



TO: Rep. Lance Kinzer, Chairman
Members, House Judiciary Committee

FROM: Ashley Sherard, Vice President

DATE: January 22, 2013

RE: Written Testimony in Support of HCR 5004 and Opposing
HB 2019, HB 2020, HCR 5002, and HCR 5003

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It is critical that Kansas remain at the forefront of states considered to have an impartial, efficient, and affordable legal system for businesses to resolve business disputes. To that end, if a change to the existing judicial selection process is to be made, I would like to express the Lenexa Chamber of Commerce's support for HCR 5004, which would continue a merit-based judicial selection system but would revise membership of the judicial nominating commission charged with considering applicants for appointment to the Kansas Court of Appeals and Kansas Supreme Court. While not perfect, we strongly believe this approach represents the best long-term policy for Kansas over the proposed approaches represented in the other bills.

The primary concern surrounding the existing system seems to be that the nine-member nominating commission is too controlled and populated by attorneys -- critics believe the nominating commission membership is unbalanced and places too much power and responsibility in the hands of lawyers, who aren't immune from biases, politics, and partisanship and who aren't accountable to the public.

We strongly believe HCR 5004 represents the best approach to mitigating those concerns while both ensuring judicial candidates are well-qualified and minimizing political influence in the selection process to better preserve an impartial and independent judiciary. HCR 5004's proposed revisions to the nominating commission membership would expand the commission's size, reduce the influence of attorneys, and provide for appointments to the commission by the governor and legislative leaders -- changes that invite additional input and perspectives and that will make the nominating process more balanced and accountable to the public.

Because we believe the other proposed bills either overtly involve or invite political influence that could compromise the impartiality of the judiciary -- whether in reality or in perception -- or potentially subject the efficiency of the legal system to political gridlock, we cannot support them as good judicial selection policy for Kansas.

Please feel free to contact me with any questions, and thank you again for your consideration of our input.