



To: Representative Lance Kinzer, Chairman
Members of the House Judiciary Committee

From: Callie Jill Denton JD, Director of Public Policy

Date: January 22, 2013

RE: **HB 2019, HB 2020, HCR 5002, HCR 5003, HCR 5004, HCR 5005
Amending the Current Laws on Judicial Selection and the Merit Selection Process for
the Appellate Courts**

The Kansas Association for Justice (KsAJ) is a statewide, nonprofit organization of trial attorneys. KsAJ has long supported the current nominating commission process for selecting appellate court judges, known as merit selection. Kansas' current selection process is the best means to identify judicial candidates based on their qualifications and to avoid the risk of bias, undue influence, and partisan politics in the appellate courts. KsAJ opposes changes to the current judicial selection laws.

There is no evidence that Kansas' merit selection process has failed since it was approved by voters for the Supreme Court, and later by the Legislature for the Court of Appeals. Instead, Kansas merit selection is the nonpartisan process best suited to the unique political dynamics of our state. Kansas merit selection has assured that the governor is provided a slate of qualified jurist applicants so that vacancies on the bench may be filled in a timely fashion, without delay.

Opponents of Kansas' current process have failed to show Kansas citizens the need for changing the current process or for amending the Constitution. They have also not suggested a different process that would be substantially better, less partisan or produce more qualified jurists.

While a court's decisions may be controversial, legislative and executive responses to such decisions that call for changes to the selection process, overreach. The appellate courts must be free to make decisions that are not influenced by political and popular will. If a court's interpretation of a statute conflicts with the legislature's desired policy, the legislature and the governor are empowered to change the law. However, changing the judicial selection process weakens the judicial branch and its proper role as an independent, co-equal branch of government.

The Kansas Association for Justice respectfully requests that the current laws on judicial selection, and the current merit selection and Nominating Commission process for the appellate courts, be retained.

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