



League of Women Voters North Orange County

April 2008

VOTER

714-254-7440
P.O. Box 3073
Fullerton, CA 92834
www.lwvnoc.org

The League of Women Voters is a nonpartisan political organization that encourages informed and active participation in government, works to increase understanding of public policy issues, and influences public policy through education and advocacy. Membership is open to men and women of voting age.

FROM OUR PRESIDENT

Successful Judicial Forum

How can I express what an exciting event our forum *Judicial Independence: Is Our Democracy in Danger?* at Cal State Fullerton turned out to be!! We had so many raves from the audience about the whole presentation. The speakers exceeded our expectations in their information, wit, and interesting anecdotes. Word about the forum spread quickly at two legal gatherings in the county, the Hispanic Bar Association where our panelist Dean Erwin Chemerinsky spoke and at a fund raiser for an Orange County Judge up for re-election this June. We all owe our deepest congratulations for this outstanding event to Pearl Mann, who booked the speakers, Marilyn Buchi, who chaired the event, Kay Bruce who handled publicity, and Arline Burgmeier who took the reins on registration !!

Those of you who missed this program can read the **forum report inserted in this Voter** written by Chuck Greening.

Mary Fuhrman

MARY FUHRMAN, PRESIDENT LWVNOC

Lunch with League April 24th

Serving on the Orange County Grand Jury

Are you the kind of person who loves jury duty, who loves being in the know, on the inside of exciting cases that you see in the newspapers? Would you change your mind if you had jury duty every day, Monday through Friday, for a year? How about if you got paid for it?

Being on the Orange County Grand Jury has been likened to getting a master's degree in civics. You work closely with 18 other people, ferreting out wrongdoing by government officials, attending coroner's inquests, responding to citizen complaints, and deciding whether to indict criminals in cases brought by the District Attorney. It is a whirlwind learning experience, a chance to make a difference, and most surprising, it is FUN!

Linda Rogers and Wanda Shaffer, members of the 2004-2005 OC Grand Jury, will speak at the April Lunch with League about their grand jury experience, the ins and outs, and about how you can apply for this interesting and challenging job. You will never look at the local news the same way again!

Join us on Thursday, April 24 at 11:30AM at Sizzler Restaurant, 1401 N. Harbor Blvd. Fullerton. Cost \$12. Reservations: 714-254-7440 or bhf1951@aol.com.

Important Points About the California Voters FIRST Redistricting Initiative

*We support the **California Voters FIRST redistricting initiative** and will participate in signature gathering and the campaign to pass it in November 2008. This reform will enable voters to choose their legislators and eliminate the conflict of interest that occurs when legislators draw the lines and choose their constituents.*

The League has pledged to do its part. So we're calling all League members to rally to the cause and help us get those signatures.

Under current law, California legislators draw their own political districts. Allowing politicians to draw their own districts is a serious conflict of interest that harms voters. Not surprisingly, 99% of incumbent politicians were re-elected in the districts they had drawn for themselves in the last election. In the election before that, 100% of incumbents were reelected.

Politicians draw districts that serve their interests, not those of our communities. For example, cities such as Long Beach, San Jose and Fresno are divided into multiple oddly shaped districts to protect incumbent legislators. Voters in communities like Korea town in Los Angeles and La Jolla in San Diego have no political voice because they have been split into as many as four different districts purely to protect incumbent legislators.

This reform will make the redistricting process more open and transparent so it cannot be controlled by one party or another. It will give us an equal number of Democrats and Republicans on the Commission, and it will ensure true independents can participate – a voice that is completely shut out of the current process. In addition, this reform requires support from Democrats, Independents and Republicans for approval of new redistricting plans.

The Independent Citizens Commission will draw districts based on strict, non-partisan rules designed to ensure fair representation. The reform takes redistricting out of the partisan battles of the legislature and guarantees redistricting will be debated in the open with public meetings, and all minutes will be posted publicly on the Internet. Every aspect of this process will be open to scrutiny by the public and the press.

In the current process politicians are choosing their voters instead of voters having a real choice. This reform will put the voters back in charge.

League of Women Voters of Orange County
ILO (Inter-League Organization) Meeting
**"What Does Orange County
Government Do For Poor People?"**
Saturday, March 29, 2008

A panel, moderated by Joan Cohen:

Julie Poulson - Director of OC Health Care Agency

Ingrid Harita - Director of OC Social Services Agency

Where? When? Lunch and Reservation info.

