

State Bars Support Federal Practice

by Andrew J. Doyle



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A number of state bar associations have committees or sections specifically designed to support the federal bench and bar. The Tennessee Bar Association, for instance, formed a “Federal Practice Section ... in 2005 ... to further the knowledge of its members [whose primary practice is in the federal courts] and to act as an advocate for those attorneys.”¹ Similarly, the Connecticut Bar Association has long supported federal practice through its Federal Practice Section, which seeks to “disseminate information to ... federal court practitioners to enhance their skills and awareness of legal and procedural developments” and to “provide a forum for consultation and dialogue between the federal bar and bench on issues of rules and practice, personnel needs, and facilities.”² Likewise, the New Jersey State Bar Association's Federal Practice and Procedure Section aims to track “developments in or relating to the federal courts” and to support “educational programs and activities which increase awareness of these developments.”³ These state efforts are but examples.

A comprehensive survey of the states is beyond the scope of this *At Sidebar*—although, as solicited below, readers are encouraged to share with *The Federal Lawyer* their state bar experiences. This article's focus is on the Florida Bar's Federal Court Practice Committee (FCPC), of which this author has been a proud and active member for the past four years. By providing more information about the FCPC, the objectives here are to:

- share a template with state bar associations that have not yet established a federal court practice committee but are considering doing so;
- highlight ways in which federal court practice committees can increase their visibility and become even more effective at supporting practitioners; and
- raise awareness that the FCPC has valuable, practice-enhancing resources available to federal practitioners *everywhere*—and often on a cost-free basis.

The Florida Bar's Federal Court Practice Committee

Florida has three of the nation's 94 federal judicial districts, the U.S. District and Bankruptcy Courts for the

Northern, Middle, and Southern Districts of Florida. In 1991, the Florida Bar established the FCPC to serve as its official liaison to all of them. In addition, the FCPC serves as the Florida Bar's liaison to the U.S. Court of Appeals for the Eleventh Circuit, the Eleventh Circuit Judicial Conference, Florida-based chapters of the Federal Bar Association and similar federal practice organizations, and federal practitioners throughout Florida and beyond.⁴

The FCPC is one of the Florida Bar's 70 standing committees, and its chair, vice chairs, and members are appointed by the president-elect.⁵ During any given year, the committee is composed of approximately 60 members, which includes federal judges and a mix of civil, bankruptcy, and criminal practitioners. Members typically serve from three to six years. Geographically, members hail from every corner of the state and out of state.⁶

In Florida, the committee is probably best known for its signature event at the Florida Bar's annual convention: the Federal Judicial Roundtable. The roundtable periodically starts with remarks from federal judges representing the Northern, Middle, and Southern Districts of Florida—each summarizing the “State of the District.” This year, while each judge shared interesting and unique developments from his or her district, a common theme was palpable: There is a beyond-urgent need to fill judicial vacancies.

After initial remarks, the roundtable focuses on discussion-generating legal topics and provides a rare opportunity for federal judges and practitioners to interface, around a small table, on a wide variety of substantive and procedural issues. This year's theme was “Navigating Discovery, Technology, and Ethics in Federal Courts,” and it was moderated by John M. Barkett, a partner at Shook, Hardy & Bacon LLP in Miami and a member of the U.S. Judicial Conference's Advisory Committee on Civil Rules and the ABA's Standing Committee on Ethics and Professional Responsibility. Moderators typically use hypotheticals, inspired by case law, to generate lively dialogue. This year, more than 100 attorneys and 20 federal appellate, district, bankruptcy, and magistrate judges attended. Judges rotated tables at least three times during the program so attorneys could glean insights from as many judges as possible. The roundtable is en-

tirely complimentary for bar members, and the committee offers to subsidize judges' travel expenses. To defray the costs, law firms, Federal Bar Association chapters, and others volunteer to be sponsors.

Beyond the annual convention, the committee produces other "deliverables" throughout the year. For the past 20 years, the FCPC has produced and updated the *Guide to Judicial Practices in Florida's Federal Courts* as a free resource—regardless of where you practice. The *Guide* is accessible anywhere, anytime, by simply visiting the "Federal Corner" on the Florida Bar's website.⁷ Over 100 of the state's federal judicial officers have provided information about their practices and procedures, and even more continue to contribute. The *Guide* also allows the judges to submit sample orders, biographical information, and articles they may have authored about federal practice. The *Guide* has a rich history; as a former FCPC chair said, it appears to be "one of the only statewide federal practice resources in the nation that is provided at no cost to practitioners."⁸ As the *Guide* underscores:

