

# LAW WEEK COLORADO

## Retention Elections: A Focus On Why

### Nonprofit Focused On Improving The Process

By **Meg Satrom, Esq.**  
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DENVER — During this election season, a former Colorado Supreme Court justice is asking one question, and it's not about partisan politics. Rebecca Love Kourlis, the executive director of IAALS, the Institute for the Advancement of the American Legal System, wants to focus on one thing: What does it take to have the public trust judges and the court system?

Inherent in that question is an increasingly polarizing discussion of how the judiciary is becoming politicized, a concept that doesn't sit well with the nonprofit, which this fall produced a report about how states can select and retain judges who will remain impartial and accountable.

The report, "Cornerstones of State Judicial Selection," aims to shift the discourse away from whether one state's selection system is superior to another's and refocus the discussion on what citizens expect from the court system and its judges.

"Cornerstones was the outgrowth of a roundtable with a whole group of people from around the compass of viewpoints," Kourlis said. Included in that group were members of the legislative, executive and judicial branches, as well as business and nonprofit leaders — those who were intimate with the judicial process. The



Rebecca Love Kourlis is the executive director of the Institute for the Advancement of the American Legal System, or IAALS. | LAW WEEK PHOTO SARAH OVERBECK

group's goal was to define the attributes the public counts on from the judiciary.

And their findings indicated there are some overarching criteria that all groups and constituents are seeking.

"People do have lined-up expectations," she said, "They have hopes for the court system and for judges that are very consistent."

Among the expectations for judges are honesty and integrity, fairness and faithfulness to the rule of law. Expectations for the courts include impartiality, accountability to the public and transparency.

The goal in articulating these principles is to force the public, the electorate, to think critically about whether they're getting what they want and whether the

system is delivering what they expect.

It's a goal Matt Arnold can sign onto. The director and founder of Clear The Bench Colorado, a grassroots group focused on educating the public about the judiciary, would take the goal one step further by providing the public with information about how judges voted in particular cases to demonstrate their adherence to the rule of law.

"It is important that the people have confidence in our courts," Arnold said. "But they can only have our confidence if judges are held accountable." By Arnold's standards that means analyzing judges who are up for reelection by their published works and their track record of upholding Colorado's Constitution. And while his group is primarily focused

on appellate retention — not state or district court reelections — he'd like to see the public have more information about all levels of the judiciary.

(Kourlis' group is working on a set of standards for appellate elections, and the nonprofit hopes to release a report on them next year.)

For its part, IAALS is working on multiple fronts to get the word out. In an election year, the goal is to elevate the discussion on all of these issues and

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have people asking whether they're getting what they want out of judges and the courts, Kourlis said.

"What we're hoping is that the move toward the politicization of the judiciary can be forestalled," Kourlis said. "We want to ask in a bipartisan way, 'Are we doing this the right way? Can we do it better? And if so, what are our next steps?'"

It's not so much a change in focus as it is an effort to center on what's important, Kourlis said. "If we can moor ourselves to the principles, then there's a chance for consistency in courts." •

— Meg Satrom, Esq., [Meg@CircuitMedia.com](mailto:Meg@CircuitMedia.com)