

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

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



NAME: James E. Sullivan

1. State your present principal occupation: Drug Court Commissioner, 22<sup>nd</sup> Judicial Circuit
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 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? 35 Years

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

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

- United States District Court, Eastern District of Missouri
- United States Supreme Court
- United States Court of Appeals, Eighth Circuit

5. State the date you were admitted to the Bar in Missouri? September 1977

Missouri Bar Number: 28494

(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:
  - Southern Illinois University, B.A. with Honors, 1970-1974
  - St. Louis University School of Law, J.D., 1974-1977
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.)

- a) KMA Construction company, Watseka, Illinois, 1970-1974, seasonal laborer.
- b) National Juvenile Law Center, St. Louis University, Lewis Hall, St. Louis, Missouri, 1975-1977, legal intern.
- c) Office of the Public Defender Municipal Court Building, 1320 Market Street, St. Louis, Missouri, September, 1977 to March, 1978.
- d) Office of the Prosecuting Attorney, 1320 Market Street, St. Louis, Missouri, March, 1978 to December, 1978
- e) Office of the Circuit Attorney, 1320 Market Street, St. Louis, Missouri, January, 1979 to April, 1982.
- f) Riezman & Blitz, 120 South Central, Suite 1028, Clayton, Missouri, April, 1982- June, 1984.
- g) Sullivan & Beck, 1370 McCausland Avenue, St. Louis, Missouri, June, 1984 to August, 2003.
- h) St. Louis Municipal Court, Office of the Mayor, Room 200, City Hall, Tucker at Market, St. Louis, Missouri, June, 1984 to August, 1993, May, 1997 to August, 2003.
- i) St. Louis Board of Police Commissioners, City of St. Louis, Hearing Officer, Tucker at Spruce, St. Louis, Missouri, May, 1996 to May, 1997.
- j) 22<sup>nd</sup> Judicial Circuit, City of St. Louis, 1114 Market Street, Room 526, St. Louis, Missouri, 63101, August 2003 to 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-three sentence description of each case and its outcome.

- (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.

During my tenure which began in August, 2003, as a Drug Court Commissioner in the 22<sup>nd</sup> Judicial Circuit, the Drug Court has enhanced its effectiveness by adhering to evidence based practices, those peer reviewed techniques which result in greater beneficial results. For example, the co-occurring docket which I implemented in November, 2003, enables drug offenders with a severe mental illness to access treatment for both disorders simultaneously and wrap around supportive services. Furthermore, the capacity to divert more non-violent drug addicted defendants from the Department of Corrections has increased during my tenure by the creation and implementation of a Post-Plea Docket and Probation Revocation Docket.

In January, 2010, I established the first circuit level Veterans' Treatment Court in Missouri which collaborates with the Veterans Administration and a Veterans' Mentor Group for the benefit of those men and women who have served our country. The Medication Assisted Treatment (MAT) docket was created in March, 2012, and designed for addicts who desire a substance abuse treatment protocol that utilizes medications in combination with counseling and behavioral therapy to provide a whole-patient approach to the treatment of substance use disorders. In June, 2012, I implemented a medication protocol for confined, recently admitted opiate addicted drug court participants who voluntarily receive medication which stops the craving for heroin and other opiates for one month, render the participant unable to get "high" on any opiate, and virtually eliminate concerns of a opiate overdose upon release from confinement. Additional medication and counseling are made available to the participant at community based treatment facilities while actively engaged in the drug court program.

In April, 2012, I implemented a drug court docketing system which utilizes an evidence based assessment tool that assesses the severity of a defendant's risks and needs to ascertain proper docket placement, rather than the status of the defendant's criminal case. In February, 2014, I structured and implemented a program in which drug court staff interviews defendants within a day or two of their arrest and alerts the judges and counsel for the State and defendants which defendants may be appropriate for screening for drug court eligibility, with an aim to reduce unnecessary incarceration time and costs and accelerate an addict's opportunity to receive needed treatment.

