

**SIXTEENTH CIRCUIT JUDICIAL COMMISSION
JACKSON COUNTY, MISSOURI
APPLICATION FOR ASSOCIATE 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. **Nick Anthony Cutrera**



2. State your date and location of birth. **November 3, 1966; Kansas City, Missouri**

3. State your present principal occupation, place of work, and job title.

Attorney, Law Offices of Nick A. Cutrera, LLC, Owner

Address:

**212 NE Tudor Road
Lee's Summit, MO 64086**

Secondary Office:

**3145 Broadway
Kansas City, MO 64111**

4. Provide the following information concerning your eligibility for the office of Circuit Judge:

(a) Are you at least thirty years of age? **Yes**

(b) Are you licensed to practice law in Missouri? **Yes**

(c) Have you been a citizen of the United States for at least ten years? **Yes**

(d) Have you been a resident of Jackson County for at least one year? **Yes**

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. **I am able, without accommodation, to perform all of the essential functions of a Circuit Judge.**
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. **1993; my license is and always has been in good standing.**
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.

United States District Court, Western District of Missouri- license is and always has been in good standing

United States District Court, District Court of Kansas-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

**University of Missouri at Kansas City
5100 Rockhill Road
Kansas City, Missouri 64110**

(b) Dates attended and degrees received

I attended UMKC from August 2001 through April 2003 and was awarded a Master of Business Administration degree.

(c) Significant activities, achievements, honors, and awards

(a) Name and location of institution

**University of Missouri-Columbia
111 Jesse Hall**

Columbia, Missouri 65211

(b) Dates attended and degrees received

I attended the University of Missouri-Columbia from August 1985 through May 1989 and was awarded a Bachelor of Science in Business Administration. My major was Economics and I also received a minor in Political Science.

(c) Significant activities, achievements, honors, and awards

Graduated with *Magna Cum Laude* distinction

Q.E.B.H. Honor Society- recognizes the top seven student leaders on campus

Mortar Board Honor Society

Sigma Rho Sigma Recognition Society-honors top sophomore campus leaders

Missouri Students Association (student government), member 1985-1989, Senate Speaker 1987

Associated Students University of Missouri (ASUM) (student lobby group)- Board of Directors 1988

Pi Kappa Alpha fraternity

Homecoming King Finalist, 1988

9. Provide the following information for all law schools you have attended:

(a) Name and location of law school

**University of Missouri-Columbia
103 Hulston Hall
Columbia, Missouri 65211**

(b) Dates attended and degrees received

August 1990- May 1993; J.D.

(c) Significant activities, achievements, honors, and awards **Missouri Law Review**

10. State whether you have ever been suspended or expelled as a student from any school or educational institution. If so, please explain. **No.**
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.

Law Offices of Nick A. Cutrera, LLC, May 2002-Present
212 NE Tudor Road
Lee's Summit, Missouri 64086

Employers Reinsurance Corporation, June 1999- May 2002
5200 Metcalf Ave.
Overland Park, KS 66202

I left ERC to start my own law practice.

Shook, Hardy & Bacon, LLP. May 1997- June 1999
One Kansas City Place
1200 Main Street
Kansas City, Missouri 64105
Firm has since relocated to 2555 Grand Blvd., Kansas City, MO 64108

I left Shook, Hardy & Bacon to pursue an opportunity at Employers Reinsurance Corporation.

United States Marine Corps, (officer (Judge Advocate))June 1993-May 1997

I served at various locations but was stationed primarily at Cherry Point Air Station in Havelock, North Carolina. I left active duty to return to Missouri to raise my family.

Blue Valley Market, August 1989-July 1990
4300 Cleveland Avenue
Kansas City, Missouri
Night Manager

The Top Spot Convenience Store, summers and school breaks, 1982-1984, 1987
2640 Brooklyn Avenue
Kansas City, Missouri 64127
Stocker, Cashier

United States Marine Corps Officer Candidates School, summer 1986 and 1988
Quantico, VA

United States Marine Corps Reserves (enlisted service member), 1985-1986
1985- 1986

Enlisted Reservist- attained rank of Private First Class
I left the enlisted reserves to join the officer career path

United States Marine Corps, Summer 1985
Basic Training
MCRD, San Diego, CA

Bishop's Buffet, part-time employment 1982-1985
Food service
Bannister Mall
Kansas City, Missouri
I worked for Bishop's Buffet part-time during the school year from 1982-1985.

