

APPLICATION (Revised April 2008)
22ND CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS
EE.



NAME: Elizabeth (Beth) Byrne Hogan

1. State your present principal occupation: Associate Circuit Judge
2. Are you at least 30 years of age? Yes
3. (a) How long have you been a citizen of the United States? Forty-three (43) years
(b) Have you been a resident of the City of St. Louis 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? Twenty five years

4. Are you licensed to practice law in Missouri? Yes

List any other states, courts, or agencies in which you are licensed as an attorney: N/a

5. State the date you were admitted to the Bar in Missouri? October 1996

Missouri Bar Number: 48160

(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: DePauw University, Greencastle, Indiana, B.A. Political Science, 1990; Thomas M. Cooley Law School, Lansing, Michigan, J.D., 1996 (before attending law school, I worked at law firms in Washington, D.C. and Portland, Oregon between 1990 and 1993, see attached resume)
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.) See attached.

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.

See attached

- (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-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.

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. See attached

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

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, I have been sued in my capacity as a judge. Please see attached for list of cases, all of which to my knowledge have been summarily dismissed.

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:

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:

- (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: N/a

- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. No.

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:

- (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: Not to my knowledge.

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, Lawyers Association of Saint Louis; Women Lawyers Association; Association of Associate Circuit Court Judges, Bar Association of Metropolitan St. Louis

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated: St. Roch Catholic Church, Women of Saint Roch-President 2010-

present (oversee all activities sponsored by Women of Saint Roch, member of Parish Council); Vice President -2008-2009; Skinker Debalivere Community Council-Homecoming Silent Auction Chairman, 2010, 2011; Girl Scouts of Greater Saint Louis, Cookie Chairman, Visitation Academy; past Girl Scout leader and Cookie Manager (2005-2007), St. Roch troop; Wydown Fortnightly, board member, 2010-present; Saint Roch CYC basketball assistant coach, 2007, 2008, 2009; Room Parent, St. Roch-St. Louis Public Schools Teachers' series judge (Saint Louis University), 2007, 2008, 2009, 2010, 2011; National Mock Trial Competition Judge, 2011; Member, St. Louis Zoo, Missouri Botanical Garden, Forest Park Forever, St. Louis Art Museum, Magic House

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

If yes, provide details: I was appointed by Governor Matt Blunt as an Associate Circuit Judge in 2005. I was retained by the voters in the general elections of 2006 and in 2010.

22. 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: Not applicable

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: Not applicable

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:

Michael K. Kielty
Hogan, Sokolik, Corlija & Kielty
8008 Carondelet
Clayton, Missouri 63105
(636) 940-7771

Jessica Kennedy
Berry Maxon
16150 Main Circle Dr # 120
Chesterfield, MO 63017
(314) 480-5881

Daniel Underwood
Children's Legal Alliance
4232 Forest Park Avenue
St. Louis, Missouri 63108
(314) 534-4200

Allison Lee
Paule, Camazine & Blumenthal, P.C.
165 N. Meramec Avenue, Suite 110
Clayton, Missouri 63105
(314) 244-3613

Monsignor Sal Polizzi
St. Roch Parish
6040 Waterman
St. Louis, Missouri 63112
(314) 721-2595

25. State any additional data you deem relevant:

Elizabeth Byrne Hogan

EDUCATION

Academy of the Visitation, Saint Louis, Missouri. College preparatory school. Graduated 1986

DePauw University, Greencastle, Indiana, B.A. 1990, political science

Thomas M. Cooley Law School, Lansing, Michigan, J.D. 1996

Book awards: Trial Advocacy, Jurisprudence; ATLA National Trial Team

JUDICIAL EXPERIENCE

Appointed April 12, 2005 by Governor Matt Blunt; retained by voters in 2006 and 2010

Division 28 (2005, 2010): Civil bench trial division, including landlord tenant, contracts, collections, petitions for review, minor settlements

Division 26 (2006, 2011): Criminal misdemeanor bench trials, pleas, in 2011- developed and presided over mental health docket—moved cases involving defendants with apparent mental health needs to Tuesdays, worked with Sue McGraugh and St. Louis University to provide legal representation to these defendants, had Places for People and other mental health providers present in court to address questions by other family members regarding how to obtain service providers and or mental health appointments, eligibility for services, and whether an alternative to incarceration would be appropriate.

