

JAMES HO AND POLITICAL COMMENDATION

Highlights:

- James Ho was criticized for expressing political commentary from the bench.

Ho Was Criticized For Expressing Political Commentary From The Bench

LAW PROFESSORS CRITICIZE HO FOR EXPRESSING POLITICAL OPINIONS FROM THE BENCH

University of California, Irvine Law Professor Said Ho Has Gone Out Of His Way To Make Points About Large Strategic Ideas In His Opinions Rather Than Applying Supreme Court Precedent. According to NPR, “Richard Hasen, a voting rights expert and law professor at the University of California, Irvine, is also among those taking note of Ho, in part because of his unusually aggressive approach for someone new to the bench. ‘Rather than doing what lower federal courts are supposed to do — apply binding Supreme Court precedent — Judge Ho went out of his way to express his agreement with Supreme Court Justice Clarence Thomas’s views of how campaign finance cases should be resolved,’ Hasen said. Ho also is setting himself apart from a more conventional appellate judge in the way he directs his attention toward big, strategic criticism about the size of government, as opposed to one focused more on the laws at issue in the case, Hasen said. ‘Judge Ho moved fully from a legal role to a policy one when he told readers of his opinion that if they did not like big money in politics, the solution was not campaign finance reform but shrinking the size of government,’ he said. ‘This struck me as wholly apart from his judicial role, and while I believe it would be perfectly fine for Judge Ho to give a speech or write an article on such a question, the view should not have been included in a formal legal opinion.’” [NPR, [7/26/18](#)]

University of Southern California Law Professor Said Ho’s Opinion In Austin Campaign Finance Case “Reads Like A Politician’s Op-Ed.” According to NPR, “Orin Kerr, a law professor at the University of Southern California, seemed to agree. Kerr tweeted that Ho’s law clerks ‘should have urged’ he remove a passage ‘that reads like a politician’s op-ed.’” [NPR, [7/26/18](#)]