

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: Michael Kellan Mullen

RECEIVED APR 23 2008

1. State your present principal occupation: **Associate Circuit Judge for the 22nd Judicial Circuit Court**
2. Are you at least 30 years of age? **Yes**
3. (a) How long have you been a citizen of the United States? **43 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? **25 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:

None

5. State the date you were admitted to the Bar in Missouri? **August 1989**

Missouri Bar Number: **39719**

(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 Missouri – Columbia A.B. Communication 1986
Juris Doctorate Degree 1989
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.)

Associate Circuit Judge, Twenty-Second Judicial Circuit, May 2001 to present
10 North Tucker, St. Louis, MO 63101

University of Missouri – St. Louis, Criminal Law Instructor 1997 to April 2001
Clark Hall, St. Louis, MO 63121

Mullen and Fernandez, Law Partner 1996 – 2001
1215 Pine, St. Louis, MO 63103

Charles M. Shaw Law Firm, Associate 1995-1996
222 N. Meramec, Clayton, MO 63105

St. Louis City Circuit Attorney’s Office, Assistant Circuit Attorney 1990-1995
1114 Market Street, St. Louis, MO 63101

Missouri Court of Appeals-Eastern District, Judicial Clerk 1989-1990
Wainwright Building, 111 North 7th Street, St. Louis, MO 63101

University of Missouri-Columbia, Instructor of Communications 1986-1989
Switzler Hall, Columbia, MO 65201

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.
See Attachment 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.
See Attachment B

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 case in an appellate court? **No**
If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.

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

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? **No**

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:

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? **Yes**

If yes, provide details: **In May 1998 I received a written admonition pursuant to Supreme Court Rule 5.11 for failing to personally notify a defendant in writing of a scheduled probation revocation hearing.**

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:

BAMSL-Criminal Law Committee (Chair) 1998-July 2000

Missouri Association of Associate Circuit Judges

Lawyers Association

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

St. Louis Hills Neighborhood Association

St. Gabriel Catholic Church

Professional Theatre of St. Louis Awards Council

21. Do you now hold or have you ever held any elective or appointive public office or position? **No**

If yes, provide details:

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: **None**

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:

Gonzalo Fernandez
Stokes, Nolan, and Fernandez
133 South 11th Street, Suite 350
St. Louis, MO 63102

Seneca Nolan
6018 Guilford
St. Louis, MO 63109

Beverly Beimdiek
1000 St. Louis Union Station, Suite 3W
St. Louis, MO 63103

N. Scott Rosenblum
120 So. Central Ave., Suite 130
Clayton, MO 63105

Marie Kenyon
321 N. Spring
St. Louis, MO 63108

25. State any additional data you deem relevant:

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: 4/22/08

SIGNED:



Attachment (A)
Question 8

Kenneth L. Moore and Adrienne Moore v. Willie Bufford d/b/a Bufford Dirt Cheap Auto Sales 060-06016 December 2007

Jury Trial

Plaintiffs' attorney was Mitchell Stoddard, Consumer Law Advocate, 11330 Olive Blvd., Suite 222, St. Louis, MO 63141. Defendant's attorney was Michael Connor, 925 W. 5th Street, Eureka, MO 63025. The jury returned a Plaintiffs' verdict in a violation of Missouri Merchandising Practices Act suit and assessed damages in the amount of One Thousand Five Hundred Thirty-One Dollars and Seventy-Five cents (\$1,531.75) actual and Nine Hundred Fifty Dollars (\$950.00) punitive.

State v. Horace Chilton 0622-cr0986 November 2007

Jury Trial

Defendant was charged with Child Molestation 2nd Degree. The State's attorney was Liz Ausmus, Assistant Circuit Attorney, 1114 Market Street, St. Louis, MO 63101. The defendant's attorney was Dan Rousseau, Assistant Public Defender, 1114 Market St., St. Louis, MO 63101. The trial result was a hung jury.

