

June 2008

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Courthouse Connection

BLENDING OUR WORLD WITH YOURS



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Clerk's Corner

By Patricia L. Brune

Welcome to another edition of the **Courthouse Connection**. We hope that you are finding the information included in these electronic publications as helpful as it is fun for us to put together for you. And, one thing is sure, with the rate of change in all of our lives today there will always be a need for us to communicate with each other in a useful, timely fashion.

I hope many of you have recently participated in one of our outreach programs by attending the First Annual Frank W. Koger Symposium, or the 8th Annual D. Brook Bartlett Lectures, or the CJA luncheon held in conjunction with the Solo Practitioners meetings at the Lake of the Ozarks. This has been the year of outreach and we hope to see you in person at some kind of event soon. Watch for an announcement giving details of a reception we are working to host in the Kansas City area in the fall. Maybe we can see you there.



The electronic communication, the outreach programs, email; all of these tools are designed to ensure that working together with you the Western District of Missouri can continue to enhance the level of service provided to all who seek our help. We understand our role in the Judiciary and we know that we only see people when some sort of crisis is happening in their lives. Working for and with the Judges, we intend to keep as much of the bureaucracy out of resolving your disputes as possible.

Have a great and safe summer and 4th of July celebration. And, if you have suggestions as to what we can do better, please let us know.

From The Editor

By Lori Carr, District Operations



The beginning of summer brings the fourth issue of the **Courthouse Connection**. This one-stop information resource provides current news on events in and around the courts of the Western District of Missouri.

Issue four covers Naturalization ceremonies, bankruptcy procedural changes, outreach programs, and the arrival of a new Article III Judge.

Thank you to the **Courthouse Connection** staff for their contributions and to the readers for their support. Please contact the editorial staff (lori_carr@mow.uscourts.gov) with any thoughts, comments or suggestions for future issues.

Thank you for taking the time to *blend our world with yours*. Have a safe and happy 4th of July.

Around the Water Cooler

The Honorable David Gregory Kays

By Deborah Showalter-Johnson



Judge David Gregory Kays was nominated for the bench on November 15, 2007, and confirmed by the U.S. Senate on June 10, 2008. He takes the seat vacated by Judge Dean Whipple who took senior status on April 30, 2007. Judge Kays, accompanied by his wife and daughter, was sworn in on Thursday, June 19, 2008, by Chief U.S. District Judge Fernando J. Gaitan, Jr.

He will sit in Kansas City and also hear cases in Springfield, Mo. Judge Kays graduated from the University of Arkansas School of Law in 1987 and went into private practice. He was an assistant public defender in 1989 and an assistant prosecuting attorney for Laclede County from 1988-89. He was chief assistant to the Laclede Prosecuting Attorney from 1989-1991 and Prosecuting Attorney from 1991-1995. During his tenure as prosecuting attorney and an Associate Judge of Laclede County from 1991-2004, he contributed to the profession as an adjunct faculty member of Drury University in Springfield, Missouri. In 2005, he became the Presiding Judge, Twenty-sixth Judicial Circuit, State of Missouri, where he remained until his confirmation as a U.S. District Judge.



Welcome Judge Kays!

Naturalization Ceremony Sets a New Record

By Sherry Cleveland



On June 9, 2008, the Western District of Missouri held the biggest Naturalization Ceremony in its history. The ceremony was held at Municipal Auditorium, Kansas City, Missouri, where over [1,000 immigrants](#) from [124 countries](#) took the Oath of Allegiance. Family and friends came along to share the special day.

The Honorable Fernando J. Gaitan, Jr., Chief Judge U.S. District Court, presided over the ceremony in which Patricia Brune, Clerk of Court, administered the oath.

Naturalization ceremonies were also held in Jefferson City on May 31 and Springfield on June 13.

Proper Planning and Remote Connectivity Ensure Continued Court Services

By Tammie Holmes, Emergency Coordinator



In mid-2002, the Western District of Missouri began developing a comprehensive **Continuity of Operations Plan** (COOP) detailing how the court would continue its essential functions during any emergency or disaster. Since that time, we have partnered with federal agencies within the Kansas City community to learn, share and increase our knowledge about emergency planning. Our efforts in this area are further developed by communication with court managers and staff as well as tests, training and exercise of the court emergency plans.

The court's ability to continue communication, receive filings, conduct hearings, and provide access to case files are considered essential functions to the legal community. These basic functions plus many extended capabilities are continually tested to ensure the court can continue its work during any emergency situation.

Two court staff are active members of the Kansas City Regional COOP Working Group. As leaders in this area of expertise, it's been with training and active involvement where we have joined forces with FEMA to train other emergency planning managers in city, state and federal government offices. Similarly, we have had the opportunity to share our knowledge and expertise with other courts nation-wide by evaluating other court training and assisting with planning and exercise activities.

An important part of a viable emergency plan is continual testing. The Western Missouri courts have actively participated in the Regional COOP Working Group's annual exercise since 2004. In June of this year, the exercise focused on testing a pandemic influenza health emergency where 35 court staff worked from home for a three-day period. Essential court functions were tested as well as interoperable communications and orders of succession. Although these exercises are designed to reveal weaknesses in planning, the creativity and resourcefulness demonstrated by court staff during these exercises is indicative of how they will respond in a true emergency.

