

FEDERAL BENCH/BAR COMMITTEE MEETING

TUESDAY, OCTOBER 7, 2008 at 4:00 p.m.

JURY ASSEMBLY ROOM MEETING MINUTES

I. Spring '09 CLE

George Lieberman announced tentative topics for upcoming CLE programs to be held in Spring, 2009. Those topics are:

- 1) an examination of some of the differences between the federal and Rhode Island rules of evidence, particularly with respect to expert testimony;
- 2) admiralty law, including the seizure of vessels;
- 3) a comparison of federal and Rhode Island employment laws.

Mr. Lieberman emphasized that these topics are subject to changes or modification and solicited committee members' thoughts on any other subjects for CLE presentations.

II. Annual Meeting Program

Brooks Magratten stated that the Rhode Island Bar Association is currently planning the Annual Meeting and soliciting speakers for presentations. Mr. Magratten asked committee members to provide him with suggested topics or speakers for the Annual Meeting as soon as possible so that he can forward them to the Bar Association for consideration.

Michael Levin said he believed that the CLE presentation on rules of evidence and expert witnesses suggested by Mr. Lieberman for the Spring, 2009 CLE series would have particularly broad appeal, which may make it better suited for the Annual Meeting. Judge Lisi recommended that Mr. Magratten inquire about having that presentation included in the Annual Meeting. She also suggested that a seminar on distinctions between Rhode Island and criminal law should be included in the Spring, 2009 CLE series.

III. High School Outreach

Matthew Oliverio gave a status report on the High School Outreach program. Last year, the committee conducted events at approximately 20 high schools, which were extremely well received; in particular, he recognized the dedication of the federal District Court Judges and Magistrate Judges, whose participation in the program greatly contributed to its success. Mr. Oliverio noted that he was concerned that demands on the

judges' time during the upcoming year may limit the number of schools at which events could be conducted. Judge Lisi recommended that programs be conducted at all schools that had expressed interest, but that if no judge were available for the program, it should be conducted by the lawyers alone.

IV. Local Rules Committee

Patricia Sullivan reported on the local rules committee. She reported that 2008 was an "off-year" in terms of rules amendments. She stated that one of the goals of the rules committee has been to make the local rules into a "living document," which she feels has been accomplished. She stated that Jeffrey Schreck will assume the position of committee chair for 2009.

V. Jury Instruction Project

Brooks Magratten stated that David DiMarzio, who was unable to attend the meeting, is planning a project to assemble and make publicly available jury instructions given by the judges. Judge Lisi emphasized that this project was not intended to create a set of "model instructions," but was designed to provide attorneys with examples of instructions that particular judges had used in the past. She noted that because such instructions were subject to examination and possible reversal by the First Circuit, the project will require regular monitoring and revision of the posted instructions.

VI. Membership Development

Rebecca McSweeney reported on efforts to increase membership and commented that she was finding it difficult to track whether her efforts have been successful. Judge Lisi suggested that Ms. McSweeney examine the attendance list from the District Court conference to determine how many young lawyers had responded to efforts to publicize events targeted at them.

VII. Court Centennial

Judge Lisi and Brooks Magratten both commented on how well the Centennial Celebration symposia had been received. The next event will take place tomorrow, October 8th, when the First Circuit Court of Appeals will hear oral arguments in Providence. Events will conclude on November 21st with the final gala.

VIII. University Symposia

Brooks Magratten stated that the committee has been in touch with several local colleges interested in participating in university symposia for next year. Currently, three events are being planned for the upcoming year. Topics under consideration include: (1) music piracy and intellectual property law; (2) judicial selection and judicial independence; and (3) immigration reform.

IX. Fact Finding Commission re: declining federal filings

Judge Lisi stated that Anthony Muri had recently delivered to her a written report of his group's findings. She stated that she intends to review the findings with the other members of the Court and determine what, if any, further action should be taken.

X. Attorney Best Practices Project

Michael Levin stated that his group continued to prepare a report of attorney best practices. He hoped to have that report finalized soon for publication in an upcoming issue of the Rhode Island Bar Journal.