

September 24, 2008

The Honorable Stewart J. Greenleaf
Chairman, Senate Judiciary Committee
Senate Box 203012
Harrisburg, PA 17120-3012

Dear Senator Greenleaf:

I write to offer the Committee of Seventy's unequivocal support for a merit appointment process for appellate judges. I hope you will accept this letter and enter it into the public record of the testimony that was submitted to the Senate Judiciary Committee during its September 16, 2008 hearing on Senate Bills 1324 and 1325.

The Committee of Seventy is a non-partisan organization conducting a permanent campaign to improve the Philadelphia region by demanding ethical conduct of elected officials, educating citizens and safeguarding elections. For several decades, Seventy has been a strong advocate of efforts to replace partisan elections of justices on the Pennsylvania Supreme Court and judges on the Pennsylvania Superior and Commonwealth Courts with an appointive system based on merit. Two Seventy publications promoted this issue – *Seventy's Judicial Selection Governance Study* (1983) and *Who Chooses? The Need for Judicial Reform in Pennsylvania* (2000) – and the organization has testified in support of proposed appellate merit selection bills on numerous occasions.

Seventy joins the many individuals and organizations that have testified about the fundamental problems with the current partisan election system:

- The skyrocketing amount of money raised and spent by judicial candidates, largely from lawyers and other people who might then appear before them in court.
- The voters' lack of in-depth knowledge about statewide judicial candidates – leading to votes cast on the basis of factors that are unrelated to a candidate's future judicial performance or temperament such as name recognition or a top ballot position.
- Virtually anyone can run for statewide office. Partisan elections have no mechanism in place to separate the qualified and unqualified candidates.
- There are no controls on whether the appellate bench reflects the geographic, gender, racial or ethnic diversity of Pennsylvania.

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Seventy does not intend to impugn the integrity or competence of the justices and judges who currently sit on Pennsylvania's appellate courts. However, we are confident that an appointment process based on merit would better insure a more qualified, well-respected and diverse judiciary. Just removing the perception of impropriety caused by potential litigants contributing to judicial campaigns would be a major step forward.

Pennsylvania's voters were last asked to decide whether to elect or appoint statewide judges in the 1969 primary election. The vote was extremely close, but the elective system prevailed. Since that time, various merit selection proposals have been introduced in the General Assembly, but none have progressed.

Seventy hopes this legislative session will produce a different outcome. We call upon the General Assembly to begin the process of amending Article V, Section 13 of the state Constitution that will ultimately let the voters of Pennsylvania decide.

Sincerely,

Zachary Stalberg
President and CEO