

# Tenth Judicial District Judicial Nominating Commission Minutes December 8, 2008 Meeting

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**Date:** December 8, 2008

**Time:** 8:00 a.m.

**Location:** Johnson County Administration Building, 111 S. Cherry, Room 201, Olathe, KS

**In attendance:** Justice Lee Johnson, Chair; Hon. Karen Arnold-Burger, Secretary, Edna Baginsky, Michelle Kinzer, Charley German, Jacob Swisher, Victor Bergman, Scott Gyllenborg, Marcia Rinehart, Larry McClain; Lee Smithyman, Janis McMillen, Brant Tidwell, Terry Presta and the Hon. Kevin Moriarty

**Absent:** None.

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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, Larry McClain moved to approve the minutes of the November 18, 2008 meeting. Marcia Rinehart seconded the motion. The motion passed unanimously by a show of hands and the minutes were thereby approved.

At 8:10 a.m. a motion was made by Commissioner Rinehart and seconded by Commissioner McMillen to adjourn to executive session until no later than 8:45 a.m. to discuss criminal history, credit history, disciplinary history, 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. Commissioner Jacob Swisher arrived during the executive session.

At 8:45 a.m., the public portion of the meeting resumed and Justice Johnson then called upon audience members for public comment. There being three audience members present, but none wishing to speak, the public comment section of the meeting was closed.

After a short recess, at 9:00 a.m. the Commissioners proceeded to interview applicants. After completing the morning round of interviews, at 11:40 a.m. Justice Johnson again called upon audience members for public comment. There being three audience members present, but none wishing to speak, the public comment section of the meeting was closed. The Commission took a recess to eat lunch.

At 12:10 p.m. a motion was made by Commissioner McMillen and seconded by Commissioner Tidwell to adjourn to executive session until no later than 12:45 p.m. to continue to discuss criminal history, credit history, disciplinary history, 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, 14-0.

The public portion of the meeting reconvened at 12:45 p.m. and a short recess was taken. At 1:00 p.m. applicants interviews began. After completing the afternoon round of interviews at 2:30 p.m., Justice Johnson called upon audience members for public comment. There being two audience members present, but none wishing to speak, the public comment section of the meeting was closed.

At 2:35 p.m. a motion was made by Commissioner Presta and seconded by Commissioner Swisher to adjourn to executive session until no later than 3:00 p.m. to continue to discuss criminal history, credit history, disciplinary history, 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, 14-0.

At 3:00 p.m. the public meeting reconvened. At 3:01 p.m. a motion was made by Commissioner Gyllenborg and seconded by Commissioner Presta to adjourn to executive session until no later than 3:30 p.m. to continue to discuss criminal history, credit history, disciplinary history, 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, 14-0.

At 3:30 p.m. the public meeting reconvened and voting began by signed written ballot. Justice Johnson tallied the votes from the First Final Ballot and announced that the names of D. Todd Arney, Michael Joyce, Robert Scott, and Michael White must be removed from the ballot for the second round pursuant to the voting rules. The Commissioners then proceeded to cast their ballots on the Second Final Ballot and deliver them to Justice Johnson. Justice Johnson tallied the votes and it was determined that there were three candidates with eight or more votes, Robert Bjerg, Neil Foth, and G. Gordon Atcheson. Pursuant to the voting rules, these three applicants were declared to be the nominees. It was determined that each applicant would be notified by their liaison regarding the final three nominees.

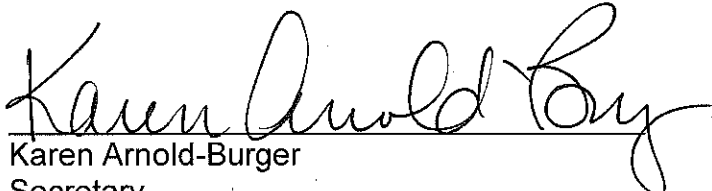
The Commission then began discussing any changes that should be put in place for the next selection. It was determined that:

- 1) A line would be added to the application inviting applicants to submit a picture with their application, although not requiring the same.

- 2) The Secretary would check with the disciplinary administrators in all states in which applicants are licensed, instead of just Kansas.
- 3) Because some applicants are not including complete addresses, zip codes and phone numbers for all attorneys and judges listed in the application, it was determined that the request for this information would be stated again under each question for which it is requested.
- 4) On interview days, when lunch is provided, vegetarian meals are to be available.

The meeting was adjourned at approximately 4:05 p.m.

Approved this 26th day of April, 2012.

  
Karen Arnold-Burger  
Secretary