Leo's Popcorn & Ice Cream Palace, part-time employment 1982-1985
Food service
Truman Corners
Grandview, Missouri
I worked for Leo's part-time during the school year from 1982-1985. I would also help Mr. Leo waterproof basements of new homes being constructed whenever time would allow.

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.

Throughout my legal career, I have always achieved excellent results for my clients. I have frequently received positive feedback from judges and juries regarding my trial preparation and performance.

My legal experience is diverse. I have been the lead attorney in dozens of criminal trials and administrative hearings (while serving in the United States Marine Corps) and many domestic relations trials (as a sole practitioner). I am also a Supreme Court Rule 17 mediator and have mediated dozens of domestic relations matters. I have had the privilege of being appointed by several courts to serve as a Special Master in temporary maintenance, child support, and attorneys' fees disputes and as a guardian ad litem to represent the best interests of the children involved in domestic actions that include allegations of child abuse and/or neglect. The

following is a detailed description of my legal experience throughout my career:

Law Offices of Nick A. Cutrera, LLC

Full service law office specializing in personal injury and divorce matters. I have represented clients in a wide variety of matters, including, but not limited to, the following: personal injury; products liability; premises liability; intentional torts; fraud; divorce; divorce modifications; grandparents' visitation rights; adoptions; conservatorships; name changes; business formations; contempt of court; driving while intoxicated; contract actions; municipal ordinance violations; traffic violations; and bankruptcies. I have served multiple times as a Special Master and hundreds of times as a Guardian Ad Litem in domestic relations cases.

Employers Reinsurance Corporation

***Claims Counsel.* Managed and directed defense of lawsuits brought against professional assureds in Arizona, Alabama, Illinois, Florida, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New York, Rhode Island, Tennessee, Vermont, and Wisconsin. Conducted coverage analysis, issued coverage denials, instituted declaratory judgment actions, issued corporate reservation of rights, and/or retained defense counsel to represent assureds. Provided guidance to defense counsel in covered claims regarding defense strategy, affirmative defenses, possible cross and third-party actions, and any other aspect of successfully defending claims. Evaluated performance of counsel with respect to efficiency, knowledge, communication and results. Analyzed loss and expense exposures of claims and set Corporation loss and expense reserves. Represented Corporation and assured at mediations and arbitrations. Negotiated and settled claims or managed defense strategy at trials.**

***Certified Six Sigma Greenbelt.* Team leader of Quality Six Sigma project designed to improve control over loss payments and defense costs with respect to professional liability claims against attorneys and insurance professionals. Project resulted in the creation of a comprehensive, standard operating procedure to control the timeliness of defense counsel reporting on essential litigation matters and the timeliness of claims counsel and claims adjustor documentation of file control activities. Corporate actuaries and outside auditor, KPMG, estimate that project savings to Corporation will exceed \$2.26 million. Continue to drive results of project as process owner in charge of process control.**

Received Managers Award for Superior Performance. 1999, 2000, 2001, 2002

Shook, Hardy & Bacon, LLP

I served as an associate attorney in defense of various product liability actions. Member of various defense litigation teams devoted to particular clients, including

American Home Products Corporation, United Dominion Industries and Hilton Kansas City Corporation. Responsibilities included fact investigation, drafting and responding to discovery, deposing witnesses and preparing pleadings. Gained extensive medical malpractice and drug liability experience as part of phen-fen defense teams.

United States Marine Corps

I served as a Judge Advocate (attorney) in the United States Marine Corps from May 1993 through May 1997.

***Senior Defense Counsel.* April 1996- May 1997. Responsible for the functioning of the JAG-Defense Section at the Marine Corps Air Station, Cherry Point, North Carolina. I reviewed all criminal investigations pertaining to military personnel at the Air Station and assigned defense counsel to defendants. I was directly responsible for the training of all defense attorneys and support personnel. In addition to supervising all cases, I personally represented defendants charged with the most serious felonies on the Air Station. I was frequently appointed to defend serious felonies charged at neighboring Camp Lejeune, North Carolina. As a result of my efforts, I was awarded Naval and Marine Corps Commendation Medal for Superior Performance of Duty as Chief Defense Counsel.**

