Western District News

NEWSLETTER OF THE

WESTERN DISTRICT OF WISCONSIN BAR ASSOCIATION

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Supreme Court Expands § 1367 Supplemental Jurisdiction

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Commentators have long-noted that the federal supplemental jurisdiction statute, 29 U.S.C. § 1367, arguably grants federal courts jurisdiction in diversity cases over parties who did not satisfy the amount-in-controversy requirement. During the last term, any questions or doubts in this regard were eliminated by the U.S. Supreme Court in *Exxon Mobil Corporation v. Allapattah Services Incorporated,* 125 S. Ct. 2611 (2005). In one fell swoop, the U.S. Supreme Court overruled its prior cases on supplemental jurisdiction, resolved a split among the circuits, and dispelled any doubt that § 1367(a) permits the exercise of diversity jurisdiction over plaintiffs who fail to satisfy the amount-in-controversy requirement, as long as the other elements of diversity jurisdiction are present and at least one named plaintiff satisfies the amount-in-controversy requirement. *Id.* at 2615. The only issues left for the commentators to argue about now is whether the Court will find any common ground in the future regarding what is or is not an "ambiguous" statute and when to use legislative history, if at all. As to those issues, the Court left the commentators with plenty to discuss.

Under *Allapattah,* a diversity case in which the claims of some plaintiffs satisfy the amount-in-controversy requirement, but the claims of other plaintiffs do not, is a "civil action of which the district courts have original jurisdiction" under § 1367. This means that § 1367 confers supplemental jurisdiction over all claims, including those that do not independently satisfy the amount in controversy requirement.

Allapattah involved two cases. The first of the consolidated cases was an Eleventh Circuit class action case brought against Exxon by retail dealers who charged that Exxon had overcharged them for the purchase of fuel. *Allapattah Servs., Inc. v. Exxon Corp.,* 333 F.3d 1248, 1252 (11th Cir. 2003). The district court extended supplemental jurisdiction to the claims of an entire class once one class member satisfied the amount-in-controversy requirement. The Eleventh Circuit agreed with the district court that it was clear from the plain language of § 1367(a) that the statute is a general grant of supplemental jurisdiction, which is narrowed for diversity cases by § 1367(b). *Id.* at 1254.

The second consolidated case was a products liability action that arose in the First Circuit. *Rosario Ortega v. Star-Kist Foods, Inc.,* 370 F.3d 124 (1st Cir. 2004). A child and her family sued Star-Kist after the child cut herself on a can of Star-Kist tuna. *Id.* at 126. The First Circuit followed the traditional federal rule prohibiting aggregation of the claims of multiple plaintiffs and ruled that "original jurisdiction is lacking if one plaintiff fails to satisfy the amount-in-controversy requirement." *Id.* at 143.

The Supreme Court reversed the First Circuit's decision in *Ortega* and affirmed the Eleventh Circuit's decision in *Allapattah*. *Allapattah,* 125 S. Ct. at 2628. In doing so, the Court explained the development of supplemental jurisdiction from the 1966 decision in *Mine Workers v. Gibbs,* to the enactment of § 1367 in 1990. *Id.* at 2617. The Court also summarized the development of the amount-in-controversy requirement, beginning with the 1939 decision in *Clark v. Paul Gray, Incorporated,* that stood for the proposition that "every plaintiff must separately satisfy the amount-in-controversy requirement," to the 1973 decision in *Zahn v. International Paper Company,* which reaffirmed the *Clark* rule. *Id.* at 2618. The Court ended its walk through history with a discussion of the case that provided the impetus for Congress to enact § 1367 – *Finley v. United States. Id.* at 2619. In *Finley,* the Court expressly held that a grant of jurisdiction over claims involving particular parties does not itself confer jurisdiction over additional claims by or against different parties. *Id. Finley* also contained a not-too-subtle

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Supplemental Jurisdiction *(from page1)*

invitation for Congress to deal with the scope of jurisdiction when the Court stated "whatever we say regarding the scope of jurisdiction conferred by a particular statute can of course be changed by Congress." *Id.* Congress took the hint — § 1367 was enacted the following year.

