

APPLICATION (Revised October 2013)
21ST CIRCUIT JUDICIAL COMMISSION
ASSOCIATE CIRCUIT JUDGE

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



NAME: Nancy Maurine Watkins

1. State your present principal occupation: *Attorney*
2. Are you at least 25 years of age? *Yes*
3. (a) How long have you been a citizen of the United States? *Since birth*
(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? *35 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:

United States Court of Appeals, 8th Circuit;
United States Court of Appeals, 7th Circuit;
United States District Court, Eastern District of Missouri.
United States District Court, Southern District of Illinois

5. State the date you were admitted to the Bar in Missouri? *1981*

Missouri Bar Number: *29664*

(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:

Washington University August 1974 – May 1978
One Brookings Drive BA Degree – May 1978
St. Louis, MO 63130

University of Missouri – Columbia August 1978 – May 1981
School of Law JD Degree – May 1981
203 Hulston Hall
Columbia, MO 65211-4190

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.)

St. Louis County Planning Department
41 South Central Avenue
Clayton, MO 63105
June 1974 – August 1974

St. Louis County Department of Parks and Recreation
41 South Central Avenue
Clayton, MO 63105
June 1975 – August 1975

Optical Associates
211 North Meramec Avenue
Clayton, MO 63105
June 1975 – March 1976

St. Louis County Magistrate Court
7900 Carondelet Avenue
Clayton, MO 63105
June 1976 – August 1976

International Union of Bricklayers and Allied Craft Workers
620 F. Street, N.W.
Washington, D.C. 20004
January 1977 - May 1977

St. Louis County Associate Circuit Court
7900 Carondelet Avenue
Clayton, MO 63105
June 1977 – August 1977

Sylvester's Bar and Grill
Manchester Road
Maplewood, Missouri
June 1978 – August 1978

Law Offices of Ellen Watkins
4625 Lindell Boulevard
St. Louis, MO 63108
June 1979 – August 1979

Missouri Commission on Human Rights
3315 West Truman Boulevard
Jefferson City, Missouri 65109
June 1980 – May 1981

Missouri Court of Appeals,
Western District
The Honorable David J. Dixon
1300 Oak Street
Kansas City, MO 64106
June 1981 – August 1982

Wiley, Craig, Armbruster & Wilburn
1221 Locust Street
St. Louis, MO 63103
August 1982 – January 1988

Wilburn, Suggs & Watkins
1221 Locust Street
St. Louis, MO 63103
January 1988 – December 1997

Full-Time Homemaker
January 1998 - February 2002

Wilburn & Suggs
1015 Locust Street
St. Louis, MO 63101
February 2002 – October 2002

Schuchat, Cook & Werner
1221 Locust Street
St. Louis, MO 63103
October 2002 - Present

8. 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*
9. 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 of cases I have tried in the last five years. The list includes matters which I tried before courts and administrative bodies. I have also included arbitrations I tried pursuant to collective bargaining agreements between employers and unions.

I have represented many clients in hearings before the Child Abuse and Neglect Review Board in appeals of decisions of the Missouri Department of Social Services. Those cases are not publicly reported unless they were then appealed to circuit court and, therefore, have not been included herein. All of those matters ultimately resulted in findings that no abuse or neglect occurred.

I have also tried cases involving the termination of tenured teachers before various boards of education throughout Missouri which are also not publicly reported. Upon request, I will supply additional information regarding those matters.

10. 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.

Please see attached list

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

I have represented plaintiffs in jury trials (first chair) in the U.S. District Court, Eastern District of Missouri (Equal Pay Act), Circuit Court of Columbia, Missouri (Service Letter Statute), Circuit Court of St. Charles, Missouri (personal injury - automotive collision), and the Circuit Court of St. Louis County (personal injury - dangerous condition of property). I have also tried numerous bench trials

(first chair) in the U.S. District Court, Eastern District of Missouri, Circuit Court of the City of Saint Louis, Circuit Court of St. Louis County, and Circuit Court of Cole County.

