone knows you have to "know" somebody to get a shot.

To the degree politics provides a platform for individuals to build their network, and thus their visibility as a potential candidate among those who influence the selection process the most, I believe politics plays a strong role.

Huge. Gov. Otter seems to have picked his buddies in several cases, even when they were not the most qualified. Also, because politics play such a role and this state is dominated by the Republican party, it further reduces the options for women and minorities

Judges bring a political perspective to the bench, it is one of the key discussions in most judicial selection proceedings. Although a judge should be provided the opportunity to rule objectively on any issue, typically political considerations require the selection of a judge who will consistently rule on one side of the issue. In elected positions the political/party affiliation issues may have an even greater impact on the selection process. In districts with overwhelming majorities voting a straight ticket it may be the party judge gets the job as opposed to an objective selection process based on qualifications.

I would hope that politics and party affiliation would not play a role in judicial selection.

little effect

The governor wont appoit anyone not from his party

At the magistrate and district court level, almost none. At the appellate level, unfortunately, it has the perception of being very politically motivated

heavy role.

When a panel is comprised of elected officials from various entities within the judicial district, voting blocks occur. One result is the attorney(s) most familiar with the local demands of the bench are being overlooked for better politically connected candidates.

I think I would be naive if I said they didn't play a role. I suspect it plays some role but I am not sure how much. Hopefully as little as possible.

100% politics

Politics is 9/10 of the decision. Not good.

Pretty sad to see Bradbury, a sitting judge, shame the whole judiciary in his election against Horton with that horrible campaign. How should Horton fight back?

As long as a politician is involved in any part of the selection process it becomes tainted. This encourages applicants to engage in "networking" which places otherwise highly qualified people at a disadvantage unless they have the necessary connections to the politicians making the decisions or advising the decision makers. Judicial elections should be eliminated. Political contributions and platforms have no place in selecting judges. I do not believe the voting public is knowledgeable enough to make an intelligent decision when voting for a judge. The qualities that make a good judge cannot be demonstrated to the public in an election.

Significant role in elections and Governor's selection.

The selection process favors prosecutors and Republicans.

Politics and party affiliation play a huge, huge roll the the process and anyone who denies it is lying or delusional. Even if the candidate is not political, the selectors are.

Elections are all about who you know and politics, not the merit of the candidate.

In Ada County, its all about politics and who you know.

Strong party affiliation a potential factor with members of selection committee

At the district court level, it is clear that this governor picks based on party affiliation.

My perception is that it is political and that without connections, appointment to the bench would be very difficult.

n/a

The judiciary should be focused on applying the law, rather than expanding or changing the law based upon party affiliation or political view.

Politics will always be involved to some degree. However, I feel it plays more of a factor than it should regarding the selection process. The election process regarding retention is doesn't seem to be too bad an issue, although elections when an individual want to "challenge" or run against a justice on the Idaho S.Ct. when their term is due should be eliminated.

Too much politics and not enough emphasis on qualifications. Many, if not most, Judges have little experience in the area they are applying for. We have too many from the prosecution end of the spectrum and too little with actual litigation experience. We also need to promote those applicants from the immediate area instead of appointing attorney's from other areas of the State, mostly for political purposes.

It appears to me that the magistrate commissions select the right type of candidate as opposed to the most qualified candidate. There should be no room for affirmative action or token placements in judicial selection. Diversity should not be a concern.

I'm not sure if party affiliation as much as who you know does.

Some sort of political connection is needed.

huge

shouldn't have a role here

Should play no role.

Plays a larger role for appellate positions.

should be none, but seems to certainly factor in

With our current governor? Less than expected but it is a factor.

Far, Far, too much and Judicial Council does not timely or at all sanction publicly sanction those who violate the Canons

Politics and/or party affiliation are a large part of the decision making process beginning with the Judicial Council and ending with teh appointment by the Governor.

None.

It should play no role whatsoever.

It's all politics, all the time.

Party affiliation may come into play in both the Council selection and Governor's selection process.

I am not familiar enough with the process to comment.

believe it plays a factor.

significant factor

I don't feel politics should play any role, but I am not naive and know that it occurs.

From my perspective, party affiliation plays a big role in judicial selection. One of the primary concerns I have about applying for a judicial position is that I have run for election as a declared Democrat. I do not have any specific support from the local Republican party and frankly have no interest in obtaining such support. When the Governor very clearly evinces an intent to continue appointing Republican candidates, the judicial selection process appears to be partisan.

Social network seems to be a useful part of the nomination. That includes the politics of those within the selection system. -- Not all bad but it is a distasteful process for someone not adept to socializing within the bar.

My perception is that it plays a significant and, at district and appellate level, untoward role.

In the magistrate process, it plays too much of a role.

Individuals that have a relationship with members of the selection committee have a much better chance of being selected.

Politics should not play a role and Judges should not be affiliated with any political party.

Neither politics nor party affiliation should play any role whatsoever in judicial selection. Unfortunately, there are legitimate concerns about politics creeping into the process.

Party affiliation plays a role at the appellate level, but not so much locally

The primary role and why the process needs to be changed.

Although judicial elections are non partisan, most recent contested elections show a large degree of partisan politics. Judicial elections do not seem to focus on the judicial qualifications, but rather on politics.

heavily involved, not spoken

Can play too much of a role

much more than 15-20 years ago.

The good old boy system is alive and well. I think that it is an overriding factor. Gov. Otter has not selected any women for the bench in the last 30+ selections.

In my opinion judicial selection is highly political. As a former trial court law clerk, I have observed certain aspects of the process and know that the candidates that are "popular" can potentially get considered over candidates who are less popular but more qualified.

Politics and party affiliation are seen as more important than other qualifications.

My perception is that it plays a big role both at the judicial council and with the Governor.

I actually think it's pretty limited.

Politics are completely part of the process. If you're of the right party, you're more likely to get appointed than if you're not.

The bar generally has no faith. Appointments should be made only from top performers in bar survey. No symbolic appointments etc.

From what I know of the process, it seems that your political connection can certainly aid you in receiving an appointment but they are not the only consideration.

The election process brings party politics to the selection, which is unfortunate.

I believe it plays probably at least a 50% role in the process

I think party affiliation definitely plays some type of role in the judicial selection. It plays a larger role in smaller counties, and a smaller role in larger counties.

Unfortunately, politics plays too significant of a role in judicial selection in Idaho.

Too much

I think politics, both in the sense of political affiliations, as well as just a sense of a "good ol boys club" or friendships, etc. take precedence over qualifications, intelligence, etcetera.

None at initial interviews; fairly significant at governor's appointment level.

None.

Republicans win in this state, which is ridiculous.

no role what so ever

I believe politics and political connections are important in order for a candidate to be seriously considered for the judiciary. I do not perceive that party affiliation plays a major role.

None

If you are a Republican, you have a much better chance.

Very minimal at present.

Completely dependent on such.

even when names go to the governor it is a political decision on his part - you need a connection to get the appointment when it is an election it is partisan politics do a play a part

Way too large

Partisan politics have played a negative role in judicial selection.

I think the most disturbing thing about being a judge in a small community (not necessarily Ada County, but some of the less populated and more remote counties in Idaho) would be the possibility of being voted out of office if you make a decision that, even though it is the correct and just decision, angers an influential individual in the community, because in smaller communities it is easier to get voted out of office.

Way too political.

Politics plays too much of a role.

Seems to play a much larger role than anyone would want to admit publicly.

significant role. Governor more likely to appoint applicants from his own party and applicants generally have prominent people from the governor's party lobby for them.

political point a view determining factor in being successful judicial candidate

Huge role in selection of district court judges and Court of Appeals and Supreme Court judges, much less so with magistrate judges, although personal preferences often prevail over competence with the latter.

For trial and appellate judges in Idaho, it is a big consideration.

It is my perception that it is certainly more difficult to win a selection for a candidate/nominee who is not a Republican.

I think politics and who you know plays an important role in obtaining a seat on the bench, both in the appointment process and maintaining your position on the bench (election process).

It seems like connections (political and otherwise) to commissioners have everything to do with being selected as a judge. It's no secret that judge appointments are strategic in that respect.

My concern about serving on the bench is the politics involved to obtain an appointment. Bar members much older than me repeatedly tell me that if I want to make it to the bench, then I need to start shaking hands and meeting those "decision makers". It appears that politics are crucial for nomination.

significant

seems like who gets appointed depends in most cases on the political party of the candidate and the Governor. seems like who gets selected depends a lot on political connections to the judicial council.

it may have to heavy of an influence upon selection process. in addition, the judicial applicant survey is weighted too heavily and is highly manipulated to eliminate highly qualified applicants.

Please indicate whether you perceive bias in any of the following areas is a factor in judicial selection?		Response percent	Response total
Age		27.4%	161
Disability		2.7%	16
National origin		6.1%	36
Race		14%	82
Religion		21.8%	128
Sex		40.7%	239
Veteran's Status		0.9%	5
Residency outside of the area of the judicial vacancy (i.e., the city, county, or judicial district)		36.8%	216

Responses

View	Other	<ul style="list-style-type: none"> political considerations political views and activities Favors Prosecutor Applicants Political affiliation law school, university attended politics I feel the selection process is WAY TOO reliant on peer review. partisanship Insurance Defense None bias towards prior judicial experience (Perceived) Party Affiliation Political involment and connections It is more about who you know and not what you know or your qualifications. see above I do not perceive any bias political contribution or affiliation, either of the candidate or the candidate's spouse, or the candidate's family. Part of a good old boy network Political Party See response to 12. above political affiliation Whether or not you have worked as a prosecutor 	33.4%	196
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Former government lawyers are favored, including prosecutors and deputy attorneys general

political affiliation, or even not being a "good enough" member of the prevailing political party.

political party ties

Moral and social beliefs

Length of residency in Idaho and U of I /BYU law alum

Political affiliation

Political beliefs

party affiliation

perception of political party affiliation

I perceive no bias in these areas

Political Party

Political connections

See answer to 12

Political acquaintance.

political bias

political affiliation

Politics is a factor in judicial elections.

No bias

Bias on morality and/or religious standing.

bias towards prosecutors

Political persuasion

political and social associations

overemphasis on candidates who have been or are prosecutors, AGs

political affiliation

politics

political affiliation

political service by applicant

Political affiliation/background

party affiliation

Republican Party Affiliation

I perceive some significant attempts by special interest groups to influence the process. The local attorneys are most often chosen and that makes sense as they have shown they care about the communities in which they will serve.

Type of experience

party affiliation

I am not aware of any specific biases although I no longer live or practice in Idaho and would assume that this would be a strike against me.

bias in favor of prosecutors

process inappropriately skewed toward attorneys with criminal experience

perceived inexperience

political favoritism

Political affiliation and views

Political party

Are you kidding? Our court of appeals has or had a woman, hispanic and gay man. Could it be any more diverse than that?

Political Party

Prosecutors

Practice area: criminal defense attorneys seem disfavored.

I can't say that other biases exist because I haven't experienced them but they might; it's subtle. I do know that qualified individuals of color and qualified better qualified females don't apply because of know biases.

political party

Race, sex and religion play too strong of a role.

economical status

prosecutor & defender experience too heavily weighted

some selections have been based on a bias towards females.

see my comments in box 12

cronyism

Politics

Career prosecutors pay a high price in the selection process

party affiliation

Political party and political affiliation

Political affiliation or views

Political party and affiliation with elected officials

Private Practice

In many of the rural counties, the good old boy network reins supreme.

Political Party or leanings

Experience as a prosecutor

none of the above

none perceived

seems very defense bar oriented

Primary areas of practice

I perceive no bias in these areas.

System favors prosecutors, especially with the Magistrate's Commission.

Bias against liberal candidates

party affiliation; if you have been an ass kisser long enough

Political Party

Idaho Native

Political affiliation and connections

political party affiliation

Bar survey results; delegation by court administrators in larger counties.

Area of Practise

political affiliation

Prosecutors seem to have an inside track.

Whether you have been around - well liked? This should not be a popularity contest.
how many public defender's have been appointed recently?? None.
Too much of a bias towards those attorneys already in public service (i.e. AG's office)
Political connectedness.
pandering to conservative groups, water users, insurance companies, Boise corporate firms
Judicial Council process is skewed to government workers.
Political affiliation
background
Is the bench not diverse because the Bar is not diverse? and if so, why is that?
Comment: Just as there is bias in other areas of life.
type of experience (i.e. transactional versus litigation)
see answer to No. 13
career choice
Political Party
Political affiliation
politics
Political Affiliation
prior legal experience
local member of mag committee stated a public defender would never be considered
Party affiliation
No bias perceived
prosecutorial background emphasized
Political party affiliation
Prosecutors too often selected for Magistrate positions
Who you know/political
None
Political party.
Bias re residency is a good thing.
District Court Judges rarely are appointed from private sector
the "in" group, usually politically connected
None
political party affiliation
political party
In Dist. Judge selection it would be any bias that specific Gov. might possess
party affiliation
Political
see above
sexual orientation
political persuasion
Overall experience
Non-criminal related practice

political affiliation

I think there has been bias against certain religious views

no basis upon which to judge

politics

Inside dealings

lawyers in more obscure federal practice areas-patent law, tax law are not likely to be selected

political affiliation

presently serving prosecutor or attorney general

private practice vs. prosecutor

Reputation as a progressive.

A bias in favor of a candidate's conservative credentials.

perceived political leaning

Sexual orientation

More populous areas have greater sway in the process.

Residing outside of Boise

bias against democrats

Prosecutorial experience

No bias

In Favor of prosecuting attorneys vs. defense attorneys

political leanings

If they have not practiced in that judicial district.

Bias in favor of defense attorneys and those attorneys who simply apply the most times to become a judge

politics

applicants who work/ed for the state

association to decision makers

Criminal versus non-criminal practitioners

Political affiliation, history of representing criminal defendants, workers and/or injured plaintiffs

political affiliation

area of practice. My impression is that prosecutors are preferred over defense attorneys and that corporate defense lawyers are chosen over those who represent plaintiffs in civil cases.

Political affiliation

Party affiliation/politics.

Politics

political connections or those of a candidate's supporters

Perception with other attorneys does not equate to ability

type of practice

political affiliation

Member and donor to the republican party is a tacit requirement.

Bias in favor of government employed applicants in particular prosecutors.

sexual orientation

political philosophy

political affiliation

government practice

political party

Religion and political affiliation are covert personal biases of the individuals making the selection and may cut either way depending on who is in office.

age - bias for older. for #15, i have concerns about definition of diversity. not enough consideration for diversity of experience, philosophy, perspective.

political affiliation

political affiliation

Political Affiliation

Politics

Political affiliation

Political party

Politics

It's who you know.

connections/political

What type of law you practice

Total # of respondents **927**. Statistics based on **587** respondents **0** filtered; **340** skipped.

Which of the following statements do you consider to be most accurate:

Response percent Response total

Not enough consideration is given to diversity in the selection of Idaho judges.



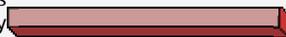
34% [294](#)

The correct degree of consideration is given to diversity in the selection of Idaho judges.



50.2% [434](#)

Too much consideration is given to diversity in the selection of Idaho judges.



15.7% [136](#)

Total # of respondents **927**. Statistics based on **864** respondents **0** filtered; **63** skipped.

If you disagree or strongly disagree with any item, please provide the reason(s) for your disagreement. Comments from those who agree or are neutral are welcome as well.

The judiciary is currently attracting the best lawyers for judgeships.

Response percent Response total

Strongly Agree



0.9% [8](#)

Agree



9.3% [86](#)

Neutral



32.6% [300](#)

Disagree



43.5% [400](#)

Strongly Disagree



13.7% [126](#)

View

Comment

[232](#)

Responses

The best candidates will not leave lucrative practices to take the bench.

The best would never put themselves through it for the money offered.

Compensation is a problem.

The pay is too low to attract the best possible applicants.

I think that the best lawyers are remaining in private practices that are more lucrative than the bench.

There are some utter idiots who have been appointed as judges

I believe that there are great lawyers that would never apply for a judicial position because of the reduction in pay they would face.

Top lawyers do not wish to participate in a selection process which is fatally flawed.

There is little incentive for the best lawyers to seek judicial appointments where it appears that the process requires the following judicial progression:
Prosecutor to Magistrate to District Court

It seems as if the lesser capable lawyers seek judicial office and are appointed. Whereas, the better qualified lawyers either don't seek consideration or don't get appointed. There are some applicants who seek appointment because it's a pay raise, when in fact the better qualified applicants are required to take a pay cut.

Salary and politics of the process chill potential applicants

I feel that generally the applicants are qualified. They may not be the most talented but are by and large talented

I believe that for the most part, the candidates selected are qualified; however, the list of candidates clearly contains some people who are not qualified

It seems to attract people interested in power instead of making the "right" decision.

I am only 7 years out and still have a significant upside compensation wise, it would be a huge pay cut for me to take a judgeship and I probably am too inexperienced to qualify. The compensation is laughable.

Many of the best lawyers aren't interested.

The most qualified don't want the job.

The pay is too low and politics is involved, so you'll never pull the cream of the crop.

Party affiliation (and religion) are more important to the voting public than experience and qualifications.

believe good lawyers are being attracted to magistrate positions, but skeptical with regard to district court judgeships

I disagree with the premise that the "best lawyers" always make the best judges. Sometimes the person is considered the best because they really have found their niche, and for whatever reason, that truly is the best place for them. I also tend to think that a person has to want to be a judge - and for some that is just not a desire, whether they are the best attorney or not. Along those same lines, a person who is considered a "best attorney" is likely considered that way, in part at least, due to his or her earning potential. The judiciary can't (and probably shouldn't) ever pay so well that they should be the highest paid legal practitioners in the state.

I believe that many good lawyers are discouraged by either the role of politics in judicial selection, or, in some cases, by the relatively low pay for judges, particularly where the applicant might be coming from a lucrative private practice.

Too many of our best lawyers in private practice have no interest in a judgeship.

Too many inexperienced attorneys and/or attorneys who are unable to make it financially in private practice apply

My experience with some of the judiciary is that they fail to fulfill the function in a way that provides accuracy and confidence in their decision making.

This comes back to the political concern -- the best lawyers aren't necessarily connected politically.

Too many look at the pay and benefits as a step up.

I don't think the judiciary can attract those people because the compensation is miserably low.

See response to 12. above

Prosecutors seem to be selected too much.

\$

The best experienced lawyers are making too much money to apply until near the end of their career and then only if they have a spirit of public service.

Low pay keeps the "best" from applying.

selection process; contested elections and low pay

While I see some excellent candidates, the list too often includes mediocre practitioners who I suspect are primarily interested in a steady paycheck. If they can competently carry out the judicial responsibility, they are more than welcome to the paycheck!

The selection and appointment process (including disclosures) and compensation issues combine to keep away the "best and brightest".

In many cases, judicial appointments result in qualified judges. However, where a judge insists on retiring at the end of a term, requiring an election of a new judge, the process does not work.

Sometimes yes, and sometimes no.

The apps do not seem to be the best lawyers in the bar.

Pay is too low.

Just because someone is a highly paid civil attorney doesn't necessarily mean that they are the best for the job.

personal opinion-I still see the best in the well, not on the bench

financial strain

See my comment above concerning politics.

Many are applying, but not chosen

Often the best lawyers don't have enough incentive to put themselves on the line

Lack of intellect, judicial temperament, experience and wisdom.

Not competitive compensation for top lawyers.

salary will not allow adequate support for college costs for judge's children; must delay judicial service until college costs begin to decrease

not enough compensation

It seems that many recent appointees just want a steady paycheck

compensation, isolation too big an issue

people who were bad lawyers are judges

Many of the very best lawyers cannot take the financial hit.

Only appellate jobs considered prestigious

Preference is for white Republican males who support Butch Otter.

Applicants with experience in a limited area of the law will apply for judgeships but do not have experience in more areas of the law.

