

**APPLICATION OF JOEL DAVID FERBER
TO THE APPELLATE JUDICIAL COMMISSION FOR THE
JUDGE AHRENS VACANCY
MISSOURI COURT OF APPEALS, EASTERN DISTRICT**

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

1. Present principal occupation or title:

Director of Advocacy, Legal Services of Eastern Missouri, Inc.

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

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

56 years.

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

30 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 19, 1985. My license is in good standing.

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

Bar Admission	Date
United States District Court, Western District of Missouri	October 19, 1985
United States District Court, Eastern District of Missouri	January 17, 1986
United States Court of Appeals, Eighth Circuit	December 28, 1987

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

Name	Address	Dates Attended	Degree
Johns Hopkins University	3400 North Charles Street Baltimore, Maryland 21218	1977-1981	B.A. with honors

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

Scholastic Achievements:

Dean's List: Spring 1977-78, Fall 1978-79, Spring 1978-79, Fall 1979-80, Spring 1979-80, Fall 1980-81.
Graduated with honors.

Activities:

Volunteer, Phipps Clinic, Johns Hopkins Hospital – September 1979 to May 1981
– I worked with patients diagnosed with anorexia and other eating disorders.
Performed in various bluegrass bands throughout college.

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

Name	Address	Dates Attended	Degree
New York University School of Law	40 Washington Square South, New York, NY 10003	1982-1985	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.

Honors:

Public Interest Internship - successfully competed for stipend supporting summer internship which I used to work for a public interest law firm in the summer of 1984.
 Review of Law and Social Change – Staff Member, 1983-1984.
 Law Students Civil Rights Research Council Internship – successfully competed for public interest internship which I used to engage in civil rights legal work in the summer of 1983.

Activities:

Unemployment Action Center – I represented individuals in unemployment compensation cases.
 Public Interest Law Foundation.
 NYU Public Interest Coalition.

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.

(a) Non-Law Related Employment Prior to Law school

Employer	Address	Dates of Employment
Pierce Day Camp (counselor)	Roslyn, New York	Summer 1977
Princess Shops (janitor)	Baltimore Maryland	Summer 1978
Various Temporary Agencies	Long Island, New York	Summers 1979-1980
Freelance Musician	New York, New York	Summers, 1979, 1980, June 1981- September 1982
Record World (store clerk)	Manhasset, New York	December 1981-February 1982
Well Bread Loaf (delivery truck driver)	New York, New York	Spring- Summer 1982

(a) Law-related Employment

Employer	Address	Dates of Employment	Position
Beth Wickey, Esq.	Hempstead, New York	Summer 1983	Law Clerk
Professor David Kadane	Hofstra University Hempstead, New York	Summer 1983	Law Clerk
Litt and Stormer	Los Angeles, CA	Summer 1984	Law Clerk
Legal Services of Eastern Missouri, Inc.	4232 Forest Park Ave St. Louis, MO 63108	September 1985 to present	Staff Attorney (1985 to 2002), Managing Attorney (2002 to August 2009), Director of Advocacy (September 2009 to present)

9. If, as a student, 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. It is your responsibility to redact any confidential information.*) Include in your response:

I have engaged in a wide range of legal advocacy, including successful individual cases and class actions described below. Often these cases have used novel legal theories or were cases of first impression. Many have been affirmative cases while others have been successful appeals of administrative hearings. Some of the cases listed in the “trial experience” section more closely resemble appellate cases in that they involve appeals of administrative hearing decisions to circuit court based on the administrative record. Moreover, some of my significant appellate cases also included extensive work at the trial level, as indicated below. This list below provides a representative sample of my litigation experience, but I have also handled over one hundred administrative hearings involving Social Security and other public benefits. Moreover, I have engaged in a wide range of legislative and administrative advocacy, as discussed in more detail below. I have also provided extensive assistance and supervision to our staff on a wide variety of legal matters where I have not been an attorney of record. I continue to provide such assistance on cases in both the trial and appellate courts. I am currently working with our staff on litigation involving state constitutional issues and complex matters of statutory construction in education and family law matters.

- 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.

Cases

- i. ***Lawson v. Mo. Dept. of Social Serv., MO HealthNet Div., No. ED90908 (Mo. App. 2008) (settled).***
- ii. We represented the appellant Alisha Lawson (Plaintiff in the trial court). LaSandra F. Morrison, Assistant Attorney General, represented appellee (Defendant), the MO HealthNet Division.
- iii. Appellant was a Missouri Medicaid (MO HealthNet) beneficiary. The State agency denied coverage of her dental (orthodontia) services based on her score on a screening tool called the Handicapping Labio-Lingual Deviation (HLD) Index. The Agency affirmed the denial at an administrative hearing, and the denial was also affirmed by the circuit court. In the Court of Appeals, we argued that the denial of orthodontia services based solely on the HLD Index score was arbitrary and violated federal law, which required that such decisions be based on “medical necessity.” We also argued that denial of services based solely on the HLD Index score violated the federal Early and Periodic Screening Diagnosis and Treatment

(EPSDT) requirement and Medicaid’s “reasonable standards” and “comparability” requirements, as well as the Missouri Administrative Procedures Act. After we briefed the case in the Court of Appeals, the Defendants agreed to settle the case and approve our client’s medically necessary dental services. I helped draft and edit the brief we filed in the Court of Appeals.

