# **Courthouse Connection**

#### Volume 2, Issue 1, March 2010

#### Newsletter of the District Court for Western Missouri

#### Featured Article



United States Magistrate Judge Matt J. Whitworth is enrobed by his sons.

# Western District Celebrates the Investiture of Judge Whitworth

The Investiture Ceremony for United States Magistrate Judge Matt J. Whitworth took place on February 25, 2010 at the Whittaker Courthouse in Kansas City. Chief Judge Fernando J. Gaitan, Jr. convened court and introduced a group of distinguished guest speakers, including: Marietta Parker, First Assistant U.S. Attorney, District of Kansas; Todd Graves, Graves, Bartle, Marcus & Garrett; Kevin E. J. Regan, The Regan Law Firm; and retired Judge Jack Gant, Jackson County Circuit Court.

Ms. Parker noted that Whitworth embodies all the elements necessary to the American ideal of a judge: devotion to duty, ability to inspire and lead, and great integrity. Mr. Graves observed that as a federal prosecutor, Whitworth cared about not just the victim's family but the perpetrator's family. He remarked that Whitworth's own family was always first and foremost in his life. Mr. Regan applauded the Court for selecting Whitworth for the Magistrate Judge position in Jefferson City, calling him a man who seeks justice and fights injustice. Full Story Page 2>>

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## Investiture Ceremony for the Honorable Matt J. Whitworth



The Honorable Fernando J. Gaitan, Jr. administers the oath the Judge Whitworth.

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Ms. Parker noted that Judge Whitworth embodies all the elements necessary to the American ideal of a judge: devotion to duty, ability to inspire and lead, and great integrity. Mr. Graves observed that as a federal prosecutor, Judge Whitworth cared about not just the victim's family but the perpetrator's family. He remarked that Judge Whitworth's

own family was always first and foremost in his life. Mr. Regan applauded the Court for selecting Judge Whitworth for the Magistrate Judge position in Jefferson City, calling him a man who seeks justice and fights injustice.

Judge Gant, for whom Judge Whitworth clerked, formally presented the new judge to the Court, praising his common sense, humility and sense of humor. Assisted by Mrs. Jeanie Whitworth, Chief Judge Gaitan then administered the Oath of Office. Judge Whitworth's sons, Justin, Luke, Clayton, and Jordan, helped their father with the enrobing.

Judge Whitworth concluded the ceremony with thanks to his many friends and colleagues in the Kansas City legal community and thanks to his new colleagues who are making him feel welcome in Jefferson City. He expressed his gratitude to the Court en Banc for choosing him to serve and to embark on this new chapter in his federal career.

Following the ceremony, Judge Whitworth was joined by immediate and extended family and colleagues for a reception.



Left: United States Magistrate Judge Matt J. Whitworth and Mrs. Jeanie Whitworth. Right: Retired Judge Jack Gant presents Judge Whitworth to the Court en Banc.

# Dates Announced for Koger Symposium & Bartlett Lectures

The 3<sup>rd</sup> Annual Frank W. Koger Bankruptcy Symposium will take place on Friday, May 14, 2010 from 9:00 am - 12:00 noon at the Whittaker Courthouse. The schedule for this year's event includes:

- Professor Nancy Rapoport, UNLV on Bankruptcy Ethics;
- Kenneth N. Klee, Esg., Los Angeles, California on Bankruptcy and The Supreme Court; and •
- A Conversation with the Western District of Missouri Bankruptcy Bench.



The late D. Brook Bartlett, U.S. District Judge

The Court is also proud to host its annual D. Brook Bartlett Lectures for the 10th year. The program is slated for Friday, June 25, 2010. Professor Erwin Chemerinsky will again be featured, and more details will be announced soon. A summer social event for all federal court practitioners will again take place at the AMC Downtown Theater on June 24th the night before the Bartlett event.

Please join us in celebrating the legacy of these two judges with good learning, good food and good fellowship. E-invitations will be sent soon, but if you have questions about either event, contact Diana Diaz



The late Frank W. Koger, U.S. Bankruptcy Judge

via email at Diana\_Diaz@mow.uscourts.gov.

