

MINUTES OF THE FEDERAL PRACTICE COMMITTEE (WDMO)

October 11, 2012 – 3:30 pm

Highland Springs Country Club, Springfield, Missouri

Members present in person were: Willie Epps, Brian Gaddy, Doug Harpool, Julia Kitsmiller (Chair), Mike Oliver, Jeff Ray, Lynnette Siegel, and Ann Thompson (Clerk of the Court).

Members present via telephone were: Andy Hirth, Lisa Nouri, and Travis Poindexter.

Special guest was David Rush, incoming U.S. Magistrate Judge (effective December 1, 2012).

Ms. Kitsmiller called the meeting to order at 3:30 p.m. Mr. Epps agreed to take minutes.

Ms. Kitsmiller introduced Mr. Rush to the Committee. Members of the Committee then introduced themselves to Mr. Rush. Ms. Kitsmiller noted that the Court en Banc has selected Mr. Rush for appointment as a United States Magistrate Judge, subject to completion and the Court's consideration of the required Federal Bureau of Investigation report. Mr. Rush will sit in the District's Southern and Southwestern Divisions in Springfield, Missouri. This appointment will fill the vacancy created when Magistrate Judge James C. England retires next month.

Old Business

Meeting Minutes of September 14, 2012

Ms. Kitsmiller moved that the Committee table approval of the September 14, 2012 meeting minutes. There was no objection.

2012 Criminal Law Luncheon and CLE

Ms. Nouri provided an update of the FPC Criminal Law Luncheon and CLE to be held at the Charles E. Whittaker Courthouse, Kansas City, Missouri, on November 8, 2012. Ms. Nouri stated that lunch will be served at noon and that the substantive CLE program will begin at 1 p.m. with *Judicial Perspectives on Sentencing and Related Topics*. The panel will include Judges Fernando J. Gaitan, Jr., Gary A. Fenner, and Brian C. Wimes. Mr. Epps will serve as moderator. Ms. Nouri stated that the second session, *Bureau of Prisons Q & A with Mary A. Noland (and other BOP Representatives)*, will begin at 2 p.m. and that both Messrs. Gaddy and Poindexter will co-moderate this discussion about designation, programming, the point system, docket sheets, and client confidentiality on ECF. Ms. Nouri said that the third session, *U.S. Attorney's Office Panel with AUSAs Gene Porter, Kate Mahoney, and Jeff Valenti*, will be moderated by Mr. Oliver. There will be no charge for the program and it will conclude at 4 p.m. CLE credit of 3.6 hours is pending for Missouri and Kansas. Ms. Thompson reported that 121 attorneys have RSVP'd for the CLE. This is twice the number of attorneys who attended the first FPC criminal law CLE held last November. There was a brief discussion about whether the Committee should discourage non-criminal attorneys from attending. Messrs. Epps and Gaddy suggested all attorneys should be welcomed at this FPC outreach effort. Mr. Gaddy then recommended D'Bronx pizza and salad for the luncheon portion of the program. The Committee approved Mr. Gaddy's suggestion. Mr. Poindexter explained the "docket sheet issue" for members of the Committee. He stated that criminal defendants often make requests for docket sheets to

determine which prisoners have cooperated. Messrs. Gaddy and Poindexter indicated that they will meet in the coming days to figure out how to conduct the discussion on docket sheets. Ms. Thompson mentioned that she will invite Judge Beth Phillips to join judicial panel.

Gifts for Judge England

Mr. Harpool displayed the gifts that he purchased on behalf of the Committee and the Springfield Metropolitan Bar Association to recognize and honor the retirement of Judge England. Mr. Harpool bought an authentic St. Louis Cardinals baseball jersey, a Stan Musial signed bat, and the book entitled "One Last Strike: Fifty Years in Baseball, Ten and a Half Games Back, and One Final Championship Season" by Tony La Russa. Mr. Harpool reported that Judge England is a huge Cardinals baseball fan and will love the gifts. Mr. Harpool noted that members of the Committee contributed money to purchase the gifts as did members of the Springfield Bar. Mr. Harpool said that he and Ms. Kitsmiller would present the gifts to Judge England at his retirement reception later in the day.

New Business

Meet and Greet with David Rush

The Committee had an interactive discussion with Mr. Rush about his upcoming elevation to U.S. Magistrate Judge. Mr. Rush said that he currently serves as an Assistant United States Attorney for the Western District of Missouri and has worked as a federal prosecutor in Springfield since 1990. He said that he also served with the Greene County Prosecutor's Office following time in private practice. Mr. Rush is a 1986 graduate of the University of Iowa School of Law and a 1983 graduate of Missouri State University. He said he is humbled to follow in Judge England's footsteps. He said he thinks he will be great for mediation since he does not bring a plaintiff's or defense perspective to civil cases. Mr. Rush announced that his law clerk will be Ms. Holly Stone and his judicial assistant will be Ms. Karla Berziel, formerly of U.S. Attorney's Office.

Judge Dorr's Health

There was a brief discussion about Judge Dick Dorr and his health challenges. Ms. Thompson stated that members of the Committee should keep Judge Dorr in our thoughts and prayers.

Future CLEs

Mr. Harpool made a suggestion for the FPC to host a Criminal Law Luncheon and CLE in Springfield, Missouri next year. All members of the Committee agreed with the idea.

Upcoming Dates to Remember

November 7, 2012 - 12 p.m. - Lunch with Judges at Federal Courthouse in Kansas City

November 8, 2012 - 12 p.m. to 4 p.m. - Criminal Law CLE Sponsored by FPC

December 13, 2012 - 12 p.m. - Federal Practice Committee Conference Call

The meeting was adjourned at 4:45 p.m.