APPLICATION FOR CIRCUIT JUDGE
16TH CIRCUIT JUDICIAL COMMISSION
JACKSON COUNTY, MISSOURI

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

NAME: J. Dale Youngs

1. State your present principal occupation: I am a partner at Husch Blackwell Sanders LLP

2. Are you at least 30 years of age? Yes

3. (a) How long have you been a citizen of the United States? Since September 14, 1964
   (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? Since September 14, 1982

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:

I am licensed to practice law in the State of Kansas. I am also licensed to practice before the United States Court of Appeals for the Eighth Circuit, as well as the following United States District Courts: Western District of Missouri, District of Kansas, and Central District of Illinois. I have also been admitted *pro hac vice* in numerous state and federal

courts around the country.

5. State the date you were admitted to the Bar in Missouri: October 1989

   (a) Missouri Bar Number: 36716
   (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:

University of Missouri at Kansas City School of Law
5100 Rockhill Road
Kansas City, MO 64110
Dates of attendance: 1986 to1989
Juris Doctor, May 1989

Member, National Moot Court Team
Member, National Order of Barristers
Recipient, American College of Trial Lawyers Medal for Excellence in Trial Advocacy
President, Delta Theta Phi Legal Fraternity, 1988-1989
Recipient, American Jurisprudence Award, Criminal Law

University of Missouri at Columbia
130 Jesse Hall
Columbia, MO 65211
Dates of attendance: 1982 to 1986
Bachelor of Journalism, May 1986

Member, Honors College
Recipient, Bruce Rice Memorial Scholarship, 1985
Lambda Chi Alpha Fraternity
Member, Golden Key National Honor Society
Reporter/photographer/anchor, KOMU-TV, 1985-1986
Reporter, KBIA FM 91.3, 1985
Member, Greek Week Steering Committee, 1985-1986
Senator, Missouri Students Association, 1982-1983

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.)

Employment after high school – 1982-1986

Commonwealth Theaters, Inc.
Formerly headquartered at
215 West 18th Street
Kansas City, MO 64105

I worked as an usher and doorman at the Bannister Mall Five Theaters while in high school, and during the summers and Christmas breaks of 1982 and 1983.

Malliard's
Formerly headquartered at
22 on the Mall
71st and Mission Road
Prairie Village, KS 66208

I worked as a sales associate at the Bannister Mall and Country Club Plaza locations of this mens clothing store during the summer and Christmas break of 1984, and again during the summer of 1986.

Puckett's
Formerly located at
904 and 906 East Broadway
Columbia, MO 65201

I worked as a sales associate at this downtown Columbia mens clothing store during the summer and early fall of 1985.

In addition, as part of my journalism curriculum at the University of Missouri, I worked as a reporter at KBIA 89.3 FM, the University of Missouri's National Public Radio affiliate, during the summer and fall of 1985. I also worked as a reporter, anchor, and photographer at KOMU TV in Columbia in the fall of 1985, during Christmas break, and in the second semester of my senior year, 1986.

Although my responsibilities at KBIA and KOMU were part of my coursework at the School of Journalism and were therefore not paid positions, I certainly considered them "jobs" in every other sense of the word, and learned valuable lessons from my experiences. In particular, while working at KBIA, I covered the first degree murder trial of David Tate, who was accused, and ultimately convicted, of murdering Missouri State Highway Patrol Trooper Jimmie Linegar in April of 1985. My experience covering the Tate trial illustrated to me what a fascinating and meaningful profession the practice of law was.

Employment After High School – 1987-1989

The summer following my first year of law school, I clerked at what was then known

as Spradley, Wirken & Riesmeyer, PC. This firm later became Spradley & Riesmeyer, PC. I worked there continuously through law school, and gained valuable experience researching and drafting memoranda, discovery, and substantive pleadings, conducting a variety of types of investigation, and attending client conferences, depositions, hearings, trials, and appellate arguments. In November 1988, I accepted an offer to join the firm as an associate.

Private Practice – 1989-1996

After passing the Missouri Bar and receiving my license in October 1989, I practiced as an associate at Spradley & Riesmeyer for the next five years, primarily in the areas of business, commercial, personal injury and products liability litigation. In 1995, I became a shareholder of the firm and continued my practice there until September 1996 when I left to join the Missouri Attorney General's office as an Assistant Attorney General in the office's Consumer Protection Division. During my time at Spradley & Riesmeyer, I litigated a wide variety of cases on behalf of both plaintiffs and defendants in state and federal trial and appellate courts, as well as in arbitration proceedings and before administrative agencies. I also represented clients in a variety of estate and non-litigation business matters. The following is a summary of the many types of cases I handled:

- I represented a union worker in arbitration proceedings against his employer who was withholding full pension benefits from him. On the eve of the arbitration hearing in Atlanta, the employer agreed to begin paying him the full amount of pension we claimed he was owed, plus approximately $25,000.00 in back benefits.

- I represented a client who suffered serious injuries after she was struck head-on by another driver who had drifted across the center line. The other driver claimed he was in the process of turning when his power steering failed, and he sought contribution from the garage which he claimed had negligently repaired it. After a week-long trial, a Platte County jury assessed 100 percent of the fault against the other driver, and awarded our client damages of $97,500.00.

- I represented a major area electrical contractor in a wide variety of matters including OSHA investigations, EEOC claims, collection matters, employment security cases, as well as labor and contract disputes.

- I represented a client who suffered a broken leg when another driver pulled in front of the motorcycle he was riding. After investigating the facts of the collision, and engaging in lengthy negotiations with the other driver's insurance company, I was able to obtain a $40,000.00 settlement for my client.

- I represented a Chicago law firm sued in federal district court for malpractice

in connection with the purchase of a local hotel. After both sides engaged in extensive discovery, which included numerous depositions here and in Chicago, the plaintiffs ultimately dismissed their claims against our clients.