Western Missouri District Court's emergency plans are maintained and available on a range of devices and mediums to ensure access during any emergency. The most heavily tested essential court function is communication. Multiple methods to communicate are available and tested including satellite phones, priority calling systems and automated calling systems. We feel these communication tools will play a critical role in ensuring the continuation of a broad range of court services during any phase of any emergency or disaster.



Spring Means Attorney Educational Outreach in the Western District of Missouri

By Diana Diaz



"Thank you, and thanks to the Court, for a well-planned and well-executed CLE program." This was just one of many comments received following the **8th Annual D. Brook Bartlett Lectures** held on Friday, June 27, 2008.

The **8th Annual D. Brook Bartlett Lectures** featured Professor Barbara Bergman, University of New Mexico, and Robert Pushaw, Pepperdine University.

Attendance at the 2008 event surpassed past years.



Professor Barbara Bergman



Professor David Epstein

Following in the tradition of successful educational events in the WDMO, the U.S. Bankruptcy Court sponsored the **1st Annual Frank W. Koger Bankruptcy Symposium** on Friday, May 16. This event was highlighted by presentations from: Professor David Epstein, Southern Methodist University; and Professor Margaret Howard, Washington and Lee University. In addition to the presentations by the professors, the WDMO Bankruptcy Judges sat on a panel and answered questions posed by the audience.

The feedback received from the attorneys, from the judges, and from the staff all indicate that the WDMO educational outreach programs are a tremendous success and will continue into the future.





Historical Society - Western District of Missouri

By Paul Donnelly, President

Under the direction of Chief Judge Gaitan, Jr. and Judges Sachs, Wright and Smith, the Historical Society for the Western District of Missouri underwent a restructuring this year. New officers were elected in September and the local chapter began sponsoring a highly successful series of speakers. Membership has quickly grown from a handful to nearly seventy (70) members. The chapter hopes to double that number in coming years.

In September 2007, at the invitation of Judge Wright, U.S. District Court Judge William Wilson of Little Rock, Arkansas spoke on a variety of subjects with his customary blend of oratorical skills and humor. In November, Murray Gartner, Esq., a retired lawyer from New York City, spoke to an audience of chapter members and judges on the topic "Clerking for Justice Robert Jackson in the Truman Era." Gartner graduated from Harvard Law School in 1945 where he served as President of the Harvard Law Review. He clerked for Justice Robert Jackson in 1945 and 1946. He was invited to Kansas City by Judge Howard Sachs, before whom he appeared throughout the 1980's TWA-Flight Attendant litigation. At Judge Sachs' request, Gartner converted his remarks into a paper which the local chapter has submitted to the Supreme Court Historical Society for publication. Anyone interested in obtaining a copy should email pdonnelly@stinson.com.

On March 6, 2008, the chapter hosted a luncheon attended by nearly 100 attorneys to honor U.S. Senior District Judge Scott Wright on his newly-published memoir, "Never in Doubt: Memoirs of an Uncommon Judge" (written with Larry Schumaker). Their presentation was a great success. And this month, the U.S. Attorney's office in the Western District concluded filming the oral biography of retired U.S. Magistrate Judge and former U.S. Attorney for the Western District of Missouri, Calvin Hamilton.

Under the leadership of Deputy U.S. Attorney Tom Larson, lawyers in that office have also been at work on a history of the U.S. Attorney's office in the Western District.

This fall, Tom and Jeff Ray will be featured at a meeting of the chapter to discuss an interesting chapter of that history: Maurice M. Milligan and his "Missouri Waltz." Milligan served as the United States Attorney for the Western District of Missouri while FDR was in the White House. Milligan and his assistants gained national reputations for prosecuting voting fraud cases in the '30's. He successfully prosecuted Tom Pendergast for tax evasion, bringing to a close Pendergast's career as boss of Kansas City.

Milligan's severest critic was Senator Harry S. Truman, who went so far as to take the floor of the Senate to speak against Milligan's reappointment in 1938. Two years later, after Milligan had resigned his post to run for the Senate in the Democratic primary, thus creating a three-way race in which Truman prevailed over Milligan and Governor Lloyd Stark, Truman recommended that Milligan be reappointed as U.S. Attorney.

Nevertheless, when Truman became President, he quickly appointed a replacement for Milligan. Three years later, Milligan's 1948 book, "Missouri Waltz," blasted Truman and the Pendergast machine just before the '48 presidential election. These events form the outline of a fascinating story of a colorful era in Kansas City and the U. S. Attorney's office.

The chapter looks forward enthusiastically to another active year.

What You Need To Know



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

By Robin Jones

ELECTRONIC COURT SEAL

Beginning Monday, May 7, 2008, the Western District of Missouri began issuing electronic summons in all civil cases. Users should complete the fillable summons form located on our website http://www.mow.uscourts.gov/Formpage/districtforms/civsum_040908.pdf and email the document to the court at one of the following email addresses:

Kansas City	kcggen@mow.uscourts.gov
Springfield	spfdgen@mow.uscourts.gov
Jefferson City	jcgen@mow.uscourts.gov

The summons, with an electronic seal attached, will be emailed back to you for service. Summons brought into the Clerk's Office to be issued will continue to have the raised seal.

