



2015-2016 Ninth Circuit Lawyer Representatives District Reports

Prepared for the 2016 Ninth Circuit Judicial Conference

July 11-July 14, 2016

Big Sky Resort, Big Sky, Montana

**An Overview of the Activities and District Conferences
Initiated by Lawyer Representatives Throughout the Ninth Circuit**



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DISTRICT OF ALASKA – 2015-2016 REPORT TO THE NINTH CIRCUIT

By Darrel J. Gardner, LRCC Alaska District Chair

LAWYER REPRESENTATIVES

The District of Alaska has four Lawyer Representatives serving staggered 3-year terms, with two Lawyer Reps co-serving every third year. Greg Razo and Lane Tucker completed their terms on September 30, 2015. Following a selection process assisted by the Alaska Bar Association, the court appointed two new Alaska Lawyer Representatives last fall. Juneau lawyer Richard (“Dick”) Monkman began his 3-year term on October 1, 2015. Mary Pinkel, a state Assistant Attorney General in Anchorage, also began her term on October 1.

As the senior Lawyer Reps, Greg and Lane represented Alaska as members of the Ninth Circuit Lawyer Representatives’ Coordinating Committee (LRCC) in 2014-2015. They also planned the District Dinner held at the 2015 Ninth Circuit Judicial Conference, and prepared Alaska’s District Report that is posted on the Ninth Circuit’s website (www.ce9.uscourts.gov). This year’s dinner planning and report writing tasks fell to senior Lawyer Rep Darrel Gardner.

In March 2016, Darrel was elected Vice-Chair of the Ninth Circuit LRCC. He has replaced Craig Denny from the District of Nevada, who stepped down after becoming an administrative law judge in Reno. Darrel is the first ever Alaska District Lawyer Representative to become an officer of the LRCC. He will be working directly with the Conference Executive Committee to help plan the next two Ninth Circuit Conferences, and in 2017–2018 he will serve as the LRCC Chair. Fortuitously, Alaska’s Chief District Judge Timothy Burgess, who is this year’s Conference Program Chair, will become Conference Chair in 2017.

The Alaska District's Lawyer Representatives are:

Darrel J. Gardner (Senior Lawyer Rep)

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Term expires: September 30, 2016

Kevin R. Feldis

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Term expires: September 30, 2017

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Mary B. Pinkel

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Gregory Fisher (Appellate Rep)

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Term expires: September 30, 2016

ALASKA CHAPTER OF THE FEDERAL BAR ASSOCIATION

The Alaska Chapter of the Federal Bar Association is very active and has witnessed continued growth. Immediate Past-President Brewster Jamieson did a fantastic job planning numerous monthly meetings and helping tremendously with the Second Annual Alaska Federal Bar Conference held in August 2015. For the third year in a row, the Alaska Chapter received a Membership Growth Certificate from the FBA, acknowledging a growth in membership of 10% or more from the preceding year. On October 1, 2015, Jamie McGrady, an Assistant Federal Defender, took over as president. Jamie has worked hard to continue the activities and achievements of the Alaska Chapter.

In order to help encourage FBA membership, the court now sends out electronic meeting notices via the Alaska CM/ECF system. The president-elect of the Alaska Chapter is Assistant U.S. Attorney Kevin Feldis; however, Kevin reports that he will likely be taking an overseas detail to work with the Department of Justice in Indonesia next year. Therefore, the Alaska Chapter

will be looking for some other dedicated member to take of the reins of leadership. The court will also have to appoint another attorney to serve as an Alaska Lawyer Representative once Kevin departs.

Alaska Chapter activities since the last Circuit Conference have been very well received. The FBA capped off 2015 by co-hosting a reception celebrating Judge Ralph Beistline in December. Judge Beistline has moved to senior status, joining our three other distinguished senior federal judges, H. Russel Holland, James K. Singleton, and John W. Sedwick. Judge Beistline will continue to take new criminal cases in his hometown of Fairbanks, and will oversee some new civil cases districtwide. At the December reception, the Alaska Chapter presented Judge Beistline with an engraved plaque honoring his many years of public service as a judge in federal court, as well as his prior service as a state superior court judge in Fairbanks.

The Alaska Chapter has hosted several events this spring, including a lunchtime meeting with a presentation on the status of legal educational opportunities for Alaska students. The speakers included Vice Dean Patricia Kuszler, Professor Jeff Feldman, and Betsy Baker representing the University of Washington's School of Law, which offers a "three plus three" program whereby UAA students can finish their final year of college as first-year law students at UW in Seattle. We also heard from Professor Christian Halliburton of Seattle University's School of Law, which just opened its satellite Anchorage campus last fall. Five students from S.U. were enrolled in the Alaska program as third-year law students. One S.U. student, Glen Rice (who has interned at both the state and federal public defender offices in Anchorage), became the first member of the new Alaska Chapter Law Student Division of the FBA. Professor Halliburton (cmhall@seattleu.edu) has graciously volunteered to act as faculty liaison for the division, which is open to any law student who wants to become a member of the FBA's Alaska Chapter.

The Alaska Chapter also adopted a community outreach project this year: "We the People" is an annual instructional program on the principles of the U.S. Constitution and the Bill of Rights for middle school students. Local middle schools compete annually with dozens of four-person teams, and the winners compete in a national competition in Washington, DC. Activities in late April included student oral arguments at simulated congressional hearings, with community members and Alaska Chapter volunteers acting as judges and moderators. The Alaska Chapter received a coveted, merit-based competitive grant of \$2,500.00 from the national Federal Bar Foundation to help fund this project, as a contribution toward the cost of awards and other expenses at the local final competition held in early May. This was a great opportunity for FBA members and others to give back to the youth of our community.

NEW ALASKA DISTRICT CHIEF JUDGE

The Honorable Timothy M. Burgess became the District of Alaska's new Chief District Judge on January 1, 2016. Several weeks later the FBA's Alaska Chapter featured Chief Judge Burgess at a meeting. Judge Burgess presented a "state of the court" address that covered the federal court budget, proposed Civil Rule changes, and even a project underway to provide petit jurors with individual electronic tablets for viewing exhibits during trials. Judge Burgess also described the lengthy nomination, selection, and confirmation process involved in filling Judge Beistline's vacant seat. It will likely be many months before Alaska again sees three district judges on the federal bench. Also in January, Chief Judge Burgess, along with senior Lawyer Rep Darrel Gardner, attended the Chief District Judges' Conference held in Tucson, Arizona

ALASKA DISTRICT REPRESENTATIVES AT THE 2015 NINTH CIRCUIT CONFERENCE

The last Ninth Circuit Judicial Conference was held in San Diego, California, in July, 2015. This was the first conference since Judge Sidney R. Thomas from Montana replaced Alex Kozinski as Chief Circuit Judge. The conference featured presentations on protecting ourselves from cyber warfare and cyberattacks; meeting the legal challenges of global demographic changes; the reality and consequences of human trafficking; and the impact of mental illness on the law and courts. The conference's closing event was "A Conversation with U.S. Supreme Court Justice Anthony M. Kennedy," who spoke on a wide range of topics and issues that he has addressed over the course of his career. Alaska was well represented at the conference, and attendees included:

Chief Judge Ralph Beistline
Circuit Judge Morgan Christen
District Judge Timothy Burgess
District Judge Sharon Gleason
Bankruptcy Judge Herb Ross
Senior Judge Jack Sedwick
Senior Judge James Singleton
Senior Judge H. Russel Holland
Magistrate Judge Deborah Smith
Federal Public Defender Rich Curtner
U.S. Attorney Karen Loeffler
Lawyer Representative Greg Razo (outgoing LRCC Co-Member)
Lawyer Representative Darrel Gardner (incoming LRCC Member)
Lawyer Representative Kevin Feldis
FBA Alaska Chapter President-Elect Jamie McGrady
Clerk of Court Lesley Allen

ALASKA DISTRICT FEDERAL BAR CONFERENCE

The Second Annual Alaska Federal Bar Conference held in August 2015 was a great success. The conference featured the 2015 national president of the Federal Bar Association, Matt Moreland, who presented an ethics program along with the 2014 FBA national president, Judge Gustavo Gelpi from Puerto Rico, who made his second trip to Alaska after having attended the first Alaska conference in 2014. Other speakers included Dean Erwin Chemerinsky (U.C. Irvine), who gave a Supreme Court and Ninth Circuit appellate update, and Dean Deanell Tacha (Pepperdine), who gave a luncheon keynote address on the future of legal education in America. Also featured were U.S. District Judge Sharon Gleason, Darin Sands, and Paige Hunt Wojcik, who jointly presented a program on managing e-Discovery in federal court; and Alan Dorhoffer from the U.S. Sentencing Commission, who provided an in-depth federal sentencing practice and procedure update for criminal practitioners.

The Third Annual Alaska Federal Bar Conference is set for August 12, 2016. For the third year in a row, the national president of the FBA will be attending the conference. This year's president is Mark Vincent, an Assistant U.S. Attorney from the District of Utah. The Alaska Chapter is planning a terrific conference with many varied presentations that will have broad appeal for anyone who practices in federal court. Topics will include Artificial Intelligence and the Law; Climate Change and Arctic Policy; and a Criminal Law Supreme Court Update. There will be additional concurrent civil and criminal tracks in the afternoon, and lunch will be included.

NINTH CIRCUIT COURT OF APPEALS

Alaska saw two visits by the Ninth Circuit Court of Appeals in 2015, once in early summer and again in August. The August panel decided not to participate in a general bench/bar CLE program hosted by the Alaska Bar Association, as has been the tradition in Alaska for the past 19 years. The August panel was unique in that it was the first panel comprised entirely of female circuit judges to visit Alaska: Mary Murphy Schroeder from Arizona; Mary Helen Murguia from Arizona; and Johnnie B. Rawlinson from Las Vegas. The panel participated in an informal discussion hosted by the Anchorage Association of Women Lawyers. The program included Alaska's Ninth Circuit judge, Morgan Christen, and invited participation by the female lawyers of Anchorage. The program was intended to "be of interest to women practitioners and young women considering a career in the law." In 2016 the panel will be making only one visit to Alaska, in the fall.

Following several years of remodeling work by the General Services Administration, Alaska's resident Ninth Circuit Judge, Morgan Christen, celebrated the completion of her new chambers and other improvements at the

Anchorage Historical Federal Courthouse with a reception on May 25, 2016. The event was co-hosted with the Alaska Chapter of the FBA. Invited guests included members of Alaska's state Supreme Court and Court of Appeals; Alaska state, U.S. District Court, and Bankruptcy Court staff; U.S. District Court and Bankruptcy Court judges and their judicial assistants and law clerks; former and current Alaska District Lawyer Representatives; FBA-Alaska members; and representatives from the Alaska Bar Association.

FEDERAL PUBLIC DEFENDER

In January 2016 Rich Curtner was re-appointed to his sixth 4-year term as the Federal Public Defender for Alaska. Rich was first appointed Federal Defender in 1996. In the past year, Assistant Federal Defender Cara McNamara left Alaska and is now working as an AFD in Boston. Her position was vacant for several months awaiting the February arrival of Matthew Scoble, who had been working as an AFD in Sacramento. Long-time Secretary to the Defender Karolyn Miller retired in April.

EXECUTIVE CLEMENCY IN THE DISTRICT OF ALASKA

On December 18, 2015, President Obama granted executive clemency to two Alaskans serving lengthy federal prison sentences: Raymond Thomas, sentenced to 216 months in 2005 for possession of a controlled substance with intent to distribute; and Alex Contreras, sentenced to 480 months in 2002 for drug crimes and possessing a firearm during a drug crime. Both prison sentences were commuted to expire on April 16, 2016. Both individuals remain subject to many years of supervision by the United States Probation Office. Shortly after his release, Mr. Contreras returned home to Alaska to reunite with his family. The clemency applications were filed by the Alaska Federal Public Defender with the substantial assistance of a summer intern, Kevin Coe, who passed the July 2015 Alaska bar exam. Kevin now clerks for Alaska Superior Court Judge Herman Walker, Jr.

NEW CHIEF CLERK OF COURT

On July 6, 2015, Lesley K. Allen became the new Clerk of Court, following the retirement of Marvel Hansbraugh. Lesley has more than 14 years of court management experience. She has a BA in Economics and a BA in Communications from the University of California at San Diego, as well as a master's degree in Social Work Administration from the University of Michigan. For the last 9 years she was the Director of Operations for the Superior Court of California County of Sonoma. Ms. Allen relocated to Alaska with her family for the extraordinary opportunity to serve as the Clerk of Court.