- i. ***Lankford v. Sherman*, 451 F.3d 496 (8th Cir. 2006).**
 - ii. We represented the appellants (Plaintiffs in the trial court) Susan Lankford; Rachel Ely; Joseph Everett, by next friend, Jan Everett; Donald Eugene Brown; Laura Lee Greathouse; Kimberly Vogelpohl; Adam Daniel Thomason, and several other Missouri Medicaid recipients. Gary Gardner, Assistant Attorney General, represented appellees (Defendants), the Directors of the Missouri Department of Social Services and Division of Medical Services (now the MO HealthNet Division).
 - iii. Plaintiffs challenged a state regulation limiting coverage of Durable Medical Equipment (DME) as a violation of the Medicaid Act’s reasonable standards and comparability requirements. In 2005, the Department of Social Services issued a regulation denying coverage of most medical equipment and supplies for non-blind disabled individuals. Blind individuals continued to receive the full range of DME services. Plaintiffs were disabled Missouri Medicaid beneficiaries who were going to lose coverage of medical equipment and supplies such as wheel chair batteries, feeding tubes, walkers, canes, and medically necessary breathing equipment pursuant to the new regulation. Plaintiffs filed an affirmative lawsuit in the United States District Court for the Western District of Missouri where our motion for a temporary restraining order and preliminary injunction was denied. Plaintiffs appealed to the Eighth Circuit where we prevailed on our claim that the regulation violated Medicaid’s reasonable standards requirement. The Eighth Circuit did not address the merits of the comparability claim. The decision also established that the reasonable standards requirement, while not enforceable under 42 U.S.C. Section 1983, was enforceable under a preemption theory pursuant to the Supremacy Clause to the United State Constitution. On remand, the district court ruled in favor of the Plaintiffs on the remaining preliminary injunction factors and granted summary judgment to Plaintiffs, permanently enjoining the State Agency from implementing the illegal regulation. I drafted the winning “reasonable standards” argument in our appellate brief, as well as multiple supplemental briefs, and I did the majority of the briefing on remand in the district court on our motions for a preliminary injunction and summary judgment.
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- i. ***Lee and Weathers v. Mo. Dept. of Social Serv.*, No. ED84088 (Mo. App. 2004) (settled).**
 - ii. We represented the appellants (Plaintiffs in the trial court), Georgia Lee and Carolyn Weathers. Matt O’Laughlin and Greg Perry, Assistant Attorneys General, represented the Department of Social Services, the appellee.
 - iii. This case challenged the Missouri Medicaid program’s failure to comply with the Social Security Administration’s “sequential evaluation” process to determine disability in Medicaid cases – a practice that resulted in denials of Medicaid

benefits to our clients. The Department of Social Services argued that it was not required to use the Social Security Disability standard because of Missouri's status as a Section 209(b) State under the Social Security Act. After unsuccessful administrative hearings before the Family Support Division, the Plaintiffs appealed these cases to circuit court and lost. However, the case settled after briefing in the Missouri Court of Appeals. The parties reached a settlement agreement under which Defendants agreed to comply with the aforementioned sequential evaluation process. We filed a joint motion to vacate the circuit court's decisions and remand the cases to the Family Support Division for further proceedings. In its order granting our motion, the Court of Appeals required the Family Support Division to comply with federal Medicaid regulations, "including application of the five-step sequential evaluation for evaluating disability in the federal Social Security and Supplemental Security Income (SSI) regulations (the SSI disability evaluation criteria)." I was the primary author of the briefs in these cases before the circuit and appellate courts.

- i. ***Blue Cross and Blue Shield of Mo. v. Jay Angoff, Mo. Dept. of Insurance, and Jeremiah W. (Jay) Nixon, No. SC81172, and No. SC82125 (Mo. 2000).***
- ii. We represented *amici curiae*, Reform Organization of Welfare (ROWEL), Dorothy Seward, Richard Trennepohl, Pat Payette, Irene Wiley, Billie Hatfield, and Grace Pellegrini in this case challenging Blue Cross and Blue Shield of Missouri's "reorganization" in which it created (and transferred a majority of its business to) a for-profit subsidiary, RightChoice. Paul C. Wilson represented Defendant Nixon, then the Missouri Attorney General. Henry Herschel represented the Missouri Department of Insurance, while Richard Ahrens and John Riffle represented Blue Cross and Blue Shield of Missouri. James W. Gallaher and Dale C. Doerhoff were appointed as counsel to the Special Master, Robert Russell and argued in favor of the circuit court's decision on appeal.
- iii. This case successfully challenged Blue Cross and Blue Shield's reorganization as a violation of Missouri's nonprofit and health services corporation law, which precluded them from operating on a for-profit basis. I filed amicus briefs in the trial court, the Court of Appeals, and the Missouri Supreme Court and helped to negotiate a final settlement with Blue Cross and the State Defendants. After the Cole County circuit court found that Blue Cross violated Missouri's nonprofit law, and the Court of Appeals affirmed that decision, Blue Cross and the State Defendants reached a settlement of the litigation. At that point, the circuit court appointed a Special Master to review the agreement, and *amici* were invited to participate in all circuit court hearings as well as depositions regarding the proposed settlement. I was deeply involved all of these proceedings, making oral arguments, examining witnesses, and briefing the legal and factual issues in the trial court. After we objected to the proposed settlement, the original parties (Blue Cross, the Attorney General and the Department of Insurance) and the *amici* negotiated a modified settlement that preserved the full value of Blue Cross's assets for the new nonprofit health foundation and modified the governance of the new Foundation. All parties, including *amici curiae*, moved the circuit court to approve the settlement agreement, but the Court rejected the

modified agreement. That decision was appealed to the Missouri Supreme Court, and *amici* filed briefs in support of the amended settlement agreement. In an unpublished decision, the Supreme Court directed that the parties could settle their case without approval from the district court. A final Amended and Restated Settlement Agreement was signed on January 6, 2000, creating the Missouri Foundation for Health, the largest health foundation in the state. The Foundation currently has over \$1 billion in assets.