The electronic seal provides users with a convenient and timely turnaround of documents. Because of the many benefits, we are currently evaluating expanding the use of the electronic seal to other documents. Please look for additional information in the near future.

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

By Katie Wirt



QUICK TIPS FOR MAKING A GOOD RECORD

- Be sure the court reporter and other court staff know who you are before the proceedings begin. Business cards are best, but a simple introduction will also do the trick.
- Speak loudly and clearly. If there's a microphone available, use it.
- Stand while addressing the Court and while examining witnesses, unless otherwise permitted by the Court. [Local Rule 83.3(a)]
- Don't chew gum while speaking on the record.
- If you have a tendency to speak quickly, slow down. If the court reporter is having a hard time keeping up, chances are that others in the courtroom are not absorbing the full meaning of all you have to say.
- When citing case law, either spell the names of the parties or give the full case citation so that the reporter can look up the spellings at a later time.
- If a witness list has not already been filed, present a list to the court reporter/ERO in the courtroom so that the names of your witnesses will be spelled correctly in the record.
- Do not interrupt and talk at the same time as others while you are on the record. Be sure your witness has finished his or her answer before asking the next question.

WHAT YOU NEED TO KNOW . . . ABOUT BILL OF COSTS

By Julie Hollis

A **Bill of Costs** is a list of claimed court costs submitted by the prevailing (winning) party in a lawsuit after final judgment is entered. What can be included in these costs is limited by statute. Local Rule 83.2 states that “A party seeking an award of costs shall file a verified **Bill of Costs**, upon a form provided by the Clerk, no later than twenty (20) days after entry of final judgment.” The form for **Bill of Costs** can be found on the Courts website in Adobe PDF, Word Perfect, and Microsoft Word Format at

<http://www.mow.uscourts.gov/Formpage/distform.htm>.

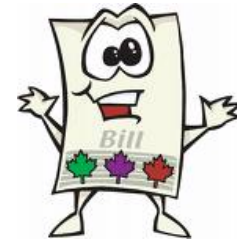
The prevailing party seeking costs should electronically file the Proposed **Bill of Costs** form and attach copies of the bills. Objections should be filed within fifteen (15) days of being served with the **Bill of Costs**. The moving party may file a reply ten (10) days after service of the Objections. The Clerk of Court or the judge rules on the proposed **Bill of Costs**. If the ruling is made by the Clerk of Court, that ruling may be appealed to the Judge presiding over the case whose decision can, in turn, be appealed to the 8th Circuit. Costs shall be paid directly to Counsel of record.

What Happens to the Costs while on Appeal?

Local Rule 83.2 (a) states that “If an Appeal is filed following the filing of a verified **Bill of Costs**, the taxing of such costs shall be suspended until the issuance of the mandate by the Court of Appeals.”

What are Allowable Costs?

One of the most frequently asked questions on **Bill of Costs** is “What Cost are Allowable?” Pursuant to 28 U.S.C. §1920 the following costs are allowed:



- (1) Fees of the Clerk and Marshal;
- (2) Fees of the Court Reporter for all or any part of the stenographic transcript necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and copies of papers necessarily obtained for use in the case;
- (5) Docket Fees under section 1923 of [Title 28]; and
- (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under 1828 of [Title 28].

For questions concerning Bills of Cost you may email Glenda Elayer, Courtroom Deputy for Chief Magistrate Judge James C. England, at glenda_elayer@mow.uscourts.gov or telephone at 417-225-7723.

You may also want to review Local Rule 83.2, Rule 54(d) of the Federal Rules of Civil Procedure and 28 U.S.C. § 1920.

WHAT YOU NEED TO KNOW . . . ABOUT FINANCE

By Sharon Dover



For CJA payment/procedure questions, please contact the **CJA Administrator Laura Schwaller** at laura_schwaller@mow.uscourts.gov or 816.512.5067



