

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: James E. Sullivan

1. State your present principal occupation: Drug Court Commissioner, 22<sup>nd</sup> Judicial Circuit
2. Are you at least 30 years of age? Yes
3.
  - (a) How long have you been a citizen of the United States? 60 Years
  - (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? 34 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:

- United States District Court, Eastern District of Missouri
- United States Supreme Court
- United States Court of Appeals, Eighth Circuit

5. State the date you were admitted to the Bar in Missouri? September 1977

Missouri Bar Number: 28494

(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:
  - Southern Illinois University, B.A. with Honors, 1970-1974
  - St. Louis University School of Law, J.D., 1974-1977
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.)

- a) KMA Construction company, Wateska, Illinois, 1970-1974, seasonal laborer.
- b) National Juvenile Law Center, St. Louis University, Lewis Hall, St. Louis, Missouri, 1975-1977, legal intern.
- c) Office of the Public Defender Municipal Court Building, 1320 Market Street, St. Louis, Missouri, September, 1977 to March, 1978.
- d) Office of the Prosecuting Attorney, 1320 Market Street, St. Louis, Missouri, March, 1978 to December, 1978
- e) Office of the Circuit Attorney, 1320 Market Street, St. Louis, Missouri, January, 1979 to April, 1982.
- f) Riezman & Blitz, 120 South Central, Suite 1028, Clayton, Missouri, April, 1982- June, 1984.
- g) St. Louis Municipal Court, Office of the Mayor, Room 200, City Hall, Tucker at Market, St. Louis, Missouri, June, 1984 to August, 1993, May, 1997 to August, 2003.
- h) St. Louis Board of Police Commissioners, City of St. Louis, Hearing Officer, Tucker at Spruce, St. Louis, Missouri, May, 1996 to May, 1997.
- i) Sullivan & Beck, 1370 McCausland Avenue, St. Louis, Missouri, June, 1984 to August, 2003.
- j) 22<sup>nd</sup> Judicial Circuit, City of St. Louis, 1114 Market Street, Room 526, St. Louis, Missouri, 63101, August 2003 to 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.

- (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.

During my tenure which began in August, 2003, as a Drug Court Commissioner in the 22<sup>nd</sup> Judicial Circuit, the Drug Court has enhanced its effectiveness by adhering to evidence based practices, those peer reviewed techniques which result in greater beneficial results. For example, the co-occurring docket which I implemented in November, 2003, enables drug offenders with a severe mental illness to access treatment for both disorders simultaneously and wrap around supportive services. Furthermore, the capacity to divert more non-violent drug addicted defendants from the Department of Corrections has increased during my tenure by the creation and implementation of a Post-Plea Docket and Probation Revocation Docket. In January, 2010, I established the first circuit level Veterans' Treatment Court in Missouri which collaborates with the Veterans Administration and a Veterans' Mentor Group for the benefit of those men and women who have served our country. The Medication Assisted Treatment (MAT) docket was created in March, 2012, and designed for addicts who desire a substance abuse treatment protocol that makes use of cutting edge medications in combination with counseling and behavioral therapy to provide a whole-patient approach to the treatment of substance use disorders. In April, 2012, I implemented a drug court docketing system which utilizes an evidence based assessment tool that categorizes the severity of a defendant's risks and needs, rather than the status of the defendant's criminal case. In addition to creating, modifying and interpreting drug court policy and procedures, my duties include conducting daily dockets; granting incentives and sanctions, including jail terms; dialogue with judicial officers, attorneys, treatment providers, and probation and parole officers regarding a defendant's participation; presiding over the defendant application process; termination decisions and recommendations for bond settings. When sitting in the Family Drug Court, my responsibilities including Probable Cause hearings, Adjudication and Disposition hearings, and drafting recommended findings.

In addition to the above duties, since May, 2009, the Missouri Supreme Court has authorized me to perform my duties of Drug Court Commissioner in the 45<sup>th</sup> Judicial Circuit, Lincoln and Pike Counties. I preside over its Adult Drug Court, Family Drug Court, Co-Occurring docket, and DWI Dockets.

