

**APPLICATION OF DEBORAH K. DODGE  
TO THE APPELLATE JUDICIAL COMMISSION FOR THE  
JUDGE PARRISH 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:

**Attorney/Shareholder  
Hall, Ansley, Rodgers & Sweeney, P.C.**

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

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

**Forty-two (42) years**

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

**Sixteen (16) 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.

**October 1, 1993  
License is in good standing**

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

**Kansas State Courts – Kansas Bar No. 16450  
Federal District Courts – Western District of Missouri  
Federal District Courts – Eastern District of Missouri**

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>Central Methodist College</b>	<b>1985 - 1989</b>
<b>411 Central Methodist Square</b>	
<b>Fayette, MO 65248</b>	

<b>Degree: B.A. Communications</b>	<b>May 1989</b>
<b>Minor - Vocal Performance</b>	<b>May 1989</b>

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

**Activities/Awards**

<b>Central Methodist College Outstanding Senior Award</b>	<b>May 1989</b>
<b>Hall of Sponsors Scholarship Recipient</b>	<b>1985-1989</b>
<b>Zeta Psi Lambda Sorority</b>	
<b>Vice President</b>	<b>1987 - 1988</b>
<b>President</b>	<b>1988 - 1989</b>
<b>Central Methodist College Choral Department Manager</b>	<b>1987 - 1989</b>

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

<b>Washburn University School of Law 1700 SW College Avenue Topeka, Kansas 66621</b>	<b>1990 – 1993</b>
<b>Degree: Juris Doctorate</b>	<b>May 1993</b>

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

**Activities/Awards**

<b>Graduated with Dean's Honors</b>	<b>May 1993</b>
<b>Phi Alpha Delta Fraternity</b>	<b>1991 - 1993</b>
<b>Member</b>	
<b>Washburn Moot Court</b>	<b>1992 - 1993</b>
<b>Member</b>	
<b>Participant in National Moot Court</b>	<b>October 1992</b>
<b>Competition in Information and Privacy Law</b>	
<b>The John Marshall Law School</b>	
<b>Recipient of American Jurisprudence Award</b>	<b>1992</b>
<b>Debtor Creditor Law</b>	

8. State, in chronological order (starting with the earliest employment) (a) significant non-law-related employment prior to law school and (b) all employment from the beginning of law school to the present. To the extent reasonably available to you, include the name and address of each employer and the dates of employment, and, for legal employment, describe the positions you have held, e.g., associate, partner, law clerk, general counsel.

(a) **Non-law-related employment**

**Central Methodist University** **1985 – 1989**  
**formerly Central Methodist College**  
**411 Central Methodist Square**  
**Fayette, Missouri 65248**

At the College, I began my employment performing clerical work in the Administration Office. During my Sophomore and Junior summers, I was selected to participate in an Outreach Program working as a Youth Director for participating United Methodist Churches. During the last two years of school, I worked in the Conservatory as an assistant in the Choral Department.

**American Cablevision** **1989**  
**Kansas City, Missouri**

Advertising Salesperson for Cable

**Channel 62** **1989 - 1990**  
**Kansas City, Missouri**

Advertising Salesperson for small independent television station

(b) **Law-related employment**

**Law Clerk** **1991 - 1993**  
**Sloan, Listrom, Eisenbarth, Sloan & Glassman**  
**534 S. Kansas Ave. Ste 1000**  
**Topeka, Kansas 66603**

**Law Clerk** **Summer 1992**  
**Hall, Anlsey, Carmichael & Gardner, P.C.**  
**P. O. Box 4609**  
**Springfield, Missouri 65808**

**Law Clerk** **June 1993 –**  
**Missouri Court of Appeals, Southern Division** **May 1994**  
**Hon. John E. Parrish**  
**300 John Q. Hammons Parkway**  
**Springfield, Missouri 65806**

**Associate  
Hall, Ansley, Rodgers & Condry, P.C.  
P. O. Box 4609  
Springfield, Missouri 65808**

**June 1994 – 1998**

**Shareholder  
Hall, Ansley, Rodgers & Sweeney, P.C.  
P. O. Box 4609  
Springfield, Missouri 65808**

**January 1999 -  
present**

9. 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**

10. 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:

