

UNITED STATES DISTRICT COURT
District of Kansas

Bench-Bar Committee Meeting

MINUTES OF APRIL 25, 2025, at 9:00 a.m.

Lawrence, KS

IN ATTENDANCE:

Honorable Eric F. Melgren, Chief Judge
Honorable Daniel D. Crabtree, Judge, Chair
Honorable Holly L. Teeter, Judge
Honorable Teresa J. James, Magistrate Judge
Honorable Angel D. Mitchell, Magistrate Judge
Honorable Dale L. Somers, Chief Bankruptcy Judge
Skyler B. O'Hara, Clerk of Court
Duston Slinkard, Acting U.S. Attorney
Melody Brannon, Federal Public Defender
Whitney Casement, Esq.
Terelle A. Mock, Esq.
Jennifer Hill, Esq.
Jennifer B. Wieland, Esq.
Teresa L. Shulda, Esq.
Kate Marples Simpson, Esq.
Jeffrey Kuhlman, Esq.
Kathryn Sheedy, Esq.
Stephanie Mickelsen, Chief Deputy Clerk
Chasity Schoonover, Operations Manager

Not Present:

Honorable John W. Broomes, Judge
Timothy M. O'Brien, Chair, Bench-Bar Committee, Kansas Bar Association
Branden Bell, Esq.
Sarah Ruane, Esq.

1) WELCOME AND INTRODUCTIONS

Judge Daniel Crabtree welcomed members, including new members Kathryn Sheedy and Jeffrey Kuhlman. He introduced Whitney Casement, attending in place of Tim O'Brien as Chair of the Kansas Bar Association Bench-Bar Committee. He thanked them for their participation.

2) APPROVAL OF SEPTEMBER 17, 2024, MEETING MINUTES

Jennifer Hill moved to adopt the minutes as written. Terelle Mock seconded the motion, and the motion passed unanimously.

3) CHIEF JUDGE UPDATE

Chief Judge Eric F. Melgren shared the status of District of Kansas judgeships: the District now has six permanent Article III judgeships since Congress converted a temporary judgeship to permanent status in December 2024. We currently have one vacant Article III judgeship that was created when Judge Julie Robinson took senior status in 2022. We anticipate two additional Article III vacancies later this year when Chief Judge Melgren and Judge Crabtree take senior status.

Chief Judge Melgren shared that Magistrate Judge Teresa James will be retiring in January 2026. He explained that the Judicial Conference Committee on the Administration of the Magistrate Judges System will meet in June to consider our request to fill the position. Declining caseloads combined with a tight budget environment will be factors in their decision. If authorized to fill position, the recruitment process will take around nine months and include an FBI background check that can take at least 14 weeks.

The Committee discussed the effect of declining caseloads on agencies, including the U.S. District Court, the U.S. Attorney's Office, and the Federal Public Defender's Office. Melody Brannon, Federal Public Defender, shared that they are sending more cases to panel attorneys, and, due to inadequate funding, some FY 2025 panel attorney expenses may not be paid until FY 2026.

4) BENCH-BAR FUND UPDATE

Skyler O'Hara, Clerk of Court, explained the Bench-Bar budget process. She noted that income levels have not changed dramatically since the fall meeting because most income is received during the attorney registration renewal period each June.

In 2024, the court moved from a locally developed attorney renewal system, OARS, to the national CM/ECF renewal system. The CM/ECF system is more secure, but not as user friendly, and it required attorneys to link their PACER and CM/ECF accounts. As a result, some attorneys who didn't regularly practice in the District of Kansas did not renew their registrations. Ms. O'Hara acknowledged the transition was cumbersome and said the renewal process should be much simpler in future years. There are currently about 5,200 attorneys registered to practice in the District of Kansas.

Ms. O'Hara referred to the Bar Fund Financial Report and suggested the Committee consider recommending an increase to the senior judge portrait budget from \$40,000 to \$80,000 because Chief Judge Melgren and Judge Crabtree are both taking senior status in 2025. Each portrait costs up to \$40,000. Ms. O'Hara moved to increase the portrait budget to \$80,000. Judge James seconded the motion, and it passed unanimously.

5) INCREASE KU/WASHBURN INTERNSHIP REIMBURSEMENT

Ms. O'Hara discussed the Bench-Bar Fellowship Program, which reimburses the actual expenses that KU Law School and Washburn Law School interns incur while interning at the court. Periodically we raise the reimbursement amount to ensure all eligible student expenses are covered. Ms. O'Hara suggested increasing the reimbursable amounts to \$3,000 for KC/Topeka (summer and school year), \$3,000 for Wichita (school year), and \$5,000 for Wichita (summer). The higher cost for Wichita in the summer accounts for students that must

rent housing. We would not need to increase the budget line item to accommodate the proposed increase. Ms. O'Hara moved that the Committee recommend an increase to the reimbursement amounts. Ms. Mock seconded the motion, and it passed unanimously.