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.  
USA V. Anthony Caldwell, No: 90-2857 (EM) United States District Court of Appeals, Eighth Circuit, Petition for Writ of Certiorari denied, prepared and argued appeal.
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

As a direct result of case referrals from clients, former clients and other attorneys, I have been admitted in the states of Illinois, California, Ohio, New Mexico, and Texas, pro hac vice basis, and represented clients in criminal and civil matters in federal and state courts.

CASES TRIED WITHIN 5 YEARS OF BECOMING DRUG COURT COMMISSIONER

FISHER v. WESTWOOD, Cause No. 982-418, 1999, City of St. Louis Circuit Court, Frank Susman, Susman, Schermer, Rimmel & Shifrin, 7711 Carondelet, Clayton, Missouri, represented plaintiff. Jury trial before the Honorable Margaret Neill in which my client was sued for alienation of affections of plaintiff's former wife. Issues involved abortion; adulterous affairs in previous marriage by plaintiff and his ex-wife; and loss of consortium. Defendant's verdict. Sole counsel for Defendant.

STATE OF NEW MEXICO v. ESTRADA, Cause No. CR98-0004222, 1999, Second Judicial District Court, County of Bernalillo, State of New Mexico. Erlinda Hackett, Assistant District Attorney, 111 Union Square SE, Albuquerque, NM, represented the State of New Mexico during a jury trial before the Honorable Frank Allen. Defendant was charged and convicted of threatening to kill a witness who had previously testified in a criminal trial in which defendant had been convicted. Defendant was sentenced to four years. First chair for Defendant.

VEHLEWALD v. VEHLEWALD, Cause No. 621345, 1999, St. Louis County Circuit Court, J. Patrick Wining, 13100 Manchester, Suite 214, St. Louis, Missouri, represented the respondent. Contested bench trial before the Honorable Colleen Dolan in which my client attempted to terminate maintenance and require estranged daughter to participate with movant in counseling. The maintenance was reduced and requested counseling ordered. Sole counsel for Petitioner.

SCOTT v. SCOTT, Cause No. 923-02708A, 2000, City of St. Louis Circuit Court, Craig G. Kallen III, 240 Long Road, Suite 230, Chesterfield, Missouri, represented the petitioner. Contested bench trial before the Honorable Thomas Frawley in which petitioner requested court's permission to relocate to Michigan. My client, the respondent, contended said move was not in the best interests of the parties' minor daughter and frustrated his temporary custody rights. Judgment rendered in favor of petitioner.

BAXTER v. BAXTER, Cause No. CV198-3907 DFJ, 1999, Circuit Court of Jefferson County, Glen Gammill, 222 South Central, Suite 1004, Clayton, Missouri, represented respondent. Contested dissolution of marriage bench trial before the Honorable Dennis Kehm. Issues involved denial of maintenance in light of respondent's alleged marital and financial misconduct during twenty-four year marriage and disproportionate award of marital assets in light of same. Court denied maintenance and awarded client approximately sixty five percent of the marital assets. Sole counsel for Petitioner.

STATE OF MISSOURI v. MADREY, Cause No. 961-903, 1997, city of St. Louis Circuit Court. Mr. Douglas Pribble, Assistant Circuit Attorney, 1320 Market, St. Louis, Missouri represented the state in a bench trial before the Honorable Michael David. Defendant was acquitted of illegal possession of marijuana in light of the court ruling that the police had an insufficient basis to make their initial 4<sup>th</sup> Amendment intrusion. Sole counsel for Petitioner.

CASSIN v. CASSIN, Cause No. 964-00021, 1997, City of St. Louis Circuit Court. Robert J. Schaeffer, Schaeffer, Kruse & Rienker, 200 S. Bemistion, Suite 310, Clayton, Missouri represented plaintiffs in bench trial before the Honorable Joan Burger. Plaintiffs alleged that my client breached a fiduciary duty with a relative decedent and wrongfully converted majority of decedent's assets to client's own benefit, to the exclusion of Plaintiffs' expectancy. Judgment for Defendant. First chair for Defendant.

As a Police Board Hearing Officer, I conducted hearings and drafted a suggested order which was not accepted by the Board of Police Commissioners. However, the Honorable Phillip Heagney in Hargas v. Anne-Marie Clark, et al. Cause No. 974-1176, 1999, reversed the board's decision, citing my legal analysis and adopting my recommendation.

