APPLICATION FOR ASSOCIATE CIRCUIT JUDGE
SIXTEENTH JUDICIAL CIRCUIT
JACKSON COUNT, MISSOURI

RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT SELECTED AS A NOMINEE

1. State your full name.

S. Margene Burnett

2. State your date and location of birth.

September 20, 1961in Warrensburg, Missouri.

3. State your present principal occupation, place of work, and job title.

Deputy Probate Commissioner, Division 19, Sixteenth Judicial Circuit, Jackson County, Missouri.

4. Provide the following information concerning your eligibility for the office of Circuit Judge:

(a.) Are you at least thirty years of age? Yes.

(b.) Are you licensed to practice law in Missouri? Yes.

(c.) Have you been a citizen of the United States for at least ten years? Yes.

(d.) Have you been a resident of Jackson County for at least one year? Yes.

5. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of a Circuit Judge, including the ability to preside over trials, conduct legal research and analysis, attend court anywhere in the State of Missouri, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court.

Yes, I am able to perform all of the above-referenced duties.

6. State the year of your admission to the Missouri Bar and whether your license is and always has been in good standing. If not, please explain.

1987 - Always in good standing

7. List any other states, courts, or agencies in which you have been licensed as an attorney, and state whether your license is and always has been in good standing.

U.S. District Court for the Western District of Missouri; U.S. District Court, District of Kansas; State of Kansas – Good standing (now inactive)

8. Provide the following information for all colleges or universities, other than law schools, you have attended:

(a) Name and location of institution

University of Missouri - Columbia

(b) Dates attended and degrees received

1980-84: Bachelor of Journalism
Bachelor of Arts (Political Science)

(c) Significant activities, achievements, honors, and awards

(1) Dean's Honor List

(2) Associated Students of the University of Missouri – Selected as one of seven students for a one-year lobbying internship from an applicant pool of over 60. We lobbied in both Jefferson City and Washington D.C. on issues of interest to students such as financial aid legislation, lowering the age of majority, etc. I also served on the organization's board of directors following the internship.

(3) Zeta Tau Alpha Fraternity – sorority member; scholarship chair; Panhellenic representative.

9. Provide the following information for all law schools you have attended:

(a) Name and location of law school

University of Missouri – Kansas City

(b) Dates attended and degrees received

1984-1987: Juris Doctorate

(c) Significant activities, achievements, honors, and awards

(1) National Moot Court Team

(2) UMKC Law Review, Staff member and Co-Comments editor

(3) The Urban Lawyer, Staff member and Associate Editor

(4) Appellate Advocacy Teaching Assistant

(5) Research Assistant to Professor Robert Freilich

(6) Order of Barristers

(7) Dean's Honor List

10. State whether you have ever been suspended or expelled as a student from any school or educational institution. If so, please explain.

No

11. List, in chronological order, all non-legal and legal employment you have held post-high school. Include the name and location of each employer, job title, dates of employment, and reason for termination of employment.

(a) Linda's Dance and Baton School, previously located at 17th and Swift, North Kansas City, Missouri – Instructor, Summer 1980. I left to attend the University of Missouri-Columbia. (Note: I worked throughout high school as an assistant instructor and instructor also).

(b) YWCA - NKC, Summer 1980, previously located in North Kansas City, Missouri – summer day camp worker. Seasonal employment ended.

(c) Macy's at Metro North, Summer 1981, previously located at Metro North Shopping Center. I left to return to the University of Missouri-Columbia.

(d) Bengal Lair Snack Bar, 1983, located in Memorial Union on the University of Missouri - Columbia Campus. I terminated the employment voluntarily to focus on completing two degrees in a four-year period.

(e) UMKC School of Law, Research Assistant to Professor Robert H. Freilich, Fall and Winter Semester, 1985-86, located at 51st and Oak, Kansas City, Missouri. Employment was for a single school year period.

(f) Barker, Rubin & Sonnich, Summer 1985, previously located in Commerce Bank Tower, Kansas City, Missouri. I left to return to law school.

(g) UMKC Law School, Appellate Advocacy I Instructor, Winter Semester 1987, located at 51st and Oak, Kansas City, Missouri. Employment was for a single semester only.

(h) Morris & Larson, P.C., 1986-1990, previously located at 2420 Pershing Road, Suite 400, Kansas City, Missouri 64108. Law firm merged with Hillix, Brewer, Hoffhaus, Whittaker & Wright, L.L.C. in 1990.

(i) Hillix, Brewer, Hoffhaus, Whittaker & Wright, L.L.C., 1990-1995, previously located at 2420 Pershing Road, Suite 400, Kansas City, Missouri 64108. I left to begin solo practice.

(j) S. Margene Burnett, Attorney at Law, Sole Practitioner, 1995-2003, 2526 Holmes, Kansas City, Missouri 64108. I left to accept the deputy commissioner position in Division 19 of the Sixteenth Judicial Circuit.

(k) S. Margene Burnett, Attorney at Law, Respondent's Counsel, 2000-2003, 2526 Holmes, Kansas City, Missouri 64108. I left to accept the deputy commissioner position in Division 19 of the Sixteenth Judicial Circuit.

(l) 16th Judicial Circuit, Deputy Probate Commissioner/Clerk, 2003-present, 415 E. 12th Street, Probate Division, Kansas City, Missouri 64106.

12. Describe the nature and extent of your experience as a practicing attorney in the trial and appellate courts, and explain how such experience demonstrates the quality of your legal work.

My experience as a practicing attorney began as a young associate with a 40-person law firm. I left the firm to become a sole practitioner and, during the last three years of my private practice, also served as Respondent's counsel for the mentally ill and adults who are alleged to be incompetent and incapacitated. During this journey, I experienced many facets of the legal profession and gained an appreciation and expertise in handling litigation, in navigating the court system, in working with clients and opposing counsel, and in proper courtroom procedure and decorum.

As an associate, I worked with several partners on a number of jury trials covering a wide variety of legal areas including tortious interference with a business relation, wrongful discharge/whistleblower retaliation, commercial litigation and personal injury. In these and other cases, I was responsible for all legal research, pre-trial and post-trial motions, oral arguments, jury instructions, exhibit preparation, witness coordination and presentation of testimony. I also handled a great deal of appellate work for the partners and senior associates. As such, I observed experienced trial and appellate attorneys engaged in their craft, and honed my own litigation skills.

