

THE SEVENTH CIRCUIT BAR ASSOCIATION

CIRCUIT RIDER

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Editor: Paul F. Donahue

PRESIDENT'S PAGE

OFFICERS OF THE COURT - LAWYERS AND JUDGES AT THE TURN OF THE CENTURY

With this theme the 48th Annual Meeting of the Seventh Circuit Bar Association and Judicial Conference of the Seventh Circuit Bar Association and Judicial Conference of the Seventh Circuit will be held in Milwaukee May 23-25, 1999 at the Pfister Hotel. The program will feature national speakers and include break-out sessions for civil, criminal and bankruptcy judges and practitioners. Supreme Court (and our Circuit) Justice John Paul Stevens will provide the keynote address at the May 25, 1999 annual dinner at the Pfister Hotel. His thoughtful and candid remarks about the Court's work are always entertaining and provocative.

The Honorable Jack B. Weinstein (E.D. N.Y.) is the speaker at Monday's luncheon. In Brooklyn, Judge Weinstein just tried a first-of-its-kind lawsuit targeting major U.S. handgun manufacturers, having ruled that the plaintiffs could attempt to prove industry-wide negligence without the need to identify the manufacturer of the guns involved in each shooting. In 1984, he engineered the \$180 million settlement of claims brought by Vietnam Veterans claiming injuries from the chemical defoliant Agent Orange. For those to whom music is more interesting than mass

tort liability, the alternative is a tour of Milwaukee's Skylight Opera followed by lunch and a cabaret performance.

The Honorable Charles B. Renfrew will keynote the Monday morning session and then join a panel of lawyers and judges in a frank discussion of the rules and relations of bench and bar at the century's end. Judge Renfrew is a former U.S. district judge for the Northern District of California, General Counsel of Chevron Corporation and President of the American College of Trial Lawyers. He recently served as an arbitrator of attorneys fees in the national tobacco cases.

Other civil litigation programs will include additional keynotes and panels on "Technological Opportunities and The Seventh Circuit on the Web" and "ADR Comes to Federal Court." There will also be a program on "Coordination of State/Federal Litigation: Means and Ends" with Professor Francis McGovern with Duke University School of Law and Honorable Robert J. O'Neill, Judge, San Diego Superior Court.

Professor McGovern is a lecturer, writer and court-appointed special master in mass claim litigation and alternative dispute resolution. He will discuss the subjects of his recent article, "*Rethinking Cooperation Among Judges In Mass Torts Litigation*," 44 UCLA L. Rev. 1851 (1997).

Judge O'Neill is coordinating more than 3,500 breast implant cases in California. He will speak about his experience in coordinating multi-forum litigation as well as the activities of state-federal judicial councils in California.

The Bankruptcy Section will address "The New Congress: Prospects for Changing the Bankruptcy Code," featuring presentations by Brady Williamson, Chair of the National Bankruptcy Review Commission and Milwaukee Congressman Tom Barrett.

There is a full day of criminal law programming. On Monday afternoon, May 24th, a panel consisting of judges, a probation officer and a deputy federal defender will present a program on application of the sentencing guidelines, "Downward Departures: Approaches That Work." Tuesday morning's criminal law program will offer the perspectives of a judge, a defense lawyer, and a prosecutor on handling the examination of a "snitch." CJA panel lawyers and federal defenders should find both programs very useful and informative. Six CLE credits are anticipated for the criminal program.

The meeting opens with a cocktail reception on Sunday evening, May 23rd at the Milwaukee Public Museum. Although there is a charge for this and for the luncheon and dinner on Monday and the new lawyers breakfast on Tuesday, the substantive CLE program on Monday and Tuesday is free to members of the Seventh Circuit Bar Association. Membership is \$25 for lawyers practicing less than 10 years and \$50 for lawyers admitted before 1989.

Thanks especially to Judge Ripple, Circuit Executive Collins Fitzpatrick, and Meeting Programs Chair Dan Conley for developing

these programs in consultation with Clerk of Court Gino Agnello and Michael Halfenger (Technology & the Web), Steve Bashwiner (ADR), Reuben Hedlund and Mike Pope (federal-state coordination), Judge Shapiro and Mike Runde (bankruptcy) and Dean Strang (criminal).

