

LAWYERS' ADVISORY COMMITTEE

MINUTES - MARCH 7, 2012 MEETING

The Lawyers' Advisory Committee met at the Hilton in East Brunswick. The meeting was opened by Chair Thomas R. Curtin at 6:15 p.m. and thereafter the following occurred:

1. The minutes of December 7, 2011 meeting were approved without changes.
2. Thomas Curtin, Chair of the LAC, along with Steven Richman presented to Chief Judge Brown a photograph of the three Courthouses located in Newark, Trenton, and Camden.
3. Report by Chief Judge Jerome B. Simandle:

Chief Judge Simandle thanked the members of the LAC for their contributions to the Committee. Judge Simandle thanked Thomas Curtin for his leadership of the LAC and asked if he would continue to be Chair of the LAC.

Chief Judge Simandle reported that the Court qualifies for three additional judgeships due to the "weighted" case load for each judge. Additionally, the Chief Judge reported that the case load of the Court increased eleven percent in 2011 which was higher than the national average for all federal courts.

Chief Judge Simandle explained the Court's Governance Plan which begun in 1989 during Judge John F. Gerry's time as Chief Judge. The Plan creates Court Committees which judges chair and are members. For example, the Chief commented that Judge Freda L Wolfson is Chair of the Court's Rules Committee and her committee reviews proposed rules before a rule is presented to the Board of Judges. The Chief further reported that the Board of Judges decided that the District of New Jersey did not need to implement the "Model E-Discovery Order."

4. Judge Linares reported that the Court's committee on case management will address the issue concerning uniformity of a Final Pretrial form.

Kerri Chewing reported on behalf of the LAC subcommittee on the timing of the preparation of the Final Pretrial Order and she explained that Judges at Camden and Trenton often wait until summary judgment motions are decided before the Final Pretrial Order is filed. At the Newark vicinage Final Pretrial Orders are required to be filed in certain matters before the disposition of summary judgment motions. LAC's subcommittee is to be in contact with Judge Linares's committee on case management.

5. Jeffrey Greenbaum reported on behalf of the subcommittee regarding proposed Local Civil Rule concerning "Written Discovery." He reported that the subcommittee has considered comments and will propose a rule at the next meeting, and any additional comments are to be submitted to him.
6. Arnie Calmann and members of his subcommittee on amendments to certain local rules reported on proposed amendments to the following Local Civil Rules: 6.1; 7.1(d)(5); 7.2(d); 7.2.1; 7.1(h); 54.2; 12(b). The LAC voted and approved the proposed amendments. The

proposed amendments will be reviewed by the Court's Rules Committee and then presented at the Board of Judges.

7. Jack O'Brien commented on amendments to the Court's ECF Policies and Procedures governing electronic filing. Thomas Curtin requested any comments to the Court's ECF Policies be submitted to Jack O'Brien by March 17, 2012. Jack O'Brien requested the agenda item be carried regarding posting "Post Judgment Relief information" on the Court's Web site to assist the bar.

Karol Corbin Walker requested that the "certificate of service" requirement in the ECF Policies and Procedures and Local Rules be waived on those documents filed electronically. Thomas Curtin selected Karol Corbin Walker and Jack O'Brien to review the matter.

8. Professor Ed Hartnett discussed an amendment to Local Civil Rule 56.1(a) to add the following sentence.

Each statement of material facts shall be a separate document (not part of a brief) and shall not contain legal argument or conclusions of law.

The LAC voted and approved the proposed amendment to L. Civ. R. 56.1(a) and the proposed amendments will be presented at the Board of Judges.

9. Steve Richman and Ronald Hedges discussed issues surrounding jurors' use of social media during trial proceedings and possible instructions that should be recommended to judges of our court for use during jury trials. Ronald Hedges commented that the Federal Judicial Center has published model charges concerning social media and jurors. It was also reported that the Third Circuit has produced model jury instructions that address social media at the beginning and end of a case. Thomas Curtin selected a subcommittee to review the matter. The following members were appointed: Ronald Hedges, Steven Richman, Mary Sue Henefin, and Peter Harvey.
10. The report of Donald Robinson regarding L. Civ. R. 16.1 will be continued to next meeting, though, any comments are to be submitted to him in two weeks. Thomas Curtin selected a subcommittee to review the matter. The following members were appointed: Leda Wettre, Ronald Hedges, Steven Richman and Robert Shepherd.
11. The meeting was adjourned at 8:15 PM. Thomas Curtin will notify the members of the date of the next LAC meeting.

Respectfully submitted,

John T. O'Brien