

Hear Me!  
Hear Me!



# DOCKET CALL

THE CLAY COUNTY BAR ASSOCIATION

November 2005

## CALENDAR

of Upcoming Events

December 2, 2005

CLE

Trust and Estates Seminar  
Finnigan's, NKC  
12:00 Lunch, 12:30 Seminar

December 9, 2005

Christmas Luncheon  
Harrah's Casino, NKC  
11:30 a.m. - 1:00 p.m.

Program:

Speaker: Bill Grigsby  
Election of New Officers  
Distinguished Attorney Award



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Douglass F. Noland, Editor

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## From the President. . .

On April 17, 2002, Columbia Law School released a survey on the public perception of lawyers. It contained the disheartening news that two-thirds of Americans think that lawyers are overpaid, about half think attorneys do more harm than good, and four in ten think lawyers are dishonest. We rank at the bottom or near bottom of every survey on whom the public trusts. Even on television, Perry Mason's tenacious pursuit of justice for all has given way to the shameless ambulance-chasing of *The Simpsons'* Lionel Hutz.

The tarnished image of lawyers should not sit well with us. Not only do we face embarrassment as a profession but it affects our business. A recent study by The American Bar Association found that 71 percent of those surveyed said they were involved in matters within the past year that should have involved a lawyer, but less than half (45 percent) actually used one.

How have we reached this pit of public perception? Part of the answer is easy. A survey by the Minnesota Bar Association has indicated that the public has lost respect for lawyers in direct proportion to the number of cheesy television ads that are aired. Others have noted that lawyer ads above urinals in bars or restaurants reflect a "promise me anything" or "win at any costs" mentality that is more than just a little offensive. In other words, we have brought it on ourselves.

But the full answer is much more complicated. We deal with clients who are embroiled in the most difficult and emotionally challenging times in their life. Divorces, personal injuries, criminal charges, lawsuits and bankruptcies may be day to day fare for us but they are nightmares to the people we deal with. The general public will always associate us with life's worst moments.

No matter how well we do our job, few people in such situations are completely happy with the outcome. This is not a reflection on our skills, but simply recognition of the limitations of the legal system.

Fighting an image problem is a lot like trying to tackle a ghost – it's something hard to get one's hands around. We know that the vast majority of lawyers do a good job and don't deserve the abuse. But the solution to our image disaster is not to create glossy magazine ads, TV extravaganzas or cute bumper stickers. The bottom line is that we can put lipstick on a pig, but it's still a pig underneath.

What then do we do? We have to change the pig. In other words, we need to become the lawyers that we want the public to think we are. As tough as it may be, we need to look beyond the "dollar and cents" of the client's fee. We need to gain and keep the client's trust. Each client needs to feel that they are important to us. We need to form, if not a friendship, then a relationship of confidence with those we represent. We need to treat them with respect.

Wouldn't it be wonderful if each of our clients can tell their friends, "Oh, you need to use my lawyer. He's very good and you can count on him." We can do it, and it will make good business sense for all of us.

*Bill Shull*

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## Twenty Years Ago

Can you remember the makeshift attorneys' lounge, if you could call it that, located between the Prosecutor's Office and Judge Pratt's Office? The orange chairs in Division C as it was first called? Or what about the nice, square, majestic Division 1 Courtroom? (Was there ever a better courtroom or a better place to try a case?) What about having a cup of coffee in those little plastic cups around the two big tables in the Prosecutor's Office? Ever have a bowl of chili at Dixon's before court in North Kansas City in Courtroom B as it was once called? Ever have to get a continuance from Rita or Madelyn down in North Kansas City? Appear before Judge Bills in Division A when it was in the basement? Or can you remember the Probate Courtroom or the nice glass bookcases Judge Baldwin had? And Long's was the place to go for coffee or lunch around the square? The Circuit Judges were McFarland, Elliott, Pratt and Baldwin.

Well, if you remember any of these events or places, you are among a distinct group of lawyers who had the privilege of practicing in the old Clay County Courthouse on the Courthouse Square in Liberty and Division B in North Kansas City on Armour Road.

What the significance of all that may be, other than to just show a few of us are starting to age, is that this September a milestone was made in our legal history. Twenty years ago the old Courthouse and Division B in North Kansas City moved into the James S. Rooney Justice Center. Since that time, we have grown from nearly 75 lawyers in the mid-eighties to more than 300 lawyers who are now members of our Bar Association. We also have nearly 600 lawyers who live in the Seventh Judicial Circuit.

We have seen the passing of some lawyers and judges who were so significant in our legal history, like Bob Duncan, Max Von Erdmannsdorff, Leary Skinner, Tom Allen, and recently Judge McFarland. (Did you know that Judge McFarland was the first judge appointed under the Missouri Nonpartisan Court Plan in Clay County?) We have

also seen some of our younger lawyers die tragically, well before their time, such as Dave Gleason and Dan Bishop.

