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A COLLABORATIVE EFFORT OF ALL THREE BRANCHES OF STATE GOVERNMENT LED TO A NEWLY ENACTED COMPENSATION SYSTEM THAT IS RIGHT FOR PENNSYLVANIA

By Cynthia A. Baldwin
Supreme Court of Pennsylvania

As a soon-to-rotate member of the Pennsylvania Supreme Court, I cannot engage in political advocacy or debate and I do not intend to do so here. However, I do wish to talk about the nonpartisan merit retention system by which we retain judges in Pennsylvania.

Our system of government with its checks and balances and our judicial system are respected throughout the world. They have both worked well for hundreds of years. That is why I am concerned by the call for the wholesale elimination of experienced judges. That would do irreparable harm to our court system. If qualified and experienced judges are voted out of office, it will be no benefit to the people of this commonwealth. That's just common sense.

The retention system was not designed for use by those with a political agenda. On the contrary, retention was designed as a nonpolitical merit system to allow voters to keep or reject judges individually, based solely on each judge's record after a full term in office.

Next year will mark the 40th anniversary of Pennsylvania's 1968 Constitutional Convention that produced, for the first time in Pennsylvania history, the retention system for judges.

Prior to 1968, judges were elected and reelected in contested political races. The retention system was created expressly to keep judges out of politics and to bolster public confidence in the impartiality of the judiciary.

Under retention, trial and appellate judges are retained or rejected by a straight yes-or-no vote. Judges' names appear on the ballot with no political label. They face no opponents. They should be judged on their performance alone.

The American and Pennsylvania bar associations recommend that judges be evaluated on such qualities as integrity, competence, temperament, preparation, attentiveness, courtesy and the quality of their opinions.

But what is our responsibility as citizens?

As in any election, we as voters should be informed about the candidates and the issues before going into the voting booth. I think that is especially true when voting for judges in a retention election. Although judges are public officials, they often are not as well known to the public as other elected officials. How does a person find out about a judge's record? How does one know whether to vote yes or no?

Those answers are not always easy to find, particularly in large communities. But information is available. It can be obtained from the community at large. It can be obtained from within the legal community. Information on appellate judges can be obtained from the Pennsylvania Bar Association which evaluates candidates for retention and rates them "recommended" or "not recommended." Some county bar associations also evaluate their Common Pleas Court judges in their counties. This information is usually published in local newspapers.

The key in retention elections is for voters to learn about the judges and evaluate each one fairly. That is good citizenship. It's also common sense.