

# Courthouse Connection

Newsletter of the U.S. Courts, Western Missouri

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## Featured Article

### Annual Attorney Education Events



Dean Erwin Chemerinsky and  
Professor Thomas A. Mauet at the Bartlett Lectures



Judges Dow and Venters and Chief Bankruptcy  
Judge Federman at the Koger Symposium

### The Bartlett Lectures and the Koger Symposium

This year's Bartlett Lectures featured a discussion panel with judges, insight into the U.S. Supreme Court, and evidentiary tips and techniques. Hosted annually by the Western District in honor of the late D. Brook Bartlett, the event was held at the Whittaker Courthouse on June 29.

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### Save the Date

Sep. 7—Application  
Deadline for the Trial  
Academy

Sep. 13—FCAS CLE—An  
Afternoon with the Judges,  
District of Kansas

Sep. 19—Trial Academy  
CLE Luncheon

Sep. 21—Preparing for the  
Federal Trial CLE—  
Columbia

Oct. 3—FCAS Bench & Bar  
Dialogue Luncheon—  
Western District of Missouri,  
Kansas City

Oct. 10—Trial Academy  
CLE Luncheon

Oct. 11—Celebration  
Honoring Judge England,  
Highland Springs, 5 – 8  
p.m. (all members of the  
WDMO Springfield bar  
welcome)

Oct. 12—Third Annual  
Central Division CLE—  
Jefferson City

Oct. 26—Preparing for the  
Federal Trial CLE—  
Springfield

Nov. 7—Trial Academy CLE  
Luncheon

Nov. 8—Federal Practice  
Committee Criminal CLE  
Program and Luncheon

Dec. 5—Trial Academy CLE  
Luncheon

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## Twelfth Annual D. Brook Bartlett Lectures

This year's Bartlett Lecture featured a discussion panel with judges, insight into the U.S. Supreme Court, and evidentiary tips and techniques. Hosted annually by the Western District in honor of the late D. Brook Bartlett, the event was held at the Whittaker Courthouse on June 29.

Erwin Chemerinsky



For the afternoon session, Judge Beth Phillips kicked things off by moderating a conversation with the court's judges. The judges discussed a range of topics, including preferences and best practices on removal procedure, motions for summary judgment and local rules. The panel answered questions from the audience regarding the effectiveness of oral arguments, motions to dismiss following the *Iqbal* and *Twombly* cases, and electronic discovery issues.



Thomas A. Mauet



Erwin Chemerinsky, founding dean of the University of California, Irvine School of Law, followed with his expert analysis of the Supreme Court's cases this past term. The dean noted that analysts will typically refer to this as the "Kennedy Court." However, there may be a shift due to *U.S. Department of Health and Human Services v. Florida ex rel. Attorney General*, in which Chief Justice Roberts crossed the ideological divide and cast the decisive vote.

Dean Chemerinsky then reviewed some of the court's most important cases over the term in the legal areas of criminal procedure, the First Amendment, civil rights and pre-emption. Despite the public's focus on *Arizona v. United States* and *U.S. Department of Health and Human Services v. Florida* as the most important decisions of the term, he expressed that *Knox v. SEIU* will have the most dramatic political significance. Under the court's narrow holding, it is a violation of the First Amendment for a union to impose a special assessment or dues increase without providing a new notice and, second, a union cannot require nonmembers to pay the increased amount without their affirmative consent. Chemerinsky not only discussed the court's holdings, but he also offered real-time insight into the legal reasoning and implications of each decision.

Following the Supreme Court review, Thomas A. Mauet, professor and director of trial advocacy at the University of Arizona College of Law, spoke about the law and techniques of impeachment during trial. Professor Mauet reviewed the most common impeachment methods and the legal consequences for failing to follow procedure. He then focused on the predominant impeachment method, which also takes the most skill and technique—prior inconsistent statements. Mauet provided practical tips and examples for something that's often misapplied in the courtroom: effectively creating an impression with the jury when impeaching a witness with a prior inconsistent statement.

