

***Missouri Judicial Ethics - The Election
and Selection of Judges and the
Missouri Court Plan***

September 2, 2026

MO Bar CLE #797775

Approved in Missouri only

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Legal Ethics and Professionalism

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MO Bar CLE # 791557
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1.0 Credit (50 minutes) of Ethics CLE
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Approved in Missouri and Kansas

TODAY, June 3, 2026

12:00 Noon CT

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GOVERNMENT

Supreme Costs: A condensed version of our series on the 'obscene' spending on Wisconsin justices

In a three-part series, Wisconsin Watch examines why our state set back-to-back national records in Supreme Court election spending and what can be done about it

In 2025, spending on one Wisconsin Supreme Court seat reached \$144.5 million, even more than the \$100.8 million spent on 68 state high court contests in the nation in 2021 and 2022.

FIGURE 1

State Supreme Court Election Spending by Cycle

2024 Dollars

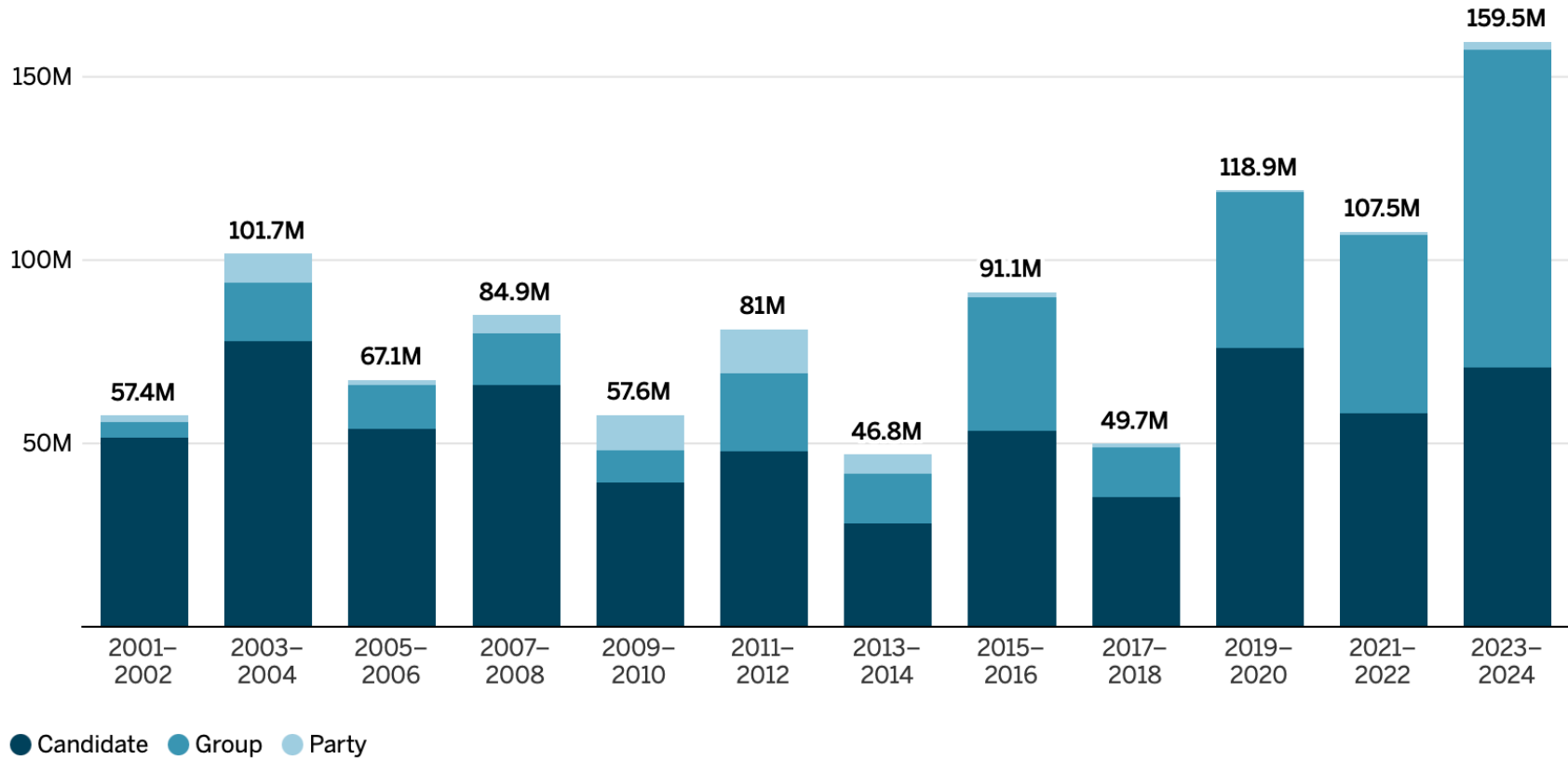
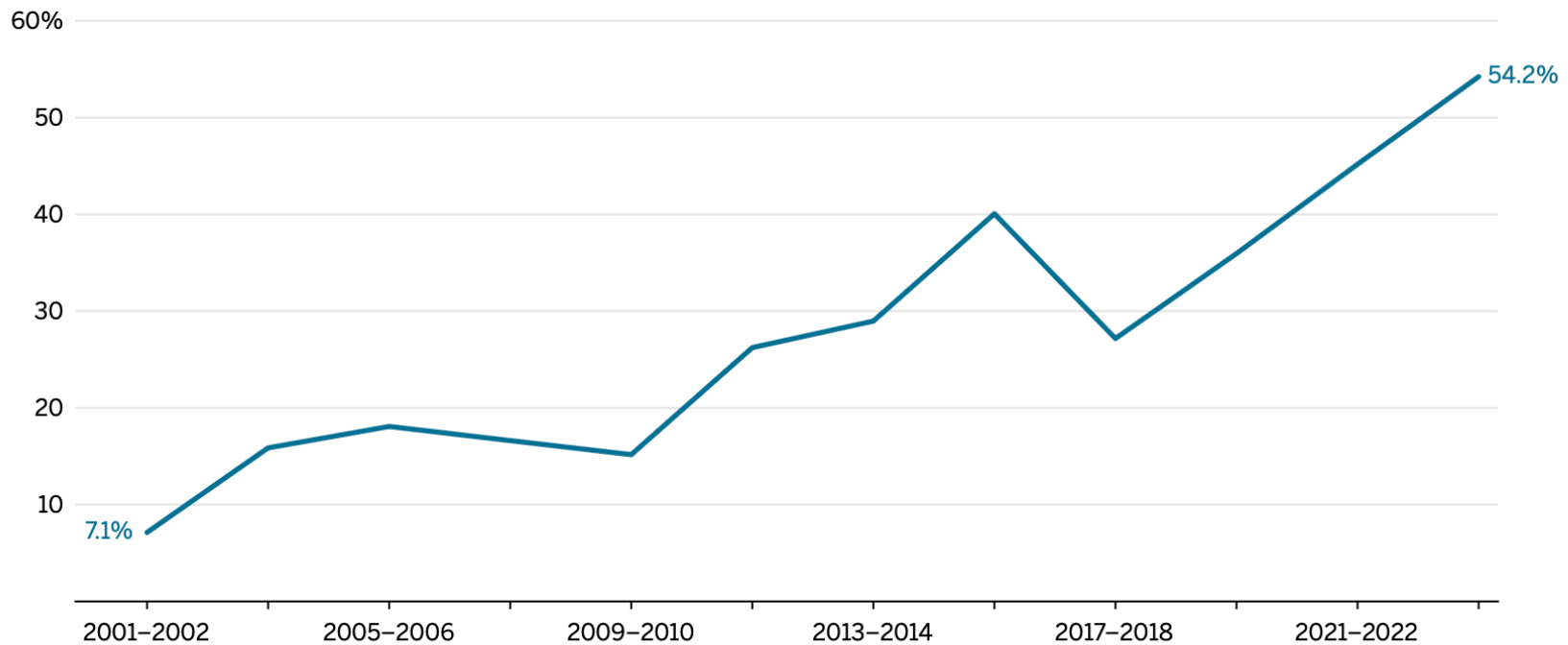