- I represented a young man in a lawsuit against a blood bank and hospital after he was infected with HIV after receiving a transfusion of tainted blood after an automobile accident in Wyoming. Since the transfusion occurred when there was no recognized method to directly test blood for HIV, the case raised liability issues which had never been addressed in any other case in the country at that time. After extensive investigation and discovery, including depositions of experts in San Francisco and Texas, the parties entered into a confidential settlement agreement.

- I represented a woman who sued an Overland Park prosthedontist in Johnson County District Court. We claimed he negligently performed oral surgery on our client in connection with making a bridge for her. After extensive investigation and discovery, which resulted in the revelation that this dentist had altered our client's chart, and then lied about it in his deposition, we obtained a confidential settlement for our client.

- I represented a client who purchased an automobile at a classic car auction, only to later find out that the vehicle's history had been misrepresented to him by the seller. After I filed suit and deposed the seller, the seller agreed to pay our client the nearly $10,000.00 difference in the value of the vehicle.

- I represented an Oklahoma City wholesale distributor of roofing supplies in a lawsuit in federal court in Tulsa against a manufacturer which illegally terminated my client as a distributor of its products and damaged my client's reputation in Oklahoma, where it had done business for years. The case resulted in a settlement in which, among other things, the defendant forgave a $150,000.00 debt owed it by my client for materials purchased prior to its termination.

- I represented the parents of a four year-old Leavenworth boy who was killed on the Fourth of July when a vending machine he was hitting (because it had taken his money) toppled over on him, crushing him. This action in Leavenworth County District Court raised several issues which were at that time ones of first impression in Kansas, including the availability of punitive damages under the Kansas wrongful death statute. Our clients eventually entered into a confidential settlement agreement with the defendants.

- I represented a business owner who hired the defendant to work as a sales representative for it, and who concealed the fact that he had executed a non-compete agreement in favor of his former employer. After a four-day trial, a Jackson County jury awarded our client damages of $41,000.00 for the

defendant's fraud and breach of contract, plus punitive damages of $12,000.00. The appeal of this verdict, which I briefed and argued, resulted in new law in Missouri.

- I volunteered my time to brief and argue an appeal in the Eighth Circuit Court of Appeals for a criminal defendant who claimed he was not properly informed of his rights when he pled guilty to drug charges. Although his conviction was ultimately affirmed by a two-to-one vote of the panel, this appeal resulted in a clarification of the law surrounding instructions to be given to criminal defendants in federal court in order to insure their guilty pleas are informed and voluntary.

Public Service – 1996-2002

In September 1996, I joined the Consumer Protection Division of the Missouri Attorney General's Office as an Assistant Attorney General. In March 1999, the Attorney General appointed me Deputy Chief Counsel for the Western Region. While a member of the Consumer Protection Division, I was primarily responsible for coordinating civil and criminal investigations and prosecutions of persons and entities suspected of violating Missouri's consumer protection and securities laws. I was also responsible for directing the office's internet initiatives.

In July 2000, the Attorney General created the High Technology and Computer Crime Unit within our office's Public Safety Division, and I was asked to serve as its director. This unit is responsible for the statewide investigation and prosecution of internet and computer-related crimes such as child exploitation, child pornography, hacking and other intrusions, and fraud, as well as other situations in which computers or the internet are used as tools of illegal activity. The unit also provides legal, investigative and technical assistance to other agencies investigating and prosecuting such cases. As director, I supervised three investigators, maintained a full civil and criminal caseload, managed a budget in excess of $300,000.00, and coordinated and conducted public education seminars and law enforcement training programs across the country.

In 2001 alone, the unit handled a total of 156 investigations and cases. This included providing assistance in the execution of 22 search warrants across the state, conducting 55 forensic examinations of seized computer equipment and assisting in the prosecution of 10 civil and criminal cases. We also conducted 27 law enforcement training programs in 15 locations in Missouri and Arkansas, serving 329 law enforcement officers from 116 different agencies.

In that position, I was the office's representative to national, state, and local organizations and task forces concerned with internet and computer crime issues. I also participated in the drafting of legislation addressing internet and computer crime, and testified before legislative committees considering these bills. In addition, as a member of the Public Safety Division, I handled general, non-computer-related felony prosecutions in

which our office had been appointed by a local prosecuting attorney or the Governor.

In December 2001, the Attorney General appointed me Chief Counsel for the Western Region. In addition to the consumer protection, computer crime and general civil and criminal caseload I maintained, and my duties as director of our computer crime unit, I served as manager of a 27-employee field office, which included 12 attorneys from four different divisions, as well as investigative and other support staff.

The wide variety of investigations, prosecutions and other matters I handled while at the Attorney General's office included the following:

- I led the prosecution of a Smithville, Missouri man accused of using the internet to distribute child pornography to students at a Massachusetts middle school and threatening to kill several students and teachers at the school. A week before a scheduled jury trial in Clay County Circuit Court, the defendant pled guilty to several felony counts of attempting to promote child pornography in the first degree, as well as one misdemeanor count of harassment. He was ultimately sentenced to a total of 15 years in prison.

- I coordinated the investigation and prosecution of five individuals accused of defrauding more than 50 consumers around the country out of nearly $600,000.00 through a phony business opportunity. Those prosecutions resulted in guilty pleas and a guilty verdict against one of the defendants after a week-long jury trial in Clay County Circuit Court, and sentences totaling 22 years. This prosecution also resulted in a ten-year sentence against the group's ringleader.

- I coordinated investigations and prosecutions resulting in the nation's first civil and criminal judgments against a Pennsylvania gambling website operator who allowed our investigators to gamble hundreds of dollars through the internet in violation of Missouri gambling laws. During the criminal prosecution, I assisted Montgomery County, Pennsylvania authorities in extradition proceedings involving the company's president, which included briefing various extradition issues before the Pennsylvania Superior Court. The company and its president ultimately pled guilty and paid fines and costs of prosecution totaling $27,500.00.

