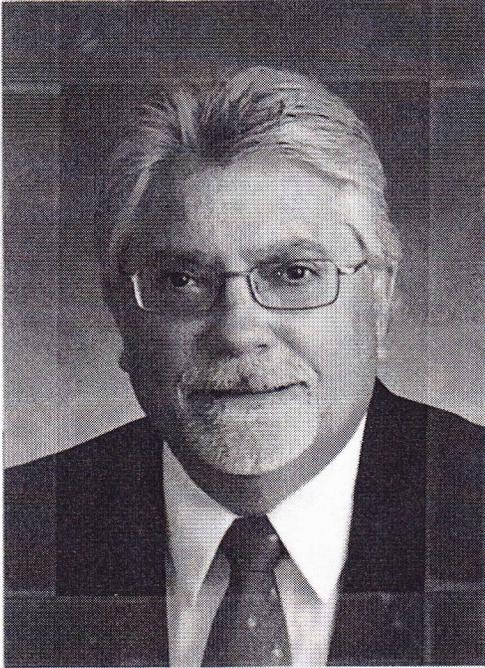


APPLICATION FOR ASSOCIATE CIRCUIT JUDGE
SIXTEENTH CIRCUIT JUDICIAL COMMISSION
JACKSON COUNTY, MISSOURI

RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS
SELECTED AS A NOMINEE.

NAME: David James Fry



1. State your present principal occupation:
Jackson County, Missouri Drug Court Commissioner
2. Are you at least twenty-five (25) years of age? Yes
3. (a) How long have you been a citizen of the United States? 56 years
(b) Have you been a resident of Jackson County for at least one year immediately prior to the date of this application? Yes
(c) How long have you been a qualified voter of Missouri? 38 years
4. Are you licensed to practice law in Missouri? Yes
List any other states, courts, or agencies in which you are licensed as an attorney:
United States Federal Court, Western District
5. State the date you were admitted to the Bar in Missouri: October 11, 1987
(a) Missouri Bar Number 32979
(b) Are you currently a member in good standing of the Missouri Bar? Yes

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all law schools, colleges, and universities you have attended, together with the dates and degrees received:

1971 to 1975, Bachelor of Science, Criminal Justice Administration and Business Administration, Central Missouri State University (now known as University of Central Missouri), Ward Edwards Building, Suite 1000, Warrensburg, MO 64093.

1978 to 1979, attended University of Southern California, completed half of the requirements for a Masters in Systems Management, incomplete due to U. S. Marine Corps transfer overseas in 1979, University Park, Los Angeles, CA 90089.

1982 to 1985, Juris Doctor, University of Missouri at Kansas City School of Law, 500 E. 52nd Street, Kansas City, MO 64110.

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

1971 summer, Troost Car Wash, Myer and Troost, Kansas City, MO, attendant.

1972 to 1974 summers, R.S. Bar Ranch, Stanley Kansas, ranch hand, painter.

1975 summer, Stix Baer and Fuller, Independence Center, Independence MO, store security.

1975 to 1982, Officer, United States Marine Corps, 1982 to 1991, United States Marine Corps Reserve, Headquarters Battalion, 8th and I Street, Washington D.C. 20510.

1983 to 1984, Law Clerk, Department of Education Office for Civil Rights, (while attending law school), 8930 Ward Parkway, Suite 2037, Kansas City, MO 64114.

1985 to 1987, Assistant Public Defender, Jackson County, Missouri Public Defender's Office, (intern and attorney), 324 East 11th Street, Kansas City, MO 64106.

1987 to 2003, Assistant Prosecutor, Jackson County, Missouri Prosecuting Attorney's Office, 415 East 12th Street, Kansas City, MO 64106.

2003 to 2007, Solo law practice, Of Counsel at deVries & Associates, 3145 Broadway, Kansas City, MO 64111.

2007 to Present, Drug Court Commissioner, Jackson County Circuit Court, Jackson County, Missouri, 415 East 12th Street, Division 50, Kansas City, MO 64106.

8. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge, including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? Yes

9. Attach a list of cases you have tried in the last five years. Set forth the style, case number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed.

From 2007 to the present, I have served as the Jackson County, Missouri Drug Court Commissioner. Please see **Question 11** for a description of the duties performed.

My last trial was December 18, 2003, State of Missouri v. DeMarcus Fowler, CR03-02810. I represented the defendant in a bench trial before Division 18 of the Jackson County Circuit Court. Mr. Fowler was found guilty of lesser charges. Opposing counsel was Amy McGowan of the Jackson County, Missouri Prosecutor's Office. Fowler was one of five defendants charged in a home invasion and armed robbery. Fowler's guilt was not at issue, the case was tried over sentencing.

Please see **Question 11** for a description of my trial experience prior to 2004.

10. Have you briefed or argued any case in an appellate court? Yes

If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.

As an intern and new attorney working at the Jackson County, Missouri Public Defender's Office, I researched and wrote 12 appeals in 1985 and 1986. A search conducted with my bar number could not identify any specific cases, and therefore, a list cannot be provided, as I do not recall the case names. Of these 12 cases, I performed all of the research and writing involved. I argued several, but not all cases, leaving some to be submitted on briefs.

