

**APPLICATION OF KATHLEEN SCHLEF HAMILTON  
TO THE APPELLATE JUDICIAL COMMISSION FOR THE  
JUDGE RICHTER VACANCY  
MISSOURI COURT OF APPEALS, EASTERN DISTRICT**

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

1. State your present principal occupation, place of work, and job title:  
I am presently a litigation attorney and Partner at the law firm of HeplerBroom, LLC, 211 North Broadway, Ste. 2700, St. Louis, MO 63102.
  
2. Provide the following information concerning your eligibility for this position:
  - (a) Have you been a citizen of the United States for at least 15 years? Yes
  
  - (b) Have you been a qualified voter of the state for at least nine consecutive years immediately preceding your application? Yes
  
  - (c) Are you at least 30 years of age? Yes
  
  - (d) Are you a resident of the Eastern District? Yes
  
4. List each state, court, or agency in which you are licensed as an attorney, and, for each, the date you were admitted, your bar number, and whether your license is in good standing. If any license is not in good standing, explain.

State of Missouri  
Admitted: 9/1/2002  
Bar Number: 51974  
In good standing

State of Illinois  
Admitted: 5/6/2004  
Bar Number: 6281831  
In good standing

United States District Court  
Eastern District of Missouri  
Admitted: 6/17/2004  
Bar Number: 51974  
In good standing

United States District Court  
Western District of Missouri  
Admitted: 5/21/2004  
Bar Number: 51974  
In good standing

United States District Court  
Southern District of Illinois  
Admitted: 4/25/18  
IL Bar Number: 6281831  
In good standing

5. (a) State the name and address of all colleges and universities attended, *other than* law school, together with the dates and degrees received.

University of Notre Dame  
220 Main Building  
Notre Dame, IN 46556  
1995-1999  
College of Arts and Letters  
Bachelor of Arts in History and English (double major) received May 1999

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

I was on the Dean's List for the Fall Semester 1998 and Spring Semester 1999.

I was chosen to participate in the University of Notre Dame London Program in 1998, which at the time was provided to only 90 juniors selected after an application process.

I was chosen to participate in the Social Concerns Seminar in 1996 following a referral and application process. As part of this seminar, "The Washington Seminar," 22 students were chosen to serve and participate in experiential learning specifically dealing with proposed education systems ranging from voucher programs to public schools and the impact on real students and society. The program culminated with a week-long immersion that included meetings with various government officials in Washington, D.C. and interactions with different types of schools within the D.C. area.

I was chosen to be a Resident Assistant ("RA") at Breen-Phillips Hall as a senior following a multi-level application and interview process. As an RA, I was called to be a leader, minister, educator and visible role model within the residence hall

and campus community.

I was a member of the Student Alumni Relations Group (SARG) for two years and part of its executive committee my senior year.

I worked in the Office of Sports Information helping to maintain student athlete media files which also included writing articles spotlighting specific student athletes.

I was elected to be a representative on the First Year Class Council 1995-1996 which was part of the undergraduate student government.

(c) If, as a student, you were suspended, placed on probation, or expelled by school authorities for any reason, describe the circumstances.

N/A

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

University of Missouri-Columbia School of Law  
103 Hulston Hall  
Columbia, MO 65211  
1999-2002  
Juris Doctorate received May 2002

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

Member of Phi Alpha Delta Law Fraternity

(c) If, as a student, you were suspended, placed on probation, or expelled by school authorities for any reason, describe the circumstances.

N/A

7. State, in chronological order (starting with the earliest employment), your *significant non-law-related employment*. To the extent reasonably available to you, include the name and address of each employer and the dates of employment; the position held; whether the employment was full-time, part-time, or seasonal; and the reason the employment ceased.

The Limited  
Address: Mid Rivers Mall, 1600 Mid Rivers Mall Drive, St. Peters, MO 63376

Dates of employment: 1993-1995  
Position held: Salesperson  
Part-time employment  
Employment ceased when I began college.

Riverport Amphitheater n/k/a Hollywood Casino Amphitheatre-St. Louis  
Address: 14141 Riverport Drive, Maryland Heights, MO 63043  
Dates of Employment: 1993-2001  
Position held: Usher/Guest Services  
Seasonal Employment  
Employment ceased when I quit in 2001.

Studio J  
Address: 3839 Mexico Road, St. Charles, MO 63303  
Dates of Employment: 1994-1995  
Position held: Dance Instructor  
Part-time employment  
Employment ceased when I began college.

Schnucks  
Address: 1950 Zumbahl Road, St. Charles, MO 63303  
Dates of Employment: Summer 1999  
Position held: Checker  
Seasonal, part-time employment  
Employment ceased when I began law school.

8. State, in chronological order (starting with the earliest employment), *all law-related employment*. To the extent reasonably available to you, include the name and address of each employer and the dates of employment; the position held (e.g., associate, partner, law clerk, general counsel); and the reason the employment ceased.

Missouri Court of Appeals-Eastern Division  
Address: One Post Office Square, 815 Olive Street, #304, St. Louis, MO 63101  
Dates of Employment: May 2000-August 2000  
Position held: Summer Law Clerk Intern for the Honorable Paul J. Simon (non-paid)  
The internship ceased when I returned to law school in August 2000.

Missouri Court of Appeals-Eastern Division  
Address: One Post Office Square, 815 Olive Street, #304, St. Louis, MO 63101  
Dates of Employment: January 2001, March 2001  
Position held: Law Clerk Intern for the Honorable Paul J. Simon during winter and spring breaks

(Non-paid)

The internship ceased when I returned to law school following the breaks.

The Bar Plan

Address: 1717 Hidden Creek Court, St. Louis, MO 63131

Dates of Employment: May 2001-August 2001

Position held: Summer Legal Intern

Full-time

Employment ceased when I returned to law school in August 2001.

