

New Project at Duke Chronicles Judges' Stories

State and federal court judges are invited to submit essays for *The Storied Third Branch: Stories About Judges by Judges*, a project of the Duke Law Center for Judicial Studies designed to tell the unique and often little-known stories of jurists. Essays focus on a judge who made an impact on the author; in doing so they inform the public as well as make a contribution to the history of the Third Branch. New essays will be published monthly; current and past essays can be read at <https://law.duke.edu/judicialstudies/thirdbranch>.

Over time, the project hopes to create a substantial repository of stories told by judges who have witnessed firsthand significant developments and changes in history. Through judges' stories, the project hopes to better inform the public about the rule of law, strengthen respect for the judiciary and generate more interest in the Third Branch, perhaps ultimately leading to greater scholarly inquiry into the lives and work of judges.

Submitted essays should range from 500 to 1,500 words and should be sent to the Center's Director, John K. Rabiej, at John.Rabiej@law.duke.edu. Essays should be submitted by the 15th of each month to be considered for publication the following month. More details and background can be found on the project's web site.

—HON. DELISSA A. RIDGWAY
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Oregon Group Examines Changing Trends in Election of Judges

In April 2012, then Oregon Chief Justice Paul J. De Muniz proposed that the Oregon Law Commission review the state's law relating to the selection and retention of appellate judges. The Commission, which is the state's non-partisan law revision commission, housed at and staffed by Willamette University College of Law across the street from the Oregon State Capitol, approved Justice De Muniz's proposal and formed the Appellate Judicial Selection Work

Group, composed of judges, lawyers, legislators, public officials, lobbyists, and public members who have been meeting regularly to study how Oregon and other states select and retain appellate judges.

After studying perceived problems and concerns, the group plans to recommend whether Oregon's present method of selecting and retaining appellate judges should be changed or amended. Justice De Muniz, who chairs the Work Group, hopes it will be ready to present any recommendations to the Legislative Assembly in time for the 2013 legislative session. Most reform ideas would require state constitutional changes, and thus the Work Group would likely need to recommend to the Assembly a bill that would refer an amendment to the voters.

The Work Group is currently considering various proposals, including a recent recommendation from Justice De Muniz for a new merit selection system without the retention election component that is often coupled with merit selection. Instead, Justice De Muniz recommends that a new state judicial nominating commission evaluate appellate judges and then make retention determinations. Oregon presently uses nonpartisan elections for selection of appellate judges except when there is a mid-term vacancy, in which case the governor appoints a replacement. The appointed judge may then stand for election in the next general election, for which he or she is deemed an incumbent.

Interestingly, contested judicial elections have generally been the exception rather than the rule in Oregon: mid-term vacancies have been very common, but in elections an incumbent judge has rarely been opposed. However, this November there will be two contested races—one on the state's Court of Appeals and one on the Oregon Supreme Court. With this election, four of the seven state Supreme Court justices will have been selected first by election rather than by gubernatorial appointment, marking a shift just as judicial elections are increasingly criticized for eroding public confidence in the courts.

The Work Group has also been studying with concern increased judicial campaign spending, special interest financing and use of independent PACs, negative and inappropriate ads, court challenges to campaign speech restrictions, recusal questions and the limited public understanding of what appellate judges do. The work group wants to ensure that Oregon continues to