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Court Executive Retires

By Kathy Popejoy, Human Resource Specialist

In the January issue of the **Courthouse Connection**, we highlighted three former court leaders who retired, taking with them over 77 years of knowledge and experience. As you can see, the trend continues.

Patricia (Pat) Brune, Court Executive for the Western District of Missouri, retired from federal service on March 1, 2009, after completing a remarkable 31 years. Pat began her career in 1978 and worked her way from the ground up. The first position she held was a Noticing Clerk, and she was promoted to such positions as an Assistant Finance Clerk, Financial Administrator, Administrative Manager, Chief Deputy Clerk of the District Court, Clerk of Court, and most recently Court Executive.

Pat served on countless national committees over the years and was a futuristic thinker. She kept the Western District of Missouri in the forefront by always being on the leading edge of technology and national initiatives. Pat was recognized for her success when she received the Director's Award for Outstanding Leadership in 2002.



The Court en banc for the U.S. Courts for the Western District of Missouri honored Patricia L. Brune, Court Executive, during her Retirement Ceremony on February 26, 2009



In receiving her award, Pat commended the court personnel, stating that she could not have done it alone.

An official retirement ceremony was held for Pat on February 26, 2009. Speeches in Pat's honor were made by Chief District Judge Fernando J. Gaitan, Jr.; Chief Magistrate Judge James C. England; Chief Bankruptcy Judge Dennis R. Dow; Former Chief Operations Officer John Cisternino; and Chief Administrative Officer Paige Wymore-Wynn. Pat received several awards from court personnel and various federal offices with whom she worked.

Pat plans to spend some of her free time reading, golfing, volunteering at Wayside Waifs, and continuing to be active in the Wyandotte County Woman's Chamber. Congratulations to Patricia Brune on her retirement, she leaves behind a legacy hard to duplicate.



Patricia L. Brune, Court Executive accepted a token of appreciation for over 25 years of service to the Courts by Assistant U.S. Attorney Gene Porter



From The Editor

By Lori Carr, District Operations

The Western District of Missouri recently said goodbye to Court Executive Pat Brune. Pat played an important role in the implementation and development of the **Courthouse Connection**. On behalf of the staff, we would like to thank her for the many contributions to this publication. We wish Pat the best as she begins her new endeavor as an official "retiree". And as we said goodbye to one leader we welcomed another. Ann Thompson, Court Executive, began her federal service on March 1, 2009. Please join us in welcoming Ann to the court family.

Clerk's Corner

By Ann Thompson, Court Executive

On February 26th, the Court celebrated the achievements of retiring Court Executive Pat Brune. In typical fashion, Pat reminded us that "we are all temporary trustees of an institution called the Federal Judiciary . . . and it is our job, as trustees, to leave the institution better than we found it." Our staff will work hard to fulfill Pat's charge and to continue to provide the highest level of service, courtesy and professionalism.

And because the word "retirement" is really inapplicable here, I am pleased to report that Pat has recently agreed to serve as Interim Director of the YWCA in Kansas City, Kansas. Best wishes to Pat in this new role and with her many consulting opportunities.

We also extend our thanks to retiring IT Director, Jim McKinney. Jim and his team enable our communications as well as the IT infrastructure that supports electronic filing and the entire array of automated services that are now necessary to keep the wheels of justice turning. We rely heavily on our IT experts, and we thank Jim for his leadership over the past 5 and one half years.

Speaking of IT, the Bankruptcy Court just upgraded to CM/ECF Version 3.3 while the District Court upgraded to CM/ECF Version 4.0.

We work to minimize any inconvenience as these improvements are implemented, but some downtime is inevitable. *To the extent these upgrades create any filing issue for you in relation to a judicial directive, or in the event of an emergency, you should contact the court by calling 816-512-5000 or after hours 816-985-8576.* These and other emergency numbers are posted on our website, and we will find a solution to meet your needs and to maintain compliance with local rules or a particular order.

On another organizational note, effective January 5th, our Probation and Pretrial offices officially consolidated. While this administrative move should not affect external processes or services, it is a significant internal change and consistent with the practices of many federal courts across the country. Chief Kevin Lyon and new Deputy Chief Steve Richert report that the consolidation has been progressing at a good pace, and they continue to make adjustments so the new organization can provide the best possible service to its customers. We applaud our officers and the respective Probation & Pretrial units for accepting this challenge and making it a success.



