

APPLICATION (Revised April 2008)
22ND CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE

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



NAME: **Michael F. Stelzer**

1. State your present principal occupation: **Associate Circuit Judge, 22nd Judicial Circuit Court**
2. Are you at least 30 years of age? **Yes**
3.
 - (a) How long have you been a citizen of the United States? **44 years, since 2-11-64**
 - (b) Have you been a resident of the City of St. Louis for at least one year immediately prior to the date of this application? **Yes**
 - (c) How long have you been a qualified voter of Missouri? **19 years, since 1989**
4. Are you licensed to practice law in Missouri? **Yes**

List any other states, courts, or agencies in which you are licensed as an attorney: **State of Illinois; 8th Circuit Court of Appeals; Federal District Court; Eastern District of Missouri**

5. State the date you were admitted to the Bar in Missouri? **October 1992**

Missouri Bar Number: **40716**

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:
Augustana College, Rock Island, IL, 1982-1986, Bachelor of Arts in Business and Economics
St. Louis University School of Law, 1989-1992, Juris Doctor, Cum Laude.
7. State, in chronological order, your entire working career, including non-legal employment, if

any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

Comptroller of the Currency, 1986-1989

Missouri Court of Appeals, 1992-1993

George F. Kosta & Associates, 1993

City Counselor, 1993-2004

Associate Circuit Judge, 2004- present

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one-three sentence description of each case and its outcome.

See Attachment #8

(b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one-three sentence description of each case and its outcome.

9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court?

Yes

10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed. **N/A**

11. Have you briefed or argued any case in an appellate court? **Yes**
If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.

See Attachment #11

12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

I tried 20 jury trials and 15 bench trials for the City Counselor. I filed and argued numerous Summary Judgment Motions in state and federal court. I briefed and

argued appeals in state and federal court. I developed lesson plans and conducted civil liability seminars for various City Departments including Parks, Public Utilities, Lambert International Airport, the St. Louis Metropolitan Police Academy, and the Circuit Attorney's Office. I have lectured at CLE seminars on topics related to Municipal/Police liability including official immunity law in Missouri. As an Associate Circuit Judge, I have handled civil, criminal and domestic dockets including jury trial divisions. I am currently assigned to the Public Education and Personnel Committees of the 22nd Judicial Circuit. In 2007 while assigned to Division 24 of the 22nd Judicial Circuit (misdemeanor jury trials), I presided over 30 plus jury trials.

13. Have you ever been convicted of a misdemeanor or felony? **No**

If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:

14. 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? **Yes**

If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated:

1975 – Auto accident in City of St. Louis, I was a minor pedestrian.

2000 – Federal Court, I was sued by Alvin Lee Banks, pro se, after I successfully defended his previous lawsuit against the police department. Mr. Banks' lawsuit against me was eventually dismissed. Cause No.: 4:00CV1053

2004 – I was sued by a pro se defendant under a Writ of Habeas Corpus, while presiding over the misdemeanor docket in Division 26.

15. 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? **No**

If yes, provide details:

16. Have you ever been held in contempt of court? **No**

If yes, provide details:

17. 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 yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed: **No**

- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. **No**
- If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist: **N/A**
- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? **No** If yes, provide details:
18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? **No**
- If yes, provide details: **N/A**
19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:
Missouri Bar
Illinois Bar
U.S.D.C. Eastern District of Missouri
8th Circuit Court of Appeals
Lawyers' Association of St. Louis
20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:
St. Gabriel Parish Board of Education 1998-2001, President 2000-2001 School Year
Volunteer coach – St. Gabriel Athletic Association
Member of the Steering Committee at St. Gabriel Capital Improvement Campaign
Augustana College Alumni Club
Volunteer Boys' Club of St. Louis
21. Do you now hold or have you ever held any elective or appointive public office or position?
No
 If yes, provide details:
22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? **N/A** If military service continues, so state:
23. List any professional articles or books which have been published or any special recognition

or award of a professional nature which you have received: N/A

24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

Peter J. Dunne
Rabbitt & Snodgrass
100 S. Fourth St.
St. Louis, MO 63102
(314) 421-5545