As a sole practitioner, I maintained an active practice in worker's compensation both as Claimant's counsel and in defense of the Employer and Insurer. Furthermore, I enjoyed a wide experience in litigation in multiple areas of practice. Through handling worker's compensation matters for local businesses, I was retained to handle risk management, employment matters, and construction issues regarding contracts and mechanic's liens. I also maintained a family law practice and handled cases such as dissolution of marriage, paternity actions, custody determinations, and adoptions. During this time, I did not have any matters which were considered by a jury, but instead I tried numerous bench trials in both state courts and in administrative venues. This allowed me to further develop my litigation skills and to also fine tune the case development and administration oversight necessary to bring a satisfactory resolution to a matter on my client's behalf. Finally, I handled all appellate work related to my own cases, and I was hired by other attorneys in solo and small firm practices to handle appellate work for them.

As Respondent's counsel, I represented adults who were alleged to be a danger to themselves and others because of a mental illness or substance and/or alcohol abuse. I also represented adults who were alleged to be in need of a guardian and/or conservator because they were incapacitated and/or disabled to such an extent they were unable to care for their basic needs. I did this while still maintaining my private practice. This was not an easy process; during my tenure as Respondent's counsel, I handled over 500 individual adult guardianship/conservatorship cases and over 300 mental health and substance abuse civil commitments (seeking detentions ranging from 21 days to 1-year). Notably, these civil commitment numbers do not include the

hundreds of individuals for whom I was appointed when they were placed on involuntary 96-hour holds. This vast caseload gave me the opportunity to develop case management and organization skills which I rely on today.

In conclusion, the best demonstration of the quality of my legal work is the recommendation from clients to their friends in need of legal services and referrals from attorneys, some of whom had sat across from me at the counsel table in contested litigation. In addition, I have been hired by other attorneys to perform work for their clients when the clients required assistance in a matter outside the attorneys' practice area. It is because of the quality of my legal work that I have been so very fortunate to have experienced such a variety of areas of the legal world.

13. Provide a representative list of at least ten cases in which you served as the primary attorney at trial or an administrative hearing. The list should include the style of each case, court or administrative agency, identification of your client, and the nature and date of disposition.

What follows is a sample of cases I handled as an associate with Morris & Larson, P.C. and Hillix, Brewer, Hoffhaus, Whittaker & Wright, L.L.C. (in chronological order):

Galvan v. Armontrout, et al.
Case No. 85-4177-CV-C-5
Date of Disposition: September 14, 1988
Magistrate William A. Knox - Jury trial
U.S. District Court for the Western District
Both law firms handled a great deal of court-appointed pro bono work and Volunteer Attorney Project matters. This was one such case, and it is significant to me because it was my first jury trial. This was a § 1983 prisoner's rights case and I was the court-appointed counsel to represent the prisoner. Despite evidence that my client had ingested heavy hallucinogenic drugs just prior to the incident in which he claimed several guards had beaten him (one was found to have been on vacation in Florida at the time), I managed to keep the jury out for three hours. However, ultimately, the state's defense by the assistant attorney general was successful.

Teale v. American Manufacturing Insurance
Case No. 7CV18300268
Date of Disposition: June, 1989
Judge James E. Welsh – Jury trial
Clay County Circuit Court
Morris & Larson handled a large volume of insurance defense litigation, and this case represents one of the first matters I worked on while at that firm. I acted as second chair for Laurence R. Tucker in the defense of an insurance carrier in an action brought by a chiropractor who claimed that the insurance carrier tortiously

interfered with his business relation with a worker's compensation claimant. The chiropractor alleged that the company had redirected medical treatment and had usurped the statutory right of the employer to select medical care for an injured employee. Upon conclusion of the evidence, the jury agreed that the employer had made the specific direction for the employee to receive medical care from an orthopedic specialist and not plaintiff. The verdict was for our client, the defendant.

Batliner Paper Co. v. Danguard Security
Case No. CVC87-030266
Date of Disposition: August 2, 1989
Judge David Shinn - Jury trial
Jackson County Circuit Court
This was another insurance defense action. In this case, the plaintiff alleged that our client was negligent in performing its duties when an arsonist was able to come onto the plaintiff's property and start a fire while the defendant was there to secure the premises. I acted as second chair for Thomas R. Larson. While we were not successful, in the end the client was pleased as the damages were less than had been expected.

Borton v. City of Kansas City and K.C. Southern Railroad
Case No. CV87-030266
Date of Disposition: January 30, 1990
Judge William W. Ely – Jury trial
Jackson County Circuit Court
This was a wrongful death action brought by the husband whose wife and daughter died after their vehicle slid off the Oak Street Viaduct while they were coming home from Children's Mercy Hospital one rainy night. Bennie J. Harding represented the husband, and I served as Mr. Harding's second chair. Numerous evidentiary issues such as subsequent remedial measures and remarriage of a spouse were presented which were unresolved in Missouri law at that time. Unfortunately, we were not successful in our efforts.

Courtney v. City of Kansas City
Case No. CV86-01840
Date of Disposition: January 6, 1992
Judge Preston Dean – Jury trial
Jackson County Circuit Court
This was a personal injury action which I tried with William M. Modrcin following remand after appeal of the first trial. We had not handled the case for its first trial nor had we handled the appeal. We represented the plaintiff who had been injured when the car in which she was a passenger hit a city mower which swerved in front of the vehicle. The plaintiff was also pregnant at the time. We successfully obtained a jury verdict in our client's favor.

Olinger v. General Heating & Cooling
Case No. 7CV190004676
Date of Disposition: February 10, 1993
Judge David W. Russell – Jury trial
Clay County Circuit Court
This was a wrongful discharge/whistleblower retaliation case. I served as second chair for William M. Modrcin in defending the employer. The case contained numerous legal issues involving not only wrongful discharge but other aspects of employment law such as employment-at-will and service letter requirements plus evidentiary matters such as proper mitigation of damage submission and hearsay. The jury found in favor of the plaintiff.

