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A Note from the Editor

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A NOTE FROM THE EDITOR

As this issue was nearing the final production stages, I had the opportunity to observe portions of a civil trial held in Denver District Court. Counsel for the plaintiff and the defendant concluded voir dire of the prospective jurors, passed the jury for cause, and began the process of selecting the six men and women who would determine their respective clients' fate. While the bailiff passed the list of jurors back and forth between counsel for exercise of peremptory challenges, the judge initiated a dialogue with the jury panel focusing on the process of how judges are selected, elected, and removed from office.

The judge began the discussion with the comment that during any given election year a full third of the electorate votes "no" to all judges appearing on the ballot. He then queried the jury for their thoughts on why this occurs. What opinions did this jury have as to why people vote "no," or "yes" for that matter, to retaining judges? Although no real philosophical answers surfaced that afternoon, what shone through was a general lack of information and knowledge about the judiciary. I would propose that this same lack of information, or familiarity, with the working of the judiciary also fuels the cries for impeachment that sometimes follow unpopular or controversial rulings.

This issue begins with an article that reflects upon the independence of the judiciary. We hope that both the article and the accompanying Judicial Dialogue will serve as a catalyst to further debate.

We would like to thank the following Advisory Board members whose time and efforts undoubtedly enhanced the quality of this issue:

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Kathleen M. Kelly, Editor

THE TWENTY-THIRD ANNUAL TENTH CIRCUIT SURVEY

