

FEDERAL PRACTICE COMMITTEE MEETING MINUTES

January 24, 2025
Omaha, Nebraska

Attendees included Chief District Judge Robert Rossiter, Jr., District Judge Brian Buescher, District Judge Susan Bazis, Senior District Judge Joseph Bataillon, Magistrate Judge Michael Nelson, Magistrate Judge Jacqueline DeLuca, Magistrate Judge Ryan Carson, Clerk of Bankruptcy Court Eva Roeber, Chief Deputy Clerk of District Court Gabriela Acosta, Deputy Chief Probation and Pretrial Services Officer Kimi Camacho, Assistant Deputy Chief Probation and Pretrial Services Officer Aaron Kurtenbach, Acting Federal Public Defender Richard McWilliams, Assistant United States Attorney Tim Hook, Committee Chairperson Mark Fahleson, Marcia Washkuhn, Torry Garland, George Martin, Elizabeth Culhane, Brian McKernan, Joshua Weir, and Isaiah Frohling. Also in attendance was Financial Supervisor Jeremy Reece.

The following committee members were unable to attend: Senior District Judge John Gerrard, Clerk of District Court Denise Lucks, Chief Probation and Pretrial Services Officer Doug Steensma, United States Attorney Susan Lehr, Jennifer Huxoll, Gretchen McGill, Andrew Schlosser, Joshua Fershée, and Eric Berger.

1. Introductions and Opening Comments

Judge Buescher welcomed the Federal Practice Committee (FPC) members and called the meeting to order.

2. Roll Call and Attendance of Federal Practice Committee Members

Roll call was taken.

3. Federal Courts Reports

a. State of the Court

Chief Judge Rossiter provided the following updates:

- Judge Richard Kopf passed away on January 17, 2025. He will be greatly missed.
- Judge Rossiter welcomed Magistrate Judge Ryan Carson, who was sworn in on November 1, 2024.
- The court is seeking approval from the Eighth Circuit Judicial Council for an additional one-year recall term for Magistrate Judge Gossett. The term will run from July 2025 to July 2026. In addition, Magistrate Judge Zwart has been approved to serve a one-year recall term from January 2025 to January 2026.
- Effective January 6, 2025, the pro se docket cases are split between Judge Bataillon and Judge Gerrard.

- Judge Rossiter welcomed Rich McWilliams as the new Federal Public Defender for the District of Nebraska. Rich's title will be Acting Federal Public Defender until his background check is completed.
- United States Attorney Susan Lehr informed Judge Rossiter that, historically, judge-appointed U.S. Attorneys are not asked to resign upon the election of a new president.
- Judge Bazis has agreed to chair the court's new Detention Management Committee. This committee was formed based on a recommendation from the Remote Detention Working Group of the Administrative Office of the U.S. Courts (AO). The purpose is to develop solutions for pretrial detention issues.
- Judge Rossiter announced that Hruska Courthouse will be the location for the regional trial competition for law schools on February 20-22. The court is working with Professor Mangrum of the Creighton University School of Law to coordinate space requirements. The event will require 200 individuals to serve as judges for the trial competitions. Attorneys and judges are encouraged to volunteer.
- The [proposed local rule amendments](#) went into effect on December 1, 2024.

b. Magistrate Judge Reports

Judge Nelson commended Judge Gossett and Judge Zwart for their willingness to continue serving the court in a recall capacity. In addition, he congratulated Judge DeLuca for reaching her first anniversary with the court and welcomed Judge Carson as the newest magistrate judge.

The magistrate judges are working on various improvements regarding case management for both civil and criminal cases. Revisions to the Rule 26(f) Report and the Petition to Enter a Plea of Guilty form are under review.

Judge Nelson stated that plans are underway for the 2025 Magistrate Judges' Forum. The event is tentatively scheduled for May 16 at Mahoney State Park. As in past years, funding from the FPC will be requested. Judge DeLuca reported that the FPC approved funding of approximately \$9,000 for the 2024 forum. This included covering the cost of day passes for attendees to enter the state park.

