

**SIXTEENTH CIRCUIT JUDICIAL COMMISSION  
JACKSON COUNTY, MISSOURI  
APPLICATION FOR CIRCUIT JUDGE**

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

1. State your full name.

Mary Frances Weir

2. State your date and location of birth.

September 30, 1961 in Buffalo, New York.

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

Attorney – Law Office of Mary F. Weir.

Of Counsel – Raith Law Firm.

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 a reasonable accommodation, to perform the essential functions of a Circuit Judge, including the ability to preside over



trials, 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.

Yes. I am able, without accommodation, to perform all of the above-referenced duties.

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.

1995 – Always in good standing.

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

State of Kansas, 2006 -- always in good standing however, I keep my license inactive.

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

(a) Name and location of institution

University of Missouri – Kansas City

Erie Community College – Buffalo, NY

State University of NY at Buffalo, NY

(b) Dates attended and degrees received

UMKC: 1998-1991 - Bachelor of Arts (Political Science)

Erie Community College – 1979 – attended one semester

State University of NY at Buffalo -- 1980 – one semester

(c) Significant activities, achievements, honors, and awards

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

(a) Name and location of law school

Washburn University School of Law – Topeka, KS

(b) Dates attended and degrees received

1992-1995: Juris Doctorate

(c) Significant activities, achievements, honors, and awards

I worked as a law clerk for the Director of Administrative Hearings for the Department of Social and Rehabilitative Services while I was in law school.

I worked in the Washburn School of Law legal clinic representing indigent clients in divorces and orders of protection (similar to a Rule 13 law student).

During the summer of my first year in law school, I volunteered as an intern for Project Assist with Legal Aid of Kansas City in their domestic unit.

10. State whether you have ever been suspended or expelled as a student from any school or educational institution. If so, please explain.

No.

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.

State of NY Developmental Center, West Seneca, NY, 14224 – food service, 1978-1981. This was a facility for the mentally handicapped run by the State of New York. I worked here during high school and after graduation from high school in 1979. I served meals to the child and adult residents of the facility and worked with those higher functioning residents in teaching them to assist with tasks. I left in 1981 when I moved to the State of Florida.

Morrison's Cafeteria – Tampa, Florida. Baker. 1981-1982. Left to work at the Florida Consumer's Federation.

Florida Consumers Federation/Florida Consumers Action Network, Tampa, Florida – 1982-1985. I worked as a canvasser/community organizer in the Tampa office. The organization, a not-for-profit, worked to empower consumers through public awareness, consumer education, and coalition-building. We organized people around land use, environmental issues and consumer protection. Left to become the canvass director for the Missouri Coalition for the Environment – Kansas City Office.

Missouri Coalition for the Environment – Kansas City Office. 1985-1987. Staff Director. The Coalition is a non-profit organization that works to educate and organize citizens to protect the natural resources in the state. I was responsible for hiring and training canvassers to fundraise and organize citizens around environmental matters both statewide and locally. Among the accomplishments of the Coalition we helped draft and lobby for the passage of the Missouri State Superfund Law, Worker Right to Know Laws, and Community Right to Know Laws. I left in 1987 to attend UMKC to obtain my undergraduate degree with the intention of going on to law school.

Antonio's Restaurant – 31<sup>st</sup> and Main, Kansas City, Missouri. Waitress. 1989-1991. I worked part-time as a waitress while I attended UMKC working on my undergraduate degree.

Kansas Department of Social and Rehabilitation Services. Law Clerk, 1993-1995. While in law school I was the law clerk for the director of Administrative Hearings for SRS. My duties included legal research and writing and assisting the hearing officers in interpreting and applying state and federal rules, regulations, statutes and principles of law in preparation for administrative orders and decisions. I also prepared monthly summaries of significant case decisions.

Law Clerk for the Honorable Christine Sill-Rogers, Division 31 of the 16<sup>th</sup> Judicial Circuit. September 1995-April 1998. I researched and drafted orders on pre-trial and post-trial motions. I attended pre-trial conferences, hearing and trials.

