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Courthouse Connection

BLENDING OUR WORLD WITH YOURS



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Clerk's Corner

By Patricia L. Brune

Welcome to the world of electronic news provided by, with, and for the entire community of the Western District of Missouri. This new publication was one outcome of a leadership development program here inside the WDMO and we hope that it serves your needs as well. Please take time to share the information you find here with any and all interested persons. This is part of our new *electronic* front door.

You will find many items included here of general interest including announcements of upcoming events; reports of recent events; and ways to contact many of the professional staff here at the Court. You can use this to mark you calendars and to stay in tune with the ever changing world of the Judiciary.

I want to personally call your attention to the fact that a proposed change to [Local Rule 83.1](#) is currently posted on our web site for comment. Please take time to read the proposed change and send us your thoughts; pro or con. This thirty day comment period follows after each proposed change to local rules are adopted by the Court en banc. And, your comments will make a difference in the final decision to make this a permanent rule change.

Another place to review on our web site home page is the tab entitled [Federal Practice Committee](#). This committee works on your behalf to get new ideas and issues involving Civil and Criminal case processes in front of the Court.



Under the [General Information](#) tab you will find information about the [Ad Hoc Advisory Group](#) which provides the same liaison services for Bankruptcy processes.

Please take us at our word when we ask to hear from you about any and all of the topics in this opening version of the Courthouse Connection. And, if you would like to see us report on anything in particular, let us know that as well. Working together we can keep information flowing smoothly and make the mission statement of the WDMO truer than ever:

To protect and preserve the rights and liberties of all people as guaranteed by the Constitution and the laws of the United States in a fair and impartial manner.

From The Editor

By Lori Carr



Welcome to the first edition of the Courthouse Connection – an online newsletter designed to blend our world with yours. We hope you will find the information contained in this newsletter helpful, and we invite you to distribute this information to your staff.

Our hope is that you use this newsletter as a tool for getting to know us better. We want to open our electronic doors and invite you in to a world we call the Judiciary.

If you have any questions, suggestions, or feedback -- or you would just like to know more about specific areas of our Court, my door is always open.

Around the Water Cooler



What's All the Construction About?

The Whittaker Building is replacing the front stairs. Construction is scheduled to be completed and functional by the end of September. While there will be a few follow-up repairs taking place, the bulk of the construction is almost complete.

The Western District of Missouri Celebrates Constitution Day 2007

By Diana Diaz

The United States District Court, Western District of Missouri celebrated Constitution Day 2007 on Monday, September 17 with a Naturalization Ceremony held at the Harry S. Truman Library and Museum, in Independence, Missouri. The Honorable Fernando J. Gaitan, Jr. presided over this momentous event, with Chief Deputy Clerk, Paige Wymore-Wynn administering the Oath of Allegiance.

The auditorium in the Harry S. Truman Library and Museum was the backdrop for the fifty applicants coming from over twenty-five countries, who became citizens during the ceremony. In addition to the typical fanfare of a naturalization ceremony, the new citizens, their families and friends were treated to performances by the

William Chrisman High School Chorale Group, the presentation of colors by the Independence, Missouri chapter of the Sons of the American Revolution, and a wonderful reception hosted by the Independence, Missouri Pioneers Chapter of the Daughters of the American Revolution.

What is Constitution Day?

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



"Most Americans know that July 4th is our nation's birthday. Far fewer Americans know that September 17th is the birthday of our government . . ."

Chief Judge Fernando Gaitan lauds Reinvigoration of the Western District of Missouri Historical Society

By Deborah Showalter-Johnson



On September 5, 2007, Chief Judge Gaitan opened the first gathering of the Western District of Missouri Historical Society. Judge Smith commented that the Society was created not to glorify the judges but rather to document the litigants, lawyers, judges, and issues that have contributed, and will contribute, to the history of the Western District of Missouri legal community. The following were nominated and by voice vote elected as officers: Paul Donnelly, President; Tom Larson, Vice-President; David Oliver, Secretary; Elaine Koch, Treasurer.

