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**Testimony of the Association of Corporate Counsel –  
Delaware Valley Chapter (DELVACCA) Chapter -- Presented to the Pennsylvania  
House Judiciary Committee on the Merit Selection of Appellate Judges**

(House Bill No. 1815 and House Bill No. 1816)  
Presented by Eric A. Tilles, Esq., President, DELVACCA  
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Good afternoon. My name is Eric Tilles and I am President of the Delaware Valley Chapter of the Association of Corporate Counsel (DELVACCA). I would like to thank the Committee for this opportunity to present testimony on the very important issue of the merit selection of appellate judges in Pennsylvania.

By way of background, the Association of Corporate Counsel (ACC) is the world's largest organization serving the professional and business interests of attorneys who practice in the legal departments of corporations, associations and other private-sector organizations. The ACC has more than 29,000 members who work for over 10,000 different organizations. The Delaware Valley Chapter of the ACC covers the geographic region that includes Southeastern Pennsylvania, Southern New Jersey and Delaware. DELVACCA has 1200 members who practice as lawyers in more than 400 organizations, most of whom live and work in Southeastern Pennsylvania. Because our members see on a daily basis the effect the Pennsylvania judicial system has on businesses from the Lehigh Valley to Delaware County, and from Reading to Philadelphia, DELVACCA is perhaps uniquely well qualified to speak to the issues raised by the bills before the Committee.

At the outset, let me emphasize that DELVACCA strongly supports House Bill Number 1815 and House Bill Number 1816 that provide for the merit selection of appellate judges. As corporate counsel for companies doing business in the Commonwealth, DELVACCA members rely on Pennsylvania to provide courts whose judiciary is exceptionally well qualified, and a judiciary whose impartiality is beyond the appearance of being compromised. Requiring judges to run political campaigns denigrates the courts and creates a public perception that judges are beholden to one interest group or another. Merit selection of judges addresses this public concern about the politicization of the selection process and the perception that large political contributions may have an effect on judicial decisions. This concern was highlighted by the United States Supreme Court in 2009 when Justice Kennedy wrote in the *Caperton* decision: "there is a serious risk of

actual bias—based on objective and reasonable perceptions—when a person with a personal stake in a particular case had a significant and disproportionate influence in placing the judge on the case by raising funds or directing the judge's election campaign when the case was pending or imminent.”

A merit selection system would not just assure an exceptionally well qualified judiciary. Merit selection eliminates the need for judges to seek out campaign contributions, many times from special interest groups or from those lawyers who will be practicing before them. Removing the political campaign from the selection process will strengthen public confidence in a fair and impartial judiciary. Merit selection would also remove extraneous factors from the selection process, such as ballot position, extent of expensive television and newspaper advertising, and mere name recognition.

Moreover, DELVACCA believes that the two House Bills under consideration create an appropriate process for merit selection. Significantly, the public retains input at each stage of the process. The Nominating Commission is an important mechanism for retaining public input into the judicial selection process. Requiring the Governor to select nominees from the list created by the Commission assures the significance of this public input. DELVACCA also supports the requirement that nominees be confirmed by the Senate, in order to generate bipartisan input and retain responsiveness to public concerns.

Currently, Pennsylvania belongs to a small minority of states that select all judges by partisan elections. DELVACCA believes that it is time for Pennsylvania to join the majority of states that have adopted some form of merit selection of judges. DELVACCA urges the legislature to pass House Bills 1815 and 1816. A well qualified judiciary, untainted by the partisan election process and campaign contributions, will benefit business in the Commonwealth and the public as a whole. I appreciate the time and consideration that the Committee has given in permitting me to present testimony today on behalf of DELVACCA. Thank you.