



Pennsylvania Council of Churches

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December 7, 2009

Honorable Don Walko
121 Irvis Office Building
PO Box 202020
Harrisburg, PA 17120-2020

RE: House Judiciary Committee Subcommittee on Courts Public Hearing on Merit Selection (HB 1619 and 1621)—Written Testimony from the Pennsylvania Council of Churches

Dear Representative Walko:

The Pennsylvania Council of Churches wishes to thank Chairman Walko and the members of the Pennsylvania House Judiciary Committee Subcommittee on Courts for allowing our organization to submit the following written testimony on HB 1619 and 1621.

If passed, HB 1619 and 1621 would be the first steps to a much-needed constitutional amendment to reform the way Pennsylvania selects appellate court judges. The proposed merit selection legislation would create a system to ensure that the most qualified and experienced judges reach the bench, while also eliminating many of the serious problems that are now inherent in our state's partisan judicial races.

Our interest in the proposed system comes from our concern about the biblical principle of justice. Among the more important changes, merit selection will completely remove fundraising and the influence of campaign money from the selection process. By doing so it creates a system where all qualified Pennsylvanian lawyers who aspire to be on the appellate courts have a fair chance to reach the bench.

The 2007 race for Supreme Court highlights the need to remove increasingly expensive and political campaigns from the judicial selection process. Four candidates running for two open seats raised almost \$8 million, setting a new state record. Much of this money was contributed by lawyers, law firms and other entities that frequently have cases before the appellate courts. This severely hurts the public's perception of the fairness and impartiality of our judiciary.

Also, since the elections place this importance on fundraising, many qualified citizens who aspire to be appellate judges often do not have a chance to be successful, due to lack of political connections or financial resources. Under the current system, the only written requirements for someone to run for judge are that they have a license to practice law in our state, have lived in Pennsylvania for at least one year, and are 21 years of age. Therefore, someone could run for our appellate courts that has never been a judge or even practiced law before, much less for a minimum number of years.

Merit selection sets up an independent nominating commission that will evaluate all applicants based on new criteria, which emphasizes candidates' qualifications, experience, integrity, and reputation for fairness. Most importantly, nobody will be excluded from the process based on his or her gender, race, political connections or abilities to raise money, as is now sometimes the case.

African Methodist Episcopal Church • African Methodist Episcopal Zion Church • American Baptist Churches, U.S.A. • Christian Church in the US and Canada (Disciples of Christ) • Christian Methodist Episcopal Church • Church of the Brethren • Church of God (Anderson, IN) • Church of God in Christ • Church Women United in Pennsylvania • Episcopal Church • Evangelical Lutheran Church in America • Greek Orthodox Archdiocese of America • Moravian Church—Northern Province • Orthodox church in America • Pennsylvania Baptist State Convention, Inc. • Presbyterian Church (USA) • Religious Society of Friends • Schwenkfelder Church • United Church of Christ • United Holy Church of America, Inc. • United Methodist Church

It's also important to note that while opponents of this reform will argue that merit selection takes away voters' right -- this is simply not true. For merit selection to even occur, voters must first choose to make the change to the state's constitution through a public referendum.

Once merit selection is enacted, voters will be involved in the process in many ways. Firstly, the list of chosen candidates the nomination commission gives to the governor will be made public. Citizens are encouraged to submit any information they may know about the candidates to the nominating commission, the governor, and the Senate. The public is also encouraged to learn about the candidates and supply input to the governor or their Senators about who they prefer. Secondly, after a judge is elected the voters will have the final say on whether he/she stays on the bench through a retention election. Retention votes occur after the judges first four years and then every ten years thereafter.

For these reasons, the Pennsylvania Council of Churches believes merit selection is the best way to get the most qualified and fair judges on our appellate court benches and supports the current legislation.

Sincerely,

The Rev. Sandra L. Strauss
Director of Public Advocacy