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Courthouse Connection

BLENDING OUR WORLD WITH YOURS



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Clerk's Corner

By Patricia L. Brune

I hope that each of you take just a moment as you receive this edition of the *Courthouse Connection* to click through and make sure that any topics germane to your practice get saved and reviewed. There is a wealth of good information in this publication although we understand that not all of it will be of interest to each and every one of our readers. Find what applies to you and take advantage of the email and telephone contact information if you have further questions about anything you read.

I personally want to call your attention to the second page as it outlines, maybe for the first time publicly, our Long Range Planning efforts complete with our mission statement, overarching goals, and values statement. We work hard each year to plan into the future. In fact, one of those plans this year is to find an efficient way to gather your thoughts and incorporate them into upcoming versions of our plan.



We know from our strong history here in the WDMO that we cannot achieve any of these goals without your assistance and cooperation - implementation of CM/ECF being the strongest example of our partnership. Please let us hear from you about these topics and offer your suggestions about how to poll for more input.

Each time this publication gets ready to "go to press" electronically, I feel the same pride about the professionalism of the Court staff here in Western Missouri. I hope you agree. We welcome your suggestions, questions, comments, concerns, and considerations as we all participate in our mission statement "To protect and preserve the rights and liberties of all people as guaranteed by the Constitution and the laws of the United States in a fair and impartial manner."

From The Editor

By Lori Carr, District Operations



At approximately 7:00 a.m. EST on February 2, 2008 Punxsutawney Phil delivered his annual weather update; saw his shadow and predicted six more weeks of winter! In spite of Phil's prediction, spring has officially sprung and the WDMO is busy gearing up for a year of courtroom technology advancements, attorney training pertinent to the recent CM/ECF upgrades, and the Jefferson City Courthouse project. This issue of the *Courthouse Connection* is packed with information from the U.S. Probation Office, on the retirement of BANCAP, about future federal court continuing legal education programs, and much more.

Once again, thank you for taking the time to peruse this issue of the *Courthouse Connection*. We hope the information presented is both enlightening and educational. To ensure that goal we welcome your questions, comments, or suggestions regarding this eNewsletter.



Around the Water Cooler

The U.S. Courts, Western District of Missouri welcomes all stakeholders to review the following:

- WDMO Mission Statement
- WDMO Long Range Plan - Overarching Goals
- WDMO Values

The Judicial officers, court managers and court staff of the Clerk's Office - District/Bankruptcy and the Probation/Pretrial Offices developed a renewed Long Range Plan which was officially approved by the WDMO Court en banc January 2008.

As always, we appreciate the valuable relationship with the Bar and their staff. Please feel free to provide feedback by emailing Pat Brune, Clerk of Court, pat_brune@mow.uscourts.gov

Thank you for the opportunity to serve you!

Fernando J. Gaitan, Jr.
Chief Judge, U.S. District Court
Western District of Missouri

Western District of Missouri Mission Statement

To protect and preserve the rights and liberties of all people as guaranteed by the Constitution and the laws of the United States in a fair and impartial manner.



Western District of Missouri Overarching Goals

- Address Workforce Changes
- Leverage Skills and Relationships to Meet Future Challenges
- Enhance Continuity of Operations Planning
- Explore Service Delivery Alternatives

Western District of Missouri Values

Focus on Service

Our primary purpose is first-rate service to our customers:

- The Bar and the Public
- Other judicial agencies
- Other government bodies
- The business community and other constituents

Build Strong Relationships

We will instill trust and respect with our customers through:

- collaborating with all stakeholders
- maintaining clear, timely communication channels
- protecting the community

Provide Quality Service

We will excel through:

- thoughtful and thorough actions
- creative problem solving
- taking pride in a job well done
- encouraging individual initiative
- providing an efficient and just system

Assure a Vital Judiciary

We look toward the future by:

- enhancing planning efforts across unit lines
- building individual management capabilities
- being strong stewards of all resources
- building a diverse workforce
- ensuring continuity of operations
- providing educational outreach opportunities