12. 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:

13. 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: *Dissolution of marriage of Nancy Watkins Owen and James Owen, Cause No. 10SL-CR07502, commenced in 2010 and terminated in 2012.*

14. 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:

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

If yes, provide details:

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

N/A

- (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:
17. 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:
18. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:
- Missouri Bar Association
 American Bar Association
 American Bar Association, Section of Labor and Employment Law
 Women Lawyers Association of St. Louis
 AFL-CIO Lawyers Coordinating Committee
 Bar Association of Metropolitan St. Louis, Labor and Employment Law Section
 St. Louis County Bar Association
19. Describe your community activities, including any organizations, not listed above, with which you are affiliated:
- Missouri Public Defender Commission – Member for term expiring December 30, 2013; The Commission is responsible for the hiring of the state public defender director and for determining the philosophy of the state public defender system.
- Missouri Sentencing Advisory Commission – Member for open-ended term; The Commission works to recommend sentencing that promotes certainty, consistency, and proportionality of punishment and encourages the rational use of correctional resources.
- Missouri Bar CLE Program Speaker –Missouri Bar CLE regarding Employment Litigation, June 2010.
- Moot Court Judge – National Appellate Advocacy Competition, American Bar Association Law Student Division 2008-2009;
- Clayton High School Girls Lacrosse Club – 2002-2007; Organized the Clayton High School Girls’ Lacrosse Club, establishing the sport at both the varsity and junior varsity levels; Directed and managed the organization for 5 years until the sport was recognized by the Missouri State High School Activities Association.
20. Do you now hold or have you ever held any elective or appointive public office or

position? *Yes*

If yes, provide details:

Member, Missouri Public Defender Commission
Member, Missouri Sentencing Advisory Commission
Provisional Municipal Judge, City of Clayton, Missouri

21. 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: *None*

22. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

Co-Author: "Wrongful Discharge: Breach of a Union Contract and the Duty of Fair Representation," The St. Louis Bar Journal, Vol. XXXII, No. 3, Winter 1986.

23. 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:

Kevin Roberts
Roberts, Wooten & Zimmer
10438 Highway 21
Hillsboro, Missouri 63050
(636) 797-2693

LeRoy Stromberg
Chief Operating Officer
Alberici Constructors, Inc.
8800 Page Avenue
St. Louis, Missouri 63114
(314) 733-2000

Mary E. Nelson
Commissioner
Administrative Hearing Commission
111 North 7th Street
St. Louis, MO 63101
(314) 244-8020

Kevin McLaughlin
Greensfelder, Hemker & Gale, P.C.
10 South Broadway
Suite 2000
St. Louis, MO 63102
(314) 345-4758

Lisa A. Herder
Director of Business Development
Midwest Litigation Services
711 North 11th Street
St. Louis, MO 63101
(314) 644-2191 ext. 130

24. State any additional data you deem relevant:

In the thirty two (32) years in which I have been licensed to practice law, I have worked to provide the same level of care, thought, and effort on behalf of each client that I would hope would be provided on behalf of my friends and family members if they were to need legal services. I have kept in the forefront of my mind the fact that for many clients, the matter in which I have provided representation has been the first and only matter in which they have needed legal representation and that there is no aspect of that representation which has been routine in any way to them.

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 Associate 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:

11/25/13

SIGNED:

Nancy M Watkins

Cases Tried in the Last Five Years
(Response to Question No. 9)

Missouri Department of Elementary and Secondary Education v. Jacqueline Pirtle, Case No. HR-07-033, Administrative Hearing on 1/17/08 before Mark Van Zandt, hearing officer appointed by the Missouri State Board of Education;

Opposing Counsel: Sarah Ledgerwood, Assistant Attorney General, 221 West High Street, Broadway State Office Building, P.O. Box 899, Jefferson City, MO 65102

I represented the respondent in the capacity of first chair. The Department of Elementary and Secondary Education brought an action pursuant to Section 168.071, RSMo 2000 to revoke the respondent's teaching certificate on the grounds of immorality. The State Board of Education did not find evidence of immorality and did not discipline respondent's teaching certificate.

