

APPLICATION FOR CIRCUIT JUDGE  
16TH CIRCUIT JUDICIAL COMMISSION  
JACKSON COUNTY, MISSOURI (revised May 2008)

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



NAME: David Michael Byrn

1. State your present principal occupation: Attorney at Law
2. Are you at least 30 years of age? Yes
3. (a) How long have you been a citizen of the United States? My entire life
- (b) Have you been a resident of Jackson County for at least one year immediately prior to the date of this application? Yes
- (c) How long have you been a qualified voter of Missouri? 30 years - after college, I moved to Missouri to attend law school.
4. Are you licensed to practice law in Missouri? Yes

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

I am licensed to appear in the United States District Court for the Western District of Missouri and the United States Bankruptcy Court. I have also appeared and handled cases in many other states including Kansas, Arkansas, Illinois, Texas, and Ohio. I have handled cases with the Equal Employment Opportunity Commission and the Occupational Safety and Health Administration. I have also processed a case in the California Department of Industrial Relations, Division of Labor Standards Enforcement which also involved the California Employment Development Department.

5. State the date you were admitted to the Bar in Missouri: September 19, 1981

(a) Missouri Bar Number: 29692

(b) Are you currently a member in good standing of the Missouri Bar? Yes

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all law schools, colleges and universities you have attended, together with the dates and degrees received:

*University of Missouri at Kansas City Law School, 500 E. 52<sup>nd</sup> Street, Kansas City, Missouri. Juris Doctor Degree. 1978-81.*

*Graceland University, 1 University Place, Lamoni, Iowa. Bachelor of Arts degree, graduating in just 3 years with dual majors in economics and social studies. 1975-78.*

*University of Missouri, Columbia, Missouri. Mediation Training. January 2007.*

(A) List all other colleges or universities attended, degrees, activities, scholastic and other awards.

I have listed above, all of the colleges and universities I have attended, together with the dates of attendance and degrees received. This is a list of activities, scholastic and other awards regarding those colleges and universities.

*University of Missouri at Kansas City Law School. Juris Doctor Degree.*

Awards and activities include:

I graduated in May 1981 with over a 3.00 GPA. I am very proud of the fact that I was ranked in the top ¼ of my class while working throughout law school to pay for and meet the financial obligations of school.

I was named multiple times to the Dean's Honor List (academic).  
I received academic achievement honors in Trial Advocacy.  
I was a member of the staff of *The Urban Lawyer* (a national publication focusing on local governmental law).  
I was a member of the Executive Board of *The Urban Lawyer*.  
I was an Assistant Articles Editor of *The Urban Lawyer*.  
I had a case summary published in *The Urban Lawyer*.  
I was Research Assistant for Professor (and later Dean of the Law School) Robert Popper.

*Graceland University, Lamoni, Iowa.* Bachelor of Arts degree, dual majors in economics and social studies.

Awards and activities include:

I graduated Summa Cum Laude, ranked 2<sup>nd</sup> in my class.  
I graduated in only 3 years. Prior to starting college, I successfully completed a national academic test and received a score that allowed me to earn sufficient credits to start college as a sophomore.  
I traveled to and studied comparative economics in the Soviet Union, Romania, and Yugoslavia.  
I served as a Court Magistrate in Student Government and was chair of the Student Court System (which resolved all student disputes).  
I was elected by the student body and served as Speaker of the Senate in student government.  
I was a Rhodes Scholarship applicant.  
I was named on multiple occasions to the President's Honor List (academic).  
I was named on multiple occasions to the Dean's Honor List (academic).  
I was a student research assistant and instructional assistant for Professor Young Bae Kim.  
I received numerous academic grants and scholarships on a continuing basis recognizing my academic achievements.  
I received numerous leadership grants and scholarships on a continuing basis in recognition of my leadership on campus.  
I was elected and appointed to numerous leadership positions in the men's dormitory (which was structured similar to a fraternity).  
I was a member of Graceland's intercollegiate basketball team.

*University of Missouri, Columbia, Missouri.* Mediation Training.

In January 2007, I completed civil mediation training, thereby enabling me to mediate all civil cases and disputes.

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

*College and Law School.* Prior to the jobs listed below, I worked during college and law school and during the summers. My jobs included administrative work in the college student activities office, construction, and landscaping.

*UMKC Law School, Professor Robert Popper, 500 E. 52<sup>nd</sup> Street, Kansas City, Missouri* - research assistant. 1979-80.

I assisted Professor Popper with various research projects pertaining to the classes he taught as well as scholarly and professional articles he was preparing.

*Legal Aid of Western Missouri, 501 W. Lexington, Independence, Missouri (address at that time)* - law student intern. 1980.

On a daily basis, I met with, interviewed, and counseled existing clients.

I handled new client interviews and case evaluation.

I researched legal issues and drafted pleadings and legal documents.

I was provided with substantial responsibility and appeared in court, representing my clients as an approved law student under Supreme Court Rule 13.

The opportunity to have immediate, hands-on experience in all aspects of litigation and legal representation and to have a positive impact on my clients, was an invaluable learning experience which provided me with unique opportunities to appear in court early in my legal career.

*United States Department of Health and Human Services, Office of the General Counsel, Social Security Administration, 601 E. 12<sup>th</sup> Street, Kansas City, Missouri* - law clerk during law school. 1980-81.

I worked closely with Social Security Administration attorneys and interacted with them daily.

My primary responsibility and job focus was on legal research.

I had the opportunity to write a significant number of legal briefs that were filed in numerous federal courts throughout the midwest United States.

This experience was a wonderful compliment to the hands-on client experience of dealing directly with individuals while at Legal Aid - it allowed me the chance to focus on the research and writing part of a legal practice. Together, these intern experiences rounded me into a more complete lawyer and client advocate.

*Jeter and Rains, 1080 W. South Outer Road, Blue Springs, Missouri 64015* - associate attorney. 1981 - 1984.

I joined this general practice firm directly from law school, choosing this practice over several other professional job opportunities. One of the reasons I chose Jeter and Rains was because I knew I would be exposed to many different legal disciplines and areas of practice. I also knew I would have the opportunity to immediately appear in court and try cases, with the full responsibility for those cases.

During these first years of my legal career, my firm represented numerous small businesses. I quickly became the primary attorney responsible for those clients and their cases.

I litigated countless cases and quickly obtained courtroom knowledge and experience.

I was given substantial independence and autonomy in processing my cases because I proved my legal abilities and competence.

