

**Federal Practice Committee Meeting**  
**Minutes**  
**Friday, March 26, 1999**  
**Hastings, NE**  
**Gary D. McFarland**

Attendees: Chief Judge William G. Cambridge, District Judge Joseph F. Bataillon, John Guthery, Mark Weber, Gary D. McFarland, Bob Cannon, John Gale, Marsha Fangmeyer, Laurie Camp, Carole McMahon-Boies, and by telephone conference call, Mary Gryva, Alan Stoler, David Stickman, Roger Kirst, District Judge Thomas M. Shanahan, Senior Judge Warren K. Urbom, Magistrate Judge Thomas Thalken, Michael Schleich, and Thomas Monaghan.

1. Chief Judge William Cambridge thanked all of the Committee members for their service, and explained the mission of the Federal Practice Committee. David Stickman, Federal Public Defender, was thanked for the criminal seminars that he has conducted, and John Guthery was recognized for his work to-date on the Federal Practice Committee.
2. John Guthery asked for reports from the various committees.
3. Committee Reports:

Lawyer Appointment Committee, Laurie Camp, Chairperson: Laurie reported that prisoner filings have decreased markedly in the federal district court, while they are on the upswing in state district courts. Laurie asked if the current appointment list is working well. Judge Thalken responded that the list was prepared in early 1998. Judge Thalken also informed the Committee that we now have a pro se staff attorney, Robin Hadfield, who will be handling the initial work on these prisoner cases. Judge Thalken suggested that the list should be updated on an annual basis. Laurie responded by asking if it would be possible to send out a questionnaire soliciting lawyers who would be interested in handling appointments. It was suggested that a mailing be sent out with the attorney renewal notice. The Committee would prepare a notice to counsel asking for volunteers. This notice would be mailed out with the attorney renewal notice. Gary McFarland agreed to this. Judge Thalken suggested that Robin Hadfield be added to this committee.

Technology Committee: There was no report from this committee, as Stuart Doman was not at the meeting. Bob Cannon has volunteered to serve on this committee. Chief Judge Cambridge explained that we now have the DOAR Evidence Presenters, both in Omaha and Lincoln, and informed the Committee that it was paid for out of appropriated funds, as opposed to the Federal Practice funds. Chief Judge Cambridge announced the training seminars for the equipment will be scheduled for Omaha and Lincoln, and for North Platte. Gary McFarland explained that the Clerk's Office is currently having problems with the equipment and that a technician is coming from the manufacturer on April 12 and 13, to work with us on resolving these problems. Following this meeting with the technician, we will establish a training schedule.

Rules Committee, Ralph Whitten, Chairperson: Ralph Whitten could not be in attendance at the meeting. Judge Thalken reported that there are 17 areas delineated for Rule changes. There is a sub-committee of judges who will be working on the Rule changes. The sub-committee is comprised of Judges Kopf, Piester, and Thalken. The sub-committee has not met, as they were waiting until the Federal Practice Committee was appointed. It is hoped that a draft of the Rule changes will be ready for this summer. Judge Thalken is looking for volunteers to work on the Rule changes. Chief Judge Cambridge feels that the full committee should be involved on the Rule revisions. Gary McFarland, Judge Thalken, and Ralph Whitten will meet within the next few weeks to begin the process of getting the Rules revised. Judge Thalken reminded everyone that there was a requirement for ADR to be included in the Local Rules. John Guthery suggested that there be a restructuring of the Rules committee, in order to have comments ready by the time we go to the Judicial Conference in July.

North Platte Committee - Marsha Fangmeyer, Chairperson: Marsha had a number of questions as to the utilization of the North Platte facility. She will send these questions to Gary McFarland. Briefly, the items that she is requesting are how many trials are held in North Platte. John Gale interjected that the Trustee first creditor meetings are extremely overcrowded and he asked that consideration be given to giving them more space to conduct these meetings. Discussion ensued regarding the library usage. Previously, when Judge Strom was the Chief Judge, there was an arrangement made with Judge Murphy in the State District Court to allow lawyers to use the court library. Judge Murphy's bailiff would come to the courthouse and open the library and would be in attendance while attorneys used the library. Apparently, this usage has declined greatly.

Seminars - Roger Kirst and David Stickman: A number of items are being considered for seminars to be presented by the Federal Practice Committee. Some ideas are as follows: training on the DOAR equipment, updates on current things in law, discussion on the Daubert Decision regarding experts, employment law, discussion of Local Rules, if completed. Judge Thalken suggested that when seminars are presented in Omaha or Lincoln, that they likewise be presented in Kearney and North Platte to catch the western part of the state.

ADR/Mediation: Mark Weber reported that he will be meeting with Judges Piester and Thalken to draft rules regarding the ADR/Mediation changes to the Local Rules. Further, he informed the Committee that there will be training September 30 through October 2, 1999, on arbitration and mediation, and also at the Hruska Center on July 30, 1999.

4. Bill of Costs Handbook: Gary McFarland passed out the Bill of Costs Handbook and John Guthery informed the Committee that this will be posted on the Nebraska Bar's Web page.

5. District and Bankruptcy Court Opinions on the Internet, John Guthery: John discussed that he was working with the Clerk of the District Court as to receiving copies of opinions electronically, which would then be loaded to the Bar's Web page. This issue is still being resolved as to the manner and method of accomplishing this.
6. Dedication Ceremony for the New Courthouse, Chief Judge Cambridge and John Guthery: Chief Judge Cambridge informed the Committee that we will most likely be moving into the new courthouse in January, 2000, and that he would like to see the Committee work on a dedication ceremony. Gary McFarland is to check with GSA as to what the Bar Association can do with the dedication ceremony. Chief Judge Cambridge discussed the fact that GSA is in charge of the building dedication ceremony. Gary will get back to the Committee after discussing this with GSA.
7. Need for Other Sub-Committees: There was discussion about a general Federal Practice Committee, as a catch-all for things that are not covered by routine committees.
8. New Business Items: There was discussion about installation of federal judges, Law Day, John Gale suggested a possibility of considering a renewal of oaths ceremony for attorneys.