

. APPLICATION (Revised December 2008)
TWENTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

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

NAME: THEA ANNE SHERRY



1. State your present principal occupation: **ASSOCIATE CIRCUIT JUDGE, 21st 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?
Dual Citizenship (United States/United Kingdom-since age six months.)
(b) Have you been a resident of St. Louis County 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? **30 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:

5. State the date you were admitted to the Bar in Missouri? **September 1976.**

Missouri Bar Number: **26840**

(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:

University of Colorado, Boulder, Colorado, June 1967-May 1968.

University of California, Riverside, California B.A., (History), September 1968-June 1971.

Exeter College, Oxford, England, Summer Term, Graduate Course in British History, Literature and Society, June 1971-August 1971.

Washington University in St. Louis, Missouri, J.D. August 1971- May 1974.

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.)

1. **Georgia Bulletin Weekly Newspaper, Atlanta, Georgia (1965-1967).**

2. **Central California Register Weekly Newspaper, Fresno, California (1968-1971).**

3. **Reuben's Restaurant, Fresno, California (1972).**

4. **Professor Daniel Mandelker, Washington University in St. Louis, Missouri (1973-1974).**

5. **Trembeth & McCabe, Attorneys at Law, Walnut Creek, California (1974).**

6. **DeSantis and Jinkerson, Attorneys at Law, Los Angeles, California (1974-1975).**

7. **Californians for Carter, Los Angeles, California (1975-1976).**

8. **Southern California Rapid Transit, Los Angeles, California (1976).**

9. **Law Offices of Margaret Nolan and Ann Quill Niederlander, Clayton, Missouri (1976-1977).**

10. **St. Louis Community College at Forest Park, Adjunct Professor, St. Louis, Missouri (1976-1981).**

11. **Honorable Gerald M. Smith, Missouri Court of Appeals, Eastern District of Missouri, St. Louis, Missouri (1976-1978).**

12. **University of Missouri at St. Louis, Missouri, Adjunct Professor (1977-1983).**
 13. **St. Louis County Public Defender's Office, Clayton, Missouri (1978-1981).**
 14. **Catalona and Sherry, Attorneys at Law, Clayton, Missouri (1981-1998).**
 15. **Associate Circuit Judge, 21st Judicial Circuit, Division 35, Clayton, Missouri (1998-present).**
 16. **Washington University School of Law, St. Louis, Missouri , Adjunct Professor (2007-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 to three sentence description of each case and its outcome.

1. Robert Dody, et al., vs. Ann Purzner and City of Overland

Cause Number: 06CC-0072772 (Equity)

Date of Judgment: January 8, 2007 (Bench Trial)

Attorney for Robert Dody:

W. Bevis Schock

7777 Bonhomme Ave. Suite 2350

St. Louis, Mo 63105

Attorneys for Defendant, Ann Purzner:

Douglas Rudman

2611 S. Big Bend Blvd.

St. Louis Mo 63143

and

Kevin Schnurbusch

Rynearson, Suess, Schnurbusch & Champion, L.L.C.

One South Memorial Drive, 18th Floor

St. Louis Mo 65102

Attorney for Defendant, City of Overland:

Robert Hermann,

Schwartz, Hermann & Davidson

621 N. Skinker Blvd.

St. Louis, Mo 63130

Issue: Residents of the City of Overland filed an action for injunctive relief against the newly elected Mayor, Ann Purzner and the city of Overland, to stop Defendants from continuing to hold regularly scheduled and special city council meeting in its council chamber in violation of the open meetings provisions of the Missouri

Sunshine Law. The court entered a permanent injunction against the Mayor and the city, and assessed a civil penalty and attorney's fees. By agreement of all the parties, the permanent injunction was dissolved by the Court on January 11, 2008.

