

Legislative Testimony of Patrick Wilbur

RE: SCR 1601

The Honorable Jeff King

Chair, Kansas Senate Judiciary Committee

The Honorable Lance Kinzer

Chair, Kansas House Judiciary Committee

Members of the Kansas Senate and House Judiciary Committees

January 16, 2013

Dear Chairs and Members of the Committee:

Thank you for the opportunity to submit testimony regarding Senate Concurrent Resolution 1601. I want to express my support for this resolution and encourage you to refer the resolution to the full legislature.

I support this change because it increases transparency and accountability in the selection of our Supreme Court and Appeals Court Justices. The United States Constitution promotes a moderate and balanced approach by requiring senate confirmation of these nominees. I believe Kansas would do well to follow this example and restore confidence in the selection process.

Transparency – there is no reason why decisions this critical should not be held in full public view. The current process calls into question (fair or not) the integrity and credibility of the Nominating Commission and the nominees. An open political process is *always* preferable to a closed political process. The senate and its behavior can be judged by the voters.

Accountability – under the current system the public/voters have no tangible input into the selection process. While I fear the repercussions that direct election would have, the voters have as much stake as anyone in the actions of the Court. They need to have a voice in the process. Senate confirmation strikes a balance between direct election and the current secretive process. If the voters believe the senate is manipulating the process they can be held accountable by the voters.

Balance of Powers – the current system places too much power in the hands of a select few. The result of SCR 1601 would not only place more responsibility in the hands of the senate – but also the voters. All of the groups impacted by the actions of the courts have a stake in the selection process.

Please understand that I hold no grudge against the bar or lawyers in general. However, I am distressed that a small, unelected special interest group can hold such power over one of the most critical entities in the state. Please restore transparency and accountability to our judicial selection process and support SCR 1601.

Thank you for your time.

Respectfully,

Patrick Wilbur

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