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Courthouse Connection BLENDING OUR WORLD WITH YOURS



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Clerk's Corner

By Patricia L. Brune

Welcome to the second edition of the Courthouse Connection. We hope you are enjoying this electronic front door to the Western District of Missouri and that if you have comments or suggestions as to how to improve the product that you will contact us and let us know. We are constantly working to improve our service to you and think that this publication is yet another way to do so. Please notice that many of the articles have email contact information included in them so you can talk back directly to the source of the article. Also, note the general contact availability on our Web Site, <u>www.mow.uscourts.gov</u> where you can drop a note simply by clicking on the "contact us" button. We are proud of our new electronic publication and hope it helps you in some small way.

As we come to the end of 2007, it is good to stop and reflect on what we have accomplished this year and plan for more progress in 2008. The Western District of Missouri has been very busy this year continuing to be involved locally and nationally in the administration of Justice. The Administrative Office of the U.S. Courts calls on the staff of Western Missouri many times to assist in the development and implementation of national policy.

From The Editor

By Lori Carr, District Operations



Welcome to the second edition of the Courthouse Connection, the online resource for news and information heard 'round the Courthouse. The information presented in the following articles should be of interest to all.

Where do I subscribe? Good news - no subscription is necessary. Just visit our website at <u>www.mow.uscourts.gov</u> and look for <u>Courthouse Connection</u>. From there you can view the current issue as well as all past issues. It's just that easy! An email announcing the quarterly publication will be forthcoming.

Thank you for taking the time to blend our world with yours. Wishing you and yours a wonderful holiday season. Happy reading!



And, we understand clearly that this would simply not be possible without you. It is the professional cooperation and dedication of the entire legal community in this area that brings clarity and innovation our way. <u>Thank you</u> for that.

The new year will bring a new Bankruptcy Chief Judge as Dennis R. Dow will assume that role on January 1st. Judge Jerry W. Venters has been the Chief for four years but by local rule, the assignment changes after that amount of time. Thank you to Judge Venters for steering us through the rocky waters of the new Bankruptcy legislation of a couple of years ago. And, we look forward to the leadership of Judge Dow for the next four years.

Happy Holidays to you and yours. I leave you with this - "And now let us welcome the New Year, full of things that have never been."

-Rainer Marie Rilke.

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Around the Water Cooler

New Jefferson City Federal Courthouse Developments

By Brad Luecke, Jefferson City Project Manager



The late stages of demolition on site of the new Jefferson City Courthouse

The existing prison buildings on the site have been cleared. The rubble and salvaged stone is being stockpiled for future use by the Missouri Prison Redevelopment Commission.

The design team has been working to develop a conceptual building which will include all the programmed space for the Courtrooms, the Judges chambers, the Clerk's Office, the Probation Office, the U.S. Marshal's Service, the U.S. Attorney's Office, Senator Bond's office, General Services Administration Offices, miscellaneous conference rooms, other office spaces and future expansion spaces

There have been several different concepts considered. So far the favorite is a four story two winged building. The first and second floors will house the Clerk's Office, the Probation Office, and the rest of the tenants. The third and fourth floors will house the Magistrate and District Courtrooms, respectively.

It is anticipated the design will continue into next summer and, pending funding from Congress, we hope construction of the new Courthouse will begin in late fall of next year.

Springfield Division holds Bar Reception and hosts Open Doors of Justice

By Julie Hollis

On November 8, 2007, the United States District Court - Western District of Missouri held its Bar Reception for the Southern and Southwestern Divisions in Springfield at the Tower Club.



The public terminal in the Springfield Clerk's office is now available for electronic filing

On November 15, 2007, the Southern Division hosted the Open Doors Ceremony. The students from Ozark and Springfield area schools held a mock trial, followed by a pizza lunch and speeches from various key note speakers.





Never In Doubt: Memoirs of an Uncommon Judge

By Scott O. Wright with Larry Schumaker

"Innovative. Outspoken. Uncommon. Those words sum up Judge Scott O. Wright, the U.S. District Judge in Kansas City who has handled some of Kansas City's highest-profile cases, from the Mafia to the Hyatt disaster. This is the story of his lengthy and accomplished career, as told by the judge himself." - Kansas City.com

To purchase your copy visit: <u>Never In Doubt: Memoirs of an Uncommon Judge</u> <u>Book Signing</u>: Kansas City Store, 83rd & Mission, <u>December 22 from 1 to 3 p.m.</u>

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November CJA Luncheon By Dorothy Myers





On November 2, 2007, the Western District of Missouri hosted a luncheon for attorneys who are appointed or would like to be appointed for defendants under the Criminal Justice Act. Over 50 attorneys participated and enjoyed lunch from Jack Stack Bar-B-Que.