- I coordinated the investigation and civil action under Missouri's consumer protection law resulting in the nation's first civil judgment against an online "beer-of-the-month" club. This North Carolina company sold and delivered beer to Missouri residents without a license, and without taking any steps to verify the age of our investigators, one of whom was only 17. I also briefed and argued the appeal of that judgment in the Eastern District Court of Appeals, which affirmed the trial court's decision in March 2000, a decision Missouri Lawyer's Weekly included in its listing of "Most Important Opinions

of 2000." In October 2000, I argued this case before the Missouri Supreme Court, which let stand the Court of Appeals' opinion.

- I supervised decoy prescription drug purchases and subsequent prosecutions under our consumer protection act resulting in the nation's first judgments against two online "drug stores." These website operators allowed our investigators to purchase Viagra and Propecia by simply filling out an online "consultation." Our judgments required these businesses to cease doing business in Missouri, to post notices on their websites saying their service is not available in Missouri, and to pay a total of $30,000.00 in costs and penalties.

- I coordinated the investigation and prosecution in Jackson County Circuit Court of a Blue Springs man who defrauded six sets of victims out of approximately $250,000.00 by convincing them they were giving him their money to invest in a letter jacket business he claimed to operate. In fact, there was no such business, and the defendant simply gambled their money away. This defendant pled guilty to six counts of felony stealing and was sentenced to seven years in prison.

- I prosecuted a Lake Winnebago contractor in Cass County Circuit Court who took deposits from consumers with whom he contracted to do work, ostensibly to purchase materials for the job. This defendant routinely never returned to do any work for the consumers who gave him money. After pleading guilty the week before trial, this defendant was sentenced to five years in prison.

- I supervised the investigation and civil prosecution in Jackson County Circuit Court of an Atlanta business and its owner which advertised and sold an herbal supplement called "Väegra." The defendants used a Kansas City mail drop as their "clinic" address, referred to doctors in the clinic who did not exist, and quoted magazine articles they claimed touted their product when, in fact, the articles were about the prescription medication, Viagra. Based on our investigation, we obtained a restraining order against the defendants and obtained a consent judgment which, in addition to securing payment of nearly $500,000.00 in restitution to consumers across the country, resulted in the payment by the defendants of a civil penalty to Jackson County schools totaling $150,000.00.

- I coordinated a six-month investigation of a children's charity located in Kansas City, resulting in the execution of a court-approved settlement agreement in which the charity agreed to make fundamental changes in the way it marketed its international programs. The charity also agreed to make a $30,000.00 donation to Operation Breakthrough in Kansas City, which serves disadvantaged area families by operating the state's largest day care

center.

- I prosecuted a Kansas City man accused of defrauding consumers across the country who purchased airline tickets from him through an online auction. He pled guilty to three felony counts of unlawful merchandising practices, was ordered to pay restitution of nearly $6,000.00 and was forbidden from using the internet for three years.

- I coordinated the investigation and civil action in Jackson County Circuit Court against a California man operating a website selling "international drivers' licenses" as substitutes for government-issued drivers' licenses. This case resulted in the entry of a permanent injunction against him barring him from offering these licenses in Missouri, and ordering him to pay $16,750.00 in fines and costs.

- I assisted St. Francois County authorities in the felony stealing prosecutions of two individuals accused of defrauding as many as 35 people out of more than $50,000.00 through online auctions. These defendants pled guilty and each was sentenced to 12 years in prison.

- I coordinated the investigation and civil action in Platte County Circuit Court against a local ticket and travel package seller who was arrested on a federal fugitive warrant. At the time of his arrest, he was in the process of arranging ticket and travel packages for out-of-town Chiefs games, and had been paid in advance for these packages by several thousand consumers. We arranged for the appointment of a receiver who was able to provide these consumers the travel packages for which they had paid. The case ultimately resulted in a trial and subsequent judgment against the owner of the business for more than $50,000.00.

Through my position with the Attorney General's Office, I also attempted to serve the public in additional ways, including the following:

- I volunteered my time outside the office giving presentations on consumer protection and computer crime issues to schools, as well as to neighborhood, senior, church, professional and other community groups.

- I conducted training programs for law enforcement agencies around the country in the investigative and legal issues surrounding the prosecution of technological and financial crimes. Those programs included presentations on search and seizure issues to agency personnel attending the National White Collar Crime Center's Basic Data Recovery and Analysis course, and the Center's Financial Investigations Practical Skills Training.

- I instituted a program within the Consumer Protection Division in which victim

information in criminal prosecutions under the consumer fraud statutes was automatically provided to the Department of Corrections Victim Information & Notification Everyday or "VINE" program, so victims of consumer fraud could be notified when a person convicted as a result of one of our prosecutions was scheduled for release, had a parole hearing, was transferred, died or escaped.

Private Practice – 2002-present

In May 2002, I accepted an offer to join what was then known as Blackwell Sanders Peper Martin, LLP in its business and commercial litigation and government compliance, investigations, and litigation groups. In 2006, I was made a partner in the firm, which is now Husch Blackwell Sanders LLP. During the last six and ½ years, I have represented a wide variety of clients in a broad spectrum of litigation and other matters.

- I represented a local electric utility in lawsuits and other proceedings which followed its decision in late 2004 to build an electrical power plant and substation in unincorporated Cass County, Missouri. The utility was sued by Cass County, several homeowners living near the facilities, and a group of other citizens who were opposed to the facilities. This dispute led to nine lawsuits, two proceedings before the Missouri Public Service Commission, and two appeals, all spanning more than four years. In April 2005, I became the lead litigation attorney representing the company. Ultimately, we were successful in settling the company's dispute with the County and the other plaintiffs and are currently in the process of finalizing zoning and other regulatory approvals necessary for the facilities to remain operating.