I am very proud of the fact that after only 3 years, I was asked to and joined the firm as a partner -- the firm then became known as Jeter Rains & Byrn, L.C..

*Jeter Rains & Byrn, L.C., 1080 W. South Outer Road, Blue Springs, Missouri 64015* - partner/member. 1984 - Present.

This is a general practice law firm handling a broad variety of legal matters.

I have had the personal and professional pleasure of representing individuals and small entrepreneurial businesses, helping guide them through all of their legal issues and questions.

The emphasis and focus of my practice has been on general civil litigation, business, real estate, commercial, and construction litigation, and business, real estate, commercial, and construction transactions. I have successfully tried, arbitrated, and mediated many cases during my legal career and I have handled countless transactions.

I have also been responsible for handling legal matters in other legal disciplines, including domestic and criminal cases.

I have written appellate briefs, appeared before and argued cases in the Missouri Court of Appeals.

I have appeared in cases in many different state and federal courts.

In addition to maintaining my case load and representing my clients, I have also been the managing member of my law firm, handling all administrative and business matters and supervising our professional and administrative staff.

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one-three sentence description of each case and its outcome. Not Applicable.
  - (a) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one-three sentence description of each case and its outcome.
9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? Yes.
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed.

With the growing importance of alternative dispute resolution (arbitration and mediation) and the emphasis of the Jackson County Circuit Court on alternative dispute resolution, some of the cases I have recently been involved in were not court trials but rather disputed arbitration hearings. The discovery process for arbitration cases is essentially the same as if the case were going to be tried in court. In the area of construction law, virtually all commercial construction contracts contain language which requires that disputes be resolved by mediation and/or arbitration instead of litigation. As a result, in addition to litigating cases, I have also spent considerable time handling matters that are/were resolved through arbitration hearings. Additionally, mediation has also grown as a form of alternative dispute resolution. I have participated in numerous mediations as well as litigation and arbitration.

Bondurant Enterprises, LLC v. David Smith, et al, Case No. 0716-CV00113, filed January 5, 2007, Jackson County Circuit Court. I represent David Smith and L. E. Smith, Defendants (first chair without assistance). Counsel for Plaintiff and Third Party Defendants is Chuck N. Chionuma, 1100 Bryant Building, 1102 Grand Boulevard, Kansas City, Missouri 64106. Bench trial. This case was referred to me by Defendant's prior counsel, William DeBauche, 911 Main Street, Suite 2300, Kansas City, Missouri 64105, for the specific purpose of litigating disputes regarding enforcement of a settlement agreement. This case involves disputes between former business partners, each of whom alleges the other misappropriated business opportunities and assets. Prior to my involvement in the case, the parties had purportedly entered into a settlement agreement. However, subsequent disputes arose regarding whether the settlement agreement was completed, the validity of the settlement agreement, and the terms of the settlement agreement. The Plaintiff and Third-Party Defendant claimed that a settlement agreement existed, that it had been breached by my clients, and asked for a judgment and damages against my clients. After trial, the Court denied Plaintiff's request for enforcement of the settlement agreement and denied the request for entry of a judgment against my clients.

Swim Things, Inc. v. Burris, Case No. 0716-CV04916, filed February 21, 2007, Jackson County Circuit Court. I represented the Plaintiff (first chair without assistance). Counsel for Defendants was Philip Nonnemaker, 120 SW 2<sup>nd</sup> Street, Suite 104, Lee's Summit, Missouri 64063. Bench trial. This was a lawsuit for breach of contract. My client constructed and installed a swimming pool and related improvements and sought payment for its work. Defendants claimed the installation was improper, that Plaintiff breached the contract, and damaged their property. The Court entered judgment in favor of my client for all of the requested relief, denied the Defendants' claim that my client had breached the contract and denied the Defendants' claim that my client had damaged their property.

Cohn v. Fineout Enterprises, Inc., filed June 1, 2006, United States Equal Employment Opportunity Commission, Case No. 494-2006-01407. I represented the Defendant, Fineout Enterprises, Inc.. Mr. Cohn had been an independent sales representative for my client. His contract was terminated by my client for non-performance. He alleged that he had been discriminated against as a result of his age and his religion and further alleged that my client had retaliated against him. I prepared written responses and supporting documentation for my client, denying the claim. After submitting these responses and documents, Mr. Cohn withdrew his claim and complaint.

Berman v. Fineout Enterprises, Inc., filed June 1, 2006, United States Equal Employment Opportunity Commission, Case No. 494-2006-01365. I represented the Defendant Fineout Enterprises, Inc. Mr. Berman had been an independent sales representative for my client. His contract was terminated by my client for non-performance. Mr. Berman alleged that he had been discriminated against based on his religion and also alleged that my client had retaliated against him. My client denied his claim - I prepared and submitted written documentation and evidence. After review, the EEOC terminated its processing of the case and closed the case. Mr. Berman subsequently filed a discrimination lawsuit in Federal Court (handled by local counsel in Tennessee), which case was closed by the entry of a summary judgment in favor of Fineout Enterprises.

KC Aquatech, Inc. v. Winchester, Case No. 0516-CV19112, filed July 6, 2005, Jackson County Circuit Court. This dispute was ultimately arbitrated with the American Arbitration Association as Case No. 57-110-E-00151-04. I represented the Plaintiff (first chair without assistance). Counsel for the Defendants was James L. LaSalle, 106 West 11th Street, Suite 1540, Kansas City, Missouri 64105. Tried by arbitrator. The Plaintiff installed and constructed a swimming pool and related improvements and amenities for which it sought to be paid. The Defendants alleged that there were deficiencies in the Plaintiff's work as well as damages caused by the Plaintiff. There were also allegations of threats made between the parties. The arbitrator denied the claims regarding threats and offset certain claims between the parties, resulting in a determination that the Plaintiff did owe the Defendants some money, which was paid.

Perkins v. Swim Things, Inc. v. Creative Concrete, Inc., Case No. 0516-CV01609, filed January 15, 2005, Jackson County Circuit Court. I represented Defendant, Swim Things, Inc. (first chair without assistance). Counsel for Plaintiffs was Michael Fitzgerald and Anne Linton Pond, 2400 Commerce Tower, 911 Main Street, Kansas City, Missouri 64105. Counsel for Third Party Defendant was David Lunceford, 114 S. Main Street, Independence, Missouri 64050. Bench trial. Plaintiffs filed suit against my client alleging it failed to perform its contract and claiming that products and workmanship were defective and deficient. I filed a Third Party Petition against the product manufacturer regarding the allegations of deficiencies in the products and materials. The Court concluded that my client had properly performed its contract and further determined that there was no evidence of product deficiencies and therefore found in favor of my client.

