



**The Official Newsletter of the Federal Bar Association
Chapter for the Districts of Kansas and Western Missouri**

Chapter Spotlight



Simpson wins FBA national leadership award for service to local chapter

Federal Bar Association Outstanding Leader Award

The Federal Bar Association national organization recently awarded Kate Marples Simpson its Outstanding Leader Award for all large chapters. Simpson was this chapter's president in 2019-20 and was instrumental

in the FBA choosing Kansas City as the site of its annual national meeting in 2024.

The award was presented to Simpson "in recognition of exceptional vision, service and stewardship as President of the Kansas and Western District of Missouri chapter."

Simpson earned one of five Outstanding Leader Awards from the FBA as part of its annual awards program. Other winners are Scott Oswald, Qui Tam section; Kate Jones, Nebraska chapter; Royal Dumas, Montgomery chapter; and Ernest T. Bartol, Vice President for the Second Circuit.



President's Spotlight: Upcoming CLEs free to chapter members

Kate Marples Simpson, Outgoing Chapter President

Dear FBA Members,

I hope you are all staying physically and mentally well. This past year has been an exceptionally difficult time for many. Our Chapter cancelled some highly anticipated events in the Spring, but we are happy to say we've rescheduled most.

Upcoming are two full-day CLEs that as FBA members, you can attend for free. You are welcome to sign up for individual programs, or stay for the whole day.

On October 15, our Chapter is teaming up with the Civil Rights Section of the Federal Bar Association, FBA National, and the United States District Court for the District of Kansas to provide programming intended to encourage lawyers to consider pro bono panel service in federal court. There will be panels of experienced pro bono lawyers and Section 1983 litigators, as well as panels on protest lawyering, immunity issues, and limited scope representation. Ashley Adams from the Equal Justice Initiative lawyer will talk to us about the EJI's mission and her work. Chief Judges Robinson and Phillips, and Judge Harpool are joining us for various panels. Dean Carla Pratt of Washburn Law School will discuss "Racism as An Ethical Barrier to the Administration of Justice." This seven-credit CLE will provide two ethics credits in Kansas and Missouri, and one implicit bias credit in Missouri.

On November 12, our Chapter is presenting an Education Law CLE that will provide seven CLE credits,

including two ethics credits in Kansas and Missouri, and one implicit bias credit in Missouri. Panels will discuss First Amendment issues, special education and disability law, the IDEA, a Kansas ethics update, "Ethically Using Technology and the Internet to Conduct Investigations," Title IX, and Explicit and Implicit bias in educational settings.

We hope you will enjoy these programs as much as you enjoyed hearing Judge Bacharach's discussion of his new book "Legal Writing: A Judge's Perspective on the Science and Rhetoric of the Written Word."

We appreciate your feedback on programming and would love to hear your topic proposals for future CLE programs.

Although the National Annual Meeting in Charleston was postponed due to the pandemic, the virtual annual meeting and leadership training this year were engaging and beneficial for those who were able to attend. If you are interested in representing our Chapter at a national meeting, please let us know. We are always looking for more new people to take an active role in the Chapter.

On October 1, Assistant United States Attorney Anthony Mattivi began his term as Chapter President. Tony's experience and contacts in the federal courts, as well as his leadership skills will continue this Chapter's growth and progress. Other officers beginning a new term are: Judge Teresa L. James, President-Elect; Ethan Lange, Vice-President; Blake Stuart, Treasurer; and Eric Turner, Secretary.

As we welcome Tony, I also want to thank you all for allowing me to serve this past year. I hope you all benefited from your membership this past year, either through our CLE programming, mentorship program, civics and outreach activities, diversity projects, social and networking events, brown bag lunches with federal judges, Constitution Day readings, or through the various benefits offered by FBA national.

My sincerest thanks for this opportunity,
Kate

Kate Marples Simpson
Chapter President, 2019-20

Judicial Spotlight



Preparation, civility key for Judge Teeter going into her third year on the bench

U.S. District Court Judge Holly L. Teeter

United States District Court Judge Holly L. Teeter recently marked the second anniversary of her appointment as a judge in the District of Kansas.

