

SIXTEENTH CIRCUIT JUDICIAL COMMISSION  
APPLICATION FOR CIRCUIT JUDGE JACKSON  
COUNTY, MISSOURI

*PLEASE NOTE: RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS SELECTED AS ONE OF THE NOMINEES FOR THE VACANCY.*

1. State your full name. Nick Anthony Cutrera



2. State your date and location of birth. November 3, 1966; Kansas City, Missouri

3. State your present principal occupation, place of work, and job title.

Attorney, Law Offices of Nick A. Cutrera, LLC, Owner

Address:

212 NE Tudor Road

Lee's Summit, MO 64086

4. Provide the following information concerning your eligibility for the office of Circuit Judge:

(a) Are you at least thirty years of age? Yes

(b) Are you licensed to practice law in Missouri? Yes

(c) Have you been a citizen of the United States for at least ten years? Yes

(d) Have you been a resident of Jackson County for at least one year? Yes

5. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of a Circuit Judge, including the ability to preside over trials, conduct legal research and analysis, attend court anywhere in the State of Missouri, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court. **I am able, without accommodation, to perform all of the essential functions of a Circuit Judge.**
6. State the year of your admission to the Missouri Bar and whether your license is and always has been in good standing. If not, please explain. **1993; My license is and always has been in good standing.**
7. List any other states, courts, or agencies in which you have been licensed as an attorney, and state whether your license is and always has been in good standing.

**United States District Court, Western District of Missouri- license is and always has been in good standing**

**United States District Court, District Court of Kansas-license is and always has been in good standing**

8. Provide the following information for all colleges or universities, other than law schools, you have attended:

(a) Name and location of institution

**University of Missouri at Kansas City  
5100 Rockhill Road  
Kansas City, Missouri 64110**

(b) Dates attended and degrees received

**I attended UMKC from August 2001 through April 2003 and was awarded a Master of Business Administration degree.**

(c) Significant activities, achievements, honors, and awards

(a) Name and location of institution

**University of Missouri-Columbia  
111 Jesse Hall  
Columbia, Missouri 65211**

(b) Dates attended and degrees received

**I attended the University of Missouri-Columbia from August 1985 through May 1989 and was awarded a Bachelor of Science in Business Administration. My major was Economics and I also received a minor in Political Science.**

(c) Significant activities, achievements, honors, and awards

**Graduated with *Magna Cum Laude* distinction**

**Q.E.B.H. Honor Society- recognizes the top seven student leaders on campus**

**Mortar Board Honor Society**

**Sigma Rho Sigma Recognition Society-honors top sophomore campus leaders**

**Missouri Students Association (student government), member 1985-1989, Senate Speaker 1987**

**Associated Students University of Missouri (ASUM) (student lobby group)- Board of Directors 1988**

**Pi Kappa Alpha fraternity**

**Homecoming King Finalist, 1988**

9. Provide the following information for all law schools you have attended:

(a) Name and location of law school

**University of Missouri-Columbia  
103 Hulston Hall  
Columbia, Missouri 65211**

(b) Dates attended and degrees received

**August 1990- May 1993; J.D.**

(c) Significant activities, achievements, honors, and awards **Missouri Law Review**

10. State whether you have ever been suspended or expelled as a student from any school or educational institution. If so, please explain. **No.**
11. List, in chronological order, all non-legal and legal employment you have held post-high school. Include the name and location of each employer, job title, dates of employment, and reason for termination of employment.

**Law Offices of Nick A. Cutrera, LLC, May 2002-Present**  
212 NE Tudor Road  
Lee's Summit, Missouri 64086

**Employers Reinsurance Corporation, June 1999- May 2002**  
5200 Metcalf Ave.  
Overland Park, KS 66202

**I left ERC to start my own law practice.**

**Shook, Hardy & Bacon, LLP. May 1997- June 1999**  
One Kansas City Place  
1200 Main Street  
Kansas City, Missouri 64105  
Firm has since relocated to 2555 Grand Blvd., Kansas City, MO 64108

**I left Shook, Hardy & Bacon to pursue an opportunity at Employers Reinsurance Corporation.**

**United States Marine Corps, (officer (Judge Advocate)), June 1993-May 1997**

**I served at various locations but was stationed primarily at Cherry Point Air Station in Havelock, North Carolina. I left active duty to return to Missouri to raise my family.**

**Blue Valley Market, August 1989-July 1990**  
4300 Cleveland Avenue  
Kansas City, Missouri  
Night Manager

**The Top Spot, summers and school breaks, 1982-1984, 1987**  
2640 Brooklyn Avenue  
Kansas City, Missouri 64127  
Stocker, Cashier

**United States Marine Corps Officer Candidates School, summer 1986 and 1988**  
**Quantico, VA**

**United States Marine Corps Reserves (enlisted service member), 1985-1986**  
**1985- 1986**

**Enlisted Reservist- attained rank of Private First Class**  
**I left the enlisted reserves to join the officer career path**

