

**APPLICATION OF (name) GARY M. GAERTNER, JR.  
TO THE APPELLATE JUDICIAL COMMISSION  
FOR THE JUDGE SHAW VACANCY  
MISSOURI COURT OF APPEALS, EASTERN DISTRICT**

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

1. Present principal occupation or title:  
Circuit Judge, 21<sup>st</sup> Judicial Circuit, State of Missouri, St. Louis County
  
2. Are you at least 30 years of age? Yes ( x ) No ( )
  
3. (a) How many years have you been a citizen of the United States?  
  
44 years.
  
- (b) How many consecutive years immediately preceding your application have you been a qualified voter of Missouri?  
  
26 years.
  
4. State the date you were admitted to The Missouri Bar and whether your license is in good standing. If not, explain in detail.  
  
I was admitted to the Missouri Bar on September 28, 1990 and my law license is in good standing.
  
5. List any other states, courts, or agencies in which you are licensed as an attorney.  
  
Illinois, May 9, 1991  
  
United States Court of Appeals for the 8<sup>th</sup> Circuit, September 12, 1995  
  
United States District Court for the Eastern District of Missouri, October 31, 1990
  
6. (a) State the name and address of all colleges and universities attended, other than law school, together with the dates and degrees received.

Saint Louis University, School of Business, Honors Program, B.S., Economics  
1987 Address: One Grand Blvd, St. Louis, Missouri 63103

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

Graduated *Magna Cum Laude*, 1987

Honors Program Degree

Awarded Membership, Beta Gamma Epsilon Scholastic Business Honorary Society, 1987

Selected by the Economics Department for Internship, Federal Reserve Bank Of St. Louis, Bank Mergers and Acquisitions, 1986-1987

Awarded Phi Delta Theta National Academic Scholarship, 1986-1987

Awarded Scholar/Athlete Honor 1984, 1985, 1986, and 1987

Awarded Academic Scholarship, 1983-1987

Awarded Athletic Scholarship, 1984-1987

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

Saint Louis University School of Law, J.D., 1990  
Address: 3700 Lindell Blvd, St. Louis, Missouri 63108

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

Graduated *Cum Laude*, 1990

Awarded Membership, Alpha Sigma Nu Scholastic Society, 1990

Awarded Thomas J. White Family Fellowship For Public Service, 1988-1990

Member, St. Louis University Law Review, 1988-1989

Awarded Childress Scholastic Fellowship, 1987-1990

Awarded Adler-Rosecan Scholastic Fellowship, 1987-1990

Awarded Academic Scholarship, 1987-1990

8. State, in chronological order (starting with the earliest employment) (a) significant non-law-related employment prior to law school and (b) all employment from the beginning of law school to the present. To the extent reasonably available to you, include the name and address of each employer and the dates of employment, and, for legal employment, describe the positions you have held, e.g., associate, partner, law clerk, general counsel.

1. Stifel Nicolaus & Company, Series 7 Licensed Stockbroker, 1987-1990  
(Rowland Simon, Inc. merged into Stifel Nicolaus in 1988)  
500 S. Broadway, St. Louis, Missouri 63101

2. Bryan Cave, Associate, 1990-1992-Private Practice of Law, Associate  
One Metropolitan Square, St. Louis, Missouri 63101

3. St. Louis Circuit Attorney's Office, Assistant State Prosecutor, 1992-  
1995, 1320 Market Street, St. Louis, Missouri 63103

4. United States Department of Justice, U.S. Attorney's Office for the Eastern  
District of Missouri, Assistant U.S. Attorney, Federal Prosecutor, 1995-2000,  
111 S.10<sup>th</sup> Street, St. Louis, Missouri 63102

5. Circuit Judge, Division 6, 21<sup>st</sup> Judicial Circuit, State of Missouri (St. Louis  
County) 2000-present, 7900 Carondelet Ave, St. Louis, Missouri 63105

9. If you were a student at any school from which you were suspended, placed on probation, or expelled by school authorities, for any reason, describe the circumstances.

Not applicable.

10. 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*). Include in your response:

- 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; give a one-paragraph description of the case and your role.

- 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; give a one-paragraph description of the case and your role.
- 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 have developed that you believe is relevant to your qualifications for the position for which you are applying.

