

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



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



FRANK CARLSON  
FEDERAL BUILDING AND  
U. S. COURTHOUSE  
444 SOUTHEAST QUINCY  
TOPEKA, KANSAS



U.S. COURTHOUSE  
401 NORTH MARKET  
WICHITA, KANSAS

**ANNUAL REPORT  
2009**

## Table of Contents

<b>SECTION I: Assisting the Bench</b> .....	2
a. Revisions to Local Rules.....	2
b. Courtroom Technology.....	5
c. Construction.....	5
i. Kansas City Commercial Power.....	5
ii. Kansas City Clerk’s Office Breakroom.....	6
d. Continuity of Operations Plan (COOP).....	6
e. Pro Se Report.....	7
f. Law Clerk Orientation.....	8
g. Judicial Assistants’ Retreat.....	9
h. Kansas Court of Appeals.....	10
<b>SECTION II: Service to the Bar</b> .....	11
a. Criminal Justice Act Attorney Appointments.....	11
b. Court Statistics.....	12
i. Civil Cases.....	12
ii. Jury Trials.....	13
c. Attorney Admissions.....	13
d. Website Redesign.....	13
<b>SECTION III: Serving the Public</b> .....	15
a. Community Outreach.....	15
i. Open Court for Summer Associates.....	15
ii. Law Day.....	15
b. A Conversation with Federal Judges.....	15
c. Court History.....	15
i. 150 <sup>th</sup> Anniversary Planning.....	15
ii. Book/Video Project.....	15
iii. Immigration/Naturalization Exhibit.....	16
iv. Oral Histories.....	16
v. Riding the Circuit.....	16
vi. Our Courts.....	16
vii. Topeka Portrait Restoration Project.....	16
d. Bring Your Child to Work Day.....	17
e. Courthouse Tours.....	18
f. Naturalization Program.....	18
g. Appointed Civil Counsel.....	19
h. Jury Issues.....	19
i. Advanced Judicial Information System (AJIS).....	19
ii. E-Juror.....	19
iii. Jury Wheel Refill.....	20
iv. Jury Statistics.....	20
v. Jury Term of Service.....	20

**SECTION IV: Clerk’s Office Reports**.....21

- a. Financial Activities.....21
- b. 2009 Finance and Procurement Transactions.....21
- c. Information Technology.....22
- d. Training: Federal Court Clerks’ Association Conference.....22

**SECTION V: Human Resources**.....24

- a. Heartland Diversity Legal Job Fair.....24
- b. New Hires/Appointments.....24
- c. Transfers.....25
- d. Retirements.....25
- e. Departures/Resignations.....25
- f. Internship Program.....26
- g. Recalled Magistrate Judge Gerald B. Cohn.....26

## United States District Court

### District of Kansas 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. Wasxe, 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 F. 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

The Honorable Gerald B. Cohn, Temporary Magistrate Judge

## Section I: Assisting the Bench

---

### a. Revisions to Local Rules

In 2009, the District of Kansas undertook the Civil Rules Restyling Project, which focused on clarifying and tightening the civil D. Kan. local rules. Although the committee made changes to the bankruptcy and criminal rules, those changes are minor. The committee did not attempt to comprehensively overhaul the bankruptcy and criminal rules as it did the civil rules. The following changes were proposed and released for public comment during 2009 and are expected to go into effect on March 17, 2010.

#### Non-Substantive Changes

***Internal Rule Restyling*** - Rules are reworded and, in a few cases, reorganized, to add clarity. The restyling is not intended to have a substantive effect. The restyling elements were modeled after those used during the Federal Rules restyling project. Generally, the restyling elements fall into the following categories:

- Graphic restructuring, with internal subparts and labels added
- Conversion to active voice
- Deletion and regrouping of repeated content
- Replacement of antiquated words
- Replacement of “shall” where “shall” does not appear in a statute governing the text of the rule. “Shall” is replaced with “must,” “may,” “should,” or “will,” depending on the context. Again, the replacement of “shall” is not intended to have a substantive effect on any rule.
- Replacement of inconsistent words, e.g.:
  - “for good cause” replaces “for cause shown,” “for good cause shown,” etc.
  - “attorney” replaces “counsel” in many instances
  - “attorney’s fees” replaces “attorney fees” and “attorneys’ fees”
- Deletion of unnecessary words, e.g., replacing “the court in its discretion may” with “the court may”

- Application of consistent capitalization and punctuation

*Correction of incorrect references* - Incorrect references to the federal rules are corrected.