- i. ***Mikel v. Gourley*, 951 F. 2d 166 (8th Cir. 1991).**
 - ii. We represented the appellees (Plaintiffs in the trial court) Waldine Mikel, individually and as next friend of Bret Mikel, Julie Mikel, Jeffrey Mikel, Alesia Mikel, and Tamara Mikel; Elizabeth Smith, individually and as next friend of Lee Smith; Velma Malone individually and as next friend of Barbara Malone, De Andre Smith, William Muich, and class of similarly situated Missouri Aid to Families with Dependent Children (AFDC) and Medicaid claimants. William Cornwell represented appellants (Defendants), the Directors of the Missouri Department of Social Services Division of Family Services.
 - iii. In this case, the Department of Social Services appealed the district court’s clarification of its longstanding permanent injunction requiring the State Agency to implement administrative hearing decisions in compliance with federally mandated time frames in AFDC and Medicaid cases. I took over as lead counsel in this case in 1985. The State Agency had sought to relax these requirements in cases in which Medicaid and AFDC claimants exercised their rights to an in-person (face-to-face) hearing, as opposed to a telephone hearing. Defendants argued that requests for in-person hearings were “claimant-delays” that extended the 90-day time frame required by federal law. The district court clarified that the Defendants could not exceed the mandatory 90-day time frame for implementing hearing requests by labeling all requests for in-person hearings as “claimant-delays.” The Eighth Circuit agreed with Plaintiffs that the clarification was not an appealable order and ruled in Plaintiffs’ favor. I briefed and argued the case before the Eighth Circuit.
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- i. ***Jenkins v. Bowen*, 861 F.2d 1083 (8th Cir. 1988).**
 - ii. We represented appellant, Louvenia Jenkins (Plaintiff in the trial court). Wesley Wedemeyer, Assistant U.S. Attorney, represented appellee, Secretary of Health and Human Services (HHS).
 - iii. Plaintiff appealed the denial of Social Security Disability Benefits, including the Administrative Law Judge’s finding that Ms. Jenkins was not disabled because there were significant numbers of jobs in the national economy that Jenkins, a former security guard with a variety of health problems (including arthritis, back pain and recurrent skin abscesses), could perform. Although we were not ultimately successful, the appeal addressed novel questions such as the definition of “transferable skills” and what constitutes “sufficient jobs in the national economy” for the purposes of Social Security Disability determinations, as well as whether the Administrative Law Judge (ALJ) had properly evaluated pain and

credibility, and whether the ALJ had properly applied Social Security's Medical-Vocational Guidelines. I briefed and argued the case before the Eighth Circuit.

- i. ***Kohl v. Woodhaven Learning Center*, 865 F.2d 930 (8th Cir. 1989), cert denied, 493 U.S. 892 (1989).**
- ii. We represented appellee Dennis Kohl (Plaintiff in the trial court). Marvin Wright represented appellant (Defendant) Woodhaven School. William Powell represented appellant (Defendant) Woodhaven Learning Center.
- iii. This case challenged denial of admission to a residential care facility and day training program to a carrier of the Hepatitis B virus under Section 504 of the Rehabilitation Act. Plaintiffs prevailed in the district court after a one-week bench trial as the district court found that Defendants violated Section 504 of the Rehabilitation Act by denying him admission to their residential facility and day program, enjoining both Defendants to admit him to their programs. The Eighth Circuit, however, reversed that decision, and ruled 2 to 1 in favor of Defendants Woodhaven School and Woodhaven Learning Center. The Eighth Circuit found that the district court erred in analyzing the nature of the risk that Plaintiff presented to others, giving unwarranted deference to opinions of particular health officials, and finding that Defendants' staff would be exposed to unreasonable risk. I assisted in briefing the case in the trial and appellate courts, and I was co-counsel at the successful trial in the district court.

- 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.

Cases

- i. ***Talton v. Kinkade*, No. 12-4163-CV-C-FJG, 2012 U.S. Dist. LEXIS 153257 (W.D. Mo. 2012).**
- ii. We represented Plaintiffs Clifford Talton, Jr., Cedric Booker, John Dobson, Annies White, Eddie Jones, and Paraquad. John Phillips, Assistant Attorney General, and Kathleen Robertson, Assistant Attorney General, represented the Defendants, the Directors of the Department of Social Services, Family Support Division and the MO HealthNet Division.

- iii. The case was decided in favor of Defendants on a Motion to Dismiss.
 - iv. Plaintiffs were severely disabled adult Missouri Medicaid beneficiaries requiring transportation to their kidney dialysis appointments. Based on a new state interpretation of federal Medicaid “spenddown” rules, Plaintiffs could no longer meet their spenddowns and secure transportation to their medically necessary dialysis appointments through the Missouri Medicaid program. We challenged the State’s failure to provide transportation to dialysis treatments if they continued to reside in their own homes and communities as a violation of the Americans with Disabilities Act and the Supreme Court’s decision in *Olmstead v. L.C.* Plaintiffs could continue to receive such transportation if they moved into a nursing home without having to meet a “spenddown.” While the Court ruled in favor of the Defendants, the Missouri General Assembly appropriated funds for the Missouri Kidney Program to provide transportation to dialysis patients such as the Plaintiffs and similarly situated individuals. Moreover, Plaintiffs’ counsel continued discussions with the Department of Social Services, which led to improvements in the Missouri Medicaid spenddown program. I served as lead counsel, taking the lead in drafting all pleadings and responsibility for final decisions on all litigation matters.
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- i. ***Hiltibran v. Levy*, 793 F.Supp.2d 1108 (W.D. Mo. 2011).**
 - ii. We represented Plaintiffs Steven Hiltibran, by and through his mother and guardian, Debra Burkhart; Nicholas Tatum, by and through his mother and next friend, Stacy Tatum; Ronald Coontz, by and through his mother and guardian, Patricia Coontz; and Nena Hammond. Mark Long, Assistant Attorney General, represented Defendants, the Directors of the Missouri Department of Social Services and the MO HealthNet Division. Regan Rush, Department of Justice, represented the United States of America, which filed a “Statement of Interest” in the case.
 - iii. The case was decided in Plaintiffs’ favor on Summary Judgment.
 - iv. Plaintiffs were severely disabled adult Missouri Medicaid (MO HealthNet) beneficiaries who were denied coverage of medically necessary adult diapers. The State’s failure to cover these supplies put the clients at risk of institutionalization in nursing facilities. The Department of Social Services had applied a policy that covered medically necessary adult diapers for beneficiaries aged four through twenty but denied coverage once they reached the age of twenty-one regardless of medical need unless they moved into a nursing home. This case challenged the Agency’s failure to cover adult diapers for adults residing in the community as a violation of Medicaid’s home health and reasonable standards requirements, as well as the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and the Supreme Court’s decision in *Olmstead v. L.C.* The Court granted Plaintiffs’ motion for a preliminary injunction and later granted summary judgment to Plaintiffs, permanently enjoining the Defendants from continuing their previous policy. I was lead counsel, did the primary drafting of all pleadings and briefs in the case, and successfully argued the case to the trial judge. This case also presented novel legal issues as the district court acknowledged in its favorable decision on