# UMKC Selects Larsen for Alumni Award



On Thursday, April 22nd, Chief Magistrate Judge Robert E. Larsen will be presented with an Alumni Achievement Award from the University of Missouri-Kansas City. Judge Larsen will be honored as part of the Celebration 2010 Awards Luncheon held at Pierson Auditorium and hosted by the UMKC Alumni Association.

Judge Larsen has a proud history of involvement with UMKC as both a teacher and a volunteer. When he was an Assistant United States Attorney, he taught a Criminal Trial Techniques class at the UMKC School of Law. He continues that tradition today, currently teaching a class on Advanced Criminal Procedure and Evidence. He serves as a judge for the moot court competition, actively recruits other

"His courses help bridge what often appears to be a gap for students between theory and practice, providing them with important hands-on skills." Dean Ellen Y. Suni

volunteer judges, and he is a frequent speaker at educational programs sponsored by the University.

Dean Ellen Y. Suni describes Judge Larsen as a natural teacher and one who has been extraordinarily generous to the Law School with his time and talents. "His courses help bridge what often appears to be a gap for students between theory and practice, providing them with important hands-on skills," stressed Dean Suni. And she is quick to point out that Judge Larsen has been instrumental to the success of the Moot Court Program.

Congratulations Judge Larsen!

## Beth Phillips takes Oath of Office

U.S. Attorney Beth Phillips received the formal administration of the Oath of Office from U.S. District Judge Nanette K.



Laughrey during a public ceremony at the Whittaker Courthouse on Friday, March 5, 2010.

U.S. Magistrate Judge Matt Whitworth opened the ceremony and introduced a number of guests. Peg Eckhart, a family friend, gave the invocation. Speakers included U.S. Senator Claire McCaskill, Palle Rillinger, President of the Metropolitan Organization to Counter Sexual Assault (MOCSA), and Jill Kanatzar, a friend and former co-worker at the Jackson County Prosecutor's Office.

Phillips noted the historical significance of her appointment as the district's first female U.S. Attorney. "There have been many 'firsts' for women before my appointment," Phillips said. "In 1996, the year I graduated from law school, Judge Laughrey was the first

female to be appointed as an Article III judge in the Western District of Missouri. In 2006, Senator McCaskill became the first female to be elected to the United States Senate from the state of Missouri. I take great pride in the fact that I am the first woman to serve in this position and look forward to the day that this type of historic first is a footnote in the history books."

Phillips took the Oath of Office alongside her husband, Jackson County Circuit Court Judge Brent Powell, who held the Bible.

"The U.S. Attorney has a special responsibility and duty," Phillips said. "I don't represent a particular, individual client, but rather have a duty to represent the interests of the American people as a whole. In short, the promise I make today is to seek justice."

Phillips, who worked as an Assistant U.S. Attorney for 18 months before receiving her appointment, concluded by acknowledging the high respect the office holds in the community. "I know first-hand that the outstanding reputation of this office is the result of the extraordinary work of the staff and lawyers who make up the office. I am very proud to be a member of this dedicated group."

Phillips was joined by a large contingency of family and friends from the Milan, Missouri, area and from as far away as Texas, and attendees celebrated the occasion with a post-ceremony reception in the courthouse's Bell Room.

## Probation and Pretrial Office Helps with Clothes Closet



In August of 2008, the United States Probation Office in the Western District, under the guidance of its Workforce Development and Resource Team, developed the Helpful Hanger, a clothing closet. Now, the Helpful Hanger could use your gently worn clothing - particularly menswear.

The purpose of the Helpful Hanger is to aid recently released offenders with clothing suitable for employment-related activities, such as interviewing. In addition to clothing, the Helpful Hanger offers shoes, accessories, and coats to offenders in need.

The response to the clothing closet has been overwhelmingly positive. Since its inception, approximately 65 referrals have been made to the Helpful Hanger. Officers work with courthouse personnel as well as community agencies to collect the items needed for the clothing closet, but demand always exceeds supply.

Currently, the clothing closet is nearly depleted of menswear. The offender population in the Western District of Missouri is

approximately 80 percent male so the need for clothing suitable for the male population is greatest. The Probation Office relies exclusively on the graciousness of its donors.