### **Substantive Changes**

*Rule and/or Subpart Deletion* - A few rules are deleted because they are no longer necessary. For example:

- Rule 5.4.14 is deleted because it is now covered by Fed. R. Civ. P. 5.2.
- Rule 24.1 is deleted because it is now covered by Fed. R. Civ. P. 5.1.
- Rule 51.1(b), on “Requests for Jury Instructions,” is deleted because it is essentially duplicative of (a). Some of the guidelines present in (b) were kept and reorganized in the new proposed Rule 51.1.
- Rule 72.1.1(i)(14) - deleted the reference to the Narcotic Addict Rehabilitation Act, as it has been repealed.
- Rule 72.1.5, on scheduling of criminal matters, is deleted.
- Rule 79.4(b) is deleted because 10 years have passed since the effective date of the rule.
- Rule CR49.14 is deleted because it is now covered by Fed. R. Crim. P. 49.1.

### *Deadline modifications*

- Deadlines for filing documents are changed, in most instances, to multiples of 7, to be consistent with Fed. R. Civ. P. changes that will be effective December 1, 2009. In the Fed. R. Civ. P. revisions, “days are days,” which means that there will no longer be different counting methods for deadlines of less than 11 days and 11 days or longer. Deadlines will be extended in most instances, e.g., from 10 days to 14 or 20 days to 21.

### *Other substantive changes*

- Rule 5.4.12: added that pro se parties may file electronically.
- Rule 9.1(g): removed the ifp limit of \$150 in a prisoner’s institutional account to qualify for ifp status.
- Rule 9.1(h): specified that prisoners no longer need to provide the court with multiple copies.

- Rule 72.1.1(i)(4): added that magistrate judges may “take a felony guilty plea when the defendant consents and the district judge does not object.”
- Rule 72.1.1(i)(7): added that consent of the parties and lack of objection from the district judge are required before a magistrate judge may conduct voir dire and select petit juries.
- Rule 77.1: deleted the portion of the rule setting forth the hours and days that the clerk’s office will remain open.
- Rule 83.5.3(b): made federal court employees who do not actively practice before the court exempt from paying fees to remain on active status with the District of Kansas.
- Rule 83.5.3(f): added a provision that no prior approval is necessary for investigative expenditures of \$500 or less.
- Rule 83.5.3(g): provided that the clerk can enter an order suspending attorneys from practicing law in the District of Kansas if they do not timely pay their fees by October 1, and that disciplinary action may be pursued if a suspended attorney continues to practice law.
- Rule 83.5.3(h): provided for a flat \$100 reinstatement fee, instead of a fee based on the number of years delinquent.
- Rule 83.6.3: added a provision for referral of disciplinary matters for investigation to the Kansas Disciplinary Administrator.
- Rule 83.6.9: provided that the Disciplinary Panel may suspend an attorney placed on disability inactive status in another jurisdiction.

## **b. Courtroom Technology**

During 2009, we made great strides in upgrading courtroom sound systems under the technical leadership of Chris Sapp, the district's Courtroom Technology Administrator, by replacing 12 of the district's 16 courtroom sound systems. These sound system implementations dramatically improve the capabilities and quality of the courtroom audio experience through the addition of new wired and wireless microphones, teleconferencing, remote interpreting, assisted listening devices, remote control of sound system components and internal audio streaming of court hearings. Chris also implemented an innovative feature that provides a private bench conference microphone solution for the court reporters. By leveraging Chris' unique talents and experience, we were able to complete the installation of a typical sound system for about \$13,000 per courtroom, compared to an average cost of \$50,000 using the Judiciary's Courtroom Technology contract. Bringing this work "in-house" has allowed our district to make our courtroom technology budget dollars stretch much further.

## **c. Construction**

2009 saw the completion of two major construction projects in the District: an upgrade to the commercial power system to the Dole Courthouse, and a complete remodeling of the Clerk's Office kitchen/break room in the Dole Courthouse.

### **i. Kansas City Commercial Power**

Ever since the initial construction of the Robert J. Dole U.S. Courthouse in Kansas City was completed, the courthouse has been vulnerable to extended power outages. The vulnerabilities were primarily the result of two factors: (1) an unreliable and aging infrastructure in the local commercial power system, owned and operated by the Bureau of Public Utilities (BPU) of Kansas City, Kansas; and (2) the lack of a mechanism at the courthouse to automatically switch to an alternate power source if the primary BPU source were to fail. Under the original system, BPU had to dispatch a technician to make the switch to the alternate power feed, which often took hours to accomplish. During those outages, much of the business of the court was interrupted.