Judge Teeter was born and raised in Kansas. Following high school, she earned a chemical engineering degree with highest distinction from the University of Kansas. While in college, she was a member of the cross-country team until a mid-season injury her freshman year ended her running career. After college, Judge Teeter earned a diploma in legal studies from the University of Oxford while studying in England on a Rotary Ambassadorial Scholarship, and a law degree from the University of Kansas, where she was a member of the Kansas Law Review and graduated first in her class.

Following graduation from law school, Judge Teeter worked in the legal department at Los Alamos National Laboratory in Los Alamos, New Mexico, prosecuting patents. She then returned to Kansas City to practice patent litigation at Shook, Hardy & Bacon L.L.P. After several years with Shook, she left private practice and clerked for the Hon. Carlos Murguia in the District of Kansas and then for the Hon. Brian C. Wimes in the Western District of Missouri. As a law clerk, Judge Teeter had the opportunity to work on both civil and criminal matters and to observe court management in two different chambers and in two different districts. After clerking, Judge Teeter served as an Assistant United States Attorney in the Western District of Missouri, where she represented the United States in a variety of civil matters. She served in that position until August 2018, when the United States Senate confirmed her nomination to the United States District Court in Kansas. She now hears federal civil and criminal cases in Topeka. Earlier this year, she was honored to preside over her first naturalization ceremony at the historic Brown v. Board of Education National Historic Site.

Judge Teeter has been actively involved in the legal community and with her alma mater. She is formerly a member of the Earl E. O'Connor Inn of Court and is currently a member of the Sam A. Crow American Inn of Court in Topeka. She is involved with the Federal Bar Association and mentors law students and new attorneys, and she has spoken to engineering students at the University of Kansas regarding her unique career path.

It has been a path that has been incredibly rewarding for her. Although her days are busy managing a large criminal docket and an array of civil cases drawn from all over the state, Judge Teeter enjoys interacting with attorneys and parties, researching the law, and issuing opinions. She values civility and expects all practitioners to be courteous and professional with each other—both in person and in

briefing. Judge Teeter also strives to always come to court prepared and educated on the issues. This philosophy is best summed up in the friendly reminder she offers attorneys in her courtroom: she does not like surprises. Although some degree of the unexpected can never be avoided, adequate preparation and an understanding of the issues helps hearings run smoothly and ensures effective and just resolutions of cases. It is a practice that has served her well throughout her education and career, and one she hopes to continue using in her years to come on the bench.

Robin Anderson
Law Clerk, District of Kansas

Member Spotlight



Literature, poetry, art part of career journey of chapter's third president

John Shaw, Berkowitz Oliver

Although I didn't have the opportunity to sit down with him in person, I was able to catch up with our local FBA chapter's third president, John Shaw. John is still very active in our chapter, including authoring the student spotlight article below.

Anyone that knows you appreciates your love of literature, including poetry. In fact, you have two degrees in English Literature. Given your background, why did you decide to become a lawyer instead of a novelist or an English Literature professor?

When I was working on my MA degree, two of my favorite professors, each of whom had a Ph.D. from a prestigious school, did not get tenured and had to move on. That undercut my resolve to pursue a Ph.D. and then start climbing the academic career ladder. I had taken the LSAT my senior year at Mizzou somewhat out of curiosity (I overslept the morning of the exam and showed up late. Fortunately, they still

let me take it.). So, I changed course, literally, and enrolled in law school. My third year in law school, I had withdrawal symptoms, so I took a graduate level course in the modern short story to satisfy my literary passion. Frankly, I always thought the case book method with the presentation of factual vignettes preceding the discussion of the case law had some parallel to a volume of short stories. That approach may have helped me as a trial lawyer who has to focus on the facts as well as the law. By the way, being a lawyer does not exclude one from being a poet. One of our greatest American poets, Wallace Stevens, was a nationally recognized surety lawyer with The Hartford who still managed to win the Pulitzer Prize. Unfortunately, my poems are more like limericks on steroids.

Over your career you have worked at a few different law firms. Many of those firms have changed names more than once, including while you worked there. Can you, without referencing any outside resources, list the complete names of the firms, including different iterations, during the time you were at the firm?