Generally, the best lawyers are focused on a much narrower spectrum of law than what is required of a judge.

Too many former prosecutors.

However I'm not sure if the best lawyers always apply or are recruited to apply

Doesn't pay enough to pull best attorneys into judicial roles

While there are some exceptions, what we mostly have are folks who do not know what they are doing or become so enamored with their perception that they are important that they feel they are free to treat people poorly.

It cannot, with the pay and the limitations on whom you can interact with, it is a great service to apply if you are a good trial attorney

pay insufficient for me to apply

Applicants with years of ALJ experience cannot even get an interview.

I'm not saying that all the current judges come from the dregs, but some clearly do. And the most successful, well-known attorneys are never on the proposed lists.

Compensation and scheduling freedom sometimes restrict applications from the very best lawyers.

The better and best lawyers cannot afford to become judges.

Most applicants are underqualified and would be receiving a pay raise.

This seems to vary substantially from vacancy to vacancy

I believe the over emphasis on criminal experience neglects strong civil experience

It seems the same people apply every time, and those people eventually become judges. I wonder if the experience interviewing for the position is what results in their selection, not their fitness for the position. I can't figure out why our smart attorneys do not want to be judges, except that they do not want to give up their lucrative private practices.

job doesn't pay enough to get near the best

Does not pay enough

The judiciary is attracting those who are not successful in private practice and decide that it is easier to be a judge. Competition for judicial position is lessened because judicial salaries are not enough to entice lawyers to come over from private practice. Result: You get more less qualified applicants. Also, the selection process is stilted in favor of lawyers who are litigators...which is not what you want all the time. I don't want a litigator ruling on my transactional cases, unless that litigator also has transactional experience. Bottom line: Idaho does not have the best judges possible, but settles for mostly second tier intellects. Sorry...sad, but true. And the election process makes it even worse, as it becomes a political contest, which, I suggest, has no place in the judicial appointment process.

The best lawyers do not apply

too many are tired of practicing law, retire to the bench, and let their clerks run court

many are, some lazy others power mad

It appears that the same individuals apply for each opening.

I think it's often a group that have not been able to make a stable income on the outside.

I know of several lawyers with marginal qualifications who have been selected as magistrates.

There are certainly well qualified judges, but there are others who are, to be kind, 'marginal'

The selection process frequently comes down to a popularity contest and lobbying effort. Lawyers answer the surveys based on who they want, not who is best qualified. Certain segments of the bar will sway the survey or lobby for

(or against) a candidate based on whether they think the candidate is more or less likely to rule in their favor on cases.

The selections in the Magistrate division of the Fourth District have been very poor. The last judge had never even participated in a jury trial and he was selected to preside over jury trials. Makes no sense whatsoever.

I don't even think it is close.

The best lawyers don't want the hassle of the process and the politics of the job

Best candidates cannot afford the salary reduction

Many candidates are best lawyers. Far too many are not.

The best lawyers establish a successful practice, aside from which judicial salaries pale, or eschew the process and/or inherent unreliability of popular elections.

see box 12

The present judiciary is good; however some of the potentially great candidates are not applying.

The "best" lawyers earn a lot more in pvt practice, but that doesn't mean we necessarily shd raise judicial salaries.

Present economy is making a judgeship attractive to marginal, (at best) attorneys.

Too big of a pay cut for most lawyers to consider during their highest-earning years.

Though licensed, I have not had an Idaho case so should not guess.

Too many people are looking at a judgeship as a stable source of income, rather than an opportunity to grow professionally or contribute to the practice in a significant way.

There are many qualified lawyers who never apply due to perceived bias, or other factors

Not true because they do better financially in own practice

low salaries

The applicant pools I have seen including some of the shorts lists which have individuals I believe are completely unqualified and exclude individuals who are qualified.

The best lawyers aren't interested in the headaches of low pay and contested elections

The list of applicants often lacks the names of the best lawyers.

A few good ones.

Often the candidates are just not that strong

personal experience with the lawyers

Why would I take a pay cut to be overworked and underpaid and not respected?

Not always. Many highly qualified attorneys won't consider it, for a variety of reasons, including money, the requirement to move even if they live within easy commute but not in the required district, restrictions placed on them which are isolating, an impression that the job itself is not challenging.

Those who are successful in private practice probably make more than they could on the bench, so you get your less successful candidates.

The best lawyers are great advocates and would absolutely suck at being a neutral magistrate, and don't want to

Many of the candidates for the positions I have sought already had esteem and high salaries. I don't know exactly what their motivation was, but they didn't seem to me that they had judgeships as their ultimate career goal.

Candidate pools are abysmal

Come on, many people applying for judge will double their pay if they got the job.

the best lawyers tend to remain in private practice, many of whom have much more clout than judges

No real incentive to take the position.

The best talent remains in private or corporate practice.

Surely you jest

The best and brightest attorneys are discouraged by the salary and the potential detriment to their practice from applying but not being selected, as well as the contested election potential

sometimes it is, other times it is not

there are many qualified and experienced lawyers who aren't willing to surrender themselves to a process without accountability

Many well qualified attorneys will not apply because of the politicized nature of the process.

The best lawyers are content in their practices and careers, so unless nearing the end of the same, and wishing to join the judiciary as a career cap, generally won't apply, as there is no incentive. Because of this, the positions are sought by the career climbers, status seekers, and those of lesser competence as a means to assure position, prestige, or better pay. As a result the judiciary, especially at the magistrate level, is weakened because it is staffed by a large number of mediocre to incompetent lawyers.

There are no doubt some top lawyers who become judges, but I think we miss many of them due to lack of adequate compensation and the perceptions of the selection process.

certainly not at the magistrates or district court level

The best lawyers don't apply.

see previous comments - how can you be attracting the best lawyers when the best lawyers don't even apply?

Simply not true in my opinion.

Currently attracting burned-out practitioners or those looking for a retirement strip.

We all know who the really good lawyers are and I would say that typically there is only one or two such lawyers on the list that gets e-mailed to the bar for comment.

Pitifully inadequate compensation dissuades many.

The best stay in private practice with all to rare exceptions

Not enough compensation to attract the best candidates.

Look at what we have--problems everywhere

Some of our best lawyers have been interested, but too frequently those who don't like the practice of law seek judicial appointment.

pay is not hi enough to attract the best

No. There is a lot of "faces and spaces." Look at some of the past appointments -- the number of women is increasing and not all of them are qualified. All this to make it look as if we aren't biased. No retired military attorneys out there. There are a lot of biases

We have good judges, by and large. People who may not have seemed overly qualified often "grow into" the job. But very often the smarter, best thinking people in the courtroom are not the judges. A lawyer who can make a good living in private practice would have to be very dedicated to take a judicial position, both because of time demands and because of financial considerations, but there are some dedicated people in our state. .

Insufficient pay.

I would guess the best lawyers in the state are not applying for judgeships, but there certainly are qualified applicants.

We lack a side variety of personal backgrounds as well as ethnic, racial and gender diversity on the bench. The bench is overwhelmingly white, middle class in the backgrounds of judges. I suspect that the number of judges whose upbringing was impoverished is very small... even the number whose upbringing was less than middle class is probably small, also.

It's clearly not. Just look at recent appointments.

Pay better

Why would the best lawyers want to be judges? They don't. Judges want to be judges.

a very political process eliminates many who really want to be judges

Sometimes the best lawyers don't make the best judges.

Negative experience with some judges who seem to be on the bench for life.

Could do a better job at selecting the best.

I don't know that a judgeship should attract the best attorneys. Great attorneys often may not make great judges.

Compensation is too low to attract good attorneys.

My perception is that a big chunk of lawyers in Idaho are incompetent and the worst of them are those who seek judicial positions because they can't cut it in practice.

no diversity must be male, criminal lawyer, republican

The applicants for judgeships appear to be coming mainly from the criminal prosecution/defense bar or from the magistrate division. There needs to be more focus on attracting attorneys from the civil litigation sector, where complex civil litigation is involved.

More money and elimination of elections would probably help.

Political biasness and inadequate compensation for a candidate who has a successful private practice.

Too few are applying for district judge positions which have private practice trial experience

The judiciary seems to be attracting those people who are looking for a career advancement or prestige, not those people who are actually qualified to sit as a judge

There are excellent lawyers who may not have trial work background, but who would learn quickly and be excellent, wise judges. Less focus should be given to trial experience, and more to intelligence and wisdom.

Being a terrific trial advocate, or being widely connected, is not necessarily coincident with being the "best" lawyer.

I would for an Indian Tribe; my legal exposure beyond the tribe in Idaho is limited.

I would for an Indian Tribe; my legal exposure beyond the tribe in Idaho is limited.

There will always be some "best lawyers" who do not want to be judges.

judgeships are most often sought by the least capable of bar members, in magistrate and State district court judges, are bar members who are not very successful as lawyers or are stuck in a large firm

The process is too miserable and political.

I don't believe the pay is high enough to attract many private firm lawyers

Compensation is too low to attract the best and brightest. Qualification is not the primary consideration, political affiliation is.

Good lawyers do not always make good judges.

attracting new, inexperienced lawyers

They are good lawyers but not the best

The judiciary is attracting persons who are willing to compromise their ethics for the benefit of the members of the selection committees.

Define "best lawyers".

The best lawyers are not interested in leaving private practice for the bench

Smart, successful lawyers don't feel compelled to give up successful practices for a non-secure job (e.g., up for contested and, sometime expensive elections) and significantly less pay.

no ... private practice is still more lucrative

Many marginal attorneys apply as an improvement to their current private practice.

NOT ENOUGH CRIMINAL EXPERIENCE

need more defense oriented attorneys

this response applies down the line. I am one of the most experienced civil trial lawyers in east Idaho. Despite that fact, I have no doubt that my chances of obtaining a judgeship are unlikely since I am openly Democrat and non-Mormon

The job is so attractive that the best and not so best are attracted.

We are not getting very strong judges in the 4th District; Its apparently not a job very many qualified lawyers want or there is something wrong with the selection process itself.

The best lawyers want nothing to do with the process or the positions

Application rates are too low to represent the best lawyers in Idaho.

The "best" lawyers is subjective at "best" and the "best" lawyers don't always equal the "best" judges/justices

Inadequate compensation

See my other comments.

I think too many apply for the bench because they haven't really been successful as attorneys

compensation

The best attorneys are making far more in private practice than can be earned on the bench. Too many highly competent attorneys are just not willing to take the pay cut and expose themselves to the political side of the process.

Just look at the makeup of the mostly white male court. No other proof is needed

Pay and political considerations discourage the best.

i haven't been here long enough to know

Many accomplished attorneys don't apply because of the decrease in salary, facing elections and the lack of interest in promoting diversity on the bench.

The best lawyers no longer apply. Period.

sometimes yes and sometimes no

however the appointments have been of the best qualified

Too many lawyers who have trouble earning a living as a practicing lawyer are applying. This is not new. It has been going on for at least 20 years.

I know many attorneys who make great judges but do not apply

Only judges should be on the counsel

I don't believe that the "best lawyers" necessarily make "best judges"

Sometimes yes, but often connections matter more

It seems that those with a poor reputation, practice of financial situation are applying.

The best lawyers rarely apply. The Idaho judiciary has become a career stepping stone for prosecutor and career judges with limited civil experience.

How did Robert Naftz get chosen as a Pocatello Magistrate? His experience was extremely limited.

most judges come from the prosecutor's office and have no experience in civil law.

no diversity, lack of compensation

I think the judiciary attracts good lawyers, perhaps not the best, but the best may have other career goals.

compensation is not adequate

It is an attorney that has never been aggressive or offended anyone rather than a qualified attorney with zeal for clients.

very few applicants given the number of practicing lawyers; most applicants have similar backgrounds

The winner is not the best candidate, but the most connected.

Just look at the applicants. Invariably, these are not the best lawyers for the position.

Too many former prosecutors.

There are some great judges with strong moral courage, however I think compensation keeps some good candidates from applying.

See comments to number 12. I used to attend the local bar meetings. However, when we would make a recommendation for an applicant it was dismissed and the powers appointed anyone they pleased. The County Commissioners are ill-equipped to make any selection, though they appear to be in control of who is appointed. Most of them have never been around lawyers in a civil setting and have no idea what they are doing. We have magistrates appointed who have no children, to make custody decisions. We have ex-prosecutors or ex-attorneys general appointed to magistrate position who have never taken a divorce, tried a civil or criminal case, and have biases or personality problems we then have to live with. I am happy to name those in my district if you are truly interested.

too many mental midgets

I suspect the salary is an issue for some top people.

Inadquate compensation

Predominantly older trial attorneys who can afford to give up private practice salaries.

The selection process has vetted out qualified candidates and appointed less qualified individuals with "connections."

I think we have had some fairly good selections with a few clunkers along the way.

candidates self-identify; not enough recruitment. not sure that the best lawyers make good judges either.

There are no women judges in the 2nd District.

Not enough well qualified civil practitioners

Politics and compensation are problems.

The judiciary is too concerned with playing politics to get the best lawyers for the job.

bar knows who best is. best not appointed , forwarded

In some circumstances, I would agree.

The best lawyers are not applying for judgeships, they remain in private practice.

some are very good and some are not

It appears many become judges because they were not doing well as attorneys.

It is attracting the lawyers who most want to be judges.

Qualified people may not apply because of the election process and the role politics may play in appointing and maintaining judges on the bench.

not well schooled in the law

being a good lawyer does not mean a person will be a good judge. The bigger problem seems to be the folks getting selected are often not good judge material even if they are well respected lawyers

Total # of respondents **927**. Statistics based on **921** respondents **0** filtered; **6** skipped.

I believe I could make it through the Judicial Council's process and have my name forwarded to the Governor.	Response percent	Response total
Strongly Agree 	9.4%	86
Agree 	27.7%	253
Neutral 	26.3%	240
Disagree 	27.6%	252
Strongly Disagree 	9%	82

Responses

But I do not think the current governor would appoint me and I shudder at the prospect of a contested election.

I don't have the minimum qualifications

I am affiliated with the wrong party

I am not a staunch republican so there is no way.

I am not a litigator

Name recognition is a huge consideration -- as is party affiliation. My perception is that the only factors which trump factors which show diversity.

I do not believe I have enough trial experience.

I do not have the requisite experience.

View Comments I probably lack some desired experience in criminal work but i don't think that is a complete barrier

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Although I have been a lawyer for nearly 30 years, I have been a corporate lawyer, not a litigator.

I have too "liberal" of a background

I've been a Public Defender my whole career... almost 5 yrs. We're a contrary lot.

I'm too young and don't have the correct political leanings for Idaho.

Been there and done that.

not yet

Not enough experience as a lawyer.

I'm too young and don't have enough experience yet.

I haven't applied yet, but I will probably apply for the next opening, so I will test this opinion. This stage seems a little less political.

that has not occurred after a number of attempts

I feel I don't have enough experience.

I think the selection process is too heavily weighted to lawyers in private practice that have practiced for a certain number of years.

I believe I should make it through, but likely would not.

Am not LDS or politically connected

I believe 7-10 years ago I could have made it through but I only have a few years left in my career.

I would not apply for a position with that requirement.

Too new of an attorney; not enough experience

Currently I am too inexperienced, and down the road my gender and lack of a religious affiliation would probably pose problems.

Too narrow a legal practice

Odd question. When? Under what circumstances? What governor? The actual one or hypothetical future one? Current or hypothetical future ambitions? Having done what with myself over the next ten to twenty-five years?

I do not have any criminal law practice background so I doubt I would be selected over those who do.

Without extensive trial experience? Not a chance.

strong consideration should be investigated at how some Judges have been promoted to the Bench in Kootenai County, especially in the last 10 years.

I am not eligible because I have not practiced long enough. I would like to think that in 10 or so years I might have a shot at it.

I've only been in practice a few years.

I don't honestly know how I would fare

I believe I am very well qualified, but see #18

don't know

wrong party

At my current age and level of experience, I don't think I would be seriously considered. If I applied several years in the future, I think I could mark the "Agree" box.

Don't know the process.

not political, don't practice in a "popular" area of law

I'm a liberal atheist female.

I am well qualified but don't know the right people.

I don't know.

Have not been practicing long enough

I have not been in practice for the requisite 5 years.

I don't have any close friends on there.

I have not yet been an attorney 10 years.

today I am not qualified

Assuming I had been in practice long enough to be considered, I don't think there's a chance I'd ever be considered, regardless of my own merits, because I belong to a politically unpopular family.

I'm too thin on civil litigation experience.

The depends on many factors, such as (i) other applicants, (ii) prior experience, (iii) position sought, (iv) etc.

I was admitted in 2007 - I couldn't at this point, but who knows about the future.

I've only been a lawyer for two years

not politically correct

I have tried and lack of criminal experience always comes up as negative factor

I am from Idaho and would love to live in Idaho, but I live in Nevada. I believe that would make it difficult for me to pass through, even after I agreed to move back to Idaho.

there is a political element to the Judicial Council

I'm a trial attorney. As such, I don't think I could ever make it through the selection process because of negative stereotypes.

I'm smart & honest but eccentric

I don't have the 5 years experience yet.

I have a concentrated area of practice that would not translate well to judicial position. It would be acceptable for the right Magistrate position.

Not enough pull.

I have not been willing to curry favor with the right people

I think I could, but only if I started "campaigning" long before I applied. I would need to "schmooze" lawyers at bar events, etc. in order to get the popular vote through surveys.

I have no idea what the process entails

I have tried that already. The only serious reservations I heard were related to the anonymous attorney surveys.

I sincerely hope not, as I was just admitted to the Bar in May.

not with the current biases in place

I don't know enough important people

I'm not a white, wealthy male so my odds are not good.

Don't qualify.

I am not, and do not intend to become, active in political circles for career gain. Furthermore, I do not believe the judicial council would regard my background as the appropriate qualification for a judicial position.

see box 12

I don't have any signif. litigation experience!

See above comment.

Currently? No. Perhaps in a few years.

Wrong side of the fence.

I am not sufficiently involved with either political party.

I do not have the connections necessary, nor am I a former prosecutor, which appear to be de facto requirements.

I've been too politically active locally

I disagree because I have no reason to believe I would fare any better than others who I believe should have had their name forwarded to the Governor.

Maybe someday

Age and lack of lengthy civil experience would hinder me.

I have little contact with other local attorneys due to the nature of my practice. Also, professional associations are largely out-of-state. I believe it would be difficult to be selected.

At this point, no; I know I lack the experience to make it through the selection process.

I hope to at some point.

I have been willing to tray and to through the hoops, but my political party affiliation and religious faither are holding me back. Having said that, I sense that candidates who finished in the top 10% of their law school class can pretty much write their own legal employmen ticket where ever they go. I don't happen to fall into this category.

my background is too narrow.

I don't live in Idaho.

Not enough relevant experience

Not experienced

They only want 'perfect' candidates, no blemishes, which is not reflective of our citizenry.

I'm too young.

Politics are wrong

I have lived a good life, have a good professional reputation, and I still think the politics are too much for me to make it through the process.

I have no political connections, in the civil arena I'm a litigator which makes for few friends; and, too, 60% or so of my practice is criminal defense which it is no secret, though seldom spoken, makes me and those who also practice in this area the red headed step-children of the bar. I doubt a judicial application by me would get much further than the Judicial Council's nearest round file.

For the reasons stated above regarding question 12, it is unclear whether I have the "connections," and even if I did, I would want to be selcted on merit.

I don't know the right people.

wrong party

I'm a military lawyer on active duty and have never practiced in Idaho, I wouldn't expect to be selected until I had practiced in state for at least a few years.

Too young at this point, not enough experience/credentials.

I don't know what it takes to make it through this process.

But with more experience, I feel I could.

Because I am not well connected.

I would hope I would be considered, but if you have been on the Court or practicing for a long time, the process is brutal.

not enough political connections

Don't know

Not popular enough -- no name recognition

I have only practiced 9 years, likely not enough experience to make a short list of for a judgeship.

