

APPLICATION (Revised December 2008)
TWENTY-FIRST CIRCUIT JUDICIAL COMMISSION
CIRCUIT JUDGE



ANS WILL BE MADE PUBLIC IF THE APPLICANT

NAME: Peter W. Gullborg

1. State your present principal occupation: Special Counsel, Rabbitt, Pitzer & Snodgrass, St. Louis, MO
2. Are you at least 30 years of age? Yes.
3.
 - (a) How long have you been a citizen of the United States? 49 years.
 - (b) Have you been a resident of St. Louis County 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? 31 years.
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: Illinois and U.S. District Court, Eastern District of Missouri.

5. State the date you were admitted to the Bar in Missouri? April 21, 1995.

Missouri Bar Number: 46398.

(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:

Texas A&M University, 1979-1980, College Station, TX - N/A – transferred.

University of Missouri-Rolla, Rolla, MO - 1981-1984, B.S. Mining Engineering 1984.

University of Missouri-Rolla, Rolla, MO – 1986-1987, M.S., Engineering Mgt., 1987.

Texas A&M University, Texarkana, TX – 1989 – MBA, 1989.
Texas A&M University, College Station, TX – 1990 – M.S., Safety Engineering.

University of Maryland School of Law, Baltimore, MD – 1991-1994 – J.D., 1994.

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.)

Oberjuerge Rubber Co., 10950 Linpage Place, St. Louis, MO, 1985, sales.

Department of Defense, multiple locations country wide, 1988-1995, safety engineer.

Missouri Public Defender Office, New Madrid County, Pemiscot County, St. Louis County, and City of St. Louis, 1995-1998, attorney.

Kortenhof & Ely, 1015 Locust, St. Louis, MO, 1998-1999, attorney.

Sandberg, Phoenix & von Gontard, St. Louis Centre, St. Louis, MO, 1999-2001, attorney.

Herzog, Crebs & McGhee, St. Louis Centre, St. Louis, MO, 2001-2003, attorney.

Law Offices of Thomas J. Noonan, Gateway Center, St. Louis, MO, 2003-2004, attorney.

Rabbitt, Pitzer & Snodgrass, 100 South Fourth, St. Louis, MO, 2004-2009, associate, 2009-present, special counsel.

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 to three sentence description of each case and its outcome. N/A.

- (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 to 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. Yes. See Attachment 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 B.
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

AV peer review rating from Martindale Hubbell.

In addition to the trials enumerated in response to Number 10 above (see Attachment A), first chaired over fifty (50) trials including multiple criminal jury trials, multiple criminal bench trials, multiple civil jury trials, multiple civil bench trials, and multiple equitable hearings for injunctive relief.

Served as general counsel for Disabled American Veterans of Eastern Missouri from 2001 to 2003.

Only student in my law school's night division to graduate in three (3) years in 1994.

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? I have never been sued by a party but I have been a party to litigation, as set forth below.

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:

Gullborg v. Brunson, St. Louis City Circuit Court, Case No. 083-278. I am unaware of this suit, in spite of being a named party. I presume it is a subrogation action arising out of an auto accident when my car was struck in 1982 by an uninsured driver.

Gullborg v. Nelson, St. Louis County Circuit Court, Case No. 21C88-104. Suit brought for personal injury suit, which resulted in a default judgment in plaintiff's favor in September 1990.

Gullborg v. Central Avenue Restaurant Corp., St. Louis County Associate Circuit Court (Small Claims), 2103SC-1572. Suit brought against restaurant's valet parking company for damage to vehicle, which resulted in judgment in plaintiff's favor in January 2004.

Dixon et al. v. Riverside Group et al, St. Louis City Circuit Court. Case No. 052-10841. Suit brought for breach of contract against a friend from high school and his construction company. I was named as a defendant because I was a personal guarantor on his construction line of credit and, as a result, plaintiffs alleged me to be his business partner. All defendants were dismissed in May 2008.

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:

- (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 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:

- (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? 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:

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

Missouri Bar, 1995-present.

Illinois Bar, 1999-present

Bar Association of Metropolitan St. Louis, 1998-present

American Bar Association, 2001-present

34th Judicial Circuit Bar Association, 1995-present.

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

Glendale Presbyterian Church, Elder, Church Treasurer, and President of the Corporation, 2005-2008.

