

Legislative Testimony of Patrick Wilbur
RE: HCR 5002
The Honorable Lance Kinzer
Chair, Kansas House Judiciary Committee
Members of the Kansas House Judiciary Committee
January 22, 2013

Dear Chair Kinzer and Members of the Committee:

Thank you for the opportunity to submit testimony regarding House Concurrent Resolution 5002. I want to express my support for this resolution and encourage you to refer the resolution to the full legislature.

I support this change because it increases transparency and accountability in the selection of our Supreme Court and Appeals Court Justices. The United States Constitution promotes a moderate and balanced approach by requiring senate confirmation of these nominees. I believe Kansas would do well to follow this example and restore confidence in the selection process.

Transparency – there is no reason why decisions this critical should not be held in full public view. The current process calls into question (fair or not) the integrity and credibility of the Nominating Commission and the nominees. An open political process is *always* preferable to a closed political process. The senate and its behavior can be judged by the voters.

Accountability – under the current system the public/voters have no tangible input into the selection process. While I fear the repercussions that direct election would have, the voters have as much stake as anyone in the actions of the Court. They need to have a voice in the process. Senate confirmation strikes a balance between direct election and the current secretive process. If the

voters believe the senate is manipulating the process they can be held accountable by the voters.

Balance of Powers – the current system places too much power in the hands of a select few. The result of HCR 5002 would not only place more responsibility in the hands of the senate – but also the voters. All of the groups impacted by the actions of the courts have a stake in the selection process.

Please understand that I hold no grudge against the bar or lawyers in general. However, I am distressed that a small, unelected special interest group can hold such power over one of the most critical entities in the state. Please restore transparency and accountability to our judicial selection process and support HCR 5002.

Thank you for your time.

Respectfully,

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