

Courthouse Connection

Newsletter of the U.S. Courts, Western Missouri

Volume 3, Issue 1

March 2011

Featured Article

Re-Entry Court Celebrates First Graduates



U.S. District Judge Ortrie D. Smith congratulates Re-Entry Court graduates.

On Feb. 3, 2011, the first participants in the Western District's Re-Entry Court program graduated, demonstrating their personal achievement and the success of the program itself, which is designed to provide an alternative for individuals on federal supervised release with significant substance abuse treatment needs.

U.S. District Judge Ortrie D. Smith presided over the graduation session of Re-Entry Court and continues to shepherd the program along with U.S. Magistrate Judge John T. Maughmer. Re-Entry Court is accomplished through partnerships and collaborations between the court, U.S. Attorney's Office, Federal Public Defender's Office, U.S. Probation and Pretrial Services Office, and various community resources. Its goal is to improve participant outcomes, thereby reducing recidivism, conserving judicial resources and making a positive difference in the lives of the participants.

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April 28—Truman Library Benefit—Wild About Harry! With Justice Stephen Breyer

May 12—Bankruptcy Volunteer Reception

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Re-Entry Court Celebrates First Graduates

On Feb. 3, 2011, the first participants in the Western District's Re-Entry Court program graduated, demonstrating their personal achievement and the success of the program itself, which is designed to provide an alternative for individuals on federal supervised release with significant substance abuse treatment needs.

U.S. District Judge Ortrie D. Smith presided over the graduation session of Re-Entry Court and continues to shepherd the program along with U.S.



Re-Entry Court participants



Left to Right: Courtney Pierce (USPO), Kimberly Grace (Sr. USPO), David Gunter (USPO), Johnathan Smith (USPO) and Julie Spratley (Sr. Probation Clerk)

Magistrate Judge John T.

Maughmer. Re-Entry Court is accomplished through partnerships and collaborations between the court, U.S. Attorney's Office, Federal Public Defender's Office, U.S. Probation and Pretrial Services Office, and various community resources. Its goal is to improve participant outcomes, thereby reducing recidivism, conserving judicial resources and making a positive difference in the lives of the participants.

Judge Smith convened the first Re-Entry Court in 2010 with four voluntary participants. The program spans 12 to 18 months, depending on the participant's progress. Nancy Rainey, Stephen Ingala and Matt Stone, three of the initial participants,

completed all of the program requirements in just a year and received additional rewards for achieving certain milestones. However, failure to abide by the mandates of the Re-Entry Court could have resulted in the imposition of sanctions by Judge Smith, including termination from the program.

At the conclusion of the Feb. 3 session, Judge Smith issued an order reducing the terms of supervised release for Rainey, Ingala and Stone per their completion of the strenuous requirements of the program. They will now return to the traditional caseload of a probation officer for the remainder of their terms of supervision.



U.S. District Judge Ortrie D. Smith

After the ceremony, the graduates celebrated their achievements outside the courtroom with family members, friends, employers, members of the Re-Entry Court team and Judge Smith. Of the 15 current participants, it is anticipated three more will graduate this June.

Read the article published in The Kansas City Star at <http://www.kansascity.com/2011/03/27/2756943/lucky-ex-cons-get-special-help.html>.



Judge Smith presides over Re-Entry Court graduation.



Judge Smith presents Matthew Stone with a \$100 gift certificate.



Family members enjoy refreshments.



Ken Gormley presents "The Death of American Virtue."

Gormley's "The Death of American Virtue" Draws Large Audience

On Feb. 10, 2011, author Ken Gormley drew an audience of over 200 people to the Plaza Library for discussion of his book "The Death of American Virtue." The event was co-sponsored by the Federal Court Historical Society and the Truman Library Institute. The audience was treated to a fascinating presentation by Gormley, a 1980 Harvard Law graduate and the dean at Duquesne University School of Law. His narrative is considered the definitive account of that polarizing period in American politics that led to the impeachment and trial of President Bill Clinton.

Gormley was the Historical Society's most recent speaker in a series designed to bring in authors whose work touches on some significant legal aspect of American or regional history. The next visiting author will be announced later this summer.



Top: More than 200 guests attend the presentation.
Bottom: Gormley signs books.



Paul Donnelly, Historical Society president, and Ken Gormley with U.S. District Judges Howard Sachs and Ortrie Smith

The local chapter of the Federal Historical Society was founded in 1988 by the judges of the Western District of Missouri to commemorate the bicentennial of the Constitution. Interest in it has been sustained over the years by the judges of the court. Membership is free to any practitioner.

