

**UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS  
OFFICE OF THE CLERK**



ROBERT J. DOLE  
U.S. COURTHOUSE  
500 STATE AVENUE  
KANSAS CITY, KANSAS



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U.S. COURTHOUSE  
401 NORTH MARKET  
WICHITA, KANSAS

**ANNUAL REPORT  
2008**

## **A MESSAGE FROM THE CHIEF JUDGE THE HONORABLE KATHRYN H. VRATIL**

2008 was a year of transition and anticipation for the United States District Court for the District of Kansas:

- The Honorable John W. Lungstrum surrendered the duties of chief judge on December 31, 2007, after seven years of dedicated and distinguished leadership. We offer countless thanks for his service, admiration for the gracious way in which he rendered it and – speaking as his successor, more than a little trepidation about the big shoes he leaves to fill.

- In April, after an outstanding career in private practice at Shook, Hardy & Bacon, Tim O'Brien became our new Clerk of Court. He assumed the reins from Ingrid Campbell, who had served as Acting Clerk since after the departure of Court Clerk Ralph L. DeLoach, who had spent after more than 20 years with the Court. Ingrid demonstrated exemplary leadership during the interim period. We salute her and with Tim's arrival we look forward to the future with excitement and promise.

- In November, Ronald G. Schweer relinquished his role as Deputy Probation Chief for the United States Disitric Court for the Eastern District of Missouri and came to Kansas City to transition into a new position as our Chief Probation Officer. In doing so, Ron replaced Gary Howard, who stepped down on January 1, 2009, after 22 years of outstanding service to the District of Kansas. Ron brought extensive knowledge of our district, having worked from 1990 to 2000 as a senior probation officer in Topeka and then as a supervisor in Kansas City. As deputy chief in one of the flagship probation offices in the United States, Ron has developed a proven record with new strategies to reduce recidivism and revocations, and we are excited to take our Probation and Pretrial Services staff to even greater heights.

These personnel changes marked the end of long recruitment processes, but only the beginning of the transition to new leadership and all of the challenges which that will entail. As we have embarked on this period of transition, we believe that at the end of the day, we will be a better Court for having gone through the 18 months of reflection, self-examination and preparation for the future. We honor the many accomplishments of which our court family in Kansas can be justly proud, and celebrate their sacrifice and hard work in shaping the future of this District and the public which we all serve.

I close with a symbolic “moment of silence” to honor the memory of United States Magistrate John Thomas Reid, who died unexpectedly on November 16, 2008, after a long battle with cancer. Tom was born July 4, 1929, and he always appreciated the fact so many people took the day off work and even bought fireworks to celebrate his birthday. Tom was born in Newton, Kansas, and he considered it to be the center of the United States. Tom spent his life there, living in three houses all on the same street and becoming an active civic leader, a lawyer and later a state judge. In 1984, he assumed the

job of U.S. magistrate – a position which he held until his death. Judge Reid was a valued member of the court family. We miss him and honor his memory.

s/Kathryn H. Vratil  
**KATHRYN H. VRATIL**  
**CHIEF UNITED STATES DISTRICT JUDGE**

## **A MESSAGE FROM THE CLERK OF COURT TIMOTHY M. O'BRIEN**

In the spring of 2008, I was pleased and honored that the judges of this District selected me to serve as their next Clerk of Court. The Clerk's duties and responsibilities are interesting and diverse, though few outside the judiciary know what this job really involves. I hope this report helps you learn a little about the Clerk's office, our staff, and what happens "behind the scenes" in the District of Kansas as we work to make sure our court runs smoothly.

We are fortunate in the District of Kansas to have an extremely talented group of people in our 3 divisional offices and in chambers. I have found the staff to be unbelievably dedicated and committed to providing public service. They all bring extraordinary vision and expertise to the court and its mission to provide justice, and it has been my pleasure to begin getting to know and working with each of them.

Substantial credit goes to my predecessor, Ralph DeLoach, for assembling such a talented staff. And, as Judge Vratil has noted, Ingrid Campbell deserves many accolades for her leadership during the interim period and for her helpfulness in teaching me so many parts of this job. I can tell you that Ingrid and Ralph (and others in their specialty areas) enjoy well-deserved, stellar reputations throughout the country's federal court system.

Because of them and our excellent staff, the District of Kansas is a leader in court administration. Although I practiced before this court for more than 23 years and before that worked for 2 years as law clerk for Chief Judge O'Connor, I never realized how fortunate we are in this District. We have great judges and dedicated and determined court staff who have the courage to lead other courts with innovative practices and programs. We also look forward to other, new projects that will continue our tradition of service.

This court is, of course, dedicated to delivering speedy and effective justice to the litigants before it. We believe that the initiatives featured in this report demonstrate the court's continued quest to provide even better service to those who practice here. All of us in the clerk's office and in chambers look forward to serving this court, the litigants and the public for years to come. Please review the annual report. If you have any questions or comments, please do not hesitate to contact us.

s/ Timothy M. O'Brien  
**TIMOTHY M. O'BRIEN**  
**CLERK OF COURT**

**UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS  
DISTRICT, SENIOR AND MAGISTRATE JUDGES**

**KANSAS CITY**

◇ THE HONORABLE KATHRYN H. VRATIL – CHIEF JUDGE ◇  
THE HONORABLE JOHN W. LUNGSTRUM – DISTRICT JUDGE  
THE HONORABLE CARLOS MURGUIA – DISTRICT JUDGE  
THE HONORABLE DAVID J. WAXSE – MAGISTRATE JUDGE  
THE HONORABLE JAMES P. O’HARA – MAGISTRATE JUDGE  
THE HONORABLE GERALD L. RUSHFELT – MAGISTRATE JUDGE

**TOPEKA**

THE HONORABLE JULIE A. ROBINSON – DISTRICT JUDGE  
THE HONORABLE RICHARD D. ROGERS – SENIOR JUDGE  
THE HONORABLE SAM A. CROW – SENIOR JUDGE  
THE HONORABLE K. GARY SEBELIUS – MAGISTRATE JUDGE

**WICHITA**

THE HONORABLE J. THOMAS MARTEN – DISTRICT JUDGE  
THE HONORABLE ERIC MELGREN – DISTRICT JUDGE  
THE HONORABLE WESLEY E. BROWN – SENIOR JUDGE  
THE HONORABLE MONTI L. BELOT – SENIOR JUDGE  
◇ THE HONORABLE KAREN M. HUMPHREYS – CHIEF MAGISTRATE JUDGE ◇  
THE HONORABLE DONALD W. BOSTWICK – MAGISTRATE JUDGE

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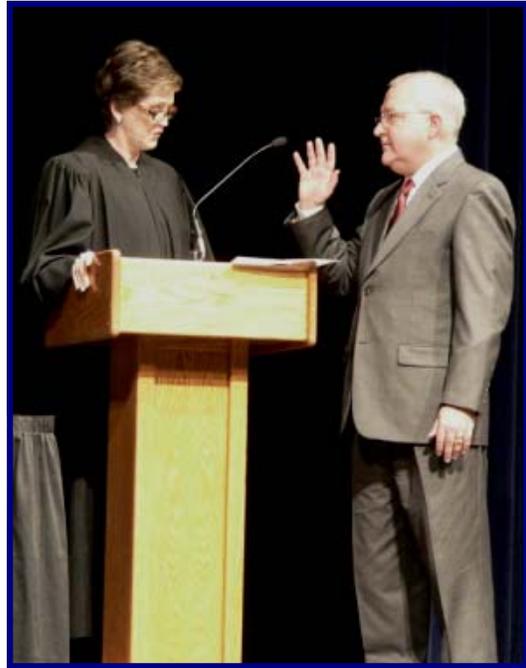
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## SECTION I: ASSISTING THE BENCH

### ADDITION OF DISTRICT JUDGE ERIC F. MELGREN

On September 26, 2008, the Senate confirmed Eric F. Melgren as the 26<sup>th</sup> District Judge of this Court. Judge Melgren came on board effective October 9, 2008.

The Clerk's office welcomed Judge Melgren by working with him to implement his transition from U.S. Attorney to District Judge. Our staff assisted with many logistics including human resources matters, procuring and outfitting chambers space, providing IT equipment and service as well as attending to many other needs. With the exception of a particularly pesky email problem that could only be cured by the involvement of the Administrative Office in D.C., the transition appeared to go smoothly.



Honorable Kathryn H. Vratil, Chief Judge  
and Eric F. Melgren

We welcome Judge Melgren, Cindy McKee, Jo Wilkinson, Patrick A. Turner and Stephanie Nall and look forward to assisting them in any way we can.

### NEW CHIEF U.S. PROBATION OFFICER

The nationwide search for a new Chief U.S. Probation Officer came to an end with the announcement that Ronald G. Schweer would be joining the Probation Office family on November 10, 2008.

