

APPLICATION (Revised April 2008)
22ND CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

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



NAME: James E. Sullivan

1. State your present principal occupation: Drug Court Commissioner, 22nd Judicial Circuit
2. Are you at least 30 years of age? Yes
3. (a) How long have you been a citizen of the United States? 55 Years
(b) Have you been a resident of the City of St. Louis for at least one year immediately prior to the date of this application? Yes
(c) How long have you been a qualified voter of Missouri? 29 Years

4. Are you licensed to practice law in Missouri? Yes

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

- United States District Court, Eastern District of Missouri
- United States Supreme Court
- United States Court of Appeals, Eighth Circuit

5. State the date you were admitted to the Bar in Missouri? September 1977

Missouri Bar Number: 28494

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

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:
 - Southern Illinois University, B.A. with Honors, 1970-1974
 - St. Louis University School of Law, J.D., 1974-1977
7. State, in chronological order, your entire working career, including non-legal employment, if

any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

- a) KMA Construction company, Wateska, Illinois, 1970-1974, seasonal laborer.
- b) National Juvenile Law Center, St. Louis University, Lewis Hall, St. Louis, Missouri, 1975-1977, legal intern.
- c) Office of the Public Defender Municipal Court Building, 1320 Market Street, St. Louis, Missouri, September, 1977 to March, 1978.
- d) Office of the Prosecuting Attorney, 1320 Market Street, St. Louis, Missouri, March, 1978 to December, 1978
- e) Office of the Circuit Attorney, 1320 Market Street, St. Louis, Missouri, January, 1979 to April, 1982.
- f) Riezman & Blitz, 120 South Central, Suite 1028, Clayton, Missouri, April, 1982- June, 1984.
- g) St. Louis Municipal Court, Office of the Mayor, Room 200, City Hall, Tucker at Market, St. Louis, Missouri, June, 1984 to August, 1993 & May, 1997 to August, 2003.
- h) St. Louis Board of Police Commissioners, City of St. Louis, Hearing Officer, Tucker at Spruce, St. Louis, Missouri, May, 1996 to May, 1997.
- i) Sullivan & Beck, 1370 McCausland Avenue, St. Louis, Missouri, June, 1984 to August, 2003.
- j) 22nd Judicial Circuit, City of St. Louis, 1114 Market Street, Room 526, St. Louis, Missouri, 63101, August 2003 to present.

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one-three sentence description of each case and its outcome.
- (b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one-three sentence description of each case and its outcome.
9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? Yes
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If,

during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed.

During my tenure which began in August, 2003 as a Drug Court Commissioner in the 22nd Judicial Circuit, the Drug Court has enhanced its effectiveness by adhering to evidence based practices, those peer reviewed techniques which result in greater beneficial results. For example, the co-occurring docket which I implemented in November, 2003, enables drug offenders with a severe mental illness to access treatment for both disorders simultaneously and wrap around supportive services. Furthermore, the capacity to divert more non-violent drug addicted defendants from the Department of Corrections has increased during my tenure by the creation and implementation of a Post-Plea Docket and Probation Revocation Docket. In addition to creating, modifying and interpreting drug court policy and procedures, my duties include conducting daily dockets; granting incentives and sanctions, including jail terms; dialogue with Judicial officers, attorneys, treatment providers, and probation and parole officers regarding a defendant's participation; preside over the defendant application process; determine termination decisions and recommend bond settings. When sitting in the Family Drug Court, my responsibilities including Probable Cause hearings, Adjudication and Disposition hearings, and drafting recommended findings.

11. Have you briefed or argued any case in an appellate court? Yes
If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.
USA V. Anthony Caldwell, No: 90-2857 (EM) United States District Court of Appeals, Eighth Circuit, Petition for Writ of Certiorari denied, prepared and argued appeal.
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

As a direct result of case referrals from clients, former clients and other attorneys, I have been admitted in the states of Illinois, California, Ohio, New Mexico, and Texas, pro hac vice basis, and represented those clients in criminal and civil matters in federal and state courts.

CASES TRIED WITHIN 5 YEARS OF BECOMING DRUG COURT COMMISSIONER

SCOTT v. SCOTT, Cause No. 923-02708A, 2000, City of St. Louis Circuit Court, Craig G. Kallen III, 240 Long Road, Suite 230, Chesterfield, Missouri, represented the petitioner. Contested bench trial before the Honorable Thomas Frawley in which petitioner requested court's permission to relocate to Michigan. My client, the respondent, contended said move was not in the best interests of the parties' minor daughter and frustrated his temporary custody rights. Judgment rendered in favor of petitioner.