Speakers at the luncheon included Chief Judge Fernando J. Gaitan, Jr., Magistrate Judge Robert Larsen, Magistrate Judge Sarah Hays, Public Defender Ray Conrad, and Annie Ledford from the Clerk's finance office. Topics included how to become a CJA appointed attorney, dos and don'ts in the courtroom, and the top five CJA concerns. This last elicited a great sigh of relief among the attorneys. They were not alone in the problems they were experiencing with their clients. They also learned how to get paid in a more timely fashion and how discovery documents were being handled. They were reassured that the staff in the Clerk's Office are always willing to help. Just call and ask.



For questions about Magistrate courtroom procedures, contact the following:

Kerry Martinez	816-512-5759	Magistrate John Maughmer
Sue Anderson-Porter	816-512-5774	Magistrate Robert Larsen
JoRita Gicinto	816-512-5789	Magistrate Sarah Hays

CJA Payments to Ivize, LLC

Some attorneys indicated at the CJA lunch that they received collection calls/notices for outstanding invoices from <u>lvize</u>, <u>LLC</u>, formerly Compex. Kelly Conner at lvize, LLC indicated that if any more of these collection attempts are made to please contact her. Once she has your information she will update the system to flag it as a CJA payment/attorney and the collection attempts will cease. She thanks you in advance for your patience.

Contact Kelly Conner at kconner@ivize.net Office: 816-842-5552 / Cell: 816-678-6920

Mr. Murray Gartner gives lecture on Justice Jackson

By Deborah Showalter-Johnson



Judge Howard Sachs arranged for the WDMO Historical Society members to attend a lecture given by Mr. Murray Gartner on Justice Robert H. Jackson. Mr. Gartner, a 1945 graduate of Harvard Law School who clerked for Justice Jackson, represented TWA during the late 1980s in litigation arising from the TWA flight attendants strike in 1986. Two decisions in those cases, written by Judge Sachs, were argued before the Supreme Court of the United States.

His fascinating lecture was titled "Justice Jackson in the Truman Era," but he managed to shed light on a number of historical events. The lecture, given on November 18, 2007, was well attended by Historical Society members.

It is still possible to join the Historical Society by Contacting Karen Hopkins at (816) 512-5645.



Hear Ye! Hear Ye!



The Western District of Missouri is proud to announce the addition of **The Ross T. Roberts Inn of Court Program** to our website. Just click on the link to view: <u>http://www.mow.uscourts.gov/General_Information/community_outreach/inn_of_court.html</u>

The Ross T. Roberts Inn of Court Program of the Kansas City Metropolitan Bar Association is a program chartered by the American Inns of Court Foundation. It is an eight-month program designed to help enhance the trial skills of young lawyers. The program fosters excellence in professionalism, ethics, collegiality and legal skills.

The website contains the 2007-2008 Inn of Court Luncheon Schedule complete with links to download an audio recording of the respective presentations (including the ability to download the recording to your MP3 player or personal computer) and any handouts from the presentations.

Individuals who download and listen to the audio presentations are **NOT** eligible for CLE credit.

Future presentations will cover electronic discovery and technology issues, making a record for appellate review, appellate standards of review, and mediation and settlement.

Any member of the Court family is welcome to attend these presentations.

Anyone choosing to attend any of the presentations should contact Rebecca Sourk at <u>rebecca_sourk@mow.uscourts.gov</u> or 816-512-5763 the <u>Friday before the presentation</u>.

This luncheon series is sponsored by the Court en banc in conjunction with the KCMBA

Western Division Hosts Law Clerk Reception

By Diana Diaz



The Charles Evans Whittaker Courthouse in Kansas City was the site for former law clerks to enjoy a reception held on December 3, 2007.



