

HCS HJR 24 -- SELECTION OF JUDGES

SPONSOR: Hardwick

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 10 to 6. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 6 to 2.

The following is a summary of the House Committee Substitute for HJR 24.

Upon voter approval, this proposed Constitutional amendment would change the way judges are selected. Currently, when a judicial vacancy occurs in the Missouri Supreme Court or the Court of Appeals, a nonpartisan judicial commission nominates three qualified individuals and submits their names to the Governor, who then must appoint one of the three within 60 days. If the Governor fails to appoint one of the three within 60 days, the Judicial Commission appoints one of its nominees. This resolution proposes an amendment to eliminate the Judicial Commission and have the Governor appoint a judge, by and with the advice and consent of the Senate.

Currently, judges of the Missouri Supreme Court and judges of the Court of Appeals are selected for 12-year terms. This resolution proposes to change the selection to one 16-year term.

This resolution also states that once any current terms expire, the positions should be filled under these provisions.

The resolution also bans gifts to judges unless the giver is related to the judge.

This bill is similar to HJR 2 (2019).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that the selection of judges is too secretive and controlled by the Missouri Bar. The process of becoming a judge becomes a political activity. This process allows the judiciary to have too much power and does not represent voters.

Testifying for the bill were Representative Hardwick; Bev Ehlen; Carol Pitzer; Carole Zumwalt; Carolin Scism; Cheryl Ann Bohl; Darlene Slattery; Debra Kohl; Debra L. Cochran; Ginger Yoak; Haven Howard; Jaclyn Riebold; Janet Dabbs; Jerome S. Jacobsmeyer; Judith

Moorefield; Kathy Forck; Kenneth Venezia; Laurel Breedlove; Lorna Ruth Piper; Nicole Olszewski; Paula Juelich; Robyn Hamlin; Ron Cawood; Americans for Prosperity; and Linda E Schubert.

OPPONENTS: Those who oppose the bill say that the Missouri Court Plan was enacted to combat partisanship in the judiciary. The Plan became a model for a majority of states. The selection commissioners are often agreed to by many parties as the Missouri Bar strives for fairness. The process is already in the open and available to the public, but this bill puts it back behind closed doors until one candidate is selected. Currently, the Governor still chooses one individual from multiple candidates. Term limits are a concern because lawyers do not want to lose quality judges and people would complain about unqualified judges. Missouri's system should not be like the federal one, which has its own problems.

Testifying against the bill were Arnie C. Dienoff; The Missouri Bar; Judicial Conference of Missouri; Missouri Organization of Defense Lawyers; John R. Gunn, The Missouri Bar; and Missouri Association of Trial Attorneys.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.