

# LARSON & BLUMREICH, CHARTERED

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Dear Senator King:

I appreciate the opportunity to offer my support for Senate Bill 8 and Senate Concurring Resolution 1601. This legislation presents a far preferable system of selecting fair, independent appellate judges than the prospect of electing appellate judges.

I first believe that I am uniquely qualified to offer testimony in support of this important legislation. I am currently an AV-rated lawyer in private practice, serve as Chair of the Kansas Bar Association's Bench-Bar Committee, and am currently the Municipal Court Judge for the towns of Rossville, Kansas and Willard, Kansas. Throughout my practice, I have tried dozens of jury trials and argued several cases before the Kansas Court of Appeals and the Kansas Supreme Court.

One of the critical hallmarks of our vibrant democracy is judicial independence that has its origins in *Marbury v. Madison*, 5 U.S. (1 Cranch) 237 (1803). There, the Court recognized that a wholly separate, largely independent branch could serve as a bulwark against the popular thinking and political influence that, rightly so, enters into the equation for making public policy and enforcing that policy. There can be neither liberty nor justice without a strong, independent judiciary.

I look forward to a court selected under the federal model, but have grave concerns at the prospect of one popularly elected. The federal system of selecting judges has and continues to produce highly-qualified, competent, and independent jurists. I have no doubt that Kansas' appellate courts will continue to be strong, independent voices for justice if the Legislature adopts SB 8 and SCR 1701. On the other hand, I have extreme concern that such will not be the case if the appellate courts are faced with the prospect of seeking political office in a popular vote. As this Committee is intimately aware, candidates seeking office must explain his or her positions, raise money to run a race, and pursue the policy objectives if elected. Prejudging a dispute, as a judicial candidate would be required to do, is antithetical to a jurist's duty to give every litigant a full and fair opportunity to seek and obtain justice.

**LARSON & BLUMREICH, CHARTERED**

Senator King  
January 15, 2013  
Page 2

Thank you very much for the opportunity to discuss these important issues facing the current and future generations of Kansans that SB 8 and SCR 1601 will profoundly affect.

Kind regards,

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