

UNITED STATES DISTRICT COURT
District of Kansas

Bench-Bar Committee Meeting

MINUTES OF OCTOBER 3, 2017, 11:30 A.M.

TOPEKA, KANSAS

IN ATTENDANCE:

HONORABLE JULIE A. ROBINSON, CHIEF JUDGE
HONORABLE ERIC F. MELGREN, JUDGE, CHAIR
HONORABLE DANIEL D. CRABTREE, JUDGE
HONORABLE TERESA J. JAMES, MAGISTRATE JUDGE
HONORABLE JANICE MILLER KARLIN, CHIEF BANKRUPTCY JUDGE
MELODY BRANNON, FEDERAL PUBLIC DEFENDER
TOM BEALL, ACTING U.S. ATTORNEY
SCOTT A. WISSEL, ESQ.
SHAZZIE NASEEM, ESQ.
TARA EBERLINE, ESQ.
JEFFREY A. CHANAY, ESQ.
BLAKE A. SHUART, ESQ.
RYAN C. HUDSON, ESQ.
LARKIN E. WALSH, ESQ.
TIMOTHY M. O'BRIEN, CLERK OF COURT
INGRID A. CAMPBELL, CHIEF DEPUTY
JEFFERY L. BREON, FINANCIAL MANAGER

NOT PRESENT:

HONORABLE JAMES P. O'HARA, CHIEF MAGISTRATE JUDGE
CHARLES BRANSON, CHAIR KANSAS BENCH-BAR
JEFF C. SPAHN, ESQ.
DIANE H. SORENSEN, ESQ.

1. APPROVAL OF MINUTES

The Committee unanimously approved the May 12, 2017, meeting minutes.

2. EXPANSION OF CITELINK AS A FILING PREVIEW OPTION

In following up on an email previously sent to the Committee, Tim O'Brien asked if the members had had a chance to view or had any experience with CiteLink as a filing preview option. Following a brief discussion, the general consensus was in favor of the court rolling out CiteLink so that lawyers know how to link their own citations such that the court can get more out of their briefs. Tara Eberline said she thinks it's a nice feature. No concerns were expressed about having to upload a brief, just long enough to preview it, in advance of filing. Shazzie Naseem suggested a 2-minute tutorial be created and included in the rollout.

3. PRO BONO APPOINTMENTS IN CIVIL CASES

Judge James proposed that a letter drafted by Laura Shaneyfelt be sent to Second-Chair graduates to encourage their participation in civil pro bono appointments. A question arose as to who would send the letter out. Chief Judge Robinson said that approval of the letter and the matter of where or who it should originate from would be referred to the judges.

Melody Brannon stated that a lot of people are afraid to take on a case for fear of what it might turn into. Tom Beall added that attorneys getting sued for malpractice can also be a deterrent. Judge Melgren said that the Federal Bar Association has considered managing the recruitment process and he could take the topic back to them to revisit.

Chief Judge Robinson suggested the possibility of limited or staged representation. Ms. Brannon put forth the idea of appointing counsel on a consultation limitation. Chief Judge Robinson said that research as to whether and how limited representation is utilized in other districts would be helpful.

Scott Wissel suggested using bar funds to pay for attorneys fees. Judge Melgren responded that the court has generally frowned upon paying for attorney fees. Tim O'Brien said he believes there are some courts where use of bar funds to pay for attorneys fee is permitted but he will do some research and report back to the court and Committee.

4. BENCH-BAR FINANCIAL STATEMENT & FY 2018 BUDGET PROPOSAL

Jeff Breon provided the Committee with the status of the FY 2017 Bench-Bar budget. He noted that all categories in the FY 2017 budget were within their budgeted amounts with the exception of the Utilities line item. Mr. Breon explained that the overages for utilities were the result of additional costs associated with upgrading the attorney wireless internet speeds in the courthouses. Because the overage of \$1,764 exceeds the amount budgeted by 10%, additional approval by the Committee and court are required. Therefore, approval to increase the budgeted amount for utilities to \$10,000 is needed. Mr. Wissel moved and Blake Shuart seconded the motion to increase the Utilities line item to \$10,000. The motion passed unanimously.

Mr. Breon presented the FY 2018 budget proposal. Two new line items include \$10,500 to

expand the attorney wireless access and \$10,000 to co-host the U.S. Sentencing Commission conference with the Western District of Missouri. In addition to the proposed budget as summarized, Chief Judge Karlin requested that \$1,000 be allotted to fund a luncheon connected with a January 2018 CLE in the Kansas City courthouse, where all of the bankruptcy judges will be speaking. Judge Melgren asked that Chief Judge Karlin's request be substituted for the WEB Inn of Court line item, the subject of which will be taken up at the November judges' meeting. Following discussion, it was additionally requested that the \$25,000 Court Appointed Attorneys and/or Mediators line item be broken out to distinguish between district court (\$15,000) and bankruptcy court (\$10,000). Mr. Wissel moved and Ryan Hudson seconded the motion to approve the FY 2018 budget with the proposed modifications. The motion carried unanimously.

5. RECOMMENDATION REGARDING APPROPRIATE USE OF BAR FUNDS

Judge Melgren noted that the Bench-Bar fund is receiving more requests for non-federal bar expenses. For example, the Wichita WEB Inn of Court has requested up to \$1,000 to fund their program of offering reduced membership dues to those who need financial assistance. Mr. Wissel said that he's not sure how this request involves federal practitioners.

Ms. Brannon suggested posing the questions of who the request excludes, the need for it, as well as the federal component. Judge Crabtree said that he's uncomfortable with the Committee being a charitable organization which he feels is not the purpose of the fund. Following further discussion, Judge Melgren said that he would recommend to the court that funds be used only for items relating directly to federal court practice and not as a general "foundation-type" fund.

6. CJA PLAN

Judge Melgren provided a brief history of the CJA Plan. Ms. Brannon said that there are not many proposed changes - mostly what is already done in practice - and that the proposal brings the plan in line with the federal plan and Guide to Judiciary Policy. Mr. Naseem moved and Ms. Eberline seconded the motion to adopt the revisions to the CJA Plan as presented. The motion carried unanimously.

7. SELECTION OF NEW MEMBERS

Judge Melgren noted the low number of geographic applicants and suggested the Committee not limit itself to those who had applied. Prior to the time when the court began soliciting applications, the Bench-Bar Committee would on its own initiative proffer replacement members for recommendation to the court. Judge Melgren suggested that in this instance the Committee mix the two approaches.

Mr. Naseem recommended John Shaw who he holds in high esteem. Ryan Hudson agreed. Judge Melgren recommended Stephen Netherton. Ms. Branson added that she is in favor of Mr. Netherton who does some criminal work.

Judge Melgren asked the Committee if they wanted to find a Topeka lawyer even though there is no such applicant. Following discussion the Committee agreed to forward suggestions over the next two weeks to Judge Melgren who will create a list of names for consideration.

8. OUTGOING MEMBERS

Judge Melgren presented certificates to outgoing members Scott Wissel, Shazzie Naseem, and Jeff Spahn (not present) with the thanks of the court and Committee.

The meeting, having convened at 11:30 a.m., adjourned at 2:00 p.m.

Respectfully submitted,

s/

Ingrid A. Campbell