



For Immediate Release

August 22, 2018

Media Contact: Info@Tarascully.com

**Surrogate Court Candidate Tara A. Scully Announces Three-Point Judicial Selection Reform Plan**

***The Scully Plan Would Reduce Backroom Deal Making by Shifting Power from Political Leaders to Voters***

Suffolk County Surrogate's Court Judge candidate Tara A. Scully today unveiled a three-point plan to dramatically reform New York's judicial selection process to shift power away from political leaders and give it to voters, consistent with practices in most other states. The proposal comes just weeks after Scully entered the Surrogate's race under a reform banner and a commitment to ensure that the Court would never be used as a patronage mill by any political party.

The Surrogate's race offers the most striking illustration of the urgent need to reform the way candidates are selected to insure a high quality, independent judiciary. A review of records at the Suffolk County Board of Elections revealed 19 individual judicial races since 2002 in which cross-endorsement deals by party leaders where the only candidates for judgeships were awarded all party lines and faced no opponents, meaning that judges elected were chosen directly by party leaders and voters had no say in the process. In some cases, qualified judges already serving on the bench were denied re-election as a result of cross-endorsement deals by party leaders.

Scully's entry into the race blew up the latest backroom, cross-endorsement deal between Suffolk County Democrats and the Conservative and Independence parties for the Surrogate Court. As Newsday put it, "Another election year, another deal by Suffolk County Democratic Party Leader Rich Schaffer and the leaders of the local Conservative and Independence parties that will deprive voters of real choices. The surrogate's position is an important job for residents of the, but for party bosses, it's a soft serve machine for patronage."

This cross-endorsement deal would have placed the Conservative Party Leader's wife in the Surrogate position, a position that Newsday has described as the "biggest prize" for the political parties because the Surrogate's Court Judge "has the ability to award

millions of dollars in patronage.” When Scully entered the race to challenge this backroom deal and champion judicial reform, party leaders went back into the backroom and swapped out candidates but nothing has changed. The deal remains intact and these cross-endorsement deals that are so corrosive to our system will continue unless voters reject them at the polls.

In advance of the release of her reform plan, Scully sent a detailed inquiry to the Judicial Campaign Ethics Center about her intent to discuss her judicial reform plan during the Surrogate Court race. She also indicated that she would talk about the fact that she is an independent candidate willing to stand up to political pressure and the control of our judiciary by party bosses. The Center responded affirmatively that judicial ethics rules do permit Scully to advocate for judicial reform and to make clear that she will be independent and reject influence from party bosses.

"The culture of cross-endorsements and backroom political deal making has dominated our system of justice in Suffolk County for far too long," said Scully, former President of the Suffolk Women's Bar Association. "Enough is enough, we must have judicial reform to change the way we select judges in this State so that the power is in the hands of voters rather than a handful of party bosses."

### **The “Three-Point Plan” unveiled by Scully includes:**

**Non-Partisan Elections** – Move to non-partisan elections to remove the politics from judicial selection. States have been steadily moving away from partisan elections for judges. Today, there are only 12 states remaining, including New York, that use partisan elections to select judges. Judges shouldn't go through the same process used to select legislators, mayors and governors because the judiciary is intended to be non-partisan and independent. The framers of the Constitution understood that a truly independent judiciary must be free of partisan influence. Otherwise, the integrity of our courts is at risk.

**Primaries for Supreme Court Judges** – State Supreme Court Judges should be chosen by the voters, and not by party leaders in a back room. New York State is the only state in the country that allows party leaders to decide which candidates will run at the trial (State Supreme Court) level, without any role for voters. There is no mechanism for candidates to petition to get on the ballot. Instead, party leaders decide who will run at judicial conventions each September. In Suffolk County, cross-endorsements mean that the party leaders themselves directly select who serves on the bench. This is the ultimate back room deal. The lack of voter participation in these elections is made even more problematic by the fact that Appellate level judges are ultimately selected from the ranks of Supreme Court Justices, extending the influence of political party leaders in the judiciary even further.

**Retention Elections** - Retention of judges should be controlled by the people, and not by party leaders. Despite the flaws in the system, there are many outstanding judges on the bench today. Qualified judges who have performed well should not have to go back

to political party leaders to get their permission to run for re-election. Once a judge's term is complete, if they seek re-election, it should be in the form of a retention election. In a retention election, a judge is not running against another candidate, but is instead running on his or her record, with the voters deciding in an election whether they should be returned to the bench.

Scully recognizes that there are debates among advocates for judicial reform about the merits of an appointment system for judicial selection versus one that is election based. "I am advocating for judicial reform and will continue to do so as Surrogate Court Judge knowing that there is not just one approach to achieving a court system that is more just, diverse and independent," said Scully. "However, whatever shape this reform ultimately takes, the most important thing is that we begin this conversation because at the end of the day, the current system in which political party leaders are effectively choosing our judges often through cross endorsement deals in backrooms must come to an end."