It is understatement to describe *Allapattah* as anything other than a seminal case in the world of federal court jurisdiction, but it is important to recognize what *Allapattah* did not affect. *Allapattah* did not affect the complete diversity rule. Indeed, the Court admitted that the complete diversity rule is well-settled and that a "failure of complete diversity, unlike the failure of some claims to meet the requisite amount in controversy, contaminates every claim in the action." *Id.* at 2623. The Court commented that the diversity requirement has a special nature and purpose. *Id.* at 2625. Thus, diversity jurisdiction is still poisoned by the presence of any single nondiverse party. *Id.* When this happens, every other claim in the lawsuit is contaminated. *Id. Allapattah* did nothing to change this result.

Allapattah is also noteworthy for the disagreement among the members of the Court regarding whether the text of § 1367 is ambiguous and, relatedly, whether it is appropriate to use legislative history as part of this statutory interpretation. Justice Kennedy on behalf of the majority said "no" – the statute is not ambiguous and the legislative history is not necessary. The separate opinions of Justice Kennedy, Justice Stevens, and Justice Ginsburg display the Court's fault lines on statutory interpretation. While not a new phenomenon for this Court, and one that has certainly not escaped the collective eye of the bar or the academic legal world, there is enough fuel in *Allapattah* to keep the commentators as busy as they were following § 1367's enactment. *Allapattah* is worth a quick read for this reason alone.

With *Allapattah,* the federal court doors have been opened to diversity actions, both class and non-class, in which at least one named plaintiff has a claim in excess of $75,000. This will, no doubt, provide the possibility of a federal forum for plaintiffs in multi-plaintiff cases, where one had not previously been available. Defendants, however, are not left out. Defendants can now remove multi-plaintiff cases that previously have been stuck in state court. If the defendant in a multi-plaintiff action can show that at least one plaintiff has a claim for more than $75,000, the federal court has original jurisdiction over the action under *Allapattah*. In this regard, *Allapattah* is not just worthy of a full-read by federal court practitioners, but also by lawyers who rarely see the federal courthouse doors. Without an understanding and appreciation of the *Allapattah* decision, not to mention the Class Action Fairness Act of 2005, such lawyers may very well unexpectedly find themselves in federal court.

President's Commentary

By
Michael J. Modl
President
Western District of Wisconsin Bar Association

The Importance of Specialty and Local Bar Organizations

All of us are members of the State Bar of Wisconsin. Many attorneys also choose to be members of local and/or specialty bars. These bars, like the Western District Bar Association, have as their goals, providing services to the Court they are connected with, to their members, and to the community. The Western District Bar Association has a long history of meeting these three objectives. The Association has been fortunate over the years to have practitioners in the Court volunteer to serve as officers, board members and committee chairs and members.

In the next issue of the Wisconsin District Bar Association Newsletter there will be a survey soliciting from the 300 plus members feedback on what services the Association is providing to members that members find valuable and what additional services members would like to see provided. As all of us who practice in this Court know, the Clerk's Office, federal judges and courthouse staff run one of the most efficient federal courts in the country. More documents are becoming available on PACER such as orders deciding dispositive matters. The Clerk's Office, like the Western District Bar Association, is interested in practitioners' suggestions as to what the Court and the Clerk's Office in particular can do to assist bar members practicing in the Western District of Wisconsin. I am hopeful that members will take the time to give consideration and respond to the upcoming survey.

The Association provides opportunities for practitioners to become more involved with the Court. The Association's Newsletter comes out four times per year. We are always looking for articles on issues which may be of interest to practitioners in the Western District of Wisconsin. The articles may be about a recent case, about proposed amendments to the Federal Rules of Civil Procedure, Appellate Procedure or Evidence, or about rule changes that are soon to take effect or have recently taken effect. The articles may be about rulings from our judges or magistrates or about pieces of federal legislation such as the Patriot Act. Some authors have written editorial pieces as well.

You can also contribute by chairing or sitting on Association committees. The Association has a number of committees, including Court Rules, Practice and Procedure; Communications and Alternative Dispute Resolution. This is a great way to initially become involved with the Association and, if you are so motivated, you can move on to involvement as a Board member or as an officer. Another avenue for involvement is accepting pro bono assignments from the Court. The Association is putting in place a fund to assist those who accept pro bono assignments to defray some of the out-of-pocket costs incident to such assignment.

As this year's President, I appreciate all of the contributions bar members have made in the past to the Association and I look forward to continued participation in the future. It is our members who permit us to meet our objectives of service to the Court, the membership and the community.

