

SENATOR CHAMBERS: Okay. Now, who appoints the judges to the Workers' Compensation Court?

SENATOR LANDIS: My recollection is that this is a...this is part of the Missouri plan, but I can't tell you for sure.

SENATOR CHAMBERS: The Governor appoints the...

SENATOR LANDIS: Ultimately, the Governor does appoint from the Missouri plan.

SENATOR CHAMBERS: Okay, so the Governor appointed the task force which by your discussion means it was politicized. He appoints the judges, which by your discussion means that is politicized. So if those two areas of very important activity have already been politicized, this one more won't make any difference, but I want that out of the way. If the parties choose an IME...I'm asking you, Senator Landis, now, so that we don't have that that we just talked about involved in this series of questions. If the parties choose the IME, are they restricted to this list, however it winds up being put together?

SENATOR LANDIS: Yes.

SENATOR CHAMBERS: So it could be a situation where both sides could feel that no qualified person is on the list?

SENATOR LANDIS: Anything is possible, Senator Chambers. I mean, any question that asks about a possible alternative in the future would always contain a germ of possibility.

SENATOR CHAMBERS: If you are trying to reach a point where warring parties come together for the purpose of trying to resolve an issue, why can they not choose an IME? If both of them agree on it, what difference does it make where that IME comes from, the list or not on the list, unless the list consists of people that are deemed to be locked in already? That's the thrust of my question. Why shouldn't they be allowed to select one from wherever?

SENATOR LANDIS: In fact, the expectation is that if there's a viable choice that will be on the list, you raise a fair point, I think a good alternative will exist. On the other hand, the suggestion that you make is what's used in arbitration. It's