

**Testimony before the
House Judiciary Committee
Pennsylvania House of Representatives**

Regarding Merit Selection of Appellate Court Judges

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Philadelphia, PA**

Good afternoon, Chairman Marsico, Chairman Caltigirone, members of the committee, and fellow Pennsylvanians.

I am David N. Taylor, Executive Director of the Pennsylvania Manufacturers' Association, and on behalf of our President and CEO Fred Anton I thank you for the opportunity to express our support for House Bills 1815 and 1816.

For more than a century, PMA has represented the interests of the manufacturing sector in the commonwealth's public policy process. Manufacturing is the largest sector in Pennsylvania's economy, creating roughly \$70 billion in wealth annually, which represents more than 12 percent of the commonwealth's gross state product. Manufacturing directly employs 575,000 Pennsylvanians and sustains millions of additional jobs through far-reaching supply chains and distribution networks.

Over the years, our association has supported the idea of merit selection, properly designed, in order to improve the professionalism, integrity, and independence of the judicial branch of government. Unlike the executive and legislative branches, which are – and should be – openly political, we believe the integrity of the statewide appellate courts would be strengthened by a merit selection system as envisioned by Representative Cutler.

By combining elements of elective and appointive systems for nominating our appellate court judges, Pennsylvania can both uphold the professionalism of the courts and protect our jurists from the conflicts of interest that inevitably arise from political fundraising and campaigning. PMA believes that using a nomination process followed by a retention election strikes the proper balance, especially when an independent nominating commission has evaluated candidates and recommended the most qualified for possible nomination.

Pennsylvanians have every reason to expect our statewide appellate courts will be populated with highly respected jurists – who are learned in the law, hold a judicial temperament, and demonstrate personal integrity and good judgment. Those qualities should determine who serves on our highest courts, not a candidate's ballot position, or political party, or county of origin, or gender, or the familiarity or ethnicity of a candidate's last name.

Our system of representative self-government is sustained by citizens expressing an informed choice at the ballot box. We believe Pennsylvania's current system of party nomination and direct election of statewide judicial candidates fails to serve the public interest well because only a small fraction of the voting public is making a truly informed choice. Furthermore, an important public good would be gained by insulating Pennsylvania's jurists from the inescapable appearance of impropriety that results from accepting campaign contributions from attorneys who will appear before them in court.

We have just concluded another statewide judicial election where the candidate who prevailed mobilized hundreds of thousands of dollars in attorney contributions. During the 2009 state Supreme Court race, both major-party nominees lamented the undignified process of soliciting campaign contributions and engaging in electioneering. As one of the many Pennsylvanians who saw their television commercials attacking one another, I cannot describe the experience as beneficial to the esteem of the High Court.

You will hear today from a number of experts on this subject and on the mechanics of this specific proposal, so I don't want to belabor the point. Please note that the Pennsylvania Manufacturers' Association – as an organization, on behalf of our members, and as a member of the larger business community – supports the efforts of Representative Cutler and his cosponsors in bringing a merit selection process to Pennsylvania's appellate court system.

Thank you very much.