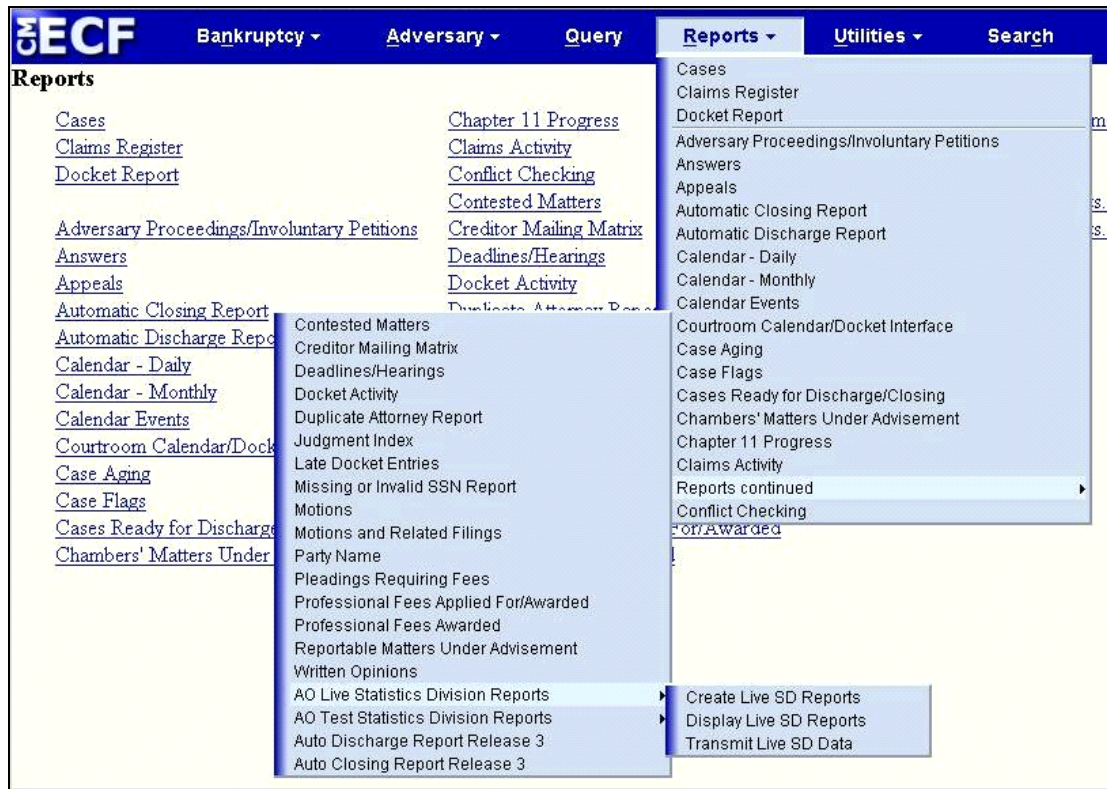


WHAT YOU NEED TO KNOW . . . ABOUT BANKRUPTCY OPERATIONS

By Traci Chorny

A Guide to the New Features for Attorneys and Law Firm Staff
UNITED STATES BANKRUPTCY COURT, WESTERN DISTRICT OF MISSOURI
CM/ECF Version 3.2

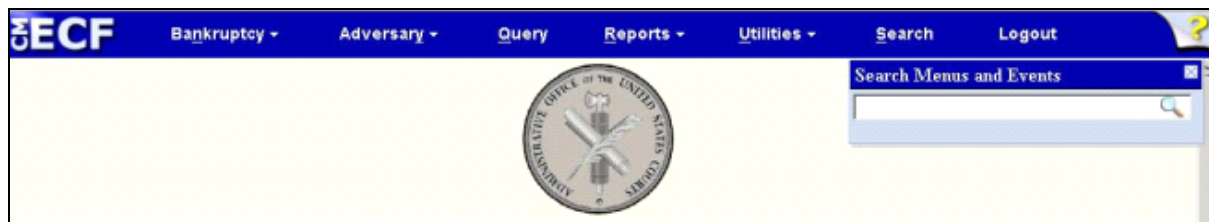
Cascading Menus



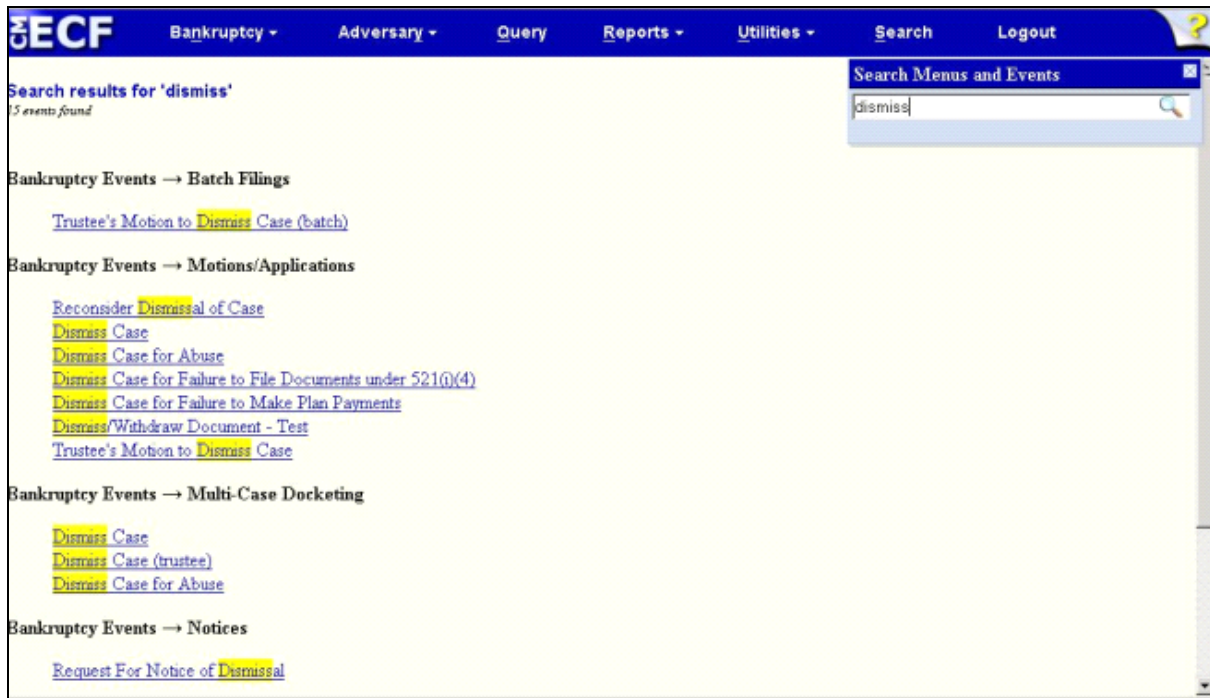
A user can now display the items on a CM/ECF menu by hovering over its name on the main blue menu bar; moving the cursor to the name of a subordinate menu will list its components. You can still use the original menus as in previous releases by clicking on the blue menu bar item. The screen above shows the cascading version of the Reports menu displayed over the old version.