In addition to creating, modifying and interpreting drug court policy and procedures, my duties include conducting daily dockets; granting incentives and sanctions, including jail terms; dialogue with judicial officers, attorneys, treatment providers, and probation and parole officers regarding a defendant's participation; presiding over the defendant application process; termination decisions and recommendations for bond settings. When sitting in the Family Drug Court, my responsibilities include Probable Cause hearings, Adjudication and Disposition hearings, and drafting recommended findings.

Three different Chief Justices of the Missouri Supreme Court have appointed me to serve as the Drug Court Commissioner in out-state jurisdictions. Then Chief Judge William

R. Price directed that I serve the judiciary in the 45<sup>th</sup> Circuit as of May, 2009, as the Drug Court Commissioner and I was reappointed to serve in that capacity through December, 2012. I presided over the Family Drug Court, the Co-Occurring Court, Adult Drug Court and Felony and Misdemeanor DWI Courts. When the judiciary in the 12<sup>th</sup> Circuit, Warren County, had need for assistance with judicial coverage of its drug and DWI court dockets, then Chief Judge Richard Teitelman appointed me in 2011 to assist that circuit temporarily until necessary coverage could be obtained. Chief Judge Mary Russell appointed me to serve as Drug Court Commissioner in the 45<sup>th</sup> Circuit from January 1, 2013 through May 31, 2013, while a full time judge was selected and I trained said judge to preside over the drug court.

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.  
USA V. Anthony Caldwell, No: 90-2857 (EM) United States District Court of Appeals, Eighth Circuit, Petition for Writ of Certiorari denied, prepared and argued appeal.
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

As a direct result of case referrals from clients, former clients and other attorneys, I have been admitted in the states of Illinois, California, Ohio, New Mexico, and Texas, pro hac vice basis, in representing clients in criminal and civil matters in federal and state courts.

While in private practice, at the request of the federal bench in the United States District Court, Eastern District of Missouri, I joined a program as "lead counsel" to assist inexperienced council who had been appointed to represent federal criminal defendants.

#### CASES TRIED WITHIN 5 YEARS OF BECOMING DRUG COURT COMMISSIONER

FISHER v. WESTWOOD, Cause No. 982-418, 1999, City of St. Louis Circuit Court, Frank Susman, Susman, Schermer, Rimmel & Shifrin, 7711 Carondelet, Clayton, Missouri, represented plaintiff. Jury trial before the Honorable Margaret Neill in which my client was sued for alienation of affections of plaintiff's former wife. Issues involved abortion; adulterous affairs in previous marriage by plaintiff and his ex-wife; and loss of consortium. Defendant's verdict. Sole counsel for Defendant.

STATE OF NEW MEXICO v. ESTRADA, Cause No. CR98-0004222, 1999, Second Judicial District Court, County of Bernalillo, State of New Mexico. Erlinda Hackett, Assistant District Attorney, 111 Union Square SE, Albuquerque, NM, represented the State of New Mexico during a jury trial before the Honorable Frank Allen. Defendant was charged and convicted of threatening to kill a witness who had previously testified in a criminal trial in which defendant had been convicted. Defendant was sentenced to four years. First chair for Defendant.

VEHLEWALD v. VEHLEWALD, Cause No. 621345, 1999, St. Louis County Circuit Court,

J. Patrick Winning, 13100 Manchester, Suite 214, St. Louis, Missouri, represented the respondent. Contested bench trial before the Honorable Colleen Dolan in which my client attempted to terminate maintenance and require estranged daughter to participate with movant in counseling. The maintenance was reduced and requested counseling ordered. Sole counsel for Petitioner.

SCOTT v. SCOTT, Cause No. 923-02708A, 2000, City of St. Louis Circuit Court, Craig G. Kallen III, 240 Long Road, Suite 230, Chesterfield, Missouri, represented the petitioner. Contested bench trial before the Honorable Thomas Frawley in which petitioner requested court's permission to relocate to Michigan. My client, the respondent, contended said move was not in the best interests of the parties' minor daughter and frustrated his temporary custody rights. Judgment rendered in favor of petitioner.

