

# Filling a Supreme Court vacancy

05-18-23

## Merit-based nomination process

Supreme Court justices are appointed through a merit-based nomination process that Kansans voted to add to the Kansas Constitution in 1958.

When there is a vacancy on the court, the Supreme Court Nominating Commission has 60 days from the date the vacancy occurs to send the names of three qualified nominees to the governor. After receiving the list of nominees, the governor has 60 days to appoint one of them to the court.

The commission announces when it is accepting nominations, and it releases the names of who is being considered based on the nominations received.

The commission reviews the nominees' qualifications, conducts public interviews, and decides which three nominees to recommend to the governor.

## Eligibility requirements

A nominee for justice must be:

- at least 30 years old; and
- a lawyer admitted to practice in Kansas who has been engaged in the practice of law for at least 10 years, whether as a lawyer, judge, or full-time teacher at an accredited law school.

## Nominating commission

Members include one lawyer and one nonlawyer from each of the state's four congressional districts, plus a lawyer who chairs the commission.

Nonlawyers are appointed by the governor. Lawyers are elected by other lawyers within their congressional districts. The chair is elected by lawyers statewide. Members are limited to two terms.

**Gloria Farha Flentje\***, chair,  
Wichita  
second term 2021-2025

1st Congressional District

**Robert Frederick\***, Lakin  
first term 2022-26

**Diane Oakes**, Lawrence  
first term 2022-26

2nd Congressional District

**Daniel Crow\***, Topeka  
2022-23

**Frances Gorman Graves**, Bartlett  
first term 2019-23

3rd Congressional District

**Katie McClaflyn\***, Overland Park  
first term 2020-24

**Carol Marinovich**, Kansas City  
first term 2020-24

4th Congressional District

**Thomas Lasater\***, Wichita  
first term 2021-2025

**Ebony Clemons-Abjibolade**,  
Wichita  
first term 2021-2025

\* lawyer member

## Selection criteria

When commissioners review nominees for justice, they look at the person's:

- legal and judicial experience;
- educational background;
- character and ethics;
- temperament;
- service to the community;
- impartiality; and
- respect of colleagues.

## Judicial conduct

Justices must follow the law and not be influenced by politics, special interest groups, public opinion, or their own personal beliefs.

Justices demonstrate their accountability by following a Code of Judicial Conduct that establishes standards of ethical behavior. They also take an oath of office that includes swearing to support, protect, and defend the U.S. Constitution and Kansas Constitution.

## Retention elections

After a new justice serves one year on the court, he or she must stand for a retention vote in the next general election to remain in the position. If retained, the justice serves a six-year term.

Justices must retire at age 75 or when they finish the term in which they turn 75.