**United States Marine Corps, Summer 1985**

**Basic Training**  
**MCRD, San Diego, CA**

**Bishop's Buffet, part-time employment 1982-1985**

**Food service**

**Bannister Mall**

**Kansas City, Missouri**

**I worked for Bishop's Buffet part-time during the school year from 1982-1985.**

**Leo's Popcorn & Ice Cream Palace, part-time employment 1982-1985**

**Food service**

**Truman Corners**

**Grandview, Missouri**

**I worked for Leo's part-time during the school year from 1982-1985. I would also help Mr. Leo waterproof basements of new homes being constructed whenever time would allow.**

12. Describe the nature and extent of your experience as a practicing attorney in the trial and appellate courts, and explain how such experience demonstrates the quality of your legal work.

**Throughout my legal career, I have always achieved excellent results for my clients. I have frequently received positive feedback from judges and juries regarding my trial preparation and performance.**

**My legal experience is diverse. I have been the lead attorney in dozens of criminal trials and administrative hearings (while serving in the United States Marine Corps) and many domestic relations trials (as a sole practitioner). I am also a Supreme Court Rule 17 mediator and have mediated dozens of domestic relations matters. I have had the privilege of being appointed by several courts to serve as a Special Master in temporary maintenance, child support, and attorneys' fees disputes and as a guardian ad litem to represent the best interests of the children involved in domestic actions that include allegations of child abuse and/or neglect. The following is a detailed description of my legal experience throughout my career:**

## Law Offices of Nick A. Cutrera, LLC

Full service law office specializing in personal injury and divorce matters. I have represented clients in a wide variety of matters, including, but not limited to, the following: personal injury; products liability; premises liability; intentional torts; fraud; divorce; divorce modifications; grandparents' visitation rights; adoptions; conservatorships; name changes; business formations; contempt of court; driving while intoxicated; contract actions; municipal ordinance violations; and bankruptcies. Serve as Special Master and Guardian Ad Litem in domestic relations cases.

## Employers Reinsurance Corporation

*Claims Counsel.* Managed and directed defense of lawsuits brought against professional assureds in Arizona, Alabama, Illinois, Florida, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New York, Rhode Island, Tennessee, Vermont, and Wisconsin. Conducted coverage analysis, issued coverage denials, instituted declaratory judgment actions, issued corporate reservation of rights, and/or retained defense counsel to represent assureds. Provided guidance to defense counsel in covered claims regarding defense strategy, affirmative defenses, possible cross and third-party actions, and any other aspect of successfully defending claims. Evaluated performance of counsel with respect to efficiency, knowledge, communication and results. Analyzed loss and expense exposures of claims and set Corporation loss and expense reserves. Represented Corporation and assured at mediations and arbitrations. Negotiated and settled claims or managed defense strategy at trials.

*Certified Six Sigma Greenbelt.* Team leader of Quality Six Sigma project designed to improve control over loss payments and defense costs with respect to professional liability claims against attorneys and insurance professionals. Project resulted in the creation of a comprehensive, standard operating procedure to control the timeliness of defense counsel reporting on essential litigation matters and the timeliness of claims counsel and claims adjustor documentation of file control activities. Corporate actuaries and outside auditor, KPMG, estimate that project savings to Corporation will exceed \$2.26 million. Continue to drive results of project as process owner in charge of process control.

*Received Managers Award for Superior Performance.* 1999, 2000, 2001, 2002

## Shook, Hardy & Bacon, LLP

I served as an associate attorney in defense of various product liability actions. Member of various defense litigation teams devoted to particular clients, including American Home Products Corporation, United Dominion Industries and Hilton Kansas City Corporation. Responsibilities included fact investigation, drafting and

responding to discovery, deposing witnesses and preparing pleadings. Gained extensive medical malpractice and drug liability experience as part of phen-fen defense teams.

### United States Marine Corps

I served as a Judge Advocate (attorney) in the United States Marine Corps from May 1993 through May 1997.

*Senior Defense Counsel.* April 1996- May 1997. Responsible for the functioning of the JAG-Defense Section at the Marine Corps Air Station, Cherry Point, North Carolina. I reviewed all criminal investigations pertaining to military personnel at the Air Station and assigned defense counsel to defendants. I was directly responsible for the training of all defense attorneys and support personnel. In addition to supervising all cases, I personally represented defendants charged with the most serious felonies on the Air Station. I was frequently appointed to defend serious felonies charged at neighboring Camp Lejeune, North Carolina. As a result of my efforts, I was awarded Naval and Marine Corps Commendation Medal for Superior Performance of Duty as Chief Defense Counsel.

*Defense Counsel.* April 1995-May 1996. I represented defendants in all phases of criminal litigation from initial interview through trial. I was recognized as the top trial defense counsel at Marine Corps Air Station, Cherry Point, in 1995.