Search Option

To use the new Menu and Event, click Search on the main blue menu bar. A small pop-up window appears for entering the text to be searched.



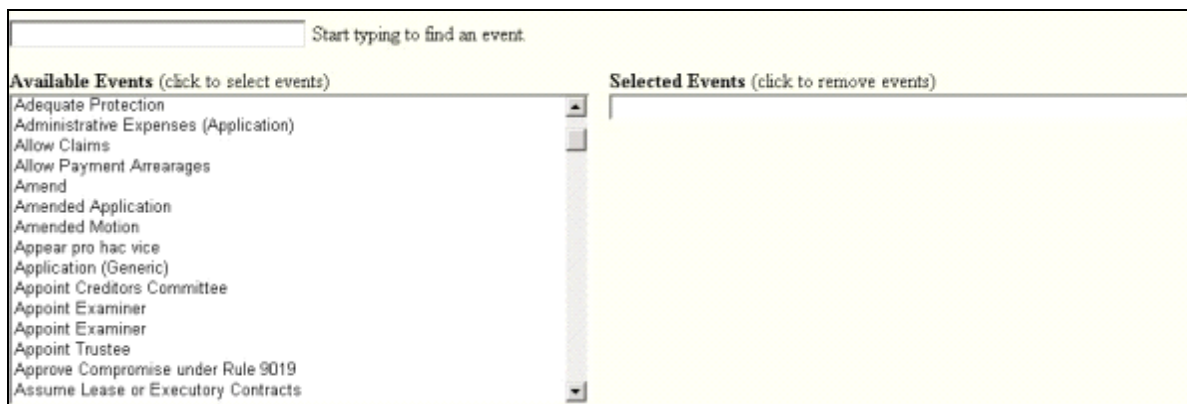
Once the user enters text in the search box and clicks the magnifying-glass icon (or presses the *Enter* key) the results are displayed on the screen, with the search string characters highlighted:



Each item is a link to the corresponding menu item or event, so the user can go directly to it. Only letters and numbers are searched; other characters are ignored. For example, if the user enters **judge-trustee** in the search field, **Judge/Trustee** appears in the results since "-" and "/" are not considered. The new Search option is not available for PACER users.

Event Search Docketing

When the user must choose from a long list of events to docket (as for the Motions/Applications category on the Bankruptcy Events menu), it is no longer necessary to scroll through the list to find the desired event. A text box is provided above the list:



Entering some characters from the event description will result in the full list being replaced by a list of just those events which match:

sanction	Click your selection, or use arrows to highlight it and press Enter.
Available Events (click to select events)	Selected Events (click to remove events)
Motion for Sanctions Under USC28 Section 1927	
Sanctions	
Sanctions Under Section 1927	
Sanctions for Debtor's Attorney	
Sanctions for Violation of the Automatic Stay	
Sanctions for Violation of the Discharge Injunction	

Claims Filing

At the prompt *Select a Creditor for Claim* if the user expands the pull down list, holding the cursor over a creditors name will list the claim numbers that have been filed for that creditor (if a claim is no longer owned by that creditor, its number appears in parentheses). Note: Users of Internet Explorer Version 6 (or lower) will not see this display.

Select a Creditor for Claim

Case 99-00007-drd7: Tweety Bird

(select a creditor)

(select a creditor)

American Laminate - 40 W. Main St. Liberty, Mo 65888 - 7854 (Creditor)

Bank of America - 9146 PO Box 660687 Dallas TX 75266-0687 - 8764 (Creditor)

Bank of America - 7918 P.O. Box 30610 Los Angeles CA 90030-0610 - 8765 (Creditor)

Centex Home Equity Corp. - P.O. Box 199111 Dallas TX 75019 - 136 (Creditor)

Chase - 2522 P.O. Box 94014 Palatin

Claims filed on behalf of Bank of America: (10), 12, (13)

Claims filed on behalf of creditor

Courtsman Honda

1, (3)

Is this the correct creditor?

