

Federal Judges Association
Annual Board Meeting Minutes
Omni Shoreham Hotel
Washington, DC
May 25, 2017

In attendance: Judges Donetta W. Ambrose, John Preston Bailey, Sarah Evans Barker, Deborah A. Batts, Duane Benton, Richard F. Boulware, Nannette Jolivette Brown, James O. Browning, David O. Carter, J. Michelle Childs, Richard R. Clifton, Robert James Conrad, Jr., Christopher Reid Cooper, Wiley Y. Daniel, Allyson Kay Duncan, Ralph R. Erickson, D. Michael Fisher, Audrey G. Fleissig, James E. Graves, Jr., Henry E. Hudson, Marilyn L. Huff, William Paul Johnson, E. Grady Jolly, Virginia M. Kendall, William Francis Kuntz, II, Joseph N. LaPlante, David M. Lawson, Gerald Bruce Lee, Jane E. Magnus-Stinson, Philip R. Martinez, Karen Nelson Moore, Kathleen M. O'Malley, Dan A. Polster, Linda R. Reade, Julie A. Robinson, Cynthia M. Rufe, Karen E. Schreier, Jerome B. Simandle, Charles R. Simpson, III, N. Randy Smith, Kara F. Stoll, Nancy Torresen, Kathryn H. Vratil, Ann Claire Williams, and B. Lynn Winmill.

Invited guests: Judges Alan J. Baverman (Federal Magistrate Judges Association) and Mary F. Walrath (National Conference of Bankruptcy Judges).

Invited staff: Megan Freedman & Kristen Jones (Management Solutions Plus).

Judge Duncan called the meeting to order at 8:32 a.m. She introduced and thanked the detail from the Marshal's Service. She welcomed to the meeting Judge Walrath and Judge Baverman, the invited guests identified above, and each of them made brief comments describing their organizations' activities and expressing appreciation for the cooperative efforts of the FJA, FMJA, and NCBJ.

Judge Duncan announced that the annual Congressional reception co-sponsored by the FJA, FMJA, and NCBJ would be held this fall on Wednesday, September 13. Other judges who may be in the area are invited to attend the reception, including judges from the Washington area or judges who may be in Washington for the meeting of the Judicial Conference on Tuesday of that week. Judges interested in attending should let Judge Simpson know in advance, so their names can be added to the list. He should also be advised in advance of members of Congress or staffers with whom attending judges have relationships, so they can be specially invited to the reception.

Minutes

The minutes of the May 18, 2016 Board of Directors meeting (in the Board Book starting on page 11) were approved, with the correction of the spelling of the last name of Judge William Kuntz, misspelled as “Kurtz.” (Apologies to Judge Kuntz.)

Treasurer’s Report

Judge Polster presented the report. Written reports are contained in the Board Book starting at page 25.

The FJA has a substantial balance in our accounts. The efforts to reduce spending on board meetings has resulted in a savings of about \$25,000. The new schedule for the meeting has cut down on the total number of hotel nights, with most board members staying for just one night.

Approval was given to expenditures for a joint congressional reception on Wednesday, September 13, at an estimated cost of \$1000 (one-third of the reception cost, shared with the Magistrate Judges Association and National Conference of Bankruptcy Judges) plus limited travel expenses for attending committee members. Last year a total of approximately \$4000 was spent for both the share of the reception and the travel costs.

Approval was given to payment of FJA’s annual dues for the International Association of Judges (1,767 Euros). Approval was also given for the expenditure of \$15,000 to assist with some of the expenses of seven FJA members for attending the annual IAJ meeting in Santiago, Chile in November 2017. Those members will be Judges Duncan, McKeown, Huff, Rufe, Simpson, Carter, and Kendall. (Judges Duncan, Huff, Rufe, Simpson, and Kendall abstained from the latter approval.)

Approval was given to payment of stipends to staff assistants of certain officers: up to \$1500 per year for assistance to Judge Polster for this past year and up to \$1500 for assistance to Judge Duncan for the past two years.

The Quadrennial Committee was authorized to make expenditures and undertake obligations for next year’s program.

