

Minutes of the Executive Committee of the Federal Practice Section

December 1, 2009

In attendance were: Hon. Janet Arterton, David Atkins, Anne Blanchard, Francis Brady, Hon. Warren Egington, Robert Frost, Charles Goetsch, Hon. Janet Hall, Jeffrey Hellman, Hon. Mark Kravitz, Ethan Levin-Epstein, Richard Order, Jonathan Orleans, David Reif, David Rosen, co-chair, Christopher Rooney, Paul Sanson, David Schaefer, James T. Shearin, Frank Silvestri, Elizabeth Stewart, co-chair, Robin Tabora, Hon. Alvin W. Thompson, Jonathan Tropp.

Co-chair David Rosen convened the meeting at 6:50 p.m. at the Quinniack Club in New Haven.

- 1) Attorney Rosen noted that the Federal Rules of Evidence, Bankruptcy, and the Federal Criminal Rules are in the process of being amended. Substantive changes are being made to the rules of bankruptcy and evidence, with stylistic changes being made to the rules of evidence. Judge Kravitz noted the rules of evidence are in the comment stage. Local Rules for Patent Law are also being considered and Jonathan Tropp offered to work on this issue with further with Judge Thompsom.
- 2) Attorney Rosen next reminded members of the Executive Committee that the recent amendments to the Connecticut Federal Local Rules became effective on December 1, 2009, unifying the counting of days for filing timelines. In general, any local rule which requires an action to be taken in 10 business days or less will now be changed to 14 calendar days. Any action to be taken in 15 or more business days will be changed to 21 calendar days.
- 3) The discussion then turned to the pro bono attorney assignment system. Currently, attorneys who have filed an appearance in two or more federal cases within the last two years are sent a questionnaire regarding pro bono cases. Once they return the questionnaire, they are placed on the assignment list, but may 'opt-out' of taking a particular pro bono case. Unfortunately, very few attorneys are actually filling out the questionnaire. Additionally, Judges Kravitz and Hall noted that 8 to 10 attorneys on average opt-out of each case they try to refer. Suggestions such as sending a reminder notice regarding the questionnaire, calling attorneys rather than e-mailing them with about a pro bono case, and requiring mandatory participation were made. Attorney Tabora confirmed that a pro bono fund to pay for deposition and other litigation costs exists to assist attorneys in their pro bono cases. The Executive Committee agreed further discussion on the pro bono issue is warranted.
- 4) David Rosen next shared his experience in China meeting with the drafters of the first Chinese tort law system.
- 5) The Executive Section welcomed Judge Tucker L. Melançon, who has been sitting by designation in the federal district court in Bridgeport.

- 6) Paul Sanson was thanked for his time working on the local rules changes.
- 7) David Atkins reminded committee members that the 2010 Bench-Bar conference will take place on October 8, 2010 and all ideas for presentations are welcome.
- 8) The meeting concluded at 7:38 p.m.