

**APPELLATE JUDICIAL COMMISSION**  
**Instructions to Applicants for the**  
**Judge Smart Vacancy**  
**Missouri Court of Appeals, Western District**

1. Download and submit the application from the Missouri Courts Web site ([www.courts.mo.gov](http://www.courts.mo.gov)) listed in the "Quick Links" box under "Judicial Vacancies." **Please be certain you use only the application named "Western District application-Smart vacancy 2013."** You may enter your answers directly onto the downloaded form, creating sufficient space for your answers.
  - a. The **writing sample(s)** referenced in question No. 25 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 substantial work of others.
  - b. In selecting **five references** who are thoroughly familiar with your personal and professional qualifications, please recall that these references may not include any judge of the Supreme Court of Missouri or of the court to which you are applying. As to each of the (5) references, **please provide name, title, mailing address, telephone and e-mail address.** *Please note that* it is your responsibility to contact these references, although if you intend to use as a reference a federal judge or other individual who only can provide a reference upon a specific request by the interviewing authority, please advise the commission, and it will send that reference such a request. Please provide each reference with a copy of the "Guidelines for References" and direct them to send their letters of reference **via e-mail to [WDjudgevacancy@courts.mo.gov](mailto:WDjudgevacancy@courts.mo.gov)**, saved as Microsoft Word or PDF documents only, in accordance with the Guidelines. If the references do not have access to e-mail, they may send the reference letter to the commission at the address indicated in No. 3 below. As to all references, it is your responsibility to see that they send the requested letters in a timely manner. Solicitation of additional reference letters is discouraged.
2. **In addition to the application, you also must submit:** (a) the original plus seven (7) photocopies of a **photograph (glossy or matte professional prints work better than photographs printed off an inkjet or laser printer) at least 4x6 inches in size;** and (b) the original plus seven (7) photocopies of **your undergraduate AND law school transcripts.**

3. You must complete and *mail*: (a) the original plus seven (7) copies of the signed application; (b) the photographs and transcripts listed in No. 2 above; and (c) one (1) copy of at least one (1), but no more than three (3), writing sample(s), **flat, unfolded and unbound so that it can be scanned**, to the 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 **5 p.m. Feb. 15, 2013**, but earlier submission is *strongly* encouraged.
4. You also must *e-mail* the entire application and your attachments, including any transcripts and writing sample(s), **each saved as a Microsoft Word or PDF document only**, to the commission at [WDjudgevacancy@courts.mo.gov](mailto:WDjudgevacancy@courts.mo.gov) no later than **5 p.m. Feb. 15, 2013**. Again, earlier submission is strongly encouraged. You are not required to e-mail your photograph, as some formats are not compatible.
5. Supreme Court Rule 10.31 (copy attached) governs the conduct of applicants for judicial office. You are advised to read it and conduct yourself accordingly.

SUPREME COURT RULE 10.28  
PUBLICITY

(a) When a vacancy occurs or when it is known that a vacancy will occur at a definite future date, the chairman 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 chairman 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.

(b) 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. The commission may submit the names of applicants to others on a confidential basis for the purpose of securing appropriate background information to the extent authorized by the applicants' signed written waivers.

(c) Any meeting called for the purpose of taking formal action in making nominations necessarily involves discussion of applicants' personal information and shall, therefore, be a closed meeting. All matters discussed at said meeting, except the matters contained in the certificate of nomination, shall be kept confidential.

(d) The commission shall publicly release information relating to the number and characteristics of the applicants prior to the meeting at which formal action is taken, but it shall not release any personally identifiable information about any person not included in the certificate of nomination.

(e) Within 72 hours of submitting the certificate of nomination, the commission shall transmit to the governor the applications and other information submitted to the commission pertaining to the persons contained in the certificate of nomination. Within the same time, the commission shall make public a copy of the applications submitted by the persons included in the certificate of nomination, but with personal or confidential information redacted.

SUPREME COURT RULE 10.31  
CANDIDACY AND SELECTION OF JUDGES

The conduct of candidates for any judicial office to be filled pursuant to sections 25 (a)-(g) of article V of the Missouri 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 their ability to add honor to the office and not by a desire for the distinction the position may bring to themselves. If a judge, or a person in an office of a judicial nature, becomes a candidate, he should refrain from all conduct that might tend to arouse reasonable suspicion that he is using the power or prestige of his judicial position to promote his candidacy. He should not permit others to do anything in behalf of his candidacy which 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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