

September 2008

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Courthouse Connection

BLENDING OUR WORLD WITH YOURS



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Clerk's Corner

By Patricia L. Brune

It is hard to believe that we have been offering this electronic connection to you for almost a full year now. We have received many compliments about the efforts and I hope you will continue to let us know how this tool works for you and what we can do to make it work better. Each article has a point of contact listed so do not be shy. Share your thoughts.

October 1st marks the beginning of the fiscal year for those of us in your government but it probably goes without saying that this new fiscal year starts with plenty of uncertainty. We will begin the year on a Continuing Resolution with no real expectation of getting our operating budget until a full one half of the year is gone. We do get spending authority to keep going during these times, but if you ask us questions you might hear a response with a lack of budget dollars as part of the response.



We are, however, thrilled to be able to continue our community outreach efforts including the second meeting of the Federal Court Advocates group scheduled for Tuesday, October 7th in the Bell Room of the Whittaker Courthouse from 5 PM until 7 PM. Please come and join in the organizational efforts of that group. And then on Thursday, October 30th, we will be hosting a reception for the members of the Bar at the Negro League Baseball Hall of Fame and Museum again from 5 PM until 7 PM. The invitation for the event on the 30th went out electronically and did include a request for an RSVP so check your email for that information.

It is good to start the Fall season with these opportunities to get together with all of you to share ideas and friendships. **Thank you** for the opportunity to serve the Western District of Missouri together.

From The Editor

By Lori Carr, District Operations



It has been an exciting year as Editor of the **Courthouse Connection**. We hope that the past issues kept court customers up-to-date on the happenings in and around the Whittaker Courthouse and also provided valuable information to attorneys and support staff on both the Bankruptcy and District sides of the court.

Publishing this e-newsletter to the legal community and other court customers has been rewarding. Our goal is exceeded if you find it not only informative, but enjoyable to read. This issue includes introduction of new staff, information on the Federal Practice Committee, the new CM/ECF search feature, Bankruptcy notices, and a schedule of Fall events. You may find this and past issues on our website by following the link http://www.mow.uscourts.gov/General_Information/court_connection.html. It's just a click away. No subscription is necessary and issues are published on a quarterly basis.

Enjoy the beauty that Fall brings with the changing of the season in this, the Show-Me State. As always, **thank you** for taking the time to blend our world with yours.

Around the Water Cooler

WE WOULD LIKE YOU TO MEET . . . KATHY CALVERT

By *Katie Wirt*



You may have noticed a couple of new court reporters working in the Western District of Missouri over the past several months. In the next two issues of the Courthouse Connection, we introduce you to our two newest colleagues.

The first of these new additions to our staff of reporters is Kathy Calvert. Kathy came to work for The Honorable Gary A. Fenner in May of 2008 with 26 years of prior court reporting experience.

Kathy started her career as a freelance court reporter working in the Kansas City metropolitan area. After freelancing for two years, Kathy was hired by The Honorable Fernando J. Gaitan, Jr. in Jackson County Circuit Court in 1984. During the 24 years she spent working in Jackson County, Kathy also worked for The Honorable Lee Wells, and she was assigned to The Honorable Peggy McGraw as she completed her circuit court experience.

Kathy is a Certified Court Reporter and a Certified Shorthand Reporter for the State of Missouri, a Certified Shorthand Reporter for the State of Kansas, and a Registered Merit Reporter with the National Court Reporters Association.

She is a long-time member of the Missouri Court Reporters Association and spent many years working on MCRA's Student Affairs Committee. In her free time, Kathy enjoys cycling and running.

Kathy is certainly not new to court reporting in the Kansas City area, but she's new to us! We feel very fortunate to have her on our team, and welcome her to the Western District court family.

FAS₄T National Financial Forum Held September 15-18 in Kansas City

By *Stephanie Brown*

One of two national financial forums was held in Kansas City at the Hyatt Regency Hotel Crown Center with over 700 Judiciary employees in attendance. The Financial Accounting System for Tomorrow (FAS₄T) provides standardized financial software to the courts nationwide and replaced the courts' various distributed local systems.

