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: **Rex M. Burlison**

1. State your present principal occupation: **Director, Eastern Region, Office of Governor Jeremiah W. (Jay) Nixon**

2. Are you at least 30 years of age? **Yes**

3. (a) How long have you been a citizen of the United States? **56 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? **38 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: **n/a**

5. State the date you were admitted to the Bar in Missouri? **May 6, 1980**

   Missouri Bar Number: **29935**

(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:

Northeast Missouri State University
(Now Truman State University)
100 E. Normal St.
Kirksville, Mo 63501

8/72-5/76
B.A. Political Science/Law Enforcement
Graduated Cum Laude

Saint Louis University School of Law
3700 Lindell Blvd.
Saint Louis, MO 63108

8/77-12/79
Juris Doctorate

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.)

Non-Legal Employment--1967-1978:

Employer Name and Address:	***Kunst Globe Democrat*** Tutweiler Avenue Woodson Terrace, MO 63114
Date of Employment:	Spring and Summer1967
Position Held:	Collector and paper thrower
Duties:	Door to door collection of monthly bills, rolling and throwing home delivery subscriptions to customers.
Employer Name and Address:	***Caniff Standard Station*** Manchester and Geyer Roads Kirkwood, MO
Date of Employment:	Fall1967- Fall1968
Position Held:	Service Station Attendant
Duties:	Pumping gas and performing minor automotive maintenance.
Employer Name and Address:	***Target Stores*** St. Charles Rock Road Bridgeton, MO 63134
Date of Employment:	Winter1968- Spring 1969
Position Held:	Grocery Retail Clerk
Duties:	Bagging groceries, stocking shelves, price marking goods, Member Local 655.

Employer Name and Address:	***Overland Dairy Thrift Market*** Woodson Road Overland, MO 63114
Date of Employment:	Summer 1969- Spring 1970
Position Held:	Grocery Retail Clerk
Duties:	Bagging groceries, stocking shelves, price marking goods, Member Local 655.
Employer Name and Address:	***Gregnani Sinclair*** 11170 Natural Bridge Road Berkley, MO 63134
Date of Employment:	June 1970-October 1971
Position Held:	Service station attendant/mechanic
Duties:	Pumping gas, performing all automotive service and repairs.
Employer Name and Address:	***Fuller Brush Company*** Woodson Rd. and Midland Ave. Overland, MO 63114
Date of Employment:	October 1971-December 1971
Position Held:	Delivery Man
Duties:	Filling orders, delivering goods to customer's homes.
Employer Name and Address:	***Hoffner's Groceteria*** Clayton Road Brentwood, MO 63138
Date of Employment:	January 1972-May 1972
Position Held:	Grocery Retail Clerk
Duties:	Stocking shelves, price marking goods, delivery of groceries to customer's homes. Worked half days through Ritenour High School Co-op program.
Employer Name and Address:	***Ray's Airport Skelly*** 9800 Natural Bridge Road Edmundson, Mo 63134
Date of Employment:	June 1972-May 1974 (except June-August 1973)
Position Held:	Service Station Mechanic
Duties:	Performing all automotive service and repairs. Worked full-time during summers and worked as wrecker operator when home from college and during semester breaks.

Employer Name and Address:	***Edmundson Police Department*** 4440 Holman Land Edmundson, MO 63134
Date of Employment:	June 1973-August 1973
Position Held:	Police Department Intern
Duties:	Interning through the Criminal Law Department at Northeast Missouri State University, working 400 hours riding with Edmundson Police, running radar, responding to calls and writing reports.
Employer Name and Address:	***Camp Summit*** Wurtsboro, New York
Date of Employment:	June 1974-August 1974
Position Held:	Summer Camp Counselor/Small Engine Mechanic,
Duties:	Camp counselor to 9 year old boys; repairing go-karts and mini-bikes.
Employer Name and Address:	***Cartridge City Electronics*** 210 N. Franklin Avenue Kirksville, MO
Date of Employment:	September 1974-May 1975
Position Held:	Retail Sales Clerk/Auto Stereo Installer,
Duties:	Retail sales of music and equipment; installed auto stereos.
Employer Name and Address:	***Office of Lt. Governor William Phelps*** State Capitol Building Jefferson City, MO 65101
Date of Employment:	January 1976-May 1976
Position Held:	Legislative Intern
Duties:	Interning full time through Political Science Department of Northeast Missouri State University, handling constituent complaints in the Lt. Governor's Ombudsman Program.
Employer Name and Address:	***Marriott Hotels*** 10700 Pear Tree Lane Edmundson, MO 63134
Date of Employment:	June 1976-November 1976
Position Held:	Hotel Security Guard
Duties:	Patrolling hotel for safety and protection.

