MINUTES
CIVIL RULES ADVISORY COMMITTEE
Washington, DC
October 10, 2024

The Civil Rules Advisory Committee met at the Administrative Office of the United States Courts in Washington, DC, on October 10, 2024. The meeting was open to the public. Participants included Judge Robin L. Rosenberg, Advisory Committee Chair, and Advisory Committee members Judge Cathy Bissoon, Justice Jane Bland, David Burman, Judge Annie Christoff, Professor Zachary Clopton, Chief Judge David Godbey, Jocelyn Larkin, Judge M. Hannah Lauck, Chief Judge R. David Proctor, Judge Marvin Quattlebaum, Joseph Sellers, Judge Manish Shah, and David Wright. Professor Richard L. Marcus participated as Reporter, Professor Andrew D. Bradt as Associate Reporter, and Professor Edward H. Cooper (remotely) as Consultant. Judge John D. Bates, Chair, Judge D. Brooks Smith, Liaison, Professor Catherine T. Struve, Reporter, and Professor Daniel R. Coquillette, Consultant (remotely) represented the Standing Committee. Judge Catherine P. McEwen participated remotely as Liaison from the Bankruptcy Rules Committee. Clerk Liaison Thomas Bruton also participated**.** The Department of Justice was represented by Joshua Gardner in lieu of committee member Brian Boynton, who could not attend due to a court appearance. The Administrative Office was represented by H. Thomas Byron III, Scott Myers (remotely), Rakita Johnson, Shelly Cox (remotely), and law clerk Kyle Brinker. The Federal Judicial Center was represented by Dr. Emery Lee and Dr. Tim Reagan (remotely). Members of the public who joined the meeting remotely or in person are identified in the attached attendance list.

Judge Rosenberg opened the meeting by welcoming all observers with appreciation for their participation and interest in the rulemaking process. She then thanked the committee members who have been reappointed: Judges Bissoon and Proctor, whose terms have been extended for three years, and Joseph Sellers, whose term has been extended for one year. She also welcomed new committee members: Judges Marvin Quattlebaum and Annie Christoff, Jocelyn Larkin, and David Wright. Judge Rosenberg also welcomed with gratitude the new Clerk Liaison to the Committee, Thomas Bruton of the Northern District of Illinois. She also noted, with thanks, the attendance of the new Rules Law Clerk, Kyle Brinker. Judge Rosenberg also expressed her and the Advisory Committee's appreciation for the contributions of former Counsel Allison Bruff, who has left the Administrative Office for private practice.

Prior to beginning the day's agenda items, Judge Rosenberg expressed special appreciation to subcommittee Chairs Judge Shah (Cross-Border Discovery), Chief Judge Godbey (Discovery), Chief Judge Proctor (Multidistrict Litigation), Justice Bland (Rule 7.1), Judge Bissoon (Rule 41), Judge Lauck (Rules 43 & 45), and Judge Oetken (Joint Committee on Attorney Admissions). Judge Rosenberg also expressed gratitude to the members of the public in attendance and thanked them for their ongoing interest in the work of the Advisory Committee.

Judge Rosenberg then gave a brief report on the September 2024 meeting of the Judicial Conference of the United States. She reported that the Conference had approved the proposed amendments to Rules 16 and 26, and new Rule 16.1. She indicated that these proposals would be sent to the U.S. Supreme Court by the end of the month. If the Court approves the proposals, it will issue an order that will be transmitted to both houses of Congress by May 1, 2025, and

barring action by Congress the amendments will hopefully then go into effect on December 1, 2025. Judge Rosenberg congratulated the Advisory Committee on the progress of these proposals, each of which was the product of much effort. With respect to pending legislation that would affect the Federal Rules, Judge Rosenberg referred members to the materials in the agenda book.

Action Items

Review of Minutes

Judge Rosenberg then turned to the first action item: approval of the minutes of the April 9, 2024, Advisory Committee meeting, held in Denver, CO. The draft minutes included in the agenda book were unanimously approved, subject to corrections by the Reporter as needed.

Rule 81(c)(3)(A)

The next action item involved the process for making a jury demand after removal in Rule 81(c)(3)(A), which the Advisory Committee had discussed at its April 2024 meeting without reaching consensus on a final action. The current version of the Rule, as restyled in 2007, provides, in pertinent part:

> A party who, before removal, expressly demanded a jury trial in accordance with state law need not renew the demand after removal. If the state law **did** not require an express demand for a jury trial, a party need not make one after removal unless the court orders the parties to do so within a specified time. (Emphasis added).

Prior to restyling, the verb "did" (bolded above) was "does." Professor Marcus explained that this change, for which no one involved could remember a specific reason, has introduced some ambiguity into the rule. In at least one instance, a lawyer who had not demanded a jury trial in state court prior to removal (because the deadline to do so under state law had not yet arrived) failed to do so after removal and accidentally waived his client's right to a jury trial. Reverting to "does" would arguably make it clearer that the rule requires a timely post-removal jury demand unless the state court in which the case was filed would *never* require a jury demand, as opposed to cases in which a state-court jury demand would have eventually been required but the deadline had not yet arrived. Based on research by Rules Law Clerk Zachary Hawari, while all states' laws are not entirely clear, it appears that at least 8-9 states never require a jury demand.

Professor Marcus noted three alternatives, originally laid out at pp. 99-103 of the agenda book. The Advisory Committee could, of course, leave the current rule as it is. Alternatively, it could simply change the rule back to its pre-2007 text, replacing "did" with "does" (Alternative 1.) Or, the rule could be more extensively redrafted to make explicit that the deadlines in Rule 38(b) govern jury demands in all removed cases in which the demand has not been made before removal. (Alternative 2, as restyled and presented in a handout that is now included at the end of the agenda book materials posted on uscourts.gov.) One potential virtue of Alternative 2 is to eliminate uncertainty in that it makes clear that parties must always make a timely jury demand under Rule 38(b) if they had not done so in state court prior to removal.

Judge Rosenberg then indicated that all necessary work had been completed on this issue, and the question of whether to move forward was ripe for Advisory Committee consideration. One lawyer committee member favored Alternative 2 because it makes clear that a federal jury demand is necessary regardless of state law. A judge member also expressed support for Alternative 2 because it removes any ambiguity regarding timing. Professor Struve, however, expressed concern that many lawyers will be unaware of Rule 81(c)(3) and their clients may need to be protected from inadvertently losing their jury-trial rights. Alternative 1 may provide better protection for clients under these circumstances since failure to make a post-removal jury demand under Rule 38 will be excused in states that never require such a demand. Professor Coquillette added that this concern may be especially relevant to pro se litigants who may be relying on the law of the state in which they filed. Professor Clopton suggested that the rule make explicit that a judge has discretion in removed cases to allow a jury demand that would otherwise be untimely, as in Rule 39(b).