2. Chuck Lischko v Mehlville Fire Protection District, et al.,

Cause Number: 06CC-01293 (Equity)

Date of Judgment: August 27, 2007 (Bench Trial)

Attorney for Plaintiffs:

John Goffstein

4399 Laclede Ave.

St. Louis Mo 63108

Attorneys for Defendants:

Matthew Hoffman and Paul Slocumb

1101 Lucas Ave. 5th floor

St. Louis, Mo 63101

Issue: Mehlville Fire Fighters Local 1889 filed for injunctive relief against the Mehlville Fire Protection District and its Directors challenging the enactment of Amendment 5 to the Retirement/Pension Plan which would terminate the present Defined Benefit Pension Plan and replace it with a Defined Contribution Plan. Although the Court granted a preliminary injunction, after further hearing the preliminary injunction was dissolved along with Plaintiffs' request for permanent injunction, finding that the fire district's action did not violate state law, the constitution of Missouri and that the directors had not violated their fiduciary duties to the Pension Plan. The Court of Appeals affirmed that ruling on December 16, 2008.

3. Jeremiah Nixon, Attorney General v. Missouri Higher Education Loan Authority (MOHELA) et al.,

Cause Number: 06CC-00636 (Equity)

Date of Judgment of Voluntary Dismissal with Prejudice: January 19, 2007

Attorneys for State:

Paul Wilson, Assistant Attorney General/ Deputy Chief of Staff

and Rex Burlison, Assistant Attorney General

207 W. High Street

Jefferson City, Mo 65101

Attorneys for Defendants, The Higher Education Loan Authority of the State of Missouri:

Jan Paul Miller, James Erwin and Mark A. Mattingly

Thompson Coburn LLP

One US Bank Plaza

505 N. 7th Street

St. Louis, Mo 63101

Attorneys for Defendant, Marilyn K. Bush:

John Gianoulakis

Charles Elbert and Thomas Durphy
Kohn, Shands, Elbert, Gianoulakis & Giljum, LLP
One US Bank Plaza, Suite 2410
505 N. 7th Street.
St. Louis, Mo 63101

Attorneys for Defendant, Dr. Gregory Fitch:

Gerard T. Carmody
Kelley F. Farrell
Carmody MacDonald PC
120 S. Central Avenue, Suite 1800
St. Louis, Mo 63105

Attorneys for Defendant, John Greer:

Michael T. Pivac
Hearne & Pivac
2136A W. Chesterfield Blvd.
Springfield MO 65807

Attorneys for Defendant, Karen Luebbert:

Thomas E. Wack and Lara R. Giokas
Brian Cave LLP
One Metropolitan Square
211 North Broadway, Suite 3600
St. Louis Mo 63102

Attorneys for Defendant, James F. Mauze:

Al W. Johnson
Law Offices of Al. W. Johnson
112 S. Hanley, Suite 200
St. Louis, Mo 63105

Attorneys for Defendant, Dr. James E. Ricks:

W. Dudley McCarter
Behr, McCarter & Potter, P.C.
7777 Bonhomme Ave. Suite 1400
St. Louis, Mo 63105

Attorneys for Defendant, Kathryn Swan:

David V. Capes and Sanford Boxerman
Capes, Sokol, Goodman & Sarachan, PC
7701 Forsyth Blvd, Fourth Floor
St. Louis, Mo 63105

Issue: Attorney General filed a Petition for Declaratory Judgment alleging twelve (12) violations of Chapter 610 and Chapter 173 against MOHELA and its Board of Directors requesting that the Court nullify actions taken by MOHELA and that civil penalties be assessed against the directors. There were numerous, contentious and on-going discovery questions and motions to compel that the Court had to rule on concerning issues of privilege, in particular. The case was resolved by the parties on the eve of trial.

4. State of Missouri v. James Fitzgibbon

Cause Number: 03CR-002091(Criminal)

Date of Judgment: October 16, 2003 (Jury Trial)

Attorney for State:

Andrew Hale, Esq.

100 S. Central

Clayton, Missouri 63105

Attorney for Defendant:

James Martin, Esq.

1007 Olive Blvd.

St. Louis, Missouri 63101

Issue: Defendant, a police officer, was charged with 4 counts of Harassment involving a road rage incident. After 3 days of trial, only three counts were submitted to the Jury. Defendant was found guilty of one count and the Jury recommended a fine.

5. State of Missouri v. Sharad Hutchins

Cause Number: 02CR-6239 (Criminal)

Date of Judgment: June 10, 2004 (Jury Trial)

Attorney for State:

Megan Julian,

100 S. Central Ave.

Clayton, Missouri 63105

Attorney for Defendant:

Lawrence Wines, Esq.

