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## Clerk's Corner

By Patricia L. Brune



Welcome to 2009. Here's hoping that the new year brings all of us opportunity and a settling down of all the economic commotion. I know it will bring you good information as you read this issue of the **Courthouse Connection**. As always, let us know if you would like to see other topics covered in this electronic publication and thank you for the comments we have received to date.

As we begin anew, take just a moment to reflect on 2008 from the Western District of Missouri point of view. The year just passed saw the first ever Judges' Retreat for the members of the bench. Also WDMO hosted the first Frank W. Koger Bankruptcy Symposium, slated to become an annual event. Attorneys from mid-Missouri appointed as Criminal Justice Act representatives were welcomed at a luncheon meeting at the Lake of the Ozarks. Judge Greg Kays joined the bench in Western Missouri with a duty station of Kansas City assigned. Probation opened a Clothes Closet for their clients. The ground breaking ceremony was held for the new Courthouse being constructed in Jefferson City. And the Western Division members of the bar were welcomed at a reception at the Negro Baseball Hall of Fame and Museum in KC.

Work continues by the Historical Society of WDMO; the new association of law clerks for the WDMO, past and present; the Federal Practice Committee; the Bankruptcy Ad Hoc Advisory

Committee; and the newly formed Federal Court Advocates group which brings together practitioners from Kansas and Missouri to discuss issues of mutual interest. All of these reach out efforts are designed to keep members of the bar in close touch with Judges of the Court thereby enhancing service to all.

The Western District is changing internally as well. One of the articles in this issue outlines some of the management changes made this year as the succession plan for the District was called into effect due to retirements. All of the planning done in advance of these departures and additions was done to help ensure that the high level of service you have come to expect will be maintained.

And finally, on a personal note, this will be my final time to communicate with you all via this electronic connection as I take my place in the succession planning departures and retire on March 1, 2009. It has been an extreme honor and my personal pleasure to work with all the staff and Judges of WDMO to serve you. Work has begun on the interview process for my successor and I know the selection will be someone able to keep the District moving forward through times of rapid change. Thank you for the opportunity to serve and Happy 2009 to you all.

## From The Editor

By Lori Carr, District Operations



Welcome to the 6<sup>th</sup> edition of the **Courthouse Connection**, your online resource for news and information in and around the Western District of Missouri. The information presented in the following articles should be of interest to all.

Our number one question in 2008. . . Where do I subscribe?

Good news - no subscription is necessary. Just visit our website at [www.mow.uscourts.gov](http://www.mow.uscourts.gov) and look for **Courthouse Connection**. 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. And please remember to share this e-newsletter with your staff!!

Wishing all of our readers a prosperous 2009.

## Around the Water Cooler

### WE WOULD LIKE YOU TO MEET . . . REGGIE McBRIDE

By Katie Wirt



In the last issue of Courthouse Connection, we introduced the first of two new court reporters who have come to work for the Western District over the past year. The second of these two new reporters is Reggie McBride. Reggie came to us in July 2008 and is primarily assigned to The Honorable David Gregory Kays.

Reggie's court reporting career began in 1986. After a short stint as a freelancer, she began working for the Honorable Fred S. Jackson in Shawnee County at Topeka and remained in that position for seven years. She met her husband Mike while she was working there. Mike was with the Coast Guard at that time working in the pay center.

When Mike's duties with the Coast Guard took him to Detroit, Michigan, Reggie followed and worked as a freelance reporter there for 2-1/2 years. The couple then moved to Louisville, Kentucky, where Reggie was a freelance reporter for seven years before moving on to her position with The Honorable Thomas B. Russell in the Western District of Kentucky at Paducah. She remained in that position for five years until being hired by Judge Kays. Reggie's family is in this area, and Reggie was eager to move back to Kansas City to be closer to them.

Reggie is a past President of the Kentucky Court Reporters Association. She currently serves as Editor of The Circuit Rider, the quarterly magazine of the United States Court Reporters Association. Reggie is a Certified Realtime Reporter and Registered Diplomat Reporter with the National Court Reporters Association, and she also maintains her Kansas Certified Shorthand Reporter certificate. She is a member of the Kansas Court Reporters Association, the National Court Reporters Association, and the United States Court Reporters Association.