FISHER v. WESTWOOD, Cause No. 982-418, 1999, City of St. Louis Circuit Court, Frank Susman, Susman, Schermer, Rimmel & Shifrin, 7711 Carondelet, Clayton, Missouri, represented plaintiff. Jury trial before the Honorable Margaret Neill in which my client was

sued for alienation of affections of plaintiff's former wife. Issues involved abortion; adulterous affairs in previous marriage by plaintiff and his ex-wife; and loss of consortium. Defendant's verdict. Sole counsel for Defendant.

STATE OF NEW MEXICO v. ESTRADA, Cause No. CR98-0004222, 1999, Second Judicial District Court, County of Bernalillo, State of New Mexico. Erlinda Hackett, Assistant District Attorney, 111 Union Square SE, Albuquerque, NM, represented the State of New Mexico during a jury trial before the Honorable Frank Allen. Defendant was charged and convicted of threatening to kill a witness who had previously testified in a criminal trial in which defendant had been convicted. Defendant was sentenced to four years. First chair for Defendant.

VEHLEWALD v. VEHLEWALD, Cause No. 621345, 1999, St. Louis County Circuit Court, J. Patrick Winning, 13100 Manchester, Suite 214, St. Louis, Missouri, represented the respondent. Contested bench trial before the Honorable Colleen Dolan in which my client attempted to terminate maintenance and require estranged daughter to participate with movant in counseling. The maintenance was reduced and requested counseling ordered. Sole counsel for Petitioner.

BAXTER v. BAXTER, Cause No. CV198-3907 DFJ, 1999, Circuit Court of Jefferson County, Glen Gammill, 222 South Central, Suite 1004, Clayton, Missouri, represented respondent. Contested dissolution of marriage bench trial before the Honorable Dennis Kehm. Issues involved denial of maintenance in light of respondents alleged marital and financial misconduct during twenty-four year marriage and disproportionate award of marital assets in light of same. Court denied maintenance and awarded client approximately sixty five percent of the marital assets. Sole counsel for Petitioner.

STATE OF MISSOURI v. MADREY, Cause No. 961-903, 1997, city of St. Louis Circuit Court. Mr. Douglas Pribble, Assistant Circuit Attorney, 1320 Market, St. Louis, Missouri represented the state in a bench trial before the Honorable Michael David. Defendant was acquitted of illegal possession of marijuana in light of the court ruling that the police had an insufficient basis to make their initial 4th Amendment intrusion. Sole counsel for Petitioner.

CASSIN v. CASSIN, Cause No. 964-00021, 1997, City of St. Louis Circuit Court. Robert J. Schaeffer, Schaeffer, Kruse & Rienker, 200 S. Bemiston, Suite 310, Clayton, Missouri represented plaintiffs in bench trial before the Honorable Joan Burger. Plaintiffs alleged that my client breached a fiduciary duty with a relative decedent and wrongfully converted majority of decedent's assets to client's own benefit, to the exclusion of Plaintiffs' expectancy. Judgment for Defendant. First chair for Defendant.

As a Police Board Hearing Officer, I conducted hearings and drafted a suggested order which was not accepted by the Board of Police Commissioners. However, the Honorable Phillip Heagney in Hargas v. Anne-Marie Clark, et al. Cause No. 974-1176, 1999 reversed the board's decision, citing my legal analysis and adopting my recommendation.

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

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

14. 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? Yes

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

Foster v. Perez, et al, CN.BC211088 Superior Court of Los Angeles, 2000, I, along with other counsel was sued by a federal prisoner relative to a civil rights violation which allegedly took place during the criminal investigation that lead to his conviction and ultimate 25 year sentence. The case against all defendants was dismissed with prejudice by the trial court on pre-trial summary motions.

Sullivan v. Sullivan, CN.8030071 City of St. Louis, Uncontested dissolution of Marriage, 1980

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

If yes, provide details:

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

If yes, provide details:

17. If you are or were a member of the Judiciary of the State of Missouri, please state:

(a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct? No
If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:

(b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. No

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

- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? No
If yes, provide details:

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

If yes, provide details:

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:
Missouri Bar, September 1977; United States District Court, Eastern District of Missouri, 1982, Lead Panel Member, 2002; United States Supreme Court 1987; United States Court of Appeals, Eighth Circuit 1991; National Association of Criminal Defense Attorneys, 1992; Missouri Association of Criminal Defense Attorneys, 1991; Missouri Association of Municipal and Associate Circuit Judges, 1988; National Association of Drug Court Professionals, 2003.

