

**Application of Joshua B. Christensen
to the Appellate Judicial Commission
Judge Sheffield vacancy
Missouri Court of Appeals**

Responses to these questions, including any attachments thereto, will be made public if the applicant is nominated for this vacancy.

1. State your principal occupation, place of work, and job title:
Circuit Judge, 31st Judicial Circuit, Division 6; Greene County, Missouri
2. Answer the following questions concerning your eligibility for this position:
 - (a) Have you been a citizen of the United States for at least 15 years? **Yes.**
 - (b) Have you been a qualified voter of Missouri for at least nine consecutive years immediately preceding your application? **Yes.**
 - (c) Are you at least 30 years of age? **Yes.**
3. List each state, court, or agency in which you are licensed as an attorney, and, for each, the date you were admitted, your bar number, and whether your license is in good standing. If any license is not in good standing, explain.
 - a. **State of Missouri**
Date admitted: **September 14, 2011**
Bar Number: **63759**
Status: **In good standing**
 - b. **State of Alabama**
Date Admitted: **April 27, 2012**
Bar Number: **ASB-1280-H69C**
Status: **In good standing (judiciary special membership)**

While not separate licenses with bar numbers, I have also been admitted in the following federal jurisdictions:

- **Supreme Court of the United States** (admitted January 11, 2016)
- **Eighth Circuit Court of Appeals** (admitted December 9, 2014)
- **Western District of Missouri** (admitted October 10, 2012)
- **Eastern District of Missouri** (admitted June 28, 2022)
- **Southern District of Alabama** (admitted January 25, 2019)

While in practice I remained in good standing in each of these jurisdictions. Since becoming a judge, I have allowed or requested a change to inactive status.

4. *Other than law school:*

- (a) State the name and address of all colleges and universities attended, together with the dates and degrees received.

**Crowder College
601 Laclede
Neosho MO 64850**

Dates Attended: Fall 2003

Degree: n/a (I enrolled only to take a Spanish class)

**Excelsior College
7 Columbia Circle
Albany, NY 12203-5159**

Dates Attended: 2006–2007

Degree: Bachelor of Science (Literature in English, Psychology) (2007)

- (b) List/describe any college or university activities, scholastic achievements, and other awards or honors you think are relevant to the commission's decision.

My undergraduate degree was obtained primarily through online distance learning and testing while working a full-time construction job and living in Republic, Missouri.

- (c) If, as a student, you were suspended, placed on probation, or expelled by school authorities for any reason, describe the circumstances.

N/A; I was never suspended, placed on probation, or expelled.

5. Provide your law school background:

- (a) State the name and address of all *law schools* attended, together with the dates and degrees received.

**The University of Alabama School of Law
101 Paul W. Bryant Drive
Box 870382
Tuscaloosa, AL 35487**

Dates Attended: 2008–2011

*Degree: Juris Doctor, *summa cum laude* (2011)*

(b) List/describe any law school activities, scholastic achievements, and other awards or honors you think are relevant to the commission's decision.

- **Operations Editor, ALABAMA LAW REVIEW**
- **National Trial Team Advocate (traveling competition team)**
- **Chair, Campbell Moot Court Board**
- **Treasurer, Bench & Bar Legal Honor Society**
- **Public Interest Institute Board Member**
- **SBA Honor Court, Associate Justice (2L); Chief Justice (3L)**
- **Law School Student Ambassador**
- **Dean M. Leigh Harrison Award (Top 5% at graduation)**
- **Order of the Coif**
- **Order of the Barrister**
- **Order of the Samaritan**
- **Hugo Black Scholar**
- **American College of Trial Lawyers Award**
- **International Academy of Trial Lawyers Student Advocacy Award**
- **Stancil R. Starnes Trial Advocacy Scholarship**
- **Dean V. Nathaniel Hansford Student Service & Leadership Award**
- **George Peach Taylor Award**
- **Best Papers (CALI Excellence Awards) in:**
 - **Criminal Law**
 - **Constitutional Law**
 - **Legal Writing I**
 - **Legal Writing II**
 - **Advanced Evidence**
 - **Special Problems in Evidence: Criminal Law**
 - **Admiralty**
 - **American Legal History**

(c) If, as a student, you were suspended, placed on probation, or expelled by school authorities for any reason, describe the circumstances.

N/A; I was never suspended, placed on probation, or expelled.

6. State, in chronological order (starting with the earliest employment), your *significant non-law-related employment*. To the extent reasonably available to you, include the name and address of each employer along with the dates of employment; the position held; whether the employment was full-time, part-time, or seasonal; and the reason the employment ceased.

Christensen & Sons Construction

Remodeling & Trim Carpentry

17054 Sweet Springs Circle

Stark City, MO 64866

August 1998 – January 2003 (approx.)

In my late teens I started full-time work for my dad's construction business, focusing on new home construction and remodeling and eventually transitioning into a trim-carpentry specialty (during this period I also had seasonal side jobs of other construction project, helping local farmers putting up hay in square bales, and covering for a small dairy operation). I left working construction to take advantage of the opportunity to teach in Taiwan for six months.

King Car Cultural & Education Foundation

Teaching English as a Second Language

4F, No. 1, Section 2, Nanjing East Road

Zhongshan District, Taipei, Taiwan 10491

January 2003 – June 2003

For six months I taught English as a second language, as part of a pilot program pairing native English speakers with existing elementary teachers. It was a full-time position at five elementary schools in Nantou, Taiwan, with a rotation of one school for each day of the week. The program ended with the academic year.

Stratton Systems, Inc.

Retail/Wholesale Representative

4521 Reinmiller Road

Joplin, MO 64804

November 2004 – January 2006

I worked full time in an hourly position on the retail side of a local ecommerce business (3000toys.com), and after a few months was given a full-time salaried position on the newly formed wholesale side of the business (b2brePLICAS.com). I resigned to return to work in construction and website development while pursuing my undergraduate degree.

88.7 KXMS, Fine Arts Radio International

Volunteer Radio Announcer

3950 E. Newman Road

Joplin, MO 64801

January 2004 – January 2005

For about a year I worked as a volunteer on-air announcer for classical music programming. It was part-time on Saturday mornings. I left to focus on using free time to start up a website design business.

Epic Site Design

Owner/Web Designer

P.O. Box 711 (no longer active)

Neosho, MO 64850

April 2005 – July 2008

For a few years I had a website hosting and development business as a side gig to other employment. I built websites for local businesses and attractions, with some freelance graphic design work on the side. I phased it out when beginning law school.

Christensen & Sons Construction

Trim Carpenter

17054 Sweet Springs Circle

Stark City, MO 64866

January 2006 – July 2008

I returned to full-time construction while pursuing my undergraduate degree, doing trim carpentry for apartment developments, custom homes, and retail stores. I left to move out of state for law school.

University of Alabama School of Law

Research Assistant to Prof. Ronald Krotoszynski and the Faculty Appointments Committee

Box 870382

Tuscaloosa, AL 35487

May 2009 – August 2009

Because the internship for my first summer of law school was unpaid, I supplemented income by also working as a research assistant for my Constitutional Law professor. It was approximately twenty hours a week and seasonal work during the summer.

