

FEDERAL COURT BENCH/BAR COMMITTEE
Minutes of Meeting – May 16, 2007 at 4:00 p.m.

I. Spring CLE

There were three spring CLE programs this year:

- Discovery of Electronic Materials with Judge Smith, Magistrate Judge Almond, Gordon Cleary and Steve Richards;
- Preliminary injunctions with Judge Torres, George Lieberman and Stacey Nakasian;
- E-filing with Paula Fletcher, Michael Daly and Connie Zinnie.

There will be three programs again next year. The committee is working with the Superior Court Bench/Bar Committee on a joint CLE program as well.

II. Annual Meeting Programs

Ray Marcaccio is moderating a panel on qualifying expert witnesses in state and federal courts with Judges Lagueux and Flanders (10:45 a.m. session). George Lieberman is moderating a panel discussion on e-discovery in Federal Court (1:30 p.m. session).

III. High School Outreach

A small committee has met since the last Bench/Bar Committee Meeting. Committee members used an outline of information about jury service prepared by Judge Lisi and presented a program on jury service to several high schools, including East Greenwich High School, East Providence High School, Bishop Hendricken and Classical High School.

Some of the topics covered were:

- qualifications to serve on a jury in state and federal court;
- the process of how one sits on jury;
- Grand jury, petit jury, civil juries, criminal juries;
- jury instructions;
- privacy issues;
- what goes on in the jury room;

- questionnaires – what information is disclosed, how it is handled.

The committee reports that overall the students have been very interested and engaged. The program has been well received thus far, and the committee has been asked to return to the schools visited this year. The committee hopes to present to all high schools in Rhode Island over next few years. Judge Lisi has received an inquiry from the Middle District of Alabama about replicating the program.

The committee is looking for more volunteers. It anticipates meeting again in August to plan for the next school year. The committee will send letters out to more schools this year.

IV. University Symposia

Plans are under way for two University Symposia next year. The topics will be access to justice, covering the availability of pro bono representation, defense in capital cases, immigration, court procedures and information about practice in federal courts.

First Symposium

The first symposium is scheduled for January 17, 2008 at Brown University. It will address access to justice from the perspective of litigants. The committee is now making preliminary arrangements. It needs funding for outreach beyond the Bar and Providence. It is looking for law professors and practitioners to prepare papers and make a presentation. The goal is to make papers available ahead of time and to put out a synopsis of the papers into the community. There will be a two and a half hour panel format presentation with time allotted for audience participation.

Second Symposium

The second symposium will be targeted to access to justice from the perspective of witnesses and other parties who are not litigants. Mark Mandell is working with the National Center for Victims of Crime, which has pre-packaged educational programs that it presents. His contact at the center is willing to make a presentation. The goal is to have a second session within 30 days of first session. Ideally it will take place at a different location. The committee hopes to have everything in place before the end of summer.

Courthouse Architecture Symposium

There will also be a symposium celebrating the centennial of the Federal Courthouse. It will be at RISD, and the topic will be the architecture of the courthouse building and other buildings of its period. It is planned for late spring, 2008. Again, the committee would like to get information out about this program in advance. It is looking for knowledgeable people to participate in the program.

V. Local Rules Review Committee

The subcommittees will be submitting their comments to the full committee. The full committee will then convert those comments into across-board recommendations to the Court. Some of the recommended amendments reflect amendments to the Federal Rules, procedures in other districts and electronic filing. The committee aims to finish by the end of June and submit its recommendations to the judges for review. It will provide a report for each rule commented on and whether the committee proposes action or no action based on the comments.

VI. District Court Conference

The next District Court Conference is scheduled for September, 2008. Pat Rocha and Karen Pelczarski will co-chair a committee to establish a CLE program. Any suggestions for that program should be referred to Pat and Karen.

VII. Federal and Superior Court Bench/Bar – Joint CLE Program

The committee asked for ideas on topics. Some suggested topics are:

- Employment law (because it bridges gap between federal and state law);
- Joint case management by Judge Silverstein and Judge Smith.

It will be a one hour CLE. The committee is planning the program for the fall.

VIII. Membership

Brooks Magratten emphasized trying to involve younger members. He asks that members bring their associates to committee meetings.

IX. Court Centennial

The Court is planning a series of events over the course of 2008 celebrating the centennial of the Federal Courthouse. It is planning the following events:

- January/February: university symposia on access to justice;
- May: courthouse architecture symposium;
- June – Naturalization Ceremony on Flag Day;
- September 26, 2008: District Court Conference;
- On October 8, 2008 the First Circuit will be sitting in Courtroom 1 hearing Rhode Island cases;

- November, 2008 – gala event celebrating Court opening.

The Court has also extended an invitation to Chief Justice Roberts to come to Rhode Island. Should Chief Justice Roberts accept the invitation, the Court is thinking of asking him to preside over a Supreme Court Bar swearing in ceremony.

The goal of these events is to showcase the work of the Federal Court through a celebration of its building and to reach out to outsiders and inform them about what the Court does.

X. Pro Bono Program

Several districts have set up pro bono programs. The program would consist of a panel of attorneys willing to assist unrepresented litigants. Anyone interested in chairing or serving on the committee to implement a pro bono program in this district, please contact Brooks Magratten.

XI. Case Filings

The Committee circulated recent statistics on the number of cases filed in each circuit. There is a downward trend in the First Circuit overall and in Rhode Island. Tony Muri, Terry White and Lynette Labinger have volunteered to take the lead in researching this issue by speaking with attorneys and studying trends. The goal is to find out if there are reasons why attorneys avoid Federal Court. The Court is interested in whether it is related to something that it could do to make Federal Court more hospitable.

XII. Judge Lisi Announcements

Judge Lisi also made several announcements. The attorney lounge will be furnished with matching furniture. Judge Lisi asks that anyone using the lounge fill out the sign-in sheet. The Court has also completed a hook-up for high speed DSL/wireless internet service in the lounge.

There is a new policy to address laptops for attorneys. The same rules that pertain to cell phones, PDAs, etc. will apply to laptops.