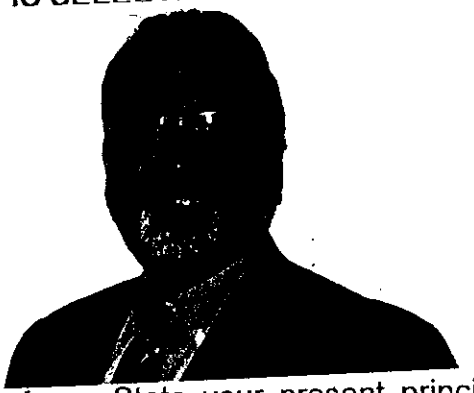
APPLICATION FOR ASSOCIATE CIRCUIT JUDGE
SIXTH CIRCUIT JUDICIAL COMMISSION
PLATTE COUNTY, MISSOURI

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



NAME: THOMAS CLARK FINCHAM

1. State your present principal occupation: I am an attorney engaged in private practice.

2. Are you at least twenty-five (25) years of age? Yes

3. (a) How long have you been a citizen of the United States? I have been a United States citizen all my life.
   (b) Have you been a resident of Platte County for at least one year immediately prior to the date of this application? I have been a Platte County resident for over 20 years.
   (c) How long have you been a qualified voter of Missouri? I have been a qualified voter of Missouri for 35 years (since age 18).

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: U.S. District Court, Western District of Missouri

5. State the date you were admitted to the Bar in Missouri: October 3, 1981

   (a) Missouri Bar Number: 29457
   (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-Kansas City School of Law
5100 Rockhill Road
Kansas City, Missouri 64110
August, 1978 - May, 1981
Awarded Juris Doctor Degree, May 1981
I was a member of the UMKC Law Review, Men's Law Caucus, and the Student Bar Association. I was also on Dean's List.

University of Missouri at Kansas City
5100 Rockhill Road
Kansas City, Missouri 64110
August, 1974 - December, 1977
Awarded Bachelor of Arts Degree in Economics - December, 1977
Received Economics Department Award for Academic Achievement 1977
Received University Scholar Awards 1975 and 1976

I completed my undergraduate work at UMKC in seven semesters. Between December 1977 when I received my undergraduate degree, and August 1978 when I entered law school, I took nine hours of business courses at night and worked full time during the day. At that time, students were not allowed to begin law school in the "spring" semester.

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.)

Fall, 1971 to August 1972. Beginning at the age of 15, I was employed at Norge Village Laundry, 1409 Westport Road, Kansas City, Missouri 64111. I waited on customers, operated the dry-cleaning machines, swept floors and did other jobs as necessary.

August, 1972 to May, 1980. Mission Hills Country Club, 5400 Mission Drive, Prairie Village, Kansas 66208. I started as a bus boy in the dining room. I became a waiter, then head waiter, and also served as part-time Maitre d'. I also worked as a cook and bartender. At the end of my employment there, I worked in the accounting office preparing payroll and accounts receivable, as well as statistical reports for the board of directors.

May, 1980 to October, 1981. Wallace Saunders Austin Brown & Enochs, 10110 Santa Fe Drive, Overland Park, Kansas 66212. I worked as a law clerk for this primarily defense firm. Among other duties, I performed legal research, wrote memorandums, drafted pleadings, summarized depositions, and interviewed witnesses. I left Wallace Saunders after passing the Missouri Bar.

December, 1981 to January, 1985. I was an associate in the firm of McFadin & White, 1920 Swift Avenue - Suite 205, North Kansas City, Missouri 64116. I gained litigation experience in civil and criminal cases on the federal, state and municipal levels. My criminal trial experience included both misdemeanor and felony cases.

January, 1985 to March, 1991. After becoming a partner, the firm name was changed to McFadin, White & Fincham. We were located at the same address on Swift Avenue in North Kansas City, Missouri. My practice continued in the same areas. A highlight of my practice at that time was the opportunity to orally argue a case before the Missouri Supreme Court, which was Romans v. Director of Revenue, 793 S.W.2d 894 (Mo. 1990). I continued as a partner in McFadin, White & Fincham until March, 1991 when I resigned to join the law firm of Wirken & King, P.C.

