

U.S. DISTRICT CLERK'S COURTERLY



June 2015



Wyoming Fun Fact:
Did you know that JC Penney stores were started in Kemmerer Wyoming?

Have a nomination for the Sidebar section?
Please contact Tiffany at the Casper Clerk's Office at 307/232-2620



Appointment of U.S. Bankruptcy Judge for the District of Wyoming

The United States Court of Appeals for the Tenth Circuit appointed Honorable Cathleen D. Parker to the bankruptcy bench for the District of Wyoming.

Judge Parker was previously with the Office of the Attorney General for the State of Wyoming, where she supervised the tax section of the Civil Division and served as head of that Office's Bankruptcy Unit. She earned her Juris Doctor with honors from the University of Wyoming.

Honorable Nancy Freudenthal, Chief U.S. District Judge for the District of Wyoming, administered the oath to Judge Parker June 2, 2015. Judge Parker will have chambers in Cheyenne, and will serve as the chief judge for the Bankruptcy Court in Cheyenne, Wyoming.

Welcome Judge Parker!

2015 Honors Banquet

The University of Wyoming, College of Law hosted their annual Honor's Banquet on March 27th. Each year the Advisory Board selects recipients for the distinguished Alumni and Support Awards. This year Honorable Alan B. Johnson was selected as co-recipient of the Distinguished Alumni Award, and Honorable William F. Downes (Retired) was the recipient of the Thurman Arnold Distinguished Supporter of the Law School Award. The College of Law was excited to recognize these achievements to these deserving honorees! To view the full article from the University of Wyoming go to:

<http://www.uwyo.edu/law/news/2015/03/honors-banquet.html>



The U.S. District Court - District of Wyoming is excited to announce the implementation of the Jury Evidence Recording System (JERS). JERS was created in the U.S. District Court for the Western District of North Carolina to provide an efficient method to provide evidence electronically to a trial jury for use during deliberation. While the District of Wyoming is new to JERS, many other federal courts across the nation have been using the system since 2009. Evidence files will be given to the Judge's Courtroom Deputy ahead of trial on a CD or flash drive and uploaded into JERS to work with during a trial. The courtroom's trial presentation system can also work with JERS to input additional evidence into the system such as pictures marked by witnesses on the stand.

JERS provides easy access to evidence during jury deliberation electronically, reducing the need for the Courtroom Deputy and jurors to handle physical evidence. Jurors can view the evidence multiple times, rewind videos and zoom in on pictures. All in all, we believe the implementation of JERS in this district will provide a number of advantages to court personnel, jurors, and counsel.



New language in all criminal Discovery Orders and Civil Initial Pretrial Orders

The language set forth below has been added to all criminal Discovery Orders and all civil Initial Pretrial Orders in the District of Wyoming. The JERS system is to be utilized in this district effective immediately.

THE COURT IS IMPLEMENTING A NEW SYSTEM FOR ELECTRONIC SUBMISSION OF EXHIBITS TO THE JURY. THE JURY EVIDENCE RECORDING SYSTEM (JERS) ALLOWS JURORS TO REVIEW EVIDENCE (DOCUMENTARY, PHOTO, OR VIDEO EXHIBITS) ON A LARGE FLAT PANEL SCREEN DURING DELIBERATIONS. ATTORNEYS SHOULD PROVIDE THEIR TRIAL EXHIBITS IN ELECTRONIC FORMAT ON A USB DRIVE, DVD, OR CD TO THE OFFICE OF THE CLERK OF COURT A MINIMUM OF FIVE (5) DAYS PRIOR TO THE START OF TRIAL. COUNSEL IS REQUIRED TO PROVIDE THEIR EXHIBITS IN THE FOLLOWING ELECTRONIC FORMATS:

All electronic evidence should be provided using the following formats:
Document and Photographs: .pdf, .jpg, .bmp, .tif, .gif
Video / Audio Recordings: .avi, .wmv, .mpg, .mp3, .mp4, .wma, .wav

Regarding the file size of electronic evidence, individual files should not exceed 500MB. If possible, exhibits approaching or exceeding this size limit should be separated into multiple files. PARTIES MAY OBTAIN ADDITIONAL INFORMATION REGARDING THE SUBMISSION OF ELECTRONIC EXHIBITS BY CONTACTING THE CLERK'S OFFICE.