Professor Marcus, however, suggested that in states where a jury demand is not required, word would get out that such a demand is necessary after removal. A judge member added that Rule 39(b) also always allows a judge to order a jury trial if it is not timely demanded, and perhaps a reference to Rule 39(b) in the rule, or in the Committee Note, would remind judges that they have such discretion in removed cases, as well. Another judge member then asked the Reporters whether they had a preference for whether such a reference to Rule 39 should be in the text of the rule or the Committee Note. Professor Marcus indicated that such a reference to Rule 39(b) would fit well in the Committee Note, and Professor Struve agreed that would be helpful. At that point, Judge Rosenberg suggested that the Reporters work on drafting an amended Committee Note including a reference to Rule 39 during the lunch break, and that the Advisory Committee could subsequently return to the matter.

After the lunch break, the Advisory Committee considered the following additional language to the Committee Note, to be added as a new second paragraph: "When no demand has been made either before removal or in compliance with Rule 38(b), the court has discretion under Rule 39(b), on motion, to order a jury trial on any issue for which a jury trial might have been demanded."

The Advisory Committee subsequently approved unanimously for publication "Alternative 2," as drafted in the handout provided to committee members and now at the end of the posted agenda book (including the bracketed word, "necessary") with the above-noted addition to the Committee Note.

Rule 55

Judge Rosenberg then introduced the next action item, which has been on the Advisory Committee's agenda for some time: the language in Rule 55 mandating that the clerk enter a party's default under Rule 55(a), and a default judgment under Rule 55(b). Concerns have been raised that the mandatory language (i.e. "must") in Rule 55 requires clerks to take actions they might not be comfortable with. As such, the Reporters have drafted potential amended language replacing the mandatory "must" with "may," as reflected at p. 125 of the agenda book. Aided by a comprehensive report by the Federal Judicial Center, included in the agenda materials, it may be ripe for the Advisory Committee to consider whether Rule 55 as presently written presents a

real-world problem. The FJC report indicates that there is some diversity of practice among the districts regarding judicial involvement in the entry of defaults and default judgments, but the rule does not appear to be causing many difficulties in many actual cases. Given the wealth of information in the FJC report, Judge Rosenberg sought feedback on whether to continue to pursue amendments to Rule 55 or to drop the item from the agenda.

The Clerk Liaison indicated that he would prefer an amended rule to change "must" to "may," since most clerks would prefer not to enter defaults or default judgments without judicial sign-off. In his view, it would be better for districts to decide how to handle this on their own. An attorney member added that the rule should conform to practice so as not to mislead even if the rule does not appear to present much real-world confusion. Another attorney member added that the rule should be clear if judicial sign-off is required before the clerk enters the default, so a party seeking a default will know to address the judge. A judge member agreed, noting that the word "may" signals to the parties that the entry of default is not purely mechanical, and that the judge might be involved. Judge Rosenberg suggested that such a signal could be sent by adding language indicating that the clerk must enter a default "unless ordered by the court." Another judge member suggested language reflecting that the clerk should ordinarily enter defaults, but "may defer to the court." Such language would be capacious enough to reflect the diversity of practice among the districts.

Professor Marcus responded, however, that Rule 55 has remained unchanged for a long time, and that if a clerk's office does not enter a default or default judgment for some reason, a party may always make a motion under Rule 7(a) for an order. Although it is debatable whether the rule accurately reflects current practice, a change might add unnecessary confusion to a process that seems to be working relatively well. Professor Cooper suggested that perhaps the rule would be more precise if it were amended to provide that the clerk or the court must enter a default or default judgment unless directed by the court, since "may" might indicate a rather imprecise element of discretion beyond what really occurs. Professor Cooper suggested, however, that unless the rule appears to cause real confusion, perhaps it is better to leave it alone.

An attorney member raised a concern that while Rule 55(b)(1) requires that the clerk enter a default judgment in cases where the plaintiff's claim is for a sum certain without notice to the defendant, Rule 55(b)(2) requires an application to the court for all other default judgments and that notice of such an application must be served on the defendant. Professor Marcus agreed that the notice requirement does raise interesting issues, but there appear to be few real-world problems in federal cases.

Judge Rosenberg then turned to the Clerk Liaison to ask whether, in his experience, there is a real-world problem. He responded that there does not appear to be one; the rule is working. On the other hand, it's also not clear to attorneys that in many courts clerks actually seek judicial approval before entering defaults. A judge member added that in her district defaults in pro se cases are typically handled in chambers, and it may create suspicion that the court is doing something contrary to the language in the rule. As a result, she prefers changing "must" to "may" in order to reflect that in some cases the clerk will not enter a default without judicial involvement. A pro se litigant seeking entry of default might be rebuffed by the clerk's office and told to seek an order from the judge. The Clerk Liaison indicated that in such circumstances,

given the mandatory text in the rule, a litigant might be tempted to embrace a "conspiracy theory."

An attorney member took a different tack. In his view, the rule is appropriately drafted. In a case where a default or default judgement is warranted, there should not be discretion. The rules are clear as to the requirements of litigants, and a party entitled to a default should be able to get one mechanically without discretion injected into the process.

A judge member then opined that the problem was fascinating because, despite the clear language of the rule, districts handle defaults differently. One benefit of the rule as drafted is that it protects clerks who enter defaults because they are not provided any discretion to refuse. "May" indicates a kind of discretion that clerks are unlikely to substantively exercise. If the real issue is that clerks sometimes seek judicial involvement, perhaps Professor Cooper's suggestion that either the clerk or the court must enter a default judgment when the requirements are met is preferable. This would make clear that it isn't always the clerk's decision to make, but it would not indicate that there is more discretion than the rule contemplates.

An attorney member, however, indicated that judges do appear to exercise some discretion, so perhaps an alternative that would direct parties to seek a default from the clerk in the first instance, but that the clerk may defer to the court, would more accurately reflect current practice.

At this point, Judge Bates suggested that the discussion reflected some complexities here that might benefit from additional study. Professor Marcus agreed and added his view that the Advisory Committee should return to this question at its spring meeting. Judge Rosenberg concurred and thanked the committee for its input. In her view, the discussion indicated that the rule does not reflect current practice and that ideally there should not be ambiguity for litigants, clerks' offices, or courts. The Reporters will draft potential amendments for consideration as an action item at the April 2025 meeting. As a coda, Dr. Lee added that his research revealed that this is indeed a confusing rule and thanked the Rules Committee Staff for their assistance with this project.

