

**APPLICATION OF PATRICIA ANN HAGEMAN
TO THE APPELLATE JUDICIAL COMMISSION FOR THE
JUDGE BAKER VACANCY
MISSOURI COURT OF APPEALS, EASTERN DISTRICT**

***RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE
APPLICANT IS NOMINATED FOR THIS VACANCY***

A. PERSONAL INFORMATION

1. Present principal occupation or title:

City Counselor for the City of St. Louis

2. Are you at least 30 years of age? Yes () No ()

3. (a) How many years have you been a citizen of the United States?

42 years (since birth)

(b) How many consecutive years immediately preceding your application have you been a qualified voter of Missouri?

18 years (since 10/14/92)

4. State the date you were admitted to The Missouri Bar and whether your license is in good standing. If not, explain in detail.

**October 1992; yes my license is and always has
been in good standing**

B. EDUCATIONAL BACKGROUND

5. (a) State the name and address of all colleges and universities attended, other than law school, together with the dates and degrees received.

**Washington University St. Louis, MO 08/92-05/93 n/a (except J.D.)
Olin School of Business, One Brookings Dr., St. Louis, MO 63130
I enrolled in several graduate business courses during and after law school.**

**Bradley University Peoria, IL 01/87-05/89 Bachelor of Science
1501 W. Bradley Dr., Peoria, IL 61625 Business Management**

University of Illinois Champaign-Urbana, IL 08/86-12/86 n/a
College of Business 515 E. Gregory Dr., Champaign IL 61820
I attended U. of I. for one semester and then transferred to Bradley, in my hometown, where I completed my degree within three years of high school graduation.

Illinois Central Community College East Peoria IL 05/86-05/89 n/a
1 College Dr., East Peoria, IL 61635
I took some community college classes during the summers to save money.

(b) List/describe any college or university activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision.

Dean's Merit Scholar, Bradley University
I received this designation for my grades various semesters.

I completed my undergraduate degree within three years of high school graduation while working 25-30 hours per week.

6. (a) State the name and address of all law schools attended together with the dates and degrees received.

Washington University in St. Louis, 08/89-05/92, J.D.
One Brookings Dr., St. Louis MO 63130

College of William & Mary Summer 1990
Summer Abroad Program (via Washington University)

(b) List/describe any law school activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision.

Graduated in top 20% of class (rank 42/223)
Welborn Scholar in Law (merit-based partial scholarship)
National Winner, American Planning Association, Law Division,
R. Marlin Smith Student Writing Competition
Judge Myron Mills Administrative Law Prize
Moot Court Regional Team
Moot Court Board
Honor Council (elected by classmates)
Student Bar Association Class Representative
Summer Study in Madrid, Spain

7. If you were a student at any school from which you were suspended, placed on probation, or expelled by school authorities, for any reason, describe the circumstances. N/A

C. PROFESSIONAL BACKGROUND AND EXPERIENCE

8. State, in chronological order (starting with the earliest employment), significant non-law-related employment prior to or since law school. To the extent reasonably available to you, include the name and address of each employer and the dates of employment.

**Browns Sporting Goods (now owned by MC Sports) Peoria IL summer 1986
drafted employee manuals**

**Foster & Gallagher 6523 Galena Rd. Peoria IL 61614 1987-1989
customer service representative & team leader for mail order company**

**St. Louis Science Center 5050 Oakland Ave. St. Louis 63110 summer 1989
food service supervisor**

9. State, in chronological order (starting with the earliest employment), all employment from the beginning of law school to the present. For legal employment, describe the positions you have held, e.g., associate, partner, law clerk, general counsel.

**Mary Anne Sedey, Attorney at Law
now Sedey & Harper, P.C., 2711 Clifton Ave., St. Louis, MO 63139
Law Clerk 1990**

**Hon. Jean C. Hamilton, United States District Court, Eastern Dist. MO
Thomas F. Eagleton Courthouse, 111 S. 10th St., St. Louis MO 63102
Intern 1991**

**Dearing & Hartzog, L.C.
211 S. Central Ave., Suite 200, Clayton MO 63105
Law Clerk 1991**

**United States Court of Appeals for the Eighth Circuit, Office of Staff
Attorneys
Thomas F. Eagleton Courthouse, 111 S. 10th St., St. Louis MO 63102
Staff Attorney assigned to the Honorable Gerald W. Heaney and the
Honorable George G. Fagg 1993-1995**

City of St. Louis
1200 Market St. St. Louis, MO 63103
Legal Intern 1992- 1993
Assistant City Counselor May 1995-March 2000
City Counselor April 2001-Sept. 2008, May 2009 to Current
Interim Chief of Staff to Hon. Francis G. Slay, Mayor, Sept. 2008-May 2009

Carnahan & Garvin L.L.C.
Formerly located at 100 S. Fourth St., St. Louis MO 63101
Attorney March 2000-April 2001

See also response to Question 12 re: teaching positions.

