

## **HucksOnline interviews Supreme Court justice candidate John Bradbury:**

**DFO:** What differentiates your candidacy from Justice Roger Burdick's?

**John Bradbury:** 3 things. I believe in elections because judges lose touch with people. It's not possible to change course unless elections are available. 2nd: I believe that keeping complaints against judges secret offends the public's right to know in a couple of respects: 1st: They deprive voter of information they need to cast informed ballot, 2nd: They remove the incentive for good conduct by eliminating the sure knowledge by public officials that if they misbehave they public will know about it. The automatic incentive to do the right thing is removed because the wrong things are kept from the public. And 3rd: The average person in Idaho today can't afford the judicial system. Only indigent criminal defendants and corporations can write off their lawyer's fees and costs as business expenses.

**DFO:** Those are all good things. But again how does that make you different that Justice Burdick

**Bradbury:** As one of 5 justices I can't change anything by myself. But it does give me a forum to go to the Legislature to try to change the end run around the constitutional mandate for nonpartisan elections. In the last three years, 22 district judges, appellate judges, and Supreme Court justices retired early, so the governor could appoint their successors. There's rarely contested elections because lawyers don't run against incumbent judges. The result is terrible. Only one of the 22 appointees is a woman. For the first time in Idaho history, there's not a justice from North Idaho or eastern Idaho. The current court has three justices from Boise and two from Twin Falls.

**DFO:** Tell me a little about that controversy involving your residence?

**Bradbury:** Idaho law requires the judge that has my position to be a resident of Idaho County. When I was elected, I bought a house in Grangeville, changed my homeowners exemption to Idaho County, and I voted in Idaho County. Because Idaho County has twice the population of Clearwater County, I expected most of my work to be in Idaho County. It turned out that two-thirds of my work was in Clearwater County for a couple of reasons — aggressive law enforcement in Clearwater County and all the habeas petitions from the maximum security prison in Orofino had to be filed in Clearwater County. The commute between Grangeville and Orofino was three hours. I commuted from a house I had in Lewiston instead. In the winter, I had a snow-free road from Lewiston rather than an icy one from Grangeville. But the Supreme Court decided I had to spend most of my time in Grangeville, even though I don't have an hour's work per week in Grangeville.

**DFO:** What decision by the Supreme Court in the last 5 years do you criticize most?

**Bradbury:** It's the school funding case. Over 18 years of litigation, the Idaho Supreme Court ruled that thorough education required by the Constitution means the state has to adequately fund education. Once they made that decision and it came time to send decision back to the trial judge to enforce it, the Supreme Court refused to send it back

and wouldn't give a reason. So the lawyers moved for a hearing and the justices had the clerk of the Supreme Court call the lawyers into the basement of the Supreme Court and tell them orally and without any record that the case was over. So today we have no explanation by the highest court in the state why it declined to have the trial judge enforce the court's decision.

**DFO:** Why is it important to have a judge from North Idaho?

**Bradbury:** Idaho's a really diverse state and judges tend to get removed from the reality of the lives of people who struggle to make a living. It's really important for judges to understand that the decisions they make affect real people and often in profound ways. I've seen the mills shut down. I've seen the mines shut down. I've seen the jobs disappear. I've seen the grazing leases dry up. That's a perspective that I can bring to the court. It doesn't mean that I'm going to vote in a certain way but it does mean that I'll have a different perspective (than other judges). Judges aren't royal princes they're public servants.