Our current Circuit Judges are Maloney, Welsh, Harman, and Gabbert. And we had one of our former Circuit Judges, Judge Howard, move to the Court of Appeals. We have had three female judges (two currently on the Bench), and a Family Court where we have had three Commissioners, the current one a female, Commissioner Roberts. Additionally, the Circuit Clerk is now appointed by the Circuit Judges.

For those of you who have had the pleasure of practicing law in the old courthouse and Division B in North Kansas City, I guess it does date us and sets us apart. And while the last 20 years have brought many changes to our Bench and Bar, I'm sure the next 20 years will no doubt bring many more. There will be more lawyers, more changes on the Bench, more changes in how we practice. But with the people who make up our Bar and Bench, those who began the practice before the new courthouse and those who began after, I'm sure it will remain a great place to practice law. ♦

## Clay County Bar Foundation

The Clay County Bar Foundation offers scholarships to high school seniors in Clay County for students who intend to pursue careers in law and/or public service. The program started in the year 2001 and has awarded 25 scholarships to area high school seniors to further their education.

In 2005 recipients of the Clay County Bar Foundation scholarship are Sierra N. Knight, Winnetonka High School; Sarah M. Knopf and Jared A. Mathes, Liberty High School; Cheri K. Shiflett, Smithville High School, and Vincent J. Vitatoo from St. Pius X High School. ♦

## IN MEMORIAM

David M. Gleason, 1952-2005

Hon. Glennon E. McFarland, 1928-2005

Clay County Bar Web site:

[www.claycountybar.org](http://www.claycountybar.org)

## Ten Points for Making an Effective Opening Statement

- 1 Have a theme, which is a short, simple statement that summarizes your case.
- 2 Start strong. The first four minutes are the most important. Forego the reintroduction and boilerplate statements. Begin with positive and strong statement as to what your case is about.
- 3 Don't give the jury an unconnected stack of facts.
- 4 Tell the story in your opening with a beginning, middle, and end. Be a storyteller. That is how you persuade.
- 5 Use principles of persuasion throughout your opening, including telling it in the present tense, simple language, and drawing the audience into the story.
- 6 Use everyday language. Avoid legalese. Don't talk like a lawyer.
- 7 Disclose any weaknesses. It's better to bring out a weakness before your opponent does and you have to explain it.
- 8 Primacy. Remember what people hear first, they tend to believe more intensely.
- 9 Recency. Remember people remember better what they hear last.
- 10 If you start strong, then end strong, do so with a dramatic and powerful conclusion, a call to action.

## Lawyer News

Patrick D. Beeman, formerly Division 8 Family Court Commissioner for five years, is now practicing at 14 South Main, Liberty, MO 64068, phone 816-781-4403, fax 816-792-1817.

Michael Shipley has moved his office and is now located at Law Offices of Michael S. Shipley, LLC, 204 A East Kansas Street, Liberty, MO 64068, phone 816-781-0299, fax 816-781-4088.

The Coulson Law Office of Edward "Ned" A. Coulson and Andrew T. Coulson is now practicing at 204 A East Kansas Street, Liberty, MO 64068, phone 816-781-0299, fax 816-781-4088.

Stephen G. Taylor is now practicing at 104 West Kansas, Liberty, MO 64068, phone 816-792-4242, fax: 816-792-0888.

Gregory B. Canuteson, formerly of the Attorney General's Office, is now practicing at 20 East Franklin, Liberty, MO 64068, phone 816-792-3330, fax: 816-781-6152.

## Young Lawyers Event

The Young Lawyers Group of the Clay County Bar Association held an event at the American Royal Barbeque September 30, 2005. There were many young lawyers and older lawyers in attendance. It was a good time to socialize and enjoy some of the treats of the American Royal with fellow bar members. ♦

## Interesting Reading

I Remember Atticus: Inspiring Stories Every Trial Lawyer Should Know by Jim M. Perdue. Jim Perdue is a civil trial attorney in Texas whose latest book I Remember Atticus is a great book for not only enjoyment, but practical advice as well. A very easy read, only 148 pages, it is part historic, part political and part practice guide for the trial lawyer. He takes his title from the fictional but inspiring lawyer in the book To Kill a Mockingbird.

