

EXHIBIT C

James R. Layton

Attorney At Law / Of Counsel at Tueth Keeney Cooper Mohan Jackstadt, St. Louis Missouri

James (Jim) Layton joined Tueth Keeney Cooper Mohan Jackstadt in 2017 after more than 22 years in the Missouri Attorney General's Office—nearly all of those as the State's principal civil appellate lawyer, Solicitor General. In that role he supervised all civil appeals—and handled many of them, personally or as the leader of a small appellate team.

Prior to joining the Missouri Attorney General's Office, Jim served as:

- Law clerk to Judge Daniel M. Friedman, U.S.D. Court of Appeals for the Federal Circuit;
- Associate attorney, Vinson & Elkins, Washington, D.C.; and
- Assistant United States Attorney, Washington, D.C.

In addition, Jim has taught more than 20 years as an adjunct professor at the University of Missouri School of Law. His teaching assignments have included appellate practice and appellate moot court.

At Tueth Keeney, Jim practices in trial but more especially in appellate courts, particularly in matters involving complex legal questions, including those arising under the U.S. and Missouri constitutions. He represents both private and public entities.

Jim has argued 100 times before the Missouri Supreme Court, four times before the U.S. Supreme Court, and more than 100 times in other state and federal appellate courts.

Jim is a frequent speaker on appellate practice, legal writing, constitutional law, and issues arising from new appellate decisions.

A long-time leader in the appellate bar, Jim has served as:

- Co-Chair of the Appellate Practice Committee of The Missouri Bar;
- Chair of the American Bar Association's Council of Appellate Lawyers;
- Co-founder and President of the Bar Association of the U.S. Court of Appeals for the Eighth Circuit;
- Co-founder and President of the Elwood Thomas American Inn of Court.

He has served on task forces for both the American Academy of Appellate Lawyers and the Missouri courts dealing with remote court proceedings, electronic filing, and appellate rules.

Jim graduated magna cum laude from the J. Reuben Clark Law School at Brigham Young University, where he served as articles editor on the B.Y.U. Law Review.

In 2010 Jim was elected as a Fellow of the American Academy of Appellate Lawyers, was given the Missouri Bar Foundation's Spurgeon Smithson Award for outstanding contributions to the administration of justice, and was also recognized as the University of Missouri School of Law Distinguished Non-alumnus. Since 2012 He has been recognized three times by Missouri Lawyers Weekly as an Influential Appellate Advocate.

Significant Appeals

Lin v. Ellis, No. SC97641 (Mo. 2020). The Missouri Supreme Court held that a Missouri Human Rights Act retaliation claim cannot be based on a request for accommodation of an alleged disability.

Trinity Lutheran Church of Columbia, Inc. v. Pauley, 788 F.3d 779 (8th Cir. 2015) (cert. granted; to be argued April 19, 2017). The Eighth Circuit upheld Missouri's constitutional provision barring the State from giving tax funds to churches.

Roper v. Simmons, 543 U.S. 551 (2005). The Supreme Court upheld a challenge to the application of Missouri's death penalty statute to a defendant who committed murder while under age 18.

Missouri Director of Revenue v. CoBank ACB, 531 U.S. 316 (2001); On remand, *Production Credit Assoc. v. Director of Revenue*, 43 S.W.3d 311 (Mo. 2001). The U.S. Supreme Court reversed the Missouri Supreme Court's holding that CoBank (formerly the National Bank for Cooperatives), whose establishing statute describes it is a "federal instrumentality," could not be taxed by the State.

Nixon v. Shrink Missouri Government PAC, 528 U.S. 377 (2000). The Supreme Court upheld Missouri's limits on the size of campaign contributions.

Southwestern Bell Telephone Company v. Director of Revenue, 454 S.W.3d 871 (Mo. 2015). The Court upheld the Director of Revenue's decision preventing Southwestern Bell from avoiding payment of Missouri's franchise tax by converting its Missouri subsidiary from a corporation to a limited partnership with.

Conway v. CitiMortgage, Inc., 438 S.W.3d 410 (Mo. 2014) (amicus). The Supreme Court reversed a decision by the Missouri Court of Appeals, Eastern District, that barred use of Missouri's consumer protection law to address deceptive and unfair practices by companies that buy and collect loans.

