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Judicial Selection
Sen. Robert Duncan
Feb. 11, 2009

Today in the Texas Legislature, Chief Justice Wallace Jefferson became the third Chief Justice in a row to endorse the concept of a new way to select judges.

Citing a perception in the public's eye with regard to the lack of independence in the judiciary, Justice Jefferson endorsed a merit selection plan for judicial selection. Most Texans are surprised when they learn that judges are not required to recuse themselves whenever they receive a contribution from a party appearing before them.

Presently, the United States Supreme Court is considering this issue. Before the Court is a case that will determine whether or not a judge must recuse himself before hearing a case where he has received a contribution from one of the parties.

Today, I have filed Senate Joint Resolution 23 which proposes a constitutional amendment where the voters can determine whether or not they wish to change the way we select judges. The amendment embodies the concept that our judges should be free from the inappropriate influence of political contributions in making their rulings on the court.

The proposed constitutional amendment addresses only the appellate courts in this state, those very highly specialized jurists that are called upon to decide very close questions of law and write very clear and crisp opinions. We hope that this legislation has momentum.

Ultimately, the voters of the State of Texas will get to decide this issue. That's what a constitutional amendment proposes. So, I anticipate that you will be hearing much debate and discussion about this issue in the next and upcoming weeks.

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