

Courthouse Connection

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Newsletter of the District Court for Western Missouri

Featured Article



Dean Erwin Chemerinsky

Chemerinsky and Garner Highlight Bartlett Lectures

On Monday, June 28, 2010, the U.S. Supreme Court completed its October term of 2009, ending the fifth year of Justice John G. Roberts' tenure as Chief, the first year of Justice Sonia Sotomayor, and the 35th and final year of Justice John Paul Stevens. And on Friday, June 25, 2010, Erwin Chemerinsky, founding dean of the University of California at Irvine Law School, once again visited Kansas City to share his insight on the justices and their opinions. Introducing the dean as "the gold standard," Judge Nanette K. Laughrey thanked him for returning to the Western District for the 10th anniversary of the D. Brook Bartlett Lectures.

Dean Chemerinsky offered three themes. First, he described the Supreme Court numerically, indicating that the Court would decide 73 cases this term, compared to an average of 200 cases per year for most of the 20th century, and 160 cases per year in the 1980s. This downsizing of the docket means major issues go longer before resolution, circuit conflicts linger, and it has become even harder to get a petition for *certiorari* granted. He noted that as the docket dwindles, the length of the opinions increases, and he enjoyed calling for an imposition of word and page limits on the justices. [Full Story Page 2](#)

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Chemerinsky and Garner Highlight Bartlett Lectures

Erwin Chemerinsky

On Monday, June 28, 2010, the U.S. Supreme Court completed its October term of 2009, ending the fifth year of Justice John G. Roberts' tenure as Chief, the first year of Justice Sonia Sotomayor, and the 35th and final year of Justice John Paul Stevens. And on Friday, June 25, 2010, Erwin Chemerinsky, founding dean of the University of California at Irvine Law School, once again visited Kansas City to share his insight on the justices and their opinions. Introducing the dean as "the gold standard," Judge Nanette K. Laughrey thanked him for returning to the Western District for the 10th anniversary of the D. Brook Bartlett Lectures.

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Second, he opined that instead of calling it the Roberts Court, the more accurate label for the Supreme Court is the Kennedy Court. Justice Anthony M. Kennedy was in the majority on 92 percent of the opinions last year – the most of any justice – and he is virtually tied for that honor with Justice Roberts this year. Even more telling, Kennedy has been in the majority on more 5-4 decisions than any other justice for the past five years. Chemerinsky conceded that, like others who argue before the Supreme Court, this statistical reality often leads to his arguing to an audience of one.



Dean Erwin Chemerinsky

Third, he speculated on the impact of Elena Kagan joining the Supreme Court. Expressing no doubt that she will be confirmed, he believes that neither President Obama nor the pundits can be sure of where she will fall along the ideological spectrum. Will she be more or less liberal than Justice Stevens? He ultimately predicted that Kagan would not present a significant change to the ideological balance of the Court. He reported that Justice Sotomayor's first-year voting record was consistent with the liberal faction, and he assumes a similar pattern for anyone replacing Justice Ginsberg, should she retire.

Moving to the conservative side, the dean then focused on birthdays, reciting the ages of Justices Roberts (55), Alito (60), Thomas (61), Scalia (73) and Kennedy (73). Even assuming that President Obama gets a second term, Chemerinsky concluded that the president is unlikely to change the balance of the Court. While political conservatives may enjoy the current composition of the Supreme Court, he suggested that liberals take heart as the justices continue to decide fewer and fewer cases.

Chemerinsky followed his thematic overview by summarizing the term's high-impact cases, identifying *Citizens United v. Federal Election Commission*, 130 S.Ct. 676 (2010), as the most important decision. The Court held that corporations, and unions by implication, could independently spend as much as they wanted to get a candidate elected or defeated. The ruling addressed expenditures rather than contributions, but the dean felt that contribution prohibitions would undergo renewed attack now that corporations share the same free speech rights as individuals.