Also and as you may have seen in the media, the President signed into the law the Omnibus appropriation bill for Fiscal Year 2009 on March 11th. The bill fully funds the government through September 30th. Subsequently, the Executive Committee of the Administrative Office approved the final FY09 financial plan for the judiciary. We are still reviewing the final numbers, but we are optimistic that they reflect sufficient funding for us through our fiscal year end.

Finally, on a personal note, I am glad to be back in downtown Kansas City. After practicing law with the Watson, Ess firm at 1010 Grand, my in-house roles with The Rival Company, and most recently, GE Insurance Solutions (ERC), took me out south. It's great to be back and reconnecting with the members of the Kansas City bar and our revitalized downtown. I look forward to the challenge of the Court Executive/Clerk of the Court position and am learning the ropes from many talented colleagues here in Kansas City as well as Springfield and Jefferson City. My phone number is 816-512-5015, and I may be reached via email at ann_thompson@mow.uscourts.gov. See you at Bench-Bar & Boardroom on April 30th.

Around the Water Cooler

JOHN BOWEN RETIRES FROM FEDERAL COURT

By Katie Wirt, District Court Reporter

John Bowen retired from the Western District of Missouri on January 31, 2009, after 30 years of federal service with The Honorable Howard F. Sachs. John has been a court reporter for 55 years. During that time, he has personally reported the words of every president from Kennedy through Obama at various events where they have appeared.

The genesis of John's interest in court reporting occurred back in the 1950's. He was working as a photographer for the FBI at the time when he discovered that photography really wasn't for him. John craved something more fast-paced, so he attended court reporting school in Washington, DC and graduated in 1954. John took his first reporting job in state court at Norton, Kansas; then he officially moved to Kansas City in 1957 when he took a state court job in Olathe. While working in Olathe, John would pick up some freelance work on the side for the firm of Miles & Behrens. In 1972 when Miles & Behrens was on the market, John bought it and has been in the business ever since.

Before John was officially hired at federal court, he worked on an antitrust case in front of Judge Oliver where he and a colleague produced 28,000 pages of daily copy transcript. This was in 1975, long before computers were commonplace, so they produced all these pages using stencils and a mimeograph machine! When Judge Sachs first came on the federal bench in 1979, Judge Oliver suggested that Judge Sachs hire John to be his reporter because of John's work on the antitrust case, and the rest is history. John has been primarily assigned to Judge Sachs for his entire 30-year career with the Western District of Missouri.



John has a great fondness for Judge Sachs and is proud to have had the opportunity to serve him. John says that Judge Sachs "knows law up one side and down the other." He describes Judge Sachs as a true gentleman in every respect who has a great sense of humor. Their relationship goes beyond just business. It has evolved into a trusted friendship that has spanned decades.

John also stays busy with philanthropic work. After his grandson received a liver transplant several years ago, John and his family established the Gift of Life Foundation (www.giftdonor.org). The purpose of the foundation is to educate people on organ donation. They are currently working with Robert Redford to set up a fundraiser in Kansas City where Mr. Redford would make a personal appearance sometime in 2009 or 2010. Mr. Redford's son also received a liver transplant, and he has formed a similar foundation.

While John has retired from federal court, he has not **really** retired as a court reporter. His freelance firm, John M. Bowen & Associates, is still going strong with John at the helm. Even though we all wish John well in his retirement from federal court, it doesn't look like true retirement is anywhere in John's foreseeable future.

Good luck John! You will be missed.



PRESENTENCE REPORTS NOW ON CM/ECF

By Malia Brown, Administrative Manager, U.S. Probation & Pretrial Office

Attorneys working with the Court in regards to criminal cases should have noticed a major change in the last month in regards to receiving presentence reports from the Probation Office. Effective February 9, 2009, the Probation Office began uploading the final version of the presentence report onto CM/ECF. Attorneys of record will receive notice through CM/ECF when the report has been completed. They will then be able to retrieve the report at their convenience prior to the sentencing hearing. The same CM/ECF document rule applies; the report can only be accessed once at no charge. At that time, it can be either printed or saved for future reference. If additional information is provided in an addendum, that document is also being uploaded onto CM/ECF and will link back to the presentence report.

Since the presentence report is a sealed document, CM/ECF will need to authenticate that the attorney wanting to view the document is the attorney who has permission to view the document. This is done by the attorney using his/her CM/ECF login. Using a PACER login will not allow access to the presentence report.

The Probation Office believes having the presentence report on CM/ECF should prove of great benefit to the attorneys of record and members of the court family as well.

