

Minutes
Meeting of Directors and Officers
Association of the Bar of the U.S. Court of Appeals for the Eighth
Circuit
September 25, 2003
Conference Call—Originating at office of President Magnuson

In attendance by conference call: Eric Magnuson
Craig Eichstadt
David Herr
Diane Kutzko
Krista Kester
Margaret Callahan
Thomas Weaver
James Layton

Absent: Douglas Bahr
Terry Schackmann
Leigh Chiles
Thomas Keiklak
Dennis Owens
David Houghton
Thomas Sullivan

The meeting was convened at 9:05 am by President Eric Magnuson. The following items were discussed:

The minutes of the last meeting were approved as presented by Secretary James Layton, upon a motion by Tom Weaver, seconded by Krista Kester, passed unanimously.

Craig Eichstadt presented the Treasurer's report. The latest report has been sent to all board members by e-mail. The

organization is in good shape financially, in spite of a loss on the Eighth Circuit Judicial Conference breakfast in Minneapolis.

Krista Kester reported on behalf of the membership committee. We are up to slightly over 340 members. Krista has a couple of membership checks that have not yet been forwarded to the treasurer. Krista stated that we need to get a survey out to all members, and we also need to process membership renewals. We need to figure out how to earn our membership's loyalty and renewals. The committee will be considering some ways to do this.

Margaret Callahan reported on behalf of the publications committee. She had little new to report, but did state that a newsletter will be coming out in the October to November time frame. Members and others are sending items unsolicited, which is good. If anyone has any information, it should be forwarded to Margaret.

Eric Magnuson reported on behalf of the ad hoc bylaws committee. Terry Schackmann has moved to San Francisco and resigned from the Spencer Fane firm. He has passed the project off to a partner, Barry Pickens. Mr. Pickens will "take a run" at revising the Association's bylaws. The Board, by unanimous consent, accepted Terry's resignation and Eric will send a letter thanking him for his service. Our executive committee, consisting of Officers Eric Magnuson, Jim Layton and Craig Eichstadt, may have power to appoint a successor on the Board, but it would be better if the Board replaces Terry at the next meeting. The nominating committee should present a proposed Board member or several names from which to choose at the next meeting. Eric indicated he would contact Barry Pickens to discuss the bylaw project.

David Herr reported on behalf of the programs committee. He solicited any ideas we may have for programs. He will touch base with Tom Sullivan on the Appellate Practice Institute. The University of Arkansas is moving this institute to April of each year. This move is permanent. Eric Magnuson suggested that we hold a CLE of a couple of hours in each of our states to set out and explain the differences between state and federal appellate practice. We should all try to get a half day slot in our states as a bar CLE. If anyone has any ideas, Eric encouraged passing them on to David. James Layton suggested that we coordinate any such programs (i.e., any CLE's we want to sponsor or present) with the Court's travel schedule. Michael Gans will keep Jim abreast of the times the Court will hear arguments in locations other than St. Paul and St. Louis.

The Board, by consensus, decided to solicit proposals to host our web page. Nobody was assigned to do this at the last meeting, but Krista Kester agreed to talk with a friend of hers who is in the business of finding web hosts. Eric pointed out that we need to know the cost for hosting, procedures and costs for updates, and we need the capacity for frequent updates. Tom Weaver agreed to work with Krista on this project.

Craig and Eric reported that we are working with the Spencer Fane firm on the § 501(c)(3) application for non-profit status. Craig will report on the progress at the next meeting.

The next meeting, December 11, 2003, is our annual meeting for selecting directors and officers. Our nominating committee consists of Officers Eric Magnuson, James Layton and Craig Eichstadt. This committee will submit a slate of prospective officers and new board members at the December 11, 2003, meeting.

A question was raised about the participation of members in governance of the organization. There is no provision for member participation in governance in the bylaws at this time. We intend, however, to have a membership meeting or meetings in the future. This would presumably be at our breakfast during the Judicial Conference, and perhaps elsewhere in the off-Judicial Conference year.

David Herr suggested that we host an off-Judicial Conference year program in mid-summer. Jim Layton stated his agreement, especially when the Judicial Conference goes to Colorado Springs. Eric suggested that the program committee look at doing this for next Summer or Fall. David asked for thoughts on such a meeting. Diane inquired about what other events this could be keyed to, perhaps within individual states, for example, we could have a panel of several 8th Circuit Judges at the event if they would be available. Such events have proved successful in the past before the Association was formed. Eric suggested that we have an ad hoc membership meeting committee to make suggestions and arrangements for such meetings. Diane, David, Tom Weaver and Krista volunteered to be on such a committee. Tom Sullivan of the membership committee should also be involved.

There being no further business, Diane Kutzko moved, Tom Weaver seconded, that the meeting be adjourned. Motion passed unanimously, meeting adjourned at 9:48 am CST, September 25, 2003.

Respectfully Submitted,

Craig M. Eichstadt
Acting Secretary

