



THE MISSOURI BAR

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DATE: February 5, 2009
TO: Representative Stanley Cox
FROM: The Missouri Bar
RE: House Joint Resolution 10

Recently, The Missouri Bar Executive Committee met to review legislation. The Executive Committee consists of the officers of the bar and three additional members annually elected by the Board of Governors. The members of this year's committee are Thomas M. Burke, President; H.A. "Skip" Walther, President-Elect; John S. Johnston, Vice-President; Charlie J. Harris, Jr., Immediate Past-President; Carol Chazen Friedman; Patrick B. Starke; and Deanna K. Scott. The committee has authority to act on behalf of the Board of Governors during the legislative session. In reviewing legislation, the Executive Committee considers comments received from various Missouri Bar legislative review subcommittees. All positions taken by the Executive Committee are communicated to the full Board as soon as possible after they are taken.

House Joint Resolution No. 10 proposes to increase the Governor's appointments to the appellate judicial commission from three to four, effectively giving the Governor control of a seven person commission. The resolution eliminates the current requirement that a member of the Supreme Court serve on the appellate judicial commission. The Governor would be allowed to veto the list of nominees forwarded by the commission. The resolution would also require that the names of all applicants be made public and for "all hearings, debate and votes of the commission to be open to the public and to the press."

Under the current system, the Governor makes the final call by choosing one of three candidates forwarded to him by a seven person commission, three of whom he appoints. Granting the Governor the power to appoint a majority of commission members, and also to reject the slate of candidates chosen, would politicize the process. Eliminating participation of a member of the judiciary on the commission would deprive the commission of a valuable resource in the selection process. Requiring that the names of **all** applicants be publicized, rather than the final three chosen by the commission, could have a chilling effect on legitimate candidates who fear adverse consequences to their current employment.

For these reasons, The Missouri Bar opposes House Joint Resolution 10.