The court was delighted to present these distinguished speakers and thanks the members of the bar for their continued support of programming that honors the memory of Judge Bartlett.

Attorneys Alleen Van Bebber and Jennifer Gille Bacon enjoy the FCAS Summer Social the evening prior to the Bartlett Lectures.



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## Fifth Annual Frank W. Koger Bankruptcy Symposium

Bankruptcy attorneys in the Western District of Missouri were once again treated to a morning of engaging conversation and lecture during the 5th Annual Frank W. Koger Bankruptcy Symposium held Friday, June 1. The Honorable Pamela Pepper, chief judge of the U.S. Bankruptcy Court for the Eastern District of Wisconsin, enlisted participation from local attorneys to enact a case scenario that highlighted various evidentiary issues. The participants and the audience wholeheartedly enjoyed the banter. Following Judge Pepper, Professor Charles J. Tabb, University of Illinois School of Law, shared his expert knowledge about consumer bankruptcy practice after the *Lanning*, *Ransom* and *Schwab* decisions. Attendees welcomed the latest information about both topics. The WDMO bankruptcy judges, along with local bankruptcy experts and the guest speakers, then joined together during the last portion of the program and answered questions from the audience prior to the traditional BBQ lunch.



**U.S. Bankruptcy Court Chief  
Judge Pamela Pepper,  
Eastern District of Wisconsin**



**Professor Charles J. Tabb,  
University of Illinois Law School**

As customary, the Bankruptcy Practitioners' Spring Social was held the previous evening. Attendees enjoyed the opportunity to speak personally with Judge Pepper and Professor Tabb.

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### Ross T. Roberts Trial Academy (formerly Inn of Court)—Apply Now!

Named in memory of one of Kansas City's most distinguished federal judges, the Ross T. Roberts Trial Academy (formerly Inn of Court) runs from September through April of each year and is designed to teach new lawyers trial advocacy skills and to foster professionalism, ethics and collegiality. Participation gives attorneys the opportunity to practice trial techniques and to receive training and guidance from more experienced litigators and judges.



The annual program is composed of three components: (1) a CLE luncheon series, (2) training sessions and (3) performance sessions. The CLE luncheons are held monthly at the Whittaker Courthouse and focus on practical skills such as depositions, pretrial motion practice, jury instructions and ethics. U.S. Magistrate Judge Robert E. Larsen leads the training sessions and covers the seven major components of a trial:

- Voir Dire
- Lay Witness Direct & Cross Examination
- Opening Statements
- Evidentiary Foundations
- Direct & Cross Examination  
(using actual FBI agent witnesses)
- Expert Witnesses
- Closing Arguments

The week following each training session, participants (or "Barristers") practice what they have learned in a mock trial setting. State and federal judges, along with a select group of experienced litigators (or "Masters"), are present during the sessions to critique the lawyers and provide one-on-one instruction. Attorneys also receive videotapes of their work to assist in understanding areas for improvement. The academy concludes each year with a mock trial competition in which the lawyers try a case from beginning to end.

With fewer and fewer courtroom opportunities, lawyers face the challenge of how to hone and maintain their trial skills. The Trial Academy addresses this need with educational and practical opportunities for recent law graduates as well as attorneys just embarking on a litigation practice or trying to refresh their skills.

The cost for participation is \$575, which includes all CLE luncheons, all training sessions, a trial notebook, handout materials, the mock trial competition and a year-end dinner. To apply for the Trial Academy, access the link below. If you have questions about the Trial Academy, contact the KCMBA at 816-474-4322.

#### **Trial Academy Application**

No refunds or substitutions granted after Sept. 7, 2012

<http://www.kcmba.org/PDF%20Files/2012-13%20Trial%20Academy%20Application.pdf>



## Live Chat Now Available Within CM/ECF

▶ Click here for  
**LIVE HELP**



In an effort to better serve our attorneys and legal professionals, the Western District of Missouri District and Bankruptcy Courts have added a live chat feature to our PACER and CM/ECF sites. In order to use our chat feature, just click the “Live Help” icon at the top right corner of the web page. This feature will be available during normal court business hours. Knowledgeable court staff will immediately answer questions and assist using the system. Share the news--this feature is currently available and is an efficient alternative to phone and email communication.