Angela White v. The Special Administrative Board of the St. Louis Public Schools, Cause No. 1022-CC01132, argued on 12/9/10 before the Honorable Mark Neill, Circuit Judge of the City of St. Louis.

Opposing Counsel: Vincent Reese and Anne Kerns, Lewis, Rice & Fingersh, 600 Washington Avenue, Suite 2500, St. Louis, MO 63101

I represented the plaintiff in the capacity of first chair in an action pursuant to Chapter 536, Missouri Administrative Procedure Act challenging the termination of her employment as a tenured teacher. The court ruled in favor of the defendant.

Mildred Wigfall v. Ronald Levy, Missouri Department of Social Services, Cause No. 10AC-CC00786, trial on 7/26/11 before the Honorable Jon Beetem, Circuit Judge of the Circuit Court of Cole County.

Opposing Counsel: Ellen Haynes, Missouri Department of Social Services, Division of Legal Services, P.O. Box 1527, Jefferson City, MO 65102.

I represented the plaintiff in the capacity of first chair in an action to overturn the finding of child abuse of Missouri Department of Social Services. The court ruled in favor of the plaintiff and ordered the Department of Social Services to reverse its finding and remove the plaintiff's name from the child abuse registry.

Excell Gilleylen v. The Police Retirement System of the City of St. Louis, Cause No. 0922-CC09344, trial on 8/30 11 – 8/31/11 before the Honorable Rex Burlison, Circuit Judge of the Circuit Court of the City of St. Louis.

Opposing Counsel: Chet Pleban and Lynette Petruska, 2010 South Big Bend Boulevard, Richmond Heights, MO 63117

I represented the defendant retirement system and the trustees of the retirement system in the capacity of first chair in an action regarding the interpretation of a 1974 judgment on behalf of a disabled police officer. The court ruled in favor of the plaintiff.

Arbitrations to Full Hearings in the Last Five Years
(Continued Response to Question No. 9)

In the Matter of Arbitration between Catholic Cemeteries of the Archdiocese of St. Louis and Service Employees International Union, Local 1, FMCS No. 07-04824 (2/6/08 and 2/14/08)

Arbitrator: Mark Suardi, 1650 Des Peres Road, Suite 135, St. Louis, MO 63131

Opposing Counsel: Dennis Collins, Greensfelder, Hemker & Gale, P. C., 10 South Broadway, Suite 2000, St. Louis, MO 63102

I represented SEIU Local 1 in the capacity of first chair. The issue was whether the employer violated the labor agreement with regard to the performance of certain tasks utilizing heavy equipment. The arbitrator ruled in favor of the union.

In the Matter of Arbitration between First Student, Inc. and Miscellaneous Drivers, Helpers, Health Care and Public Employees Local Union No. 610, FMCS No. 08-51191 (3/12/08)

Arbitrator: Gerard Fowler, St. Louis University, 3750 Lindell Boulevard, St. Louis, MO 63108

Opposing Counsel: Michael Flaherty and Eddie Clopton, Jackson Lewis LLP, 320 West Ohio Street, Suite 500, Chicago, IL 60610

I represented IBT Local 610 in the capacity of first chair. The issue was whether the employer had “just cause” to terminate the employment of a driver who changed her work schedule without permission, causing her to work overtime. The arbitrator ruled in favor of the union.

In the Matter of Arbitration between Grossman Iron & Steel Company and International Longshoremen's Union Local 1765, FMCS No. 08-52661 (4/9/08)

Arbitrator: Eric Schmitz, 7306 Sutherland Avenue, St. Louis, MO 63119

Opposing Counsel: Donald Meyer, 425 Monaco Drive, St. Louis, MO 63122

I represented ILA Local 1765 in the capacity of first chair. The issue involved the application of the employer's policies and whether "just cause" existed to terminate the employment of an employee with questionable attendance. The arbitrator ruled in favor of the union.

