

**MINUTES OF THE
FEDERAL PRACTICE COMMITTEE
FALL MEETING**

**WEDNESDAY, October 16, 2002
Held in the Fourth Floor Conference Room
Roman L. Hruska U.S. Courthouse
Omaha, Nebraska**

The meeting was called to order at 1:30 p.m. by Chief District Judge Richard Kopf. Federal Practice Committee members attending the meeting were: District Judge Thomas Shanahan, District Judge Joseph Bataillon, District Judge Laurie Smith Camp, Senior District Judge Lyle Strom, Magistrate Judge Kathleen Jaudzemis, Magistrate Judge Thomas Thalken, Bankruptcy Clerk of Court Diane Zech, District Court Clerk Gary McFarland, Federal Public Defender David Stickman, First Assistant U.S. Attorney Sally Johnson, Dean Patrick Borchers, Howard Olsen, Bill Wright, Carole McMahon-Boise, Charles Lowe, Alan Stoler, Thomas Dahlk, Stu Dornan, Mary Gryva, and Michael Schleich.

1. An Update on CM/ECF by Chief Deputy Clerk Denise Lucks.

Denise Lucks gave an update of the District's progress on CM/ECF. To date, there are approximately 450 civil and 252 criminal cases on the system. During the weekend of October 12 thru the 14th, the docket information for more than 19,000 cases was converted from the previous docketing system ICMS to the CM/ECF system. Nebraska is the first court in the country to convert information from the old to the new system. Overall, the conversion was very successful.

The next milestone will be in January 2003 when electronic filing will become mandatory.

2. Report by District Judge Bataillon - Request to use FP Funds to provide legal services for indigents.

Prior to the meeting, each committee member received a copy of the following documents: Judge Bataillon's letter of September 20, 2002, a Request for Proposal, and a Proposed Contract to be used in hiring a firm to handle fifteen cases in which the plaintiff is indigent. The firm hired will be paid from the Federal Practice Fund.

Minor changes were made to the Request for Proposal.

Judge Bataillon was asked if the cases involved would be limited to prisoner civil rights cases. The matter was discussed, and it was decided that cases will be limited to Prisoner Civil Rights cases, at least for this time.

Chief Judge Kopf asked the committee members, if they felt, from a policy standpoint, that the adoption of this policy was the correct thing to do. There were no objections.

Charles Lowe asked for assurance that the cases would still be screened, prior to being turned over to a law firm. Judges Kopf and Jaudzemis assured Mr. Lowe that the cases would still be screened. He moved for the adoption of the policy to hire a firm to handle no more than fifteen Prisoner Civil Rights cases within one year. Bill Wright seconded the motion.

3. Chief Judge Kopf solicited suggestions for the name of an additional committee member.

Mary Gryva suggested that a minority member be appointed. Judge Kopf gave the committee members one week to submit suggested names.

Matters not listed on the Agenda:

1. The Nebraska Docket.

Judge Kopf passed out attachment # four, Nebraska Docket. He explained that this matter would be discussed at the next Nebraska Judicial Council meeting which is to be held on November 1, 2002. Judge Kopf explained why the Nebraska Docket is needed.

- (A) To balance the case load among the judges.
- (B) To spread the cases in which the State of Nebraska is a defendant.

- (C) To evenly distribute among all of the judges cases which involve policy decisions.

Additionally, Judge Kopf explained that he is currently analyzing the docket to see if the Omaha and Lincoln dockets should be collapsed into one docket. The collapsing of the docket may be for civil cases only, or both civil and criminal cases. He asked for comments from the committee, as to what impact this would have on their practice.

Listed below are the comments made during the meeting:

Michael Schleich - lodging and travel expenses would increase the cost of litigation.

Charles Lowe - the impact would be felt primarily by the litigant, more than it would be felt by the attorney. He listed the example of department heads for the State of Nebraska. Additionally, this issue would have a big impact on the Department of Corrections. Charles will discuss this with others in the Attorney General's office.

Dave Stickman asked that a sub-committee be appointed to study this issue.

Judge Thalken - the impact would be significant on criminal cases, due to the required number of hearings.

Thomas Dahlk - does not see a problem with this procedure and he feels that this would be a good thing to do.

Howard Olsen - his only concern is that the North Platte docket be maintained.

Mary Gryva - not a problem.

Alan Stoler - not a problem.

Carole McMahon - Boise- not a problem.

Stuart Dornan - not a problem.

Bill Wright - not a problem.

2. Open Doors to Justice Program (ODTJP) - Dave Stickman.

Dave Stickman was asked by Denise Lucks to relay to the committee that the number of responses from students and schools to the invitation to participate in this year's ODTJP has significantly increased from last year. As a result, more judges and courtrooms are needed. All of the judges present stated that they would cooperate and assist in any way that they can. Denise Lucks is to check with the judges as to what they need to do.

3. Chief Judge Kopf thanked Bill Wright for his service on the Federal Practice Committee.

The meeting was adjourned. (Minutes taken by Gary McFarland.)