

APPLICATION (Revised April 2008)
22ND CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

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



NAME: Michael F. Stelzer

1. State your present principal occupation: Associate Circuit Judge, 22nd Judicial Circuit
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 the City of St. Louis 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? 23 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: State of Illinois (inactive status), 8th Circuit Court of Appeals, Federal District Court Eastern District of Missouri

5. State the date you were admitted to the Bar in Missouri? October 1992

Missouri Bar Number: 40716

(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:

Augustana College, Rock Island IL, 1982-1986, Bachelor of Arts in Business and Economics, Dean's List

Saint Louis University School of Law, 1989-1992, Juris Doctor, Cum Laude

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.)

Augustana College, Assistant Varsity Soccer Coach, Fall 1986

Comptroller of the Currency 1986-1989

Missouri Court of Appeals 1992-1993, Clerk for the Hon. Carl R. Gaertner

Kosta & Associates 1993

St. Louis City Counselor 1993-2004

Associate Circuit Judge 2004-present

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-three sentence description of each case and its outcome. **See attachment #8**

(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-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. **N/A**

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 #11**

12. Set forth any additional information that demonstrates the quality of your legal work as an attorney. As a practicing attorney I tried approximately 20 jury trials by myself and one second chair trial (including serious injury/wrongful death lawsuits and complex Federal litigation) and 15 bench trials in state and federal court. I filed and argued numerous Summary Judgment Motions and briefed and argued cases in both state and federal appellate courts. I developed lesson plans and conducted continuing legal education seminars/classes for various City departments including, Parks, Public Utilities, Lambert International Airport, St. Louis Metropolitan Police Academy and the Circuit Attorney's office. I have also lectured on Municipal/Police Liability including official immunity law in Missouri. My last two years with the City Counselor I served as the General Counsel to the St. Louis Metropolitan Police Department.

As an Associate Circuit Judge I have handled civil, criminal and family court dockets. I have also been assigned (temporarily) to the criminal (Division 16) and civil (Division 1) assignment divisions for the Circuit Court. I volunteered to serve for three weeks in St. Louis County in 2011. I currently serve on the Court's Budget Committee and have previously served on the Personnel, Public Education, Drug Court and Presiding Judge Advisory Committees. In 2010 I served on the Court's Ad Hoc Bond Committee investigating the conduct of Bail Bondsmen within the 22nd Judicial Circuit as well as the operational procedures in the Bond Commissioners Office . I have rotated through all seven of the Associate Circuit Divisions and have heard approximately 70 jury trials while assigned to Divisions 24(once) and 29 (twice). I have handled numerous Circuit level cases including marital dissolutions, child custody/paternity (see exhibit # 8), Administrative Law (See Exhibit # 8), felonies and Circuit level civil cases (including Asbestos litigation).

While assigned to Division 29 in 2009 I heard and issued orders on approximately 75 Administrative Case reviews under Chapter 536 of RSMo while managing the civil jury trial docket and requesting felony cases from Division 16. (I currently manage a small felony probation docket). I was selected as the Best Associate Circuit Judge for the Eastern District of Missouri by Missouri Lawyers' Weekly that same year.

In January of 2012 I reintroduced video conferencing for the confined prisoner dockets in Division 26. The use of video conferencing for criminal dockets had not been used in the 22nd Judicial Circuit since prior to my appointment to the Associate Circuit bench in 2004. Since the reintroduction this year one other criminal division has begun using video conferencing and a second is studying its possible use.

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:

1975 – Auto Accident in St. Louis City, I was a minor pedestrian

2000 - Federal Court, I was sued by Alvin Banks pro se, after I successfully defended his previous lawsuit against the police department. Mr. Banks lawsuit was eventually dismissed. Cause No. 00CV1053

2004 – I was sued by a prose litigant under a Writ of Habeas Corpus, while assigned to Division 26.

2010 – I was sued by a prose litigant in federal court over an order I entered in 2005 while assigned to Division 27. The case was recently dismissed. I was represented by the Missouri Attorney General.

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: **No**

- (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. **No**

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: **N/A**

- (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: **N/A**

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?

If yes, provide details: **N/A**

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:
Missouri Bar
Illinois Bar (Inactive status)
U.S.D.C. Eastern District of Missouri
8th Circuit Court of Appeals
Lawyers' Association of Missouri
20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:
St. Gabriel Parish Board of Education, President 2001
Volunteer Coach St. Gabriel Athletic Association 1999-present
St. Gabriel Capital Improvement Campaign
St. Gabriel Holy Name Society, President 2006
Gene Slays' Boys' Club of St. Louis Alumni Association, Executive Board and
Volunteer Tutor
Augustana College Alumni Board, I was selected for a three year term in April 2012
Committee Member Troop 4 BSA 2011-present
21. Do you now hold or have you ever held any elective or appointive public office or position?
If yes, provide details: **N/A**
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: **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:
Peter J. Dunne
Pitzer, Snodgrass & Dunne
100 S. Fourth St.
St. Louis, MO 63102
314-421-5545
- Marie Kenyon**
321 N. Spring
St. Louis, MO 63108
314-977-3993

