



# LEAGUE OF WOMEN VOTERS® OF FLORIDA

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## **HOUSE BILL SIGNALS CONTINUED EFFORTS TO POLITICIZE FLORIDA COURTS LWVF: Pending legislation "a slap in the face of Florida voters"**

Tallahassee, FL--In a call with media Wednesday, the League of Women Voters of Florida alerted Floridians to a legislative proposal that would further weaken the firewall intended to shield the judicial branch from political influence.

According to the League, every session since 2011 some form of legislation has surfaced that seeks to further undermine or politicize the rigor and effectiveness of the judicial merit selection process. This year, House Bill 7033 would expand political control over the majority of members on each judicial nominating panel by subjecting them to removal at any time without cause.

In stark contrast to this type of legislation, voters overwhelmingly rejected a proposed constitutional amendment on the November ballot that would have added another layer of political influence over court appointments. According to an expert from the Brennan Center for Justice who participated on the Wednesday conference call, similar scenarios are playing out across the nation.

"When voters have a chance to weigh in on the issue in recent elections, they have uniformly rejected attempts to politicize courts," said J. Adam Skaggs, senior counsel in the Democracy Program at the Brennan Center for Justice at the NYU School of Law. "While there is an overwhelming public recognition of the importance of maintaining independent, fair and impartial court systems that are free of political interference, political power grabs continue."

Deirdre Macnab, president of the League of Women Voters of Florida, said the organization is disturbed that the clear message from Florida voters is being ignored. "If lawmakers were listening to voters, they would be looking for ideas for strengthening Florida's merit selection system. They would be working to strengthen protections against political influence over the courts--not promoting further encroachment of the political branches in the judicial merit selection and retention process," Macnab explained. "This, in fact, is a slap in the face of Florida voters after their decision on Amendment 5 in 2012."

House Bill 7033, which emerged as a committee bill out of the Civil Justice Committee, seeks to further increase political control and influence over what is supposed to be a nonpartisan merit system for selecting judges.

Originally, the nine-member commissions responsible for providing the Governor with a slate of the three most-qualified applicants for each opening were comprised of three members appointed by the Governor, three members appointed by The Florida Bar, and three non-lawyer members elected by those six appointees. The independence of the commissions was seriously undermined in 2001 when the Legislature voted to give the Governor all nine appointments, requiring only that four members of each panel be selected from names submitted for consideration by The Florida Bar. The Governor already has full discretion over selection of a five-member majority on each panel.

"It should be apparent what the purpose of allowing removals without cause is," explained Peter Webster, a former judge on Florida's First District Court of Appeal. "It clearly is intended to diminish the independence of the nominating commissioners, and to increase the likelihood that they will nominate people who are philosophically aligned with the Governor--even if they are not the most qualified for the position."

According to Webster, HB 7033 would increase the likelihood that judges will decide high-profile or politically charged cases based on considerations other than the law and the applicable facts. HB 7033 does not yet have a companion bill in the Senate, but Macnab warned that is no guarantee it won't advance.

"We know from experience how easy it is for bad ideas like this to catch a ride on other legislative vehicles late in the process and thus bypass the process for scrutiny and public input in committee," Macnab said. "Let me be very clear. Today we have a system that needs strengthening, not weakening. We cannot afford to be silent as lawmakers make a sham out of what was once a national model for appointment of judges based solely on merit."

NOTE TO MEDIA: To listen to the recording of today's call, please dial 605-475-4895 and use the access code 643895#. When prompted for a reference number, simply dial #. (The recording begins about two minutes before start of the presentation. Fast-forward by pressing the number "2" four times.)

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*The League of Women Voters of Florida, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. For more information, please visit the League's website at: [www.TheFloridaVoter.org](http://www.TheFloridaVoter.org).*