Missouri Court of Appeals-Eastern Division

Address: One Post Office Square, 815 Olive Street, #304, St. Louis, MO 63101

Dates of Employment: May 2002-May 2003

Position held: Law Clerk for the Honorable Paul J. Simon

Full-time

Employment ceased when the clerkship ended and I began work at Thomas J. Noonan, P.C.

Thomas J. Noonan, P.C.

Address: 701 Market Street, Ste. 1800, St. Louis, MO 63101

Dates of Employment: May 2003-November 2005

Position held: Associate Attorney

Full-time

Employment ceased when I quit to commence work at Moser Marsalek, P.C.

Moser Marsalek, P.C.

Address: 200 N. Broadway, Ste. 500, St. Louis, MO 63102

Dates of Employment: November 2005-June 2010

Position held: Associate Attorney

Full-time

Employment ceased when my practice group moved to HeplerBroom, LLC.

HeplerBroom, LLC

Address: 211 N. Broadway, Ste. 2700, St. Louis, MO 63102

Dates of Employment: June 2010 - Present

Position held: Associate Attorney June 2010 – 2013; Partner 2013 - Present

Full-time

Employment continues through the present date.

9. Describe the nature of your experience in trial and appellate courts and explain how they demonstrate the quality of your legal work. *(You either may take as much space as you need here or attach your response on separate sheets. It is your responsibility to redact any confidential information.)* Include in your response:

I have experience at both the trial and appellate court levels. See attached.

- a) **Appellate Experience:** Please include a representative list of cases you have briefed and/or argued (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court and, if published, the citation; identify the client(s) you represented and opposing counsel; and give a one-paragraph description of the case and your role.

See attached.

- b) **Trial-Level Experience:** Please include a representative list of cases and/or administrative hearings you have handled (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court; identify who you represented and opposing counsel; state whether the case was disposed of following a jury trial, bench trial or at what other stage; and give a one-paragraph description of the case and your role.

See attached.

- c) **Judicial Experience:** If you are a judge, commissioner, or are serving or have served in other judicial capacity, please describe the nature and extent of your judicial responsibilities, including the dates you have served as a judge at each level, the types of dockets you have handled and any special expertise you believe is relevant to your qualifications for the position for which you are applying.

N/A

10. Describe any additional legal experience you believe may be relevant to the decision of the commission (e.g., work as a law professor, in government, as corporate or other legal counsel).

I have served as a mentor and evaluator for paralegal students studying at Maryville University. In this capacity, I have provided specific intern opportunities for paralegal students at my firm where they undergo thirty hours of studies and paralegal activities directly under my tutelage in exchange for school credit. As part of my role, I evaluate and prepare written commentary concerning

the work performed by the intern, meet with the professor for whom the internship is provided, and assist in the final grading of the student.

Early in my career, I represented employers in workers' compensation matters and participated in contested hearings in both Missouri and Illinois. Additionally, I served as an advocate for a family whose child had been abused by a family member, and, in that role, assisted them throughout the reporting and investigative processes of the local authorities. I have also served as an advocate for a family dealing with the effects of bullying at school, serving to represent the interests of the child and assist with changes to school policies.

I currently serve as a mentor within our law firm, and I have the great pleasure of interacting with my mentee on a more personal level given that we are in different practice groups. Serving as a sounding board and safe place for her to inquire about all things related to our profession and its impact on one's personal goals and endeavors has no doubt been more beneficial to me than to her. It is with great pride that I call myself her mentor, and our dynamic has been a wonderful opportunity to encourage and promote a bright and engaging associate.

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

Member of the Missouri Bar

Member of the Illinois Bar

Member of the St. Charles County, MO Bar Association

Member of the Missouri Organization of Defense Lawyers

Member of The CLM, Construction Section

12. Describe your efforts (e.g., work on bar committees, pro bono efforts, CLEs presented, etc.) to contribute to the improvement of the law, the legal system and the administration of justice.

I am a member of the Women in the Profession Committee of the Missouri Bar. This committee provides a forum for professional development and education within the legal community. We also participate in a group email service that allows us to reach out to one another with questions about a specific area of law or an issue that is relevant in a current case. We also review proposed legislation affecting women in the profession.

I am also a member of the Legislative Review Subcommittee of the Missouri Bar. As part of this group, we review and analyze proposed bills submitted in the Missouri State Legislature and offer our insight and assessment of specific aspects of proposed legislation and how it may impact the legal profession and the practice of law. Being able to provide insight into how proposed laws may impact

our profession is a privilege, but it is necessary for the members of our legal community to remain engaged in the law so that we can assist in providing justice to the broader community.

I have also been a member of the Thomas More Society.

I am consistently asked by the National Business Institute to present CLEs, and I have presented at CLEs in both Missouri and Illinois. Below is a listing of my CLE presentations for the NBI:

June 27, 2014: National Business Institute, *Advanced Uninsured/Underinsured Motorist Law*, Collinsville, IL

June 10, 2015: National Business Institute, *Calculating Medical Damages in Injury Settlements Post Affordable Care Act*, St. Louis, MO

April 21, 2016: National Business Institute, *Advanced Uninsured/Underinsured Law – Stacking Coverage and Uninsured Set Offs*, St. Louis, MO

April 5, 2019 National Business Institute, *Advanced Uninsured/Underinsured Law – Stacking Coverage and Uninsured Set Offs*, St. Louis, MO

I have also presented CLEs for HeplerBroom, LLC including *Trial Practice Series Part VI – Closing Arguments*.

Finally, I present client seminars wherein we provide updates on changes to the law and how the changes will implicate pending litigation.