Rule 41

The Rule 41 Subcommittee, chaired by Judge Cathy Bissoon, presented several amendments for approval for publication. This subcommittee was created at the March 2022 Advisory Committee meeting in response to two proposals that revealed significant variation among the districts and circuits regarding interpretation of the rule. In sum, although the rule speaks only of voluntary dismissal of "actions," most courts use it to dismiss less than an entire action. That is, most courts interpret the rule to permit dismissal of one or more claims in a multi-claim case. As detailed in the agenda book, after a lengthy period of study and outreach, the subcommittee reached consensus that the rule should be amended to explicitly permit voluntary dismissal of one or more claims. The subcommittee also reached a consensus that the rule should be amended to make clear that a stipulation of dismissal need be signed only by current parties to the case and not those who were once parties but no longer are.

Judge Bissoon noted that she had struggled with whether a rule amendment was necessary, but she concluded that there was a need for clarity, and that amending the rule to explicitly allow dismissal of one or more claims, rather than only the entire action, would not only better conform to practice but would also further the rules' general policy in favor of narrowing and simplifying the issues in cases prior to trial. Ultimately, the subcommittee concluded that this would make the rule more practical, especially in complex, multi-party, multi-claim cases, which are now far more common than they were in 1938.

Professor Bradt noted the extensive research and outreach done by the subcommittee and agreed that these amendments were consistent with what most judges and lawyers already thought the rule permitted. Moreover, he cited historical materials contemporaneous to the drafting of the rule that indicated that even in 1938 the rulemakers intended the rule to be construed to permit dismissal of one of multiple "causes of action" pleaded in a complaint.

Professor Bradt also noted that the changes to Rule 41(a) necessitate a conforming amendment to Rule 41(d) to reflect that costs may be imposed against a plaintiff who files an action based on or including a previously dismissed claim. At Professor Struve's suggestion, the proposed last sentence of the first paragraph of the committee note was expanded to read: "Rule 41(d) is amended to reflect the change to 41(a) but is not intended to suggest that costs should be imposed as a matter of course when a previously dismissed claim is refiled. If a court believes an award of costs is appropriate, the award should ordinarily be limited to costs associated with only the voluntarily dismissed claim or claims." No Advisory Committee member expressed disagreement with this change.

An attorney member applauded the work done by the subcommittee and agreed that the proposed amendments better reflect current practice and serve the goal of efficiency. This member questioned, however, whether the amendment requiring signatures on a stipulation of dismissal of current parties to a case might be narrowed to require only the signatures of the parties to the claim to be dismissed. Judge Bissoon responded that the subcommittee had considered this alternative but ultimately concluded that it would be better to ensure that all extant parties receive notice of a dismissal of a claim. Should a party refuse to sign such a stipulation, the court could still order a dismissal. If nothing else, in such a situation, the rule as amended would at least notify the judge of a potential dispute.

Professor Coquillette also applauded the subcommittee's work, particularly its historical research revealing that this amendment is more consistent with the rulemakers' overall approach in 1938, drawn largely from English courts of equity.

Some additional wordsmithing ensued and resulted in adoption of language in the rule referring to "a claim or claims" and ensuring appropriate references to "a plaintiff" as opposed to "the plaintiff" in the rule. There was also some discussion of refining the use of the term "opposing party" in Rule 41(a)(1)(A)(i), but the committee ultimately concluded that the term was used appropriately.

Subsequently, the advisory committee voted unanimously in favor of sending the proposed amendments to the Standing Committee to consider publication.

Almost-Action Items

The Action Items having been completed, Judge Rosenberg turned to the next category of items on the agenda, "almost-action items," or matters further along in consideration or that would benefit from Advisory Committee feedback on next steps.

Remote Testimony Under Rules 43 & 45

Judge Rosenberg began the discussion by referring to the various proposals and extensive materials in the agenda book. She noted that the subcommittee has already spent a lot of time on these issues and has met three times, including with the Discovery subcommittee to elicit its members' views. She then turned the discussion over to the subcommittee's Chair, Judge Lauck.

Judge Lauck noted that the subcommittee was created in part to investigate a possible response to the Ninth Circuit's decision in *In re Kirkland*, but also the proposals that Judge Rosenberg had referenced to relax the standards for using remote testimony at trial. Because both issues implicate overlapping questions of the increased use of remote testimony in the post-pandemic era, when there is now widespread familiarity with remote-meeting software like Zoom and Teams, the subcommittee has been considering changes to both Rule 43 and Rule 45. Rules 43 and 45 are not "apples to apples" in the sense that they address remote testimony in different contexts, but the overarching issues are related.

Judge Lauck explained that remote testimony has become increasingly common at depositions, motion hearings, and trials due to positive experiences with improved technology in the Covid era. Typically, the use of remote testimony in each of these contexts is by stipulation of the parties -- for instance, Rule 77(a) requires that all trials "must be conducted in open court and, so far as convenient, in a regular courtroom," but the parties may consent to remote testimony. Nevertheless, despite the increased acceptance of remote testimony, the Rules must contemplate what to do when a party contests its use.

Judge Lauck explained that currently the standard under Rule 43 for using contemporaneous remote testimony at trial is quite strict, requiring compelling circumstances, good cause, and adequate safeguards. One proposal suggests removing the compelling-circumstances requirement and essentially maintains that the best alternative to in-court testimony is contemporaneous remote testimony and not a deposition transcript.

One question the subcommittee has considered is whether a response to *In re Kirkland* could be handled as a discrete issue, separate from the more multifaceted topic of remote testimony generally. As Judge Lauck explained, in *Kirkland*, the Ninth Circuit held that Rule 45(c)(1)(A) authorizes a subpoena for trial testimony only in 100 miles of where the recipient "resides, is employed, or regularly transacts business in person," regardless of whether that testimony is to be given in person in the courtroom or remotely and transmitted to the courtroom. That is, even when a witness may testify remotely under the terms of Rule 43(a), a subpoena can only command that testimony if the live trial is held within the 100-mile window in Rule 45(c)(1)(A). In other words, a subpoena cannot command a witness to testify remotely from a location within 100 miles of *his* residence, if it will be transmitted to a trial occurring beyond that radius. Although the Committee Note to the 2013 amendment to Rule 45(c) seems to indicate

that the Committee's intent was to permit subpoenas for remote testimony compelling the witness to appear at a location within 100 miles of his home, the Ninth Circuit panel concluded that the note was inconsistent with the plain text of the Rule. The Ninth Circuit suggested that the Rules Committee address the text of the rule to address the issue.