BAXTER v. BAXTER, Cause No. CV198-3907 DFJ, 1999, Circuit Court of Jefferson County, Glen Gammill, 222 South Central, Suite 1004, Clayton, Missouri, represented respondent. Contested dissolution of marriage bench trial before the Honorable Dennis Kehm. Issues involved denial of maintenance in light of respondent's alleged marital and financial misconduct during twenty-four year marriage and disproportionate award of marital assets in light of same. Court denied maintenance and awarded client approximately sixty five percent of the marital assets. Sole counsel for Petitioner.

STATE OF MISSOURI v. MADREY, Cause No. 961-903, 1997, city of St. Louis Circuit Court. Mr. Douglas Pribble, Assistant Circuit Attorney, 1320 Market, St. Louis, Missouri represented the state in a bench trial before the Honorable Michael David. Defendant was acquitted of illegal possession of marijuana in light of the court ruling that the police had an insufficient basis to make their initial 4<sup>th</sup> Amendment intrusion. Sole counsel for Petitioner.

CASSIN v. CASSIN, Cause No. 964-00021, 1997, City of St. Louis Circuit Court. Robert J. Schaeffer, Schaeffer, Kruse & Rienker, 200 S. Bemiston, Suite 310, Clayton, Missouri represented plaintiffs in bench trial before the Honorable Joan Burger. Plaintiffs alleged that my client breached a fiduciary duty with a relative decedent and wrongfully converted majority of decedent's assets to client's own benefit, to the exclusion of Plaintiffs' expectancy. Judgment for Defendant. First chair for Defendant.

As a Police Board Hearing Officer, I conducted hearings and drafted a suggested order which was not accepted by the Board of Police Commissioners. However, the Honorable Phillip Heagney in Hargas v. Anne-Marie Clark, et al. Cause No. 974-1176, 1999, reversed the board's decision, citing my legal analysis and adopting my recommendation.

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:

Foster v. Perez, et al, CN.BC211088 Superior Court of Los Angeles, 2000. A convicted federal prisoner sued co-counsel and me relative to our handling of an alleged civil rights violation which reportedly was committed by members of various law enforcement agencies during the criminal investigation that led to his 25 year jail sentence. The case against all defendants was dismissed with prejudice by the trial court on pre-trial summary motions. Sullivan v. Sullivan, CN.8030071 City of St. Louis, Uncontested Dissolution of Marriage, 1980.

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? No  
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. 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? 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, September 1977; United States District Court, Eastern District of Missouri, 1982, Lead Panel Member, 2002; United States Supreme Court 1987; United States Court of Appeals, Eighth Circuit 1991; National Association of Criminal Defense Attorneys, 1992-2003; Missouri Association of Criminal Defense Attorneys, 1991-2003; Missouri Association of Municipal and Associate Circuit Judges, 1988; National Association of Drug Court Professionals, 2003; Missouri Association of Drug Court Professionals, 2003.
20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:  
St. Gabriel's Church, member; Community Advisory Board member for Washington University School of Medicine's Institute of Clinical and Translational Sciences, 2008 to present, National Alliance for the Mentally Ill, board member 2005-2006.
21. Do you now hold or have you ever held any elective or appointive public office or position?  
Yes

If yes, provide details:

I was appointed a Municipal Court Judge for the City of St. Louis by Mayor Vincent Schoemehl in 1984 and reappointed in 1985 and 1989. In May, 1997, Mayor Clarence Harmon appointed me as a Municipal Judge. In June, 1999, my fellow Municipal Court Judges elected me as the Administrative Judge. In May, 2001, Mayor Francis Slay appointed me as a Municipal Court Judge and I resigned effective August, 2003, upon being appointed by the 22<sup>nd</sup> Judicial Circuit en banc to the position of Drug Court Commissioner. In August, 2007 and again in August, 2011, I was reappointed by the 22<sup>nd</sup> Judicial Circuit to my current position.

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: None
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:

National Drug Court Institute, Drug Court Review, Volume IX, Issue 1, "Is There a Role for Extended-Release Naltrexone in Drug Court? Results of a Pilot Study." Co-author, 2014.