Ron previously served as the Deputy Chief USPO for the Eastern District of Missouri in St. Louis from 2000 to 2008. Prior to his service in Missouri, Ron worked from 1990 to 2000 in the District of Kansas as a Probation Officer and then a Supervising Probation Officer.

During his tenure in Missouri, Ron was a leader in one of the flagship probation offices in the United States. Notably, he helped develop collaborative relationships with the Administrative Office of the U.S. Courts, the U.S. Sentencing Commission, the Federal Judicial Center and a number of state,

federal and local agencies, resulting in several significant grants for evidence-based practices and for training and employment programs.

Ron's swearing-in ceremony was held on January 23, 2009 at the Robert J. Dole U.S. Courthouse. Featured speakers included Chief Judge Kathryn H. Vratil, as well as, Judge E. Richard Webber and Chief U.S. Probation Officer Doug Burris, both from the Eastern District of Missouri. Ron concluded the ceremony with remarks outlining his vision for the future of the Kansas Probation Office. A reception immediately followed the ceremony.



January 23, 2009:  
Ronald G. Schweer sworn in as the Chief Probation Officer by The Honorable Kathryn H. Vratil, Chief Judge.

Bench Left to Right: Honorable John W. Lungstrum, Honorable Kathryn H. Vratil, Chief Judge and Honorable Julie A. Robinson.

Desk: Timothy M. O'Brien, Clerk,



Front Row Left to Right: Honorable Gerald L. Rushfelt, Honorable James P. O'Hara, Honorable David J. Waxse, Honorable K. Gary Sebelius, and Honorable Robert D. Berger. Back Row Left to Right: Honorable Carlos Murguia, Honorable John W. Lungstrum, Honorable Kathryn H. Vratil, Chief Judge, Christopher Schweer, Kelsey Schweer, Brenda Schweer, Ronald G. Schweer, Chief Probation Officer, Honorable Julie A. Robinson, Honorable Eric F. Melgren, Douglas Burris, Chief Probation Office, Missouri Eastern Probation Office and Honorable E. Richard Webber, Missouri Eastern District Court.

## REVISIONS TO LOCAL RULES

The following rules were implemented effective March 2008.

- The judges of the United States District Court for the District of Kansas approved amendments to four Local Rules which became effective on March 17, 2008.
- Local Rule 5.4.6 (formerly Standing Order 07-3) was amended to reflect the new procedures to electronically file sealed documents in civil cases in CM/ECF.
- Local Rule 77.1 (formerly Standing Order 07-4) was amended to reflect the removal of after-hours drop boxes for filing in all three divisional offices.
- Local Rule 83.5.6.7 (formerly Standing Order 95-1) addresses the appearance of a former law clerk before the judge for whom he or she previously clerked.
- Local Rule 83.7.2 (formerly Standing Order 07-1) was adopted to more easily facilitate the administration of Social Security cases following “sentence six” remands.

Please check the website for additional rules and orders that have been adopted up to the present time.

## UNITED STATES MAGISTRATE JUDGE UTILIZATION

The district’s five full-time magistrate judges performed a wide range of duties for the court with a focus on pretrial management of civil cases and pretrial duties in criminal cases. The magistrate judges conducted initial scheduling conferences, status conferences, and other pretrial conferences, and they disposed of non-dispositive motions in civil cases. The magistrates also conducted scheduling conferences and ruled on non-dispositive motions in criminal matters. Felony preliminary proceedings and petty offense and misdemeanor cases are handled by the magistrate judges on a rotating basis. Additionally, the full-time magistrates handled the Ft. Riley and Ft. Leavenworth dockets.

The district’s two recalled magistrate judges also performed a wide range of duties for the court. The recalled magistrate judge in Kansas City handled a portion of civil cases for pretrial management and served as a back-up for felony preliminary proceedings. The recalled magistrate judge in Wichita was assigned the majority of social security appeals filed in the district for reports and recommendations.

We are saddened to report that our recalled magistrate judge in Wichita, Judge John Thomas Reid, passed away in November 2008. His social security caseload was

temporarily reassigned to a full-time magistrate judge pending further analysis of case assignments in the district.

## ENHANCING COURTROOM TECHNOLOGY

Courtroom Technology became a major focus for the District of Kansas in 2008, as it was the first full year of a newly created allotment from the Administrative Office for the purpose of purchasing new courtroom technology equipment and maintaining existing equipment. Our first action was to upgrade all of the critical electronic evidence system components for our five existing electronic evidence courtrooms. This included replacing courtroom evidence monitors and televisions, purchasing high resolution electronic document cameras, video annotation devices, high resolution screen capture devices for evidence printing and DVD/VCR combo players. Our design of these upgrades eliminated at least two originally implemented devices to reduce the number of component failures that could affect the system.

Another substantial initiative in 2008 was the redesign and implementation of sound systems in five courtrooms across the District. This included desperately needed replacements to three Kansas City courtrooms, one Topeka courtroom and one Wichita courtroom. The new features in these courtrooms include new wired and wireless microphones, teleconferencing, remote interpreting capability, assisted listening devices, remote control of sound system components and internal audio streaming of court hearings. Unlike the vast majority of court units, the District of Kansas was able to perform all of these activities internally thanks to the expertise of Courtroom Technology Technician Chris Sapp.

## CONSTRUCTION

2008 saw the completion of two major construction projects in the District: a remodeling of the 5th floor chambers area in the Kansas City courthouse and the complete renovation of the large courtroom in the Topeka courthouse.

### KANSAS CITY CHAMBERS

The Kansas City renovation's primary goal was to make better use of available space by creating a shared conference room, library, work area and kitchen for all chambers personnel and visitors. Creating this shared space afforded individual chambers the opportunity to enhance the usability of their existing square footage without the need to acquire additional space at additional cost to the court.

Following are photographs of the conference room and work areas.



Chambers Reading Room



Chambers Shared Conference Room



Shared Chambers Kitchen  
and Work Center



Shared Chambers Kitchen  
and Work Center

## TOPEKA COURTROOM

The renovation of the Topeka Courtroom was a complete redesign of the existing courtroom that involved demolition of the existing space and construction of a courtroom with a more practical and spacious design. Lighting was improved and ceiling heights were raised throughout to lend a more open feeling to the room with maple paneling to complement the overall design. The construction phase began in October 2007 and was substantially complete in June 2008. The courtroom was returned to service in early July 2008.

Following are photographs of the completed courtroom.



View from Spectator Area



Spectator Area



View of Bench from Jury



Jury Area



View from Behind Witness Box

## CONTINUITY OF OPERATIONS PLAN

Renewed emphasis was placed on reviewing and updating the District's Continuity of Operations Plan (COOP) during 2008 to ensure that it addresses the changing needs and composition of the Court. We engaged experts from other court units, notably the Fifth Circuit's Emergency Preparedness Coordinator in New Orleans, to learn from the experiences they had during real life events that required activation of their own COOPs. Their insights were extremely valuable in our COOP document revision process. In addition, the District's COOP Administrator completed a FEMA-led "COOP Manager/Train the Trainer" course in March 2008.

In December, the District conducted its first district-wide tabletop exercise, which included participation from the District Court, Probation & Pretrial Services, Bankruptcy Court, U.S. Attorney's Office, Federal Public Defender, U.S. Marshals Service, and the General Services Administration. The exercise succeeded in bringing the various agencies together, and established renewed communications among the agency heads with respect to emergency preparedness planning. Each agency has committed to updating their respective COOPs by late spring of 2009 and distributing them to the other agencies, with the goal of conducting another tabletop exercise in the fall.

The District is also opening dialog with other court entities in the area to identify court assets that could be made available on a bilateral basis in the event a building specific event rendered a particular courthouse unusable. Chief Judge Vratil has been in contact with Chief Judge Gaitan in the Western District of Missouri in this regard and the District's COOP Administrator has begun working with his counterparts in Missouri to pursue opportunities for joint COOP planning.

## PRO SE

### PRO SE REPORT

The Pro Se Section, based in the Topeka division, is staffed by three attorneys who review habeas corpus petitions and civil rights actions filed by prisoners throughout the District. In 2008, the average prisoner population in the state, federal, and military correctional facilities in the District of Kansas exceeded 12,500.

In 2008, there were 1,566 civil cases filed in the District of Kansas; 20.5% of these filings were prisoner cases. Of the 321 prisoner filings, 187 were prisoner civil rights complaints, 69 were state habeas petitions, and 65 were federal habeas petitions.

