

**APPLICATION OF DAVID ANDREW DOLAN
TO THE APPELLATE JUDICIAL COMMISSION FOR THE
JUDGE BARNEY VACANCY
MISSOURI COURT OF APPEALS, SOUTHERN DISTRICT**

***RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS
NOMINATED FOR THIS VACANCY***

A. PERSONAL INFORMATION

1. Present principal occupation or title: PRESIDING CIRCUIT JUDGE 33rd JUDICIAL CIRCUIT

2. Are you at least 30 years of age? Yes (X) No ()

3. (a) How many years have you been a citizen of the United States? 58

(b) How many consecutive years immediately preceding your application have you been a qualified voter of Missouri? 30

4. State the date you were admitted to The Missouri Bar and whether your license is in good standing. If not, explain in detail. MAY 1, 1982. License is in good standing.

B. EDUCATIONAL BACKGROUND

5. (a) State the name and address of all colleges and universities attended, other than law school, together with the dates and degrees received.

Name	Address	Dates Attended	Degree
UNIVERSITY OF TENNESSEE	KNOXVILLE, TENNESSEE	1973	
MEMPHIS STATE UNIVERSITY	MEMPHIS TENNESSEE	1972 – 1978	BBA – FINANCE

- (b) List/describe any college or university activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision. ODK Honorary

Fraternity; Who's Who in American Colleges and Universities; President Pi Kappa Alpha Fraternity; Attorney General Memphis State University Student Government Association.

6. (a) State the name and address of all law schools attended together with the dates and degrees received.

Name	Address	Dates Attended	Degree
MEMPHIS STATE UNIVERSITY SCHOOL OF LAW	MEMPHIS, TENNESSEE	1978 – 1981	JD

(b) List/describe any law school activities, scholastic achievements and other awards or honors you think are relevant to the commission's decision. 1st and 2nd year Bar Governor; PDP Legal Fraternity

7. If you were a student at any school from which you were suspended, placed on probation, or expelled by school authorities, for any reason, describe the circumstances.

I have never been suspended, placed on probation or expelled by any school for any reason.

C. PROFESSIONAL BACKGROUND AND EXPERIENCE

8. State, in chronological order (starting with the earliest employment), significant non-law-related employment prior to or since law school. To the extent reasonably available to you, include the name and address of each employer and the dates of employment.

Employer	Address	Dates of Employment
Memphis Sash and Door Co. Summer employee; warehouseman	3886 Air Park St. Memphis, TN 38118	June 1972 – August 1972
General Sessions Court of Shelby County Tennessee; Deputy Court Clerk for Hon. Joseph Evans and Hon. Buford Wells.	Shelby County Courthouse 140 Adams, Memphis TN 38103	June 1973 - 1977
General Session Court of Shelby County Tennessee,	Shelby County Courthouse 140 Adams, Memphis TN	1977 – August 1978

Comptroller (Civil Division)	38103	

9. State, in chronological order (starting with the earliest employment), all employment from the beginning of law school to the present. For legal employment, describe the positions you have held, e.g., associate, partner, law clerk, general counsel.

Employer	Address	Dates of Employment	Position
Harris, Shelton, Dunlap and Cobb Attys	One Commerce Square, Memphis, TN 38103	January 1979 – December 1979	Law Clerk
Lawler, Humphreys, Dunlap and Wellford Attys	135 Madison, Memphis TN 38103	January 1980 – August 1982	Law Clerk / Associate Attorney
Crader, Crader, Dolan and Dolan Attys	111 South New Madrid, Sikeston, MO 63801	August 1982 – January 1990	Partner
David B. Summers Scott County Prosecuting Attorney	Scott County Courthouse, Benton, MO 63736	January 1987 – December 1990	Assistant Prosecuting Attorney Scott County MO
David A. Dolan Scott County Prosecuting Attorney / Solo private law practice	Scott County Courthouse, Benton MO 63736 Private Practice: David A Dolan Atty. 103 W. Malone, Sikeston MO 63801	January 1991 – January 1993	Elected Scott County Prosecuting Atty. Solo Law Practice
Associate Circuit Judge Division 4 Scott County MO	Scott County Courthouse, Benton, MO 63736	Elected November 1992, to fill unexpired term. Sworn in January 1993 ; Reelected 1994.	Associate Circuit Probate Judge Division 4
Presiding Circuit Judge 33 rd Judicial Circuit	Scott County Courthouse, Benton, MO 63736	Appointed to fill unexpired term 1998; Elected 2000; Reelected 2006: Reelected in Primary election August 2012 unopposed in general election November 2012	Presiding Circuit Judge

