

Minutes of the WDMO Federal Practice Committee  
April 22, 2010 (Via Teleconference)

Present: Todd Bartels, Tom Bender Michael Berry, Aldo Dominguez, Marsha Fischer, Brian Gaddy, Julia Kitsmiller, Rodney Nichols and Jeff Ray.

The Federal Practice Committee for the U.S. District Court for the Western District of Missouri (the "Committee" or the "FPC") convened at 4:00 p.m. on April 22, 2010.

Brian Gaddy opened the meeting by asking for additions or corrections to the minutes from January 21, 2010. Tom Bender indicated that his name should be added to the attendee list, and the minutes were approved as so amended.

The first item of business was confirmation of the next in-person meeting. Mr. Gaddy suggested that the Committee conduct the meeting in Springfield in conjunction with the Court's August reception for the Southern Division. Discussion ensued about meeting in Springfield and inviting the resident judges (including Judge Federman) to the beginning of the meeting. As there was no objection to the suggestion, the Committee agreed to move forward with the plan. Ann Thompson was asked to circulate the date of the reception once it had been set by the Court. Mr. Gaddy further suggested that the Committee consider rotating at least one of its meetings each year to a divisional location. He reminded members that the next telephonic Committee meeting was set for Thursday, July 8<sup>th</sup> at 4:00 p.m.

The next item of business was a report by Todd Bartels on the Community Outreach presentation done by Mr. Gaddy, Denise Henning and Chief Judge Gaitan at Park University. Mr. Bartels noted a successful trial run but that slides would have to be deleted based on the time available and the desired focus of the audience. Mr. Gaddy and Ms. Thompson provided additional comments on the pros and cons of the presentation, concluding overall all that the reaction of the students was very positive with considerable interaction between the audience and the speakers.

Mr. Bartels indicated that he was in the process of setting up a speaking engagement for himself and Judge Fenner, and he requested that a criminal attorney join them. Discussion ensued about the helpful effect of having two attorneys present – one from the civil side and one from the criminal side. Committee members suggested that Lisa Nouri might be able to provide the criminal law perspective. In addition, Michael Berry indicated he would seek a group/audience in Jefferson City for a presentation by him and Judge Whitworth.

The Committee then discussed the challenges of finding audiences for the presentations, and Marsha Fischer offered to locate the list of groups that the Missouri Bar used when travelling across the state to speak on the Missouri Bar Plan. She volunteered to request a copy of the list (and subsequently provided it) so the Court could begin to build its contact sheet for target audiences.

The Committee moved on to a discussion of the WDMO Local Rules. Jeff Ray reviewed his report to the Local Rules Committee (Judges Sachs, Laughrey and Maughmer). He noted that Judge Sachs requested confirmation that the FPC's review did not yield any immediate or pressing need for major rule changes. Mr. Ray asked that FPC members review the Local Rules and his memo one more time before the next meeting to provide this confirmation. Mr. Ray also passed along the judges' comment that they did not believe a review by the FPC of criminal local rules across the Circuit was necessary at this time.

Next, Mr. Berry gave the report of the sub-committee tasked with looking at the Court's Scheduling Orders and considering opportunities for uniformity. The sub-committee of Mr. Berry, Mr. Gaddy and Willie Epps met by phone and reviewed issues and differences between judges and divisions. Discussion ensued about dispositive motions in general and in the Scheduling Order context.

(Rodney Nichols and Ms. Fischer left the meeting at this time.)

Further discussion ensued on the timing of dispositive motions and other matters covered in the standard Scheduling Orders and Rules of Trial. Mr. Berry opined that there is not a problem in Jefferson City with inconsistencies between the judges causing confusion. The Committee then discussed the original intent of the project – to move toward a more uniform order – and whether the current lack of uniformity was still a problem for district lawyers.

As the meeting time had expired and members were otherwise obligated, additional discussion and the items listed under "New Business" were tabled until the July meeting.

The meeting adjourned at approximately 5:20 p.m.