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**COURTS**  
**FOR**  
**MISSOURI**

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April 1, 2009

The Honorable Laura Denvir Stith  
The Chief Justice  
The Missouri Supreme Court  
Post Office Box 150  
Jefferson City, Missouri 65102

*VIA HAND DELIVERY*

Dear Madam Chief Justice,

This is a request for records under the Missouri Sunshine Law, Chapter 610, Revised Statutes of Missouri. This request has been drafted as a result of credible reports of political activity conducted by the judiciary in regards to House Joint Resolution 10 and Senate Joint Resolution 9 during the current legislative session. Please note that we are not requesting any information, communication or documents regarding any cases that are currently before the Supreme Court, any other Missouri court or have been decided by the Supreme Court or any other Missouri court.

I request that you make available to me the following records:

1. All e-mails, letters or memorandums concerning or relating to House Joint Resolution 10 and Senate Joint Resolution 9 sent from Chief Justice Laura Denvir Stith or anyone in her direct employ or over whom she exercises employment control to:
  - a) any Missouri judge
  - b) any staff-member, intern or other person employed by the judicial branch, including the Clerk of the Supreme Court and anyone employed in the office of the Clerk of the Supreme Court
  - c) any directors, assistant directors, executives, staff members or members of the Board of Governors of the Missouri Bar
  - d) any directors, assistant directors, executives, staff members or members of the Board of Governors of the Missouri Association of Trial Attorneys
  - e) Mr. Edward "Chip" Robertson, Esq.
  - f) Mr. Thomas M. Burke<sup>1</sup>, Esq.
  - g) Any Member of the Missouri Legislature
  - h) Mr. Patrick McLarney, Esq.
  - i) Ms. Sara Schuett
  - j) Mr. Randy J. Scherr
  - k) Mr. Tim E. Dollar, Esq.

- l) Mr. Gary Robb, Esq.
  - m) Mrs. Anita Robb, Esq.
  - n) Mr. H. Lynn Henry, Esq.
  - o) Mr. Charlie J. Harris, Jr., Esq.
  - p) Mr. Grant L. Davis, Esq.
  - q) Mr. Brian Amick, Esq.
  - r) Mr. Tim Becker, Esq.
  - s) Mr. Stephen Bough, Esq.
2. All e-mails, letters or memorandums concerning or relating to House Joint Resolution 10 and Senate Joint Resolution 9 sent from Justice Michael A. Wolff or anyone in his direct employ or over whom he exercises employment control to:
- a) any Missouri judge
  - b) any staff-member, intern or other person employed by the judicial branch, including the Clerk of the Supreme Court and anyone employed in the office of the Clerk of the Supreme Court
  - c) any directors, assistant directors, executives, staff members or members of the Board of Governors of the Missouri Bar
  - d) any directors, assistant directors, executives, staff members or members of the Board of Governors of the Missouri Association of Trial Attorneys
  - e) Mr. Edward "Chip" Robertson, Esq.
  - f) Mr. Thomas M. Burke, Esq.
  - g) Mr. Randy J. Scherr
  - h) Any Member of the Missouri Legislature
  - i) Mr. Patrick McLarney, Esq.
  - j) Mr. Tim E. Dollar, Esq.
  - k) Mr. Gary Robb, Esq.
  - l) Mr. Anita Robb, Esq.
  - m) Mr. H. Lynn Henry, Esq.
  - n) Mr. Grant L. Davis, Esq.
  - o) Mr. Brian Amick, Esq.
  - p) Mr. Tim Becker, Esq.
  - q) Mr. Stephen Bough, Esq.
  - r) Mr. James Holloran, Esq.
3. All e-mails, letters or memorandums concerning or relating to House Joint Resolution 10 and Senate Joint Resolution 9 sent from Justice Patricia Breckenridge or anyone in her direct employ or over whom she exercises employment control to:
- a) any Missouri judge
  - b) any staff-member, intern or other person employed by the judicial branch, including the Clerk of the Supreme Court and anyone employed in the office of the Clerk of the Supreme Court
  - c) any directors, assistant directors, executives, staff members or members of the Board of Governors of the Missouri Bar