When Reggie isn't working, she likes to hike, kayak, and fish. Reggie's husband Mike works as a Physical Therapy Assistant, and they share a love of travel. We welcome Reggie to the Western District court family and wish her all the best as she embarks on this exciting new phase of her career.

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### District Court After Hours Contact Information

By Robin Jones

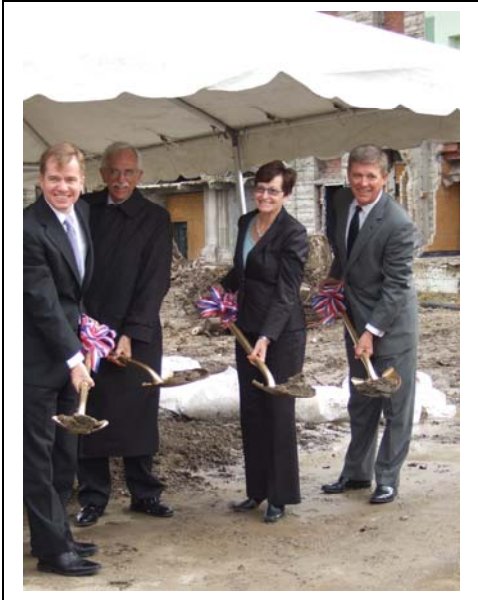


Telephone numbers for emergency filings such as a Request for Temporary Restraining Order can be found by clicking the [Contact Us](#) link on our website. These numbers are those of court managers who may be able to answer your call immediately or who will respond to voice messages as soon as possible. **Please use these numbers during non business hours for emergency purposes only.**

You may contact the Court's [Help Desk](#) at [1-800-466-9302](tel:1-800-466-9302) between the hours of 9:00 A.M. and 4:30 P. M., Monday through Friday, if you need assistance using CM/ECF.

## New Jefferson City Federal Courthouse Developments

By Laura Bax



The groundbreaking for the new federal courthouse in Jefferson City took place on October 24, 2008. Senator Kit Bond, Governor Matt Blunt, several Western District of Missouri Judges, as well as many state and local officials were present at the groundbreaking ceremony.

Officials hope that the courthouse will help revitalize the site of one of the nation's oldest prisons. The new courthouse is being constructed on the site of the old Missouri State Penitentiary, which opened in 1836 and was the oldest continuously operated prison west of the Mississippi River until it closed four years ago. Parts of the prison complex have been demolished, but most historic parts are being preserved.



**1st pier being filled with concrete,  
2nd pier being drilled . . . only 148  
more to go!**

Located on the bluff overlooking the Missouri River, the 118,000 square-foot courthouse will include two district courtrooms, two magistrate courtrooms, attorney/client consultation rooms, and jury assembly space. It will also house the U.S. Marshal's Office, the U.S. Attorney's Office, the U.S. Probation and Pretrial offices, as well as branch offices for some members of Missouri's congressional delegation. The L-shaped building is to be built with limestone and a light gray granite base. The Jefferson City courthouse will cover eight acres. The projected completion date is 2011.

We look forward to being able to better serve the bar and public in the new facility.



### Western District Hosts Open Doors of Justice

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



The Honorable Nanette K. Laughrey

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.



The Honorable Richard E. Dorr



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.



Henry the Drug Dog

The Central, Western, and Southern Divisions hosted the Open Doors of Justice. Students from Jefferson City and Blair Oaks High Schools in Jefferson City, Olathe East and Fort Osage High Schools in Kansas City, and Ozark, Parkview, and Glendale High Schools as well as Middle College in Springfield, participated in a mock trial followed by a pizza lunch and speeches from various key note speakers. A special visit by a drug dog named Henry was a particular highlight for the Central Division participants.



The Honorable Robert E. Larsen



## Ross T. Roberts Inn of Court Program 2008-2009 Luncheon Schedule

Hear Ye! Hear Ye!



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. Just click on the link to view:

[http://www.mow.uscourts.gov/General\\_Information/community\\_outreach/inn\\_of\\_court.html](http://www.mow.uscourts.gov/General_Information/community_outreach/inn_of_court.html)

The website contains the **2008-2009 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 [rebecca\\_sourk@mow.uscourts.gov](mailto:rebecca_sourk@mow.uscourts.gov) or 816-512-5763 the Friday before the presentation.

