

APPLICATION (Revised September 2011)
TWENTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

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



NAME: Robert Engel Tucker

1. State your present principal occupation: attorney
2. Are you at least 30 years of age? Yes
3. (a) How long have you been a citizen of the United States?
62 years
(b) Have you been a resident of St. Louis 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?
1971 - 1976; 1982 to present

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:
Illinois, Florida

5. State the date you were admitted to the Bar in Missouri?
April 25, 1986

Missouri Bar Number: 33262

(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 colleges and universities you have attended, together with the dates and degrees received:

University of Kentucky, 1971-1973
100 WD Funkhouser Bldg.
Lexington, Ky. 40506
No degree received

University of Missouri, 1973-1975
230 Jesse Hall
Columbia, Mo. 65211
Bachelor of Journalism, December 18, 1975

St. Louis University School of Law, 1982-1985
100 N. Tucker Blvd.
St. Louis, Mo. 63101
Juris Doctor, May 1985

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.)

-Rich & Charlie's (now Pasta House) 8213 Delmar, St. Louis, Mo.; busboy 1966-1968
-Al Baker's Restaurant, Clayton Road at Brentwood, St. Louis, Mo.; busboy 1968-1970
-Schweig-Engel, Delmar & Taylor, St. Louis, Mo., furniture warehouse/labor, 1969
-Howard Johnson's Restaurant, 7950 Clayton Road, St. Louis, Mo.; waiter 1970-1971

[Post-high school]

- City of Clayton, 111 S. Brentwood, St. Louis, Mo. 63105; lifeguard (summers) 1970-1972
-Pitzman Co., 415 Debaliviere, St. Louis, Mo.; worked on survey crew, 1973 (summer job)
-Camp Thunderbird, 802 DeMun, St. Louis, Mo., MN. summer camp counselor, 1974-1976
-University of Missouri, P.O. Box 58, Columbia, Mo.; banquet waiter, 1974-1975
-Joe Patti Seafood Co., 524 S. B St., Pensacola, Fl; shrimp boat crew, March-May 1976

[Journalism Employment]

-Scripps-Ifft Newspapers, Neilson & Pioneer St., Bemidji, MN., news reporter, 1976-1977
-Associated Press, 50 Rockefeller Plaza, New York, N.Y., writer/editor in S.D./N.D, 1977-79
-Caribbean Business, 1700 Ave. Fernando Junco, San Juan, P.R.; reporter, Feb. – April 1980
-Rapid City Journal, P.O. Box 450, Rapid City, S.D.; capitol reporter/regional editor 1980-82

[Legal Employment]

-St. Louis University School of Law, editing publication for Prof. Gene Schultz, 1983
-Fredman & Fredman P.C., 212 Kingshighway, St. Louis, Mo.; law clerk, 1984-1985
-Missouri Supreme Court, 207 W. High St., Jefferson City, Mo.; law clerk, 1985-1986
-Tremayne, Lay, Carr, Bauer & Nouss, 120 S. Central, Clayton, Mo.; associate, 1986-1989
-Kortenhof & Ely, 1015 Locust St., St. Louis, Mo., associate, 1989-1994
-Doster, Robinson, James, 16476 Chesterfield Airport, Chesterfield, Mo., associate, 1994-96 -
-Goffstein, Raskas, Pomerantz, Kraus & Sherman, 7701 Clayton Rd., St. Louis, Mo., partner, 1997 - present

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 to three sentence description of each case and its outcome. N/A
- (b) 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 to 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.
See List of 6 jury trials Attached
11. Have you briefed or argued any case before any 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.
1. Parry et al. v. Staddon et al., 769 S.W.2d 811 (Mo. App. ED 1989); prepared appellant brief;
 2. Feinstein v. Feinstein et al., 778 S.W.2d 253 (Mo. App ED 1989); prepared appellant brief;
 3. GWT-PAT, Inc. v. Mehville Fire Protection Dist., 801 S.W.2d 798 (Mo. App. ED 1991); prepared respondent brief and argued case before court;
 4. Glasgow v. Cole, 168 S.W.3d 511 (Mo. App. ED 2005); assisted in preparing respondent/ cross-appellant brief and argued case before court;
 5. Twin Chimneys Homeowners Association v. J.E. Jones Construction Co., 163 S.W.2d 488 (Mo.App. ED 2005); assisted in preparing respondent brief and argued case before court;
 6. Darlene Proof v. Hardee's Food Systems, Appeal No. SD31815, assisted in preparing appellant brief, case settled on appeal;
 7. Gateway Hotel Holdings Inc. et al. v Chapman-Sander Inc. et al., No. ED97066-01, 2013 Mo. App. LEXIS 112, assisted in preparing appellant brief, argued case before court;
 8. Parveen Mohammed v. Country Mutual Insurance Co., Appeal No. ED 101111; assisted

in preparing respondent brief; case settled on appeal.