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

I have always found joy and value in volunteering my time and efforts. The organizations to which I devote the majority of my time include the Ronald McDonald House Charities of St. Louis and Angel Arms. Volunteering energies range from providing meals to families staying at the local Ronald McDonald Houses to providing the supplies and gifts for birthday parties for foster children.

In 2007-2008, I served as an Ambassador for the Ronald McDonald House Charities of St. Louis and was a member of the Speaker's Bureau. In this capacity, I spoke on behalf of the Ronald McDonald House Charities of St. Louis at local events and functions to increase knowledge of its presence and purpose within our community.

In 2007-2008, I also served as a member of the “Girls Just Wanna Have Fun” committee for the Ronald McDonald House Charities of St. Louis. We planned and executed a fundraising event that benefited the development of a third facility in St. Louis.

Earlier this year, I began the training process to become an Ambassador for the Ronald McDonald House Charities of St. Louis, again. The plan is to once again speak on behalf of this charity at local events and functions.

Additionally, as a former member of St. Robert Bellarmine Catholic Church in St. Charles, Missouri, I served on the Parish Council from March 2010-March 2013.

I support the Brain Injury Association of America, which seeks to provide a better future for those with brain injuries. Through the Bowling for Brain Injury event in St. Louis, my family was honored to bowl and help raise funds for the Brain Injury Association of Missouri in honor of a particular strong, brave, and thriving young man who sustained a brain injury as a toddler.

I participate in Kids Against Hunger by packaging food packets for distribution to families and children in 70 countries.

As a parent, I now prioritize volunteering efforts associated with my daughter’s school. My volunteering efforts range from assisting school employees in the libraries and bookstores to serving as a room parent and parent ambassador for the school. I find that these activities not only show my devotion as a parent to my child, but they also solidify a sense of belonging and community with the school. When I am part of a group or organization, I am an active part.

Additionally, my daughter and I have participated together in Girls in the Know, a non-profit organization whose mission is to inspire and empower girls to make healthy, confident decisions.

We are currently parishioners of St. Joseph Catholic Parish – Cottleville.

I am also a member of the Notre Dame Club of St. Louis, which as an organization plans events and opportunities to serve our community. Candidly, time has not allowed me to participate in specific opportunities through this organization, but it is an organization to which I belong.

14. Describe your activities (e.g., speeches, presentations, educational activities, etc.) undertaken to further public understanding of and respect for courts and the judicial system and to promote access to justice for all.

As a member of my firm's summer intern program, I have attended on-campus interviews at the University of Missouri – Columbia School of Law. Representing our profession to eager law students and encouraging them in the application process to find summer work and their potential first employment after graduating has been a gratifying experience. The applicants often inquire into practical matters impacting our profession, and it is an honor to speak with them about our role in the community and ways in which we strive to promote justice.

I participate in Motion for Kids f/k/a Project Angel Tree each year which allows me to be of service not only in our legal community but to the larger community. This event provides a forum for service to our community's underprivileged children. Participating in this project certainly promotes connection between those in our profession and those in our community.

Since the impact of COVID-19, I have served as a reference for St. Louis Construction News & Review, contributing to articles explaining the impacts on the construction industry arising from legislation generated in response to the pandemic. An example of such an article can be found at:

[https://stlouiscnr.com/construction-employers-attorneys-await-details-on-expanded-leave-provisions/?utm\\_source=2020+03+27+-+E-News&utm\\_campaign=2020+03+27+E-News&utm\\_medium=email](https://stlouiscnr.com/construction-employers-attorneys-await-details-on-expanded-leave-provisions/?utm_source=2020+03+27+-+E-News&utm_campaign=2020+03+27+E-News&utm_medium=email)

15. List any professional articles or books authored by you that have been published.

I have authored the following items for NBI relative to my CLE presentations:

*Procedural Tips and Techniques for Handling Subrogation, Rights of Reimbursement and Liens*, National Business Institute, *Advanced Uninsured/Underinsured Motorist Law*, June 27, 2014.

*Effective Settlement Negotiations*, National Business Institute, *Advanced Uninsured/Underinsured Motorist Law*, June 27, 2014.

*Defense Strategies for Minimizing Reasonable Value of Medical Services after the Affordable Care Act*, National Business Institute, *Calculating Medical Damages in Injury Settlements*, June 10, 2015.

*Stacking Insurance Coverage and Uninsured Motorist Setoffs*, National Business Institute, *Advanced Uninsured/Underinsured Motorist Law*, April 21, 2016.

*Stacking Insurance Coverage and Uninsured Motorist Setoffs*, National Business Institute, *Advanced Uninsured/Underinsured Motorist Law*, April 5, 2019.

*Procedural Tips and Techniques for Handling Subrogation, Rights of Reimbursement and Liens*, National Business Institute, *Advanced Uninsured/Underinsured Motorist Law*, April 5, 2019.

Additionally, I have authored several blog posts on our firm's website:

*Right to Intervene under Missouri Statute Section 573.065 is Not Retroactive to Trials and Contracts Pre-Dating the 2017 Amended Statute*, October 29, 2019. <https://www.heplerbroom.com/blog/intervene-missouri-statute-section-537-065-retroactive-trials-pre-dating-2017-amended-statute-judgment-entered/>

*Changes to Law Governing the Admissibility of Expert Witness Testimony*, September 7, 2017. <https://www.heplerbroom.com/blog/change-law-governing-admissibility-expert-witness-testimony/>

16. List any special recognition or award of a professional nature you have received.

Selected to Super Lawyers, Rising Stars: 2009 - 2011, 2013 – 2016

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

No

18. Provide the branches and dates of (a) military service or (b) other public service not otherwise disclosed in this application. If discharged from the military, state whether the discharge was other than honorable.

