

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 litigated in Phase II sound trivial – conflicts between tenants, but they are anything but.

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

The lease features the ability to override objective rights by a 2/3 majority of the dominion's [direct democracy](#). However, this right of a 2/3 majority is constrained by the requirement that [a reasonable person](#) agree that exercising the objective right generates a negative externality. Hence, there is a need for a Phase II judiciary.

While any property owner can appeal the decision of the Phase II judiciary to a legacy court, the commons trust is obligated to fight to defend its contracts to the nation's highest court and even to the World Court. It is willing to spend hundreds of millions to protect its land, even at the expense of awarding Earth Dividends.

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

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 severe conflict of interest, and the election of a slate of judges is a significant burden on voters, leading to a corrupt outcome.

Instead, the judiciary is a [parallel cellular democracy](#). The 1400 adults in the [level 2 cell](#) elect a [VSG-certified](#) lawyer (usually a bar member) to the judgeship. The 11 elected judges at level 3 constitute a circuit and will divide the level 3 caseload and specialties amongst themselves. They will select one 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 defender's office assigned to the judiciary post [federation](#) does not exist in Phase II, as the legacy courts handle criminal cases.

The judiciary receives £8/capita/month (2022 dollars) or £862,000/month for a Phase II dominion with a population of 107,800. 50% of the distribution goes directly to the 77 level-2 judges and their staff, who comprise the level-3 circuit. 40% of the distributions go to the 7 level-3 judges, their staff, and internal investigations who comprise 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 judge, bailiff, and clerk's family member receives free food, housing, medical care, and unlimited free education so that wages would be much higher than the £3,500/month for the judge alone. Staff can be shared between circuit members, 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 will be standard 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 actual wages 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 judiciary functions are a [chancery court](#) in [trebling](#) disputes (partly funded by the [VIP Treasury](#)) and [judicial preview](#) of community control agreements.