



THE MISSOURI BAR

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DATE: February 25, 2009
TO: Senator Jim Lembke
FROM: The Missouri Bar
RE: Senate 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.

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Senate Joint Resolution 10 proposes to place the trial of judicial impeachment proceedings before a political body, the Senate. Missouri citizens voted in 1945 to reject this model because they believed the factual and legal issues that need to be decided in impeachment trials are best entrusted to the judicial branch. The current law allows for more impartial trials and provides the Senate with some authority in the impeachment of the Governor and Supreme Court judges. The resolution further provides that conviction is by concurrence of two-thirds of all of the senators present, an unreasonably low standard that invites an unfair process.

The Bar opposes Senate Joint Resolution 10 because it removes jurisdiction reserved to the judicial branch and erodes separation of powers between the three departments of government provided for in Article II of our state Constitution.

cc: Senate Governmental Accountability and Fiscal Oversight Committee
Chuck Purgason, Chair
Rita Days
Brad Lager
Kurt Schaefer
Bill Stouffer
Wes Shoemyer