I am of the wrong political party, age, and gender.

Can you say I am perceived as a "liberal" although my view of the law is a lawyers balanced view that understands the competing inteerstis and the role of stare decisis etc.

Too young and lack of experience but maybe 15-20 years from now.

doubt it - I think it is hard for many to be effective and not upset some a long the way

Perhaps not at this time, but later in my career, once I have made the proper connections.

I am 30 years old and have been practicing for approximately five years.

I would need more education on the process to determine.

Not well enough connected.

I do not have enough experience to be a judge at this point in my career.

I don't have enough experience yet.

My practice is too specialized for me to be considered.

I don't have enough practice experience.

I have not tried so I do not know.

I am the most liberal person in the world. If I wanted to be a judge, which I don't, I would try the election process.

not politically connected

I have no idea.

I am not a member of the controlling political party within the State of Idaho (Republican).

Don't know

I am not active enough in the bar and legal community to be recommended.

In a few years. Not now.

See above comment.

See above comment.

I'm not old enough to be a judge and lack enough experience.

Because I expect the process favors people that are well known in the local legal community, and I am not.

When I applied, I was well qualified

Not enough experience at this point.

wrong party affiliation; insufficient political contacts

a am a woman, older with no connections

Too inexperienced

Too old, too female and "wrong" politics

I don't have the varied experience necessary to the district bench

Hasn't happened yet - despite what I think is a very impressive professional record and my successful practice at a prestigious Idaho firm.

I'm not sure, but I imagine the limited amount of time I've practiced and the fact that I've never practiced in ID might prevent me from making it.

I have restricted my practice to bankruptcy for 20 years.

I have no political connections.

Not sure how best gear my career to get there.

I'm not well known enough

too old

too old

Tried twice without success.

The process is predetermined by inside dealings and agreements

too little experience

They will not forward the name of an individual from outside the area.

I've been out of the loop too long. I have no "political" support to be considered.

I'm not qualified; I've only been practicing 11 months.

not enough experience

not enough experience among other reasons

I don't have enough experience or political clout

At this time, I am not qualified, however, I do not believe the process or the Governor's office do not sufficiently value diversity.

I applied twice and did not make the cut either time.

I would like the bar to spell out exactly what is done in this process.

Look at how few women are on the bench in Idaho. That says it all.

Inexperience in the law

I am an independent and would not have a chance because I have no political connections.

At this time, due to short tenure in the community.

I am well qualified

I believe my ethnic background (Native American), agnostic spiritual faith and party affiliation would prevent my name from ever being forwarded to the Governor for consideration.

Not at this stage in my career, but hopefully someday once I have gained a little more experience.

Although I have tried over 70 felony cases, because I only have 5 years experience I don't think I would make it through the judicial process.

Because: wrong type of practice

Not a former prosecutor or Republican

I am not a republican

Not the correct party affiliation

I have not been practicing for long enough.

No, or perceived adverse, political affiliation.

I did

Not enough experience

Would have to be right political party.

I am currently not eligible nor am I yet qualified by experience.

I don't know if this is true, but I believe female Democrats have a more difficult time being approved by appointment councils. I believe my qualifications are sufficient to warrant approval.

I suspect my lack of trial experience would work to disqualify me.

Well for starters, I'm not remotely qualified enough to even consider it. But most importantly, I'm not a republican nor am I conservative enough to be selected.

not enough experience

Not enough experience under current rules.

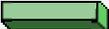
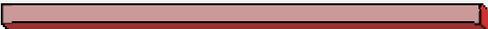
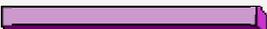
!) not political enough 2)not right party 3) not LDS

I have only been practicing law 2 years and don't yet have enough experience.

I believe I would have the qualifications to make it through, but have been told I may not be known well enough in the Bar to receive the quantity of positive responses needed from the bar survey.

Some very ugly and totally untrue things have been said about me in the anonymous comment part of the rating form. Someone is sandbagging me and until they go away or have to sign their comments, I do not expect to get a fair shake in the process

reliance upon judicial applicant survey is overly weighted and manipulated by the size of law firms

I believe I could be appointed by the Governor.		Response percent	Response total
Strongly Agree		4.7%	43
Agree		21.7%	197
Neutral		28.9%	263
Disagree		29.4%	267
Strongly Disagree		15.3%	139

Responses

The Governor's Office drags the process on for months, then appoints someone solely for political reasons. Some young person from the Governor's office interviews you, if at all, and the entire process shows the Governor's ignorance of and lack of respect for the judiciary.

do not have correct political pedigree

I think this governor is looking for party members to fill the judicial positions.

Political connections are determinative.

I don't have the minimum qualifications

Same comment as above.

Politically driven.

political differences

I am not a litigator and do not have the necessary connections

See above.

Depends on the Governor

Do not have political connections.

View

Comments

Wrong political party and political beliefs to meet litmus test of Governor's staff

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Same answer.

Wrong party affiliation

A known Republican supporter would be selected over me.

I'm a woman and I don't have criminal law experience.

I'm too young and don't have the correct political leanings for Idaho.

At this level, the politics can play a large part

not yet

It would depend on the party affiliation of the person in the governor's office.

Not enough experience as a lawyer.

Same as above.

My political activities would be a problem. I'm an active Democrat.

This is the rub: while I believe I'm very well qualified, I just don't know if the Governor would seriously consider my name without an "insider" lobbying for me.

Not with my party affiliation, demographics, current position and a Republican governor

I don't have enough experience

See above

Am not LDS or politically connected

See #17

"D" in an "R" state.

wrong party

I am not of the right political party

I think that appointment by the Governor is to a certain extent a popularity contest based on political and bar participation.

Too new of an attorney; not enough experience

I doubt the Governor would appoint a female democrat as a judge.

See above

I am not political. I think you have to have some political sway to get appointed by the Governor.

Without extensive trial experience? I doubt I would make it that far.

I am a woman. It depends on the Governor.

I don't know

The governor appoints no Democrats

I'm a Democrat

don't know

See my comment above concerning politics

I'm not a republican

No strong party connections will kill me; I have been politically inactive

Not connected politically

wrong party

At my current age and level of experience, I don't think I would be seriously considered. I also consider myself to be a Democrat, which might hinder my chances of being appointed.

I have concerns about my lack of local political involvement affecting the decision

I am a partner in the Roark Law Firm. As you know, Keith is now the Democratic State Chairman. How well do you think I would do in front of Butch?

I am not political, don't practice in a "popular" area of law.

I'm a liberal atheist female.

Have not been practicing long enough

Our Governor has a horrible track record appointing women to the bench

I have not been in practice for the requisite 5 years.

same as above

No political "mojo" and if I did, it would be wrong party.

See my comments to number 15.

It takes connections to the right political advisers.

My lack of political involvement means that other applicants, who are politically more active and thus better known to a governor, will have a better chance of appointment.

I do not have the political connections necessary to be appointed by the Governor.

I do not know enough about the process to answer the rest of the questions.

I am not involved in politics and have no wish to campaign

wrong party and no one i know knows the gov

If I was interviewed with an open mind, I believe I would favor at least as well as other candidates.

I don't know the Gov or his advisors

Once I have the experience, I believe I would be a good candidate.

I am not active in party politics.

I perceive the patronage situation more at the Judicial Council level than by the Governor

Again, like in my prior comments I would need to get political and start "schmoozing"

If I could ever make it that far, I can certainly hold my own and convince him I would be a good choice.

He is going to appoint his friends or friends of friends

I am not political, one way or the other.

I don't have enough political backing.

Too liberal.

I have no political connections. My husband and I moved here from another state, therefore I do not have a family connection to recommend me. My work in the legal profession is very rewarding, but obscure.

see box 12

I have no experience that would qualify me.

I'm a blue girl in a red state.

see above comment

No political background

My political affiliations would hamper my ability to be appointed.

I am not a Republican.

I do not have the motivation for appt.

I am not a republican.

If I could make it through the process I believe I could be appointed.

The recent appointments indicate I do not have the personal attributes that the Governor finds important.

I am too early in my career to adequately answer this question.

I have no idea on this.

Not a Republican, not politically connected.

I vote wrong.

I'm a Democrat

Same. I have little contact locally either professionally or politically.

I am not politically connected and it is unlikely the Governor would choose someone he knows nothing about politically.

See above

ibid

I do not have any connections that would lead the governor to appoint me.

I am not Blake Hall and have no political connections.

I do not spend enough time on politics

I don't live in Idaho.

Not enough personal political connections

Not experienced

Doubt it, as I don't know the man.

I'm too young.

Politics are wrong

See comments to No. 20.

I don't have the necessary political contacts, have not made the appropriate donations to the right political PAC's or candidates, and I belong to no political party. I don't think that would get me any consideration by the executive.

Please see comment to question 16.

wrong political party

Not enough experience

Wrong political persuasion

Don't know him or his cronies. Didn't vote for or contribute to his campaign.

Governor doesn't follow the law

Same comment as above.

I am not a Republican or part of his "good old boy" network

Although, I am Republican, I am not politically connected and I am a member of the ITLA.

But with more experience, I feel I could.

wrong Party and not corporate/insurance lawyer

Because I am not well connected.

not enough political connections

?Could but not likely

He doesn't know me, he doesn't owe me anything

Not aligned to his political party.

Not enough experience.

See the reasons listed in response to Question 17... same answer.

Not this one.

I don't think our current governor sees much importance in getting more women in the judiciary.

Same comments as above

don't know - guess it depends who the Governor is at the time

I am 30 years old and have been practicing for approximately five years.

As a non-LDS female minority, I have little chance of getting appointed in a state this conservative.

Please see no. 16.

Wrong party

I am not a Republican.

wrong political affiliations

Same as above

I don't have the proper connections or experience.

I'm a federal prosecutor. I don't think the current governor favors the federal government.

I am not politically connected.

Same as answer to 16

not a chance

Not this Governor.

Simply do not have what I would consider to be the necessary courtroom experience.

See answer #16 comment.

Don't know

See above comment.

See above comment.

I do not belong to either of the two political parties that run the country. I don't know the governor or his staff.

I am not a political party activist and would not be appointed

Wrong political party, wrong ethnicity, wrong religion

see above

I'm a democrat

I don't know anybody who knows the Governor

Too inexperienced

Not a Republican

See prior response

for the above reason and I am not a Republican

Which Governor? This one doesn't seem interested in appointing women. Period.

restricted (federal) practice --no state law involvement in years

No political power.

Politics

not enough courtroom experience

if 20 years younger!

if 20 years younger!

The decision is totaly based upon favoritism and quid pros to crineys

I don't know the governor.

That is funny

Perhaps; If I got that far.

not enough experience

Wrong party.

I'm a woman who is not active in the Republican party.

This is, by far, the weakest link in the selection process.

Depends upon what Republicans are also in the final group.

I do not have enough political clout

Maybe someday, by a different governor.

I do not have Republican contacts

Wrong political affiliation.

Same as above.

Wrong political party

are you kidding me!

not the right party

The political process, my ethnic heritage and views on social issues would greatly diminish the likelihood of receiving an appointment.

Even if I wer qualified, I highly doubt the current Governor would select me. Our political positions are very different and I have not been impressed with how politics and favor influence this Governor's choices.

I believe my reputation and high morals would be a plus, but I believe politics weigh heavily in who is appointed.

Because: wrong politics, female

Wrong political party

I am not a republican

Not the correct party affiliation

Wrong political party.

Same as above.

No political image or signature.

I was

Would definitely have to be right political party.

It's Political

I believe that upon gaining the requisite experience and qualifications, I could be appointed although the process is extremely political.

The only reason I disagree is because I don't believe I have the political pull I would need to receive an appointment by the Governor.

I believe the Governor is disposed to not appoint females or Democrats if a male Republican candidate is available.

depends on governor

He appoints no women.

See above.

not enough experience

Not enough experience under current rules.

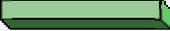
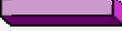
no political pull or connections

I have only been practicing law 2 years and don't yet have enough experience.

I also do not have a strong political affiliation, which might hurt my chances for appointment.

I have been active in the wrong party and the wrong politically and legally action groups for the current Governor to give an appointment

Total # of respondents **927**. Statistics based on **914** respondents **0** filtered; **13** skipped.

I believe I could be recommended for appointment by a Magistrate Commission.		Response percent	Response total
Strongly Agree		9.3%	84
Agree		36.8%	334
Neutral		31.3%	284
Disagree		16.2%	147
Strongly Disagree		6.4%	58

Responses

Magistrate Commissions are now much more fair than going before the Governor. It was not always so.

I strongly believe I have the qualifications that a magistrate should have. Therefore, a magistrates commission would probably find me to be a good pick.

I don't have the minimum qualifications

Politically driven, who you know and how. Prosecutors who interact with commissioners have a huge leg ahead.

I am not a litigator

So long as the Commission puts such reliance on the Bar Questionnaire and letters of recommendation, this is a crapshoot. Lawyers can be petty, spiteful and vindictive -- to rely on their opinions of candidates other than for a "gut check" does the judiciary a disservice.

I do not have the requisite experience.

Same answer.

I am not interested in being a magistrate, so I have not seriously considered this question

I don't know much about what this entails.

View

Comments

I now have teh political connections to get me appponted that I didn't have when I applied previously.

[121](#)

close, but not yet

It would depend on the political make-up of the Magistrate Commission.

Not enough experieance as a lawyer.

I believe this selection process is too political for me to make it though.

Again, I would hope so based on my qualifications, but I would be daunted by my lack of connection to people on the commission.

See response to 12. above

See #17

wrong party

Those are usually given to public servants practicing criminal or family law.

Too new of an attorney; not enought experience

don't know

I have not practiced long enough

not involved enough politically

At my current age and level of experience, I don't think I would be seriously considered.If I applied several years in the future, I think I could mark the "Agree" box.

I'm a liberal atheist female.

Based on past experience with the application process I believe it unlikely that I could be selected.

I believe I could some day

I have not been in practice for the requisite 5 years.

See #19, above.

too old

Years of experience as ALJ with diverse experience and couldn't even get an interview.

See my comments to number 15.

I am not familiar with the magistrate commission

Locally all magistrates come from prosecutor ranks

To Old

there seems to be less politics involved at this level, but the pool of people that apply for magistrate positions is less qualified

not in this district bonnevillie county runs the show and they want MEN they can run

See above.

I haven't yet determined what the Magistrate Commission considers in their decision.

Worse than the Judicial Council are the Magistrate Commissions

Again, lobbying and politics. If I started early, perhaps.

I have been flat out told by a member of the Magistrate Commission that I should not even bother applying. Why? The Commission members won't ready my application. Their decisions are based solely on the attorney surveys. Hmmm. Do defense attorneys want a prosecutor who has had approx. 90 jury trials, on the bench or someone who has had none and doesn't have a clue and is easily manipulated. It is pathetic that I have have 90 jury trials under my belt and am told that I am unworthy of even an interview, while the person selected has hardly even seen the inside of the courtroom. Until the members of the Magistrate Commission are held accountable for their actions and really care about what is going on, our judiciary will continue to slide into mediocrity. What does the Mayor of Glenns Ferry really care about that happens in Ada County?

I was top 3 in the last ada county magistrate selection

Most on the Commission know and respect me.

Don't think I qualify so if I were recommended it would indicate the process is flawed.

Magistrate commissions highly favor those with strong civil and criminal litigation backgrounds, a position with which I have no qualms. My background is in appellate work and judicial writing, neither of which is particularly well understood or prized by the local magistrate commission.

see box 12

I don't have any signif. litigation experience.

see above comment

Interviews are based upon survey results (statewide) so unless you're networked into people filing positive responses, no opportunity for an interview.

30 yrs. of experience, with many magistrate cases

It depends on who is on the commission which I believe is HIGHLY political.

See above

ibid, plus my experience has shown that there can be an imbalance of member on the commission simply for geographic reasons. I practice law in a rural area, and I don't need some attorney from the big city weighing in and telling me that I can't measure up.

With some groundwork with commission members

I don't live in Idaho

Not experienced

They only want 'perfect' candidates, but their last choice here did not make probationary period.

No family law or criminal experience

the magistrate commission in my district is heavily male and religious oriented.

I haven't spent enough time being involved in the appropriate party activities. Not necessarily for lack of interest, but for lack of time. When it's a choice between spending scarce time with my family or with the party, it's no contest.

Members of the criminal defense bar are routinely passed over in favor of prosecutors or civil practitioners with the appropriate political connections.

See comment to question 16 - however, local magistrate commissions may be easier to navigate in terms of the "connections" issue.

Lack political connections

I don't espouse the same view points as the typical magistrate that I have seen.

MC only appoints under-qualified prosecutors

Same comment as above.

I don't know what it takes to make it through this process.

But with more experience, I feel I could.

Because I am not well connected.

not enough political connections

They don't know me and would rather buy a pig in a poke

Same Comments as above

not sure - political process

I am 30 years old and have been practicing for approximately five years.

Please see no. 16.

appears you have to be a former prosecutor to get the job.

Same as above

Same as answer to 16

probably not perceived as too liberal

Don't know

I've never been able to make it past the popularity poll.

I have short-listed 3 times in the 3rd District.

See above comment.

See above comment.

Have not raised my profile enough with this group.

Don't really know

same as above

See prior responses

Given the diverse candidates that have been selected, I don't have the same perception that women are not welcome on the magistrate bench. But, this reinforces a perception that women aren't "good enough" for the higher judicial positions.

see previous

Not based on current pro-criminal law bias

the local mayors, commissioners and administrative district judge decide who to select based upon inside agreements and information

As I've worked for an Indian Tribe for many years, primarily on the SRBA, I'm not familiar with the members of the local magistrate commission, and I don't have many contacts among local attorneys.

Don't particularly care regarding a Magistrate position

Out of the loop too long.

not enough experience

Not the right race

I recently applied for two magistrate judge positions and was not recommended for either because it was my first time applying.

Not a former prosecutor and wrong political affiliation.

Same as above.

Possibly

too much politics

Again, see answer to 18

broadly based experience and familiarity with the commission

Because: wrong type of practice

They favor prosecutors

Not been working long enough.

I probably have enough experience.

I applied for a magistrate position and feel I am qualified but did not make the short list. I believe my years of experience were the main factor.

I believe the Commission is less partisan than the Council but clearly still favors connections.

see comment 16

Rural commissioners and magistrates in this district do not want a woman judge.

See above. I know that politics aren't supposed to play a part in the Magistrate Commission, but let's be honest...we know they do.

not enough experience

Not enough experience under current rules.

same as above

I don't have enough experience.

See above comments

the magistrate commission appears to be more influenced by politics than is the Judicial Council

Total # of respondents **927**. Statistics based on **909** respondents **0** filtered; **18** skipped.

The Judicial Council's process is the appropriate mechanism for recommending district and appellate candidates to the Governor.		Response percent	Response total
Strongly Agree		8%	72
Agree		32.7%	296
Neutral		41.8%	378
Disagree		14.1%	128
Strongly Disagree		3.4%	31

Responses

Frankly, I think we are very fortunate to have this system. I think the judicial council does a good job.

As long as the peer review system stays the way it is, there can be no good selection process in place.

The process should be much more intensive from an interview perspective -- the Commission should determine for themselves if the candidates are qualified and should not rely on the Bar or the candidates themselves for this information.

I think that the Judicial Council does a good job in the present system of narrowing the field

??

Need to remove the political appointees

I don't have any disagreement with the current process, but would not rule out other options.

The Judicial Council process could work if it were not so skewed by the politics of its members.

Idaho's has a balanced system that works well, including elections and judicial council. The people should have a say in the process.