Judge Lauck noted that, *Kirkland* aside, it is uncontroversial that the Advisory Committee's Rule 45 project, which culminated in the 2013 amendments to the rule, was intended to expand the trial court's subpoena power to allow orders that remote testimony be given within 100 miles of the witness's residence, place of employment, or regular business. In light of the Ninth Circuit's decision, one avenue for the subcommittee is to propose an amendment to Rule 45 that would say that a court may require a witness to appear within 100 miles for testimony that will be transmitted live to the trial. One question that arises, however, relates to the mechanics of how one might obtain an order for remote testimony under Rule 43(a), the circumstances of serving such an order along with the subpoena, and identifying the location of the remote testimony. Judge Lauck noted that some subcommittee members had expressed concerns that this would create another opportunity for additional time-consuming satellite litigation over a Rule 43(a) motion. Judge Lauck explained that this is just one example of how Rules 43 and 45 (and perhaps others) interact, so dealing exclusively with the problem raised by *Kirkland* may be tricky, and perhaps the entire set of issues should be handled at once.

Judge Lauck also noted the Bankruptcy Rules Advisory Committee's consideration of rule amendments that ease the requirements for remote testimony in various proceedings, including a blanket permission for remote testimony in "contested matters." Those amendments are out for public comment, and the subcommittee will surely benefit from what the Bankruptcy Committee hears.

Professor Marcus added that the subcommittee faces an array of complications, including: whether the requirements for allowing remote testimony should differ for depositions, hearings, and trials; how to go about getting an order under Rule 43(a) and whether to require that the order be served; and what to do about the requirement of tendering fees for attendance. There is, however, significant appeal to addressing *Kirkland* by making it clear that the judge can command appearance for remote testimony within 100 miles of the witness's residence even if the trial is occurring farther away. If the judge thinks remote testimony should be allowed, and it isn't unreasonably inconvenient for the witness, the witness should be required to appear. This was the intent in 2013 and that intent is reflected in the Committee Note the Ninth Circuit found unclear.

Judge Bates suggested looking at the process from a "20,000-foot perspective." In his view, the process might require getting an order from the judge permitting remote testimony under the strict requirements of Rule 43(a), likely with participation from the other parties as opposed to *ex parte*, followed by service of both the Rule 43(a) order and the subpoena on the witness. This is a change in subpoena practice because often other parties are not currently informed of all subpoenas that issue, so this will create an added piece of litigation for subpoenas commanding remote testimony.

One judge member opined that the problems of Rules 43 and 45 seem to be discrete. That is, the *Kirkland* decision doesn't say that remote testimony is inconsistent with Rule 77 because

it is not in "open court." This member did not see a problem with the requirements in Rule 43(a) and noted that it seems like a significant step to lower those standards. This member would prefer that the rule be amended to state only that remote testimony can be commanded at a location within 100 miles of the witness's residence et al.

Another judge member agreed, noting that when it comes to hearings and depositions the requirements for remote testimony might be relaxed, but for trial, the Rule 43(a) requirements continue to seem appropriate. With respect to trial testimony, the logistics, such as the software used and safeguards against improper communication with the witness, have to be fleshed out by the court and parties well in advance, so a court order specifying those matters seems inevitable and uncomplicated to serve on the witness.

A judge member of the Committee then stated that although there is a consensus that in-person testimony is preferred, in Texas there have been at least 5 million remote proceedings since the pandemic. Due to the massive size of the state, Texas has embraced remote proceedings and they have worked well. Lowering the bar for remote testimony, perhaps by eliminating the compelling circumstances language from Rule 43(a), signals to judges that they have the ability to experiment. This Committee member posited that the world has changed since the pandemic, and that the Committee should consider giving judges more flexibility to allow remote testimony for good cause and with adequate safeguards.

Another judge liaison agreed with these sentiments in favor of increased flexibility. Courts should be able to easily handle whether to allow remote trial testimony on a motion in limine. This judge also noted that the proposed amendments to the bankruptcy rules would allow increased use of remote testimony on both simple and very complex matters.

A judge member then prompted a discussion on whether the standard for allowing remote testimony should vary depending on whether that testimony is at a deposition, hearing, or trial. Rule 43(c) for instance does not have an explicit textual reference to the use of remote testimony at a hearing on a motion. Professor Marcus wondered whether the provision for remote testimony at trial in 43(a) also implicitly allowed the use of such testimony at hearings but agreed that the text of the rules doesn't resolve the question. Both Professor Marcus and the judge member wondered whether the *Kirkland* problem could be addressed for hearings without modifying Rule 43. An attorney member followed up by noting that for both hearings and motions, the judge can address these issues at a pretrial conference under Rule 16, and usually the parties are able to agree. So perhaps the *Kirkland* matter can be addressed via a rule amendment without creating many on-the-ground problems while the subcommittee deals with the broader questions about the use of remote testimony.

Judge Rosenberg then suggested that this productive conversation demonstrated that there are several issues on the table.

First, in light of *Kirkland*, is Rule 45 ripe for an amendment? There appears to be consensus that such an amendment should be developed, and no committee members objected.

Second, how should such an amendment be accomplished?

One judge member prefers explicitly referencing authorization for remote testimony under Rule 43(a) in Rule 45(c), as suggested in the agenda book at page 195, line 602 (i.e., make Rule 45(c) read: "A subpoena may command a person to attend a trial, hearing, or deposition, or to provide trial testimony from a remote location when authorized under Rule 43(a) . . . "). Another judge member expressed a desire for an accompanying amendment to Rule 45(a)(1) to provide explicit authority for remote testimony at a hearing in order to address the lack of text authorizing such testimony in Rule 43(c). This approach is in the agenda book, at page 196, line 631: ((D) **Remote Testimony on a Motion Under Rule 43(c).** A subpoena may command a person to attend a hearing on a motion by remote means.). An attorney member agreed and contended that if remote testimony is allowed for a trial, it should also be allowed for hearings. He noted that often live testimony is necessary for a hearing on a motion for a preliminary injunction, since there is not yet any deposition testimony. There are also myriad other motions for which live testimony is necessary because the outcome may turn on the credibility of a witness. This attorney member suggested that making it clear that remote testimony can be used would be beneficial since many attorneys might read the text of the current rule and think that it cannot be used in those circumstances.

Another judge member, however, expressed that the Committee should deal only with *trial* testimony first, in order to address *Kirkland* promptly, while leaving the question of hearings for later analysis. That is, the Committee should just "tweak" Rule 45(c) now to make clear that a person may be subpoenaed to appear within a hundred miles to testify remotely at trial, and defer other contexts for later. An attorney member agreed. Although Rule 43 contains some matters that need "cleaning up," the best course is to deal with the *Kirkland* problem first by amending only Rule 45(c) while continuing work on Rule 43. Another judge member agreed with this approach.

