

RHODE ISLAND BAR ASSOCIATION

Federal Bench/Bar Committee Meeting

Wednesday, January 25, 2012 at 4:00 p.m.

Jury Assembly Room

Meeting Minutes

I. Welcome

Pat Rocha and Pat Sullivan welcomed members to the meeting. Chief Judge Lisi joined in the welcome, thanking committee members for their contributions and commenting on the large number of attorneys in attendance.

II. Annual Meeting Program

George Lieberman reported that planning is proceeding for a presentation sponsored by the Federal Bench/Bar Committee at the Annual Meeting of the Rhode Island Bar Association in June 2012. Judges Selya, Smith and McConnell have agreed to present a program to be developed, but likely to focus on recent developments in federal case law.

III. Local Rules

David Wollin, Co-chair of the Local Rules Review Committee, reported that the solicitation for suggestions has gone out and that the suggestion period will be open through February 20, 2012. He urged committee members to provide suggestions on any aspect of the Local Rules that might merit review. In addition, he reported that the Local Rules Review Committee will be working on developing admiralty rules. The Local Rules Review Committee expects to be able to complete its work on schedule for delivery of a report to the Court in June 2012.

IV. Jury Instruction Project

Mike Levin reported that the Jury Instruction Project has now moved to focus on the civil jury instructions. A committee has been formed to review a small number of jury instructions and to develop digests, which will be used to form a template to categorize all of the civil jury instructions. This project has just begun. Mike expects that the first phase will be completed by the end of March 2012.

Tony Traini reported on the criminal jury instructions, which have been available to practitioners through the web site for some time. He has been working with Dean Logan at Roger Williams Law School, as well as with the Court, to explore ways to capture which of the instructions were the subject of objection and which were the subject of an appeal. There was also discussion whether it would be technologically possible to develop a "Wiki" comment

process whereby practitioners or the Court will be able to comment on specific instructions. For the present, the committee running the criminal project is hoping to work with the law clerks to get access to information regarding objections. There was discussion whether there might be a more efficient way to procure that information.

V. University Symposium

In Brooks Magratten's absence, Pat Sullivan reported on the University Symposium series. The Federal Bench/Bar Committee, together with the Rhode Island Chapter of the Federal Bar Association, will be sponsoring a presentation hosted by Roger Williams University School of Law entitled, "Whose Constitution? Popular Constitutionalism and the 2012 Election." The Symposium will be held on February 24, 2012, from 9:00 a.m. to 4:00 p.m. at the Roger Williams campus in Bristol, Rhode Island. An impressive group of speakers will be presenting. Judge Smith will participate.

After this presentation hosted by Roger Williams Law School, the University Symposium series is expected to continue with the University of Rhode Island as the next host.

VI. District Courts Statistical Report

David DiMarzio reported briefly on the experience in the District of Rhode Island in terms of criminal and civil filings and trials in 2011 as compared to 2010. Apart from the MDL and MERS cases, the net number of civil filings is down slightly, while the number of criminal cases initiated has been flat. However, there has been a small up-tick in the number of trials, both civil and criminal. In 2011 there were 13 of each.

VII. Magistrate Judge Appointment/Reappointment

Chief Judge Lisi reported on the magistrate judge appointment process set in motion by Magistrate Judge Martin's decision to retire in September 2012. A merit selection committee has been appointed pursuant to statute, applications have been received and the process is underway. Magistrate Judge Almond's term will also be ending in September. However, he has expressed interest in reappointment, the approval of which will proceed pursuant to the statutory process.

VIII. Other Business

In other business, Andy Berg inquired about the high school jury program, which had been suspended when the Court's workload had made it impossible for the judges to participate. Judge Lisi indicated that she is willing and eager to participate and made clear the federal court will be very supportive of reinvigoration of the process of the jury program. Andy said he will follow up with Judge Rodgers of the Superior Court to see whether the jury program should be revived.

Judge Smith mentioned that the Rhode Island Chapter of the Federal Bar Association will be sponsoring a luncheon on March 1, 2012, at which Judge J. Rich Leonard will be giving a presentation on upgrades to the electronic filing system. Judge Smith stated that the program promises to be extremely interesting and urged Committee members to attend.

The next meeting is scheduled for Wednesday, May 16, 2012 at 4:00 p.m. in the jury assembly room.

Respectfully submitted,

Patricia A. Sullivan