
Judicial Organizations

Commission on Retirement, Removal and Discipline of Judges

2190 S. Mason Rd., Ste. 201, St. Louis 63131

Telephone: (314) 966-1007

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The Commission on Retirement, Removal and Discipline of Judges was created by a constitutional amendment in 1970. It began operating on January 1, 1972, and is governed by Supreme Court Rule 12.

The commission is responsible for receiving and investigating all requests and suggestions for the retirement of judges because of disability and all complaints concerning the alleged misconduct of judges and members of judicial commissions. It is composed of six members who serve six-year terms. Two non-lawyers are appointed by the governor, two lawyers are appointed by the Missouri Bar's governing body, one Court of Appeals judge is selected by Court of Appeals judges and one circuit judge is selected by the state's circuit judges.

The members as of July 1, 2001, were: John R. O'Malley, circuit judge, Jackson County, chair; Vivian L. Eveloff, St. Louis, secretary; Richard P. Bruening, attorney, Kansas City; Jan M. Marcason, Kansas City; Thomas J. Plunkert, attorney, St. Louis; James K. Prewitt, appellate judge, Eastern District, Court of Appeals.

Upon receiving a proper complaint against a judge or other judicial officer, the commission conducts an informal investigation. If at least four members of the commission find there is probable cause to believe the person may be guilty of misconduct, incompetency or other action constituting grounds for discipline as listed in Rule 12.08, a formal investigation is conducted. If at least four members find the person investigated should be disciplined, a report containing findings of fact and conclusions of law is made to the Supreme Court, with recommendations for discipline (removal from office, suspension or other discipline). The court then makes a final ruling based on the commission's record and transcript.

A similar procedure is followed in cases involving retirements because of disability.

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The Chief Disciplinary Council and the Advisory Committee

Office of Chief Disciplinary Counsel

3335 American Ave., Jefferson City 65109

Telephone: (573) 635-7400

In order to protect the public from persons unqualified or unauthorized to practice law, the Missouri Supreme Court has established an attorney disciplinary system. A chief disciplinary counsel is appointed by the Supreme Court to investigate allegations of professional misconduct, incompetence and incapacity of lawyers. Regional disciplinary committees throughout the state, composed of at least four lawyers and two lay persons, may investigate complaints referred to them by the chief disciplinary counsel or the advisory committee. The chief disciplinary counsel and the regional disciplinary committees are empowered to institute formal proceedings against lawyers accused of misconduct.

If the chief disciplinary counsel or a majority of a regional disciplinary committee finds that there is probable cause to believe that a lawyer is guilty of professional misconduct, they prepare information making specific allegations of violations of the Rules of Professional Conduct. The lawyer may request a hearing to be held before a disciplinary hearing panel selected by the advisory committee from a panel of disciplinary hearing officers appointed by the Supreme Court. The panel is made up of two lawyers and one lay person. If the disciplinary hearing panel finds, by a preponderance of the evidence, that the lawyer is guilty of misconduct, it makes findings of fact, conclusions of law and recommendations for discipline, which are then filed in the Supreme Court. It is the responsibility of the Supreme Court to impose any discipline found to be warranted.

The chief disciplinary counsel is also charged with the duty of investigating the unauthorized practice of law and instituting suits and other actions to stop such practices. The chief disciplinary counsel makes investigations of applications made by lawyers seeking reinstatement after they have been suspended or disbarred. The chief disciplinary counsel assists the Board of Law Examiners in investigating applications of bar examinees as requested by the board.

The advisory committee may give formal opinions and the chief disciplinary counsel may give informal advisory opinions interpreting Supreme Court Rules 4, 5 and 6.

Members of the advisory committee, appointed by the Supreme Court, are: John C. Dods, chair, Kansas City; Janet Blauvelt, Kansas City; Al Brooks, Kansas City; Christina R. Neff, Jefferson City; John Padgett, St. Louis; Luther J. Rollins Jr., St. Louis; James E. Spain, Poplar Bluff, and Sherry A. Rozell, Springfield.

The chief disciplinary counsel is Maridee Farnquist Edwards.

State Board of Law Examiners

*Supreme Court Clerk's Office
PO Box 150, Jefferson City 65102
Telephone: (573) 751-9814
Email: mble@osca.state.mo.us
Website: www.mble.org*

Standards for admission to the bar, set out in Supreme Court Rule 8, are administered by the State Board of Law Examiners. Its six lawyer members are appointed by the Supreme Court for one six-year term. It conducts bar examinations for new lawyers each year on subject matters of the law of general application. The two-day exam is given in February and July in Jefferson City. One day of the examination consists of essay questions and the second day is devoted to the multistate bar examination, a multiple choice test that is administered in 48 other states.