The Probation Office Hosts Offender Employment Training and Teams with U.S. Senator Sam Brownback for Public Service Announcement

By Kevin F. Lyon, Chief Probation Officer

This past November, the U.S. Probation Office held the first **Offender Employment Specialist (OES)** training for a number of its community partners including the Bureau of Prisons, the local halfway houses, the Missouri Division of Workforce Development, U.S. Probation Officers, the Kansas Department of Corrections, and several local faith-based agencies. The program was sponsored by the National Institute of Corrections and utilized a video and interactive format to introduce the participants to a number of best practices for overcoming challenges in offender employment, while also identifying tools and strategies for increasing employment opportunities. The training presented an occasion for participants to make connections between agencies, share successful methodologies, and explore new ways to collaborate and improve outcomes for local offender populations.

The participants heard from several offenders about their unique challenges when seeking employment, and their approaches for overcoming those challenges and becoming successful. A local company addressed the group and provided an employer's perspective on hiring and working with the offender population. Chief U.S. District Judge Fernando J. Gaitan, Jr., addressed the participants and praised them for their commitment and collaborative efforts. Chief Judge Gaitan closed by relating his belief that sustained, gainful employment is a determining factor for offender's who successfully complete supervision.



Finally, in a joint effort across state lines, the Probation Office, the Kansas Workforce Partnership Centers, and the Kansas Department of Corrections teamed up to develop a Public Service Announcement (PSA) which was filmed on November 30, 2007. The PSA featured U.S. Senator Sam Brownback, lead sponsor of the Second Chance Act, and one federal and two state offenders. In the PSA, Senator Brownback encouraged employers to hire offenders and highlighted the benefits of hiring this population in terms of bonding and tax credits. The offenders featured in the PSA demonstrated that although they once committed offenses, they are now working and contributing members of the community. Senator Brownback took the time to meet with the offenders, one-on-one, and also held a round-table discussion with the agencies that work with them. The PSA is scheduled to air on Kansas City area television stations and is expected to heighten the public's awareness of offender re-entry and employment.



New to the Western District? Need to be sworn-in? For information about swearing-in ceremonies, please contact Laura Bax at (573) 636-4015 or laura_bax@mow.uscourts.gov



Judge Scott O. Wright Remembers

By Deborah Showalter-Johnson

The Western District of Missouri Branch of the Eighth Circuit Historical Society met on March 6, 2008 for lunch and a presentation about Judge Wright's recently released autobiography, **Never in Doubt : Memoirs of an Uncommon Judge**. Mr. David Oliver started the discussion, describing Judge Wright as a "unique individual" who needed no introduction. The speakers for the luncheon included Judge Scott O. Wright and Larry Schumaker. A former law clerk for Judge Wright, Mr. Schumaker was instrumental to the writing and publication of the Judge's memoirs.

Judge Wright began by joking that the Eighth Circuit was lucky to have him as a District Court Judge or they would be out of business. He said that he couldn't keep track of the number of times he was reversed. He has always had great sympathy for the underdog in just about everything with the notable exception of any opponent of the Missouri Tigers. For them he showed no mercy.

Mr. Schumaker had often suggested to Judge Wright that he write his memoirs, but it wasn't until a few years ago that the two began in earnest. Mr. Schumaker would visit the Judge most Friday mornings and the judge would answer questions and tell stories about his life.

The information gathered on these multiple Fridays, became the fodder for his recently published memoirs.

The large group in attendance for the Historical Society lunch and program were thoroughly entertained listening to Judge Wright's stories and Larry Schumaker's unique insight. Long known for his straightforward and sometimes colorful language; the judge quipped that he was spanked on the second day of school for cursing. It probably would have happened the first day had it not been a half day long.

If you would like to attend other interesting and informative events, consider joining the Western District of Missouri Historical Society. Please contact Karen Hopkins for dues and meeting information.

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Annual attorney dues are to be paid by **March 31, 2008**. Payments may be made on-line via your checking account, debit card, or credit card. Failure to pay by the deadline will result in a **\$50.00** reinstatement fee.