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

United States District Court for the Eastern District of Missouri
United States Court of Appeals for the Eighth Circuit

I also passed the bar exam in Illinois in 1993 but have not maintained an active law license there because I have not practiced there.

11. Describe the nature of your experience in trial and appellate courts and explain how they demonstrate the quality of your legal work. *(You either may take as much space as you need here or attach your response on separate sheets).* Include in your response:

I individually have worked on hundreds of administrative, trial and appellate matters. My level of individual involvement in these cases has varied across the spectrum from serving as the sole attorney on the case from start to finish, to serving as a heavily involved member of a team of attorneys, to serving as a research resource and strategic guide as senior counsel. My name also appears affiliated with yet additional cases in my capacity as City Counselor with which I have had no particular or substantial individual involvement but for which I have been ultimately accountable.

Of the cases on which I have worked substantially firsthand, the range of topics, degree of complexity, monetary value and implication of precedent have been as diverse as are reflected in the Missouri courts. The “City of St. Louis” as a client includes its myriad of departments, officers and often employees. I individually have worked on litigation as widely diverse as

employment lawsuits and civil service appeals, property damage claims, personal injury claims, commercial property assessment appeals, breach of contract claims, suits against the former St. Louis Regional Hospital, suits against the Police Board and individual officers, tax challenges, licensing appeals, and appeals from denials of zoning permits. I have worked on proactive litigation on the City's behalf such as pursuing building code enforcement, property tax liens, public nuisance suits, and the furtherance of development projects. This is merely a representative, not an exhaustive, list.

I also have represented a number of private sector clients in the trial and appellate courts. This included representing primarily individuals, including motorists who had been injured, teachers who were appealing their discipline and real estate owners in both purchase and condemnation disputes. I also have researched and drafted numerous opinions as a Staff Attorney to the United States Court of Appeals for the Eighth Circuit. As a Staff Attorney, I researched an extremely broad variety of federal civil and criminal issues.

The foregoing experiences demonstrate the quality of my work in several ways. First, I have worked throughout my career in settings where the ability to competently research and analyze complex, diverse matters has been paramount. Second, my extensive work in the appellate courts both as a staff attorney and as an advocate has placed import on my ability to identify and cogently explain issues and adhere to the professional standards of those courts. Third, my extensive pre-trial work with "real people", from top officials to employees to out-of-work citizens, any of whom may find themselves in the midst of a lawsuit, has instilled in me an all-important understanding of what a lawsuit means to the litigants, on both sides and at all stages. And finally, I believe the foregoing experiences also demonstrate the quality of my work in that I understand while over a lengthy career outcomes may vary, there is no substitute in litigation for preparation and hard work.

- a. **Appellate Experience:** Please include a representative list of cases you have briefed and/or argued (if you are a judge, include representative cases from your practice prior to your judicial appointment). To the extent reasonably available to you:
 - i. State the style, date, court and, if published, the citation;
 - ii. Identify the client(s) you represented and opposing counsel; and
 - iii. Give a one-paragraph description of the case and your role in it.

1. Junior College District of St. Louis v. City of St. Louis, 149 S.W.3d 442 (Mo. banc 2004)

I argued this case on behalf of the City and drafted the brief with input from others from my office. Joe D. Jacobson argued for the College District. The College campus suffered a flood due to a broken fire suppression water pipe that ran between the College and the City's water main, and the College suffered over \$5 million in damages; the College asserted negligence on the City's part, alleging among other things that the City had a duty to mark the shut-off valve in the street; the trial court ruled in the College's favor. The Missouri Supreme Court reversed the judgment against the City, which was over \$8 million with interest by then.

