

UNITED STATES DISTRICT COURT  
District of Kansas

*Bench-Bar Committee Meeting*

MINUTES OF SEPTEMBER 17, 2024, at 12:30 p.m.

Topeka, KS

IN ATTENDANCE:

HONORABLE ERIC F. MELGREN, CHIEF JUDGE  
HONORABLE DANIEL D. CRABTREE, JUDGE, CHAIR  
HONORABLE JOHN W. BROOMES, JUDGE (via video link)  
HONORABLE TOBY CROUSE, JUDGE  
HONORABLE TERESA J. JAMES, MAGISTRATE JUDGE  
HONORABLE ANGEL D. MITCHELL, MAGISTRATE JUDGE (via video link)  
HONORABLE DALE L. SOMERS, CHIEF BANKRUPTCY JUDGE (via video link)  
SKYLER B. O'HARA, CLERK OF COURT  
KATE E. BRUBACHER, U.S. ATTORNEY  
MELODY BRANNON, FEDERAL PUBLIC DEFENDER  
TIMOTHY M. O'BRIEN, CHAIR, KANSAS BENCH-BAR  
ERIC W. BARTH, ESQ.  
ANGELA D. GUPTA, ESQ.  
TERELLE A. MOCK, ESQ.  
RAZMI M. TAHIRKHELI, ESQ.  
JENNIFER HILL, ESQ.  
JENNIFER B. WIELAND, ESQ.  
TERESA L. SHULDA, ESQ  
KIM LEININGER, CHIEF DEPUTY CLERK  
STEPHANIE MICKELSEN, DIRECTOR OF COURT ADMINISTRATION  
CHASITY SCHOONOVER, OPERATIONS ADMINISTRATOR

NOT PRESENT:

HONORABLE HOLLY L. TEETER, JUDGE  
SARAH STEEN RUANE, ESQ  
KATE MARPLES SIMPSON, ESQ.

1) WELCOME AND INTRODUCTIONS

Judge Daniel Crabtree welcomed members and thanked them for their participation.

2) COURT HISTORY DISPLAY

Judge Toby Crouse, Chair of the Court History Committee, shared that the court history and judge displays at each courthouse have aged and need replaced. The 10th Circuit Court of Appeals

worked with Studio Tectonic to design and construct an exhibit at the courthouse in Denver, Colorado. Information on Studio Tectonic is provided in the agenda book and includes a proposal and overview of the Project Discovery and Concept Development phase which would cost approximately \$48,000. Their proposal is a “turnkey effort” that would award Studio Tectonic with a design/build exhibit/display project.

Skyler O’Hara explained that there is \$60,000 earmarked in the FY2024 budget for court history expenses. The committee is asked to weigh in on the issue because once the concept is designed and awarded, it could implicate future bench-bar fund expenditures. After discussion, committee members authorized a contract with Studio Tectonics, for up to \$60,000. This contract would produce an exhibit design concept with detailed portable specifications so that the Court History Committee could seek bids from multiple vendors to fabricate and install the exhibit for each courthouse. Prior to the obligation of additional expenses, the Court History Committee will seek approval from the Bench-Bar Committee and the board of judges. After the meeting, Ms. O’Hara reported to the Committee that Studio Tectonics will still complete the concept/design phase for \$48,000. They then will provide an estimate to create a portable specifications package for the bidding process.

### 3) APPROVAL OF APRIL 23, 2024, MINUTES

Judge Crabtree asked the committee if they noted any corrections or changes to the April 23, 2024, minutes. Terelle Mock moved to adopt the minutes as written, Judge Teresa James seconded the motion, and the motion passed unanimously.

### 4) CHIEF JUDGE REPORT

Chief Judge Melgren shared that the District of Kansas had only one federal judge until 1949 when a second position was created by Congress. Additional positions were created after 1960 and a ten-year temporary judgeship was created in 1990 and filled by Monti Belot.

At the expiration of the initial ten-year period, the temporary judgeship was extended one year at a time and is currently set to expire in May 2025. Judge Melgren discussed budget impacts when there are vacant positions and temporary positions. This year there is a bill gaining traction to make several temporary judgeships permanent, but Kansas is not included in that bill.

The District of Kansas has six judicial positions, one of which is temporary. Judge Robinson took senior status in 2022 and her position has been vacant for nearly three years. Judge Lungstrum and Judge Vratil's vacancies took over four years to fill. It is safe to assume that the current administration will not fill the court's vacant position because there is not a nominee. In addition to this vacancy, Judge Melgren and Judge Crabtree plan to take senior status in August 2025, creating two additional vacancies.