Yes No

When selecting a creditor from the pull down list, a popup window will appear asking *****Is this the correct creditor?***** It also lists the claims that have been filed for that creditor (If a claim is no longer owned by that creditor, its number appears in parentheses).

On the **Proof of Claim Information** screen, there is now a **Find** button next to the Amends Claim # box.

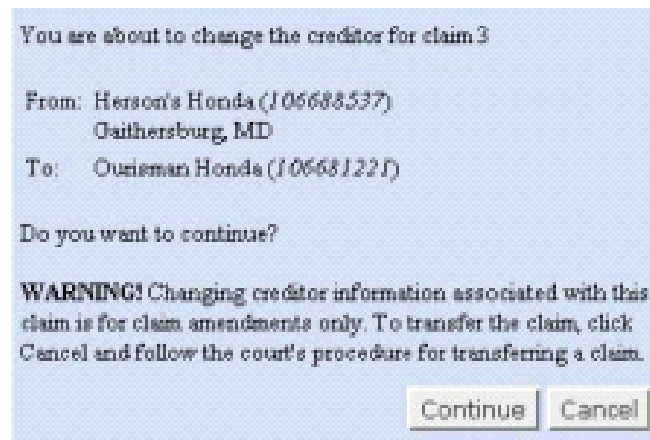
Proof Of Claim Information For		
106688537 - Herson's Honda		
Gaithersburg, MD		
Case Number: 07-10012-0	Amends Claim # <input type="text"/> Find	Filed By: Creditor
Last Date To File:	Date Filed: 11/28/2007	
Last Date To File:(Govt):		

The user can click this button to display claims that have been filed in the case in a separate window (if the original claim number is typed in the box first, only that claim is displayed). The user can click the column header for Creditor Name or Claim # to sort the list by that item.

<i>Creditor Name</i>	<i>Claim # ↓</i>	<i>Date filed</i>
Ourisman Honda	1	10/22/2007
H&H Collections	2	10/22/2007
Herson's Honda	3	12/10/2007
Modern Auto Body	4	01/14/2008

If the user selects a claim to be amended that was filed by the same creditor, the values from the previous claim are copied into the Proof of Claim screen for editing.


If the user selects a claim to be amended that had been filed by A DIFFERENT creditor, a warning screen is displayed.





If the user clicks Continue, values from the previous claim are copied into the Proof of Claim screen for editing, as described above. NOTE: this procedure does NOT transfer a claim from one creditor to another. Follow the proper Court procedure to transfer a claim.

Transcripts



Procedures for requesting a transcript have not changed. The Transcript will be electronically available to the general public 90 days after the date of filing. Until that time the transcript may be viewed at the Bankruptcy Court or a copy may be obtained from the official court transcriber. What changes with Version 3.2 is that you will see a new screen once a transcript has been filed. A closed red padlock icon shows that access to the Transcript is restricted during the 90 day period.

03/19/2008	 16	Transcript regarding Hearing Held 3/14/08 RE Motion to dismiss. THIS TRANSCRIPT WILL BE MADE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC 90 DAYS AFTER THE DATE OF FILING. TRANSCRIPT RELEASE DATE IS 6/17/2008. Until that time the transcript may be viewed at the Bankruptcy Court or a copy may be obtained from the official court transcriber. Court Reporter/Transcriber Marilyn Meyer, Telephone number 301-222-3333. Tape Number: 123. Notice of Intent to Request Redaction Deadline Due By 3/24/2008. Redaction Request Due By 4/9/2008. Redacted Transcript Submission Due By 4/21/2008. Transcript access will be restricted through 6/17/2008. (Schilling, L) (Entered: 03/19/2008)
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If there are multiple documents, clicking the padlock icon (or the document link in the Docket Report or the History/Documents query) displays the Document Selection Menu, where each document has its own padlock icon:

Select the document you wish to view.		
Part	Description	
 1	Main Document	1 page
 2	Supplement	1 page

Once access to the document is made available to the general public, a green padlock icon will appear. The charge for viewing the transcript is **NOT** subject to the 30 page PACER cap.

03/19/2008	  16	Transcript regarding Hearing Held 3/14/08 RE: Motion to dismiss. THIS TRANSCRIPT WILL BE MADE ELECTRONICALLY AVAILABLE TO THE GENERAL PUBLIC 90 DAYS AFTER THE DATE OF FILING. TRANSCRIPT RELEASE DATE IS 6/17/2008. Until that time the transcript may be viewed at the Bankruptcy Court or a copy may be obtained from the official court transcriber. Court Reporter/Transcriber Marilyn Meyer, Telephone number 301-222-3333. Tape Number: 123. Notice of Intent to Request Redaction Deadline Due By 3/24/2008. Redaction Request Due By 4/9/2008. Redacted Transcript Submission Due By 4/21/2008. Transcript access will be restricted through 6/17/2008. (Schilling, L) (Entered: 03/19/2008)
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ST. JOSEPH DOCKET UPDATE

The Western District of Missouri Bankruptcy Court St. Joseph docket originally scheduled to be held on July 10, 2008, has been moved to July 17, 2008.

