

**APPLICATION OF BENJAMIN A. LIPMAN  
TO THE APPELLATE JUDICIAL COMMISSION FOR THE  
JUDGE AHRENS VACANCY  
MISSOURI COURT OF APPEALS, EASTERN DISTRICT**

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

1. Present principal occupation or title:

Member, Lewis Rice LLC

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?

49

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

31

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 4, 1991. Yes, my license is in good standing.

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

Bar Admission	Date
U.S. District Court, Eastern District of Missouri	12/19/1991
Illinois	9/10/1992
U.S. District Court, Southern District of Illinois	6/24/1993
Eighth Circuit Court of Appeals	2/3/1995
United States Supreme Court	2/23/1998

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

Name	Address	Dates Attended	Degree
University of Pennsylvania	3451 Walnut St. Philadelphia, PA 19104	1984-1988	B.A. (Major – Economics, Minor – English)

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

Member of the Economic Club. Active in my fraternity, holding elected positions. Participated in an annual program to entertain critically ill children at hospitals during the holidays.

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

Name	Address	Dates Attended	Degree
Washington University School of Law	One Brookings Dr. St. Louis, MO 63130	1988-1991	J.D.

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

Washington University Law Quarterly; American Jurisprudence Awards (Torts and Trial Practice); High Pass, Legal Research and Writing; Winner, Wiley Rutledge Moot Court; High Oralist, Final Round, Wiley Rutledge Moot Court; Winner, Client Counseling; Order of the Barrister; Chairman of the Honor Council; teaching assistant, Legal Research and Writing; Member, Student Bar Association.

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.

Employer	Address	Dates of Employment	Position
United States Court of Appeals for the Eighth Circuit	111 South Tenth St. St. Louis, MO 63102	May 1989–June 1989	Intern for Judge Theodore McMillian
Lewis, Rice & Fingersh, L.C.	611 Olive St. St. Louis, MO 63102	June 1989–August 1989	Summer Associate
U.S. Dept. of Justice	202 South LaSalle St. Ste. 600 Chicago, IL 60604	May 1990–August 1990	Summer Associate, Anti-Trust Division
Legal Services of Eastern Missouri	4232 Forest Park Ave. St. Louis, MO 63108	May 1991–June 1991	Summer Intern
Wedge, LLC	1130 Lanvale St. Louis, MO 63119	Approx. 1994	Member/Owner
Lewis Rice LLC	600 Washington Ave. Suite 2500 St. Louis, MO 63101	August 1991–present	Associate (1991–1999); Member (1999 – present)
Washington University School of Law	One Brookings Drive St. Louis, MO 63130	2002-2014, 2016	Adjunct Professor of Law

9. If, as a student, you were suspended, placed on probation or expelled by school authorities for any reason, describe the circumstances.

N/A

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. It is your responsibility to redact any confidential information.*) Include in your response:

My trial and appellate practice each is greatly varied, and I have represented clients in a wide range of cases that involve areas such as torts, constitutional law, contracts, intellectual property and statutory actions. In addition, I have taken on a number of pro bono cases over the years. I enjoy the wide diversity of the cases I handle and all of the differences in the clients with whom I work.

I am lucky my practice presents me with an array of challenges, and I believe the diversity of my practice has improved the quality of my work. Many of the cases I work on are intellectually challenging and have helped me hone the analytical tools necessary to understand the legal principles that apply to the cases. Still others offer a complexity that requires strategic planning and even administrative oversight. My experience has included cases with simple sets of facts, but complicated legal issues and other cases in which the law may be clear but the facts cloudy or the evidence voluminous. Each different type of case has helped me be ready for whatever may come next.

My experiences also have helped me develop a strong respect for our judicial system. Over the years, I have been fortunate to represent both plaintiffs and defendants, including individuals, small and large businesses and government entities. I believe this diversity has given me an appreciation for the real world issues people face when they turn to the legal system to resolve their disputes.

I believe my legal work has demonstrated my commitment to presenting cases without stretching the facts or the settled law. When the law is unclear, and in those cases in which the lack of clarity must be addressed in order to resolve the case, I have learned that an understanding of precedent and a keen insight into the law are necessary in order to reach a just and sound result that is faithful to the letter of the law where it is clear, to the spirit of the law where it is not and to the facts in the case.