View	Comments	
	No judge or justice should be on the commission	98
	I don't know of a better or worse way. I need to become more informed with the selection process.	
	Depends on who is on the counsel and how they were selected.	
	The Council itself is too large and lacks litigators or persons with hands-on relevant experience	
	I can't say I know a better way	
	open/contested elections for judges are stupid	
	Any system has its flaws, but I cannot think of a better system than ours.	
	Have yet to get it right.	
	I don't know the process well enough	
	There is no perfect system. This one involves attorneys, public officials, and citizens. It is adequate.	
	should be governor's decision	
	I honestly don't have a clue what they do, who they talk to, how they evaluate potential candidates.	
	These questions presume appointment - the law provides for elections	
	But, I don't know what would be appropriate.	
	I think that the ISB ought to have a 'fitness' report, but the Governor should	

nominate and the Idaho Senate confirm--actually less political than the Judicial Council

Don't know enough about these processes.

The judicial council is a facade of fairness -- if the process is going to be political, why not have the governor appoint and the senate confirm and be genuine?

The Council needs to be more diversified.

strongly favor merit selection as opposed to elections

I would like to see nominations from a bar committee, in addition to the self-nomination process in place.

see box 12

But see above comment

Again, party politics come into play. The Judicial Council, though technically bipartisan, is heavily weighted toward Idaho's majority party and this influences the Council's decisions, whether consciously or unconsciously.

It's certainly better than letting the Governor pick on his own.

I don't have enough information to comment.

The stupid surveys don't work.

Not familiar enough with process to render judgement

I usually agree with the Judicial Council's recommendations of qualified candidates. They seem to do a good job of merit selection.

It's the worst system in the world, except for all the others.

You're asking a bitter candidate. I don't think I can offer anything of an objective nature.

I am not familiar with the process

Not the way they currently do the vetting.

The Council should make the ultimate decision

No mechanism is perfect, however, the Judicial Council seems to do an okay job.

The process is much better than in past years, but since only those who are conservative Republicans or acceptable to that wing of the political powers need apply it is self limiting.

The problem is the process needs revamping.

See above-- having judges on the Judicial Council to pick their own successors smacks more of royalty than democracy.

There is at least one member of the Council who blocks consideration of worthy applicants.

The District Court candidates should be selected in the same manner as the magistrates.

To fill a vacancy, not to supplant elections. The council should not be limited to four names, but should submit all qualified names to the governor.

Again, it is the endorsement that you can't get unless you stay in a local game.

I don't know.

One aspect of this process that is seriously flawed is the anonymous comments of lawyers about the candidates. If someone has a comment, especially if it is derogatory, they should sign their name to the comment.

The appointment of Mr. Rehberg completely imbalanced the intention of the Legislature for a bipartisan commission.

the judicial council make the appointment, not merely select a pool of candidates

Don't know.

I hear they rely heavily on a survey of candidates and attorneys know how to manipulate the survey by soliciting other attorneys to complete the survey in a way that increases their score.

not sure it matters governor appoints who he wants

I really don't understand what the process is.

Merit selection is of crucial importance.

It doesn't seem to be working well

Agree if purpose of judicial council is to screen qualified applicants as opposed to influencing outcome.

Don't know enough about the process

I would allow the Governor to select his/her candidates with, perhaps, Senate confirmation

too much time is spent on screening details of finances, not qualifications

Overall, good method but it needs to be tweaked. Bar surveys -- while a great idea if people were truthful and honest in their responses -- don't work for highly contested positions (e.g., Supreme Court). This becomes more of a political/campaign tool and doesn't adequately reflect a candidate's true potential.

Judicial council questioning process useless.

The judicial council process usurps the power of the governor. The governor's choice should not be limited to only those who pass the judicial council.

Very few of the selected candidates are well qualified

It depends on the makeup of the council

It could still use improvement!

With their current mandate to only forward names of individuals that the bar membership might recommend, they discriminate against many well qualified individuals.

laypersons

I believe a panel of attorneys from the city or county where the opening exists should pick the judge. Such a panel could include one or more of the sitting judges in that district or area. The judicial commission that is currently used has limited exposure to the attorneys that are selected. In most cases they have never been involved with how they analyze, handle or deal with contested cases. The attorneys that practice in the area usually have a better idea of who ought to be selected. However, any such change isn't likely to attract more candidates. Once a person is appointed as a judge he loses a lot of freedom that exists in private practice, future opportunities are limited and the compensation of a judge is inadequate to compete with what a successful attorney earns in private practice.

For the most part. However, there is still too much weight given to the opinions of other attorneys. Too many of those attorneys rate judicial candidates emotionally. Too many use it as a means to get back at someone who beat them in the courtroom.

need to learn more

I have been a strong supporter of the judicial council's process in the past but given the governor's reluctance to appoint women to the bench, I believe an election may be the only way to achieve diversity on the bench.

If they didn't favor political affiliation too much

Do not limit number of interviews

I do not know what the alternatives would be

It appears to be too political and it is so clandestine that no one knows the criteria they use to make the recommendations.

Anonymous comments by members of the Bar often have no bearing on ability,

but are brought up by the Council.

But my response and the response of others should not be misinterpreted as opposition to judicial elections.

I am not completely familiar with the process for district and appellate candidates.

I still believe it is driven by political considerations.

the judicial council could use some more diversity

too much emphasis on anonymous comments from the Bar

Should hold general elections by taxpayers.

The local practicing attorneys are the ones who have to live with the choices. They should decide. That would eliminate some most of the problems.

I don't think its great, I just don't know of a better way.

What is the alternative?

seems like who you know trumps what you know

i don't know enough about the process to comment

see above

There is a political element to the process, not a political party element, but more like office politics. A large firm or two can skew the bar survey results and keep otherwise qualified individuals out. I watched it happen with a former partner.

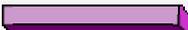
It is better than elections

Honestly, I don't even know what the process is.

the public vote after contest is the best process

need to do something about the ability of lawyers to trash one another without recourse. Opinions are one thing claims about facts are another and lies about facts should not be allowed in the process. There are ways to deal with this but nothing will happen until the Council takes the problem seriously

Total # of respondents **927**. Statistics based on **907** respondents **0** filtered; **20** skipped.

The Governor's appointment process is the appropriate mechanism for district and appellate judgeships.		Response percent	Response total
Strongly Agree		3.8%	34
Agree		24.2%	219
Neutral		35.7%	323
Disagree		26.7%	242
Strongly Disagree		9.7%	88

Responses

View	Comments	too political for district judge appointments	
		Too political.	170
		Governor Otter makes a mockery of the system.	
		Election is a good process, but costs too much money.	
		Again, so long as politics are injected into the process, I believe there will be more appropriate mechanisms.	

It makes all the prior process mean nothing.

See above.

Makes it too political.

An independent commission should appoint judges after the Council screens the applicants.

Governors and their staff from both parties make determinations on political considerations. They have no interest in selecting the most qualified.

Inasmuch as an appointment is allowed. I am not completely against judicial elections but I understand the thrust of this survey to be directed at that issue. I am for eliminating the potential for improper influence to play a role in judicial elections.

Can make the process more political--depending on the governor

I believe that judges should be appointed, not elected; however, the governor's decision should be taken outside the political arena somehow.

Politics.

??

I agree, except our current governor has not shown a willingness to appoint well-qualified women to the bench.

Too political -- no neutrality.

Brings politics into play.

If we use a council, let it appoint

I don't have any disagreement with the current process, but would not rule out other options.

The appointment process could work if the governor did not use judicial appointments as political payback and if selecting an excellent candidate was the objective.

There is politics in that process. It is possible that the governor be included along with the Senate.

I'm not convinced the Governor makes decisions based on qualifications alone.

I don't know what the Governor's "appointment process" is.

politically driven

It makes the selection politically based which is not necessarily the way to appoint the most qualified judges.

See # 17 above.

This is too political

The Judicial Commission should make the final decision for District Judge positions, just as the Magistrate commission makes the final decision for magistrate judges.

same as above, as to the ultimate names submitted to the Governor.

Little is known about how the Governor selects from the list of potential candidates provided by the Judicial Council. With no information available, the suspicion is that the process is based on politics, rather than merit.

We are the ONLY state in the nation that does not have a minority or a woman on the supreme court; that's a disgrace and the Governor does not seem to care. I hope the appointment process for the Court of Appeals judge takes this into consideration.

Too political-directly involves party politics-would prefer formation of a Commission to select

open/contested elections for judges are stupid

Again, too political

See my comment above concerning politics

This makes it totally political

See prior comments

Too much party affiliation involved.

what process?

I think politics become too heavily involved.

too influenced by local politics

Should be a done on the local level by something like the magistrate's commission

The selection process should be done by lawyers and judges, not politicians.

I perceive political concerns predominate at this level

Never let one ultra-political figure control the bench.

Too political, governor may not select the most qualified individual, but may base it on party affiliation.

Governor is too biased and the bench does not represent our bar makeup

I believe the election process is the appropriate mechanism.

Too political

Gubernatorial appointments coupled with elections is the right means for setting these positions.

This injects too much politics into the judiciary

A person may be chosen based upon politics and not qualifications.

The appointment process should be absolutely non political.

I don't believe this should be an executive function. Political considerations will inevitably factor into appointment decisions.

I don't know how the Governor checks up on the Council's suggestions, so I have no idea if it's appropriate or not.

Although the process relies too heavily on political connections, I don't have a better suggestion.

I have enough political contacts and background to be appointed, but what if there was a better candidate than I who had not slogged through years and years of party politics? What if the political landscape changes and I am the best candidate but don't have the party credentials? This is not the best way to go. Right now, there is an exceptional candidate for an appellate opening, 100 times better than I would ever be for the position. If I were on the list as well as he, there is an excellent chance that I would be the Governor's choice because of my credentials even though this other candidate's brilliant legal mind was created for appellate work. The appointment process is too political.

I disagree because I believe if the Governor makes the ultimate decision it is too political.

too political

that old political issue again

It seems politically driven.

I think they have an agenda.

It would be if he actually took the time to meet the candidates. The word is that with Otter, he just picks someone without even an interview. If that is the case, let the council who has at least met the person make the selection.

I'd like it to be a completely non-political appointment.

same comment as above

Too political.

But unfortunate in a one party state. Anyone got a better idea?

Regardless of the quality of the nominees, the Governor's final decision is not objective. His use of young subordinates to interview the final nominees is a waste of time and disrespectful of the seriousness of the appointment.

see box 12

A republican governor will be choosing judges for the rest of my life, too much political influence.

But see above comments

Some Governors are more open-minded than others. The incumbent opts for cronyism every time he gets a chance.

We want qualified jurists not political hacks.

I don't think some Governors have a clue who would make the best judge. I realize that theoretically all candidates forwarded to him have been deemed qualified by the Council but I see no need for the Governor to decide who is the most qualified among those candidates.

I would like a process that avoids as much party politics as possible.

Too political

In my opinion, this step politicizes the process.

It seems to be too partisan. With the judicial council, it is more likely the best will be selected.

This completely politicizes the process of selecting judges. It no longer becomes a question of finding the most qualified candidate, it becomes a question of finding the most politically advantageous or collaborative candidate, or sometimes it becomes a reward for political activity and support.

Lose judicial elections. Nothing gives you worse judges than getting politicians.

The governor is an elected position, and his or her party politics are certainly going to play a role in their selection process. What governor wants to appoint a judge knowing or suspecting that this judge is likely going to rule or lean a certain way in critical, political areas of the law.

Too political. A few individuals could easily influence the process.

I am not familiar enough with the process to know the answer

Politics is okay to a point. That's how it has worked and seems to be okay so far.

An appointment process is good; this one may not be as fair and open as it could be

too political

Not sure what the governor's appointment process is, however, this is where I think politics take over and the best candidates are sometimes over looked.

In theory it is best, but it does not work well when the self selection process only puts right wing corporate/insurance types on the final list as in the last decade or more.

No other way to do it really--no other viable choices.

Make the District selection local

To fill a vacancy, not to supplant elections.

process is too political

Great place for political patronage for a job well done.

I don't know

Depends on the alternative.

The Judicial Council or some other body would likely provide as good or better selections.

This is a great chance to look at how judges are selected and see what models other states have used yield a more representative judiciary.

We'll never have a Democrat on the bench.

Interjects partisan politics into the judicial system

has its merits, but very political

Please see no. 16.

Politics comes into play

politics should not be involved

By allowing a political person to appoint the judges, it puts an air of politics in the judicial field.

That is the correct way to keep the judiciary independent, despite the elections to retain seats.

Don't know.

It will be political regardless of how you structure it.

Again, politics play an important role here.

Too much party politics are involved. Whether this is actual or not I cannot say with certainty. There certainly is a standing perception of party influence.

if it didn't take so long. the gov needs some statutory deadlines.

if it didn't take so long. the gov needs some statutory deadlines.

"process " is the problem

Same, not working well & we need better judges

I don't always trust the gov. to make the right choice.

See 17 comment

Too political

Too political

I prefer in theory the Magistrate's Commission process.

If a more diverse candidate pool were considered by the Governor and the Governor actually chose candidates who were other than white men, I'd have more faith in the process.

I'm not sure what that appointment process is...

Too political

I would like to see the Attorney General's office involved in some way, just a thought

In Idaho, the correct process for choosing judicial officers is a public election.

Politics should not be a basis for a judicial selection

As long as political considerations are minimized.

"Political connections" rule the day

Just emphasizes the political agenda rather than qualifications

politics

See prior answer

See comments to question 13 above

Too political ... should be judicial commission

This does not work.

need to learn more

See above comment.

If he didn't always lean to his political affiliation candidates

Please see previous comments.

What are elections for

Dominated by irrelevant political criteria

This is a given.

Same as above.

Hidden agendas and political favoritism

quasi nepotism

38 straight white men -- not much more need be said

The political establishment should not determine the course of judicial views due to a consistent selection of individuals who do not represent the diverse view of Idahoans.

We have better laws if the judges are not easily swayed politics.

Too political

governor brings in politics

It is too political

I do think we need to look at alternatives in an effort to get politics out of the selection process.

I have always believed the Judicial Council's process results in a better judge. District and Appellate judgments are too important to leave open to too much political influence. The Judicial Council is comprised largely of individuals who are part of the judicial system and are genuinely

See comment to 19

Same as above.

Should be merit alone, although no federal appointments are that way.

Politics are a factor but I have no complaints over selections in the last 20 yrs. I'd prefer no politics involved.

The process is far too political.

seems like who you know trumps what you know

too political

Politics intrudes

The Governor doesn't know what makes a qualified Judge, members of the legal community do. It should be a selection via the legal community, not an appointment by an elected official. Especially one who is not a lawyer nor has any legal knowledge (other than his own first hand experience with the legal system, i.e. drinking and driving).

may allow politics to become too influential

see above

One person (executive branch) shouldn't have the sole ability to appoint these judges.

I believe you have to have some political connection to get the appointment

involves politics too much

While subject to political pressures, it is appropriate

Again, I don't even know what the process is.

As I understand it, the Governor does not make a unilateral selection, but is limited to the names of candidates who apply and who are vetted by the Judicial

Council. I believe this is largely fair.

I am not entirely sure how this particular part of the process works.

better than any alternative I can think of

Total # of respondents **927**. Statistics based on **910** respondents **0** filtered; **17** skipped.

The Magistrate Commissions are the appropriate mechanism for recommending appointment of magistrate judges.		Response percent	Response total
Strongly Agree		5.7%	52
Agree		38.5%	350
Neutral		38%	345
Disagree		13%	118
Strongly Disagree		4.7%	43

Responses

This system is much more fair than it once was but is still rife with politics.

Too driven by politics

See above.

??

I don't have any disagreement with the current process, but would not rule out other options.

It could work if it were a neutral body rather than a body with a political agenda.

Highly political and volatile but I believe the system vets out very excellent candidates.

I don't know of a better or worse way. I need to become more informed with the selection process.

Should be like District court. Magistrates=defacto DJ

View

Comments

politically driven

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See above.

Let the local bench and bar make the selection. We know who's good and who's not good.

open/contested elections for judges are stupid

Appoint a magistrate commission with the same type of makeup as the judicial council.

Too many prosecutors are selected.

While clearly imperfect, the system seems to work, and where attorneys selected by the Commission may not always be the best candidate, the Commission in the end, does seem to have its reasons for its selections. So long as they take their responsibility seriously, which I believe they do, I cannot argue that it is an "inappropriate" mechanism for selections.

I believe Magistrates should be elected, as District and Appellate judges.

It is the uninformed selecting the uninspired.

Politics sometimes plays too large of a role.

No objective standards for evaluation applicants.

See my answer to number 18.

I am not familiar with the magistrate commissions

County commissioners have too much influence and consider inappropriate factors such as pleasing constituents and returning favors. I presently sit as an attorney member of a Magistrate Commission.

Judicial Council process is better.

It seems to be a popularity contest. Magistrate commissions don't include enough people who know what the job of the magistrate is. Just because someone is a mayor of a town does not mean that person knows what a magistrate needs to do to be successful. More litigants should be part of the process, like prosecutors and public defenders and Guardian Ad Litem personnel and court staff, and family law attorneys.

you are kidding, right? Most commissioners cant hire road and bridge people let alone a judge

This is the weakest link in the judge selection process in Idaho

The members are all political appointments with no accountability. They limit the number of interviews because they don't want to spend too much of their time on the task. However, the mistakes they make can haunt those who use the judicial system, attorneys and citizens alike, for decades to come.

The most political abuses come from the selection of magistrates

good old boys network

County commissioners rarely have any realistic concept of judicial decision-making and so a majority of the magistrate commission has no cogent basis for evaluating candidates.

see box 12

See last comment.

See above comments

The Commissions are too political and have too many non-attorneys with parochial interests making the decisions.

If politics taken out of equation, council appropriate

See comment 18

In small areas the selection process tends to become a popularity contest favoring those with the most political and/or social connections.

appears to be the case

I have heard comments like "it is the PA's turn to pick" or the PD or county or city. . .

Most members of the Magistrate Commission are non-lawyers and it is difficult for them to merit select for the bench. I have heard some inappropriate questions coming from nonlawyer members of these Commissions.

ibid

Not interested in someone's trial success, just how good they look on paper.

with the caveat that the process should be much more transparent both publicly and to the candidates

Too subject to petty local politicians

It's a joke - and totally manipulated by the Governor

Peer recommendation would be less political and result in a more well-rounded appointment.

I don't know.

works well in most areas as more uniform process used than in past years

It has become nothing by county politics.

This sets up a mechanism whereby a candidate can have a job for life as long as he/she carries out and maintains friendships with the members of the commission

I don't know.

Same comment as Question 21... this is a good chance to look at other states and consider alternatives for Idaho to get better, more representative results.

very political process

The magistrate commissions are comprised of local attorneys who have political and professional motivations and biases for recommending certain candidates.

Don't know.

I don't like the one we have, but not sure if there is a better system

See my comments above

I don't understand this process either.

A blind committee process at some point would be helpful.

I have no complaints about the 3rd Dist. except they did not choose me.

This process appears very political.

Needs more bar input to commission members

Local politics are too important

local politics is too large of a factor

See 17 comment

These are popularity contests for the good old boys.

Too few attorney members, too many politicians

It is way too heavily relied upon.

Depends on who is on the commission, if you have no diversity on the commission or people who even appreciate diversity they are not going to "seek" out or give weight to diverse candidates.

Magistrate Commissions should be done away with...they get it wrong 98% of the time.

I believe magistrates should go through the same process as magistrates to take the local politics out of the process. Magistrates need to be treated like the rest of the bench in not only selection, but compensation and retirement.

Too much local politics. Same as the judicial counsel.

See prior answer

It could use some improvements.

County Commissioners and Mayors of cities really have little idea of who would be a good judge or what a good judge should be like.

What are elections for

Still very much a matter of who you know, as opposed to what you know.

Way too political. Should have a screening committee more like the Judicial Council.

Maybe things have changed since I applied for a magistrate position in the 1990's, but there was an unwritten rule that applicants had to make the "circuit" of magistrate commission members and schmooze them to be personally liked by them to have a chance at being appointed.

too political

don't know

Same as above.

I've served on the commission 3x. It has flaws but it generally works better than the governor

eliminating prosecutors and ag's from appointment to commission skews it very heavily

In rural areas, there is little diversity.

