

**16TH CIRCUIT JUDICIAL COMMISSION
JACKSON COUNTY, MISSOURI
APPLICATION FOR ASSOCIATE CIRCUIT JUDGE**

PLEASE NOTE: RESPONSES TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS SELECTED AS ONE OF THE NOMINEES FOR THE VACANCY.

1. State your full name.

Kimberley Rae (Cox) Fournier



2. State your date and location of birth.

6/17/1970; Springfield, Missouri

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

Attorney

Missouri Attorney General's Office

Assistant Missouri Attorney General; Unit Leader Labor Division-Kansas City

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

(a) Are you at least twenty-five 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) Are you a resident of Jackson County? Yes

5. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of an Associate 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.

I can perform all the essential functions of an Associate Circuit Judge as set forth above.

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.

I was admitted to the Missouri Bar in 1995 and my license is, and always has been, 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.

I was admitted to the Kansas Bar in 1996 and my license is and always has been in good standing.

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

(a) Name and location of institution: Drury University; Springfield, Missouri

(b) Dates attended and degrees received: 1988-1992; Bachelor of Arts in Secondary Education/French; May 1992

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

Women's Soccer-Goalie; Delta Delta Delta sorority-Executive Board; Theatre-Best Leading Actress; Numerous scholarships and grants; Graduated Cum Laude

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

(a) Name and location of law school: University of Missouri-Kansas City School of Law

(b) Dates attended and degrees received: 1992-1995; Juris Doctor

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

Student Bar Association Secretary; 1993-1995

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.

Employment prior to Law School:

1988 -1989 Price Chopper- Deli Clerk-Lee's Summit, Missouri-left for better paying job
1990 C & C Heating and Air Conditioning- Dispatcher and AP/AR Clerk-Grandview, Missouri-left for better paying job
1991 Law office of Jeter, Rains & Byrn-Clerk- Blue Springs, Missouri-left for law school
1992- Law office of D. Sherman Cox-Clerk- St. Louis, Missouri-left for law school

Employment during Law School

1992-1993 Gap-sales associate- Country Club Plaza, Kansas City Missouri-left for better paying job
1992-1993-Heroes Restaurant-server- Blue Springs, Missouri-left to work in legal field
1994-1995 Jackson County Prosecutor's Office: Rule 13 certified intern and second chaired six felony jury trials. Extensive courtroom experience including special actions dockets. Responsible for motion and brief drafting and witness preparation-left when internship ended.
1995 Blue Springs School District/Oak Grove School District-substitute teacher while studying for the bar and prior to my first post-bar job in the legal field-left when I was hired after law school as a law clerk

Employment post Law School

1996-1998 16th Judicial Circuit Court of Missouri: Law Clerk Division 5- Review and research all motions, preparation of Court orders, legal memoranda, jury instructions, and findings of fact and conclusions of law. Responsible for coordination of jury panels and assisted in the jury selection process; left for job offer with City of Kansas City, MO.
1999 Appointment by court as Guardian Ad Litem in domestic paternity lawsuit: responsible for home studies and party contact.
1998-2000 City of Kansas City, Missouri-Assistant City Attorney: Responsible for Kansas City's entire eminent domain caseload. Extensive courtroom hearings, motions and commissioners viewings/hearings. Two Jury trials on exceptions. Handled other kinds of cases such as property damage, personal injury, and some First Amendment casework. Argued one case at the Court of Appeals; left for job offer with Missouri Attorney General's Office.
2001-present Missouri Attorney General's Office-Assistant Missouri Attorney General: Represent the Second Injury Fund and the State insurer in workers' compensation cases. (1200 cases) Unit Leader-responsible for supervising six attorneys plus staff. Extensive administrative trials, post trial and appellate briefs, oral arguments, mediations,

depositions and settlement negotiations. Argued numerous cases at the Court of Appeals and one at the Missouri Supreme Court. Past member of the recruitment committee; responsible for interviewing and making recommendations to the Attorney General about prospective attorneys and law clerks.

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.

The first two years of my career were spent learning and absorbing the law as a law clerk in the Jackson County Circuit Court. From that experience, I knew litigation was the career path I would take. I then spent the next 16 years litigating. I have tried over 100 cases during my career. Initially I tried six criminal jury trials at the Jackson County Prosecutor's Office as second chair, and two civil jury trials with the City of Kansas City. In the past nine years I have tried more than 100 bench trials while at the Missouri Attorney General's Office. In addition to that experience, I have argued 13 cases before the Court of Appeals, and one case before the Missouri Supreme Court.

My experience is vast and my successes many. In workers' compensation cases the law was created to favor the injured worker. That I have been able to be successful with innovative and thoughtful legal arguments in this field reflects the hard work and diligence I put into my caseload. Additionally, having the opportunity to see multiple cases from their inception all the way through the appellate process provides me with the skill to better assess my cases and prepare strong legal defenses.

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.

List attached. (List truncated and does not include permanent partial disability claims. There are an additional 40 plus of those types of bench trials as well.)

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.

List attached.

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.

None.

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.

None.

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.

N/A

18. List all bar associations and law-related organizations of which you are or have been a member, with any offices held and dates of membership.

Association for Women Lawyers of Greater Kansas City.

Member 1998-present

Board Member 1998-2009.

Slating Committee 2009-present.

Offices held: Vice Chair-Gender Issues Committee- 1999 and 2000; Membership Chair-2001; Judicial Appointments Chair-2002, 2003 and 2004; Assistant Secretary-2005; Secretary-2006; President Elect-2007; President-2008; Immediate Past President-2009.

Association for Women Lawyers of Kansas City Foundation

Member 2009-present

Board member-2009

Founding Member

LEAP (Lawyers Encouraging Academic Performance)

Board of Directors- (AWL Liaison 2008)

2009-present Board of Directors

2012-Secretary

2013- Vice President

Fundraising for Operation Breakthrough

Co-Chair Back to School Breakfast 2011, 2012, 2013

Co-Chair Mardi Gras Luncheon 2012, 2013

Eastern Jackson County Bar Association.

Member 1998-2002.

Kansas City Metropolitan Bar Association.

Board Member-AWL Liaison-2009; Member 1998-2002, 2009. Committee service includes KCMBA Circuit Court Advisory Committee-2001 and KCMBA Focus on the Future Forum for Government/Public Service Attorneys-2005 (Specially invited to attend this forum). 2008, 2009, 2010-Speaker at the Worker's Compensation Committee meeting; 2010 Ask a Lawyer Telephone drive participant.

The Missouri Bar.

Committee service includes Committee on Eminent Domain 1999-2001; Committee on Workers' Compensation 2001-present; Continuing Legal Education Committee 2001-2008 (CLE Moderator 2004, 2005, 2006, 2007). Inaugural class of the Missouri Bar Leadership Academy 2000-2001; 2008 Annual Meeting Planning Committee; 16th Judicial Circuit-Judicial Performance Evaluation Committee 2008-present; Bureau of Speakers to defend the Missouri Non Partisan Court Plan-2010, 2011, 2012.

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

Missouri Bar CLE Condemnation Deskbook;
Co-Author of the 1999 Revision of Chapter 2
Missouri Bar CLE Worker's Compensation Deskbook;
2004 Reviewer of the revisions to the Second Injury Fund section

Bureau of Speakers; 2010, 2011, 2012 (Public education forums to discuss and educate Missouri citizens about the Missouri Plan)
I have been the primary speaker at numerous civic meetings to discuss and defend the Missouri Non Partisan Court Plan.

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.