April, 1991 to July 1992. I joined the law firm of Wirken & King, P.C., 4740 Grand Avenue, Suite 300, Kansas City, Missouri 64112 in April, 1991. I started as a senior associate in the litigation department of a 30-attorney law firm. I was involved in a variety of cases, including plaintiff's personal injury, general business litigation, insurance defense, condemnation, and federal criminal matters. Within nine months I was made a partner in the firm. I was a member of the Board of Directors and was elected by the other partners to a four-person executive committee. I was also an advisor and mentor for the lesser experienced attorneys.

Cases I was involved in at Wirken & King included the following:

a) We represented an individual and his insurance carrier defending a personal injury case in the Superior Court of the U.S. Territory of Guam. The case involved a woman who was allegedly bitten by a black panther, which was part of the insured's wild animal act.

b) We represented the Land Clearance for Redevelopment Authority of Kansas City (LCRA) in condemnation proceedings in Jackson County Circuit Court. The LCRA condemned numerous blighted properties to make way for new development in the inner core of the city. We concluded the proceedings in a timely manner so that the redevelopment could move forward.

c) We represented an individual in District Court of Johnson County, Kansas in a suit against a marina at the Lake of the Ozarks regarding the sinking of our client's boat.

d) We represented a local bank in the defense of a wrongful dishonor/fraud claim. Plaintiff claimed damages of $1,000,000.00. I settled the case on the eve of trial for less then $6,000.00.

e) I assisted in representing a local manufacturer of industrial cleaning equipment in a patent and trademark infringement suit in the United States District Court for the Middle District of Georgia against a Georgia manufacturer of infringing products.

I resigned from Wirken & King, P.C. in July, 1992 and resumed my own practice.

July, 1992 to mid-1993. I had a "solo" practice at 5440 N. Oak Trafficway, Kansas City, Missouri 64118 handling personal injury, domestic matters and criminal cases. A highlight of my practice during this period was the jury trial of State of Kansas v. Travis Vaughn in the District Court of Brown County, Kansas at Hiawatha. This case is significant in that as pro bono defense counsel, I and William C. O'Keefe of Seneca, Kansas (who was first chair trial counsel) represented a young black man charged with first degree murder and aggravated sexual battery. The victim was a white female and the community was virtually all white. At trial, I cross-examined the state's medical expert regarding the victim's cause of death and was able to get him to admit that, since the victim's body was found in water, she must have drowned. This was completely inconsistent with the state's theory of the case and supported our theory that our client did not assault the victim and was not responsible for her death. After a week-long trial, the jury acquitted our client of all charges.

Mid-1993 to 1995. In 1993, John R. Sanderford, III joined me, and we formed the firm of Fincham & Sanderford, again at 5440 N. Oak Trafficway. We were a general practice firm and Mr. Sanderford also developed a probate and estate planning practice. Highlights of my practice during this period included the following cases:

(a) Mr. Sanderford and I (as second chair defense counsel) defended a 66 year-old man charged with child abuse in the Circuit Court of Morgan County, Missouri. We were able to show that the testimony of the alleged victim was greatly influenced by her contact with one of the social workers involved in the case. After a three-day jury trial, our client was acquitted.

(b) As co-counsel, I represented a man in the Clay County Circuit Court who had been shot with a shotgun through the front door of his residence. The assailants were actually looking for the man's son, and our client was shot by mistake. We filed suit in 1994 against all the young men involved in the shooting. We sought to recover under several homeowners insurance policies reasoning that since our client was an unintended victim, the homeowners insurance would provide coverage for the negligent act of shooting the wrong person. A declaratory judgment action was filed by one of the insurance carriers, and motions for summary judgment were filed by other companies on behalf of their respective insureds. We settled all the cases but one. After an adverse ruling in the trial court relative to a summary judgment motion filed by one of the insurance companies, we appealed the case to the Missouri Court of Appeals -

Western District. The appellate court affirmed the judgment of the trial court on different grounds. The case was finally concluded in 2000 when the Missouri Supreme Court refused transfer of the case from the Western District.

1995 to October, 1999. In 1995, Mr. Sanderford left our firm to join a trust and estate planning practice in Independence, Missouri. When Mr. Sanderford left, Mr. Steven B. Salmon and I formed the formed the firm of Fincham & Salmon, again at 5440 North Oak Trafficway in Kansas City, Missouri. We were a general practice firm handling personal injury, criminal, domestic and municipal matters. We continued our general practice and in 1996 Victor B. Peters joined the firm. At that time, we changed the name of the firm to Fincham, Salmon & Peters. Our firm continued to handle criminal, domestic, plaintiffs' personal injury, probate and municipal matters. Highlights of my practice during this period were:

(a) I represented a young man in the Circuit Court of Clay County, Missouri charged with forcible rape. As first chair trial counsel, this case was tried to a jury in January 1997. Our client was found guilty and sentenced to a significant term in prison. This case is significant in that we had negotiated a plea agreement for our client which would have involved his being incarcerated for only about four months. We believed a trial of the case was a "high risk" undertaking for our client with a tremendous downside given the facts of the case – and we so advised him.

