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## TN's judicial nominating commission helps select the best possible judges

*By Verna Wyatt*

As a crime victim advocate, I've seen firsthand how important wise judges are. A good judge is a treasure — a bad judge is a nightmare.

Tennessee's constitution states all judges shall be elected by the voters. However, in the 1970s, the legislature provided a method whereby a judicial nominating commission (JNC) could assist the governor in selecting the best candidate for appellate vacancies (including the Supreme Court) and interim vacancies on trial courts due to retirement or death. After Tennessee's JNC was revamped, I applied for and was appointed as one of the non-lawyers on the commission in 2009. The 17 commission members are from West, East and Middle Tennessee, all lawyers except two.

Thirty-nine other states use similar commissions to fill judicial vacancies, but the practice has been controversial in Tennessee. After years of debate, the legislature allowed Tennessee's JNC to expire on June 30 without any clear provision for filling future judicial vacancies. Critics of the JNC and the process have been vocal in the press recently, including a column in this newspaper calling the commission "elite nominators," saying that voters are being denied their constitutional right and that this "elite" group is deciding for voters.

Frankly, I'm not sure the critics even know how the process works. Essentially, the commission does important work for voters BEFORE they get to the voting booth — reviewing the applications, talking to references, actually interviewing the applicants, and comparing them against the other candidates. Then, nine of 17 commissioners, with diverse backgrounds, must agree on the top three, and at the end of the interviews, the best of the best are recommended to the governor, based on a thoughtful review of the applicants, not popularity.

And voters DO have their say. We've seen several judicial appointees defeated in elections; we've seen appointees who were not politically savvy prove their judicial abilities on the bench, earning the vote at election. And remember the "no" vote on retention of Supreme Court Justice Penny White that removed her from the bench?

This commission is a volunteer group. Each commissioner receives the applications, studies each one in advance, later spending an entire day interviewing the candidates in a public forum. The only financial compensation is travel expense reimbursement. Applicant interviews happen wherever the judicial vacancy is. Everyone on the commission is employed, and many are solo practitioners. It's not unusual for commissioners to travel after work, arriving at midnight. Travel time can be as much as seven hours one way for commissioners who are in West or East Tennessee driving across the state, which means those commissioners give up three work days just to travel and interview.

One commissioner has to use vacation time to cover her absence from work. Commissioners take numerous phone calls for each applicant and read a deluge of recommendation letters. And every commissioner makes it a priority to attend the meetings. By statute, a commissioner will be removed if he or she misses four meetings during a term. I've seen commissioners forgo college reunions and cut short vacations to make the meetings. Commissioner Elizabeth Collins traveled to Shelbyville from West Tennessee during the height of a battle with cancer that ended her life just a few months later.

These commissioners lose family time (many have small children), put their own work on the back burner, review applications after their work day is over, and donate their wisdom and expertise, because they understand how important this work is.

“Elite” nominators? Yes, in my opinion, that is exactly what these commissioners are — elite. I’ve witnessed their experience, wisdom and integrity over the years. Thank you, Miles Burdine, Olen Haynes, Christopher Clem, Russell Johnson, Teresa Lee, Bart Quinn, David Golden, Denise Stapleton, Bill Young, Leo Arnold, Mary Helen Beard, Lewis Jenkins, Elizabeth Collins, Barry Ward, Charles Tuggle, Anna Escobar, Tom Lawless, Scott Sims, Mike Spitzer, Bert McCarter, Jack Lowery — for supporting the process to secure the best possible judges for Tennessee.

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