

TWENTY-SECOND CIRCUIT - CITY OF ST. LOUIS  
ASSOCIATE CIRCUIT JUDGE

Revised April 2008

Information required by the Twenty-Second Circuit Judicial Commission on lawyers under consideration for nomination, in accordance with Const. of 1945, Art. V. Sec. 21, as amended January 2, 1979.

1. Full name: **Gerard Anthony Nester**
2. Place and date of birth: **St. Louis, Missouri;**  
Social Security Number:
3. Residence address: **;**  
Phone:
4. Is such residence address within the City of St. Louis? **Yes.**
5. Present principal occupation or title: **Attorney at Law**
6. Business address:  
Phone:  
Fax:
7. Give the branch and dates of (a) military service, if any, or (b) other similar public service not otherwise covered in this application. If discharged, state the type of discharge received. If such service continues, so state: **None.**

8. (a) How long have you been a citizen of the United States? **Lifetime, 46 years**  
(b) How long have you been a resident of the City of St. Louis? Lifetime, **46 years**  
(c) How long have you been a qualified voter of Missouri? **28 years**

9. Are you now duly licensed to practice law in Missouri? **Yes**

List any other states in which you are licensed as an attorney: **Illinois (inactive as of January, 2007)**

10. Date admitted to the Bar in Missouri?\_ **October 9, 1987**

Bar Number:\_ **36419**

(In completing items 11 and 12, please account for all time periods between prelaw education and the date of this application.)

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

**St. Louis University School of Business and Administration  
3674 Lindell Boulevard  
Saint Louis, Missouri 63108  
Bachelor of Science in Business Administration, 1984  
Major in Finance and Accounting**

**St. Louis University School of Law  
3700 Lindell Boulevard  
Saint Louis, Missouri 63108  
Juris Doctoris, 1987**

12. 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.)

**1984 Zielinski and Associates  
2150 Hampton Avenue  
St. Louis, MO 63139  
General accounting firm**

**1985 Gunn & Lane**

**Attorneys at Law  
(Michael P. Gunn and Cornelius T. Lane)  
818 Olive Street  
St. Louis, MO 63101**

**1986 ITT Commercial Finance  
Law clerk to legal department  
8200 Maryland Avenue  
Clayton, MO 63105**

**1987 - 1991  
Michael P. Gunn, P.C.  
Associate in private practice  
1714 Deer Tracks Trail, Suite 240  
St. Louis, MO 63131**

**1991-1992  
Martin & Malec  
Associate in private practice  
1007 Olive Street  
St. Louis, MO 63101**

**1992 - present  
Gerard A. Nester  
Attorney at Law, solo practitioner  
1015 Locust Street, Suite 1024  
St. Louis, MO 63101**

**1998 - present  
Public Administrator  
City of St. Louis  
10 North Tucker Blvd.  
St. Louis, MO 63101**

13. Affiliations outside the legal profession:

**Missouri Association of Public Administrators**

**St. Louis Association of Elected Officials.**

**Twenty-third Ward Democratic Organization, 2000 to present**

Twenty-fifth Ward Democratic Organization, 1997-2000, (changed Ward due to re-districting)

Tilles Park Neighborhood Association. As a life long citizen of the City of St. Louis and as a homeowner, I care about my neighborhood and city and their stability and vitality. I am a member of the Tilles Park Neighborhood Association and have spoken at their meetings and sponsored their events (eg. Taste of Tilles)

St. Joan of Arc Catholic Church. I believe that churches form an essential element in the building of strong communities. I believe that parents should be involved in their children's education and religious formation. For these reasons, my wife and I have been heavily involved in St. Joan of Arc Catholic Church and School. Since 1988 I have served on the

School Board, 1992-94

Holy Name Society (Men's Club), President, Treasurer, 1994-96

Parish Council, Chairperson, 2000-2003

Homecoming\* Chairperson, 2008

Soccer Coach, 1996-98

Baseball Coach 2000-03

Basketball Coach 2004 – 07

Softball Coach 2007 - present

\*Homecoming is a two day festival held on the parish grounds in the tradition of church picnics that includes rides, games, dinners, snacks, live entertainment. As chairpersons, my wife and I were responsible for coordinating all aspects of the Homecoming and its hundreds of volunteers.

14. Do you suffer from any health condition that would affect your ability to preside over trials, perform legal research, attend court any where in the state, communicate clearly and effectively both orally and in writing, or expeditiously decide issues coming before the court? If yes, please explain: **No.**
  - (a) Are you aware of any condition that will restrict your performance of the duties of the position for which you seek appointment? If your answer is yes, what reasonable accommodations do you need to perform the duties of the position? **No.**
15. Please attach a list of cases you have tried in the last five years. Please 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. Please indicate for each case whether bench or jury tried and give a one-three sentence description of each case and its outcome. **See Attached Addendum.**
16. Have you briefed or argued any case in an appellate court? **Yes.**  
If so, please attach a list showing the citation for each case and describe the extent of your

participation in briefing and arguing the case. **See Attached Addendum**

17. Please set forth any additional information that demonstrates the quality of your legal work as an attorney. **I have achieved a high level of respect among the local bar in probate administration, elder law and guardianship services, while gaining experience as an administrator and governmental agent. When I became Public Administrator in 1998, I found that my knowledge of probate law must expand into areas that previously I had only tenuously considered in the practice of law: mental health, guardianship and elder law. As I developed my understanding of these areas, I became a resource to other members of the bar in a variety of roles.**

**I was involved in litigation as Guardian ad Litem for injured parties unable to represent themselves in personal injury claims. In “R.B. and J.B. v. Marriott,” I represented the interests of a mentally retarded young woman who was allegedly raped and assaulted at a hotel while at a conference with her mother. My role was to investigate and advise the court as to the adequacy of the settlement and the apportionment of the proceeds between the plaintiffs.**

**In recognition of my knowledge of probate practice and guardianship estates, I am often asked to serve as Conservator ad Litem in the settlement of personal injury claims on behalf of plaintiffs who suffer some disability. In this capacity, I assist the trial court and the attorneys in preparing the judgment of dismissal, releases, structured settlements and special needs trusts.**

**I regularly receive calls from attorneys seeking advice in concluding or correcting a pending probate proceeding or seeking assistance any time their client or party is in need of a surrogate. I offer my advice freely and often assist the attorney in preparing pleadings or making court appearances to resolve the crisis.**

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

If so, give details:

19. Have you ever been sued by a client? **No.**

If so, give particulars:

20. Have you ever been a party to any litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? **No, except as Public Administrator, see details below.**

If so, give particulars, including the style of each such case and the case number, name of each court that considered such litigation and the approximate year in which such

litigation was commenced and the approximate year in which it was terminated: **As Public Administrator, I was named Defendant in an action for wrongful death that had been pending in the Circuit Court for the City of St. Louis, Missouri, under cause number 052-09742 and styled Donald E. Rector v Gerard A. Nester, et al, which was filed August 26, 2005. Judge Grady sustained a motion to dismiss filed on my behalf on the basis of official immunity and transferred venue of the action to St. Louis County. I am not currently a party in this proceeding.**

21. 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 so, give particulars:

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

If so, give particulars:

23. If you are now or were heretofore a member of the Judiciary of the State of Missouri, please state: **Not previously a member.**

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct?

