



To: Senator Jeff King, Chairman
Members of the Senate Judiciary Committee

From: Callie Jill Denton JD
Executive Director

Date: February 18, 2015

RE: SB 197 Concerning attorneys; relating to the supreme court nominating commission and judicial district nominating commissions

The Kansas Association for Justice (KsAJ) is a statewide, nonprofit organization of trial attorneys. KsAJ strongly supports the Kansas Constitution and its provision for the merit selection, Nominating Commission process for Supreme Court justices established by Kansas voters.

SB 197 changes the Nominating Commission process by making it subject to the Kansas Open Records Act and the Kansas Open Meetings Act. It makes similar changes for district courts where Kansans have voted to use the nominating commission process to select their district judges. It contains new regulation by the legislative and executive branches of the judicial branch and of Kansas attorneys. It also grants the governor, the attorney general, and the secretary of state new and greater authority over the Nominating Commission and the process for selecting attorney members of the Commission. Under SB 197 the governor is given new appointment authority over attorney members of the Nominating Commission in certain circumstances.

SB 197 does not increase the transparency of the selection process for appellate court jurists. Under the current process for selecting Supreme Court justices much is already open to the press and public including the names and interviews of all applicants. On the other hand, SB 197 contains no provisions to increase the transparency of the Court of Appeals selection process conducted by the governor.

SB 197 deserves more thoughtful consideration and review than can be immediately provided. The changes it proposes are significant and potentially in conflict with the Constitution. SB 197 increases the regulation of the judicial branch by the executive and legislative branches and blurs the separation of powers.

KsAJ supports carefully tailored policies that promote transparency in the selection of the appellate courts. KsAJ supports returning the selection process for Court of Appeals judges to the current merit selection process for Supreme Court justices. KsAJ supports making no changes to the merit selection, Nominating Commission process for Supreme Court justices. We respectfully request that the Committee take no further action to advance SB 197.