

**APPLICATION OF LISA WHITE HARDWICK  
TO THE APPELLATE JUDICIAL COMMISSION FOR  
JUDGE, SUPREME COURT OF MISSOURI**

***RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE  
APPLICANT IS ONE OF THE NOMINEES FOR THE VACANCY***

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

Appellate Judge, Missouri Court of Appeals for the Western District

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?**

47 years

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

29 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.**

I was admitted to the Missouri Bar on October 16, 1985. My license is and always has been in good standing.

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

During the time I practiced law with a law firm, I was admitted to practice in the following federal courts:

United States District Court for the District of Kansas

United States District Court for the Western District of Missouri

United States District Court for the Western District of Michigan

United States District Court for the Southern District of Florida

United States Court of Appeals for the Eighth Circuit

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

University of Missouri-Columbia  
Columbia, Missouri 65201  
Attended 1978 - 1981  
Bachelor of Journalism 1981.

Sophia University  
7-1 Kioi-Cho, Chiyuda-Ku, Tokyo, Japan 102-8554  
Foreign Exchange Student in 1979

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

University Scholar (UMC Dean's List) 1978- 1981

UMC Curator's Scholarship

QBEH Honorary Society

Missouri Students Association, Senator

Chapter President and National Board Member of Delta Sigma Theta, Inc. ( a public service sorority)

Television News Reporter, Anchor, and Producer at KOMU-TV, 1980 - 1981

National Public Radio (NPR) News Reporter and Anchor, KBIA Radio Station, 1981

Instructor, Yomiuri School of English, Yokohoma, Japan, 1979

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

Harvard Law School  
1563 Massachusetts Avenue, Cambridge, MA 02138  
Attended 1982 - 1985  
Juris Doctorate 1985

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

Board of Student Advisors – selected by faculty to serve as Legal Writing instructor and Ames Moot Court advisor for 1<sup>st</sup> year students

Upper Round Moot Court – Team Member

Black Law Students Association – Regional Officer and National Board Member

Admissions Office Recruiter

Civil Rights & Liberties Law Review – Notes Editor

Prison Legal Assistance Project – Clinical Advocate

Jamaica Plains Legal Services Center – Clinical Advocate

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**

UMC Office of Equal Opportunity – Research and Media Specialist  
Columbia, Missouri. 1980 – 1981

Governor Christopher “Kit” Bond – Intern/Staff Assistant  
Jefferson City, Missouri. Summer 1981

United States Congressman Wendell Bailey – Legislative Assistant  
Washington, D.C. January 1982 – July 1982

**(b) All Employment from the Beginning of Law School to Present**

Spencer, Fane, Britt & Browne – Summer Associate  
1000 Walnut Street, Suite 1400, Kansas City, Missouri 64106  
May – August 1983

Bryan, Cave LLP – Summer Associate  
211 N. Broadway, Suite 3600, St. Louis, Missouri 63102  
July – August 1984

Akin, Gump, Strauss, Hauer & Feld – Summer Associate and Associate  
1333 New Hampshire Avenue NW, Washington, D.C. 20036  
Summer Associate: May – June 1984  
Associate: August – December 1985

Shook Hardy & Bacon – Law Firm Associate and Partner  
2555 Grand Avenue, Kansas City, Missouri 64108  
Associate: December 1985 – December 1991  
Partner: January 1992 – January 2000

Jackson County Legislature – Second District-At-Large Representative  
415 E. 12<sup>th</sup> Street, Kansas City, Missouri 64106  
January 1993 – January 2000

Jackson County Circuit Court – Circuit Judge  
415 E. 12<sup>th</sup> Street, Kansas City, Missouri 64106  
January 2000 – May 2001

Missouri Court of Appeals for the Western District – Appellate Judge  
1300 Oak Street, Kansas City, Missouri 64106  
May 2001 – Present

9. **If you were a student at any school from which you were suspended, placed on probation, or expelled by school authorities, for any reason, describe the circumstances.**

I have never been suspended, placed on probation, or expelled from any school.

10. **Describe the nature of your experience in trial and appellate courts and explain how they demonstrate the quality of your legal work.**

During fourteen years of law firm practice, I had key leadership responsibility in more than 100 lawsuits in federal and state courts throughout the nation. My practice focused on complex litigation, such as employment class actions, antitrust matters, and multi-defendant products liability cases. As lead counsel, I managed all litigation phases, including discovery, motion practice, trial, and appeal. Of the fourteen cases my litigation team handled at the appellate level, eleven were resolved in favor of our clients.

My most significant trial experience involved labor and employment law matters. I represented both plaintiffs and defendants in federal and state court claims filed under the civil rights laws. Under my direction, our litigation team achieved successful results for our clients in three employment discrimination cases during my final year of practice:

- Obtained a \$90,000 judgment for a plaintiff in a national origin discrimination case. *Bijan Daneshvar v. Graphic Technology, Inc.* (USDC KS 1998)
- Obtained a defense verdict in a jury trial on national origin/race discrimination claims. *Jonathan Okoh v. Thorn Americas, Inc. d/b/a Rent-A-Center* (USDC SD FL 1998)
- Obtained a defense verdict in a jury trial on one of two plaintiffs' sexual harassment and gender discrimination claims. *Susan Lintz et al. v. American General Finance, Inc. et al.* (USDC KS 1999).

To broaden my practical experience and fulfill my personal goals of *pro bono* service, I volunteered to represent indigent defendants in federal, state, and juvenile court on drug, rape, and bank robbery charges, as well as habeas petitions and other post-conviction proceedings. In other appointed cases, I successfully sued the Clay County Jail to force the establishment of a law library for inmates, and I secured appellate reversal of an inmate's race discrimination claim that had been denied by a federal trial court.

- a) **Appellate Experience:** Please include a representative list of cases you have briefed and/or argued (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court and, if published, the citation; identify the client(s) you represented and opposing counsel; give a one-paragraph description of the case and your role.

See attachment for "Litigation Experience"

- 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.

See attachment for "Litigation Experience"

- 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.**

Circuit Court Experience: I served as a circuit court judge on the Jackson County Circuit Court from January 2000 until May 2001. My primary assignment was the Family Court docket, where I handled marital dissolutions, paternity adjudications, child support modifications, and adoptions. I also volunteered to preside over a weekly docket of adult abuse cases, as well as jury trials for other judges with heavy criminal and civil dockets. I handled approximately 2,500 cases during my circuit court tenure and only two were appealed: one was affirmed and the other case was partially reversed by the Court of Appeals.

Court of Appeals Experience: Since May 2001, I have served an appellate judge on the Missouri Court of appeals for the Western District. During the past seven years, I have had panel assignments on approximately 1200 cases and written more than 350 opinions covering a wide range of criminal, civil, domestic, and administrative matters. I also have been appointed to serve as a "Special Judge" on seven cases in the Missouri Supreme Court.

Most recently, my significant opinions include:

- ***Rinehart v. Shelter General Insurance Company*, 2008 WL 2414829 (Mo.App. W.D., June 17, 2008):** Affirmed jury verdict awarding actual and punitive damages for bad faith refusal to settle insurance claims arising from an automobile accident.
- ***Cures Without Cloning v. Carnahan*, 2008 WL 1912474 (Mo.App. W.D., May 2, 2008):** Affirmed in part and reversed in part the Secretary of State's drafting of a summary statement for a ballot initiative to amend the Stem Cell Research and Cures Act.
- ***Doe v. Phillips*, 2008 WL 842485 (Mo.App. W.D., April 1, 2008):** Affirmed in part and reversed in part an injunction that prohibited the Missouri State Highway Patrol from publishing photographs and identifying information regarding sex offenders who are not subject to the requirements of Missouri's Sex Offender Registration Act. (Attached as writing sample)
- ***State v. Wade*, 232 S.W.3d 663 (Mo.App. W.D. 2007):** Affirmed dismissal of child endangerment charge based on strict interpretation of statute barring punishment of a mother for indirectly harming her unborn child through improper prenatal care. (Attached as writing sample)

Several of my opinions are frequently cited in appellate briefs and court decisions, including:

- ***Thomas v. Festival Foods*, 202 S.W.3d 625 (Mo.App. 2006):** Reversed and remanded negligence award based on improper admission of expert opinion that was not supported by the evidence.
- ***Spearman v. Western Missouri Mental Health Center*, 108 S.W.3d 801 (Mo.App. 2003):** Affirmed statutory right of a mother to obtain her deceased son's medical records in order to pursue a wrongful death claim.
- ***A.R.B. et al. v. Elkin*, 98 S.W.3d 99 (Mo.App. 2003):** Reversed judgment that failed to award damages to victims of childhood sexual abuse.
- ***Dickerson v. Dickerson*, 55 S.W.3d 867 (Mo.App. 2001):** Reversed award of child custody to abusive parent for failure to make statutory findings regarding domestic violence.
- ***Block v. North American Savings Bank*, 59 S.W.3d 561 (Mo.App. 2001):** Reversed summary judgment granted to defense on contract claims.

Supreme Court Transfers: The Missouri Supreme Court has accepted transfer on fourteen of my appeals court decisions. Three of those cases were re-transferred to the Court of Appeals for reinstatement of my decision. The Supreme Court reversed five of my decisions and affirmed the outcome of the remaining six transferred cases. In four of those six cases, the Supreme Court adopted substantial portions of my appeals court decision or analysis:

- ***Verdoorn v. Director of Revenue*, 119 S.W.3d 543 (Mo. banc 2003):** Clarified the burdens of proof and production in driver's license revocation proceedings.
- ***Barker v. Barker*, 98 S.W.3d 532 (Mo. banc 2003):** Upheld the constitutionality of the grandparent visitation statute.
- ***State Board of Registration for the Healing Arts v. McDonagh*, 123 S.W.3d 146 (Mo. banc 2004):** Clarified standards for the admission of expert testimony.
- ***State v. Walkup*, 2006 WL 1388203 (Mo. banc 2006):** Clarified standards for the admission of evidence relating to mental conditions that may affect a defendant's ability to deliberate on certain crimes.

11. Describe any additional legal experience that you believe may be relevant to the decision of the commission (e.g., work as a law professor, in government, as corporate or other legal counsel).

I currently serve on two Supreme Court Committees, as a result of appointments by the Chief Justice:

- I am serving my third term as Chairperson of the **Appellate Practice Committee**, which reviews and recommends revisions of appellate rules. The Committee was recently involved in a major project to develop new rules for interlocutory appeals of class action certification decisions.
- I am a member of the **Ad Hoc Committee to Study Rule 2**. The Committee is in the process of reviewing proposed changes to the Code of Judicial Conduct and will eventually solicit public comments and make recommendations to the Supreme Court.

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

- **Missouri Bar**. Member in good standing from 1985 to present; served on Missouri Bar Press Commission from 1991-1998.
- **Ross T. Roberts Inns of Court**. Selected by U.S. District Court judges to serve as a "Master" in this trial practice program for young lawyers; presented sessions on direct and cross-examination of expert witnesses from 2003-2006.
- **Kansas City Metropolitan Bar Association**. Member from 1986 to present; currently serve on Family Law Committee and Appellate Practice Committee.
- **Jackson County Bar Association**. Member from 1986 to present; currently serve on Scholarship Review Committee.

13. List any professional articles or books authored by you that have been published or any special recognition or award of a professional nature you have received.

My published works include:

- "*Diversity in the Judiciary is Legacy of Two Leaders*," published in the *Kansas City Star*, January 15, 2001.