Habeas corpus petitions filed by federal and military prisoners are assigned to Judge Rogers, who issues final decisions in these actions. Habeas corpus petitions filed by state prisoners and all other prisoner civil actions are initially assigned to Judge Crow, who resolves those cases that are suitable for summary dismissal. Cases that require additional development are distributed throughout the District. At present, habeas corpus matters are reassigned to all judges, and other civil actions are reassigned to active judges.

While case filings nationally have decreased, some circumstances suggest that work load associated with prisoner filings in this district will increase in the coming years. First, there are currently 9 death-sentenced prisoners in Kansas, and state appeals continue in all of those cases. Another state prisoner is awaiting sentence in a capital case. Next, in late 2008, one military habeas corpus action involving the death penalty was filed in the court. Because the last execution of a service member occurred in 1961, this action is expected to address numerous issues related to the death penalty and to require significant resources for its resolution. Third, a new 500-bed facility is scheduled to open at the USDB in 2010, doubling the current prisoner capacity at Fort Leavenworth. Finally, should persons held at Guantanamo Bay be relocated to Fort Leavenworth, the District may be required to address claims related to their confinement.

#### PRO SE TASK FORCE

The United States District Court for the District of Kansas Pro Se Task Force received the Kansas Bar Association's Pro Bono Award at its Annual Meeting on June 21, 2008. Judge Waxse accepted the award on behalf of the Task Force. The Pro Se Task Force undertook the daunting task of compiling an instructional and practical "Pro Se Guide" for use by pro se litigants and others in understanding the process of filing, prosecuting, and defending lawsuits in this district. The Task Force focused on developing a meaningful guide by including instructional chapters with graphics as well as flowcharts. The Guide is both detailed as to the different steps involved in a lawsuit, along with practical, easy-to-follow suggestions to make access to the federal courts a better understood process.

The Task Force would like to recognize the 10<sup>th</sup> Circuit Library staff, Sharon Hom, Linda Wassberg and Lynda Miller, for playing a significant role in assisting them in conducting research for the project. They put a great deal of time and effort into researching all of the pro se information provided by other courts around the country. Sharon and her staff also provided the list of agencies that can assist an individual with seeking legal advice and locations for legal research.



#### PRO SE TASK FORCE

Front Row: Karen Jannaman, Honorable David J. Waxse and Michele Tunnel

Back Row: Rachel Lyle, Jason Bruhn, Kim Leininger, Linda South, Casey Tourtillott, Mary Hale and Steve Schwarm

The Task Force created an outstanding product for ease of access to and a better understanding of the federal court system. The Task Force is now working on developing a “Self Help” web site.

#### NEW LAW CLERK ORIENTATION

In the fall of 2008, the District Court held its annual New Law Clerk Orientation in Kansas City, Kansas. Twelve new law clerks joined the district in 2008:

Thomas Hamilton, law clerk to Chief District Judge Kathryn H. Vratil  
Neely Fedde, law clerk to Chief District Judge Kathryn H. Vratil  
Emily Grant, law clerk to District Judge John W. Lungstrum  
Maren Ludwig, law clerk to District Judge John W. Lungstrum  
Rachelle Douglas, law clerk to District Judge J. Thomas Marten  
Larkin Walsh, law clerk to District Judge Carlos Murguia  
Patrick Turner, law clerk to District Judge Eric F. Melgren  
Stephanie Nall, law clerk to District Judge Eric F. Melgren  
Nanette Turner, law clerk to Senior District Judge Wesley E. Brown  
Krystle Dalke, law clerk to Senior District Judge Monti L. Belot  
Shauna Ripley, law clerk to Magistrate Judge David J. Waxse  
Brooke Hesler, law clerk to Magistrate Judge K. Gary Sebelius.

The orientation provides an introduction to the various areas of the court that the law clerks can expect to encounter during their tenure. It also provides a rare opportunity for law clerks from all three divisional offices to meet one another in person. The following topics were covered: CM/ECF, U.S. Probation Office, Library, Information Technology Tips and Tricks, Judicial Code of Conduct for Law Clerks, and Employee Benefits and the Judiciary Salary Plan. Additionally, each year several attorneys from the local bar present a synopsis of Supreme Court decisions of the previous year for which the law clerks may receive continuing legal education (CLE) credit.

## JUDICIAL ASSISTANTS' RETREAT

The Judicial Assistants met at the Wichita Hyatt Regency April 3<sup>rd</sup> and 4<sup>th</sup> for their fifth annual retreat. The opening luncheon on the 3<sup>rd</sup> was held at the Fireside Room, Botanical Gardens followed by a tour. The afternoon session was a post-retirement discussion with Marlin Miller, retired Division Manager of the Wichita Clerk's Office and Sue Phares, retired Case Administrator, Wichita Bankruptcy Clerk's Office, who shared the retirement process and their personal perspectives.

Joining the judicial assistants for breakfast on day two were new Clerk of Court Tim O'Brien and Chief Deputy Ingrid Campbell. Marylynn Shawver is the 8<sup>th</sup> Circuit JSAG representative and she updated the group on national events. Debra Barnett from the U. S. Attorney's Office in Wichita discussed the crack cocaine updates; identify theft and protecting children from the internet. The luncheon speaker was anchor/reporter Larry Hatteberg from KAKE TV Channel 10 in Wichita. He shared accounts of his television feature and book "Larry Hatteberg's Kansas People."

A self-defense presentation by Scott Jones and Bryce Beckett from the Wichita Probation Office was a favorite. In this session, the presenters allowed the group to practice self defense moves on "Bob" the dummy, who seemed unphased as he was elbowed and punched into oblivion.

## KANSAS COURT OF APPEALS

Not only does the Clerk's office provide support to our bench, but also to other Courts. The Wichita and Kansas City Courthouses welcomed the Kansas Court of Appeals judges who conducted hearings during 2008. The court and staff enjoy the close relationship it has with our colleagues at the Kansas State Courts. The following judges held hearings in our courthouses during 2008:

Honorable Patrick Brazil  
Honorable John J. Bukaty, Jr.  
Honorable Michael B. Buser  
Honorable Nancy L. Caplinger  
Honorable Jerry G. Elliot  
Honorable Henry W. Green, Jr.  
Honorable Richard D. Greene

Honorable Stephen D. Hill  
Honorable Steve Leben  
Honorable Thomas Malone  
Honorable Christel E. Marquardt  
Honorable Patrick D. McAnany  
Honorable G. Joseph Pierron, Jr.  
Honorable Melissa Taylor Standridge

Below is a table of cases and location of heard arguments in 2008 by the Kansas Court of Appeals.

| <b>2008</b>  | <b>United States<br/>Courthouse<br/>Wichita, Kansas</b> | <b>Robert J. Dole<br/>U. S. Courthouse<br/>Kansas City, Kansas</b> |
|--------------|---|--|
| January      | 0   | 0  |
| February     | 11  | 0  |
| March        | 0   | 0  |
| April        | 15  | 0  |
| May          | 15  | 0  |
| June         | 13  | 14   |
| July         | 9   | 12   |
| August       | 9   | 9  |
| September    | 9   | 9  |
| October      | 16  | 12   |
| November     | 0   | 0  |
| December     | 0   | 0  |
| <b>TOTAL</b> | <b>97</b>   | <b>56</b>  |

The Clerk's office would also like to congratulate Judge Melissa Taylor Standridge on her appointment to the Kansas Court of Appeals bench. Immediately prior to her appointment Judge Standridge was a law clerk to Magistrate Judge David J. Waxse. Before joining Judge Waxse she was a trial lawyer specializing in employment law at Shook, Hardy & Bacon.

