

**APPLICATION OF MARY W. SHEFIELD  
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***

1. Present principal occupation or title:

**Presiding Circuit Judge of the 25<sup>th</sup> Judicial Circuit**

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

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

**54 years**

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

**29 years**

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

**1980 License is in good standing.**

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

**United States Eastern District and United States Western District Court**

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

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

**North Carolina State University September 1973 – December 1976**

**19 Harris Hall Box 1713**

**Raleigh, N C 27605**

**Ranked Number 1 of 489 students in  
School of Liberal Arts for the 1976-1977  
academic year**

**NSCU Liberal Arts Council – President**

**Blue Key Honor Society – President**

**Alpha Lambda Delta – President**

**Phi Kappa Phi – NCSU – Vice President**

**Oxford University in England**                      **June 1976 – August 1976**  
**Under Honors Writing Program**  
**Sponsored by University of North**  
**Carolina at Asheville**

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

**University of Miami**                                      **September 1977 – May 1980**  
**School of Law**  
**P O Box 248087**                                      **Juris Doctor Degree**  
**Coral Gables, FL 33124**                              **Executive Editor: Lawyer of the**  
**Americas: Journal of International Law**

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

**The National Judicial College**                      **July 1995**  
**Judicial Writing Course**  
**Judicial College Building**  
**University of Nevada**  
**Reno, Nevada 89557**

**United States International Liaison**              **Appointed by United States**  
**Judge**    **State Department    April 2006**  
**Hague Convention on**                              **Reappointed            January 2009**  
**International Child Abduction**

**University of Miami**                                      **February 2008**  
**And NCMEC**  
**(National Center for**                                      **Advanced Training Certification**  
**Missing & Exploited Children)**                      **Cross-Border Family Mediation**  
**P O Box 248087**                                      **Civil Aspects of International Child**  
**Coral Gables, FL 33124**                              **Abduction**

**The National Judicial College**                      **Summer 2009**  
**West Yellowstone, WY**                              **Current Issues in the Law**

**German Judicial Academy  
Wustrau Conference Center  
Deutsche Richterakademie  
Germany**

**June 2009**

**German-American College for  
Family Court Judges**

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.

NOT APPLICABLE

**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.

<b>School Bus Driver</b>	<b>Greensboro Public Service 1971-1973 City of Greensboro 712 N. Eugene Greensboro, NC 27401</b>
<b>Hostess</b>	<b>Red Lobster 1976 2001 N. Church St. Greensboro, NC 27401</b>
<b>Substitute Teacher</b>	<b>Greensboro Public Schools-Administrative Services January 1977 – May 1977 City of Greensboro 712 N. Eugene Greensboro, NC 27401</b>
<b>Library Technician Lexis Operator</b>	<b>University of Miami Law Library March 1978 – April 1979 P O Box 248087 Coral Gables, Florida 33124</b>

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.

I was a law clerk at the firm of Knecht and Holland, 808 Douglas Road, Coral Gables, Florida, from April 1979 – June 1980. I handled insurance defense personal injury cases with a special emphasis on asbestos litigation, attending depositions, preparing trial notebooks, doing legal research, and handling routine court appearances.

In September 1980 – June 1982, I practiced law with the Gene Gulinson Law Offices in Salem, Missouri as an associate. I handled civil cases including plaintiff personal injury, workers compensation, real estate, Social Security and probate. I handled criminal defense cases of all types ranging from driving while intoxicated cases to felony manslaughter, rape and stealing. These cases involved jury trial and Court of Appeals work.

From July 1982 until January 1983, I operated my own law practice in Rolla, Missouri. This consisted of a general practice of family law, criminal law, civil law, workers compensation, and Social Security.

I was elected Associate Circuit Judge and Probate Judge, Division I, in Phelps County taking office in January, 1983. I was re-elected for six (6) consecutive terms.

In November 2004, I was elected Circuit Judge of the 25<sup>th</sup> Judicial Circuit and am now currently serving my second term as Presiding Judge of the 25<sup>th</sup> Judicial Circuit.

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

NONE

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.
  
- 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.
- 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;
  - ii. Identify the types of dockets you have handled; and
  - iii. State any special expertise you have developed that you believe is relevant to your qualifications for the position for which you are applying.