- d) any directors, assistant directors, executives, staff members or members of the Board of Governors of the Missouri Association of Trial Attorneys
  - e) Mr. Edward “Chip” Robertson, Esq.
  - f) Mr. Thomas M. Burke, Esq.
  - g) Mr. Randy J. Scherr
  - h) Any Member of the Missouri Legislature
  - i) Mr. Patrick McLarney, Esq.
  - j) Mr. Tim E. Dollar, Esq.
  - k) Mr. Gary Robb, Esq.
  - l) Mrs. Anita Robb, Esq.
  - m) Mr. H. Lynn Henry, Esq.
  - n) Mr. Grant L. Davis, Esq.
  - o) Mr. Brian Amick, Esq.
  - p) Mr. Tim Becker, Esq.
  - q) Mr. Stephen Bough, Esq.
  - r) Mr. John S. Johnston, Esq.
4. All e-mails, letters or memorandums concerning or relating to House Joint Resolution 10, Senate Joint Resolution 9, the Missouri Plan, or the Non Partisan Court plan, sent from Mr. Thomas F. Simon, Clerk, Supreme Court, or anyone in his direct employ or over whom he exercises employment control to:
- a) any Missouri judge
  - b) any staff-member, intern or other person employed by the judicial branch, including the Clerk of the Supreme Court and anyone employed in the office of the Clerk of the Supreme Court
  - c) any directors, assistant directors, executives, staff members or members of the Board of Governors of the Missouri Bar
  - d) any directors, assistant directors, executives, staff members or members of the Board of Governors of the Missouri Association of Trial Attorneys
  - e) Mr. Edward “Chip” Robertson, Esq.
  - f) Mr. Thomas M. Burke, Esq.
  - g) Mr. Randy J. Scherr
  - h) Any Member of the Missouri Legislature
  - i) Mr. Patrick McLarney, Esq.
  - j) Mr. Tim E. Dollar, Esq.
  - k) Mr. Gary Robb, Esq.
  - l) Mrs. Anita Robb, Esq.
  - m) Mr. H. Lynn Henry, Esq.
  - n) Mr. Charlie J. Harris, Jr., Esq.
  - o) Mr. Grant L. Davis, Esq.
  - p) Mr. Brian Amick, Esq.
  - q) Mr. Tim Becker, Esq.
  - r) Mr. Stephen Bough, Esq.

5. All e-mails, letters or memorandums sent from Chief Justice Laura Denvir Stith to any Missouri judge or Member of the Missouri Legislature, containing the below listed terms in any order, shortened form or other form substantially indicating reference to the listed person:
  - a) Missouri Senator Jim Lembke (S-1)
  - b) Missouri House Representative Stanley Cox (R-118)
  
6. All e-mails, letters or memorandums sent from Chief Justice Laura Denvir Stith, containing any terms listed in 5(a) through 5(b) above, sent to:
  - a) any staff-member, intern or other person employed by the judicial branch, including the Clerk of the Supreme Court and anyone employed in the office of the Clerk of the Supreme Court
  - b) any directors, assistant directors, executives, staff members or members of the Board of Governors of the Missouri Bar
  - c) any directors, assistant directors, executives, staff members or members of the Board of Governors of the Missouri Association of Trial Attorneys
  - d) Mr. Edward “Chip” Robertson, Esq.
  - e) Mr. Thomas M. Burke, Esq.
  - f) Mr. Randy J. Scherr
  - g) Mr. Patrick McLarney, Esq.
  - h) Mr. Tim E. Dollar, Esq.
  - i) Mr. Gary Robb, Esq.
  - j) Mrs. Anita Robb, Esq.
  - k) Mr. H. Lynn Henry, Esq.
  - l) Mr. Grant L. Davis, Esq.
  - m) Mr. Brian Amick, Esq.
  - n) Mr. Tim Becker, Esq.
  - o) Mr. Stephen Bough, Esq.
  