## SECTION II: SERVICE TO THE BAR

### CRIMINAL JUSTICE ACT (CJA) ATTORNEY APPOINTMENTS

The following attorneys serve on the Criminal Justice Act (CJA) panels in Kansas City, Topeka and Wichita.

| Kansas City              | Topeka  | Wichita               |
|--------------------------|---|-----------------------|
| Joshua K. Allen          | Kathleen Ambrosio   | Douglas L. Adams, Jr. |
| Dama M. Altieri          | Branden Bell  | Stephen T. Ariagno    |
| G. Gordon Atcheson       | Mark L. Bennett, Jr.  | Tony L. Atterbury     |
| Thomas J. Bath, Jr.      | Richard W. Benson   | Rick Bailey           |
| Mark L. Bennett, Jr.     | Jerold E. Berger  | Terry Beall           |
| Michael R. Clarke        | Benjamin N. Casad   | Casey J. Cotton       |
| Patrick E. D’Arcy        | James G. Chappas  | E. Jay Greeno         |
| Jay D. DeHardt           | Edward M. Collazo   | Jeffrey L. Griffith   |
| John M. Duma             | James C. Heathman   | David N. Harger       |
| Robb Edmonds             | Jeannine D. Herron  | Michael D. Hepperly   |
| Robin D. Fowler          | Michael G. Highland   | Kurt Patrick Kerns    |
| Phillip R. Gibson        | Donald R. Hoffman   | Amy Lemley            |
| Scott C. Gyllenborg      | Jason P. Hoffman  | Kevin Loeffler        |
| B. Kay Huff              | B. Kay Huff   | Steven D. Mank        |
| John Jenab               | Michael M. Jackson  | Rebecca Mann          |
| David Andrew Kelly       | Thomas H. Johnson   | Eric A. Martenstein   |
| Michael E. Kelly         | Christopher M. Joseph   | Carl Maughan          |
| R. Bruce Kips            | Stephen W. Kessler  | Paul S. McCausland    |
| Forrest A. Lowry         | J. Richard lake   | Sean C. McEnulty      |
| Alex S. McCauley         | Thomas G. Lemon   | David H. Moses        |
| Melanie Morgan           | Forrest A. Lowry  | Carolos J. Nolla      |
| Jeffrey Daniel Morris    | Dwight L. Miller  | Morgan O’Hara         |
| Shazzie Naseem           | Melanie S. Morgan   | Peter John Orsi       |
| Cheryl A. Pilate         | Cheryl A. Pilate  | Roger L. Ralk         |
| Jacquelyn E. Rokusek     | Jacquelyn Ellen Rokusek   | David M. Rapp         |
| Dionne Michaelle Scherff | Mary K. Savage  | John E. Rapp          |
| J. Steven Schweiker      | Dionne M. Scherff   | Stephen E. Robison    |
| James L. Spies           | Sonja Stricklan   | Kari S. Schmidt       |
| Thomas R. Telthorst      | Jon P. Whitton  | Mark Schoenhofer      |
| Tricia A. Tenpenny       | Mark W. Works   | Mark Severt           |
| Mark A. Thomason         |   | Laura B. Shaneyfelt   |
| W. Scott Toth            |   | Craig Shultz          |
| Jessica Travis           |   | Michael J. Shultz     |
| Debra Ann Vermillion     |   | Kevin M. Smith        |
| Jeremy Sean Weis         | New Topeka appointments are Jon Whitton, Thomas Johnson, Dionne Scherff, Jacquelyn Rokusek and Cheryl Pilate. | John E. Stang         |
| Jack West                |   | John Sullivan         |
|                          |   | John V. Wachtel       |
|                          |   | Michael P. Whalen     |
|                          |   | Philip R. White       |
|                          |   | Jon S. Womack         |
|                          |   | Lee H. Woodard        |

## CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF)

The following table reflects the statistics for 2008 and 2007.

|                       | <b>As of<br/>December 31, 2008</b> | <b>As of<br/>December 31, 2007</b> |
|-----------------------|------------------------------------|------------------------------------|
| Attorney Registration | 475                                | 566                                |
|                       | <b>Calendar Year<br/>2008</b>      | <b>Calendar Year<br/>2007</b>      |
| Attorney Docketing    | 39,192                             | 37,407                             |
| Staff Docketing       | 111,439                            | 105,409                            |

### TRAINING AND SUPPORT

Special training on CM/ECF Version 3.1.1 was offered several times and included on-site visits to large law firms. CM/ECF training classes for attorneys and support staffs continued on a monthly basis.

The court's website provides access to computer-based training, the CM/ECF Administrative Procedures Manual and the Local Rules.

Help desk support was available during courthouse hours to both external and internal users. A special help desk e-mail address was also available to external users. Training for filing sealed documents in criminal cases was provided in Kansas City, Topeka and Wichita for attorneys and their staff.

## COURT STATISTICS

### CIVIL CASES

The District continues to see an increase in cases filed within the District. The civil statistics below are based on calendar year by comparing 2007 and 2008 data. Following are some of the more interesting statistics regarding our civil case load.

| Filings/Cases/Petitions                  | Percent Increased | Cases |       |
|--|-------------------|-------|-------|
|  |                   | From  | To    |
| Civil Filings                            | 2.6%              | 1,526 | 1,566 |
| Diversity of Citizenship Filings         | 28.32%            | 293   | 376   |
| Personal Injury Cases                    | 15.73%            | 197   | 228   |
| Labor Law Cases                          | 5.8%              | 80    | 85    |
| Copyright, Patent & Trademark Cases      | 66%               | 30    | 50    |
| Federal Habeas Corpus Prisoner Petitions | 30%               | 50    | 65    |

### JURY TRIALS

In 2008, there were 56 jury trials (18 civil; 38 criminal) and 9 bench trials (civil). Judges spent 134 days totaling 624 hours on civil jury and bench trials and 217 days totaling 942 hours on criminal jury trials. The table below reflects the number of days and hours judges spent in trial.

|                      | District Judges |         | Magistrate Judges |         |
|----------------------|-----------------|---------|-------------------|---------|
|                      | # Days          | # Hours | # Days            | # Hours |
| Civil Jury Trials    | 90              | 431.5   | 21                | 91.5    |
| Civil Bench Trials   | 22              | 99.5    | 1                 | 1.5     |
| Criminal Jury Trials | 217             | 942     |                   |         |

There was one civil and one criminal mistrial. There were three criminal cases that settled after the trial start.

## ATTORNEY ADMISSIONS

In calendar year 2008, we admitted 343 new attorneys. The Court holds two joint admission ceremonies with the State of Kansas at the Topeka Performing Arts Center -- in April and September -- for attorneys who passed the bar examination of the State of Kansas. At the April 25, 2008, ceremony, 99 attorneys elected to be admitted to federal court and Judge Robinson presided along with Kansas Supreme Court Justices. At the September 26, 2008, ceremony 124 attorneys elected admission with our court and Judge Sebelius presided along with the justices.

The remaining 120 attorneys were admitted at the clerk's offices in Kansas City, Topeka and Wichita. Of the 120 attorneys, 53 were admitted to us through our reciprocal agreement with the Western District of Missouri. The remaining 67 attorneys were members of the bar of the State of Kansas.



Left to Right: Honorable Julie A. Robinson and Chief Justice McFarland



Inductees



Left to Right: Tim O'Brien, KBA President, Tom Wright and Justice Lee Johnson

## WEBSITE REDESIGN

In 2009, the District of Kansas will embark on a major website redesign project. The redesign will include restructuring the website information architecture and improving site navigation, design and content. The following goals have been identified by the website redesign committee:

- to rewrite the current code to comply with modern standards
- to provide easier navigation and content layout
- to provide new services to both the court and its visitors, utilizing current technologies to offer enhanced functionality

The redesign process began by identifying the site's visitors. Attorneys and their staffs, parties in cases, jurors and courthouse visitors, such as schools, are among those identified as external users. Identifying visitors is vital to the site's success because knowing who will use the information, resources, and services will help us to determine what content should be provided. Ultimately, surveys and focus groups will be used to learn more about our target audiences' needs and expectations.

The use of modern technology to maximize functionality will be a priority. Not only do we want to create a site that is user friendly, but a site that allows people to take care of court business on-line. The court is exploring the possibility of making available an automated form system that allows pro se parties to create ready-to-file court documents simply by answering a series of questions through an on-line dialog.

The new site will be compliant with the Americans with Disabilities Act which defines the ground rules to assure the court's site is accessible to disabled users. The court plans to develop a site that is friendly to those with a wide variety of disabilities.

For additional information about the courts website redesign project, please contact Kim Leininger at 913-551-5747.

## **SECTION III: SERVICE TO THE PUBLIC**

### **COMMUNITY OUTREACH**

The Court began a renewed community outreach program in 2008 to increase the public's awareness of and interaction with the federal court system in the District of Kansas. The District held several outreach events in 2008 and plans for more in 2009.

#### **OPEN COURT FOR SUMMER ASSOCIATES**

On July 23, 2008, the Court's Kansas City location kicked off what will become an annual outreach event for approximately 40 area summer associates, interns and law clerks. The event was designed to give summer associates a chance to see all facets of what goes on in the Courthouse, from courtroom to clerk's office to probation to the U.S. Marshal's office. Judges Lungstrum, Murguia, Rushfelt, and O'Hara kicked off the event with a question-and-answer session in the Ceremonial Courtroom. The judges spoke on a wide array of topics, and answered questions ranging from "What do you look for in a law clerk?" to "What does a law clerk do in your chambers?" to "What do you like about being a judge?"

Participants then broke into three groups and toured the Courthouse (which included a visit to the U.S. Marshal's office) and participated in panel discussion with law clerks, probation officers, clerk's office staff.

The Court plans to host the event at each of its three locations in 2009.

#### **A CONVERSATION WITH FEDERAL JUDGES**

Each year, the Court hosts lunch CLEs which are intended to give local attorneys the opportunity to discuss important issues with our judges. The Court arranges for complimentary CLE credit and provides lunch to participants. The popular event fills within minutes after it is announced. In 2008, our Court hosted luncheons in Topeka, Wichita, and Kansas City.

