GOVERNOR OF MISSOURI

JEFFERSON CITY
65102

JEREMIAH W. (JAY) NIXON
GOVERNOR

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June 28, 2016

TO THE SECRETARY OF STATE OF THE STATE OF MISSOURI

Herewith I return to you Senate Committee Substitute for Senate Bill No. 591 entitled:

AN ACT

To repeal section 490.065, RSMo, and to enact in lieu thereof one new section relating to expert witnesses.

I disapprove of Senate Committee Substitute for Senate Bill No. 591. My reasons for disapproval are as follows:

Senate Committee Substitute for Senate Bill No. 591 (Senate Bill No. 591) would discard Missouri's well-established criteria guiding the admissibility of expert testimony and replace it with a much more intricate, complicated and costly procedure. These changes are not proposed to solve an existing problem but instead are designed to make it more difficult and expensive for parties to bring forward their case and recover their proper damages. The process presently in place is fair and equitable to all litigants and the substantial and harmful retreat that would be realized by adoption of this new approach will not receive my approval.

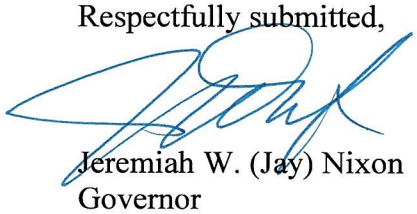
The new requirements contained in Senate Bill No. 591 would needlessly strain judicial resources, require trial judges to conduct unnecessary hearings and become quasi-experts on complex subjects, and, in many cases, would impose a substantial financial burden on litigants. The current, long-standing procedure governing the admissibility of expert testimony has served our state court system well. Senate Bill No. 591 would not improve upon this existing model but rather would abandon our current approach for the purpose of targeting injured litigants, whether individuals, small businesses or others, by making it more expensive – and perhaps cost prohibitive - to bring forward their claims. As revealed in the federal court system from where the language of this legislation is borrowed, these provisions could lead to extensive pretrial evidentiary proceedings that would needlessly clog our courts and unnecessarily drain financial resources from the parties.

Senate Bill No. 591 is a targeted attack on an injured party's ability to be justly compensated for their damages, a purpose that is confirmed by the fact that the bill would specifically retain our current expert admissibility standards for probate, juvenile and family court cases. Moreover, the legislation, designed to make it more difficult to admit expert testimony and avoid the use of "junk science," would nevertheless allow a property owner, "while not an expert," to testify as to the reasonable market value of their own land.

The inconsistent approach of Senate Bill No. 591 is indicative of the misguided impetus behind this legislation. Missouri trial judges properly understand and apply Missouri's common sense standards relating to the admissibility of expert testimony and it would be harmful and disruptive to adopt the federally authored changes contained in Senate Bill No. 591 into our Missouri courts.

In accordance with the above stated reasons for disapproval, I am returning Senate Committee Substitute for Senate Bill No. 591 without my approval.

Respectfully submitted,



Jeremiah W. (Jay) Nixon
Governor