

LAWYERS' ADVISORY COMMITTEE

MINUTES – NOVEMBER 19, 2013 MEETING

The Lawyers' Advisory Committee met at the Hilton in East Brunswick. The meeting was opened by Chair Thomas R. Curtin at 6:00 p.m. and thereafter the following occurred:

1. Thomas Curtin welcomed members and reminded all that it is the 150th anniversary of the Gettysburg address.

Thomas Curtin welcomed Shoshana Shiff of the law firm Trenk, DiPasquale as a new member of the Lawyers' Advisory Committee. Ms. Shiff's primary practice is bankruptcy and she takes the place of bankruptcy practitioner, Michael Sirota.

Thomas Curtin acknowledged Karol Corbin Walker's appointment as the Third Circuit Representative to the American Bar Association's Standing Committee on the Federal Judiciary.

2. The minutes of the July 31, 2013 meeting were approved.
3. Robert Shepherd reported that Richard Collier has passed along his greetings to the committee and requested to resign from the LAC, due to his serious illness. Cynthia Jacob, Rich's former partner, provided comments regarding him.
4. Chief Judge Simandle thanked the members of the LAC and Thomas Curtin for their contributions to the Committee. The Chief Judge also made remarks regarding Richard Collier, indicating that they were both federal law clerks during the same period. Collier clerked for the Hon. George Barlow and the Chief Judge clerked for the Hon. John Gerry. The Chief Judge further reflected on Rich's major contributions to the court, his work on the local rules and research on the interpretation of certain local rules.

Chief Judge Simandle announced the following events and developments:

The Hon. Stanley S. Brotman officially retired in September.

The retirement of Judge Dennis Cavanaugh in January 2014 will reduce the number of the district's active judges to 16.

While case filings decreased a bit in 2013, MDL filings have increased and based upon the "weighted caseload" of the District of New Jersey, the court qualifies for an additional three Art. III judgeships.

On Dec. 5th, the court will conduct a patent seminar for the judges and their law clerks. Members of the Patent Rules Committee will be asked to discuss certain patent issues.

LAC members were invited to the annual holiday lunch on Dec. 12th.

5. John Fietkiewicz, Counsel for the U.S. Attorney's office, reported that despite "Sequestration" budget constraints, the office has avoided furloughs and continues to investigate serious crimes. John reported that the U.S. Attorney's office has collected \$175 million in forfeitures and restitution.
6. John Hoffman, Acting Attorney General for the State of New Jersey, reported that despite fiscal restraints, his office is confronting violent crime in cities, such as the murder rates in Trenton. After studying ways of reducing the murder rate in Trenton, his office will attempt to apply the data and information learned to Camden and Newark as well.
7. The subcommittee reviewing the magistrate judges' varying requirements of filing or not filing documents on ECF reported that this matter is still under review. Magistrate Judge Goodman has circulated a proposal among the judges. This matter is carried to the next meeting.
8. Philip Sellinger reported for the subcommittee exploring the Western District of Pennsylvania's Pilot Program and other courts for expedited civil litigation of cases not requiring lengthy and expensive pretrial and trial proceedings. The subcommittee has been discussing whether to expand the program to complex litigation and to allow dispositive motions. The subcommittee is also reviewing whether "appeals" would be waived in simple cases. It will submit a final report at the next meeting.
9. Thomas Curtin reported on posting and updating chamber preferences so attorneys can easily access them. Chief Judge Simandle will survey the judicial officers regarding their practices to determine whether certain individual practices can be made uniform.
10. Professor Hartnett addressed issues involving Local Civil Rule 79.2, which, he noted, predates electronic filing and the submission of briefs in support of motions. The rule required that attorneys provide copies of their briefs upon request because briefs were not filed. Briefs were filed and placed on the docket in 2004, upon the implementation of CM/ECF. Professor Hartnett recommended an amendment to the rule to require that attorneys provide copies of CDs, DVDs or any other electronic submissions filed in support of applications to the court.

Professor Hartnett and Jack O'Brien will draft an amendment to Local Civil Rule 79.2.

The meeting was adjourned at 8:00 p.m. Thomas Curtin will notify the members of the date of the next LAC meeting.

Respectfully submitted,

John T. O'Brien