

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

John Andrew Ross

2. **Position:** State the position for which you have been nominated.

United States District Judge for the Eastern District of Missouri

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: State of Missouri, 21st Judicial Circuit
 St. Louis County Courthouse, Division 15
 7900 Carondelet Avenue
 Clayton, Missouri 63105



4. **Birthplace:** State year and place of birth.

1954; St. Louis, Missouri

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1976 – 1979, Emory University School of Law; J.D., 1979

1972 – 1976, Emory University; B.A., 1976

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2000 – Present
State of Missouri, 21st Judicial Circuit
Division 15
7900 Carondelet Avenue
Clayton, Missouri 63105
Presiding Judge (2009 – present)
Assistant Presiding Judge (2005 – 2009)
Circuit Judge (2000 – present)

2007 – Present
Commercial Bank of Westport
2330 Westport Plaza Drive
Maryland Heights, Missouri 63146
Advisory Board Member

1991 – 2000
St. Louis County
41 South Central
Clayton, Missouri 63105
County Counselor
(On two occasions during this period – 1996 through 1998, and 1998 through 1999 – I worked as a consultant with other lawyers on two civil matters. In each instance, I worked nights and weekends, and took a short leave of absence from my work as County Counselor.)

1976 – 1998
Georgia Research Associates
6065 Roswell Road, Suite 2222
Atlanta, Georgia 30318
Sole Proprietor

1979 – 1991
St. Louis County Prosecuting Attorney's Office
7900 Carondelet Avenue
Clayton, Missouri 63105
Chief Trial Attorney (1988 – 1991)
Assistant Chief Trial Attorney (1986 – 1988)
Assistant Prosecuting Attorney (1979 – 1986)

1989
St. Charles County Prosecuting Attorney's Office
300 North 2nd Street
St. Charles, Missouri 63301
Special Assistant Prosecuting Attorney

1984

Missouri Attorney General's Office
Supreme Court Building
Post Office Box 899
Jefferson City, Missouri 65102
Special Assistant Attorney General

Summer 1978

Law Office of Joe Becker
8011 Clayton Road
St. Louis, Missouri 63117
Legal Intern

Summer 1977

The Alan Company
3960 Lindell Boulevard
St. Louis, Missouri 63108
Administrative Assistant

Summer 1976

Emory Tennis Camp
1380 South Oxford Road
Atlanta, Georgia 30322
Tennis Instructor

Other Affiliations (uncompensated)

2004 – Present

The Buzz Westfall Charitable Foundation
5840 Oakland Avenue
St. Louis, Missouri 63110
President of the Board

2004 – 2008

Asthma and Allergy Foundation, St. Louis Chapter
1500 South Big Bend Boulevard
St. Louis, Missouri 63117
Board Member

1996 – 2005

St. Louis County Domestic and Family Violence Council
7900 Carondelet
Clayton, Missouri 63105
Board Member

1999 – 2004

Metropolitan Employment and Training Center, Inc.

41 South Central

Clayton, Missouri 63105

Chairman of the Board

1998 – 2000

St. Louis International Film Festival

55 Maryland Plaza, Suite A

St. Louis, Missouri 63108

Board Member

1993 – 2000

Friends of the Weinman Shelter for Battered Women and Children

41 South Central

Clayton, Missouri 63105

Board Member and Treasurer

1992 – 2000

St. Louis County Public Facilities Corporation

41 South Central

Clayton, Missouri 63105

Secretary and Treasurer of the Board

1994 – 1998

Football at the New Stadium, Inc. (FANS, Inc.)

41 South Central

Clayton, Missouri 63105

President of the Board

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I registered for the Selective Service upon turning age 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Award of Commendation, Northwoods, Missouri Police Department (1983)

Certificate of Appreciation, St. Louis County Grand Jury (1984)

Award of Achievement, Bar Association of Metropolitan St. Louis (1991 & 1992)

Certificate of Appreciation, Arts and Education Council of Greater St. Louis (1992)

Certificate of Appreciation, Missouri Association of Counties (1996)
Certificate of Appreciation, St. Louis County Municipal League (1997)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

International Municipal Lawyers Association
Missouri Bar Association
 2009 Annual Meeting Planning Committee
Missouri Municipal Attorneys Association
National District Attorneys Association
St. Louis County Bar Association
St. Louis County Circuit Court:
 Budget Committee
 Building Committee
 Community Relations Committee
 Criminal Justice Review Committee
 Security Committee

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Missouri, 1979
Georgia, 1979 (presently on inactive status)

There has been no lapse in my membership in the Missouri Bar. On five occasions, I made late payments of my bar dues in the State of Georgia where I was admitted to practice after graduating, but where I never practiced law. Under the Georgia rules, my bar membership technically lapsed and was then reinstated in these periods.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Missouri Supreme Court, 1979
Georgia Supreme Court, 1979 (presently on inactive status)

There has been no lapse in my membership in the Missouri Bar. On five occasions, I made late payments of my bar dues in the State of Georgia where I was admitted to practice after graduating, but where I never practiced law.

Under the Georgia rules, my bar membership technically lapsed and was then reinstated in these periods.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Asthma and Allergy Foundation, Board Member (2004 – 2008)

The Buzz Westfall Charitable Foundation, President of the Board (2004 – present)

Commercial Bank of Westport, Advisory Board (2007 – present)

FANS, Inc., President of Board (1994 – 1998)

Forest Lake Tennis Club (2006 – 2009)

Friends of the Wienman Shelter for Battered Women and Children, Board Member and Treasurer (1993 – 2000)

Frontenac Racquet Club (1990 – present)

Leadership St. Louis (now known as Focus St. Louis) (1994)

Metropolitan Employment and Training Center, Inc., Chairman of the Board (1999 – 2004)

Parkway Swim Club (2007 – present)

Phi Alpha Delta legal fraternity (1979 – 1985)

St. Louis County Domestic and Family Violence Council, Board Member (1996 – 2005)

St. Louis County Library

Member, “Buzz” Westfall Favorite Author Series Organizing Committee (2004 – 2006)

St. Louis County Public Facilities Corporation (1992 – 2000)

St. Louis International Film Festival, Board Member (1998 – 2000)

St. Louis Site Remediation Task Force (1994 – 1996)

- b. The American Bar Association’s Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None of the organizations listed in response to 11a above currently discriminates, or to the best of my knowledge, formerly discriminated, on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

None.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

While a member of the St. Louis Site Remediation Task Force, the task force created "Recommendations for Cleanup Priorities for Fiscal Years 1996 and 1997." I did not actively participate in the Task Force, but a copy of the Recommendations is supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

As County Counselor for St. Louis County from 1991 to 2000, I attended weekly County Council meetings and frequently provided legal interpretations and opinions. Those Council meetings were not recorded and there are no tapes, transcripts or records. The County Counselor's Office issues legal opinions at the request of County agencies and departments. A list of the legal opinions I issued as County Counselor is supplied as Attachment 12c along with the opinions.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter.

If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I have searched my files and electronic databases, and I am including all materials that I have found. When I speak publically, I typically do not have a text and normally do not have notes. The list below represents my best efforts to provide an answer that is as complete as possible.

March 2010: Panel member on Continuity of Operation Planning at the Presiding Judges Meeting. I have no notes, transcript, or recording. The address of the organization is Judicial Education Center, 121 Alameda Drive, Jefferson City, Missouri 65110.

October 2009: Judges' Roundtable Program, Bar Association of Metropolitan St. Louis. I have no notes, transcript, or recording. The address of the Association is 720 Olive Street, Suite 2900, St. Louis, Missouri 63101.

May 2009: Panel member on Handling of Employment Cases sponsored by the National Employment Lawyers' Association, St. Louis Chapter. I have no notes, transcript, or recording. The address of the Association is 1090 Vermont Avenue, NW Suite 500, Washington, DC 20005.

January 2008: Speaker at the Swearing-In Ceremony for Law Enforcement Officials of Greater St. Louis. I have no notes, transcript, or recording. I was unable to find an address for this organization.

June 2006: Panel member for program "Views from the Trial Bench," sponsored by Missouri Organization of Defense Lawyers. I have no notes, transcript, or recording. The address for the Organization is 101 East High Street, P.O. Box 1072, Jefferson City, Missouri 65102.

June 2005: Panel member for Criminal Law Program at the Bench and Bar Conference sponsored by the Bar Association of Metropolitan St. Louis. I have no notes, transcript, or recording. The address of the Association is 720 Olive Street, Suite 2900, St. Louis, Missouri 63101.

October 2004: Speaker at the dedication of the Buzz Westfall Sculpture in the Memorial Park of the St. Louis County Government Center. I have no notes, transcript, or recording.