If so, please state the nature of such breach for which you were so disciplined, the date such discipline was imposed and the exact nature and duration of such 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 so, please state the particulars, including date such order was made, the date of your consent, and specify the conduct from which you were ordered to cease and desist:

- (c) Whether you now are or have ever 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 so, please state the particulars:

24. Are you now or have you ever been under investigation by a court or by any bar

association or committee thereof for breach of ethics or professional conduct? **No.**

If so, give particulars:

25. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:  
**Member of the Missouri Bar since admission in 1987.**  
**Probate and Trust Committee**  
**Elder Law Committee**  
**Solo and Small Firm Section**

**Member of the Illinois Bar from admission in 1988 through my election of inactive status in January 2007.**

**Bar Association of Metropolitan St. Louis since 1987.**  
**Elder Law Committee 2000 - present**  
**Planning Committee Member and Program Moderator for "Elder Law Issues for the Every Lawyer", continuing education seminar March 10, 2005**  
**Assisted in revisions to Right of Sepulcher Laws**  
**Probate and Trust Committee 2002 - 2004**  
**Co-Chaired "Potpourri of Drafting Issues" CLE presentation 9/16/03**  
**Solo and Small Firm Practitioners Section, Charter Member 1993**  
**Chaired the Section in 1998, Secretary in 1997**  
**Chaired CLE presentation on "This Old Practice" circa 1993**  
**Board of Governors 1998 representing Solo and Small Firm Practitioners**  
**Facilities Committee 1991**  
**Lawyers Association.**  
**Gridiron show, 1990**

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

If so, give details:

**Public Administrator for the City of St. Louis**  
**October 26, 1998, appointed by Governor Carnahan to finish unexpired term.**  
**Elected to four year terms in 2000 and 2004**

*This office more directly impacts the lives of the people it serves than any other governmental office. The office of the Public Administrator acts as Administrator, Conservator or Guardian when appointed by the Probate Division to so perform those duties. Ultimately, the Public Administrator determines medical care, placement and visitation with the families of mentally ill and developmentally*

disabled individuals.

**The duties of the Public Administrator in its role as Guardian compel me to expand beyond my skills as an advocate to look closely at the impact of my decisions on the individual and to balance those consequences against the interests of the people who elected me to office.**

27. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received: **In January, 2007, I presented two topics (Understanding Intestate Succession and Closing the Estate) in a seminar delivered to paralegals studying probate practice (“The Probate Process from Start to Finish for Paralegals” ) .**

**In March, 2005, I acted as Moderator and assisted in the planning of the Elder Law Committee’s continuing legal education program “Elder law Issues for the Every Lawyer” held at St. Louis University.**

**In 2004, I presented annual law updates for both the Missouri Bar and the Bar Association of Metropolitan St. Louis with respect to Probate practice. While much of the material was prepared by Clifford Brown of Springfield, Missouri, I re-organized the material and orally presented it to attorneys with a variety of practice backgrounds and specialties. On a scale of 1 - 10 (10 being the highest score), I was rated an average 8.5 for content and 8.4 for delivery (only 6 out of 179 responses rated me lower than a “7” in either content or delivery and those 6 rated me a “6”).**

**My work in Probate Law was recognized by the *Missouri Lawyers’ Weekly* which asked my comment on a decision of the Appellate Court [October 12, 1998, “Witness to Will Need Not Testify to ‘Due Execution’”, vol. 12, no. 41]. The Court of Appeals for the Eastern District clarified the law regarding proof of a Will in a Will Contest proceeding.**

**I also authored the 1991 and 1996 supplements to the Probate Chapter of the St. Louis Court Handbook, published by the Young Lawyers’ Section of the Bar Association of Metropolitan St. Louis. This book was produced and made available to recently licensed lawyers to give them a reference guide to area courts, including the Court of Appeals, Associate Circuit Court, Social Security Administration, Unemployment Appeals, Family Court, Bankruptcy Court and Federal District Court.**

28. You are requested to furnish the names and addresses including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

**Michael P. Gunn, Attorney at Law**  
1714 Deer Tracks Trail, St. Louis, Mo 63131, 314-965-1200

**Charles H. Billings, Attorney at Law**  
1735 South Big Bend, St. Louis, MO 63117, 314-646-0066

**Sarah Burkemper, Lincoln County Public Administrator**  
P.O. Box 322, Troy, MO 63379, 636-528-8287

**Daniel Ranieri, Attorney at Law**  
1015 Locust Street, Suite 905, St. Louis, MO 63101, 314-621-1575

**Barbara Gilchrist, Professor of Law, St. Louis University**  
321 North Spring Avenue, St. Louis, MO 63108, 314-944-3992

29. Please state any additional data deemed relevant:

**Clearly, the last ten years of my career have been dominated by my service as public administrator. The experiences learned in that office developed crucial skills that would assist me as a member of the judiciary.**

**Upon entering the office, I discovered an immediate need to implement procedures and acquire tools to manage the hundreds of probate estates under the office's fiduciary services. I found that my experience in private practice did not fully prepare me to handle the type of cases and the volume of cases managed by the public administrator. Managing this case load required hiring and training staff and setting up operations procedures and cross-checks as well as an investment in technology. This process built upon and further developed my critical thinking skills. I learned how to come to an understanding of an existing system yet maintain an outlook that allowed me to seek innovation and create solutions.**

**While developing this fiduciary service, I began the process of learning about the delivery of mental health care in the State of Missouri. The public administrator is guardian for hundreds of people who are incompetent for any number of reasons; the cases literally span the continuum of possibilities.<sup>1</sup> I began to learn about and understand the roles of the governmental agencies and private agencies that render care to these persons and the role of the guardian in the process. I networked with other public**

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<sup>1</sup>To enumerate, wards of the public administrator, suffer from mental illnesses such as schizophrenia, bipolar disorders, personality disorders, obsessive compulsive disorders, and Alzheimer's and they suffer from developmental disabilities such as mental retardation, Down's syndrome, and cerebral palsy; the individuals become wards of the public administrator through actions brought by the Department of Mental Health, the Department of Health and Senior Services, family members, hospitals, or any other interested person.

administrators to better deliver the services of guardians and, at times, to present an united front to state agencies when their actions appeared contrary to the best interests of our wards. This aspect of the public administrator's office developed in me an understanding that obvious circumstances may not lead to a good answer but that greater knowledge of the environment in which a person exists can lead to better and longer lasting solutions.

Ultimately, each day in the public administrator's office is a summation of small decisions. As guardian, I am called upon to make decisions about such mundane things such as how much money to give a Ward to go buy new clothes and about much more serious questions such as when to withhold or withdraw medical care in order to allow a dying process to conclude. I quickly developed standards and criteria for decision making and held firm to them, even when wards and their families would call me to persuade me otherwise. All my decisions were in the best interests of the ward on the basis of information available to me. This developed the most important quality I offer the judiciary: the ability to apply the law correctly in each case regardless of how strong the advocacy against my decision may be.