905 S. Florissant Rd.

St. Louis, Missouri 63135

Issue: Defendant, a Division of Mental Health caretaker, was charged with assaulting a mentally and physically impaired patient in a facility. Prosecutor was required to make a prima facie case without her victim, and she did so. However, after a three day trial Defendant was acquitted by the jury.

6. John Gazzoli et al v. Genlyte Thomas Group LLC

Cause Number: 2106AC-35559 (Civil)

Date of Judgment: March 18, 2008 (Jury Trial)

Attorney for Plaintiff:

Theresa A. Phelps

7700 Bonhomme Ave, Suite 375

Clayton Mo 63105

Attorney for Defendant:

Beth Kamp Veath

Brown James

Suite 200
525 West Main St.
Belleville, IL 62222

Issue: Products liability question as to whether or not light fixture in residence was defective and was the proximate cause of a fire that caused property damage in Mr. Gazzoli's home. The jury found for defendant.

7. **Steven Serot v. Nancy Serot**

Cause Number: 04FC-007379 (Domestic)

Date of Judgment: May 26, 2006 (Bench Trial)

Attorneys for Petitioner:

Cary. J. Mogerman and Stephanie L. Jones

100 S. Brentwood Blvd. Suite 325

Clayton, Mo 63105

Attorneys for Respondent:

Theodore S. Schechter and Amanda B. McNelley

8000 Maryland Ave, Suite 950

Clayton, Mo 63105

Issue: This was a contentious dissolution of marriage of a 20+ year marriage, with millions of dollars in significant marital assets as well as millions in marital debt. The parties could not agree on maintenance, child custody, child support and division of assets and debt. The Court's extensive Judgment covering maintenance, division of property, debt and child custody, was 35 pages long, with 15 additional pages of attachments.

8. **Ronald Fischer v Donald Brancato et al.**

Cause Number: 01CC-001895 (Equity)

Date of Judgment: May 6, 2003 (Bench Trial)

Attorney for Plaintiff:

David Heimos, Esq.

230 S. Bemiston

Clayton, Missouri 63105

Attorney for Defendants:

Thomas Connelly, Esq.

1007 Olive Blvd.

St. Louis, Missouri 63101

Issue: Plaintiff sought a Judgment against Defendant, Doctor, his wife, and various closely held corporations for improperly diverting assets so as to avoid collection of a \$200,000.00 Judgment. On remand, the Court found in favor of Plaintiff, and this ruling was affirmed on appeal. Subsequently, the Court found Defendants in Contempt, issued warrants for commitment, and took Defendant, Donald Brancato into custody. After this, the parties reached an agreement, Judgment was satisfied,

and Defendant was released from custody.

9. Kingsland Investments, L.P. v. TAK Asset Management et al.

Cause Number: 02AC-00121858 (Civil)

Date of Judgment: August 28, 2003 (Bench trial)

Attorney for Plaintiff:

Gerard Hempstead Esq. and Geoffrey Jones Esq.

7777 Bonhomme

St. Louis, Missouri 63105

Attorney for Defendants:

Vince Vogler Esq. and Timothy Assouad, Esq.

11330 Olive Blvd.

St. Louis, Missouri 63130

Issue: Plaintiff sought damages in excess of \$750,000.00 on theories of breach of lease, breach of contract, fraudulent transfer (UFTA), piercing the corporate veil and quantum meruit, Defendant filed a counterclaim for overpayment. Court found for Plaintiffs on breach of contract and piercing the corporate veil and awarded in excess of \$219,000.

10. Peggy A. Kleffner v. Gregory W. Kleffner

Cause Number: 616958 (Domestic)

Date of Judgment: May 21, 2001 (Bench Trial)

Attorneys for Petitioner:

Theodore Schechter Esq. And Jeffrey Schechter, Es

8000 Maryland Ave.

Clayton, Missouri 63105

Attorneys for Respondent:

William P. Grant, Esq. and Diane Monahan, Esq

11 South Meramec

Clayton, Missouri 63105

and

Sarah Pleban, Esq.

2010 S. Big Bend Blvd.

St. Louis, Missouri 63137

Attorney and Guardian ad Litem:

Catherine Keefe, Esq.

