

Federal Bench Bar Committee Meeting

Wednesday, January 19, 2011 at 4:00 p.m.

Jury Assembly Room

Meeting Minutes

I. Welcome

Pat Rocha and Pat Sullivan welcomed members to the meeting. A moment of silence was held to mark the passing of Joe Fernandez in December 2010. Pat Rocha and Pat Sullivan both spoke briefly about Joe's extraordinary commitment to public service, his integrity, intellectual acuity, and the immense loss caused by his death.

II. Annual Meeting Program

George Lieberman reported on planning for the Federal Bench Bar Committee program planned for the Rhode Island Bar Association Annual Meeting in June 2011. The focus will be on a comparison of federal and state pretrial procedures. Due to time constraints, the judges will not be able to participate. Members of the Bar will chair the panel.

III. Local Rules

David DiMarzio reported on the status of the work of the Local Rules Committee. The rule changes implemented during 2010 became effective on January 3, 2011. Now, the Rules Committee is in its "quiet period." Solicitation for comments on the Rules, beginning the 2011 cycle, will be sent out soon. It is not anticipated that 2011 will involve as many rule changes as were made in 2010.

IV. Jury Instruction Project

Tony Traini gave a live presentation of the criminal jury instruction database that is now being made available to a limited number of practitioners in a Beta test phase. All of the criminal instructions have been uploaded into the database, cataloged, linked and organized so that they are easily accessible in a program that will be available not just to the judiciary and the bar, but also to the public generally. It was noted that this project may be the only one of its kind in the country. Mike Levin reported that the Committee is also now focusing on the far more complex task of uploading, organizing and linking the civil jury instructions so that they can be equally as accessible.

V. University Symposia

Brooks Magratten reported that the University Symposium presentation at Brown University was held on November 9, 2010. Entitled "Judicial Privilege and Free Speech," the program was extremely well received. Two Symposia are now in the planning stages. The first, at the University of Rhode Island, is planned to focus on the "American Jury Trial." It is not yet known whether it will be planned for the Spring or Fall of 2011. Second, Roger Williams

University School of Law has been considering a symposium focused on the Constitution. Potentially titled “We the People,” it will examine the perspective of “citizen ownership” of the Constitution.

VI. Planning for 2011 District Conference

Work is beginning on the 2011 District Conference. The date is expected to be in October 2011. Several potential speakers have been identified, and the final date will be determined based upon their schedules.

VII. Courthouse Renovation Project

David DiMarzio reported on the completion of the Renovation Project for the Courthouse, including the Flag Raising Ceremony. Work on the Post Office Building continues.

Other Business

David DiMarzio reported that because of the unfilled seat on the Rhode Island District Court bench, the judges have been looking for ways to deal with the increased case load. Recently, by agreement with the federal judges in New Hampshire, Judge Lisi referred ten cases to judges in New Hampshire. These cases will remain District of Rhode Island cases, governed by Rhode Island Local Rules and precedent. Judge Smith is likely to do the same thing soon.

The next meeting is scheduled for Wednesday, May 11, 2011 at 4:00 p.m. in the Jury Assembly Room.