N/A

19. State whether you are able, with or without a reasonable accommodation, to perform the essential functions of being an appellate judge, including participating in oral argument; performing legal research; communicating clearly and effectively, both orally and in writing; supervising the lower courts, serving on court committees and performing other administrative functions; and expeditiously deciding issues coming before the court.

Yes. I am passionate about the law, and I still love researching legal issues and writing motions, memoranda of law, and appellate briefs. I am often in the courtroom arguing motions, but I thrive on appellate practice and presenting oral argument in the appellate courts.

20. Were you ever refused admission to a bar of any state or federal court? If yes, provide details.

No

21. Have you ever been disciplined, admonished or cited for a breach of ethics or professional conduct by any court or bar association or committee thereof? If yes, provide details.

No

22. If you are or were a member of the judiciary of the State of Missouri, please state:

(a) Whether an order of discipline ever has been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct. If yes, provide details.

N/A

(b) Whether a reprimand or admonition ever has been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Supreme Court Rule 12.07. If yes, provide details.

N/A

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

No

24. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem, or defendant ad litem?

No

If yes, state the style of the case, where it was filed, and explain in detail. If you are a judge and you have been sued in your judicial capacity, list only those cases where you are or were other than a nominal party.

N/A

25. Have you ever pleaded guilty to, been convicted of or received a suspended imposition of sentence for a felony or misdemeanor in any state, federal or military court? *(Note this question does not require minor traffic offenses or other infractions to be listed.)*

No

If yes, state the style of the case, where it was filed, and explain in detail.

N/A

26. Have you ever been delinquent in the payment of any federal, state, county or city taxes? If yes, provide details.

In 2013, we were late in paying our St. Charles County real estate tax. It was paid after the first of the year, and the payment included some interest.

27. You must attach to this application at least one, but not more than three, writing samples that comply with the requirements set out in the instructions for applicants.

For your consideration, please see attached briefs pertaining to the following cases:

*Lewis v. Sigman Indoor Climate Solutions, LLC, et al.*, 575 S.W.3d 278 (Mem) (Mo.App.E.D. 2019)  
Respondent F.H. Terbrock and Sons, Inc.'s Brief  
Appeal No. ED 106899  
On Appeal from the Circuit Court of St. Charles County  
Case No. 1711-CC00994

*Fogerty v. Armstrong, et al.*, 541 S.W.3d 544 (Mo.banc 2018)  
Respondent Larry Meyer's Substitute Brief  
Appeal No. SC 96030  
On Appeal from the Circuit Court of St. Louis County  
Case No. 12SL-CC03281

*Douglas v. St. Louis Cold Drawn, Inc.*, 439 S.W.3d 775 (Mo.App.E.D. 2014)  
Respondent St. Louis Cold Drawn, Inc.'s Brief  
Appeal No. ED 100039  
On Appeal from the Circuit Court of St. Louis County  
Case No. 11SL-CC01746

28. List/describe any additional honors or awards you have received, activities you have performed, or any other information not set out above demonstrating the quality of your work as an attorney or otherwise relevant to the commission's decision.

See attached.

Please list the names of **five** persons whom you will ask to provide letters of reference for you with respect to your judicial qualifications. Do **not** list as a reference a judge of the court involved. As to each of the five references, **please provide name, title, mailing address, telephone and e-mail address.**

***The commission will not accept or consider letters from any additional persons beyond the five references listed in this application.***

***Please note it is your responsibility to contact your references,*** although if you intend to use as a reference a federal judge or other individual who only can provide a reference upon a specific request by the interviewing authority, please advise the commission and it will send that reference such a request.

The commission must receive all reference letters **by e-mail** no later than **5 p.m. Friday, July 17, 2020.**

Provide your references with the attached Guidelines for References. The commission must receive your letters of reference, **via e-mail**, to [EDJudgeVacancy@courts.mo.gov](mailto:EDJudgeVacancy@courts.mo.gov), by the date indicated in the Instructions to Applicants.

## REFERENCES:

1. Thomas J. Magee, Esq.  
HeplerBroom, LLC  
211 N. Broadway, Ste. 2700  
St. Louis, MO 63102  
(314) 480-4212  
[Thomas.magee@heplerbroom.com](mailto:Thomas.magee@heplerbroom.com)
  
2. Dudley McCarter, Esq.  
Behr, McCarter & Potter, P.C.  
7777 Bonhomme Avenue, #1400  
St. Louis, MO 63105  
(314) 862-3800  
[dmccarter@bmplaw.com](mailto:dmccarter@bmplaw.com)
  
3. Ryan R. Cox, Esq.  
Ryan R. Cox & Associates, LLC  
320 N. 5th Street  
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4. Tina Babel, Esq.  
Carmody MacDonal, P.C.  
120 S. Central Ave., Ste. 1800  
St. Louis, MO 63105  
(314) 854-8791  
[tnb@carmodymacdonald.com](mailto:tnb@carmodymacdonald.com)
  
5. John O'Connor  
J.H. Berra Construction Co., Inc.  
5091 Baumgartner Rd.  
St. Louis, MO 63129  
(314) 487-5617  
[joconnor@jhberra.com](mailto:joconnor@jhberra.com)

**9 (a) Appellate Experience:** Please include a representative list of cases you have briefed and/or argued (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court and, if published, the citation; identify the client(s) you represented and opposing counsel; and give a one-paragraph description of the case and your role.

I have extensive appellate experience and have had the privilege of briefing and arguing dozens of appeals in state and federal court. Because of my ability to pointedly analyze an issue and craft legal argument, I not only handle the appeals of cases in which I served as trial counsel, but I have also briefed and argued cases on appeal in which I did not participate at trial. Being on the front lines of litigation affords one the experience of advocacy and helps to develop instincts under pressure. However, being able to succinctly brief and argue a point on appeal is an innate talent of mine.

