

## MINUTES

Eighth Circuit Bar Association

Meeting of Officers and Directors

December 12, 2006

(by conference call)

**Present:** Craig Eichstadt (president); Tom Weaver (president-elect); Margaret Callahan (secretary); Barry Pickens (treasurer); Lajuana Counts (at-large); Tom Boyd (at-large); Diane Bratvold (Minn.); Bob Rossiter (Neb.); Doug Bahr (N. Dak.); Mark Marshall (S. Dak.).

Also, Alok Ahuja (programs committee co-chair).

**Absent:** Julie Cullen (at-large); Jeffrey Ellis (E.D. Ark.); Tom Kieklak (W.D. Ark.); Diane Kutzko (N.D. Iowa); Angela Campbell (S.D. Iowa); Larry Friedman (E.D. Mo.); Jeremiah Morgan (W.D. Mo.); Krista Kester (past president).

Association President Craig Eichstadt called the meeting to order around 9:30 a.m.

The Board unanimously approved the minutes of the November meeting, as previously circulated.

Treasurer Barry Pickens reported no expenditures since his last report. He said that he had received some deposits but was calling in from a cell phone and would provide exact balances later.

Director Mark Marshall reported for the membership committee a total of 285 members with 46 past members failing to renew. He called the Board's attention again to an issue he previously had raised about retention of the paper copies of member enrollment and renewal

forms. These paper copies are essentially “back-up,” with official membership records being maintained on computer. Mark said he has probably five to six years worth of paper forms and would like to throw some of them away. The Board approved a motion calling for the retention of paper membership forms for three years.

Board members raised two additional questions regarding membership records: Is there a need to preserve, as a historical record, a “snapshot” of the membership at certain times? Also, does the Association have a database of former members? After discussion as to the proper time for taking the “snapshot,” the Board approved a motion calling for the retention of a record showing all Association members as of June 30 of each calendar year. The record as of this date will necessarily include all members joining during the year.

Secretary Margaret Callahan noted that a list of non-renewing members exists at least as of the end of each calendar year, which is the end of the six-month “grace period” for renewal. She said that in sending out the November newsletter she reminded non-renewing members that they were receiving their last newsletter and encouraged them to renew. She noted that she sometimes receives notice of changed member information in response to newsletter circulation, and she reported that at least some members fail to renew because they have moved to new positions which do not involve practice before the Eighth Circuit.

Programs committee co-chair Alok Ahuja noted that he has a list, with contact information, of those attorneys who signed up for the Association-sponsored continuing legal education program held in October in Kansas City. He asked what he should do with the list. President-elect Tom Weaver proposed a follow-up membership contact to attorneys on the list who are not already members of the Association. Alok said around 80 percent of the attorneys who signed up were not Association members, and he volunteered to send a follow-up e-mail

with an Association membership form attached. Craig and others endorsed this idea. Margaret called Alok's attention to the policy pursuant to which a member joining after the first of the calendar year is entitled to membership through the succeeding complete membership year – i.e., someone joining in January 2007 would not need to renew until July 1, 2008. She also mentioned there might or might not be a new membership committee chair with the turnover of officers and directors for the new calendar year. Alok agreed he should take these factors into account in pursuing follow-up contacts.

Director Angela Campbell was not available to give a report on possible revision of the Association web site. Craig reported that several Board members had discovered a problem accessing the site. Margaret said she raised the issue with the Association's contact at web host University of Arkansas-Little Rock when she submitted the last newsletter and minutes for posting. The UALR contact promised to follow up immediately with technical staff; Margaret, however, has checked several times since then and still not been able to access the site.

Director Diane Bratvold reported no new developments on start-up of the Association mentoring project. The next step is to get the volunteer mentor information posted on the Association web site.

Bob Rossiter reported that he spoke with Judge Riley about a possible Association event when the Court sits in Omaha in June 2007. Judge Riley is not scheduled to be on the panel and referred Bob to Judge Melloy as the judge "running the show" for the Omaha visit. Bob is waiting for a call back from Judge Melloy.