Registration materials will follow shortly. If you wish to reserve a room now at the Pfister Hotel, please call 1-800-558-8222 (in Milwaukee call 414-273-8222). Rates are \$115 (single), \$135 (double), \$155 (suite-single), \$175 (suite-double).

THE SEVENTH CIRCUIT BAR ASSOCIATION WEBSITE IS UP AND RUNNING

Thanks to the extraordinary efforts of the Seventh Circuit's Clerk of the Court, Gino Agnello, and its Systems and Network Manager, Howard Vigorita, our Association website is now online. To access it, first go to HYPERLINK <http://www.ca7.uscourts.gov/> <http://www.ca7.uscourts.gov/>, the Court's homepage. From the choices offered on that screen, select The Seventh Circuit Bar Association in the very center, and you're there.

The site then offers the following menu:

- Welcome from President Stuart Parsons
- Directories
- Minutes of Meetings
- Judicial Surveys
- Links
- Application

More than merely having an Internet "presence," this site is packed with value. The Directories, for example, go two steps better than the printed Directory mailed to members each year. Except for the officers, each listing of governors, past presidents, committees and liaison representatives in the printed directory is simply a list of names. If you are looking for the 1997 President of the Association, you will learn only that David Bennett of Chicago filled that post. To find his contact information, you must page back through Illinois, find Chicago, and then find Dave.

On the website, all names appear in the Directories with addresses, voice and fax numbers, and (in most cases) e-mail addresses. The second step of the improvement over the printed Directory is that the e-mail addresses are live links so that you can locate the right person and e-mail them all in one double-click.

The Judicial Surveys now posted are from the Eastern and Western Districts of Wisconsin and the Central District of Illinois. They are full of specific information about how things are done, court-by-court, on such practical topics as:

- Telephone conference calls
- Procedures for resolving scheduling conflicts
- Calendaring TROs, preliminary injunction hearings, contempt hearings
- Criminal evidentiary/suppression hearings

If you do not practice in the Central District and have never been before District Judge Mihm, for example, accessing his Judicial Survey responses will provide a head start on the action in that court in which you suddenly find yourself. Information is

available in both .html and .pdf formats for most surveys.

The Links section alone is worth the effort to access the website. Not the usual page or two list of links, this is a vast collection of live links and meaningful descriptive comments that runs 35 single-spaced pages if printed out. This is one of the most complete listings of law-related sites to be found. All people in your organization doing research should be required to visit it or be provided with a printout of the offerings.

The scope of Links can only be suggested by noting some of the more unusual sites waiting for the click of a mouse:

- Avalon Project--documents from the Code of Hammurabi to the 20th Century
- U.S. Sentencing Commission Patent Law Jury Instructions

Finally, a downloadable membership application is available so that you have no excuse for not signing up that new associate. The unique relationship of the bench and bar in the Seventh Circuit has launched this site. Take advantage of it!

—*Craig Pinkus*

**THE SEVENTH CIRCUIT
SETTLEMENT CONFERENCE
PROGRAM: AN APPEALING
ALTERNATIVE**

When Federal Rule of Appellate Procedure 33 was amended in 1994, the word

"settlement" appeared for the first time. The earlier version of Rule 33 allowed for "prehearing conferences" but it primarily was limited to simplifying the issues on appeal. Amended Rule 33, unlike its predecessor, is not merely a tool to assist the Seventh Circuit but a mechanism under which cases may be resolved altogether. FRAP 33 provides:

The Court may direct the attorneys, and in appropriate cases the parties, to participate in one or more conferences to address any matter that may aid in the disposition of the proceedings, including the simplification of the issues and the possibility of settlement. A conference may be conducted in person or by telephone and be presided over by a judge or other person designated by the court for that purpose. Before a settlement conference, attorneys must consult with their clients and obtain as much authority as feasible to settle the case. As a result of a conference, the court may enter an order controlling the course of the proceedings or implementing any settlement agreement.