I am confident I could do that, but a complete recounting might be boring to most readers. I joined Lathrop, Koontz, Righter, Clagett, Parker & Norquist in 1977. By the time I left in 1992, it was known as Lathrop & Norquist, having gone through multiple iterations. When I joined Bryan Cave in 1992, I cannot remember if it was still Bryan, Cave, McPheeters & McRoberts, but it certainly shortened the name soon thereafter. In 1998, I joined a fledgling new law firm, Berkowitz, Feldmiller, Stanton, Brandt, Williams & Stueve. When the formidable Pat Stueve flew the coop for greener plaintiff pastures, my name was added as the caboose to the letterhead. We went through multiple iterations driven by additions, departures and retirement. We ultimately landed on Berkowitz Oliver, which I figure is cast in stone, at least on our lobby wall. I would hasten to add that many, many fine lawyers who have inspired me over the years never made it into their firm's letterhead. At Lathrop, Jack Headley and Bert Bates, for example. At Bryan Cave, Veryl Riddle and Gerald Boltz, for example. At Berkowitz Oliver, Tom Schult and Jeff Morris, for example.

Why did you join the FBA and what led to you becoming president of this chapter?

I met Arturo Alejandro Thompson, one of the founders of our chapter, at a presentation on the law regarding stolen art sponsored by FBA. I knew the speaker, so I was invited to dinner to visit with other officers of the FBA chapter. Notwithstanding Arturo's KU roots, he asked me to join the chapter as vice president in the on-deck circle behind Judge Melgren as president.

There are many legal organizations, is there anything special about the FBA? Why should someone join our local chapter?

FBA is unique in several respects. Not only does it promote federal practice and the federal judiciary local and nationally, its membership is enhanced by district and appellate judges who often occupy leadership positions locally and nationally. FBA also is unique because it has student divisions at the law schools within the chapter borders. We have robust student divisions at KU, MU, UMKC and Washburn law schools. Those student members extend and enhance FBA's ability to serve the community, and, I believe, their ability to interact with members of the Bar and the judiciary through FBA enriches the students' law school experience.

Many lawyers in both Missouri and Kansas are currently working remotely. What is it like working from home? Do you have any advice to share?

Working from home is not all bad. I am surrounded by my Labrador retrievers and my loving wife (although she is not too jazzed that our upstairs sitting room is now a paper littered loblolly). The occasional respite on our screened-in porch overlooking our garden may not compare to a big firm balcony view, but I like it. As a lawyer who started practicing before the advent of email, voicemail, cell phones, even faxes, I marvel

at the technology that allows us to work remotely. But I miss the collegiality of the firm, the ease of getting insight from others just by walking down the hall. I also don't exercise as vigorously without my partner, Shazzie Naseem, joining me for daily workouts. My advice is that you should not get lulled into the ease of working remotely. Home is where the heart is, work can be detrimentally invasive. And, the community of a firm is enhanced by contiguity.

I say this as a friend (and I suppose, as opposing counsel in a lawsuit), but I think most people would agree, you are a very unique person. Can you tell us something about yourself that most people wouldn't know?

I don't know if you are fishing for a deep dark secret or a hidden glory. Either way, I am not going to take the bait on that one.

Further affiant sayeth naught.

Ethan Lange,
Stueve Siegel Hanson LLP

Student Spotlight



WU student chapter president is no stranger to unusual academic challenges

David Braun, Washburn University School of Law

David Braun, the current president of the FBA Student Division at Washburn is a 3L currently attending law school classes by Zoom. Some of his classmates are attending classes live but observing strict COVID-19 protocols. But Zoom attendees like David can't escape the rigors of the Socratic method of a Kingsfield Kansan. Professors have an extra monitor. They know who is attending by Zoom. They can call out your name and you have to respond. No hiding in the back, shiftily avoiding eye contact! Since all students aren't

there to get handouts, the materials are uploaded to a portal before class for students to access when the professor uses them. There is also a digital whiteboard option for professors, but it is rarely used. It is hard to imagine handling law school under these circumstances, and all wishes of encouragement go out to David and his classmates as well as our student division members on other virtual campuses.