I have briefed and argued issues on appeal ranging from alleged errors in the admission of evidence, submission of jury instructions, and entries of summary judgment. I have briefed and argued issues that have been subsequently clarified as a result of the appeal. For example, in *Fogerty v. Armstrong, et al.*, I was part of the appellate effort that resulted in our Supreme Court clarifying co-employee liability for incidents arising between 2005 and 2012.

A representative list of ten appeals includes:

1. *Roberts Broadcasting Company, et al. v. Danna McKitrick, P.C., et al.*, 577 S.W.3d 528 (Mo.App.E.D. 2019)  
June 25, 2019  
Missouri Court of Appeals – Eastern District, No. ED 107339  
Missouri Circuit Court, Twenty-Second Judicial Circuit, No. 1622-CC00764-01  
Client: Defendants/Respondents Danna McKitrick, P.C. and A. Thomas DeWoskin  
Opposing Counsel: Daniel Finney, II and Daniel Finney, III

I represented Defendants/Respondents Danna McKitrick, P.C. and A. Thomas DeWoskin in a legal malpractice claim arising from an underlying bankruptcy. We obtained summary judgment on the basis that the order approving the attorneys' fees in the bankruptcy case was res judicata on the issue of the attorneys' conduct. On appeal, the summary judgment was affirmed. In addition to drafting the underlying motion pleadings, I drafted the Respondent Brief and argued the matter at oral argument.

2. *Harold Lewis, et al. v. Sigman Indoor Climate Solutions, et al.*, 575 S.W.3d 278 (Mem) (Mo.App.E.D. 2019)  
February 26, 2019  
Missouri Court of Appeals – Eastern District, No. ED 106899

St. Charles County Circuit Court; No. 1711-CC00994  
Client: Defendant/Respondent F.H. Terbrock & Sons, Inc.  
Opposing Counsel: Thomas DeGroot

I represented Defendant/Respondent F.H. Terbrock & Sons, Inc. which began initial construction on a multimillion-dollar home in Lake St. Louis. My client was later fired by the original owner before construction was completed. Years later, the Plaintiffs purchased the home and hired my client to complete interior punch list work. Plaintiffs subsequently brought claims against my client and an HVAC subcontractor alleging damage to their multimillion-dollar home arising from the design and installation of an inadequate heating and cooling system in their indoor poolroom. Plaintiffs sought damages based on the alleged breach of contract to perform punch list work at the home after the design and installation of the system occurred. Because the contract at issue expressly disclaimed any liability for work done prior to its execution, and because the undisputed material facts demonstrated that the system was designed and installed in the home prior to that date and during a time when my client was not even on site, the Court found my client was entitled to summary judgment. In addition to drafting the underlying motion pleadings, I drafted the Respondent Brief and argued the matter at oral argument.

3. *Matthew Fogerty v. Armstrong, et al.*, 541 S.W.3d 544 (Mo.banc 2018)  
March 6, 2018  
Missouri Supreme Court, No. SC96030  
St. Charles County Circuit Court; No. 1711-CC00994  
Client: Defendant/Respondent Larry Meyer  
Opposing Counsel: Michael Gross and Richard T. Grossman

I represented Defendant/Respondent Larry Meyer in a personal injury suit pursued by his co-worker. Larry and Plaintiff were charged with building a stone fountain on a job site but were provided no instruction as to how to build the fountain. Larry operated a front loader which they used to transport large stones. Plaintiff was struck by one of the loader's forks and was injured. We obtained summary judgment on the basis that there was no evidence to support an independent cause of action against Larry. This was appealed, and the judgment was reversed by the Eastern District. The Supreme Court accepted transfer, as there were conflicting rulings arising from co-employee liability cases during the specific time period of 2007-2012 and a question of whether common law afforded a separate action against co-workers. The summary judgment was affirmed by the Supreme Court, which found that the alleged negligence was the result of a breach of the employer's nondelegable duty to provide a safe workplace. In addition to drafting the summary

judgment pleadings, I drafted the Respondent's Brief submitted to the Court of Appeals and the subsequent Supplemental and Substitute Briefs submitted to the Supreme Court. I also argued at both the Court of Appeals and the Supreme Court.

4. *Knudsen v. Grindstaff*, 535 S.W.3d 757 (Mem) (Mo.App.E.D. 2017)  
October 17, 2017  
Missouri Court of Appeals – Eastern District, No. ED 104665  
St. Louis County Circuit Court; No. 13SL-CC01297  
Client: Defendant/Respondent Phillip Grindstaff  
Opposing Counsel: Cynthia Hennessey

On appeal, I represented Defendant/Respondent Phillip Grindstaff following a jury verdict in his favor. This case involved a claim of personal injuries arising from a motor vehicle accident. On appeal, I drafted the Respondent Brief. Judgment was affirmed.

5. *John T. Impey v. Larry Joe Hart, et al.*, 471 S.W.3d 776 (Mo.App.S.D. 2015)  
September 21, 2015  
Missouri Court of Appeals – Southern District, No. SD33648  
Texas County Circuit Court, State of Missouri, No. 16AC-CC00046  
Client: Defendant/Respondent Larry Joe Hart  
Opposing Counsel: R. Todd Wilhelmus

I represented Defendant/Respondent Larry Joe Hart in a claim of abuse of process and malicious prosecution filed by a former school board candidate following an underlying action that had been filed by my client for defamation and tortious interference with business expectancy arising from the school board candidate's opposition to a school bond measure for which my client's company was the bond underwriter. Initially, the matter was dismissed due to the plaintiff's failure to state a claim. The matter was reversed on appeal to the Southern District. In addition to drafting the underlying motion pleadings, I drafted the Respondent Brief and argued the matter at oral argument.