Judge Polster advised that it is planned to commission a compilation of income and expenditures for the 2018 Quadrennial at a cost of up to \$5000. A request to that effect will be made at next year’s meeting.

Benefits Committee report

Judge Carter recognized the work done by the members of the committee and presented the report with the help of a slide presentation. A written report is contained in the Board Book on page 39.

Benefits are a primary concern of all FJA members and a primary reason for judges to join FJA and to maintain their memberships. Members are at different stages in their lives and need more useful information to make decisions.

Long term insurance care has recently been a significant concern, triggered by changes in the government sponsored program and a substantial increase in premiums. Starting next month, the committee will launch a series of “meet and greet” sessions on a local basis with the benefits consultant (FedAdvantage). The goal is to increase judges’ understanding of existing and potential insurance coverage, including long term care.

Federal judges have flag rank equivalent to generals and admirals in protocol terms. The committee is trying to obtain access to military recreation facilities for judges, currently starting with the Marine Corps.

The committee is continuing its efforts to encourage USAA to treat judges as eligible for coverage by that company. A meeting is scheduled with Deneen Donnley, USAA executive vice president and general counsel, in June.

The opportunity to sign up for the Global Entry program was offered at the last Quadrennial. Many more people than expected signed up for that opportunity. It will be offered again at next year’s Quadrennial. Global Entry enrollment lasts for five years, but Judge Carter encouraged members to take advantage of the chance to renew early (in a shorter line) next year.

As an example of how FJA serves its members on an ongoing basis, an effort was made not long ago to reduce commuting benefits for senior judges. FJA responded, encouraged its members to speak out, and the proposed cut was fended off.

Bylaws Committee report

Judge Clifton presented the report. A written report is contained in the Board Book on page 41.

Some of the amendments to the Bylaws enacted last year to eliminate the Vice President positions become effective as of the close of this meeting.

Another amendment enacted last year authorized the Board to set the number of at large directors from each regional circuit, up to a maximum of four. No proposal to reduce the number has been submitted for consideration this year, prior to next year’s Quadrennial, but such a proposal could be considered in the coming year. In addition, some members have suggested

that a two-year term for at large directors is too short. The two-year duration was adopted in 2013 as one of the recommendations of the Long Range Planning Committee, shortening the term from three years. Members who think that a longer term should be considered should contact Judge Clifton. Other suggestions for the Bylaws should be sent to him as well. Anyone interested in serving on the Bylaws Committee is invited to volunteer.

Directors were reminded of the need to conduct elections to fill at large director positions that expire at the end of this year. Several circuits have already conducted those elections.

Communications Committee report

Judge Rufe presented the report. A written report is contained in the Board Book starting on page 43.

The FJA website, including the members only section, is being put to more and better use. It is still emerging and growing. Members are encouraged to explore the website. There are sections on memorials and on developments affecting judges around the world. Our intern Tyler Sanborn has been every helpful in maintaining the website.

It is planned to use the website to circulate information about the Quadrennial meeting and to handle registration and payment for the meeting. The new membership brochure will be moved to the public section of the website. The website also has the capacity for holding written materials for civic education and other subjects. Someone should be assigned responsibility for collecting articles and other writing and for updating the civic education site on a regular basis. We may need to put more resources into the website and into encouraging and training judges to use it.

Judge Rufe had hoped to provide a demonstration of the message board feature but it is not operating at the moment. (Work to fix it is under way.) It will be a useful resource for disseminating and exchanging information.

International Association of Judges report

Judge Huff presented the report. A written report on the October 15-20, 2016 meeting in Mexico City is contained in the Board Book starting on page 33.

The IAJ provides support to and sets standards for judges internationally. The meeting last fall was the first IAJ meeting attended by Judge Huff. She came away very impressed. IAJ is a useful organization worthy of FJA's support. She described some of the IAJ's activities and also the leadership roles filled by Judges Simpson, Hall, Duncan, and McKeown, set out in more detail in the written report.

