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Missouri Lawyers

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WEEKLY

The Legal Intel Digital Currency and Blockchain Technology practice group includes Jennifer, Michael, Kelly, David, Benjamin, Michael, Thomas, Douglas, Joe and Kristine (clockwise).

Rise in digital currency, blockchain provides new practice opportunities

BY JENNICA SHAWKES
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When St. Louis attorney David Benoit attended a local Bitcoin meetup event a few years ago, he found himself joining a small group.

"It was six software developers and me," he said.

In recent meetings, though, the same group has expanded to more than 100 participants — "people from all walks of life," he said.

That increase corresponds with surging interest in Bitcoin, a type of digital, largely unregulated currency that operates without a central bank, instead relying on encryption to generate and store currency

and verify its transfers. A global network of computers records Bitcoin transactions in a digital ledger, or blockchain, in which transactions are organized into groups known as blocks.

In recent weeks, the value of Bitcoin has spiked, grabbing the attention of many

(SEE BLOCKCHAIN ON PAGE 10)

Appeals court asked to curb investigation of jail recordings

By JENNICA SHAWKES
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An investigation to determine if recordings of inmates in a Kansas prison conforming with their attorneys violated their rights could hinge on a pending appeals court ruling.

The U.S. Department of Justice has asked the 10th U.S. Circuit Court of Appeals to end a special master's investigation of the U.S. Attorney's Office for the District of Kansas, which claimed video and audio recordings of attorneys' conversations with inmates at the Lawrenceville Correction Center.

In a Jan. 16 petition, DOJ attorney William A. Glaze said the investigation is "an impermissible intrusion upon the independence of the executive branch."

"Although federal courts have authority to remedy constitutional violations in specific cases, the separation of powers prevents them from probing the internal workings of the executive branch," he said.

Attorneys for the inmates, as well as the Kansas Federal Public Defenders, say the investigation already has exceeded evidentiary standards and should proceed.

The court has accepted briefs from both sides. There is no deadline for the court to reach a decision.

Cooperation calls

At more than a decade old, the investigation is a separate criminal investigation to catch drug smuggling at the prison, which became people awaiting trial in federal court in Kansas and Missouri. The U.S. Attorney's Office in Kansas charged 41 people, including inmates and prison staff, with drug and conspiracy charges.

During that case, the U.S. Attorney's Office said a separate prison recording investigation was ongoing with their attorneys.

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Western District finds no surprise in expert's testimony

By SCOTT LARCK
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A defendant's "surprise" wasn't much of a surprise at all, according to the Western District of Appeals/Potter District. The appeals court on Tuesday declined

to order a new trial for a man who suffered a stroke immediately after a chiropractor gave him a spinal adjustment. A Clay County jury in 2016 ruled with the defendant, chiropractor, Michael Walsh and his practice, 3-Gut Your Back Chiropractic in Kansas City.

An attorney for plaintiff Tim Berardi argued on appeal that a key expert witness for the defense had offered opinions on the stand that he hadn't shared during his earlier deposition. The Western District, disagreed that a surprise occurred, ruling that the witness had merely elaborated on

things he'd said earlier — and that if the plaintiff's attorney had wanted more testimony, more precise questions should have been asked during the deposition.

Berardi's attorney, David Thomas of

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INSIDE THIS WEEK'S EDITION

Harassment and retaliation

Correction officer wins \$1.1 million in case involving co-worker and supervisor.

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Helicopter crash

Pilot nurse is worth \$100 million in what may be the largest ever U.S. pre-trial settlement for a single alleged plaintiff.

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Missouri Lawyers Weekly featured Capes Sokol and [the firm's new](#) Digital Currency and Blockchain Technology practice group on the cover of its Monday February 12th issue. The article, titled, "Rise in digital currency, blockchain provides new practice opportunities," highlights the origin of the firm's practice group and the promising future for legal work within the growing digital currency industry. Sanford J. Boxerman, Chair of the Digital Currency and Blockchain practice group and one of the firm's founders, and [Andrew W. Blackwell](#), Capes Sokol associate and member of the practice, were interviewed for the article.

An Excerpt from the Missouri Lawyers Weekly article:

In recent weeks, the value of Bitcoin has spiked, grabbing the attention of many in professions beyond the tech world. Seeing a natural area in which to expand its services, Boxerman's firm, Capes Sokol, launched a digital currency and blockchain technology practice in January. The practice is believed to be the first of its kind in St. Louis.

To read the full article, please [visit the Missouri Lawyers Weekly website](#).



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