The court's administrative staff initiated a project with GSA and BPU to examine the original courthouse power configuration and to upgrade the courthouse with an automatic transfer switch (ATS) that will switch to an alternate BPU power feed without human intervention if the primary feed fails. This shortens the period of disruption from potentially hours to only a few seconds. In the time since this new configuration was implemented, the Dole Courthouse has not experienced any further long-term power outages.

**ii. Kansas City Clerk's Office Break Room**

The renovation of the Dole Courthouse break room was undertaken to provide a larger and more comfortable space for clerk's office employees and to create a new space large enough to hold meetings and recognition ceremonies. With funding assistance from the 10<sup>th</sup> Circuit, the space was enlarged nearly three-fold and the appliances and facilities updated to modern standards.

**Photographs of the completed break room:**



**d. Continuity of Operations (COOP)**

Following the completion of a district-wide tabletop exercise in December 2008, the court identified several areas that needed further study. One was coordination among the various agencies that must continue to work together during a COOP event. In particular, it was recognized that since many agencies occupy space in the same buildings, it is imperative that all agencies know when the District Court has activated its COOP and if/where operations will be relocated in order to carry on the business of the court. For example, if the Kansas City courthouse were to relocate temporarily to Topeka, this must be communicated to the U.S. Attorney, Federal Public Defender, and U.S. Marshals Service so that each organization can continue to perform their essential functions in support of the court.

A second area identified was the status of agencies' individual COOP documents, which were in various stages of completion. As an effort to establish a district-wide COOP baseline, each agency updated their plans in preparation for a mid-year review. In June, the agency heads conducted a meeting at which a consensus was reached to create a district-wide COOP, with input from the associated agencies as needed. Ray Waters, Administrative Manager,

was tasked to explore options for implementing such a plan, which was targeted for completion early next year.

A third area identified for investigation was the need for alternate facilities physically closer to a courthouse than the other divisional offices, which currently serve as alternate COOP locations. A memorandum of understanding (MOU) between the District of Kansas and the Western District of Missouri was drafted to address this need. Under the draft MOU, each court will offer temporary court space to the other during a minor COOP event – one that has only a building-specific impact. In this way, employees in the Dole Courthouse will have the option to relocate temporarily to the Whittaker Courthouse during a COOP event, which will be much more convenient and less disruptive to court operations than relocating to Kansas City's primary alternate site in Topeka. After the MOU with the Western District of Missouri has been adopted, similar agreements will be pursued in Topeka and Wichita.

### **e. Pro Se Report**

The Pro Se Task Force was established in 1997 by Judge John W. Lungstrum for the purpose of reviewing and updating documents provided to pro se litigants to assist them in processing their case(s) in federal court. The Task Force continues to meet at least annually to review local policies and procedures and to look for ways to improve services to pro se litigants. Current members include:

Magistrate Judge David J. Waxse, Chair

Tim O'Brien, Clerk of Court

Amy Merseal, Court Operations Specialist

Neely Fedde, Law Clerk to Chief Judge Vratil

Kim Leininger, Kansas City Division Manager

Rachel Lyle, Pro Se Law clerk

Shauna Ripley, Law Clerk to Judge Waxse

Steve Schwarm, Attorney

Linda South, Courtroom Deputy to Chief Judge Vratil

Casey Tourtillott, Law Clerk to Judge Murguia

In 2009, the Task Force reviewed the Pro Se Guide, making several changes to the language and format. The Task Force also discussed the Supreme Court of the State of Kansas' pilot project on limited scope representation. Supreme Court Rule 226, KPRC a.2 (c) allows attorneys to enter a Notice of Limited Appearance for the purpose of completing certain tasks related to a case. The Task Force will continue to monitor the pilot project and determine the impact this may have on our court's rules and procedures.

The court's new website will offer a section dedicated to pro se litigants. The Task Force hopes to use the website as a way to provide innovative ways of assisting those who represent themselves in federal court. If you would like more information on the Pro Se Task Force, contact Kim Leininger at 913.735.2205.

#### **f. Law Clerk Orientation**

In the fall of 2009, the District Court held its annual New Law Clerk Orientation in Kansas City, Kansas. Five new law clerks joined the district in 2009:

Christina Arnone, law clerk to District Judge John W. Lungstrum  
Clayton Kaiser, law clerk to District Judge J. Thomas Marten  
Heather Klaassen, law clerk to District Judge Julie A. Robinson  
Amy Henson, law clerk to Magistrate Judge James P. O'Hara  
Robin Anderson, law clerk to Magistrate Judge James P. O'Hara

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, 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.