U.S. District Court  
Western District of Missouri - Test Area  
Official Court Electronic Document Filing System

## Investiture Ceremony for Judge Phillips and Judge Wimes

The Investiture ceremonies for Judge Beth Phillips and Judge Brian C. Wimes established a “first” for the Western District as the judges decided to combine their ceremonies on August 3rd. Judge Phillips’ sister, Jennifer, shared remarks about her sibling while attorney Jerryl Christmas spoke about Judge Wimes. Senator Claire McCaskill was on hand to praise both new judges for their integrity and dedication. Flanked by their family members for the official enrobing, the two new judges then spoke of their new roles with deep respect for the law and the Western District, and they offered thanks to the many friends, family members and mentors who helped them on their path to the federal bench.



District Court Judge Beth Phillips



District Court Judge Brian C. Wimes

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## Judge Smith's Portrait Dedication Ceremony

On June 28, 2012, the Court celebrated the portrait dedication for Judge Ortrie D. Smith who took senior status in April of last year. The Court en banc presided as visitors heard Keith Birks, Executive Director of the Missouri Bar, Joe Whisler, Past President of the Missouri Bar and Law Clerk Steve Wolfe share stories about Judge Smith. The Judge was joined by his wife Kris and his four daughters for the unveiling of the portrait done by photographer and former attorney Peter Obetz. Traditionally, the Court commemorates senior status with a portrait, but in the Western District, it is also tradition for senior judges to maintain very full caseloads regardless of any change in status. We hope, however, that Judge Smith will treat himself to a little more time on the road in his RV now, and we know he will continue to enjoy time with his grandchildren when not on the bench.



Senior District Court Judge Ortrie D. Smith was joined by his colleagues, family and friends for a portrait dedication ceremony in his honor.



Judge Smith enjoys a congratulatory hug from his grandchildren en masse.

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## Court News & Notes

### Naturalization Ceremonies in Jefferson City and Springfield

The Central Division held its first naturalization ceremony in the new Christopher S. Bond Federal Court House on May 4, 2012. Thirty-nine individuals were administered the Oath of Allegiance, finalizing the requirements for becoming American citizens. The ceremony began with welcoming remarks by Judge Laughrey, followed by a presentation of the flag by the color guard of Boy Scout Troop 11 of Jefferson City. Webelo scout, Blaine Smallwood, son of Probation Officer Cheryl Smallwood, led the new citizens in the pledge of allegiance.



Members of the Show-Me Showboaters Chorus performed "God Bless America" and also sang the national anthem. A reception for the new citizens and their guests was sponsored by the Cole County Bar Association.

On June 8, 2012, Judge Richard Dorr presided over the first of two naturalization ceremonies to be held this year in the Southern Division of the Missouri Western District. The Oath of Allegiance, the final step on the path to citizenship, was administered to 40 petitioners representing 27 countries.

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Four members of Boy Scout Troop 24 of Springfield, Mo., opened the ceremony with the presentation of the colors, followed by an inspiring rendition of the “Star Spangled Banner,” performed by Martin Wilson of the Springfield Regional Opera. This year’s guest speaker was Teresa Grantham, president of the Springfield Metropolitan Bar Association.

On Oct. 12, 2012, the Southern Division will host a special naturalization ceremony at the George Washington Carver National Monument.



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## Serbian Delegates Visit

In 2011, Judge Nanette K. Laughrey volunteered to facilitate a judicial exchange with a group of Serbian delegates through the International Judicial Relations Committee. She was appointed as a member of the committee by Chief Justice John Roberts and through that affiliation, she was introduced to the Open World Leadership Center. The Open World Leadership Center administers the Open World program through the Library of Congress. Since the beginning of the program in 1999, more than 17,000 leaders from countries of the post-Soviet era have participated in this program. According to Dr. James H. Billington, librarian of Congress and founding chair of the Open World Board of Trustees, “the net effect of Open World is to strengthen the democratic process in their (Eurasia) countries.”