In *Citizens United*, the Court struck down the exact statutory provision it upheld seven years prior in *McConnell v. Federal Election Commission*, 540 S.Ct. 93 (2003). What happened in those seven years? Justice Alito replaced Justice O'Connor, and the dean emphasized how little weight the Roberts Court gives *stare decisis*.

While Chemerinsky described the challenge of summarizing the lengthy Supreme Court decisions for his students and in his book supplements, his skill at doing just that remains obvious. And the 400 attorneys attending the Bartlett Lectures were fortunate that he continues to educate us in exchange for some Kansas City barbecue.

Bryan Garner

After the in-depth analysis of the Supreme Court, attorneys heard from Bryan Garner, a respected expert in legal writing and English usage, on ways to improve their legal writing skills. Titled "Better Brief-Writing in 60 Minutes," Garner's presentation offered concrete suggestions on how attorneys can improve the persuasiveness of their briefs.



Bryan Garner

He began by playing John Philip Sousa's "King Cotton" march, to illustrate musically what good writing should do: Present a good idea at the outset, support that main idea, present some variations on the basic theme, and then close with a persuasive conclusion that reinforces the main idea. And be sure to do this compactly and concisely, he said, just like a Sousa march.

Garner, who is an attorney as well as a lexicographer, lamented the poor quality of much legal writing. His main point, which he re-emphasized throughout his presentation, was this: Strive for clarity in writing.

He counseled the audience to write clearly and to avoid obscurity. The lawyer with the better, stronger case, he said, will usually write more clearly and directly. But the lawyer with the weaker case will tend to overwrite and bury the merits of his or her brief by using boilerplate language, long clauses and overly descriptive language. Cultivate a knack for plain English. As he concluded, he issued this piece of advice to the attorneys in attendance: Whatever the page limit for your brief, just cut the number in half. The judges and their law clerks will appreciate how you got straight to the point. And your opposing counsel will be jealous of

how you focused the court on your winning arguments and will be suspicious of what they missed if you were able to persuade them in half the number of pages.

Garner certainly has the pedigree to dispense good advice on how to be a better writer. He is the author of *Garner's Modern American Usage*, a nearly 900-page reference work considered by many writers and educators as the authority on questions of English usage. And the audience clearly enjoyed his seminar, which was a deft mixture of useful advice and humor.

For any attorneys who were unable to attend the lectures, you may contact Diana Diaz (diana_diaz@mow.uscourts.gov) for copies of the Chemerinsky or Garner written materials.

Koger Symposium Educates & Entertains



Professor Nancy B. Rapoport

Learn legal ethics from the movies? Surely you jest! But that's exactly what some 200 area lawyers did at the third annual Frank W. Koger Bankruptcy Symposium held in the Whittaker Courthouse on May 14. And in addition, they learned more about the bankruptcy cases that have been decided by the U.S. Supreme Court.

Utilizing snippets from movies ranging from "To Kill a Mockingbird" to "My Cousin Vinny," University of Nevada, Las Vegas, Professor Nancy B. Rapoport demonstrated the good, the bad and the ugly of Hollywood's characterization of legal ethics. While some movies and TV shows about lawyers get the ethics right, she noted that "some don't bear any relationship to reality at all."

Unfortunately, clients and the public "know" about lawyers and how they behave from what they see, hear and read, including movies and television shows along with the usual lawyer jokes, Prof. Rapoport said. And she worries about how terribly wrong Hollywood portrays legal ethics

issues – from showing the first-year law student representing a client ("Legally Blonde"), to the crimes committed by lawyers (Paul Newman's character in "The Verdict"), to multiple ethics violations ("every TV lawyer show since 'Matlock'").

Lawyer ethics aren't *that* hard to get, Prof. Rapoport pointed out – for most things, a lawyer could think back to the rules he or she learned in kindergarten about how to behave. "You already know how to do the right thing," she said. Lawyers already know the rules:

- Know your client.
- Know the ethics rules that apply to you.
- Don't lie.
- Remember your obligations as an officer of the court.
- Avoid conflicts of interest.
- Be diligent and competent, and don't churn fees or be abusive.
- Communicate.