N/A

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

Sheffield Place Homeless Shelter for Women and Children

Board Member 2005-2008
Operations Committee-2005
Operations Committee Co-Chair 2006

First Baptist Church-Blue Springs

Personnel Committee (11/2007-2009) Responsible for staffing issues within the church.
Finance Committee 2002-2005
Finance Committee Chair 2005
Choir 1996-2001; 2008
Fellowship Committee 2000-2008
Youth and Children's Teacher/Worker 1998-2010
Drama 1996-present

Blue Springs School District

Prime Time Advisory Council
(Before and after school childcare program)
Site Advisory Council-representative for James Lewis Elementary and Chapel Lakes Elementary (2007-present)
PTA-James Lewis Elementary-member/Kindergarten room parent (2006-7 school year)
James Lewis Elementary-member-1st Grade coordinator 2007-2008 school year)
PTA- Chapel Lakes Elementary and Delta Woods Middle School (2008-present)
2008-present Grade Level Room Representative

Della Lamb

"Colors of the World" presents "Tribes on the Bridge" –Gala Co-Chair 2011

Downs Syndrome Guild

Step Up for Downs Syndrome-participant 2011-2013

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

Missouri Bar Leadership Academy; Inaugural Class; 2000-2001

**Association for Women Lawyers
2001 Recipient President's Award**

National Association of Attorneys General-Office Representative to Annual Meeting (1/2008)-Selected as one of two attorneys to represent the Attorney General and his office at the national convention in Arizona

**Missouri Lawyers Media
2011 Recipient Womens' Justice Award for Public Service Practitioner**

**Missouri Attorney General's Office-2013
Award rd for Excellence in Administration and Management**

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.

1) Robert E. Spohn v. The City of Kansas City, Missouri, and Kim Fournier 00CV83461; Case filed in Platte County Circuit Court. The Plaintiff was a property owner who was disgruntled with the City proceeding against him in a condemnation action which I filed on behalf of the City of Kansas City-Aviation Department. It was dismissed by the Court on 8/22/2000.

2) Theresa Herrington, Anna Haley, Joy Sarjent, Kimberley Fournier and Cindy King,

Individually, and on behalf of herself and all others similarly situated, v.
Johnson & Johnson Consumer Companies, Inc, et al
Case filed in the United States District Court, Northern District of California,
Oakland Division; 09cv-1597 CW. I was a class representative in a class action
lawsuit against the makers of certain baby products. The District Court dismissed the
Petition in January 2011.

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.

(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.

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.

None applicable.

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

Large volume practice is my expertise. Having worked at the Missouri Attorney General's Office for almost 14 years, I have held caseloads that at times have exceeded 1400 files. Currently it is closer to 1200. That practical experience will be invaluable to my role as an Associate Circuit Judge. Time and case management are requisite in large, fast pace, high volume dockets. This is a skill that I already possess and would make my transition to the bench go smoothly.

31. 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.

1. The Honorable Jack E. Gant
Retired Jackson County Circuit Court Judge
1622 N. Charlton
Independence, Missouri 64056
(816) 650-5399

2. R. Denise Henning, Esq.
The Henning Law Firm, P.C.
9601 Barry Rd; Suite 201
Kansas City, MO 64158
(816) 221-8442
denise@henninglawpc.com

3. Randall Stotts
Senior Pastor-Fist Baptist Church of Blue Springs
1405 Main Street
Blue Springs, MO 64015
(816) 229-9335
bedckc@aol.com

4. Rochelle Reeves
Chief Counsel, Labor Division-Missouri Attorney General's Office
221 West High Street
PO Box 899
Jefferson City, MO 65102
(573) 751-2141
Rochelle.reeves@ago.mo.gov

5. The Honorable Paula McKeon
Chief Administrative Law Judge-Division of Workers' Compensation
1410 Genessee; Suite 210
Kansas City, Missouri 64102
(816) 889-2481
Paula.McKeon@labor.mo.gov

**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 Associate 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.



Signature of Applicant

11/5/13

Date

Kimberley Rae Fournier

Printed Full Name of Applicant

13. Kim Fournier's Cases Tried from 2005-present

- 6/9/2005 Jeffrey Aidnik v. The Second Injury Fund
03-075407
Claimant alleging permanent disability, however the employer was uninsured therefore the claimant sought medical bill payment from the Fund.
Outcome: I represented the SIF and prevailed
Trial Judge: Ken Cain
- 9/15/2005 Robert Gates v. The Second Injury Fund
03-059155
Claimant alleging permanent disability, however the employer was uninsured therefore the claimant sought medical bill payment from the Fund.
Trial Judge: Rebecca Magruder
- 6/1/06: Troy Elliott v. The Second Injury Fund
01-148195
Claimant alleging permanent total disability
Trial Judge: Paula McKeon
- 6/6/06: Anna Dawson v. The Second Injury Fund
01-158717
Claimant alleging permanent total disability
Trial Judge: Ken Cain
- 6/27/2006 Edna Hirschman v. The Second Injury Fund
95-058089
Claimant alleging his death resulted from his work injury, however the employer was uninsured therefore the claimant sought benefits from the Fund as the spouse of the deceased.
Opposing Counsel: Mark Kelly
- 7/27/06: Mary Holsworth v. The Second Injury Fund
00-120005
Claimant alleging permanent total disability
Trial Judge: Mark Siedlik
- 9/28/06: Kevin Ledbetter v. The Second Injury Fund
04-097919
Claimant alleging permanent disability, however the employer was uninsured therefore the claimant sought medical bill payment from the Fund.
Trial Judge: Paula McKeon

- 10/26/06: Shaun Jury v. The Second Injury Fund
01-169815
Claimant alleging permanent disability, however the employer was uninsured therefore the claimant sought medical bill payment from the Fund.
Opposing Counsel: Tom Stein
Trial Judge: Ken Cain
- 11/02/06: Marsha Hibdon v. The Second Injury Fund
01-168097
Claimant alleging permanent total disability,
Trial Judge: Ken Cain
- 11/14/06: Daniel Green v. The Second Injury Fund
99-060502
Claimant alleging permanent total disability
Trial Judge: Rebecca Magruder
- 2/6/07: Gerry Farrell v. The Second Injury Fund
05-031303
Claimant alleging permanent total disability,
Trial Judge: Nelson Allen
- 6/22/07: Tony Regan v. The Second Injury Fund
04-018359
Claimant alleging permanent total disability
Opposing Counsel: Mike Haight
Outcome: I represented the SIF and did not prevail.
Trial Judge: Carl Mueller
- 9/6/07: Alan Harris v. The Second Injury Fund
05-121096
Claimant alleging permanent total disability
Opposing Counsel: Mike Downing
Trial Judge: Ken Cain
- 8/31/07 and 10/30/07: Paul Stith v. The Second Injury Fund
97-454257 & 00-179115
Claimant alleging permanent total disability
Opposing Counsel: Mike Knepper
Result: I represented SIF and prevailed at the trial level, the LIRC and at the COAWD
Trial Judge: Nelson Allen
- 10/30/07 Barbara Charley v. CARO
01-046237

Case where claimant wanted medical treatment as she was injured on her job with the State of Missouri. Her medical treatment was denied and she sought trial for hardship purposes.

Outcome: I represented CARO/ Split decision.

Opposing Counsel: Jerry Kenter

Trial Judge: Mark Siedlik

12/20/07: Charles Allred v. The Second Injury Fund
04-141579

Claimant alleging permanent total disability

Outcome: I represented SIF and did not prevail

Opposing Counsel: Frank Eppright

Trial Judge: Mark Siedlik

12/4/2007 Jason Zeigler v. The Second Injury Fund
04-006332

Claimant alleging he is entitled to permanent partial benefits from the Fund.

I represented the SIF and was successful at the trial level and at the LIRC.

Opposing Counsel: Josh Perkins

Trial Judge: Ken Cain

3/4/2008 Robert Hendrix v. Second Injury Fund
06-054893

Claimant alleging permanent disability, however the employer was uninsured therefore the claimant sought medical bill payment from the Fund.

