

Supreme Court justice race comment

Charlemagne comment (from 4.27.10): I am a Political Science student at the University of Utah and have been working on an independent study project on the Idaho State Judiciary for several semesters. Two issues that I have studied really leap out in this current race.

First the vast majority of Idaho's judges are initially appointed as opposed to elected. This gives such judges the tremendous advantage of incumbency when they do face their retention elections. This is clearly contrary to the spirit of the Idaho Constitution. Looking at the remarks then Justice Linda Copple Trout made to the Idaho Statesman on June 25, 2007 as well as the Idaho Judicial Council's advocacy of appointment (they refer to it as "merit selection") in their annual reports should leave no doubt that many of these early resignations are politically and strategically motivated.

Second Justice Roger Burdick has been intimately connected with the Idaho Judicial Council which is one of the worst if not the very worst of the various states' judicial disciplinary organizations. Idaho has a very high rate of complaints about judicial misconduct but an abnormally and even laughably low rate of serious disciplinary actions (formal actions) against judges.

It is interesting to compare Idaho's record in disciplining judges to those of two neighboring states. From 1995 to 2001 when Burdick was on the Judicial Council Idaho received 1291 complaints alleging judicial misconduct, during this time period, yet proceeded to formal action in only one case! By way of contrast Utah with a much larger population received only 702 complaints yet initiated 36 formal actions and Washington received 1991 complaints, initiating 84 formal actions. Clearly Roger Burdick was more interested in protecting the egos of his

fellow judges than the rights of the people and State of Idaho!