The goal of this conference was to increase user proficiency, share best practices,

exchange ideas, increase consistency, and build upon the expertise of financial personnel in the Judiciary; all in an effort to better serve the bench and the bar. Our own Sharon Dover, Financial Administrator, and Laura Schwaller, Financial Specialist, were presenters at the forum. Sharon's presentation focused on internal controls, frequent findings, and pitfalls while Laura focused on the www.pay.gov feature.



Western Division Hosts Law Clerk Reception

The Charles Evans Whittaker Courthouse in Kansas City was the site for former law clerks to enjoy a reception held on September 23, 2008.



The Federal Practice Committee

By Diana Diaz

The Federal Practice Committee for the U.S. Courts, Western District of Missouri, is a committee of attorneys, appointed by the Court en banc. Appointed for three-year terms, the members serve as a liaison between the bench and the bar. The thirteen committee members represent the various divisions of the district; Central division, Western/St. Joseph division, and the Southwestern/Southern division.

The committee members suggest changes in local rules and/or procedures. In addition, they advise the Court concerning the perspective of the bar on the operation of the Court. They also undertake special projects at the request of the Chief Judge. In general, the WDMO Federal Practice Committee members offer assistance, advice and work with the Court in matters relating to the improvement of the administration of justice.

The following members of the Western District of Missouri bar have been named to the Federal Practice Committee and should be contacted with ideas, comments or suggestions for the Court:

Denise Henning, Chair	Willie J. Epps, Jr.
Brian Gaddy, Chair-Elect	Denise Drake
Thomas V. Bender	Marsha B. Fischer
Christopher Harlan	Aldo Dominguez
Jeffrey P. Ray	Mike Oliver
Todd H. Bartels	Rodney Nichols
Michael G. Berry	

Please refer to the Court's website for additional information about the WDMO Federal Practice Committee – www.mow.uscourts.gov

The Western District Celebrates Constitution Day 2008

The United States District Court, Western District of Missouri celebrated Constitution Day 2008 on Wednesday, September 17 with a Naturalization Ceremony held at the Harry S. Truman Library and Museum, in Independence, Missouri. The Honorable Fernando J. Gaitan, Jr. presided over this momentous event, with Court Executive, Pat Brune, administering the Oath of Allegiance.

The auditorium in the Harry S. Truman Library and Museum was the backdrop for the forty-nine applicants who became citizens during the ceremony. In addition to the typical fanfare of a naturalization ceremony, the new citizens and their families and friends were treated to performances by the Truman High School Choir and Director Jonathan Krinke performed *The Nation Anthem* and *Isle of Tears*.

What is Constitution Day?

Most Americans know that July 4th is our nation's birthday. Far fewer Americans know that September 17th is the birthday of our government, the date in 1787 on which delegates to the Philadelphia Convention completed and signed the United States Constitution.

What You Need To Know

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

By Robin Jones



The form for appearing pro hac vice in the Western District of Missouri has been revised to include the requirement that the candidate provide their **state bar** admission information. The new form is located on our website: <http://www.mow.uscourts.gov/Formpage/districtforms/phv.pdf>

Attorneys who sponsor a pro hac applicant should keep in mind that they are asserting that the candidate is suitable for admission.

Where Do I Find. . .

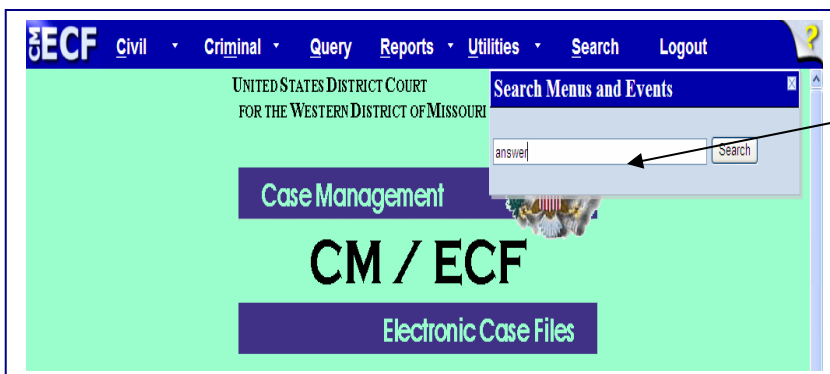
Many of the calls placed to the District and Bankruptcy CM/ECF Help Line are from users asking where to find a certain event. Both the District Court and the Bankruptcy Court CM/ECF has added the Event and Menu Search feature to allow users to search for those hard to find **menu items** or **events**.

