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Here are the players — and issues — in the Supreme Court retention elections

Full Court Press

By ANDREAZELINSKI @ANDREAZELINSKI

NEARBY LIMITS

July 03, 2014

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and disputes, on-the-job injuries, murder conviction appeals — such cases routinely go to state Supreme Court justices for final say.

But for the first time, the justices are the ones facing judgment.

Come this August, as they do every eight years, voters will select "yes" or "no" to renew terms for the state's highest judges. Unexpectedly, though, this election is now one of the year's most partisan. Highly motivated Republicans are attacking a group of incumbent justices, and both sides are seeking money for support.

The political strike is unprecedented in a state that typically retains its high court judges with little fanfare. Many contend that forcing judges to campaign — and more pointedly, to raise money — runs counter to the impartiality courts are supposed to maintain. But an election is an election, Republicans argue.

Therefore, with two weeks before early voting and little more than a month before the polls open in August, here is who — and what — to watch:

The Targets: Chief Justice Gary Wade, Justices Cornelia Clark and Sharon Lee. Critics argue the justices are soft on crime and bad for business after reversing the outcomes of several death penalty cases and ruling against companies. To defend themselves, the justices have begun raising money — more than half a million dollars collectively, a spokeswoman says — and hiring staff to run their campaigns. Court rules prevent them from discussing the merits of cases, leaving them few tools for defending their records.

The Front Man: Lt. Gov. Ron Ramsey. Arguably Tennessee's most influential Republican, Ramsey has declared war on three sitting justices largely because they were appointed by a Democratic governor. He sees an opportunity to turn the court Republican and get it to appoint a Republican attorney general. If he can convince voters to dump at least one justice, Gov. Bill Haslam can claim GOP control of all three branches of state government, welding the state's top court and attorney to a meaty GOP legislature and his own office.

The Attack Dog: Tennesseans for Judicial Accountability (TNJA). Organized to "formalize the efforts of conservative attorneys," the group is the loudest critic of the three judges. It has attacked the justices' politics, claiming they're "partisan Democrat politicians" who clash with the state's strong conservative leanings. It has also urged voters to dump the trio, possibly violating its 501(c)4 "social welfare" tax status. Heads of the group have their own GOP credentials, including the Republican National Committee, President George W. Bush's White House and *The O'Reilly Factor*.

The Defenders: Keep Tennessee Courts Fair. The group is largely staffed by campaign workers hired collectively by the three sitting justices to drive home the point that politics and courts don't mix. The group is helping to organize fundraisers, set up events and encourage people to retain the judges in August. To help, they have rallied former court members such as retired Court of Appeals Judge Lew Cooper a Republican, and former Chief Justice Frank Dewate, a Democrat. The group's staffers have their

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Conner, a Republican, and former Chief Justice Frank Brown, a Democrat. The group's staffers have their own political ties, having worked for Democrats under President Obama, for Gov. Phil Bredesen, and for then-U.S. Senate candidate Harold Ford.

Cheerleaders: Tennessee Bar Association. While the state bar association itself refuses to take a position, its first-ever poll on how members would vote found that 93 percent recommend retaining the judges. The TNJA argues that number is a misleading push poll, with less than 13 percent of the state's attorneys voting and responses skewed toward favorable results. Several local bar associations have also formally joined the call to keep the judges, however.



Constant Critic: Sen. Mike Bell. The Republican has long been critical of how judges police themselves. With the election near, he called a four-hour committee meeting to air the judicial branch's dirty laundry from late last year: Why had Chief Justice Wade encouraged a judicial evaluation group to give three judges a thumbs-up on their evaluations? The committee came to no conclusions. Bell argues he wouldn't have called the hearing if weren't for Wade's questionable actions, but critics charge Bell's move was part of a political "witch hunt" to poison the waters before the election.



The Others: Dark money. Various interest groups on both sides of the aisle are expected to get involved. For instance, TNJA refuses to say where it gets its funding, raising questions about its backers and what they want out of the deal. Costly push polls asking voters leading questions about whether they'd keep a judge accused of being soft on crime or bad for business have also begun to emerge, with no one willing to take credit.

Sidelines: Gov. Bill Haslam. The governor wants nothing to do with this tiff between the legislative and judicial branches, and has refused to help or hurt its chances. He would rather it not be happening. Voters will decide in November whether they want to write into law the state's current method of picking judges, under the argument that it is far less political than open contested elections. But Ramsey turning a run-of-the-mill judicial retention election into a political circus hurts the case Haslam makes when he stumps against electing judges: "As much as possible, there's always going to be some politics involved in everything, but that we keep the judiciary free from politics."

Email editor@nashvillescene.com.

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Mr. Calloway, why do you think the use of non-standard English to be persuasive? Is the urge to channel Joe McCarthy irresistible?

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