

**FEDERAL PRACTICE COMMITTEE MEETING**  
**United States District Court for the Western District of Missouri**

**Minutes from the March 12, 2015 – 12:00 p.m. Meeting - via Teleconference**

**Present:** Christine Blegen, Stacie Bilyeu, Erica Mynarich, Julia Kitsmiller, Jeff Simon, Lisa Nouri, Heidi Vollet, Travis Poindexter, Andy Hirth, Ann Thompson

Chair Christine Blegen called the meeting to order at 12:00 p.m.

Travis Poindexter agreed to take minutes during the meeting.

**Approval of Minutes**

Erica Mynarich moved to approve the minutes from the February 3, 2015 meeting as written. Stacie Bilyeu seconded the motion, and it carried.

**I. Update on Springfield CLE and Reception**

- The Federal Practice Committee will host a CLE and reception in Springfield, Missouri, on April 14, 2015. The sub-committee met to go over details confirming the date and reception at Power Club. The only remaining detail is finalizing the ethics breakout topics so that the flyer can be distributed. The table topic list is expected to be distributed next week.
- Erica Mynarich proposed a mixed Criminal / Civil topic on attorney ethical obligations when the attorney suspects the client or witness is about to lie under oath or once the lie has already occurred. The committee members agree that it is a relevant topic and in an area that has not been previously addressed in committee programs.
- Ann Thompson indicates that Melanie Nation from the Missouri Disciplinary Counsel is available to attend and lead a topic, possibly on ethics related to electronic discovery.
- Stacie Bilyeu proposes a topic related to attorney ethical obligations in providing documents to clients or former clients who are in a Bureau of Prison facility. Clients are frequently asking for docket sheets and discovery information to be sent and indicating that they must have documents to show other inmates to avoid threats. Travis Poindexter recalled that during a program a couple of years ago sponsored by the committee, BOP attorney's and representatives indicated there was no set policies at that time related to "docket sheets" and that it might depend on the specific institution. Lisa Nouri indicated that she still had the contact information for the BOP representatives and would forward that to Stacie subsequent to the meeting.
- Ann Thompson referenced that she and Andy DeMarea were discussing the Negotiations topic and thinking of a new spin for the topic from past programming.
- Judges Harpool, Bough and Rush plan to sit at break-out tables during the program and Judges Maughmer and Hays may attend the reception. Judge Bough will also do a meet and greet with the bar and share his thoughts on how he intends to conduct proceedings.

- Chair Christine Blegen will handle the Welcome and Opening Remarks for the program. Stacie Bilyeu and Tina Fowler plan to co-moderate the Judges panel.

## **II. New Business**

### **A. Input on Temporary Licensure Issue for the Court en banc**

- Prior to the meeting, Ann Thompson distributed to the Committee a Memo related to Admission to the WDMO based on Missouri Temporary Certification. The Missouri Supreme Court allows temporary licensing of an attorney to practice law while awaiting a petition for admittance or for a chance to take the bar exam. The WDMO rules do not reference or acknowledge the Missouri Supreme Court Rule. The District of Kansas, however, does recognize temporary status on their rules.
- As Clerk of the Court, Ann Thompson indicated that the issue has not presented itself in this District or the 8<sup>th</sup> Circuit. No other committee member had any knowledge or dealing with the issue either. Chair Christine Blegen opened the floor for discussion. The Committee had no strong feelings about the issue either way as the current rules have appeared to allow out-of-state counsel to participate if needed. Heidi Doerhoff Vollet indicated that she has a partner in her firm that heads the Rule Committee for the Missouri Supreme Court and she would seek some clarification and history on the rule for discussion at the Committee's next meeting.

### **B. Updating the WDMO Website related to the Committee**

- Heidi Doerhoff Vollet mentioned that the District Court Website did not have all of the active Committee Members listed. Ann Thompson indicated that she was aware of the issue and the website should be updated next week. Additionally, the website would be updated with the Committee's minutes.

### **C. Bartlett Lectures – June 26, 2015**

- Ann Thompson advised the Committee that Professor Chermerinsky would be teaming up with Miguel Estrada for a point / counter-point presentation on the Supreme Court. There will be ample time for the Bar to ask questions after each hour. Dan Small from Boston will be presenting a program on the ethics of witness preparation. KCMBA will be hosting a party on June 25, 2015 the evening prior to the program.

## **III. Committee Calendar**

- Conference Call scheduled for Thursday, April 9, 2015 at 12:00 p.m. (if needed)
- Springfield Program – Tuesday, April 14, 2015 beginning at 3:00 p.m.
- Conference Call scheduled for Thursday, May 14, 2015 at 12:00 p.m.

With no further business, the meeting adjourned at 12:33 p.m.