- 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.

United Food and Commercial Workers Union v. Centermark Properties, 30 F.3d 298 (2<sup>nd</sup> Cir. 1994). Opposing counsel – Harry B. Elliot.

I represented Appellee Centermark Properties. The appeal dealt with the application of federal diversity jurisdiction statutes to unincorporated associations.

Legal Communications Corp. v. St. Louis County Printing & Publishing Co., Inc., 24 S.W.3d 744 (Mo. App. E.D. 2000). Opposing counsel – Robert DeVoto; Arthur Hyatt.

I represented the Plaintiff/Appellant in this declaratory judgment action regarding the statutory scheme in Chapter 493 R.S.Mo., governing requisites for legal notices.

State ex rel Pulitzer, Inc. v. Autrey, 19 S.W.3d 710 (Mo. App. E.D. 2000). Opposing counsel – C. John Pleban; Dwight A. Warren.

I represented the St. Louis Post-Dispatch, which was seeking access to proceedings in a homicide prosecution. The trial court judge attempted to close the courtroom to the public during the hearings. The case involved a police officer who had been charged in the death of a robbery suspect. The issue on appeal was whether the judge had improperly closed the courtroom based on Missouri constitutional, statutory and common law and the First Amendment.

Sigafus v. St. Louis Post-Dispatch, LLC, 109 S.W.3d 174 (Mo. App. E.D. 2003). Opposing counsel – Robert C. Seibel.

I represented the newspaper and its reporters in this tort action for defamation. The Appellants claimed the “actual malice” standard, which is used for certain libel cases, should not apply to their case. The issues on appeal centered on whether Appellants were public figures for purposes of discussing whether they had any affiliation with groups alleged to be engaged in anti-Semitic and white supremacist behavior.

Sterling v. Rust Communications, 113 S.W.3d 279 (Mo. App. S.D. 2003). Opposing counsel – Michael R. Allen.

I represented the Appellees, who were sued for defamation. The issues for the court were whether the statements in question were made about the Appellant, whether the statements were true and whether they were matters of constitutionally protected opinion.

Visiting Nurse Association, St. Louis v. VNA Healthcare, Inc., 347 F.3d 1092 (8<sup>th</sup> Cir. 2003). Opposing counsel – Thomas M. Blumenthal.

I represented a visiting nurse company that was sued for alleged trademark infringement. I tried the case below, and we won a defendant’s verdict. On appeal, the issue was the enforceability of

an alleged settlement agreement, and the case turned on an analysis of the facts and Missouri contract law.

State ex rel St. Louis Post-Dispatch v. Garvey, 179 S.W.3d 899 (Mo. 2005). Opposing counsel – Anthony Sestric.

I was co-counsel for the petitioner in this action. The appeal involved whether the trial court judge could forbid the public from hearings in a juvenile case when the juvenile was accused of a crime that if committed by an adult would be considered a Class A or B felony. The Court of Appeals issued its preliminary writ, then withdrew it, after which the Supreme Court accepted transfer.

Thirty and 141, L.P. v. Lowe's Home Centers, Inc., 565 F.3d 443 (8<sup>th</sup> Cir. 2009). Opposing counsel – Gerald Carmody.

I represented the tenant in a case in which the landlord sought reformation of a recorded document in order to allow the landlord to lease additional space to a competitor of the tenant. The case involved not only issues of reformation, but contract interpretation, as well.

R.L. Polk & Co v. Missouri Department of Revenue, 309 S.W.3d 881 (Mo. App. W.D. 2010). Opposing counsel – Mark Long, Missouri Attorney General's Office.

The Department of Revenue tried to increase the fee to the public for certain public records, and the issue on appeal was whether that increase was allowed by Missouri law. I represented Appellee SAMBA Holdings, Inc., a company that performs safety checks on professional drivers, which requires access to the records in question.

Cook v. ACS State & Local Solutions, Inc., 663 F.3d 989 (8<sup>th</sup> Cir. 2011). Opposing counsel – Thomas Corea; Timothy H. Bosler.

I represented an Appellee in a putative class action. My client was a safety company that reviewed the driving records of employees for companies that employ large numbers of drivers. The court held that the purposes for which the records were obtained were proper under the statute.

