

## Sample Client Letter

Dear (name):

I am writing to you not about a specific legal matter, but to share information about a subject that should interest us both: maintaining fair courts and an impartial justice system in Arizona.

As your legal counsel, you count on me to represent your best interests while navigating the complexities of the law. Together we count on the justice system to give us a fair hearing and a level playing field. I am concerned because special interest groups and politicians are seeking to undermine our court system. It's important that I spread the word now, so that when you read the newspaper later, you know there are varying points of view to consider.

With the legislature in session we may see a variety of bills introduced to change the way we select judges, cut court funding, undermine the court's authority or efforts to inject politics into our judicial system. If we're going to maintain our democracy, our courts must be strong and free from political influence. Our judges must be accountable, but not to one particular social or political point of view.

The people seeking change want to inject their personal agenda or point of view into our courtrooms so that decisions come out the way they want them to. Let me address two of the most critical issues that are hotly debated.

**How we select judges** – In Maricopa and Pima Counties we use a process called merit selection. A non-partisan commission of diverse public members and lawyers investigates and evaluates applicants, then submits names of the most highly qualified finalists to the governor. Arizona voters put this process in place in 1974.

The primary rationale for merit selection is to avoid expensive judicial election campaigns, which can compromise judicial impartiality and integrity by forcing judges to solicit campaign contributions from attorneys and other persons who might someday appear before them in court. In some states, judges spend thousands, sometimes millions of dollars trying to get elected.

While no system is perfect, merit selection is far better than any alternative and it should not be changed.

**Accountability** - Judges are accountable for their decisions and their actions in a variety of ways.

- An appeals court can review a judge's decision. This gives people a double check to make sure the decision is legally sound based on the law and the constitution.
- In the merit selection system, voters regularly decide by popular vote whether a judge gets to keep their job. It's called a retention election.
- Public members have strong impact on the process of choosing judicial candidates in the merit selection process. Public members make up the majority of every judicial nominating commission. Each commission is comprised of 10 public members and 5

attorneys. It's a diverse group that represents various parts of the state. And the commissions meet and vote in public.

- In merit selection counties, judicial candidates are put through a rigorous application process which weeds out the least qualified candidates.
- In counties with a population under 250,000, voters directly elect judges.
- The Constitution requires a periodic performance review of appointed judges, which is done by the Commission on Judicial Performance. The JPR Commission surveys jurors, litigants, court staff and lawyers in order to provide meaningful and accurate reports to the public about how well judges are doing their jobs. The commission issues an unbiased public report on the judges' performance before each general election. The commission recently performed a thorough review of its process with the goal of making it even more effective for everyone involved.
- Judges are accountable for their behavior to the Commission on Judicial Conduct, which has the power to reprimand a judge or recommend his or her censure, suspension or removal to the Arizona Supreme Court.

These are important issues, and perhaps we may disagree, but I do want you to know that I can be a reliable resource of information. If you are interested in learning more, the State Bar's Web site has information on this topic. Visit [www.azbar.org](http://www.azbar.org).

As a lawyer, I know that people count on our impartial courts to be the one fair place to resolve difficult problems. If you feel strongly about this as well, tell you state legislator. They are elected to represent you.

I value our relationship and appreciate your trust. Thanks for taking time to consider these important matters, which will have an impact on all Arizonans.

Sincerely,  
(your name)