University of Alabama Center for Athletic Student Services

Student Athlete Academic Tutor

Box 87035

Tuscaloosa, AL 35487

January 2011 – May 2011

For the last semester of law school, I took a part-time position as an academic tutor. I worked two or three evenings a week for approximately four hours each evening. The position ended with the school term.

7. State, in chronological order (starting with the earliest employment), *all law-related employment*. To the extent reasonably available to you, include the name and address of each employer along with the dates of employment; the position held (e.g., associate, partner, law clerk, general counsel); and the reason the employment ceased.

Missouri State Public Defender, 39th District
Summer Legal Intern (Rising 2L)

305 Dairy

Monett, MO 65708

May 2009 – August 2009

During my entire first summer of law school I worked as an intern for the Monett office of the MSPD. I did research projects, drafted briefs, and attended three jury trials, with hearings in Stone, Barry, Lawrence, and Greene Counties. It ceased with the new school year.

Cabaniss, Johnston, Gardner, Dumas & O’Neal LLP
Summer Law Clerk

2001 Park Place #700

Birmingham, AL 35203

May 2010 – July 2010

After my 2L year, I worked as a summer associate for a Birmingham firm for just the first half of the summer (firms there typically split them into two classes). I wrote research memoranda and briefing, mostly for FELA and tort-defense cases. At the end of the summer I was offered a full-time position that would have begun at graduation, but accepted a federal clerkship instead.

Missouri State Public Defender, 39th District
Summer Legal Intern (Rising 3L)

305 Dairy

Monett, MO 65708

July 2010 – August 2010

For the second half of my second summer, I returned to the Monett office of the MSPD with the ability to practice under supervision as a Rule 13. I represented clients through multiple arraignments and pleas, and assisted with depositions and trials. The position ended with the new school year.

Honorable L. Scott Coogler (Northern District of Alabama)

Federal Law Clerk

2005 University Boulevard

Tuscaloosa, AL 35401

May/June 2011 – August 2012

My clerkship was scheduled to start in August, but near graduation I was asked to start early to fill another vacancy. I clerked full-time while studying for the Missouri bar, then continued to work full time for the following year as a law clerk while also assisting with the transition to a new federal courthouse in Tuscaloosa. My term as a clerk ended in August of 2012.

Lathrop & Gage LLP (now Lathrop GPM)

Associate

2345 Grand Blvd., Suite 2200

Kansas City, MO 64108

Aug. 2012 – July 2018

I started private practice as an associate at the Springfield office of Lathrop & Gage (described more below). I worked as a Lathrop associate full time until many of the partners in the local office left to establish a local office of Kutak Rock, and I was invited to join them. (The Kansas City office is listed above, as Lathrop no longer has a Springfield presence.)

Kutak Rock LLP

Associate (Aug. 2018 – Dec. 2020)

Partner (Jan. 2021 – Dec. 2022)

300 S. John Q. Hammons Pkwy, Suite 800

Springfield, MO 65806

After joining Kutak Rock as an associate in 2018, I was elected to partnership in late 2020. I practiced with the firm full-time until being appointed to my current position.

State of Missouri Judiciary

Circuit Judge, 31st Judicial Circuit, Division 6

1010 N Boonville Ave.

Springfield, MO 65802

January 2023 to Present

I was appointed in December of 2022, sworn in on January 13, 2023, and retained for a six-year term in November of 2024.

8. Describe the nature of your experience in trial and appellate courts and explain how such experience demonstrates the quality of your legal work. *(You may take as much space as you need here. It is your responsibility to redact any confidential information.)*

I practiced before trial and appellate courts for just over a decade in private practice before being appointed to the bench. Although I was also licensed in Alabama, and admitted to several federal jurisdictions, my practice was predominantly in Missouri trial and appellate courts. My practice was split roughly evenly between trial-level cases and appeals.

My practice primarily involved representing professionals and business clients. The types of matters I handled included breach-of-contract cases, medical-malpractice claims, boundary and title disputes to real property, commercial real estate foreclosures, mechanic's lien and construction disputes, railroad-defense litigation, products-liability cases, and premises-liability actions.

I am grateful to have worked in law firms that also provided and encouraged pro bono opportunities, which allowed me to serve clients who could not otherwise afford counsel and, in the process, gain experience in additional areas. Those included pro bono small-claims actions, an appeal regarding the disposition of property following a divorce, and a pro bono appeal of Department of Labor's denial of unemployment benefits.

Although my practice was primarily in civil trial and appellate work, my introduction to legal practice was in the realm of criminal law. As a law student, I spent a summer and a half interning with the District 39 trial division of the Missouri State Public Defender. In that first summer, I researched and drafted several motions and briefs and assisted attorneys at counsel table through three jury trials. The second summer, I was able to represent clients at arraignments and other hearings under Rule 13's provisions for supervised law-student practice.

Before beginning private practice, I also spent over a year as a federal law clerk for Judge L. Scott Coogler in Tuscaloosa, Alabama. I gained experience there in helping manage a busy docket including several FLSA collective actions and other complex litigation.

Include in your response:

(a) **Appellate Experience:** Include a representative list of cases you have briefed and/or argued (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court and, if published, the citation; identify the client(s) you represented and opposing counsel; and give a one-paragraph description of the case and your role.

1. ***Presley Karlin v. UATP Springfield LLC d/b/a Urban Air Springfield, SD37699, SC100512***
706 S.W.3d 810 (Mo. banc 2025)
Client: UATP Springfield LLC (appellant)
Opposing counsel: Brandon Potter
Description of case and my role: This was the final appeal I had in private practice, which I handled only up through the filing of the appellant’s opening brief in November of 2022, before being appointed to the bench. At that point I withdrew from further involvement; the remaining briefing and oral arguments at both the Court of Appeals and Supreme Court of Missouri were all handled by attorney Taylor White. The case involved a plaintiff’s claims for personal injuries after an incident alleged to have occurred at a trampoline park when he was still seventeen. The appeal challenged the trial court’s denial of an application for arbitration. We argued that denial was error because the plaintiff’s mother had undisputedly signed an arbitration agreement on the plaintiff’s behalf, and plaintiff did not challenge the agreement’s delegation clause (specifically requiring threshold issues to be decided in arbitration). After an initial opinion from the Court of Appeals reaching a contrary decision, the Supreme Court of Missouri granted transfer and ultimately ruled the trial court had erred by denying the motion. The ruling was reversed and the case remanded with instructions for arbitration to be compelled as requested.
2. ***Joy Sweeney v. John R. (“Jay”) Ashcroft in his Official Capacity as Missouri Secretary of State, Legal Missouri 2022, and John Payne, WD85679***
652 S.W.3d 711 (Mo. App. E.D. 2022)
Client: Joy Sweeney (appellant)
Opposing counsel: Jason K. Lewis (for Respondent Secretary of State) Marc H. Ellinger and Stephanie S. Bell (for Respondent Intervenors)
Description of case and my role: This was an expedited appeal of a legal challenge to the recreational marijuana initiative petition before the 2022 general election. The underlying judgment was entered on September 9, 2022, a Friday, after a bench trial conducted the previous day (discussed in the section below). Due to the statutory timing requirements for election challenges, the Court of Appeals’ expedited briefing schedule set our Appellant’s brief as being the following day (Saturday at 2:00 p.m.). Respondents’ briefs were due twenty-four hours later, our