(b) In 1999, I represented a woman in the Jackson County Circuit Court who was accused of stealing $140,000.00 from her (former) employer. Through extensive work prior to a plea being entered, I was able to obtain probation for my client and keep her out of prison. In addition, I got her in contact with a CPA immediately to file amended tax returns in order to avoid criminal charges being filed against her for tax evasion, filing false tax returns and tax fraud.

October, 1999 to present. In October 1999, we left our offices at 5440 N. Oak Trafficway. Mr. Salmon & I moved to 6060 N. Oak Trafficway, Suite 102, Gladstone, Missouri 64118 and continued our practice as Fincham and Salmon, while Mr. Peters started his own firm. Steve and I continue to practice in the areas of personal injury, criminal, domestic and municipal matters. Highlights of my practice during this time period include the following cases:

(a) In 2004, I represented a woman who was involved in a chain reaction rear end automobile collision. My client sustained a back injury as a result. Without filing suit, I was first able to negotiate a "policy limits" settlement with the insurance carrier of the driver who caused the accident, and was further able to make a claim on my client's own auto insurance policy for underinsured motorist coverage. I obtained a significant additional sum for my client from this second settlement with her own insurance carrier almost doubling the amount she recovered for her injuries.

(b) As co-counsel, I represented a man who was burned on his chest and arms in a fire at a gas station. The fire was caused by a static electricity build-up as he was fueling his vehicle. He was life-flighted to KU Medical Center Burn Unit due to the severity of the burns. An interesting aspect of this case was that these fires usually happen in the winter months when the air is cold and dry, but this incident occurred on a hot, humid August day. The case was resolved in 2004.

(c) I represented a young woman in 2005 who struck a loading ramp which had fallen off a truck and was in her lane of travel on I-35 in Johnson County, Kansas. She suffered a neck and back injury when she hit the ramp and went off the highway down an embankment. Without filing suit, I settled the case for over $200,000.

(d) As co-counsel, I represented a family injured when a household electrical appliance caught fire. The injuries were actually relatively minor. However, through research and discovery, we were able to ascertain that there had been other instances where this same type appliance had caused other fires. The case was concluded in 2006.

(e) I represented a young man in a personal injury case when he was injured by an uninsured driver. The accident occurred in 1983, and a large judgment was entered against the driver thereafter. Beginning in the late 1980's, I in essence "chased" this individual from job to job, filing garnishments on his wages to collect the judgment. I went so far as to register the judgment in Minnesota when he moved there. Finally, in 2003, I ascertained that he had filed a lawsuit against his employer for a job-related injury. I contacted the attorney representing him in that case and was able to negotiate a lump sum settlement for my client which finally concluded the matter.

(f) As co-counsel, I represented a man who was beaten by an employee of a restaurant. He had to undergo facial reconstructive surgery to repair the damage done. The matter was resolved in 2007.

8. 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

9. 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.

Charles Finazzo v. Mary Ann Finazzo, Case No.: CV104-5426DR, Clay County Circuit Court. The case was tried June 8, 2005. This was a dissolution action in which I represented the Petitioner. Opposing counsel was James Brown, 115 East Washington, Kearney, Missouri 64060. The case was tried to the Honorable K. Elizabeth Davis. The main issue in the case was that the Respondent requested significant maintenance (alimony) payments from my client. My client of course did not want to make any such payments. At trial, I was able to limit the amount of maintenance awarded to the Respondent to a small amount.

In Re the Interest of KCC, Case No. JU105-131J, In Re the Interest of LMC, Case No. JU105-132J, and In Re the Interest of JLC, Case No. JU105-133J. Circuit Court of Clay County, Missouri - Juvenile Division. As court-appointed attorney for the natural mother of the above three children, I tried these cases in August, 2005. The judge in the case was the Honorable James E. Welsh. The children were taken from the mother and placed with the father. Opposing counsel: John Shank, attorney for Juvenile Office, 9800 N.W. Polo, Suite 100, Kansas City, Missouri 64153; and Kenneth Hassler, 5555 N.W. Barry Road, Kansas City, Missouri 64154, attorney for the natural father. This case was significant in that mother chose not to take my strong advice to settle the case (I had negotiated a very beneficial arrangement for her) and proceeded to trial – with disastrous results.

