

July 2018 Issue

Reviewing January—June 2018 & Looking Ahead at Events to Come in July—December 2018



U.S. District Court— Eastern District of Missouri

Be Sure to Mark the Date!

Aug 15-17	2018 Eighth Circuit Judicial Conference at the Iowa
Sep 7	Alternative Dispute Resolution (ADR) Court-Certified Neutrals Seminar at Washington University, St. Louis
Sep 21	U.S. District Court Swearing In Ceremony at the State
Nov 2	Federal Practice Fundamentals—Tutorial for New Practitioners at the T.F. Eagleton Courthouse, St. Louis

Our Mission: To serve the public, bench, and bar in an effective, fair, and impartial manner.

Serving the Citizenry of the United States by

- > Providing justice
- > Educating attorneys
- > Informing the public
- > Supervising & rehabilitating offenders
- > Using resources wisely

COMING IN FALL 2018: SOUTHEASTERN DIVISION RE-ENTRY COURT



The Honorable Abbie Crites-Leoni

Magistrate Judge Crites-Leoni will lead a new re-entry court aimed at assisting recently released offenders (who have been identified as moderate level drug offenders) in successfully returning to the community.

The Eastern District of Missouri is now on Twitter! Follow us @USCourtsMOED for news and updates

THINGS TO DO THIS YEAR!

⇒ **Apply for the Criminal Justice Act Panel**

click here

⇒ **Renew your membership to MOED's Bar**

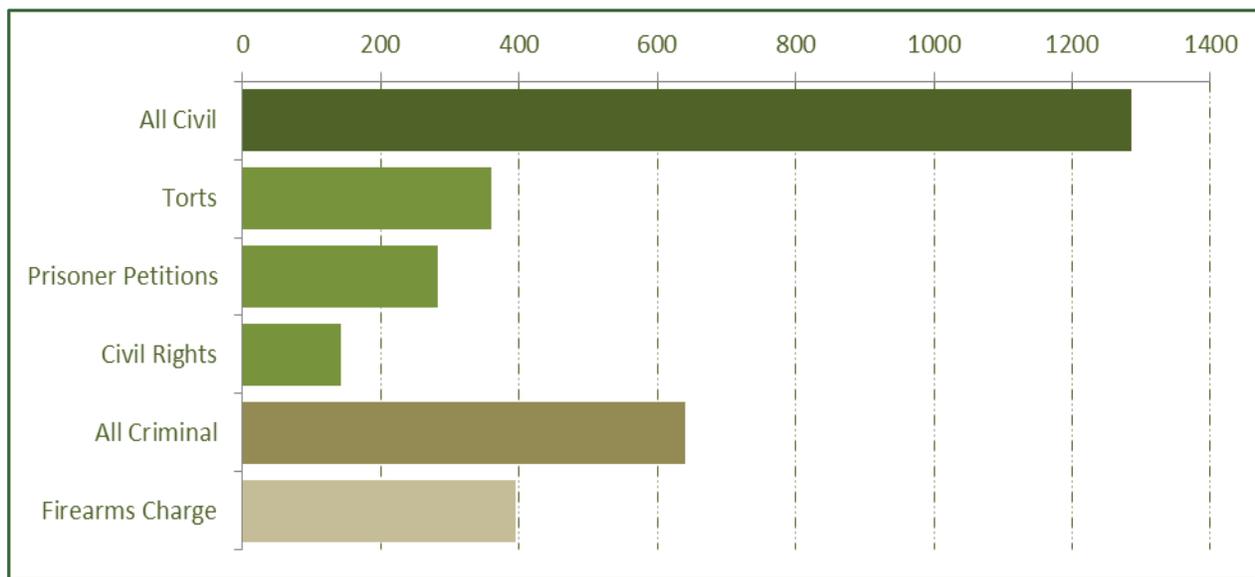
coming in September

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CASELOAD STATISTICS: JAN-JUN

Criminal Prosecution for Firearms Offenses Reach Record Levels



More than 1,900 cases were filed in the Eastern District of Missouri during the first six months of 2018. Two-thirds were civil cases—primarily tort, prisoner petitions and civil rights actions.

Almost 650 criminal cases involving more than 750 defendants were filed in the Eastern District during the first six months of 2018. As a result of multi-defendant cases, controlled substances accounted for 12% of criminal case filings, but 18% of criminal defendants.

