

Kent Rutter Testifies Before Texas Commission on Judicial Selection

June 8, 2020 Kent Rutter

PRACTICES Appellate

Haynes Boone Partner [Kent Rutter](#) testified before the Texas Commission on Judicial Selection on June 5 in his capacity as Chair of the State Bar of Texas Appellate Section, discussing the results of a survey of Appellate Section members about the state's process for selecting appellate judges.

The Appellate Section surveyed its members regarding how Texas should select its appellate judges—through partisan elections, non-partisan elections, gubernatorial appointments, a judicial qualifications commission, or some combination of these. The members also were polled about the judicial characteristics that should be prioritized in a selection process, among other survey questions.

Non-partisan elections emerged as the favored method of judicial selection, followed by a method that would combine gubernatorial appointments with non-partisan elections. More than 88% of those surveyed said it was extremely or very important that a judicial selection method should weed out judges who lack relevant experience or qualifications. Those surveyed also stressed the importance, in selecting appellate judges, of minimizing the influence of friendships, political relationships, partisan pressures and campaign contributions.

To read the report outlining the Appellate Section's survey findings, click [here](#). And to watch Rutter's testimony to the Selection Commission, click [here](#) (starts around 2:00:30).

As outlined by Rutter in his testimony, the anonymous survey elicited broad feedback, with more than 25% of the appellate section's 2,000-plus active members participating. The members also provided 167 written comments for consideration by the Commission.

"It's interesting to me that so many people took the time to address this issue, which at least tells me that this is an issue that is very high on everyone's radar," David Beck, Chair of the Commission, said following Rutter's testimony.

Other members of the commission also commended the survey. "Having a sense of what the problems are and what the solutions might be from 500 active appellate practitioners and judges will be very helpful to this Commission and its work," said Thomas R. Phillips, former Chief Justice of the Texas Supreme Court.

Rutter is an accomplished appellate advocate with more than 20 years of experience. He is recognized by *Chambers USA*, Chambers and Partners, in Texas for Litigation - Appellate (2018-2020); selected for inclusion in *Texas Super Lawyers*, Thomson Reuters (2012-2019); recognized in *Best Lawyers in America*, Woodward/White, Inc., for Appellate Practice (2019-2020); and named one of the top 100 lawyers in Houston by *Texas Super Lawyers*, Thomson Reuters (2015).

Rutter often advises Haynes Boone's clients about the chances of reversal in a potential appeal. His analysis draws on his experience in the appellate courts and from co-authoring an award-

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winning empirical study of the factors that most frequently result in reversal in the Texas appellate courts. (To learn more about the “Reasons for Reversal,” click [here](#).) He is often asked to lecture about evaluating appeals and other areas of appellate practice.