Admission information and application forms are available from the Supreme Court clerk's office or on the web at www.mble.org.

Members, State Board of Law Examiners

Douglas, Kerry D., president, Bolivar;
Reeves, W. Edward, secretary, Caruthersville;
James, Sylvester Jr., Kansas City;
Robertson, Susan Ford, Columbia;
Weaver, Thomas B., St. Louis;
Martin, Cindy Reams, Kansas City.

Summary of examinations

- July 1996:** number taking, 723; number passing, 566.
- February 1997:** number taking, 271; number passing, 197.
- July 1997:** number taking, 788; number passing, 659.
- February 1998:** number taking, 297; number passing, 220.
- July 1998:** number taking, 758; number passing, 612.
- February 1999:** number taking, 313; number passing, 234.
- July 1999:** number taking, 770, number passing, 581.
- February 2000:** number taking, 335, number passing, 205.
- July 2000:** number taking, 814, number passing, 634.
- February 2001:** number taking, 360, number passing 238.

The Missouri Bar

*326 Monroe St., PO Box 119, Jefferson City 65102
Telephone: (573) 635-4128 / FAX: (573) 635-2811
E-mail: mobar@mobar.org*

The Missouri Bar is the official organization of all Missouri lawyers and judges. Established



KERRY D. DOUGLAS
President
Board of Law Examiners



W. EDWARD REEVES
Secretary
Board of Law Examiners



SYLVESTER JAMES JR.
Member
Board of Law Examiners



SUSAN FORD ROBERTSON
Member
Board of Law Examiners



THOMAS W. WEAVER
Member
Board of Law Examiners



CINDY REAMS MARTIN
Member
Board of Law Examiners

by rule of the Supreme Court of Missouri in 1944, it is the successor of the original Missouri Bar Association, a voluntary organization of lawyers founded in 1880.

Membership in The Missouri Bar is required of every lawyer who practices in Missouri and of every judge of a state court. To qualify for membership, a person must have completed at least six years of study in college and an approved law school leading to a bachelor of law or a Juris Doctor degree. Those seeking membership in The Missouri Bar must also pass a comprehen-

sive bar examination and character fitness investigation and make application for admission to the bar with the Supreme Court of Missouri.

Committees

There are numerous standing committees of The Missouri Bar plus a number of special project committees. Committees of The Missouri Bar meet at least twice each year to discuss particular areas of the law and, in some cases, draft potential legislation in those areas. Committee members, as well as officers and other members of The Missouri Bar, are available to testify before the General Assembly in support of these bills. In addition, the bar's board of governors often votes to support or oppose other bills pending before the legislature and the bar's legislative services are directed accordingly. Because of this status as a mandatory organization for those practicing law in Missouri, the bar's legislative efforts are confined to bills affecting the administration of justice.

Education

The Missouri Bar's Department of Continuing Legal Education (CLE) has taken the lead in keeping bar members informed of the latest developments in law. Each year, the CLE Department organizes and presents a number of programs across the state designed to keep lawyers abreast of changes in state and federal law. These sessions are regularly accompanied by detailed course materials designed to supplement the programs themselves. In addition, the department's renowned "black book" series provides attorneys with valuable reference materials they can make use of in their own law libraries.

Publications

The *Journal of The Missouri Bar*, offering valuable perspectives on the law from its lawyer-authors, is published six times per year as the official publication of the legal profession in Missouri. Also available to members are the *Legislative Digest*, published twice during sessions of the General Assembly; *The Missouri Bar Bulletin*, a newsletter for bar members; the *Courts Bulletin*, a monthly update on recent court decisions in pertinent areas of the law; and *The Citizenship Educator*, a publication designed to promote the growth of law-related education in Missouri.

Since 1956, The Missouri Bar has carried on a broad program of public information and education. Thousands of informative pamphlets and other educational materials on the law are distributed annually, including materials from an extensive law-related audio-visual lending library. Copies of the bar's brochures are also available on the Internet at www.mobar.org. The growth of the bar's public information program has been aided by cooperative ventures with the Extension Di-

vision of the University of Missouri, the State Department of Elementary and Secondary Education, the Missouri Press Association, the Missouri Broadcasters Association, various state colleges and other groups and associations.

