

PETITION

Ensuring the People’s Vote on Election of Judges

We the qualified voters of Virginia, hereafter referred to as THE PEOPLE, request a constitutional amendment to modify the judicial selection process in Virginia (according to *VAC Article XII, Section 2*) to include a vote by the people.

That the people vote on election of public officials is a fundamental principal of democracy (*VAC Article I, Section 2*).

In only two states, Virginia and South Carolina, The People are NOT ALLOWED to vote on election & retention of judges. Wherein, judges are appointed by State legislators and at times by the Governor, an elite group.

In Virginia, legislators and judicial selection committees may vet and appoint judges who embrace political agendas.

Appointed judges may render rulings out of deference to political movements and accountability to the legislative body without objective oversight. Wrongful judicial determinations have wide-spread public health implications such as: increase in bankruptcies, adverse childhood experiences, housing insecurity, job loss, wrongful convictions, poor health and mental health conditions affecting not only the individuals involved, but communities at larg- impacting *Our Nation’s Health*.

No branch of government in a democracy shall have unbridled or unlimited power nor act without accountability to the people.

Additionally, on matters of judicial accountability, judicial misconduct complaints shall be public records and subject to the provisions of the Virginia Freedom of Information Act.

I SUPPORT THIS CAUSE AND AFFIRM THE DEMAND FOR A CONSTITUTIONAL CONVENTION TO ENSURE THE PEOPLE’S VOTE ON ELECTION & RETENTION OF JUDGES - AN IMPORTANT CHANGE TO THE VIRGINIA STATE CONSTITUTION.

(I attest that I am a legal resident of the United States of America, not a minor, nor convicted of a felony where my voting rights have not been restored)

	Name & Signature of Registered Voter	Resident Address PO Boxes NOT Accepted	Date Signed
	Sign	Residence	
	Print	City/Town	



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CHILDREN'S SAFETY & WELL-BEING

September 28, 2020

Dear Legislator:

This letter is a second call for a constitutional convention to modify the process of judicial selection in Virginia. We request that Judges of the Juvenile & Domestic Relations Courts, Circuit Courts, and their respective Chief Judges include selection by the voice of the people.

Our American Legal system operates upon constructs of constitutional democracy whereby judges are chosen to interpret the laws of our land. Appointment by an elect few or elite branch offers possibility of an oligarchy, which describes the current judicial selection process in Virginia. It is well known that the judgment and actions of all men (humans) are not always just. If it were possible to ensure appointment of judges who are perfect individuals, there would be no judicial iniquity, fraud or dishonesty in legal judgment and all judges would render rulings according to the laws, and apply the laws in just ways.

But because all people are not just and judges are human beings and not Gods, it is expedient that the current judicial process of selection, where a few elite appoint judicial officers or Chief Judges without the voice of the people by vote, makes way for corruption. We urge that in selection of Chief Judges especially, that you send written ballot or another choice process whereby the people may elect a chief that may judge by just means and according to the laws.

Consider how seemingly impossible it has been throughout the history of the judicial system in Virginia, to terminate or impeach an iniquitous judge or Chief Judge without experiencing much retaliation, contention and near destruction of the career and credibility of the moving party. One may proffer to arguments herein that an appellate process is available for judicial "mistakes" (although intentional). This is quite the contrary.

Proving lack of judicial integrity or abuse of judicial discretion, especially in family law matters, is often a futile task- even for the most experienced of legal professionals. Therefore, many family law rulings never reach higher courts for consideration or scrutiny. Final judgments that are appealed to higher courts are often dismissed or affirmed (such as those in domestic relations cases), not due to merits of the lower court argument, but often as a result of barriers in achieving full scrutiny of facts in the trial records.

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As a common clause, most appellate decisions include the general statement, "we consider the arguments in question from the light of the prevailing party." Although general standards of review include questions of law, questions of fact, and matters of procedure or discretion, appellate court decisions are largely based upon a De Novo review of questions of how relevant laws were applied or interpreted based upon review of the factors in the lower court's ruling. An abuse of discretion may exist if the trial court fails to consider the statutory factors required for the legal standards of the case. However, the lower court judges, especially lower court family law judges often include a general "cookie-cutter statement" that it considered the statutory factors as a mere "pre-typed or canned phrase" rather than a truthful occurrence.

