

# KEEPING THINGS FAIR

## The Missouri Way

JUDGES ARE OFTEN CALLED THE UMPIRES OF THE LAW  
BECAUSE THEY MAKE SURE THEIR COURTROOMS ARE  
FAIR FOR EVERYONE.



The men who wrote our Constitution, the Framers, wanted federal judges to be the fairest umpires possible. They wanted people to have a part in choosing judges, but they did not want the people to elect the judges.

The people already had control over who was elected to the legislative and executive branches. Elected officials would listen more to the majority if they wanted to remain popular with people. The government was to be for everybody, not just the majority, so the Framers wanted one branch that was not worried about what the majority wanted. They also were concerned that if judges were elected, judges might favor people who had given them campaign money.

The Framers solved the problem by not having judges elected but by making sure the people, through their elected officials, had a part to play in choosing judges. They created a system where the president nominates judges and the senators approve the president's choice.

When Missouri became a state in 1821, our judges were chosen a lot like the federal judges. However, in the 1850s, Missourians began electing all of their judges. The problems the Framers had foreseen with a popular election of federal judges happened in Missouri—many judges were afraid to make decisions that would lose them an election and they favored the people who gave them money to run their campaigns. This was especially true in the large cities.

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## MISSOURI NON PARTISAN COURT PLAN

In 1940, Missouri's lawyers created the Missouri Non Partisan Court Plan and the people of Missouri voted for it. This is how it works:

> Trial judges in rural areas, where the people are more likely to know their judges and keep them honest, are still elected.

> All other judges, trial and appellate, are chosen by a process in which a) a lawyer applies for the job of judge; b) a special group of people called a commission interview the applicants, and c) the

commission decides who the best three candidates are and sends those name to the governor who then appoints the judge.

> After a judge is appointed, the people of Missouri may vote yes or no to keep the judge. This is called a retention election.

This system is called Missouri's Non Partisan Court Plan and was the first of its kind. It has been called a model for the nation and has been adopted by many states.

### LEARN MORE

1. Watch a video about the Non Partisan Plan: [yourmissourijudges.org](http://yourmissourijudges.org).
2. Talk about the difference between a retention election and an election where there are multiple candidates.
3. Read the newspaper about court cases in your community, Missouri, or other places in our country. Why might it be hard for a judge to rule in these cases if he/she is worried about getting elected?

Missouri Learning Standards:

CCSS.ELA-Literacy.CCRA.R.1, CCSS.ELA-Literacy.CCRA.R.2, CCSS.ELA-Literacy.CCRA.R.3,  
CCSS.ELA-Literacy.CCRA.R.5, CCSS.ELA-Literacy.CCRA.R.10CCRA.R.5, CCSS.ELA-Literacy.CCRA.R.10