



## Effort to change Missouri Plan fails in House

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By [Brent Martin](#)

An effort to change how the state's appellate judges are chosen falls flat in the House.

It seems a majority in the House agrees with Rep. Connie Johnson (D-St. Louis) who told colleagues during floor debate, "The plan ain't perfect, but it's workin'"

After some heated debate, the vote wasn't close. Only 69 state representatives voted to alter the makeup of the commission that recommends judges to fill appellate vacancies; 83 voted against it. [HCS HJR 49](#) would make the least radical change to the Missouri Plan of those proposals put forth by critics in the legislature. It would increase the number of candidates the Appellate Judicial Commission would recommend to the governor from three to five. The governor could veto the list and the commission would have to submit a second list. At present, if the governor fails to choose one of the three nominated by the commission, the commission makes the choice.

The Missouri Plan is used to select appellate judges and judges in select circuits in the state.

Rep. Stanley Cox (R-Sedalia), the resolution's sponsor, said during floor debate that the Missouri Non-Partisan Court Plan looks good on paper, "The problems that have arisen, and why this is an important issue, relate to how the system has worked in practice."

A number of Republican legislators have complained that the courts tilt toward a liberal bias. The biggest complaint arose with the panel the Appellate Judicial Commission recently recommended for a vacancy on the State Supreme Court. The panel consisted of two judges appointed by a Democrat and one appointed by a Republican. Critics of the Missouri Plan say the commission, in effect, selected the Supreme Court judge by forwarding only one nominee acceptable to Governor Blunt. Blunt eventually chose the lone Republican, Western District Court of Appeals Judge Patricia Breckenridge, to the Supreme Court.

The top Democrat in the House, Minority Floor Leader Paul LeVota (D-Independence), accused Republicans of simply trying to control the courts.

"The people who want to change the Missouri Plan, to make it more political, simply do not like the decisions made by the judiciary," LeVota asserted during House floor debate.

All but one Democrat voted against the resolution. Twenty Republicans broke away from the majority to vote against it. Three Republicans and six Democrats didn't vote.

The vote effectively kills efforts to change the Missouri Plan in the legislature. The only thing left for those attempting to change the plan is an initiative petition now in circulation in Missouri.

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