**I began my legal career under the direction of the Honorable John Parrish in 1993. As a young attorney, I was fortunate to receive his guidance regarding legal analysis and writing. He attacked cases pragmatically. In so doing, I have learned the importance of crafting a “Point Relied On” as it determines the “point” for the appeal. Because Judge Parrish poured over the record to ensure his opinion accurately reflected the facts relevant to the case, I learned early in my career the importance of drafting a “Statement of Facts” that is a fair reflection of the issues at hand. Judge Parrish instilled in me the importance of citing existing case law that is persuasive or instructive. Even when the case law appears to not support my position, it must be recognized and addressed. I believe the instruction I received from Judge Parrish has left a lasting impression on me as I have adopted the same pragmatic approach in my writing.**

**In 1994, I joined the law firm of Hall, Ansley, Rodgers & Condry as an attorney. This is the place I have called “home” for fifteen years. My experience with this firm has been priceless. Under the direction of attorney David Ansley, I have had the opportunity to try numerous cases before a jury. Mr. Ansley instilled in me the importance of preparation. All cases require legal research and analysis. Trial briefs are necessary and are a persuasive tool to obtain the ruling being sought. In trying these cases, I had the opportunity to present novel evidentiary issues to the trial court. I have examined witnesses and offered all kinds of evidence. Furthermore, I have crafted dozens and dozens of jury instructions, none of which have been reversed on appeal. I believe trial experience is a necessary feature for a future Court of Appeals Judge. It is experience that acts as the cornerstone in understanding and analyzing the issues presented during an appeal.**

**I have been a Shareholder of Hall, Ansley, Rodgers & Sweeney since 1999. Since that time, I have developed a unique practice. While I continue to represent individuals in medical negligence and other personal injury cases, I have also**

developed a practice that includes defending individuals and companies that have been sued. I have had the privilege and honor of representing many local individuals and businesses in tort actions at the trial and appellate levels. My experience in representing both plaintiffs and defendants has allowed me a unique perspective of being able to see and understand both sides of an issue. Regardless of the party I represent and their socio-economic background, my approach has been consistent. I believe I take a logical, realistic and practical approach in all issues. I look to the law for instruction and I seek a fair result for my client.

Due to my previous experience as a law clerk with the Court of Appeals, I have been blessed with handling all appellate issues of this law office for the past fifteen years. Because our office is a full service firm, the issues on appeal have been quite vast. As the principal attorney in charge of the appeal, I have handled real estate, tax, divorce, commercial and tort issues. This variety has afforded me an opportunity to develop strong research and writing skills. In fact, I was awarded the David J. Dixon Appellate and Advocacy Award by the Missouri Bar Association in 2001. In effect, this award is a peer review of my skills and abilities in appellate writing and advocacy.

I believe the opportunities afforded to me as a trial attorney representing clients of all shapes and sizes has provided me the experience and aptitude necessary to serve on the Court of Appeals, and I would be honored to serve the State of Missouri in such a capacity.

- (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) including, to the extent reasonably available to you, the style, date, and court and, if published, the citation; identify the client(s) you represented and opposing counsel; give a one-paragraph description of the case and your role.

- (1) **Tri-State Motor Transit Co. v. Holt**  
Case Nos. CV293-67CC, CV294-112, CV295-64CC  
Jasper County, Missouri  
The Honorable William C. Crawford  
Opposing Counsel: James Spradling

D. Patrick Sweeney and I represented Tri-State Motor Transit Co., a taxpayer, who brought suit against the Jasper County Tax Collector seeking a refund on personal property taxes on its trucking fleet. The Honorable William C. Crawford granted relief and awarded a refund.

### **Appeal**

Jasper County appealed the trial court's judgment granting a tax refund to Tri-State Motor Transit Company regarding personal property taxes it had paid "under protest" over the course of three years. I assisted in the case by writing Respondent's Brief on behalf of Tri-State Motor Transit Company. The Court of Appeals, Southern Division affirmed the trial court's award.

Case Nos. SD 20500 – 20502  
Citation: 921 S.W.2d 652 (Mo.App. S.D. 1995)

(2) **In re: Marriage of McMillin**

Case No. 31194DR0574  
Greene County, Missouri  
The Honorable Winston Davis and the Honorable Thomas McGuire  
Opposing Counsel: Blythe Crist

**Appeal**

This case was brought before the Missouri Court of Appeals Southern Division on two occasions. Appellant Robert McMillin appealed the trial court's decree of this contested divorce case involving division of marital and non-marital property including a commercial building and ownership interest in a professional business.