- I have represented elected officials in a variety of campaign finance-related matters before the Missouri Ethics Commission. In each case, we were able to negotiate stipulated resolutions of the Commission's investigations.

- I represented a Camdenton developer who was charged by the Missouri Attorney General's office with several felony counts of failing to report and pay state employment taxes on construction workers at a condominium project in Camden County. Our representation of the defendant involved not only conducting an extensive investigation and defense of the state charges, but also included counseling him regarding potential federal tax and immigration investigations. Our client eventually entered into a plea agreement through which he was able to avoid any possibility of prison time.

- I coordinated an internal investigation of a client's employee whom we determined was utilizing proprietary activation codes to activate company-licensed copies of Windows XP operating systems, which he was installing on refurbished computers that he then sold. We also determined that the employee was illegally modifying XBox game systems on company property

and during working hours. We obtained an injunction against the employee and secured his cooperation in our subsequent investigation.

- I coordinated an investigation of an information technology employee at a financial services company whom the company believed was using client bank account information on the company's system to pay personal utility and other bills. We coordinated the company's reporting of the incidents to the FBI and jointly interviewed the employee with the case agents. The employee confessed in the interview to having utilized client information in this manner. The FBI's investigation is continuing.

- I represented the Missouri Director of Insurance in his capacity as the receiver of Missouri insurance companies looted by their former owner. As a part of that litigation, the Director sued brokerage houses which we claimed negligently allowed their accounts to be used to facilitate the looting of the companies. After extensive discovery and a successful appeal from the district court's order that it did not have personal jurisdiction over one of the defendants, the case was settled.

- I represented a small town newspaper in conjunction with a complaint filed against it with the Missouri Ethics Commission related to ads it published concerning a local ballot issue. I coordinated our client's response to the investigator conducting the inquiry, which was ultimately disposed of by the Commission without further action.

- I represented a local technology company in a dispute over its ability to terminate its lease early because of its landlord's refusal to accommodate its expansion needs. After suit was filed, we discovered that one of the landlord's representatives had been making defamatory statements about our clients to other commercial brokers. Two weeks prior to trial, we were able to settle the case at a significant discount from the landlord's original claim.

- I worked with a large manufacturing company to investigate an employee whom the company suspected was fraudulently processing payments for phony invoices. We determined that the employee had set up duplicate vendor payable accounts and changed the bank routing information in the company's computer system so that, instead of company payments going to the vendor's account, they went to his personal account. We confronted the employee with the results of our investigation and he admitted his involvement in the scheme. The results of our internal investigation were provided to the FBI. We also coordinated the implementation of internal controls designed to prevent a recurrence of such a situation in the future.

- I represented the insurer of more than $150 million of a large Kansas utility's

debt in conjunction with the utility's plan to separate various unregulated businesses from its utility operations. The hearing before the Kansas Corporation Commission on the utility's plan lasted two weeks, and involved the examination and cross-examination of dozens of witnesses regarding complex financial transactions. After the hearing, the Commission entered an order rejecting the company's restructuring plan.

- I represented a cosmetics company that operated kiosks at malls staffed with Israeli students who came to the United States to work during the holiday season on H1B visas. The company's locations in Nebraska and Iowa had been raided by Immigrations and Customs Enforcement (ICE) agents and several of its workers were taken into custody. We were able to work with the various law enforcement agencies involved in the investigation and negotiate a resolution of the government's claims without criminal or further administrative action.

- I represented an investor in a proposed riverboat gaming venture in St. Louis in preparing the materials necessary for him to be granted a gaming license by the Missouri Gaming Commission. In addition to working to prepare his responses the application questions and accumulate the hundreds of pages of personal information requested, I participated in numerous meetings with Commission staff on his behalf. The Commission ultimately granted his application.

- I represented a company that specializes in creating and maintaining electronic payment processing systems for, among other things, state agencies that provide the ability for citizens to make electronic payments. The company was sued by one of its labor subcontractors which alleged that it had failed to meet what the subcontractor claimed were mandatory minimum staffing requirements in the subcontract. The dispute was eventually settled after mediation.

- I represent the trustees of a Kansas City art gallery in an action against the City of Kansas City, Missouri alleging that an ordinance that purports to prohibit art museums from being located in districts designated as "R1" violates the trustees' right to Equal Protection, as well as the Missouri Constitution's prohibition against special laws.

- I represented an area pasta manufacturing company in a dispute over its supply agreement with General Mills – an agreement under which our client produced pasta for use in General Mills' products, and which accounted for tens of millions of dollars of revenue to our client. After a two-day mediation in Chicago, the parties settled their differences over the supply agreement and negotiated a new agreement with more favorable terms for our client.

- I represent the court-appointed special master of a financially troubled group of insurance companies and their affiliates. In that role, I have assisted in the special master's exercise of control over the companies and their assets, and have coordinated efforts to preserve documents and other data, including electronically stored information. I have also coordinated the companies' cooperation with investigations being conducted by various state and federal law enforcement and regulatory authorities.

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one-three sentence description of each case and its outcome.

   (a) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one-three sentence description of each case and its outcome.

9. 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

10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause 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.

    Mary Ann Tepper, et al. v. Hy-Vee, Inc.
    Case No. 03CV205601
    Tried to court the week of February 17, 2004
    Circuit Court of Jackson County, Division 5
    Represented the defendant
    First chair
    Opposing counsel – Thomas Larson, Lewis Rice & Fingersh, LC, One Petticoat

Lane, 1010 Walnut, Suite 500, Kansas City, MO 64106

The plaintiff fell in our client's store, and seriously injured her leg. She believed she had slipped on wet floor care product, but our client's employees were not able to find anything on the floor that could have contributed to her fall. We believed that she had not slipped, but had in fact stumbled. After a three-day trial, the jury returned a unanimous verdict in our client's favor.

