



March 2014



### Wyoming Fun Fact

Which city was founded in 1896 by Buffalo Bill?  
The answer: Cody - Yes, he named it after himself!

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



## U.S. DISTRICT CLERK'S COURTERLY

### Take a look at our Revised Local Rules effective March 4, 2014

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

#### **Petty Offense Cases:**

Effective, November 4, 2013, the District of Wyoming's CM/ECF now includes petty offense (po) cases. Petty offense cases are citations processed through the Central Violations Bureau for offenses committed on federal property, such as military bases or national parks. Both the CM/ECF software and the software maintained by the CVB have been modified to facilitate the importing, tracking, and exporting of CVB case data in CM/ECF. These cases may be queried through CM/ECF and will appear as a "po" designation.

#### **Criminal Justice Act Attorney Rate Increase and New Email Address to Submit Vouchers:**

Panel attorney hourly rates will increase to \$126 for non-capital representations and \$180 for capital representations. This change in rates should be applied to all worked performed on or after March 1, 2014.

Also, please submit any vouchers for payment via email to the District of Wyoming's **new** CJA claims email address at [WyoCJAclaims@wyd.uscourts.gov](mailto:WyoCJAclaims@wyd.uscourts.gov).

#### **U.S. District Court General Orders Index:**

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



March 2014



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

[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

## Docketing Tip

If you are filing a brief in support of a dispositive motion separate from the motion itself, please use the CM/ECF event "Supporting Documents, Responses, and Replies" rather than filing the brief as an exhibit to the motion.

## New Event in CM/ECF

There is a new event under the Criminal tab/Trial Documents for filing a Pretrial Memorandum.

## Pro Hac Vice Motions

Please remember to comply with Local Rule 84.2 when filing Motions to Appear Pro Hac Vice.

<http://www.wyd.uscourts.gov/pdfforms/localrules-cv.pdf>

## **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](http://www.wyd.uscourts.gov/pdfforms/NOTICE_OF_FEE_INCREASE.pdf)

## FORMS:

Please make sure you are using the most up- to- date forms. Current forms are available on our website at:

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

# U.S. DISTRICT CLERK'S COURTERLY



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

## Most Common Filing Errors

1. If you are having problems filing something in CM/ECF - call the Clerk's Office; Cheyenne 307/433-2120 or Casper 307/232-2620.
2. Please make sure you have the correct Judge's name on pleadings when you submit a proposed Order (Article III Judge vs. Magistrate Judge). The Attorney information block and file path shall not be included on proposed Orders.
3. In criminal matters, please make sure any letters of support are filed in CM/ECF under Other Events/Presentence Report Supporting Documents and Letters prior to the hearing rather than hand delivered to Chambers prior to the hearing or handed to the Judge on the bench during the hearing.
4. If you are filing a pleading in which you are seeking action from the Court, be sure to file the pleading as a "motion" not a notice or a stipulation.
5. You can restrict your pleadings by making them Non-Public or Ex-Parte as opposed to "Filed under seal". This will allow the pleadings to 1. be filed electronically by counsel and 2. be available for viewing electronically by the designated parties and court personnel.
6. Please attach a proposed order when filing a non-dispositive motion. (This includes sending a Word or Word Perfect version of the document to the Chambers e-mail address as specified in our Local Rules.)
7. Please comply with U.S.D.C.L.R 84.2 when filing Motions to Appear Pro Hac Vice.
8. Please assure that penalty summaries are correct on criminal charging documents before they are filed (e.g. Does the defendant need an Interpreter? Is there a victim in this case?)
9. When filing documents in a multi-defendant case, only select the defendant(s) that the pleading applies to.
10. Please make sure to verify that the correct document(s) is/are attached when E-filing.
11. Please do not state personal identifiers on the record (e.g. date of birth, social security numbers, financial account numbers, defendants/witness/victims addresses, minor children's names). There is a piece of paper on every rostrum in the Cheyenne Courthouse that lists which personal identifiers should not be stated on the record. Please refer to them.