HOPE COURT

On June 25, 2015, the first session of the newly created “Alaska Hope Court” took place. This federal reentry program is a pilot project with an initial 3-year term to determine if such a court contributes to the reduction of recidivism by criminal defendants on supervised release following prison terms. The court started with a limited number of participants, all of whom have been assessed as being at “high risk” for recidivism, particularly because of prior substance abuse issues. Research establishes that recidivism can be reduced through a court program that provides individuals who have completed their imprisonment with (1) immediate and proportional sanctions for misconduct; (2) positive reinforcement for personal progress in a public setting with judicial participation; (3) substance abuse and/or mental health treatment as needed; (4) assistance in meeting personal needs such as employment, stable housing, and medical attention; (5) assistance in developing life skills and critical thinking; and (6) peer pressure from other participants to avoid risky behavior. The program is voluntary, and defendants who successfully graduate from Hope Court will receive at least a 1-year reduction in the period of supervised release or probation and, at the discretion of the Sentencing Judge and Hope Court Team, could receive as much as a 50% reduction in the period of supervised release or probation. The program requires defendants to complete 18 successful months of participation with no violations in order to graduate.

In February 2016, the FBA presented a second look at the Hope Court reentry program. The meeting involved a panel presentation by the members of the Hope Court, including Magistrate Judge Deborah Smith and Magistrate Judge Kevin McCoy, Federal Defender Rich Curtner and Assistant Federal Defender Jamie McGrady, AUSAs Andrea Hatton and Kyle Reardon, and USPOs Chris Liedike and Allie Abbott. Also commenting were Chief Judge Burgess and District Judge Sharon Gleason, both of whom fill in if a magistrate judge is unavailable for the semi-monthly Hope Court proceedings. Judge Smith reported that there had been some bumps in the first 7 months of the Hope Court’s existence, including three participants facing new petitions to revoke their supervised release because of alleged violations of release conditions. Overall, however, the panel reported that there had been much progress, with some of the Hope Court participants achieving the longest period of sobriety of their lives when not incarcerated.



District Judge Ralph R. Beistline and his wife Peggy enjoying the reception in his honor as he moves to Senior status.



2015 FBA National President Matthew Moreland (l) and FBA Alaska Chapter President Brewster Jamieson at the Second Annual Alaska Federal Bar Conference at the Dena'ina Civic and Convention Center, Anchorage.



Magistrate Judge Deborah Smith and (current) Chief District Judge Timothy Burgess at the 2015 Alaska District Dinner in San Diego.



Alex Contreras with his family shortly after his return to Alaska following his sentence commutation and release from federal prison. Mr. Contreras holds the grant of executive clemency signed by President Obama.



Senior Judge H. Russel Holland and Judge Ralph Beistline at the 2015 Ninth Circuit Conference, San Diego.



ARIZONA LAWYER REPRESENTATIVES

ANNUAL REPORT

2016

THE JOHN M. ROLL AWARD FOR DISTINGUISHED SERVICE

In 2011, the Annual District Award was renamed The John M. Roll Award for Distinguished Service in honor of the late Chief Judge Roll. The Arizona Lawyer Representatives presented the award to Judge Stephen McNamee for his outstanding service and dedication to the administration of justice.

THE 2015 DISTRICT CONFERENCE

On March 4, 2016, the District of Arizona Conference was held in Phoenix, Arizona. The Conference included a full day of dynamic, top-notch presentations, including three afternoon breakout sessions covering emerging issues in civil, criminal and bankruptcy law. All of the Lawyer Representatives worked diligently and played a significant role in planning this year's outstanding program. The following summarizes this District Conference:

- 8:00 AM **WELCOME AND OPENING REMARKS:** Lori Winkelman,
Quarles & Brady LLP
- 8:05 AM **BENCH / BAR BREAKFAST: LEGAL ETHICS: “That least analytically
rigorous and hence most subjective of all law-school subjects,” according to
Justice Scalia. Is he right?**
- Speaker: Professor Susan Martyn, John W. Stoepler Professor of Law and Values
Emeritus at the University of Toledo Law School
- Table discussions with bench and bar participants
- 9:30 AM **SUPREME COURT – THE YEAR IN REVIEW**
- Speaker: Erwin Chemerinsky, Dean, School of Law, Univ. of California - Irvine,
CA author of “The Case Against the Supreme Court”
- 10:30 AM **BREAK**

- 10:45 AM **COMPETING THEORIES OF CONSTITUTIONAL AND STATUTORY INTERPRETATION: WHY THE DEBATE MATTERS**
Moderator: S. Cary Forrester, Forrester & Worth, PLLC
Speakers: Eric Brunstad, constitutional lawyer at Dechert, LLP and adjunct professor at NYU School of Law
Nelson Lund, constitutional scholar and professor at George Mason University School of Law
Erwin Chemerinsky, constitutional scholar and Dean of the University of California–Irvine School of Law
Hon. Randolph J. Haines, retired bankruptcy judge and legal scholar
- NOON-1:30 **LUNCH PROGRAM:**
*STATE OF THE DISTRICT – CHIEF JUDGE RANER COLLINS
*PRESENTATION OF JUDGE JOHN M. ROLL AWARD
- 2:00 – 4:00 **TOPICAL BREAK-OUT SESSIONS**
- CIVIL:**
2:00 -2:50 **LITIGATION HOLD DISASTERS-HOW TO MITIGATE (AND HOPEFULLY PREVENT) THE DESTRUCTION OF PERTINENT EVIDENCE**
Speakers: Michael R. Arkfeld, Director, ASU-Arkfeld eDiscovery and Digital Evidence Program, Sandra Day O’Connor College of Law
Robert McKirgan, Lewis Roca Rothgerber Christie LLP
Kristine Campbell, Assistant General Counsel, U-Haul International
- 3:10-4:00 **DISCOVERY OBJECTIONS UNDER THE NEW FEDERAL RULES**
Speakers: Hon. Neil V. Wake, District of Arizona
Hon. Douglas L. Rayes, District of Arizona
Tod Schleier, Schleier Law Offices, P.C.
Andrew Federhar, Fennemore Craig, P.C.
- CRIMINAL:**
2:00 -2:50 **NINTH CIRCUIT CRIMINAL CASE UPDATE**
Moderator: Cary Sandman, Federal Public Defender’s Office, Tucson
Panelists: Christina Cabanillas, United States Attorney’s Office, Tucson
Daniel Lee Kaplan, Federal Public Defender’s Office, Phoenix
Lee Tucker, Federal Public Defender’s Office, Tucson
- 3:10-4:00 **SEX TRAFFICKING: NOT JUST A STATE COURT ISSUE**
Moderator: Christina Covault, United States Attorney’s Office, Phoenix
Panelists: Dominique Roe-Sepowitz, Director, Office of Sex Trafficking Intervention Research and Assoc. Professor at ASU
Stephanie Preciado, Director, Diane Halle Center for Family Justice and Assoc. Professor at Sandra Day O’Connor College of Law

BANKRUPTCY:

2:00 – 2:50 **DO YOU BELIEVE IN UNICORNS? WHAT ABOUT BOUNDARIES OF THE BUSINESS JUDGMENT RULE IN BANKRUPTCY?**

Panelists: Hon. Brenda K. Martin, United States Bankruptcy Judge
Michael McGrath, Mesch, Clark & Rothschild, P.C.
Robert M. Charles, Lewis Roca Rothgerber Christie LLP
Thomas Allen, Allen, McGuire & Barnes, P.L.C.

3:10 – 4:00 **CONFIRMED . . . DISCHARGED . . . NOT SO FAST—TAX IMPLICATIONS AND CONSEQUENCES OF BANKRUPTCY**

Panelists: Hon. Paul Sala, United States Bankruptcy Judge
Kirk McCarville, Kirk A. McCarville, P.C.
Susan Freeman, Lewis Roca Rothgerber Christie LLP
Lindi Weber, Gallagher & Kennedy

BENCH/BAR LUNCHES

The Lawyer Representatives met with the District Court and Bankruptcy Court bench on November 29, 2014 in Phoenix and Tucson to discuss issues important to the District and to plan for the 2015 District Conference. Magistrate Judges, Arizona District Judges and Bankruptcy Judges from across the State attended through video-conference connections. The Lawyer Representatives met again with the bench on January 21, 2015 to finalize arrangements for the 2015 District Conference and to obtain final approval of the speakers and program.

Additionally, the bankruptcy Lawyer Representatives met with the Bankruptcy Judges late last year to discuss the expectations and goals of the Judges and what the Lawyer Representatives could do to assist the Judges. One of the tasks was (and continues to be) for the Lawyer Representatives to be a conduit between the bankruptcy bar and the Bankruptcy Judges and report back to the Judges any issues or concerns of the bankruptcy bar. In keeping with that task, quarterly lunch meetings were set up with the Lawyer Representatives and the "leaders" of the different bankruptcy organizations in the state. There have been two such lunch meetings and the Lawyer Representatives have reported the discussions to the bankruptcy Judges.

CHIEF DISTRICT JUDGES CONFERENCES

Chairpersons Cary Forrester and Lori Winkelman attended the conference in Tucson, Arizona in July, 2016.

LAWYER REPRESENTATIVE COORDINATING COMMITTEE

Chairpersons Cary Forrester and Lori Winkelman participated in monthly conference calls with the Lawyer Representatives Coordinating Committee to plan the 2015 Ninth Circuit Conference. They also attended the initial planning meeting in San Francisco for in September, 2015.

2016 DISTRICT OF ARIZONA DINNER

The 2016 District Dinner will be held in the Huntley Dining Room at Big Sky Resort in Big Sky, Montana, on Tuesday, July 12, 2016. Invitations have been sent and event planning is being finalized.

DISTRICT OF ARIZONA CO-CHAIRS FOR 2016-2017

Hilary Barnes and Fred Petersen have been chosen to serve as the co-chairs for the District of Arizona, 2016-2017.

2016 LAWYER REPRESENTATIVES' REPORT

CENTRAL DISTRICT OF CALIFORNIA

The Lawyer Representatives for the Central District of California (“Lawyer Representatives”) are a large and diverse group that reflects a broad spectrum of practice areas. This past year, the Lawyer Representatives made great contributions in supporting the functioning of the courts, assisting in planning the judicial conference, and advancing the Ninth Circuit Civics Contest and the Central District Civics Contest throughout the jurisdiction.

The Lawyer Representatives organized a Central District Judicial Conference with a committee of judges from the District, led by the Hon. Philip Gutierrez. Other judges on the Committee were the Hon. Michael W. Fitzgerald, the Hon. Beverly Reid-O’Connell, and the Hon. Andre Birotte. The conference was in partnership with the Pepperdine School of Law under the leadership of Dean Deanell Reece Tacha. The location and theme was designed to explore cutting-edge legal issues and to engage thought provoking discussions in partnership with the Pepperdine faculty. The conference was a great success. We received positive feedback from the judges and lawyers in attendance and the conference was sold out early in the registration process.

The Central District Judicial Conference was held April 15-17, 2016 in Ojai, California. The Conference opened with a welcoming reception at the Ojai Valley Inn & Spa hosted by the Pepperdine School of Law. The attendees were then dazzled by the talented students from the University Theater Group Ensemble from Pepperdine who performed musical selections from *Threepenny*. The second day of the Conference opened with a panel discussion of esteemed professors from the Pepperdine School of Law discussing the *Top Supreme Court Cases to Watch*, which was moderated by Dean Tacha. Professors Robert J. Pushawa and Professor Barry P McDonald provided lively and opposing viewpoints about the significance of recent Supreme Court cases and their impact on the Courts and practitioners. Dean Tacha, being a legal scholar herself and a former circuit judge for the U.S. Court of Appeals for the Tenth Circuit, not only moderated the panel, but also provided her unique and practical feedback on the

potential impact of the significant Supreme Court cases. Professor Victoria L. Schwartz offered a fascinating discussion on *The Interplay between Privacy and Cybersecurity*. Professor Schwartz identified the growing concern over privacy issues and cybersecurity, along with practical ways to address them. Professor Gregory S. McNeal was the lunch speaker who provided an entertaining discussion on *Drone Law*. He discussed the growing drone market and advances in drone technology. He also discussed the continuing conflict with the use of drones and jurisdictional issues with the Federal Aviation Administration. Professor McNeal then gave a drone demonstration to top off his presentation. The Lawyer Representatives planned several activities to take advantage of the conference location, including a walk into town to sample the local wine and beer and a hike through the local Ojai trails. There were a number of activities also planned for our younger guests through Camp Oak at the conference facility. The formal program ended with a dinner presentation lead by Professor Brian Simas who discussed *Wine Law*. The attendees learned about the complicated laws surrounding the labeling of wine, the production of wine, and the legal issues that remain very actively litigated in this area of the law. Overall the partnership with the Pepperdine School of Law was a resounding success.

In addition to the Central District Judicial Conference, the Lawyer Representatives worked closely with the courts to assist in advertising and promoting not only the Ninth Circuit Civics Contests, but also the local Central District Civics Contest. A Community Service Committee was developed to specifically assist in this endeavor. The Lawyer Representatives worked closely with Judge Klein, Judge Kronstadt, and the court staff to advertise and to encourage students throughout the Central District to participate in the two Civics Contest. The Lawyer Representatives engaged in significant outreach to high schools throughout the vast region that encompass the Central District. We made presentations to students at various high schools in Los Angeles County, San Bernardino County, Orange County, and Riverside County. Outreach efforts were also made to reach regions like San Luis Obispo, Santa Barbara, and Ventura. The Lawyer Representatives also helped in ranking the essays that were submitted by the students so the judges can make the final decision on the winners for the Central

District Civics Contest and the finalists for the Ninth Circuit Civics Contest. A reception was held at the Courts on June 8, 2016 to announce the winners.