**g. Judicial Assistants' Retreat**

Judicial Assistants and Courtroom Deputies from the District of Kansas participated in the Seventh Annual Judicial Assistants' Retreat in March, 2010 in Topeka, Kansas. Activities included presentations from the U.S. Marshals Service, the Finance Department, the Honorable Jan Karlin with the U.S. Bankruptcy Court and the Kansas Historical Society. In addition, participants toured the Frank Carlson Federal Building, the Kansas Bureau of Investigations Laboratory and the State Capitol.



**Top row left to right:**

Jennifer Walton, Sharon Scheurer, Judy Larkey, Brenda Wessel, Shari Jordan, Patty Stones, Jenine Wright.

**Bottom row left to right:**

Kathy Grant, Sue Whiteside, Linda South, Sheryl Gilchrist.

### **h. 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 2009. 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 2009:

Honorable Michael B. Buser	Honorable Steve Leben
Honorable Nancy L. Caplinger	Honorable Tom Malone
Honorable Jerry G. Elliot	Honorable Christel E. Marquardt
Honorable Henry R. Green, Jr.	Honorable Patrick D. McAnany
Honorable Richard Greene	Honorable G. Joseph Pierron, Jr.
Honorable Stephen D. Hill	Honorable Melissa Taylor Standridge

Below is a table of cases and location of heard arguments in 2009 by the Kansas Court of Appeals.

<b>2009</b>	<b>United States Courthouse Wichita, Kansas</b>	<b>Robert J. Dole U. S. Courthouse Kansas City, Kansas</b>
January		10
February		11
March		0
April		0
May		12
June		11
July		8
August		0
September		12
October		15
November		9
December		0
<b>TOTAL</b>		<b>88</b>

## Section II: Service to the Bar

### a. Criminal Justice Act Attorney Appointments

The following attorneys served on the 2009 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	Jason Belveal	Tony L. Atterbury
Thomas J. Bath, Jr.	Mark L. Bennett, Jr.	Rick Bailey
Mark L. Bennett, Jr.	Jerold E. Berger	Terry Beall
Michael R. Clarke	James R. Campbell	Branden Bell
Patrick E. D'Arcy	Benjamin N. Casad	Gregory Bell
Jay D. DeHardt	James G. Chappas	Jeff Carmichael
John M. Duma	Edward M. Collazo	Derek Casey
Robb Edmonds	James C. Heathman	Amy Cline
Robin D. Fowler	Jeannine D. Herron	Casey J. Cotton
Phillip R. Gibson	Michael G. Highland	Holly Dyer
Scott C. Gyllenborg	Donald R. Hoffman	Roger Falk
B. Kay Huff	Jason P. Hoffman	Jay Fowler
John Jenab	B. Kay Huff	E. Jay Greeno
David Andrew Kelly	Michael M. Jackson	Jeffrey L. Griffith
Michael E. Kelly	Thomas H. Johnson	David N. Harger
R. Bruce Kips	Christopher M. Joseph	Eric Hartenstein
Forrest A. Lowry	Stephen W. Kessler	Michael D. Hepperly
Alex S. McCauley	Eric Kjorlie	Thomas Johnson
Melanie Morgan	J. Richard Lake	Stan Kenny
Jeffrey Daniel Morris	Thomas G. Lemon	Kurt Patrick Kerns
Shazzie Naseem	Forrest A. Lowry	Amy Lemley
Cheryl A. Pilate	Dwight L. Miller	David Link
Jacquelyn E. Rokusek	Melanie S. Morgan	Kevin Loeffler
Dionne Michaelle Scherff	Cheryl A. Pilate	Steven D. Mank
J. Steven Schweiker	Jacquelyn Ellen Rokusek	Rebecca Mann
James L. Spies	Mary K. Savage	Carl Maughan
Thomas R. Telthorst	Dionne M. Scherff	Paul S. McCausland
Tricia A. Tenpenny	James Spies	Sean C. McEnulty
Mark A. Thomason	Sonja Strickland	David H. Moses
W. Scott Toth	Mark W. Works	Carolos J. Nolla
Jessica Travis		Morgan O'Hara Gering
Debra Ann Vermillion		Peter John Orsi
Jeremy Sean Weis	New Topeka appointments are Jon Whitton, Thomas Johnson, Dionne Scherff, Jacquelyn Rokusek and Cherryl Pilate.	Sylvia Penner
Jack West		David M. Rapp
		John E. Rapp
		Edward Robinson
		Stephen E. Robison
		Kari S. Schmidt
		Mark Schoenhofer

Kansas City	Topeka	Wichita
		Mark Severt
		Laura B. Shaneyfelt
		Craig Shultz
		Michael J. Shultz
		Kevin M. Smith
		John E. Stang
		John Sullivan
		John V. Wachtel
		Michael P. Whalen
		Philip R. White
		Will Wohlford
		Jon S. Womack
		Lee H. Woodard
		Catherine Zigtema

**b. Court Statistics**

**i. Civil Cases**

The court continues to see an increase in cases filed within the district. The civil statistics below are based on calendar year by comparing 2008 and 2009 data. Following are some of the more interesting statistics regarding our civil case load.

