

APPLICATION (Revised April 2008)
22ND CIRCUIT JUDICIAL COMMISSION
ASSOCIATE CIRCUIT JUDGE

RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS
SELECTED AS A NOMINEE.



NAME: Christopher E. McGraugh

1. State your present principal occupation: **Attorney and Counselor at Law.**
2. Are you at least 30 years of age? **Yes.**
3.
 - (a) How long have you been a citizen of the United States? **51 years**
 - (b) Have you been a resident of the City of St. Louis for at least one year immediately prior to the date of this application? **Yes**
 - (c) How long have you been a qualified voter of Missouri? **33 years**
4. Are you licensed to practice law in Missouri? **Yes**

List any other states, courts, or agencies in which you are licensed as an attorney:

State of Missouri – 1987;
United States District Court, Western District of Missouri – October 1987;
United States District Court, Eastern District of Missouri – January 1993;
United States District Court, Southern District of Illinois – May 1996;
United States District Court, Central District of Illinois – September 1994;
United States District Court, Northern District of Ohio – September 2010;

**United States Court of Appeals for the Eighth Circuit – September 1993; and
United States Supreme Court – September 1997.**

5. State the date you were admitted to the Bar in Missouri? **October 17, 1987.**

Missouri Bar Number: **MBE 36301**

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:

**Bachelor of Arts - History (1983)
St. Louis University
221 North Grand
St. Louis, Missouri 63103**

**Juris Doctor (1987)
St. Louis University School of Law
3700 Lindell Boulevard
St. Louis, Missouri 63108**

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

**1979-1983: Mr. B's Pool Center (summer employment)
11420 Concord Village Avenue
Afton, Missouri 63123
Salesman**

**1981-1983: St. Louis University Housing Department
Resident Assistant – Fifth Floor, Griesedick Hall**

**1983-1984: Jesuit Volunteer Corp (South)
St. Monica Social Services Center
B.W. Cooper (Calliope) Housing Project
Manager Senior Citizen Program
Tutoring, Case Worker and Bus driver**

**1984-1985: St. Louis University
Development
Fundraiser**

- 1985-1987: Leritz, Reinert & Duree, P.C.
812 North Collins
St. Louis, Missouri 63102
Law Clerk**
- 1987-1989: Missouri State Public Defenders Office
St. Louis County
7900 Carondelet
Clayton, Missouri 63105
Senior Trial Staff**
- 1990-1992: Missouri State Public Defenders Office
Capital Litigation Unit
Eastern District
Lead Counsel**
- 1992-present: Leritz, Plunkert & Bruning, P.C.
555 Washington Avenue, Suite 600
St. Louis, Missouri 63101
Shareholder/Principal**

8. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court?

Yes.

9. Attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed.

- United States v. Jamaal Curry Johnson*
United States District Court for the Eastern District of Missouri
Jury tried before The Honorable Carol Jackson
First chair
Cause No. S1-4:10-cr-253 (CEJ)**

**Opposing Counsel: Dean Hoag
Assistant U.S. Attorney
111 South Tenth Street
St. Louis, Missouri 63102**

Represented Defendant Jamaal Curry Johnson in a two and a half week jury trial. Three days were dedicated to jury selection, in which in excess of 100 potential jurors were examined. The government called 51 witnesses in its case in chief. Defendant was charged with drug conspiracy over an eight year period where numerous incidents of assault with deadly weapons among rival gangs occurred. In one such incident, an individual was murdered. Although the death penalty was not sought, the Court determined this to be a capital case. Defendant was found guilty of all counts and is awaiting sentencing.

- 2. *United States v. Katherine Mock*
United States District Court for the Eastern District of Missouri
Tried before The Honorable Henry E. Autry
Cause No. S1-4:09-cr-679 HEA
Jury trial held before The Honorable Henry Autry, first chair, March 2012
Opposing Counsel: Thomas Dittmeier and Michael Reilly
Assistant U.S. Attorneys
111 South Tenth Street
St. Louis, Missouri 63102**

Represented Defendant Katherine Mock in a seven day jury trial. Defendant was charged with murder for hire and conspiracy to commit murder for hire. Defendant was found guilty on both counts.