Visit the Western District Bar Association Web Site

www.wisbar.org/bars/west

Some Thoughts About Sandra Day O'Connor

by Judge Barbara B. Crabb

Like everyone else, I was taken by surprise by the news of Justice O'Connor's retirement. I was saddened by it, too, because my sense is that it was a difficult decision for her, possibly not one she would have made when she did had it not been for her husband's illness. Certainly she had shown no sign of wanting to leave the Court on which she had had so much influence and had left such a mark on history. As I thought about it, however, I realized that leaving as she did, to take care of her husband, was the kind of decision to be expected from her. If something needs to be done, you roll up your sleeves and do it, and no whining.

If Sandra O'Connor had never been born, we would have had to invent her. It's hard to imagine anyone who could have filled her role as first woman on the Supreme Court with equal aplomb, discretion and grit. People who hoped that she would be a champion of women's rights and people who feared that she would be were both confounded by her. She was no softie, and certainly no bleeding heart liberal. She could be acerbic, even testy. But if she didn't always vote the way that many women would have wanted her to, she did women everywhere the greatest imaginable service. She left no question that she could hold her own with any male justice. Anyone who may have thought that she was a token appointment, some window dressing for the Court, was disabused of that notion promptly and definitively. In fact, it seems laughable today to think that anyone might have had such a notion.

That roll up your sleeves and get the job done approach to life was apparent in her opinions and in the growth of her influence on the Court. The outgoing and hospitable side of her personality showed in her ability to carve out compromises. It is noteworthy that in the last year or two when relations between Congress and the judiciary seemed to be at an all time low, she invited members of Congress to her chambers for lunch on a regular basis to open up the communications between the two branches.

As tough and to the point as Justice O'Connor could be on the bench or in her written opinions, she is a warm and gracious person with few pretensions. I remember well the first time I met her, in the spring of 1984. My enterprising colleague, Judge Sarah Barker, invited her to go out for coffee with the two of us women judges when she was in Indianapolis for the annual Seventh Circuit judicial conference. I didn't think there was any chance she would say yes, but I was impressed that Judge Barker had the mettle to ask. To our surprise, she agreed immediately. Which is how we found ourselves on the first afternoon of the conference with Justice O'Connor, surrounded by marshals telling us to "move forward, don't look back and march straight out to the waiting car." We talked like old friends about what it was like at that time to be among the very few women in the federal judiciary. Not only that, but she gave us a peek into the difficulties of deciding Strickland v. Washington, the then recently issued landmark case setting the standards for ineffectiveness of counsel in criminal cases. Now, whenever I refer to that case, which is often, I think of that memorable afternoon.

Once, one of my colleagues lent her vacation cabin in the state of Washington to Justice O'Connor for a short vacation stay. She learned later that the justice had borrowed a ladder from the neighbors so she could wash the windows and leave the cabin spotless for her hostess. Later, the neighbor told my colleague, "That woman who was staying at your cottage is a good worker. Strong, too."

To strong and hard working, I would add discreet, indefatigable and generous with her time. She has spoken at hundreds of events at law schools and other venues all over the country, even though public speaking and meeting crowds of people are not what she most enjoys doing. She does them, I think, because they're part of the job and because she knows how much it means to people to have a Supreme Court justice come to their law school.

In all aspects of her job, she has rolled up her sleeves and done the job. She did something no woman had ever done before and she did it in her own way—with class. For women lawyers and women judges, she was as good a trailblazer as we could have ever hoped for.

A Brief Overview of the Class Action Fairness Act of 2005

By Kendall W. Harrison

Nearly a year has passed since President Bush signed into law the Class Action Fairness Act of 2005, Pub. L. 109-2 ("CAFA"). Although CAFA's full impact remains to be seen, the law has already spawned considerable litigation, resulting in a number of published decisions.

CAFA, which applies to class actions "commenced" on or after February 18, 2005, grows out of Congressional concerns about the abuse and misuse of class actions nationwide. Correctly or incorrectly, Congress perceived that the rights of both defendants and plaintiff class members were being shortchanged while plaintiffs' class counsel were reaping enormous benefits.

CAFA addresses Congress' concerns in two fundamental ways. First, it dramatically expands federal court jurisdiction over class actions, with the presumption that all parties will receive a fairer shake in federal court. Second, it modifies procedures for settling class actions, in an effort to improve protections for class members.

I. CAFA Expands Federal Jurisdiction Over Class Actions

As noted throughout CAFA's legislative history, Congress believed that many of the problems with class actions stemmed from the fact that most cases were litigated in state courts, with many cases venued in a few troublesome jurisdictions. The worst of those state courts applied judicial procedures inconsistently and allowed class counsel to effectively run the show, with inadequate judicial involvement. To avoid that problem, Congress has tried to shift the primary class action forum from state court to federal court.