***Defense Counsel.* April 1995-May 1996. I represented defendants in all phases of criminal litigation from initial interview through trial. I was recognized as the top trial defense counsel at Marine Corps Air Station, Cherry Point, in 1995.**

***Legal Assistance Attorney.* May 1994- April 1995. I represented individuals in personal and civil matters, including estate planning, leases, landlord/tenant matters, consumer problems, credit difficulties, taxes, adoptions, child custody and support, separations, marital dissolution, civil suits, insurance, survivor benefits, etc.**

Supreme Court Rule 13 Intern- University of Missouri-Columbia Domestic Violence Clinic

My first legal experience was as a Supreme Court Rule 13 intern as a third year law student in which I served in the law school's Domestic Violence Clinic, representing indigent victims of domestic violence obtain protective orders against their abusers.

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.

See attached.

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.

Rita Wheeler and Charles F. Wheeler, Appellants v. Heidi J. Winters and Jason A. Winters, Respondents, 134 S.W.3d 774 (Mo.App.W.D.2004)

My Clients: Respondents

Nature of Appeal: Appellants appealed the trial court's dismissal of their petition for grandparent visitation rights. The trial court dismissed their action by giving full faith and credit to a Kansas decree of stepparent adoption which, pursuant to Kansas law, not only terminated their son's legal status as their grandchild's father but also their legal status as the child's grandparents.

Disposition and date of disposition: The appellate court upheld the trial court's decision. The opinion was issued on May 25, 2004.

Falcon Helicopter, Inc., et al, Appellants v. Rainbow Air, Inc., No. WD-72234
Missouri Court of Appeals, Western District

My Client: Respondent

Nature of Appeal: Appellants appeal trial court's bench trial verdict in fraud case of \$106,689 primarily on the grounds that the trial court erred in its calculation of damages.

Disposition and date of disposition: The appellate court upheld the trial court's verdict on May 3, 2011.

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.

Although I have not served in a judicial position, I have served in a judicial capacity as I have been appointed by judges as a Special Master to resolve discovery disputes and other issues prior to trial.

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. N/A

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. N/A
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.

LEAP (Lawyers Encouraging Academic Performance) Board of Directors, Member- May 2014-Present

Lawyer’s Encouraging Academic Performance (LEAP) was created in 1994 as a not for profit Foundation to further, promote and expand upon existing community service of lawyers in Greater Kansas City with a specific focus upon initiatives intended to encourage young persons in their pursuit of an education.

LEAP is a unique, joint professional effort comprised of the Asian American Bar Association; the Association of Corporate Counsel, Mid-America Chapter; the Association for Women Lawyers of Greater Kansas City; the Eastern Jackson County Bar Association; the Hispanic Bar Association; the Jackson County Bar Association; the KC LEGAL Bar Association; the Kansas City Metropolitan Bar Association; the Lawyers Association of Kansas City; the Young Lawyers Section of the KCMBA, and the Young Lawyers Section of the Lawyers Association.

LEAP has been honored by the American Bar Association and the Missouri Bar Associations, and in 1997 received the ABA National Civic Literacy Award. In presenting LEAP with the award, the ABA emphasized the cooperative nature of this educational consortium of lawyers. The National Civic Literacy Award recognizes “conspicuous, sustained effort by a law firm or public law office to contribute to the advancement of literacy at a local, state or national level.”

Eastern Jackson County Bar Association- Immediate Past President, May 2015-present; President, May 2014- May 2015; Vice-President, May 2013- May 2014; Secretary, 2012-2013; Treasurer, 2005-2007; Executive Secretary, 2002-2005; Board of Directors, 2005-present

Kansas City Metropolitan Bar Association, 1997-present, Board of Directors, 2009-2010

Missouri Association of Trial Attorneys, Member, 2002-present

**American Bar Association, Member
Member, Family Law Section
Member, Litigation Section
Member, Family Law Litigation Committee**

Member, Insurance Coverage Litigation Committee

Midwest Innocence Project

The Midwest Innocence Project provides pro bono investigative and legal assistance to prisoners with persuasive actual innocence claims, whether or not DNA evidence is available. It accepts cases from a five-state region (MO, KS, AR, IA, NE) and provides training for law students who assist with investigation and litigation of wrongful conviction claims.

Association for Women Lawyers of Greater Kansas City, Member

19. List any published articles or books you have authored and any significant programs or events for which you served as a primary speaker.