FIGURE 2

Share of State Supreme Court Election Spending by Interest Groups by Cycle



Note: The U.S. Supreme Court issued the *Citizens United v. FEC* decision on January 21, 2010, in the middle of the 2010 election cycle; the 2011-12 cycle was the first full cycle with *Citizens United* in place.

Source: Brennan Center analysis. For data sources, see note in figure 1.

TABLE 2**Interest Groups Spending in Multiple State Supreme Court Elections in 2023–24**

STATE	GROUP	PARTY OF CANDIDATE(S) SUPPORTED	TOTAL SPENT
Alabama Arizona Pennsylvania Wisconsin	Fair Courts America	Republican/nonpartisan	\$7,477,603
Michigan Montana Pennsylvania Wisconsin	ACLU	Democratic/nonpartisan	\$6,592,250
Kentucky Michigan Montana North Carolina Pennsylvania Wisconsin	Planned Parenthood Votes	Democratic/nonpartisan	\$5,867,701
Michigan Montana Ohio Pennsylvania Wisconsin	RSLC-JFI	Republican/nonpartisan	\$3,085,403
Michigan Pennsylvania Wisconsin	Everytown for Gun Safety	Democratic/nonpartisan	\$1,355,074

Note: In Alabama, North Carolina, Ohio, and Pennsylvania, candidates run in partisan judicial elections. In Michigan, candidates run in a nonpartisan general election but are nominated by political parties at party conventions. In Arizona, Kentucky, Montana, and Wisconsin, candidates run in nonpartisan judicial elections. For a complete description of the judicial selection processes in each state, visit brennancenter.org/judicial-selection-map.

Source: Brennan Center analysis. For data sources, see note in figure 1

Judicial Canon 2

A Judge Shall Perform the Duties of Judicial Office Impartially, Competently, and Diligently.

Rule 2-2.11(A)

A judge shall recuse himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

John Oliver

“Think about it. Giving money to judges wouldn’t be acceptable in a state-fair squash-growing competition.”

Donations and Perceptions of Bias

- 94% of Americans agree with the statement, “We need strong courts that are free from political influence.”

Justice at Stake – 2005 national poll

- 76% of all voters believe campaign contributions affect a judge’s courtroom decisions.

Justice at Stake – January 2001 national poll

- 84% believe that all contributions to a judicial candidate should be “quickly disclosed and posted to a web site.”

Justice at Stake – October 2011 national poll

- 95% say judges should remove themselves from cases involving campaign contributors (77% believe it is “very important” judges avoid such cases.)
- 78% are “very” or “somewhat” concerned that judicial candidates must raise more money, run television advertising, and potentially seek party and political interest group support.

Justice at Stake – January 2008 poll of Minnesota citizens

- 97% of all elected state Supreme Court justices said they are under a “great deal” of, or some pressure to raise money during their election years.
- More than 90% of all elected judges said they are under pressure to raise money in election years.

Justice at Stake – 2001 national poll of state and local judges

- More than 90% believe judges should not hear cases involving individuals or groups that contributed to their campaign.

USA Today/Gallup – 2009 national poll

Contributions Decrease Perceptions of Impartiality

When judicial candidates accept contributions, participants in a 2012 survey were more than 30 percentage points less likely to believe that the judge could be fair and impartial

Caperton v. Massey Coal (US

- United States Supreme Court held that due process required recusal where a corporate executive contributed over \$3 million to a justice's campaign while appeal of a \$50 million judgment against the executive's company was pending
- \$3M donation exceeded the total spent by all other supporters combined and surpassed the judge's own campaign committee's spending by 300%

Caperton v. Massey Coal (US 2009)

We conclude that there is a serious risk of actual bias – based on objective and reasonable perceptions – when a person with a personal stake in a particular case had a significant and disproportionate influence in placing the judge on the case by raising funds or directing the judge's election campaign when the case was pending or imminent.