Plaintiffs' attorneys' fees. *See Hiltibran v. Levy*, 2011 WL 5008018 (W.D.Mo. Oct. 20, 2011).

- i. ***Wilson v. State of Mo. Dept. of Social Serv., Dir. of MO HealthNet Div., Case No. 10SL-CC01135 (Cir. Ct. St. Louis County Nov. 6, 2010).***
- ii. We represented Plaintiffs Brandi Wilson and Monica Lywiski. Sarah Dobecki, Assistant Attorney General represented the Defendant, the Department of Social Services, Director of the MO HealthNet Division.
- iii. This case was disposed of upon judgment for Plaintiffs on appeal from an administrative hearing.
- iv. Appellants were two children denied dental services by the Missouri Medicaid program. The MO HealthNet Division denied them coverage of braces based on their scores on the Agency's HLD Index. The Division affirmed that denial at an administrative hearing. In the circuit court, we argued that the denial of orthodontia services based solely on the HLD score was arbitrary and violated several provisions of the Medicaid Act and the Missouri Administrative Procedures Act. We argued that federal EPSDT requirements, which include coverage of dental services for children, required coverage of medically necessary dental treatment. The Court ruled in Plaintiffs' favor on all of these issues and remanded the case with instructions for the Defendant to provide orthodontic treatment to our clients. I assisted with and edited the briefs filed in this case.

- i. ***J.D. v. Sherman, 4153-CV-C-NKL, 2006 U.S. Dist. LEXIS 78446 (W.D. Mo. 2006).***
- ii. We represented Plaintiff J.D. Michael Pritchett, Assistant Attorney General, represented the Defendants, the Directors of the Department of Social Services and Division of Medical Services.
- iii. The case was settled following Plaintiffs' successful motion for a preliminary injunction.
- iv. Our client was an eight-year old afflicted with a rare genetic disorder known as Maple Syrup Urine Disease, which could only be cured by a liver transplant. This case challenged the State's failure to provide such a transplant to our client, even though the transplant was deemed medically necessary by his treating physicians and several specialists to treat a life-threatening metabolic disorder, in violation of Medicaid's EPSDT and "reasonable standards" requirements. The district court ruled in favor of Plaintiff on a motion for a preliminary injunction, ordering the Department of Social Services to cover this "medically necessary" procedure. Plaintiff received the transplant pursuant to the preliminary injunction, and the case was eventually dismissed. I provided assistance with research and briefing in this case.

- i. ***James v. Mo. Dept. of Social Serv., Div. of Family Serv., Cause No. 03CC-003486 (Cir. Ct. St. Louis County 2003).***

- ii. We represented Plaintiff Darnell James. Kathryn M. Burns, Assistant Attorney General, represented the Defendant, Division of Family Services.
 - iii. The case was disposed of when Plaintiff was awarded Medicaid benefits by the State Agency on remand from the circuit court.
 - iv. This case challenged the Department of Social Services' denial of Medicaid benefits to our disabled client. We challenged the Agency's failure to properly apply the Social Security Administration's 5-step sequential evaluation process in determining Plaintiff's disability and its failure to make proper credibility findings as required by Missouri case law. The circuit court reversed and remanded the case based on the State's failure to make proper credibility findings. The claimant was awarded benefits after a new administrative hearing. I wrote the briefs in this case and successfully argued our appeal to the trial judge.
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- i. ***Southside Welfare Rights Org. v. Stangler, 156 F.R.D. 187 (W.D. Mo. 1993).***
 - ii. We represented Plaintiffs Southside Welfare Rights Organization, Toni Casey, Shirley Jackson, and a class of similarly situated Missouri Food Stamp applicants. Paul Keller, Angela Marmion, and Mary Browning of the Department of Social Services, Division of Legal Services, represented Defendants.
 - iii. This case was disposed of after a one-week bench trial. Monitoring and reporting requirements continued several years after the Court's permanent injunction was issued.
 - iv. This case challenged the Missouri Department of Social Services' failure to comply with federal expedited service (emergency Food Stamps) and other Food Stamp application processing requirements such as the right to file an application on the same day that an individual contacts the food stamp office and the right to receive an application in the mail. After a one-week bench trial, the Court ruled in Plaintiffs' favor, permanently enjoining Defendants from violating these requirements. After persistent noncompliance and another hearing, the Court imposed a comprehensive remedy with detailed monitoring and reporting requirements to ensure Defendants' compliance with federal rules regarding expedited services and access to the Food Stamp program. Plaintiffs were also awarded their attorneys' fees. This complex class action involved voluminous discovery, substantial briefing, a one-week bench trial, and significant post-judgment monitoring and enforcement activities. I was lead counsel and took primary responsibility for all aspects of this case, including drafting a detailed proposed remedial order for Defendants' noncompliance with federal requirements. That order was largely adopted by the district court.
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- i. ***Reform Org. of Welfare v. Stangler, Civil Action No. 93-4541-CV-C (W.D. Mo. 1993).***
 - ii. We represented Plaintiffs Heather McVeigh; Maryssa Hatfield, Danielle McVeigh, Mathew McVeigh, and Courtney McVeigh, by and through their next friend, Heather McVeigh; Ryan Johnson, Coty Johnson, and Aaron Stewart, by and through their next friend Christine Johnson; Tracy Brooks, Damonique Lee and Damario Parks, by and through their next friend, Tracy Brooks; Paula Green,

Anthony Claunch, and Thomas Claunch, by and through their next friend, Paula Green; Barbara Banes; and a class of similarly situated Missouri Medicaid beneficiaries. Gary Gardner, Assistant Attorney General, represented Defendants, the Missouri Department of Social Services and Family Support Division.