Rick Fink, Jerry Phillips and the WDMO Bankruptcy Judges respond to questions from moderator Sherri Wattenbarger.

Kenneth N. Klee, a professor at the UCLA School of Law and one of the most prominent bankruptcy lawyers in America, had the bad luck (or timing) of following Prof. Rapoport to the podium to talk about his recent book, "Bankruptcy and the Supreme Court," in which he discusses the Supreme Court's handling of bankruptcy cases from *Sturges v. Crowninshield*, the 1819 ruling by Chief Justice John Marshall upholding Congress's authority to pass bankruptcy laws, to the *Northern Pipeline* case in 1982 declaring unconstitutional the Bankruptcy Code's pervasive grant of jurisdiction to non-Article III judges.



Professor Kenneth N. Klee

Klee has been a central figure in the development of U.S. bankruptcy law since the 1970s, when he served as a staff attorney for the Senate Judiciary Committee and assisted in the drafting of the 1978 Bankruptcy Code. He was a contributing editor to *Collier on Bankruptcy* from 1979 until 1996, and from 1992 to 2000 was a member of the Advisory Committee on Bankruptcy Rules of the United States Judicial Conference. He has spoken at hundreds of bankruptcy workshops and seminars, though it's unlikely he has had to follow a showing of comedic movie excerpts at the podium. In "Bankruptcy and the Supreme Court," Klee examines the substantive bankruptcy cases that have been decided by the Supreme Court, and he also explores how the justices go about deciding cases, from granting *certiorari* to applying the rules of statutory construction.

Klee does not sugarcoat reality in his book. For example: "It may ... be true that at least some of the justices appear to be unfamiliar with and devote less attention to bankruptcy cases," he writes. One justice has "acknowledged that bankruptcy cases are complicated and the justices do not understand them very well; they answer these questions narrowly by taking small steps to avoid doing too much damage."

The symposium, which was free to all lawyers and was followed by a barbecue luncheon, was once again a great hit with practitioners in the Western District. Even the judges' panel discussion and Q&A following the outside speakers received high ratings!

Representing Criminal Defendants Under the Criminal Justice Act (CJA)

On June 18, 2010, the Court sponsored a continuing legal education (CLE) half-day seminar at the Truman State Office Building in Jefferson City. The topic was "Representing Criminal Defendants in Federal Court Under the Criminal Justice Act (CJA)." The session was approved for four hours of MCLE credit and included one hour of ethics credit. The seminar was free to the 37 attendees and featured an outstanding barbecue lunch provided by the Court.

Judge Laughrey originated the idea for holding a CLE seminar in the Central Division. It has been difficult over the years for federal practitioners in the Central Division to attend the Court-sponsored CLE seminars held at the Kansas City Courthouse because of the distance. Consequently, after discussing the idea with Judge Whitworth, a plan was formed to host a CLE in Jefferson City.

Judge Laughrey welcomed the attendees with opening remarks at 9 a.m. Teresa Harrison, CJA Administrator, followed with information for appointed counsel on how to receive an appointment, the duties of appointed counsel and how to submit legal fees to the Court for payment. Then Supervisory Assistant U.S. Attorney Larry Miller in the Jefferson City branch office of the U.S. Attorney's Office spoke to the attendees on cooperation with the government,

effective plea negotiations and how to obtain discovery from the USAO. Deputy U.S. Marshal Brett Roberts followed with a presentation on interacting with the U.S. Marshals Service and discussed such issues as transportation, visitation and medical concerns of detainees.

Also included on the packed agenda: U.S. Pretrial Services Officer Cindy Piant discussing interactions with the Pretrial Services Office, reporting, bonds and other issues; Senior U.S. Probation Officer Paul Mudd discussing interactions with the U.S. Probation Office in the preparation of the pre-sentence report; and Assistant Federal Public Defender Michele Nahon from Springfield reviewing assorted ethics topics, with an emphasis on recent Supreme Court and Eighth Circuit cases.