Judges expect that: (1) counsel will comply with any applicable federal rules, local rules, case management and scheduling orders, and any discovery practice manual that may be applicable; (2) counsel will be prepared and thoroughly familiar with the evidence to be presented at trial and the record on appeal; (3) counsel will prepare well-written briefs and state the facts accurately, clearly, and succinctly, and discuss the relevant legal precedent; (4) counsel will be courteous, polite, professional and exercise appropriate courtroom decorum; (5) counsel will be punctual; (6) counsel will take the time to know the courtroom and technology available, and check courtroom equipment prior to trial or hearing to confirm how it works; (7) counsel will directly and precisely answer questions from the court and counsel will be forthright; and (8) counsel will not reargue after the court has ruled.⁹

The FCPC's newest chapter has yet be written. The committee recently approved the development of a subcommittee devoted to facilitating *pro bono* legal representation, with an emphasis on federal practice. The needs have never been greater, and the FCPC's members overwhelmingly concluded that we can do more, together, through the committee.

Reaching More Practitioners, Including You!

In three main ways, the Florida Bar FCPC strives to reach even more practitioners and thereby better serve the bar and, by extension, the public.

First, the committee is active on social media. Specifically, the FCPC is on Twitter (search: "@FlaBarFCPC"), LinkedIn (search: "Federal Court Practice Committee, the Florida Bar"), and Facebook (search: "Florida Bar Federal Court Practice Committee"). These tools allow us to better serve and communicate with practitioners so they can learn all about rule amendments, judicial nominations and retirements, *pro bono* opportunities, and other federal practice matters.

Relatedly, the committee maintains part of the Florida Bar's website, literally a "Federal Corner." The Federal Corner includes federal practice information such as jury instructions and court announcements. For example, earlier this year, the committee posted an informational video explaining proposed changes to federal

procedural and evidentiary rules that were up for public comment. The link is easy to remember: www.floridabar.org/federalcorner. Anyone, anywhere, can and is welcome to follow the committee on social media and access the Federal Corner website.

Second, the committee organizes, sponsors, or promotes CLE events on a number of subjects of interest to federal practitioners, and it increasingly has been using remote webinar systems. That way, even more practitioners can attend without even leaving their desks. Anyone, anywhere can and is encouraged to check the committee's social media and Federal Corner outlets for educational events of interests (many of which are cost-free and some of which do not require a particular bar membership).

Third, the committee partners with chapters of the Federal Bar Association across the state to host events. To facilitate coordination, the committee designates members to serve as liaisons to every single chapter in the state. This structure has extended our reach since FBA chapters can and do reach practitioners that the committee has not. For example, during the annual convention in Orlando, the FCPC and the Orlando Chapter hosted a tour of the George C. Young U.S. Courthouse in downtown Orlando. The attendees included members of FBA chapters from other parts of the state. As another example, the committee partnered with the FBA's Tampa Bay Chapter to provide "Court Skills for the Federal Practitioner," a four-part CLE held entirely in a federal courtroom in downtown Tampa. The Tampa Bay Chapter helped the committee promote the event not only to chapter members, but also to other local bar associations.

How Does Your State Bar Association Support Federal Practice?

The Florida Bar's Federal Court Practice Committee is worthy of consideration by any state bar association that has not yet established a federal court practice committee but is considering doing so. If you would like more information, please do not hesitate to inquire at tfl@fba.org. In addition, you are encouraged to share information about your state bar association's support of federal practice. With your feedback, we hope to follow up on this subject in a future issue of *The Federal Lawyer*. ☺

Endnotes

¹*Federal Practice Section*, TENN. BAR ASS'N, <http://www.tba.org/section/federal-practice-section> (last visited Sept. 10, 2018).

²*Federal Practice Section*, CONN. BAR ASS'N, <https://www.ctbar.org/members/sections-and-committees/sections/federal-practice> (last visited Sept. 10, 2018).

³*Federal Practice and Procedure Section*, N.J. STATE BAR ASS'N, <http://community.njsba.com/federalpracticeandproceduresection/home?ssopc=1> (last visited Sept. 10, 2018).

⁴*Federal Corner*, FLA. BAR, <https://www.floridabar.org/federalcorner> (last visited Sept. 10, 2018).

⁵*2018-19 Standing Committees*, FLA. BAR, <https://www.floridabar.org/about/cmtes/cmtes-cm> (last visited Sept. 10, 2018). Sections and divisions, by contrast, are composed of bar members who elect to join, choose their own leadership, and generally pay a fee. *Florida Bar Sections and Divisions*, FLA. BAR, <https://www.floridabar.org/about/section> (last visited Sept. 10, 2018).

⁶FLA. BAR OUT-OF-STATE DIV., STATE-TO-STATE (Winter 2018), <http://fb.informz.net/z/cjUucD9taT03NDQwODEyJnA9MSZ1PTEwO-TU5NdK3ODEmbGk9NTI2NjlyNTA/index.html>.