David received his undergraduate degree in Political Science from Washburn in 2018. He chose that major because he had a very good professor for a class on elections. Once he got drawn into PoliSci, that decision propelled him to pursue law school, unless he wanted to go to graduate school. David juggled his undergraduate studies while working for the family construction business. So he was not a standard full-time student, taking seven years to graduate through the rigors of night school and online courses at Washburn and local community colleges to hold down costs. A tip of the construction helmet to David for pulling this off is warranted. One upside is that his undergraduate experience taught him how to matriculate by modem, so that his present law school situation is not as daunting.

Why law school? Having observed his father and his brother deal with legal matters as small business owners, David thought that he could help out the family (and friends) if he became a lawyer. Also, he decided that hanging out a shingle would be better than putting shingles on a roof in 110 degree weather for the family construction company. It's brains over brawn for this member of the Braun family to be of service to the business going forward.

Lanna Allen, a friend of his at Washburn who was then president of the FBA Student Division, encouraged him to become involved with FBA. When the time came for elections the following year, the next thing you know, David was elected President. He claims no one else was interested, but I suspect that was because they knew he was the perfect candidate for the job. David has been a valued contributor to the FBA Board throughout his tenure.

David has thoroughly enjoyed his experiences with FBA. It has allowed him to get to know not only experienced practitioners but also judges. By participating in the mentor program, he was fortunate to have Judge Holly Teeter as his mentor. Who can top that for a student experience?

David is scheduled to graduate law school next May, if, as he says, the Zoom Gods keep things on track. Nothing like being beholden to broadband to make your way to the Bar. After graduation, he hopes to land an associate position at a small firm where he can learn more about contract interpretation, business formation and other areas that he has observed practically over the years. As he matures as the family company consigliere, he may want to start his own firm one of these days. David wants to remain in Topeka not only to be close to the family, but also to continue his dedication to community service in his hometown.

Since we are unable to hold events to fulfill David's goal of meeting more practitioners and judges through FBA, feel free to virtually mentor and encourage this bright young lawyer to be by emailing him at: David.Braun@washburn.edu.

John Shaw
Berkowitz Oliver

Federal Law Spotlight

U.S. Supreme Court docket resumes with telephonic hearings

The Supreme Court recently announced it plans to start its October session by again hearing oral arguments remotely, with the justices and counsel participating by telephone. The Court will provide a live audio feed to the media, which in turn will stream the proceedings to the public. The docket includes 10 cases that were rescheduled from the spring sessions, when the pandemic first forced cancellations and then a shift to telephonic hearings in May.

As usual, the October session is loaded with interesting and highly nuanced cases. *Texas v. New Mexico* is a case of original jurisdiction involving a long-standing dispute over the waters of the Pecos River – a body which originates in north-central New Mexico, flows into Texas and empties into the Rio Grande. The action traces back to the early '60s, and the Court will now determine whether the River Master correctly allocated evaporation losses under the Pecos River Compact.

Lower on the spectrum of esotericism are *Torres v. Madrid* and *Ford Motor Co. v. Montana Eighth Judicial District Court*. In *Torres*, the Court will resolve a circuit split as to the meaning of “seizure” under the Fourth Amendment. The Court will determine whether an unsuccessful attempt to detain a suspect by use of physical force is enough to constitute a seizure, or whether the use of force must actually be successful. In *Ford Motor Co.*, the Court will analyze the “arise out of or relate to” requirement for a state court to exercise personal jurisdiction over a nonresident defendant – specifically determining whether the requirement is met when none of the defendant’s forum contacts caused the plaintiff’s claims.

The Court will also hear a case involving the Religious Freedom Restoration Act (*Tanzin v. Tanvir*), a dispute between Google and Oracle America over the extension of copyright protection to a software interface, and the calculation of the statute of limitations as applied to rape charges against a member of the armed forces (*United States v. Briggs*).

The Court will then dive into its November session – including an Affordable Care Act challenge in *California v. Texas* on Nov. 10 – and has not yet announced whether it will return to an in-person format at that time. Regardless of format, the Court’s October and November sessions will be well worth following.

Blake Shuart

Hutton & Hutton Law Firm

Know someone or something we should spotlight?
Contact Eric Turner, newsletter subcommittee chair,
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