

**APPLICATION OF JACQUELINE ANNETTE COOK  
TO THE APPELLATE JUDICIAL COMMISSION FOR THE  
JUDGES HOLLIGER, SPINDEN AND DANDURAND VACANCIES  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

*RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE  
APPLICANT IS NOMINATED FOR ANY OF THESE THREE VACANCIES*

**1. Present principal occupation or title:**

Presiding Judge and Circuit Judge, Division I, 17<sup>th</sup> Judicial Circuit (Cass and Johnson Counties).

**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?**

50 years

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

24 years

**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 13, 1989. I am an attorney in good standing in the State of Missouri, as well as all other jurisdictions in which I have been admitted.

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

1989 United States District Court, Western District of Missouri

1990 Supreme Court of Kansas

1990 United States District Court for the District of Kansas

1990 United States Court of Appeals, Eighth Circuit

1992 United States Court of Appeals, Tenth Circuit

1993 United States Supreme Court

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

University of Illinois at Urbana-Champaign, 901 W. Illinois St., Urbana, Illinois 61801. August, 1976-December, 1976

Central Missouri State University, Warrensburg, Missouri 64093. March, 1977-August, 1980. B.S. History

University of Missouri - Kansas City, 5100 Rockhill Road, Kansas City, Mo 64110; 1981-1989 (part-time). M.A. History

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

N/A

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

University of Missouri at Kansas City School of Law, 1986-1989, J.D.

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

Member, UMKC Law Review (1986-89)

Managing Editor, UMKC Law Review (1988-89)

General Counsel, Student Bar Association (1988-89)

UMKC Law School, Order of the Barristers

UMKC Law School, Moot Court Board

UMKC National Trial Advocacy Team

Ralph Latshaw Award for Excellence in the Study of Criminal Law

8. **State, in chronological order (starting with the earliest employment) (a) significant non-law-related employment prior to law school and (b) all**

**employment from the beginning of law school to the present. To the extent reasonably available to you, include the name and address of each employer and the dates of employment, and, for legal employment, describe the positions you have held, e.g., associate, partner, law clerk, general counsel.**

While I was in high school and college, I held numerous part-time jobs, including detasseling corn, walking beans, working as a waitress, as a secretary and in a factory. It was not until after graduation from college that I obtained my first full time job.

1981-82: Mutual Benefit Life Insurance Company, Kansas City, Missouri  
1982-85: Mid American Lumbermen's Association, Kansas City, Missouri  
1985-86: University of Missouri, Kansas City, Missouri, Graduate Teaching Assistant to Professor Stanley Parsons, Department of History  
Summer 1987: Sinclair, Kantack & Thompson, Kansas City, Missouri, Law Clerk  
Summer 1988: Woolsey Fisher Whittaker & McDonald, Springfield, Missouri, Law Clerk  
1989-90: Hon. Fernando Gaitan, Jr., then Missouri Court of Appeals, Western District, Kansas City, Missouri, Law Clerk  
1990-94: Koeningsdorf and Wyrsh, subsequently renamed Wyrsh Atwell Mirakian & Lee, P.C., Kansas City, Missouri, Associate  
1994-96: Stinson Mag & Fizzell, Kansas City, Missouri, Senior Associate  
1996: Solo practice. Officed with Stites, Hopkins, Fair & Riederer, Kansas City, Missouri  
1997-2000: Wyrsh Hobbs Mirakian & Lee, P.C., Kansas City, Missouri, Shareholder  
2001-present: Circuit Judge, 17<sup>th</sup> Judicial Circuit  
2008-present: Presiding Judge, 17<sup>th</sup> Judicial Circuit

9. **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

10. **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:**

Following law school I served as a judicial law clerk for the Hon. Fernando Gaitan, Jr., then Missouri Court of Appeals, Western District. My duties for Judge

Gaitan included reviewing the legal files and briefs of the parties, preparation of bench briefs, and assisting in the preparation of written opinions. My work with Judge Gaitan improved my research and writing skills, trained me to thoroughly review the record, developed my analytical skills, and increased my understanding of the necessity of proper record preservation.

