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Plan to change the way judges are appointed is dead

By **Lee Logan**
 ST. LOUIS POST-DISPATCH
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JEFFERSON CITY — A plan that would change the way state judges are picked received a stinging legislative setback Thursday.

House members' 83-69 vote against the proposed constitutional amendment, combined with a decision by supporters to abandon a petition drive to put the measure on the November ballot, means the issue is dead this year.

The changes would have removed state Supreme Court judges from the panels that select new judges and replaced those spots with governor-appointed citizens. The plan also would have reduced the number of slots given to those selected by the Missouri Bar Association and granted the governor greater latitude in rejecting a panel's nominees.

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Even if the Legislature had approved the measure, voters would have had to endorse the changes.



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Law scholars cite Missouri's method of picking judges as a model for other states. The plan was created in the 1940s to reduce partisan influence in the selection process.

Critics say the changes would have restored some of that partisan influence.

"If we continue to make our judges political figures, then the system is broken worse than we can imagine," said Rep. Mike Talbot, D-Kansas City. "I'm not comfortable with making our judges have to compete with

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the same stuff we do here."

After the vote, Democrats applauded and later sent a triumphant news release praising the plan's defeat. Twenty Republicans, including several lawyers, joined a nearly unified Democratic caucus in voting no. Rep. Juanita Head Walton, D-north St. Louis County, was the only Democrat to support the measure.

Supporters said the changes would add transparency to the plan and reduce the influence of lawyers.

"These lawyers know if these changes are made, they will lose their stranglehold on the process," said Rep. Jim Lembke, R-Lemay.

Lembke has long called for greater judicial oversight and earlier this year tried to impeach an associate circuit judge for what he said was a "one-sided" child custody ruling.

Rep. Tim Jones, R-Eureka, is the chairman of the committee that studied the plan and recommended its passage. On Thursday, Jones voted "present." After recognizing the measure wouldn't pass, he said he wanted to cast a vote that would help similar efforts in future years.

"It keeps me in the middle," he said. "As the chairman on this, I felt my job more than anything was to try and mediate this."

The plan's sponsor, Rep. Stanley Cox, R-Sedalia, said after the vote that he faced a powerful force.

"It's difficult to ask for an institutional change when you're part of the institution," he said, referring to Republican lawyers who voted against the plan.

Jonathan Bunch leads a group that was planning to put a similar change before voters through an initiative petition. He said his group is abandoning that effort because it doesn't have enough time to collect signatures. He also called the secretary of state's proposed ballot wording unfair.

But Bunch said momentum is on his group's side.

"I'm confident the Missouri Plan will be changed," he said. "The question is no longer if the plan should be updated and improved. The question now is just when it's going to happen."

House Speaker Rod Jetton, R-Marble Hill, told reporters that he wasn't necessarily surprised with the vote.

"I knew that this was probably going to be tight," he said. "Many of the judges and folks in the legal community grabbed their state reps and made a last-second case."

On Monday, the House voted 80-63 to give the plan first-round approval. At one point Thursday, 76 members voted for the proposal before several switched to be on the winning side.

The resolution is HJR 49.

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