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**To:** Senator Jeff King, Chairman  
Members of the Senate Judiciary Committee

**From:** Callie Jill Denton JD  
Executive Director

**Date:** March 3, 2016

**RE:** SB 439 relating to grounds for impeachment of justices of the supreme court and certain judges of the district court

The Kansas Association for Justice (KSAJ) is a statewide, nonprofit organization of trial attorneys. SB 439 is an attempt to change the constitutional authority and process for impeachment and impermissibly enhance the legal grounds for impeachment. KSAJ opposes SB 439.

The Kansas Constitution creates distinct and separate roles for the Kansas House and the Kansas Senate in the impeachment process. The Constitution places the "sole power" for impeachment in the Kansas House; the Kansas Senate is empowered to try impeachments. SB 439 would establish additional legal guidance binding the current and future chambers in carrying out their constitutional duties. Such statutory guidance is in conflict with the separate constitutional roles each chamber is directed to serve.

SB 439 attempts to add new grounds for impeachment beyond those currently established in Art. 2 § 28. However, the only lawful way to amend the Kansas Constitution is through the processes established in Art. 14. Without a lawful amendment to the Kansas Constitution, the grounds established in Art. 2 § 28 must be interpreted by the Kansas House in carrying out its constitutional duty to impeach, and the Kansas Senate in trying impeachments. A statutory attempt at amendment is not only insufficient it is impermissible.

Impeachment of any constitutional officer is intended and appropriate only in extreme circumstances. SB 439 is an attempt to provide grounds for impeachment that relate specifically to the judicial branch and disagreement with rulings of the court. Impeachment of judges in response to unpopular rulings is particularly inappropriate because it the role of judges and justices to make decisions according to the rule of law and not according to popular opinion or political will. If impeachment becomes a means for the legislature to eject jurists for their rulings, the separation of powers will be breached. Fair and impartial courts will be under threat in Kansas.

On behalf of the Kansas Association for Justice, I respectfully request your opposition to SB 439.