



December 2013



Wyoming Fun Fact

Wyoming has a State Dinosaur? True or False? This is true, Wyoming designated triceratops as the official State dinosaur in 1994.

Haven't used
CM/ECF in awhile?
Take an electronic
refresher course at:

<http://www.pacer.gov/psc/>

Check out the Geekbyte2
NEW to the Clerk's
Courterly!

U.S. DISTRICT CLERK'S COURTERLY

Requesting a Transcript

A CJA 24 form (Authorization and Voucher for Payment of Transcript) is required for all transcript requests under the Criminal Justice Act. Boxes 1 through 16 must be filled out **prior** to this form being submitted to the Court Reporter. In addition, the CJA 24 form must be submitted and approved by the Judge prior to filing a Transcript Order Form.

A Transcript Order Form must be filled out for any transcripts requested for an appeal. This form **must** be filled out with specificity including the date and type of **each** hearing requested.

If a case involves multiple court reporters, a separate Transcript Order Form must be submitted to each court reporter.

Transcript Order Forms may be emailed to the court reporters using the following email addresses:

Jan Davis - jbd.davis@gmail.com

Jamie Hendrich - jamielhendrich@gmail.com

Julie Thomas - jht.thomas@gmail.com

Please ensure you are using the most current forms. These forms can be found on our website at:

<http://www.wyd.uscourts.gov/htmlpages/forms.html>

NOTICE OF FEE INCREASE EFFECTIVE DECEMBER 1, 2013

The current fees are available on our website at

http://www.wyd.uscourts.gov/pdfforms/NOTICE_OF_FEE_INCREASE.pdf



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The maximum PDF file size has been increased to 50 mb

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[http://www.pacer.gov/
psc/etraining.html](http://www.pacer.gov/psc/etraining.html)

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

U.S. DISTRICT CLERK'S COURTERLY

****NOTICE OF JUROR SCAM****

WARNING: BOGUS PHONE CALLS ON JURY SERVICE MAY LEAD TO FRAUD

In various parts of the United States, citizens are being targeted by phone calls and threatened with prosecution for failing to comply with jury service in federal or state courts.

In the calls, the threat of a fine for shirking jury service is used to coerce those called into providing confidential data, potentially leading to identity theft and fraud. These calls are not from real court officials.

Federal courts do not require anyone to provide any sensitive information in a telephone call. Most contact between a federal court and a prospective juror will be through the U.S. Mail, and any phone contact by real court officials will not include requests for social security numbers, credit card numbers, or any other sensitive information.

Jury duty is a vital civic responsibility and should be taken seriously by all citizens. However, it is a crime for anyone to falsely represent himself or herself as a federal court official. The federal judiciary takes seriously such an offense.

Persons receiving such a telephone call should not provide the requested information, and should notify the Clerk of Court's office of the U.S.

District Court in their area.



December 2013

Numbers to Remember:
Clerk's Office Cheyenne
307-433-2120
Clerk's Office Casper
307-232-2620
Clerk's Office Yellowstone
307-733-4126

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U.S. DISTRICT CLERK'S COURTERLY

Docketing Tip

When it is absolutely necessary to docket a motion for order, and no other relief can be applied, please add specific text into the final screen explaining the relief sought.

DOCKET, TERMINAL

Docket Text: Modify as Appropriate.

MOTION for Order filed by Plaintiff I

Next Clear



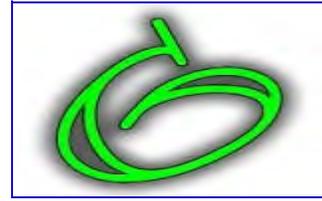
New Forms

Effective, December 1, the following forms have been revised:

Subpoena to Appear at a Hearing or Trial in a Civil Case (AO-88)
Subpoena to Testify at a Deposition in a Civil Case (AO-88A)
Subpoena to Produce Items or Permit Inspection in a Civil Case (AO-88B)
Search and Seizure Warrant (AO93)
Search and Seizure Warrant on Oral Testimony (AO93A)
Anticipatory Search and Seizure Warrant (AO93B)
Tracking Warrant (A0104)
Warrant to Seize Property Subject to Forfeiture (A0109)

The current forms are available on our website at
<http://www.wyd.uscourts.gov/htmlpages/forms.html>

The Geekbyte2



New Application

There is a new Federal Courts application developed by KosInteractive LLC. Although this application may provide some valuable information, it is not created nor developed by the U.S. Courts.

Making Online Purchases

Many people will be using the internet to purchase gifts this time of year. While not inherently dangerous, entering your credit card information on an unsecured computer can have far reaching consequences. Please make sure your home PC is protected with an anti-virus program and that you use different pass-phrases for each site on which you create an account. A pass-phrase like "IG0ttaRun!" is much more secure than a *password*, employing a number, upper and lower case letters, and a special character.

