

**Federal Practice Committee
Minutes of Meeting
October 18, 2000 - 7:30 P.M.**

Members present: Chief Judge Richard G. Kopf, Magistrate Judge Kathleen A. Jaudzemis, Magistrate Judge Thomas D. Thalken, Magistrate Judge David L. Piester, Laurie Smith Camp, William Wright, Carole McMahan-Boies, Stuart Dornan, Alan Stoler, Roger Kirst, Charlie Lowe, Tom Dahlk, Tom Monaghan, Robert Kirby and Mary Gryva.

Chief Judge Kopf began the meeting by asking Carole McMahan-Boies if she had anything new to discuss. She did not.

1. Chief Judge Kopf discussed the Federal Practice Fund Plan and Guidelines. He reported that the Plan was approved at the September Judicial Council meeting. Previously, a draft copy was circulated among the committee members. There were only a few minor changes made at the Judicial Council meeting. Chief Judge Kopf stated that a copy of the Federal Practice Fund Guidelines will be sent to all active lawyers. Chief Judge Kopf generally discussed the purpose of the Plan with the Committee members. He stated that the annual renewal dues will remain at \$5.00, unless there is a need for an increase.

Chief Judge Kopf explained that under the new Plan and Guidelines, the cost for members to attend Federal Practice meetings and travel expenses related to the Judicial Conference will be paid.

Gary McFarland reported that there was approximately \$230,000.00 in the Fund as of the close of books in September.

2. Chief Judge Kopf asked for a report from the magistrate judges as to what is being planned to achieve the goal of reducing median filing to disposition times, both civil and criminal. Magistrate Judges Jaudzemis, Piester, and Thalken discussed in general the meeting that was held with the Bar in May, wherein attorneys were asked for their comments and suggestions to meet the strategic planning goals of reduction in median times from filing to disposition. Further, Chief Judge Kopf complimented the magistrates on the work that they have done to date on achieving these goals.

Magistrate Judge Piester presented an overview of what has been done and/or what is planned to be done, as far as civil cases are concerned. He reported that the 90 day conference will be chaired by the judicial officer who has case management control. He also pointed out that there will be a teaming up magistrate judges with district judges. Magistrate Judge Piester stated that the Federal Practice Committee may be asked to put together a bulletin regarding civil rule changes which will go into effect December 31, 2000. It is anticipated that this bulletin could then be transmitted to all active attorneys.

Also included in this bulletin would be a general outline of how the District is changing the way civil cases are handled.

3. Magistrate Judge Jaudzemis discussed what is being done as far as criminal cases in reducing median times in criminal cases. Magistrate Judge Jaudzemis began by stating that the progression order, which has been previously used, was totally unrealistic, as motions for continuances and extensions of time were routinely granted. Magistrate Judge Jaudzemis stated that she is now using a checklist similar to that which is used in Lincoln, as to items that need to be done to get a criminal case ready for trial. She is also asking lawyers to bring their calendars with them to court, so that any motions that will need to be heard can be scheduled. She discussed other minor changes in the way arraignments are being handled. The defense lawyers present on the Committee stated that they are very happy with the process to date, and feel that this is speeding up the time from filing to disposition. Magistrate Judge Jaudzemis also discussed the fact that rulings and recommendations are now, in most cases, being dictated on the record at the conclusion of the hearing. Additionally, transcripts are being ordered on an expedited basis. Generally, post-hearing briefs have been eliminated.

Chief Judge Kopf informed the Committee that the Court is very serious about reducing the number of continuances. He pointed out that in one three month period, there were 220 continuances of sentencings.

Magistrate Judge Piester discussed various options for increasing the number of cases in which the parties consent to a trial by the magistrate judge.

Magistrate Judge Thalken asked the Committee for suggestions to encourage the Bar to consent to magistrate judge trials. The responses were as follows:

- a. Fixed trial dates should be emphasized, i.e., that they can be available given a magistrate consent;
- b. Publish all of the judges' satisfaction surveys, which will indicate the level of satisfaction for the magistrate judges;
- c. It was felt that a letter from the district judge who is assigned to the case encouraging a magistrate consent, would be much more beneficial than having the lawyers call one another;
- d. Bill Wright suggests that counsel be given the opportunity to select which magistrate judge they would consent to. Bob Kirby also seconded that suggestion.

Chief Judge Kopf then discussed the reports which were contained in his packet of material. These reports show the status of pending matters before all of the judges. Chief Judge Kopf reiterated the fact that not only is the Court asking for the Bar to move things along, the Court is also examining it's own processes internally to make sure that matters are being resolved in a timely fashion.

Chief Judge Kopf concluded the meeting by expressing the Court's appreciation of the work that Carole McMahon-Boies has done in her term as Chair of the Federal Practice Committee. Chief Judge Kopf then announced that Laurie Smith Camp would be the Chair of the Federal Practice Committee for the year 2001.

The next meeting will be held in March. The meeting was then concluded.