Division 25 (2007): Criminal circuit pre-trial issues, including preliminary hearings, arraignments, setting and approving bonds, search warrants, indictments; helped develop and presided over Post Plea Drug Court while assigned to division 25:

Post Plea Drug Court (2007, 2008, 2009, 2010, 2011) Helped to implement and presided over post plea drug court for prior and persistent felons facing minimum terms of ten years with no possibility of probation/parole. Handled pleas, weekly supervision, staffing, graduation or termination of each participant. Took over 80 felony pleas with over fifty percent success rate.

Division 29 (2008): Civil jury trial division, including trial de novos, bench/jury trials. While in Division 29 was assigned circuit dockets of administrative law review cases as well as land tax cases. In addition, and at the request of the presiding judge, accepted felony criminal cases for trial. While in division 29, I took 34 felony pleas, conducted 6 felony jury trials, and 1 felony bench trial. In addition, conducted 1 misdemeanor jury trial, and one misdemeanor bench trial.

Division 24(2009): Criminal jury trial division. While in Division 24, at the request of presiding judge, I accepted felony cases as well as misdemeanors. I presided over 30 jury trials, 7 of which were felony trials. In addition, I took 303 pleas, 74 of which were felony cases.

Division 27 (2010): Civil bulk division- pre-trial motions, small claims, landlord tenant, summary judgment motions. At the request of the presiding judge, I rotated between handling both Division 27 and 28, to handling a juvenile docket, every other week, along with Judge Stovall Reid.

Juvenile, Courtroom 3: Handled all aspects of juvenile docket, including care/protection as well as delinquency cases. Docket included handling protective custody hearings through termination of parental rights trials, guardianships, adoptions, as well as delinquency trials, and certification hearings.

Division 14, (2012): Domestic division; handle all family related matters including divorce, custody, orders of protection, child support, motions to modify. In process of developing along with other members of family court, in addition to OSCA, a child support court, with model similar to drug court, although in infancy stages.

Highlights of applicable circuit qualifications:

Presided over more than 40 jury trials in two years

Have taken over 150 felony pleas and conducted reviews/ probation revocations/sentencing where necessary (circuit docket)

Presided over administrative law review docket (circuit docket)

Presided over land tax docket (circuit docket)

Presided over juvenile docket (circuit docket)

Presided over post-plea drug court (circuit docket)

Have handled well over 20,000 cases as an associate circuit judge and been reversed on one occasion where appellate court found no jurisdiction

LEGAL EMPLOYMENT

Prior to law school

Sullivan & Cromwell, Washington, D.C., Administrative Legal Assistant, 1990-1991

Corporate Law Firm

Lindstedt, Buono & Gordon, Portland, Oregon, Administrative Legal Assistant

Personal Injury/General Practice Law Firm, 1991-1992

During law school

Legal Aid of Central Michigan, Lansing, Michigan, law clerk, 1994

Worked with victims of domestic violence in obtaining personal protection orders, divorce, custody

Law Office of Robert Baldori, Okemos Michigan, law clerk, 1993, 1994, 1995

Criminal defense attorney. Provided legal assistance in all areas of case preparation

While waiting to pass the bar exam

Missouri Department of Social Services, Division of Legal Services, Jefferson City, Missouri

Reviewed all appellate care and protection cases and made recommendations to draft permanency plan policies and procedures, 1996.

As a licensed attorney

Margo Green & Associates, Clayton, Missouri, Associate. 1996-1997

Domestic law practice. Assisted in all areas of case preparation from time of hiring until trial, including client interviews, document review, drafting filings, pleadings, trial preparation

Jefferson County Prosecutor's Office, (Robert Wilkins), Hillsboro, Missouri, Assistant Prosecuting Attorney, 1997-1999

Assigned to Judge William Wegge's Courtroom, where I handled all criminal misdemeanor cases from time of issue to trial. In addition, responsibilities included reviewing all domestic violence warrant applications and making charging decisions, plea offers, and conducting trials.