City of Orange Library - 407 E. Chapman Ave. Orange, CA

(close to the "circle" in the center of the city)

10 am - Sign In and coffee

10:15 am - Panel Presentation and questions from the audience

11:55 am - Box Lunches

The cost is \$14

RSVP needed by Tuesday, March, 25 to

Shirley Bloom, 714-870-6593

FACES OF FULLERTON

Saturday, April 26th

10:00AM-3:00PM

Downtown Plaza

Volunteers needed

for one or two hour shifts

beginning with set up at 8:00AM

This is a lively, well attended event

and a fun volunteer opportunity.

Contact Mary Fuhrman to sign up.

714-523-1585

maryfuhrman@pacbell.net

JUDICIAL INDEPENDENCE Forum Report

Is Our Democracy in Danger?

Attorney JANIS HIROHAMA, President of the League of Women Voters California, and member of the Commission for Impartial Courts introduced this forum on the importance of a fair and independent American judiciary system. The forum brought together two Law School Deans, a State Supreme Court Justice and a number of other prominent legal figures. Held at California State University Fullerton on March 1, 2008, the forum represents one stage of a multi-year effort by LWVUS to investigate the issue of Judicial Independence in the United States today.

Our Constitution establishes the Judicial system as an independent branch of our government, separate and equal to the Legislative and Executive branches. Judicial independence is the freedom that a judge should have to decide a case based on the facts and the law, not on public opinion, the views of special interest groups, or even on a judge's own personal beliefs. Judicial independence is important because the right of every person to a fair trial is a cornerstone of our democracy.

Former US Supreme Court Justice Sandra Day O'Connor has warned against what she sees as the dangerous intrusion of partisanship in the selection of judges. Our judiciary is under attack from people who don't understand that court rulings must be based on legality instead of popularity. "Judicial independence does not just happen all by itself. It is tremendously hard to create, and easier than most people imagine to destroy."

Panel I Challenges and Judicial Pressures

Dean JOHN EASTMAN, Chapman University School of Law, moderator of the morning panel, discussed differences between state and federal courts. For example, in federal appellate courts, a life appointment is usual. But there are also circumstances, such as blatant criminality or severely reduced capacity, which may require vacating the seat. He also pointed out that life appointments make it very difficult to change the balance of the court as society changes. F. D. Roosevelt fought to change the Supreme Court early in his term, by making an attempt to enlarge the court. This attempt was beaten back.

Dean ERWIN CHEMERINSKY, University of California Irvine, Bren School of Law, described an exercise which he had used in teaching. He provided students with copies of the US and the Soviet Constitutions, and asked for their reactions to the treatment of the judiciary. Most students felt that the Soviet text was, if anything, better stated than the American text. Chemerinsky then pointed out that, in the Soviet system, the Head of State could nullify court decisions. Judicial Independence is fragile! Chemerinsky

also raised questions about the independence of elected judges, as we have in California. Is justice really independent if the voters can vote judges off the court? He also raised the issue of financing judicial campaigns and the difficulty of controlling the influence of money. He feels that, for judicial elections, campaigns must be publicly funded, to counteract partisan influence.

Judge KAREN ROBINSON, Orange County Superior Court, said that she was an example of a self-funded, write-in candidate. She lost the race to another write-in but later became a judge through appointment. She also cited several cases in which external influences threatened the system. In one case, the Democratic legislature tried to push through an extension to life term for sitting judges. The motive was to prevent the Republican governor from changing the tenor of the court during his term in office. In another case, a Public Interest group, covertly in league with the local Chamber of Commerce, set up a multi-million dollar fund to support candidate judges, raising the justice for sale question.

(Continued on page 4)

Panel II Options and Potential Solutions

Moderator JOE DUNN, former State Senator, CEO of the California Medical Association, started with some factual information to guide discussion. The Orange County Superior Court is the fifth largest Court in the USA. It has 143 courts, meeting in nine locations. Public opinion on judicial independence is Schizoid: Should judges be independent? Yeah! Should judges be recallable if they make unpopular decisions? Yeah! You can't have it both ways. Some legislators want to establish rules for the Governor to follow in selecting judges. Dunn thinks this is a bad idea, attacking independence head-on.

