

**SEVENTH CIRCUIT JUDICIAL COMMISSION
CLAY COUNTY, MISSOURI
APPLICATION FOR CIRCUIT JUDGE**

PLEASE NOTE: RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF TRHE APPLICANT IS SELECTED AS ONE OF THE NOMINEES FOR THE VACANCY.

1. State your full name.

David Paul Chamberlain

2. State your date and location of birth.

December 13, 1962; Cambridge, Nebraska

3. State your present occupation, place of work, and job title.

Associate Circuit Judge, Division V, 7th Circuit,
Clay County Courthouse, 11 South Water, Liberty,
Missouri 64068



4. Provide the following information concerning your eligibility for the office of Circuit Judge:

(a) Are you at least thirty years of age? **Yes**

(b) Are you licensed to practice law in Missouri? **Yes**

(c) Have you been a citizen of the United States for at least ten years? **Yes**

(d) Have you been a resident of Clay County for at least one year? **Yes**

5. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of a Circuit Judge, including the ability to preside over trials, conduct legal research and analysis, attend court anywhere in the State of Missouri, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court.

I am able to perform all of the essential functions.

6. State the year of your admission to the Missouri Bar and whether your license is and always has been in good standing. If not, please explain.

I was admitted to the Missouri Bar in 1989 and I have always been in good standing.

7. List any other states, courts, or agencies in which you have been licensed as an attorney, and state whether your license is and always has been in good standing.

I was admitted to the Kansas Bar in 1991 and voluntarily went on inactive status in 2008. Prior to inactive status I was always in good standing. I have also been admitted to the United States District Court for the Western District of Missouri and the United States Court of Appeals for the Eighth Circuit.

8. Provide the following information for all colleges or universities, other than law schools, you have attended:

(a) Name and location of institution. Southwest Missouri State n/k/a Missouri State, 901 South National, Springfield, MO 65897.

(b) Dates attended and degrees received. Fall 1981 -1985. I received a Bachelor of Science in Economics.

(c) Significant activities, achievements, honors, and awards. I lettered in tennis four years. I also was in a fraternity, of which I held several offices including President.

9. Provide the following information for all law schools you have attended:

(a) Name and location of law school. University of Missouri at Kansas City School of Law, 5100 Rockhill Road, Kansas City, MO 64110

(b) Dates attended and degrees received. Fall 1986-Spring 1989. I graduated with a Juris Doctorate Degree.

(c) Significant activities, achievements, honors, and awards. I received recognition from the American Bar Association Negotiation Competition.

10. State whether you have ever been suspended or expelled as a student from any school or educational institution. If so, please explain.

No, I have never been suspended or expelled as a student.

11. List, in chronological order, all non-legal and legal employment you have held post-high

school. Include the name and location of each employer, job title, dates of employment, and reason for termination of employment.

Tennis teaching professional, Kansas City Country Club, 6200 Indian Lane, Mission Hills, KS, 66208. I taught in the summer, as summer employment in 1981-1982.

Tennis teaching professional, Indian Hills Country Club, 6847 Tomahawk Road, Mission Hills, KS, 66208. I taught in the summer, as summer employment in 1983-1985.

Byron Neal Fox, 600 Broadway, Kansas City, MO, 64105. Investigator 1985-1986. I worked full time for Mr. Fox prior to law school. I left to attend law school.

Morris and Foust, City Center Square, Kansas City, Mo 64105. Law Clerk 1987-1989. I left to clerk at a larger firm to explore the differences between large and small law firms.

Niewald, Waldeck, Norris and Brown, 911 Main Street, Kansas City, MO 64105. Law Clerk 1989. I left upon acceptance of full time employment following law school.

Patton & Associates, 1 Victory Drive, Liberty, MO 64068. I began as an associate in 1989. Eventually I became partners in law with Gary K. Patton under the name Patton & Chamberlain, P.C., located at 114 Westwoods Drive, Liberty, Mo 64068. I left in 2008 after my appointment to the bench.

Associate Circuit Judge, Clay County, MO, 2008 to present.

12. Describe the nature and extent of your experience as a practicing attorney in the trial and appellate courts, and explain how such experience demonstrates the quality of your legal work.

