

MINUTES

Eighth Circuit Bar Association

Meeting of Officers and Directors

August 23, 2005

(by conference call)

Present: Krista Kester (president); Craig Eichstadt (president-elect); Margaret Callahan (secretary); Barry Pickens (treasurer); Tom Boyd (at-large); Tom Weaver (at-large); Tom Kieklak (W.D. Ark.); Diane Kutzko (N.D. Iowa); Angela Campbell (S.D. Iowa); David Herr (D. Minn.); Bob Rossiter (D. Neb.); Jim Layton (past president).

Absent: Lajuana Counts (at-large); Tom Sullivan (E.D. Ark.); Doug Bahr (D. N. Dak.); Mark Marshall (D. S. Dak.).

Association President Krista Kester called the meeting to order shortly after 9:30 a.m.

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

Treasurer Barry Pickens reported that the Association had a bank balance of \$22,163.60 as of the date of its last bank statement. He said the balance reflected \$3,250 received from the Minnesota law firms who helped sponsor the Association reception for the Eighth Circuit in May in Saint Paul, but that the Association's check in payment of reception expenses had not yet cleared the bank, such that the Association's balance was to that degree overstated. He further noted that the Association had received \$4,900 in membership renewals not yet reflected in the

account balance. Barry said that with these adjustments, the Association's bank balance would be approximately \$24,583.

Barry reported that the Association's federal tax Form 990 had been completed and would be filed this week and would be timely pursuant to a second requested extension of time.

Barry indicated no change had been made to a certificate of deposit in which the Association is holding the start-up funds realized by the special solicitation, in the Association's initial year of operation, of charter members. Former treasurer Craig Eichstadt will check with the bank regarding the current status and rate of interest on this certificate of deposit.

Margaret Callahan reported for the newsletter committee that the next newsletter should be out in early September.

Membership chair Mark Marshall was unable to be present but submitted an e-mail report showing 192 renewals to date from a membership of 320 for last year. Director Bob Rossiter of Nebraska noted that he had sent follow-up notices to persons in his district who had not initially renewed and received 3 or 4 additional renewals. Krista suggested that district directors contact Mark Marshall, or his assistant Dori, to check on possible additional renewals in their districts, and that directors consider further renewal efforts as appropriate.

Krista reported that Bob Herman had recently resigned his position as Director from the Eastern District of Missouri. Bob Herman had contacted Lawrence Friedman of St. Louis about possibly filling the open position, and Friedman was willing to serve. Krista asked if anyone had additional candidates to propose.

Director David Herr of Minnesota asked what if any steps had been taken to make the opening known and to solicit interest from potential candidates. Krista reported that the Association officers had held discussions between receiving Bob Herman's resignation and the

start of the meeting and had determined to recommend the appointment of Larry, under the present circumstances, without a broad solicitation of applicants because of Larry's interest and credentials; because Bob Herman had already approached Larry; and because various past Association solicitations of input and volunteers generally have met with no response. Treasurer Barry Pickens, President-Elect Craig Eichstadt and Secretary Margaret Callahan offered similar comments regarding the officers' rationale for their recommendation. Krista noted that the issue of director openings and identification of interested candidates will come up again at the end of the year because of the staggered expiration of director terms.

David Herr spoke strongly in favor of using a more open process both in replacing Bob Herman and in the future. He said people who showed interest but were not selected as directors could be recruited to assist the Association in other ways and that it would be better for the Association to "post" open director positions.

It was suggested that in the future, directors whose terms expire or who otherwise leave their positions should not approach potential replacements themselves, but that Larry should be appointed to replace Bob Herman without a broader solicitation of candidates because Larry's qualifications make it unlikely that any other candidate would be selected and the Association should not pursue a broader solicitation just to "go through the motions."

Krista noted comments by some attorneys that the Association is geared toward the large-firm practitioner and suggested an expansion of the Board to include "niche" seats, for example, for small-firm practitioners and government lawyers. She said that Bob Herman in resigning noted his lack of back-up, as a small-firm practitioner, to allow him time to participate in Association projects. Krista further noted that the Association could use the Judicial Conference,

and contacts made there with other lawyers, as a possible means of identifying individuals interested in serving as directors or otherwise participating in Association affairs.

On the motion of David Herr, the Board approved the appointment of Larry Friedman to fill the remainder of Bob Herman's term as director from the Eastern District of Missouri.

David as chair of the programs committee reminded directors of the breakfast to be sponsored by the Association at the Eighth Circuit Judicial Conference in October. The breakfast will be the first day (Thursday) of the main Conference program, from approximately 7 to 8:30 a.m. Judge William Riley of Nebraska will give a 15- or 20-minute presentation on a topic yet to be determined. The tentative plan is for the breakfast to be free to charter members of the Association, with regular Association members paying the reduced price of \$10. The breakfast would be open to non-members willing to pay full cost, which is expected to be about \$30 per person. Non-members would be allowed to join the Association and qualify for the reduced \$10 charge for regular members.

Krista suggested that Association officers and directors in attendance at the Judicial Conference should meet to discuss a long-range plan for the Association, its goals, and the types of projects it would like to pursue. One possible time for such a meeting would be over dinner after the Wednesday reception which precedes the regular program. Craig Eichstadt, David Herr, Bob Rossiter and Diane Kutzko expressed interest in participating in such a meeting, and Krista said inaugural Association president Eric Magnuson also likely would participate. Other interested parties are welcome also.

The next Association directors' meeting will be held Tuesday September 27, 2005, at 9:30 a.m., by telephone.

The meeting adjourned just after 10 a.m.