Presiding JUDGE NANCY WIEBEN STOCK, of the Orange County Superior Court and a member of the Task Force on Judicial Campaign Conduct listed some items already being applied or considered:

Mailers, including slate mailers, by or for candidates must include "paid for by ___ ." Campaign finance reports must include sources of funds. Questionnaires sent to candidates must not ask the candidates to commit to particular positions on issues.

Judge Wieben Stock is also a member of the California Judicial Council, a group of twenty, which evaluates the performance of the state's Judicial System.

Judge FRANZ MILLER Orange County Superior Court is on the California Judicial Council's Public Information and Education Task Force, and has written and lectured widely on the judicial system. He has found that the American public is rather ignorant concerning the judicial system. Hence, it is easy for a special interest group to "put one over" on the electorate.

The group is now developing a two-pronged approach to the problem. Develop a panel of attorneys representing various areas of the Judicial System. (This has not been easy - many practicing attorneys have a limited range of experience, and are poorly informed on other aspects of the law.) Retool Civics Education in the schools. The widespread lack of knowledge indicates this area has been neglected, to the peril of the populace.

MICHELLE REINGLASS, Past President of the California Employment Lawyers Association, and Past Chair of the Orange County Bar Association is a specialist in employment, mediation and arbitration law. Her major efforts are associated with the problem of equitable judicial funding for Labor Law. All state judicial funding comes out of a common pool. She finds herself each year in a line behind all the attorneys representing business and finance. Employment and Labor Law has few powerful allies in the Legislature. Also, California has the smallest number of labor law attorneys per capita in the United States. Arbitration cases tend to move very slowly. Emergency cases take priority. Many cases are sent to referees, with few legal safeguards. This is a statewide problem, with no relief in sight. No one in Justice gets as much funding as needed, and the future looks bleak.

JOSEPH CHAIREZ, Esq. is Co-Chair of the California Commission on Access to Justice, and Vice-Chair of the Language Barriers Committee. The Legislature determines how many judges there will be, so there never seem to be enough to cover all the cases. One approach they plan to take is to train a few attorneys to go out, with presentations to show students what protections exist, and how to get access to them. He also feels that many states have done better than California in developing clear procedures. They are moving to get far more information on the Internet. Moderator Dunn interjected a point related to funding. The money for courts is doled out by the legislature, which is predominantly urban and Democratic. Consequently, Los Angeles and San Francisco tend to have plenty of judges, while Orange and San Diego end up short.

JO-ANN W. GRACE, Esq. is President and General Counsel of Metropolitan News Co., Co-Publisher of Metropolitan News-Enterprise, a newspaper which covers all the judicial races in Los Angeles County with profiles of all candidates, and endorsements. The question of coverage for Orange County was not brought up. She feels that the practice of law has shifted from an

(Continued on page 4)

The View from the Supreme Court

Justice Ming William Chin, California Supreme Court

Honorable MING WILLIAM CHIN, Justice, California Supreme Court, spoke to forum participants at the luncheon. Justice Chin, a California native, was appointed to the Superior Court and, later, to the Appellate Court by Governor Deukmejian. He was elevated to the Supreme Court by Gov. Wilson.

Justice Chin lost no time in endorsing the LWV ongoing project on Judicial Independence. He feels that it is an important issue, that the time is right, and that our Democracy is under attack from within. Attempts to politicize the courts are pervasive, frequent and well funded.

In order to underline the seriousness of the attacks, Justice Chin presented a series of recordings from radio broadcasts which had been run in Montana, South Dakota and Colorado during 2005 and 2006. These attacks in several lightly populated states have been pushing legislation aimed at politicizing the courts. These messages were savage. Among others, one addressed a group thus: "OK Commandants: Now Justices O'Connor and Ginsburg should not live another week". Another set a schedule to have Congress set up an Overseer of the Judges. These threats to the judicial system are unprecedented.

A relatively recent decision of the United States Supreme Court has, unfortunately, provided aid and comfort to those seeking to politicize the judiciary. In 2002, a closely divided U. S. Supreme Court decision in Republican Party of *Minnesota v. White* the majority stated that although states are not required to select judges through elections, if they do so, they "must accord the participants in that process . . . the

First Amendment rights that attach to their roles."