*Legal Assistance Attorney.* May 1994- April 1995. Represented individuals in personal and civil matters, including estate planning, leases, landlord/tenant matters, consumer problems, credit difficulties, taxes, adoptions, child custody and support, separations, marital dissolution, civil suits, insurance, survivor benefits, etc.

### Supreme Court Rule 13 Intern- University of Missouri-Columbia Domestic Violence Clinic

My first legal experience was as a Supreme Court Rule 13 intern as a third year law student in which I served in the law school's Domestic Violence Clinic, representing indigent victims of domestic violence obtain protective orders against their abusers.

13. Provide a representative list of at least ten cases in which you served as the primary attorney at trial or an administrative hearing. The list should include the style of each case, court or administrative agency, identification of your client, and the nature and date of disposition.

See attached.

14. If you have appellate experience, provide a representative list of cases in which you served as the primary attorney on appeal. The list should include the style of each case, appellate court or administrative agency, identification of your client, and the nature and date of disposition.

**Rita Wheeler and Charles F. Wheeler, Appellants v. Heidi J. Winters and Jason A. Winters, Respondents, 134 S.W.3d 774 (Mo.App.W.D.2004)**

**My Clients: Respondents**

**Nature of Appeal: Appellants appealed the trial court's dismissal of their petition for grandparent visitation rights. The trial court dismissed their action by giving full faith and credit to a Kansas decree of stepparent adoption which, pursuant to Kansas law, not only terminated their son's legal status as their grandchild's father but also their legal status as the child's grandparents.**

**Disposition and date of disposition: The appellate court upheld the trial court's decision. The opinion was issued on May 25, 2004.**

**Falcon Helicopter, Inc., et al, Appellants v. Rainbow Air, Inc., No. WD-72234 Missouri Court of Appeals, Western District**

**My Client: Respondent**

**Nature of Appeal: Appellants appeal trial court's bench trial verdict in fraud case of \$106,689 primarily on the grounds that the trial court erred in its calculation of damages.**

**Disposition and date of disposition: The appellate court upheld the trial court's verdict on May 3, 2011.**

15. If you are serving or have served in a judicial capacity, describe the nature and extent of your judicial responsibilities, the types of dockets handled, and any special expertise developed.

**Although I have not served in a judicial position, I have served in a judicial capacity as I have been appointed by judges as a Special Master to resolve discovery disputes and other issues prior to trial.**

16. If you are serving or have served in a judicial capacity, provide a representative list of at least ten cases over which you have presided to completion. The list should include the style of each case and the nature and date of disposition. **N/A**

17. If you do not have significant experience in litigation or in a judicial capacity, describe

any other legal experience or accomplishments in the legal profession that may qualify you to serve in the office of Circuit Judge. N/A

18. List all bar associations and law-related organizations of which you are or have been a member, with any offices held and dates of membership.

**Eastern Jackson County Bar Association, 2002-present, Board of Directors, 2005-present, Executive Secretary 2002-2005, Treasurer, 2005-2007, Secretary, May 2012- present**

**Kansas City Metropolitan Bar Association, 1997-present, Board of Directors, 2009-2010**

**Missouri Association of Trial Attorneys, Member, 2002-present**

**American Bar Association, Member**

**Member, Family Law Section**

**Member, Litigation Section**

**Member, Family Law Litigation Committee**

**Member, Insurance Coverage Litigation Committee**

**Association for Women Lawyers of Greater Kansas City, Member**

19. List any published articles or books you have authored and any significant programs or events for which you served as a primary speaker.

**Author of Chapter 18 “Guardians Ad Litem” of the Missouri Practice Series Volume 21, Family Law, Third Edition.**

**“Vote No on Question 3”, primary speaker, Lee’s Summit Sunrise Rotary Club, (2012)**

**“Defending the Maintenance Claim” continuing legal education class (“CLE”), primary speaker, 2012 Eastern Jackson County Bar Association Seminar**

**“Current Issues for Guardian Ad Litem” CLE, primary speaker (2008)**

**“A Focus on Discovery in Family Law Cases” CLE, primary speaker (2008)**

**“Hearsay Exceptions” CLE, primary speaker (2007)**

**“Nuts and Bolts of Grandparents’ Rights” CLE, primary speaker (2005)**

20. Do you now or have you ever held any elective or appointive public office or position? If so, please explain. **No.**
21. Provide the branches and dates of any military service or other public service not otherwise covered in this application. If discharged from the military, state whether the discharge was other than honorable.

**United States Marine Corps Reserves, 1985-1986 (attained rank of Private First Class)**

**United States Marine Corps Platoon Leaders Class, 1987-1989 (Officer Candidate)**

**United States Marine Corps Reserves, 1989-1993 (2<sup>nd</sup> Lieutenant)**

**United States Marine Corps (active duty) 1993-1997 (attained rank of Captain)**

22. Describe your community and volunteer service activities, including any organizations (outside the legal profession) with which you are affiliated and any offices held.