In the Matter of Arbitration between Driver Services of Kansas and International Brotherhood of Teamsters, Local No. 610, FMCS No. 08-53115 (7/31/08)

Arbitrator: Robert G. Bailey, University of Missouri School of Law, 217 Hulston Hall, Columbia, MO 65201

Opposing Counsel: Tim Garnett, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 7700 Bonhomme Avenue, Ste 650, St. Louis, MO 63105

I represented IBT local 610 in the capacity of first chair. The issue was whether the employer had "just cause" to terminate the employment of a driver who caused a collision causing approximately Fifty Thousand Dollars (\$50,000.00) in damages. The arbitrator ruled in favor of the employer.

In the Matter of Arbitration between Cauttrel Enterprises and International Longshoremen's Union Local 1765, FMCS No. 09-50367-A (1/16/09)

Arbitrator: Gerard A. Fowler, Ph.D., St. Louis University, 3750 Lindell Boulevard, St. Louis, MO 63108

Opposing Counsel: Thomas O. McCarthy, McMahon Berger, P.C., 2730 North Ballas Road, Suite 200, St. Louis, MO 63131

I represented ILA Local 1765 in the capacity of first chair. The issue was whether the employer had just cause to terminate the employment of an employee who refused a work assignment in a particular department because the employees in that department had previously directed racial epithets toward him. The arbitrator ruled in favor of the employer.

In the Matter of Arbitration between Virbac Animal Health and International Longshoremens Union Local 1765, FMCS No. 08-55046-A (2/20/09)

Arbitrator: Gerard A. Fowler, Ph.D., St. Louis University, 3750 Lindell Boulevard, St. Louis, MO 63108

Opposing Counsel: James N. Foster, McMahon, Berger, P.C., 2730 North Ballas Road, Suite 200, St. Louis, MO 63131

I represented ILA Local 1765 in the capacity of first chair. The issue was whether certain employees were entitled to a higher hourly rate of pay under the collective bargaining agreement. The arbitrator ruled in favor of the employer.

In the Matter of Arbitration between Virbac Animal Health and International Longshoremens Union Local 1765, FMCS No. 09-52930-A (4/17/09)

Arbitrator: Cynthia Stanley, 6137 Crawfordsville Road, #361, Speedway, IN 46224

Opposing Counsel: James N. Foster, McMahon, Berger, P.C., 2730 North Ballas Road, Suite 200, St. Louis, MO 63131

I represented ILA Local 1765 in the capacity of first chair. The issue was whether the employer's elimination of a bargaining unit position violated the collective bargaining agreement. The arbitrator ruled in favor of the employer.

In the Matter of Arbitration between Grossman Iron & Steel Company and International Longshoremens Union Local 1765, FMCS No. 10-52949 (3/24/10)

Arbitrator: Robert G. Bailey, University of Missouri School of Law, 217 Hulston Hall, Columbia, MO 65201

Opposing Counsel: Kent Munson, The Stolar Partnership, 911 Washington Avenue, St. Louis, MO 63101

I represented ILA Local 1765 in the capacity of first chair. The issue was whether the employer had just cause to terminate the employment of a crane operator for allegedly operating machinery in a negligent manner, thereby causing approximately \$30,000.00 in damages. The Arbitrator ruled in favor of the union.

In the Matter of Arbitration between City of Alton and International Brotherhood of Teamsters and Chauffeurs, Warehousemen and Helpers of America. Local No. 525, (12/10/10)

Arbitrator: Thomas Durr, Illinois Department of Labor, 900 South Spring Street, Springfield, IL 62704-2725

Opposing Counsel: Stephanie Jones, 23 Public Square, Suite 260, Belleville, IL 62220.

I represented Teamsters Local Union No. 525 in the capacity of first chair. The issue was whether the employer had just cause to suspend an employee for insubordination. The Arbitrator ruled in favor of the employer.