Assistant Public Defender for Missouri State Public Defender's Office, Trial Division. May, 1998- January 2001 – Represented clients charged with misdemeanors and felonies in criminal proceedings to include preliminary hearings, misdemeanor and felony plea dockets, trials, and probation violations.

Private Practice, Law Office of Mary F. Weir. January, 2001 to present. I work as a contract attorney with Hope House, Inc., a domestic violence agency, through a Legal Assistance for Victims Grant from the Office on Violence Against Women. Initially, I began working as a contract attorney representing only clients of Hope House. In 2004, we expanded the program to provide representation to the client's of three other local domestic violence programs, Rose Brooks, Inc., Synergy Services, Inc. and the Nuevo Dia program through the Mattie Rhodes Center. I represent victims of domestic violence in order of protection hearings, divorces, paternity actions, child support, civil contempt and other civil matters that may arise.

Adjunct Professor of Law. UMKC School of Law. 2004 to present. I began co-teaching the Family Violence Seminar class with Associate Dean Barbara Glesner-Fines in 2004. Through this class I also supervise student volunteers and interns in my office. I was officially named as an adjunct professor in 2008.

Raith Law Firm, Of Counsel. January, 2009 to Present. I represent adults and juveniles in delinquencies and abuse/neglect matters. Served as juvenile defense counsel to those juveniles assigned to the Juvenile Drug Court in front of Commissioner Molly Merrigan.

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 a law student when I represented indigent clients through the Washburn School of Law Legal Clinic in divorce proceedings and in seeking orders of protection (Protection from Abuse Orders in KS).

Following graduation I served as the law clerk for the Honorable Christine Sill-Rogers and was afforded the opportunity to observe many trials which sharpened my understanding of evidence and procedural rules.

Since that time I have represented clients in criminal, civil, family law and juvenile matters. My litigation experience has included bench trials, jury trials, appellate work, and administrative hearings.

During my tenure as a public defender I learned to effectively manage large dockets such as preliminary hearing dockets, probation violation dockets, and dockets in both the fathering court and the adult drug court. In addition, I was assigned my own caseload of misdemeanor and felony cases. At that time, our office was staffed with high-level attorneys and therefore much of my trial work was as a "second chair" to the lead attorney in felony cases. This permitted me to hone my trial skills as I assisted in developing voir dire, cross-examination, jury instructions, and opening and closing arguments.

As for my own cases, I was responsible for preparing each case as if it were going to trial. That involved taking depositions, interviewing witnesses, preparing cross-examinations and direct examinations, creating voir dire, writing proposed jury instructions, and opening and closing arguments. While most of my trial cases resulted in a plea agreement, I had fully prepared many of those cases for trial. In one case, we had picked our jury and proceeded to hearing on my motion in limine to exclude the breathalyzer test that was the basis for my client's felony DWI charge. After I finished questioning the police officer who administered the breathalyzer test, Judge Lee Wells sustained my motion in limine, threw out the results of the test and the felony charge was dismissed. Judge Wells then admonished my client "that he should feel very fortunate as his attorney did a very good job and this was only the second such motion he'd granted during his long tenure on the bench." My client then pled to the remaining misdemeanor DUI charge and the jury was dismissed. While we never went beyond voir dire on this felony case it reminded me how important it is to investigate every case to the best of my ability despite how iron clad the allegations may seem.

In one of my first cases after starting with the Public Defender's office, I was assigned to represent an individual in the appeal of the trial court's denial of his motion for conditional release. The client had previously pled not guilty by reason of mental disease or defect to the charges of second-degree murder and armed criminal action and was committed to the custody of the Department of Mental Health. I had never handled an appellate case before and was informed by my supervising attorney that this case would "probably not go anywhere". I succeeded in obtaining a remand to the trial judge from the Western District Court of Appeals and after a bench trial, vigorously contested by the Prosecutor's office and involving various mental health experts, my client was granted the conditional release.