KC Branch Display Celebrates 10th Anniversary Of Courthouse

By Deborah Showalter-Johnson

The Charles Evans Whittaker U.S. Courthouse in Kansas City celebrates its 10th anniversary this year. Opened in 1998, the courthouse overlooks the Missouri River from downtown and boasts a unique crescent shape. It houses 16 courtrooms, judges' chambers, a U.S. Attorney's office, U.S. Marshal's office, and other federal agencies.

PAX and LEX, the Latin words for peace and law, are engraved on each side of the main entrance - symbolizing peaceful resolution of legal disputes.

Our Kansas City branch library has put together lovely displays about the courthouse and the judge for which it is named. If you're in KC, be sure to have a look! The display will stay up through 2008.



Courthouse Closures: Scheduled and Non-Scheduled

Need to know if the building is closed due to bad weather, natural disasters, or other emergencies? You may contact the following for information about building closures and/or late openings:



Bill Terry, Kansas City Operations Manager, by phone at 816-985-8576 or email bill_terry@mow.uscourts.gov

Glenda Richardson, Jefferson City Divisional Manager, by phone at 573-216-0415 or email glenda_richardson@mow.uscourts.gov

Shannon Brogan, Springfield Divisional Manager, by phone at 417-353-5082 or email shannon_brogan@mow.uscourts.gov

Due to improved courtroom acoustics, there is no guarantee that quiet conversations meant to be private will remain off the record. If you wish to hold a private conversation, please use the rooms located between the double doors at the rear of the courtroom.



What You Need To Know

WHAT YOU NEED TO KNOW . . . ABOUT THE SOUTHERN DIVISION

By Julie Hollis

A new digital recording system, FTR Gold, was recently installed in the Springfield courtroom. Hearings are now recorded with a digital sound system resulting in better quality. Transcripts will be processed in the usual manner with one difference; you can receive a CD rather than a cassette tape. Judge Dorr will continue to use a court reporter. *For additional FTR information, please refer to the FTR Gold article on page 7.*

The Bankruptcy Court will continue to use the cassette tape recording system for approximately the next year at which time it will be upgraded to the digital recording system.

If an official record of a Court proceeding is needed, please contact our office to order a transcript at 417-865-3869.

WHAT YOU NEED TO KNOW . . . ABOUT THE EARLY ASSESSMENT PROGRAM

By Debbie Starks



APPLICATION FORM FOR NEUTRAL DESIGNATION can be found on our website at http://www.mow.uscourts.gov/General_Information/eap/neutral_form.pdf

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 PRISONER PRO SE OFFICE

By Melanie Mayes



The Prisoner Pro Se Office has recently updated the Court-approved forms available online. The forms can be accessed at www.mow.uscourts.gov/General_Information/proseoffice.htm



WHAT YOU NEED TO KNOW . . . ABOUT “FOR THE RECORD”

By Melanie Beard, Electronic Recording Officer

Since 2003, several courtrooms in Kansas City and Jefferson City have installed a digital recording system called *For the Record*, or more commonly known as **FTR Gold**. This system replaced the Sony Audio Tape Recording program that was in use prior to this upgrade. Since 2003, several courtrooms have been equipped with **FTR Gold**. The Springfield courtrooms were recently upgraded and **FTR Gold** was installed with great success!

Now that **FTR Gold** is installed in most of the WDMO courtrooms, we thought it would be a great time to let our readers know how this upgrade may affect you-- both in and out of the courtroom.

Remember that anyone speaking on the record must speak directly into the microphone. The court reporter or judge might have to interrupt you if the recording system does not hear you speaking. While we understand it is difficult not to walk around the courtroom or in front of the jury panel during a hearing and/or trial, we ask that you please stand at a microphone or make arrangements with the courtroom deputy to use a hand-held microphone, if one is available. Our most important duty is to ensure that the record is maintained and preserved.

