

American Justice Problems (Part 2 of 2)
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A country cannot enjoy the security of rule by law, an essential tenet of American values, when a majority begin to distrust the law. We are in such a place now.

An extensive poll run by the Associated Press (AP-Norc poll in July 2022) has reported that two-thirds of Americans favor term limits or a mandatory retirement age for Supreme Court Justices. A growing number of Americans report that they have "hardly any confidence" in the Supreme Court.

The poll cites 82% of Democrats and 57% of Republicans agree that justices serve limited tenure and have mandatory retirement ages.

This poll followed just weeks after recent high court rulings: stripping away women's constitutional protections for abortion and expanding gun rights in the midst of exploding mass murders using weapons that used to be banned. The number of Americans with diminishing confidence has soared from 27% to 43%.

A commission was tasked by President Biden to examine potential changes to the Supreme Court and term limits for Justices and all Federal judges with life tenure. The commission was ultimately divided over whether they believed Congress has the power to pass a term limits law. This conclusion was last year. If meeting today, their conclusion might be different. Congress does not need their approval.

In growing calls for reform of our justice system is an examination of how our civil legal system is failing. Most Americans experience justice in civil issues, not criminal issues, in which defendants are provided with lawyers even when penniless.

There are many people who lose their homes, have their children taken away from them, or need protection from an abuser, who are not provided with a lawyer if they cannot pay for one.

Today, 85% of Californians, including millions of middle-income people, get no or inadequate help with their civil legal problems (Santa Cruz Sentinel, guest columnist, July 21).

Our civil legal system works for the privileged and the wealthy, but it fails the low- and middle-income people every year. This is an embarrassment on the international stage. The World Justice Project ranked the US 126th out of 139 countries on the accessibility and affordability of civil justice. Even worse, among the 46 most wealthy countries, we rank last.

Two California initiatives are addressing these problems. One would expand the supply of helpers by licensing well-trained paraprofessionals who specialize in family law or consumer debt. This would parallel the medical system that has nurse practitioners who expand medical availability to more patients.

Utah and Arizona have pioneered in a system to provide help to victims of domestic violence, restraining orders, and a computer app that helps people clear old convictions and get a clean slate. Even more inventive is providing small businesses with on-line access to lawyers at any time for \$9 a month.

These reforms, at least in California, require Assemblymen to block the bills written by the chairs of the state Judiciary committees who support the status quo. The public needs to be aware of this conflict.

The legal profession itself needs updating, according to Kevin Frazier (San Francisco Chronicle, July 25), who notes that the practice of law in the US looks more like one's grandfather's practice than that needed by our grandchildren in the future. It is old, brittle, and bound to break.

We are facing such a crisis now, as a result of the Supreme Court majority, which overturned Roe v Wade, led by Justice Samuel Alito, who based his reasoning on an 18th century British jurist who believed witches should be burned and women were the property of their husbands and fathers.

Our Constitution has become shackled in a way that the Founding Fathers never intended. Thomas Jefferson wrote that each generation should have the solemn opportunity to update the constitution every nineteen or twenty years.

If the Supreme Court and lower courts continue to tie the Constitution to inaccurate and irrelevant history, they\22211 deny younger and future generations the chance to make periodical repairs.

If we cannot restore our faith in our justice system\222s relevance, we will no longer be a democracy following rule of law.

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