**I regularly provide financial support to and/or volunteer with the following organizations:**

**Hope House**

**Lee’s Summit, MO 64063**

**Hope House services form a safety net of prevention, education and support for more than 10,000 victims of domestic violence every year. Residential and outreach services are provided through two secure locations in Independence and Lee’s Summit, Missouri (the Kansas City metro area).**

**I am a regular financial contributor to Hope House and I provide pro bono services each year to victims of domestic violence.**

**My wife and I have a long history of supporting Hope House. I have sponsored a hole at their golf tournament on several occasions, sponsored their Margarita Ball for 2013, and have designated it as the firm’s primary charitable cause for 2012-2013. My wife has volunteered translation services to Hope House and donates clothing and household items to its residents.**

**Strand of Three provides food to the homeless, hungry, and helpless in the Kansas City Metro area. I sponsor food bags for the homeless.**

**Literacy Kansas City provides free one-to-one tutoring for a diverse population of students age 16 and above. Nearly half of its students are in the 30 to 50 year age range.**

**One Good Meal- delivers lunch to senior citizens.**

**Lee's Summit Sunrise Rotary Club**

**Board of Directors, Community Involvement Chair**

**I participate in various community and volunteer service activities through my church and through the Lee's Summit Sunrise Rotary Club.**

**I have provided pro bono legal services to members of my church that have been victims of domestic violence.**

**I consistently provide financial support to several other area charities.**

**I have been a regular blood donor, donating blood to the Community Blood Center of Kansas City for more than 10 years.**

23. List any significant honors or awards you have received that otherwise have not been covered in this application.

**Kansas City Business Journal Best of Bar award, 2008, 2010, 2011, 2012**

**Each year, the Kansas City Business Journal sends letters to active lawyers in the Kansas City metro area asking for their votes for their peers they believe are worthy of selection. A panel of accomplished lawyers then reviews the list of the top vote getters and conducts a final check of the honorees' reputations and professional standings.**

**Best of Lee's Summit- Divorce Lawyer 2011, 2012, and 2013**

**The U.S. Commerce Association recognizes outstanding local businesses throughout the country. Various sources of information were gathered and analyzed to choose the winners in each category. The USCA Award Program focuses on quality, not quantity. Winners are determined based upon information gathered both internally by the USCA and data provided by third parties.**

## **Awarded Navy and Marine Corps Commendation Medal in 1997**

The text of the award is as follows:

*For meritorious achievement in the superior performance of his duties while serving as Legal Assistance Attorney and Senior Defense Counsel, Joint Law Center, Marine Corps Air Station, Cherry Point, North Carolina from October 1994 to July 1997. As a Legal Assistance Attorney, he expertly advised hundreds of military members and their families in all areas of law. He further distinguished himself as a highly skilled and aggressive defense counsel and later as the Senior Defense counsel conducting over 60 courts-martial and 200 non-judicial punishment cases, thereby enhancing the fairness of and inspired confidence in the military justice system.*

*Captain Cutrera's initiative, perseverance, and total dedication to duty reflect great credit upon himself and were in keeping with the highest traditions of the Marine Corps and the United States Naval Service.*

24. Are you delinquent in the payment of any federal, state, county or city taxes? If so, please explain. **No.**
25. Have you ever been convicted of a misdemeanor or felony or received a suspended imposition of sentence in any federal, state, or military court? If so, please explain and provide the style of the case (including case number), the court, the date of the conviction, and the sentence or fine imposed. **Yes. I received a speeding ticket in Cooper County, Missouri, ticket number 700371376, on March 24, 2012 and I mailed in a guilty plea and fine payment on April 18, 2012. The guilty plea was to a misdemeanor charge.**
26. Have you ever been held in contempt of court? If so, please explain. **No.**
27. Have you ever been sued by a client or been a party to any litigation, other than as a guardian ad litem, plaintiff ad litem, or defendant ad litem? If so, please explain and provide the style of each case, the court, your role as plaintiff or defendant, and the nature and date of disposition. **Yes.**

**Wendy Eisle, et al v. Nick Cutrera, et al., Case No. 0616-CV34427, Division 17, Defendant. Plaintiffs alleged that I failed to adequately warn them of the legal consequences should the buyer of their business declare bankruptcy when they partially owner-financed the sale of the business. The case was without merit and the plaintiffs dismissed it on April 16, 2008 and never re-filed it. My attorneys filed a Motion for Costs which was sustained.**

**Nick A. Cutrera v. Eugenia Fetters, Case No. 1016-CV38610, Division 32, suit on account over unpaid legal fees. Judgment obtained.**

**Nick A. Cutrera v. Bradley Pavlisko, Case No. 0916-CV28676, Division 32, suit on account over unpaid legal fees. Case settled on 01/08/2010.**

**In re: Joseph Michael Dupont, Case No. 16PRI44107, Division 19. I am the legal guardian of a relative who suffers from autism.**

28. 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? If so, please explain. **No.**
29. 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? If so, explain the details of such breach and the date, 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. If so, explain the details of such cause and the date and nature of the discipline imposed.
  - (c) Whether, to your knowledge, you are the subject of a complaint that is currently under investigation by the Commission on Retirement, Removal and Discipline. If so, explain that nature of such complaint and the status of the investigation.  
**N/A**
30. Provide any additional information that you consider relevant to your qualifications for the office of Circuit Judge.