Search



- Click on the **Search** option on the blue menu bar.

Search Dialogue Box



- After clicking on the **Search** option on the blue bar a search dialogue box is displayed.
- For example, if a user is not sure which menu the answer event is located under, they can type "answer" in the dialogue box and click **Search** button.

Search Results

The screenshot shows the ECF search results page. The search term 'answer' is entered in the search box. The results are categorized into 'Menu Items' and 'Civil Events'. The 'Menu Items' section lists three items: 'Answers to Complaints/Counterclaims/Crossclaims', 'Other Answers', and 'Social Security Answer'. The 'Civil Events' section lists 'Motions' and 'Other Answers', with a sub-item 'Extension of Time to File Answer' under 'Motions'. A search box with the text 'Search Menus and Events' and a search button is visible at the top right of the results area.

- The results of the search are displayed on the screen with the search string highlighted.
- Each item is a hyperlink to the corresponding menu item or event, which can be accessed from the search results screen.
- The user can select the specific **event** or **menu item** that matches the document being filed.

The search feature will search for complete words as well as partial words. Searching for the letter combination “dis” will bring up any events or menu items with the “dis” combination, i.e., dismiss, disqualify, discovery, etc. Only letters and numbers are searched; other characters are considered separators. For example, if the user enters **amend-correct** in the search field, **Amend/Correct** would appear in the results since “-” and “/” are both considered a type of separator. The Search functionality is available for ECF users only (not PACER users).

Selection

The screenshot shows the 'Other Answers' selection screen. It features a search box with the text 'Start typing to find another event.' Below the search box are two columns: 'Available Events (click to select events)' and 'Selected Events (click to remove events)'. The 'Available Events' list includes items like 'Amended Answer to Complaint', 'Answer to Complaint (Notice of Removal)', and 'Reply to answer'. The 'Selected Events' box contains one item: 'Amended Answer to Complaint'. A red circle highlights the 'Selected Events' box. A 'Next' button is located at the bottom right of the screen.

- The **event** or **menu item** that is selected from the Search Results will automatically populate the **Selected Events** box.
- If no additional events are needed, the user can click the **Next** button to continue docketing.

If you are still unable to locate an event using the Search feature, please call the **CM/ECF Help Line at 1-800-466-9302** for assistance.

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

By Traci Chorny

BANKRUPTCY CM/ECF UPGRADE COMING SOON!

The latest upgrade to CM/ECF will be coming your way. Until the official release date is set, our offices want to make you aware of some of the required changes that will be made.

One major change that will further assist Congress and the Executive Office of the US Trustees (EOUST) to obtain the information needed for their statistics will be seen during case opening at the Summary of Schedules screen.

- For **Chapter 7** cases, there are 4 new fields and the information needed will be obtained from the schedules and from 37 new fields which you will obtain from the Form 22A Means Test.
- For **Chapter 12** and **13** cases, there will be 4 new fields and the information will be obtained from the schedules.
- For **Chapter 11** cases, there will be 5 new fields and the information will be obtained from the schedules and the petition.

Schedules

Schedule C: Total value of claimed exemptions

Schedule I line 1: Monthly gross wages, salary, and commission

Debtor Spouse

Schedule I line 5: Subtotal of payroll deductions

Debtor Spouse

Schedule J line 20c: Monthly net income

Form B22A

Line 1A: Veteran's declaration

Line 1B: Declaration of non-consumer debts

Line 2: Marital/filing status

Line 11: Subtotal of current monthly income

Debtor Spouse

Line 14B: Debtor's household size

Line 14: Applicable median family income

Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCA) requires EOUST to use the data extracted from CM/ECF to monitor bankruptcy cases. A nightly program creates a data file with one record for each "public" docket entry made that day; it also extracts copies of selected PDF documents filed that day which are of interest to the EOUST. The EOUST computer later picks up the appropriate files.

