

- **APPLICATION OF** (name) Angela T. Quigless
**TO THE APPELLATE JUDICIAL COMMISSION FOR THE
 JUDGE DRAPER VACANCY
 MISSOURI COURT OF APPEALS, EASTERN DISTRICT**

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

A. PERSONAL INFORMATION

1. Present principal occupation or title:
 Circuit Judge, 22nd Judicial Circuit (City of St. Louis)
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?
 I've been a citizen for 51 years.
 (b) How many consecutive years immediately preceding your application have
 you been a qualified voter of Missouri?
 Qualified voter for 26 years
4. State the date you were admitted to The Missouri Bar and whether your license is
 in good standing. If not, explain in detail.
 I was admitted to the Missouri Bar on May 4, 1985 and my license is in
 good standing.

B. EDUCATIONAL BACKGROUND

5. (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 Missouri- Columbia	Jessie Hall Administration Office, Columbia, MO 65201	1979-1981	BA Sociology
Florissant Valley Community College	3400 Pershall Rd Florissant, MO 63033	1977-1979	Associate Pre-law

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

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

Name	Address	Dates Attended	Degree
St. Louis University School of Law	3700 Lindell Blvd St. Louis, MO 63108	1981-1984	Juris Doctoris

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

7. If you were a student at any school from which you were suspended, placed on probation, or expelled by school authorities, for any reason, describe the circumstances.

Not applicable

C. PROFESSIONAL BACKGROUND AND EXPERIENCE

8. State, in chronological order (starting with the earliest employment), significant non-law-related employment prior to or since law school. To the extent reasonably available to you, include the name and address of each employer and the dates of employment.

During High School and College I had numerous part time jobs to help support myself through school. My first job was Soulard Farmers Market. I worked for a farmer name Eric (last name unknown) selling produce. I also taught Disco Dance Classes through Judy Best Academy.

Employer	Address	Dates of Employment
Holiday Inn, Housekeeping	4545 North Lindbergh Bridgeton, MO	Summer 1976
McDonnell Douglas	325 McDonnell Blvd Hazelwood, MO 63042	Summers 1977, 1978
Federal Aviation Admin.	Lambert Airport, Natural Bridge Road	Summer 1979
Pizza Hut Accounting Office	unknown	Summer 1982

May Company, Famous Barr	611 Olive St, St. Louis, MO 63101	10/84-11/85
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9. State, in chronological order (starting with the earliest employment), all employment from the beginning of law school to the present. For legal employment, describe the positions you have held, e.g., associate, partner, law clerk, general counsel.

Employer	Address	Dates of Employment	Position
Law Office, Forris Elliott	5937 W. Florissant St. Louis, Mo 63136	3/1982-6/1982	intern
Office of William Wynne	725 Old Ballas Road St. Louis, MO 63141	Summer 1983	intern
State of Missouri Dept of Revenue	Wainwright Bldg 111 N. 7 th St. St. Louis, MO 63101	6/1985-11/1985	Trial De Novo Attorney
State of Missouri Mo. Public Service Commission	Truman Building Room 500 Jefferson City, 65101	11/1985-11/1986	Assistant General Counsel
Circuit Attorney City of St. Louis	1114 Market St. St. Louis, MO 63101	1986-1991	Assistant Circuit Attorney
City Counselor Office City of St. Louis	1200 Market St. Room 314 St. Louis, MO 63103	1991-1995	Assistant City Counselor
US Dept of Justice US Attorney Office of Eastern District	Federal Courthouse 111 South 10 th St. St. Louis, MO 63102	1/1995-3/1995	Assistant US Attorney
State of Mo-Judiciary 22 nd Judicial Circuit	10 N. Tucker St. Louis, MO 63101	1995-2003	Associate Circuit Judge
State of Mo-Judiciary 22 nd Judicial Circuit	10 N. Tucker St. Louis, Mo 63101	2003-present	Circuit Judge

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

Bar Admission	Date
United States District Court for Eastern District of Missouri	1992

11. 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*). Include in your response:

[See Attached](#)