**SEE ATTACHMENT "A" PAGE 21**

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).

**In 2003, at the request of The State Department, I attended and chaired, on behalf of the United States, the 2003 Hague Convention on International Child Kidnapping in Noordwijk aan Zee, The Netherlands.**

**I represented the United States again at the second Hague Convention on International Law in Malta in 2005.**

**In 2006 under President George W. Bush and in 2009 under President Barrack Obama, the United States State Department appointed me, along with 3 other United States Judges, to serve as United States International Liaison Judges to the 1980 Hague Convention on International Child Abduction.**

**At the request of the State Department in January 2009, I served as a liaison judge for the United States at The Hague Convention on International Child Abduction in Brussels, Belgium.**

**In June 2009, the State Department appointed me as liaison judge representative to Waustrau Germany for the German-American College for Family Court Judges.**

**In August 2009, I represented the State Department at the International Family Justice Judicial Conference for Common Law and Commonwealth Jurisdictions, Cumberland Lodge, England.**

March 23 – 25, 2010, I was the United States judicial delegate to the Washington Declaration on International Family Relocation; International Judicial Conference on Cross-Border Family Relocation, Washington, DC, USA.

June 1 – 10, 2011, I was the judicial member of the United States delegation to Part One of the Sixth Special Commission on the Abduction and Child Protection Conventions at the Peace Palace, The Hague, The Netherlands.

June 15, 2012, I was the keynote speaker for the International Society of Family Law North American Regional Conference, The University of Iowa College of Law; The State of International Family Law Issues: A View from the United States.

As a U. S. Liaison Judge I have served as a treaty educator to foreign and domestic judges, a liaison judge between foreign judges and domestic judges on active Hague cases and as an advocate for the adoption of the Hague Convention to various foreign jurisdictions. The State Department has utilized me in many venues including Germany, Denmark, the Netherlands, France, Malta, Great Britain, the Dominican Republic, Brazil, Japan and Egypt.

In a different arena, as the Chair of the Family Court Committee, the Missouri Supreme Court Rules on Child Support were revised and published, the Juvenile Court Rules were rewritten and published, and the new rules for Guardian ad Litem were written and approved by the Supreme Court and published.

December 2009, I participated in the Capital Litigation Initiative, involving judges, prosecutors and defense counsel who handle large numbers of capital cases.

September 12 -15, 2011, I participated in the Fourth Amendment; Comprehensive Search and Seizure Training for Trial Judge in Oxford, MS., presented by the National Center for Justice and the Rule of Law and The National Judicial College.

August 26 – September 21, 2012, I am the United States delegate to the 2012 Hong Kong International Family Justice Judicial Conference: Presentation International Hague Network of Judges: The American Experience of Liaison Judges in Hague Parental Abduction Cases.

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

Phi Alpha Delta Law Fraternity  
Rasco Chapter

1978 to Date

American Bar Association	1980 to Date
Missouri Bar Association	1980 to Date
American Trial Lawyers Association	1980 to Date
Phelps County Bar Association	1980 to Date
Dent County Bar Association	1980 to 1983
Missouri Young Lawyers Association	1981 to 1995
Missouri Association of Probate and Associate Circuit Judges Board of Directors Executive Council Committee to Review One Tier Judgeship – Chairperson	1982 to 2005
American Judicare Society	1982 to Date
National Association of Women Judges	1983 to Date
Missouri Juvenile Justice Association	1984 to Date
National College of Probate Judges President	1984 to Date 2000 – 2001
Blue Ridge Institute for Family and Juvenile Law Judges Vice President President	1993 to Date 1993 – 1994 1994 – 1995
Missouri Association of Peer Courts, Inc.	1998 – 2004
National Guardianship Association (NGA)	2000 to Date

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.

In 1986, I was selected and honored in Washington, D. C as one of the TEN OUTSTANDING YOUNG WOMEN IN AMERICA.

In 1991, I was one of 32 state leaders from across the nation selected for the HENRY TOLL FELLOWSHIP PROGRAM sponsored by the Council of State Governments.

In 1991, I was one of 35 women selected to participate in the GREATER MISSOURI FOCUS ON LEADERSHIP PROGRAM.