The search conducted did identify the following case numbers: WD49307, WD52872, WD52875, WD55839, WD59406, and WD60383. My name appears on these cases as they are related to writs filed in criminal cases arising from the Jackson County, Missouri Prosecutor's Office during my service. All writs were denied without argument.

11. If your experience as an attorney is not in litigation, you may list up to five (5) of your most significant accomplishments in your law career.

- a) **Drug Court Commissioner.** Since September of 2007, I have served as the Jackson County, Missouri Drug Court Commissioner. During this time, the number of Drug Court participants has increased from 300 to 500. While expanding the program, we also updated the treatment model, revising it for the first time in 15 years by incorporating modern evidence-based practices and including new treatment options. Additionally, new classes have been added in order to meet the current needs of participants.

- b) **Judicial Experience.** As Commissioner, I also supervise criminal defendants on probation. The caseload has been increased from 200 to over 600, with innovative practices implemented to improve the collection of court costs and more notably, mental health services for defendants suffering from chronic and persistent mental health disorders. In collaboration with the Missouri State Department of Probation and Parole, I initiated the first Mental Health Court for Jackson County, Missouri, in which defendants can be assessed for Axis I disorders and directed to treatment at Truman Hospital, while under the supervision of a caseworker, designated probation officer, and the Court. To expand this program, we have recently filed the Court's first Bureau of Justice grant application.

- c) **Trial Experience Prior to 2004.** Before assuming my responsibilities as the Drug Court Commissioner and starting a private practice, I was a very active trial attorney. As an Assistant Public Defender, I served as lead defense counsel in over 10 cases tried to a jury or the bench. As an Assistant Prosecuting Attorney, I tried close to 70 cases, and as the Chief Trial Assistant for ten years, I supervised 20 to 30 trial attorneys while maintaining my own trial docket.

12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

- a) **Private Practice.** In 2003, I established a private law practice. The practice developed primarily with criminal cases; however, I took on a variety of cases to broaden my experience as an attorney. I did not handle any cases with significantly large cash values. While pursuing one though, I did represent landlords, tenants, debtors, creditors, and clients with civil claims, family court issues, traffic and licensing actions. These cases gave me many opportunities to experience the large caseloads handled in our associate courts and the individual client's perspective of justice. Additionally, I was appointed by the Court to serve as Special Prosecutor on a number of serious criminal cases. My caseload averaged over 50 cases annually. In addition to practicing law, since I did not have any employees to assist me, I developed my computer, accounting, and business skills. I also became knowledgeable regarding the electronic filing system in the Federal Court.

- b) **Criminal Prosecution.** For 16 years, I served as an Assistant Prosecuting Attorney in Jackson County, Missouri. After serving as an attorney in the Warrant Division and on a Trial Team, I held several leadership positions, including Chief Warrant Officer, Chief Assistant for the Drug Unit, and Chief Trial Assistant. In the Warrant Division, I reviewed cases, made decisions to decline or file charges, and then conducted preliminary hearings in associate circuit courts. As a trial attorney, I was responsible for the final dispositions of a wide variety of cases, including domestic violence assault, vehicle tampering, drug violations, and murders. As a supervisor, I was responsible for streamlining filing procedures that included fraud and protection order violations. In the Drug Unit, I supervised the initiation of the Drug Abatement Response Team and Landlord Assistance Program, while completely revising the filing procedures and standardizing dispositions for drug charges. As the Chief Trial Assistant, I was in charge of coordinating the entire trial docket and supervising from 20 to 30 attorneys who were responsible for homicides, sex crimes, general crimes, and domestic violence. One of my most significant accomplishments was supervising the establishment of a Domestic Violence Unit. While my work was predominantly with criminal cases, I gained civil experience through cases involving back tax collections for unpaid sales taxes, civil forfeitures, and landlord-tenant cases while closing properties associated with drug activity. In 2002, I served as the Interim Prosecutor for Jackson County from August to November, named by the Jackson County Executive.
- c) **Criminal Defense.** My first legal position was as an Assistant Public Defender in Jackson County, Missouri. Initially, I was assigned to the appellate unit and filed appeals as an intern and attorney while conducting hearings for post conviction motions. I earned my way on to the trial staff and was responsible for preliminary hearings at the associate circuit court level, and managed a trial docket of 40 to 60 felony and misdemeanor cases. As previously discussed, I continued criminal defense work in private practice.
- d) **Civil Experience.** In private practice from 2003 to 2007, my practice included various civil cases but involved no trials. Cases included personal injury, false arrest, landlords and tenants, and debt collections. During my years as a Public Defender and Assistant Prosecutor, I took advantage of the access, though limited, to civil litigation. I gained experience in Landlord Tenant Law while developing procedures for evictions from properties with ongoing drug activity. Additionally, I supervised the initiation of collection in civil court of unpaid sales and income taxes owed to the State of Missouri. This process involved filing the civil suits, gaining judgments, and then collecting taxes owed. From my position as Chief Warrant Officer, I initiated the first bond forfeiture civil action in over eight years. During my time as Law Clerk for the Office for Civil Rights, I worked on discovery responses and exhibit preparations for the Kansas City, Missouri School District desegregation trial. Later, I concentrated on drafting memorandums used to address responses to or frame petitions for litigation in education discrimination complaints. My research and writing requirement was based on damages for the discrimination of handicapped children.

