

PRESIDENT'S PERSPECTIVE

RALPH J. LAMPARELLO

Task Force to Open on Judicial Independence

"Whereas, there is an ever increasing need for good judicial appointments at every level, appointments to be selected from the best qualified... available and the operation of this rule or understanding of "Senatorial Courtesy" operates directly against the making of such selections in accordance with the Constitution.

Now, therefore, be it resolved that this Association go on record with both Houses of the Legislature in favor of offering a constitutional amendment under Article IX of the Constitution, an amendment to be designed to require all judicial appointments be voted on within a specified period of time."

New Jersey State Bar Association Resolution



Those are wise and inspired words about inappropriate partisan influence that was impeding the judicial appointment process and threatening the integrity and independence of the third branch of government.

While the words may seem current, that resolution was adopted by the New Jersey State Bar Association's Board of Trustees some 43 years ago, in 1970. Yet, the resonance of the words in that resolution is depressing proof that the problem of politicians trying to intimidate and influence the Judiciary remains just as relevant today.

Four decades later, the issue of judicial appointments being caught in the crossfire of political battles is still not just in play—it sits at center stage in the duel between the Governor and Legislature over the make-up of the Supreme Court. Just this summer, we witnessed the latest installment in this protracted fight when the Governor refused to renominate New Jersey Supreme Court Associate Justice Helen Hoens. Further exacerbating the situation, the Legislature has refused to hold hearings for Supreme Court nominees Robert Hanna and Judge David Bauman, who were nominated by the Governor in early Dec. 2012.

In the history of the NJSBA, we have consistently proposed eliminating the practice of senatorial courtesy and establishing deadlines for senators to vote on judicial nominees. These were commonsense solutions to what has become an endemic and systemic problem.

As a profession sworn to uphold the law, we cannot stand idly by.

The NJSBA is in the process of forming a Task Force on Judicial Independence whose length of service will not be constrained by the tenure of my presidency. Rather, the Task Force will continue to play a vital role, have a voice, and enjoy the support of the state's largest lawyers group as long as this issue threatens our judicial system. It will be a blue-ribbon panel of retired jurists, lawyers, academics and lay people. Its mission will be straightforward: to address unfair criticism of judges, to hold hearings to quantify the many ways the current political interference harms the legal system in New Jersey and the public it must serve, to devise initiatives to address the situation, and to enact strategies and education campaigns aimed at strengthening public understanding of the important role of our courts.

The Judiciary is a co-equal branch of our tripartite democracy. Since the 1947 state Constitution, which resulted in the wholesale remaking of our New Jersey courts, there has been no more paramount issue facing us as a profession than the current threats to weaken our Judiciary by undermining its independence. We are and we will continue to fight to preserve its integrity and guarantee that our courts are a steadfast, independent and strong guardian for our citizens. Nothing less than the balance of our way of government is at stake.

Please join us in this fight and encourage your colleagues and friends to join with the NJSBA, the leading voice for lawyers and the profession in this great state.

The time to act is now.

The time to be heard has arrived.

When we speak together as one, our voice will be heard. ♪