

**This pamphlet is a
Missouri Bar project**

The Missouri Bar is the statewide organization to which all lawyers practicing in Missouri must belong. The Missouri Bar neither supports nor opposes the election or retention of individual judges but *is* a strong supporter of the Missouri Non-Partisan Court Plan. The bar's policy respects one of the basic principles of our democracy— that the judiciary should be independent and not subject to political or outside influences.

The Missouri Bar strives to uphold the dignity of the legal profession and to improve the law and the administration of justice. Each year, The Missouri Bar develops programs, projects and educational publications for its 30,000 members and the public.

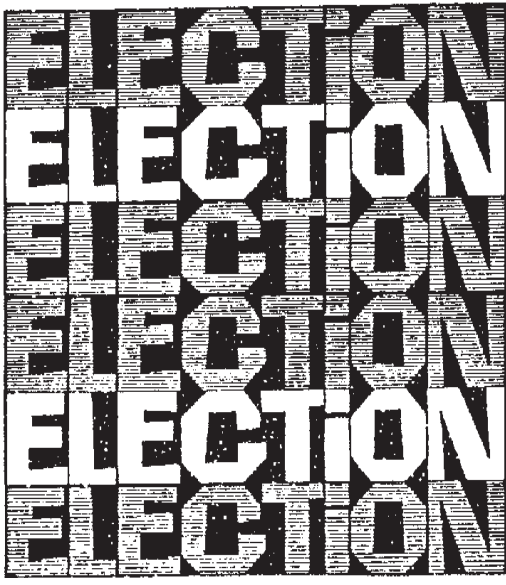
For additional copies of this pamphlet, or for a list of free brochures available from The Missouri Bar, contact:

Communications Department
THE MISSOURI BAR
P.O. Box 119
Jefferson City, MO 65102
573/635-4128
e-mail: mobar@mobar.org

Voting For Missouri's Judges



***Questions and Answers
from The Missouri Bar***



Is the Non-Partisan Court Plan working?

The plan was developed in Missouri more than 50 years ago. Since then, more than 30 other states have adopted parts of it. The system effectively removes politics from the process of judicial selection, while giving the public a meaningful opportunity to assess and evaluate judicial performance.

Those judges kept on the bench under this system owe their office to the people who voted for their retention, not to any political organization or special interest group. Missouri's citizens need a strong, dedicated and independent judiciary. Yet, judges still should be held accountable to the voters.

The Non-Partisan Court Plan appears to provide the best mix of this public accountability and judicial independence.

Why do I have a choice among candidates for some judicial positions but not for others?

Missouri has two systems for electing judges: a partisan system and a Non-Partisan Court Plan.

Partisan-elected judges run against challengers, unless no one chooses to oppose them. On the ballot, you will be asked to indicate which judicial candidate you prefer.

Judges who serve under the Non-Partisan Court Plan do not run against challengers. You are asked to vote for or against them on the strength of their performance on the bench.

ers, except for a promise to perform their duties impartially and faithfully. Judges who are candidates for retention or re-election without a competing candidate may campaign in response to active opposition. But judges may not announce their views on disputed legal issues.



Can I vote for federal judges?

No. Federal judges are part of a different system. They are appointed for life by the President of the United States with the advice and consent of the U.S. Senate. Federal judges do not stand in retention elections.

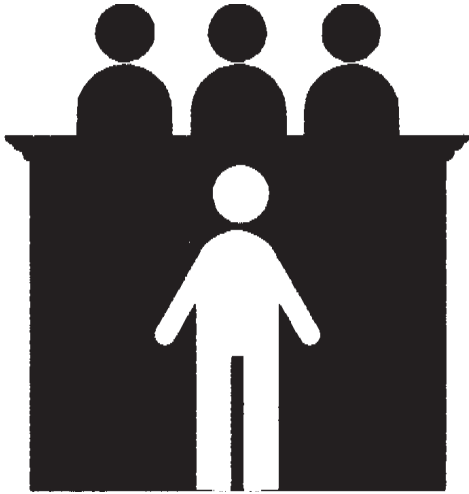
What is the Non-Partisan Court Plan?