If you use a single pass-phrase for all accounts and someone gets access to it from one site, it wouldn't take much for them to figure out your account information for other sites. The first places they will try are local banks to see if they can hack your finances directly. Court users are encouraged to use Symantec's EndPoint Protection package available to you for free as long as you are employed by the judiciary. This program and unique pass-phrases will help ensure you aren't giving Bad Santa's the upper hand!

Email Accounts

Please take a moment to review your CM/ECF account to ensure the email addresses associated with it are correct. Effective January 1, 2014, any secondary email address that is undeliverable will be deleted from your account. You can view the email addresses associated with your account through the utilities tab.



SIDEBAR

The Profile of a Wyoming Lawyer

Peter Craig Silva



Tell me about yourself:

I was born in Billings Montana in 1969. My parents moved to Casper in 1980 when I was in the 5th grade. They bought a house at 153 N. Kenwood, and they live there to this day I attended St. Anthony's Elementary School. I then went to Kelly Walsh High School, graduating in 1987.

I went to Casper College from 1987 until 1989 before graduating from the University of Wyoming/Casper College in 1991. I held all sorts of different jobs during that time period. I had been a paperboy from about 1980 until 1987. I worked at McDonalds, Arby's, UPS, Hutch's High Country Plumbing and Heating, the City of Casper, and taught elementary school. I needed those jobs to stay in school. Remember, it was the 1980's in Wyoming, and during those times it was easier to have a B.S. and M.S. but no "JOB." After graduating with my Bachelor's, I started the University of Wyoming Law School and graduated in 1996.

I married Tina Hutchison in 1994. Our daughter McKena was born in 1996, followed by our son Jacob in 1999. McKena is 17 years old, Jacob is 14, and they both attend Natrona County High School.

Why did you decide to go to Law School:

I started my first semester at Casper College as an English and Psychology major. I had to take political science, though, and my professor was Jon Brady. He had earned his J.D. in 1968, but did not practice law. He helped me get a scholarship at the college due to the grades I earned in his class, and, more importantly, he sparked my interest in the Constitution, which will become hugely important later in this story. During one of my psychology courses, Russ Rauchfuss, another instructor at the college, was a guest lecturer. He did such an amazing job that I changed my major and decided to become a lawyer. I took every class I could that related to the law. Those classes were taught by Russ Rauchfuss, Skip Gillum, Les Obert, and Mary Kubichek.

One of the classes, criminal law, was taught by Russ Rauchfuss. On one occasion in that class, he was drilling the class on the Fourth Amendment. He said, "Who here knows the Fourth Amendment?" Nobody really had a sense of it. Now remember, I had John Brady's Political Science class, and one of the questions on the final required us to memorize the Fourth Amendment. So, I raised my hand, and recited it. The contest was fixed obviously. Nevertheless, after class Mr. Rauchfuss asked me to work at his law office as a runner.

At the time, the law office was known as Beech Street Law Office and had as partners Russ Rauchfuss, Frank Chapman, and Les Bowron. It was one of the best jobs I ever had. I did everything you could think in that office. On the high end of the spectrum I would rough draft simple complaints and research issues. On the low end of the spectrum I would take out the trash and wash the lawyers' cars. Probably the most important thing I ever learned in that office was the difference between the "County Clerk" and the "Clerk of County Court." That was before the changeover to circuit courts.

One of the funniest stories I have about that time period was when I misfiled some jury instructions. One of my jobs was filing pleadings every day at the various courts. The firm was getting ready for a jury trial on an employment case and had used some old jury instructions as sample for the new set to be filed. The old set was placed in my basket to be filed in storage at the firm. I thought it was to be filed in federal court. So, I went and filed them in federal court--big mistake! When, they learned of the error the lawyers said that I "had to go fix it." I was terrified. I had to go ask the clerk for the instructions back. The clerk told me I had to ask the federal judge for the instructions back. Judge Johnson was very gracious to me when I went shaking in his office to ask for the instructions back.

Those types of experiences inspired me to become a lawyer. So after earning my Bachelor's degree in 1991, I hung around at Casper College taking classes in the Legal Assistants program with Mary Kubichek trying to build my skill base for law school.

First job after law school?

I really wanted to work after my first year of law school, so I floated my resume around Casper and a couple of the larger firms were curious and at least willing to give me an interview. I was home on an early spring Friday afternoon for one of those interviews and was in the Petroleum Building speaking with a friend of mine that had started her own practice. She wondered what I was interested in and I said, "I was interested in a trial practice—someone who did a lot of trials."

Tom Sedar had his office in the building and she suggested I go down and talk to him. He had a criminal practice and was staffed with himself and a receptionist. He and I had never met before. I walked in and introduced myself. We spoke about an hour and he gave me a job. He could not pay me very much, but I was just excited to be working. After the meeting, I canceled the interviews with the larger firms and went home to tell my new wife that I got this job but that it did not pay much.

