

APPELLATE JUDICIAL COMMISSION
Instructions to Applicants for the Court of Appeals, Western District

1. **Persons who applied for the Smith opening on the Western District will be considered to have applied for the Ulrich opening also**, without the need to file a further application, unless they inform or have informed the Commission Chair, Chief Justice Stith, in writing, that they do not wish to be considered for the Ulrich opening. *Such prior applicants may, however, submit supplemental materials or references in support of their application up to the application deadline and at the address set out in paragraph 5 below.*
2. Interested persons who did not submit applications for the Smith opening may download the application from the Supreme Court of Missouri Web page (www.courts.mo.gov) listed under Quicklinks "Judicial Vacancies". **Please be certain you use only the application named "Court of Appeals, Western District vacancy application."** You may enter your answers directly onto the downloaded form, creating sufficient space for your answers.
3. The writing sample(s) referenced in question No. 24 of the application should show how you consider and address a legal issue and may include appellate briefs, law review or journal articles, written judicial decisions, or other documents that reflect your ability to think and write. Please do not provide a document that includes the work of others.
4. In answering question No. 25 of the application, list not more than five references who are thoroughly familiar with your personal and professional qualifications. These **references** may not include any judge of the Court of Appeals, Western District. It is your responsibility to contact these references and provide them with a copy of the "Guidelines for References." They should send their letters of reference **via e-mail to wjudgevacancy@courts.mo.gov**, saved as Microsoft Word or PDF documents only, in accordance with the Guidelines. **No letters or telephone calls directly to commissioners from these references will be accepted.** If the references do not have access to e-mail, they may send the reference letter to the Honorable Laura Denvir Stith, Chair, at the address indicated in paragraph 5 below.
5. You must complete and *mail* the original plus seven (7) copies of the signed application, the original plus seven (7) photocopies of a photograph at least 4x6 inches in size, and one (1) copy of at least one, but no more than three, writing sample(s), **flat, unfolded and unbound**, to the Honorable Laura Denvir Stith, Chair, Appellate Judicial Commission, P. O. Box 150, Jefferson City, Missouri 65102 (if necessary, overnight deliveries should be directed to 207 West High Street, Jefferson City, Missouri 65101). **This mailing must be postmarked no later than Thursday, September 20, 2007, but earlier submission is encouraged.**

6. **You also must e-mail the application and your writing sample(s), each saved as a Microsoft Word or PDF document only,** to the Commission at wjudgevacancy@courts.mo.gov before **5 p.m. on Thursday, September 20, 2007.**
7. Supreme Court Rule 10.31 (copy attached) governs the conduct of applicants for judicial office. Direct or indirect solicitation of additional letters or calls to members of the Appellate Judicial Commission is discouraged.
8. Additional interviews will not be scheduled for those applicants who were interviewed on July 24 or 25, 2007, for the Supreme Court vacancy created by the retirement of Judge Ronnie White or who were interviewed on August 27 or 28, 2007 for the Court of Appeals vacancy created by the resignation of Judge Smith. Those applicants who interviewed for the Smith vacancy with other commissioners but were unable to interview with Commissioner Garner due to a death in his family will be contacted to make appropriate arrangements for interviewing with him.
9. Any persons who apply for the Ulrich vacancy but who did not apply for the Smith or White vacancies will be contacted to arrange an appropriate time for their interviews with the Commission.
10. The Commission will confer and select a panel of three persons to nominate to the Governor for the Ulrich opening as soon as possible after September 20, 2007, but not before selection by the Governor of one of the three persons nominated for the Smith opening.

SUPREME COURT RULE 10.28
PUBLICITY

When a vacancy occurs or when it is known that a vacancy will occur at a definite future date, the chair shall publicize the same and solicit the submission of names of individuals qualified for such vacancy. Prior to the meeting of the commission an appropriate questionnaire shall be sent to each person whose name is proposed, to be completed and returned to the chair of the commission. Copies of the completed questionnaire shall be provided each member of the commission prior to the meeting called for the taking of the formal action by the commission in making its nominations. No publicity shall be given by the commission of the names of persons under consideration for nomination for the reason that such publicity would tend to keep well qualified lawyers from permitting themselves to be considered and might encourage unqualified persons to enter their names to obtain public notice.

SUPREME COURT RULE 10.31
CANDIDACY AND SELECTION OF JUDGES

The conduct of candidates for any judicial office to be filled pursuant to section 25 (a)-(g) of article V of the Constitution shall be governed by and be in accord with the applicable provisions of the Rules of Professional Conduct and Canons of Judicial Ethics. In particular, the aspiration of lawyers for judicial position should be governed by an impartial estimate of the lawyers' ability to add honor to the office and not by a desire for the distinction the position may bring to them. If a judge, or a person in an office of a judicial nature, becomes a candidate, the applicant should refrain from all conduct which might tend to arouse reasonable suspicion that the applicant is using the power or prestige of the judicial position to promote the candidacy. The applicant should not permit others to do anything in behalf of the candidacy that would reasonably lead to such suspicion.

It is the duty of the Bar to endeavor to prevent partisan considerations, political or otherwise, from outweighing judicial fitness in the selection of judges. The Bar should protest earnestly and actively against the selection of those who are unsuitable for the Bench.



APPELLATE JUDICIAL COMMISSION
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MEMBERS

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Mr. Bill Burch, Sikeston, Missouri.

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Mr. Donald Ross, St. Louis, Missouri.

Ms. Jill Shurin, Kansas City, Missouri.