OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION FOUR

STATE OF MISSOURI, ex rel. ATTORNEY GENERAL ERIC SCHMITT,	)	No. ED108130
Appellant,	)	Appeal from the Circuit Court of the City of St. Louis
vs.	)	Honorable Michael F. Stelzer
CITY OF ST. LOUIS,	)	
Respondent,	)	FILED: January 4, 2022

The attorney general (the "State") appeals from the circuit court's summary judgment declaring that the City of St. Louis (the "City") had no obligation to make any payments under a settlement agreement in a civil rights lawsuit and that the entire obligation rested with the State through the State Legal Expense Fund ("SLEF"). The State challenges the conclusion that SLEF coverage applies to the settlement agreement at issue based on a dispute over when eligibility for SLEF coverage arises.

VACATED AND REMANDED.

DIVISION FOUR HOLDS: The circuit court erred in entering summary judgment in the City's favor and in declaring the State, through SLEF, was obligated to pay the full judgment under the settlement agreement at issue.

Under the construction of sections 105.726 and 105.711 announced in *Holmes v. Steelman*, 624 S.W.3d 144 (Mo. banc 2021), the triggering date for payment eligibility from SLEF is the date an eligible claim is made, not the time of the event(s) forming the basis for the claim. *Id.* at 156.

In this case, the claim was first made in an August 2014 lawsuit against, as relevant here, the St. Louis City Board of Police Commissioners (the "Board") and officers of the St. Louis Metropolitan Police Department ("SLMPD"). We therefore look to the statutes in effect in 2014 to determine SLEF's obligations, not those in effect in 1983 at the time of the underlying conviction. The version of section 105.726.3 in effect in 2014 prohibited SLEF from paying claims or judgments against the Board or SLMPD officers. *See* section 105.726.3, RSMo. (Cum. Supp. 2013). Under *Holmes*, the State, through SLEF, is not obligated to make payments as outlined in the settlement agreement.

Opinion by: Michael E. Gardner, P.J.
James M. Dowd, J., and Lisa P. Page, J., concur.

Attorney for Appellant: Katherine S. Walsh

Attorneys for Respondent: Robert H. Dierker and Abby J. Duncan

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.