



## So You Want to Be a Judge?

Friday, August 26, 2016 • 3:15 – 4:30 PM

KCMBA Conference Center

Credit: Missouri – 1.5 / Kansas – 1.5 Law Practice Management

Cost: Free for KCMBA and Diversity Bar Association Members Only

### DESCRIPTION

This program will provide an in-depth perspective of the process to become a Judge. It will explain the process and provide information for individuals who are either interested in becoming judges or individuals who would like to know more about the judicial process. The program will focus on the perspective of the 16th Circuit Judicial Commission. The speakers for this program are three former lawyer-members of the Jackson County Judicial Nominating Commission, and a former Chief Judge of the Missouri Court of Appeals, Western District, who chaired the Commission. The speakers will offer their insights and advice to prospective applicants for judicial positions concerning how to put their best foot forward during the application process. This program is intended not only for lawyers who are intending to apply for judicial vacancies in the immediate future, but also for younger lawyers who may be considering applying for judicial vacancies at a later date. Consistent with Supreme Court Rule 10.32(f), which recognizes "the desirability of the bench reflecting the racial and gender composition of the community," this program is being presented in cooperation with the Asian American Bar Association of Kansas City, Association of Women Lawyers, Hispanic Bar Association of Greater Kansas City, Jackson County Bar Association, Kansas City Lesbian, Gay, and Allied Lawyers, and Kansas City Metropolitan Bar Association's Diversity Section. Following the CLE, we will have a Happy Hour, where individuals will be able to speak with the commissioners directly.

### SCHEDULE

3:00 PM Check-in

3:15 PM Program

4:30 PM Adjourn to (*Networking Reception Sponsored by Benton Lloyd & Chung LLP and Williams Dirks Dameron LLC*)

### SPEAKERS

**Tim Dollar**, *Dollar Burns & Becker, L.C.*

**John Kurtz**, *Hubbard & Kurtz, LLP*

**Hon. Cynthia Martin**, *Missouri Court of Appeals, Western District*

**Moderator: Hon. Alok Ahuja**, *Missouri Court of Appeals, Western District*

**\*Course materials will be provided in electronic format only** and are accessible with your laptop, tablet or other mobile device during the event. Final course materials will be sent via email when size permits and posted prior to the event at [kcmba.org](http://kcmba.org).

**Parking will be validated at the event.** \*\*On-site registrations are welcome; however, seating and/or meals cannot be guaranteed unless you pre-register.

KCMBA CONFERENCE CENTER  
TWO PERSHING SQUARE  
2300 MAIN ST., SUITE 100  
KANSAS CITY, MO 64108

### 4 WAYS TO PRE-REGISTER:

1. **Online** at [kcmba.org](http://kcmba.org)
2. **Mail** completed registration form with payment to KCMBA, Two Pershing Sq., 2300 Main St., Suite 100, Kansas City, MO 64108.
3. **Fax** (816) 474-0103
4. **Phone** (816) 474-4322

**Parking** is available in the Two Pershing Square parking garage and will be validated at the event. Visit [kcmba.org/parking](http://kcmba.org/parking) for directions and a map.

**Cancellations** received 48 hours or more prior to the start of an event may receive a refund minus a \$25 processing fee, or a credit voucher in the full amount of the fees paid which will be valid for one year from the date of the event.

**Substitutions** for paid registrations are accepted. Credit vouchers are transferable.

**No shows** will not receive a refund or credit voucher. A request for refund due to emergency or hardship must be received in writing no more than 30 days after the event date.

**Special accommodations** may be made by contacting KCMBA at (816) 474-4322 prior to the program date.

**KCMBA.org**

**“So You Want to be a Judge?”**  
**Continuing Legal Education Program**  
**August 26, 2016**

**Speakers**

**Tim Dollar**

Tim Dollar is the founding partner of the law firm of Dollar, Burns & Becker, LC in Kansas City. His practice emphasizes tractor-trailer accidents, nursing home abuse, insurance bad faith claims, as well as many other areas of general personal injury. Mr. Dollar also serves as a Special Assistant Prosecutor for Jackson County. In that capacity, he is involved in prosecuting some of the most complex, high-profile cases in the office. Mr. Dollar served as a member of the 16th Judicial Circuit Nominating Commission, as a member of the 16th Circuit Bar Ethics Committee, and as President of the Missouri Association of Trial Attorneys. Mr. Dollar was awarded the Lon O. Hocker Memorial Trial Attorney Award by the Missouri Bar Foundation in 1996. He has tried over 250 jury cases.

**John Kurtz**

John Kurtz received a bachelor's degree from the University of Missouri, a master's degree from the University of Pennsylvania, and a law degree from the University of Missouri. He worked as a law clerk for Circuit Court Judge Paul Vardeman and then as an Assistant Public Defender. Thereafter, he worked at The Popham Law Firm, where his clients included plaintiffs and defendants in civil litigation, children and adults in family law matters, and some defendants in criminal cases. He now works at Hubbard & Kurtz L.L.P. in Kansas City. He has tried 82 jury cases and argued 36 appellate cases. Mr. Kurtz was a member of the 16th Judicial Circuit Nominating Commission From 2000 through 2005.

**Judge Cynthia L. Martin**

Judge Martin was appointed to the Missouri Court of Appeals for the Western District in October 2009, and began serving on the Court in November 2009. Prior to her appointment to the bench, Judge Martin was in private practice for 25 years as a commercial trial and transactional lawyer. Judge Martin has served as President of the Young Lawyers Section of the KCMBA, President of the KCMBA, and President of the KCMBF. She served as a member of the 16<sup>th</sup> Judicial Circuit Nominating Commission from 2003 through 2009. Judge Martin served for 11 years on the Missouri Board of Law Examiners, and was appointed in 2011 to serve on the Board of Trustees for the National Conference of Bar Examiners. She was most recently appointed to serve as a member of the Accreditation Committee for the ABA's Section on Legal Education and Admission to the Bar. Judge Martin has received several prestigious honors including the Association for Women

Lawyers "Woman of the Year" Award; the Missouri Lawyer's Weekly Public Official/Women's Justice Award; the Missouri Bar Thomas McMillian Award of Judicial Excellence; and the KCMBF Liberty and Justice Legacy Award. Judge Martin graduated from the University of Missouri at Kansas City School of Law in 1984 and from William Jewell College in 1981.

Moderator: **Judge Alok Ahuja**

Judge Ahuja is a member of the Missouri Court of Appeals, Western District, to which he was appointed by Governor Matt Blunt in 2008. Judge Ahuja received a B.A. from the University of Kansas in 1985, and his J.D. from the Yale Law School in 1988. Prior to his appointment to the bench, Judge Ahuja was in private practice for three years in Washington, D.C., and then with Lathrop & Gage in Kansas City from 1992 to 2008. Judge Ahuja served a two-year term as the Western District's Chief Judge from 2014-2016. During his term as Chief Judge, Judge Ahuja served as Chair of the judicial nominating commissions in Jackson, Clay and Platte counties, and participated in the judicial selection process involving several Circuit and Associate Circuit Judge positions.

