

Senate Judiciary Committee

September 3, 2013

Presented by:

Felita Kahrs,
Supreme Court Nominating Commission Member

Chairman King, Senator Haley, and Members of the Committee, thank you very much for the opportunity to testify today. My name is Felita Kahrs. My history includes obtaining my undergraduate degree from Norfolk State University in English Education and my Masters of Science degree from Johns Hopkins University in Baltimore, MD in Administration and Supervision. I have worked in education for close to 20 years as a teacher, Vice Principal and Principal in both Public and Private Schools. At present, I am the Title I Quality Assurance Manager for Non-Public Educational Services Inc., (NESI). We are an organization that offers Title I (supplemental) reading and math services to private school students in Kindergarten through 12th grade.

I am here today to testify in enthusiastic support of Caleb Stegall's nomination to the Kansas Court of Appeals. In my testimony, I will outline why I believe that senators should support the Stegall nomination. Additionally, I will discuss, in my view, why I was in favor of restructuring the former judicial selection process.

As a member of the Supreme Court Nominating Commission, I carefully reviewed Caleb's application; along with more than 20 other candidates who submitted applications last fall for the two open seats to the Kansas Court of Appeals. Based upon the selection criteria given to me as a Commission member, that included the essential qualifications and traits to look for in a top candidate, I found that Caleb's outstanding academic background, his excellent writing ability, and the experience he brings to this position, exceeded and in some cases far surpassed the other applicants.

Prior to the interview, I called and had the privilege to speak with nearly all of Caleb's references which included judges and lawyers – both liberals and conservatives. Over and over again I heard the same sentiments: "Caleb is very bright and intelligent," "Caleb is an excellent writer," "Caleb has a very perceptive legal mind," "Caleb is reasonable and fair even in opposition," "Caleb works well under pressure," and one of my favorites "Caleb has the highest level of integrity of anyone I know." The final question I asked each reference was for them to rate Caleb's abilities as a potential judge on a scale of 1 (being unacceptable) to 7 (being outstanding.) Without exception, every reference gave Caleb the highest rating of a 7. It goes without saying that I was very impressed with both Caleb's references and application materials.

During Caleb's interviews, I witnessed many of the attributes to which his references referred. Caleb was professional and confident and answered each question thoughtfully and graciously. It is my opinion that Caleb was one of the top candidates that appeared before the Commission but due to politics, his name was not submitted. This leads me to the second portion of my testimony.

I believe the former system needed reformation for these reasons: 1.) The selection process was not merit base; and 2.) It was political.

First, before we began the interviews, in the course of the first nomination, all the Commissioners were given a set of selection criteria, as well the Chief Judge came and addressed us and gave us some essential qualifications and traits to look for in finding the best candidates. The Commission favorably discussed, reflected, and compared the Chief Judge's recommendations regarding the first several candidates; however, when it came time to discuss the candidates who were known for their conservative political views, all of a sudden everything changed. Even though the qualifications and traits of these candidates exceeded and in some cases far surpassed candidates preferred by the majority of the Commission, no longer were the Chief Judge's suggestions valid and they were discarded by some. Caleb Stegall was immediately dismissed by the majority of the Commission because of his affiliation with the Governor; hence the selection process was not based on merit.

After that experience, I went home and considered the hours I had volunteered in the previous weeks, and thought, "What a waste of my time!"

Second, during our deliberations regarding the two conservative candidates, our discussions became extremely heated and sometimes hostile. I actually witnessed disdain towards these candidates from some of the Commissioners. Comments that were made included: *"This candidate is too political."* *"This candidate was openly pro-life while serving in the legislature."* *"This candidate is too closely associated with the Governor."* And *"We cannot send this name to the Governor."* Some Commission Members raised doubts about them being able to separate their politics from their duty to serve in the sought role. Moreover, there was a complete change of attitude towards one of the conservative candidates during the second nomination process, which was only two weeks prior. I was stunned by this sudden change of heart during the deliberations. Consequently, for those who say this process was not political, they are either ignorant of the truth, or dishonest.

I am not a political person. I am an educator. I entered into this process with enthusiasm and openness, eager to learn and desiring to serve with my fellow Commission Members to select the best candidates to send to the Governor. Although I was still honored to serve, I was disappointed and grieved by the former process.

I want to commend the Members of this Committee, your colleagues, and the Governor for having the courage to change the former judicial selection process, to make it more balanced, and allow the citizens of Kansas to have a voice through their elected officials; without which, Caleb, who has the qualifications and credentials, and also happens to be a conservative, would never have been nominated under the old system.