University of Guam v. Robert Reid, Case No. 0516-CV19426, filed October 7, 2005, Jackson County Circuit Court. I represented the Plaintiff (first chair without assistance). Counsel for Defendant was Brand Eskew, 901 Main Street, Blue Springs, Missouri 64015. Bench trial. My client claimed the Defendant had breached an employment agreement with it and sought to enforce its terms. Issues were raised with regard to service of process and notice to the Defendant. The Court determined that the service on the Defendant was not valid.

Jennifer Mack v. Fineout Enterprises, Inc., Case No. 15-17344 ER, California Department of Industrial Relations, Division of Labor Standards Enforcement, filed September 2005. In addition to the case referenced above, a claim was also filed with the California Labor Commissioner. I represented Defendant, Fineout Enterprises, Inc.. The Plaintiff was an independent sales representative. She alleged that she had been harassed and wrongfully terminated by Fineout Enterprises, that she had not been properly compensated by Fineout Enterprises, and that she was entitled to other protections under the unique California labor laws. There were multiple administrative submissions and reviews and hearings (initially I handled submittals and then retained local counsel). The decisions resulting from all of these claims included determinations that Ms. Mack had not been harassed, was not wrongfully terminated but rather voluntarily left without cause, that she was not entitled to unemployment compensation, but that she was entitled to some compensation earned before she voluntarily left.

Schlichting, et al. v. Robert Washam Construction, Inc., et al., Case Number 04CV-217299, filed June 21, 2004, Jackson County Circuit Court. I represented the Plaintiffs (first chair without assistance). Counsel for defendants was Kim Roam, 601 NW Jefferson, Blue Springs, Missouri 64013. Bench trial. My clients were property owners who sought monetary damages and an injunction against the Defendants who were developing real estate which adjoined my clients' property. We sought to prohibit the Defendants from changing the layout and level of a lake and/or draining a lake that was partially located on my clients' property, and prohibit the Defendants from diverting water flow across and onto Plaintiffs' property. The Court entered a temporary restraining order on behalf of Plaintiffs. After trial, the Court agreed with my clients' claims and granted their request for a permanent injunction which barred the Defendants from draining, altering, or changing the Plaintiffs' lake and the boundaries of the lake, and otherwise barred the Defendants from interfering with my clients' property.

Butler v. Creel, et al., Case Number 03CV-227041, filed October 8, 2003, Jackson County Circuit Court. I represented the Plaintiff (first chair without assistance). Counsel for defendants were Daniel Jones, 3145 Broadway, Kansas City, Missouri 64111, Robert Caldwell, 11903 W. 119<sup>th</sup> Street, Overland Park, Kansas 66213, and James Ensz, 2121 City Center Square, 1100 Main Street, Kansas City, Missouri 64105. Bench trial regarding injunctive relief. My client filed suit alleging the Defendants breached a real estate contract (Plaintiff was the purchaser) by failing to close and convey all of the property identified in the contract. The Plaintiff sought monetary damages and injunctions which would require the Defendants to convey the real estate and close according to the terms of the contract. Although the court did not enter an injunction, it also did not release the parties from the contract and allowed Plaintiff's lis pendens claim (a claim by the Plaintiff that she had an interest in the property) to remain in effect. The case was later settled with the Defendants conveying the designated real estate to Plaintiff with additional financial considerations.

In Re: J. W., Case No. TR02-00096, filed August 6, 2002, Jackson County Circuit Court. I was appointed to represent T. W., mother of the juvenile in this juvenile court matter. Attorneys with the Jackson County Juvenile Officer, Michael Fogal and Melissa Stanosheck, 625 E. 26<sup>th</sup> Street, Kansas City, Missouri 64108, represented the juvenile. The juvenile officer sought to terminate the parental rights of my client, T. W., claiming she was unable to and did not properly care for the minor child. At the conclusion of the trial, the Court determined that the parental rights of T. W. should be terminated. This case was appealed and the appeal is described in this application.

Lewis v. Scafe, et al., Case Number 02CV-203913, filed February 8, 2002, Jackson County Circuit Court. I represented two of the Defendants, Jay and Wendy Scafe (first chair without assistance). Counsel for Plaintiff was Joe Willerth, 221 W. Lexington, Suite 250, Independence, Missouri 64051, and Dennis Schafer, 227 N. Sturgeon, P.O. Box 73, Montgomery City, Missouri 63361, and counsel for the other Defendants was Daniel Jeffers, 304 W. Walnut Street, Suite 210, Independence, Missouri 64050. Bench Trial. The Plaintiff had obtained a judgment in a prior lawsuit against some of the other Defendants in this lawsuit (not my clients). In this lawsuit, the Plaintiff claimed that multiple real estate transfers by the Defendants were fraudulent, claimed rights in the real estate that was transferred, and claimed that all of the real estate involved should be sold to pay the Plaintiff's judgment. The Defendants I represented denied that the transfers were fraudulent, denied that they were responsible for the actions of the debtors, and denied any personal liability for Plaintiff's

judgment. The Court determined that only some of the transfers were fraudulent and also determined that some of the transfers were proper and not fraudulent. However, the Defendants I represented were not personally liable to the Plaintiff.

Lico Steel, Inc. d/b/a Lico Construction Company v. City of Belton, Missouri and Parks Board of Belton, American Arbitration Association, Case Number 57F1100013502, filed August 19, 2002. Mediation hearing and subsequent multiple day arbitration hearing involving multiple witnesses and over 100 exhibits. I represented Lico (first chair without assistance) and Joseph Cambiano, 9237 Ward Parkway, Suite 330, Kansas City, Missouri 64114, represented Belton. The arbitrator was Bernard Dorsey (an attorney then with Butler Manufacturing, 1504 Genessee, Kansas City, Missouri 64102). Lico constructed a new community center, administrative facility, and recreation center for the City of Belton and its Parks Department. Belton failed to pay Lico for its work, disputed the quality of Lico's work, claimed that Lico had not fully performed its work, claimed that it had to hire another contractor to complete the work, and sought liquidated damages for Lico's alleged failure to perform. The arbitrator ruled in Lico's favor, determined that Lico properly performed its work, and ordered Belton to pay Lico all money withheld by Belton, plus interest, and further determined that Belton was not entitled to any damages from Lico. I had also filed a lawsuit on behalf of Lico against Belton regarding work performed on another project at the same time. As a direct result of this successful arbitration, Belton agreed to pay Lico in full for all money owed to it on the other project without the necessity of trial, resulting in substantial cost savings to my client.