Filings/Cases/Petitions	Percent Increased/Decreased	Cases	
		From	To
Civil Filings	-3%	1,566	1516
Diversity of Citizenship Filings	-15.4%	376	318
Personal Injury Cases	-27.6%	228	165
Labor Law Cases	50.5%	85	128
Copyright, Patent & Trademark Cases	-40%	50	30
Federal Habeas Corpus Prisoner Petitions	0%	65	65

## ii. Jury Trials

In 2009 there were 50 jury trials (20 civil; 30 criminal) and 6 bench trials (civil). Judges spent 138 days totaling 648.5 hours on civil jury and bench trials and 157 days totaling 639 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	119	568	11	50.5
Civil Bench Trials	8	30	0	0
Criminal Jury Trials	157	639		

## c. Attorney Admissions

In calendar year 2009, we admitted 268 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 for the State of Kansas. At the April 24, 2009 ceremony, 75 attorneys elected to be admitted to federal court and Judge Robinson presided along with Kansas Supreme Court Justices. At the September 25, 2009 ceremony, 106 attorneys elected admission with our court and Judge Robinson presided along with the Justices.

The remaining 87 attorneys were admitted at the clerk’s offices in Kansas City, Topeka and Wichita. Of the 87 attorneys, 43 were admitted to us through our reciprocal agreement with the Western District of Missouri. The remaining 44 attorneys were members of the bar of the State of Kansas.

## d. Website Redesign

The District of Kansas continues to work on its website redesign project. The redesign includes restructuring the website information architecture and improving site navigation, design and content to meet the following goals identified by the website redesign committee:

- rewrite the current code to comply with modern standards
- improve navigation and content layout

- provide new services to both the court and its visitors, utilizing current technologies to offer enhanced functionality

In September 2009, the court issued a Request for Proposal (RFP) to several web developers for the redesign of the court's internet and intranet websites. The court received one proposal and awarded the contract to comQueen, owned and operated by Cara Flores-Mays. Having developed the Internet site for the District of Guam, comQueen was familiar with the federal court system and the court's leadership structure.

ComQueen is guiding the redesign committee through the tedious process of gathering documents, data and content for the new site. Once the data has been entered and formatted, the committee will finalize the design of the site and begin the testing phase before deploying the new internet site in the fall of 2010.

For additional information about the court's website redesign project, please contact Kim Leininger at 913.735.2205.

## Section III: Serving the Public

---

### a. Community Outreach

#### i. Open Court for Summer Associates

In 2009, the court expanded its open doors for summer associates program and held sessions in all three of its courthouses. The program in each location featured panel discussions with law clerks, lunch and panel discussions with the judges, and courthouse tours.

#### ii. Law Day

To celebrate law day, Judges Rushfelt, O'Hara and Waxse visited local high schools to discuss *Ex Parte Merryman* and debates on civil liberties during the Civil War.

### b. 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 2009, our court hosted luncheons in Topeka, Wichita, and Kansas City.

### c. Court History

#### i. 150<sup>th</sup> Anniversary Celebration Planning

The court's Archives/History Committee continued to plan the celebration of the court's 150th Anniversary, which occurs in 2011. The committee also manages ongoing court history projects. The committee continued to pursue a Supreme Court justice to speak at its 150th Anniversary Celebration Kick-Off Event in conjunction with a Landon Lecture at Kansas State University. The court also plans to invite the 10th Circuit Court of Appeals to hold panel arguments in Kansas during 2011.

#### ii. Book/Video Project

In 2009, the committee hired Michael Hoeflich, a law professor at the University of Kansas, to write a book about the history of the District of Kansas Federal Court.

### **iii. Immigration/Naturalization Exhibit**

Jean Svadlenak, the court's historian, continued her work on the Naturalization Exhibit.

### **iv. Oral Histories**

In 2009, the court completed the oral history for Judge Crow.

### **v. Riding the Circuit**

The "Riding the Circuit" concept has evolved from the idea of holding court in each of the nine locations in which the court is authorized to sit (Ft. Scott, Leavenworth, Lawrence, Salina, Hutchinson, Dodge City, Kansas City, Wichita and Topeka). Because of logistical challenges and to facilitate scheduling, the court will host naturalization ceremonies in each of these locations.

