

HJR 43 -- SELECTION OF JUDGES

SPONSOR: Hill

COMMITTEE ACTION: Voted "Do Pass" 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 5 to 3.

This bill specifies that judges of the Missouri Supreme Court and judges of the Court of Appeals will be limited to serving one 12-year term. Additionally, whenever there is a vacancy in the office of judge of the Missouri Supreme Court or Court of Appeals, the Governor will appoint the judges, by and with the advice and consent of the Senate. Under current law, when there is such a vacancy, the Governor appoints a judge by choosing one of three individuals nominated by a nonpartisan judicial commission.

This bill is similar to HJR 2 (2019) and HJR 47 (2018).

PROPONENTS: Supporters say that the Missouri Court Plan is partisan and judges should not be political. This plan will be partisan, but transparent. There is nothing preventing the Missouri Bar from selecting bad candidates that the Governor then has to choose from. Judges should be term limited like legislators and it would be consistent with voters to have their elected officials choose judges.

Testifying for the bill were Representative Hill; Carole Zumwalt; Haven Howard; Jaclyn Riebold; Janet Dabbs; Arnie C. Dienoff; Carol Pitzer; Carolyn Scism; Cheryl A. Bohl; Darlene Slattey; Debra Kohl; Debra L. Cochran; Ginger Yoak; Jerome S. Jacobsmeyer; Jim Conrady; 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 The Missouri Bar; Judicial Conference of Missouri; Missouri Organization of Defense Lawyers; John R. Gunn, The Missouri Bar; and the 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.