

Hear Me!
Hear Me!



DOCKET CALL

THE CLAY COUNTY BAR ASSOCIATION

May 2002

CALENDAR

Meetings/Events

- July 12** - Summer Luncheon
11:30 a.m. to 1:00 p.m.
Cascone's, Gladstone
Featuring County and
City Prosecutors
- Sept. 27** - 2002 Golf Tournament
Paradise Pointe
Golf Course
Contact Dennis Eckold
for information
- Oct. 11** - Fall Luncheon
11:30 a.m. to 1:00 p.m.
Stroud's, Kansas City
- Dec. 20** - Winter Luncheon

Upcoming CLEs

- June 7** - Review of the Law
Finnigan's, NKC

This newsletter is a publication of The Clay County Bar Association. The contents are intended for general purposes only, and should not be construed as legal advice or legal opinion on any specific facts or circumstances.

Sandra Ferguson, Editor

A few words from Doug Noland

Just when you thought that you had read every possible article on civility in the practice of law, here is one more. Civility in the law practice has been discussed at great length over the past few years . . . deservedly so. The manner in which we practice our profession, how we treat our fellow attorneys, clients and the Courts should be addressed. But, rather than hear me condemn the conduct of my fellow attorneys, I plan on doing the opposite. I believe for the most part, most attorneys practice this profession as it truly is . . . "a profession" with the level of civility it demands. Most attorneys that I see and encounter do respect opposing attorneys and the Courts. Most of the time I see lawyers willing to honor promises and commitments, try to schedule matters by agreement and treat their fellow attorneys, clients and the Courts like they would like to be treated. There are always exceptions, more than we all would like to see. Some attorneys don't act and practice the way they should and probably never will. But this is not a perfect system nor is it a perfect profession, and it never will be. And just as lawyer jokes don't epitomize our entire profession, the conduct of a few lawyers shouldn't stereotype the entire Bar.

I do think the challenge that we all face on a day-to-day basis is to continue to maintain the high degree of civility and the small town practice atmosphere in the years to come, as our numbers grow and the size of our county increases.

Since 1997 we have added nearly 100 members to our organization. In the next five years the number of new attorneys will no doubt continue to increase. Law schools continue to turn out graduates in increasing numbers every year. The population is growing in Clay County, and there will be the need for more lawyers to serve the expanding client base. The challenge is to do what we can to maintain our civility and comradery that I believe is unmatched. Being a Clay County lawyer is something that we all can speak of with pride and wear as a badge of honor. I think we are special in how we practice law, how we treat our clients, and most important how we treat our fellow attorneys and the Courts.

Charleston, South Carolina is a city that boasts of its strong tradition of history and law and the comradery that exists within its Bar. The "four corners of the law" is an intersection in the city where the Federal Courthouse, County Courthouse, City Hall, and the historic Episcopal Church all stand and represent the city's tradition of law and history. It is a symbol of the high form of civility within the Bar that attorneys in Charleston are so proud of.

While the Clay County Courthouse may not have the historical presence as the "four corners of the law" in Charleston, the manner in which we practice law is certainly equal to that in Charleston. Let's all do what we can do to continue our tradition in Clay County. Let's all continue to practice by "our example," so that new lawyers will see what it is to be a "Clay County Lawyer."

Doug Noland

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Katharine Shepherd Porter Selected for Missouri Bar Leadership Academy

Katharine Shepherd Porter has been selected as one of ten members of the Missouri Bar Leadership Academy. The Leadership Academy is a program designed to promote participation and leadership in the Missouri Bar among segments of the practicing bar who historically have not participated in large numbers, i.e., women, minorities, young lawyers and outstate attorneys.

Each year, a new group of attorneys from around the state participate in the Leadership Academy, attending seminars, leadership development conferences, and activities designed to allow

a behind-the-scenes look at the inner workings of the Missouri Bar. Each Leadership Academy develops a public service project to be presented throughout the state. This year's Academy is developing a program to inform high school seniors and college freshmen of the importance of performing jury duty. The one-hour program will be such that any attorney can obtain the materials from the Missouri Bar for presentation to local students. Attorneys interested in making the presentation in our area should contact Carla Council at the Missouri Bar. ♦

Clay County Bar Foundation Scholarship Program

The Clay County Bar Foundation Scholarship Program is looking forward to its second year of offering scholarships to high school seniors throughout the Clay County high schools. Last year's six scholarships were awarded to high school seniors through this program. The Foundation has a number of the Hamil prints which are still available for sale as a means to contribute and fund the Foundation's programs.

Docket Call Advertisements

The Docket Call will accept "want ads" from members of the Clay County Bar Association for publication in future editions. Ads will be accepted (on a space-available basis) for office space, equipment sales and other such ads. Prices will be \$10 for a business card size ad and \$25.00 for a ¼ page ad. The Bar Association and editorial board of the Docket Call reserve the right to reject ads presented and to edit copy contained in submitted ads. Ads should be in Word format and sent to Jim Fluker at jfluker@juno.com for inclusion in future editions.

Settlement Week is coming

The Seventh Judicial Circuit is sponsoring Settlement Week on May 28-31, 2002. During this period counsel and litigants may register to participate in arbitration or mediation at the courthouse free of charge. The panel of dispute resolution neutrals will be scheduled to provide services in half day increments all day Tuesday, Wednesday, Thursday and Friday morning. Neutrals and time slots may be chosen on a first-come first-served basis.

For an information packet, contact Kathleen Bird, Office of Dispute Resolution Services, at (816) 792-7681.