In 2001, I left the Public Defender's Office and began my private practice when offered a contract with Hope House, Inc., a local domestic violence shelter program, which had received a grant from the federal Office on Violence Against Women to provide legal representation in civil legal matters to their clients. Initially, Hope House sought to hire me as an employee. I contacted the Disciplinary Counsel to ensure that such an arrangement would be permissible pursuant to the Rules of Professional Responsibility and was informed through an informal opinion that such an arrangement would constitute Hope House engaging in the unlawful practice of law. Given the informal opinion, I became a contract lawyer with Hope House. Nonetheless, I sought a formal opinion from the Advisory Committee of the Missouri Supreme Court because I believed that such third party arrangements for legal services would increase access to courts for many people who otherwise lacked the resources and sophistication to pursue legitimate legal claims. In 2006 the Committee issued their formal opinion allowing employment of attorneys by nonprofit agencies such as Hope House to provide legal services for their clients. This made new law for lawyers in Missouri and I believe, greatly improves legal access for some of the most vulnerable citizens of Missouri.

Since becoming a contract attorney with Hope House in 2001, I have provided representation and/or consultation to victims of domestic violence in thousands of cases involving a vast array of legal issues including Orders of Protection; Legal Separation; Dissolution of Marriage/Custody; Paternity/Custody; Child Support; Immigration; Housing; Civil Contempt and Name Changes. In 2004, I expanded my representation to include the client's of Rose Brooks, Inc., Synergy Services, Inc., and the Nuevo Dia program through the Mattie Rhodes Center. This work has required me to handle a heavy caseload that often includes complicated, emotionally charged issues. While my caseload is heavy, it does not detract from my commitment to provide each client with effective, competent and zealous advocacy.

In 2004, I successfully fought to quash a subpoena to Hope Hose, Inc. for the records of a former shelter client that were being sought by the Juvenile Officer at the Jackson County Family Court. Though I lost at the trial court level I was convinced that there was a conflict between the relevant statutes that required a decision from a higher court. The Western District Court of Appeals summarily denied my request for relief, but the Missouri Supreme Court then granted certiorari. I prepared for my argument before the Supreme Court by holding a mock hearing before several attorneys and law professors.

These legal experts all felt that my chances of prevailing were slim. The law seemed settled. The Missouri Supreme Court, however, found in my client's favor. This case made new law and has been discussed at national conferences on domestic violence and cited in at least one Colorado criminal case.

I also represent juveniles in delinquency proceedings at the Family Court as well as parents in abuse and neglect proceedings. Most of this work comes from my affiliation with the Raith Law Firm, which has contracted with various firms throughout the city to provide representation in juvenile matters for the lawyers in their firms who have received a family court appointment. As the appointed counsel for juveniles assigned to the Family Court's drug court program I've not only provided legal representation, but I've also been a part of the treatment team assessing the outcomes from substance abuse treatment.

There are many cases involving children in order of protections, divorces or paternity actions wherein the Court is required to appoint a Guardian Ad Litem to represent the kids. In many of these cases, the parents may not have the funds to pay the legal fees of a Guardian Ad Litem. Throughout the years, I have served on many of these cases as the Guardian Ad Litem for the Court and waived any request for fees. In this manner I feel I have provided a much needed service to the Court while providing the children of these actions with a zealous advocate.

I believe the quality of my work is best reflected by the referrals I receive for legal assistance. I routinely receive referrals for legal representation from judges, commissioners, social workers, members of the clergy, law enforcement, social service workers, prosecutors, public defenders, mental health professionals, and fellow lawyers. I believe my reputation in the legal community is that of an effective, professional, caring and compassionate lawyer.

In addition, I believe the quality of my work is reflected by the requests I receive to speak at various forums. I am often asked to present at conferences and/or trainings on issues ranging from expert witness testimony, evidence, confidentiality matters, Guardian Ad Litem trainings, domestic violence, lethality, custody, orders of protection and issues related to the co-occurrence of domestic violence and child abuse.

13. Provide a representative list of at least ten 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.

**State v. Rawlings, CR87-0625**, Div. 13 of the 16<sup>th</sup> Judicial Circuit Court of Missouri. (1999).

As listed herein, I represented Gary Rawlings at the Missouri Court of Appeals Western District and obtained a remand to the trial court on the denial of his conditional release from the custody of the Department of Mental Health. Upon remand, I represented Mr.