September 2004: Speaker at the dedication ceremony for the Buzz Westfall Memorial Highway. Notes supplied.

March 19, 2004: Speaker at fundraiser entitled, "Buzz's Birthday Bash," for Buzz Westfall memorial and scholarship to SLU High. I have no notes, transcript or recording.

April 30, 1994: Panelist on crime problems at annual convention of Churches United for Community Action. I have no notes, transcript or recording, but press coverage is supplied.

August 3, 1988: Panelist during International Leadership Seminar for high school students, sponsored by the Hugh O'Brian Youth Foundation. I have no notes, transcript or recording, but press coverage is supplied. The address of the Foundation, known as Hugh O'Brian Youth Leadership, is 31255 Cedar Valley Drive, Suite 327, Westlake Village, California 91362.

In addition, the members of our court sometimes hold public en banc meetings on administrative issues such as budget and facilities. As part of my judicial responsibilities, I have taken part in these meetings.

As Assistant Presiding Judge and Presiding Judge from 2005 to the present, I have spoken to community groups and students about the judicial system and the role of the courts. There are no records or notes of those meetings.

Finally, as Chief Trial Attorney in the Prosecuting Attorney's Office from 1988 to 1991, I represented the Office at meetings of police groups and community groups, such as Mothers Against Drunk Drivers, and spoke about law enforcement efforts. I have no notes, transcripts or recordings. The address of Mothers Against Drunk Drivers is 2050 Woodson Road, St. Louis, Missouri 63114.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

While there are many news accounts attributing certain statements to me, some of these are the result of statements I have made in either a courtroom proceeding or public meeting. I have searched my files as well as internet databases to locate as complete a list of interviews as I could, and am providing all that are available to me, but it is possible there are some I was not able to locate.

Anna Vitale, "Ross Re-Elected Presiding Judge," *Missouri Lawyers Media*, Oct. 14, 2010. Copy supplied.

Heather Ratcliffe, "Public Defenders Act to Cut Off Cases; St. Louis County Prosecutor, Chief Judge Get Warning that Overload Has Become Crisis," *St. Louis Post-Dispatch*, July 29, 2010. Copy supplied.

Angela Riley, "St. Louis County Adds to Judges' Toolbox," *Missouri Lawyers Media*, May 27, 2010. Copy supplied.

Angela Riley, "Missouri Courts Facing Hiring Freeze," *Missouri Lawyers Media*, Mar. 10, 2010. Copy supplied.

Heather Ratcliffe, "Bond Office Could Fall to Court's Budget Ax," *St. Louis Post-Dispatch*, Mar. 5, 2010. Copy supplied.

Heather Cole, "Dress Codes: Missouri Courts Face Difficulty Fashioning Guidelines for What Not to Wear," *Missouri Lawyers Media*, June 19, 2009. Copy supplied.

Angela Riley, "Electrical Fire Shuts Down St. Louis County Courts," *Missouri Lawyers Media*, June 8, 2009. Copy supplied.

Mike Owens, "St. Louis County Courts Closed for the Rest of the Week," *KSDK.com*, June 8, 2009. Copy supplied.

Donna Walter, "St. Louis County Circuit Court's Probate Division Will Come Under Circuit Clerk," *Missouri Lawyers Media*, Apr. 27, 2009. Copy supplied.

Paul Hampel and Jeremy Kohler, "Attorney with County is Found Dead," *St. Louis Post-Dispatch*, Mar. 12, 2008. Copy supplied.

Taylor Bright, "Manager Pick Known for Unifying," *Charlotte Observer*, June 17, 2007. Copy supplied.

Tim O'Neil, "Courthouse Shooting Reverberates Here," *St. Louis Post-Dispatch*, Mar. 12, 2005. Copy supplied.

Staff, "Metropolitan Area Digest; Westfall Family Will Give Check to SLU High," *St. Louis Post-Dispatch*, Nov. 18, 2004. Copy supplied.

Jo Mannies, "Family and Friends at Funeral Pay Tribute to Buzz Westfall the Man," *St. Louis Post-Dispatch*, Nov. 1, 2003. Copy supplied.

Donna Walter, "St. Louis County Exec. Westfall Remembered as a Regional Leader, Friend," *Daily Record*, Oct. 29, 2003. Copy supplied.

Staff, "St. Louis County Judicial Retentions," *St. Louis Post-Dispatch*, Oct. 31, 2002. Copy supplied.

Staff, "South Post Briefs; Wojtkowski is Chairman of Boundary Commission," *St. Louis Post-Dispatch*, Dec. 9, 1999. Copy supplied.

Phil Sutin, "County Officials Urge Broader Cooperation from New Boundary Panel," *St. Louis Post-Dispatch*, Nov. 15, 1999. Copy supplied.

Bill Bell Jr., "Governor Picks County Counselor for Judgeship on the Circuit Court," *St. Louis Post-Dispatch*, Nov. 10, 1999. Copy supplied.

Ray Hartmann, "No Mercy for the Kirkwood Schools," *Riverfront Times*, Oct. 27, 1999. Copy supplied.

Dan Mihalopoulos, "St. Louis County is Likely to Change Taxicab System at Lambert Field Soon," *St. Louis Post-Dispatch*, Sept. 23, 1999. Copy supplied.

Dan Mihalopoulos, "U.S. Insists on Getting Back \$700,000 in Job-Training Funds," *St. Louis Post-Dispatch*, Sept. 22, 1999. Copy supplied.

Dan Mihalopoulos, "Judge Orders County to Let Black-Owned Taxi Firm Serve Lambert Field," *St. Louis Post-Dispatch*, Sept. 11, 1999. Copy supplied.

Eddie Silva, "Pepper Game; Laumeier Sculpture Park Director Beej Nierengarten-Smith Broke All the Rules and Ordered the Removal of Beverly Pepper's 'Cromlech Glen.' Then the Artist Heard about It," *Riverfront Times*, Sept. 8, 1999. Copy supplied.

Staff, "North Post Briefs; County Moves Toward Allowing Design-Build Work," *St. Louis Post-Dispatch*, July 19, 1999. Copy supplied.

Dan Mihalopoulos, "County Councilman Seeks Tougher Hate-Crimes Ordinance After White Supremacists Shooting," *St. Louis Post-Dispatch*, July 16, 1999. Copy supplied.

Dan Mihalopoulos, "County Moves to Replace Faulty Fire Sprinklers," *St. Louis Post-Dispatch*, July 14, 1999. Copy supplied.

Joan Little, "3 Charges Are Filed Against Former Affton Firefighter; Altercation in March at a Stoplight Led to Current Legal Action," *St. Louis Post-Dispatch*, June 28, 1999. Copy supplied.

Dan Mihalopoulos, "County Could Define 'Road Rage' As A Crime; But Patrol Officer, Lawyer Question the Measure's Necessity, Enforceability," *St. Louis Post-Dispatch*, June 24, 1999. Copy supplied.

Dan Mihalopoulos, "County Lawyers Won't Appeal Latest Ruling on 'Kinkogate,'" *St. Louis Post-Dispatch*, June 18, 1999. Copy supplied.

Dan Mihalopoulos, "County Officials Aren't Immune in 'Kinkogate,' Court Rules," *St. Louis Post-Dispatch*, June 3, 1999. Copy supplied.

Fred Faust, "ITI, St. Louis County Go to Court Over Software Dispute," *St. Louis Post-Dispatch*, May 31, 1999. Copy supplied.

Phil Sutin, "State Studies Revision of Boundary Commission," *St. Louis Post-Dispatch*, May 6, 1999. Copy supplied.

Lorraine Kee, "Despite its Raucous Past, Peerless Park is Going Quietly," *St. Louis Post-Dispatch*, May 4, 1999. Copy supplied.

Staff, "South Post Briefs; Polling Place Workers Could Get a Raise," *St. Louis Post-Dispatch*, Apr. 5, 1999. Copy supplied.

Dan Mihalopoulos, "Facility Is Lauded After Soggy Start," *St. Louis Post-Dispatch*, Feb. 15, 1999. Copy supplied.

Dan Mihalopoulos, "Official's Side Jobs Violate Law, County Lawyer Says," *St. Louis Post-Dispatch*, Nov. 24, 1998. Copy supplied.

Mark Belko, "Legal Help Costly to County; Millions Spent on Private Lawyers Despite Law Department Staff," *Pittsburgh Post-Gazette*, Aug. 23, 1998. Copy supplied.

Dan Mihalopoulos, "Councilwoman Refiles Open Meetings Lawsuit," *St. Louis Post-Dispatch*, July 23, 1998. Copy supplied.

