

From: [Kate English](#)
To: [Board of Supervisors \(BOS\)](#)
Subject: No changes to judicial elections
Date: Wednesday, November 22, 2023 11:37:42 AM

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As a District 1 resident in San Francisco I strongly urge you not to support Supervisor Peskin's attempt to interfere with the election of judges.

Thank you,
Kate English

From: [RAMINDER RANDHAWA](#)
To: [Board of Supervisors \(BOS\)](#)
Subject: Judicial elections
Date: Thursday, November 16, 2023 6:33:19 PM

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Dear Supervisors,
Specifically, supervisor Peskin and Ronen,
Please do not interfere with our constitutional right to elect our judges.
All the best ! Enjoy your Japanese boondoggle Supervisor Ronen at our expense.
R. Randhawa

Sent from my iPad

From: [Julie Traun](#)
To: [BOS Legislation \(BOS\)](#)
Cc: [Board of Supervisors \(BOS\)](#)
Subject: Today's BOS Agenda
Date: Tuesday, November 14, 2023 11:57:18 AM
Attachments: [image001.png](#)
[Its wrong to make judges scapegoats - San Francisco Chronicle 11_14_2023.pdf](#)

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For your agenda today, might you include the Open Forum piece published today in the SF Chronicle?
Here is the link <https://www.sfchronicle.com/opinion/openforum/article/sf-judges-crime-homelessness-drugs-18488842.php>
And I've attached a pdf as well.
Thank you.
Here is your agenda item to today's meeting.

**27. 231180 [Reaffirming Support For An Independent, Impartial and Qualified Judiciary]
Sponsors: Peskin; Walton and Chan**

Resolution reaffirming support for the fundamental role of an independent, impartial, and qualified judiciary in upholding the law in the pursuit of justice and the functional operation of a healthy democracy.

11/08/2023; REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

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OPEN FORUM

It's wrong to make judges scapegoats

By Vidhya Prabhakaran



Jessica Christian/The Chronicle

Protestors picket outside the U.S. Circuit Court of Appeals in San Francisco on Aug. 23 in response to Judge Donna Ryu's injunction prohibiting the city from sweeping homeless encampments. Two city Superior Court judges face challengers in an election that critics say is a political attack on the judiciary.

You've heard it before. The friend from out of town asks if San Francisco is in the middle of a sad, inevitable decline into a dystopia of progressive idealism run amok. The neighbor or co-worker who is fed up with the latest assault on their body, property or their sensibilities, who loudly expresses their frustration at the status quo and their willingness to leave it all behind and move away.

And you've felt it. The feeling of insecurity and discomfort associated with, yet again, walking past an encampment of the unhoused, sidling around those in a seemingly altered state or even just passing another individual who sizes you up and leaves you wondering if you are being appraised as a potential victim — or who unfairly categorizes you as a potential attacker.

This seemingly intractable set of issues that plague this amazing city has created a narrative from which we are all eager to emerge. Elected officials in San Francisco are responding appropriately by bringing a renewed focus on safety. But some, including several of these elected officials, are also playing the old

politician's game of finding someone else to blame for the city's problems — and local judges make for easy scapegoats.

Judicial rules prohibit judges from commenting on pending cases. This leaves their decisions open to uninformed or misguided critique by elected officials who may not fully understand the complexities of the case or the law.

But facts matter. Legal processes and procedures matter. The law matters.

When the public or officials don't agree with a ruling, they have several options. They can and should seek review in the courts. They can also pursue legislative changes to laws they don't like. An appeal to a higher court is an appropriate response when an elected official or a member of the public believes that a judge got a ruling wrong. Elected officials in San Francisco are especially and specifically served by excellent attorneys who focus solely on this kind of appellate work.

Yet recent statements from our elected officials often seem to suggest that they have no recourse when judges don't rule the way they would prefer. This is untrue. All of us have the right to appeal, and we should call out elected officials who resort to empty and harmful statements rather than exercising those rights.

And what about when a judge fairly and correctly interprets a current law, but the law itself frustrates the will of elected officials and the public? Then the law itself can and should be changed. Judges in courts at all levels are umpires, they do not make the rules.

It is easy to hold a press conference to blame a judge's interpretation of the law. But the judiciary possesses neither the power of the purse nor the sword. It is the work of elected officials to effectively enact and enforce the laws.

This is not to say that it is unfair to criticize the judiciary in all instances. We cannot understate the importance of judicial ethics. All of us must expect and demand that our judges follow the law and never bend to either their personal beliefs or political pressure.

We also can and should demand judges' ethics are beyond reproach and that they follow the judicial canons that exist to ensure the proper transparency and conduct of our judges. For this reason, the recent focus on the ethical standards of members of the U.S. Supreme Court is completely appropriate.

For better or worse (I would generally argue worse), we in San Francisco have the opportunity to vote out sitting judges in elections. Judges in a democratic society should be answerable to the people in some way. But our assessment in an election of a judge's performance should typically be based on their ability to be neutral arbiters and their adherence to the highest ethical standards. Yet the current political atmosphere seems likely to instead push partisanship into the judicial arena where it should have no place. San Franciscans should resist that temptation in the upcoming election cycle and instead fairly evaluate judges on their merits.

The judiciary is not a passive observer in the democratic process. It must be an active participant, interpreting and applying the law, ensuring that justice is served and holding the other branches of government accountable. An independent judiciary is not just about protecting the rights of the individual or the corporation; it preserves the integrity of our democratic system.

When the judiciary is under attack, it is not just the judges or the courts that are at risk. It is the very essence of our democracy that is threatened. It is the principle of equal justice under the law that is undermined. It is the trust and confidence in the justice system that is eroded. And each attack, slowly, but surely, weakens the judiciary.

As head of the Bar Association of San Francisco, I must stand up for the judiciary alongside our organization's members. But all of us can use our collective voice to denounce actions (even those inadvertent) that undermine judicial independence. Let us collectively stand together in defense of the rule of law. Let us stand together in defense of our democracy.

Because without an independent judiciary, there can be no justice, no fairness and no democracy.

Vidhya Prabhakaran is president of the Bar Association of San Francisco and is a partner at Davis Wright Tremaine LLP.