Filings with a firearms charge as the most serious offense comprised more than 60% of all criminal cases. For the first six months of the calendar year, firearms cases have increased from 85 in 2013 to 395 in 2018—an increase of 569%.

Eastern District of Missouri Criminal Filings: January-June

Criminal Case Filings	2018	2013-17 Average
As Percent of Caseload	33%	17%
Count of All Cases	641	299
Count of Firearms Cases	395	112

MDL, JURY & PRO SE NOTES

Serving the Federal Judiciary, Prospective Jurors & Indigent Litigants



MDL 2820

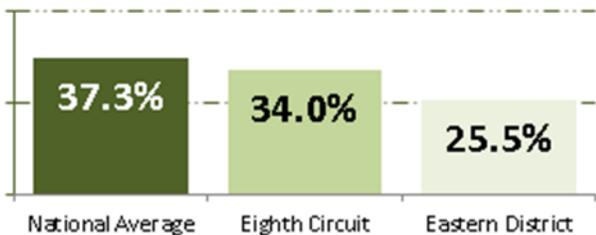
Dicamba Herbicides Litigation

The U.S. Judicial Panel on Multidistrict Litigation assigned the Dicamba Herbicides Litigation to District Judge Stephen N. Limbaugh, Jr. Twenty-four (24) cases have been filed or transferred to Judge Limbaugh.

Using Jurors Effectively

The Administrative Office of the United States Courts goal for effective juror utilization is 30% or less of jurors NOT selected, serving or challenged (NSSC) on the first day of jury service.

For the 12-month period ending December 31, 2017; the Eastern District’s NSSC rate was 25.5% (for almost 1,200 jurors present for jury selection), almost five percentage points below the Judicial Conference’s goal of 30%. In comparison, the national average for all district courts was 37.3%, and the average for the Eighth Circuit was 34.0%.



Helping the Self-Represented

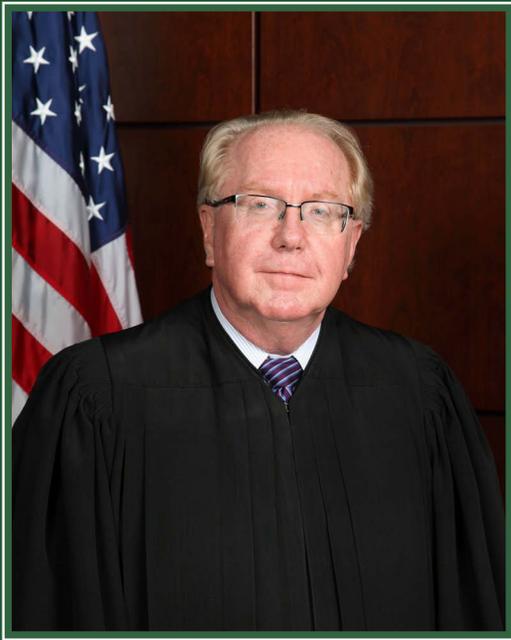
The Pro Se Unit is responsible for reviewing all cases filed by prisoners. In Calendar Year 2017, prisoners filed almost 525 petitions. More than one-half alleged a civil rights violation, about one-third sought writs of habeas corpus, and one-tenth moved to vacate their sentence. In addition, the Pro Se Unit reviewed approximately 192 cases filed by non-prisoner, self-represented litigants.

The Pro Se Unit also works with the Clerk of Court to implement policies designed to help self-represented litigants. They are involved in the Court’s new partnership with BAMSL to form a clinic designed to assist pro se litigants in case initiation, and it was instrumental in updating and re-writing the Court’s pro se forms.

In April 2018, a fourth Pro Se Law Clerk was hired to meet the expanding workload.

