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# Missouri Court Changes Head To Voters

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*By Annabeth Miller,  
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JEFFERSON CITY, Mo. – Missouri lawmakers yesterday sent voters a proposed constitutional amendment that would bolster the governor's power in picking state appellate judges, capping off years of complaints about the process.

The amendment, which will appear on a statewide ballot later this year, would allow governors to appoint an additional person to the special state commission that nominates finalists for openings on the state Court of Appeals and the Supreme Court. In addition, governors would get an extra nominee from which to choose in appointing a new judge.

Under the current plan, judges are selected by a commission of three members selected by the governor, three by the Missouri Bar Association, and the Chief Justice of the Missouri Supreme Court. The commission selects three candidates for the governor to select from to fill a judicial vacancy. After their appointment, judges' names appear on a ballot for a retention vote.

The proposed changes — supported by both chambers of the Missouri General Assembly — would allow the governor to select four members of the committee in a single term. The changes would also allow for a nonvoting judge on the panel.

Some Republican lawmakers and other groups complain attorneys have gained too much influence in choosing judges and that adding another gubernatorial appointee would

provide more accountability to the public.

“There is nothing about lawyers that uniquely qualify them to control selection of judges,” said Rep. Stanley Cox, R - Sedalia, the bill’s sponsor. “The power should be vested with the people.”

Cox believes giving more control to the governor, who is elected statewide, allows for more popular input into the judicial selection process.

The state House gave the measure final legislative approval 84-71 — just barely more than the minimum needed to approve the measure — and senators last week passed the measure 19-12. Voters must approve the constitutional amendment for it to take effect.

“I think what you’re actually trying to get to with this is election of judges,” he said. “I don’t think the citizens of this state are crazy enough to start electing judges.”

The resolution passed the measure 84 to 71. The issue will now go to voters for their approval.

Opponents contend the changes would reverse reforms that have improved Missouri courts.

"Where are the checks and balances now? You eliminate them," said Ellinger, D-University City. "You eliminate your safeguard of the law if the executive overreaches."

Missouri Bar President Lynn Whaley Vogel said the proposed changes would inject politics into the process, adding that the existing method has produced fair and impartial judges for decades.

The state adopted its current process for selecting judges in 1940 to reduce the role of politics in the judiciary and lessen the influence of urban political machine bosses. But its critics have argued that 70 years later politics still plays a role. Criticism intensified in 2007 when Republican former Gov. Matt Blunt considered rejecting all three nominees for an opening on the state Supreme Court. Blunt eventually appointed Judge Patricia Breckenridge, but the governor's chief of staff worked with conservative legal organizations to criticize the selection plan and to try to derail Breckenridge's appointment.

In 2010, Better Courts for Missouri backed a proposed ballot initiative that would have scrapped Missouri's current judicial selection method and replaced it with partisan elections. However, the organization failed to gather enough signatures to get the measure before voters.

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