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

Bar Admission	Date
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Tennessee 9322	October 1981
(License surrendered in Tennessee as non-active) following election to the Bench in Missouri.	
United States District Court Western District of Tennessee	February 5, 1982
United States District Court Eastern District of Missouri	September 23, 1983
United States Court of Appeals for the Eighth Circuit	June 24, 1985

11. Describe the nature of your experience in trial and appellate courts and explain how they demonstrate the quality of your legal work. *(You either may take as much space as you need here or attach your response on separate sheets).* Include in your response:

- a. **Appellate Experience:** Please include a representative list of cases you have briefed and/or argued (if you are a judge, include representative cases from your practice prior to your judicial appointment). To the extent reasonably available to you:
- i. State the style, date, court and, if published, the citation;
 - ii. Identify the client(s) you represented and opposing counsel; and
 - iii. Give a one-paragraph description of the case and your role in it.

A review of an electronic legal data base revealed 90 reported cases that I have been involved with as an attorney or as a Judge. I have outlined here 4 Appellate cases I handled before becoming a Judge.

**1. In re: ROLANCO, Inc. 43 B.R. 153 (1984).
 JOHN HANCOCK MUTUAL LIFE INSURANCE COMPANY V.
 ROLANCO, INC. NO. 85 – 1604 – EM. UNITED STATES
 COURT OF APPEALS FOR THE EIGHTH CIRCUIT.**

I represented Appellant John Hancock Mutual Life Insurance Company. Appellee, Rolanco, Inc. was represented by Fred E. Arnold of St. Louis

John Hancock was a secured lender of Rolanco which owned a 1350 acre farm in Southeast Missouri. Rolanco was unable to meet its financial obligations, defaulted and sought relief from foreclosure in the United States Bankruptcy Court. I filed a request for relief from the automatic stay provision of the Bankruptcy Code or in the alternative for adequate protection of John Hancock’s secured position. After hearing, the U.S. Magistrate Judge enter an order allowing Hancock protection in the form of a \$75,000.00 payment but refused Hancock’s request for foreclosure. This Order was appealed to the United States District Court which affirmed the Bankruptcy Court Order. Appeal was taken to the United States Court of Appeals for the Eighth Circuit in that the Court

below had failed to allow Hancock adequate protection in the form of compensation to cover the loss it sustained from being unable to liquidate its collateral and to reinvest the proceeds to produce income. This case and a similar case were combined for oral argument before the Eighth Circuit. The Court in In Re: Martin, 761 F.2d 472, remanded a similar case to the District Court to accord sufficient weight to the language of the statute and the Congressional goal of affording the secured creditor the benefit of its bargain. The case became moot when the debtor failed to make the ordered payments and the collateral was returned to the secured lender.

2. **STATE OF MISSOURI v. FLOYD PORTER** 792 S.W.2d 411 (Mo. App. 1990)

I represented the State on an Appeal from the Circuit Court's granting of the Defendant's Motion to Suppress evidence. The Defendant was represented by Philip R. Pruett.

The police received a tip that the defendant would be receiving LSD in the mail. Police observed the defendant exit the post office with the package when the police executed a search warrant for the package; the defendant threw the package to the ground. The trial court granted defendant's motion to suppress evidence based on a lack of probable cause. The State appealed and the Southern District reversed the trial court, holding that the package was discarded by the defendant, thus the abandonment rule applied as an exception to the probable cause requirement for search warrants. The defendant later pled guilty to the charges.

3. **RAY SISCO v. BILL JAMES and BOB KIELHOFNER, CLERK OF THE COUNTY COMMISSION OF SCOTT COUNTY**
820 S.W. 2d 348
(Mo.App. 1991).

I represented the Scott County Clerk and Election Authority, Bob Kielhofner. Appellant Ray Sisco was represented by Attorney Jim S. Green and Respondent Bill James was represented by Attorney Dan S. Norton.