DOCKETING TIPS

Entry of Attorney Appearance

When electronically filing a notice of attorney appearance, the appearance **MUST** be filed by the attorney who is appearing. It cannot be e-filed by another attorney.

Please update/verify the email addresses associated with your CM/ECF account.

To do this:

Click Utilities

Maintain E-Mail

Add/delete email addresses as needed



The 12th Annual Methamphetamine and Substance Abuse Conference
By Deany Fondren

The 12th Annual Methamphetamine and Substance Abuse Conference was held in Casper at the Best Western Ramkota Hotel on April 15 and 16, 2015. Plenary sessions were held each morning, followed by break-out sessions throughout the day. Those sessions I attended included *meth. Trafficking and Crystal Meth/Drug Trends Update* (Bob Pennal, CA DOJ, Bureau of Narcotic Enforcement); *Gangs, Weapons, Drugs and Their Violent Connection in Our Communities* (Brian Holland, Detective/Gang Specialist); *Introduction to Human Sex Trafficking & Commercial Sexual Exploitation of Children*, (Dan Steele, Sgt. Denver PD); and *Regional Overview—Marijuana Trends* (Dale Quigley, HIDTA Intelligence Manager). I found the conference both informational and enlightening. The speakers were knowledgeable and kept their audiences engaged. Most presenters incorporated video depicting interviews with actual drug deals/manufacturers, victims, gang members, and “pimps.”

Continuing Education and Professional Credits were available for law enforcement, parole, dispatch, corrections, nurses and health professionals, mental health professionals and teachers. I think any member of our community would find the conference beneficial and leave with the realization these issues affect each one of us.

Guess Who's Coming to Dinner

By Darci Smith

On April 22, 2015 the Wyoming Supreme Court visited Sheridan High School to hear argument on a Certified Question sent to them by United States District Judge Scott Skavdahl in Tavegie, et al., vs. Black Hills Power Inc., Case number 13-cv-084-SWS. The Justices were seated upon the stage in their black robes, flanked by both the American and Wyoming State flags, their mere presence turning the auditorium into the stateliest of Courtrooms. The attorneys were well prepared, and zealously argued the motion. The students, many in suits and dresses, appropriate courtroom attire, appeared to be fully engrossed in the proceedings. I won't do the attorneys the injustice of trying to summarize their arguments, nor will I try to paraphrase the questions from the Court. What I will share is what happened after the hearing.

The Justices vacated the "bench," returned without their black robes and took questions from the approximate 400 students in the high school auditorium. Anyone with a question was allowed to get in line and the Justices didn't leave until every student had their question answered. The questions were intelligent, well thought out and well phrased. The answers from the Justices were serious, considerate and in many cases, expansive. Chief Justice Burke moderated and directed the questions toward the various other justices, saving only a few for himself.

The Justices explained the concept of Tort cases, what they thought it took to make a Supreme Court Justice, and what they thought of term limits and mandatory retirement for Wyoming's Supreme Court Justices. They answered questions about dissenting opinions and how they can remain unbiased in a State as small as Wyoming. While one Justice admitted to recently reversing the opinion of a well-respected colleague, she also told the students, that first and foremost, a Judge must judge.

One of the students then asked, "Why here? Why have Court in Sheridan?" Justice Burke's answer "because this is the best high school in the state!" earned a resounding round of applause, but he and other Justices expounded further by explaining they wanted the students to be interested in the law, to know how it really affected their lives, and how the Court is constantly striving for "understanding and transparency." The Justices want to remind the community that courtrooms are public places, meant for everyone, and they want the students to remember that, and visit their local courtrooms to see the law at work. Justice Kite ended this part of the discussion with, "we go where we're invited."

After hearing her response, and listening to the Justices with the students, I think we should all invite the Wyoming Supreme Court Justices to dinner. They go where they're invited right?



SIDEBAR

The Profile of a Wyoming Lawyer



David A. Kubichek

I was born and raised in Casper, Wyoming, and graduated from NCHS in 1970. I received my B.A. in political science in 1974 at Colorado State University, and then moved to Omaha, Nebraska to attend law school at Creighton University. My decision to attend Law school was chiefly inspired by one of my professors at CSU, Roy L. Meek. He taught Constitutional Law and federal jurisdiction classes in the Political Science Department at CSU. My experiences in his classes instilled in me a passion for constitutional law that I still have, now more than 40 years later. It was my goal, when I chose to attend law school, to someday be able to follow in Professor Meek's footsteps and teach constitutional law at the college level.