In March, 2012, the Missouri Association of Drug Court Professionals bestowed its highest honor, the Claire McCaskill Award, to me for my dedication and vision to drug court.

Community Alternatives, a community non –for-profit agency dedicated to providing mental health services to people in need, awarded me its 2008 “Person of the Year Service Award” in recognition of my efforts to decriminalize mental illness.

The National Alliance on Mentally Illness III presented me its Silver Anniversary Award in November, 2003, in appreciation of the creation and implementation of the Mental Health Court, one of the first specialized mental health courts in the country.

The City of St. Louis Mental Health Board of Trustees presented me the 2001 Vanguard Award in recognition of my development and creation of the first Mental Health Court in the state of Missouri.

In 2000, City of St. Louis, Mayor Clarence Harmon awarded me a “Certificate of Recognition” for the innovative and visionary court programs developed by me during my tenure as the Administrative Judge, St. Louis Municipal Courts.

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:

Hon. William R. Price, Jr., Esq.  
Armstrong Teasdale LLP  
7700 Forsyth Blvd., Suite 1800  
St. Louis, MO 63105  
(314)621-5070

Hon. James R. Dowd, Esq.  
34 N. Brentwood  
St. Louis, MO 63105  
(314) 727-6777

M. Keithley Williams, Esq.  
22<sup>nd</sup> Circuit Court  
Drug Court Administrator  
1114 Market  
St. Louis, MO 63101  
(314) 622-4924

Mr. Richard D. Watters, Esq.  
Lashly & Baer, P.C.  
714 Locust Street  
St. Louis, MO 63101  
(314) 436-8350

Mr. Paul Hetterman, Esq.  
Bartley Goffstein, LLC  
4399 Laclede Avenue  
St. Louis, MO 63108  
(314) 531-1054

25. State any additional data you deem relevant:

The following judicial related activities reflect my willingness and desire to improve the quality of the judiciary and our community:

-Anticipated presenter, Mental Health America of Eastern Missouri, "Nuts: A movie review in light of Criminal Jurisprudence," October 13, 2014.

-Anticipated Keynote Speaker, Addiction Technology Transfer Center Network, "Medication Assisted Treatment: Promoting Tools for Successful Recovery," Kansas City, Missouri, September 22-23, 2014.

- Presenter, Center for Court Innovation, New York City, sponsored presentation, Brooklyn Law School "Principles of Medication Assisted Treatment", June 16-18, 2014.

-Faculty, National Judicial College, "Enhancing Court Efficacy Through Emerging Addiction/Science: A System Change Approach, Albuquerque, New Mexico. May 5-7, 2014.

-Keynote Speaker, National Council of Alcohol and Drug Abuse, St. Louis area, Annual Award presentation. April 25, 2014.

-Presenter, Montana Drug Court Conference, "Medication Assisted Treatment", and "When is enough, enough? When termination is appropriate." Missoula, Montana. April 9-11, 2014.

-National Judicial College and the Center for Health and Justice at TASC jointly sponsored presentation. "Implementation of Medication Assisted Treatment." Columbus, Ohio. November 11-14, 2013.

-Faculty, Center for Health and Justice at TASC, Justice Leaders System Change Initiative (JLSCI), 2013 to present.

-Presenter, National Association of Drug Court Professionals, "Medication Assisted Recovery", Annual Conference, Nashville, TN. May 30, 2012.

-Panel member, Office of the State Court Administrator, "Implementing RANT", Frontenac, MO. April 23, 2012.

-Panelist, National Association of Drug Court Professionals, Annual Conference. "Does Science Deliver? Findings from Courts Using Vivitrol." Boston, MA. June 2, 2010.

-Presenter, Missouri Association of Drug Court Professionals Conference, "Creation of Veterans Treatment Courts," Lake of the Ozarks, Missouri, March 25, 2010.

-Presenter, Montana Drug Court Conference, "Creating and Implementing Co-Occurring Dockets." Butte, Montana, August 21, 2008.

