



LAKE COUNTY BAR ASSOCIATION

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The Lake County Bar Association opposes House Bill 1453. This Bill aims to change the makeup of the Judicial Nominating Commission (hereinafter referred to as the "JNC") of Lake County and in doing so removes judicial independence, places power in the hands of politicians, removes diversity from the JNC, local control from the community, and removes attorneys completely from the process.

For those who do not already know, other than the Lake County Circuit Court Judge, all Judges in Lake County are selected via the merit selection process which is overseen by the JNC; they are not elected by the people of Lake County in the general election. Lake County is one of only four counties in the entire state that does not elect their Superior Court Judges. The JNC is in charge of vetting and interviewing applicants to fill judicial vacancies in Lake County. After the JNC completes its arduous task of vetting and interviewing the applicants, it submits three names from that pool of applicants to the Governor who then makes the final selection of who will fill the vacancy. The Judge that is selected then sits on the bench presiding over cases essentially for a lifetime but for the very unlikely chance of a non-retention vote in the general election. In sum, this process is extremely important.

Right now, as per our current statute, the JNC is made up of eight people from Lake County and the Justice of the Supreme Court of Indiana (or her designee) as the Chairperson and ninth voting member. Four of the JNC members are attorneys who are elected by other attorneys. The other four members of the JNC are appointed by the Lake County Board of Commissioners. Currently in law and in fact, at least one lawyer and non-lawyer member of the JNC must be a minority and at least one lawyer and non-lawyer member must be a woman. Additionally, no more than two of the nonlawyer members may belong to the same political party. The current Statute aims to reflect the diversity of the local community and to keep judicial selection as nonpolitical as possible.

House Bill 1453, if passed, will abolish the current JNC. It will pare down the members from nine to five. Of those five members, three will be directly appointed by the Governor and the other two appointed by the Board of Commissioners. It abolishes the involvement of the Chief Justice of



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the Supreme Court, abolishes all diversity requirements, abolishes all limitations on political partisanship, and abolishes attorney involvement.

House Bill 1453 simply should not pass.

First, it removes judicial independence and places the power in the hands of politicians by allowing the Governor (whomever that may be at the time) to select the majority of the JNC (three out of five). Current legislation provides that members of the JNC, other than a judge or justice, may not hold any other elected public office, may not hold office in a political party or organization and may not be an employee of the state or a of a political subdivision of the state, but HB 1453 does not contain these limitations. It also strips power from the judicial branch by completely removing the Chief Justice's role in the JNC. Judges should not be selected by political appointees as this opens judges to the risk that they rule in certain ways to satisfy their appointers. They should remain independent and free from political pressure. Additionally, shifting the balance of power from the judicial branch to the executive branch threatens the checks and balances of our three-branch system of government.

Next, this legislation would eliminate the guarantee that the JNC would be politically, racially, and gender diverse. Additionally, the JNC would be made up of a smaller pool of people, providing less diversity of viewpoints. The more diverse the JNC, the more likely the selected judge would understand and represent the diversity within their courtrooms. For instance, the Lake County JNC is currently diverse and in the past two years, the JNC has selected racially and gender diverse candidates to serve as judges in this county.

Third, this legislation removes local control from the community in choosing how they select their Judges. Currently, local community members select every person that is on the JNC. The new legislation allows the majority of JNC members to be selected by the Governor, who is not in the local community. If the community is not allowed to elect their Judges outright, then, at the very least, they should have majority local representation on the JNC who selects them.

Finally, the legislation removes attorneys from the process completely. Attorneys are a vital part of the merit selection process and are selected to represent the interests and reflect the expertise of the local bar. Local attorneys are uniquely qualified to advise the Governor because of their familiarity with the integrity, skill, and experience of their fellow members of the bar who are seeking



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judicial selection. They understand the legal reasoning and understanding of the rule of law that judges must have. Finally, attorneys have an appreciation of temperament and sound judgement which is essential for a good judge.

In sum, HB1453 as presented is an abomination and should be seen as nothing more than a political power play by parties not even within Lake County to take even more power away from the people of Lake County in selecting their judges.

Speaking for the Lake County Bar Association, we vehemently oppose this Bill and encourage all who read this correspondence to reach out to Indiana Senators who will be voting on this issue in the coming weeks. Time is of the essence.

Sincerely,

Angela Jones

Angela M. Jones, President