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

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

1. State your full name.

   Bryan Edward Round.

2. State your date and location of birth.

   September 20, 1960; Kansas City, Jackson County, Missouri.

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

   Attorney, Of Counsel with the firm of Mitchell, Kristl & Lieber, P.C.
   Judge, Municipal Court of Peculiar, Missouri

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

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

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

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

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

5. State whether you are able, with or without reasonable accommodation, to perform the essential functions of a Circuit Judge, including the ability to preside over trial, 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 am able to perform the essential functions of a Circuit Judge with or without reasonable accommodation.

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 bar 1987; I am in good standing now and have been since the date I was admitted.

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

I am admitted to practice in the Eighth Circuit Court of Appeals, the Federal Court for the Western District of Missouri and the District of Kansas. I am in good standing now and have been since the date I was admitted.

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

(a) Name and location of institution

Johnson County Community College, Overland Park, Kansas
The University of Kansas, Lawrence, Kansas BA in Sociology 1984

(b) Dates attended and degrees received

Johnson County Community College, one (1) semester, 1981;
The University of Kansas, BA in Sociology 1984

(c) Significant activities, achievements, honors and awards

State of Kansas Scholar Award-University of Kansas

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

(a) Name and location of institution

University of Missouri, Kansas City

(b) Dates attended and degrees received

University of Missouri, Kansas City; Juris Doctorate 1987

(c) Significant activities, achievements, honors and awards

None

10. State whether you have ever been suspended or expelled as a student from any school or educational institution. If so, please explain.
I have never been suspended or expelled from any school or educational institution.

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.

Superior Moving & Storage, 2020 Walnut, Kansas City, MO 64108 (816) 471-1662; (Summer & seasonal employment 1980-1984);

Joseph J. Mulvihill, Attorney 1212 McGee, Suite 200, Kansas City, MO 64106 (816) 210-1110 (Law Clerk 1985-1988);

Jackson County, Missouri Prosecutor's Office, 415 E. 12th St., Kansas City, MO 64106 (816) 881-3555 (Asst. Prosecuting Attorney 1988-1997);

Round & Jones, LLC, 106 W. 11th St., Kansas City, Missouri 64105; Partner (1995-1997).

Bryan E. Round, Sole Practitioner, P.O. Box 480465 Kansas City, MO 64148 (1997-2006) (816) 726-6070;

Kansas City, Missouri Board of Police Commissioners, Secretary/Attorney 1125 Locust, Kansas City, Missouri 64106 (816) 234-5000(1997 to 2003); Assistant Secretary/Attorney & Business Manager (2003 to 2005).

Counsel to the Jackson County Combat Commission, 2002-2004.

Municipal Judge, Peculiar, Missouri, 2004 to the present.

Instructor in Criminal Law and Procedure at the Kansas City, Missouri Regional

Mitchell, Kristl & Lieber, (816) 472-7788, 1220 Washington, Kansas City, MO 64105 (2006-Present)

Workers Compensation Panel Attorney for the National Football League Players Association; the National Hockey League Players Association, the Professional Hockey Players Association and Major League Soccer (Kansas City) (1997-present).

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

My experience as a practicing attorney began as an Assistant Prosecuting Attorney under Albert Riederer and I remained in the office when Claire McCaskill was elected to the

position. My duties ranged from prosecuting and collecting child support payments, bringing paternity suits, prosecuting all criminal cases through trial ranging from stealing, burglary, robbery, rape, assault and murder; filing all cases including a time assigned to the violent crimes division of the Kansas City, Missouri Police Department. Administrative duties included running trial teams, the warrant desk, the criminal trial division and state lobbyist.

I have been in private practice since 1997 focusing on workers compensation, criminal defense, business litigation and personal injury claims.

I served as the SecretaryAttorney and Assistant Secretary/Attorney and Business Manager for the Kansas City Board of Police Commissioners. My duties as Secretary/Attorney included attendance at all Board meetings, advising the Board on liability issues and Sunshine Law matters, defending the Board in certain suits brought against the body, acting as a liaison with various department units and other city agencies and overseeing certain disciplinary hearings. I also initiated and oversaw a program whereby the Office of Community Complaints (OCC) and the Kansas City, Missouri Police Department worked through differences associated with recommendations for the discipline of police officers in cases investigated by OCC.

For Approximately seven (7) years I have served and continue to serve as the appointed Judge for the city of Peculiar.

13. Provide a representative list of at least ten (10) 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.

In re the Estate of George W. Mansfield, Jr. No. 05PR00928. This was a probate matter in the District Court of Johnson County, Kansas where I was admitted for this case *pro hac vice*. I represented the Estate's Personal Representative against claims for her removal made by heirs of the Estate who happened to be the Personal Representative's sisters. The Personal Representative was not removed and the matter was ultimately resolved through a Settlement Agreement. The matter was tried to a judge.

A & A Lock and Key, L.L.C., 08CY-CV05326. Breach of Contract, Quantum Meruit and Foreclosure of Mechanics Lien case from Clay County, Missouri involving the remodeling of a convenience store. I represented A & A Lock & Key, L.L.C., the contractor who was awarded its full request for damages in this Judge tried matter. Judgment entered March 10, 2010.

