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Opinion #33

What the newspapers won't tell you!

February 25, 2008

SELECTION OF JUDGES

DEMOCRACY RUN AMOK!

How Halverson and Del Vecchio got elected

BY GLENN CAMPBELL  family court guy

“Democracy is the worst form of government,” said Winston Churchill, “except for those other forms that have been tried from time to time.”

Yes, democracy is probably better than dictatorship, but unbridled democracy can lead to a dictatorship of its own: a tyranny of the masses who don't understand what they are voting for.

One of the best examples is Nevada's selection of judges. They are currently elected by direct popular vote based chiefly on the sound of their names and the appearance of their signs on street corners.

Every voter is familiar with the presidential candidates, and some may have knowledge of the state races, but when they get to the bottom of the ballot to seemingly minor offices like County Recorder, County Clerk or Family Court Judge, most voters are completely in the dark. So they squint at the ballot and take a guess.

These are technical positions, not policymaking ones. It's like selecting an engineer or brain surgeon based on a popular vote. If your skull had to be cut open to remove a tumor, who would you want doing it: the most popular surgeon among people who know nothing about medicine and have never seen him work, or a surgeon who has been evaluated for

specific skills by a panel of his professional peers?

It's your brain. Choose.

Nevada seems to be inching toward a judicial system that will give more power to professional selection panels—a “modified Missouri Plan.” Until then, if you are involved in a court case and feel your judge is clueless, thank democracy.

Democracy is the worst form of government because voters consistently choose salesmanship over substance. They are drawn to simple ideas and pleasing words and don't comprehend where those platitudes might lead.

When voters who don't understand the law choose their own judges, the outcome is inevitable: You get judges who don't understand the law.

Sometimes you even get judges who don't have a clue about people. Judges Elizabeth Halverson and Nicholas Del Vecchio have become infamous not for their legal rulings but for allegedly abusing their staffs to an almost farcical degree. Regardless of individual charges, they are clearly buffoons who can't function in life, let alone in a courtroom.

But we elected them. Why? The sound of their names, the appearance of their signs. No one doubts the inherent beauty and substance of “Elizabeth Halverson,” the name, or Del Vecchio's

prodigious ability to erect signs all over the valley. The only things we might quibble with are their personal judgment and legal ability.

Unfortunately, these cartoon characters are only the tip of the iceberg of local judicial incompetence. For every judge who abuses his or her power to the point of publicity, there are many others who simply don't know what they're doing. Their rulings make little sense and cause unnecessary damage but never rise to the scandalous level needed to attract the press.

Real governments can function only to the extent that there is a stable cadre of qualified professionals running day-to-day operations. While democracy may be unavoidable at the top—at least to stave off dictatorship—you can't run a government by continuous popularity contests, or chaos will ensue. You can't elect every dogcatcher and street sweeper. Ideally, you should elect only a “board of directors” who hire the professionals who actually get things done.

Input from the public should always be welcome—up to the point where you wheel the patient into the operating room and have to start cutting. That's when qualified technicians should take over.

—G.C.