- 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). To the extent reasonably available to you:
- i. State the style, date, court and, if published, the citation;
 - ii. Identify the client(s) you represented and opposing counsel; and
 - iii. Give a one-paragraph description of the case and your role in it.
- 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). To the extent reasonably available to you:
- i. State the style, date and court;
 - ii. Identify who you represented and opposing counsel;
 - iii. State whether the case was disposed of following a jury trial, bench trial or at what other stage; and
 - iv. Give a one-paragraph description of the case and your role in it.
- c. **Judicial Experience:** If you are a judge, commissioner, or are serving or have served in another judicial capacity, please describe the nature and extent of your judicial responsibilities:
- i. Include the dates you have served at each level;
 - ii. Identify the types of dockets you have handled; and
 - iii. State any special expertise you have developed that you believe is relevant to your qualifications for the position for which you are applying.
12. 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).

[See attachment #11](#)

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

[American Bar Association](#)
[American Judicature Society](#)

Missouri Bar Association

Young Lawyers Council, Board Member (1992-1996)
Task Force, Children of Divorce Parents (1995)
Gender Bias Task Force (1993-1994)

Bar Association Metropolitan St. Louis

Board of Governor's (1994-1997)
Young Lawyer's Division, Member at Large (1993-1994)
Special Task Force, Minority Exclusion (1993)
Minorities in the Legal Profession, Chair (1992-1993)
Mentor, New Lawyers (1995-present)
Summer Internship Program, Supervisor (1993, 1994, 2007, 2009)

Mound City Bar Association

Boys Scouts Explorer Post, Co-Chair (1991-1995)
Member at Large (1992-1993)
Parliamentarian (1993-1994)

Women Lawyer's Association

Mentor, New Women Lawyers (2000-present)
Judicial Selection Process, Non-Partisan Plan, Speaker (2009)

National Association of Women Judges

The Lawyers Association

National Bar Association

14. 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.

D. PUBLIC SERVICE

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

Autism Society of America-Gateway Chapter (2009-present)
Metropolitan Autism Coalition, Founding Member (2007-present)
YWCA (2007-present)
Sherwood Forest Camp, Advisory Board (2003-present)
Board of Directors (1995-2003)
Sue Shear Institute, Women in Public Life, Faculty Affiliate (1994-2011)
Matthew Dickey's Boys/Girls Club, Sky is the Limit Mentor (1995-2003)
Mentor St. Louis, Jefferson School (1994-2000)
Annie Malone Children's Home Parade, Honorary Marshall

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

No. I have never held an elective or appointed public office or position, other than being appointed Judge under the Non-Partisan Court Plan

17. 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.

Not Applicable

E. PROFESSIONAL CONDUCT AND ETHICS

18. 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

19. 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

20. 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.

No

- 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.

No

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

No

22. 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 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.

In Re Marriage: Thomas B. Gilliam vs. Angela Gilliam, Cause No. 22913-03840, City of St. Louis. Uncontested divorce that was granted December 30, 1991.

23. Have you ever 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 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.

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

No

F. MISCELLANEOUS

25. 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.

I am physically and mentally capable of performing all functions and duties of an appellate judge.

26. 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.

Attached

27. 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 have received awards of recognition for my achievements and commitment to the community from the following groups:

Northwest Academy of Law School, 2008.2009

Missouri Bar Young Lawyers, 1995-1996

Medinah Temple No. 39, 1997

St. Louis Bar Foundation, Distinguished Fellow

Bar Association Metropolitan St. Louis, Summer Internship Program

Bar Association Metropolitan St. Louis, Presidents Award, 1993

Keys to the cities of Cocoa and Rockledge, Florida, 1999

Business Professional Women Foundation, 1995

The Silhouettes of the Middle Western Province, 2004

In addition I have participated as a guest speaker at various high school career days and for many youth organizations. I have assisted with Operation Stand Down Amnesty Program for veterans and the Back-Pack them to School program through Griffin Center.

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. As to all references, it is your responsibility to see that they send the requested letters in a timely manner.

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, by the date indicated in the Instructions to Applicants.

