

SEVENTH CIRCUIT BAR ASSOCIATION
MEETING OF THE BOARD OF GOVERNORS
AND COMMITTEE CHAIRS

DECEMBER 8, 2001

MINUTES

A meeting of the Board of Governors and Committee Chairs of the Seventh Circuit Bar Association was called to order at 10:00 A.M., Saturday, December 8, 2001, at the offices of Vedder Price, 222 North LaSalle Street, Chicago, Illinois, by President Karen P. Layng. Present were:

OFFICERS AND COMMITTEE CHAIRS: Karen P. Layng, President; William H. Levit, Jr., First Vice President; Michael A. Pope, Second Vice President; Patricia Polis McCrory, Secretary/Meetings and Arrangements – General Chair; Howard L. Adelman, Treasurer; James R. Figliulo, Membership – General Chair; Sergio E. Acosta, Administration of Justice – General and Illinois Chair; John T. Brown, Library and Furnishings – General and Illinois Chair; G. Michael Halfenger, Rules and Practice – General Chair; J. Andrew Langan, Meetings Programs – General and Illinois Chair; Julie A. Bauer – Board of Governors – Illinois, Memorials – Illinois Chairs; Morris O. Pasqual, Criminal Law and Procedures – Illinois Chair; Jack A. Strellis, Board of Governors – Illinois; Kathleen S. Donius, Board of Governors – Wisconsin; John C. Hamilton, Liaison Representative – N.D. Indiana; John Wood, Administration of Justice – Indiana Chair; Richard L. Darst, Immediate Past President; Joel N. Shapiro, Settlement Conference Attorney; Gino J. Agnello, Clerk of the Circuit Court of Appeals; Joel D. Bertocchi, Rules and Practice – Illinois Chair; Daniel E. Conley, Board of Governors – Wisconsin; William E. Duffin, Meetings Programs – Wisconsin Chair; The Honorable John Paul Godich, Portraits – General Chair; Joan M. Harms – Junior Membership – General Chair; Reuben L. Hedlund,

Board of Governors – Illinois; Max W. Hittle, Jr., Board of Governors – Indiana, Rules and Practice – Indiana Chair; Donald G. Kempf, Jr., Past President; Julia D. Mannix, Technology – Illinois Chair; Charles J. Meyer, Technology – Indiana Chair; Michael D. Monico, Board of Governors – Illinois; James Santelle, ED Wisconsin Liaison; Lory Barsdate Easton, ND Illinois Liaison; Thomas F. Strubbe, Assistant Treasurer; Deborah L. Thorne (Bankruptcy Law & Procedure – General Chair; and Jack J. Crowe.

I. Call to Order

A. The meeting was called to order by President Karen Layng. The President welcomed all the Board of Governors and Committee Chairs. A motion was made to approve the Minutes of the September 8, 2001 Board of Governors Meeting held in Chicago, Illinois. Several corrections were noted to the September 8th Minutes, and after noting said corrections, the Minutes were approved as corrected.

B. and C. Chief Judge’s Report and Circuit Executive’s Report: Collins Fitzpatrick submitted a joint report for the Chief Judge and Circuit Executive. It was noted that the date of the Annual Conference needed to be changed to May 5-7, 2002, in order to accommodate the schedule of The Honorable John Paul Stevens. Collins Fitzpatrick noted that the calendar for the Court was in great shape and that District Court filings were level. Criminal filings, however, were down. Bankruptcy filings had increased dramatically, including the increase of Chapter 11 filings in the Bankruptcy Court system. Collins Fitzpatrick further noted that there were certain vacancies within the Circuit, including two District Court vacancies, one in the Northern District of Illinois and the other in Green Bay, Wisconsin. Collins Fitzpatrick then reviewed the Amendments to the Judicial Misconduct Rules, noting that there were no significant changes. He also noted that the Judicial Conference Report had been submitted and that it dealt with items

such as what could and could not be on the Internet. For example, Social Security numbers cannot be on the Internet. Criminal information, likewise, cannot be on the Internet. A new judgeship bill was pending in Congress, and Collins Fitzpatrick noted that it looked like it would most likely pass. Additionally, it was also noted that bank legislation was also pending in Congress.

D. Clerk's Report: Gino Agnello discussed the receipt of mail in the Clerk's office and its impact on "floppy disks," noting that most of the mail that is received in the Clerk's office is "cooked" and that accordingly, some floppy disks have been damaged. Gino Agnello also reviewed certain amendments to the Federal Rules, including Rule 32, which included an opt-out process and Rule 31(e), governing electronic filing. Gino Agnello further noted that Rule 31(e), regarding electronic filing, included the biggest change, further noting that there was a PDF requirement for filing briefs with the Court. Gino Agnello noted that if a practitioner could not comply with the PDF requirement, the practitioner was to notify the Court and complete an appropriate certificate regarding the inability to comply with PDF.

