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July 30, 2007

The Honorable Laura Denvir Stith
Chief Justice
Supreme Court
Supreme Court Building
Jefferson City, MO 65101

Dear Judge Stith

A handwritten signature in black ink, appearing to read "Judge Stith", written over the typed name.

I appreciated very much your personal call to me on last Wednesday evening to inform the Governor's office that you, as chair of the appellate commission, would be forwarding three names for the governor for his consideration for the Supreme Court vacancy.

I appreciated also the fax you sent on Thursday morning with the names. Some time after your fax I called to say "thanks for the fax" and, unsolicited, you told me that you would send over the applications. A few hours later, the applications arrived. Unfortunately, the materials you sent were incomplete and, in one case, unstapled and jumbled in the folder. We were able - by calling each candidate directly - to address this and make sure that the entire application that they submitted was in our possession.

With this letter, I respectfully request that you, in your official capacity as chair of the Appellate Commission, please respond to any inquiries from this office regarding the appellate commission and its work. The fact is that you are the chair of the Appellate Commission for a reason. The other members serve certain roles: some elected by the Bar and others appointed by a governor. It seems to me that you as chair stand apart from these two selection methods. For you to hand off the leadership and voice of the Appellate Commission invites unnecessary politicization. (E.g. "Why is the Holden appointee speaking for the entire commission?" Or "why should an elected bar member from one part of the state speak for the Appellate Commission?"). The recent letter from our general counsel to you was passed along to one of the lay appointees of Governor Holden for response. This is inappropriate.

Finally, although I have seen the response from the Appellate Commission that more documents or information about the candidates or the process will remain secret, I respectfully ask you to reconsider at least with regard to transcripts from colleges,

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graduates schools and law schools and with regard to publications (e.g. law reviews, bar journals and publications, etc.) of each of the three finalist candidates. Would you please send over copies of these documents as this will save us time and save the three candidates hassle in having to send them in to this office? Thank you for considering this.

Thank you again for serving as chair of the Appellate Commission.

All the best.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Martin, Jr.", with a stylized flourish at the end.

Edward R. Martin, Jr.

cc: Appellate Commission members