

JUDICIAL CAMPAIGNS AND VOTERS’ EXPERIENCE

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PUBLIC OPINION AND AN ELECTED JUDICIARY: NEW AVENUES FOR REFORM

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I. INTRODUCTION

To get the bad customs of a country changed and new ones, though better, introduced, it is necessary to first remove the prejudices of the people, enlighten their ignorance, and convince them that their interests will be promoted by the proposed changes; and this is not the work of a day.¹

What was true in 1781, at least in this regard, is certainly true today.

The concept of judicial independence is not new to American political thought. However, in recent years there has been a renewed movement to protect the judicial branch of government at the state level from undue political pressure and from the inappropriate influence of money over judicial elections. Evidence of this movement can be seen in the attention given it by the American Bar Association (ABA),² the formation of a national organization, “Justice at Stake”³ (which is dedicated to this cause) and the frequent

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1. Benjamin Franklin, 1789, in EVERETT M. ROGERS, *DIFFUSION OF INNOVATIONS* 1 (3d ed. 1983).

2. The ABA Standing Committee on Judicial Independence, *About the ABA Standing Committee on Judicial Independence*, American Bar Association, available at <http://www.abanet.org/judind/aboutus/home.html> (last visited Mar. 6, 2003). In 1997, the ABA formed the Standing Committee on Judicial Independence to promote public awareness about the values of an independent, accountable, and efficient judiciary,

reform proposals. The results help explain why past efforts may have failed and suggest an alternative strategy for reform.