



MISSOURI SENATE

JEFFERSON CITY

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**A Weekly Column for the
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The Missouri Plan

JEFFERSON CITY – There has been a lot of controversy lately over the current state system for choosing nominees to the state’s highest courts. The “Missouri Plan” was created in the 1940s in response to the questionable influence of Kansas City political boss Tom Pendergast, who was then working to unseat a Supreme Court Judge.

Under the Missouri Plan, a nonpartisan commission made up of lawyers, gubernatorial appointees and a judge evaluate candidates for the state’s highest courts. The commission forwards three recommendations to the governor, who then selects one of the three candidates to fill a court vacancy. The plan is widely admired and respected and has been adopted by nearly half of the states.

However, opponents of the Missouri Plan are calling for a system that allows the governor to appoint a judge subject to ratification by the state senate, much like the current federal system. Anyone who watches C-SPAN or follows the news out of Washington, D.C. knows how politicized the federal system of picking judges has become in recent years.

The folks clamoring for change in Missouri often whine about “activist judges,” which usually refers to a judge who has issued a ruling they don’t like. I have never seen any evidence of a judge in Missouri issuing a ruling based on his or her personal opinion rather than the law, and if those folks screaming “activist judge” have any real proof, I’d ask them to put up or shut up.

Missouri voters approved the Missouri Plan for selecting judges more than 60 years ago to take politics out of the process. Unfortunately, some folks are trying to inject politics back into the system. As I’ve always said, if something ain’t broke, don’t fix it.

I’d like to hear what you have to say about this or any other issue. Please feel free to call me at 573-751-7852, or email me at wes.shoemyer@senate.mo.gov.