In September 1994, the Seventh Circuit hired Joel N. Shapiro, a former partner at the Chicago law firm of Sachnoff & Weaver, to head its settlement program. Several months later, the Court appointed settlement attorney Roger W. Wenthe from the venerable Chicago-based law firm of McDermott Will & Emery. For the past four and one half years, Shapiro and Wenthe have achieved remarkable success in their roles as settlement attorneys. Forty-six percent of the 400 cases annually assigned to the Settlement Conference Program are settled. That means roughly 200 cases a year are resolved without any involvement by the Judges of the Seventh Circuit.

Considering that there are approximately 1,300 cases annually which are eligible for Rule 33 designation, the Settlement Conference Program permits the Court to allocate significantly more time and resources to other cases or matters.¹ With the addition of a third settlement attorney expected in the near future, the prospect of even fewer cases reaching chambers seems certain.

Rule 33 is a form of mediation. The settlement attorneys do not make decisions which bind the parties, nor do they pass along recommendations to the Judges. Their primary function is to find common ground upon which the parties may settle their disputes. In the true spirit of mediation, Shapiro and Wenthe avoid coercive tactics. However, the settlement attorneys are not shy about emphasizing the uncertainty, time, and cost of appeal when attempting to soften a stubborn appellant or respondent. Additionally, caucusing can also be an effective technique of bringing sides closer together.

The only requirement imposed on the parties is good-faith participation. Indeed, Shapiro cites examples of cases where parties were bitterly adverse at the outset but nevertheless were able to reach an agreement because they mediated in good faith. Getting the parties to negotiate in good faith while removing the hyperbole from the settlement negotiations is no small task. Apparently, Shapiro and Wenthe have honed their skills quite well. Ten percent of the cases in the

¹ Criminal cases, pro se litigants, immigration, social security, habeas corpus, prisoners' civil rights, and mandamus matters are excluded from settlement conference assignment.

settlement program are the result of attorneys requesting that their case be designated for FRAP 33 treatment. Usually, the attorney who makes such a request is a previous participant in the program.² Shapiro notes that 55% of requested cases settle.

Cases are randomly selected for settlement conferences. After parties receive notice that their case has been assigned pursuant to Rule 33, the settlement attorneys contact them and arrange a meeting time. Once assigned to the program, participation is mandatory. Many conferences are conducted telephonically, but in-person conferences are held regularly at the Settlement Conference Program Offices in Chicago at the United States Courthouse. Occasionally, Shapiro or Wenthe even travel the Circuit to hold conferences. The settlement attorneys require that the lead attorney for each side to be present at the conference. Although a client's presence is not mandatory, Shapiro or Wenthe may order it if they believe it will assist in settling a matter. In either case, someone from each side must either be present at the conference or immediately available by telephone who has full settlement authority.

The settlement attorneys become familiar with a case by reviewing the notice of appeal, the docketing statement, the district court docket sheet, or the decision from which the appeal arises. Although briefing is not stayed when a case is assigned to the program, it may be deferred if it will facilitate settlement. The substance of all settlement conferences are off the record and strictly confidential. In other words, the Seventh Circuit Judges are not

² Shapiro stated that requests for assignment will be kept confidential if a side so desires.

privity to anything which transpires during the meetings.

Shapiro and Wenthe encourage all parties to approach settlement with an open mind and realistic expectations. Attorneys should make every effort to familiarize their clients with the process and explain the potential benefits which may be derived from it. Empirical evidence strongly suggests that adversaries who willingly come to the mediation table have a greater likelihood of success. Participating attorneys, as much as Shapiro and Wenthe, play a significant role in selling the process to a client. To that end, Shapiro stresses that unlike an appeal, there are no risks in a settlement conference.

—Charles Chejfec

INTERESTING STATISTICS ABOUT THE COURT OF APPEALS

For the last several years, there have been about 3,300 filings in the Court of Appeals. About half of them are terminated procedurally as settled, withdrawn, dismissed for want of prosecution or failure to pay fees. Of the 1,415 cases terminated on the merits, all of which are by written reasoned decisions, 839 were with argument and 576 were without argument. Almost all of the latter group are cases in which there is a pro se appellant or simple cases in which counsel have waived argument.