The inquiry centers on

- the contribution's relative size in comparison to the total amount of money contributed to the campaign
- the total amount spent in the election and
- the apparent effect such contribution had on the outcome of the election. (Outcome and temporal relationship)

Alabama Statute § 12-24-3

(a) In any civil action, on motion of a party or on its own motion, a justice or judge shall recuse himself or herself from hearing a case if, as a result of a substantial campaign contribution or electioneering communication made to or on behalf of the justice or judge in the immediately preceding election by a party who has a case pending before that justice or judge, either of the following circumstances exist:

- (1) A reasonable person would perceive that the justice or judge's ability to carry out his or her judicial responsibilities with impartiality is impaired.
- (2) There is a serious, objective probability of actual bias by the justice or judge due to his or her acceptance of the campaign contribution.

Alabama Statute § 12-24-3

(b) A rebuttable presumption arises that a justice or judge shall recuse himself or herself if a campaign contribution made directly by a party to the judge or justice exceeds the following percentages of the total contributions raised during the election cycle by that judge or justice and was made at a time when it was reasonably foreseeable that the case could come before the judge or justice:

- (1) Ten percent in a statewide appellate court race.
- (2) Fifteen percent in a circuit court race.
- (3) Twenty-five percent in a district court race.

Any refunded contributions shall not be counted toward the percentages noted herein.

California

- Require recusal for trial judges if a party or an attorney in a case had donated more than \$1,500 within six years or for an upcoming election, and for any donation amount if a reasonable person might “entertain a doubt that the judge would be able to be impartial.” Cal. Code Civil Pro. § 170.1
- Requirement to disclose on record if party or counsel gave \$100 or more
- The Supreme Court of California also amended its code of judicial ethics to require recusal for appellate judges for donations above \$5,000

The Missouri Plan

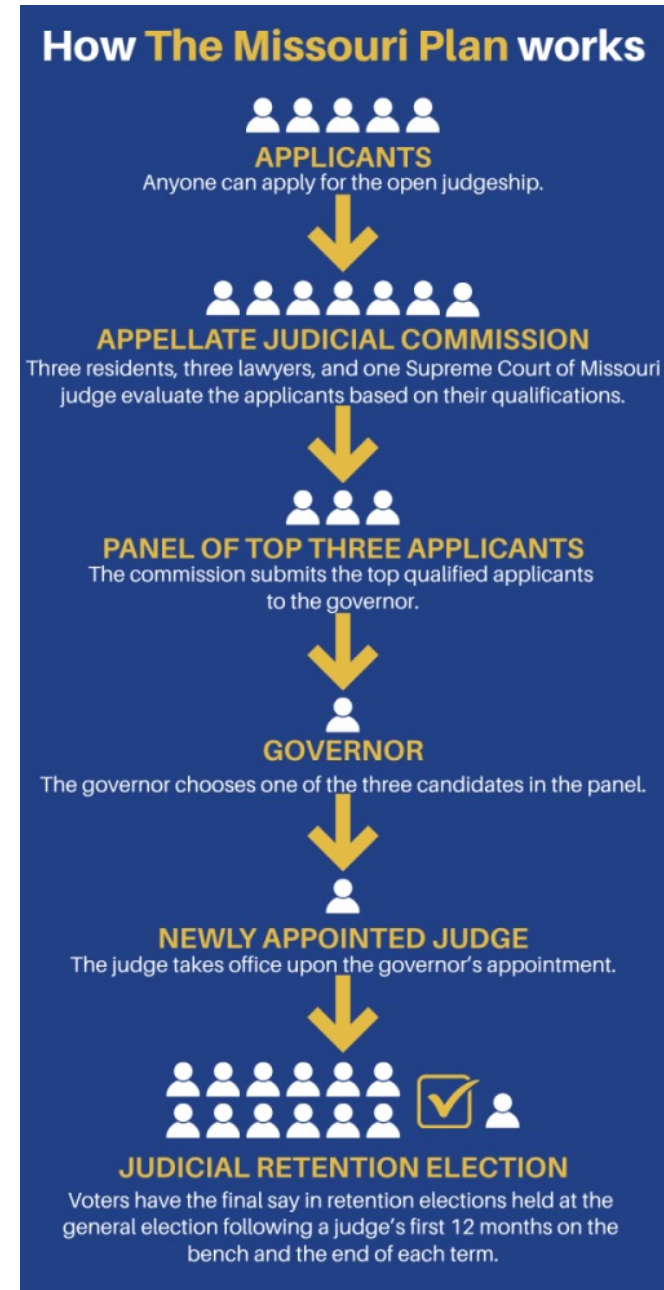
Appellate Judicial Commission selects nominees to fill Supreme Court of Missouri and Missouri Court of Appeals openings

