

Courthouse Connection

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Newsletter of the District Court for Western Missouri

Featured Article



Whipple Portrait Dedication

On September 11, 2009, the United States District Court, Western District of Missouri, held a Portrait Dedication Ceremony for the Honorable Dean Whipple. To begin the ceremony, Chief Judge Fernando J. Gaitan, Jr. welcomed guests to the courthouse, including a large group of former law clerks and a strong contingent from Lebanon, Missouri. [Full Story Page 2>>](#)

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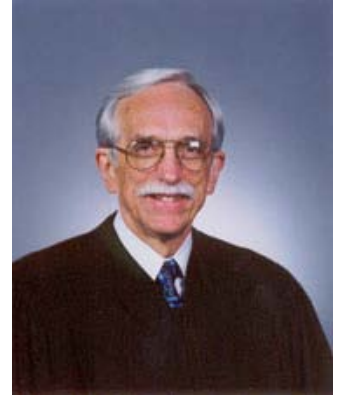
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Portrait Dedication Ceremony for the Honorable Dean Whipple

On September 11, 2009, the United States District Court, Western District of Missouri, held a Portrait Dedication Ceremony for the Honorable Dean Whipple. To begin the ceremony, Chief Judge Fernando J. Gaitan, Jr. welcomed guests to the courthouse, including a large group of former law clerks and a strong contingent from Lebanon, Missouri.

District Judge Gary Fenner spoke first, noting Judge Whipple's farm in Lebanon and his time there as a former Circuit Judge. Judge Fenner concluded, "You can take the boy out of the country, but you can't take the country out of the boy." District Judge Richard Dorr spoke of the traits that come to mind when he thought of Dean Whipple: his dedication to hard work, his willingness to take the time to assist other Judges whenever called upon, and his commitment to spending government money wisely - just as if it was his own. Retired Circuit Court Judge Tom Clark kept the stories rolling with his description of Judge Whipple as a, "Judicial Eagle Scout," and he regaled the audience with an ode penned by Judge Whipple's friends and running mates.



District Judge Greg Kays read a letter from Senator Jack Danforth recalling his enthusiastic recommendation of Judge Whipple to be appointed to the federal bench. Danforth told Judge Whipple that although he had presided over difficult, complex and high profile cases, "you have never failed to do the right thing."

On behalf of the Kansas City Missouri Bar Association, President-Elect Tom Bender presented the portrait of the Judge to the Court for hanging in the ceremonial courtroom on the 8th Floor of the Courthouse.

The ceremony concluded with Judge Whipple's heartfelt thanks to his friends and family and to staff members, past and present, for their hard work and dedication over the years. He spoke of his admiration for the legal profession and the privilege of working with lawyers. In addition, he spoke of his love of trial work and his strong belief that it is important for everyone to receive their fair day in court.

After the ceremony, guests joined the Judge and his wife Karen for a reception in the Bell Room.

Selection of New U.S. Magistrate

The Court en Banc for the United States District Court for the Western District of Missouri is pleased to announce that it has selected Matt J. Whitworth for appointment as a United States Magistrate Judge, subject to completion and the Court's consideration of the required Federal Bureau of Investigation report.



When asked how he felt upon receiving the word of his selection, Mr. Whitworth said, "I am extremely honored and excited to have the opportunity to serve as a US Magistrate Judge in Western Missouri. I have held the belief for many years now that we have one of the finest groups of judges in the United States in this district. It is a tremendous privilege and honor to have the opportunity to be a magistrate judge in this district and I will work hard to try and live up to the high standards expected of the judges on our bench. I have a great deal to learn but am very eager to get started."

Mr. Whitworth currently serves as Acting United States Attorney for the Western District of Missouri and has worked as a federal prosecutor in the U.S. Attorney's office in Kansas City since 1988. Most recently, he was the First Assistant U.S. Attorney and Chief of the Criminal Division. He is a 1983 graduate of the University Of Arkansas School Of Law and a 1980 graduate of Baker University.

Mr. Whitworth will sit primarily in the District's Central Division in Jefferson City, Missouri. This appointment will fill the vacancy created when Magistrate Judge William A. Knox retires in January of 2010.

The Court received an extraordinary number of applications for this position and would like to thank all those highly talented and qualified attorneys for their interest. In addition, the Court extends its sincere thanks to the Merit Selection Panel for its diligence and assistance.

