

FEDERAL PRACTICE COMMITTEE MEETING

Friday, October 25, 2013

Roman L. Hruska U.S. Federal Courthouse

Omaha, Nebraska

MINUTES

Attendees included U.S. District Court Judge Laurie Smith Camp; U.S. District Court Judge Joseph Bataillon; U.S. District Court Judge John Gerrard; Senior U.S. District Court Judge Richard Kopf; U.S. Magistrate Judge F A Gossett, III; Clerk of District Court Denise Lucks; Clerk of Bankruptcy Court Diane Zech; Chief U.S. Pretrial Services Officer Tim Connor; U.S. Attorney Deborah Gilg; Federal Public Defender David Stickman; Meghan Blinn; Stu Dornan; Bassel El-Kasaby; Heidi Guttau-Fox; Dan Placzek; and Jim Smith. Professor Roger Kirst and Steve Olsen participated by telephone. Committee Chair Aimee Bataillon; Chief U.S. Probation Officer Mary Lee Ranheim; Andy Berry; Rubina Khaleel; Assistant Attorney General Erin Tangeman; Professor Michael Fenner; Jay Jolley; Joel Lonowski; and Kristina Murphree were unable to attend. Chief Deputy Clerk of District Court Therese Bollerup, Administrative Services Supervisor Pat Williamson, and Help Desk/Software Trainer Luta Pleiss also attended.

1. Introductions.

Judge Gerrard called the meeting to order and invited committee members to introduce themselves.

2. Approval of Minutes.

The committee approved the minutes of the April 19, 2013, meeting.

3. Review of Federal Practice Fund Reports.

Pat Williamson reviewed the fund reports as of September 30, 2013. The combined balance is \$186,932.64. The committee approved the report. The attorneys and court staff told Judge Gerrard that the attorney wireless is up and running in both courthouses with no problems.

4. Report from the Budget Committee – 2014 Initial Budget.

Pat Williamson reported that because 2014 is not an assessment year, the \$189,000 balance should hold fairly steady. He reviewed the estimated fund expenditures. He noted that the Eighth Circuit conference in August 2014 will be a drain. Judge Bataillon reported that we could be facing another \$20,000 in conference expenditures in addition to the \$5,000 we have already set aside.

Basel El-Kasaby stated the committee likely will sponsor one session of continuing education in 2014. He thought the \$3,500 set aside will be enough.

The committee approved the report. Pat will update the budget and send it to Kathryn Miller, Judge Gerrard's judicial assistant.

5. Report from Clerk of the Court.

Denise Lucks reported on the caseload as of September 30, 2013. Civil cases decreased 11% over the same period last year; criminal felony defendants increased by 18%. The AO statistics for the year ending September 30, 2013, are available on the court's Web site. They show that Nebraska is eighth in the nation for criminal felony filings and seventh in the nation for supervised release hearings. Weighted filings increased by 4% to 492 per judgeship.

Luta Pleiss reported that she will offer WebEx training for attorneys on the new tool that permits the creation of hyperlinks to documents filed in CM/ECF. Magistrate Judge Zwart will likely join Luta on the training. An e-mail announcing the training will be sent to all attorneys registered for CM/ECF. If law firms want an in-person demonstration, they may call Luta.

Judge Kopf asked Luta if she had any information about when WestLaw will work with WordPerfect X6. Luta will follow up with WestLaw and report back. She also noted that the new linking tool does not work with WestLaw or Lexis/Nexis.

Judge Kopf asked that a hyperlink tool permitting pinpoint cites also be created for WordPerfect. Judge Gerrard asked Luta, Magistrate Judge Zwart, and Denise to form a technology subcommittee and report to the committee in January on how hyperlinking can be expanded to WordPerfect, WestLaw, and Lexis/Nexis. Jim Smith will also serve on the committee.

6. Report from the Federal Practice Committee Chair.

Judge Gerrard reported for Aimee Bataillon. She had nothing to report other than concerns about the Eighth Circuit meeting in August.

7. Report from David Stickman on the Federal Criminal Defense Seminar.

Dave Stickman reported that 100 CJA panel attorneys and assistant Federal Public Defenders, as well as fifty other individuals, attended the continuing legal education (CLE) seminar in Nebraska City on September 26 and 27. The seminar included ten hours of CLE, including two hours of ethics. Dave described the presentations and noted that they were very well received.

8. Committee Discussion about Hosting the 2014 Eighth Circuit Judicial Conference.

Judge Bataillon shared the draft of the conference CLE schedule with the committee. The first half day is judge-only CLE; the CLE for attorneys is Thursday and Friday. He also described the other planned keynote speakers and presentations.

The Eighth Circuit Bar, the Nebraska and Iowa State Bar Associations, and the Omaha Bar Association are all sponsoring organizations and involved in planning events. Justice Alito has committed to attend the conference.

9. Discussion and update regarding recruitment of FPC members for 2014.

Judge Gerrard reported that Eric Berger from the University of Nebraska College of Law will be a new member in 2014, replacing Professor Roger Kirst. Vacancies exist for a Lincoln attorney and for an outstate attorney. Recommendations for new members should be sent to Judge Gerrard or Aimee Bataillon.

10. For The Good Of The Order.

Judge Gerrard announced that the April meeting will be held in Lincoln so that members can participate in a reception honoring Judge Urbom as he retires after forty-four years as a federal judge.