- “**Jurisdiction and Venue**” chapter in the *Missouri Practice Litigation Guide*, a 1993 West Publication.
- “**Students Good Employees If Labor Laws Observed,**” published in the *Kansas City Star*, June 9, 1992.
- “**New Civil Rights Laws May Warrant Review of Job Policies,**” published in the *Kansas City Star*, December 10, 1991.

My awards and recognition include:

- Recognized as a **Women’s History Month Honoree** by the Niles Home in 2007, the Greater Kansas City Chapter of Drifters, Inc. in 2003, the Missouri Department of Natural History in 2002, and the *Kansas City Star* in 2001.
- Honored as one of the **Missouri Lawyers of the Year** by the *Missouri Lawyer’s Weekly*, December 25, 2000.
- Featured as a **40 Under 40 Power Elite** by *Ingram’s* (Kansas City business magazine) in April 1998, and as an **Up and Comer** by the *Kansas City Business Journal* in February 1994.
- Recipient of the **Mountain Climber Award** from the Covenant Presbyterian Church in 1997, and the **Woman of Courage Award** from Delta Sigma Theta (a national public service sorority) in 1994.
- Named among the **100 Most Influential African-Americans in Kansas City** by the *Kansas City Globe* in 1992, 1993, and 1998.

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

Throughout my twenty-two year career as a lawyer, legislator, and judge, I have visited more than thirty-five Kansas City area schools to educate youth about our government system and expose them to opportunities in the legal profession. Many of these visits have developed into on-going mentoring relationships and a shadowing program that allows students to spend a day with me at work.

My other current community affiliations include serving on the board of directors for the **Community Blood Bank, Swope Community Enterprises, Swope Health Services,** and **Rockhurst High School.** I also recently served on the advisory boards of **KCUR** public radio station and **KC Debate,** which promotes competitive debate programs for urban high school students. As an active member of the **St. James United Methodist Church,** I co-chair the Worship Committee and taught Sunday School for ten years.

A more detailed listing of my affiliations is provided in the attached *curriculum vitae*.

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

- **Appellate Judge, Missouri Court of Appeals for the Western District.** Appointed May 2, 2001, and retained by voters for twelve-year term beginning January 1, 2003. My retention approval rate of 70.5% was the highest of any appellate judge on the ballot in 2002.
- **Circuit Judge, Jackson County Circuit Court.** Appointed December 22, 1999. Resigned May 3, 2001, to accept Court of Appeals appointment.
- **Disciplinary Hearing Officer.** Appointed by Chief Justice of the Missouri Supreme Court in 1998 to conduct hearings and make recommendations on disciplinary charges against members of the Missouri Bar. Resigned in December 1999 to accept circuit court judgeship.
- **Second District At-Large Representative, Jackson County Legislature.** Appointed by Legislature in January 1993 to fill unexpired term. Elected by voters in 1994 to four-year term. Re-elected in 1998 to four-year term. Resigned in January 2000 to accept circuit court judgeship.

16. Provide the branches and dates of (a) military service or (b) other public service not otherwise disclosed in this application. If discharged from the military, state whether the discharge was other than honorable.

I have never served in the military.

17. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of being an appellate judge, including participating in oral argument; performing legal research; communicating clearly and effectively, both orally and in writing; supervising the lower courts, serving on court committees and performing other administrative functions; and expeditiously deciding issues coming before the court.

I am able to perform the essential functions of being an appellate judge without any accommodation.

18. Were you ever refused admission to the bar of Missouri or the bar of another state or the federal courts? If yes, provide details.

I have never been refused admission to the bar of any state or any federal court.

19. **Have you ever been disciplined, admonished or cited for breach of ethics or professional conduct by the Supreme Court of Missouri or by any court or bar association or committee thereof? If yes, provide details.**

I have never been disciplined, admonished, or cited for breach of ethics or professional conduct by any court, bar association, or related committee.

20. **If you are or were a member of the judiciary of the State of Missouri, please state:**

- a) **Whether an order of discipline ever has been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct. If yes, provide details.**

I have never had an order of discipline entered against me by the Supreme Court of Missouri for any breach.

- 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.**

I have never been reprimanded or admonished by the Commission on Retirement, Removal and Discipline for any cause.

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

I have never been held in contempt of court.

22. **Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem, or defendant ad litem?**

I have never been sued by a client or been a party to any litigation.

23. **Have you ever been convicted or received a suspended imposition of sentence for a felony or misdemeanor in state, federal or military court? (Note that this question does not require that traffic offenses or other infractions be listed.)**

I have never been convicted or received a suspended imposition of sentence for any offense in any court.

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

I am not delinquent in the payment of any taxes.

25. **You must attach to this application at least one, but not more than three, writing samples that comply with the requirements set out in the instructions for applicants.**

Writing samples of the following opinions are attached:

*State v. Wade*, 232 S.W.3d 663 (Mo.App. W.D. 2007)

*Doe v. Phillips*, 2008 WL 842485 (Mo.App. W.D., April 1, 2008)

26. **List/describe any additional honors or awards you have received, activities you have performed, or any other information not set out above that demonstrates the quality of your work as an attorney or that you otherwise believe is relevant to the commission's decision.**

Legislative Experience: In January 1993, I was appointed as the Second District At-Large Representative to the Jackson County Legislature, to fill an unexpired term. Voters elected and re-elected me to the county-wide seat in 1994 and 1998. I maintained a full-time law practice while serving seven years in the legislature, resigning in January 2000 to accept the circuit court appointment.

My legislative tenure was frequently lauded by local media and county government observers. Newspapers endorsed me as a "calming force" and "independent voice" who brought a common sense approach to policy decisions. In particular, the *Kansas City Star* complimented my "good leadership skills" and my "refusal to bow to special interest pressure." I was elected Vice-Chairman of the legislature in 1995, and chaired the Anti-Drug, Public Works, and Rules Committees during my tenure.

Please indicate the names and complete mailing addresses 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, address, telephone and e-mail address.

- 1) C. Patrick McLarney  
Partner  
Shook, Hardy & Bacon LLP  
2555 Grand Avenue  
Kansas City, Missouri 64108  
816-474-6550  
[pmclarney@shb.com](mailto:pmclarney@shb.com)
  
- 2) Charlie Harris  
Partner  
Seyfarth, Blumenthal & Harris  
300 Wyandotte Street, Suite 430  
Kansas City, Missouri 64105  
816-756-0700  
[charlie@sbhlaw.com](mailto:charlie@sbhlaw.com)
  
- 3) Thomas H. Newton  
Appellate Judge  
Missouri Court of Appeals  
1300 Oak Street  
Kansas City, Missouri 64106  
816-889-3629  
[thomas.newton@courts.mo.gov](mailto:thomas.newton@courts.mo.gov)
  
- 4) Anita I. Rodarte  
Partner  
Bernstein, Rodarte et al.  
9237 Ward Parkway, Suite 106  
Kansas City, Missouri 64114  
816-444-8030  
[airinkc@hotmail.com](mailto:airinkc@hotmail.com)
  
- 5) Maurice Watson  
Partner  
Husch, Blackwell et al.  
4801 Main Street, Suite 1000  
Kansas City, Missouri 64112  
816-983-8164  
[maurice.watson@huschblackwell.com](mailto:maurice.watson@huschblackwell.com)

LITIGATION  
EXPERIENCE

**LISA WHITE HARDWICK  
LIST OF TEN CASES TRIED**

<u>Case Name</u>	<u>Court</u>	<u>Role</u>	<u>Outcome/Experience</u>
<u>Lintz et al. v. American General Finance, Inc., et al.</u>	USDC KS	Lead Defense Counsel	Won partial summary judgment in this two-plaintiff Title VII sexual harassment case. Jury trial resulted in plaintiffs' verdict on liability, with no damages awarded to one plaintiff, \$25,000 awarded to second plaintiff. (1999)
<u>Daneshvar v. Graphic Technology, Inc.</u>	USDC KS	Lead Plaintiff's Counsel	Won \$90,000 plaintiff's verdict in this bench trial on Title VII national origin discrimination claims. (1998)
<u>Okoh v. Thorn Americas, Inc. d/b/a Rent-A-Center</u>	USDC S. FL	Lead Defense Counsel	Won partial summary judgment and complete defense verdict in this jury trial on Title VII national origin discrimination claims. (1998)
<u>Ford v. Ford</u>	Jackson County, MO Circuit Court	Lead Petitioner's Counsel	Won greater custody rights and more favorable support arrangements in this bench trial on child custody issue. (1997)
<u>U.S. v. Adkins</u>	USDC W. MO/USCA 8th	Lead Defense Counsel	Appointed to represent defendant convicted on drug charges through sentencing and appeal. (1996)
<u>Legion v. Dade's Management Co., d/b/a McDonalds</u>	Johnson County, KS District Court	Lead Defense Counsel	Won defense verdict in this bench tried wrongful termination case. (1995)
<u>U.S. v. Antwine</u>	USDC W. MO/USCA 8th	Lead Defense Counsel	Appointed to represent defendant convicted on bank robbery charges through sentencing and appeal. (1994)

<u>Case Name</u>	<u>Court</u>	<u>Role</u>	<u>Outcome/Experience</u>
<u>Robinson v. Kanion</u>	Jackson County, MO Circuit Court	Lead Respondent's Counsel	Resolved complex financial issues involving rental properties and medical practice in this marital dissolution and child custody bench trial. (1993)
<u>Street v. Corum</u>	USDC W. MO	Lead Plaintiff's Counsel	Appointed to represent Clay County Jail inmate during bench trial to successfully challenge Jail's refusal to establish a law library. (1991)
<u>Washington v. Washington</u>	Boone County, MO Circuit Court	Lead Respondent's Counsel	Resolved child custody and property issues in this bench tried dissolution proceeding. (1989)
<u>Adams-Parker Furniture, Inc. v. Ethan Allen, Inc.</u>	USDC KS	Co-Defense Counsel	Obtained partial summary judgment in this antitrust and breach of contract case; \$100,000 jury verdict for plaintiff on breach of contract claims. (1988)

**LISA WHITE HARDWICK  
SIGNIFICANT APPELLATE EXPERIENCE**

<u>Case Name</u>	<u>Court</u>	<u>Role</u>	<u>Outcome/Experience</u>
<u>Ward v. Heritage Media Corp.</u>	USDC MO/ USCA 8th	Lead Defense/ Appellee Counsel	Obtained summary judgment in trial court; prepared brief/oral argument in this pending Title VII race discrimination case. (1999)
<u>Gearhart v. Sears Roebuck and Company</u>	USDC KS/ USCA 10th	Lead Defense/ Appellee Counsel	Obtained summary judgment in trial court; prepared brief/oral argument in this pending Title VII gender discrimination, Americans with Disability Act, and age discrimination case. (1999)
<u>Watson v. Capital Region Medical Center</u>	USDC W. MO/USCA 8th	Lead Defense/ Appellee Counsel	Obtained summary judgment in trial court; affirmed on appeal; prepared brief in this race discrimination case. (1998)
<u>Stoll v. Still Regional Medical Center</u>	USDC W. MO/USCA 8th	Co-Defense/ Appellee Counsel	Obtained summary judgment in trial court; affirmed on appeal; prepared brief/oral argument in this age discrimination case. (1994)
<u>Grover v. Eli Lilly &amp; Company</u>	USDC N. OH/ Ohio Supreme Court	Co-Defense/ Appellant Counsel	Briefed this pharmaceutical products liability case to obtain landmark ruling prohibiting third generation DES claims. (1992)
<u>Cipparone v. Eli Lilly &amp; Company</u>	Wayne County, MI Circuit Court/ MI Appeals Court	Co-Defense/ Appellee Counsel	Obtained summary judgment in trial court; affirmed on appeal; prepared brief in this pharmaceutical products liability case. (1991)
<u>Pew v. Eli Lilly Company</u>	Wayne County, MI Circuit Court/ MI Appeals Court	Co-Defense/ Appellee Counsel	Obtained summary judgment in trial court; affirmed on appeal; prepared brief in this pharmaceutical products liability case. (1991)

<u>Case Name</u>	<u>Court</u>	<u>Role</u>	<u>Outcome/Experience</u>
<u>Foster v. Wyrick</u>	USCA 8th	Co-Appellant Counsel	Prepared brief to successfully obtain reversal of trial court ruling denying inmate's right to pursue civil rights claim.
<u>In Re Western Auto</u>	USDC W. MO/USCA 8th	Co-Appellant Counsel	Prepared brief to challenge District Court's refusal to quash grand jury subpoena; appeal denied.