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

I assisted Judge Albert Rendlen on the Missouri Supreme Court opinion abrogating inter-spousal tort immunity in Missouri, Townsend v. Townsend, 708 S.W.2d 646 (Mo. Sup. Ct. 1986)

I have also spoken at seminars sponsored by the Lawyers Association of St. Louis and the St. Louis chapter of Claims and Litigation Management (CLM) Alliance.

13. Have you ever been convicted of a misdemeanor or felony? No
If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:

14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? Yes
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: Dissolution of Marriage, Robert E Tucker v. Caroline D. Tucker, Cause No. 06FC-004628, St. Louis County Circuit Court, May 2006 - Feb. 15, 2007

15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? No
If yes, provide details:

16. Have you ever been held in contempt of court? No
If yes, provide details:

17. If you are or were a member of the Judiciary of the State of Missouri, please state:

N/A

- (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? No If yes, provide details:

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? No
If yes, provide details:

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

Missouri Bar Association, since 1986
Florida Bar Association, since 1992
Illinois Bar Association, since 2002

Member, Missouri Organization of Defense Attorneys

Lawyers Association of St. Louis, executive committee 2001-2006, president 2005-2006;
Sustaining member.

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

-Board member, Wydown Forest Improvement Association 1990-1993;
-Board member, Zelda Epstein Day Care Center, 1996 until it closed in 2007;
-Friend of Kirkwood Public Library;
-Member of Temple Emanuel congregation, where I was a volunteer Sunday school teacher and currently a volunteer for the Angels, group providing assistance to congregants in need due to sickness or other hardship.

21. Do you now hold or have you ever held any elective or appointive public office or position? If yes, provide details:

Chesterfield Board of Adjustment, from 1996-2012

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. N/A If discharged from the military, was the discharge other than honorable? If military service continues, so state:

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

Certificates of appreciation for services rendered from The Lawyers Association of St. Louis and from the Chesterfield Board of Adjustment

24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

Leonard Cervantes
Cervantes & Associates
1007 Olive Street – Fourth Floor
St. Louis, Mo. 63101
(314) 621-6558

Nancy Mogab
Mogab & Hughes
701 Market Street
Suite 1510
St. Louis, Mo. 63101
(314) 241-4477

S. Richard Gard, Jr.
Group Vice President & Publisher
Law Bulletin Publishing Company
(Formerly Publisher and President of Missouri Lawyers Media)
415 N. State Street
Chicago, IL 60614
(312) 644-7005

Peter B. Hoffman
Baker Sterchi Cowden & Rice LLC
1010 Market Street, Suite 950
St. Louis, Mo. 63101
(314) 231-2925

Robert Susman
Goffstein, Raskas, Pomerantz, Kraus & Sherman
7701 Clayton Rd.
St. Louis, Mo. 63117
(314) 721-7171

25. State any additional data you deem relevant:

I have been a practicing trial attorney in St. Louis County for 30 years. My practice has been extremely diverse, representing individuals and corporations as plaintiffs and defendants in various types of professional and product liability cases as well as personal injury, wrongful death, property, construction, commercial and insurance disputes. In my law school clinical work and internships I concentrated on criminal law. As a Missouri Supreme Court law clerk I worked on death penalty cases and significant tort law decisions. In my first years of practice I was heavily involved in both family and school law. I have primarily practiced

in small/medium sized firms with both litigation and general civil practices, exposing me to a great range of legal matters including complex cases. I have tried more than 35 cases to a jury and countless bench trials. I know what it takes to run a courtroom. I also believe in public service and would be proud to continue the tradition of fine St. Louis County trial judges.