CAFA changes the requirements for federal jurisdiction over class actions. The standard jurisdictional rules requiring complete diversity and prohibiting aggregation of class members' damages no longer apply to *most* class actions. (CAFA does not apply to certain class actions, including ones involving: governmental defendants; securities claims; or state-law claims regarding the internal affairs of a corporation.)

Instead, federal courts now *generally* have jurisdiction over all class actions where:

- The class includes 100 or more members;
- The class members seek aggregate damages in excess of $5 million; and
- At least one of those class members is diverse from at least one defendant.

Thus, if a class of 100 or more plaintiffs seeks more than $5 million in total damages and there is at least minimal diversity, the basic requirements for federal jurisdiction are met. 28 U.S.C. § 1332(d). Not all cases that meet these central requirements, however, qualify for federal jurisdiction. To determine whether federal jurisdiction exists, a more detailed analysis, regarding the citizenship of the various plaintiffs and the importance of the various defendants, is required.

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There are basically three possibilities: a) the federal court will have mandatory jurisdiction; b) the federal court will not have jurisdiction; and c) the federal court will have discretionary jurisdiction. Attorneys involved in class actions will need to review CAFA's rules carefully to determine which category applies.

A. ***Mandatory Federal Jurisdiction*** – If 1/3 or fewer of all class members are citizens of the forum state, the federal court *must* exercise jurisdiction over the case.

B. ***No Federal Jurisdiction/Mandatory Remand*** – If 2/3 or more of all class members are citizens of the forum state, the federal court *must decline* jurisdiction if:
- the "primary defendants" are also citizens of the forum state; or
- at least one defendant from whom "significant relief is sought" and whose alleged actions form a "significant basis for the claims" are citizens of the forum state, and the "principal injuries" were suffered in that state.

Unfortunately, CAFA does not define any of these key terms, such as "primary defendants," "significant," or "principal injuries." Litigation surrounding the meaning of these terms is inevitable.

C. ***Discretionary Federal Jurisdiction*** - The analysis becomes even more complicated when between 1/3 and 2/3 of the plaintiffs are citizens of the forum state and the "primary defendants" are also citizens of that state. In that situation, the federal court has discretionary jurisdiction and must decide whether to exercise its jurisdiction based on six factors:
- whether the claims asserted involve matters of national or interstate interest;
- whether the claims asserted will be governed by laws of the state in which the action was originally filed or by the laws of other states;
- whether the class action was pleaded in a manner that seeks to avoid federal jurisdiction;
- whether the action was brought in a forum with a distinct nexus with the class members, the alleged harm, or the defendants;
- whether the number of citizens of the state in which the action was originally filed in all proposed plaintiff classes in the aggregate is substantially larger than the number of citizens from any other state, and the citizenship of the other members of the proposed class is dispersed among a substantial number of states; and
- whether, during the 3-year period preceding the filing of that class action, 1 or more other class actions asserting the same or similar claims on behalf of the same or other persons have been filed.

II. CAFA Alters the Rules Regarding Class Action Settlements

CAFA includes a number of new rules regarding class action settlements. These provisions seem designed to make sure that class members actually obtain something of value from a settlement. A few of the new settlement rules bear specific mention.

CAFA requires defendants to notify various federal and state officials (including the state Attorney General as well as reasonably pertinent state regulators and licensing authorities), of the settlement of a class action within 10 days after a proposed class action settlement is filed with the district court. The notice must contain a number of items, which are too numerous to discuss here. Notice must be sent to each state in which a class member resides. 28 U.S.C. § 1715(b). Thus, 50-state notification may be necessary if the class includes members of all 50 states.

Federal courts cannot approve any proposed settlement until 90 days after the last "appropriate" state or federal official receives the required notice. 28 U.S.C. § 1715(d). CAFA generally provides that class members will not be bound by any settlement if the required notices are not given.

CAFA also provides that in the event of a settlement resulting in "coupons" to class members, class counsel's attorney's fees can be calculated only on the basis of the coupons actually "redeemed," not all the coupons issued. 28 U.S.C. § 1712(a). This, of course, delays the payment of any attorneys' fees award until after the court reviews the redemption results.

III. The Early Case Law

The initial CAFA-related battles have involved two topics. First, does CAFA apply to actions pending in state court at the time of CAFA's enactment? Second, who bears the burden of proof in establishing federal jurisdiction on a motion to remand?