## **Qualifications**

- Minimum constitutional qualifications
- Professional Experience
  - experience in the court to which you are applying
  - breadth of experience matching caseload of the particular court
  - importance of trial experience
  - experience on both “sides” – plaintiff and defendant; prosecution and criminal defense
- Non-legal experience
  - charitable and civic work
  - political activities
  - Bar activities
- Bringing diversity to the bench
  - race/ethnicity; gender; disability; sexual orientation; professional background

## **Whether to apply for a particular opening**

- Being selective vs. applying for all openings (“robe shopping”)
- Timing issues
- Considering the effect of public disclosure of applicants
- Judicial compensation and benefits
- Prior unsuccessful applications
- Identity of Governor

## **The Application**

- Selecting references to write letters
  - representation of various “sides”
  - non-law-related references

- Dealing with “inconvenient” facts
  - arrests or criminal convictions
  - malpractice actions or other personal litigation
  - educational discipline
  - bar disciplinary complaints or sanctions

### **From Application to Public Interview**

- Ethical considerations
- Meeting with individual commissioners
- Soliciting support from individuals and organizations which may be influential with commissioners

### **The Public Interview**

- Explaining why you want to be a judge
- Explaining what you want to do as a judge
- Dealing with the unexpected question

### **Making a panel; process in the Governor’s Office**

- Soliciting support from individuals and organizations which may be influential with the Governor’s Office
- Interviews

### **Aftermath**

- For the successful candidate: timeline and procedure for taking the bench
- For unsuccessful candidates: debriefing with commissioners, supporters

## TEN DO'S OF SEEKING JUDICIAL APPOINTMENT

1. **APPLICATION.** Make it a work of art. Review it multiple times yourself, and have your friends/loved ones/supporters review it likewise so that it is magnificent and beautiful.
2. **LETTERS.** Very carefully select your letter writers. Diversity is important. Consider one or two people outside of the law. Avoid letters that just are filled with praising adjectives. Have letters that tell great stories and anecdotes about you and your work, the kind of person that you are, the kind of lawyer that you have been.
3. **VISITS.** Be certain to offer to visit all five Commission members. The 15 minutes of group interviews will never be enough to enable them to know you well and to form a desire to support you.
4. **MESSAGE.** Have a message ready to tell the Commission members during the individual visits as well as at the group meeting. Commission members often suggest that they cannot be expected to remember giant, lengthy explanations of issues given by multiple applicants. Therefore, each applicant should seek to have 3 to 4 very significant and memorable points to make during all interviews.
5. **LIFE.** Be prepared to tell your life story, certainly during the individual interviews. Someone who has reflected considerably upon their life and who can relay their life story in an interesting and engaging way will be far ahead.
6. **JUDICIOUSNESS.** Some Commission members will be trying to envision the applicant sitting up high on the bench between the flags with a robe on. Can they see this applicant in that position? Therefore, a certain judicious-style demeanor will set the applicant ahead.
7. **HUMILITY.** Somehow Commission members tend to have a form of "arrogance radar" and the concomitant desire to avoid the appointment of egotistical lawyers to the bench. Modesty is a major virtue to have and to demonstrate.
8. **INSPIRATION.** To the extent that the applicant's message and life story can inspire, it will be remembered. All applicants should want to be remembered.
9. **WHY?** A fundamental question that somehow gets asked most of the time is why someone wants to be a judge. This needs to be the subject of very careful and extended thought. The answer should be well-developed and carefully reviewed again with loved ones and supporters.
10. **CLOSERS.** At the 15-minute interview with the whole group, be ready with 2 moving and memorable "closers" --- a longer one in the event that you have time to give it and a short alternative (20 seconds or so) to give as you stand up and shake hands on the way out if the reality is interview-over-time-to-leave. You need to depart on a very high note.

# TEN DON'TS OF SEEKING JUDICIAL APPOINTMENT

1. **SUCCINCTNESS.** Don't talk too much. Many applicants in previous years have seemed to talk themselves out of making the 3-person panel. There seems to be higher ratings given to persons who can come to the point and express themselves fully and yet comparatively briefly.
2. **PHONES.** Don't rely on support from people unknown to you. Anyone calling Commissioners should be hyper-aware of the applicant's life history and career. Phone calls from "big shots" without that are often counter-productive.
3. **OVER-DOING.** Don't believe that flooding the Commissioners with either letters or phone calls will be productive. That approach will even be counter-productive. It is better to concentrate on quality rather than quantity.
4. **MISCONDUCT.** Don't think that misconduct toward a fellow lawyer or a lay person in prior years will be forgotten and irrelevant. Such misconduct typically haunts would-be judges. Everyone is encouraged to live their professional life on an extremely high road in the years before they apply to be a judge.
5. **ENCOURAGEMENT.** Don't mistake the kindness of Commissioners or others as indications of your greatness. Essentially no one ever tells an applicant that they are wasting their time and actually have no chance. Too many people too often have false confidence based on kind people saying kind things.
6. **APTITUDE.** Don't answer a question about why you want to be a judge with the arrogant self-assessment that, "Well, I'd be good at it." This smacks of self-conceit. Applicants should let the Commissioners decide their "goodness."
7. **PROTOCOL.** Don't ignore protocol. Ask what it is. Most applicants walk in and shake hands with all 5 persons individually and do the same thing on the way out. It is best to fit in with respect to such things.
8. **TIMING.** Don't wait until too late to build a judicial profile. You should be living your life in preparation for a judicial application. This should include Bar service, seminar instruction, community service, overall living an excellent life.
9. **PREPARATION.** The preparation needs to be huge. It really does have the atmosphere of a "campaign" and should be supported by people assisting you and reviewing your intended actions during the "campaign."
10. **GRACIOUSNESS.** Don't ever be heard to challenge the selections made. If a person is known to have said that they cannot believe someone other than them was chosen, this could easily doom that person's future applications.

## **RELEVANT PROVISIONS OF ARTICLE V OF THE MISSOURI CONSTITUTION:**

### **Section 21. Judges – qualifications – age requirements – license to practice law.**

Judges of the supreme court and of the court of appeals shall have been citizens of the United States for at least fifteen years, and qualified voters of the state for nine years next preceding their selection. Such judges shall be at least thirty years of age. Except as provided by section 6, judges of the court of appeals shall be residents of the court of appeals district in which they serve. Circuit judges shall have been citizens of the United States for at least ten years, and qualified voters of this state three years next preceding their selection, and be not less than thirty years of age and residents of the circuit for at least one year. Associate circuit judges shall be qualified voters of this state and residents of the county, at least twenty-five years old, and have such other qualifications as may be provided by law. Every supreme, appellate, circuit, and associate circuit court judge shall be licensed to practice law in this state.

### **Section 25(a). Nonpartisan selection of judges – courts subject to plan – appointments to fill vacancies.**

Whenever a vacancy shall occur in the office of judge of any of the following courts of this state, to wit: The supreme court, the court of appeals, or in the office of circuit or associate circuit judge within the city of St. Louis and Jackson County, the governor shall fill such vacancy by appointing one of three persons possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the governor by a nonpartisan judicial commission established and organized as hereinafter provided. If the governor fails to appoint any of the nominees within sixty days after the list of nominees is submitted, the nonpartisan judicial commission making the nomination shall appoint one of the nominees to fill the vacancy.

### **Section 25(d). Nonpartisan judicial commissions – number, qualifications, selection and terms of members – majority rule – reimbursement of expenses – rules of supreme court.**

Nonpartisan judicial commissions whose duty it shall be to nominate and submit to the governor names of persons for appointment as provided by sections 25(a)-(g) are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the supreme court or of the court of appeals, there shall be one such commission, to be known as "The Appellate Judicial Commission"; for vacancies in the office of circuit judge or associate circuit judge of any circuit court subject to the provisions of sections 25(a)-(g) there shall be one such commission, to be known as "The ..... Circuit Judicial Commission", for each judicial circuit which shall be subject to the provisions of sections 25(a)-(g);

the appellate judicial commission shall consist of a judge of the supreme court selected by the members of the supreme court, and the remaining members shall be chosen in the following manner: The members of the bar of this state residing in



each court of appeals district shall elect one of their number to serve as a member of said commission, and the governor shall appoint one citizen, not a member of the bar, from among the residents of each court of appeals district, to serve as a member of said commission, and the members of the commission shall select one of their number to serve as chairman.

Each circuit judicial commission shall consist of five members, one of whom shall be the chief judge of the district of the court of appeals within which the judicial circuit of such commission, or the major portion of the population of said circuit is situated and the remaining four members shall be chosen in the following manner: The members of the bar of this state residing in the judicial circuit of such commission shall elect two of their number to serve as members of said commission, and the governor shall appoint two citizens, not members of the bar, from among the residents of said judicial circuit to serve as members of said commission, the members of the commission shall select one of their number to serve as chairman; and

the terms of office of the members of such commission shall be fixed by law, but no law shall increase or diminish the term of any member then in office. No member of any such commission other than a judge shall hold any public office, and no member shall hold any official position in a political party. Every such commission may act only by the concurrence of a majority of its members. The members of such commission shall receive no salary or other compensation for their services but they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. All such commissions shall be administered, and all elections provided for under this section shall be held and regulated, under such rules as the supreme court shall promulgate.

