

APPELLATE JUDICIAL COMMISSION
Instructions to Applicants for the Court of Appeals, Eastern District
Judge Gaertner Vacancy

1. Download the application from the Supreme Court of Missouri Web page (www.courts.mo.gov) listed under Quick Links: "Judicial Vacancies" beginning Monday, August 6, 2007. **Please be certain you use only the application named "Court of Appeals, Eastern District vacancy application 08-06-07."** You may enter your answers directly onto the downloaded form, creating sufficient space for your answers.
2. The writing sample(s) referenced in question No. 24 of the application should demonstrate how you consider and address a legal issue and may include appellate briefs, law review or journal articles, written judicial decisions, or other documents that reflect your ability to think and write. Please do not provide a document that includes the work of others.
3. In answering question No. 25 of the application, list not more than five references who are thoroughly familiar with your personal and professional qualifications. These **references** may not include any judge of the Court of Appeals, Eastern District. It is your responsibility to contact these references and provide them with a copy of the "Guidelines for References." They should send their letters of reference **via e-mail to edjudgevacancy@courts.mo.gov**, saved as Microsoft Word or PDF documents only, in accordance with the Guidelines. **No letters or telephone calls directly to commissioners from these references will be accepted.** If the references do not have access to e-mail, they may send the reference letter to the Honorable Laura Denvir Stith, Chair, at the address indicated in paragraph 5 below.
4. Persons who applied for the Supreme Court vacancy created by the retirement of Judge Ronnie White must submit a new application for the Gaertner vacancy. They may, however, at their option, request the Commission to consider the letters of reference and/or writing samples submitted in connection with their White vacancy application in lieu of submitting new letters of reference and/or writing samples in connection with their Gaertner vacancy application.
5. You must complete and *mail* the original plus seven (7) copies of the signed application, the original plus seven (7) photocopies of a photograph at least 4x6 inches in size, and one (1) copy of at least one, but no more than three, writing sample(s), or of your request that the Commission consider the White vacancy writing samples and/or reference letters, **flat, unfolded and unbound**, to the Honorable Laura Denvir Stith, Chair, Appellate Judicial Commission, P. O. Box 150, Jefferson City, Missouri 65102 (if necessary, overnight deliveries should be directed to 207 West High Street, Jefferson City, Missouri 65101). **This mailing must be postmarked no later than Tuesday, September 4, 2007, but earlier submission is encouraged.**

6. You also must *e-mail* the application and your writing sample(s), or your request that the Commission consider the White vacancy writing samples and/or reference letters, **saved as a Microsoft Word or PDF document only**, to the Commission at edjudgevacancy@courts.mo.gov by **5 p.m. on Tuesday, September 4, 2007**.
7. Supreme Court Rule 10.31 (copy attached) governs the conduct of applicants for judicial office. Direct or indirect solicitation of additional letters or calls to members of the Appellate Judicial Commission is discouraged.
8. Interviews with the Commission will be conducted on **Monday and Tuesday, September 17 and 18, 2007**, in **St. Louis**. **You will be notified via e-mail on or before September 12, 2007, of the specific time and place of your interviews.** Additional interviews will not be scheduled for those persons who were interviewed on July 24 or 25, 2007, for the Supreme Court vacancy created by the retirement of Judge Ronnie White.

SUPREME COURT RULE 10.28
PUBLICITY

When a vacancy occurs or when it is known that a vacancy will occur at a definite future date, the chair shall publicize the same and solicit the submission of names of individuals qualified for such vacancy. Prior to the meeting of the commission an appropriate questionnaire shall be sent to each person whose name is proposed, to be completed and returned to the chair of the commission. Copies of the completed questionnaire shall be provided each member of the commission prior to the meeting called for the taking of the formal action by the commission in making its nominations. No publicity shall be given by the commission of the names of persons under consideration for nomination for the reason that such publicity would tend to keep well qualified lawyers from permitting themselves to be considered and might encourage unqualified persons to enter their names to obtain public notice.

SUPREME COURT RULE 10.31
CANDIDACY AND SELECTION OF JUDGES

The conduct of candidates for any judicial office to be filled pursuant to section 25 (a)-(g) of article V of the Constitution shall be governed by and be in accord with the applicable provisions of the Rules of Professional Conduct and Canons of Judicial Ethics. In particular, the aspiration of lawyers for judicial position should be governed by an impartial estimate of the lawyers' ability to add honor to the office and not by a desire for the distinction the position may bring to them. If a judge, or a person in an office of a judicial nature, becomes a candidate, the applicant should refrain from all conduct which might tend to arouse reasonable suspicion that the applicant is using the power or prestige of the judicial position to promote the candidacy. The applicant should not permit others to do anything in behalf of the candidacy that would reasonably lead to such suspicion.

It is the duty of the Bar to endeavor to prevent partisan considerations, political or otherwise, from outweighing judicial fitness in the selection of judges. The Bar should protest earnestly and actively against the selection of those who are unsuitable for the Bench.



APPELLATE JUDICIAL COMMISSION
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MEMBERS

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Mr. Donald Ross, St. Louis, Missouri.

Ms. Jill Shurin, Kansas City, Missouri.