CURRICULUM  
VITAE

# LISA WHITE HARDWICK

Office: 1300 Oak Street, Kansas City, MO 64106 □ 816-889-3611 □ 816-889-3599 (Fax)  
Home: 6601 State Line Road, Kansas City, MO 64113 □ 816-444-1804 □ 816-305-6699 (Cell)

## ***Professional Experience***

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*2001 - Present*

### **MISSOURI COURT OF APPEALS**

*Kansas City, Missouri*

Appeals Court Judge for the Western District of Missouri, appointed by Governor Bob Holden on May 2, 2001. Retained by the electorate for a twelve-year term beginning January 1, 2003.

*2000 - 2001*

### **JACKSON COUNTY CIRCUIT COURT**

*Kansas City, Missouri*

Circuit (Trial) Judge of the Sixteenth Judicial Circuit, appointed by Governor Mel Carnahan on December 22, 1999.

*1993 - 2000*

### **JACKSON COUNTY LEGISLATURE**

*Kansas City, Missouri*

Twice elected as Second District At-Large member of the nine-person legislature, representing more than 600,000 county residents.

*1985 - 2000*

### **SHOOK, HARDY & BACON L.L.P.**

*Kansas City, Missouri*

Partner and practicing attorney with this international law firm; extensive experience in federal and state court civil litigation in employment law, products liability, and commercial law.

*1985*

### **AKIN, GUMP, STRAUSS, HAUER & FELD**

*Washington, D.C.*

Associate practicing law in health care, labor, and employment law.

## ***Education***

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*1982 - 1985*

### **HARVARD LAW SCHOOL - Cambridge, Massachusetts**

Juris Doctorate 1985

*1978 - 1982*

### **UNIVERSITY OF MISSOURI - Columbia, Missouri**

Bachelor of Journalism 1982

*1979*

### **SOPHIA UNIVERSITY - Tokyo, Japan**

Year-in-Japan Program (Exchange Student)

## LISA WHITE HARDWICK

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### *Professional Activities*

- 2008 **Ad Hoc Committee to Study Rule 2**  
Member of Supreme Court Committee charged with reviewing proposed changes to the Code of Judicial Conduct.
- 2002-Present **Appellate Practice Committee**  
Chairperson of the Supreme Court Committee charged with reviewing and recommending revisions to appellate rules and procedures.
- 2002 - Present **Ross T. Roberts Inn of Court**  
Served as "Master" in the trial practice program for the United States District Court for the Western District of Missouri
- 2000 - 2006 **Special Judge – Missouri Supreme Court**  
Appointed by Chief Justice to hear cases with court en banc in November 2000, March 2002 and April 2004, and November 2006
- 2000 – 2004 **Missouri Legal Services Commission**  
Appointed by Chief Justice of the Missouri Supreme Court to study recommend procedures for statewide reconfiguration of legal aid offices.
- 2000 - present **National Bar Association**  
Member of Judicial Council.
- 1998 – 2000 **Disciplinary Hearing Officer**  
Appointed by Chief Justice of the Missouri Supreme Court to hear disciplinary charges against members of the Missouri Bar
- 1993 – 1997 **Federal Practice Commission**  
Appointed by Chief Judge of U.S. District Court for the Western District of Missouri to review and recommend federal rule revisions.
- 1991 – 1998 **Missouri Bar Press Commission**  
Appointed by Executive Director of Missouri Bar
- 1990 – 1991 **United States Magistrate Screening Committees**  
Appointed by Judges of the U.S. District Court for the Western District of Missouri to evaluate magistrate candidates
- 1986 – 1999 **Lawyers Association of Kansas City**  
Former member of Board of Directors and Co-Chair of Public Service Committee

## LISA WHITE HARDWICK

### *Professional Activities Cont.*

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- 1986 – Present      **Jackson County Bar Association**  
Currently serve on Scholarship Review Committee
- 1986 – Present      **Kansas City Metropolitan Bar Association**  
Former Co-Chair of Tort Law Committee and Vice Chair of Local Government Committee. Current member of Family Law and Appellate Practice Committees.
- 1986 – 2000      **American Bar Association**  
Former member of Labor and Employment Law Section.
- 1985 – Present      **The Missouri Bar**  
Member in good standing. Also formerly admitted to practice in the following federal courts: Southern District of Florida (1989), District of Kansas (1998), Western District of Michigan (1991), Eighth Circuit Court of Appeals (1989), and the Western District of Missouri (1985).

### *Representative Honors and Awards*

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- 2007      **Women's History Month Honoree**  
The Niles Home of Kansas City
- 2003      **Women's History Month Honoree**  
Greater Kansas City Chapter of Drifters, Inc.
- 2002      **Women's History Month Honoree**  
Missouri Department of Natural Resources
- 2001      **Citizen of the Year Award**  
Omicron Xi Chapter of Omega Psi Phi Fraternity, Inc.
- 2001      **Women's History Month "Shero" Honoree**  
Kansas City Star
- 2000      **Missouri Lawyers of the Year**  
Missouri Lawyers Weekly
- 1998      **40 Under 40 Power Elite Recognition**  
Ingram's Magazine
- 1998, 1993, 1992      **100 Most Influential African-Americans In Kansas City**  
The Kansas City Globe

## LISA WHITE HARDWICK

### *Representative Honors and Awards Cont.*

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- 1997 **Mountain Climber Award**  
Covenant Presbyterian Church
- 1994 **Woman of Courage Award**  
Kansas City, MO Alumnae Chapter of Delta Sigma Theta, Inc.
- 1994 **Up And Comers Award**  
The Kansas City Business Journal

### *Representative Presentations*

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- 2006-2007 ***"The Judiciary as the Third Branch of Government"***  
Guest Lecturer for Rockhurst High School, Honors American Government Classes.
- 2006 ***"Effective Appellate Briefing"***  
Presenter at the David Prager Appellate Institute.
- 2005 ***"How to Become a Judge"***  
Panelist at Continuing Legal Education program sponsored by the Jackson County Bar Association.
- 2004, 2008 ***"Views from the Appellate Bench"***  
Panelist at MODL and MATA conferences.
- 2003 ***"Trial and Appellate Strategies"***  
Speaker at Continuing Legal Education program sponsored by the Kansas City Metropolitan Bar Association and the Association for Women Lawyers.
- 2001 ***"Empowering Our People: Body, Mind and Soul"***  
Keynote Speaker at Gwen Giles Luncheon, Missouri Black Legislative Caucus.
- 2000 ***"Drafting Family Law Judgments"***  
Lecturer at Continuing Legal Education program sponsored by the Missouri Bar.
- 1999 ***"Avoiding Unforced Errors"***  
Presenter at Diversity Conference held by LGC & Associates, Inc.

## LISA WHITE HARDWICK

### *Representative Presentations Cont.*

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1998-1999

***“The Basics of Employment Law”***

Lecturer at three-hour seminar sponsored by the Council on Education in Management

1995

***“Diversity As A Management Issue”***

Workshop presenter for U.S. Department of Housing and Urban Development, 2<sup>nd</sup> Annual Civil Rights Summit

1993

***“Employers Brace for Changes from Clinton and Congress”***

Keynote speaker at Personnel Law Update Conference sponsored by the Council on Education in Management

1992

***“Ethical Considerations in Employment Law”***

Presenter at Continuing Legal Education program sponsored by the Kansas City Metropolitan Bar Association and the University of Missouri – Kansas City

1992

***“Update on the Civil Rights Act of 1991”***

Luncheon speaker for the Association of Legal Administrators, Kansas City Chapter

1992

***“Sexual Harassment in the Workplace”***

Continuing Legal Education program sponsored by the Association of Women Lawyers and the American Women’s Medical Association

1992

***“Hiring and Firing In The Workplace”***

NAACP Town Hall Civil Rights Seminar

1992

***“Settlement and Conciliation Strategies”***

Training workshop for the Regional Executive Council on Civil Rights

1991

***“Drug Testing Policies for Employers”***

Luncheon speaker for the Associated Builders and Contractors, Heart of America Chapter

### *Publications*

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2000

***“Diversity In The Judiciary Is Legacy Of Two Leaders”***

Kansas City Star, January 15, 2001

## LISA WHITE HARDWICK

### *Publications Cont.*

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- 1993 *Missouri Practice Litigation Guide*  
Authored chapter entitled "Jurisdiction and Venue" for West Publications
- 1992 *"Students Good Employees, If Labor Laws Observed"*  
Kansas City Star, June 9, 1992
- 1991 *"New Civil Rights Laws May Warrant Review of Job Policies"*  
Kansas City Star, December 10, 1991
- 1987 *Employer's Guide to New Immigration Law*  
Shook, Hardy & Bacon publication, distributed to firm clients

### *Representative*

### *Civic and Community Activities*

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- 2008 **Rockhurst High School**  
Board of Trustees
- 2004- Present **Swope Community Enterprises**  
Board of Directors
- 2004- Present **Swope Health Services**  
Board of Directors
- 2001 - Present **Community Blood Center**  
Board of Directors
- 2001 - 2004 **KCUR Radio Community Advisory Board**  
Appointed by UMKC Chancellor to advise NPR affiliate station
- 2001 - present **KC Debate**  
Advisory Board
- 2000 - 2003 **Alzheimer's Association - Heartland Chapter**  
Board of Directors
- 1999 - 2002 **Mid-Continent Council Of Girl Scouts, Inc.**  
Member of Nominating Committee
- 1998 - 1999 **Academie Lafayette French Charter School**  
Advisory Board Member
- 1995 - 1997 **Kansas City Royals Charities**  
Advisory Board Member

## LISA WHITE HARDWICK

### *Civic and Community Activities cont.*

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- 1994 – 1996                      **Little Blue Valley Sewer District**  
Board of Trustees
- 1992 – 1993                      **Camping Connection**  
Board of Directors
- 1991 – 1993                      **Black Chamber of Commerce**  
Provided pro bono legal services to membership
- 1991 – 1993                      **Aviation Advisory Commission of Kansas City**  
Mayoral Appointee
- 1991                                **Mayor Emanuel Cleaver's Transition Team**  
Mayoral Appointee
- 1990 – 1992                      **Greater Kansas City Chamber of Commerce**  
Centurions Leadership Program
- 1987                                **March Of Dimes Foundation**  
“Walk America” Steering Committee Member
- 1986 – Present                    **St. James United Methodist Church**  
Co-Chair of Worship Committee; former Sunday School Teacher.
- 1986 – 1989                      **George Washington Carver Neighborhood Center**  
Board of Directors
- 1980 – Present                    **Delta Sigma Theta Public Service Sorority, Inc.**  
Former National Executive Board Member

### *Personal*

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Born October 5, 1960, in Kansas City, Missouri.

