

Urban League of Philadelphia Written Testimony in Support of SB 1324 and 1325

Pennsylvania Senate Judiciary Committee Hearing

September 17, 2008



Urban League of  
Philadelphia

Empowering Communities.  
Changing Lives.

September, 2008

The Urban League of Philadelphia wishes to thank Chairman Greenleaf and other members of the Senate Judiciary Committee for allowing us to submit the following testimony to the record of the hearing on September 16, 2008.

Since 1917, the Urban League of Philadelphia, as part of this national network, provides direct services, research and policy advocacy to help individuals and communities. The mission of the Urban League is to empower African-Americans to secure economic self-reliance, parity, power and civil rights.

In our state's history, only *once* in 158 years of judicial elections has an African American been elected to Pennsylvania's Supreme Court. Equally disturbing is that currently only two out of 31 statewide appellate court judges are African American. Not a single minority sits on the state's highest court and neither an Asian or Hispanic judge has ever *been* elected to any of the appellate courts.

I believe the system we use to elect appellate judges is to blame. Pennsylvania is one of only six states that still choose all of its judges through partisan elections.

To succeed in these elections you must raise a lot of money. Last year, four candidates running for state Supreme Court raised nearly \$8 million. Since partisan elections put a premium on fundraising and political connections -- not on qualifications or diversity -- the system doesn't provide many opportunities for qualified lawyers from different races, ethnicities or backgrounds to reach the bench.

Moreover, campaign money is often donated by lawyers and law firms that can later argue cases before the same judges they helped get elected - a phenomenon that drastically hurts the public's perception of the impartiality of our justice system.

But there is a solution. SB 1324 and 1325 would fix many of these serious problems inherent in our current judicial selection process.

Merit selection would create a citizen-based, independent nominating commission of 14 people who would evaluate *all* applicants for judicial vacancies, based on their skills, experience, and qualifications. A list of nominees would then be given to the governor.

The governor would select a candidate who would then need Senate confirmation. The judge would stand before the public in a retention election after four years, and every ten years thereafter.

Research by the American Judicature Society shows that racial minorities have greater success reaching appellate benches through merit selection. Nobody is excluded from the process due to a lack of resources or political connections. Merit selection emphasizes qualifications and values racial and ethnic diversity – as well as gender, geographic and professional diversity.

For a recent example the problems with electing appellate judges, consider Philadelphian C. Darnell Jones, who ran for Supreme Court last year. It is difficult to find someone more qualified for this position than Jones. He had served as judge for 20 years, taught at the University of Penn law school, was endorsed by every major newspaper in the state, and received the highest ratings from the Pennsylvania Bar Association.

Jones still lost badly in the Democratic primary.

Like many well-qualified minorities seeking the bench, having the political connections or the financial resources to run a winning campaign are critical to one's success. When first visiting state party leaders, Jones was told they had already chosen candidates to endorse and that he should drop out of the race. When he didn't, local party leaders wouldn't allow him to campaign in certain counties.

Jones also unluckily received the fourth ballot position - yet another reason we need a new system. Since voters often do not have a lot of information on judicial candidates' qualifications, random factors such as ballot position, name recognition and regional voter turnout often determine who wins. Merit selection completely eliminates the influence of these factors.

Opponents of merit selection claim it takes away voters' rights. This simply is not true. A change in the way we select judges requires a constitutional amendment, meaning voters have the final say through a referendum on whether they want a new system.

Earlier this year, Rep. Thaddeus Kirkland, chairman of the Pennsylvania Legislative Black Caucus, said, "This state needs to have a more diverse group of judges named to its high courts....All of the people of Pennsylvania need to be fairly represented in our state courts." Although Rep. Kirkland was talking about the governor's interim judge appointments – a process very different from merit selection – he could not have been more correct. Having judges that reflect the diversity of Pennsylvania leads to greater confidence in the courts and is just one reason we believe Kirkland and his fellow state legislators should support the change to merit selection.



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