Outcome: I represented the SIF and did not prevail

Opposing Counsel: Jason Fletes

Trial Judge: Ken Cain

5/9/08: Greg Wilkinson v. The Second Injury Fund
99-053360

Claimant alleging permanent total disability

Trial Judge: Paula McKeon

7/22/08: Cedric Webb v. The Second Injury Fund
05-024176

Claimant alleging permanent total disability

Opposing Counsel: Wiley Morrison

Trial Judge: Rebecca Magruder

12/14/08: John Wilken v. The Second Injury Fund
and 5/12/09 06-009468

Claimant alleging permanent total disability

Outcome: I represented SIF and prevailed.

Opposing Counsel: Mike Downing

Trial Judge: Nelson Allen

- 1/26/09: Doulas Murray v. The Second Injury Fund
98-019746
Claimant alleging permanent total disability
Outcome: I represented SIF and prevailed
Opposing Counsel: Frank Eppright
Trial Judge: Robert Miner
- 2/2/09: Beverly Harrison v. The Second Injury Fund
95-175165
Claimant alleging permanent partial disability
Trial Judge: Lisa Meiners
- 3/20/09: Lareesha Randall v. The Second Injury Fund
02-114839
Claimant alleging her employer was uninsured/partially tried then
continuance granted
Opposing Counsel: George Wheeler
Trial Judge: Magruder
- 4/16/09: Floyd Rushing v. The Second Injury Fund
03-142612
Claimant alleging permanent total disability and uninsured employer
Outcome: I represented SIF and prevailed
Opposing Counsel: TK Thompson
Trial Judge: Kenneth Cain
- 5/5/09: Jason Hines v. The Second Injury Fund
07-072190
Claimant alleging permanent total disability
Trial Judge: Mark Siedlik
- 6/15/ 09 William Laughrey v. The Second Injury Fund
and 6/18/09: 05-045851
Claimant alleging permanent total disability
Outcome: I represented SIF and did not prevail
Opposing Counsel: Tim Alvarez
Trial Judge: Nelson Allen
- 7/10/09 Stancie Moulder v. The Second Injury Fund
And 11/4/09 02-103900
Claimant alleging permanent total disability
Outcome: I represented SIF and prevailed
Opposing Counsel: Jim Humphrey
Trial Judge: Paula McKeon

- 8/12/09: Scott Rodgers v. The Second Injury Fund
05-141227
Claimant alleging permanent total disability
Outcome: I represented SIF and prevailed
Opposing Counsel: Jay Allison
Trial Judge: Nelson Allen
- 9/18/09: Gary Hodges v. The Second Injury Fund
06-135574
Claimant alleges uninsured employer
Outcome: I represented SIF and did not prevail
Opposing Counsel: Dan Doyle
Trial Judge: Robert Miner
- 11/2/09: Ronald Gamm v. The Second Injury Fund
08-033646
Claimant alleges permanent and total disability
Outcome: I represented SIF and did not prevail
Opposing Counsel: Ron Edelman
Trial Judge: Paula McKeon
- 12/22/09: Bobby McBride v. The Second Injury Fund
06-135740
Claimant alleges uninsured employer
Outcome: I represented SIF and got a partial win
Opposing Counsel: Mark Kelly
Trial Judge: Mark Siedlik
- 1/21/10: Murl Brown v. The Second Injury Fund
00-129041
Claimant alleges permanently and totally disabled
Outcome: I represented SIF and did not prevail
Opposing Counsel: Jim Martin
Trial Judge: Robert Miner
- 2/11/10: Joe Edwards v. The Second Injury Fund
03-102872
Claimant alleges permanently and totally disabled
Outcome: I represented SIF and prevailed
Opposing Counsel: Jerry Kenter
Trial Judge: Mark Siedlik
- 3/18/10: Donald Mayse v. The Second Injury Fund
02-149305
Claimant alleging permanent total disability

Outcome: I represented SIF and did not prevail
Opposing Counsel: Frank Eppright
Trial Judge: Becky Magruder

- 4/13/2010 Cindy Vanover v. The Second Injury Fund
07-130262
Claimant alleging permanent total disability.
Outcome: I represented SIF and did not prevail.
Opposing Counsel: Josh Perkins
Trial Judge: Ken Cain
- 5/18/2010 Angie Bridges v. The Second Injury Fund
06-043009
Claimant alleging permanent partial disability/and costs.
Outcome: I represented SIF and did not prevail on causation but did prevail on
the costs issue
Opposing Counsel: John B. Boyd
Trial Judge: Mark Siedlik
- 7/12/10 Willie White v. The Second Injury Fund
07-133443; 07-076565
Claimant alleging permanent total disability
Outcome: I represented the SIF and did not prevail
Opposing Counsel: Keith Yarwood
Trial Judge: Lisa Meiners
- 8/19/10 T.R. Fairfield v. The Second Injury Fund
& 8/26/10 04-149102, 02-035107
Claimant alleging permanent total disability
Outcome: I represented SIF and prevailed.
Opposing Counsel: Bill Spooner
Trial Judge: Kenneth Cain
- 8/25/10 Charles Hamilton v. The Second Injury Fund
05-133462
Claimant alleging permanent total disability
Outcome: I represented SIF and did not prevail
Opposing Counsel: David Slocum
Trial Judge: Emily Fowler
- 8/26/10 Barbara Charley v. CARO
01-046233
Claimant alleging permanent total disability
Outcome: I represented CARO (Self Insured carrier for the State of Missouri)
and did not prevail
Opposing Counsel: Jerry Kenter

Trial Judge: Mark Siedlik

- 9/3/10 Bushnell Sanford v. The Second Injury Fund
08-047829
Claimant alleging permanent partial disability
Outcome: I represented SIF and did not prevail
Trial Judge: Lisa Meiners
- 9/3/10 Carol Cutchlow v. The Second Injury Fund
08-055778
Claimant alleging permanent partial disability
Outcome: I represented SIF and did not prevail
Opposing Counsel: Mark Kelly
Trial Judge: Paula McKeon
- 9/22/10 Terra Stuart v. The Second Injury Fund
08-037711
Claimant alleging permanent partial disability
Outcome: I represented SIF and prevailed on one legal point, but did not prevail overall
Opposing counsel: Stephanie Stracke
Trial Judge: Emily Fowler
- 9/28/10 Janice Chaney v. The Second Injury Fund
07-009463
Claimant alleging permanent total disability
Outcome: I represented SIF and did not prevail
Opposing Counsel: Jason Pottenger
Trial Judge: Emily Fowler
- 11/4/10 Brent Rodgers v. The Second Injury Fund
04-140446
Claimant alleging permanent partial disability
Outcome: I represented SIF and did not prevail
Opposing counsel: Mark Kelly
Trial Judge: Kenneth Cain
- 11/8/10 Richard Gilman v. The Second Injury Fund
03-136915, 03-144295
Claimant alleging permanent total disability
Outcome: I represented SIF and did not prevail
Opposing Counsel: Chris Smith
Trial Judge: Carl Mueller
- 11/9/10 Louetta Elwell v. The Second Injury Fund
06-130623, 04-148856

Claimant alleging permanent total disability
Outcome: I represented SIF and did not prevail
Opposing counsel: John B. Boyd
Trial Judge: Mark Siedlik

11/12/10 Deborah Johnson v. The Second Injury Fund
08-048118
Claimant alleging injured at work. Employer (CARO) denied compensability
Outcome: I represented CARO and prevailed
Opposing Counsel: Jeff Dull
Trial Judge: Mark Siedlik

11/17/10 Kevin Niemann v The Second Injury Fund
92-017092, 95-172815
Claimant alleging permanent total disability
Outcome: I represented SIF and did not prevail
Opposing counsel: Frank Eppright
Trial Judge: Emily Fowler

11/29/10 Virgil Mawby v. The Second Injury Fund
04-147451
Claimant alleging permanent total disability
Outcome: I represented SIF and did not prevail.
Opposing counsel: Frank Eppright
Trial Judge: Emily Fowler

