

Federal Practice Committee Meeting Minutes September 8, 2005

A joint meeting of the Federal Practice Committee and the Court en banc of the Western District of Missouri was held on Thursday, September 8, 2005 in Kansas City, Missouri. Committee members in attendance included Tim Van Ronzelen, Michael Berry, Todd Bartels, Lynne Bratcher, Lajuana Counts, Charlie Harris, Jr., J.R. Hobbs, Denise Henning, Aldo Dominquez, John Applequist, and Wallace Squibb. Judges in attendance included Chief Judge Dean Whipple, Judge Fernando J. Gaitan, Jr., Judge Orrie D. Smith, Judge Gary A. Fenner, Judge Nanette K. Laughrey, Judge Howard F. Sachs, Judge Scott O. Wright, Chief Magistrate Judge John T. Maughmer, and Bankruptcy Judge Arthur B. Federman. Judge Richard E. Dorr participated via video conference and the Clerk of Court attended in person in the role of scribe.

The meeting began with Chief Judge Whipple reminding everyone to make arrangements to attend the 8th Circuit Conference scheduled for the Week of October 17, 2005. He especially invited all Federal Practice Committee members to attend the breakfast meeting scheduled for Friday of that week. He went on to introduce the topic of the review of the Early Assessment Program (EAP). Wallace Squibb gave a history of the committee's involvement which began with Judge Wright asking the committee to become involved. A sub-committee was formed with the original thought that the review would be somewhat informal. After discussions held by the Court en banc, Judge Dorr was asked to become involved with the committee possibly creating a more formal review process.

Judge Dorr then indicated that the committee might want to review the original operation in the Western Division and compare the statistics of that program from 1993-1994 to today. He went on to suggest that it might be time to do an initial review of the Central and Southern Division programs. He asked the committee to consult with Kent Snapp, EAP Administrator, and do a meaningful review of all three programs.

Other Judges suggested using the original questionnaire distributed by EAP in the beginning of the program; considering the appointment of some of the original members of the committee which designed the program; and reviewing procedures used in other District, particularly the District of Kansas, to see what can be learned from them.

On another topic, Judge Laughrey ask for suggestions for speakers and topics for the D. Brook Bartlett Lecture Series as she is now the coordinating Judge for that program. Suggestions included electronic discovery as a topic as well as detecting deceit. A suggestion was made that the committee might consider a review of available local rules regarding electronic discovery with a goal of presenting such a rule to the Court en banc.

The Judges excused themselves and the committee continued to meet. Wallace Squibb, as the current chairman, reminded the group that it was time to elect officers for the coming year. Lajuana Counts was elected chair and Tim Van Ronzelen was elected vice-chair.

The committee agreed that the original sub-committee would continue working on the EAP review. Those members are Tim Van Ronzelen, Phil Greenfield, Denise Henning, Tom Bender, and John Applequist replacing Dana Kollar-Miller. This group is asked to review the process used in

their geographical areas within the next two weeks and be prepared to share the results with the entire Federal Practice Committee within 30 days by conference call. One of the issues to review will be the timing of the program.

J.R. Hobbs and Charlie Harris agreed to work with Judge Laughrey on the D. Brook Bartlett Lecture series. (Note: Judge Laughrey was advised of this after the meeting and will be contacting them.) They will also work on the review of local rules regarding electronic discovery.

The meeting adjourned at 1:30 PM.