



Boone County Bar Association NEWSLETTER

www.bocomobar.org

May 3, 2004

Volume 19, Number 5

Perry retirement reception May 27

The Thirteenth Judicial Circuit has invited all local bar members to attend a retirement reception for Court Administrator **Robert L. Perry** at 5 p.m. May 27 at the Boone County Courthouse Square. If the weather is inclement, the event will be moved into the main floor of the courthouse.

Bob will retire May 31 after more than 30 years of service as Juvenile Officer and Court Administrator. He has also been a member and chairman of the Supreme Court Automation Committee.

Funds for the event have been contributed by sitting and retired judges, the BCBA, and individual lawyers and law firms. Anyone still wishing to contribute should call Marsha Plank at 886-4050. Contributors will be acknowledged in the program.

The event will feature a tent set up on the square, live music, food catered by Boone Tavern, cake and punch. Judge Hamilton will preside over the formal part of the program, which will include several speakers and presentations.

There will be a guest book for attendees to sign and a basket for cards and notes to Bob. Those who cannot attend are especially encouraged to send cards and notes for the basket.

Judicial system personnel from around the state and civic leaders also have been invited to the reception.

CLE credit for May 12 program on 'Controlling Witnesses'

A CLE-credit program on "Controlling an Expert or Other Obstreperous Witness on Cross-Examination" will be presented at the next regular BCBA meeting at 11:30 a.m. on Wednesday, May 12 at Boone Tavern, 811 E. Walnut St., Columbia.

The presenter will be **Steve Easton**, Associate Professor of Law at the MU Law School.

RSVP: To reserve your spot for this meeting, contact BCBA Secretary Steve Pratte at 442-0116 or scpratte@yahoo.com by 5 p.m. Tuesday, May 11.

As usual when CLE programs are presented, meal service will begin at 11:30 a.m. The program will start shortly after noon after a brief business meeting. The lunch price will be \$9, payable to Boone Tavern.

Prof. Easton's program will be excerpted from his full-day program, "Revisiting the 10 Commandments: A Contemporary Update of Irving Younger's Classic 'Credibility & Cross-Examination'" produced by The Professional Education Group, Inc., 12401 Minnetonka Blvd., Minnetonka, MN 55305, which has granted special permission for presentation of the excerpted program. Audio, video and other recording of the program is prohibited.

Before joining the MU Law School faculty in 1998, Prof.

Easton was a trial lawyer for almost 15 years. After his 1983 graduation from Stanford Law School and a clerkship at the Ninth Circuit Court of Appeals, he joined Pearce & Durick in Bismarck, ND. In 1990 he became the youngest U.S. Attorney in the nation. He returned to Pearce & Durick in 1993.

Prof. Easton is the author of *How to Win Jury Trials: Building Credibility with Judges and Jurors* and numerous other publications. At MU he teaches trial practice, professional responsibility, criminal law, criminal procedure, and criminal justice administration.

Historical Society gets Newsletters

The editor recently deposited a complete set of Boone County Bar Association *Newsletters* with the State Historical Society of Missouri for archival and historical purposes.

The Society also has been placed on the *Newsletter* mailing list to keep its collection up to date.

The *Newsletter* was first published on May 26, 1986 and has been published monthly since then. It was designed to replace the old postcard notice system for meetings and provide news of interest to bar members.

Real-time reporting rules proposed; demonstrations planned soon

Circuit Judge **Gary Oxenhandler** and his reporter, Kristal Murphy, soon will be scheduling demonstrations of and training for a real-time reporting system.

At first the system will be available only for Division II trials and hearings in the Ceremonial Courtroom. Judge Oxenhandler hopes to expand the system to other courtrooms in the future.

Using court-provided laptop computers, lawyers will be able to instantly view testimony, make notes, and highlight passages for later use in examining witnesses.

Judge Oxenhandler is proposing the following rules for the system:

1. RealTime Transcript (RTT) is an unofficial record; therefore, the same shall not be reproduced in any form or fashion whatsoever. (An "unofficial record" should not be relied upon by counsel. Until such time as the unofficial record is certified by the reporter, the court's recollection of the evidence shall in every circumstance control and the RTT shall only serve as an aid to counsel.)

2. Access to RTT is provided as a courtesy by and in the discretion of the court. Access to RTT shall not be relied upon by the parties. Access to RTT may be terminated by the court at any time in its discretion.

3. All training for use of RTT shall occur only at special training sessions scheduled by the court.

4. Subject to peremptory pretrial objection, RTT viewing shall be available to attorneys via two laptop screens, one located on each counsel table.

5. Use of the RTT transcript shall only be available to counsel when their cause is called, shall continue while their cause is being heard by the court, and shall terminate upon the calling of the next matter on the docket. For multi-day trials, on-screen transcripts for the previous days may be made available at the convenience and pleasure of the court.

