

Tenth Judicial District Judicial Nominating Commission Minutes July 6, 2007 Meeting

Date: July 6, 2007

Time: 8:00 a.m.

Location: County Administration Building, 111 S. Cherry, Olathe, KS, Rooms 1054 and 1055.

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, Larry McClain, Terry Presta and Richard Wells.

The meeting was called to order by Justice Lee Johnson at 8:00 a.m.

After the meeting was called to order and a quorum declared, Marcia Rinehart moved to approve the minutes of the June 22, 2007 meeting. Dick Wells seconded the motion. The motion passed unanimously and the minutes were thereby approved.

The meeting was opened up for public comment. None being received, the Commission began discussing the methodology it would use for filling two positions. A motion was made by Larry McClain to select three candidates and then pick a fourth to forward to the Governor after the first selection was made. The motion was seconded by Michelle Kinzer. After some discussion, the motion was tabled until after interviews.

At 8:10 a.m. a motion was made by Janis McMillan and seconded by Dick Wells to adjourn to executive session until 9:00 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 9:00 a.m. the public meeting reconvened. Interviews were conducted with the 14 candidates previously selected.

At 3:52 p.m. a motion was made by Lewanna Bell-Lloyd and seconded by Terry Presta to adjourn to executive session until 4:15 p.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 4:15 p.m. the public meeting reconvened. A motion was made by Scott Gyllenborg and seconded by Michelle Kinzer to adjourn to executive session until

5:00 p.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 5:00 p.m. the public meeting reconvened. The Commissioners proceeded to fill out and sign ballots to determine who would be nominated. Justice Johnson tallied the ballots. Only two people received 50% or more of the votes cast (to wit: 7 or more votes). A motion was made by Larry McClain to modify the voting rules to eliminate from consideration anyone who did not receive at least 3 votes from further consideration and vote again. It was seconded by Lewanna Bell-Lloyd. The motion passed unanimously.

The Commissioners proceeded to fill out and sign ballots with the names of the six remaining candidates (Bjerg, Droege, Phelan, Ryan, Seck and Welch). Justice Johnson tallied the votes. It was determined that only Bjerg, Droege and Welch had 8 or more votes. Therefore, they were declared to be the nominees for the first position open.

A discussion was had concerning how to handle the second appointment. The previous motion made by Larry McClain to select a fourth person to send up after the Governor made her first selection, which had been tabled, was voted on. It passed 10-4. A motion was made by Michelle Kinzer to vote anew on the 11 remaining interviewees to determine who the "fourth" nominee would be. It was seconded by Dick Wells. The motion passed 9-5.

The Commissioners proceeded to fill out and sign ballots to determine who would be nominated. Justice Johnson tallied the votes. No one had votes totaling 50% or more of the Commissioners there and voting. A motion was made by Vic Bergman and seconded by Larry McClain to consider only those persons who received 5 or more votes in the next round. It passed unanimously.

The Commissioners proceeded to vote on a ballot that consisted of Ryan and Phelan. Justice Johnson tallied the votes. A tie was declared. The Commissioners proceeded to vote again. Justice Johnson tallied the votes. Judge Phelan was declared the nominee, being the only candidate with 8 or more votes.

A brief discussion was had concerning any changes that should be made to the process in the future. The following changes were agreed to by consensus:

1. At least 10 minutes will be allotted between interviews in an effort to keep the interviews on schedule.
2. Applicants would only be required to submit one copy of their release which would be kept by the Secretary and used only for the purposes of criminal history, credit and disciplinary checks.
3. The application would include a place for emails and cell phone numbers.

4. The application would include a question regarding how many jury trials v. trials to the bench a candidate had participated in as first chair.
5. Name aprons would be provided for the Commissioners during interviews to identify them to the applicants.

The meeting was adjourned at approximately 6:00 p.m.

Minutes approved by Commission on March 20, 2008.

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

Karen Arnold-Burger, Secretary