That the appellate process does not involve a full review of the record or full evidence admitted in trial, makes it often unlikely or even impossible for higher courts to recognize and reverse a purposefully biased or intentionally erroneous lower court determinations. Rulings that are successfully reversed by a higher court, are then futilely remanded back to the court of record with the expectation that the original judge will act with decency, to honestly rehear the case and correct "mistake(s)." Only in a perfect world, would this process rectify intentionally harmful judicial error. Moreover, an unjust Chief or judge of a trial court has professional colleagues (friends) who may partner to assist and support one another, even in corruption, which may include justices of the appellate courts, supreme courts, members of the judicial inquiry and review commission and even officials of the state or local bar associations. Thus, professional relationships and friendships impact the integrity of the existing expectations of judicial oversight, making the current process seemingly futile and ripe for corruption.

Consider what degree of harm to children and countless families that may be caused by even one dishonest judge or Chief Judge in the six-year span of time before their next reappointment hearing under the current system. Due to the low yield of appellate reversals in family law in particular, heightened costs of appeal (ranging from \$10,000- \$30,000), many children and parents, remain in "bondage" without deliverance, absent effective processes of checks and balances over the judicial branch of government.

In reference to systemic effects, a dishonest Chief Judge who remains in position through legislative reappointment may cause contention among fellow judges and even court administrators. A vain and unlawful Chief Judge may cause other judges to inadvertently, under their oversight, to also commit acts of fraud or misconduct in order to remain in good favor with their chief and to avoid disrupting the actions their judicial colleagues who also choose not to respect the oath of office and laws of Virginia

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In this regard an honest and just judge, must then conform and overlook misconduct among their fellow justices in silence.

It is by these means that an unjust Chief or lower judge may pervert the entire system, thereby weakening the public's trust in the legal system, which is the pattern of occurrence that we continue to bring to your attention through our series of pleas and requests surrounding dealings of civil or domestic relations matters in the courts of Virginia.

Let us be wise in choosing to consider this cause. While judges have the right to judge according to the laws of our state, they have no right to destroy the health and well-being of child after child, and numerous families who often only seek their wisdom to resolve life threatening, serious conflicts such as child abuse, neglect and domestic violence. Let us also look forward to changes that would make for peace among the people of Virginia. For it is not expedient that these burdens should be inflicted upon children and families, given the increasing numbers of individuals speaking out or experiencing the burdens of lack of judicial integrity over the span of many years.

Thus, let us choose judges, especially the chief judges by the voice of the people, many whom have personally encountered the actions of the judge or judicial candidate. It is not common that the voice of the people desires contrary to that which is just or right. But it is common for the lesser part of the people, such as a select elite or panel of judicial selection committee members, to desire what is not right based upon credence to a political cause or movement.

Thus, you should as in democracy, make it your commitment to conduct your business on matters of judicial selection by also the voice of the people. We desire that this present inequality in judicial appointments shall be terminated across the state -that this judicial system should be one of liberty, where children and parents may enjoy their rights and prosperity unhampered by judicial misconduct. The manner of the above discussed iniquities cannot be accurately enumerated somewhat due to "gag orders" prohibiting the free speech and rights to report redress or harm, prohibiting many parents from exposing judicial misconduct under threats of incarceration for potential contempt of court orders.

We are aware that the legislative body greatly esteems its role to perform judicial appointments. We are also aware that most processes of judicial selection have inherent flaws or downsides. However, we the people want judges with righteous intent and actions not seeking in financial or political gains which may corrupt the process or individuals. We thus desire that you consider the cause for which



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you are charged to consider and hearken unto the call of we the people of the Commonwealth of Virginia who solemnly protest before you.

That every person should have an equal chance and voice in a democratic process is so fundamental that we ask you to assemble to modify judicial selection in Virginia so that the process includes this basic construct of democracy.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Erica M. Allen Winslow', written in a cursive style.

Erica M. Allen Winslow, MD, MPH
Center for the Rights and Protection of Children, Inc

and,

THE PEOPLE of the Commonwealth of Virginia as shown through valid signatures attached. *(Further affirmations in progress to include residents throughout the commonwealth)*

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