Lewanski Development, L.L.C. v. H.D. Strongsville Portfolio, L.P., 956 N.E.2d 368 (Ohio App. 2011). Opposing counsel – Sheldon Berns; Timothy Duff.

This was a breach of contract case. I represented a retail tenant in a shopping center that had entered into a contract to allow for the completion of a road to facilitate traffic and emergency vehicles in and around the center. One of the other tenants sought to prevent the completion of the road. The Ohio Court of Appeals affirmed the verdict in my client's favor. The defendants sought review in the Ohio Supreme Court. The parties briefed the issues in the Ohio Supreme Court, and further review was denied.

State ex rel. Missouri Lawyers Media, LLC v. Disciplinary Hearing Panel Number DHP-11029, et al., Case No. SC93279, April 5, 2013, Supreme Court of Missouri. Opposing Counsel – Alan D. Pratzel. Counsel for additional parties – Shevon L. Harris; Michael P. Downey; Alan S. Mandel.

I represented an entity seeking access to an attorney disciplinary proceeding. The Disciplinary Hearing Panel denied the public access to the hearing. On behalf of my client, I sought a writ of mandamus in the Supreme Court of Missouri. The issue in front of the Supreme Court of Missouri dealt with the interpretation and application of the Missouri Supreme Court rules governing protective orders for and access to such proceedings.

Flynt v. Lombardi, Case Nos. 14-1187 and 14-12-02. January 14, 2015, United States Court of Appeals for the Eighth Circuit. Opposing Counsel – Chris Koster and Gregory M. Goodwin; Counsel for additional party – Anthony Rothert.

I represented amici supporting the right of the public to challenge attempts to close court proceedings and filings in a civil case. The District Court had denied a member of the public access to the materials and my clients joined the case on appeal to advocate for the right to seek access. I argued the case, and the court held the District Court violated the public's right to challenge closure orders.

- 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.

Leslie v. Bursak, 1993, Circuit Court for St. Louis County. Opposing counsel – Brinker, Doyen & Kovacs.

I represented the plaintiff, Roger Leslie, in this lawsuit against an auto-repair company. The case was disposed of following a jury trial.

Boatmen's National Bank v. Citicorp, 4:92CV002GFG, 1994, United States District Court for the Eastern District of Missouri. Opposing counsel – Darryl Snider.

I was co-counsel for the plaintiff in a lawsuit involving breach of a loan agreement between two banks. The case was disposed of after a jury trial.

St. John's Bank & Trust v. Intag, Inc., No. 636733, 1994, Circuit Court for St. Louis County. Opposing counsel – Dan Wilke.

I represented Intag, Inc., an electrical business sued by a bank following the installation of a backup power source alleged to have failed. The case was disposed of following a jury trial.

Duggan v. Pulitzer Pub'g Co., No. 932-1469, 1996, Circuit Court for the City of St. Louis. Opposing counsel – Richard A. Gartner.

I represented the defendant in a defamation claim brought by a judge. The story about which the judge complained involved statements criticizing the judge made by the Circuit Attorney after the judge dismissed a murder prosecution at the close of the prosecution's case. The case was disposed of at summary judgment.

United States v. Olk, No. 4:96CR106DJS/DDN, 1996, United States District Court for the Eastern District of Missouri. Opposing counsel – Steve Muchnick, Assistant U.S. Attorney.

I was co-counsel for a criminal defendant in a prosecution for tax evasion. Ultimately, an agreement was reached with the prosecution and a guilty plea was entered to reduced charges.

International House of Pancakes v. Khorbtli, No. 4:99CV722CDP, 1999, United States District Court for the Eastern District of Missouri. Opposing counsel – John J. Allan.

I represented the plaintiff in this case involving franchise statutes, franchise agreements, leases and trademark issues. The defendant attempted to have the case dismissed in order to force arbitration, but the court agreed the parties could proceed in court. The case was initially resolved by settlement, but there were further evidentiary hearings regarding defendant's failure to abide by the settlement and subsequent injunctions entered in the case. Those further issues were resolved by the judge.

R. Joseph Olk v. Retina Consultants, Ltd., No. 4:94CV1257, 1999, United States District Court for the Eastern District of Missouri. Opposing counsel – John Walsh.

