

MINUTES OF THE WDMO FEDERAL PRACTICE COMMITTEE
September 26, 2013 - Noon Luncheon
Kansas City, Missouri and Via Teleconference

Present at Luncheon: Lynette Siegel, Willie Epps, Julia Kitsmiller, David Ketchmark, Joe Whisler, Lisa Nouri, Ann Thompson and Travis Poindexter

Present via teleconference: Erica Mynarich and Christine Blegen

Chari Lisa Nouri called the meeting to order at 12:00 p.m.

Travis Poindexter agreed to take the minutes for the meeting.

Tracy Diefenbach, Operations Manager of the Kansas City District Court Clerk's Office was introduced. Tracy took the position previously held by Bill Terry and her office located on the First Floor of the Whittaker Courthouse in Kansas City. Tracy's contact number is 816-512-5055. Ann Thompson also noted that the Emergency Contact / After Hours number found on the District Court Website goes directly to Tracy. Tracy indicated that she was more than happy to answer questions related to Courthouse operations during and after hours (within reason). Due to other pressing matters Tracy could not stay for the luncheon but thanked the FPC for inviting her to introduce herself and to touch base with old acquaintances.

Approval of Minutes

Mr. Epps moved for approval of the minutes from the July 25, 2013, teleconference. Julia Kitsmiller seconded the motion. With no opposition, the Committee approved the minutes unanimously.

Old Business

Recap of Criminal CLE in Springfield, Missouri

Dave Ketchmark provided a briefing. The CLE had roughly 50 attendee's primarily from the Southwestern / Southern Divisions and lunch was provided. The program involved three panels with the first involving U.S. District Judges Beth Phillips and Brian Wimes with Travis Poindexter as moderator. The panel topic involved Judicial Perspectives on Sentencing. The second panel involved a conversation with Magistrate Judges David Rush and Matt Whitworth moderated by Mike Oliver. During this session the Magistrates provided their input on detention hearings, pleadings and suppression hearings. The final session involved a Criminal Law Roundtable with Asst. U.S. Attorney, Mike Oliver, Asst. Federal Public Defender, Ann Koszuth, and CJA panel attorney Lisa Nouri. Lisa also acted as moderator of this panel.

From the CLE survey responses received, the local bar enjoyed the seminar, the panel format of the program and indicated that it was the appropriate length. As always, the practitioners particularly liked the input of the Judges and the ability to interact with them in a small setting.

Joint Ethics CLE

This program has been set for October 9, 2013 from 12:00 p.m. to 1:30 p.m. at the U.S. Courthouse in Kansas City. There had been some preliminary discussion of stretching the program to provide two full hours of Ethics but it was ultimately determined that one hour worked best. Notice was sent on September 25, 2013, advertising the program through KCMBA.

The program format will involve 8 to 10 tables total with 1-2 tables specific for criminal practitioners. Pat Stueve will be the head moderator and each table will have a table leader to guide the discussion.

Table leaders and ethic topics will include: Norm Siegel and Steve Wolfe - Multi-District Litigation (MDL); Jill Morris and Jane Brown - Ethical Obligations of Negotiators; Willie Epps – Current Missouri Ethic Trends. There will also be a table to discuss LegalZoom and the unauthorized practice of law. For the Criminal tables, Dave Ketchmark will be the primary table leader with Travis Poindexter assisting. Lisa Nouri and Lujana Counts, Chair of the FCAS, would assist in leading a second table if necessary.

Each table will also include a Judge to add their prospective on the ethical topic and issues they encounter from the bench.

Ann Thompson reports that the program usually involves 40-50 attendees. Ann also offers that the topics and tables that generate the best discussions could be considered for similar ethics programs in Jefferson City and/or Springfield.

Community Outreach

Christine Blegen reported on a presentation to the Lee's Summit Optimist Club along with U.S. Magistrate Judge Sarah Hays. Christine indicated that the program time limit was shorter than the full power point but was well received. Christine also indicated that there were lots of questions surrounding email and what things the government could access. There was also a suggestion that the Lee's Summit Rotary may be interested hosting a meeting.

Presentation: U.S. Attorney's Office Civil Division

At the request of Dave Ketchmark, former FPC committee member, Jeff Ray, attended the luncheon to provide insight on the history and role of the civil division of the U.S. Attorney's office.

Jeff not only provided historical context to the civil division but also described the current role and responsibilities of the office. The current civil division consists of 10 attorneys who handle Social Security Appeals, False Claims Act (health care / medical fraud or inappropriate billing to GSA), Civil defense of workers and the Federal Tort Claims Act, medical malpractice from the

VA facilities or federally funded community health centers as well as employment discrimination cases.

New Business

Next Meeting. The November 7, 2013, luncheon and meeting with the Judges has been set. Since there is the upcoming October CLE, there will be no October FPC meeting.

There was discussion of the committee noting some formal recognition of Judge Gaitan and his service to the committee as his term as Chief Judge is set to expire at the conclusion of this year.