



Kansas Courts News Release

Office of Judicial Administration

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DECISION

No. 121,061: *State of Kansas v. Governor Laura Kelly, Chief Justice Lawton R. Nuss, and Kansas Senate*

A unanimous [Supreme Court ruled](#) that state law does not permit District Court Judge Jeffry Jack or Governor Laura Kelly to withdraw Judge Jack's appointment to the Kansas Court of Appeals.

"This court will not read a statute so as to add that which is not readily found in the language," Justice Dan Biles wrote for the court. "We will not do so in this case, even if the policy reasons are seductive."

The ruling is in an unusual, expedited original action filed directly with the Supreme Court by Attorney General Derek Schmidt against Governor Laura Kelly, Chief Justice Lawton R. Nuss, and the Kansas Senate concerning statutory procedures and obligations to fill a vacancy on the Kansas Court of Appeals.

Governor Kelly announced on March 15 her appointment of District Court Judge Jeffry Jack to the Court of Appeals vacancy created by the retirement of Judge Patrick D. McAnany. By letter dated March 18, Judge Jack announced he was withdrawing from his appointment at the governor's request. On April 30, Governor Kelly announced she appointed Sarah Warner to fill Judge McAnany's vacancy.

Attorney General Schmidt brought the original action on April 22. The court held oral arguments May 9, and released its decision today, May 10.

In its ruling, the court dismissed the state Senate from the action because it was not a proper or necessary party to the case. The court also noted Chief Justice Nuss declined to advocate a position in the controversy.

All documents previously filed in this case are available on the [State v. Kelly, Nuss, and Senate case page](#).

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