The last session was a panel discussion on how to effectively represent a client in a criminal case at sentencing and the role of the federal sentencing guidelines. The panelists included Judge Laughrey, Judge Whitworth, attorney John O'Connor, Assistant Federal Public Defender Troy Stabenow and Supervisory AUSA Larry Miller.

This final session began with an entertaining presentation by AFD Troy Stabenow on sentencing practices. Stabenow included a series of courtroom scenes from movies that demonstrated various sentencing issues. Judging by the laughs from the audience and the large number of positive comments from the attendees on the evaluations forms, the session was popular and informative.

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Judge Whitworth and Judge Laughrey were both grateful to Jefferson City Division Manager Glenda Richardson, Courtroom Deputy Jackie Price and Judicial Assistant Kay Bode for their outstanding support in getting the CLE organized and successfully completed. The event was fun and informative, and because of the excellent attendance and positive feedback, the Court has plans to offer a CLE at least once each year in Jefferson City.

Pretrial Orientation Program a Success

On Thursday, April 29, 2010, at the Whittaker U.S. Courthouse, the U.S. Probation and Pretrial Services Office hosted its first ever Pretrial Orientation Program. The idea for the program came about following the consolidation of the Probation and Pretrial Offices in January 2009, but the program itself was the culmination of months of hard work by staff from the Western District's Pretrial Unit, the Pretrial Unit from the District of Kansas and staff from the Federal Bureau of Prisons' (BOP) North Central Regional Office. The focus of the program was not only to prepare defendants on bond supervision and their family members for the eventuality of prison, but also to introduce them to the planning process of re-entry following release. Specifically, the program targeted those defendants who had been convicted and were either pending sentencing or voluntary surrender. There were nearly 70 defendants and their family members in attendance from both districts.

The hour and a half agenda included presentations about the presentence investigation process, pretrial issues, BOP issues, and ex-offenders discussing their experiences while in custody and on supervision. The presentations from ex-offenders had the greatest impact because the information came directly from individuals who had lived through the experience and were there to help others in the same situation. At the conclusion, the participants asked a number of questions, and informational handbooks addressing several topics and BOP procedures were distributed.

Overall, the new program provided a great deal of much needed information to attendees and their families, and a number of positive comments about the benefits of the program were received from the participants afterward. The

program will be repeated every four months, with each district hosting it on a rotating basis. The next session will occur in the District of Kansas on Aug. 19. Organizers hope to link up with defendants and their families in the Springfield, Jefferson City, Wichita and Topeka offices via video conferencing technology at future sessions. A special acknowledgment goes out to the primary organizers of the program, Probation and Pretrial Officers Penney Hodges and Van Hecke. And the efforts of the following presenters are also greatly appreciated: Probation and Pretrial Officer Wes Garber; Probation and Pretrial Officers Trey Burton and Melissa Goldsmith (KS); Dr. Donald Denney, Regional Psychology Administrator for the Bureau of Prisons; and Assistant Warden James Henry from the U.S. Penitentiary at Leavenworth.

Court Reporter Donna Turner Retires



Donna Turner

Donna Turner retired from the Western District of Missouri on April 30, 2010, after almost 19 years of federal service with The Honorable Fernando J. Gaitan, Jr. and over 50 years of experience as a court reporter.

Donna first became interested in court reporting when she was in high school in northern Minnesota. A court reporting school from Minneapolis distributed fliers in her Gregg shorthand class, which is the first she had ever heard of such a career. She had always enjoyed reading mysteries, and this new opportunity intrigued her. She decided to give it a try, and the rest is history.

Upon completion of her court reporting studies in 1960, Donna moved to Kansas City to do freelance deposition work for the firm of Howard Rittmaster & Associates. She

did that for 12 years and then began working for The Honorable Forest Hanna at Jackson County Circuit Court. Donna had worked for Judge Hanna for more than 18 years by the time she began working for Judge Gaitan here in the Western District.