If you wish to join the Western District of Missouri Historical Society, you can still send your dues to: **Karen Hopkins**, c/o Judge Ortrrie D. Smith, Whittaker US Courthouse, 400 East Ninth, Suite 8552, Kansas City, Missouri 64106

What You Need To Know

WHAT YOU NEED TO KNOW . . . ABOUT DISTRICT COURT CM/ECF

By Robin Jones



PERSONAL IDENTIFIERS

The Privacy Policy, updated October 27, 2004, was put in place to protect individuals' personal information from public viewing. As the Privacy Policy indicates, the following personal identifiers should be redacted from documents filed with the Court which are NOT filed under seal. Those personal identifiers include, but are not limited to, the following:

- *Social Security Number.* If an individual's social security number must be included in a document, then only the last four digits of that number should be used.
- *Names of Minor Children.* If the involvement of a minor child is at issue, only the initials of that child should be used.
- *Date of Birth.* If an individual's date of birth must be referenced in a document, then only the year of birth should be used.
- *Financial Account Numbers.* If financial account numbers are relevant, then only the last four digits of these numbers should be used.
- *Home Addresses.* If a home address must be included, then only the city and state should be listed. NOTE: This applies to criminal documents only.

If a document must be filed that contains personal identifiers, then consider seeking leave of court to file the document under seal. Unless and until the Court has ruled on any such leave to file under seal, then no document that is the subject of the document seeking leave, nor the motion itself, nor any response thereto, will be available to the public for viewing either electronically or in paper form.

REMEMBER: the responsibility for redacting personal identifiers lies solely with the filing party.



FILING ERRORS

If you notice that you or another party has misfiled a document or filed a document in the incorrect case, please contact the **CM/ECF HELP LINE** at **1-800-466-9302** and notify the Court of the error. A Notice of Document Modification will be sent to all parties informing them of the action taken to correct the error.

New!

Sample Scheduling Orders and Rules of Trial are now available on our website at www.mow.uscourts.gov by clicking on the General Information tab.



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

By Kelly McIlvain

The Article III Courtroom Deputies have compiled a list of tips for your use in trial preparation. We hope this information will provide useful and pertinent information to use in your practice with the Court. The Civil Joint Accelerated Docket begins October 1, 2007. Following are a few procedural points worth noting:

- o Exhibit Indexes should be filed electronically
- o List each exhibit to be used at trial individually
- o Index exhibits in numerical order
- o Audio/Visual requests should be directed to the Court's Information Technology group at 816.512.5740. Courtrooms 7C (Judge Gaitan) and 8C (Judge Smith) are equipped with *some* audio/visual aids.
- o Speak clearly and directly into the microphone

Please direct your questions to the Courtroom Deputy assigned to the Judge hearing your case.

Rhonda Enss	rhonda_enss@mow.uscourts.gov	816.512.5644	Judge Gaitan
Eva Will-Fees	eva_will-fees@mow.uscourts.gov	816.512.5659	Judge Smith
Tracy Diefenbach	tracy_diefenbach@mow.uscourts.gov	816.512-5674	Judge Fenner
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Tina Duer	tina_duer@mow.uscourts.gov	816.512.5614	Judge Sachs
Kelly McIlvain	kelly_mcilvain@mow.uscourts.gov	816.512.5744	Judge Wright
Yvonne Johnson	yvonne_johnson@mow.uscourts.gov	816.512.5629	Judge Whipple

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

By Debbie Starks

All information in this column will pertain only to Western Division (Kansas City) and St. Joseph Division cases. Kent Snapp is the Program Administrator of these Divisions. The **Early Assessment Program** in Kansas City would like to use the Courthouse Connection as a forum to answer frequently asked questions. If you have general procedural questions, submit them to debbie_starks@mow.uscourts.gov

We will try to answer as many of your questions as we can. Case-specific questions/issues cannot be addressed here.



Does the Administrator require mediation statements?

It is not necessary to submit a mediation statement prior to an early assessment meeting. The Administrator will only read mediation statements if it is clear that all attorneys have a copy of the statement.

When does the "15 days" begin? Participation is not required until notice is received from the Administrator. The 15 days does not begin when you receive notice from the Clerk's office that your case has been assigned to an outside neutral.