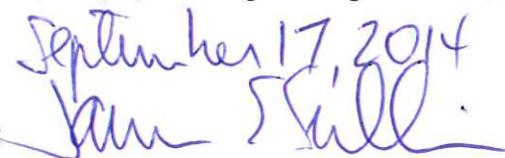
-Panelist, National Association of Drug Court Professionals, Annual Conference. "Hope for the Mentally Challenged Addict." St. Louis, MO. May 28, 2008.

-Presenter, National Association of Drug Court Professionals, Annual Conference, St. Louis, MO. May 28, 2008.

- Speaker, Missouri Association of Drug Court Professionals Conference, "Therapeutic Justice for Judges," Lake of the Ozarks, Missouri, in April, 2005.
- Participant, The National Judicial College course of "Co-Occurring Mental and Substance Abuse Disorders," Reno, Nevada, in September, 2004.
- Participant, Office of the State Court Administrator, "New Judge Orientation," Jefferson City, Missouri, in February, 2004.
- Participant, National Drug Court Institute, "Comprehensive Drug Court Judicial Training," Reno, Nevada, in October, 2003.
- Participant, Department of Mental Health and the Office of State Courts Administrator, focus group for development of Mental Health Courts in State of Missouri, December 6, 2002, in Jefferson City, Missouri.
- Speaker, HRC's 4<sup>th</sup> National Harm Reduction Conference, Seattle, Washington, December 3, 2002.
- Presenter, Municipal Judicial Education Fall Seminar. October 25, 2002.
- Speaker, Partnership for Success Career Fair, October 23, 2002, University of Missouri, St. Louis.
- Member, Committee on Courts and Community Collaboration, Supreme Court of Missouri, 2002-2003.
- Member, Municipal Court Judicial Education Committee, Supreme Court of Missouri, 2001-2003.
- Presenter, 14<sup>th</sup> Annual National Conference on Social Work and HIV/AIDS, New Orleans, Louisiana, June 1, 2002.
- Presenter, Municipal Judicial Education Fall Seminar, November 2, 2001.
- Presenter, Missouri Department of Mental Health, Division of Alcohol and Drug Abuse and Division of Comprehensive Psychiatric Services, 2001 Program Directors Conference, September 19, 2001.
- Presenter, 3<sup>rd</sup> National Women's Conference, Orlando, Florida, June 19, 2001.
- Presenter, Missouri Association of Municipal and Associate Judges Conference, May 23, 2001.
- Keynote speaker, Alliance for the Mentally Ill, NAMI St. Louis Annual Meeting, May 20, 2001.
- Participant, Center for Disease Control sponsored program at the Hampden County Jail, Ludlow, Massachusetts, April 2001.
- Panelist, Washington University in St. Louis School of Law, Law and Social Work Class relating to prostitution drug court, March 28, 2001.
- Presenter, FOCUS Leadership St. Louis, November 17, 2000, regarding neighborhood court programs.
- Member, Metropolitan St. Louis AIDS Task Force 1987-1990; Executive Committee, Legal Committee Chairman, 1989.
- Volunteer, annual Homeward Bound Services Fair benefiting the homeless.
- Volunteer, annual Saint Louis Area Stand Down Project benefiting homeless veterans.
- Speaker at numerous neighborhood organizations and schools regarding court initiatives and programs.

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 Twenty-Second 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 the Circuit Court of the City of St. Louis, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE: September 17, 2014  
SIGNED: 

## Questionnaire for Applicants for 22<sup>nd</sup> Judicial Circuit

1. Describe your familiarity with the City of St. Louis Court system and relate your perceptions as to the strengths or weaknesses of the City Courts.