2. St. Louis Police Officers' Ass'n v. Board of Police Com'rs of City of St. Louis, 259 S.W.3d 526 (Mo. banc 2008)

I handled this case from trial through the appellate process, arguing this case on behalf of the Police Board and drafting the appellate brief along with input from others from my office. Elkin Kistner argued for the Police Officers' Ass'n. Based on Missouri statutes, the Police Officers challenged a change to the Police Retirees' health insurance. The Trial Court and Court of Appeals ruled in the Police Board's favor but the Supreme Court reversed, authoring three differing opinions.

3. Bachmann v. Welby 860 S.W.2d 31 (Mo. App. E.D. 1993)

I drafted the brief and argued the case for the defendant police officer. Lawrence Willbrand and John Zimmerman represented the plaintiff. Plaintiff brought an injury case against the police officer resulting from a vehicle accident. The appeals court held that the officer's choice of speed and route were discretionary acts that entitled him to official immunity.

4. Firemen's Retirement System v. City of St. Louis et al., 911 S.W.2d 679 (Mo. App. E.D. 1995); The Firemen's Retirement System (FRS) brought suit against City, its personnel director and a firefighter, seeking a declaration that the City was prohibited from re-hiring the retired fireman. The trial court ruled in favor of the FRS and the City defendants appealed. I drafted the appellate brief. The Court of Appeals reversed, holding the City was entitled to hire the firefighter under its ordinances.

5. Watson v. City of St. Louis, 956 S.W.2d 920 (Mo. App. E.D. 1997)

I handled this case at both the trial and appellate court levels along with another attorney in the office. Plaintiff's counsel was Michael Gross. Plaintiffs were a group of month-to-month tenants of a mobile home park near Lambert Airport. They claimed the City's announced intention to

acquire their property, and subsequent failure to do so, diminished their property values. Both the trial and appellate courts held that plaintiffs failed to state a claim for inverse condemnation or promissory estoppel.

6. **Ralston Purina Co. v. Leggett, 23 S.W.3d. 697 (Mo. App. E.D. 2000)**

Three companies and 70 of their executives contested the taxability of stock option income under the City's earnings tax. I, along with two other attorneys, worked on all aspects of the matter through the pre-trial, trial and appellate level. Opposing counsel were Tom Walsh and Mark Leadlove of Bryan Cave. The appellate court affirmed that non-qualified stock options, measured at the time of exercise, are earned income under Missouri law. The City subsequently changed its ordinance to exempt such income from its earnings tax.

7. **Lett et al. v. City of St. Louis et al., 24 S.W.3d 157 (Mo. App. E.D. 2000)**

Taxpayers contested the taxability of deferred compensation contributions under the City's earnings tax. A trial court held the monies were not taxable but the court of appeals reversed. The City then changed its ordinance regarding the taxability of the contributions. In this case, the taxpayers sought class certification and sought attorneys' fees as the "prevailing party" and catalyst for the legislative change. The trial court awarded fees. I researched and drafted the appeal along with other attorneys in the office. The Court of Appeals reversed and denied the fees.

8. **Schwartz v. Custom Printing, 24 S.W.3d 718 (Mo. App. E.D. 2000)**

In the private sector, along with co-counsel, I represented an individual on appeal in a breach of employment contract claim against his former business partners and their small company. Opposing counsel was Stephen Beimdiek. The court upheld the trial court's judgment in the company's favor.

9. **DeArmon v. Burgess, 388 F.3d 609 (8th Cir. 2004)**

I represented ten individual police officers and the Police Board in oral argument. Gregory Fenlon represented the plaintiffs. Plaintiffs argued that defendants were liable for an unconstitutional taking of their property in a search and seizure. The court upheld the district court's grant of summary judgment based on qualified immunity.

10. **Parker v. Boyer, 93 F.3d 945 (8th Cir. Mo. 1996)**

I argued and principally drafted the brief on behalf of the Police Board and individual police officers; Frank Susman argued for Plaintiffs; Mary Ann Wymore argued for KSDK Multi Media. Plaintiffs alleged a violation of their constitutional rights in that reporters rode along with police and entered

plaintiffs' premises during the execution of a search warrant. I successfully argued that the police defendants were entitled to qualified immunity.