reply brief was due Monday morning at 9:00 a.m., and then oral argument was set for 1:00 p.m. that same day. I worked around the clock with attorney Taylor White to prepare the briefing, then I argued the case to a panel of the Western District in Kansas City. We presented four points on appeal. The first two concerned procedural issues raised at trial regarding our client's standing and the trial court's refusal to reopen evidence for her to testify. The third point argued that the Secretary of State exceeded his statutory authority in overriding the signature-validation decisions of local election officials in certifying the measure for the ballot. The fourth point raised a single-subject challenge to the proposed amendment. The Court of Appeals granted our first two points, reversing the trial court for an abuse of discretion on those two issues, but denied the third and fourth points and affirmed the certification of the initiative petition for the November 2022 election. Transfer was sought and denied.

3. ***Arvest Bank v. Emerald Pointe. LLC*, SD36969
641 S.W.3d 379 (Mo. App. S.D. 2022)**

Client: Arvest Bank (appellant)

Opposing counsel: Vincent F. O'Flaherty

Description of case and my role: This was an appeal from the trial court's judgment setting aside a foreclosure sale based on a claimed inadequate sale price. Although the trial court acknowledged that Missouri law requires "something more" than mere sale price to invalidate a public foreclosure sale, and there were no irregularities in the conduct of the sale itself, the court looked to circumstances regarding an appraisal as the "something more" for voiding the foreclosure sale. Counsel at the bench trial were Dan Nelson and Amanda Cochran; I was brought in to handle the appeal, as to both briefing and oral argument. The Southern District agreed with our position that the "something more" must consist of fraud or partiality that affected opportunity for competitive bidding at the sale, and that no such circumstances existed in our case. The Court of Appeals accordingly reversed and remanded in our client's favor. Transfer was sought by opposing counsel and denied.

4. ***Tavener v. Presbyterian Manors*, SD36367
601 S.W.3d 583 (Mo. App. S.D. 2020)**

Client: Hilda Tavener (appellant)

Opposing counsel: Sarah L. Lipp, Todd A. Scott, Missouri Department of Labor

Description of case and my role: This was an appeal I took pro bono. Ms. Tavener was the Human Resources Director for a retirement community for over twenty-three years. She was suddenly fired from her job and escorted from the building a few weeks after discovering a report she submitted to a government agency had inadvertently contained an error. After her firing she filed for unemployment benefits, and her employer contested her benefits by claiming she was guilty of misconduct. The initial determination ruled that Ms. Tavener was working to the best of her ability and that there was no misconduct, but the

Appeals Tribunal reversed that determination and ruled that she was guilty of misconduct. The Labor and Industrial Relations Commission affirmed the Appeals Tribunal and adopted its decision with a dissent. I was then engaged as appellate counsel and appealed the decision to the Southern District of the Court of Appeals. The Court reversed the Commission's decision—holding that simple accidents and mistakes do not rise to the level of disqualifying misconduct—and remanded the case for an award of benefits to my client.

5. ***Kim v. State*, SD35857**

591 S.W.3d 873 (Mo. App. S.D. 2019)

Client: Mercy Clinic Springfield Communities (respondent)

Opposing counsel: Bryan R. Berry, Assistant Attorney General

Description of case and my role: This was an appeal by the State of Missouri from a decision of the trial court denying the State's petition in intervention to enforce a punitive-damages lien under RSMo § 537.675. I presented oral argument for respondents, and additionally co-wrote the briefing with Steve Garner, Nick Smart, and Mark Buchanan, counsel for co-respondent Kim. The Southern District affirmed, holding that the respondents' claims in the underlying case had been resolved by settlement prior to a "punitive damage final judgment," as that phrase is defined in RSMo § 537.675.1(4), such that the judgment amount and settlement proceeds were exempted from the State's lien on punitive damages.

6. ***Empire Dist. Elec. Co. v. Coverdell*, SD35226,
588 S.W.3d 225 (Mo. App. S.D. 2019) ("Empire III"), and
Empire Dist. Elec. Co. v. Coverdell, SD32806 and SD32807
484 S.W.3d 1 (Mo. App. S.D. 2015) ("Empire II")**

Client: Empire District Electric Company (respondent)

Opposing Counsel: Robert W. Cockerham, Edward D. Robertson, Jr., Mary D. Winter, Steven B. Garner, and Jeffrey M. Bauer

Description of case and my role: The most recent of these related cases, *Empire III*, was the third in a series of appeals regarding the ownership of certain real property at what is now known as the Branson Landing. In *Empire III*, the appellant challenged the entry of summary judgment on his final remaining claim of adverse possession, and the resulting final judgment in favor of multiple defendant/respondents including our client. The judgment in favor of our client and the other respondents was affirmed. The predecessor case, *Empire II*, was an appeal from summary judgment on multiple claims involving the same real property. In *Empire II*, summary judgment was affirmed as to all of the deed-based theories and on all claims except for the adverse-possession claim ultimately resolved in *Empire III*. In both *Empire II* and *Empire III*, I drafted the briefing for our client under the supervision of Dan Nelson. I also presented oral argument in both cases, with time equally split with the other respondents.

7. ***Empire Dist. Elec. Co. v. Coverdell Enterprises, Inc.* SD35236
588 S.W.3d 223 (Mo. App. S.D. 2019)**
Client: Empire District Electric Company (respondent)
Opposing Counsel: Charles S. Genisio
Description of case and my role: This was a companion appeal to *Empire III*, arising from a separate notice of appeal filed by Coverdell Enterprises, Inc. from the same underlying judgment. As with *Empire III*, I drafted the briefing and presented oral argument for our client in favor of the trial court's judgment. Judgment was likewise affirmed.
8. ***Bates & Associates, Inc. v. Providence Bank,*
590 S.W.3d 348 (Mo. App. E.D. 2019)**
Client: Bates & Associates, Inc. (appellant)
Opposing counsel: Jonathan C. Browning, Daniel S. Peters, Brian Wacker
Description of case and my role: This was an appeal from a bench trial on our client's claims for breach of contract and enforcement of its statutory architect's lien for its work providing architectural design and construction services related to the planned development of a senior care facility. The trial court had found for our client on the breach-of-contract lien but denied the claim for enforcement of its lien against the lender. I was responsible for drafting the appellate briefing and presenting oral argument. The Eastern District affirmed the trial court and the Supreme Court of Missouri denied transfer.
9. ***State ex rel. Hawley v. Pilot Travel Centers, LLC*, SC96885; WD80532
558 S.W.3d 22 (Mo. banc 2018)**
Client: Pilot Travel Centers, LLC (respondent)
Opposing Counsel: Solicitor D. John Sauer and Deputy Solicitor Joshua Devine
Description of case and my role: The trial court entered a judgment in favor of Pilot finding that the Missouri Petroleum Storage Tank Insurance Fund lacked standing or statutory authority to sue for breach of contract and unjust enrichment. Following transfer, the Supreme Court reversed the trial court's judgment. I assisted Chad Blomberg and Kent Sellers with research and briefing, and also attending oral argument as co-counsel.
10. ***Tellez v. Olson*, SD35004, SD35018 (2018) (Unpublished)**
Clients: Grant Olson and Grant Olson DDS PC (respondents/cross-appellants)
Opposing Counsel: Kate Millington, Tom Millington
Description of case and my role: This was an appeal from a Christian County bench trial involving claims between two dentists and their respective practices, involving the defense of claims of breach of contract, breach of oral contract, conversion, unjust enrichment/noncontractual indemnity, civil conspiracy, and tortious interference. Joseph Reid and Taylor White were trial counsel for the underlying bench trial. I assisted as appellate counsel and was the attorney primarily responsible for the briefing and oral argument. The appeal consisted