Federal Court Advocates

Gutter Ball Bowling With the Bench & Bar

The Federal Court Advocates section hosted its first social event of the year on Jan. 13, 2011, at Lucky Strike lanes in the Power & Light District. This event was attended by members of the section and judges from both the District of Kansas and the Western District of Missouri.

The bowling social was the first of many events FCAS planned for 2011. A roundtable discussion followed on March 30 and was hosted by the District of Kansas at the Robert J. Dole Federal Courthouse. Look for additional information on future events to be sent to FCA members.

Membership with the KC MBA is not a requirement, but the annual fee is \$15 for KC MBA members and \$25 for non-members. [Click here](#) to renew your membership or join.



Ureka (Uri) Idstrom, Miriam Bailey and U.S. District Judge Ortrie Smith



Patrick J. Stueve, Todd E. Hilton and Boyce N. Richardson



Kim Elrod and Vickie Schatz, KC MBA Executive Director

Judge Sachs Shares a Personal Encounter With Dr. Martin Luther King Jr.

In April 1957, Dr. Martin Luther King Jr. spoke in Kansas City at the St. Stephens Baptist Church at Truman and Paseo. And U.S. District Judge Howard F. Sachs was there to hear the speech and to shake Dr. King's hand. In celebration of Black History month, Judge Sachs described his encounter with Dr. King to court employees, recalling that the Kansas City speech concluded with the very "free at last" phrasing that would later be part of Dr. King's famous remarks on the mall in Washington, D.C. Judge Sachs spoke at the court's annual "Soul Food Sampler" luncheon, and this year's event was hosted by the court's newly formed Diversity Council.



In addition to Judge Sachs, Cordell D. Meeks III, president and CEO of Meeks Multicultural Consulting, spoke on workplace diversity and challenged court employees to be aware of and to celebrate diversity among colleagues and visitors to the court. His dialogue on contemporary issues combined with the glimpse of history from Judge Sachs and the great food made for a successful and educational event.



Left: U.S. District Judge Howard F. Sachs speaks about Dr. Martin Luther King Jr.

Cordell D. Meeks delivers an inspiring presentation.

District Court Highlights

Richardson Leaves Jefferson City in Good Hands



Join us in congratulating Glenda Richardson as she takes a new position as CM/ECF project manager for the Northern District of Texas. Glenda has served the Central Division for nearly 20 years, providing leadership expertise and an unparalleled dedication to attorneys and litigants.

Glenda began her service to the Central Division on Feb. 10, 1992. She spent the last three months working on a temporary assignment in

Washington, D.C., to develop improvements for national programs and processes.

Glenda was instrumental in the move from paper filing to CM/ECF, and she was active at a national level in mentoring other federal districts in their move to electronic filing. Her mentor courts were the districts of Maryland, Northern Indiana, Puerto Rico, Middle Tennessee, Nebraska and Eastern Virginia.

During this transition, attorneys are in good hands as Glenda helped select and develop a tenured staff for the Jefferson City office. If you are in Jefferson City, please stop by and wish Glenda well.

"Glenda is well respected by her peers in the judiciary. Her hard work and dedication have been demonstrated through her participation on national committees and in her role as a mentor for several courts as they prepared for implementation of CM/ECF. Glenda's innovative thinking and commitment to making the Western District of Missouri an exemplary court will be missed."

—Bill Terry, Operations Manager, Western Division

Online Case Opening Tips

Attorneys have been opening cases electronically in our District Court since Oct. 13, 2009. This enhancement has proved very successful and has allowed the court to better meet the needs of the bar. Cases can be opened 24 hours a day, seven days a week, including holidays. Based on what we are hearing and seeing with regard to this new feature, attorneys may want to take note of the following suggestions:

1. A review of the case opening video and/or the written materials found on our website prior to starting the case opening process will assure compliance with our procedures and will save you time and frustration. You can find those materials at <http://www.mow.uscourts.gov/district/rules.html>.
2. If you have questions after initiating the case opening process or believe you may have made an error, then contact the court. Please do not abandon the new case and try again, as this will cause duplication of cases. If it is after hours, you may contact one of the after-hours numbers available on our website at http://www.mow.uscourts.gov/after_hours.html.
3. When opening a new case, you are given the opportunity to select the office to which the case should be assigned. Be sure to select the office based on [Local Rule 3.1](#), which offers instructions on assigning a case to the proper division. If an incorrect division is chosen, the court will reassign the case and will also assign a judge from the proper division. Correct initial selection prevents delays.