They are too large and too political- the best candidates are often ignored. It is not a merit based process.

Too many times good people get "black-balled" because of someone on the commission having it out for them. If the legal community as a whole were involved in the selection, those people with grudges would get weeded out.

see above

I like the idea of appointment but am not sure why this is not done by the Judicial Council

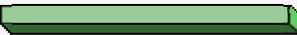
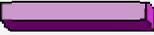
too political

The make up of the commission could be changed

I don't know what the process is.

Fewer votes to politicians would help. Get sitting judges and lawyers involved

Total # of respondents **927**. Statistics based on **912** respondents **0** filtered; **15** skipped.

The anonymous bar survey is an important tool for selecting judges.		Response percent	Response total
Strongly Agree		17.4%	159
Agree		39.7%	363
Neutral		23.4%	214
Disagree		11.7%	107
Strongly Disagree		7.8%	71

Responses

There has to be some way to use this, but those reading the results must be aware it is very easily manipulated.

Contrary to popular myth, the anonymous bar surveys consistently yield a valid measure of the applicants' reputations.

It is a way to unfairly sabotage qualified attorneys and it is given too much weight.

This is the worst mechanism ever. At best, its a "go, no-go" type of tool. Lawyers can be mean spirited and vindictive -- I've seen it. Further, other motives come into play. IF you want lawyers opinions on candidates, put them in the interview process. Anonymous surveys are worth what you pay for them.

The anonymous survey provides too much opportunity for individuals with an agenda to affect the outcome of the selection of judges.

I perceive that elected officials ignore it and often use it as a basis not to select someone.

There is a potential bias in the survey. Lawyers who have a litigation background aren't the most popular people. The survey tends to be a popularity survey rather than a qualifications survey.

Turns it into a popularity contest.

I've heard that certain groups "lobby" for a candidate even though they don't actually know the candidate

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The anonymous bar survey has more flaws than it has value. If one is continued it should be used in a very minimum way by the Judicial Council

best info is from fellow practitioners

I have no idea if it's even considered by the commissions.

Some lawyers do not use the internet. Contact needs to be on paper as well. Some lawyers make a game and use "not qualified" as a penalty

I can't think of a better way to obtain the opinions of persons who are most likely to know pertinent information regarding the candidate's abilities.

Not sure here. It is often used to obtain selective results as many fail to respond appropriately

the process is, however, abused by the Ada County Prosecutor's Office. That office has a large number of lawyers and it is generally believed that they are told how to fill in their questionnaires.

I think it's great for getting some honest comments. However, I think that some groups use it to promote their own candidates by rating their guy high, and everyone else low.

Again, I think some positions, like prosecutor, are just bound to attract more criticism. If every defense lawyer in the community likes a prosecutor, that prosecutor probably isn't very good.

Allows personal bashing

Although I have not personally experienced any "ballot stuffing," I have heard of instances where applicants have been unfairly and unfavorably evaluated because the evaluator hoped to further the candidacy of another applicant. Also, in my case, my practice is statewide, rather than focused on the county in which I reside and have my office. This means that I have not received a tremendous amount of responses from the local bar, which, in turn, likely throws up a red flag concerning my candidacy.

I have heard too many anecdotes about the way members of the bar complete the survey to feel that it should be given the weight it seems to rate

I don't know what weight these are given.

Too much weight is placed on results of a "survey" easily skewed.

it is utilized to "get back at" others

Let people go "on the record" with comments. If what people believe is valid and worthwhile they should not need to hide behind the curtain of anonymity.

Has not been that successful to date, but believe the idea to be worth working with.

Provided bar members are honest

Way too easy for bad-mouthing without accountability

One improvement necessary; candidates should be given the results of the survey before their interview

Each response should be signed by the attorney submitting it.

I think it's very important that peers from the Bar have general respect for members of the judiciary, and the bar survey seems like a good tool to measure an applicant's professional relationships with his or her peers.

Anonymity doesn't work when addressing someone's character. Those types of comments should be made publicly.

But it is subject to gaming.

I entered disagree because I do not know what role these surveys and associate comments play in the decision-making process.

It is important to know how other attorneys perceive an applicant, however, may be a bit biased if for instance you are a prosecutor and defense attorneys are giving you a bad review merely because you are a prosecutor, not because of your experience, knowledge etc.

have seen pros & cons

Impossible to know without knowing how the information is used.

There is no mechanism to dispute an allegation that any coward can write anonymously. I would not have any problem with those, as well as the answers to this inquiry being made public.

If attorneys used it widely and it wasn't just a popularity contest it might be effective.

Anonymity does not allow accountability for the opinions asserted. While anonymity may encourage honest criticism, it is heavily rumored that candidates and their friends wrongly criticize other candidates in order to buoy "their" candidate. Criticism against some candidates may be done merely out of spite as well.

I don't think the survey needs to be anonymous.

The survey is easily manipulated; practitioners in limited fields with statewide practice are at a disadvantage in the survey process.

As long as it really IS anonymous. Comments from attorneys who have dealt with a candidate on the other side of litigation likely have more valuable insight than a member of the candidate's firm, especially when the feedback is negative. So anonymity is crucial.

The bar generally knows the candidates best.

It has a limited use; too many attorneys without personal experience with the candidate fill out form. More useful would be judicial input (those who see the attorney in court, read the briefs, and can judge the abilities of the candidate) and perhaps non-anonymous surveys would cause those who fill out forms based upon rumors or speculation to re-think their participation

It is the only way bar members can communicate with the decisionmakers. The question really is, how much do the decision makers use that tool?

I often wonder about how anonymous it really is given the demand for names in cases where a person is deemed unqualified..

If it is used as a circumspect tool, understanding that lawyers have biases and may say anything to get their "candidate" appointed

I don't know if it really makes a difference unless the poor sod gets all bad marks

It is difficult to give a less-than-favorable evaluation knowing that you will have to work with the individual the next day.

We would like to think that members of the bar are above sabotaging someone but there is evidence of that.

see below

I think it has a place, but is relied upon too heavily. Unfortunately, I think many lawyers do not answer the surveys honestly and give low marks to all but the one candidate they want in order to sway the selection process.

The survey ruins the entire process. Does your office have someone who has applied for a position? Good. Give that person all 4's and everyone else all 1's. No explanation given. Certainly explains why a couple of local governmental agencies always get a candidate interviewed. The categories of the survey are ridiculous. The number crunching the survey allows for, creates the opportunity for abuse. Let attorneys have their say, but make them say who they are how they know the candidate and then comment on the person.

Bar survey is important, but the public and applicant should know who is saying what. This will prevent abuse

See last comment. A person should have the courage to not be anonymous when making adverse statements. Will cut down on false information.

The anonymous survey is fundamentally unfair and allows the blackballing of attorneys who have represented unpopular clients or who have political or religious views that a few might find a source of disqualification.

I'm not sure how well it is received by the Council and Commission.

It should be but I personally know attorneys who do not participate in the anonymous bar survey since it went electronic. Using the electronic bar survey skews the responding population away from the senior most experienced attorneys.

The bar survey is a good idea, but without greater participation, it is fairly meaningless.

see box 12

I rarely know the candidates, and rarely complete these. Do you get much feedback this way?

It's too easy for an attorney with an ax to grind against an applicant to "tank" an application by giving low marks which are unwarranted.

Bar survey, yes; not sure it needs to be anonymous

the anonymous "secret ballot" nature of the bar survey is an absolute joke! it's not a suitable methodology for anything other than handicapping a popularity contest.

Permits extreme negative comments

Anonymity allows subversion of the process

I am strongly for accountability for public comments. If one feels strongly enough to answer a survey, they ought to pin their name right up there next to their opinion.

I think it is an important and generally useful tool, but it has the disadvantage of allowing large law firms with a vendetta against a particular attorney to skew the results on occasion.

It should not be anonymous

A small but active group within the bar can have a disproportionate impact on the survey when misused

it does flush out important concerns

I definitely think it's important to get input from the Bar, but I think the comments need to be taken with a grain of salt. I would encourage the Council or the Commission to think about the possibility of asking former employers and co-workers about applicants - at least with respect to those applicants who make the "short list"

I don't have enough information to comment.

I believe that the opinions of peers when it comes to such a selection is invaluable.

Biased, silly, favors the most popular people, not the best.

I have seen far too many excellent candidates lose out because of "anonymous" comments made on the survey. The survey is not substantive and the questions are not presented in a meaningful manner. If you are going to have a survey, then get away from the multiple choice, as nothing of real substance can be derived from multiple choice.

Easily abused. Should require precise, sworn explanation of basis of knowledge.

It can be A tool, but very little weight should be given since it can be impacted by the number participating and the "campaigning" done by some candidates to get favorable surveys. It should be used only to identify the clearly incompetent and dishonorable.

I think the Bar should be consulted if the selection process is merit-based. I worry that some members of the Bar abuse the anonymous survey by asserting half-truths or even untruths against candidates. There should be some mechanism for fact-finding on those kinds of allegations of specific misconduct (e.g, inappropriate courtroom behavior).

I have no idea how the survey would work

I hate it. All it takes is for one candidate to have worked for some prestigious law firm say in Boise or Idaho Falls and they are a shoe in.

Depend on whether you follow the suggestions and whether you can follow the suggestions to pay more money because the legislature controls this factor.

It's a 'popularity contest' with people/groups banding together to rate in different ways.

Many attorney's are unknown to other members of the bar. So when we are called upon to comment, there is nothing to say unless we rotate through the same corridors.

Seems like it might help a bit, but not sure

I don't think the surveys play any part in 3rd district magistrate selections.

too easy for a few people to blackball someone

Lawyers who snipe at those applying but lack the courage to sign their name, make this process miserable.

The anonymous survey allows "bad" attorneys to "low ball" otherwise good candidates for absolutely no reason and without any accountability or answerability.

Way to take out vendettas - not appropriate.

Again a farce - Williamson just threw out the first results and hand-picked who she wanted to respond the last time.

Perhaps. Usually, I have little or no first hand experience with applicants so I can't really comment.

Anonymity hides both cowards and zealots.

too much motivation for negative response for wrong reasons

Of course there is a strong belief that it is not truly "anonymous" and that deters true candor.

I doubt anything will come of it.

Promotes croneyism

It has some benefit, but it can be manipulated and it is vague and had become more of a bean count than a qualitative assessment.

Peer rating can be abused, but overall I think it is a fairer assessment

How do you respond to anonymous allegations?

Why it must be anonymous is a good question, though.

This is a very unpleasant and arbitrary opportunity for people to take a jab at a given lawyer. It is fundamentally unfair and violative of due process standards!

These need more not less weight

I doubt that members of the judicial council pay much attention to anonymous surveys.

Depends on the weight of such surveys

I think the anonymous bar survey is often used by the petty as a tool for revenge.

I know great applicants who get scored poorly as they stand up for their beliefs - the process keeps me from wanting to apply

Please see no. 16.

Like anonymous posts to blogs, you may have individuals who will use it as an opportunity to take it out on a candidate without fear of being identified.

if consideration is given to the survey results

I do not believe the surveys are considered.

It appears that it is a matter of lobbying your friends because quantity is unduly important

Without the survey the quality of potential judges would not be truly

understood.

Again, this process encourages politics in the rating system.

This is the best insight you can get into what a candidate is really like.

See my comment 19 - attorneys are manipulating the survey results.

I have heard the commissioners read the comments, but I don't know how it really works

Being well known to the bar is not a prerequisite for qualification as a judge.

This is an important tool if the Judicial Council actually relies upon and acts upon the comments given in the survey. If the Council does not put a lot of weight in the comments, then it's useless.

No one knows attorneys better than their peers.

This has become a lobbying process that is more a function of who you know, rather than what you know.

Anonymous comments are a license for slander. Make people sign their name if they wish to comment.

The difficulty with the survey is limiting comments to only those attorneys who really have experience with the candidate.

It doesn't help with those of us that are new to the Idaho bar and have had little contact with other members of the bar.

The bar members input is the most significant factor that should be considered

A bar survey is needed, but it can be biased, too.

But they should be given the correct weight

I think it is an important tool but survey needs to be evaluated in the proper context because process can be abused to attempt to influence selection process.

with the requirement to identify author of strongly negative comments

If it is not anonymous, it is more credible.

Not all Idaho attorneys fill out the surveys, often those that do are either extremely biased for the candidate or are against the candidate for personal reasons--this skews the perception of the candidates in front of the committee.

I am sure that it has a role and that some of the information is helpful.

No one is going to comment on the record.

All too often it is either: (1) not used at all; or (2) used for campaigning.

WAY TOO MUCH RELIANCE ON THIS BY COMMISSION

But it can be misused

As long as able to ensure not more than one survey completed per person

The opportunity to take anonymous cheap shots at colleagues is a big reason why more lawyers don't apply.

Comments are made without context to the whole situation, and can be the result of bias.

The survey also provides an avenue to pursue a vendetta against a particular candidate.

So long as the comments are honest assessments, the opinions of other lawyers is very important. However, the opinions should be given by mail.

Any generic survey will be flawed and in Idaho it will be tilted towards the more populated areas.

This serves as a protection for the local individual and keeps others from competing. A judge should be neutral not beholden to a small group.

Respondents to the survey frequently give high marks to someone they would like to see be appointed SOMEWHERE else so they won't have to put up with them anymore. Prosecutors around the state routinely support anyone who has worked in a prosecutor's office whether they know them or not.

I usually ignore the bar surveys and if I do I suspect other attorneys do also. Most of the time I don't even know most of the applicants let alone be able to evaluate their legal abilities.

Friends rate too high. Enemies rate too harshly. Those with connections have their ways of influencing decision makers.

People can say nasty stuff without supporting documentation.

Nothing more than a beauty contest. The current selection of the open Appellate Court vacancy is proof of this statement

agree for the most part

The evidence seems to show that anonymity creates ratings and comments that do not bear out factually.

Should only be a partial tool, application, recommendations and interviews.

Very few bar members actually return results. This has become a mechanism for "blackballing" for issues having nothing to do with the candidate's qualifications for the bench. It is not an accurate reflection of the candidate's qualifications for the position, or what the majority of bar members believe as to the candidate's qualifications.

Comments often clearly have no bearing on ability.

I like the idea of a survey, but the survey that has been used now for 30 years or more could be a lot better and is of limited benefit unless made more user friendly. Most lawyers don't respond and many don't even know how to access the survey now exclusively "on line."

The present system is manipulated by those who are motivated to comment for various reasons.

I applied for a position once. Actually, I thought I had a lot of friends in the bar. When I put my name in for a magistrate position, only 7 people responded. Among those who responded were those on the other side of a really nasty custody battle. It made me feel that my friendships in the bar were very shallow. Frankly, I was hurt by the experience -- it's like seeing a poll of 50 of your friends and having only 2 of them say they consider you a friend. Frankly, I have avoided socializing with attorneys since that time. I socialize with family and friends from church.

On the one hand I can see benefit from it, but on the other hand, it is an opportunity for people to make anonymous, mean-spirited, and false allegations against an applicant, to which the applicant has no opportunity to confront and respond to.

Larger firms who have vested interests have more sway

Only if you pay attention to the answers.

I believe it is subject to abuse, although it has some merits.

The survey should not be anonymous.

people use it to take cheap shots

I think a better system would be to have the names of the attorneys put on the survey. However, the attorney's name would be held confidential to the general bar and would only be released to the members of the selection committee. That way, the selection committee could interview the attorney who completed the survey with any questions they might have regarding the attorney's responses.

Popularity does not equate to ability

too much emphasis here; too easy for unjustified smearing or disproportionate responses to control

The anonymous bar survey is an opportunity for blocks of lawyers to tank a candidate and it's been happening with the Ada County Prosecutor's office for years.

The survey troubles me at many levels. What does it actually tell us?

I would agree that it is a good tool, however they should be taken for what they are - individuals opinions - who may not like them illegitimate reasons.

I really believe there are some things that colleagues know about candidates that the commission or governor may not know, that need to be known.

I have no idea how much those comments count. I suspect from my experience that a lot of the comment is drummed up by applicants.

but they can be manipulated by large firms in small cities

Although it may be an important tool, any tool may be misused. If the Council intend to ask a candidate about the number of "unqualified" survey responses, perhaps the Council could describe the given reason provided by the survey respondent.

I think this is an important tool. However, I submit the Council and Commission do not rely upon the results very often.

It could be improved, by clarification of questions.

but put it on curve with standard deviation and outliers clearly weighted

Too many personal vendettas are exercised in that process.

Negative comments should be signed.

It allows you to say what you actually feel about a candidate without fear of retribution at a later time. That is, if I say that someone isn't an appropriate candidate and they then become the judge I work in front of on a daily basis, imagine what they would think of and how they would treat me?

It seems too easy to include negative feedback for candidates they do not know. Those putting negative comments should be required to provide a basis/foundation for such negative comments.

It can be, but see #20 above. It is abused.

just not sure how many are returned

As long as it is only one tool and not the only consideration

I think it is a critical tool, because the members of the bar have worked with each other and know each other (personally and professionally) and can properly judge whether or not an attorney is fit to be a judge (e.g., they have interacted through years of practice with the person on a day to day basis, something that a commission or outsider cannot possibly know). Especially since Idaho's is such a small bar.

Bar Survey only attracts those very supportive or very opposed making it worthless.

I believe a bar survey is an important tool for selecting judges, but those completing the survey should have to stand behind their comments, particularly if they are negative or attacking in nature.

I believe it is an important tool to obtain feedback from the Bar members, but I think there are flaws in the current process (i.e., people can say whatever they want without being accountable for what they say). I also do not think this part of the process remains as confidential as it should.

the rating portion of the survey tends to be a popularity contest which favors folks from large offices or closely controlled public entities. The anonymous comment process is an excellent means for de-selecting judges.

it is overly weighted in the decision process and is highly manipulated by the size of law firms or vindictive respondents

Total # of respondents **927**. Statistics based on **915** respondents **0** filtered; **12** skipped.

Do you have any other comments or observations that may be of interest to the Judicial Recruitment Committee?

Response
total

Responses

The bar survey is of some use but I have seen it used to sabotage some good candidates.

Having been through the district judge process, I would never go through it again, at least not with our current Governor. The Judicial Council does an excellent job, but from there it is a humiliating, frustrating and bizarre experience.

The current state budget and potential for pay and benefit cuts is not helping to attract quality (i.e. highly successful) lawyers to the bench. Why give up a good income when the specter of losing wages, benefits and potential contested elections looms???

The Missouri plan used in the magistrate division should be used for all judges. The election process is not appropriate for this independent branch of government. Contested elections have a negative effect on attracting good candidates.

Good survey. Good luck with your efforts and thank you for your service.

From my standpoint, although I believe that I have a good temperament for the judiciary and the intellectual firepower as well, I do not believe I am a qualified candidate yet. And, when I am more qualified, it will be hard to leave my private practice (in which I will make in excess of \$500,000 a year as a partner) in exchange for the time management benefit of being a judge.

The process must change or you will continue to see waning interest. The process needs to be FAR more rigorous than an application and a 30 minute interview. Its shocking, really, how little deliberation there is. This is a tremendous responsibility and should be given MUCH more emphasis than it is. Most feel the process is a crapshoot - where rarely the best candidate is selected. When a member of the selection committee states "We need to select a Public Defender this time because we selected a prosecutor next time" you have to wonder if they are selecting the most qualified applicant? The process is a joke and is widely regarded as such.

1. You should identify who is on this committee. 2. Identify if there is any correlation between what the successful candidate earned before and after taking the bench--I'd be curious if those selected really are taking a pay cut of increase.

I believe that qualified candidates are reluctant to move to the judiciary because of the compensation. A qualified candidate is usually making considerably more in private practice that it make it financially difficult to move to the judiciary.

The salaries of judges in Idaho are obviously not up to an appropriate level.

