

JUSTICE FOR SALE?

Judges are expected to be impartial, basing their decisions on the law and the facts in a case. Politicians are stereotyped to serve their interest groups and campaign contributors focused around their own interests and ideology. Judges have busy and overloaded dockets of cases taking longer than hoped to get cases to trial. Politicians spend significant periods of time campaigning. Why then would we make judges also be politicians, fundraising and campaigning?

In other states, Judges must campaign, fund raise and get elected. Typically, when a judge could have an appearance of bias such as a case involving a friend, family member or major fund donor to them, they withdraw as judge and get another judge to hear the case ("recuse themselves"), but this isn't always an option or guaranteed, particularly in less populated areas where there aren't that many judges to cover the massive amount of lawsuits. How comfortable would you be to have your opposition in a lawsuit be a major donor to your judge's last political campaign?

Many of you have heard of the old Missouri political machines that could steer elections and hand-pick judges or "pull favors" from the same. Accordingly, in 1940, Missouri came up with a merit-based plan that is now a model to the nation, actually known as "the Missouri Plan", wherein panels of lawyers appoint a panel of nominees for judicial positions and the governor appoints judges from that panel.

In addition to keeping judges from fundraising and the inherent risk of bias therefrom, in the Missouri Plan, we actually free up judges to manage cases instead of spending time campaigning.

I know I swiftly tire of political ads and smear campaigns and certainly don't feel that more positions need to be added to the ballot, requiring more ads and campaigns.

Please go to the Missouri Bar Association website www.mobar.org and follow the home page link to The Missouri Plan to further review this topic. Please discuss this with other Missourians in hopes that we can preserve and protect our judicial system.

Please be sure to check out our website at www.wirkenlawfirm.com.

Find helpful resources, newsletter archive, and Facebook link to become a fan and refer friends or coworkers our way.