

Another facet to judge selection debate

Healthy debate is afoot about whether electing or appointing judges moves us closer to the promise of "equal justice under law." However, a critical piece is missing.

Missouri Bar President Skip Walther said that public confidence in our judiciary is undermined when an elected judge's ability to make decisions impartially may be impacted by sizeable campaign contributions from a litigant or attorney.

Former Supreme Court Justice Sandra Day O'Connor said that judges with a lifetime appointment are not accountable to voters, but elected judges are susceptible to influence by political or ideological constituencies.

James Harris of Better Courts for Missouri expressed concern that many Missourians are at a disadvantage when they walk into a courtroom against an attorney who helped appoint the judge.

The Wall Street Journal criticized the appointment of judges under Missouri's Non-Partisan Court Plan for arguably allowing a small legal clique to nominate its friends and ideological allies.

Speaking at the annual meeting of the Missouri Bar, Missouri Supreme Court Chief Justice William Ray Price Jr. said that the Missouri Plan has been the cornerstone of preserving the integrity of our urban and appellate courts.

The integrity of the participants and contradictory nature of the arguments suggest that each method has limitations that may jeopardize one's right to an unbiased tribunal. That alone should have catapulted one's right to a change of judge to near equal status in this debate.

So far, that fundamental and pivotal right has been missing. Many are paying dearly as they grasp in vain for their share of "equal justice under law." It seems both logical and necessary to invigorate the process to change judges — precisely because either side of the argument may be correct.

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