

Testimony before Senate Judiciary Committee  
SCR 1621 – Judicial selection: Senate confirmation  
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Written testimony only in SUPPORT  
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Madam Chair and members of the Committee

Thank you for the opportunity to provide written testimony in support of SCR 1621, on behalf of the Kansas Policy Institute.

The issue of judicial selection reform has been on the minds of lawmakers for a number of years now. It is time again to revisit the issue. Your Committee has two proposals under consideration. We favor SCR 1621 as more closely representing our view on the subject of selection of Justices of the Kansas Supreme Court. The current process for selection of Kansas Court of Appeals judges has been largely successful and popular.

The current system, in both perception and fact, is an unnecessarily closed system dominated by the Bar. That is not to say that the opinions of the Kansas Bar should not be considered. But they should not be dominant. I have been a member of the Bar long enough to have witnessed how the process works. It is one way to select Justices, it’s just not the best or ideal way to ensure the people’s elected representatives have a voice. Appointment by the Governor with the consent (confirmation) of the Senate is the more transparent approach and, as mentioned, has produced judges of the Kansas Court of Appeals that have served us well.

There is no real justification for having different selection processes for the two courts other than the fact that the Kansas Constitution originally provided for the current Supreme Court selection process. It’s time to revisit that process and allow Kansas voters the opportunity to have the process for selection of Kansas Supreme Court Justices mirror the process for selecting Court of Appeals judges. The Supreme Court Nominating Commission has outlived its usefulness.