- iii. This case was disposed of without trial when the parties reached a settlement approved by the Court.
- iv. Plaintiffs were Missouri Medicaid beneficiaries challenging the program's failure to provide, compensate, or otherwise ensure transportation to medically necessary treatment. Before this case, Missouri was one of only two states in the country without a Medicaid-covered nonemergency medical transportation program. After the district court denied Defendants' motion to dismiss and certified a class, the parties reached a Court-approved settlement that established a Medicaid non-emergency transportation system in Missouri, which still operates today. I did the majority of the factual development, co-authored all of the briefs (on summary judgment and a motion to dismiss), and engaged in extensive discovery in this case.

i. ***Nemnich v. Stangler, No. 31-4517-CV-C-5, 1992 WL 178963 (W.D. Mo. 1992).***

- ii. We represented Plaintiffs Robert Nemnich, by and through his legal guardian, Marie Nemnich; Cedric Thomas, by and through his next friend, Jean Thomas; Gloria Gerich, and a class of similarly situated Missouri Medicaid recipients. Bobby J. Jones, Assistant Attorney General, represented Defendants, the Directors of the Department of Social Services, Division of Family Services and Division of Medical Services.
- iii. After the Court issued a preliminary injunction, the Defendants modified their regulations, and the case was jointly dismissed.
- iv. Plaintiffs were Missouri Medicaid beneficiaries over the age of twenty-one in need of dental services. Defendants promulgated a regulation to eliminate all dental coverage for adult Medicaid beneficiaries, except for a limited number of procedures and even those procedures could only be provided in emergency situations or to relieve pain. Plaintiffs successfully challenged this regulation at the preliminary injunction stage and the case was ultimately settled, with dental services reinstated for adult Missourians. Plaintiffs were awarded attorneys' fees. I did the bulk of the factual development in the case and co-authored the briefs filed in the federal district court.

i. ***Teramoto v. Bowen, 771 F. Supp. 292 (E.D. Mo. 1991).***

- ii. We represented Plaintiff Shirley Teramoto. Edwin B. Brzezinski, Assistant U.S. Attorney, represented the Defendant, the Secretary of HHS. Gretchen Garrison represented the Plaintiff at an earlier stage in the proceedings as a court-appointed attorney.
- iii. The case was disposed following Plaintiff's successful motion for final judgment after prevailing on remand at an administrative hearing.
- iv. Plaintiff's application for disability benefits was denied by the Social Security Administration. Plaintiff was diagnosed with severe psychological impairments

which were not considered by the ALJ at the initial administrative hearing. Plaintiff argued that she was improperly denied disability benefits because the ALJ did not sufficiently develop the record in the original hearing. The ALJ focused on Plaintiff's lack of physical disability despite evidence from psychologists, psychiatrists, and the plaintiff's own writings that she suffered from significant mental impairments. Plaintiff was ultimately awarded disability benefits and attorneys' fees. I did the successful hearing on remand and the briefing on the issue of attorneys' fees in federal court.

- i. ***Johnson v. Bowen, 735 F.Supp. 329 (E.D. Mo. 1990).***
 - ii. We represented Plaintiff Gregory Johnson. Eric T. Tolen, Assistant U.S. Attorney, represented the Defendant, the Secretary of HHS.
 - iii. The case was disposed of following Plaintiff's motion for final judgment and attorneys' fees, which was granted.
 - iv. Plaintiff was improperly denied Supplemental Security Income (SSI) and disability benefits. Plaintiff claimed that he was disabled due to his alcoholism and low back pain. Plaintiff successfully argued that the ALJ did not apply the proper procedures for evaluating disability claims based on alcoholism and selectively relied on isolated aspects of the record in the face of overwhelming evidence of Plaintiff's disability. On remand, in a hearing that complied with SSI regulations, Plaintiff was awarded disability benefits and attorneys' fees. I did all of the work in this case, including the briefing in federal court and the hearings before the Administrative Law Judge.
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- i. ***Abernathy v. Yeutter, 725 F.Supp. 459 (W.D. Mo. 1989).***
 - ii. We represented Plaintiffs Doris Abernathy, Monica Avetta, Christine Moore, and a class of similarly situated Missouri Food Stamp recipients. Kenneth C. Kohl, U.S. Department of Justice, and Vernon Poschel, Assistant U.S. Attorney, represented the Defendant, Secretary of the U.S. Department of Agriculture (USDA) while Jerry Short, of the Missouri Attorney General's office, represented the state Defendants, the Directors of the Department of Social Services and Division of Family Services.
 - iii. After successful certification of the Plaintiff class, this case was decided in favor of Defendants on summary judgment.
 - iv. Plaintiffs challenged the USDA and Mo. Dept. of Social Service's method of calculating AFDC and Food Stamp overissuances for people who were overpaid benefits through no fault of their own (i.e., through an "agency error" or an "inadvertent household error"). Plaintiffs argued that once an unintentional overpayment by both programs was discovered, for purposes of determining income for the Food Stamp benefit that *should have been* received, only the AFDC amount the household *should have received* should be counted. Otherwise, low-income clients would potentially have to pay back more benefits than they actually owed the government. The State Defendants were sympathetic to Plaintiffs' argument, but they were bound by USDA policy. This case presented issues of first impression alleging that the USDA policy violated federal Food Stamp requirements, the Administrative Procedures Act, and the United

States Constitution. The Court, however, upheld the USDA policy and decided in favor of the Defendants. I took the lead in all aspects of the case, including drafting pleadings and briefing on class certification and summary judgment.

