

MINUTES FOR  
FEDERAL BENCH/BAR COMMITTEE MEETING

TUESDAY, JANUARY 27, 2009 AT 4:00 PM

Brooks Magratten, Chair, and Beverly Ledbetter, Vice Chair, presided at the meeting.

**I. Spring '09 CLE:**

George Lieberman said that three spring seminars have been planned and are close to completion, pending commitments by the last few speakers. The dates and topics are:

March 4 – Admiralty

April 8 – Employment Law

May 20 – Criminal law – Sentencing

All programs will be held in the jury assembly room of the Federal Courthouse.

**II. Annual Meeting Program (Evidence & Expert Witness):**

The committee will present a program at the bar association's Annual Meeting on expert testimony with a focus on the difference between state and federal court treatment of expert witnesses.

**III. High School Outreach Program:**

Steve Richard said the High School Outreach program was going well and that the program was well received by high school students. The only problem has been keeping up with demand.

**IV. Local Rules:**

The Local Rules Committee will be soliciting comments on proposed amendments. Final rules are expected in May.

**V. Jury Instructions Project:**

David DiMarzio said that he is in the process of resurrecting the jury instruction project. Issues remain as to whether the jury instructions will be in a model jury instruction format or a catalogue of jury instructions that have been submitted in actual cases. He may contact the Roger Williams Law School for assistance.

**VI. Membership Development:**

Brooks Magratten suggested that committee members bring associates to future bench/bar meetings and that the committee is a good way to acclimate new lawyers federal practice.

## **VII. Court Centennial:**

David DiMarzio said the Court received very positive feedback on its Centennial Celebration. He thanked everyone who assisted with the celebration.

## **VIII. University Symposia:**

Brooks Magratten said that three programs had been lined up for the Court's University Symposia series:

RISD counsel Steve McDonald is organizing a symposium on the First Amendment and internet issues, with special attention to file sharing. This program will be held in April in the RISD auditorium.

Roger Williams Law School Dean David Logan is organizing a symposium on judicial selection and judicial independence to be held in the federal courthouse in September.

Providence College General Counsel Marifranis McGinn is organizing a symposium on immigration reform to be held at Providence College in November.

## **IX. Fact-finding Commission re: Declining Federal Filings:**

Anthony Muri said that the fact-finding commission had completed its field work of interviewing several attorneys on the issue of why there has been a decline in federal filings.

He said that there are no clear definitive answers and that generally other federal courts are experiencing a similar decline. The one area that the Rhode Island federal court is experiencing a substantially greater decline is in personal injury cases. He said that, based on his conversations with attorneys in the area, this may be attributable to the fact that attorneys are not afforded an active role in jury selection. Some lawyers had indicated that they would like to question jurors directly

To address the decline in filings he indicated that the court might want to set up educational programs to acclimate attorneys to federal practice. He also said that certain federal court procedures could be discouraging filings and specifically mentioned amending the local rules to permit a fast track motions practice.

Judge Smith commented on the jury selection process and indicated that the Court was very concerned in developing a process that selects fair jurors. He indicated that the Court does not want voir dire to be an opportunity for attorneys to argue to the jury. He invited ideas of how to better get fair jurors.

**X. RIBA “Hot Docs” initiative:**

Brooks Magratten said that the Rhode Island Bar Association is seeking to assemble a task force to put together a volume of “hot docs” – documents that are commonly used in superior court, federal court, wills, etc...

He invited members to submit sample documents such as rule 12 motions, motions in limine etc. This project is being organized by Richard Pacia, President of the Rhode Island Bar Association.

**XI. Miscellaneous:**

David DiMarzio noted that the Court and the Federal Bar Association are holding a U.S. Supreme Court admission ceremony to be officiated by Supreme Court Clerk Gen. Suter on May 6th. Information is available on the Court’s website. Applications and checks must be received by the Court before March 6th.