



POCATELLO PROGRAM ♦ 2014 DISTRICT OF IDAHO ♦ BENCH BAR CONFERENCE

September 26, 2014 ♦ Fort Hall, Shoshone-Bannock Hotel & Event Center

7:30 a.m.	Registration and Breakfast	<i>Taghee A & B Rooms</i>
8:00 a.m.	Welcome – U.S. Magistrate Judge Ronald E. Bush, Joint Session	<i>Taghee A & B Rooms</i>
8:10 a.m.	<i>State of the Judiciary</i> – Chief U.S. District Judge B. Lynn Winmill, Bankruptcy Judge Jim D. Pappas, and Ninth Circuit Court of Appeals Judge N. Randy Smith	<i>Taghee A & B Rooms</i>
8:55 a.m.	Morning Break	
9:10 a.m.	<i>Bellingham Revisited</i> : U.S. Bankruptcy Judge Jim D. Pappas, Chief U.S. Magistrate Judge Candy W. Dale, U.S. Magistrate Judge Ronald E. Bush, and Professor Richard Seamon, Associate Dean for Faculty Affairs and Professor of Law, University of Idaho College of Law Panel Moderated by Joseph M. Meier, Cosho Humphrey, LLP	<i>Taghee A & B Rooms</i>
	<p>The panel, moderated by Joseph Meier, Esq., will address the history, status, constitutional issues and potentially wide-ranging implications to the work of the federal bankruptcy courts and the federal magistrate judge system surrounding the U.S. Supreme Court's recent decision in <i>Executive Benefits Insurance Agency v. Arkison (In re Bellingham Insurance Agency)</i>, 573 U.S. ___ (2014). The Supreme Court addressed: (i) whether Article III of the United States Constitution allows Bankruptcy Judges, with the parties' consent, to enter final judgments on so-called <i>Stern</i> claims, meaning claims that the Bankruptcy Code designates for final adjudication in the bankruptcy court but that Article III – at least in the absence of consent – prohibits non-Article III judges from finally adjudicating, and, if not, (ii) whether Bankruptcy Judges may submit proposed findings of fact and conclusions of law, for de novo review by a District Court, on <i>Stern</i> claims. In addition, the panel will revisit the holding of <i>Stern v. Marshall</i>, 131 S. Ct. 2594 (2011), as to the characterization of core, <i>Stern</i>, and non-core claims under 28 U.S.C. § 157, and the potential implications of cases raising similar issues on the Supreme Court's current docket.</p>	
10:00 a.m.	Break	



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10:20 a.m. Break-out Session 1 – *Social Media Inquiry in Potential Juror Investigation and Voir Dire* – Chief District Judge B. Lynn Winmill, Chief Magistrate Judge Candy W. Dale and Brian Kane, Deputy Attorney General **Taghee A & B Rooms**

Many people in today’s wired world of social media share considerable detail about themselves and their daily lives. Is all of that information fair game for lawyers when investigating potential jurors and inquiring of them during voir dire? When are you really a “friend” of a potential juror? This program will address issues and limits surrounding the use of social media in juror investigation and jury selection in the state and federal courts of Idaho.

10:20 a.m. Break-Out Session 2 – *The Craft of Legal Writing in Modern Times: Identifying the New Intersections of Mind and Technology* – Dave Metcalf, Law Clerk for Judge Winmill, Katie Ball, Externship Director, University of Idaho College of Law and Law Clerk for Judge Bush, and Kenneth C. Howell, partner with Hawley Troxell Ennis & Hawley, LLP **Tendoy A Room**

In this session, you will learn how to combine modern law practice technology with the best writing practices to create persuasive written arguments and make more efficient use of time. The presentation also will describe the use of voice recognition software in the practice of law, and how to select the best fonts and formats for documents intended to be read in digital electronic form.

11:50 a.m. Break

12:00 p.m. Luncheon

12:45 p.m. *A Congressional Perspective on Issues Facing the Federal Judiciary in Idaho* – Remarks from the Honorable Mike Simpson, U.S. Congressman for the Second District of Idaho **Taghee A & B Rooms**

1:15 p.m. Keely E. Duke, Duke, Scanlan & Hall, PLLC, the President’s Report upon the Activities and Programs of the Idaho Chapter of the Federal Bar Association **Taghee A & B Rooms**

1:30 p.m. Lawyer Representatives’ Update upon Changes and Proposed Changes to the Federal and Local District Rules, and an Overview of the Duties of Lawyer Representatives in the District of Idaho **Taghee A & B Rooms**



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1:45 p.m. Break

2:00 p.m. *Memories and Minds – The Malleability of Memories and the Fallibilities of Cognitive Function*, Professor Jason Watson, University of Utah *Taghee A & B Rooms*

Professor Jason Watson, who serves on the faculty of The Brain Institute at the University of Utah, will discuss ongoing research into the reliability and unreliability of memory, including eyewitness identification. Professor Watson will also discuss the limitations of the brain to retain information in the world of multi-tasking, and will educate attendees about the realities of cognitive decline and how it can affect all of us. The information presented in this program has real-life implications for all aspects of litigation, will provide insights into how best to present your case to a jury for maximum retention during deliberations, and will raise fascinating questions about just how efficient you really are in the modern world of lawyer multi-tasking.

3:30 p.m. Afternoon Break

3:45 p.m. Judges' Panel – Tips from the Bench and Questions and Answers *Taghee A & B Rooms*

The afternoon session will conclude with the traditional and often lively question-and-answer judges' panel discussion, and will be moderated by one of the District of Idaho Lawyer Representatives. Attendees will gain valuable insights into the workings of the Idaho federal courts from the perspectives of Idaho federal judges.

4:45 p.m. Adjourn