She introduced Judge Kendall as the new chair of the International Rule of Law Committee. Judges are encouraged to participate in programs to support the rule of law around the world.

Judge Kendall also reported on the surveys sent to judges inquiring about international work done by judges. The committee is compiling lists that can be used for reference when assistance is requested. Any judges who haven't responded yet are encouraged to respond to the next one.

Membership Committee report

Judge Schreier presented the report. A written report is contained in the Board Book starting on page 63. Membership has increased since the last meeting from 1,077 (as of April 2016) to 1,105.

The committee consists of one member from each Circuit. Many committee members are hitting the term limit for service on the FJA board. Judge Schreier asked for volunteers to serve on the committee. That person is assigned primary responsibility for membership from that circuit, notably in organizing the efforts to enlist new judges.

The new membership brochure was finalized last year. A copy is contained in the Board Book starting on page 65. It will be updated to reflect the election of new officers at this meeting. A copy of the membership application and payroll deduction form are also in the Board Book and will be available on the website. Judge Schreier thanked Judge Rufe and the Communications Committee for their work on the new brochures and also the membership cards. A membership card was sent to each member since the last Board meeting. The committee recommends that a new card be sent to each member every two years.

A listing of members by circuit is contained in the Board Book starting on page 95. Board members are asked to identify judges missing from the list and to urge them to become FJA members.

When new judges are confirmed, they are sent a letter from the FJA president, with follow up from the Membership Committee. Judge Jeremy Fogel, director of the Federal Judicial Center, has indicated that FJA may participate in new judge orientation programs when those are again held. Judge Baverman said that the FMJA has sponsored receptions the first night of baby judge school and that the receptions have helped them to sign up new magistrate judges. The NCBJ has done the same.

Judge Barker noted that the ability to attend the Quadrennial has been a powerful inducement for FJA membership. The work of the benefits committee should also be highlighted in urging judges to join the FJA.

Other Committee reports

Written reports from the International Rule of Law Committee, Judicial Independence Committee, Legislative Liaison Committee, Nominating Committee, Security Committee (security tips), and Senior Judges Committee are contained in the Board Book.

Global Judicial Integrity Network

Judge Simpson introduced Roberta Solis (Crime Prevention and Criminal Justice Officer, Judicial Integrity, Corruption and Economic Crime Branch of the United Nations Office on Drugs and Crime), who presented a report. A written report is contained in the Board Book starting on page 49.

2018 Quadrennial Report

Judge Childs presented the report. A written report is contained in the Board Book starting on page 61.

FJA has a meeting for all members every four years called the Quadrennial. The next such program will be held next year on Sunday-Tuesday, May 6-8, 2018, at the Washington Georgetown Marriott. The FJC will hold a workshop of district judges starting the preceding Wednesday, which will encourage members to attend and help with travel costs. The 2018 Board meeting will also precede the membership gathering, with dinner on Saturday, May 5, possibly at the Dolley Madison House, and the meeting on Sunday prior to the opening night reception for the Quadrennial membership meeting.

Judges Child and O'Malley described the proposed program, the primary theme of which will recognize the 150th anniversary of the Fourteenth Amendment, including discussions of the history of the Amendment, the civil rights efforts of the 1950's and 1960's, and more recent history. The proposed program also includes a tribute to Justice Ginsburg, during which she will be interviewed by some of her biographers. Programs on cyber security and judicial independence are also planned, along with sessions on benefits and cybersecurity.

The Supreme Court has declined the use of its building for a reception due to the size of our meeting. Planning is under way for a Supreme Court bar admission ceremony for FJA members who are interested and not already members of that bar. Efforts are also being made to obtain an invitation for a reception at the White House, as in past years, but it has never been possible to confirm that event far in advance, and there is uncertainty about whether it will be available next year. It is hoped that the featured event for the 2018 Quadrennial will be a reception at the new National Museum of African-American History & Culture, including an opportunity to tour the museum.

The committee is trying to keep the Quadrennial registration fee under \$400. It is hoping for about 400 attendees (total with spouses). Board members should encourage attendance at the conference and should also use the conference as an incentive to encourage FJA membership.