Ronnie L. White, Esq.
Holloran, White
2000 S. 8th Street
St. Louis, MO 63104
314-882-7979
rwhite@holloranlaw.com

Booker T. Shaw, Esq.
Thompson, Coburn
One US Bank Plaza
St. Louis, MO 63101
314-552-6087
bshaw@thompsoncoburn.com

Christopher Bauman, Esq.
120 South Central Ave., Suite 750
Clayton, MO 63105
314-863-1500
cbauman@blitzbardgett.com

Alan S. Mandel, Esq.
1108 Olive Street, Fifth Floor
St. Louis, MO 63101
314-621-1701
amandel@1108law.com

Hope Whitehead, Esq.
5851 Enright
St. Louis, MO 63112
314-609-6705
hopeesq@yahoo.com

Attachment Question 11

I have not argued before the Appellate Courts. However, on October 8, 2003 and April 6, 2005 I served as a Special Judge on the Missouri Supreme Court and concurred in the following opinions:

1. *Kaplan, et al., v. US Bank, NA, et al*, No. SC85341
2. *Utility Service and Maintenance, Inc v. Noranda Aluminum, Inc*, 163 SW 3d 910 (Mo. 2005)
3. *In re Tackett*, 159 SW 3d 846 (Mo. 2005)

While in law school, summer 1983, I worked for William Wynne and was responsible for legal research and writing. In addition, I participated in the civil clinic, through Legal Aid Eastern District of Missouri, and the criminal clinic, through the Public Defender's Office.

Since law school, my career has been in public service. I worked for the Department of Revenue as a Trial De Novo Attorney. I litigated appeals for DWI license revocations and suspensions. I was responsible for legal memorandums of law and drafting discovery request. November, 1995, I transferred to the Missouri Public Service Commission, where I regulated utility companies under the jurisdiction of the Commission. I conducted administrative hearings, advised the Commission on application of regulatory statutes, examined and prepared expert witnesses, and mediated issues regarding rate increases.

I was an Assistant Circuit Attorney from 1986 until 1991. I was responsible for the prosecution of felony murders, assaults, robberies and other general crimes. I second chaired four death penalty cases and tried 25 jury trials to completion. I tried numerous bench trials and several hundred preliminary hearings. In addition, I was in charge of the Grand Jury for four months and reviewed warrant applications for criminal charges and search warrants.

While an Assistant City Counselor for the City of St. Louis, I defended civil litigation in both State and Federal Court. I represented various city agencies in personal injury claims, drafted pretrial and post-trial motions, conducted settlement negotiations and answered discovery request. I also represented the St. Louis Board of Police Commissioners and the Department of Public Safety on civil rights litigation filed under 42 U.S.C. 1983.

Subsequently, I was appointed an Assistant US Attorney for the Eastern District of Missouri, assigned to handle white collar crime. I presented cases to the federal grand jury and worked with various inspectors and agents regarding the investigation of criminal activity.

11b. Sample of cases I tried that demonstrate my trial level experience are as follows:

(1) *Ross v. Schriro, et al.*, No. 4:91-cv-00342-GFG (E.D. Mo. 1991) (George F. Gunn, Jr., J.). Prisoner civil rights suit alleging unconstitutional prison conditions. I was lead counsel representing Defendants. Defendants prevailed.

Calvin Ross represented by Lucy Unger, 10 South Broadway, Suite 1600, St. Louis, MO 63102, Tel (314) 345-5000.

(2) *Brown v. Skaggs, et al.*, No. 4:91-cv-0065-GFG (E.D. Mo. 1991) (George F. Gunn, Jr., J.). In this civil rights case brought under 42 U.S.C. 1983, the plaintiff claimed that the police used excessive force against him. I represented Defendant Board of Police Commissioners and the individually named Defendants. Defendants prevailed.

Tracy Brown represented by Lisa Van Amburg (now judge), Civil Courts Building, 10 North Tucker Street, St. Louis, MO 63101, Tel (314) 622-4401.

(3) *State v. Vernon Brown*, No. 861-2244B, 902 S.W. 2d 278 (Mo. en banc 1995). This was a death penalty case, tried before the Hon. Evelyn Baker. The Defendant strangled a little girl and sodomized two little boys. The Defendant was wanted in many states for child murders. I second-chaired the case and participated in the preparation of the case. The death penalty was upheld.

