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Is Judicial Independence a Casualty in State and Local Budget Battles?

Michael A. Cicconetti, Michael L. Buenger, Lawrence G. Myers, and Robert Wessels

The first panel discussion at the National Forum on Judicial Independence reviews the budget pressures encountered by the judiciary and their impact on judicial independence. The discussion was led by then-AJA vice president Michael A. Cicconetti, a municipal judge from Painesville, Ohio. Panelists were Michael L. Buenger, Missouri state court administrator, Lawrence G. Myers, court administrator for Joplin, Missouri, and Robert Wessels, court manager for the County Criminal Courts at Law in Houston, Texas. The National Forum on Judicial Independence was supported by a generous grant from the Joyce Foundation of Chicago, Illinois.

JUDGE MICHAEL CICCONETTI: Michael Buenger, in his recent article in *Court Review*,[1] . . . makes us aware of the fiscal crisis, if we don't know [already], that began in 2001 which has resulted in many court budgets being cut. Well, where does that leave judges? We have statutory criminal guidelines, requirements to dispose of criminal cases. We may have our state supreme court guidelines requiring us to dispose of civil cases in a certain period of time, yet we have mandates to cut our budgets 6%, 10%, whatever it may be, of which 80 or 85% is personnel.

Then the other constraints on judicial independence: We can't say anything. You know we have limits on what we can say.

We also have the reality that many of us are in politics. We have to run for election, so do we speak out? Do we journalize our court budget and get into a battle with our local funding authority and then the next year have to face reelection? . . . .

MR. MICHAEL BUENGER: . . . [T]oday . . . the stakes are very high. They're not only high in terms of budgets, but they're also high in terms of attacks on the judiciary, efforts to remove judges, efforts to impeach judges, so on and so forth, but the one thing I think is important to keep in mind is that the stakes have always been high. Today really isn't all that different. It is just new for us.

I'll give you the perfect example. Oddly enough, the "Father of Judicial Review," John Marshall, wrote in 1804 a letter to Justice Chase, who was being subjected to impeachment in the Senate for his decisions—he suggested to Justice Chase that in lieu of actually going through impeachment over improper decisions, the legislature ought to form itself as an ultimate court of appeals. Now imagine that, the father of judicial review suggesting in an effort perhaps motivated more out of political reality than legal necessity, suggesting that the legislature be in a position to review the decisions of the U.S. Supreme Court to make sure that they comport with the public's sentiment.

The stakes have always been high. They are simply higher today, I think, as a result of the change in the stature of the judiciary in the last 50 years. There was a time, I think, when you went into your local communities and you talked to your citizens and judges were viewed as independent actors. The connection between you and perhaps a judge in the county over was tenuous, perhaps based on friendship, but certainly not based on any sense of institutional connectedness.

I think what has happened in the last 50 years is the judiciary has emerged somewhat along the lines of what Chief Justice George was saying. The judiciary has emerged with a new sense of its institutional standing, and that's not only a challenge in terms of funding and in terms of our relationship with our sister branches. It's also a challenge in terms of our relationships with each other. What one court does in one part of the state of Missouri can have implications for all courts in the state of Missouri now.

The other comment I would make to you is that when it comes to issues of budget there is, I think, a distinction between what happens on the state level and what happens on the local level, and I recognize in making that statement that I may come across as perhaps disconnected from local concerns, and I'm not—I actually began my career as a legal counsel for an appellate district in Ohio that was funded by the counties—but with the evolution of state funding for the judiciary, there has changed the dynamic by which courts get their money, and that dynamic is basically one in which: Where do you go as the state supreme court or as the administrative office of the court when you have a confrontation with your state legislature over funding? Where do you go?

