

TESTIMONY OF EDWARD G. LANZA,
MEMBER, BOARD OF DIRECTORS,
HISPANIC CHAMBER OF COMMERCE OF CENTRAL PENNSYLVANIA
BEFORE THE PENNSYLVANIA SENATE JUDICIARY COMMITTEE
REGARDING MERIT SELECTION OF JUDGES

Tuesday, September 16, 2008
Hearing Room 1, North Office Building
Harrisburg, Pennsylvania

Good morning. My name is Ed Lanza and I am an attorney with the law firm of Saul Ewing here in Harrisburg. I come before you today in my capacity as a member of the Board of Directors of the Hispanic Chamber of Commerce of Central Pennsylvania.

The Hispanic Chamber of Commerce of Central Pennsylvania is a small, but growing, non-profit organization that has been in existence since May of 2007. The mission of Hispanic Chamber is to assist, support, promote and advocate on behalf of Hispanic businesses in the Central Pennsylvania area, that is, Dauphin, Cumberland, Lancaster, York and Perry counties. The Hispanic Chamber seeks to encourage the growth and development of businesses owned and operated by entrepreneurs of Hispanic descent and to help these businesses to achieve their goals.

Two of the most important goals of the Hispanic chamber are to advocate on behalf of Hispanic businesses and to propose and advance policy solutions that will contribute to the development and growth of Hispanic businesses. Also, the Hispanic Chamber aims to serve as the voice of the Hispanic business community in Central Pennsylvania. For these reasons, I am here today to testify in support of Senate Bill 1324 and its companion legislation, House Bill 2488.

The Hispanic Chamber favors the Constitutional Amendment to provide for merit selection of the Commonwealth's appellate judges and justices because we are persuaded that a well-designed merit selection process would give our member businesses a more level playing field in the state's courts. In addition, the Hispanic Chamber is convinced that the proposed legislation will lead to increased diversity in the state's courts.

I will not dwell on the level-playing-field issue. Suffice it to say that the Hispanic Chamber concurs with the comments of my fellow panelists with regard to the positive effects of a merit selection process on the business community. I will limit my comments to the issue of diversity because I believe that this is the aspect of the legislation where we can provide a unique perspective.

The Hispanic Chamber believes that it is very important for the integrity of the judicial system in Pennsylvania that the courts reflect the increasing diversity of the Commonwealth's population. A growing Hispanic population is more likely to trust a

court system that includes judges from diverse backgrounds and is more representative of the Community as a whole.

The Hispanic community in Pennsylvania has grown dramatically in recent years. A report from the Pew Hispanic Center from earlier this year estimates that about 522,000 Hispanics reside in Pennsylvania. Other more recent, but perhaps less reliable estimates, put the number closer to 550,000. This represents approximately 4.2% of the Commonwealth's population. Four percent of the population may not seem like a significant number, but before anyone dismiss this sector of the state's inhabitants, please consider that, according to the Pennsylvania State Data Center, Hispanics accounted for 75.4% of all population growth in Pennsylvania between 2000 and 2005. In the year 2000, the number of Latinos living in Pennsylvania stood at 394,000, today it is more than 522,000. That's an increase of nearly 33% over 8 years.

The explosion of the Hispanic population is reflected in national figures for growth in Latino businesses. Research by HispanTelligence and Hispanic Business Magazine reveals that in 2008, Hispanic-owned firms in the United States expect to grow 90.9 percent to 3 million. Total revenues of Hispanic-owned firms will increase by 50.8 percent from 2003 numbers. By 2012, the number of Hispanic-owned businesses in the United States is expected to grow 41.8 percent to 4.3 million, with total revenues surging 39 percent to more than \$539 billion. All this means that the face of business is changing and becoming more diverse.

By contrast, the face of our judiciary does not reflect the diversity we see in the population of the Commonwealth.

PENNSYLVANIA STATISTICS ON JUDICIAL DIVERSITY

	Supreme Court	Superior Court	Commonwealth Court	Common Pleas
Judgeships	7	15	9	439
Women Judges	2	8	5	113
African American/Black Judges	0	1	1	29
Latino/Hispanic Judges	0	0	0	3
Native American Judges	0	0	0	0
Asian/Pacific Island Judges	0	0	0	1

Figures were provided by the Administrative Office of Pennsylvania Courts, October 2005.

Of course, the reasons for this obvious lack of diversity on Pennsylvania Courts are complex, and I don't want to suggest that approval of the merit selection proposal would address the problem quickly or completely. However, the Hispanic Chamber supports the legislation because we are persuaded that the process proposed in the

Constitutional amendment would be more likely to elevate qualified minority candidates to the bench than the current partisan election system.

More specifically, the Appellate Court Nomination Commission contemplated under the legislation will be diverse itself because the authorities appointing members to the Commission are expected to take into consideration individuals from racially and ethnically diverse backgrounds. Also, under the legislation, the Commission will consider that each of the appellate courts should include both men and women from racially and ethnically diverse backgrounds and who reflect the geographic diversity of the Commonwealth. These provisions are an important component of the legislation which the Hispanic Chamber supports wholeheartedly.

This is not to say that diversity should be the only criterion for selection. Neither should diversity be the main consideration. The Commission will select persons of demonstrated competence, judgment and integrity to submit to the Governor for consideration, first taking into account the applicants' qualifications and then considering the goal that each appellate bench should include both men and women, and judges and justices from racially and ethnically diverse backgrounds, and who reflect the Commonwealth's geographic diversity. The chamber strongly supports the inclusion of diversity as a factor in the determination of who should be appointed to the appellate courts. We believe that a merit selection process that takes account of diversity will yield the very best that the legal profession has to offer.

Lastly, the Hispanic Chamber understands that merit selection is not a perfect system. After all, the human factor cannot be removed from the process, and we would not want to do it if we could. It may be impossible to completely remove political considerations from the merit selection system as well. However, the proposed Constitutional Amendment offers us an opportunity to provide the people of Pennsylvania with the very best and most representative appellate bench possible. If this is our goal, merit selection is a significant improvement over the current partisan election system.

Thank you for your attention. I'd be happy to answer any question you may have.