In disagreeing with the majority's conclusion, the dissenters in *White* warned that "the judicial reputation for impartiality and open-mindedness is compromised by electioneering that emphasizes the candidate's personal predilections rather than his or her qualifications for judicial office."

The *White* Decision essentially opened the floodgates for money in judicial elections. Dollar contributions are setting records. All of this has led Justice O'Connor, who supplied the crucial fifth vote for the majority in *White*, to express second thoughts about her decision.

The decision has had a substantial impact on judicial elections. Candidates for judicial office, including sitting judges up for reelection, now receive detailed questionnaires asking them about their views on sensitive and controversial social issues, such as school finance, abortion, the death penalty, and pornography. Those submitting the questionnaires intend to publish the candidates' responses, hoping to influence election outcomes.

The State of California, under State Supreme Court Chief Justice George, has taken a strong position on this issue. A Judicial Commission has been set up to protect Judicial Independence. Two of its members are here at this forum, Janis Hirohama and Joe Dunn. Their responsibility is heavy. If we get this right, our democracy will be able to survive and flourish!



Panel I Challenges and Judicial Pressures

(Continued from page 1)

Judge GLENDA SANDERS, Harbor Justice Center Supervising Judge questioned whether there is a best way to name judges, especially in a large court. She felt that the answer is no. To do a good job of selection, the voters must have access to, and the ability to understand, mountains of court documents. Even that gives little insight into what that judge would do in the future. She also brought up the desire, expressed by voters, to ask judges to answer questionnaires which include items that require the candidate to commit to specified decisions on hypothetical future cases. Candidates should, properly, refuse to respond because the decision must depend on the precise facts of the case and on the law.

Justice RICHARD ARONSON, California Court of Appeals 4th District, pointed out that voting for judges was introduced originally as a way to avoid the threat of special interests influencing appointments. But, as we have seen, the resulting costly campaigns also have weaknesses. He feels that California has a reasonably good system, but the results appear to be irrational in some ways. For instance, a study of voting patterns showed that about 30% of voters routinely vote against incumbents. This is an expensive way to run the courts.

Aronson feels that a basic problem is the widely variable views of the meaning of judicial independence. Does it mean the judge can do any-

thing she wishes? Of course not. But how do we counter such interpretations? It seems to come down to the need for informed, fair-minded voters. We don't really have that. An example from Alabama had a judge who reversed a death sentence of a juvenile, as required by law. But he was castigated by the press and forced out of office. Aronson hopes that we can improve the understanding of the voters in the future.

WILLIAM KOPENEY, Esq., is Chairman of the Judicial Nominees Evaluation (JNE) Commission of the State Bar of California. This group reviews and evaluates all applicants for State Appellate Court Judges. Their reviews go to the Governor, along with the State Bar Association evaluation. The Governor has the right to appoint a Not Qualified candidate, but the Commission's ranking will be published. The review process is long and detailed and the reviewers are highly qualified. This is a serious effort to upgrade the quality of Appellate Courts. Since the procedure was introduced, only two Non Qualified judges have been appointed. The reviews are detailed and technical. The reviewers have to commit to 40 hours per month and the work is arduous. The findings are strictly confidential. Among the criteria used by JNE in evaluating candidates are industry; judicial temperament, honesty, objectivity, community respect, integrity, health, ability; and experience.

Panel II Options and Potential Solutions

(Continued from page 2)

era in which law students were taught to construct a basis for decisions from detailed study of case law. Now there seems to be emphasis on carving out new decisions, harder to defend. She feels that a strong organization is needed to repair the damage. One role of the California Judges Association is to clarify concepts of "good" and "bad" attorneys, decisions, and behaviors. This effort needs to be strengthened.

Moderator Joe Dunn added another note of caution to the task of reforming the system. In the final analysis, all approaches assume an informed public. He cited a study done five years

ago, sampling all California adults, which found, that 80% did not know there was a California State Legislature, and more than half thought Reagan was still President. Another note was about support for more funding: Would you support taxes to support more judges? No. Would you support taxes to support faster conviction of criminals? Yes. Note: Only the Judiciary has no constitutional protection for its modest portion of the State Budget (about 3%)!

On this note, the Forum adjourned.