130 S. Bemiston Ave.

Clayton, Missouri 63105

Issue: Allegations of abuse and alienation of children: Father sought a change of custody of his three children. Evidence was adduced from school authorities, therapists and DNA experts. Court transferred primary legal and physical custody of the two daughters to Father.

(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 to three sentence description of each case and its outcome.

Attached is a representative sample of cases I tried before taking the bench.

1. In re the marriage of William Franke vs. Cynthia MacNeil

Cause Number: 548552
Court: St. Louis County Circuit Court
Division 19 (Hon. Melvyn Wiesman)
Date of Judgment: September 29, 1997 (Bench Trial)
Representation: Guardian ad Litem
Opposing Counsel:
Thomas Osterholt Esq. (Petitioner)
120 S. Central
Clayton, Missouri 63105
Thomas Berndsen, Esq. (Respondent)
1650 Des Peres Road
St. Louis, Missouri 63131

Issue: (Multiple Motions to Modify Custody and for Contempt) Mother sought primary custody of the minor children. The Court followed the recommendation of the guardian and held that legal custody would remain with father and granted expanded custody to Mother.

2. Sneider vs. Hunt, d/b/a Alimilmo St. Louis et al.

Cause Number: 21C91-12407
Court: St. Louis County Circuit Court
Division 35 (Hon. Tony Eberwein)
Date of Judgment: March 4, 1994 (Bench Trial)
Representation: Respondent
Opposing Counsel:
Hon. Mark Seigel (Respondent)
7900 Carondelet
St. Louis, Missouri 63105

Issue: (Defective Construction) Plaintiffs, homeowners, sought damages against Husband and Wife and remodeling company for defective kitchen construction. Court found against Defendant-Husband only, for one-third of the damages sought.

3. In re the marriage of Eugene Mackey vs. Augustine Mackey

Cause Number: 471295
Court: St. Louis County Circuit Court
Division 41 (Hon. Robert McAllister)
Date of Judgment: May 29, 1996 (Bench Trial)
Representation: Petitioner
Opposing Counsel:
Bruce Friedman, Esq. (Respondent)
135 N. Meramec
St. Louis, Missouri 63105

Issue: (Motion to Modify Maintenance) Husband, principal in an architectural firm, moved to reduce maintenance to wife on the basis that she had sufficient financial resources to support herself and had made no attempt in 16 years to become self sufficient. Motion denied.

4. In re: Suzanne Martinez-Flynn& Thomas Flynn v. Daniel Martinez

Cause Number: 103567/647867
Court: St. Louis County Circuit Court
Division 19 (Hon. Melvyn Wiesman)
Date of Judgment: March 17, 1998 (Bench Trial)
Representation: Guardian ad Litem
Opposing Counsel:
Jane Carriker, Esq. (Petitioner)
1034 S. Brentwood Blvd.
St. Louis, Missouri 63117
Alan Cohen, Esq. (Respondent)
16 N. Central
Clayton, Missouri 63105

Issue: (Contested step-parent Adoption) Mother and Husband sought to adopt Mother's three (3) children from previous marriage on the grounds of abandonment and neglect. Father argued that Mother had prevented him from exercising visitation and had alienated the children's affections from him. Court granted adoption.

5. In re the marriage of Margaret A. Nowlin and Todd B. Nowlin

Cause Number: 685303
Court: St. Louis County Circuit Court
Division 20 (Hon. Colleen Dolan)
Date of Judgment: December 29, 1997 (Bench Trial)
Representation: Guardian ad Litem
Opposing Counsel:
Irving "Buddy" Cooper, Esq. (Petitioner)
7711 Carondelet
St. Louis, Missouri 63105

Daniel Goldberg, Esq. (Respondent)
228 North Main Street
St. Charles, Missouri 63033

Issue: (Dissolution of Marriage) Father sought primary custody of the parties' two minor children. Mother had a history of mental illness though she had been primary caretaker of the children. Court awarded joint legal custody, and Father was given sole physical custody.

6. In re the marriage of Dawn von der Ahe and Robert von der Ahe

Cause Number: 693315
Court: St. Louis County Circuit Court
Division 7 (Hon. Carolyn Whittington)
Date of Judgment: June 26, 1997 (Bench Trial)
Representation: Petitioner
Opposing Counsel:
Katherine Butler, Esq. (Respondent)
123 S. Central
St. Louis, Missouri 63125

Issue: (Dissolution of Marriage) Dispute over division of property and Husband's interest in family moving and storage business. Custody issues resolved prior to trial. Court equitably divided the property and awarded petitioner primary custody and support.