6. The court reporter shall not entertain attorney requests for reproduction of portions of RTT transcripts.

7. The court-provided laptops shall be the only computers used for RTT viewing.

8. The only operating program on the laptop shall be the CaseView program.

9. Should access to RTT viewing fail for one party for any reason whatsoever, upon the bench request of either party, access of the other party shall be immediately terminated until such time as access for all parties shall be reestablished.

10. Failure of the RTT viewing system shall not serve as a basis for delay of the proceedings, nor form the basis for a continuance.

11. The court may impose additional rules in its discretion and without notice.

12. Attorneys are encouraged to make written suggestions to Division II regarding use of RTT viewing.

Treasurer's Report by Rachael Kennedy

Account balance as of 4/2/04	\$8,874.65
Receipts 4/2/04 - 4/30/04	
Dues	+320.00
Disbursements 4/2/04 - 4/30/04	
Accent Press (Newsletter printing)	-70.53
Boone Tavern (guest lunches)	-36.00
Boone Tavern (Executive Committee)	-70.00
Court Services (Perry reception contribution)	-500.00
Account balance as of 4/30/04	\$8,518.12

The *Boone County Bar Association Newsletter* is published monthly, more or less, by the Boone County Bar Association, Inc. Send items for publication to the Editor, **Steve Scott**, 201 Westwood Ave., Columbia, MO 65203-2871, phone 442-7268, fax 443-1676, email sscott@scottlawfirm.com. Annual dues are \$40 and may be sent to the Treasurer, **Rachael Kennedy**, 1203 W. Broadway, Columbia, MO 65203-2125, phone 256-7205. BCBA officers for 2003-04 are: President, **Elton Fay**, 11 N. 5th St., 449-2969; Vice President, Judge **Jodie Asel**, Boone County Courthouse, 886-4050; Secretary, **Steve Pratte**, 205 E. Forest Ave., 442-0116; and Treasurer, **Rachael Kennedy**, address above. Executive Committee members are the officers and **Betty Wilson**, **Leslie Clay** and **Tom Davis**. The BCBA web site is at www.bocomobar.org.

Around the bar . . .

David Froman, a former Columbia lawyer who developed an immigration law practice here and still has an office at 3610 Buttonwood Dr., Suite 200, Columbia 65201, has announced the relocation of his main office in California to 9820 Willow Creek Rd., Suite 275, San Diego, CA 92131, phone 858-547-1200, fax 858-547-1231. David's office move will put him closer to his home

while it is being rebuilt after being destroyed in the wildfires last October.

Mark Abbott has announced his departure from **Van Matre & Harrison, PC** effective May 1 to open the **Abbott Law Office** at 3610 Buttonwood Dr., Suite 200, Columbia 65201, phone 886-8912. He plans to continue civil litigation work and do criminal defense.

A recent new BCBA member

is **Kim Force**, whose home-based office is at 1406 Godas Dr., Columbia 65202, phone 886-9895, fax 474-5071. She has extensive experience in transactional contract preparation and negotiation and intellectual property issues. She graduated from Franklin Pierce Law School in Concord, NH with a J.D. degree and a masters degree in intellectual property in May 2002. She previously spent

eight years in the legal departments of high-tech software companies, including Datastorm Technologies, Inc. and Lernout & Hauspie Speech Products, N.V. She graduated from MU in 1993 with a BSBA degree and a minor in English. During and after college, she held various positions at First National Bank & Trust Company in Columbia.

Dave Evans still has office space available for "reasonable rent" at 717 Cherry St., Columbia for a single attorney to share a secretary. Included are supplies, postage, fax, copier, and Internet connection. Call Dave at 449-8430.

At the April 14 BCBA meeting, **Mike Tripp** introduced two high school students sponsored by the BCBA in recent mock trial competitions. The students, who spoke briefly to thank us for sponsorship and mentoring, were Katy Hawkins and Carmen Pettis, both from Columbia Home School.

The 13th Circuit is ranked number one in the state in overall compliance with time standards set by the Supreme Court.

Whitmarsh describes challenges facing clerks

Some 50 BCBA members turned out for the April 14 meeting to hear Boone County Circuit Clerk Cheryl Whitmarsh describe the challenges faced by her office.

State budget constraints have held Cheryl's staff at 39 state-funded and five county-funded positions for several years, while state guidelines indicate at least five more employees are needed. At the same time, the local caseload has been growing by about 2,000 cases a year.

Complicating the situation is a large amount of turnover, the

inability to grant raises for the past three years, and the increased training required by the complexity of the Justice Information System (JIS) computer program used to track cases.

Still, the clerks are managing to keep up with the workload. When civil and family law cases are filed, the office standard is to issue summonses within three days. Faster issuance is possible upon special request.

Cheryl had several suggestions how lawyers can help speed things along, including:

- Make all required filings in

family law cases on a timely basis.

- If a case number is not available when entering an appearance, provide as much information as possible about the case so your filing can be matched with the case.

- Always use the year when providing a case number because the numbers, starting at 164000, are re-used every year.

- Get answers to as many of your questions as possible using Case.Net instead of calling.

- Don't file another copy of a pleading you have filed by fax.