Professor Cooper also agreed with the sentiment that *Kirkland* should be addressed with a change to Rule 45(c) along the lines of what is suggested at page 195, line 594, of the agenda book, without the bracketed language. That is, amend Rule 45(c)(1) to add the language "or to provide trial testimony from a remote location." Additional questions could be addressed separately.

Judge Lauck thanked the Committee for its feedback and said that the subcommittee would continue its work.

Rule 45(b)(1) Service of Subpoenas

Judge Rosenberg then introduced the Discovery Subcommittee's ongoing project on service of subpoenas under Rule 45(b)(1). The subcommittee's Chair, Chief Judge Godbey, noted that the subcommittee had devoted substantial effort to this question. Earlier efforts had focused on revising the rule to include a "cafeteria plan" with a list of options drawn from Rule 4, but the subcommittee has instead turned toward a simpler approach on which the subcommittee would benefit from feedback.

Professor Marcus then directed the Committee's attention to two alternatives detailed at pages 289-90 of the agenda book. Both alternatives essentially authorize personal service and permit that: "For good cause, the court may by order authorize serving a subpoena in another

manner reasonably calculated to give notice." In essence, the rule requires that the first effort at service be by hand, but then allows the serving party to seek an order from the court authorizing another method likely to be more successful if the recipient is ducking service.

Professor Marcus then noted that there are two other questions addressed in the alternative amendment proposals: (1) whether there should be a requirement that the recipient be served at least 14 days before the required attendance; and (2) how to handle the current requirement of tendering fees for attendance and mileage if the subpoena is served electronically. To some degree, the requirement of tendering fees seems anachronistic and perhaps could be deleted. Alternatively, if the requirement should be retained, perhaps the fees could be tendered when the subpoenaed person shows up, rather than when serving the subpoena.

One attorney member confirmed that the requirement to tender fees is a nuisance, but it exists to ensure that those who are subpoenaed but may not have car fare can get to court. It would be odd for someone in such circumstances to be subject to penalties for non-compliance while not being provided the means to appear. Another attorney member suggested that perhaps the rule should state that fees should presumptively be tendered with the subpoena, unless there is good cause to use other means of service.

A judge member then asked whether the rule should explicitly allow for service by mail to the recipient's last known address, as suggested by Professor Cooper (and laid out in footnote 13 at page 289 of the agenda book). Professor Marcus indicated that the subcommittee had concluded that the rule should be simpler and not identify any other methods for service other than the presumption in favor of personal service. Moreover, a prior attorney member had asserted that young people do not typically look at U.S. Mail, so explicitly endorsing mail as a presumptively proper means of service might be inapt. A liaison member affirmed this view, saying that mail is "worthless," and that email is better.

Professor Cooper noted that he takes seriously the qualms about service by mail, but noted that some courts, including the Seventh Circuit, have held that the current rule permits service by mail, so the suggested amendment would change practice in those courts. Ultimately, Professor Cooper said that the practical question is: whether U.S. Mail is sufficiently unreliable or so commonly ignored that it is better to default to personal in hand service or at home.

One judge expressed the concern that, as she read the amended rule, mail was not permitted even as an alternative method of service and perhaps it should be included. Professor Bradt suggested that perhaps the committee note could make clear that service by mail is among the options the court has in ordering an alternative means of service.

An attorney member expressed the concern that lawyers might seek a case-management order authorizing an alternative method of service applying to all subpoenas in a case. Judge Bates suggested that perhaps the committee note should indicate that this would be inappropriate and that approval of alternative means should be on a subpoena-by-subpoena basis.

Professor Marcus then sought the Committee's views on the 14-day period between service and attendance. Two judge members endorsed this proposal on the ground that subpoenas with a shorter window for compliance or attendance are often unreasonable or difficult to

enforce. An attorney member added that the 14-day period conforms to normal practice, and that if an adjustment to the period is needed the court can adjust. One judge member indicated that she had seen subpoenas issued that require action beyond the close of discovery. Professor Marcus responded that the subcommittee had not yet considered the possibility of a subpoena that conflicts with the close of discovery mandated in a Rule 16(b) scheduling order. In such cases, a 14-day period of compliance should likely not override the scheduling order, but the subcommittee will consider this issue in further discussions.

Use of the Term "Master" in Rule 53 and Elsewhere

Judge Rosenberg then invited discussion on the proposal from the American Bar Association to replace the term "master" in Rule 53 and several other rules where the term appears with "court-appointed neutral." She noted that the proposal had also been endorsed by the Academy of Court-Appointed Neutrals and the American Association for Justice. That said, this would be a potentially extensive change since the word appears in many rules (both civil and otherwise) and there does not appear to be a broad consensus about the appropriate replacement. The current language does not present the kind of problem the Rules Committee usually confronts in that it does not create an ambiguity or procedural obstacle. Indeed, a change in the nomenclature would not be intended to cause any substantive change in practice. The question on the table is whether to proceed with a proposed set of rules changes.

Professor Marcus elaborated. Ultimately, the question is whether this would be a desirable thing to do, but that assessment is different from the problems we normally encounter. The term appears in many places in the law beyond Rule 53: other civil rules, Supreme Court rules and orders, and other court orders issued outside Rule 53. Professor Marcus also sought feedback on whether substituting the term master in all of the areas it appears is an urgent matter or should await further reflection. If the Committee believes the term should be replaced, the next question is what should replace it. There are reasons why "court-appointed neutral" may be inapt, largely because masters can be appointed to do things that are not quite "neutral" as between the parties. Moreover, the term does not capture the likelihood that a court has appointed a person due to her "mastery" of the subject matter or the tasks she has been appointed to perform. This is a "charged topic" about which academic proceduralists have little expertise to add, so the Reporters could benefit from Committee members' feedback.

Professor Coquillette sounded a word of caution about changing the language, unrelated to ideological issues. He explained that many treatises and other research aids now work on word-retrieval systems with keywords, so when the words of a rule are changed it becomes very difficult to access historical records. This creates a real challenge and increases costs for practitioners and students researching the law.

A judge liaison to the committee noted that he had recently been appointed a special master in a case by the Supreme Court, and the Committee should be attentive to any differences between "special masters" and "masters." The role of "special master" is one that exists and is set forth in the Supreme Court's rules. He would not describe his work as a special master as neutral in the way that word might apply to one doing early neutral case evaluation. Another judge member agreed that a "master" is not equivalent to the "neutral," and that this does not seem like a promising avenue for the Committee. A different judge member agreed that the term

neutral seems inapt because it implies a mediator without power to order the parties to act, which is not true of a master in many cases.