What You Need To Know

WHAT YOU NEED TO KNOW ... ABOUT COURTROOM TECHNOLOGY

By Patrick McWilliams

The United States District Court for the Western District of Missouri offers various forms of courtroom technology, including evidence presentation equipment, to members of the bar. The judges, information technology department, and court staff invite you to take advantage of the many electronic capabilities available for use in the courtrooms.

We have portable Electronic/Presentation Carts and Video Conferencing Equipment available in <u>all</u> courtrooms. We also have three courtrooms that are equipped electronically at all times. When you need to use any of the equipment you must contact the courtroom deputy for that particular courtroom five days in advance. The courtroom deputy will inform you what that particular Judge will allow in his or her courtroom. By making arrangements in advance, you will be assured that the requested equipment is available and there is ample time for training, resolving conflicts with your laptop or chosen evidence format.

Video Conferencing Equipment and Hearing Assistive Headsets are available in all Courtrooms.

We encourage you to take advantage of our courtroom technology. Our staff will do their best to assist you and make your courtroom experience as productive and painless as possible.



Electronic/Presentation Carts are equipped with the following:

- o Computer Input
- o Audio Input
- Document Camera (ELMO)
- o DVD/VCR Player

At the Whittaker Courthouse there are three courtrooms that are considered <u>Electronic</u> <u>Courtrooms</u>, 6C, 7C and 8C. All Electronic Courtrooms have the following available to counsel at all times:

- Annotation Monitor and Tablet
- Audio Input
- o Computer Input
- o Document Camera (ELMO)
- Video Monitors (located at the judge's bench, clerk, witness, podium and attorney tables)
- Large Screen Monitors for the Jury
- o DVD/VCR Player

Local Rule 83.11 - ELECTRONIC COMMUNICATION DEVICES

By Kelly Mcllvain



Local Rule 83.11 allows lawyers and staff accompanied by such lawyers to

bring electronic devices into the courthouse. Please remember that if you bring a cell phone or Blackberry into the courtroom it **must be turned off.** The device should not be put on vibrate as that is noticeable to court staff and others in the courtroom. Please be courteous and turn your devices off for the duration of **all** hearings.



WHAT YOU NEED TO KNOW ... ABOUT FINANCE

By Annie Ledford

The Judicial Conference has approved an increase in the rates for original and copy transcripts effective for fiscal year 2008, which began October 1, 2007. In addition, the Conference added the option of requesting 14-day delivery. This new category is designed to fill the wide gap between expedited (7-day) and ordinary (30-day) delivery times. The new transcript rates for 14-day delivery will be \$4.25, ordinary at \$3.65, and expedited at \$4.85.

Until the Administrative Office can update the Transcript Order form (AO435) and the Attendance and Transcripts form (AO40A), users may write in "14-day" or use the expedited category to indicate their request. For CJA attorneys the CJA 24 form should indicate "expedited" or "14-day" in the available space.

RATE CHART	Original	First Copy to Each Party	Each Add'l Copy to the Same Party
Ordinary (30 day)	3.65	.90	.60
14-Day Transcript	4.25	.90	.60
Expedited (7 day)	4.85	.90	.60
Daily Transcript	6.05	1.2	.9
Hourly Transcript	7.25	1.20	.90
Realtime Transcript	3.05	1.20	

CJA AUTHORIZATION FOR EXPERT SERVICES PER DEFENDANT				
	Non-Capital	<u>Capital</u>		
Prior authorization is <u>not</u> required:	Less than \$300	Less than \$600		
CJA expert service(s) maximums:	Up to \$1,600 per expert Up to \$7,500, inclusive of all experts paid in the case on behalf of the defendant.			
	(Excluding expenses)	(Including fees & expenses)		

Prior authorization should be obtained from the District Court for any amount exceeding the \$300/\$600. Any amounts over the maximums will require prior authorization from the 8th Circuit so please allow extra time for the requests to be reviewed by Chief Judge Loken.

For CJA payment/procedures questions, please call the CJA Administrator, Annie Ledford at <u>annie_ledford@mow.uscourts.gov</u> or 816-512-5017.

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WHAT YOU NEED TO KNOW ... ABOUT BANKRUPTCY By Traci Chorny





Effective October 25, 2007, paper notices distributed by the noticing facility for the Western District of Missouri Bankruptcy Court will no longer be sent to parties in the case who have received electronic notice. The sole exception to the paper reduction policy will be first meeting of creditor notices which include the full social security number of the debtor. These paper notices will continue to be sent to all parties and to all creditors. This paper reduction policy is estimated to save the court \$30,000 to \$50,000 dollars annually.