Throughout my tenure as public administrator, I maintained my private office for the practice of law. This office allowed me to maintain and build relationships with other members of the bar, educate myself as to changes in the law, and synergize both offices for better delivery of legal services to clients and to wards and estates. In my private practice I represent persons in the areas of estate planning, probate and business planning and I selectively accept litigation matters in related subject matters.

In my private practice prior to becoming public administrator, I represented clients in a variety of areas: breach of contract, criminal defense, family law, forfeiture claims, trust accounting, personal injury and workers compensation. I had the opportunity to serve as Assistant Prosecuting Attorney for the Cities of Manchester and Maplewood in St. Louis County in which role I had authority to dispose of all cases by settlement or trial for all charges, including traffic offenses, driving while intoxicated, assault and theft. As in many general practices, I represented many defendants in counties and municipalities throughout the St. Louis area.

As a member of the legal profession, I consider it my duty to provide service to the communities to which I belong. The following information cites further evidence of my commitment to service in the community, whether the legal community, my neighborhood community, or communities defined by special needs or interests:

September, 2005, Reviewer for "Read the Fine Print" project. Collaborative effort among the Long-Term Care Ombudsman Program, the National Senior Citizens Law Center and the Missouri Bar to review nursing home agreements from

**Missouri facilities for the purpose of formulating public policy with respect to the content and nature of nursing home agreements.**

**In December, 2004, I was a member of a panel organized by Donald Carmody, chair of the Disability Law Committee of BAMSL, to discuss legal issues of the mentally ill at a meeting of the National Alliance for the Mentally Ill (NAMI) - Missouri. Other panelists included Commissioner James Sullivan, Commissioner of the Drug Court in St. Louis, and B. Joyce Kelley, Associate County Counselor.**

**In September, 2004, I presented a session at the annual Missouri In Home Services workshop. This session, presented with Sarah Burkemper, Lincoln County Public Administrator, explored the ways in which Public Administrators, in their role as Guardians, can assist and utilize the services of In Home Care Providers for the elderly.**

**In this application there are references to my service to my parish community. This service was driven by my role as parent and my interest in providing a solid foundation for my children's youth. Now that my children are moving into their teenage and high school years, I expect my commitments to the parish to wane, thus providing opportunity for more regional service.**

**I strive to balance my time between my professional career, my obligation as an attorney to provide pro bono work to those unable to pay for legal services, my obligation as a citizen to contribute to my community, and my obligation as a father and husband. This application addressed my professional career. I want to stress that the other components are an important part of my character and decision making.**

**A judge must always remember three things about their role in the judiciary: (1) That they are public servants and must serve the public; (2) That they are politicians and must recognize that good relationships with other decision makers and stake holders will lead to progressive and effective administration of justice; and (3) That every litigant deserves respect and the right to be heard in order to preserve the integrity of the process. This application illustrates that I formulated these principles not just for your consideration, but as a basis for my code of conduct as an attorney and St. Louisan.**

By my signature to this form, I authorize the Commission by its Chairperson to make whatever inquiries and receive whatever information it shall desire with respect to my medical, police or disciplinary records, with the understanding such information is available only to the members of the Twenty-Second Judicial Commission presently serving or hereinafter named to such office. 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.

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

DATE: *Sept 11, 2008*

SIGNED:  \_\_\_\_\_

TWENTY-SECOND CIRCUIT - CITY OF ST. LOUIS  
ASSOCIATE CIRCUIT JUDGE

Application of **Gerard A. Nester**

Attachment to application regarding questions 15, 16.

15. Please attach a list of cases you have tried in the last five years. Please 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. Please indicate for each case whether bench or jury tried and give a one-three sentence description of each case and its outcome.

As Public Administrator since 1998, I have tried numerous motions before the Probate Division for the Circuit Court for the City of St. Louis. Most of these hearings were held before the Commissioners of the Division. These hearings include claims against estates, determination of liability actions against former fiduciaries, actions to remove fiduciaries, and actions to recover assets.

As Public Administrator, I also participate in hearings to appoint the Public Administrator as Guardian and Conservator. Many times these hearings are routine. Consider, however, the following trial:

In re the Matter of Steven Prye, St. Louis City Probate Division #04PR500816. Hearing before Hon. Joan Moriarty on November 8 and 16, 2004.

Attorney for St. Alexius Hospital: Andrew Toenies, Lashly & Baer, 714 Locust Street, St. Louis, MO 63101

Attorney for Illinois Office of State Guardian: Anthony Rothert, 4500 College Ave., Suite 100, Alton, IL 62002

Attorney for Respondent Steven Prye: Lee Clayton McMurray, 11414 Gravois Road, Suite 101, St. Louis, MO 63126

Assistant Attorney General: Woodie J. Curtis, 720 Olive Street, Suite 2150, St. Louis, MO 63101-2302

Attorney for Public Administrator, City of St. Louis: Gerard A. Nester

St. Alexius Hospital brought this action to appoint the Public Administrator as Guardian and Conservator for Steven Prye, who had been in their acute care psychiatric ward since May, 2004. The Illinois Office of the State Guardian intervened in the action because that office (the equivalent in Illinois of the Missouri Public Administrator) had been appointed by the Illinois state court as Guardian and Conservator for Mr. Prye; thus, the IOSG sought recognition of their status as Guardian and right to direct treatment and an order admitting Mr. Prye to Metropolitan Psychiatric Center, a State of Missouri Department of Mental Health facility. The Attorney General's Office intervened for the State of Missouri, Department of Mental Health. I represented the Office of the Public Administrator also seeking recognition of the authority of the Illinois Office of State Guardian. The trial court ruled that the IOSG's authority as Guardian did not extend to Missouri and issued a writ of

habeas corpus to St. Alexius Hospital to produce Mr. Prye in the court room within one week. Illinois Office of State Guardian filed a notice of appeal and obtained a stay order from the Eastern District Court of Appeals. Please see my comments regarding appellate practice in answer to question #16

In addition to the responsibilities of being Public Administrator, I maintain a private practice of law. Due to the primacy of my duties as Public Administrator, my private practice for the last several years has been limited to estate planning and probate court representation. The cases that follow, therefore, may pre-date the five year time frame of this question, but better represents my trial work and experience.

These cases illustrate the breadth of experience in the cases I've tried. The cases described here vary from fairly straightforward matters such as criminal assault and claim for payment on account to more complicated matters such as child custody and actions for trust accounting.

The cases are presented in reverse chronological order.

Karen Bradford v. Bessie Hill, 064-00449 St. Louis City Circuit Court, Judge Bush presiding. Hearing on default judgment entered October 29, 2007.

Opposing counsel: Thomas Glick, 150 North Meramec, Fourth Floor, St. Louis, MO 63105-3907 (until withdrawal 6/18/07)

Suit to Quiet Title. I represented Bessie Hill and preserved her ownership of the property in question.

Rodney Rodenhauser v John Regnier and Sherry Marlo, 05CC-003469 St. Louis County Circuit Court, Judge Drumm presiding, Settled through mediation in September, 2006, Michael Geigerman, mediator.

Opposing Counsel: James Brandenburg, 275 N. Lindbergh Blvd., St. Louis, MO 63141 for Plaintiff; Stuart Oelbaum, for co-defendant Regnier.