Judge Rosenberg then asked whether there was opposition to keeping the matter on the agenda for future study and observation. The Committee may revisit the issue as it learns new information. No members expressed opposition.

Information Items

Rule 7.1 Subcommittee

Justice Bland, Chair of the Rule 7.1 Subcommittee, reported its ongoing efforts to amend the corporate-disclosure requirement to make judges more aware of potential financial interests in a party that would trigger the statutory duty to recuse. She explained that, as laid out in detail in the agenda materials, the Judicial Conference Codes of Conduct Committee had issued recent revised guidance regarding the recusal requirement. This revised guidance, which came out shortly before the April Advisory Committee meeting, can essentially be boiled down to the concept of "control," that is, if a judge holds a financial interest in an entity that "controls" a party, she must recuse. Borrowing from the current version of Rule 7.1, the guidance uses 10% ownership as a benchmark for control. But the guidance also states that irrelevant of control, if the price of stock a judge owns is likely to be substantially affected by the result of a case, the judge should recuse.

From its inception, this subcommittee has been focused on revealing to judges whether entities in which they hold investments own or control a party. The rule currently requires disclosure of "any parent corporation and any publicly held corporation owning 10% or more of its stock," but this requirement may not trigger disclosure of a publicly traded corporate "grandparent" of a party in which the judge may hold an interest.

The agenda materials include preliminary proposed rule language that attempts to effectuate the Codes of Conduct Committee's guidance by requiring disclosure of any parent corporation (or business organization), any publicly held corporation (or business organization) owning 10% or more of a party's stock, and "any publicly held business organization that directly or indirectly controls a party."

Professor Bradt then explained that the subcommittee's outreach had demonstrated that a rule providing a "laundry list" of all corporate connections or affiliations that must be disclosed would be unworkable. Not only does the business landscape change too rapidly to keep such a list up to date, but it can also result in overly onerous requirements that are costly to comply with and risk swamping the judge with unnecessary information. More capacious language is therefore preferable, but of course the broader such language is, the more difficult it becomes to define. The subcommittee's effort here was to use the language of the Judicial Conference guidance, and the subcommittee was eager to hear committee members' reactions.

One judge member voiced a concern that the rule is limited to disclosure of publicly held corporations that are not "parents" but own more than 10% of the party stock or control a party. This judge suggested that there may be non-profits that own parties with which judges might have affiliations, such as churches that own hospitals. Another judge member expressed concern

that the term "control" might not adequately communicate to a party what must be disclosed. Another judge member suggested that feedback would be especially useful on this point. Although "control" may be a vague concept, it might also be clear in most cases, and in any event federal judges have been directed to determine whether a party is "controlled" by another entity in order to decide whether to recuse.

Justice Bland and Professor Bradt noted that the subcommittee's next step is to seek feedback on these questions from knowledgeable parties. One judge member suggested that some professional organizations might be especially knowledgeable, particularly organizations of corporate counsel or the SEC. The Clerk Liaison noted that any such amendment would need to take into account the limitations of the conflicts software embedded in CM/ECF to ensure that reports will be effectively screened.

The subcommittee will next report on its progress in the spring advisory committee meeting.

Filing Under Seal

Chief Judge Godbey, Chair of the Discovery Subcommittee, delivered a brief report about proposals regarding rulemaking on filing under seal. Chief Judge Godbey noted that this issue had been before the subcommittee for some time but was on hold while an Administrative Office project addressed the same issue. Rulemaking on filing under seal has the potential to be very complex because the processes for doing so in different contexts are diverse and detailed. Beyond a minimalist approach drawing lawyers' attention to the distinction between filing under seal and seeking a protective order, it's not clear where such a rule would stop.

Professor Marcus then added that the subcommittee's further work on this subject would rely heavily on information provided by the Clerk Liaison because clerks' offices are on the front lines. There are many specific elements of a possible rule that are laid out in the agenda materials, but they may not all fit together coherently. Moreover, different districts have different practices, and what might work for one district might not work for another. As investigation proceeds, the subcommittee will seek feedback from judges and attorneys, but clerks' offices are also vitally important in learning what is feasible in practice.

Cross-Border Discovery Subcommittee

Judge Shah, Chair of the Cross-Border Discovery Subcommittee, reported that members had been on a listening tour in order to seek feedback on whether the Federal Rules should address cross-border discovery, as had been urged by Judge Baylson and Professor Gensler. The subcommittee first reached out to the Department of Justice, which expressed the view that rulemaking is not necessary in this area, and that judicial education and case management are sufficient to head off potential problems. Judge Shah also noted that former committee member Judge Boal had reached out to magistrate judges, who often address cross-border-discovery issues in the first instance, and they, too, did not see a strong case for rulemaking.

Subcommittee members have also participated in panels on cross-border discovery at meetings held by Lawyers for Civil Justice (LCJ) and the American Association for Justice (AAJ) and an online session put on by the Sedona Conference. Professor Clopton reached out to

the American Bar Association, and Judge McEwen has reached out to bankruptcy judges and lawyers. The feedback from these groups has been uniform that there is not an outcry for rulemaking in this space. Although cross-border discovery is inherently complex and challenging, there is skepticism that rulemaking will provide much improvement. The primary concern that has been raised is when parties are called upon to produce materials in discovery when such disclosure would be illegal under the local law where the materials are held. But those who have faced this issue report that they are often able to develop accommodations tailored to the needs of specific cases, making a uniform rule undesirable. Some attorneys have also expressed skepticism about a rule that would require cross-border discovery to be addressed early in the case at a pretrial conference. These attorneys noted that many problems can be resolved by the parties and those subpoenaed without involvement from the judge, and especially challenging issues are best resolved as they arise.

Professor Clopton confirmed that his conversations with ABA members who specialize in international civil litigation were consistent with Judge Shah's report. Although some lawyers think early attention to cross-border discovery might be beneficial, others thought that accelerating consideration of the issues to an early moment in the litigation would be counterproductive. Often potential problems do not materialize. Moreover, there are other ongoing efforts to simplify this process, such as exchanges between the U.S. and E.U. aimed to simplify the exchange of information. The Chinese government is also considering regulations that may be salutary. Professor Marcus confirmed that the message to the subcommittee from the meeting with attorneys from AAJ in Nashville was that forcing upfront consideration of cross-border discovery was unnecessary. Professor Bradt added that this was consistent with what he and Judge Shah had learned from their meeting with LCJ.