F.P. Fagan Construction Company v. Lico Steel, Inc. d/b/a Lico Construction Company, American Arbitration Association, Case Number 57E1100009401, filed April 20, 2001. The multiple day arbitration hearing involved multiple witnesses and over 70 exhibits. I represented Lico (first chair without assistance). Fagan was represented by Richard W. Mason, 9233 Ward Parkway, Suite 240, Kansas City, Missouri 64114. The arbitrator was William J. DeBauche (an attorney with Brown & Dunn, 911 Main Street, Suite 2300, Kansas City, Missouri 64105). Lico constructed a community center, gymnasium, and parks and recreation center for Kansas City, Missouri. Fagan was a subcontractor who was to perform work on the community center. Fagan alleged that it performed and that Lico had not paid it. Lico alleged that Fagan had not performed and that it had to repair, replace, and complete Fagan's work. The arbitrator agreed with Lico's claims and entered an award in favor of Lico stating that, not only did Lico *not* owe any money to Fagan, but Fagan actually owed Lico money for damages Lico had suffered.

In addition to the above lawsuits, I am also been involved in many litigation matters which have been successfully settled to the benefit of my clients. The following examples of representative cases provide additional information and further description regarding my legal practice and demonstrate the quality of my legal work, skills, and expertise.

Redford Construction, Inc. v. The Wilds Real Estate Co., LLC, filed August 6, 2007, Case No. 0716-CV21593, Circuit Court of Jackson County. I represented K&M Concrete Contractors, Inc.. I filed a mechanic's lien for my client regarding work performed for the development and construction of a residential subdivision. There were approximately ten other parties who also filed mechanic's liens. This case was eventually settled as a result of mediation. The settlement proceeds were paid by Security Savings Bank, the mortgage holder and eventual owner of the property, represented by Dan Cofran, 1000 Walnut Street, Suite 1400, Kansas City, Missouri 64106. Counsel for the bank indicated that the lien which I had filed and prepared for K&M was the only lien with which his client did not have any objections. The bank alleged deficiencies with regard to several other liens, but acknowledged the accuracy of the lien I prepared on behalf of K&M.

Fischer Family Properties, LP, et al v. Southern Union Company d/b/a Missouri Gas Energy, et al, Case No. 0716-CV04854, filed February 17, 2007, Circuit Court of Jackson County. I represented the Plaintiffs. The Defendants were represented by Louis A. Huber, III, 4050 Pennsylvania, Ste. 300, P. O. Box 32430, Kansas City, Missouri 64171-5430, Michael P. Keleher, 403 N.W. Englewood Road, Gladstone, Missouri 64118, and Mark Bredemeier, 305 SE Alexandria Drive, Lee's Summit, Missouri 64063. My clients purchased a commercial building and real estate from Defendant Missouri Gas Energy. The lawsuit sought damages for fraud resulting from the Defendants' failure to disclose deficiencies with the roof of the building purchased and for failure to disclose a class action lawsuit pertaining to deficiencies with the roof. After discovery, the case was mediated, resulting in a settlement payment to my clients in an amount greater than the actual, out of pocket damages which they claimed.

McGhee v. Harder, Case No. 0616-CV21480, filed August 2006, Jackson County Circuit Court. I represented the Defendants. The attorney for Plaintiffs was Kim Roam, 601 NW Jefferson Street, Blue Springs, Missouri 64013. The Plaintiff's lawsuit sought damages for breach of contract regarding two parcels of real estate which my clients had purchased from the Plaintiff. I filed a counterclaim for fraud with regard to the failure to

disclose deficiencies and defects in the buildings on the real estate. I negotiated a settlement whereby my clients were forgiven the amount of debt allegedly owed on the properties and returned one of the properties to the Plaintiff. My clients retained the other property and made a nominal payment to the Plaintiffs which was substantially less than the amount claimed to be owed on the promissory note.

Doing Steel Fabrication, LLC v. D.M. Ward Construction Company, Inc., Lico Steel, Inc., et al., Case Number 06AE-CV01411, filed May 5, 2006, Circuit Court of Platte County, Missouri, consolidated with Lico Steel, Inc. v. Prairieview Development, LLC, Case No. 06AE-MC00332. I represented Lico Steel, Inc. There were approximately 30 parties in this lawsuit which involved the construction of a major retail business center. Multiple mechanic's liens were filed, including a lien which I prepared and filed for my client. Virtually every party filed counterclaims and crossclaims against all other parties. Shortly before the scheduled trial, I successfully negotiated a settlement (confidential terms) of my client's claim, thereby avoiding unnecessary expenses related to prolonged litigation.

Aqua Scape Specialties Corp. v. Aquascapes, Inc., Case Number 0616-CV32799, Circuit Court of Jackson County, Missouri. I represented the Defendant and the attorney for Plaintiff was James Ensz, 2121 City Center Square, 1100 Main Street, Kansas City, Missouri 64105. The Plaintiff alleged that the Defendant had interfered with and misappropriated the Plaintiff's business name and reputation and was inappropriately confusing Plaintiff's business customers. The Plaintiff sought damages as well as an injunction which would have required the Defendant to close, change its name, pay significant damages, and/or otherwise alter its business. I successfully negotiated a favorable resolution which allowed my client to retain its business name, continue its business focus (without change), and avoid paying damages to the Plaintiff.

The Tobacco House, Inc. v. Kleoppel, Case No. 06LF-CV00855, filed August 9, 2006, Lafayette County Circuit Court. I represented the Plaintiff. The Defendant was represented by John Bragg, 201 North Spring Street, Independence, Missouri 64050. My client claimed deficiencies and defects regarding the installation of a commercial parking lot - the materials themselves were deficient and an inadequate amount of materials were actually installed. One week before the case was scheduled to start a jury trial, the Defendant agreed to settle. The Defendant agreed to repair and replace all of those parts of the parking lot which were deficient and damaged. This settlement was a very positive outcome for my client in

that it was able to have the parking lot completed according to original expectations and requirements.