- 3. *United States v. Meador*
United States District Court for the Eastern District of Missouri – Cape Girardeau
Jury trial held before The Honorable Catherine Perry, first chair, April 2009
Cause No. S1-1:06-cr-134 (CDP)
Opposing Counsel: Thomas Dittmeier and Christian Stevens
Assistant U.S. Attorneys
111 South Tenth Street
St. Louis, Missouri 63102**

Represented Defendant, Michael Meador, in a capital murder trial held in the United States District Court for the Eastern District of Missouri in Cape Girardeau, Missouri. Defendant was charged with drug trafficking and capital murder. He was found guilty on both counts and received a life sentence.

4. *United States v. Robert Bolden*
United States District Court, Eastern District of Missouri
Jury Trial before The Honorable Carol Jackson, first chair, May 2006
Cause No. 4:02-cr-557
Opposing Counsel: Steven Holtshouser and Michael Reilly
Assistant U.S. Attorneys
111 South Tenth Street
St. Louis, Missouri 63102

Represented Defendant in a capital murder trial. Defendant was convicted of killing a bank guard in the commission of a bank robbery. Defendant was found guilty and received a death sentence.

5. *United States v. Amesho Cannon*
United States District Court, Eastern District of Missouri
Jury Trial before The Honorable Henry Autry, first chair, March 2005
Cause No. 1:01-cr-0073 HEA
Opposing Counsel: Thomas Dittmeier and Christian Stevens
Assistant U.S. Attorneys
111 S. Tenth Street
St. Louis, Missouri 63101

Represented Defendant in a capital murder trial where Defendant was charged with Murder for Hire and Conspiracy to Commit Murder for Hire. Defendant was found not guilty of the Murder for Hire and guilty of the Conspiracy for Murder for Hire. Defendant received a life sentence.

6. *Driggot v. National Rent to Own*
22nd Judicial Circuit for the City of St. Louis
Jury Trial before The Honorable Dennis Schaumann, Division 12, second chair
Cause No. 022-10309
Opposing Counsel: Susan Herold
Rynewarson, Suess, Schnurbusch & Champion
500 North Broadway, Suite 1550
St. Louis, Missouri 63102

Represented Plaintiff who was the mother of two children lost in a fire caused by a defective power cord to a printer purchased at National Rent to Own. The cause of action was a wrongful death/products liability. Verdict was for Plaintiff in the amount of \$500,000.00.

7. *Jack Stufflebeam v. Dial Corporation*
22nd Judicial Circuit for the City of St. Louis
Jury Trial before The Honorable Evelyn Baker, Division 21, first chair
Cause No. 012-8748
Opposing Counsel: Michael McGuire
Brown & James
1010 Market Street, 20th Floor
St. Louis, Missouri 63102

Represented Plaintiff in a jury trial arising out of a dock collapse at a warehouse. The cause of action was a negligent/premise liability. Verdict was for Plaintiff in the amount of \$60,000.00.

8. *Phan v. Terry*
22nd Judicial Circuit for the City of St. Louis
Jury Trial before The Honorable Philip Heagney, Division 10, first chair, May 2002
Cause No. 002-00837
Opposing Counsel: Steven Glassman
130 South Bemiston
Clayton, Missouri 63105

Represented Defendant in an automobile accident. Jury found my client, the Defendant, 30% at fault. Totally damages in the amount of \$27,815.00, representing a net verdict against my client in the amount of \$8,344.00.

9. *United States v. Qusai Mahasin*
United States District Court for the Eastern District of Missouri
Cause No: 4:02-CR-4 CEJ
Jury Trial before The Honorable Stephen N. Limbaugh, first chair, December 2002
Opposing Counsel: Thomas Mehan and Michael Reilly
Assistant United States Attorneys
111 South Tenth Street
St. Louis, Missouri 63102

Represented Defendant who was charged with possession of heroin with the intent to distribute and possession of a firearm and the attempt to kill a witness. Defendant was found guilty on all counts.

10. *State of Missouri v. Marcellus Williams*
21st Judicial Circuit of St. Louis County
Capital Murder Trial before The Honorable Steven M. O'Brien, Division 11, first chair, June 2001
Cause No. 99CR-5297

**Opposing Counsel: Keith Lerner
St. Louis County Prosecuting Attorneys Office
7900 Carondelet
Clayton, Missouri 63105**

Represented Defendant in a state capital murder trial. Defendant was accused of a home invasion, robbery/murder. Defendant was found guilty on all counts and sentenced to death.