And the reality is there is no place to go, and so it is forcing, I think, state-funded systems to become much more engaged in the legislative process to tell the story of the judiciary not only at the local level, but also at the state level, because in the absence of public support, in the absence of public understand-

Footnotes

1. Michael L. Buenger, *The Challenge of Funding State Courts in Tough Fiscal Times*, Court Review, Summer 2004, at 14.

ing, in the absence of the public's willingness to in fact support the concept of judicial independence and an independent judiciary, it will be nearly impossible for us to withstand institutional attacks as we're seeing them today.

MR. LAWRENCE MYERS: As Mike said, I'm the municipal court administrator in Joplin. Prior to that I had about 25 years of experience in juvenile courts. I had the unique experience in Tulsa, Oklahoma, when I was the court administrator of the juvenile court, to receive a call from the county commissioner who funded the juvenile court, saying, "Larry, the county has 50,000 extra dollars. Could you use it?"

That was more than 20 years ago. I don't know that Lou Harris would make the same call today.

My first three years as the court administrator of the Jackson County Juvenile Court in Kansas City, Missouri, each year the circuit court's budget, of which the juvenile division was a part, was before the judicial finance committee, trying to resolve the differences between the executive branch of government and the judicial branch of government as to what our needs were. So I've seen a little bit of all of it.

I have a very good situation in Joplin, where the 473 municipal courts in the state of Missouri are funded by the local cities. Joplin is very kind to us. I get to prepare my budget with input from the judge. It's presented to the city manager and we are treated fairly. That's not true of other cities.

The topic for today is, "Is judicial independence a casualty in state and local budget battles?" In Missouri, in many of the municipal courts the answer would be no, not because they're not a casualty, but because they couldn't get a ticket to the fight. They weren't invited by the judicial branch, and in fact at this time the judicial branch of the state is making some demands on the municipal courts for statewide reporting, which I support, but they are providing some budget problems because there are issues that require funding and we did not have input in the battle.

The battle with the legislature—perhaps the 473 municipal courts could have helped fight that because we weren't invested in getting money from the state, but perhaps we had personal contacts with our state legislators that could have been advantageous in that battle.

We're also not invited by the executive branch because each municipal court has been structured by their city based upon what the city wanted them to accomplish, and with little input from either the legislative or the judicial branch of government.

There's an architectural saying that "form follows function," and a lot of cities in Missouri have structured their municipal courts around the functions that they want them to perform. . . . [M]y article in the special issue of the *Court Review* . . . deals with institutional independence of the municipal courts.[2]

Seventy-six percent of the judges are part-time. Eighty-eight percent of the prosecutors are part-time. Thirty-five percent of the court administrators are part-time, but that's misleading because when you ask, "What other functions do you perform?" something like 48% of them also have a title or a function in a department of the executive branch of government, such as they are court administrator, court clerk, city clerk, police clerk, clerk for the prosecutor, etc. We had 31 different titles the court administrators and court clerks looked at. When we asked, "Who do you report to?" a minority of them report to the judiciary. We had something like 5% that report to the chief of police, another 5% or 6% that report to the prosecutor.

Now those are structured that way and I think that that's sort of a shot across our bow that we need to look at, the institutional independence of the judiciary, and in many of those cases either the city clerk or the chief of police or somebody in the executive branch prepares their budget and presents it without input from the municipal court judge or court administrator, an area of major concern. . . .

> I'm facing a 6 percent ordered cut from the city of Painesville, who is our local funding authority, and how do you handle that? What do you do to save face with the general public?
>
> – *Michael A. Cicconetti*

2. Lawrence G. Myers, *Judicial Independence in the Municipal Court: Preliminary Observations from Missouri*, COURT REVIEW, Summer 2004, at 26.

MR. ROBERT WESSELS: . . . It seems to me that whether you're a casualty or just get wounded in the budget process, most of the issues we face need to be addressed long before we ever get in a room and a confrontation begins, whether you're state funded or locally funded.

I happen to come from a state where, other than the appellate courts, the state pays the salaries of the general-jurisdiction judges and a part of the salary of limited-jurisdiction judges. All the other expenses for the operation of the court system in the administration of justice are borne by the counties.