St. Louis Circuit Attorneys' Office (Dee Joyce Hayes, Jennifer Joyce), St. Louis, Missouri, Assistant Circuit Attorney, Sex Crimes/Domestic Violence Unit. 1999-2002

Responsibilities including reviewing warrant applications, making charging decisions, interviewing witnesses, conducting bench and jury trials. Case range while at office went from A felonies to misdemeanors.

Joseph M. Hogan Law Firm, Clayton Missouri, 2002

Worked with my husband handling all aspects of criminal State and federal cases, trusts and estates.

Voices for Children (n/k/a CASA), Juvenile, St. Louis, Missouri, Supervising Attorney 2003-2005

Handled juvenile abuse/neglect dependency cases including adjudications, permanency hearings, termination of parental rights, guardianships, adoptions. Supervised and provided legal counsel for 30 volunteer guardian ad litem. Taught training classes for guardian ad litem.

Cases

1. Mary Sturgeon v. Allied Professionals, Inc. 0922AC18734 motion hearing

Thomas Schwartz, counsel for Plaintiff. Holloran White Schwartz & Gaertner, 2000 South Eighth Street, St. Louis, Missouri, 63104

Gerald McGonagle, counsel for Defendant. 105 East Fifth Street, Kansas City, Missouri 64106

This case was filed by Plaintiff, a massage therapist, in regards to a personal injury suit that had previously been filed when someone was injured due to the massage table. The plaintiff was filing to recoup attorneys fees when her insurance group failed to provide representation. The defense filed a Motion to Compel Arbitration, which the court considered and denied. The case was upheld on appeal.

2. State of Missouri v. Tracy Dennis 0822-CR04998, jury trial

A.J. Bruning, Assistant Circuit Attorney, for the State of Missouri, 1114 Market Street, St. Louis, Missouri 63101

James Frazier, Assistant Public Defender for the Defense, 1114 Market Street, St. Louis, Missouri 63101

The State filed charges for two (2) counts of Assault of a Law Enforcement Officer. Defendant was convicted after jury trial and appealed based on his contention that the court should not have sustained State's motion in limine to preclude defense from mentioning that there was a video camera at the police department where the incident occurred. The convictions were upheld on appeal. The court in the defendant's previous trial, the day before, had allowed the defense to bring up the presence of a video camera, and evidence in the first trial indicated that camera had been inoperable for a long period of time. The court precluded the presence in the second trial as it would serve only to mislead or confuse the jury.

The case was upheld on appeal.

3. State of Missouri v. Joseph Seper, (case number has been removed from casenet as defendant was found not guilty)

Jury trial

A.J. Bruning, Assistant Circuit Attorney, for the State of Missouri, 1114 Market Street, St. Louis, Missouri 63101

Chet Pleban for the Defense, 2010 South Big Bend, Saint Louis, Missouri 63117

Defendant is a St. Louis Police Officer charged with filing a false police report. After jury trial, Defendant was found not guilty.

4. State of Missouri v. Ryan O'Connor jury trial (case number removed from case net as suspended imposition of sentence successfully completed)

Jury trial

Elizabeth O'Hanlon, Assistant Circuit Attorney, for the State of Missouri,

Nels Moss for the Defendant, 7711 Bonhomme, Clayton, Missouri 63105.

Defendant was a St. Louis County Police Officer charged with flourishing a weapon at a parking lot attendant during the St. Patrick's Day festivities in Dogtown. After jury trial, defendant was found guilty.

5. Executive House Condominium v. Calvin J. Tenney Trust, 0922AC-07239

Bench trial

Scott Mueller for Plaintiff, 7701 Forsyth, Suite 800, Clayton, Missouri 63105

James Faul for Defendants. 4399 Laclede, Saint Louis, Missouri 63108

Plaintiffs sued defendant for a condominium assessment. Plaintiffs alleged in their petition until the day of trial that defendant had caused extensive water damage to the condominium on two (2) occasions for the same behavior. On the day of trial, Plaintiffs amended their petition and it came out in trial that in fact, the earlier incident was nothing like the claimed incident and that the assessment was made by the board based on a belief that the same thing had occurred in the past. The board had never been presented with the fact that an earlier incident was not at all similar to the instant event. Finding for defendant.