Action to contest trust and will which distributed \$75,000.00 to my client, Marlo, who was the housekeeper for the deceased. After discovery depositions, matter settled through mediation; client retained all of her distribution.

Andrea Gardner v. Paul Mittelstadt, 98 CC 000366, St. Louis County Circuit Court, Judge Sweeney presiding. Bench trial on January 31, 2000.

Opposing Counsel: Christopher Karlen, Ziercher & Hocker, P.C., 190 Carondelet Plaza, Clayton, Missouri 63105

Client (Mittelstadt) was sued for Breach of Contract and Unjust Enrichment arising from the purchase, maintenance and sale of a house that he shared with Plaintiff during their relationship. Judgment entered against Defendant in excess of \$30,000.00. Parties settled for a lesser sum after trial.

St. Louis County v. John Winkler, 98SM - 050704(1), St. Louis County Municipal Court,

North Division. Bench trial before Judge Celeste Endicott on December 15, 1999.  
Opposing Counsel: Gloria McCullom, St. Louis County Counselor's Office, 7900 Forsyth,  
Clayton, Missouri 63105.

Client was charged with violating an order of protection from his former wife. An incident occurred at client's son's wrestling match in which client and his former wife physically wrestled among themselves. After trial, client was found not guilty.

Charles Biggs v. City of Manchester, St. Louis County Associate Circuit Court 98 CC 01304.  
Bench trial before Judge John Frerking of Laclede County as visiting judge.

Opposing Counsel: Mark Levitt, 225 South Meramec, Clayton, Missouri 63105

Client Charles Biggs brought action to collect fees due for ornamental design of highway 141 overpass at Manchester Road. Client presented testimony of his expertise in design and experience in graphic art. City countered with allegation that sophisticated design was not necessary and that they did not know that Plaintiff would demand so much for payment. Judgment entered in favor of Plaintiff for \$2,000.00.

Curlie Mae Greenwood & Lizella Frost v. Development Investments, Inc. St. Louis City Associate Circuit Court #970-10809, Bench trial before Judge Ed Sweeney.

Opposing Counsel: Thomas "T.C." Carter, 3910 Lindell, St. Louis, Missouri 63108.

Trial held on July 22, 1998 and August 11, 1998. Client brought action against home builder for poor construction of new home. I presented expert testimony of engineer and impassioned testimony of client. Judgment entered in favor of Plaintiff for \$1,600.00.

Rev Trust of Patricia Withers v. Bernice Williams, St. Louis City Associate Circuit Court #960-10397, Jury trial before Judge Thad Niemira.

Opposing counsel: Walter Pankowski, 10105 W. Florissant, St. Louis, MO 63136

Jury Trial on June 15, 1998. Client was defendant in action for property damage arising from vehicular accident on Interstate 70. Verdict returned assessing fifty percent fault to drivers of each car.

Barbara Y. Tooks v. Milton Tooks, 973-3124, St. Louis City Circuit Court, Judge Thomas Frawley, presiding. Bench trial on January 2, 1998.

Opposing Counsel: Wayne C. Harvey, 7751 Carondelet Ave., Clayton, MO 63105.

Dissolution of Marriage proceeding in which parties were both members of the military. Husband (my client) retired from military and took up employment in St. Louis, but wife continued her career in the military and was reassigned out of State. After trial, Husband was awarded legal custody and primary physical custody.

City of Brentwood v. Ralph W. Rausch and Charlotte Rausch, his wife, et al, St. Louis County Circuit Court 96CC - 000664, Judge Robert Cohen presiding. Bench trial held January 29, 1997.

Opposing Counsel: J. B. Carter, 8000 Maryland, Suite 1000, St. Louis, Mo 63101-1334.

This action was a Petition in Eminent Domain to clear land for the Target Greatland and related development at Highway 40 and Brentwood. A home at 1414 Hathaway was owned by a woman who died and was survived by eight children, one of whom predeceased this

action. I represented the children of the predeceased child who sought to enforce their one-eighth interest in the property. After a bench trial, judgment was entered in favor of my Clients for one-eighth of the interest in the house.

Estate of Margaret Vatterott v. Michael Vatterott, St. Louis County Circuit Court 681146, Bench trial before Judge Michael Godfrey.

Opposing Counsel: Ryan Shaughnessy, The Shaughnessy Law Firm, 1804 Lafayette Ave., St. Louis, MO 63104.

Trial on December 18 through 20, 1996. An action for an Accounting, Fraud and Undue Influence. I represented the Estate of Margaret Vatterott and Honora Kennedy, who was one of two children of Margaret Vatterott, the other child being Michael Vatterott, the Defendant. After three days of trial, judgment was entered against Michael Vatterott and in favor of the Estate of Margaret Vatterott in the sum of \$59,872.26 plus prejudgment interest of \$26,493.02. This case also spawned two appeals. The first appeal was an attempt to execute on a different trust established by Margaret Vatterott for the benefit of Michael Vatterott, but which was protected by a spendthrift provision. The second appeal was brought by Michael Vatterott on the judgment. While the case was pending on appeal, the parties settled. See answers to question 16.

United States v. 1181 Waldorf Drive, Defendants: Kenneth Wilderman and Robert Wilderman, Claimants, U.S. Dist Ct 4:94CV02042 GFG, Hon. George F. Gunn presiding.

Opposing Counsel: Julia M. Wright, Assistant United States Attorney.

Bench Trial on August 2, 1995. Client and his brother were asserting claims to a house they owned on which the United States was seeking an order of forfeiture. Client had previously pled guilty to receiving child pornography through interstate commerce. (Client's brother did not live at the house at the time of the offence.) After trial, client lost his claim for the property but his brother maintained a one-half interest in the property.

16. Have you briefed or argued any case in an appellate court? **Yes.**  
If so, please attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.

In the Matter of Steven Frye, 169 S.W.3d 116 Mo. App. E.D. 1995) After trial (see question 15), IOSG appealed the trial court's order in its entirety. As Public Administrator, I joined in the appeal of that part of the trial court's order which held a foreign guardian was not entitled to extraterritorial recognition of its authority. I prepared the brief on appeal but did not participate in argument. Because circumstances had changed while the matter was on appeal (Steven Frye died), many issues were moot, but the Appellate court chose to consider the issue of extraterritorial authority of a guardian and reversed the trial court's decision as argued in my brief.

Steiner v. Vatterott, 973 S.W.2d 191 (Mo. App. E.D. 1998). This case grew out of the trial described above as "Estate of Margaret Vatterott v. Michael Vatterott." Defendant appealed the Court's judgment stating, among other issues, that the Court did not have the correct party before it because the Personal Representative of the Estate was not named as a party. I was the Attorney for Respondent John Steiner, who was the Personal Representative of the Estate. The parties briefed the issues for the Appellate court. While the appeal was pending, the parties settled the dispute but stipulated that the appeal would not be dismissed. The Appellate Court determined that the Plaintiff had not been properly named and reversed and remanded the case for further proceedings.