While in private practice I focused on criminal (primarily white collar) and complex civil litigation in both state and federal courts. On the trial level, I served as counsel or co-counsel in a significant number of state and federal cases; my duties included extensive pre-trial and post-trial motion practice, pre-trial hearings, trial preparation and investigation, opening and closing statements, direct and cross-examination, preparation of instructions and sentencing hearings. Many of my criminal cases were resolved by guilty pleas, or in federal court, conditional pleas and appeal. My appellate practice included over fifty (50) cases, in both federal and state courts, of which I served as either counsel or co-counsel. I reviewed records and transcripts, researched legal issues, wrote and prepared briefs, and argued before the courts.

Since I have been on the trial bench I have presided over numerous civil and criminal jury and non-jury trials, including medical malpractice, personal injury, wrongful death, contract, homicides, all types of A,B, C, D and unclassified felonies, domestic and juvenile cases. I have also had the opportunity to serve as a judge by special designation on the Missouri Court of Appeals, Western District and the Missouri Supreme Court.

I believe the quality of my legal work is demonstrated by the receipt, while in private practice, of an AV rating (legal skills and ethics) by peer review from Martindale Hubbell, the trust federal judges placed in me by my appointment in many high profile and/or complex criminal cases in the United States District Court for the Western District of Missouri, my appointment to important committees such as the Subcommittee for Model Criminal Instructions for the Eighth Circuit, my selection to participate in the Advanced Science and Technology Adjudication Resource Program by the Missouri Trial Education Committee, and my record of cases appealed from my court to the Western District of Missouri and/or Missouri Supreme Court.

- 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) including, to the extent reasonably available to you, the style, date, and court and, if published, the citation; identify the client(s) you represented and opposing counsel; give a one-paragraph description of the case and your role.

In my private practice I briefed and/or argued over fifty state and federal cases. A representative number are as follows:

*Jones v. Delo*, 258 F. 3d 893 (8<sup>th</sup> Cir. 2001). Client: William R. Jones, Jr. Opposing counsel: Frank A. Jung, Assistant Attorney General, State of Missouri. I served as appointed counsel for Mr. Jones in federal district court and on appeal from October, 1990 to December, 2000. I wrote and argued the appeal from the district court's denial of Mr. Jones's writ of habeas corpus, appealing his death sentence for the murder of Stanley Albert in 1986.

*Grand Jury Proceedings v. United States*, 156 F.3d 1038 (10<sup>th</sup> Cir. 1998). Client: Dan Anderson, President and CEO of Baptist Hospital, Kansas City, Missouri. Opposing counsel: Tanya Treadway, Asst. U.S. Attorney, Dist. of Ks. I served as co-counsel at trial and on appeal. My duties included preparation of pre-trial motions and briefs on appeal. The appeal stemmed from grand jury proceedings in the federal district court of Kansas. Baptist Hospital responded to grand jury subpoenas. Mr. Anderson sought to intervene and quash the subpoenas, or in the alternative, for protective order on the grounds of attorney-client privilege.

*In re Grand Jury Subpoenas*, 144 F.3d 653 (10<sup>th</sup> Cir. 1998). Client: Dan Anderson, President and CEO of Baptist Hospital, Kansas City, Missouri. Opposing counsel: Tanya Treadway, Asst. U.S. Attorney, Dist. of Ks. I served as co-counsel at trial level and on appeal. My primary duty was all trial level motions and preparation of briefs on appeal. The appeal arose from grand jury proceedings which sought to compel testimony from hospital attorneys. Mr. Anderson sought to assert attorney-client privilege and the work product doctrine based on his relationship with attorneys in his individual capacity.

*United States v. Cain*, 128 F. 3d 1249 (8<sup>th</sup> Cir. 1997). Client: James H. Cain, Jr. Opposing counsel: Linda Parker (Marshall) Asst. U.S. Attorney, W.D. of Mo. I represented Mr. Cain in a multi-defendant conspiracy to commit fraud and illegal securities fraud transactions in the United States District Court for the Western District of Missouri. Mr. Cain was convicted and after appeal, his conviction affirmed but remanded for re-sentencing as to a reduction in loss amounts and restitution.