**I believe that my legal experience and background have resulted in my developing a number of qualities that make me especially qualified to be a Circuit Judge. The most significant are the following:**

- A. Diversity of Legal Experience: My legal experience is diverse. I have served as a criminal defense attorney, an attorney for a major law firm representing large corporations, an insurance company attorney, a plaintiff's attorney, and a domestic relations attorney. I have tried complex contract and fraud claims, serious felony offenses, and complex divorce and custody cases. I have also represented clients in what could be characterized as more "routine" matters. I will be able to relate to attorneys in my courtroom and their experience. Having served as an attorney in so many areas of the law, I have a unique understanding of the pressures and situations that trial attorneys work through. This experience will be invaluable in my relating to**

the attorneys and parties appearing before me and has fostered my respect for attorneys practicing in all areas and their clients.

- B. **Judgment**: My success as an attorney is due largely to my judgment of the merits of each case. I have developed the skill of case evaluation and try only those cases in which a settlement that is justified by the application of the law to the facts cannot be had. As a result, the judgments that I obtain on behalf of my clients are always consistent with my case evaluation. In fact, I have tried several cases in which the Circuit Judge hearing the matter has executed my proposed judgments without making any changes.
- C. **Discipline**: As a United States Marine, I developed the physical and mental discipline to complete difficult tasks under great stress and in a timely manner.
- D. **Integrity**: The most important quality in any profession and in one's personal life is integrity. Thus, I conduct my work and my personal life with strict standards of integrity and transparency.
- E. **Tact/Bearing**: Attorneys and judges should always treat others with respect and carry themselves in a manner that gives the seriousness of their professions and the importance of their service to those they serve the import that they deserve. Everyone deserves to be treated with the same high level of respect regardless of race, religion, sex, position, or any other identifying trait.
- F. **Unselfishness**: A Circuit Judge makes important decisions that affect the lives of many. My character will not allow me to subordinate my responsibilities to any personal goals or ambitions.
- G. **Decisiveness**: I have the skill of thoroughly analyzing the law and the potential options in any given matter and then making the final decision without wavering.
- H. **Courage**: I am a courageous person. I do not shy away from the hard things, whatever they may be.
- I. **Family Life and Personal Experience with Diversity**: I have been married to my wife, Maria Pilar Cutrera, for nearly 22 years and we have three wonderful children, Gabriela, 18 years old, Alexis, 15 years old, and Frank, 13 years old. My wife is originally from Guadalajara, Mexico and I met her while she was visiting her mother, an employee of the Mexican government, then working for the Mexican Consulate in San Diego, California. My wife moved to the United States and became a naturalized United States citizen after we were married. Her ethnic diversity has enriched my life in many ways and helped me better understand the experiences of people in our country with different ethnic backgrounds.

**I have been extremely active in my children's lives. I have helped coach each of their soccer teams when they were younger. I took tennis lessons with my daughter Gabriela when she expressed an interest in tennis and a desire to play high school tennis. I have also given guidance to Gabriela in her high school debate activities. My daughter Alexis plays on a competitive soccer team and I have attended nearly every one of her games during the last seven years. I have participated in Boy Scouts with my son Frank and we like to go fishing and camping together.**

31. List the names and contact information (title, mailing address, telephone, and email address) of the five persons whom you have requested to provide letters of reference regarding your character and judicial qualifications. Do not list as a reference any judge who currently sits in the Sixteenth Judicial Circuit.