FORUM REPORT BY CHUCK GREENING
MEMBER LWVNO

Nominations Sought for Making Democracy Work Award

Applications have been mailed to service-oriented organizations in the eight NOC cities soliciting nominations for the LWV Making Democracy Work Award. Nominations have also been solicited from the general public through local newspapers.

The Award is based on the League belief that contributing to the betterment of the community is basic to democracy. It is intended to recognize and honor residents who have made extraordinary contributions to the safety, education, health and well-being of their communities.

Finalists will be chosen by a League committee based on 300-word descriptions of the nominees' contributions. A finalist will be selected from each NOC city, and an overall winner will be selected from among the finalists. The winner will be honored at the LWVNOG Kickoff Luncheon on September 14, 2008.

If you would like to nominate a community member for the award, write a 300 word description of the person's contributions. Include your name, address and phone number and the nominee's name, address and phone number. Mail your nomination to LWVNOG, P.O. Box 3073, Fullerton, CA 92834.

A separate Making Democracy Work Award will be given to a member of the NOC League for outstanding contributions to promoting democracy through League activities in the past year. No essay is needed. Mail-in ballots will be distributed at Lunch with League events in March and April. Those unable to attend may request a ballot by calling Arline Burgmeier at 714/828-8624.

BY ARLINE BURGMEIER, CO MEMBERSHIP CHAIR, LWVNOG

Read with League, April 10th

Come join with other League members for informal book discussions. The meetings are held on the second Thursday of each month, at 2:00 p.m. Feel free to bring along a friend. Do come and enjoy the conversations even if you have not had the time to read the books.

The April 10, 2008, book selection is *Letters to a Young Teacher*, by Jonathan Kozol. This book discussion will be held at the home of Ginny Haussmann 1830 Kelleher Place, Placentia, CA 92870 (714) 528-5854

Other coming selections are:

May 8, 2008, *The Glass Castle: A Memoir* by Jeannette Walls, at the home of Lee Sjostrom.

June 12, 2008, *Three Cups of Tea: One Man's Mission to Promote Peace*, at the home of Arline Burgmeier.

For more information contact Ginny Haussmann, Membership Co-Director at (714) 528-5854 or Virginaldh@aol.com

CALENDAR

**Know Your County
Social Service Programs
Saturday, March 29
10:00AM-1:00PM**

Reservations by March 25
Cost \$14
Send check to Shirley Bloom
2609 Cypress Point Drive
Fullerton, 92833

**Read with League
Thursday April 10
2:00 PM**

Hostess: Ginny Haussmann
1830 Kelleher Place
Placentia, 92870
714-528-5854

**Lunch with League
Thursday, April 24
Serving on the Orange County
Grand Jury**

**11:30AM-1:00PM
SIZZLER**

1401 N Harbor Blvd.
Fullerton, 92835
Reservations by January23
Cost \$12. 714-254-7440
bhf1951@aol.com

**Faces of Fullerton
Saturday April 26
10:00AM-3:00PM**

Downtown Plaza off Wilshire

Voter Editor

Eleanor Fumanti
949-458-2218
mefumanti@comline.com



**League of Women Voters
North Orange County
P.O. Box 3073
Fullerton, CA 92834**

With more than 88 years of experience and 850 local and state affiliates, the League is one of America's most trusted grassroots organizations.

LWV: JOIN US IN MAKING DEMOCRACY WORK

VOTE WITH THE LEAGUE on June 3, 2008!

The June 3, 2008 ballot features two propositions on the subject of eminent domain. The first, **Proposition 98, The California Property Owners and Farmland Protection Act**, is similar to Proposition 90, which the LWVC opposed on the November 2006 ballot. However, it goes much farther in limiting the ability of public agencies to acquire land to provide water resources, to regulate land use, to protect natural resources, and even to continue rent control laws. The League **OPPOSES Proposition 98**, and has signed the ballot argument against the measure. Any League member wishing to work on the campaign should contact Meghan Callahan via email or by calling 916-443-0872.

The second, **Proposition 99, The Homeowners Protection Act**, simply addresses a recent U.S. Supreme Court decision by clarifying that single-family occupied properties may not be condemned for transfer to other private parties. It reinforces the right of local governments and others to regulate land use and to acquire property for valid government purposes. The League **SUPPORTS Proposition 99**, and signed the ballot argument in favor of the measure. For more information visit www.lwvc.org