## **RELEVANT PROVISIONS OF SUPREME COURT RULE 10:**

### **Rule 10.02. Membership of Commissions**

For the purpose of filling vacancies in the office of judge of the Supreme Court or of the Court of Appeals, there shall be a commission known as "The Appellate Judicial Commission," which shall consist of a judge of the Supreme Court selected by the members of that Court; and one member of The Missouri Bar from each district of the Court of Appeals, elected by the members of the Bar residing in each such district; and one citizen, not a member of the Bar, from each district of the Court of Appeals, appointed by the Governor.

For the purpose of filling vacancies in the office of judge of any other court of record subject to the provisions of [Sections 25\(a\)-\(g\) of Article V of the Constitution](#), there shall be a commission known as "The \_\_\_\_\_ Circuit Judicial Commission" for each judicial circuit subject to the provisions of [Sections 25\(a\)-\(g\)](#), which shall consist of the Chief Judge of the district of the Court of Appeals within which the judicial circuit, or the major portion of the population of such circuit, is situated; and two members of The Missouri Bar residing in the judicial circuit of each such Circuit Judicial Commission, elected by the members of The Missouri Bar residing

in each such judicial circuit; and two citizens, not members of the Bar, who are residents of each such judicial circuit, appointed by the Governor.

No member of any commission referred to above, other than a judge, shall hold any public office, and no member of any such commission shall hold any official position in a political party.

#### **Rule 10.26. Vacancies**

When it is known that a vacancy will occur at a definite future date, the commission may within sixty days of said date make its nominations and submit to the Governor the names of the persons nominated before the occurrence of the vacancy.

The purpose of this rule is to facilitate the administration of justice by preventing delay in filling court vacancies.

#### **Rule 10.27. Nominees and Nominations**

Each commission shall select the three best qualified nominees. Accordingly, the commission should not limit its consideration to persons who have been suggested by others or to persons who have indicated their willingness to serve. It shall be in order for the commission, if it sees fit to do so, to tender nomination to one or more qualified persons, prior to, and subject to, the formal action by the commission in making its nominations, in order to ascertain whether such a person will agree to serve if nominated.

#### **Rule 10.28. Publicity – Information for the Commission – Interview**

(a) When a vacancy occurs or when it is known that a vacancy will occur at a definite future date, the chairman shall publicize the same and solicit the submission of names of individuals qualified for such vacancy. When the commission announces that it is accepting applications, it shall encourage members of the public to nominate well qualified candidates for the commission to consider. Prior to the meeting of the commission, an appropriate questionnaire shall be sent to each person whose name is proposed, to be completed and returned to the chairman of the commission. Copies of the completed questionnaire shall be provided each member of the commission prior to the meeting called for the taking of the formal action by the commission in making its nominations.

(b) Except as provided in Rule 10.28(d), no publicity shall be given by the commission of the names of persons under consideration for nomination. The commission may submit the names of applicants to others on a confidential basis for the purpose of securing appropriate background information to the extent authorized by the applicants' signed written waivers.

(c) Any meeting called for the purpose of taking formal action in making nominations necessarily involves discussion of applicants' personal information and shall, therefore, be a closed meeting. All matters discussed at said meeting, except the matters contained in the certificate of nomination, shall be kept confidential.

(d) Prior to any meeting called to take formal action in making nominations, the commission will select from all the applicants those it will interview. Each of the selected applicants shall be interviewed by the commission as a whole, and those interviews shall be public. The names of those to be interviewed, the time and place of the public interviews, and information relating to the number and characteristics of all applicants shall be released prior to the public interviews. Other than the names of the persons it selects to interview, the commission shall not release any personally identifiable information about any person not included in the certificate of nomination.

(e) Within 72 hours of submitting the certificate of nomination, the commission shall transmit to the governor the applications and other information submitted to the commission pertaining to the persons contained in the certificate of nomination. Within the same time, the commission shall make public a copy of the applications submitted by the persons included in the certificate of nomination, but with personal or confidential information redacted.

#### **Rule 10.29. Action on Nominations**

The action of the commission in making nominations with respect to any vacancy shall be taken only at a meeting, and the voting on persons under consideration shall be by secret ballot. When a decision as to the three nominees has been reached, it shall be evidenced by the execution of a certificate of nomination (which may be in the form of a communication to the Governor), setting forth the nominations made and the number of commissioners supporting each person nominated, signed on behalf of the commission by the chairman and the secretary. The commission or its chairman shall forthwith transmit such certificate to the Governor.

#### **Rule 10.31. Candidacy and Selection of Judges**

The conduct of candidates for any judicial office to be filled pursuant to Sections [25\(a\)-\(g\) of Article V](#) of the Constitution shall be governed by and be in accord with the applicable provisions of the Rules of Professional Conduct and Canons of Judicial Ethics. In particular the aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office and not by a desire for the distinction the position may bring to themselves. If a judge, or a person in an office of a judicial nature, becomes a candidate, he should refrain from all conduct that might tend to arouse reasonable suspicion that he is using the power or prestige of his judicial position to promote his candidacy. He should not permit others to do anything in behalf of his candidacy which would reasonably lead to such suspicion.

It is the duty of the Bar to endeavor to prevent partisan considerations, political or otherwise, from outweighing judicial fitness in the selection of judges. The Bar should protest earnestly and actively against the selection of those who are unsuitable for the Bench.

#### **Rule 10.32. Administration of Commissions – Ethics**

The following provisions shall apply to all commissions:

(a) The public, the judiciary, and the bar shall be permitted to provide comments regarding the nomination of any individual. Comments may be made in writing or orally.

(b) A copy of all written communications between a commission member and any other person or organization regarding the qualifications or potential nomination of any candidate shall be provided to all other commission members.

(c) All oral communications between a commission member and any other person or organization regarding the qualifications or potential nomination of any candidate shall be summarized in writing by the commission member and a copy of the summary shall be provided to all other commission members.

(d) All communications between a commission member and any other person or organization shall be deemed confidential and not disclosed to anyone not a member of the commission, except as otherwise provided in this Rule 10.

(e) If a commission member is aware of any possible conflict of interest he or she has with a candidate or if for any reason a commission member is unable to vote on any candidate solely in accordance with the relative merits of that candidate, the commission member shall disqualify himself or herself or report the same to the other commission members.

(f) The commission shall actively seek out and encourage qualified individuals, including women and minorities, to apply for judicial office. The commission shall further take into consideration the desirability of the bench reflecting the racial and gender composition of the community. Each commission member, however, shall cast his or her votes solely in accordance with the relative merits of the applicants so as to select the three best qualified nominees.

(g) Each commission shall adopt:

(1) A uniform application form similar to that used by the Appellate Judicial Commission;

(2) Rules for voting, available in advance to the candidates, which shall prohibit cumulative voting whereby a commission member casts multiple votes on the same ballot for the same candidate; and

(3) Policies to provide professional training for each commission member, shortly after appointment, concerning the member's constitutional, statutory and other duties, including familiarization with the handbook for judicial nominating commissioners published by the American Judicature Society.

6 April 2016

KANSAS CITY, Mo. – The Sixteenth Circuit Judicial Commission is accepting applications for the position of circuit judge, Division 19 of the Sixteenth Judicial Circuit (Jackson County). This position will be created by the upcoming retirement of Judge Kathleen A. Forsyth. Forsyth is retiring, effective July 15, 2016, after more than 21 years of distinguished service in the circuit court, first as a commissioner, and since 2003 as a circuit judge. Pursuant to Supreme Court Rule 10.26, the commission is authorized to nominate candidates to fill a vacancy which will occur at a definite future date, up to 60 days before the vacancy occurs.

