

Original Work Proposal

Part 1:

The subjectivity of sentencing has been an issue throughout history. While there have been many attempts to solve this issue through required minimums or the Guidelines Manual issued by the United States Sentencing Commission, attorneys in the area have expressed dissatisfaction in sentencing. Much of this is due to the differences between each case, making standard sentences unfair to impose. However, the introduction of politics in the legal system has also proven to be an issue. In seven states, judges are elected through partisan elections, causing some decisions in criminal cases to be influenced by what will aid in reelection. In addition, fifteen states use nonpartisan elections to select judges, which still relies on the people's vote, while other states use appointment by commissions or the governor of the state. While each state is entitled to appoint judges however the state legislators choose, there are pros and cons to each system that are very important to address. Bias caused by partisan elections is a problem in Texas that needs to be understood and solved. To do so, I plan to work with organizations and interest groups in the area to write a bill and submit to the Texas State Legislature. Because of the expertise of these groups on the issue, as well as in writing legislation, an interest group or other organization in the area can help bolster my credibility. The plan is to present my bill to my state representative, Mr. Pat Fallon. Hopefully, if the bill is written well, Mr. Fallon will present it to his committee at the Capitol Building in Austin.

Part 2:

For this bill, extensive research will be conducted, starting with the history of partisan elections in Texas and the reasoning behind the process. While it seems to be an issue after

discussing it with Mr. Whalen, the partisan elections may be a tradition in Texas or have strong reasoning behind such a process. Additionally, I will need to research previous bills that may have attempted to address this issue. For the bill to be successful, I will have to be sure I am not submitting a similar idea that has already been addressed. If there have been attempts in the past to address the issue of judicial appointment in Texas, I can use that information to understand why the solution presented was not passed and how to improve on that idea. Furthermore, the structure and format of a bill will need to be researched, along with the terminology used. To be taken seriously by the state legislator in which I submit the bill, it will have to be formatted correctly and written properly to show I have done extensive research and am passionate about the issue. The plan is to find an interest group to work with that has similar goals to aid in the technical writing of the bill. Additional research will also be done through interviews with judges in the area will help me better understand the issues with partisan elections in Texas, especially where compared to those appointed in states like California. Since I will be visiting family over Christmas break, the plan is to conduct similar interviews with judges there since they are appointed by the governor. By talking to California judges about their appointment, I can better understand the pros and cons of this system over partisan elections and gain credibility to show this system likely influences judges less. I will also be interviewing judges from various states with various judicial appointment processes. From this year already I have connections that will aid me in this process. Ms. Blakely Pate has an uncle in Colorado who is a judge so I hope to conduct a phone interview with him since he was appointed by a commission. Additionally, Ms. Katherine Devlin went to law school in Nevada where judges are appointed by non-partisan

elections. The goal is to set up another interview with her to see if she has kept in touch with attorneys in the area that could provide me with the contact information of judges they know.

Part 3:

From this project I hope to show state legislators that partisan elections of judges is an issue that needs to be solved. After learning about how difficult it is to pass a bill, I understand that there is a high likelihood that my bill will not even make it to floor debate at the state legislature. Since this is out of my control, the best I can do is write a bill with lots of research included in it and submit it to my state legislator. From this, I believe there will be more of an awareness around this issue that could be addressed in the future. The bill submitted would show legislators more information about the issue, inform them that constituents like myself want to see a change in the judicial appointment process, and possibly act as a backboard for future legislation on the issue.