The Lawyer Representatives have several other ongoing committees that were very active. One of the committees helped plan the District Conference. We also have an Attorney Settlement Officer Panel Committee that continued its work of screening, evaluating, and recommending a roster of skilled attorneys with a diverse background and suitable temperament to serve as settlement officers for the Court. The Committee engaged in outreach to solicit applications and then to screen the applications for the Court.

We also organized the annual downtown dinner in Los Angeles. This was an opportunity for the Lawyer Representatives and Judges of the District to meet informally and to discuss mutual goals for the District.

This year, an Advisory Committee was also formed, comprised of former Co-Chairs that served for the Central District Lawyer Representatives. The formation of the Advisory Committee will help assist in the ensuring the continuity and quality of the programs in the future.

The Lawyer Representatives have already begun working on the 2017 Central District Conference. Working with a committee of judges led by the Hon. Michael Fitzgerald, we have already secured a location and have begun work on formulating the program for the upcoming Conference.

It has been a pleasure to serve as Co-Chairs of the Lawyer Representatives over the past term. We are grateful for the opportunity to have played a role in assisting the Courts and we look forward to a successful year ahead.

Warmest Regards,

Anna Park and David Willingham

Co-Chairs, Central District Lawyer Representatives

**Lawyer Representatives' Annual Report: 2015-2016
Eastern District of California**

Submitted by: Mia Giacomazzi

Eastern District Conference

The Eastern District of California held its annual conference (Conference) October 2-4, 2015 at the Resort at Squaw Creek in Squaw Valley, California. The 2015 Conference focused on the impact of science and technology on the law. UC Irvine Law School Dean Chemerinsky discussed drones and the Fourth Amendment as well as Supreme Court decisions in the area of bankruptcy law. The Conference's technology focus also touched on use of technology in the courtroom, privacy matters in the law practice, memory and eyewitness testimony, and California's High Speed Rail project.

The next Conference will take place October 14-16, 2016 at the Tenaya Lodge in Yosemite, California. The 2016 Conference will focus on the extreme environmental issues impacting the Eastern District of California. A plenary panel will discuss the drought, flood control, and the impacts of fires in the Eastern District. Breakout sessions will address subsidence, a primer on water law for bankruptcy attorneys, and practical tips on sentencing. There will be a special break-out session for young lawyers, and a Bench Bar program session to introduce new judges to the practitioners. The Saturday Luncheon will feature memory expert Chester Santos, who will provide practical tips for improving memory. The Conference will also recognize its history as the Eastern District of California celebrates its 50th year.

Sacramento Chapter of the Federal Bar Association

The Sacramento Chapter of the Federal Bar Association (FBA) is pleased to report another exciting year of collaboration with partner associations and informational programs for membership. Following our Election Mixer, we participated in the Eastern District Court's Open Doors Mock Trial Program, an event that introduced over 550 local students and teachers to District judges, lawyers - and a day in the life of a practicing lawyer. In April, we kicked off our Continuing Legal Education Series with a panel discussion for members entitled "2015 Amendments to the Federal Rules of Civil Procedure." Panelists Judge Jeremy Fogel of the Northern District of California, Eastern District Court Judge Kimberly Mueller and Magistrate Judge Kendall Newman joined local practitioners in sharing their views on the most recent changes to the Federal Rules of Civil Procedure. In May, the FBA co-sponsored Operation Protect and Defend's annual Law Day Dinner, promoting civic education in high schools and awarding students for their participation in the program. In June, we wrapped up one-half year of accomplishments and hard work with a Spring Mixer at Ten22 in Old Sacramento. This was a joint mixer and collegial networking event for members of the FBA and the Sacramento Valley Bankruptcy Forum.

The next half of our year will be equally bright and eventful. In July, we will present our 26th Annual Supreme Court Year-in-Review (SCYIR) CLE program at the Citizen Hotel in downtown Sacramento. At SCYIR, Pacific McGeorge School of Law Professors Leslie Gielow Jacobs and Clark Kelso will offer FBA members their insights on the most thought-provoking decisions of the U.S. Supreme Court's most recent term. In September, we will celebrate our District's 50th Anniversary and rich history in a fourth annual joint presentation with the Eastern District Historical Society. Come join us for the Eastern District's 50th Anniversary presentation. This fall, the FBA will again co-host a District reception with the San Joaquin FBA Chapter at the Eastern District Conference at the Tenaya Lodge in Yosemite. Following that, FBA Sacramento will be pleased to honor the Court's Pro Bono Panel and mediators supporting the Voluntary Dispute Resolution Program during the Eastern District's "Night to Honor Service."

San Joaquin Valley Chapter of the Federal Bar Association

The San Joaquin Valley Chapter of the Federal Bar Association continued in its efforts to provide continuing education, outreach and networking opportunities to its members. In September 2015, Professor Brian Soucek presented our annual Supreme Court Year in Review to a full house. In October, lawyer members presented a civil rights program to high school students.

Each January, the San Joaquin Valley Chapter presents an MCLE Saturday in which members may attend to receive hard-to-get MCLE credits prior to the end of the reporting period. This year was very successful, both in terms of speakers and attendance. In March 2016, we hosted our annual Open Doors program in both Fresno and Bakersfield. Five judges presided over mock trials that pitted AUSAs against AFDOs. Approximately 400 high school students attended collectively. In addition to the mock trials, snacks, and lunch, the students then participated in an assembly where representatives from federal agencies, including FBI, USM, pretrial services, HSI, US Secret Service, USAO, FDO, and others spoke to students about their offices and positions. The feedback was positive from everyone who participated.

On April 29, 2016, the FBA hosted its annual Law Day celebration in Yosemite, this year focusing on the Miranda decision. Law Day is attended by students from counties surrounding Yosemite National Park. An award-winning student band performed patriotic music while student winners of an essay contest read their essays and received prizes.

In June 2016, the FBA hosted its annual Court Staff Appreciation Day, in which the FBA hosts law clerks, courtroom deputies and members of the clerk's office, and their families to a BBQ dinner and baseball game at the local ball park.

Justice Anthony M. Kennedy Library and Learning Center

The Justice Anthony M. Kennedy Library and Learning Center promotes public understanding of an independent judiciary, the rule of law and the rich history of the federal courts. Opened in 2013 in the Robert. T. Matsui United States Courthouse in Sacramento, the center sponsors an annual teachers' institute during the summer, providing local educators with a better understanding of the judicial process and the role of federal judges. In 2015, the institute welcomed 14 teachers with 23 registered for 2016. With the success of the Sacramento Institute, plans were started last fall for a Fresno Institute with 13 registered teachers. Justice Kennedy participated in both institutes by video conference providing welcoming remarks and engaging in a dialogue with the teachers.

With the hiring of full-time Public Education and Community Outreach staff member, Kari Kelso, visits to the center have expanded and now include visitors ranging from scouts, K-12 school groups (public, private and home-school), law school programs, graduate fellowship students, and international visiting judges to community presentations for Rotary and the Chamber. Tours coordinated with Crocker Art Museum Docents and the Sacramento Arts Commission were also conducted.

The center, which hosts various exhibits, includes a permanent display focusing on the life and career of Justice Anthony M. Kennedy, a Sacramento native. Also now on display are an exhibit related to landmark cases decided by the U.S. Court of Appeals for the Ninth Circuit, and student artwork entered in the "Modern Masters of America" art contest, sponsored by Operation Protect and Defend, a Sacramento collaboration of attorneys, judges and educators involved in civics education.

ADR and Pro Bono Program

The Eastern District's pro bono program is comprised of a panel of volunteer attorneys willing to take appointments in prisoner civil rights cases. Currently approximately three hundred and twenty attorneys serve on the panel. In 2015 the court appointed attorneys to thirty-two cases, and has appointed attorneys to twenty-two cases so far in 2016.

The ADR program includes the Voluntary Dispute Resolution Program (VDRP), which is available for parties in non-prisoner cases as a means to informally resolve their disputes. In 2015, forty-one cases were referred to VDRP. Prisoner ADR programs for Section 1983 cases are also a component of the program. In 2010, the court and members of the University of the Pacific, McGeorge School of Law's faculty established a prisoner mediation clinic. The students enrolled in the clinic conduct mediations with Magistrate Judges Kellison and Newman at various institutions and at the Sacramento courthouse. The Clinic was recognized when the University received the 2013 Ninth Circuit ADR Education Award. The Clinic will begin its seventh year fall of 2016.

NORTHERN DISTRICT OF CALIFORNIA
LAWYER REPRESENTATIVE COMMITTEE REPORT
2015-2016

Submitted by Quyen Ta (Keker & Van Nest LLP) and Angel Garganta (Venable LLP), 2015-2016 Committee Co-Chairs.

- I. Introduction: This report will cover judicial developments in the Northern District since August 2015, our District Conference and other activities of the Lawyer Representative Committee (LRC) during that time.

- II. Judges and New Clerk of the Court
 - A. Since the last meeting of the Ninth Circuit Conference, there have been no new Article III judges and the Northern District continues to enjoy its full complement of judges. Together with the continued strong contributions of our senior status judges and magistrate judges, the District is well prepared to serve the interest of justice in our federal system.

 - B. On July 30, 2015, the Magistrate Judge Sallie Kim was sworn in to serve in the San Francisco Division. This brings the complement of full time Magistrate Judges to 12.

 - C. In August 2015, Rich Wieking announced his retirement as Clerk of the Court after 26 years of service to the Northern District of California in that role.

 - D. In August 2015, the Court selected Sue Soong to succeed Rich Wieking as the new Clerk of Court. Sue previously served the 9th Circuit Court of Appeals for 21 years, most recently as the Chief Deputy Clerk of Operations in the Office of the Clerk of Court for the 9th Circuit.

 - E. In October 2015, Senior Judge Samuel Conti retired after 45 years of service making his tenure the longest in the Northern District of California's history. Our District thanks him for his longstanding dedication and service.

 - F. At the United States Bankruptcy Court for the Northern District of California, Chief Bankruptcy Judge Roger L. Efremsky continues to integrate the more recently appointed bankruptcy judges (Judges Stephen Johnson, William Lafferty, Elaine Hammond, and Hannah Blumenstiel) into the Northern District of California bankruptcy bench. During the last year, Judge Weissbrodt announced his retirement and has retired after more than 25 years of dedicated service to the Bankruptcy Court. Judge Weissbrodt's dedication and service have been greatly appreciated by the bar and the many litigants that have appeared before him. Judge Efremsky has also been working to coordinate and make uniform some of the individual practices of the various divisions within the Northern District and

to improve the efficiency of the Bankruptcy Court. The San Francisco division of the Bankruptcy Court also completed its move to the Courthouse at 450 Golden Gate, which was celebrated with an open house in the new chambers on January 21, 2016.

G. Departures:

1. Senior Judge Ron Whyte announced that in November 2016 he will take inactive status. Judge Whyte was appointed to the bench in 1992 and has served with distinction. In his years as a federal district judge, Judge Whyte emerged as a leading expert on patent and technology litigation. He led the development of model jury instructions and innovative patent rules and model protective orders and lectured on intellectual property litigation nationally. Judge Whyte has anchored the San Jose Division of our court for nearly a quarter century as a colleague of vast ability who did so much for the court above and beyond managing his substantial caseload. He helped this court and, by example, other courts, deliver outstanding, innovative service in the field of intellectual property litigation with innovative patent rules, model orders and jury instructions. He also supported the court in areas such as space and security.
2. June 3, 2016 marked Magistrate Judge Paul Grewal's last day as a Magistrate Judge in the San Jose Division. He resigned after six years to become a Vice President at Facebook. Judge Grewal has been a wonderful colleague who has brought a tremendous aptitude for and deep understanding of technology to our Court and has greatly enhanced the Court's service to Silicon Valley. Those same attributes have prepared him ideally for this next chapter in his career. The Northern District wishes him great success in his future endeavors.

III. District Conference

A. ***The 2016 District Conference:*** In the Spring of 2016, the Northern District Judicial Conference was, for the fourth consecutive year, held at the Silverado Resort in Napa. Approximately 250 judges, practitioners, and experts in the areas under discussion gathered at the Silverado Resort from April 8 to 10.