Judge Rosenberg thanked the subcommittee for their extensive outreach. This issue remains on the agenda, and subcommittee members and reporters will continue to attend conferences and seek feedback. The Advisory Committee will revisit the issue in the spring.

Disclosure of Third-Party Litigation Funding

Judge Rosenberg began this discussion by noting that the issue of third-party litigation funding (TPLF) has been on the Advisory Committee's agenda since 2014, since which time it has been monitored by the reporters. Professor Marcus noted that proposals for rules requiring disclosure of TPLF have come before the Advisory Committee several times and that perhaps the time had come to see if a such a rule would be worthwhile. The landscape of TPLF is highly dynamic, making rulemaking a challenge, but perhaps the time was ripe to take that challenge on. Judge Rosenberg noted that TPLF was considered early on as part of the MDL Subcommittee work, which culminated in proposed new Rule 16.1. Rule 16.1 ultimately did not address TPLF, but the MDL Subcommittee received substantial feedback.

One attorney member then noted that her organization has been a third-party litigation funder, in that her organization provides small grants to those bringing public-interest cases. If the case is successful, the organization gets 7% interest on its investment. To her, the biggest concern might be opening the door to discovery, which would be an enormous problem. But a rule that requires only disclosure of TPLF might not present those concerns.

Several other committee members noted limited experience with TPLF but would be interested to see what a subcommittee might learn, especially since they all agreed that TPLF would only become more prominent. For instance, one judge noted her concern about who is calling the shots in settlement discussions, especially in light of the requirement in Rule 16(c)(1) that someone with authority to consider settlement be available at pretrial conferences.

One judge member then added that he is asked often whether TPLF is "good or bad," and there do seem to be some good effects, including creating possibilities for lawyers without a lot of capital to "break in" to leadership structures in MDL. Other lawyers contend that TPLF presents mostly a threat. In this judge's view, now is the appropriate time to take the issue on and study it closely, if for no other reason than "we don't know what we don't know." The landscape is changing drastically, and the mechanisms for funding are diverse. One example is plaintiffs in the NFL concussion litigation who received TPLF from a firm that brought their claims. This judge contended that it would be wise to "peek under the covers" and do as much homework as we can to determine whether there is a problem amenable to a rules-based solution. Since the Advisory Committee has been asked to take this subject on for a while, it would be good to take a close look with an open mind and open eyes.

An attorney member who had been a member of the MDL Subcommittee sounded a note of caution. There are an infinite number of ways to get what might be called "TPLF," including from an uncle, a non-profit, and of course for-profit investors, although in his experience contracts with such investors were carefully drafted to limit the investors' influence. The MDL Subcommittee concluded that the area was not susceptible to a rule. Although this member was not opposed to further study, he cautioned that it was unclear whether there would be a promising rule that would come out of the process.

Judge Bates explained that, in his tenure as Advisory Committee Chair, he had originally assigned this issue to the MDL Subcommittee, although he understood why that subcommittee ultimately decided to leave it to the side when developing Rule 16.1. In his view, the Advisory Committee's usual approach (i.e., identifying a real-world problem and then assessing whether the problem is amenable to a rules-based solution and what the consequences of such a solution might be) applies here. As such, the Advisory Committee should determine whether nondisclosure of TPLF creates a real-world problem, or just a theoretical one.

Judge Rosenberg noted that the MDL Subcommittee had asked the Judicial Panel on Multidistrict Litigation to survey MDL transferee judges to take their pulse on whether TPLF was presenting a practical problem. Those judges had not seen such a problem, but that outreach was several years ago, so there is likely significant new information. It may be time to really focus and try to get as much information as possible from knowledgeable parties. In order to do so, Judge Rosenberg asked Chief Judge Proctor if he would chair a new subcommittee on TPLF. Chief Judge Proctor agreed to do so, and Judge Rosenberg agreed to appoint members to this subcommittee in due course.

Social Security Numbers

Rules Committee Chief Counsel Thomas Byron reported on recent developments concerning the redaction of Social Security numbers (SSN). As detailed in the agenda book at

page 362, the Privacy Rules Reporters Working Group has continued its work on this issue. Three Advisory Committees (Bankruptcy, Civil, and Criminal) have received proposals specific to their rules, all of which remain under consideration. The Working Group's focus has been on issues common to all the committees, including: (1) ambiguity and overlap in exemptions from redaction requirements; (2) the scope of the waiver provisions in the privacy rules; (3) potential expansion of information subject to redaction; and (4) protection of other sensitive information, addressed in part by a submission from Lawyers for Civil Justice (23-CV-W) that remains on this Advisory Committee's agenda. The recommendation of the Working Group is that these cross-cutting issues do not present a real-world problem amenable to a rules-based solution applicable to all of the rule sets. This conclusion is not in any way preclusive of each Advisory Committee taking up new issues related to privacy specific to their rule sets. Although the Advisory Committee on Bankruptcy Rules was comfortable with this conclusion, some members of the Advisory Committee on Appellate Rules expressed a view that the committees should be more proactive before a data breach occurs.

This issue will continue to be raised at all upcoming advisory committee meetings, alongside consideration by the committees of specific proposals addressed to them.

E-filing by Pro Se Litigants

Professor Struve then reported on ongoing efforts by the joint working group considering whether to increase access to electronic filing systems. One possibility is to reduce the burden on pro se litigants by relieving them of the requirement to serve opposing parties by traditional means. One question on which Professor Struve sought input from the Advisory Committee was whether there might be support for allowing pro se litigants to serve by email. Although such a proposal might present particular problems in the bankruptcy courts, it is not clear that it would present any problems for the district courts. The Clerk Liaison, who is a member of the joint working group, described his outreach to colleagues from a diverse array of district courts, all of whom supported such a change as a reasonable step forward that would speed up litigation.

Professor Struve then sought feedback on a "more adventurous" proposal that would provide pro se litigants access to CM/ECF. FJC research has revealed that current approaches vary widely among the federal courts. The courts of appeals all allow access for pro se litigants, whether by default or permission (except for one, which allows service by email). Conversely, the bankruptcy courts do not allow any CM/ECF access to self-represented debtors. Among the district courts, there is a wide spectrum: 10% allow access by default, 15% bar access, while the others are somewhere in the middle, most typically allowing access with permission. The proposal laid out in the agenda materials essentially would presumptively provide access to pro se litigants but allow districts to opt out or create exceptions. The Bankruptcy Rules committee was wary of this proposal, while the Appellate Rules committee was more sanguine.