Levent Sikman v. Suheyla Toker 060-04549 October 2007

Jury Trial

Petitioner's attorneys were Jonathan Beck and Andrew Kuhlmann, 3206 Shenandoah Ave., St. Louis, MO 63104. Respondent's attorney was Benjamin Sansone, 7777 Bonhomme Ave., Suite 2250, Clayton, MO 63105. The jury returned a defendant's verdict on petition for forcible entry and detainer, unlawful retention of security deposit and damage to property.

Kalila Jackson v. Tim Hughes 060-03229 January 2007

Jury Trial

Plaintiff's attorney was James Heffner, 150 N. Meramec, 4th Floor, St. Louis, MO 63105. The defendant's attorney was Denis Burns, 720 Olive Street, 21st Floor, St. Louis, MO 63101. The jury returned a verdict for plaintiff and awarded Four Thousand Dollars (\$4,000.00) in damages in a personal injury lawsuit resulting from an automobile accident.

James Connors v. Shonda Bush 033-0494 September 2003

Bench Trial – Paternity Action

Petitioner's Attorney was Steven Brooks, 1015 Locust Street, Ste. 520, St. Louis, Missouri 63101 and Respondent's Attorney was Catherine W. Keefe, 231 S. Bemiston, Ste. 210 Clayton, Missouri 63105.

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Donald Shanklin vs. Cheryl Shanklin 023-1104 March 2003

Bench Trial. Dissolution of Marriage
Petitioner's Attorney was Michael C. Todt, 415 N. 2nd Street, Ste. 200, St. Charles, Missouri 63301 and Respondent's Attorney was Dan Haltenhof, 7777 Bonhomme Ave., Ste. 1910, Clayton, Missouri 63105

State v. Damon Franklin 011-4782 August 2002

Jury trial. Defendant was charged with Robbery 2nd Degree. Upon the jurors' finding guilty, Defendant was sentenced to ten (10) years at the Missouri Department of Corrections. The Assistant Circuit Attorney was Catherine Crowley. The Defense Attorney was Assistant Public Defender Guy Wald.

State v. Lendell Palmer 011-3629A July 2002

Jury trial. The defendant was found not guilty of Possession of a Controlled Substance Class C. Felony. The Assistant Circuit Attorney was Jamie Welsh. The Defendant's Attorney was Special Public Defender Amy Nuell.

Nationwide Warehouse and Storage, Inc. v. Charles Christopher
000-6330 September 2001

Bench trial. Plaintiff's Attorney was Kevin Fritz, 714 Locust Street, St. Louis, Missouri 63101-1699 and Defendant's Attorney was Bruce Nangle, 7116 Oakland Avenue, St. Louis, Missouri 63117. Judgment for Plaintiff in a breach of contract/unjust enrichment case.

Patrick Watkins v. Smith-Schaff Paper Company, and D'Art, Incorporated
000-10829 January 2001

Bench trial. Plaintiff's Attorney was Bruce Morrison, 7050 Olive Street, Suite 614, St. Louis, Missouri 63101. Petitioner's Attorney was Christopher Petri, 101 S. Hanley, 16th floor, Clayton, Missouri 63105.
Judgment for plaintiff on an unlawful termination suit.

Attachment (B)
Question 8

In the following cases, I represented the State of Missouri in jury trials as first chair in the City of St. Louis.

State v. Aaron Regans 941-0145 January 1995

The defendant was charged with Murder First Degree. The jury returned a verdict of Murder Second Degree. Opposing counsel was Public Defender, Michael Naccarato. The trial court judge was Michael Hart.

State v. Trevin Gamble 914-1448B January 1995

The defendant was charged with Murder First Degree. The jury returned a guilty verdict. The opposing counsel was Public Defender, Felicia Jones. The trial court judge was Daniel Tillman.

