



## Keeping Courts Fair

### Misunderstanding breeds mistrust.

That may be the cynical but dependable truism some use to undermine an entire judicial system—namely, the one we have here in Arizona. I write this as we enter 2006, a year that could be a watershed in the preservation or demolition of merit selection. We can talk about judicial independence, but let's really name the endangered prey: keeping Arizona courts fair for everyone who appears before them, and for anyone who relies on their rulings. For everyone, in other words.

But studies show that Americans are less than informed on topics relating to democracy, including the judiciary. That is not a critique of people who are busy doing many other things, trusting—almost always accurately—that highly qualified judges are doing what is required of them. But that misunderstanding is a tool for those with political agendas. It is a crane with which some hope to hoist up merit selection, put it on a flatbed, and spirit it away, all before citizens truly see the selection system for what it is: not cargo to be jettisoned, but a state and national example of excellence.

Misunderstanding is a tenuous tool, however. When called upon, citizens possess the uncanny ability to learn the hell out of a subject, especially when you're trying to repossess one of their valued belongings. That crane can turn into a magnifying glass, revealing attacks on the judiciary for what they are.

This month's issue includes a few stories on this important subject, and the State Bar Web site ([www.myazbar.org](http://www.myazbar.org)) has more. Inform yourself, and get ready to speak truth to power. Here's hoping 2006 is a year of understanding.

Court verdicts are one way to take the temperature of legal trends, and we ran an article last May on Arizona Civil Verdicts, ranking the top 10 by the size of judgments. We will do the same next May, and we could use your help.

Our author is **Kelly Wilkins MacHenry** at Snell & Wilmer. Besides being a great writer, she is scouring the *Trial Reporter* to provide the most accurate and up-to-date data for the story. To ensure we don't miss anything, we would ask you to lend Kelly a hand. Please forward to her any reports you have of large 2005 Arizona verdicts. You can reach her at [kmachenry@swlaw.com](mailto:kmachenry@swlaw.com).



*Tim Eigo*

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We will publish the winners in Spring 2006.

Send submissions or queries to the editor at  
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