both of our response in opposition to the six points on appeal raised by the appellant, as well as the presentation of a single point in a cross-appeal. The appeal was disposed of by an order affirming the trial court's judgment without published opinion under Rule 84.16(b).

11. ***Manning v. Manning, SD34900 (2018) (Unpublished)***

Client: Robin Lynn Hames (formerly Robin Lynn Manning) (respondent)

Opposing Counsel: William G. Weber

Description of case and my role: This was a pro bono appeal concerning the disposition of property following a dissolution of marriage. My client had been awarded possession of vehicles as part of the trial court's divorce decree, but her ex-husband had taken them out of state and refused to surrender them. The trial court found that the ex-husband had willfully failed and refused to honor the court's orders, found him guilty of contempt, and ordered him to pay \$5,000 to Ms. Hames. He still refused to pay or to produce the vehicles, eventually challenging the trial court's decision through a series of procedural maneuvers and appeals. I took the engagement as appellate counsel for Ms. Hames. The Southern District decided the appeal on the briefs and affirmed the trial court's ruling in my client's favor.

12. ***Kim v. Mercy Clinic Springfield Communities, SD34547 & SD34561 556 S.W.3d 613 (Mo. App. S.D. 2018)***

Client: Mercy Clinic Springfield Communities (respondent/cross-appellant)

Opposing Counsel: Nick Smart, Steven B. Garner, Mark Alan Buchanan

Description of case and my role: Cross-appeal from the trial court's judgment following a jury's verdict in favor of plaintiff Kim on her claim for wrongful discharge and a bench-trying ruling in favor of our client on its counterclaim for unjust enrichment. I was involved as appellate counsel and was primarily responsible for briefing and oral argument on both the defense of plaintiff's appeal and the prosecution of the cross-appeal. The Southern District affirmed on all counts and the Supreme Court of Missouri denied transfer. The parties reached a confidential settlement agreement within the time for filing a petition for writ of certiorari, leading to the State's intervention and attempt to assert a lien as described in the separate *Kim v. State* case listed above.

13. ***Yerra v. Mercy Clinic Springfield Communities, SD34448 & SD34545 536 S.W.3d 348 (Mo. App. S.D. 2017)***

Client: Mercy Clinic Springfield Communities (appellant)

Opposing Counsel: Benjamin Stringer and Timothy Ricker

Description of case and my role: This was an appeal from an amended judgment awarding \$501,000.00 against our client after jury trial on the plaintiff's claim against her former employer alleging wrongful discharge in violation of public policy. We appealed, arguing that the plaintiff had failed to make a submissible claim as there was no public policy against a surgeon's request for a cardiologist

to confirm a patient's cardiac fitness for surgery. The Court of Appeals agreed, reversing and remanding with instructions for judgment to be entered in our client's favor. I presented oral argument after assisting Taylor White and Frank Evans with the briefing.

14. ***Scholes v. Great Southern Bank*, SD34615
519 S.W.3d 519 (Mo. App. S.D. 2017)**

Client: Great Southern Bank (respondent)

Opposing Counsel: Michael K. Horn

Description of case and my role: This was an appeal from the grant of summary judgment in favor of our client on claims of fraudulent misrepresentation and negligence that were filed by debtors following the foreclosure of a theater in Branson. I drafted the appellate briefing and would have presented oral argument, but the Court of Appeals decided the case on the briefing and affirmed the grant of summary judgment in our client's favor without setting the case for argument.

15. ***Shockey v. Zengotita*, SD34649 (2017) (unpublished)**

Clients: Dr. Zengotita and Mercy Clinic Springfield Communities (respondents)

Opposing Counsel: Roger A. Johnson

Description of case and my role: Following a jury trial (see description below) the plaintiff appealed, seeking reversal due to a claimed failure to strike a venireperson during jury selection. I handled the appeal for respondents and drafted the briefing. The trial court's judgment was affirmed by unanimous unpublished decision without oral argument under Rule 84.16(b).

16. ***Jones v. Galaxy 1 Mktg., Inc.*, ED102633
478 S.W.3d 556 (Mo. App. E.D. 2015)**

Client: Galaxy 1 Marketing, Inc. (respondent)

Opposing Counsel: Kevin J. Kasper

Description of case and my role: This was an employment case in which the plaintiff asserted claims for wrongful termination, discrimination, breach of contract, unjust enrichment, and a statutory wage claim. After obtaining summary judgment on all claims in the trial court below, I defended the result on appeal, handling both the briefing and oral argument at the Eastern District. The Court of Appeals affirmed the summary judgment in favor of our client in all respects.

17. ***Branson Label, Inc. v. City of Branson*, 14-3051
793 F.3d 910 (8th Cir. 2015)**

Client: Empire District Electric Company (appellee)

Opposing Counsel: Gregory E. Ostfeld, Randy P. Scheer, S. Jacob Sappington

Description of case and my role: The plaintiff appealed a dismissal for lack of subject-matter jurisdiction. I drafted the brief for our client and presented oral argument, with time split with the other appellees. The Eighth Circuit affirmed the district court's dismissal for improper manufacturing of diversity jurisdiction.

(b) **Trial-Level Experience:** Include a representative list of cases and/or administrative hearings you have handled (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court; identify who you represented and opposing counsel; state whether the case was disposed of following a jury trial, bench trial or at what other stage; and give a one-paragraph description of the case and your role.

1. ***Joy Sweeney v. John R. (“Jay”) Ashcroft in his Official Capacity, et al., 22AC-CC04260 (Cole County) (2022)***

Client: Joy Sweeney (plaintiff)

Disposition: Bench trial

Description of case and my role: After suit was filed by a partner at my firm, I was asked to assist with preparing for expedited trial on a challenge to the certification of the recreational marijuana initiative petition. As described by the trial court judge, the case “proceeded from initial filing, through motions, thousands of documents, discovery, trial, and a Judgment in 21 days.” The accelerated discovery phase included analyzing voluminous records at the Secretary of State’s office in addition to depositions and other discovery. I second-chaired the bench trial. The judgment certified the question for the November 2022 election and gave rise to the accelerated appeal discussed above.