Married to Herbert E. Hardwick, Esq. on December 24, 1985.

Two sons: Spencer Herbert Hardwick (born August 16, 1989) and Zachary Daniel Hardwick (born February 18, 1994).



# LAWYERS OF THE YEAR



**L**awyers Weekly has selected nine Missouri attorneys whose achievements in 2000 distinguish them from the crowd. While all 25,000 practicing Missouri lawyers contribute to the profession on a daily basis, these nine attorneys have made particularly noteworthy contributions by winning important decisions, being involved in cases that raise important and challenging legal issues, engaging in community service that enhances the image of the bar and otherwise furthering the profession's commitment to the rule of law.

Our editors have also chosen the top opinions, verdicts and legal events that had a substantial impact on the daily lives of all Missourians this year. Read these fascinating stories starting on Page 2.

## TOP 10 LEGAL STORIES OF 2000

# Lisa White HARDWICK

# LAWYERS OF THE YEAR

## A Career Of Firsts

The career of Lisa White Hardwick has been filled with firsts: first African-American female partner in a major Kansas City law firm, first African-American female Jackson County Council member, and — in 2000 — first African-American woman appointed to the Jackson County Circuit Court.

"It's really not an issue," said Hardwick. "The only place people talk about my race or gender is at elementary schools where I do some speaking — I'll walk in wearing my robes and the kids will say, 'You're a judge?'"

"They've never seen a black female judge before. I think it's an important message for them to get subliminally."

"The other question they invariably ask is how much money I make."

### Family Court

The first year on the bench brought Hardwick a domestic assignment, handling divorces, paternity cases, contempt rulings and custody cases.

"The family law docket has been a big change for me," she said, noting that her background at Shook, Hardy and Bacon was employment and labor litigation. "There was a one-week orientation for all the new judges in February, and I supplemented that with copious reading of the domestic statutes."

According to Hardwick, "the first year has been more gratifying than I ever could have expected."

"I've found that as a judge I have more time to think about the issues, whereas in private practice the focus is on billable time and hours. And I have a lot of control over my docket."

She said her interest in public service began in the political arena, and in 1993 she was elected as the Second District At-Large member of the nine-person Jackson County Council representing 600,000 residents.

"But I discovered that the political realm wasn't the type of public service I wanted to do. The primary function of county government is to collect taxes and distribute the money, which didn't really

U.S. Attorney Matt J. Whitworth. Hardwick was sworn in on Jan. 25.

### Preparation

She said her experience as a Shook Hardy partner prepared her well for the bench.

"Shook Hardy is a firm where there is a lot of attention to detail and a thorough researching of every issue," she said. "Lawyers were held to a very high standard, which I try to do as a judge."

"And I was able to get a very broad legal experience at the firm."

A major difference from the corporate practice, however, "is that the issues here tend to be much closer to me personally, involving children and personal property."

"My decisions are more important in the scheme of individuals' lives, and they have a greater impact on the community and how people live," she said.

"In the corporate world, you're really just arguing over millions of dollars of other people's money."

Hardwick joined Shook Hardy after graduating from Harvard Law School in 1985 and the University of Missouri-Columbia in 1982 with a degree in journalism.

She said an important factor in her formation was the year she spent at Sophia University in Tokyo as a Mizuo student.

"It was good to discover that Kansas City was not the only place on the map, and that people do things differently in other parts of the world."

But one difference she encountered was not a welcome discovery. "They were very racist in Tokyo," Hardwick said. "I grew up in the '60s thinking things were pretty bad over here, but the attitudes over there were so much more obvious."

She got a journalism degree with the intention of going to law school. "I thought journalism would help my writing skills," she said.

### First Year

In her first 12 months on the bench, Hardwick said she most impressed by "lawyers who know the law and are not



**Education:** University of Missouri-Columbia, Bachelor of Arts, 1982; Sophia University, 1979; Harvard Law School, J.D., 1985.  
**Experience:** Akin, Gump, Strauss, Hauer & Feld, Washington, D.C., 1985-1988; Shook, Hardy & Bacon, 1988-2000; Jackson County Legislature, 1993-2000; Jackson County Circuit Court Judge, 2000.

who are specialists and have been practicing in the area for a long time."

Tongue in cheek, Hardwick says the most difficult adjustment she has faced on the bench is remaining a non-combatant during a trial.

"The biggest problem I sometimes have is that I want to object to a question asked by a lawyer. I'll hear a question or testimony that is clearly objectionable and I want to say to the other attorney, 'Don't you want to object?'"

"It was difficult at first to restrain myself, but I've gotten used to it," Hardwick said. "Anyway, there is no jury, so it's easy for me to disregard the objectionable testimony."

Hardwick said that one of the highlights of her first year occurred this month when she sat as a special judge on the Missouri Court of Appeals' Western District.

"Obviously, there's much more writing involved as an appellate judge," she said. "And I discovered how important oral argument was, giving me the opportunity to get answers to questions I have about a case."

"I went into the arguments having read the briefs and having formed some idea about the case, but I had an open mind and looked forward to asking questions."

One thing she would miss as an appellate judge however, is "interacting with the witnesses and making judgments about credibility."

"I think I'm developing a skill of identifying those who aren't telling the

truth," she said.

When not occupied by her judicial obligations, Hardwick said she spends time on charitable activities such as the St. James United Methodist Church and the Heart of America Board.

Family lawyers who have appeared before Hardwick are quite complimentary of her first year on the bench.

"I think she is a very bright and well-read jurist," said Karl Timmerman. "She's always prepared for her cases and knows the law."

"I've always found her congenial and outgoing, a real pleasure to work with," Timmerman said.

"Her most important quality, though, is one that you don't see all the time — you can tell she really does care about her work, especially about the children involved in the cases."

The children-first sentiment was echoed by Independence lawyer Cheri Simpkins.

"Judge Hardwick is a great judge," Simpkins said. "Her courtroom has a very professional atmosphere that always puts the best interests of the children first."

"I think that's an impressive and important combination."

How would she like attorneys to remember her first year on the bench?

"Well, I hope the lawyers who appear before me would say that I was fair within the confines of the law."

By KENNETH C. JONES

interest me."

Her interest in a judgeship, however, was piqued by her litigation practice and by the fact that the Jackson County Council met at the courthouse, where she was able to get more of an insider's view of the judicial process.

So when Circuit Judge Thomas Newton was appointed by Gov. Mel Carnahan to the Court of Appeals, she applied for his position. She was then chosen for the bench by Carnahan from a panel that included family court commissioner Kelly J. Moorhouse and deputy

trying to wing it.

"I can tell when they don't know what they're talking about," she said. "But that's not very often, and I really haven't seen a lot of dishonesty — telling me a case stands for a particular proposition when it really doesn't."

"The biggest flaw I see is a lack of preparation."

"The lawyers who appear before her generally have good writing skills — but the writing in family court is fairly routine and use of forms is pretty common."

"The lawyers I prefer to see are those

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## Bench Conference



## JUDGE LISA WHITE HARDWICK

## Missouri Court of Appeals, WD

Judge Hardwick was appointed to the Western District Court of Appeals by Gov. Holden on May 2, 2001. She recently spoke with News Editor Anne Vitale about her legal career.

**Born:** Oct. 5, 1960 in Kansas City

**Education:** University of Missouri-Columbia, B.A. in journalism, 1982; Harvard Law School, 1985

**Professional Experience:** Shook, Hardy & Bacon 1985-1999 (elected partner 1992) business litigation, products liability, and labor & employment law; elected to Jackson County Legislature 1993-2000; appointed Jackson County Circuit Court Judge 1999; appointed to Court of Appeals by Gov. Bob Holden on May 2, 2001.

**Personal:** Married to Herbert E. Hardwick since 1985; two sons

**Q.** Why did you go to law school?

**A.** I first thought about being a civil rights lawyer when I was 7 years old, a few days after I learned that Martin Luther King Jr. had been assassinated. Reflecting on the supreme sacrifice he made in the struggle for justice and racial equality, I wanted to do my part to keep Dr. King's dream alive. It made sense to me that the law was an important tool to ensure that people were treated fairly. I remained focused on that goal and became involved in high school debate, and then political science and journalism in college, as a way of preparing myself for a legal career. Attending law school was a major step towards fulfillment of my childhood desire to be able to use the law to combat injustice.

**Q.** You were in private practice for 14 years before being appointed to the bench. Do you miss it?

**A.** My law firm experience was tremendous because of the exceptional litigators and cutting-edge legal issues I was exposed to on a daily basis. I have always loved the law as a profession, but increasingly I understood the reality that law firms are businesses with bottom line expectations from clients and stakeholders. The nature of private practice requires attorneys to take an advocate's view of the law. Often that means you have to put the best spin on bad facts and argue around legal precedent that doesn't benefit your client. I found that exercise frustrating at times and, frankly, I miss it about as much as I miss billable hours. As a judge, I enjoy being able to assess the facts and law without the obligation to represent a particular party's point of view.

**Q.** How did your background prepare you for the bench?

**A.** The nature of my practice allowed me to litigate cases in federal and state courts throughout the nation. I was fascinated by the varying communication styles of judges and their case management techniques. Much of my own judicial approach evolved from an effort to emulate the successful strate-

gies of judges I have long admired.

**Q.** What are some of the most common mistakes that you see lawyers make when presenting their cases before the Western District, either orally or in briefs?

**A.** Sometimes during oral argument, attorneys are not as familiar with the underlying proceedings as we might expect. Appellate judges frequently ask about pleadings that are not in the record on appeal in order to put the case in perspective. Whether or not an attorney was the trial counsel, intimate knowledge of the underlying proceedings may be necessary to help the judges fully understand your case.

**Q.** What advice would you give attorneys practicing before you?

**A.** There are no shortcuts in preparing for oral argument. Several weeks or months will elapse between the time an attorney briefs the appeal and then appears for oral argument. A complete review of the record, briefs and the relevant caselaw will be necessary to help an attorney recall the finer points of a case. Be sure to update the case law and advise the court of any recent decisions (especially those not cited in the briefs) that may affect the outcome of the appeal.

**Q.** Since becoming a judge in 1999, have there been any cases that you're particularly proud of?

**A.** As a trial judge, I enjoyed working on the family court docket. My proudest moments generally came from letters I received from children who wrote to thank me for directing their parents to get help for addictive behaviors, anger management, and other problems that adversely affected parenting responsibilities.

**Q.** You are very active in the community. Do you have a favorite cause that you support?

**A.** I enjoy teaching Sunday School at the St. James United Methodist Church and attending Discipleship Classes. I am also an avid supporter of the Kansas City Foreign Language Charter School (Academie Lafayette), where my sons attend school.

**Q.** Are you satisfied with the progress of women in the legal profession and in the judiciary? Would you recommend that young women go into the law?

**A.** The increasing number of women in the legal profession is positively impacting the way law firms operate. Many women attorneys want to be able to have families and careers, so firms have adapted to attract talented candidates. I strongly encourage women to pursue a legal career.