12/8/10 Melynda Schussler v. The Second Injury Fund
08-090617
Claimant alleging permanent total disability
Outcome: I represented SIF. Prevailed.
Opposing counsel: Stephanie Stracke
Trial Judge: Emily Fowler

12/22/10 Gerald Garner v. The Second Injury Fund
07-075087
Claimant alleging permanent total disability
Outcome: I represented SIF and did not prevail
Opposing Counsel: Doug Noland
Trial Judge: Kenneth Cain

1/5/11 Susan Andra v. The Second Injury Fund
06-132267
Claimant alleging permanent partial disability
Outcome: I represented SIF and did not prevail.
Trial Judge: Lisa Meiners

- 2/3/11 Ronald Warren v. The Second Injury Fund
08-098287
Claimant alleging permanent partial disability
Outcome: I represented SIF and did not prevail
Opposing Counsel: Ron Edelman
Trial Judge: Emily Fowler
- 2/16/11 Wanda George v. The Second Injury Fund
Claimant alleging permanent total disability
Outcome: I represented SIF and did not prevail
Opposing Counsel: David Slocum
Trial Judge: Emily Fowler
- 3/23/11 LaFraunze Jones v. The Second Injury Fund
08-018729, 05-108098
Claimant alleging permanent partial disability
Outcome: I represent SIF and did not prevail
Opposing Counsel: Steffanie Stracke
Judge: Kenneth Cain
- 3/24/11 Roger Wheeler v. The Second Injury Fund
07-036075
Claimant alleging permanent total disability
Outcome: I represented SIF and did not prevail
Opposing Counsel: Fred Bryant
Judge: Kenneth Cain
- 4/5/11 Bruce McNamara v. The Second Injury Fund
01-091471
Claimant alleging permanent total disability
Outcome: I represented SIF. Prevailed.
Opposing Counsel: Henri Watson
Judge: Kenneth Cain
- 4/14/11 Cindy Pulley v. The Second Injury Fund
04-076271
Claimant alleging permanent partial disability
Outcome: I represented SIF and did not prevail
Opposing Counsel: Mike Downing
Judge: Emily Fowler
- 4/25/11 Cynthia Cop v. The Second Injury Fund
03-145153, 02-154769, 02-016074, 01-009653
Claimant alleging permanent partial and permanent total disability
Outcome: I represented SIF. Prevailed.

Opposing Counsel: Steffanie Stracke
Judge: Kenneth Cain

- 5/31/11 Victoria Morehead v. The State of Missouri (Self Insured-CARO)
05-028270
Claimant alleging she needed additional treatment from the State.
Outcome: I represented CARO/State Self Insured and prevailed.
Opposing Counsel: Jerry Kenter
Judge: Mark Siedlik
- 8/18/11 Randy Sullins v. The Second Injury Fund
07-047030
Claimant alleging permanent total disability.
Outcome: I represented SIF and prevailed.
Opposing Counsel: Mike Downing
Judge: Kenneth Cain
- 9/1/11 Joe Shandler v. The Second Injury Fund
08-097013
Claimant alleging permanent total disability.
Outcome: I represented SIF and did not prevail.
Opposing Counsel: Steffanie Stracke
Judge: Kenneth Cain
- 9/15/11 Alan Robinette v. The Second Injury Fund
07-119489
Claimant alleging permanent total disability.
Outcome: I represented SIF and did not prevail.
Opposing Counsel: William Spooner
Judge: Emily Fowler
- 10/24/11 Danny Mackey v. The Second Injury Fund
09-065410
Claimant alleging permanent total disability
Outcome: I represented SIF and prevailed.
Opposing Counsel: Douglas Noland
Judge: Paula McKeon
- 12/1/11 Michael Sesto v. The Second Injury Fund
10-049562
Claimant alleging that the Second Injury Fund should pay for his medical
treatment, both past and future.
Outcome: I represented SIF and did not prevail.
Opposing Counsel: Kevin Rotert
Judge: Kenneth Cain

- 12/12/11 Alan Darnell v. Second Injury Fund
09-079167
Claimant alleging permanent total disability.
Outcome: I represented SIF and did not prevail.
Opposing Counsel: Steffanie Stracke
Judge: Lisa Meiners
- 3/4/12 Terry Rhodes v. The State of Missouri (CARO/ Self Insured)
10-074644
Claimant alleging additional treatment was necessary from CARO (the State.)
Outcome: I represented CARO and did not prevail.
Opposing Counsel: Mark Meyer
Judge: Mark Siedlik
- 3/9/12 Yordanka Morrerro v. The Second Injury Fund
07-13341
Claimant alleging the SIF owed payment for her past medical bills.
Outcome: I represented SIF and prevailed at the administrative level, but then lost at the Labor Industrial Relations Commission.
Opposing Counsel: Carl Kimbrell
Judge: Emily Fowler
- 3/21/12 Darin Berry v. The Second Injury Fund
06-124241
Claimant alleging permanent total disability.
Opposing Counsel: Stephen Sanders
Judge: Emily Fowler
- 3/28/12 David Dierks v. The Second Injury Fund
09-073333
Claimant alleging permanent total disability.
Outcome: I represented SIF and did not prevail.
Opposing Counsel: Josh Perkins
Judge: Kenneth Cain
- 4/19/12 Jerome Ives v. The Second Injury Fund
06-071401
Claimant alleging permanent total disability.
Outcome: I represented SIF and prevailed.
Opposing Counsel: Russ Purvis
Judge: Mark Siedlik
- 5/9/12 Steffanie Jordan v. The Second Injury Fund
03-109470
Claimant alleging permanent and total disability.
Outcome: I represented SIF and did not prevail.

Opposing Counsel: Christopher Smith
Judge: Emily Fowler

- 5/11/12 Keith Sharples v. The Second Injury Fund
05-141426
Claimant alleging permanent total disability.
Outcome: I represented SIF and did not prevail.
Opposing Counsel: TK Thompson
Judge: Emily Fowler
- 6/5/12 Ronald McKinley v. The Second Injury Fund
09-014630
Claimant alleging permanent total disability.
Outcome: I represented SIF and prevailed at both the administrative level and at the Labor Industrial Relations Commission. The case is currently in the briefing process at the Court of Appeals WD.
Opposing Counsel: Keith Yarwood
Judge: Kenneth Cain
- 6/7/12 Edythe Jones v. The Second Injury Fund
09-070647
Claimant alleging permanent total disability.
Outcome: I represented SIF and did not prevail.
Opposing Counsel: Steffanie Stracke
Judge: Kenneth Cain
- 8/21/12 Gerald Williams v. The Second Injury Fund
08-112648
Claimant alleging permanent total disability.
Outcome: I represented SIF and prevailed.
Opposing Counsel: Steffanie Stracke
Judge: Kenneth Cain
- 9/12/12 Jon Barnhill v. The Second Injury Fund
08-008096
Claimant alleging permanent total disability.
Outcome: I represented SIF and did not prevail. Case currently before the Labor Industrial Relations Commission awaiting oral argument.
Opposing Counsel: Pat Botarro
Judge: Kenneth Cain
- 10/19/12 Caroll McAnally v. The Second Injury Fund
09-021698
Claimant alleging permanent total disability.
Outcome: I represented SIF and did not prevail

