



BRYAN CUTLER, MEMBER
100th LEGISLATIVE DISTRICT

HARRISBURG OFFICE:
147A EAST WING
PO BOX 202100
HARRISBURG, PA 17120-2100
(717) 783-6424
FAX: (717) 772-9859

DISTRICT OFFICE:
207 E. STATE STREET
QUARRYVILLE, PA 17566
PHONE: (717) 786-4551
FAX: (717) 786-3645

bryancutler.com

COMMITTEES

HEALTH COMMITTEE
JUDICIARY COMMITTEE
LOCAL GOVERNMENT COMMITTEE
GAME & FISHERIES COMMITTEE

House of Representatives

Commonwealth of Pennsylvania
Harrisburg

MEMORANDUM

May 12, 2011

To: All Members of the House of Representatives

From: Representative Bryan Cutler
Representative Josh Shapiro

Re: **Co-Sponsorship Memo: Merit Selection of Appellate Court Judges**

We are planning to introduce two pieces of legislation that would establish a Merit Selection system for the appellate courts -- the Supreme, Superior, and Commonwealth Courts. County courts would continue to be elected.

The first is a resolution that would amend Article V of the Constitution to change the selection process for appellate judges from election to initial selection followed by retention. The second piece is implementing legislation outlining the operation of Merit Selection for the appellate courts.

Merit Selection is a hybrid system that combines elements of elective and appointive systems. The key feature is the non-partisan citizens-based nominating commission that would be established to screen candidates, accept public input on candidates, and would be charged with creating a list of the most highly qualified candidates. The Governor would be required to nominate a candidate from this list who would be subject to Senate confirmation. After four years on the bench, the judge would stand before the people in a retention election to determine whether she or he would serve a full ten-year term, and then every ten years thereafter until mandatory retirement.

Merit Selection focuses on qualifications -- such as experience, reputation for ethical behavior, honesty and fairness, and temperament. Merit Selection removes money from the process of selecting appellate court judges; no longer would judicial candidates need to raise money from the lawyers and entities who would be most likely to later appear

before them in court. These factors would help increase public confidence in the fairness and integrity of our appellate courts.

Public opinion surveys demonstrate that Pennsylvanians want the opportunity to determine whether to change the Constitution concerning how we select appellate court judges. These poll results can be viewed at the following; <http://judgesonmerit.org/wp-content/uploads/2010/06/2010-Merit-Selection-Poll1.pdf> This legislation gives them that opportunity.

I hope you will join us in sponsoring these bills. If you would like to sign on as a co-sponsor, please contact Jennifer at jwilliam@pahousegop.com or 783-6424.

BC/jjw