6. Latricia Walters v. Shelter Mutual Insurance Company, 040-4705

Bench trial

Donald Nangle for Plaintiff, 1935 Marconi, Saint Louis, Missouri 63110

Robert Brady for Defendant, 1010 Market 20th Floor, Saint Louis, Missouri 63101

Plaintiff purchased insurance policy which covered a vacant property destroyed by fire. Issue was whether vandalism and malicious mischief clause relieved insurance company of claim. Court received into evidence, without objection from defendant, the fire departments' report, which resulted from their arrival and investigation less than five minutes after the alarm. The fire department indicated "cause of ignition" was "none." Insurance company hired expert who conducted an investigation that did not begin for five days and was not concluded for over a month as there was snow and ice on the property.

Finding for plaintiff.

7. WPC v. Lonnie Snelling, 046-00643

Bench trial

Phillip Morse attorney for Plaintiff, 214 South Bemiston Avenue, Clayton, Missouri 63105

Lonnie Snelling, pro se

Defendant had filed and re-filed lawsuits against Plaintiff in the nature of nuisance suits. Claim had been going on since 2002 in front of various circuit and associate circuit judges. When the case would come to trial, it would be dismissed and refilled. Defendant would then refile all discovery motions, call up same motions for hearing, etc. Plaintiff had incurred over thirty thousand dollars (\$30,000) in fees defending the suit. Defendant failed to appear for trial. Trial conducted in his absence.

Finding for Plaintiff

8. State v. Dennis Sims, 0922CR001534,

Jury trial

Anna Kratky, Assistant Circuit Attorney, for the State of Missouri

Lynn Perkins, Attorney for the Defendant

Defendant had two cases, one for domestic assault third degree, the other for assault of law enforcement officers. The victim recanted her testimony on the stand as to what she had told officers responding on that night and the officers testimony was then introduced as a prior inconsistent statement.

The defendant was found guilty on all counts. The verdict was upheld on appeal.

9. Charles Johnson v. State of Missouri, 22049-01415,0722CR2698-01,22051-00798-01

Rochelle Woodiest, Assistant Circuit Attorney for the State of Missouri

Matthew Waltz, Assistant Public Defender, Attorney for the Defendant

Plea, Post Plea Drug Court, PCR

Defendant was charged with three (3) felony cases, and pleaded guilty to trafficking second degree, possession of a controlled substance-heroin, and possession of drug paraphernalia. Pursuant to plea agreement, defendant was ordered after plea to successfully complete post plea drug court. If he was successful, the State would enter nollies for the cases. If he was unsuccessful for at least six months, he would be sentenced to twelve years imprisonment without the possibility of probation or parole. If he was successful for at least six months, but was terminated prior to graduation, he would be sentenced to fifteen years in the penitentiary, with the possibility of parole. Defendant participated in the program and for many months was successful. After ordering all available resources short of incarceration, and when defendant continued to fail in his attempt to address his substance abuse issues, he was terminated from the program and sentenced to fifteen years. He filed a PCR which was denied without hearing. The decision was upheld on appeal.

10. State of Missouri Christian White, 0722CR2571-01,

Jury trial

Anthony Haffner, Assistant Circuit Attorney for the State of Missouri

Robert Taafe, Attorney for Defendant, 1015 Locust, St. Louis, Missouri 63101

Defendant was convicted, after jury trial, of trafficking 2nd degree, receiving stolen property and possession of marijuana and was sentenced to 12 years MDC. He was found not guilty of several counts of resisting arrest and assault of law enforcement officers. Defendant was pulled over when the plates to his car came up stolen. After being cuffed, the defendant knocked the police officer back and ran. He was able to grab the officers gun, but not get it out of the holster. After being subdued, defendant pulled the drugs from his pants area. On appeal defendant argued there was insufficient evidence. The appellate court affirmed.