

APPLICATION (Revised September 2011)
TWENTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS
SELECTED AS A NOMINEE.



NAME: Richard M. Stewart

1. State your present principal occupation: Attorney at Law.
2. Are you at least 30 years of age? Yes.
3. (a) How long have you been a citizen of the United States? 48 years.
(b) Have you been a resident of St. Louis County for at least one year immediately prior to the date of this application? Yes.
(c) How long have you been a qualified voter of Missouri? 29 years.

4. Are you licensed to practice law in Missouri? Yes.

List any other states, courts, or agencies in which you are licensed as an attorney: Illinois.

5. State the date you were admitted to the Bar in Missouri? September 30, 1994.

Missouri Bar Number: 43270

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with

the dates and degrees received:

University of Missouri-Columbia
319 Jesse Hall
Columbia, Missouri 65211
Bachelor of Science in Business Administration
Graduated May 6, 1989

Saint Louis University
100 N Tucker Blvd.
St Louis, MO 63101
Juris Doctorate
Graduated Cum Laude, May 14, 1994.

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.) See attached.
8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one to three sentence description of each case and its outcome. N/A.
 - (b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one to three sentence description of each case and its outcome.
9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? Yes.
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed. See attached.
11. Have you briefed or argued any case in an appellate court? Yes.

If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case. See attached.

12. Set forth any additional information that demonstrates the quality of your legal work as an attorney. See attached.

13. Have you ever been convicted of a misdemeanor or felony? No.

If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:

14. 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? Yes.

If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated: See attached.

15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? No.

If yes, provide details:

16. Have you ever been held in contempt of court? No.

If yes, provide details:

17. If you are or were a member of the Judiciary of the State of Missouri, please state:

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever 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, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:

- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary.

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:

- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details:
18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? No.
- If yes, provide details:
19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates: Bar Association of Metropolitan St. Louis.
20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:
- Holy Redeemer Men's Club
Holy Redeemer Athletic Association
Youth basketball and soccer coach
Evans Scholar Alumni Association
Webster Groves High School Parents' Club
Webster Groves High School Band-Aids
21. Do you now hold or have you ever held any elective or appointive public office or position?
No.
- If yes, provide details:
22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state: N/A.
23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:
24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:
- Peter J. Dunne
Pitzer & Snodgrass, P.C.
100 S 4th Street
Suite 400
St Louis, Missouri 63102
Phone: (314) 421-5545

Matthew J. Sauter
Sauter Sullivan, L.L.C.
3415 Hampton Avenue
St. Louis, Missouri 63139
Phone: (314) 768-6800

Suzan Ponder-Bates
Ponder-Bates Law Firm, L.L.C.
380 Festus Centre Drive
Festus, Missouri 63028
Phone: (636) 937-8000

Elaine A. Pudlowski, Esq.
Frankel, Rubin, Bond, Dubin, Siegel & Klein, P.C.
231 S. Bemiston Ave., Suite 1111
Clayton, MO 63105
Phone: (314) 725-8000

Steven Dieckmann
U.S. Guaranty Company
7930 Clayton Rd. Suite 200
St. Louis, MO 63117
Phone: (314) 727-2900

25. State any additional data you deem relevant:

I am a native St. Louisan. I grew up in a diverse, working class neighborhood in North St. Louis County. My parents encouraged and instilled a strong work ethic, and I have worked since I was 10 years old. As an attorney, I have represented clients from all backgrounds in a wide variety of matters, including both plaintiffs and defendants in personal injury and workers compensation matters, criminal defendants, mothers, fathers and children in family law cases, commercial litigants, and parties involved in employment disputes. I have counseled and represented clients in non-litigation matters, including business transactions and estate plans. My diverse background and experience provides me with the ideal perspective and knowledge for this position.