In 1992, I was one of 54 women selected to participate in the LEADERSHIP AMERICA PROGRAM which met in Washington, D. C., Houston, TX., and in Seattle, WA.

In 1993, I received the WOMAN OF DISTINCTION AWARD from the United States Girl Scouts of America, Dogwood Trails Council.

In 1995, I received the Good Life WOMAN OF THE YEAR Award for establishing the CASA program in the 25<sup>th</sup> Judicial Circuit.

In 2000, I received the Optimist 2000 BRAMLETT-LIGHT Award for establishing the Phelps County Teen Court.

In 2002, Justice Limbaugh awarded me the first CHIEF JUSTICE'S AWARD for outstanding service to the Judiciary.

In 2004, I was presented the ATHENA Award by the Rolla Area Chamber of Commerce, which annually recognizes an accomplished community woman who has worked to improve the quality of life in Rolla.

In 2011, I received the CASA HOPE AWARD.

In 2012, I received the MISSOURI LAWYERS WEEKLY; 14<sup>th</sup> ANNUAL WOMENS'S JUSTICE AWARDS FOR PUBLIC SERVICE.

#### Regarding Publications:

I served on the Commission on National Probate Court Standards under a grant from the State Justice Institute, the National College of Probate Judges, and the

Center for State Courts which resulted in the 1993 publication of the “NATIONAL PROBATE COURT STANDARDS.”

In 1994, I presented an article entitled “MISSOURI PROBATE AND TRUST PROCEDURE AGAINST THE BACKDROP OF THE NATIONAL PROBATE COURT STANDARDS” to the Sixth Annual William K. Fratcher Trusts and Estates Symposium.

In 1994, I was a joint presenter at the National College of Probate Judges Fall Conference, titled “MOCK TRIAL ON GUARDIANSHIPS.”

I made an invited presentation at the National College of Probate Judges’ Spring Conference, 1995, in Newport, Rhode Island on “Supervision of Guardianships.”

In a joint presentation to Advanced Elder Law Institute for the National Academy of Elder Law Attorneys in Colorado Springs, Colorado in 2000, I co-prepared and presented “APPELLATE ARGUMENT ON ORDER DENYING PETITION FOR DISTRIBUTION OF WARD’S FUNDS TO IMPLEMENT MEDICARE PLANNING.”

At the 2001, American Bar Association meeting in Chicago, IL, I presented “ECCENTRIC, INDEPENDENT OR INCOMPETENT? LITIGATING MENTAL CAPACITY CASES” under the Section of Individual Rights and Responsibilities.

In 2001, at the National College of Probate Judges’ Fall Conference in Maui, Hawaii, and again at the 2002 NCPJ Spring Conference in Key West, Florida, I was a panel presenter on “How Would You Handle This? Open Discussion with Panel and Membership on Current Issues and Ethics.”

At the 2002 National Guardianship Association Annual Conference, I presided over an interactive Mock Adjudication Trial and moderated the discussion.

In August 2009, as Hague Convention Liaison Judge of the United States at the Common Law/Commonwealth International Family Justice Judicial Conference in Windsor, England, I presented “THE STATE OF INTERNATIONAL FAMILY LAW ISSUES: A VIEW FROM THE UNITED STATES.”

UNITED STATES IMPLEMENTATION of 2007 HAGUE CHILD SUPPORT TREATY; presented 2009 Cumberland Lodge, England, to the International Family Justice Judicial Conference.

**THE STATE OF INTERNATIONAL FAMILY LAW ISSUES: A UPDATED VIEW FROM THE UNITED STATES**; June 15, 2012, presented University of Iowa College of Law.

**INTERNATIONAL HAGUE NETWORK OF JUDGES; THE AMERICAN EXPERIENCE OF LIAISON JUDGES IN HAGUE PARENTAL ABDUCTION CASES**; August 28, 2012; Hong Kong International Family Justice Judicial Conference.