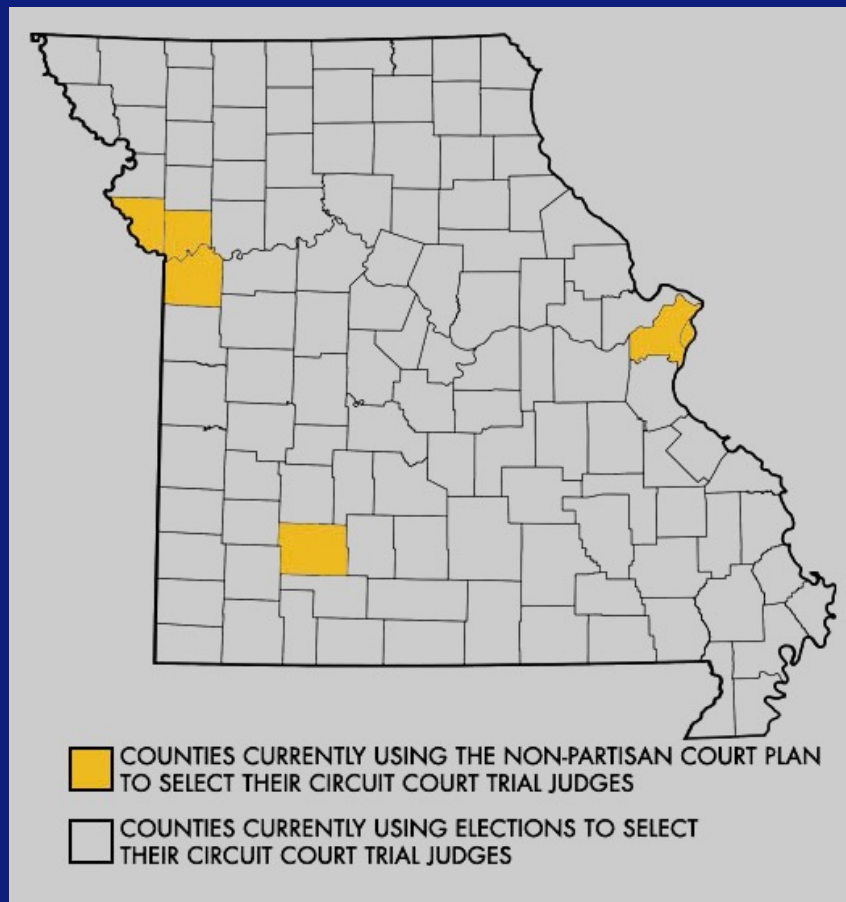
- One judge of the Supreme Court of Missouri
- Three lawyers
- Three non-lawyer members.

Circuit judicial Commissions select nominees for openings on a circuit court that uses The Missouri Plan

- The chief judge of the Court of Appeals district in which the vacancy occurs
- Two lawyers
- Two non-lawyer members.

In both types of commissions, the lawyers are elected by bar members and the non-lawyers are appointed by the governor.





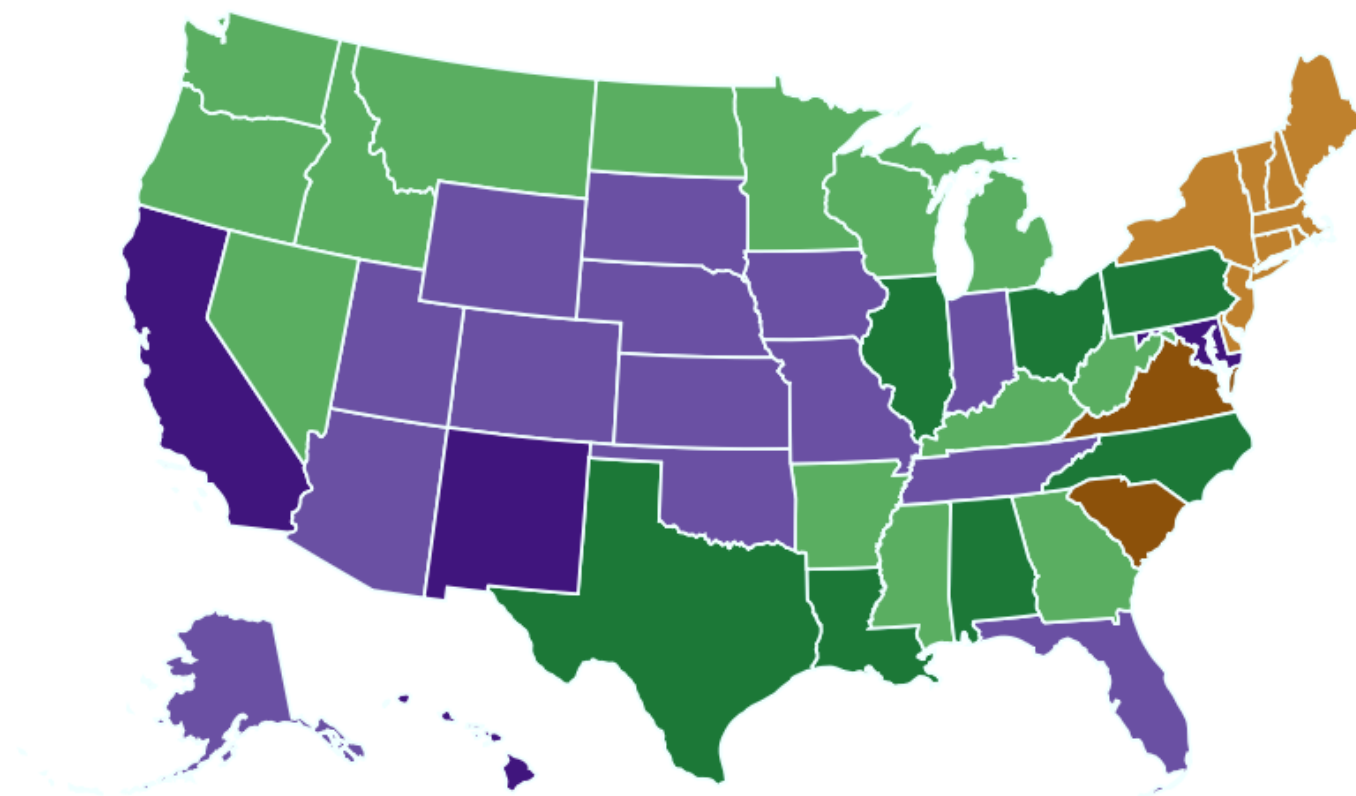
All Missouri judges are subject to voter approval by election each new term, though their initial selection varies.

