



# Hon. Duane Benton

## U.S. Circuit Judge, Court of Appeals for the Eighth Circuit

By George Allan



George Allan Jr. is a graduate of Truman State University and Northwestern Pritzker School of Law and clerked for Judge Duane Benton from 2023–2024.

**J**udge Benton exemplifies unwavering dedication to the principles of justice and the rule of law. His authenticity, integrity, and work ethic set the gold standard for Kansas City’s public servants, and I strive to live up to the high bar he has set.

—Quinton Lucas, Mayor of Kansas City and former Judge Benton clerk

Judge Duane Benton has dedicated his life to excellence and service. He grew up in a small Ozarks town, Willow Springs, Missouri. Despite there being no attorneys in his town, when he was a fifth grader, he said he wanted to be a lawyer. Personable and hard-working, Judge Benton demonstrated potential early. At his rural high school, he participated in almost all activities, culminating in: being class valedictorian, winning several debate championship victories, being National Forensic League president, receiving number “one” ratings as a vocal soloist and bass clarinetist in state music competitions, and being named “Mr. Supersalesman” for yearbook sales.

Judge Benton left southern Missouri for Northwestern University in Evanston, Illinois on a debate scholarship, having never stepped foot on campus before he began school. He graduated *summa cum laude* and Phi Beta Kappa. An NROTC midshipman, he was named battalion commander and a delegate to the Naval Academy Foreign Affairs Conference. At Yale Law School, he was classmates with future Justice Samuel Alito and knew Justice Clarence Thomas. He distinguished himself as editor and managing editor of the *Yale Law Journal*.

Beyond the classroom, Judge Benton has contributed to his community and country—a central part of his life. Asked what motivates his service, he says “I like people. I feel good helping other people feel needed, wanted, and appreciated.”

After law school, Judge Benton served with the U.S. Navy as a judge advocate. At night, he attended Memphis State University, earning a master’s in business administration and accountancy, with a perfect 4.0 grade average. He became a certified public accountant in Missouri in 1983. After four years



of active duty in Vietnam, New London, and Memphis, he served 25 years as a reserve judge advocate, including as a commanding officer (twice), staff judge advocate for large active-duty commands, and senior reserve JAG in the office of the vice chief of Naval Operations. While in the reserves, he graduated from the Naval War College. After retiring from the Navy, Captain Benton became a leader in the American Legion, the Veterans of Foreign Wars, and was an original member of the Missouri Military Advisory Commission. For 34 years, he has chaired the Legion’s oratorical program, a constitutional speech contest exposing hundreds of high school students to the U.S. Constitution.

In civilian life, Judge Benton practiced law, served as chief of staff to a congressman, and member of the board of regents for Central Missouri State University. He also served as chair of the board of trustees for the Missouri State Employees’ Retirement System; the Missouri Commission on Intergovernmental Cooperation; and the Council for Drug-Free Youth; as well as a director of the Jefferson City United Way. Selected as a Danforth fellow, he completed the Senior Executives Program at Harvard University, John F. Kennedy School of Government. He earned a Master of Laws in Judicial Studies from the University

of Virginia, along with honorary Doctor of Laws degrees from Central Missouri State University and Westminster College. He has taught as an adjunct professor at Westminster College and the law schools of the University of Missouri, Brooklyn, Pepperdine University, St. Louis University, and Vanderbilt University.

Judge Benton was appointed to the governor's cabinet as the 14th director of revenue in the history of Missouri. Demonstrating his friendly and caring nature, Judge would call all employees of the department on their birthdays to wish them happy birthday. While director, he authored the Missouri Taxpayer Bill of Rights, initiated the short-form state tax return, administered income tax refunds to retirees, and led Missouri to ninth place among all states in sales-tax audits of out-of-state firms. He also served on the Multistate Tax Commission with tax administrators from 32 other states, who elected him chair. He was also president of the Midwestern States Association of Tax Administrators.