The court is very current with the cases being set for argument a little more than a month after the reply brief is filed. The median time from notice of appeal in civil

appeals to disposition after oral argument is 10.3 months and 25.9 months from filing of complaints in the district court to final disposition in the Court of Appeals. For criminal appeals the median time from notice of appeal to final disposition is 9.5 months and the time from filing of the indictment to final disposition is 23.7 months. Sixteen percent of civil cases and 8 percent of criminal cases are reversed.

—Collins T. Fitzpatrick

DISCLOSURE STATEMENT REQUIRED

The Court of Appeals now requires a disclosure statement to be filed by all parties and all amici. This is required to be included with the principal brief and any petition for rehearing as well as upon the first filing of a motion or response. The disclosure statement is to include all the names of all law firms whose partners or associates have appeared for the party or amicus or who are expected to appear. This information can be combined with the information in the corporate disclosure statement required by FRAP 26.1. Your initial motion, response, brief, or petition for rehearing will not be filed without the proper information as required by FRAP 26.1 and Circuit Rule 26.1. This is new since the 1999 edition of the *Practitioner's Handbook* so you need to make note. The language of the new rules should be posted on the Court of Appeals web site (<http://www.ca7.uscourts.gov>) within the next several weeks.

—Collins T. Fitzpatrick

GODICH CELEBRATES TWENTY-FIVE YEARS

Chief Magistrate Judge for the Southern District of Indiana, John P. Godich, recently celebrated twenty-five years as a Magistrate Judge. Judge Godich's current and former staff members recognized this milestone at a dinner party, and presented Magistrate Godich with a rocking chair engraved with the seal of the Court to commemorate the occasion.

—Brian W. Welch

SOME COMMENTS ON THE STATE OF TECHNOLOGY IN THE DISTRICT COURTS

TECHNOLOGY IN WISCONSIN DISTRICT COURTS: KNOW WHAT IS AVAILABLE AND USE IT

Federal district courts in Wisconsin continue to explore and implement the latest developments in courtroom technology. These developments promise to improve case management, reduce trial time and enhance juror understanding. Yet few attorneys take advantage of the technology that is currently available.

For example, attorneys practicing in the Eastern or Western District of Wisconsin can access the court's docketing system from their office. The docketing system is available to anyone with a computer and a modem. To implement remote access to the Western District of Wisconsin, simply contact PACER at 1-800-676-6856 for a login and password. There is a nominal charge per minute. Attor-

neys can also obtain a manual on the system in the Western District by sending an e-mail to pacer_info@wiwd.uscourts.gov. Any additional questions will be answered by Eric Selje at 608-264-5156 (ext. 3455). In the Eastern District, contact the Systems Manager, Jeff Runge, at 414-297-3393 or Automation Assistant, Marge Kilpatrick at 414-297-3416, for a login or password. There is no charge for accessing the system in the Eastern District.

The docketing systems used by the two districts are slightly different. The Western District of Wisconsin designed its own system, which it refers to as JAMS ("Judicial Automated Management System"). JAMS can be accessed seven days a week and is always current. The system identifies parties, case number, names and addresses of counsel, all documents on file, and all orders that have been entered. It is possible to search for a case where only one litigant's name is known, and the system enables the court to automatically track prisoner payments mandated by the Prison Litigation Reform Act.

The Eastern District of Wisconsin uses ICMS ("Integrated Court Management System"). Similar information is available on ICMS, but it requires manual tracking of collections and prisoner payments. The public can access ICMS through PACER, and the information is downloaded every evening. Thus, there is a 24-hour delay from the time a document is entered to the time it is available through PACER.

Electronic courtrooms are a reality in the Western District of Wisconsin. All courtrooms are wired for such technology, and two courtrooms are currently in use. An electronic courtroom offers monitors for the attorneys and jurors, an exhibits display device

("ELMO"), light pens, television and vcr, and video conferencing. The ELMO allows attorneys to display exhibits -- not just hard documents -- on the jurors' monitors. The exhibits can be marked by the attorney or witness using a color-coded light pen. In addition, the Western District has purchased a mobile control panel ("CENTRON") that enables attorneys to use the technology by simply clicking on the appropriate icon. The courtrooms are equipped to handle any other technology that an attorney wants to use, such as a CD-ROM or a personal computer.

