
LAWYERS' ADVISORY COMMITTEE

MINUTES - FEBRUARY 1, 2007 MEETING

The Lawyers' Advisory Committee met at the East Brunswick Hilton in East Brunswick, New Jersey on February 1, 2007. The meeting was opened by Chair Philip R. Sellinger at 6:00 p.m. and thereafter the following occurred:

1. The minutes of November 16, 2006, meeting were approved.
2. Philip Sellinger welcomed Thomas Curtin, Douglas Arpert, and Attorney General Stuart Rabner as members to the LAC. Judges Sheridan and Salas were also welcomed to the meeting.
3. Chief Judge Brown reported that the Court is currently at full strength. The Chief reported that the Court is in compliance with the E-Government Act of 2002, i.e., all opinions are available through the nation-wide PACER system.

Chief Judge Brown provided the following statistics: Civil filings decreased 4.5% in statistical year 2006, to 6274 from 6572. Nationally, civil case filings increased 2.5%. This increase occurred primarily because of a sharp jump in asbestos-related diversity cases in the Eastern District of Pennsylvania. If those cases were excluded, civil case filings would have declined 4% nation-wide, nearly identical to New Jersey.

Criminal filings increased less than 1%, while nationally criminal case filings decreased nearly 4%.

The number of pending "three-year old" civil cases decreased 19% in 2006. That reduction, resulted in a reduction of 4.2% of the pending civil calendar. And the number of motions pending more than six-months has decreased 55% to just 99 motions from 222, in 2006.

4. Magistrate Judge Hedges reported on his discussion with Robert Bartkus, Esquire requesting an amendment to L.Civ.R. 301.1. Bartkus has recommended an amendment to this rule because of the financial burden to a mediator of having to provide the initial six hours of service on a matter "free" and the remainder at a below-market rate of \$250 per hour. No Action was taken on this proposal.
5. James Murphy previewed the Court's new web site. Murphy inquired whether there should be a link to the LAC, and if so, what items should be posted on the site. Some of the items discussed: Mission Statement, LAC Minutes, Mechanism for the public to make comments, etc. Philip Sellinger suggested a subcommittee to be formed to explore what documents and information should be posted on the Court's web site. Thomas Curtin and Steve Richman volunteered to be on this subcommittee which will work with the Court's web master.

6. Philip Sellinger and Magistrate Judge Hedges reported on Amendments to Federal Civil Rules 16, 26, 33, 34, 37, and 45 regarding electronically stored information. Judge Hedges circulated guidelines from the District of Kansas for Discovery of Electronically Stored Information. Judge Hedges discussed also the suggested protocol from the District of Maryland for Discovery of Electronically Stored Information. Judges Hedges, Hughes, and Salas reported on their experiences with Electronic Discovery and the types of issues that are raised by counsel.

Philip Sellinger reported that he recently testified in regards to a proposed Evidentiary Rule 502 that concerns attorney-client privilege and waiver of privilege materials.

7. James Murphy and Jack O'Brien reported on the progress of attorneys electronically filing Complaints and Notices of Removal. Murphy reported that Complaints and Notices of Removals filed electronically are processed much faster than if they were submitted in hard copy accompanied with a disk.

Murphy inquired whether "forums" on ECF to discuss recent developments in ECF would benefit the bar. Members of the LAC agreed that "forums" would be beneficial.

8. Philip Sellinger reported on the New Jersey Federal Court Pro Bono Foundation. The Foundation will be created as a non-profit organization and its mission will be to raise funds to reimburse out-of-pocket expenses for pro bono attorneys. A concept discussed would be to solicit funds from the largest law firms in New Jersey and from out-of-state firms who practice in New Jersey. A Board of Directors will be created, according to Sellinger.

9. Judges Hedges and Donald Robinson reported on behalf of the Historical Society of the United States District Court for the District of New Jersey. Judge Hedges reported that the Society has sent attorneys to Washington, D.C. to be sworn-in at the U.S. Supreme Court. The book "This Honorable Court" has been nominated for an award by the New Jersey Historical Commission.

Judge Hughes reported that James Waldron, Clerk of the Bankruptcy Court, is planning a Society event in September to celebrate Charles Ward, a WPA Artist, who painted the Mural hanging in the Clarkson S. Fisher U.S. Courthouse.

10. The meeting was adjourned at 7:45 p.m. It was agreed that the next LAC meeting will be scheduled for May 10, 2007.

Respectfully submitted,

John T. O'Brien