- i. ***Mikel v. Gourley, No. 76-881(C)(3), (E.D. Mo. March 29, 1989).***
 - ii. We represented Plaintiffs Waldine Mikel individually and as next friend of Bret Mikel, Julie Mikel, Jeffrey Mikel, Alesia Mikel, and Tamara Mikel; Elizabeth Smith, individually and as next friend of Lee Smith, Velma Malone individually and as next friend of Barbara Malone, De Andre Smith; William Muich, and a class of similarly situated Missouri AFDC and Medicaid claimants. Paul Keller, Dept. of Social Services, represented Defendants, the Directors of the Missouri Department of Social Services and Division of Family Services.
 - iii. This case, also mentioned above, was a longstanding class action that had resulted in a permanent injunction and ongoing monitoring requirements as a result of the court's initial decision in 1977. The injunction and monitoring requirements remained in effect for nearly twenty years when they were terminated based on changes in federal law and compliance with the injunction. Plaintiffs' contempt motion, discussed herein, was disposed of after a favorable decision by the district court.
 - iv. When I took over as lead counsel in this case in 1985, the Department of Social Services was out of compliance with a permanent injunction requiring them to implement hearing decisions within federally mandated time frames (of ninety days from the date of the hearing request). We filed a successful motion for contempt, and the Department was fined \$100 for each delayed hearing decision. Plaintiffs were also awarded their reasonable attorneys' fees. We later achieved successful modifications to the permanent injunction, which were decided favorably to Plaintiffs by the Eighth Circuit on appeal, as discussed above. I drafted the motion for contempt and supporting memoranda and did other extensive briefing in the case. I also worked with the Defendants to modify the injunction to streamline reporting requirements and enable Plaintiffs and the Court better assess their compliance with federal law and regulations. Moreover, I did the briefing on the aforementioned dispute about the impact of claimant requests for face-to-face hearings on Defendants' compliance with federal requirements and the injunction, which led to the Eighth Circuit appeal, referenced above.
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- i. ***Watkins v. Reagen, Civil Action No. 87-491-C-5 (W.D. Mo. 1988).***
 - ii. We represented Plaintiffs Patricia Watkins, Regina Mines, Denise Cody, Shawna Allen, and a class of similarly situated Missouri Food Stamp recipients affected by Defendants' budgeting policies. Vernon A. Poschel, Assistant U.S. Attorney, represented the Secretary of USDA, while Jerry L. Short, Assistant Attorney General, represented Defendants, the Directors of the Missouri Department of Social Services and Division of Family Services.
 - iii. The case was disposed of following court approval of the consent decree.
 - iv. Plaintiffs filed this class action challenging the USDA's practice of reducing recipients' Food Stamp benefits by counting two separate months' public assistance grants in computing monthly Food Stamp allotments as violation of the

Food Stamp Act, its implementing regulations and the Administrative Procedure Act. The case resulted in a consent decree in which the government defendants agreed to abandon this illegal practice and pay Plaintiffs' attorneys' fees. This was also a case of first impression.

- 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.

N/A

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).

In addition to my work on the abovementioned cases, I have served as Director of Advocacy at Legal Services of Eastern Missouri (LSEM) since September 2009, in which capacity I supervise the litigation and other advocacy work in our program, including legislative and administrative advocacy activities. In this position, I have provided assistance to attorneys in a wide variety of cases in the areas of education, immigration, family law, housing, and consumer law. I review all appeals in our program both for their merits and for whether they are an appropriate use of our limited resources. I participate in strategy discussions and decisions in all areas of litigation and legal advocacy within our program and provide technical assistance where needed, including editing briefs and/or writing sections of briefs as needed, conducting moot court arguments, responding to questions from our staff, and managing attorneys. I also serve as an "in-house" expert on federal Legal Services Corporation regulations that govern our litigation and advocacy activities. Furthermore, I coordinate discussions of legal issues and strategies at our managing attorneys meetings and at other litigation-oriented meetings. Moreover, my experience in working with government programs, particularly the Medicaid program, has been invaluable. Medicaid law and regulations, and litigation involving this program, can be extremely complex and difficult to navigate. This work has further prepared me to serve as an appellate judge.

I have been a trainer on "Affirmative Litigation" for both the national Center for Legal Aid Education and the Sargent Shriver National Center on Poverty Law in 2008 and 2014 respectively. I have conducted Continuing Legal Education programs sponsored by the Missouri Bar Association, the American Bar Association, the St. Louis Health Lawyers Association, and Missouri Legal Services programs. I have also been a trainer and/or presenter on Medicaid, public benefits, low-income health issues, litigation, and advocacy on behalf of low-income clients at programs conducted by the Center on Legal

Aid Education, the National Legal Aid and Defender Association (NLADA), the National Health Law Program, the Center on Budget and Policy Priorities, Consumers Union, the American Public Health Association, the Missouri Rural Health Association, the University of Missouri Extension, the Missouri Foundation for Health, the Missouri Health Advocacy Alliance, the Kauffman Foundation, the Missouri Association for Social Welfare, St. Louis University School of Law, Washington University School of Medicine, the St. Louis University School of Public Health, the George Warren Brown School of Social Work at Washington University, and the St. Louis University School of Social Work. I conducted two training sessions at the National “Equal Justice Conference” in St. Louis, sponsored by the American Bar Association and NLADA (in May 2013), presented at the annual NLADA conference in Denver in 2010 and in Los Angeles in November 2013, and was a trainer at the National Health Law Program’s Annual Conference in Washington D.C. in December 2012 and December 2014. In 2014, I updated a chapter of the Federal Practice Manual for Legal Aid attorneys, published by the Sargent Shriver National Center on Poverty Law. I helped organize and am moderating a panel on education law at the November 2015 NLADA annual conference in New Orleans.