Opposing Counsel: Mark Kelly
Judge: Emily Fowler

- 10/24/12 David Crockett v. The Second Injury Fund
09-105250
Claimant alleging permanent total disability.
Outcome: I represented SIF and did not prevail.
Opposing Counsel: Keith Yarwood
Judge: Kenneth Cain
- 12/19/12 Rebecca Wilkinson v. The State of Missouri (CARO/self insured)
05-088009
Claimant alleging permanent total disability.
Outcome: I represented CARO and did not prevail.
Opposing Counsel: Truman Allen
Judge: Lisa Meiners
- 4/8/13 Harold Reeves v. The Second Injury Fund
08-091302
Claimant alleging permanent total disability.
Outcome: I represented SIF and prevailed. Case appealed by opposing counsel
and is at the preliminary stages at the Labor Industrial Relations Commission.
Opposing Counsel: Kevin Rotert
Judge: Emily Fowler
- 5/13/13 Sandra Johnson v. The Second Injury Fund
99-089905
Claimant alleging permanent total disability.
Outcome: I represented SIF and prevailed. Case appealed by opposing counsel
and is at the briefing stage at the Labor Industrial Relations Commission
Opposing counsel: Bill Spooner
- 6/27/13 Patrice Thompson v. The Second Injury Fund
06-134633
Claimant alleging permanent total disability.
Outcome: I represented SIF and did not prevail.
Opposing counsel: Jerry Kenter
Judge: Emily Fowler
- 10/4/13 Edward Gleason v. The Second Injury Fund
07-072826
Claimant alleging permanent total disability.
Outcome: I represented SIF. Awaiting an award from the administrative law
judge.
Opposing Counsel: None- claimant was pro se
Judge: Emily Fowler

14. Kim Fournier-Appellate Court Cases

1. *Deborah Gassen v. Treasurer of the State of Missouri-Custodian of the Second Injury Fund*, 134 S.W. 3d 75 (Mo. App. WD 2004)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Prevailed
2. *Michael Coyle v. Director of Revenue*, 88 SW 3d 881 (Mo. App. WD 2002)
Client: Director of Revenue
Prevailed
3. *Robert Kerns v. Midwest Conveyor and the Treasurer of the State of Missouri*, 126 SW 3d 445 (Mo. App. WD 2004)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Prevailed
4. *Lana Elrod v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*, 138 S.W.3d 714, Mo., June 08, 2004 (NO. SC85630)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Prevailed at the WDCOA, then overturned at the Missouri Supreme Court
5. *Tina Roller v. The Treasurer of the State of Missouri*; 297 S.W.3d 128, Mo.App. W.D., November 10, 2009 (NO. WD69720, WD69844)
Client: The Treasurer of the State of Missouri (Sarah Steelman)
Prevailed
6. *Tina Ball-Sawyers v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*, 286 S.W.3d 247 (Mo App. WD, 2003)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Prevailed
6. *Paul Stith v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*, 301 S.W.3d 533 (Mo.App. W.D., 2009.)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Prevailed
7. *Treasurer of State of Missouri-Custodian of Second Injury Fund v. Hudgins*, 308 S.W.3d 789, Mo.App. W.D., May 04, 2010 (NO. WD71423)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
(Argued the case for a co-worker who is documented as the attorney of record- She tried the underlying claim and briefed it.)
Did not prevail
8. *Thomas v. Treasurer of State of Missouri-Custodian of Second Injury Fund*, 326 S.W.3d 876, Mo.App. W.D., December 14, 2010 (NO. WD72432)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund

(SIF did not file a brief-the appeal was up on a filing deadline technicality by the Plaintiff. Court of Appeals remanded the case to the Labor Industrial Relations Commission to be completed on the merits.)
Prevailed.

9. *Stancia Moulder v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*, (WD 72977)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Did not prevail.
10. *Treasurer of State v. Edwards*, 353 S.W.3d 723, Mo.App. W.D., December 13, 2011 (NO. WD73533)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Did not prevail.
11. *Angie Bridges v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund* (06-043009)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Prevailed at the Labor Industrial Relations Commission
12. *Terry . Fairfield v. Ford Motor Co.*, 394 S.W.3d 500, Mo.App. W.D., March 26, 2013 (NO. WD74887)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Prevailed
13. *Gary Hodges v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund* (06-135574)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Prevailed on the issue of interest on the judgment; lost on the issue of Second Injury Fund Liability at the Labor Industrial Relations Commission
14. *Donald Mayse v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund* (02-149305)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Lost at the Labor Industrial Relations Commission
15. *Virgil Mawby v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*(04-147451)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Lost at the Labor Industrial Relations Commission
16. *Schussler v. Treasurer of State of Missouri-Custodian of Second Injury Fund*, 385 S.W.3d 524, Mo.App. W.D., November 13, 2012 (NO. WD74596)
Client: Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Prevailed

17. *Bruce McNamara v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*
(01-091471)
Client: The Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Prevailed at the Labor Industrial Relations Commission
18. *Mackey v. Treasurer of State, Custodian of Second Injury Fund,*
400 S.W.3d 427, Mo.App. W.D., March 26, 2013 (NO. WD75321)
Client: The Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Prevailed.
19. *Yordanka Morrerro v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*
(07-13341)
Client: The Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Lost at the Labor Industrial Relations Commission
20. *Jerome Ives v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*
(06-071401)
Client: The Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Prevailed at the Labor Industrial Relations Commission
21. *Ronald McKinley v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*
(WD 76650)
Client: The Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Currently briefing at the Court of Appeals.
22. *Jon Barnhill v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*
(08-008096)
Client: The Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Currently at the oral argument stage at the Labor Industrial Relations Commission.
23. *Caroll McAnally v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*
(09-021698)
Client: The Treasurer of the State of Missouri as Custodian of the Second Injury Fund
Lost at the Labor Industrial Relations Commission.
24. *Harold Reeves v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*
(08-091302)
Client: The Treasurer of the State of Missouri as Custodian of the Second Injury Fund
In the briefing stage at the Labor Industrial Relations Commission

25. *Sandra Johnson v. The Treasurer of the State of Missouri as Custodian of the Second Injury Fund*
(99-089905)
Client: The Treasurer of the State of Missouri as Custodian of the Second Injury Fund
In the briefing stage at the Labor Industrial Relations Commission.

**RESUME AND QUALIFICATIONS OF
KIMBERLEY R. FOURNIER
FOR DIVISION 26
JACKSON COUNTY
ASSOCIATE CIRCUIT COURT JUDGE**

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KIMBERLEY R. COX FOURNIER

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(816) 889-5010/ fax 889-5006
kim.fournier@ago.mo.gov

EDUCATION:

University of Missouri-Kansas City School of Law
Juris Doctor; May 1995

Drury College; Springfield, Missouri
Bachelor of Arts: Secondary Education/French; May 1992

EXPERIENCE:

January 2001-
present

MISSOURI ATTORNEY GENERAL'S OFFICE

Assistant Missouri Attorney General

Represent the Second Injury Fund and State insurer in worker's compensation cases. (Responsible for approximately 1000 cases). Extensive hearings/administrative trials, post-trial and appellate briefs and oral arguments, mediations, depositions and settlement negotiations. Opportunity to argue a statute of limitations case before the Missouri Supreme Court.

Unit Leader/Labor Division, Kansas City Office-Supervise six attorneys and their caseloads as well as three support staff. (2/2008-present)

Recruitment Committee: (2005-2008) Appointed by the Attorney General to be a member of this committee that is responsible for interviewing prospective attorneys and interns and making recommendations to the Attorney General regarding their suitability for employment with our office.

May 1998-
December 2000

CITY OF KANSAS CITY, MISSOURI

Assistant City Attorney

Responsible for Kansas City's entire condemnation caseload. (Over 30 cases) Extensive courtroom experience including regular condemnation hearings, motions and commissioners viewings/hearings. Two jury trials. Other cases included property related cases, personal injury cases, and property damage cases. First amendment casework.

1999

Appointed by Circuit Court to act as Guardian Ad Litem in a domestic paternity lawsuit. Did home studies, considerable contact with parties and children.

January 1996 -
May 1998

16th JUDICIAL CIRCUIT COURT OF MISSOURI

Judicial Law Clerk/Bailiff for the Honorable Jack E. Gant & W. Stephen Nixon; Division 5

Review all motions submitted to Court. Research and preparation of court orders, legal memoranda, jury instructions, and findings of fact and conclusions of law. Jury instruction preparation. Liaison between the court, bar, and the public regarding records, orders and administrative procedures. Responsible for coordination of civil/criminal jury panels and seated juries. Assist in jury selection process.