*United States v. Wells & Steele*, 127 F. 3d 739 (8<sup>th</sup> Cir. 1997). Client: Jerry Wells. Opposing counsel: Matt Whitworth, Asst. U.S. Attorney, W.D. of Mo. I served as co-counsel during Mr. Wells' trial in the United States District Court for the Western District of Missouri for making a false statement to a bank, as well as on his many appeals, including appearing with James R. Wyrsh before the United States Supreme Court. This appeal occurred after remand from the United States Supreme Court. The central issue before both the appellate court and the Supreme Court was whether materiality was an element of 18 U.S.C. sec. 1014.

*United States v. Hazelett*, 32 F. 3d 1313 (8<sup>th</sup> Cir. 1994). Client: Rickey Hazelett. Opposing counsel: John Ware, Asst. U. S. Attorney, E.D. of Mo. I wrote and argued the appeal of Mr. Hazelett's conviction for possession with intent to distribute cocaine. The Eighth Circuit reversed Mr. Hazelett's conviction and remanded for new trial, finding that the admission of an out-of-court statement by a witness violated Fed. R. Evid. 804(b)(3) and the Confrontation Clause.

*United States v. Barnhart*, 979 F. 2d 647 (8<sup>th</sup> Cir. 1992). Client: D. Gary Barnhart. Opposing counsel: Marietta Parker, Asst. U.S. Attorney, W.D. of Mo. I served as co-counsel in the underlying federal trial wherein Mr. Barnhart was convicted of one count aiding and abetting the execution of a scheme to defraud. I was responsible for the preparation of the brief on appeal. On appeal, the Eighth Circuit vacated Mr. Barnhart's conviction based upon the trial court's error in giving a "willful blindness" instruction.

*United States v. Garlich*, 951 F. 2d 161 (8<sup>th</sup> Cir. 1991). Client: John Garlich. Opposing counsel: Matt Whitworth, Asst. U.S. Attorney, W.D. of Mo. Co-counsel on appeal, responsible for preparation of brief. This case stemmed from an appeal of the district court's erroneous belief that it could not depart downward from federal sentencing guidelines for aberrant behavior. The appellate court reversed and remanded for new sentencing.

*State ex rel. Picerno v. Maurer*, 920 S.W. 2d 904 (Mo. App. W.D. 1996). Client: attorney John Picerno. Opposing counsel: Amy McGowan, Asst. Prosecuting Attorney, Jackson Co., Mo. I served as co-counsel in proceedings before Judge William Maurer and on writ of prohibition. I was responsible for all briefing. The issue before the appellate court was the circuit court's finding of direct criminal contempt by Mr. Picerno.

*State of Missouri v. Frank Ross*, 829 S.W. 2d 948 (Mo. banc 1992). Client: Frank M. Ross. Opposing counsel: Breck Burgess, Asst. Attorney General, State of Missouri. I served as co-counsel on appeal and was responsible for writing the brief. The case arose from defendant's conviction of assault in the Circuit Court of Clay County, Missouri. The issue on appeal was a conflict of interest based upon a part-time assistant prosecuting attorney. Reversed and remanded for new trial.

- b) **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) including, to the extent reasonably available to you, the style, date, and court; identify who you represented and opposing counsel; state whether the case was disposed of following a jury trial, bench trial or at what other stage; give a one-paragraph description of the case and your role.

My private practice included trial work in the areas of criminal law and complex civil litigation. In the years I worked at the Wyrsh Hobbs Mirakian and Lee, P.C. law firm or its predecessors, I participated in criminal cases involving securities fraud, bank fraud, bankruptcy fraud, tax fraud, health care fraud, and political corruption, as well as complex civil litigation in the areas of antitrust litigation and civil fraud. While with the Stinson, Mag & Fizzell law firm I assisted in the representation of pharmaceutical companies in what was then the largest antitrust lawsuit pending in the United States. During my entire time in private practice, at the request of the federal courts, I accepted appointments to represent indigent clients. These cases generally involved charges related to illegal narcotics or weapons. The following is representative of my trial practice in state and federal courts.