I represented the Respondent Sheila McMillin during the appeal process. The first reported decision addressed the issue of whether the appellate court had jurisdiction because the record reflected that the family court commissioner denied Mr. McMillin's Motion for Rehearing as opposed to the family court judge. The Southern District dismissed the appeal pending the circuit court's ruling on the post trial motion. (SD 19839)

The second reported decision addressed the substance of Mr. McMillin's appeal. I authored the Respondent's Brief and argued the case (SD 20669). The Court affirmed the lower court's award regarding the commercial building and Mrs. McMillin's certified public accounting practice.

Case Nos. SD 19839 and SD 20669  
Citations: McMillin v. McMillin, 908 S.W.2d 860 (Mo.App. S.D. 1995)  
McMillin v. McMillin, 929 S.W.2d 947 (Mo.App. S.D. 1996)

(3) **Crippled Children Services, State of Missouri v. Griffitts**

Case No. Unknown  
Polk County, Missouri  
The Honorable Michael J. Brown  
Opposing Counsel: Richard L. Beaver for the State of Missouri

**Appeal**

The State of Missouri appealed the probate court's denial of Crippled Children Services' subrogation claim against the child's estate for monies it spent on the child's behalf.

I represented the Conservator before the trial court and during the course of the appeal. I wrote the Respondent's Brief and argued the case before the Missouri Court of Appeals, Southern Division. The Court of Appeals affirmed the trial court's decision holding that the Crippled Children Services did not have a right of subrogation against an already existing trust that was funded with medical malpractice settlement monies.

Case No. SD 20478

Citation: Crippled Children Services, State of Missouri v. Griffiths,  
938 S.W.2d 621 (Mo.App. S.D. 1997)

(4) **Bella v. Turner**

Case No. 31198CC0411

Greene County, Missouri

The Honorable Calvin Holden

Opposing Counsel: Bruce Hunt, Jeffrey Monroe and Russell Makepeace

**Appeal**

Dr. Steven Turner and his clinic appealed a judgment entered against him as a result of a jury verdict awarding patient Anna Bella one million dollars. (\$1,000,000.00) for damages she incurred as a result of the care and treatment provided by Dr. Turner while hospitalized. David Ansley and I represented Anna Bella at both the trial court and appellate levels. I drafted Respondent's Brief. One of the key issues addressed in this case was whether a defendant doctor should be able to draw an adverse inference from a patient's failure to call succeeding physicians as witnesses in their case. The Missouri Southern Division noted the bias of treating doctors in not wanting to get involved in medical negligence cases when the defendant practices in the same community. The Missouri Court of Appeals affirmed the judgment of the trial court.

Case No. SD 23399

Citation: Bella v. Turner, 30 S.W.3d 892 (Mo.App. S.D. 2000).

(5) **American Refractories Co. v. Combustion Controls**

Case No. 31100CC1497

Greene County, Missouri

The Honorable J. Miles Sweeney

Opposing Counsel: Thomas J. Kernell and Michelle Funkenbusch

**Appeal**

I represented Combustion Controls, a Pennsylvania corporation, in an action for a temporary restraining order and attachment at the trial court and appellate levels. American Refractories Co. had filed a separate action against Combustion Controls seeking damages in another state. It sought to attach monies by filing a prejudgment attachment action in Missouri. The trial court, the Honorable J. Miles Sweeney, denied American Refractories' request for prejudgment attachment ruling that

Missouri did not have jurisdiction. American Refractories appealed. I wrote the Respondent's Brief and argued the matter on appeal. The Missouri Court of Appeals, Southern Division affirmed the trial court's judgment.

Case No. SD 24373

Citation: American Refractories Co. v. Combustion Controls, 70 S.W.3d 660  
(Mo.App. S.D. 2000)

(6) **Sanders v. Hartville Milling Co.**

Case No. CV397-149CC

Ozark County, Missouri

The Honorable John Moody

Opposing Counsel: Timothy Gammon

**Appeal**

Hartville Milling Company appealed from a judgment entered against it in the amount of \$402,000 for manufacturing and selling feed allegedly contaminated with toxins that damaged plaintiff Sanders' dairy herd. D. Patrick Sweeney and Jim Condry represented Hartville Milling Company at the trial court level and I, along with Mr. Sweeney, represented the client on appeal. I wrote the briefs and argued the case before the Southern Division. The Court of Appeals affirmed the jury verdict but reversed the trial court's decision award of prejudgment interest as plaintiffs' counsel had failed to send its demand by certified mail.