THE HONORABLE RODNEY W. SIPPEL

Distinguished Lawyer Award—BAMSL



In May 2018, Chief Judge Rodney W. Sippel received the Bar Association of Metropolitan St. Louis' (BAMSL) Distinguished Lawyer Award. This is the highest honor given by BAMSL. The annual award is given to *"...a lawyer who has made a great and lasting contribution to the St. Louis region in the area of law and community service, has motivated other lawyers to work in the public interest, and who exemplifies lawyers as good citizens contributing significantly to the community."* - BAMSL announcement

THE HONORABLE SHIRLEY A. PADMORE MENSAH

2018 Distinguished Alumna—Washington University School of Law

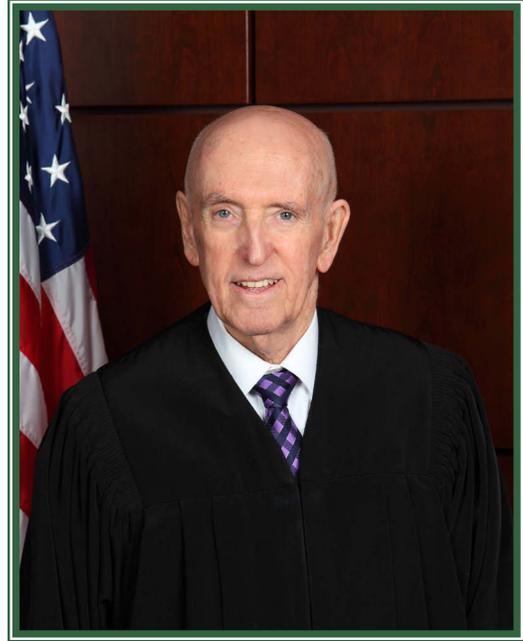
In March 2018, Magistrate Judge Shirley A. Padmore Mensah received Washington University School of Law's Distinguished Alumna Award. This award honors those who *"...have shown a true commitment to leadership, high standards, uncompromising integrity, courage and confidence. ... {whose} careers serve as models for all Washington University students and alumni."* - Washington University School of Law announcement



THE HONORABLE E. RICHARD WEBBER

We've Been Doing Too Many Things Wrong for Too Long—The Crime Report

Senior District Judge E. Richard Webber was the subject of a recent article in *The Crime Report*. The article discusses Judge Webber's philosophy on sentencing and his attempts to encourage convicted defendants to further their education while in prison. The article describes his interaction with offenders on supervised release, including his strong desire to see them successfully complete probation and achieve a better life for themselves. Judge Webber's faith and commitment to St. Louis motivates his search for better ways to handle criminality.



THE HONORABLE HENRY E. AUTREY

Holds Court at De Smet Jesuit High School in St. Louis



In April 2018, District Judge Henry E. Autrey, his staff and several local attorneys held two motion hearings in the auditorium of De Smet Jesuit; providing a very unique experience to the student body. The school arranged the stage to simulate a courtroom—including the judge's bench, podium, counsel tables, and the U.S. Marshals. A court reporter, courtroom deputy, and law clerk were also present. This was the first time the Eastern District of Missouri held court off-site. Judge Autrey was a member of the first graduating class of De Smet Jesuit High School in 1971 and is a member of De Smet Jesuit's Hall of Fame.

"I cannot adequately express my appreciation for the efforts you, your staff and others ... expended ... I am very grateful."—Lawrence G. Gillespie, Attorney at Law

District Judge Ronnie L. White & Chief Probation Officer Scott Anders spoke at the Job Fair hosted by St. Louis University



Chief Judge Rodney W. Sippel judged the final round of the Seigenthaler-Sutherland Cup, National First Amendment Moot Court Competition at the Newseum in Washington D.C.

Chief Magistrate Judge Nannette A. Baker greets members of the Memphis Bar Association. The Court & BAMSL hosted the Memphis Bar at a luncheon at the courthouse.



Senior District Judge E. Richard Webber & visiting Japanese dignitaries—sponsored by the U.S. State Department

Senator Orrin Hatch (R-Ut) & Chief Judge Rodney W. Sippel -



Senator Hatch met with the Judicial Conference Committee on the Judicial Branch – Judge Sippel chairs the committee.

Circuit & District Clerks hosted Japanese visitors researching ADA accommodations in the U.S. Courts



Magistrate Judge John M. Bodenhause addressed Northwest High School seniors in Cedar Hill, Jefferson County on the Federal Judiciary

Judges, the Clerk of Court, and law clerks hosted a luncheon for a group of law students who assisted in testing the accessibility of the newly-revised pro se section of the Court's website.



District Judge Catherine D. Perry works with local 7th graders during an outreach event

The Honorable



Catherine D. Perry

opens the
2018 CJA seminar

16th Annual Criminal Justice Act Seminar

The CJA seminar, co-sponsored with the Federal Public Defenders Offices of the Eastern District of Missouri and Southern District of Illinois, was held May 8th at the T.F. Eagleton Courthouse. One hundred and seventy-five attorneys attended the seminar.