Rawlings, in a bench trial on his application for a ninth conditional release. Mr. Rawlings had previously entered a plea of not guilty by reason of mental disease or defect to the charges of second-degree murder and armed criminal action resulting in the death of his girlfriend and had been committed to the custody of the Department of Mental Health. He had been granted eight previous conditional releases but was revoked on his eighth release. This was a highly contested bench trial that involved competing expert mental health witnesses and the application of RSMo 552.040. The trial court granted Mr. Rawlings his ninth conditional release.

**In re the Marriage of Mohti v. Othman**, Div. 3 of the 16<sup>th</sup> Judicial Court of Missouri. Judgment entered October 17, 2011, amended December 20, 2011.

I previously represented the wife in obtaining a full order of protection against her husband (**In re the Matter of Othman v. Mohti, 1016-FC08699**, Div. 3 (10/6/10)). Upon being served with his ex parte order of protection, the husband filed a petition for a child order of protection claiming the wife was abusive to the child and a flight risk (**In re the Matter of Mohti v. Othman, 1016-FC08790**, Div. 3 (10/6/10)). I defended the wife in this case. A Guardian Ad Litem was appointed to represent the minor child. The Guardian Ad Litem did not support the allegations of the father. A three hour trial was held on the orders of protection. The husband's petition was dismissed and the wife's petition was granted. The divorce involved issues such as the interpretation of a "dowery", significant financial issues, contested custody and division of property. This was a complicated case as the domestic violence issues included emotional and financial abuse, which aren't as identifiable as is physical abuse. During the proceedings I discovered that the husband had transferred substantial amounts of marital funds to a foreign country. The trial court made detailed findings of the control and emotional and financial abuse the husband exerted over the wife and granted her a significant property distribution as well as sole legal custody of the minor child and joint physical custody in line with what the wife had proposed.

The husband then filed a post-trial motion seeking pursuant to RSMo 451.020 to declare the marriage invalid as the parties, born and married in the Country of Lebanon, were first cousins and/or to declare that the Court was without jurisdiction to dissolve a Sharia marriage. I filed an extensive response to this post-trial motion. The trial court denied the husband's motion and he then filed an appeal. I also represented my client in the appeal, which the husband ultimately dismissed.

**In re the Matter of Ambriz v. Aigaer 02FC209399**; and **In re the Aigaer v. Ambriz 02FC204429**, Div. 7 of the 16<sup>th</sup> Judicial Circuit Court of Missouri. 2002.

I represented Ms. Ambriz in her petition for an order of protection and defended her in a child order of protection case her husband filed against her. My client had fled the State of Missouri to California to escape her husband's abuse. He hired a private investigator in California to locate my client. The private investigator became alarmed at the actions of the husband and ultimately went to the California court and notified them that he believed the woman and child were in danger. My client was served with the Missouri ex parte on the child order of protection and returned to Jackson County with the child to appear in court. Based on the statements of the private investigator and the history of prior abuse, my client filed a petition for an order of protection against the husband upon

her return to Missouri. The cases were then referred to me by one of the domestic violence shelters. I contacted the private investigator in California regarding the actions of the husband and arranged for him to testify in the pending cases and to make contact with the court appointed Guardian Ad Litem to relay his concerns. After a trial involving multiple witnesses, the child order of protection (02FC204429) was denied on 8/29/02. The husband then filed a divorce/paternity action. My client was granted a full order of protection against her husband on 10/10/02. Shortly afterward, the husband, who was not to leave the metropolitan area with the child, was spotted at the Kansas City airport with the minor child. I was notified of this and discovered that the father had gone back to the Court and again filed a petition for a child order of protection, this time claiming sexual abuse by the mother to her daughter. He did not include that there was a divorce/paternity action pending, which would have prevented him from being granted an ex parte order and obtaining a fraudulent custody order from the Court. As I was out of state, I was coordinating with my coverage attorney to direct our response as time was clearly of the essence. We determined we needed to immediately file a motion to set aside his ex parte order and we contacted the father's attorney, who gave us the flight number of the father and his destination. We then contacted the attorney for the juvenile officer who was able to enlist the help of homeland security. When the father's flight landed in Washington, D.C., he was taken into custody and the child was returned to her mother.

