

SENATE PASSES MEANINGFUL CIVIL LAW REFORMS

As I have mentioned in a previous column, it is my distinct honor to serve as chairman of the Missouri Senate's Judiciary Committee. In case you haven't thought much about what a legislative committee does since high school American government class or since watching Schoolhouse Rock's "I'm only a bill" song on Saturday morning cartoons with your kids, here is a brief refresher.

When my colleagues in the Senate or House of Representatives file legislation that proposes changes Missouri's civil or criminal law, these bills are referred by the President Pro Tem of the Senate to the Judiciary Committee for consideration. The nine member committee may then hold a hearing where the public is invited to testify in support of or opposition to the bill. The committee may then vote on a bill and recommend that it be brought before the full Senate for debate. Likewise, bills that are passed by the Missouri House are then given to the Senate and go through the process described above before they are debated by the full Senate.

This session was quite busy for the Senate Judiciary Committee as several bills to reform Missouri's civil law were considered. The following are some of the proposals that were especially noteworthy that eventually made it to the Governor's desk in one form or another.

Medical Malpractice Reform: The Senate and House worked tirelessly this session to send to the governor a bill revising some of the problem areas with Missouri's current tort and medical malpractice laws. The bill that was ultimately sent to the governor specifically addressed many of the objections he listed as reasons for vetoing a similar bill last year. However, meaningful tort reform was again delayed with the Governor's veto of the bill.

Jury Service: The right to a trial by jury guaranteed by both the Missouri and U.S. Constitutions is based on the understanding that the members of the jury will be a citizen's peers. Over the years members of certain professions were given exemptions to jury service in state law. These include lawyers, doctors, ministers, dentists and chiropractors. Under legislation passed this session, members of these professions will lose their exemption and be required to serve on juries. There are special provisions for those in the medical field to be exempted if they show that they are actively practicing their profession and that patients would be harmed by their absence.

Trust Law: One option for passing on one's assets before or after death is the use of the trust. This year the Judiciary Committee approved a revision to Missouri's outdated trust law to make it easier to understand and even to find. The current law is somewhat of a patchwork that consists of common law and court decisions. The problem is that these sources of law are not written in the State's statute books and are difficult for a citizen or an attorney trying to set up a trust to locate. The revisions will help to modernize Missouri's trust law and also make it more user friendly.

If you have comments or questions about this week's column or any other matter involving state government, please do not hesitate to contact me. You can reach my office by e-mail at matt_bartle@senate.state.mo.us. Also, you can read any of the bills I file on my website at: <http://www.senate.state.mo.us/04info/members/mem08.htm>). Thank you again for making it possible for me to serve in the Missouri Senate.