Author of Chapter 18 “Guardians Ad Litem” of the Missouri Practice Series Volume 21, Family Law, Third Edition.

“Vote No on Question 3”, primary speaker, Lee’s Summit Sunrise Rotary Club, (2012)

“Defending the Maintenance Claim” continuing legal education class (“CLE”), primary speaker, 2012 Eastern Jackson County Bar Association Seminar

“Current Issues for Guardian Ad Litem” CLE, primary speaker (2008)

“A Focus on Discovery in Family Law Cases” CLE, primary speaker (2008)

“Hearsay Exceptions” CLE, primary speaker (2007)

“Nuts and Bolts of Grandparents’ Rights” CLE, primary speaker (2005)

20. Do you now or have you ever held any elective or appointive public office or position? If so, please explain. **No.**
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.

United States Marine Corps Reserves, 1985-1986 (attained rank of Private First Class)

United States Marine Corps Platoon Leaders Class, 1987-1989 (Officer Candidate)

United States Marine Corps Reserves, 1989-1993 (2nd Lieutenant)

United States Marine Corps (active duty) 1993-1997 (attained rank of Captain)

22. Describe your community and volunteer service activities, including any organizations (outside the legal profession) with which you are affiliated and any offices held.

I regularly provide financial support to and/or volunteer with the following organizations:

Jackson County CASA, 2015 Carnival for CASA Honorary Chair

I am extremely proud and honored to serve as the 2015 Honorary Chair of the Carnival for CASA to be held at Paradise Park in Lee's Summit, Missouri on September 12, 2015. I have been involved with CASA from all sides of litigation for more than 10 years and have seen first-hand the impact CASA has on children's lives.

Jackson County CASA was founded by the Kansas City chapter of the National Council of Jewish Women to ensure that abused and neglected children in our metropolitan area are given a voice in Court. It has two goals: (1) to secure a safe, permanent home for the child; and, (2) to advocate for appropriate medical, educational, and therapeutic resources while the child is under Court jurisdiction.

CASA's children are exposed to substance abuse, criminal behavior, violence, unstable housing arrangements, poor support systems, inconsistent health care, and the presence of mental health issues. Most CASA children live in temporary placement facilities, foster homes, with relatives, or in treatment facilities. More than 68% of the children CASA serves are minorities. Nearly all are indigent.

For over 30 years, Jackson County CASA has been providing effective guardian ad litem services to these children by recruiting, training, and supporting CASA Volunteer Advocates. Working as a team with CASA Case Supervisors and CASA Staff Attorneys, CASA volunteers help these children navigate the maze of the child welfare and Family Court systems and work to find them a safe, permanent home. CASA volunteers made sure these children received the medical, therapeutic, and educational services they desperately need.

**Hope House
Lee's Summit, MO 64063**

2015 Hope and All that Jazz Steering Committee member

Hope House services form a safety net of prevention, education and support for more than 10,000 victims of domestic violence every year. Residential and outreach services are provided through two secure locations in Independence and Lee's Summit, Missouri (the Kansas City metro area).

I am a regular financial contributor to Hope House and I provide pro bono services each year to victims of domestic violence.

My wife and I have a long history of supporting Hope House. I have sponsored a hole at their golf tournament on several occasions, sponsored their Margarita Ball for 2013, and have designated it as the firm's primary charitable cause for 2012-2015. My wife has volunteered translation services to Hope House and donates clothing and household items to its residents.

Urban Summit. Sponsor. The Mission of the Urban Summit is to develop initiatives to foster community relations, enhance economic growth and improve the quality of life in the Urban Core.

Strand of Three provides food to the homeless, hungry, and helpless in the Kansas City Metro area. I sponsor food bags for the homeless.

Literacy Kansas City provides free one-to-one tutoring for a diverse population of students age 16 and above. Nearly half of its students are in the 30 to 50 year age range.

One Good Meal- delivers lunch to senior citizens.

**Lee's Summit Sunrise Rotary Club
Board of Directors, Community Involvement Chair**

I participate in various community and volunteer service activities through my church and through the Lee's Summit Sunrise Rotary Club.

I have provided pro bono legal services to members of my church that have been victims of domestic violence.

I consistently provide financial support to several other area charities.