Since 1976 when I was a SLU law school student participating in a criminal law advocacy program with the public defenders office in the 22<sup>nd</sup> Judicial Circuit, in one form or another during the ensuing years I have been immersed in the City of St. Louis Court system. As an assistant public defender, prosecuting attorney and circuit attorney, I honed my trial and advocacy skills under the watchful eyes of many competent judges and supervisors. In private practice, I experienced the challenges of docket management needing to be in two or more places at the same time. As a municipal court judge in three different administrations, I observed the utilization of the courts for various agendas. As a drug court commissioner, cognizant of limited powers of the position, I adopted a collaborative tact with private, public and corporate entities to strive to achieve the drug court mission. The City of St. Louis Court system has many dedicated, industrious leaders willing to work together to provide the citizenry equal access to the courts to resolve issues in a fair, efficient manner. The Circuit Court is doing an increasingly better job listening to the needs and desires of the jurors, litigants, employees, and counsel. The Court's willingness to evaluate priorities and implement change in the best interest of those concerned remains an immeasurable strength.

2. How much of your practice is devoted to litigation? Describe the significant practice areas of litigation in which you have been involved.

When I practiced law all, of my practice was devoted to trial work. I primarily worked in the criminal justice arena and had a personal injury practice. The domestic practice was measurable, but not preferred.

3. List the various courts in which you have devoted a significant portion of your litigation practice.

City of St. Louis (22<sup>nd</sup> Judicial Circuit), St. Louis County (21<sup>st</sup> Judicial Circuit), United States District Court, Eastern District of Missouri.

4. What is the most significant case in which you have been involved and explain the effect of this case on you, either personally or professionally?

My brother-in-law's neighbor was charged in the St. Louis County with killing her husband, a St. Louis police officer. The investigation immediately focused on the wife, one of my first clients since creating my own law practice. The police obtained an early morning frantic 911 telephone call made by my client immediately after her husband was shot and killed in their marital bed with his service revolver which was routinely kept on a shelf high in a bedroom closet. The St. Louis county police officers who investigated the murder scene found the murder weapon, the victim's service revolver hidden in the wheel well of the family automobile which was parked in the attached garage in a quiet county subdivision. The defense contended that the police too quickly focused on the widow and failed to cordon off the neighborhood in hopes of catching a fleeing murderer, failed to search behind the victim's/suspect's home which yard was water soaked due to recent rains, and failed to seek the significance of a bent coat hanger found by police next to the

door between the garage and the mudroom and just steps down a hallway to the murder scene. The defense contended that the police had already assumed the role of the jury and convicted my client, a trembling, frightened suburban housewife. For trial purposes, I had a construction company remove the door unit from the home and presented the jury with an alternative theory. My brother-in-law testified that the overhead garage door was approximately eighteen inches up when he and his wife returned to their home, across the street from my client's house shortly before the murder. The police confirmed that the same door was still up when they arrived after the 911 call. The police also presented evidence that my client had made statements to them regarding a black man who drove a white car who had been following her, leaving notes in the bushes in front of her home. There was evidence that the victim and a grown son who did not live at the home had lay in wait for the stalker to present himself at the home. The defense contended that the trained police officer believed his wife's story of the stalker.

I demonstrated to the jury with the use of my driver's license inserted next to the lock in the door jamb and the use of the bent coat hanger, within a few seconds I was able to unlock the lock and trip the chain slid lock and enter the door: arguably just as the true murderer had done.

The case was one of roles: that of the judge providing applicable law, the prosecution detailing the state's evidence, and the defense marshalling that which may cause a reasonable person to doubt the state's case. Ultimately, the jury had to apply the law to the facts. My client received the benefit of the doubt as the jury returned a not guilty verdict. The trial was the culmination of much investigation, preparation and thought. The roles played by the parties are distinct. Some roles are governed by a code of conduct and/or ethics, the rules of the court and statutes. Each role must be performed well to ensure the best chance for justice.

5. What do you see as your strongest attribute and your most potential weakness in serving as a Circuit Judge?

Having been licensed to practice law for 37 years, working in a variety of settings, learning from many accomplished lawyers and jurists, I have had the opportunity to observe the court from most viewpoints. I believe I am well grounded. A new situation may present an opportunity to use skills which I have developed or develop new insights and talents. Jury instructions always seem to be in the state of flux. Being a Drug Court Commissioner since 2003, I will need to do some extra work in order to properly prepare the instructions at the first jury trial.