The Missouri Plan governs selection and retention of judges on the Supreme Court of Missouri, the Missouri Court of Appeals, and six circuit courts

- Clay, Jackson and Platte counties in the Kansas City area
- St. Louis City and County
- Greene County in the Springfield area

On the ballot – November 3, 2026

Supreme Court of Missouri	
Judge Paul Wilson	
Missouri Court of Appeals - Western District	
Judge Lisa White Hardwick	
6th Judicial Circuit (Platte County)	
Associate Circuit Judge Susan Casey	
Circuit Judge Myles Perry	
7th Judicial Circuit (Clay County)	
Circuit Judge David Chamberlain	
Associate Circuit Judge Karen Krauser	
16th Judicial Circuit (Jackson County)	
Circuit Judge Cory Atkins	
Circuit Judge Lauren Barrett	
Associate Circuit Judge Kea Bird-Riley	
Circuit Judge Patrick Edwards	
Circuit Judge Kenneth Garrett	
Circuit Judge Kevin Harrell	
Associate Circuit Judge Abbie Rothermich	
Associate Circuit Judge Mary Frances Weir	
Associate Circuit Judge R. Travis Willingham	



None

Select a State

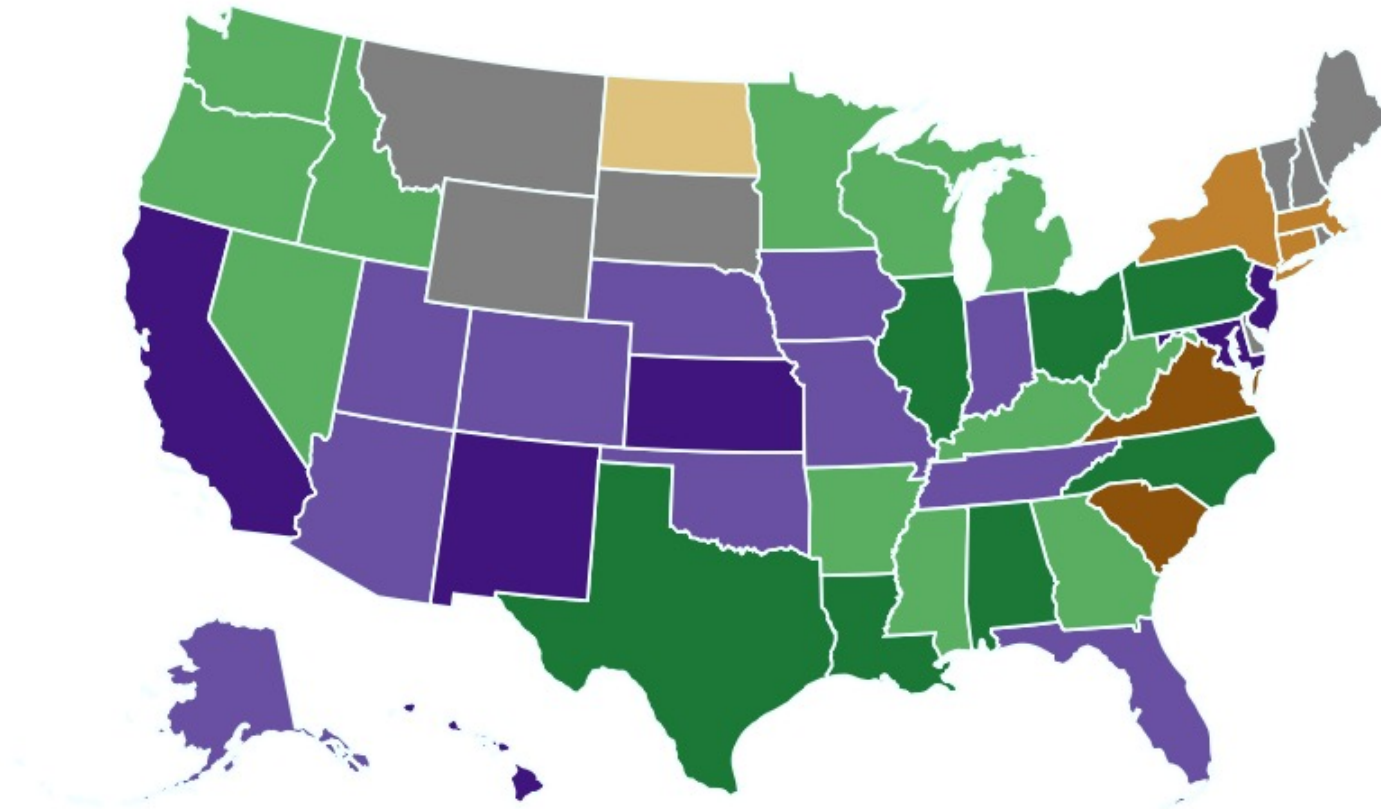
Overview

Select a Phase



Reset Map

Intermediate Appellate Courts ↕



None

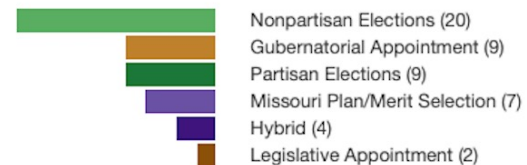
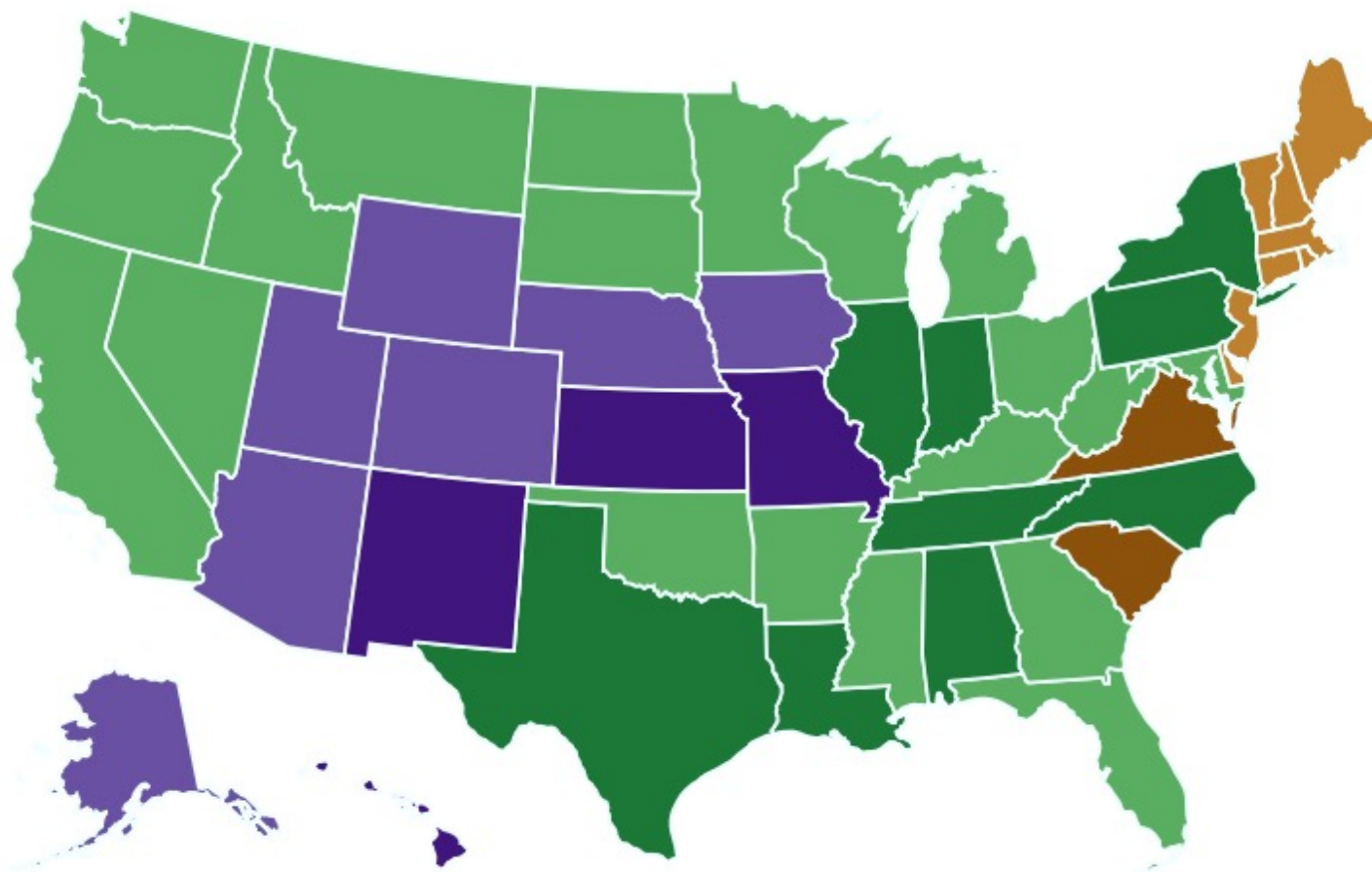
Select a State ↕

Overview

Select a Phase ↕

- Nonpartisan Elections (12)
- Missouri Plan/Merit Selection (11)
- Not Applicable (9)
- Partisan Elections (7)
- Hybrid (6)
- Gubernatorial Appointment (3)
- Legislative Appointment (2)
- Supreme Court Appointment (1)

Trial Courts



Advantages of the Missouri Plan

- More focus on judicial qualifications
- Reduces impact of money on judicial selection
- Higher judicial quality scores

Criticisms of the Missouri Plan

- Protects rural interests after *Baker v. Carr* (US 1962)
- Excessive interests of attorneys
- Low diversity on the commissions
- Political interference on commissions

Attacks on Missouri Plan

“§ 5. Selection of justices of the supreme court. *The citizens of Kansas who are qualified electors shall elect the justices of the supreme court. The rules applicable for such elections and the designation of position numbers shall be provided by law. Justice positions 1, 2 and 3 shall be elected at the general election in November of 2028, justice positions 4 and 5 in November of 2030 and justice positions 6 and 7 in November of 2032, and every six years thereafter, respectively. Any vacancy occurring on the supreme court for an unexpired term shall be filled by election as provided by law.