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

### 2009 Federal Holidays

Monday, January 19	Birthday of Martin Luther King, Jr.
Monday, February 16	Washington's Birthday
Monday, May 25	Memorial Day
Friday, July 3	Independence Day
Monday, September 7	Labor Day
Monday, October 12	Columbus Day
Wednesday, November 11	Veterans Day
Thursday, November 26	Thanksgiving Day
Friday, December 25	Christmas Day



## Succession Planning Implemented

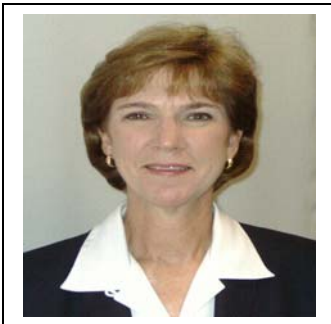
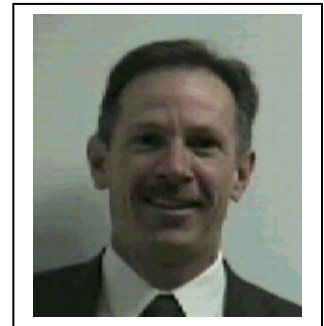
By Kathy Popejoy

As we all know, change is inevitable. It keeps businesses, society, and the economy in a constant state of flux. Recently, the Western District of Missouri (WDMO) was catapulted into a series of leadership transitions that will continue through early 2009.



**John Cisternino**, chief of operations for the consolidated Clerk's Office, retired from federal service on December 31, 2008. John began his career working for the court on October 13, 1986. He devoted over 45 years of his life to public service, 22 years with the U.S. Bankruptcy Court and 23 years in the U.S. Army. A retirement celebration was held for John on Friday, October 24<sup>th</sup>. John's family was present to share in the celebration. John made a farewell speech that was both humorous and touching. At the end of his speech, he presented Pat Brune, Court Executive, with a bobblehead of himself so she would always remember him.

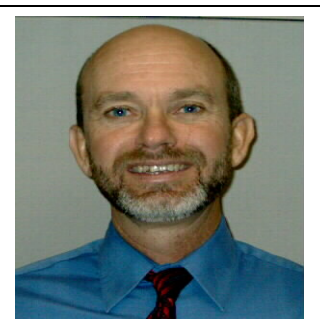
**Jeffrey Burkholder**, chief pretrial services officer, retired from federal service after 29 years of service on January 2, 2009. He began working for the federal court on October 23, 1978. Jeff began his career in Kansas City as a senior pretrial officer, and transferred to Southern District of Ohio in January, 1990 to become their chief pretrial services officer. In November 2002, he transferred back to WDMO as the chief pretrial services officer as the successor to Ron Kline.



**Sharon Allmon**, deputy chief probation officer, retired from federal service on January 2, 2009 with a total of 24+ years of service. Sharon began working for the WDMO Probation Office as a probation officer on December 26, 1983. A retirement celebration was held for Sharon on Friday, December 19, 2008.

Our congratulations go out to John, Jeff and Sharon and we wish them all the best in their retirement! The retirement trend will continue over the next few years as our workforce continues to age and more baby boomers retire. But, who will be named as their successors? After a search and review of numerous qualified candidates, two replacements were selected.

**Randall Henderson** was selected to be John Cisternino's successor as the chief of operations for the consolidated Clerk's Office. Randall began working on Monday, November 10, 2008 in Kansas City. He comes to us from the Wyandotte County Sheriff's office in Kansas City, Kansas, where he worked as the chief operating officer/detention administrator for seven years and a juvenile detention director for four years. Randall completed a Bachelor of Arts degree in Mass Communications at Baker University in 1988. He went on to complete his Master of Arts in Management and Leadership at Webster University in 2008. He will be a nice addition to our court family.