State ex rel. Saint Louis Charter School v. State Bd. of Educ., 438 S.W.3d 437 (Mo. Ct. App. W.D. 2014). The Court addressed the manner in which the Department of Elementary and Secondary Education must address financial disputes between a school district and a charter school.

Public Communications Services, Inc. v. Simmons, 409 S.W.3d 538 (Mo. Ct. App. W.D. 2013). The Court rejected a challenge to the State's contract for inmate telephone service, which included terms asking for innovative proposals by the bidders.

Schweich v. Nixon, 408 S.W.3d 769 (Mo. 2013). The court upheld the authority of Missouri governors to restrict the use of appropriations in light of cashflow during a fiscal year.

Breitenfeld v. School Dist. of Clayton, 399 S.W.3d 816 (Mo. 2013). The court rejected a claim that Missouri's school transfer law, which applies to students in unaccredited districts, violates the "Hancock Amendment" as an "unfunded mandate" on school districts.

Southern Wine & Spirits of Am., Inc. v. Div. of Alcohol & Tobacco Control, 731 F.3d 799 (8th Cir. 2013). The Court upheld Missouri's bar on liquor wholesalers operating in Missouri without Missouri-resident owners and managers.

Degraffenreid v. State Bd. of Mediation, 379 S.W.3d 171 (Mo. Ct. App. W.D. 2012). The Court upheld an election through which a union was certified to represent personal care attendants.

Wright-Jones v. Nasheed, 368 S.W.3d 157 (Mo. 2012); *Gray v. Taylor*, 368 S.W.3d 154 (Mo. 2012). Court upheld the ability of candidates for the Missouri House, immediately after redistricting that follows a decennial census, to run in districts that contain part of their former districts.

Manzara v. State, 343 S.W.3d 656 (Mo. 2011). The Court upheld Missouri's "land assemblage tax credit law."

State v. Nationwide Life Ins. Co., 340 S.W.3d 161 (Mo. Ct. App. W.D. 2011). The Court reversed a decision with regard to actions taken by an insurance company that administrated a state employee annuity plan, alleging breach of contract. The result was the return of more than \$18 million, plus interest, from the company to the employees'™ retirement accounts.

School Dist. of Kan. City v. State Of Mo., 317 S.W.3d 599 (Mo., 2010). The Court upheld Missouri's charter school statute against a challenge from one of the two districts, based on the Hancock Amendment's bar on imposing new obligations on local government without a state appropriation.

Committee for Educational Equality v. State, 294 S.W.3d 477 (Mo. 2009). The Court rejected a constitutional challenge to Missouri's "foundation formula" – the formula used to allocate state funds to local school districts.

Selected Publications and Presentations

“Appellate Panel: A Discussion with Experts on Missouri and Federal Appellate Law,”
Missouri Bar, April 2026

“Appellate Practice Update,” Missouri Bar Appellate Practice Institute, December 2024

“Labor and Employment Law: What to Expect in 2021,” Association of Corporate Counsel-
St. Louis CLE, December 2020

Annual Supplement, APPELLATE PRACTICE, MO. PRACT., Vol. 24 (2005-2025, West)

“Oral Argument,” Chapter 7, APPELLATE COURT PRACTICE (Mo. Bar 2002).

“Appellate Court Jurisdiction,” Chapter 3, EIGHTH CIRCUIT APPELLATE PRACTICE MANUAL
(8th, 9th, and 10th ed.), Minn. Bar CLE).

“Direct Review of Administrative Agency Decisions”, Chapter 17, EIGHTH CIRCUIT
APPELLATE PRACTICE MANUAL (3d, 4th, 5th, and 6th eds.; Minn. Bar CLE).

“Recent changes in Missouri’s Appellate Rules,” Journal of the Missouri Bar, Sept-Oct 2018.

“Five Things Missouri Lawyers Should Know About the Missouri Constitution,” Missouri Bar
Administrative Law Committee, Nov. 2018

“Contests re Noncontested Cases: Missouri Administrative Law and the MHRA after Tivol
and SB43,” Missouri Bar Labor and Employment Annual Seminar, Oct. 2018

“Five Things Judges Should Know About the Missouri Constitution,” Missouri Judges
Appellate Forum, Columbia MO 2017

“We Feel Your Pain: Tips on Appellate Practice for Solo or Small Firm Practitioners,”
Missouri Bar Solo & Small Firm Conference, Osage Beach MO 2017 (with Missouri Supreme
Court judges Mary Russell and Zel Fischer)

“The Leap from e-Filing to e-Briefing,” Kansas Bar 2017 Appellate Practice CLE, Topeka KS
2017

“The Evolving Role of the State Solicitor: Toward the Federal Model?” JOURNAL OF
APPELLATE PRACTICE AND PROCESS (Fall 2001).

