

Making History  
About the Bar  
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By Crista Hogan, Executive Director

The Springfield Bar has a mission statement penned 110 years ago and directs us “to maintain the honor and dignity of the profession of law, to cultivate social interaction among the members, and for the promotion of legal science, and the administration of justice.” The mission is prominent on our website, our business cards and letterhead. It seamlessly connects our past to our present to our future.

In the next few months, our bar will participate in an historic event, promoting legal science and the administration of justice in the 31st Circuit. We will see a new judge take the bench, selected, for the first time, through Missouri’s nonpartisan court plan.

Ten years ago our board established the bench and bar committee. The judicial selection process was an early topic discussed in that committee. The other metropolitan areas in the state had opted in to the Missouri Plan decades earlier.

The Missouri Constitution specifies the process and the ballot language required for a circuit to adopt the plan. Since it requires a vote of the people, the merit selection scholars agree that there has to be some indication of an interest in change from outside the bar. We began to see indications of community interest in the months following the 2006 election.

In response, SMBA President Steve Garner asked Joe Passanise to chair an ad hoc nonpartisan court plan committee. That committee first met in the fall of 2007 with a half dozen people, most notably, by Chip Sheppard.

The new committee immediately recognized that a campaign to adopt the nonpartisan court plan in Greene County would hinge on the leadership of the legal community, but that a campaign committee should be independent of the bar association. So the first act of the ad hoc committee was to disband. A new group, Greene Countians for Fair and Impartial Judges, formed with the objective of bringing merit selection to the 31st circuit.

The next several months were some of the most exciting, exhausting and overwhelming months I have experienced professionally. It had been thirty-four years since any county in Missouri had adopted the plan. There was no guidebook, no outline, no experts no notes. There was no apparent recollection of the details of how it had been done. The Greene Countians had to start from scratch.

The leaders of the effort, driven by Joe and Chip and joined early by John Holstein, anticipated it would be challenging, maybe even Herculean. I don’t think anyone expected an ending more reminiscent of David vs. Goliath. I expected it to be a journey with bumps in the road, not a roller coaster travelling at a speed and travelling a course way out of my comfort zone. But like a roller coaster, there was no getting off this ride until election day.

The ride was particularly rocky in the final weeks. After months with no indication of challenge, suddenly, in the last days of the campaign, the opposition mounted a vigorous attempt to defeat the measure, funded by outside money and outspending proponents by a margin of three to one.

The campaign ended on Presidential Election Day, November 4, 2008. On that day, the Greene County voters went to the polls to cast ballots for the leaders of our government and while there, 62,478 of them, a majority of the voters, said yes to merit selection for the 31st Circuit.

Shortly after the election the 31st Circuit Judicial Commission was formed, initially chaired by the Honorable Gary Lynch. Governor Matt Blunt appointed Linda Fowler and Sally Hargis as the non-lawyer commissioners. Eight people ran for the two lawyer commissioner positions. Clif Smart and Brent Green were elected. The commission met, established rules and waited.

Five years came and went. The commission chair passed with the position of Chief Judge of the Southern District, Judge Lynch to Judge Don Burrell, Sr., and recently to Judge Bill Francis. In 2012 Brent Green's term expired and Andy Bennett was elected. And the final transition recently occurred when Governor Jay Nixon appointed Steven Stepp to replace Sally Hargis. Finally, the wait is over. The 31st Circuit Judicial Commission is tasked with selecting a panel for the newly created associate judge position.

After nearly a decade of laying the foundation, state legislator Bob Dixon, now chair of the Senate Judiciary, led efforts resulting in authorization of two additional associate judges, and funding one in the state budget. At the July SMBA lunch, Senator Dixon said "this year we threw everything at the wall hoping something would stick." And astonishingly, everything did.

In addition to the new judge, the legislature made additional significant strides toward adequate resources and additional funding for our courts. The 2013 session produced full funding of our family court commissioners, transferring financial responsibility of three commissioners from our county to the state. State Representative Kevin Elmer was instrumental in advancing our priorities in the house, and we are grateful to our entire local delegation. For the first time in a very long time, we have three members in the state legislature, Kevin Elmer, Kevin Austin and Elijah Haahr and we are appreciative of their service.

Most of our members are familiar with the adoption of the nonpartisan court plan in Greene County. Many were involved, contributing generously to the effort. The majority of SMBA are likely also aware of the long and for many years fruitless process of lobbying for adequate judicial resources, which finally, this year produced a bumper crop for the 31st Circuit. Perhaps I am the only one who finds this to be a very exciting convergence of years of complicated but concerted effort. But before it becomes history, I wanted to write this article, to reflect on the significance of this moment and to specifically thank Joe Passanise and Chip Sheppard for their leadership and the many others members of this bar and community who paved the way