As stated by Daniel Casamatta, Assistant U.S. Trustee, "The U.S. Trustee staff is looking forward to the Court's upgrade to CM/ECF version 3.3. It will allow more case information to be automatically transferred to our database which will free up our employees to work in other areas and to be more efficient."

You will want to contact your software provider to ensure that they are aware that these changes are coming.



The Federal Rules of Bankruptcy Procedure have been amended. Effective **December 1, 2008**, **Bankruptcy Rule 4008** provides that "a reaffirmation agreement shall be filed no later than 60 days after the first date set for the meeting of creditors under s. 341(a) of the Code." Attorneys unable to file a client's reaffirmation agreement by this date should seek an extension of time by filing a motion with the court prior to the expiration of the deadline.

New Chapter 11 Bankruptcy Forms

Discharge requirements for a Chapter 11 individual debtor are governed by BAPCPA provisions found in 11 U.S.C. 1141 (d)(5). The Western District of Missouri has created two new forms for use in requesting entry of a Chapter 11 individual discharge. Forms can be found at our website at <http://www.mow.uscourts.gov/Formpage/bankform.htm>

To receive a discharge for your Chapter 11 individual debtor, you must file a motion for entry of a Chapter 11 discharge. Two local forms are available on the Forms page of the court website:

Motion for Entry of Chapter 11 Discharge -- Plan Complete
Motion for Entry of Chapter 11 Discharge -- Hardship

Both of these motions require a 20-day notice to all creditors.

If the Chapter 11 individual case has already been closed, you must also file a motion to reopen the case. Per local rule 4004-5, the reopening fee is waived.

KC Chapter 13 Docket Changes

Beginning Monday, November 3rd, the Kansas City Chapter 13 Docket in the Western District of Missouri Bankruptcy Court will be restructured. There will be two docket times scheduled: 9:00 AM and 1:30 PM. All attorneys and parties must appear at their scheduled time. Attorneys typically scheduled to appear in the morning will be scheduled to appear at 9:00 AM; attorneys typically scheduled for an afternoon docket time will be scheduled to appear at 1:30 PM.

The Bankruptcy Judges in the Western District of Missouri continue to experience long Chapter 13 dockets. In many cases, the issues are no longer disputed but are settled in court or a continuance is requested at the time of the hearing.

At 9:00 AM and 1:30 PM, cases will be called in case number order. Parties will be asked to announce whether they have settled. Parties will have an opportunity to discuss whether a settlement is possible or a continuance is needed. The Chapter 13 trustee will be present to discuss settlement options. If the case has not been continued two or more times, a request for continuance will be granted.

After all cases have been called and those cases with settlements or continuances have been removed from the docket, the remaining cases will IMMEDIATELY go forward to hearing before the judge in case number order.

If you have any questions, please contact Kristina Richardson at kristina.richardson@mow.uscourts.gov

Proposed New Local Rule 2015-2.F.

The Western District of Missouri Bankruptcy Court proposes a new Local Rule 2015-2.F. related to extensions of time to file initial pleadings in Chapter 11 cases. The proposed rule has been posted for public comment. Comments are due by **Wednesday, October 22, 2008**. The proposed rule and instructions for submitting comments are posted at: http://www.mow.uscourts.gov/announce/lr_2015_2.html

WHAT YOU NEED TO KNOW . . . ABOUT REDACTION

By Lori Carr

Redacting with Confidence

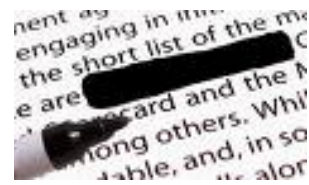
Gone are the days of using a black marker or highlighting in black certain personal data identifiers. Today redaction is a critical feature of document management, especially given personal privacy concerns.

Electronic filers must use extra care to make sure that the PDF documents submitted are fully and completely free of any hidden data which may contain the redacted information. While you are being careful to strip metadata (information about the data) from your documents, be sure to not overlook the need to redact properly.

Deletion not Redaction

The key concept for understanding the issues that can lead to the inadvertent exposure is that information *hidden* or *covered* in a document can almost always be recovered.

The way to avoid exposure is to ensure that sensitive information is not just visually hidden or made illegible, but is actually removed from the original document. Thus, any sensitive information must be removed from the document through deletion. When you need to redact information from a digital document, simply covering the text with a black box or black highlighting does not erase the information.



