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Newsroom

June 17, 2016

Op-Ed: Yelnosky on Judicial Selection

Dean Michael Yelnosky says new judicial nominations signal commitment to devalue political pull and increase racial and ethnic diversity on the state bench.

From the Providence Journal: [“Op-Ed: R.I. improves its judicial appointments”](#) by Dean Michael J.

Yelnosky



Jun. 17, 2016: ... [A] look at Gov. Gina Raimondo’s first set of nominations (eight judges, all of whom were confirmed) reveals promising signs that she is committed to two of the goals of the merit selection system – to give all talented lawyers the chance to become judges, regardless of their political connections; and to increase the racial and ethnic diversity of the state’s judiciary.

Consider, for example, Lia Stuhlsatz, who will soon become a Family Court judge. Hers was one of five names sent to Governor Raimondo by the Judicial Nominating Commission to fill a Family Court vacancy. [...] Her appointment is a promising signal to lawyers in Rhode Island without political connections that their applications for judicial vacancies will be considered seriously.

Another positive signal that “the fix” is not in is the pick Governor Raimondo did not make. [...] Passing over Mr. [Timothy] Williamson [a former state representative and part-time legal counsel to the House Judiciary Committee] in order to pursue the goals of the merit selection system was an act of political courage by Governor Raimondo.

Finally, much has been said and written about the lack of racial and ethnic diversity on Rhode Island’s courts, and it is a serious problem. On the nine lists sent to Governor Raimondo from the JNC (she has yet to fill one vacancy) the name of only one African-American appeared — Family Court Magistrate Rossie Lee Harris. The governor picked Magistrate Harris from that list, and he will soon be a Family Court judge, the first African-American to serve as a judge on that court.

I am a pragmatist, and I believe there is no perfect process for selecting judges. Judicial elections debase the judiciary by putting judges in the untenable position of having to raise money from and gain the support of lawyers who will appear before them. It is also difficult to be completely enamored of a process of executive appointment and legislative confirmation – just look what is happening with Merrick Garland’s nomination to the highest court in the land.

Rhode Island’s merit selection system has produced some terrific judges, and it is much more transparent than its predecessor. It is important to balance critique of that system with praise when things go right, lest the discourse about the Rhode Island judiciary become one of fatalistic (and inaccurate) cynicism.