Question 10 – List of cases tried

1. Truman Bank v. New Hampshire Insurance Co., 2011, Case No. 0822-CC00097, St. Louis City Circuit Court. I was first chair trial attorney for plaintiff Truman Bank in a jury trial arising from a flood loss on property subject to a bank loan. Truman was mistakenly left off as additional insured on a New Hampshire policy covering the property and the owner took the insurance proceeds. There were disputed issues on whether the bank was damaged based on the property value and the remaining amount due on the loan. There was a defense verdict. Opposing counsel was James Mondl, Tonkin & Mondl, L.C., Gateway One, 701 Market Street, Suite 260, St. Louis, MO 63101.
2. Darlene Proof v. Hardee's Food Systems, 2011, Case No. 08PH-CV00056, Phelps County Circuit Court. I was first chair trial attorney for defendant Hardee's in a slip and fall premises liability jury trial. Plaintiff claimed there was a foreseeably dangerous condition consisting of a water trail from a bathroom sink to a hand drier by the door. Hardee's defended based a lack of notice and that there were hand driers both by the sink and the door due to ADA regulations. There was a defense verdict but a new trial granted due to the regulations having been introduced. The case was settled on appeal. Opposing counsel was Shaun Falvey, Brown & Croupen, One Metropolitan Square, Suite 1600, St. Louis, MO 63102.
3. Frank Lawson et al. v City of Dardenne Prairie, 2012, Case No. 1011-CV08603, St. Charles County Circuit Court. I was first chair trial attorney in a jury trial on behalf of property owners Frank Lawson and Sherry Hente in an inverse condemnation case. The city ran a pipe through their property for storm water drainage from an adjoining road widening project. Plaintiffs had consented to the easement but claimed the pipe was improperly designed to handle the amount of storm water, creating serious risks of flooding and pipe failure which significantly reduced plaintiffs' property value. The city defended the design and disputed the alleged risks. There was a defense verdict. The defense attorney was David Hamilton, Hazelwood & Weber, LLC, 200 North Third Street, St. Charles, MO 63301.
4. Parveen Mohammed v. Country Mutual Insurance Company, 2013, Case No. 12SL-C01100, St. Louis County Circuit Court. I was first chair attorney in a jury trial on behalf of plaintiff property owner who was denied insurance coverage on a 2011 storm loss to her Hazelwood apartment building. Defendant claimed an exclusion applied because there was no roof, which was in the process of being replaced. Plaintiff argued a temporary tarp covering was acting as a "roof" for purposes of the policy which did not define that term. The jury awarded \$703,000 for damage to the property, vexatious refusal penalties and attorney fees. The defense attorney was James Wilke, Wilke & Wilke, P.C., 2708 Olive St, St. Louis, MO 63103.

5. Gateway Hotel Holdings et al v Chapman Sander Inc., et al., Cause No. 0822-CC081041, City of St. Louis Circuit Court, July 7, 2014. Our clients were defendants, an insurance agency and its individual broker. It was an 8-day jury trial and I was the first chair. Plaintiffs claimed \$3.1 million damages from a jury verdict against them by a boxer brain injured in a 1999 fight at the hotel, claiming the special events policy obtained by defendants should have covered this type of loss, as requested by plaintiffs. Defendants denied the request, claimed plaintiffs were sophisticated purchasers of insurance who reviewed and approved the policy with the exclusion and that the type of coverage at issue did not exist in the marketplace. There was a defense verdict. Plaintiffs' attorney was Debbie Champion, Rynearson, Suess, Schnurbusch & Champion, L.L.C., 500 North Broadway, Suite 1550, St. Louis, MO 63102.

6. Denise Diedrich v. Kristen Mudd, Cause No. 13SL-CC00523, St. Louis County Circuit Court, September 22, 2014. Our client was Denise Diedrich, who was injured in an auto accident on Lemay Ferry Road when defendant pulled into her path from a side street. Plaintiff's medical expert, an orthopedist and chief surgeon at Missouri Baptist Hospital, opined that plaintiff had four herniated discs in her thoracic spine related to the accident. The medical expert for defendant related the injury to a pre-existing condition. After a three-day trial in which I was first chair, the jury found for plaintiff in the amount of \$8100, assessing 25 percent fault to plaintiff. There was a settlement for \$12,831 prior to filing of post-trial motions. Defendant's attorney was Jeff Brinker, Brinker & Doyen, 34 North Meramec Avenue, Clayton, MO 63105.

Biological sketch

Bob Tucker is a civil trial lawyer who has practiced for 30 years in St. Louis County, the last 19 years with the Clayton law firm of Goffstein, Raskas, Pomerantz, Kraus and Sherman LLC, where he is a partner. He is past president of the Lawyers Association of St. Louis and former law clerk to Missouri Supreme Court Justice Albert Rendlen. He obtained his undergraduate degree at the University of Missouri-Columbia and his law degree from Saint Louis University.