# U.S. DISTRICT CLERK'S COURTERLY

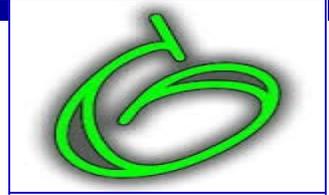
## Courtroom Etiquette

**Numbers to  
Remember:  
Clerk's Office  
Cheyenne  
307-433-2120  
Clerk's Office  
Casper**

1. Please stand when you address the Court and speak directly into a microphone.
2. If your case is set for trial, please contact the appropriate Courtroom Deputy to review courtroom technology. It does not take long and gives everyone a chance to make sure their equipment and presentations will come across as intended.
3. If you have witness needs that come up prior to hearing/trial, please notify the Court immediately so appropriate arrangements can be made. This would include phone participants, video participants, Interpreter needs, etc
4. Please promptly arrive for your scheduled Court appearance.
5. Please meet with your client prior to his/her arrival in the Courtroom.
6. Please wait for the hearing in progress to end before entering the well of the Court.
7. Please refrain from talking while seated in the gallery.



# The Geekbyte2



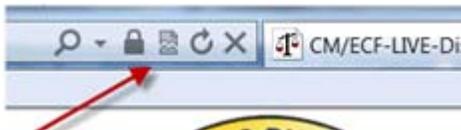
## **Accessing PDFs on iPad, iPhone or iPod devices:**

Good news to all you users of Apple mobile devices! We have installed a piece of code that allows for much improved PDF scrolling on iOS in the CM/ECF application. You should no longer experience clunky two-finger scrolling, but now the Interface is smooth and seamless. Give it a try with your next NEF! We think you'll be happy.

## **Internet Explorer 10 and 11**

As noted on our webpage, CM/ECF version 6.1 is only supported through Internet Explorer 9 (IE9). Microsoft has released versions 10 and 11 of their browser which can cause display issues for users. Unfortunately, CM/ECF version 6.1 is going to be the last release until we go on the NextGen release, scheduled for February 2015 at this time. So what should users who have already upgraded their browser do in the meantime? Microsoft has recognized that not all programmers can put out versions at the same speed that they release browsers, so they have come up with a trick called "compatibility view", often referred to as compatibility mode. This is installed with IE versions 9 through 11 (and presumably future releases as well). To see if your website might benefit from compatibility view, look for the icon next to the refresh button (see image 1).

Image 1



If you see this icon, you can turn compatibility view "on" simply by clicking the icon. The icon will turn blue and your browser should display the website as it was intended to be seen (image 2). To turn it off, simply click it again so it "greys out".



The next time you wonder if you are seeing what you should, look for the compatibility view icon and give it a try. It might be the answer you were looking for before calling the Help Desk at 307433-2120 or 307/232-2620.



## SIDEBAR

### The Profile of a Wyoming Lawyer

#### *Eric & Wendy Palen*



Could each of you tell me about yourself?

I (Wendy) drew the long straw, so I get to type the answers for both of us. This should be no surprise to those who know us!

We came to Glendo in 2006, returning to my family's ranch south of town where I grew up. We like to say Glendo is "halfway to somewhere" in the federal system, since it is almost halfway between Casper and Cheyenne, and about the same distance to Scottsbluff. My family still has a working ranch, running cow-calf pairs. Many of our federal colleagues enjoy bringing their families to our brandings in the spring where we still brand calves the old fashioned way. Eric also grew up on a ranch south of Cheyenne, so cows, horses and rural landscapes are in both our roots.

We have one daughter, Tess, who is eight. She gets her love of horses from her dad. She is a third grader in the local school where there are 5 kids in her class.

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Eric joined the Army after high school and was stationed in Berlin both before and after the Wall came down. After active duty he received his bachelor's degree in Economics with a minor in Spanish from the University of Wyoming. He worked at the Wyoming Department of Agriculture for a while and then went back to UW for law school. Eric also returned to the military after law school and is a Staff Judge Advocate with the Wyoming National Guard. He still speaks Spanish, which has been valuable in the federal system.

I received my bachelor's degree in English from Montana State University and then worked for Montana Shakespeare in the Parks before returning to Wyoming for law school. In addition to CJA cases, I work part-time as the child support attorney in the Eighth Judicial District. When the "real judges" are hunting or vacationing they let me be a circuit court magistrate in Platte County. The best part of this is I can do weddings. No one I have wed has gotten divorced.

We also both volunteer for the Glendo Ambulance Service. Eric is an EMT and I am a BEC.

Why did you decide to go to law school?