Make an appearance on the record. Please speak clearly and directly into the microphone when entering your appearance on the record. If the judge does not request your entry formally, please enter your appearance for the record.

Audio CDs are now available. Cassette tapes are now a thing of the past! We now have the ability to make wave files or media player files, which can be played on a computer or in a standard CD player.

We hope this information gives you a better idea of how our courts are keeping up with the latest technology in court recording.

Please direct your questions or comments to the Courtroom Deputy/Electronic Recording Officer listed below:

Kansas City

Judge Scott Wright
Judge Sarah Hays

Melanie Beard
JoRita Gicinto
Dorothy Myers
Kerry Martinez
Sue Anderson-Porter
Dorothy Myers

melanie_beard@mow.uscourts.gov
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Jefferson City

Judge Nanette Laughrey
Judge William Knox

Clerk's Office
Jackie Price

icgen@mow.uscourts.gov
jackie_price@mow.uscourts.gov

Springfield

Judge James England

Glenda Elayer

glenda_elayer@mow.uscourts.gov



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 2

Realtime translation begins with the court reporter, but they are not solely responsible for the quality of the translation. The conduct of the participants in the courtroom can greatly affect realtime translation. It takes skill and precision to write realtime. Less usable realtime can occur if there are words not in the reporter's dictionary, if people are cross-talking, if someone is talking too fast, if someone is not talking clearly, or if the court reporter is getting tired.

It is important for the court reporter to have access to an advance list of proper nouns, technical terms, business names, street names, and any other words specific to the case that may be mentioned. If the reporter does not have this information in time to enter them into his or her job dictionary, the terms will probably not translate correctly during the proceedings.

It is necessary for counsel to pronounce their words clearly. If a person says, "I saw 'em over there," the reporter can usually later determine from context whether that should be "him" or "them." It is sometimes difficult to do that while writing realtime. Court reporters also write phonetically. If counsel doesn't pronounce a word clearly, the realtime may be as garbled as counsel's speech.

It requires a higher degree of mental gymnastics to write realtime. When the reporter hears a homonym such as the word "to," they must first determine whether it should appear as "to," "two," "too," "2," or "11," recall the necessary steno stroke for the differentiation, and then write the word.

Cross-talking and talking too fast can have disastrous effects on realtime. Even when a court reporter can keep up with the fast examination or sort out two people talking at one time, the precision with which each word must be written for the computer to recognize it in realtime will suffer.

Attorneys and parties to a case are an important part of realtime. In the Western District, the judges use realtime the most, but arrangements may also be made with Certified Realtime Reporters for the provision of realtime to the parties. By following these suggestions, you are helping to ensure a high-quality product that the judges and parties receiving realtime can easily read and effectively use.

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 BANKRUPTCY OPERATIONS

By Traci Chorny

GOODBYE BANCAP, you old friend! HELLO ECF... automation for the future

Remember the good old days when you mailed or walked in to the Bankruptcy Clerk's office petitions, motions, responses and adversaries? Working up a sweat to get that last minute filing before the clerk's office closed. Then, even though you had a file-stamped document, it didn't necessarily mean that it was immediately placed on the court's docket?

Many of you may or may not be familiar with the term "BANCAP" (Bankruptcy Court Automation Project) but it was the automation system previously used by our Bankruptcy Court and a number of Bankruptcy Courts throughout the nation. When you filed your papers, those documents were entered, indexed and managed by court personnel in the BANCAP system. The process was slow and tedious for all involved.

Seven years ago this month, the Bankruptcy Clerk's office began using BANCAP's younger brother, ECF (Electronic Case Files). ECF allowed outside users to open bankruptcy and adversary cases, file motions, responses, monitor and view case filings, and docket reports in an online world 24 hours of the day, 7 days a week, 365 days a year.

BANCAP continued to house archived information about parties who had filed bankruptcy and their respective case numbers. This information was recently added to ECF. Now, an attorney can use ECF to look up party names from cases all the way back to 1989 and retrieve basic case information including the case number and chapter.