Employer Name and Address:	***Missouri Highway Patrol Tree Lot*** Jefferson City, Mo 65101
Date of Employment:	November 1976-December 1976
Position Held:	Tree Lot Attendant
Duties:	Sold, trimmed, loaded, delivered Christmas trees.
Employer Name and Address:	***Office of Senator Harry Wiggins*** State Capitol Building Jefferson City, MO
Date of Employment:	January 1977-August 1977
Position Held:	Administrative Assistant to Senator Wiggins
Duties:	Reviewing legislative bills, scheduling and representing the Senator at public functions.

Legal Employment--1978-Present:

Employer Name and Address:	***Legal Services of Eastern Missouri*** 3700 Lindell Blvd. St. Louis, MO 63108
Date of Employment:	January 1978-May 1978
Position Held:	Intern
Duties:	Preparing cases and representing claimants on their Disability claims before the Social Security Administration.
Employer Name and Address:	***Law Office of George E. Sullivan*** 114 E. Elm St. O'Fallon, MO 63366
Date of Employment:	January 1980-August 15, 1980
Position Held:	Associate
Employer Name and Address:	***Carmichael and Burlison, Attorneys at Law*** 114 E. Elm St. O'Fallon, MO 63366
Date of Employment:	August 16, 1980-December 31, 1985
Position Held:	Partner
Employer Name and Address:	***Law Office of Rex M. Burlison*** 225 S. Main St. Ste., 201 O'Fallon, MO 63366
Date of Employment:	January 1985-August 1989
Position Held:	Owner

Employer Name and Address: ***Burlison and Farrell, Attorneys at Law***
225 S. Main St., Ste. 201
O'Fallon, MO 63366
Date of Employment: September1989--December 1994
Position Held: Partner

Employer Name and Address: ***Law Office of Rex M. Burlison***
225 S. Main St., Ste.210
O'Fallon, MO 63366
Date of Employment: January 1995-- December1997
Position Held: Owner

Employer Name and Address: ***Burlison, Suddarth & Koor, L.L.C.***
755 West Terra Lane
O'Fallon, MO 63366
Date of Employment: December 1997--March 1999
Position Held: Partner

Employer Name and Address: ***Law Office of Rex M. Burlison***
105 Church St.
O'Fallon, MO 63366
Date of Employment: April1999--March 2000
Position Held: Owner
Duties: While in private practice from 1980-2000, I was devoted to the general trial practice. I gained the experience to handle cases in the following areas: administrative law, arbitration/mediation, bankruptcy, bodily injury (plaintiff and defense), civil rights violations, collection, all levels of criminal law, domestic relations, estate/probate/trust, general corporate/business law, labor law, medical malpractice, municipal/local government law, product liability, real estate law (commercial, residential, redevelopment and construction law), social security disability, traffic, workers compensation and school law.

Employer Name and Address: ***11th Judicial Circuit Court***
300 N. Main St.
St. Charles, MO 63301
Date of Employment: April 2000--December 2000
Position Held: Associate Circuit Judge, Div. 8
Duties: Appointed by Governor Carnahan as Associate Circuit Judge. Jurisdiction over all state felony, misdemeanor and traffic criminal matters including bench and jury trials, felony preliminary hearings, issuance of search and arrest warrants and municipal trial de novo matters. Civil jurisdiction of matters up to $25,000.00 including bench and jury trials, administrative reviews and small claims. Administrative duties included preparation and submission of the Division's court budget, supervisory duties over court clerk staff and general oversight of criminal, traffic and civil docketing systems.

Employer Name and Address: ***Office of Attorney General***
Jeremiah W. (Jay) Nixon
Old Post Office, 720 Olive St.
St. Louis, MO 63101

Date of Employment: January 2001-February 2009

Position Held: Chief Counsel Eastern District

Duties: District Chief Counsel, I supervised attorneys and non attorney staff in the St. Louis, Missouri office. In addition to supervisory duties I served as lead attorney on cases in the trial and appellate courts, State and Federal. Reviewed pleadings and as served as second chair at hearings and trials for attorneys I supervised. Participated in numerous mediations and as lead negotiator for the state of Missouri in several large and complex cases. Chief Prosecutor of Missouri No-Call Enforcement Unit. Provided legal advice to state employees including court employees and state judges. Supervised paid and non-paid employees hired through the Attorney General's Internship Program. This was a year round program, hiring candidates from high schools, colleges and law schools.

