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## Political pressures still threaten impartial courts, LWV chief warns

Denver, CO. – Despite public revulsion at big-spending campaigns aimed at electing politicized judges to state courts, “the jury is still out” on efforts to ensure fair and impartial courts through merit selection, Mary Wilson, President of the League of Women Voters of the United States, warned last week.

Wilson, an Albuquerque attorney, spoke to more than 470 judges, attorneys and community leaders gathered at the Colorado Judicial Institute’s 7<sup>th</sup> Annual Judicial Excellence for Colorado Dinner at the Denver Marriott Civic Center Nov. 5.



Mary G. Wilson, President – League of Women Voters of the US.  
Photo: [www.Wenzellmaging.com](http://www.Wenzellmaging.com)



Hon. James Hiatt (Ret.), Chief Justice Mary Mullarkey, Hon. Doris Burd, and Hon. Brian Bowen  
Photo: [www.Wenzellmaging.com](http://www.Wenzellmaging.com)

This year’s awards went to District Judge James H. Hiatt of the 8<sup>th</sup> Judicial District in Jackson and Larimer Counties, Denver County Judge Doris E. Burd, and Magistrate Brian N. Bowen of the 17<sup>th</sup> Judicial District (Adams County.)

While Colorado and New Mexico are among the states that choose judges through merit selection, 39 states still elect at least some of their judges in contested elections. Wilson said public attention was focused on runaway spending in some races for judicial offices by the recent U. S. Supreme Court ruling in *Caperton v. Massey Coal Co.*

The *Caperton* case originated in West Virginia, one of six states that still elects all its judges in partisan elections. A coal company executive spent \$3 million to help elect a new judge to the West Virginia Supreme Court of Appeals – while the appeal of a \$50 million punitive damages award against his company was on its way to that very court. The candidate who benefitted from that massive spending was elected and ultimately cast the decisive vote in a pair of 3-to-2 decisions throwing out the \$50 million jury verdict against the coal company.

The League of Women Voters joined the Colorado Judicial Institute, Justice at Stake, and other groups in an amicus brief urging the U. S. Supreme Court to establish stronger ethical standards in such cases. The high court ultimately ruled 5-4 that the U.S. Constitution's due process clause can require a state judge to abstain when a party in a case before that judge has had a "significant or disproportionate" influence on placing the judge on the court through large campaign contributions.

In the wake of the *Caperton* decision, several states, notably including Michigan, have acted to strengthen their own rules for judicial recusal, Wilson said.

"Polls show voters feel campaign contributions influence judicial decisions," Wilson, a 1975 University of Denver Law School graduate, told her Colorado audience. "But there is still a mind-boggling patchwork of judicial selection methods throughout the U.S. And even in states with merit selection, there are continuing efforts to fool the voters to go back to partisan or non-partisan elections for our courts."



Colorado LWV President Patty Cordova with CJI Vice Chair Elinor Greenberg.  
Photo: [www.Wenzellmaging.com](http://www.Wenzellmaging.com)

The League of Women Voters, a non-partisan educational organization founded in 1920, has 850 local and state affiliates, including all 50 states. While it has no uniform national policy on judicial selection, the League has long fought for a fair, independent and impartial judiciary. "Realizing it wasn't only women who need voter information," the League also helps distribute impartial information about judges up for election or for retention elections such as those used in Colorado, Wilson said.

Colorado's own ethical standards for judges are so strict that this year's Judicial Excellence Award winners followed the custom of past honorees of accepting their awards without making any public comment. It therefore fell to the award presenters to explain why these outstanding judges were chosen.

CJI Board Member and Retired District Court Judge Robert Fullerton presented the award to Judge Hiatt, who was hailed as "among the most intelligent, thoughtful, respectful, kind, well-written, neutral and insightful judges" on the bench. Selected as chief judge in 2000, Hiatt was praised for blending "administrative prowess" as well as being "well-prepared, fair, efficient and careful with the delicate balance between human beings and the complex rules under which we all must live."

CJI Vice-Chair Sheila Gutterman presented the award to Judge Burd, noting not just her fairness and efficiency, but the humor and understanding she brings to the bench. Burd was also honored for efforts to educate students about the legal system through such activities as mock trial programs and classroom visits.

Board Member Jeri Barajas presented the award to magistrate Bowen, who was hailed for “his extraordinary judicial demeanor, his commitment to providing all in his court the chance to speak and ask questions, and his willingness to volunteer in support of colleagues, staff and profession.”

CJI Chairman Bob Miller made both welcoming and closing remarks. Besides honoring judicial excellence, Miller noted the annual dinners helps promote that very excellence. Past dinners and gifts have raised \$195,000 to help provide advanced education and training for Colorado judges and judicial department personnel. CJI’s longstanding efforts include has a working partnership with the National Judicial College, the nation’s premier judicial education program.

Additional information and pictures are available online at <http://www.coloradojudicialinstitute.org/index.php?s=25>.

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