I represented the plaintiff in a discrimination action. Plaintiff was a recovering alcoholic who alleged he was terminated from his job after going through rehabilitation. The case was ultimately resolved by settlement.

Whiteside Biomechanics, Inc. v. Sofamor Danek Group, Inc., No. 4:96CV2195DJS, 1999, United States District Court for the Eastern District of Missouri. Opposing counsel – James W. Whitney, Terry Burnet and Gregory Upchurch.

I was co-counsel for the defendant in this trade secret case involving patents for medical devices used in surgery. The case was disposed of following a jury trial.

John Doe v. City of Webster Groves and Sorkin v. City of Webster Groves, No. 00CC-3846, 2001, Circuit Court for St. Louis County. Opposing counsel – Rick Berry; Helmut Starr.

I represented Cross-claim/Third Party Plaintiffs, a reporter and newspaper, in this Sunshine Law case. The reporter and newspaper were seeking documents regarding payroll records from a police department. The police department refused to provide the records in an attempt to keep secret the identities of police involved in allegations of official misconduct. The matter was heard by the court.

Legal Communications Corp. v. St. Louis County Printing & Publishing Co., Inc., No. 004-32, 2001, Circuit Court for the City of St. Louis. Opposing counsel – Robert DeVoto and Arthur Hyatt.

I represented the plaintiff, which challenged the defendant's qualifications to publish legal notices in the City of St. Louis. The case was tried to the court. After evidence was submitted, the defendant agreed to a consent order against it for the injunctive relief sought and monetary damages.

Pulitzer, Inc. v. John Barry, No. 4:02CV951CAS, 2002, United States District Court for the Eastern District of Missouri. Opposing counsel – pro se.

I represented the plaintiffs in a cybersquatting case. The case was disposed of after a trial to the bench.

Sigafus v. St. Louis Post-Dispatch, LLC, No. 002-6926, 2002, Circuit Court for the City of St. Louis. Opposing counsel – Robert Seibel.

I represented the St. Louis Post-Dispatch and its reporters in a defamation action brought by a husband and wife who complained about suggestions they were affiliated with groups that engaged in anti-Semitic and white supremacist behavior. The case was disposed of on summary judgment.

Visiting Nurse Association-St. Louis v. VNA Healthcare, Inc., No. 4:01CV171ERW, 2002, U.S. District Court for the Eastern District of Missouri. Opposing counsel – Thomas Blumenthal.

I represented the defendant. Plaintiff sued the defendant alleging trademark infringement. The case was disposed of after a bench trial.

Crane v. Kohler, No. 03CV167348, 2003, Circuit Court for Boone County. Opposing counsel – Debra Daniels.

I represented the defendants in a declaratory judgment action brought by the prosecuting attorney seeking a declaration that certain law enforcement records were closed to the public under Missouri law. The case was disposed of after argument to the court.

Capital Title Receivership, 2005. Opposing counsel – Scott S. Smith.

I represented Apollo Realty and Level One Realty, two real estate companies. My clients had money caught up in the collapse of a title company. The issues involved receivership issues, tax consequences from real estate transactions and claims by sellers of property in contract with my clients for sales that could only be consummated with the money caught up in the receivership. My client's issues were resolved by agreement of the parties.

Lewanski Development, LLC v. H.D. Strongsville Portfolio, L.P.,  
No. CV 05 580495, 2008, Court of Common Please, Cuyahoga  
County, Ohio. Opposing counsel – Sheldon Berns and Timothy  
Duff.

I represented Lowe's Home Centers, Inc. on the side of the plaintiff in an action against Home Depot. Home Depot claimed it could prevent the completion of a portion of retail development. The case was disposed of following a bench trial.

R.L. Polk & Co. v. Missouri Dept. of Revenue, No. 08AC-381, 2009,  
Circuit Court for Cole County. Opposing counsel – Mark Long,  
Assistant Attorney General and Joel A. Poole, Asst. Attorney  
General.

I represented plaintiff SAMBA Holdings, Inc., a safety company. The case involved the question of whether the Department of Revenue could demand payment from the public for public records in amounts sufficient to make a windfall profit at the public's expense. The case was disposed of following a bench trial.