The current **List of Potential Neutrals** and information about becoming a neutral can be found on the Court's website at www.mow.uscourts.gov under Early Assessment Program. If you are on the List of Potential Neutrals, please be sure your information is current. Contact Debbie Starks with changes at 816-512-5080 or debbie_starks@mow.uscourts.gov



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

By Katie Wirt

EVERYTHING YOU EVER WANTED TO KNOW ABOUT ORDERING A TRANSCRIPT FROM THE DISTRICT COURT BUT WERE AFRAID TO ASK

Have you ever needed a transcript but weren't quite sure how to go about requesting one? Here are a few **TIPS** to make the transcript ordering process easier for you:

- Locate the case from which you need a transcript on the court's CM/ECF system at <https://ecf.mowd.uscourts.gov>
- View the docket report in your case and locate the minute entry for the hearing that you need (search the docket report by using <Ctrl> F and entering "minute entry" in the search field of the pop-up window).
- Within each minute entry, there is a notation in parentheses of who was present to make the record of proceedings. The notation will indicate either court reporter or ERO (electronic recorder operator).
- To obtain a copy of the transcript, please contact the person who is listed as the court reporter or ERO. Please have the **case name**, **case number**, and the **date of the proceedings** ready when you call. The court reporter or ERO will give you further information at that time regarding cost, date of delivery, and method of delivery. It is very important that you contact the court reporter or ERO directly to ensure that proper notification is received by the person responsible for preparing the transcript.
- If you are appointed under the **CJA** (Criminal Justice Act), please also complete a CJA-24 form through Box No. 15, including your signature, and deliver it to the Court for approval. Once the Court has given the approval, the transcript is paid from CJA funds. Click below to go directly to the form: http://www.mow.uscourts.gov/General_Information/cja24.PDF or visit our website at www.uscourts.gov and click on the **General Information** tab and choose **CJA Information**.

We hope this information is helpful to you the next time you need to order a transcript. Please send any other questions you may have with regard to court reporting in the Western District of Missouri to katie_wirt@mow.uscourts.gov

WHAT YOU NEED TO KNOW . . . ABOUT THE CENTRAL AND SOUTHERN DIVISIONS

By Laura Bax and Julie Hollis

- Keep your mailing and email address current with the Court. You may contact Laura Bax, Attorney Admissions clerk, via email at laura_bax@mow.uscourts.gov with changes.
- Haven't registered for an ECF Login/Password? Click on the link <http://www.mow.uscourts.gov/CMECF/ecfregform.pdf> and begin the registration process.
- **Attorney Annual Dues:** You must have an ECF login/password to pay your 2008 dues online. If you do not already have a login/password, sign up now so you'll be ready to login when the Court sends out the 2008 invoices!



Public Terminals in Springfield

Until further notice, the public terminals in the Clerk's Office may only be used to **view** documents. You will no longer have the ability to file electronically.





WHAT YOU NEED TO KNOW . . . ABOUT BANKRUPTCY

By Traci Chorny

Weathering the Storm

Two years ago courts, attorneys and consumers alike were in a panic. The media shouted "Bankruptcy Reform is Coming, Bankruptcy Reform is Coming." Consumers lined up at attorney offices and then on the courthouse steps to file their case before the Bankruptcy Reform deadline. Why? Because they thought that they wouldn't be able to file after the Reform effective date. The media helped create a hurricane of frenzy and for the week prior to October 16, 2005 the eye of the storm was damaging all involved. On October 17, 2005, that hurricane was quickly downgraded to a tropical storm and by the end of the first week of the reform, which is now more commonly known as the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 ("BAPCA") only scattered showers fell on the courthouse steps.

BAPCA's impact changed many things ranging from consumer required credit counseling and personal financial management courses, to consumer debtors having to pass a "means test" showing that they are unable to repay their debts. Almost two years after BAPCA's inception, filings are almost back on track.

In 2004, the Western District of Missouri recorded 18072 case filings; in 2005 a record 25657 cases were filed (with 8400+ being filed in the weeks prior to October 17, 2005). 2006 numbers show a drop off with only 7921 cases being filed, but experts agree that had the rush of filing prior to the BAPCA's enactment not happened those 2006 numbers would have stayed consistent with previous years. By June 30, 2007, 5259 cases had been filed in the Western District of Missouri of which 70% of those filings were Chapter 7 cases and 29% were Chapter 13 cases (the remaining 1% is divided between Chapters 9, 11, 12 and 15). As of September 18, 2007, almost 2000 more cases have been filed in the Western District of Missouri bringing our total to 7252 for the year.