Even when the document is converted to PDF, sensitive information could still be accessible. All you need to do is copy the blocked material and paste it into a word processing document to see the hidden data. The text is hidden, not excised. Here is an example of sensitive-data visibility issues:

Social Security number [REDACTED]-[REDACTED]-1234.

Using a black marker or highlighting data (*as shown above*) will not necessarily protect the data from being seen using a different application.

For best results, delete the text from the file before creating a PDF file and save it with a new name. For example, a Social Security number can be included as XXX-XX-1234.

The responsibility for redacting personal identifiers rests solely with the parties. Look for additional information regarding the Western District's privacy policy at <http://www.mow.uscourts.gov/CMECF/privacynotice.PDF>.

While commercial redacting software is available, this court does not endorse any specific product.



WHAT YOU NEED TO KNOW . . . ABOUT THE CIVIL ACCELERATED DOCKET

By Kelly McIlvain, Dorothy Myers, Glenda Elayer, and Laura Bax

PROPOSED JURY INSTRUCTIONS

Proposed jury instructions should be filed electronically. Listed below are the procedures for delivering copies of proposed jury instructions to chambers. Please note that all emailed versions should be in Word Perfect format:

Clean and Source versions of proposed jury instructions should be emailed to the following courtroom deputy/law clerk associated with the judge assigned to the case:

Fernando J. Gaitan, Jr.	Rhonda Enss	Rhonda_Enss@mow.uscourts.gov
Ortrie D. Smith	Eva Will-Fees	Eva_Will-Fees@mow.uscourts.gov
Gary A. Fenner	Tracy Diefenbach	Tracy_Diefenbach@mow.uscourts.gov
Nanette K. Laughrey	Fran Smith	Fran_Smith@mow.uscourts.gov
Richard E. Dorr	Karen Siegert	Karen_Siegert@mow.uscourts.gov
Greg Kays	Alexandra Francis	Alexandra_Francis@mow.uscourts.gov
Scott O. Wright	Kelly McIlvain	Kelly_McIlvain@mow.uscourts.gov
Howard F. Sachs	Tina Duer	Tina_Duer@mow.uscourts.gov
Dean Whipple	Tracy Diefenbach	Tracy_Diefenbach@mow.uscourts.gov
James C. England	Glenda Elayer	Glenda_Elayer@mow.uscourts.gov
William A. Knox	Jackie Price	Jackie_Price@mow.uscourts.gov
John T. Maughmer	Do not e-mail	Deliver CD and hard copy of Clean and Source versions to chambers
Robert E. Larsen	Carol Marullo	Carol_Marullo@mow.uscourts.gov
		Email and hard copy of Source versions only to chambers
Sarah W. Hays		Please refer to the Trial Order

Please remember this is for informational purposes only. It remains the responsibility of the involved parties to review and follow any trial orders.

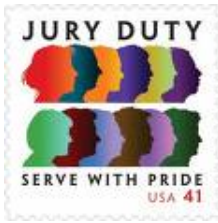
If you have any questions regarding submitting proposed jury instructions, please contact the courtroom deputy/law clerk associated with the judge assigned to the case.

WHAT YOU NEED TO KNOW . . . ABOUT FINANCE

By Stephanie Brown



For CJA payment/procedures questions, please call the **CJA Administrator**, [Teresa Harrison](mailto:teresa_harrison@mow.uscourts.gov) at teresa_harrison@mow.uscourts.gov or 816-512-5066.



WHAT YOU NEED TO KNOW . . . ABOUT THE JURY DEPARTMENT

By Kelsee Pierce

As fall approaches so does the Western District of Missouri civil accelerated docket. The following is the local rule pertaining to late notification of settlement.

83.10 SANCTIONS FOR LATE NOTIFICATION OF SETTLEMENT

Whenever any civil action scheduled for jury trial is settled or otherwise disposed of in advance of the actual jury trial, then, except for good cause shown, jury costs, including Marshal fees, mileage, and per diem, may be assessed equally against the parties and their counsel, or otherwise assessed by the Court, unless the Clerk of the Court is notified before twelve noon of the last business day preceding the time when the action is scheduled for trial in time to advise the jurors that it will not be necessary for them to attend. Likewise, when any civil action is settled at trial in advance of the verdict, then, except for good cause shown, jury costs, including Marshal fees, mileage and per diem, may be assessed equally against the parties and their counsel, or otherwise assessed as directed by the Court.