Lance Williams, "County Will Drop Charges in Deal to Close Adult Store," *St. Louis Post-Dispatch*, July 8, 1998. Copy supplied.

Joan Little, "County Municipality Will Survive – For a Few More Months," *St. Louis Post-Dispatch*, June 22, 1998. Copy supplied.

Joan Little, "Judge Lets Stand County's Vote to Disincorporate Peerless Park," *St. Louis Post-Dispatch*, June 16, 1998. Copy supplied.

Virginia Young, "From Here to Washington, Teen Smoking Is Targeted," *St. Louis Post-Dispatch*, June 1, 1998. Copy supplied.

Dan Mihalopoulos, "Federal Judge Refuses to Dismiss Lawsuit Filed Against St. Louis County," *St. Louis Post-Dispatch*, May 27, 1998. Copy supplied.

Joan Little, "Peerless Park Appeals Move to Disincorporate; Attorney Argues that City Isn't Really One After All," *St. Louis Post-Dispatch*, May 17, 1998. Copy supplied.

Dan Mihalopoulos, "Suits Allege Racism in Housing, Lambert Cab Permits," *St. Louis Post-Dispatch*, May 15, 1998. Copy supplied.

Staff, "Metrowatch; Domestic Violence Jobs Win Funding," *St. Louis Post-Dispatch*, Mar. 29, 1998. Copy supplied.

Phil Sutin, "Ballot Language on Page Avenue Plan will be Simple and Straightforward," *St. Louis Post-Dispatch*, Mar. 13, 1998. Copy supplied.

Joan Little, "Trustee Would Wrap Up Disincorporation, County Official Says," *St. Louis Post-Dispatch*, Mar. 9, 1998. Copy supplied.

Dan Mihalopoulos, "Auditors Want County to Pay Back Funds," *St. Louis Post-Dispatch*, Mar. 5, 1998. Copy supplied.

Dan Mihalopoulos, "County Council Member Sues County," *St. Louis Post-Dispatch*, Feb. 11, 1998. Copy supplied.

Dan Mihalopoulos, "Council OKs Extension of Page through County Park," *St. Louis Post-Dispatch*, Dec. 19, 1997. Copy supplied.

Rick DeSloge, "Bi-State Rolls with 13 Law Firms," *St. Louis Business Journal*, Nov. 24, 1997. Copy supplied.

Dan Mihalopoulos, "County Now Won't Release Critical Job-Training Audit," *St. Louis Post-Dispatch*, Oct. 30, 1997. Copy supplied.

Margie Manning, "County Seeks \$300,000 from Lemay Bank," *St. Louis Business Journal*, Oct. 27, 1997. Copy supplied.

Linda F. Jarrett, "O'Brien Vows to Continue Page Fight; Council Plans to Appeal Federal Judge's Ruling," *St. Louis Post-Dispatch*, Sept. 29, 1997. Copy supplied.

Dan Mihalopoulos, "Gumbo Jail's Future in Hands of County, State," *St. Louis Post-Dispatch*, Sept. 6, 1997. Copy supplied.

Dan Mihalopoulos, "Targets in 'Kinkogate' Sue County," *St. Louis Post-Dispatch*, Aug. 26, 1997. Copy supplied.

William C. Lhotka, "Sex Shop, St. Louis County Clash Over Zoning; Lawyer Says Business Would Be Forced to Move to Inferior Site," *St. Louis Post-Dispatch*, Aug. 25, 1997. Copy supplied.

Dan Mihalopoulos, "Harassment Alleged in County Suit," *St. Louis Post-Dispatch*, Aug. 13, 1997. Copy supplied.

Dan Mihalopoulos, "Whistle-Blower Bill Wins Bipartisan Backing," *St. Louis Post-Dispatch*, July 18, 1997. Copy supplied.

"Dan Mihalopoulos, "County Parks Worker Faces Theft Charges; Suspect Accused of Stealing \$16,000 by Creating Bogus Softball League," *St. Louis Post-Dispatch*, June 29, 1997. Copy supplied.

Staff, "Briefs; St. Louis County," *St. Louis Post-Dispatch*, Apr. 25, 1997. Copy supplied.

Phil Sutin, "County Challenge to Cable TV Rate Hike Yields Small Refund or Credit for Clients," *St. Louis Post-Dispatch*, Mar. 6, 1997. Copy supplied.

Staff, "Briefs; Hiring for Smoking Ordinance is on Hold," *St. Louis Post-Dispatch*, Feb. 14, 1997. Copy supplied.

Phil Sutin, "Municipal League to Reconsider Use Tax; Voters Rejected the Idea in August; Business Group Would Fight Such a Move," *St. Louis Post-Dispatch*, Jan. 6, 1997. Copy supplied.

Mark Schlinkmann, "Westfall To Oust County Official; Building Chief Opposed Plumbing Code Revision," *St. Louis Post-Dispatch*, Nov. 21, 1996. Copy supplied.

Phil Sutin, "Westfall Moves to Get Resident of County onto Bi-State Board," *St. Louis Post-Dispatch*, Oct. 24, 1996. Copy supplied.

Bill Smith, "Cab System at Airport is Running Ragged," *St. Louis Post-Dispatch*, Aug. 25, 1996. Copy supplied.

Bill Smith, "County is Breaking Its Taxicab Law; 70 Percent of Vehicles Got Licenses Without Inspections," *St. Louis Post-Dispatch*, Aug. 22, 1996. Copy supplied.

Bill Smith, "County Taxi Supervisor May Have Broken Licensing Law," *St. Louis Post-Dispatch*, July 28, 1996. Copy supplied.

Bill Smith, "Cab Czar Got Car From Taxi Company; County Official Lacks Proof He Bought Auto," *St. Louis Post-Dispatch*, July 21, 1996. Copy supplied.

Mark Schlinkmann, "Crowd Control: Neighbors Upset With Packed Club," *St. Louis Post-Dispatch*, May 9, 1996. Copy supplied.

Mark Schlinkmann, "Black Contractors Protest Over Work on Jail," *St. Louis Post-Dispatch*, Apr. 27, 1996. Copy supplied.

Charlene Prost and Mark Schlinkmann, "RRRUFF Going; Dog Museum Plans to Move to N. Carolina," *St. Louis Post-Dispatch*, Jan. 23, 1996. Copy supplied.

Mark Schlinkmann, "Regional Medical Center Moves to Close Meetings," *St. Louis Post-Dispatch*, Dec. 13, 1995. Copy supplied.

Staff, "Briefs; County Government," *St. Louis Post-Dispatch*, Nov. 3, 1995. Copy supplied.

Phil Sutin, "Speech Decrying Rezoning Ends on Surprising Note," *St. Louis Post-Dispatch*, Nov. 2, 1995. Copy supplied.

Mark Schlinkmann, "County Sues Wellston Over Debt for Police Service," *St. Louis Post-Dispatch*, Oct. 31, 1995. Copy supplied.

Mark Schlinkmann, "South Pointe Letter Decried," *St. Louis Post-Dispatch*, Oct. 30, 1995. Copy supplied.

Mark Schlinkmann, "Nationally, Curbs on Tow Companies Up in the Air," *St. Louis Post-Dispatch*, Aug. 20, 1995. Copy supplied.

Mark Schlinkmann, "County Drops Bid to Limit Tow Fees; Lawyers Say Cities Can't Set Rates for Business," *St. Louis Post-Dispatch*, Aug. 11, 1995. Copy supplied.

Phil Sutin, "Six Chosen for Boundary Commission; Municipalities Make Selections for Members of Reborn County Annexation Agency," *St. Louis Post-Dispatch*, July 27, 1995. Copy supplied.

Phil Sutin and Mark Schlinkmann, "Wildwood Backers Get Lift; Westfall's Statement Spurs New Optimism," *St. Louis Post-Dispatch*, May 16, 1995. Copy supplied.

Mark Schlinkmann, "Klan Figure Adopts Park for Cleanup," *St. Louis Post-Dispatch*, Apr. 15, 1995. Copy supplied.

Mark Schlinkmann, "Gaming Developers Covet North County; Port Authority Sorting Out Bids From 3 Firms," *St. Louis Post-Dispatch*, Apr. 7, 1995. Copy supplied.

Phil Sutin, "Mayor, County at Odds on Sales Tax Issue," *St. Louis Post-Dispatch*, Apr. 3, 1995. Copy supplied.

Mark Schlinkmann, "Casinos Enlist Westfall Backers; Donations Are Moot, County Counselor Says," *St. Louis Post-Dispatch*, Mar. 30, 1995. Copy supplied.

Mark Schlinkmann, "Council Weighs Delay; Incorporation of Wildwood Faces Challenge," *St. Louis Post-Dispatch*, Feb. 9, 1995. Copy supplied.