**Robert T. Adams  
Shook, Hardy & Bacon, LLP  
2555 Grand Blvd  
Kansas City, MO 64108  
PH: (816)474-6550  
Email: rtadams@shb.com**

**Nicole Fisher  
Wright & Fisher, LLC  
1000 Broadway Blvd., 4<sup>th</sup> Floor  
Kansas City, MO 64105  
PH: (888) 728-6097  
Email: nicole@wrightandfisher.com**

**Nancy Kenner  
Kenner Schmitt Nygaard LLC  
117 West 20<sup>th</sup> Suite 201  
Kansas City, MO 64108  
PH: (816)531-3100  
Email: Nancy@ksnlegal.com**

**Rich McLeod  
The McLeod Law Firm  
2020 Wyandotte St.  
Kansas City, MO 64108  
PH: (816) 421-5656**

Email: richmcleod@mclaw.com

**Stephen Gorny**  
**Bartimus Frickleton Robertson & Gorny**  
**11150 Overbrook Road, Suite 200**  
**Leawood, Kansas 66211**  
**PH: (913) 266-2300**  
**Email: steve@bflawfirm.com**

**CERTIFICATION OF ACCURACY AND  
AUTHORIZATION FOR RELEASE OF INFORMATION**

By my signature to this form, I certify that all statements made in my application for the office of Circuit Judge and attachments thereto are truthful and correct. I further certify that if I am nominated by the Sixteenth Circuit Judicial Commission and appointed to the office of Circuit Judge, I will accept the appointment and perform the duties of that office as provided by law.

By my signature to this form, I authorize: (1) the Commission, through its Chairperson, to obtain relevant information, including but not limited to documents, records, and files, with respect to my medical, law enforcement, 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. It is my understanding that the information obtained pursuant to this authorization shall be made available only to the members of the Sixteenth Circuit Judicial Commission and their staff as necessary to perform their duties.

Notwithstanding the above, in accordance with Supreme Court Rule 10.28 (c), 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.

This certification and authorization shall remain in full force and effect until revoked by me in writing.



Signature of Applicant

07-09-2013

Date

NICK ANTHONY CUTRERA

Printed Full Name of Applicant

Nick A. Cutrera  
Answer to No. 13

**Frankie Fray v. Cedar Creek Mall Properties, et.al.**

Case No. 1216-CV15331

Honorable Charles H. McKenzie

Settled at mediation with Bill Sanders, Jr. on June 27, 2013

My Client: Frankie Fray

Description: Premises Liability. Client was injured after trip and fall over pothole in parking lot owned and/or controlled by defendants.

Disposition: Settlement reached on behalf of client.

**Bobbi J. Norton v. Eddie A. Norton, Jr.**

Case No. 1216-FC06218

Division 2

Honorable Michael W. Manners

Dates of Trial: May 7, 9, 13, 22 and 30, 2013

My Client: Bobbi J. Norton

Description: Divorce

Disposition: Favorable disposition for client in all respects, including child custody, child support, property division, and attorney's fees.

**State of Missouri v. Tia Davis**

Case No. 111750386

Division 243, Lee's Summit Municipal Court

Honorable James Tobin

Date of Trial: December 6, 2012

My Client: Tia Davis

Description: Defended client against battery charge. Client acquitted after bench trial.

**Tom Wagner v. Mary B. Johnson**

Case No. 1116-CV30472

Honorable Gregory B. Gillis

Date of Trial: August 20, 2012

My Client: Mary B. Johnson

Description: Plaintiff home remodeler sued my client for \$12,225.00 for breach of contract and unjust enrichment/quantum meruit with respect to bathroom renovation services performed for my client. My client's defense was that no valid contract was entered into between the parties because the price was not clearly communicated to my client.

Result: Defense verdict. Plaintiff did not recover from my client.

**Gabriel L. Valdez v. Ellen S. Valdez**

Case No. 1116-FC03505

Nick A. Cutrera  
Answer to No. 13

Honorable James Francis Kanatzar

Date of Trial: June 6-8, 2012

My client: Gabriel L. Valdez

Description: Dissolution of Marriage involving custody of children, substantial marital and non-marital assets and maintenance.

Result: Client (Husband) sought 50/50 custody of children, relocation of children to CA, and to provide non-modifiable maintenance to Respondent (Wife) for a set term. Wife sought custody of children in Kansas, modifiable maintenance for an open term, and substantial attorney's fees in addition to those attorney's fees she received from pendent lite motion. Judgment entered awarding client 50/50 custody with children relocated to CA and maintenance for set term. No additional attorney fees awarded to Respondent.

**Margaret Galant v. Joseph M. Galant**

Case No. 1116-FC05907, Division 42

Commissioner Sherrill L. Rosen

Date of Trial: March 21, 2012

My client: Joseph M. Galant

Description: Dissolution of Marriage that involved substantial marital and non-marital assets and maintenance.

Result: Judgment entered that awarded my client all of the assets which he claimed to be his own non-marital property, awarded him the marital property in accord with his requests, and awarded to his wife maintenance in the amount of \$500 for a period of twelve (12) months.

**Tim Highley, et al., Plaintiffs v. Jessica Kennedy –Wormsley, et al.**

Case No. 1116-CV21213, Division 2

Honorable Michael W. Manners

Date of Trial: December 13, 2011

My client: Frankie Fray

Description: Bench trial to assess damages to three plaintiffs where defendant admitted liability.

Result: My client's damages were assessed at \$500,000, more than any other plaintiff. This allowed my client to receive that largest portion of the available insurance funds and to maximize her recovery in her underinsured motorists' claim against her own policy.