7. In re: Danielle McCord

Cause Number: 93268
Court: St. Louis County Circuit Court
Division 8 (Hon. Martin Schiff)
Date of Judgment: March 5, 1996 (Bench Trial)
Representation: Guardian ad Litem
Opposing Counsel:
Nancy Sido, Esq. (Attorney for Juvenile Officer)
500 S. Brentwood Blvd.
St. Louis, Missouri 63105
Mark McCloskey Esq. (Respondent)
120 S. Central
Clayton, Missouri 63105

Issue: (Termination of Parental Rights) In a bitterly contested action, Juvenile Officer sought termination of parental rights of mother who was suffering from a mental illness; child had been in foster care for three years. The Court denied the motion to terminate parental right over the Guardian's objections, but child continued to reside in foster care, and was not returned to Mother's custody.

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.
11. Have you briefed or argued any cases 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.
1. In the Interest of MDB, 976 S.W.2d 607 (Mo. App. 1998) [wrote brief]
 2. Hundelt vs. Hundelt, 943 S.W.2d 310 (Mo. App. 1997) [joined in Respondent's brief]
 3. In the Interest of CMC, 890 S.W.2d 311 (Mo. App. 1994) [trial counsel, wrote brief and orally argued]
 4. In the Interest of RG, 885 S.W.2d 757 (Mo. App. 1994) [joined in Juvenile Officer's brief]
 5. HWS and JCS vs. CT, 827 S.W.2d 237 (Mo. App. 1992) [trial counsel, wrote brief and orally argued]
 6. Crangle vs. Crangle, 809 S.W.2d 474 (Mo. App. 1991) [wrote brief and orally argued]
 7. In the Interest of JJT, III, BSB and TLR vs. AR, 775 S.W.2d 753 (Mo. App. 1988) [trial counsel, wrote brief and orally argued]
 8. Michael Watley vs. State of Missouri, 677 S.W.2d 357 (Mo. App. 1984) [trial counsel, wrote brief]
 9. State of Missouri vs. Robert Hutton, Jr., 645 S.W.2d 22 (Mo. App. 1992) [trial counsel, wrote brief and orally argued]
 10. State of Missouri vs. Michael Mullen, 645 S.W.2d 307 (Mo. App. 1992) [trial counsel, wrote brief and orally argued]
 11. State of Missouri vs. Michael Grady Baker, 630 S.W.2d 111 (Mo. App. 1981) [trial counsel, wrote brief and orally argued]
 12. State of Missouri vs. Crowder, 621 S.W.2d 717 (Mo. App. 1981) [trial counsel, wrote brief and orally argued]
 13. State ex rel. Westfall vs. Ruddy, 621 S.W.2d 42 (Mo. banc 1981) [trial counsel, wrote brief and orally argued][companion case to State of Missouri vs. Sours]
 14. State of Missouri vs. Haggard, 619 S.W.2d 596 (Mo. App. 1981) [co-authored amicus brief]
 15. State of Missouri vs. Cornell White, 617 S.W.2d 596 (Mo. App. 1981) [trial counsel,

- wrote brief and orally argued]
16. Bobby Ray Speedy vs. State of Missouri, 611 S.W.2d 253 (Mo. App. 1989) [trial counsel, wrote brief and orally argued]
 17. State of Missouri vs. Leon Watkins, 604 S.W.2d 19 (Mo. App. 1980) [trial counsel, wrote brief and orally argued]
 18. Ray Charles McCaskill vs. State of Missouri, 602 S.W.2d 16 (Mo. App. 1980) [trial counsel, wrote brief and orally argued]
 19. Paul Taylor vs. State of Missouri, 586 S.W.2d 452 (Mo. App. 1979) [trial counsel, wrote brief and orally argued]

12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

a. As a practicing attorney, I tried approximately ten (10) criminal cases to a jury as first chair, including one highly publicized media-intensive trial with then St. Louis County Prosecuting Attorney, George, "Buzz" Westfall. I second-chaired several other criminal jury trials as well.

b. As an attorney, I completed over forty (40) hours of mediation training in the areas of general civil law and family law.