SPRINGFIELD DOCKET UPDATE

The Western District of Missouri Bankruptcy Court has rescheduled the September 2008 hearing dates for the Springfield division. The Court will hold hearings on September 17th and 18th instead of September 24th and 25th.

An updated calendar for all 2008 docket dates is posted to the court website at:

http://www.mow.uscourts.gov/announce/2008_docket_dates_updated_4-29-08.pdf

Bankruptcy Petitions and Bookmarks

Bankruptcy Judges applaud the preparation of your bankruptcy petition using the “Bookmark” feature. Preparing your petition with bookmarks makes it easy for the judge to find information during a review of your case or when you appear in court on a matter.

The screenshot shows a PDF viewer interface. On the left is a 'Bookmarks' sidebar with a list of document sections: Form 1. Voluntary Petition, Compensation Statement of Attorney for the Debtor(s), Creditor Address Matrix, Verification of Creditor Matrix (Western District of Missouri), Form 6. Summary of Schedules, Form 6. Statistical Summary of Certain Liabilities and Related Data, Schedule A - Real Property, Schedule B - Personal Property, Schedule C - Property Claimed as Exempt, and Schedule D - Creditors Holding Secured Claims. The main window displays a 'United States Bankruptcy Court Western District of Missouri Voluntary Petition' form. The form includes fields for Debtor and Joint Debtor names, addresses, and ZIP codes. The case information at the top reads: Case 08- Doc 1 Filed 06/23/08 Entered 06/23/08 13:15:08 Desc Main Document Page 1 of 48.

A bookmarked petition looks like this. Many petition software programs prepare a bookmarked petition automatically. If you prepare your own petition and convert it to PDF using Adobe Acrobat, you can create your own bookmarked document. Just 3 easy steps to remember:

1. Open the bookmark icon.



2. Use the text tool to highlight the title of the page to be bookmarked.

3. Then click on New Bookmark. This will add the title (SCHEDULE A-REAL PROPERTY in the example below) to the left-hand bookmark section

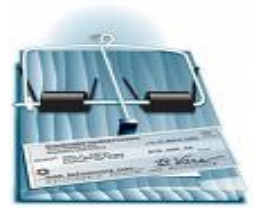
The screenshot shows the same PDF viewer interface. The 'Bookmarks' sidebar now includes a 'New bookmark' entry at the top, followed by 'STATEMENT PURSUANT TO RULE 2016(B)', 'VERIFICATION OF MAILING MATRIX', and 'SUMMARY OF SCHEDULES'. The main window displays 'FORM BEA (1089) West Group, Rochester, NY' with the title 'SCHEDULE A-REAL PROPERTY' highlighted in blue. Below the title is a table with the following data:

Description and Location of Property	Nature of Debtor's Interest In Property		Current Market Value of Debtor's Interest, In Property Without Deducting any Secured Claim or Exemption	Amount of Secured Claim
	Husband-Wife-Joint-Community-C	J		
Residence at East th Terrace, Raytown, MO	J		\$ 74,400.00	\$ 72,643.00

Once your document has “Bookmarks”, it is a simple step for the judge or any user to navigate to the schedule or other document within the petition by clicking on the title in the left-hand bookmark section.

Chapter 13 Bankruptcy Procedural Changes

By Traci Chorny



The Western District of Missouri Bankruptcy Court is making several procedural changes to Chapter 13 matters. The Court has found that some matters currently scheduled for a court hearing could be handled with revised noticing and document filing procedures thereby saving time for both the court and members of the bar.

Effective immediately, the following changes will be made:

1. Missouri Department of Revenue Motions to Dismiss for Failure to File Tax Returns

These motions will no longer have a 20-day response time. Instead, the Court will enter a notice and order setting a 40-day deadline for the debtors to file tax returns with the Department (and a certificate of service with the court) or to file an affidavit that no tax returns are required. Events that will be used are shown below.

The court will enter:

Notice and Order by the Court - The debtor(s) has 40 days to provide the proper return(s) or an affidavit that no return is required to the Missouri Department of Revenue and to file a certification with the court that the return(s) has been filed or an affidavit that no return is required. Failure to comply will result in Dismissal without further notice of the Court. IT IS SO ORDERED by /s/ judge name.(related document(s)[]) Tax Returns due by __/__/____.

Attorneys will enter:

Certificate of Service of Debtor Tax Information to Missouri Department of Revenue.

(Bankruptcy>Other>Certificate of Service of Tax Information)
and/or

Affidavit re: NO Tax Returns are Required filed by debtor(s)

(Bankruptcy>Other>Affidavit re: No Tax Returns)

The Missouri Department of Revenue will withdraw its motion if returns are filed or if the affidavit that no returns are needed is filed and acceptable.

If the debtor has filed either the certificate of service or the affidavit regarding tax returns but the Missouri Department of Revenue is not satisfied, a hearing will be set at the Department's request. If the debtor does not file a Certificate of Service of Debtor Tax Information or an Affidavit re: No Tax Returns within 40 days, the case will be dismissed.