If you are interested in donating gently used clothes to the Helpful Hanger, please contact Katie Meister at katie\_meister@mow.uscourts.gov, or 816-512-1309.

Donations can also be made directly to the Probation & Pretrial Services Office, located on the fourth floor of the Whittaker Courthouse.

# Jefferson City Courthouse Update

## **Courthouse Construction**



Construction continues on the new U.S. Courthouse in Jefferson City. The exterior of the building will be completed this spring, and construction on the interior of the courthouse will then shift into high gear. Based on the aggressive schedule in



New Jefferson City Court House March 22, 2010

place, planners expect the courthouse to be ready for occupancy mid-summer 2011.

This new facility will be the home for the current Jefferson City judges and courthouse staff. It will include two district courtrooms, two magistrate/bankruptcy courtrooms, chambers, the U.S. Marshals Service Office, the U.S. Attorney's Office and the Probation and Pretrial Services Office. The courthouse will also include space for GSA and local congressional offices.

Upon entering the building, visitors will easily find their way to the

Clerk's Office and the Pretrial and Probation Office on the first floor. To better accommodate visiting attorneys, wireless internet access will be available as well as state of the art Audio/Visual equipment. Unlike the confinements of the current courthouse, the new courthouse will have client conference rooms attached to each courtroom and additional room for attorneys to use as a break area. The new courthouse features magistrate chambers with an associated conference room which will aid in mediation conferences.

The design of the new courthouse also offers a jury assembly room. Jefferson City jurors will no longer have to sit on wooden benches in the hallway, nor will they have to be shuffled to various floors as defendants are moved to and from the different courtrooms. A sophisticated security system will enable the U.S. Marshal's office to provide a safe and secure environment for those visiting and working in the new courthouse.



## **Elevator Repair**

Contractors for the U.S. Postal Service are set to begin replacement of the elevators in the current Jefferson City Courthouse in early May. During this replacement exercise, visitors to the Courthouse will be required to use the stairs to reach 2nd and 3rd floor courtrooms and the Clerk's office. Preparation for the work may also cause some disruption in elevator service from now until the work begins.

Any attorneys who anticipate problems with this elevator downtime should contact the Clerk's office at 573-636-4015.

## Day of Caring 2010



Day of Caring is a community-wide one-day service event that connects volunteers with non-profit organizations to work on special projects or events. This is Kansas City's largest joint effort involving federal and private sector organizations. Last year's event involved close to 3,000 volunteers tackling more than 183 projects. The value to the community that day was over \$232,551.

Saturday, June 5th will mark the 16th Annual Day of Caring, and Court employees will be joining with other agency employees from the Whittaker Courthouse building to participate. In addition,

any local attorneys are also welcome to share their time for a day if their firm is not already participating.

Sherri Wattenbarger of the United States Trustee's office is coordinating the group from the Whittaker Courthouse, so please contact her at Sherri.Wattenbarger@usdoj.gov if you would like to assist.

Day of Caring is a combined effort of United Way and the Heartland Combined Federal Campaign. If you have any questions or would like to sign your firm or organization up for a project, please contact either the United Way Volunteer Center at 816-559-4667 or the Heartland CFC office at 816-823-2010.

## Federal Court Advocates Section



member of FCAS

#### FCAS Social

On February 25, the Western District of Missouri hosted a reception for members of the Federal Court Advocates Section of the KCMBA. The event was held in the Antique Room at the U.S. Courthouse, following the investiture and reception for U.S. Magistrate Judge Matt Whitworth. FCAS members and other guests of the Court enjoyed snacks, beverages and congenial conversation. The group included a good FCAS member turnout and a number of judges from various courts, including the Eighth Circuit Court of Appeals, the U.S. District Courts and Bankruptcy Courts of Kansas and Missouri, the Missouri Court of Appeals and the Circuit Court of Jackson County, Missouri.

#### **Discussion with Federal Judges**

Four times a year, FCAS members have unique opportunities to participate in discussions with federal judges in the Kansas City metropolitan area. The following is the calendar for 2010:

#### Wednesday, April 28, 12:00 p.m.

"A Conversation with the Federal Judges" hosted by the U.S. District Court for the District of Kansas, Room 180 of the U.S. Courthouse, 500 State Avenue, Kansas City, Kansas.