Trial-Level Experience: Please include a representative list of cases and/or administrative hearings you have handled (if you are a judge, include representative cases from your practice prior to your judicial appointment). To the extent reasonably available to you:

- a. State the style, date and court;
- b. Identify who you represented and opposing counsel;
- c. State whether the case was disposed of following a jury trial, bench trial or at what other stage; and
- d. Give a one-paragraph description of the case and your role in it.

- 1. I was the Assistant City Counselor assigned to represent indigent parents in the Juvenile Division of the Twenty-Second Judicial Circuit for about six months in the early 1990's. Opposing counsel included Margaret Gangle. I represented primarily mothers who were the subject of protective custody hearings and termination-of- parental-rights proceedings. These included matters that were being monitored for my clients' compliance with conditions and cases that were resolved by consent decrees, along with many cases that were resolved by hearings before Commissioners including Commissioner Seneca Nolan, and trials before Judge James J. Gallagher. I prepared my clients and other witnesses for hearings and trials and tried the cases.**
- 2. For several months in the early 1990's, I was one of the Assistant City Counselors assigned to prosecute cases in the Municipal Division of the Twenty-Second Judicial Circuit, and appeals there from to Associate Circuit Court. I prepared witnesses, primarily victims and police officers, for trial and tried the cases. Cases included traffic matters, peace disturbances, assaults and the like.**
- 3. For several years as an Assistant City Counselor, I worked with senior or co-counsel on cases involving catastrophic and other injuries. One such case was Tondalio Mitchell et al. v. St. Louis Regional Hospital et al., No. 22952-07915. In this case plaintiffs asserted that the child's severe medical conditions were a result of medical negligence by St. Louis Regional Hospital and its doctors and Cardinal Glennon and its doctors. (The City law department used to provide legal representation to St. Louis Regional.) Opposing counsel was Leonard Cervantes. After three years of pre-trial activities, during which I prepared and argued pre-trial**

motions and performed other pre-trial activities, the plaintiffs dismissed their case.

4. For several years as an Assistant City Counselor, I also handled cases in the equity division of the Circuit Court for the Twenty-Second Judicial Circuit. One such example is Jerrold Wright v. City of St. Louis et al., No. 22994-01705, Circuit Court, May 2000. I represented the City and the Police Board. Opposing counsel was Michael Vogt. Plaintiff Wright brought a petition for preliminary and permanent injunction seeking to have a city ordinance regulating vendors declared invalid and seeking to have a vendor's license granted to him. After a bench trial, the trial court granted judgment in the City and Police Board's favor, which was affirmed on appeal.
5. During my tenure in the private sector, a case that I tried solo was Cavallini v. Tubbesing, No. 2100CC-01491, Twenty-First Judicial Circuit Court, February 2001. I represented the plaintiff, who was injured in an auto accident. Opposing counsel was Jon Sanner. I tried the case before a jury and Judge Mark D. Siegel, St. Louis County. The jury found in favor of my client in the amount of our last demand before trial.
6. As City Counselor, I have firsthand handled cases in the Twenty-Second Judicial Circuit Court. One such case was State of Missouri ex rel. Carpenters District Council of Greater St. Louis et al v. City of St. Louis et al., St Louis Circuit Court, No. 0622-CC8225; a group of employees brought suit to enjoin the City from moving forward with a particular pay plan ordinance; Charles Bobinette represented the employees. I represented the City and several related defendants. The Circuit Court, Hon. Edward Sweeney, denied the injunction.
7. Another case that I handled firsthand at a bench trial as City Counselor, before the Honorable Julian Bush, was St. Louis Police Officers Ass'n (SLPOA) v. Board of Police Commissioners, No. 064-939, in which the SLPOA challenged a change to police retirees' health benefits. I conducted various aspects of pre-trial preparation including researching health insurance issues, interviewing and deposing witnesses and first-chairing the trial. The trial court ruled in the Police Board's favor, although the case ultimately was reversed by the Missouri Supreme Court. Opposing counsel was Elkin Kistner.
8. As City Counselor, I also worked on Chad Johnson et al. v. St. Louis Police Board of Police Commissioners et al., No. 4:04CV-01266ERW, Federal District Court. I represented the Police Board and City defendants along with another attorney in my office. Opposing counsel

was Ann Lever, Dan Glazier, Legal Services of Eastern Missouri; John Ammann and others of St. Louis University Law Clinic; Steve Gunn and others of Washington University Law Clinic; Denise Lieberman, Stephen Ryals, ACLU. This was a case against the City, Police Board and the Downtown Community Improvement District, alleging unconstitutional policy and practice in their handling of the homeless. The case was settled during the pre-trial stage. I served as senior counsel and strategist to a staff attorney in the office. I negotiated the settlement and participated in mediation on behalf of the City and Police defendants.