Belton Missouri School District No. 124, ex rel Tandem Paving Co., Inc. v. Jenkins & Associates, Inc., Case No. 06CA-CV02342, filed July 28, 2006, Circuit Court of Cass County. I represented Plaintiff, Tandem Paving Co., Inc. The Belton School District was represented by Elvin Douglas, 117 S. Lexington, Harrisonville, Missouri 64701. Jenkins & Associates was represented by Jeffrey Siegel, 6804 W. 107th Street, Suite 250, Overland Park, Kansas 66212. My client provided construction work for the Belton School District. Tandem was not paid so this lawsuit was filed asserting a claim against the Payment Bond. The Defendants filed a motion for summary judgment which was denied by the court. While the parties were at court for trial, the case settled with payment being made to my client.

In re: The Austin Company and Austin Holdings, Inc., Case Number 05-93295, United States Bankruptcy Court, Northern District of Ohio. I represented The Foley Company, a creditor of this bankrupt company. Foley was owed a significant amount of money from Austin as a result of work performed by Foley. After bankruptcy was filed, I was able to negotiate a confidential settlement, thereby avoiding additional expense and delays for my client. Subsequently, a claim was asserted against my client alleging that it had received a significant preferential payment from the debtor prior to the bankruptcy filing and prior to my involvement in the case. The attorney for the bankruptcy trustee was Joe Sheerin, One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030. I negotiated a settlement for an amount significantly less than what was claimed.

Corn v. United Parcel Service, Inc., et al, Case No. 05LF-CV01040, filed August 22, 2005, Circuit Court of Lafayette County. I represented Plaintiffs in this claim for damages, losses, and injuries sustained in an automobile collision. Defendants were represented by Stephanie Warmund, 9200 Ward Parkway, Suite 300, Kansas City, Missouri 64114. My clients sustained property damages and injuries as a result of being broad-sided by a United Parcel Service truck that failed to stop at a posted stop sign. The case was mediated which resulted in a resolution on favorable terms for my clients.

In Re: Wheeler, Case No. 0546983-W-abf-13, filed September 22, 2005, United States Bankruptcy Court for the Western District of Missouri. I represented Mike and Linda Powis, creditors of the debtor. The debtor was represented by Tracy Robinson, 818 Grand Boulevard, Suite 505, Kansas City, Missouri 64106. As part of Mr. Wheeler's bankruptcy, he

filed a request to avoid (terminate) a judgment lien in favor of my clients. I objected to the request to avoid the lien. I negotiated an agreement whereby the lien was not avoided and my clients were paid for their judgment lien.

Bi-County United Way of Cass and Jackson, Inc., et al v. Jackson County, Missouri, Case Number 0516-CV07515, Circuit Court of Jackson County, Missouri. I represented the Plaintiffs, local affiliates of The United Way. The Jackson County Counselor's office represented the Defendant. The lawsuit was filed to recover real estate taxes paid under protest. Prior to trial, a settlement was negotiated resulting in a refund of taxes paid by my clients.

In re: Jeffrey Wycoff, Adversary Proceeding No. 04-5205, United States Bankruptcy Court for the Western District of Missouri, filed December 14, 2004. Counsel for the debtor was Steve Burmeister, 14701 E. 42<sup>nd</sup> Street, Independence, Missouri 64055. I represented Patty Wycoff, the debtor's ex-wife. The debtor sought to discharge a sizeable debt that was owed to my client as a result of a judgment entered in Jackson County Circuit Court. I filed a complaint objecting to the dischargeability of that debt and claimed that the debt was non-dischargeable as a result of the fact that it arose from fraudulent actions of the debtor (including failure to disclose and concealment). On the day of trial, I negotiated a settlement whereby the debtor agreed to the non-dischargeability of the debt and agreed to make payments to my client. In addition, I negotiated an agreement whereby the debtor's current spouse personally guaranteed payment of the debt.

Swim Things, Inc. v. Parker Construction, Inc., filed October 1, 2003, Case No. 03CV-217899, Circuit Court of Jackson County. I represented the Plaintiff, Swim Things, Inc.. The Defendants were represented by Randall Oettle and Michael Boyd, 425 N. New Ballas Road, Suite 230, St. Louis, Missouri, 63141, James Ewan, 233 W. Walnut, Independence, Missouri 64050, and Jason Rew, 601 N.W. Jefferson, P.O. Box 550, Blue Springs, Missouri, 64013. My client had performed construction work on real estate owned by the Defendants. It was not paid so I filed a mechanics' lien and this lawsuit sought enforcement of that mechanic's lien and foreclosure on the real estate. As a result of the filing of the lawsuit and the mechanic's lien, this case was resolved with payment being made to my client.

United States Department of Labor, Occupational Safety and Health Administration v. Viebrock Construction and Equipment, Inc., Citation No. 306700246, OSHRC Docket No. 03-1866, filed August 25, 2003. I represented Viebrock

Construction. Viebrock was cited by OSHA for violation of numerous regulations and laws regarding its work on a construction project. On behalf of Viebrock, I contested the alleged violations. After discussions and negotiations with OSHA representatives, Viebrock was allowed to properly abate any alleged violations and resolve all of the other claims of violations. This settlement agreement was approved by the Administrative Law Judge.

11. **Have you briefed or argued any case in an appellate court? Yes**

**If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.**

Of the three cases listed below, two led to changes in statutes by the Missouri Legislature. These changes resulted in improvements to the law and added protections to individuals and small business owners. Although the outcome of these cases was not directly what was requested on behalf of my clients, each decision was apparently based on the law that existed at that time.

*Re Max of Blue Springs v. Vajda & Co., Inc., et al*, 709 S.W.2d 804 (Mo. App. W.D. 1986).

I briefed and argued this case in the Missouri Court of Appeals. My client, Anna Vajda, together with her husband, provided all of the funds for purchasing and constructing a duplex where she lived - the property was initially titled in her and her husband's name. After her husband died (and prior to hiring me), she re-titled the duplex by adding her two sons' names onto the title to that real estate. The purpose was to allow the real estate to be transferred to her sons when she died without involving the probate court. Neither son contributed anything financially to the property or the maintenance of the duplex. One of the sons had numerous judgments against him. One of his judgment creditors took legal action seeking to force the sale of the duplex to pay the judgment in its favor. I argued successfully to the Jackson County Circuit Court that the creditor should not be entitled to sell the duplex. However on appeal, the Court of Appeals disagreed and stated that the creditor did have the right to force the sale of the duplex. Subsequently, the Missouri General Assembly corrected this situation by passing a law creating Beneficiary Deeds.

