

Lawyer Representatives' Coordinating Committee

Conference Call: August 19, 2014

Minutes

Participants: Rebecca Pennell (WAE), *Chair*, Margaret Foley (NV), *LRCC Chair-Elect*, S. Lane Tucker (AK), Dana Powers for Nicole Duckett Fricke (CAC), Deborah Barnes (CAE), Joseph "Joe" S. Leventhal and Andrew Schopler (CAS), Sarah Wang (HI), Howard Burnett and J. Walter Sinclair (ID), Karl J. Englund (MT), Craig S. Denney (NV), Colin Thompson (CNMI), Matt Anderson (WAE), Jay McIntyre (WAE), Alexander Ekstrom (WAE), Gail Ivens (CAC), *Appellate Lawyer Representatives Liaison*, James Patrick Shea (NV), *At Large Representative*

Unable to Participate: Autumn Spaeth (CAC), *LRCC Vice Chair*, Tod Schleier (AZ), Fred A. Rowley (CAC), Josh A. Cohen and Jessica Valenzuela Santamaria (CAN), Rodney J. Jacob (GU), Susan D. Pitchford (OR), and Jennifer Wellman (WAW)

Staff: Renée Lorda, *Asst. Circuit Executive*

- I. Roll Call, Welcome and Introductory Remarks *Rebecca Pennell, Chair*
Ms. Pennell welcomed everyone to the conference call and explained that the LRCC will be involved in preparing for the joint meeting with the Conference Executive Committee in San Francisco to plan the 2015 Ninth Circuit Judicial Conference. The LRCC will be involved in preparing topic suggestions and how those topics should be developed for presentation during the Conference next year. Ms. Pennell stated that the Conference Chair for 2015 is Circuit Judge Jay S. Bybee and that the program chair is Bankruptcy Judge Margaret Mann (CAS). She explained that Judge Mann will be on the conference call for a few minutes to discuss the planning process to develop next year's Conference.

- II. Joint Meeting in San Francisco: Brainstorming Session with the LRCC and the Conference Executive Committee *Rebecca Pennell, Chair*
Group Dinner: Thursday, September 25 (Location TBD)
In person LRCC Meeting: Friday, September 26 @ 8:15 a.m. – 9:45 a.m.
Brainstorming Session with Conference Executive Committee: 10:00 a.m. – 12:30 p.m., lunch will be served.

Ms. Pennell explained that past meetings with the LRCC typically involve a review of topics submitted in advance by the LRCC to the Conference Executive

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Committee Chair and Program Chair. Additional suggestions also are contributed during a free flowing brainstorming session. The topics that rise to the top will be reviewed by Judge Bybee and Judge Mann and then assigned to members of the Conference Executive Committee for development.

Action Item: Ms. Pennell asked LRCC members to think of topic ideas and how the presentations might be developed. If people are familiar with speakers, they were encouraged to add prospective speakers' names to their suggestions.

LRCC Chair-Elect Margaret Foley described last year's process:

- Ideas are submitted with a short paragraph discussing the suggested topic. That should be a realistic goal for the LRCC conference call on Tuesday, September 2.
- The idea is to give structure to the brainstorming session in order to "jump start" the thinking process about what next year's Conference might look like.

Joe Leventhal asked about the possibility of submitting some of the topics discussed at district conferences. Even though judges from the Southern District of California may be familiar with the presentation, the topics might serve as a launch point for emphasis. He described a program done by the Southern District: What to Expect when you go to Jail? The summary of program evaluations demonstrated that some judges were looking for more concrete and practical information.

Gail Ivens, outgoing chair of the Appellate Lawyer Representatives added that the breakout session was too short. Everyone agreed and the logistical issues that resulted in that situation were explained by Ms. Lorda.

Recommendation: The breakout session should be presented in the morning after a plenary.

III. Remarks

*Bankruptcy Judge Margaret Mann, Program
Chair, Conference Executive Committee*

Judge Mann reflected that over the years before becoming a judge, she was on the LRCC and later elected to be an "at large" member of the Conference

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Executive Committee. Judge Mann explained that during the brainstorming session, interesting ideas that were contributed in the conference evaluations also will be discussed. She suggested that there may be some interest in developing a program dealing with justice and the public or in thinking about the Magna Carta, perhaps an exploration of how those concepts can relate to current day issues. She also explained that most likely due to the circuit's size, the Ninth Circuit is regarded as much more involved in developing the annual circuit conference than other circuits.

Action item: Judge Mann suggested it would be helpful if each district could provide an idea. Joe Leventhal asked Judge Mann if there were any topics suggested in the evaluations that could be carried through. She suggested that it may be a good idea to have both practical and substantive topics. Judge Mann also thinks it is very important to have dynamic speakers involved and a moderator who participates also is a plus. Another key element is to be sure the presentations are balanced and not appearing to promote a particular ideology. She thinks it is very important to work on this point although this does not mean that controversy should be shied away from.

Judge Mann advised the LRCC members to look at what is relevant in the events affecting our court system or the world. Whatever practice you have, if there is an issue piquing your interest regarding the law, explore the topic. Judge Mann also suggested that there might be an influential case that could be of general interest.

Rebecca Pennell also suggested that LRCC members look at the resolutions that were passed during the lawyer representatives' business meeting. Hopefully, this will be the year of resurgence for Conference resolutions. Gail Ivens suggested that it was very helpful to review the compendium of previous resolutions stretching back to 1990. The resolutions are found on the lawyer representatives' website:

www.ce9.uscourts.gov/lawyer_reps

Ms. Pennell urged the LRCC to bookmark the site to make access easier and to stay in touch with what other lawyer reps are doing throughout the circuit.

Jim Shea encouraged the LRCC members who will be attending the San Francisco meeting to contact him to make the brief time together more enjoyable and enable more "bonding" among LRCC members.

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IV. Key Dates and Project Highlights for the LRCC Margaret Foley, *LRCC Chair Elect*

LRCC Chair Elect Margaret Foley reviewed the LRCC's Key Dates and project highlights for the 2014-2015 "circuit" year. The LRCC will conduct conference calls about once a month and the group will divide into teams to develop education and discussion programs for the Conference of Chief Bankruptcy Judges and the Conference of Chief District Judges. Both these programs are scheduled in March 2015. All LRCC members are invited to participate in the Conference of Chief District Judges meeting while those with a specialty in bankruptcy will be invited to participate in the Conference of Chief Bankruptcy Judges' program.

V. Look Book

Rebecca Pennell, *LRCC Chair*

Ms. Pennell explained that LRCC members should expect each district to be asked to revise their district information. LRCC Vice Chair Autumn Spaeth will organize this project which will consist of your review of your district's existing listings, letting us know who has termed out and adding the new members. Adding the new members will be enabled by following a simple template. This Look Book will be digital and available on line on the Lawyer Representatives' website.

VI. Summary of Action Items

- A. Bookmark, Review and Look at the Lawyer Representatives' website.
- B. Provide Renée Lorda with the dates of upcoming district meetings and send us the district meeting agendas. Provide the 2014 district meeting agendas which helps with circuit conference planning.
- C. Send your suggested topics to Rebecca Pennell and Renée Lorda in preparation for the September 2 meeting.
Rebecca_pennell@fd.org
rlorda@ce9.uscourts.gov

VII. **NEXT MEETING:** Tuesday, September 2, 4:00 p.m. PDT The meeting adjourned at 4:52 p.m. PDT.