* ~~(a) Any vacancy occurring in the office of any justice of the supreme court and any position to be open thereon as a result of enlargement of the court, or the retirement or failure of an incumbent to file his declaration of candidacy to succeed himself as hereinafter required, or failure of a justice to be elected to succeed himself, shall be filled by appointment by the governor of one of three persons possessing the qualifications of office who shall be nominated and whose names shall be submitted to the governor by the supreme court nominating commission established as hereinafter provided.~~

KANSAS REFLECTOR

NEWS POLITICS ENVIRONMENT PODCASTS OPINION

COURTS AND CRIME

ELECTION 2026

Kansas voters reject constitutional amendment on judicial selection by wide margin

BY SHERMAN SMITH, JACINDA HALL AND TIM CARPENTER -

AUGUST 4, 2026 8:45 PM



August 4, 2026:

Type	Title	Subject	Description	Result	Yes Votes	No Votes
LRCA	Elections for Supreme Court Justices Amendment	Judiciary	Make the Kansas Supreme Court an elected office and to abolish the court's nominating commission		240,603 (39%)	382,118 (61%)

Ethics Rules for Judicial Candidates

Rule 4-8.2(a)

- A lawyer shall not make a statement
- that the lawyer knows to be false or with reckless disregard as to its truth or falsity
- concerning the qualifications or integrity
- of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

Rule 4-8.2(b)

A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

Rule 2, Canon 4

A Judge or Candidate for Judicial Office Shall Not Engage in Political or Campaign Activity that is Inconsistent with the Independence, Integrity, or Impartiality of the Judiciary.

Rule 2-4.1

2-4.1 | Political Conduct of Judges and Judicial Candidates in General

(A) No judge appointed to or retained in office in the manner prescribed in section 25(a)-(g) of article V of the state constitution shall directly or indirectly make any contribution to or hold any office in a political party or organization or take part in any political campaign.

(B) If a judge is nominated and elected as a candidate of a political party, an incumbent judge or candidate for election to judicial office may attend or speak on the judge or candidate's own behalf at political gatherings and may make contributions to the campaign funds of the party of choice. However, neither the judge nor the candidate shall accept or retain a place on any party committee or act as party leader or solicit contributions to party funds.