**Joann Erbeck v. Bruce W. Erbeck**

Case No. 03FC201292-01, Division 28

Honorable Vernon E. Scoville

Date of Trial: November 29, 2011

My client: Bruce W. Erbeck

Description: Motion to Modify Child Support and Maintenance brought by my client.

Result: Child support was terminated and the amount of maintenance paid by my client was reduced from \$700.00 per month to \$200.00 per month.

Nick A. Cutrera  
Answer to No. 13

**Aaron Blaine Stokes v. Holly Suzzette Huffman**

Case No. 1016-FC-1193

Division 15

Honorable Robert M. Schieber

Dates of Trial: The 1<sup>st</sup>, 15<sup>th</sup> and 22<sup>nd</sup> days of July 2011

My client: Aaron Stokes

Description: Dissolution of Marriage in which each party sought custody of their minor child. Respondent relocated with the minor child to the state of Texas when the parties separate.

Result: The Court ordered that the child be returned to Missouri and awarded my client custody.

**Kara Lambros v. Gabe and Tracy Smither**

Case No. 0816-CV20699

Division 15

Honorable Robert M. Schieber

My client: Kara Lambros

Disposition: March 31, 2011

Description: Client, a young girl, injured when defendants' dog bit her on the face while she was visiting defendant's home.

Result: \$101,000 settlement

**Emily K. Davis vs. Lakewood Holding Company, Inc., d/b/a Lakewood Oaks Golf Club, et al.**

Case No. 1016-CV00533

Division 14

Honorable John M. Torrence

Disposition: November 19, 2010

My client: Emily Davis

Description: Client, a 14 year old girl, injured her ankle when golf pro asked her to drive golf cart between holes during golf lessons and she crashed, rolling over cart. The instructor's actions were in contravention of golf club policy.

Result: \$165,000 settlement

**Jerry Ivan Bishop v. Terrell Lee Bishop**

Case No. 0816-FC11470-01

Division 18

Honorable Brian C. Wimes

Date of Trial: November 22, 2010

My client: Terrell Bishop

Description: Petitioner sought to modify maintenance and child support.

Result: My client prevailed and the motion to modify was denied.

**James Gerkin, et. al. v. Twynette Solomon, et. al.**

Nick A. Cutrera  
Answer to No. 13

Case No. 0916-CV23334

Division 16

Honorable Marco Roldan

My clients: Plaintiffs

Disposition: June 2010

Description: Clients, father and son, injured when school bus crashed into vehicle in which they were traveling.

Result: Confidential Settlement.

**Rainbow Air, Inc. v. Falcon Helicopter, Inc., et. al.**

Case No. 0716-CV16116

Division 2

Honorable Michael W. Manners

Date of trial: December 2009

Description: Client purchased a used helicopter from defendant based upon defendant's representations that it was a "hangar princess" and had never been in an accident when, in fact, it was a compilation of two helicopters that had each been in severe accidents.

Result: Verdict for client in the amount of \$106,689 plus costs and additional settlement of \$60,000.

Case was tried with co-counsel Dean Drew of Buffalo, NY.

**Nathan Hunter v. Kelly Ann Hunter and Cable-Dahmer Chevrolet, Inc.**

Case No. 0816-FC01980, Division 31

Honorable Christine Sill Rogers

Dates of trial: December 4, 2008 and March 4, 2009

My client: Nathan Hunter

Description: Divorce case in which Cable-Dahmer Chevrolet, Inc. intervened in an attempt to rescind its sale of a 2007 Chevrolet Tahoe to my client. My client sought to retain the Tahoe as his individual non-marital property purchased with a portion of a substantial inheritance that he received from his father's estate. Kelly Hunter sought to retain the Tahoe claiming that it was a Christmas gift to her from my client. Kelly Hunter also sought a portion of my client's inheritance claiming that it had been converted to marital property.

Result: My client was awarded the Tahoe and allowed to keep all of his inheritance.

**Tara Lea Szwalla (now Brown) v. Anthony A. Szwalla, Jr.**

Case No. 0716-FC03160-01, Jackson County, Division 16

Honorable Marco Roldan

Dates of trial: January 26-27, 2009

My client: Tara Brown

Description: The Respondent, Mr. Szwalla, filed a motion seeking an order to prevent my client's relocation with their minor children from Missouri to Ohio. My client filed a counter-motion to increase child support.

Result: My client was allowed to relocate with the children to Ohio and was granted an increase in child support.

Nick A. Cutrera  
Answer to No. 13

**Wayne Brockman v. Susan Brockman**

Case No. 07CA-CV02035, Cass County

Honorable Dan Olsen

Dates of trial: October 7-8, 2008

My client: Wayne Brockman

Description: Divorce case involving maintenance, child support, child custody, marital business, and significant property issues.