Lia Nower, "Fire District Suing County Over Policy on Job Training," *St. Louis Post-Dispatch*, Jan. 30, 1995. Copy supplied.

Phil Sutin, "Incorporate Wildwood by March 1, Backers Say; Proponents Ask Westfall for Assurances before Feb. 7 Vote," *St. Louis Post-Dispatch*, Jan. 19, 1995. Copy supplied.

Mark Schlinkmann and Lia Nower, "High Court Rulings are Guide; Nativity Scene Was Allowed in Decision on Rhode Island Case," *St. Louis Post-Dispatch*, Nov. 30, 1994. Copy supplied.

Mark Schlinkmann, "Displays Spur Holiday Squabbles," *St. Louis Post-Dispatch*, Nov. 29, 1994. Copy supplied.

Theresa Tighe, "Controversy Burns in Clayton," *St. Louis Post-Dispatch*, Nov. 28, 1994. Copy supplied.

Mark Schlinkmann, "Chorus of Complaints Imperils Piano Lessons," *St. Louis Post-Dispatch*, Nov. 16, 1994. Copy supplied.

Barbara Yount, "County Weighs Decision on Three Annexations," *St. Louis Post-Dispatch*, Nov. 14, 1994. Copy supplied.

Phil Sutin, "Group Steps Up Opposition to Wildwood Annexation," *St. Louis Post-Dispatch*, Nov. 14, 1994. Copy supplied.

William C. Lhotka, "Residents to Vote on Wildwood; Judge Rejects Arguments of County and 3 Cities," *St. Louis Post-Dispatch*, Nov. 6, 1994. Copy supplied.

Mark Schlinkmann, "Mathews Criticizes Handout of Brochure Featuring Westfall," *St. Louis Post-Dispatch*, Nov. 4, 1994. Copy supplied.

Mark Schlinkmann and Leo Fitzmaurice, "County Council Chief is Fighting Restaurant," *St. Louis Post-Dispatch*, Nov. 3, 1994. Copy supplied.

Phil Sutin, "County Official Assails Plan; Proposal to Incorporate Wildwood and Sappington-Concord Draws Fire," *St. Louis Post-Dispatch*, Oct. 10, 1994. Copy supplied.

Mark Schlinkmann, "Residents Seek Haven in Wildwood," *St. Louis Post-Dispatch*, Oct. 6, 1994. Copy supplied.

Leo Fitzmaurice, "Snags Keep River Rates Out of Flood-Damaged Homes," *St. Louis Post-Dispatch*, Sept. 8, 1994 [re-printed on Sept. 12, 1994 and Oct. 6, 1994]. Copy supplied.

Leo Fitzmaurice, "Westfall to Attempt to Settle Dispute over Park Building," *St. Louis Post-Dispatch*, July 28, 1994. Copy supplied.

Leo Fitzmaurice, "Westfall to Intercede in Dispute over Building," *St. Louis Post-Dispatch*, July 18, 1994. Copy supplied.

Leo Fitzmaurice, "County, Veteran Cross Swords Over Old Army Building," *St. Louis Post-Dispatch*, July 14, 1994. Copy supplied.

Phil Sutin, "Council Braces to Handle Boundary Panel Issues," *St. Louis Post-Dispatch*, July 11, 1994. Copy supplied.

Fred W. Lindecke, "Metrolink Tax Hike Advances," *St. Louis Post-Dispatch*, May 5, 1994. Copy supplied.

Thom Gross, "40-Ounce Problem Lessened; Groups, Brewers Joined to End Blight of Bottles," *St. Louis Post-Dispatch*, Apr. 24, 1994. Copy supplied.

Mark Schlinkmann, "Flood Spurs Call to Halt Times Beach Incinerator," *St. Louis Post-Dispatch*, Apr. 23, 1994. Copy supplied.

Phil Sutin, "New Subdivision Plan Specifies Larger Lots," *St. Louis Post-Dispatch*, Apr. 18, 1994. Copy supplied.

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Carolyn Bower, "U. City Residents Trying to Keep Blood Center Out," *St. Louis Post-Dispatch*, May 23, 1991. Copy supplied.

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Tim Poor, "Confess: False Admissions of Crime Are Called Rare," *St. Louis Post-Dispatch*, Dec. 3, 1990. Copy supplied.

William C. Lhotka, "Discrepancies Noticed in Murder Confession," *St. Louis Post-Dispatch*, Nov. 28, 1990. Copy supplied.

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Staff, "Police/Courts; Embezzlements," *St. Louis Post-Dispatch*, Mar. 23, 1990. Copy supplied.

William C. Lhotka, "Woman, 18, Also Charged in Killing of 2," *St. Louis Post-Dispatch*, Jan. 5, 1990. Copy supplied.

Cynthia Todd, "Outraged Prosecutor Wants Higher Bond," *St. Louis Post-Dispatch*, Jan. 3, 1990. Copy supplied.

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Fred W. Lindecke, "Host of Hopefuls Enliven Annual Meeting of County Democrats," *St. Louis Post-Dispatch*, June 25, 1989. Copy supplied.

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William C. Lhotka, "Grand Jury Hears Testimony in Gilmour Case," *St. Louis Post-Dispatch*, Dec. 14, 1988. Copy supplied.

William C. Lhotka, "Jury Opens Inquiry on Gilmour Case," *St. Louis Post-Dispatch*, Oct. 7, 1988. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I was appointed by the Governor as a Circuit Judge for the 21st Judicial Circuit in the State of Missouri and took office in January 2000. I was retained by the voters in 2002 and again in 2008. The Circuit Court is a court of original jurisdiction over all cases, including civil and criminal matters. During my tenure, I was elected Assistant Presiding Judge by my judicial colleagues in the Circuit and served in that office from 2005 to 2009; I was elected as Presiding Judge and have served in that capacity from 2009 to present.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? 326

- i. Of these, approximately what percent were:

jury trials:	42%
bench trials:	58%
civil proceedings:	85%
criminal proceedings:	15%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

All of my opinions are unpublished; therefore, there are no citations to publication.

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Clement v. Wyoming Fin. Servs. Inc.*, Cause No. 02CC-1866 (2002 – 2003)

Plaintiff filed a two-count petition claiming a breach of fiduciary duty and violations of the Missouri Securities Act. The case proceeded to trial and the jury rendered a defendants' verdict. No appeal was filed.

Plaintiff's Counsel:	Steve Koslovsky 2458 Old Dorsett Road, Suite 230 St. Louis, Missouri 63043 (314) 222-4066
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Defendants' Counsel:	Mitch Margo 130 South Bemiston, Suite 200 Clayton, Missouri 63105 (314) 725-8788
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2. *State of Missouri v. Kuchar*, Cause No. 02CR-1880 (2002 – 2003)

The defendant, a priest, was charged with six counts of statutory sodomy. In May 2003, the case proceeded to trial. The jury could not agree on a verdict and a mistrial was declared. The case was retried in August 2003, resulting in guilty verdicts on three of the six counts. Pursuant to the jury's verdict, the defendant was

sentenced to three consecutive one-year terms of imprisonment. Defendant waived his right to appeal.

State's Counsel: Rob Livergood
111 South 10th Street, 20th Floor
St. Louis, Missouri 63102
(314) 539-2200

Defendant's Counsel: Scott Rosenblum
130 South Central
Clayton, Missouri 63105
(314) 862-4332

3. *Affton Youth Hockey v. Rink-Tec Int'l*, Cause No. 03CC-4856 (2003 – 2006)

Plaintiff filed a multi-count petition asserting claims for negligence, misrepresentation, product liability, and punitive damages. The case involved the acquisition of a building and ice rink. The plaintiff claimed the ice rink was defective and that certain defendants concealed that fact. The case proceeded to trial and the jury rendered a verdict for the defendants.

Plaintiff's Counsel: Mike Wilson
10 South Broadway
St. Louis, Missouri 63102
(314) 241-9090

Defendants' Counsel: Charles Merz
1015 Locust Street
St. Louis, Missouri 63101
(314) 621-3787

Tom Magee
200 North Broadway, Suite 700
St. Louis, Missouri 63102
(314) 421-5364

4. *Royal Waterbeds, Inc. v. Vohsen & Sons, Inc.*, Cause No. 04CC-3713 (2004 – 2006)

Plaintiff sued two construction companies for negligence, claiming water damage and subsequent lost profits. After trial, the jury returned a verdict for \$722,758 against Vohsen & Sons, Inc. and a defendant's verdict for Kinder Construction, Inc.

