

# Tenth Judicial District Judicial Nominating Commission Minutes November 18, 2008 Meeting

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**Date:** November 18, 2008

**Time:** 9:00 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, Charley German, Jacob Swisher, Victor Bergman, Marcia Rinehart, Larry McClain; Lee Smithyman, Janis McMillen, Brant Tidwell, Terry Presta and Hon. Kevin Moriarty

**Absent:** Scott Gyllenborg and Michelle Kinzer

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The meeting was called to order by the Chair, Justice Lee Johnson, at 9:00 a.m.

After the meeting was called to order and a quorum declared, Marcia Rinehart moved to approve the minutes of the August 22, 2008 meeting. Jacob Swisher seconded the motion. The motion passed unanimously, 12-0, and the minutes were thereby approved.

At 9:05 a.m., Justice Johnson called upon audience members for public comment. There were three audience members present, but all declined the invitation to speak. The Chair continued with the other items on the agenda, but left the public comment portion open in case anyone came in to the meeting and wished to speak. No additional people entered the meeting, therefore no comments were received.

A motion was made by Karen Arnold-Burger and seconded by Janis McMillen to interview all eleven applicants. A discussion followed. The motion passed by a show of hands, 10-2.

A motion was made by Vic Bergman and seconded by Lee Smithyman to allow the Secretary to set the interview schedule by randomly assigning interviewees to the agreed upon 20 minute intervals the Commission discussed. The Secretary was to place the two new applicants at the end of the morning and afternoon sessions in case the Commission needed more time to interview them. The motion passed unanimously, 12-0.

A discussion followed regarding whether or not the Commission would decide on two or three standard questions for the Chair to ask, as it had at the last interviews. The Commissioners determined, by consensus, that they did not like

that format. Commissioner Arnold-Burger relayed that the Supreme Court Nominating Commission has the liaison talk to his/her "applicant" prior to interviews and work with the applicant to develop the first question. The theory is that the applicant is prepared for it and will be able to start off more relaxed, rather than being stumped by the first question and having that set the tone for the rest of the interview. The Commissioners expressed their approval for this approach. It was felt that it would also be a good opportunity for the liaison to provide some real assistance to the applicant. It was agreed that the liaisons would talk to the applicant about what information the applicant wants to make sure the Commission knows about him or her prior to the end of the interview. In addition, the liaison may determine, after conducting the background, that there is information the Commission will certainly want the applicant to address. The liaison will discuss this with the applicant and will work with the applicant to develop the opening question. Although Commissioners do not "advocate" for applicants, it was felt that it was important to assist in making the applicant feel comfortable so that the applicant can have a good interview experience and feel he or she has had an opportunity to relay important information to the Commission for its consideration. The balance of the interview would proceed as before, with each Commissioner being given an opportunity to ask a question or "pass."

It was determined that public comment would be accepted at 8:45 a.m., 11:35 a.m. and 2:30 p.m. in order to give the maximum opportunity for anyone who is so inclined to participate in the process.

The Commission next randomly selected liaisons for each applicant. The results are attached hereto.

The meeting was adjourned at approximately 9:55 a.m.

Approved this 8<sup>th</sup> day of December, 2008



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Karen Arnold-Burger  
Secretary

Judicial District  
Nominating Commission  
Interview and Liaison List

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INTERVIEWEES	COMMISSIONER ASSIGNED	
	LAY	LAWYER
1. Todd Arney	Swisher	Gyllenborg
2. Gordon Atcheson	Tidwell	McClain
3. Bob Bjerg	Baginsky	Arnold-Burger
4. Jon Blongewicz	Kinzer	Bergman
5. Veronica Dersch	Presta	German
6. Neil Foth	McMillen	Moriarty
7. Michael Joyce	Rinehart	Smithyman
8. Matt Miller	Kinzer	Bergman
9. Bob Scott	McMillen	Moriarty
10. Dan Vokins	Presta	German
11. Michael White	Rinehart	Smithyman