

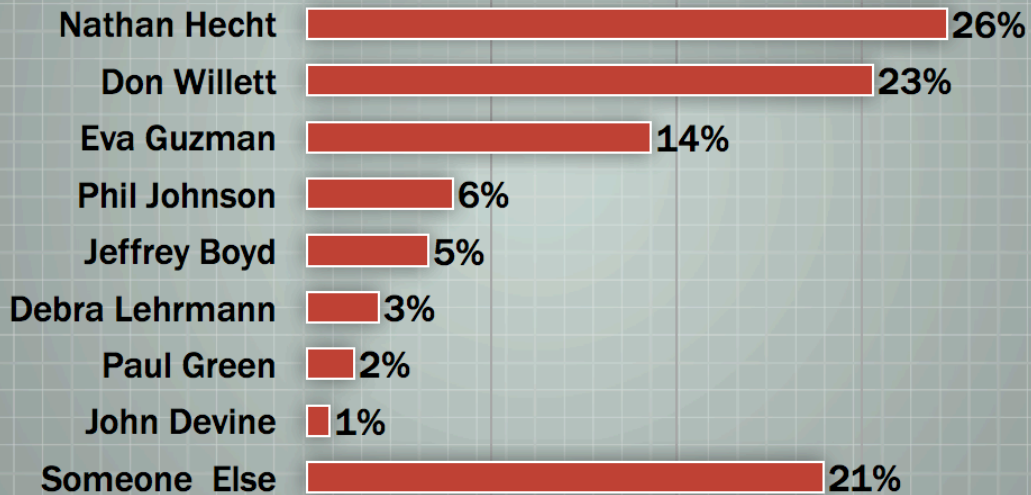
“INSIDE” INTELLIGENCE

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*The Texas Weekly/Texas Tribune insider poll
for the week of September 9*

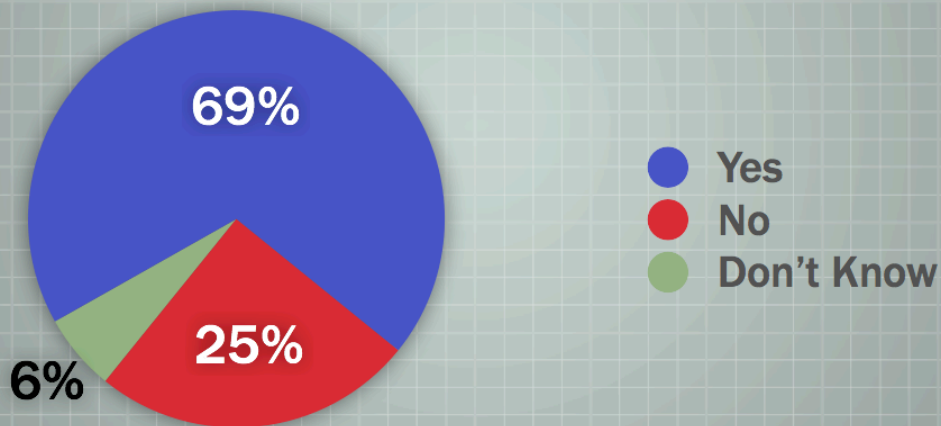
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Who should be the next chief justice of the Texas Supreme Court?



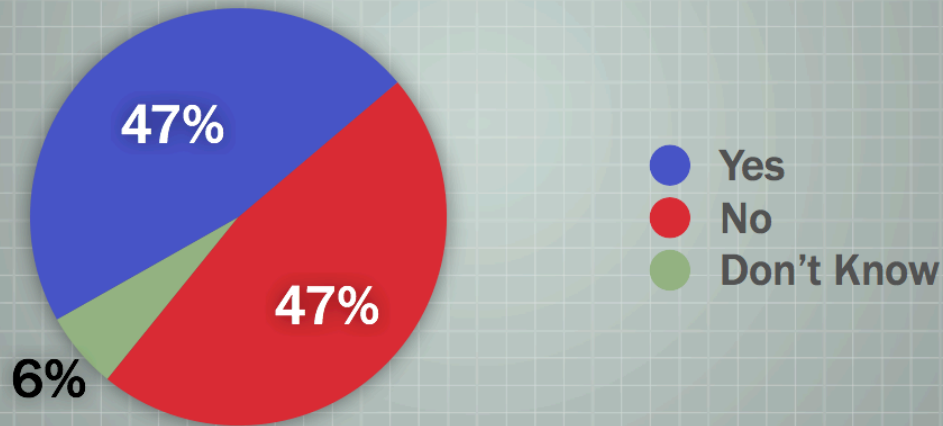
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Should the state replace judicial elections with merit selection?