Estate of Vatterott v. Vatterott, 964 S.W.2d 562 *per curiam* (Mo. App. E.D. 1998). This is another case that grew out of the Vatterott litigation. I was the Attorney for Appellant Estate of Vatterott which had tried to execute on certain assets of a trust for the benefit of Defendant Michael Vatterott, but which trust included a spendthrift provision that prevented the assets from being used to satisfy the claims of Michael Vatterott's creditors. I prepared the record on appeal and the brief and presented oral argument. The appellate court sustained the judgment of the trial court protecting the trust assets.

Penny v. Penny, 823 S.W.2d 67 *per curiam* (Mo. App. E.D. 1991). I represented the Appellant and prepared the brief but the trial attorney argued the case on appeal. The issue related to the enforcement of a maintenance order under a dissolution of marriage decree. The file is not in my control and the appellate court issued a *per curiam* decision so I have no more specific issues of the case.

Baker v. Baker, 813 S.W.2d 116 (Mo. App. E.D. 1991). I represented the Appellant and prepared the record on appeal and the brief and presented oral argument. This case involved the construction of language in a Will that was found to be ambiguous. After discussing at some length the issue of ambiguity and the words of grant in the Will, the Appellate Court determined that the time to contest the issue was when the Probate Court made its order of distribution and that the parties could not later re-litigate that distribution. Judgment affirmed.

## BIOGRAPHICAL SKETCH

Gerard A. Nester is an attorney in private practice and serves as the Public Administrator for the City of St. Louis. He is a graduate of St. Louis University's School of Law and School of Business and Administration. First appointed to the office of Public Administrator and then elected in 2000 and 2004, he is responsible for the administration of hundreds of Decedent, Guardianship and Conservatorship files pending before the Probate Division in the City of St. Louis. In his law practice, he focuses on representation of clients in probate and estate planning matters and related litigation. Mr. Nester is a member of the Probate and Trust and Elder Law Committees of the Missouri Bar, the Bar Association of Metropolitan St. Louis and the Lawyers' Association as well as the Missouri Association of Public Administrators. He is a member of the Tilles Park Neighborhood Association, St. Joan of Arc Catholic Church and the Twenty-third Ward where he lives with his wife and three children.

ANDERSON & GILBERT

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ESTABLISHED IN 1906

September 17, 2008

FRANCIS X. DUDA \*  
FORTIS M. LAWDER \*  
JOEL D. MONSON  
D. PAUL MYRE \*

-----  
DENNIS S. HARMS \*  
-----

MICHAEL A. LAWDER \*  
OF COUNSEL

\* MISSOURI AND ILLINOIS

ROSCOE ANDERSON  
(1884-1951)  
WILLIAM R. GILBERT  
(1886-1963)  
JESSE A. WOLFORT  
(1882-1967)  
NORRIS H. ALLEN  
(1904-1991)  
NORMAN BIERMAN  
(1907-1987)

Chief Judge Nannette A. Baker  
Missouri Court of Appeals  
Eastern District of Missouri  
One Post Office Square  
815 Olive Street  
St. Louis, MO 63101

Re: Gerard A. Nester

Dear Judge Baker:

We are pleased to recommend for appointment as an Associate Circuit Judge for the 22<sup>nd</sup> Judicial Circuit, Gerard A. Nester, the Public Administrator for the City of St. Louis.

We have worked with him for more than five years on a wide variety of estate and probate matters. Mr. Nester is an intelligent, diligent and thorough attorney with an unquestioned reputation for honesty and integrity. In our opinion, he would make an excellent addition to the Circuit Court Bench.

We highly recommend him for appointment to the seat created by the retirement of the Hon. Michael K. Mullen.

Sincerely,

ANDERSON & GILBERT

  
Francis X. Duda

FXD/lc

cc: Thomas Schwartz  
Mary Anne Sedey  
Stephen Doss  
June Bosley Dabney-Gray

RECEIVED SEP 17 2008

**BRUNTRAGER & BILLINGS, P.C.**

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RAYMOND A. BRUNTRAGER  
CHARLES H. BILLINGS  
NEIL J. BRUNTRAGER  
DANIEL J. BRUNTRAGER  
MARY BUTTS BRUNTRAGER\*

RAYMOND A. BRUNTRAGER, JR.  
(1946 - 1979)

\*ALSO ADMITTED IN ILLINOIS

PARALEGALS  
MICHELE J. GIUNTA  
RHONDA L. LAUCK

September 16, 2008

Chief Judge Nannette A. Baker  
Missouri Court of Appeals  
815 Olive Street  
St. Louis, MO 63101

RE: Associate Circuit Judge Twenty-Second Judicial Circuit

Dear Judge Baker:

It is my honor to write you to recommend Gerry Nester for the position of Associate Circuit Judge in the 22<sup>nd</sup> Judicial Circuit Court.

I have observed Gerry personally as he shared space with us in our law office for a number of years in St. Louis City. In my opinion he has the ideal personality, patience, and experience to fulfill the duties of a position as the Associate Circuit Judge.

The duties of an associate judge require a great deal of organizational skills along with the people skills required in the handling of large dockets. Gerry's experience in the management of his caseload in the Public Administration makes him an exceptional candidate for this position.

Thank you for your consideration and for your efforts in support of the non-partisan Court plan.

Very truly yours,

BRUNTRAGER & BILLINGS, P.C.

By



Charles H. Billings

CHB/rl

LINCOLN COUNTY PUBLIC ADMINISTRATOR

Sarah Burkemper

P.O. Box 322  
Troy, Missouri 63379  
(314) 528-8287  
636

September 16, 2008

Chief Judge Nannette A. Baker  
Missouri Court of Appeals  
815 Olive Street  
St. Louis, MO 63101

Dear Chief Judge Baker,

I am writing this letter in support of the application of Gerard A. Nester for the position of Circuit Judge in the Twenty-Second Circuit.

I have known Gerry since he took the office of Public Administrator in the City of St. Louis in 1998. I will give two specific examples of Gerry's conduct in that office that speak volumes about how he approaches public service.

Our state organization, the Missouri Association of Public Administrators, meets regularly for training and discussion of issues important to our offices. The Public Administrators from Charter and First-Class counties have no statutory requirement to attend our meetings, and typically do not. Gerry, on the other hand, has been a visible and helpful participant by attending our meetings and sharing his experience and knowledge of the law. Only four or so Public Administrators in Missouri are attorneys. Thus, his expertise combined with his availability to our members has been of great benefit.

Another act telling of Gerry's character is that he has prudently transferred guardianships out of the St. Louis City office to surrounding counties where the wards actually reside. That has not been a widespread practice among public administrators, particularly due to the compensation structure in some offices. Gerry has wisely put the needs of the wards first to ensure that they would be properly serviced by a guardian in close proximity.

Gerry has faithfully demonstrated professionalism, mastery of the applicable law, and commitment to serve the public in an office that does not always have someone of his caliber. He has willingly shared his knowledge with other stakeholders in the community by accepting speaking engagements and other projects. I believe his strong character, expertise, and work ethic indicate that he would serve exceedingly well as a judge.

I believe you will always be able to take pride in the appointment of Gerard A. Nester to the position of Circuit Judge in the Twenty-Second Circuit.