Presiding Judge's Comments

NEW JURY SYSTEM — One Day, One Trial

The Hon. David W. Russell

Recent Missouri law has mandated that in the State of Missouri beginning in January of 2004, the court systems will all be having a system in which we have jurors serving for only one week rather than the old system we have had in Clay County for decades. The way the system is set up to work is all jurors will be called in for one day and will be subject to voir dire on that day. If they are picked as jurors, they will stay throughout the remainder of the jury trial and all others will then be dismissed from further jury duty until they are called again sometime in the future. In other words, we will have new jurors for every jury trial as mandated by law.

In Clay County, we have opted into a system that put this procedure into effect beginning October 1, 2001, which is ahead of the state requirement. The new system appears to be working okay. We are slowly working out all of the problems related to the new system.

The system is set up under the auspices of Office of State Courts Administrator in Jefferson City and handled through our local computers. The jury pool is selected in Jefferson City by random drawings from the driver's license list and voter lists of Clay County. Each week, we mail out 400 summonses for jury duty which will require their presence in four weeks. Those mailings are randomly selected in Jefferson City and mailed out from Liberty. According to our experience, we receive approximately 150 to 200 qualified jurors out of that mailing after deleting undeliverable summonses as well as people who are statutorily excused.

Each juror who receives a summons is assigned a juror number, and we use those numbers to call the jurors in for jury duty on the Monday or

Tuesday of jury trials. The summons advises the jurors to call a jury response line beginning on the Friday evening before their Jury duty is to take place, and the response line will advise whether or not their number will be required to be in court the following week. The response line plays throughout the entire weekend. We try to determine the number of trials for each week and give the info to the jury pool on the response line so that no one will have to come in for jury duty unnecessarily. When the required jurors appear on Monday morning, they will be given a general explanation of Jury duty and then assigned to respective courts for trials.

I am explaining the above to members of the Bar so that you will understand the procedure and so that you can advise individuals that may be calling you who have received summonses for jury duty and are curious what the procedure is. As you can see, it is very important for the judges to be able to know in advance which cases are actually going to go to trial so that it will not be necessary to be calling in literally dozens of jurors unnecessarily on a Monday morning. I think the jurors will be happy with the new procedure, and it will work out well for the lawyers. The only request that we have as judges is that you be kind enough to keep us posted on jury settlements and the necessity of jury trials.

The only area that we have run into potential problems with lawyers on is the fact that many lawyers like to look at the jury questionnaires in advance of the jury trial. This, of course, will not be possible under the new system since we will not know until the morning of the trial who the jurors are going to be or who is going to be assigned to what court. The court assignments are randomly done by a computer spin

after the jurors check in. Thus, we will not know until the very last minute who our jurors are going to be, and we will not be able to give the questionnaires to the attorneys until the jury is actually impaneled. We will, of course, see to it that the attorneys get the questionnaires as quickly as possible. We also will provide a list of jurors which will be prepared by the computer and be available immediately for the attorneys so that they will understand the order in which the jurors will be seated as well as the correct names and spellings of the jurors. We hope this trade-off will be satisfactory.

If anyone would like further detail on the jury selection process or any of the procedures that I have not covered in this column, please do not hesitate to call me at any time. We know that this system will be much better for the general public and hopefully make all jurors happier in their duty once they realize how much easier it is under the new system. ♦

New Limitations

By Jim Boggs

The Sovereign Immunity Limits effective January 1, 2002 are: for all claims arising out of a single accident or occurrence: \$2,111,043.00 and for one person in a single accident or occurrence is \$316,656.00. As you know, the cap on sovereign immunity claims is indexed for inflation and these are the numbers which will be effective for the year 2002.

The limitation on noneconomic damages in medical malpractice cases for the year 2002 has just been released by the Department of Insurance. The new cap is \$547,000.00.

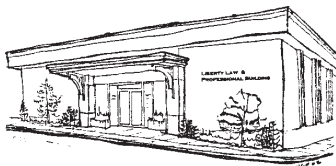
**CLAY COUNTY BAR ASSOCIATION
CLE CREDIT HOURS
2001-2002 REPORTING YEAR**

| | | Missouri | Kansas |
|----------|--|------------------|------------------|
| 10-4-01 | “Legislative Update” Dinner Meeting | 1.5 hours | 1.5 hours |
| 10-26-01 | Landlord/Tenant Law, MOLAP, Ethics in handling a high profile Case, DWI Update | 3.8 (2.0 ethics) | 3.0 (1.0 ethics) |
| 3-1-02 | Depositions from A to Z | 4.2 (0 ethics) | 4.0 (0 ethics) |
| 4-6-02 | View from the Bench | 1.2 (0 ethics) | 1.0 (0 ethics) |
| 4-19-02 | Personal Injury Cases | pending | pending |

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Special Offer
FIRST 2 MONTHS RENT FREE



includes:

170+ Square foot office
shared reception area
shared conference room
all utilities
off street parking
walking distance to Clay County Courthouse
high speed internet and web page available
call Trish Hughes 792-5700

Building improvements underway - 4 office areas available.
Attorneys sharing space are encouraged to carry professional liability
insurance with the same carrier - currently, The Bar Plan.

Membership Directory

The Clay County Bar Association will publishing a new membership directory in June 2002. If you know someone who has not yet submitted his/her membership application, please suggest they do so by May 29, 2002 to be included in the 2002 directory. Contact Andrea Bolstad, Treasurer, 816-792-0110 for a membership application or download it from http://mobar.org/local_bars/clayco.htm.

Please proofread your directory information printed below. Your listing will appear as printed unless you change it by faxing changes to Nancy at 816-452-3087 or mail to PO Box 11248, KCMO 64119-0248 before May 29. The directory goes to print on May 29.