If you have any questions please contact Roberta Kostrow at <u>roberta.kostrow@mow.uscourts.gov</u> or 816-512-1818.

PROPOSED LOCAL RULES AND FORMS

The following proposed local rules and forms are now available for public comment:

- o Revisions to Local Rule 2016-1, Compensation for Services Rendered and Reimbursement of Expenses
- o Revisions to Local Rule 3070-1, Chapter 13 Direct Payment
- o Creation of Local Rule 3094-1, Payments on Real Property (includes new forms)

The proposed rules and instructions for submitting comments can be found at: http://www.mow.uscourts.gov/announce/not_revised_lr_forms.html

All comments should be submitted by January 4, 2008.



Introducing a federal web page for pro se parties. The new web page, located at <u>http://www.uscourts.gov/bankruptcycourts/prose.html</u>, is comprehensive and should be useful to pro se filers.

You will find the website by clicking on the above link or by visiting our website at <u>www.mow.uscourts.gov</u> under >General Information>Pro Se Bankruptcy Filing Questions>Should I file bankruptcy?

Attorney/Staff Training is available for all Bankruptcy ECF users. Please contact Cecelia Parle at <u>cecelia_parle@mow.uscourts.gov</u> or 816-512-1838 to reserve your space.



ATTORNEY QUESTION/ANSWER SECTION FOR THE U.S. BANKRUPTCY COURT – WESTERN MISSOURI

Q: On Chapter 7's, there seems to be a tremendous amount of duplication required to document completion of the financial management program. First we provide the actual certificate, which of course has the name of the provider, cert. no., date, etc. Then the exact same information has to be entered onto the debtor's certification form. Then the name of the program has to be entered yet again when you file the document. By my count, that's 3 times we're required to give the court the same info. Why is this necessary? **Submitted by Randall W. Cain, Cain & Cain, PC**.

A: You are correct that there can be 3 places to provide information about the personal financial management instructional course provider.

1. <u>Official Form B23</u> came into use in October 2005. The original form included a sentence in the first paragraph that stated "If the provider furnished a document attesting to the completion of the personal financial management instructional course, a copy of that document is attached." The form was amended in October 2006 and that sentence was removed and replaced by the requirement to include the certificate number and provider name in the body of the B23 form. The Official Form can only be changed by action of the Judicial Conference.

2. The <u>Certificate of Personal Financial Management Instructional Course</u> is given to the debtor(s) by the course provider upon completion of the personal financial management instructional course. The certificate does list the certificate number and provider name. With the adoption of the October 2006 revision of Official Form B23, this certificate no longer needs to be filed with the court as long as the B23 form is properly completed.

3. Our court's ECF docket entry does require the manual addition of the provider name. Including this information in the docket entry was originally requested by the Office of the United States Trustee (UST) as it was believed it would streamline the UST case review process. We have contacted the Office of the UST and have been told that this information is no longer needed on the docket sheet. So, we have modified the event and you will no longer be required to include the provider name in the entry.

We welcome your questions, comments, and/or suggestions and hope the information provided in this section is helpful. Submissions may be sent via e-mail to roberta_kostrow@mow.uscourts.gov

WHAT YOU NEED TO KNOW . . . ABOUT THE EARLY ASSESSMENT PROGRAM By Debbie Starks



Are PowerPoint Presentations allowed during the early assessment meeting? If you wish to use a Power Point presentation, a DVD or a videotape in a scheduled early assessment meeting, it must be viewed and approved by the Administrator <u>prior to</u> the meeting. The presentation should be factual and without prejudicial arguments or excessive use of adjectives.

Are laptop computers allowed during the early assessment meeting? Lap tops may be used in the meeting if approved by the Administrator prior to the meeting.

Are cell phones allowed during the early assessment meeting? Cell phones are not to be turned on or used during an early assessment meeting without permission from the Administrator. Telephones are located in each of our conference rooms, and are available for use by both attorneys and parties.

The current List of Potential Neutrals and information about becoming a neutral can be found on the Court's website at www.mow.uscourts.gov under Early Assessment Program. If you are on the List of Potential Neutrals, please be sure your information is current.