A. When Does a Case "Commence" Under CAFA?

The first wave of CAFA decisions has concerned the law's applicability to cases filed prior to its enactment. CAFA became effective on February 18, 2005 and specifically applies to all actions "commenced" on or after that date. A number of creative defendants have removed cases filed before February 18, 2005, arguing that their cases "commenced" for purposes of CAFA on the date of removal to federal court, not on the date of initial filing in state court. Courts throughout the country have uniformly rejected these arguments and held that a case "commences," for purposes of CAFA, on the date that it is originally filed, not on the date that it is removed. *See Bush v. Cheaptickets, Inc.*, 425 F.3d 683 (9th Cir. 2005); *Natale v. Pfizer*, 424 F.3d 43 (1st Cir. 2005); *Pritchett v. Office Depot, Inc.*, 420 F.3d 1090 (10th Cir. 2005); *Schorsch v. Hewlett-Packard Co.*, 417 F.3d 748 (7th Cir. 2005); *Pfizer, Inc. v. Lott*, 417 F.3d 725 (7th Cir. 2005); *Knudsen v. Liberty Mut. Ins. Co.*, 411 F.3d 805 (7th Cir. 2005). In addition to relying on the plain meaning of the statute, the courts considering this issue have found that CAFA's legislative history establishes that Congress did not intend the law to apply to currently pending cases.

Interestingly for counsel in this jurisdiction, however, the Seventh Circuit has held open the possibility that if a plaintiff adds a new defendant or claim for relief, or takes "any other step sufficiently distinct that courts would treat it as independent for limitations purposes," that action might "commence" a new piece of litigation, and thereby allow removal. *Knudsen*, 411 F.3d at 807. Thus, the possibility exists that certain class actions filed prior to CAFA's effective date could still end up in federal court under CAFA's new jurisdictional rules. Initial removal efforts relying on the rationale of *Knudsen* have failed in the Seventh Circuit, *see Schillinger v. Union Pacific Railroad Co.*, 425 F.3d 330 (7th Cir. 2005); *Schorsch*, 417 F.3d 748, but have succeeded elsewhere. *See Hall v. State Farm Mutual Automobile Ins. Co.*, No. 05-72164 (E.D. Mich. Aug. 19, 2005); *Adams v. Federal Materials Co., Inc.*, No. 5:05CV-90-R, 2005 WL 1862378 (W.D. Ky. July 28, 2005).

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B. Who Bears the Burden of Proof?

While setting forth a bevy of new rules regarding federal jurisdiction over class actions, Congress did not address who bears the burden of proof regarding that jurisdiction. Do the standard rules apply, so that the removing party bears the burden of establishing federal jurisdiction? Or does CAFA, with its overriding purpose of shifting class actions into federal courts, alter that standard rule so that the party seeking remand bears the burden of establishing that federal jurisdiction *does not* exist?

Courts have gone both ways on this question. A number of courts have held that Congress intended to shift the burden of proof to the party arguing in favor of remand. *See, e.g., Berry v. Am. Express Pub'g Corp.*, 381 F. Supp. 2d 1118 (C.D. Cal. 2005); *Natale v. Pfizer Inc.*, 379 F. Supp. 2d 161 (D. Mass. 2005); *Harvey v. Blockbuster, Inc.*, 384 F. Supp. 2d 749 (D. N.J. 2005); *Heaphy v. State Farm Mut. Auto Ins. Co.*, No. C 05-5404, 2005 WL 1950244 (W.D. Wash. Aug. 15, 2005); *Waitt v. Merck & Co.*, No. C 05-0759L, 2005 WL 1799740 (W.D. Wash. July 27, 2005); *In re Textainer P'Ship Sec. Litig.*, No. C 05-0969, 2005 WL 1791559 (N.D. Cal. July 27, 2005); *Yeroushalmi v. Blockbuster, Inc.*, No. 2:05-CV-02550, 2005 WL 2083008 (C.D. Cal. July 11, 2005). The basic rationale behind these decisions is that because CAFA was intended to expand federal jurisdiction over class actions, it makes sense to require the party opposing federal jurisdiction to demonstrate why the case does not belong in federal court.

