

FEDERAL PRACTICE COMMITTEE MEETING MINUTES

October 24, 2014
Omaha, Nebraska

Committee members in attendance: Chief U.S. District Judge Laurie Smith Camp; U.S. District Judge John Gerrard (by telephone); Committee Chair Andy Barry; Clerk of District Court Denise Lucks; Chief Pretrial Services Officer Tim Connor; Chief Probation Officer Mary Lee Ranheim; Clerk of Bankruptcy Court Diane Zech; Federal Public Defender David Stickman; Aimee Bataillon; Meghan Blinn; Stu Dornan; Bassel El-Kasaby; Jay Jolley; Rubina Khaleel; and Dan Placzek. Chief Deputy Clerk of District Court Therese Bollerup also attended.

Committee members not in attendance: U.S. Attorney Deb Gilg; Solicitor General James D. Smith; Professor Michael Fenner; Professor Eric Berger; Heidi Guttau-Fox; Joel Lonowski; Kristina Murphree; and Steve Olsen.

1. Introductions.

The committee members, judges, and staff introduced themselves.

2. Minutes.

The committee approved the minutes of the last meeting, held April 25, 2014. www.ned.uscourts.gov (Attorney > Federal Practice Committee > Minutes).

3. Federal Practice Fund Reports.

Denise Lucks reported that the Federal Practice Fund had a balance \$159,577 for the period ending September 30, 2014. Expenses for the year were \$29,367. Income from the assessment was \$3,480. Interest income was \$673. All expenses of the Eighth Circuit Conference have been paid. The fund has outstanding obligations of \$3,000.

For 2015, the fund has a beginning balance of \$153,677. Projected income from the assessment and interest is just under \$53,000, creating an available balance of \$206,477. Discretionary expenses total \$14,958, leaving an ending projected balance of \$191,519.

The committee also received a report of historical income and expenditures for 2010 through 2014.

4. Report from the Budget Committee.

No report. Approval of the budget was reserved, pending further discussion.

5. Report from Clerk of the Court.

Denise reported that compared to the same period last year, civil cases are down 2.5% and defendant felony cases are down by 11.7%.

Beginning October 1, North Platte hearings and trials will be held in the Lincoln County Courthouse. The court is returning its space in the North Platte Federal Building to GSA on November 28.

The judges agreed to modify the supplemental juror questionnaire so that it can be included in court's electronic juror qualification application, eJuror. The clerk's office will survey the bar in a year to determine the level of satisfaction with the new supplemental questionnaire.

Caseload [statistics](#) are available on the court's public Web site (Attorney > Judges' Information > Judicial Caseload Profiles). Weighted filings for our court are down to 440 per judgeship; nationally, weighted filings are at 540 per judgeship. We still have the seventh highest criminal felony and supervised release caseloads in the country.

6. Report from the Federal Practice Committee Chair.

Andy thanked the committee for its work on the Eighth Circuit Judicial Conference. Judge Smith Camp echoed Andy's thanks. She reported that the conference broke the attendance record and received superlative reviews from attendees. The 2016 conference will be in June in Arkansas. The committee will be looking for ways to assist attorneys' attendance, perhaps by subsidizing their travel.

Andy brought up the possibility of the committee sponsoring a CLE session on the upcoming amendments to the Federal Rules of Civil Procedure governing discovery. If approved, these amendments could radically alter how discovery is conducted. An overview of the amendments and a panel discussion with federal judges and civil practitioners could be highly informative. The committee discussed how to make such a session more accessible to the bar, including offering it at more than one location or conducting sessions by webinar. The committee appointed a subcommittee consisting of Bassel, Rubina, Jay, Aimee, and Andy to work on organizing the CLE. The CLE would likely be next spring or summer.

Post-meeting update. Denise confirmed that the court's webex account may be used for webinars. Software Trainer Luta Pleiss is the court's point of contact.

Bren Chambers, Magistrate Judge Zwart's law clerk, continues his work on the jury instruction bank. Judge Gerrard indicated that Bren believes the bank should be completed before the next meeting.

7. Report regarding 2014 CJA Fall Seminar.

David Stickman reported that his office did not need to ask the committee for help with funding this year's CJA fall seminar. Over 140 people attended the seminar; attorney attendees received all their CLE credits for the year. Judge Gerrard asked Dave to let the committee know if he needs help with funding in the future.

8. Recruitment of FPC members for 2014-15.

Judge Smith Camp explained that the normal turnover allows one new person to be appointed from each district every year. She delegates the authority to appoint members to Judge Gerrard. Judge Gerrard said that two possible new members are Jeremy Fitzpatrick and Matthew Munderloh. Rubina suggested Michelle Epstein from the Osman Law Firm in Omaha. Judge Gerrard and Andy will vet these attorneys and

any others that committee members put forward, then send their recommendations to Judge Smith Camp by the first of the year.

9. For the good of the order.

- The next meeting is April 24, 2015, in Omaha. The second meeting will be October 23, 2015, in Lincoln.
- The group agreed that the \$3500 allotted in the proposed FY 2015 budget for CLE should be sufficient.
- Dave Stickman reported that an Advanced Public Defenders Seminar will be held in May in Omaha. Over 700 attorneys are expected to attend. Dave is in charge of organizing the social events. He might need help with a \$1000 deposit on The Slowdown, a gathering place he would like to reserve for an evening during the seminar. Dave would only need the deposit if someone else also asks to reserve The Slowdown for the same evening. The deposit will be refunded if attendees spend at least \$5000 during the evening. Our CJA panel will be notified about the seminar. The committee approved Dave's request, and otherwise approved the FY 2015 budget.
- Jay Jolley commented on the large balance in Federal Practice Fund, which will increase even more with the upcoming assessment. He wondered if we should be spending more. He suggested offering improvements at the Lincoln County Courthouse to make it easier for the bar to hold hearings and trials there. Denise explained that when we shut down operations in North Platte, our excessed furniture went to the Lincoln County Courthouse. We have not had a trial in North Platte in six years, so we really don't know yet if we will need anything. The court plans to "pack in – pack out" for the time being. She will keep the committee informed if a need arises. Judge Smith Camp added that the fund was originally created to provide counsel to indigent parties in civil cases. Since the fund could be hit hard if a "big" case ever came along, it makes sense to keep a cushion.
- Andy asked the group to consider ways to increase participation by attorneys beyond Omaha and Lincoln.

Post-meeting update.

Chief Judge Smith Camp approved the [revised 2015 budget](#), which is attached.