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Newsroom: Yelnosky On Judicial Selection

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Newsroom

Yelnosky On Judicial Selection

Professor Michael J. Yelnosky addresses the importance of transparency in assessing decisions of the Rhode Island Judicial Nominating Commission.

From *The Providence Journal*, Monday, August 9, 2010:

Judge Selection Opacity

Regarding “Judicial-selection process works well” ([Commentary](#), June 14), I agree with Girard R. Visconti that the “merit-selection” process for state court judges in Rhode Island is an improvement over its predecessor. However, although it may be difficult for hard-working and unpaid commission members to hear members of the public criticize their work, one major benefit of the new system is that much of the selection process is now visible to the public. Open discussions of the strengths and weakness of the system are essential to public confidence and to continued improvements in the process.



For example, contrary to Mr. Visconti’s assertion, the selection process should be more rather than less transparent. According to a recent report in *The Journal*, there were 33 applicants for two current openings on the Rhode Island District Court. The commission selected only eight applicants to interview. It therefore eliminated 75 percent of the applicants at the earliest possible stage, and because of commission rules that Mr. Visconti supports, the public does not know the names of the 25 applicants the commission concluded were not worthy of interviews.

This lack of transparency is all the more troubling because three of the eight applicants selected for interviews are former members of the General Assembly, another was legal counsel to the minority leader

in the Senate, and another is currently director of the General Assembly Department of Law Revision. One important purpose of moving to a “merit-selection” system was to reduce legislative influence over the judicial selection process. Without knowing who else applied for the positions it is impossible to determine whether the commissioners based their decision about whom to interview based on merit, politics, or other considerations.

With all due respect to Mr. Visconti (and to all those who serve and have served as members of the Judicial Nominating Commission), his assurance that “the commission members are impartial and dedicated to serving the best interests of Rhode Island” is not good enough. Rhode Islanders need the information necessary to make the judgment for themselves.

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