**Steve Richert**, supervising probation officer at the Jefferson City courthouse, has been chosen as Sharon Allmon's successor as the new deputy chief probation officer in Kansas City. Steve began working for the federal court on January 28, 1991 as a probation officer. He will work along side Kevin Lyon, chief probation officer as they transition to a consolidated Probation Office on January 5, 2009; at which time they will consolidate the U.S. Pretrial Services and the U.S. Probation Office for the Western District of Missouri into one unit.

We congratulate these successors as they lead us into the future!

## What You Need To Know

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

By Glenda Richardson



#### ATTORNEY ANNUAL DUES

The annual renewal period is right around the corner. Attorneys will receive an email, *anticipated the first week of February*, alerting the attorney when the system is open. Dues, in the amount of \$10, must be paid by **March 31** or the attorney's CM/ECF account will be disabled and the attorney will be required to pay a \$50 reinstatement fee. Since dues are paid electronically, through the District CM/ECF system, please make sure the attorney has his/her account passwords available. Attorneys may contact [laura\\_bax@mow.uscourts.gov](mailto:laura_bax@mow.uscourts.gov) (573-556-7564) at any time if attorneys cannot locate those.

The process requires each attorney to login separately. This assures that only eligible attorneys are submitting payments to us and our information about the attorney is current. Last year, over 96% of our renewals were made electronically saving the attorney time and the court both time and money. **Thank you** all for your forward-thinking participation in this program.



#### CERTIFICATES OF GOOD STANDING

In response to a suggestion made by an attorney in our bar we have developed a method for requesting certificates of good standing online. As with the attorney annual dues, you will access this option through the District CM/ECF system. Under **Civil** you will find a link to the event. Payment of the \$15 fee is made as a part of the entry. An automatic email is generated to our Attorney Admissions Department. Very quickly you will receive your certificate via email with our Western District of Missouri Electronic seal in place. We hope this service is helpful to you and encourage you to continue to communicate with us about ways we can serve you better.

#### Attorney Appointment in Civil Cases

By Magistrate Judge William A. Knox

The court periodically needs to appoint an attorney to assist pro se litigants in civil cases. The most common appointments are in prisoner civil rights cases, but other cases sometimes also need counsel appointed. Out of pocket expenses, *not to exceed \$2,500*, can be reimbursed from the court's Bar Fund. No attorney fees are normally paid unless plaintiff is successful, but in unusual cases the Court en banc can authorize payment of some attorney fees. If you are willing to be considered for appointment to a civil pro se case, please contact one of the following:

Jackie Price  
Bill Terry  
Glenda Elayer

[jackie\\_price@mow.uscourts.gov](mailto:jackie_price@mow.uscourts.gov)  
[bill\\_terry@mow.uscourts.gov](mailto:bill_terry@mow.uscourts.gov)  
[glenda\\_elayer@mow.uscourts.gov](mailto:glenda_elayer@mow.uscourts.gov)

Central Division  
Western Division  
Southern Division



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

By Beth Graham

### 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.

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### New KC Chapter 13 Hearing Docket Format



Now that the Court has had four Chapter 13 dockets in the new format we want to hear from you. If you have any comments, suggestions or questions, please email the Court at [kc13orders@mow.uscourts.gov](mailto:kc13orders@mow.uscourts.gov).

The Bankruptcy Judges have been very pleased with the outcome of these new dockets.

Parties are encouraged to settle issues the week prior to the hearing date to avoid appearing in Court. If it is not possible to settle your matter the week before the hearing, please arrive at the Courthouse 30 minutes prior to your scheduled hearing time to discuss a settlement with opposing counsel or the Chapter 13 Trustee. The Court is enforcing the start times of the dockets and if a case is called and the attorney is not present, the relief requested will be granted. If attorneys don't announce cases to the Courtroom Deputy as settled or ask for a continuance prior to the docket call the case will be presented before the Judge.

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### New Federal Rule - National Guard and Reservists Debt Relief Act of 2008

On October 20, 2008, the President signed the National Guard and Reservists Debt Relief Act of 2008, Pub. L. No. 110-438. The Act provides a temporary exclusion from the bankruptcy means test for Reservists and members of the National Guard called for no less than 90 days to active duty or homeland defense activity following September 11, 2001. The amendment to section 707(b)(2)(D) of the Bankruptcy Code was effective on December 19, 2008. The amendment applies only to cases commenced in the three-year period beginning on December 19, 2008.