6. *Walter Douglas v. St. Louis Cold Drawn, Inc.*, 439 S.W.3d 775 (Mo.App.E.D. 2014)  
June 30, 2014  
Missouri Court of Appeals – Eastern Division No. ED 100039  
St. Louis County Circuit Court, No. 11SL-CC01746  
Client: Defendant/Respondent St. Louis Cold Drawn, Inc.  
Opposing Counsel: Zane Cagle and Andrew Mundweiller

I represented Defendant/Respondent St. Louis Cold Drawn, Inc. in an action for personal injuries arising from the fall of a crane in my client's facility. After a jury verdict, judgment was entered in favor of my client. The matter was appealed, and the judgment was affirmed. I drafted the Respondent Brief and argued the matter at oral argument.

7. *Santos v. United Services Automobile Association*, 2012 IL App (2d) 110774-U (2012 WL 6969754)  
May 31, 2012  
Illinois Court of Appeals, Second Judicial Circuit, Case No. 1012 IL App (2d) 110774-U  
Kane County Circuit Court, State of Illinois, No. 10-MR-512  
Client: Defendant/Appellee United Services Automobile Association  
Opposing counsel: Mark Masur

I represented Defendant/Appellee USAA in an underinsured motorist claim. The issue was whether a setoff provision was unambiguous and applied to UIM coverage. We secured summary judgment, which was affirmed on appeal. I drafted the summary judgment pleadings and the Respondent Brief. I also argued the matter at oral argument.

8. *Adams, et al. v. Eureka Fire Protection Dist., et al.*, 352 F. App'x 137 (8th Cir. 2009) (2009 WL 3352032)  
October 20, 2009  
United States Court of Appeals, Eighth Circuit  
U.S. District Court for the Eastern District of Missouri  
Client: Defendants/Appellees Eureka Fire Protection District, Gregory Brown, Gregory Light, Patrick Feder, Charles Kuhn, Donald Tomnitz and Francis B. Oberkramer  
Opposing counsel: Michael E. Reid

This matter alleged claims under 42 U.S.C. § 1983 arising from violations of the Health Insurance Portability and Accountability Act (HIPAA). We obtained a dismissal on the basis that HIPAA does not provide an independent cause of action and Plaintiffs failed to state a claim. The dismissal was affirmed on appeal to the United States Court of Appeals, Eighth Circuit. I drafted the underlying motion as well as the Respondent Brief.

9. *McClelland v. Frank Burch Insurance Agency, Inc.*, 258 S.W.3d 482 (Mo.App.E.D. 2008)  
June 17, 2008  
Missouri Court of Appeals – Eastern District, ED90189  
Marion County Circuit Court, No. CV0104-9CC  
Client: Defendant/Appellant Frank Burch Insurance Agency, Inc.  
Opposing Counsel: Frank Conard

This action arose from damages sustained in a fire at a business where Plaintiff was holder of a note and deed of trust. The owner of the business procured insurance with our client Frank Burch Insurance Agency, Inc. The issue was whether Plaintiff or the owner of the business was the insured party and entitled to the insurance proceeds. Following a bench trial, Plaintiff was awarded damages based on the insurance broker's failure to secure insurance for Plaintiff's benefit. I became involved after the trial. On appeal, I drafted the Respondent Brief and argued the case at oral argument. The judgment of the trial court was affirmed.

10. *Colton v. Club Fitness, Inc.*, 237 S.W.3d 246 (Mo.App.E.D. 2007)  
October 30, 2007  
Missouri Court of Appeals – Eastern Division, No. ED89471  
St. Louis County Circuit Court, No. 06CC-000059  
Client: Defendant/Respondent Club Fitness, Inc.  
Opposing Counsel: Coogan R. Mills

This litigation concerned claims of personal injuries sustained by Plaintiff while exercising at a Club Fitness facility. Because Plaintiff had signed a waiver and release that unambiguously released our client from future acts of negligence, we obtained summary judgment. Summary judgment was affirmed on appeal. In addition to drafting the motion pleadings, I drafted the Respondent Brief and argued the case at oral argument.

**9 (b) Trial-Level Experience:** Please include a representative list of cases and/or administrative hearings you have handled (if you are a judge, include representative cases from your practice prior to your judicial appointment) including, to the extent reasonably available to you, the style, date, and court; identify who you represented and opposing counsel; state whether the case was disposed of following a jury trial, bench trial or at what other stage; and give a one-paragraph description of the case and your role.

I have participated in numerous bench and jury trials within the eastern part of Missouri. I have also participated in construction arbitrations through the American Arbitration Association and security arbitrations through the Financial Industry Regulatory Authority (FINRA). Additionally, in Illinois, I have participated in mandatory arbitrations arising from uninsured and underinsured motorist claims.

My jury trial experience includes second chairing matters to acting as co-counsel to handling trials solo as lead counsel. My scope of trial experience exceeds personal injury matters, as I have participated in trials arising from allegations of defective construction, breaches of contract, insurance broker negligence, and fraud. Moreover, I routinely assist my partners in preparation of their cases for trial by working on legal arguments for pre-trial motions and strategy for opening statements, cross-examination of lay and expert witnesses, jury instructions, and closing arguments. This includes work in cases wherein a partner represents the plaintiff, and as a member of a team that developed the overall strategy for a case that utilized an agreement under Missouri Statute Section 537.065 to limit the judgment to proceeds available under an insurance policy, I helped prepare the matter for bench trial and drafted arguments opposing insurer intervention.