Through the years, The Missouri Bar has gained much recognition on the national and international level. It has been cited many times by the American Bar Association as the outstanding bar association in the nation. Its programs have won Freedom Foundation awards, the American Bar Award of Merit and the American Judicature Society's Justice Award. Staff members and officers serve on many important national committees and work with various national groups on problems of national scope.

Officers, The Missouri Bar, 2001–2002

Theresa L.F. Levings, Kansas City, president;
Richard B. Teitelman, St. Louis, president elect;
Keith A. Birkes, Jefferson City, executive director.

Judicial Conference of Missouri

Supreme Court Bldg., PO Box 150
Jefferson City 65102
Telephone: (573) 751-4144

In 1943, the General Assembly established the Judicial Conference of Missouri, which is composed of all state judges. The conference is charged by statute (Section 476.350) with studying the organization and administration of the state's judicial system, compiling data on the work of various courts and making biennial reports to the General Assembly, including any recommendations the conference may have for improving the laws. Since 1974, the Chief Justice of the Supreme Court, who is the conference's presiding officer, has presented an annual State of the Judiciary address to a joint session of the General Assembly, reviewing the problems, needs and goals of the judicial department.

The statute also requires the conference to hold an annual meeting to be attended by all judges. At this meeting, the judges discuss the problems of court administration and invite experts in various fields to speak on matters of particular concern.

The clerk of the Supreme Court provides administrative and staff assistance and also serves as secretary to the executive council and the conference.

Nonpartisan Judicial Nominating Commissions

Under provisions of the Missouri Constitution, Article V, any vacancy occurring in the office of judge of the Supreme Court, the court of appeals or the circuit courts within St. Louis City or Jackson County is filled by the governor, who

appoints one of three qualified persons nominated by a nonpartisan judicial commission. This method of selecting circuit judges was adopted by the voters of the 21st Judicial Circuit, St. Louis County, at the general election in 1970, and by the voters of the Sixth Judicial Circuit, Platte County and the Seventh Judicial Circuit, Clay County, in 1972. This method of selecting judges was extended to associate circuit judges in these jurisdictions in 1979.

Appellate Judicial Commission

Nominations for judges of the Supreme Court and the court of appeals are made by a seven-member Appellate Judicial Commission. It consists of a judge of the Supreme Court selected by the members of the Court and two resident citizens from each of the three court of appeals districts. One lawyer is elected from each district by members of The Missouri Bar residing in that district, and one non-lawyer is appointed from each district by the governor.

Members: Stephen N. Limbaugh Jr., Chief Justice, Supreme Court, chair.

From Eastern District, Missouri Court of Appeals: Gerald T. Carmody, lawyer member, term expires December 31, 2005; Mildred Cohn, lay member, term expires December 31, 2006.

From Western District, Missouri Court of Appeals: Fred Wilkins, lawyer member, term expires December 31, 2003; Reverend Earl Abel, lay member, term expires December 31, 2004.

From Southern District, Missouri Court of Appeals: David Ansley, lawyer member, term expires December 31, 2001; Dr. Peggy Tuter Pearl, lay member, term expires December 31, 2002.

Circuit Judicial Commissions

Nominations for judges of circuit courts are made by a five-member Circuit Judicial Commission consisting of the chief judge of the district of the Court of Appeals within which the circuit or the major portion of its population lies, two lawyers elected from their number by the members of The Missouri Bar residing in the judicial circuit and two non-lawyer residents of the circuit appointed by the governor.

Sixth Circuit (Platte County) Judicial Commission: Chair: Paul M. Spinden, chief judge, Missouri Court of appeals, Western District. Members: Gary W. Collins, Kansas City, lawyer member; James D. Boggs, Kansas City, lawyer member; Barbara J. Buckner, Kansas City, lay member; Jerry M. Hagg, Dearborn, lay member.

Seventh Circuit (Clay County) Judicial Commission: Chair: Paul Spinden, chief judge, Missouri Court of Appeals, Western District. Members: Douglass F. Noland, Liberty, lawyer member; Jon Michael Krebs, Liberty, lawyer

member; Raymond R. Brock Jr., Liberty, lay member; Joyce I. Maccender, Gladstone, lay member.

