

## MINUTES OF THE FEDERAL PRACTICE COMMITTEE MEETING

Friday, October 26, 2012

1:15 p.m.

Judge Gerrard's Chambers, Room 586

Robert V. Denney Federal Building

Lincoln, Nebraska

The meeting was called to order by District Judge John M. Gerrard. Members in attendance included Andre (Andy) Barry, Aimee Bataillon (chair), Tim Connor, Stuart Dornan, Bassel El-Kasaby, Jay Jolley, Roger Kirst, Denise Lucks, Steve Olsen, Mary Lee Ranheim, Erin Tangeman, and Diane Zech. Judges in attendance included Chief District Judge Laurie Smith Camp, District Judge Joseph F. Bataillon, District Judge Richard G. Kopf, and Magistrate Judge F.A. Gossett, III. Others in attendance included Gabriela Acosta, Therese Bollerup, Robert Stuart, and Pat Williamson.

### 1. Introduction

Judges, members, and staff introduced themselves.

### 2. Approval of Minutes

**Action taken.** The committee approved the minutes of the April 27, 2012, meeting.

### 3. Review of Federal Practice Fund Financial Report

Pat Williamson discussed the Federal Practice Fund report for the 12-month ending September 30, 2012, attached to the meeting's agenda. As set forth in the cash accounts ledger, expenses to date totaled \$16,952.35. There is currently \$194,254.75 in the federal practice fund.

### 4. Budget Subcommittee Report

Pat discussed the proposed 2013 federal practice budget and invited committee members to comment on the budget.

Judge Bataillon stated that the committee may be asked to contribute a substantial amount to the 2014 Eighth Circuit Judicial Conference. Pat reported that the committee has already paid a \$5,000 deposit fee to the Joslyn Art Museum for a reception.

Judge Smith Camp thanked the committee for authorizing use of the fund to purchase small gifts for visiting dignitaries.

**Action taken.** The chief judge and committee approved the 2013 federal practice fund budget. Pat Williamson will distribute the approved budget to the

members. Jay Jolley will work with the clerk's office to price wireless hotspots for attorneys and the public to use in the Omaha and Lincoln courthouses. The committee will discuss Jay's findings at its next meeting. Judge Smith Camp will ask the Administrative Office's General Counsel if the fund can be used to fund overtime utilities or security charges for a public investiture ceremony for newly elected and re-elected members of our congressional delegation. If permissible, Judge Smith Camp will advise the budget subcommittee, and the subcommittee will ask members to vote on the proposal by e-mail.

## **5. Clerk of the Court Report**

Denise Lucks advised the committee that there were 572 pending civil cases and 529 pending criminal cases as of September 30, 2012. Based on reports available in CM/ECF for the 12-month period ending September 30, 2012, civil cases increased by 6.26% over the same period last year, and the number of criminal felony defendants decreased by 3.18%. The Administrative Office published statistics for the 12-month period ending September 30, 2012, will be available in November. The clerk's office will post the reports to the court's Web site upon receipt.

## **6. Chair's Report**

Judicial Council Meeting: Aimee Bataillon summarized the issues discussed during the October 26, 2012, Judicial Council meeting:

- Judge Urbom's next book signing will be at The Bookworm in Omaha on October 28, 2012, at 1 p.m.
- The Robert Van Pelt American Inn of Court will celebrate its twenty-fifth anniversary at the Grand Manse in Lincoln on December 12 at 6:30 p.m. Judge Urbom will be recognized at this event as one of the founders of the Robert Van Pelt Inn.
- Judge Strom was inducted into the Omaha Technical High School Hall of Fame on October 13, 2012.
- General William K. Suter, Clerk of the United States Supreme Court, will offer a CLE-approved presentation discussing recent key decisions by the Supreme Court on November 15 at 1 p.m. in the special proceedings courtroom.
- Judge Smith Camp discussed enhancing relationships with Nebraska's congressional delegation.
- Judge Bataillon reported that the planning committee for the 2014 Eighth Circuit Judicial Conference is currently looking for high-profile faculty to speak at the conference.
- Denise Lucks informed the judges that the clerk's office received CM/ECF version 6 and plans to go live in mid to late January.

## **7. CLE on Immigration Law**

**Action taken.** The committee approved Bassel El-Kasaby's suggestion to offer a CLE on immigration law in the format of a three-act play in the special proceedings courtroom in March 2013. Bassel and Aimee will finalize the program and discuss it in more detail at the next meeting.

## **8. 2014 Eighth Circuit Judicial Conference**

**Action taken.** The committee discussed potential speakers and topics for the 2014 Eighth Circuit Judicial Conference. Andy Barry will contact Professor Lawrence Lessig and report the outcome to Judge Bataillon. If Professor Lessig is not available, Judge Gerrard volunteered to contact Professor Michael Klarman. The committee agreed that conference attendees would be interested in a lecture and discussion on the 21<sup>st</sup> century relevance of Roscoe Pound's 1906 speech to the American Bar Association.

## **8. Federal Practice Committee Members**

**Action taken.** The committee approved Judge Gerrard and Aimee's suggestion to 1) extend the chair's term to two years, and 2) appoint a chair elect during the chair's second year. Judge Gerrard and Aimee will make the following recommendation to Judge Smith Camp: 1) extend Aimee's term as chair through 2013; 2) appoint Andy as chair elect; and 3) extend Jay Jolley and Stu Dornan's terms for a second three years. Judge Gerrard requested that the committee e-mail to Aimee and him the names of attorneys from the first or third districts who may be interested in filling the open seat on the committee. Judge Smith Camp will make the final appointments to the committee.

## **9. Arbitrators in the District**

Judge Gerrard advised the committee that the assigned judge to a case will select an arbitrator, if needed.

## **11. For the Good of the Order**

Budget: Jay asked Judge Gerrard for an update on the budget if sequestration occurs in January. Judge Gerrard advised the committee that the court has a contingency plan; however, the plan may change depending on what happens in Congress over the next several months. The Executive Committee of the Judicial Conference meets in November, and the court will share its final contingency plan with the bar if there are any furlough days. The court hopes that there will be no furloughs or changes in civil and criminal practices.

CJA Panel: Judge Gerrard advised the committee that the CJA committee will meet in December to decide if the panel should be expanded or reduced. Members who have a strong view on this subject should contact David Stickman or Alan Stoler.