1. The Conference reflected the continuing efforts of the Court and the LRC to conduct outreach to diverse communities of lawyers and ensure that the full diversity of the District was reflected in Conference attendees. Conference events were designed to increase the ability of first-time and younger attendees to interact with the members of the Court at the Conference. The LRC also continued its "green effort" with registration and Conference materials presented entirely on the web.
2. As is typical for our Conference, the Lawyer Representatives prepared an extremely full agenda beginning at 8:00 a.m. on Saturday morning,

extending through the entire day, and resuming again on Sunday morning at 8:30 a.m. The conference was opened by Chief Judge Hamilton, who introduced and welcomed Judge Haywood Gilliam to the District. Chief Judge Hamilton also provided a recap of developments in the District.

3. Following Chief Judge Hamilton's kickoff, the Conference explored the following topics:
 - a. Antitrust Litigation and Ideas on Streamlining These Complex Cases: Judge James Donato moderated a panel that comprised private practitioners and clients with vast experience in the field who offered their perspectives on practices that are effective and/or ineffective in streamlining antitrust matters.
 - b. The Long Arm of the Law: The Internationalization of U.S. Criminal Prosecutions: Judge Richard Seeborg led a discussion of recent high-profile prosecutions by the Justice Department, including in the Northern District of California, that involved alleged criminal conduct occurring, in part, abroad. These cases have led some to conclude that, as DOJ shifts resources away from certain drug prosecutions, it is focusing more on prosecutions for crimes including wire fraud, bribery, and money laundering which allegedly occur, in part, outside of the United States. The panel discussed the viability and implications – legal, jurisdictional, and practical – of this apparent internationalization of U.S. criminal law.
 - c. Transitions in the Law: The New Frontier of the LGBT Rights Movement: Our newest Magistrate Judge Hon. Sally Kim moderated a panel on the myriad legal issues faced by transgender individuals – in the varying contexts of schools, workplaces, public businesses, healthcare, and the criminal justice system. This panel addressed the distinction between sexual orientation and gender identity and explored emerging legal issues, such as whether transgender people are a suspect class entitled to heightened equal protection scrutiny. This panel also explored issues faced by transgender litigants in federal court and discussed best practices for respectful court treatment of transgender litigants.
 - d. Judge Jon Tigar moderated a panel entitled Show Me the Money: Does Litigation Funding Change the Playing Field for Litigation The panel explored the litigation funding industry. Panelists, included providers and users of litigation funding, as well as a critic of such funding, and explored how this influx of money is changing the dynamics of litigation. The panelists provided an overview of what is happening in litigation funding as well as the

discovery, ethical, and evidentiary issues presented by litigation funding.

- e. After our successful efforts to reformat the break-out sessions last year into roundtable discussions we continued these roundtable discussions to provide an opportunity for attendees to engage in open discussions regarding substantive content. The roundtable discussions focused on the following topics:
 - (i) Criminal: “Criminal: Emerging Legal Issues Surrounding DNA Mixture Statistics and Probabilistic Software,” moderated by Judge Yvonne Rogers Gonzalez, explored the science and statistics of complex DNA mixtures, and of the emergence of probabilistic software. The panelists discussed potential scientific and legal issues related to interpreting complex mixtures and “low copy number” samples, as well as the legal implications of the “automated expert testimony” of software-generated statistics, given that the source code is often proprietary.
 - (ii) Civil: “Diversity in the Legal Profession: Training the Next Generation of Lawyers” Judge William Alsup moderated a discussion on diversity in the legal profession, with a focus on issues related to litigation opportunities for young and diverse lawyers in our District. The panel discussed existing data regarding race and gender diversity in the profession as well as barriers and potential solutions to diversifying our profession.
 - (iii) Bankruptcy: “The Intersection of Bankruptcy Law and Family Law” The program focused on the overlapping and, at times, conflicting areas of bankruptcy law and family law. Topics included, among other things, jurisdictional issues, asset determination and ownership, a bankruptcy trustee’s rights vis-à-vis pre-bankruptcy dissolution and division of assets, and bankruptcy planning in connection with divorce proceedings. This panel was presented by Hon. Neil W. Bason, U.S. Bankruptcy Judge, Central Dist. of California, Marlene Weinstein, Panel Chapter 7 Trustee, Oakland Division and moderated by Stephen D. Finestone.
- f. The Sunday schedule kicked off with a riveting discussion led by Judge Vince Chhabria regarding the varied jury selection and voir dire practices within the District. Judge Chhabria was joined by Judges Freeman and White as well as a jury selection consultant and private attorney to discuss “dos” and “don’ts” of voir dire and other in-court procedures, and the limits of using out-of-court

technology to research a potential jury, as well as the legal pitfalls. The panel also covered jury selection from the juror's perspective.

- g. Judge Donna Ryu moderated a discussion entitled "Get Noticed: The Real World of Class Action Settlements, Notices and Distributions," in which the panelists explored the legal issues presented in class action settlements, particularly in relation to class notice, settlement approval, distribution, and other mechanics. The panel also addressed other emerging issues that are dominating the class action landscape.
 - h. Finally, the Conference closed with the traditional "Supreme Court Review" presented by Professor Pamela Karlan of Stanford Law School and Professor Erwin Chemerinsky of UC Irvine. This annual presentation covered the most significant cases in the October 2015 term.
4. The entertainment and casual interaction among bench and bar at the Conference also reflected a Northern District-centric approach. We continued the tradition that began last year and provided during the Saturday reception and dinner food and drink produced locally in the Northern District. We also enjoyed a jazz performance from Ms. Vivian Lee.

IV. Other Activities in 2015 and 2016

- A. In keeping with the Northern District tradition of 18 Lawyer Representatives in three staggered classes, the Court selected six new members to our LRC in September 2015. We are proud that the committee has so well reflected all manner of the diversity of our District, and we are grateful for the service of those LRC members who have "graduated."
- B. After the selection of the six new members in the fall of 2015, the LRC hosted a reception at the ceremonial courtroom in the San Francisco Courthouse that was well attended by the district, magistrate, and bankruptcy judges.
- C. Throughout 2015-2016 period, the members of the LRC also worked with the court on a variety of initiatives of interest to the court. These included local rules projects and a recent initiative regarding increasing civility in the court.

The Lawyer Representatives for the Northern District of California look forward to next month's Ninth Circuit Conference, and to working with the other Circuit representatives in attendance.

Quyen Ta (QTa.kvncom)

Angel Garganta (agarganta@venable.com)



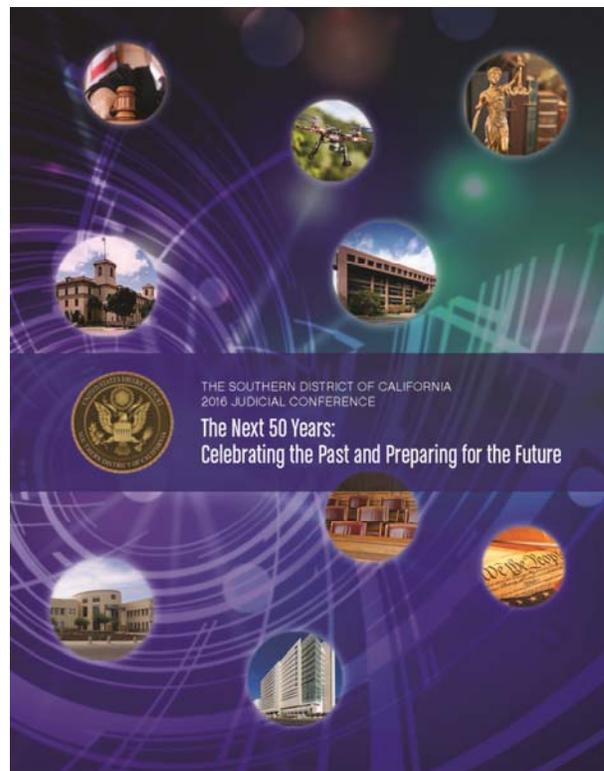
SOUTHERN DISTRICT OF CALIFORNIA 2015-2016 Annual District Report

SOUTHERN DISTRICT OF CALIFORNIA JUDICIAL CONFERENCE (APRIL 20, 2016)

On September 18, 2016, the Southern District of California will turn 50! Given this historic anniversary, the theme of the 2016 Judicial Conference for the Southern District of California was “The Next 50 Years: Celebrating the Past and Preparing for the Future.” The District Conference was held at the federal courthouse on April 20, 2016. The Conference included a 50th Anniversary Retrospective on the origin and current composition of the Southern District of California. Additionally, the Conference included four separate panels focusing on civil and criminal topics.

Civil Panel #1: The Litigant’s Perspective on Civil Litigation in the Southern District and Beyond

The District Conference included two panels focused on civil litigation in federal court. The first panel featured private litigants who previously had occasion to bring or defend a case in the Southern District of California. Many of the panelists were in-house counsel for private companies or government entities. Because some of the panelists had litigated cases all over the country, the panel was able to compare the civil procedures in the Southern District of California with those followed by federal courts in other jurisdictions. Much of the discussion focused on the unique discovery protocol followed by Southern District magistrate judges, including use of Early Neutral Evaluation (“ENE”) conferences, Case Management Conferences (“CMCs”), and strict meet and confer requirements.



Civil Panel #2: The Juror's Journey Through a Civil Trial in the Southern District

The second civil panel was comprised of individuals who had previously served as jurors on a civil trial in the Southern District of California. This panel was a crowd favorite. The jurors provided feedback on nearly every facet of trial, including: (1) the demeanor and skill of the attorneys trying the case; (2) technology in the courtroom; (3) the effectiveness of exhibits and demonstratives; (4) opinions about jury instructions and evidentiary rulings; and, of course, (5) their impressions of the judge before, during, and after the trial. Although most of the jurors were very complimentary of the judges and generally satisfied with their experience as a juror in federal court, they did offer suggestions about how the process could be improved. The Lawyer Representatives and the judges took note of these suggestions and plan to discuss what changes, if any, should be made to the existing juror service system to improve the process.

Criminal Law 2.0: Is the Current Criminal Justice System Fundamentally Unjust?

In 2015, Ninth Circuit Judge Alex Kozinski drafted a Preface to the *Georgetown Law Journal's* Annual Review of Criminal Procedure, calling into question whether our criminal justice system is “fundamentally just” and challenging many of the conventional wisdoms on which our criminal justice system is based. In part of the article, Judge Kozinski issued a scathing rebuke of federal prosecutors, claiming there is an “epidemic of *Brady* violations abroad in the land.” The Department of Justice issued a written response that took aim at Judge Kozinski’s statistics of alleged prosecutorial misconduct while also affirming its policy to seek justice, not just a conviction, in every case. The criminal panel at the District Conference included Judge Kozinski, one of the authors of the DOJ response, a former Assistant U.S. Attorney from the Southern District, and a former Federal Defender from the Southern District. The conversation picked up where Judge Kozinski’s article left off. The panel discussed whether DOJ’s current discovery training program was sufficient, whether most prosecutors were complying with their constitutional obligations, and whether and how the current flaws in the criminal justice system can be fixed. It was a lively discussion that sparked continued dialogue among the bench and the Lawyer Representatives even after the District Conference concluded.

Unmanned Aircraft Systems: The Next Frontier

Finally, the District Conference included a cross-over civil/criminal topic called, “Unmanned Aircraft Systems: The Next Frontier.” This panel focused on cutting-edge drone technology, and examined the legal and regulatory risks to operating unmanned aircraft. The CEO of a drone company discussed how drones were in high demand for film, sporting events, and recreational use. Another panelist (an Assistant U.S. Attorney) relayed how drug cartels are using drones to transport small amounts of high-priced narcotics, and summarized the first criminal prosecution involving drones. Finally, the attendees heard from three aerospace experts

regarding the complex and evolving legal landscape governing use of drones in highly populated areas like San Diego. After the panel, Conference attendees were given the opportunity to view a large commercial drone up close, and to pilot a drone in the federal courthouse complex's courtyard (under the strict supervision of the U.S. Marshals Service).



ONLINE SURVEY OF FEDERAL PRACTITIONERS (MAY 17, 2016)

In 2015-2016, the Lawyer Representatives focused on our mission to improve the administration of justice within the Southern District of California. To further that goal, the Lawyer Representatives collected input from attorneys practicing in the District through an online survey. The survey was sent out to all registered users of the CM/ECF system and included a series of questions regarding the Court's rules, practices, and procedures. The survey was completely anonymous, but survey participants were asked to provide answers to two biographical questions. First, participants were asked to provide the number of years they had been practicing as an attorney (e.g., 0-10 years, 10-20 years, 20+ years), although they could elect not to answer and such information was not required for the survey results to be counted. Second, participants were asked to select their primary practice area: (1) civil; (2) criminal; or (3) bankruptcy. The survey questions were divided up into the three primary practice areas. Participants could limit their responses to a particular practice area if they chose or, depending on the scope of their practice, submit responses spanning multiple practice areas.

The response to the survey surpassed our expectations. There were 300 responses in less than 24 hours. Best of all, several of the responses included substantive comments. The Lawyer Representatives collected the results, and we intend to provide a summary of the data to the judges in a Bench-Bar Luncheon in September. We hope to use the survey results to initiate improvements to the Southern District's current civil, criminal, and bankruptcy practices.

