

Written Statement in Favor of SCR. 1601

The cornerstone of democratic governance is accountability for public officials charged with exercising discretion. Judges are among those public officials who exercise discretion. Yet, holding officials accountable is in tension with granting them independence. Both are important goals, but neither trumps the other nor do they exclude one another. Thus, it is ironic that the current method of selecting Kansas Supreme Court Justices and Appellate Court Judges satisfies neither goal completely. Judges face little accountability from voters in low-information retention elections (only high-pitched battles over same-sex marriage or public sector labor unions tend to attract the attention of voters to retention elections) and judges tend to be drawn from the same pool insofar as they, as a matter of law, must obtain the imprimatur of the Bar prior to appointment.

SCR. 1601 would find the right mix between accountability and independence. Judges would be appointed and approved by public officials who face contentious electoral campaigns, thus allowing for a strong current of accountability in the type and quality of judges selected. Moreover, judicial independence is preserved insofar as judges are not directly elected and the passions of the day may be tempered by the State Senate. More importantly, SCR. 1601 recognizes that granting a non-governmental professional organization the power to control – and not merely to influence – the process by which public officials are selected is undemocratic and unfair to concerned citizens – even if they are an accountant, such as myself, and not a lawyer – interested in having an indirect influence over the shape of the state judiciary.

Lance Cahill

(816) 308-2690

6812 Antioch Rd., Apt 263.

Merriam, Kansas 66204