Again, I support efforts to eliminate corruption in judicial elections. While I do not feel that is currently a problem in Idaho, addressing it before it becomes one is important. I probably favor the magistrate format the most, where there is a vetting process and an appointment and then an up or down retention vote by the people.

I'm reminded of the phrase: "Those who can, do. Those who can't, teach." I think on some level, judicial positions seem to attract those who are either uncomfortable with private practice or are just not very good with day-to-day in-court practice. Obviously, there are major exceptions to this rule. Perhaps there should be some minimum trial experience qualification in order to qualify for a judicial position. With that said, I believe too many criminal prosecutors are appointed to the bench, largely based on their perceived trial experience.

As before, I have a strong desire to serve the public, however, the judicial compensation is laughable.

It might be helpful to educate young lawyers (and others) on the desired qualifications and experience preferred in judicial applicants. For me, the whole process is shrouded in a lot of mystery, so I have trouble forming a concrete idea of whether I'd qualify and/or enjoy it.

View

260

Work to eliminate contested judicial elections. If there has to be a vote, make it a retention vote

When I applied for a magistrate position I was selected as one of the 5 finalists. I was told by one member of the commission following the interviews that a deal had been cut between certain members of the commission prior to ever conducting the interviews. That deal related to who would receive that appointment and the next magistrate appointment. The interviews were merely a formality. The appointment that was made for that position as well as the next magistrate position were consistent with the information that was shared with me regarding the deal that was made. Although both individuals that were appointed have proven to be good magistrates, the process by which they were selected was inappropriate and discourages good candidates from applying.

I was very disappointed in the interview process. Some of the questions seemed intended to belittle the applicant. I would never again subject myself to this process even if younger and had a great desire to be a judge

With respect to the bar survey, attorneys know who the good attorneys are. Emphasis should be placed on the opinions offered by a person's peers. Many attorneys do not fill out these surveys because they feel that no one pays attention to them. Taking actions to ensure that attorneys know that their opinions in these matters count would help increase participation in the surveys. This, in turn, would help sort out the choices that are sometimes available.

If the anonymous bar survey is to be used, at least let the candidates see the comments, and/or if negative comments are extreme, then the commentator should identify herself or himself.

My basic feeling is that the process should somehow be based more on objective merit and less on politics (or, to phrase "politics" differently, a general sense of who a person is or who speaks well of them). Personality is highly important in a good judge, in my view, but I don't think the current ways of measuring personality are very effective.

Publicize the salary and benefits package. I believe it is very good, and if more attorneys knew of it, they would probably apply.

See above comments

The current process currently attracts both the best and the worst lawyers for judgeships. I don't think raising the pay will help this. First, it increases the perception and the reality that judges don't understand regular people or real life. Second, some of the "better" lawyers who haven't applied might decide to apply if the pay is higher, but also some of the worst lawyers will likely apply as well. I know many otherwise excellent candidates who won't apply because of the perception that women aren't welcome, and the perception that anyone who isn't connected needn't bother applying. An emphasis on appointing candidates based on their qualifications for the particular judgeship would be welcome (different judgeships require different strengths), as would replacing the election process -- the last few have been demoralizing for many attorneys, and many don't want to be appointed only to face a later election battle based on party politics or just plain politics. Anything we can do to instill the idea that judgeships are a service that we should perform for our communities and our profession, and are not simply a great retirement program or reward for political connections would be welcome. That would require doing away with elections but limiting terms, and having a council focused on short-listing lawyers who have the skills necessary to do well in a particular judgeship and who are truly interested in doing the work not just getting the paycheck or the retirement benefits or the cool robe.

Not enough emphasis is placed on the importance of private practice. An attorney that has worked in the public sector (prosecutor/AGs Office) their entire career lacks the experience necessary to be appointed to the bench.

Try something like a ten year (or 15 like AK) retirement so you can attract very qualified individuals at the ends of their careers.

I think if there is a magistrate position open in which a particular background will be preferred, for example juvenile law, that should be communicated.

I would make it less of a "popularity contest" and focus on past and current experience, legal knowledge, and temperament.

Don't try to fix that which is not broken. No politics!

Any prospective judge that is unwilling or unable to withstand a rigorous selection process ought not apply or be considered. I would toss the entire system for the selection and retention of appellate judges. I would have life appointments by the Gov. subject to senate confirmation. Appellate judges are legislators as well as judges, and should be selected on a political basis.

I think that it is important to have judges with a broad legal background--but I also think we miss out on attorneys who have a narrower practice, but whose perspective and legal acumen could provide valuable insight and depth to our courts--especially the appellate and supreme court.

It is tough for practitioners without criminal experience to seriously consider applying when there are others with a criminal practice background also in the pool. Perhaps providing a "crash course" in criminal procedure/criminal rules which prospective applicants without any criminal law background could take would help close that gap of experience. I also think looking at ways to increase flexibility of schedules/making it a more family-friendly position would increase the number of female applicants.

I don't know anything about the way the selection process works.

Any consideration given to recruiting candidates from Idaho's sister states (Washington, Utah, Oregon)? Particularly if an out-of-state candidate is already admitted to practice in Idaho and her/his candidacy would improve the diversity of the pool of candidates?

At this point in my career I am a bit intimidated by the prospect of being a judge, simply because I feel I lack the experience and can't pinpoint a place in my career and development as an attorney that I think I might be comfortable with it. This is particularly true because I have no experience in criminal law and I know that most if not all judges now are required to handle civil and criminal calendars.

The reality of Idaho's single party politics discourages many qualified candidates from seeking judicial office. This is particularly true for women and minority candidates.

We need desperately to get rid of judicial elections. The modified Missouri Plan, with retention elections is working well for magistrates and should be put in place for our District, Appellate and Supreme Court judges; retaining something like the Judicial Council for initial recommendations to the Governor for initial appointment.

The survey is correct in that we are NOT getting enough excellent applicants for the District Court Judge positions. This is because of the difficulty and complexity of the work load compared to the compensation received. For example, an Ada County Juvenile Court Judge with very little complexity makes almost the same as a District Court Judge dealing with Murder 1 cases and Tamarack foreclosures. So, we need to increase the pay scale of District Court Judges. Clearly, we need to do this. But with our State budget, how are we going to increase District Court Judge pay? There may be no way. We are stuck, I believe. On the other hand, I would suggest that you at least have a 20% difference between Magistrate Court Judge pay and District Court Judge pay. For example, if a Magistrate is making \$115,000.00 per year with benefits, then the District Court Judge must make \$140,000.00 per year with benefits. I think this is possible.

no

Unfortunately, I think a lot of people who are qualified to do either civil work or criminal work are not necessarily suited to do both. I frequently wish we could divide the responsibility of the District bench to deal with these types of actions separately. It would I think create better precedent, and simplify calendaring and workload issues.

My only experience was a Magistrate application. Very nonconstructive and potentially destructive. To be hit with the insinuation of past inappropriate actions without any context or foundation as to time or place is a poor way to handle the interview. Composition of magistrate commission (and I served on one for two years) is much too politically oriented and composed of too many folks who really have no idea about what a judge has to do and deal with.

Judges should be picked for intelligence and hard work, not because of politics. Also, we have some VERY poor judges in this state who may be hindering the whole system.

Notwithstanding any criticism of the selection process, the commission/Council does appear to select qualified applicants who turn out to be fine judges

Do anything you can to remove the political aspects from this process, and make the compensation package attractive to more than lawyers who are making the low end of income in the private practice spectrum

I suspect that prosecutorial organizations urge their members to support their own carte blanche. If we had some mechanism to discern whether survey results were based on knowledge other than membership, the process would be more fair.

Following on my comment on # 23. Interviews with the commission may include (they did for me) negative criticism by some attorneys, sometimes unfair (it did for me). Not receiving that criticism in advance does not provide enough time to provide accurate, thorough rebuttals to criticisms, or allows criticisms to be taken out of context. I see no prejudice to any candidate by allowing that candidate access to his own (and only his own) survey results. It may have the additional advantage of preventing those who get bad ratings from their peers from clogging up the nomination process for the next judicial selection process.

Until the state increases compensation and benefits, Idaho will continue to attract only those who can't make a living practicing law or who simply dislike the practice of law.

Public education about the role the judiciary plays (3rd branch of government and all) in public life and the importance of the judiciary would be a big boost to public perception (and then support for adequate compensation).

the bar survey is too easily skewed against experienced practitioners or litigators who aren't as popular

The time limits on submission of applications should be lengthened. The decision process to close a successful practice, arrange for options for staff and associates, buy out of current lease, telephone and other obligations, acquire malpractice coverage to close practice, etc. requires longer consideration than is allowed by current deadlines. I would also like greater information on what benefits other than compensation are available which may assist in transition to service on the bench.

One big issue - particularly for women - is that you are required to reside in the community that you preside in - thus, if your spouse and/or your children can't move, you can't apply. Also, it is very difficult to be a part of the community (esp. small ones) if you are "the judge" - I have enough trouble going to the store or the mall now, it would only be worse.

My complaint is with the application process. The application asks for information related to an applicant that can go back 10 or 20 years. The inquiry should be related to a the time as an attorney or go back at the most 10 years. Giving information to the Magistrate Commission that is public information that could be embarrassing, like a drug or alcohol issue that is 10 years old with no reoccurrence, will limit people that may be otherwise very qualified from putting in an application.

The anonymous bar survey is subject to misuse. If an attorney wants to support a friend for the bench, he can do this in two ways. First, give his friend great ratings. Second, identify a strong alternative candidate and give him bad ratings. I am convinced I know of a situation in which this happened. I don't know what to do about it, though. On balance, the peer rating system's strengths likely outweigh its weaknesses.

The two primary characteristics you want are smart and fair/unbiased; the ones you don't want are poor academic history and enlarged ego. I think good academic history probably correlates with ego. Good luck and thanks for striving to improve.

Until a district judge is paid at least 140,000 the best candidates are less likely to apply

The JCR may want to consider whether it should provide "specialized" judgeships in certain broad practice areas. It may increase applications from highly qualified attorneys who have significant expertise in an area, and may be an "equalizer" for those who have experience, but are not politically/socially active. It may also improve the quality of decisions from the bench in those areas.

THANK YOU for doing this survey. Diversity definitely needs to be addressed and improved but even more importantly, we need to be appointing the most qualified judges. Our system is not doing that (even among white males).

I would like the Governor to see our results.

We know that 98% of the job of judges can be handled by a trained monkey. The 2% that require actual skill and knowledge cannot be handled by someone who is incompetent. A judge can normally discuss issues with another judge to try and come up with a correct response. However, in a jury trial, when there is an objection, we need to rely on the fact that the court is able to ferret out the correct ruling. Making it more difficult to get rid of the incompetent is not the solution.

Very fine solo practitioners like myself retain an on-going interest in a judicial appointment. I am new to Idaho and have practiced in Washington State for 24 years. In Washington, unless a lawyer is from one of the large firms, the likelihood of an appointment is nil. I would like to see that change in Washington and trust that Idaho has already opened up the floor to attorneys who do their work well, care about the law, but are not necessarily known to the bar.

Would not want the system changed unless a clearly better option was available. I would be concerned that change would be influenced too much by special interest groups and thus create more flaws in the system. Overall, I have been pleased with the candidates selected in the past five years.

Process is not perfect but it works reasonably well. Should actively seek judges who are not currently prosecutors or other public employees and judges with experience in addition to practice of law.

I did not answer 14 as none are correct. We should not inject race or sex as an issue at all. There should be no discrimination at all, zip zero, No Gender bias, No diversity recruitment in the sense that we should pick people to fill quotas, the quota notion is nonsense. Pick good qualified people regardless of sex and race and that good person will make good decisions...period.

I very much wanted (note the past tense) to be a magistrate. I have 25 years of varied legal experience (civil lit, in house, prosecutor, real estate, contract, labor, etc.), including substantial experience as an ALJ. Every day I exercise as much and frequently more responsibility than a magistrate judge. I have excellent references, good credit, no criminal record, am principled, and an excellent writer. I continually see individuals similarly qualified get passed over and less qualified individuals getting interviews. In my county, there are no objective standards against which the magistrate commission evaluates applications. Each recruitment is an ad hoc free-for-all that likely could not stand up to an EEO challenge. I also think that the survey is part of the problem. Practitioners who have a narrow specialty with a statewide practice are greatly disadvantaged in the survey process. First, they interact professionally with fewer lawyers, and secondly, the surveys are not sent out statewide. Thirty responses on a survey could actually represent more than 50% of the people that actually know the applicant, but the word on the street is that you need at least 100 responses to be considered for an interview. Heck, I know a hundred lawyers, but most of them know nothing about my qualifications for a judicial position. I suspect the judicial counsel process is more professional, though the idea of having to stand for a contested election is anathema to me. Further, likelihood of getting a gubernatorial appointment for a political unknown seems remote. Those two factors have kept me from applying for a district court position, even though I suspect that my application would be taken more seriously in that venue. Regarding this survey: Bravo! I hope some real changes come out of it. Not in time for me, unfortunately. However, let me note that a couple of the questions were inadequately drafted. There was not a category that even came close to capturing my current position. For example, not all government lawyers are either criminal prosecutors, civil litigators, or in-house counsel. I left two questions unanswered because there was no choice that could be considered accurate for my situation.

To be frank, although I have been in practice less than 5 years, I fully expect, by the time I am eligible to be a judge, to be earning more than the top paid district judges, with no cap on my income, and substantially more flexibility in my schedule, and less pressure. So, since I don't give a fig about the "prestige" of the job, I have absolutely no reason to apply to be a judge. My guess is, from talking to other attorneys who are much better attorneys than I am, they feel largely the same.

Sometimes in the interest of encouraging candid responses, candidates are

anonymously attacked by respondents to the candidate surveys. Yet, the candidate is given insufficient information to effectively respond even when the attacks are unfair and without merit. The surveys can also become a popularity contest. At times, the most likeable candidates get better ratings than the most competent ones.

The issue is compensation. The better and best lawyers who are interested in becoming judges will, instead, become private mediators and arbitrators, because of the better compensation.

I haven't gained insight into the mechanics of these processes and reserve judgment. My comments are largely based on what I've perceived as an anti-diversity bent among many in the Bar - a pernicious fear of "being PC" or "quotas." In addition to the necessary baselines of temperament, diligence, breadth of knowledge and experience, and fierce intellectual curiosity, those evaluating judicial candidates can and should take into consideration other, additional characteristics that might also recommend an applicant - experience overcoming hardship or disadvantage, empathy, dedication to ensuring that stare decisis continues to guide the evolution of our case law, but that issues of fundamental fairness and equity also guide and inform decision-making.

Salaries of district judges need to be raised significantly in order to attract the best qualified persons.

Our current federal bench is quite good. Our state bench is very poor with a few exceptions. We have to attract the best lawyers to these judgeships. Maybe increased salaries is the answer.

Have elections for all offices on a non partisan publically financed election basis with campaign of only 60 days duration. No resignation from elected office with allowance for going on senior status. You quit you are out of office period. If you quit no senior status. You don't get to let someone appoint your successor. and In fact why even have a senior status let's get enough judges to handle the work load for crying out loud on a full time basis with suitable staff and office and courtroom space. Let's have district appeals courts to handle the criminal cases and one civil appeals court for appeals of civil matters.

I believe an attorney with a broad-based civil background is more qualified than one who has concentrated primarily (or exclusively) in criminal prosecution or defense. Granted, much of the case load of a judge deals with criminal issues, but frankly, criminal law is not rocket science, and a sharp judge will pick it up quickly due to its limited scope and sheer repetition. On the other hand, civil issues are far more diverse and various issues may not be seen often. Those complex matters are far more difficult to deal with and an attorney with a track record of handling wide ranging and complex litigation will be less intimidated by such issues than one who has for 20 years prosecuted criminals ad nauseam.

Bias in selecting judges may be unintentional, but it does exist. In heavily Mormon areas, no candidate with a different background stands a chance. In very liberal areas, judges with similar views seem to be preferred. In small communities, it feels there is a bias that "someone from the big city must be better than what we have here." I don't think these inherent biases can be eliminated, but hope they are acknowledged during the selection process. I am always asked when I am going to apply to be a judge. There still exists an impression in the community that such a position is revered, and is the logical next step for a successful attorney. I tell them I may apply, in time. What holds me back is the concern that I would become isolated from all attorneys, as my friends who are now judges have become. I am female, and would become the only female judge in a very conservative district, which I fear would lead to further isolation.

As to the selection of District Judges, I believe a better way to do it would be the Judicial Council would recommend its final candidates (2-3) and then have a nonpartisan board make the final selection.

There is a problem with attorneys not wanting to challenge a sitting judge for fear of retribution if they are not successful from other Judges and the Judge they failed to replace. This discourages many qualified applicants and is a serious consideration in a small bar.

When I began practice I was in court on a daily basis in a moderate sized county. I viewed judges as demi-gods. I watched many judicial contests and the biography of the candidates were similar - a general practice over many years with prior experience as a government lawyer. This was back in the day when it was normal for a person to be a PA or PD for a few years before entering private practice. I also watched the process become totally politicized during the era of Governor Andrus. I am not so naive as to think that politics was never in play, but I think it got out of hand in the 1980s. I don't think it is much better now. As for magistrates, I never cease to be surprised at the level of inexperience in the applicant pool and often the person picked. When I was younger I never would have thought that 6 or 7 years as a deputy prosecutor in the criminal division would have sufficed, but it seems to be the norm now, at least in some areas. Don't get me wrong. I respect the judiciary and count many judges as friends. At last count, 5 judges used to work for me. But I do see the pool eroding on a continuous basis. I see a lot of ill equipped people applying when it is transparent that the motivator is a better job. Is more money the answer? In part it is. I do a lot of hearing officer work and find it challenging, stimulating and highly enjoyable. With the rest of my work, I make a lot more money than a DJ, and can't see myself applying for a job that will cause a deep cut in pay. But there is much more to the decision than money. It is unfortunate that a small minority of judges, especially in the magistrate corps, seem to undergo a personality change. Rudeness and outright bullying of young lawyers becomes the norm. Yet I see no effort on anyone's part to try to get this minority to moderate their behavior. Why would I want to close my practice, cut loose clients, and face election when the few people I would associate with display such attitudes? In re-reading this, I realize it sounds jaded. I'm actually a pretty upbeat person. Maybe you caught me on a bad day. But when I represent a client, with a lot of money on the table, and I have to explain rudimentary civil law to a judge who spent his entire career in the criminal law, I sometimes wonder how we all got here.

This questionnaire is shaped around appointment by the governor. District judges are subject to elections. Good judges are leaving rather than face the heavy partisanship of elections. The method for choosing and retaining magistrates makes sense. The DJ process does not.

The bar survey is not totally anonymous. An applicant is able to find out the number of lawyers who submit comments and, I think, the number of lawyers from his/her firm who submitted comments.

In reference to the diversity question, I think that the best qualified PERSON should be appointed, regardless of gender, ethnicity, judicial region or any other factor

Not that they would want to hear.

Judicial salaries are not strong enough. In Utah, a trial judge makes significantly more than Idaho judges. Yet, I think all would agree their judges aren't better qualified or that they handle more complex cases. Compensation needs to be competitive to attract better and more candidates -- especially with the cost of living in parts of Idaho now.

The process has a poor reputation. I have seen abuses but I also agree with most of the choices. Just tell me something; how did Copsey ever get appointed (I can guess) and why is Minder always so cranky, is Boomer sane, is Irby competent. The ends questions the means.

Why not do what the schools have done - recruit "old veterans" to fill part-time positions to supplement their retirement from private practice or public service while taking advantage of their wisdom and experience. And, I'm not talking about bringing back judges who've been rightly "put out to pasture."