Life, of course, has a funny way of intercepting one's best laid plans. In my case, my dreams of becoming a university professor were unexpectedly hijacked by an unpaid internship I did in the United States Attorney's Office in Omaha during the fall semester of my senior year in law school. What an amazing experience that was - and what amazing lawyers and public servants my tutors there were. Who knew one could find a career where someone would pay me well to work in the public interest in a practice very much focused on issues of constitutional law, federal jurisdiction, and my then new passion, environmental law.

Based on that experience, I "temporarily" set aside my original plan to pursue a graduate legal education, and instead, after graduating with my J.D. from Creighton in 1977, I accepted a job in Washington, DC to practice environmental law as a trial attorney with the U.S. Nuclear Regulatory Commission. I happily did that for a year until an even more amazing opportunity came my way - I received and gleefully accepted a job offer to join the U.S. Attorney's Office in Omaha as an Assistant U.S. Attorney. That was in 1978. I have proudly served in the Department of Justice pretty much ever since.

After seven years in the Nebraska U.S. Attorney's Office (during which time I met and married my amazing wife, Mary, and welcomed my first child, Katie, into the world), and then three years serving in the Department's Natural Resources Division in Washington, DC (during which we added son Bob to our family), we had a chance to move back home to Wyoming and help open a new U.S. Attorney's Office in Casper. My life had thus come full circle, and I was blessed to have a chance to practice the kinds of law I love in the very best place on earth. Who could beat that?

Since coming home to Casper in 1987, I have very much enjoyed my life, both professionally and personally. Professionally, I have been blessed to work alongside a host of exceedingly talented and highly dedicated partners in Casper, in Cheyenne, in Lander, and now in Yellowstone National Park as well. Those partners include not just the lawyers in the U.S. Attorney's Office, but also the paralegals and legal assistants, without whom we literally could not function. And I have been privileged to practice before some truly amazing and legendary judges, both in the district court and the court of appeals. Best of all, perhaps, is the pride I have in some of my younger colleagues and pals who have gone on to become judges in their own right, both in federal court and in state court. Really, how very cool is that?

And personally, I cannot imagine how my life and my family's life could have prospered like it has anywhere else in the world. For me, I have been able to carve out plenty of time to enjoy Wyoming's hunting, fishing, and camping opportunities. For my wife, Mary, she was able to find her forever calling as a lawyer and educator by creating and then directing Casper College's terrific paralegal program over the last twenty-five years. And both of us as parents were able to carry on in our careers while being fully engaged in the fascinating lives of our children, both of whom have grown up to be amazing young adults we are so proud of. That would not have been possible had we not moved back to Casper. Needless to say, I am grateful beyond words for the life I have been privileged to lead here .

One of the questions I was asked in connection with this story is what I like best about being a Wyoming lawyer. That is easy. What I like best about being a Wyoming lawyer is all the other amazing lawyers in this state that I have been honored to know and practice with over the last many years. I think sometimes we lawyers out here in the "hinterlands" can develop a bit of an inferiority complex when mentally comparing ourselves to lawyers in the "big city." Well, over my years of service as a lawyer, I have had the opportunity to practice in courts all over the United States, from New York City and Washington, DC to California, Arizona, Texas and Nevada, and many parts in between .

What I can say based on those experiences is that the lawyers here in Wyoming compare very favorably to the very best lawyers I practiced with - or against - in the big cities.

But that said, we have something going on here among our Wyoming lawyers that would simply defy understanding in those other places: that is our overall level of courtesy and collegiality and friendliness. It is that which makes this place the very best place to be a lawyer, and I feel so honored and blessed to have been a part of it for the most of my career.

As for my most rewarding or significant case? I can answer that in the collective sense - all the naturalization ceremonies I have been privileged to participate in over the last 20+ years. In every single one of those proceedings, every one of which has been brilliantly organized and choreographed by the clerk's office and the judge's staff, only very good things resulted - there were no losers. It is impossible to improve upon that.