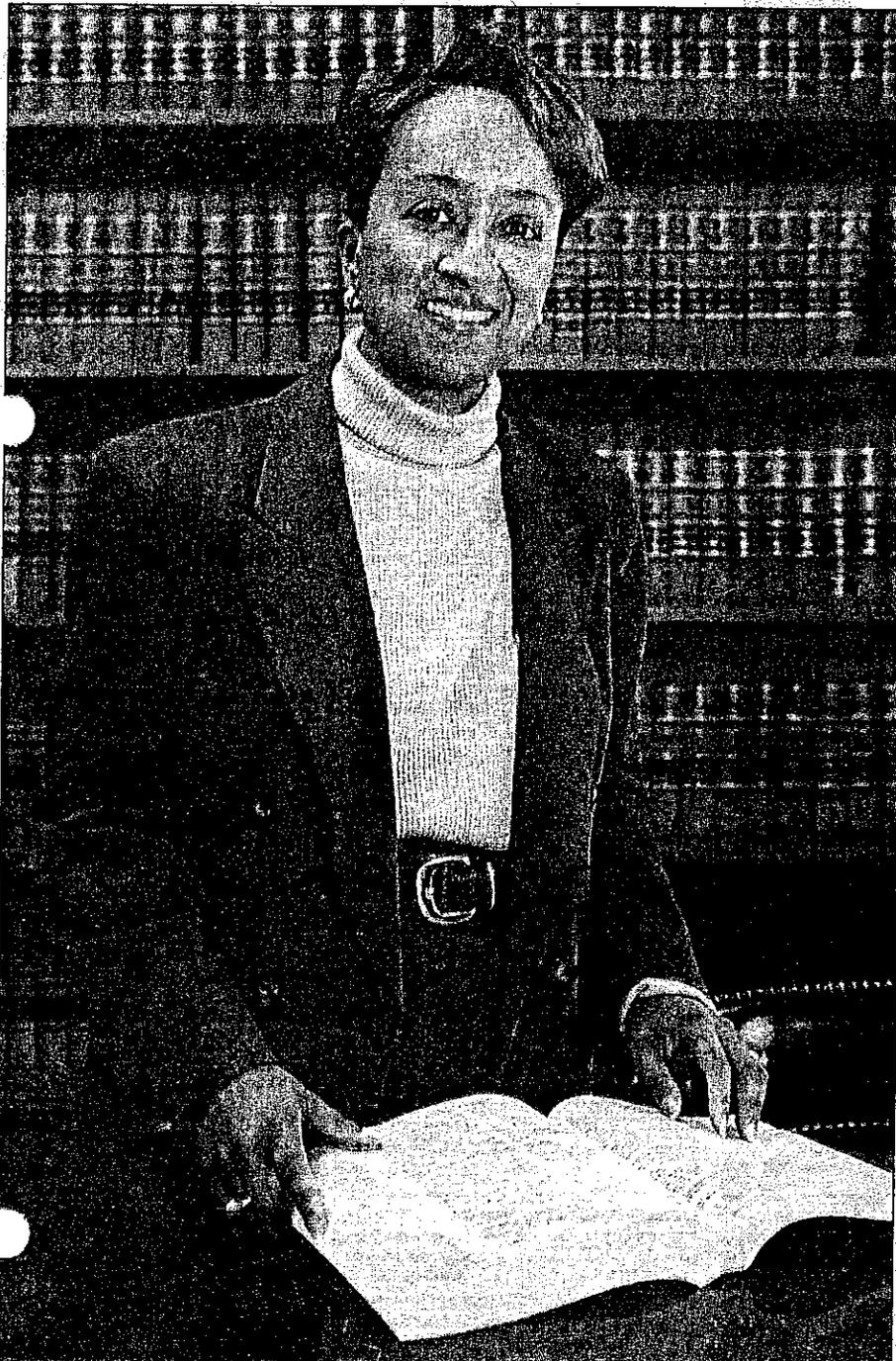
## LEGAL

A KANSAS CITY BUSINESS JOURNAL SPECIAL

■ Next week in FOCUS:

Technology

## BALANCE ON THE BENCH

*Judge Lisa White Hardwick works from inside-out to help create a colorblind system*

Judge Lisa White Hardwick says she always wanted to combine a public service career with the law.

Dave Kaup photo

**I**n December, Gov. Mel Carnahan named Lisa White Hardwick, 39, to a seat on Missouri's 16th Judicial Circuit. The labor lawyer, who had practiced at Shook Hardy & Bacon for 14 years, said she accepted the post in part because she wanted to work for a fairer society than the one she had grown up in.

"I was disenchanted with the system," she said during a recent interview with the *Kansas City Business Journal*.

Hardwick, an African American who grew up in Kansas City, thinks that if the judiciary does not reflect the community, it cannot perform the fair, impartial service it should.

"I can help people just by being here, number one, and help the judiciary reflect better the community that it is assisting," she said.

Since Hardwick was a young girl watching the civil rights struggle and wondering why people were treated differently because of their race, she thinks some things have improved. The face of the judiciary, at least, better reflects the community it serves.

But Hardwick, whose law degree is from Harvard University, is not satisfied.

"I would just hope that over the 30 years since I had those initial feelings that the system wasn't fair, that it has become more fair and that I can help it continue that progression to be a system that is completely colorblind," she said.

The mother of 6- and 10-year-old boys wants young people to know that anybody can do anything, regardless of race or sex. She actively teaches her message by having young people shadow her at work. She also teaches Sunday school at St. James United Methodist Church.

Last week, *Business Journal* reporter Brian Cookson sat down with Hardwick and asked her about her new position as a family court judge and other questions about her hopes for her career and her dreams for the community.

**BJ: Why did you decide to leave your law career and your post on the Jackson County Legislature for a seat on the bench?**

Hardwick: Well, I always wanted to combine a public service career with the law. Initially, I went into private practice just to try to get some experience as a practicing lawyer. But it was always my goal to be in public service, whether that be as an elected official and actually legislate laws, or as a lawyer or a judge or in any capacity. So, while I was a lawyer, I decided to try elective office... and after serving seven years on the legislature, I just decided I was more suited to a public service career, actually in the law. And a judge was the best way to combine my interest in public service and the law.

**BJ: What was it about public service?**

Hardwick: It's helping people. It's about giving back to the community that helped you become what you are. I think we always have to reach back and help, not only the younger generation but those in our community that need help.

**BJ: Would you feel the same way if you weren't in your hometown?**

Hardwick: I don't think it would make a difference. I still would want to do public service. But I have a much stronger yearning to do it here in my hometown.

## FOCUS ON LEGAL

## HARDWICK

Continued from Page 17

**BJ: What is your schedule like — what is a typical day?**

Hardwick: I'm assigned to the Family Court Division of the Circuit Court. I hear a docket of cases every morning at 9:30 involving families and their legal issues—most of which involve dissolutions, or divorces, motions to modify child custody, child support, child visitation. Primarily ... from about 9:30 to 11, I go through my docket, find out what issues are there, who needs to have trials, who's got settlements. And then in the afternoon, I will hear the trials. So that's my typical day. ... My docket is about half dissolutions, divorces. The other half are post-divorce issues. That's what I'll be doing at least the first year. My assignment on the family court could be anywhere from one year to four years. And after I leave the family court, I'll be assigned to a civil-criminal docket.

**BJ: Do you prefer one or the other?**

Hardwick: I practiced on the civil side ... for fourteen years. I have a lot of experience doing that. I know what that's about. So I am now enjoying learning a new area of law, the domestic side or the family side. I could see myself doing this for some time because it's so interesting. It's so new. When you change fields, or when you change careers, you're much more open, I think, to doing new things, so this has been good for me to learn a whole new field of law. Eventually, I'll want to go into civil and criminal trials because I'll want that experience as well, as a judge.

**BJ: Was it always your goal to be a judge?**

Hardwick: It has not been my goal to become a judge. I decided I wanted to become a lawyer back in the 1960s when I was growing up here in Kansas City and there were lots of civil rights struggles, and I couldn't understand why people, just because the color of their skin, didn't have equal access to, not only justice, but education (and) whatever it is they wanted to have public access to... I decided at that point I wanted to be a lawyer to try to help people in those situations. It was only through practicing law for some time, and having this yearning to be in public service, that I began to think about ways that I could do that, whether it was to be a prosecutor, an elected official or a judge. After I did the elected official role as a Jackson County legislator, again, I decided the judiciary was a better way for me to accomplish my goal. So it was about five years ago that I started to think about becoming a judge. I think part of the reason that I never aspired to become a judge is because there weren't any judges in Kansas City that looked like me. There were very few African Americans who were judges when I was growing up — probably one or two in Kansas City — and there were certainly no African American females who were judges until much later.

**BJ: So, by becoming a judge, are you going to have more opportunity to help those people you initially went into law to help?**

Hardwick: I think so. I think it's very important that we have representation in the judiciary that reflects the community. ... (W)hen people from the community come into the court system and they don't see people who have had similar experiences to them, they tend to think that maybe the system isn't fair. And, so, I can help people just by being here, number

## Lisa White Hardwick

Age: 39

Husband: Herb Hardwick

Children: Spencer, 10, and Zachary, 6

Education: Bachelor's in Journalism, University of Missouri, 1982; law degree, Harvard University, 1985

Career: Akin Gump &amp; Strauss, Washington, D.C., 1985; Speech writer and research assistant for Vernon Jordan, 1985; Shook Hardy &amp; Bacon, 1985-2000; Jackson County legislator, 1993-2000

the community that it is assisting. I can also have a direct impact on some children in our community who may suffer from the same thing I suffered from, which is not having vision because they haven't seen it done before. And so what I try to do is to bring children into the courtroom (to) do shadowing. (I) have days when I actually bring a young middle school student to work with me to see what I do so they can begin to dream about doing this sort of thing and view law and the judiciary and public service as potential careers for them.

**BJ: Is the shadowing program through the schools?**

Hardwick: My church has a shadowing program. I have allowed students from that program to shadow me, and I have also made it known when I give community talks that I'm available to do that. So, I've had some schools contact me.

**BJ: Do you notice any difference in the students who have spent a day with you?**

Hardwick: Yes, I think they have a very different view of the judiciary once they come and see it. They tend to view it as something on a pedestal. (They believe) you only have contact with the court system when you're in trouble and people that are in the court system are the very worst criminals. They just don't view the whole court system as a potential career

"WHEN YOU CHANGE  
FIELDS, OR WHEN YOU  
CHANGE CAREERS, YOU'RE  
MUCH MORE OPEN, I THINK,  
TO DOING NEW THINGS."

LISA WHITE HARDWICK

opportunity. But when you bring them in and they see that the court is a business like almost any other — we provide a service to the community — they begin to view it differently.

**BJ: What is the best part of your job?**

Hardwick: The best part of my job is that I get to see the people that I help. I can have a direct impact on helping people resolve problematic issues in their life. People come to the court system because they can't resolve a problem on their own. And we can provide them a best source of assistance.

**BJ: What mediation skills will you bring to your job?**

Hardwick: I'm a strong believer in mediation and resolving matters before they have to go to trial. And that's particularly true in the family court arena

## HARDWICK

Continued from Page 18

because ... parents are the best people to decide what ought to happen to their children. And I may hear testimony for one hour about a child's life and what's best for that child, and I've got to make a decision based on what I hear in one hour. But these parents have spent a lifetime with these children and know what their needs are. I think there's a critical need for (mediation), not just because our dockets are so large and so much needs to be done, but because (it) would be in the best interest of the children if the parents could make good decisions about the children. And if they can't, we're here as a last resort. But that's what we should be, a last resort.

**BJ: What is the toughest part of your job?**

Hardwick: The toughest part is deciding child custody issues. Those are issues that usually parents are in a better position to decide. When they can't, we have to do it. And it's always heart-wrenching to decide which parent a child gets to stay with or spend time with, and how they get to spend time with that parent and what decisions the parents get to make about the child.

**BJ: Is it difficult dealing with divorces all day?**

Hardwick: Yes, when you hear problems all day, you might begin to think that all marriages are troubled. But that's why it's important for judges to do more than just sit in a courtroom. It's important for them to be involved in community organizations, churches and neighborhoods so they can take from a lot of different experiences and have a more balanced view of what actually goes on in the world.