I was an Assistant Circuit Attorney (Assistant State Prosecutor) from March 2, 1992 until March 17, 1995. At the time I left the Circuit Attorney's Office, I was responsible for the prosecution of felony assaults, robberies, burglaries, and general crimes. During 1992 and 1993, I tried 9 misdemeanor jury trials, numerous misdemeanor bench trials, and several hundred preliminary hearings. I was also in charge of the Grand Jury for the City of St. Louis for four months. During 1994, I voir dired and selected 17 juries for felony jury trials. In nine cases, juries returned verdicts, and in the other eight, the defendants either pled guilty prior to or during the presentation of evidence.

On March 20, 1995, I was appointed an Assistant United States Attorney for the Eastern District of Missouri, United States Department of Justice. I chaired the Insurance Fraud Task Force for the Eastern District of Missouri which entailed the prosecution of insurance related crime including arson, fraudulent insurance claims, theft by insurance companies, and complex financial frauds committed by insurance agents and insurance companies. I also prosecuted tax evasion, general frauds, and violent crimes. My work in the United States Attorney's Office included the presentation of cases to the federal grand jury, preliminary motion practice in front of United States Magistrate judges, the trial of cases in the United States District Court for the Eastern District of Missouri and the writing and argument of appeals in the United States Court of Appeals for the Eighth Circuit. I tried over 11 jury trials while at the United States Attorney's Office. I was co-counsel in the largest tax evasion case ever prosecuted in the Eastern District of Missouri, United States v. David Harris and Abraham Bell, 4:96CR57 CAS. I also investigated and helped prosecute an individual who then

became in 2002 a material witness in the first successful prosecution under the 1996 Anti-Terrorism Act for providing material support to a designated foreign terrorist organization, Hezbollah.

I am including a list of ten cases which I have personally tried as a federal prosecutor.

1. United States v. Charles Dotson, 4:94CR327 CEJ; The Honorable Carol E. Jackson; I represented the United States with Assistant United States Attorney Richard Poehling and Carter Law, 1010 Market Street, St. Louis, Missouri, represented Charles Dotson. This was a three day jury trial which resulted in the conviction of Mr. Dotson on June 6, 1995 as a felon in possession of a firearm. Mr. Dotson had pointed a firearm at a police officer who then arrested Mr. Dotson. I was first chair in this case.

2. United States v. Henry Bost, 4:95CR264 JCH; The Honorable Jean C. Hamilton; I represented the United States and Carter Law, 1010 Market Street, St. Louis, Missouri, represented Henry Bost. This was a three day jury trial which resulted in a not guilty verdict on November 15, 1995. Mr. Bost was arrested for a federal parole violation by the United States Marshals who found two guns in a store which Mr. Bost owned and operated. Mr. Bost was charged as a felon in possession of a firearm.

3. United States v. Antwain Smith, S1-4:95CR242 DJS; The Honorable Donald J. Stohr; I represented the United States and Terence Niehoff, 2734 Lafayette Avenue, St. Louis, Missouri 63104, represented Antwain Smith. This was a four day jury trial which resulted in the conviction on November 24, 1995 of Mr. Smith for being a felon in possession of a firearm and possession of a sawed-off shotgun. Mr. Smith was the leader of the Beam Street Blood gang who was charged in a three count indictment for three separate incidents involving possession of a pistol and a sawed-off shotgun and for his involvement in the murder of a 15 year old girl accidentally killed in gang retaliation shooting.

4. United States v. Ronald Whitehorn; 4:95CR205 SNL; The Honorable Stephen N. Limbaugh; I represented the United States of America and Scott Rosenblum, 7700 Bonhomme, St. Louis, Missouri 63105, represented Ronald Whitehorn. A jury returned a not guilty verdict on December 22, 1995 after a two day jury trial. Mr. Whitehorn was charged as a felon in possession of a firearm.

5. United States v. Vincent Edwards; 4:96CR64 SNL; The Honorable Stephen N. Limbaugh; I represented the United States and Benjamin Starks, 11528 S. Halstead, Chicago, Illinois 60628, represented Vincent Edwards. A jury convicted Mr. Edwards after a three day trial on July 10, 1996 for being a felon in possession of firearms and ammunition. Mr. Edwards, a gang member from Chicago, was stopped by the Missouri Highway Patrol for a traffic violations which resulted in the discovery of numerous machine gun pistols and ammunition which Mr. Edwards had illegally purchased at a gun show in Tulsa, Oklahoma.

