CONTENTS

SYMPOSIUM:

MULLING OVER THE MISSOURI PLAN: A REVIEW OF STATE JUDICIAL SELECTION AND RETENTION SYSTEMS

Foreword .......................................................................................... R. Lawrence Dessem 473

The 2009 Earl F. Nelson Lecture

The Essentials and Expendables of the Missouri Plan .................................. Sandra Day O’Connor 479

Special Interest Influence: Balancing Independence and Accountability

We Have Met the Special Interests, and We Are They ................................................ Michael R. Dimino, Sr. 495

A Plea for Reality .................................................................................. Roy A. Schotland 507

Federal and State Judicial Selection in an Interest Group Perspective ....................... Michael E. Solimine

Rafael Gely

Parties, Interest Groups, and Systemic Change ......................................................... Anthony Champagne 555

Shedding (Empirical) Light on Judicial Selection ...................................................... Lee Epstein 563

Retention Elections in a Merit-Selection System: Balancing the Will of the Public with the Need for Judicial Independence and Accountability

Reconciling the Judicial Ideal and the Democratic Impulse in Judicial Retention Elections .................................................. Rachel Paine Caufield 573

Do Retention Elections Work? ......................................................................... G. Alan Tarr 605

Using Judicial Performance Evaluations to Supplement Inappropriate Voter Cues and Enhance Judicial Legitimacy ................................................... Penny J. White 635

Comments on the White, Caufield, and Tarr Articles ................................................. Duane Benton 667
The Fallacies and Fixables of Merit Selection  
and the Constituencies that Support Missouri Plan Reform

The Politics of Merit Selection................................. *Brian T. Fitzpatrick* 675

The Missouri Nonpartisan Court Plan:  
The Least Political Method of  
Selecting High Quality Judges ............................. *Laura Denvir Stith*  
*Jeremy Root* 711

The Missouri Plan in National Perspective ...................... *Stephen J. Ware* 751

The Bench, the Bar, and Everyone Else:  
Some Questions About State Judicial Selection .......... *Michael E. DeBow* 777

Exporting the Missouri Plan:  
Judicial Appointment Commissions .................. *Mary L. Volcansek* 783

**NOTES**

The High Cost of Low-Cost Workers:  
Missouri Enacts New Law Targeting  
Employers of Unauthorized Workers ...................... *Michael B. Barnett* 801

There but for the Grace of God Go I:  
The Right of Cross-Examination in  
Social Security Disability Hearings ..................... *Bradley S. Dixon* 823

The Eighth Circuit Loosens the Grip of the  
Bankruptcy Gag Rule, but Holds Attorneys  
to Advertising Disclosure Requirement .................. *Bethany R. Findley* 845

Fender Bender Lottery: Direct Victims and  
Bystanders in Recovery for the Negligent  
Infliction of Emotional Distress ......................... *Josh Hill* 871

The Inadequacies of Missouri Intestacy Law:  
Addressing the Rights of  
Posthumously Conceived Children .......................... *Kimberly E. Naguit* 889