We hope these tips will improve your case opening experience. If you have any questions, our office is always happy to assist you.

CM/ECF – Submission of Proposed Orders and Summons

Beginning Monday, April 4, 2011, two new options for District Court cases will be added to the civil and criminal menus. The following is a brief description of these new options.

E-Mailing a Proposed Order

1. To submit a proposed order, click the E-Mail Proposed Order link, which can be found on the civil events menu and the criminal events menu.

Civil Events

The screenshot shows the ECF website interface with a blue header containing the ECF logo and navigation tabs: Civil, Criminal, Query, Reports, Utilities, Search, and Logout. The main content area is titled "Civil Events" and lists several categories of legal actions with corresponding links:

- Online Case Opening**
 - [Open a New Case](#)
- Initial Pleadings and Service**
 - [Complaints and Other Initiating Documents](#)
 - [Service of Process](#)
 - [Answers to Complaints/Counterclaims/Crossclaims](#)
 - [Other Answers](#)
- Motions and Related Filings**
 - [Motions](#)
 - [Responses and Replies](#)
- Other Filings**
 - [ADR Documents](#)
 - [Discovery Documents](#)
 - [Notices](#)
 - [Documents for Trial](#)
 - [Appeal Documents](#)
 - [Other Documents](#)
- Attorney Annual Dues**
 - [Attorney Annual Dues](#)
- Attorney Registration Fee**
 - [Attorney Registration](#)
 - [Attorney Registration \(New Attorney\)](#)
- Certificate of Good Standing**
 - [Certificate of Good Standing](#)
- Social Security Events**
 - [Social Security Documents](#)
 - [Social Security Complaint](#)
 - [Social Security Answer](#)
 - [Soc Sec Motion for Extension](#)
- E-Mail the Court**
 - [E-Mail Proposed Order](#)
 - [E-Mail Summons to be Issued](#)

Criminal Events

The screenshot shows the ECF website interface with a blue header containing the ECF logo and navigation tabs: Civil, Criminal, and Query. The main content area is titled "Criminal Events" and lists several categories of legal actions with corresponding links:

- Charging Instruments and Pleas**
 - [Plea-Related Documents](#)
- Motions and Related Filings**
 - [Motions](#)
 - [Responses and Replies](#)
- Other Filings**
 - [Discovery Documents](#)
 - [Waivers](#)
 - [Service of Process](#)
 - [Notices](#)
 - [Trial Documents](#)
 - [Appeal Documents](#)
 - [Other Documents](#)
- E-Mail the Court**
 - [E-Mail Proposed Order](#)

After clicking on the E-Mail Proposed Order link, the following screen will appear:

E-Mail Proposed Order		
District Judges	Magistrate Judges	Prisoner Pro Se
Judge Fernando J. Gaitan, Jr.	Judge Robert E. Larsen	Prisoner Pro Se
Judge Ortrie D. Smith	Judge John T. Maughmer	
Judge Gary A. Fenner	Judge James C. England	
Judge Nanette K. Laughrey	Judge Sarah W. Hays	
Judge Richard E. Dorr	Judge Matt J. Whitworth	
Judge Gregory Kays		
Judge Scott O. Wright		
Judge Howard F. Sachs		
Judge Dean Whipple		

2. Select the judge assigned to the case. In criminal cases, the magistrate judge referred to the case should be selected for all pretrial matters. The Prisoner Pro Se link should be selected for all cases referred to that department.
3. Once the selection has been made, the user's e-mail program will open and populate the e-mail address of the courtroom deputy or clerk associated with the selection. The user should complete the e-mail by including a brief explanation and attaching the proposed order or document.

Note: To use this feature, ensure your Web browser is configured to use your primary e-mail application.

E-Mailing a Summons to be Issued

1. To submit a summons to be signed and sealed by the court, click the E-Mail Summons to be Issued Link on the Civil Menu. After clicking on the link, the following screen will appear.

E-Mail Summons to be Issued
Jefferson City
Kansas City
Springfield

A summons, including those for cases assigned to the St. Joseph or Southwestern Divisions, can be issued by any of the offices listed above.

2. Once the selection has been made, the user's e-mail program will open and populate the e-mail address for the selected office.
3. Complete the e-mail by including the case number and attaching the completed summons to be issued.