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TWENTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

Name: Richard M. Stewart

ATTACHMENT TO APPLICATION

Response to #7

Working Career:

St. Louis Country Club
400 Barnes Rd.
St Louis, Missouri 63124
1977-1988
Golf Caddy

Normandie Golf Course
7605 St Charles Rock Rd.
St Louis, Missouri 63133
Grounds Crew
1985-1988

Kappa Alpha Theta Sorority
603 Kentucky Blvd.
Columbia, Missouri 65201
Dining Room Server/Dishwasher
1985-1989

Campus Inn
1112 E Stadium Blvd.
Columbia, Missouri 65201
Banquet Waiter
1986-1987

A. L. Gustin Golf Course
18 E Stadium Blvd.
Columbia, Missouri 65203
Grounds Crew
1988-1989

Ameren UE
1901 Chouteau Avenue
St. Louis, Missouri 63104
File Clerk
1990

Alvey Systems, Inc.
9301 Olive Blvd.
St. Louis, Missouri 63132
Purchaser/Expeditior
1989-1990

French Gerleman Electric
2023 Westport Center Drive
St. Louis, Missouri 63146
Sales Associate
1990-1991

Rabbitt, Pitzer & Snodgrass, P.C.
800 Market Street
St. Louis, Missouri 63101
Law Clerk
1993-1994
Attorney
1994-1996

Sandberg, Phoenix & von Gontard
600 Washington Avenue
15th Floor
St. Louis, Missouri 63101
Attorney
1996-1997

Kodner, Watkins, Muchnick & Dunne, L.C.
168 N. Meramec Ave
Suite 200
Saint Louis, MO 63105
Attorney
1997-2000

Law Office of Richard M. Stewart, P.C.
3415 Hampton Avenue
St. Louis, Missouri 63139
Attorney
2000-Present

Response to #10

Cases tried in the last 5 years:

Lea Cavaness v. Kenneth Cavaness

Cause No.: CV305-1710 DR

Circuit Court of Jefferson County, State of Missouri

Date: 4/27/09

Represented Petitioner

Guardian ad Litem: Jane Geiler, PO Box 100, Hillsboro, Missouri 63050.

Description of Case: Represented mother of 9 year old boy in her action to obtain sole physical and legal custody. Court awarded mother custody of child and ordered father to pay child support.

State of Missouri v. Diana Potter

Cause No.: 0911-CR01795

Circuit Court of St. Charles County, State of Missouri

Date: 2/1/10

Represented Defendant

Prosecuting Attorney: Jillian Anderson, 300 N. 2nd St #601, St Charles, Missouri 63301.

Description of Case: Represented client who was charged with misdemeanor stealing for allegedly taking poker chips at a casino. Court found defendant guilty after reviewing videotape. Court suspended imposition of sentence and placed defendant on probation.

Joseph Wishnask v. Gamma Tree Service, L.L.C.

Injury No.: 07-081428

Division of Workers' Compensation, St. Louis Office

Date: 6/8/10

Represented Employee/Claimant

Attorney for Employer: Thomas Pettit, 515 Olive Street, Suite 1501, St. Louis, Missouri 63101.

Attorney for Second Injury Fund: Eileen Krispin, 111 N. 7th St, St Louis, Missouri 63101.

Description of Case: I represented an injured employee in a workers' compensation case. The employee suffered a significant shoulder injury while working as a tree trimmer. Based on the extent of his injury, in conjunction with other pre-existing injuries and learning disabilities, the Court awarded a significant permanent partial disability sum in addition to lifetime total disability benefits.

Lisa Gail Wallace v. Brian Larkowski

Cause No.: 23CV197-1168-02

Circuit Court of Jefferson County, State of Missouri

Date: 7/28/11

Represented Respondent

Description of Case: Represented the father in his action to hold mother in contempt for failure to pay child support and mother's action to reduce child support. The Court denied mother's Motion to Modify and held her in contempt.

