



**KANSAS BAR
ASSOCIATION**

TO: The Honorable Lance Kinzer, Chair
And Members of the House Judiciary Committee

FROM: Joseph N. Molina
On behalf of the Kansas Bar Association

RE: HB 2102 – The Commission on Judicial Performance

DATE: February 18, 2013

Good afternoon Chairman Kinzer and Members of the House Judiciary Committee. I am Joseph Molina and appreciate the opportunity to provide this written testimony on behalf of the Kansas Bar Association in support of HB 2102. This legislation would extend the sunset for the Commission on Judicial Performance and reinstate funding to allow the evaluation program to begin again.

The KBA supported the creation of the Kansas Commission on Judicial Performance as well as legislation extending its sunset date that was adopted by the Legislature in 2009. The KBA also opposed efforts to redirect the Commission's funding in 2010 and 2011.

Legislators may recall the impetus for the creation of the Commission is to provide meaningful, nonpartisan information to the public on the performance of incumbent district judges, district magistrate judges, Court of Appeals judges and Justices of the Kansas Supreme Court. Prior to the creation of the Commission, there simply was no substantive way for citizens to obtain information on judges and justices prior to casting their votes at retention elections.

Besides providing the public with information on judges up for retention the Commission also provides valuable information to judges themselves. A goal of the Commission is to improve the judiciary by improving the performance of individual judges and justices. Judicial performance evaluations allow judges to see how they measure up against preset standards and how they perform against other judges. The evaluations also identify strength and weakness of judges thru constructive criticism. The Kansas Bar Association is concerned that if the Commission is allowed to lapse the public will not have the necessary information to make sound decisions in retention elections.

As such, the KBA fully supports the extension on the sunset date to 2017 in order to maintain the framework necessary for judicial evaluations to be performed. In addition, the KBA is

appreciative of the Commission's efforts to retool the performance program in order to address the substantial cost. The KBA believes that the proposal set forth by the Commission will allow for full performance evaluations of our judges while maintaining economic efficiencies.

On behalf of the Kansas Bar Association, I thank you for your consideration of our comments supporting HB 2102.

JNM

About the Kansas Bar Association

The Kansas Bar Association (KBA) was founded in 1882 as a voluntary association for dedicated legal professionals and has more than 6,900 members, including lawyers, judges, law students and paralegals.