11. *United States v. Wendel Fortenberry*
United States District Court for the Eastern District of Missouri
Cause No.: 4:99-CR-296-SNL
Jury Trial before The Honorable Stephen N. Limbaugh, first chair, August 2000
Opposing Counsel: Dean Hoag
Assistant United States Attorney
111 South Tenth Street
St. Louis, Missouri 63102

Represented Defendant who was charged with murder for hire and conspiracy to commit murder for hire. Defendant was found guilty on all counts.

12. *Brantley v. Sears*
21st Judicial Circuit of St. Louis County
Cause No.:
Jury Trial before The Honorable Emmet O'Brien, Division 11, first chair, July 1996
Opposing Counsel: Richard Hoemeyer
1128 18th Street
St. Louis, Missouri 63104

Represented Defendant Sears as to a fire alleged to have been caused by defective dishwasher. Jury verdict was in favor of Defendant Sears.

10. Have you briefed or argued any case in an appellate court? Yes.

If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.

1. *United States v. Louis Cooke*
675 F.3d 1153 (8th Cir. 2012)
Briefed and argued.

2. *Mwesigwa v. DAP, Inc.*
637 F.3d 884 (8th Cir. 2011)
Briefed.
3. *United States v. Dinwiddie* (Meador)
618 F.3d 821 (8th Cir. 2010)
Briefed and argued.
4. *United States v. Cannon*
475 F.3d 1013 (8th Cir. 2007)
Briefed and argued.
5. *Link v. Luebbers*
469 F.3d 1197 (8th Cir. 2006)
Briefed and argued.
6. *United States v. Mahasin*
362 F.3d 1071 (8th Cir. 2004)
Briefed and argued.
7. *United States v. Washington* (Fortenberry)
318 F.3d 845 (8th Cir. 2003)
Briefed and argued.
8. *Phan v. Terry*
126 S.W.3d 1 (Mo. App. E.D. 2003)
Briefed and argued.
9. *Johnston v. Luebbers*
288 F.3d 1048 (8th Cir. 2002)
Briefed.
10. *Witherspoon v. Purkett*
210 F.3d 901 (8th Cir. 2000)
Briefed and argued.
11. *Brantley v. Sears*
959 S.W.2d 927 (Mo. App. 1998)
Briefed and argued.
12. *State v. Roberts*
948 S.W.2d 577 (Mo. Banc 1997)
Briefed and argued.

13. *United States v. Robinson*
22 F.3d 195 (8th Cir. 1994)
Briefed and argued.
 14. *Hughes v. State*
780 S.W.2d 357 (Mo. App. E.D. 1989)
Briefed and argued.
 15. *Phillips v. State*
774 S.W.2d 844 (Mo. App. E.D. 1989)
Briefed and argued.
 16. *Forniss v. State*
761 S.W.2d 759 (Mo. App. E.D. 1988)
Briefed and argued.
 17. *Holt v. State*
756 S.W.2d 619 (Mo. App. 1988)
Briefed and argued.
 18. *State v. Mitchell*
755 S.W.2d 603 (Mo. App. 1988)
Briefed and argued.
 19. *State v. Terrell*
751 S.W.2d 394 (Mo. App. 1988)
Briefed and argued.
 20. *Meyer v. Hawkeye*
72 F.3d 133 (8th Cir. 1995)
Briefed and argued. (unpublished opinion)
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

Over the past 25 years of practice, I have appeared in 27 judicial circuits within the State of Missouri and have tried in excess of 90 criminal and civil cases to jury verdict in both state and federal courts. I have appeared in each of the associate divisions of the 22nd Judicial Circuit. The cases listed above represent a smaller, more recent sample of the different types of litigation in which I have been involved. I cannot estimate with any precision the number of cases in which I have prepared for trial that I have negotiated a successful settlement or plea of guilty. Those cases required me to exercise skills in client counseling, motion practice, and discovery, including both the taking and defending of depositions.

I am AV Peer Review rated, which is the highest ranking achievable for Martindale Hubbell and listed in the Bar Registry of Preeminent Lawyers. I have been profiled in Missouri and Kansas City Super Lawyers Magazine from 2006 to present. I have been selected by my peers to be included in the *Best Lawyers in America*, 19th Edition for work in the practice of criminal defense: white collar. I am the author of a bar journal article and a frequent guest lecturer for the Missouri State Public Defender's Office Trial School, United States District Court, Federal Death Penalty Resource Counsel, St. Louis University School of Law, Washington University School of Law and The University of Missouri. I have prepared and presented the Criminal Law Update for the last three years on behalf of the University of Missouri– Kansas City School of Law 15 Hour Review of the Law.

