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Candidates clash over court plan

By **Tony Messenger**

ST. LOUIS POST-DISPATCH

Wednesday, Sep. 24 2008

JEFFERSON CITY — Missouri's two candidates for governor clashed Tuesday on how the state chooses its top judges.

Republican Kenny Hulshof wants to change the Missouri Plan, which has been adopted by several other states. Democrat Jay Nixon wants to keep the plan the same.

The key difference between the two men's proposals is who would have the ultimate control over choosing appellate and Supreme Court judges. Hulshof wants more of that power to sit with the governor. He told the Post-Dispatch editorial board on Monday that the current Missouri Plan has been hijacked by the Missouri Association of Trial Attorneys.

"Four percent of the legal community is stacking the deck," Hulshof said.

The way the plan works now, an Appellate Judicial Commission sends a panel of three names to the governor to choose from. The judicial commission is made up of the state's chief justice of the Supreme Court, three members elected by the Missouri Bar Association and three gubernatorial appointees.

Republican lawmakers tried to change the Missouri Plan last legislative session but the bill died. Like that bill, Hulshof's plan would remove the chief justice from the commission and allow a governor to veto the panel sent to him. Hulshof also wants to replace the members of the Missouri Bar — each of whom happens to be a trial lawyer — with retired judges selected at random. Hulshof would increase the choices the governor has from three to five and allow the governor to reject that panel outright twice.

If the governor rejected the panel both times, he would be free to appoint his own choice to the court, pending Senate confirmation.

That's precisely the sort of political element of choosing judges that the Missouri Plan tries to avoid, said Nixon spokesman Oren Shur.

"By dismantling the court plan, changing the Constitution and giving complete power to the governor to appoint judges, the congressman's plan would bring more politics into the process," Shur said.

Nixon has received hundreds of thousands of dollars in campaign contributions from trial attorneys, a point Hulshof made in proposing his new plan.

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