As you know, Public Opinion Strategies recently completed a survey of 600 likely voters in Missouri on behalf of Justice at Stake, Missouri Institute for Justice, and Missourians for Fair and Impartial Courts. The survey was completed December 4-6, 2007 and has a margin of error of plus/minus 4%.

**KEY FINDINGS**

- **There is wide support for the current judicial selection process.**
  After hearing a brief description* of the current selection process, Missouri voters express overwhelming support for the current judicial selection process, 71% support - 25% opposed. Strong support for the current process cuts across every major sub-group in the poll including 74% of Republicans, 70% of Independents and 69% of Democrats.

  * First, under the current system, a nonpartisan panel of citizens and attorneys selected by the Governor, the state bar association and the Supreme Court evaluate and recommend potential judges to the governor. The governor then chooses a new judge from the recommended list. After a short initial term, the public then votes on whether the judge should keep the seat or be removed from office. If a judge is rejected by the voters, the selection process starts again. Based on this statement, do you support or oppose this existing system?

- **Concurrently, major reform proposals are strongly opposed.**
  With widespread support for the current selection process, it is not surprising to find a strong majority of Missouri voters opposed to the major reforms being considered by some groups. The following table shows public attitudes toward a few major reform proposals.

<table>
<thead>
<tr>
<th>Oppose</th>
<th>Favor</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>75%</td>
<td>20%</td>
<td>Abolishing the commission which recommends judges and allowing the governor to choose his/her own judicial nominee.</td>
</tr>
<tr>
<td>60%</td>
<td>33%</td>
<td>Ending judicial retention elections, and allowing the legislature to vote on keeping or rejecting judges instead.</td>
</tr>
<tr>
<td>58%</td>
<td>37%</td>
<td>Replacing the current evaluation process with a new system where judges are chosen by the governor and confirmed by the state Senate.</td>
</tr>
</tbody>
</table>
Judicial selection is NOT a legislative priority for voters.
While some interest groups have made changing the state’s judicial selection process their top priority, Missouri voters tell us they care more about other issues. Only 5% of Missouri voters believe “the way state judges are selected” is the top OR second highest priority for the Governor and state legislature to focus on. By comparison nearly half (47%) rate health care as a top priority, followed by public education (37%) and taxes and government spending (37%).

Voters prefer a judiciary independent of political leaders.
There is no question, Missourians value an independent state judiciary. We asked voters the following question:

Please tell me which statement you agree with more:

Missouri judges should be accountable to elected officials like the Governor and the legislature to ensure judges are responsive to the needs of the public...or...

Missouri judges should be independent of elected officials like the Governor and the legislature to ensure judges make decisions based only on the law and the Constitution.

By better than a three-to-one margin (73%-22%), voters preferred judges to be independent of elected officials. These feelings cut across every demographic group including Republicans (76%-18%), Independents (75%-22%), and Democrats (70%-22%).

The Bottom Line
With wide, bi-partisan support for the current judicial selection process, strong opposition to the major proposed reforms, and voters focused on issues like health care, education and taxes and government spending, the message from Missouri voters is simple: the judicial selection process is NOT broken, so don’t fix it.
C. Thinking ahead to the November 2008 election for President, U.S. Congress and other state and local offices... How likely is it that you will vote in that election...would you say it is...

94% VERY LIKELY
6% SOMEWHAT LIKELY

1. Generally speaking, would you say that things in Missouri are going in the right direction, or have they pretty seriously gotten off on the wrong track?

51% RIGHT DIRECTION
39% WRONG TRACK
9% DON'T KNOW
1% REFUSED

2. Which ONE of the following issues should be the top priority of the Governor and the state legislature? Next choice? (RECORD FIRST CHOICE, SECOND CHOICE.)

1st Comb.
30% 47% Health care
18% 37% Taxes and government spending
17% 37% Public education
14% 26% Illegal immigration
10% 24% Crime and drugs
6% 16% Roads and bridges
2% 5% The way state judges are selected

1% 2% NONE OF THE ABOVE
2% 2% DON'T KNOW
* * REFUSED
Now, I would like to read you the names of some different people and organizations you might hear or read about on the news. For each one, please tell me whether you have a favorable or unfavorable impression of that person or organization. If I name something you don't know too much about, just tell me and we'll go on to the next one.