Bill James was declared the winner over Ray Sisco in an election for Mayor of the City of Miner, Mo. Sisco filed a petition to contest the election. James moved to dismiss the suit because the petition failed to state a cause of action. Kielhofner sought dismissal as an improper party which was called to the trial courts attention but no ruling was made. The trial court granted the motion to dismiss on the second day of trial, and Sisco appealed. The Southern District affirmed the trial court's ruling

4. **SENIOR CITIZENS BOOTHEEL SERVICES, INC., a Missouri General Not for Profit Corporation, and STATE OF MISSOURI EX REL SENIOR CITIZENS BOOTHEEL SERVICES, INC. v. DURWOOD DOVER, RALPH BOYER, JOSEPH SPALDING, and GERALD INMAN, Officially and Personally, C.R. WATERS, THOMAS A. MARSHALL and TRANSAMERICAN INSURANCE CO., 811 S.W.2d 35 (Mo.App. 1991)**

I represented the members of the Board of Equalization of Scott County, Dover, Boyer, Spalding, Inman and Waters. County Collector, Marshall and his bonding company Transamerica were represented by David D. Crane of St. Louis and Thomas L. Arnold of Benton, Missouri. Plaintiff was represented by Phillip J. Barkett of Sikeston, Missouri.

Plaintiff Senior Citizens Bootheel Services Inc. a Missouri not-for-profit owned real estate apartments providing housing for qualified seniors, handicapped or disabled persons. The real estate was placed on the tax roles and the corporation sued to have the property removed from the tax roles. The trial court dismissed the claims against the defendants and the plaintiff appealed. The appeal centered on the denial of a charitable exemption from ad valorem taxation by reason of Missouri Constitution Article 10 Section 6 and Section 137.100(5) RSMo. The Southern District determined that the Plaintiff was exempt from ad valorem taxes by reason of charitable use under Section 137.100(5) RSMo., and was ordered stricken from the tax rolls for the year in question and subsequent years.

- b. **Trial-Level Experience:** Please include a representative list of cases and/or administrative hearings you have handled (if you are a judge, include representative cases from your practice prior to your judicial appointment). To the extent reasonably available to you:
- i. State the style, date and court;
 - ii. Identify who you represented and opposing counsel;
 - iii. State whether the case was disposed of following a jury trial, bench trial or at what other stage; and
 - iv. Give a one-paragraph description of the case and your role in it.

A review of an electronic legal data base revealed 90 reported cases that I have been involved with as an attorney or as a Judge. This listing does not include cases tried but not appealed. I average 12 to 18 jury trials per year and 30 to 40 bench trials per

year. I have not included in this sample any juvenile cases although those are often the most rewarding and likewise often the most depressing case a Judge can hear. I hear hundreds of cases every year that are disposed of without trial. I have outlined 10 cases. Three cases were tried before I became a Judge and 7 that I have tried as a Judge, jury and non – jury.

STATE OF MISSOURI v. RON D. SHELTON

Charges: Murder 1st Degree and Armed Criminal Action

Jury trial Held 1992 in Perry County, Missouri after Change of Venue from Scott County

I represented the State as Prosecuting Attorney for Scott County

The Defendant was represented by Kenneth McManaman of Cape Girardeau.

The Defendant, a white male, brutally murdered an African-American male in a public venue, Sikeston Drag Strip, when he followed the victim into the restroom and stabbed him several times in the neck with a steak knife. The Defendant testified to voluntary intoxication and cocaine use. The Defendant and victim were strangers. The trial court, over objection of the State, gave a voluntary intoxication instruction negating intent and likewise gave the defense's offered instruction on Murder 2nd degree. The jury found the Defendant guilty of Murder in the 2nd Degree and Armed Criminal Action. The Defendant was sentenced to 30 years and 25 years to run consecutive.

STATE OF MISSOURI v. JAKE JONES

Charge: Assault in the 3rd Degree

Jury trial held in 1998 in Scott County Missouri

I represented the State as Assistant Prosecuting Attorney for Scott County

The Defendant was represented by Kenneth Dement of Sikeston, Missouri.