Blood Donor. I have been a regular blood and platelet donor, donating blood to the Community Blood Center of Kansas City for more than 10 years.

Church of the Four Corners, Independence, MO- Member

23. List any significant honors or awards you have received that otherwise have not been covered in this application.

Martindale-Hubbell Client Distinction Award:

A distinction of honor based on Client Review Ratings of 4.0-5.0 at Lawyers.com and martindale.com

Kansas City Business Journal Best of Bar award: 2015, 2014, 2012, 2011, 2010, 2008

Each year, the Kansas City Business Journal sends letters and e-mails to active lawyers in the Kansas City metro area asking for their votes for their peers they believe are worthy of selection. A panel of accomplished lawyers then reviews the list of the top vote getters and conducts a final check of the honorees' reputations and professional standings.

The American Society of Legal Advocates- Top 100 Lawyer Award: 2015, 2014

Best of Lee's Summit- Divorce Lawyer: 2015, 2014, 2013, 2012, 2011

The U.S. Commerce Association recognizes outstanding local businesses throughout the country. Various sources of information were gathered and analyzed to choose the winners in each category. The USCA Award Program focuses on quality, not quantity. Winners are determined based upon information gathered both internally by the USCA and data provided by third parties.

Lee's Summit Business Hall of Fame: 2014

Navy and Marine Corps Commendation Medal: 1997

The text of the award is as follows:

For meritorious achievement in the superior performance of his duties while serving as Legal Assistance Attorney and Senior Defense Counsel, Joint Law Center, Marine Corps Air Station, Cherry Point, North Carolina from October 1994 to July 1997. As a Legal Assistance Attorney, he expertly advised hundreds of military members and their families in all areas of law. He further distinguished himself as a highly skilled and aggressive defense counsel and

later as the Senior Defense counsel conducting over 60 courts-martial and 200 non-judicial punishment cases, thereby enhancing the fairness of and inspired confidence in the military justice system.

Captain Cutrera's initiative, perseverance, and total dedication to duty reflect great credit upon himself and were in keeping with the highest traditions of the Marine Corps and the United States Naval Service.

24. Are you delinquent in the payment of any federal, state, county or city taxes? If so, please explain. **No.**
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. **Yes. I received a speeding ticket in Cooper County, Missouri, ticket number 700371376, on March 24, 2012 and I mailed in a guilty plea and fine payment on April 18, 2012. The guilty plea was to a misdemeanor charge.**
26. Have you ever been held in contempt of court? If so, please explain. **No.**
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. **Yes.**

Wendy Eisle, et al v. Nick Cutrera, et al., Case No. 0616-CV34427, Division 17, Defendant. Plaintiffs alleged that I failed to adequately warn them of the legal consequences should the buyer of their business declare bankruptcy when they partially owner-financed the sale of the business. The case was without merit and the plaintiffs dismissed it on April 16, 2008 and never re-filed it. My attorneys filed a Motion for Costs which was sustained.

Nick A. Cutrera v. Eugenia Fetters, Case No. 1016-CV38610, Division 32, suit on account over unpaid legal fees. Judgment obtained.

Nick A. Cutrera v. Bradley Pavlisko, Case No. 0916-CV28676, Division 32, suit on account over unpaid legal fees. Case settled on 01/08/2010.

In re: Joseph Michael Dupont, Case No. 16PRI44107, Division 19. I am the legal guardian of a relative who suffers from autism.

In re: Megan Marie Kelly, Case No. 14P9-PR00693

My mother passed away on July 27, 2014 and she was the primary caregiver of my 15 year old niece, Megan Kelly. I have established guardianship of Megan and she lived with my family until mid-August 2015. My oldest sister has filed, with my consent, a motion to become Megan's successor guardian because my sister lives in Megan's life-long school district (Blue Springs School District) and Megan wants to finish high school at Blue Springs South with her childhood friends.

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. **No.**
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.
N/A
30. Provide any additional information that you consider relevant to your qualifications for the office of Circuit Judge.