Citizens are encouraged to nominate well-qualified candidates for the commission's consideration. The Missouri Constitution, article V, section 21, requires that a circuit judge be at least 25 years old, licensed to practice law in Missouri, a qualified voter of Missouri, and a resident of the Sixteenth Judicial Circuit. Nominations should be submitted to the contact person listed below.

Applications and instructions are available here:

Application: in Microsoft Word    in PDF

Instructions: in Microsoft Word    in PDF

The application and instructions are also available at the Missouri Court of Appeals, Western District, 1300 Oak Street, Kansas City, Missouri. The commission must receive all completed applications for this vacancy by 4:30 p.m. Friday, May 6, 2016.

The commission will meet June 7, 2016, in Division 4 of the Jackson County Circuit Court, 415 East 12th Street, Kansas City, MO 64106 to conduct public interviews of the applicants and select a panel of three nominees for the vacancy. Thereafter, Governor Jay Nixon will have 60 days to appoint one of the three nominees as circuit judge in Division 19.

Members of the commission are Alok Ahuja, chief judge of the Missouri Court of Appeals, Western District; attorneys Teresa A. Woody and Michael A. Williams; and lay members William C. Gautreaux and Pastor Eric D. Williams.

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Contact person: Terence G. Lord, Clerk of the Court  
Missouri Court of Appeals - Western District  
1300 Oak Street  
Kansas City, MO 64106  
Terence.Lord@courts.mo.gov  
(816) 889-3600

9 June 2016

**16th circuit commission releases demographic, interviewee, meeting information for Forsyth circuit judge vacancy in Jackson County**

KANSAS CITY, Mo. – Pursuant to Supreme Court Rule 10.28(d), the Sixteenth Circuit Judicial Commission announces the following demographic information relating to applicants for the Jackson County Circuit Court position that will be created by the upcoming retirement of Judge Kathleen A. Forsyth.

There are four applicants for the vacancy. Two applicants are women, and two are men. There is one minority applicant. Two applicants work in the private sector, and two work in the public sector. The average age of the applicants is 51 years.

Also pursuant to Rule 10.28(d), the commission announces it will interview all applicants:

Lisa Noel Gentleman  
Scott Randall Manuel  
Mark S. Styles Jr.  
Rebecca Lake Wood

The commission will meet to interview the applicants beginning at 9 a.m. Monday, June 13, 2016, at the Missouri Court of Appeals Western District, 1300 Oak Street, Kansas City, MO 64106. The public may attend and observe the interviews. Immediately after the interviews, the commission will meet to select the names of three applicants to send to the governor.

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Contact: Terence G. Lord, clerk of court  
Missouri Court of Appeals, Western District  
(816) 889-3600  
tlord@courts.mo.gov

13 June 2016

**16th circuit commission announces nominees for Forsyth circuit judge vacancy in Jackson County**

KANSAS CITY, Mo. -- The Sixteenth Circuit Judicial Commission has interviewed all of the applicants and selected a panel of three nominees for the circuit judge position in Division 19 of the Jackson County Circuit Court. The nominees are:

Lisa Noel Gentleman - Private Practice (3 votes)  
Scott Randall Manuel - Probate Commissioner, Division 19 (5 votes)  
Mark A. Styles Jr. – Deputy Probate Commissioner, Division 19 (5 votes)

The commission has submitted the panel to Governor Jeremiah W “Jay” Nixon, who will have sixty days to appoint one of the nominees as circuit judge for Division 19.

The commission is chaired by Chief Judge Alok Ahuja of the Missouri Court of Appeals, Western District, and is composed of attorneys Teresa Woody, Michael A. Williams, and lay members William C. Gautreaux and Rev. Eric Williams.

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Contact: Terence Lord  
Clerk of Court  
Missouri Court of Appeals, Western District  
1300 Oak Street  
Kansas City, MO 64106  
(816) 889-3600



**SIXTEENTH CIRCUIT JUDICIAL COMMISSION**  
**Circuit Judge Vacancy for Division 19**  
**Instructions for Applicants**

1. All applicants should review Supreme Court Rules 10.28 and 10.31 pertaining to the judicial selection process.
2. Complete and mail or deliver the original and one copy of the application, flat and unfolded, to The Honorable Alok Ahuja, Chair of the Commission, at the address listed below. Mail or deliver one copy of the completed application, flat and unfolded, to the other Commission members as listed below. **Your application must be received by 4:30 p.m. on May 6, 2016** to be considered by the Commission.
3. Attach your photograph or a copy of your photograph to the original and to each copy of the application to assist the Commission in identifying applicants.
4. List no more than five persons as references who can attest to your personal and professional qualifications for the office of Circuit Judge. Do not include as a reference any active judge of the Sixteenth Judicial Circuit.
5. Your references must mail or deliver the original and one copy of the letter of reference to the Commission Chair and mail or deliver one copy of the letter of reference to the other Commission members. **All reference letters must be received by 4:30 pm on May 6, 2016** to be considered by the Commission.
6. Applicants will be interviewed by the Commission on Tuesday, June 7, 2016, at the Jackson County Courthouse, Division 4 Courtroom, 415 E. 12<sup>th</sup> Street, Kansas City, MO 64106. You will be notified of the specific date and time for your interview at least one week in advance. The interviews will be open to the public; however, applicants should not attend the interviews of other applicants.
7. Individual commissioners may be willing to meet informally with applicants prior to the public interviews. Applicants should contact commissioners directly to inquire.
8. Members of the Sixteenth Circuit Judicial Commissioners are:

**The Honorable Alok Ahuja** (Chair)  
Missouri Court of Appeals, Western District  
1300 Oak Street  
Kansas City, MO 64106  
816-889-3601

**Ms. Teresa A. Woody, Esq.**  
The Woody Law Firm, P.C.  
1621 Baltimore Avenue  
Kansas City, MO 64108  
816-421-4246

**Mr. William C. Gautreaux**  
Inergy, L.P.  
2 Brush Creek Blvd., Suite 200  
Kansas City, Missouri 64112  
(816) 329-5328

Mr. Michael A. Williams  
Williams Dirks Dameron, LLC  
1100 Main Street, Ste 2600  
KCMO 64105  
(816)876-2600

**Pastor Eric Williams**  
2940 Holmes Street  
Kansas City, MO 64109  
816-531-4683

SUPREME COURT RULE 10.28  
PUBLICITY

(a) When a vacancy occurs or when it is known that a vacancy will occur at a definite future date, the chairman shall publicize the same and solicit the submission of names of individuals qualified for such vacancy. Prior to the meeting of the commission an appropriate questionnaire shall be sent to each person whose name is proposed, to be completed and returned to the chairman of the commission. Copies of the completed questionnaire shall be provided each member of the commission prior to the meeting called for the taking of the formal action by the commission in making its nominations.

(b) No publicity shall be given by the commission of the names of persons under consideration for nomination for the reason that such publicity would tend to keep well qualified lawyers from permitting themselves to be considered and might encourage unqualified persons to enter their names to obtain public notice. The commission may submit the names of applicants to others on a confidential basis for the purpose of securing appropriate background information to the extent authorized by the applicants' signed written waivers.

(c) Any meeting called for the purpose of taking formal action in making nominations necessarily involves discussion of applicants' personal information and shall, therefore, be a closed meeting. All matters discussed at said meeting, except the matters contained in the certificate of nomination, shall be kept confidential.

(d) The commission shall publicly release information relating to the number and characteristics of the applicants prior to the meeting at which formal action is taken, but it shall not release any personally identifiable information about any person not included in the certificate of nomination.

(e) Within 72 hours of submitting the certificate of nomination, the commission shall transmit to the governor the applications and other information submitted to the commission pertaining to the persons contained in the certificate of nomination. Within the same time, the commission shall make public a copy of the applications submitted by the persons included in the certificate of nomination, but with personal or confidential information redacted.