The Defendant is an African-American male. The victim is a white male. Charges were filed by the Prosecuting Attorney on a complaint made by the victim following a fight that had occurred in a local club. The Scott County jury found the Defendant not guilty. Following the trial, Mr. Dement introduced his client to me, and explained to Mr. Jones my job, and duties as an Assistant Prosecuting Attorney. Mr. Jones and I have remained friends still today.

WILFORD and HELEN UHRHAN v. DANNY DUMEY

Civil Action : Property Damage from illegal entry and trespass upon Plaintiff's real property.

Bench trial held in December 1988 in Scott County.

I represented the Uhrhans, and the Defendant was represented R. Howard Dillard of Cape Girardeau.

The Defendant had for several years used a dirt road across Plaintiff's land to access Defendant's farm which was also accessible from another road. Defendant began using larger and larger farm equipment which would at time damage Plaintiff's fence. Following the trial the Court found that the Defendant had an easement of use and ordered a survey for a 30 foot easement necessary for the conveyance of farm implements and equipment.

STATE OF MISSOURI v. JAMES A. NIEDERSTADT

Bench Trial held in Scott County Missouri following a change of venue from Dunklin County, Missouri.

At trial the State was represented by Stephen Sokoloff, Prosecuting Attorney for Dunklin County, and the Defendant was represented by Daniel T. Moore of Poplar Bluff. I was the Trial Judge.

The Trial Court found the Defendant GUILTY of forcible sodomy.

The Southern District Court of Appeals in SD 23612 REVERSED the judgment and ordered the Defendant discharged.

The Supreme Court of Missouri accepted transfer of the case from the Southern District and AFFIRMED the Trial Court. 66 S.W.3d 12 (2002).

The United States District Court For The Eastern District Of Missouri upon a Report and Recommendation from Magistrate Judge Mary Ann L. Medler and after Hearing by E. Richard Webber District Judge, GRANTED movant Neiderstadt's WRIT OF HABEAS CORPUS and VACATED the Sentence and Judgment in State of Missouri v. James R. Niederstadt, Cause No. CR398-26F originally entered in the Scott County Trial. Case No. 4:02CV00847 ERW

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT 465 F.3d 843 (2006). AFFIRMED the District Court decision.

UNITED STATES COURT OF APPEAL FOR THE EIGHTH CIRCUIT 505 F.3d 832 (2007) EN BANC. REVERSED the decision of the District Court and remanded with Instructions to DENY the petition for Writ of Habeas Corpus.

SUPREME COURT OF THE UNITED STATES 552 U.S. 1314; 128 S. Ct. 1875; 170 L. Ed. 2d 752 (2008) Petition for Writ of Certiorari, DENIED.

I found as the Trial Judge from the facts of this case that the Defendant penetrated the vagina of the victim while she was sleeping and that the same constituted "forcible compulsion".

DONALD R. MILLER and KAREN M. MILLER v. JIMMIE C. MILLER, WILLIAM E. MILLER, And Any and All Heirs. 73 S.W. 3d 888 (Mo. App. 2002)

James M. McClellan, Sikeston, Missouri for Jimmie C. Miller and William E. Miller Appellants

John L. Mautino, Jackson, Missouri for Respondents.

After a Bench Trial I issued an interlocutory judgment and order finding the parties were owners of the subject property as tenants in common, each having a one-third interest. Because of the uniqueness and condition of the property I ordered a sale and that the proceeds be partitioned between the parties according to their respective interests. An evidentiary hearing on damages and all other issues relating to the distribution of the proceed was ordered to take place after the sale. The Southern District AFFIRMED, The case involved warranty deeds, quit claim deeds and powers of attorney created during the lives of the parties' parents.

ERIC HUMPHREY v. CHARLES GLENN and DALE GLENN d/b/a C & D GLENN FARMS NO. 25744 Southern District Court of Appeals. REVERSED. Missouri Supreme Court 167 S. W. 3d 680 (2005)

Plaintiff – Respondent Eric Humphrey was represented by Fred H. Thornton III of Sikeston, Missouri. Defendants – Appellants Glenn were represented by Albert C. Lowes of Cape Girardeau, Missouri.