E. Strategic Planning Committee Report: Mike Pope reported that the Strategic Planning Committee had met in September. As a result, the Strategic Planning Committee recommended that the structure of the Association be examined. It was specifically noted that the Association needed to strive to be more inclusive and to get others more involved. It was also recommended that an emphasis be placed on membership growth.

II. Treasurer's Report.

Howard Adelman distributed the Treasurer's Report for the period along with Interim Reports for the same period in prior years. In reviewing the Treasurer's Report, Howard Adelman noted that the Annual Meetings seemed to carry their own weight at each conference.

The Treasurer further stated that Sidley & Austin had volunteered to pay for the Association's first Bench and Bar meeting. It was estimated that the meeting cost would be approximately \$11.50 per person.

III. Committee Reports

A. Meeting Arrangements and Meeting Programs: A presentation was made regarding arrangements for the May 5-7, 2002 Annual Meeting to be held in Chicago, Illinois. A handout was presented of the proposed schedule for the meeting. The theme of the meeting is "Law and Economics." The opening reception has been scheduled for the Dewes Mansion. Luncheon and dinner speakers being considered include Attorney General John Ashcroft and National Security Advisor Condoleeza Rice.

B. Administration of Justice: Sergio E. Acosta reported that since September 11th, his committee was exploring potential prominent local experts for the Annual Meeting.

C. Alternative Dispute Resolution: Joel N. Shapiro reported on the September Settlement Conference program his committee is developing. The goal of the program is to discuss alternative methods to advocate for the client and settle cases.

D. Bankruptcy: Deborah L. Thorne reported that the committee was working on a bankruptcy program for the Annual Meeting. Those involved in the planning included Tom Yoder, Deborah Thorne, Howard Adelman and the Honorable Susan Pierson Sonderby.

E. Circuit Rider: Karen Layng presented to the Board of Governors alternative logos for the Circuit Rider. After presenting the same, she asked that comments on the prospective logos be sent to her.

F. Criminal Law and Procedure: It was reported that the Criminal Law and Procedure committee would have a program at the Union League Club on February 27, 2002 from 8:00-9:30 A.M. The topic would be Federal Sentencing Guidelines.

G. Junior Membership: Joan M. Harms reported that the Junior Membership had been involved in a Trial and Appellate Practice Program held on November 9, 2001 in Milwaukee. The program had targeted new members by purchasing a mailing list of newly admitted lawyers and sending material to them regarding the program. Judge Evans and Joel Shapiro had both spoken at the program and tours of the courthouse had been given with an electronic courtroom being shown to the attendees. Comments regarding the program indicated that it was well received.

H. Library and Furnishings: No report.

I. Membership: It was noted that a bench and bar program on Pretrial Conferences had been held in November. In part, the goal of such program was to increase membership. As to future programs, it was suggested that a charge may be implemented for nonmembers. Mike Pope, from the Strategic Planning Committee, also suggested that an effort be made to track the number of people who come to the “bench and bar” programs and the number of those who become members of the Association. A program has been scheduled for January 24, 2002, dealing with “Balancing Professional and Personal Life Perspectives.”

J. Memorials: Jack Strellis indicated that he would be preparing the memorials for the upcoming year.

K. Portraits: It was reported that all Court of Appeals Justices have been painted. Photos of the District Judges are mostly current. Any District Court Judges who have not been photographed will be photographed at the Annual Conference in May of 2002.

L. Representation of Indigents: No report.

M. Rules and Practice: It was reported that the comment period for amendments to the Federal Rules closes by February 15, 2002. Rule 23 contains substantial changes, including changes in the notice requirement. In addition to Rule 23, other significant amendments have been made to Federal Rule 51, noting that if a party proposes a jury instruction, and it is not given, this issue will automatically be preserved for appeal. Federal Rule 53 also contains significant amendments regarding Special Masters. Judge Miller held a conference to initiate discussion on pattern jury instructions for the Seventh Circuit, especially in the civil context.

N. Technology: Charles Meyer reported that the committee was exploring new options for the Web site, as well as putting the directory in electronic format. At this point, the committee was getting quotes for the Web site. The second priority for the committee was electronic mail and on-line systems for the Association.

O. District Liaisons: Indiana: It was noted that in the Fort Wayne and South Bend divisions of Indiana, criminal filings were up. It was anticipated that on-line filing would begin on October 1, 2003. It was also announced that the Hammond Courthouse is expected to open in May of 2002. Construction issues had been involved with the Hammond Courthouse since it sits on a flood plain. The Bankruptcy Court anticipated electronic filings as of November, 2002.

IV. Old and New Business

No additional business was noted.

V. Motion to Adjourn

A motion to adjourn was made, seconded and approved. It was announced that the next meeting of the Association would be on March 2, 2002 at Vedder Price.