SUPREME COURT RULE 10.31  
CANDIDACY AND SELECTION OF JUDGES

The conduct of candidates for any judicial office to be filled pursuant to sections 25 (a)-(g) of article V of the Missouri Constitution shall be governed by and be in accord with the applicable provisions of the rules of professional conduct and canons of judicial ethics. In particular the aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office and not by a desire for the distinction the position may bring to themselves. If a judge, or a person in an office of a judicial nature, becomes a candidate, he should refrain from all conduct that might tend to arouse reasonable suspicion that he is using the power or prestige of his judicial position to promote his candidacy. He should not permit others to do anything in behalf of his candidacy which would reasonably lead to such suspicion.

It is the duty of the bar to endeavor to prevent partisan considerations, political or otherwise, from outweighing judicial fitness in the selection of judges. The bar should protest earnestly and actively against the selection of those who are unsuitable for the bench.

**SIXTEENTH CIRCUIT JUDICIAL COMMISSION  
JACKSON COUNTY, MISSOURI  
APPLICATION FOR CIRCUIT JUDGE**

**COVER PAGE CONTAINING PRIVATE OR CONFIDENTIAL INFORMATION**

**Applicant's Full name:**

**Social Security number:**

**Missouri Bar number:**

**Residence address:**

**Residence telephone:**

**Cellular telephone:**

**Office address:**

**Office telephone:**

**Facsimile number:**

**E-mail:**

**SIXTEENTH CIRCUIT JUDICIAL COMMISSION  
JACKSON COUNTY, MISSOURI  
APPLICATION FOR CIRCUIT JUDGE**

***PLEASE NOTE: RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF  
THE APPLICANT IS SELECTED AS ONE OF THE NOMINEES FOR THE VACANCY.***

1. State your full name. ATTACH  
PHOTOGRAPH  
HERE
  
2. State your date and location of birth.
  
3. State your present occupation, place of work, and job title.
  
4. Provide the following information concerning your eligibility for the office of Circuit Judge:
  - (a) Are you at least thirty years of age?
  - (b) Are you licensed to practice law in Missouri?
  - (c) Have you been a citizen of the United States for at least ten years?
  - (d) Have you been a resident of Jackson County for at least one year?
  
5. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of a Circuit Judge, including the ability to preside over trials, conduct legal research and analysis, attend court anywhere in the State of Missouri, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court.
  
6. State the year of your admission to the Missouri Bar and whether your license is and always has been in good standing. If not, please explain.
  
7. List any other states, courts, or agencies in which you have been licensed as an attorney, and state whether your license is and always has been in good standing.

8. Provide the following information for all colleges or universities, other than law schools, you have attended:
  - (a) Name and location of institution
  - (b) Dates attended and degrees received
  - (c) Significant activities, achievements, honors, and awards
9. Provide the following information for all law schools you have attended:
  - (a) Name and location of law school
  - (b) Dates attended and degrees received
  - (c) Significant activities, achievements, honors, and awards
10. State whether you have ever been suspended or expelled as a student from any school or educational institution. If so, please explain.
11. List, in chronological order, all non-legal and legal employment you have held post-high school. Include the name and location of each employer, job title, dates of employment, and reason for termination of employment.
12. Describe the nature and extent of your experience as a practicing attorney in the trial and appellate courts, and explain how such experience demonstrates the quality of your legal work.
13. Provide a representative list of at least ten cases in which you served as the primary attorney at trial or an administrative hearing. The list should include the style of each case, court or administrative agency, identification of your client, and the nature and date of disposition.
14. If you have appellate experience, provide a representative list of cases in which you served as the primary attorney on appeal. The list should include the style of each case, appellate court or administrative agency, identification of your client, and the nature and date of disposition.
15. If you are serving or have served in a judicial capacity, describe the nature and extent of your judicial responsibilities, the types of dockets handled, and any special expertise developed.

16. If you are serving or have served in a judicial capacity, provide a representative list of at least ten cases over which you have presided to completion. The list should include the style of each case and the nature and date of disposition.
17. If you do not have significant experience in litigation or in a judicial capacity, describe any other legal experience or accomplishments in the legal profession that may qualify you to serve in the office of Circuit Judge.
18. List all bar associations and law-related organizations of which you are or have been a member, with any offices held and dates of membership.
19. List any published articles or books you have authored and any significant programs or events for which you served as a primary speaker.
20. Do you now or have you ever held any elective or appointive public office or position? If so, please explain.
21. Provide the branches and dates of any military service or other public service not otherwise covered in this application. If discharged from the military, state whether the discharge was other than honorable.
22. Describe your community and volunteer service activities, including any organizations (outside the legal profession) with which you are affiliated and any offices held.
23. List any significant honors or awards you have received that otherwise have not been covered in this application.
24. Are you delinquent in the payment of any federal, state, county or city taxes? If so, please explain.
25. Have you ever been convicted of a misdemeanor or felony or received a suspended imposition of sentence in any federal, state, or military court? If so, please explain and provide the style of the case (including case number), the court, the date of the conviction, and the sentence or fine imposed.
26. Have you ever been held in contempt of court? If so, please explain.
27. Have you ever been sued by a client or been a party to any litigation, other than as a guardian ad litem, plaintiff ad litem, or defendant ad litem? If so, please explain and provide the style of each case, the court, your role as plaintiff or defendant, and the nature and date of disposition.

28. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? If so, please explain.
29. If you are or were a member of the judiciary of the State of Missouri, please state:
- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct? If so, explain the details of such breach and the date, nature, and duration of the discipline imposed.
  - (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. If so, explain the details of such cause and the date and nature of the discipline imposed.
  - (c) Whether, to your knowledge, you are the subject of a complaint that is currently under investigation by the Commission on Retirement, Removal and Discipline. If so, explain that nature of such complaint and the status of the investigation.
31. Provide any additional information that you consider relevant to your qualifications for the office of Circuit Judge.
32. List the names and contact information (title, mailing address, telephone, and email address) of the **five** persons whom you have requested to provide letters of reference regarding your character and judicial qualifications. Do not list as a reference any judge who currently sits in the Sixteenth Judicial Circuit.



## **CERTIFICATION OF ACCURACY AND AUTHORIZATION FOR RELEASE OF INFORMATION**

By my signature to this form, I certify that all statements made in my application for the position of Circuit Judge and attachments thereto are truthful and correct. I further certify that if I am nominated by the Sixteenth Circuit Judicial Commission and appointed to the position of Circuit Judge, I will accept the appointment and perform the duties of that office as provided by law.

By my signature to this form, I authorize: (1) the Commission, through its Chairperson, to obtain relevant information, including but not limited to documents, records, and files, with respect to my law enforcement or disciplinary records; and (2) the Commission and its members to obtain additional relevant information regarding my qualifications, as well as the accuracy of my responses to the questions on this application. It is my understanding that the information obtained pursuant to this authorization shall be made available only to the members of the Sixteenth Circuit Judicial Commission and their staff as necessary to perform their duties.

Notwithstanding the above, in accordance with Supreme Court Rule 10.28 (e), if I am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

This certification and authorization shall remain in full force and effect until revoked by me in writing.

---

Signature of Applicant

---

Date

---

Printed Full Name of Applicant



APPELLATE JUDICIAL COMMISSION  
POST OFFICE BOX 150  
JEFFERSON CITY, MISSOURI  
65102

FOR IMMEDIATE RELEASE  
24 March 2016

Contact: Beth S. Riggert  
Communications Counsel  
Supreme Court of Missouri  
(573) 751-3676

**COMMISSION SEEKS APPLICANTS FOR ELLIS VACANCY ON  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

JEFFERSON CITY, Mo. – The Appellate Judicial Commission announced today that it is accepting applications for judge of the Missouri Court of Appeals, Western District, to fill the vacancy created by the March 1, 2016, retirement of Judge Joseph M. Ellis after nearly three decades of judicial service, including the last 23 years on the appeals court. He was in the private practice of law in Macon from 1972 – also serving six years as the municipal judge for the city of Macon – until his August 1993 appointment to the appeals court. He served as the court's chief judge from July 2002 through June 2004 and served as chair of The Missouri Bar's division of judicial administration since 2004. Judge Ellis also served on the Commission on Retirement, Removal and Discipline from 2007 to 2012 and was the commission's chair in 2011.