State of Missouri v. Peter Ralls, CR93-4990. (Drug Trafficking) Precursor to prosecution of same defendant for charge of Murder in the Second Degree. Defendant was found guilty on June 30, 1994).

State of Missouri v. Peter Ralls, CR93-4343. (Murder in the Second Degree and Armed

Criminal Action) This case is significant for a number of reasons including the fact that the defendant provided an inmate at the county jail with a letter seeking to have a witness killed and that one of the chief witnesses for the state murdered his girlfriend on the Friday preceding the start of trial on Monday and was therefore unavailable for trial in this matter. Defendant was found guilty of all count on August 11, 1994.

Glazer v. Glazer, et al. 16CV98-13432. Case involving the local Comedy Club entrepreneurs for breach of contract pitting father against sons. My client was the plaintiff, Stanford Glazer, the father, and Judgment was entered against him on September 1, 2000.

State of Missouri v. Arthur Williams, CR91-3514. (Robbery in the First Degree, Armed Criminal Action and Kidnapping) This case is significant for the shear brutality of the facts involved and that the jury found the Defendant guilty and imposed sentences exactly as requested during closing argument. Defendant was found guilty on July 15, 1992.

Lewis et al. v. RFF Development Co., et al., Case No. 08CA-CV04108. Pending matter with three (3) defendants. Extensive discovery in progress. Claims include property damage, negligence per se, negligence, inverse condemnation, merchandising practices act violations and fraud.

Steve Dubinsky v. St. Louis Blues (See description under appellate cases, below) Missouri Division of Workers Compensation and Department of Labor and Industrial Relations.

Central McClellion v. Kansas City Chiefs (See description under appellate cases, below) Missouri Division of Workers Compensation and Department of Labor and Industrial Relations.

NFL Concussion Litigation Cases Lawsuits being brought on behalf of various former NFL players involving concussions and the long-term effects such are having on the health of the plaintiffs. These matters are being handled with co-counsel and various counsel across the United States.

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

8th Circuit Court of Appeals

United States of America v. Lopes 95-3622 WMS. I was appointed to handle the appeal of the criminal conviction of Mr. Lopes. The primary issue in this matter was the application of the sentencing guidelines to the defendant and his offenses. I wrote the entire brief and argued the appeal.

Darby v. Weishar, et al., Appeal No. 01-2006. Appeal of an employment discrimination matter involving members of the Kansas City, Missouri Police Department. The matter was tried to a jury and this appeal by the Plaintiff followed. I represented the individual defendants at trial and in this appeal. I wrote the brief and its was submitted on the briefs and not argued. Major issues involved Eleventh Amendment Immunity and evidentiary matters surrounding the plaintiff's claims.

Missouri Court of Appeals, Eastern District

Dubinsky v. the St. Louis Blues Hockey Team; No. ED88767; 229 S.W.3d 126 (Mo.App.E.D. 2007). In a case of first impression, the primary point of the appeal was to challenge the constitutionality of Sec. 287.270 RSMo., involving the credit given the employers of professional athletes. I wrote the brief and it was submitted on the briefs and not argued. The Court's decision was handed down on May 1, 2007.

Missouri Court of Appeals, Western District

Leu v. Dunkin et al. W.D. No. 56178. I represented the Appellant, Daren Leu, for injuries suffered at the hands of the drunken driver of a vehicle at a tractor pull. I wrote the entire brief and argued the appeal.

McClellion v. Kansas City Chiefs W.D. No. 73807. I represent the Appellant, Central McClellion in this appeal of a workers compensation award. The primary issue is the applicability of Sec. 287.270 R.S.Mo. in light of the NFL's Collective Bargaining Agreement and certain arbitration decisions construing the same. The matter was settled after submission but prior to a decision being handed down.

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.

Since 2004 I have served as the Municipal Court Judge for the city of Peculiar, Missouri. During that time, I have disposed of thousands of cases (traffic, minor assaults, drug paraphernalia and ordinance violations) by plea and hundreds by trial. I instituted a housing court docket and during my tenure the number of cases disposed of is up by more than fifty percent (50)% and the revenue to the city is up significantly.

While I was the Secretary/Attorney for the Kansas City Board of Police Commissioners I served as a quasi-judicial officer in cases involving officer terminations with the Board sitting as the trier of fact. The hearings were conducted much as a civil trial is set up with me conducting the hearing, ruling on evidentiary matters and submitting the case to the Commissioners.

I have experience in mediations that is further outlined in response to question No. 11. Briefly, I initiated and oversaw a program whereby the Office of Community Complaints (OCC) and the Kansas City, Missouri Police Department worked through differences associated with recommendations for the discipline of police officers in cases investigated by OCC.

Finally, I have served as a condemnation commissioner in numerous matters, most recently for a matter involving the city of Blue Springs, Missouri and several parcels of property near the I-70 and Woods Chapel Road interchange.