**In the Interest of P.M.M.** Div. 41 of the 16<sup>th</sup> Judicial Circuit Court of Missouri. (October 1, 2009).

I was appointed to represent a juvenile, P.M., charged with felony Tampering 1<sup>st</sup> degree and Driving without a License. My client was identified by the victim at court, however, I believed the identification and other evidence pointing to my client were less than credible so a bench trial was held. The trial Court found the attorney for the juvenile officer failed to prove the allegations beyond a reasonable doubt and the charges were dismissed.

**In re the Marriage of Vega.** 0616FC06772, Div. 31 of the 16<sup>th</sup> Judicial Circuit Court of Missouri. October 4, 2007.

This was a high lethality, contested divorce that I tried on behalf of the mother. My client was an immigrant whose husband was extremely, physically abusive. I previously represented her on May 31, 2005 in a contested order of protection case, **0516-FC03780** in Div. 31, wherein she was granted her full order of protection, sole custody of the children and her husband was ordered to complete a batterer's intervention program. I again represented her in subsequent orders of protection cases against her spouse, **0616-FC05753** and **0616-FC05753-01**, both in Div. 31, disposed of on 8/16/06 and 8/27/07, respectively. This was a unique divorce in that I argued that the severity of the abuse and the lethality presented warranted the Court granting sole legal and sole physical custody of the children to my client, with no visitation to the husband and I requested that the relocation provisions of RSMo 452.377 be waived so that my client could relocate with the minor children for their safety. The Court granted this relief to my client.

**In re the Marriage of Riley, 04FC206218-01**, Div. 31 of the 16<sup>th</sup> Judicial Circuit Court of Missouri. Judgment entered on May, 12, 2009.

I was appointed in May of 2008 to serve as the Guardian Ad Litem for the minor child, age 11, in a motion to modify visitation filed by his father. The father had recently been released from prison having served time on multiple counts of assault, kidnapping and felonious restraint wherein the ex-wife was the victim. The father also had a serious history of substance abuse. I met with all parties on numerous occasions and spoke with other witnesses including the adult children of the parties and his parole officer. Upon my recommendation, the Court ordered the father to complete the Batterer's Intervention Program through Synergy Services while the case was pending. The father was willing to comply with all court orders so that he could visit with his son. I monitored the father's progress at the batterer's program and recommended we begin supervised visits with his son as it had been many years since the child had seen his father. The mother was guarded about the father's contact with his son but also did not want to deprive him of his dad. I believed and the court agreed that we needed to not rush this case as we needed time to gauge the father's commitment to remaining clean from illegal substances and to monitor his engagement in the batterer's program. I received reports that the father was "absolutely taking responsibility for his actions towards the mom and actually being a leader at the program." I found this to be consistent with my conversations with the dad who had relayed to me that "I can't imagine anyone doing to their wife what I did to her." Given the serious history of abuse, the mother remained resistant to any joint custody arrangement with the father and the father understood this. I recommended to the parties that the mom continue to have sole legal and sole physical custody of the minor child and that dad have unsupervised visitation with him. I also recommended that dad have access to the child's medical and educational records so that he could be engaged in the child's life without having contact with the mother. The parties agreed to this parenting arrangement and the matter was submitted to the Court. The Court accepted this parenting plan as being in the best interest of the minor child and entered judgment accordingly.

I do want to note that the father in this case not only completed the batterer's intervention program but went on to volunteer at the program and even appeared in a video for the Kansas City Missouri Prosecutor's Office, Domestic Violence unit that encouraged victims of domestic violence in their efforts to escape abuse.

**In re the Matters of Rodriguez v. Rodriguez, 0916-FC04165**, Div. 30 of the 16<sup>th</sup> Judicial Circuit Court of Missouri. 2010.

This was another high lethality situation in which I represented the wife in her order of protection cases against her husband and in her divorce. After the husband was served with the original ex parte order of protection he started the marital home on fire in which the wife and minor children resided. The husband was charged with felony Arson and Violations of the Order of Protection. Through his attorney he consented to the original order of protection on 5/19/09 and then contested the extension of that order, which was granted on 5/25/10. In both order of protection cases, my client was ordered to have sole custody of the children with the husband receiving supervised visitation.