A representative list of cases includes:

1. *Amy Wallis v. Debra Rudolph*, Case No. 1111-CV06516  
July 15, 2014  
St. Charles County Circuit Court, Missouri  
Client: Defendant Debra Rudolph  
Opposing Counsel: Eli Hadowsky  
Jury trial resulting in defense verdict

I represented Defendant Debra Rudolph in a claim for personal injuries arising from a rear-end collision in St. Charles County, Missouri. After jury trial, judgment was entered in favor of my client. As lead counsel, I was responsible for all aspects of the litigation including pre-trial motions, voir dire, opening argument, direct examination and cross-examination of witnesses and experts, jury instructions, and closing argument.

2. *Melinda Rinella v City of St. Louis, et al.*, No. 1022-CC11094  
May 20, 2013

Missouri Circuit Court, 22<sup>nd</sup> Judicial Circuit, City of St. Louis  
Client: Defendant Kiel Center Partners, L.P., and EPL II, LLC a/k/a Paige Sports Entertainment  
Opposing Counsel: David Penn  
Settlement during trial

This case involved a claim of personal injuries arising from a slip and fall at the Kiel Center n/k/a Enterprise Center. In addition to working up the case, I served as co-counsel for Defendant Kiel Center Partners and was responsible for drafting and arguing pre-trial motions, preparing deposition designations and objections, drafting trial memoranda, conducting voir dire, prepping witnesses, and conducting cross-examination of witnesses. The matter was settled before submission to the jury.

3. *Diane R. Thomas v. Kenneth Williford*, No. 11GA-CC00030  
March 15, 2013  
Franklin County Circuit Court, Missouri  
Client: Defendant Kenneth Williford  
Opposing counsel: Tom Germeroth  
Jury trial resulting in plaintiff's verdict

This case involved a claim of personal injuries arising from a rear-end collision. I took over the file and tried the case. As lead counsel, I was responsible for all aspects of the litigation including pre-trial motions, deposition designations and objections, voir dire, opening argument, direct examination and cross-examination of witnesses and experts, jury instructions, and closing argument. After jury trial, the court entered a judgment awarding Plaintiff \$50,000, which was less than the demand preceding trial. We did not seek an appeal.

4. *Walter Douglas v. St. Louis Cold Drawn, Inc.*, Case No. 11SL-CC01746  
March 3, 2013  
St. Louis County Circuit Court, Missouri  
Client: Defendant St. Louis Cold Drawn, Inc.  
Opposing Counsel: Zane Cagle and Andrew Mundwiller  
Jury trial resulting in defense verdict

I served as co-counsel at trial representing Defendant St. Louis Cold Drawn in an action for personal injuries allegedly arising from the fall of a crane at my client's facility. After jury trial, judgment was entered in favor of my client and was subsequently upheld on appeal. As co-counsel, I was responsible for drafting and arguing pre-trial motions, preparing deposition designations and objections, drafting trial memoranda, prepping witnesses, conducting direct examination of defense witnesses, conducting cross-examination of plaintiff witnesses, conducting cross-examination of medical experts, and drafting jury instructions. Furthermore, I

handled all aspects of the appeal including preparation of the brief and oral argument.

5. *Anthia Lavinier v. Clifford Davis, et al.*, No. 1022-CC01751  
February 19, 2013  
Missouri Circuit Court, 22<sup>nd</sup> Judicial Circuit, City of St. Louis  
Client: Defendant Clifford Davis  
Opposing Counsel: Joseph Robbins  
Settlement on 1<sup>st</sup> day of trial

I was lead counsel for one of two defendants in a civil action for personal injuries arising from a motor vehicle collision. As lead counsel, I was responsible for all aspects of the litigation. We appeared for the first day of trial, but the matter was subsequently settled before a jury was picked.

6. *Joe Poole, II v. Missouri Department of Transportation, a/k/a Missouri Highway and Transportation Commission, et al.*  
November 7, 2012  
Wayne County Circuit Court, Missouri  
Client: Defendant Kolb Grading, LLC  
Opposing Counsel: John L. Cook  
Plaintiff's Verdict: 50% fault to co-defendant, 15% fault to our client; 35% comparative fault of plaintiff

This suit involved a claim for wrongful death arising from injuries sustained in an automobile collision at the intersection of two highways in Wayne County, Missouri. The intersection was under construction for alterations at the time of the incident. I second-chaired for Defendant Kolb Grading, LLC and was responsible for not only working up the file but for also drafting and arguing pre-trial motions including motions to exclude experts, preparing deposition designations and objections, drafting trial memoranda, prepping witnesses for trial, and assisting with jury instructions.

7. *Michael A. Dunlap, Trustee of the Michael A. Dunlap Revocable Trust Under Instrument Dated May 30, 2006 v. Eighteen Investments, Inc., et al.*, No. 10SL-CC01715  
October 17, 2011  
St. Louis County Circuit Court, Missouri  
Client: Defendant Gateway Title Company, Inc.  
Opposing Counsel: Bruce Bartlett  
Plaintiff's Verdict of \$390,000; Settlement upon appeal

This suit involved claims arising from the alleged failure of a title company to

disclose the existence of a bank lien and breaches of fiduciary duties. I second-chaired for Defendant Gateway Title Company, Inc. at trial and was responsible for drafting and arguing pre-trial motions, preparing deposition designations and objections, drafting trial memoranda, deposing witnesses, prepping witnesses for trial, and drafting post-trial motions. The matter settled during the appeal and before briefs were filed.