*Bush Construction Machinery, Inc. v. Kansas City Factory Outlets, L.L.C.*, 81 S.W.3d 121 (Mo. App. W.D. 2002)

I was involved in briefing, but did not argue this case in the Missouri Court of Appeals. My client, Bush Construction Machinery was an equipment rental company that leased construction equipment to a contractor who used that equipment for the construction of a large shopping center. The contractor did not pay Bush for the rental of the equipment. Bush filed a mechanic's lien on the real estate where the shopping center was built and then filed a lawsuit to enforce its mechanic's lien. The owner and contractor claimed that Bush did not have the right to file a mechanic's lien under the then existing statutes. The Missouri Court of Appeals determined that the then existing mechanic's lien statute did not allow an equipment rental company to file a mechanic's lien for leased equipment that was used on a construction project. Subsequently, the Missouri Legislature amended the mechanic's lien statute to allow equipment leasing companies (such as my client) to file mechanic's liens for rental equipment.

In re: J.W., 121 S.W.3d 576 (Mo. App. W.D. 2003).

I briefed this case for the Court of Appeals. The case was submitted on the briefs and there was no oral argument. I represented the appellant, T.W., mother of a juvenile J.W.. The case involved an action to terminate my client's parental rights to J.W.. The Circuit Court determined that T.W.'s parental rights should be terminated. On appeal, I argued that the Court's decision did not meet the requisite statutory requirements and was not supported by the evidence. The Court of Appeals affirmed the Circuit Court's decision.

12. **If your experience as an attorney is not in litigation, you may list up to five (5) of your most significant accomplishments in your law career.**

As noted in this application, in addition to handling litigation cases during my legal career, I have also handled and been involved in all aspects of business transactions and disputes, real estate transactions, construction contracts and disputes, and other commercial business matters. This is a list of some of those accomplishments.

For the past 3 years, I have worked on a complex commercial real estate transaction, negotiating the purchase of eight parcels of property from eight different ownership groups, comprising over 100 acres of real estate. I have also advised my client on financing issues and have negotiated financing terms. I have provided advice regarding development issues, zoning and use issues, and construction issues regarding that property. I

am currently representing my client in negotiations with national developers interested in joint venturing with my client in the development of this property into a multi-use, commercial, residential, business, and retail center.

I have appeared at, made presentations and legal arguments at, and presented evidence at multiple public hearings (City Planning Commission and City Council) regarding planning issues, zoning issues, and development and construction issues, and issues related to the impact on surrounding properties and the comprehensive plan for the city.

I wrote a new ordinance which was adopted by the City of Blue Springs specifically regarding this development project, which modified existing ordinances and established a development plan for this property.

When construction on this property and project is completed, it will include residential, commercial, and retail usages, and a neighborhood business district, and will significantly improve the surrounding community and residents in that locale.

In addition to the project identified above, I have also been involved in representing many other clients regarding the acquisition and development of business and residential projects. In the course of this representation, I have negotiated contracts, met with city officials and neighbors regarding development issues, and have made multiple presentations at public hearings. These development projects have included many different types of commercial and business usages as well as many different types of residential housing construction and numerous amenities.

Together with one of my partners, I represented a family who owned property that had been used as a golf course. Our clients were approached by several developers interested in purchasing the property and developing it into a large shopping center and commercial development. We negotiated with all prospective developers and negotiated a cooperative agreement with a developer which allowed our clients to be involved in the development plan for the entire property. As the development has progressed, we have continued to work with our clients and the developer to address and resolve multiple issues. This development has been a mutual success - a benefit has been provided to the surrounding community and a financial benefit has resulted to our clients.

I have represented a medical practice in all aspects of its business. I have guided this practice through the transfer, sale, and conveyance of multiple ownership interests between physicians and their families. I have re-written the practice's operational documents. I have also advised the

medical practice in transactions involving its ownership of the real estate where the practice is located.

I have represented several construction companies during my practice. My representation has included all aspects of their business, from reviewing bid documents, negotiating contracts, and advising clients how to best fulfill and complete their contract obligations. In many cases, I have worked with my clients to help them resolve the disputes and issues that arise on construction projects so that work may proceed without the necessity of judicial intervention. In many situations, this represents the best legal assistance I can provide for a client. Projects in which I have been involved include the construction/expansion of a church, military armory, power generating plant, waste water treatment plant, convention center, and baseball stadium.

Over the years, I have represented individuals and advised them on all issues related to the creation, ownership and operation of their small businesses. I have also been involved on multiple occasions in representing businesses and individuals in either buying or selling their respective businesses to third parties or to their business partners. These business transactions have included businesses of all sizes.

The business sales/purchases that I have negotiated include, for example, a tennis club, railroad safety training company, railroad engineer training company, the purchase of rail cars, long term care facility, an art and graphics printing company, multiple convenience stores, franchise restaurants, night clubs, salons, and petroleum marketing company. These transactions are included in this list as significant because they involved situations which in many cases were especially difficult and problematic, but which were also successfully resolved. Some of these matters were essentially "business divorces" in which existing partners were not able to remain in business together. In all of these matters, I am proud that I have vigorously represented my clients and sought to obtain the best possible terms for them, while at the same time recognizing the value of resolving the disputes in such a way as to avoid or minimize litigation because of the cost and emotional impact on my clients. In addition to being an advocate for my clients, I also believe it is desirable if possible, to be a facilitator for my clients, assisting them to reach their desired outcome.

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

Many of my clients are individuals or businesses who are long term clients, several of which I have represented on multiple matters over many years. Their on-going confidence in me and the quality of my legal work is exhibited by the fact that they continue to allow me to represent them. Additionally, these same clients have over the years referred many of their friends, family, and business associates to me for representation.

During my practice, many attorneys have referred clients and cases to me for legal matters which are outside of their area of legal expertise. This shows that those attorneys have confidence in my professional and personal abilities and trust me with representing their clients.

Over the course of my practice, I have had several occasions where other attorneys have contacted me for advice and guidance regarding specific legal matters. On other occasions, attorneys have asked if they could use pleadings I have prepared as the basis for similar pleadings in their own cases. These actions demonstrate the quality of my legal work in that other professionals have sought me out for advice and utilized documents and pleadings I have prepared.