Kevin Arens v. Laura O'Brien
Cause No.: 2102FC-005104-05
Circuit Court of St. Louis County, State of Missouri
Date: 6/25/12

Represented Petitioner

Attorney for Respondent: Patrick Pedano, 1750 South Brentwood Boulevard, Suite 401
St. Louis, MO 63144.

Description of Case: Represented father in mother's Petition for Family Access for denial of several days of summer visitation. Court awarded mother only half of the time requested due to her failure to comply with the custody judgment's notice provisions related to summer visitation.

Leslie Nick-Anderson v. Anthony Anderson

Cause No: 04FC-006522

Circuit Court of St. Louis County, State of Missouri, Division 37

Date: 12/20/12

Represented Respondent

Attorney for Petitioner: Leslie Broadnax, P.O. Box 16876, Clayton, Missouri 63105.

Guardian ad Litem: Jeffrey Medler, 8000 Maryland, Ste. 640, Clayton, Missouri 63105.

Description of Case: Represented father in his action to prevent mother's relocation of their minor child to Tampa, Florida. The Court ordered the minor child returned to the St. Louis area and placed in my client's sole physical and legal custody.

Jaron Ray v. Katrina Tatum

Cause No.: 22043-0432-01

Circuit Court of the City of St. Louis, State of Missouri, Division 15

Date: 3/25/13

Represented minor children as Guardian ad Litem

Attorney for Petitioner: Edward Lim, 7702 Big Bend Blvd., St. Louis, Missouri 63119

Attorney for Respondent: Michael Payne, 231 South Bemiston, Suite 1111, Clayton, Missouri 63105.

Description of case: Dispute over custody of minor children. Father filed motion to modify prior custody order to obtain sole physical and legal custody. During pendency of suit, allegations arose regarding abuse of one of the children by a half-sibling. The Court followed my custody recommendation and made only minimal changes to the existing order.

Arizona Yellowwolf v. Wendy Carrico

Cause No: 1122-FC04512

Circuit Court of the City of St. Louis, State of Missouri, Division 15

Date: 4/5/13

Represent minor children as Guardian ad Litem

Attorney for Petitioner: Michael Donatt, 3015 Salena St., St. Louis, Missouri 63118.

Attorney for Respondent: Joseph Racine, 639 Sunbridge Dr., Chesterfield, Missouri 63017.

Description of Case: Divorce case with primary dispute over custody of children. One of the parties tested positive for a controlled substance. The Court followed my recommendation regarding custody and restricted the visitation of the party testing positive for controlled substance.

Dayton Malone v. Laschae Coleman

Cause No.: 1122-FC03519

Circuit Court of St. Louis City, State of Missouri

Date: 5/15/13

Served as Guardian Ad Litem

Attorney for Petitioner: Lisl King Williams, 4411 N Newstead Ave., # 1711, St. Louis, Missouri 63115-2534.

Attorney for Respondent: Andrew Sandroni, 3350 Greenwood Blvd., Maplewood, MO 63143.

Description of Case: Represented minor child in father's Petition for Child Custody. Court awarded father visitation pursuant to my proposed parenting plan.

Stacy Clark v. Theresa Sims-Stallworth

Cause No.: 22973-00245-9

Circuit Court of St. Louis City, State of Missouri

Date: 7/5/13

Served at Guardian Ad Litem

Bench trial

Description of Case: Represented 17 year old minor child living with mother in Lawrence Kansas in father's action for Family Access and to Abate Child Support. Court found mother wrongfully denied father visitation and access to minor child and abated past and future child support.

Nicole Machalek v. Raymond Machalek

Cause No.: 1311-FC00884

Circuit Court of St. Charles County, State of Missouri, Division 8

Date: 10/3/13

Represented Petitioner

Bench trial

Description of case: Divorce action; Court adopted my proposed Judgment, division of property and debt, and parenting plan.