Judge Huff reported that grant requests have been submitted to the Spencer Williams Foundation for Judicial Independence for costs and expenses in connection with certain proposed speakers at the Quadrennial and also for a national civics education essay contest, partnering with the FBA. She also reported that the Federal Bar Association has historically subsidized the opening reception at the Quadrennial and we hope that will be repeated for 2018.

Board Meeting Relocation Report

An ad hoc committee was created at last year's Board meeting to consider holding the annual board meeting at a different location starting in 2019 in order to save money, Washington, DC, being an expensive hotel city and far away from the residences of some of our members. (The 2018 Quadrennial will be held in Washington, as usual, with the Board meeting immediately preceding the membership conference.) Judge Lee presented the report. A written report is contained in the Board Book starting on page 59.

The committee's recommendation that the 2019 meeting be held in Dallas, Texas, at the Fairmont Dallas, on Monday-Tuesday, April 15-16, 2019, was approved. The hotel rate will be \$146 per night, providing a substantial savings compared to \$226 per night this year.

Judge Fisher suggested that the Board consider meeting in Washington, DC, at least every other year. This decision is limited to the 2019 meeting. The questions of returning to Washington in the future and where to hold the 2020 board meeting will be considered later.

Jury Trial Project

Judge Kendall presented an update on the NYU civil jury project, a subject upon which she has previously reported. The project includes a study of civil jury trials and consideration of the question of they can be improved and encouraged. The FJA has no formal or official connection with the project, but many of our members are involved. There are about 100 federal judges involved in the project. More information can be found on the project website: <http://civiljuryproject.law.nyu.edu>.

Election of Officers

Judge Huff presented the report of the Nominating Committee. The written report is contained in the Board Book starting on page 71.

The following automatically succeeded to positions as FJA officers for two-year terms, 2017-19:

President	Marilyn L. Huff
Immediate Past President	Allyson K. Duncan

The following were elected to positions as FJA officers for two-year terms, 2017-19:

President-Elect	Cynthia M. Rufe
Secretary	Richard R. Clifton (second term)
Treasurer	Dan A. Polster (second term)

The following were elected to serve as members of the Executive Committee for two-year terms, 2017-19:

L. Michelle Childs
Kathleen M. O'Malley
Virginia M. Kendall
Charles R. Simpson, III
N. Randy Smith

The following were appointed by the President to serve as members of the Executive Committee for two-year terms, 2017-19:

Leo M. Gordon
Patti B. Saris
Karen E. Schreier
Rodney W. Sippel

FJA Goals

Judge Huff noted that early in her tenure as a federal judge the FJA was instrumental in making frequent flier benefits available to federal employees, including judges. Since then, the FJA has played important roles in improving the compensation and benefits available to federal judges. She cited as illustrations the pay restoration efforts (with special recognition to Judges Barker, Gorsuch, and Kethledge), the FEGLI fix, and the response to changes in long term care coverages. It cannot be known what might pop up in the future, but the FJA needs to be ready to protect the interests of its members.

She underscored the important mission of the FJA as expressed in its mission statement. She urged Board members to volunteer and actively serve on FJA committees. She specifically mentioned the importance of civic education – the public knows rock starts, not justices who are far more important to their lives – and described the national essay contest aimed at furthering the civic education effort.

Judge Huff identified three homework assignments for Board members. First, come up with essay topics within the framework of the 150th anniversary of the Fourteenth Amendment, and sent those suggestions in. Second, report to members about the activities of FJA, and communicate those reports to Judge Huff. Third, fill Board positions with good people, and help us keep track of elections to Board positions.

Judge Huff presented a plaque to Judge Duncan thanking her for her outstanding service as FJA president the past two years. Judge Duncan was recognized with a standing ovation.

Judge Duncan gave thanks for the recognition and for the opportunity to serve. She said that she was honored by the people chosen to succeed her and that the FJA was in wonderful hands with Judge Huff as its new president.

The meeting was adjourned at 11:37 a.m.

Respectfully submitted,

Richard Clifton
Secretary