

**Minutes of the Federal Practice Executive Committee Meeting**  
**January 10, 2007**

In attendance were:

Hon. Janet Arterton, Kelli Baranowsky, Francis J. Brady, Peter L. Costas, Hon. Robert N. Chatigny, Jonathan Einhorn, Charles Goetsch, Dorit S. Heimer, Jeff Hellman, Anthony Kaplan, Ethan Levin-Epstein (Co-Chair), Nancy Martin, Richard Order, Christopher Perry, David N. Rosen, Paul Sanson, David R Schaefer, Hope Seeley, James Shearin, Frank J. Silvestri, Elizabeth Stewart, Jonathan Tropp (Co-Chair and Hon. Stefan Underhill.

The meeting was called to order by Jonathan Tropp at 6:30 p.m. at the Quinnipiack Club in New Haven.

1. Chief Judge Chatigny gave a report on the state of the District. He noted that the nomination of Vanessa Bryant has recently been resubmitted to fill the vacancy left by Judge Squatrito's taking senior status, and reported on a few personnel changes in the District Court, including the selection of a new Deputy Clerk and the appointment of an interim Chief Probation Officer. U.S. Attorney Kevin O'Connor will soon be splitting his time between our District and the District of Columbia, where he will be an Associate Deputy Attorney General with responsibility for violent crime. Judge Chatigny reported that since our District is one of the most congested, the Court is looking for strategies to serve as "decongestants," including ways to improve dispositive motion practice and shorten the time to resolution of prisoner litigation. He also expressed the Court's continuing frustration with the lack of diversity in the jury pool and indicated that the Court is considering how to remedy that. On a separate note, Judge Chatigny predicted that Judge Underhill will soon unveil the District's improved home page, which promises to be a great improvement over the current one, characterized by the Chief Judge as "quaint." Finally, Judge Chatigny expressed optimism that the legislature will have a friendlier attitude towards the judiciary and the legal system.
2. Upon motion duly made and seconded, the minutes of the meeting of November 15, 2006 were approved.
3. On behalf of the Newsletter Committee, in Tim Diemand's stead, Jon Tropp reported that Tim has suggested that perhaps the Newsletter has outlived its usefulness and is no longer necessary in light of the improved dissemination of information by email, Court website, etc. In the absence of significant interest in maintaining it, the Committee is considering disbanding.

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4. Elizabeth Stewart reported that proposed local rules relating to electronic discovery and secrecy of jury deliberations have been sent out for comment. There had been some discussion of a local rule or form protective order, but that has been abandoned. She noted that the Judicial Conference has proposed a rule concerning inadvertent disclosure, which is also in the comment period.
5. On behalf of the Education Committee, in David Atkins' stead, Jon Tropp reported that the Federal Practice Section has agreed to participate in two programs – a CLE at CBA headquarters in April or May, and a program at the CBA Annual Meeting in June. The committee is soliciting members to help put together these programs.
6. Hope Seeley indicated that the Criminal Practice Committee will distribute proposed new rules of Criminal Procedure, which are in the comment period, to those who request.
7. There was discussion concerning the recent legislative effort to establish an Inspector General of the Courts, which was perceived by members of the bar as an encroachment on the separation of powers. Peter Costas reported that the bill had been defeated. Tim Shearin reported that the CBA House of Delegates had recently passed a Resolution on a related subject. Peter Costas will obtain additional information on this and will draft a proposed policy statement for consideration by the CBA.
8. The Executive Committee explored a number of possible topics for the April Section meeting, including programs involving District law clerks, Judges or Magistrate Judges, or jurors. No decision was reached except that there was consensus that the idea of a program involving law clerks would not be pursued.
9. There was discussion about proposed revisions to Local Rule 5(e) relating to filing documents under seal. Committee members discussed potential collateral consequences of the proposed rule, including potential impact on the appellate record and possible delay in deciding substantive motions pending resolution of sealing issues.
10. No items of new business were identified from the floor.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Dorit S. Heimer  
Secretary

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<sup>1</sup> Having not seen Peter Costas' letter, I'm just guessing here. Help!

