

## FEDERAL PRACTICE COMMITTEE MEETING MINUTES

April 24, 2015

Roman L. Hruska U.S. Federal Courthouse

Omaha, Nebraska

Chair Andre (Andy) Barry called the meeting to order.

Attendees included: Chief Judge Laurie Smith Camp, U.S. District Judge John Gerrard, Senior U.S. District Judge Joseph Bataillon, U.S. Magistrate Judge Thomas Thalken, Clerk of District Court Denise Lucks, Chief U.S. Probation and Pretrial Services Officer Mary Lee Ranheim, Clerk of Bankruptcy Court Diane Zech, Federal Public Defender Dave Stickman, First Assistant U.S. Attorney Rob Stuart, James D. Smith, Stuart Dornan, Michelle Epstein, Jeremy Fitzpatrick, Jay Jolley, Rubina Khaleel, Matthew Munderloh, Kristina Murphree, and Daniel Placzek.

U.S. Attorney Deborah Gilg, Professor Mike Fenner, and Professor Eric Berger were unable to attend. Chief Deputy Clerk of District Court Therese Bollerup and Administrative Services Supervisor Pat Williamson also attended.

The minutes of the October 24, 2014, meeting were approved.

### **1. Review of Federal Practice Fund reports for the period ending March 31, 2015.**

Pat Williamson reviewed the committee's financial [reports](#). He noted that as of March 31, the court has collected \$39,300 in biennial attorney assessments, creating a balance of \$197,230. He forecasted after expenses, the committee should end the year with a balance of \$190,000. He explained that case-related expenses are obviously not known at this time, but are based on a five-year average; other miscellaneous expenses are historical, projected, or related to specific events, such as the fall CLE session or the National Advanced FPD meeting in May.

Chief Judge Smith Camp noted that the court now uses an ex parte message to notify lawyers in pending cases that they have failed to pay the assessment.

### **2. Report from the Budget Committee.**

Dave had nothing to add beyond Pat's report.

### **3. Report from Clerk of the Court.**

In addition to the written [updates](#), Denise said that jury instruction bank on the court's website is now operational. Judge Gerrard reported that bank works well, but has not been updated since November 2014. The instructions should be loaded immediately after trial, so Denise will check to see what the delay might be.

The court's calendar on the Internet has been modified to include the anticipated duration of hearings.

For the twelve-month period ending March 31, civil cases increased by 6.22% and the number of felony defendants has decreased by 9.18%. The court has 559 pending civil cases and 563 pending criminal cases.

Post-meeting update. Bren Chambers plan to update the jury instruction bank in the very near future, and the clerk's office has offered its assistance to ensure the instructions are routinely added. The court's IT staff is working to add coding needed to upload the latest instructions. Bren intends to have it fully updated by COB May 13.

#### **4. Report from the Federal Practice Committee Chair.**

Recruitment of new members for FPC. Michelle, Matt, and Jeremy are the three new members. The committee will add new members again next year, so the recruitment process will begin by fall. Judge Gerrard may contact current members whose terms are expiring to ask them about serving for another term. Current members should send recommendations on new members to Judge Gerrard and Andy. Andy explained that recruitment efforts focus on geographic diversity, size of firms, types of practice, and so on.

CLE on amendments to the Federal Rules of Civil Procedure. Significant amendments to the civil rules will likely take effect on December 1. The committee can offer CLE on the amendments this fall. Jay and Jeremy volunteered to help with the CLE session. Judge Gerrard noted that as a selling point for the session, the committee may advise state practitioners that the Nebraska Supreme Court generally adopts amendments similar to the federal rules.

Possible establishment of a chapter of the Federal Bar Association (FBA) in the District of Nebraska. Magistrate Judge Zwart's incoming law clerk previously worked for another magistrate judge in Ohio who was active in the FBA. That judge asked Magistrate Judge Zwart about establishing a chapter here, and she referred the question to the committee. The judges belong to the Federal Bar Association, but no attorneys on the FPC are members. Magistrate Judge Thalken noted that attorneys in executive agencies may belong to the FBA. He also said that there had been a chapter here thirty years ago, but it fell apart. Judge Gerrard said the Federal Practice Committee has been fairly active in recent years, so a chapter of the FBA may be unnecessary and may in fact compete with the committee. He will talk with Magistrate Judge Zwart's new clerk about the FBA and why establishing a chapter here would be a good idea. Judge Smith Camp suggested inviting the new clerk to the fall meeting to discuss her interest in the FBA.

Plans for the 2016 Eighth Circuit Judicial Conference. The conference will be held in May 2016 in Rogers, Arkansas. Because of the location, many attendees will find it easier and faster to drive rather than fly. Andy asked the group if they thought the committee should try to boost attendance by offering to defray travel costs for members of the bar. Chief Judge Smith Camp stated the Federal Practice funds traditionally have been used to send committee members to these conferences, not members of the bar. She questioned whether members of our bar would consider defraying travel expenses for members of the Nebraska bar a good use of their assessment dues. She also wondered what criteria we would use to qualify a Nebraska bar member to attend. Kristina suggested that giving bar members a break on the registration fee might make more sense. Jay recommended capping the number of bar members who would get a break of registration or assistance with travel expenses. Judge Gerrard and Andy will put together a proposal for the fall meeting.

**5. David Stickman: Report on the progress of eVoucher and plans for the Advanced Defender Conference.**

eVoucher is an electronic system used to pay CJA vouchers. Dave said training of the 180 users has begun. The Judicial Council approved the mandatory use of eVoucher starting June 1.

Dave said that the Advanced Federal Defender conference will be at the Hilton Hotel on May 27-29. Chief Judge Smith Camp will be the speaker at the opening event. Dave is hosting a social event at the Slowdown. Only Federal Defenders are invited to the conference at this point; CJA panel attorneys are not, but Dave is pushing to let them attend the CLE portions. He has received 325 reservations to date, and expects to host about 450 defenders.

Post-meeting update - late breaking news: Dave was granted permission to invite 50 of our panel attorneys to the Advanced Defender Conference. Many of them accepted the invitation and will attend the conference.

**6. For the good of the order.**

Jay congratulated Dave and his office on their recent success in the U.S. Supreme Court.