I then represented the mother in her divorce proceeding, **0916-FC07384**, which was entered by affidavit on July 26, 2010 in Div. 60 and granted the mother sole legal and

sole physical custody of the minor children with supervised visitation for the father.

**In re the Matter of Cavanaugh, 04FC200253.** Div. 31 of the 16<sup>th</sup> Judicial Circuit Court of Missouri. February 17, 2004. This was a contested order of protection case in which I represented the immigrant wife. We sought temporary maintenance pursuant to RSMo 455.050 as my client, a Russian immigrant, was unable to support herself. It is rare for a court to grant maintenance in an order of protection, however, after a contested trial, the Court granted the full order of protection and awarded my client temporary maintenance. I then represented her in obtaining her divorce, **04FC200369**, which was granted on November 16, 2004 in Div. 31.

**In re the Matters of C.H., I.P., and A.P. Incident Number 20101480261.** April 12, 2012.

Administrative Review to the Child Abuse and Neglect Review Board of findings by the Missouri Children's Division of abuse by my client, April Patterson, to her children. After the administrative hearing, the CAN Review Board reversed preponderance of the evidence findings of severe abuse by my client to her three children and updated the finding to unsubstantiated. April 12, 2012.

**In re the Matters of Williams, 0516-FC05732,** Div. 31 of the 16<sup>th</sup> Judicial Circuit Court of Missouri. July 20, 2006.

I was appointed on August 17, 2005 to represent three children, a set of twins ages 3 and the other child, age 7 in a petition for child orders of protection filed by the mother and a paternity/custody action filed by the father. Both parents sought sole custody of the children. What I came to figure out was that this case involved domestic violence, substance abuse including methamphetamine, physical abuse to the children and severe neglect to the children. The children were frequently locked in their bedrooms while the parents abused illegal substances. The little boy didn't speak, he only screamed and the little girl was extremely withdrawn. As such, the twins were very developmentally delayed and all three children were severely neglected. I worked with the mom while she was in a shelter to receive services, including substance abuse treatment. The father initially refused substance abuse treatment while at the same time evading drug testing. I was able to get the children into St. Vincent's/Operation Breakthrough wherein they received health, educational, and developmental services. Again, this was a case that I believed needed time to develop as the Court needed to monitor the health and development of the children as well as the progress of the parents in recovery and parenting skills. Eventually the father did admit to his usage and the role that played in the abuse and neglect to the children. After much time and healing, the parties reached an agreement to share joint legal and physical custody of the minor children. For the protection of the children, I encouraged the parties to include a provision that the children would continue to attend St. Vincent's/Operation Breakthrough so that their progress would be monitored after the case was finalized. The parties agreed. The trial court accepted the agreement of the parties as being in the best interest of the children and the children did continue on at Operation Breakthrough.

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

**Rawlings v. State**, No. 22 S.W. 3d 719, Missouri Court of Appeals, Western District. November 2, 1999.

I was assigned this case as a public defender to represent Gary Rawlings in his appeal of the denial of his ninth conditional release from the custody of the Department of Mental Health after a plea of not guilty by reason of mental disease or defect to the charges of second-degree murder and armed criminal action resulting in the death of his girlfriend. His private attorneys had filed a notice of appeal and withdrew from the case. We were granted a remand to the trial court and after a highly contested bench trial in Div. 17 my client was granted his conditional release.

**State ex. rel. Hope House v. Commissioner Molly Merrigan, Circuit Court of Jackson County, Missouri**, 133 SW3d 44, Missouri Supreme Court. April 13, 2004. I represented Hope House, Inc. after they were served with a subpoena for records of a shelter client. This case originated in Div. 44 of the 16<sup>th</sup> Judicial Circuit Court of Missouri when my motion to quash the subpoena was denied. I then filed for a writ of prohibition that was denied at the Circuit Court level and then by the Court of Appeals, Western District. I filed with the Missouri Supreme Court and they granted certiorari. I submitted my brief and oral argument was heard by the Court en banc. The Supreme Court handed down its decision ordering that my Writ of Prohibition be made absolute.