Plaintiff's Counsel: Kevin Sullivan
3415 Hampton
St. Louis, Missouri 63139
(314) 781-3222

Defendants' Counsel: Bob Wulff
515 Olive Street, Suite 1100
St. Louis, Missouri 63101
(314) 552-4054

Ken Halvachs
500 West Main Street
Belleville, Illinois 62223
(618) 277-9000

5. *Wandersee and Advanced Cleaning Tech., Inc. v. BP Prods. N. Am.*,
Cause No. 03CC-1622 (2003 – 2006)

This case arose from a police investigation initiated by the defendants, who accused the plaintiffs of stealing a car wash system belonging to BP. That investigation led to the filing of criminal charges against the plaintiffs. Following dismissal of the charges, plaintiffs sued the defendants for injurious falsehood, defamation and prima facie tort. Complex statute of limitation issues were raised in summary judgment motions. Those issues were resolved by writ of prohibition from the Missouri Supreme Court, *see* 163 S.W.3d 922 (Mo. 2005). The case also involved complex evidentiary issues related to categories of damages. After a two-week trial, the jury returned a verdict for plaintiffs against BP in the amount of \$605,350 and a verdict for the other defendant. I overruled defendant BP's motion for judgment notwithstanding the verdict. On appeal, the Court of Appeals reversed, but the Missouri Supreme Court accepted transfer and affirmed the judgment, at 263 S.W.3d 623 (Mo. 2008).

Plaintiff's Counsel: Joe Dulle
7733 Forsyth Boulevard
St. Louis, Missouri 63105
(314) 727-7777

Defendants' Counsel: Dawn Johnson
Robert Duckels
10 South Broadway, Suite 200
St. Louis, Missouri 63102
(314) 241-9090

Don O'Keefe
2000 Equitable Building
10 South Broadway
St. Louis, Missouri 63102
(314) 421-5545

6. *State v. Salter*, Cause No. 05CR-823A (2005 – 2006)

The defendant was the president of a corporation charged with failure to maintain workers' compensation insurance, which is a felony. The defendant filed a motion to dismiss the charge, challenging its constitutionality. I overruled the motion and found the statute to be constitutional. The case proceeded to trial and the jury returned a guilty verdict. The conviction and judgment of the court were affirmed by the Missouri Supreme Court, at 250 S.W.3d 705 (Mo. 2008).

State's Counsel: Ed McSweeney
100 South Central
Clayton, Missouri 63105
(314) 615-2600

Defendant's Counsel: Irl Baris
1221 Locust Street, Suite 1000
St. Louis, Missouri 63103
(314) 421-6644

7. *Stover v. BNSF Ry. Co.*, Cause No. 06CC-1811 (2006 – 2008)

Plaintiff was an employee of the railroad who claimed conditions in the workplace caused him to have cumulative trauma injuries. Plaintiff brought suit under two federal statutes, the Federal Employers' Liability Act and the Locomotive Inspection Act. Complex evidentiary issues were raised in the over forty motions in limine ruled on by the court. A jury trial commenced and after a week of trial the parties settled the case.

Plaintiff's Counsel: Roger Denton
100 South 4th Street, Suite 900
St. Louis, Missouri 63102
(314) 621-6115

Defendant's Counsel: William Brasher
211 North Broadway, Suite 2300
St. Louis, Missouri 63102
(314) 621-7700

8. *Smith v. Univ. Hematology Oncology, Inc.*, Cause No. 07CC-2249
(2007 – 2009)

This case involved a dispute between a doctor and the medical group that previously employed him. The doctor claimed in a six-count petition that he was owed substantial amounts of money pursuant to employment agreements. The case proceeded to trial and the jury returned a verdict and judgment for plaintiff. The case was settled before an appeal was filed.

Plaintiff's Counsel: Gabriel Gore
7733 Forsyth Boulevard, Suite 1410
St. Louis, Missouri 63105
(314) 889-7377

Defendant's Counsel: Joe Dulle
7733 Forsyth Boulevard
St. Louis, Missouri 63105
(314) 727-7777

9. *Greene v. S.S.M. St. Charles Clinic Med. Grp.*, Cause No. 05CC-4180
(2005 – 2009)

Plaintiffs filed this medical negligence case alleging a drug prescribed by the defendants caused drug toxicity leading to decedent's death. There were a number of complex legal issues in the case. After more than a week of evidence, the jury returned verdicts for the defendants. No appeal was filed.

Plaintiff's Counsel: Gary Growe
Jason Charpontier
7733 Forsyth, Suite 325
St. Louis, Missouri 63105
(314) 725-1912

Defendants' Counsel: David Ott
Tim Gearin
7700 Forsyth
St. Louis, Missouri 63105
(314) 621-5070

Thaddeus Eckenrode
Lisa Howe
8000 Maryland, Suite 1300
St. Louis, Missouri 63105
(314) 726-6670

10. *State v. Tolen*, Cause No. 07SL-CR2791 (2007 – 2008)

The defendant was an attorney who was accused of providing troubled teenage boys with bikes, cars, liquor, and other items in return for sex. There was also an allegation that he attempted to coerce one boy to lie about these occurrences in a child custody case. Seven search warrants were executed during the course of the police investigation, leading to multiple motions to suppress evidence. There were a number of complex legal issues involved in the case. The defendant proceeded to trial on thirty-seven counts of statutory sodomy and one count of attempted witness tempering. After more than two weeks of evidence, the defendant was found guilty of all but one charge and was sentenced to sixty-five years in prison. The convictions were affirmed on appeal, at 304 S.W.3d 229 (Mo. App. E.D. 2009).

State's Counsel: Kathi Alizadeh
100 South Central
Clayton, Missouri 63105
(314) 615-2600

Defendant's Counsel: Patricia High
Cassandra Williams
500 North Walker Avenue
Suite E-400
Oklahoma City, Oklahoma 73102
(405) 272-4758

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *Hensley v. Ursuline Acad.*, Cause No. 07CC-3783, *aff'd*, 310 S.W.3d 712 (Mo. App. E.D. 2010)

Plaintiff's Counsel: Patricia Wilcox
1015 Locust, Suite 400
St. Louis, Missouri 63101
(314) 588-9500

Defendants' Counsel: T. Christopher Bailey
Bernard Huger
2000 Equitable Building
10 South Building
St. Louis, Missouri 63102
(314) 241-9090

2. *Smotherman v. Mo. Dep't of Mental Health*, Cause No. 08SL-CC3667

Plaintiff's Counsel: Howard Shalowitz
7108 Northmoor Drive
St. Louis, Missouri 63105
(314) 277-9977

Defendant's Counsel: Michael Cherba
Missouri Attorney General's Office
P.O. Box 861
St. Louis, Missouri 63188
(314) 340-7544

3. *Legatus Emergency Servs., LLC v. Charles L. Crane Agency*, Cause No. 05CC-2666

Plaintiff's Counsel: Tim Noelker
Selth Albin
Holly Yaokum
One U.S. Bank Plaza
St. Louis, Missouri 63101
(314) 552-6521

Defendants' Counsel: Dan Farroll
103 West Vandalia Street, Suite 300
P.O. Box 510
Edwardsville, Illinois 62025
(618) 656-0184

4. *Visnow v. Marianist Province*, Cause No. 06CC-00008, *rev'd*, 258 S.W.3d 809 (Mo. Banc 2008)

Plaintiff's Counsel: Daniel Craig
1125 Grand Boulevard, Suite 900
Kansas City, Missouri 64106
(816) 221-7772

Defendants' Counsel:

Gerard Noce
800 Market Street, Suite 2300
St. Louis, Missouri 63101
(314) 480-4160

J. Martin Hadican
225 South Meramec, Suite 832T
St. Louis, Missouri 63105
(314) 863-0050

5. *Vinson v. Daughhetee*, Cause No. 07CC-931, *aff'd*, 294 S.W.3d 135
(Mo. App. E.D. 2009)

Plaintiffs' Counsel:

Steve Hamburg
231 South Bemiston, Suite 1111
Clayton, Missouri 63105
(314) 725-8000

Ed Dowd
Robert Epperson
7733 Forsyth, Suite 1410
St. Louis, Missouri 63105
(314) 889-7300

Defendants' Counsel:

David Stoeberl
120 South Central Avenue
Suite 1800
St. Louis, Missouri 63105
(314) 854-8600

John Hessel
500 North Broadway, Suite 2000
St. Louis, Missouri
(314) 444-7735

Glenn Etelson
11921 Rockville Pike
Rockville, Maryland 20852
(301) 231-0956

6. *Luberda v. Mo. Dep't of Soc. Servs.*, Cause Nos. 05CC-5022, 06CC-1247

Plaintiff's Counsel: George Luberda
225 South Meramec
St. Louis, Missouri 63105
(314) 721-2223