Employer Name and Address: ***Office of Governor of Missouri***
Jeremiah W. (Jay) Nixon
111 N. 7th Street, Room 929
St. Louis, MO 63101

Date of Employment: February 2009 to Present

Position Held: Director, Eastern Region

Duties: As Senior Staff to Governor Nixon, I perform a wide range of duties. I represent the Governor at public events and give speeches on his behalf; act as advance staff for public events; staff the Governor in meetings involving issues at the highest level of state government. I represent the Governor on Economic Development initiatives. By Executive Order I have supervisory authority over the Missouri Housing Development Commission. I have been appointed by the Governor to staff the 2009 Home Building and Residential Energy Efficiency Advisory Panel and the 2010 Tax Credit Review Commission. I am part of the Governor's judicial selection process, having participated in the Governor's selection of 31 Missouri Judges.

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. **n/a**

(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.

Board of Education of City of St. Louis, Missouri et al., v. State of Missouri et al., Case No. 034-00284. Judgment entered by the St. Louis City Circuit Court, in favor of the defendant State of Missouri, finding the state provided "full funding" to the plaintiff under the terms of the 1999 Desegregation Settlement Agreement. I was second chair AAG and the Plaintiffs were represented by Stefan J. Glynias and Alan C. Kohn, St. Louis, MO. Affirmed on appeal. **152 S.W.3d 882 (Mo.C.A.E.D.2007);**

State of Missouri ex rel. Nixon v Union Electric Company d/b/a AmerenUE. Case No. 07RE-00005, Circuit Court Of Reynolds County, Missouri. As AAG, with co-first chair AAG William J. Bryan, litigation was filed as a result of the catastrophic collapse disaster of the Taum Sauk Reservoir, located on Proffitt Mountain, which caused 1.3 billion gallons of water to be dumped over Johnson's Shut-Ins State Park. The litigation was settled with the defendant agreeing to pay to the state nearly $180 million in damages and agreeing to rebuild the hydro-electric plant to state of the art specifications, costing approximately $450 million. The settlement was the largest environmental settlement in the history of the state. Robert Haar of Haar and Woods, St. Louis, MO, represented the defendant. November 2007 (Ranked as #3, *Top Plaintiff Verdicts and Settlements 2000-2009, Missouri Lawyers Weekly,* February 1, 2010).

State of Missouri ex rel Nixon v Dey, Inc., Schering Plough Corp., et al. Case No. 054-1216, Circuit Court of the City of St. Louis. As AAG, I negotiated a settlement for $2.932 million dollars with Defendant Dey Inc. to settle allegations it provide false drug prices to the Missouri Medicaid Program. I was first chair at the trial against the remaining defendants, litigating the same false drug pricing allegations. The case was tried to a jury for 2 weeks resulting in jury verdicts of $7.3 million in actual damages and $100 million in punitive damages, in favor of the state, and against all remaining defendants. After trial, these defendants agreed not appeal the verdicts and to pay, and paid, $31 million to the State of Missouri. The settlement was the largest ever obtained for Medicaid fraud in Missouri. Defendants were represented by: Kelley Drye & Warren L.L.P., New York, NY. and Greensfelder, Hemker & Gale P.C., St. Louis, MO (Defendant Dey, Inc.). Sonnenschein Nath and Rosenthal L.L.P., Dallas, Texas; Lock, Lord, Bissell & Liddell L.L.P., Dallas, Texas; Ropes & Gray L.L.P., Washington D.C.; and Armstrong Teasdale L.L.P., St. Louis, MO. (Defendant Schering Corporation, Schering-Plough Corporation, Warrick Pharmaceuticals Corporation.) October 2008.
(Ranked as #5, *Top Plaintiff Verdicts and Settlements 2000-2009, Missouri Lawyers Weekly,* February 1; 2010).

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.

Jim Blair v. Ted Gerber 634 S.W.2d 227 (Mo. App. E.D. 1982). Representing the Plaintiff/Appellant, I briefed and argued the appeal before the Court. Judgment was affirmed on appeal.

London v. Handicapped Facilities Board of St. Charles County, et al., 637 S.W. 2d 212 (MO. App. E.D. 1982). Representing the Plaintiff/Appellant, I briefed and argued the appeal before the Court. Judgment was reversed and remanded with directions.

Montgomery v First Capitol Sports Center, Inc., 641 SW 2d 453 (MO. App. E.D. 1982).
Representing the Plaintiff/Respondent, I briefed and argued the appeal before the Court. Judgment was affirmed on appeal.

Vorbeck v. Carnegie's at Soulard, Inc., 704 S.W. 2d 296 (MO.App. E.D. 1986).
Representing the Plaintiff/Appellant, I briefed and argued the appeal before the Court. Judgment was affirmed on appeal.

St. Charles County v. John Ross et al., 718 S.W. 2d 209 (MO. App. E.D. 1986).
Representing the Plaintiff/Respondent, I briefed and argued the appeal before the Court. Appeal was dismissed.