6. United States v. David Harris and Abraham Bell; 4:96CR57 CAS; The Honorable Charles A. Shaw; I second chaired the Criminal Chief of the United States Attorney's Office, James E. Crowe, Jr.; David Helfrey, 212 S. Central, St. Louis, Missouri 63105, represented David Harris and Burton Shostak, 8015 Forsyth, St. Louis, Missouri 63105 represented Abraham Bell. A jury convicted Mr. Harris and Mr. Bell on March 26, 1997 after a one month jury trial for conspiracy, tax evasion and obstruction of justice. This was the largest tax evasion case ever prosecuted in the United States District Court for the Eastern District of Missouri. Over a three year period, Mr. Harris with the help of his tax accountant, Mr. Bell, evaded taxes on 3.4 million dollars which Mr. Harris sent to the Guernsey Islands, a famous tax haven. I was involved in six months of pretrial preparation which involved obtaining evidence and witnesses from Spain, finding and preparing expert financial witnesses, and preparing witnesses for trial. During the trial I was responsible for the direct examination of over 12 witnesses and I also cross-examined defense witnesses.

7. United States v. David Finley and Beverly Toliver; 4:95CR131 SNL; The Honorable Stephen N. Limbaugh; I represented the United States with Dorothy McMurtry and Alan Zvebleman, 7701 Forsyth, St. Louis, Missouri 63105, represented Beverly Toliver and David Thornton, 509 Olive Street, St. Louis, Missouri 63101, represented David Finley. This was a three week jury trial in October of 1997 which was hung 11-1 for guilty. Mr. Finley and Ms. Beverly were charged with conspiracy, tax evasion, and drug distribution. This was a complex case which involved proving tax evasion by showing that Mr. Finley and Ms. Toliver spent hundreds of thousands of dollars of drug proceeds over a period of three years while they reported an income of less than \$20,000.00. I was responsible for voir dire, close and the direct and cross-examination of half the witnesses. In 1999, Mr. Finley and Ms. Toliver pled guilty.

8. United States v. Willie Boyd, 4:97CR301 SNL; The Honorable Stephen N. Limbaugh; I represented the United States and Frank Fabbri, 4235 Lindell, St. Louis, Missouri 63018, and Carl Epstein, First Indiana Plaza, Ste 1150, 135 North Pennsylvania Street, Indianapolis, Indiana 46204, represented Willie Boyd. This was a four day bench trial in which Mr. Boyd was found guilty of drug distribution, two counts of felon in possession of firearms, two counts of social security fraud, three counts of filing false IRS currency transaction reports, and one count of asset forfeiture. Mr. Boyd was arrested for federal parole violation and was found in possession of narcotics and a firearm. After he was arrested, I conducted a financial investigation of Mr. Boyd which revealed that he was using numerous false identifications and false IRS currency transaction reports to hide the expenditure of drug proceeds which involved the expenditure of over \$150,000.00 at the Casino Queen in a nine month period.

9. United States v. Jason Smith; 4:98CR14 CAS; The Honorable Charles A. Shaw; I represented the United States and Doris Black, 720 Olive Street, Suite 2250, St. Louis, Missouri 63101, represented Jason Smith. On July 9, 1998 after a three day jury

trial, the jury was hung 11-1 for guilty and on September 8, 1998 after another three day trial, a jury returned a not guilty verdict. Mr. Smith, a multi-convicted felon, was charged with being a felon in possession of a firearm which the police discovered after a tip in a hidden compartment of a car which Mr. Smith was driving.

10. United States v. Emmanuel Jones, 4:98CR265 ERW; The Honorable E. Richard Webber; I represented the United States and Kevin Curran, 1010 Market St., St. Louis, Missouri, represented Emmanuel Jones. On October 15, 1998 after a three day jury trial, a jury convicted Mr. Jones for being a felon in possession of firearms and ammunition. Mr. Jones, a convicted felon, ran out of a house during an undercover narcotics arrest and pointed a sawed-off shotgun at police. The police arrested the defendant and found several other firearms in the house.

On July 14, 2000, I was sworn in as Circuit Judge for the 21<sup>st</sup> Judicial Circuit (St. Louis County) of the State of Missouri. I was assigned a domestic docket for my first year and a half on the bench. I tried numerous contested divorces, child custody issues, orders of protection and other family related issues.

From 2002-2007, I was assigned a civil, equity and felony criminal docket. I presided over 13 civil jury trials and 3 criminal jury trials in 2002, 9 civil trials and 4 criminal trials in 2003, 6 civil trials and 5 criminal trials in 2004, 2 civil trials and 1 criminal trial in 2005, 8 civil trials and 1 criminal trial in 2006, 8 civil trials in 2007. The civil jury trials generally involved complex business disputes, medical malpractice, and car accidents, while the criminal trials ranged from capital murder cases to felony stealing cases. I have also presided over and tried numerous equity, civil and domestic relations non-jury trials involving business issues such as non-compete clauses and family issues, such as child custody and divorce.