President Obama nominates Phillips as Western District of Missouri U.S. Attorney

President Obama's nomination of Beth Phillips would make her the first woman U.S. Attorney in the Western District of Missouri once confirmed by the U.S. Senate. Beth Phillips has been prosecuting child exploitation cases since she began as an assistant U.S. Attorney in 2008. Prior to joining the U.S. Attorney's office, she worked as an attorney in the Leawood law firm Bartimus, Frickeleton, Robertson & Gorny. From 1997-2001, she served as an assistant prosecutor in Jackson County, Missouri. Ms. Phillips received her B.A and M.A. from the University of Chicago. She earned her J.D. from the Universtiy of Missouri.



Clerk's Office – Tuesday Hours Extended for Walk-In Customers



To accommodate customers who visit the courthouse in person, the WDMO Clerk's Office (District and Bankruptcy) will be expanding its public hours one day a week in all locations, including Kansas City, Jefferson City and Springfield.

The new hours will be 8:00 am to 5:00 pm every **Tuesday**, beginning the week of November 2nd. Hours of operation for the intake windows on Monday, Wednesday, Thursday and Friday will remain 9:00 am to 4:30 pm.

This extended time will assist those who need to visit the Court on the way to or going home from work. Note, however, this program is being introduced on a test basis until February 2, 2010. At that time, usage during the expanded hours will be assessed, and it will be

determined whether a permanent change would be beneficial to customers.

As always, electronic filing and other electronic methods of communication with the Clerk's Office are available 24-7. Please visit the Court's website (www.mow.uscourts.gov) for additional contact information and "after hours" emergency numbers.

Feel free to also contact Randall Henderson, WDMO Chief of Operations, randall_henderson@mow.uscourts.gov, if you have any questions or concerns.

District Court Highlights

File Your New Civil Case Whenever You Want Using Online Case Opening

Beginning October 13, 2009, attorneys will be able to open their own civil cases and file the case initiating documents online. This will allow cases to be filed 24 hours a day, 7 days a week and will eliminate the delay caused by faxing or emailing a cover sheet to the clerks and waiting for the case number. This service has been available to the bankruptcy bar for some time, and the Court is proud to provide this convenience for the civil bar.

To assist in filing new cases, an online tutorial has been created and can be found on the WDMO website. Two documents, Party Entry Guide and Attorney's Guide to Filing a New Case, are also available on the website to provide additional information regarding Online Case Opening.

If you have any questions regarding this new procedure, please contact the CM/ECF Help Line at 1-800-455-9302.

When is a Twelve Day Deadline Not Really Twelve Days?

An annual tradition in the federal court is the rule changes that occur in December, and this year is no different. There are several changes this year in the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and the Federal Rules of Appellate Procedure. This article highlights one of the rule changes that will become effective in December.

The current versions of FRCP 6 and FRCrP 45 say when a deadline is 11 days or greater intermediate weekends and holidays are not counted. This, along with the 3 additional days provided for mailing, can make a deadline extend well beyond the designated number of days and difficult to compute. The December 1, 2009 changes to both FRCP 6 and FRCrP 45 will make all deadlines much easier to compute. The change does away with the different counting method currently used when a deadline is less than 11 days versus one that is 11 days or greater. All deadlines are counted the same. In other words, every day is counted, including weekends and holidays. A 7 day deadline will be computed just the same as a 12 day deadline. The provision that a deadline ending on a Saturday, Sunday, or holiday extends the time to the next business day (in addition to the 3 days for mailing) will still apply, so deadlines could still be slightly longer than designated.

Please review this change in both FRCP 6 and FRCrP 45. CM/ECF will be updated to provide deadlines based on these changes. The deadlines provided by CM/ECF should be used as a guide. Attorneys are still responsible for computing the appropriate deadline and ensuring the deadline is met.

U.S. Eighth Circuit Court of Appeals Sits in Kansas City - November 16 - 20, 2009

The Eighth Circuit Court of Appeals will sit in Kansas City in November this year. The appellate courtroom is on the tenth floor of the Charles Evans Whittaker U.S. Courthouse. Information on the times and cases to be heard will be set closer to the date. Arguments are usually heard in the mornings starting at 9:00 -9:30 a.m. Observers are welcome.

Bankruptcy Highlights

Courtroom Usage Study Reminder

The Bankruptcy Court is participating in a Courtroom Usage Study until December 14, 2009. Attorneys and Trustees who are first in and/or last out of a Bankruptcy Courtroom on the 6th Floor should sign in/out on the form located on the attorney table. We appreciate your assistance with this study. If you have any questions about the Study, feel free to contact Roberta Kostrow, Bankruptcy Operations Manager, roberta_kostrow_mow.uscourts.gov.