CJA Guidelines Review

Have you ever finished a case and completed your CJA 20 voucher and discovered that the In Court work and Out of Court work exceed the current \$9,700 statutory cap? What happens when this occurs? What am I required to do?



The CJA Guidelines state the following:

In any case in which the total compensation claimed is in excess of the statutory case compensation maximum, counsel shall submit with the voucher a detailed memorandum supporting and justifying counsel's claim that the representation given was in an extended or complex case, and that the excess payment is necessary to provide fair compensation.

The CJA Guidelines further state that a case is complex if the “legal or factual issues...are unusual, thus requiring the expenditure of more time, skill and effort by the lawyer than would normally be required in an average case,” and that a case is extended if “more time is reasonably required for total processing than the average case.”

A voucher that exceeds the statutory case compensation maximum requires review and approval of the presiding District Court judge as well as the chief 8th Circuit judge. In their consideration of the voucher presented, they will review the worksheets detailing the work done as well as the supporting memorandum justifying the claim that excess payment is necessary to provide fair compensation. When the analysis is complete, the judge will determine whether the claim for excess compensation has been met.

In addition to submitting a supporting memorandum, counsel can include form CJA 26—Supplemental Information Statement for a Compensation Claim in Excess of the Statutory Case Compensation Maximum. Form CJA 26—Guidance to Attorneys in Drafting the Memorandum Required for a Compensation Claim in Excess of the Case Compensation Maximum details helpful insight into preparing the required memorandum.

Links to these can be forms found at:

- CJA form 26—<http://jnet.ao.dcn/img/assets/4930/CJA26.pdf>
- CJA form 26A—<http://jnet.ao.dcn/img/assets/4930/CJA26A.pdf>

Any questions regarding CJA may be directed to CJA Administrator Teresa Harrison, via e-mail to teresa_harrison@mow.uscourts.gov or via phone at 816-512-5066. You may also access the court’s website at <http://www.mow.uscourts.gov/district/cja.html> for general information and CJA vouchers and forms.

Bankruptcy Court Highlights

Pro Bono Program

During the month of February, 70 attorneys attended training sessions in Jefferson City and in Springfield. Both sessions were aimed at training attorneys for participation in the court’s Pro Bono Program for Bankruptcy Litigation, which has now been expanded to all divisions in the Western District.

The training, titled “Representing Debtors in Bankruptcy Adversary Procedures” was a joint effort of the Bankruptcy Court, the Volunteer Attorney Project, Legal Aid of Western Missouri, Mid-Missouri Legal Services, Legal Services of Southern Missouri and a dedicated group of bankruptcy attorneys.

The Pro Bono Program for Bankruptcy Litigation was established to train and coordinate volunteer attorneys to represent needy debtors in adversary proceedings. Volunteer attorneys represent needy debtors in adversary proceedings, providing an essential service to the community, while volunteer attorneys gain valuable trial experience.



Susan Lutton, Latricia Scott Adams and
Chief U.S. Bankruptcy Judge Dennis R. Dow



Right: John Cruciani, U.S. Bankruptcy Judge Jerry W. Venters,
Phil Masaoay and Millie Donohoe

The training received high marks from attendees. The bankruptcy judges wish to thank all those who volunteered their time to provide this training, including:

- Bryan Bacon, Van Matre Harrison Volkert & Hollis
- Harry D. Boul, Boul & Associates
- Daniel J. Casamatta, assistant U.S. Trustee
- J. Kevin Checkett, Checkett & Pauly
- John J. Cruciani, Husch Blackwell Sanders LLP
- Millie Donohoe, attorney, Legal Services of Southern Missouri
- Janice A. Harder, Law Office of Janice A. Harder
- Camron L. Hoorfar, Hoorfar Law Office
- Susan Lutton, executive director, Mid-Missouri Legal Services
- Phil Masaoay, pro bono coordinator, Legal Services of Southern Missouri
- Adam E. Miller, trial attorney, Office of the United States Trustee
- Danny R. Nelson, Lathrop & Gage
- Thomas J. O’Neal, Polsinelli Shughart PC
- John C. Reed, Pletz & Reed
- Latricia Scott Adams, director, Volunteer Attorney Project
- Scott A. Smith, Reynolds, Gold & Grosser
- John M. Tyner, Polsinelli Shughart PC
- Lee J. Viorel, Lowther Johnson, LLC



Left: John Reed, Janice Harder, Harry Boul, Adam Miller, Rachel Foley and Tracy Wrisinger

For details and an application form, visit http://www.mow.uscourts.gov/bankruptcy/announce/anno_exp_pro_bono_program.pdf .