We at the Clerk's office bid our final adieu to our old friend BANCAP on March 3, 2008. Though ancient in your ways you will be greatly missed!



Just a reminder that the **Rights and Responsibilities Agreement** ("R&R") requirement applies to all chapter 7 and chapter 13 cases and that includes chapter 7 cases where the debtor is an individual with business debts AND chapter 7 cases where the debtor is a business. While some of the provisions of the agreement may not apply to a chapter 7 business debtor (those related to reaffirmations and discharge) there are many parts of the agreement that do apply (communication with counsel, etc.).

The Judges are in agreement that counsel in chapter 7 and 13 cases must indicate whether or not the R&R is in place.

If you have any questions about the Local Rule or this Procedure, please contact Roberta Kostrow by phone at 816-512-1818 or by e-mail to: roberta_kostrow@mow.uscourts.gov



WHAT YOU NEED TO KNOW . . . ABOUT BANKRUPTCY OPERATIONS

By Traci Chorny

VIRTUAL BANKRUPTCY HEARINGS IN JEFFERSON CITY

To assist the US Bankruptcy Court in organizing an inclement weather plan, Judge Dow has agreed to allow a virtual bankruptcy court hearing.

The currently scheduled plan is as follows:

April 17, 2008 During the regularly scheduled docket the Clerk's office will be testing the sound and recording equipment in Kansas City while the docket is being held in Jefferson City.

May 15, 2008 Judge Dow will ask a few attorneys and trustees to participate in a test of sound and video equipment from the Jefferson City courthouse.

June 19, 2008 LIVE Virtual Court Hearing with Judge Dow and Kim Anson in Kansas City.

Bankruptcy Case Filing Statistics

WESTERN DIVISION			
YEAR	05	06	07
Ch. 7	9480	2072	3020
Ch. 11	14	14	7
Ch. 13	2504	1716	1841
Totals	11998	3802	4868

ST. JOSEPH DIVISION			
YEAR	05	06	07
Ch. 7	2094	424	590
Ch. 11	5	3	2
Ch. 12	0		
Ch. 13	326	183	251
Totals	2422	610	843

CENTRAL DIVISION			
YEAR	05	06	07
Ch. 7	3611	1233	1617
Ch. 11	1	3	2
Ch. 12	0	1	1
Ch. 13	257	254	523
Totals	3869	1491	2143

SOUTHERN DIVISION			
YEAR	05	06	07
Ch. 7	4354	1048	1531
Ch. 11	13	9	25
Ch. 12	0	3	2
Ch. 13	412	335	425
Totals	4779	1395	1983

SOUTHWESTERN DIVISION			
YEAR	05	06	07
Ch. 7	2448	501	827
Ch. 11	0	1	3
Ch. 12	0	7	1
Ch. 13	138	114	124
Totals	2589	623	955

TOTALS FOR ALL DIVISIONS			
YEAR	05	06	07
Ch. 7	21987	5278	7585
Ch. 11	33	30	39
Ch. 12	0	11	4
Ch. 13	3637	2602	3164
Totals	25657	7921	10792

WHAT YOU NEED TO KNOW . . . ABOUT DISTRICT COURT OPERATIONS

By Robin Jones



CM/ECF TIPS AND TRICKS

Netscape Navigator

The CM/ECF and PACER systems will no longer support Netscape Navigator beginning March 1, 2008. Time Warner's AOL has stopped the development and technical support of their Netscape Navigator browser.

To avoid potential filing problems, we recommend that all CM/ECF and PACER users of Netscape Navigator switch to a current version of Internet Explorer or Firefox are available for free download from the respective vendor's websites.

Important Notice For Apple Macintosh Users

The Safari browser that is available on Apple Macintosh machines does not work with the latest version of CM/ECF. We recommend that users switch to the current version of Firefox which is compatible with Macintosh machines. Firefox is available for free download from the vendor's website.