Case No. SD 22445 and 22446

Citation: Sanders v. Hartville Milling Co., 14 S.W.3d 188 (Mo.App. S.D. 2000).

(7) **Delaney v. Gleed**

Case No. 30V099600157

Webster County, Missouri

The Honorable John C. Porter

Opposing Counsel: Christopher Stark

**Appeal**

This case was recognized by the Southern District as a case with a "tortured procedural history." Primarily this matter involved a partition action with additional claims asserted by opposing parties. I represented Joyce Delaney during the course of the appeal. I wrote the Respondent's Brief and argued the case. While the trial court had certified that its partial judgment addressing the partition action was final for purposes of appeal, the Court of Appeals determined that the case was not final and remanded the case back to the trial court to dispose all issues of the case before appeal.

Case No. SD 25912

Citation: Delaney v. Gleed, 169 S.W.3d 84 (Mo.App. S.D. 2005).



**(8) Cole v. Ferrell-Duncan Clinic**

Case No. 103CC1736

Greene County, Missouri

The Honorable Henry W. Westbrooke, Jr.

Opposing Counsel: Bruce Hunt (trial court level); Susan Ford Robertson (appellate level)

**Appeal**

Mr. Alfred Cole and his wife sued Ferrell-Duncan Clinic, Inc for medical negligence and loss of consortium as a result of the clinic's failure to offer or perform prostate screening blood tests for a series of years. A jury returned a verdict in favor of the Coles. The issue addressed on appeal was whether the "continuing care" exception tolled the statute of limitations in this case as defendant alleged that Dr. Mantell did not provide treatment for prostate cancer nor was he providing treatment for the recovery of prostate cancer that would trigger the continuing care exception. I wrote the Respondent's Brief and Mr. Ansley argued the case before the Missouri Court of Appeals, Southern Division, and the Court affirmed the trial court's judgment in favor of plaintiffs.

Case No. SD 26731

Citation: Cole v. Ferrell-Duncan Clinic, 185 S.W.3d 740 (Mo.App. S.D. 2006)

**(9) Heritage Warranty Ins., RRG, Inc v Swiney**

Case No. 31105CC5720

Greene County Circuit Court

The Honorable J. Miles Sweeney

Opposing Counsel: Gregory Groves

**Appeal**

This suit involved a seller of extended service contracts for boat motors and the seller's reinsurer on the contracts. The reinsurer sued the seller for breach of contract. The issue on appeal was whether the trial court abused its discretion in setting aside a default judgment entered against Mr. Swiney for good cause. I wrote the Respondent's Brief and Mr. Andrew Bennett argued the matter. The trial court's decision was affirmed.

Case No. SD 28086

Citation: Heritage Warranty Ins., RRG, Inc. v. Swiney, 244 SW3d 290  
(Mo.App. S.D. 2008)

**(10) Vidacak v. Oklahoma Farmers Union Mut. Ins. Co.**

Case No. 07WECC00004  
Webster County, Missouri  
The Honorable William Simms  
Opposing Counsel: Jeffrey Monroe

**Appeal**

I represented a trucking company and its driver who appealed the trial court's summary judgment entered against them on their third party petition for contribution against the other driver. The action before the trial court was a personal injury accident involving the trucking company, its driver, another driver and his son. The son was seeking damages from the trucking company only. Previous to this lawsuit, the trucking company, the other driver and his wife were involved in a separate action that had settled and the case was thereafter dismissed with prejudice. The other driver claimed that the release he and his wife executed barred the trucking company from seeking contribution. The trial court agreed. The Court of Appeals reversed the decision as the release executed by the other driver and his wife only released their claims and not the claims of the trucking company.

Case No. SD 28844  
Citation: Vidacak v. Oklahoma Farmers Union Mutual Ins. Co, 274 Sw3d 487  
(Mo.App. S.D. 2008)

- (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) including, to the extent reasonably available to you, the style, date, and court; identify who you represented and opposing counsel; state whether the case was disposed of following a jury trial, bench trial or at what other stage; give a one-paragraph description of the case and your role.