I was the Trial Judge in a Jury Trial where the Plaintiff, while trespassing on Defendant's farm, was injured when he drove his ATV through a cable fence. The Jury found in favor of the Plaintiff trespasser. I gave a Jury Instruction requested and drafted by the Plaintiff which allowed an exception to the "no duty" rule generally applied to trespassers. The Southern District Court of Appeals refused to adopt the RESTATEMENT (SECOND) OF TORTS SECTION 335 and reversed the Judgment. The Missouri Supreme Court adopted the RESTATEMENT (SECOND) OF TORTS SECTION 335 but remanded the case for a correct jury instruction setting forth the elements of Section 335. The parties settled following the remand.

CHARLES S. PIKEY, JOHN S. PIKEY, BRENT D. PIKEY, CHARLES PIKEY II, DOUGLAS RIDDICK and MARGIE RIDDICK, Plaintiffs – Appellants, v. DR. WILLIAM C. BRYANT, Defendant – Respondent 203 S.W. 3d 817 (Mo. App. 2006).

Plaintiff Appellants were represented by Shawn D. Young of Portageville, Missouri, and Defendant Respondent was represented by Wendell W. Crow of Kennett, Missouri.

I was the Trial Judge in a wrongful death action filed by the family of the deceased against the Defendant doctor seeking damages for intentional spoliation of evidence. The Plaintiff urged the Court to recognize the tort of intentional spoliation of evidence in Missouri. I granted the Defendant doctor's motion to dismiss and

dismissed the petition with prejudice. The Southern District Court of Appeals **AFFIRMED**, finding that the Plaintiff's petition failed to state a claim for intentional first – party spoliation of evidence and therefore did not reach the issue as to whether Missouri recognizes such a cause of action.

STATE OF MISSOURI v. SAMUEL A. FREEMAN

Southern District Court of Appeals **REVERSED AND REMANDED WITH DIRECTIONS** No. 28150 (2008).

Missouri Supreme Court Judgment of Trial Court **AFFIRMED** 269 S.W. 3d 422 (2008).

At Trial the State of Missouri was represented by Elizabeth Bock, Assistant Attorney General and Kevin Zelner, Assistant Attorney General. Defendant was represented by Stephen Walsh and Daniel Moore of Poplar Bluff Missouri.

I was the Trial Judge in this First Degree Murder Jury Trial. The case involved extensive scientific DNA evidence which the Court admitted following testimony from a DNA analyst/criminalist. The jury found the Defendant **GUILTY** and sentenced him to life imprisonment. On Appeal to the Southern District Court of Appeals, the Court found the evidence insufficient, **REVERSED** the Judgment and **REMANDED** the case with instructions to enter a Judgment of acquittal. The Missouri Supreme Court in **REVERSING** the decision of the Court of Appeals and **AFFIRMING** the Jury Verdict of **GUILTY**, found that the evidence presented to the jury was of a sufficient basis for a jury to find guilt beyond a reasonable doubt. The DNA analysis was reliable, scientific and untainted. Other evidence also corroborated the inferences of Defendant's guilt. The Defendant failed to show that his conviction rested on insufficient evidence or that the trial court committed an abuse of discretion in making its evidentiary rulings.

MORRIS JONES and PAMELA JONES v. MID-CENTURY INSURANCE CO.

Southern District Court of Appeals : **AFFIRMED** Nos. 28757 & 28758 (2008)

Missouri Supreme Court En Banc: **REVERSED and REMANDED**. 287 S.W. 3d 687 (2009).

This was a Bench Trial in a Declaratory Judgment action. The Appellants Jones and Brown were represented by Phillip J. Barkett of Cape Girardeau, Missouri, and the Respondent, Mid-Century Insurance Co., was represented by William J. Sneckenberg of Chicago, Illinois, and Jeffery P. Hine, of Cape Girardeau, Missouri.