14. Have you ever been convicted of a misdemeanor or felony? No

If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:

15. 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

If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated:

16. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? No

If yes, provide details:

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

If yes, provide details:

18. If you are or were a member of the Judiciary of the State of Missouri, please state: Not applicable.

- (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 yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:

- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary.

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:

- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details:

19. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct?  
No

If yes, provide details:

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

*Kansas City Metropolitan Bar Association.*

I have been/am a member of the Construction Law Committee.

I have been/am a member of the Civil Law and Procedure Committee.

I have been a member of the Young Lawyers Section.

I assisted in the creation, development, and presentation of community educational programs regarding the Missouri judicial system and the non-partisan court plan.

*Eastern Jackson County Bar Association.*

I have served as Chair of the Legislative Committee which reviewed and made recommendations regarding pending legislation and also recommended issues to be considered by legislators.

*The Missouri Bar.*

Civil Practice and Procedure Committee.  
Commercial Law Committee.  
Construction Law Committee.

*American Bar Association.*

General Practice, Solo, and Small Firm Division.

*Missouri Association of Trial Attorneys.*

*American Association for Justice.*

Business Torts Section.  
Sole Practitioner & Small Firm Section.

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

*Harry S. Truman Neurological Center, Kansas City, Missouri.*

Truman is a residential and day habilitation facility (24/7) for children and adults with severe developmental disabilities.

In addition to its administrative facility, Truman operates numerous small group residential homes which provide residential care, support, and developmental activities (24/7) in a smaller setting.

I was a member of the Board of Directors for approximately 15 years, serving as Vice Chairman and Chairman over ½ of that time.

I was Chairman of the Finance Committee.

I was Chairman of the Executive Committee.

I provided legal advice and direction to the Center as needed, including all aspects of the Center's operations and care of residents.

I was involved with and participated in relations with and interactions with family members, state regulators, state agencies, and various elected officials.

During my leadership on the Board, we raised money for, issued bonds for, and constructed a new multi-million dollar residential facility and updated our administrative facility.

We also expanded Truman's operations and services by acquiring, constructing, and creating numerous small group homes and individual living environments to provide optional living arrangements for our residents.

*Habitat for Humanity of Eastern Jackson County, Inc. (now merged with and known as Three Trails Habitat for Humanity, Inc.).*

Habitat provides quality, affordable homes for low income families.

I was involved in the initial creation and organization of this new Habitat affiliate, including being the incorporator.

I have been a member of the Board of Directors.

I prepared all legal documents, counseled and advised the Board on all organizational and operational activities, and remained active in and assisted Habitat fulfill its mission.

*City of Blue Springs, Missouri, Traffic Safety Commission.*

I was one of the original members of my community's first Traffic Safety Commission.

The Commission evaluated and assessed traffic issues for our community and citizens, provided suggestions, recommendations, and advice to City staff and elected officials on all issues related to traffic safety, traffic conditions, traffic regulations, development of roads and traffic flow for the City, and assisted in all related matters regarding these aspects of our growing community.

I participated in and conducted public meetings regarding traffic safety issues and solicited the input of citizens.

*City of Blue Springs, Missouri, Public Safety Commission.*

I was the Chairman of this Commission.

The Commission's purpose and responsibility was to evaluate and address any and all safety issues or concerns of community members.

The Commission held public meetings, obtained citizen input, reviewed recommendations from all public safety departments (police, fire, ambulance), made recommendations to all public safety departments, and sought ways to improve our city and enhance the safety and quality of life of our citizens.

As Chairman of the Commission, I conducted all public hearings on behalf of the City.

*Blue Springs, Missouri School District, Financial Advisory Committee.*

I was Chairman of this committee.

This committee reviewed the school district's short term and long term financial needs, evaluated its financial plans, and advised the School Board and district administrators in evaluating school funding issues.

The committee provided independent advice and recommendations regarding budget issues as well as suggested ways to utilize school funds to the best advantage and benefit of our students.

We evaluated recommendations from seven different task forces regarding alternative school programs, programs for at-risk

students, before and after school day care, breakfast programs, early childhood educational programs, educating students for the future, and integrating computer technology into schools. After reviewing those recommendations, we then reported to the School Board regarding financial mechanisms which would allow for the accomplishment of those recommendations.

*Blue Springs, Missouri School District.*

I have been a consistent participant at career days, speaking to students regarding the legal profession specifically and the importance of education in any career choice. I have also counseled students that the decisions they make now will have long lasting impact on their lives.

I have judged debate tournaments.

I have tutored and advised debate students to help them prepare for competitions.

*Independence, Missouri School District.*

I have spoken to students (and their parents) being inducted into National Junior Honor Society, congratulating them on their academic accomplishments and encouraging them to find ways to serve their school and community.

*Sunset Optimist Club, Blue Springs, Missouri.*

I was Charter Member and organizer/creator of this affiliate club.

I was Vice President.

I was a member of the Board of Directors.

I was a member of Executive Board.

*Boy Scouts of America.*

I am a Council Member of the Blue Elk District. This council serves to guide and direct the actions of all scout troops within the District.

In addition, I am an Eagle Scout.

*Church activities.* I have been active in all aspects of my church (Community of Christ).

I have served as lay minister and have been presiding administrative official for my congregation (similar to a parish).

I oversaw the re-construction of our congregational building after an arson fire destroyed it.

I have served in a leadership group which is the financial advisor for 15 congregations, offering financial guidance, advice, direction, and assistance.

- I have been an active member of a church commission/advisory board which considered and offered advice and recommendations to international church administrators on social issues and their impact on the church.
- I have served on a commission which evaluated the role of churches in different community settings - urban, suburban, and rural.
- I am Vice Chair of a foundation that oversees numerous church historical sites throughout the United States. We are currently working on expansion to include international historical sites.
- I am Chair of and have been actively involved as a fundraiser for multi-million dollar construction projects for the benefit of church historical sites.
- I have served as a member of my congregational building committee which developed plans for expansion of our building and oversaw construction of improvements.
- I have counseled families, individuals, and youth.
- I have served as a member of a committee responsible for establishing an endowment fund to pay for future operational expenses, major maintenance expenses, and repairs of church facilities and buildings in the metropolitan Kansas City area.

*Graceland University Alumni Association of Greater Kansas City.*

- I was a charter member of this association.
- I have served as Chapter President.
- I was a member of the organizational committee and involved with the creation of this association, including preparing organizational papers and documents.
- This association promotes Graceland University and provides networking opportunities for its alumni. In addition, it also raises money for scholarships which are awarded to students who attend Graceland University.