**(1) Gilbert and Katherine Marsh v. Masters-Jackson**

Case No. 31194CC4291  
Circuit Court of Greene County, Missouri  
The Honorable David Anderson  
Opposing Counsel: Charles Kiefer and Clyde Allemann  
Trial Dates: May 28, 1996 through June 6, 1996

I assisted in the representation of plaintiffs in a personal injury case resulting from a head-on collision involving a dump truck. The plaintiff, Gilbert Marsh, sustained a closed head injury as a result of the collision. As second chair, I presented evidence to the jury that focused on developing plaintiffs' damages. The case was successfully tried and a jury returned a verdict in favor of plaintiffs in the amount of \$440,000.

(2) **Donna Kay Fleming and James Fleming v. Notami Hospitals, et al.**

Case No. 31194CC0578  
Circuit Court of Greene County, Missouri  
The Honorable J. Miles Sweeney  
Opposing Counsel: Timothy Phillips  
Trial Dates: February 5 - 8, 1996; September 3, 1996

I assisted David Ansley in the representation of plaintiffs in a medical negligence case involving hospital personnel inserting an excessive amount of saline during a diagnostic procedure that caused plaintiff's bladder to perforate. The case was tried before a jury in February of 1996. The court declared a mistrial upon the jury's announcement it was deadlocked and unable to reach a verdict after nearly four hours of deliberation. I focused on the damage evidence and drafted the jury instructions. A second jury was selected in September of 1996. The case was settled on the second day of trial.

(3) **Carolyn and Jack Callaway v. Smith Glynn Callaway Clinic, et al.**

Case No. 31195CC2219  
Circuit Court of Greene County, Missouri  
The Honorable J. Miles Sweeney  
Opposing Counsel: Pat Roberts and Douglas Harpool  
Trial Dates: October 28, 1996 through November 5, 1996

I assisted David Ansley in the representation of plaintiffs in a medical negligence case against gynecologist and her clinic for negligently transecting her urethra during surgery. I argued legal issues that arose and was in charge of developing plaintiff's damages. The case settled on the fifth day of trial before a jury.

(4) **Rita Spilken v. Shoney's, Inc.**

Case No. 31196C0974  
Circuit Court of Greene County, Missouri  
The Honorable David Anderson  
Opposing Counsel: David Buchanan  
Trial Dates: July 28, 1997 through August 1, 1997

I assisted Jan Millington in representing the plaintiff in a personal injury action as a result of the plaintiff falling on a wet floor at defendant's restaurant. My role during the course of the five-day trial was to present the plaintiff in direct examination and establish her damages through expert testimony. A jury returned a verdict in favor of plaintiff for an amount less than suggested.

(5) **Pettyjohn v. Krautman, et al.**

Case No. CV996-276CC

Circuit Court of Morgan County, Missouri

The Honorable Mary Dickerson

Opposing Counsel: Edward Clausen, John Roark, Bruce Hunt, Pierre Dominique

Trial Dates: May 17 - 28, 1999

I assisted David Ansley in representing Plaintiff in a medical negligence case in Morgan County, Missouri. The case was against multiple doctors and nurses as plaintiff alleged defendants caused or contributed to cause infection to develop in the site where Ms. Pettyjohn underwent hip replacement surgery. Prior to surgery, she had a urinary tract infection and the same pathogen appeared in the wound site of the hip within days after her surgery. We argued that this elective surgery should have been delayed until patient was infection-free or precautions should have been implemented to prevent the infection from spreading. The trial lasted two weeks. I presented evidence to the jury to establish Ms. Pettyjohn's damages, and I authored the jury instructions. The jury returned a verdict in favor of the defendants.

(6) **Laura Wilson v. Vera Carhart, et al.**

Case No. 31198CC1784

Circuit Court of Greene County, Missouri

The Honorable Henry W. Westbrooke, Jr.

Opposing counsel: Robert Siebel and John L. Oliver, Jr.

Trial Dates: November 29 and 30, 1999

I assisted David Ansley in representing plaintiff in a medical negligence cause of action against her treating doctor. We contended defendant failed to refer plaintiff for a surgical consultation after discovery of a breast mass. As a result, we argued there was a significant delay in diagnosing breast cancer. The case settled on the second day of jury trial.

(7) **Anna Bella v. Steven R. Turner, M.D., et al.**

Case No. 31198CC0411

Circuit Court of Greene County, Missouri

The Honorable Calvin Holden

Opposing Counsel: Bruce Hunt

Trial Dates: November 1 - 9, 1999

I assisted David Ansley in representing plaintiff in a medical negligence case where defendant failed to diagnose and treat heparin-induced thrombotic thrombocytopenia which caused plaintiff to suffer a debilitating stroke. I developed the damages and authored the jury instructions. The jury returned a verdict in the amount of one million dollars.