During the time Donna worked at Jackson County, she worked on three separate cases involving the Hyatt disaster. Also, a courtroom scene from the 1990 movie "Mr. and Mrs. Bridge," starring screen legend Paul Newman, was filmed in Judge Hanna's courtroom. In the movie, the courtroom scene lasts about 30 seconds, yet the filming took an entire day. Donna and other court staff watched the filming from the courtroom gallery, and they also got to meet Paul Newman in the judge's chambers.

Donna has also served as the court reporter in several noteworthy cases in federal court. This includes three death penalty cases that went to jury trial, including the Keith Nelson case.

Donna demonstrated extraordinary skill during her career as a court reporter by winning the Missouri Court Reporters Association speed contest not just once, but twice. This means she wrote at a sustained speed of 260 words per minute with the highest degree of accuracy. She has also worked with court reporting students for many years as a member of the MCRA Student Affairs Committee.

Donna is currently enjoying retirement by gardening and tackling various landscaping jobs around the house. She also plans to relax, sleep in as often as possible, and travel to Oregon to visit her sister and brother-in-law. We wish Donna all the best as she embarks on this exciting new chapter of her life!

District Court Highlights

Public Access to Court Electronic Records (PACER) Changes



In March 2010, the Judicial Conference approved changes to the PACER fee schedule so users will no longer be billed unless they accrue charges of more than \$10 in a quarterly billing cycle. Previously, users were not billed until their accounts totaled at least \$10 in a one-year period. The billing change took effect on March 16, 2010.

The change to the PACER fee schedule will significantly increase the amount of data available to users without accruing charges. In fiscal year 2009, about 153,000 PACER account holders, nearly half of all active accounts, did not receive a bill. For that same period, the new quarterly billing schedule would have affected an additional 85,000 accounts, resulting in 75 percent of all active accounts not receiving bills.

The U.S. Party/Case Index allows users to locate appellate, bankruptcy, civil, criminal and multi-district litigation cases throughout the federal court system. On a daily basis, more than 200,000 searches are performed using the U.S. Party/Case Index. A new version of the U.S. Party/Case Index, which includes additional search capabilities, is now available on the PACER website under the new name PACER Case Locator. Users will be billed 8 cents per page, which is standard for all PACER searches.

Questions regarding PACER charges should be directed to the PACER Service Center at (800) 676-6856 or (210) 301-6440 between 8 a.m. and 6 p.m. Central Time.

CM/ECF Civil and Criminal Administrative Procedures Manual and Users Guide

The CM/ECF Administrative Procedures Manual and the CM/ECF Users Guide have been combined into one document – aptly named The CM/ECF Civil and Criminal Administrative Procedures Manual and Users Guide. This manual provides procedures and instructions for using the Case Management/Electronic Case Files (CM/ECF) system to file documents with the Court, or to view and retrieve docket sheets and documents for civil, criminal and miscellaneous cases in the system. The combined manual is now available on our website.

Frequently Asked Questions (FAQs)

When viewing a docket sheet, how do I view the most recent activity first?

When running a docket sheet, select *Most recent date first* from the *Sort by* drop-down list. Once the report is run, the most recent activity will appear at the top of the docket sheet.

Docket Sheet

Case number

Filed to
 Entered

Documents to

Include:

- Parties and counsel
- Terminated parties
- List of member cases
- Links to Notices of Electronic Filing

Document options:

- Include headers when displaying PDF documents
- View multiple documents
- Create Appendix

Format:

- HTML (unpaginated)
- PDF (paginated)

Sort by ▼

I am still receiving electronic notice in a case in which I/my client was dismissed. How do I turn off electronic notice for that case?

If either you or your client has been dismissed from a case, and you are continuing to receive electronic notice and you no longer want to receive notice of activity in the case, you can docket the event as *Notice of Request for Termination of Electronic Notification*. This event is found under *Notices* on the CM/ECF menu. Based on the docketing of this event, court staff will turn off your notification. An additional option is to contact the CM/ECF Help Line at 1-800-466-9302 and request that the notice be turned off.