<table>
<thead>
<tr>
<th>TOTAL FAV</th>
<th>TOTAL UNFAV</th>
<th>VERY FAV</th>
<th>SMWT FAV</th>
<th>SMWT UNFAV</th>
<th>VERY UNFAV</th>
<th>NO OPIN</th>
<th>NVR</th>
<th>HRD</th>
<th>REF</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>The Supreme Court of United States</td>
<td>61% 24% 21% 41% 15% 9% 12% 1% 1%</td>
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<td>4.</td>
<td>US Congress</td>
<td>40% 48% 10% 30% 24% 24% 10% 1% 1%</td>
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<td>5.</td>
<td>Missouri Governor Matt Blunt</td>
<td>52% 40% 21% 31% 16% 24% 6% * 1%</td>
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<tr>
<td>6.</td>
<td>The Missouri legislature</td>
<td>49% 26% 8% 41% 18% 9% 20% 3% 2%</td>
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<tr>
<td>7.</td>
<td>Missouri courts</td>
<td>48% 21% 12% 37% 12% 8% 26% 3% 2%</td>
<td></td>
<td></td>
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<tr>
<td>8.</td>
<td>First, how much would you say you know about what courts and judges do in Missouri?</td>
<td>60% TOTAL GREAT DEAL/SOME</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>12% A GREAT DEAL</td>
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<td></td>
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<td></td>
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<tr>
<td></td>
<td>48% SOME</td>
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<tr>
<td></td>
<td>31% LITTLE</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8% NOTHING AT ALL</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>39% TOTAL LITTLE/NOTHING</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1% DON’T KNOW</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>– REFUSED</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>
9. Which ONE of the following is the most important quality for Missouri’s court system to be?

- 31% Fair and impartial
- 24% Guardians of constitutional rights
- 20% Accountable for their decisions
- 14% Independent from partisan politics
- 7% Responsive to society’s concerns
- 3% DON’T KNOW
- 1% REFUSED

10. Please tell me which statement you agree with more:

- 60% The Missouri State Supreme Court makes decisions based on the state’s laws and constitution.
- 29% The Missouri State Supreme Court makes decisions based on the judges’ political beliefs and ideology.
- * NEITHER
- 10% DON’T KNOW
- 1% REFUSED

11. In deciding who should become a judge in Missouri, which of the following should be more important:

- 91% A judicial candidate’s qualifications and experience
- 6% A judicial candidate’s political ideology
- * NEITHER
- 2% DON’T KNOW
- * REFUSED
12. Please tell me which statement you agree with more:

22% Missouri judges should be accountable to elected officials like the Governor and the legislature to ensure judges are responsive to the needs of the public.

...OR...

73% Missouri judges should be independent of elected officials like the Governor and the legislature to ensure judges make decisions based only on the law and the Constitution.

1% NEITHER
3% DON’T KNOW
* REFUSED

Next, I’m going to read you some ways that judges are now held accountable for their court decisions. For each one, please tell me if you think that one is a very effective, somewhat effective, not very effective or not at all effective as a way to hold judges accountable. The first/next one is...

<table>
<thead>
<tr>
<th>TOTAL EFF</th>
<th>TOTAL NOT EFF</th>
<th>VERY EFF</th>
<th>SMWT EFF</th>
<th>NOT VERY EFF</th>
<th>NOT AT ALL EFF</th>
<th>DK</th>
<th>REF</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Judges must publish explanations of their court decisions</td>
<td>83%</td>
<td>14%</td>
<td>44%</td>
<td>38%</td>
<td>10%</td>
<td>4%</td>
<td>3%</td>
</tr>
<tr>
<td>14. A judge's decision can be appealed to a higher court</td>
<td>92%</td>
<td>6%</td>
<td>54%</td>
<td>37%</td>
<td>4%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>15. Voters having the final say on whether a judge stays in office or is removed</td>
<td>80%</td>
<td>19%</td>
<td>50%</td>
<td>30%</td>
<td>13%</td>
<td>6%</td>
<td>2%</td>
</tr>
</tbody>
</table>
16. Now, I have a few questions about how some Missouri's judges are selected. First, under the current system, a nonpartisan panel of citizens and attorneys selected by the Governor, the state bar association and the Supreme Court evaluate and recommend potential judges to the governor. The governor then chooses a new judge from the recommended list.

After a short initial term, the public then votes on whether the judge should keep the seat or be removed from office. If a judge is rejected by the voters, the selection process starts again.

Based on this statement, do you support or oppose this existing system?

71% TOTAL SUPPORT
29% STRONGLY SUPPORT
42% SOMEWHAT SUPPORT
12% SOMEWHAT OPPOSE
14% STRONGLY OPPOSE
26% TOTAL OPPOSE

3% DON’T KNOW
1% REFUSED

Next, I’m going to read you a few proposals which may be considered by the legislature to change how some Missouri judges are selected. For each one, please tell me whether you would favor or oppose each proposal.