(8) **Randy Parrish v. St. John's Health System, et al.**

Case No. 31199CC1674  
Circuit Court of Greene County, Missouri  
The Honorable Calvin Holden  
Opposing Counsel: Gary Cunningham  
Trial Dates: December 4 – 12, 2000

I assisted David Ansley in representing plaintiff in a medical negligence case involving the wrongful death of his wife. Plaintiff alleged that St. John's failed to diagnose decedent's overdose of Tylenol in a timely fashion and implement medical management to reverse the effects of the overdose. I developed the damages and authored the jury instructions. After six days of trial, a jury returned a verdict in favor of defendants.

(9) **Jack Nash v. Mark Zubres, et al.**

Case No. 31199CC2817  
Circuit Court of Greene County, Missouri  
The Honorable Calvin Holden  
Opposing Counsel: Thomas Wagstaff, Timonthy Gammon, Gordon Myerson  
Trial Date: April 30, 2001

I assisted David Ansley in representing plaintiff in a medical negligence cause of action involving a delay in diagnosis of a talus fracture. I assisted in developing the plaintiff's damages. The case was settled during the *voir dire* process.

(10) **Rebecca Washburn v. John Putnma, M.D., et al.**

Case No. 31100CC0037  
Circuit Court of Greene County, Missouri  
The Honorable Henry W. Westbrooke, Jr.  
Opposing Counsel: Clif Smart, III  
Trial Dates: August 6 - 13, 2001

I assisted David Ansley in representing plaintiff in a medical negligence case involving the wrongful death of plaintiff's husband. Plaintiff alleged defendant failed to monitor and keep decedent's blood at therapeutic levels so as to prevent the development of blood clots after a hip replacement surgery. The decedent died as a result of a pulmonary embolism. I presented the plaintiff during direct examination and developed the damages through lay witness and expert testimony. After six days of trial, a jury returned a verdict in favor of defendant.

**(11) Virginia Owens v. St. John's Regional Center**

Case No. 31100CC1183  
Circuit Court of Greene County, Missouri  
The Honorable J. Miles Sweeney  
Opposing Counsel: Michael Patton, Bryan Renfrow, Daniel Wichmer  
Hearing Date: November 8, 2001

I represented a mother for the wrongful death of her son. This was a medical negligence case that was settled with the defendant before trial. The trial court was required to take the matter up for hearing on apportionment of the settlement proceeds. The father was unrepresented. Mother was awarded 100% of the proceeds.

**(12) Marjorie and Danny Lambert v. Mark H. Crabtree, M.D.**

Case No. 31101CC3876  
Circuit Court of Greene County, Missouri  
The Honorable Calvin Holden  
Opposing Counsel: Kent Hyde, Monte Clithero, Randy Scheer, Jonathan Ries,  
Michael Cordonnier  
Hearing Date: October 17, 2003

I represented plaintiffs in a medical negligence case where plaintiffs alleged defendants failed to timely diagnose the presence of cauda equina syndrome and failed to timely decompress the spinal canal. As a result of the negligence, plaintiff Marjorie Lambert suffered from complete paralysis from the waist down. I was the principal attorney on the case and negotiated a confidential settlement during mediation. One day after the mediation, Dr. Crabtree's insurance company filed for bankruptcy. After a hearing on a motion to enforce the settlement, the case was settled.

**(13) Timothy Patrick Ingwerson v. Jean Edwards, et al.**

Case No. 31101DR2415  
Circuit Court of Greene County, Missouri  
Commissioner Scott B. Tinsley  
Opposing Counsel: Betty Pace and June Clark, as guardian ad litem  
Trial Dates: August or September 2004

I represented a grandmother in a custody suit between the natural father and the child's maternal grandmother. The father sought to remove grandmother as guardian of his minor son and sought sole custody. June Clark, as guardian ad litem, evaluated both parties and their respective living environments. The matter was tried before the Honorable Scott Tinsley for three days and settled before all evidence was heard.