Defendants' Counsel: Sarah Dobecki
Missouri Attorney General's Office
Supreme Court Building
207 West High Street
P.O. Box 899
Jefferson City, Missouri 65102
(573) 751-3321

7. *Sinclair v. United Methodist Church*, Cause No. 05CC-5352

Plaintiff's Counsel: Larry Altman
621 North Skinker Boulevard
St. Louis, Missouri 63130
(314) 205-9544

Defendant's Counsel: Stanley Schroeder
222 South Central Avenue, Suite 901
Clayton, Missouri 63105
(314) 863-0092

8. *Walker Servs., Inc. v. Mo. Dep't of Ins.*, Cause Nos. 07CC-248, 07CC-2000, *aff'd*, 299 S.W.3d 677 (Mo. App. E.D. 2009)

Plaintiff's Counsel: Tom Lake
7777 Bonhomme
Clayton, Missouri 63105
(314) 863-0077

Defendant's Counsel: Mary Erickson
Missouri Attorney General's Office
Supreme Court Building
207 West High Street
P.O. Box 899
Jefferson City, Missouri 65102
(573) 751-3321

9. *Barlow v. Boehme*, Cause No. 08SL-CC4160

Plaintiffs' Counsel: Mark Levison
10 South Broadway, Suite 1300
St. Louis, Missouri 63102
(314) 613-2539

Defendants' Counsel: Brian McGovern
400 South Woods Mill Road
Suite 250
Chesterfield, Missouri 63017
(314) 392-5200

10. *Harris v. City of Pine Lawn*, Cause No. 06CC-3096

Plaintiff's Counsel: Venus Harry
Brandi Miller
447 North Euclid
St. Louis, Missouri 63108
(314) 367-1059

Defendant's Counsel: Donnell Smith
1545 Woodson Road
St. Louis, Missouri 63114
(314) 426-0056

- e. Provide a list of all cases in which certiorari was requested or granted.

None, to the best of my knowledge.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

Stabler v. Stabler, 2010 WL 4840869 (Mo. App. E.D. 2010). The Missouri Court of Appeals affirmed in part and reversed in part the Court's ruling on two motions to dismiss. This case was filed in the Probate Division of the Court asserting claims against respondents in their capacities as trustees of a trust and as personal representatives of an estate. The Appellate Court affirmed the ruling dismissing one count of the petition for lack of standing but found that there may be facts from which the petitioner could prove standing to proceed on two other counts.

Hansen v. Halliburton, 2010 WL 4340690 (Mo. App. E.D. 2010). The Missouri Court of Appeals reversed and remanded, finding that the defendant met its

burden of proof on a counterclaim and that there was error in the calculation of plaintiff's damages.

Thomas v. Brandt, 2010 WL 3637530 (Mo. App. E.D. 2010). This was a negligence action filed by decedent's family against publicly-employed emergency medical personnel and their employer as a result of their response to a 911 call. I granted summary judgment for defendants, finding they were entitled to official immunity pursuant to the principles established in *Richardson v. City of St. Louis*, 293 S.W.3d 133 (Mo. App. E.D. 2009). On appeal, summary judgment was reversed and the case remanded on the grounds that defendants were not acting in a true emergency situation and thus were not protected by official immunity. A motion for rehearing or transfer to the Supreme Court was denied.

Spicer v. Spicer Revocable Living Trust, 2010 WL 2378000 (Mo. App. E.D. 2010). I entered a judgment granting the defendant's motion to enforce settlement. The Court of Appeals reversed for lack of jurisdiction, holding that defendant's motion was not an authorized post-trial motion that would have extended the trial court's jurisdiction beyond 30 days following its entry of judgment. Respondent's application for transfer was sustained and the case has been transferred to the Missouri Supreme Court (SC91117, Sept. 21, 2010).

State v. Seeler, 316 S.W.3d 920 (Mo. 2010). Defendant was convicted of first-degree involuntary manslaughter. In a four-to-three decision the Missouri Supreme Court reversed, holding that the prosecution should not have been allowed to amend the indictment during the course of the trial because it was prejudicial to the defendant.

State ex rel. Marianist Province v. Ross, 258 S.W.3d 809 (Mo. 2008). A former student filed suit against the Marianist Province for sexual abuse. The defendant moved for summary judgment alleging that the statute of limitations had run, and the plaintiff argued he did not bring the case earlier because he had not remembered the abuse due to repressed memory. I denied the motion and defendant filed a writ of prohibition. The Missouri Supreme Court granted the writ, finding I erred in overruling the motion for summary judgment. The court found that the statute of limitations began to run when plaintiff turned 21 because the conduct he remembered was sufficient to put a reasonably prudent person on notice of a potentially actionable injury.

McFadden v. State, 256 S.W.3d 103 (Mo. 2008). Petitioner filed for post-conviction relief past the statutorily-required date. I granted the State's motion to dismiss, which was affirmed by the Court of Appeals. The Missouri Supreme Court accepted transfer and reversed, finding an exception to the statutory rule, specifically, abandonment by counsel.

State v. Presberry, 128 S.W.3d 80 (Mo. App. E.D. 2008). The defendant was convicted by a jury of first degree robbery, stealing a credit card, fraudulent use of

a credit device, attempted first degree robbery, and tampering with a motor vehicle. The Court of Appeals, in a divided opinion, found the trial court improperly admitted identification testimony by a police witness. The Court of Appeals further found the evidence insufficient to support certain convictions. The case was reversed and remanded in part and reversed in part. On remand the defendant pleaded guilty to certain charges

Topps v. City of Country Club Hills, 236 S.W.3d 660 (Mo. App. E.D. 2007). I granted defendant's motion for summary judgment and the Court of Appeals reversed, finding that there was a genuine issue of material fact. After remand, additional stipulated facts were submitted to the court and again, I granted the motion for summary judgment. This decision was affirmed by the Court of Appeals, 272 S.W.3d 409 (Mo. App. E.D. 2008).

State v. McFadden, 191 S.W.3d 648 (Mo. 2006). The defendant was convicted of Murder First Degree and the jury recommended the death penalty. The Court followed the jury's recommendation and sentenced the defendant. The Missouri Supreme Court reversed the conviction, finding Batson violations and that the reasons given by prosecutors for their peremptory strikes were pretextual.

State ex rel. B.P. Prods. v. Ross, 163 S.W.3d 922 (Mo. 2005). A car wash servicing company and its president filed a multi-count petition against B.P. Products for injurious falsehood, defamation, and prima facie tort. B.P. Products moved for summary judgment on statute of limitations and I granted the motions in part. B.P. applied for a writ of prohibition and the Missouri Supreme Court granted the writ in part and denied the writ in part, thereby reversing a portion of the order I entered.

State v. Jordan, 181 S.W.3d 588 (Mo. App. E.D. 2005). In this case the defendant was charged with several counts resulting from a police stop and high speed chase. During the course of the incident, the defendant struck an officer with his car and rammed another police car. After a jury trial, the defendant was found guilty of two counts of assaulting a law enforcement officer, armed criminal action, felony resisting arrest, felony driving while intoxicated, and driving while revoked. The Court of Appeals affirmed the judgment in part and reversed the count for felony resisting arrest, finding the evidence was insufficient to support a finding that the defendant knew the officers were attempting to arrest him for a felony.

Jefferson v. Am. Fin. Grp., 163 S.W.3d 485 (Mo. App. E.D. 2005). The plaintiff sued a mortgage company for breach of fiduciary duty. After a bench trial, I found in favor of the plaintiff and awarded damages. The Court of Appeals affirmed the judgment but remanded with instructions to increase the amount of the award.

State v. Hopkins, 140 S.W.3d 143 (Mo. App. E.D. 2004). Defendant was convicted of burglary first degree, assault first degree and two counts of armed criminal action. The Court of Appeals reversed and remanded due to Batson violations, and reversed and discharged one count of armed criminal action due to a lack of evidence. The case was retried and the defendant was convicted of burglary first degree, assault first degree and one count of armed criminal action. The convictions were affirmed on appeal, at 187 S.W.3d 921 (Mo. App. E.D. 2006).