Rule 2-4.1 (continued)

2-4.1 | Political Conduct of Judges and Judicial Candidates in General

...

(C) A judge shall resign judicial office when the judge becomes a candidate either in a party primary or in a general election for a nonjudicial office, except that a judge may continue to hold judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if otherwise permitted by law to do so.

(D) A judge shall not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

(E) Persons appointed as a circuit or associate circuit judge selected pursuant to section 25(a)-(g) of article V of the state constitution and their employees shall not directly or indirectly make any contributions to or hold an office in a political party or organization or take part in any political campaign.

Rule 2-4.2

(A) A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of the non-partisan court plan:

(1) shall maintain the dignity appropriate to judicial office and shall encourage members of the candidate's family to adhere to the same standards of political conduct that apply to the candidate;

(2) shall comply with all applicable election, election campaign, and election campaign fund-raising laws and regulations;

(3) shall not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

(4) shall review and approve the content of all campaign statements and materials produced by the candidate before their dissemination;

(5) shall not knowingly or with reckless disregard for the truth make any false or misleading statement or misrepresent the candidate's identity, qualifications, present position, or other fact; and

(6) shall prohibit public officials or employees subject to the candidate's direction or control from doing for the candidate what the candidate is prohibited from doing under this Canon 4; and except to the extent authorized under Rule 2-4.2(B) or Rule 2-4.2(C), such candidate shall not allow any other person to do for the candidate what the candidate is prohibited from doing under this Canon 4.

Rule 2-4.2 (continued)

(B) A candidate, including an incumbent judge, for a judicial office that is filled by public election between competing candidates shall not solicit or accept campaign funds in a courthouse or on courthouse grounds. Such candidate shall not solicit in person campaign funds from persons likely to appear before the judge. A candidate may make a written campaign solicitation for campaign funds of any person or group, including any person or group likely to appear before the judge.

The candidate may establish committees of responsible persons to secure and manage the expenditure of funds for the campaign. Such committees are not prohibited from soliciting campaign contributions in person and may distribute the candidate's written requests for campaign funds.

A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate or members of the candidate's family.

(C) An incumbent judge who is a candidate for retention in or reelection to office without a competing candidate, and whose candidacy has drawn active opposition through any medium, may campaign in response thereto through any medium and may obtain publicly stated support and campaign funds in the manner provided in Rule 2-4.2(B).

Rule 2-4.2 Comment

Under Rule 4-8.2(b) a lawyer who is a candidate for judicial office must comply with the applicable provisions of the Code of Judicial Conduct.

A candidate for judicial office should consider whether his or her conduct may create grounds for recusal for actual bias or a probability of bias pursuant to *Caperton v. A.T. Massey Coal Co.*, 556 U.S. [868] (2009), or whether the conduct otherwise may create grounds for recusal under this Rule 2 if the candidate is elected to or retained in judicial office.

Inquiry Concerning a Judge (Santino) (Fla. 2018)



Republican Party of Minnesota v. White (US 2002)

The defendant officers bore the burden of proving that the announce clause was narrowly tailored to serve a compelling state interest, since (a) the clause both prohibited speech on the basis of its content and burdened a category of speech--regarding the qualifications of candidates for public office--that was at the core of First Amendment freedoms, and (b) the parties did not dispute the Court of Appeals' conclusion that the clause was subject to strict scrutiny.

The announce clause was not narrowly tailored to serve a compelling state interest in preserving the state judiciary's impartiality and appearance of impartiality, regardless of whether impartiality was meant in the sense of (a) lack of bias for or against any party to a proceeding, (b) lack of preconception for or against a particular legal view, or (c) willingness to consider other views.

Jordan v. Darrisaw (M.D. Ga. 2026)

- Candidates for GA Supreme Court sought protection to discuss women's health
 - “Reproductive Freedom for All”
 - “Champion for reproductive freedom”
 - Endorsement from Emily's List

In re Thornhill (Mo. 2025)

- A. That on occasion Respondent would mention his political affiliation and/or his preferred candidates in contested political elections with litigants, witnesses, and/or attorneys while conducting court business from the bench in the courtroom.
- B. That on occasion, Respondent would comment from the bench in the courtroom to litigants, witnesses, and/or attorneys about where his "Thornhill for Judge" signs were located.
- C. That on occasion, Respondent would remark from the bench in the courtroom to litigants, witnesses, and/or attorneys that they live in, "Thornhill for Judge Country."
- D. That on one occasion, while considering the petition, Respondent asked the petitioner if the union for which the petitioner worked has, "[w]armed up to Thornhill for judge."
- E. That on occasion, Respondent would, from the bench in the courtroom, ask litigants, witnesses, and/or attorneys where they lived and if they had seen his campaign signs.

Judge Thornhill's removal is the result of his decision to engage in political activity in the courtroom. Canon 4 of the Code of Judicial Conduct imposes severe restrictions on the political activities of judges and those who seek that office. Even the activities that are permitted, however, are never permitted in the courtroom. See, e.g., Rule 2-4.2(B) (providing candidates, including incumbent judges, "shall not solicit or accept campaign funds in a courthouse or on courthouse grounds"). The Code of Judicial Conduct makes clear that, other than the activities permitted in Canon 4, a "judge shall not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice." Rule 2-4.1(D).

The restrictions the Code of Judicial Conduct imposes on political activity are essential to preserving the integrity of — and the public's trust and confidence in — the judicial system. The preamble to the Code of Judicial Conduct begins:

An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in this code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

Judges should maintain the dignity of judicial office and avoid both impropriety and the appearance of impropriety. They should aspire to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

Political references and other such statements by judges in the courtroom are the antithesis of these principles and violate numerous provisions of the Code of Judicial Conduct. Any failure to ensure courtrooms and the conduct of judicial business are — and are seen to be — absolutely free of political interests will inexorably erode the public's confidence in the judicial system and, therefore, the rule of law. It cannot, and will not, be tolerated.

