

**FEDERAL PRACTICE COMMITTEE  
MEETING MINUTES**

Friday, April 25, 2014

Lincoln, Nebraska

Attendees included Chief District Judge Laurie Smith Camp; District Judge Joseph Bataillon; District Judge John Gerrard; Senior District Judge Lyle Strom; Magistrate Judge Thomas Thalken; Magistrate Judge F.A. Gossett, III; Magistrate Judge Cheryl Zwart; Clerk of District Court Denise Lucks; Clerk of Bankruptcy Court Diane Zech; Chief U.S. Pretrial Services Officer Tim Connor; Chief U.S. Probation Officer Mary Lee Ranheim; Federal Public Defender David Stickman; Andre Barry, Chair; Nebraska Solicitor General James Smith; Stu Dornan; Heidi Guttau-Fox; Jay Jolley; Rubina Khaleel; Joel Lonowski; and Kristina Murphree. Therese Bollerup also attended. United States Attorney Deb Gilg, Professor Michael Fenner, Professor Eric Berger, Aimee Bataillon, Steven Olsen, and Daniel Placzek were unable to attend.

**1. Introductions**

Judge Gerrard called the meeting to order. Committee members, judges, and staff introduced themselves.

**2. Approval of Minutes**

The minutes of the October 25, 2013, meeting were approved.

**3. Federal Practice Fund Reports**

Clerk of District Court Denise Lucks reviewed the March 31, 2014, reports. The combined balance is \$181,896.15. The committee approved the report.

**4. Report from Budget Committee (none)**

**5. Report from Clerk of Court**

Denise Lucks provided [written updates](#). Denise also supplied a [report](#) from Luta Pleiss, District Court Software Trainer, on her progress in creating hyperlinking tools and offering training to the bar. The judges uniformly agreed that they found it helpful when attorneys include hyperlinks in their filings.

**6. Report from the Federal Practice Chair**

a. 2014 Eighth Circuit Judicial Conference

Committee members made the following suggestions for promoting attendance at the conference. Judge Bataillon will e-mail conference materials to committee members that can be used to promote attendance.

- Judge Gerrard: Ask the Nebraska State Bar Association do more advertising of the conference.
- Andy Barry: Advertise the conference at the joint Inns of Court meeting on April 29 at Creighton. Andy will ask Jason Grams to put the conference on the agenda; Judge Strom can present it.
- Jim Smith: Promote the conference at the upcoming County Attorneys Association meeting.
- Judge Smith Camp: Have the Nebraska Attorney General's Office send promotional materials to other Eighth Circuit state attorneys general.
- Kristina Murphree: Send our CJA attorneys an e-mail announcement highlighting the criminal law breakout sessions that will be offered.
- Heidi Guttau-Fox: Send promotional materials to the Iowa Southern Federal Practice Committee.

b. Requests for District Contributions to the Eighth Circuit Model Jury Instruction Fund

After discussion, committee members agreed to authorize a \$4,000.00 contribution to the Eighth Circuit Model Jury Instruction Fund. The fund is used to reimburse expenses incurred by non-government attorneys serving on the model jury instruction committees.

Post-meeting update: On April 25, Chief Judge Smith Camp authorized disbursement of a \$4,000.00 contribution from our Federal Practice Fund.

**7. Report on FPD's 2014 Fall CJA Panel Seminar**

David Stickman reported the Federal Public Defender's Office will not need financial support for the 2014 CJA Panel Seminar. It will again be held in Nebraska City on the last Thursday and Friday of September.

**8. Recruitment of FPC Members**

Judge Gerrard stated that he would like to recruit four new committee members for 2015. Suggestions can be sent to him, Chief Judge Smith Camp, or Chair Andy Barry. The names that have been put forward to date are Kyle Long, Matt Munderloh, and Jeremy Fitzpatrick.

**9. For the Good of the Order**

Jury Instruction Bank

Magistrate Judge Zwart will spearhead a project to create a bank of non-model jury instructions drawn from civil and criminal cases in our district over the past ten years. The instruction bank will be maintained on the court's Internet page.

**Action taken.** The committee authorized formation of a subcommittee to assist Judge Zwart with the project. Committee members Heidi Guttau-Fox, Kristina Murphree, and Andy Barry volunteered to serve on the subcommittee. Judge Zwart will recruit other volunteers from the Federal Defender's office, the U.S. Attorney's Office, and the Nebraska Attorney General's Office.

#### PACER charges

Per-page charges in CM/ECF result in attorney's offices creating an exact duplicate set of pleadings for their office files. Andy Barry wondered if a flat rate could be offered to attorneys. Denise Lucks explained that the clerk's office has no authority to alter the PACER fee structure, but that she could forward the issue to the AO for consideration by a Judicial Conference committee. Judge Bataillon reported that Judicial Conference Budget Committee is already interested in this issue.

*Post-meeting update:* On May 1, Denise forwarded Andy's request to AO Eighth Circuit Clerks Representative Michelle Powell.

#### Professor Orville Menard

Chief Judge Smith Camp acknowledged the passing of University of Nebraska at Omaha Professor Orville Menard. Professor Menard wrote a book about the Dennison trial, the subject of the newest permanent historical display in Hruska, which was paid for with a contribution from the Federal Practice Fund. Professor Menard died shortly after his presentation at the dedication of the historical display on October 25, 2013, and the release of the second edition of his book – which sold out.