Attorneys **should not** docket the *Notice of Request for Termination of Electronic Notification* event in cases in which they are an active participant. Doing so will terminate **all** noticing for that attorney.

Can I get multiple logins and passwords for CM/ECF?

The login and password of an attorney constitutes the signature of the attorney. Therefore, the Court does not issue multiple logins and passwords for CM/ECF.



The Customer Service Area of the Clerk's Office

How do I file ex-parte and sealed documents?

Ex-parte motions are to be filed in CM/ECF using the *Ex-Parte Motion* event, which is found under the *Motions* category. Other ex-parte documents are to be filed using the *Ex-Parte Notice of Filing* event, which is located under the *Notice* category. These ex-parte events will allow the filer to receive notice of the filing, view the document and view the entry on the docket sheet. Notice will not be sent to any other participants in the case, nor will the entry be viewable by any other participants in the case.

Sealed documents are to be filed in CM/ECF, with access restricted to the judge and authorized staff, unless

otherwise ordered by the Court. Users wishing to file sealed documents must seek permission from the Court to file the document, unless they are being filed pursuant to a previously entered protective order. More information on how to file sealed documents can be found on page 7 of the CM/ECF Civil and Criminal Administrative Procedures Manual and Users Guide.

The CM/ECF system will send notification of a sealed document, but the document **cannot** be accessed by counsel, so you **MUST** provide opposing counsel with a copy of the document.

Bankruptcy Court Highlights

Michael R. Roser Excellence in Bankruptcy Award

Nominations are now being taken for the Michael R. Roser Excellence in Bankruptcy Award. This award honors both the recipient and the memory of prominent Kansas City Bankruptcy Attorney Michael R. Roser. The Honorable Jerry W. Venters, former recipient of this award, believes that "the Roser Award is an especially significant award because the recipient is selected by his or her peers in the bankruptcy practice, and by the judges who observe the recipient's contributions to the profession and his or her legal skills, integrity and work on behalf of the bankruptcy legal community. In my view, there can be no higher compliment."

Each year since 1994, the Commercial Law Committee of the Missouri Bar gives the Michael R. Roser Excellence in Bankruptcy Award to honor an attorney who demonstrates the highest standard of excellence in bankruptcy practice, who has contributed distinctively to the development and appreciation of bankruptcy law, and/or who has made an outstanding contribution in the field of bankruptcy administration or practice in the state of Missouri.

Nominations are received each year from attorneys throughout the state. Previous recipients of the award are: Paul E. Berman, David A. Lander, Joel Pelofsky, Timothy J. Mullin, Paul H. Berens, Mark

A. Shaiken, Francis X. Buckley, Jr., Cynthia F. Grimes, Mendel Small, Robert J. Blackwell, Steven N. Cousins, Carol Chazen Friedman, Diana S. Daugherty and The Honorable Jerry W. Venters.

If you wish to nominate an individual, send information no later than Aug. 2, 2010, by e-mail to: kathy_surratt-states@moeb.uscourts.gov. Or by regular mail to:

Michael R. Roser Excellence in Bankruptcy Award
c/o Honorable Kathy A. Surratt-States
111 S. Tenth St., 7th Floor North
St. Louis, MO 63102

In your nomination of a candidate, please address specifically his/her activities in the areas of bankruptcy practice, other law practice, bar activities, as well as any other factors or characteristics that you believe the committee should consider in selecting the recipient.

Revised Bankruptcy Local Rules

Notice of Proposed Revision to Court Procedure When Amended Chapter 13 Plan Is Filed and a Creditor's Objection to a Previous Plan Is Pending:

The Western District of Missouri Bankruptcy Court has adopted a 2010 General Order amending Local Rule 9060-1H, related to court hearings on Chapter 13 Plan Objections. The amended local rule is effective with court hearings on Chapter 13 Plan Objections scheduled for June 21, 2010, and after.