**BJ: What was your toughest case as a lawyer, or in your early career as a judge?**

Hardwick: First you have to know a little bit about what I did as a lawyer. As a lawyer, I practiced labor and employment law. I practiced from the defense side, the management side of that practice, meaning that I represented corporate entities, very often against individuals who were claiming that their civil rights had been violated. So for me, as a person who went into law in order to try to help the individual take on the system, I ended up being on the other side of the system. That was a difficult transition for me to make at first. But then I began to realize that I could probably do more from inside the corporate entity to help develop policies and to help sensitize companies as to how they ought to be treating people. So that was a tough transition for me to make, but I came to believe that I could do good work on the defense side.

**BJ: Do you think any of your experiences as a lawyer will help you in your new career as a judge?**

Hardwick: Well, I think having grown up feeling like the system discriminated against you and then having worked on the other side of that — to help the system that you felt discriminated against you, help get it fixed — I think it gives me a very balanced view of both sides of issues, and it helps me look at both sides of issues as a judge. So that experience, I believe, has helped me be fairer and more willing to listen to both sides and to make the right decisions based on the law and in the best interest of the community or the individuals involved.

**BJ: How do you approach your new job?**

Hardwick: My basic approach to being

## FOCUS ON LEGAL



Dave Kaup photo

Judge Lisa White Hardwick

a judge is to listen to the facts, listen carefully to the facts, listen to both sides; don't prejudge anyone or any issue ... and to apply the law to those facts and to do what the law requires.

**BJ: Do you ever have to go against your gut instinct — especially in child custody cases?**

Hardwick: In child custody, there are so many factors that you have to consider. There are probably eight to 10 factors in the statute itself. And within those eight to 10 factors usually your gut reaction, as you call it, is allowed to come into play. So you use that in deciding what factors are relevant, but you also have to view the facts. So it's a mixture. It's a mixture of the law. It's a mixture of your reaction to what the facts are and what the best interest of the children requires. That's really the standard of the Missouri law: that you have to do what's in the best interest of the children.

**BJ: Has your view of the judiciary changed at all since you started your job here?**

Hardwick: Well, I have a lot more respect for judges that have to decide matters in family court because they have to make the actual decisions. So often judges have juries that make the final decisions, and the judges just make rulings of law, but the juries decide the facts. Well, as a family court judge you don't

"WHEN YOU HEAR PROBLEMS  
ALL DAY, YOU MIGHT BEGIN  
TO THINK THAT ALL MARRIAGES  
ARE TROUBLED. BUT THAT'S  
WHY IT'S IMPORTANT FOR  
JUDGES TO DO MORE THAN  
JUST SIT IN A COURTROOM."

LISA WHITE HARDWICK

have a jury. That's something that I had not really contemplated before. Deciding who's telling the truth and who's not, is a very difficult thing sometime. As lawyer you don't have to do that very often. You always want to believe that your client is telling the truth, but as a judge you've got to determine who's telling the truth. And in family court that's even more true than on the civil and criminal side because you don't have a jury to rely on. ... I'm enjoying the family court because it's pure judging. It's the essence of being a judge because you make the decision.

## KANSAS CITY EDITION

THURSDAY, OCTOBER 17, 2002

Vol. 187, No. 79

50¢ per copy, tax included

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# THE DAILY RECORD

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## Missouri Grandparents' Law Found Constitutional

By Sheila Thiele  
Staff Writer

In the midst of an appellate case regarding the same issue, the Missouri Supreme Court handed down a decision declaring Missouri's law concerning grandparent visitation rights constitutional, although the U.S. Supreme Court previously found a similar law in Washington to be unconstitutional.

The state Supreme Court in *Blakely v. Blakely* (SC83307), stated the Missouri law allows for more procedural "safeguards" in protecting the parents' rights to raise their children, while also considering the best interest of the child.

In *Barker v. Barker*, the Missouri Court of Appeals for the Western District upheld the trial court's order to grant the grandparents of three minor children "reasonable visitation." The parents, Gerald and Christie Barker forbid grandparents Robert and Susan Barker from seeing the three kids following a dispute with Gerald's brother, Michael, involving a youth basketball game. Gerald felt his parents sided with his brother, and then forbid the grandparents from seeing the children from December 1998 on, except for a 15-minute visitation on March 28, 1998.

The grandparents then filed a petition for visitation rights in May 1999. The trial court granted them visita-

tion on the second Sunday of every other month from 9 a.m. until 6 p.m. and for a half day on the day after Thanksgiving and Christmas.

On appeal, the parents argued the grandparent visitation law was unconstitutional in that it interfered with their constitutional rights to raise their children as they see fit. The trial court in *Barker* found that, despite several complaints of the grandparents' actions and behavior around the children, the parents forbid visitation based on the disagreement between Gerald Barker and his brother.

According to Section 452.402 RSMo., a court can order visitation if a grandparent has been unreasonably denied visits with the child for more than 90 days. The statute also requires the court to consider the best interest of the child, including appointing a guardian ad litem or conducting a home study if necessary.

The Washington law struck down by the U.S. Supreme Court did not include considerations to keep from infringing upon the parents' rights to raise their children.

"*Blakely* concluded that procedural safeguards in the Missouri statute allow the trial court to determine, on a case-by-case basis, whether the grandparents merely disagreed with parental decisions or demonstrated that the parental decisions were unreasonable," Judge Lisa White Hardwick wrote.

## The Ruling

In re the matter of: Robert E. Barker and Susan Elaine Barker, respondents, v. Gerald D. Barker and Christie Barker, appellants

Case Number: WDS9988

Counsel for Appellants: Scott C. Trout and Christie E. Sherman

Counsel for Respondents: pro se

Judge Lisa White Hardwick

Question: Is the Missouri grandparent's visitation law constitutional in light of *Troxel v. Granville* from the U.S. Supreme Court, which found a similar Washington law unconstitutional?

Answer: The Missouri statute takes into account the child's best interest, which is similar to the ousted Washington law, but it also provides safeguards for the parents' constitutional rights to raise their children as they see fit.

In *Blakely*, the state Supreme Court stated, "Finally, the Missouri statute, unlike the Washington statute, does not simply leave the best interests issue to the unfettered discretion of the trial judge ... Such a case-by-case approach

See VISITATION page 3

# Visitation

Continued from page 1

is consistent with the fact that parental rights, although of prime importance, must be balanced with other rights, such as the best interests of the child and the state's interest in maintaining some contact between grandparents and grandchildren as well as in encouraging families to resolve disputes internally without a great amount of governmental interference."

The appellate court also found

the visitation time ordered by the trial court was also constitutional because the trial court balanced the "best interest of the child" clause from the statute with "the parents' right to raise their children as they see fit," which was required by the U.S. Supreme Court case, *Troxel v. Granville*, 530 U.S. 57 (2000).

"The [trial] court concluded that Parents severed visitation in retaliation for Grandparents' support of Michael and not because of any legitimate concern about the children's safety," Judge Hardwick wrote. "The court determined, as a factual

matter, that Parents' denial of visitation was unreasonable because the decision was not made to protect the best interest of the children. This finding is substantially supported by the record and was based on the trial court's credibility determinations, to which we defer."

All other points in the appeal were denied, and the judgment of the trial court was affirmed.

*In re the matter of: Robert E. Barker and Susan Elaine Barker, respondents, pro se v. Gerald D. Barker and Christie Barker, appellants;* case number WD59968; handed down October 8.

Successful Candidates of the February Missouri Bar Exam see page 6

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Employee makes dismissible whistleblower case

By Stephanie Mitchum Murphy Staff Writer

Despite not pleading wrongful discharge under a whistleblower theory, a discharged employee made a dismissible whistleblower case, the Missouri Court of Appeals for the Western District ruled in a reversed and remanded decision.

In Jason Shuler, Appellant v. Premium Standard Farms, Inc., Respondent, a discharged employee argued the Circuit Court of Daviess County erred in refusing to instruct the jury regarding his whistleblower theory of wrongful discharge.

Case Background

The employee worked for an animal feeding operation as a supervisor overseeing the quantities of animal waste applied to farmland as a fertilizer. State regulations allow limited quantities of animal waste to be applied to farmland.

In 2000, he was overseeing a job on a field that had already been treated. He was instructed to take samples from a separate field that had not been treated and falsely report the samples came from

THE RULING

Jason Shuler, Appellant v. Premium Standard Farms, Inc., Respondent

Case Number: WD061518

Counsel for Appellant: Jerold L. Drake

Counsel for Respondent: Jeffrey D. Hanslick, Julie R. Somora and Terry M. Evans

Question:

Should a jury have received instructions regarding a whistleblower theory of wrongful discharge when the defendant didn't plead wrongful discharge?

Answer:

Yes, although the defendant didn't plead wrongful discharge, the issue was tried by consent of the parties at trial. The defendant made a dismissible whistleblower case pursuant to Rule 55.53.



The Hon. Lisa White Hardwick

INSIDE

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See Whistleblower, Page 2

# Knock cases are no joke

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Record

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WL 574495 (8th Cir.

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that the search was not  
ie standards established  
by the U.S. Supreme  
on, 468 U.S. 897 (1984).  
identified uphold the

fruits of improper no-knock entries of the  
officers executing a warrant if they act in  
"good faith" on the basis of the no-knock  
authorization in the warrant.

While refraining from opining about the  
constitutionality of the search, the court  
upheld the admissibility of the evidence  
because the "good faith exception is per-  
fectly suited" for this case.

The no-knock authorization stemmed  
from information that the suspect was part  
of a "large-scale drug trafficking organiza-  
tion" and was armed with guns.

Although it was a "close call" whether  
there were "sufficient exigent circum-  
stances" to justify abrogating the no-knock  
requirement, the police were entitled to  
rely in good faith upon that threshold of  
judicial determination even if it was later  
determined "that the judge got it wrong."

But a no-knock entry that was not based  
on exigency warranted a large civil verdict  
for excessive force by entering law  
enforcement personnel, which the 8th  
Circuit upheld, in *Doran v. Eckvold*, 2004  
WL 726100 (8th Cir. April 6, 2004).

Executing a no-knock search warrant at  
night, officers burst into a suspected drug  
lab and shot and seriously injured one of  
the occupants.

The injured party later received a \$2  
million jury verdict against the law  
enforcement personnel.

The 8th Circuit, by a 2-1 vote, affirmed,  
holding that the officers lacked sufficient  
grounds to make the "dynamic" intrusion,  
which was based on a "very sketchy"  
anonymous tip that was wholly uncorro-  
borated.

Because there were no "exigent circum-  
stances" to justify the no-knock entry, the  
verdict was upheld.

But Chief Judge James B. Loken, taking  
a benign view of the circumstances, dis-  
sented. He regarded the no-knock entry  
"constitutionally reasonable" because of  
the suspected harboring of a "clandestine"  
drug lab, "multiple weapons" and the pre-  
sence of a "potentially violent resident."

The unannounced entry — under the  
no-knock principle — by law enforcement  
officers into private residences constitutes  
a significant intrusion on solitude.

These three decisions reflect both the  
restrictions and the rights of law enforce-  
ment officers to engage in such practices.

## ■ Whistleblower, continued from page 1

290.140 to give further reason for the discharge. The letter said he  
had been terminated for violating company policy regarding  
allowing his crew to perform without a work order.

### Trial Court

At the trial, the employee testified he had never allowed his  
crew to apply the waste without a work order, arguing it was a  
false reason for termination.