Sincerely,

  
Sarah Burkemper

**THE GUNN LAW FIRM, P.C.**  
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GREGORY P. ZITKO\*  
gzitko@thegunnlawfirm.com

\*Also Licensed in Illinois

September 15, 2008

**RECEIVED** SEP 16 2008

Honorable Nannette A. Baker  
Chief Judge, Missouri Court of Appeals  
815 Olive Street  
St. Louis, MO 63101

**RE: Gerard A. Nester**  
**Associate Circuit Judge Vacancy**  
**22<sup>nd</sup> Judicial Circuit**

Dear Judge Cohen:

This letter is being sent to recommend for consideration the name of Gerard A. Nester to be placed on a panel for a vacancy now pending in the 22<sup>nd</sup> Judicial Circuit. As you will note from Mr. Nester's resume, I have known him since he was a law school student and have worked with him many times over the last 23 years. During that time, there have been very few lawyers that I have had the good fortune to interact with in our profession that have impressed me more than Gerry Nester. I am confident that you will find many lawyers and judges that will tell you of his tremendous work ethic, very strong knowledge of the law, pleasant demeanor and, most importantly, his reputation for professionalism.

Naturally I take some pride in having had Gerry as a new lawyer in our office many years ago. Since that time he has been a hardworking small firm practitioner, as well as serving as Public Administrator of the City of St. Louis. I have had occasion to refer many matters to him on which we have conflicts of interest in this office, and I have always been very pleased at how these referrals were handled.

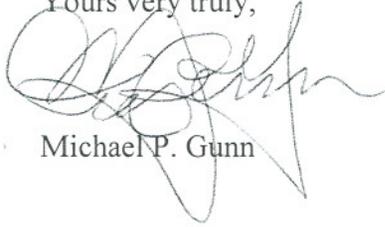
As far as his contribution as Public Administrator of the City of St. Louis, one must only look at the history of that office before and after his arrival. When he took the office over, it was barely in the 20<sup>th</sup> century. His industry and ingenuity enabled him to raise the funds to obtain the necessary electronic equipment and expertise to bring the office up to date, much to the benefit of the clientele which that office must represent. His personal attention to the needs of the numerous disabled persons represented by him as Public Administrator is basis enough to earn him an opportunity to serve this already great Circuit.

Page 2 – Honorable Nannette A. Baker  
Re: Gerard A. Nester – Associate Circuit Judge Vacancy  
9-15-08

A lifelong resident of the City of St. Louis, living with his wife and family there, he is more than a lawyer seeking a position on the bench – he is a person who is a member of the community who has earned an opportunity to represent it.

I recommend, without hesitation or exception, the name of Gerard A. Nester to be selected for a panel to be submitted to the Governor to fill the vacancy in the City of St. Louis. I am confident that his selection would be a tremendous benefit to the State of Missouri, the 22<sup>nd</sup> Judicial Circuit and, most importantly, the citizens of that Circuit. Please advise if there is anything further I can do in this regard.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Michael P. Gunn". The signature is written in black ink and is positioned above the printed name.

Michael P. Gunn

MPG:me

cc: Mr. Stephen Doss  
Ms. Mary Anne Sedey  
Mr. Thomas Schwartz  
Ms. June Bosley Dabney-Gray

RECEIVED SEP 16 2008

AUBUCHON, RANIERE & PANZERI  
Attorneys & Counselors at Law

DANIEL A. RANIERE\*  
MARK A. PANZERI\*  
MARK E. BERNS

*\*Also licensed to practice in Illinois*

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MICHAEL J. AUBUCHON  
(1912-1987)

DANIEL C. AUBUCHON  
(1947-2004)

September 15, 2008

Hon. Nannette A. Baker, Chief Judge  
Missouri Court of Appeals  
815 Olive St.  
St. Louis, MO 63101

Re: **Gerard A. Nester**

Dear Judge Baker:

I have been asked to write in support of Jerry's application for the Associate Circuit Judge position in the City.

I have known Jerry for 20 years and have found him to be skilled and able as an attorney. He has been an excellent Public Administrator and shows all the characteristics that a Judge needs to deal with the public. I am not aware of any criticism of his skills or any negative comment on his character and reputation. He conducts himself with distinction in serving the community.

I highly recommend him for the Associate Circuit Judge position.

Respectfully,



DANIEL A. RANIERE

DAR/jgs

cc: Mr. Stephen Doss  
Ms. Mary Anne Sedey  
Mr. Thomas Schwartz  
Ms. June Bosley Dabney-Gray

# THE WYNNE LAW FIRM

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RECEIVED SEP 23 2008

ROBERT J. WYNNE  
JOHN M. WYNNE\*

\*ALSO LICENSED IN ILLINOIS

RECEIVED SEP 23 2008

September 19, 2008

Chief Judge Nannette A. Baker  
Missouri Court of Appeals  
815 Olive Street  
St. Louis, MO 63101

RE: Application of Gerard A. Nester for Associate Circuit Judge of the Twenty-Second Judicial Circuit

Dear Judge Baker:

We are writing to recommend the appointment of Mr. Gerry Nester as Associate Circuit Judge for the Twenty-Second Judicial Circuit.

As you are likely aware, Gerry not only currently serves as the Public Administrator for the City of Saint Louis, but he also has a private practice with a focus on estate planning. For the past six years, our firm has had the opportunity to share the same office suite with Gerry in his private practice.

As such, we have had an opportunity to consult with Gerry on a number of pending litigation matters in our general practice, and we always have been very impressed with Gerry's ability and willingness to very quickly wrap his mind around complex fact patterns, and give us honest, effective, and practical advice, whatever the issue happens to be. We have been very happy with his compatibility and collegiality. Simply put, Gerry is as cordial, ethical, and conscientious in his approach to practicing law as they come, and everyone who knows Gerry feels the same way.

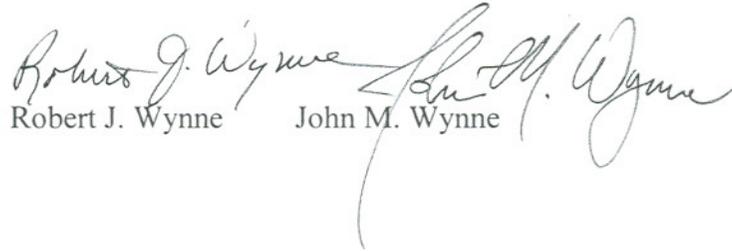
Based on our experience with Gerry, we wholeheartedly endorse his candidacy and eventual appointment as Associate Circuit Judge. The bench will be well served by Gerry's demeanor and his fellow judges will soon come to rely on Gerry's input and guidance, as we have over the past years. Both his public and private practice have provided Gerry with the knowledge and understanding to appreciate and resolve the intricacies and conflicting interests of opposing parties presented in any litigation.

In addition to his many professional qualifications, Gerry's dedication to his community and numerous charitable endeavors have always impressed both of us, especially in light of his constant duties as the father of three very busy children. He will bring to the bench an understanding and judicial temperament which will enable those parties and attorneys appearing before him to realize they have received genuine concern and impartial treatment.

We are confident that Gerry Nester's appointment to the Associate Circuit Court will reflect most favorably not only on the Twenty-Second Judicial Circuit but also upon our entire legal community. He has been and will continue to remain a credit to our legal profession.