Taking the opposite approach, the courts in *Brill v. Countrywide Home Loans*, 427 F.3d 446 (7th Cir. 2005) and *Schwartz v. Comcast Corp.*, No. 05-2340, 2005 U.S. Dist. Lexis 15396 (E.D. Pa. July 28, 2005), have applied the well-established standard rule, placing the burden of proof on the proponent of federal jurisdiction. *See also Sneddon v. Hotwire, Inc.*, No. C 05-0951, 2005 WL 1593593 (N.D. Cal. June 29, 2005); *Aweida v. Pfizer, Inc.*, No. 5:05-CV-00425 (W.D. Okla. June 7, 2005). These courts have noted that Congress said nothing about changing the standard burden of proof rules and that, in the absence of such explicit direction, it would be inappropriate to presume that Congress intended to turn away from the standard approach.

IV. Conclusion

CAFA has already influenced parties' behavior. For example, in Madison County, Illinois, one of plaintiffs' counsel's favorite jurisdictions, the number of class actions filed in 2005 (45 cases) is about half of the number filed in 2004 (82 cases). Tellingly, plaintiffs have filed only nine class actions in Madison County since CAFA went into effect.

The full impact of CAFA, however, remains to be seen. Will it result in less class actions or just less class actions in state court? How will courts interpret CAFA's key terms and jurisdictional provisions? Time will tell. For now, counsel should simply remember that the rules of the class action game have changed and that careful attention to those new rules is critical for plaintiffs' and defendants' attorneys alike.

Kendall W. Harrison is a shareholder with LaFollette Godfrey & Kahn and is currently defending various clients against class action litigation in Wisconsin, Illinois and Arkansas. He can be reached at kharrison@gklaw.com.

Committees of the Western District Bar Association

Want to get involved in the activities of the Western District Bar Association? One of the best ways to do so is by joining and participating in the activites of one of its committees. Here is a list of our committees. If you want to join one or more of these committees contact the chair listed on page two of this newlsetter.

Communications: The Communications Committee is currently co-chaired by the two most immediate Past Presidents of the Association. The Communications Committee is primarily responsible for soliciting and gathering material for the WDBA's quarterly newsletter and overseeing its production. Newsletters are typically issued in September, December, March, and June.

Newsletter content is broadly defined to include matters of interest to federal court practitioners generally, or affecting practice before the United States District Court for the Western District of Wisconsin. Members of the WDBA are encouraged to submit articles to the Communications Committee.

Pro Bono/Pro Se: In 2002, 126 cases were filed in the Western District of Wisconsin by prisoners alleging denial of their civil rights. The great majority of these prisoner cases were filed pro se, that is, without lawyer representation. Because no attorneys are involved in these cases, they can be difficult for the Court to process and rarely are successful, even when the claims are meritorious.

The WDBA Pro Se/Pro Bono Committee assists the Court in finding volunteer attorneys in cases where one of the judges finds that representation is warranted. The Committee maintains a list of WDBA members who are willing to serve as volunteer counsel, and serves as an intermediary with the Court in locating and appointing lawyers who are willing to serve as pro bono counsel in appropriate cases.

The Committee also administers a fund for reimbursing volunteer attorneys for some of their out-of-pocket costs. At the WDBA annual meeting, the Committee recognizes and honors those WDBA members who have accepted pro bono appointments in the preceding year.

Courthouse Facilities: The Courthouse Facilities Committee is responsible for maintaining the Attorney's Room at the Federal Courthouse. The Attorney's Room includes a copier, facsimile, telephone, and computers that may be used for word processing. The WDBA pays the telephone bills, and provides copy paper, pens, notepads, and other items for the convenience of counsel. The Attorney's Room may be used by any attorney by obtaining the key from Clerk's Office in Room 320. The Courthouse Facilities Committee also makes recommendations to the Board of Governors if the Committee determines that the courtrooms, or other facilities may be improved or modified to better serve practitioners and litigants alike.

Web Site: In 2002, the Western District Bar Association established a Web Site Committee. The Web Site Committee, with the assistance of the State Bar, established a web site that is accessible by our members and the public at www.wisbar.org/bars/west/.

The Committee is responsible for determining the content of the WDBA's web site. During 2003, the Web Site Committee included the following information on the WDBA's site: calendar of events; past newsletters; past CLE materials; Judicial Practice Expectations; committee mission statements; links to helpful Federal web sites; the WDBA Bylaws; a list of Past Presidents; and rosters listing the Officers and Board Members. The Web Site Committee's on-going mission is to chose appropriate content and maintain a web site that serves as a useful resource for members of the organization.

Other WDBA Committees are:

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