Result: After trial, the Court entered a Judgment concerning all contested issues that conformed to the proposed judgment that I submitted to the Court on behalf of my client.

**Emerson v. Emerson**

Case No. 0516-FC05280

Commissioner Patrick W. Campbell

Dates of trial: 8 days of trial concluding in August, 2008

My client: I was guardian ad litem for the parties' minor child.

Description: This case involved multiple medical and psychological professionals and experts regarding alleged sexual abuse of my client.

**Windy Crownover v. Matthew Crownover**

Case No. 04FC200169-02, Jackson County, Division 2

Honorable Michael W. Manners

Dates of trial: This was a three and ½ day bench trial held on January 29<sup>th</sup>, March 26<sup>th</sup>, April 8<sup>th</sup>, and June 6<sup>th</sup> of 2008

My client: Matthew Crownover

Description: Windy Crownover brought a modification action against my client, Matthew Crownover, seeking to modify Mr. Crownover's parenting time with their two minor children. My client brought a Counter-Motion to Modify against Ms. Crownover seeking sole legal custody of the children and a modification of parenting time such that the children would reside primarily with him.

Result: The Court awarded to my client sole legal custody of the children and modified the physical custody of the children such that the children moved from Ms. Crownover's residence to my client's residence.

**Angela Eckenrod v. Walter Eckenrod, III**

Case No. 0816-FC06844

Commissioner Patrick Campbell

Date of trial: February 27, 2008

My client: Walter Eckenrod

Description: Divorce matter in which Petitioner wanted both of the parties' minor children to reside primarily with her and my client wanted a split-custody arrangement in which one child (a son) resided with him and the other child (a daughter) resided with Petitioner.

Result: The Court granted the split-custody parenting plan requested by my client.

Nick A. Cutrera  
Answer to No. 13

**Robert Redmon v. Heather L. Wenzel**

Case No. 03FC204599, Jackson County, Division

Honorable John Torrence

My client: Heather L. Wenzel

Description: Robert Redmon brought action against my client seeking Grandparent's Visitation Rights with his granddaughter, my client's daughter. I defended the action against Mr. Redmon based upon my client's desire to deny grandparent visitation rights to her father due to the fact that Mr. Redmon refused to also visit with her son because he did not approve of her son's father.

Result: Grandparent visitation rights denied.

**Lalaine Adrales Davidson v. James Robert Davidson**

Case No. 04FC210750

Honorable Jack Grate

Date of trial: May 4<sup>th</sup> and May 7<sup>th</sup>, 2005

My client: Lalaine Davidson

Description: Dissolution of Marriage in which each party wanted the two minor children to reside primarily with her/him.

Result: The Court issued a Judgment granting my client custody of the children.

**Tammy Reber v. Thomas Reber**

Case No. 04FC200997, Division 17

Honorable Jack Grate

Date of trial: November 30, 2004

My client: Thomas Reber

Description: Petitioner sought modification of the parties' divorce decree to obtain sole legal and sole physical custody of their minor child and an increase in child support

Result: My client retained joint legal custody and joint physical custody of the minor child. Petitioner did receive an increase in child support.

**In re the Marriage of Stoneberger**

Case No. 02-FC201257

My client: I was guardian ad litem for a minor child.

Honorable Jeffrey Bushur

Dates of trial: Six days of trial beginning in July 2003 and ending on December 18, 2003

I was the guardian ad litem for a minor child of the parties (due to potential conflicts of interest between the children of the parties, Patrick W. Campbell was appointed the guardian ad litem for the other child of the parties). Extensive evidence was involved relating to allegations of sexual abuse and the admissibility of hearsay evidence regarding alleged abuse. A judgment granting Respondent only supervised visitation of the children was entered.

- Nick A. Cutrera  
Answer to No. 13

**Carla Hedrick Cecil v. Theodore D. Hedrick**

Case No. 16DR96-08828-01, Division 33

My client: Carla Cecil

Honorable Jeffrey Bushur

Date of trial: August 11, 2003 (case settled during trial)

Description: The Respondent, Mr. Hedrick, filed a motion seeking to prevent my client's relocation with their minor children from Missouri to Florida. My client filed a counter-motion to increase child support.

Result: My client was allowed to relocate with the children to Florida and received an increase in child support from Respondent.

**United States v. 2<sup>nd</sup> Lt. Charter**

Board of Inquiry

Date of hearing: February 27, 1996

Description: The Marine Corps sought to discharge Lt. Charter due to his admitted involvement with seven other officers in a cheating scandal at The Basic School in Quantico, Virginia. Those involved had cheated on the land navigation practical final examination. The Commandant of the Marine Corps had also publicly demanded that every Marine involved be discharged.

Result: The Board of Inquiry elected to retain Lt. Charter. Lt. Charter was the only one involved in the scandal that was successful at his Board of Inquiry and allowed to continue his service.