### **RECENT OPINION RETRIEVAL SYSTEM**

In October, 2008 the U. S. District Court for the District of Kansas announced the implementation of a new case retrieval system. This new system was developed in house to replace a prior retrieval system and to supplement the United States Courts Public Access to Court Electronic Records (PACER) system. The new

web page on the court's website at [www.ksd.uscourts.gov](http://www.ksd.uscourts.gov) will provide instant access to decisions by the judges of the court. Access is through the link directly below the sunflower picture that reads "Recent Opinions."

Citizens interested in decisions in the District of Kansas can easily obtain decisions over the court's website. The retrieval system allows users the flexibility to search and sort by case number, party, date range and/or by judge. The decisions appear in chronological order to make it easy for the public to find cases cited or discussed in print, broadcast or "new" media. The court believes that the current system is easier to manage, navigate and is more complete than the previous one.

## COURT HISTORY

Since February 2008, Court's Archives/History Committee has been developing a structure to coordinate the planning and implementation of the 150<sup>th</sup> Anniversary Celebration which occurs in 2011. The Committee also manages ongoing court history projects.

### 150<sup>th</sup> ANNIVERSARY PLANNING

The committee has developed a structure to help plan, coordinate, and implement the various components of the year-long 150<sup>th</sup> anniversary celebration. The Committee has created working groups to assist with some projects.

**SPONSORSHIP Working Group:** The Kansas Bar Foundation has offered to receive donations on the Court's behalf through its 501(c)(3). This will enable volunteer attorneys to raise funds to support the kick-off event, culminating event, and other 150<sup>th</sup> Anniversary projects.

**SIGNIFICANT EVENTS Working Group:** The Group is responsible for planning and implementing the kick-off and culminating events. The Committee plans to invite a United States Supreme Court Justice to speak at one or both events.

In addition, the Committee is coordinating with the Kansas Bar Association, Kansas Bar Foundation, and the Kansas State Supreme Court.

### BOOK/VIDEO PROJECT

A research plan to identify trends, patterns and significant cases to feature in a book and video chronicling the District's history, and more than 300 significant cases have been identified to possibly include in the book and

video. Over 300 images have been added to the court's database. A timeline of the Court's history is being compiled to reflect key dates and changes in the court over the past 150 years. Michael H. Hoeflich, the John H. & John M. Kane Professor of Law at the University of Kansas has been selected to research and write the book.

#### IMMIGRATION & NATURALIZATION EXHIBIT

Preliminary research is underway and will continue through year end to refine the exhibit concept. Our goal is to demonstrate the significance of the naturalization ceremonies in federal court and how those ceremonies mirror the immigration trends. Naturalizations are one of the most gratifying and happy experience in the Court's duties and responsibilities.

#### ORAL HISTORIES

The Court purchased three high definition video cameras and necessary accessories to conduct the oral history interviews. Judge Lungstrum interviewed Judge Rogers and Chris Sapp and Kim Leininger worked to edit the video, which is now available on the Court's intranet and will be available to the public when the Court rolls out its new website. Plans are underway for Judge Marten to interview Judge Crow.

#### ARCHIVES PROJECT

The Court's history consultant has recommended that the judges donate their personal papers to the Kansas State Historical Society for preservation and access. The KSHS has collections related to a dozen former U.S. District Court judges, which is the largest single collection of court-related documents outside the official records housed by the National Archives & Records Administration.

Judge Rogers is working with the KSHS staff on a pilot project to review and organize his personal papers for eventual donation to the Kansas State Historical Society Research Library & Archives for preservation and research.

## OTHER PROJECTS

The Court maintains exhibits at each location (Kansas City, Topeka, and Wichita) with biographical information about the judges sitting in each location. In 2008, the biographies for Judges Vratil, Lungstrum, and Belot were updated, and a new panel was created for newly appointed District Judge Eric Melgren.

## DAY CARE GRADUATION CEREMONY



A highlight of every year is the graduation ceremony at the Uncle Sam Daycare in the Robert J. Dole U.S. Courthouse in Kansas City. This year was no exception as 11 children participated in this special ceremony. This year's speaker was Tim O'Brien, Clerk of Court, who brought along his trusty Jayhawk stuffed animal and other items to

entertain the children. According to Tim, those were very bright children who understood the importance of Jayhawks, basketball and other topics of lesser importance.

## BRING YOUR CHILD TO WORK DAY

Clerk's office and chambers' staff in Kansas City joined forces to organize activities in recognition of National Bring Your Child to Work Day on Thursday, April 24, 2008. A group of 22 children, ages 5 - 15, participated in learning about the federal court and the variety of career opportunities it offers.

In the morning, the children toured the courthouse visiting several court agencies. The U.S. Attorney's Office shared information on the types of cases prosecuted in federal court. Scott Rask, Assistant U.S. Attorney, admonished the children to listen to their parents and follow the rules! The Federal Public Defender's staff discussed their role in defending people accused of crimes who do not have the finances to hire an attorney. Rod Freeman, Senior U.S. Probation Officer, captivated the audience when he demonstrated their procedures for drug testing and monitoring probation clients. The tour concluded with a visit to the U.S. Marshals Office and a tour of the holding cells.



Take Your Child to Work Day  
Robert J. Dole U.S. Courthouse

After a pizza luncheon and an overview of the jury system provided by Yolanda Holman, the group prepared for a mock criminal jury trial, USA v. Goldilocks. All of the children participated either as a U.S. Attorney, a Federal Public Defender, a witness or a juror. Several law clerks assisted the children with writing the opening and closing arguments as well as preparing questions for the witnesses and the defendant.

With Judge Carlos Murguia presiding and the parents looking on with pride from the gallery, the children did a great job of presenting the case. Following closing arguments, Judge Murguia gave the jury instructions and dismissed the jury to deliberate. The jury returned a not guilty verdict which led to a very lively discussion among the children about the trial outcome. The day concluded with one-on-one time with their parents observing work.

## COURTHOUSE TOURS

The U.S. District Courthouses in Kansas City, Topeka, and Wichita are popular field trip destinations for special interest and school groups. In 2008, over 30 tours were conducted district-wide. The Wichita Courthouse is by far the most popular, hosting 21 tour groups last year. Courthouse agencies, including the U.S. District Court Clerk's Office, offer building tours showcasing building architecture and points of interest, as well as information regarding the federal court system. Groups of 5 to 50 individuals from area grade through high schools, college classes, and senior citizen groups have toured the courthouses. In addition, special tours and programs have been provided for Bar Association 'Grow Your Own Lawyer' groups, and adult education events such as the Open World Program Ukrainian lawyer exchange program. Many groups have also had the opportunity to observe court hearings or hear presentations from courthouse staff including U.S. Marshals, U.S. Probation Officers, and Judges.

In addition to courthouse tours, the U.S. District Courthouses offer courtroom space to many visiting judges including the Kansas Court of Appeals, traveling Bankruptcy Appellate Panels, and administrative law judges with the U.S. Departments of Agriculture, Labor, and Defense. Courthouse space is also used for attorney luncheons, continuing law education classes, and training for other local federal agencies.



Ft. Hays University  
students touring  
Wichita Courthouse

## LEGACY 4-H CLUB PUBLIC SPEAKING FIELD TRIP

The Johnson County Legacy 4-H Club's Public Speaking group came to the Courthouse in June 2008 to deliver prepared speeches to Chief Judge Vratil and to tour the courthouse. The speech topic was "Why I am Proud to Be an American." The children visited the U.S. Attorney's office, Chief Judge Vratil's Chambers and Courtroom, the Clerk's office, Federal Probation, the U.S. Marshals, and the ceremonial courtroom. The children range in age from 7 to 13 years of age.

4-H Club members who gave a speech to Chief Judge Vratil.

Front Row: Brynn McCracken, Kennedy Forshey, Honorable Kathryn H. Vratil, Chief United States District Court Judge and Joshua Forshey

Standing Behind Chair L to R: Kassidy Forshey, Natalie McCracken



Back Row: Josh Forshey, Kassidy Forshey, Natalie McCracken, Sheri McCracken, Legacy 4-H Public Speaking Leader

Front Row: Brynn McCracken, Kennedy Forshey, Collin Cramer

## NATURALIZATION PROGRAMS

In 2008, the court held 29 naturalization Ceremonies in the Kansas City courthouse, the Topeka Performing Arts Center and the Century II Mary Jane Tealle Theater in Wichita. In those ceremonies, 4,448 people became citizen of the United States of America. Due to the election, most of these occurred during the first months of the year. Only July 25, 2008, 1178 new citizens participated in 2 ceremonies in Topeka. Each of these ceremonies is a moving experience featuring music, a noteworthy speaker and members of civic groups. The Kansas City and Topeka ceremonies hold a reception to welcome the new citizens.