“Legal Writing for the iPad Reader” and “Clear Paths to Effective Obfuscation in Legal
Writing,” Savannah GA, 2017; Las Vegas, NV and Little Rock, AR, 2016; Orlando, FL 2015;
Portland OR, 2014.

“The Missouri Constitution: History, Context, and Content,” Missouri Attorney General’s Office, Osage Beach, MO 2016.

“What Weird AI Taught me About Legal Writing,” Bar Association of Metropolitan St. Louis, St. Louis, MO, 2015.

“View from the Podium,” Missouri Bar Solo and Small Firm Conference, Osage Beach, MO, 2016.

“Before the Brief: Issues in Appellate Advocacy,” National Association of Attorneys General National Appellate Advocacy Seminar, Washington, DC, 2008, 2009, 2015, 2016.

“Supreme Court of Missouri Update: Focus on Solo and Small Firm Cases” and “What Weird AI Taught me About Legal Writing,” Missouri Bar Solo and Small Firm Conference, Branson, MO, 2015.

“The Status of the Law Regarding Same-sex Marriage” and “Same-sex Marriage: Practical Issue,” Missouri Bar Family Law Conference, Branson, MO, 2015.

“Same-sex Marriage Cases,” Missouri Bar Government Attorneys Committee, Jefferson City, MO, 2015; Missouri Attorney General’s Office, Osage Beach, MO 2015.

“A Tale of Two Attorneys: Appellate Advocacy,” Missouri Bar Government Practice Institute, Jefferson City, MO 2015.

National Deposition Training, National Attorneys General Research and Teaching Institute, Santa Fe, NM, 2015.

Trial Training, National Attorneys General Research and Teaching Institute, Boston, MA 2015.

“Horizontal Federalism: Regulating States,” National Association of Attorneys General, Indianapolis IN, 2015.

Deposition Training, National Attorneys General Research and Teaching Institute, Princeton, NJ 2011.

Trial Skills Course, Missouri Attorney General’s Office, Columbia MO 2011.

“Clear Paths to Effective Obfuscation in Legal Writing,” Mo Dept of Transportation General Counsel’s Office, Jefferson City, MO 2011.

“Ethical Issues in the Day of Social Media,” Mo. Bar Young Lawyers’ Division, Jefferson City, MO 2011.

“Writing Successful Writ Petitions and Motions for Extraordinary Relief,” Mo. Bar Solo and Small Firm Conference, Osage Beach MO 2011.

“Discussion on the Constitutional Considerations of Inadequate Court Funding” American Academy of Appellate Lawyers, St. Paul, MN 2011.

“Nuts And Bolts of Appellate Practice: Effective Motion and Writ Practice,” Missouri Bar, St. Louis, Kansas City, and Springfield, 2011.

“Please, Judge, Keep Reading, :,” National Academy of Elder Law Attorneys, Washington DC 2009.

“History of State Solicitors and Solicitors General” Univ. of Texas Review of Litigation Annual Symposium, Austin, TX 2009.

“Administrative Medicine: Companies Practicing Medicine,” National Association of State Medical Boards, New Orleans, LA 2008.

“Rule 4.2 and Corporations,” Indianapolis, IN, 2008.

“Annual Supreme Court Review,” Missouri Bar teleconference, 2006, 2007, 2008.

“2007 Changes to the Rules of Professional Conduct,” Missouri Attorney General’s Office, June 2007.

“Appellate Practice: Briefs and Beyond,” Missouri Attorney General’s Office, Sept. 2008.

“Searching for the Activist Judge: An Appellate Lawyer’s Thoughts,” J. Reuben Clark Law Society, St. Louis MO 2007.

“Ethical Issues in Representing the Government,” Missouri Bar Government Attorneys Committee, Jefferson City MO 2006.

“Matching Advocacy to Audience: Differences Between Intermediate Appellate courts and Courts of Law Resort,” Appellate Judges Education Institute, Scottsdale AZ 2006.

“Taming the Monster Record: How to Manage the Voluminous Trial Record on Appeal,” Appellate Judges Education Institute, Dallas TX 2006.