Citizens are encouraged to nominate well-qualified candidates for the commission's consideration. The Missouri Constitution requires that a judge of the Missouri Court of Appeals be at least 30 years old, licensed to practice law in Missouri, a United States citizen for at least 15 years and a qualified Missouri voter for at least nine years next preceding selection. Nominations should be submitted to the commission by e-mail at [WDJudgeVacancy@courts.mo.gov](mailto:WDJudgeVacancy@courts.mo.gov), or by postal mail to Missouri Court of Appeals, Western District Judge Vacancy, P.O. Box 150, Jefferson City, MO 65102. The nomination form is available [here](#).

Public nomination form: Word PDF

Applications will be accepted until 5 p.m. Friday, April 29, 2016. Interested persons may download the application and instructions [here](#).

Application: Word PDF

Instructions for applicants: Word PDF

Guidelines for references: Word PDF

The commission expects to meet Monday and Tuesday, June 6 and 7, 2016, at the Missouri Court of Appeals, Western District at 1300 Oak Street in Kansas City, to interview applicants and select a panel of three nominees for the governor's consideration. The interviews will be open to the public. The names of those to be interviewed and information relating to the number and characteristics of all applicants will be released publicly prior to the beginning of the interviews.

###



## APPELLATE JUDICIAL COMMISSION

POST OFFICE BOX 150  
JEFFERSON CITY, MISSOURI  
65102

FOR IMMEDIATE RELEASE  
10 May 2016

Contact: Beth S. Riggert  
Communications Counsel  
Supreme Court of Missouri  
(573) 751-3676  
[beth.riggert@courts.mo.gov](mailto:beth.riggert@courts.mo.gov)

### **COMMISSION RELEASES DEMOGRAPHIC, INTERVIEWEE, MEETING INFORMATION FOR ELLIS VACANCY ON MISSOURI COURT OF APPEALS**

JEFFERSON CITY, Mo. – Pursuant to Rule 10.28(d), the Appellate Judicial Commission announces the following demographic information relating to applicants for the vacancy on the Missouri Court of Appeals, Western District, created by the March 2016 retirement of Judge Joseph M. Ellis.

There are nine applicants for the vacancy. Two are women; there are no minority applicants. Six are from outside the Kansas City metropolitan area. Six applicants work in the public sector, two work in the private sector and one works in both. Of those in the private sector, two work in solo or small-firm practices. Of those in the public sector, three are trial court judges. The applicants' mean age is 50.1 years.

Also pursuant to Rule 10.28(d), the commission announces it will interview all nine applicants:

Daren L. Adkins  
Edward R. Ardini Jr.  
Douglas B. Harris  
James R. Layton  
Lauren E. Tucker McCubbin

Daniel N. McPherson  
W. Brent Powell  
W. Douglas Thomson  
Teresa A. Woody

The commission will conduct interviews from 8:30 a.m. to noon Tuesday, June 7 at the Missouri Court of Appeals, Western District, 1300 Oak Street in Kansas City. The public is invited to attend and observe interviews. The commission will meet beginning at approximately 1 p.m. June 7 in the same location to select the three nominees from this applicant pool for the governor's consideration.

###



**APPELLATE JUDICIAL COMMISSION**  
**POST OFFICE BOX 150**  
**JEFFERSON CITY, MISSOURI**  
**65102**

FOR IMMEDIATE RELEASE  
7 June 2016

Contact: Beth S. Riggert  
Communications Counsel  
Supreme Court of Missouri  
(573) 864-1966

**COMMISSION ANNOUNCES NOMINEES TO FILL ELLIS VACANCY ON MISSOURI  
COURT OF APPEALS, WESTERN DISTRICT**

KANSAS CITY, Mo. – Patricia Breckenridge, chief justice of the Supreme Court of Missouri and chair of the Appellate Judicial Commission, announces that the commission today submitted to Gov. Jay Nixon its panel of nominees to fill the vacancy on the Missouri Court of Appeals, Western District. This vacancy exists due to the March 2016 retirement of Judge Joseph M. Ellis after nearly three decades of judicial service, including 23 years on the appeals court.

The commission unanimously supports the three nominees. After approximately three hours of public interviews, 1.5 hours of deliberations and five rounds of balloting, the nominees – each of whom received seven votes – are: Edward R. Ardini Jr., Judge W. Brent Powell and Teresa A. Woody.

Ardini is counsel to the Missouri governor in Jefferson City, Mo. He was born in 1966. He earned his bachelor of arts in political science in 1989 from Merrimack College in North Andover, Massachusetts, and his law degree in 1992 from the New England School of Law in Boston.

Powell is a circuit judge in the 16th Judicial Circuit (Jackson County). He was born in 1970. He earned his bachelor of arts in political science in 1992 from William Jewell College in Liberty, Mo., and his law degree in 1996 from the University of Missouri-Columbia School of Law.

Woody is a solo practitioner with The Woody Law Firm PC in Kansas City. She was born in 1960. She earned her bachelor of arts in political science in 1982 from the University of California-Berkeley and her law degree in 1985 from the Hastings College of Law at the University of California in San Francisco.

The governor has 60 days to select one member of the panel to fill the vacancy. Should he fail to do so, the Missouri Constitution directs the commission to make the appointment.

In addition to Breckenridge, the commission is composed of Michelle Beckler of Marshfield, Scott S. Bethune of Kansas City, Thomas M. Burke of St. Louis, Cheryl M. Darrough of Columbia, Edward “Nick” Robinson of St. Louis and Donald E. Woody of Springfield.

###

**APPELLATE JUDICIAL COMMISSION**  
**Instructions to Applicants for the**  
**Judge Ellis Vacancy**  
**Missouri Court of Appeals, Western District**

1. Download and submit the application from the Your Missouri Courts website ([www.courts.mo.gov](http://www.courts.mo.gov)) listed in the “Quick Links” box under “Judicial Vacancies.” You may enter your answers directly onto the downloaded form, creating sufficient space for your answers.
  - a. The **writing sample(s)** referenced in question No. 28 of the application should show how you consider and address a legal issue and may include appellate briefs, law review or journal articles, written judicial decisions, or other documents that reflect your ability to think and write. Please do not provide a document that includes substantial work of others.
  - b. In selecting **five references** who are thoroughly familiar with your personal and professional qualifications, please recall that these references may not include any judge of the Supreme Court of Missouri or of the court to which you are applying. As to each of the five references, **please provide name, title, mailing address, telephone and e-mail address.** *Please note that* it is your responsibility to contact these references, although if you intend to use as a reference a federal judge or other individual who only can provide a reference upon a specific request by the interviewing authority, please advise the commission, and it will send that reference such a request. Please provide each reference with a copy of the “Guidelines for References” and direct them to send their letters of reference **via e-mail** to [WDJudgeVacancy@courts.mo.gov](mailto:WDJudgeVacancy@courts.mo.gov), saved as Microsoft Word or PDF documents only, in accordance with the Guidelines. If the references do not have access to e-mail, they may send the reference letter to the commission at the address indicated in paragraph 3 below. As to all references, it is your responsibility to see that they send the requested letters in a timely manner. *Solicitation of additional letters is discouraged.*

2. **In addition to the application, you also must submit:** (a) the *original* plus seven photocopies of a **photograph (glossy or matte professional prints are preferred over photographs printed off an inkjet or laser printer) at least 4x6 inches in size**; and (b) the *original* plus seven photocopies of **your undergraduate AND law school transcripts**.
3. You must complete and mail: (a) the *original* plus seven copies of the signed application; (b) the photographs and transcripts listed in paragraph 2 above; and (c) *original* plus seven copies of at least one, but no more than three, writing sample(s), to the Appellate Judicial Commission, P.O. Box 150, Jefferson City, Missouri 65102 (if necessary, overnight deliveries should be directed to 207 West High Street, Jefferson City, Missouri 65101). These documents should be **flat, unfolded and unbound** (paper clips or binder clips are permissible) **so that they can be scanned or further copied**.
4. This mailing must be received no later than 5 p.m. Friday, April 29, 2016, but earlier submission is **strongly** encouraged.
5. You also must e-mail the entire application and your attachments, including any transcripts and writing sample(s), **each saved as a Microsoft Word or PDF document only**, to the commission at [WDJudgeVacancy@courts.mo.gov](mailto:WDJudgeVacancy@courts.mo.gov) no later than 5 p.m. Friday, April 29, 2016. Again, earlier submission is **strongly** encouraged. You are not required to e-mail your photograph, because some formats are not compatible.
6. Individual commissioners may be willing to meet informally with applicants prior to the public interviews. Applicants should contact commissioners directly to inquire.
7. The commission anticipates holding public interviews Monday and Tuesday, June 6 and 7, 2016, at the Missouri Court of Appeals, Western District, in downtown Kansas City.
8. Supreme Court Rule 10.31 (copy attached) governs the conduct of applicants for judicial office. You are advised to read it and conduct yourself accordingly.