I have watched several of the public interviews of magistrate candidates and feel the several of the applicants were "blindsided" by unfair or personally embarrassing questions. The questions may have been relevant, but probably resulted from anonymous comments that could not be corroborated. For example, one local attorney (generally regarded to be an outstanding attorney) was asked to respond to allegations that he had sexually harassed employees. Such a question is relevant. However, it was extremely awkward for him to respond, especially with his wife and children and many close friends in the audience. The applicant should have been informed of that allegation before the interview so that he could have withdrawn from the process or had time to formulate a response. It's too easy for people to make false allegations when the responses are anonymous. If an attorney has actually harassed an employee, then that attorney should not have even been interviewed. I also watched an attorney awkwardly try to respond to a question from the commission about why his peers consider him to be lazy, incompetent, late for court, etc. Again, that is a relevant concern, but it was unnecessarily embarrassing to that attorney. He was unaware that many of his peers held him in low esteem and it was difficult for him to respond in public with friends and family watching. He later told me that if he had known he was going to face such embarrassing questions, he would have simply withdrawn from the process rather than face the public embarrassment.

The process appears to be lengthy from application to interviews to appointment.

I think there ought to be a cumulative year limit, such as 6 or 7, on the total number of years that any person may serve on the bench in Idaho. Knowing that he or she will be returning to practice as a lawyer, or other occupation, will in my view keep the judges from going off on tangents and be more respectful/courteous to the bar. It would also have the effect of judges applying the rules as written by the Idaho Supreme Court, and not doing their own sense of rough-shod justice. I think that appellate judges should be drawn from the practicing bar and not the trial bench.

The fact there are so many experienced attorneys who do not aspire to be a judge is in part a reflection of the poor compensation our judges are paid and the relatively low esteem in which the judiciary is held by the public. More must be done to attract qualified judges.

I think that the survey tool needs to be eliminated or completely revised. I understand and agree with the goal of appointing qualified persons who will be polite and considerate on the bench, however, I think that the survey as it stands does not assist in that goal. A better mechanism might be to simply eliminate it and after the field of candidates has been narrowed to check references like you would any job candidate. By that I mean call the listed references, but also check with other possible references who are not listed. For instance, if a defense attorney lists only other defense attorneys as references, call some prosecutors. Call previous partners, previous employers, especially if the person doesn't list them as references.

I'm not sure how to fix the problem in state like Idaho with such strong support for a single political party. I think it would be interesting to see how many judges in the state were former prosecuting attorneys. I'm not sure why that makes a person a better candidate for the bench, but it sure seems like it.

Bar survey should get more weight. Should limit \$ or public fund the elections.

It appears that prosecutors are prohibited from serving on any of the selection committees. Why? The Magistrate Commissions always have two defense attorneys. Very uncomfortable to have to tell the attorney representative on the Commission that you won't do what he wants when you know you have an application pending now, or in the future. I have had an interest in becoming a judge for over a decade and have paid very close attention to the process. As you may have guessed, I have never even been given an interview at the Magistrate level. I am told that my application has not even been given a reading because the attorney surveys have a low average number. So when people repeatedly ask me why I haven't applied lately, I tell them that I was told not to even bother, by a member of the Magistrate Commission, because my application is not being read. This is always followed with a kind comment about my superior qualifications. So, while I complain about the recent selections, I haven't bothered to apply because the process is so flawed. What to do? Discontinue the attorney survey. In Ada County recently, the survey appeared so messed up that the Administrative Judge decided to do one on her own. That should say volumes about the effectiveness of the survey. The best way to make the interview list under the current system is to be a nobody. If no one but my friends know me, then I get high ratings and an interview. Even if only 10 people respond. I'm not making that up. Years ago a person was the number one candidate because he was a judicial law clerk that no one, but his 10 closest friends, even knew. Second, make Magistrate level identical to the District court and mandate that everyone gets an interview. It shouldn't be considered a burden to spend two or three days in interviews when the judge is going to be on the bench for the next 15 to 30 years. Also, most District Judges have been coming from the Magistrate level. So the Magistrate Commission is, in effect, interviewing the next District Judge pool. If surveys are used, make the person accountable for their comments. Make the guy who gives me a zero on the category relating to my outside activities explain what is so bad about going to church on Sunday and spending time with my family. If real changes are made, I would be happy to apply again. It is a career goal that I have been very sad to see go by the wayside. Not a month goes by when an attorney or friend asks when I am going to be a judge. Lately, I have been telling them that I have given up on that dream since I have been deemed not even worthy of an interview. My confidence in myself remains. It is my confidence in the system that has been destroyed. I am encouraged that others have recognized the problem. The challenge now is to actually do something positive about it.

There should be more lawyers and judges on the Ada County Magistrate Commission.

The public nature of the early stages of the process is an extreme impediment. Candidates for positions for other public office are not exposed for their employers or colleagues to know and comment until there is at least some chance of an appointment. The perception that a younger woman has a greater chance of appointment than an older experienced man is a deterrent.

There is absolutely no uniform criteria defining an ideal candidate for judge. Also, all judge selection processes should be public, and not done with private closed-door meetings. The judges serve the public, so why not make the process transparent?

There should be a better way to populate the Council and Commission rather than just make it political based. They should be more diversified and should represent a wide variety of groups.

I am currently a district judge, selected by the governor, who has come to regret my decision. Based on the potential fiasco of facing an election and inadequate compensation which worsens each year, I would not recommend to anyone that they should apply for a district judge position.

Thanks for asking.

I have great hope that the Judicial Recruitment Committee will begin to place the focus of judicial appointments back where it belongs: scholarship, work ethic, strong character and integrity, and appropriate temperament. I applaud the Idaho Supreme Court for its insight and creative response to the current state of judicial nominations.

see box 12

Just that I have seen outstanding attorneys I have known for 20 years passed over in this process, and people chosen who were better known in the Bar, but certainly not better qualified.

There are a lot of lawyers who would make excellent judges but don't have

perfect backgrounds. Also, the application process unduly favors lawyers who try a lot of cases - with so many cases settling or being decided on summary judgment, there are fewer opportunities to try cases than there used to be.

Timely topic.

I believe eliminating elections for judges is a critical step in promoting an independent and fair judiciary. I believe that judgeships should be 10 year non-renewable terms to prevent judges from assuming that they are entitled to a job when they serve at the pleasure of the public. It would also invigorate the local bar to have new judges joining the bench at intervals and bringing to bear their skills and life experiences.

Well, I don't know what the committee is interested in exactly, but from my perspective as a sole practitioner and perhaps someday judicial applicant it would be helpful to know criteria beyond the judicial canon that are viewed positively as attributes of good judges in Idaho.

I was a member of a Magistrate Commission about 10 years ago and I thought it was a very populist type of judicial selection. The non-lawyer members were not very interested in the legal qualifications of the candidates and it was pretty much a who-knew-who deal. Then again, all the candidates selected for interview were qualified. Anyway the process certainly did not concentrate on who the best lawyers were, rather it was candor, roots and personal appeal that governed the selection. Almost like a rural school district election. I was surprised by that at the time but over the years, seeing how excellently those judges perform in their communities I think that the process is a good one and wouldn't know how to do it better. The contested elections for the district judges have to go. I know that judges run for election all over the country, but so many Idaho lawyers are solo or small firm, that deciding to up your practice, your life's work, and facing the need to win a beauty contest a couple years later is a tough one.

It would be helpful to educate younger lawyers as to the criteria for selection and qualifications of successful applicants so that such younger lawyers could begin strengthening their CVs years in advance of applying. We should depoliticize the selection process to the maximum extent possible. With only a few exceptions I am proud of the quality of Idaho's judges; however, we should sweeten the deal by reducing workloads and increasing pay.

Please encourage lawyers who have practiced for many years to apply for a judicial position. I think we sometimes fail to recognize their experience in the consideration process. I also believe that we should promote the benefits of public service afforded by such a position.

Unfortunately, in the past we have appointed judges that were starving and the bench provided them some stability. It has not been as bad in the last 10 years.

Both times I have applied for a Magistrate position I was told that it was "greased" for another candidate. It was. I do not perceive the system as leading to the appointment of the most qualified individual and would be reluctant to go through the process again for that reason.

Overall I am very happy with the quality of the judiciary in the 5th District. However, I do not believe that the highest private practitioners are encouraged by the low salary, and too much emphasis is given to experience as a Prosecuting Attorney, which in my opinion, does not give adequate broad experience for judicial appointment.

no

No

We need to do away with contested elections for all judicial positions; the magistrate's commission and retention elections is the model we should use for selecting all judicial positions.

Consider accepting nominations from sitting judges who can see which lawyers are the most competent.

No.

I'm not suggesting I know a better way and I understand many of the rules governing the process and the judiciary in general were put in place for valid reasons, but perhaps it's time to take a fresh look at them with a critical eye to see if they fit the needs and address the concerns of the present, rather than simply being there because of the past (ie. living in district requirement).

If you want the best people you will have to pay them more. Especially to lure them away from lucrative practices to risk losing the next election. It's not perfect but the Judicial Council's process and appointment from the short list by the governor, with advice and consent by the legislature, would be the best way to keep politics off the bench. If not that, then at least longer judicial terms and perhaps judicial campaign finance reform restricting not only the amounts spent, but placing greater restrictions on the content of the campaigns.

The anonymous bar survey is a strong deterrent to many attorneys applying. I have known many results that were released to the applicant which seem to be a determined effort by a block of people to keep someone from the being considered for no real reasons. I have also heard comments that the best way to keep someone from being selected is to give low marks; low enough to have an impact, but not low enough that they have person has to give a reason.

In some states, partisan politics is the main determining factor in who gets to be a Judge. Idaho does a really good job of avoiding partisan politics except for (1) gubernatorial selections, and (2) judicial elections.

no

I have observed several Magistrate Commission interviews on behalf of Idaho Women Lawyers. I was very disturbed by one selection process in particular, where the anonymous bar survey appears to have been abused, with specific negative comments alleged about a women candidate and a minority candidate. Both candidates were blindsided by the allegations of bad conduct in the courtroom (throwing a book, throwing keys at opposing counsel). Both attorneys denied the allegations, but it seemed odd to me that similar allegations were lodged against them. Neither candidate was recommended to the Governor.

I have been a Boise resident for 4 years and would very much like to serve.

If the goal of this survey is to elicit insight from bar members into the selection process, you have done a good job. If you can take this information and determine how to attract more or diverse judicial candidate, more power to you. I have spoken to some female lawyers who have felt positively offended by the process, that it is skewed and biased against them. I think it boils down to this: judges are human beings, not robots, so why should they be selected by robots or automatons. Prejudices and biases and part of life, and I guess they should be part of this aspect of life, as well.

I believe our state judiciary is seriously compromised by a lack of diversity.

The process should be more streamlined and equal.

change election process for district and appellate judges to eliminate the current system. I believe the magistrate retention process is more equitable. The judiciary should not be picked based on a popularity contest.

No.

Being a really good judge almost demands a different palette of skills from those of being an outstanding advocate as a trial attorney. Granted they each will have a high aptitude for multi-tasking, legal research, and a sound foundation of basic legal knowledge; but life experience and actually working in the real world allows one to know what is pragmatic, sound, and effective in the analysis of conflicts in commerce, industry, contractual and human relations. You must have an honest respect for people, appreciation for their individual circumstances, an impartial ear, a vigorous understanding of the application of the law, an artful way of communicating the decisions, and enjoy a well exercised sense of humor and disciplined temperament. Thank you for the opportunity to submit these comments and respond to this survey.

I wish that the selection process would not rely so heavily upon whether the applicant was well connected politically, partner in a larger firm, etc.. This has the effect of appointing judges who have had only the luxury of representing well financed clients, or corporate entities. The ideal candidate should have a balance of civil and criminal experience and a balance of representing both sides of a case Plaintiff and Defendant. Otherwise, they lack vision or understanding of the litigants before them.

I don't feel that I have enough understanding with regards to the process for selection of judges in order to agree or disagree with many of these questions.

Yes. establish a truly independent commission to select judges; make certain it is not politically chosen, etc. In Idaho now it is a joke. I am a Judge now in a different state; cannot believe the politically-driven process in Idaho.

In my opinion unless something is done to encourage the best lawyers to apply for openings on the judiciary, those who ultimately select the new judge will be forever restricted to choosing from a pool of under-qualified mediocre lawyers whose reasons for seeking the bench are inappropriate to the position. In fact I'd hazard the assertion that at present, with very limited exception, any person who seeks an appointment to the judiciary is, per se, the wrong person for the job.

Perhaps there should be a pool of candidates maintained over time, for consideration for multiple judicial positions, developed through an intensive but one-time selection process, somewhat similar to administrative law judge pools, but without an exam.

I observe the Judges in my practice and find most of them to be very dedicated and terribly over worked with little resources or funds to help them do the job that is required.

rating attorneys helps the bar feel like they actually had some input, but since well-connected lawyers are the likely choices, it becomes frustrating to see less-competent lawyers picked because of their political connections.

With many notable exceptions, many in private practice have from time to time, commented on judicial applicants as those lawyers who cannot make it in private practice or who do not have the personal communication skills (e.g. plays well with others) to effectively interact with clients and other members of the bar. Lastly, I personally am very disappointed in the increasing divisions I see between the members of the bar and judiciary. I began practice in the days when our local judges were active members in the bar and leaders in our legal communities' activities. Again, with notable exceptions, there is perhaps a growing perception of "us vs. them" which may be a result of the distance being placed between members of the judiciary and the bar. Thank you for putting this survey together.

You have a good goal but the devil is in the details.

The Judicial Council is the problem. Top lawyers, unconnected to the establishment, rarely serve. Those who serve, serve too long and become part of the in-group. The problem of under-representation by women is a difficult one. Chicken and egg. Because they know they won't be fairly considered, top women attorneys won't apply. Ditto for public sector attorneys. Some of our very best attorneys work for the government. To some extent, the prejudice in favor of GP's (jack of all trades) is diminishing; experts in specific fields now have a chance. But not those who are public sector attorneys (except for prosecutors). Salaries have never been sufficient to lure the best lawyers. (Please note the average salary level of Idaho attorneys, as documented in the Bar's 2007 survey of its members.) Only those who are independently wealthy or who have a strong commitment to public service will apply. Apparently, there aren't many with that commitment.

The process should be controlled by the bar. How the hell does the mayor of Glenn's Ferry know who is qualified? Total BS. The process should solicit input from the bar before the candidates are even qualified. A guy that's been doing adoption law at the AG's office shouldn't even be considered for the criminal magistrate position. He's clueless, and it's obvious. And Copsey was a joke. The bar should have to qualify candidates, by service in the area of law, or minimum skills testing. Just because someone has been admitted for 5 years doesn't make them qualified to become a judge. I've been admitted for almost 20, and I wouldn't have a clue how to do divorce. I suppose i could figure it out eventually, but that's an absurdity that shouldn't be allowed. These recent appointments are learning the basics of their jobs as they go, and it's a sham that they're the judges!

I understand that California has a system by which attorneys interested in a judicial career can register their interest and be on a list which gives the public and other attorneys an opportunity to watch them during their career development and form opinions about their qualifications. I don't know much about the process, but I think it might help attorneys focus on that career goal, and it would probably let some applicants know they should not waste their time trying for a judicial position.

I believe you will attract a better caliber magistrate (particularly in small counties) with a less political selection process, by ensuring that the magistrate has the same control of staff and calendar as they do in private practice, by equally distributing the case assignments for those who are traveling magistrates, and by providing the same quality of staff, facilities and courtrooms for those who are traveling magistrates. Three days a week I would start driving at 7:00 and begin work by locating my office, courtroom and clerk (almost always a trainee clerk). Then, all day long I would do small claims, traffic trials, and first appearances, rarely finishing by 5:00 due to overcrowded calendars. Then I would drive home. All the while the resident magistrates received the same pay and benefits and better offices, clerks, courtrooms, and case assignments - plus they would still be home in time for supper. They also avoided the controversial day-to-day cases that tend to make people mad and reduce their retention percentages at election time. I would never recommend that any attorney qualified to be a magistrate apply for the position in a small county until those things change.

I did not know there was a Judicial Recruitment Committee, but it may be a good thing to reach out to the most talented among us and invite them to apply for judgeship.

Until Idaho starts paying judges much better, you will not see the diversity and quality of candidates that you might otherwise see. Also, elections of judges is a terrible idea. Do you really want a judge who is going to promise to do this or that before the matter is presented by the advocates?

Most Magistrates are way over paid and way under worked, but think they are underpaid and overworked. Few ever earned as much in their jobs before appointment as as a Magistrate. They have little knowledge of the reality of the private practice, particularly those whose only experience is as a public employee--state--city, etc., lawyer. There is a huge difference between the 4th district bench of District Judges and those of the rest of the state. The non Boise District Judges are pretty well reflective of the communities and the lawyers in those communities. Few truly bad District Judges hold their positions or are selected in the first place outside of the 4th District. The Boise District Judge situation is another story with way too many hungry lawyers, way too much power by the big Boise firms and way too much Republican politics. There is no sense of true leadership in the 4th District and that reflects the same patterns on the Supreme Court which is held in low regard by lawyers and district judges and the law school faculty and for good reason reading their opinions. They rule with one eye on the corporate powers in the state and the other on the legislature that sets their salaries and benefits.

The judicial council needs to post as they are received applications. That way, if there are no any or no good qualified ones, the word gets out to find qualified candidates. This would be a huge help. Second, the names of those recommending should be known to the judicial council so they know the value of the person making the recommendations. I think this outweighs the current system of all government employees supporting the government employee. I see no reason under the present system to bother responding to the judicial council questionnaire. (ditto for magistrates--I have seen how that works and the lawyer input is ignored)

Applicants should be tested, just like for any other position. They should be tested for personality, temperament, intellect, analytical ability, and other qualifications for the job. As it is now appointment is a popularity contest.

Take the judges off of the Judicial Council. Sitting judges should not be allowed to pick the next judges. While judges may not be a majority of the Judicial Council, the power of their offices gives them an inordinate voice in determining who will be the incoming judges.

The judicial council/Governor process is seen as too political.

I have an intellectual property/patent background and do some litigation in state courts, but perhaps incorrectly perceive that my atypical background would likely disqualify me and that at a background in personal injury or criminal law is necessary or expected to get the requisite case experience.

I have observed several of the Judicial Council's interviews for District Judges. The same questions are asked over and over and over for each open post. The questions do not seem to be designed to elicit any really meaningful information regarding qualifications. I do not understand why the same meaningless questions continue to be asked?

Give all sitting judges a surprise quiz on the rules of evidence. They deal with them every day. See how many pass. Have council members go and sit in court and observe the demeanor of some of the members of the bench, then see if value for money has been obtained. Frankly, I think the magistrate system is not what it should be.

A bad judge can spread a lot of misery, both through the Bar and through the public, so it's important to get it right. I'd suggest taking some of the mystery out of the selection process (as my answers above reflect) and promoting the idea that, for those with the talent, being a judge is a high calling that should be responded to.

Privately funded elections for judicial candidates (especially appellate) erode the public's confidence in the judiciary. The process should be depoliticized as much as possible. I can't judge whether to support the current system without knowing more about the alternatives it is being compared against. I believe there is enough room for concern to look at alternatives.

Thank you for taking the time to work on this important challenge in the administration of justice in Idaho. Perhaps the open discussion of some of these matters will allow people of color, people from diverse economic and political backgrounds, the disabled and women to feel welcome in the application process, resulting in a more diverse population in the Idaho judiciary.

My ideal: Find a way to recruit magistrate judges and DJ's, lessen politics in selection process and remove DJ's and Supreme Court candidates from election process but make them subject to retainage votes.

No

Overall it is a good process, but would be better if politics were not part of the process, at both the district/appellate court levels, and even the Magistrate level to a certain degree.

Having clerked for two district judges with very diverse work styles, I was alarmed at the workload and amount of time each judge had to complete the case/workload. This was especially depressing because of their lack of compensation. Are there any successful models in other Northwest/Western states as for attracting qualified applicants and is the pay worth the workload in these states? The Judicial Recruitment Committee may have researched this already but if not, it may be a place to start as for brainstorming.

