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The road to injustice

Almost seven decades ago Missourians grew tired of seeing their Supreme Court judges selected by a handful of corrupt powerbrokers. Enterprising Missourians implemented the Missouri Plan, which established an independent commission that would nominate Supreme Court judges. Those nominees would be forwarded to the governor, who would then appoint a judge. The plan was supposed to reflect the will of the people and include sufficient checks and balances to prevent abuse.

That plan worked well for some time, and Missourians had a judiciary they could be proud of. The passage of time and abuse by a new generation of powerbrokers has made a mockery out of the Missouri Plan.

A small number of lawyers from the personal-injury bar have a virtual monopoly on choosing judges. The seven-member commission that nominates judges includes three lawyers who are part of the Missouri Association of Trial Attorneys, an extremely wealthy special-interest group that has invested millions of dollars lobbying and electing legislators who will oppose sensible reforms. A fourth member is married to a high-profile personal-injury attorney.

The MATA's apparent decision to manipulate the process with impunity destroyed the Missouri Plan's first principles.

Fearing that such a commission would be tempted to ignore merit and choose judges based on commitments to their political agenda, concerned Missourians urged the commission to nominate judges who would interpret the law as it is written and not legislate from the bench. Reasonable people calmly discussed the structural problem with having the chief justice chair the nominating commission. Simply put, a sitting judge has no business choosing her colleagues or successors. Despite her obvious intellect and friendly nature, Chief Justice Laura Denvir Stith has shown why the plan should be amended.

In response to these calls for a fair and impartial judiciary, the nominating commission has established that there is but one qualification for sitting on the Supreme Court: membership in MATA. This unwritten criterion departs from a process based on merit to one that nominates a judge with a low Missouri Bar rating — one that passes over a law professor, a former federal prosecutor and an experienced Court of Appeals judge.

When Judge Stephen Limbaugh Jr. of Cape Girardeau recently retired from the Missouri Supreme Court to become a federal judge, many thought the Missouri Plan commission would nominate judges with a similar reputation for excellence and independence. Reasonable people on all sides of the political spectrum believed Gov. Matt Blunt would be given a list of nominees he could be proud of. Instead, the commission has nominated three judges who, once again, appear to be hand-selected by MATA.

It is time for Missouri to get back to the original intent of the framers of the Missouri Plan to what should be a nonpartisan process. MATA's unrelenting desire to hand-pick judges based only on membership in its organization undermines the independence, excellence and integrity of the judicial branch. It is time for Missourians to begin a serious debate about reforming the Missouri Plan.

I hope that debate starts sooner than later and that Missourians of all walks of life will embrace reform, because courts affect us all.

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