BAR CEREMONY SCHEDULED FOR NEW ATTORNEYS

By Laura Bax, Attorney Admissions Clerk



On [Friday, May 1st](#), the Western District of Missouri, in conjunction with the Eastern District of Missouri, will conduct a bar ceremony for those attorneys who have recently passed the Bar.

Registration for the ceremony will be held in the Capitol rotunda beginning at 8:30 AM. The ceremony will be held at 11:00 AM in the House Chambers. Attorneys *must register* in order to attend the ceremony.

Judges from both Districts will preside during the ceremony. This is a great opportunity for attorneys to be sworn into the Missouri Bar, Western and Eastern Districts, on the same day. Questions regarding the ceremony may be directed to Laura Bax at (573) 556-7564 or via email at laura_bax@mow.uscourts.gov.



WIRELESS ACCESS AVAILABLE

By Diana Diaz, Administrative Analyst, Strategic Development Unit

Wireless access to the internet by attorneys and staff is available from all district and bankruptcy courtrooms in Kansas City and Springfield.

Local Rule 83.11, adopted in October 2007, authorized the use of laptop computers in the courtroom by members of the bar and their staff. This authority is now extended further to allow access to the internet and the CM/ECF case management system. Please abide by the following if you wish to take advantage of this opportunity.

- Request wireless access to the internet via the presiding judge's courtroom deputy a minimum of 24 hours in advance of each court event. Access is made available at the discretion of the presiding judge in each case. Any internet access obtained in the courtroom must be in support of the court case or business at hand.
- Receive instructions and temporary login and password from courtroom deputy upon approval from judge. Login and password combinations will be valid only for the duration of the matter at hand and a new login /password must be requested for each new court proceeding.
- Ensure your laptop has wireless capability prior to arriving in court. The court does not provide any equipment.
- Allow adequate time for setup prior to court event. The court will not delay any proceedings due to technical difficulties or failures.
- Disable all laptop sound and photo recording features prior to court event.

The Western District of Missouri is excited to offer this opportunity to attorneys and their staff.



CELL PHONES IN THE COURTROOM

By Kelly McIlvain, Article III Chambers Representative

Please remember that all attorneys bringing cell phones into the courtroom *must* put them on vibrate or turn them off before entering the courtroom. Cell phone usage can sometimes interfere with the sound systems. If that should occur, you will be asked to turn off the device.

JEFFERSON CITY COURTHOUSE UPDATE



For anyone visiting our construction site in Jefferson City, you'll notice a definite increase in activity. Since November, the contractor has been working on the foundation – drilling 150 piers to support the building and installing the basement floor, elevator pits and utility pipes/connections. On March 11th, the project received another big boost when the “Notice to Proceed” was issued for the rest of the building. As a result, the tower crane has been erected on site, and the foundation and basement walls are being built. Check-out the web cam (<http://oxblue.com/pro/open/mr/uscourthouse>) this spring and summer to see the building structure and exterior take shape.



A COMMUNITY WORKFORCE INITIATIVE

By Lori Carr, with contributions from Sharie Rey, U.S. Probation Officer

In a combined effort to provide ex-offenders an opportunity to re-enter the workforce while providing employers with tax credit and federal bonding programs, the U.S. Probation and Pretrial Office of the Western District of Missouri in partnership with several other local agencies hosted its first Employer Development and Referral Program breakfast. This event was held on March 5, 2009, at the offices of Lathrop & Gage and was funded by the Second Chance Foundation along with the Missouri Economic Committee (MEC).

The Employer Development and Referral Program is designed to develop relationships with employers and to educate those employers on the benefits of hiring ex-offenders. The U.S. Probation and Pretrial Office is developing a program which encourages employers to contact the Probation Office when they would have a job opening. Upon receiving the notification the Probation Office would pre-screen ex-offenders to determine if he/she would be a qualified candidate for the position. A list of these candidates would then be provided to the potential employer.

During the event, Chief District Judge Fernando J. Gaitan, Jr. provided the opening remarks regarding the need to employ ex-offenders. Additionally, William H. Dunn, Sr. Chairman Emeritus, J.E. Dunn Construction and Chairman of the Board for

the Second Chance Foundation also spoke of his commitment to this endeavor. The highlight of the event was the panel which consisted of employers, offenders and Senior U.S. Probation Officer Chi King. Buzz Kelsey of Hannah Rubber discussed his positive experience in hiring ex-offenders and the relationship he has developed with the Probation Office. Laura Rupe of Deffenbaugh Industries provided a story of hiring an ex-offender and how his performance and commitment to the job exceeded everyone's expectations. Joyce Heiman, from the Kansas Department of Commerce, presented information on tax incentives and bonding.