Contact Debbie Starks with changes at 816-512-5080 or debbie_starks@mow.uscourts.gov

WHAT YOU NEED TO KNOW . . . ABOUT THE JURY DEPARTMENT By Kelsee Pierce



Trial by Jury: Its Purpose and Process

Have you ever wondered how names get on a list for jury service? This is the first in a series of articles that will explain the jury process in the Western District of Missouri.

Qualified Jurors

A new jury wheel is filled every <u>two</u> years. The Missouri Secretary of State Office provides a list of registered voters and the Missouri Department of Revenue provides a list of licensed drivers over the age of 18 years old. Those lists are combined and duplicate names weeded out--which leaves us with a list of approximately 2.5 million names. The jury department determines how many names need to be randomly pulled to net the desired number for the jury wheel. Juror qualification questionnaires are mailed to those names randomly pulled. For the current jury wheel, we mailed 94,000 questionnaires. As the questionnaires are completed and returned to us, they are reviewed to determine qualification status. Qualification requirements include being a United States citizen; a resident of the Western District of Missouri; over 18 years old; and have no felony convictions. Once a person has been deemed qualified, they reside in the qualified jury wheel for up to two years or until their name is randomly pulled from the wheel to be summoned for jury service.

Questions regarding jury selection, jury service, or have general concerns? Please call the general jury line at 816-512-5100, or contact Kelsee Pierce at <u>kelsee pierce@mow.uscourts.gov</u>.

WHAT YOU NEED TO KNOW ... ABOUT COURTHOUSE TOURS By Sherry Cleveland

Educational Tours

Over the past 15 years, the United States District Court for the Western District of Missouri has had the privilege of conducting educational tours for approximately 1,000 individuals a year from all over the states of Missouri and Kansas. Past tour groups have been 5th grade students through college students, senior citizen groups, law firms, special summer camps, Boy Scouts and Girl Scouts, University Extension Centers and police cadets to name a few. Each participant has learned from this experience. The tours are designed to help people understand how cases get to our court and understand the different agencies who participate in the judicial process.

We begin with 5th grade and continue through senior citizens. All speakers carefully gear their presentation to accommodate the age group. Time is allowed, with each speaker, for a question and answer period. Groups of all sizes can be accommodated.



The tours consist of speakers from:

- The Clerk's Office of the US District Court
- Investigative Agency (ATF, FBI, DEA, ICE or Secret Service)
- o U.S. Attorney's Office
- o U.S. Probation, Pretrial or Federal Public Defender
- o U.S. Marshal's Office
- o Personal visit with a Judge in his/her courtroom

If time permits, a physical tour of other areas of the courthouse is conducted. There is no charge for these tours, but they do require approximately <u>one month</u> <u>advance notice</u> and most often are held on Tuesday, Wednesday, Thursday or Friday. Typically these tours begin at 9:30 a.m. or 12:30 p.m. and last a full 2 ½ hours. In order to pass through security, participants should arrive at least 15 minutes ahead of requested start time.

We are certain you will find these tours both educational and enlightening. For further information or to schedule a tour, please contact Sherry Cleveland at <u>sherry_cleveland@mow.uscourts.gov</u> or 816-512-5016.

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WHAT YOU NEED TO KNOW . . . ABOUT DISTRICT COURT REPORTING By Katie Wirt

ALL YOU EVER WANTED TO KNOW ABOUT REALTIME COURT REPORTING BUT WERE AFRAID TO ASK – PART I

As technology advances in courtrooms across the country, realtime court reporting integrates nicely into the big picture. Realtime reporting is the use of computerized equipment in conjunction with highly skilled court reporters using realtime software to provide the bench and bar with simultaneous plain English text of the proceedings. The software used for realtime reporting allows users to flag important text, cut and paste text, search text, and generate various reports.

All of the court reporters employed by the Western District of Missouri are stenographic writers, and the hardware requirements of stenographic realtime are pretty simple. The court reporter's writer is connected to the reporter's computer. The reporter's computer contains computeraided transcription (CAT) software, the reporter's personal translation dictionary, and job dictionaries that contain entries specific to each case. Job dictionaries will include such things as proper nouns, technical terms, and speaker designations so that counsel and litigants can be properly identified in the record.