Ophthalmic Services, PA v. Saint Luke's Health System, Inc.
Case No. 03CV07569
Tried to court on May 10, 2004
District Court of Johnson County, Kansas – Division 10
Represented the defendant
First chair
Opposing counsel – Peter Bunn, III and Kevin O'Grady, Ferree, Bunn, O'Grady & Rundberg, Chtd., 9300 Metcalf, Suite 300, Overland Park, KS 66212

This was a declaratory judgment action filed by a tenant of our client, seeking a declaration that our client's notice of its election not to extend the term of the plaintiff's lease was ineffective due to its lateness, and that the lease between the plaintiff and our client had been automatically renewed for an additional five-year term. Our client argued that the commencement date of the lease – the point from which the notification deadline was calculated – was later than the plaintiff claimed and that its notice was therefore timely. The court ultimately determined that the lease's language favored the plaintiff's argument, and ruled that our client's notice was ineffective.

Cass County, Missouri v. Aquila, Inc.
Case No. CV104-1443CC
StopAquila.org v. Aquila, Inc.
Case No. CV104-1380CC
Tried to court in January 2005
Circuit Court of Cass County, Missouri – Division 2
Represented the defendant
Second chair
Opposing counsel – Cindy Reams Martin, 408 S.E. Douglas, Lee's Summit, MO 64063

Cass County, Missouri and StopAquila.org sued Aquila, Inc. over the company's plans to construct an electric power plant and electrical substation in unincorporated Cass County. The County and StopAquila claimed that the facilities were subject to the County's zoning ordinances. The company claimed that the certificates and other orders issued by the Missouri Public Service Commission granting it the authority to serve Cass County made it exempt from County zoning ordinances. The court ultimately ruled that the Public Service Commission certificates and orders relied upon by the company did not provide the "specific authority" for the

facilities required in order for them to be exempt from County zoning authority, and, after severing and staying the StopAquila action, entered a judgment in favor of the County on its claims for injunctive and declaratory relief.

In the Matter of the Application of Aquila, Inc. for Permission and Approval and a Certificate of Public Convenience and Necessity Authorizing it to Acquire, Construct, Install, Own, Operate, Maintain, and Otherwise Control and Manage Electrical Production and Related Facilities in Unincorporated Areas of Cass County, Missouri Near the Town of Peculiar
Case No. EA-2006-0309
Tried to the Missouri Public Service Commission in April and May, 2006
Represented Aquila, Inc.
Second chair
Opposing counsel – Cindy Reams Martin, 408 S.E. Douglas, Lee's Summit, MO 64083; Mark Comley, P.O. Box 537, Jefferson City, MO 65102-0537; Gerard D. Eftink, 704 West Foxwood Drive, P.O. Box 1280, Raymore, MO 64083

As a part of the continued proceedings involving the dispute between Aquila and Cass County, Missouri, Aquila sought certificates of convenience and necessity from the Missouri Public Service Commission for the electric power plant and electrical substation at issue – both of which had already been constructed. In addition to the preparation of complex written testimony, and pre and post-hearing briefing of motions and other legal issues, the hearing on Aquila's application was conducted over the course of two weeks, and involved extensive cross examination of witnesses and oral argument. The Commission subsequently granted Aquila's application.

State ex rel. Cass County, Missouri v. Public Service Commission for the State of Missouri
Case No. 06-CA-CV-01698
Briefed and argued to the Court on September 8, 2006
Circuit Court of Cass County, Missouri – Division 2
Represented Aquila, Inc.
First chair
Opposing counsel – Cindy Reams Martin, 408 S.E. Douglas, Lee's Summit, MO 64083; Mark Comley, P.O. Box 537, Jefferson City, MO 65102-0537; Gerard D. Eftink, 704 West Foxwood Drive, P.O. Box 1280, Raymore, MO 64083

After the Public Service Commission issued certificates approving the electric power plant and electrical substation in Cass County, the County sought review of the Commission's order in the Circuit Court of Cass County. The proceeding involved extensive briefing and, ultimately, oral argument on the Commission record to the court. The court determined that the Commission's order approving the facilities was unlawful because Missouri law did not give the Commission the power to approve facilities that had already been constructed.

11. 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.

Federal

Pool v. Missouri Department of Corrections
United States Court of Appeals for the Eighth Circuit
Represented the appellant
Assisted in preparation of brief
Published at 883 F.2d 640 (8th Cir. 1989)

Safeguard Business Systems, Inc. v. Hoeffel
United States Court of Appeals for the Eighth Circuit
Represented the appellant
Assisted in preparation of brief
Published at 907 F.2d 861 (8th Cir. 1990)

United States v. Young
United States Court of Appeals for the Eighth Circuit
Represented the appellant
Briefed and argued
Published at 927 F.2d 1060 (8th Cir. 1991)

Ritzel Communications, Inc. v. Mid-America Cellular Telephone Co., Inc.
United States Court of Appeals for the Eighth Circuit
Represented the appellant
Assisted in preparation of brief
Published at 989 F.2d 966 (8th Cir. 1993)

State ex rel. Nixon v. Coeur d'Alene Tribe
United States Court of Appeals for the Eighth Circuit
Represented the appellant
Assisted in preparation of brief
Published at 164 F.3d 1102 (8th Cir. 1999)

Lakin, et al. v. Prudential Securities, Inc.
United States Court of Appeals for the Eighth Circuit
Represented the appellant
Assisted in preparation of brief
Published at 348 F.3d 704 (8th Cir. 2003)

State

Refrigeration Industries, Inc. v. Nemmers
Missouri Court of Appeals – Western District
Represented the respondent
Briefed and argued
Published at 800 S.W.2d 912 (Mo. App. 1994)

Polar Trading, Inc. v. Amboy Closeouts, Inc.
Missouri Court of Appeals – Western District
Represented the appellant
Briefed and argued
Published at 899 S.W.2d 577 (Mo. App. 1995)