BENCH-BAR LUNCH PROGRAM (DECEMBER 14, 2015)

This past year our Lawyer Representative Committee continued with the Bench-Bar Lunch Program we started in 2014. On December 14, 2015, we had a Bench-Bar luncheon to discuss ideas for the upcoming 50th Anniversary of the Southern District and the online survey of federal practitioners. The goal of the program was to facilitate a brainstorming session involving judges and Lawyer Representatives as we compiled a list of potential ideas to celebrate, commemorate, and honor the history of the Southern District of California. We also sought the judges' input with regard to the types of survey questions we should include in our effort to solicit attorney feedback. These bench-bar lunches have become "working lunches" where Lawyer Representatives and judges have the opportunity to collaborate in an informal

environment on ways to improve the administration of justice in the Southern District of California.

LAWYER REPRESENTATIVES FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Our District’s 2015-2016 Lawyer Representatives and their term ending dates are:

LAWYER REPRESENTATIVE	TERM END
ANDREW G. SCHOPLER— CO-CHAIR United States Attorney’s Office (619) 546-8068 • Andrew.Schopler@usdoj.gov	2016
Shireen M. Becker— CO-CHAIR Jones Day (858) 314-1184 • sbecker@jonesday.com	2018
MAZDA K. ANTIA Cooley LLP (858) 550-6139 • mantia@cooley.com	2016
MIKEL R. BISTROW Ballard Spahr, LLP (619) 487-0796 • bistrowm@ballardspahr.com	2017
GEORGE W. BREWSTER, JR. Office of County Counsel, County of San Diego (619) 531-4893 • george.brewster@sdcounty.ca.gov	Alternate
DAVID S. CASEY, JR. Casey Gerry Schenk Francavilla Blatt & Penfield (619) 238-1811 • dcasey@cglaw.com	2018
JEFFRY A. DAVIS Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C. (858) 314-1503 • JADavis@mintz.com	2017
THOMAS E. EGLER Robbins Geller Rudman & Dowd, LLP (619) 231-1058 • tome@rgrdlaw.com	2017
AMANDA FITZSIMMONS DLA Piper LLP (US) (619) 699-2965 • amanda.fitzsimmons@dlapiper.com	2018
STEVE GEISE Jones Day (858) 314-1170 • sgeise@jonesday.com	Alternate
GEORGE S. HOWARD, JR. Jones Day (858) 314-1166 • gshoward@jonesday.com	2016
ELLIS M. JOHNSTON III (“TRIP”) Clarke Johnston Thorp & Rice APPC (619) 756-7632 • tripjohnstonlaw@gmail.com	2018

LINDA LOPEZ Federal Defenders of San Diego, Inc. (619) 234-8467 • linda_lopez@fd.org	2018
STANLEY J. PANIKOWSKI DLA Piper LLP (US) (619) 699-2643 • stanley.panikowski@dlapiper.com	2016
KATHERINE L. PARKER United States Attorney's Office (619) 546-7634 • Katherine.Parker@usdoj.gov	2018
ANNE PERRY United States Attorney's Office (619) 546-7964 • Anne.perry2@usdoj.gov	Alternate
MICHELLE M. PETTIT United States Attorney's Office (619) 546-7972 • Michelle.Pettit@usdoj.gov	2016
CHRISTOPHER P. TENORIO United States Attorney's Office (619) 546-8413 • Christopher.Tenorio@usdoj.gov	2017
KENT WALKER LEWIS KOHN & WALKER LLP (858) 436-1333 • Kwalker@lewiskohn.com	2018
BORIS ZELKIND Knobbe, Martens, Olson & Bear, LLP (858) 707-4117 • boris.zelkind@knobbe.com	2016



DISTRICT OF GUAM

Report of the Ninth Circuit LRCC Representative

Rodney J. Jacob

Director of the U.S. Bureau of Prisons Visited Guam

The then-director of the Federal Bureau of Prisons, Charles Samuels, and his team visited Guam in June, 2015 for a series of meetings with Guam's leaders about the island's correctional facility's handling of federal detainees. Mr. Samuels visited



**Charles E. Samuels, Jr., then-Director
Federal Bureau of Prisons**

four facilities that house federal detainees, including the Hagåtña Detention Facility, the women's facility in Mangilao, and two other housing units. Representatives from the Office of the Attorney General, Office of the Lieutenant Governor and federal stakeholders, such as the U.S. Attorney's Office, the Federal Public Defender, the U.S. Probation and Pretrial Services Office, and the U.S. Marshals Service joined Mr. Samuels and Chief Judge Tydingco-Gatewood on the tour.

In addition to the tour, Mr.

Samuels made courtesy visits to the Governor of Guam, the Judiciary of Guam, and the 33rd Guam Legislature. His trip to Guam concluded with a Question and Answer session at the District Court of Guam for all of the federal and local stakeholders.

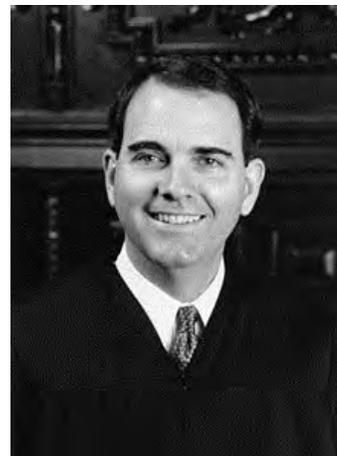
Workforce Development Training

On June 16, 2015, Chief Judge Tydingco-Gatewood moderated a panel presentation at the "One Community Guam" Workforce Development Training sponsored by the U.S. Attorney's Office. The panel presentation, entitled, "Re-entry Programs in Guam's Federal Court", discussed the U.S. Probation Office's Defendant/Offender Workforce Development Program and included presenters from the U.S. Probation Office, the Agency for Human Resource Development, the Federal Public Defender, two private business owners, as well as one offender who had successfully completed the culinary program while serving an imprisonment term at the Bureau of Prisons.

2015 District Conference

The District Court of Guam welcomed Circuit Judge Jay Bybee of the U.S. Court of Appeals for the Ninth Circuit to the 2016 District Conference, held on February 4, 2016 at the Guam Hilton Resort and Spa.

Judge Bybee presented a talk entitled, "*Ethics: Truth in Advocacy*",



**Judge Jay Bybee, U.S. Court of
Appeals for the Ninth Circuit**

and presented a review of recent cases from the U.S. Supreme Court.

Other guest speakers and topics included: a panel group consisting of Jean Song (In house Counsel for the IRS/Seattle Office), Teri L. Alexander (IRS Agent/Seattle Office), John Camacho (Director/ Department of Revenue & Taxation), Marie Benito (Deputy Director/ Department of Revenue & Taxation) and Attorney Vince Camacho discussing "*Working with the IRS & Department of Revenue & Taxation: Do's & Don'ts*"; a "Conversatorio" with Senior Judge Alex R. Munson and Attorneys Rodney J. Jacob (Lawyer Representative for the District Court) & B. Ann Galey-Keith (Staff Attorney/ Judiciary of Guam); a panel discussion on the 2015 amendments to the Federal Rules of Civil Procedure conducted by Magistrate Judge Joaquin V. E. Manibusan, Jr. and Attorney Rodney J. Jacob; and lastly, the topic



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“Ethics Trap: Is representing legalized Marijuana Interests legal?” presented by Attorney Jacqueline T. Terlaje.



L to R: U.S. Magistrate Judge Joaquin V.E. Manibusan, Jr., Magistrate Judge Alberto Tolentino, Retired Guam Supreme Court Justice Benjamin Cruz, Guam Supreme Court Justice F. Philip Carbullido, Chief Judge Frances Tydingco-Gatewood, Senior Judge Alex R. Munson, Linda Ingles, and Circuit Judge Jay Bybee.

Senior Judge Alex R. Munson was presented with the District’s Cristobal C. Duenas Excellence Award at the Conference. The award honors the legacy of the late Retired District Judge Cristobal C. Duenas by recognizing a person or entity for significantly advancing the administration of justice and the legal profession on Guam through meritorious deeds or exemplary service. Judge Alex R. Munson, the former Chief Judge of the U.S. District Court for the Northern Mariana Islands, generously served as a designated judge for the District Court of Guam for over twenty-seven years and served on appellate panels in the District’s Appellate Division for seven of those years.

Retirement of Rossanna Villagomez-Aguon

Rossanna Villagomez-Aguon,

Chief U.S. Probation and Pretrial Services Officer for the Districts of Guam and the Northern Mariana Islands, retired from her post at the District Court of Guam on March 31, 2016. Rossanna fruitfully served the people of Guam and the Northern Mariana Islands in key positions within the local criminal justice system for over thirty-six years. She joined the United States Probation and Pretrial Services Office in 1993, and was appointed Chief U.S. Probation and Pretrial Services Officer for the Districts of Guam and the Northern Mariana Islands by the Honorable Frances M. Tydingco-Gatewood, Chief Judge for the District Court of Guam, and the Honorable Alex R. Munson, then Chief Judge for the U.S. District Court of the Northern Mariana Islands. She served in that position for almost nine years.

As Chief U.S. Probation and Pretrial Services Officer, under the leadership of Chief Judges Frances Tydingco-Gatewood and Ramona V. Manglona, Rossanna implemented an automated system to expedite the production of bail and presentence reports, oversaw the deployment of evidence-based risk assessment tools to aid in making recommendations to the Court regarding individualized strategies for supervising defendants, and initiated "Carmen's Closet" in the Guam office, an innovative program that assists individuals with clothing needs for employment. During her tenure she also began a sex offender treatment program,

a program that offers support services to individuals as authorized under the Second Chance Act, and she expanded the Location Monitoring Program as an alternative to incarceration for pretrial, sentencing, and revocation hearings.

Appointment of Kim Walmsley

Replacing Chief Villagomez-Aguon is Kim R. Walmsley, J.D. After graduating from Hastings College of Law, Kim moved to Guam in 1998 to become Judge Michael Bordallo’s first law clerk. She then went to work for the Guam Supreme Court. From the Supreme Court she joined the law firm of Lannen, Dooley, Roberts & Fowler, which she left in 2002 to work for the District Court of Guam. Kim served as Chief Judge Tydingco-Gatewood’s career law clerk until she relocated to Perth, Australia, where she lived until her return to Guam on May 11, 2016. While in Perth, Kim was employed as a Transit Officer with the Public Transport Authority, an experience which gave her additional skills that will lend themselves to her newly appointed position as the Chief U.S. Pretrial and Probation Officer of Guam and the Northern Mariana Islands. Kim looks forward to serving the two communities in her new role.

2016 Law Week Activities

The District celebrated 2016 Law Week with a variety of events, including:

- ◆ a Naturalization Ceremony that



Report of the Ninth Circuit LRCC Representative District of Guam

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welcomed 29 new citizens;

- ◆ a Citizenship Outreach Program for the new citizens so that they were able to register to vote and apply for a U.S. passport after the ceremony;
- ◆ a tour of the court by twenty-one students from Guam High School's American Government class;
- ◆ an interview with the court's judicial officers on K57 Radio's Big Show with host Travis Coffman;
- ◆ a Juror Appreciation Merienda with former jurors; outreach visits to two Island schools; court tours,
- ◆ a Conversatorio with university and community college students on "Miranda: More than Words";
- ◆ an Essay and Video Contest, in association with the Court of Appeals for the Ninth Circuit in which over 100 local high school students took part; and hosting of the four winners of an essay contest on the Miranda Rights at "Island Leadership Day".

The court also produced two 5-minute videos for the Law Week Celebration: "[Miranda Rights: More than Words](#)", and "Jury Service at the District Court of Guam."



The Guam High School Color Guard presented the colors at the Law Day Naturalization Ceremony on May 2, 2016.



New Citizens at the Martin Luther King Day Naturalization Ceremony on January 20, 2016.



Participants in the Upward Bound program at the University of Guam, all local high school students, toured the District Court on Thursday, July 2, 2015.



Report of the Ninth Circuit LRCC Representative District of Guam

Naturalization Ceremonies and Community Outreach



The Honorable Katherine A. Maraman, Associate Justice for the Supreme Court of Guam, was the keynote speaker at the Naturalization Ceremony commemorating Constitution Day, September 17, 2015.



Arnold Bobalan Fojas takes part in the Veterans Day Naturalization Ceremony on November 16, 2015.



Adjutant General Roderick R. Leon Guerrero delivered the Keynote Address at the Veterans Day Naturalization Ceremony on November 16, 2015.



Presiding Judge Alberto C. Lamorena III delivered the Keynote Address at the Columbus Day and Filipino Heritage Month Naturalization Ceremony held on October 16, 2015.



New Citizens at the Martin Luther King Day Naturalization Ceremony on January 20, 2016.



Chief U.S. Probation Officer Rossanna Villagomez-Aguon at the 2015 Red Ribbon Proclamation signing on September 28, 2015.