Also attending were District Judge Ortrie D. Smith (Western District of Missouri); Municipal Court Judge Elena Franco (Kansas City); Chief U.S Probation Officer Ron Sweer (District of Kansas); Chief U.S. Probation Officer Kevin Lyon (Western District of Missouri); and Deputy Chief U.S. Probation Officer Steve Richert (Western District of Missouri).

The turnout far exceeded expectations with a total of 17 employers attending. With nearly 700,000 Americans returning from state and federal incarceration to our communities annually, employers are finding value in hiring ex-offenders; people with training, resources and support who are ready to work.





HELP US HELP YOU

By Lori Carr, District Operations

The **Courthouse Connection** staff is interested in hearing from you! This is your newsletter. We would like to provide articles covering topics pertinent to you.

Please take a moment to complete the **Courthouse Connection** survey via the link below. The survey will close April 30, 2009.

Your input is very important to us. Feel free to share this survey with colleagues who may be interested as well. We will share the results in the June 2009 publication. Thank you for taking a few moments to share your experiences with us.

[Courthouse Connection Survey](#)



TRIAL BY JURY

By Deborah Showalter-Johnson, KC Branch Librarian

The Right to Trial by Jury was so important to the founding citizens of this country that it was mentioned in the constitution and twice in the Bill of Rights:

The Constitution of the United States of America

Article. III. Section. 2. Paragraph. 3.

“The Trial of all Crimes, except in Cases of Impeachment; shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.”

Amendment V.

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

Amendment VII

“In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”

The U.S. Courts library celebrates this fundamental right with a dual display featuring historic quotes and a print of Norman Rockwell’s “The Holdout.” Feel free to stop by the library on the ninth floor. See the display and visit the library.

What You Need To Know

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

By Robin Jones, CM/ECF Specialist



GENERATING A CIVIL COVER SHEET

The automated Civil Cover Sheet (JS-44), located on our website under Forms, was developed by the Western District of Missouri to ensure that all necessary information is provided to the Clerk's Office when commencing a new civil action. Please remember that the submission of the Civil Cover Sheet does *not* constitute the filing of the complaint.

A few things to remember when completing the Civil Cover Sheet:

1. Please add **all** parties and attorneys when completing the Civil Cover Sheet. If you make an error when adding a party, use the Edit or Delete button to correct the information or remove the party.
2. If you are filing a motion to proceed in forma pauperis please check the appropriate box.
3. Complete the Cause of Action section, cite the U.S. Statute under which you are filing, and write a brief statement of cause.
4. After completing the Civil Cover Sheet, click on the **Generate JS-44** button. This will compile all of the completed information into a single form. **It is very important to convert the completed document to PDF format BEFORE e-mailing it to the Court.** Once converted, the PDF document should be attached to an e-mail and sent to the appropriate division, as listed below and at the top of the Civil Cover Sheet.

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

Once the Civil Cover Sheet is received in the Clerk's Office, the case will be opened and you will be called to electronically file the complaint. The case is considered filed once the complaint is filed in CM/ECF.

If you have any questions regarding this process, please call the [CM/ECF Help Line](tel:1-800-466-9302) at 1-800-466-9302.

SUBMISSION OF PROPOSED ORDERS

Proposed orders are not to be electronically filed. Proposed orders, with the exception of the proposed scheduling order, should be submitted in WordPerfect or Microsoft Word format to the courtroom deputy for the presiding judge in the case. Please attach your proposed order to an e-mail and send it to the appropriate courtroom deputy. A listing of courtroom deputies and e-mail address can be found on Page 6 of the Administrative Procedures Manual (<http://www.mow.uscourts.gov/CMECF/admin.PDF>).

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

By Roberta Kostrow, Operations Manager

ELECTRONIC CASE FILING SYSTEM UPGRADE

The Bankruptcy Court successfully installed a version upgrade which took effect on March 1, 2009. Beginning with cases opened *on or after* March 1, 2009, additional data entry on chapter 7 and chapter 13 cases is required. This information can be found on Schedule C (for both 7 and 13 cases) and on the Statement of Current Monthly Income (B22A for 7 cases only). This information is needed to meet reporting requirements created by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

Most bankruptcy practitioners experienced little difficulty with the version upgrade.

Beginning with cases opened on or after March 1, or if ordered by the judge, installment filing fees must be paid on-line with a credit card. To make an installment payment on-line, go to Bankruptcy>Other, enter your case number and select the event based on the chapter of your case.