**Andrew Williams
Attorney at Law
5201 Hampton Ave.
St. Louis, MO 63109
314-753-4000**

**Mark Smith, Assistant Vice Chancellor
Washington University
Campus Box 1091
1 Brookings Hall
St. Louis MO 63130
314-935-6489**

**Jane Dueker
Stinson, Morris, Hecker
7700 Forsyth Blvd., Ste 1100
Clayton, MO 63105**

25. State any additional data you deem relevant:
I worked on Airport expansion litigation and gun litigation brought on behalf of the City of St. Louis. I defended the 22nd Judicial Circuit in an employment lawsuit brought by a group of former employees. I worked closely with the SLU Civil Clinic in placing interns with the City Counselor's office for more than five years. While serving as General Counsel to the Police Board I handled contract issues, copyright issues, open record issues, ADA issues and conducted legal training for recruits, commissioned officers and canine officers. I represented the SLMPD Crime lab in the first series of post-conviction DNA litigation filed in the 22nd Judicial Circuit.

Number 8

1. State v. Robert Mabry, 2007, cause numbers 059-5197; 069-2927, Rachael Schwarzlose, Assistant Circuit Attorney (314-622-4941), then Assistant Public Defender Michael Noble, now Drug Court Commissioner for the 22nd Judicial Circuit.(314-340-7630). Defendant charged with multiple counts of stalking, harassment and violation of an Order of Protection. Found guilty on six counts, not guilty on two counts and the jury hung verdicts on two more counts. Sentenced to six months at MSI. Jury trial 2007.
2. Ocello v. Ocello, 2007, 063- 1423A, Marie Kenyon for Petitioner (314-977-3993), Richard Ulrich for Respondent (314-991-4999). Dissolution of Marriage proceeding for a 49 year marriage. Issues included maintenance and wasting of marital assets. Bench trial 2006.
3. Toohey v. Toohey, 2006, 043-2751, William Meehan for Petitioner (314-725-9994), Susan Roach for Respondent (314-863-6369), Bryan Hettenbach, Guardian ad Litem (314-863-6200). Dissolution of Marriage proceeding. Issues included parenting plan, child custody and support, marital asset distribution, business valuation and marital misconduct. The Judgment in this case was appealed to the Missouri Court of Appeals and affirmed. Bench trial 2006.
4. S.R. by next friend SHR v. KM, 2006, 053-03633, Michelle House-Connaghan for Petitioner (314-726-0455), Sally Mills for Respondent (314-863-4040), John Bird (314-241-0687), Guardian ad Litem. Motion to modify requesting that Mothers supervised visitation be terminated. This case involved issues of physical/sexual abuse of a minor child. The mother's supervised visitation was terminated. A three day hearing was held which included the testimony of the minor child's Psychiatrist. Due to the allegations involved the hearing was closed to the public under Missouri law. The Judgment in this case was appealed and affirmed by the Missouri Court of Appeals. Bench trial 2006
5. State v. Felix Key , 2011, Assistant Circuit Attorney John Mantovani, 1114 Market St. Louis, MO 63101, 622-4941; Assistant Public Defender Dramon Foster 100 S. Central Clayton, MO 63105, 615-4775. Defendant was charged with Assault 1st Degree and Armed Criminal Action for firing his weapon into the victim's home striking the victim twice. Defendant was found guilty of all charges and was sentenced on March 18, 2011 to 28 years MDC. Jury trial 2011.

