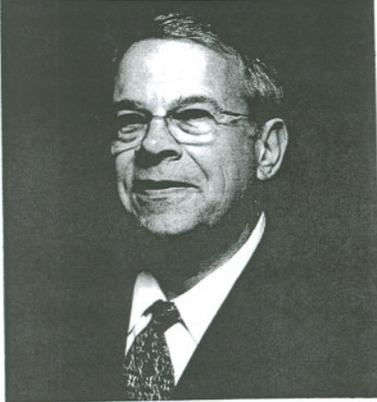


**APPLICATION (Revised December 2008)**  
**TWENTY-FIRST CIRCUIT JUDICIAL COMMISSION**  
**CIRCUIT JUDGE**

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



NAME: **Thomas J. Prebil**

1. State your present principal occupation: **Lawyer**
2. Are you at least 30 years of age? **Yes**
3. (a) How long have you been a citizen of the United States? **62 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? **41 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, 1987 to date; U.S. District Courts for the Eastern District of Missouri, the Southern District of Illinois, and the Central District of Illinois; the United States Supreme Court**

5. State the date you were admitted to the Bar in Missouri? **September 11, 1971**

Missouri Bar Number: **22220**

(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:  
**St. Louis University, 221 North Grand Avenue, St. Louis, MO 63103, 1964-1968**  
**B.A. St. Louis University School of Law, 3700 Lindell Blvd., St. Louis, MO 63108, 1968-1971, J.D. Washington University in St. Louis School of Law, Anheuser-Busch**

**Hall, One Brookings Dr., St. Louis, MO 63130, Mediation Training Program,  
October, 2006.**

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.) **Please see attached list.**
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.
  - (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. **Please see attached list.**
11. Have you briefed or argued any case in any 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. **Please see attached list.**
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney. **I have had a wealth of experience during my 37 years of practice that includes criminal and civil trial work. I have civil practice experience as both plaintiff and defense counsel. Over the years I have also handled dissolution and family court cases, adoptions, probate, and juvenile court matters. I have accepted appointments as guardian ad litem in St. Louis and St. Louis County. I have taken and defended hundreds of depositions, including those of physicians and a variety of**

**other experts. I have appeared in circuit courts throughout the metropolitan area to argue motions and try cases. I have also written briefs and argued appeals in the Missouri Supreme Court and state and federal Appellate Courts. I believe my practice has provided me with experience that will serve me well as a judge.**

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? **No**

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:

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.

(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? **The Missouri Bar Association, The Illinois State Bar Association, The Bar Association of Metropolitan St. Louis, The Lawyers Association, and The St. Louis County Bar Association.**
20. Describe your community activities, including any organizations, not listed above, with which you are affiliated: **Our Lady of Lourdes Parish, Missouri Master Gardeners, The Flora Conservancy of Forest Park, St. Jude's Children's Hospital (fund raising – St. Louis office).**
21. Do you now hold or have you ever held any elective or appointive public office or position? **Yes**  
  
If yes, provide details: **Only as an Assistant Public Defender from 1972 to 1975.**
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: **Commissioned as a Second Lieutenant in the Army Reserves in June, 1971. I served on active duty from November, 1971 to February, 1972 and thereafter in the active reserves until August, 1980, fulfilling my commitment and attaining the rank of Captain. I resigned my commission and was honorably discharged in 1980.**
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: **N/A**
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: **Please see attached list.**
25. State any additional data you deem relevant:

By my signature to this application, I authorize (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with respect to my medical, police or disciplinary records, and (2) the Commission and its members to obtain additional relevant information regarding my qualifications as well as the accuracy of my responses to the questions on this application, with the understanding that the information described in (1) and (2) above is available only to the members of the Twenty-First Circuit Judicial Commission. Notwithstanding the above, in accordance with Supreme Court Rule 10, as amended effective February 29, 2008, if I am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

I hereby certify that all my statements as made above are correct and that if I am appointed to the office of the Circuit Judge of the Circuit Court of St. Louis County, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE: *December 21, 2008*

SIGNED: *[Signature]*

Question No. 7

1. Roosevelt Federal Savings and Loan Association  
This company no longer exists  
June, 1964 to November, 1971
2. U. S. Army  
Ft. Gordon, GA  
November, 1971 to February, 1972
3. Millar, Schaefer, Ebling and Wallace  
This law firm is no longer in business  
February, 1972 to August, 1972
4. St. Louis Public Defender Bureau  
1320 Market Street  
St. Louis, MO 63103  
August, 1972 to October, 1975
5. Boas, Schneider and Walsh  
This law firm is no longer in business  
October, 1975 to April, 1979
6. C. Marshall Friedman, P.C.  
1010 Market Street  
St. Louis, MO 63103  
April, 1979 to October, 1984
7. Sole Practice  
1215 Pine Street  
St. Louis, MO 63103  
October, 1984 through December, 1986
8. Brasher Law Firm, L.C.  
211 North Broadway  
Suite 2300  
St. Louis, MO 63102  
January, 1987 to February, 2008
9. Schlichter, Bogard & Denton  
100 S. 4<sup>th</sup> Street, Suite 900  
St. Louis, MO 63102  
February, 2008 to present

### **Biographical Information of Thomas J. Prebil**

Tom Prebil has practiced law in the St. Louis Metropolitan Area for 37 years, most recently with Schlichter, Bogard & Denton, LLP. He earned his undergraduate degree from St. Louis University and his law degree from St. Louis University School of Law. Prebil has been a resident of University City since 1975.

Question No. 10.