9. **City of St. Louis v. Sprint Spectrum**, No. 034-02912-02, Hon. John Garvey, and related and similar lawsuits. **Sprint** was a case handled in-house by the City, as one among a series of lawsuits brought by municipalities across Missouri in order to collect gross receipts taxes on wireless communications services. I represented and monitored the City's interests in this and other lawsuits against multiple telecommunications companies. The litigation and efforts at legislative compromise ensued over a period of years with the City of St. Louis heavily involved in both aspects. The litigation matters ultimately were settled with each company individually, bringing in millions of dollars of disputed tax revenue to the City, culminating with a class settlement with AT & T in the lawsuit **University City et al. v. AT & T Wireless Services et al.**, with the City of St. Louis being a major contributor in facilitating that final settlement. Besides overseeing the litigation for the City, my individual involvement ranged from drafting and reviewing briefs in the **Sprint** case (which ultimately settled while on appeal), to participating in numerous settlement conferences and mediations, to drafting related state and local legislation. Opposing counsel in **Sprint** was Steve Clark and others; opposing counsel in **AT & T** was Mark Leadlove, Ed Downey and others.

10. **Pinnacle Entertainment, Inc., v. Land Clearance for Redevelopment Authority (LCRA) of the City of St. Louis et al.**, No. 4:10cv00943-AGF, Eastern District of Missouri, case settled 02/25/11. There also was a related state court case for declaratory judgment filed by the City. I served as in-house counsel to John Munich and Jane Dueker of Stinson Morrison Hecker in this suit filed by Pinnacle against the City. Opposing counsel were Jerome Riffel and Scott Dickenson of Lathrop Gage. Pinnacle, which owns Lumiere Casino, sought to preclude the City from supporting another gaming license in the City, and the suit raised issues concerning millions of dollars worth of redevelopment obligations. I spent several hours per week on this matter and was involved in every aspect of strategy and provided review of and input on pleadings and was involved in facilitating its settlement. After some preliminary rulings in the City's favor, the parties settled.

Judicial Experience: If you are a judge, commissioner, or are serving or have served in another judicial capacity, please describe the nature and extent of your judicial responsibilities:

Include the dates you have served at each level;

Identify the types of dockets you have handled; and

State any special expertise you have developed that you believe is relevant to your qualifications for the position for which you are applying.

N/A

12. Describe any additional legal experience that you believe may be relevant to the decision of the commission (e.g., work as a law professor, in government, as corporate or other legal counsel).

**Adjunct Professor, St. Louis University School of Law Spring 2003
St. Louis University School of Law, 3700 Lindell Blvd., St. Louis 63108
I taught a course in state and local government law during my tenure
as City Counselor.**

**Online Research Instructor, Lexis Nexis 1997-98
(Corporate headquarters- 9443 Springboro Pike, Dayton OH 45342)
I trained customers of the Lexis Nexis online research system during
my tenure as an Assistant City Counselor.**

As City Counselor I serve as general counsel to the City of St. Louis. Accordingly, in addition to working on litigation matters, I also spend a substantial portion of my time rendering legal advice to operational departments and boards and commissions outside the litigation setting. This includes providing daily, ad-hoc oral advice, writing research memos, and drafting and reviewing contracts. I also provide input on policies and procedures and conduct formal seminars. For example, I regularly conduct seminars for City employees on the Sunshine Law, and I recently served on a city-wide committee that devised an emergency response plan.

As City Counselor I also have testified before state and local legislative committees and I have extensive experience drafting and reviewing legislation. I also am responsible for the administration of the law department, which has approximately 40 attorneys in six locations, including at City Hall, the City's Development Agencies, Lambert Airport and at the Municipal Courts. The law department also has a problem properties unit devoted to reducing derelict and vacant properties and combating nuisance crime, and the law department represents the City in workers compensation claims and in

property damage and personal injury claims before they become matters of litigation. I am responsible for the law department's performance in all of these areas, and I also occasionally work with outside counsel.