### **vi. Our Courts**

The court developed plans to participate in a collaborative outreach effort with the Kansas State Courts and the Kansas Bar Association.

### **vii. Topeka Portrait Restoration Project**

During a renovation project at the courthouse in Topeka, the court discovered that several portraits of judges were in disrepair. The committee plans to have the portraits repaired.

**d. Bring Your Child to Work Day**



The District Court hosted “Bring Your Child to Work Day” on Thursday, April 22 for the employees at the Robert J. Dole U.S. Courthouse. In all, twenty-five children, ages six to sixteen, participated in the event. Representatives from the various agencies within the Courthouse, including U.S. Attorneys, Bankruptcy, District Court, Probation and the Marshals Service, visited with the children about the purposes of their agencies. In addition, the children participated in a mock trial to learn about the functions of each party in a trial.

**Pictured above:** Dave Rempel, law clerk to Judge Lungstrum, served as a judge at the mock trial. He is shown administering an oath to one of the participants.

**Pictured below:** The children serving as attorneys and witnesses are sitting at a counsel table during the mock trial.



**Pictured right:** One of the highlights of Bring Your Child to Work Day is a tour of the U.S. Marshal's holding facilities.



### **e. 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 2009 the court conducted 14 tours district-wide. 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.

### **f. Naturalization Program**

In 2009, the court held 26 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, 2,594 people became citizens of the United States of America. 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.

## **g. 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 2009 by appointment of the court:

Brian J. Christensen	Kirk Ridgway
Fred Bellemere III	Lynn R. Johnson
Jeffery L. Carmichael	Ruth M. Benien
Billy H. Nolas	Shawn Nolan
Timothy Kane	L.J. Leatherman
Jean K. Gilles Phillips	Larry M. Schumaker
Jon A. Strongman	

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.

## **h. Jury Issues**

### **i. Advanced Judicial Information System (AJIS)**

The AJIS phone system has been in place for a year and everyone is much more comfortable. We are no longer mailing reminder letters to jurors, which is both a time saver for staff and a savings of postage, envelopes and paper. All jurors are instructed to call in and get their instructions. The Topeka division began using it for their grand jurors - setting a message that lets them know how long to anticipate the session will be for travel purposes. Jurors continue to tell us that they like the system. The jury staff does set a reminder call at the beginning of each term of service so that jurors will remember that they need to call in.

### **ii. E-Juror**

The e-Juror, or web-interface for the Jury Management System, helped tremendously with the filling of the master jury wheel in 2009. There was a great response rate. The District of Kansas was one of the first courts to go live on e-Juror and we mailed approximately 65,000 questionnaires. Of course, being the pilot court there were bumps and hiccups but all in all it went very well. We had an approximate use rate of 40 percent. It has been noticed that less people respond to the summons on e-Jjuror than did the questionnaire. We don't have an answer for that.

### **iii. Jury Wheel Refill**

2009 was a refill year for the jury wheel. The jury administrator and the systems administrator determined the number needed for each division and for each county. When undeliverable mail was received we reviewed it, changed the address if one was provided and mailed them back out if they were still in the state of Kansas. After the mailings were accomplished, we substituted any that were still not returned by zip code. As of December 29, 2010, there are still 2203 questionnaires outstanding for the 2009 jury wheel.

### **iv. Jury Statistics**

The most recent report for jury utilization was for the year ending December 31, 2009, by the Administrative Office of the U.S. Courts. The National Average of jurors not selected, serving or challenged (NSSC on the first day of jury service) is 40.1 percent. This is the highest national average since the Administrative Office began reporting statistics on first-day juror utilization in 1983. The District of Kansas is less than the National Average at 37.6, which is slightly higher than in 2008 (35.7). Certain things can cause this number to fluctuate. Notoriety cases, death penalty cases, multi-defendant criminal cases, continuances because of unforeseen circumstances, late settlements and the need in “mega cases” to bring in jurors to complete prescreening questionnaires. (taken from the Report on Utilization prepared by the AO).

### **v. Jury Term of Service**

Jurors are now “on-call” for a one month term of service. The jury staff continually works with jurors who may need time off or have emergency reasons for not being able to appear. The jury staff also works closely with court staff to ensure that jurors are available in a timely manner. With the one month term, the jury staff remains committed to providing the best service possible to both the juror and to the court.

