

Eagle editorial: Snub of chief justice was rude

Incoming Kansas House Speaker Ray Merrick, R-Stilwell, has a point about it not being an annual tradition for the Legislature to hear a State of the Judiciary report, meaning he wasn't obligated to let Chief Justice Lawton Nuss speak to a joint session this year. But in the wake of such speeches in 2012, 2011 and 2009, Merrick's snub seemed needlessly rude, as did his reason.

"It's just another thing to take up time. I just think it's time that could be put to better use on other things," said Merrick, who instead asked Nuss to put his report in writing.

Maybe the Kansas court system's concerns are old news for Merrick and new Senate President Susan Wagle, R-Wichita, who are Statehouse veterans. But the 49 new members of the Kansas House, and at least some of the 16 new state senators, could use the primer on the judicial branch, which makes life-and-death decisions for Kansans daily and relies on whatever funding legislators provide it.

In fact, allowing Nuss to speak would have been a well-timed gesture of good will from one branch of government to another. That's because Gov. Sam Brownback and the Legislature seem determined to needlessly alter how Kansas chooses members of the Kansas Court of Appeals and perhaps even the state Supreme Court.

"There is strong support for changing the system. We're discussing the options," Gov. Sam Brownback recently told the Topeka Capital-Journal – unwittingly demonstrating why lawmakers need to hear firsthand from those closest to the appellate courts and the current judicial-selection process.

"Strong support"? If there is strong support for replacing the nonpartisan nominating commission with either direct elections or a clone of the federal system, with the governor's picks subject to Senate confirmation, that support is being directed at Brownback from activist voices and groups, not from the general public. Besides, the 10th U.S. Circuit Court of Appeals in Denver recently rejected a challenge to the current selection process, and the U.S. Chamber of Commerce has ranked Kansas' legal climate fifth best in the nation.

Especially with a controversial overhaul looming, would it have killed Merrick and Wagle to play the gracious hosts and hear out the chief justice?

For the editorial board, Rhonda Holman

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