SUPREME COURT RULE 10.28  
PUBLICITY – INFORMATION FOR THE COMMISSION – INTERVIEWS

- (a) When a vacancy occurs or when it is known that a vacancy will occur at a definite future date, the chairman shall publicize the same and solicit the submission of names of individuals qualified for such vacancy. When the commission announces that it is accepting applications, it shall encourage members of the public to nominate well qualified candidates for the commission to consider. Prior to the meeting of the commission, an appropriate questionnaire shall be sent to each person whose name is proposed, to be completed and returned to the chairman of the commission. Copies of the completed questionnaire shall be provided each member of the commission prior to the meeting called for the taking of the formal action by the commission in making its nominations.
- (b) Except as provided in Rule 10.28(d), no publicity shall be given by the commission of the names of persons under consideration for nomination. The commission may submit the names of applicants to others on a confidential basis for the purpose of securing appropriate background information to the extent authorized by the applicants' signed written waivers.
- (c) Any meeting called for the purpose of taking formal action in making nominations necessarily involves discussion of applicants' personal information and shall, therefore, be a closed meeting. All matters discussed at said meeting, except the matters contained in the certificate of nomination, shall be kept confidential.
- (d) Prior to any meeting called to take formal action in making nominations, the commission will select from all the applicants those it will interview. Each of the selected applicants shall be interviewed by the commission as a whole, and those interviews shall be public. The names of those to be interviewed, the time and place of the public interviews, and information relating to the number and characteristics of all applicants shall be released prior to the public interviews. Other than the names of the persons it selects to interview, the commission shall not release any personally identifiable information about any person not included in the certificate of nomination.
- (e) Within 72 hours of submitting the certificate of nomination, the commission shall transmit to the governor the applications and other information submitted to the commission pertaining to the persons contained in the certificate of nomination. Within the same time, the commission shall make public a copy of the applications submitted by the persons included in the certificate of nomination, but with personal or confidential information redacted.



SUPREME COURT RULE 10.31  
CANDIDACY AND SELECTION OF JUDGES

The conduct of candidates for any judicial office to be filled pursuant to sections 25 (a)-(g) of Article V of the Constitution shall be governed by and be in accord with the applicable provisions of the Rules of Professional Conduct and Canons of Judicial Ethics. In particular the aspiration of lawyers for judicial position should be governed by an impartial estimate of their ability to add honor to the office and not by a desire for the distinction the position may bring to themselves. If a judge, or a person in an office of a judicial nature, becomes a candidate, he should refrain from all conduct that might tend to arouse reasonable suspicion that he is using the power or prestige of his judicial position to promote his candidacy. He should not permit others to do anything in behalf of his candidacy which would reasonably lead to such suspicion.

It is the duty of the Bar to endeavor to prevent partisan considerations, political or otherwise, from outweighing judicial fitness in the selection of judges. The Bar should protest earnestly and actively against the selection of those who are unsuitable for the Bench.



APPELLATE JUDICIAL COMMISSION  
POST OFFICE BOX 150  
JEFFERSON CITY, MISSOURI  
65102

**MEMBERS**

The Honorable Patricia Breckenridge  
Chair, Appellate Judicial Commission  
Supreme Court of Missouri  
P. O. Box 150  
Jefferson City, MO 65102  
(573) 751-9652 (work)

Ms. Michelle Beckler, Marshfield, Missouri  
[rnphn4@yahoo.com](mailto:rnphn4@yahoo.com)  
(417) 268-7400 (cell)

Mr. Scott S. Bethune, Esq., Kansas City, Missouri  
[sbethune@dbjlaw.net](mailto:sbethune@dbjlaw.net)  
(816) 421-1600 (work)

Mr. Thomas M. Burke, Esq., St. Louis, Missouri  
[tburke@hullverson.com](mailto:tburke@hullverson.com)  
(314) 241-8200 (work)

Ms. Cheryl M. Darrough, Columbia, Missouri  
[cdarrough@msn.com](mailto:cdarrough@msn.com)

Mr. Edward “Nick” Robinson, St. Louis, Missouri  
[nrobinson.uawletc@gmail.com](mailto:nrobinson.uawletc@gmail.com)  
(314) 304-6425 (cell)

Mr. Donald Woody, Esq., Springfield, Missouri  
[dewoody310@gmail.com](mailto:dewoody310@gmail.com)  
(417) 844-6754 (cell)

## APPELLATE JUDICIAL COMMISSION

### Guidelines for References

Letters of references for applicants for the vacancy on the Missouri Court of Appeals, Western District, created by the retirement of Judge Joseph M. Ellis, should be sent **by e-mail only** to the Appellate Judicial Commission at [WDJudgeVacancy@courts.mo.gov](mailto:WDJudgeVacancy@courts.mo.gov). If you do not have access to e-mail, you may send your reference letter to the commission at the attached address. *Please do not telephone or write commissioners directly.*

Your e-mailed letters must be received by **5 p.m. Friday, April 29, 2016**. Reference letters will be held in the strictest confidence and should contain the following information:

1. The name of the person for whom you are giving a reference should be listed in the e-mail subject line.
2. Your acquaintance with the applicant, including length of acquaintance and familiarity with personal and professional qualifications.
3. The applicant's qualifications as a lawyer, including educational background, fields of law with which the applicant is familiar, and the applicant's aptitude for doing the regular work of an appellate judge in evaluating briefs, hearing oral argument, and writing reasoned and scholarly opinions.
4. The applicant's performance as practitioner, teacher, judge or otherwise in the legal profession. For a practicing lawyer, this might include comments about forensic ability, thoroughness of preparation, trustworthiness, and courtesy to judges and opposing counsel. For a judge, there might be comments about soundness of rulings, courtesy and demeanor, promptness in moving cases, and ability to instill confidence in lawyers and litigants. For others, there should be discussion of the nature and depth of legal work.
5. Personal qualifications, including reputation in the community, activity in civic and charitable organizations, public positions held, whether compensated or not, and any other qualities of character appropriate for applicants to the bench.

Enclosure



APPELLATE JUDICIAL COMMISSION  
POST OFFICE BOX 150  
JEFFERSON CITY, MISSOURI  
65102

**MEMBERS**

The Honorable Patricia Breckenridge  
Chair, Appellate Judicial Commission  
Supreme Court of Missouri  
P. O. Box 150  
Jefferson City, MO 65102

Ms. Michelle Beckler, Marshfield, Missouri

Mr. Scott S. Bethune, Esq., Kansas City, Missouri

Mr. Thomas M. Burke, Esq., St. Louis, Missouri

Ms. Cheryl M. Darrough, Columbia, Missouri

Mr. Edward "Nick" Robinson, St. Louis, Missouri

Mr. Donald Woody, Esq., Springfield, Missouri

**APPLICATION TO THE  
APPELLATE JUDICIAL COMMISSION FOR THE  
JUDGE ELLIS VACANCY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

***COVER PAGE CONTAINING PERSONAL OR CONFIDENTIAL INFORMATION***

\*Full Name:

SSN:

Missouri Bar Number:

\*Date of Birth:

\* Address of Residence:

Office Address:

Telephone Numbers: *(Please designate by underline or italics which number should be used should you be selected for the panel.)*

Office:

Cell:

Home:

Facsimile number:

E-mail:

**\* NOTE: If the applicant is selected as one of the nominees for this vacancy, the applicant's name, birth date and city of residence will be made public in the news release announcing the nominees.**

**APPLICATION OF \_\_\_\_\_**  
(name)  
**TO THE APPELLATE JUDICIAL COMMISSION FOR THE  
JUDGE ELLIS VACANCY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

***RESPONSES TO THESE QUESTIONS, INCLUDING ATTACHMENTS THERETO,  
WILL BE MADE PUBLIC IF THE APPLICANT IS NOMINATED FOR THIS VACANCY***

1. Present principal occupation or title:
  
  
  
  
  
2. Are you at least 30 years of age? Yes ( ) No ( )
  
  
  
  
  
3. (a) How many years have you been a citizen of the United States?  
  