Andre Coffey v. Sonya Bailey

Cause No.: 1222-FC01899

Circuit Court of St. Louis City, State of Missouri, Division 15

Date: 11/27/13

Served as Guardian Ad Litem

Attorney for Petitioner: Herman Jimerson, 2255 Meramec, Ste. 508, St. Louis, Missouri 63105

Attorney for Respondent: Paul Vaporean, 120 S. Central Ave., Ste. 420, St. Louis, Missouri 63105

Description of case: Father's petition for child custody. Court awarded father and mother joint physical custody, and awarded mother sole legal custody and adopted my proposed parenting plan.

Michael Ryan v. Heather Ryan

Cause No.: 11SL-DR02599-01

Circuit Court of St. Louis County, State of Missouri, Division 37

Date: 7/22/14

Served as Guardian Ad Litem

Bench Trial

Attorney for Petitioner: Edward Gilkerson, 11647 Gravois Road, Ste. 100, St. Louis, Missouri 63126.

Description of case: Modification of divorce decree; pursuant to my recommendation, the Court awarded father increased physical custody time and changed children's primary address for education purposes to father's residence.

Raymond Mandle v. Katie Mandle

Cause No.: 1122-FC03570

Circuit Court of St. Louis City, State of Missouri, Division 22

Date: 10/20/14

Served as Guardian Ad Litem

Attorney for Petitioner: Elaine Pudlowski, 231 S. Bemiston, Suite 1111, St. Louis, Missouri 63105

Attorney for Respondent: William Halaz, 2 City Place Drive, Suite 600, St. Louis, Missouri 63141

Description of case: Modification of divorce decree: based on my recommendation, the Court awarded father sole legal custody and increased physical custody time.

Michael Sanders v. Sarah Kennedy

Cause No.: 1022-FC00636-01

Circuit Court of St. Louis City, State of Missouri, Division 15

Date: 10/28/14

Attorney for Petitioner: David Roither & Thomas Karsten, 8000 Maryland Ave Ste 640 St. Louis, Missouri 63105

Attorney for Respondent: Lynn Ricci, 1200 S. Big Bend Blvd. St. Louis, Missouri 63117

Description of case: Four day trial on modification of child custody following substantial allegations of child abuse and allegations of coaching the minor child to make false statements. Court awarded father sole legal and physical custody and limited mother to weekly supervised visitation.

Carrie Day v. Patrick Day

Cause No.: 1322-FC03426

Circuit Court of St. Louis City, State of Missouri, Division 15

Date: 3/31/15

Served as Guardian Ad Litem

Attorney for Petitioner: Maia Brodie, 222 S. Central Ave, Suite 708 Clayton, Missouri 63105

Attorney for Respondent: Elaine Pudlowski, 231 S. Bemiston, Suite 1111, St. Louis, Missouri 63105

Description of case: Represented minor child in divorce case involving allegations of parental fitness. Case is under submission.

Response to #11

Cases briefed and argued in appellate courts

Gene Teufert v. Browning-Ferris Industries, 943 S.W.2d 242 (Mo.Ct. App. E.D. 1997).
Briefed for Labor and Industrial Commission and the Missouri Court of Appeals, Eastern District.

Economy Preferred Insurance. Phyllis R. Schomaker, et. al, 900 S.W.2d 249 (Mo.Ct.App. E.D. 1995).
Briefed and argued in the Missouri Court of Appeals, Eastern District.

Response to #12

Additional information demonstrating quality of legal work.

The quality of my legal work is demonstrated by the fact that I have developed and grown my practice based upon referrals from attorneys and prior clients, and guardian ad litem appointments from judges. I have been successful because attorneys, clients and judges who have worked with me have recognized that I am well prepared, thorough, responsive and knowledgeable.

Response to #14

Willie Jenkins v. Household Finance Corporation III and Richard M. Stewart

Cause No.: 2105CC-01170

Circuit Court of St. Louis County, State of Missouri

Commenced 7/27/05; settled for nuisance value and dismissed 1/28/08.