## APPOINTED CIVIL COUNSEL

Appointed civil counsel provides a great service to the Bench and public. The Court is often called upon to protect the rights of those who cannot afford to obtain counsel. The following attorneys represented litigants pro bono during 2008 by appointment of the Court:

|                            |                   |
|----------------------------|-------------------|
| Jonathan A. Bortnick       | John W. Kurtz     |
| Thomas R. Buchanan         | Terry L. Mann     |
| Jeffery L. Carmichael      | R. Mark Nasteff   |
| Derek S. Casey             | Paul M. Tancredi  |
| Christopher Michael Joseph | Trisha A. Thelen  |
| Brooks G. Kancel           | Lisa A. Weixelman |
| Matthew D. Keenan          | Jason M. Zager    |

The Court sincerely appreciates the pro bono service provided by these fine attorneys. The Court welcomes all those who would like to provide this valuable service to the court. Please include your willingness to serve by signing up on the attorney registration form or calling the Clerk's office.

## JURY ISSUES

### ADVANCED JUDICIAL INFORMATION (AJIS)

AJIS, jury phone system, was installed in early November 2008. This new product allows jurors from the entire district to call one phone number to receive their reporting instructions. It allows the court to set messages from any of our locations gives the jury clerks' greater flexibility. The Court is also able to see who called in and who has completed the requests. Jurors can find out their status (excused, etc), get directions to the courthouse and get contact information. This service went "live" on December 5, 2008. The transition was smooth and efficient. The jurors who have used the system say that they like the features the system offers.

## E-JUROR

E-JUROR is a product endorsed by the Administrative Office that will enable jurors to log in to a website and complete their juror qualification questionnaire and their summons information card online. As a pilot court for this project the district has been working on this project and anticipates installing this program in early March 2009. Once installed, the Court will be mailing out qualification questionnaires and will monitor the number of people who complete the form online. When completing the form online, the juror will have to complete the entire form, the program will not let them leave a question blank. This should make the process easier for all as the Court will not have to follow up with the prospective jurors.

## JURY WHEEL REFILL

Every two years the names in the master jury wheel are replaced. 2009 is a refill year for the jury wheel and the process has begun. Using the same number of potential for each division as in 2007, our jury coordinator determined the number that would be needed from each county. This information has been sent to our processor to build the master jury wheel and to run a check on National Change of Address database against it. Once the data is received we will be ready to begin printing. The number of prospective jurors for each division is:

|             |            |            |        |
|-------------|------------|------------|--------|
| Kansas City | Petit Jury | Division 1 | 45,000 |
| Topeka      | Petit Jury | Division 2 | 30,000 |
| Wichita     | Petit Jury | Division 3 | 45,000 |
| Salina      | Grand Jury | Division 4 | 3,000  |
| Dodge City  | Grand Jury | Division 5 | 3,000  |
| Ft. Scott   | Grand Jury | Division 6 | 3,000  |

Once the information is put into the wheel the Court will begin to qualify jurors as noted above.

## JURY STATISTICS

The most recent report on juror utilization was completed June 30, 2008, by the Administrative Office of U.S. Courts. The National Average of jurors not selected, serving or challenged (NSSC) on the first day of jury service is 37.0 percent. The District of Kansas is less than the national average at 35.7 percent NSSC for 2008. In 2007 it was 44.9 percent. Because of the three courthouses, it is much more difficult to utilize all jurors than it would be if all judges were located in one jurisdiction. Therefore, to be below the national average is significant. The following information is separated by division.

| 2008                     |                      |                 |                  |
|--------------------------|----------------------|-----------------|------------------|
|                          | Kansas City Division | Topeka Division | Wichita Division |
| People Summoned          | 2835                 | 1750            | 2651             |
| Excused Before Reporting | 799                  | 484             | 686              |
| Reported for Select      | 946                  | 485             | 901              |
| Jurors Selected          | 253                  | 138             | 258              |
| Criminal Trials          | 14                   | 8               | 16               |
| Civil Trials             | 7                    | 5               | 4                |
| Days in Trial            | 133                  | 67              | 88               |

## JURY SERVICE EXIT QUESTIONNAIRE

Our court developed throughout 2008 and recently began utilizing a newly revised Jury Service Exit Questionnaire for empanelled jurors. This questionnaire will be used as a tool to gather critical feedback regarding issues impacting jurors such as the jury summons process, our new automated phone system, website information, treatment by staff, etc. The exit questionnaire results will be reported in the 2009 Annual Report.

It is our hope and goal to make jury service a rewarding experience for those citizens called to provide this vital part of our justice system. In 2009, we hope to reduce the amount of time any potential juror will be on call during their time of service.

The Court sincerely thanks all those jurors who have given their time.

## SECTION IV: CLERK'S OFFICE REPORTS

### DEPARTMENTAL AND UNIT REPORTS

The skills and abilities of the clerk's office staff span well beyond the daily contributions made toward the seamless operation of business in the District of Kansas. Several employees throughout the district have put their vast knowledge and talents to use judiciary-wide over the last year.

**Leigh Kinzer**, Operations Analyst, assisted the Court in the Southern District of Florida in a CM/ECF Version upgrade this past June. Leigh participated in AO-led conference calls and communicated directly with their court in preparation for the upgrades. She traveled to Miami after the upgrade to help troubleshoot various issues with configurations and provided dictionary assistance. In addition, Leigh attended a meeting with their operations staff and chief deputy to discuss quality control, docketing procedures, and other considerations for their upgrade.

In September, Leigh appeared as a district court representative panel member on a Justice Television Network broadcast regarding the Victim Notification System. This was a national broadcast to educate DOJ and court staff on the benefits of the system.

Leigh also recently participated in testing CM/ECF Version 4.0. This is a major upgrade to the system and is scheduled to be available in 2009. Court and AO staff concentrated on testing new functionality and solutions for modifications requests. Court staff participation is particularly useful in this process because these employees have the greatest knowledge of the day-to-day operations and understand the impact the new release will have on those operations.

**Tyler Adams and Leigh Kinzer**, CM/ECF & JMS Administrator, led the district, at the request of the AO, as a "Monitored Live Operations" court for new CM/ECF Versions. This is a new approach by the AO in software releases where a few courts agree to act as early implementers of the system and work closely with the AO on issues to minimize the impact on all other courts when they go live with the release.

Version 3.2 included a major policy change to the filing of court transcripts. Leigh and Tyler participated in several conference calls with the AO and the other MLO courts, provided immediate feedback to the AO and other courts on their findings, and implemented software changes as they became available by the developers. Both Leigh and Tyler were contacted by several courts to consult on their transcript policies and experiences, and to provide dictionary assistance and documentation.

Version 3.2.2 included the Department of Justice initiative “Victim Notification System,” or VNS. Kansas was asked to pilot the project by Department of Justice VNS Project Manager, Kurt Shernuk. Tyler and Leigh led the way by working closely with AO and DOJ staff to work through initial glitches in the system. This CM/ECF Version has since been implemented in three other courts, with a national implementation schedule underway for all other courts.

**Mary Beth Hill**, Jury Administrator, is a member of the EJUROR test group and is responsible for developing, testing and deploying the EJUROR program to courts nationally. In October, Mary Beth traveled to Phoenix, AZ to test EJUROR. She is also part of the JMS work group, which involves reviewing modification requests and a yearly planning meeting. Mary Beth frequently counsels jury administrators from various courts, serving as a subject matter expert on JMS procedures. In addition, she traveled to the District of Wyoming in September to train their new jury clerk. She is recognized as a national expert on jury matters.

**Ingrid Campbell**, Chief Deputy, led the Kansas City Clerk’s Office, along with the Western District of Missouri Clerk’s Office, in hosting the first of two National Financial Forums. The purpose of the Forums is to continue training in the fields of finance and budget. The forums are designed to increase user proficiency, share best practices, and build upon the expertise of financial personnel within the Judiciary. The Clerk’s Office worked closely with representatives from the AO and spent months preparing and planning for the logistics involved in hosting a combined conference of close to 600 attendees from all over the country. During the week of the Forum, Clerk’s Office staff worked long hours manning the registration and help desk, providing administrative support, answering questions and generally ensuring that the attendees and facilitators had everything needed for a successful training experience.

**Ethan VanLoenen**, Financial Specialist, has assisted the AO and several courts in becoming operational on the Civil/Criminal Accounting Module (CCAM). As a mentor court representative, Ethan assists courts in converting their legacy data to CCAM by setting up parties, payees, cases, and mapping joint relationships. Ethan was also selected to participate in the CJA District Methods Analysis Program. This working group is comprised of subject matter experts who work to "map" the CJA process in their offices and develop more efficient and effective methods of accomplishing their duties.