In my 19 years as a practicing attorney I represented clients in a number of different settings. I tried criminal and civil jury trials in both State and Federal Court. In the criminal trials I was representing the accused and in the majority of the civil jury trials I represented the plaintiff. I also tried numerous judge tried or bench trials of all nature representing both claimants and defendants. I also tried numerous cases in the domestic area, including dissolution of marriage, paternity, juvenile, adoption, and termination of parental rights. I also represented clients in the appeal process both as the Appellant and the Respondent. As a member of a small firm I was responsible for all aspects of the various cases, from initial client contact through the appeal, if taken.

It should be noted, and is probably obvious, but for every client in private practice that I represented in a "trial" there were dozens that I represented in matters that concluded prior to "trial"

I was not only an associate in a law firm, but as a partner I was involved in the

various management aspects of the business side of being a lawyer. I was involved in the hiring and firing of staff and all other day- to-day duties of running any successful business.

Upon my appointment to Division V in Clay County as Associate Circuit Judge I began on day one hearing contested matters. To this day I have relied on my experience in private practice when performing my current duties. I think I have a well-rounded perspective on the process of a person's involvement with the judicial system having represented hundreds over my years in private practice.

13. Provide a representative list of at least ten cases in which you served as the primary attorney at trial or an administrative hearing. The list should include the style of each case, court or administrative agency, identification of your client, and the nature and date of disposition.

Tremain v. Tremain, 06AE-CV02528. Platte County. This was dissolution of marriage case tried in front of Judge VanAmburg which dealt with many issues including child custody, support, maintenance, business evaluation and attorney fees. I represented the husband/father.

Gordon v. Luetticke, CV704-100C. Livingston County. This was a breach of contract case tried in front of Judge Griffin. I represented the seller who was accused of selling a house with hidden and undisclosed defects. We received a defense verdict.

Breashears & Sehorn v. Hartley Mortgage, 04CV236588. Jackson County. This was a mortgage fraud and Missouri Merchandising Act violation case. I represented the defendant in a 6 day jury trial which resulted in a defense verdict.

Russell v. Russell, CV104-010704-01DR. Clay County. This was a modification case which dealt with child custody, emancipation, college expenses, and continuing support for a handicapped adult child. I also represented the wife/mother in the original case which was settled.

Carolan v. KTTR Services, Inc. 7CV101000930. Clay County. I represented the plaintiff in this action that started with a successful defense to a criminal charge that led to a successful settlement in a malicious prosecution case.

Burroughs v. Burroughs, 06CY-CV04123. Clay County. I represented Mrs. Burroughs in this divorce case that was tried and also the modification that was settled. The husband was the business owner so this case involved business evaluation, maintenance, child support and asset division.

Harbour Villas v. Barsco Mechanical. Arbitration. This was a claim by both parties against the other based on a large apartment complex subcontract on a plumbing job. I represented the sub-contractor. This case was submitted to a privately hired arbitrator consistent with the contract. Unfortunately, as is all too common in arbitrations

the arbitor tried the “Solomon” approach of “splitting the baby”, resulting in neither party feeling they obtained justice. I have found as a judge that hard decisions must be made and you often cannot take the easy way out of trying to make everybody happy.

Neuenswander v Neuenswander, 7CV105002463 Clay County. This was dissolution of marriage case in which I represented the business owner. This case involved several issues including misconduct, business evaluation, maintenance, child support, child custody and college expenses. I also represented the same party on a modification of maintenance case.

Modeer v. Claussen, 7CV107000094. Clay County. This was a breach of contract based on a promissory note. The case was settled right before the trial with my client, the defendant, entering into an unusual payment plan the terms of which avoided any judgment being entered against him.

JG Pro Painting v. Lakey Custom Homes, 7CV195004994 Clay County. I represented the plaintiff in this jury tried case which dealt with the non-payment for painting services. The interesting aspect of this case was that some parts of the claim were based on a written contract and other aspects of the claim were based on services provided and accepted without payment. My client received a jury verdict for his full claim and we were able to attach funds on other home sales of the defendant to collect the judgment.

14. If you have appellate experience, provide a representative list of cases in which you served as the primary attorney on appeal. The list should include the style of each case, appellate court or administrative agency, identification of your client, and the nature and date of disposition.

Jack Carolan v. William Nelson, WD66930. This was a successful appeal from the trial court’s ruling on a real estate option contract. The trial court ruled against my client the Appellant. I was able to convince the Court of Appeals that the trial court abused its discretion and failed to follow the law.