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

The cases I presided over as the Secretary/Attorney for the Kansas City, Missouri Board of Police Commissioners were confidential hearings that I am constrained from providing specific information on. However, one case that was appealed and may be of note is **State ex rel. Rogers v. Board of Police Commissioners of Kansas City**, 995 S.W. 2d 1, (Mo.App.W.D.1999), wherein it was found that my appointment by the Board as the hearing officer in this matter was inappropriate and overturned.

Condemnation Cases

City of Blue Springs, Missouri v. ME LLC, et al. Case No. 1116-CV24258. The matter was resolved by Commissioner's Findings on March 14, 2012.

City of Grandview, Missouri v. Dunmire et al. Case No. 0916-CV26433. The matter was resolved by Commissioner's Findings on February 23, 2010.

Municipal Court Cases

I have handled thousands and tried hundreds of cases while serving as the Judge in Peculiar, Missouri involving charges ranging from traffic matters, assaults, ordinance violations, drug offenses and many others.

City of Peculiar v. Gary Rothlisberger (100+ Citations). Cases involved ordinance violations involving property code violations. The matters were tried, the Defendant was found guilty and he appealed his convictions to the Circuit Court of Cass County, Missouri where the matter was ultimately settled by the City and the Defendant. Notable for the number of charges and the more complex issues presented.

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.

See above.

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.
Member of the Missouri Bar (1987 to the present);
Kansas City Missouri Bar Association (2007 to present);
Workers Compensation Panel Attorney for the National Football League Player Assoc. (1998 to present)
Association for Women Lawyers of Greater Kansas City (2013 to present)

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

Instructor in Criminal Law and Procedure at the Kansas City, Missouri Regional

On April 11, 2012 I was a primary Speaker in a national Webinar put on by West Publishing with Jim Bartimus and Larry Coben concerning the NFL Concussion Litigation.

April 20, 2012 Speaker on workers compensation at Second Annual Independent Football Veterans Conference, Las Vegas, NV.

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 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.

No such service.

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

I am an Organizer and Board member of the recently established Cass County Youth Court.

Past Board member of the Tsunami Swim Team where my daughter is an active member.

I have been the basketball coach for both of my daughters' YMCA basketball teams spanning the years 1999 to 2009.

I am a past board member and president of my neighborhood homes association.

Over the years I have been a supporter and member of the Friends of Art, the Friends of the Zoo and Special Olympics.

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

I have had a number of newspaper articles written about me and some of my work with the Jackson County, Missouri, Prosecutor's Office. I received several awards from the Jackson County, Missouri Prosecutor's Office for my work while employed there. I have also received Ceremonial Batons from the last 4 Chiefs of Police for Kansas City, Missouri.

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 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.

I have never been sued by a client. I have been sued in my capacity as the Secretary/Attorney of the Kansas City Board of Police Commissioners. I have also been a party to the following suits:

Bryan E. Round v. Elicia Turner, 16CV94-07953. This matter was a suit brought to recover for property damage associated with an automobile collision. The case was settled.

Bryan E. Round, et al. v. William Carroll, et al., 16CV96-13292. This matter was a suit for misrepresentation involving the purchase of a home. The case was settled.

Keith C. Dixon Builder, Inc. v. Bryan E. Round, et al., 00CV221317. This small claims matter was brought to my attention in researching this question. It apparently involves work done in finishing our basement. I was not served and the matter was dismissed.

Bryan E. Round v. Laurie Sprinkle Round. Divorce 1988. Matter was settled amicably.

28. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or 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.

None.

(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.

None.

(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 the nature of such complaint and the status of the investigation.

No.

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

Nothing more than set forth above.

32. List the names and contact information (title, mailing address, telephone and e-mail 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. Ms. I. Pearl Fain, Director of the Office of Community Complaints, 635 Woodland, Suite 2102, Kansas City, MO 64106; (816) 889-6640; pearl.fain@kcpd.org

2. Mr. James Foland, Foland, Wickens, 3000 Commerce Tower, 911 Main, Kansas City, MO 64105-2009; (816) 472-7474; jfoland@fwpclaw.com

3. Mr. John Boyd, Boyd & Kenter, PC, 1150 Grand Blvd., Suite 700, Kansas City, MO 64106; (816) 471-4511; jbboyd@boydkenterlaw.com

4. Mr. Patrick McInerney, SNR Denton US LLP, 4520 Main St., Suite 1100, Kansas City, MO 64111-7700; (816) 460-2400; pamcinerney@gmail.com

5. Mr. Richard F. Lombardo, Shaffer, Lombardo, Shurin, 911 Main St., Ste 2000, Kansas City, MO 64105; (816) 931-5775, rlombardo@2l2-law.com

CERTIFICATION OF ACCURACY AND AUTHORIZATION FOR RELEASE OF INFORMATION

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

By my signature to this form, I authorize: (1) the Commission, through its Chairperson, to obtain relevant information including but not limited to documents, records and files, with respect to my medical, law enforcement, or disciplinary records; and (2) the Commission and its members to obtain additional relevant information regarding my qualifications, as well as the accuracy of my responses to the questions on this application. It is my understanding that the information obtained pursuant to this authorization shall be made available only to the members of the Sixteenths 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

7/16/13
Date

BRYAN E. ROUND
Printed Full Name of Applicant