It may be helpful to have a seminar or some other informational setting to let potential applicants and all other interested parties be educated a little more about the process and the procedures involved.

Eliminating elections will guarantee a worse judiciary. This would entrench the worst judges. The current selection system is fine. Higher standards need to be used in judicial selection, but more importantly, the Judicial Counsel needs to use those same standards in evaluating sitting judges. Drawing Judges by increasing salaries would be like drawing legislators by increasing salaries. Increasing salaries is appropriate, but without dramatically increasing standards and oversight, it will merely attract more of the mediocre who can't make it elsewhere and seek the security and lack of accountability of a judgeship. You can never draw the "best" lawyers with money. That they can get elsewhere. the job--and the reputation--needs to be something they want.

With the ability to travel we should consider roving Judges to assist counties with major matters or workload issues.

I think it is great that you are looking at this process. Attorneys that have practiced for years should be encouraged to serve as District Court Judges

A commission must also be involved in evaluation of the judiciary for retention. Judicial elections should be abolished in favor of a periodic review of all judges by a non-partisan commission of lay persons, practicing lawyers and retired judges.

no

Former prosecutors are over-represented on the Magistrate's bench.

I would appreciate the opportunity to attend a meeting to learn more from judges about (1) being a judge -- e.g., responsibilities, benefits, burdens,(2) the selection process and (3) how to prepare for seeking such an opportunity.

Something needs to be done. The quality of our judges has slipped drastically

since I began practicing (late 70's). Far too much partisan politics plays out in selection of judges.

It is unfortunate that candidates are not reviewed by the various bar groups as they are in sister states. I relied heavily on the 'strongly qualified' to 'unqualified' rankings give by bar groups unaffiliated with the state bar or other politically motivated entities when practicing in another state.

Supreme court justices should not be elected.

The only way I would ever actively pursue a state judicial appointment is if the compensation was comparable to what I receive in my current position, and I was comfortable that the selection process would be unbiased. As of right now, I don't believe that is the case.

Frankly, I had not noticed a shortage of applicants or I would have applied myself. Only a few of the most rural areas seem to have limited applicants.

Just that our judges in the fifth district lack any diversity, and their decisions reflect their personal back grounds, and a bias toward males, corporate, financial interests. They don't understand domestic violence and their rulings in family law cases reflect that.

Overall I am satisfied. I believe the right men/women are being selected for the positions.

I thank you for being concerned and willing to explore why we are not getting more qualified people to apply. For the small firm practitioner it is difficult to apply because of the concern to keep a client base if not selected and concern over financial obligations to the firm. Also, when the judge leaves office early because of a voluntary or involuntary decision, it is going to be difficult to start over in private practice. I do not think there is much you can do to alleviate those concerns I think are in the applicant's mind, except by eliminating the contested election which is not favored by the public. Having district judges go through the same procedure as magistrates and be voted out of office may be of help. The salary of judges needs to be increased.

I didn't realize that there was a lack of qualified candidates for judicial positions. I have thought about applying, but am unsure whether I would be qualified. While my practice technically falls into the civil litigation category, it is much more administrative law based. I am concerned about the lack of women applying and being appointed. I would suspect that there is an impression that women will not be appointed. We're going backwards in that regard.

It has been suggested I apply for a DJ position. I have not and will not because I am not a sitting magistrate nor political. I may or may not continue to apply in the 3rd District for a magistrate position. I feel the selection process is fair and based on merit.

Many of Idaho's rural counties need judicial leadership. Unfortunately, most attorneys work/practice in the more heavily populated areas where they can make a living. Consequently, I think it is probably difficult to recommend judicial candidates for many rural positions - candidates have no name recognition in the community and community doesn't have enough business to attract quality judicial candidates.

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I believe that minorities are underrepresented in the judiciary. There are very few women who serve.

No.

The process tends to attract very unimaginative and dull applicants.

I am generally satisfied with the quality of Idaho judges, but popular-vote elections has a corrosive affect on the integrity and competence of the judiciary. I likely will not apply for the bench again simply because I am approaching the end of my career.

I believe that well qualified individuals see the process as too slanted and pre-determined to take the time and effort to apply. Even if you believe that you are the best candidate on a professional level, you know that if your politics and connections aren't there that your efforts will be in vain. Also, the best attorneys are usually compensated so much better than judges that it seems like a disservice to your family to take the significant cut in pay that being a judge would require.

The lack of diversity on the Supreme Court and in the courts in general is bad for the image of Idaho and bad for the citizens of Idaho.

No

None at this time.

I hope that the committee will look at ways to ensure that selection committees will look at the merit of the applicant's work and the applicant's ability to be an impartial judge, instead of looking at changing the system in its entirety

I doubt it.

Partisan politics should have no role in the judicial selection process. In my opinion, electing judges is a prescription for disaster. I am from a state where that is the process. It is terribly flawed and the citizens have become justifiably cynical about a fair and impartial judiciary.

Candidates should be informed of the substance of the anonymous bar survey specific comments. That would not impinge on anonymity and would be helpful feedback.

I am one of those people who would like to serve on the bench someday because I think I'd make a great judge and it would be a tremendous way to "give back" (e.g., public service). After applying two times for the Idaho Supreme Court, however, I don't anticipate applying anytime soon. Despite words of encouragement from the Judicial Council/Governor that we're looking for a diverse, qualified bench -- when it comes down to it, actions speak louder than words. In fact, I'm totally disheartened by the fact that for more than a year no women were appointed to the bench by the Governor -- and, being one of many women in that potential pool, I KNOW that there were extremely qualified women to choose from. This sends a message LOUD AND CLEAR that women need not apply for judicial positions in Idaho (at least those that need to go through the Judicial Council/Governor) because it is a futile effort (which is likely evidenced by the lack of women applicants for any judicial position that need go through the Judicial Council/Governor). I will not apply for the (state) bench in Idaho again anytime soon. Although being a judge remains a career goal, when, and if that time comes, the state of Idaho will only get my talents in my twilight years (and there is a new, hopefully more open-minded, Governor). A fundamental change is needed because at this point the Judicial Council/Governor has scared off many qualified women applicants. We'll just stay put in our higher paying jobs and watch from the sidelines for signs that our perception of not being welcome on the bench in Idaho is changing. It is encouraging that the ISB has created the Judicial Recruitment Committee because it seems to recognize the problem that I have outlined above. Now, what are you guys going to do about it so that people like me, with experience and a willingness to serve, feel like the door is once again open to the bench?

I'd like to be a judge, but I'm committed to the military for now.

More education or website information on the selection process, maybe even anonymous testimonials from judges selected. Also, although salaries are generally posted, there is no information to be found as to benefits (i.e. holidays, judicial leave, vacation, retirement, insurance). When assessing the economic realities of making the "leap" into public service on the bench, it would be helpful to know what is involved in all details of the compensation package.

With the encouragement of a magistrate and a district judge, I considered applying for a magistrate position in NPC County in the early 1980's but decided against it to pursue bankruptcy practice.

FEEL THAT INADEQUATE FFED BACK TO APPLICANTS MAKE A BITTER RESULT. MOST OF THE TIME AT DISTRICT AND MAGISTRATE LEVEL THE RESULT APPEARS TO HAVE BEEN PREDETERMINED AND THE PROCESS WAS/IS A WASTE OF EVERYONES TIME.

THANK YOU for taking the time to do this!

These comments may seem extreme, at first blush. However, if one looks at the data and the despicable 7th District election behavior in the outrageous attacks against James Herndon in the last election in Bingham County, the reality is that the judiciary in east Idaho has become corrupted by the power and money of one individual. The gubernatorial selection process is slightly better, however, partisanship then becomes a significant factor.

I believe the judicial council process is seriously flawed.

Idaho judiciary will become more diverse when those with the power to appoint/support the candidates themselves appreciate and value diversity. Some people on the bench now seem to be averse to change!

Seems like the same people run whether they have appropriate experience or not

Appoint Judges---have them run against their record like we do for Magistrates so a good judge knows he has some job security.

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I think the initial selection of candidates should be determined by examination--where they are presented with hypothetical case files--and must make decisions justified in written essays.

No

Recruit good candidates by calling them on the telephone and asking them to apply. Appeal to the attorney's civic responsibility to support the rule of law by taking his/her turn as a judge.

While support of the local bar is important, a few strongly negative comments can erase any chance of receiving adequate consideration. Not sure how to address it other than encouraging wider, honest participation and getting a wider pool of assessments to provide better balance, even if assessments indicate no opinion, or that the person is unknown.

Changes to judicial elections, as well as changes to the benefits package for magistrates would help greatly. Look at the disparity between magistrate and district judge applications -- people do not want to face potential contested elections to be a judge. Why put up with that heartache for minimal (comparatively) compensation?

Applications for judicial appointments aren't really much different than other employment opportunities which, especially in smaller towns, are often determined by an applicant's connections with the decision makers.

Consider the nature of the questionnaire and whether it unduly places too much emphasis on existing court and trial experience. Is there training that would be available to otherwise qualified applicants that lack the amount of trial experience the application suggests is needed?

I have serious reservations about the Bar participating in "Judicial Recruitment."

Open this process up to allow for individuals that serve our Nation to compete. When I left my home to serve our nation, I always thought I would be welcomed home; not treated as an outsider.

I am concerned about your underlying premise. In the Twin Falls area I believe the judges who have been selected have done a pretty good job. I believe that in most instances there has been a fairly good group of applicants who have applied for the positions that have come open. I suspect that raising the compensation levels would be the most likely incentive for more attorneys to apply.

Pay and benefits is the biggest issue. The anonymous survey should be diminished in influence and other means should be devised to determine true qualifications.

"Diversity," "empathy," identity politics, or anything else of that nature should have absolutely no role in the selection of judges.

No

You need to go directly to the best lawyers and ask them why they don't apply. You can't tell from this survey what their reasons are, but if you selected a few from each district, and sat down with them for 15 minutes, so they had to give an answer, you'd get better information, at least as to them. If you don't have the money or the time, ask the retired or senior judges to make a list of 5, and go to their offices and ask them for the committee.

Letting a Magistrate commission choose to have three interviews limits the panel to only who they know and puts too much weight on the bar survey, and the good old boy system.

Judges don't make enough money in my opinion. To add insult to injury, our system allows fringe lawyers to run against sitting judges, forcing the sitting judge to fund a contested re-election campaign using a blind solicitation method. Most of these contested elections, in my opinion, involve an individual who either (a) is burning mad about one issue in particular, or (b) is pretending to be burning mad about one issue in particular just to get elected, or (c) just wants to be a judge and has calculated that the quickest way to do that is to smear the sitting judge and run against him/her. I have no problem with uncontested retention elections and/or disciplinary methods to remove judges who violate ethical rules, but the current system is a waste of money and time and serves as a deterrent to quality individuals who have the talent, experience and desire to serve as hard working judges but have no interest in running a campaign against the goofball of the week.

I think the whole process of selecting judges needs to be evaluated and major changes need to be made.

Magistrates all seem to have the same privileged background and views. Nontraditional candidates do not have a chance.

Lawyers with strong private practices can rarely afford to apply. A recent appointment in Nez Perce County took from December to the following June to complete. If you have a private practice you must, as a matter of ethics, inform your clients that you may be leaving them. New cases that will take longer than the selection process requires should be turned away. Then, if you are not selected, you have lost your best clients and turned away work that you will need in the time after the selection process. Public Defenders, Prosecutors and house counsel can afford the process of application. The best private practitioners; those with excellent background and ability, cannot afford to apply.

Anonymous surveys invite inaccurate information.

Since I have no first hand experience with the process, I have taken neutral responses to many of the above questions. However, the selection process relies upon the integrity of those involved. The individuals involved in this process need to be continuously reminded of their responsibility to select the most qualified candidate. Since Idaho is a relatively small state, I believe this works most of the time.

It seems that the judges in more populated areas are overworked. It seems they are not paid enough. It seems that those with little criminal experience are not selected or are too scared to apply because of the extensive amount of criminal work that is done in the courts. I think an attorney with a great reputation, strong practice and work he or she likes, has no real incentive to apply for a judgeship.

Many of the bar survey questions are subject to widely divergent interpretation by those who respond and how the Judicial Council interprets the aggregate numerical responses is a complete mystery. Is the selection process simply a popularity contest? Why have we made it more difficult for lawyers to respond to questionnaires? Also, candidates for judicial positions should be shown the adverse comments of those who rank them as "unqualified" before interviews by the Judicial Council and given an opportunity to respond. The idea that any member of the bar can offer anonymous condemning, demeaning and even inaccurate comments that are hidden from applicants and yet relied upon by the Judicial Council is patently unfair.

I think that elections of judges are actually corrupting of the rule of law and should be avoided. I don't know how to take politics out of the selection process, but politics be taken out of the selection process to the extent possible.

Just pick the best candidate without reference to preferences and without reference to political affiliation or political input.

I think we need to have more women magistrate and district court judges in Idaho. We have more female attorneys now more than ever in Idaho, and there is a sufficient pool of qualified women applicants.

I have not noticed any loss of interest in applying for the positions, so it was news to me that recruitment was needed. Typically there seem to be plenty of qualified applicants in my area.

You will never get truly qualified judges until you stop allowing the political process to drive the selection process.

The process needs to be made more open and transparent. The Judicial Recruitment Committee ought to educate those who are doing the selecting about the very narrow group of lawyers they are considering. The Judicial Recruitment Committee ought to focus on diversity.

Speaking for younger attorneys (as in those with less than 10 yrs of practice), I would find it beneficial to be involved in the Committee's work, even if only to listen in. If a potential candidate is interested in becoming a judge, learning the process is invaluable. I would welcome the opportunity to volunteer some time and participate in any manner the Committee saw fit.

Most judicial selections at the district level and appellate level are known by all before the selection; thus, discouraging many attorneys from even trying to seek the position.

Seems to me that if you are a defense attorney or prosecutor you have a much better chance of getting appointed because of political/business connections. This results in appointments of people who have little "real" experience in the diverse matters that come before judges on a daily basis

Thank you for making the effort to ask and consider these questions. They are very important. I admit that I do not have a perfect solution in mind to address many of the existing problems I have raised in my responses. My general sense is that an easier process would encourage more applicants, which would raise the level of candidates considerably.

I do approve of the appointment system, it's just that, in Idaho, it favors prosecutors and Republicans - but one would expect no less.

It is all politics and changing it is politics. The interests that propel judicial selections are not just going to go away. They are more powerful than you, me, your committee, or the results of this survey. This whole issue is not one of "opinion" that you divine from a survey. Regardless of opinion and perception, which is all you are trying to measure, the reality is a demonstrable thing and that thing is whether one meets the governor's approval and that of the stakeholders who care. Virtually every judge is a former member of the civil defense bar or a former prosecutor. Why is that? Certainly not because other types of folks do not apply -- that is demonstrably wrong. Republicans control the process and want so-called "conservative" jurors, which is code for "tough on crime" and pro tort-reform and pro-insurance/corporate defendant in the civil arena. No two ways about it. Until the other two branches change, the judiciary will not change either.

You want good judges, start making changes. How can mayors and county commissioners make informed decisions. They can't. I ask this rhetorical question. How is it possible in the State of Idaho, with as many people that are in fact qualified, we have in Ada County a Magistrate Judge whose first jury trial was from the bench. And, of the criminal magistrates, there are an inordinate number of prosecutors and defense attorneys can hardly get interviews unless they are politically connected.

The Magistrate Commission, while it is good because it is partially made up of individuals that are members of the bar and/or judicial system, it also has elected officials. This can insert political influence, but I have not seen this as creating any problems.

We don't like Washington telling us what to do regarding State issues. The local bar does not want the unwanted jurist sent to the local bar to get that person out of the district of the unwanted juror. We also are very capable of appointing a jurist from our local area who has proven to be objective and has the necessary experience. The reason I gave up on the system is the County Commissioners were advised of the local bar's recommendation. The County Commissioners gave us an ex-prosecutor. The judicial council sent us another magistrate we did not want, who had to ask me how I went about putting on evidence in a default divorce. He had no clue and also a poor temperament because he had never represented a private client. Until it is changed, you will continue to see no qualified applicants for the jobs. Myself, for instance, would not want to put myself through the process as it now stands. I make enough money that I don't need to go through it, and it is demeaning to think someone who has never seen me in action would be determining my ability to be a jurist. I believe most of the practicing bar in major civil litigation feel the same way. Without change the same crop of applicants will continue. Most applicants for the job of magistrate or district judge could not make it as a civil litigator. Now they are in charge of our cases and perform as poorly in that role as they did in their role as practicing attorneys.

My fundamental disinterest is due to the fact that I really don't want anything to do with criminal law or the justice system. I did not go into law to do that. The idea of being a civil judge, or an administrative judge dealing with a relatively narrow area, would create some interest on my part. But the criminal law duties are daunting. I would have a hard time sentencing people, or "judging."

I once heard, even if it is incorrect, that judges make more than attorneys in Canada. If so, judicial selections should be choosing the best of the best.

With the benefit package, the compensation is acceptable for retirement from active practice. That's probably ok and seems to draw respectable and qualified applicants. I went through the process once but backed out when I thought about the lifestyle changes. I have multiple former partners that are judges. They are all great people but I see them only professionally. Don't know that this could be avoided entirely but it is a downside to applying.

Is there a balance of Plaintiff's lawyers on the committee? Bob Huntley

There needs to be more female representation on the bench.

the only thing worse than having governor make an overly political appointment is having well-funded cranks be able to run against appointed judge/justice and make all kinds of outrageous claims.

The fundamental problem is lack of adequate compensation for judges. Until this fact changes, many of the best potential candidates cannot afford to make the personal financial sacrifices necessary to become an Idaho judge.

The present selection process is presently too political. Not on a party basis, but rather on a "good old boy" or "who you know basis" It is akin to a society where the "black ball" is alive and well.

Pay is completely inadequate to attract the best attorneys. Partisan affiliation has gone from one consideration to a paramount one.

There should be a focused effort to advance more women candidates-

Overall, I think the process is pretty solid. I think it is difficult to recruit district judges vs. magistrate judges because district judges generally have a more difficult caseload and the compensation doesn't reflect the additional responsibilities.

I think I've made my feelings clear in the above comments.

The best don't apply because those appointing are concerned with diversity, favorites and not best. After a succession of appointments where the best were passed over for symbolism they quit applying.

No

Question 13 does not provide sufficient options. I believe the most qualified and viable applicant should be appointed, regardless of the applicant's race, gender, age, religion, etc.

attorneys with the most experience are hesitant to go to a heavy workload for less pay- especially with the possibility of having to campaign for re-election

judges from the Supreme court to the magistrate division are underpaid as are most government attorneys- it is a choice made but the reality is once you get used to a standard of living it is hard to change.

Several of the factors that prevent the best candidates for the judiciary from applying are the same throughout the country. I think the selection process in Idaho is far superior than partisan or non-partisan elections. Retention elections are okay for large urban areas, but in rural areas it can become a popularity issue. One controversial case that goes against a popular citizen could end a judge's career. I think the judiciary as a career needs to be emphasized early in a lawyer's education and the judiciary as a career choice should be discussed more among the bar.

Bar survey is absurd. The whole process needs to be examined. Why not have the Supreme Court review and make the short list recommendations? Get rid of the surveys or somehow make it more discrete and meaningful.

The most qualified attorneys will not be willing to take such a drastic pay cut to sit on the bench. The main problem, in my opinion, is poor compensation for judges. This is more true at the magistrate and district court level than the appellate level. Qualified candidates such as Warren Jones and David Gratton will see an appellate judge position as a good way to end a career in the law, but that is unlikely to happen at the lower levels until the available compensation makes a transition to the bench worthwhile. I think that is the bottom line for the most part.

I would love to attend a seminar where the different judges tell members of the Bar how it was that they were appointed to the bench and what type of career or experience they had before being appointed. I think a lot of lawyers at my age question whether they have the appropriate qualifications for a judgeship position.

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