The Federal Court is also in Eric's roots. Hearing stories of his great-great-grandfather, Judge John A. Riner, was an inspiration to Eric to pursue a legal career. In 1890, following service as a US Attorney, Judge Riner was appointed Wyoming's first federal district judge when he was 40 years old. He was sworn in on a bible that we believe is still used today. Judge Riner's salary at the time was the "territorial rate" of \$3,500. Judge Riner heard cases typical of Wyoming territory including: robbing the US Mails, fermenting malt liquor without a license, selling liquor to Indians, stealing horses, and aiding soldiers to desert. Judge Riner also served as chairman of the Wyoming Constitution Convention and Eric has an ivory gavel that was presented to Judge Riner by the members of the convention. Judge Riner served on the federal bench until his death in 1923. His portrait hangs in Judge Freudenthal's courtroom in Cheyenne and continues to be an inspiration to Eric.

I wanted to have the ability to work anywhere in the country, from New York City to Glendo, Wyoming, and to be able to be my own boss if I wanted – Law School fit that bill.

What was your first job after Law School?

Eric has always been in criminal defense. He worked in a private firm taking federal CJA appointments and then was full-time with the state public defender in Cheyenne. When we moved to Glendo, he was able to have a part-time contract with the state public defender in the Eighth Judicial District and begin to take CJA cases again.

I practiced in Cheyenne with the firm Patton and Davison, where I did primarily banking and creditor's cases, including bankruptcy, and telecommunications law

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What has been your most rewarding or significant case?

In criminal defense small victories are just as important as large ones. We have found that the most rewarding cases often do not involve a victory per se, but result in the knowledge that justice prevailed. Eric achieved an acquittal in state court for a young lady charged with felony interference with a police officer. While the consequences may not have been significant, the feeling that justice prevailed under these circumstances made this case particularly memorable.

Also hearing the gavel drop before oral arguments in the 10<sup>th</sup> circuit makes me feel like this is what it is all about. We have both been lucky enough through our CJA appointments to have the opportunity to argue at the 10<sup>th</sup> circuit in Denver. The beautiful courtrooms, the formalities, the sanctity of the law, it all wells up in your heart and reminds you why you do this every day .

What has kept you inspired and energized over the years?

I was recently selected as the Wyoming CJA panel representative and just returned from the national conference in Virginia. It is inspiring to see how dedicated our Wyoming CJA panel attorneys and Federal Defenders are to their clients and the justice system despite the rigors and often uphill battles of their work. Accolades from colleagues are important in the criminal defense arena, because sometimes you find few in your corner. When all else fails I find pounding my running shoes on the gravel helps to clear my head.

Eric values every victory in the courtroom, no matter how small. While I'm most comfortable with my nose in the guideline book, Eric comes to the courtroom guns a-blazing. If he can successfully argue a departure or a variance in a sentence he considers it a success. Eric finds that even if he is not successful, pushing back for his clients is energizing and rewarding. However, there is nothing more rewarding in Eric's life than sitting on the back of a horse.

Our daughter, of course, is an inspiration to us both. She is a good student, violinist, and horseman. She is also a good arguer and at least comes by it honestly. At seven, all Tess wanted for Christmas was a poster of Abraham Lincoln. We were able to take her to Washington D.C. last summer to see the Lincoln Memorial. We'll take Abe Lincoln over Justin Bieber any day.

What do you like best about being a Wyoming lawyer??

We both love the "Wyoming" in Wyoming lawyer. We live on a beautiful ranch, and if you call us you may hear a rooster crowing in the background. Eric has been known to appear for hearings by telephone from horseback while moving bulls from one pasture to another. While we often have travel for all our work, we wouldn't trade our rural lifestyle. We're often weekend ranch hands and we are lucky that my parents are 911 grandparents. Fortunately, it satisfies something in us all.

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We have also found that across the board, the people in the federal system in Wyoming are accessible and willing to listen. Whether it is the Federal Defenders, CJA Attorneys, US Attorneys and their staffs, US Probation, the Clerk's Office, or the Judiciary and its staff, everyone in Wyoming seems to have the common goal of bringing integrity and professionalism to the District of Wyoming. Occasionally, I still get to participate in bankruptcy cases and the Bankruptcy Court and staff is no different.

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

The Clerks should feature themselves! The Clerk's office has saved our bacon on numerous occasions. The Clerks in both Cheyenne and Casper are trustworthy and kind and yet convey a high level of professionalism and service to the bar and the public.

Is there anything else you'd like to add?

If you find yourself snowed in "half-way to somewhere" on your way to Court, want a farm fresh egg, or a cheap drink in downtown Glendo, look us up, we are always happy to hear and share war stories.