

Minutes of the Federal Practice Committee Meeting

Friday, April 30, 2010

3:00 p.m. - 4:00 p.m.

Joint Conference Room, Concourse Level

Roman L. Hruska U.S. Courthouse

The meeting was called to order by Chairperson Melanie Whittamore-Mantzios. Members in attendance included Tim Connor, Stuart Dornan, Deborah Gilg, Jay Jolley, Jr., Roger Kirst, Charles Lowe, Denise Lucks, Mary Lee Ranheim, and Gene Summerlin. Judges in attendance included Chief District Joseph F. Bataillon, District Judge Laurie Smith Camp, Magistrate Judge F.A. Gossett, III, and Magistrate Judge Thomas D. Thalken. Others in attendance included Therese Bollerup and Terry Brownfield.

1. Introduction of judges, members, and staff

Those attending the meeting introduced themselves.

2. Approval of minutes

The committee approved the minutes of the October 14, 2009, meeting.

3. Review of Federal Practice Fund Financial Report

Terry Brownfield reported that there is \$62,219 in savings, earning .5% interest; \$2,000 in checking; and \$101,314 in a CD, earning 2.25% interest. He may transfer \$30,000 from savings to the CD so that it will earn interest at the higher rate for the remaining life of the CD, which will expire on August 26, 2010.

Melanie Whittamore-Mantzios asked Terry to keep in mind that the committee will sponsor a CLE program this summer at which it will provide snacks and CLE credits. The CLE credits will cost the committee approximately \$3 per participant. The committee will probably sponsor another CLE event in November.

4. Report from the Federal Practice Committee Chair

A. Continuing Legal Education

Melanie reported that the committee's CLE program will be held at the UN-L Law College on July 9 on the attorney-client privilege and work product doctrine. She is arranging for the program to be broadcast remotely in Scottsbluff and at the Hruska courthouse. She asked Denise and Therese to provide staffing for checking in participants, possibly in all locations. Judge Thalken suggested that Melanie coordinate the event with the Western Nebraska Bar Association, as they could staff the Scottsbluff location.

The committee also plans to hold a CLE program in the fall on discovery of electronically stored information.

B. Mediation subcommittee report

Action taken. The committee approved the subcommittee's changes to the Mediation Plan.

5. Report from Clerk

Denise Lucks handed out the state of the docket report for the period ending March 2010. She pointed out that the court is sixth in the nation in criminal felony filings per judge and first in the nation for supervised release hearings per judge.

Denise reported that the court recently updated its CM/ECF Web site. Also, instead of the basic training, the court will offer advanced CM/ECF training twice per year. The first classes will be held on May 26 in Lincoln and on May 27 in Omaha. Topics will include working with Adobe Acrobat and hyperlinks. Additionally, the court will offer advanced training outside the courthouse to groups of 10 or more participants.

Denise stated the Judicial Conference recently made the following decisions: digital audio files may be uploaded to CM/ECF on a national basis; the fee for downloading audio files will increase from \$.08 to \$2.40, effective sometime this summer (attorneys will still receive a "free listen" to one audio file); and PACER users will be billed only after they accrue \$10 or more per quarter, effective March 2010.

Denise also reported that the court continues to work on its courtroom technology strategic plan. The Judicial Council approved the revised plan at its January meeting. This year, the court will install an audio/video system in Judge Bataillon's courtroom, an audio/video system and conferencing system in Judge Smith Camp's courtroom, and evidence-viewing monitors in all jury deliberation rooms.

6. Report from Chief Judge Bataillon

Judge Bataillon reported that Congress is unlikely to pass a judgeship bill in the near future. If filings continue to decrease, the court may not receive authorization from the Judicial Conference for an additional judgeship. He also reported that Judge Kopf plans to keep a full caseload when he takes senior status on January 1, 2012.

Action taken. At Judge Bataillon's request, the committee will research whether a pro se help desk would benefit the court. Denise Lucks, Therese Bollerup, Stu Dornan, and Gene Summerlin agreed to serve on this subcommittee.

7. Report from Judge Smith Camp

A. Eighth Circuit Conference

Judge Smith Camp handed out the agenda for the educational program at the Eighth Circuit Conference that will be held in Minneapolis in August 2010. She stated that the committee will provide financial support to any members of the committee who attend the conference.

B. Trial of Standing Bear

Judge Smith Camp reported that Mary Kathryn Nagle received a grant from the National Endowment for the Arts for her play about the trial of Chief Standing Bear. The play will be performed on May 13 at the Johnny Carson Theatre in the Lied Center in Lincoln, on May 30 at the Fort Omaha Campus in Omaha, and sometime in August at the Omaha or Winnebago Reservations.

C. Girls, Inc. Career Day

Judge Smith Camp reported that the Girls, Inc. Career Day, funded by the committee, was a success.

Action taken. The committee agreed to set aside \$200 per year to fund an annual Girls, Inc. Career Day.