Devin Duckworth v. Lisa Duckworth, Case No.: CV199-7749DR, Clay County Circuit Court. I represented the Petitioner defending a child support modification action filed by the Respondent. Opposing counsel: Molly Lauber, Clay County Prosecutor's Office, 11 S. Water, Liberty, Missouri 64068. Mother sought increase in child support. After a bench trial to Commissioner Sherrill P. Roberts on August 6, 2007, the Respondent's motion to modify was denied in all respects and there was no increase in my client's child support payments.

Although I have not held an elective office, I currently hold the following appointed judicial positions:

a) Municipal Judge, Oakview, Missouri, July 1995 to present. We have two dockets per month with 160 to 200 cases per docket.

b) Municipal Judge, Ferrelview, Missouri, September, 1998 to present. Prior to 1998, Ferrelview did not have its own court. I assisted in establishing the court in conjunction with the court clerk, city attorney and members of the village board of aldermen. We hold court once per month and have 50 to 60 cases on the docket.

c) Municipal Judge, Richmond, Missouri, July 1999 to present. As in

Ferrelview, Richmond did not have its own court. In conjunction with the court clerk and other city officials, we established the court and had our first docket in September, 1999. We hold court once per month and have 260 to 375 cases on the docket.

d) Municipal Judge, Platte Woods, Missouri, March 2003 to present. We hold court once per month and have 70 to 100 cases on the docket.

e) Municipal Judge, Riverside, Missouri, March, 2006 to present. I was initially appointed to this position by Judge Lee Hull in March, 2006 when the prior judge resigned. I was then appointed by the Board of Aldermen to this position in April, 2006. We have two dockets per month with 175 to 300 cases on each docket.

f) Provisional Judge - Municipal Court of Pleasant Valley, Missouri, 2007 to present. I fill in for the current sitting judge if he is ill, on vacation, or if a conflict of interest arises.

g) I also fill in for other municipal judges on an as-needed basis. I am one of several municipal judges who have an informal arrangement where we fill in for one another should the need arise. We do this as a "favor" to each another and there is no compensation involved.

In addition to the above positions I currently hold, I also served in the following judicial position for approximately five years: Municipal Judge, Lawson, Missouri, April 2001 to April 2006. We held court once per month with 60 to 70 cases on the docket. I resigned from this position when appointed to the bench in Riverside by the Board of Aldermen.

10. 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 below.

Kyle Romans v. Director of Revenue, 793 S.W.2d 894 (Mo. 1990). I wrote the brief for the Petitioner in the Missouri Court of Appeals - Western District and argued case in Missouri Supreme Court. This case involved the time limit in which to file to file a petition to review the revocation of driving privileges due to an alleged refusal to submit to a chemical test. I prevailed in the trial court and in the appellate court arguing that section 577.041 R. S. Mo. did not (at that time) contain any time limit for the filing of these types of actions. The Missouri Supreme Court ruled that although 577.041 contained no time limit, the 30-day time limit contained in section 302.311 applied. This ruling caused my client's case to be dismissed by the trial court, ending the matter.

Abe Corley, et.al., v. Penny Corley, 128 S.W.3d 521 (Mo.App.W.D. 2003.) I

wrote the brief and argued case in Missouri Court of Appeals - Western District. This was a grandparents visitation case. I represented the grandparents who were awarded unsupervised visitation time with their grandchild by the trial court. Mother appealed. The judgment of the trial court as to the visitation time for my clients was affirmed.

In the interest of KDC, LMC and JLC, Plaintiffs; DC, Father-Respondent; Juvenile Officer, Respondent; LMM (Mother), Appellant, 198 S. W. 3d 623 (Mo.App. W.D. 2006) As appointed counsel, I wrote the brief in this matter for the appellant/mother in the Missouri Court of Appeals - Western District. There was no oral argument and a per curiam order was issued by the court. This was the appeal of the Clay County juvenile matters set forth in No. 9 above.

11. 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. N/A.