. . .

Judge Thornhill has admitted, and this Court finds, he committed numerous violations of the Code of Judicial Conduct by failing to keep his political views and interests out of the courtroom. See Rule 2-1.2 ("A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety."); Rule 2-2.1 (The "duties of judicial office ... shall take precedence over a judge's personal and extrajudicial activities."); Rule 2-2.3 (A "judge shall perform the duties of judicial office without bias."); Rule 2-2.8 (A "judge shall require order and decorum in proceedings before the court" and shall be dignified in dealing with "litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity."); Rule 2-4.1(D) ("A judge shall not engage in any other political activity [other than as permitted in Canon 4] except on behalf of measures to improve the law, the legal system, or the administration of justice."); Rule 2-4.2 (providing that, when campaigning, a judge "shall maintain the dignity appropriate to judicial office").

In addition to the many rules cited above, Judge Thornhill admits he violated Rule 2-2.4, which provides in pertinent part:

(A) A judge shall not be swayed by partisan interests

(B) A judge shall [**21] not permit ... political ... relationships to influence the judge's judicial conduct

(C) A judge shall not convey ... the impression that any person or organization is in a special position to influence the judge.

This Court finds Judge Thornhill violated Rule 2-2.4 and each of the other rules listed above, not merely once or inadvertently but repeatedly, consciously, and purposefully. These violations are "misconduct" as that term is used in article V, section 24.3, and the only conceivable sanction for such misconduct is removal from office.

Judge Thornhill admits these violations but seeks to downplay them as merely "humorous" attempts to be relatable and put self-represented litigants at ease. The Court finds no humor in a judge making comments in the courtroom about his party affiliation and which candidates in other races he prefers. Attempts at humor, no matter how tone deaf, cannot justify Judge Thornhill asking those in this courtroom whether they have seen his campaign signs, whether they live in "Thornhill for Judge Country," or whether a particular lawyer's client has "warmed up to Thornhill for judge." Judge Thornhill admits the truth and substantial accuracy of these allegations, and they are sufficient — in fact, more than sufficient — to warrant removal from office.

It does not matter that Judge Thornhill thought such comments were permitted or too innocuous to cause any harm, and it does not matter that he claims his campaign interests and partisan preferences did not influence his decisions. What matters is the impact such conduct can have on the public's trust and confidence. Members of the public who heard Judge Thornhill ask — in the courtroom — who had seen his campaign signs or whether they live in "Thornhill for Judge Country" reasonably could have thought their chances for a favorable outcome could or would be enhanced if they had such a sign in their yard. Similarly, members of the public who heard him declare — in the courtroom — his partisan affiliation and identify those candidates he supports in other races reasonably could have thought their chances for a favorable outcome could or would be enhanced if they professed the same affiliation and supported the same candidates.

It does not matter if these thoughts are correct. If even one member of the public had such a thought in response to Judge Thornhill's misconduct, that is one too many. Maintaining the public's trust and confidence is difficult enough without members of the judiciary feeding the public's fears and mistrust by making these kinds of political statements in the courtroom. Judge Thornhill's statements constitute "misconduct" under article V, section 24.3 of the Missouri Constitution and merit his removal from office.

Conclusory Matters

Questions – If you have questions after the program, please email them to Paige Tungate at ptungate@DowneyLawGroup.com

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Future Programs

September 10 – Thursday at 12:00 Noon CT – **Lawyer Marketing Ethics for an AI World**

September 23 – Wednesday at 12:00 Noon CT – **Legal Ethics for Trust and Estate Lawyers**

October 5, 2026 – Tuesday at 3:00 PM CT - **Litigation Ethics and Sanction Law**

October 21, 2026 – Wednesday at 12:00 Noon CT - **Encouraging Inclusivity Through Firm Management and Mentoring**

November 4, 2026 – Wednesday at 12:00 Noon CT - **Ending Client Relationships — Risks and Rules**

November 17, 2026 – Tuesday at 12:00 Noon CT - **Legal Ethics and New Firm Business Models (including MSOs)**

December 2, 2026 – Wednesday at 12:00 Noon CT - **Managing Your Lawyer Trust Account**

December 17, 2026 – Thursday at 12:00 Noon CT - **Legal Ethics and Dealing with Non-Clients - the "Chapter 4" Rules**

Timed Agenda

12:00-05 -- Introduction and administrative matters

12:05-55 -- Discuss the ethics rules that govern judicial ethics and selection, including the Missouri Court Plan

THE
MISSOURI **BAR**/Missouri Judicial Conference *Kansas City*
ANNUAL MEETING

Sept. 16-18, 2026 | Westin Crown Center | Kansas City

REGISTRATION

SCHEDULE

LODGING

AWARDS

PARTNERS

INFO/CONTACT

EXTRAS

The Annual Meeting offers an unparalleled opportunity for all Missouri lawyers to network, learn, and grow as professionals. This year, the statewide meeting returns to Kansas City Sept. 16-18, with educational offerings, endless connection opportunities, and an opportunity for lawyers and judges to celebrate the profession as we mark the end of our 2025-2026 bar year.

Registration

[Kansas City | Sept. 16-18](#)

[Virtual | Oct. 5-9](#)

REGISTRATION HIGHLIGHTS	KANSAS CITY FULL	KANSAS CITY CLE ONLY	VIRTUAL
DATES	Sept. 16-18	Sept. 16-18	Oct. 5-9
LOCATION	Kansas City	Kansas City	Your choice
REGISTRATION	\$299	\$199	\$199
PLENARY PROGRAMS	✓	✓	✓
TRACK PROGRAMS	✓	✓	✓
YLS SERIES	✓	✓	✓
ETHICS SERIES	✓	✓	
RECEPTIONS	✓	Additional cost	
OPENING LUNCH CHIEF JUSTICE'S ADDRESS	✓	Additional cost	
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