

Tenth Judicial District Judicial Nominating Commission Minutes June 22, 2007 Meeting

Date: June 22, 2007

Time: 8:00 a.m.

Location: County Administration Building, 111 S. Cherry, Olathe, KS 3rd Floor, Commissioner Hearing Room

In attendance: Justice Lee Johnson, Chair; Hon. Karen Arnold-Burger, Secretary, Edna Baginsky, Michelle Kinzer, , Paul Morrison, Victor Bergman, Scott Gyllenborg, Marcia Rinehart, Lewanna Bell-Lloyd; Mark Hinderks, Janis McMillen, Brant Tidwell.

Absent: Larry McClain, Terry Presta, Richard Wells

The meeting was called to order by Justice Lee Johnson at 8:15 a.m.

After the meeting was called to order and a quorum declared, Janis McMillen moved to approve the minutes of the April 4, 2007 meeting. Paul Morrison seconded the motion. The motion passed unanimously and the minutes were thereby approved.

Justice Johnson then introduced Tenth Judicial District Chief Judge Stephen Tatum and Judge Allen Slater to give an overview of the positions open and the types of cases that would be heard and the skills needed to adequately fulfill both positions. It was announced that one position would be strictly civil (Judge Leben's opening) and the new position would be a family court commitment. He expressed the importance of litigation experience and the ability to analyze large amounts of complex data for the civil position, many cases in Johnson County being somewhat complex involving torts, contract, personal injury and major commercial transactions, along with some class action litigation. Due to the high number of summary judgment motions filed, the ability to write and do one's own research was also important. The applicant must be willing to put in the hours necessary for such tasks.

For the family court position, he explained the Court's current "problem-solving" model and stressed the importance of patience and integrity when dealing with all litigates, but especially the high number of pro se litigants that appear in family court. He also stated that a tax background may be helpful with the ability to analyze financial documents associated with marital assets. Since this position involves working with the social sciences and community groups, he felt a strong sense of community and civic activity was important. He stated that because of

the training required to follow the model used, he felt it was important that the person be willing to commit to the family court docket for at least 4 -5 years.

The judges responded to questions from the Commission about the positions.

The meeting was opened up for public comment. None being received, the Commission began discussing the methodology it would use for filling two positions. Commissioner McMillen expressed concern that the Commission may not be able to adhere to the 45 day selection deadline set by the statute given the work involved in filling two positions. Justice Johnson explained that the Chief Justice of the Supreme Court has the ability under the statute to extend the time limits as necessary to allow the Commission to effectively perform its task and that she had already committed to such an extension given this unique situation.

The Commission came to a consensus that it liked the idea of sending up three names for Judge Leben's position, but picking a fourth name at the same time, to send up once the Governor selected the first opening. However, the Commission did not feel it needed to make a definitive decision at this time, since its position may change once it interviews applicants and determines who may be the best fit. The Commission also agreed that it would not decide until after at least the first round of voting, how many people to interview. It was agreed that 10 – 12 would probably be a workable number, but it would hold off until the applications had been reviewed before making a decision.

As far as room set up on the day of the interviews, it was determined that the chairs and table would be set up in a square, with the applicant sitting in one of the chairs at the table with the Commissioners. It was requested that if we could find a room in the building with windows so that daylight could get in, it would be preferable. The space should be examined for a comfortable "waiting" area for interviewees. It was further determined that questioning would be started by the interviewee's liaison commissioners with others asking questions as they felt the need, after having been recognized by Chair Johnson. Justice Johnson also briefly went over the issue of appropriate v. inappropriate questions and suggested that on the day of interviews when the commissioners meet prior to beginning interviews, if anyone has a question they think may be on the line, to discuss it with the Commission prior to interviews. He stated that he viewed it as his role to intervene if questions became improper.

At 9:05 a.m. a motion was made by Commissioner Rinehart and seconded by Commissioner McMillen to adjourn to executive session until 10:00 a.m. to discuss qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District as allowed by K.S.A. 75-4319(b)(1). The motion passed unanimously.

At 10:00 a.m. the public meeting reconvened. At 10:10 a.m. a motion was made by Commissioner Bergman and seconded by Commissioner Rinehart to adjourn

to executive session until 11:15 a.m. to discuss qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District as allowed by K.S.A. 75-4319(b)(1). The motion passed unanimously.

At 11:15 a.m. the public meeting reconvened. The Commissioners proceeded to fill out and sign ballots to determine who would be interviewed. Justice Johnson tallied the ballots. It was determined that if the Commission wanted to consider just those people who had received 9 or more votes, it would be interviewing 10 candidates, 8 or more votes, 12 candidates and 6 or more votes 14 candidates. A motion was made by Commissioner Morrison, seconded by Commissioner Bell-Lloyd to interview 12 candidates. After discussion, the motion failed 4 to 7. Commissioner Bergman made a motion, seconded by Commissioner Kinzer to interview 14 candidates, or all candidates that received at least 6 votes (a majority of those present and voting). The motion passed unanimously, 11 to 0.

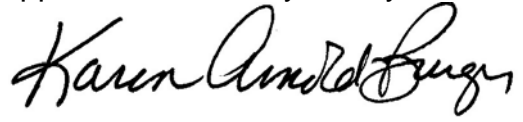
A discussion was had concerning the length of the interviews. The Commissioners discussed 20, 25 and 30 minutes each with one hour for lunch. It was determined that since the Commissioners would be conducting background investigations with references and attorneys, 20 minutes would be sufficient time for an interview. The Secretary was directed to set interviews starting at 9:00 a.m. at 20 minute intervals with one hour for lunch. The order was suggested to be reverse alphabetical, with the understanding that when attorneys got the schedule, there may be some changes based on their availability. The Secretary passed out a previously reviewed standard set of questions to ask references and advised the Commissioners that she would email copies of these standard forms to the Commissioners. In addition, the Commissioners asked that the Secretary send a list of ideas as to who or what to review as part of the background check in an attempt to encourage consistency.

A random drawing was had to determine which liaisons would be assigned to which interviewees. It was determined that at 8:00 a.m. on July 6, 2007, the Commission would convene and then recess into executive session to receive summary reports on the various interviewees from their liaisons. Interviews would start at 9:00 a.m. Liaisons were to contact their interviewees today to advise them that they had been selected for an interview and the Secretary was directed to send an approved notice to all applicants concerning whether or not they were selected for an interview. The Secretary was also to send a pre-approved letter (attached hereto) to references advising them who would be contacting them.

It was also suggested that the next time the Commission goes through this, the application include an email address for ease in notification and invite the applicants to also submit a resume along with the application.

The meeting was adjourned at approximately 12:30 p.m.

Approved this 6th day of July, 2007

A handwritten signature in black ink, reading "Karen Arnold-Burger". The signature is written in a cursive style with a large, stylized initial "K".

Karen Arnold-Burger, Secretary