6. What distinguishes you from the other applicants for this vacancy?

Civil or criminal, prosecution or defense, plaintiff or defendant, felony or misdemeanor, circuit civil or associate civil, I have represented clients in each situation. From presiding over huge traffic court dockets, dealing with a drug addict who is symptomatic of his disease, to a mentally challenged defendant refusing his medication and banging his head on the court house walls, I have developed an appreciation of the other person's issues and perspective. Regardless of the challenge presented, I have the ability to properly assess the situation and determine the appropriate resolution after weighing the alternatives.

7. How do you view the role of a Circuit Judge?

A Circuit Judge should lead by example in being courteous, punctual and appropriate with staff, litigants, counsel and jurors. The Circuit Judge should have a firm grasp of the law and be prepared to receive input from others. The Circuit Judge must set forth clear

expectations, timelines for the smooth processing of a case, and a willingness to hold the line when others fall short. The Circuit Judge must also exercise patience in his dealings with others. The Judge must be willing to be a collegial team member of the Circuit, to work for betterment of the justice system in the City of St. Louis, and in the State of Missouri.

8. Legal commentators suggest that judges follow various philosophies of legal jurisprudence ranging from legal positivism, which strictly adheres to the written words of a statute, to other theories in which judges are guided as much or more by the purpose or intent of the law than the written words of the statute. Where do you see yourself falling in this range of legal jurisprudence?

The legislature enacts the statutes and superior courts interpret the laws. As a Circuit Judge, I will follow the strict language of the statute and rely on case precedent to determine any perceived ambiguity.

9. How will you address a judicial precedent with which you strongly disagree?

I will follow the judicial precedent even though I may personally strongly disagree with the principle which it reflects. As a Circuit Judge, my orders will follow the legal precedent even though I disagree, although I may include language which an appellate court may see as an invitation to overrule my decision.

10. What is your position regarding a Circuit Judge's role in settling cases?

For the efficient use of resources, I believe a Circuit Judge is obligated to inquire whether the parties have properly investigated the case and whether settlement discussions have taken place. If the discovery is complete, counsel have thoroughly researched applicable caselaw, and the remaining issues are defined, the Court may inquire of counsel as to the position of the parties as to settlement of the remaining issues. If either party is adamantly opposed to negotiation, the Court has little recourse but to try the case.

11. What has been your experience with court-ordered mediation in your practice?

In a federal personal injury case, the court-ordered mediation proved fruitful. Discovery was essentially completed and each counsel had complied with the court orders as to the exchange of discovery without any animus. The essential issue was the evaluation of the extent and gravity of my client's injuries which the mediator determined based upon each party's expert's computations.

12. Describe the characteristics you possess that you feel best qualifies you to be nominated for the current vacancy in the Circuit Court.

Intelligent, well-rounded, grounded, moral, patient, decisive, good listener, punctual, hard working, and dedicated.

13. How important would you view control of your docket by your chambers? In that regard, what factors do you believe a judge should consider when ruling on a motion for continuance?

In order to run an effective court room, communication must be a paramount priority. Regardless whether there exists central docketing or independent docketing, the ability to manage a court's docket depends on effective scheduling of motions, rulings, discovery timelines, and trial schedules to avoid non-productive downtime.

When looking at the factors to be considered in a request for a continuance, the age of the case, compliance with court timelines, the underlying reason for the request, whether the reason for the request is beyond the control of the requesting party, and whether the non-requesting party would be placed at a disadvantage should the continuance be granted are of importance.

14. As a Circuit Judge, would you hear motions on the bench or in chambers? Explain why.

Depending on the circumstances, I may hear motions either in the court room or in chambers. Regardless, any argument relative to any motion shall be on the record whether in the chambers or on the bench in order to preserve the record. If the thrust of the motion is case dispositive, I would likely have the motion heard in open court. The parties and counsel deserve the opportunity to be heard and observe. Certain motions should be handled in chambers because of legal precedent, privacy issues, and concern for the well being of certain protected statuses, eg. minor victims. One must be cognizant of the constitutional rights of the parties and freedom of the press when determining where the motion will be heard.

