

For Immediate Release:

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PA Legislature Takes Up Merit Selection for Appellate Courts

Pennsylvanians for Modern Courts Releases New Educational Video on Judicial Selection

HARRISBURG (September 14, 2011) – Pennsylvanians for Modern Courts and PMCAction applaud the recent introduction of legislation in the House of Representatives designed to implement a Merit Selection system for selecting Pennsylvania’s appellate court judges. The change requires a constitutional amendment and would apply only to the three statewide appellate courts: the Supreme, Superior and Commonwealth Courts.

Merit selection is designed to ensure that the most qualified, fair and impartial judges reach the bench. Merit selection also reduces the influence of money and opens up pathways to the bench for qualified Pennsylvanians from all regions and of all backgrounds.

As Lynn A. Marks, Executive Director of Pennsylvanians for Modern Courts and PMCAction, explained, “Pennsylvanians deserve a system that bases judicial selection on candidates’ credentials, not their campaign war chests, political affiliation, where they live, a familiar name or where their name appears on the ballot.”

The proposed constitutional amendment would create a 15-member citizens-based Appellate Court Nominating Commission to screen judicial candidates and develop a short list of potential nominees for the governor. Following nomination by the governor and confirmation by the state Senate, a judge would serve an initial term of 4 years and would then stand before voters in a nonpartisan retention election. Voters would decide at that point, and again every 10 years, whether the judge should stay on the bench. The proposed Constitutional amendment (HB-1815) can be read [here](#), and the implementing legislation (HB-1816) [here](#).

Marks praised prime House sponsor Rep. Bryan Cutler, R-Lancaster, cosponsor Rep. Josh Shapiro, D-Montgomery, and Senate sponsor Sen. Jane Earll, R-Erie, for their leadership in working to create a better system for selecting appellate judges.

Representative Cutler explained, "Merit Selection has a strong history in our nation and works well in many other jurisdictions. It produces exceptionally qualified candidates that represent the diverse nature of our society. The steps of the Merit Selection process ensure that the best candidates are selected for our appellate courts."

Representative Shapiro noted, "We have to remove politics from the selection of judges as best we can and give the public the confidence that judicial decisions will be made solely on the merits of the issue and not potentially based on political considerations."

Representative Ron Marsico, R-Dauphin, chair of the Judiciary Committee, is planning to schedule a hearing in October.

In the wake of increasingly expensive and partisan elections and the Luzerne County scandal, Pennsylvanians are becoming more concerned about courts and judges. A 2010 poll conducted by Public

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Opinion Strategies revealed that seventy-five percent (75%) of Pennsylvanians surveyed believe that campaign contributions affect the decisions judges make in the courtroom.

In addition, lawyers, law firms and entities litigating cases in court contribute much of the campaign money in judicial elections. Pennsylvania judges can and do preside over cases involving individuals, organizations and attorneys who donate to their campaigns. This fuels the lack of confidence in the courts. “It’s just not acceptable for people to believe – even if mistakenly – that ‘justice is for sale,’” added Marks.

Pennsylvania is one of only six states that continue to use partisan elections to select all of its judges. The other states are Alabama, Louisiana, West Virginia, Texas and Illinois. Marks explained that “Pennsylvania should realize what most other states have recognized: partisan elections are not the best way to ensure that the most qualified, fair and impartial judges reach the appellate bench.”

According to the 2010 poll, ninety-three percent (93%) of Pennsylvanians surveyed would like the opportunity to vote on whether to change how we select appellate court judges. These bills are the first step in the process toward giving the people the chance to decide whether there is a better way to choose those judges. “We certainly hope Pennsylvanians will get the chance to make their voices heard on this important issue,” said Marks.

Today, Pennsylvanians for Modern Courts releases a new educational video on Merit Selection: www.pmconline.org/pmcvideo

[Pennsylvanians for Modern Courts](#) is a statewide nonpartisan court reform organization.

[PMCAction](#) is a related nonprofit that lobbies for court reform initiatives.

Pennsylvanians for Modern Courts and PMCAction publish a [blog](#) about judicial selection.

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