2. ***Kimberly Presley v. Thomas Trussell et al., 2231-CC00157 (Greene County) (2022)***

Client: RPCS, Inc. (defendant)

Opposing Counsel: Nick Smart and Jacob Lewis

Disposition: Voluntary dismissal after negotiated settlement

Description of case and my role: I was engaged as lead litigation counsel defending claims including alleged malicious prosecution, abuse of process, false arrest, defamation, and negligent supervision and training brought by a former employee. Following an initial motion to dismiss, plaintiff amended her claims. Discovery proceeded through written discovery and some party depositions. I filed another dispositive motion as to some of the remaining claims and assisted in successful settlement negotiations. The claims against my client were ultimately dismissed with prejudice.

3. ***Presley Karlin v. UATP Springfield, LLC, d/b/a Urban Air, 2131-CC01325 (Greene County) (2021)***

Client: UATP Springfield, LLC (defendant)

Opposing Counsel: Brandon Potter

Disposition: Stayed pending arbitration

Description of case and my role: This case was referred to me by a partner in another office of our firm. It involved a plaintiff’s claims for personal injuries after an incident alleged to have occurred at the client’s trampoline park when the

plaintiff was seventeen. I had the lead role in developing trial strategy and pursued enforcement of an arbitration agreement. I drafted and argued the application to compel arbitration to the trial court. After it was initially denied, I obtained a stay of the litigation during the pendency of the interlocutory appeal. I filed the initial briefing in that appeal (see above) but withdrew from representation after being appointed to judicial office. The denial of my application to compel arbitration was eventually reversed and remanded by the Supreme Court of Missouri, with litigation remaining stayed pending the results of that arbitration.

4. ***United Built Homes LLC v. Barnett,***
20SN-AC00072 (Stone County) (2020)

Client: United Built Homes LLC (plaintiff)

Disposition: Bench trial

Description of case and my role: Action for unlawful detainer seeking possession of real property and repayment of rent after an extended period of nonpayment and extensive efforts to resolve the dispute with the defendant. I filed the action and tried the case to Judge Mark A. Stephens. Judgment was entered for my client for possession and the full amount of statutory damages.

5. ***Kim v. Mercy Clinic Springfield Communities,***
1231-CV15794 (Greene County) (2018)

Client: Mercy Clinic Springfield Communities (defendant)

Opposing Counsel: Bryan R. Berry, Assistant Attorney General

Disposition: Bench trial

Description of case and my role: After remand following the first appeal and the settlement of the parties' original claims of wrongful termination and unjust enrichment, I became involved in the trial-court action when the State of Missouri intervened and filed a petition to enforce a lien. I prepared briefing in opposition to the State's petition. After briefing and hearing, the trial court entered judgment denying the State's lien, which was afterward affirmed by the Southern District (described in the section above).

6. ***Thomson v. Mercy Hospital Aurora,***
1531-CC00845 (Greene County) (2018)

Clients: Mercy Hospital Aurora, Dr. David Barbe (defendants)

Opposing Counsel: Les Boyle

Disposition: Summary judgment

Description of case and my role: Employment case alleging discrimination and retaliation under the Missouri Human Rights Act, as well as for invasion of privacy. I assisted trial counsel Frank Evans and Amanda Cochran to craft dispositive motions prior to trial, consisting of a motion for judgment on the pleadings and a motion for summary judgment. I argued the motions at a hearing before Judge Powell. The Court granted summary judgment on all claims for the reasons stated in our motion.

7. ***Custom Truck & Equipment v. Director of Revenue, 1716-CV08189 (Jackson County) (2017)***
Client: Custom Truck & Equipment, LLC (petitioner)
Opposing Counsel: Beverly Lafaver
Disposition: Stipulated judgment
Description of case and my role: I filed a declaratory judgment for the titling of specialty trailer-mounted equipment for which the Department of Revenue had repeatedly refused to issue title, as it fell outside all categories recognized by the Department. The case was ultimately resolved by stipulations and the Court's entry of a judgment requiring the Department to issue title.
8. ***Shockey v. Zengotita, 14LW-CC00081 (Lawrence County) (2016)***
Clients: Dr. Jaime Zengotita and Mercy Clinic Springfield Communities (defendants)
Opposing Counsel: Roger A. Johnson
Disposition: Jury Verdict
Description of case and my role: Wrongful-death action alleging medical malpractice tried to a jury before the Honorable Jack Goodman. I second-chaired the jury trial with Joseph Reid, sharing responsibility for some of the direct and cross-examinations, pretrial motions, jury instructions, and presenting of an offer of proof from an expert economist. The jury returned a unanimous verdict for the defense, which was appealed as described above.
9. ***Williams v. Mercy Hospital Springfield v. Alcon Laboratories, Inc., 1231-CV13856 (Greene County) (2015) (SD34108, SC95284)***
Clients: Mercy Hospital Springfield and Mercy Clinic Springfield Communities
Opposing Counsel: Nick Smart, Randy Scheer, Lori Cohen, Sara Thompson
Disposition: Denial of Writ/Settlement
Description of case and my role: I became involved in this case assisting Frank Evans and Joseph Reid after they filed a third-party petition asserting product-liability claims against a device manufacturer, Alcon, in response to the original allegations of the plaintiff. I traveled to several states to depose witnesses. Alcon eventually sought to be dismissed on grounds of federal preemption. I briefed and argued our client's opposition to Alcon's summary-judgment motion, which Judge Cordonnier ultimately denied. Alcon then sought writs from the Southern District and from the Supreme Court of Missouri. The Supreme Court requested briefing in response to Alcon's Petition for Writ of Prohibition, which I prepared. The Supreme Court denied the writ, and the claims were eventually settled.

