



## Wilder's judicial plan on rocks as Senate tempers ignite

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John Wilder (D-Mason) is retiring this year after 44 years in the Senate and lieutenant governor and speaker for 36 of those years.  
*File*

One of the signature achievements of former Lt. Gov. John Wilder's legacy — Tennessee's method for selecting judges — took another step toward extinction Tuesday as tempers flared and accusations of mistreatment flew in the Senate.

Wilder (D-Mason), a member of the Senate for 44 years and lieutenant governor and speaker for 36 of those years, is retiring this year. The state's current method for picking judges, called the Tennessee Plan, is one of his top achievements.

The Tennessee Plan though may be retiring on July 1, 2009 after the Senate Government Operations Committee, which has a Republican majority, on Tuesday effectively killed for the year a Wilder-sponsored bill extending the life of the Judicial Selection Commission.

The Judicial Selection Commission recommends potential justices for the Tennessee Supreme Court to the governor to choose among as well as recommending future state appellate and trial court judges. It is a main cog of the Tennessee Plan.

After the legislative action, the move caused one GOP senator to shout at least one expletive at the Senate's Democratic leader in the hallway.

If the bill doesn't pass this year, the judicial commission will go into a one-year wind down starting July 1 before expiring next year.

Wilder says doing away with the Tennessee Plan would be a mistake.

"I think that it was one of the best things the Legislature has ever done," Wilder said. "I think that method of selecting judges, you get people to know the truth. If you don't know the truth in the cosmos, you don't know right from wrong."

The Senate Republicans, led by current Lt. Gov. Ron Ramsey (R-Blountville), are holding up the renewal of the selection commission, as well as 53 additional agencies slated to start winding down July 1, as leverage to push reforms to the way the state picks judges. They argue that system is too controlled by special interests.

### **Wilder mistreated?**

Tempers flared after the legislation was effectively killed.

Senate Democratic Leader Jim Kyle of Memphis was seen in a hallway confrontation with Sen. Rusty Crowe (R-Johnson City), a member of the government operations panel.

Crowe loudly shouted "son of a (expletive deleted)" at Kyle after Kyle said something to him.

When asked about the confrontation afterward, Kyle said: "I just explained to (Crowe) that I thought John Wilder had treated him awfully good during his term as speaker for him not to communicate what his intentions were."

Kyle said the Republicans mistreated the 86-year-old Wilder by "essentially making John Wilder beg them to vote for the bill."

"I thought it was a real sad day to treat a member like that," Kyle said afterwards. "The manner in which John Wilder was treated today would be inappropriate for any senator, particularly a fellow who's been here for 40 years."

Sen. Dewayne Bunch (R-Cleveland), a member of the government operations panel, called Kyle's accusation "ludicrous."

"We didn't do anything," Bunch said.

When asked whether he thought he was mistreated, Wilder said it wasn't his "opinion to make."

"I'm not the issue," Wilder said. "The issue is the Tennessee Plan. I'm not the issue."

### **A partisan battle?**

If the Judicial Selection Commission expires next year (the Legislature could extend it in 2009), the state could return to contested judicial elections in 2010. Some GOP senators argue that contested judicial elections are constitutional while the current retention elections aren't.

Some legal interest groups have opposed those reforms, and compromise efforts have failed. House Speaker Jimmy Naifeh (D-Covington) said he would still try to work with Ramsey on compromises, and the House passed a bill 64-34 extending the Judicial Selection Commission.

"This is not a partisan battle," Naifeh said. "This is a bill that is good for the judiciary of this state."

Senate Republicans though, as result of the so-far failed compromise efforts, say they are content to let the judicial panel go into wind down, said Sen. Jack Johnson (R-Brentwood), a member of the government operations committee.

"Basically, we are committed to taking the special interests out of our judicial selection process," Johnson said. "If we have to go to elections to get that done, we will."

### **Ramsey's reforms**

As Wilder prepares to retire, Ramsey is pushing a plan to give him more latitude in how the Judicial Selection Commission is appointed. His ultimate goal is having more conservatives on the bench.

Currently, groups such as the Tennessee Bar Association and the Tennessee Association for Justice, formerly the trial lawyers association, recommend a slate of nominees to the House and Senate speakers to choose among.

Ramsey doesn't want to be constrained in how he picks his members.

Besides the Judicial Selection Commission, the 53 other agencies and state departments slated to start winding down July 1 include large agencies such as the Departments of Health and Safety as well as smaller agencies such as the Southern Growth Policies Board.