I have made presentations to the Missouri Judicial College including:

**“Interviewing Children & Child Witnesses”** Missouri Judicial College, 2002/2003

**“Hague Convention on International Child Abduction”** Missouri Judicial College, 2005

I have prepared materials and made oral presentations on a variety of issues to the Phelps County Bar Association, the Missouri Bar Association, the Blue Ridge Institute of Juvenile and Family Court Judges, the National College of Probate Judges, the National Association of Librarians and the Missouri Juvenile Justice Association.

#### D. PUBLIC SERVICE

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

<b>Russell House Shelter (For Abused Women and Children)</b>	<b>Founding Member since 1993</b>
<b>Certified Financial Planners (CFP) Board of Standards</b>	<b>Appointed to Board of Governors 1995 – 2001</b>
<b>Phelps County Historical Society</b>	<b>Chairperson, 1982 – 1995</b>
<b>The Community Partnership</b>	<b>Board of Directors, 2000 to Date</b>
<b>U S Bank – Phelps County Branch</b>	<b>Board of Directors, 2008 to Date</b>
<b>Rotary Club of Rolla</b>	<b>Member Director, 2008 to Date President – Elect</b>

Chamber of Commerce, Rolla	Member
Chamber of Commerce, Waynesville	Member
Chamber of Commerce, St. Robert	Member
Chamber of Commerce, St. James	Member
First United Methodist Church	Chair, SPR Committee 2008 to Date
PEO	1982 to Date

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

Circuit Judge of the 25 <sup>th</sup> Judicial Court	January 2004 to Date
Associate Circuit Judge of the 25 <sup>th</sup> Judicial Court	January 1983 – December 2004

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.

**Not applicable.**

#### **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 have 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?

Yes

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.

**I have been sued by prisoners sent to the Department of Corrections under Missouri Supreme Court Rule 24.035, and on Habeus Corpus issues.**

**Kenneth E. Hawley; Margaret R. Hawley**

**Vs**

**Donald Nelson; Teresa Winemiller; Caroline Bradford, Kaye Harms; Roger Berkbuegler; Carl James; Wayne Langston; Russell Sheldon; Charlene Wheeler; John W. Wiggins; Mary W. Sheffield; Russell Carnahan; Ralph Haslag; Lynn Slawson; Kent King; Melvin E. Carnahan; Roger A. Carnahan; William E. Hickle; Douglas E. Long**

**CAUSE NO. 4:96-CV-441(DDN)**

**The District Court granted our motion to dismiss and dismissed the case in its entirety. The United States Court of Appeals sustained the judgment of the District Court in 1997.**

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.)*

No

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

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.

#### ATTACHMENT "B" PAGE 22

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.

#### *SEE ATTACHMENTS*

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 am an active member of the judiciary.**

**I established Drug Courts in Phelps, Texas and Pulaski Counties beginning in 2006 that are graduating drug free employable individuals. Since that time, a DWI Court and two Veterans Courts have been established.**

**Under another federal grant I wrote, the 25<sup>th</sup> Circuit was and continues to serve as a pilot project for Missouri utilizing the "One Judge, One Family" concept and incorporating innovative special programs including MARCH mediation, Special Masters, Parenting Coordinators for high conflict cases, Transportation Assistance Grant (TAG) and Mentors for Foster Children Aging Out.**

**In November 2009, the MARCH Mediation was recognized by President Obama at the 19<sup>th</sup> Congress on Child Support Enforcement and is now being disseminated as a model program nationwide. The Circuit and this pilot project have been recognized internationally at the 5<sup>th</sup> World Congress on Family Court and Children's Rights in Halifax, Canada, for its innovative programs in a rural court area.**

I started the Phelps County Teen Court in 1996.

I also implemented the CASA program in the 25<sup>th</sup> Circuit.

Another Judge and I initiated the Russell House, a domestic violence shelter for women and children.

We also created the Central Ozark Service Program (C.O.S.P.) as an alternative sentencing program for the courts and judges to utilize as a tool to prevent incarceration.