From time to time I've been able to reflect a little on things. When it comes down to it, what do you have to develop in order to be successful? I think the foundations are really pretty simple: trust and credibility; accountability; becoming fact-based; managerial competence; and developing a new vocabulary to explain to funding authorities why we have value in what we do both in terms of how it will impact them in the administration of the overall county or state and what the impacts are from the perspectives of the constituents.

Why is it that the businessman who is the sole proprietor needs to have access to courts to get a civil matter resolved so that isn't hanging over his head and has the business on hold?

What is it that we can do through effective structuring of case management systems and early screening of cases to stop mentally ill offenders from hitting the jails, then going to the hospital districts, then coming back around . . . and that circle continues, at huge expense, without someone stepping in?

What can we do to reduce the number of folks who come back for return business who are poorest?

We know there are effective strategies out there. We've seen it—whether in the drug courts, mental-health courts, family-violence courts. We've seen what happens when judges get involved and the resources are targeted instead of just moving cases through and getting dispositions. Unfortunately, we've been largely unable to put a value on that and explain that to the funders in terms that they can appreciate and recognize how that impacts the other areas of their budget.

In our county alone, through changing some case-management practices, we reduced the average daily jail population by 350 persons by having cases screened immediately, 24 hours a day, seven days a week, having judges provided information they needed to make decisions on jail and bond. Well, 350 people on average per day at what is now $65 a day becomes real money.

If you can reduce the amount of time a case takes to get through the system, you can just say you cut it in half. Without changing a court cost or raising a fine, you will have doubled the amount of revenue as a result of case disposition.

I think we have to become much more adept and much better at describing our business and our process in a way in which we can show the value that it has to both the citizens and to the funding authorities.

JUDGE CICCONETTI: . . . A personal aspect: I'm facing a 6% ordered cut from the city of Painesville, who is our local funding authority, and how do you handle that? What do you do to save face with the general public? Because what happens is you get a backdoor response.

Recently, and I don't know if it was because of budgetary reasons or not, in Kansas City, for instance, you would say I need this money to have the cases flow like they should flow and have dispositions properly completed. Well, then they start checking your key card: "Well, you came in at 9:15 in the morning. You should have been here at 9:00. If you want to get your cases through, then do the work on time and don't leave before 4:30."

And then, of course, that is just a fire for the press and it goes on and, all of a sudden, because you fought over a budget cut, you are now facing a public outcry as to your work habits and schedule, and we're getting hammered on that.

The question here is the judicial independence. How has anyone handled that with budget cuts? Did you make the budget cuts? . . .

JUDGE JEROME LaBARRE: . . . I'm a general-jurisdiction judge from Portland, Oregon. We have 38 judges on our court. Oregon's economy took a real dive in the last couple years and as a result, and maybe my colleague from a neighboring court, Judge Nachtigal, can give the exact figure, but I think it was around a 20% budget cut we took in the middle of a biannual budgeting time period. We had to go to four-day weeks with our staff. We had to give 10% budget cuts of our staff. Judges

The topic for today is, "Is judicial independence a casualty in state and local budget battles?" In Missouri, in many of the municipal courts the answer would be no, not because they're not a casualty, but because they couldn't get a ticket to the fight. They weren't invited by the judicial branch . . . .

– Lawrence G. Myers

came in five days a week, but on Fridays there was no staff. There were no court sessions. We had numerous cuts.

In Portland, one of the things we did to try to take this crisis and turn it into an opportunity is we started a very active judicial outreach effort, which actually I have been chair of the committee. Among other things, we gave 60 speeches to community groups within about a 14-month period. We're still doing this.

