

Legislative Testimony of Elizabeth “Beth” Woodward

Regarding SCR 1601

Before the House and Senate Judiciary Committees

Jan. 16, 2013

My name is Beth Woodward. I obtained my law degree from the University of Kansas School of Law, and I have been a member of the Kansas bar since 2008. I am submitting this testimony in support of SCR 1601.

During law school, I had the opportunity to research judicial selection and compare how state appellate court justices are selected throughout the United States. It was at this time that I realized how unusual and undemocratic judicial selection is in Kansas. While we are not the only state that selects its appellate court justices through a nominating commission, we are the only state where the majority of the members of the commission are elected by members of the state bar. Allowing members of the Kansas bar to select the majority of the nominating commission elevates their influence above the other citizens of Kansas, and, therefore, violates the democratic principle of one-person, one-vote. This is concerning for a number of reasons, but the most serious is the fact that appellate judges not only interpret the law but they also make law, known as common law, that govern thousands of cases. These decisions do not just affect members of the bar. They affect all citizens of Kansas. Therefore, the system for selecting these judges should give all Kansas citizens an equal say.

Passage of SCR 1601 would achieve this goal. It adopts the system of senate confirmation, where the governor would appoint a justice and the senate would vote on whether to confirm the appointment. This system is more democratic than the current system because both the governor and the state senate are democratically elected. Further, this is the system that was created by our Founding Fathers in the Constitution and remains the system used for selecting judges at the federal level. It is also the system used by a number of states, whose experiences have shown that this system can be as successful at the state level as it is at the Federal level.

For these reasons, I request that you support SCR 1601.

Thank you for your time.

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