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**Written Testimony to the House Judiciary Committee
in Opposition to HB 2019 & HB 2020; Opposition to House Concurrent
Resolution No. 5002, 5003 & 5004**

Chairman Kinzer and the honorable members of the Committee, my name is Rocky Nichols. I am the Executive Director of the Disability Rights Center of Kansas. The Disability Rights Center of Kansas (DRC) is a public interest legal advocacy agency, part of a national network of federally mandated and funded organizations legally empowered to advocate for Kansans with disabilities.

**Thank you for allowing me an opportunity to present testimony in
opposition to the above listed House Bills and Concurrent Resolutions.**

Kansas has long favored a merit selection process for the appointment of judges to the Kansas Court of Appeals. HB 2019 and 2020 seek to replace our merit system with a political selection process. Approximately 43 years ago, the Legislature established the current system of appointment through the Supreme Court Nominating Commission. The Commission is comprised of both lawyers and non-lawyer private citizens from each congressional district. The Commission reviews applications for judicial vacancies, interviews applicants, and then recommends the top three candidates to the Governor. The Governor appoints one of the three to the vacancy.

The current system of judicial appointment through the Supreme Court Nominating Commission permits a wide breathe of individuals to participate in the selection of judges sitting on the highest courts in Kansas. Justices sitting on the Court of Appeals and Kansas Supreme Court routinely

determine significant issues involving personal liberties, constitutional rights, end of life, and guardianship issues. The current system allows for individuals with disabilities and/or individuals with friends and family members with disabilities to have an effective voice in the selection process. It also helps to create a professional buffer zone from partisan politics in the selection process.

Eliminating the Supreme Court Nominating Commission narrows the scope of individuals involved in the selection of Court of Appeals and Supreme Court Justices and diminishes the voices of individuals with disabilities in the process. Historically, individuals with disabilities have been disenfranchised and discriminated against in elections and our society. Sometimes, the courts have been the only place that people with disabilities could turn to for an effective remedy. A shift to political appointment of judges has the potential to result in the disenfranchisement of disability-rights issues in the Court of Appeals and Supreme Court. At the least, it will unnecessarily interject partisan politics into the process. The Kansas Judiciary must remain independent, unbiased and un beholden to special interest groups and partisan politicians so that our democratic system functions equally and effectively. The current appointment process guarantees the independence of the Kansas Judiciary and the maximum opportunity for individuals with disabilities to participate in the process.

For the above reasons, we submit testimony in opposition HB 2019 and HB 2020, as well as opposition to House Concurrent Resolutions No. 5002, 5003 and 5004.