c. As part of my commitment to serving the community, I chose to take a significant number of pro bono cases as a practicing attorney. I voluntarily accepted appointment as a Guardian ad Litem in dissolution of marriage and paternity cases for fifteen (15) years. Each year, 10 to 15 of these cases were accepted without compensation or at a reduced fee. In addition, I was appointed on several hundred of cases to represent children in cases of neglect, abuse and delinquency, contested adoptions, minor guardianships and termination of parental rights in the St. Louis County Family Court from 1982-1998. I also regularly represented pro bono, indigent, and mentally ill parents in cases of neglect and abuse, sometimes without compensation.

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:

a. Partnership litigation- my former partner's client sued the partnership as an

entity. Suit was resolved and dismissed with prejudice:

Lavon J. Harrison v. Janet Catalona et al.

Cause Number: 656797

Court: St. Louis County Circuit Court

Date: 1994

b. Partnership litigation-Suits on Account: All cases below ended in Judgment for the law firm:

i. Catalona & Sherry vs. Frederick Davis & William Davis (partner's client)

Cause Number: 820-12133

Court: St. Louis County Circuit Court (Associate)

Date: 1982

ii. Catalona & Sherry vs. Karen Burke (partner's client)

Cause Number: 820-18159

Court: St. Louis County Circuit Court (Associate)

Date: 1982

iii. Catalona & Sherry vs. William Bridwell (partner's client)

Cause Number: 820-02783

Court: St. Louis County Circuit Court (Associate)

Date: 1982

iv. Catalona & Sherry vs. Darryl Skinner (partner's client)

Cause Number: 37C83-630

Court: St. Louis County Circuit Court (Associate)

Date: 1983

v. Catalona & Sherry vs. Delores Marshall (partner's client)

Cause Number: 21C86-03168

Court: St. Louis County Circuit Court (Associate)

Date: 1986

vi. Catalona & Sherry vs. J.J. Guinn (partner's client)

Cause Number: 21C86-03169

Court: St. Louis County Circuit Court (Associate)

Date: 1986

vii. Catalona & Sherry vs. Dale & Jill Sweeden (my client)

Cause Number: 21C86-21950

Court: St. Louis County Circuit Court (Associate)

Date: 1986

viii. Catalona & Sherry vs. W. Lang (partner's client)

Cause Number: 21S88-00354

Court: St. Louis County Circuit Court (Associate)

Date: 1988

ix. Catalona & Sherry vs. Edwin K. Hamilton (partner's client)

Cause Number: 21C-9102025

Court: St. Louis County Circuit Court (Associate)

- Date:** 1991
- x. Catalona & Sherry vs. Chris Berry (partner's client)
Cause Number: 21C-9102026
Court: St. Louis County Circuit Court (Associate)
Date: 1991
- xi. Catalona & Sherry vs. Stephanie Snyder (partner's client)
Cause Number: 21C-9120835
Court: St. Louis County Circuit Court (Associate)
Date: 1991
- xii. Catalona & Sherry vs. Caroline Thomas (my client)
Cause Number: 21C-9120835
Court: St. Louis County Circuit Court (Associate)
Date: 1991
- xiii. Catalona & Sherry vs. Eileen McGowan (partner's client)
Cause Number: 2920-06540
Court: St. Louis City Circuit Court (Associate)
Date: 1992
- xiv. Catalona & Sherry vs. Michael Keating (partner's client)
Cause Number: 21C94-1910
Court: St. Louis County Circuit Court (Associate)
Date: 1992
- xv. Catalona & Sherry vs. John L. Rousin (my client)
Cause Number: 21C94-19106
Court: St. Louis County Circuit Court (Associate)
Date: 1994
- xvi. Catalona & Sherry vs. Betty Jean Stack (partner's client)
Cause Number: 21C95-11391
Court: St. Louis County Circuit Court (Associate)
Date: 1995
- xvii. Catalona & Sherry vs. Harold Hill (associate's client)
Cause Number: 21C97-04114
Court: St. Louis County Circuit Court (Associate)
Date: 1997
- xviii. Catalona & Sherry vs. Debbie Swallow (my client)
Cause Number: 21C98-03704
Court: St. Louis County Circuit Court (Associate)
Date: 1998
- c. **Partnership Litigation-Miscellaneous:**
Catalona & Sherry vs. Alphonso & Maxine Scott (partner's client)
Cause Number: 669722
Court: St. Louis County Circuit Court
Date: 1995
(Interpleader from partnership trust account. Dispute by heirs over inherited funds. Funds were deposited into firm's trust account, then were deposited by our firm into

the registry of the Court; the matter was resolved amicably.)