In summary, I wholeheartedly recommend without reservation that you support the nomination of Caleb Stegall to the Kansas Court of Appeals. I believe his legal knowledge, analytical skills, temperament, and experience make him an excellent choice.

September 3, 2013

Chairman King and Members of the Committee:

As a founding board member of Family Promise of Lawrence, I am delighted that Governor Brownback has nominated Caleb Stegall for the Kansas Court of Appeals.

I know Mr. Stegall to be extremely well-versed in constitutional law and a man adept at civil discourse and guided by principles that transcend partisanship.

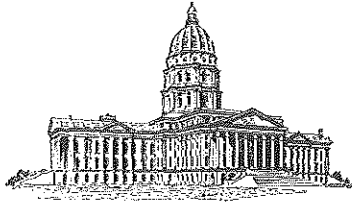
Caleb was instrumental in helping congregations in Lawrence assert before the City of Lawrence their constitution right to shelter and serve homeless children and their families. Because of his legal expertise and respectful negotiating skills, Family Promise has been able to provide food, shelter and other assistance in partnership with 35 faith congregations in our community. In five years of service, scores of families with children, half of whom are under the age of seven, have become permanently housed with jobs and other resources needed to remain stable, at no cost to the city or county. This shining example of a community coming together to address an urgent need might not have been possible without Mr. Stegall's expertise and generous advocacy.

Respectfully,

Katherine Dinsdale
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Ramon C. Gonzalez, Jr.
Representative, 47th District

September 3, 2013

Senate Confirmation Hearing

Testimony of Ramon C. Gonzalez, Jr. Special Investigator with the Jefferson County Sheriff's Department and Police Chief City of Perry.

RE: Caleb Stegall

Thank you for allowing me to testify on behalf of Caleb Stegall. I have had the privilege of closely working with Caleb when he was Jefferson County Attorney in my capacity as the Perry Chief of Police and Special Investigator for the Jefferson County Sheriff Department. In that post, I found Caleb to be an extremely competent lawyer and a man of deep integrity and family values, embodying the respect for the rule of law and commitment to the administration of justice. Caleb was a constant resource of knowledge and leadership on criminal cases. Of specific note was his work on a particularly gruesome murder case that I was the lead investigator and he was the prosecuting attorney. Caleb helped me through the course of the investigation and in preparation for trial. Caleb's determination on behalf of the victims, respect for the defendant's rights within the legal process, careful case preparation, and effective trial skills led to a second-degree murder conviction, ensuring that the convicted murderer would remain incarcerated for years to come.

September 3, 2013

Chairman King and Members of the Judiciary Committee:

With honor and delight, I speak on behalf of Caleb Stegall, the nominee for the open Court of Appeals position. I have known Mr. Stegall and his family since he was in law school, and I had been a prosecutor for about seven years. Most of my interactions with Mr. Stegall have been outside the legal realm and have provided an opportunity to view and know his character. However, we have shared various aspects of criminal prosecution and have engaged in many discussions about the law and jurisprudence.

From those interactions and observations, I wholeheartedly recommend Mr. Stegall for this position. Having served more than twenty years in this State as a prosecutor, with the many trials and appeals commensurate with such a career, I have no doubt that Mr. Stegall will ensure the Constitutional rights of all will be safeguarded and that he will fairly and impartially render decisions based on the evidence and the applicable law. I also know from the many semi-monthly meetings attended over the past decade with Mr. Stegall, that he carefully listens to information provided and makes decisions in a deliberative and appropriate manner that reflects he has a good “judicial temperament.”

Furthermore, while Mr. Stegall is often one of the brightest individuals in a group or room, his humility and concern for the feelings of others present, is a brief glimpse into his character and interactions with others. That character is what propelled Mr. Stegall to pursue his legal career in various fashions but able to represent a very diverse nature of clients. That diversity in legal settings and clients has enabled Mr. Stegall to be exposed to all aspects of the terrain that will be present before the Kansas Court of Appeals.

Therefore, Mr. Stegall's character, keen mind, legal acumen, diverse clientele, and broad legal experience qualifies him for this honor as a Judge with the Kansas Court of Appeals.