*I have been involved in the development of and presentation of multiple community informational seminars.*

- Some were conducted in conjunction with a local bank and others were developed and presented by me alone. The purpose of these seminars was to provide the community with general information regarding everyday legal issues.

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

If yes, provide details: County Committeeman Sni-A-Bar Township 1990  
- 2002

23. Are you delinquent in the payment of any federal, state, county or city taxes?  
Yes ( ) No (X)

If your answer is yes, please state details.

24. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state:

No additional information other than as stated in this application.

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

*Eastern Jackson County Bar Association Community Service Award.*

This award was for my public service benefiting our community, specifically recognizing my assistance and advocacy for at-risk and disabled individuals.

*Special recognition by the Jackson County Circuit Court.*

I contributed to and participated in public forums and educational seminars advising citizens about the Missouri judicial system and the non-partisan court plan (see attached letter from Judge Jack Gant).

Case summary published in *The Urban Lawyer*.

26. No more than five (5) persons may mail a letter of reference with respect to your character and judicial qualifications. See instructions for deadline for submission. **DO NOT INCLUDE AS A REFERENCE ANY ACTIVE SITTING JUDGES FROM THE CIRCUIT FOR WHICH YOU ARE APPLYING.** List the names of the persons from whom each member of the commission will receive letters.

1. Kim M. Roam, Attorney at Law, Cochran Oswald & Roam, P.C., 601 NW Jefferson Street, P.O. Box 550, Blue Springs, Missouri 64014.
2. James F. Freeman, III, Attorney at Law, Swanson Midgley, LLC, 2420 Pershing Road, Suite 400, Kansas City, Missouri 64108.

3. Gregory O. Grounds, Attorney at Law, Grounds Rose & Emke, 922 Oak Street, Kansas City, Missouri 64106.
4. L. Clay Barton, Attorney at Law, Barton Hall & Schnieders, PC, 1117 South Broadway, P.O. Box 110, Oak Grove, Missouri 64075.
5. ElizaBeth Grubb, Ph.D., Executive Director, Sunshine Center School, 607 W. Lexington, Independence, Missouri 64050.

27. **State any additional information you deem relevant:**

**Overview of Legal Experience**

*Litigation - Civil, Business, Real Estate, Commercial and Construction.*

I have litigated, mediated, and arbitrated a multitude of these types of civil matters during my career. These litigation matters have extended from smaller disputes that were litigated in a couple of hours to large, complex commercial and construction litigation matters, one of which was tried over three weeks. Many of these cases have been successfully settled on behalf of my clients.

*Transactional - Business, Real Estate, Commercial and Construction.*

I have successfully handled many transactions over the years of my practice. As in the litigation field, these matters have included smaller personal transactions for individuals and have extended to large, complex commercial transactions.

*Appellate.*

As described in greater detail in this application, I have written briefs for and argued cases before the Missouri Court of Appeals, which have resulted in significant and important changes in the law.

*Criminal.*

This has not been the primary focus of my practice. However, I have participated in and represented individuals charged with capital murder.

*Domestic and Juvenile.*

Although it has not been the primary focus of my practice, I have had the opportunity to represent individuals and assist them during difficult times in their lives by handling cases in the area of domestic law. I have also been involved in juvenile court matters and litigation regarding rights of juveniles and their parents.

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My wife Pam and I have been married 24½ years. We have 2 daughters, Sharon and Tara, a son-in-law, Nate, and two grandsons, Tristan and Reese. Pam is a retired school teacher and school administrator and a small business owner. Sharon has been both a teacher and school administrator and Nate works at Sprint. They live in Lee's Summit, Missouri. Tara is a medical doctor currently in residency in Tampa, Florida. My family is of paramount importance to me. I am very proud of them and the fact that each member shares my desire to serve the community. They are pursuing their own avenues of service and strongly support me in this application.

My parents and grandparents taught me many important lessons of life - respect for all people, value family and relationships, work hard, always be prepared, and the importance of character. They also taught me that it is important to be a good listener. They instilled in me the strong desire and calling to serve others in any way possible. These lessons have been important to me in my life and legal practice and they would guide me in my dealings as a Judge with the citizens of Jackson County and all litigants who would appear before me.

As evidenced by my active involvement in all aspects of my profession and many professional organizations, public and private sectors of my community, school district, and church, I strongly believe in public service. I believe in giving and sharing the talents and skills provided to me for the betterment of my profession, my community, and my neighbors (near and far) in any way possible. If I am selected to serve as Circuit Court Judge, I will use this new opportunity to continue my lifetime of service and will work with unfailing efforts to honorably fulfill that public trust.

During my professional career, I have appeared in and/or tried, arbitrated, or mediated many cases in numerous state and federal jurisdictions. I am comfortable in court and I am a strong believer in our judicial system. I have handled numerous different legal matters including business, real estate, and commercial transactions, large and small. I am proud of the fact that my professional efforts have helped many people through difficult situations and also helped people achieve their dreams.

I have always practiced law based on the principles of respect, professionalism, integrity, and preparedness. Each client and each legal matter is entitled to and must be handled with the same degree of care, preparation, and

professionalism regardless of the size of the dispute. I have prepared each case, handled each transaction, and represented each person as if that matter was the only case I had. In many situations, that client's case was the only legal dispute or transaction they were involved in and it was extremely important to them. I owed them the respect of recognizing that and treating that case/dispute with my complete attention.

I believe my professional and personal background, together with my life experiences have prepared me with well rounded, exceptional qualifications for continuing public service as a judge. It would be an honor to serve the people of Jackson County by appointment to the bench. If selected, I will continue to follow the same principles stated above and will use my professional training and experience and personal skills to vigorously provide true and consistent justice for each litigant and attorney who appears in the division of the Court where I sit.

By my signature to this application, I authorize: (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with respect to my medical, police or disciplinary records, and (2) the Commission and its members to obtain additional relevant information regarding my qualifications as well as the accuracy of my responses to the questions on this application, with the understanding that the information described in (1) and (2) above is available only to the members of the Sixteenth Circuit Judicial Commission. Notwithstanding the above, in accordance with Supreme Court Rule 10, as amended effective February 29, 2008, if I am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

I hereby certify that all my statements as made above are correct, and that if I am appointed to the office of Circuit Judge of Jackson County, Missouri, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE: August 11, 2008

SIGNED: 