

Phase II Judiciary



What possible use could there be for a judiciary in [Phase II](#), when [legacy governments](#) control the courts and laws? The answer is surprising. The disputes that are litigated in Phase II sound trivial – disputes between tenants, but they are anything but.

The terms of the lease give full [objective rights](#) to the tenant on [commons trust land](#) within the bounds of law in legacy jurisdictions. But regulations of the existing state are not the only constraints on the tenant's objective rights.

It is a feature of the lease that objective rights [can be overridden](#) by a 2/3 plurality of the dominion's [direct democracy](#). However, this right of a 2/3 plurality is itself constrained by the requirement that [a reasonable person](#) would agree that the exercise of the objective right generates a negative externality. Hence the need for a Phase II judiciary.

While it is possible for any [property owner](#) to appeal the decision of the Phase II judiciary to a legacy court, the commons trust is obligated to fight to defend its contracts all the way to the highest court in the nation and even to the World Court. It is willing to spend hundreds of millions of dollars, even at the expense of awarding Earth Dividends, to defend its land.

Inasmuch as the legacy county associated with the [Phase II dominion](#) would be enjoying huge benefits from the [ground rent](#), the [Earth Dividends](#), and possibly even the [Freedom Tax](#), a ruling in favor of the property owner and against 2/3 of the county's population is highly unlikely, to say the least.

The [cellular democracy](#), holding this power over the lease, needs the Phase II judiciary as a check. How is the judiciary built? Appointment by politicians is a serious conflict of interest, and election of a slate of judges is a great burden on voters, leading to a very corrupt outcome.

Instead, the judiciary is a [parallel cellular democracy](#). The 1400 or so people who constitute the [level 2 cell](#) elect a [VSG-certified](#) lawyer (usually member of the bar) to the position of judge. The 11 elected judges at level 3 constitute a circuit, and

will divide the level 3 caseload and specialties amongst themselves. They will elect one of their own to level 4, reducing their number to 10. The 11 elected judges at level 4 constitute a circuit and will elect one of their own to level 5, if the Phase II dominion is large enough.

The judicial circuit for each level 4 dominion has an internal investigations department, which investigates cellular government, legacy government to the extent possible, police misconduct, and prosecutors for malfeasance. A public defenders' office assigned to the judiciary after [federation](#) is not supported by Phase II distributions, as criminal cases are handled by the legacy courts.

The judiciary receives \$8/capita/month (2022 dollars) or \$862,000/month for a Phase II dominion with population of 107,800. 50% of the distribution goes directly to the 77 level-2 judges and their staff who make up the level 3 circuit. 40% of the distributions go to the 7 level-3 judges, their staff, and internal investigations who make up the level-4 circuit. Thus, each level-2 judge receives \$5,597/month for salary, staff, and rent on courts and offices.

Remember that every member of the judge, bailiff, and clerk's family is receiving free food, housing, medical care, and unlimited free education, so the real salary would be much higher than the \$3,500/month for the judge alone. Staff can be shared between members of the circuit, and courthouses can be shared with level 4 to ease rent burdens. New courthouses can be built with a fully [VIP budgeted consumption tax](#) approved by 2/3 of the dominion.

Level 4 of the judiciary has seven level-3 judges, staff, internal investigations and rent. It would not be uncommon for level-3 judicial districts with a large courthouse or office building to have 2 or 3 level-3 judges, 22 or 33 level-2 judges, internal investigations, clerks, and bailiffs. Each level-3 judge receives \$49,257/month for salary, staff, internal investigations, and rent.

[Jurisdictional covenants](#) forcing the [trebler](#) to maintain the courthouse will push rents toward zero. A level-4 judge might have a salary of \$6,000/month. All real salaries will be much higher once federation removes income taxes. If there is no level-5 judiciary in the Phase II dominion, the final 10% of the distribution can be used by the judiciary as they see fit.

Other functions of the judiciary are [chancery court](#) in [trebling](#) disputes (partly funded by the [VIP Treasury](#)) and [judicial preview](#) of community control agreements.