Ten-Year CM/ECF Anniversary

On March 4, bankruptcy judges, the U.S. Trustee's Office and court staff celebrated the 10-year anniversary of electronic filing. Bankruptcy Supervisor Susan Wexter demonstrated how mass paper documents were prepared for regular mailing prior to electronic filing; she still has mastery of the paper-folding tool and envelope shuffling.

The benefits of electronic filing continue to evolve as enhancements are evaluated, developed and implemented nationwide.



Above: U.S. Bankruptcy Judges Jerry Venters and Arthur Federman reminisce with Cecelia Parle of the clerk's office about the changes from the days of paper filing.

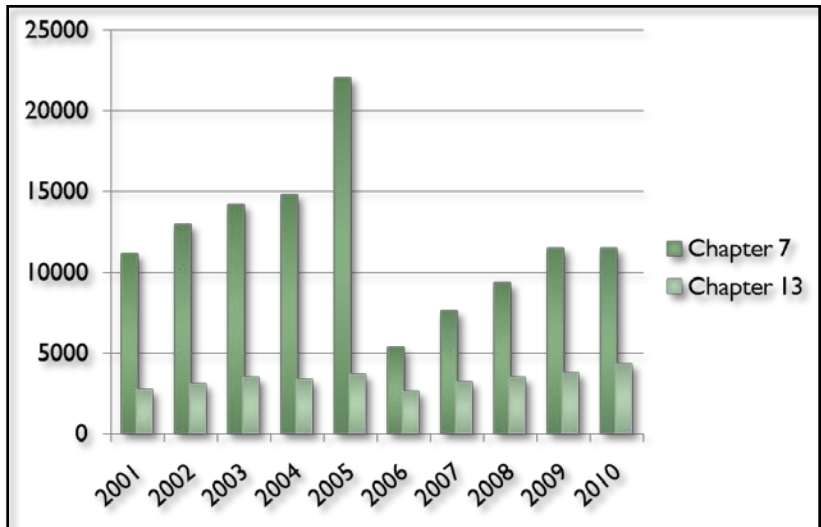


Right: Roberta Kostrow and Jamie Hinkle with the clerk's office talk with Jerry Phillips and Amy Carpenter from the U.S. Trustee's Office.

2010 WDMO Bankruptcy Statistics

Each year at this time, the court compiles statistical data to assist in district review and planning.

While filings of bankruptcy petitions climbed 14 percent nationally, filings in Western Missouri rose only 3.4 percent. Chapter 13 filings increased 13.6 percent, with Chapter 7 filings staying nearly the same. The 10-year data to the right demonstrates filing trends following the implementation of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA).



Western Missouri Bankruptcy Court Filing Statistics

CM/ECF Upgrade Coming Soon

The Bankruptcy CM/ECF system is scheduled for an upgrade late spring/early summer. Watch for updates at http://www.mow.uscourts.gov/bankruptcy/cm/v41_features.html.

At the Circuit Level



8TH Circuit to Sit in Kansas City

The 8th Circuit Court of Appeals will once again hold oral arguments in Kansas City from May 10 through May 13. The panel of 8th Circuit judges will vary and includes Chief Judge William J. Riley, Judge Michael J. Melloy, Judge Lavenski R. Smith, and Judge Duane Benton. District Judge James E. Gritzner (Southern District of Iowa) and Senior District Judge Lyle E. Strom (District of Nebraska) will also sit in Kansas City that week.

Note also, there will be a special session honoring the retirement of Senior Judge John R. Gibson, beginning at 4 p.m. on May 10.

Clerk's Corner

Budget Woes

Congress continues to debate the budget and is now funding the federal government by temporary "continuing resolutions." For the federal courts, this means that we do not know when we will get our appropriated funds or how much we will ultimately get. This makes planning difficult, but there is some good news for our attorneys: A government shutdown does not mean that they will "turn off" CM/ECF or that all court proceedings would automatically be canceled. To the contrary, the Administrative Office of the U.S. Courts is working to ensure that essential court functions continue regardless. We live in unprecedented budgetary times, so any guarantees would be foolish. But plans are in place to minimize disruption to court services or an attorney's ability to fulfill his or her obligations to the court or their clients. And rest assured that should anything affect federal practitioners, we will always notify attorneys directly rather than expecting you to get information about us from the media. As I reminded our employees during these uncertain times, budget woes are challenging but must be kept in perspective when compared to real disasters like those facing the citizens of Japan.