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:

Foster v. Perez, et al, CN.BC211088 Superior Court of Los Angeles, 2000. A convicted federal prisoner sued co-counsel and me relative to our handling of an alleged civil rights violation which reportedly was committed by members of various law enforcement agencies during the criminal investigation that led to his 25 year jail sentence. The case against all defendants was dismissed with prejudice by the trial court on pre-trial summary motions. Sullivan v. Sullivan, CN.8030071 City of St. Louis, Uncontested Dissolution of Marriage, 1980.

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? No  
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. 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:

(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:

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

Missouri Bar, September 1977; United States District Court, Eastern District of Missouri, 1982, Lead Panel Member, 2002; United States Supreme Court 1987; United States Court of Appeals, Eighth Circuit 1991; National Association of Criminal Defense Attorneys, 1992-2003; Missouri Association of Criminal Defense Attorneys, 1991-2003; Missouri Association of Municipal and Associate Circuit Judges, 1988; National Association of Drug Court Professionals, 2003; Missouri Association of Drug Court Professionals, 2003.

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

St. Gabriel's Church, member; Community Advisory Board member for Washington University School of Medicine's Institute of Clinical and Translational Sciences, 2008 to present, National Alliance for the Mentally Ill, board member 2005-2006.

21. Do you now hold or have you ever held any elective or appointive public office or position?  
Yes

If yes, provide details:

I was appointed a Municipal Court Judge for the City of St. Louis by Mayor Vincent Schoemehl in 1984 and reappointed in 1985 and 1989. In May, 1997 Mayor Clarence Harmon appointed me as a Municipal Judge. In June, 1999, my fellow Municipal Court

Judges elected me as the Administrative Judge. In May, 2001, Mayor Francis Slay appointed me as a Municipal Court Judge and I resigned effective August, 2003, upon being appointed by the 22<sup>nd</sup> Judicial Circuit en banc to the position of Drug Court Commissioner. In August, 2007 and again in August, 2011, I was reappointed by the 22<sup>nd</sup> Judicial Circuit to my current position.

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: None
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:

In March, 2012, the Missouri Association of Drug Court Professionals bestowed its highest honor, the Claire McCaskill Award, to me for my dedication and vision to drug court.

Community Alternatives, a community non-for-profit agency dedicated to providing mental health services to people in need, awarded me its 2008 "Person of the Year Service Award" in recognition of my efforts to decriminalize mental illness.

The National Alliance of the Mentally Ill presented me its Silver Anniversary Award in November, 2003, in appreciation of the creation and implementation of the Mental Health Court and ongoing efforts to decriminalize mental illness.

The City of St. Louis Mental Health Board of Trustees presented me the 2001 Vanguard Award in recognition of my development and creation of the first Mental Health Court in the state of Missouri.

In 2000, City of St. Louis, Mayor Clarence Harmon awarded me a "Certificate of Recognition" for the innovative and visionary court programs developed by me during my tenure as the Administrative Judge, St. Louis Municipal Courts.

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:

Hon. William R. Price, Jr., Esq.  
Armstrong Teasdale LLP  
7700 Forsyth Blvd., Suite 1800  
St. Louis, MO 63105  
(314)621-5070

Mr. John Hessel, Esq.  
Lewis, Rice & Fingersh  
600 Washington Avenue  
St. Louis, MO 63101  
(314) 444-7735

M. Keithley Williams, Esq.  
22<sup>nd</sup> Circuit Court  
Drug Court Administrator  
1114 Market  
St. Louis, MO 63101  
(314) 622-4924

Mr. Richard D. Watters, Esq.  
Lashly & Baer, P.C.  
714 Locust Street  
St. Louis, MO 63101  
(314) 436-8350

Mr. Paul Hetterman, Esq.  
Bartley Goffstein, LLC  
4399 Laclede Avenue  
St. Louis, MO 63108  
(314) 531-1054

25. State any additional data you deem relevant:

Two different Chief Justices of the Missouri Supreme Court have appointed me to serve as the Drug Court Commissioner in out-state jurisdictions. Then Chief Judge William R. Price directed that I serve the judiciary in the 45<sup>th</sup> Circuit as of May, 2009, as the Drug Court Commissioner and I have been reappointed to serve in that capacity through December, 2012. When the judiciary in the 12<sup>th</sup> Circuit, Warren County, had need for assistance with judicial coverage of its drug court dockets, Chief Judge Richard Teitelman appointed me in 2011 to assist that circuit temporarily until necessary coverage could be obtained.