The book begins with the first five chapters setting up stories from a wide historical background. There is Susanna from Apocrypha, a woman accused of adultery by several prominent officials. He has a chapter of parables of Jesus from the Bible. Then reviews the trials of Clarence Darrell in the Scope's Monkey Trial and the Hayward Murder Trial. He also talks about Edward Bushell, a juror at the London trial of William Penn and William Mean, who had been charged with conducting a religious service after the King had closed the church. It is a great example of the defense of the jury system and the importance of the independence of the jury. Another case is *Briggs vs. Elliott*, in which Reverend Joseph Delaine fought to get school buses for minority residences of his South Carolina community. He paid the price by the loss of his teaching position. His wife, sisters and nieces were all fired from their jobs, his church was vandalized, and his house was burned down. The case is a companion to *Brown vs. The Board of Education* and helped change the face of segregated society. The last chapter of the book provides more of a practical guide, providing trial themes designed to motivate jurors in the current era of cynicism and tort reform. It is a valuable section for either plaintiff or defense lawyers. Perdue's book is easy to read, practical and inspirational; whether you use any of the practical guides to improve your jury trial experience or not, it will remind you of why you chose and remain to be a lawyer. ♦

## 2005 Annual Clay County Golf Classic

The 2005 Annual Clay County Golf Classic was held at Smithville Lake's Paradise Point Golf Club on September 16, 2005, and there were approximately 67 golfers who participated. Flight A winners were Bob Williams, Gary Mouse, Mike Giambrone and Bob Neidig; Flight B winners were Roger Potter, Judge Vic Howard, Jerry Rellihan and Jack Norton. Special thanks to the following hole sponsors: Douglass Noland, Withers Brant Igoe & Mullennix, Daniel White, Ryan McMillin, Midwest ADP and Northland Dependency Services. More special thanks to Dave Lamaster with Pepsi Americas who donated the soda and water for the tournament, and Hobart Mason, North Kansas City Beverage Co., who donated the Budweiser products. Judge Maloney and prosecutors Dawn Shagg and Karen Krauser drove the beverage carts this year. The tournament was able to raise \$1,400.00 for our scholarship foundation. So, thank you to everyone who participated in this fun event. ♦

## Family Court Division 8 Commissioner

Sherrill P. Roberts was appointed as the new Family Court Commissioner for Division 8. Commissioner Roberts graduated from William Jewell College and the University of Missouri - Columbia School of Law and practiced with Kuhlman, Reddoch, Sullivan & Roberts, P.C. in Liberty.

Days and times of the Docket in Division 8 are as follows:

- Mon: 9:00 a.m. Paternity Cases with DCSE  
10:30 a.m. Administrative Modification/Establishments  
Wage withholding hearings  
Both Pro Se and Attorneys  
KC downtown office, Mclean  
Pro Se Defaults  
1:30 p.m. Criminal Non-Support  
(Give a copy of docket to Judy in Child Support) (does NOT have to be on record)  
2:30 p.m. Pleas and Probation Violation Hearings  
(must be on record)  
3:30 p.m. Video Arraignments
- Tues: 9:00 a.m. Private Attorney Matters  
Trial Settings/Trials/Motions
- Wed: 9:00 a.m. Private Attorney Matters  
Trial Settings/Trials/Motions
- Thurs: 8:15 a.m. Civil Non-Support and Show Cause/DCSE  
9:15 a.m. Trial De Novos DCSE/Pro Se/McGiffin  
(admission of contempt)  
Request for Re-Hearing on Medical Support  
10:30 a.m. Trials (Judge sets)
- Fri: 9:00 a.m. Pretrial Conferences  
10:30 a.m. Trials (Judge sets)

## CLEs

During the 2004-005 reporting year, the Clay County Bar Association has offered the following CLEs with Missouri and Kansas credit:

- Sept. 24, 2004 Discovery/Consumer Law  
MO 4.0 total / KS 4.0 total
- Nov. 5, 2004 Tax and Estate Planning Issues  
MO 4.0 total / KS 3.5 total
- Mar. 25, 2005 Personal Injury: Car Wrecks  
MO 3.3 total / KS 3.0 total
- Apr. 22, 2005 2005 Ethics Seminar  
MO 3.3 total (3.3 ethics)  
KS 2.0 total (2.0 ethics)
- Jun. 10, 2005 Caselaw/Legislative Update  
MO 3.9 total / KS 3.5 total

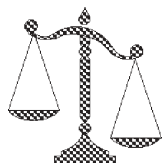
## Jazz on the Square

The first "Jazz on the Square" fundraiser for the Clay County Bar Association Foundation was held September 13 at the Corbin Theatre on the Liberty Square. Our own Judge Harman played the drums and provided vocals during the jazz performance and those who were there were very entertained and had a wonderful time. For those who missed it, you really missed a great show, and a good time with other bar members. Special thanks to Michelle Dunn who worked very hard to organize the event. ♦

## Bar News

Douglass F. Noland was elected to serve on the Missouri Bar Board of Governors.

T.K. Thompson was elected by the members of the Bar from the Seventh Circuit to serve on the Seventh Circuit Judicial Commission; he will join F.A. "Al" White as the two attorney members of the Judicial Commission. ♦



**The Clay County Bar Association**  
c/o 104 West Kansas  
Liberty, MO 64068