Nancy R. Kistler
314 City Hall
St. Louis, MO 63102
(314) 622-4616

Andrew Williams
1010 Market, 13th Floor
St. Louis, MO 63101
(314) 753-4000

Mark Smith, Assistant Vice Chancellor
Washington University
Campus Box 1091
1 Brookings Hall
St. Louis, MO 63130
(314) 935-6489

Barbara Gilchrist, Clinical Law Professor
St. Louis University Civil Clinic
321 N. Spring Ave.
St. Louis, MO 63108
(314) 977-2778

25. State any additional data you deem relevant:

I worked on Airport Expansion litigation and the gun litigation brought on behalf of the City of St. Louis against various gun manufacturers. I defended the 22nd Judicial Circuit in an employment lawsuit brought by a group of former employees. I served as the City Counselor's liaison with the SLU Civil Clinic for the past five years. I also served as the General Counsel to the Board of Police Commissioners, where I worked on contract issues, copyright issues, open record issues, ADA issues and conducted legal education classes for recruits, commissioned officers and canine officers through the St. Louis Metropolitan Police Academy. I represented the SLMPD Crime Lab in the recent post-conviction DNA litigation in the 22nd Judicial Circuit Court.

By my signature to this application, I authorize: (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with respect to my medical, police 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, with the understanding that the information described in (1) and (2) above is available only to the members of the Twenty-Second Circuit Judicial Commission. Notwithstanding the above, in accordance with Supreme Court Rule 10, as amended effective February 29, 2008, 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.

I hereby certify that all my statements as made above are correct, and that if I am appointed to the office of Circuit Judge of the Circuit Court of the City of St. Louis, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE:

4-11-08

SIGNED:

W. F. Lee #1406

Number 11

Creighton v. Conway

Lights and siren emergency case - Summary Judgment granted to Police Officer and Police Board. 937 S.W. 2d 247 (Argued the case).

Snelling v. City of St. Louis Dept. Public Utilities, et al.

Lawsuit filed against Water Dept. for trespass etc. - Summary Judgment granted – Partial reversal. 897 S.W. 2d 642 (Briefed the case).

Snelling v. Washington Apts. Ltd., et al.

Refiled old lawsuit – Summary Judgment on res judicata.
963 S.W. 2d 366 (Briefed the case).

Albert Deuser et al v. Lawrence J. King

Wrongful death case against a police officer - Summary Judgment granted and upheld.
24 S.W. 3d 251 (Mo. App. 2000) (Briefed and argued the case).

Mclin v. Board of Police Commissioners, et al., 00-2799

First Amendment lawsuit filed by a police officer – Summary Judgment upheld.
(Briefed the case)

Ace Construction v. City of St. Louis, 00-3499 and 00-3501

Procedural Due Process claim against the City – Summary Judgment against the City reversed. (Briefed and argued the case).

Zern v. City of St. Louis No. 78042

City appealed from a jury verdict.
(Briefed the case)

Number 8

1. State v. Robert Mabry, cause numbers 059-5197; 069-2927, Rachael Schwarlose, Assistant Circuit Attorney, Michael Noble, Assistant Public Defender.
2. State v. Andre VanTreece, cause number 062-CR5883, Jeffrey Ernst, Assistant Circuit Attorney, Christopher Desilets, Defense Attorney.
3. Gershenson Construction v. Laclede Gas, cause number 050-05080, Marvin Lindmark, Plaintiff's Attorney, Kurt Dolan, Defense Attorney
4. Jacqueline Mitchell v. Pasta House, Co., 050-2770, Kelly Battle, Plaintiff's Attorney, David Berwin, Defense Attorney.
5. Ocello v. Ocello, 063- 1423A, Marie Kenyon for Petitioner, Robert Ulrich for Respondent.
6. Toohey v. Toohey, 043-2751, William Meehan for Petitioner, Susan Roach for Respondent, Bryan Hettenbach, Guardian ad Litem.
7. Haynes v. Haynes, 043-01027, Steve Brooks for Petitioner, Mary Davidson for Respondent.
8. Koehr v. Koehr, 043-5722, Mark Fredman for Petitioner, Venus Harry for Respondent.
9. S.R. by next friend SHR v. KM, 053-03633, Michelle House-Connaghan for Petitioner, Sally Mills for Respondent, John Bird, Guardian ad Litem.
10. State v. Cletus Terrel, 069-235, Maryha Fulfer, Assistant Circuit Attorney, Charles Willis, Defense Attorney