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

**Women Lawyers' Association of Greater St. Louis, Current Member;
Board President, 2000-01; President-Elect, 1999-2000;
Secretary, 1998-99; Board Member At-Large, 1996-98
Bar Association of Metropolitan St. Louis, Member
International Municipal Lawyers Association, Member
Missouri Bar Association, Member
Missouri Municipal Attorney's Association, Member

American Bar Association, Bar Leadership Institute
completed March 1999**

14. List any professional articles or books authored by you that have been published or any special recognition or award of a professional nature you have received.

**Panelist, Midwest Regional Conference on Women in the Law,
Changes to Missouri Condemnation Law, June 2006
Co-Author, Asserting Claims of Unconstitutional Prison Conditions
Under 42 U.S.C. §1983, American Jurisprudence Trials
(1997)
Author, Fifth Amendment Takings Issues Under the Endangered
Species Act, 9 J. Land Use & Env'tl. Law 375 (Spring 1994)

Women Lawyers' Association of Greater St. Louis Past President's
Award for 2000-01**

D. PUBLIC SERVICE

15. Describe your community activities, including any organizations not listed elsewhere with which you are affiliated.

Currently I spend several hours per week on average engaged in activities surrounding my formal roles as Board Trustee, Third Grade Room Parent and Girl Scout Parent Volunteer at the Forsyth School, a private independent school that my children attend. In my role as a Board member, this school year I have been particularly involved in furthering a facilities master plan and property acquisition for the school, and I recently was called upon to serve on a committee to recommend the next Board President. In my role as a Room Parent, I am responsible for the planning and implementation of several events, including for example most recently assisting with a third-grade fundraiser for the local chapter of the Humane Society.

I also support various community organizations through membership and participation in member activities, as listed below. Throughout my life, I also have been actively involved in leadership roles in many organizations, and representative past activities also are listed below.

Current Community Activities & Affiliations:

**Forsyth School, Board of Trustees, Member
Forsyth School, 3rd Grade Room Parent
Girl Scouts of Eastern Missouri, Parent Volunteer
Hi-Pointe Neighborhood Improvement Association, Member
Missouri Botanical Garden, Member
St. Louis Art Museum, Member
St. Louis Zoo, Zoo Friends, “Naturalist” Member
St. Louis Repertory Theater, “Star Backer”
Haven of Grace, “Dream Builder”
Little Sisters of the Poor, St. Louis Residence, Supporter
Girl Scouts of Eastern Missouri, “Family Partner”
Trailnet Inc., Member**

Representative Past Community Activities:

Center for Women in Transition, Mentor

YWCA, Reading Tutor

Teltemps Training Resources Inc., Board Member

Franz Park Community Association, President, Vice-President

FOCUS St. Louis, Access and Opportunity Steering Committee

Confluence St. Louis, Issues Tracking Committee

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

Yes. I currently serve as City Counselor (City Attorney) for the City of St. Louis, which is an appointed position. I also served as Interim Chief of Staff to the Honorable Francis G. Slay, Mayor of the City of St. Louis, which was an appointed position. I served in that interim capacity with the understanding that such appointment was temporary and that I would resume my position as City Counselor.

17. Provide the branches and dates of (a) military service or (b) other public service not otherwise disclosed in this application. If discharged from the military, state whether the discharge was other than honorable. **N/A.**

E. PROFESSIONAL CONDUCT AND ETHICS

18. Were you ever refused admission to the bar of Missouri or the bar of another state or the federal courts? If yes, provide details.

No.

19. Have you ever been disciplined, admonished or cited for breach of ethics or professional conduct by the Supreme Court of Missouri or by any court or bar association or committee thereof? If yes, provide details.

No.

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

N/A

- a. Whether an order of discipline ever has 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, provide details.
- b. Whether a reprimand or admonition ever has been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Supreme Court Rule 12.07. If yes, provide details.

21. Have you have ever been held in contempt of court? If yes, provide details.

No.

22. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem?

No, I never have been sued by a client.

Yes, I believe I have been a party to litigation in my official capacity as City Counselor in cases where I was named only as a nominal party but which did not involve me personally in any way. Any such cases were dismissed in the early stages and I am not aware of the styles of those cases.

Yes, I have been a party to two matters of litigation in a personal capacity and they are listed below.