May 1994-
November 1996

Jackson County Prosecutor's Office

Law Intern with Rule 13 Certification.

Second Chair of six jury trials. Extensive courtroom experience including responsibility for entire special actions dockets. Motion and brief drafting, and witness interviewing.

ADMISSIONS:

MISSOURI BAR, September 1995

KANSAS BAR, April 1996

U.S. DISTRICT COURT, DISTRICT OF KANSAS, April 1996

U.S. DISTRICT COURT, WESTERN DISTRICT OF MISSOURI,
1999

ACTIVITIES:

Association for Women Lawyers; 1998-present

Member 1998-present

Board Member:

Vice Chair Gender Issues Committee 1999, 2000

Membership Chair 2001

Judicial Appointments Chair 2002, 2003, 2004

Assistant Secretary 2005

Secretary 2006

President Elect 2007

President 2008 (LEAP Board representative 2008 Bar

Leader Participant in round table forum

through Missouri Bar-precursor to State of the
Judiciary Address 2/2008)

Immediate Past President 2009

Golf tournament volunteer 1998-present

AWL Slating Committee 2009-present

First Connections Mentor Class of 2013

CLE Presenter 2013

Association for Women Lawyers Foundation; 2009

Member 2009-2011

Posh Nosh fundraiser-volunteer

Board Member: 2009

Founding Member

National Association of Attorneys General (NAAG)

Office Representative to Annual Meeting (1/2008)-Selected as one of two attorneys to represent the Attorney General and his office at the national convention in Arizona

Missouri Attorney General's Office

CLE Presenter 2007, 2008, 2009, 2010, 2012, 2013

2013 CLE Committee

Eastern Jackson County Bar Association; Member 1998-2002

Kansas City Metropolitan Bar Association; Member 1998-2002; 2009, 2011

Board of Directors-AWL Liaison 2009

2005- KCMBA Focus on the Future Forum for

Government/Public Service Attorneys –participant

Workers' Compensation Committee Speaker (2008, 2009
2010)

KCMBA Circuit Court Advisory Committee 2001

Ask-a-Lawyer phone drive-participant 2010

KCMBA Mentor Pilot Program Participant-2011-2012

KCMBA/UMKC Annual Workers Compensation CLE-
speaker 2011

Missouri Bar

Missouri Bar Committee on Eminent Domain; 1999-2001

Missouri Bar Committee on Workers' Compensation; 2001-present

Missouri Bar Planning Committee for the 2008 Fall Annual
Meeting

Missouri Bar 16th Judicial Circuit Judicial Performance Evaluation
Committee; 2008-present (6 year term)

Missouri Bar Leadership Academy; Inaugural Class; 2000-2001

Missouri Bar Continuing Legal Education Committee

Moderator-Effective Deposition Techniques

2004, 2005, 2006, 2007

CLE Presenter 2013

Bureau of Speakers; 2010, 2011, 2012 (Public education forums to
discuss and educate Missouri citizens about the Missouri Plan)

Jackson County Circuit Court Strategic Planning Project
Focus Group Session Participant (4/2008)

**CIVIC /CHURCH
INVOLVEMENT:**

Sheffield Place Homeless Shelter for Women and Children
Board Member 2005-2008
Operations Committee-2005
Operations Committee Co-Chair 2006

First Baptist Church-Blue Springs
Personnel Committee (11/2007-present) Responsible for staffing
issues within the church.
Finance Committee 2002-2005
Finance Committee Chair 2005
Choir 1996-2001; 2008
Fellowship Committee 2000-2008
Youth and Children's Teacher/Worker 1998-2010
Drama 1996-present

Blue Springs School District
Prime Time Advisory Council
(Before and after school childcare program)
Site Advisory Council-representative for James Lewis
Elementary and Chapel Lakes Elementary (2007-present)
PTA-James Lewis Elementary-member/Kindergarten room parent
(2006-7 school year)
James Lewis Elementary-member-1st Grade coordinator
(2007-8 school year)
PTA- Chapel Lakes Elementary
(2008-present)
2008-present Grade Level Room Representative

LEAP (Lawyers Encouraging Academic Performance)
Board of Directors- (AWL Liaison 2008)
2009-present Board of Directors
2012-Secretary
2013- Vice President
Fundraising for Operation Breakthrough
Co-Chair Back to School Breakfast 2011, 2012, 2013
Co-Chair Mardi Gras Luncheon 2012, 2013

Della Lamb
"Colors of the World" presents "Tribes on the Bridge" –
Gala Co-Chair 2011

AWARDS:

Association for Women Lawyers
2001 recipient President's Award

Missouri Lawyers Media
2011 recipient Womens' Justice Award for Public Service
Practitioner

Missouri Attorney General's Office
2013 Award for Excellence in Administration and Management

PUBLISHED:

Missouri Bar CLE Condemnation Deskbook;
Co-Author of the 1999 Revision of Chapter 2
Missouri Bar CLE Worker's Compensation Deskbook;
2004 Reviewer of the revisions to the Second Injury Fund section

JUDICIAL QUALIFICATIONS

1. EXPERIENCE WITH THE JUDICIAL SYSTEM AND INNER WORKINGS OF THE COURT

After graduating from law school, I served as the law clerk for the Honorable Jack E. Gant and the Honorable W. Stephen Nixon , Division 5, Jackson County Circuit Court. It was in that capacity that I learned, with a great deal of detail, the judicial process in this State. I assisted the Judge in preparing orders, judgments, jury instructions, and court memoranda. I researched the law and prepared opinions for the Judge's signature in hundreds of cases. I became familiar with the entire process of litigation; from the filing of a petition to the polling of a jury and everything in between. The dockets that I assisted with during this two and a half year term included civil, criminal and domestic cases.

The quality of this experience was, bar none, the best that could possibly be available. I had an excellent role model and mentor in Judge Gant. He provided me with an education about the judicial process greater than any educational institution could offer. His influence on my life and the way that I view the general purpose of the judicial process has been constant and profound. It is with this employment that the seed of desire to become a member of the judiciary was planted in my heart.

2. JUDICIAL QUALITIES

It is without hesitation that I can say the most important thing a judge can accomplish from the bench is gaining the respect of those who appear in that courtroom, including litigants, attorneys and witnesses, because the judge has allowed the process to work by itself. At the end of a day, each litigant should feel as if "their day in court" was successful, whether or not the outcome of the case was favorable to their position. Being a good and careful listener, applying appropriate rules to each case, kindness, compassion and empathy, organization, and good time management skills are but a few of the qualities that a good judge must possess in order to achieve this stated goal.

I possess these qualities and would take every step necessary to ensure that no party ever left the courthouse without feeling as if they had "been heard".

I have worked as a public servant my entire career. I believe that a natural progression of the tireless work ethic that I have developed as well as the legal experience and reasoning I continue to gain would be to continue to serve the public in a judicial capacity.

3. COMMUNITY PARTICIPATION

A. **Sheffield Place Homeless Shelter for Women and Children.** Beginning in 2005 I had the distinct honor of being asked to serve on the board of this very worthy organization. The Mission Statement of that organization is:

To empower single mothers and their children to break out of the cycle of homelessness and become self sufficient.

Sheffield Place attempts to achieve that goal by reducing the number of families that are headed by single women who are dependent upon society for their basic needs. I have participated in fund raising events for this organization such as sitting up all night and taking telephone pledges. As a board member and the co-chair for the operations committee of the board, I have had such humbling and eye-opening experiences. This involvement makes me realize more that giving back to your community is of vital importance.

B. **Girls State.** Through my many years of involvement with the Association for Women Lawyers I have had several chances to participate in the Missouri Girls' State program. As a volunteer for that program, I traveled to Central Missouri State University to participate in the "Law" portion of that program. I assisted the Girls' State participants in preparing a mock trial and was greatly rewarded by the amount of thought and effort the participants put into their experience.