Since January of 2008, I have presided over the Probate Court for St. Louis County which includes two judicial commissioners, two lawyers and 26 clerks. My docket includes all contested probate and will matters. I am also assigned all trust litigation in St. Louis County which is extremely complex litigation. I have presided over trust litigation involving up to 500 million dollars. I also try all civil commitment cases involving sexually violent predators. I have also presided over involuntary civil commitments. In 2008, I tried one death penalty case, 3 sexually violent predator jury trials, and 1 involuntary civil commitment jury trial.

On March 1, 2005, I served as a Special Judge on the Missouri Supreme Court in the case of In Re: James F. Crews, Supreme Court Number SC86212. I have written extensive pre-trial and post-trial briefs in both State and Federal court. I have also written numerous court orders as a circuit judge. I completed the United States Department of Justice Appellate Advocacy Course in 1996. I will highlight only appeals in this brief synopsis of my writing record.

1. After I tried a four day jury trial which resulted in the conviction of Bearce Ellis, I wrote the appeal brief in State of Missouri v. Bearce Ellis. The Missouri Court of Appeals for the Eastern District of Missouri affirmed Mr. Ellis' conviction which is cited at State of Missouri v. Bearce Ellis, 853 S.W.2d 440 (Mo.Ct.App. 1993).
2. On September 12, 1995, I argued the case of Woodall v. United States in the United States Court of Appeals for the Eighth Circuit which affirmed Mr. Woodall's conviction and is cited at Woodall v. United States, 72 F.3d 77 (8<sup>th</sup> Cir. 1995).
3. On March 12, 1996, I argued the case of United States v. Mora in the United States Court of Appeals for the Eighth Circuit which affirmed Ms. Mora's jury conviction for mail fraud and is cited at United States v. Mora, 81 F.3d 781 (8<sup>th</sup> Cir. 1996).
4. After I tried Mr. Dotson in a jury trial, I wrote the appeal brief in United States v. Dotson and on April 10, 1996, I also argued the case in the United States Court of Appeals for the Eighth Circuit which affirmed Mr. Dotson's jury conviction and is cited at United States v. Dotson, 83 F.3d 425, 1996 WL 193151 (8<sup>th</sup> Cir. 1996)(Unpublished).
5. I wrote the appeal brief in United States v. Clark. The United States Court of Appeals for the Eighth Circuit affirmed Mr. Clark's conviction which is cited at United States v. Clark, 99 F.3d 1144, 1996 WL 607821 (8<sup>th</sup> Cir. 1996)(Unpublished).
6. After I tried Mr. Smith in a jury trial, I wrote the appeal brief in United States v. Smith. The United States Court of Appeals for the Eighth Circuit affirmed Mr. Smith's jury conviction which is cited at United States v. Smith, 107 F.3d 876, 1997 WL 76194 (8<sup>th</sup> Cir. 1997)(Unpublished).
7. After I tried Mr. Edwards in a jury trial, I wrote the appeal brief and also argued the case in the United States Court of Appeals for the Eighth Circuit in United States v. Edwards. The United States Court of Appeals for the Eighth Circuit affirmed Mr. Edwards' jury conviction which is cited at United States v. Edwards, 116 F.3d 1484, 1997 WL 345678 (8<sup>th</sup> Cir. 1997)(Unpublished).
8. After I tried Mr. Boyd, I wrote the appeal brief and also argued the case in the United States Court of Appeals for the Eighth Circuit in United States v. Boyd. The United States Court of Appeals for the Eighth Circuit affirmed Mr. Boyd's jury conviction which is cited at United States v. Boyd, 180 F.3d 967 (8<sup>th</sup> Cir. 1999).
9. After I tried Mr. Jones in a jury trial, I wrote the appeal brief and also argued the case in the United States Court of Appeals for the Eighth Circuit in United States v. Jones. The United States Court of Appeals for the Eighth Circuit remanded Mr. Jones' case back to the District Court for trial due to the fact that the District Court failed to strike a juror for cause. The appeal is cited at United States v. Jones, 193 F.3d 948 (8<sup>th</sup> Cir. 1999). I



retried Mr. Jones who was again convicted which the Court of Appeals for the Eighth Circuit subsequently upheld.

