

Testimony before the

Senate Judiciary Committee
Senate of Pennsylvania

Regarding Merit Selection of Appellate Court Judges

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North Office Building, Hearing Room One
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Good morning, Chairman Greenleaf, Chairman Costa, members of the committee, and fellow Pennsylvanians.

I am David N. Taylor, Executive Director of the Pennsylvania Manufacturers' Association, and on behalf of our President and CEO Fred Anton I thank you for the opportunity to express our support for the efforts of Pennsylvanians for Modern Courts.

For almost a century, PMA has represented the interests of the manufacturing sector in the commonwealth's public policy process. Manufacturing is the largest sector in Pennsylvania's economy, creating \$75 billion in wealth annually, which represents 15 percent of the commonwealth's gross state product. Manufacturing directly employs over 640,000 Pennsylvanians and supports many additional jobs all the way down the supply chain and all the way out the distribution network.

Over the years, our association has supported the idea of merit selection, properly designed, in order to improve the professionalism, integrity, and independence of the judicial branch of government. Unlike the executive and legislative branches, which are – and should be – openly political, we believe the integrity of the statewide appellate courts would be strengthened by a merit selection system as envisioned by Senators Jane Earll and Anthony Williams.

By combining elements of elective and appointive systems for nominating our appellate court judges, Pennsylvania can both uphold the professionalism of the courts and protect our jurists from the conflicts of interest that inevitably arise from political fundraising and campaigning. PMA believes that using a nomination process followed by a retention election strikes the proper balance, especially when an independent nominating commission has evaluated candidates and recommended the most qualified for possible nomination.

Pennsylvanians have every reason to expect our statewide appellate courts will be populated with highly respected jurists – who are learned in the law, hold a judicial temperament, and demonstrate personal integrity and good judgment. Those qualities should determine who serves on our highest courts, not a candidate’s ballot position, or political party, or county of origin, or gender, or the familiarity or ethnicity of a candidate’s last name.

Our system of representative self-government is sustained by citizens expressing an informed choice at the ballot box. We believe Pennsylvania’s current system of party nomination and direct election of statewide judicial candidates fails to serve the public interest well because only a small fraction of the voting public is making a truly informed choice. Furthermore, an important public good would be gained by insulating Pennsylvania’s jurists from the inescapable appearance of impropriety that results from accepting campaign contributions from attorneys who will appear before them in court.

You have already heard a number of experts on this matter, so I don’t want to belabor the point. Please note that the Pennsylvania Manufacturers’ Association – as an organization, on behalf of our members, and as a member of the larger business community – supports the efforts of Senator Earll and Senator Williams in bringing a merit selection process to Pennsylvania’s appellate court system.

Thank you very much.