10. ***Morrison v. Howard,***
1431-SC00268-01 (Greene County) (2015)
Client: Lorilee Morrison
Opposing Counsel: Britton Jobe
Disposition: Settlement following denial of adverse party's motion
Description of case and my role: Ms. Morrison, an elderly widow, originally brought a small-claims action against a contractor she had hired to pour a concrete patio. She was originally successful in a small-claims action against the contractor, but required assistance when the contractor requested trial de novo and sought to avoid the judgment with a motion to dismiss and for judgment on the pleadings. I took on her case pro bono to file an opposition to the contractor's motion. We were successful in defeating the motion and then assisted the client in negotiating a favorable settlement.
11. ***Derryberry v. Geter,***
1331-CC00003 (Greene County) (2015)
Client: Dr. Rodney Geter and Mercy Hospital Springfield (defendants)
Opposing Counsel: Paul Johnson
Disposition: Summary judgment/jury verdict
Description of case and my role: I was asked to assist trial counsel Frank Evans and Joseph Reid in the preparation of a summary-judgment motion. The motion was partially granted and successfully eliminated plaintiff's claims of negligence regarding a surgical procedure due to lack of expert support on the element of causation. The remaining informed-consent claim was tried to a jury and resulted in a 11-to-1 verdict in favor of our client.
12. ***Jones v. Galaxy 1 Mktg., Inc.,***
1211-CC00432 (St. Charles County) (2015)
Client: Galaxy 1 Marketing, Inc. (defendant)
Opposing Counsel: Kevin J. Kasper
Disposition: Summary judgment
Description of case and my role: This was the underlying trial-court case for appellate case discussed above, an employment case in which the plaintiff asserted claims for wrongful termination, discrimination, breach of contract, unjust enrichment, and a statutory wage claim. I drafted a motion for summary judgment on all six counts of the petition, and argued the motion to Judge Daniel Pelikan. The trial court granted summary judgment on all claims, which was ultimately affirmed on appeal in all respects.

- (d) **Judicial Experience:** If you are a judge, commissioner, or are serving or have served in other judicial capacity, describe the nature and extent of your judicial responsibilities, including the dates you have served as a judge at each level, the types of dockets you have handled and any special expertise you believe is relevant to your qualifications for the position for which you are applying.

On December 16, 2022, I was appointed to fill the Judge Borthwick vacancy for Circuit Judge for the Thirty-First Judicial Circuit, and sworn into office on January 13, 2023. My judicial responsibilities have spanned a variety of (i) civil, (ii) criminal, (iii) probate, and (iv) other cases and responsibilities. Each of these categories are described below, followed by a summary of decisions reviewed by the Court of Appeals to date.

(i) Circuit Civil Cases.

As one of the three primarily civil divisions in Greene County, I inherited the civil docket of Judge Jason Brown, and receive 33% of newly filed circuit civil cases on an ongoing basis. I currently have about 425 pending circuit civil matters (over the last twelve months, I have averaged 30 cases resolved each month, with 27 new cases assigned each month). My civil cases tried to a jury verdict include:

- **2231-CC00281, *Long v. RPCS, Inc.*** (April 2023)
Claims tried to jury: Premises liability.
- **2131-CC00639, *Kendall v. Battlefield Fire Protection Dist.*** (November 2023)
Claims tried to jury: Employment discrimination brought under Missouri Human Rights Act on disability discrimination and constructive-discharge theories.
- **2231-CC01105, *Brown v. Vonholten*** (March 2024)
Claims tried to jury: Claims of negligence regarding car/motorcycle collision.
- **2031-CC00269, *Thompson et al. v. Lester E. Cox Med. Ctr., et al.*** (April 2024)
Claims tried to jury: Wrongful-death action alleging medical malpractice claims against hospital, ER doctor, and cardiologist.
- **2231-CC00318, *Farris et al. v. City of Springfield, Missouri*** (June 2024)
Claims tried to jury: Factual issues regarding scope of land-use restrictions on City's proposed development within a Neighborhood Improvement District on a declaratory judgment claim after partial summary judgment (see writing sample #1).
- **2231-CC00747, *Marshall v. Powell*** (March 2025)
Claims tried to jury: Claims of negligence regarding automobile accident.

In addition to jury trials, I have presided over hundreds of other in-court proceedings in circuit civil matters, including bench trials, evidentiary hearings, preliminary-injunctions, wrongful-death and minor-settlement approval hearings, summary-judgment hearings,

class-certification hearings, discovery hearings, and others. Types of civil cases handled include personal injury, breach-of-contract, products liability, wrongful death, medical malpractice, interpleader actions, judicial foreclosures, nuisance cases, class actions, mechanic's liens, MHRA discrimination claims, MMPA and other consumer-protection claims, MO HealthNet lien-reduction claims, CAFA forfeiture cases, declaratory judgments, prescriptive-easement and adverse-possession claims, will-contest actions, petitions for writ of habeas corpus, administrative review cases, and many others.

(ii) Circuit Criminal Cases.

Upon taking office, I was specially assigned a batch of approximately 80 felony criminal cases on top of my civil caseload, and I have since received a handful of additional complex criminal assignments including a quadruple homicide case. My criminal cases tried to a jury verdict include:

- **2131-CR03772-01, *State v. Mark Keleise*** (April 2023)
Offenses tried to jury: First-degree kidnapping; child kidnapping; armed criminal action; unlawful use of a weapon; third-degree domestic assault (x3); second-degree domestic assault (x4); third-degree domestic assault (x11).
- **2131-CR00548-01, *State v. Paul Miller*** (February 2024)
Offense tried to jury: Unlawful use of a weapon.
- **1831-CR04590, *State v. Scott Goodwin-Bey*** (September 2024)
Offenses tried to jury: First-degree murder (x4); armed criminal action (x4).
- **2231-CR02362-01, *State v. Aden Xavier Warr Harper*** (May 2024)
Offenses tried to jury: First-degree harassment; second-degree sexual misconduct.
- **2131-CR00896-01, *State v. Aden Xavier Warr Harper*** (July 2024)
Offenses tried to jury: Forgery (x4); filing a false document (x2); attempted stealing by deceit; first-degree harassment; second-degree harassment (x3).
- **2031-CR04948-01, *State v. Aden Xavier Warr Harper*** (October 2024)
Offense tried to jury: Unlawful possession of a firearm.

In addition to criminal jury trials, I have had dozens of felony guilty pleas, bench trials, and sentencings, with cases ranging from homicides, drug crimes, assaults, sex trafficking, property crimes, DWI cases, probation violations, etc. I have also had numerous hearings on pretrial matters including suppression hearings, expert qualification hearings, motions to dismiss, constitutional right to speedy trial issues (see writing sample) and others.

I have also been assigned a number of post-conviction relief (or “PCR”) cases. Although technically civil actions, PCRs involve a collateral attack on a criminal conviction (by trial or plea) on the basis of claimed violations of rights during the trial or appellate process. PCR cases are ordinarily assigned back to the sentencing judge. However, with the number of circuit vacancies over the last few years, many PCR matters have had to be assigned to someone other than the sentencing judge. Such PCRs typically require an extensive review

of the underlying trial record in addition to a hearing with testimony from defense counsel and other witnesses. My resolved PCRs originating from other judges include:

- **1731-CC00576-01, *Benjamin Lewis Harper v. State*** (Judge Jones)
- **2031-CC01247-01, *Michael Shawn Lee v. State*** (Judge Brown)
- **2231-CC00365, *Sean Cameron Carter v. State*** (Judge Brown)
- **2331-CC01300, *Lakota G. Tucker v. State*** (Judge Brown)
- **2331-CC01167, *Rodney Baker v. State*** (Judge West)
- **2331-CC00583, *Bryan Scott Jones v. State*** (Judge West)
- **2431-CC00004, *Tyson J. Fairley v. State*** (Judge Mountjoy)

(iii) Probate Cases.