## Section IV: Clerk's Office Reports

---

### a. Financial Activities

In 2009, the Finance and Procurement staff continued to provide financial, procurement and travel support for both the District Court and Probation Office. We also provided disbursing support for the Bankruptcy Court and the Federal Public Defender. As has been the case in the recent past, the judiciary operated under a prolonged continuing resolution for 2009. The full allotments were issued to the courts at the end of March 2009 by the Administrative Office and as a result the District did not issue our approved Spending Plan until the end of April 2009. The FY 2009 Spending Plan was highlighted by the court's continued commitment to upgrade its Information Technology infrastructure, as well as the normal cyclical replacement of computer equipment and acquisitions of furniture and office equipment. We were also in the second year of our multi-year program of updating our courtroom technology.

2009 was a year of training for the Finance and Procurement staff. Ethan Van Loenen and Jason Bruhn became Level Three Contracting Officers in January. Jeffery Breon, Carie Shirley and Ethan Van Loenen attended the 2009 Financial Forum in March. Carie Shirley attended Budget Fundamentals training in October and Sarah Spegal attended CJA Panel Attorney Payment System training in November. All of the courses attended were established to provide additional training opportunities for the finance, budget and procurement staff, with the objective of increasing user proficiency, sharing best practices and building upon the expertise of financial personnel within the judiciary.

### b. 2009 Finance and Procurement Transactions

Restitution program: \$1,363,277.98 was collected and \$1,768,763.25 was disbursed to numerous victims. The restitution balance as of December 31, 2009 was \$310,335.70.

- Special Assessment and Fine Collections: \$1,405,746.44 was collected.
- Non-Invested Registry Funds: \$529,479.19 was collected and \$635,074.06 was disbursed during the year. The non-invested registry balance as of December 31, 2009 was \$520,592.06.
- Invested Registry Funds: \$1,251,828.63 was collected and \$1,884,992.61 was disbursed during the year. The invested funds earned \$20,417.49 in interest during 2009. The invested registry balance as of December 31, 2009 was \$1,394,933.32.

- Support for CJA - appointed attorneys, expert services and transcripts: 1,487 vouchers processed in 2009 with payments totaling \$4,948,145.35, compared to 1,179 vouchers processed in 2008 with payments totaling \$3,088,601.19.
- Checks issued: 10,870; Receipts issued: 6,602; Purchase Orders issued: 1,170.
- Total Receipts \$3,825,900.80; Total Disbursements: \$8,740,839.55.

### **c. Information Technology**

2009 marked the year that the Information Technology department initiated a multi-year capital investment program to plan for the future strategic needs of the district. The long-range plan includes improvements in storage capacity and performance, remote access methods, a network operating system migration, new data replication capabilities and desktop/server virtualization. This year we began by increasing our network storage capacity and purchasing new servers and software for each city, which will provide the building blocks for our virtual server infrastructure. The District of Kansas also upgraded the court's mission critical CM/ECF application to version 4. In addition, our district was the first court to implement a new application named e-Juror, which provides the capability for potential jurors to complete their jury questionnaire forms online, rather than filling out paper forms and returning them to the court via mail.

### **d. Training: 2009 Federal Court Clerk's Association Conference**

The 2009 Federal Court Clerk's Association conference was held July 19-23 in Detroit, Michigan. The District of Kansas was able to send four employees to the conference; those attending were Jenine Wright, Tami Anthony, and Mary Beth Hill. Based upon the theme "Change—A Driving Force!," the conference guest speakers included The Honorable George Singal, Chair of the Committee on Judicial Resources, James Duff, Director of the Administrative Office, and The Honorable Gerald E. Rosen, Chief Judge of the Eastern District of Michigan. Breakout sessions included topics such as public speaking, creative problem solving, motivating employees, overcoming resistance to change, project management, financial planning and the Internal Controls Evaluation System (ICE).

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, including a reception at the Automotive Hall of Fame, a Detroit Tiger's Baseball Game, and trips to the Motown Museum and the Charles H. Wright Museum of African American History. Our friends in the Eastern District of Michigan did a wonderful job planning and executing the entire conference. The annual FCCA conference is always a great opportunity to share ideas and collaborate on ways to improve our operations.



ile J.  
cCool,  
of  
om

## Section V: Human Resources

---

### a. Heartland Diversity Legal Job Fair

Tim O'Brien and Ron Schweer attended the Heartland Diversity Legal Job Fair in Kansas City on behalf of the court and probation and pretrial services, respectively. This is our 2<sup>nd</sup> appearance at the job fair sponsored by the Kansas City Metropolitan Bar Association. Over 100 students from 40 different law schools gathered in Kansas City to interview with government agencies, law firms and other legal employers. The court values the opportunity to speak with law students attending this minority job fair about opportunities that are available for potential law clerks and interns, court administration jobs and probation and other pretrial service opportunities. This year, we interviewed 19 students or recent graduates but unfortunately were unable to place any of them due to the limited number of vacancies and the unique timing of the judicial law clerk hiring season. However, we continue to believe that our attendance at the job fair will help with diversification efforts on the court and administrative staff. For example, we encouraged the second year students to apply for law clerk positions during the regular hiring season in the fall of their third year. Hopefully, we have provided some insight into why it is great to work for the United States Courts.