#### 5) LOCAL RULES UPDATE

At its April 2024 meeting, the Bench-Bar Committee reviewed the proposed changes to the civil and criminal rules and modifications were proposed for the judges' consideration. The board of judges approved the local rule amendments, and they were published for public comment on May 10, 2024. After reviewing the public comments, the Rule 2 committee proposed minor edits focusing on bringing greater clarity to the rules, as opposed to making substantive revisions. The board of judges voted to approve the final revisions to the proposed rules and the amendments were effective on August 26, 2024.

Judge Crabtree thanked Judge Mitchell, Judge Schwartz and all those who participated on the Rule 2 Committee.

#### 6) ATTORNEY RENEWAL UPDATE

Ms. O'Hara reported that the court moved from the OARS (Online Attorney Renewal System) to CM/ECF for the 2024 annual attorney registration season. OARS was a simple program but lacked modern computer security features. CM/ECF is secure but not as user friendly. Bar members that were familiar with CM/ECF were able to register with minimal difficulty. Bar members who don't have a substantial federal practice and are therefore unfamiliar with CM/ECF had more difficulty. We extended the grace period by 30 days to give everyone additional time to register. The first year on CM/ECF is the most difficult since it required linking their PACER account; we anticipate next year to be a smoother process. Ms. O'Hara thanked bench-bar members who were able to test the process before it was rolled out to the full bar.

#### 7) BAR FUND FINANCIAL REPORT

Ms. O'Hara referred to the Bar Financial Report in the agenda book and the FY2024 budget information. The projected balance was \$279,000, but the actual balance is \$665,000. After the expenditure for the court history project, the final balance will be approximately \$616,000. The report also lists all of the expenditures to date.

The FY2025 budget includes \$250,000 for the court history project, but Ms. O'Hara explained that is only an estimated expense and once the actual cost is known, she will come back to the committee for approval.

Melody Brannon informed the committee that 2<sup>nd</sup> Chair Program was suspended for a year, and they would not need \$50,000 for expenses. She suggested to reduce that line item to \$20,000 for FY2025.

Angela Gupta moved to approve the FY2024 budget report and the FY2025 proposed budget, including the reduction of the 2<sup>nd</sup> Chair Program from \$50,000 to \$20,000. Ms. Brannon seconded the motion. The motion passed unanimously.

8) KBA UPDATE

Tim O'Brien reported that he was appointed to serve another year on the Kansas Bench-Bar Committee by Mark Dupree, President of the Kansas Bar Association. This past year the KBA's Bench-Bar committee continued to focus on a website dedicated to the retention and selection of Kansas appellate judges. They recently asked Kansas attorneys to rate the appellate judges, but the response rate was low. Their committee plans to share the results of the survey on the website along with the judges' biographical information. He also reported that their committee allocated much of their resources to addressing the Kansas Supreme Court data breach that occurred on October 12, 2023.

9) SELECTION OF NEW MEMBERS

Judge Crabtree referred committee members to the bench-bar attorney applications for the 2025-2027 term. Traditionally we focus on selecting members from the three divisions, but that is not a requirement in the local rules. This committee will select three new members from among the applicants and make a recommendation for the board of judges' consideration at their October 2024 meeting.

The committee discussed the past practice of refraining from appointing members of the Federal Public Defender and U.S. Attorney's Office because those agencies are already represented. Judge Crabtree does not view that as an impediment for attorneys in those offices and the committee has always strived to balance the committee to represent all of the bar's interests. Committee members shared their agreement that since Kathryn Sheedy is not a prosecutor for the USAO, she

would be good candidate to fill the position. Also, while Brandon Bell is affiliated with the FPD as a Criminal Justice Act (CJA) panel attorney, this should not preclude him from being on the committee.

After discussing applications for the 2025 – 2027 Bench-Bar Committee term, the committee recommended Brandon Bell for the Kansas City position, Kathryn Sheedy for the Lawrence/Topeka position, and Jeffrey Kuhlman, from Great Bend, for the Wichita position. If the board of judges is concerned about the appointment of a second member of the U.S. Attorney's Office, the committee recommends the appointment of Abhishek Kambli from Topeka.

#### 10) RECOGNITION OF DEPARTING MEMBERS

The appointments of Eric Barth, Angela Gupta, and Razmi Tahirkheli will expire on December 31, 2024. Judge Crabtree thanked them for their outstanding service to the court and presented them with a certificate of service.

The meeting, having convened at 12:30 p.m., adjourned at 2:30 p.m.

Respectfully submitted,

s/Kim Leininger

Chief Deputy Clerk