e) **Family Court Experience.** From 2003 through 2007, my general practice included an emphasis on family law. My initial entry into this area of law was qualifying for appointments as a Guardian Ad Litem. Other opportunities to represent clients in divorce and child custody modification cases occurred through court appointments and clients hiring me directly. I have also represented clients in termination of parental rights cases, abuse and neglect cases, juvenile delinquency, and juvenile certification cases. I represented clients in over 30 family law cases. In 1987, I had a brief assignment working as the Public Defender representing juveniles in Family Court.

f) **Municipal Court Experience.** I have nearly four years of experience practicing in the area of municipal ordinance violations in and around the Kansas City, Missouri metropolitan area, from 2003 through 2007. I have represented clients in DWI, assault, theft, drug, and various traffic violations cases. This experience also included municipal appeals in associate circuit court.

13. Have you ever been convicted of a misdemeanor or felony? No
If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction: Not applicable
14. 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? Divorced in 1983
If yes, provide details, including the style of the case, case number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated: Not applicable
15. 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? No
If yes, provide details: Not applicable
16. Have you ever been held in contempt of court? No
If yes, provide details: Not applicable
17. If you were ever a member of the judiciary of the State of Missouri in the past, 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? No
If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed: Not applicable

(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 No
If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist: Not applicable

(b) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? No
If yes, provide details: Not applicable

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? No
If yes, provide details: Not applicable

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:

Kansas City, Missouri Bar Association, 2003 to present. Criminal Committee Chairman 2006, Vice Chair Criminal Committee, 2005 and 2007.

Missouri Bar, Criminal Law Committee, Vice Chairman, 2006.

Missouri Association of Criminal Defense Attorneys, Board member, 2003 to 2006, member through 2007.

Association of Women Lawyers, member 2010.

Eastern Jackson County, Missouri Bar Association, member 2010.

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

South Platte County Athletic Association, Assistant Baseball Coach.

Saint Thomas More Church, member.

Somerset Valley Homes Association, Board member and current President.

Bishop Sullivan Center, legal services 2003 to 2007.

Mattie Rhodes Center, legal services 2004 to 2007.

21. Do you now hold or have you ever held any elective or appointive public office or position? No

If yes, provide details: Not applicable

22. Are you delinquent in the payment of any federal, state, county, or city taxes? No
 If your answer is yes, please state details Not applicable
23. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state:
United States Marine Corps - 1975 to 1982 - active duty; 1982 to 1991 - reserve duty. Attained the rank of Major, honorably discharged. Combat Engineer assigned as Platoon Commander, Executive Officer, Company Commander, Operations Officer, and Recruiting Officer. Awarded the Navy Achievement Medal, Overseas Deployment Ribbon, and a Unit Citation Ribbon. Resigned active duty to attend law school.
24. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:
1988 Louis Lombardo Assistant Prosecutor of the Year Award at Jackson County
1997 Lafayette County, Missouri Prosecutor's Appreciation Award
2002 Louis Lombardo Assistant Prosecutor of the Year Award at Jackson County
Interim Prosecutor, Jackson County, Missouri in 2002
25. No more than five (5) persons may mail a letter of reference with respect to your character and judicial qualifications. See instructions for deadline for submission. **DO NOT INCLUDE AS A REFERENCE ANY ACTIVE SITTING JUDGES FROM THE CIRCUIT FOR WHICH YOU ARE APPLYING.** List the names of the persons from whom each member of the commission will receive letters.

Claire McCaskill
 Leon Munday
 Janeen deVries
 Albert Riederer
 Police Chief James Corwin

26. State any additional information you deem relevant:
I have been privileged to have served my country and community in many capacities, and believe I have the experience, personality, skills, and work ethic to perform the task of Division 26 in Jackson County, Missouri.

By my signature to this application, I authorize: (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with respect to my medical, police, 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, with the understanding that the information described in (1) and (2) above is available only to the members of the Sixteenth Circuit Judicial Commission. Notwithstanding the above, in accordance with Supreme Court Rule 10.28(e), if I

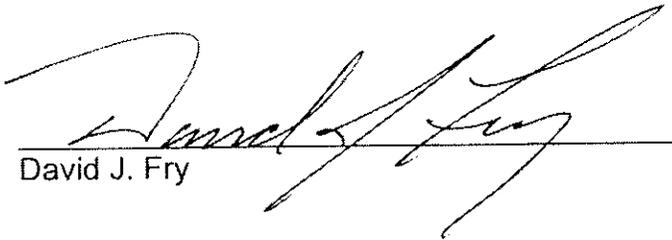
am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

I hereby certify that all my statements as made above are correct and that if I am appointed to the office of Associate Circuit Judge of Jackson County, Missouri, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE:

June 1, 2010

SIGNED:


David J. Fry