Thirty and 141, L.P. v. Lowe's Home Centers, Inc., No. 4:06CV17815NL,  
2010, United States District Court Eastern District of Missouri.  
Opposing counsel – Gerald Carmody.

I represented the defendant in this case for reformation of contract based on a declaration of use restrictions and an underlying lease. The case was disposed of following a bench trial.

In re Missouri Lawyers Media, No. 11-SL-CC-3773, 2011, Circuit Court of  
St. Louis County. Opposing counsel – Mark Sableman and Michael  
Nepple.

I represented the plaintiff in a petition to the Court en banc for approval to publish legal notices. A competitor challenged the

plaintiff's qualifications. The matter was disposed of following a bench trial.

Wallace v. Miller, et al., No. 09-342-JPG, 2015, United States District Court of the Southern District of Illinois. Opposing counsel – Ashley Carter.

I represent the plaintiff in this pro bono case involving religious discrimination. The case is set for jury trial in December 2015.

Baker-Livorsi v. Payne-Naeger, et al., No. 1222-CC09414, 2015, Circuit Court of the City of St. Louis. Opposing counsel – Larry A. Bagsby; Counsel for co-Defendant – Brandy Barth.

I represent one of the defendants in a libel case. The case is not yet set for trial.

Burt v. Berner, et al., No. 13-CV-794-NJR-DGW, 2015, United States District Court of the Southern District of Illinois. Opposing counsel – Timothy Dugan; Michael Myhre.

I represent the plaintiff in this pro bono case involving the denial of medical treatment for chronic pain do to spinal damage.

- 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.

N/A.

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).

After law school, but prior to taking the bar, I volunteered at Legal Services of Eastern Missouri. I spent the time helping indigent people navigate the legal system, and since then, I have taken on additional pro bono work for Legal Services, for charitable organizations to which I devote my time and for others in an effort to give back to the community through my skills as a lawyer. Working with these clients has helped me understand the challenges facing those for whom the legal system seems daunting.

In addition to my litigation practice, I was for some time the effective in-house counsel for a medical book publishing company. In that role, I negotiated and drafted numerous agreements, and dealt with other day-to-day legal issues, and I have drafted intellectual property agreements for a number of other clients, as well. Adding even more diversity to my practice, I have extensive experience with commercial real estate transactions. That part of my practice has involved negotiating and drafting a large variety of agreements from simple to complex real estate deals.

Moreover, I have represented a number of government entities, handling issues that have gone to court and providing advice outside of litigation.

Finally, I have been an adjunct professor at Washington University School of Law since 2002. Although I took off the spring semester in 2015, I will be teaching again beginning in January 2016, and find teaching students who are just beginning to learn about the law and who seek to challenge accepted notions has helped me see the law from the perspective of those who are new to it and has sharpened my understanding of the legal issues with which lawyers are faced.

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

American Bar Association

Bar Association of Metropolitan St. Louis – former Chairman, Media Law Committee

Missouri Bar – Vice Chairman, Media Law Committee, 2008 to present

Illinois Bar Association

13. Describe your efforts (e.g. work on bar committees, pro bono efforts, CLEs presented, etc.) to contribute to the improvement of the law, the legal system and the administration of justice.

I have been a member and Vice-Chairman of the Media Law Committee of the Missouri Bar for years. As part of that, I attend committee meetings and have helped draft publications from the committee. I review legislation for the Bar and provide comments regarding whether I believe the legislation improves and otherwise impacts the legal system. Also, over the years, I have spoken at a number of CLEs.

After law school, but prior to taking the bar, I volunteered at Legal Services of Eastern Missouri. I spent the time helping indigent people navigate the legal system.

Since I became a lawyer, I have taken on pro bono work for Legal Services, for some of the charitable organizations to which I devote my time, and for others. I believe in the mission of the bar to provide pro bono work to those who cannot afford the legal services they need and to which they are entitled, and I welcome the opportunities I have to provide those services.

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

As a volunteer, I am involved in the community on many levels. I am on the board of the Urban League of Metropolitan St. Louis, and I am a member of its executive committee. At the Urban League, we work to achieve economic self-reliance, social equality and civil rights for those who do not have it. Among other things, in the past year, we began the Save Our Sons program, providing job training and career assistance to young men in disadvantaged communities.

