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## STATE GOVERNMENT MERIT SELECTION OF APPELLATE COURT JUDGES

The Pennsylvania Chamber of Business and Industry strongly supports amending the state's constitution to provide for the merit-based appointment, rather than the political election, of all judges of statewide jurisdiction in the Commonwealth.

In this regard, the Chamber recommends that the following basic tenets be considered as part of any judicial selection initiative:

- A nominating panel should recommend to the Governor a list of names of prospective appellate court appointees.
- The nominating panel should be composed of men and women, lawyers and non-lawyers, broadly representative by background, occupation, residence, and racial and ethnic diversity of the citizens of Pennsylvania.
- The nominating panel should have an equal number of members from each major political party, with provisions for ensuring the continuity and independence of panel members.
- The nominating panel should submit to the Senate judicial nominees from the nominating panel's list.
- The process should include a procedure for judicial appointment to resolve an impasse or inaction by the Governor or the Senate and/or should provide for Senate confirmation by a simple majority.
- After the initial term, to retain the seat, the judge or justice should have to be retained in office through a retention election.

### *Background*

To function properly, the courts must command the absolute respect and confidence of the public. Public experience of a fair and impartial judicial system is essential. The purpose of appellate review is to evaluate the legal correctness of the application of law and regulation by trial courts and, in the instance of the Commonwealth Court, of administrative agencies.

Pennsylvanians want an efficient, cost-effective system with appellate court judges of demonstrated expertise, independence, integrity and competence who adhere to the highest standard of judicial behavior.

*Approved by the Policy Committee on September 2, 2011.*