I was the Judge at the Bench Trial. This was an underinsured motorist case in which the appellant claimants Jones and Brown suffered injuries in a car accident that exceeded the insurance policy limits of the responsible driver. The appellants sought

to satisfy their damages from their underinsured motorist benefits from their insurance policy. I determined that the terms of the underinsured motorist policy were not ambiguous and found that the parties were covered under their policy only for the sums not paid by the at fault drivers liability policy. The Southern District Court of Appeals AFFIRMED the judgment. The Missouri Supreme Court REVERSED the Trial Courts judgment finding the the insurance policy provisions were ambiguous and resolved the issues in favor of coverage. The Supreme Court found that the specific policy language if followed would mean that the underinsured motorist coverage would never be required to pay its insured the full amount of underinsured motorist coverage its policy ostensibly provided, and that such a result was not permitted under Missouri law.

DENNIS THOMPSON v. WAYNE ROCKETT

Southern District Court of Appeals; AFFIRMED 313 S.W. 3d 175 (Mo. App. 2010).

This was a BENCH Trial in which the Appellant, Wayne Rockett, was represented by Matthew B. Lee of Poplar Bluff, Missouri, and the Respondent, Dennis Thompson, was represented by Brian Scott McChesney, of St. Louis, Missouri.

I was the Judge in this Bench Trial. Thompson, an employee was injured when a dump truck he was driving overturned. Rockett was Thompson's supervisor at work and directed the employee to drive the truck in an unsafe condition. I entered a default judgment against Mr. Rockett as a sanction for failure to answer any discovery directed to him. On appeal, the supervisor argued that the trial court had no authority under the workers compensation statute 287.120.2 RSMo. to award any damages to the employee. The Appellate Court could not address the issue raised on appeal by the supervisor because the supervisor lost the ability to assert the defense of the statute when the trial court entered a default judgment on liability as a discovery sanction.

- c. **Judicial Experience:** If you are a judge, commissioner, or are serving or have served in another judicial capacity, please describe the nature and extent of your judicial responsibilities:

- i. Include the dates you have served at each level;

Elected Associate Circuit / Probate Judge Scott County Missouri August 1992
began January 1993.

Reelected Associate Circuit Judge 1994.

Appointed Presiding Circuit Judge 33rd Judicial Circuit 1998

Elected Presiding Circuit Judge 33rd Judicial Circuit 2000

Reelected 2006, 2012

- ii. Identify the types of dockets you have handled; and

In 1993 when I took the bench as the Associate Circuit Probate Judge I initially handled the Probate cases, Mental Health cases and Domestic cases including Order of Protection cases in Scott County. In 1993 I asked the Presiding Judge for the Juvenile docket in Scott County and I have kept that docket through today. I handled other cases by assignment including misdemeanor and felony cases. I handled small claims and civil cases upon disqualification of other Judges. In 1995 I began the Juvenile Treatment Court docket and still handle those cases today at jurisdictional hearings and discharge hearings.

In 1998 upon appointment as Presiding Circuit Judge I primarily handled the criminal and civil jury trials in the 33rd Circuit. I maintain the Juvenile docket in Scott County and hear other matters upon disqualification of the other Judges. As administrative Judge, I am in charge of a secure Juvenile Detention Facility and Civil and Criminal cases arising in the Southeast Correctional Facility in Charleston, Missouri. We maintain a courtroom at the Correctional Facility. I receive assignments from the Supreme Court for cases in other Circuits. I have served as a transfer Judge for dockets in both St. Louis City and St. Louis County. I have heard administrative hearing cases from professional license revocations to Medicaid and general relief denial appeals. I deal with Habeas Corpus petitions from Department of Corrections inmates, and have tried cases including Capital Murder cases, Class Action cases, Department of Natural Resources nuisance cases to Department of Transportation condemnation cases.

- iii. State any special expertise you have developed that you believe is relevant to your qualifications for the position for which you are applying.

I have had extensive training in Capital Murder cases, and scientific training in matters involving DNA and Genetics. I have participated in the drafting of legislation on both the state and national level.

I began the first Juvenile Drug Treatment Court in Missouri in 1995, and we continue to serve the needs of the 33rd Circuit through an Adult Treatment Court, Family Treatment Court, Juvenile Treatment Court and a DUI Court. We have recently through a cooperative agreement with New Madrid County of the 34th Circuit and the Missouri Supreme Court begun Treatment Court services with the 34th Circuit. We also serve 3 school districts in Scott County with on site Truancy Courts.

12. Describe any additional legal experience that you believe may be relevant to the decision of the commission (e.g., work as a law professor, in government, as corporate or other legal counsel).