State v. Williams, 85 S.W.3d 80 (Mo. App. E.D. 2002). The defendant was found guilty by a jury of felony failure to appear. The Court of Appeals reversed the conviction, finding the evidence was insufficient to support the verdict.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

All of my decisions are issued in judgments that are unpublished. These unpublished judgments are contained in the individual court files in the Circuit Clerk's office. Many of these judgments are relatively routine; some may be by default or consent of the parties or based on undisputed facts. Although some of these judgments contain my own legal conclusions, our statewide computer system has no mechanism to separately identify these from the thousands of judgments I have entered. In my years as a judge, I estimate I have entered over 7,000 judgments.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have not authored significant opinions on federal or state constitutional issues.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I have followed the Missouri Statutes, applicable case law, and the Code of Judicial Conduct when considering recusal. In my years as a trial judge, I have been assigned thousands of cases and have on occasion entered an order of recusal. I have always reviewed my cases to determine if I had a close relationship with a party, and to identify any witnesses or counsel that would affect my impartiality or create an appearance of impropriety. I have attempted to search the Circuit Court's computer system for all cases in which I have entered an order of recusal, but the system does not have that capability. My brother-in-law is a partner in the St. Louis law firm, Capes, Sokol, Goodman and Sarachan. I presently recuse and would recuse, if confirmed, in any case involving any lawyer in his firm. For several years I recused in any case involving St. Louis County Government because of my former position as St. Louis County Counselor. I continue to recuse and would continue to recuse on any case involving St. Louis County Government, if the subject matter of the litigation involves a policy or practice that I helped to formulate.

In searching my records, I located the case of *Susan Mello v. St. Louis County Circuit Court*, Cause No. 09SL-CC3509, in which the plaintiff filed a motion for recusal for cause. The plaintiff is a lawyer who alleged that two other judges in the Circuit had failed to provide accommodations for her disability by denying requests for continuance. The plaintiff filed a complaint with the Missouri Commission on Human Rights, which was denied. The case was filed, assigned to my division and, shortly thereafter, the motion for recusal was filed. I reviewed the motion consistent with Missouri Statutes and the applicable case law, found the motion to be procedurally and substantively inadequate, and denied the motion. As the case progressed, it became clear that policies of the entire Circuit were at issue. Due to my role as Presiding Judge, I entered an order of recusal on my own motion and the case was assigned to a judge from a different circuit.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected

or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

St. Louis County Counselor, appointed by County Executive George "Buzz" Westfall, 1991 to 2000.

I have not been a candidate for elective office, nor have I been an unsuccessful nominee for an appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I was an informal advisor to George "Buzz" Westfall in his campaigns for St. Louis County Executive in 1994 and 1998. I held no position with the campaigns and was not compensated.

16. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:
- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;
- ii. whether you practiced alone, and if so, the addresses and dates;
- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1979 – 1991

St. Louis County Prosecuting Attorney's Office
7900 Carondelet
Clayton, Missouri 63105
Assistant Prosecuting Attorney

1984

Missouri Attorney General's Office
Supreme Court Building
Post Office Box 899
Jefferson City, Missouri 65102
Special Assistant Attorney General

1989

St. Charles County Prosecuting Attorney's Office
300 North 2nd Street
St. Charles, Missouri 63301
Special Assistant Prosecuting Attorney

1991 – 2000

St. Louis County Government
41 South Central
Clayton, Missouri 63105
County Counselor

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I began my legal career with the St. Louis County Prosecuting Attorney's Office. From 1979 to 1981, I handled traffic and misdemeanor cases along with preliminary hearings on felony cases. Beginning in 1981, I began handling both misdemeanor and felony cases. By 1983, I was handling exclusively felony cases and was assigned to present all cases to the St. Louis County Grand Jury. In 1986, I was appointed Assistant Chief Trial Attorney, handling more complex and serious felony cases. In addition, I supervised approximately twenty attorneys assigned to the Associate Circuit divisions. In 1988, I was appointed Chief Trial Attorney, supervising the full trial staff of approximately forty-five attorneys and assigned the most serious felony cases. In addition, I had special appointments to investigate and prosecute murder cases in 1984 and 1989. My area of practice during those years was exclusively criminal law.

From 1991 to 2000, I served as County Counselor for St. Louis County. I supervised a law office of over twenty attorneys, along with paralegals and secretaries. The County Counselor's Office is the civil law office for St. Louis County Government representing all county departments and agencies, the County Council, and the County Executive. St. Louis County Government has over three thousand employees in its many departments. I supervised all litigation, which was primarily in state court but included some federal court litigation. The federal court litigation included civil rights litigation involving prisoners in the County Jail and the police department. I attended and advised the County Council at weekly meetings and drafted legislation. While County Counselor, I worked to establish the St. Louis County Municipal Court system with courts in north, south and west St. Louis County, handling forty thousand ordinance cases a year. My practice was primarily civil during this period of time.

In January 2000, I was appointed a Circuit Judge and I have served as a judge since that date.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As a prosecutor, I represented the State of Missouri in criminal prosecutions.

As County Counselor, I represented all of St. Louis County Government's departments, agencies and commissions. I represented the County Executive and the County Council. In addition, in some limited circumstances, I represented county employees.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

As a prosecutor from 1979 to 1991, my practice was exclusively litigation. I had daily court appearances for dockets, motion hearings, and trials. As County Counselor from 1991 to 2000, I spent approximately 30% of my time supervising civil litigation. During this period of time, I appeared in court infrequently.

- i. Indicate the percentage of your practice in:
 - 1. federal courts:
 - 2. state courts of record: 100%
 - 3. other courts:
 - 4. administrative agencies:

ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 40% |
| 2. criminal proceedings: | 60% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I tried approximately 200 cases as sole counsel.

i. What percentage of these trials were:

- | | |
|--------------|-----|
| 1. jury: | 25% |
| 2. non-jury: | 75% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *State v. Wise*, 879 S.W.2d 494 (Mo. 1994), St. Louis County Circuit Court, Hon. Melvyn Weisman. I prosecuted the defendant for the murder of a woman who lived in a condominium complex where he worked as a maintenance man. The defendant admitted killing the victim so that he could steal jewelry to buy drugs. After numerous competency hearings, the defendant proceeded to trial, choosing to represent himself with standby counsel. Standby counsel took over representation of the defendant in the penalty phase. The defendant,

who was on parole for murder at the time of this offense, was convicted of murder first degree, two counts of armed criminal action, stealing, and robbery first degree. He was sentenced to death and that sentence was carried out after he exhausted all appeals.

Standby Counsel:

B. Strand and M. McClain
Public Defenders Office
1000 West Nifong, Building 7, Suite
100
Columbia, Missouri 65203
(573) 882-9855

2. *State v. Bullock*, 826 S.W.2d 83 (Mo. App. W.D. 1992), Boone County Circuit Court, Hon. Frank Conley. I handled the third trial of the defendant involving the death of his wife. He was tried for murder first degree. I was assigned to the case for the third trial on charges of tampering with physical evidence and arson. The trial was held in Boone County on a change of venue, and the defendant was found guilty of the charges. The Court of Appeals reversed the tampering with physical evidence conviction, holding that offense could not occur in the absence of an official proceeding. The sentencing on the arson conviction resulted in a further appellate opinion, at 838 S.W.2d 510 (Mo. App. W.D. 1993).

Opposing Counsel:

Arthur Margulis
11 South Meramec
Clayton, Missouri 63105
(314) 721-6677

3. *State v. Jones*, 705 S.W.2d 19 (Mo. 1986), Franklin County Circuit Court, Hon. Lawrence Davis. I was appointed as Special Assistant Attorney General to investigate and prosecute this murder that occurred in Crawford County, Missouri. The case was transferred to Franklin County on a change of venue due to pre-trial publicity. The defendant was found guilty of murder first degree and sentenced to death. The judgment was affirmed on appeal.

Opposing Counsel:

Don Hager
Public Defender's Office
1000 West Nifong, Building 7, Suite
100
Columbia, Missouri 65203
(573) 882-9855

4. *State v. Burrow*, 793 S.W.2d 509 (Mo. App. E.D. 1990), St. Louis County Circuit Court, Hon. Arthur Litz. I prosecuted the defendant for

the murder of his former employer, who fired him for stealing. The defendant chased the victim throughout his paint store, beating him to death. A number of psychiatrists testified at trial, but the jury rejected his psychiatric defense. The defendant was found guilty of murder first degree, robbery first degree, and two counts of armed criminal action. He was sentenced as a prior offender to life without parole. The judgment was affirmed on appeal.

Opposing counsel: Scott Dixon
 103 West Main
 Belleville, Illinois
 (618) 233-1103

5. *State v. Trice*, 747 S.W.2d 243 (Mo. App. W.D. 1988), Boone County Circuit Court, Hon. Frank Conley. The defendant was a bus driver who drove his bus loaded with children while under the influence of drugs and alcohol. He started racing another car at a high rate of speed and crashed the bus on the side of the highway. As a result of the crash, two students were killed and one student seriously injured. The trial occurred in Boone County on a change of venue due to pre-trial publicity. The case attracted significant media attention because there were no seatbelts on the school bus. In this case, however, the crash was so severe the bus split in half and no precautions would have prevented the deaths and injuries. The defendant was convicted of two counts of involuntary manslaughter and one count of assault second degree. The judgment was affirmed on appeal.