Although the Eastern District does not currently offer this technology, there are plans to add an electronic courtroom in the near future. Several judges use laptop docketing systems to access WESTLAW and the network from the bench, and attorneys appearing in Judge Clevert's court are asked to submit summary judgment motions, proposed findings, proposed jury instructions, voir dire and verdict forms on disk. At this stage, attorneys wishing to use electronic equipment should contact their respective court in advance of trial.

—Joan Harms

ELECTRONIC SERVICES IN ILLINOIS DISTRICT COURTS

Central District of Illinois: They do not allow for electronic filings or notices, nor do they allow for filing or notices by fax to the Court. The Court is in the process of investigating electronic filing and notices. They do subscribe to the PACER system which does allow for the entire docket of a case to be

accessed and for access to the individual docket entries. They do have one courtroom which is wired for "real time" court reporting with the software system Case View. There is no official bulletin board. The Clerk did state that they were attempting to get in the forefront of the technological advances but that they were very concerned about security of files and information and limiting access from the outside to their networks.

Southern District of Illinois: They also do not allow for electronic filings or notices, nor do they allow for filing or notices by fax. They also subscribe to the PACER system and they have microfiche records for the old cases. They have computers in the courtrooms only for the clerks to input data. They do not have a courtroom that is specially set up for computer access. They also do not have an official bulletin board.

Northern District of Illinois: They do not allow for electronic filing or fax filing. They subscribe to the PACER system.

—*Julia Mannix*

TECHNOLOGY REPORT FOR INDIANA

Southern District of Indiana

Clerk's Office

No fax or electronic filing as of yet. The Southern District has a computer program entitled "READS" which allows outside access to the criminal and civil dockets. Since March 7, 1997, the public has been able to obtain

information about cases filed in the U.S. District Court for the Southern District of Indiana without visiting the courthouse. This information may be downloaded to an outside personal computer and printed at no cost.

The Southern District has adopted a unique docketing system for all district courts, "Judicial Automated Management System" ("JAMS"), which is only being used by the Western District of Wisconsin, the Southern District of Indiana and either Puerto Rico or the U.S. Virgin Islands. This is a locally-developed program which allows the district the flexibility of updating and modifying its docket. The rest of the districts are on the "Integrated Court Management Systems" ("ICMS"). JAMS is a DOS-based rather than a UNIX-based operating system. JAMS has helped with the recent Prisoner Litigation Reform Act ("Act"), as it has the capability of automatically tracking prisoner payments mandated by the Act. The district courts utilizing ICMS have to do their own collections and manually keep track of all prisoner payments.

The public can electronically access JAMS between 7 a.m. and 12 a.m., seven days a week. In each pending case, JAMS identifies the parties, the case number, the names and addresses of counsel, all documents which have been filed, and the orders which have been entered. JAMS also has a search function which will find a case when only the case number or one litigant's name is known.

Previously, most requests for information about federal cases pending within the Southern District of Indiana were made by telephone to or in person at the U.S. District Court Clerk's Office in Indianapolis, Terre Haute, Evansville and New Albany. The public could access JAMS only through

computers in the lobby of the U.S. District Court Clerk's Office but had no ability to print the information found in JAMS. When someone requested a copy of court docket sheets, the Clerk was required by statute to charge .50 cents per page in most instances.

Now any member of the public with access to a personal computer (and modem) with certain minimum specifications may access JAMS. To implement remote access to JAMS, please call Dale Nellis (317) 226-7425 at the Clerk's Office.

The information which can be accessed electronically on JAMS on any given day will be current as of 11:59 p.m. of the preceding day.

Electronic access to JAMS will be limited to one hour per session. The user will be "logged off" the JAMS system automatically after 5 minute of inactivity. The Court strongly recommends that individuals electronically accessing JAMS download into their own computers the information which they are seeking. That approach will allow those individuals to review and print the information at their leisure. Also, downloading the information likely will lessen the amount of time which each person spends in JAMS and therefore enhances the ability of others to access the system.

