



**KANSAS BAR
ASSOCIATION**

TESTIMONY

TO: **The Honorable Tim Owens, Chair**
 And Members of the Senate Judiciary Committee

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

RE: **SB 281 removing the sunset provision from Kansas**
 Commission on Judicial Performance Statutes

DATE: **January 30, 2012**

Good morning Chairman Owens and Members of the Senate Judiciary Committee. I am Joseph N. Molina and I appear on behalf of the Kansas Bar Association in support of SB 281 that would remove the sunset provisions on the Kansas Commission on Judicial Performance.

The KBA has been a longstanding advocate of the Commission on Judicial Performance. The KBA supported the creation of the Commission through the enactment of enabling legislation in 2006. As previous testimony has demonstrated, a significant amount of resources were used to create the Commission and by removing the sunset provisions the Commission's enacting language can be saved should there be additional funds available to restart the process.

It is important to remember that the Commission provided a valuable service to lawyers, judges and citizens. As attorneys and legislators, we have all been placed in the situation of being asked for an opinion on the retention vote for a particular judge. Most often, unless someone has a working relationship with a particular judge, that opinion more closely reflects whether the judge has a good personality, is well-known in the courtroom or the community, rather than whether they are a competent jurist. The Kansas Commission on Judicial Performance sought to fill the void of information on a judicial retention and developed a comprehensive evaluation process modeled after those successfully implemented in other states.

Given the extensive work of the Commission and their mission, the KBA believes it is appropriate to preserve this framework and remove the sunset provisions in state law. Should there ever be reason or need to alter, amend or repeal the Kansas

Commission on Judicial Performance; the Legislature is certainly able to revisit such matters at the appropriate time.

On behalf of the Kansas Bar Association, I thank you for your time and I am happy to stand for questions.

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 7,000 members, including lawyers, judges, law students, and paralegals. www.ksbar.org