**OTHER ACTIVITY INVOLVMENT:**

Family Court Committee (FCC) (Current Chairperson since 2005)	Appointed by Supreme Court January 2003 to Date
Trial Judges Education Committee (TJEC)	Appointed by Supreme Court May 2003 to Date
Gender and Justice Council Committee	Appointed by Supreme Court 2009 to Date
Chief Justice Advisory Council	Appointed by Chief Justice, Supreme Court 2009 to Date
Missouri Task Force on Aging Out Of Foster Children	Appointed by Gov. Blunt 2007 Reappointed by Gov. Nixon 2008
Case Management Committee (Rule 17 and Time Standards Monitoring)	Appointed by Supreme Court January 2000 – May 2003
Missouri Ad Hoc Committee to Examine Regional Justice Center Concept	Appointed by Supreme Court 1997 – 1999
Phelps County Teen Court Founded program with grant from Missouri Juvenile Justice Delinquency Prevention	1996 – 2000
CASA of South Central Missouri	Founder of Local Chapter 1995 to Date

<b>Public Liaison Committee for Court Automation</b>	<b>Appointed by Supreme Court October 1995 – 1998</b>
<b>Judge Transfer Committee</b>	<b>Appointed by Supreme Court 1994</b>
<b>Missouri Judicial Resolutions Committee</b>	<b>Appointed by Supreme Court 1992 – 1994</b>
<b>Missouri Ad Hoc Committee – Study Supreme Court Rule 2; Code of Judicial Conduct</b>	<b>Appointed by Supreme Court April 1991 – 1994</b>
<b>Missouri Task Force – Gender Bias in the Courts</b>	<b>Appointed by Supreme Court 1990 – 1993</b>
<b>Joint Committee on National Standards For Probate Courts</b>	<b>1990 – 1993 Under auspices of National College of Probate Judges, SJI, and National Center for State Courts</b>
<b>Missouri Commission on Judicial Resources</b>	<b>Appointed by Supreme Court 1989 – 1992</b>
<b>Missouri Legislative Steering Committee</b>	<b>Appointed by Supreme Court 1987 – 1996</b>

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 [JudgeVacancy@courts.mo.gov](mailto:JudgeVacancy@courts.mo.gov). by the date indicated in the Instructions to Applicants.

Honorable Peter J. Messitte  
Senior Federal Judge  
United States District Court for the District of Maryland  
6500 Cherry Wood Lane  
Greenbelt, Maryland 20770  
Telephone: 301-344-0632      Fax: 301-344-0636  
[Judge\\_Messitte@mdd.uscourts.gov](mailto:Judge_Messitte@mdd.uscourts.gov)

Mr. J. Kent Robinson, Esq.  
Senior Partner  
Williams, Robinson, Rigler & Buschjost, P.C.  
901 North Pine Street  
P O Box 47  
Rolla, MO 65402  
Telephone: 573-341-2266      Fax: 573-341-5864  
[krobinson@teamlex.com](mailto:krobinson@teamlex.com)

Honorable John Wiggins  
Retired Senior Circuit Judge  
25<sup>th</sup> Judicial Circuit Court  
P O Box 340  
Rolla, MO 65401  
Telephone: 573- 368- 2787  
[jjwgg@aol.com](mailto:jjwgg@aol.com)

Honorable Joseph P. Dandurand  
Deputy Attorney General  
P O Box 899  
Jefferson City, MO 65102  
Telephone: 573-751-8828      Fax: 573-751-0774  
[joe.dandurand@ago.mo.gov](mailto:joe.dandurand@ago.mo.gov)

Honorable T. Bennett Burkemper, Jr.  
Associate Circuit Judge, Division III  
45 Business Park Drive  
Troy, MO 63379  
Telephone: 636-528-6300      Fax: 636-528-9168  
[Bennett.burkemper@courts.mo.gov](mailto:Bennett.burkemper@courts.mo.gov)

## ATTACHMENT A

Associate Circuit Judge Phelps County	1983 —2004
Circuit Judge 25 Judicial Circuit	2004 to Date
Presiding Judge 25th Judicial Circuit	2006 —2010

I have been a member of the judiciary since 1983, as either an Associate Circuit Judge for Phelps County or as Circuit Judge. I have been assigned to hear cases and dockets in St Louis, Springfield and Kansas City so I have experience in both the rural and urban area.

I sat as a special judge on the Missouri Supreme Court on the cases of MONTGOMERY VS. SOUTH COUNTY RADIOLOGISTS, IN., 49 (MO.2001) AND STATE EX REL REED VS REARDON, 4 470 (MO.2001) I have some experience of what happens at the Supreme Court level.