We've set up a program with our legislators in the Portland metropolitan area. The metropolitan area is about a million and a half people, and the legislators come to our court once a year. We have kind of an open house we present. We don't put our hands out and say we want money, but we try to talk about the positive things we're doing in the drug-treatment courts, what we're doing in juvenile court, and so we've had kind of a multiple set of responses. We don't think we've got it all figured out yet, but I'm very encouraged by some of the earlier presenters because I really do think we need to take a positive approach, and there really are many things we can do.

I don't want to downplay this, but one of the things I think is an incredible strength we have that we don't realize, we've had the one-jury, one-trial, one-day approach with our juries for a while. With our cuts we had to go back to juries for two days. We have 150 to 200 jurors come in the courthouse now every single day, four days a week. If you do the math on that on the back of an envelope, you've got over a hundred thousand citizens coming in the courthouse.

We have a judge give a welcoming talk. I'm one of the five judges—it rotates—and I give welcoming talks for about 15 or 20 minutes and I really try to touch on judicial independence, on how it's so essential in our democracy. It goes to the very core of what we're about as a country, and I think communicating with our citizenry this way, we can really turn this thing around.

So that's a very long answer to what we've done in Portland with the big crisis.

JUDGE CICCONETTI: . . . Well, why is it so important that we maintain control over the budget process for our judicial independence? . . .

MR. BUENGER: I'll go back to an earlier remark that I made, and that is that I think what has happened over the last 50 years is there has been a real growth in the sense of the judicial branch as an institution of government, perhaps more so than at any point in our nation's history. What has come with that fact is also the opportunity for institutional attack, and I think that we're seeing that, for example, in Missouri with an attempt to repeal the Missouri nonpartisan court plan. We've also seen it through the budget process because, whether we like it or not, the legislature's ultimate weapon is always the budget.

I have been in numerous meetings with legislators. Recently a legislator who appeared before our presiding judges mentioned that if the court gets involved in the issue of tort reform, there will be no end to where the legislature might go on budget issues.

Today the administration of justice is intimately tied with the resources that are available to it. In the past, the notion of therapeutic courts, drug courts and the like, was a foreign concept, but the courts today are involved in the lives of individuals, perhaps more so than at any point in the past, and in order to do that effectively, to do that well, it has to have the resources to pull that off.

And to the extent that we can't control, for example, in Larry's case, to the extent that the judiciary has very limited control over its resources and over its budget, that does dictate our capacity to provide service to the people. But there is, I think, an important twist on this, and it was mentioned by the judge from Oregon and others. I think when we stand before our legislature and say, "You need to treat us differently," that that rings hollow because then the director of the Department of Social Services gets up and says, "I don't have any discretion over my caseload, either."

Our capacity to articulate judicial independence in the budget context is fairly limited. We're not very good at it. We simply are not. We kind of rely on this concept of judicial independence, but we really haven't explained it well, and I think if we're going to secure the resources that we need to actually administer the justice system well, part of what is incumbent upon us is to explain to the public what we do and to be willing to be held accountable for how we use resources.

I always think of judicial independence as two prongs. One is the judge's decisional independence, your capacity as a judge to say yes and no, and to do so without undue influence from outside political institutions or outside groups. I also think that there is an institutional independence, and while I would never advocate judges having to stand before a legislative body as John Marshall once suggested to explain your decisions, the flip side of it is judicial independence cannot be a shield by which the institution holds itself unaccountable to the public.

I think that . . . the greatest challenge for us is to begin to think of ways that we are willing to institutionally hold ourselves accountable to the public, and to that extent I think we will be much more successful in securing the funding that we need. Organizations that demonstrate a capacity of success, succeed. Organizations that sit back and try to defend existing principles even in the face of evidence that you can't do it that way anymore, will fail. And the challenge for us in this new change, this kind of paradigm of growth, I think, of the institutional judiciary, is to figure out ways by which we will hold ourselves accountable to the public, to one another, for the way we use resources, for the way that we run our courts.

I think in doing that we secure not only the independence of the institution, but I also think we secure the independence of what you do, which is the most important thing, which is to render impartial justice so that when people come into the courtrooms of the United States and our states, they at least have a sense that they have a fair shake.