#### Senior Judge Strom

Chief Judge Smith Camp announced that the Nebraska High School Mock Trial Program has been renamed the "Judge Lyle Strom Mock Trial Program." Judge Strom also has had a pupillage named after him in the Omaha Inns of Court.

#### Reimbursement of Expenses for Attending the 2014 Eighth Circuit Conference

**Action taken.** The Federal Practice Fund will pay the expenses of Federal Practice Committee members living more than 45 miles from Omaha to attend the 2014 Eighth Circuit Conference. Attorneys must incur the expenses before asking for reimbursement.

*Post-meeting update:* Chief Judge Smith Camp specifically authorizes members who live more than 45 miles from Omaha to seek reimbursement for the following expenses: 1) meals at the per diem rate of \$61; 2) hotel; 3) parking; 4) mileage; and 5) registration fee. For members who live within 45 miles from Omaha, Chief Judge Smith Camp authorizes reimbursement for the

following expenses: 1) registration fee; 2) meals at the per diem rate of \$61; and 3) parking. Following the conference, members should submit their requests for reimbursement (with receipts) to Pat Williamson at [pat\\_williamson@ned.uscourts.gov](mailto:pat_williamson@ned.uscourts.gov) or Denise Lucks at [denise\\_lucks@ned.uscourts.gov](mailto:denise_lucks@ned.uscourts.gov).

## Clerk's Office Written Updates

---

**Hyperlinking.** During the October 2013 Federal Practice Committee meeting, Judge Gerrard asked Software Trainer Luta Pleiss, Magistrate Judge Zwart, Denise Lucks, and Jim Smith to form a technology subcommittee and report to the committee on how hyperlinking can be expanded to WordPerfect, WestLaw, and Lexis/Nexis. A video tutorial is available on the court's Internet page at <http://www.ned.uscourts.gov/internetDocs/captivate/cmecf/Hyperlinking.mp4>. See the attached memorandum from Software Trainer Luta Pleiss.

**Federal Practice Plan.** The active Article III judges approved a modification of the plan to eliminate dual signatures on checks and dual approvals on debit cards. See <http://www.ned.uscourts.gov/internetDocs/pom/crtplans/fedpract.pdf>.

**Reminder Notice on 2013-2014 Biennial Assessments.** The clerk's office sent a reminder notice on March 31, 2014, to 132 attorneys who are currently involved in pending cases but have not paid the biennial assessment. To date, 99 attorneys have paid. The clerk's office will notify the assigned judges of attorneys who do not pay their assessment on Friday, May 2, 2014.

**CEO Calendars.** The court calendars on the public web site now have a new option showing all judges' schedules for a single day. See the top line at <http://www.ned.uscourts.gov/court-calendar>.

**Caseload.** Based on reports available in CM/ECF for the 12-month period ending March 31, civil cases decreased by 15.61% over the same period last year, and the number of criminal felony defendants increased by 4.19%. As for the court's pending caseload, there were 557 pending civil cases and 556 pending criminal cases as of March 31.

**Courtroom Technology.** The court is planning to update the audio and video systems in Courtroom 4 in Omaha.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA  
OFFICE OF THE CLERK

Denise M. Lucks  
Clerk of Court

[www.ned.uscourts.gov](http://www.ned.uscourts.gov)

M. Therese Bollerup  
Chief Deputy Clerk

MEMORANDUM

To: Federal Practice Committee

From: Luta Pleiss, Software Trainer for the District of Nebraska

Date: April 14, 2014

RE: Follow up on Hyperlinking

In February, I offered a webinar to all registered attorneys and their support staff. The training covered the types of hyperlinks allowed in court filings and demonstrated methods for creating hyperlinks, including manually inserting them; using automated tools, such as LinkBuilder and Westlaw's BriefTools; and linking to exhibits not yet filed in CM/ECF. The webinar was very well received: more than 200 people participated. The online webinar format allowed many more to attend and participate than if the training had been held at the courthouse. In fact, during one session, Omaha was experiencing a snow storm that normally would have cancelled the training. But since no one needed to travel to attend, the training took place as scheduled.

Post-training feedback shows that 47% of those attending the webinar indicated they are "very likely" to begin including hyperlinks in their federal court filings. Anecdotal feedback from the judges in Nebraska shows that they are already seeing an uptick in hyperlinks in briefs and other filings from the bar.

Judge Kopf's and Judge Bataillon's chambers are currently testing the beta version of the Westlaw InsertLinks tool which now works with WordPerfect X6. The final release is expected within the month.

We have learned that hyperlinks to Lexis/Nexis sites are not possible, even when manually inserted, as Lexis links are not static. Judge Zwart tested some links in a document she created a few months ago, and already those links are already broken.

The court's internal WordPerfect hyperlinking tool has been updated to include pinpoint sites to attachments and specific page numbers. I have been researching and attempting to create a WordPerfect version of the LinkBuilder tool that will work for attorneys. After hitting many roadblocks and getting input from WordPerfect experts on Internet forums, it does not seem possible to make the LinkBuilder functionality work for WordPerfect from outside the court. WordPerfect does not have the same abilities that Word has to browse to web pages and gather data. The data gathering methods that are used in the internal WordPerfect solution and in the LinkBuilder solution will not work for an external WordPerfect solution.