MICDS, Class Agent, 2002-present

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? 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:

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:

Jerome C. Simon
Attorney at Law
Rabbitt, Pitzer & Snodgrass

100 South Fourth Street, Suite 400
St. Louis, MO 63102
(314) 421-5545

Lyndon Sommer
Attorney at Law
Sandberg Phoenix & von Gontard
600 Washington Avenue, 15th Floor
St. Louis, Missouri 63102
(314) 231-3332

Sara McAvoy
Attorney at Law
McAvoy & Bahn
330 Water Street
Fenton, Missouri 63026
(636) 343-9753

Michael Hazel
Pemiscot County Prosecuting Attorney (Ret.)
912 Carleton Avenue
Caruthersville, Missouri 63830
(573) 359-4587

H. Riley Bock
New Madrid County Public Administrator
New Madrid County Prosecuting Attorney (Ret.)
New Madrid County Courthouse
New Madrid, Missouri 63869
(573) 748-9275

25. State any additional data you deem relevant:

ATTACHMENT A

1. Young v. Drury, St. Louis County Circuit Court, Case No. 07SLCC00298. This matter was co-tried by Jerome Simon and me in December 2009 before a jury and Judge James Hartenbach. The suit arose out of a personal injury caused by of a slip and fall. A judgment was entered against defendant on December 17, 2009, which was set aside on February 24, 2010.
2. John Beal, Inc. v. Ralph Brooner, St. Louis County Associate Circuit Court, Case No. 2107AC29334. This matter was bench-tried by me in June 2008 before Judge Brenda Stith-Loftin. The suit arose out of an alleged breach of contract for failing to pay the remainder on a roofing contract. Defendant filed a counterclaim couched in negligent installation. On July 2, 2008, the Court entered a defense verdict in favor of defendant on the underlying suit and entered judgment in favor of the defendant/counterclaimant for \$5,823.00.
3. Triad Crossing v. Laclede Gas v. Brucker Engineering et al., St. Charles Circuit Court, Case No. 0811-CV00011. This matter was jury-tried by me in June 2008 before Judge Nancy Schneider. The suit arose out of allegedly negligent work by defendant that caused a retaining wall to collapse. Defendant filed third-party petitions directed at the wall's designer, Brucker Engineering (which I represented) and the wall's constructor. On July 16, 2008, the jury entered a finding of one hundred (100) percent liability against defendant as to plaintiff and a separate finding of zero percent liability against Brucker Engineering as to defendant/third-party plaintiff.
4. John Lamke v. National Propane, Franklin County Circuit Court, Case No. 02CV39079. The matter was co-tried by Jerome Simon and me in April 2009 before a jury and Judge David Hoven. The suit arose out of property damage caused by an alleged propane tank explosion and ensuing fire. On April 10, 2009, the jury was deadlocked and the Court declared a mistrial. The suit later settled.
5. Bobby Armour v. Bi-State Development Agency, St. Louis County Associate Circuit Court, Case No. 2105CC-5105. This matter was a trial de novo of a small claims appeal of a verdict in favor of plaintiff. The trial de novo was bench tried by me in January 2006 before visiting Judge John Moon. The suit arose out of an allegation that defendant did not pay plaintiff his severance package. On January 13, 2006, the Court entered a defense verdict in favor of defendant.
6. Carol Pitzer et al. v. ALDI, Inc., St. Louis City Circuit Court, Case No. 032-1134. This matter was jury-tried by me in February 2005 before Judge Michael Calvin. The suit arose out of a personal injury caused by an alleged slip and fall. On January 20, 2005, the jury entered a finding of zero percent liability against defendant as to plaintiffs.

ATTACHMENT B

1. Angela Mothershead v. Intex Recreation Corp. et al., 994 S.W.2d 80 (Mo.App.E.D. 1999). I briefed this case, preparing all respondent Intex's pleadings. The suit arose out of a wrongful death suit caused by a sledding accident. The trial court granted summary judgment in favor of defendant Intex because of plaintiff's failure to answer Intex's factual allegations set forth pursuant to Rule 74.04(c)(2) in her response to Intex's motion for summary judgment. Plaintiff appealed the judgment. The Eastern District upheld the trial court's judgment for the reasons argued by Intex.

BIOGRAPHICAL SKETCH

Peter Gullborg is special counsel with the civil litigation firm of Rabbitt, Pitzer & Snodgrass in downtown St. Louis. He has worked previously as a public defender in the Bootheel. Prior to becoming an attorney, Pete worked as a safety engineer with Department of Defense. He and his wife Melissa reside in Oakland, Missouri.