Smith v. Mohan 723 S.W. 2d 94 (MO. App. E.D. 1987). Representing the Plaintiff/Appellant, I briefed and argued the appeal before the Court.
Judgment was affirmed on appeal.

Brown v. Brown 723 S.W. 2d 176 (MO. App. E.D. 1990). Representing the Petitioner/Appellant, I briefed and argued the appeal before the Court. Judgment was reversed and remanded.

Hendricks v. Hendricks 759 S.W. 2d 903 (MO. App. E.D. 1988). Representing the Petitioner/Appellant, I briefed and argued the appeal before the Court. Judgment modified on appeal.

Board of Managers of Heatherton Homeowners Association, Inc., v First Capitol Oil Co. 798 S.W. 2d 176 (MO. App. E.D. 1990). Representing the Plaintiffs/Respondents, I briefed and argued the appeal before the Court. Judgment was affirmed on appeal.

Holzwarth et al, v. Voss 811 S.W. 2d 68 (MO. App. E.D. 1991). Representing the Defendants/Respondents, with my associate Rory Ellinger, I jointly briefed the appeal. Judgment was affirmed an appeal.

State ex rel. Safeco National Insurance Company of America v. Rauch 849 S.W. 2d 632 (MO. App. E.D. 1993). Representing the Respondent, I briefed the writ before the Court. Writ made permanent in part and dissolved in part.

Kelley v City of O'Fallon 888 S.W. 2d 410 (MO. App. E.D. 1994). Representing the Defendant/Respondent, I briefed and argued the appeal before the Court. Judgment was affirmed on appeal.

Byrne Fund Management, Inc. v. Jim Lynch Cadillac, Inc. 922 S.W. 2d 434 (MO. App. E.D. 1996) Representing the Defendants/Appellants/Cross-Respondents I briefed and argued the appeal before the Court. Judgment was affirmed in part; reversed and remanded in part.

Hasten v. Wal-Mart 935 S.W. 2D 83 (MO. App.E.D. 1996). Representing the Employee/Appellant, I briefed and argued the appeal before the Court. Judgment was affirmed.

Patton v. Mayes 954 S.W. 2D 394 (MO. App. E.D. 1997). Representing the Plaintiff/Respondent, I briefed and argued the appeal before the Court. Judgment on jury verdict affirmed as modified.

Stenger v. Rogers Development Company 972 S.W. 2d 594 (MO. App. E.D. 1998). Representing the Employee/Respondent, I briefed and argued the appeal before the Court. Judgment was affirmed on appeal.

Padgett v. St. Regis Envelope Company 988 S.W. 2D 141 (MO App. E.D. 1998). Representing the Employee/Appellant, I briefed and argued the appeal before the Court. Judgment was affirmed on appeal.

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

- ***AV© rating in Martindale-Hubbell***
  The highest accolade in Martindale-Hubbell for a select group of attorneys who have been recognized by their peers for their legal expertise and professional reputation.

- **Board Certified Civil Trial Advocate; National Board of Trial Advocacy.** Achieved NBTA certification in 1998 after thoroughly documented trial experience, judicial and peer references, legal writing skills and written examination, I was Board Certified as a Civil Trial Advocate. To be considered for this Board Certification, an applicant must have documented the serving as lead counsel in not less than 15 trials to verdict, including not less than 45 days of trial, in the field of specialty. In addition, the applicant must have documented the handling of at least 40 other contested cases which involved the taking of evidence.

- ***Special Prosecutor for the State of Missouri***
  Appointed by the St. Charles County Prosecuting Attorney and the 11th Judicial Circuit Court to prosecute conflict Defendants charged with criminal code violations.

- ***Special Prosecutor for the City of O'Fallon, Missouri***
  Appointed by the City Prosecuting Attorney and Board of Alderman to prosecute conflict Defendants charged with municipal code violations.

- ***Chief Prosecutor of Missouri No-Call Enforcement Unit.*** July 2001 through January 2009. Served as lead attorney on more than 110 lawsuits terminating in judgments with penalties exceeding $3.6 million dollars for statutory violations. The Missouri No-Call Unit has been recognized as the most successful program in the nation for its registration of residential telephone numbers and aggressive statutory enforcement. This aggressive enforcement, in addition to providing Missouri residents with solitude from unwanted telephone calls to their homes, reduced Telemarketing fraud by 65% in the first year of the law's enforcement, (July 2001-2002). The No-Call Unit provided assistance to Arkansas, Kentucky, Indiana, Oklahoma, Kansas, Colorado, Idaho, and Wisconsin, helping the creation and implementation of No-Call programs in these states. I also provided assistance to the Federal Trade Commission and Federal Communications Commission in their establishing the present National Do Not Call program. Assisted as one of lead Assistant Attorney Generals, nationwide, in drafting of National Association of Attorney's General (NAAG) Comments on the Federal Trade Commission's proposed No-Call Rules.