Appointed to the Missouri Supreme Court in 1991, Judge Benton was retained by the voters in 1992. He was the first and only certified public accountant to serve on any supreme court in America. A fellow judge on the court there, John Holstein, said, "Duane was straightforward, honest and he had a brilliant mind," and "he was smart enough that when he spoke everybody listened." Acknowledging Judge Benton's candor and commitment to finding the right solution, Holstein continued: "He told you exactly what he thought, but he did it in a kind way. He would always try to resolve differences in a kind way." On July 1, 1997, the judges on the Missouri Supreme Court elected him chief justice for a two-year term.

The ideals of the constitution inform Judge Benton's work as a judge. He believes that: "We the People can be more perfect if we first establish justice. Power must be derived from the people. Power must be exercised in accordance with established procedures and within established structures—which cannot violate the basic rights of the people, especially those enumerated in the Bill of Rights." For Judge Benton, upholding these principles is crucial for all members of the legal community. In his words, "each of us—attorneys, judges and paraprofessionals—must work to achieve 'equal justice under law.'"

In 2004, President George W. Bush nominated Judge Benton for the U.S. Court of Appeals for the Eighth Circuit. Four months later, the Senate confirmed him by a voice vote. He was appointed by Chief Justice William Rehnquist to the Budget Committee of the U.S. Judicial Conference, where he served from 2005 to 2013. In 2019, Chief Justice John Roberts appointed him to the Board of the Federal Judicial Center—the educational and research arm of the federal courts—and to the Bankruptcy Committee of the U.S. Judicial Conference. He is the longtime chair of the Bankruptcy Committee for the Eighth Circuit. To implement the inter-circuit assignment of bankruptcy judges to other circuits, he has

co-chaired selection committees in the Fifth, Sixth and Eleventh Circuits—the only judge ever to have done so in more than one circuit. The Chief Justice has also designated him as a judge on cases in the Courts of Appeal for the First, Third, Fourth, Sixth, Seventh, Tenth, and District of Columbia Circuits. Similar to his experience on the Missouri Supreme Court, he is the first and only U. S. circuit judge who was a certified public accountant.

Judge Benton's writing reflects the lessons learned from his high school English teacher: "Write concisely, precisely, focus on the verbs and stay organized." In his opinions, he distills complex legal disputes into straightforward prose that is both helpful to the parties and mindful of precedent. All of his decisions, products of thorough research and reasoned analysis, demonstrate his characteristic judicial temperance and reflect an ability to build consensus with other jurists.

Despite the gravitas and pressure that comes with the judgeship, Judge Benton is humble and enthusiastic about all aspects of his role. When not reviewing briefs or drafting opinions, Judge Benton enjoys lunches with his clerks to discuss current events, debate sports topics, and even crack jokes. Gavriel Schreiber, general counsel to the mayor of Kansas City and a former Benton clerk, says: "As his clerk, I saw firsthand his careful and open-minded approach to judging. I also saw the way in which he treated everyone, regardless of status, with the utmost respect and dignity. Our system could ask for no finer a public servant—and I could ask for no finer a mentor—than Judge Benton." Visitors to the courthouse are pleasantly surprised by how generous he is with his time and his good-natured personality. His demeanor, which radiates kindness, turns strangers into admirers and friends.

A deacon emeritus and trustee emeritus of his church, Judge Benton is former counsel to the Missouri Baptist Convention. In addition to having taught Bible study for years, he has helped organize the State Convention, supported various churches in many roles, and contributed articles to Baptist publications. He has also served as president of two Rotary clubs, district governor, and in many other Rotary leadership roles.

Judge Benton is also a member of the Missouri and many local bar associations, the American Institute of Certified Public Accountants, and the Missouri Society of Certified Public Accountants.

He is married to Sandra Benton, a registered nurse he met as a lieutenant in the Nurse Corps, U.S. Navy. They are the proud parents of Megan, who is a state-court judge herself, and Grant, who is currently pursuing an advanced degree at the London School of Economics. Megan and her husband Paul are the parents of Judge and Sandra's grandchildren, Nolan and Pierson. ©