Lead counsel: Sherri B. Sullivan (now judge, Mo. Court of Appeals), 815 Olive Street, St. Louis, MO 63101, Tel (314) 539-4380.

Defense counsel: Gary Krautmann Public Defender, 372 South Gore, St. Louis, MO 63119, Tel (314) 615-8081.

(4) *State v. Antwoin Owens*, No. 861-2244B (Mo. Circuit Court 1987) (Daniel Tillman, J.). This was a murder case. The Redman's lived above their cleaners with their infant child. The Defendant, with others, murdered the victims with an ice pick and left the baby lying in a pool of blood. I second-chaired the case and assisted with preparation during trial. The Defendant was found guilty.

State lead counsel: Joe Warzycki (now administrative law judge), 3328 West Willow Knolls Drive, Peoria, IL 61614, Tel (309) 689-9710.

Defense counsel: Dorothy Hirzy (deceased.)

(5) *State v. Reginal Powell*, No. 861-3249, 798 S.W.2d 709 (Mo. en banc 1990). This was a death penalty case tried before the Hon. Edward Peek, Missouri Circuit Court, in 1988. The Defendant kicked, stomped, and stabbed the victims to death in an alley. The Defendant claimed that he was mentally retarded and could not understand Miranda warnings. At the post-conviction relief stage, the Defendant's counsel, who had a personal relationship with the Defendant, asserted that she was ineffective. I assisted lead counsel during the trial.

Lead counsel: Anthony Gonzales, now an Assistant U. S. Attorney, P.O. Box 117, Jefferson City, MO 65102, Tel (573) 634-8214.

Defense attorney: Marianne Marxkors. Gave up license. No contact

information found.

(6) *King v. Schriro, et al.*, 4:91-cv-01038 WLH (E.D. Mo. 1991) (William L. Hungate, J.). This was a prisoner civil rights case brought under 42 U.S.C. 1983. The case was dismissed. I was lead counsel.

Defendant represented himself pro se. He was confined at Medium Security Institute, 7600 Hall Street, St. Louis, MO 63147.

(7) *State v. Jerome Littlejohn*, No. 901-599 (Mo. Circuit Court 1991) (Duggan, J., deceased). This was a murder case. The Defendant and the victim were friends. They were drinking. The Defendant left the room, returned, and shot victim in the mouth. I was lead counsel for the State.

Defense counsel: Roger Hibbits, St. Charles, MO.

(8) *Mitchell v. State, et al.*, 4:92-cv-00591 GFG (E.D. Mo. 1992) (George F. Gunn, Jr., J.). This was a prisoner civil rights case under 42 U.S.C. 1983. The court dismissed the case, finding the allegations to be frivolous. I was lead counsel.

Defendant represented himself pro se, Kenneth Mitchell, 945 Gay Avenue.

(9) *McAfee v. Risk, et al.*, 4:94-cv-00493-ERW (E.D. Mo. 1994) (Richard Weber, J.). This was a prisoner civil rights case under 42 U.S.C. 1981 against the individually named Defendants and the City of St. Louis. I represented Defendants and filed a successful motion for summary judgment. I withdrew from the case to take a position with the U. S. Attorney's Office.

Plaintiff counsel: Forris Elliott, 5297 Rock Spring Rd, Lithonia, GA 30038, Tel (678) 418-2985 (disbarred); Gaylord Williams, P. O. Box 4542, St. Louis, MO 63108, Tel (314) 533-3670; and Steven Lewis, 2734 Lafayette, St. Louis, MO 63104, Tel (314) 772-3604.

(10) *State v Brian Jude*, No. 22901-02671, Missouri Circuit Court, Judge John Chancellor (deceased) Tried 1991. Defendant charged with Attempt Robbery 1st. Jury trial. Defendant was found not guilty. I was sole counsel.