Sixteenth Circuit (Jackson County) Judicial Commission: Chair: Paul Spinden, chief judge, Missouri Court of Appeals, Western District. Members: Walter R. Simpson, Kansas City, lawyer member; John Kurtz, Kansas City, lawyer member; Ruthanne Phillips, Kansas City, lay member; Gayle P. Holliday, Kansas City, lay member.

Twenty-first Circuit (St. Louis County) Judicial Commission: Chair: Mary K. Hoff, chief judge, Missouri Court of Appeals, Eastern District. Members: Thomas Lang, Clayton, lawyer member; Richard C. Bresnahan, Clayton, lawyer member; Matthew McCormick, Brentwood, lay member; Daryl L. Cothran, Pasadena Hills, lay member.

Twenty-second Circuit (St. Louis) Judicial Commission: Chair: Mary K. Hoff, chief judge, Missouri Court of Appeals, Eastern District. Members: Andrew O'Brien, St. Louis, lawyer member; Nancy Kistler, St. Louis, lawyer member; Eva Louis Frazer, M.D., St. Louis, lay member; Mildred Cohn, St. Louis, lay member.

State Public Defender Commission

231 E. Capitol Ave., Jefferson City 65101

Telephone: (573) 526-5210 / FAX: (573) 526-5213

State law (Chapter 600, RSMo) provides for a seven-member Public Defender Commission to oversee the state public defender system. This system provides constitutionally and statutorily required legal defense services to all jurisdictions within the state by means of a centrally administered Office of the State Public Defender. The members of the commission are appointed by the governor with consent of the Senate and serve without compensation for six-year terms. Four members must be lawyers, and no more than four members may be of the same political party.

The commission appoints the state public defender director to head the Office of the State Public Defender, which is an independent department of the judicial branch. The office is responsible for establishing local district public defender offices throughout the state. In 1989, the State Public Defender System was reorganized to ensure that defender services were provided to each area of the state through district trial offices. In counties where public defender offices are located, the county is required to provide office space and utilities. All other expenses, including salaries, are paid by the state.

When a person accused of a crime asks for assistance of counsel, the court requests that the public defender determine the person's eligibility for representation. The public defender considers all the circumstances of the case including



LORAMEL P. SHURTLEFF
Chair
Public Defender Commission



JOYCE BLADES
Commissioner
Public Defender Commission



MURIEL BRISON
Commissioner
Public Defender Commission



WILLIE J. ELLIS JR.
Commissioner
Public Defender Commission



KENNETH HENSLEY
Commissioner
Public Defender Commission



BURTON H. SHOSTAK
Commissioner
Public Defender Commission



GARY L. SMITH
Commissioner
Public Defender Commission



J. MARTY ROBINSON
State Public Defender
Public Defender Commission

the defendant's income and ability to make bond and the commission guidelines for determination of indigency in making a decision.

Public defenders represent indigent defendants on the underlying juvenile, misdemeanor or felony charges, the appeal of the conviction and the parole or probation revocation proceeding. The attorney also files a lien against the defendant for reimbursement of legal services.

Members, Public Defender Commission

Shurtleff, Loramel P., chair;
Blades, Joyce, commissioner;
Brison, Muriel, commissioner;
Ellis, Willie J. Jr., commissioner;
Hensley, Kenneth, commissioner;
Shostak, Burton H., commissioner;
Smith, Gary L., commissioner.



DANIEL J. GRALIKE
Deputy Director
Public Defender Commission

*Personnel, Office of State Public Defender:
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Missouri State Archives, Publications Division Collection

The Missouri Supreme Court Building, located across the street from the Capitol, was built with \$400,000 in funds appropriated following the 1904 World's Fair in St. Louis. Construction began in 1905 and was completed two years later.

The three story, red brick building is of French Renaissance architecture with white stone pillars at each wing of the front facade, white stone trim, and a sloping slate roof. The main feature of the building's large lobby is a massive marble staircase.

There are two courtrooms on the second floor of the building, and both have extensive mahogany furnishings purchased when the structure was built.

Office space is provided for the seven judges. Originally, the offices also served as apartments for the judges, who lived in their hometowns and came to Jefferson City part of the year to hear cases. Now, most of the rooms have been converted into small offices for law clerks.

On the first floor, office space is provided for the Attorney General and the clerk of the Supreme Court. A two-story library runs the entire length of the building and contains more than 110,000 volumes.

When the Capitol burned in 1911, the governor's office was moved temporarily to the building, and one of the courtrooms served as the Senate chamber.