Catalona & Sherry vs. Division of Family Services et al. (partner's client)

Cause Number: 661880

Court: St. Louis County Circuit Court

Date: 1995

(Suit on behalf of partner's client who alleged monies were held on her behalf by DFS; matter was resolved by agreement between the parties)

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? If yes, provide details: **YES.**

A pro se litigant, Olivia Young, filed a complaint against me in 2007 concerning my handling of her case in *Granada Condo Association v. Olivia Young*, case No. 06AC-016718. Initially a Default Judgment had been entered by me against Ms. Young. She subsequently filed a motion to set aside that Judgment which I granted for good cause shown as I concluded that she did not owe as much as the Association had claimed. The matter was continued for a period of time so that she could obtain counsel. She

never did, and the case was set for a bench trial on the issue of unpaid condominium fees. On the date of trial, Ms. Young again requested a continuance stating that she "could not possibly proceed", and stated that she had left her documentation of payments at home. I advised her that I would try her case after the other cases on that day's docket, and that she had time to go home to retrieve her documents and return to the Court. She did not leave the courtroom, but filed a written request that I recuse myself because I had treated her unfairly and was biased against her. After reviewing the options regarding recusal, a brief hearing was held, and the case proceeded to trial. Ms. Young refused to participate and left the courtroom. She then filed a written complaint with the Commission to which I responded in writing. On February 19, 2008, the Commission on Retirement, Removal and Discipline advised me that there was no probable cause to believe that I had violated the Code of Judicial Conduct, and the file was closed. The Judgment against Ms. Young for unpaid condominium fees was appealed by her, and the Court of Appeals dismissed her appeal.

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

Member, Division of Judicial Administration Committee, legislative review subcommittee (2008-present)
Member, Supreme Court Family Court Committee Working Group on Child Support Guidelines (1996-1998)
Member, Subcommittee on Gender Fairness (1994-1997)

Bar Association of Metropolitan St. Louis

Member, Board of Governors (1997-1998)
Chairperson, Family Law Section (1995-1998)

St. Louis County Bar Association

Women Lawyers Association of Greater St. Louis

Member, Board of Directors (1983-1987)

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

1. **Heritage House Foundation, n/k/a Lawyers for Kids, Ex Officio Member of Board of Directors (1996-1999)**
2. **Church of St. Michael and St. George, Clayton, Missouri**

3. City of Clayton, Citizens Advisory Committee on Justice Center
4. City of Clayton, Landscaping and Beautification Committee
5. AMC Cancer Research, Volunteer
6. Clayton School District, Mathematics Curriculum Committee Member
7. DART, Inc. (Drug, Alcohol, and Rehabilitative Treatment), Member and Officer, Board of Directors (1982-1991)
8. Truancy Court, St. Louis County Family Court, Volunteer Judge (2000-2003)
9. Volunteer Judge, St. Louis University Law School Clinical Program (supervise a 3rd year law student/clerk for semester credit).

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

YES.

If yes, provide details:

Missouri Task Force on Children's Justice (2004-2008)

Co-Chair, Appointed by the Director of the Division of Social Services and the Supreme Court of Missouri in 2004 (Bi-partisan federal task force)

Child Abuse, Custody and Neglect Commission, (2001-2004)

Chair, Appointed by the Honorable Bob Holden in 2001

Supreme Court Commission on Children's Justice (2003)

Liaison, Appointed by the Honorable Stephen Limbaugh in 2003.

St. Louis County Domestic and Family Violence Council

Executive Council Member 2000- present

Co-Chair, 2004-2007

Greenbook Initiative

Acting Chair and Member of Steering Committee 2004-2007

Initiative sponsored by the Justice Department and the National Council of Family Court and Juvenile Judges [St. Louis County is one of six grant sites in the country selected to improve the handling of co-occurrence of domestic violence and child maltreatment; the grant ended in 2007].