C. **First Baptist Church of Blue Springs.** I have been an extremely active member of this church. I have participated in most every church activity and have served in a number of different capacities on committees within the church, including the Personnel Committee. With that committee, I dealt with the staffing issues for the church. In that capacity I was the chair of a subcommittee whose function was to research and reorganize the church's pre-school program. I was also the chairperson of the Finance Committee for the church. This was a very challenging and rewarding experience. It truly developed character in me as a church leader. My husband and I are also annually involved in an outreach ministry with our church called "Impact". Each year we provide a backpack filled with school supplies to a student in our community who does not have the financial means to obtain those items. We also adopt a family each year at Christmas to support. Additionally, I serve in the Church's children's ministry and on the Fellowship (Social) Committee.

- D. **General Charitable Service.** As a board member of the Association for Women Lawyers, I have participated in a number of events which recognize and contribute to charitable organizations city wide. The annual golf tournament is one such event in which I have consistently taken an active role. The event is a fundraiser for the Roxanne Barton Conlin Scholarship Fund which is awarded to a deserving woman law student each year. Additionally, each of the social events that the Association for Women Lawyers sponsors has a recognized charity. I have participated in each of those social events, and have acted as liaison between the Sheffield Place Board and the Association for Women Lawyers to coordinate a toy drive during the holidays at one such social event.
- E. **Lawyers Encouraging Academic Performance.** In 2008 I took AWL's seat on the LEAP board. In that capacity I participated in fundraising for Operation Breakthrough. I continue to serve on that board as its Vice President. I have co-chaired the Back to School Breakfast and the Mardi Gras Luncheon numerous times for the organization.
- F. **Della Lamb.** I served as a co-chair for the spring gala in 2011. (Tribes on the Bridge) -a fundraising event for the charity.

4. BAR PARTICIPATION AND SERVICE

A. **Missouri Bar.** I was nominated by the Association for Women Lawyers to be a member of the inaugural class of the Missouri Bar Leadership Academy in 2000. This is a program designed to groom young members of the Missouri Bar for future leadership roles in the Bar. Since that wonderful experience I have participated in a number of committees including the Continuing Legal Education Committee and the Workers' Compensation committee with the Missouri Bar, have moderated CLE's and assisted in reviewing and revising Missouri CLE desk-books. I was also active in assisting the Missouri Bar leadership in the planning and organization of the Annual Meeting. I was selected to serve, and continue service to the Missouri Bar's 16th Judicial Circuit-Judicial Performance Evaluation Committee. This process is becoming integral in educating voters about the judges in this Circuit. I am also currently serving on the Missouri Bar Bureau of Speakers. Beginning in 2010, as a member of this committee I was asked to travel around Missouri and deliver speeches to civic groups and organizations regarding the validity of the Missouri Plan.

B. **Association for Women Lawyers.** I served on this board for eleven years. My leadership roles included: vice chair of the gender issues committee, membership chairperson, judicial appointments chair, assistant secretary, secretary, president elect, president and past president. As the Gender Issues co-chair, I organized panel discussions regarding gender bias issues for the law students at the University of Missouri Kansas City designed to equip law students with knowledge and information upon entry into the practice of law. Many of these forums also discussed racial bias issues as well, as many of the panelists I enlisted were minority women. While serving as the judicial appointments chair I was instrumental in developing a judicial endorsement policy for the Board in an effort to assist women seeking positions on the bench. During my third year on this board I was honored to receive the President's Award from this

organization for my efforts with the judicial endorsement policy. This policy has assisted the Association for Women Lawyers in promoting women and general diversity on the bench. As secretary, I was responsible for organizing the content of the quarterly newsletter. As president, my role was to oversee the meetings and handle the organization's administrative tasks. In my capacity as President I was asked to participate in the Jackson county Circuit Court Strategic Planning Project-Focus Group Session, and had the honor of attending the Missouri Bar roundtable discussion regarding the State of the Judiciary as well as attending the address. Lastly, through this organization I was privileged to become a founding member of the **Association For Women Lawyers Foundation** and participated in organizing the kick off gala for that group while serving on that board in 2009. I continue to serve AWL on its annual slating committee where I participate in selecting a Board each year that will continue to promote AWL's mission. Lastly, I am a 2013 class member for the AWL Connections mentoring program. I have a 5 year commitment to assist new attorneys in their advancement and promotion in our profession.

C. Kansas City Metropolitan Bar Association. In 2001 I was asked to serve on the Circuit Court Advisory Committee. The role of that committee was to investigate some of the local court rules and try to promulgate rules that would better serve the legal community. In 2005 I was asked to serve on the KCMBA Focus on the Future Forum for Government/Public Service Attorneys. This was a round-table type forum with attorneys from all walks of the public sector. It was designed to give the KCMBA some direction on how to best include the public sector attorneys in their membership. In 2008, 2009 and 2010 I have been a guest speaker for the Workers' Compensation committee. In 2009 I served on the board of the KCMBA as AWL's liaison. In 2010 I participated in this organization's Ask-A-Lawyer telethon. In June of 2011, I participated in the Mentor pilot program as a mentor to a young attorney.

BACKGROUND

1. EDUCATION. I graduated from Drury College in 1992 with a dual BA in French and Secondary Education. I was actively involved as a member of the Delta Delta Delta sorority, played Soccer, and was involved in the Drury Theatre as an actor and stage/costume hand. After graduating from Drury I went on to the University of Missouri-Kansas City School of Law where I received my JD in 1995. I was the Secretary of the Student Bar Association and was regularly involved in civic commitments at both universities. I have continued to be involved with the Drury University Alumni Association.

2. WORK HISTORY. During law school I had the opportunity to clerk with the Jackson County Prosecutor's office as a Rule 13 intern. With that Rule 13 certification, I was fortunate enough to second chair six felony jury trials during my third year of law school. I prepared and did several witness examination/cross-examinations, opening statements, closing arguments, motions in limine, jury instructions, and witness preparation for each of these trials. I was also given special action dockets to handle during that internship.

My next employment was as the law clerk to The Honorable Jack E. Gant and The Honorable W. Stephen Nixon, Jackson County Circuit Court. I will state that there were some areas of expertise that I developed during my clerkship. Primarily, I became extremely proficient at jury instructions and jury conferences. The judge allowed me great latitude in completing the instructions before submitting them during the jury instruction conference. Often I would be called upon by the judge to prepare an entire set of instructions if the appearing attorney's instructions were incomplete. As jury instructions contain the necessary elements of each case before the court, I had a chance to listen to the evidence in each case and more critically evaluate the merits of each case.

Additionally, being responsible for the calling and seating of a jury panel, and being the court liaison, I became truly cognizant of the fact that given the chance by the court, jurors do their jobs correctly and well. That is to say, that when the judge is doing the job correctly, the judicial process works

Lastly, I became extremely proficient at applying rules. The job of a judge is to apply the law and this job prepared me for that task.

Next, I was employed by the City of Kansas City Missouri practicing primarily in the area of eminent domain. This area of law was fascinating and I developed an expertise in the field. I had a very large caseload that I was able to efficiently manage and implemented a system for initializing and filing these kinds of cases, as well as an efficient system for the initial bench trial and ultimate jury trial process. I had the opportunity to try two jury trials during this employment.