MR. MYERS: I would agree with that and also clarify my earlier statement. We receive a great deal of support from Mike and his office. I think that there's things that we need to learn and that we can learn, and I think the drug courts have provided us with some opportunities. There's community involvement, including the location that Ron George was talking about, going out into the community, coalition building with stakeholders, service providers. There's media involvement. The media is enthralled with drug courts.

But what I also think they are able to do and where the state office helps the municipal courts is they help to articulate and understand what their purpose is, what they are about, what they are doing, and then they are able to report back to the community how successful they have been in doing it, and I think that as I do my research on the municipal courts, I'm appalled at how they don't understand—many of us in the system—what our purpose is.

There are those in the state of Missouri in the municipal courts who think the purpose of the municipal court is to generate revenue for the city. They forget our job is to do justice, to provide equal protection, to guarantee you liberty, to enhance social order, and to guarantee due process of law, and I think that that's what we need to be able to articulate, like Mike says, what our purpose is and then also how well we are doing that. . . .

MR. WESSELS: You know you don't get funded when the funding authority doesn't understand both in terms of need and value, and I think oftentimes we begin in these situations to be reactive when every other department is going in and saying here is the minimum level of X that we have to have. Pick an agency. You've been to the hearings. You know how those things go.

I think the judiciary and the court systems need to become much more proactive even before the budget starts, before you get in the mechanics of preparing the budget, and go in to funding authorities and be talking about here is what we need. Here is what we can accomplish if you will fund program X or Y, if you allow us to expand this, if you will give us the resources and invest in us to do a pilot program.

Having done that, though, the judiciary needs to accept being accountable for the performance of those programs, for how we're using those dollars, and once again, instead of waiting for the legislature to say, "Here are your performance measures," we should be going in and saying, "Here is how we are going to measure ourselves," and turn the argument around and make the argument in terms of programs that relate to funding screens and the consequences of not funding, and get out in front of this issue instead of being reactionary to it. . . .

JUDGE CICCONETTI: . . . You know you talk to judges at these conferences and I don't think I've ever spoken to one judge who isn't sensitive about the expense of attending a conference: "Make sure that all your expenses are documented, they're reasonable, etc., to go back."

Well, in Ohio, and there's, I think, four or five municipal judges here from Ohio, we have a little secret and it's a little out that we have. It's a permissive statute called a "Special Projects Fund" that allows municipal judges to attach a dollar amount to each case that goes through the court, charge the defendant for that, and use it for special projects. The money is collected by the court, it goes into the city treasury, but cannot be spent without a journal from the judge, so you are accountable for it, but it also doesn't come out of your general fund . . . —for educational expense, travel expenses, extra building projects that you may want to do. It can only be spent by the judge and only by journal.

So some of the expenses I use in particular, any AJA expenses, come out of the special projects. It does not come out of my normal travel budget, which I use for the local northern Ohio and also for the state judicial programs. So that, I suppose, avoids some possible criticism under the general budget and it saves that. That's not subject to the 6% cuts that we got.

Does anyone else have anything? How is your spending? When you come to these conferences, is anybody not concerned about public reaction to that, even though you know that you should be here and the education, the 13 1/2 hours that you gain here, is for judicial education? But who amongst us is not concerned about any public reaction to that? I think we all are, but is that another constraint on our judicial independence? . . . .

MR. RON H. GARVIN: I'm going to make a statement and, of course, I come from a different perspective than most folks in the room here. For those who don't know me, I'm the Vice Chairman of the Board, Veterans Appeals. That's in the federal system and currently I'm the acting chairman.

Several years ago we had a cut in our budget that was given, passed on to us by the Secretary of Veterans Affairs. We had a cut in budget of about 15.4%. Now just to give you a perspective of where we are, I have 56 judges and about 228 clerks that support this system. We do about 38,000 appeals a year. That's what we did this year.