12. Have you ever been convicted of a misdemeanor or felony? No.

If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:

13. 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 yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated:

Viviano vs. McGraugh, City of St. Louis Circuit Court Cause No. 22970-10929

This was a 1997 small claims dispute related to a kitchen remodeling. Cause was settled.

14. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof?

If yes, provide details:

No.

15. Have you ever been held in contempt of court?

If yes, provide details:

No.

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

(a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct?
If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:

(b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary.

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:

(c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details:

Not applicable.

17. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct?

If yes, provide details:

No.

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

**Missouri Bar Association;
Bar Association of Metropolitan St. Louis;
Women's Lawyer Association;
Mound City Bar Association; and
Missouri Association of Criminal Defense Lawyers.**

19. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

I have served on the Board of Directors of the Catholic Legal Assistance Ministry (CLAM) from 2001 to present. I was the former chair of the Thomas Moore Society. In addition, I presently serve as a class representative on the De Smet Jesuit High School Alumni Board. I am also a member of the De Smet Jesuit High School Men's Club and the Nerinx High School Father's Club. I am a parishioner of St. Gabriel The Archangel Catholic Church.

20. Do you now hold or have you ever held any elective or appointive public office or position?

If yes, provide details:

I was elected to serve by the members of the Missouri Bar who reside in St. Louis to the 22nd Judicial Circuit Non-Partisan Nomination Committee. I served an unexpired term from 2002-2005. I am presently appointed to serve on the 22nd Judicial Circuit Court Judicial Performance Evaluation Committee. I was appointed in 2008 to serve a four year term.

I served as the Chairman for the Grievance Committee for the St. Louis Metropolitan Police Department from 1994 to 1996 and also served as a Hearing Officer for the City Public Safety Nuisance Maintenance Division.

I was appointed by the Board of Governors of the Missouri Bar to serve on the Client Security Fund Committee. I served from 2001 to 2006. I served as Chair in 2006. The Client Security Fund hears and adjudicates claims of aggrieved former clients of deceased, disabled and disbarred attorneys.

21. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state:

Not applicable.

22. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

I authored a law journal article, "Hung Out to Dry," an Overview of the Federal Money Laundering Offenses. St. Louis Bar Journal, Fall of 1996.

23. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

1. **John A. Lally**
Rhodes & Lally, LLC
1401 S. Brentwood Boulevard, Suite 825
St. Louis, Missouri 63144
(314) 968-5577

2. **Kevin Curran**
Federal Public Defenders Office
1010 Market Street, 2nd Floor
St. Louis, Missouri 63101
(314) 241-1255

3. **James G. Woodward**
Clerk of the Court
United States District Court for the Eastern District of Missouri
Thomas F. Eagleton Courthouse
111 S. Tenth Street, Suite 3.300
St. Louis, Missouri 63102
(314) 244-7900

4. **James G. Martin**
Armstrong Teasdale
7700 Forsyth Boulevard, Suite 1800
St. Louis, Missouri 63105
(314) 621-5070, ext. 7682

5. **Robert J. Isaacson**
Missouri Attorney General's Litigation Division Office
Old Post Office Building
815 Olive Street, Suite 200
St. Louis, Missouri 63101
(314) 340-7861

24. State any additional data you deem relevant:

This October marks my 25th year in the practice of law. I spent the first five years of my career in public service within the Missouri State Public Defenders Office and have spent the remaining 20 years in private practice. I started at Leritz, Plunkert & Bruning, P.C. as an associate and within five years became a principal/shareholder. While in private practice, I have handled criminal cases, civil cases and cases in equity.

My practice areas have been listed as fire litigation, wrongful death, subrogation, products liability, medical malpractice, criminal defense, commercial litigation, insurance coverage and personal injury. In addition, I am a Missouri Supreme Court Rule 17 Certified Mediator and provide mediation services through Aequitas Mediation. I have had the honor to represent both individuals and corporations in civil cases both as a plaintiff or defendant, as well as defense counsel in criminal cases.