As indicated in response to question 28 below, I have also engaged in a wide variety of legislative and rulemaking activities as well as policy advocacy, all of which have required detailed analysis of a variety of complicated and technical legal issues. I have conducted extensive policy analysis and advocacy regarding Medicaid, managed care, Temporary Assistance to Needy Families (TANF), the Food Stamp Program, and low income health care issues. I have also testified before the Missouri General Assembly as an invited expert on many of these issues, including the Medicaid program and Medicaid reform proposals, and I am routinely asked to provide technical assistance to Missouri legislators on Medicaid and other health-related matters during most legislative sessions. In June 2015, I testified before the House Committee on Appropriations for Health, Mental Health and Social Services while in February, I presented to the MO HealthNet Oversight Committee, at the request of Missouri legislators. I also testified as an expert witness on attorneys’ fees and the complexity of the Medicaid program in *Hutchings v. Roling*, 193 S.W.3d 334 (Mo App. 2006).

In the mid-1990s, I helped found the MC+ Consumer Advocacy Project (now called “Advocates for Family Health”), which helps children and families enrolled in Medicaid managed care organizations (HMOs) navigate the health care system and obtain access to medically necessary services. This program has now expanded across Missouri and has developed into an outstanding partnership between Missouri Legal Services Programs and the MO HealthNet Division of the Department of Social Services.

Finally, I am part of the senior management team at LSEM and am involved in major decisions of our organization, including decisions about hiring, responding to funding shortages when necessary and strategic planning, in addition to leading the litigation and advocacy work in our program.

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

Missouri Bar Association
St. Louis Area Health Lawyers Association

13. Describe your efforts (e.g. work on bar committees, pro bono efforts, CLEs presented, etc.) to contribute to the improvement of the law, the legal system and the administration of justice.

As noted in my response to Question 11, I have made presentations at numerous continuing legal education and training events. I have played a leading role in both the national and Missouri legal aid communities. In addition to all of the activities mentioned in response to Question 11, I have served on the planning team for the last three “Litigation and Advocacy Directors” conferences sponsored by the National Legal Aid and Defenders’ Association, in 2009, 2012 and 2014. I presented at the 2009 and 2014 NLADA Litigation and Advocacy Directors conferences and organized a panel for the 2012 conference which I was not able to attend. I have worked successfully to develop and expand several projects at LSEM, which have enabled more low-income Missourians to obtain legal representation, including developing and expanding statewide an innovative program that helps low-income individuals navigate the Medicaid managed care system. I recently helped Legal Services of Eastern Missouri secure a grant of nearly \$380,000 from the United States Department of Health and Human Services to assist low-income children and families in securing Medicaid and CHIP (Children’s Health Insurance Program) benefits, thereby expanding access to legal services for low-income Missourians. We are the only Missouri organization that has such a grant. I recently helped secure a similar grant to help our clients enroll in health insurance coverage through the exchange (or marketplace) and am involved in ongoing efforts to bring “medical-legal partnerships” to St. Louis in conjunction with two federally qualified health centers (FQHCs) and the St. Louis Integrated Health Services Network. My entire career has been devoted to providing a legal voice to underrepresented members of our society and ensuring that they receive equal justice under the law.

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

My entire career has been in public service and I work with a multitude of organizations in Missouri and across the country. In addition, I am currently involved with the following organizations:

Member, Community Advisory Council, Missouri Foundation for Health (since July 2015).

Member, Health Policy Committee and Nominating Committee, Missouri Foundation for Health (since July 2015).

Member, Community Advisory Board, St. Louis Regional Health Commission (since its inception in 2001).

Cover Missouri Coalition, Missouri Foundation for Health.

15. Describe your activities (e.g. speeches, presentations, educational activities, etc.) undertaken to further public understanding of and respect for courts and the judicial system and to promote access to justice for all.

I have devoted my career to promoting access to justice for all by representing low-income people who cannot afford legal counsel. In my responses to Questions 11 and 13 above, I have further described my efforts to promote equal justice for all. I have made numerous public presentations to non-lawyers, students, and service providers about legal and policy issues, in addition to conducting training for lawyers and other legal advocates.

16. 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.

Publications

- Joel Ferber, "Bureaucracy Limits Access to Health Care for Missouri Children and Families," PedsLines (Fall/Winter 2014).
- Joel Ferber, "Medicaid Expansion of the Affordable Care Act and the Supreme Court's Decision: Will Legal Services Programs Rise to the Challenge?," Management Information Exchange Journal (Winter 2012).

