

## HOW TO USE THIS GUIDE

This brochure is your guide to following Georgia's judicial elections. The information provided is meant to help Georgia's voters to better understand judicial elections and make informed decisions when voting in this year's judicial elections.

When heading into the voting booth, don't pass up the judicial races. The selection of competent judges who will apply the law and the constitution fairly and impartially is vital to our being a just and fair society.

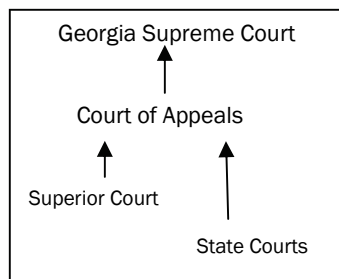
## THE JOB OF A JUDGE

Judicial elections are different from other elections because the job of a judge differs from that of other elected officials. As Justice Ruth Bader Ginsberg puts it, "*Judges ... are not political actors. They do not sit as representatives of particular persons, communities, or parties; they serve no faction or constituency.*"<sup>1</sup>

Judges do not advocate for anyone as politicians and lawyers do. Instead, their job is to rule impartially upon the facts and the law of each dispute presented to them and, in doing so, to seek a just and fair result.

"Judicial independence" is a key ingredient for a judge to do his or her job properly. Judicial independence means a judge should be able to make legal decisions free from outside pressures.

## GEORGIA'S COURT SYSTEM



Georgia has an array of courts dealing with every type of legal issue. Georgia has non-partisan judicial elections for local trial courts (state courts, superior courts) and statewide appeals courts (Court of Appeals, Supreme Court).

State courts have countywide jurisdiction to hear civil

cases and misdemeanor criminal cases. Georgia's superior courts are the basic trial courts for all matters involving state law and must try all felony cases. The legislature has divided Georgia into 49 superior court circuits, each containing one to eight counties.

Georgia's two major appellate courts are the Court of Appeals and the Supreme Court. These courts do not try cases, but hear appeals from lower courts statewide.

## DIFFERENT ELECTION RULES

Because the job of a judge is different from that of a politician, Georgia's judicial elections have special guidelines. **Canon 7 of the Georgia Code of Judicial Conduct<sup>2</sup> provides that a judicial candidate may not:**

- **act as a leader or hold office in a political organization,**
- **make speeches for a political organization or candidate**
- **publicly endorse a candidate for public office**
- **raise money for or contribute to political parties.**
- **make pledges or commitments on issues likely to come before the court**
- **knowingly make false statements about themselves or their opponents**

These guidelines are different than those for other elected offices. Legislators and the Governor are expected to be politically active and make promises about how they will deal with certain issues. The only promise a judge can make is to be fair and impartial to people coming into court.

## WHAT MAKES A GOOD JUDGE?

You already know the answer to this question. Imagine you are going to be involved in a legal dispute on some matter of great importance while also imagining that you do not know which side of the dispute will be yours. Now think about the character of the judge you would want to decide the case after listening to your arguments about the facts and law, and arguments on the other side. This is the character that makes a judge a good one.

Once elected, a judge must act according to the law, not his or her personal beliefs, and use that law to give every person coming before the court a fair hearing. A

judge's ability to do that is an important consideration when voting for a candidate. When comparing judicial candidates, consider the following:

- **Educational background**
- **Knowledge of the law**
- **Experience with the law**
- **Character**
- **Administrative experience**
- **Community involvement**

Voting for a judge is different from voting for political offices. We expect politicians to be partisan representatives of popular will. Judges are not guided by the will of constituents, but rather by the law and their duty to uphold the Constitution.

## CAMPAIGN STRATEGIES

In contested judicial elections, candidates will seek to distinguish themselves from their opponents. A candidate's campaign strategy can say a lot about his or her integrity and ability to make impartial decisions. Look to see if a candidate is employing any of these inappropriate strategies:

- **Making unfair and misleading attacks on the integrity of opponents**
- **Promising to overturn laws**
- **Promising to uphold agendas of politicians**
- **Announcing how they would rule without hearing the both sides of a dispute**

Inappropriate campaign strategies can undermine public trust in Georgia's courts. Such strategies include the use of ads unfairly attacking the qualifications or integrity of other candidates. Often, ads attacking another candidate can be misleading and not provide the whole truth of the situation.

Judicial candidates owe it to themselves and the people of Georgia to foster and maintain public respect for the judicial system. They should not use campaign tactics that blur the lines between judges and other political offices. After all, the courtroom is no place for politics as usual.

Also, look to see if judicial candidates are making promises to overturn laws or support the agenda of partisan politicians. It is inappropriate to promise results without regard to the facts and law of a specific case. To do otherwise would be to substitute the personal opinion of an individual for the rule of law. The rule of law is the single most important element in our being a just and fair people.

### CANDIDATE COMMENTARY

When a candidate comments on issues likely to come before the court, they give the impression that they may be biased before they hear a case. It is also inappropriate for interest groups and the media to push judicial candidates to take a position on an issue likely to come before the court. Asking in advance how a judge would rule on a particular case is like asking an umpire to call a pitch before it's thrown.<sup>3</sup>

### SPECIAL INTEREST GROUPS

Often, well-funded interest groups apply pressure on judges, or on the politicians or public who seated them, to sway the outcome of decisions and to stack the courts with jurists who are friendly to their interests. All of this activity impinges on the independence of the judiciary.

Currently, special interest groups who buy advertising to support or oppose judicial candidates in Georgia are not required to disclose a list of their donors. When looking at judicial campaign advertisements, look carefully to see who is funding the ads—the candidates themselves, or a special group. Such groups may have names like “For the Sake of the Kids”, but in reality, they are made up of lobbyists for particular interest groups more interested in having their way than in preserving our system of justice.

<sup>1</sup> *White v. Republican Party of Minnesota*. 536 U.S. 765, 806 (2002). (Dissenting)

<sup>2</sup> For the full text of the Georgia's Judicial Election canons, go to <http://www.gasupreme.us> and click on [New Judicial Election Rules](#).

<sup>3</sup> From The Constitution Project's “The Independent Courts Toolbox”

## PLEASE VOTE ON NOVEMBER 4TH

Court	Number of Seats Up For Election
Georgia Supreme Court	4
Georgia Court of Appeals	4
Superior Court	Approx 62??

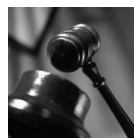
If you would like more information about this year's elections, Georgia's judicial system, or judicial independence, check out these websites:

[www.sos.state.ga.us/elections](http://www.sos.state.ga.us/elections)

[www.georgiacourts.org](http://www.georgiacourts.org)

[www.justiceatstake.org](http://www.justiceatstake.org)

### OUR MISSION



*The Georgia Committee for Ethical Judicial Campaigns is a non-partisan group of Georgia citizens dedicated to preserving the dignity and integrity of Georgia's judicial system.*

*We believe judicial candidates should aspire to the highest ethical standards to promote public trust and confidence in the fairness and impartiality of the Georgia's courts. We do not endorse candidates. Instead we strive to educate the candidates, the media, and the public about judicial campaign conduct. We want to keep Georgia's judicial elections fair and impartial, so that our courts can truly stand for justice for all.*

## GEORGIA COMMITTEE FOR ETHICAL JUDICIAL CAMPAIGNS

2006 ELECTIONS



### VOTER'S GUIDE TO JUDICIAL ELECTIONS