Respectfully submitted,

Scott C. Rask

Lawrence, Kansas

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REPRESENTATIVE, 30TH DISTRICT

COMMITTEE ASSIGNMENTS
CHAIRMAN: JUDICIARY
MEMBER: ELECTIONS
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TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY

Chairman King and Members of the Committee:

It has been my privilege to know Caleb Stegall on both a personal and professional level for approximately eight years. Over that time I've come to respect Mr. Stegall for both his professional aptitude and personal integrity. I have worked for many years to reform our system of judicial selection with the specific goal of implementing a process that will enhance respect for the rule of law by creating legal structures that maximize the likelihood of high quality nominees, and then subjecting those nominees to rigorous public evaluation prior to confirmation. Mr. Stegall's nomination, and the process the Senate has wisely adopted in considering him for confirmation, are both tremendously positive signs that these goals have been and are being achieved.

In Federalist 76 Alexander Hamilton said of Executive Appointment:

The sole and undivided responsibility of one man will naturally beget a livelier sense of duty and a more exact regard to reputation. He will, on this account, feel himself under stronger obligations, and more interested to investigate with care the qualities requisite to the stations to be filled, and to prefer with impartiality the persons who may have the fairest pretensions to them.

By appointing Mr. Stegall, Governor Brownback has proven the wisdom of the founders correct once again. In considering the "qualities requisite to the station" Mr. Stegall has been nominated to fill, one immediately thinks of the need for intelligence, legal competency, impartiality, broadmindedness and integrity in our appellate court judges. In my eighteen years of legal practice I have encounter no one with fairer pretentions to these qualities than Mr. Stegall.

Because I care so deeply about the success of our new system of judicial selection I would have no hesitation whatsoever to sharply and publically criticize any actions that might undermine its effectiveness. As such it is a great pleasure to observe both the Governor's care in forwarding such an exemplary nominee, and the Senate's prudence in implementing such a thoughtful process in discharging its obligations as the confirming authority. I have no doubt that both our new process, and Mr. Stegall's historic position as the first nominee thereunder, will be looked back upon as important steps in

safeguarding the blessing of an independent and highly qualified judiciary in furtherance of the sacrosanct principle of respect for the rule of law.

I thank you for considering my thoughts respecting this matter, and urge the confirmation of Mr. Stegall.

Cordially,

A handwritten signature in black ink, appearing to read "Lance Y. Kinzer". The signature is written in a cursive style with a large initial "L".

Lance Y. Kinzer
State Representative, District 30
Chairman, House Committee on Judiciary



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WRITTEN TESTIMONY FOR SENATE JUDICIARY COMMITTEE

TO: SENATE JUDICIARY COMMITTEE

FROM: JEFF CHANAY, DEPUTY ATTORNEY GENERAL, CIVIL LITIGATION DIVISION

DATE: SEPTEMBER 3, 2013

RE: NOMINATION OF CALEB STEGALL TO THE KANSAS COURT OF APPEALS

Chairman King and Members of the Committee:

Thank you for the opportunity to present this written testimony in support of the nomination of Caleb Stegall to the Kansas Court of Appeals.

It has been my pleasure to work with Caleb in my capacity as Deputy Attorney General over the past 32 months. Over that time, I have worked closely with Caleb on numerous issues that involve real or potential litigation for the State of Kansas and its agencies and employees. I have always found Caleb to be highly intelligent and fully engaged in our discussions. His legal analysis has been excellent and always undertaken within the parameters of the law. His legal research has been conducted with fairness and has not been blindly driven to reach a predetermined result. In short, I have found his daily work to be conducted with the very qualities that are prized in a fair and independent judiciary.

Caleb's time as a law clerk for former Tenth Circuit Chief Judge Deanell Tacha and his service as Jefferson County Attorney have uniquely prepared him for his role on the Kansas Court of Appeals. His tenure as Chief Counsel for Governor Brownback has given him a broad perspective on the legal issues facing Kansas and Kansans that is nearly impossible to replicate in any other position.

It should probably go without saying that no one applies to become a trial court or appellate court judge who does not have a deep and abiding respect for the judiciary. Caleb's work ethic, compassion, and sense of fairness will all be a credit to the Kansas court system. His intellectual abilities will be welcomed by the bar and litigants alike.

The process for the nomination and confirmation of the newest member of the Kansas Court of Appeals has received a great deal of scrutiny. It is critical that the Governor's first nominee be beyond reproach. Caleb Stegall has the academic, personal, and ethical values that are essential for a Judge on the Kansas Court of Appeals. I urge the Senate Judiciary Committee to endorse the nomination of Caleb Stegall for confirmation by the Kansas Senate.

Hello, my name is Drew Culberth. Thank you for giving me the chance to speak to you today in support of Caleb Stegall.