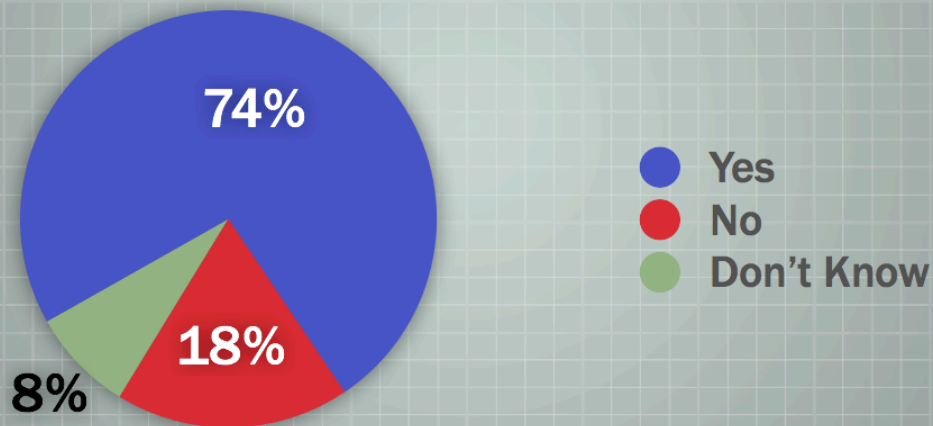
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Should the state's two high courts be combined into one?



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Does the criminal justice system need an overhaul?



Who should Gov. Rick Perry select to head the Texas Supreme Court now that Chief Justice Wallace Jefferson is resigning?

- "Remove politics and ideology away from the decision, and appoint someone who has experience and knowledge; not an agenda, or a Twitter account."
- "He is the ONLY one qualified for the job!"
- "Hecht is the intellectual leader of the post-'Justice for Sale Texas'."
- "Only b/c he's his butt boy."
- "Don't know. Any appointment by Rick Perry worries me because of his extreme right bent."
- "Probably won't happen, but he IS the longest serving Texas Supreme EVER."
- "Kinda had myself penciled in for that. No? Really? Hmm..."
- "As a non-lawyer, I am not qualified to rate potential successors on their professional merits. Politically, selecting a Latina female looks good."
- "A Perry conservative, and fair."
- "Expect Perry to appoint Guzman. The guys don't have a chance. He wants to campaign for president having appointed the first female chief justice (not counting the 'special' female supreme court appointed by Gov. Neff), the first Hispanic, and also the first African American."
- "Appointing Willett as Chief would ensure the court maintains a conservative focus. However, Willett may not want to run twice in row, so the Governor may want to consider Jeff Boyd."
- "Justice Willett has the temperament and experience to do the job well. My second choice would be Justice Phil Johnson."
- "Scott McCown"
- "Those currently on the court are either too old, too new, or don't have the intellectual chops for the job. The right candidate is in private practice and needs to be persuaded to undertake this public service."
- "Now we'll get to see if Willett's Twittering pays off in the real world."
- "Does it really matter?"
- "Why would he chose anyone else?"
- "One of the few who is both hard working and not an ideologue"
- "Wendy Davis"
- "Heck, only Hecht, Green and Devine were not appointed by Perry. Appoint Hecht, the most senior Justice."
- "On the basis of tenure, Hecht"
- "For all the average Texans cares (and average insider), it could be anyone. For my money I'd like to see him appoint John Cayce Jr."
- "Guzman gives window dressing, but probably isn't the best choice."

- "New justice, but highly capable"

Chief Justice Wallace Jefferson has argued for merit selection of judges instead of partisan elections. Is that a good idea?

- "Not for Texas-- the populace doesn't want a small group of insiders dictating who does the judging. If such a good idea, do a trial of such in Travis County where all of the administrative appeals occur for about a decade."
- "Since at least the mid-1980's, a bill has been filed nearly each session on this issue; safe bet is that 9 out of 10 contributors is an attorney/firm with business before the court(s). Perception is reality."
- "I believe Justice Wallace is a man of integrity who didn't want to go through another Republican primary. He wasn't willing to compromise his values just to get elected."
- "Nobody but Justices really care about this."
- "The more we see of 'open' government, the more we should remain confident in the power of holding government accountable to voters."
- "A better idea would be to prohibit individuals and parties who have active (or recent) claims before the court from contributing money to judges races... duh."
- "Of course it is a good idea. Look at school finance. There's wide agreement that the courts won't do what's best for kids, but will instead do what's best for the corporations that fund their campaigns. An elected partisan judiciary is just an awful idea."
- "Good idea - but it will never happen in Texas."
- "Who gets to pick the meritorious nominee?"
- "I think we should have merit selection of voters instead."
- "Depends on what 'merit' means and the process for selection."
- "Vote em in, vote em out. At least in theory."
- "One of the most corrupt supreme courts in the nation is the Iowa Supreme court. They make up law out of thin air, they rule against the will of the people and they are arrogant when called to account. Is that really what we want? What keeps Texas' judges in check is their accountability to the people. Campaigning also keeps them in touch with those they adjudicate. Who wants to be like Iowa?"
- "Won't happen, but it should."
- "Merit selection by who?"
- "This is one of those good ideas that will never come to pass. There is no way to remove the partisanship in judicial selection. This is why we have the status quo."