Filing Documents in Criminal Cases

The screenshot shows the 'Motions' interface in the CM/ECF system. At the top, there are tabs for 'Civil' and 'Criminal'. Below, a 'Criminal Case Number' field contains '2:01-cr-126' and a 'Hide Case List' button. Underneath, a 'Select a case:' section lists three cases with checkboxes:

- 2:01-cr-00126 USA v. James
- 2:01-cr-00126-1 Robert James
- 2:01-cr-00126-2 Catherine Bell

 A red arrow points to the first case, '2:01-cr-00126 USA v. James'. At the bottom of the list are 'Next' and 'Clear' buttons.

When filing a document in case with multiple defendants, it is very important that you select **only** the case for the defendant for whom the document is being filed. If the document is being filed for one defendant, select only that defendant's case.

In this example, selecting the main case, 2:01-cr-00126 USA v. James, will apply the docket entry to **all** defendant's cases, when the filer may have intended the motion to be filed for only defendant 2, Catherine Bell.

If the main case number is displayed with a [+] sign beside it, click on the [+] to expand the list to show all defendants in the case. Select **only** the defendant(s) for which the document is being filed.

TRANSCRIPTS WILL SOON BE AVAILABLE ON-LINE TO PACER USERS



Beginning in late spring transcripts will be filed electronically. They will be available through PACER 90 days after they are electronically filed. During the 90 day period, a copy of the transcript may be purchased from the court report or transcriber. Only attorneys who obtain a transcript from the court reporter or transcriber may obtain remote electronic access to the transcription at that time.

After the 90 day period, transcripts will be available through PACER. PACER fees will apply to any transcript viewed/downloaded. There is no cap to the PACER charge - users will be billed \$.08 per page for each page of the transcript.

Watch your e-mail with a subject line: ELECTRONIC TRANSCRIPT POLICY for additional information!

ON THE HORIZON



Telephone Interpreting Program (TIP) - Coming Soon to a Courtroom Near You!

By Dorothy Myers

What is TIP?

The Telephone Interpreting Program is a telephone interpreting system developed in 1995 by the Administrative Office to allow an interpreter at a remote location to deliver interpreting services using the consecutive interpreting mode for the record and the simultaneous mode for the defendant, by means of a two-line telephone system. Its use is now widespread.

How does TIP work?

- The TIP allows interpreters at remote locations to deliver interpreting services.
- The interpreter uses the consecutive interpreting mode for the record and a simultaneous mode for the defendant, utilizing a two-line telephone system.

What are the benefits?

- Over 110 languages available
- Ability to acquire rare language interpreters with minimal effort
- Provides certified interpreters in many languages to comply with policy
- Affords non-English speaking defendants and/or other court participants the ability to receive fair and impartial treatment
- Available for any type of proceeding or court matter one hour or less
- Interpreter service available within 24 hours (sometimes less)

Questions? Contact Us . . .

JoRita Gicinto jorita_gicinto@mow.uscourts.gov

Dorothy Myers dorothy_myers@mow.uscourts.gov

SAVE THE DATE!!



8th Annual D. Brook Bartlett Lectures

Friday, June 27, 2008
Morning and Afternoon Sessions

Charles Evans Whittaker Courthouse
Kansas City, MO

*Details distributed to active WDMO attorneys in May

*Pending Approval: 3 hours MO/KS CLE



1st Annual Frank W. Koger Bankruptcy Symposium

Friday, May 16, 2008
Morning Session Only

Charles Evans Whittaker Courthouse
Kansas City, MO

*Details distributed to active WDMO Bankruptcy attorneys in April

*Pending Approval: 3 hours MO/KS CLE

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
- General Information

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www.mow.uscourts.gov

We don't want this to happen to you!

Please notify the Court when the following occurs:

- ~ Changing Firms
- ~ New Firm Address
- ~ New e-Mail Address
- ~ New Fax number
- ~ New Voice Number
- ~ Name Change



Contact Laura Bax, Attorney Admissions Clerk, laura_bax@mow.uscourts.gov to notify the Court of changes or if you have questions regarding the payment process for annual dues.

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