1. *Shelly Y. Sims v. Burlington Northern Railway Co.*, City of St. Louis Circuit Court Cause Number 002-07010. The case was tried from May 6-10, 2002 before Hon. Evelyn Baker. I represented the defendant as first chair. Sims was represented by Gregory M. Tobin, Pratt & Tobin, Rte 111 at Airline Drive, P.O. Box 179, East Alton, Il 62024. This was a jury trial.

Sims was a crew caller working in Topeka KS, who claimed injury to her lower back when she fell to the floor in her cubicle as she attempted to sit on her chair. She claimed that a co-worker had moved the chair when she stood to get some food. The jury returned a verdict for the plaintiff. Defendant's motion for new trial was granted. The trial court was reversed on appeal. The case settled thereafter.

2. *Edward McCann, Jr. v. CSX Transportation, Inc.*, Cook County, IL Circuit Court Cause Number 03L 010564. This case was tried from May 8-12, 2006 before Hon. Thomas Chiola. I represented the defendant as second chair. Sims was represented by George Brugess, Hoey & Farina, 542 S. Dearborn, Suite 200, Chicago, IL 60605. This was a jury trial.

McCann was a conductor for the railroad. He claimed injury to his ankle when walking on uneven pavement and ballast in the rail yard. He had surgery on his ankle, but also suffered from a congenital condition repaired by the surgery. He claimed he could no longer work as a conductor. The jury returned a verdict for the plaintiff. The case settled while on appeal.

3. *Richard Buckalew v. BNSF Ry. Co.*, City of St. Louis Circuit Court Cause Number 052-00070. Trial began on June 5, 2006 and settled on June 6, 2006 before Hon. Steven Ohmer. I represented the defendant as second chair. Buckalew was represented by Richard Zalasky, Schlichter, Bogard & Denton, 100 South Fourth Street, Suite 900, St. Louis, MO 63102. This was a jury trial.

Buckalew was a locomotive engineer who claimed injury to his lower back from the cumulative trauma incurred by riding on locomotives over the years of his employment. He also claimed a specific injury while throwing a switch. The case settled on the second day of trial.

4. The above cases represent the only trials in which I participated in the last five years. However, in that period of time I handled eighty-four other files that settled, usually just prior to the beginning of trial. These cases required pleadings, discovery, motion practice, and depositions of plaintiffs, witnesses, and medical and other professional experts. The overwhelming bulk of our practice was defense of railroad cases filed under the Federal Employers' Liability Act. Prior to tort reform, all of these cases filed against the BNSF Ry. Co., were in the City of St. Louis, and resulted in settlement in most instances.

Question No. 11.

1. *Frenette v. Clarkchester Corporation*, 692 S.W.2d 834 (Mo.App. E.D. 1985). I wrote the brief on the point which the Court of Appeals based its decision to reverse the verdict of the trial court. I did not argue.
2. *Willett v. Slay Warehousing Company, Inc.*, 735 S.W.2d 60 (Mo.App. E.D. 1987). I wrote the brief. This case was submitted without oral argument.
3. *Donahue v. City of St. Louis*, 758 S.W.2d 50 (Mo. banc 1988). I wrote the brief and argued in the Supreme Court.
4. *State ex rel. Burlington Northern Railroad v. Forder*, 787 S.W.2d 725 (Mo. banc 1990). I did not write the brief and was second chair on the argument.
5. *Miller v. City of Manchester*, 834 S.W.2d 904 (Mo.App. E.D. 1992). I wrote the brief. This case was submitted on the briefs without argument.
6. *Campbell v. Vinjamuri*, 19 F.3d 1274 (8<sup>th</sup> Cir. 1994). I wrote the brief and argued in the eighth circuit.
7. *Leake v. Burlington Northern Railroad Company*, 892 S.W.2d 359 (Mo.App. E.D. 1995). I wrote the brief and argued the case.
8. *Vasic v. State of Missouri*, 943 S.W.2d 757 (Mo.App. E.D. 1997). I wrote the brief and argued the case.
9. *Evelyn Goodlow v. Clayton Development Corporation*. 12 S.W.3d 331 (Mo.App. E.D. 1999). I participated in writing the brief, but did not argue.
10. *Miller v City of Town & Country*, 62 S.W.3d 431 (Mo.App. E.D. 2002). I wrote the brief. The case was submitted without oral argument.
11. *Sims v. The Burlington Northern and Sante Fe Railway Company*, 111 S.W.3d 454 (Mo.App. E.D. 2003). I wrote the brief and argued the case.
12. *Willett v. Dynegy Midwest Generation, Inc.*, 212 Ill.2d 557, 824 N.E.2d 292, 291 Ill.Dec. 716. (2004). Defendants sought leave to take an interlocutory appeal. I wrote the brief with co-counsel. Leave to appeal was denied by the Illinois Supreme Court. There was no oral argument.

Question No. 24.

1. Roger C. Denton  
Schlichter, Bogard & Denton, L.L.P.  
Attorneys at Law  
400 South Fourth Street  
Suite 900  
St. Louis, MO 63102  
314-621-6115
  
2. William A. Brasher  
The Brasher Law Firm, L.L.C.  
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211 North Broadway  
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St. Louis, MO 63102  
314-621-7700
  
3. Joy E. McCarthy, Ph.D.  
5362 Redfield Road  
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4. Kevin M. O'Keefe  
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130 South Bemiston Ave.  
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Clayton, MO 63105  
314-725-8788
  
5. Timothy B. Brassil  
Brassil & Rohlfing, P.C.  
Attorney at Law  
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314-534-5110