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

    I have been appointed as a guardian ad litem by the Clay County Circuit Court in numerous cases (divorce, paternity, custody, etc.) to represent the interests of the child or children involved in those matters. I have served in this capacity for over five years and have completed both the 6- and 12-hour guardian ad litem training programs.

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: N/A

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?

    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:

    I have not been sued by a client. I have been a party to other litigation. See attached list.

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: N/A

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

If yes, provide details: N/A

17. If you were ever a member of the judiciary of the State of Missouri in the past, 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: 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: N/A

    (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:

    Yes. I was the subject of a complaint which was filed in July, 2002 by a woman from Iowa. The complaint arose out of a traffic citation she received in Ferrelview, Missouri. Although I never saw this woman and she never personally appeared in court, she alleged in her complaint that she was discriminated against because she was from out of state. This was of course not true. No action was taken by the Commission, and the matter was closed.

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? Not to my knowledge.

    If yes, provide details: N/A

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

Missouri Bar Association 1981 to present; Platte County Bar Association 1982 to present; Clay County Bar Association 1982 to present (Secretary/Treasurer, 1983-1984); Missouri Municipal and Associate Circuit Judges Association ("MMACJA") 1995-present (Member of Board of Directors, 1999 to present; Chairman, Regional Seminars Committee 2006-2007; Secretary 2009 to present); Clay/Platte Associate and Municipal Judges Association 1995 to present (Secretary/Treasurer, 1998-1999; President, 1999-2000); Missouri Municipal and Associate Circuit Prosecutors Association 1997-2003; Kansas City Metropolitan Bar Association, 1995-2001 (Chairman-Municipal Court Committee 1998. As the Chairman of this committee, I was responsible for presenting a seminar on municipal court practice and procedure at the KCMBA Bench-Bar Conference at the Lake of the Ozarks in 1998); Missouri Association of Trial Attorneys ("MATA"), 2000 to the present.

In addition to being on the Board of Directors of MMACJA, I have served as an instructor for our Association's regional CLE seminars from 2005 to the present. In that capacity, I have presented materials to other judges, prosecutors and clerks regarding new cases, judicial ethics, new legislation applicable to municipal courts, and Missouri Supreme Court Rule 37 (which governs practice and procedure in municipal courts.) In addition, I have coauthored the case law updates for those seminars from 2005 to the present. I was also on a panel with other municipal judges answering questions from the floor as part of the MMACJA Annual Courts Conference at the Lake of the Ozarks in May, 2009. The name of our segment of the conference was, "And the answer is . . . . ." This conference is very popular and is attended by municipal and associate circuit judges from the entire state.

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

I am on the board of directors of Northland Alternative Service Program ("NASP") 8127 N. Oak Trafficway, Kansas City, Missouri. NASP is a not-for-profit organization which coordinates community service time for defendants who are placed on probation or diversion. NASP contacts various community organizations which need to have work done, and then matches defendants whose probation/diversion requires community service time to the needs of those organizations. NASP monitors the hours and ensures that they are done on a timely basis. (If the hours are not completed on a timely basis or not completed at all, NASP will notify the appropriate court of the defendant's failure to comply with the court's probation order.) I have been on the board since 2004. I was secretary in 2008, vice-president in 2009, and am currently the president of the board this year (2010).

I served as an Adjunct Professor of Law (a non-compensated position) at UMKC Law School teaching trial advocacy 1992-1997. In this class, second-

year law students are taught fundamental trial techniques (direct examination, cross examination, etc.) I also served as a judge when these students had their mock trials at the end of the semester where they used the skills they learned in class in the courtroom.

I have participated with members of the Riverside, Missouri Police Department speaking to high school students about court operations and procedures (yearly, 2007 to present). In addition, we have held a mock trial for the students, with the students playing the roles of witnesses and defense counsel. I received a Certificate of Appreciation from the Riverside Police Department in May, 2009 for participation in their Junior Police Academy Program.

I was a speaker at a Synergy House seminar in Parkville, Missouri in the fall of 2009. The seminar focused on Missouri dissolution law and Missouri adult abuse law. This seminar was attended by Synergy staff members, social workers, counselors, and members of the law enforcement community.

I was honored to serve as the judge in a mock criminal jury trial (a DWI case) presented by the Platte County Prosecuting Attorney's Office to local high school students in November, 2009. Students served as members of a jury who heard the evidence and then rendered a verdict.