Rogers v. Sarai
Case No. 92CV06197
Date of Disposition: January 13, 1994
Judge Edward P. Woodworth – Jury trial
Johnson County, Kansas District Court
In this action, I represented a tax representative who had obtained a successful tax reduction on behalf of the defendant and the defendant refused to pay. The defendant claimed that the reduction in his property taxes was due to his own actions, but the overwhelming evidence from the unbiased employees of the Johnson County Assessors Office established that it was my client's actions which produced the favorable result for the defendant. After a very short deliberation, the jury returned a verdict in my client's favor.

Below is a sample of cases I handled as a solo practitioner:

Harless v. Darnell
Case No. 92CV0215
Date of Disposition: January 26, 1996
Judge Gerald T. Elliot - Bench trial
District Court of Johnson County, Kansas
This was a domestic relations bench trial which I handled on behalf of the father. There were multiple stages to this matter involving paternity, child custody, visitation and support. Allegations of abuse and neglect permeated this matter and all efforts at mediation were unsuccessful. In addition, the natural mother went through at least two sets of attorneys before the matter was tried. Ultimately, the parties were able to come to a basic agreement after the first day of the presentation of our evidence and my client was pleased with the custody and visitation results.

Adams v. Adams
Case No. 16DR97-00439
Date of Disposition: April 10, 1997 (dissolution), June 2, 1999 (modification)
Various judges – bench trials
Circuit Court of Jackson County, Missouri
This was also a domestic relations action in which I represented the father who initiated the petition. While the initial dissolution action went smoothly, the actions of the natural mother following the dissolution, including her behavior with the children and her behavior regarding certain financial matters, caused numerous issues. Fortunately, the parties were eventually able to reach an agreement.

Guffey v. Zimmerman/CGU
Case No. 220,305
Date of Disposition: March 7, 2000
Kansas Division of Worker's Compensation
I handed all aspects of the defense of this worker's compensation matter on behalf of the employer and insurer both at the trial level and on appeal to the worker's compensation board and the Kansas Court of Appeals. In this action, the employee had worked for multiple employers and had sustained a repetitive motion injury. Among the numerous issues to be decided by the court were the correct date of injury, hourly wage, calculation of benefits and nature and extent of injury. The Administrative Law Judge originally held that the majority of the liability fell on the other employer and not my clients, but that decision was modified by the board. While the matter was pending on appeal with the Kansas Court of Appeals, the parties reached a settlement of all issues.

O'Dell v. Ace Interiors/Hawkeye-Insurance Company
Case No. 94-021790
Date of Disposition: July 3, 2000
Missouri Division of Worker's Compensation
This was a worker's compensation action in which I defended the employer and insurer. While this matter was pending, the claimant employed five different attorneys at various times. Numerous depositions were necessary due to the employee's efforts to change physicians on a whim. Through the efforts of claimant's final counsel, we were able to reach a settlement approved by the Administrative Law Judge.

Cherry v. Northwest Airlines/Liberty Mutual
Case No. 97-411413
Date of Disposition: July 25, 2000
Missouri Division of Worker's Compensation
This is a worker's compensation matter which I handled on behalf of the claimant. My client worked at the airline counter and was injured when a piece of luggage hit her knee. Issues surrounding the reasonable accommodations

necessary for my client to return to work complicated the matter. Still, after many intense negotiations, a settlement was reached which satisfied my client.

In Re I.N.
Case No. JV02-01207
Date of Disposition: December 16, 2002
Circuit Court of Jackson County, Missouri
As I had done while at the law firms, in my private practice I continued to handle pro bono matters and this is one such case. I was appointed to represent a juvenile accused of manslaughter and leaving the scene of an accident after a vehicle he purportedly was driving ran over a man waiting at a bus stop. Discovery was hampered in that many of the records referenced in the various reports could not be located by the deputy juvenile officer. After working with the attorney for the DJO, we were able to resolve the matter so that my client was not certified as an adult and certain charges were dropped and others amended in exchange for an acceptable probationary period.

Below is a sample of cases I handled as Respondent's Counsel:

In re C.J.
Case No. Confidental
Date of Disposition: August 10, 2000
Jackson County Circuit Court
This mental health commitment petition sought a 90-day detention for my client who had a history of petty crimes and prostitution. She had previously been committed on a 21-day detention with a diagnosis of chronic paranoid schizophrenia and violent behavior. At the time of trial, she was still very psychotic. Although the court found that the further 90-day detention was required, she later consented to a one year detention because she believed medication and further hospitalization would assist her in moving forward with a better life for herself.

In re M.R.
Case No. Confidental
Date of Disposition: December 11, 2000
Jackson County Circuit Court
My client, a young male, believed he was Jesus and could prove it by placing his hand into a light fixture without being electrocuted while standing in a puddle of water. He also insisted he be tried by a jury. With mental health commitments, trial must be held within two judicial days of the filing of the petition which required preparation for a jury trial in one day. However, when the preliminary trial matters commenced the day of the trial, my client not only changed his mind about the jury, but he agreed to continued hospitalization.

In re G.S.
Case No. Confidential
Date of Disposition: November 11, 2002
Jackson County Circuit Court
In this matter, my client was an admitted chronic alcoholic who had previously had a guardian because of his alcoholism (the guardianship ended after he had had several years of sobriety). During this detention trial, evidence established that his BAC was .417 at the time he was picked up by the police for trespassing. The Court found that he should serve a 30-day detention in a drug and alcohol treatment facility.

In re Harlan Taylor
Case No. 16PRK177523
Date of Disposition: December 12, 2001
Jackson County Circuit Court
I handled many matters for Mr. Taylor, the ward in this action. The first issue emerged when the public administrator sought to become his successor fiduciary and expand the authority over him. Mr. Taylor initially wanted a jury trial regarding the expansion of authority and preparations were made to ensure this occurred. He later decided he did not want to attend the hearing at all. Subsequent to the court's determination placing him under a full guardianship and conservatorship, he began visiting doctors in the area and obtained reports that he was not incapacitated. Unfortunately, those reports were not based on Mr. Taylor's complete medical history, and I was unable to pursue restoration of Mr. Taylor's rights which he desired.