Home and Community Based Services and Consumer-Directed Care Commission (Olmstead Commission on Disabilities) 2000-2002

Ex officio Member, Appointed by the Honorable Mel Carnahan in 2000.

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: N/A

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:

Judicial Bench Book., Chapter 70, Adult Abuse and Child Orders of Protection [rewrote and revised Chapter in 2001]

The National Coastal Zone Management Act of 1972, with D. Mandelker, 7 URBAN LAW ANNUAL 119 (1974) (Washington University in St. Louis Law School)

Emission Density and Allocation Procedures for Maintaining Air Quality, with R. Brail, D. Mandelker, G. Hagevik, Environmental Protection Agency Monograph (1975)

Emission Quota Strategies as an Air Pollution Control Technique, with D. Mandelker, 5 ECOLOGY LAW QUARTERLY 401 (University of California, Berkeley Publication) (1976)

Gordon S. Watkins Award (Chancellor's Award), University of California, Riverside California 1971 [awarded to graduating Senior for Outstanding Academic Achievement and Community Service].

ASTAR Science and Technology Fellow, elected April 2009, The Advanced Science and Technology Adjudication Resource Center, (Judiciary) Washington, D.C.

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:

William P. Grant,
Attorney at Law
Margulis and Grant
11 South Meramec, Suite 1330
St, Louis, Mo 63105
(314) 721-6677

David Slavkin,
Attorney at Law
Bryan Cave
211 N. Broadway, Suite 3600
St. Louis, Missouri 63102.
(314) 259-2219

Clyde Farris
Attorney at Law
Copeland, Thompson & Farris
231 S. Bemiston
St. Louis, Missouri 63105
(314)-726-1900

M. Deborah Benoit
Attorney at Law
Kruger and Benoit
2016 S. Big Bend Blvd.
St. Louis, Mo 63117
(314) 333-4153

Cary J. Mogerman
Attorney at Law
Zerman and Mogerman
100 S. Brentwood Blvd., Suite 325
St. Louis, Mo 63105
(314) 862-4444

25. State any additional data you deem relevant:

1. I am in my fourth year as an Adjunct Professor at Washington University Law School teaching a clinical trial course with Judges Michael Burton and John Garvey in Advanced Criminal Practice and Procedure. This is a clinical program that requires students to role-play from the first interview, motions, and voir dire to post trial briefs.

2. In 2008, I was one of eleven judicial officers from Missouri selected to participate in ASTAR program which is a national science and technology resource judge program sponsored by a grant from the U.S. Department of Justice. I attended the Judges' Science School at Ohio State University which focused on advanced forensics and a second program at the National Institute of Health in Bethesda Maryland which emphasized advanced genetic technology. This is a continuing education program in the areas of science and technology.

3. In 2008, I concluded my four-year tenure as co-chair of the Missouri Task Force on Children's Justice. The task force worked with both the Department of Social Services and the courts to review and recommend improvements to the system in providing assistance for children who have been victims of neglect and abuse. I also directly oversaw the preparation, research and writing, and edited the report reviewing the Court system and Children's Division, requested by Governor Blunt, entitled, *Implementation Assessment of the Dominic James Memorial Foster Care Reform Act of 2004, November 30, 2007*; this report can be found at www.dss.mo.gov.

4. I have been a member of the Supreme Court's Family Court Committee since 1999, and presently chair of the sub-committee on Child Support Guidelines Review. I was also appointed this year as a member of the Supreme Court's ASTAR Trial Judge Committee.

5. I worked closely with various legislators, in helping to draft legislation, including successfully passing additional language that would grant authority to Judges to compel attendance and completion of batterer intervention programs in Orders of Protection.

5. I was selected to be a presenter and panelist at the Appellate Forum in April 2004 on the topic of the trial judges' perspective on the handling of family court cases. I have been an instructor and presenter at both the Summer and Fall Judges Colleges in 1999, 2000, 2001, 2003, and 2007 on various topics of the law including how to handle pro se litigants in civil cases and how to deal with the issues of domestic violence. I was an instructor at New Judges Orientation in (2000-2007) on various topics of civil litigation.

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-First 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 St. Louis County, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE: *February 24, 2010*

SIGNED: *Thea A. Shery*