11. Describe any additional legal experience that 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).

See answer to question 10.

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

The American Bar Association

The Missouri Bar Association

Council Member, Young Lawyer's Division, The Missouri Bar, 1998-2001

Legislative Steering Subcommittee, Division of Judicial Administration, The Missouri Bar, 2008-present

The Illinois Bar Association

The St. Louis County Bar Association

The Bar Association of Metropolitan Missouri

13. List any professional articles or books authored by you that have been published or any special recognition or award of a professional nature you have received.

Served as a Special Judge of the Missouri Supreme Court, March 1, 2005

The John C. Shepherd Professionalism Award, 1999, Bar Association of Metropolitan St. Louis

Special Achievement Award, U.S. Attorney's Office, October 3, 1997

St. Louis County Truancy Court Judge, Kirkwood School District, 2002-2003

Formerly investigated complaints against attorneys for the Missouri Bar, 1991-1993

St. Louis Business Journal's 40 Under 40, 2001

Boys and Girls Town of Missouri, 2003 Star Volunteer Board of Director's Award

St. Louis 2004, Education Task Force Subcommittee, 1999-2001

Volunteer Tutor, Matthews-Dickey Boys and Girls Club, 1996-2001

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

Board of Directors, Boys and Girls Town of Missouri, 2001-Present

Board of Directors, The Crusade Against Crime, 2009-Present

Class Representative, St. Louis Priory High School

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

1. St. Louis Circuit Attorney's Office, Assistant Circuit Attorney, 1992-1995

2. United States Department of Justice, U.S. Attorney's Office for the Eastern District of Missouri, Assistant U.S. Attorney, 1995-2000

3. Circuit Judge, Division 6, 21<sup>st</sup> Judicial Circuit, State of Missouri (St. Louis County), 2000-present

16. 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.

Not applicable.

17. 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.

I am physically and mentally capable of performing all functions of an appellate judge.

18. Were you ever refused admission to the bar of Missouri or the bar of another state or the federal courts? If yes, provide details.

No.

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

No.

20. 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.

No.

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.

No.

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

No.

22. 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?

If your answer is 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.

I was one of several litigants in a civil case styled Walter Abell, et al v. The City of St. Louis, et al., Cause Number 4:97CV378 which involved a dispute concerning deferred compensation with the City of St. Louis.

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

No.

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

24. Are you delinquent in the payment of any federal, state, county or city taxes?  
If yes, provide details.

No.

25. 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.

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

Guest Speaker, St. Louis County Police Department, Officer Appreciation Luncheon, North Precinct, October 17, 2008.

Master of Ceremonies, Medal of Valor Awards Ceremony, St. Louis Area Police Chiefs Association and the Crusade Against Crime, November 20, 2008.

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 (5) references, **please provide name, title, mailing address, telephone and e-mail address. Please note that 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. As to all references, it is your responsibility to see that they send the requested letters in a timely manner.

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.

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

By my signature on this form, I certify that all statements made in my application and attachments thereto are correct and that if I am selected by the commission and appointed to the office for which I seek appointment, I will accept the appointment, qualify, and promptly enter upon the performance of the duties of that office as provided by law.

By my signature to this form, I further authorize (1) the commission by its chairperson to obtain relevant information, including but not limited to documents, records, and files about me from educational, law enforcement and disciplinary authorities and from employers and others who may have control of any documents, records, or other information pertaining to my application and suitability for the appointment I am seeking, and (2) the commission and its members to make such additional inquiries and to receive and share amongst themselves such additional information they shall deem appropriate in determining my qualifications for the position for which I seek appointment and the accuracy of my responses to the questions in this application and in otherwise fulfilling its duties. The information obtained under (1) and (2) above shall be made available only to the members of the Appellate Judicial Commission and their staff as necessary to perform their duties.

Notwithstanding the above, by my signature on this form, and in accordance with Supreme Court Rule 10, if I am one of the three nominees listed on the certificate of nomination sent to the governor, I authorize the commission to: (1) send a complete copy of this application and attachments to the governor and (2) publicly release a copy of the application and attachments, so as to inform the public as to my qualifications for the position for which I am applying, and

thereby waive any objections and rights I have with reference to the privacy of all information contained in the answers and attachments to this form, with the exception of the cover page (which contains personal and confidential identifying addresses, telephone numbers and similar information).

This authorization shall remain in full force and effect until revoked by me in writing.

By: \_\_\_\_\_

Dated: \_\_\_\_\_