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Long-overdue reforms needed to elect judges

In November 2002, a number of fathers and one mother went to Richmond to testify at a public hearing against the re-election of several Fairfax County judges and a Court of Appeals judge.

One Circuit Court judge, in particular, as trial records and abundant testimony in Richmond showed, has demonstrated an ongoing pattern of rampant anti-father bias as well as multiple violations of the Canons of Ethics and Virginia law in several recent domestic relations cases appealed to the Court of Appeals.

On Dec. 18, 2002, at a "closed door" meeting in Annandale, delegates and senators from the Fairfax County delegation to the General Assembly met to consider the qualifications of several new judicial candidates and to vote on the re-election of four existing judges in the Fairfax County Circuit and General District Court.

Secret votes were taken at the meeting to re-elect the incumbent judges and to submit the candidate chosen as a new judge to the General Assembly for election under "suspension of the rules" votes.

Prior to the start of the December meeting, the General Assembly members in the room were provided with confidential packages from the president of the Fairfax Bar Association with information about the judges.

This secret process in conducting the review and selecting judicial candidates has been the practice in Fairfax County since Sen. Joe Gartlan headed the Senate Courts of Justice Committee. In most of the last century, Democrats controlled the General Assembly of Virginia and generally excluded Republicans from their meetings about judges.

Several members of Fathers for Virginia showed up in Annandale to observe the proceedings. They were prevented from entering the conference room where state Del. David Albo (R-42nd) chaired the judicial election process for the Fairfax delegation.

At the end of the secret session and private interviews of judges, Del. Albo came to the door and gave back the "secret" packages to a man who, when asked, identified himself as John Wasowicz, president of the Fairfax Bar Association.

Wasowicz seemed surprised that several people were present outside the meeting room to object to the re-election of existing judges. He declined to answer any questions to those present about the propriety of an "officer of the court," who regularly appears before the judges up for re-election, providing secret packages about the judges to legislators.

A secret method of evaluating judges

subjects members of the General Assembly to the appearance of cooperating in a form of influence peddling by lawyers. The primary duty of General Assembly members is to serve the best interests of the public rather than the pecuniary interests of lawyers and judges.

If public trust in the Virginia court system is to be restored, the General Assembly must pass long-overdue legislative reforms governing the election of judges. They must also adopt more stringent oversight of judicial performance and act to remove promptly those judges who exhibit bias, abuse judicial discretion and lack fairness in their rulings.

By ignoring the complaints of the public and voting to re-elect these judges on the secret advice of lawyers, most in the General Assembly have demonstrated that they place a priority on the rule of lawyers over the rule of law and the public interest.

Our founding fathers were rightly concerned about the potential for abuse of power, which is why they provided for a separation of powers. It is time for present-day members of our General Assembly to show due respect for those who created the oldest legislative body in the United States.

Robert M. Whitfield