*United States v. Tony E. Emery*, 97-06004-01-CRSJHFS (U.S. Dist. Ct., W.D. Mo.) Client: Tony E. Emery. Opposing Counsel: Matt Whitworth and Mike Green, Asst. U.S. Attorneys, W.D. of Mo. I served as co-counsel representing Mr. Emery who was charged with the murder of a federal witness and witness tampering based upon the death of Christine Elkins. As co-counsel I prepared pre-trial motions, conducted investigation and was responsible for portions of the trial of this matter. Following trial by jury, Mr. Emery was convicted.

*United States v. Michael Falkner*, United States District Court for the Eastern District of Arkansas. (1999). Client: Michael Falkner. Opposing Counsel: Sandra Cherry, Asst. U.S. Attorney, E.D. of Ark. I served as counsel for Mr. Falkner at trial and was responsible for all investigation, pre-trial motions, and trial preparation. Mr. Falkner, owner and president of a mobile x-ray company, was charged in a multi-defendant indictment with Medicare fraud. The case proceeded to trial before the Hon. Susan Webber Wright. After two weeks of trial, a jury convicted Mr. Falkner as well as his co-defendants.

*Wilson et al., v. Olathe Bank et al.*, Case No. 97-2458-KHV, (U.S. Dist. Ct., Dist. Ks.) Client: Robert Bouckhout. Opposing Counsel: Albert Kamas, Johnie Frank, Larry Ehrlich, Stanley Chebley, and Terrence Goodwin. I served as co-counsel, representing Mr. Bouckhout in a civil fraud and breach of contract case arising from a business called Parade of Toys which was allegedly engaged in a ponzi scheme. I was responsible for investigation, motion practice and depositions. My participation in the case ended prior to trial.

*United States v. Douglas O. Ruedlinger*, Case No. 96-40045-SAC (U.S. Dist. Ct., Dist. Ks.). Client: Douglas O. Ruedlinger. Opposing Counsel: Richard Hathaway, Asst. U.S. Attorney, Dist. of Ks. I represented Mr. Ruedlinger who was charged with mail fraud, wire fraud and money laundering arising from a fund owned by the defendant to provide self-insured pooling agreements for liability

insurance for high school athletic associations. I handled all pre-trial motions, trial investigation and trial preparation. Following trial by jury, Mr. Ruedlinger was convicted. Mr. Ruedlinger was facing a second federal indictment in the District of Kansas. Ultimately all cases were resolved by a plea agreement with the federal government which called for an agreed upon sentence in both federal cases to run concurrently with each other, as well as an agreement for the preservation of certain assets in a parallel forfeiture proceeding.

*United States v. Maurice Pittman*, Case No. 96-00102-01CRWNKL (U.S. Dist. Ct., W.D. Mo). Client: Maurice Pittman. Opposing Counsel: Eugene Harrison, Asst. U.S. Attorney, W.D. Mo. Mr. Pittman was charged in a multi-defendant conspiracy in the procurement and distribution of cocaine from California to the mid-west. I represented Mr. Pittman as appointed counsel and therefore investigated the case, prepared pre-trial motions and conducted the trial. While most of the co-defendants pled guilty, Mr. Pittman and one other defendant stood trial. After trial by jury, the co-defendant was found guilty; Mr. Pittman was found not guilty.

*United States v. Bob W. Storey and Robert T. Stephan*, Case No. 92-3247, (U.S. Dist. Ct., Dist. Ks.). Client: Attorney General Robert T. Stephan. Opposing counsel: Linda Sybrant, Special Assist. U.S. Attorney. I served as lead counsel in this federal criminal case wherein Mr. Stephan was alleged to have committed perjury and conspiracy to commit perjury. As lead counsel I was responsible for the investigation, trial preparation, and pre-trial motions, as well as portions of the trial. The charges arose from testimony Mr. Stephan gave in the federal civil case *Marcia Tomson v. Robert T. Stephan and Bob W. Storey* as well as a settlement brokered by Fred Phelps and family. Mr. Stephan was acquitted after trial by jury in 1995.