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:
St. Gabriel's Church, member; St. Joseph Academy Father's Club; Community Advisory Board member for Washington University School of Medicine's Institute of Clinical and Translational Sciences, 2008; National Alliance for the Mentally Ill, board member 2005-2006.

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

If yes, provide details:

I was appointed a Municipal Court Judge for the City of St. Louis by Mayor Vincent Schoemehl in 1984 and reappointed in 1985 and 1989. In May, 1997 Mayor Clarence Harmon appointed me as a Municipal Judge. In June, 1999, my fellow Municipal Court Judges elected me as the administrative Judge. In May, 2001, Mayor Francis Slay appointed me as a Municipal Court Judge and I resigned effective August, 2003, when I accepted my current position.

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state: None
23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

Mayor Clarence Harmon awarded me a Certificate of Recognition for the “innovative and visionary court programs” developed during my tenure as the Administrative Judge. Center of Disease Control in Atlanta, Georgia awarded a Commendation citing “outstanding inter-agency collaboration model” of the court programs which I developed. The City of St. Louis Mental Health Board of Trustees presented me the 2001 Vanguard Award in recognition of the development and creation of the first Mental Health Court in the state of Missouri. The National Alliance of the Mentally Ill presented me its Silver Anniversary Award in November, 2003, in appreciation of the creation of the Mental Health Court and ongoing efforts to decriminalize mental illness.

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

Mr. John Amann Esq.
St. Louis University Law Clinic
321 North Spring
St. Louis, MO 63108
(314) 977-2796

Mr. Jeffrey N. Kushner
Statewide Drug court Administrator
Office of the Court Administrator/ Supreme Court
301 Park Avenue, Suite 328
Helena, MT 59620
(406) 841-2949

Mr. Richard D. Watters, Esq.
Lashly & Baer, P.C.
714 Locust
St. Louis, MO 63101
(314) 436-8350

Dr. Linda B. Cottler
Washington University School of Medicine
Washington University Medical Center
Campus Box 8134
660 South Euclid Avenue
St. Louis, MO 63110
(314) 286-2252

Mr. James P. Beck, Esq.
36 Willow Hill
St. Louis, MO 63124
(314) 569-2428

25. State any additional data you deem relevant:

Judicial Related Activities:

- Scheduled presenter, National Association of Drug Court Professionals, Annual Conference, St. Louis, MO. May 28, 2008
- Speaker, Missouri Association of Drug Court Professionals Conference, "Therapeutic Justice for Judges," Lake of the Ozarks, Missouri, in April, 2005.
- Participant, The National Judicial College course of "Co-Occuring Mental and Substance Abuse Disorders," Reno, Nevada, in September, 2004.
- Participant, Office of the State Court Administrator, "New Judge Orientation," Jefferson City, Missouri, in February, 2004.
- Participant, National Drug Court Institute, "Comprehensive Drug Court Judicial Training," Reno, Nevada, in October, 2003.
- Participant, Department of Mental Health and the Office of State Courts Administrator, focus group for development of Mental Health Courts in State of Missouri, December 6, 2002 in Jefferson City, Missouri.
- Speaker, HRC's 4th National Harm Reduction Conference, Seattle, Washington, December 3, 2002
- Presenter, Municipal Judicial Education Fall Seminar. October 25, 2002
- Speaker, Partnership for Success Career Fair, October 23, 2002, University of Missouri, St. Louis.
- Member, Committee on Courts and Community Collaboration, Supreme Court of Missouri, 2002-2003.
- Member, Municipal Court Judicial Education Committee, Supreme Court of Missouri, 2001-2003.
- Presenter, 14th Annual National Conference on Social Work and HIV/AIDS, New Orleans, Louisiana, June 1, 2002.
- Presenter, Municipal Judicial Education Fall Seminar, November 2, 2001.
- Presenter, Missouri Department of Mental Health, Division of Alcohol and Drug Abuse and Division of Comprehensive Psychiatric Services, 2001 Program Directors Conference, September 19, 2001.
- Presenter, 3rd National Women's Conference, Orlando, Florida, June 19, 2001.
- Presenter, Missouri Association of Municipal and Associate Judges Conference, May 23, 2001.
- Keynote speaker, Alliance for the Mentally Ill, NAMI St. Louis Annual Meeting, May 20, 2001.
- Participant, Center for Disease Control sponsored program at the Hampden County Jail, Ludlow, Massachusetts, April 2001.
- Panelist, Washington University in St. Louis School of Law, Law and Social Work Class relating to prostitution drug court, March 28, 2001.
- Presenter, FOCUS Leadership St. Louis, November 17, 2000 regarding neighborhood court programs.
- Member, Metropolitan St. Louis AIDS Task Force 1987-1990; Executive Committee, Legal Committee Chairman, 1989.