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Admissions to the Federal Bar



**Theresa V. G. Rojas,
September 18, 2015**



**Duane J. Sablan and Joseph Blas
Gumataotao,
September 29, 2015**



**Christopher Odaca,
October 5, 2015**



**Special Assistant U. S. Attorney Lindsay
McCarl, October 27, 2015**



**First Assistant U.S. Attorney Shawn N.
Anderson, January 27, 2016**



**Special Assistant U.S. Attorney Corey
Rotschafer, March 17, 2016**

2016 DISTRICT REPORT FOR THE DISTRICT OF HAWAI‘I

DISTRICT OF HAWAI‘I COURT MATTERS

JUDICIAL CHANGES

- Chief Judge J. Michael Seabright assumed the Chief Judge position on November 6, 2015, and on December 1, 2015, the Court convened a special session to thank Senior Judge Susan Oki Mollway for her years of service as Chief Judge.
- Magistrate Judge Kenneth J. Mansfield began his eight-year term on April 1, 2016. He replaces Magistrate Judge Barry M. Kurren, who will remain on “recall” status to assist the district.
- Magistrate Judge Kenneth S.C. Chang is seeking reappointment to another eight-year term. The United States District Court for the District of Hawai‘i has appointed a panel of lawyers and non-lawyers to provide a recommendation to the Court regarding his reappointment. At the time of this report, the process is ongoing.
- At the district conference, Ninth Circuit Judge Richard R. Clifton announced that he will assume senior status and that a process is underway for selecting his replacement. He did not have specific details but offered to speak with anyone interested in learning more about the position of a Ninth Circuit Judge.
- On April 14, 2016, the United States Senate Judiciary Committee favorably reported Clare Connors to the full Senate. A final confirmation vote is yet to be scheduled. On September 8, 2015, President Barack Obama nominated Ms. Connors to fill the vacancy left by then-Chief Judge Susan Oki Mollway when she assumed senior status on November 6, 2015.

U.S. PRETRIAL SERVICES

The U.S. Pretrial Services Office for the District of Hawai‘i was recognized for excellence in 2015 by the Administrative Office of the U.S. Court’s Probation and Pretrial Services Office. Chief U.S. Pretrial Services Officer Carol M. Miyashiro received the 2014 - 2015 *Daniel B. Ryan Award* for distinguished performance in the area of Pretrial Services. This award recognizes improvements, supported by evidence, that affect operations in furtherance of the principles of pretrial justice in the federal system. Based on 2014 workload statistics, the District of Hawai‘i was the highest performing Pretrial Services Office in the nation. Hawai‘i had the highest release rate in the nation (77%) and the lowest re-arrest rate (less than 1 %). Hawai‘i also completed bail reports prior to judicial decision in 98% of the cases, and was fourth in the nation for implementation of the PTRAs (pretrial risk assessment instrument).

TEACHERS WORKSHOP

In October, the Court hosted its second teacher’s workshop. The theme was “Federal Trials and Compelling Issues - Aliens, Citizens, Equal Protection and Due Process.” The 40 participants included judges and professors from the University of Hawai’i and the William S. Richardson School of Law. Teacher participants came from both Oahu and the neighbor islands.

MEDIA CONFERENCE

In October, the Court also hosted its third media conference, and did so in conjunction with the Hawai’i State Courts. Approximately 40 people participated in this half-day conference and the discussion was led by Chief Judge J. Michael Seabright, Ninth Circuit Judge Richard R. Clifton, Hawai’i State Supreme Court Chief Justice Mark Recktenwald and Hawai’i State Supreme Court Associate Justice Sabrina McKenna. The event included an overview of the different court systems and a lively discussion regarding access to court documents. Participants included local media from both Oahu and the neighbor islands as well as two reporters from the China Daily, a reporter from the Shanghai Daily and one from the Xinhua Daily.

NATURALIZATION CEREMONIES

During 2015, the Court participated in 12 Naturalization Ceremonies. There were approximately 850 new citizens naturalized at a variety of different venues, including the Hawai’i State Senate Chambers, the Pearl Harbor Visitor Center and, on Citizen's Day, aboard the U.S.S. Missouri.

DISTRICT DINNER AND CONFERENCE

The District of Hawai’i’s 2016 District Conference was held at the Halekulani Hotel in Waikiki, beginning with a dinner the evening of April 7, 2016. The dinner was attended by approximately 100 guests, including Dean of the William S. Richardson School of Law Aviam Soifer and Hawai’i Supreme Court Chief Justice Mark E. Recktenwald.



The dinner on Thursday night was dedicated to celebrating Magistrate Judge Barry M. Kurren’s many years of service on the federal bench in Honolulu. Senior Judge Susan Oki Mollway expressed the appreciation of the District Court and shared her recollections of Magistrate Kurren’s contributions to the bench.

The District Conference opened the next day with Judge Leslie E. Kobayashi’s introduction of David Nakashima, a law school classmate and long-time friend of Magistrate Judge Kurren. Citing “Chief Judge Immunity,” Mr. Nakashima detailed his intimate insights and gave the crowd some lasting images of Magistrate Judge Kurren,

who was then allowed a “rebuttal” and took the opportunity to express his Mahalo to those who had worked with him during his career on the bench.

The remarks were followed by an engaging panel discussion concerning “*Drones and the Law*,” which focused on the expanding uses of drones in Hawai‘i as well as the regulatory and legal environment. The panel moderator and program coordinator was Ted Pettit, a Lawyer Representative for the District of Hawai‘i and a partner with the law firm of Case Lombardi & Pettit. The conference panelists included:



James Williams, formerly manager for the FAA’s Unmanned Aircraft Systems (UAS) Integration Office, the inter-agency focal point for coordinating drone access to U.S. airspace. Mr. Williams is currently a principal at the Dentons’ law firm and is a member of Dentons’ Public Policy and Regulation practice as well as the Aviation and Aerospace sector.



Gretchen West, senior advisor for innovation and technology at the Silicon Valley office of Hogan Lovells and previously, Executive Vice President for Unmanned Vehicle Systems International, the largest non-profit organization working to advance the unmanned aircraft systems and robotics community.



Ted Ralston, a retired aerospace executive who is presently involved in developing a drone training program for FEMA’s National Disaster Preparedness Training Center in Hawai‘i.



Michael Purpura, a partner at Carlsmith Ball LLP, concentrating on white collar criminal defense, internal investigations, complex civil litigation and appellate litigation. Mr. Purpura previously served as Associate Counsel to the President, Senior Counsel to the Deputy Attorney General and as an Assistant United States Attorney in the Southern District of New York and the District of Hawai‘i.

The District Conference panel was followed by a buffet lunch that offered attendees the opportunity to continue informal discussions with the panelists, federal judges and other lawyer representatives. During the luncheon, Ninth Circuit Court Judge Richard Clifton presented Magistrate Judge Barry Kurren with additional commendations, including from public officials.

FEDERAL BAR ASSOCIATION HAWAI'I CHAPTER ACTIVITIES

2015 ANNUAL MEETING

At the annual meeting of members of the FBA Hawai'i Chapter, the slate of Executive Board candidates was voted on and passed unanimously. The Chapter's officers are:

- President Sherry Broder
- President-Elect Wayne Parsons
- Vice President Michael Purpura
- Treasurer Susan Tius
- National Delegate Andrew Lautenbach
- Younger Lawyer Chair Michael Albanese

The members of the FBA Hawai'i Chapter include attorneys in private practice, government agencies and military branches, as well as members of the judiciary and law professors from the University of Hawai'i, William S. Richardson School of Law. The FBA Hawai'i Chapter is committed to serving the needs of federal practitioners throughout the State of Hawai'i, offering opportunities to learn, to foster collegiality and to network.

2015 FBA HAWAI'I CONFERENCE

The Seventh Annual FBA Hawai'i Conference was held on December 11, 2015, at the Halekulani Hotel. The morning program included a Supreme Court Review by a panel consisting of Ninth Circuit Appellate Judge William A. Fletcher, Dean Erwin Chemerinsky of U.C. Irvine School of Law and Professor Pamela S. Karlan of Stanford Law School.

Following lunch, the first afternoon session offered a discussion of Veterans Courts with the Honorable Paul M. Warner (District Judge from the District of Utah), the Honorable Edward H. Kubo, Jr. (State of Hawai'i Judge, First Circuit Court) and Mark K. Vincent (2015 FBA National President). The second afternoon session focused on Human Rights, with a panel that included Professor Dinah L. Shelton (George Washington School of Law), Roya Hakakian (writer/journalist and 2014 Woodrow Wilson Center for International Scholars Fellow) and Ramin Ahmadi, M.D. (co-founder of Iran Human Rights Documentation Center). The event was followed by a hosted reception at the hotel.

PRO BONO PANEL PROJECT

At the 2014 FBA Hawai'i Chapter annual meeting, a committee of attorneys was appointed to work with District Judge Leslie Kobayashi to establish a pro bono panel of volunteer attorneys to provide representation in primarily civil cases. In 2015, the group formulated a general proposal to provide for limited scope *pro bono* counsel and drafted a proposal for a court order to implement the panel and approve related forms. The Hawai'i Chapter hopes to have the project implemented by the conclusion of 2016.

TRIAL ACADEMY

The Court is currently working with the Hawai'i Chapter to create a Trial Academy for Hawai'i attorneys. The goal is to have the first session in January 2017.

LAW STUDENT PROGRAM

On April 12, 2016, the Hawai'i Chapter hosted a lunch session at the William S. Richardson School of Law (WSRSL) entitled, "Conversation with Federal Court Practitioners: Ready for Federal Court Practice?" The lunch session was moderated by Hawai'i Chapter President Sherry Broder and the panel included Michael Albanese (Georgetown '08, Assistant U.S. Attorney); Calvert Chipchase (WSRSL '02, Partner, Cades Schutte); Claire Wong Black (Fordham '06, Associate, Alston Hunt Floyd & Ing).

NINTH CIRCUIT JUDGES PANEL

On June 16, 2016, the Hawai'i Chapter will host an informal lunch discussion with a panel of three judges from the Ninth Circuit Court of Appeals. The judges will be in Honolulu to hear oral arguments and the invitation has been extended to sections of the Hawai'i State Bar Association (HSBA). The panel will be moderated by HSBA Appellate Section President Chris Goodin.

FBA HAWAI'I CHAPTER BROWN BAG LUNCH PROGRAMS

The FBA Hawai'i Chapter, with the help and support of the judges of the District of Hawai'i, has presented federal court practitioners with learning opportunities through informal lunchtime meetings. Sessions since June 2015 have included:

- **Evidence Presentation Technology** (November 18, 2015). The panel for this session was comprised of Court Staff and took place in the New Courtroom. The panel was moderated by FBA Hawai'i Chapter President-Elect Wayne Parsons.
- **Noteworthy Decisions** (February 29, 2016). This session consisted of a panel discussion with trial attorneys Jeff Portnoy and Michael Purpura as well as WSRSL Dean Avi Soifer regarding noteworthy decisions in 2015 issued by the U.S. District Court for the District of Hawai'i.

Aloha,

Hawai'i Lawyer Representatives

Clare Connors

Colin Miwa

Thomas Otake

Ted Pettit

Blaine Rogers



U.S. DISTRICT & BANKRUPTCY COURTS

2015 District of Idaho Report

Boise Coeur d'Alene Pocatello Moscow

Status of Potential Third Article III Judgeship for the District of Idaho

Based on its 2015 Biennial Survey of Judgeship Needs, the Committee on Judicial Resources of the Judicial Conference of the United States recommended one additional permanent judgeship for the District of Idaho (which, since 1954, has had only two permanent judgeships, notwithstanding the enormous growth since that time in the District's case load and Idaho's population), and the Judicial Council of the Ninth Circuit agreed with that recommendation. On January 6, 2015, U.S. Representative Michael Simpson (R-ID) introduced a bill, H.R. 168, to authorize a third district judgeship for the District of Idaho. However, the prospects for that legislation are uncertain at best. In light of U.S. District Judge Edward J. Lodge of the District of Idaho having taken senior status on July 3, 2015 (meaning that the District presently has only one active Article III judge, thus resulting in the declaration of a judicial emergency in the District), the District of Idaho's case management challenges remain acute. Members of the District of Idaho's Board of Judges continue to meet periodically with Idaho's two U.S. Senators, Michael Crapo (R-ID) and Jim Risch (R-ID), to address this ongoing concern. *[Update as of the date of submission of this report: On April 5, 2016, based on the recommendation of Senators Crapo and Risch, President Barack Obama nominated David C. Nye, a District Judge from the State of Idaho's Sixth District Court in Bannock County, to fill the active Article III judgeship previously held by Judge Lodge. However, no hearing on the nomination of Judge Nye has yet been scheduled by the U.S. Senate.]*

Ninth Circuit Conference of Chief District Judges and Lawyer Representatives in Las Vegas

Chief District Judge B. Lynn Winmill and Lawyer Representative Howard D. Burnett from the District of Idaho attended the February 26, 2015 Conference of Chief District Judges and Lawyer Representatives in Las Vegas. Chaired by Chief District Judge Susan Oki Mollway of the District of Hawaii and LRCC Chair Rebecca L. Pennell of the Eastern District of Washington, the conference included informative presentations and thought-provoking discussions addressing (i) best practices for facilitating feedback between the bench and the bar, (ii) media relations (what the bench can do and how the bar can assist), (iii) electronic storage of trial exhibits at the appellate level, and (iv) the federal government's and the courts' relationships with local police departments.