15. Describe your level of involvement in activities and programs sponsored by any Bar Association or professional organization of which you are a member.

Please see my response to question 25 of the application. Also, on occasion I have been requested by the Supreme Court of Missouri to provide information to legislators as to the impact of certain proposed budget cuts to drug courts in the State of Missouri. Further, I have drafted proposed "Change of Venue in Treatment Court Cases" for a Supreme Court Committee.

16. Describe any significant interest or involvement you have in activities other than bar related or professional activities.

As my children have grown my roles have changed from Cub Scout leader, baseball and basketball coach to ardent fan supporting their endeavors. Now that my children are college age, my interest lies in getting scientific discoveries out of the laboratory and into daily lives of those who can benefit from the advances.

# JAMES EDWARD SULLIVAN

6269 Itaska

Date of Birth: August 11, 1952

St. Louis, Missouri 63109

Place of Birth: Watseka, IL

(314) 353-2896

Marital Status: Married

## EDUCATIONAL BACKGROUND:

### St. Louis University School of Law

J.D., May 1977

Student-Faculty Curriculum Committee, Member

Student Bar Association, Class Representative

Student Bar Association, Placement Committee Member

Phi Alpha Delta Law Fraternity, Member

### Southern Illinois University, Carbondale

B.A. with Honors, June 1974

Major: Economics

Minor: English

Member of the Liberal Arts and Sciences

Honor Society, sponsored by the Illinois

Phi Beta Association of Phi Beta Kappa

Member of Phi Eta Sigma, Scholastic

Honorary

Participated in Intercollegiate football for

four years on NCAA scholarship

## LEGAL EXPERIENCE:

August, 2003- present

22<sup>nd</sup> Judicial Circuit

10 N. Tucker

St. Louis, MO 63101

### **Drug Court Commissioner.**

Created and implemented Co-Occurring, Medication

Assisted Treatment, and RANT oriented dockets; Veterans'

Treatment Court; and Probation Revocation and

Post Plea admissions.

June, 1984 – August, 2003

Sullivan & Beck

1370 McCausland

St Louis, MO 63116

### **Attorney.**

Partner in law firm that represented

civil and criminal clients, corporations and

individuals, in federal, state, and municipal

jurisdictions and before administrative agencies

May 1997 – August, 2003

June 1984 – August 1993

Office of the Mayor

Room 200, City Hall

Tucker at Market

St. Louis, Mo 63103

### **St. Louis Municipal Court Judge.**

Served a combined fourteen years between

June 1984 to August 2003, on the municipal

bench; served as Administrative Judge for three

years; conceived and implemented the Female

Drug Court and Mental Health Court.

April 1982 – June 1984

Riezman & Blitz

120 South Central, Suite 1028

Clayton, MO 63105

### **Attorney.**

Representing individual and corporate

clients in federal, state and municipal court,

in civil and criminal matters.

January 1979 – April 1982

### **Assistant Circuit Attorney.**

March 1978 – December 1978

### **Assistant Prosecuting Attorney.**

September 1977 – March 1978

### **Assistant Public Defender.**

## BAR ADMISSIONS:

Missouri Bar, September 1977

United States District Court, Eastern District of Missouri, 1982

United States Supreme Court, June 1987

United States Court of Appeals, Eighth Circuit, March 1991

## AWARDS

Missouri Association of Drug Court Professionals, Claire McCaskill Award, 2012

Community Alternatives, "Person of the Year Service Award", 2008

National Alliance on Mental Illness, Silver Anniversary Award, 2003

City of St. Louis Mental Health Board, Vanguard Award, 2001

James E. Sullivan currently serves as the Commissioner for the St. Louis Drug Court, 22<sup>nd</sup> Judicial Circuit, in St. Louis, Missouri since 2003. Commissioner Sullivan holds a BA degree in Economics from Southern Illinois University in Carbondale and a Juris Doctor from St. Louis University.

Sullivan has served as an assistant public defender, assistant prosecuting attorney, assistant circuit attorney, St. Louis Municipal Court Judge, in addition to having been in private law practice.