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The court's pricetag: Quality of state Supreme Courte

by The Anniston Star Editorial Board

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Alabama's Supreme Court races resemble a figurative walk down the Las Vegas strip: All lights, all flash — and all about money.

That's nothing new, of course. The reputation of this state's Supreme Court elections is solidified thanks to election cycle after election cycle of exorbitant races that muddy the line between modern campaigning and the quest for impartial courts unburdened by deep-pocketed special interests. Rough partisan campaigns that turn judicial candidates into often-unwilling politicians are the norm.

Thus, that the state's 2010 judicial elections were again the most expensive in the United States is no shock. Alabamians are used to it.

Last year, candidates in three Supreme Court races raised \$4.3 million, according to a recently released study by the nonpartisan Justice at Stake Campaign. Two points instantly stand out: (a.) That amount was raised despite the recession's obvious impact on the 2010 campaign, and (b.) it surely would have been higher had the chief justice post been on the ballot.

Granted, it's not as if candidates for court seats were campaigning on loose change found underneath the couch cushion. They still raised more than \$4 million. Special interests dedicated to having a high court favorable to their clients didn't sit out the election. But Democratic consultant and pollster John Anzalone of Anzalone Liszt Research made it clear in comments to The Gadsden Times last week that the recession's effect on last year's campaigns shouldn't be undersold.

"Individuals, associations and companies are not giving as much money," Anzalone said. "Campaign budgets were down."

Like the glitz of Las Vegas, these dollar figures are what earn automatic headlines. It's show, not substance. Alabama's reputation as a state burdened by expensive Supreme Court elections is well-earned, and it's also an important fact.

But a separate issue that's just as vital is, what type of justice is the state receiving from these costly court races?

This is where money and politics creates a mighty problem for the Alabama Supreme Court. The combination of the state's deep conservatism, abundant Republican voters and influential special interests have, in part, created a Supreme Court that's anything but politically balanced. Additionally, a court listing heavily to one side often discourages special interests from spending on candidates on the other side, as Justice at Stake Campaign spokesman Charlie Hall rightly told the Associated Press earlier this week.

No need to examine the ideology of each justice here. Instead, suffice it to say that a better-balanced court would be better for Alabama than the court it has today. Chief Justice Sue Bell Cobb is the only Democrat on the court's nine-seat bench.

Alabama would be better served by a Supreme Court that used some form of appointment/retention system in which judges are placed on the bench for their merits, not their party affiliations, and then retained by voters if their performance is worthy.

Unfortunately, Alabama is stuck with a system in which its Supreme Court elections are known as much for their price tags as for their winners. That's not good for the state's reputation or for Alabama justice.

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