

THE INDIANA EXPERIENCE

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My first introduction to the process of lay participation in the selection of judges began in December 2005 when Indiana's governor, Mitch Daniels, appointed me to a three-year term on the commission for Judicial Appointments and Qualifications. The commission is comprised of three lay people appointed by the governor and three attorneys selected by their peers from three geographical districts in the state. The commission is chaired by the chief justice of the state's supreme court.

As one who had spent forty-seven years in public and private education, this appointment presented the opportunity for me to serve the State of Indiana and become acquainted with a totally new world of experiences. I soon realized that the process used in Indiana certainly did not represent the majority of the states in terms of selection of judges for the court of appeals and/or the supreme court. The more I became aware of the issues surrounding appointment versus election of judges, the more intense was my personal inquiry.

I did find my experience on the commission in Indiana extremely rewarding. I found the mix of lay appointees and lawyers provided a forum for rich and enlightening dialogue. I never felt intimidated by an absence of "legal" experience in the variety of tasks placed before us as a Commission.

The process of selection of a replacement for the court of appeals or the supreme court was very similar to that which I had experienced in higher education in the selection of faculty, administrators, or staff: post notice of the vacancy, receive and review applications, interview and make recommendations. The part that seemed most important for me personally was the "due diligence" the commission did in preparation for the candidate interviews. Each candidate's application was comprehensive in terms of academic preparation, experience, case history, written opinions, and references. It was amazing how many candidates didn't make it to an interview because the membership of the commission felt the "due diligence" revealed a weakness in the candidate's readiness for appointment to one of the high courts in the state. The interviewing process was informal; however, it was thorough. It always involved the total membership of the commission. The three candidates recommended to the governor for a final decision were

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determined by a vote of the commission members. The commission was *never* given *any* directives from the governor. Thus, personally, I felt unencumbered to satisfy a political influence.

As I have reflected on my personal experience, as a lay person on the Commission for Judicial Appointments and Qualifications, there was no occasion when I experienced a feeling that what the Commission was doing was considered unimportant or of minimal value to the state's judicial process. I *never* experienced lobbying from special interest groups attempting to persuade or influence me.

Since I have had the opportunity to participate in forums in Ohio and Michigan on the topic of judicial selection, I have become increasingly aware of the enormity of the task to change how it happens; however, I am convinced it *must* begin. The process of educating the electorate throughout states where reform is desired is the beginning point. There needs to be a strategic plan put in place, with adequate funding, to begin the process of helping people understand how "the system" has become so influenced by money and special interest groups. Justice is truly at stake.