<table>
<thead>
<tr>
<th>Proposal</th>
<th>TOTAL FAVOR</th>
<th>TOTAL OPPOSE</th>
<th>STRG FAVOR</th>
<th>SMWT FAVOR</th>
<th>SMWT OPPOSE</th>
<th>STRG OPPOSE</th>
<th>DK</th>
<th>REF</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. Ending judicial retention elections, and allowing the legislature to vote on keeping or rejecting judges instead.</td>
<td>33%</td>
<td>60%</td>
<td>8%</td>
<td>25%</td>
<td>23%</td>
<td>37%</td>
<td>6%</td>
<td>*</td>
</tr>
<tr>
<td>18. Replacing the current evaluation process with a new system where judges are chosen by the governor and confirmed by the state Senate.</td>
<td>37%</td>
<td>58%</td>
<td>10%</td>
<td>27%</td>
<td>18%</td>
<td>41%</td>
<td>4%</td>
<td>*</td>
</tr>
<tr>
<td>19. Abolishing the commission which recommends judges and allowing the governor to choose his/her own judicial nominee.</td>
<td>20%</td>
<td>75%</td>
<td>7%</td>
<td>13%</td>
<td>16%</td>
<td>59%</td>
<td>4%</td>
<td>*</td>
</tr>
</tbody>
</table>
Now, I have just a few questions for statistical purposes only...

20. First, in what year were you born?

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>18 - 24</td>
<td>2%</td>
</tr>
<tr>
<td>25 - 34</td>
<td>8%</td>
</tr>
<tr>
<td>35 - 44</td>
<td>16%</td>
</tr>
<tr>
<td>45 - 54</td>
<td>25%</td>
</tr>
<tr>
<td>55 - 64</td>
<td>20%</td>
</tr>
<tr>
<td>65 AND ABOVE</td>
<td>29%</td>
</tr>
</tbody>
</table>

* REFUSED

21. And, in politics today, do you consider yourself to be...

- a Republican,
- a Democrat,
- ...or something else?

(If Republican or Democrat, Ask:) Would you call yourself a STRONG (Republican/Democrat) or a NOT-SO-STRONG (Republican/Democrat)?

(If Something Else, Ask:) Do you think of yourself as closer to the ...

- the Republican party
  - or...
  - the Democratic party

<table>
<thead>
<tr>
<th>Party Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>STRONG REPUBLICAN</td>
<td>22%</td>
</tr>
<tr>
<td>NOT-SO-STRONG REPUBLICIAN</td>
<td>9%</td>
</tr>
<tr>
<td>LEAN REPUBLICAN</td>
<td>6%</td>
</tr>
<tr>
<td>SOMETHING ELSE/INDEPENDENT/UNDECLARED</td>
<td>21%</td>
</tr>
<tr>
<td>LEAN DEMOCRATIC</td>
<td>9%</td>
</tr>
<tr>
<td>NOT-SO-STRONG DEMOCRAT</td>
<td>6%</td>
</tr>
<tr>
<td>STRONG DEMOCRAT</td>
<td>26%</td>
</tr>
<tr>
<td>REFUSED</td>
<td>2%</td>
</tr>
</tbody>
</table>

36% TOTAL REPUBLICAN
41% TOTAL DEMOCRAT
22. Generally speaking, do you consider yourself to be conservative, moderate or liberal on most issues?

26% VERY CONSERVATIVE
21% SOMEWHAT CONSERVATIVE
34% MODERATE
16% LIBERAL
2% DON'T KNOW
* REFUSED

47% TOTAL CONSERVATIVE
51% TOTAL MODERATE/LIBERAL

23. And how often would you say that you attend religious services...

14% MORE THAN ONCE A WEEK
33% WEEKLY
5% ALMOST EVERY WEEK
11% ONCE OR TWICE A MONTH
22% A FEW TIMES A YEAR
13% NEVER
1% REFUSED

47% FREQUENTLY
16% OCCASIONALLY
35% RARELY

24. Other than being an American, what is your main ethnic or racial heritage?

10% AFRICAN AMERICAN OR BLACK
84% WHITE
* HISPANIC AMERICAN
3% NATIVE AMERICAN
1% OTHER
1% REFUSED
25. Gender. Are you married, widowed, separated, divorced or have you never been married?

36% MALE/MARRIED
3% MALE/WIDOWED
1% MALE/SEPARATED
2% MALE/DIVORCED
6% MALE/NEVER BEEN MARRIED
* MALE/REFUSED

29% FEMALE/MARRIED
10% FEMALE/WIDOWED
1% FEMALE/SEPARATED
7% FEMALE/DIVORCED
5% FEMALE/NEVER BEEN MARRIED
* FEMALE/REFUSED

48% TOTAL MALE
52% TOTAL FEMALE