Opposing Counsel: Charles Shaw, now deceased
 James Knappenberger
 222 South Meramec
 Clayton, Missouri 63105
 (314) 721-2274

6. *State v. Goldsby*, 845 S.W.2d 636 (Mo. App. E.D. 1992), St. Louis County Circuit Court, Hon. William M. Corrigan. I prosecuted the defendant for kidnapping a woman at knife-point from a shopping center outside of Kansas City and driving her to St. Louis where he raped and assaulted her. Two young men passing by assisted the victim in getting away from the defendant. The victim and the young men identified the defendant, who was arrested and then released on bond. After his release, the defendant fled the United States and was later convicted of drug possession in Malaysia. After several years, the defendant was arrested upon attempting to enter the United States. After trial by jury, the defendant was convicted of kidnapping, rape and assault. He was sentenced to life in prison. The judgment was affirmed on appeal.

Opposing Counsel:

Brad Kessler
1520 Washington Avenue
St. Louis, Missouri 63103
(314) 539-9595

7. *State v. Franks*, 702 S.W.2d 853 (Mo. App. E.D. 1985), St. Louis County Circuit Court, Hon. James R. Hartenbach. I was assigned to handle this prosecution after remand from a prior trial. The defendant was an insurance agent who sold life insurance policies. After the initial policies were issued, defendant submitted forged change-in-beneficiary forms designating her friends as beneficiaries. Thereafter, the defendant's brother shot the policyholders and, in one case, killed the person. In the defendant's first trial, she was convicted of conspiracy to commit murder. When that conviction was reversed and remanded, I was assigned to the case. I located two new witnesses who could not be found at the time of the first trial, which resulted in an additional charge of murder second degree. At trial, the defendant was acquitted on the charge of conspiracy to commit murder, but convicted of murder second degree. The judgment was affirmed on appeal.

Opposing Counsel:

Dan Finney
1735 South Big Bend Boulevard
St. Louis, Missouri 63117
(314) 646-0300

8. *State v. Bullington*, 680 S.W.2d 238 (Mo. App. W.D. 1984), Boone County Circuit Court, Hon. James Ruddy, Special Judge. I prosecuted the defendant for burglary first degree, armed criminal action and two counts of flourishing a deadly weapon. The defendant broke into a house and kidnapped a young girl at gun point after flourishing the gun at the girl's mother and brother. The case went to trial in Boone County on a change of venue due to pre-trial publicity. The defendant was found guilty on all charges and sentenced in the aggregate to 130 years in prison. The judgment was affirmed on appeal.

Opposing Counsel:

Mary Fox
Public Defender's Office
Mel Carnahan Courthouse
1114 Market Street, Suite 602
St. Louis, Missouri 63101
(314) 340-7625

9. *State v. Jones*, 679 S.W.2d 927 (Mo. App. E.D. 1984), Circuit Court of St. Louis County, Hon. Arthur Litz. I prosecuted the defendant for kidnapping and armed criminal action. The defendant appeared from behind a tree and abducted a female jogger at knife-point. He pulled the

woman into his parked car and started driving away. He attempted to tie the victim's hands and place tape over her eyes, but she was able to break away from the defendant's grasp and jump out of the car. Based on circumstantial evidence and the victim's identification, the defendant was convicted at trial. The judgment was affirmed on appeal.

Opposing Counsel: Nick Zotos
4235 Lindell Boulevard
St. Louis, Missouri
(314) 534-1797

10. *State v. Jones*, 693 S.W.2d 166 (Mo. App. E.D. 1985), St. Louis County Circuit Court, Hon. Richard Enright. I prosecuted the same defendant in a separate case for kidnapping, forcible rape, sodomy, and armed criminal action. In this case, the defendant abducted a young girl who was walking home from a friend's house at knife-point. He tied the victim's hands, put tape over her eyes, and took her to a house where he raped and sodomized her. At trial, I presented circumstantial evidence along with the victim's identification, and the jury convicted the defendant on all counts. The judgment was affirmed on appeal.

Opposing Counsel: Mary Fox
Public Defender's Office
Mel Carnahan Courthouse
1114 Market Street, Suite 602
St. Louis, Missouri 63101
(314) 340-7625

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

While in the Prosecuting Attorney's Office, I became acutely aware of the devastating effects of domestic violence. Later as a St. Louis Counselor, I worked with the St. Louis County Executive to establish the first residential shelter for battered women and children in St. Louis County. With the assistance of a wealthy donor, a facility was acquired, renovated and staffed with trained counselors. I worked on the formation of a not-for-profit board, The Friends of the Weinman Shelter for Battered Women and Children, and served on the board for several years. The Friends Board provided oversight for the management of the shelter and helped to raise private funds for its operation. The shelter has provided safe housing for hundreds of women and children.

In addition, as County Counselor, I served on the committee to establish a domestic violence council for St. Louis County. In 1996 the St. Louis County Domestic and Family Violence Council was created based on the legislation I prepared. I served on the Council from 1996 to 2005, working with service providers and law enforcement officials to develop policies and procedures to handle incidents of domestic violence.

Also, as County Counselor, I led the effort for the legislative approval and formation of the St. Louis County Municipal Court. This court system allowed for the establishment of three satellite courts in north, south and west St. Louis County to handle municipal ordinance violations. By holding court at night at other locations, citizens were provided better access to justice. In addition, 40,000 cases a year were removed from the State's overcrowded court system.

As Assistant Presiding Judge and Presiding Judge, I have provided guidance for the Court through difficult budgetary times. Both the State and St. Louis County fund the operations of the courts and both have been confronted with difficult financial conditions. The State and the County have asked the courts to continue to provide the same level of service with limited resources. The St. Louis County Courts have maximized their resources by using reassigned judges from other circuits. We have also used retired judges to more efficiently handle the case load of the State's largest court system.

I have not performed any lobbying activities on behalf of any clients or organizations; however, I did appear before the Missouri State Legislature as St. Louis County Counselor.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses during my legal career.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I receive payments from the St. Louis County Retirement System. I will receive payments, upon retirement, from the Missouri State Employees' Retirement System.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no plans, commitments or agreements to pursue outside employment, with or without compensation, if I am confirmed to be a United States District Judge.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will continue to recuse on any matter involving my brother-in-law's firm, Capes, Sokol, Goodman and Sarachan.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

I will follow the federal statutes on recusal and the Code of Conduct for United States Judges. If necessary, I would seek advice from the Code of Conduct Committee of the Judicial Conference. In addition, I will always review cases and recuse on any matter where my impartiality might be reasonably questioned.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

My employment by public entities limited my ability to provide pro bono legal services. However, I have served as an informal legal advisor to many of the boards and commissions I have served on, including the Friends of the Weinman Shelter for Battered Women and Children.

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

No judicial selection commission was established in Missouri. Persons interested in the appointment were directed to provide a resume to Senator Claire McCaskill's office, and I did so. On March 13, 2010, I was personally interviewed by Senator McCaskill.

Since August 10, 2010, I have been in contact with pre-nomination officials at the Department of Justice. I interviewed with attorneys from the White House Counsel's Office and the Department of Justice on September 21, 2010. On December 1, 2010, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

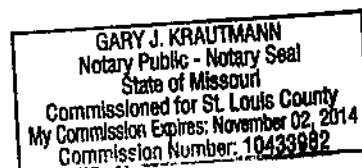
AFFIDAVIT

I, JOHN ANDREW ROSS, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

11/29/2010
(DATE)

John Andrew Ross
(NAME)

[Signature] 29 Nov. 2010
(NOTARY)



Circuit Court of St. Louis County

DIVISION 15

7900 CARONDELET AVENUE

CLAYTON, MISSOURI 63105

JOHN A. ROSS
CIRCUIT JUDGE
(314) 615-1515

January 5, 2011

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

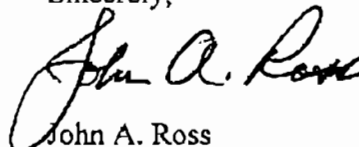
Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on December 1, 2010, to be United States District Judge for the Eastern District of Missouri. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

- On December 16, 2010, I was a Speaker at the St. Louis County Bar Association's Annual State of the Bench and Bar Meeting. I have no notes, transcript or recording. The address of the association is 7905 Forsyth, Clayton, Missouri 63105
(Question 12d)
- I presided over one additional case that has gone to verdict, therefore the total number of cases presided over that have gone to verdict or judgment is approximately 327.
(Question 13a)

I also am forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



John A. Ross

cc: Senator Charles Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510