I served as Faculty for The National Drug Court Institute from 2007 through 2009 instructing Treatment Court Judges from across the country on Treatment Courts and Ethics.

I serve on the Juvenile Court Education Committee that developed the curriculum and continue to instruct Juvenile officers and caseworkers on the practice and procedures in Child Abuse and Neglect Hearings and Termination of Parental Rights Cases.

13. List all bar associations and other professional societies of which you are a member, with any offices held and dates.

Tennessee Bar Association 1981

Memphis Shelby County Bar Association 1981

Missouri Bar Association

Scott County Bar Association

Missouri Association of Drug Court Professionals

Founding Board Member and Past President 2000 – 2001

National Association of Drug Court Professionals 2000 – 2005

Board Secretary 2002- 2005

Executive Committee 2001 – 2005

NADCP/NDCI National DWI Court Committee 2005 – 2008

Co Chair National DUI Court Research.

Fellow, ASTAR, The advanced Science and Technology Adjudication Resource Center,
Washington, DC - 2009

14. List any professional articles or books authored by you that have been published or any special recognition or award of a professional nature you have received.

Chapter 18 TREATMENT ALTERNATIVES – NEGLECT AND ABUSE

MISSOURI JUVENILE LAW Second Edition.

Model State Drug Court Legislation: THE MODEL DRUG COURT OFFENDER
ACCOUNTABILITY AND TREATMENT ACT

National Drug Court Institute, 2004.

Claire McCaskill Award, Missouri Association of Drug Court Professionals 2009
For Significant Contribution To Missouri Drug Courts.

D. PUBLIC SERVICE

15. Describe your community activities, including any organizations not listed elsewhere with which you are affiliated.

I am a member of the St. Francis Xavier Catholic Church.
Past President Sikeston Rotary
Knights of Columbus 4th Degree
Past President Sikeston Jaycees
Past Legal Counsel Missouri Jaycees
1990 Ten Outstanding Young Missourian Award
Past Chairman Sikeston Jaycee Bootheel Rodeo
Past Treasurer Sikeston Rodeo Board
Past Chairman Sikeston United Way
Past District Chairman Okeechobee District Boy Scouts of America
Past Board President Kenny Roger's Children's Center
Past Little League and Babe Ruth League Baseball Coach
Past President Sikeston Soccer Leagues
Coach Boys and Girls Soccer Teams
Current Board Member Susanna Wesley Family Learning Center

16. Do you now hold or have you ever held an elective or an appointive public office or position? If yes, provide details.

1987 – 1990 Assistant Prosecuting Attorney Scott County Missouri
1991 – 1993 Elected Prosecuting Attorney Scott County Missouri
1992 Elected Associate Circuit Judge Division 4 Scott County Missouri
1994 Reelected Associate Circuit Judge Division 4 Scott County Missouri
1998 Appointed Presiding Circuit Judge 33rd Judicial Circuit
2000 Elected Presiding Circuit Judge 33rd Judicial Circuit
2006 Reelected Presiding Circuit Judge 33rd Judicial Circuit
2012 Reelected Presiding Circuit Judge 33rd Judicial Circuit

17. Provide the branches and dates of (a) military service or (b) other public service not otherwise disclosed in this application. If discharged from the military, state whether the discharge was other than honorable.

No military service.

E. PROFESSIONAL CONDUCT AND ETHICS

18. Were you ever refused admission to the bar of Missouri or the bar of another state or the federal courts? If yes, provide details.

NO

19. Have you ever been disciplined, admonished or cited for breach of ethics or professional conduct by the Supreme Court of Missouri or by any court or bar association or committee thereof? If yes, provide details.

NO

20. If you are or were a member of the judiciary of the state of Missouri, please state:

- a. Whether an order of discipline ever has 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, provide details.

NO

- b. Whether a reprimand or admonition ever has been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Supreme Court Rule 12.07. If yes, provide details.

NO

21. Have you ever been held in contempt of court? If yes, provide details.

NO

22. 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?

If your answer is yes, state the style of the case, where it was filed and explain in detail.

If you are a judge and you have been sued in your judicial capacity, list only those cases where you are or were other than a nominal party.

