

Minutes of the Executive Committee of the Federal Practice Section

September 29, 2009

In attendance were: Anne Blanchard, George Cahill, Tim Diemand, Willie Dow, Hon Christopher Droney, Ethan Levin-Epstein, Hon. Warren Egington, Jonathan J. Einhorn Vaughan Finn, Charlie Goetsch, Patrick J. McHugh, George O'Brien, Jon O'Hearns, Robert Oliver, Richard Order, Christopher Perry, Frank Silvestri, Jonathan Tropp, Penny Mason, David Rosen, co-chair Tim Shearin, Paul Sanson Elizabeth Stewart, co-chair, Hon. Alvin W. Thompson, Robin Tabora, Chris Rooney.

Co-chair Elizabeth Stewart convened the meeting at 7:05 p.m. at the Quinnipiack Club in New Haven.

- 1) Attorney Stewart set the following dates for the section's calendar:
 - a. 9/29/09: Executive Committee
 - b. 10/27/09: Full Section
 - c. 12/1/09: Executive Committee
 - d. 1/12/10: Full Section
 - e. 3/2/10: Executive Committee
 - f. 4/20/10: Full Section
 - g. 5/18/10: Executive Committee
 - h. 6/8/10: Pine Orchard Social Event
 - i. 10/8/10: Bench-Bar Conference

- 2) Attorney Stewart noted that the new Chief Judge for the Connecticut District Court is the Honorable Alvin Thompson. Judge Thompson briefly address the committee, thanking former Chief Judge Chatigny for his lengthy service in the position and noting the importance of bar committees in assisting the court to carry out its mission. Attorney Stewart then invited new Executive Committee members to introduce themselves and listed the officers and committee chairs as follows:
 - a. Co-chairs: Elizabeth Stewart and David Rosen
 - b. Treasurer: Gary Klein
 - c. Secretary: Anne Louise Blanchard
 - d. Civil Practice, Local Rules and Professional Standards: Patrick McHugh
 - e. Criminal Practice: Hope Seeley and Anthony Kaplan
 - f. Education and Programs: Jeff Hellman
 - g. Legislative Information: Peter Costas
 - h. Bench –Bar Conference: David Atkins
 - i. Court of Appeals: David Schaefer

- 3) Jonathan Tropp addressed executive committee members regarding the recommendations of the ad hoc committee which looked into the issue of the use of cell phone and other electronic devices by non-attorney visitors to the federal courts. The ad hoc committee members had two concerns. First, security issues related to the possibility of electronic devices being used to record testimony or conversations or to expose the identity of confidential witnesses. Additionally, there was concern regarding the potential for those devices to be converted into explosive devices. A second concern was the background interference and noise emitted by the devices. The committee recommended continuation of the current practice of requesting permission from the presiding judge for any non-attorneys who need to bring a cell phone or other electronic device to court and asked that uniform instructions be given to the court marshals regarding this practice. Judge Droney noted that the district court has recently amended its cell phone policy to permit cell phone possession by attorneys with an out-of-state bar card and/or other identification that proves the attorney is present due to official business with the court.¹

- 4) A discussion then commenced regarding the pending amendments to the local rules regarding time computation. 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. A memorandum explaining the need for the changes from the federal Committee on Rules of Practice and Procedures is attached.

The meeting concluded at 8:42 p.m.

¹ Note that the policy was up-dated on 9/11/09 and permits cell-phone retention by attorneys who display a state bar photo identification card, or any other identification that sufficiently establishes that they are attorneys visiting the courthouse on official business