Defense counsel: Peter Cohen, 2734 Lafayette, St. Louis, Missouri 63104, Tel (314) 772-9494

11c. **Judicial Experience**

On March 31, 1995, I was sworn in as an Associate Circuit Judge for the 22nd Judicial Circuit, City of St. Louis. On January 3, 2003, I was appointed as a Circuit Judge for the

circuit. Over the course of 16 years I have presided over numerous civil and criminal trials, hundreds of non-jury trials, domestic matters, support cases, debt collections, IV-D cases, Department of Revenue cases and adult abuse matters. Further, I have disposed of thousands of cases by plea disposition or settlement. My criminal trials range from misdemeanors to all types of A,B,C,D and unclassified felonies. The civil trials involved class action litigation, medical malpractice, wrongful death, personal injury, railroad cases (FELA), contract disputes, condemnation proceedings, and insurance matters.

Sample of cases tried as a Judge are:

(1) *State v. Thomas Graham*, No. 021-3882, 204 S.W.3d 655 (Mo. en banc 2006). Defendant, a 71 year old priest, was charged with sodomizing a young boy between January, 1975 and December, 1978. The State indicted the Defendant under Section 563.230 RSMo (1969) that provided no statute of limitation. The Court of Appeals affirmed the constitutionality of the 1969 statute, therefore, I proceeded to trial. The Defendant was convicted by jury and sentenced according to the jury's 20 year recommendation. Defendant appealed directly to the Supreme Court of Missouri, which held that Defendant was subject to a three year statute of limitation under Section 541.200 RSMo. Conviction reversed.

Counsel for State was Assistant Circuit Attorney Ed Postawko, 1114 Market, 4th Floor, St. Louis, MO 63101, Tel (314) 622-4941.

Counsel for Defendant was Christian Goeke, 7711 Bonhomme, Suite 850, Clayton, MO 63105, Tel (314) 862-5110.

(2) *Beldon v. Norfolk Southern Railway Co.*, No. 022-9665, 174 S.W.3d 9 (Mo. Ct. App. 2005) (per curiam). Plaintiff lived in Indiana and worked as a machine operator for his employer, Norfolk Southern. The employer maintained office contact in St. Louis City. Plaintiff was injured at work and alleged that the Employer failed to provide a safe place to work under the Federal Employers' Liability Act (FELA). The case proceeded to trial, and the jury entered a verdict of \$1,100,000.00. The Defendant appealed. The Court of Appeals affirmed.

Counsel for Plaintiff was Roger Denton, 100 South 4th Street, Suite 900, St. Louis, MO 63103, Tel (314) 621-6115.

Counsel for Defendant was David Dick, of Thompson Coburn, One US Bank Plaza, St. Louis, MO 63101, Tel (314)552-6000.

(3) *State v. Edward Crosby*, No. 031-2116, 206 S.W.3d 376 (Mo. Ct. App. 2006) (per curiam). Defendant was charged with two counts of statutory sodomy 1st, one count of statutory rape with a person less than 14, and one

count of incest. I had to conduct a hearing under Section 491.075 RSMo. to determine whether the child victim was competent to testify and whether the statements to others could be introduced as an exception to the hearsay rule. The Defendant was the victim's mother's boyfriend, whom the victim referred to as daddy. The jury convicted the Defendant. I sentenced the Defendant to 22 years on Counts I, II, III and one year on Count V consecutively. The case was appealed and affirmed.

Counsel for State was Assistant Circuit Attorney Erin Granger, 1114 Market, 4th Floor, St. Louis, Missouri 63101, Tel (314) 622-4941.

Counsel for the Defendant was Assistant Public Defender Amy Hagenson, 165 North Meramec, 6th Floor, Clayton, MO 63105, Tel (314) 727-2266.

(4) *Bobby Joe Richmond & Kerry Adams v. Union Pacific Railroad, Chickasaw Container*, Case No. 012-08264 (2004). This case involved a railroad crossing accident. The Defendant, Chickasaw's employee, was operating a tractor-trailer as he crossed Defendant Union Pacific's railroad tracks. The Plaintiffs were operating a train and alleged that the Defendant crossed the tracks after being adequately warned that a train was approaching. The case involved claims under FELA, strict liability, common law negligence and failure to maintain. There were cross-claims and counter claims. Settlement was reached between Plaintiffs during trial with Chickasaw. The Richmond and Chickasaw case proceeded on other claims. On Verdict A counter-claim of Chickasaw v. Union Pacific, verdict for Chickasaw. On Verdict B for contribution and apportionment, the jury apportioned fault 40% Chickasaw, 60% Union Pacific. No appeal.

