

# Personal injury attorney accused in fatal street racing crash

BY CATHERINE MARTIN  
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A Clayton personal injury attorney is one of the two men police say were involved in a crash in which two vehicles that were street racing hit and killed a 73-year-old woman.

Police said they plan to seek charges of manslaughter and driving while intoxicated against Scott A. Bailey, 44, a solo attorney whose practice areas include wrongful death and auto accidents, and Haven A. Sooter. Neither man has been charged.

The two are accused of racing on Lindbergh Boulevard in Frontenac about 9:15 p.m. July 8 when Sooter's BMW struck a Toyota SUV. Bailey's Ford Mustang then hit the

car after it veered, according to Frontenac Police.

Both Sooter and Bailey were evaluated by officers for driving while intoxicated.



Scott A. Bailey

On July 11, Bailey filed a petition with the Department of Revenue seeking to reinstate his driver's license, stating his license was revoked for one year because of his "alleged refusal" to submit to a chemical test arising from his arrest for allegedly driving while intoxicated.

The petition claims that Bailey was not lawfully arrested by the St. Louis County Police Department, the arresting officer did not have reasonable grounds to believe Bailey was driving while intoxicated and that Bailey did not refuse to submit to a chemical test.

Bailey asks the court to order the Department of

Revenue to "rescind and remove the chemical refusal revocation" and says "irreparable injury will be done to" Bailey if the action of the director is not stayed, pending appeal.

Harjot S. Padda filed the petition for Bailey. He could not be reached for comment Thursday. Bailey was not in his office Thursday and could not be reached for comment. His law firm website, [iwasinjuredstl.com](http://iwasinjuredstl.com), was no longer in service Thursday.

Missouri Professional Ethics Rules say a lawyer is subject to discipline if the lawyer pleads guilty or nolo contendere to, or is found guilty of, a felony. Both first and second degree manslaughter are a felony in Missouri.

Bailey was licensed to practice law in Missouri in 1998. He opened his current law practice in January 2014, according to the Missouri Secretary of State's office. **MO**

# Ferguson, police shootings focus of panel at national conference

*National Black Prosecutors Association held its annual conference in St. Louis*

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When the leaders of the National Black Prosecutors Association decided to include a panel discussion on prosecuting police shootings at its annual conference, they had no idea that events in the week leading up to the conference would make the conversation so timely.

"It's even more important for us as black prosecutors to be here in this room specifically on this day," said Sonja Brown, a prosecutor from DeKalb County, Georgia who moderated the panel July 11 at the Ballpark Hilton in St. Louis after recent police shootings in Louisiana and Minnesota.

The organization chose St. Louis for the weeklong conference because several members of the group live in the area, but also because of Ferguson, NBPA President Melba V. Pearson said. Prosecutors wanted to talk to people in the community to see what they learned from the experience and apply that to their home jurisdictions, she explained.

"It's a different experience at ground zero," Pearson said.

The group heard the Ferguson Commission Report as the conference kicked off, and Ferguson was a major topic of conversation at the panel on police shootings that included St. Louis County Prosecutor Robert McCulloch, as well as Richard Callahan, U.S. attorney for the Eastern District of Missouri and Jackie Lacey, district attorney of Los Angeles County.

Brown and the audience asked McCulloch to discuss his decision-making process during Ferguson, such as what information to share with the public.

McCulloch stressed that his office was "very mindful throughout the entire process" of professional ethics rules that dictate what he could and could not share.

"You can't go and comment publicly on the character, the record, of a witness, of a suspect or anybody else involved in the case because it's likely to have some sort of material prejudice," he said.

McCulloch also agreed with Callahan that those professional ethics rules need to be updated to "catch up with the real world."



Sonja Brown, far left, a prosecutor from DeKalb County, Georgia, moderates a panel about prosecuting police shootings at the National Black Prosecutors Association meeting in St. Louis. The panel featured, from left to right, Jackie Lacey, district attorney of Los Angeles County, Richard Callahan, United States attorney for the Eastern District of Missouri, and Robert P. "Bob" McCulloch, prosecuting attorney for St. Louis County. Photo by Catherine Martin

"In today's world you have videos coming out, other evidence coming out, a story can take off if you don't address it in some fashion," Callahan said.

Other questions focused on the need to bring in a special prosecutor, and if that should have been done in the Darren

Wilson case. McCulloch said a special prosecutor was not necessary because there was no conflict.

"You're abdicating your responsibility if there is no conflict," McCulloch said. "The oath that you take doesn't say you'll uphold the laws of the state of Missouri and the constitution of the United States unless somebody is really yelling at you."

Jessica Sinkfield, an assistant state attorney in Miami who is originally from Ferguson, said it was informative to hear McCulloch talk about the topic.

"I appreciate the fact that he highlight-

ed efforts that could happen," she said. Efforts McCulloch, and the other panelists, highlighted focused heavily on more communication with the public to avoid misinformation.

In the Ferguson case, McCulloch said, there was a lot of misunderstanding of

why aren't we more aggressive," Lacey said.

It's important for prosecutors to have a network and do community work "before the inevitable case hits," Lacey said. When a prosecutor's city is in turmoil, it's equally important for the prosecutor to "be out there more."

"You have to be strong enough to stand there and listen and understand where that anger comes from. I think that's how you can build the trust," she said.

Lacey told the group they also need to acknowledge that it's rather rare to have an African-American prosecutor in a case, and they need to do more work in fostering and recruiting more people of color to go to law school and become prosecutors.

Already after the first day of the conference, Pearson said she felt discussions about the aftermath of Ferguson, police shootings and the importance of communication helped prosecutors in the organization have a better grasp on the issues they face today.

"They can go forth and be more effective advocates and go out into the community and educate people on what a prosecutor is," she said. "They are able to give accurate information and be effective mediators." **MO**

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*Jackie Lacey, district attorney of Los Angeles County*

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how a grand jury works.

"As prosecutors, generally, we've done a lousy job in explaining to the community exactly what we do," he said. "Most people have no idea what a grand jury is, where it comes from, what its responsibility is."

Communication is also essential in rebuilding the public's trust in the justice system, which panelists agreed is crucial right now.

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