

MSBA Civil Litigation Section Governing Council
September 12, 2008
Meeting Minutes

Attendees: Jan Conlin, Dan McGrath, Peter Carter, Kevin Curry, Andrew Luger, Mark Delehanty, Marcy Wallace, Edward Matthews, Hon. Jill Halbrooks, Galen Robinson, Brian Slovut, D. Clay Taylor, Paul Godfrey, Mary Vasaly, Dean Gavin, Kenneth Udoibok, Charlie Bird, Mike Ford (MSBA President), Guen Easley, Kim Basting

The council approved the minutes from the last meeting.

Treasurer's Report: The section's balance remains at \$60,000.

Section Membership/Statute of Limitations Manual: Section membership has increased 730 since the Statute of Limitations Manual came on-line. 235 manuals remain in stock. 19 have sold since August 2008.

District Court Opinions: It is an ongoing struggle to get judges to submit opinions. Ed Matthews will meet with the Labor/Employment Section to coordinate efforts, as that section has a similar project. Judge Halbrooks will help with the effort to increase judicial participation. An issue is whether this apparent judicial reluctance to submit opinions is logistical or due to a dislike of the project. Presently there are 276 opinions on line.

Judicial Questionnaires (Civil Block Judges): Charlie Bird and Mark Delehanty have been working hard on this project. They have tried to interview the 28 judges in their area. Charlie has had better luck. The interview takes about an hour and then time is needed to summarize the interview. The time commitment has been about 25 hours for 12 judges. In Ramsey County, Paul Godfrey can work on this project.

Given the reluctance of some judges to participate in this project, perhaps the Minnesota District Judges Association and/or Chief Judge Magnuson can help open doors. The consensus among the council is that this is a useful project. Knowing a given judge's practice concerning voir dire, ADR etc. will help both practitioners and the judge. A possible approach is to provide each judge with questionnaire that the judge can fill out. A lawyer will then make a follow-up call to get more detailed information.

MSBA President Mike Ford -- Goals for MSBA: Mike would like the MSBA to address the following during his tenure as MSBA president: judicial elections, the profitability of the legal profession (lawyers who are making money are more prone to civic engagement), legal system funding.

On the issue of legal system funding, a unified approach by the courts, legal service providers, and public defenders may prove to be more effective. Mike, with some input from Jan Conlin and Kevin Curry, discussed the scope of the judicial funding issue.

Kevin is to draft an email about the issue for dispersal to the section. Many Vasaly, Andrew Luger, and Kevin Curry will form a subcommittee concerning this issue.

Mike Ford discussed the Thousand Lawyer Network (www.1000supporters.org), which is a way to provide lawyers with legislative updates, and a way for lawyers to provide feedback to the legislature. The goal is to have this network running by September 15, 2008. Council members will sign up for this network.

Governing Counsel Membership: There are two openings on the council. Possible candidates: Hon. Marilyn Justman Kaman, Roger Justin (St. Cloud), a lawyer/legislator like Steve Simon, Tarol Clark (St. Cloud), or Melissa Hortman. The council will consider recommendations next month.

Section Lunches: Clay Taylor will set up the section lunches. Helping him will be (Paul Godfrey?). An idea to increase attendance: gear these lunches towards new lawyers – perhaps co-host with the MSBA New Lawyers Section. Perhaps these lunches can be free/discounted for lower-income or public sector lawyers. Perhaps they can be shown outside the Twin Cities with web technology.

Brainstorming -- 2008-2009 Projects and Annual Meeting: The council's goal is to develop projects that will help members and increase enrollment. The council considered the following ideas for the annual meeting and/or 2008-09 projects:

1. A possible national speaker, such as Cornell West or Jeff Tobin.
2. Using web technology to show the annual meeting in Duluth/St. Cloud/Alexandria.
3. A book on civil litigation or attorney/client privilege. The council rejected these ideas as ground covered by others.
4. A "NITA-type" CLE, perhaps subsidized for lower income lawyers. Jan Conlin, Clay Taylor and Mary Vasaly will look into this idea.
5. Revisiting judicial evaluations, knowing they were a divisive issue in the past.
6. Refund checks for section members.

Miscellaneous: Guen Easley noted that the MSBA is developing civil litigation pre-trial forms for areas such as probate and real estate. Dean Gavin is on the committee.

The Civil Trial Certification Exam is Oct. 13, 2008.

Two positions are vacant on the MSBA Bar Admissions Committee

The next meeting for this council is October 10, 2008, 7:45 a.m. at the MSBA offices.