Idaho Teachers' Institute on the Rule of Law and the Role of an Independent, Impartial Judiciary

Following several years of deliberation by the members of Idaho's federal judiciary and the District of Idaho's Lawyer Representatives as to how best to enhance the education of Idaho's high school students concerning the vital roles played by the American court system, the dream became a reality on June 4-5, 2015 in Boise with the inaugural presentation of the "Idaho Teachers' Institute on the Rule of Law and the Role of



an Independent, Impartial Judiciary.” The Institute -- a collaborative effort of the Idaho federal courts, the Idaho Supreme Court, and the University of Idaho College of Law -- was targeted toward Idaho secondary school teachers of government, history and social studies. The purpose was to enhance the teachers’ understanding of the judicial branch of government at national, state, and tribal levels. America’s widely reported “civic education deficit” is particularly acute in regard to the rule of law and the distinctive role of the judiciary in a constitutional republic. Secondary schoolteachers are uniquely positioned to address this deficit, but many need assistance in deepening their own understanding of the judicial process and in developing lesson plans and teaching approaches that will be most effective in their classrooms. For that reason, the Idaho Teachers’ Institute was not conceived simply as a “talk at” program; rather, it was organized as a combination of presentation by experts on selected topics together with a set of workshop discussions led by facilitators and master teachers possessing abundant classroom experience. The Institute’s organizers consisted of U.S. Magistrate Judge Ronald E. Bush of the District of Idaho; Honorable Linda Cople Trout, Interim Administrative Director of the Idaho Courts (and past Chief Justice of the Idaho Supreme Court); District of Idaho Lawyer Representative Walt Sinclair of the Holland & Hart law firm in Boise; Russ Heller, retired Educational Services Supervisor in the Boise School District (and Executive Director of the Idaho Council for History Education and Idaho Council for the Social Studies); and Don Burnett (Former Dean and Professor of Law at the University of Idaho College of Law, and former Judge of the Idaho Court of Appeals). Among the presenters from the District of Idaho were Chief District Judge B. Lynn Winmill, U.S. Bankruptcy Judge Jim Pappas, Chief Magistrate Judge Candy Dale, Judge Bush, U.S. Attorney Wendy Olson, Executive Director Richard Rubin of Federal Defender Services of Idaho, and Walt Sinclair. The Institute was attended by 35 teachers, plus two facilitators and three master teachers. The Clerk’s Office facilitated the Institute’s debut by ably coordinating the provision of refreshments and lunches, and by performing a host of administrative tasks. Based on the Institute’s enormous success and the laudatory reviews received from its participants, the Institute will be repeated in 2016.

U.S. District Judge Edward J. Lodge Takes Senior Status

On July 3, 2015, longtime U.S. District Judge Edward J. Lodge of the District of Idaho took senior status. He will continue to hear cases on a reduced workload basis, but a successor will be nominated by President Obama and must be confirmed by the U.S. Senate. Judge Lodge was the longest serving active District Judge in the history of the District of Idaho. Including his state court and federal court judicial careers, he has served on the bench for more than 50 years. “It has been and continues to be an incredible privilege to serve on the same court with Judge Ed Lodge,” said Chief District Judge B. Lynn Winmill. “His judicial legacy is simply unmatched in Idaho’s history. His experience, his judicial temperament, his wisdom, and his thoughtfulness make him the standard by which all other judges must be measured. Fortunately, Judge Lodge’s decision to take senior status means that the District of Idaho will, for many years, continue to be blessed by his unmatched ability and skill as a jurist.”



Joint Idaho-Montana District Dinner at the Ninth Circuit Judicial Conference in San Diego

The Lawyer Representatives from the District of Idaho and from the District of Montana were pleased to work together in 2015 to arrange for the attendees from their respective districts at the 2015 Ninth Circuit Judicial

Conference in San Diego to come together on July 14, 2015 at The Oceanaire Seafood Restaurant for what has become an annual tradition of a joint Idaho-Montana District Dinner.

Idaho Legal History Society

The Idaho Legal History Society (ILHS) celebrated in 2015 the tenth anniversary of its founding in 2005. In addition, the State of Idaho was proud to celebrate the 125th anniversary of its statehood. The pivotal moments in Idaho's legal history continue to be well documented and preserved by members of the ILHS and Idahoans across the state.



While one of the goals of ILHS is to collect records, relics and oral histories relating to Idaho's legal history, it is also a key goal of ILHS to promote and increase the public's knowledge of those important historical events. In furtherance of that latter goal, ILHS attended the Idaho State Bar's annual meeting in Sun Valley on July 22-24, 2015, where it exhibited information regarding Idaho's legal history, sold memberships, and provided information to the bench and bar regarding the Oral History Project. Additionally, in 2015, ILHS began offering law students a reduced membership rate of \$5.00 per year. ILHS continues to seek ways to take on new projects, publish articles about Idaho's legal history, and educate the public about the history of the bench and bar in Idaho, and ILHS has undertaken the publication of a coffee table book entitled "Tents to Towers." In addition, ILHS continues to publish its quarterly newsletter, which is posted on the District of Idaho's website at <http://id.uscourts.gov/clerks/ilhs/Welcome.cfm>. ILHS is moving forward with efforts to provide transcripts of the oral histories that have been taken over the past few years. ILHS Secretary Susie Headlee has created an oral history index, and, with Dianne Cromwell's leadership and a contribution by the Margaret Reed Foundation, court reporters across Idaho will complete the transcriptions in early 2017. This is a very exciting project for ILHS, and it is looking forward to its completion.

Idaho State University Honors Chief District Judge B. Lynn Winmill



Chief District Judge B. Lynn Winmill was honored in October by Idaho State University as the recipient of ISU's 2015 Distinguished Alumnus Award. Judge Winmill previously has been honored by ISU's College of Arts and Letters as the recipient of its Professional Achievement Award, and by Idaho State University's chapter of Pi Sigma Alpha as its Statesman of the Year.



Ninth Circuit Senior Judge Stephen S. Trott Receives Idaho State Bar's Distinguished Jurist Award

The Idaho State Bar's Board of Commissioners honored resident Ninth Circuit Senior Judge Stephen S. Trott at the Idaho State Bar's Annual Conference in July with its 2015 Distinguished Jurist Award in recognition of Judge Trott's distinguished judicial service and exemplary integrity and independence.

Community Grants Awarded in 2015

The Lawyer Representatives and the Board of Judges of the District of Idaho received numerous Community Grant applications, and, following careful review and consideration, approved the funding from the District of Idaho's Non-

Appropriated Fund of the following grants:

- The Idaho Law Foundation (ILF) was awarded a \$10,000 grant to support the Idaho High School Mock Trial Competition in which Idaho's students participate at the regional, state and national levels, and to support the 2016 National High School Mock Trial Championship to be hosted in Boise, Idaho. The ILF's Mock Trial Program undertakes outreach and recruitment efforts directed to Idaho schools and students to help them to understand the benefits of participating in mock trials as an effective means of increasing their knowledge of the judicial system in a realistic forum. The 2016 National High School Mock Trial Championship will be held May 12-14, 2016 in Boise, and a portion of the funding will assist the ILF in creating a website for use in hosting this prestigious national event.
- The "Veterans' Access to Justice Program," collaboratively developed by The Idaho Volunteer Lawyers Program (IVLP) and DisAbility Rights Idaho, was awarded a combined \$8,500 grant. The Veterans' Access to Justice Program provides outreach and education events and clinics targeted to Idaho's veterans, active military members and their families through free legal clinics in the Boise and Pocatello areas. The goal of the program is to help veterans and their families to better understand, prevent or resolve legal problems. In addition to serving the Boise and Pocatello areas, the program anticipates expanding in 2015 to offer at least six additional clinics in Caldwell and Moscow.

2015 Federal Bench Bar Conferences

Under the guidance of U.S. Magistrate Judge Ron Bush of the District of Idaho (who became the District's Chief Magistrate Judge on October 1, 2015), and with the able assistance of District Court staff members, the Lawyer Representatives planned and implemented two federal bench bar conferences in 2015.



The first conference was a first-time joint effort with the Federal Bar Association of the Eastern District of Washington, and was held on September 18, 2015 in Spokane, Washington. The program included opening remarks by the Chief District Judge Rosanna Malouf Peterson of the Eastern District of Washington and Chief District Judge B. Lynn Winmill of the District of Idaho; a presentation via videoconference by Seventh Circuit Judge Richard A. Posner concerning an economic analysis of the law; breakout sessions on environmental and water law, criminal law (what happens after sentencing, and challenges in sex trafficking), bankruptcy law (nondischargeability of student loans), and ethics (differences in the bar complaint process in Washington and Idaho); a presentation concerning the then-upcoming December 1, 2015 amendments to the Federal Rules of Civil Procedure; and a judges' panel involving the attending judges from the District of Idaho and the Eastern District of Washington. Although the joint conference was certainly a worthy experiment, attendance at the Spokane conference by Idaho practitioners was light, and the geographical and logistical challenges arising from the two-district effort may preclude such a joint conference in the future.

The second of the District of Idaho's two bench bar conferences in 2015 was held on October 30, 2015 in Boise, Idaho, with approximately 150 attendees. The Boise conference included state-of-the-judiciary presentations by Chief District Judge B. Lynn Winmill, Chief Bankruptcy Judge Terry L. Myers, and resident Ninth Circuit Senior Judge Stephen S. Trott; a keynote presentation by Philip Howard (the head of "Common Good" and the author of several books, including "The Death of Common Sense" and "The Rule of Nobody"), including a follow-up panel discussion

on the thought-provoking issues addressed by Mr. Howard; breakout sessions on employment law, environmental law and criminal law; a presentation concerning the then-upcoming December 1, 2015 amendments to the Federal Rules of Civil Procedure; and the traditional and always interesting judges' panel involving a question-and-answer session with the attending judges from the District Court, Bankruptcy Court and Ninth Circuit Court of Appeals.

Thank-You Letters of Appreciation to All Visiting Judges in 2015

With the able administrative assistance of Executive Assistant Jackie Hildebrand of the U.S. Courts for the District of Idaho, individualized letters of appreciation signed by all three of the 2015 Lawyer Representatives from the District of Idaho (Walt Sinclair, Howard Burnett and Lori Nakaoka) were mailed on December 15, 2015 to each of the fourteen federal judges (including twelve District Judges from the Districts of California, Colorado, Utah and Washington, respectively, and two Ninth Circuit Judges from Idaho and Washington, respectively) who provided assistance in managing the District of Idaho's 2015 workload.

DISTRICT OF MONTANA

This past year was a busy and productive year for the District of Montana. The Annual District Conference was held September 9-11, 2015, at Fairmont Hot Springs Resort in Fairmont, Montana. The conference was held jointly with the U.S. Probation and Pretrial Services office, the U.S. District Court, and the U.S. Bankruptcy Court. Along with staff from all three offices, the three-day event was also attended by lawyer representatives, presenters from across the country and other members of the extended court family. Programs were provided covering a variety of topics central to the management of the District of Montana.

Senior U.S. District Court Judge Charles C. Lovell was honored at the District Conference for reaching his 30th anniversary as a federal judge. Judge Lovell was appointed by President Ronald Reagan on April 4, 1985. During his time on the bench, Judge Lovell has presided over cases from the Helena, Butte, and Missoula Divisions and currently sits in the Helena division.



Hon. Dana L. Christensen presenting a plaque to Hon. Charles C. Lovell

In other good news, at its September 17, 2015, session, the Judicial Conference of the U.S. voted to approve the consolidation of the district and bankruptcy clerk's offices in the District of Montana. The decision to consolidate will benefit the federal judiciary both locally and nationally by reducing expenses, streamlining operational functions, eliminating redundancies in administrative functions, and allowing for greater flexibility in serving Montana's five divisional locations. On December 4, 2015, the Judicial Conference notified Congress of its approval of the Montana consolidation.

Continuing a long tradition, the seventh Montana Judicial Institute was held in Missoula, April 20-22, 2016, at the Alexander Blewett III School of Law. The Institute is organized by the United States District Court, with assistance from the District's Lawyer Representatives. The Institute was founded by Judge Donald W. Molloy in 2008 and is an intensive three-day program offering Montana educators an opportunity to gain an enhanced understanding of the role of the judiciary and the importance of the rule of law in our system of government.

The program offers high school and middle school educators a unique opportunity to learn about the workings of the federal court and Montana's state court system. This year's Institute had 27 "students", representing 23 different schools, from 20 towns/cities across the State of Montana. During the Institute, educators are given the opportunity interact with and question Montana judges, lawyers, court staff, and those who do and have participated in the federal judicial system.