New Forms/Rules

Effective September 16, 2009, the Western District of Missouri Bankruptcy Court has approved 2009 General Order Amending Local Rule 3094-1 related to Payments on Real Property. The General Order can be accessed through the following link: http://www.mow.uscourts.gov/bankruptcy/rules/2009_go_amd_3094_pymts_rp.pdf

Also, December 1, 2009 marks the date for changes to the Federal Appellate, Bankruptcy, Civil, and Criminal Rules. The Judicial Conference's goal in making changes to the federal rules was to make the method of computing time consistent, simpler, and clearer. The changes adopt a consistent approach to counting intermediate weekends and holidays (they will now always be counted), clarify that the last day of a period for an electronic filing ends at midnight in the court's time zone, and convert most deadlines of less than 30 days to a multiple of 7 days (7, 14, 21, and 28-day deadlines) so deadlines will usually fall on weekdays.

The Bankruptcy Local Rules in Western District of Missouri will be amended to conform to the new federal rules. A posting of the proposed amended local rules and an announcement was made requesting public comments by October 30th.

The Bankruptcy Local Rules in Western District of Missouri will be amended to conform to the new federal rules.

Lastly, a new federal form has been created and two other federal forms have been modified. These forms will take effect on December 1, 2009 and can be found at: <http://www.uscourts.gov/bankform/index.html>

The new Reaffirmation Agreement Cover Sheet (B27) must be filed with every Reaffirmation Agreement for cases filed on or after 10/17/2005. The new Reaffirmation Agreement Cover Sheet (B27) applies to all cases filed on or after 10/17/2005. The form gathers financial information necessary for the court to determine whether a reaffirmation agreement creates a presumption of undue hardship under § 524(m) of the Code. The form also implements the requirements of Bankruptcy Rule 4008(b) (effective 12/1/2008), requiring disclosure in concert with the filing of any reaffirmation agreement of any differences between the income and expenses reported on schedules I and J and the income and expenses reported in the debtor's statement in support of the reaffirmation agreement. Also, Exhibit D to the voluntary petition and the Debtor's Certification of Completion of Instructional Course Concerning Financial Management (B23) have been modified to reflect deadline changes incorporated in the Federal Bankruptcy Rules effective December 1, 2009.

Missouri Western Probation and Pretrial Services Office Hosts Re-entry Symposium

On Tuesday afternoon, September 22, 2009, the Probation and Pretrial Office hosted a Re-entry Symposium at the Whittaker U.S. Courthouse for judges, U.S. Probation Officers from both sides of the state line, members of the court family, Assistant U.S. Attorneys, Assistant Federal Defenders, and representatives from the Federal Bureau of Prisons. The symposium was the first of its kind with the goal of educating the court family about the ongoing efforts of the local Probation and Pretrial Office in the area of re-entry. The Re-entry and Workforce Team in the Probation and Pretrial Office has learned that despite overwhelming statistics indicating the need for re-entry programming, many working within the court system are still confused as to what constitutes re-entry and more importantly, their roles within this process.



Re-entry is defined as the use of programs targeted at promoting the effective reintegration of offenders back to communities upon release from confinement. A variety of programs are used to assist offenders in the re-entry process including: prerelease programs; drug and

alcohol rehabilitation; vocational training; and employment programs. It is a process that involves multi-levels of partnerships and collaboration both in prisons and in the community to provide seamless transitional services for the offender.

In order to accomplish its goal at the symposium, the Re-entry and Workforce Team assembled a panel of judges and subject matter experts. The panels were moderated by Felix Mata, the National Coordinator of the Defendant/Offender Workforce Development Initiative from the Administrative Office in Washington D.C. The judge's panel included Chief Judge Fernando J. Gaitan, Jr. from the Western District, Chief Judge Catherine Perry from the Eastern District, and Chief Magistrate Judge Karen Humphreys from the District of Kansas. The judges offered their views and perspectives through responses to several questions including:

- "Why do we need re-entry programming?"
- "What do you define as a successful re-entry program?"
- "What consequences are there if we just continue with the status quo?"
- "What are judges prepared to do to promote the re-entry initiative?"



The second group of panelists addressed the concept of re-entry from a probation and pretrial officer's viewpoint. The participants on this panel were Senior Probation Officer Specialists, Chi King and Kimberly Grace from the Western District; Pretrial Services Officer, Susan Hendrickson from the Eastern District; and Senior Pretrial Services Specialist, Melissa Goldsmith from the District of Kansas. Each officer opened the discussion by summarizing their experience with re-entry programming and highlighted some successful re-entry efforts underway in their respective districts. This part of the program concluded with questions from Mr. Mata and the audience.