- *Other Significant Cases.*

Stewart v Heatherton, Case No. CV-188-1204CC, Circuit Court for the County of St, Charles, Missouri. In 1991 I represented an individual who was injured in a fall on ice incident. The St. Charles County jury returned the largest damage verdict in the history of the 11th Judicial Circuit, then comprised of St. Charles, Lincoln and Pike Counties.

State of Missouri ex rel. Nixon v Publishers Clearing House et al., Case No. 99CC084409, Circuit Court for the City of St. Louis, Missouri. As Assistant Attorney General (AAG), I assisted in negotiating settlement agreement ultimately joined by 26 other states, against the Defendant for unfair merchandising practices. June 2001.

State of Missouri ex rel. Nixon v. Aventis CropScience USA LP, et al., Case No.01CV126034, Circuit Court for the City of St. Louis, Missouri. As AAG, I represented the state. The Defendants, who invented and marketed genetically, altered corn seed, called "STARLINK", agreed to pay almost $4 million in restitution to Missouri farmers and grain elevator operators. The Starlink produced corn, only approved by the FDA for non-human consumption, migrated into the cornfields of farmers growing corn destined for human consumption. July 2002.

State ex rel. Nixon v Access Resources, Inc. Case No. CR02-129938 Circuit Court for the County of St. Charles, Missouri. As AAG, I represented the state. Defendant corporation and the 2 individual corporate shareholders that operated "Ms. Cleo" TV Psychic Operation, plead guilty to 4 felony counts of unfair merchandising practices. As part of plea, defendants dissolved "Ms. Cleo" TV Psychic Operation, paid $50,000.00 fine and agreed to release Missouri consumers from $18.8 million dollars in debt alleged to be owed to Defendant. October 2002.

State ex rel. Nixon v Nextel West Corp., et al., Case No. 4:02-CV-1845CAS, United States District Court, E.D. Missouri. As AAG, I represented the state. The litigation, originally filed in state court, alleged that the Defendants, providers of cellular telephone service, fraudulently characterized rate increases as government mandated charges. Defendant removed the action to federal court and state moved for remand. The District Court granted state's remand motion and awarded costs and attorney fees against Defendants, for improper removal. In state court, a settlement agreement was reached which required Defendants each to pay $50,000.00. Defendants further agreed to provide clear and conspicuous disclosures that their "added charges" were not required by the Federal government, when billing its customers and when advertising to the general public.
Case No. 024-02609A, Circuit Court for the City of St. Louis, Missouri. June 2003.

State ex rel. Nixon v ADT Security Services, Inc. et al., Case No. 014-1429, Circuit Court for the City of St. Louis, Missouri. As AAG, I represented the state against 18 named defendants, for violation of Missouri's No-Call Laws. Following the Court's Order that an agency relationship existed between the first named defendant and the remaining defendants, defendants agreed to injunctive relief and payment of $275,000.00 to the state. This was the largest monetary judgment for No-Call violations in the nation. February 2003.

Alvin Brooks v State of Missouri, et al., Case No. 034-0425, Circuit Court for the City of St. Louis, Missouri. As one of a few AAGs, I represented the state. The Plaintiff alleged Missouri's "Conceal and Carry" law was unconstitutional as it violated Articles I, III, and X of the Missouri Constitution. The Supreme Court of Missouri ultimately found the Conceal and Carry Law to be constitutional unless a county could show violation of the Hancock Amendment (Article X, s 21 of the Missouri Constitution). November 2003.

State ex rel. Nixon v Executive Recruiters, Inc., Case No. 034-2652 Circuit Court for the City of St. Louis, Missouri. As AAG, I represented the state. Defendant operated a job placement service which consumers alleged took retainer fees and did not provide the promised services. Defendant agreed it violated Missouri Consumer protection laws and agreed to pay restitution to Missouri consumers in the sum of $60,000.00, dissolve the corporation and not conduct business in Missouri. June 2004.

State of Missouri v Franklin David Comer, Case No. 04CR127-307, Circuit Court for the County of St. Charles, Missouri. As AAG, I represented the state and filed a complaint against the defendant, alleging criminal violation of Missouri's Unfair Merchandising Practices Laws. The Defendant plead guilty to 10 felony counts. The state collected $113,240.00 and distributed this restitution to 365 consumers nationwide. October 2004.