He then testified he believed he was terminated for being a  
whistleblower.

The trial court denied the company's motion for directed ver-  
dict. The company presented testimony from supervisors and  
other employees to dispute the discharged employee's allegations.

When the discharged employee offered a jury instruction to  
submit the Count II wrongful discharge claim based on the evi-  
dence of the whistle blowing activity, the court refused.

The court also rejected his request to submit a punitive dam-  
ages instruction on Count II.

The jury rendered a verdict in favor of the discharged employ-  
ee on the Count I service letter claim and awarded \$1.00 in dam-  
ages. The court declared a mistrial on the Count II claim.

The trial court then granted the company's motion for directed  
verdict on the Count II claims. In the judgment the court found a  
lack of evidence for his claims.

### The Appeal

In his appeal, the discharged employee claimed the trial court  
prejudicially erred in refusing to instruct the jury regarding the  
whistleblower theory of wrongful discharge and in granting the  
directed verdict on Count II.

The company responded by arguing his evidence was insuffi-  
cient to support the instruction because he pled his wrongful dis-  
charge claim under refusal to perform an illegal act and then  
argued the whistleblower theory at the trial.

"Despite Shuler's failure to plead the whistleblower exception  
in his Count II wrongful discharge claim, he could still proceed on  
that theory at trial if a submissible case was made," wrote Judge  
Lisa White Hardwick in the court's opinion.

She cited Rule 55.33 (b).

"Under the rule, evidence admitted without objection will give  
rise to an amendment of the pleadings by implied consent of the  
parties," she wrote citing, *RPM Plumbing Mech., Inc. v. Jim*  
*Plunkett*, 46 S.W. 3d 60,63 (Mo. App. W.D. 2001). The facts pre-  
sented at the trial fit that description, she wrote.

"The evidence at trial was abundantly clear that Shuler pre-  
sented his wrongful discharge claim based on the whistleblower  
public policy exception," Judge Hardwick wrote.

The company did not object to his evidence. The company only  
objected to his whistleblower claim after the close of evidence at  
the instructional conference.

"The trial court erred in refusing the proposed instruction  
because it was supported by substantial evidence and correctly  
stated the elements of a wrongful discharge claim under the sec-  
ond public policy exception," Judge Hardwick wrote.

The directed verdict was reversed and the case was remanded  
for a new trial on the wrongful discharge claim.

*Judges Smart and Ulrich concurred.*

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## Law clerk's presence prejudices defendant

### Clerk acting as bailiff remains in jury room throughout deliberations, appellant claims due process violation

By **Stephanie Mitchum Murphy**  
Staff Writer

Despite finding sufficient evidence a man committed a "voluntary act" when playing with a shotgun and injuring a 14 year-old woman, the Missouri Court of Appeals for the Western District found the case was prejudiced because a 16th Judicial Circuit Court judge's law clerk intruded on the jury's deliberations.

In *State of Missouri, Respondent v. Ronald Ryan White* the defendant appealed because he believed he was entitled to a new trial based on Judge Thomas C. Clark's law clerk's presence during the deliberations.

The Western District agreed and reversed and remanded the case.

"I'm happy the Appellate Court reversed his conviction," said Illinois Appellate Defender, Vanessa Caleb, who represented the defendant prior to her relocation to Chicago. "I think it's unfortunate and somewhat surprising the trial judge did not grant a new trial when it was presented with evidence that his law clerk sat in on the deliberation."

#### Case History

The 21 year-old man was charged with second degree assault and armed criminal action for shotgun injuries to a 14 year-old female. The incident

took place in his bedroom. He found a gun under the mattress and began "playing soldier" with the gun. It went off and struck the female's arm.

A jury found him guilty of second-degree assault and acquitted him on the armed criminal action charge. However, Judge Clark's law clerk/bailiff remained in the jury room throughout the deliberations.

The man filed a motion for a new trial because he believed his due process rights were violated. At the hearing, the law clerk testified she believed it was her duty to remain in the jury deliberation room in order to ensure no one would interrupt the jury. She testified when asked for assistance by one of the jurors, she declined to help or participate.

#### The Appeal

The man appealed on two points. First, he claimed there was not sufficient evidence to find he recklessly caused injury to the female with his firearm because he did not intentionally pull the shotgun trigger. Whether or not he intentionally pulled the trigger does not define a voluntary act, the COA wrote in its opinion.

"The shooting occurred as a result of his careless disregard for the substantial risks involved in wildly brandishing a weapon," Judge Lisa White Hardwick wrote. "White's conduct was voluntary, in that his bodily movement in playing with the gun



The Hon. Lisa White Hardwick

**THE RULING**  
*State of Missouri, Respondent v. Ronald Ryan White, Appellant*

**Case Number:**  
WD-06682

**Counsel for Appellant:**  
Vanessa Caleb

**Counsel for Respondent:**  
Deborah Daniels

**Question:**  
Did a judge's law clerk prejudice a case by remaining in the jury deliberation?

**Answer:**  
Yes, the state failed to meet its burden of proving that the defendant was not prejudiced by the law clerk's intrusion.

**Argued from his own perspective on determination.**  
The court looked at *State v. Winsor*, 110 S. W. 3d 882, a similar case involving a suspect's possession of marijuana when he was brought to jail. The suspect claimed the evidence was insufficient to determine the possession was a voluntary act because he was brought to jail against his will. The COA ruled the possession was voluntary.

■ See Clerk, Page 2



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■ Clerk, continued from page 1

"As in the present case, our decision in Winsor, focused on the voluntariness of the defendant's conduct with regard to an element of the charged offense," Judge Hardwick wrote. "This is consistent with the statutory requirement that criminal liability must be based on conduct that 'includes a voluntary act,'" Judge Hardwick said and cited section 562.011.

Because the state proved the defendant's reckless conduct, the COA ruled the charge was warranted.

Next, the court discussed the man's second point regarding the judge's law clerk's presence during the jury deliberations.

"To preserve the sanctity of deliberations, our courts have held that '[p]rivate communications, possibly prejudicial, between jurors and third persons, or witnesses, or the officer in charge, are absolutely forbidden, and invalidate the verdict, at least unless their harmlessness is made to appear,'" Judge Hardwick cited *State v. Hayes*, 673 S.W. 2d 33,38 (Mo. App.E.D.1982).

The only reason a new trial is not necessary is if the state proves the intrusion did not prejudice the defendant.

The state argued the woman's testimony proved her presence was harmless to the jurors and their decision.

"The State's sole reliance on (the clerk's) testimony fell short of proving a lack of prejudice," Judge Hardwick wrote. "Jury intrusions result in prejudice through verbal or non-verbal communications with jurors."

The COA discussed how the law clerk could have had an effect on the deliberation.

The clerks "... testimony that she did not participate in deliberations does not exclude the possibility that the jury was prejudiced by her 'body language' or that her presence had a chilling effect by operat[ing] as a restraint upon the ... jurors' freedom of expression and action," Judge Hardwick cited *U.S. v. Olano*, 507 at 739.

The court reversed the conviction and remanded it for a new trial.

A spokesperson with the Attorney General's office said the state had no comment.

Judge Clark could not be reached for comment.

---

# The Star's choices for Jackson County Legislature

Relationships between members of the Jackson County Legislature and the county executive have been severely strained for the past four years. Although the Legislature exists as a check and balance on the executive, some members have turned nearly everything Marsha Murphy has tried to do into a power struggle. By electing her, voters said they were tired of politics as usual, but some legislators didn't get the message.

In November, voters will choose a new county executive in the race between Katheryn Shields, the Democrat nominee, and Gordon Goodman, the Republican. In choosing their County Legislature as well, voters should remember that the county executive is only one-half of the formula to achieve reforms.

The Star has examined the following races for Jackson County Legislature and makes these recommendations:

**1st District, at-large position** — The Libertarian candidate, **Jeanne F. Bojarski**, offers the best prospect for change. We do not endorse all of her positions, such as privatization of the parks, but we do believe she is a reform-minded person who will act independently. That is needed.

The Democratic candidate, **Victor Callahan**, is aligned with some factions antithetical to government reform. The Republican candidate, **James "Camp" Owens**, is a recent college graduate who got into the race late and still appears to be formulating ideas about issues.

**2nd District, at-large position** — **Lisa White Hardwick** has been a good legislator. A Democrat, she votes her conscience with the idea that decisions should serve the long-term interests of the county. She doesn't bow to special-influence pressure. She has good leadership skills. She should be returned to the Legislature to keep up the good work. Her opponents are **Richard Gaylord Cushon**, a Republican, and **Jacques Tucker**, a Libertarian.

**3rd District, at-large position** — **Fred Arbanas** is steady and respected by his colleagues and the electorate. Arbanas, a Democrat, has been on the Legislature since its inception, and he provides a balanced viewpoint. He's especially good for the parks. His opponent is Libertarian **Corky Lewis**.

**4th District** — **Norine Accurso**, a Republican who was executive director of the South

Kansas City Chamber of Commerce and served as president of the Center School Board, has excellent credentials. She would be a voice for problem-solving rather than infighting. She knows the community and would work to encourage economic development and to use the drug tax to fight neighborhood crime. She is the choice over **Dan Tarwater**, the Democrat, and **Timothy E. Peterman**, the Libertarian candidate.

**5th District** — In this eastern Jackson County race, the voters can pick the Democratic candidate, **Mary Ellen Miller**, or the Republican, **Dixie M. Flynn**, and they won't lose either way. Miller, whose job entails representing the flight attendants at TWA, has good ideas for focusing county resources on resolving issues given short shrift in the past, including teen-age crime and family violence. She also has a lot of insight to offer from her service on the county's anti-drug advisory council.

**Flynn**, an administrator at John Knox Village, worked well with others to accomplish many improvements for her city when she was on the Blue Springs Board of Aldermen. Economic development progress, comprehensive planning and better emergency medical services at lower costs were all achieved with her efforts. She has well-thought-out positions on the problems facing the county, and she has experience in resolving many of them. A Republican, she could help to keep the political shenanigans down among the Democratic majority. For these reasons, she gets the nod. A third candidate is **Robert Moore**, Libertarian.

**6th District** — **John C. Graham Sr.**, the Republican, is the best choice in this race. His Democratic opponent, **Mary Lou Smith**, the incumbent and a former county employee who is associated with labor, has fought **Marsha Murphy** on ethics and government reforms. She has had her chance, and it is time for new representation. **Graham**, who is retired from a career in agriculture and now is a banker involved in the Lee's Summit Chamber of Commerce, wants to push county government to take a greater role in Eastern Jackson County economic development, and to replace political decision-making with fiscal responsibility.

10/27/94

**THE CALL, KANSAS CITY, MO.**

**WEEK OF MAY 12 TO MAY 18, 2000 - PAGE 5**



**GRACELAND CAREER FAIR . . . Jackson County Circuit Court Judge Lisa White Hardwick (far right) talks to Graceland Elementary school 4th graders Danese Washington, and Brittany McDaniel, both 10, during the second annual Graceland Career Fair on May 5. Principal Esther Ray listens as Judge Hardwick explains the life of a court judge. - - CALL photo by Rex Purefoy**



**Lisa White Hardwick**

**Lisa White Hardwick is first black woman partner at Shook Hardy.**

A large law firm offers lawyers several advantages, said a new partner at Shook Hardy & Bacon.

"At a bigger firm you can practice in many different areas. Shook Hardy has a section in every conceivable area," said Lisa White Hardwick. "And they have the bigger clients who can afford to have you put quality time in the project."

