House Judiciary Committee

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Presented by:

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Supreme Court Nominating Commission Member

I would like to thank the Chairman and members of this committee for the opportunity to submit written testimony explaining why I am an advocate of reforming the judicial selection process. I would like to begin by sharing my personal history. I obtained my undergraduate degree from Norfolk State University in English Education and my Masters of Science degree from Johns Hopkins University in Baltimore, MD in Administration and Supervision. I have worked in education for close to 20 years as a teacher, Vice Principal and Principal in both Public and Private Schools.

I currently sit as a member of the Supreme Court Nominating Commission, appointed by Governor Brownback in 2011. I have participated in three nomination processes and from those experiences; I believe the current system needs reform for the reasons listed: 1) the selection process is not merit based, 2) it is political, and 3) it is unfair. Allow me to share my experience from one of the three selection processes which reflected them all.

First, the assessment of the candidates was not made based on the set of selection criteria we received. Before we began the interviews, the Chief Judge addressed us and gave us what he called the essential qualifications and traits to look for to find the best candidates. The Commission favorably discussed, reflected, and compared the Chief Judge's recommendations with the first several candidates; however, when it came time to discuss candidates who were known for their conservative political views, everything changed. Although the qualifications and traits of these candidates exceeded and in some cases far surpassed candidates preferred by the majority of the Commission; suddenly, they discarded the Chief Judge's words and the information he shared was no longer valid in their opinion. One of the candidates was immediately dismissed by the strong majority of the Commission because of his affiliation with the Governor; hence, this was not based on merit but rather ideology.

Second, the process is political. This was most evident during our deliberations regarding the two conservative candidates. Our discussions became extremely heated and sometimes hostile. I witnessed disdain towards these candidates from some of the Commissioners. The tenor of the comments were: *this candidate is too political, this candidate is too closely associated with the Governor, this candidate was openly pro-life while serving in the legislature;* and doubts were raised about them being able to separate their politics from their duty to serve in the sought role. Additionally, there was a sudden and obvious change of heart towards one of conservative candidates during the second nomination process. One of the Commissioners reminded the Commission that this current process was already in danger of reform and admonished the group that to not send a conservative to the Governor this second time would be unwise. I believe this

conservative candidate only survived the cut because they feared the wrath of the legislature and the possible consequence of it.

Last, the process is unfair. Our current system is fixed which guarantees there will always be a majority of voting members on the Commission who represent the views of the Kansas Bar Association which is left of center. It was clear that the five lawyers all held similar views, and I could only guess their politics, likewise, were similar and undoubtedly reflected the views of the bar. Thus, based on my observation and reflection, I reiterate that the current system should be reformed because it is not merit based, it is political, and it is unfair.