I was a regular *Jack and the Beanstalk*. My wife not so subtly reminded me that the magical beans I just secured with Mr. Sedar would not be enough to pay the house payment and I would need to continue my night job. That summer solidified for me the fact that I wanted to be a lawyer. At the time, Mr. Sedar's practice was an Atticus Finch-type practice because sometimes all we were paid was "stove wood, hickory nuts, smilax, holly, and green turnips."

Following law school, I wanted a judicial clerkship. I applied everywhere and did more first and second interviews more than I care to count. Thankfully, Judge Jere Ryckman hired me in the Third Judicial District to be his law clerk.

What has been your most rewarding and significant case?

I have had so many great cases over my 17 year career. There are really too many to count. When I was a public defender, I stopped a practice where the police charged people with possession of a controlled substance for simply having marijuana in their system. When I was a prosecutor, I did one of the first wolf-hybrid cases in Wyoming.

At Williams, Porter, Day, and Neville, P.C., I have been blessed with so many incredible cases. One of my early civil cases was defending a subrogation against a woman whose peacocks got out and scratched a car. The insurance company brought the case against her, and I successfully defended her arguing that "peacock's" or "peafowl" are livestock and need to be fenced out in Wyoming. I was involved with the ACLU jail case out of Sweetwater County. I have had three writs to the United States Supreme Court and recently was involved with a very unique defamation case

I had an oil and gas case with Judge Davis and Jay Gilbertz that received a sentence mentioned in the Rolling Stone magazine. I was the defense in that case, and as I remember it Judge Davis and Jay Gilbertz gave me a serious beat down.

I think my favorite case is one I did for a friend of mine, though. He and I were at Casper College together. In fact, he got the high A in evidence class. After Casper College, I went off to law school and he went off to the Wyoming State Penitentiary. When he got out of prison, he completely reformed his life. He obtained a bachelor's degree and was just accepted to graduate school. He has been a drug and alcohol counselor for the last ten years. I helped him get his voting rights back, and while it did not take much lawyering on my part that is probably my favorite case. Hopefully, before my race is run I can get him a full pardon.



What has kept you inspired and energized over the years?

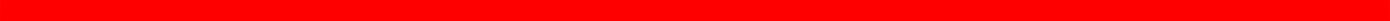
Being a lawyer is a tough job. The word “trial” means “a state of pain or anguish caused by a difficult situation or condition.” Legal matters, especially for the client, and also for the lawyers, are often “trials;” if they were “easies” everybody would be doing them. As a lawyer, I help people through their trials, and I draw my inspiration and energy from doing so.

What do you like best about being a Wyoming lawyer?

The best part about being a Wyoming lawyer is the way we treat each other. I work with other lawyers all over the United States, and the respect we have for each other and the positive way we treat each other in this State (from the bench to the trench) is what I like best about being a Wyoming lawyer. I hope that will never change.

Is there anything the Clerk’s office could improve on?

No. You guys are awesome.



How and When Attorneys are Appointed to a Criminal Matter

Most attorney appointments arise when a person is formally charged with a federal crime. The crime may be either a felony or a misdemeanor. Appointments for misdemeanors, however, are limited to only those offenses for which a potential for incarceration exists. Other matters that may necessitate an appointment include persons identified by the U.S. Attorney's Office as a target of an investigation, a material witness in custody, a subpoenaed witness who has potential exposure to self-incrimination, and persons brought back to court on a petition to revoke their probation or supervised release.

For the court to appoint an attorney, the person must first express a desire to be represented and then, second, demonstrate financial eligibility. Typically, financial eligibility is determined by filling out a financial affidavit under penalty of perjury. If the court determines the applicant is eligible, the court will immediately notify either the Office of the Federal Public Defender or a Criminal Justice Act (CJA) panel attorney.

Whether the attorney is appointed from the Public Defender's Office or the CJA panel depends on if the Public Defender's Office has a conflict with the defendant or other related defendants or potential witnesses. If they do, the court next turns to the CJA panel for the appointment.

Once the attorney accepts the appointment, the Clerk's Office adds the attorney to the docket sheet in CM/ECF. The attorney is also given complete access to the case in CM/ECF. It is important the newly assigned attorney conduct a thorough conflict check shortly after their appointment. Doing so will reduce the likelihood that a conflict of interest is discovered well after the case has evolved and a relationship has developed between the defendant and attorney or worse yet, after a trial has begun.

What happens after the case is over and an attorney's client returns to court on a petition to revoke their supervised release or probation? Or, what happens if an attorney's client returns on an entirely new charge? In those circumstances the defendant is required to fill out a new financial affidavit as their financial circumstances may have changed. The court then reassesses their eligibility for court-appointed counsel. Assuming the defendant again qualifies, the court first attempts to reappoint the original attorney, which occurs the majority of the time. When it does not, it is usually because either a conflict of interest has arisen or the attorney is no longer in the Public Defender's Office or on the CJA panel. In those circumstances the court seeks new counsel using the process described above.

For questions regarding this process or related topics, please do not hesitate to contact the U.S. Magistrate's Office in Cheyenne at 307-433-2180.