In the matter of arbitration between Corn Belt Energy Corporation and IBEW Local Union No. 51, AAA#51-300-01599-11 (9/11/12 and 12/3/12-12/4/12)

Arbitrator: Barry Simon, 1320 East Eton Drive, Arlington Heights, IL 60004-2181

Opposing Counsel: J. Reed Roesler, Davis & Campbell LLC, 401 Main Street, Suite 1600, Peoria, IL 61602-1241

I represented IBEW Local Union No. 51 in the capacity of first chair. The issue was whether the employer had just cause to terminate the employment of six linemen who allegedly stole scrap materials for personal gain. The Arbitrator ruled in favor of the employer.

In the matter of arbitration between Ameren Illinois and IBEW Local Union No. 51, FMCS No. 13-50470-A (4/23/13)

Arbitrator: James L. Reynolds, 233 Violet Drive, Sanibel, FL 33957

Opposing Counsel: Michael Lowenbaum, 222 South Central Avenue, Suite 901, Saint Louis, Missouri 63105

I represented IBEW Local Union No. 51 in the capacity of first chair. The issue was the interpretation of the collective bargaining agreement with regard to the manner in which vacancies were filled. The Arbitrator ruled in favor of the employer.

Appellate Cases

(Response to Question No. 10)

Purex Corp. v. Automotive, Petroleum & Allied Industries Employees Union, 705 F.2d 274 (8th Cir. 1983).

I briefed the case on behalf of the Respondent Automotive, Petroleum & Allied Industries Employees Union.

Chauffeurs & Helpers Local Union No. 50 v. McCartin-McAuliffe Mechanical Contractor, Inc., 708 F.2d 313 (7th Cir. 1983).

I argued the case on behalf of the Appellant Chauffeurs & Helpers Local Union No. 50.

Erb v. Johannes, 684 S.W.2d 445 (Mo. App. E.D. 1984).

I briefed and argued the case on behalf of Appellant Robert Howard.

Beelman Truck Co. v. Chauffeurs, Teamsters, Warehousemen and Helpers, Local Union No. 525, 33 F.3d 886 (7th Cir. 1994).

I briefed the case on behalf of Appellant Chauffeurs, Teamsters, Warehousemen and Helpers, Local Union No. 525

Council House Redevelopment Corp. v. Hill, 920 S.W.2d 890 (Mo. banc 1996).

I briefed and argued the case on behalf of Appellant Council House Redevelopment Corporation before the Missouri Court of Appeals, Eastern District (ED66867), prepared the Motion for Transfer, and then briefed and argued the case in the Supreme Court.

Wooldridge v. Greene County, 198 S.W.3d 676 (Mo. App. S.D. 2006).

I briefed and argued the case on behalf of Appellant Wooldridge.

Reichert v. The Board of Education of the City of St. Louis, 217 S.W.3d 301 (Mo. banc 2007).

I prepared the Motion for Transfer to the Supreme Court which accepted transfer.

International Brotherhood of Electrical Workers, Local No. 51 v. Verizon North, Incorporated; United States Court of Appeals for the Seventh Circuit; No. 09-1411.

I briefed the case on behalf of Appellant International Brotherhood of Electrical Workers, Local No. 51. The case was resolved before oral argument.

Willis v. The Board of Education of the City of St. Louis, 307 S.W.3d 186 (Mo. App. E.D. 2010).

I briefed the case on behalf of Appellant Patsy Willis.

Breckenridge O'Fallon Inc. v. Teamsters Union Local No. 682, 664 F.3d 1230 (8th Cir. 2011).

I briefed the case on behalf of Respondent Teamsters Local Union No. 682.

State ex rel Excell Gilleylen v. The Police Retirement System of the City of St. Louis, Missouri Court of Appeals, Eastern District; No. ED98251.

I briefed and argued the case before the Missouri Court of Appeals on behalf of Appellant the Police Retirement System of the City of St. Louis. The Motion for Transfer was filed in the Supreme Court on September 5, 2013 and is currently pending.