State v. Sirletheo Haymon 931-3515B February 1995

The defendant was charged with Murder Second Degree. The jury returned a guilty verdict. The defense attorney was Public Defender, Christine Sullivan. The trial court judge was Edward Peek.

State v. Vincent Frazier and Christopher Polk 941-2320A&B March 1995

The defendants were charged with Murder First Degree. The jury was hung. The defense attorneys were Bradford Kessler and Terrance Niehoff. The trial court judge was Daniel Tillman.

State v. Jerome Eiland 941-1669 June 1995

The defendant was charged with Murder First Degree. The jury returned a verdict of Murder Second Degree. The defense attorney was Public Defender, Chris Wegner. The trial court judge was Daniel Tillman.

State v. Alphonso Jones 941-0169 July 1995

The defendant was charged with Murder First Degree. The jury was hung. The opposing counsel was Helton Reed. The trial court judge was Edward Peek.

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Attachment (B)
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In the cases below I represented the defendant in a jury trial.

State of Missouri v. Mack Edwards 94CR6317 Twenty-First Judicial Circuit March 1996

The defendant was charged with Murder Second Degree. The jury returned a guilty verdict. The opposing counsel was Asst. Prosecutor, David Porta. The trial court judge was Bernard Drumm.

State of Missouri v. Roosevelt Dabney 961-1081 Twenty-Second Judicial Circuit, April 1997

The defendant was charged with Rape. The jury returned a not guilty verdict. The opposing counsel was Asst. Circuit Attorney, Phillipa Barrett. The trial court judge was John Reilly.

State of Missouri v. Ronald Wilder 94CR0831 Twenty-First Judicial Circuit
December 1999

The defendant was charged with Murder Second Degree. The jury was hung. I second chaired Gonzalo Fernandez. The opposing counsel was Asst. Prosecuting Attorney, Tom DePriest. The trial court judge was Phillip Sweeney.

State of Missouri v. Ronnie Macklin 981-4633 Twenty-Second Judicial Circuit
August 1999

The defendant was charged with Possession of a Controlled Substance. The jury was hung. The opposing counsel was Asst. Circuit Attorney, Tom Clark. The trial court judge was Patricia Cohen.

State of Missouri v. Stephan Woods 991-2811 Twenty-Second Judicial Circuit
July 2000

The defendant was charged with Murder First Degree. The jury returned a guilty verdict. The opposing counsel was Asst. Circuit Attorney, John Bird. The trial court judge was Joan Burger.

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Attachment (B)
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In the following cases I represented the defendant in a bench trial.

State of Missouri v. Lucky Bill Minor 961-2698B Twenty-Second Judicial Circuit
December 1997

The defendant was charged with Murder First Degree. The trial court judge was Michael David. The defendant was found guilty of Murder Second Degree.

The following cases were jury trials in the United States District Court Eastern District of Missouri in which I represented the defendant.

United States v. Pablo Collins 4:96-CR-167 (CAS) December 1996

The defendant was charged with Distribution of Cocaine Base. The jury returned a verdict of guilty. The opposing counsel was AUSA, Donald Wilkerson. The trial court judge was Charles Shaw.

United States v. Jerry Starks 4:97-CR-0198 (JCH) October 1997

The defendant was charged with Aiding and Abetting a Bank Robbery. The jury returned a not guilty verdict. The opposing counsel was AUSA, Michael Carr. The trial court judge was Jean Hamilton.

United States v. Eric McCallister 4:98-CR-0028 (CAS) March 1998

The defendant was charged with Distribution of Cocaine Base. The jury was hung. The opposing counsel was AUSA, Don Wilkerson. The trial court judge was Charles Shaw.

In addition to the above styled cases, I have been involved in several trials that have proceeded past the point of jury selection but have settled prior to reaching a verdict. Also, I have represented numerous Respondents in the Probate Division of the Twenty-Second Judicial Circuit in court hearings concerning involuntary commitments.