In re Mario Macato
Case No. 16PRK189198
Date of Disposition: August 13, 2003
Jackson County Circuit Court
This case represents a typical adult guardianship. My client had suffered a severe brain injury following a tragic automobile accident and a guardianship was sought in order for him to receive continued medical care. At the time of my appointment to represent him, he was in a coma at a local hospital. Although he was unable to assist me in his defense, I ensured his procedural due process rights were protected at trial. A guardian and conservator were appointed.

In re Ellen Bergerhaus and In re Coletta Bergerhaus
Case No. 16PRK184790 and Case No. 16PRK188498
Date of Disposition: August 8, 2001 and July 22, 2003
Jackson County Circuit Court
I represented both of the Bergerhaus sisters in their separate guardianship and conservatorship actions. The first was triggered by Coletta's involvement in a scam in which people claiming to be with the Canadian lottery were able to convince her to send all of her savings (approximately $400,000) to them. An astute employee at Country Club Bank realized that someone was attempting to

access Ellen's accounts, and the FBI and the Department of Health and Senior Services stepped in. The interrelationship between the two sisters (who had never married and had lived with one another their entire lives) made representation complex and periodically presented potential conflict issues. In the end, both sisters became wards of the public administrator.

14. If you have appellate experience, provide a representative list of cases in which you served as the primary attorney on appeal. The list should include the style of each case, appellate court or administrative agency, identification of your client, and the nature and date of disposition.

Throughout my career, I have participated in all aspects of the appellate process including researching and writing briefs, argument, post opinion motions for transfer and rehearing, and management of procedural deadlines and local rule compliance. Below is a list of representative cases I have handled in various appellate arenas in which I was the exclusive counsel. Not included in this list are the numerous cases on which I assisted partners at both of the law firms at which I worked (even though my name appears on the briefs) nor does it include any of the extensive appellate work I handled for local solo/small firm attorneys when I was in private practice for myself.

Rogers v. Sarai
Case No. 94-71961-A
Date of Disposition: May 19, 1995
Kansas Court of Appeals
The Court of Appeals upheld the jury verdict I had obtained in my client's favor regarding the sum due him for representing the defendant in appealing his real estate property tax assessment in Johnson County, Kansas.

Galbraith v. Airtech Engineering, Inc. and CGI/Hawkeye-Security Insurance Company
Case No. 242,180
Date of Disposition: July 29, 1999
Kansas Division of Worker's Compensation Board of Appeals
The claimant appealed the decision of the administrative law judge following trial of this matter on the basis that the claimant had failed to establish he had sustained a work-related injury while working for my client. The decision of the ALJ was upheld by the Board of Appeals.

Beaulieau v. K&B Transportation, Inc./Hawkeye-Security Insurance Company
Case. No. 199,141
Date of Disposition: December 12, 1999
Kansas Division of Worker's Compensation Board of Appeals
The claimant appealed a decision in favor of my clients, the employer and insurer, regarding proper venue and jurisdiction. The administrative law judge

had found that Kansas was not the proper forum for the claim as the employment contract had been made in Nebraska. The board upheld the finding of the ALJ.

Amparan v. Herdoiza and County Companies & CGI/Hawkeye-Security Insurance Company
Case No. 230,846
Date of Disposition: February 2, 2000
Kansas Division of Worker's Compensation Board of Appeals
At trial and on appeal, the question of which carrier should bear what degree of liability regarding the claimant's repetitive motion injury was at issue. In addition, there had been a period of time in which the employer had not had insurance coverage at all. The board of appeals revised the findings of the administrative law judge regarding apportionment and reversed the lower court in its finding that the claimant was not entitled to work disability which was in my client's favor.

Guffey v. Midwest Titan, Inc., Zimmerman Construction Co., Liberty Mutual Insurance Co., and CGI/Hawkeye-Security Insurance Co.
Case. No. 01-87477
Date of Disposition: October 12, 2001
Kansas Court of Appeals
I appealed this matter on behalf of my clients Zimmerman Construction and CGI/Hawkeye-Security Insurance Company after a finding in favor of the claimant at trial. While the appeal was pending, the parties were able to reach a settlement to the mutual satisfaction of all the parties.

15. If you are serving or have served in a judicial capacity, describe the nature and extent of your judicial responsibilities, the types of dockets handled, and any special expertise developed.

During the past nine years of my tenure as Deputy Probate Commissioner of the Probate Division of Jackson County, Missouri, I have been fortunate to enjoy the satisfaction, honor and privilege which accompany public service as a judicial officer. This experience has been invaluable for the opportunity to work with attorneys, their clients and witnesses in deciding matters involving evidentiary, procedural and legal issues of all types.

Nature of cases heard. As a commissioner, I have presided over daily dockets and heard numerous bench-tried specially set cases. The matters that come before the Probate Division are as varied and complex as any heard before a Circuit Division except that an estate usually is involved in the proceedings or directly affected by its outcome. Examples of the types of cases heard include contractual disputes, title disputes, torts (civil fraud and breach of fiduciary duty), domestic matters (child custody in minor guardianships), and quasi-criminal matters. The latter encompasses involuntary civil commitments which begin with the Court's determination that probable cause exists to believe an individual meets the statutory criteria for detention and for issuance of a warrant for the individual to be taken into custody. The individual is

afforded the due process protections commonly associated with the loss of liberty - the right to remain silent, the right to an attorney, the right to a speedy trial, and the right to have the matter tried to a jury if the individual so chooses.

Similar due process rights are also afforded to those individuals who are alleged to be incapacitated and disabled. The Probate Division devotes two daily dockets a week to those cases to be heard involving adult guardianships and conservatorships. Sufficient evidence must be presented in each case to establish an individual's incapacity and/or disability.

Judicial administrative experience. My responsibilities as Deputy Probate Commissioner include estate administration and staff supervision. I am fortunate to possess the ability to learn quickly and adhere to detail allowing me to master these responsibilities in a short period of time. The Probate Division is unique from other Circuit Court divisions in two respects: 1) The Division sits in both Kansas City and Independence and is served by the same judicial officers, and 2) It has 22 employees in those two locations. As a result, the judicial officers in the Probate Division have duties beyond the courtroom. We (the judge, commissioner and deputy commissioner) provide administrative oversight regarding the Division's operations and staff management which includes establishing office procedures, managing personnel matters and handling any other aspect necessary to facilitate the day-to-day performance of the Division.