I am also a Member of the Board of Directors and Vice President of the St. Louis Community Empowerment Foundation. The SLCEF works to help improve the quality of life of St. Louis residents living in disadvantaged and under-served communities. We focus on all aspects of the community, including, among others, young students and the elderly and work on such things as improving the relationship between communities and their police departments and encouraging kids to stay in school and giving them the tools they need to do so.

I am on the Board of Directors of the Press Club of Metropolitan St. Louis, for which I also serve as the Treasurer. The Press Club's primary purpose is to raise and donate money for scholarships and internships and to help fund enterprise journalism.

I am a member of the Anti-Defamation League of Metropolitan St. Louis' Civil Rights Committee. Previously, I went through the ADL's Steinberg Leadership Institute, which involves months of learning about how to fight bigotry and promote diversity.

In 1996, I co-founded and served as the Co-Chairman of the Metropolitan Interfaith/Interracial Dialogue Group, working to improve communications and relations between diverse communities. Although that group is now defunct, I have joined another similar organization.

I am also a commissioner on the Lambert-St. Louis Airport Commission.

15. Describe your activities (e.g. speeches, presentations, educational activities, etc.) undertaken to further public understanding of and respect for courts and the judicial system and to promote access to justice for all.

Over the years I have spoken in a variety of venues. I was a teacher in Junior Achievement teaching students about the law, and I volunteer my time when I can to give talks and answer questions at schools and for numerous organizations about particular aspects of the law and about the legal system in general. I have been part of panel discussions with the bar association and on behalf of organizations with which I have worked and I am participating in BAMSL's mini-law school to help teach members of the public who wish to attend about various aspects of the law. I have provided legal seminars for clients and for other organizations. In addition, I have been an adjunct professor of law at Washington University School of Law since 2002.

16. 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.

Author, Missouri chapter, *The Open Government Guide: Access to Public Records And Meetings in the 50 States And D.C.*

Author, Reporter's Privilege chapter, *Missouri Media Law Handbook*

The Best Lawyers In America – 2010-present

Super Lawyers – 2012-present

Missouri Lawyers Legal Champion Award – 2014

Martindale-Hubbell AV Preeminent Peer Review rated 5.0

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

Yes. I am a Commissioner on the Lambert-St. Louis Airport Commission.

18. 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.

N/A.

19. 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, I am able to perform the essential functions of being an appellate judge.

20. 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.

21. 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.

22. 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.

N/A.

- 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.

N/A.

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

No.

24. 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?

No.

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.

25. Have you ever pleaded guilty, 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 minor traffic offenses or other infractions be listed.)*

No.

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

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

No.

27. 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.

Please see attached.

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

I received a Community Service Award from the St. Louis Community Empowerment Foundation in 2009. I received the Human Development Corporation's 2010 Community Service Award and the 2011 Catfish Award for Distinguished Service to the Press Club of Metropolitan St. Louis. I was recognized by Washington University School of Law for ten years of service as an adjunct professor. I was selected by FOCUS to participate in their 2012-2013 Leadership St. Louis program. I received the 2012 Distinguished Citizens Award from the St. Louis Argus. I received the Missouri Lawyers Legal Champion Award in 2014 for my efforts in a

case in which I obtained a writ from the Missouri Supreme Court allowing for public access to attorney disciplinary proceedings.

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. The commission must receive all reference letters by e-mail no later than **5 p.m. Friday, September 25, 2015.**

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

1. Rhonda Hamm-Niebruegge  
Director of Airports, Lambert-St. Louis International Airport  
10701 Lambert International Blvd.  
St. Louis, MO 63145  
(314) 426-8000  
[rkhamm-niebruegge@flystl.com](mailto:rkhamm-niebruegge@flystl.com)
  
2. Daniel L. Keating  
Tyrrell Williams Professor of Law  
Washington University School of Law  
One Brookings Drive  
Campus Box 1120  
St. Louis, MO 63130  
(314) 935-6481  
[keating@wustl.edu](mailto:keating@wustl.edu)
  
3. Michael P. McMillan  
President and CEO  
Urban League of Metropolitan St. Louis  
3701 Grandel Square  
St. Louis, MO 63108  
(314) 615-3600  
[mmcmillan@urbanleague-stl.org](mailto:mmcmillan@urbanleague-stl.org)

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