State of Missouri ex rel. Nixon v Southwestern Bell Telephone L.P.,
Case No. 4:03-CV-00917FRB, United States District Court, E.D. of Missouri;
State of Missouri ex rel Nixon v MCI Worldcom Communications, Inc.,
Case No. 4:03-CV-00916CAS, United States District Court, E.D. of Missouri;
State of Missouri ex rel Nixon v ATT Corporation,
Case No. 4:03-CV-00918CAS, United States District Court, E.D. of Missouri
As AAG, I represented the state in these similar litigations, for alleged consumer protection law violations. Defendants, telecommunication carriers, although exempt from Missouri's No-Call Laws, agree to give up their exemption, follow Missouri's No-Call Registry and honor consumer requests not to be called at home. Defendants also agreed to pay penalties totaling $200,000.00 to the state. July 2006.

State ex rel. Nixon v Police Protective Fund, et al., Case No. 0722-CC-07324, Circuit Court for the City of St. Louis, Missouri. As AAG, I represented the state. Defendants were engaged in requesting charitable donations by unsolicited telephone calling to Missouri consumers. The state alleged defendants violated Missouri consumer protection laws on Missouri No-Call Laws. Defendants agreed to injunctive relief and payment to the state of $450,000.00. June 2008.

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:

Frank Kevin Pool v. Rex M. Burlison, Case No. 11V018603411, Circuit Court for the County of St. Charles, Missouri. I was appointed to handle the appeal of Section 1983 claims on behalf of an incarcerated individual. These Section 1983 claims were dismissed in a Summary Judgment Order entered by the Federal Court Judge. The remaining claims were submitted to the jury. After a thorough review of the evidence, and the claims, I found no bases upon which to appeal the Summary Judgment Order and I reported this to the Court. In 1986 the incarcerated individual brought a legal malpractice action against me. In 1987 the Circuit Court for the County of St. Charles, Missouri, dismissed the legal malpractice action for failure to state a claim. The trial court's decision was affirmed on appeal. **Frank Kevin Pool v. Rex M. Burlison, 736 S.W. 2085 (MO. App. E.D. 1987).** Petition for Writs of Certiorari to the Supreme Court of Missouri and to the Supreme Court of the United States were denied, **Case No.87-6012; 484 U.S. 1045, 108 S.Ct. 782 (1987).**

Party to other litigation:

- **Jaril Jackson v Rex M. Burlison et al. Case No. 21579057** I was a named defendant in a Quiet Title Action filed in the St. Louis County Circuit Court in 1988. The litigation concerned real estate in which I owned an interest. The plaintiff dismissed the litigation in 1990 without recovery of any nature.

- **D. Dulle et al v Lomas Mortgage Company et al. Case No. 11V019402237; Lomas Mortgage USA v C. Schroeder et al. Case Nos. 11V019304324; 11V019402162; 11V019402163; 11V019402165.** In 1994 I was one of the named plaintiffs and named defendants in the above related lawsuits pertaining to a mortgage on a multi-family residential unit. All these cases were filed in the St. Charles County Circuit Court and were settled in 1994 and 1998.

- **Metropolitan St. Louis Sewer District v. Burlison et al. Case No. 21C931-10145.** In 1993 I was one of the named defendants in a suit on account filed by Metropolitan Sewer District. The bill was incurred by a tenant leasing property in which I owned an interest. Case was filed in St. Louis County Circuit Court, Associate Division, and dismissed in 1993.

- As property owner, I was a named defendant in the following condemnation cases filed by the Missouri Highway Commission:
  Missouri Highway and Transportation Commission v William D. Starkey et al 07MD-CC00121. Filed in 2007 in the Circuit Court of the County of Madison, Missouri, condemnation damages were paid in 2008;
  State of Missouri et al v Daniel T. Hughes et al 04V125118. Filed in 2004 in the Circuit Court of the County of St. Charles Missouri, condemnation damages were paid in 2004.
  State of Missouri et al v Joseph M. Cody et al 04CV126200. Filed in 2004 in the Circuit Court of the County of St. Charles Missouri, condemnation damages were paid in 2004.

- As Landlord, I was the named plaintiff in the following landlord/tenant cases, filed in the St. Charles County Court, Associate Division. All cases were filed and terminated in 1993 and 1994.
  Rex M. Burlison et al v Michael Bettis et al 11V019300251;
  Rex M. Burlison et al v David Ransom et al 11V019300252;
  Rex M. Burlison et al v. Jennifer Lyle et al 11V019301408;
  Rex M. Burlison et al v. Matt Whittington et al 11V019305665;
  Rex M. Burlison et al v. Roy Franklin Simino et al 21C93-05097.

- **Rex M. Burlison v. City of St. Charles 11V019701778.**
  I was the named plaintiff in a declaratory judgment action, filed in the Circuit Court of St. Charles County, Missouri, in 1997. The litigation concerned a zoning decision made by the City of St. Charles and was terminated in 1999.

