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# Opinion: Keep Politics Out of Judicial Selection, Retention

The chair of the Northern California state committee of the American College of Trial Lawyers writes that the judiciary should "be independent of the two political branches and follow the law, not the vagaries of partisan politics."

By **Otis McGee Jr.** | April 30, 2018

A core value of the American College of Trial Lawyers is to support and seek to preserve and protect the independence of the judiciary as a third branch of government. Our courts should be accountable to the Constitution and to the rule of law rather than to politicians and special interest groups, and it is appropriate for the college to defend our courts from political pressures and to oppose efforts to make our selection of judges more partisan and political in nature. We thus believe that politics should be removed, insofar as possible, from the judicial selection and retention process.



***San Francisco Superior Court.***

In San Francisco, four sitting judges are being challenged because the sitting judges “were appointed by a Republican governor” even though none of the four is a Republican. Rather than criticize the competence, performance or integrity of the four incumbent judges, all of whom are well-respected by their fellow judges, the challenge is based on the assumption that, if they were appointed by a Republican governor, they “do not reflect the values of San Francisco.” A more recent reason presented is to enhance diversity, but the four incumbents include two Asians and one woman, consistent with the general diversity of our San Francisco judges, one of the most diverse in the United States.

Our committee is committed to the merit selection of qualified judges and the retention of judges who have served with distinction. We strongly oppose efforts to politicize the judiciary, which must continue to be independent of the two political branches and follow the law, not the vagaries of partisan politics.

***Otis McGee Jr.*** is the chair of Northern California state committee of the American College of Trial Lawyers.

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