Although not required by local rule, some of the judges (notably Judge John Tinder) prefer that all hard copies of certain filings (i.e., proposed findings of fact and conclusions of law) be accompanied by a diskette for the court's convenience.

The bankruptcy courts have long been using NIBS which is dependent upon Washington for all modifications.

Court Room

All district courts are equipped with TVs and VCRs. The district courts have a portable evidence presentation system, "DOAR." DOAR is a cross between a closed-circuit television and an overhead projector. Pictures and evidentiary matters can be mounted on the DOAR and displayed on a TV screen to be viewed by the jury. The DOAR is operated by remote control and includes a pointer device. This system can be moved from courtroom to courtroom as necessary.

Video Conference Capability. The district courts are being connected to different state and federal correctional facilities and the Indiana Attorney General's Office to allow for video conferencing. This allows the federal judges to hold hearings without having to travel to the different correctional facilities so that incarcerated parties can attend the hearings. The other agencies and correctional facilities that are also connected to the network are the Indiana Attorney General's Office, Sullivan Circuit Court, Wabash Valley Correctional Facility, and Plainfield Correctional Facility. The Indiana Department of Corrections has made a request for the Branchville Correctional Facility to be online. The Marion County Jail and the Terre Haute Federal Penitentiary have been wired to participate but are not yet online.

Real Time Court Reporting. The majority of court reporters provide real time court reporting so that attorneys can download the "dirty copy" of the transcript at the end of each trial day. The counsel must pay this fee directly to the court reporter and must request real time court reporting before the beginning of a trial.

Credit Cards. Filing fees and all copy work can be paid by credit card.

Hearing-impaired equipment is available for all witnesses and/or hearing-impaired jurors.

There are sound systems in the majority of the courtrooms. Most of the courtrooms are equipped with wireless microphones which allow counsel to move around the court rooms freely.

The majority of judges in the Southern District have computers on their bench and have access to the network. They can access the docket sheet, Westlaw, etc. This capability is also available to the courtroom deputies.

Northern District of Indiana

Clerk's Office

No fax or electronic filing as of yet. The Northern District utilizes the ICMS computer program which allows outside access to the criminal and civil dockets. Through ICMS, the public can obtain information about cases filed in any U.S. District Court nationwide. This information may be downloaded to an outside personal computer.

Although not required by local rule, some of the judges are encouraging counsel to submit diskettes of jury instructions at the time counsel submits the written copy.

Court Room

Judge William Lee and Judge Robert Miller's courtrooms in the Northern District have installed "ELMO" equipment. ELMO is the brand name for an exhibit display device.

An ELMO monitor will be located on the witness stand, bench, counsel table and in the jury box. Every two jurors have one monitor. ELMO will allow counsel to display exhibits on the monitor for viewing by witness, judge or jury. ELMO contains an electronic monitor which can be used by witnesses to emphasize information displayed on the monitor. The markers can be color-coded for each different witness. ELMO also allows counsel to print any frame of the displayed exhibit. The exhibits can be accessed from counsel's laptop. ELMO is superior to the "DOAR" system in the Southern District as the DOAR system can only be used for hard documents.

All district courts are equipped with TVs and VCRs.

Video Conferencing Capability. The Northern District has video conferencing between South Bend and the Indiana Attorney General's Office. The Northern District has received approval to install video conferencing at the Westville Correctional Facility and the state prison in Michigan City. The Northern District hopes to expand the video conferencing capability to the Fort Wayne and Hammond Divisions.

Judge William Lee's court is equipped with real time court reporting.

Hearing-impaired equipment is available for all witnesses and/or hearing-impaired jurors.

There are sound systems in all court rooms, with the exception of the courtroom in Lafayette, Indiana. Most of the courtrooms are equipped with wireless microphones which allow counsel to move around the courtrooms freely.

The judges in the Northern District have computers on their bench and have access to the network. They can access the docket sheet, Westlaw, etc. This capability is also available to the courtroom deputies.

