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August 1, 2007

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

Dear Judge Stith,

This letter, as with my letter from Monday, is not one that I am releasing to the press (although, to be frank, I do think that it is part of the public record). I am copying to your fellow Commissioners.

First, thank you for your apology. To recap: last Thursday, when Tom Reiss and I opened the application materials you sent, the first thing we noticed was that the applications did not include the photographs as required. You have admitted on the phone today that you did not send the photos. The omission of the photographs gave Tom and I pause. To avoid having the candidates feel as though we may have been considering anything other than a complete application, I directed Tom to call each candidate and request a copy of everything each included in their application. Once received, we discovered that other documents were missing.

Second, I am happy to hear about your new internal process that will insure that copies of all applications are made. I also agree with you that a checklist of all documents that includes a signed "receipt" by this office will insure that this process is done more professionally. This probably should have been done long before now.

Finally, I did make a mistake regarding Mr. McCleod and his position on the Appellate Commission in my letter last week. I apologize but still find his role as spokesman for the Commission troubling – he represents one "third" of the state and one part of a constituency. You are the only representative who can be understood to "represent" the entire state because you are a member of the Missouri Supreme Court. After all, you serve on the Appellate Commission, as I understand it, pursuant to Supreme Court Rule 10.2 and are chosen not because of your role as Chief Judge, as your letter implies, but because you are selected by your colleagues to do so. That you and

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your colleagues decide to have the Chief Judge serve as Chair is your preference but is not required.

Thanks again for the apology. I am confident that we now have complete applications as submitted to us by the candidates. And we are knee deep in our exhaustive review of the candidates.

All the best.

Sincerely,

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

Edward R. Martin, Jr.

cc: Appellate Commission members