The general order can be viewed at:

http://www.mow.uscourts.gov/bankruptcy/rules/2010_go_ct_hrg_proc_ch_13_ob.pdf

Trustee Appointments After Conversion – Procedural Change

Beginning with bankruptcy cases converted to a different chapter on July 1, 2010, the Western District of Missouri Bankruptcy Court will modify the timing of the procedure for trustee appointments and the scheduling of the first meeting of creditors. Trustee appointments and the notice to creditors of the converted first meeting date will be processed on the next business day after the entry of an order converting the case.

Trustee appointments are made at the direction of the U.S. Trustee under 28 USC 586. The U.S. Trustee wishes to eliminate the time during which converted cases have no trustee, so as to ensure that all cases have an appointed trustee who is responsible for case assets.

Previously, the Clerk's Office waited 12 days to schedule the first meeting of creditors, to give debtors an opportunity to meet the local rule requirement to file conversion schedules within 10 days of the conversion. Debtors able to meet this deadline and who were adding creditors could avoid the cost of filing the notice of amended schedules adding creditors (local form) because the added creditors were sent the notice of the converted first meeting date sent out by the court.

Debtors will still have 10 days to file conversion schedules. However, attorneys may wish to file conversion schedules at the time of filing a motion to convert. An estimated 50 percent of converted cases currently have conversion schedules filed prior to the actual order of conversion. If conversion schedules list added creditors, debtors can save the cost of filing the notice of amended schedules adding creditors (local form) because any added creditors will be sent the notice of the converted first meeting of creditors. This should not be construed to mean that debtors need not comply with Bankruptcy Rule 1009(a) requiring debtors to notice the amendment on any affected entity.

If you have any questions about this procedural change, please contact Roberta Kostrow at (816) 512-1818 or by e-mail at roberta_kostrow@mow.uscourts.gov.

Clerk's Corner – A Legal Parable

Once upon a time, a young associate at a prestigious Kansas City firm worked diligently on suggestions in opposition to a *Daubert* motion. She observed the CM/ECF response date of July 19 but alertly sought to verify it. Referring to the new time computation standards in the Federal Rules of Civil Procedure, she counted the weekends and the holiday and arrived at a July 15 deadline. Worried about missing the shorter deadline, the young lawyer whisked the draft off to the client asking for immediate late-night approval.

This was the prudent course, but it gave rise to an early morning call from client to partner that was less than enthusiastic. The wise partner called the Clerk's Office and asked about the July 19 date in CM/ECF. She was reminded that Rule 6(d) adds three days to each deadline under the old concept of regular mail and that the three-day addition applies even with electronic service. Mystery solved.



The moral of the story for the associate: Before billing a lot of your time on a time computation matter, call the Clerk's Office. Of course, it's better to risk client irritation than to miss a filing deadline, and we applaud any attorney who doesn't rely solely on system-calculated dates – as required. But if you can get accurate information that means a few extra days to work on your brief and you can avoid irritating the client, a phone call starts to look pretty good. The Clerk's Office does not give legal advice, but we will always share the basis for CM/ECF data or direct counsel to applicable rules or procedures.

Google can tell you what Lindsay Lohan had for dinner in jail or who won the ESPY for "Best Upset," but if you have a logistical question about filings in federal court, give us a call at (816) 512-5000. We'll be glad to help you.

A handwritten signature in black ink that reads "Ann Thompson".