Janna Godfrey, v. James Godfrey, WD63042. This was an appeal on a domestic matter dealing mainly with the award of spousal maintenance against my client. The Court of Appeals affirmed the trial court.

United States v. Steven Ramsey, 92-3883. This was an appeal I filed and argued in the United States Court of Appeals for the 8th Circuit in St. Louis following the jury conviction of my client on Federal drug and gun charges. The Court of Appeals upheld the conviction.

15. If you are serving or have served in a judicial capacity, describe the nature and extent of

your judicial responsibilities, the types of dockets handled, and any special expertise developed.

Division V is part of the Family Court, along with Division III and Division VIII. My normal assignment is approximately 75% of all divorce actions filed in Clay County. I am also responsible for all petitions seeking an Order of Protection filed in Clay County. I preside over a number of contested matters almost every day. It is not unusual for me to hear and rule on two contested divorce cases in one day, let alone several in a week's time frame.

I hear a motion docket Monday-Thursday at 9:00 am and Wednesdays at 1:30 pm. I conduct pre-trial conferences on Friday mornings. I hear trials after the motion dockets Mondays through Thursdays and on Friday afternoons.

I developed the pro se divorce docket for litigants who are representing themselves in their case without the assistance of a lawyer. With changes made by the Missouri Supreme Court and the Missouri Bar, coupled with the internet, more and more people are trying to get divorced without the aid of an attorney. We have substantially increased the percentage of citizens obtaining their requested relief, a Judgment of Dissolution, while at the same time substantially reducing the time to do so. In addition, through docketing and time management changes in Division V, Clay County was able to successfully close more domestic cases than were filed in 2012, for the first time in several years.

In addition to my normal docket as described above, I have taken on several other assignments, including Juvenile cases for any change of Judge requests from the regular Juvenile Judge and several Circuit Court cases including felony criminal charges resulting in Jury trials and several civil tort type cases that have resulted in jury trials. Some of these trials are short in duration while others are quite long.

While I do not think that a perfect or near perfect appellant record in and of itself is indicative of a good trial Judge, I am proud to say that I have never had my decision overturned, except one time by the Court of Appeals. The Appellant decision, however, was reversed by the Missouri Supreme Court.

In the 2010 judicial evaluations I received scores ranging from 4.71-4.84 on a 5 point scale for an average of 4.77, which according to Missouri Lawyers Weekly was the second highest average of all Judges across the State who were standing for retention in 2010.

I have always admired and respected the law. Both as an attorney and now as a Judge I constantly and consistently defend this honored profession. While I took being a lawyer seriously I have stridently increased how I go about showing respect and honor for my current position. While being a Judge is a job, it is not one that you can shut off at 5:00. I am keenly aware of my presence and how I conduct myself 24 hours a day. While "on the job" I strive each and every day to accomplish the task that I think every

trial Judge should and that is to provide a fair opportunity for all involved to advocate their position and then follow the law, and nothing else, in making my decisions.

16. If you are serving or have served in a judicial capacity, provide a representative list of at least ten cases over which you have presided to completion. The list should include the style of each case and the nature and date of disposition.

Gleason et al v. Bendix et al., Case No. 7CV105004627. This is more commonly referred to as the "bus case". This is the final litigation arising out of a horrible school bus accident in 2005. The trial actually involved three cases that were consolidated. There were two serious injury claims by young children and a wrongful death claim. The trial lasted 8 weeks and involved over 60 witnesses and over 350 exhibits. The jury returned defendant verdicts. I anticipate post-trial motions on this case.

State v. Waldrup, Case No. 08CY-CR01037. This was a criminal matter that resulted in a guilty verdict delivered by a jury. The defendant was charged as a prior and persistent offender. The defendant originally secured a reversal in the Western District Court of Appeals, but the Missouri Supreme Court found that my original evidentiary ruling was correct and reinstated the conviction.

Louiselle et al v. Mitchell, Case No. 10CY-CV13874. This was an automobile accident in which both Plaintiffs, a mother and daughter, received a nominal jury verdict following a four day trial. No appeal was taken.

In Re Heather Gustin, Case No. 12CY-PR00248. This was a Petition for the appointment of a guardian/conservator brought by a mother against her adult child. Following the jury being empaneled the Applicant dismissed her action.