Bankruptcy Events → Other

[Installment Filing Fee Payment - Ch 13](#)

[Installment Filing Fee Payment - Ch 7](#)

Select **Next** to go to the next screen

Enter Which Payment this is - First, Second, Third, or Final:

Enter the Amount of the Installment Payment to be Paid

Fee: \$

Select "Pay Now" at the end of your transaction and input credit card information.

The Bankruptcy Court will not accept cash, checks, or money orders from represented debtors. Attorneys representing debtors should inform debtors to make all payments through their attorney's office allowing additional time between receipt of a debtor's check and the installment payment due date if necessary.

If you have any questions, please contact the Clerk's Office at 816-512-1818, extension 6.

CONGRESSIONAL ACTION: Mortgage "Cram Down"–HR1106/SB61

The House passed HR 1106, the "Helping Families Save Their Homes Act of 2009" on March 5, and it was initially thought that the Senate could take up the matter on the following week. As of this printing, the Senate has yet to take up the bill.

With Congress due to start a two-week recess on April 6, Senate negotiators have been unable to secure the 60 votes needed to get the bill through the chamber.

The key issue is what types of mortgages should be eligible for Chapter 13 cramdown – where the bankruptcy judge can divide a mortgage claim into a secured and an unsecured claim.

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

By Kelsee Pierce, Jury Administrator

**NEW MISSOURI JURY ORGANIZATION**

The inaugural meeting of the *Missouri Jury Organization* was held February 5, 2009 at the Charles Evans Whittaker Courthouse. The purpose of this organization is to unite the federal and state courts resources in support of juror education. Attendees included jury management teams from the U. S. District Court, Western District of Missouri; the U. S. District Court, Eastern District of Missouri; the State of Missouri, 16th Judicial Circuit Court; the State of Missouri, 7th Judicial Circuit Court; a representative from the Office of the State Courts Administrator and a representative from the Missouri Bar. Our goal is to improve the public's perception of jury service at both the state and federal level with committees being formed to focus on a juror education brochure and planning for juror appreciation week scheduled in May, 2009. As our organization advances, we will begin to reach out to other courts in the state to be representatives by providing information to the citizens of their respective jurisdictions. The second meeting of the new organization was held March 25, 2009, via video conferencing.

WHAT YOU NEED TO KNOW . . . ABOUT FINANCE

By Stephanie Brown, Financial Clerk

CJA INFORMATION AND ANNOUNCEMENTS**IMPLEMENTATION OF HOURLY RATE AND CASE MAXIMUM INCREASES FOR CRIMINAL JUSTICE ACT PANEL ATTORNEYS****Increases in CJA Panel Attorney Hourly Rates**

Congress authorized and provided funds to raise the non-capital hourly panel attorney compensation rate from \$100 to \$110, and the maximum hourly capital rate from \$170 to \$175 (for federal capital prosecutions and capital post-conviction proceedings). These rates apply to attorneys appointed to represent eligible persons under the CJA, 18 U.S.C. § 3006A, and the Antiterrorism and Effective Death Penalty Act of 1996, codified in part in 18 U.S.C. § 3599.

The new hourly compensation rates apply to work performed on or after March 11, 2009.

Where the appointment of counsel occurred before this effective date, the new compensation rates apply to that portion of services provided on or after March 11, 2009.

Additional information can be found by clicking the [CJA Handbook](#) link on our website.

For CJA payment/procedures questions, please call the CJA Administrator, [Teresa Harrison](#) at teresa_harrison@mow.uscourts.gov or 816-512-5066.



ON THE HORIZON

United States District Court – Western Missouri



Do you have a question for the Court?

Visit our website at www.mow.uscourts.gov

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

Choose from the following four options:

- o Bankruptcy Court Help
- o District Court Help
- o Jury Questions
- o General Information

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We're on the Web!
Visit us at:
www.mow.uscourts.gov

9th Annual D. Brook Bartlett Lectures

Friday, June 26, 2009 (Morning and Afternoon Sessions) Lunch provided

Charles Evans Whittaker Courthouse, Kansas City, MO
*Pending Approval: 3 hours MO/KS CLE

2nd Annual Frank W. Koger Bankruptcy Symposium

Friday, June 6, 2009 (Morning session only) Lunch provided

Charles Evans Whittaker Courthouse, Kansas City, MO
*Pending Approval: 3 hours MO/KS CLE

Details and Registration Information coming to your e-mail box in April

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