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January 11, 2013

Representative Lance Kinzer, chair
House Standing Committee on Judiciary
Kansas State Capitol, Room 165-W
300 SW 10th Street
Topeka, KS 66612

Senator Jeff King, chair
Senate Standing Committee on Judiciary
Kansas State Capitol, Room 341-E
300 SW 10th Street
Topeka, KS 66612

Dear Representative Kinzer, Senator King, and members of the Judiciary committees:

It is my honor to currently serve as President of the Wichita Bar Association (WBA), a professional association of over 1,300 members. It has come to our attention that the Legislature is again reviewing the process by which the State of Kansas selects the judges who sit on the Kansas Supreme Court and the Court of Appeals. As it has in the past, the WBA strongly supports a nonpartisan, merit-based process designed to protect the independence of the judiciary.

The current system involving the Supreme Court Nominating Commission has historically produced excellent jurists while minimizing the impact of the negative side of politics. Appellate judges of both higher courts must be free to accurately interpret and apply the law, without regard to the current popularity of the question at hand. The Legislative and Executive Branches together can create laws to address and react to public opinion, but that is not the function of appellate courts. The success of the current system is evidenced by the fact that Kansas ranks in the top 10% in the nation by the annual survey conducted by the U.S. Chamber of Commerce.

Some have questioned the transparency of the Supreme Court Nominating Commission. The support of the WBA for a merit-based selection process is independent of how panel members might be chosen. It seems though that if the current system has been successful, there is little reason to change it.

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Senate Judiciary Committee
Date: 1-17
Attachment: 13

Members of the House and Senate Judiciary committees

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The WBA frequently has a diversity of views and, on the whole, attorneys are known to disagree with one another. Uniting principles, however, are that those who serve on the Kansas Supreme Court and the Court of Appeals should be selected based on ability and that the political impartiality of the judiciary should be maintained. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "H.W. Gill". The signature is written in a cursive, flowing style.

Hugh W. Gill, President
Wichita Bar Association