The final group of panelists were from agencies outside the court family and offered a community partners' perspective on re-entry. Participating in this portion of the program were Elizabeth Pottios, Regional Education Administrator from the

Federal Bureau of Prisons; Lora McDonald, staff member from the Kansas City Metropolitan Crime Commission, and Chair of the Second Chance Foundation; and Shirley Cliff, Regional Manager with the Missouri Division of Workforce Development. The symposium concluded with moving remarks from offender Damion Alexander. Mr. Alexander described his life story, making a point that he was from a stable home with parents who provided for him and tried to be good role models. He noted that during his late teens and early twenties, he made some poor choices which caused him to become involved in crime and undergo an arrest. His case was referred to federal court where he later accepted full responsibility for his actions, served his custody sentence, and was released to supervision. At that juncture, he became determined to chart a different course. He took advantage of the resources offered to him by the Probation and Pretrial Office and specifically credited his success so far to the influence and efforts of his Probation Officer, Chi King, whom he described as "awesome."



The Re-entry Symposium was a huge success and drew many positive remarks from the attendees. The tremendous outcome exceeded expectations and was due to the tireless dedication of the staff on the Probation and Pretrial Office's Workforce and Re-entry Team. It is important to keep in mind with nearly 650,000 offenders releasing from state and federal prisons every year, the likelihood half of those released will again be in some type of legal trouble within three years. Evidence shows effective re-entry programming can greatly reduce recidivism. The use of sound and proven practices can help rebuild broken lives and reduce jail and prison populations while improving public safety and reducing overall costs.

Federal Court Advocates

The first formal gathering of the newly-formed Federal Court Advocates Section (FCAS) of the Kansas City Metropolitan Bar Association was held on Thursday, September 10, at the U.S. Courthouse in Kansas City, Kansas. The event began with a judicial panel discussion, which was focused on the ethics of e-discovery in federal court and the differences in procedures for such issues in the two Kansas City metropolitan district courts. A large crowd attended the discussion which was approved for an hour of ethics CLE in both states, and then attorneys enjoyed a reception in the courthouse rotunda.

The FCAS is grateful for the CLE sponsorship of the Kansas District Court and for the participation of the judges from “both sides of the river,” Chief District Judge Fernando J. Gaitan, Jr. and Magistrate Judge Sarah Hays, from the Western District of Missouri; and District Judge John Lungstrum and Magistrate Judge James O’Hara from the District of Kansas served as panelists.

The FCAS is grateful for the CLE sponsorship of the Kansas District Court and for the participation of the judges from “both sides of the river.”

Among its goals, FCAS wants to support exchanges of information relevant to federal practice in Missouri and Kansas, encourage civility among federal practitioners, and facilitate an ongoing dialogue between the judiciary and the bar. The section welcomes all federal practitioners and hopes for active participation in meeting these FCAS goals.

New Leadership – WDMO Federal Practice Committee

Brian Gaddy, of Gaddy, Geiger & Brown was selected last month as the new chairperson for the Federal Practice Committee. Denise Henning, past chairperson comments, “It has been an honor to serve as the chair of the Federal Practice Committee this last year. The Committee has worked hard this year to review and revise the local rules and to create a presentation that members of the bar and the judges of the Western District will be presenting to groups in the community to educate the public about the federal court system”. Thanks also to Denise Drake who completed her term on the FPC. Julia Kittsmiller was appointed to the committee as a representative in the western division to fill the vacancy.

The WDMO Federal Practice Committee (FPC) was re-established in July 2001, and its purpose is to serve as liaison between the bench and the bar. The Court expects the FPC will suggest changes in local rules and/or procedures; assist the Court by commenting on proposed rules or changes in procedure; advise the Court concerning the perspective of the Bar on the operation of the Court; undertake special projects at the request of the Chief Judge, and, in general offer assistance, advice and work with the Court in matters relating to the improvement of the administration of justice.