#### Wednesday, May 5, 12:00 p.m.

"Bench & Bar Dialogue" hosted by the U.S. District Court for the Western District of Missouri, Second Floor Conference Room, U.S. Courthouse, 400 East Ninth Street, Kansas City, Missouri.

#### Wednesday, October 6, at 12:00p.m.

"Bench & Bar Dialogue" hosted by the U.S. District Court for the Western District of Missouri, Second Floor Conference Room, U.S. Courthouse, 400 East Ninth Street, Kansas City, Missouri.

#### Wednesday, November 10, 12:00 p.m.

"A Conversation with the Federal Judges" hosted by the U.S. District Court for the District of Kansas, Room 180 of the U.S. Courthouse, 500 State Avenue, Kansas City, Kansas.

The FCAS welcomes suggestions for substantive topics to be discussed at these luncheons. Send ideas to Bob Thomas at KCMBA, by email, bthomas@kcmba.org.

## **District Operations**

#### **CM/ECF Attorney Password Resets**

Have you ever wanted to change your password to something easier to remember? Passwords assigned for CM/ECF accounts are randomly generated with security concerns in mind so they are often hard to remember. If you would like to change your password to something more personal, here are the simple steps:

1) Go to the Utilities Menu in CM/ECF;

- 2) Select Maintain Your Account;
- 3) Select More user information;
- 4) Highlight \*\*\*\*\*\*\*\*\* in the Password box and hit delete;
- 5) Type a new password;
- 6) Select Return to Account screen;
- 7) Select Submit;
- 8) Select Submit;
- 9) Your password has been changed.

Your password should be between 4 and 8 characters and include a combination of letters, numbers, or special characters. Please remember that your CM/ECF account is your signature. You want to make it as secure as possible.

If you have any questions, please feel free to contact the CM/ECF Help Desk at 1-800-466-9302.

#### Witness and Mileage Fees

The Western District of Missouri would like to remind you about the financial aspects regarding witnesses. When a witness is served with a federal subpoena requiring his or her attendance, the subpoena must be accompanied by a fee for one days attendance and mileage. Under 28 U.S.C. § 1821, a \$40 per day attendance fee is established for a witness in a court of the United States. It also entitles a witness to reimbursement of travel and subsistence expenses in the same amounts payable to a federal government employee for official travel.

The \$40 attendance fee is a daily fee. If attendance is required for multiple days, the witness is entitled to the attendance fee for each day their appearance is required.

In addition to the attendance fee, a witness is also entitled to receive compensation for their travel. Title 5 United States Code § 5704 authorizes a mileage fee equal to the mileage allowance which the Administrator of General Services has prescribed. Effective January 1, 2010, the current mileage rate for privately owned vehicles is \$0.50 per mile. Current mileage rates can be obtained from the United States General Services Administration website at www.gsa.gov/mileage. Mileage can be calculated using a mapping program such as mapquest.com or googlemaps.

In addition to mileage, a witness is also entitled to reimbursement of any parking fees incurred.

Please continue to check the Western District of Missouri website under Finance to ensure current information is used.

#### Online Case Opening: Choosing the Correct Venue Code

When opening a new case online, it is important to assign the correct divisional number to the case. Each division in the Western District of Missouri has its own code and name. Below are those codes and the alternate names (city) by which the divisions are often known:

<u>Code</u>	Division	Alternate Name
2:	Central Division	Jefferson City
3:	Southwestern Division	Joplin
4:	Western Division	Kansas City
5:	St. Joseph Division	St. Joseph
6:	Southern Division	Springfield

Local Rule 3.2 (a) names the divisions in the Western District of Missouri and where cases are heard for those divisions. Local Rule 3.2 (b) mandates how to determine the correct division for your case. In all cases, however, the Judge may determine an alternate place of trial if he or she chooses.

The divisional boundaries are determined by counties. Below is a chart to help determine the proper division for cases or you can save this link for future reference: http://www.mow.uscourts.gov/jurisdiction.html

When opening the case online, be sure to double check the division code to be sure you have set the case in the proper division.