—Elizabeth G. Russell

**THE U.S. DISTRICT COURT FOR
THE NORTHERN DISTRICT OF
ILLINOIS HAS A WEBPAGE!**

The internet address for the United States District Court for the Northern District of Illinois is "www.ilnd.uscourts.gov." This latest website is an invaluable tool for practitioners. It contains such general information as the addresses, courtrooms and minute clerks for each judge. Specific information regarding each judge's standing orders, courtroom procedure, motion practice, daily calendars, and recent opinions can also be found. Additionally, all general, civil, and criminal local rules can be read or downloaded. This feature may be particularly helpful for those who have difficulty finding hard copy versions of recently enacted local rules, such as local civil rule 3 (removal requirements).

Practitioners should also note that the Clerk's Office provides forms which can be downloaded. Appearance forms, subpoenas, and pre-trial order forms are a few examples of the available documents which can be filled out and printed in your own office. The web page is set up with hyperlinks which means you may toggle instantly between features with the click of a mouse button. To familiarize

yourself with all the website has to offer, simply type in www.ilnd.uscourts.gov.

—Charles Chejfec

**SENATOR DURBIN OPENS MERIT
SELECTION PROCESS TO FILL
FEDERAL JUDICIAL VACANCY**

Senator Dick Durbin has announced a judicial merit commission will begin accepting applications for a vacancy on the U.S. District Court for the Northern District of Illinois. Durbin recently appointed a nine-member merit commission to help him find the most qualified individuals for the vacancy. The panel will review applications received by the close of business on Friday, April 2, 1999. Martin Castro, a partner at Baker & McKenzie will serve as chairman of the merit commission. Other members include Abner Mikva; Ertharin Cousins-Moore; Sharon Jones; Deborah Walker; Dennis Mondero; William Quinlan; Christine Tchen; and John Cox.

The commission will forward the names of the finalists to Durbin, who will then recommend one of them to President Clinton. In making nominations for federal trial court judges, presidents traditionally take the advice of the senior senator of the president's party. Durbin will consult with U.S. Senator Peter Fitzgerald before making a recommendation.

Application materials may be obtained from Durbin's Chicago office at 230 South Dearborn, Suite 3892, Chicago, IL 60604. The telephone number is (312) 353-4952.

—Martin R. Castro

The Joint Annual Meeting of the Seventh Circuit Bench and Bar will feature a number of panels that are interested in your input on the topics to be discussed. Please take the time to respond in writing by letter or e-mail to one or more of the following questions. Responses should be addressed to Dan Conley, Quarles & Brady LLP, 411 East Wisconsin Avenue, Milwaukee, WI 53202-4497 or by e-mail to dec@quarles.com.

BENCH/BAR SURVEY

IMPROVING THE ADMINISTRATION OF JUSTICE IN THE SEVENTH CIRCUIT

1. Where do you primarily practice/judge?

GENERAL CIVIL/CRIMINAL SURVEY

1. Which Federal Rule of Procedure would you change if you could? How? Why?
2. Which Federal Rule of Procedure works best and why?
3. Which Local Rule would you change if you could? How? Why?
4. Which Local Rule works best and why?
5. What single practice of judges would you change if you could?
6. What single practice of lawyers would you change if you could?
7. What is the single thing that even good judges do that you find most troublesome?
8. What is the single thing that even good lawyers do that you find most troublesome?
9. What types of programs do you think should be featured at future Seventh Circuit meetings?

ALTERNATIVE DISPUTE RESOLUTION

District courts will soon be required to set up some sort of formal alternative dispute resolution program.

1. What ADR techniques do you find most helpful?
2. What ADR techniques do you find most ineffective?
3. What suggestions do you have for practices your District should adopt?
4. What are your views on ADR generally?

TECHNOLOGY

1. What information would you find most helpful on a web site at the District level?
2. At the Court of Appeals level?
3. What technological advances would you like to see the courts at the District or Appellate level adopt and why?
4. Would you like to see the District or Appellate Courts begin using video conferencing technology in connection with court proceedings? Why or why not?
5. Any other suggestions as to the current or potential use of technology in the federal system?
6. What are your views on electronic court filings (including perceived technological difficulties, whether such filings should be mandatory, the scope of items subject to electronic filing, and whether such filing will affect public access)?

GENERAL SUGGESTION

1. Any other suggestions as to how the administration of justice might be improved in the Seventh Circuit?