Craig raised the issue of future Association events, noting the latest information on the next Judicial Conference is that it will be held in 2008 in Chicago. Alok noted that the Association should be alert to possible opportunities to assist in the Court's implementation of

electronic filing. He suggested that the coming of e-filing might increase the need for mentoring for attorneys who practice only occasionally before the Court. Alok said he had heard from Michael Gans (1) that the Court would be or already was convening a series of “focus groups” on electronic filing issues; and (2) much of the training for electronic filing would be done through the district courts, who maintain a certain training capacity anyway for the benefit of newly admitted attorneys. Board members exchanged information regarding electronic filing in their district courts and what they understood about planned Eighth Circuit electronic filing. Alok said he understood certain details of the Circuit electronic filing program remained in flux and asked if it might be appropriate for the Association to take a position on any of those issues.

For “other business,” Margaret reminded Board members of the need to pass the newsletter job on to someone new since she has been doing it for four years. Craig noted the role of the newsletter as a consistent Association benefit and urged Board members who might be interested, or who knew members who might be interested, to call Margaret with questions about the job.

Craig turned the meeting to the issue of election of new officers and directors and pointed to the partial tentative slate contained in the meeting agenda. Craig indicated that the nominating committee was seeking a candidate from Minnesota for an open “at large” director slot because of the number of Association members practicing in that State. Director Tom Boyd nominated Karl Robinson but noted that he and Karl are partners in the same firm and raised the issue of whether the Association should avoid having multiple Board members from the same firm at the same time. Tom noted, however, that he had solicited interest in the director position at a function for Minnesota appellate lawyers and received no response. Director Diane Bratvold, who like Tom is from Minnesota, supported Karl’s nomination and mentioned his contributions

to state appellate practice in Minnesota. The Board generally agreed that it was more important to have an interested and involved director than to avoid having directors from the same firm.

Another vacancy is for the Northern District of Iowa, and Margaret indicated retiring director Diane Kutzko was attempting to identify a good candidate. Margaret indicated that the Association has only six or eight members from that District. Director Lajuana Counts, who works in the U.S. Attorney's Office in Kansas City, said she would identify the appellate attorney in the Northern District of Iowa and see if that person would be a possible candidate for the director position.

Craig noted that Mark Slater, who was identified by the nominating committee as a candidate for Director from the District of South Dakota, is with the U.S. Attorney's Office in that District and is very interested in the position but feels he cannot officially accept until getting clearance from the government ethics officer.

The Board approved the nomination of Karl Robinson as an at-large director. The Board in a separate vote approved the slate of officers and directors put forward by the nominating committee, as follows:

President	Tom Weaver (automatic succession from president-elect)
President-Elect	Tom Boyd (currently an at-large director)
Secretary	Barry Pickens (currently treasurer)
Treasurer	Mark Marshall (term as S. Dak. director expiring)
At-Large	Alok Ahuja (replacing Lajuana, whose term expired)
W.D. Ark.	Tom Kieklak (accepting new three-year term)
N. Dak.	Doug Bahr (accepting new three-year term)
S. Dak.	Mark Salter (new three-year term)

In other business, Mark raised the issue of making membership a part of the treasurer's regular duties to streamline the handling of dues; he noted, however, that this would eliminate the "check" of having multiple persons involved with overseeing Association funds. Craig indicated that the nominating committee had discussed Mark's proposal and had had some concern that maintaining separation between membership and treasurer might be better as a matter of policy. Mark's proposal will be open for further discussion by the new Board after the first of the year.

Craig noted that with the change in officers and directors four persons – Krista, Lajuana, Margaret and Diane Kutzko – would be leaving the Board, and he acknowledged, and thanked them for, their contributions.

Craig noted that the regularly scheduled date for the next meeting would be Tuesday January 9, 2007, subject to the desires of incoming President Tom Weaver.

The meeting adjourned around 10:25 a.m.