Action taken. The Federal Practice Committee voted to approve funding of up to \$9,000 from the Federal Practice Fund for the Magistrate Judges' Forum in 2025.

The group also agreed that a subcommittee should be formed to determine topics for the forum. The magistrate judges will serve on the subcommittee together with the following volunteers: Tim Hook, Liz Culhane, Isaiah Frohling, Brian McKernan, and Josh Weir. Josh will coordinate with Rich McWilliams, and Rich will coordinate with the CJA Panel. A "save the date" email will be sent to practitioners notifying them that the forum has been scheduled for May 16. Judge DeLuca will coordinate with Gabriela Acosta to draft and distribute the email.

Judge Carson thanked everyone for the warm welcome in his first few months with the court. He noted that he has an open-door policy and is happy to discuss any questions or concerns. Judge Carson's investiture is scheduled for March 21, 2025, at 3:00 p.m.

c. Federal Judge Comments

Judge Bazis followed up on Judge Rossiter's earlier report that she will chair the newly formed Detention Management Committee. The committee includes Magistrate Judge Nelson and representatives from the Marshals Service, U.S. Attorney's Office, Probation and Pretrial Services Office, Federal Public Defender's Office, and the CJA Panel. The goal put forth by the AO is for courts to identify detention problems and establish policies and procedures to address them. The first meeting is scheduled for February 19 and will likely focus on discovery issues within the local jails, detainees' access to their attorneys, and the ability of detainees to review discovery.

d. Bankruptcy Court Report and Comments

There were no items to report from the bankruptcy court.

e. Acting Federal Public Defender Report

Rich McWilliams reported that the only notable personnel change in the Federal Public Defender's Office is the recent retirement of Dave Stickman and Rich's appointment to replace Dave.

Regarding Judge Nelson's report earlier in the meeting that the magistrate judges are working on changes to forms, Rich indicated he is interested in helping revise the Petition to Enter a Plea of Guilty form.

United States Attorney Report

Assistant United States Attorney Tim Hook reported that Assistant U.S. Attorney Lynnett Wagner retired on January 24.

Tim stated that because of changes resulting from the new administration in Washington, D.C., the court can expect a flurry of filings in civil cases from the U.S. Attorney's Office seeking to substitute certain individuals.

4. Business Meeting

a. Approval of Minutes

The committee members approved the [minutes](#) from the September 20, 2024, meeting.

b. Review of Federal Practice Fund Reports

The Federal Practice Fund financial reports were distributed to FPC members on January 21. Chairperson Fahleson noted that Judge Rossiter approved expenditures from the Federal Practice Fund to help fund replacement of the attorney wi-fi systems in the Omaha and Lincoln courthouses. The FPC previously voted to approve such expenditures in the September 20, 2024, meeting. There were no questions from the members of the FPC on the Federal Practice Fund financial reports.

c. Civil Practice Report

Chairperson Mark Fahleson asked if any FPC members received comments about the amended local rules that went into effect on December 1, 2024. The committee members reported no comments.

Mark next noted that in the September 2024 FPC meeting, Judge Buescher requested that a subcommittee be formed to review the civil discovery rules. Marcia Washkuhn was designated to serve as chair. Marcia stated the subcommittee has been formed. Mark and Marcia agreed to discuss the subcommittee's work after the FPC meeting. Mark added that the subcommittee has approximately 90 days to provide its recommendations to the court's local rules committee.

d. "For the Good of the Order"

Judge Buescher provided an update on the activities of the Judicial Conference Committee on Information Technology. Judge Buescher is the appointed committee member for the Eighth Circuit. Recent discussions in the IT committee have focused on the federal courts' electronic case filing system (ECF). The current ECF system is more than 25 years old and requires modernization. A high-priority project is underway to update it. In order to expedite implementation, some advanced features may not be included in the initial upgrade when it is released.