6) KANSAS BAR ASSOCIATION REPORT

Whitney Casement shared a report from the Kansas Bar Association (KBA) on behalf of Tim O'Brien. She reported that Judge Lori Bolton Fleming is now on the Kansas Court of Appeals, and Justice Evelyn Wilson is retiring from the Kansas Supreme Court. Washburn University has a Third Year Anywhere Program that allows third year law students to complete their education in another location. Teresa Shulda asked the Committee if they know whether KU Law School might be considering a similar program to boost the number of lawyers working in western Kansas. Ms. Casement was unaware of a KU initiative, but she will inquire with the KBA. Ms. Casement shared that next year's state ballot will ask voters whether Supreme Court justices should be elected. Across the state, district court judges are elected or appointed, as outlined by each county. If Supreme Court justices are elected, the next steps would be to stagger their terms—and those up next for retention, might instead be up for re-election. If the bill passes by popular vote, the legislature would then be given the authority to work out the details. Chief Judge Dale L. Somers emphasized the value of the Kansas Bar Association.

7) COURT HISTORY PROJECT UPDATE

Stephanie Mickelsen, Chief Deputy, shared that last year the Bench-Bar Committee voted to fund the first phase of a project to update the judicial photographs, biographies, and court information panels on the courthouse walls in all three cities. The vendor, Studio

Tectonic, has completed their initial assessment and shared their concept and design approach with the Court History Committee. The Court History Committee approved of their approach, and Studio Tectonic will continue to work on a design proposal. This is only an update; no action by the Bench-Bar Committee is requested currently.

8) LOCAL RULES UPDATE

Rule 5.1 Form of Pleadings and Papers

Judge Angel Mitchell introduced Rule 5.1 and led a discussion about page limits and other issues that have emerged from the court's relatively new page limitations, *e.g.*, word count limits, font size limitations, font size limitations for footnotes, compressed margins, and other techniques counsel have used to comply with page limitations. Committee members offered perspectives on the page limits, including their report that requests to exceed the page limits are denied by many judges. Some attorney members opined that motions to dismiss may warrant special consideration for page limits. Large and complex complaints and civil rights cases also may warrant exceptions to the page limits for counsel to represent clients effectively.

Comments on the Scheduling Order

The Rules Committee provided a proposed change to the standard scheduling order that would include the following new provision, "Each party may file only one summary judgment motion. A party that wishes to file more than one summary judgment motion may do so only by first obtaining the court's permission." Attorney members of the Committee discussed the effects that this proposed revision could have. They observed that this new language might keep parties from filing an early summary judgment motion that, if successful, would conclude or narrow the case meaningfully. They explained that counsel couldn't be sure that the court

would permit a second, more traditionally timed summary judgment motion at the end of discovery. So, this new language might not serve the goals of Fed. R. Civ. P. 1.

The Committee discussed that the comment bubbles are helpful; a suggestion was made to add a comment explaining what it means to get the court's permission, and to clarify whether that means to file a motion.

Rule 6.1 Time

The Committee discussed whether a Rule 29 stipulation would remove the need to file a request for more time so long as the extension did not impact the discovery or summary judgment deadlines.

Rule 65.2 Security Providers

The proposed edit updates the payment methods accepted for bonds.

Rule 67.1 Registry Funds

Standing Order 23-01 directs that a new process, the Court Registry Investment System (CRIS), be used for investment of registry funds. This proposed update is to establish this process in the court's rules and eliminate the Standing Order that governed the transition to this new process. Kathryn Sheedy shared that a recent case identified unanticipated challenges with using the CRIS process. The Clerk's Office and USAO will meet to discuss how to address those challenges.

Rule 79.4 Sealed Files and Documents in Civil Cases

The Rules Committee proposes suspending this local rule, which authorizes unsealing sealed cases after 10 years. Suspending this rule will give the court more time to determine the effects of this rule and consider public policy issues, including the possible impacts of revealing PII.

Rule 83.2.4 Electronic Communication Devices

This proposed rule updates language regarding electronic devices. Committee members suggested revisions to (c)(1) about proof of identity, removing “bar registration card” and replacing with “proof of bar registration” as pro hac vice attorneys may not possess bar registration cards. The word “employees” in (b) was discussed, and the Committee heard several proposed alternatives to add to the list in that section, including “staff of any attorney,” or “employees of USAO and FPD, and tenants of the courthouse.” The Rules Committee will consider these suggestions and update the proposed language.

Judge Mitchell shared that she and Judge Rachel Schwartz are launching a sub-committee to study and consider rules stemming from the emergence of Artificial Intelligence (AI). Other courts have begun to implement rules about predictive coding and are addressing the use of confidential information to train AI tools. The sub-committee will consider implications of using AI and look at ways to address such issues in rules or in court forms. They welcome members of the bar who are interested in and knowledgeable about AI to express any interest in serving as part of this sub-committee.

9) ATTORNEY/JUDGE LUNCHEON FEEDBACK

Judge Crabtree requested feedback from the Committee about the annual lunches for attorneys and judges. Ms. O’Hara shared that the Topeka and Kansas City attorneys will be invited to gather at luncheons only in Kansas City this year. Topeka luncheons have had smaller attendance. Committee members shared feedback including concerns about Topeka attorneys not attending in Kansas City, improving marketing of the luncheons, and looking at the format of Wichita Bar Association lunches, which are well-attended and valuable.

Duston Slinkard shared that Melody Brannon is working to recruit more participants in the Second Chair Program. Judge Crabtree said he would disseminate that information to the Committee.

10) SELECTION OF NEW MEMBERS IN AUGUST

Judge Crabtree shared that three Committee members have terms expiring at the end of the year: Jennifer Wieland, Kate Simpson, and Jennifer Hill. The application process for new members will begin this fall, and the Committee will formulate recommended new members at its fall meeting.

The meeting was adjourned at noon.

Respectfully submitted,

Stephanie Mickelsen