When we were cut by 15%, I had a Board of Judges meeting and in that meeting we talked about judicial independence, but we also talked about judicial collegiality, and what the judges determined in that Board of Judges meeting is that with a 15.4% cut in budget, we were going to improve productivity, and we did.

We improved productivity for the clerks by 20%, measurable and articulable, and we improved the output of the judges by 25% in that year we were cut. Since then, because of our credibility, our budget has been increased every year and we're almost back to where we started, and I think within a year or so we're going to be beyond that.

So there is judicial independence. Nobody ever tried to tell us how to decide cases, what should be contained in those decisions, and as a matter of fact, during that period of time we improved our, what we call, deficiency-free decisions from like 90% to 93%.

So along with independence, you need leadership and collegiality and perhaps that will help, and I think you gentlemen are saying the same things. Prove that you're going to do it. Thank you.

JUDGE JAY D. DILWORTH: I'd like to comment on your fund that you used to fund some of this.

Eighteen years ago, when I became a judge in Nevada, there was a statute that provided $10 for every traffic and misdemeanor fine to go into a fund that would be for court use. The original court would get $2.50. The $7.50 would go into the Supreme Court AOC, and specifically in the legislature it says your funding source cannot offset your budget by that amount.

However, it has now reached up to a maximum of a hundred dollars on fees—and I don't have the figures, but a real large percentage of the Nevada Supreme Court budget—that's theirs, not initially with us. The Supreme Court's [budget] comes from

that fund and any time we say we want to do it locally, [they say,] "You fund it."

And so one of the things that happened is the legislature saw this as a way to grab some of the money that goes to the state, 50% plus a dollar goes to the court. Forty-nine [percent] goes to the Department of Vehicles, training, whatever the legislature wants to do. They found another funding source by just continually increasing this amount. You can have a $5 fine in municipal court and I believe it's $65, is what it works out to be.

So you got to watch out for that. It can really come back to bite you, and whenever we want something, they say, "Well, pay for it for yourself." Yes, we do use it, but it's that kind of a situation, so it can be a double-edged sword. . . .

JUDGE JAMES W. OXENDINE: . . . I'm a superior-court judge in Georgia and I have sat on the other side of the fence. I have been in the legislature.

You know what we do in Georgia, and we're funded by the state, we find through the Council of the Superior Court Judges, and I know most states have an organization similar to that, we at our midyear meeting develop our legislative package. We develop our budget. We then submit our budget to the supreme court justice, who speaks for the judges of general jurisdiction.

Now the state court, the magistrates, and the other judges in Georgia that are funded by local jurisdictions, they sort of paddle their own way, but at the general level with superior-court judges, once we get our budget in place and we submit it, we then break out into our own area and certainly if we had any influence in our own area of influence, and we will work with the legislature.

For example, I served with the Chairman of the Ways and Means Committee in the House. Well, I will go to Tom and say, "Look, Tom, we need some help."

Now the governor has nothing to do with our budget. We bypass him and the governor's budget altogether and go straight to the chief justice. He presents our budget. The legislature votes it up or down or they can amend it. The only way the governor can get to us is he can veto, and that's not been done in the 20 years that I've been involved in this situation.

What I would recommend if you are in a situation like we're in, you need to do your planning and work the legislature. Now we have on our finance committee or our appropriations committee in the House, there's about 15 people, but about five or six of them make the decision, and we work those folks. I mean we don't let them go to bed until they know why we have in our budget what we have. Frankly, I have had some things that we've asked for we did not get, but the basic support of the courts we've always gotten and we've never had a decrease and we've never had the legislature to ask us to give back or to cut our budget, and I've been doing this for 20 years.

So I would just simply suggest that, and somebody said awhile ago, "Well, we have judicial independence." That does not mean that we don't have to, ever once in a while, beg.