**(14) Sandra and James Janca v. Anne E. Winkler, et al.**

Case No. 31102CC3181  
Circuit Court of Greene County, Missouri  
The Honorable J. Dan Conklin  
Opposing Counsel: Frank Evans and Lisa Schrock  
Trial Dates: June 13 – 20, 2005

I assisted David Ansley in representing plaintiffs in a medical negligence cause of action where plaintiffs alleged the defendant delayed the diagnosis of cancer which caused a loss of plaintiff Sandra Janca's chance of survival. My role was to develop plaintiffs' damages and author the jury instructions. After a six-day jury trial, a jury returned a verdict in favor of plaintiffs.

**(15) Kimberly R. Bruce, et al v. Yung Hwang, M.D.**

Case No. 31102CC5103  
Circuit Court of Greene County, Missouri  
The Honorable J. Miles Sweeney  
Opposing Counsel: Bruce Hunt and David Ransin  
Hearing Date: June 23, 2004

I represented plaintiffs in a wrongful death action as a result of the untimely death of plaintiffs' husband and father. We contended defendant Hwang failed to remove necrotic bowel during exploratory surgery and, as a result, the decedent died from mesenteric ischemia. I was the principal attorney and negotiated a settlement. It was necessary to have an evidentiary hearing on the apportionment of settlement proceeds as an estranged daughter from another marriage sought a portion of the settlement proceeds.

**(16) Marty and Tabitha Sanders v. New Mac Electric Cooperative, Inc.**

Case No. CV102-155CC  
Circuit Court of Newton County, Missouri  
The Honorable David Munson  
Opposing Counsel: Duane Cooper  
Trial Dates: do not recall

I represented New Mac Electric Cooperative in a matter where landowners sued the cooperative for cutting an excessive amount of trees in order to establish electrical service. Plaintiffs sought damages for trespass in the amount of \$45,000. After hearing evidence from both experts regarding valuation of trees, the Honorable David Munson found in favor of plaintiffs in an amount consistent with New Mac's expert's opinion.

**(17) Charles Fazio v. Beacon Bay Condominium Associates, et al.**

Case No. 26V05400516  
Circuit Court of Miller County, Missouri  
The Honorable Byron Kinder  
Opposing Counsel: John Harl Campbell  
Trial Dates: February 3 and 4, 2009

I represented Beacon Bay Condominium Association in a case where plaintiff alleged the Association failed to keep the common areas in good repair so as to divert surface water run-off. Plaintiff alleged water damage to his unit which included a mold claim. The case was tried before the judge for three days. Judgment was entered in favor of Beacon Bay Condominium Association.

**(18) Charity Forester v. Michael Clarke, M.D.**

Case No. 31104CC3287  
Circuit Court of Greene County, Missouri  
The Honorable Calvin Holden  
Opposing Counsel: Randy Cowherd  
Trial Dates: June 22 – 30, 2009

I assisted David Ansley in representing the plaintiff in a medical negligence case against Dr. Clarke. Plaintiff alleged that Dr. Clarke was negligent in performing arthroscopic knee surgery and in the management thereafter. As a result of the action or inaction of Dr. Clarke, plaintiff developed compartment syndrome and eventually required a below-the-knee amputation. My role during the course of the two-week trial was to present damage experts and the plaintiff in direct examination. In addition, I authored the jury instructions. A jury returned a verdict in favor of defendant. During after trial motions, the trial court awarded plaintiff a new trial and declared the verdict was against the weight of the evidence.

**(19) B.C. Tools and Machine Company v. Paul York d/b/a Thompson Choppers**

Case No. 313AC09880  
Circuit Court of Greene County, Missouri  
The Honorable Jason Brown  
Opposing counsel: Jerry Reynolds  
Trial Date: July 16, 2009

I represented the plaintiff in a breach of contract action seeking payment for materials plaintiff designed and created for defendant's chopper business. Defendant alleged the materials constructed by plaintiff were not of merchantable quality. After a trial before the Court, judgment was rendered in favor of plaintiff.



**(20) Patrice A. Tice v. Cynthia Hughes, D.O.**

Case No. 31107CC3457  
Circuit Court of Greene County, Missouri  
The Honorable Calvin Holden  
Opposing Counsel: Randy Cowherd  
Trial Date: July 31, 2009 through August 6, 2009

I assisted David Ansley in representing plaintiff in a medical negligence action. Plaintiff alleged defendant was responsible for a delay in the diagnosis of sarcoma cancer. My role during the trial was to present damage evidence. On the fourth day of trial, the trial court declared a mistrial due to juror misconduct.

