

# MINUTES OF THE FEDERAL PRACTICE COMMITTEE MEETING

Friday, April 29, 2011

2:00 p.m.

Joint Conference Room, Concourse Level

Roman L. Hruska U.S. Courthouse

Omaha, Nebraska

The meeting was called to order by Chairperson Jay Jolley. Members in attendance included Andre Barry, Meghan Blinn, Tim Connor, Maren Chaloupka (by telephone), Stuart Dornan, Bassel El-Kasaby, Mary Lee Ranheim, David Stickman, Gene Summerlin, Erin Tangeman, Stephanie Stacy, and Melanie Whittamore-Mantzios. Judges in attendance included Chief District Joseph F. Bataillon, District Judge Laurie Smith Camp, Magistrate Judge Thomas D. Thalken, Magistrate Judge F.A. Gossett, III, and Magistrate Judge Cheryl R. Zwart. Others in attendance included Therese Bollerup, Luta Pleiss, and Pat Williamson.

## 1. Introduction of Judges, Members, and Staff

Those in attendance introduced themselves.

## 2. Approval of Minutes

The committee approved the minutes of the August 13, 2010, meeting.

## 3. Review of Federal Practice Fund Financial Report

Pat Williamson reported there is \$188,000 in the federal practice fund. This money is spread across three accounts at the Omaha Federal Credit Union, with the majority stored in a CD at a rate of 1.25%.

Pat explained the accounts ledger attached to the meeting's agenda reflects that most of the fund's income derives from attorney assessment fees. The biggest expense for the year was the CLE program held on January 7, with a total cost of \$3,400.

**Action taken.** The committee approved the Federal Practice Fund Financial Report.

## 4. Budget Subcommittee Report

Jay Jolley stated the budget subcommittee was asked to approve Maura Grossman's travel expenses. Maura Grossman was the speaker at the CLE program held in January.

## 5. Chair's Report

2014 Eighth Circuit Judicial Conference: Jay asked Judge Bataillon to update the committee on the status of the 2014 Eighth Circuit Judicial Conference. Judge Bataillon reported the date for the conference has not yet been set, but will likely be set after Circuit

Executive Millie Adams researches hotel availability during her trip to Omaha in May. He added that the conference will likely be held in conjunction with the Nebraska State Bar Association's annual meeting.

Judicial Council Meeting: Jay updated the committee on two issues discussed at the Judicial Council meeting held earlier in the day. First, the magistrate judges are working toward creating a uniform Rule 26(f) report. A uniform report is necessary because the Article III judges may decide to collapse the civil docket into one docket after Judge Kopf takes senior status. Second, the Judicial Council approved revisions to the Petition to Enter a Plea of Guilty, which will go into effect on June 1. The English and Spanish versions of the form will be posted on the court's Web site.

CLE topics: Jay asked the committee to inform him if they have suggestions for future CLE topics. He stated he is interested in holding a CLE on federal labor law.

## **6. Clerk's Report**

State of the Docket/Caseload: Therese referred the committee to the state of the docket and caseload reports attached to the meeting's agenda. She stated that, as of March 30, 2011, there were 579 civil cases and 544 criminal cases pending in the district. The district is second in the Eighth Circuit in weighted filings per judgeship, and first in the nation in supervised release hearings per judgeship. These reports are available on the court's Web site.

PDF/A Format: Luta stated the judiciary will soon require all electronically filed documents uploaded in CM/ECF to be filed in PDF/A format. The judiciary has not yet set a deadline for this requirement, but users should begin to transition their filings to this new standard as soon as possible. Specifically, users should research whether their current software is PDF/A compliant, particularly if they use a third-party software to create PDF documents. In addition, users should research whether their scanning equipment is PDF/A compliant.

Frequently asked questions about PDF/A format and instructions for creating PDF/A documents are posted to the court's Web site at <http://www.ned.uscourts.gov/cmecf/pdfa/>.

## **7. Chief Judge's Report**

Judge Bataillon reviewed the North Platte docket statistics from the last seven years, noting that the numbers are low and steadily declining. The court's rent for North Platte is roughly \$100,000 per year. From the court's standpoint, it is difficult to justify paying for space in the North Platte courthouse, given its underutilization. Judge Bataillon may put together an ad hoc committee to research alternatives to holding court in the North Platte courthouse. Maren Chaloupka volunteered to serve on the ad hoc committee.

## **8. Judge Smith Camp's Report**

CLE: Judge Smith Camp thanked Melanie for organizing two excellent CLE programs during her tenure as chair of the Federal Practice Committee.

Trial of Standing Bear ("Waaxe's Law"): Judge Smith Camp stated the play written by former law clerk Mary Kathryn Nagle will be performed at the National Indian Museum in Washington, D.C., on October 7, 2011.

Historic Display for Trial of Tom Dennison: Judge Smith Camp stated that she is interested in creating a display recognizing the trial of Tom Dennison, as it is an important piece of Nebraska's history. She may ask the Federal Practice Committee to contribute to such a display in the future.