County Andrew Atchison Barry Barton Bates Benton Boone Buchanan Caldwel Callaway Camden Carroll Cass Cedar Christian Clay Clinton Cole Cooper Dade Dallas Daviess De Kalb Douglas Gentry Greene Grundy Harrison Henry Hickory Holt	Division St. Joseph St. Joseph Southwestern Central Central Central Central Central Central Western Southern Southern Southern St. Joseph Central Central Central Central Southern St. Joseph St. Joseph St. Joseph Southern St. Joseph Southern St. Joseph Southern St. Joseph Southern St. Joseph St. Joseph	Code 5 5 3 3 4 2 2 5 5 2 2 4 4 6 6 4 5 2 2 6 6 5 5 6 5 6 5 5 4 2 5	Laclede Lafayette Lawrence Livingston McDonald Mercer Miller Moniteau Morgan Newton Nodaway Oregon Osage Ozark Pettis Platte Polk Pulaski Pulaski Putnam Ray Saline St. Clair Stone Sullivan Taney Texas	Southern Western Southwestern St. Joseph Southwestern St. Joseph Central Central Southwestern St. Joseph Southern Central St. Joseph Southern St. Joseph Western Western Western Southwestern St. Joseph Southwestern St. Joseph Southern Southwestern Southwestern St. Joseph Southern Southwestern Southwestern Southwestern Southwestern Southern	64353522235626256654443566
		4			
		_			
		-	Texas	Southern	6
Howard	Central	2	Vernon	Southwestern	3
Howell	Southern	6	Webster	Southern	6
Jackson	Western	4	Worth	St. Joseph	5
Jasper	Southwestern	3	Wright	Southern	6
Johnson	Western	4	-		





## **Bankruptcy Operations**

#### Amended Dollar Amount

On April 1, 2010, automatic adjustments to the dollar amounts stated in various provisions of the Bankruptcy Code and one provision in Title 28 of the United States Code became effective. The amended dollar amounts apply to cases filed on or after April 1, 2010.

The amended dollar amounts affect, among other matters:

- the eligibility of a debtor to file under chapters 12 and 13 of the Bankruptcy Code;
- certain maximum values of property that a debtor may claim as exempt;
- the maximum amount of certain claims entitled to priority;
- the calculation of the means test for chapter 7 debtors;
- the duration of a chapter 13 plan;
- the definition of a small business debtor;
- the minimum aggregate value of claims needed to commence an involuntary bankruptcy;
- the value of luxury goods and services deemed to be nondischargeable; and
- where the trustee may commence certain proceedings to recover a money judgment or property.

A comparison between current and new dollar amounts can be found at the following hyperlink:

http://www.mow.uscourts.gov/bankruptcy/announce/form\_dollar\_changes.pdf

New forms effective April 1, 2010 can be found on the federal court pending forms page: http://www.uscourts.gov/bankform/index.html

#### Requests for Bankruptcy Transcripts via CM/ECF

Transcripts of bankruptcy hearings can now be requested through CM/ECF. They can still be ordered via regular mail and over the phone, but requesting a transcript through CM/ECF can be done at any time of the day, not just during the Clerk's office hours.

To order a transcript through CM/ECF, log on with the CM/ECF username and password (not PACER login). Make a text entry in the case requesting a transcript. Since this is a text entry event, a pdf document is not prepared and uploaded to the system.

For detailed instructions, access this hyperlink: http://www.mow.uscourts.gov/bankruptcy/announce/transcript\_req\_ecf.pdf. If you have any questions, contact the Clerk's Office at 816-512-1800 extension 6.

#### Bankruptcy Practice Seminar - St. Joseph, Missouri - Friday, April 23, 2010

The St. Joseph Bar Association is sponsoring a Bankruptcy Practice Seminar in St. Joseph, Missouri on Friday, April 23, 2010. For a complete list of topics and registration details go to:

http://www.mow.uscourts.gov/bankruptcy/announce/bk\_sem\_sj.pdf





In March, the Clerk's office as well as the Probation & Pretrial Services office asked WDMO attorneys for a "grade card." Through its Focus 2010 initiative, the Court surveyed a random group of attorneys on topics ranging from CM/ECF to courtroom AV equipment to general customer service. Using the survey results, court staffers and judges then met with a



sub-set of those attorneys for follow-up discussion and to receive additional input on how to improve service and systems.