Kennedy v. Milligan
Missouri Court of Appeals – Western District
Represented the appellants
Briefed and argued
Published at 915 S.W.2d 784 (Mo. App. 1996)

State v. Larrabee
Missouri Court of Appeals – Western District
Represented the respondent
Briefed (case submitted without oral argument)
Unpublished disposition

Commonwealth v. Simone
Superior Court of Pennsylvania – Eastern District
Represented State of Missouri as *amicus curiae*
Briefed
Unpublished disposition

State ex rel. Nixon v. Polley
Missouri Court of Appeals – Western District
Represented the respondent
Briefed and argued
Published at 2 S.W.3d 887 (Mo. App. 1999)

State v. Simpson
Missouri Court of Appeals – Western District
Represented the respondent
Briefed and argued
Unpublished disposition

State ex rel. Nixon v. Beer Nuts, Ltd.

Missouri Court of Appeals – Eastern District
Represented the respondent
Briefed and argued
Published at 29 S.W.3d 828 (Mo. App. 2000)

State ex rel. Nixon v. Beer Nuts, Ltd.
Missouri Supreme Court (on transfer from Eastern District)
Represented the respondent
Briefed and argued
Case transferred back to Eastern District without opinion

State ex rel. Nixon v. Estes
Missouri Court of Appeals – Western District
Assisted in preparation of brief
Published at 41 S.W.3d 25 (Mo. App. 2001)

StopAquila.org v. Aquila, Inc.
Missouri Court of Appeals – Western District
Represented the appellant
Assisted in preparation of brief
Published at 180 S.W.3d 24 (Mo. App. 2005)

State ex rel. Cass County, Missouri v. Public Service Commission for the State of Missouri
Missouri Court of Appeals – Western District
Represented the appellant
Briefed and argued
Published at 259 S.W.3d 544 (Mo. App. 2008)

State ex rel. AG Processing, Inc. v. Public Service Commission of the State of Missouri
Missouri Court of Appeals – Western District
Represented the respondent
Briefed and argued
Opinion affirming trial court issued November 12, 2008
Post-opinion motions pending

12. 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.

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

Other Jury Trials

Crider v. Controlled Demolition, Inc.
Circuit Court of Jackson County, Missouri – Division 8
Tried to Jury – June 1990

Represented the defendant
Second chair

Refrigeration Industries, Inc. v. Nemmers
Circuit Court of Jackson County, Missouri – Division 18
Tried to jury – February 1993
Represented the plaintiff
Second chair

Parrish v. Winkler
Circuit Court of Platte County, Missouri – Division 2
Tried to jury – April 1993
Represented the plaintiffs
First chair

Kennedy v. Milligan
Circuit Court of Jackson County, Missouri – Division 19
Tried to jury – September 1994
Represented the plaintiffs
Second chair

State of Missouri v. Simpson
Circuit Court of Clay County, Missouri – Division 2
Tried to jury – December 1998
Represented the state
First chair

State of Missouri v. Jerdee
Circuit Court of Clay County, Missouri – Division 2
Tried to jury – December 2001
Represented the state
First chair

Other Trials to a Court or Agency

Falck v. Adams Toyota Raytown
Circuit Court of Jackson County, Missouri – Division 32
Tried to court – October 1992
Represented the plaintiffs
First chair

Polar Trading v. Amboy Closeouts, Inc.
Circuit Court of Jackson County, Missouri – Division 26
Tried to court – June 1994
Represented the plaintiff
First chair

Keller v. Physicare Systems Control, Inc.
Circuit Court of Jackson County, Missouri – Division 29
Tried to court – September 1994
Represented the plaintiff
First chair

State ex rel. Nixon v. Niccum, d/b/a Twilite TV & Video
Circuit Court of Jackson County, Missouri – Division 16
Tried to court – November 1996
Represented the state
First chair

State ex rel. Nixon v. Big Sky, Inc.
Circuit Court of Platte County, Missouri, Division 1
Tried to court – September 1997
Represented the state
First chair

State ex rel. Nixon v. Beer Nuts, Ltd.
Twenty Second Judicial Circuit – St. Louis City – Division 2
Tried to court – December 1997
Represented the state
First chair

State ex rel. Nixon v. Polley, d/b/a A-1 Construction
Circuit Court of Jackson County, Missouri – Division 1
Tried to court – January 1998
Represented the state
First chair

State ex rel. Nixon v. Axces, Inc.
Circuit Court of Jackson County, Missouri – Division 9
Tried to court – November 2001
Represented the state
Second chair

In the Matter of the Investigation of Actions of Western Resources, Inc. to Separate its Jurisdictional Electric Public Utility Business from its Unregulated Businesses
Kansas Corporation Commission
Tried to Commission – July 2002
Represented an intervenor
Second chair

Mark Brockinton, et al. v. TIMM Communications, Inc., et al.
Circuit Court of Jackson County, Missouri – Division 10

Tried to court – August 2003
Represented the defendants
First chair

In addition, as is the case with any trial practice, cases are often resolved by settlement or plea just before or even during trial. The following list summarizes cases I have handled during my career on behalf of both plaintiffs and defendants in which this has occurred:

Campbell v. Satterfield
Circuit Court of Jackson County, Missouri – Division 8
Represented the defendant
Case dismissed by plaintiff day before scheduled jury trial

Papp v. Genuine Parts Company, Inc.
United States District Court – District of Kansas
Represented the defendant
Case settled two weeks before scheduled jury trial

Erickson v. Blossom Express, Inc.
Circuit Court of Clinton County, Missouri – Division 1
Represented the plaintiff
Case settled day before scheduled jury trial

State of Missouri v. Simpson
Circuit Court of Clay County, Missouri – Division 2
Represented the State
Defendant pled guilty second day of jury trial

State of Missouri v. Mitchell
Circuit Court of Cass County, Missouri – Division 2
Represented the State
Defendant pled guilty week before scheduled trial to court