*United States v. Dana Ali*, Case No. 94-00078-06 CRWHFS (U.S. Dist. Ct., W.D. Mo.). Opposing counsel: Mark Miller, Asst U.S. Attorney, W.D. Mo. Mr. Ali was charged in a multi-defendant conspiracy to procure and distribute cocaine in numerous cities and states of the United States. I was appointed to represent Mr. Ali and therefore conducted all investigation, pre-trial motions and trial of this matter. Numerous defendants pled guilty prior to trial. Ultimately, before the Hon. Joseph Stevens, eight defendants stood trial. After several weeks of jury trial, Mr. Ali was the only defendant found not guilty.

*State of Missouri v. Leo McCullum*, Case No. 31399CF6446, Circuit Court of Greene County, Missouri (2000). Before the Hon. Miles Sweeney. Client: Leo McCullum. Opposing counsel: Darrell Moore, Prosecuting Attorney, Greene

County, Missouri. Mr. McCullum was charged with first degree assault. I served as co-counsel, responsible for investigation, pre-trial motions, instructions, and specific trial duties. Mr. McCullum was convicted following trial by jury.

*State v. Anthony*, District Court of Saline County, Kansas (2/1993). Client: Andrew Juan Anthony. Opposing Counsel: Julie McKenna, County Attorney of Saline County. I served as co-counsel in this case wherein the defendant was charged with first degree murder, aggravated robbery, selling drugs within 1000 feet from a school, and unlawful use of a firearm. The defendant was convicted after trial by jury.

As a trial judge, since 2001 I have handled numerous civil and criminal bench and jury trials. The following is representative of the cases I have presided over which have been reported in the Southwest Reporter.

*Cooper v. Curns*, 263 S.W. 3d 729 (Mo. App. W.D. 2008). Bench trial. Plaintiff brought petition in ejectment. Defendant filed a counter-claim for quiet title. The case involved a claim of adverse possession.

*City of Peculiar v. Martin Marietta Materials, Inc.*, 259 S.W. 3d 597 (Mo. App. W.D. 2008). Bench Trial. Petition for Declaratory Judgement Authorizing Annexation pursuant to Sawyer's Act.

*Morgan v. Morgan*, 249 S.W. 3d 226 (Mo. App. W.D. 2008). Respondent filed Motion to Construe 1997 Judgment. The case involved the interpretation of "disposable military retirement pay" and subsequent reductions based upon disability benefits.

*State v. Leskinen*, 219 S.W. 3d 841 (Mo. App. W.D. 2007). The Defendant was convicted of first degree statutory sodomy after trial by jury.

*State v. Fordyce*, 197 S.W. 3d 663 (Mo. App. W.D. 2006). The Defendant was convicted of one count, second degree drug trafficking following trial by jury.

*Vance Bros. Inc. v. Obermiller Const. Services, Inc.*, 181 S.W. 3d 562 (Mo. banc 2006). Jury trial. Plaintiff sought withheld payments for services rendered and Defendants counter-claimed for breach of contract. The court of appeals and Supreme Court reviewed the trial court's award of attorney fees under the Private Prompt Payment Act.

*State v. Strong*, 160 S.W. 3d 814 (Mo. App. W.D. 2005). The Defendant was charged and convicted of first degree statutory rape after trial by jury.

*State v. Kirk*, 134 S.W. 3d 804 (Mo. App. W.D. 2004). The Defendant, charged with kidnapping and second degree robbery, was convicted after trial by jury.

*Tarwater v. 4-M Retail Corp.*, 122 S.W. 3d 120 (Mo. App. W.D. 2003). Plaintiffs sued landowner under premises liability for personal injuries sustained after a slip and fall. Jury Trial.