I received a Certificate of Appreciation from the Eastern Jackson County Youth Court in 1996 for speaking to a group of high school students about the duties and responsibilities of a judge.

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

If yes, provide details:

In addition to the appointed positions set forth in #9 above, I served as City Attorney and City Prosecutor for the City of Dearborn, Missouri, from October, 1997 to March, 2003. As the city attorney, I was responsible for drafting new ordinances, revising old ordinances, drafting documents and advising the City on all legal matters which arose in the course of the City's business. I also represented the City in any court matters in which it was involved. In my capacity as city prosecutor, I prosecuted 35 to 50 cases per month in the Dearborn Municipal Court. I resigned this position when I was appointed as Municipal Judge in Platte Woods.

I was also the provisional City Prosecutor for the City of Pleasant Valley, Missouri 1999-2007. I filled in for the City Prosecutor if he was out of town, ill, or if a conflict of interest arose.

22. 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. N/A

23. 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? N/A.

If military service continues, so state: I have not served in the military.

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

I was the author of Comment, Federal Rule of Evidence 407 and its State Variations: The Courts Perform Some "Subsequent Remedial Measures" of Their Own in Products Liability Cases, 49 UMKC Law Review, 338 (1981). This Comment, authored by me in my second year of law school (and published in my third year), dealt with Federal Rule of Evidence 407 and the admissibility into evidence of subsequent remedial measures taken by defendants in products liability cases.

25. 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.

1. Hon. Donald T. Norris, Clay County Circuit Court
2. Louis C. Accurso, Esq.
3. Michael J. Svetlic, Esq.
4. Greg Mills, Chief, Riverside, Missouri Police Department
5. Terri McWilliams, Chief, Richmond, Missouri Police Department

26. State any additional information you deem relevant:

I have been married to my wife, Kathy, for over 23 years. We enjoy cooking, wine and travel. We entertain family and friends regularly.

I believe that my educational background, my range of experience in the practice of law for over 28 years, and my experience as a municipal judge for over 14 years are significant assets I would bring to the bench in Platte County.

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 Sixth Circuit Judicial Commission. Notwithstanding the above, in accordance with Supreme Court Rule 10, as amended effective December 14, 2009, 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 Associate Circuit Judge of Platte County, Missouri, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE: 2/27/10

SIGNED: [illegible]

Response to Question 14 – other litigation in which I have been a party

Thomas Fincham v. Randy L. Solberg; Case No. 7CV186002546; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed May 22, 1986. Judgment satisfied November 23, 1988.

Thomas Fincham v. John Marek; Case No. 16CV93-28414; Circuit Court of Jackson County, Missouri. I filed suit to collect attorneys fees due from a client. Filed December 17, 1993. Judgment entered February 2, 1994.

Thomas C. Fincham v. Flemon Walker; Case No. 7CV100002611; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed April 20, 2000. Judgment entered July 28, 2000. Judgment satisfied February 21, 2001.

Thomas C. Fincham v. Devin L. Duckworth; Case No. 7CV100008512; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed December 14, 2000. Judgment entered February 9, 2001. Judgment satisfied February 21, 2001.

Thomas C. Fincham v. Carol M. Gleason; Case No. 7CV101004369; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed June 22, 2001. Judgment entered October 5, 2001. Judgment satisfied October 23, 2002.

Thomas C. Fincham v. Robert D. Cougill; Case No. 7CV103000405; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed January 16, 2003. The case was dismissed by me on March 3, 2003 as the amount due was paid by client.

Thomas C. Fincham v. Gregory J. Poe; Case No. 7CV103000407; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed January 16, 2003. Judgment entered February 28, 2003. Judgment satisfied May 29, 2003.

Thomas C. Fincham v. Gerald L. Diffey; Case No. 7CV103006201; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed August 7, 2003. Judgment entered September 11, 2003.

Thomas C. Fincham v. Jason Huffstutter; Case No. 7CV105002081; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed March 10, 2005. Judgment entered May 20, 2005.

Thomas C. Fincham v. Kathryn J. Ward; Case No. 7CV105002082; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed March 10, 2005; The case was dismissed by me on May 28, 2005 as the amount due was paid by the client.

Thomas C. Fincham v. Kenneth Martin; Case No. 7CV1058010805; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed December 1, 2005. I could not obtain service of process on Mr. Martin, and the case was dismissed by the court February 22, 2008.

