

FEDERAL PRACTICE COMMITTEE MEETING
UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF MISSOURI

Minutes from the May 14, 2015, Teleconference meeting

Members in attendance: Ann Thompson, Chair Christine Blegen, Erica Mynarich, Heidi Doerhoff Vollett, J. Andrew Hirth, Jeff Simon, Travis Poindexter, Joe B. Whisler, Juila Kitsmiller, Tina Fowler, Dave Ketchmark and Stacie Bilyeu.

Meeting began at approximately 12:00 p.m.

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

Stacie Bilyeu agreed to take minutes during the meeting.

Approval of Minutes: Heidi Doerhoff Vollett moved to approve the minutes from the March 12, 2015 meeting, as written. Lisa Nouri seconded the motion, and it carried.

1. Springfield CLE and Reception

- Ann Thompson had previously provided the spreadsheets and comments of the program to FPC members.
- There was a consensus that the feedback from the Judges and the , concerning the program, was overwhelmingly positive.
- Ann Thompson noted that there were over 130 pre-registered participants, and that more individuals attended than had pre-registered. Ann noted that we never turn people away.
- Ann Thompson noted that due to the popularity of the program, the Tower Club facility was not quite large enough to accommodate all the participants. She noted that the Tower Club is a good entity to work with, but was open to suggestions if FPC members had alternative sites to suggest, that could accommodate larger numbers, while still being conveniently located.
- Ann Thompson thanked Tina Fowler, Erica Mynarich, and Stacie Bilyeu for their assistance with the program.

- Chair Christine Blegen thanked Lisa Nouri for her help with the program.
- Overwhelmingly, the most popular topic at the program concerned “what an attorney should do when their client lies”. This topic was very popular to both civil and criminal practitioners.
- Ann Thompson noted that this program worked well, that all of the topics were good, and that the program could be recycled for future uses.

2. Temporary Admission to the Bar issue

- Heidi Doerhoff Vollet reported that her understanding of the intent of the Missouri rule, via a partner in her firm, was to allow for attorneys to practice with firms while awaiting bar exams and results. She noted that the rule was not intended to replace Pro Hoc Vice. She further pointed out that this temporary license was only valid for a 12 month period.
- Ann Thompson mentioned that one of the reasons discussed for the need for the rule was to allow for not-for-profit, and similarly situated, attorneys to be able to begin work while awaiting bar exams and/or results, when it would be difficult and/or cost prohibitive for them to obtain pro hoc vice representation.
- Stacie Bilyeu noted that a problem could occur if an attorney sought such licensure while initially being associated with a Missouri firm or lawyer, only to later discontinue said association, and could therefore, theoretically, continue practicing without supervision from a licensed attorney. She also noted that, in the alternative, such a rule could serve as an incentive for out of state attorneys to relocate to Missouri, while being able to work in the meantime. Likewise, the nonexistence of such a rule could be a disincentive for such relocations.
- Chair Christine Blegen is to report to the Judges as to the FPC’s thoughts on the matter.

3. Federal Rule Changes

- Ann Thompson inquired of the Committee as to their familiarity with the rule changes. By in large, the FPC committee members were unfamiliar with the substance of the changes.

- Ann Thompson talked about possible options with regard to educating the bar as to the rule changes. Specifically, the idea was to put together a program to educate the bar.
- There were discussions about whether an academic law professor type or an experienced practitioner type would be a better choice to present such a program.
- Ann Thompson asked FPC members to keep her informed as to any possible speakers that would be good candidates to speak at such a program.
- The overall sentiment was for the program to focus on the practical aspects, or “nuts and bolts” of the changes, rather than the policy reasons behind the changes.
- Ann Thompson suggested that a 3 hour Kansas City program, consisting of two speakers, and a lunch following to discuss the same would be a good format.
- Ann Thompson suggested that if the Jefferson City and Springfield FPC members so desired, they could organize a video replay in their respective cities.
- Ann Thompson is to circulate a good synopsis put together by _____, regarding the rule changes.
- FPC members are to forward Ann Thompson any good resources they come across with regard to the rule changes.
- Andy Hirth volunteered to organize such a video replay in Jefferson City.
- Stacie Bilyeu offered that a replay in Springfield would be a good idea.
- Ann Thompson pointed out that criminal practitioners would not likely be interested in the rule changes, as the changes are relevant to civil practice.
- FPC regional members are to let Ann Thompson know if they wish to coordinate a video replay in their city.

4. New Business

- Chair Christine Blegan advised that there will be no June or July 2015 FPC meeting, unless something unexpected necessitates the same.

- The next FPC meeting will be in August, with an exact date to be set later, and will be a meeting to discuss matters of interest with the Judges.
- Ann Thompson noted that the committee should put together, in advance, about 6 matters (half civil/half criminal) to discuss at said meeting.
- Erica Mynarich and Stacie Bilyeu noted that they would like to discuss the issue of the nondisclosure of the secret probation sentencing recommendations in criminal cases.
- Ann Thompson noted that regional FPC members might wish to sit in on the video conferences with the Judges so they would not have to travel to Kansas City to attend the August 2015 meeting.

With no further business, the meeting adjourned at approximately 12:36 p.m.