A month after I took office, I was appointed as the administrative Probate Judge for the Thirty-First Circuit by then-Presiding Judge Cordonnier, who previously held the role. The vast majority of probate work is handled by our capable Probate Commissioner, Holly Clouse, but I have a small share of probate cases (about 75 current matters) in addition to other general duties as Probate Judge.

As Probate Judge I have presided over hearings involving estate administration, trust litigation, actions challenging no-contest provisions, discovery-of-assets proceedings, as well as guardianship and conservatorship cases. Those guardianship matters have included several emergency petitions as well as highly contested actions for removal of guardians and appointment of successor guardians. As Probate Judge I also occasionally handle the time-sensitive hearings on petitions for 21-day and 90-day detention and treatment.

Another category of cases assigned to me as Probate Judge are “SVP” cases, actions for the civil commitment of sexually violent predators. These SVP cases involve the right to jury trial to determine whether a criminal defendant suffers from a mental abnormality making it more likely than not that the person would engage in predatory acts of sexual violence if released. These are typically filed upon a defendant’s release from incarceration for the underlying conviction for a sexually violent offense. Those committed to the custody of the Department of Mental Health under this process also have the right to periodically file petitions for release from custody. As Probate Judge, I have had multiple evidentiary hearings on such petitions, often involving competing expert testimony. I currently have one upcoming jury trial in an SVP matter.

(iv) Other Cases and Responsibilities.

In addition to the circuit civil, circuit criminal, and probate matters discussed above, I have also had opportunities to cover other dockets and been specially assigned some associate cases. On the associate criminal side, I have conducted a handful of preliminary hearings and misdemeanor bench trials. On the associate civil side, I have had bench trials in

collections cases, unlawful detainer actions, rent-and-possession cases, and general small-claims matters. Some of these have involved represented parties and many have involved pro se litigants.

I am also one of the judges on the “duty judge” rotation, which involves being on call for a week at a time, four or five times a year. Duty-judge responsibilities include review of warrants, including overnight and weekend blood-draw warrants, and review of all the ex parte petitions for orders of protection. On several occasions I have also covered the weekly docket of full hearings on order-of-protection cases.

(v) Decisions reviewed by the Court of Appeals to date.

Of my cases that have been appealed or subject to writ proceedings thus far, two have been dismissed by the parties (SD38359, SD38699), three have been dismissed by the Court of Appeals (SD38262, SD38680, SD38813), one preliminary writ has been made permanent with directions to dismiss a party on grounds of sovereign immunity (SD38624, 712 S.W.3d 1), and one writ petition has been denied outright (SD38118). I have had one final judgment affirmed by unpublished opinion under Rule 84.16(b) (SD38283), and six that have resulted in published opinions by the Court of Appeals. In each of those six, the judgment has been affirmed:

- ***Montgomery v. Hopper*, 687 S.W.3d 426 (Mo. App. S.D., 2024)**
Plaintiff appealed, claiming error in dismissing out-of-state defendant for lack of personal jurisdiction. Judgment affirmed.
- ***State v. Keleise*, 700 S.W.3d 363 (Mo. App. S.D. 2024)**
Defendant appealed, claiming error in allowing jury to view video of juvenile witness’s interview conducted by Child Advocacy Center. Judgment affirmed.
- ***A.S. v. Willard Public Schools*, 702 S.W.3d 276 (Mo. App. S.D., 2024)**
Plaintiff appealed dismissal of tort claims on grounds of sovereign immunity and official immunity. Judgment affirmed.
- ***D.D. v. Missouri State Highway Patrol*, 704 S.W.3d 208 (Mo. App. S.D., 2024)**
Highway Patrol appealed decision on scope of exception to expungement eligibility for cases where death is an element of the offense. Judgment affirmed.
- ***Seitz v. Advanced Welding & Mfg., Inc.*, 705 S.W.3d 138 (Mo. App. S.D. 2025)**
Plaintiff appealed from bench trial denying claims for breach of contract and Missouri Merchandizing Practices Act, but awarding damages and attorneys’ fees for defendant (see writing sample #3). Judgment affirmed.
- ***Housley v. Autohaus, L.L.C.*, 711 S.W.3d 554 (Mo. App. S.D. 2025)**
Interlocutory appeal of order denying arbitration on waiver-by-participation grounds after active involvement in litigation for many months. Judgment affirmed.

9. Describe any additional legal experience you believe may be relevant to the commission's decision (e.g., work as a law professor, in government, as corporate or other legal counsel, etc.).

In addition to the sampling of trial-level cases listed above, my practice included numerous other bench trials and evidentiary hearings, including scores of guardianship proceedings filed throughout the state on behalf of a healthcare client. For just over a year, I also provided in-house legal support to a client, spending one day a week on site to assist and advise with operational legal issues. I also provided appellate consulting to other attorneys.

10. List all bar associations and other professional societies of which you are or have been a member, with any offices held and dates.

The Springfield Metropolitan Bar Association (“SMBA”)

- Sustaining Member
- Board of Directors (2022–2024)
- Secretary & *ex officio* Board Member (2019-2020)
- Young Lawyer Chair (2018)

The Missouri Bar Association (2011 to present)

The Alabama Bar Association (2012 to present)

American Bar Association (2012–2016)

The Eighth Circuit Bar Association (2017–2019; 2021)

The National Association of Railroad Trial Counsel (2012–2014)

Scribes – the American Society of Legal Writers (Sustaining member since 2019)

Appellate Practice Committee of the Missouri Bar

I signed the petition for the formation of this new practice committee in 2019, and have been a member since its official formation in 2020.

11. Describe your efforts (e.g., work on bar committees, pro bono efforts, CLEs presented, etc.) to contribute to the improvement of the law, the legal system and the administration of justice.

Probate Town Hall Presentations – On a roughly quarterly basis, I assist Probate Commissioner Holly Clouse with a series of presentations on different

aspects of probate practice for attorneys and their staff. Once a year these are in-person presentations at the courthouse; the remainder are virtually hosted through the SMBA. Attendance ranges from about 35–80. Thus far, the series has included:

- **February 15, 2024 – *Local Procedure Updates & Changes* (in-person)**
- **May 16, 2024 – *Attorneys’ fees & Compensation of Personal Representatives, Guardians, and Conservators* (virtual)**
- **October 10, 2024 – *Redaction Tips & Probate Exceptions* (virtual)**
- **March 19, 2025 – *Preparation of Annual and Final Settlements in Conservatorships and Deceased Estates* (in-person)**
- **July 9, 2025 - *Opening Supervised and Independent Administrations in Deceased Estates* (virtual)**

SMBA CLE, *12 Days of Christmas, Judicial Edition* (December 2024)

Program Moderator, National Business Institute (NBI), *The Judges’ View: Missouri Civil Litigation Do’s and Don’ts*, with Judges Hendrickson, Johnson, Sifferman, Powell, and Cordonnier (June 2022)

Co-presenter, Springfield Area Chamber of Commerce Virtual Event: *Minimizing Employer Liability During Reopening and Recovery* (June 2020)

Co-presenter, SMBA CLE, *Tech Tips: Timesavers and Efficiency Creators to Improve Practice and Life* (September 2017)

12. List your community activities, including any organizations not listed elsewhere with which you are affiliated.

Sycamore Homeschool Co-op

For the last two years I have coached high school teams competing in the Missouri High School Mock Trial Competition. My wife is one of the founders and is a co-administrator of the co-op.