District Judge Catherine D. Perry welcomed attendees, kicking off a full day of educational offerings. Sessions covered:

- U.S. Supreme Court term in review
- Jeffrey Jensen, the new U.S. Attorney for the Eastern District
- CJA plan & eVoucher
- Navigating BOP issues
- Handling Mexican immigration matters
- Ethical issues w/ protective orders
- Crimes of violence,
- Forfeiture litigation

About 90% of participants' ratings identified the information presented as useful to their practice of law—with the crimes of violence update and review of the U.S. Supreme Court term rated most highly. Areas of interest for future seminars include 8th Circuit criminal rulings, online procedural manuals accessed by criminal defendants, and science-informed advocacy.

"As always, the most useful CLE I attend each year." "Always well done. Very valuable information across the board." - 2018 CJA Seminar participant comments

2018 Bench & Bar Seminars

The Southeastern Division seminar was held May 3rd at the Rush Hudson Limbaugh, Sr. U.S. Courthouse in Cape Girardeau. Over thirty local attorneys attended the continuing legal education offering. Sessions covered:

- District updates
- U.S. Attorney's Office
- U.S. Supreme Court term in review & session predictions
- Confidentiality obligations before Missouri Ethics Commission
- Judges' Roundtable

Almost all respondents rated the overall program, and its components, as professionally useful.

The Northern Division seminar was held June 15 at the U.S. Federal Building and Courthouse in Hannibal. Thirty local attorneys attended. Sessions were similar to the Southeastern Bench & Bar, covering:

- Year in review
- U.S. Attorney's Office
- Bankruptcy practice
- Confidentiality obligations before Missouri Ethics Commission
- U.S. Supreme Court term in review & session predictions
- Judges' Roundtable

Respondents generally rated the program favorably.

"Excellent!" "Everyone did a very fine job!" - 2018 Bench & Bar participant comments



Serving the Bar

Clockwise from top left: Jensen—U.S. Attorney; Professor Flanders & panel; attendees; Judges Limbaugh, Jr. & Ross

Law Day

Law Day was May 1, 2018. The Court welcomed students from Soldan International Studies High School in St. Louis and Belleville East High School for a full day of activities. In preparation



for the event, the students worked on lesson plans and entries for an

‘Essay & Art Contest’ on this year’s theme: *Separation of Powers - Framework for Freedom*. Judges and court staff contributed to judging the students’ entries and six students received



Participating Students

recognition. Each winner received a \$25 gift, courtesy of the Judicial Learning Center. On event day, Chief Judge Rodney W. Sippel and Magistrate Judge Shirley A. Padmore Mensah presented the awards.

On the day of the event, the students completed an activity in the

Judicial Learning Center, observed a sentencing, and completed an observation checklist about the role of the legislative, executive, and judicial branches. During lunch, the students were assigned to teams and prepared for a Supreme Court simulation activity,



which was held in the afternoon. Judge Ronnie L. White coached the students acting as justices. Assistant U.S. Attorney Jane Shaw and Law Clerk Kate Ledden coached the students acting as attorneys.

Street Law Professional Development for Teachers

On February 12-13, 2018; 35 teachers from Missouri and Illinois participated in a Street Law Teacher Workshop at the Eagleton Courthouse in St. Louis. The two-day intensive workshop was jointly sponsored by the U.S. District Court, the Judicial Learning Center, the Federal Practice

Memorial Trust, The Missouri Bar Office of Citizenship Education, and the Bar Association of Metropolitan St. Louis. This year’s program was the third annual Street Law event held in St. Louis.

Program speakers included District Judge Audrey G. Fleissig, District Judge Ronnie L. White, Assistant Federal Public Defender Robert Wolfrum, and Assistant U.S. Attorney Gwendolyn Carroll. Over the course of the workshop, the teachers learned content and related classroom activities dealing with the structure and function of the U.S. Courts, constitutional controver-



sies, and landmark U.S. Supreme Court cases. The workshop culminated with an interactive moot court during which the teachers acted as justices and attorneys—learning how to re-create a moot court with their students when they return to their school(s).



Youth In Government

In April, the judges and staff of the Southeastern Division hosted the annual Youth in Government Day at the Rush H. Limbaugh, Sr. U.S. Courthouse in Cape Girardeau. The event was coordinated through the local Optimist Club. A group of high school students had the opportunity to observe courtroom proceedings, interact with judges and court staff, and participate in a mock sentencing hearing.