Counsel for Plaintiffs was Patrick Hagerty, 701 Market Street, Suite 800, St. Louis, MO 63101, Tel (314) 241-4140.

Counsel for Defendant Union Pacific Railroad was Thomas Jones and Harlan Harla, 525 West Main Street, Belleville, IL 62222, Tel (618) 277-4700.

Counsel for Defendant Chickasaw was Ted Perryman and Michelle Funkenbush, One US Bank Plaza, Suite 2300, St. Louis, MO 63101, Tel (314) 421-1850.

(5) *State v. Billy Williams*, No. 981-272A, 46 S.W.3d 35 (Mo. Ct. App. 2001). The Defendant was charged with trafficking drugs 2nd. A consent to search was given by owner of the apartment. The Defendant was observed hiding drugs on a window ledge. I tried the case as an Associate Circuit Judge. The jury convicted the Defendant, and I sentenced him as a prior and persistent offender to 15 years. Appealed and affirmed.

Counsel for the State was Assistant Circuit Attorney Rufus Tate, Jr., 7751 Carondelet, Suite 803, Clayton, MO 63105, Tel (314) 726-6495.

Counsel for the Defendant was Earlyne Thomas, 5542 Page Boulevard, St. Louis, MO 63112-4124, Tel (314) 454-1811.

(6) *Zempel v. Slater*, No. 021-10088, 182 S.W.3d 609 (Mo. Ct. App. 2005). Personal injury case. Father took son on motorcycle ride when they were struck by the Defendant. Son sustained injuries. Mother filed claim for loss of consortium. Personal injury case filed on behalf of son. The jury entered a verdict for Plaintiff on the personal injury negligence claim for \$1,750,000 and on the loss of consortium for \$175,000. The Defendant was found 60% at fault, and the father 40% at fault. The case was appealed due to issue of alcohol consumption. Affirmed.

Counsel for Plaintiff was Jeffrey Lowe, 8235 Forsyth, Clayton, MO 63105, Tel (314) 678-3400.

Counsel for Defendant was Samuel Vandover, 720 Olive, St. Louis, MO 63101, Tel (314) 421-1857 and Harold Whitfield, 701 Market, St. Louis, MO 63101, Tel (314) 241-0763

(7) *Bachman v. AG Edwards, Inc.*, No. 22052-01266-02, 2007 WL 4940781 (Mo. Cir. July 27, 2007). Class action lawsuit where I certified the class to proceed against AG Edwards for breach of fiduciary duty and unjust enrichment. The counts arose from Defendant's receipt of revenue-sharing payments that were not disgorged to Plaintiffs. Case was removed to Federal Court three times on the grounds that Plaintiffs' claim were preempted by the Securities Litigation Uniform Standards Act (SLUSA). The Federal Court transferred the case back to State Court. The parties settled prior to trial. I wrote an opinion denying the Defendant's motion to dismiss. Approval of settlement appealed and pending.

Counsel for Plaintiffs was Robert Blitz, 120 South Central Avenue, Suite 1650, St. Louis, MO 63105, Tel (314) 863-1500.

Counsel for Defendant was Jeffrey Kalinowski, 190 Carondelet Avenue, Suite 600, Clayton, MO 63105, Tel (314) 345-6449.

(8) *Jerry Williams v. Viola Johnson and Ulleseyo Whitehorn v. Jerry Williams and Viola Johnson*, No. 940-7411. Plaintiff Williams was driving a cab taking 3rd Party Plaintiff Whitehorn to work when Plaintiff and Defendant Viola Johnson collided in a motor vehicle accident. Plaintiff sued Defendant for personal injuries and 3rd Party Plaintiff sued both original Plaintiff and Defendant for personal injuries. The Case

involved cross-claims, as well as 3rd party claims and issues of comparative fault. The jury rendered a verdict for Plaintiff for \$25,000 and for 3rd Party Plaintiff for \$25,000. The Plaintiff was found to be 80% at fault.