Ann Thompson
Court Executive & Clerk of the Court
Western District of Missouri
Direct: 816-512-5015
ann_thompson@mow.uscourts.gov

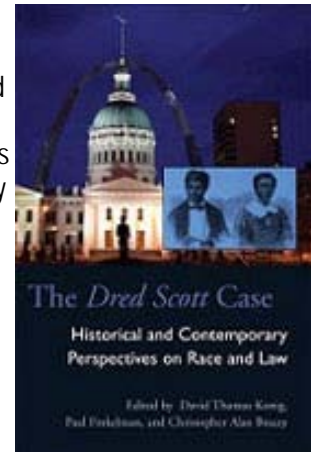
Court News and Notes

8th Circuit Appellate Judge Benton Contributes to New Book on Dred Scott Case

Eighth Circuit Appellate Judge Duane Benton contributed a chapter to a newly published book called "The Dred Scott Case: Historical and Contemporary Perspectives on Race and Law." The book is the result of original research and analysis by a group of scholars who met in St. Louis on the 150th Anniversary of this infamous decision. The chapter by Judge Benton is about *Scott v. Emerson*, the predecessor decision by the Missouri Supreme Court.

Copies of the book are now available at the St. Louis and Kansas City 8th Circuit libraries.

Reprinted with permission from the 8th Circuit Library Newsletter, May/June 2010 Issue.



8th Circuit Library Focuses on Crime & Punishment



8th Circuit Library's display on Crime and Punishment

The digital era we now live in has transformed the way we communicate and save information. But as 8th Circuit Librarian Deborah Showalter said: "The 'Age of Information' is the only age about which there will be no information." So if you're craving information from something more tactile and permanent, stop by the library on the ninth floor of the Whittaker Courthouse for a look at crime in Missouri.

The new display focuses on the history of crime and punishment in the Western District of Missouri and contains books, photographs and artifacts. Among the unique items on display is a brick from the original construction of Leavenworth Penitentiary in 1903. The bricks used were manufactured by the military prisoners at the nearby U.S. Disciplinary Barracks (USDB). The inmates of the USDB were used for much of the construction of Leavenworth Penitentiary, and the brick on display was removed from the prison during the renovation of B cell house in the 1980s. There are also photographs of a Prohibition-era still and the Union Station massacre.

Stop by our beautiful Whittaker courthouse library to learn more about Missouri's history and to bask in the peace and quiet. The library is open daily from 8:00 a.m. to 5:30 p.m.

Federal Courts Advocates Section

On May 5, 2010, FCA attorneys and Kansas City area federal judges tried something new. Rather than having a luncheon where judges address issues as a panel from a dais, this program seated individual judges at tables with six to eight attorneys. Lead by Pat Stueve, the table groups were asked to discuss specific ways to reduce litigation costs, including procedures for managing e-discovery, staging discovery and potential limitations on depositions. Each table then reported out to the full group, and those reports produced additional information sharing between judges and attorneys.

The next step is for FCA leadership to reconvene with judges to review session comments, but the judges did encourage attorneys to bring creative cost-management ideas to their attention. Attendees appreciated the increased opportunity for individual and small-group discussion with the judges, and a similar Bench Bar Dialogue lunch is set for Oct. 6 at the Whittaker Courthouse. While FCA members enjoy a variety of social events, the section is committed to substantive interaction between bench and bar as well, and these lunch sessions offer attorneys a way to discuss legal issues with judges outside the context of a pending case.



Judges Art Federman and Duane Benton



Judge John Maughmer

Because the FCA covers both sides of the state line, FCA members may also take advantage of programming at the Robert Dole Courthouse. The second annual fall CLE presentation and reception will be held at the District of Kansas on Sept. 15, 2010, at 5 p.m. This benefit for FCA members includes an hour of free CLE followed by a social hour with colleagues and federal judges, including wine, soft drinks and appetizers.

Information on both events and registration details will go out to members in August, but mark your calendars now to attend. Federal practitioners interested in joining the Federal Courts Advocates should contact Bob Thomas at (816) 474-4322. Both KCMBA and non-KCMBA members are welcome.

2010 Federal Bar Reception - Springfield

Attention Springfield-area attorneys: The judges of the Western District will be hosting a reception for members of the bar on Thursday, Aug. 26, at the Highland Springs Country Club in Springfield, Missouri.

Invitation details will be emailed to active members of the bar in the Southern/Southwestern Division soon.

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Lori Carr - District Operations, Western Division

Editor

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