16. If you are serving or have served in a judicial capacity, provide a representative list of at least ten cases over which you have presided to completion. The list should include the style of each case and the nature and date of disposition.

In re Joseph Nalle, 16PRK190105-001 & 002
Date of Disposition: August 10, 2004
In this bench-tried case, two distant nephews sought appointment as personal representative (the final family tree went to 1/1035 degree - maternal second cousin, once removed). After hearing from many relatives, I entered judgment for one nephew to whom the decedent had entrusted to manage his vast farming operation prior to his death (and prior to his adjudication of incapacity and disability).

In re Kenneth Walker, Case No, 16PRK185662-001, 002, 003 & 004
Date of Disposition: November 10, 2004
This was a bench trial involving several claims brought against the estate for funeral expenses, car payments, mortgage payments and care and support services allegedly provided by the ex-wife of the deceased. Despite the divorce, the decedent and the ex-wife remained financially (and emotionally) entangled. I allowed the claims for funeral expenses and mortgage payments, but the car payments and the care and support claims were denied.

In re Dorothy Faulkner, 16PRK186425-002 & 003
Date of Disposition: December 30, 2004
This was a bench trial in which the State of Missouri alleged that the Respondent was incapacitated and disabled and that the one daughter seeking to be appointed was not fit to serve as her fiduciary. The evidence established that the Respondent was in need of a guardian and a conservator and it also established that the daughter was not able to serve. A second daughter stepped forward and qualified to avoid the appointment of the Public Administrator, and I appointed her to serve as fiduciary for her mother.

In re Josephine Tomlin, Case No. 16PRK192141-001 & 002
Date of Disposition: June 7, 2005
This was a bench trial involving competing petitions filed by two siblings regarding the guardianship and conservatorship of their mother. Allegations of misconduct and mistreatment between the two dominated the trial. I appointed the Jackson County Public Administrator to serve as guardian ad litem and conservator ad litem due to the dissension in the family. In addition, all durable powers of attorney were terminated. Unfortunately, the Respondent passed away before a final determination could be made.

In re John J. White, Case No. 16PRK184711-002, 004 and 005
Date of Disposition: June 29, 2005
This was a very complicated multiple day bench trial in which an alleged second wife had received a Clerk's Certificate based upon an Affidavit to Establish Title of Distributee (also commonly called a "Small Estate" affidavit). The alleged second wife was bonded for the amount of the property. The decedent's son from the first marriage later was appointed personal representative and sued the alleged second wife for breach of her fiduciary duty and also sued the surety on the bond. The alleged second wife filed applications for family and homestead allowances. The parties had numerous discovery disputes. After three days of trial, I found that the decedent and the alleged second wife did not have a valid marriage and that the respondent had breached her fiduciary duty by failing to account for the disposition of the property she had obtained with the Clerk's Certificate.

In re R.L. "Rocky" Thomas, 06P8-PR00155-001 & 002
Date of Disposition: February 15, 2006
In this bench-tried case, a surviving spouse (married to the decedent for one year prior to the date of death) and a son from a first marriage applied for competing letters of administration. Missouri law allows a surviving spouse a priority for appointment assuming the person is otherwise qualified. The son called into question the spouse's ability to serve. My judgment was entered in favor of the surviving spouse following her compliance with certain requirements (for example, posting a bond, producing uncashed checks, etc.).

In re I.B., Case No. 05P8-PR0006-001&002
In re C.B., Case No. 05P8-PR0018-001&002
Date of Disposition: November 14, 2006
This bench trial occurred over 13 full and partial non-consecutive days during the course of a three month period. The need for a guardian for the minors arose after their mother was murdered and their father was arrested for the crime. At the time of the guardianship trial, the father was in jail awaiting his own trial date. The competing petitioners were two of the mother's sisters and the father's parents. The animosity between the parties was palpable throughout the proceeding. My judgment awarded guardianship of the 8-year old child to one sister, dismissed the other sister's petition and awarded guardianship of the 17-year old to the father's parents.

In re Samuel Wiley, 06P8-PR00262-002 & 003
Date of Disposition: July 27, 2007
In this bench-tried case, a creditor of a decedent squared off against a surviving spouse. The creditor requested that an estate be forced open, but the surviving spouse requested the matter be concluded with a Refusal of Letters. Both parties were fighting over an interest in an automobile owned by the decedent at the time of his death. Following the presentation of evidence establishing that the spouses had separated for a number of years prior to decedent's death, I entered judgment denying the spouse's request and ordered the estate to be opened.

In re S.S., Case No 07P8-PR00748
In re A.S., Case No. 07P8-PR00768
Date of Disposition: June 11, 2009
In this matter, the paternal uncle and aunt had become guardians over a brother and sister. At the original hearing, the natural mother appeared and indicated her consent on the record. About a year later, the natural mother sought to terminate guardianship claiming that she did not understand English sufficiently and, therefore, her consent was not knowingly and voluntarily made. In the alternative, she sought to terminate the guardianship. After four nonconsecutive days of trial, I entered judgment finding that the natural mother had knowingly and willingly given her consent and that it was not in the minors' best interest to terminate the guardianship at this time.

In re Nense Gloria Thomas-Moore
Case No. 16PRK192274-01
Date of Disposition: December 17, 2009
In this action, the claimant, a purported successor mortgage holder, sought to enforce the mortgage terms regarding a note held against real estate owned by the decedent. The original loan had been obtained by decedent and her spouse approximately 10 years prior to her death with an interest rate at 14.99%. Within days of the loan, the note was sold and resold several times. Following

decedent's death, the mortgage went into default. At trial, the purported successor mortgage company attempted to obtain a judgment for an amount over three times the initial loan (based on an acceleration clause). However, the claimant was unable to prove it properly held the note in question, and I entered judgment disallowing the claim.

