

Federal Practice Committee Meeting Minutes
June 8, 2006

A meeting of the Federal Practice Committee was held on June 8, 2006 at 12 Noon in the Court en banc meeting room of the Charles E. Whittaker U.S. Courthouse. Members present were Lajuana m. Counts, Chair, Wallace S. Squibb, John Appelquist, J.R. Hobbs, Todd H. Bartels, Tim Van Ronzelen by telephone, and Patricia Brune, Clerk who attended as scribe. Several attempts were made to bring Thomas V. Bender on by conference call but it was not successful.

The first agenda item was Attendance and the Clerk recorded those present and reported on the changes expected to the membership roster in July. The terms of the following members will expire in July of 2006: Lynne J. Bratcher, Lajuana M. Counts, Philip G. Greenfield, J. R. Hobbs, and Wallace S. Squibb. These members have completed two full terms of service and will not be eligible for reappointment by the Court en banc. The committee recommended two names for presentation to the Court en banc and the Clerk agreed to carry them forward. By earlier action of the group, Tim Van Ronzelen will be the Chair when Lajuana Counts steps down.

The second agenda item was a discussion of the Early Assessment Program led by Wallace Squibb. He reported working with Donna Sintra of the Federal Judicial Center to craft a proposal to circulate to members of the Bar to assess the program. He also indicated that Judge Dorr may want the process to be a little less formal. Lajuana Counts reminded the group of the memo received earlier from Michael Berry regarding the Central Division program where concerns were expressed about which cases are assigned to the program and how the mediators are selected. No further action was taken on this issue.

The third agenda item involved electronic discovery. The committee is waiting for further instruction from the Court as to how best to proceed on this issue. (Note: During the D. Brook Bartlett Lectures on June 30, 2006 the Court extended an invitation to all present to work through the Federal Practice Committee with suggestions as to whether a local rule is needed and what form it should take.)

Agenda items number four was Collaboration with local bar associations. J. R. Hobbs reported that the UMKC Law Foundation and the Alumni group were merging and talking with KCMBA about merging CLE staff functions. This group has now expressed an interest in working with the Federal Practice Committee in whatever way possible as well. Chris Harlan is involved with the KCMBA Federal Practice committee and would work with whomever replaces J.R. Hobbs on this committee to ensure collaboration. Wallace Squibb reported that the Southern and Southwestern Division group has formed and is meeting already with the bar associations in that area. He will brief his replacement on this committee to again guarantee that the process continues.

Agenda item number five was a discussion of Standard Protective Orders led by Tim VanRonzelen. He suggested that such orders could be used to clarify issues and asked the committee to consider offering some standard orders to see if the Court wants to use them. He proposed that the facts of each case would determine what should be protected and that substantive areas of the law be used as guides which would lead to a variety of such orders.

Judge Waxse has an order which he uses in the District of Kansas which could serve as a guide. The committee agreed to work on this issue.

The upcoming D. Brook Bartlett Lecture date was announced as June 30, 2006. The next meeting of the Federal Practice Committee was set for September 14, 2006 at 12 Noon in the same location.