

Washington Summit on Judicial Selection and Judicial Independence,  
November 11, 2005

**Summary of conclusions: workshops on commission system**

**A. *There was virtual unanimity that we need improvements.***

**B. *Four of the six workshops voted on whether to adopt a commission system.***

- **In three of the four workshops, participants strongly favored a commission system.**
- **One of the four strongly favored making substantial improvements to current system.**

**C. *Composition of commission***

- **Suggested models:**
  - the Walsh Commission recommendations
  - election of commissioners
  - a lottery to select commissioners
  - appointments to insure diversity
  - a hybrid combining a lottery for some commissioners and a lottery for others.
- **Unanimity that the commission should have significant non-lawyer members.**
- **Significant sentiment for a commission dominated by non-lawyers.**

**D. *Advantages of commission system***

- Appointments more open, transparent, and accountable
- Minimizes politics
- Minimizes effect of money
- Recognizes current reality that most judges are appointed.
- Should attract more candidates
- Controls governor's discretion
- More fair.
- More involvement of public
- More informed choices

**E. *Disadvantages of commission system***

- Difficulty of amending constitution

- Still have politics in retention elections
- Risk of politics with selection of commission members
- Must assure diversity, both ethnic and geographic
- Actual effect depends on composition of commission.
- Risk that commission will be controlled by "elites"

***F. Improvements to current system if we cannot adopt a commission system***

- KCBA evaluation committee should include more non-lawyers
- More citizen group evaluation of candidates
- Better public education about candidates
- Clarify or modify Canon 7
- Adopt minimum qualifications for judges
- Longer terms for judicial office
- Campaign finance limitations or public financing