6. Land tax sale 139-205 and 130-129-057, 2009. Attorney for purchaser David Wilson 721 Emerson Rd Suite 200, 63141 423-6698; Attorney for Collector of Revenue Tyrone Taborn 5864 Julian St. Louis MO 63112, 367-2600; Attorney for Sheriff Murphy Gordon Schweitzer 10 N. Tucker 8th Floor St. Louis, MO 63101 622-4760. Purchaser filed a Motion to Set Aside a tax sale purchase because the property actually belonged to the State of Missouri. Motion to set aside granted and upheld on appeal. Bench trial 2009.
7. Carwash Products v. Herring and Bentrup 0722-AC09465. Attorney for the plaintiff, Frank Keefe 122 Clarkson Executive Parkway, Ellisville MO 63011 636-256-0900; Attorney for the defendant Thomas Carnes and Joseph Neill, 5201 Hampton Ave. St. Louis, MO 63109 353-1001. Breach of contract action with a counter-claim. Plaintiff sued for monies owed (in excess of \$200,000) for the sale and installation of a drive through car wash bay. Defendant counter-claimed for monies spent repairing the car wash due to the alleged faulty installation. Court ordered a net verdict of \$5,138 to the plaintiff. Bench trial 2008.
8. Kijuana Frenchie-Westbrook v. Board of Education, 0722-CC07091. Attorney for the Plaintiff, Rufus Tate 7751 Carondelet Ave Clayton MO, 63105 726-6495; Attorney for the Defendant, Jane Dueker 7700 Forsyth Blvd. Clayton MO 63105, 863-0800. Administrative case review under Chapter 536 R.S.Mo. Petition dismissed for lack of subject matter jurisdiction, affirmed on appeal. Bench trial 2009.
9. Goa Lin v. James Harrison Director of Missouri Children's Division, #0822-cc09867. Plaintiff's attorney Marie Kenyon 321 N. Spring Ave St. Louis MO (977-3993); Defendant's Attorney Mo. Attorney General's Office. Petitioner filed for review under Chapter 210.152 of an administrative decision finding one or more acts of "child neglect". Administrative decision reversed. Bench trial 2009.
10. Collector of Revenue and Lewis Mitchell Company v. Mohammed Bhatti, Attorney for Collector of Revenue, Tyrone Taborn 5846 Julian St. Louis, MO 63112; Attorney for Lewis Mitchell Co., Ken Graeber 906 Olive St. Louis, MO 63101(621-9550); Attorney for Mohammed Bhatti, Angela Yee PO Box 440423 St. Louis, MO 63144 (925-8271); and attorney for Sheriff, Gordon Schweitzer 10 N. Tucker 8th Floor St. Louis MO (622-4760). Original owner filed a Motion to set aside land tax sale for lack of proper notice. Motion denied after hearing, affirmed on appeal by the Supreme Court of Missouri. Bench trial 2009.

11. Larry Reichert et al v. The Board of Education of the City of St. Louis #054-01655. Attorneys for the Plaintiffs, George O. Suggs Schuchat, Cook and Werner, 1221 Locust St, 2nd Floor, St. Louis, MO 63103, (621-2626); Attorneys for the Defendants, Neal Perryman and Brian Pezza, Lewis Rice Fingersh, 600 Washington, Suite 2500, St. Louis, MO 63101 (444-7600). Plaintiffs consisted of a group of union employees including groundskeepers, carpenters and pipefitters. They filed for injunctive relief and for a violation of Chapter 168.291 RSMo after the Board of Education laid them off and subcontracted their work. The Missouri Supreme Court reversed the previous trial judge's denial of injunctive relief. Upon remand I was assigned the case. I appointed a Special Master (Jerome Diekemper) under Rule 68.01 to determine which senior union members would have been eligible for work and to determine back pay issues. Ultimately Judgment was entered for 16 of the remaining plaintiffs (some had retired and some had previously settled) and the permanent injunctive relief was ordered to remain in effect unless otherwise agreed to by the parties. Bench trial 2009.

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NUMBER 11

Creighton v. Conway

Lights and siren emergency case – Summary Judgment granted to Police Officer and Police Board. 937 S.W. 2nd 247 (Argued the case)

Snelling v. City of St. Louis Dept. of Public Utilities, et al.

Lawsuit filed against Water Dept. for trespass, etc. – Summary Judgment granted. Partial reversal. 897 S.W. 2nd 642 (Briefed the case)

Snelling v. Washington Apartments Ltd., et al.

Refiled old lawsuit – Summary Judgment on res judicata. 963 S.W. 2nd, 366 (Briefed the case)

Albert Deuser, et al. v. Lawrence J. King

Wrongful death case against a police officer – Summary Judgment granted and upheld. 24 S.W. 3rd 251 (Mo. App. 2000) (Briefed and argued the case)

McLin v. Board of Police Commissioners, et al 00-2799

First Amendment lawsuit filed by a police officer – Summary Judgment upheld. (Briefed the case) (8th Circuit Court of Appeals)

Ace Construction v. City of St. Louis 00-3499 and 00-3501

Procedural Due Process claim against the City – Summary Judgment against the City reversed. (Briefed and argued the case) (8th Circuit Court of Appeals)

Zern v. City of St. Louis No 78042

City appealed from a jury verdict. Verdict Upheld. (Briefed the case)

Biography for Honorable Michael F. Stelzer, Associate Circuit Judge, St. Louis City, 22nd
Judicial Circuit

Born February 11, 1964, St. Louis, MO. Graduated from Augustana College, Rock Island, IL, 1986. Graduated from Saint Louis University School of Law (cum laude) 1992. Clerked for the Honorable Carl R. Gaertner, Missouri Court of Appeals Eastern District. Assistant and Associate City Counselor, City of St. Louis, 1993-2004. General Counsel to the Board of Police Commissioners, St Louis City. Appointed to the Associate Circuit bench in January of 2004 by Governor Bob Holden; retained in 2006; term expires in December of 2010.