

FEDERAL PRACTICE COMMITTEE MEETING MINUTES

October 23, 2015
Robert V. Denney Federal Building
Lincoln, Nebraska

Chair Andre Barry called the meeting to order.

Attendees included: Chief U.S. District Judge Laurie Smith Camp, U.S. District Judge John Gerrard, Senior U.S. District Judge Joseph Bataillon, Chief U.S. Probation and Pretrial Services Officer Mary Lee Ranheim, Federal Public Defender David Stickman, First Assistant U.S. Attorney Rob Stuart, and Committee members Stuart Dornan, Matthew Munderloh, Jay Jolley, Rubina Khaleel, and Jeremy Fitzpatrick. Professor Eric Berger participated by telephone.

Clerk of District Court Denise Lucks, Clerk of Court Diane Zech, U.S. Attorney Deb Gilg, and Committee members James D. Smith, Michelle Epstein, Kristina Murphree, Professor Michael Fenner, and Daniel Placzek were unable to attend. Chief Deputy Clerk of District Court Therese Bollerup and Administrative Services Supervisor Pat Williamson also attended.

The [minutes](#) of the April 24, 2015, meeting were approved.

1. **Review of the Federal Practice Fund (FPF) [Reports](#) for the period ending September 30, 2015.**

Pat Williamson reviewed the committee's financial reports. The fund balance was \$199,294.96.

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

Pat reviewed the [draft budget report](#) for 2016. He explained that the projected opening balance, \$185,342.96, reflects several remaining expenses for 2015, including outstanding authorizations to attorneys appointed to represent pro se civil plaintiffs, case-related expenses, CLE-related expenses, and other miscellaneous expenses.

A question arose about the proposed budget line subsidizing attendance by non-committee members at the upcoming Eighth Circuit Conference. Chief Judge Smith Camp explained that in the past, the FPF reimbursed committee members for their registration, travel, and lodging expenses, as well as a per diem for meals. Traditionally, the FPF has not paid for non-members' travel or expenses.

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

On behalf of Clerk of Court Denise Lucks, Chief Deputy Therese Bollerup reported that for the twelve-month period ending September 30, civil cases

increased by 1.26% and criminal felony defendants decreased 5.67%. As of September 30, the court has pending 572 civil cases and 551 criminal cases.

4. Report from the Federal Practice Committee Chair.

Recruitment of new members. Kristina Murphree has agreed to continue for another term. Judge Gerrard and Andy will confer in November or December about possible new members. Committee members may submit membership suggestions to Judge Gerrard or Andy before the next committee meeting in April.

Recent CLE on amendments to Federal Rules of Civil Procedure. Andy reported that the September 25 CLE session went extremely well. Unfortunately, the session was not recorded as planned. The post-session feedback survey suggests that we might need to reconsider how we collect questions from attendees before a session.

Future CLE sessions. The committee discussed topics for future CLE sessions. Jay Jolley suggested a session on alternative dispute resolution (ADR) that would bring mediators together with practicing attorneys. The CLE would differ from the mediation training program that the committee sponsored several years ago. This CLE would allow mediators and attorneys to reflect together on ADR best practices and to discuss how the ADR process can be strengthened in this district.

Committee members can send other suggestions for CLE sessions to Judge Gerrard or Andy before the April meeting.

Federal Bar Association. This agenda item will be tabled until the next meeting. The committee will extend an invitation to Magistrate Judge Zwart's law clerk, Tessie Smith, to attend the April meeting and to offer her thoughts about the Federal Bar Association.

2016 Eighth Circuit Judicial Conference. The conference is scheduled for May 2016 in Rogers, Arkansas. The court has already sent out a save-the-date e-mail to all attorneys registered for CM/ECF.

Action taken. To bolster conference attendance by attorneys who are not members of the committee, the committee agreed to amend the 2016 budget by adding \$5,000 that will allow the committee to offer a \$200 per-person rebate on the conference registration fee. The rebate will be available to the first twenty-five lawyers who register for the conference and submit proof of their attendance. Andy will work with Susie Cordero on how we can track registrations.

5. Report by Dave Stickman

Dave reported that the eVoucher system is almost fully implemented. Almost all reports he has received indicate that the system is working well and attorneys are getting paid faster. A few attorneys have reported losing their time records after saving them, but the records could be restored.

Dave said the Advanced Defender Conference in May went extremely well. The get-together at the SlowDown for which the committee had provided the deposit was so successful that Dave was able to return the deposit to the committee.

6. For the good of the order.

Judge Gerrard noted that Chief Justice Roberts appointed him to an ad hoc committee on the CJA. He said that appellate and district courts' practices with regard to fee-cutting on CJA vouchers will be one of the topics that the committee will explore.

Action taken.

- The group agreed to keep CLE on the proposed budget. The budget can be adjusted in April if the committee decides to pursue or postpone the CLE.
- The committee recommended that Chief Judge Smith Camp approve the proposed budget as amended. Chief Judge Smith accepted the recommendation and approved the budget.
- Pat Williamson will add \$5,000 to the 2016 budget to cover the registration rebates to non-committee members attending the 2016 Eighth Circuit Conference.