Please feel free to contact us with any questions you may have regarding our recommendation.

Very truly yours,

  
Robert J. Wynne      John M. Wynne

CC: Mr. Stephen Doss  
6217 Rhodes  
Saint Louis, Missouri 63109

Ms. June Bosley Dabney-Gray  
5615 Cabanne Avenue  
Saint Louis, Missouri 63112

Ms. Mary Anne Sedey  
Sedey & Harper, P.C.  
2711 Clifton Avenue  
Saint Louis, Missouri 63139

Mr. Thomas Schwartz  
Holloran White & Schwartz LLP  
2000 South 8<sup>th</sup> Street  
Saint Louis, Missouri 63104

JMW/cb

# CLINICAL LAW OFFICES

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SAINT LOUIS UNIVERSITY SCHOOL OF LAW  
321 N. Spring Ave. ■ St. Louis, MO 63108  
phone: 314-977-2778 ■ fax: 314-977-3334

September 23, 2008

Chief Judge Nannette A. Baker  
Missouri Court of Appeals  
815 Olive Street  
St. Louis, MO 63101

Re: Application of Gerard Nester for Associate Circuit Judge

Dear Judge Baker:

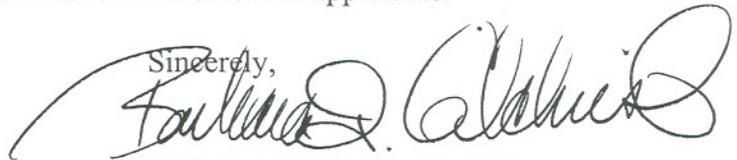
I write to recommend Gerard Nester for Associate Circuit Judge. I have known Gerry for many years and have had many opportunities to work with him in his role as Public Administrator and in his private practice. We have also served together on a local bar association committee.

I believe Gerry to be an excellent attorney and a person of integrity. He is polite and respectful in his dealings with other lawyers and pragmatic in his approach to legal issues. Gerry has developed a specialty in Elder Law which requires an understanding of very complex state and federal laws and regulations. He is also well prepared in all probate matters.

Gerry's many years of experience have prepared him for the bench, both in terms of his knowledge of the law, and in his temperament. He has patience when patience is needed and can be decisive when that is needed.

I believe Gerry will be a valuable addition to the judiciary. Thank you and all of the commissioners for your time and careful consideration of the applicants.

Sincerely,



Barbara J. Gilchrist, JD, PhD  
Attorney & Clinical Law Professor

RECEIVED SEP 12 2008

GERARD A. NESTER

ATTORNEY AT LAW  
1015 Locust Street, Suite 1024  
Saint Louis, Missouri 63101

TELEPHONE: 314-421-4433

FACSIMILE: 314-421-4434

EMAIL: [g.nester@sbcglobal.net](mailto:g.nester@sbcglobal.net)

September 11, 2008

Chief Judge Nannette A. Baker  
Missouri Court of Appeals  
815 Olive Street  
St. Louis, MO 63101

Re: Associate Circuit Judge Position  
Twenty-Second Judicial Circuit

Dear Judge Baker:

Enclosed is my Application, Cover Page, Biographical Sketch and photograph in application for Judge Mullen's position on the Associate Circuit bench in the City of St. Louis. Those persons listed as references in my application will be contacting you and the other commissioners shortly to support my application.

I will contact you soon to arrange an interview. I look forward to visiting with you to discuss my application.

Yours Very Truly,

  
Gerard A. Nester

cc: Mr. Thomas Schwartz  
Mr. Stephen Doss  
Ms. June Bosley Dabney-Gray  
Ms. Mary Anne Sedey

John S. Wallach  
Attorney at Law  
John S. Wallach, P.C.

September 26, 2008

Honorable Nannette Baker  
Missouri Court of Appeals  
One Post Office Square  
815 Olive Street  
St. Louis, MO 63101

Re: Gerard Nester

Dear Judge Baker:

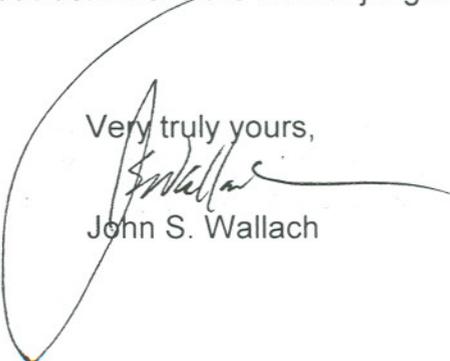
I am writing to recommend with the highest regard Gerard Nester for Associate Circuit Judge in the City of St. Louis. I have known Gerry for at least fifteen years and have developed a good sense of the kind of lawyer and person he is. I have consulted with Gerry on a number of occasions in my practice.

As a lawyer I know Gerry has an excellent understanding of relevant laws and an ability to research and comprehend new issues presented to him. He develops solutions that make sense and shows innovation and creativity. I don't recall ever being disappointed when I ask Gerry for assistance.

As a person, Gerry has always displayed the highest level of integrity, honesty and good character. He is courteous, open-minded and listens well. He has an excellent work ethic and sense of responsibility to the client. I think all these qualities will serve him well as a judge.

I highly recommend Gerry for this position. He is the kind of judge I would enjoy appearing before.

Very truly yours,



John S. Wallach

RECEIVED OCT 03 2008

James R. Cantalin  
jrc@carmodymacdonald.com  
Direct Dial: (314) 854-8645

October 2, 2008

Chief Judge Nannette A. Baker  
Missouri Court of Appeals  
815 Olive Street  
St. Louis, MO 63101

In Re: *Letter of Recommendation on behalf of Gerard A. Nester*

Dear Chief Judge Baker:

Gerard A. Nester will make a fantastic addition to the Twenty-Second Judicial Circuit. As such, please accept this writing as my letter of recommendation on behalf of Gerry for the current Associate Circuit Court vacancy in the Twenty-Second Judicial Circuit.

I have known Gerry since our elementary education days having grown up one block from his family's home in South St. Louis. Knowing Gerry both socially and professionally, I can state with personal knowledge and great confidence that Gerry has the intelligence, patients, humility, respect and integrity to excel as an Associate Circuit Court Judge for the City of St. Louis.

I believe it is extremely important to select candidates, such as Gerry, who are admired and respected both by the citizens of the City of St. Louis and the trial lawyers who practice before the judges. As someone who was born, raised, schooled and lived in the City of St. Louis, I believe I can speak both as a practicing trial lawyer and more importantly as a St. Louisian in making this recommendation. Accordingly, I am confident that Gerry will exceed your expectations as an Associate Circuit Court Judge.

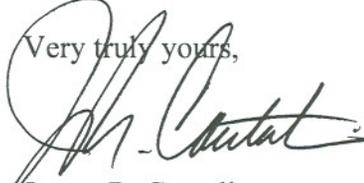
As you know, the decisions you make in this regard have long standing ramifications for the citizens of the City of St. Louis, the litigants who appear before judges, and the lawyers, who practice before them. I am confident that Jerry will become one of the standouts on the bench in the City of St. Louis and that you will be extremely proud to have played a significant role in his appointment to the Twenty-Second Judicial Circuit.