Judges who serve under this plan have been nominated by a judicial commission and then selected by the governor. After their first 12 months in office, non-partisan appointed judges must go before the voters in a retention election. Voters are asked whether each of these judges should be retained. To be retained, each judge must receive a majority vote. A similar retention election occurs at the end of each term of office, under the same guidelines and provisions. If a judge does not receive a majority of votes, his or her judicial office will become vacant at the end of its present term. The judicial commission will then nominate three candidates for the position and the governor will appoint one to fill the vacancy. The terms for appellate court judges are 12 years. Among trial judges, circuit judges serve six-year terms, while associate circuit judges have four-year terms.

The commission that selects nominees for appellate vacancies consists of a member of the Supreme Court of Missouri, three lawyers and three lay members. Commissions that select nominees for openings on the trial bench are made up of the chief judge of the court of appeals district in which the vacancy occurs, two lawyers and two lay members.

Which judges are selected and retained under the Non-Partisan Court Plan?

- * Judges of the Supreme Court of Missouri
- * Judges of the Missouri Court of Appeals
- * Trial judges in St. Louis City and St. Louis, Jackson, Platte, Clay and Greene Counties



Are there advantages of retaining judges in office?

Yes, there are advantages to retaining competent judges. As in any other profession, people continue learning while they perform their responsibilities. Experienced judges not only develop an in-depth knowledge of the law during their careers, they also learn to become better courtroom administrators. In addition, the prospect of career stability encourages strong candidates to apply for judicial positions.

What is the purpose of the Non-Partisan Court Plan?

The Non-Partisan Court Plan is designed to reduce the role of politics in the election of judges. It helps ensure the independence and integrity of the judiciary by shielding candidates from undue pressure.

Why don't I hear more about judges? Don't they campaign?

Judges must comply with a very strict code of professional conduct. They are not allowed to make promises to vot-

concerning the misconduct of judges and members of the judicial commission. The Commission on Retirement, Removal and Discipline of Judges is composed of two lawyers, one Court of Appeals judge, one circuit judge, and two non-lawyers. They serve six-year terms. All Missouri state judges are required to retire at age 70.

To contact the Commission on Retirement, Removal and Discipline of Judges, write to the commission at 2190 South Mason Rd., Suite 201, St. Louis, MO 63131, or call 314/966-1007.



What if I don't like the way a judge ruled on an issue that is important to me?

Judges are not elected to represent the opinions of voters. Their role is impartial: They must decide who is right and who is wrong in each individual case by applying the facts and the law without favor to either side. However, if you do not like a judge's record, it is your right to vote against that judge when he or she is on the ballot for retention.



Is the Non-Partisan Court Plan needed?

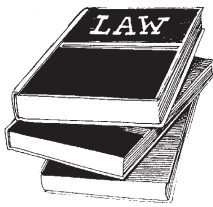
During the early part of this century, political machines and party bosses in St. Louis and Kansas City largely controlled the election of judges, including the selection of party nominees for judicial positions. The Non-Partisan Court Plan ended this practice. Today, this plan offers an important additional advantage: Because nominations for judicial openings are based on merit, Missourians are assured that highly qualified judges are selected for the non-partisan positions.

How do I know whether a judge should be retained?

Judges who are doing their jobs competently should be retained. Those who are no longer performing their judicial duties properly should be removed. To inform voters about the performance of Missouri's judges, the Supreme Court

of Missouri directed The Missouri Bar to develop an evaluation process that would provide the public with extensive information about each non-partisan judge before that judge's retention election. (After their first year on the bench and at the end of each judge's term.) The Missouri Bar created an in-depth evaluation process that relies on committees composed of an equal number of lawyers and nonlawyers. The committees' evaluations include the results of lawyer and juror surveys, along with a review of opinions issued by judges. The committees' recommendation on whether or not to retain each judge is included in a brochure, available before the General Election. Evaluation summaries of each judge and supporting material are available on The Missouri Bar's website.

This evaluation is a joint project of The Missouri Bar, the Bar Association of Metropolitan St. Louis, and the Kansas City Metropolitan Bar Associations. If you would like a copy of the committee's recommendations, contact The Missouri Bar via email at mobar@mobar.org; by phone at (573) 635-4128; or view all evaluation summaries and supporting material before an election at www.mobar.org.



Are lawyers' opinions of judges important and trustworthy?

All lawyers want to try cases before competent judges. It is in the best interests of lawyers to have fair, competent judges deciding their clients' cases.

Who else is monitoring the quality of the state's judiciary?

Judges are the only elected officials who have a constitutionally required commission overseeing them. The Commission on Retirement, Removal and Discipline of Judges investigates all requests and suggestions for the retirement of judges because of disability. It also investigates all complaints