

Minutes of the WDMO Federal Practice Committee  
August 26, 2010 - Springfield, Missouri and Via Teleconference

Present in person: Todd Bartels, Tom Bender, Aldo Dominguez, Willie Epps, Brian Gaddy, Rodney Nichols, Mike Oliver, Jeff Ray and Ann Thompson.

Present via teleconference: Michael Berry, Marsha Fischer, Julia Kitzmiller and Lisa Nouri.

The Federal Practice Committee for the U.S. District Court for the Western District of Missouri (the "Committee" or the "FPC") convened at 3:05 p.m. on August 26, 2010 in Springfield, Missouri. Chief Judge Fernando J. Gaitan, Jr. attended along with Magistrate Judge James England, and other Western District Judges joined upon arrival.

As the Committee gathered, informal discussion occurred on the topic of whether a switch by the Court from IBM Word Perfect to Microsoft Word would be welcomed by the bar. Jeff Ray noted that the DOJ is still using Word Perfect. Willie Epps indicated that Shook, Hardy lawyers use Word. Discussion reflected a lack of consensus on the topic as firms were still relying on both programs.

Brian Gaddy asked for additions or corrections to the minutes from July 8, 2010. Hearing none, the minutes were approved.

Mr. Gaddy then moved on the schedule for the remainder of the year, reminding committee members of the annual meeting/luncheon with the Judges on November 17, 2010 at noon at the Whittaker Courthouse. Discussion ensued about any topics the committee might want to discuss with the Judges over lunch. This discussion sparked an evaluation of methods by which the committee could solicit comments from members of the bar.

Tom Bender joined the meeting at this time, and discussion continued about how best to obtain attorney feedback. Ideas included another survey, solicitations for input on the Court website and an email request for lawyers with concerns to contact committee members. Mr. Gaddy requested that the Court send out an email from the committee to all WDMO attorneys identifying the names and contact information for FPC members and asking comments or questions to be directed to the FPC. A similar solicitation would be included in the upcoming Courthouse Connection newsletter. Pending response to these messages, the committee would then address whether a survey or other methods were needed to generate additional feedback.

Mr. Gaddy returned to the agenda to conclude the discussion of the meeting schedule (the next call was set for October 13, 2010 at 4:00pm), and then asked Todd Bartels to report on his Community Outreach presentation with Judge Fenner on September 9, 2010 for the Downtown Kansas City Rotary Club. Mr. Bartels described the successful event, and discussion ensued about using photographs from the event for the marketing brochures.

Michael Berry then described the Community Outreach program he was organizing for Jefferson City with Judge Laughrey and the local Chamber of Commerce. As the tentative date for the event was October 13<sup>th</sup>, discussion ensued about moving the next FPC telephone conference to October 12<sup>th</sup>. Mr. Berry described the event as including a tour of the new courthouse construction site and then a reception for attendees where Judge Laughrey would speak.

Rodney Nichols reported he was waiting for a response back from the Springfield Rotary to schedule a luncheon presentation with them. He will follow-up on dates. Mr. Epps requested that Ms. Thompson forward him a copy of the Community Outreach PowerPoint presentation.

The next item on the agenda was an update on FPC efforts with Judge Maughmer to consider a WDMO Local Rule on E-discovery. Mr. Bartels and Tom Bender reported on their various discussions with Judges, including Magistrate Waxse from the District of Kansas. Chief Judge Gaitan noted that he was attending a conference in September on the topic and expressed interest in a uniform district approach. Discussion ensued about further exploration on the topic.

The committee then discussed plans for the October 19<sup>th</sup> event commemorating 30 years of service on the bench by Judges Gaitan, Whipple and Fenner. FPC will co-host the event with the Federal Law Clerk's Society.

Next, the committee reviewed the EAP procedures in Springfield, noting that there is no EAP Administrator like Kent Snapp in Kansas City. Mr. Nichols described issues related to the cost of paying outside mediators and noted that it was challenging when opposing counsel simply refuses to participate. Discussion ensued, and Judge England offered suggestions.

Under "New Business", Mr. Ray noted an issue involving email and social security cases, and discussion ensued.

The meeting adjourned at 4:05pm, and members were invited to remain for the Springfield Bar reception.