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Proponent,
Revamping Supreme Court Judicial Selection

Jan. 22, 2015

Chairman Barker and committee,

Good afternoon.
I am Kathy Ostrowski, Legislative Director of Kansans for Life. We very much appreciate this committee's consideration of the issues surrounding judicial selection reform.

As you know, Kansas utilizes a Supreme Court Nominating Commission to recommend to the sitting governor the names of three candidates for vacancies on the Kansas Supreme Court. This "merit selection" method with the bar-dominated nominating commission is uniquely troubling. Power to pick members of the nominating commission is key and Kansas is the only state in which the state's attorneys have the majority vote. Accordingly, Kansas has been criticized as having the least open and democratic judicial selection in the country.

The current system excludes the voter from any real input. Attorney input on the qualifications and ability of judicial candidates is valued and needed, but that is not a reason that Kansas should continue to be the only state to give attorneys the majority control over the nominating process.

Kansans for Life supports reforming Kansas judicial selection to reduce the dominance of attorneys and make the process more open to the public. This could be accomplished either by the direct democracy of citizens electing their judges OR the indirect democracy of senate confirmation of gubernatorial nominees. The latter would let the public witness the strengths and weaknesses of the judicial nominee as examined by the Senate. Either proposal far exceeds the status quo.

If the Nominating Commission is retained, Kansans for Life supports opening up the deliberation process. Two members appointed to this Commission by the Governor have testified to this committee about an operative bias they observed in summarily discounting certain qualified candidates from final consideration.

The continuance of a process with closed-door debates about whom the Commission will select as judicial nominees:

1. promotes public unease that the process is politicized and
2. prevents full confidence in the qualifications of nominees.

This secrecy and exclusion of the public should end. We look forward to further deliberations by this committee. Thank you.