As the reporter "writes" on his or her writer during the proceedings, the steno strokes are sent from the reporter's writer to the reporter's computer and CAT software. The software then compares what the reporter is writing to the thousands of entries in the reporter's personal and job dictionaries. Once the stroke is matched with an entry contained in the reporter's software, the English translation will appear on the reporter's computer screen. This process all happens within one to three seconds.



The reporter's computer is often further connected to what are called "receive" computers, which afford instant access to the record by someone other than the reporter. Receive computers must have viewer/annotation software installed. In the Western District, receive computers are used most commonly by the judges, but arrangements may also be made with Certified Realtime Reporters for the provision of realtime to the parties.

A judge or litigant with access to the realtime translation has the ability to scroll backward and forward through a verbatim record of the proceedings, search the record for key words or phrases, and mark and annotate text. Judges with realtime access may view text of the verbatim proceedings on their screen for the purpose of ruling on objections. Litigants who access realtime through a Certified Realtime Reporter can also walk out of the courtroom at the end of the day with a usable rough draft transcript.

Only a court reporter can produce an instant realtime record or text file. Learn more in the next issue of the newsletter about realtime technology, what realtime certification means, and how counsel can help with realtime.

If you have any questions or comments in regard to this article, or if you have suggestions for future court reporter article subjects, please contact Katie Wirt at katie_wirt@mow.uscourts.gov

WHAT YOU NEED TO KNOW . . . ABOUT THE PRISONER PRO SE OFFICE By Melanie Mayes



The Prisoner Pro Se Office is responsible for managing cases filed by people who are not represented by counsel (pro se) and who are either incarcerated or on parole. Most cases involve civil rights complaints or habeas corpus petitions. Documents that prisoners acting in a pro se capacity file such as diversity actions, mandamus actions, challenges to forfeitures, and Freedom of Information Act are also handled by this office. We do not, however, handle pro se filings in criminal actions. Court-approved forms for most types of these cases are available on the court's website http://www.mow.uscourts.gov/General Information/proseoffice.htm

The Kansas City office is staffed by a Pro Se Case Administrator, Melanie Mayes, and three attorneys, Judy Carter, Mike McCoy and Dave Cadoret. We are responsible for the initial screening of cases filed by mail or in the Clerk's Office. Because prisoners are unable to file pleadings electronically, our office dockets the paper filings received as well as providing assistance to prisoner litigants. This office <u>does not</u> provide legal advice or answer legal questions.

The office telephone number is (816) 512-5090 and the office fax number is (816) 512-5099.

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ON THE HORIZON

District Court CM/ECF Version 3.1 Coming Soon to a Desktop Near You!



By Robin Jones

The District Court will be upgrading to CM/ECF Version 3.1. The new version will include features which are designed to assist users with common tasks associated with CM/ECF. Among the enhancements users will notice are:

- o a docket event search feature which will allow for more precise searches;
- o a universal event and menu search to help users locate that hard to find event;
- the ability to view and/or download multiple documents from the docket sheet;
- the ability to view and/or download a document and attachments with one click of the mouse; and
- o the ability to pay fees over the internet using a checking or savings account.

Watch your e-mail for the official upgrade announcement.

Questions?? Our ECF Help Line is at your fingertips (1-800-466-9302).

Meet the Staff

Patricia L. Brune – Clerk of the Court Lori Carr – Editor, District Operations - Western

Reporters:

Laura Bax –District Operations -Central Traci Chorny - Bankruptcy Diana Diaz - Administration Annie Ledford- Finance Julie Hollis - District Operations - Southern Robin Jones –District Operations – Western Melanie Mayes – Prisoner Pro Se Kelly McIlvain – Article III Chambers Representative Dorothy Myers - Magistrate Chambers Representative Michele Nelson – Human Resources Kelsee Pierce - Jury Kathy Popejoy – Human Resources Deborah Showalter-Johnson – 8th Circuit Library Debbie Starks – Early Assessment Program Katie Wirt – Court Reporter





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United States District Court – Western Missouri



Do you have a question for the Court?

Visit our website at www.mow.uscourts.gov

Click 'Contact Us' at the top right-hand corner.

Choose from the following four options: Bankruptcy Court Help, District Court Help, Jury Questions, and General Information.

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We're on the Web! Visit us at: www.mow.uscourts.gov