I believe that my legal experience and background have resulted in my developing a number of qualities that make me especially qualified to become a Judge. The most significant are the following:

A. Diversity of Legal Experience: My legal experience is diverse. I have served as a criminal defense attorney, an attorney for a major law firm representing large corporations, an insurance company attorney, a plaintiff's attorney, and a domestic relations attorney. I have tried complex contract and fraud claims, serious felony offenses, and complex divorce and custody cases. I have also represented clients in what could be characterized as more "routine" matters. I will be able to relate to attorneys in my courtroom and their experience. Having served as an attorney in so many areas of the law, I have a unique understanding of the pressures and situations that trial attorneys work through. This experience will be invaluable in my relating to the attorneys and parties appearing before me and has fostered my respect for

attorneys practicing in all areas and their clients.

- B. **Judgment:** My success as an attorney is due largely to my judgment of the merits of each case. I have developed the skill of case evaluation and try only those cases in which a settlement that is justified by the application of the law to the facts cannot be had. As a result, the judgments that I obtain on behalf of my clients are always consistent with my case evaluation. In fact, I have tried several cases in which the Judge hearing the matter has executed my proposed Judgments without making any changes.
- C. **Discipline:** I possess the physical and mental discipline to complete difficult tasks under great stress and in a timely manner.
- D. **Integrity:** The most important quality in any profession and in one's personal life is integrity. Thus, I conduct my work and my personal life with strict standards of integrity and transparency.
- E. **Tact/Bearing:** Attorneys and judges should always treat others with respect and carry themselves in a manner that gives the seriousness of their professions and the importance of their service to those they serve the import that they deserve. Everyone deserves to be treated with the same high level of respect regardless of race, religion, sex, position, or any other identifying trait.
- F. **Unselfishness:** A Judge makes important decisions that affect the lives of many. My character will not allow me to subordinate my responsibilities to any personal goals or ambitions.
- G. **Decisiveness:** I have the skill of thoroughly analyzing the law and the potential options in any given matter and then making the final decision without wavering.
- H. **Courage:** I am a courageous person. I do not shy away from the hard things, whatever they may be.
- I. **Family Life and Personal Experience with Diversity:** I have been married to my wife, Maria Pilar Cutrera, for nearly 25 years and we have three wonderful children, Gabriela, 19 years old, Alexis, 17 years old, and Frank, 15 years old. My wife is originally from Guadalajara, Mexico and I met her while she was visiting her mother, an employee of the Mexican government, then working for the Mexican Consulate in San Diego, California. My wife moved to the United States and became a naturalized United States citizen after we were married. Her ethnic diversity has enriched my life in many ways and helped me better understand the experiences of people in our country with different ethnic backgrounds.

My mother passed away on July 27, 2014 and she was the primary caregiver of my

niece, Megan Kelly. I have assumed legal guardianship of Megan and we are pleased to have her living with us! Megan is 16 years old. Megan attended Lee's Summit West High School last year. She missed her life-long friends from her prior school district, Blue Springs, and therefore my sister has applied for successor guardianship and Megan is currently living with her and attending Blue Springs South High School. I am very proud of Megan and my family members for how they've stepped up and adapted to their changing circumstances.

I have been extremely active in my children's lives. I have helped coach each of their soccer teams when they were younger. I took tennis lessons with my daughter Gabriela when she expressed an interest in tennis and a desire to play high school tennis. I have also given guidance to Gabriela in her high school debate activities. My daughter Alexis plays on a competitive soccer team and I have attended nearly every one of her games during the last seven years. She has recently verbally committed to play women's soccer for the University of Evansville. I have participated in Boy Scouts with my son Frank and we like to go fishing and camping together.

31. 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.

The Honorable Michael W. Manners (retired Circuit Court Judge)
Langdon and Emison
P.O. Box 220
911 Main Street
Lexington, MO 64067
PH: (660)259-6175
Email: mike@lelaw.com

Nancy Kenner
Kenner, Nygaard, DeMarea, Kendall, LLC
117 West 20th Suite 201
Kansas City, MO 64108
PH: (816) 531-3100
Email: nancy@kndklaw.com

John D. Boyd
Boyd, Kenter, Thomas & Parrish, LLC
221 W. Lexington Ave.
Independence, MO 64050
PH: (816) 525-6100
Email: jbovd@bktplaw.com

Phyllis Norman
The Norman Law Firm
1000 Broadway Blvd., Suite 400
Kansas City, MO 64105
PH: 816-288-9622
Email: nphvlli@yahoo.com

Gerald McGonagle
McGonagle Spencer Gahagan
1533 Locust Street
Kansas City, Missouri 64108
PH: 816-221-2222

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 office 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 office 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 medical, 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