WHAT YOU NEED TO KNOW . . . ABOUT MAGISTRATE JUDGES

By Dorothy Myers and Chief Magistrate Judge James C. England

A Note From Chief Magistrate Judge James England



Upon return of an indictment by the Federal Grand Jury, the matter is randomly assigned to a U.S. District Judge and referred to a U.S. Magistrate Judge to conduct all pretrial proceedings. The U.S. Magistrate Judge conducts the arraignment and scheduling conferences. The reference also includes the duty to oversee pretrial motions. The U.S. Magistrate Judge will preside over hearings if required. If the motion is dispositive or a motion to suppress, a report and recommendation will be entered. If non-dispositive, the motion will be ruled.

At the conclusion of pretrial proceedings the matter will be placed on the joint criminal trial docket. The U.S. Magistrate Judge will conduct a pretrial conference one or two weeks prior to the trial docket. Among the matters discussed will be whether the case is for plea or trial. If for trial, it will be assigned to a U.S. District Judge for trial. To make the pretrial conference meaningful, plea negotiations should be completed before the conference. To do otherwise causes needless scheduling difficulties. If a request for continuance is to be filed, filing it in advance may obviate the need for you or your clients appearance.

ON THE HORIZON



Open Doors of Justice

By Diana Diaz

The U.S. Courts, Western District of Missouri participates annually in a national educational outreach program, Open Doors of Justice.



Through these courthouse events, local high school students participate in true-to-life courtroom simulations. These activities are hosted by a federal judge and other legal professionals and are based on cases that have an impact on young people.

This program allows students to see and experience the different responsibilities of court participants, including the judge, counsel, jurors and many other court personnel. Through this half-day experience the students leave with a new appreciation of the importance of each role in the judiciary.

The 2008 Open Doors of Justice Programs are scheduled as follows:

Date	Location	Host Judge	Clerk's Office Coordinator
Wednesday, October 29	Jefferson City Courthouse	Nanette K. Laughrey	Carrie James
Thursday, November 13	Springfield Courthouse	Richard E. Dorr	Shannon Brogan
Wednesday, November 12	Kansas City Courthouse	Robert E. Larsen	Diana Diaz



Save the Date . . .

Federal Court Advocates Reception Audience: Federal Court Advocates Committee Members	Tuesday, October 7	5:00 PM	Whittaker Courthouse
Judge Greg Kays Investiture Ceremony Audience: By invitation	Thursday, October 9		Lebanon, Missouri
Retirement Party for John Cisternino Audience: Open to all	Friday, October 24	2:00 PM	Whittaker Courthouse
KC Bar Reception Audience: Active Western District attorneys	Thursday, October 30	5:00 PM	Negro League Baseball Hall of Fame and Jazz Museum- KCMO



United States District Court – Western Missouri



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Eighth Circuit will sit in Kansas City

By Deborah Showalter-Johnson

The Eighth Circuit Court of Appeals will sit in Kansas City **October 14-17, 2008**.

Judges Steven M. Colloton, Duane Benton, William J. Riley, and Pasco M. Bowman will be hearing arguments.

Arguments generally begin at 9:00 a.m. and end at mid-day. The Eighth Circuit Court of Appeals Courtroom is on the tenth floor of the Charles Evans Whittaker Courthouse.

Wireless ECF Access in the Courtrooms

Effective **October 6, 2008**, wireless access to the internet and the Electronic Case Filing System will be available from all district, magistrate, and bankruptcy courtrooms in Kansas City and Springfield.

Requests for access must be made in advance via the courtroom deputy and will be approved at the discretion of the presiding judge in each case. Connection instructions will be posted in each courtroom and will require use of a time-limited login/password combination.

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Lori Carr – Editor, District Operations - Western

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Dorothy Myers - Magistrate Chambers Representative
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Kelsee Pierce - Jury
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Debbie Starks – Early Assessment Program
Katie Wirt – Court Reporter



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