Eldins v. Scott et al., Case No. 7CV105011572. This was a jury trial brought by two injured parties that were injured by a driver who was alleged to have been drinking alcohol while driving. The defendant fled the scene so the Plaintiff's did not have on the scene evidence of alcohol consumption. After 5 days of evidence the jury returned a significant verdict in favor of both Plaintiffs. No appeal was taken.

Hall v. Hall, Case No. 08CY-CV04746. This was divorce case dealing with almost all issues in a divorce except business evaluations. This case was appealed to the Western District which sent the case back to the trial judge (me) for specific findings as to custody which were made and then upheld on appeal.

Byerley v. Byerley, Case No. 08CY-CV02583. This was a divorce case that also had the Paternal Grandparents involved as intervenors that were also seeking custody and/or visitation time with the minor child. The minor child was actually the Husband's biological grandchild who had been adopted by the Husband and Wife during their marriage. There were additional complicating factors including the Wife/Mother's partial incapacity due too Multiple Sclerosis. No appeal was taken from my decision.

Stoneking v. Stoneking, Case No. 7CV102003615-01. This was a modification case from a Judgment originally entered by Judge Davis. The interesting aspect of this case was the personalities of the parties, primarily the Father who through his actions and statements made himself a security risk to the Mother and Courthouse staff. No appeal was taken from my decision.

O'Dell v.O'Dell, 10CY-CV04657. This was a divorce case in which severe marital misconduct was alleged and evidence received. This case was interesting because of the interplay between the misconduct and the effect, or lack thereof, on the minor children. No appeal was taken from my decision.

In re the Interest of A.B.K., Case No. 12CY-JU00023. This was a juvenile case. The allegation was that the children of the still intact marriage were in need of Juvenile "oversight" because of the Father's criminal conviction and "thoughts" about his daughter. Father had previously plead guilty to a sex crime involving another child and had completed five years of supervised probation. After I sustained the allegations in the petition the Father, having been caught with child pornography on his work computer, committed suicide. No appeal was taken from my decision.

All of the above cases were Circuit Court cases.

17. If you do not have significant experience in litigation or in a judicial capacity, describe any other legal experience or accomplishments in the legal profession that may qualify you to serve in the office of Circuit Judge.

Not applicable. As you can see above I have significant experience in litigation and in my judicial capacity.

18. List all bar associations and law-related organizations of which you are or have been a member, with any offices held and dates of membership.

Missouri Bar 1989-present
Kansas Bar 1991-2008
Clay County Bar 1989-present
KCMBA 1989-present

19. List any published articles or books you have authored and any significant programs or events for which you served as a primary speaker.

I have not authored any published articles. I have had various speaking engagements at the Clay County Bar Association. In 2011 I was asked by the Missouri Trial Judge Education Committee to lecture at both the summer and fall Judicial College. I have also spoke at the Bench-Bar Conference in 2012 regarding direct and cross examination of an expert witness in business evaluations.

20. Do you now or have you ever held any elective or appointive public office or position? If so, please explain.

My current position of Associate Circuit Judge is an appointed position.

21. Provide the branches and dates of any military service or other public service not otherwise covered in this application. If discharged from the military, state whether the discharge was other than honorable.

None

22. Describe your community and volunteer service activities, including any organizations (outside the legal profession) with which you are affiliated and any offices held.

Liberty Sertoma Club, President; Triality, Chairman of the Board; Liberty Community Christmas Tree, Chairman; Freedom House, advisory board; Liberty School Foundation, board member; Youth Friend, volunteer. My family attends Shoal Creek Church.

23. List any significant honors or awards you have received that otherwise have not been covered in this application.

No other awards not already mentioned herein.

24. Are you delinquent in the payment of any federal, state, county or city taxes? If so, please explain.

I am current on all taxes.

25. Have you ever been convicted of a misdemeanor or felony or received a suspended imposition of sentence in any federal, state, or military court? If so, please explain and provide the style of the case (including case number), the court, the date of the conviction, and the sentence or fine imposed.

No, I have never been convicted or charge with a misdemeanor or felony.

26. Have you ever been held in contempt of court? If so, please explain.

I have never been held in contempt of court.

27. Have you ever been sued by a client or been a party to any litigation, other than as a guardian ad litem, plaintiff ad litem, or defendant ad litem? If so, please explain and provide the style of each case, the court, your role as plaintiff or defendant, and the nature and date of disposition.

