

United States District Court Conference - Panels

The principal objective of this Conference is to acquaint Rhode Island practitioners, and especially inexperienced practitioners, with the United States District Court Judges and the procedures in the District Court. After an introductory session, there will be nine panels of judges and lawyers, some of which are geared to newer attorneys, and some of which are some are geared to more experienced attorneys. All the Judges and Magistrate Judges of the District Court will participate, and well as a Judge of the First Circuit. We expect that the panels to emphasize practical advice and will devote a significant part of the time to questions and answers.

1. **Plenary Session (1.5 hours)**

This session with District Judges Torres, Lisi and Smith and Senior Judge Lagueux, is designed to acquaint members of the federal bar with the federal judges in a non-courtroom setting and will provide a forum for a discussion of the new federal rules, procedures in the District Court, including electronic filing, pre-trial orders for discovery and trial, the role of the Magistrate Judges, relations with the state courts, and conduct expected of attorneys in the courtroom. This panel will be moderated by Messrs. DeSisto and Sherman and will include questions from the audience.

Materials: The new Local Rules for the District Court will be available.

2. **Introduction to the federal practice for new lawyers (1 hour)**

One of the reasons for this conference is to introduce younger, inexperienced attorneys to the District Court. Chief Judge Torres will preside over this session, assisted by the District Court Clerk and a practitioner, that will include basic information about the jurisdiction of the court and practice in the court, including filing procedures, pre-trial and trial procedures, calendars, motions, ADR, TROs and injunctions, working with the clerks. Emphasis will be on practical advice to inexperienced practitioners.

3. **Sentencing after Booker (1 hour)**

This panel is designed for lawyers with a criminal practice, and will focus on sentencing procedures and guidelines that are currently followed in the wake of the Supreme Court decision in United States v. Booker. Judge Smith will preside and will be assisted by a prosecutor and a defense attorney. The panel will address factors that are to be considered in sentencing, sentencing reports, the sentencing hearing, revisions upward or downward from the guidelines, and grounds for appeal of sentences.

Materials: United States v. Booker, 542 U.S. 220 (2005); Sentencing Guidelines.

4. **Class Actions under the 2005 reform act (1 hour)**

Class actions pose unique procedures for practitioners, including jurisdictional issues, relation to similar actions in other jurisdictions, class certification, discovery, settlements, attorney's fees and, rarely, trials. Judge Lisi will preside over the panel that includes attorneys with extensive experience in product liability and commercial class actions.

Materials: [First Circuit cases TBD]

5. Appellate Practice (1 hour)

Judge Selya of the First Circuit will lead this panel that will focus on appellate procedures for appeals from the USDC in Rhode Island, docketing and transmission of the record, posting of a bond, stay pending review, mandamus, settlement conferences, briefs and appendices, argument and rehearing en banc. The panel includes an experienced appellate lawyer and a clerk of the First Circuit. The panel also will discuss the selection of three-judge panels and effective appellate argument.

6. Expert testimony post-Daubert (1 hour)

The Supreme Court decision in Daubert v. Merrell Dow Pharmaceuticals is well established as establishing the standard for admissibility of scientific and other expert testimony. Under Daubert, judges are now the gatekeepers to exclude testimony that lacks scientific reliability and is nothing more than "junk science." How do judges evaluate expert testimony under Daubert? Different judges have different approaches to the admissibility expert testimony. This panel, consisting of Senior Judge Lagueux and two experienced practitioners will discuss the use of expert testimony, preparation of expert witnesses, discovery of expert witnesses, the ground rules for expert testimony under the Federal Rules, motions in limine and pre-trial Daubert hearings, and the use of hypothetical questions.

Materials: Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579 (1993); Khumo Tire Co. v. Carmichael, 526 U.S. 137 (1999); Federal Rules 701, 702, 703 and 704.

7. Bankruptcy practice under the new rules (1 hour)

This panel is led by the United States Bankruptcy Judge in Rhode Island and experienced bankruptcy practitioners, who will cover procedures in the Bankruptcy Court, the impact of the 2005 bankruptcy reform act, electronic filing of pleadings, the scheduling and disposition of petitions and motions, trials and trial procedure in this court, creditors' meetings, submission and confirmation of plans.

8. Practice before Magistrate Judges (1 hour)

Magistrate Judges handle a number of matters for the District Court, including criminal arraignments, discovery motions, dispositive motions referred to them, mediation of cases, and settlements. This panel, led by the Magistrate Judges Martin and Almond and the person in charge of ADR in the federal court, will review procedures for these matters.

9. Technology in the Courtroom (1 hour)

The trial of cases these days usually includes the use of technology. The federal courtrooms are wired for the latest technology. This panel features lawyers versed in the use of the technology in trials and the clerk most familiar with courtroom technology. They will discuss the types of technology available, the effective use of technology for both jury and non-jury trials.

10. Multi-district litigation (1 hour)

Dean Logan of Roger Williams Law School will lead this panel in a discussion of the types cases that qualify for multi-district litigation, the selection of judges for multi-district litigation, the procedures for referral to a MDL panel, what to do when a case is referred, settlement and trial of cases in multi-district litigation.