Before explaining how my family came to know Caleb a little bit of my history is necessary. In January of 2010 there was a large earthquake in Haiti. I went to Haiti in response to an overwhelming need as a result. A group of 10 of us went to assist in relocating children who had no parents. We picked up 33 children from two separate orphanages and were in the process of moving them to a closed down resort hotel in the Dominican Republic. This hotel was being renovated by a second team awaiting the arrival of the children. After spending several days meeting with government officials and gathering paperwork we made our way to the Haitian/Dominican Republic border. We were told we didn't have all of the necessary paperwork, the exact opposite of what we had been told earlier that day, and we would not be able to cross. We stayed the night at the border and the next day we were escorted back to Port-au-Prince. We were taken back to the same building we were at the day before. The same building that housed the officials that told us we had what we needed and to go ahead to the border. At one point we were led to believe that the whole ordeal was taken care of and we were going to be released and sent on our way with the children. Shortly after that UNICEF entered the picture and things took a dramatic turn. In an attempt to keep this brief I will conclude this part of the story by just saying we were formally arrested and charged with 33 counts kidnapping and child trafficking. Many people have characterized this as an event where 10 Americans acted rashly and made terrible mistakes. This is actually a story of 10 people who were where God wanted them, when God wanted them there, doing what God wanted them to do.

This was the first time in my life that I was ever in need of a lawyer. My views on lawyers were largely based on TV shows, movies and the few high profile cases that I had seen on the news. With this being said I had always been under the assumption that all lawyers were arrogant and out for personal gain. I mean no offense to any lawyers that are here today. As my case progressed it did nothing to change my views. Our first lawyer told us he was going to work for us for free because he knew we were doing the right thing. He sat there as we were being questioned by the judge and never said anything to us or the judge. We were later told that the interpreter was telling the judge things that were totally different than what we were saying. Even going so far as admitting guilt for a couple members of the team. Our lawyer did nothing to stop this. In his dealings with our families here in the states he started asking for money. Every time he spoke to them the cost of our release was getting higher and higher. It was clear that he was asking for bribe money and eventually he was fired. Our next lawyer turned out to not be a lawyer and ran off with \$30,000 that our families sent him. Our third lawyer was preoccupied with fame and it seems as though his motivating factor was getting to meet Oprah Winfrey. These were all Haitian lawyers and at the time I didn't even know that our families were looking for lawyers here in America.

The first time I hear Caleb Stegall's name it was written on a small note passed from the women's cell to ours through a crack in an adjoining door. Part of the time we were in jail the women had a cell phone and were able to send and receive a few texts. We were informed that Caleb would be working for our release on the US side. He took on my brother-in-law Paul, nephew Silas, good friend Steve and me as clients. I don't know what all Caleb did but I do know that it was shortly after he came into the picture that things started happening. I haven't spent much time thinking about his actions. What I have spent a lot of time thinking about were

his motives. What would cause a man, a lawyer nonetheless, to come to our aid at this time? My first thought was money. Then I realized the joke was on him because none of us had any. In conversations with my wife and sister, who did most of the talking with Caleb, I have since found out that he never asked for nor expected any kind of financial return for his services. My second thought was political gain. Perhaps we were just a stepping stone to get him to bigger and better places. This thought was quickly dismissed because at the time it seemed that most people of influence were distancing themselves from us. The secretary of state at the time stated that we were “a group of Americans that took matters into our own hands” and through some of her comments seemed to question our motives in what we were doing. The media had been reporting numerous lies about what we were doing and our case in general. The local authorities had charged us with kidnapping and child trafficking. There were even reports that we had taken the children in order to harvest and sell their organs. Caleb had much more to lose by siding with us than he had to gain. Since we have been back he has never asked us to do anything for him. Even today I am not here because he asked me to come.

After finally meeting Caleb and spending some time with him after our return I finally found out why he did what he did. He simply did it because it was right. He saw people in need that were being wronged and he used his knowledge and abilities to help. I know that I will never be able to repay him not only for what he did for the four of us in Haiti but for what he did for our families. He seemed to bring peace to a chaotic scene and helped put my family at ease and relieve my wife and sister of many burdens while they were dealing with this whole situation.

I believe this is what makes Caleb an excellent choice for the Kansas Court of Appeals. From my experiences I have found that he is not motivated by fame or money. I truly believe

that he is motivated by doing what is right and he is not afraid to stand up for those who have been wronged and seek justice for them.