- Joel Ferber, “The Impact of the Supreme Court’s Decision on Medicaid Expansion in Missouri: Early Observations,” The Missouri Nurse (Summer 2012); NAMI St. Louis Newsletter (October-December 2012).
- Joel Ferber, “Affirmative Litigation Ensures Coverage of Medically Necessary Adult Diapers,” 45 Clearinghouse Review 448 (Mar.-Apr. 2012).
- Joel Ferber, “Time is Ripe for Advocates to Weigh In on Exchanges,” Say Ahhh: A Children’s Health Policy Blog, Georgetown University Center for Children and Families, August 4, 2011 (available at: <http://theccfblog.org/2011/08/time-is-ripe-for-advocates-to-weigh-in-on-exchanges.html>)
- Joel Ferber, “Doing Broad-Based Advocacy in a Legal Services Program,” Management Information Exchange Journal (Spring 2011).
- Joel Ferber, “Medicaid Managed Care - States Should Look Before They Leap (Again!),” Say Ahhh: A Children’s Health Policy Blog, Georgetown University Center for Children and Families, November 17, 2010 (available at: <http://theccfblog.org/2010/11/medicaid-managed-care---states-should-look-before-they-leap-again.html>)
- Joel Ferber, “The Economic and Health Benefits of Missouri Medicaid,” Missouri Foundation for Health, Show Me Series: Report 5 (Spring 2004).
- Joel Ferber and Theresa Steed, “The Impact of Welfare Reform on Access to Medicaid: Curing Systemic Violations of Medicaid De-Linking Requirements,” Saint Louis University Law Review, Volume 45, Number 1 (2001).
- Joel Ferber and Jo Anna King, “A Cure for the Blues: Resolving Nonprofit Blue Cross Conversions,” Journal of Health and Hospital Law, Volume 32, Number 1 (1999).
- Joel Ferber, “Medicaid Advocacy and Managed Care: The Missouri Experience,” 31 Clearinghouse Rev. 601 (Mar. – Apr. 1998).
- Claudia Schlosberg and Joel Ferber, “Access to Medicaid Since the Personal Responsibility and Work Opportunity Reconciliation Act,” 31 Clearinghouse Rev. 528 (Jan. – Feb. 1998).
- Joel Ferber, “Auto-Assignment and Enrollment in Medicaid Managed Care Programs,” The Journal of Law Medicine & Ethics, Volume 24, Number 2 (1996).
- Dan Stormer and Joel Ferber, “Legal Responses to Unconstitutional Termination of Disability Benefits,” Idaho Law Review, Volume 22, No. 2 (1985-86).
- Joel Ferber and Michael Braverman, “Block Grants and Baltimore: Contradictions in Community Development,” Letters and Papers on the Social Science and Humanities, Johns Hopkins University, Volume VII (1981)

Honors and Awards:

- St. Louis University Law School, Certificate for Panel Participation, September 2014, SLU LAW Legal Clinics 40th Anniversary.
- Consumers Council of Missouri, November 2012, Alberta Slavin Consumer Award, for dedication to Missouri's consumers.
- St. Louis University Law School, April 2011, Clarence Darrow Award, for dedication to public interest law.
- Progressive Youth Connection, May 2010, World of Children Award, Law and Government Category.
- Missouri Association for Social Welfare, October 2006, Advocacy Award, for tireless work on TANF, Medicaid, managed care, the Food Stamp Program and low-income health care issues.
- Paraquad (Center for Independent Living), 2005, Gina Laurie Public Policy Award, in recognition of advocacy efforts for people with disabilities.
- Missouri Association for Social Welfare, November 2004, Advocacy Award, for helping to secure Missourians' access to health care.
- GRO, June 2004, Leaders Marching Forth for Justice Award, for outstanding leadership and commitment for attainment of empowerment, collective voice, human dignity, justice and decency for all families.
- Missouri Association for Social Welfare – St. Louis Chapter, June 1997, Advocate of the Year Award.
- Reform Organization of Welfare (ROWEL), 1996, I Made A Difference Award, for efforts toward reducing poverty and prejudice in Missouri.
- Missouri Association for Social Welfare, October 1995, special recognition for successful efforts to provide consumer protections in Missouri's Medicaid managed care program.
- Missouri Association for Social Welfare, 1993, Certificate of Recognition, for successful resolution of class action enforcing the right to expedited food stamps.
- Missouri Dental Association, 1992, Award of Appreciation, for successful efforts to preserve the Missouri Medicaid Dental program as a result of statewide class action challenging Missouri's proposed elimination of Medicaid coverage of dental services.

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

No

18. 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

19. 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 the essential functions of a judge.

20. 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

21. 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

22. 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.

N/A

- 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.

N/A

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

No

24. 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 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.

25. Have you ever pleaded guilty, 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 minor 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.

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

No

27. 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 am attaching the following writing samples:

1. Plaintiffs' Memorandum in Support of Motion for Preliminary Injunction in *Hiltibran v. Levy*, 793 F.Supp.2d 1108 (W.D. Mo. 2011).

2. Joel Ferber, Overview of New Proposed Medicaid Managed Care Regulations, July 12, 2015.

3. Brief of *Amici Curiae*, in *Blue Cross and Blue Shield of Missouri v. Angoff et al.*, No. SC81172, No. SC82125. (Mo. 2000).

28. 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.

My honors and awards are listed in response to Question 16 above. In addition to these awards and the specific cases discussed above, there are a number of other legal activities in which I have engaged that are relevant to my application for this position. As referenced earlier, I have testified numerous times before the Missouri legislature and have provided technical assistance to many Missouri legislators over the course of my career on issues within my areas of expertise. In particular, I have been invited to testify many times during the last few years regarding reforming the State's Medicaid system, technical aspects of federal and state Medicaid law, and several specific pieces of legislation. I have also been invited to draft legislative language at the request of Missouri legislators from both parties. I have filed hundreds, if not, thousands of pages of comments in public rulemaking proceedings before various state and federal agencies, including for example, the United States Department of Health and Human Services, the United States Department of Agriculture, the Centers for Medicare and Medicaid Services (CMS), the MO Health Net Division (formerly the Division of Medical Services), the Missouri Family Support Division, and the Missouri Department of Insurance, Financial Institutions and Professional Registration. I have also interacted with the Secretary of State's office and the Joint Committee on Administrative Rules in the public rulemaking process. I have engaged in extensive advocacy on various

policies, procedures, and practices of numerous state and federal agencies on behalf of low-income clients during the course of my thirty year career. My experience working with state and federal public benefits programs also has given me a command of administrative law that would be an asset if I am selected to serve on the Court of Appeals.

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. The commission must receive all reference letters by e-mail no later than **5 p.m. Friday, September 25, 2015.**

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