I learned a long time ago when I first got into politics if you ain't born with it, you have to beg people to vote for it, and I'm not above begging when it comes to money, and judges ought to realize that sometimes we ought to beg a little. Thank you.

> I think what has happened over the last 50 years is there has been a real growth in the sense of the judicial branch as an institution of government . . . . What has come with that fact is also the opportunity for institutional attack . . . .
>
> *– Michael L. Buenger*

JUDGE JOHN E. CONERY: . . . On these court-cost issues, you got to be real careful that they don't get out of hand. In Louisiana, the basic court costs are up above $200 in our jurisdiction, so if you run a stop sign, the fine is $25, but the court cost is $225, so it's $250 and people are starting to get upset.

The legislature passes these court-cost initiatives to keep from having to raise taxes. When any special-interest group wants money, like CASA or the crime lab, it's supported by these court costs. Different entities. Of course, the judges get a cut for our travel and whatever else we want to do, like you, the discretionary fund. The DA gets a cut for the operation of his office, and the clerk of the court, the sheriff.

By the time everybody is dipping into the pot, the poor sucker that runs a stop sign is funding the criminal-justice system, and that creates a big backlash, you understand, on the part of public. You know they don't mind paying a $25 fine if they run a stop sign, but why does this poor sucker have to fund the entire state operation of the judiciary, the district attorney, the sheriff, the clerk, and everybody else? So we got to be real careful about that because it could get out of hand quickly, as it has in Louisiana.

Just as a short aside, there is a committee now established by the legislature to try to control these court costs to make sure that a legitimate request is made before it is voted on by the legislature. It doesn't work. Our own DA went and bypassed that committee, who turned down his request for a $25 additional fee to fund his truancies, and went directly to his legislators, put it in a local bill, and it passed. So be very, very careful about adding court costs. . . .

JUDGE NORMAN MURDOCK: . . . I'm retired. I'm a police-court judge from Hamilton County, Ohio, and spend my winters in Sedona and decided to come over because I have an interest in what happens in the courts.

Somewhat echoing what was said before, I spent a long time in the legislature and was a county commissioner in Hamilton County, and I'm sure the two Mikes are familiar with the processes in Ohio. I think it's important to remember—for the judges particularly—that other elected officials, especially those who do funding, feel a serious obligation for the accounting of those moneys that they're responsible for, so the judges must, I think, understand that and recognize that when they're dealing with the other branches of government.

I became a judge later in my political career and sometimes I felt rather demeaned by judges and their approaches to me either as a county commissioner, as a funder, or as a legislator playing a leadership role, and sometimes I think also the judges feel and exercise their authority in their role in a rather aloof manner, and I think that is counterproductive, quite frankly.

Echoing what was said earlier, we would see judges in the legislature essentially in the budgetary process when they wanted something, when they needed money, when they wanted to fund their budget, as well on a county level in the major metropolitan counties see the judges and their people come before us when they wanted something, and I think judges forget that this is a political process, unfortunately or fortunately.

I think we're all accountable, whether we're judges or not, but I think it is essential that judges and their representatives on a regular and frequent basis become, if you will, friends of those in the other offices that account for those budgets and that make those decisions about budgets, and I don't think that's demeaning. I think, on the other hand, it is important and I think it goes towards establishing judicial independence, not aside from the philosophy that we all believe in, in judicial independence, but establishing that independence in your relationship with people on the county level and with people on the legislative level.

Other than the public confrontations, I would suggest and urge if you have those private, legitimate, and yet worthy meetings and explanations of what you're doing and why you're doing it, everybody knows the role of the judiciary. There's no secret in terms of the role of the judiciary, but establishing those relationships I think are essential, and I would encourage you to do that. Thank you.

[W]hat do you have to develop in order to be successful? I think the foundations are really pretty simple: trust and credibility; accountability; becoming fact-based; managerial competence; and developing a new vocabulary to explain to funding authorities why we have value in what we do . . . .

– Robert Wessels

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