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Western District of Missouri
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Court News & Notes

4th Annual Frank W. Koger Bankruptcy Symposium

Friday, May 13, 2011

8:30 a.m. — 12:00 noon, followed by BBQ luncheon

Location

Charles Evans Whittaker Courthouse, Kansas City, Mo.

CLE

Three hours, Missouri and Kansas pending (one hour, ethics)



About the Speakers



The Hon. Eugene R.
Wedoff

U.S. Bankruptcy Judge Eugene R. Wedoff has served in the Northern District of Illinois in Chicago for 17 years, and he also served as chief bankruptcy judge from 2002 through 2007. Judge Wedoff's recent publications include "Means Testing in the New § 707(b)," 79 *Am. Bankr. L.J.* 231 (2005), and he is the author of the chapter on professional employment in Queenan, Hendel and Hillinger's "Chapter 11 Theory and Practice" (LRP Publications, 1994). Judge Wedoff is a frequent lecturer, having presented papers on a variety of consumer and business issues. In 1995, Judge Wedoff received the Excellence in Education Award from the National Conference of Bankruptcy Judges. Judge Wedoff drafted the model Chapter 13 plan currently used in the Northern District of Illinois.

Laurie L. Levenson is a professor of law, William M. Rains fellow and the David W. Burcham chair in Ethical Advocacy at Loyola Law School. She has written books on California criminal law and is a frequent television commentator on criminal legal issues, first coming to fame as a frequent commentator for CBS in the O.J. Simpson trial. She has written about the ethics of being a television commentator. While in law school, Levenson was chief articles editor of the *UCLA Law Review*. After graduation, she served as law clerk to the Hon. James Hunter III of the U.S. Court of Appeals for the 3rd Circuit. In 1981, she was appointed assistant U.S. Attorney, Criminal Section, in Los Angeles, where she was a trial and appellate lawyer for eight years, and attained the position of senior trial attorney and assistant division chief. Levenson was a member of the adjunct faculty of Southwestern University Law School from 1982-89. She joined the Loyola faculty in 1989 and served as Loyola's associate dean for academic affairs from 1996-99.



Professor
Laurie L. Levenson

Notice of online registration will be sent to active bar members in April.

11th Annual D. Brook Bartlett Lectures

Friday, June 24, 2011

8:30 a.m. — 12:00 noon, followed by BBQ luncheon

Location



1228 Main
Kansas City, MO

CLE

Three hours, Missouri and Kansas pending (one hour, ethics)



Dean
Erwin Chemerinsky

Judge
Kenneth Starr

We have changed both the location and format of this year's event to highlight our keynote speakers—Judge Kenneth Starr, current president of Baylor University, and Dean Erwin Chemerinsky, founding dean of the University of California-Irvine School of Law.

U.S. District Judge Nanette K. Laughrey said: "When I saw Erwin Chemerinsky and Ken Starr discuss current Supreme Court cases at the Byrne Clerkship Institute, Pepperdine University, I knew I wanted to bring the discussion to the Western District of Missouri. While Dean Chemerinsky and Judge Starr sometimes had a different perspective on the law, they were always professional and congenial. We can all learn from them how to defend our principles while remaining collegial members of the bar."

This lively debate will be followed by an ethics presentation by Burnele Powell, dean and professor of law at the University of South Carolina School of Law. Please mark your calendars for the morning of June 24, as there will not be an afternoon session. By gathering at the Midland Theater for this special event, we should be able to accommodate all those who wish to attend.

Notice of online registration will be sent to active bar members in May.

The Truman Library has asked the court to pass along details on its upcoming event featuring one of our Supreme Court justices. Event details are listed below.

Truman Library Benefit—Wild About Harry!

The Marriott-Muehlebach Hotel, Kansas City, Mo.
April 28, 2011, 6:15 p.m.

The event will feature U.S. Supreme Court Associate Justice Stephen Breyer and Christopher "Kit" Bond, recipient of the Harry S. Truman Legacy of Leadership Award.

Individual tickets for Wild About Harry are now available. For more information, please e-mail kim.rausch@nara.gov. You can also call Kim Rausch at 816-268-8237.



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Courthouse Connection is published by the
U.S. Courts, Western District of Missouri • Kansas City, Missouri • 816-512-5000