My dockets have been both criminal and civil.

In criminal, I have handled both misdemeanor dockets and felony dockets including lengthy capital murder cases. I have concluded approximately 140 felony jury trials and numerous misdemeanor bench trials.

My civil caseload is equally varied with both bench and jury trials. I have presided over landlord-tenant matters, easement disputes, fence line disputes, medical malpractice and personal injury cases. I was also the Probate Judge and covered the mental health, deceased and guardianship dockets. I have heard family law and juvenile cases and have been the Chair of the Supreme Court Family Law committee since 2004.

Because of my familiarity with many areas of the law and having extensive experience in trial matters, I bring my leadership, legal knowledge, and broad experience from the trial level to the Southern District Court of Appeals.

## ATTACHMENT B

# 25.

I have no physical or mental issues that require accommodation at the Appellate level. When I sat on the Supreme Court, I had no problem participating in oral argument; and while trial judges do not normally conduct questioning in cases, I have intervened in trials to clarify issues or answers.

As trial judges do not have the privilege of utilizing law clerks, I do all my own legal research, and enjoy doing so.

Communication really is an art. In writing I tend to go to the crux of the issue and analyze back. I have written papers for publication, Findings of Fact, Conclusions of Law and Judgments and have drafted Supreme Court Rules, as well as worked on various position papers for organizations. I like to read. I like to write, and I enjoy utilizing the English language.

Orally, I try to communicate to my audience on their level, whether they are judges, lawyers, defendants or members of the community. I enjoy public speaking and speak on many occasions to all sorts of organizations and groups.

I have been the Presiding Judge for the 25 Circuit which consists of four very different counties. We consolidated our courts, and converted to the JIS computer system under my supervision. I oversee four counties and numerous clerks, and judges. I manage budgets working with four separate county commissions. I believe I understand what it means to supervise lower courts. Also, coming from a “trial court” I have an insiders knowledge of what goes on in the “trial courts”.

I have chaired the Family Court Committee since January 2005 and am currently appointed by the Supreme Court to serve on both the Trial Judges Education Committee, Chief Justice Advisory Council and on the Gender and Justice Council Committee. In addition I have listed the many other committees I have actively participated in over the years as well as my civic activities on behalf of the judiciary and the community. I am an “actively” involved judge.

Our entire circuit, and especially myself, take great pride in the manner we collectively and individually manage our caseload. For the last six years, we have won the Supreme Court Permanency Planning Award for achieving 100 disposition of cases within time standards. Litigants need to know their cases will be handled efficiently, effectively and with due regard to precedent and statute in order

for people to have respect for lawyers and for the judiciary. I believe this and try to manage my cases in accord with this precept.

I believe in our system of justice. I believe in following the law, not in making the law, although I understand that frequently the law is not clear and requires interpretation by judges in conformance with prior precedent.

I also recognize that trial judges must rule quickly in trial and do not have the benefit of prolonged recesses and law clerks to review every issue that arises during trial. I also recognize that the trial judge hears the evidence and sees the witnesses, often seeing and hearing things that even the best record cannot reproduce. As a judge with a number of years of trial experience, I recognize the discretion that should be given to the judge who is in the trenches. I believe I can utilize my expertise as a trial judge from the Southern portion of Missouri to the Southern District Court of Appeals.

I also have seen how the role of Supreme Court Judge has evolved from strictly “deciders” of the law to protectors and educators of the court system. Not only do the Justices appear before the legislators to argue and educate on behalf of the judiciary and court system; but they appear throughout Missouri in schools, service clubs, and before the courts to educate and encourage citizens who have lost faith in our three branches of government and to shore up knowledge about what the courts really do and don’t do.

My work as a Liaison Judge for the United States has made me appreciate our system of justice. Having taught and spoken in countries where graft and corruption are rampant in the court system, and where there is no attention paid to precedent or rule of law, I have a deep and abiding respect for the integrity and honor of our judges and our system.

I bring my extensive trial experience over a broad range of matters that affect all Missouri citizens, my legal knowledge; my ability to be an active member of the court in all areas; and my managerial ability to help guide a judiciary through difficult economic and social times.