- **FedEx v. Ralph Quick et al 01CV128580.**
  I was named as a defendant in a subrogation action. The litigation, filed in the Circuit Court of St. Charles County, Missouri, concerned a lien asserted by FedEx Workers Compensation on a settlement received by my client. The litigation was file and dismissed by the plaintiff in 2001, without recovery of any nature.

- I was a named plaintiff in numerous Suits on Account filed in the Associate Divisions of St. Charles County and St. Louis County Circuit Courts, for the collection of attorney fees owed to me or my law firms, from 1985 through 1999. These collection suits are omitted.

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: **No**

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? **Yes**
If yes, provide details:

In the late 1980's a fellow member of the bar filed a complaint with the Missouri Bar regarding an attorney lien my law firm asserted. The law firm provided legal services to which it was entitled, and was paid. The complaint was disposed of privately.

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

Member: Missouri Bar Association
Member: Bar Association of Metropolitan St. Louis
Member: The Lawyers Association of St. Louis Missouri
Past Member: St. Charles County Bar Association
Past Member: Missouri Association of Trial Attorneys
Past Member: Missouri Association of Trial Attorneys Board of Directors

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

- **Original Board member and past President of Family Advocacy and Community Training (F.A.C.T.).** This not-for-profit agency is primarily funded through St. Charles County Senate Bill 40 funds. Its purpose is to assist, train and instruct parents of developmentally challenged children to insure the children receive a quality education contoured to the child's specific special needs.
- **Original member of "The Consumer Fraud Task Force" of Eastern Missouri.** The Better Business Bureau, Federal Trade Commission, U.S. Attorneys Office, Illinois Attorney General's Office, U.S. Postal Inspection Service. The Task Force was created to combat consumer fraud, October 2002.

- **Judge – Fall Moot Court Competition**
  St. Louis University School of Law, November 2007
- **Member Historical Trinity Lutheran Church in Soulard; serve as Lectern.**

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

If yes, provide details:

- **Appointed Associate Circuit Judge, Division 8, 11th Judicial Circuit, St. Charles County, MO;**
- **Elected Board of Alderman, Ward 1, City of Cottleville, MO, (5) terms, from 1991 through 2000;**
- **Elected Past President and Board Member of Dardenne Farms Community Association;**
- **Elected Past President, Past Treasure, Secretary of Edison Condominium Association;**
- **Appointed Special Prosecuting Attorney, Office of St. Charles County Prosecuting Attorney;**
- **Appointed Special Prosecuting Attorney, City of O'Fallon, MO.**

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:

Selected Publications:

Status of 'Open an Obvious' Doctrine; Missouri Lawyers Weekly, Vol. 12, No. 34, August 24, 1998.

The Sweet Sound of Silence; Published in ESQ., weekly publication of The Missouri Bar, May 2002.

States Drop the Hammer on Telemarketing Calls; Statetech, Fall 2003.

Selected Presentations:

Closing Statements in Product Liability Cases, accredited by Missouri Bar CLE, St. Charles County Bar Association, April 1988.

"How to Win at Trial: Developing Dynamic Opening Statements and Closing Arguments" University of Missouri-Kansas City School of Law and Missouri Association of Trial Attorneys Continuing Legal Education program, St. Louis, MO, August 1988.

"How I Pick a Jury in a Civil Lawsuit", accredited by Missouri Bar CLE, St. Louis, MO, October 1997.

National Telemarketing No-Call Registry: Is it Necessary;
National Conference on State Legislatures, Assemble on Federal Issues
Washington D.C., spring meeting 2002.

Missouri's No-Call program, Testimony before Kentucky Senate Judiciary Committee, February 2002 and March 2002.

Proposed National No-Call Registry; Federal Trade Commission roundtable forum disclosed and rulemaking comment hearing, Washington D.C., June 2002.

Consumer Fraud Presentations:

- *Identity Theft/Consumer Fraud*; Missouri Counsel of Senior Citizens, October 2002.
- *Identity Theft;* Town Hall Meeting, 69th State Representative District, October 2003.
- *Timely Topics for Seniors;* Mid-east Area Agency on Aging and St. Charles Senior Citizens Advisory Commission, October 2004.
- *Identity Theft/Consumer Fraud;* St. Charles County Senior Advisory Commission, October 14, 2004.
- *Consumer Fraud/Life Choices;* Cardinal Ritter Foundation, October 22, 2004.
- *Consumer Protection*; City of Florissant Cable TV, November 8, 2004.
- *Identity Theft;* Arsenal Credit Union, November 9, 2004.
- *Identity Theft/Consumer Fraud;* Jefferson County Retired Teachers Association, March 21, 2005.
- *Identity Theft;* Town Hall meeting, 85th State Representative District, October 2005.
- *Identity Theft;* National Association of Active and Retired Federal Employees Chapter 2071, April 2006.
- *Partners in Education;* Rockwood School District Middle Schools, St. Louis, Missouri. Fall 2006, 2005, 2004, 2003.
- *Consumer Protection*; KWMU On Air: Audio and Interactive Media Production, August 2007.
- *Exploiting Seniors;* Jewish Federation of St. Louis, June 2008.