YES

I was named as a defendant in several prisoner cases as Prosecuting Attorney, and have been named as a defendant in many civil cases as a Judge where parties seek writs from Appellate Courts. I have not sued or been sued by anyone in a non-professional matter, and was never sued in any legal negligence matters.

23. Have you ever been convicted or received a suspended imposition of sentence for a felony or misdemeanor in state, federal or military court? *(Note that this question does not require that traffic offenses or other infractions be listed.)*

If your answer is yes, state the style of the case, where it was filed and explain in detail.

NO

24. Are you delinquent in the payment of any federal, state, county or city taxes? If yes, provide details.

NO

F. MISCELLANEOUS

25. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of being an appellate judge, including participating in oral argument; performing legal research; communicating clearly and effectively, both orally and in writing; supervising the lower courts, serving on court committees and performing other administrative functions; and expeditiously deciding issues coming before the court.

I am.

26. You must attach to this application at least one, but not more than three, writing samples that comply with the requirements set out in the instructions for applicants.

Sample 1: Brief of Appellant John Hancock Mutual Life Insurance Company before The United States Court of Appeals for the Eighth Circuit.

Sample 2: Brief of Appellant - Plaintiff State of Missouri v. Floyd Porter before the Missouri Court of Appeals Southern District.

Sample 3: Missouri Juvenile Law 2nd Edition Volume II. Published by The Missouri Bar.

See Attached.

27. List/describe any additional honors or awards you have received, activities you have performed, or any other information not set out above that demonstrates the quality of your work as an attorney or that you otherwise believe is relevant to the commission's decision.

I have served on the Missouri Supreme Court Legislative Steering Committee since 2008.
Missouri Trial Judges Legislative Committee
ASTAR Trial Judges Committee
Missouri Working Group on Sentencing & Corrections (PEW Center on the States)
2011-2012

Governor's Methamphetamine Education and Prevention Task Force 2004

Guest Faculty Perinatal Substance Abuse Leadership Training
Southeast Missouri State University, May 2000.

Past member of National Council of Juvenile and Family Court Judges Committees on Adoption, Permanency Planning, and Alcohol and Drug Abuse.

Presenter, "A Forum on Family Court: Exemplary Practice" September 26 – 29, 1999 St. Louis, MO.

Presenter, Mississippi Judicial College, Trial & Appellate Judges Conference October 23 – 25, 2002.

Presenter, "Genetics and Treatment Dispositions in Drug Court for Judges", NADCP 15th Annual Drug Court Training Conference, June 10 – 13, 2009.

Presenter, "Evidence-Based Practices in Sentencing and Corrections." Mo. Bar Annual Meeting CLE, October 18, 2012.

Please list the names of *five* persons whom you will ask to provide letters of reference for you with respect to your judicial qualifications. Do **not** list as a reference a judge of the court involved. As to each of the five references, **please provide name, title, mailing address, telephone and e-mail address.** *Please note that it is your responsibility to contact your references,* although if you intend to use as a reference a federal judge or other individual who only can provide a reference upon a specific request by the interviewing authority, please advise the commission and it will send that reference such a request. As to all references, it is your responsibility to see that they send the requested letters in a timely manner.

Provide your references with the attached Guidelines for References. The commission must receive your letters of reference, **via e-mail**, to SDJudgeVacancy@courts.mo.gov, by the date indicated in the Instructions to Applicants.

Hon. William Ray Price Jr. (Ret.)
Armstrong Teasdale LLC
7700 Forsyth Blvd.
St. Louis, MO. 63105
800-243-5070
WPrice@ArmstrongTeasdale.com

Maurice B. Graham
Gray, Ritter & Graham, PC
701 Market St. Suite 800
St. Louis, MO 63101
314-732-0728
mgraham@grgpc.com

Joseph C. Blanton Jr.
Blanton, Rice, Nickel, Cozean & Collins LLC
219 S. Kingshighway
Sikeston, MO. 63801
573-471-1000
jblanton@blantonlaw.com

Philip J. Black CPA
126 N. Main
Sikeston, MO. 63801
573-471-3300
philbcpa@sbcglobal.net

Dr. Martha Ellen Black
207 N. Washington
East Prairie, MO. 63845
573-683-0783
martha@swflc.com