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- Oklahoma City Chapter
- Sacramento Chapter
- Eastern District of North Carolina Chapter
- Central District of Illinois Chapter
- El Paso Chapter
- Utah Chapter

Looking Ahead

We look forward to continuing the work of the Foundation in 2019, made possible by charitable gifts from our dedicated members. Each person who donates to the Foundation—in any amount—demonstrates a deep commitment to the Federal Bar Association and plays a vital role in our future growth. Please remember to include the contribution to the Foundation when you renew your FBA membership. You can make a donation anytime at www.fedbar.org/Foundation/Help-Support-the-Foundation.aspx.

Thank you for your support! ☺

President's Message *continued from page 3*

Rising Professionals Symposium on Feb. 1-2, 2019, is an opportunity for young lawyers to network, to present on various topics, to learn from other young lawyers, and to perhaps find a mentor. It is also an opportunity for more seasoned lawyers to volunteer to mentor a young lawyer, which is a rewarding experience. If you are a young lawyer or law student who is lucky enough to have a mentor, reach out to your mentor to thank him or her or seek out an attorney to build that mentor-mentee relationship. As a seasoned attorney, be open to the possibility of serving as a mentor to help shape the career of a young attorney.

Community Outreach

Another way to “get it right” in 2019 is to find a meaningful way to give back to our community. Consider participating in our Community Outreach Project in April. Some of my most rewarding days as an FBA member are attending the Chicago Chapter’s community outreach program. The judges of the U.S. District Court for the Northern District of Illinois hold a mock oral argument for high school students each year, and the positive impact it has on the students is palpable. In particular, I will never forget a female student who until that day was unaware that a woman could be a judge and whose perspective on her future life path was forever changed. Giving back to the community is a wonderful way to make a lasting impact in 2019, and helping others has a positive impact on happiness and well-being.

Networking Opportunities

The FBA has several unique national conferences in February that offer networking opportunities. First, as mentioned above, the Rising

Professionals Symposium will take place in Las Vegas, Nevada on Feb. 1 and 2, 2019. Our annual Fashion Law Conference will take place in New York City on Feb. 7, 2019, and our Art Law Conference will take place in New York City the next day on Feb. 8, 2019. By attending conferences, not only will you gain knowledge on interesting topics (and CLE credit), but you also will have the opportunity to meet new people and to expand your professional network, which will enrich your professional experience and could lead to business opportunities and friendships. In addition, take advantage of your local chapter’s events as well to catch up with your colleagues and to meet new contacts.

Our Profession

We are lucky to be part of a profession that helps others in so many ways. As a lawyer, you really can make a positive difference in the community. Through the FBA, there are many ways to “get it right” in 2019 to have a positive and meaningful professional experience.

In the spirit of the holiday season, I would like to thank you for the opportunity to lead this wonderful organization. Thank you to our national and chapter leaders for their hard work and dedication, and thank you to our executive director and her staff for ensuring that our organization continues on a successful path. As we look ahead to the new year, I wish you a happy, healthy, and prosperous 2019 on behalf of the Federal Bar Association. ☺

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⁷*Supra* note 4.

⁸JERRY M. GEWIRTZ, THE GUIDE TO JUDICIAL PRACTICES IN FLORIDA’S FEDERAL COURTS: AN INVALUABLE SOURCE OF INFORMATION FOR FEDERAL PRACTITIONERS (2018); *see also* Jerry M. Gewirtz, *Federal Court Manual Questionnaires: An Invaluable Source of Information for Litigators in Federal Court*, FLA. BAR J. (Nov. 2002), <https://www.floridabar.org/news/tfb-journal/?durl=%2Fdivcom%2Fjn%2Fjnjournal01.nsf%2F8c9f13012b96736985256aa900624829%2Fa7aad456c6f6efad-85256c620064b640>.

⁹*Supra* note 8.

⁸JERRY M. GEWIRTZ, THE GUIDE TO JUDICIAL PRACTICES IN FLORIDA’S FEDERAL COURTS: AN INVALUABLE SOURCE OF INFORMATION FOR FEDERAL PRACTITIONERS (2018); *see also* Jerry M. Gewirtz, *Federal Court Manual Questionnaires: An Invaluable Source of Information for Litigators in Federal Court*, FLA. BAR J. (Nov. 2002), <https://www.floridabar.org/news/tfb-journal/?durl=%2Fdivcom%2Fjn%2Fjnjournal01.nsf%2F8c9f13012b96736985256aa900624829%2Fa7aad456c6f6efad-85256c620064b640>.

⁹*Supra* note 8.