Further, the following judicial related activities reflect my willingness and desire to improve the quality of the judiciary and our community.

Judicial Related Activities:

- Panelist, National Association of Drug Court Professionals, Annual Conference, Nashville, TN. May 30, 2012.
- Panelist, Office of the State Court Administrator, "Implementing RANT", Frontenac, MO. April 23, 2012.
- Panelist, National Association of Drug Court Professionals, Annual Conference. "Does

- Science Deliver? Findings from Courts Using Vivitrol.” Boston, MA. June 2, 2010.
- Presenter, Missouri Association of Drug Court Professionals Conference, “Creation of Veterans Treatment Courts,” Lake of the Ozarks, Missouri, March 25, 2010.
  - Presenter, Montana Drug Court Conference, “Creating and Implementing Co-Occurring Dockets.” Butte, Montana, August 21, 2008.
  - Panelist, National Association of Drug Court Professionals, Annual Conference. “Hope for the Mentally Challenged Addict.” St. Louis, MO. May 28, 2008.
  - Presenter, National Association of Drug Court Professionals, Annual Conference, St. Louis, MO. May 28, 2008.
  - Speaker, Missouri Association of Drug Court Professionals Conference, “Therapeutic Justice for Judges,” Lake of the Ozarks, Missouri, in April, 2005.
  - Participant, The National Judicial College course of “Co-Occurring Mental and Substance Abuse Disorders,” Reno, Nevada, in September, 2004.
  - Participant, Office of the State Court Administrator, “New Judge Orientation,” Jefferson City, Missouri, in February, 2004.
  - Participant, National Drug Court Institute, “Comprehensive Drug Court Judicial Training,” Reno, Nevada, in October, 2003.
  - Participant, Department of Mental Health and the Office of State Courts Administrator, focus group for development of Mental Health Courts in State of Missouri, December 6, 2002, in Jefferson City, Missouri.
  - Speaker, HRC’s 4<sup>th</sup> National Harm Reduction Conference, Seattle, Washington, December 3, 2002.
  - Presenter, Municipal Judicial Education Fall Seminar. October 25, 2002.
  - Speaker, Partnership for Success Career Fair, October 23, 2002, University of Missouri, St. Louis.
  - Member, Committee on Courts and Community Collaboration, Supreme Court of Missouri, 2002-2003.
  - Member, Municipal Court Judicial Education Committee, Supreme Court of Missouri, 2001-2003.
  - Presenter, 14<sup>th</sup> Annual National Conference on Social Work and HIV/AIDS, New Orleans, Louisiana, June 1, 2002.
  - Presenter, Municipal Judicial Education Fall Seminar, November 2, 2001.
  - Presenter, Missouri Department of Mental Health, Division of Alcohol and Drug Abuse and Division of Comprehensive Psychiatric Services, 2001 Program Directors Conference, September 19, 2001.
  - Presenter, 3<sup>rd</sup> National Women’s Conference, Orlando, Florida, June 19, 2001.
  - Presenter, Missouri Association of Municipal and Associate Judges Conference, May 23, 2001.
  - Keynote speaker, Alliance for the Mentally Ill, NAMI St. Louis Annual Meeting, May 20, 2001.
  - Participant, Center for Disease Control sponsored program at the Hampden County Jail, Ludlow, Massachusetts, April 2001.
  - Panelist, Washington University in St. Louis School of Law, Law and Social Work Class relating to prostitution drug court, March 28, 2001.
  - Presenter, FOCUS Leadership St. Louis, November 17, 2000, regarding neighborhood court

programs.

- Member, Metropolitan St. Louis AIDS Task Force 1987-1990; Executive Committee, Legal Committee Chairman, 1989.
- Volunteer, annual Homeward Bound Services Fair benefiting the homeless.
- Volunteer, annual Saint Louis Area Stand Down Project benefiting homeless veterans.
- Speaker at numerous neighborhood organizations and schools regarding court initiatives and programs.