*State v. Mendoza*, 115 S.W.3d 873 (Mo. App. W.D. 2003). The Defendant was charged with felony child abuse and second degree felony murder. The Defendant was convicted after trial by jury.

- c) **Judicial Experience:** If you are a judge, commissioner, or are serving or have served in other judicial capacity, please describe the nature and extent of your judicial responsibilities, including the dates you have served as a judge at each level, the types of dockets you have handled, and any special expertise you have developed that you believe is relevant to your qualifications for the position for which you are applying.

Since the commencement of my first term of office in 2001 to the present I have been responsible for approximately fifty (50) percent of the Circuit civil cases, fifty (50) percent of the Circuit criminal cases, as well as a percentage of domestic, paternity, IV-D cases, and Department of Revenue cases. Throughout the years I have added additional duties. From 2005 to present I have served as the Drug Court Judge for Cass County. From 2005 to present I have served as the Juvenile Judge for the 17<sup>th</sup> Judicial Circuit, responsible as the appointing authority for the more than sixty (60) employees of the 17<sup>th</sup> Judicial Circuit Juvenile System, as well as the two county budgets which currently exceed over \$1.7 million dollars. I also hear the juvenile cases in Cass County which include abuse and neglect, status, and delinquency cases, as well as adoptions.

Since January, 2008 I have served as the Presiding Judge for the 17<sup>th</sup> Judicial Circuit. In this role I am responsible for overseeing the administration of justice in the Circuit, including assignment of cases, court budgets, case management, record keeping and other ministerial duties.

11. **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).**

I served as a member for the Subcommittee on Model Jury Instructions (Criminal), Eighth Circuit from 1997-2003. During my tenure on the subcommittee I assisted in the creation of new jury instructions as well as the modification of existing

instructions. I was the primary drafter of the RICO instructions that are currently used in the Eighth Circuit.

I served as a member of the Judicial Selection Commission, Magistrate-Western District of Missouri in 1999. As a member I assisted in the review of judicial performance and the reappointment of Magistrate Robert Larsen.

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

Missouri Trial Judges Association  
Cass County, Missouri Bar Association  
Johnson County, Missouri Bar Association  
Kansas City Metropolitan Bar Association  
Association of Women Lawyers  
Missouri Bar  
Missouri Juvenile Justice Association  
Kansas Bar Association  
American Bar Association

Prior to my election as judge I was a member of the Missouri Association of Criminal Defense Attorneys (Board of Directors 1997-2000); National Association of Criminal Defense Attorneys; Johnson County, Kansas Bar Association

**13. 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.**

"Coming Full Circle: A Return to Arbitrary Sentencing Patterns in Capital Punishment Cases," 56 UMKC Law Review 387 (1988).

Co-Author: "Missouri Comparative Fault Treatise - Theory & Practice," (UMKC/CLE 1989).

Co-Author: "Criminal Intent and Due Process," Vol. 25, "The Champion" 10 (1991).

Co-Author: "Jury Unanimity," Vol. 26, "The Champion" 10 (1991).

Co-Author: "Hazardous Road: Avoiding the Perilous Obstacles of Parallel Proceedings," Institute of CLE in Georgia, White Collar Crime, Anti-trust Cases (1995).

"Minimizing Federal Consequences of State Court Convictions," (Mo Bar/CLE 1996).

"Health Care Fraud and Abuse: Civil and Criminal Issues in State and Federal Courts," (Mo Bar/CLE 1998).

"Handling Health Care Fraud and Other Federal White Collar Crime Cases:

Procedural and Strategic Considerations,” UMKC Lawyers (1998).  
 Co-Author: “The Missouri Mens Rea Requirement: New Missouri Supreme Court Opinion and How the Requirement Has Changes,” 66 UMKC Law Review 501 (1998).  
 “Crawford v. Washington: The Changing Landscape of the Right to Confrontation,” (Mo. Judicial Education Trial Skills Seminar 2005).  
 “Evidence in Probation Revocation Hearings,” ( Mo. Trial Judges Judicial Education -Trial Skills 2005).  
 “The Nuts and Bolts of Detention and Protective Hearings . . . and Just a Little Bit More,” (Mo. Trial Judges Judicial Education -2006 Judicial College).  
 “A Pandora’s Box: Judicial Elections After *Republican Party of Minnesota, et al. v. White*,” (Mo. Trial Judges Judicial Education -2007 Judicial College).