In re M.J. Coen, Case No. 16PRK180434-18
Date of Disposition: February 11, 2010
This matter involved objections to the final settlement by a creditor of the estate. Specifically, the creditor claimed the personal representatives failed to recover substantial property which he believed should have been assets of the estate. As such, the creditor claimed the personal representatives' mishandling of the estate caused the estate to not have sufficient assets to pay his claim. Trial of the claimant's various theories took place over several days and involved, among other matters, litigation which had occurred in a California court, pledge medallions given to a now defunct bank, and valuation of existing real and personal property. The judgment found that the objections should be denied.

In re Nelson L. Connor, Case No. 08P8-PR01238
Date of Disposition: June 30, 2010
Two siblings squared off over the guardianship and conservatorship of their elderly father. Neither sibling had spoken to one another for over five years prior to trial, and one sibling refused to allow the other contact with the father during this time. The animosity between the two siblings and other family members made this a very heated and contentious trial for several days. Because of the dissension within the family, I appointed the Jackson County Public Administrator to serve.

In re Helen Gross, Case No. 09P8-PR00163-01
Date of Disposition: January 28, 2011
This was a Discovery of Assets action brought by the surviving spouse (husband) to recover U.S. Savings Bonds which the decedent had registered in her name and that of numerous third parties – some of whom she had never met. The husband claimed that the decedent had made these transfers in fraud of his marital rights. While on the surface the legal issues appeared relatively simple, the matter was actually quite complex and involved research and analysis of various sections of the Code of Federal Regulations and federal case law regarding ownership, registration and transfer of U.S. Savings Bonds. My determination was that there had been a transfer in fraud of marital rights.

In re C. W., Case No. 11P8-PR00738-01
Date of Disposition: October 7, 2011
The natural mother brought a Motion to Set Aside a judgment entered awarding the maternal grandmother guardianship of her minor son. The basis of the Motion was that the Court lacked personal jurisdiction over the natural mother

and the son because neither she nor the minor were residents of the State of Missouri when the original guardianship action was filed and heard. After presentation of additional evidence and careful analysis of the factors presented in the Uniform Child Custody Jurisdiction and Enforcement Act, I determined that the original judgment should be set aside as the mother and minor were, at all relevant times, residents of the State of Georgia.

In re K. H., Case No. 16PRK188202-02
Date of Disposition: August 6, 2012
The natural parents brought both an action seeking to set aside letters of guardianship or, in the alternative, terminate the guardianship of a minor child approximately nine years after letters had been issued to the maternal grandmother. The natural mother abandoned her cause of action at the beginning of the three-day trial, but the natural father went forward on a variety of theories, including a claim that service by publication upon him was ineffective. Initially, it appeared that service had been improper because the natural father's residence was next door to that of the maternal grandmother. However, after hearing the evidence and exploring the nuances within the case law regarding service of process, I determined that service by publication had been proper.

17. If you do not have significant experience in litigation or in a judicial capacity, describe any other legal experience or accomplishments in the legal profession that may qualify you to serve in the office of Circuit Judge.

Not applicable.

18. List all bar associations and other professional societies of which you are or have been a member, with any offices held and dates of membership.

Missouri Bar Association, 1987-present

Probate & Associate Circuit Judges Association, 2003-present and current Immediate Past President (Vice-President 2010-11, President 2011-12)

Association for Women Lawyers, 1987-present, Member of the annual golf tournament steering committee 2000-present and Co-Chair 2002-2005, committee member for the 1st Annual CLE in the City, current mentor AWLF Connections Class of 2012

Kansas City Metropolitan Bar Association, 1987-present, Chair and Co-Chair of Probate & Estate Planning Committee, 2004-2009

Kansas Bar Association, 1988-present (inactive status)

Lawyers Association, 1990-1995

American Bar Association, 1987-1990

19. List any published articles or books you have authored and any significant programs or events for which you served as a primary speaker.

SPEAKER PRESENTATIONS:

MoBar, Annual Law Update: Probate Caselaw and Legislative Update

KCMBA CLE by the Hour: Adult and Minor Guardianships/Conservatorships in Missouri and Kansas

KCMBA/UMKC – Probate & Estate Planning: Practical Tips

KCMBA/UMKC – Probate & Estate Planning: Settlements & Accounting

KCMBA/UMKC – Probate & Estate Planning: Closing the Estate

Missouri Association for Probate & Associate Circuit Judges Conference – Commissioners Breakout Session; moderator for probate CLE sessions

KCMBA's Probate & Estate Planning Committee, as chair and co-chair from 2006-2009, schedule and moderate CLE luncheons for topics such as Ethics in Probate & Estate Planning, Petitions to Determine Liability/Discovery of Assets, Probate Judges Roundtable. Most recently, presented to the committee regarding probate procedures update.

Mental Health and Adult Guardianship workshops conducted at local mental health facilities as needed. I have also participated in Crisis Intervention Training for local law enforcement officers in the metropolitan area.

KU Medical Center, didactic module on Industrial Rehabilitation Medicine, *Workers' Compensation Law in Missouri and Kansas, overview and update.*

Personnel Law Update, Columbia, Missouri, sponsored by the Council on Education in Management: *Prevent Employee Whistleblowing and Retaliation from Creating Liability for your Company.*

PUBLICATIONS:

I have written the materials presented at each CLE for which I have presented as a speaker. In addition, I have published the following materials:

Collection and Management of Assets, Chapter 5-Supp, Mo Bar Deskbook, Estate Administration.

Missouri Personal Custodian Law, Chapter 12, Mo Bar Deskbook, *Trusts, Powers of Attorney, Custodianship, and Nonprobate Matters.*

20. Do you now or have you ever held any elective or appointive public office or position? If so, please explain.

No

21. Provide the branches and dates of any military service or other public service not otherwise covered in this application. If discharged from the military, state whether the discharge was other than honorable.

Not applicable

22. Describe your community and volunteer service activities, including any organizations (outside the legal profession) with which you are affiliated and any offices held.