An amendment to Official Form B22A, Statement of Current Monthly Income and Means Test Calculation has been approved by the Executive Committee acting on behalf of the Judicial Conference. A new Interim Rule 1007-1 has also been approved. The amended Form B22A includes a new Part 1C where qualifying debtors can invoke the exclusion. The Western District of Missouri has adopted the Interim rule by standing order.

Attorneys who file for qualifying members of the National Guard and Reserves will do the following:

- 1) Open the case as usual and set the presumption of abuse flag. If the case is filed by an individual debtor who qualifies for the exclusion as a member of the National Guard or Reserves, set the presumption of abuse flag to MEANS NO. If the case is filed by joint debtors, set the flag to whatever value is appropriate for the debtor who is NOT in the National Guard or Reserves.
- 2) Docket a new event called 'Statement of Debtor's Temporary Exclusion from Means Test.' This new event explicitly lets the court know that the debtor is temporarily excluded from the means test. And, if the debtor is no longer on active duty, it sets the date on which the temporary exclusion ends.
- 3) If the debtor is released from active duty later in the case, the attorney must docket the event 'Release from Active Duty.'



## WHAT YOU NEED TO KNOW . . . ABOUT US COURT LIBRARIES – EIGHTH CIRCUIT

By Deborah Showalter-Johnson

### A Library Tip from the U. S. Courts Branch Library, Kansas City



The National Guideline Clearinghouse™ (NGC) [ [www.guidelines.gov](http://www.guidelines.gov) ] is a public resource for evidence-based clinical practice guidelines. NGC is an initiative of the [Agency for Healthcare Research and Quality \(AHRQ\)](http://www.aahrq.gov), U.S. Department of Health and Human Services. NGC was originally created by AHRQ in partnership with the [American Medical Association](http://www.ama-assn.org) and the [American Association of Health Plans](http://www.aahp.org) (now America's Health Insurance Plans [AHIP]).

Users can search by disease/condition, treatment/intervention, measures/tools, organization, browse through the index, search archived guidelines, guidelines in progress or type the relevant terms in the search box. One of the most interesting/handy features is the comparison tool, which allows users to compare guidelines from different sources side-by-side.

#### Of Interest

Official Disability Guidelines from the Work Loss Data Institute are available on-line at the National Guidelines Clearinghouse:

[http://www.guidelines.gov/browse/DisplayOrganization.aspx?org\\_id=1316](http://www.guidelines.gov/browse/DisplayOrganization.aspx?org_id=1316)

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## WHAT YOU NEED TO KNOW . . . ABOUT FINANCE

By Stephanie Brown



For CJA payment/procedures questions, please contact the **CJA Administrator, Teresa Harrison**, via email or phone: [teresa\\_harrison@mow.uscourts.gov](mailto:teresa_harrison@mow.uscourts.gov) or 816-512-5066.

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

By Debbie Starks

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](http://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](mailto:debbie_starks@mow.uscourts.gov)





## ON THE HORIZON

### United States District Court – Western Missouri



Do you have a question for the Court?

Visit our website at [www.mow.uscourts.gov](http://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

E-MAIL THE EDITOR:  
[lori\\_carr@mow.uscourts.gov](mailto:lori_carr@mow.uscourts.gov)

We're on the Web!

Visit us at:

[www.mow.uscourts.gov](http://www.mow.uscourts.gov)

The **Bankruptcy Court** will upgrade to [CM/ECF Version 3.3](#) in March 2009. This will require an upgrade to your *petition preparation software* as more data collection will occur from the information posted upon case opening.

The **District Court** will upgrade to [CM/ECF Version 4.0](#) in February 2009. Among the changes you will see are:

- The Query screen has been modified to provide more options to allow for more refined searches.
- The Email Information screen in Maintain Your Account has been improved to provide more functionality. Additional options are presented to the user.
- A new case participant tree is used allowing users to readily see all case participants during the process of selecting the filers and attorneys.
- The process of adding a main document and attachments during filing has been streamlined to require only one screen.

Look for documentation regarding [CM/ECF Version 4.0](#) to be posted on our website a week prior to the software upgrade.

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