**District Court Judge Nanette Laughrey (center) welcomes Serbian guests with Assistant U.S. Attorney Daniel Stewart (right).**

The program brings judges, prosecutors, legislators, civil servants and other professionals from the legal field to the United States through funding provided by the Open World Leadership Center. The Serbian delegation consisted of a prosecutor, a special prosecutor for the organized crime unit, a trial judge, a practicing lawyer, the president of the bar, the chief police officer of the organized crime unit and a professor from the University of Belgrade School of Law.

The delegates were interested in learning more about the U.S. criminal justice system in order to make changes and to introduce a more adversarial model. In Serbia, judges run the investigations and decision-making of cases, and the lawyers play a much more passive role. Lawyers complete tasks, but they do not initiate action. The U.S. Department of Justice has helped to change that system by introducing Serbian lawyers to advocacy practices here in the United States.

According to Judge Laughrey, many conversations with the delegates revolved around criminal law and sentencing. Numerous examples of criminal charges were discussed and how similar conduct would be dealt with in Serbia. Based on information from Nenad Simic, Serbian chief police officer of organized crime, Serbian sentences were substantially less punitive than those here in the United States. Although they don’t have the level of violence that we have in the U.S., there is a bigger organized crime presence.

The visitors were also interested in the “checks and balances” of a democracy and how both state and federal judges are chosen and/or appointed. They enjoyed observing a mock trial as part of the Open Doors of Justice program and were impressed with the U.S. desire to educate and interact with the young leaders of our future, which is not a current priority for their government.

The staff in the Christopher Bond Court House enjoyed the interaction with the Serbian delegation. As Judge Laughrey stated: “I was most impressed with their fluency in English and their ability to have engaging conversations with no language barrier.”



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## Open Doors of Justice

Open Doors of Justice is a national initiative that local federal judges conduct in their courtrooms. The annual event is a realistic trial simulation, and the topic is a new, teen-relevant issue every year.



This year's trial, held in Jefferson City and hosted by Judge Laughrey, was titled "Reality Check: Sometimes There Are No Do-Overs" and is based on the real case of *Sidney Young v. Riley Gardner*. The scenario revolved around a civil suit arising from a car crash that may have been caused by texting while driving.

Participants in this year's mock trial program included students from Southern Boone High School in Ashland, Mo., and Fr. Tolton Catholic School in Columbia, Mo. One of the cast members from Southern Boone was Cesilie Centobie, the daughter of Tony Centobie from the Central Division IT Department.

Students were encouraged to learn and act out their parts. Many of their parts were scripted, but the closing arguments were not. Selected students worked in conjunction with Larry Miller from the U.S. Attorney's Office and Troy Stabenow from the Federal Public Defender's Office to develop their closing arguments for the trial.

The students also participated in a career showcase hosted by various professionals from federal agencies. Additionally, a K-9 Unit demonstration was provided by Todd Marsey and his partner, "Brava," from the Cole County Sheriff's Department. The day's activities culminated with a group lunch where students were able to engage in informal discussion with all of the legal professionals.

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## Larsen Takes Show on the Road

In addition to his role with the Ross T. Roberts Trial Academy (formerly Inn of Court), U.S. Magistrate Judge Robert E. Larsen will be presenting his course "Preparing for the Federal Trial" in both Columbia (Sept. 21) and Springfield (October 26) this fall. Sponsored by UMKC, Judge Larsen shares his insight during a full day session which includes general trial preparation and practice techniques but focuses especially on the process in federal court. Visit the link below for additional information on the training.

<http://law.umkc.edu/pdfs/cle-events/2012-prep-for-federal-trial.pdf>

UMKC School of Law is also presenting "20 Years of Landmark School Speech Cases" on September 20-21, 2012 in Kansas City. The program will feature presentations and expert panel discussions on *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier* and more. For details and registrations, visit [law.umkc.edu/schools](http://law.umkc.edu/schools).



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