Current members:

Central Division	
Marsha B. Fischer	Michael G. Berry
Western/St. Joseph Division	
Thomas V. Bender	Todd H. Bartels
Brian Gaddy (Chair)	Jeffrey P. Ray
Christopher Harlan	Willie J. Epps, Jr.
Julia Kittsmiller	Denise Henning
Southwestern/Southern Division	
Aldo Dominguez	Mike Oliver
Rodney Nichols	

Clerk's Corner

Judge Tacha to Speak

On Wednesday, October 21, 2009, the Court, along with the Association for Women Lawyers of Greater Kansas City and the Kansas Women Attorneys Association will host a presentation by Judge Deanell Tacha of the U.S. Court of Appeals, 10th Circuit on "Feminist Jurisprudence: Then & Now." All are welcome to attend, and the Court appreciates the efforts of Sherri Wattenbarger of the Office of the U.S. Trustees and Kathy Bussing of Husch Blackwell in bringing Judge Tacha's perspective to a Kansas City audience.



The event will be held at the Whittaker Federal Courthouse from 4:30 pm - 6:30 pm, and refreshments will be served. There is no cost to attend, but space is limited, so we do ask that you RSVP no later than Friday, October 16th. The presentation qualifies for 1.0 hour of Missouri and Kansas CLE.

Chief Judge Fernando J. Gaitan, Jr. continues to emphasize the Western District's focus on community outreach and interaction among bench and bar, so we are proud to invite all area attorneys to hear Judge Tacha's review of the laws and the jurists impacting women in society.

Please contact Diana Diaz, diana_diaz@mow.uscourts.gov to make a reservation or with questions regarding this event.

Other Notes from the Clerk's Office

In August, staff from both the District and Bankruptcy teams travelled to Washington, D.C. and Fort Worth, Texas for their respective and annual Operations Forums. These forums provide court personnel with the opportunity to share best practices and strategies with peers from across the country and to stay on the cutting edge by learning about upcoming CM/ECF changes or new technologies. Attendance at these meetings is one way the WDMO continues to improve its service to customers and to make sure attorneys in our district have the most up-to-date filing, scheduling and communications options.

Starting October 13 as part of a renewed emphasis on customer service, the District Court is now making it possible for attorneys to open their own civil cases and file the case initiating documents online. Make sure to read the District Highlights appearing in the newsletter for details.

And finally, we hope that attorneys and litigants in the Western District enjoy the 24-7 filing opportunities available. It is certainly more convenient than when we all trudged to or sent couriers to the courthouse every evening with papers to file. However, we realize there are still instances when our customers need to visit the intake windows for in-person assistance. As a result, we are expanding our Tuesday walk-in hours to test whether longer hours are beneficial to court customers. Again, details are provided elsewhere in the newsletter, but please contact the Clerk's office if you have other suggestions for how we can serve the bar or your clients.

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Recent Events

The Western District Celebrates Constitution Day 2009

The United States District Court, Western District of Missouri, celebrated Constitution Day 2009 on Thursday, September 17, 2009 with a naturalization ceremony held at the Harry S. Truman Library and Museum in Independence, Missouri. The Honorable Jerry W. Venters, U.S. Bankruptcy Judge, presided over this event, with Paige Wymore-Wynn, Chief Administrative Officer, administering the Oath of Allegiance. The auditorium in the Harry S. Truman Library and Museum was the backdrop for the fifty applicants, from twenty-six countries, who took the Oath of Allegiance and became citizens.

In addition to the typical fanfare of the naturalization ceremony, the new citizens and their friends and family were treated to a performance by the Van Horn High School choir who sang the National Anthem and America the Beautiful. The presentation of flags was made by The Missouri Sons of the American Revolution. The Independence Pioneers Chapter, National Society Daughters of the American Revolution, sponsored a cake and punch reception and handed out small flags and copies of the Constitution.



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.

Law Clerk Reception

The Western District of Missouri Federal Law Clerk Society held a reception at the Whittaker courthouse on Thursday, September 17. The annual reception is held to welcome incoming law clerks to the court and to recognize the efforts of the out-going law clerks. This year's reception was well-attended and enjoyed by all.

For more information on the Western District of Missouri Federal Law Clerk Society, or to be kept informed of the group's events, please contact Christine Blegen christine_blegen@mow.uscourts.gov.

Bar Ceremony Held for New Attorneys

Newly admitted Missouri Bar members had an opportunity to be sworn-in to both the Western and Eastern Districts of Missouri on September 17, 2009.

Judges from both districts presided over the ceremony held in the historic and stunningly beautiful rotunda of the Missouri State Capitol Building. The Honorable William A. Knox, U.S. Magistrate Judge, WDMO welcomed the 241 new members, and the Honorable Rodney W. Sippel, EDMO gave the address.

Friends and family were invited to attend this distinguished event.



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