

MINUTES OF THE WDMO FEDERAL PRACTICE COMMITTEE

January 26, 2012—12:00 p.m.

Kansas City, Missouri (Teleconference)

Present (via teleconference): Julia Kitsmiller, Ann Thompson, Jeff Ray, Michael Oliver, Lisa Nouri, Willie Epps, Larry Miller, Doug Harpool, Joe Whisler, Lynnette Siegel and Travis Poindexter.

The meeting began at 12:00 p.m.

Approval of Minutes

Julia Kitsmiller requested approval of the minutes of the October 10, 2011 meeting. Willie Epps moved for approval. Jeff Ray seconded the motion. With no opposition, the Committee unanimously approved the minutes.

Old Business

Community Outreach Efforts. Ms. Kitsmiller explained our efforts on the Community Outreach front to the new members. Ms. Thompson mentioned that Diana Diaz is the contact person for outreach, and she sends out flyers periodically to civic groups concerning the program. Ms. Thompson further stated that the greatest need is for new groups to whom we can present. She asked committee members to think about any relationships they may have that could lead to a group presentation. If any Committee members have a group in mind, they should inform Ms. Diaz and Ms. Thompson, who will then schedule a presentation and solicit judges to participate. The Committee was previously averaging about one presentation per month, but things have slowed down. The expectation is that the program will pick up again in the fall.

Ms. Diaz will be emailing Committee members when presentation opportunities arise. Most of the presentations are at breakfast or lunch time. Typically, a judge attends with one or two members of the bar. Mr. Epps explained to the new members that there is a great power point slide show with notes that go along with the presentation, which makes it easy and fun to do, and no specialized experience is necessary. The new members were encouraged to participate and not be intimidated. Mr. Miller stated that he would think about more groups in the Jefferson City area so the Committee could expand outreach efforts in that locale.

EAP Update. In the ongoing effort to survey the bar regarding the EAP Program, Ms. Thompson discussed how the Committee had asked the Federal Judicial Center (FJC) to work on a survey for practitioners to complete. Discussion ensued about shortening the FJC draft survey to make it more convenient and to thereby increase the response rate. Ms. Thompson will circulate the current survey draft to the subcommittee, who will reconvene to determine whether and how to revise the survey.

Ms. Thompson reviewed the EAP review project for the new members, explaining that the last survey of the program was in 1995. She reiterated that this survey was not to be a review of a

particular individual or the neutrals themselves, but rather a review of the process as a whole. Joe Whisler offered to join this subcommittee.

New Business

Criminal CLE Update. Ms. Kitsmiller updated the new members on the CLE Mr. Epps spearheaded last November (along with Ms. Nouri, Mr. Gaddy, Mr. Poindexter and Mr. Oliver), which was a huge success. Mr. Epps described the CLE in detail. He noted the great participation from the US Attorneys' office, including Beth Phillips, and the three Kansas City magistrate judges, as well as district court judges Gaitan, Laughrey and Whipple. A total of 50-60 people attended. Mr. Gaddy shared that this criminal-focused CLE was very well received. He recalled that the magistrate judges gave excellent details on what they like to see, and attorneys were able to ask them questions they would normally not be able to ask. This was a free CLE. The judges want to see more of these types of CLEs, and it garnered great recognition for the Committee. The Committee discussed having another criminal law CLE.

Ms. Nouri agreed to remain on the subcommittee, along with Mr. Epps and Mr. Miller. Ms. Thompson suggested that the subcommittee give her parameters on the next program, and she will get started. Ms. Nouri will email the criminal attorneys on the Federal Practice Committee about it and circle back with Ms. Thompson. Finally, Ms. Thompson indicated that the judges would likely approve providing lunch for attendees if the FPC desires to schedule the event to include the lunch hour. Regarding dates, because the Bartlett Lecture series is always in June, Mr. Epps suggested that Ms. Kitsmiller and Ms. Thompson collaborate on possible dates other than June and August.

Ms. Kitsmiller mentioned the possibility of a civil or ethics CLE, and Mr. Miller suggested including an hour of ethics in the criminal CLE as was done last year. Ms. Kitsmiller again suggested reaching beyond the criminal bar to the civil bar in order to increase exposure of the FPC. Ms. Kitsmiller suggested a poll of Committee colleagues to gauge interest, with the Committee deciding later on whether to pursue a civil or separate ethics CLE program.

FCAS Luncheon at KCMBA. On April 19, the Federal Court Advocates Section of KCMBA is hosting one of its Bench & Bar Dialogue luncheons at either KCMBA headquarters or the Courthouse. Typically, these involve a table of judges and lawyers who are given an assigned, substantive topic to discuss and then there are table report outs at the end. For the April event, however, the judges are not attending so as to allow lawyers to share any topics of concern confidentially and to brainstorm about future topics they want to discuss with the bench.

FCAS has invited members of the FPC to attend and to help lead table discussion as both the FCAS and the FPC are looking to take lawyer issues back to the judges as part of their respective missions. Ms. Kitsmiller offered to work with Perry Brandt if the Committee wants to be part of this event. Several members thought it was a good idea and suggested that it would be good to tie in Jefferson City and Springfield via video, with someone to moderate from each of those divisions. Mr. Harpool and Mr. Miller offered to help in Springfield. Ms. Kitsmiller directed the Committee to calendar the dates, and she and Ms. Thompson will work on the video aspect. Ms. Kitsmiller will contact Mr. Brandt.

8th Circuit Judicial Conference. August 8-10 is the 8th Circuit Judicial Conference. The Committee is strongly encouraged to attend the breakfast on Friday, August 10 from 7:30 a.m. to 8:45 a.m. Although the Committee is not hosting, Chief Judge Gaitan wanted to invite all FPC members to that breakfast and to encourage everyone to attend the full conference and to make sure their firms are aware once the materials are published. Ms. Thompson will be sure everyone gets details when they are available.

Meetings with the Criminal Defense Bar. The past meeting in Kansas City involving criminal defense bar members of the Committee and the Probation Pretrial Services leaders was thought to be very “useful,” and the idea is to do a similar meeting in Springfield. Chief Judge Gaitan is working on setting a date for such a meeting. The idea is that if this type of meeting continues, the US Attorneys’ office may also attend in the future. Ms. Nouri and Mr. Poindexter agreed that it is a good idea to have more of these meetings.

Ms. Kitsmiller asked if there was any other business needing attention. Hearing none, she reminded members that the next meeting is set for February 23, 2012 at the offices of Seyferth Blumenthal & Harris LLC. Finally, Ms. Thompson thanked everyone on the Committee for their service, noting that when there are openings on the Committee, the judges take great care in selecting who fills those vacancies, and they are very appreciative and understand the work that goes into this Committee.

At 12:45 p.m., the meeting was adjourned.