

HJR 60 -- NONPARTISAN JUDICIAL COMMISSIONS

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 resolution specifies that judges of the Missouri Supreme Court and the Court of Appeals will be selected for terms of 16 years and will be limited to serving one term. The resolution also prohibits judges from directly or indirectly accepting any gift of any tangible or intangible item, service, or thing of value from any paid lobbyist or lobbyist principal. This resolution does not prohibit judges from accepting campaign contributions or from receiving gifts, family support, or anything of value from those related to the judges within the 4th degree of consanguinity or affinity. The resolution also provides that when there is a vacancy in the office of judge of the Missouri Supreme Court or Court of Appeals, the Governor's appointment will require the advice and consent of the Senate.

Currently, "The Appellate Judicial Commission", the nonpartisan judicial commission that nominates candidates for appointment by the Governor to the circuit court or associate circuit court, includes, among others, an attorney elected by the members of the Missouri Bar and a non-attorney citizen appointed by the Governor. This resolution modifies the provision to specify that, instead, the Speaker of the House of Representatives will select two members, one attorney in good standing and one non-attorney citizen, both of whom reside in the jurisdiction of the Western District Court of Appeals. The President Pro Tem of the Senate will select two members, one attorney in good standing and one non-attorney citizen, both of whom reside in the jurisdiction of the Eastern District Court of Appeals. The Governor will select two members, one attorney in good standing and one non-attorney citizen, both of whom reside in the jurisdiction of the Southern District Court of Appeals.

Currently, the "Circuit Judicial Commission" for each circuit includes five members, two of whom are attorneys elected by members of the Missouri Bar and two of whom are non-attorney citizens who reside in the circuit and who are appointed by the Governor. This resolution modifies the provision to specify that, instead, the Speaker of the House of Representatives and the President Pro Tem of the Senate will each select one member who is an attorney in good standing and who resides in the judicial circuit, and the Governor will appoint two non-attorney citizens who reside in the judicial circuit.

The provisions of this resolution are meant to amend the Missouri Constitution and shall take effect if approved by a majority of eligible voters in the state.

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. Judges should not receive gifts that may influence their decision.

Testifying for the bill were Representative Hill; 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; 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. This bill removes the judiciary's independence.

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

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.