2. Trustees Motion to Deny Confirmation and Response

If the response agrees that an amended plan or an objection to claim is needed before the plan is confirmable, the court will enter an order denying confirmation and setting a 20-day deadline to file an amended plan or to object to a claim. The event that will be used is shown below:

Order of the Court Denying Confirmation of the Chapter 13 Plan, and further Ordering a Confirmable Plan or Objection to Claim be filed within 20 days of the entry of this order. Failure to comply will result in Dismissal without further notice of the Court. Filing a response will NOT postpone entry of the Order of Dismissal. So ORDERED by /s/ judge name. (related document(s)34) Amended Chapter 13 Plan or Objection to Claim due by __/__/____.

3. Trustees Motion to Dismiss for 1322(d) Violation and Response

If the response agrees with the trustee's motion and proposes to file an amended plan or object to a claim, the court will enter an order denying the trustees motion and setting a 20-day deadline to file an amended plan or to object to a claim. The event that will be used is shown below:

Order of the Court DENYING the Motion to Dismiss for 1322(d) Violation on the condition that an amended plan or objection to claim is filed within 20 days. Failure to comply will result in Dismissal without further notice of the Court. IT IS SO ORDERED by /s/ judge name. (related document(s)[]) Amended Plan or Objection to Claim due by: __/__/____.

If the amended plan or objection claim is not filed by the 20-day deadline, the court will enter an order dismissing the case.

4. Trustees Motion to Dismiss for Default in Plan Payments and Response

If the response proposes to file a motion to suspend plan payments or to cure an arrearage with a tax refund, the court will enter an order denying the trustees motion to dismiss and directing the debtor to file a motion to suspend plan payments within 10 days or to cure the arrearage with the tax return by May 15th, respectively. Failure to comply will result in dismissal without further notice.

All other responses filed will continue to be set for hearing. However, if the trustee reviews and agrees with the response, the trustee will make an entry on the docket and the Court will deny the motion to dismiss. The hearing will also be canceled. The debtor is then expected to take the steps that were proposed in the response to cure the default.

If you have any questions about the procedures described above, please contact Roberta Kostrow at 816-512-1818 or by e-mail at roberta.kostrow@mow.uscourts.gov

WHAT YOU NEED TO KNOW . . . ABOUT ARTICLE III CHAMBERS

By Lori Carr



FYI

Ever wonder what the letters at the end of the case number represent? The following provides the initials of each Article III Judge as well as the contact information of the courtroom deputy.

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

By Deborah Showalter-Johnson

U.S. Courts Library and CJA Attorneys

CJA Attorneys are welcome to use the U.S. Courts Library on the **9th floor** of the Whittaker Courthouse. Please note that materials cannot be checked out. However, “Attorneys appointed by a federal judge to represent an indigent client may receive 50 free copies per case upon request and proof of appointment. Copies above 50 will cost \$0.15 each.”

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And, remember, the librarian or the library technician must be available to buzz you through the door. Therefore, you might want to call ahead to make sure we know when to expect your visit. Call **816-512-5790**.

(CJA codified: TITLE 18, PART II, CHAPTER 201, § 3006A Adequate representation of defendants) Link for cite above: <http://www.law.cornell.edu/uscode/18/3006A.html>

WHAT YOU NEED TO KNOW . . . ABOUT THE JURY DEPARTMENT

By Kelsee Pierce



Trial by Jury: Its Purpose and Process

Have you ever wondered how names get on a list for jury service? This is the second in a series of articles that will explain the jury process in the Western District of Missouri.

The December 2007 issue discussed the *how* and *where* names are collected for our jury wheel. Now, on to the next step. There are several thousand names that reside in the qualified jury wheel. Jurors are summoned for service and names are randomly pulled for service based on the division in which they live. There are five divisions in the Western District: **Western, St. Joseph, Central, Southwestern** and **Southern**. There are a total of 66 counties in our district. All St. Joseph division and Western division cases are heard in Kansas City; therefore, for each pool of jurors summoned to report in Kansas City, 21% of those names are drawn from the St. Joseph division and 79% of those names are drawn from the Western division. Likewise, all Southwestern division and Southern division cases are heard in Springfield, so for each pool of jurors summoned to report in Springfield, 35% of those names are drawn from the Southwestern division and 65% of those names are drawn from the Southern division. For Central division trials, 100% of the names drawn are from the Central division.

Questions regarding jury selection, jury service, or have general concerns? Please call the general jury line at 816-512-5100, or contact Kelsee Pierce at kelsee_pierce@mow.uscourts.gov.



ON THE HORIZON

United States District Court – Western Missouri



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

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Need to be sworn in to the Western District of Missouri? Contact the Attorney Admissions Clerk, Laura Bax, at laura_bax@mow.uscourts.gov and reserve your space.

Friday, July 11, 2008	9:00 AM	Judge Scott O. Wright (8E)
Friday, August 8, 2008	8:30 AM	Judge Dennis R. Dow (6C)
Friday, September 5, 2008	8:30 AM	Judge Arthur B. Federman (6B)



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Western Division at Kansas City
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Charles Evans Whittaker Courthouse
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