State of Missouri ex rel. Nixon v. Stallknecht, et al.
Circuit Court of Jackson County – Division 15
Represented the State
Case settled day of trial to court

State of Missouri v. Hunold
Circuit Court of Clay County, Missouri – Division 1
Represented the State
Defendant pled guilty week before scheduled jury trial

State of Missouri v. Floyd
Circuit Court of Caldwell County, Missouri – Division 1

Represented the State
Defendant pled guilty week before scheduled jury trial

PERG Buildings, et al. v. freightquote.com, Inc.
District Court of Johnson County, Kansas – Division 3
Represented the defendant
Case settled two weeks before scheduled trial to court

State of Missouri v. Michael Schlup
Circuit Court of Laclede County, Missouri – Division 1
Represented the defendant
Defendant pled guilty one month before scheduled jury trial

State ex rel. Nixon v. National Tobacco Company, LP
Circuit Court of Cole County, Missouri – Division 1
Represented the defendant
Case settled week before scheduled trial to court

Information Resource Group, Inc. v. Tier Technologies, Inc.
United States District Court for the Western District of Missouri
Represented the defendant
Case settled three weeks before scheduled jury trial

CLE and Other Presentations

"Judicial Selection and Retention," KCMBA Prager Institute on Appellate Practice, June 2008

"Update on Federal Evidence," UMKC School of Law, June 1997, 2007, 2008

"How Political Issues in our Justice System Affect Your Practice," KCMBA, May 2007

"Trial Lawyers' Successful Tips – Ethics Strategies and Settlement Negotiations," The Missouri Bar, October 2005

"How Political Issues in our Justice System Affect Your Practice," KCMBA, May 2007

"Trial Lawyers' Successful Trial Tips - Ethics Strategies and Settlement Negotiations," The Missouri Bar, October 2005

"Are Judges Talking About You Behind Your Back? The Nuts and Bolts of Being an Ethical and Effective Advocate," Kansas Trial Lawyers Association, October 2004

"A Review of the Interpretations of Missouri's Rule 4-4.2 and Their Impact on State and Federal Law Enforcement Agencies," KCMBA, May 2002

"Technology Issues Facing Lawyers in the New Millennium," KCMBA, June 2001

"Staying Within Ethical Bounds During Opening Statement and Closing Argument," Association for Women Lawyers of Greater Kansas City, May 2001

"Missouri's Efforts to Deal with Internet Gambling," Kansas Bar Association, February 2000

"What State Laws Apply to Internet Sales?" UMKC School of Law, June 1999

Frequent speaker to community, business and law enforcement groups on consumer protection and computer crime issues. In 2001, coordinated POST certified training on computer crime issues to almost 350 law enforcement officers from 116 agencies around state

Faculty member for National White Collar Crime Center's "Basic Data Recovery and Analysis" training program

14. 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:

15. 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? No

    If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated:

16. 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:

17. Have you ever been held in contempt of court? No

    If yes, provide details:

18. 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 yes, state the nature of such breach, the date discipline was imposed and

the exact 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 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:

(c) 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? If yes, provide details:

19. 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:

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

Missouri Institute for Justice, Inc.

Immediate Past President, 2008-present
President, 2006-2008

I have recently completed my service as president of this organization and its affiliates, the Justice Institute for Missouri, Inc. and JIM-PAC, all of which have as their primary mission advocating on behalf of Missouri's justice system and the Missouri Non-Partisan Court Plan.

Kansas City Metropolitan Bar Association

Board of Directors, Member, 2004-present
Legislative Affairs Committee, Chair, 2007-present
Committee on Judicial Independence, Chair, 2007
Membership Committee, Co-Chair, 2004
Circuit Court/Civil Practice Committee, Chair, 2004; Vice-Chair, 2003
Robb & Robb Technology Center Advisory Committee, Co-Char 2001-2002
YLS Executive Committee, Junior Member at Large, 1997
YLS Judicial Forums Committee, Chair, 1996

Kansas City Metropolitan Bar Foundation

Board of Directors, Member, 2004-present

Missouri Bar Association

Computer and Technology Law Committee, Co-Chair, 2004 to present

Kansas Bar Association

American Bar Association

Eastern Jackson County Bar Association

Legal Aid of Western Missouri, Justice for All Steering Committee, 2008-present

I serve on the committee for Legal Aid's fourth annual three-year campaign to raise $1.75 million in funds for Legal Aid, which provides free legal assistance in civil matters to low-income residents in 40 western Missouri counties.

Ross T. Roberts Inn of Court

Master, 2008-2009
Barrister, Divisions I and II

I serve along with other area attorneys and judges as a master in this trial advocacy program which provides attorneys the opportunity to develop advanced trial skills.

Association for Women Lawyers of Greater Kansas City

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

Sherwood Center, 1990-1995, 2002-present

From 1990 to 1995, I served as a member, vice-president, and ultimately president of the board of directors of this United Way agency which operates a school providing educational and other services for children and young adults with autism and related disorders. In 2002, I again joined the Sherwood Board and, in addition to my duties as a board member, work with other board members and staff to plan and volunteer at the Center's primary fundraisers – Sherwood Blues and BBQ and Sherwood Game Night. I have also served as chair of Sherwood's Strategic Planning Committee.

Adjunct Professor, Trial Advocacy I, UMKC School of Law, 1993-2006

I volunteered my time during winter semester each year to teach this class which

emphasizes fundamental trial techniques to second year law students. I also assisted in judging the mock trials the students participated in at the end of the semester.

Hearing Officer, Kansas City, Missouri Nuisance Business Task Force, 2006 to present

I volunteer as a hearing officer to review determinations by this group of city staff, law enforcement representatives, and neighborhood representatives that businesses should be placed on the Nuisance Business Registry because of drug activity, code violations, sales of alcohol to minors, law enforcement calls, etc.