**(21) Jenifer Grove v Kimberly Brown d/b/a Hickory Kids Daycare**

Case No. 08WE-AC00028  
Circuit Court of Webster County, Missouri, Associate Division  
The Honorable Kenneth Thompson  
Opposing Counsel: Linda Lott  
Trial Date: July 15, 2009

I represented plaintiff on a breach of contract action where defendant failed to pay for daycare equipment sold to defendant. This matter was tried before the judge in one day. The Court found in favor of plaintiff.

**(22) Vecchio v. Schaffer**

Case No 05-3194-CV-S-FJG  
U.S. District Court for the Western District of Missouri  
The Honorable Fernando J. Gaitan, Jr.  
Opposing Counsel: Daniel Pingleton  
Trial Dates: October 1 – 2, 2007

I assisted Thomas Millington in representing the defendant in a negligence cause of action. This matter was tried before a jury for two days. My role was to try to keep any damage award against defendant in check. The jury returned a verdict in favor of the plaintiff for a nominal amount.

- (c) Judicial Experience:** If you are a judge, commissioner, or are serving or have served in other judicial capacity, please describe the nature and extent of your judicial responsibilities, including the dates you have served as a judge at each level, the types of dockets you have handled, and any special expertise you have developed that you believe is relevant to your qualifications for the position for which you are applying.

**Not applicable.**

11. 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).

**Not applicable.**

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

<b>Missouri Bar Association</b>	<b>1993 - present</b>
<b>Contributing Editor CLE Bulletin Medical Malpractice</b>	<b>2006 - present</b>
<b>Missouri Judicial Performance Evaluation Committee</b>	<b>2009 - present</b>
<b>Springfield Metropolitan Bar Association Board Member</b>	<b>1994 – present 1998 – 2000</b>
<b>American Bar Association</b>	<b>1994 – 1998</b>
<b>Missouri Association of Trial Attorneys</b>	<b>2000 - present</b>

13. 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.

<b>Missouri Bar Foundation David J. Dixon Appellate Advocacy Award</b>	<b>September 2001</b>
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14. Describe your community activities, including any organizations not listed elsewhere with which you are affiliated.

<b>Springfield Mid-America Singers</b>	<b>1994-1996</b>
<b>Asbury United Methodist Church Youth Group Adult Leader Choir Member Board of Trustees</b>	<b>1994 - 1996 1994 - 2009 2004 – 2008</b>
<b>Schweitzer United Methodist Church Choir Member Finance Committee</b>	<b>2008 – present 2010</b>
<b>Springfield Claims Association Social Chairperson Vice President</b>	<b>2006 – present 2008-2009 2009 - present</b>

**Field Elementary Parent Teacher Association  
Legislative Liaison**

**2009 - present**

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

**No.**

16. 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.**

17. 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.

**Yes.**

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.

**Not applicable.**

- 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.

**Not applicable.**

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?

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.

**No.**

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

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

**No.**

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

**No.**

25. 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.

**Attached.**

26. 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.

**Presenter, Christian County Bar Association  
Litigating a Case After Tort Reform  
Cabo San Lucas, Mexico**

**February 2006**

**Presenter, Institute for Paralegal Education  
Countdown to Trial: A Crash Course in Trial  
Preparation for Paralegals  
Springfield, Missouri**

**May 14, 2009**

**Presenter, National Business Institute  
Personal Injury Cases: Calculating and Proving Damages  
Springfield, Missouri**

**May 21, 2009**

**I am honored to be a mother of two lovely children ages 12 and 9. My husband and I believe a part of parenting is engaging our children in philanthropic activities within the community. To that end, our family supports and participates in raising money for Camp Barnabas, a camp located in Purdy, Missouri that is geared to empowering disabled children. Through the years, our family has assisted in raising scholarship money that directly affects the campers' ability to attend camp. In addition to fundraising activities, I have also assisted Camp Barnabas by offering my time and talent as legal counsel for this non-profit organization. Pro Bono work is an important aspect of my practice, and I believe the work I have encountered through this effort demonstrates my willingness to give back to the community and to the State of Missouri.**

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 (5) references, **please provide name, title, mailing address, telephone and e-mail address. Please note that it is your responsibility to contact your references**, although if you intend to use as a reference a federal judge or other individual who only can provide a reference upon a specific request by the interviewing authority, please advise the commission and it will send that reference such a request. As to all references, it is your responsibility to see that they send the requested letters in a timely manner.

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

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