Service to the Community

Court staff contributed to many worthwhile causes in the first half of 2018. These included:

- ⇒ Fallen Heroes Honor Run, which supports the U.S. Marshals Service in honor of those who lost their lives in the line of duty



- ⇒ Home Sweet Home StL which provides donated furniture to people entering new living situations after a personal or family crisis
- ⇒ Cinderella Project which provides prom dresses to young women in the region who are unable to purchase a formal gown
- ⇒ Youth Angler Education Day sponsored by the Boys Scouts of America which exposes youth to fishing
- ⇒ In conjunction with the US Probation Office, donation of everyday clothing for individuals released from custody or those transitioning to Residential Re-Entry Centers

U.S. Probation Office—A Change in Leadership

Scott Anders succeeded Doug Burris as the Chief U.S. Probation Officer for the Eastern District of Missouri. Doug Burris retired in February, after serving as Chief since 2000. Doug had a long and distinguished career; for which he received much recognition—including the National Association of Probation Executive Award for Exceptional Leadership, Director’s Award for Outstanding Leadership, Director’s Award for Extraordinary Action, attendance at the presidential signing of the Second Chance Act, and the subject of books, documentaries & national press reports. **Scott Anders’ top priorities for the Probation Office are reducing recidivism & revocations, reducing gun violence, reducing opiate & heroin use, creating & maintaining a culture of innovation, and officer safety.**



Doug Burris

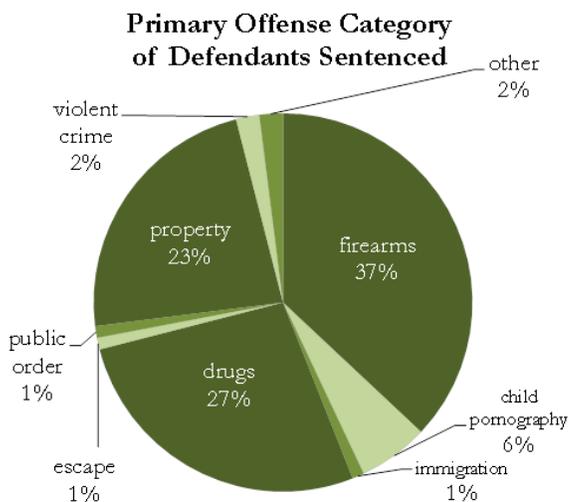


Scott Anders

PROBATION OFFICE

Committed to Positive Change, Affording Every Individual an Opportunity to Succeed

The Probation Office completed 777 presentence reports during fiscal year 2017. Firearms and drug offenses were the most common primary charge, accounting for more than one-third and one-quarter (respectively) of cases sentenced. {see chart below}



At the end of the fiscal year, more than 1,900 ex-offenders were under supervision—primarily for

drug (40%), property (22%), firearms (19%), and sex (15%) offenses. The Eastern District’s supervision caseload continued to be the largest in the Eighth Circuit and the 21st largest in the federal system.

As measured by the Risk Prediction Index, the Eastern District continued to have among the highest risk caseload in the federal system. Despite this however, the revocation rate of 10% (301 out of 2,924 individuals supervised during the fiscal year) was lower than the rate in 30 of the 94 Districts.

The Eastern District opened a national forensic lab in October, currently agreeing to provide forensic service to nine other districts. The lab examines electronic devices for terrorism and financial crimes. In addition, the lab uncovered a number of child pornogra-

phy offenses.

The Eastern District’s regional drug lab conducted 52,420 drug tests—including testing for four other districts.

Treatment resources were targeted at moderate and high risk offenders. In fiscal year 2017; about \$539k was spent on mental health programming, \$442k on sex offender treatment, and \$1.3 million on drug treatment. In addition to these resources, the Eastern District offers:

- an in-house GED program
 - Money Smart, a financial literacy program
 - Project Home, promoting home ownership
 - Second Chance Act funding for skills training and emergency services
- * spending ~\$241k, more than any other district—contributing to one of the lowest unemployment rates in the federal system