- Volunteer, annual Homeward Bound Services Fair benefiting the homeless.
- Volunteer, annual Saint Louis Area Stand Down Project benefiting homeless veterans.
- Speaker at numerous neighborhood organizations and schools regarding court initiatives and programs.

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

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

DATE: April 21, 2008

SIGNED: James S. Sull

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OUR VIEW | DRUG COURTS

Stopping a revolving door

M 1

On a wintry afternoon last month, 18 people sat quietly in the front of courtroom 516 in the Carnahan Courthouse. They looked like a group of citizens called to jury duty. There was a poetry-writing mother of four who prepares tax returns for a living. A veteran teacher who recently became a grandmother for the first time. A stylish teenager who graduated from high school last year.

But these were not prospective jurors. These area residents — white and black, men and women, young and middle-aged — all had been arrested within the last two years for an alcohol- or drug-related offense. They were about to become the most recent batch of “graduates” of St. Louis Drug Court.

At any given time, about 2,700 Missourians are enrolled in drug courts, designed to redirect people arrested for non-violent alcohol or drug offenses. Instead of facing sentencing — and possibly jail — participants are required to make frequent court

appearances, undergo substance abuse treatment, keep a job and submit to random drug testing. Those who break the rules, or who are arrested on new charges while in the program, are booted out and face immediate sentencing on their original charges. But if they complete the program, which typically takes about 18 months, charges are dropped.

With limited funding, drug courts, by necessity, have focused on first-time offenders and those who have the best chance of beating their addictions and staying out of the criminal justice system. However, the time may have come in Missouri to expand eligibility to people typically excluded. Missouri operates more drug courts per capita than any other state — 98 of the nation’s 1,927. Gavels will fall at five more in Missouri this year.

Last year, the Missouri Legislature allocated an additional \$2 million to the drug court budget for fiscal year 2007, bringing total funding to \$5 million. That was good news. But the money covers

treatment and drug testing only, so the state Drug Court Coordinating Commission now is asking the Legislature for an additional \$500,000 to hire two more drug court commissioners and six administrators to handle increased caseloads across the state. The Legislature should say yes. It’s not a lot of money if it means getting people clean and sober and keeping them out of jail — not to mention keeping them working and paying taxes.

The next step should be offering drug court programs for more Missourians who could benefit from treatment and intensive monitoring. For example, the commission recently approved applications from three drug courts for pilot projects aimed at a tougher group: offenders undergoing treatment who were ordered to serve a portion of their sentences in prison.

Helping such substance abusers could prevent future crimes and further reduce the state’s prison population, saving the state money in the long run. Getting

people off drugs, out of the criminal justice system and back to their families and communities is well worth the effort and the short-term cost. It could stop the revolving door that frustrates police, judges, prosecutors, public defenders and parole officers — not to mention politicians and the public.

At last month’s graduation, St. Louis Drug Court Commissioner James Sullivan read a biography of each of the 18 participants. He asked them to stand and face the crowd. As he handed them their diplomas and wished them well, some gave him a hug. But after heaping lavish praise on the graduates for overcoming their alcohol and drug problems, he offered a stern reminder that he didn’t want to see them again in his courtroom. “The taxpayer paid a lot of money to get you to this point,” Judge Sullivan said. “Don’t come back.”

Most don’t. The recidivism rate in Missouri is 10 percent.

BIOGRAPHY FOR JAMES E. SULLIVAN

James E. Sullivan received his J.D. from St. Louis University School of Law in 1977. He has served as an assistant public defender, assistant prosecuting attorney, assistant circuit attorney, a hearing officer for the St. Louis Board of Police Commissioners and a St. Louis Municipal Judge. He worked with the law firm of Riezman and Blitz and was partner in the law firm Sullivan and Beck. Currently he serves as a Drug Court Commissioner in the 22nd Judicial Circuit.