Hosted by Chief District Judge Gaitan and Chief Bankruptcy Judge Dow, the in-person sessions allowed court employees to answer questions and to hear what practitioners really want. Among other things, attorneys commented on ways to make the Court's website more intuitive, the need for increased use of video conferencing and better education on filing sealed documents.

The opportunity for court personnel to hear not only what was needed but why it impacted attorneys' schedules or their ability to work efficiently was invaluable, and we thank all those who donated their time filling out the surveys or attending the focus groups. In return, the Court is now working on implementing

many of the action items generated by the sessions.

While continuous improvement was the goal of Focus 2010, law firm personnel also reported many positive experiences when dealing with Court staff and officers. Whether calling on our case processors, court room deputies or IT professionals, attorneys noted a tradition of responsiveness and a willingness to help. We appreciate the reminder and take great pride in the reputation of the Western District of Missouri. Please feel free to contact me at 816-512-5015 with any additional suggestions or comments.

Ann Thompson

Court Executive & Clerk of the Court Western District of Missouri Direct: 816-512-5015 ann\_thompson@mow.uscourts.gov

## **Court News and Notes**

## Training Opportunity for CJA Panel Attorneys

Registration is now open for the second FY 2010 Winning Strategies Seminar for CJA panel attorneys, to be held in Chicago, IL, June 17-19, 2010. As always, the program is free of charge for CJA practitioners.

This seminar focuses on the nuts and bolts of federal criminal defense practice, including sentencing guidelines and mitigation, pleas and proffers, computer crimes and identity theft, firearms law, mortgage fraud, and other valuable subjects. One past attendee wrote: "Please continue these fabulous programs. The speakers are top-notch and they make learning enjoyable."

A draft agenda and financial assistance application are attached, but can also be found on the Training Branch's web site, www.fd.org, where one can also register for the seminar. A flyer about the program is also attached for posting and/or distribution on bulletin boards, listservs, web sites and other places where panel attorneys are likely to look.

For questions about the substance of the program, please contact Eric Vos at Eric\_Vos@ao.uscourts.gov. For questions about logistics, please contact Jenna Shepard at Jenna\_Shepard@ao.uscourts.gov.

## Judge Dorr to Speak at Law Day in Springfield



The Honorable Richard Dorr will be a guest speaker at the 2010 Springfield Metropolitan Bar Association's Law Day on May 7, 2010 at the Hickory Hills Country Club in Springfield, Missouri. This year's theme is Law in the 21st Century: Emerging Challenges, Enduring Traditions.

#### Federal Law Clerk Society

The Federal Law Clerk Society for the Western District of Missouri will hold a luncheon meeting on Tuesday, May 4th, at noon. The meeting will be held in the 2nd floor training rooms of the courthouse and lunch will be provided. Please watch for an e-mail announcing the speakers for this event. If you are a former law clerk for the Western District of Missouri and are not currently receiving e-mails about our events, please contact Christine Blegen at (816) 512-5710 or via e-mail at: christine\_blegen@mow.uscourts.gov.

#### e-Juror takes Jury Questionnaires Online

Federal courts across the nation are deploying the e-Juror system to give potential jurors the option of responding to their jury qualification questionnaire form and/or summons online. Over sixty courts have now installed the e-Juror software, and WDMO will begin using the new system on April 15th. After testing the new program, Jury Administrator Kelsee Pierce noted that it is intuitive and easy to use. "We hope that our Western District residents will take advantage of the option to respond online," Pierce added.

Courts already using e-Juror have reported approximately 25 percent of potential jurors going online to complete their qualification questionnaire. Responses to summonses have been even greater, with a few courts reporting as many as 45

to 50 percent of jurors responding online. In addition to the reduction in staff time to manually process questionnaires and summonses, courts save on postage costs and eliminate unnecessary delays by communicating with jurors via e-mail.

While no technology may ever rival the positive impact of electronic filing on the federal courts, leadership at the Administrative Office for the U.S. Courts believes that e-Juror will have immediate and significant impact in terms of both cost-savings and increased juror response.

## About Courthouse Connection

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