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Surovell: How Democrats diversified the courts

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ast week, The Roanoke Times editorialized that the process that led to the selection of eight new judges on the Virginia Court of Appeals was unduly secretive and that Democrats were using the same opaque process as the Republicans have used the last 20 years. That is not a fair comparison.

First, in the wake of the 2012-13 scandal involving then-Gov. Bob McDonnell, Gov. Terry McAuliffe appointed a task force to make recommendations on government reform. In the final report of the bipartisan Commission on Integrity and Public Confidence in State Government, its co-chairmen, former congressman Rick Boucher and former lieutenant governor Bill Bolling recommended no changes to the state's judicial selection process, but recommended that local delegations follow Fairfax County's model of pre-screening judges through the Virginia State Bar or local bar associations.

That is exactly what we did.

Over the last two decades, the Republican majority offered names under consideration entirely in private and took zero input from the public before announcing finalists and conducting a public interview of the finalists

This year, Senate Judiciary Chairman John Edwards and House Courts of Justice Chairwoman Charniele Herring issued a public call for candidates and asked the Virginia State Bar to vet all of the 82 applicants for the Court of Appeals. The names of people under consideration have been public for between two to 18 months depending on when they applied. The results of the Virginia State Bar vetting process have been publicly released and published in some newspapers — for months.

Nine other bar associations representing a diversity of perspectives also conducted vetting and released their results. These included the Virginia Bar Association, the Virginia Trial Lawyers, the Virginia Defense Attorneys' Association, the Virginia Criminal Defense Lawyers Association, the Virginia Women Attorneys' Association, the Old Dominion Bar Association, the Virginia Hispanic Bar Association, and the

Virginia Asian and Pacific Islander Bar Association. In response, we received more than 2,000 pages of vetting materials, letters from the public, and information from applicants to consider.

Once the nominees were determined, the majority caucuses publicly released the finalists in advance of interviews and they were publicly interviewed. Background materials were made available to legislators on the judicial committees for interviews exactly as has been done in the past.

The expansion of the Court of Appeals was made necessary because of new cases. Virginians were the only people in America without a right of appeal in criminal and civil cases. Until our law takes effect on Jan. 1, 2022, Virginians can receive a life sentence from a judge, but have no right to have it reviewed. The expansion of the court solves this problem and implements the American Bar Association's 1992 recommendation that every litigant be guaranteed an appeal to bring us in line with the rest of America.

The process that led to the election of eight new judges was the most open and transparent process that has occurred in the history of Virginia. We followed the recommendations of former Gov. Terry McAuliffe's bipartisan commission.

The existing court consists of six people from Richmond and Hampton Roads, one from Manassas, and one judge from Winchester. Seven of eight are white in a state whose population is 39% minority. Your editorial failed to mention we are electing the first person to an appellate court from Roanoke since 1985 and the first from Charlottesville, Arlington and Alexandria in most people's memory. Four of the new judges are minorities and four are women. They bring a diversity of life experience to the court that will hear virtually every type of case that passes through a Virginia courthouse.

The selection of these nominees is anything but an opportunity to take up the "both sides" cause. Instead of parroting a partisan narrative designed to taint the nominees before they even decide a case, The Roanoke Times should be lauding the reforms

undertaken by the Senate and House Democratic Caucuses to make this process more inclusive, and encourage the General Assembly to make it permanent.

Surovell is a state senator who represents parts of Fairfax and Prince William and Stafford counties. He is a Democrat.