Counsel for Plaintiff was Mary Pat Schroeder (now Judge), 7900 Carondelet Avenue, Division 32, Clayton, MO 63105, Tel (314) 615-1531.

Counsel for Defendant Johnson was Eric Ruttencutter, 7777 Bonhomme, St. Louis, MO 63105, Tel (314)726-1817.

Counsel for Defendant Whitehorn was Damian Smith, 1221 Locust, Suite 1000, St. Louis, MO 63103, Tel (314) 231-3476.

Counsel for 3rd party Plaintiff Whitehorn was Dan Brown, 1221 Locust, St. Louis, MO 63101, Tel (314) 231-4878.

Counsel for 3rd Party Defendant Williams was Thomas J. Smith, One South Memorial Drive, 12th Floor, St. Louis, MO 63102, Tel (314) 588-7000.

(9) *Robert Baker and Wildwood Financial Group, Ltd. v. Ronald Lester*, No. 012-9614, 158 S.W.3d 856 (Mo. Ct. App. 2005) (per curiam). This case began in Federal Court under Docket No. 4:97-CV-2422 involving the Fair Labor Standards Act (FLSA). That Court ruled Lester was an independent contractor and therefore not entitled to FLSA protections. The party that prevailed in Federal Court then filed a malicious prosecution claim in State Court. Verdict in favor of Plaintiff. Appealed and affirmed.

Counsel for the Plaintiffs was Timothy Phillips and Karen Bolton, 3801 McKelvey Road, Suite 200, Bridgeton, MO 63044, Tel (314) 209-8555.

Counsel for the Defendant John Steward, 225 South Meramec, Suite 925, St. Louis, MO 63105 Tel (314) 725-6060 and John Allan, 4931 Lindell Boulevard, 6E, St. Louis, MO 63108, Tel (314) 361-7100.

(10) *Mary Ann Benes v. Mario Bautista, State Farm, Mark Gehrs, AAA Ins. Co.*, No. 022-11626 (2004). Motor vehicle accident where Defendant Bautista was driving Plaintiff home during a layover. The Defendant and another vehicle engaged in road rage. When the Defendant tried to exit to obtain the license number of the other driver, he was struck by Defendant Gehrs, who was talking on a cell phone. The Plaintiff was injured in the accident but was not treated for two weeks. She subsequently suffered brain bleeds and was seriously injured. The issue in the case was

causation, with the Defendant claiming that the Plaintiff had an aneurysm and not an injury related to the motor vehicle accident. Defendant Gehrs claimed that Defendant Bautista cut him off and that he could stop in time. The Jury returned verdict for Plaintiff for \$1,800,000. Defendant Bautista was found 85% at fault; Defendant Gehrs was found 15% at fault. No appeal. No opinion.

Counsel for Plaintiff was John Anderson, 1007 Olive, 3rd Floor, St. Louis, MO 63101, Tel (314) 621-5534.

Counsel for Defendant Bautista was Gerald Noce, 1010 Market, Suite 500, St. Louis, MO 63101, Tel (314) 621-3431.

Counsel for Defendant Gehrs was Dennis Burns, 720 Olive, Suite 2103, St. Louis, MO 63101 (Tel) 421-1857.

Counsel for AAA was Carl Kraft, 12901 North Forty Drive, St. Louis, MO 63141, Tel (314) 523-6976.

In addition to trying cases, I review warrant applications and search warrants; perform weddings; review and issue petitions for Adult Abuse; conduct post conviction hearings; probation revocation hearings; bond reduction hearings and motion hearings. Further, I coordinated the implementation of EMASS (Eastern Missouri Alternative Sentencing Service) supervision for misdemeanor cases, was appointed to serve on the Supreme Court Ad Hoc Committee on Increasing Cost Collection in the Courts and Chair the 22nd Circuit Courts Operational Support Committee.