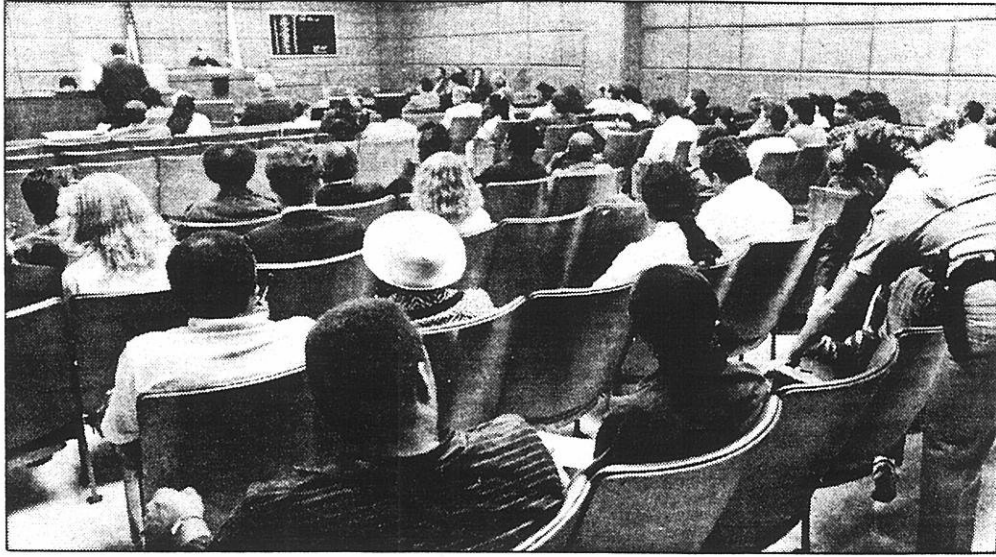


METRO



With a 'guaranteed reelection, the judge has omnipotent power in the courtroom.'

Gripe

'Electorate Is Being Denied Right to Vote'

ROSEMARIE CLAMPITT

A deputy registrar, Los Angeles County; member of League of Women Voters

On Feb. 14, in Los Angeles County, 161 judges completed their filing as "candidates" for November's general election. It will be a silent "election," with the electorate denied the right to vote for or against the judges.

Although they have filed as "candidates," the names of unopposed incumbent judges are not placed on the primary or general ballot, and they will be declared "elected" in November by a clerk. Our right to vote for or against them was abolished by the Legislature.

The current "candidates" are 92 unopposed incumbent Superior Court judges and 69 unopposed incumbent Municipal Court judges. In 1992, there were 117 judges silently elected in Los Angeles County—79 in Superior Court and 38 in Municipal Court. The scenario is similar statewide.

Some might say, "No one ever knows anything about the judges anyway," or "What difference does it make?" Well, I have observed thousands of cases in Southern California courtrooms and the discrimination and denial of constitutional rights by certain judges toward certain litigants is appalling.

With a "guaranteed reelection," the judge has omnipotent power in the courtroom and there is very little that anyone can do about it. The power of a judge is purportedly limited to the interpretation of the law set forth by the Legislature, but if you observe the courts, you will find that some judges write their own law to support their own prejudices. In some of the courts which I have observed, it appears that the Fourteenth Amendment guarantees of due process and equal protection under the law are nonexistent.

In some circumstances, the litigant has the right to proceed to the U.S. Supreme Court on denial of constitutional rights, but in reality, how many people are in a position to do that, financially or emotionally? Besides, what would you use for a transcript to prove what happened? In Los Angeles County, many judges will not permit a

record to be made in the courtroom.

In Municipal Court, the court has refused to provide a court reporter, even though the court is required to do so by law if requested by a litigant and paid for by the party. In Superior Court, an electronic audiotape recording is made in some of the courtrooms, but not all, and the judge may refuse to permit a particular case from being recorded.

Until recently, if you decided to fight a parking or a moving-violation ticket in Traffic Court, an electronic audiotape recording was made *without your knowledge* and the Appellate Department of the Superior Court would not permit the recording to be provided to you or to the appellate court if you decided to appeal. The same appellate court would not permit a recording to be made of the appeals proceedings.

I just happened to discover the electronic audiotaping, and through my investigation, learned that it was authorized by the presiding judge of the Los Angeles Municipal Judicial District, and is in effect throughout the county. This is the same judicial district that will not permit electronic recordings to be made in a Municipal Court civil case; therefore, there is no record unless you bring in an outside reporter, which requires permission of the judge.

In 1992, I witnessed a Traffic Court proceeding in which the judge did not know the difference between a parking ticket and a moving violation, and he would not allow anyone to leave the courtroom to use the restroom or to put money in their parking meters for more than a five-hour period.

Now, it is mandatory that a person appear before a hearing officer instead of a judge if the ticket is contested.

Some of the judges whom I have observed will be declared "reelected" this November, and I will have been denied my right to vote against them. How did this happen? I do not remember waiving my right to vote for unopposed incumbent judges, so I started an investigation. I learned that Gov. Pete Wilson's office did not even know that citizens are denied the right to vote for these judges; neither did any of the other legislative representatives I contacted.

The representative at the Registrar's

Office said that very few people know about this. When the judges file their declarations as "candidates," their names only appear in the Los Angeles Daily Journal, a newspaper for the legal community. A few judges are always on the ballot, so no one ever suspects that unopposed incumbent judges are being "reelected" for another six years (12 years if they are appellate judges).

The only time that the name of an incumbent judge is placed on the ballot is when the candidacy is for a higher court—that is, we are permitted to vote for a Municipal Court judge who wants to become a Superior Court judge or if an incumbent judge is opposed. However, I learned that very few incumbents are ever opposed because the attorney/challengers fear they would not be treated fairly by the judge if they lost the election.

The law, denying Californians the right to vote for unopposed incumbent judges, originated as an Assembly bill that was then added to the state Election Code in 1963, as Section 25304. It was never presented to the electorate.

This absolute independence has cost us more than one fundamental right. A judge with unlimited independence has unlimited power, and we have been denied our constitutional right of liberty to obtain justice in the courts, another fundamental right of the Constitution. The denial of our right to vote for all judges has been ruled constitutional by California courts, but of course it is California judges who made that ruling.

Isn't it time that the system be redesigned so that we, the people, know what our judges are doing in the courtroom? Isn't it time that we know which judges are prejudicial and be allowed to vote them out? Isn't it time that we know more about our judges than where they went to school, their marital status and what their children are doing? Isn't it time that we are no longer intimidated by the judiciary?

Our Legislature abolished our right to vote instead of revising the system to allow us to vote out incumbent judges in a general election. Presently just one vote will retain each unopposed incumbent judge who is listed on the ballot. Most of us do not even know which judges are being automatically "reelected."