Thomas C. Fincham v. Dawn J. Flanery; Case No. 7CV102002704; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed April 10, 2002. The case was dismissed by me April 22, 2002 as the amount due was paid by the client.

Thomas C. Fincham v. Vickie Ann Terrill; Case No. 7CV103000406; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed April 16, 2003. The case was dismissed by me Mary 29, 2003 as the amount due was paid by the client.

Thomas C. Fincham v. John R. Williams; Case No. 7CV103004254; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed June 4, 2003. The case was dismissed by me June 19, 2003 as the amount due was paid by the client.

Thomas C. Fincham v. Jennifer M. Sticken; Case No. 7CV103005403; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed July 10, 2003. The case was dismissed by me August 18, 2003 as the amount due was paid by the client.

Thomas C. Fincham v. Joseph M. Harris; Case No. 7CV102005939; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed August 2, 2002. Judgment entered December 6, 2002.

Thomas C. Fincham v. Dawn R. Shields; Case No. 7CV1030060869; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed August 1, 2003. Judgment entered September 4, 2003.

Thomas C. Fincham v. Benjamin Benford; Case No. 7CV103006535; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed August 18, 2003. Judgment entered October 17, 2003. Judgment satisfied March 16, 2007.

Thomas C. Fincham v. Lydia D. King; Case No. 7CV103008028; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed October 8, 2003. I could not obtain service on Ms. King, and the case was dismissed by the court on September 26, 2005.

Thomas C. Fincham v. Cynda L. Traw; Case No. 7CV104006046; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed July 21, 2004. Judgment entered September 3, 2004. Judgment satisfied November 22. 2004.

Thomas C. Fincham v. Holly Crandall; Case No. 7CV104007292; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed September 2, 2004. I could not obtain service on Ms. Crandall and the case was dismissed by the court on September 26, 2005.

Thomas C. Fincham v. Gerald L. Diffey; Case No. 7CV104009538; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed November 10, 2004. The case was dismissed by me on December 8, 2004 as the amount due was paid by the client.

Thomas C. Fincham v. Paul F. Bond; Case No. 7CV197000973; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed February 11, 1997. Judgment entered June 26, 1997.

Thomas C. Fincham v. Mark A. Crowley; Case No. 7CV197001556; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed March 6, 1997. Judgment entered April 17, 1997.

Thomas C. Fincham v. David Gatewood; Case No. 7CV197001678; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed March 11, 1997. Judgment entered May 1, 1997.

Thomas C. Fincham v. Laura Susan Turner; Case No. 7CV197007983; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed November 11, 1997. Judgment entered December 5, 1997. Judgment satisfied March 18, 1998.

Thomas C. Fincham v. Robert S. Klingele; Case No. 7CV198000138; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed January 8, 1998. I could not obtain service on Mr. Klingele and the case was dismissed by the court on March 16, 1999.

Thomas C. Fincham v. Lori Boswell; Case No. 7CV198000139; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed January 8, 1998. Judgment entered November 20, 1998.

Thomas C. Fincham v. Stacy Eacret; Case No. 7CV199003002; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed April 28, 1999. Judgment entered June 4, 1999.

Thomas C. Fincham v. Ronald Lane; Case No. 7CV197003342; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed May 9, 1997. Judgment entered June 20, 1997.

Thomas C. Fincham v. Audrey James Hopkins; Case No. 7CV198006539; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed September 16, 1998. Judgment entered October 23, 1998.

Thomas C. Fincham v. Jason R. Stephens; Case No. 7CV198007228; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed October 15, 1998. The case was dismissed by me November 20, 1998 as the amount due was paid by the client.

Thomas C. Fincham v. Linda Olsen; Case No. 7CV198007229; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed October 15, 1998. I could not obtain service on Ms. Olsen and the case was dismissed by the court on June 8, 2000.

Thomas C. Fincham v. Todd Chain; Case No. 7CV198007230; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed October 15, 1998. Judgment entered January 5, 1999.

Thomas C. Fincham v. Noelle M. Calton; Case No. 7CV198007231; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed November 15, 1998. I could not obtain service on Ms. Calton and the case was dismissed by the court on June 8, 2000.

Thomas C. Fincham v. Desmond M. Gidden; Case No. 7CV198007410; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed October 22, 1998. Judgment entered December 4, 1998.