The Clerk Liaison offered support for such a proposal, noting that electronic filing is more efficient and paper filing eats up dwindling resources. Professor Clopton also voiced support for the proposal, noting that the opt-out possibility would provide opportunities for district variation if needed. An attorney member of the committee also expressed support for the idea and that the rule would not be one size fits all. A judge member, however, cautioned that for some districts this would be a major shift that would require significant adjustment.

Professor Struve thanked the committee for its feedback. She will report developments at the spring meeting.

Unified District Court Bar Admission

Professor Struve reported on the activities of the joint subcommittee formed to consider several proposals spearheaded by Professor Alan Morrison of George Washington University Law School regarding admission to practice in the district courts. These proposals all address the concern that the barriers to district court bar admission are too high. As a condition for membership in a district court bar, most districts require membership in their state's bar, while a small minority require passage of their state's bar exam. These requirements create serious barriers for lawyers, especially those who work for public-interest organizations whose practices are nationwide. Such lawyers often cannot get membership in various districts and have to resort to admission pro hac vice, associating with expensive local counsel, or both.

The subcommittee is most strongly considering a proposal modeled on Federal Rule of Appellate Procedure 46, which conditions eligibility for circuit-court bar membership on membership in good standing of a state bar. The subcommittee is hard at work thinking about costs and benefits of such a rule. It continues to seek feedback from members of the various advisory committees, state bars, and circuit courts, and will report back on further developments at the spring advisory committee meetings.

Random Case Assignment

Judge Rosenberg began the discussion of various proposals seeking random assignment of district judges in certain types of cases by noting that the Judicial Conference had issued guidance to all districts earlier this year recommending that they take this action as a matter of local rules and policy. At its April 2024 meeting, the Advisory Committee decided to defer immediate action to observe the districts' response to this guidance. The Reporters are closely following uptake of the guidance in the district courts, which is still in its early stages. Professor Bradt noted that some districts have already decided to follow the JCUS guidance, while others have not yet decided whether they will; things are changing almost daily. One judge member cautioned that this is a volatile and important issue that raises significant separation-of-powers concerns. Judge Rosenberg noted that these concerns are important, and the Reporters are monitoring the situation and continuing research. This issue will remain on the agenda for the spring meeting.

Privacy and Cybersecurity

Judge Rosenberg noted that the Advisory Committee had received an extensive proposal from Lawyers for Civil Justice regarding privacy and cybersecurity (23-CV-W). The Judicial Conference is actively looking into these issues and developing a judiciary cybersecurity strategy. The Advisory Committee is mindful of the seriousness of these issues and seeks input. But it would be especially helpful to target attention to specific and discrete proposals, because this issue is so complex that it could easily become overwhelming. Judge Rosenberg invited any person or organization to propose a targeted and specific focus for the committee to pay close attention to.

Items to be Dropped from the Agenda

Professor Marcus introduced three issues reviewed by the chair and reporters that did not seem promising and that he recommended be dropped from the agenda:

- A proposal to clarify the requirement in Rule 16(b)(4) of "good cause" to modify a scheduling order (24-CV-K). Although this proposal is backed by strong research that demonstrates that this requirement is interpreted differently in different jurisdictions, there are dangers in providing a specific definition of "good cause," language which is intentionally flexible and used throughout the rules in different contexts. Going down the road of defining good cause precisely in every such context could quickly become a slippery slope.

- A proposal to replace the word "issue" with "factual dispute" in Rules 50(a) and (c), and Rule 52(c). Professor Marcus noted that there are many rules that might benefit from the kind of "disambiguation" the proponent seeks. But this particular use of the word issue does not appear to present a pressing real-world problem that demands Advisory Committee attention.

- A proposal to provide additional time to file an answer after filing a motion to strike under Rule 12(f), similar to the additional time provided after filing a motion to dismiss under Rule 12(b) or for a more definite statement under Rule 12(e). It is unclear, however, that this presents a real-world problem such that those filing a motion to strike impertinent information from a complaint need any additional time to file an answer.

The Advisory Committee unanimously voted to drop these three items from the agenda.

FJC Research Projects

Dr. Emery Lee and Dr. Tim Reagan (remotely) presented on current research, history, and education projects of the Federal Judicial Center, as reflected in a memo in the agenda book at p. 553. Judge Rosenberg noted the importance and reliability of the work of the FJC, including on the ongoing revision of the Manual for Complex Litigation, on whose board of editors Judge Rosenberg serves. The FJC is working tirelessly on that complex project, alongside the valuable work it does for the rules committees.

Conclusion

Judge Rosenberg thanked the Administrative Office staff for its tireless work and responsiveness in support of the Advisory Committee. She then adjourned the meeting.

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Barto	Raymond	Faruqi LLP
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Beisner	John	Skadden Arps
Bruff	Allison	Bailey Glasser
Campisi	John	The American Lawyer
Carback	Joshua	University of Maryland
Cardmen	Denise	American Bar Association
Chin Feman	Dai Wai	Parabellum Capital
Cohen	Andrew	Burford Capital
Coleman	Jennifer	Spencer Fane LLC
Czapla	Chloe	Catholic University Law
Dabre	Caroline	Catholic University Law
Dahl	Alex	Lawyers for Civil Justice
Daubel	Edward	Catholic University Law
Demuth	Bradley	Farugli Law
Dimas	Viktor	Catholic University Law
Fragoso	Michael	Chief Counsel, Office of the Republican Leader
Frank	Nathan	Catholic University Law
Giarrusso	Kierra	Catholic University Law
Gotler	Ross	Paul Weiss
Green	Thomas	American College of Trial Lawyers
Hangley	William	Hangley Aronchick
Hawkinson	John	
Hill	Joseph	Catholic University Law
Homan	Ian	Catholic University Law
Hyatt	Michael	Catholic University Law
Kalil	Danielle	Duke University
Kekis	Lidia	Paul Weiss
Koch	Lucy	Catholic University Law
Levy	Robert	ExxonMobil
Lopes	Joseph	Catholic University Law
Lorber	Leah	GSK
Lyons	Kaiya	American Association for Justice
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Raymond	Nate	Reuters
Redgrave	Jonathan	Redgrave LLP
Regis	Rebecca	Catholic University Law
Salacuse	Maria	U.S. Equal Employment Opportunity Commission
Siegel	Emily	Bloomberg Law
Steen	Dan	Lawyers for Civil Justice
Tadler	Ariana	Tadler Law LLP
Watkins	Devin	Competitive Enterprise Institute
Webb	Derek	Catholic University Law
Webster	Sarah	Catholic University Law
Williams	Crystal	
Wilson	Ashleigh	
Withers	Kenneth	Sedona Conference
Zoppo	Avalon	National Law Journal