UMKC School of Law, Alumni Association, past President (2009); member of Board of Directors, 2005-present; formerly served as Vice-President, 2008

Law Foundation of the University of Missouri-Kansas City, current board member, former President and Vice President of Alumni/Relations Committee, 2009-present

Sheffield Place, Immediate past President; member of the Board of Directors, 2006-present; former Vice-President/Secretary and former Chairperson of the Organizational Development Committee

YWCA of Kansas City, Missouri, steering committee member for Tee Off for Teens Benefit Golf Tournament and Goin' Country for Kids fundraising events, 1993-1997

Community Christian Church, current Member and former member of the Board of Diaconate, 1996-1999 term

Laubach Literacy Council, tutor and newsletter assistant, 1992-1996

Founder and initial organizer of women's book club (since 1986 and still meeting monthly)

23. List any significant honors, awards, or recognition you have received that otherwise have not been covered in this application.

AWL Judicial Recognition Award, 2005
UMKC Alumni Association Pat Kelly Service Award, 2010

24. Are you delinquent in the payment of any federal, state, county or city taxes? If so, please explain.

No

25. Have you ever been convicted of a misdemeanor or felony or received a suspended imposition of sentence in any federal, state, or military court? If so, please explain and provide the style of the case (including case number), the court, the date of the conviction, and the sentence or fine imposed.

No

26. Have you ever been held in contempt of court? If so, please explain.

No

27. Have you ever been sued by a client or been a party to any litigation, other than as a guardian ad litem, plaintiff ad litem, or defendant ad litem? If so, please explain and provide the style of each case, the court, your role as plaintiff or defendant, and the nature and date of disposition.

No

28. 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? If so, please explain.

No

29. 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 so, explain the details of such breach and the date, 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. If so, explain the details of such cause and the date and nature of the discipline imposed.

No

(c) Whether, to your knowledge, you are the subject of a complaint that is currently under investigation by the Commission on Retirement, Removal and Discipline. If so, explain that nature of such complaint and the status of the investigation.

No

31. Provide any additional information that you consider relevant to your qualifications for the office of Circuit Judge.

I am fortunate to have experienced a wide range of practice areas during the course of my legal career as indicated in this application. My trial experience has been as varied as my practice. While my legal career has focused on litigation, I have participated in non-litigation endeavors which have been equally successful and satisfying. Early in my career, my law firm began working with Legal Aid's Volunteer Attorney Project. Handling practical legal matters for individuals such as straightening out car title problems or assisting someone in need of a health care directive was gratifying and motivated me to seek other opportunities to help those who were not always able to help themselves. Some years later, it was this same motivation which prompted me to say "yes" when Judge Borron asked me to represent mentally ill and/or alcohol or substance-addicted individuals and adults who were alleged to be incapacitated and disabled. These fulfilling experiences are also why I currently work with Sheffield Place, a transitional living facility for homeless women and their children. I first encountered Sheffield Place several years ago while serving as court-appointed Respondent's counsel for a young woman suffering from a mental illness. Sadly, her acute psychosis left her homeless, her children placed with a family member and in need of long-term hospitalization. The mission of Sheffield Place, to empower homeless women and children to heal from their trauma, coincides with my interest in continuing to help those suffering from mental illnesses as well as assisting women in need.

My abilities have been recognized both within the 16th Judicial Circuit and by judges and commissioners across the state. Since my appointment to the bench in 2003, I have been reappointed twice for subsequent four-year terms by Judge Kathleen A. Forsyth after internal evaluations by the Court en banc. Moreover, in 2011, I was elected to serve as President of the Missouri Association of Probate & Associate Circuit Judges. The MAPACJ is a statewide not-for-profit organization whose purpose is to conduct meetings and educational programs for the continuing education of its member judges and commissioners, promote the welfare and mutual interests of the members, and support legislation to further the administration of justice. This 97 year-old association originated as the "Missouri Probate Judges" in 1915, and I was the first commissioner ever to be selected to serve as President.

It is a combination of all of my experience in many varied areas that qualifies me to be a Circuit Court Judge for the Sixteenth Judicial Circuit. I welcome the opportunity to continue to serve the public as a judicial officer in a Court with full circuit jurisdiction.

32. List the names and contact information (title, mailing address, telephone, and email address) of the **five** persons whom you have requested to provide letters of reference regarding your character and judicial qualifications. Do not list as a reference any judge who currently sits in the Sixteenth Judicial Circuit.

The Honorable John A. Borron
(Retired 16th Circuit Judge)
P.O. Box 412439
Kansas City, MO 64141-2439

Kelly Welch
Executive Director
Sheffield Place
6604 E. 12th Street
Kansas City, MO 64126

Miguel P. Madrigal, Jr.
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11 E. Kansas
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221 West Lexington Avenue, Suite 400
Independence, MO 64050

Frank Murphy
Attorney at Law
3421 Gladstone
Kansas City, MO 64130

CERTIFICATION OF ACCURACY AND AUTHORIZATION FOR RELEASE OF INFORMATION

By my signature to this form, I certify that all statements made in my application for the office of Circuit Judge and attachments thereto are truthful and correct. I further certify that if I am nominated by the Sixteenth Circuit Judicial Commission and appointed to the office of Circuit Judge, I will accept the appointment and perform the duties of that office as provided by law.

By my signature to this form, I authorize: (1) the Commission, through its Chairperson, to obtain relevant information, including but not limited to documents, records, and files, with respect to my medical, law enforcement, 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. It is my understanding that the information obtained pursuant to this authorization shall be made available only to the members of the Sixteenth Circuit Judicial Commission and their staff as necessary to perform their duties.

Notwithstanding the above, in accordance with Supreme Court Rule 10.28 (e), 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.

This certification and authorization shall remain in full force and effect until revoked by me in writing.

S Margaret Burnett
Signature of Applicant

December 14, 2012
Date

S. Margaret Burnett
Printed Full Name of Applicant

S. MARGENE BURNETT

PROFESSIONAL EXPERIENCE:

S. MARGENE BURNETT, Deputy Probate Commissioner-Clerk 2003-Present

- Preside over bench trials involving involuntary civil commitments for persons alleged to suffer from a mental illness or drug/alcohol abuse; bench trials involving persons alleged to be incapacitated or disabled and for whom a guardianship and/or conservatorship is alleged to be necessary. Once the fiduciary is appointed, I have presided over hearings involving attorney fees, fiduciary liability, and various claims. Preside over bench trials involving the care, custody and control of minors whose parents are alleged to be unfit, unable or unwilling to provide for the needs of the minors; and bench trials involving the appointment of personal representatives in decedent estates as well as trials involving issues arising in the administration of a decedent's estate including, but not limited to, contract disputes, title disputes, fiduciary malfeasance and liability, will construction, determination of heirship and paternity, and business continuation issues.
- Supervise estate administration in conservatorships and decedent's estates for the hundreds of cases within the Probate Division's jurisdiction in both Kansas City and Independence and supervise division staff on all matters pertaining to the administration of the Probate Division and the duties and responsibilities of case management.