Thomas C. Fincham v. Chester M. Murray; Case No. 7CV1970056504; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed September 5, 1997. Judgment entered November 21, 1997.

Thomas C. Fincham v. Darlene Dickerson; Case No. 7CV198004787; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed July 7, 1998. The case was dismissed by me April 16, 1999 as the amount due was paid by the client.

Thomas C. Fincham v. Tracy L. Young; Case No. 7CV197005878; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed December 4, 1997. Judgment entered April 9, 1998.

Thomas C. Fincham v. Forrest Rhea; Case No. 08CY-CV03614; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed April 11, 2008. Judgment entered May 16, 2008.

Thomas C. Fincham v. Natasha Dick; Case No. 08CY-CV03620; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed April 11, 2008. Judgment entered May 16, 2008. Judgment satisfied August 17, 2009.

Thomas C. Fincham v. Dawn R. Shields; Case No. CV103-6089 AC; Circuit Court of Clay County, Missouri. I filed suit to collect fees due from a client. Filed August 1, 2003. Judgment entered September 4, 2003.

Thomas C. Fincham v. Cynda L. Traw; Case No. CV104-006046 SC; Circuit Court of Jackson County, Missouri. I filed suit to collect fees due from a client. Filed July 21, 2004. Judgment entered November 22, 2004.

Thomas C. Fincham v. Michael Reilley; Case No. 0694SC01590; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed August 18, 1994. Judgment entered against the defendant by consent October 3, 1994.

Thomas C. Fincham v. Angel Buenaflor; Case No. 08CY-CV09711; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed October 3, 2008. Judgment entered October 31, 2008.

Thomas C. Fincham v. Devin L. Duckworth; Case No. 09CY-CV13554; Circuit Court of Clay County, Missouri. I filed suit to collect attorneys fees due from a client. Filed December 22, 2009. Defendant served with process February 10, 2010. Client has contacted me and indicates that he will pay the balance due by March 1, 2010.

Thomas C. Fincham v. James Harstedt; Case No. 08AE-CV01661; Circuit Court of Platte County, Missouri. I filed suit to collect attorneys fees due from a client. Filed May 14, 2008. Judgment by consent entered against defendant June 12, 2008.

Thomas C. Fincham v. Deborah L. Fincham; Case No. C 009910; Johnson County, Kansas District Court. This was a divorce action filed in January, 1981. A Judgment of Divorce was entered by the Court in April, 1981.

Thomas C. Fincham v. Dawn R. Shields; Case No. 05CV01170; Johnson County, Kansas District Court. Petition for registration of foreign judgment. Petition filed February 10, 2005. Judgment entered/registered March 8, 2005.

State of Missouri v. Thomas C. Fincham, Case No. 7TR198005631. I was issued a traffic citation for failing to wear a seat belt on July 31, 1998. I paid the $10.00 fine on August 13, 1998.

State of Missouri ex. rel. Ricky Allen Snedden v. Honorable Thomas C. Fincham, Judge of the Municipal Court of Lawson, Missouri, Case No. CV0301-206CC, Division 3, Circuit Court of Ray County, Missouri. Mr. Snedden filed a petition for writ of mandamus on May 23, 2001 naming me as the defendant in my capacity as the judge of the Lawson, Missouri Municipal Court. After being served with process, I ascertained that Mr. Snedden had three matters which had been pending in our court for some time. Prior to the time I took the bench in Lawson, Mr. Snedden had requested that his cases be disposed of under the Uniform Mandatory Disposition of Detainers Law. No action was taken on his request at that time, so he instituted this action to compel the dismissal of his matters. The cases pending against Mr. Snedden were subsequently dismissed by the City. Judge Werner Moentmann of the Ray County Circuit Court then dismissed this instant case and the matter was concluded.

City of Kansas City, Missouri v. Thomas C. Fincham, Citation No.: 2152 901. I was issued a traffic citation for speeding. This matter was dismissed by the City on January 3, 2007.

City of Kansas City, Missouri v. Thomas C. Fincham, Citation No.: 2220 920. I was issued a traffic citation for speeding. This matter was dismissed by the City on April 2, 2007.

City of Gladstone, Missouri v. Thomas C. Fincham, Citation No.: 0190945. I was issued a traffic citation for speeding. This matter was dismissed by the City on October 19, 2006.

I have received other traffic citations for speeding over the years, but I do not recall the dates or details of them. The above information was obtained by me through Casenet, and by a computer check.