If your answer is yes, state the style of the case, where it was filed and explain in detail. If you are a judge and you have been sued in your judicial capacity, list only those cases where you are or were other than a nominal party.

Hageman v. Burger, 07SL-DR0026, petition for dissolution of marriage filed 10/02/07 in St. Louis County, consent decree entered 04/09/08.

Carpenter v. Hageman, small claims suit on account filed 6/11/93 in St. Louis County, to which I filed counter-claims; I disputed the workmanship of clothing alterations and the amount billed by the retail store; the case was dismissed without prejudice and not refiled.

23. Have you ever been convicted or received a suspended imposition of sentence for a felony or misdemeanor in state, federal or military court? *(Note that this question does not require that traffic offenses or other infractions be listed.)*

No.

If your answer is yes, state the style of the case, where it was filed and explain in detail.

24. Are you delinquent in the payment of any federal, state, county or city taxes? If yes, provide details.

No.

F. MISCELLANEOUS

25. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of being an appellate judge, including participating in oral argument; performing legal research; communicating clearly and effectively, both orally and in writing; supervising the lower courts, serving on court committees and

performing other administrative functions; and expeditiously deciding issues coming before the court.

Yes, I am fully able to perform these functions.

26. You must attach to this application at least one, but not more than three, writing samples that comply with the requirements set out in the instructions for applicants.

Attached.

27. List/describe any additional honors or awards you have received, activities you have performed, or any other information not set out above that demonstrates the quality of your work as an attorney or that you otherwise believe is relevant to the commission's decision.

As City Counselor, along with being a zealous advocate for the "the City" in litigation when called upon, I have met also with situations that lend themselves to problem-solving or settlement and draw upon the necessity of balancing the interests of the community-at-large. That is, representing "the City" many times necessitates considering the interests of individuals, taxpayers, the business community, employee groups, community groups, visitors and/or whatever stakeholders are present in a particular matter.

I believe these dual roles of advocate and facilitator of resolutions has prepared me well for the role of the intermediate appellate judiciary. Through these dual roles, I have seen the need to build consensus when feasible, and I have seen firsthand that no single group of stakeholders is "always right", but rather that the City functions better when a balancing of the interests can occur.

Relatedly, these situations have provided me with a unique perspective of the profound impact that the law has on all facets of our society. Some of these matters have seemed as routine as weighing how to approach nuisance crime in a neighborhood, or whether to settle a citizen's property damage claim, while some have been as obviously far reaching as facilitating a settlement in a lawsuit over how the City addresses the homeless population. But no case has been routine and each one has in fact touched the community. Accordingly, I have approached each matter within the confines of existing law as well as with the balanced and serious consideration it is due. In this way, I believe my nearly ten-year service as City Counselor has been uniquely relevant to the role of the judiciary.

Please list the names of *five* persons whom you will ask to provide letters of reference for you with respect to your judicial qualifications. Do **not** list as a reference a judge of the court involved. As to each of the (5) references, **please provide name, title, mailing address, telephone and e-mail address. Please note that it is your responsibility to contact your references**, although if you intend to use as a reference a federal judge or other individual who only can provide a reference upon a specific request by the interviewing authority, please advise the commission and it will send that reference such a request. As to all references, it is your responsibility to see that they send the requested letters in a timely manner.

Provide your references with the attached Guidelines for References. The commission must receive your letters of reference, **via e-mail**, to EDjudgevacancy@courts.mo.gov, by the date indicated in the Instructions to Applicants.

FIVE REFERENCES

Mr. Rodney Boyd
Partner
SNR Denton
One Metropolitan Square
211 N. Broadway, Suite 3000
St. Louis, MO 63102
314-259-5825
rodney.boyd@snrdenton.com

Ms. Sheila Greenbaum
Shareholder
Capes, Sokol, Goodman & Sarachan, P.C.
Pierre Laclede Center
7701 Forsyth Blvd., 12th Floor
Clayton, MO 6315
314-505-5414
greenbaum@capessokol.com

Mr. C. Brendan Johnson
Partner
Bryan Cave LLP
One Metropolitan Square
211 N. Broadway, Suite 3600
St. Louis, MO 63102
314-259-2438
brendan.johnson@bryancave.com

**Honorable Francis G. Slay
Mayor, City of St. Louis
1200 Market St., Room 200
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