

Federal Practice Committee Meeting Minutes

April 19, 2013
Joint Conference Room
Roman L. Hruska U.S. Courthouse
Omaha, Nebraska

Attendees included Chief U.S. District Judge Smith Camp; U.S. District Judge Joseph Bataillon; U.S. District Judge John Gerrard; Clerk of Bankruptcy Court Diane Zech; Chief U.S. Probation Officer Mary Lee Ranheim; Chief U.S. Pretrial Services Officer Tim Connor; Chief Deputy Clerk of District Court Therese Bollerup; Federal Public Defender David Stickman; First Assistant U.S. Attorney Robert Stuart; Committee Chair Aimee Bataillon; Andy Berry; Bassel El-Kasaby; Heidi Guttan-Fox; Stu Dornan; Professor Roger Kirst; Rubina Khaleel; and Jay Jolley. Committee members Clerk of District Court Denise Lucks; U.S. Attorney Deborah Gilg; Assistant Attorney General Erin Tangeman; Professor Michael Fenner; Meghan Blinn; Joel Lonowski; Steve Olsen; Kristina Murphree; and Dan Placzek were unable to attend. Administrative Services Supervisor Pat Williamson and PC Systems Administrator Craig Kramer also attended.

1. Introductions.

Chair Aimee Bataillon called the meeting to order and invited committee members to introduce themselves.

2. Approval of minutes.

Action taken. The committee approved the minutes of the October 26, 2012 meeting.

3. March 2013 Federal Practice Fund reports.

Pat Williamson reviewed the fund reports as of March 31, 2013. The combined balance of the fund is \$229,331.35.

4. Wireless Internet proposal.

Because appropriated funds cannot be used to provide wireless Internet access, the Federal Practice Committee was asked to approve a proposal to provide wireless access in the Omaha and Lincoln courthouses for attorneys and the public, fund the installation, and pay the continuing costs. Pat Williamson explained the proposal, noting that it involved three components: the wireless Internet service; wiring or cabling; and equipment. In addition, he noted that the

Administrative Office will not allow the committee to seek GSA pricing in conducting the procurement nor claim tax exempt status.

In Omaha, CenturyLink provided the lower of two bids for wireless service; in Lincoln, Time Warner submitted the only bid. The low bid for the wiring project came from National Electric. The low bid on equipment came from GovConnection.

Action taken. After discussion, the committee approved providing coverage in Omaha for nine courtrooms, the bankruptcy trustee, the joint conference room, the library, the concourse canteen, and the U.S. Marshal's attorney interview rooms. In Lincoln, it approved providing coverage for five courtrooms and the U.S. Marshal's attorney interview rooms. No coverage will be provided in North Platte at this time.

Wireless access will not be password protected, at least at the outset. The district and bankruptcy clerk's offices will put a uniform disclaimer on their Web sites that the courts are not responsible for ensuring the security of the wireless service.

In addition, the committee authorized the district clerk's office to conduct the procurement as its agent and to maintain the system for a three year period. The cost of the proposal is broken out below.

Wiring - National Electric	\$14,857.00
Equipment – GovConnection	\$17,333.52
Wireless Internet in Omaha - CenturyLink (12/2 Mbps; 3-year contract)	\$ 2,472.00
Wireless Internet in Lincoln – Time Warner (10/1 Mbps; 3-year contract)	\$ 3,743.64
Wiring/Installation/Activation Costs of Internet Service	\$ 1,000.00
Total Wireless Internet Costs	\$39,406.16

POST MEETING UPDATE: Chief Judge Smith Camp approved the costs of the project as outlined above. The contracts have been awarded. Wiring work should be completed by the end of May in Hruska. Work in Denney will follow. An active signal in both courthouses could be available by the end of June.

5. Budget committee report.

Aimee discussed the grim budget news offered during the Judicial Council meeting earlier in the day. Because the court by law cannot augment the appropriations it receives from Congress, the Federal Practice Committee is precluded from contributing money to the court to ease its budget concerns. However, the committee can assist the court by using its fund to provide training,

goods, and services that will benefit both the bench and bar, such as providing wireless Internet access.

6. Clerk's report.

Based on CM/ECF reports for the twelve-month period ending March 31, civil cases increased by 3.6% over the same period last year, and the number of criminal felony defendants increased by 7%. As of March 31, the court had 588 pending civil cases and 539 pending criminal cases.

7. CLE

Bassel reported on the CLE on federal immigration law scheduled for the afternoon of May 31. It will not be videotaped.

Aimee asked if the committee would be interested in providing a fall CLE session. As possible topics, committee members suggested ethics, federal employment law, or discussions with former jurors about their jury service experiences. The group expressed interest in Dave Stickman's question about the committee sponsoring a CLE seminar on federal criminal defense. In years past, his office has sponsored such a seminar in Nebraska City for CJA panel lawyers.

Action taken. The committee authorized a budget of up to \$3,500 to sponsor a CLE seminar on federal criminal law for the fall of 2013. The seminar would be open to all members of the court's bar. The committee appointed a subcommittee of Dave Stickman, Stu Dornan, and Aimee Bataillon to organize the seminar.

8. 2014 Eighth Circuit Conference

Judge Bataillon reported on the 2014 Eighth Circuit Conference in Omaha. The Omaha Bar Association is lining up social events for participants. Harvard Law Professor Lawrence Lessig will be the keynote speaker. Efforts are underway to have U.S. Supreme Court Justice Elena Kagan as another speaker. Judge Gerrard also offered to contact Justice Kagan. If Justice Kagan cannot attend, U.S. Attorney Deb Gilg will ask the Deputy U.S. Attorney General to speak. The planning committee is working on the education program so that all participants will be able to meet their CLE requirements. Judge Bataillon will keep the committee informed of any financial obligations that the Eighth Circuit Executive's Office expects the committee to meet.

9. New committee members

Judge Gerrard asked the committee to be thinking about new members, who will be appointed at the fall meeting.

10. October meeting

Because of a program for the installation of the new historical display in the Omaha courthouse, the October meeting will be held in Omaha rather than Lincoln.