**Formal Opinion #121**, Missouri Supreme Court Advisory Committee. April 5, 2006. I sought a formal opinion from the Advisory Committee of the Missouri Supreme Court as to the propriety of having an attorney work for an agency such as Hope House, Inc., pursuant to a federal grant from the Department of Justice's Office on Violence Against Women. I was initially told by the Disciplinary Counsel in an informal opinion that this would constitute the unauthorized practice of law. I believed my research suggested otherwise and I therefore sought a formal opinion from the Advisory Committee. I was informed by the head of the Advisory Committee at the time, John Dodds, that the Committee would be ruling in my favor but that it would take some time to actually publish the opinion. In 2006 the Committee issued their formal opinion allowing employment of attorneys by nonprofit agencies such as Hope House to provide legal services for their clients.

**Mohti v. Othman** – WD74843. The husband filed an appeal of the dissolution/custody case that I tried on behalf of the mother. Appeal dismissed 2012.

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.

Not applicable.

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

Not applicable.

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 Associate Circuit Judge.

Not applicable.

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.

Missouri Bar Association – 1995 to present.

Kansas Bar Association – 1996 to present.

Greater Kansas City Association of Women Lawyers – 2010, 2012.

Kansas City Metropolitan Bar Association – past membership.

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

2012 – Sponsored by Safe Families Coalition. Trained on Orders of Protection. Attendees included law enforcement, social workers, attorneys, community agencies, mental health professionals, guardians ad litem and domestic violence advocates.

October, 2011 – KCMBA. Topic – Domestic Violence and Children.

August, 2011 – Missouri Annual Family Law Conference. Effects of Domestic Violence on Children.

April, 2011 – Statewide Associate Circuit Judges Training. Orders of Protection and Best Practices from the National Council of Juvenile and Family Court Judges.

2010. Association of Women Lawyers Pro Bono Initiative. Trained attorneys interested in providing pro bono representation in divorces and paternity actions.

2008 KCMBA Bench Bar Conference – Co-presented with Judge Sill-Rogers on Lethality Issues in cases involving domestic violence.

2008-2012. UMKC School of Law, Child and Family Services Clinic – Guardian Ad Litem Program. Training on orders of protection and the role of the guardian ad litem.

2007 – Missouri Annual Family Law Conference. “Recognizing and Managing Domestic Violence Cases and Family Law Litigation.

2007 – Shook, Hardy and Bacon. Training to Lawyers on handling cases involving domestic violence.

2004 – Missouri Coalition Against Domestic Violence and Sexual Assault. Trained on “How to Testify as an Expert Witness.”

I have developed numerous power points and handouts for use during these trainings.

20. Do you now or have you ever held any elective or appointive public office or position? If so, please explain.

Yes. 2006-2012. Democrat committeewoman for the 8<sup>th</sup> Ward in Jackson County, Missouri.

21. Provide the branches and dates of any 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.

Not applicable.

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

- Founding member of the Jackson County Safe Families Coalition, which was initially formed in 2001 to implement recommendations from the National Council of Juvenile and Family Court Judges in dealing with the co-occurrence of domestic violence and child abuse.

**Committees:** Legal Response Work Team – meet at least once a month to develop and implement tasks to fulfill the SFC mission and strategic objectives.

Lethality Assessment Protocol Partners – Began in 2009 as a pilot project between the local domestic violence shelters and the police departments in Kansas City, Grandview, Raytown and Lee’s Summit. National experts were brought in to train police officers who serve as first responders to domestic violence calls to screen for lethality and immediately connect the victim with services. Since its inception in 2010, the officers have screened over 8,000 cases with a “high danger” rate of 71%. The Independence and Blue Springs police departments are also now members of the program.

Risk and Lethality Committee – Developed protocols for implementation of the program in Jackson County and participated in a mock review on an intimate partner homicide case. Drafted enabling legislation in 2010 that was sponsored by Senator Justus in the Missouri legislature. This remains an ongoing legislative initiative.

Safe and Together Model – Began implementing this model program in April, 2011 within the Jackson County Children’s Division. Focus is on offender accountability and safety. We hold confidential, multi-disciplinary case staffing with the Children’s Division case managers on specific cases that have been referred to the team and make recommendations accordingly.