- "'Merit' means that politics disrupts the people's choices. Look what happened in Iowa. Merit selection is a FAILED idea."
- "Appoint judges at the Supreme Court level only."
- "We have partisan elections and we have political appointments. There is no such thing as a merit selection."
- "Who decides the merits--a governor elected in a partisan election, the state bar full of left-leaning ideologues, a public commission (in turn, who appoints THEM?)?? Like the fable Redistricting Commission, you can't take politics out of it. Maybe we should try a hybrid: the State Bar of Texas provides a list of qualified nominees to the Gov, s/he chooses from the list and makes the appointment; After a few years the judge in turn stands for a "stay or go" election; If the people throw out the judge, then repeat."
- "Although the concept sounds reasonable the states that have this system have courts that usually drift toward the trial lawyers and more activist agendas."
- "The Democratic answer may change depending on the outcome of the Gov's race"
- "Anything is better than the partisan elections we have now."
- "It is a good idea but it's not the politically practical one in Texas. The spoils go to the winner not the most qualified."
- "There is no such thing as 'merit selection' of judges. There are partisan elections and partisan appointments. Electing judges is not a particularly good system for getting the best people on the bench, but states that appoint judges -- either by executive, legislative nomination, commission, or whatever, do not do better -- selection by patronage is what usually results."
- "Partisan elections is endlessly corrupting. Merit selection at least assures some level of competency in the judiciary and eliminates the constant influence of money on judicial decision making whether in court decisions themselves or court appointments of lawyers to cases."
- "Even hardcore GOP primary votes don't know who the judges are now."
- "As a veteran of the court wars dating back to the mid 80's, this ain't no way to treat a judge, even if they are worthy of being tarred and feathered"
- "It depends on who does the selecting. An independent panel should evaluate candidates with an eye towards knowledge of the law (including its practical effect), public mindedness, integrity, and sound temperament. Terms should be limited, coupled with non-partisan, publicly financed retention elections."
- "If voters are disconnected from the judiciary you create an imperial judiciary that no longer decides law, but instead determines the direction that 'the elite' decides that society should aim for."
- "It all depends on who is determining what the definition 'meritorious' is."

- "You mean to tell me that there won't be politics in that case? Ha!"

- "I have extreme confidence in anything Chief Justice Wallace Jefferson says."

Should the state's two high courts — for civil and criminal cases — be combined into one Supreme Court?"

- "Now is not the time to delete court with all the backlog."

- "It will give blue collar crime and justice a place equal to our revered and expensive white collar system."

- "It may be antiquated but I like keeping them separate. It keeps each court focused on its role and makes the judges more accountable."

- "Despite Judge Keller, the CCA opinions are more considered as to criminal law. The civil lawyers serving as judges on the Courts of Appeals have shown a lack of criminal law understanding."

- "The division of duties is working just fine."

- "Combining the courts would prove the proverb, 'Penny wise and pound foolish.' Money would be saved but the jurisprudence of Texas would be worse for it."

- "The system is working fine as is."

- "Yes, absolutely. Would save taxpayer dollars and increase transparency and accountability."

- "Our state's too large geographically and too populous to have one singular high court. Judicial efficiency and economy mandate we maintain our split high courts."

- "Maybe if the justices were appointed instead of elected, but until that changes, NO. Unless you see a dentist for your heart disease and a plumber for your electrical problems-- because that's the equivalent of having justices who have only practiced civil law doling out criminal law decisions. /shudder/"

- "Waste of money to keep two courts."

- "We're not combining state agencies here; leave the courts separate for the sake of the people."

- "The argument against it is that the workload for both courts is high -- so expand the number of judges to 12."

- "The specialization of lawyers is too overwhelming. Rare is a civil lawyer who knows anything about criminal law and vice versa."

- "With Texas population increasing, the more courts we have to sort out legal cases is for the best."