### b. New Hires/Appointments

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. Their departures make way for others to serve. Below is a list of our 2009 changes.

January 19, 2009	Patrick Turner, Judge Melgren Chambers Staff
March 16, 2009	Amy Henson, Judge O'Hara Chambers Staff
June 1, 2009	Kevin Bock, Administration
June 8, 2009	Bonnie Lieurance, Topeka Clerk's Office
June 15, 2009	James Reed, Administration
June 22, 2009	Carla Frasier, Kansas City Clerk's Office
August 3, 2009	Clayton Kaiser, Judge Melgren Chambers Staff
August 10, 2009	Craig Hundley, Judge Sebelius Chambers Staff
August 17, 2009	Tim Belsan, Judge Tacha Chambers Staff

August 17, 2009 Luke Wohlford, Judge Tacha Chambers Staff  
August 24, 2009 Allison Winkle, Wichita Clerk's Office Staff  
August 24, 2009 Christina Arnone (Elmore), Judge Lungstrum Chambers Staff  
August 31, 2009 Robin Anderson, Judge O'Hara Chambers Staff  
August 31, 2009 Andrew Estes, Judge Briscoe Chambers Staff  
August 31, 2009 Corey Houmand, Judge Briscoe Chambers Staff  
August 31, 2009 Heather Klaassen, Judge Robinson Chambers Staff  
September 14, 2009 Michael Avery, Judge Briscoe Chambers Staff

**c. Transfers**

There were no transfers in 2009.

**d. Retirements**

September 30, 2009 Bonnie Stinson, Wichita Clerk's Office

**e. Departures/Resignations**

March 15, 2009 Michele Tunnell, Judge O'Hara Chambers Staff  
April 17, 2009 Tim Deghand, Topeka Clerk's Office  
June 5, 2009 Karen Janaman, Kansas City Clerk's Office  
June 5, 2009 Chuck Parish, Administration  
August 7, 2009 Wendy Lynn, Judge Sebelius Chambers Staff  
August 14, 2009 Jonas Anderson, Judge Tacha Chambers Staff  
August 14, 2009 Adam Davis, Judge Tacha Chambers Staff  
August 21, 2009 Maren Ludwig, Judge Lungstrum Chambers Staff  
August 28, 2009 Carrie Temm, Judge O'Hara Chambers Staff  
August 28, 2009 Teresa Schreffler, Judge Briscoe Chambers Staff  
August 28, 2009 David Roby, Judge Briscoe Chambers Staff  
August 28, 2009 Keron Wright, Judge Robinson Chambers Staff  
August 31, 2009 Molly McMurray, Judge Marten Chambers Staff

September 11, 2009 Susan Miller, Judge Briscoe Chambers Staff

October 23, 2009 Jana Durall, Topeka Clerk's Office

### **f. Internship Program**

In 2008, 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 Tebbe at the Johnson County Community College Legal Assistant Program. 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 2009 interns and good luck in your future endeavors.

### **g. Recalled Magistrate Judge Gerald B. Cohn**

In June 2009, Magistrate Judge Gerald B. Cohn accepted recall in the District of Kansas to aid in completing the approximately 150 Social Security cases filed annually in the District. The lion's share of these cases had previously been handled by our friend and colleague Magistrate Judge John Thomas Reid until his death in November, 2008.

Judge Cohn was first appointed as a Magistrate Judge in the Southern District of Illinois in 1981, where he served until he retired in 2005. Before coming to the District of Kansas, Judge Cohn was recalled by the Eastern District of Tennessee from 2008 - 2009. Through the first six months of his tenure with the District, Judge Cohn had more than one hundred Social Security cases referred at all times. He managed all aspects of these cases, including preliminary matters

such as In Forma Pauperis motions, motions to dismiss, and all briefing schedules. During six months of 2009, Judge Cohn produced fifty-nine Reports and Recommendations; including fifty-one reports regarding review of decisions of the Commissioner of Social Security, and eight reports regarding varied matters such as motions to dismiss, IFP motions, and motions for attorney fees.

The District of Kansas is grateful to Judge Cohn for his outstanding service to our court.