Consumers dealing with adjustable rate mortgages, gas prices and rising food costs will continue to cause the bankruptcy filings to rise. BAPCA requirements have made consumers more aware of their financial needs and goals, but it has not halted the need for bankruptcy. Though the storm clouds have passed us by for the moment, we all know that with the weather we have in Missouri, that could change.

2008 Docket Dates – Chapter 13 Cases Now Available Online

http://www.mow.uscourts.gov/announce/2008_docket_dates_not_Jop_St_JO.pdf



The recently revised **ECF Administrative Procedures** includes a new provision requiring the electronic filing of proofs of claim with the *exemption* for creditors filing fewer than 25 claims per year in the WDMO. Click on the link below to view.

http://www.mow.uscourts.gov/General_Information/Procedures_for_ECF.pdf

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

By Deborah Showalter-Johnson



Use of the courts' libraries is covered by Rule 47F of the **Eighth Circuit's Internal Operating Procedures**. The rule states that "the court's libraries are open to members of the Eighth Circuit bar, the United States Attorneys of the circuit and their assistants, other government law officers and with permission, other public users. Only court personnel may remove books from the buildings where libraries are maintained."

This means lawyers are welcome to use the library but are not allowed to borrow materials. In addition, because of security changes, the library is not an open area, but is locked at all times. Since a librarian or technician must be in residence to admit users, it is best that non-court users call in advance (**816.512.5790**) to insure that someone will be available to admit them. There is an area in the library lobby with a sign-in book. Sign-in is required of all visitors.

ON THE HORIZON



Open Doors of Justice

By Diana Diaz

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



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

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

The 2007 Open Doors of Justice Programs are scheduled as follows:

Date	Location	Host Judge	Clerk's Office Coordinator
Wednesday, November 14	Springfield Courthouse	Richard E. Dorr	Shannon Brogan
Thursday, November 15	Jefferson City Courthouse	Nanette K. Laughrey	Carrie James
Thursday, November 15	Kansas City Courthouse	Robert E. Larsen	Diana Diaz

Eighth Circuit will sit in Kansas City

By Deborah Showalter-Johnson



The Eighth Circuit Court of Appeals will sit in Kansas City **October 15 - 19, 2007** and again **June 9 - 13, 2008**.

In October Judges Kermit E. Bye, Lavenski R. Smith and Pasco M. Bowman will hear arguments.

In June Judges Michael J. Melloy, Duane Benton, C. Arlen Beam, and Morris S. Arnold will hear arguments. NOTE: Arguments generally begin at 9:00 a.m. and end at mid-day.

United States District Court – Western Missouri



Do you have a question for the Court?

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Click 'Contact Us' at the top right-hand corner.

Choose from the following four options: Bankruptcy Court Help, District Court Help, Jury Questions, and General Information.

E-MAIL THE EDITOR:
lori_carr@mow.uscourts.gov

We're on the Web!

Visit us at:

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CJA Luncheon

By Dorothy Myers

What does CJA stand for? Criminal Justice Act.

Are you interested in becoming a CJA appointed attorney?

On **Friday, November 2, 2007**, the Western District of Missouri will be hosting a CJA Luncheon to share information with attorneys about CJA appointments such as "How Magistrate Judges make CJA Appointments," "The Role of a Lead CJA Panel Attorney," and "Voucher Preparation for Reimbursement."

Watch your e-mail regarding the specifics and to reserve your space.

Meet the Staff

Patricia L. Brune – Clerk of the Court
Lori Carr – Editor

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Laura Bax –District Operations -Central
Traci Chorny - Bankruptcy
Diana Diaz - Administration
Annie Ledford- Finance
Julie Hollis - District Operations - Southern
Robin Jones –District Operations – Western
Melanie Mayes – Prisoner Pro Se
Kelly McIlvain – Article III Chambers Representative
Dorothy Myers - Magistrate Chambers Representative
Michele Nelson – Human Resources
Kelsee Pierce - Jury
Kathy Popejoy – Human Resources
Deborah Showalter-Johnson – 8th Circuit Library
Debbie Starks – Early Assessment Program
Katie Wirt – Court Reporter



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