



THE MISSOURI BAR

THE MISSOURI BAR CENTER
326 MONROE ST.
POST OFFICE BOX 119
JEFFERSON CITY, MISSOURI 65102
573/635-4128
FAX 573/635-2811
E-MAIL: MCBAR@MCBAR.ORG
WEB SITE: HTTP://WWW.MCBAR.ORG

DATE: February 19, 2008
TO: [REDACTED]
FROM: The Missouri Bar
RE: House Joint Resolution No. 66

Recently, The Missouri Bar Executive Committee met to review legislation. The Executive Committee consists of the officers of the bar and three additional members annually elected by the Board of Governors. The members of this year's committee are Charlie J. Harris, Jr., President; Thomas M. Burke, President-Elect; H.A. "Skip" Walther, Vice-President; C. Ronald Baird, Immediate Past-President; John S. Johnston, W. Edward Reeves and Eric J. Wulff. The committee has authority to act on behalf of the Board of Governors during the legislative session. In reviewing legislation, the Executive Committee considers comments received from various Missouri Bar legislative review subcommittees. All positions taken by the Executive Committee are communicated to the full Board as soon as possible after they are taken.

House Joint Resolution No. 66 would undo the Missouri court system as we know it.

- Reducing terms of appellate judges and requiring a 59% majority for retention of judges would deter qualified applicants from seeking such positions and undermine the stability of the judicial system.
- Creating a Commission on Retirement, Removal and Discipline of Judges dominated by political appointees would subject judges to arbitrary and capricious removal. This would foster a judicial system beholden to special interests, undermine judicial impartiality and erode the separation of powers provided for in the Missouri Constitution.
- Restructuring the appellate judicial nominating commission to allow control by gubernatorial appointees upsets the current balance which provides for gubernatorial appointment of three citizen members and also allows the Governor to make the final selection from the three nominees forwarded by the commission.
- Requiring voters to choose between four different methods of judicial selection every 10 years adds to the utter chaos that implementation of House Joint Resolution No. 66 would create.

In short, adoption of HJR No. 66 would reinstitute all of the abuses that prompted the original adoption of the current non-partisan court plan. For these reasons, The Missouri Bar opposes House Joint Resolution No. 66 and urges the House Special Committee on Special Laws to firmly reject this resolution.

TOTAL P.04