

**Federal Judges Association
Executive Committee Meeting Minutes
Telephone Conference Call
March 12, 2020**

Participating: Judges Cynthia Rufe (President), Richard Clifton (President-elect), Marilyn Huff (immediate past president), and Executive Committee members Nannette Brown, Leo Gordon, Malachy Mannion, Dan Polster, Patti Saris, Patty Shwartz, and Charles Simpson.

Also participating: Grace Jan (MSP).

Unable to participate: Michelle Childs, Leigh May, Lawrence Piersol, Karen Schreier

Judge Rufe called the meeting to order at 12:00 noon, EDT.

Annual Board of Directors Meeting

President Rufe raised the question of whether the FJA should proceed with the Annual Board of Directors Meeting currently scheduled for April 18-19 in Denver, considering the COVID-19 virus public health emergency. There was general discussion regarding actions being considered and taken by courts around the country in response to the virus.

By motion made by Judge Polster and seconded by Judge Simpson, it was agreed that the physical gathering for the Annual Meeting will be cancelled. An effort will be made to schedule a telephonic meeting of the Board of Directors on or near the same date, April 19. An effort will also be made to schedule an in-person meeting later this year. President Rufe, working with the executive director's office, was authorized to proceed with those arrangements and with negotiating with the Brown Palace Hotel to minimize the loss to our organization.

By motion made by Judge Clifton and seconded by Judge Mannion, it was agreed that no member of the Board of Directors should suffer any personal financial loss from the cancellation of the meeting. Notice will be given promptly to Board members of the cancellation and their need to cancel plane reservations. It was noted that different airlines have adopted different policies for dealing with cancellations and change fees. Board members will be encouraged to take steps to minimize costs to the organization. MSP is prepared to assist with these efforts.

Code of Conduct Committee Advisory Opinion No. 117 Exposure Draft

The Administrative Office has circulated to all judges a proposed Advisory Opinion by the Codes of Conduct Committee regarding judges' memberships in certain organizations, notably the American Constitution Society, the Federalist Society, and the American Bar Association. (Memorandum from Director James C. Duff, dated January 1, 2020.) Comments have been invited, with a response due date of May 20, 2020. Judge Saris reported that a telephonic meeting of the Judicial Integrity and Independence Committee has been scheduled for later this month to discuss the draft. President Rufe said that she had expected discussion of the draft to be one of the primary subjects for discussion at the now-cancelled meeting in Denver. If a telephonic Board meeting is arranged, the draft will be on the agenda.

There was brief discussion of what role the FJA should play, including the possibilities of taking a formal position in response to the draft or of encouraging individual judges to express their views. Judge Saris was encouraged to continue with the Judicial Integrity and Independence Committee discussion.

Quadrennial Meeting Planning

The Quadrennial meeting of members scheduled for May 1-3, 2020, at the Omni Shoreham Hotel in Washington, DC, is now just a little more than two years away. For the 2018 Quadrennial, we were unable to hold a reception at the Supreme Court because of the size of the group. It is always uncertain whether we will be invited to schedule the customary reception at the White House. It won't be known who the President will be at that time until after the election later this year. We need to anticipate the possibility that we will not be able to arrange that event.

It was agreed that we should start planning for the 2022 Quadrennial. Board members will be encouraged to join that committee. President Rufe noted that she had already received expressions of interests from some members. Judge Clifton volunteered Judge Robert Lasnik (W.D. Wash.), a former member of the Judicial Conference and its Executive Committee and someone with whom Judge Clifton worked in the past in organizing Ninth Circuit Judicial Conferences. Judge Lasnik had expressed some interest in working on the project, and Judge Clifton will follow up with him.

Membership

Judge May was unable to participate in the meeting. President Rufe reported that the last report she received indicated that we have 1,075 members. The public

controversy last month (the misleading press reports regarding the purported scheduling of an emergency FJA meeting) appears to have had very limited impact on membership. Four or five members submitted resignations, but newly confirmed judges continue to sign up for membership.

President Rufe said she had many phone calls with concerned judges. She would like to give more attention at some point to those events and to crisis management generally.

The meeting was adjourned at 1:01 p.m., EDT.

Respectfully submitted,
Richard Clifton
Acting Secretary