- Planning Committee for KCMBA Interdisciplinary Domestic Violence and Children Annual Conference – 2006 through 2011 - During this period we brought in national experts to provide training on a wide array of issues. Those presenters included Dr. Jacquelyn Campbell from Johns Hopkins University; the Honorable Judge Jerry G. Bowles from Louisville, Kentucky; Jeffrey Edleson, Professor at the University of Minnesota School of Social Work; and Lundy Bancroft, author of The Batterer as Parent.
- Member of the M.O.S.A.I.C. Network, a collaboration of local agencies, attorneys, and community service providers dedicated to the prevention of violence in foreign-born families by increasing their access to culturally competent services.
- Member of the Independence Coordinated Community Council.
- Member of the Lee’s Summit Coordinated Community Council.
- Member of the Missouri Coalition Against Domestic and Sexual Violence’s Immigrant and Refugee Services Team.

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

Recipient of the Tierra Ferro Community Award 2006, Association of Women Law Students at UMKC, School of Law for leadership, dedication and commitment to improving the position of women in the law and the community.

2006 – I was identified by Legal Momentum, formerly known as the NOW Legal Defense and Education Fund, as a leader/expert in working with battered immigrant women. I was invited to be a team leader for the Legal Momentum Multi-State Summit on Battered Immigrant Women held on November 8, 2006 through November 10, 2006 in St. Louis, 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 or fine 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.

No.

28. 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? 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.

Not applicable.

(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.

Not applicable.

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

Not applicable.

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

Having grown up observing my father who served as a magistrate and his many friends who were judges or members of the law enforcement community, I've always had great respect for the judiciary. Beyond their obvious role in the justice system, I know judges who follow the law, tempered with a sense of mercy that true justice requires, can inspire the public's confidence in the legal system. Sometimes judges' decisions can be easy because the evidence is compelling, but more often, things are not so clear cut. That is when litigants and lawyers alike depend on the judge having the legal expertise, life experience and patience to allow for a fair hearing. I believe my temperament, talents and experience make me well suited for the position of Associate Judge.

My years as a law clerk for Judge Sill-Rogers allowed me to experience how a judge organizes and manages heavy dockets, motion practice and trials. I was very fortunate because the Judge took me "under her wing" and taught me the importance of upholding the dignity of the legal profession and the Court. The Judge frequently discussed with me her rulings and the reasons behind the many difficult decisions she made. I learned first-hand the importance of being respectful to all parties and the importance of making sure each party is afforded the opportunity to be heard. When I left my job as a law clerk, I carried those lessons into my work as a litigator.

My experience as an assistant public defender afforded me the opportunity to work with seasoned, learned attorneys who instilled in me the belief that our system of justice demands that everyone must be treated equally before the law and for that to occur the rights of the innocent as well as the guilty must be vigorously and respectfully defended.

My work with Hope House, Inc. and the other domestic violence programs has provided me the opportunity to assist many people who otherwise wouldn't have been able to obtain an attorney. I've been humbled by the courage of the clients I've represented as they've faced dangerous and at times seemingly overwhelming obstacles in their search for safety for themselves and their children.

My work at the family court representing juveniles in delinquency cases and parents in abuse and neglect matters has been both challenging and rewarding. These are cases that at first glance may appear hopeless yet often the reality is that these are people dealing with poverty, untreated mental health and/or substance abuse issues. These are cases that require a good dose of humanity as much as a good legal mind.

In conclusion, I am committed to public service and believe I possess the legal skills, the compassion, and the equanimity to make a good judge.

32. List the names and contact information (title, mailing address, telephone, and email 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.

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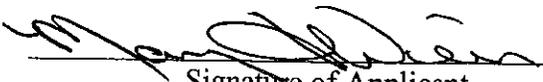
**CERTIFICATION OF ACCURACY AND  
AUTHORIZATION FOR RELEASE OF INFORMATION**

By my signature to this form, I certify that all statements made in my application for the office of Associate 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 Associate 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 Sixteenth Circuit 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

2-27-13  
Date

MARY FRANCES WEIR  
Printed Full Name of Applicant