Yes. My prior firm was named and I was individually named by a former client in a domestic matter as a defendant in Mautino v. Patton et al, 10CY-CV06861 in Clay County. Ms. Mautino was unhappy with legal advice dealing with the termination of contractual maintenance. In a case involving very similar facts, the Missouri Supreme Court ruled that the nature of the advice in the case in front of the Court was appropriate. The litigation was settled by the insurance carrier in 2010 for a nominal amount.

28. 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? If so, please explain.

I have never been disciplined or cited for any breach of ethics or professional conduct by any Court or bar association.

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

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct? If so, explain the details of such breach and the date, nature, and duration of the discipline imposed.

I have never had a judicial complaint or been subject to any disciplinary proceedings.

- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. If so, explain the details of such cause and the date and nature of the discipline imposed.

No. See (a) above.

- (c) Whether, to your knowledge, you are the subject of a complaint that is currently under investigation by the Commission on Retirement, Removal and Discipline. If so, explain that nature of such complaint and the status of the investigation.

No. See (a) above.

30. Provide any additional information that you consider relevant to your qualifications for the office of Circuit Judge.

Unlike possibly any other candidate I have the well-rounded legal experience for this position. I have met with clients from the inception of their legal experience. I have prepared petitions, answers, conducted paper discovery, deposed witnesses, attended depositions with clients, conducted direct examination of expert witnesses and cross-examined expert witness, for hundreds of clients and then tried their case and represented them in the appeal if necessary. I have stood in front of Circuit Judges advocating for clients. I know what it means to practice law and represent clients and how the Court can affect the litigants. I am keenly aware of the impact of the decisions I make as a Judge.

Perhaps more importantly in the five years while I have sat as an Associate Circuit Judge, the vast majority of cases I have heard have been Circuit Court level cases. My moving from an Associate Circuit Judge to a Circuit Judge will be as effortless as changing a Courtroom number from five to two. I will not need on the job training.

31. List the names and contact information (title, mailing address, telephone, and email address) of the **five** persons whom you have requested to provide letters of reference regarding your character and judicial qualifications. Do not list as a reference any judge who currently sits in the Seventh Judicial Circuit.

While I have had lawyers offer their assistance I have chosen to have the following non-lawyers write a letter on my behalf.

Paul Black
863 Reese Street
Liberty, MO 64068
816-781-2585
pblack@cletcherheartland.com

Michael Hendershot
322 W. Franklin
Liberty, MO 64068
816-935-9405
mwhendershot@yahoo.com

Mary Alice Dobberstine
304 E. Camelot Drive
Liberty, MO 64068
816-305-6625
mdobberstine@kansascityhomes.com

Stephanie Kurtz
8027 N. Tracy
Kansas City, MO 64118
816-737-4029
stephyg1234@yahoo.com

Charles Newton
12605 N.E. 108 Street
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816-415-2540
Figav8r@gmail.com

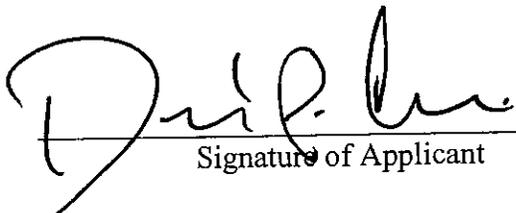
**CERTIFICATION OF ACCURACY AND
AUTHORIZATION FOR RELEASE OF INFORMATION**

By my signature to this form, I certify that all statements made in my application for the office of Circuit Judge and attachments thereto are truthful and correct. I further certify that if I am nominated by the Seventh Circuit Judicial Commission and appointed to the office of Circuit Judge, I will accept the appointment and perform the duties of that office as provided by law.

By my signature to this form, I authorize: (1) the Commission, through its Chairperson, to obtain relevant information, including but not limited to documents, records, and files, with respect to my medical, law enforcement, 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. It is my understanding that the information obtained pursuant to this authorization shall be made available only to the members of the Seventh Circuit Judicial Commission and their staff as necessary to perform their duties.

Notwithstanding the above, in accordance with Supreme Court Rule 10.28 (e), 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.

This certification and authorization shall remain in full force and effect until revoked by me in writing.



Signature of Applicant

4-16-13
Date



Printed Full Name of Applicant