



Testimony to Special Committee on Judiciary
Judicial Selection Process
September 30, 2019

Chairman Rucker and Other Honorable Legislators:

This written testimony is given on behalf of The Greater Kansas City Chamber of Commerce, an organization with over 2,000 members, 40% of which are in Kansas. The KC Chamber has for many years contained a standing position supporting the current merit based, non-partisan, non-political, non-election, non-partisan system of selecting high-quality judges in Kansas. Our members believe the current system has served the business community well and offers a stable and predictable legal climate in the state.

The current constitutional article was adopted in 1958 after public outcry when a defeated governor resigned early and had himself appointed to the Supreme Court. The current merit selection process has served the citizens of Kansas well for over 60 years because it has ensured the selection of qualified jurists. In Kansas' current system, a panel of highly qualified attorneys and/or judges is provided to the Governor for his consideration and selection of a judge. The judgeships are filled in reasonable timeframes.

The KC Chamber also believes the legislature needs to give considerable thought before passing constitutional amendments and other legislation binding future legislatures. Kansas has alternated between Republican and Democratic governors for at least the last 40 years. With that history, it's not surprising that nominees have been rejected nominees as unqualified or having conflicts of interest. Most appointments are not time-sensitive but in the case of the Supreme Court with seven members, protracted disagreement over appointments could leave the Court without a majority capable of deciding some critical cases. In short, even the delay possible under certain legislative reforms could be an issue someday especially to the business community.

The U.S. Chamber Institute for Legal Reform, an affiliate of the U.S. Chamber of Commerce, publishes a lawsuit climate survey, which ranks states according to a variety of criteria, including judges' impartiality, judges' competence, and judges' fairness. In its most recent survey, the Institute for Legal Reform ranked Kansas in the top 20 states for judicial impartiality, competence, and fairness.¹

Accordingly, the KC Chamber Board of Directors and our over 2,000 members believe the current system has served the business community well and there is no sufficient reason to change the system. Thank you for the opportunity to express our view on the judicial selection process.

John Jenks
Director, Public Policy
The Greater Kansas City Chamber of Commerce
jjenks@kcchamber.com

¹ Harris Interactive, Inc., *Lawsuit Climate 2015: Ranking the States*, U.S. Chamber Institute for Legal Reform (Sept. 2015), available at: http://www.instituteforlegalreform.com/uploads/sites/1/ILR15077-HarrisReport_BF2.pdf.