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Reform initiative zeros in on judges

Bar association works to advance qualified candidates to bench

By [DAN SHINGLER](#)

4:30 am, October 3, 2011

It may or may not take a village to raise a child, but it definitely takes a community to produce good judges, and a number of efforts are under way to ensure that Cleveland and Cuyahoga County are communities that do just that.

At the forefront of those efforts is the Task Force on Judicial Excellence — a year-old endeavor by the Cleveland Metropolitan Bar Association and the brainchild of Ulmer & Berne attorney Mike Ungar, then bar president — and another more recent effort by the bar association known as the Judicial Qualifications Committee.

Such initiatives couldn't have come soon enough, Mr. Ungar said.

"Some of these judges we've had clearly had no business being on the bench. They just weren't qualified to be there," Mr. Ungar said.

Former Cuyahoga County Common Pleas Judge Bridget McCafferty, sentenced to 14 months in prison for lying to the FBI, is one extreme example, he said. But other judges, while not as famously corrupt, still are not as competent as they should be, he said.

To prevent those judges from ascending, at least via gubernatorial appointments, the qualifications committee culls through potential judge candidates, some of whom are put forth by political parties, and then it compiles a list of those most qualified.

Those lists are provided to the governor, who occasionally is in the position to appoint a judge when one retires or leaves a position prior to an election.

Proof positive

PROOF POSITIVE

It's already working, say the committee's backers, as evidenced by the fact that Ohio's two most recent governors, Ted Strickland and John Kasich, relied on the list to make three appointments.

In the last year, Cleveland Municipal Court Judge Lynn McLaughlin Murray and Cuyahoga County Common Pleas judges Pamela Barker and Robert McClelland all were appointed to their benches by governors who got their names from the Judicial Qualifications Committee.

That's a big improvement over the way things used to be done in the state, said Jim Robenalt, who heads the task force and recommended the forming of the qualifications committee as one of its first orders of business last year.

"They used to just go to the local party chairs and say, "Who do you want me to pick?" Mr. Robenalt said of the way previous governors had appointed judges throughout the state.

Getting that process up and running required what might have been the greatest obstacle to reforming the old system, because it meant getting the heads of the local Democratic and Republican parties to both work together and to pledge to support the committee and abide by its rulings.

So far, so good, Mr. Robenalt said, crediting Cuyahoga County Republican party chairman Rob Frost and his Democratic counterpart Stuart Garson with helping to make the whole process work on a bipartisan basis.

The process worked so well that Ohio Supreme Court Chief Justice Maureen O'Connor held the local efforts up as an example for other counties in Ohio to follow when she addressed the state's judiciary after taking office early this year.

"That's what gets me fired up — it's already working and everybody knows it," said Mr. Ungar, who chairs the qualifications committee.

Plans of action

But, while the committee plans to continue its work, the task force is just getting started, Mr. Robenalt said.

After holding four public forums since it was begun, the task force has identified four areas that the bar association and the rest of the local legal community can address to improve the quality of judges in Cleveland and Cuyahoga County:

- It will report to the CMBA and the public on the progress of the Judicial Qualifications Committee and suggest ways that entity might further improve.
- It will report on an effort known as Judge4Yourself.com — a website that provides voters with judicial ratings — and how it can better inform voters on the qualifications of those running for the bench.

"It is peculiar to judges, but they really get into ivory towers once they are elected," Mr. Robenalt said.

- The task force also will report on how the bar association might be able to better prepare new judges with a sort of "judicial college" that would help train them to preside on the bench, Mr. Robenalt said.
- Lastly, the task force will issue a report on how judges can be better monitored — including the possibility of doing midterm evaluations of judges — even if they already have been elected, Mr. Robenalt said.

The first report, on the Judicial Qualifications Committee, will come by the end of this year, followed by the other three over the next six to 12 months, Mr. Robenalt said.

Getting them in the system

All these efforts are aimed at more than just culling the wheat from the chaff though, Mr. Robenalt said. The real goal, he said, is to get more wheat planted.

In other words, he simply would like to get more qualified candidates to run for judge in the first place. That won't happen if the old-boys system is in place though, Mr. Robenalt contends, and it can only take place if good, honest candidates think they can be elected on their merits.

"Now, it really is not a vigorous election system, because the best people won't jump in," Mr. Robenalt said.

That's evidenced, he said, by how often judges can reach the bench simply by winning a primary election. In the last election cycle, only seven of the 20 contested benches even had two candidates in the general election, he said.

But that will change if the system changes too, he contends. He points to Judge McClelland as an example of someone on the bench because of the task force and committee who, while appointed for his first term, should be an excellent candidate to keep his bench seat in the next election.

Mr. Robenalt described Mr. McClelland as a very good lawyer, well-equipped to be a good judge, but someone who likely would not have run in a system in which the deck was stacked in favor of political operatives or in which name recognition meant more than real qualifications.

While the work is far from done, the Cleveland Metropolitan Bar Association is very pleased with what it's seen from the efforts of both the task force and the qualifications committee to date, said current bar association president Barbara Roman.

"When you have the chief justice of Ohio pointing to Cleveland as a good example, that's a good sign," Ms. Roman said.

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