- "Have heard the arguments both ways--good to have expertise on the bench favors leaving it alone, but changing means of judicial selection"

- "Two entirely different disciplines."

Chief Justice Wallace Jefferson said the state should consider overhauling its criminal justice system because of numerous cases of wrongful convictions. Is that necessary?

- "Reform is the single greatest avenue for improving civil rights in our state."
- "That's mighty bold talk... for a civil judge to criticize the criminal system. I wonder what the criminal judges might think about Jefferson's administration of the civil justice system."
- "I think DNA should be used wherever possible to keep the innocent people out of jail and release those wrongfully convicted. I don't know if that would be considered an 'overhaul' but I would support it."
- "The burden of proof is beyond a reasonable doubt, not beyond all doubt. There are no more wrongful convictions now than in the past. Now, however, there are a lot of carpetbaggers out to do away with the death penalty and use a few sloppy convictions to bolster their arguments."
- "It's worth examining, especially since its the Chief is calling for the overhaul."
- "New evidence and improved scientific abilities don't signal a broken system. It's a good sign that the current system is flexible enough to improve itself."
- "Seems like the system is working if we're learning about the convictions- the appeals process is working. Maybe instead we should look into local prosecutors and their methods."
- "Of course not. That's just politics over policy. Now that he's retiring, he probably won't utter another word on the topic for the rest of his career."
- "There should never be a hearing over to whether to 'allow DNA' testing. It should be a mandatory occurrence when a defendant or convicted person requests it. The fact it isn't a shows the need for criminal justice overhaul."
- "Courts have only one job -- to get it right. If they are getting it wrong, they aren't working."
- "The criminal justice system is a scandal of 'meet 'em and plea 'em', warehousing of the mentally ill, and moving cases (rather than doing justice). If you are poor, you are screwed."
- "Now you see why he's bailing"
- "I have extreme confidence in anything Chief Justice Wallace Jefferson says."

Our thanks to this week's participants: Gene Acuna, Cathie Adams, Brandon Aghamalian, Jenny Aghamalian, Victor Alcorta, Clyde Alexander, George Allen, Jay Arnold, Charles Bailey, Dave Beckwith, Rebecca Bernhardt, Andrew Biar, Allen Blakemore, Tom Blanton, Chris Britton, David Cabrales, Raif Calvert, Lydia Camarillo, Kerry Cammack, Snapper Carr, Janis Carter, Corbin Casteel, Elizabeth Christian, James Clark, John Colyandro, Harold Cook, Kevin Cooper, Randy Cubriel, Denise Davis, Hector De Leon, June Deadrick, Nora Del Bosque, Tom Duffy, David Dunn, Jack Erskine, John Esparza, Norman Garza, Dominic Giarratani, Bruce Gibson, Stephanie Gibson, Kinnan Golemon, Daniel Gonzalez, Jim Grace, John Greytok, Clint Hackney, Wayne Hamilton, Bill Hammond, Susan Hays, John Heasley, Jim Henson, Ken Hodges, Deborah Ingersoll, Mark Jones, Robert Jones, Lisa Kaufman, Robert Kepple, Richard Khouri, Tom Kleinworth, Sandy Kress, Dale Laine, Nick Lampson, Pete Laney, Dick Lavine, James LeBas, Luke Legate, Leslie Lemon, Ruben Longoria, Vilma Luna, Matt Mackowiak, Luke Marchant, Matt Matthews, Dan McClung, Mike McKinney, Robert Miller, Mike Moses, Steve Murdock, Keir Murray, Nelson Nease, Keats Norfleet, Pat Nugent, Todd Olsen, Nef Partida, Gardner Pate, Robert Peeler, Tom Phillips, Wayne Pierce, Richard Pineda, Allen Place, Royce Poinsett, Kraege Polan, Gary Polland, Jay Propes, Bill Ratliff, Karen Reagan, Tim Reeves, Patrick Reinhart, David Reynolds, Kim Ross, Grant Ruckel, Jason Sabo, Andy Sansom, Stan Schlueter, Bruce Scott, Robert Scott, Steve Scurlock, Bradford Shields, Christopher Shields, Jason Skaggs, Ed Small, Todd Smith, Larry Soward, Dennis Speight, Jason Stanford, Bill Stevens, Bob Strauser, Colin Strother, Charles Stuart, Michael Quinn Sullivan, Sherry Sylvester, Jay Thompson, Russ Tidwell, Gerard Torres, Trey Trainor, Vicki Truitt, Ware Wendell, David White, Darren Whitehurst, Woody Widrow, Seth Winick, Alex Winslow, Peck Young, Angelo Zottarelli.