Treatment Court Opportunities

<p>Project Expanding Addicts’ Recovery Network (EARN) since 2008</p>	<p>Project Gang Re-Entry Initiative Program (GRIP) since 2010</p>	<p>Veterans Court since 2011</p>	<p>Janis C. Good Mental Health Court since 2013</p>
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PRETRIAL SERVICES

Exemplifying the Highest Ideals & Standards in Community Corrections

Pretrial Services conducts bond investigations of all federal defendants, subsequently advising The Court whether a defendant poses a significant risk of flight or danger to the community. The least restrictive release conditions are recommended to address these potential risks. {see table below}

Conditions of Release	
Pretrial Services supervision	78%
3rd party custody	4%
Substance abuse testing	48%
Home confinement	23%
Mental health treatment	26%

Pretrial Services also supervises defendants who have been released on bond. Supervision entails monitoring compliance with the defendant's release conditions—

which includes making referrals to and monitor defendants' progress in treatment programs.

Newly charged defendants increased from 1,022 in fiscal year 2016 to 1,205 in 2017, or by 18%. However, the Eastern District's detention rate (61.5%) remained almost unchanged, and continues to be lower than the national average detention rate (72.4%).*

The past year saw a considerable number of firearms and violent offense prosecutions in the Eastern District. In fiscal year 2017, Pretrial Services interviewed 336 defendants who were charged with a firearms offense—over one-quarter of the caseload. Firearms filings were higher in the Eastern District than any other district.

As measured by the Pretrial Risk Assessment, 76% of newly charged defendants in the Eastern District in 2017 were higher risk cases. More intensive supervision was also required for 82 sex offense

cases due to the nature of the alleged offense. The Eastern District filed the 5th highest number of sex offense cases in the nation during 2017. In addition, almost one-half of new supervision cases were classified as greater risk—due to the associated risks to staff and the increased supervision requirements and services needed to successfully supervise these defendants.

Drug testing, substance abuse treatment, and mental health treatment continue to be the most essential needs for defendants under supervision. In fiscal year 2017, Pretrial Services spent ~\$360k for treatment services, including \$85k for location monitoring.

SAIL Staff, Graduates & Family



Diversion & Treatment Opportunities

Sentencing Alternatives Improving Lives	To date—23 participants with 10 successful graduates; estimated \$996k savings in avoided imprisonment costs
Pretrial Diversion w/ US Attorney's Office	In fiscal 2017—30 new diversion cases; \$533k collected in restitution
Moral Reconciliation Therapy	In-house cognitive-behavioral therapy w/ estimated \$90k savings in treatment costs since February 2013

* The Pretrial Services Office in the Eastern District of Missouri investigates supervised release violators; therefore, the published detention rates have been controlled for detained supervised release violators to allow for more accurate statistical comparison with other districts that do not investigate supervised release violators.

Clerk's Office Update

The Clerk's Office administers numerous programs that facilitate The Court's service to the community. Recent programmatic developments include:

- A 'Notice Regarding Limited Scope Counsel for Alternative Dispute Resolution' will be attached to every future case referred to ADR that has a *pro se* party. The notice describes the benefits of pro bono limited scope counsel and how to apply.
- Beginning June 13, 2018; neutrals (in mediation) appointed pro bono may request reimbursement of fees—waived or reduced by the Court—not to exceed \$1,000, up from \$750.
- An 'Attorney BAR Search' feature has been added to the Court's website under the Attorneys tab. This feature lets attorneys check their Bar status—returning Bar number, status and current office.
- The hourly rate for Criminal Justice Act Panel attorneys increased to \$140 in non-capital cases and \$188 in capital cases. The daily fee for jurors increased to \$50.

District Court Information

The Honorable
Rodney W. Sippel,
Chief Judge

Gregory J. Linhares
Clerk of Court



Eastern District Court Locations

Thomas F. Eagleton
U.S. Courthouse
111 South 10th Street
St. Louis, MO 63102
314-244-7900

Rush Hudson
Limbaugh, Sr.
U.S. Courthouse
555 Independence St
Cape Girardeau, MO 63703
573-331-8800

Hannibal Federal Bldg
801 Broadway
Hannibal, MO 63401

In December 2017, CSO Dan Hoffarth took quick & decisive action when he observed a customer of the court collapse outside the building. In response to an apparent heart attack, Mr. Hoffarth and colleagues attended to the victim, performed CPR, and employed AED equipment until EMT personnel arrived.



2017 USMS Eighth Circuit
Court Security Officer of the Year