Committee for County Progress, 1999-present

President, 2004-2006
Treasurer, 2002-2004

I serve on the board of this Jackson County political organization which, among its other activities, hosts community forums, candidate screenings and debates, and other public education events. I also serve as Chair of the CCP's membership and nominating committee.

Visitation Parish/School, 2002-present

Co-Chair, Visitation Trash Bag Sale, 2008
Coach, First and Second Grade Flag Football, 2007
Member, Parish Choir, 2006-2007
Parent Volunteer, Cub Scout Pack 84

KCUR, FM 89.3, 2006-present

I serve as an on-air volunteer during this public radio station's fall and spring membership drives.

22. Do you now hold or have you ever held any elective or appointive public office or position? Yes

If yes, provide details:

On February 23, 2005, I was appointed by the Missouri Supreme Court to serve as a Disciplinary Hearing Officer. When the Office of Chief Disciplinary Counsel receives a complaint against an attorney, and the investigation leads to a conclusion that the attorney has committed a violation of the Rules of Professional Conduct, an information is filed and the matter is assigned to a Disciplinary Hearing Panel for a hearing.

Disciplinary Hearing Panels are comprised of two attorneys and a lay member. One of the attorneys is appointed to serve as the Presiding Officer. Hearings are conducted in

the same manner as trials, and the Presiding Officer rules on objections, as well as any other evidentiary or discovery issues that arise. At the end of the case, the Panel must issue written findings of fact and conclusions of law which are prepared by the Presiding Officer. If the Panel has determined the attorney has violated the Rules of Professional Conduct, the findings and conclusions must include a recommendation for discipline – admonition, suspension, or disbarment. Depending upon the discipline recommended the case will eventually be heard by the Supreme Court.

During my tenure as a Hearing Officer, I have served on nine Panels. In all but two of those, I served as the Presiding Officer. Three of the hearings over which I presided extended over several days, and involved the resolution of numerous discovery disputes and complex evidentiary issues.

23. Are you delinquent in the payment of any federal, state, county or city taxes?

    Yes ( ) No (x)

    If your answer is yes, please state details.

24. 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:

25. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

    - Member of Ingram's "Forty Under Forty" Class of 2003
    - Named as one of the "Best of the Bar" by the Kansas City Business Journal in 2005
    - Named as one of ten "Lawyers of the Year" by Missouri Lawyers Weekly in 2007
    - Named as one of nine "Legal Leaders" by the Kansas City Daily Record in 2008
    - Named a "Kansas and Missouri Super Lawyer" in the 2008 edition of Super Lawyers magazine, and in the 2009 Corporate Counsel edition

26. 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.

Alvin Brooks
Ad Hoc Group Against Crime
3116 Prospect
Kansas City, MO 64128

Gregg Lombardi, Esq.
Executive Director
Legal Aid of Western Missouri
1125 Grand, Suite 1900
Kansas City, MO 64106

Patrick C. McLarney, Esq.
Shook Hardy & Bacon LLP
2555 Grand
Kansas City, MO 64108

Debbie Wood
Executive Director
Sherwood Center
7938 Chestnut
Kansas City, MO 64132

Karl Zobrist, Esq.
Sonnenschein Nath & Rosenthal
4520 Main, Suite 1100
Kansas City, MO 64111

27. State any additional information you deem relevant:

I believe my nearly 20 years of legal and managerial experience in both private and government civil and criminal practice in a variety of areas and forums has prepared me to effectively consider the number and types of cases, issues, and difficult decisions I would face were I selected to serve as the next judge of Division 6. I also believe the breadth of my experience has given me a unique insight into the expectations and needs of the people the court is designed to serve, including civil litigants, criminal defendants, victims of crime, and the attorneys who practice there.

I have represented individuals, companies, plaintiffs, and defendants in a variety of civil and criminal cases. I have also represented the State as a prosecutor, and have counseled victims of crime. I have also served in a quasi-judicial capacity as the presiding officer of Disciplinary Hearing Panels assigned to conduct hearings regarding serious allegations of professional misconduct by attorneys. Consequently, I know that a pending lawsuit, criminal prosecution, or other proceeding weighs heavily on the minds of those involved in it until it is over. Therefore, I believe an important goal of any judge before whom such cases are pending is to find and implement ways to facilitate as prompt a resolution of them as is possible and appropriate, either by settlement, plea, or trial.

I believe my experience has prepared me to effectively use a variety of tools to keep "justice delayed" from being "justice denied." I also recognize, however, that no two cases are alike, nor can all cases be treated or brought to resolution the same way or in the same amount of time. Knowing this will give me the ability to strike the appropriate balance between handling cases expeditiously, and allowing the attorneys to direct how their individual cases will be litigated – between controlling the manner in which proceedings in my courtroom will be conducted, and allowing the attorneys the latitude they need to be effective advocates for their clients.

At least as important is the recognition by the next judge of Division 6 that he or she is there to serve the public. In this regard – and as was the case with Kelly Moorhouse, whose tragic death created the last vacancy on the court – Judge John O'Malley serves as an example for all of us who would hope to succeed him in Division 6. For nearly 20 years, Judge O'Malley's approach to the work of being a circuit judge enabled parties to leave his courtroom believing they had been treated fairly, with compassion, dignity, and respect – no matter what the result.

I have benefited from an upbringing that instilled these qualities in me. As a result of the guidance of my mother – a checker in a grocery store for more than 20 years – and my father – a teacher and high school and vocational school counselor – I think those who know me will say that I am reasonable, fair, and treat people like I would want to be treated. I also think that trying to do this has made me a better person, husband, father, and lawyer, and has prepared me to serve as the next judge of Division 6. As always, I appreciate the Commission's consideration for this position.

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, as amended effective February 29, 2008, 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 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: January 23, 2009

SIGNED: J Dan Jones