S. MARGENE BURNETT, Attorney at Law 2000-2003

Respondent's Counsel, Probate Court

- Represent individuals alleged to be incapacitated and disabled in guardianship and conservatorship proceedings and persons alleged to be mentally ill and/or drug or alcohol abusers in civil commitment proceedings.

-- Served as guardian ad litem in minor guardianship matters, including investigation of allegations between competing petitioners and negotiation of visitation, child support, custody and other issues.

-- Served as guardian ad litem for adults who have been adjudicated incapacitated and disabled when the current guardian has been suspected of wrong-doing or abuse and neglect. I also served as the Court's investigator when misconduct was suspected. Many times this involved either placing the individual in a psychiatric unit or other secured facility, obtaining medical and/or psychiatric evaluations, review of financial matters to locate assets, dealing with various state agencies to secure benefits for wards, and negotiation of asset division between competing parties.

-- As guardian ad litem and as private counsel, filed and tried Petitions for Removal of Fiduciary and Petitions for Restoration.

-- Litigated actions to modify trust documents either as Respondent's counsel or guardian ad litem for both minors and adults.

S. MARGENE BURNETT, Attorney At Law 1995 -2003

Sole Practitioner

-- Extensive civil litigation experience with an emphasis in personal injury, insurance defense, commercial litigation, employment law, domestic relations, products liability, and Missouri and Kansas Workers' Compensation.

-- Appellate experience including research and writing briefs, post opinion motions for transfer and rehearing, and management of procedural deadlines and local rule compliance for local attorneys engaged in solo and/or small firm practice.

-- Effectively utilized and implemented case management methods and supervision of support staff regarding day-to-day business operations and throughout the trial preparation process.

HILLIX, BREWER, HOFFHAUS, WHITTAKER & WRIGHT, L.L.C. 1990-1995

Associate Attorney

-- Same as above.

-- Administered Pro Bono/Volunteer Attorney Project matters (including all juvenile appointments) for 35-attorney office.

-- First and second chair jury trial experience in both state and federal courts.

-- Numerous first chaired bench-tried cases in state court.

MORRIS & LARSON, P.C. 1987-1990

Associate Attorney

(Morris & Larson, P.C. merged with Hillix, Brewer in August, 1990.)

-- Same as above.

-- First chair federal jury trial in a 1983 civil rights case.

-- Second chair trial experience with several senior partners in personal injury cases both for the plaintiff and for the defense.

UMKC LAW SCHOOL Winter Semester 1987

Appellate Advocacy I Instructor

-- Instructed and supervised one of six sections of first-year law students in beginning appellate practice.

UMKC LAW SCHOOL Fall and Winter Semester 1985-86

Research Assistant

-- Research Assistant to Professor Robert H. Frielich. Assisted with editing of Prof. Frielich's Land Use casebook for West Publishing Company, research and writing on his subdivision treatise for Clark, Boardman & Co., and other duties throughout the year.

LAW CLERK:

Barker, Rubin & Sonnich	Summer 1985
Morris & Larson, P.C.	Summer 1986 and Winter Semester 1987

EDUCATION:

University of Missouri-Kansas City School of Law May, 1987

J. D. Degree

-- National Moot Court Team 1986-87

-- Comments Editor, UMKC Law Review 1986-87

-- Associate Editor, The Urban Lawyer 1985-86

University of Missouri-Columbia May, 1984

B.J. Degree in Magazine Journalism

B.A. Degree in Political Science

LEGAL BIOGRAPHY:

Admitted to Missouri Bar, 1987; admitted to the Federal District Court for the Western District of Missouri, 1987; admitted to Kansas Bar, 1988; admitted to the Federal District Court for the District of Kansas, 1988; admitted to the Tenth Circuit Court of Appeals, 1992. Member local county and state bar associations.

LAW-RELATED ACTIVITIES:

Missouri Bar Association, 1987-present; Probate & Associate Circuit Judges Association, 2003-present and current Vice-President/President-Elect; Kansas Bar Association, 1988-present (inactive status); American Bar Association, 1987-1990; Association for Women Lawyers, 1987-present, served as Co-Chair of the annual golf tournament steering committee 2000-2005; Lawyers Association, 1990-1995; Kansas City Metropolitan Bar Association, 1987-present, Chair and Co-Chair of Probate & Estate Planning Committee, 2004-2009. Served as speaker for numerous CLEs for Mo Bar, KCMBA and UMKC Law School. Author Collection and Management of Assets, Chapter 5-Supp, Mo Bar Deskbook, *Estate Administration* and Missouri Personal Custodian Law, Chapter 12, Mo Bar Deskbook, *Trusts, Powers of Attorney, Custodianship, and Nonprobate Matters*.

COMMUNITY ACTIVITIES:

UMKC School of Law, Alumni Association Board of Directors, 2005-present (served as President (2009) and Vice President (2008)); UMKC Law Foundation Board of Trustees,

2009-present; Sheffield Place Board of Directors, 2006-present (immediate Past President, former Vice President (2009), former chair of Organizational Development Committee (2008-2009)); AWL, 1987-present (Co-Chair of Annual "I'm not Serious About Golf" tournament, 2003-2005); YWCA of Kansas City, Missouri: steering committee for Tee Off for Teens Benefit Golf Tournament and Goin' Country for Kids fund raising events; Community Christian Church, 1994-present (served on Board of Diaconate, 1996-1999 term); Laubach Literacy Council, tutor and newsletter assistant, 1992-1996; founder and initial organizer of women's book club (since 1986 and still meeting monthly).

COMMUNITY RECOGNITION:

AWL Judicial Recognition Award, 2005

UMKC Alumni Association Pat Kelly Service Award, 2010