Lastly, I have served as an Assistant Missouri Attorney General for almost 14 years, primarily in the area of Workers' compensation. Having handled caseloads ranging from 900 to 1400 cases, I have become proficient at time management and prioritization. Again, I have developed an area

of expertise in this field and have continued to hone my litigation skills by taking hundreds of depositions, trying more than 100 bench trials, arguing and winning numerous cases at the Court of Appeals, Western District, and arguing a case before the Missouri Supreme Court. Additionally I have been promoted by the Attorney General to the position of Unit Leader wherein I have the task of supervising six attorneys and three support staff. For three years I served by appointment to the Recruitment Committee within the office. That position entrusted me to interview prospective attorneys and law clerks and make recommendations to the Attorney General about the applicants' suitability for employment with the office. In 2008 the Attorney General honored my service by naming me to represent his office at the Conference of the National Association of Attorneys General. I am also called upon annually to present CLE material during our annual labor seminar through the office. Most recently, in 2013, I was recognized by the Missouri Attorney General with an award for Excellence in Administration and Management.

SIGNIFICANT CASES

I have tried over 100 bench trials and 8 jury trials, but I have listed a few here that I find to be particularly significant in my career, generally because these cases created law that affected the area of law in which I was practicing.

1. DEBORAH GASSEN v. THE TREASURER OF THE STATE OF MISSOURI AS CUSTODIAN OF THE SECOND INJURY FUND

Facts: Claimant was injured during a work related accident where a large bookshelf came loose from the wall and landed on her causing injury to her arms, neck, head, mouth, shoulders, jaw, and body as a whole. Claimant alleged that she had carpal tunnel syndrome that pre-dated this bookshelf injury.

Outcome: The administrative law judge, the Labor and Industrial Relations Commission, and ultimately the Court of Appeals Western District held that the claimant's injury at work was the reason she was permanently and totally disabled in isolation because the Court had to look at the severity of the disability related to that accident first rather than her alleged pre-existing disability. Therefore, all found that the employer was responsible for the claimant's permanent total disability rather than my client, the Second Injury Fund.

Significance: Even though this has been the law long steeped in tradition, this case reiterated the importance of looking at the work accident first and its residuals before considering any pre-existing conditions. The court also provided excellent language for some other less used issues, but overall this was a win for my client and this case has been cited in many cases since as being the rule.

2. LANA ELROD v. THE TREASURER OF THE STATE OF MISSOURI AS CUSTODIAN OF THE SECOND INJURY FUND

Facts: Claimant filed her initial claim for compensation two weeks after her work injury. She filed several amended claims for compensation over the course of the next several years indicating new body parts that were injured. More than three years after she filed her original claim against the employer, claimant filed her first claim for compensation alleging Second Injury Fund Liability. My client, the Fund, argued that the Statute of Limitations had run and that claimant's claim was barred therefore no recovery.

Outcome: The administrative law judge awarded claimant benefits and said the statute had not run, but rather was tolled. The Labor Industrial Relations Commission upheld the ALJ award and my client appealed to the Western District Court of Appeals. The Court found that the claim was in fact barred by the statute and there should be no recovery. The Eastern District had a directly opposing opinion (Kincade v. Second Injury Fund) The case was transferred to the Supreme Court for determination. The Supreme Court found that the Eastern District's interpretation was correct, that Western

District was wrong and essentially destroyed any statute of limitations defense the Second Injury Fund had in these Workers' Compensation claims.

Significance: Although this was a loss for my client, this had provided an excellent ground to have legislation passed that creates distinction in the law. The opportunity to argue before the Supreme Court was my proudest moment professionally despite the loss.

3. CITY OF KANSAS CITY V. GATES

Facts: This was an eminent domain case where the City of Kansas City was condemning Ollie Gates original barbeque restaurant in order to re-route the road and develop the "Swope Parkway" corridor. Mr. Gates disputed the fair market value of the property that the City had offered to pay, and also disputed the amount awarded to him by the commissioners.

Outcome: Division 11-Jackson County Circuit Court. Much like all of the condemnation cases that go to a jury trial, evidence was submitted by Mr. Gates about the fair market value of his property, and by the City about the fair market value of the property. The jury listened to both experts on the issue as well as other testimony and returned a verdict that split the difference.

Significance: This was a relatively high profile case due to Mr. Gates stature in the community. When the case was said and done, I had developed an amicable relationship with Mr. Gates and still did the best job for my client that I could. In the end the ability to enter into the adversarial process without creating enemies is key to successful litigation.

4. DIRECTOR OF REVENUE V. MICHAEL COYLE

Facts: This was an appeal from a drivers' license revocation. Appellant Coyle alleged that the breathalyzer machine used to administer his blood alcohol content test was not properly maintained and that by the shortcoming of that maintenance, his license should not have been revoked.

Outcome: Court of Appeals Western District concluded that the statute was silent on this issue and therefore did not intend to give a person a technical "excuse" with which to escape the punishment provided by law. Appellant's license revocation was upheld.

Significance: I represented the Director of Revenue in this case and enjoyed the statutory construction nature of this case. It gave more weight to strict statutory construction in these kinds of cases, and was also a personal win for me in that the attorney I opposed practice is primarily in defending drunk driving offenses. While he had the expertise in these cases, my client's position was more legally sound, and that was a great outcome for me personally and professionally.

5. TINA ROLLER v. THE TREASURER OF THE STATE OF MISSOURI AS CUSTODIAN OF THE SECOND INJURY FUND

Facts: Ms. Roller is the widow of a claimant who had previously been awarded lifetime benefits from the Second Injury Fund for his workers' compensation claim. She alleged she was entitled to receive his ongoing lifetime benefits as his dependent.

Outcome: After arguing this case before the Jackson County Circuit Court, and then preparing the brief for the Missouri Court of Appeals Western District, the Second Injury Fund prevailed and the Court indicated that Ms. Roller was not entitled to her deceased husband's lifetime benefits.

Significance: The Missouri Supreme Court found in *Schoemehl v. the Second Injury Fund* that there is a window wherein living dependents of deceased claimants are entitled to their lifetime benefits of that deceased claimant. This case clarified and limited the kinds of cases that the Court can enter these kinds of awards on. This is significant in that it will save the Second Injury Fund and employers state-wide immeasurable money and time in litigating cases that were filed as a result of the *Schoemehl* decision.

6. ANGIE BRIDGES V. THE TREASURER OF THE STATE OF MISSOURI AS CUSTODIAN OF THE SECOND INJURY FUND

Facts: Ms. Bridges was injured while employed by Home Depot. She has alleged that she is permanently and partially disabled as a result of her work injury in combination with her prior conditions, and therefore entitled to benefits from the Second Injury Fund. She has also alleged that because the Fund refused to settle this claim with her, she was entitled to costs.

Outcome: The administrative law judge found Mr. Bridge's position to be correct and awarded a permanent partial disability award to her and against the Second Injury Fund. He went on to award costs for the Fund's failure to present an appropriate defense. The case was appealed to the Labor Industrial Relations Commission. The arguments are to be held in February 2011 and the outcome is pending.

Significance: Costs being awarded against the Second Injury Fund in the cases that are not currently being settled will cause a dramatic loss of resources for the already depleted and financially unstable Second Injury Fund. The ruling will be a first in the state as it relates to the assessment of costs-and why costs are detrimental not only to the Fund, but to the recipients of benefits from the Fund as well.

7. MELYNDA SCHUSSLER V. THE TREASURER OF THE STATE OF MISSOURI AS CUSTODIAN OF THE SECOND INJURY FUND

Facts: Ms. Schussler had multiple severely debilitating injuries prior to her alleged last accident at work. She was so significantly accommodated by her employer prior to her

alleged work injury due to this plethora of pre-existing disabilities, that she was even afforded the opportunity to lie down daily at work.

Outcome: The Second Injury Fund argued, and the Administrative Law Judge, Labor Commission, and the Missouri Court of Appeals Western District all agreed, that Ms. Schussler was in fact unemployable on the open labor market prior to her last alleged injury. Because her disability from before was so profound, they did not even need to consider the effects of her work injury to find her disabled. The Fund prevailed on this case.

Significance: This ruling prevents individuals from succeeding at obtaining lifetime benefits from the Second Injury Fund when they were so disabled to begin with that they were not employable on the open labor market even prior to their alleged work injuries.