  
  
  
(b) How many consecutive years immediately preceding your application have you been a qualified voter of Missouri?
  
  
  
  
  
4. State the date you were admitted to The Missouri Bar and whether your license is in good standing. If not, explain in detail.
  
  
  
  
  
5. List any other states, courts, or agencies in which you are licensed as an attorney.
  
  
  
  
  
6. (a) State the name and address of all colleges and universities attended, *other than* law school, together with the dates and degrees received.  
  
  
  
  
(b) List/describe any college or university activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision.

7. (a) State the name and address of all law schools attended together with the dates and degrees received.

(b) List/describe any law school activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision.

8. State, in chronological order (starting with the earliest employment) *significant non-law-related employment* prior to law school and to the present. To the extent reasonably available to you, include the name and address of each employer and the dates of employment.
9. State, in chronological order (starting with the earliest employment) *all law-related employment* from the beginning of law school to the present. To the extent reasonably available to you, include the name and address of each employer, the dates of employment, and describe the positions you have held, e.g., associate, partner, law clerk, general counsel.
10. If, as a student, you were suspended, placed on probation or expelled by school authorities for any reason, describe the circumstances.

11. Describe the nature of your experience in trial and appellate courts and explain how they demonstrate the quality of your legal work. *(You either may take as much space as you need here or attach your response on separate sheets. It is your responsibility to redact any confidential information.)* Include in your response:
- a) **Appellate Experience:** Please include a representative list of cases you have briefed and/or argued (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court and, if published, the citation; identify the client(s) you represented and opposing counsel; and give a one-paragraph description of the case and your role.
  - b) **Trial-Level Experience:** Please include a representative list of cases and/or administrative hearings you have handled (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court; identify who you represented and opposing counsel; state whether the case was disposed of following a jury trial, bench trial or at what other stage; and give a one-paragraph description of the case and your role.
  - c) **Judicial Experience:** If you are a judge, commissioner, or are serving or have served in other judicial capacity, please describe the nature and extent of your judicial responsibilities, including the dates you have served as a judge at each level, the types of dockets you have handled and any special expertise you have developed that you believe is relevant to your qualifications for the position for which you are applying.
12. Describe any additional legal experience that you believe may be relevant to the decision of the commission (e.g., work as a law professor, in government, as corporate or other legal counsel).



13. List all bar associations and other professional societies of which you are a member, with any offices held and dates.
14. Describe your efforts (e.g., work on bar committees, pro bono efforts, CLEs presented, etc.) to contribute to the improvement of the law, the legal system and the administration of justice.
15. List your community activities, including any organizations not listed elsewhere with which you are affiliated.
16. Describe your activities (e.g., speeches, presentations, educational activities, etc.) undertaken to further public understanding of and respect for courts and the judicial system and to promote access to justice for all.
17. List any professional articles or books authored by you that have been published or any special recognition or award of a professional nature you have received.

18. Do you now hold or have you ever held an elective or an appointive public office or position? If yes, provide details.
19. Provide the branches and dates of (a) military service or (b) other public service not otherwise disclosed in this application. If discharged from the military, state whether the discharge was other than honorable.
20. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of being an appellate judge, including participating in oral argument; performing legal research; communicating clearly and effectively, both orally and in writing; supervising the lower courts, serving on court committees and performing other administrative functions; and expeditiously deciding issues coming before the court.
21. Were you ever refused admission to the bar of Missouri or the bar of another state or the federal courts? If yes, provide details.
22. Have you ever been disciplined, admonished or cited for a breach of ethics or professional conduct by the Supreme Court of Missouri or by any court or bar association or committee thereof? If yes, provide details.
23. If you are or were a member of the judiciary of the State of Missouri, please state:
  - a) Whether an order of discipline ever has been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct. If yes, provide details.
  - b) Whether a reprimand or admonition ever has been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Supreme Court Rule 12.07. If yes, provide details.

24. Have you have ever been held in contempt of court? If yes, provide details.

25. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem, or defendant ad litem?

If your answer is yes, state the style of the case, where it was filed, and explain in detail. If you are a judge and you have been sued in your judicial capacity, list only those cases where you are or were other than a nominal party.

26. Have you ever pleaded guilty, been convicted or received a suspended imposition of sentence for a felony or misdemeanor in any state, federal or military court? *(Note that this question does not require that minor traffic offenses or other infractions be listed.)*

If your answer is yes, state the style of the case, where it was filed, and explain in detail.

27. Are you delinquent in the payment of any federal, state, county or city taxes? If yes, provide details.

28. You must attach to this application at least one, but not more than three, writing samples that comply with the requirements set out in the instructions for applicants.

29. List/describe any additional honors or awards you have received, activities you have performed, or any other information not set out above that demonstrates the quality of your work as an attorney or that you otherwise believe is relevant to the commission's decision.

Please list the names of *five* persons whom you will ask to provide letters of reference for you with respect to your judicial qualifications. Do **not** list as a reference a judge of the court involved. As to each of the five references, **please provide name, title, mailing address, telephone and e-mail address.**

*Please note that it is your responsibility to contact your references*, although if you intend to use as a reference a federal judge or other individual who only can provide a reference upon a specific request by the interviewing authority, please advise the commission and it will send that reference such a request.

The commission must receive all reference letters **by e-mail** no later than **5 p.m. Friday, April 29, 2016.**

Provide your references with the attached Guidelines for References. The commission must receive your letters of reference, **via e-mail**, to [WDjudgevacancy@courts.mo.gov](mailto:WDjudgevacancy@courts.mo.gov), by the date indicated in the Instructions to Applicants.

***AUTHORIZATION FOR RELEASE OF AND CERTIFICATION  
OF ACCURACY OF INFORMATION***

By my signature on this form, I certify that all statements made in my application and attachments thereto are correct and that if I am selected by the commission and appointed to the office for which I seek appointment, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office as provided by law.

By my signature to this form, I further authorize: (1) the commission by its chairperson to obtain relevant information, including but not limited to documents, records, and files about me from educational, law enforcement and disciplinary authorities and from employers and others who may have control of any documents, records, or other information pertaining to my application and suitability for the appointment I am seeking, and (2) the commission and its members to make such additional inquiries and to receive and share amongst themselves such additional information they shall deem appropriate in determining my qualifications for the position for which I seek appointment and the accuracy of my responses to the questions in this application and in otherwise fulfilling its duties. The information obtained under (1) and (2) above shall be made available only to the members of the Appellate Judicial Commission and their staff as necessary to perform their duties.

Notwithstanding the above, by my signature on this form, and in accordance with Supreme Court Rule 10, if I am one of the three nominees listed on the certificate of nomination sent to the governor, I authorize the commission to: (1) send a complete copy of this application and attachments to the governor, and (2) publicly release a copy of the application and attachments, so as to inform the public as to my qualifications for the position for which I am applying, and thereby waive any objections and rights I have with reference to the privacy of all information contained in the answers and attachments to this form, with the exception of the cover page (which contains personal and confidential identifying addresses, telephone numbers and similar information).

This authorization shall remain in full force and effect until revoked by me in writing.

By: \_\_\_\_\_

Dated: \_\_\_\_\_