

Minutes of the Federal Practice Section
Executive Committee Meeting
September 27, 2007

In attendance were:

Nicole Bernabo, Anne Louise Blanchard, George Cahill, Peter Costas, Hon. Peter C. Dorsey, Jeffrey Hellman, Carolyn Ikari, Charles Lee, Ethan Levin-Epstein (Co-Chair), Robert Frost, Hon. Janet Hall, Elsie Mata, Patrick McHugh, George O'Brien, Richard Order, Christopher Perry, Christopher Rooney, David Schaefer, Tim Shearin, Jonathan Tropp (Co-Chair).

The meeting was called to order by Jonathan Tropp at 6:35 p.m. at the Quinnipiack Club in New Haven. A quorum was present.

- 1) Treasurer's Report: Jeff Hellman noted the section is in good financial shape. The Section presently has in excess of \$22,000, which reflects the annual high-water mark following receipt of annual Section dues.
- 2) Jonathan Tropp summarized the remaining committee reports as follows:
 - a) The Civil Practice Committee is currently examining the issues of local offices under Local Rule 83.1(c), general objections to discovery, notices of appeal in civil cases, form protective orders, electronic discovery, and class certification motions.
 - b) There were no reports from the Criminal Practice or Court of Appeals Committees.
 - c) Jonathan Tropp noted that David Atkins, the Education and Programs Committee chair, is looking for ideas for the Section to present at the CBA's Annual Meeting.
 - d) Peter Costas, chair of the Legislative Committee, confirmed there was no legislative news to report this early in the year.
 - e) Jonathan also noted that Tim Diemand, chair of the Bench-Bar Conference Committee is looking for topics for the next Bench-Bar Conference, which will be held on September 18, 2008. The biennial conference will once again be held at St. Clements Castle.
- 3) Jonathan noted that after many years of service, the section's Secretary, Dorit Heimer was stepping down from her position. Jon expressed the section's gratitude to Dorit for her contributions. Jonathan also thanked Jeff Hellman for his many years of service as Treasurer.
- 4) Upon motion duly made and seconded, the Executive Committee confirmed David Schaefer as Vice Chair, Gary Klein as Treasurer, and Anne Louise Blanchard as Secretary.

5) Upon motion duly made and seconded, the Executive Committee established subcommittee chairs as follows:

Criminal Practice: Hope Seeley and Anthony Kaplan

Court of Appeals: David Rosen

Legislative Committee: Peter Costas

Education & Programs: David Atkins

Civil Practice, Local Rules and Professional Standards: Elizabeth Stewart

Bench-Bar Committee: Timothy Diemand

6) Jonathan Tropp next up-dated the Executive Committee regarding Clerk of Court Kevin Rowe's retirement gathering. At the September 18th reception, Jonathan and Ethan Levin-Epstein presented Kevin with a framed resolution by the CBA Board of Governors honoring Kevin's years of service.

The new Chief Clerk, Robin Tabora, begins on October 1.

7) Executive Committee members then discussed the issue of pro bono representation of pro se plaintiffs in federal court. Chief Judge Chatigny has previously raised the concerns of the judges regarding the challenge of the Court's pro se docket. Judge Dorsey discussed his system for determining which cases are appropriate for pro bono assistance, which involves evaluation by lawyers before appointment. Judge Hall mentioned the difficulty she has had in obtaining pro bono representation for the pro se parties she has on her docket. Some concerns were raised by Executive Committee members regarding equitable distribution of responsibility and opportunity, an attorney's ability to withdraw from pro bono cases where appropriate and the need for a system to screen bono cases for assignment to attorneys who practice in a specific substantive area. Issues with respect to malpractice claims and grievances were also discussed. Judge Dorsey noted that the Local Rule regarding pro bono representation is not a voluntary one. A subcommittee of the Federal Practice Section chaired by Jonathan Tropp and Ethan Levin-Epstein is working to propose a method of increasing voluntary participation to avoid the necessity of mandatory participation.

8) At the request of the CBA Committee on Professionalism, the Executive Committee next discussed whether the Section should endorse the development of a set of aspirational standards for professional conduct in federal court. The Committee declined to endorse the development of such standards.

9) Meeting dates for the 2007-2008 year are as follows:

Full meeting: 10/22/07

Executive Committee: 11/27/07

Full meeting: 1/15/08

Executive Committee: 2/28/08

Full meeting: 4/2/08

Executive Committee: 5/21/08

Pine Orchard Social: 6/17/08

10) Jonathan Tropp concluded the meeting by inviting topics for full section meetings; Charles Lee suggested a meeting regarding the effect of the recent changes to the Federal Rules of Civil Procedure now that a year has passed.

11) Judge Dorsey thanked the Section for the framed picture that the Section presented to him last spring and for the recognition of his efforts and those of his colleagues on the Bench.

The meeting adjourned at 7:28 p.m.

Respectfully submitted,

Anne Louise Blanchard
Secretary