

**Minutes of the Federal Practice Committee  
on July 28, 1995, during the Eighth Circuit Judicial Conference  
in Des Moines, Iowa**

An attendance sheet is attached showing the members present at this meeting.

Chief Judge William Cambridge chaired the meeting and advised that the Federal Practice Committee members have also been appointed members of the Civil Justice Reform Act Committee. Wendy Hahn is chairperson of the Federal Practice Committee. Four new persons have been added to this committee: Ed Hotz, Bart McLeay, Gail Perry, Mark Christensen.

Chief Judge Cambridge then stated that the purpose of the Federal Practice Committee was to provide a forum for improvements of methods of practice and procedure within the Federal Court. At the same time, the CJRA Committee oversees some of these activities. The Federal Practice Committee also plans seminars, while the CJRA Committee implements the Civil Justice Reform Act of 1990 by focusing on reduction of costs and delay in the practices and procedures of the Federal Court.

Chief Judge Cambridge led a discussion of how the Federal Practice Committee could become more active. David Stickman announced that the Federal Public Defender will soon be planning a seminar and possibly could do this in conjunction with the Federal Practice Committee.

Chairperson Wendy Hahn raised concerns that the attorneys have with Rule 26 and the Local Rules allowing opting out. She stated that numerous calls have been made relating to these issues and felt that perhaps meetings should be held throughout the state on this subject, two in Omaha, one in Lincoln, and one out-state. If there is agreement to pursue this matter, a subcommittee could work on scheduling these meetings.

Magistrate Judge Jaudzemis advised that it would be well to have the Federal Practice Committee review the Local Rules after the final revision and before the public hearing. As soon as the final revision is completed, the Rules will be given to the Clerk, Norbert, for having copies made and sent out to everyone on the Federal Practice Committee. Anyone having specific comments should bring them forth. Also, it would be desirable if Ralph Whitten would look over the Rules to determine whether there is any conflict with the Federal Rules. It would be a great idea to have a subcommittee established to keep abreast of any Federal Rules which would conflict with our Local Rules and/or duplicate any of our Local Rules. Wendy Hahn stated she will set the dates for three or four meetings in the letter that she is to send out regarding the Rules.

Magistrate Judge Piester briefly mentioned the Mediation Plan and that it must be evaluated in one and one-half years from now but that a structure could be set up for that purpose under the Federal Practice Committee. He stated that the first Federal Mediation training was completed and that another session is now set in Fremont. Magistrate Piester pointed out that, at this time, two mediators have been approved. As to the fees, there is a cap of \$100 per hour and a total cap of \$400, to be split up among parties.

Judge Mahoney stated that mediation also applies to bankruptcy and that once the material is sent to the mediators, perhaps the mediation could be completed by telephone. It was brought out that if there is any objection by the attorneys on the case to mediation, the case will be withdrawn from mediation, and that this mediation program is voluntary.

Richard Peterson of the Eighth Circuit Historical Society made an appearance and stated that the Society began in 1985 under Judge Lay. Each district is a branch of the Eighth Circuit Historical Society. The mission of the district branch is to memorialize and celebrate the history of the Federal courts. Members are also needed. Judge Richard G. Kopf has been designated as head of the Historical Committee for the District of Nebraska. It was

suggested that the history for the Nebraska District should be written and that Professor Shugrue had done some work along with Barbara Gaskins. Judge Kopf states that he is looking into the history department at UNL to see if any graduate student might use this history for a thesis.

Chief Judge Cambridge gave a short status report on the new courthouse. The building is under design. The site is the old Federal Reserve location. The architect is Pei Cobb out of New York. Jim Freed is the design architect. He stated that meetings are now going on with the central office of GSA, that the U. S. Senate approved the full amount of construction costs and that the House authorized 40% of the construction costs. The project started at \$83 million and was cut twice. Now it is down to \$53 million. The architect is concerned whether there will be enough money.

Chief Judge Cambridge stated that he had seen a demonstration of electronic equipment in the courtroom in the National Center for Courts in Williamsburg, VA, the courtroom of the future with the latest technology. He stated plans should be made for such technology in the new courthouse. He then mentioned a visual presenter runs about \$5,000. This is a box which can be programmed to identify exhibits by number and have them pop up on a tv screen. He stated that it may be wise to talk the matter over and determine whether it is best to wait for the new courthouse before purchasing any of this equipment. However, this visual presenter can probably be moved to the new courthouse. It was brought out that the contract with the architect and engineers on the new courthouse calls for a mock courtroom and that possibly it could be arranged with Creighton so that afterward the mock courtroom would be available to Creighton. The Federal Practice Committee and attorneys should be invited for their input as to what should go into the courtrooms in the new courthouse.

Chief Judge Cambridge brought out that the caseload in North Platte is down and we need to encourage filings on the North Platte docket. Quicker trials can be had in North Platte. If the North Platte space is not utilized, we could lose the space. The rental of such space

costs \$75,000 to \$80,000 yearly and we must justify the dollars.

It was brought out that in western Nebraska, attorneys are intimidated by the federal rules; that training is needed on federal court procedure and rules. The rules are not user friendly. It was stated that the Scottsbluff area and the North Platte area would be good locations for a seminar. Magistrate Jaudzemis is attempting to get cases set out in North Platte -- special set cases. Mark Christensen stated that a letter could go to attorneys to let them know of the problems with North Platte so as to keep it open. The attorneys do not want to lose the western Nebraska location.

Magistrate Judge Piester brought up the appointment of attorneys in indigent cases and the fact that Iowa has adopted a buy-out plan wherein every member of the federal bar can take a case or contribute a certain amount of dollars. All of the money is put into a pot and contracted out to two law firms and they take care of all appointments. It was brought up that appointments to represent indigent parties and Rule 26 are the most addressed matters of real concern to attorneys. Judge Kopf is going to get a response from the General Counsel's office regarding contracting with law firms on this matter.

Wendy Hahn is to put out a letter establishing subcommittees.

# Federal Practice etc

Please print  
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