Advanced Science and Technology Adjudication Resource Fellow (Department of Justice, State Justice Institute, Missouri Judicial Education (2008)  
 Certificate of Recognition for Services to the Eighth Circuit (2001)  
 Atticus Finch Award, Missouri Association of Criminal Defense Attorneys (1996)  
 AV rating, Martindale Hubbell (National Peer Review)

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

Bel-Ray Sunrise Lions Club  
 Belton Evening Optimists  
 Little Blue River Daughters of the American Revolution  
 St. Paul’s United Methodist Church  
 Belton Basketball Association  
 Troop 210 Boys Scouts, Belton, Missouri  
 Troop 590, Girl Scouts, Belton, Missouri

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

Yes

I was elected to the Circuit Court, Division I, 17<sup>th</sup> Judicial Circuit (Cass and Johnson Counties) in a contested race in November, 2000. I was re-elected in an uncontested race in 2006. In January, 2008 I became Presiding Judge of the 17<sup>th</sup> Judicial Circuit.

I currently serve as an appointed member of the Missouri Task Force on Children’s Justice.

I currently serve as an appointed member of the Presiding Judges Executive Committee

I currently serve as an appointed member of the Missouri Circuit Judges Association Legislative Steering Committee.

I was appointed by the Eighth Circuit Court en banc: Member: Subcommittee on Model Criminal Jury Instructions, Eighth Circuit (1997-2003).

I was appointed by United States District Court for the Western District of Missouri en banc: Member: Judicial Selection Commission, Magistrate-Western District of Missouri (1999).

16. **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

17. **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.**

I am able to perform all essential functions of an appellate judge without any additional accommodations.

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:

- 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.**

None

- 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.**

None

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?**

Yes- Judicial Capacity

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.

*Pro se* petition filed on March 12, 2004 in the United States District Court for the Western District of Missouri captioned *Judy Colvin v. Colvin, et al.*, Case No. 04-0238-CV-W-GAF. The petition named eighteen (18) individuals, attorneys and judges alleging racketeering and continuing criminal enterprise. The facts of the case focused on a divorce and child custody proceeding in which a judgment was entered in 2000 by my predecessor, the Hon. Mary Ellen Young. I was never served with the lawsuit but received a copy of the petition. The case was dismissed by the Hon. Gary Fenner on March 18, 2004.

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

25. **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.**

I have attached three writing samples.

26. **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.**

For over ten years I have participated as a guest speaker for the Criminal Trial Techniques Class, UMKC School of Law. For the last several years I have served as a judge for the UMKC Moot Court competition in the selection of national moot court teams. I have been a frequent judge for the UMKC trial advocacy program. I have, for several years, served as a judge for the Ross T. Roberts Inns of Court. I have been a frequent speaker for the Kansas City Metropolitan Bar Association, Missouri Bar, Missouri Association of Criminal Defense Lawyers, and the Missouri Trial Judges Education Committee.

I also currently serve on local county task forces including the Cass County Drug Affected Families, dedicated to addressing issues associated with children, families and drug abuse as well as a group seeking to address local housing issues for homeless or underprivileged individuals. I have assisted with Operation Santa through the Belton Welfare Association, served on an advisory committee looking at compliance issues associated with the No Child Left Behind Act on behalf of

the Belton School District, been a frequent speaker for the Belton School District as well as other schools throughout Cass county.

**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 [judgevacancy@courts.mo.gov](mailto:judgevacancy@courts.mo.gov), by the date indicated in the Instructions to Applicants.**

James R. Hobbs, Esq.  
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