7. All e-mails, letters or memorandums sent from Mr. Thomas F. Simon, Clerk, Supreme Court of Missouri, to any Missouri judge or Member of the Missouri Legislature, containing the below listed terms in any order, shortened form or other form substantially indicating reference to the listed person.
  - a) Missouri Senator Jim Lembke (S-1).
  - b) Missouri House Representative Stanley Cox (R-118).
  
8. All e-mails, letters or memorandums sent from Mr. Thomas F. Simon, Clerk, Supreme Court of Missouri, containing any terms listed in 5(a) through 5(b) above, sent to:
  - a) any staff-member, intern or other person employed by the judicial branch, including the Clerk of the Supreme Court and anyone employed in the office of the Clerk of the Supreme Court

- b) any directors, assistant directors, executives, staff members or members of the Board of Governors of the Missouri Bar
- c) any directors, assistant directors, executives, staff members or members of the Board of Governors of the Missouri Association of Trial Attorneys
- d) Mr. Edward "Chip" Robertson, Esq.
- e) Mr. Thomas M. Burke, Esq.
- f) Mr. Randy J. Scherr
- g) Mr. Patrick McLarney, Esq.
- h) Mr. Tim E. Dollar, Esq.
- i) Mr. Gary Robb, Esq.
- j) Mrs. Anita Robb, Esq.
- k) Mr. H. Lynn Henry, Esq.
- l) Mr. Grant L. Davis, Esq.
- m) Mr. Brian Amick, Esq.
- n) Mr. Tim Becker, Esq.
- o) Mr. Stephen Bough, Esq.

I respectfully request that you provide the following records for the period beginning January 1, 2009 and ending March 30, 2009:

- 9. All e-mails, letters or memorandums sent by Chief Justice Laura Denvir Stith, during her tenure as Chief Justice, or by Mr. Thomas F. Simon, Clerk, Supreme Court of Missouri, to:
  - a) Mr. Edward "Chip" Robertson, for Missourians for Fair and Impartial Courts
  - b) Mr. Randy J. Scherr, lobbyist for the Missouri Assn. of Criminal Defense Lawyers
  - c) Mr. Thomas M. Burke, President of the Missouri Bar
  - d) Mr. Keith Birkes, Executive Director of the Missouri Bar
  - e) Mr. Thomas F. Simon, Clerk, Supreme Court of Missouri and Treasurer of Missouri Bar
  - f) Mr. Ronnie White, former Supreme Court judge
  - g) Mr. Patrick McLarney, Esq.
  - h) Mr. Tim E. Dollar, Esq.
  - i) Mr. Gary Robb, Esq.
  - j) Mr. Anita Robb, Esq.
  - k) Mr. H. Lynn Henry, Esq.
  - l) Mr. Grant L. Davis, Esq.
  - m) Mr. Brian Amick, Esq.
  - n) Mr. Tim Becker, Esq.
  - o) Mr. Stephen Bough, Esq.
  
- 10. Any record of any proposal, pitch, presentation, application or other solicitation for (or offer of) work by any political consultant relating to potential representation of the Missouri Bar, the judicial branch, any subdivision of the Missouri Bar or the judicial branch.

I request that the records responsive to my request be copied and sent to my attention at the following address:

Better Courts for Missouri  
Post Office Box 1524  
Jefferson City, Missouri 65102

Because any information obtained through my request will be used to advance the public interest by contributing to public understanding of government activity, I respectfully request that all fees for locating and copying the records be waived.

Per section 610.023 of the Revised Statutes of Missouri, the request “shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body.”

Sincerely,

James M. N. Harris

Cc: Michael J. Roggero  
Director, Information Technology  
Office of State Courts Administrator  
3425 West Truman Boulevard  
Jefferson City, MO 65109

Keith Birkes  
Executive Director  
The Missouri Bar  
326 Monroe  
P.O. Box 119  
Jefferson City, MO 65102

Thomas F. Simon  
Clerk of the Supreme Court  
207 West High Street  
Jefferson City, MO 65101

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<sup>i</sup> All requests relating to the Missouri Bar, its employees, officers or other independent contractors, are made with recognition that the Missouri Bar was created by Supreme Court Rule and operates as an instrumentality of the judicial branch of government.