8. *Nottoway Boarding Stable, LLC v. Salt River Construction Services, LLC*, No. 10SL-CC02723  
March 7, 2011  
St. Louis County Circuit Court, Missouri  
Client: Defendant Salt River Construction Services, LLC  
Opposing Counsel: Roger Pecha and Kenneth Coyne  
Plaintiff's Verdict of \$547,500 after 50% comparative fault to Plaintiff

This litigation involved claims of negligence arising from water damage sustained during the renovation/remodeling of a commercial building. We represented Defendant Salt River Construction Services, LLC, which served as a general contractor. Plaintiff sought damages that included loss of profits, loss of use, and interest. I participated as second chair and was responsible for drafting pre-trial motions, preparing deposition designations and objections, prepping witnesses, drafting trial memoranda, assisting with jury instructions, and responding to post-trial motions.

9. *Big Red, LLC v. JW Terrill, Inc.*, No. 06CC-004064  
April 2, 2010  
St. Louis County Circuit Court, Missouri  
Client: Defendant JW Terrill, Inc.  
Opposing Counsel: Teresa Pupillo, Kelley Ferrell, Tina Babel  
Jury trial resulting in verdict for Plaintiff; Settled upon appeal

I served as co-counsel at trial representing Defendant JW Terrill, Inc. in an action for damages arising from the alleged failure to procure law and ordinance coverage. After jury trial, judgment was entered in favor of the plaintiff. As co-counsel, I was responsible for drafting and arguing pre-trial motions, preparing deposition designations and objections, drafting trial memoranda, prepping witnesses, conducting direct examination of defense witnesses, and drafting jury instructions. Furthermore, I drafted all post-trial motions and handled the appeal.

10. *Rhiya Alexander v. Kiel Center Partners, LP, et al.*, No. 0722-CC00776  
May 2008  
Missouri Circuit Court, 22<sup>nd</sup> Judicial Circuit, City of St. Louis  
Client: Kiel Center Partners, LP  
Opposing Counsel: Jim Brandenburg

## Plaintiff's verdict after jury trial

I was co-counsel on this case involving allegations of personal injury arising from a slip and fall at the Kiel Center n/k/a Enterprise Center. As co-counsel for Defendant Kiel Center Partners, I was responsible for drafting and arguing pre-trial motions, preparing deposition designations and objections, preparing trial memoranda, deposing witnesses, prepping witnesses for trial, and drafting post-trial motions which included post-trial briefing and oral argument of a cross-claim for indemnification and breach of contract against our client's janitorial service.

28. List/describe any additional honors or awards you have received, activities you have performed, or any other information not set out above demonstrating the quality of your work as an attorney or otherwise relevant to the commission's decision.

Inspiration. Now more than ever, this word comes to my mind as I reflect on the past few months of our collective experience. This one word, seemingly vague yet full of potential, surfaces as I observe and engage in the new normal of my daily life. With all of the pervasive grief and fear that dominates our current situation, there is still hope and fellowship underlining this very moment of change. No doubt, I have always been an optimist, but it is now when my innate calling to serve compels me to do more, to be more, and to lead others towards calm and compassion.

When I discuss recent events with my thirteen year old daughter, it is with a sense of encouragement and positivity, because it is always chaos that provides the means for creativity and the motivation for improvement. As a litigation attorney, I deal in chaos and conflict, and I realize more than ever that my successes have always been guided by my cool, common sense approach towards resolution.

I am a natural leader. Though I am the youngest of six children, I am the touchstone of our family. I have had the benefit of being exposed to a variety of personalities, all of whom are guided by different experiences, desires, and aims. I am instinctually empathetic and can see the bigger picture when others may see only the disorder or turmoil. Having a broader understanding of the interplay between single events has shaped me into a well-rounded person and attorney. One who desires not only great things for my clients, but greatness for our profession and society as a whole.

This is why I have been able to form lasting friendships with attorneys who have served on opposing sides of cases. Respect for others and the judicial process guides my interactions with the Court, my colleagues, and my clients. Though we may have different objectives and goals within a set case, my belief in the joint goal to push our profession and community forward in a positive manner serves as a beacon for my actions.

I have been on the front lines of trials and appeals. I have seen the faces of clients as they deal with the repercussions – both good and bad – of certain rulings and judgments. These encounters propel me to provide a greater role within our profession. My judgment is sound, because it is based on my unique experiences and interactions.

When we were in law school, a professor told us that we would have a case that would break us. A case that would take us to our lowest point and make us question why we were in this profession. For me, I have had several cases that have kept me up late at night, but, true to my professor's word, there has been one specific case that has dropped me to my knees.

I was defending a civil suit arising from a claim of wrongful death. Heartache and anger were driving forces on both sides of the suit, and it was a difficult terrain to navigate. Difficult facts, difficult counsel, and difficult theories of liability. Through it all, my compassion for the people involved helped me maintain professionalism. When the case was resolved, immense relief washed over all parties, and I, personally, enjoyed a cathartic closing-of-the-file moment. However, it was months later, while I was standing in the checkout line of a store and found myself face to face with the opposing party, that the true resolution was felt. Kindness in both demeanor and words was exchanged, and I realized that my actions not only helped my client but also helped bring about resolution for an opposing party who expressed gratitude for my conduct during the difficult litigation.

Meaning is not always tied to a list of accomplishments, but there is great value in being of service to others. It is a pleasant surprise when you find that you have performed a job that benefitted not only your client but sent an unintended ripple of solace to others. It is in this vein that I strive each day to be the best person and attorney that I can be. Certainly, having successes at both the trial and appellate level has furthered me along in my expertise of practicing law. Yet, more important than the individual triumphs, are the personal interactions that have fostered my character.

Where there is dispute and conflict, there is the potential for purpose and growth. Even now, when our world is in a state of unknown, there is opportunity to connect and inspire. It is evident that people need to feel inspired, and we need diverse, positive role models to step into positions of leadership. It is with this true sense of responsibility to inspire others and gratitude for this opportunity that I place myself into consideration for this vacancy. I am ready for the challenge, and I would be humbled and honored to serve as a member of the Court of Appeals.