

Tenth Judicial District Judicial Nominating Commission Minutes September 25, 2012 Meeting

Date: September 25, 2012

Time: 8:00 a.m.

Location: Johnson County Courthouse, 100 N. Kansas, Room 319, Olathe, KS

In attendance: Justice Lee Johnson, Chair; Hon. Karen Arnold-Burger, Secretary, Edna Baginsky, Michelle Kinzer, Charley German, Ron Ryckman, Steve Howe, Rick Merker, J.Brett Milbourn; Lee Smithyman, Vivien Jennings, Greg Doring, Terry Presta and the Hon. Kevin Moriarty

Absent: Marcia Rinehart

The meeting was called to order by Justice Lee Johnson at 8:05 a.m.

After the meeting was called to order and a quorum declared, Commissioner Kinzer moved to approve the minutes of the September 11, 2012 meeting. Commissioner Baginsky seconded the motion, which was then passed by a show of hands, 13-0. Justice Johnson opened the meeting up for public comment at 8:11 a.m. and called on audience members present to comment. Only one person asked to address the Commission. After hearing his comments, and with no one else seeking to comment, the public comment portion of the meeting was closed at 8:20 a.m.

At 8:20 a.m. a motion was made by Commissioner Presta and seconded by Commissioner Smithyman to adjourn to executive session until no later than 9:15 a.m. to discuss background checks and qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District as allowed by K.S.A. 75-4319(b)(1) and (b)(4). The motion passed unanimously by a show of hands, 13-0.

At 9:15 a.m., the public portion of the meeting resumed and the Commissioners proceeded to interview applicants. After completing the morning round of interviews, at 12:20 p.m. a motion was made by Commissioner Kinzer and seconded by Commissioner Howe to adjourn to executive session until no later than 1:10 p.m. to discuss background checks and qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District as allowed by K.S.A. 75-4319(b)(1) and (b)(4). The motion passed unanimously by a show of hands, 13-0.

At 1:10 p.m. the public portion of the meeting resumed and at 1:15 p.m. the meeting was open for public comment. No members of the public being present, the public comment portion of the meeting was closed at 1:30 p.m. The Commissioners proceeded to interview applicants. After completing interviews, at 2:20 p.m. a motion was made by Commissioner Doring and seconded by Commissioner Jennings to adjourn to executive session until no later than 2:45 p.m. to continue to discuss background checks and qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District as allowed by K.S.A. 75-4319(b)(1) and (b)(4). The motion passed unanimously by a show of hands, 13-0.

The public portion of the meeting reconvened at 2:45 p.m. and a motion was made by Commissioner Kinzer and seconded by Commissioner Baginsky to again adjourn to executive session until no later than 3:00 p.m. to continue to discuss background checks and qualifications of applicants/interviewees for the position of Judge of the Tenth Judicial District as allowed by K.S.A. 75-4319(b)(1) and (b)(4). The motion passed unanimously by a show of hands, 13-0.

The public portion of the meeting reconvened at 3:00 p.m. and Commissioners proceeded to cast their signed ballots. At the conclusion of the first ballot it was determined, pursuant to the voting rules, that the Hon. Michael Farley and the Honorable Daniel Vokins had each received 8 or more votes, so they were declared the first two nominees. Applicants Bright, McConwell, Norkey, Scott and Wetzler were removed from the ballot for the second round of voting due to a failure to receive 2 or more votes. A motion was made by Commissioner Ryckman and seconded by Commissioner Moriarty to again adjourn to executive session until no later than 3:22 p.m. to continue to discuss background checks and qualifications of the remaining applicants/interviewees for the position of Judge of the Tenth Judicial District as allowed by K.S.A. 75-4319(b)(1) and (b)(4). The motion passed unanimously by a show of hands, 13-0.

At 3:22 p.m. the public portion of the meeting reconvened and Commissioners cast their second signed ballot for the remaining position to be filled. Justice Johnson tallied the votes and it was determined that applicant Goodenow's name would be removed from the ballot for the third round of voting. The Commissioners proceeded to cast their third signed ballot and Justice Johnson tallied the votes and it was determined that applicant McCarthy's name would be removed from the ballot for the fourth round of voting. The Commissioners proceeded to cast their fourth signed ballot and Justice Johnson tallied the votes and it was determined that neither remaining applicant received 8 or more votes, so voting was to proceed to a fifth round. The Commissioners proceeded to cast their signed ballots for the fifth round of voting, after which Justice Johnson tallied the votes and it was determined that Michael Joyce had received 8 or more votes and would therefore be the final nominee. The applicants were notified that the

final three names to be sent to Gov. Brownback were the Hon. Michael Farley, the Hon. Daniel Vokins and Michael Joyce.

A brief discussion was had concerning the Commission's policy of narrowing the field of people to interview. No action was taken. The meeting was adjourned at approximately 3:45 p.m.

Approved this 7th day of January, 2013.

A handwritten signature in cursive script that reads "Karen Arnold-Burger". The signature is written over a horizontal line.

Karen Arnold-Burger
Secretary