Peer Review Laws in Missouri; Missouri Commission of Patient Safety, Jefferson City, MO, February 2004.

National Drug Control Policy; 25 Cities with Active Strategic Planning Session; Harris Stowe University, March 2004.

Green Lights and Red Flags: Hot Button Law Enforcement Issues; State and Federal Consumer Protection Priorities, Sponsored by St. Louis Better Business Bureau and Federal Trade Commission; St. Louis, MO, May 2007.

Crises Management: Dealing Effectively With Regulators, Outside Counsel and the Consumer; Telemarketing Sales Rule Forum; American Teleservices Association's Annual Convention and Expo., San Antonio, Texas, October 2008.

The Trial Masters: Expert Witnesses; Bar Association of Metropolitan St. Louis; Bench and Bar; Professional Development Conference; French Lick, Indiana; May 28 – 30, 2009.

The Judicial Selection Process; Women's Lawyers Association of St. Louis and Sue Shear Institute for Women in Public Life; St. Louis, MO, November 2009.

Matthews-Dickey Boys & Girls Club 50th Anniversary Celebration Day; Presentation on behalf of Governor Nixon; St. Louis, Mo, July 2010.

Discussion of Missouri's Historic Preservation Tax Credits; Sponsored by Winning Women; St. Louis, MO, November 2010.

St. Louis Green Confluence-State Initiatives; Sponsored by the Green Economy Symposium; St. Louis, MO, January 2011.

Selected Recognitions and Awards:

2004 FACT Person of the Year; Family Advocacy and Community Training (F.A.C.T.).

Nominated for Ray Marvin Award; This award is given by National Association of Attorneys General (NAAG), to no more that 3 Assistant Attorneys General nationally in recognition of outstanding work that furthers the goals of the association. 2004.

Nominated for Attorney of the Year 2009; Missouri Lawyers Weekly.

Most Influential St. Louisans; St. Louis Business Journal; February 2011.

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: **(Reference Letters Attached)**

Ms. Audrey Yarborough
F.A.C.T.
800 Friedens Rd., Ste. 200
St. Charles, MO 63303

Mr. Michael S. Intravia
President, Allied Intelligence, Inc.
1256 Jungermann Rd.
St. Peters, MO 63376

Ms. Gaylene Lauer	**Pastor Dair Hileman**	**Dr. Ellis Taylor M.D.**
Division Clerk, Criminal Division	**Grace Community Chapel**	**#9 Twin Springs Lane**
11th Judicial Circuit Court	**7661 Mexico Rd.**	**Clayton, MO 63105**
300 N. 2nd St.	**St. Peters, MO 63376**	
St. Charles, MO. 63301		

25. State any additional data you deem relevant:

11th Judicial Circuit Bar Committee; Appointed by the Supreme Court of the State of Missouri, en banc, initially in February 1992, to the 11th Judicial Circuit Bar Committee, covering St. Charles County, Missouri. This circuit committee reviewed complaints against attorneys to determine if probable cause existed that professional misconduct occurred. This committee makes recommendations to the Office of the Chief Disciplinary Counsel. Held the office of Secretary for the Committee.

Disciplinary Hearing Officer; Appointed by the Supreme Court of the State of Missouri, en banc, February 1996. Thirty five (35) attorneys throughout the State of Missouri received appointments as Disciplinary Hearing Officers in February of 1996. These attorneys conducted hearings on complaints filed against attorneys licensed to practice by the State of Missouri. The panel rendered decisions and recommendations to the Missouri Supreme Court.

The Missouri Bar's Public Defender Task Force, member, 2005-2006; Appointed by Missouri Bar President Douglas A. Copeland. This task force was created to study the problems confronting The Missouri Public Defender System, searching for long-term substantive solutions to propose and promote.

Conclusion:
This additional information, with my previous answers, demonstrates my legal work and my legal career. Through the years of private practice, public practice and public service, I have been fortunate to develop a broad understanding of Missouri substantive law and the Rules of Evidence. I have developed the ability to analyze and resolve complex issues and litigate cases successfully in very different areas of the law, for very different types of clients. Additionally, I have extensive experience in the three, separate and distinct branches of government; Legislative, Judicial and Executive. I believe my qualifications and experience are well suited for the position of Circuit Judge.