**Ann Meeker**, Systems Engineer, has been intensively involved this year with the pioneer development of a new PACTS Forms package. This includes transitioning 60 customized WordPerfect forms over to a new LiveCycle (PDF) platform, which provides greatly enhanced functionality. Ann has worked with the AO and Adobe programmers to identify and resolve key issues during the development

phase, and she is now providing direct assistance to other courts by sharing technical advice and copies of the new Kansas forms.

**Ben Krehbiel**, Systems Manager, facilitated a three hour Probation/Pretrial session comprised of Probation/Pretrial CUEs and IT personnel at a combined IT Conference with the 1st, 5th 6th, and 10th Circuits in Indianapolis, IN this past August. In preparation, he held calls with the AO to gather topics, and corresponded with the Administrators, Deputies, and System Managers to discover the issues and topics that were important to them. In addition, Ben built a web-based survey tool to gather ideas and rank the topics. He moderated the session and kept the participants on track discussing mobile computing possibilities, and sharing ideas for the next generation of PACTS.

**Tyler Adams**, CM/ECF & JMS Administrator, recently modified the public opinions script from the Northern District of Virginia. This update posts recent publishable orders on our Internet site so that attorneys, the news media, and the general public will be able to easily find such listings.

The District of Kansas is extremely fortunate to have such talented and dedicated employees. Courts nationwide often look to our staff for leadership and guidance when innovative ideas and technologies are introduced to the judiciary. The contributions listed above are just a few of the many reasons why this District has the reputation of being a front-runner in judiciary advancement.

## FINANCIAL ACTIVITIES

2008 continued to be a busy year for the Finance and Procurement Staff. We continued to provide financial, procurement and travel support for both the District Court and Probation Office. In addition, we provided disbursing support for the Bankruptcy Court and Federal Public Defender. We also welcomed two new members to our team. Jason Bruhn, who was formally a Court Operations Specialist in the Kansas City Clerk's Office, replaced Michele Cervant as the Criminal Debt Analyst. Sarah Spegal, who was formally a Legal Assistant with the firm Leyhe, Meyer, Leyhe and Lobel of St. Louis, MO, replaced Tami Anthony as the Financial Support Specialist. Both Jason and Sarah have been tremendous additions to the Finance team.

Due to the prolonged continuing resolution, we did not begin procuring items for the approved FY 2008 spending plan until final budgets were received in April. In addition to the normal cyclical replacement of computer equipment, acquisitions of furniture and office equipment, the FY 2008 Spending Plan was highlighted by the court's continued commitment to upgrading its Information Technology infrastructure. We also initiated a multi-year program to upgrade our Courtroom Technology, which was made possible by a new Courtroom Technology component to our annual allotment, which amounted to \$184,000 in

FY2008. Lastly, to the extent that funds allowed, we continued to refurbish our facilities during FY 2008 by re-carpeting and re-painting those areas in greatest need.

The Finance Department also continued its long-standing practice of contributing resources to assist the Administrative Office on National Projects. In addition to supporting AO led initiatives, Ethan Van Loenen, Financial Specialist, assisted various courts in their efforts to implement the judiciary's Civil/Criminal Accounting Module (CCAM), an accounting system to track the payment of restitution to victims. Ethan was also selected to participate in the CJA District Methods Analysis Program. This working group is comprised of subject matter experts who will work to "map" the CJA process in their offices and with the goal of developing more efficient and effective methods of accomplishing this work. Finally, in September we co-hosted, along with the Western District of Missouri, a Financial Forum. The Financial Forum was established to create a more organized approach to providing training opportunities for finance and budget staff, with the objective of increasing user proficiency, sharing best practices and building upon the expertise of financial personnel within the Judiciary.

#### 2008 FINANCE AND PROCUREMENT TRANSACTIONS

- Restitution program: \$1,191,770.96 was collected and \$1,411,989.42 was disbursed to numerous victims. The restitution balance as of December 31, 2008 was \$715,820.97.
- Non-Invested Registry Funds: \$3,090,966.30 was collected and \$3,509,840.52 was disbursed during the year. The non-invested registry balance as of December 31, 2008 was \$2,632,701.54.
- Invested Registry Funds: \$2,026,381.08 was collected and \$860,608.72 was disbursed during the year. The invested funds earned \$11,799.73 in interest during 2008. The invested registry balance as of December 31, 2008 was \$2,006,514.61.
- Support for CJA - appointed attorneys, expert services and transcripts: 1179 vouchers processed in 2008 with payments totaling \$3,088,601.19, compared to 860 vouchers processed in 2007 with payments totaling \$1,873,957.41.
- Checks issued: 10,717; Receipts issued: 6,533 ; Purchase Order issued: 1,361
- Total Receipts: \$5,412,858.50; Total Disbursements: \$11,496,415.00

## INFORMATION TECHNOLOGY

The Information Technology department made significant network infrastructure improvements in 2008 including the installation of new Storage Area Network devices (SANs) and Citrix remote access servers in each city. These two implementations are critical for overall system performance, remote access and continuity of operations. We also started deploying virtualized servers to provide increased flexibility of the restoration of services in the event of a system failure.

The District of Kansas performed a significant upgrade for CM/ECF to version 3.2.2, which included cooperation with the Department of Justice to supply information to their Victim Notification System. Tyler Adams also made two noteworthy local modifications to CM/ECF by creating an easy method of e-mailing all attorneys in a case, as well as simplifying the public opinions process for chambers' staff.

The Attorney Wireless Internet project was completed in 2008 and procured with Bench Bar funding to provide wireless internet access to all District and Bankruptcy courtrooms throughout the District of Kansas.

As noted earlier, the Information Technology Department was extremely involved in 2008 in the Electronic Courtroom Enhancement.

## FEDERAL COURT CLERKS' ASSOCIATION CONFERENCE

The 2008 Federal Court Clerk's Association conference was held June 22-26, 2008, in Louisville, Kentucky. The District of Kansas was able to send a record group to the conference; those attending were Ingrid Campbell, Neely Fedde, Leigh Kinzer, Kim Leininger, Tim O'Brien, Chasity Schoonover, Bonnie Stinson, Ethan VanLoenen and Jenine Wright. Based upon the theme "Racing for Greatness," the conference included plenary sessions involving a keynote address by Administrative Office Director Jim Duff, a panel discussion regarding the future of the judiciary and an address by our sixteenth president, Abraham Lincoln. Breakout sessions included a leadership/management book review and discussion, ECF, IT and clerk's roundtables, and training on benefits planning, communicating with pro se parties, leadership, dealing with difficult conversations, outreach and court financial management.

FCCA Conference  
Louisville, Kentucky  
June 22-26, 2008



Front Row: Jenine Wright,  
Neely Fedde, Bonnie Stinson

Middle Row: Chasity  
Schoonover, Tim O'Brien,  
Kim Leininger

Back Row: Ingrid Campbell,  
Leigh Kinzer, Ethan Van  
Loenen

In addition to the excellent educational agenda, the conference offered many opportunities to socialize and network with court family members from across the country. Attendees had the opportunity to participate in several social events. The highlight was a trip to Churchill Downs, several members of the Kansas delegation participated in the Derby Hat Contest. No one in the group received a prize, but many photos were taken of the very unique Kansas Sunflower headgear.

Louisville offered a wonderful array of sights and the programs were excellent. This is always a great opportunity to share ideas and collaborate on ways to improve our operations. Our friends in the Western District of Kentucky did a wonderful job planning and executing the entire conference.

## SECTION V: HUMAN RESOURCES

### HEARTLAND DIVERSITY LEGAL JOB FAIR

On August 22-23, 2008, the United States District Court for the District of Kansas attended the Heartland Diversity Legal Job Fair in Kansas City. The job fair is sponsored by the Kansas City Metropolitan Bar Association. The Heartland Diversity Legal Job Fair hosted 100 students from 49 law schools from across the nation. Area law firms and other employers of law students in the Kansas City area have long recognized the value of diversity of people and ideas to the profession. The Court believes this is a valuable service to the bench, bar and the public to broaden diversity in our area. The court gave students information about its internship and judicial clerkship programs. As a result of the participation, two offers were extended for internships. One student is spending the spring semester of 2009 interning in the chambers of Chief Judge Vratil. We look forward to attending the Heartland Diversity Legal Job Fair in 2009. We encourage other courts to participate in this worthwhile venture.