Hardwick, 31, is the first black woman partner of a large Kansas City law firm, according to the Kansas City Metropolitan Bar Association.

"She's very thorough and her analytical skills are exceptional. She's a real student of the law," said Bob Janowitz, a partner at Shook Hardy. "And she's been in

business so she understands the entrepreneurial side."

Hardwick earned a degree in journalism from the University of Missouri-Columbia in 1982. She also spiced her college education with a year at Sophia University in Tokyo.

After earning her law degree from Harvard Law School in 1985, she worked for a Washington law firm for five months before returning home to Kansas City. Shook Hardy & Bacon offered her the diverse practice she sought while enabling her to concentrate in her areas of particular interest: business litigation and employment law.

About 80 of Shook Hardy & Bacon's 164 lawyers are partners; Hardwick said selection for the position is competitive.

"You have to be with the firm for 6½ years before they'll even consider you, but I'd been here only six years when they decided to consider me," Hardwick said. "I think I have good business development potential. I'm involved in the community and try to make business contacts. You get to know people, they trust you and want to do business with you."

Her work in Mayor Emanuel Cleaver's campaign and on his

transition team also increased her visibility in the community, she said. She now serves on the mayor's Aviation Advisory Commission.

Hardwick said her background in journalism also made her one of the better writers at the firm.

"You have to have investigative skills and be able to take the pieces of the story and put it together and work with it," she said.

Hardwick formerly was co-chairman of the tort law committee of the Kansas City Metropolitan Bar Association. She also serves on the board of directors of the Lawyers Association of Kansas City.

— Joyce E. Smith



## Law partner serves community

Inmates in the Clay County Jail can better understand the legal system thanks to **Lisa Hardwick**, BJ '82. This graduate of Harvard Law School represented the prisoners' right to have a law library. By working on *pro bono* cases such as this, she is fulfilling a dream she's had since she was 8 years old — to become a civil rights lawyer.

Her work as a partner of Shook, Hardy and Bacon, where she specializes in labor and employment law, has honed her knowledge of civil rights cases. She has handled more than 50 cases of discrimination on sex, age, race and national origin, usually representing corporations, which she says often surprises the judges and other lawyers. "They expect a black woman to be on the other side of the table," she says.

**A partner of the largest law firm in Kansas City, Lisa Hardwick devotes time to politics and community groups while pursuing her interest in civil rights.**

Not surprisingly, Hardwick's concern with civil rights has led her to devote time to local groups and organizations.

In keeping with her strong beliefs in women's rights, she says she is especially proud to be working with Planned Parenthood of Greater Kansas City, where she is secretary of the board of directors. She also devotes time to Camping Connection, a local group that helps low-income families send their children to summer camp. Drawing on her legal skills, she offers assistance to the Black Chamber of Commerce and its 300 members.

In 1991 she received a mayoral appointment to the city's Aviation Advisory Commission. "Airports are an anchor for economic development," Hardwick says. "This appointment gives me an opportunity to have an impact on Kansas City."

In January, she was given the opportunity to have an even greater impact. The Jackson County legislators picked Hardwick to fill a two-year vacancy in the legislature. — *Joan M. McKee*

She and husband Keith own Columbia Associates Architecture and Construction. They announce the birth of Andrew James Dec. 20, 1991.

**Scott Miskimon**, BJ '82, is an associate of Howard, From, Stallings and Hutson in Raleigh, N.C. He graduated in 1992 from the University of North Carolina, where he was on the board of editors for the *North Carolina Law Review*.

**Jim Mueller**, BJ '82, MA '92, of Chesterfield, Mo., is editor of the *St. Peters (Mo.) Journal*.

**Mark Niederschulte**, BS ChE '82, is a research engineer with Amoco Chemical Research and Development in Naperville, Ill. He and wife Terri announce the birth of Bradley Ryan July 31.

**Brad Jones**, AB '83, Cole County chapter leader for the MU Alumni Association, and wife Catherine of Jefferson City announce the birth of Katherine Mary Sept. 30.

**Holly Teeter Shannon**, MA '83, received the 1991 Katie Award for the *10 p.m. Update*, which she produces for WFAA-8 in Dallas.

**Ed Stark**, BS Ag '83, DVM '86, and **Lois**

**Hathaway Stark**, BSN '86, of Cleveland, Mo., announce the birth of Leigh Anne Feb. 9, 1992.

**Todd Vandemore**, BS BA '83, of St. Louis is a district manager for Caremark International. He and wife Tisha announce the birth of Drew William July 4.

**Rene van Breusegen**, BS ChE '83, is director of engineering sales for Schreiber, Grana and Yonley. He and **Lynn Hord van Breusegen**, BS IE '84, of Bridgeton, Mo., announce the birth of Jon William Feb. 20, 1992.

**Barbara Morris Zoccola**, AB, BJ '83, an attorney in Memphis, Tenn., and proctor of the state bar examination at Memphis State University, has been cast in the movie *The Firm*. She plays the head proctor who administers the bar exam to a roomful of lawyers, including actor Tom Cruise.

**John Barnstorff**, BS Ag '84, DVM '88, and **Loretta Hennrich Barnstorff**, BSN '88, of Green Bay, Wis., announce the birth of Adam Feb. 17, 1992.

**Perry Beason**, BS '84, is a member of the Missouri Head Injury Advisory Council. He was selected 1992 Outstanding Em-

ployee of the Year with a Disability by the Defense Mapping Agency in St. Louis.

**Sharon Pollack Brown**, BJ '84, placed first in a nationwide competition by the National Newspaper Association. She won the top award in the Best Coverage of Energy category for her series of stories on the air pollution problems facing Shenandoah National Park. She is a reporter for the *Daily News-Record* in Harrisonburg, Va.

**Clarence Finchum**, BS Ag '84, and **Mary Jo Yochum Finchum**, BS Ag '85, of Muscatine, Iowa, announce the births of Grady Clarence and Tyler Clarence Oct. 16.

**Kathy Sizemore Gilstrap**, Grad '84, and husband Glenn of Elberton, Ga., announce the birth of Christopher Glenn Nov. 12.

**Roger Slead**, AB '84, and wife Brenda of Prairie Village, Kan., announce the birth of Tanner Saxton Aug. 24.

**Joyce Samuel Sooy**, AB '84, and husband Charles of Fordland, Mo., announce the birth of Shannon Aug. 8.

**Stephanie Cohen**, BJ '85, is director of national accounts for Conrail in Dearborn, Mich.

**Ken Flottman**, AB '85, practices bankruptcy law with Eaton and Cottrell in Gulfport, Miss.

**Susan Voetter Proseri**, BES '85, and husband Vince of St. Louis announce the birth of Matthew Joseph Aug. 31.

**Walt "Cash" Register**, AB '85, is manager of sales development with Southwestern Bell Yellow Pages in Houston.

**Mary Anne Riggs Supic**, BS BA '85, and husband Mark of Atlanta announce the birth of Bradley Louis July 2.

**Michael Turner**, BS ChE '85, is manager of quality control at Mallinkrodt Chemical of St. Louis.

**Molly Katherine Whitmore**, BS BA '85, is an advanced information systems auditor for Owens-Corning Fiberglas Corp. in Toledo, Ohio.

**Golda Mantinband Cohen**, BJ '86, is an account executive for Hartmann Publishing in St. Louis and teaches Hebrew for the Central Agency for Jewish Education.

**Allan Kressig**, BS ChE '86, and **Amy Dettmer Kressig**, BS Acc '87, of St. Louis announce the birth of Julie Elizabeth Oct. 3.

**William Mulligan**, PhD '86, of Los Angeles is a professor and chairman of journalism at California State University-Long Beach.

**Angie Samuelson**, BJ '86, placed second last fall in the Missouri Broadcasters Association's Investigative Reporting competition for a series of reports on the drug problem in St. Joseph, Mo., where she worked at KQTV. She is sports director at KDLT-TV in Sioux Falls, S.D.

**Clayton Scharff**, BS EE, BS CoE '86, is

**INGRAM'S  
40 UNDER 40  
POWER ELITE  
CLASS OF 98**

# KANSAS CITY FUTURES

## EMERGING LEADERS HONORED

So, here we are in the ninth year of Ingram's annual Power Elite issue. This time, however, we're taking a slightly different spin and focusing our attention on some of the "younger" business, civic and community leaders in the Kansas City area.

Just like in years past, the process was a difficult one, as Kansas City has a long list of competent and dedicated leaders. The 1998 selections were made based on nominations and votes submitted by the alumni from the past Ingram's Power Elite issues.

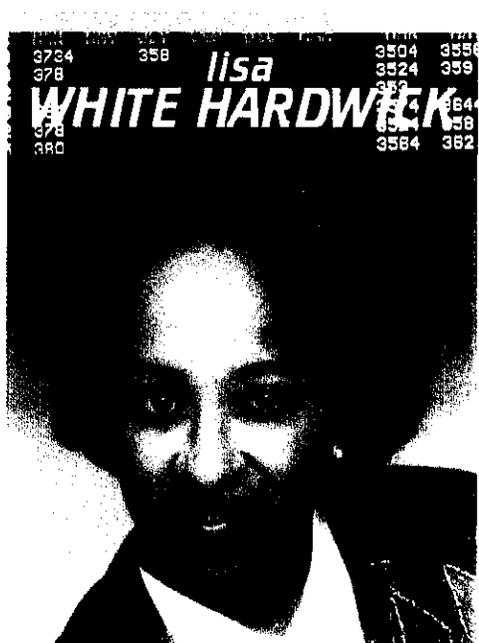
One of the challenges, of course, ended up being the age issue. Knowing someone's age is usually reserved for friends, and is not necessarily public knowledge. But, all in all, the nominating committee did a good job of identifying those they believed to be "under 40" leaders.

Eventually, the question had to be asked, and some people including some high vote-getters didn't make the cut, due to their ripe age of 40 or 41. (See Players, Page 16).

Our group of emerging leaders this 40 Under 40 Power Elite is a cross-section of our community including people from all sizes of companies in a variety of industries as well as those from the public sector of city, county and state governments.

There are several area groups dedicated to teaching leadership development (See the list on page 41), and some of Ingram's 40 Under 40 are alumni of these programs. (The Centurions led the pack with six Alumni in Ingram's 40 Under 40).

Enjoy a preview of K. C. Futures; the young emerging leaders of today and force behind the future of a greater Kansas City!



Lisa White Hardwick is a partner at Shook Hardy & Bacon and focuses her practice on employment discrimination, civil rights and advising employers on human resources issues. She has been with the law firm since 1986. Before that, she practiced health care law with a firm in Washington D.C.

In addition to her professional responsibilities, Hardwick is the Second District at Large representative to the Jackson County legislature. A county legislator since 1993, Hardwick formerly chaired the anti-drug tax committee and has sponsored legislation appropriating more than \$15 million annually for anti-drug programs.

Hardwick earned a bachelor's degree in journalism from the University of Missouri in 1982 and a law degree from Harvard Law School in 1985. Her civic and community activities include membership on the advisory board of the Kansas City Royals Charities, membership in the Central Exchange and providing pro bono legal services to members of the Black Chamber of Commerce.

"Lisa is clearly a lawyer's lawyer," said Bob Janowitz, chair of the Labor and Employment Law Practice Group at Shook Hardy. "She's very intelligent and has keen analytical insight. She invariably practices with the highest ethical standards and is one of the best legal writers in the firm. I think her success can be measured by the types of businesses she represents, and the variety of jurisdictions in which she's been asked to assume significant responsibility. Her clients have included McDonald's, Sears, Western Auto and La Petite Academy, to name a few."