# Carmody MacDonald

---

Chief Judge Nannette A. Baker  
October 2, 2008  
Page 2

I strongly encourage you to select Gerry to this panel for consideration by Governor Blunt. It is his time. If you have any questions regarding my recommendation, please do not hesitate to contact me.

Very truly yours,  
  
James R. Cantalin

JRC/tmj

cc: June Bosley Dabney-Gray  
Thomas Schwartz  
Stephen Doss  
Mary Anne Sedey

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David P. Weiss  
Hermann H. Eisele  
Patricia A. Wilcox  
Camron H. Buss

*Of Counsel*  
Thomas E. Nutter, LLC

*Paralegal*  
Michelle L. Green

October 3, 2008

Chief Judge Nanette A. Baker  
Missouri Court of Appeals  
815 Olive Street  
St. Louis, MO 63101

Re: 22nd Judicial Circuit Panel

Dear Judge Baker:

I am writing on behalf of Gerard Nester, an applicant for the Twenty-Second Judicial Circuit position which is currently open.

I have known Gerry for his entire life, having grown up on the same block in the City of St. Louis. Eventually, we both ended up practicing in the same office building, where Gerry and I became re-acquainted. His hard work, ethical standards and compassion in working with his clientele, including those who are appointed by the Court in his position as Public Administrator, is readily evident from my vantage point.

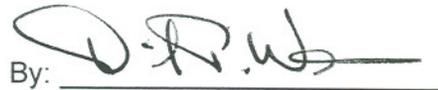
As you may be aware, Gerry has excelled at transforming the City of St. Louis' Public Administrator's Office from a non-computerized, unresponsive office into a 21<sup>st</sup> century, hard-working government service center. This transformation is a testament to his vision, hard work and perseverance, qualities which, I am certain, will be brought to the bench.

Gerry's qualifications for appointment to the Circuit Court include not only his command of substance and procedure, but also a solid work ethic, a feature that should be encouraged with all appointees to the judiciary. I believe it is also important to note that, in my opinion, he personally subscribes to the highest level of personal and professional integrity.

I heartily recommend Gerard Nester to be considered as one of the panelists for the open position on the 22<sup>nd</sup> Judicial Circuit. If you should have any questions regarding his qualifications or my comments, please contact me at your convenience.

Very truly yours,

**WEISS & ASSOCIATES, P.C.**

By: 

David P. Weiss

DPW:llj

cc: Mr. Stephen Doss  
Ms. Mary Anne Sedey  
Mr. Thomas Schwartz  
Ms. June Bosley Dabney-Gray

**THOMAS B. HAYES**  
ATTORNEY AT LAW  
11647 GRAVOIS ROAD, SUITE 100  
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E-MAIL: thayes@gravoislaw.com

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October 2, 2008

Chief Judge Nannette A. Baker  
Missouri Court of Appeals  
815 Olive Street  
St. Louis, MO 63101

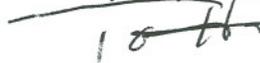
Dear Judge Baker:

I am writing to recommend for your strong consideration the appointment of Gerard Nester as an Associate Circuit Judge in the City of St. Louis. I have known Gerry for quite some time and found him to be very conscientious and hard-working. He has great respect for the law and a wonderful attention to detail, traits that are ideally suited for an Associate Circuit Judge position. Additionally, he is unfailingly courteous and polite to everyone, irrespective of their place on life's food chain.

I appreciate your serious consideration of this recommendation and, as always, wish you the best.

Thank you.

Very truly yours,



Thomas B. Hayes

TBH/ba

**KRUSE, REINKER & HAMILTON, L.L.C.**

ATTORNEYS AT LAW

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EDWARD C. KRUSE\*  
RANDALL J. REINKER  
ROBERT N. HAMILTON

JENNIFER R. PIPER\*  
SEAN P. O'HANLON\*

OF COUNSEL - MARY J. LIGOCKI\*  
\*ALSO ADMITTED IN ILLINOIS

October 2, 2008

Chief Judge Nannette A. Baker  
Missouri Court of Appeals  
815 Olive Street  
St. Louis, MO 63101

RECEIVED OCT 06 2008

RE: St. Louis County Judicial Commission (Twenty-Second Circuit) Application  
for the position of Associate Circuit Judge

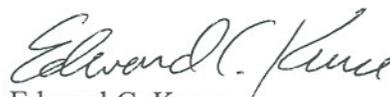
Dear Judge Baker:

I am writing this letter to you to voice my strong support for Gerald Nester for the appointment to Associate Circuit Judge.

I have practiced law for almost 20 years with the majority of my practice in the St. Louis County, the 21<sup>st</sup> Judicial Circuit and St. Louis City, the 22 Judicial Circuit. I have been before all current Circuit and Associate Circuit Judges many times. I have had numerous cases with Mr. Nester and I believe he is a very conscientious, efficient and effective attorney.

Gerald Nester is just the kind of person we need as a Judge. In my opinion, Gerry also has the kind of experience that an attorney or Judge should have before being considered. I believe Gerry will be the type of Judge we can be proud of and that will be a good representative of the Missouri Bar. I hope you find my comments helpful and I appreciate the time you have had to invest to review the many candidates and choose a new Associate Circuit Judge.

Sincerely,

  
Edward C. Kruse

ECK/

RECEIVED OCT 09 2008

**RHODES & LALLY, L.L.C.**  
*Attorneys at Law*

**James E. Rhodes**  
**John A. Lally**

**1401 S. Brentwood Blvd**  
**Magna Place - Suite 825**  
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October 3, 2008

Chief Judge Nannette A. Baker  
Missouri Court of Appeals  
815 Olive Street  
St. Louis, MO 63101

RE: Gerard A. Nester

Dear Judge Baker:

Please consider Gerard A. Nester for the position of Associate Circuit Judge for the 22<sup>nd</sup> Judicial Circuit. Gerry would be a splendid addition to an already impressive bench.

I have known Gerry Nester since we were 14 years old. We attended high school, college, and law school together. Gerry has always been an excellent student with superior writing and analytical skills. He is a man of great integrity and impeccable character.

Attorney Nester and I have collaborated on cases throughout the years of our respective law practices. Gerry is industrious, professional, decisive and fair minded. Such traits are good indicators for excellent judicial temperament. Gerry has developed a diverse law practice which includes family law, contract, criminal, real estate, probate/estate administration, personal injury, commercial litigation, workers' compensation, and other areas. His legal expertise is quite broad. Gerry is well respected by lawyers throughout the St. Louis legal community.

Significantly, Gerry Nester is a public servant. Gerry has served our community as Public Administrator for 20 years. As Public Administrator, Gerry has had the opportunity to work with countless citizens of the metropolitan St. Louis area, always showing them patience and respect. Gerry's experience as Public Administrator will serve him well on the bench.

Please nominate Gerard A. Nester for Associate Circuit Judge.

Very truly yours,

  
JOHN A. LALLY

JAL/vth

Cc: Mr. Stephen Doss  
Ms. Mary Anne Sedey  
Mr. Thomas Schwartz  
Ms. June Bosley Dabney-Gray