### NEW HIRES/APPOINTMENTS/DEPARTURES

Every year our court has personnel changes. We appreciate those who have brought their talents to the Court family. Some who are here transfer for new opportunities and challenges. Of course, we always have departures to make way for others to serve. Below is a list of our 2008 changes.

|                   |  |
|-------------------|--|
| March 3, 2008     | Sarah Spegal, Administration   |
| March 28, 2008    | Timothy M. O'Brien, Administration   |
| May 5, 2008       | Jana Hoelscher, Wichita Clerk's Office<br>Shauna Ripley, Judge Waxse Chambers Staff  |
| May 12, 2008      | Neely Fedde, Chief Judge Vratil Chambers Staff and<br>Kansas City Clerk's Office   |
| August 4, 2008    | Krystle Dalke, Judge Belot Chambers Staff  |
| August 11, 2008   | Brooke Hesler, Judge Sebelius Chambers Staff<br>Jennifer Brake, Administration   |
| August 18, 2008   | Adam S. David, Judge Tacha Chambers Staff<br>Jonas V. Anderson, Judge Tacha Chambers Staff<br>Larkin Walsh, Judge Murguia Chambers Staff             |
| August 25, 2008   | Emily Grant, Judge Lungstrum Chambers Staff  |
| September 2, 2008 | Susan Miller, Judge Briscoe Chambers Staff   |
| September 8, 2008 | Maren Ludwig, Judge Lungstrum Chambers Staff<br>Thomas Hamilton, Chief Judge Vratil Chambers Staff<br>Rrachelle Douglas, Judge Marten Chambers Staff |
| October 9, 2008   | Judge Eric F. Melgren, U.S. District Judge   |
| October 13, 2008  | Cindy McKee, Judge Melgren Chambers Staff  |

|                   |   |
|-------------------|---|
| October 20, 2008  | Amber Anderson, Wichita Clerk's Office          |
| October 27, 2008  | Patrick Turner, Judge Melgren Chambers Staff    |
| November 10, 2008 | Charles Parish, Administration                  |
| December 1, 2008  | Johanna Wilkinson, Judge Melgren Chambers Staff |
|                   | Nanette Turner, Judge Brown Chambers Staff      |
| December 16, 2008 | Stephanie Nall, Judge Melgren Chambers Staff    |

### TRANSFERS

|                    |  |
|--------------------|--|
| January 2, 2008    | Jenine Wright, From Clerk's Office To Judge Marten Chambers Staff                  |
| June 23, 2008      | Jennifer Walton, From Administration to Judge Murguia Chambers Staff               |
| August 3, 2008     | Teresa Schreffler, From Judge Belot Chambers Staff to Judge Briscoe Chambers Staff |
| August 17, 2008    | David Roby, From Judge Murguia Chambers Staff to Judge Briscoe Chambers Staff      |
| September 15, 2008 | Robert Moody, From Wichita Clerk's office to Judge Belot Chambers Staff            |

### RETIREMENTS

|                    |  |
|--------------------|--|
| January 1, 2008    | Ruth Thompson, Judge Marten Chambers Staff         |
| January 2, 2008    | Beverly Rector, Judge Crow Chambers Staff          |
| May 2, 2008        | Jim Harper, Court Reporter, Wichita Clerk's Office |
| July 2, 2008       | Jane Stepp, Judge Murguia Chambers Staff           |
| September 30, 2008 | Carolyn Lary, Judge Belot Chambers Staff           |

### DEPARTURES/RESIGNATIONS

|                    |   |
|--------------------|---|
| February 1, 2008   | Lyndsey Conrad, Judge Tacha Chambers Staff            |
| February 29, 2008  | Melissa Taylor-Standridge, Judge Waxse Chambers Staff |
| August 1, 2008     | Andrew Goetz, Judge Briscoe Chambers Staff            |
| August 8, 2008     | Ambriel Renn-Scanlan, Judge Sebelius Chambers Staff   |
| August 15, 2008    | Shannon Roesler, Judge Tacha Chambers Staff           |
|                    | Ryan Huschka, Judge Tacha Chambers Staff              |
|                    | Mark Knights, Judge Briscoe Chambers Staff            |
| August 22, 2008    | Angela Mitchell, Judge Lungstrum Chambers Staff       |
| August 29, 2008    | Clifford Berlow, Judge Briscoe Chambers Staff         |
| September 5, 2008  | S. J. Moore, Chief Judge Vratil Chambers Staff        |
|                    | Maureen Walterbach, Judge Lungstrum Chambers Staff    |
| September 26, 2008 | Brent DeShazer, Administration                        |
| November 28, 2008  | Nathan Mattison, Judge Brown Chambers Staff           |

## INTERNSHIP PROGRAM

This year the Clerk's office implemented an internship program. The program is comprised of two parts: one for legal assistant students and one for law students.

The program for legal assistants is in cooperation with Anita Teblue at the program at Johnson County Community College. Our office provides opportunities for students to learn about the procedures in the office and courthouse generally. It is also designed to enhance the skills of legal assistants by giving real life projects similar to what would be done at a law office.

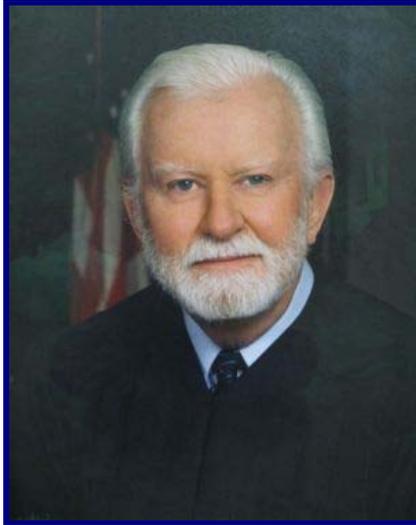
In the Fall of 2008, our intern Nataliya Pukha provided very valuable service to our office. We appreciated her dedication and hard work.

On the law student side, our program is designed to expose law students to the Courts and Court Administration. Our students came from Washburn University and University of Missouri at Kansas City. They provided valuable legal research skills underwriting work on projects regarding bills of costs, electronic indictments, criminal restitution and other important issues. We hope that this provided valuable experience to our interns, Katherine Douglas from UMKC, Christine Dickerson Galindo and Robert Weaver both from Washburn University. We enjoyed working with these very talented law students.

Thanks to all of our 2008 interns and good luck in your future endeavors.

## SECTION VI: A TRIBUTE TO OUR FRIEND AND A FINE JURIST

### TRIBUTE TO MAGISTRATE JUDGE JOHN THOMAS REID



John Thomas (“Tom”) Reid, a distant cousin of Abraham Lincoln, was born on July 4, 1929. He always appreciated the fact that so many people took the day off work and even bought fireworks to celebrate his birthday. He died on November 16, 2008; he was 79 years old.

After serving in the U.S. Army, Tom Reid graduated from Wichita State University and received his J.D. from Washburn University in 1958. That same year he married his wife, Sharon, and began a law practice in his hometown of Newton, Kansas. Tom Reid served as a city judge in Newton (1959-

1961), probate and juvenile judge (1961-1967), county attorney (1971-1975), Newton city commissioner (1977-1980), Newton mayor (1978-1979), and Associate District Judge, Ninth Judicial District (1980-1984).

In 1984, Tom Reid was selected to be a part-time U.S. Magistrate Judge. In 1987, he became a full-time U.S. Magistrate Judge, whose duties included civil cases and the Ft. Riley Magistrate Court docket. Judge Reid took care of the Ft. Riley docket from December 1987 through July 2004, totaling approximately 400 court sessions at Ft. Riley. In 16 ½ years, Judge Reid missed only one court session at Ft. Riley.

Judge Reid’s duties in Wichita included civil discovery and civil consent cases. From 1987-2001, Judge Reid presided over 33 civil jury and bench trials. None of the verdicts in these cases were overturned on appeal. Judge Reid also handled numerous settlement conferences in Wichita, Topeka and Kansas City.

Judge Reid filled in to help out as needed throughout the district. Judge Reid handled the Ft. Leavenworth Magistrate Court docket on many occasions. Judge Reid took care of the magistrate duties in Topeka when Judge VanBebber was promoted to U.S. District Court Judge, and later helped out in Topeka when U.S. Magistrate Judge Newman was ill and after Judge Newman’s death.

Judge Reid “retired” in July 1999 when he turned 70, but was recalled and continued working until his death. In addition to handling the Ft. Riley docket through July 2004, Judge Reid was assigned social security disability cases

throughout the district. He prepared reports and recommendations in over 600 social security disability cases.

The most important aspect of Judge Reid's life was his family, including his wife, Sharon, his daughters, Jennifer Reid (Todd Tedesco) and Amy (Bob) Schell, and four grandchildren: Madison Reid-Tedesco, Conor Reid-Tedesco, Elizabeth Schell, and Jack Schell. His kindness and genuine care for those whose lives he touched will be missed by all.