All Saints Anglican Church

My family and I have been attending since April 2025. I was previously a member at another church which closed its doors in February 2025; I had been a member since August 2012 and had served as a deacon since November 2022.

Ozarks Academy

I served on the board and as Chair of this nonprofit from 2013 to 2018.

Zymurgists of the Ozarks

I was a member from 2019 to 2022. I joined this non-profit craft beer home brewing club after entering one of the competitions they regularly host. A few competition entries have earned medals and led to the opportunity to scale-up a recipe for production at a local craft brewery. The club hosts fundraisers and events supporting other nonprofits, including Rare Breed Youth Services.

Leadership Springfield

Member of Leadership Springfield Class 32 (2016–2017).

13. Describe your activities (e.g., speeches, presentations, educational activities, etc.) undertaken to further public understanding of and respect for courts and the judicial system and to promote access to justice for all.

Kids Court (2023 to present)

I periodically host “Kids Court,” an after-hours program coordinated with the Victim/Witness office of the Greene County Prosecutor’s Office. The program allows children who may be called to testify at trial (in other divisions) the opportunity to learn about the trial process, learn stress-reduction techniques, and familiarize themselves with the environment in a trauma-informed way.

Leadership Springfield Panel Discussion (December 2023)

I hosted a panel discussion for a recent Leadership Springfield class. Prosecuting Attorney Dan Patterson and I had a moderated discussion with the program group about the criminal justice system and our respective roles within it.

“Law Day” Elementary School Speaker (annually since about 2015)

Each year there is a “Law Day” theme that local elementary schools request lawyers and judges to speak on. I have attended both as an attorney and a judge to explain the role of the courts and our judicial system, and encourage participation in the SMBA’s annual essay and poster contests.

MSU, MHA Mediation Training Exercise (approximately 2016 to 2023)

For several years I helped lead an annual mediation training exercise for students enrolled in Missouri State University’s master’s degree program in health care administration.

14. List any published professional articles or books you have authored.

Note, *Beguiled by Guiles: The Overlooked Duality of Forfeiture by Wrongdoing*, 62 ALA. L. REV. 645 (2011)

15. List any special recognition or award of a professional nature you have received.

Missouri Lawyers Weekly “Up & Coming” Award (2017)

Missouri Super Lawyers “Rising Stars,” 2015 to 2021

Recognized by Best Lawyers® for 2021, 2022

In advance of the retention election in November 2024, I was rated by thirty-six of the lawyers to appear in my courtroom on a scale from 1 to 5 across a variety of criteria, with an average overall rating of 4.857. My lawyer survey is posted at <https://yourmissourijudges.org/judges/joshua-christensen-2024/>

16. Do you now hold or have you ever held an elective or appointive public office or position? If yes, provide details.

Yes, I was appointed to my current position in December 2022, and retained in office at the general election of November 2024. I have not otherwise held any elected or appointed public office.

17. Provide the branches and dates of any (a) military service and (b) other public service not otherwise disclosed in this application. If discharged from the military, state whether the discharge was other than honorable. **N/A**

18. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of being an appellate judge, including participating in oral argument; performing legal research; communicating clearly and effectively, both orally and in writing; supervising the lower courts; serving on court committees and performing other administrative functions; and expeditiously deciding issues coming before the court. **Yes.**

19. Were you ever refused admission to a bar of any state or federal court? If yes, provide details. **No.**

20. Have you ever been disciplined, admonished or cited for a breach of ethics or professional conduct by any court or bar association or committee thereof? If yes, provide details. **No.**

21. If you are or were a member of the judiciary of the State of Missouri, state:
- (a) Whether an order of discipline ever has 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 yes, provide details. **No, I have never had an order of discipline entered against me.**
 - (b) Whether a reprimand or admonition ever has been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Supreme Court Rule 12.07. If yes, provide details. **No, I have never had a reprimand or admonition entered against me for any reason.**
22. Have you have ever been held in contempt of court? *If yes, provide details.* **No.**
23. 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, I have not been sued except in my judicial capacity, and then only a nominal party.**
- If yes, state the style of the case, where it was filed, and explain in detail. If you are a judge and you have been sued in your judicial capacity, list only those cases where you are or were other than a nominal party.* **N/A**
24. Have you ever pleaded guilty to, been convicted of or received a suspended imposition of sentence for a felony or misdemeanor in any state, federal or military court? *(Note: This question does not require minor traffic offenses or other infractions to be listed.)* **No.**
- If yes, state the style of the case, where it was filed, and explain in detail.* **N/A**
25. Have you ever been delinquent in the payment of any federal, state, county or city taxes? **No.**
- If yes, provide details.* **N/A**

26. *List below – then attach to this application – at least one, but not more than three, writing samples that comply with the requirements set out in the instructions for applicants:*

Attached are the following three writing samples. As required by the instructions, these are my own and do not contain the substantial work of others:

1. ***Order Granting Partial Summary Judgment***
Case No. 2231-CC00318, Art Farris et al. v. City of Springfield
Partial summary judgment narrowing issues ultimately resolved by jury trial in a declaratory judgment action, addressing restrictions on the city's use of greenspace acquired through a Neighborhood Improvement District.
 2. ***Order on Defendant's Motion to Dismiss for Violation of Right to Speedy Trial***
Case No. 1831-CR04590, State of Missouri v. Scott A. Goodwin-Bey
One of several written orders addressing substantive motions raised in a case alleging four counts of first-degree murder, which ultimately was tried to a jury verdict in November of 2024.
 3. ***Judgment following bench trial***
Case No. 2031-CC00985, Mike Seitz v. Advanced Welding & Mfg., Inc.
Written judgment explaining the Court's decision in a case involving claims for breach of contract, MMPA claims, and competing requests for attorneys' fees.
27. List/describe any additional honors or awards you have received, activities you have performed, or any other information not set out above demonstrating the quality of your work as an attorney or otherwise relevant to the commission's decision.

I believe all relevant information has been provided above, but I am happy to supply any additional information upon request.

Please list the names of **five** persons whom you will ask to provide letters of reference for you with respect to your judicial qualifications. Do **not** list as a reference a judge of the court involved. As to each of the five references, **please provide name, title, mailing address, telephone and e-mail address.**

Honorable L. Scott Coogler
U.S. District Court Judge (retired) &
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The commission may not accept or consider letters from any additional persons beyond the five references listed in this application.

Please note it is your responsibility to contact your references. 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.

Provide your references with the attached Guidelines for References. The commission must **receive** your letters of reference, **via e-mail to SDJudgeVacancy@courts.mo.gov**, no later than **5 p.m. Wednesday, August 6, 2025.**