Hon. Donald W. Molloy welcoming the educators



Participants intently listening

The Institute is funded in full by the Attorney Admission Fund. Throughout the three-days, educators experienced over twenty-five hours of instruction through a variety of mediums conducted by federal judges, law professors, court staff, and practicing Montana attorneys, including the following lectures:

- The Rule of Law: History & Structure
- Free Exercise of Religion and the Right to Refuse Service
- Introduction to Jury Service in the District of Montana
- Federal and State Appellate Courts
- Tribal Courts: Criminal and Civil Jurisdiction



Professor Tom Huff presenting his lecture on the rule of law



Associate Professor of Law Anthony Johnstone speaking about religious liberties

The Institute was also privileged to welcome Keynote Speaker, Professor of Law Andrew Guthrie Ferguson, who spoke on the topic “Why Jury Duty Matters”. Professor Ferguson is on the faculty at the University of the District of Columbia, David A. Clarke School of Law and teaches and writes in the area of criminal law, criminal procedure and evidence. He is also a national expert on juries, predictive policing, and the Fourth Amendment. Mr. Ferguson is the author of “Why Jury Duty Matters: A Citizen’s Guide to Constitutional Action”. A copy of his book was provided to each educator for use in their classrooms.



Keynote Speaker Professor Ferguson discussing the importance of the jury system in America

The curriculum also included several panel discussions addressing both civil and criminal cases. The Anatomy of a Civil Case included a panel comprised of a judge and civil practitioners who discussed the “nuts and bolts” of a civil lawsuit.

Participants then participated in a mock *voir dire* presentation regarding a civil rights case surrounding an officer shooting and claims of excess use of force. The Anatomy of a Criminal Case panel included a leader of the Western Montana federal/state drug enforcement task force, a U.S Assistant Attorney, a Federal Defender, a U.S. Probation officer, and a judge discussing the process of prosecuting and defending a fictional methamphetamine case.

The educators also spent time at the courthouse following the experience of a federal criminal defendant. They listened to a former federal criminal defendant explain his experience with the federal system, including his incarceration at Lompoc Federal Correctional Institution, and his life following prison. They also witnessed an initial appearance, change of plea, and sentencing hearing.

The Institute concluded with a question and answer session where the educators questioned faculty members regarding a variety of topics. Faculty for the Institute included: Chief U.S. District Court Judge Hon. Dana L. Christensen, Hon. Donald W. Molloy, Hon. Brian Morris, and Hon. Jeremiah C. Lynch; Clerk of Court Tyler P. Gilman; Law School Dean Paul Kirgis; District of Montana Jury Administrator Heather McLean; Professors Tom Huff, Anthony Johnstone, and Maylinn Smith; Ninth Circuit Representatives Jordan Y. Crosby, Kiely Keane, Katie L. DeSoto and John Heenan; Assistant U.S. Attorney Tim Racicot; Federal Defender Tony Gallagher; U.S. Probation Officer Tucker Hood, practicing attorneys Karl Englund, Sean Goicoechea, and John Harrison; HIDTA Task Force Leader Ed McLean; and former federal defendant Keith Lopez.



Question and answer session with faculty members (L to R) John Harrison, Professor Maylinn Smith, Hon. Jeremiah C. Lynch, Hon. Donald W. Molloy, Hon. Dana L. Christensen, Hon. Brian Morris, Lawyer Representatives Jordan Y. Crosby and Kiely Keane, and moderator Karl Englund

In conclusion, we leave you with the following comments made by Hon. Donald W. Molloy at the September 22, 2015, District of Montana attorney admission ceremony:

“In my view, the law is a calling of thinkers. There is also room in the law for creativity and for the poetry of good, solid argument and writing. I think you will find, in your professional years, that what you are entering today is the opportunity to participate in the tale of human nature in all of its majesty and all of its foibles and failings. Practicing law is exciting at times, sometimes boring, but I can assure you it is always complicated and interesting.”

**REPORT OF THE LAWYER REPRESENTATIVES
OF THE U.S. DISTRICT COURT, DISTRICT OF NEVADA**

2016

by
Carol Davis Zucker
Lawyer Representative

On February 1, 2016, District Judge Robert Clive Jones of the District took senior status. Judge Jones, as is often the case in the District of Nevada, continues to handle a large caseload. Sitting on the District Court bench since November 30, 2003, he previously served as U.S. Bankruptcy Judge from 1983 to 1999, and was a member of the Judicial Conference Committee on Codes of Conduct from October 1989 until 1995.

Nevada's Lawyer Representatives are pleased to report on the President's nomination of one of their own, Anne Traum, to fill the vacancy created by Judge Jones' assumption of senior status. Professor Traum is a member of the faculty at the William S. Boyd School of Law at the University of Nevada, Las Vegas. She has been on leave from the University to serve as special counsel, Office of Access to Justice, U.S. Department of Justice. Before joining the law school faculty, she served as Assistant Public Defender, Federal Public Defender's office; an Assistant U.S. Attorney, District of Nevada; and as Counsel, Environmental and Natural Resources division, United States Department of Justice.

Revision of the Local Rules for the District of Nevada

On January 1, 2016, the Nevada District's Bankruptcy Court updated its Local Rules of Practice, making some significant changes in some areas and updating and clarifying other rules.

On May 1, 2016, the Court released revised Local Rules of Practice in the criminal and civil areas. In the civil area, these revisions represent the most significant changes in the District's civil practice for two decades. One important area involves the District's adoption of goals for the utmost in attorney professionalism and cooperation for the use of devices for cost-saving in litigation.

The District's Lawyer Representatives had significant involvement in each of the bench-bar committees charged with review and revision of the Local Rules during the more than one year of their development.

District Court Conference

The Court held its annual District Court Conference on May 12, 2016, in Reno, Nevada. Themed "Changing Legal Landscapes," the Conference focused upon changes

in our Court and the practice of law. The Conference kicked off with presentations on the state of each of the Courts by the Chief Judges of the District and Bankruptcy Courts. Circuit Judge Jay Bybee provided an insightful discussion on key decisions thus far in the Supreme Court's term, and the potential consequences of the death of Associate Justice Antonin Scalia in general and on the cases for which certiorari has already been granted.

A panel of experts discussed the many developments in the profession that can only be described as "Reinventing the Delivery of Legal Service." Moderated by Professor Traum, the panelists included Lisa Foster, Director, U.S. Department of Justice, Office for Access to Justice; William C. Hubbard, Esq., Past-President and Chair of the American Bar Association's Commission on the Future of Legal Services; and John Suh, CEO of LegalZoom, an innovative provider of online legal services.

At a luncheon ceremony, awards were presented to those who have helped organize and participated in the various pro bono projects in the District, as mediators in the prisoner lawsuit mediation program, and provided assistance to the Court's programs and initiatives. Debra Newman, the judicial assistant to Magistrate Judge Valerie Cooke in Reno, Nevada, received the 2015 Robert F. Peckman Award for Excellence in Alternative Dispute Resolution. Ms. Newman help lay the groundwork for the pilot program for the Section 1983 inmate mediation program, which relies upon volunteer attorney mediators, and developed training for the mediators, a guide for judicial assistants on the mediation and the referral process, a guide for the judges on the program, and helped coordinate a study of the program by Harvard Law School.

"Humorist at Law" Sean Carter, Esq., provided a highly informative – but also highly entertaining – presentation on the roots of attorney ethical issues. The day closed with the always-popular breakout sessions for practitioners in civil, criminal or bankruptcy practice. Each session focused on the new federal and local rules and contained an open forum affording attorneys an opportunity to review key issues with judges.

In Nevada, the Lawyer Representatives are key planners of the District Court Conferences. Working with the District Court Executive, his staff, and the judges, they suggest topics, arranging for outside speakers, and organizing presentations.

Other Lawyer Representative Activities

Lawyer Representatives in Nevada participate in a number of other endeavors to assist the Court. These include meeting quarterly with all of the judges to review key topics in the District. Lawyer Representatives also comprise the Non-Appropriated Funds Committee, headed by a Magistrate Judge, that reviews and makes recommendations on use of monies from the Attorney Admissions Fund to fund projects of assistance and enlightenment to the bar and the Court.

The following are the District of Nevada Lawyer Representatives:

Ogonna M. Brown	Term Expires August 31, 2016 - Las Vegas
Anne Traum	Term Expires August 31, 2016 - Las Vegas
Carol Davis Zucker	Term Expires August 31, 2016 - Las Vegas
Doreen Spears Hartwell	Term Expires August 31, 2017 - Las Vegas
Sheri M. Thome	Term Expires August 31, 2017 - Las Vegas
Alice Campos Mercado	Term Expires August 31, 2017 - Reno
Debbie Leonard	Term Expires August 31, 2018 - Reno
Molly M. Rezac	Term Expires August 31, 2018 - Reno
Russell E. Marsh	Term Expires August 31, 2018 - Las Vegas



United States District Court for the Northern Mariana Islands

2016 Ninth Circuit Lawyer Representative Report

Internet Outage

On July 8, 2015, Saipan temporarily lost communication with the outside world. A damaged submarine fiber optic cable and a defective backup system caused disrupted the services of all long distance calls, internet services, mobile data services, SMS networks, banks, and ATM machines. As a result, the Court suspended electronic filing and reverted back to pre-CM/ECF procedures until the undersea cable was completely repaired on July 26.

Typhoon Soudelor

On the night of August 2, 2015, Typhoon Soudelor pummeled Saipan with winds gusting over 91 mph. The next day, Acting Governor Ralph DLG. Torres declared a State of Emergency and shortly thereafter, President Barack Obama issued a Disaster Declaration. Saipan was in shambles; however, nine months after Typhoon Soudelor devastated Saipan, the island is in much better condition. Power and water have been completely restored. It has been estimated that at least 800 power poles were destroyed during the typhoon. Every day the island is improving and rebuilding. We are thankful for all of those who assisted us in our most difficult time.



Figure 3 - Downed power poles along a main highway.

2016 Annual District Conference

The District Court and the CNMI Bar Association held the Annual District Conference on Saturday, February 6, 2016, at the Kanoa Resort, Saipan. The conference's theme was "Anti-Money Laundering: Follow the Money". Keynote speakers included Hon. Jay S. Bybee, Circuit Judge; Teri



Figure 1 - Hon. Jay Bybee presenting on ethics.

Alexander, Special Agent in Charge, IRS Criminal Division, Seattle Field Office; Jean Song, IRS Legal Counsel; and the NMI Drug Court Panel comprised of Hon. Steven L. Hansen, Retired Judge, Fourth Judicial District, Provo District Court, Utah; Grace Flores, Deputy Chief Probation Officer II, Office of the U.S. Probation Office, Districts of Guam and NMI; Alicia A.G. Limtiaco, U.S. Attorney, Districts of Guam and NMI, Robert T. Torres, Esq., CJA Panel Attorney, and Crispin Sablan, Substance Abuse Counselor. The attendees received a wealth of information regarding ethics and Anti-Money Laundering. As well as a thorough Supreme Court review.



Figure 2 - Hon. Jay S. Bybee, Circuit Judge; Hon. Alex R. Munson, Senior District Judge; Hon. Ramona V. Manglona, Chief Judge, and Hon. Heather L. Kennedy, Magistrate Judge

Drug Court - The first NMI Drug Offender Re-Entry (DORE) program, popularly known as “drug court”, was established on January 26, 2016. With the cooperation of the CJA Panel, the U.S. Attorney's Office, and the Probation Office, the court entered into an agreement to create the DORE team and program, patterned after a successful program in the District of Guam. The DORE program objective is to offer a creative blend of treatment and sanction alternatives to effectively address offender behavior, rehabilitation and the safety of our community. Volunteer participants are persons serving a federal sentence who have a term of supervision of at least two years and a documented history of substance abuse. Participants who successfully complete the program will earn a one-year reduction in their term of supervision. The first session of drug court convened on January 26, 2016, with the complete DORE team and four volunteer participants. On May 9, 2016, Governor Ralph DLG. Torres signed a proclamation that the month of May 2016 as Drug Court Month in the Commonwealth of the Northern Mariana Islands.



Figure 4 - Members of the DORE Program

Other Notable Events

Juror Electronic Evidence Presentation System (JEEPS): In 2015, the court launched the JEEPS program. This technology system allows a deliberating jury to review the trial exhibits on a large monitor using a touch screen kiosk. Jurors have praised the easy-to-use system which allows them to review evidence collectively on a large screen rather than flipping through pages of documents housed in individual binders. Unless otherwise ordered by the court, JEEPS will be the exclusive medium used to present electronic evidence to a deliberating jury.

Ninth Circuit Librarian Site-Visit: Ms. Shannon Lashbrook, JD MLIS, Ninth Circuit Librarian, conducted a legal research training in June 2015 at the District Court. The training was open to the law clerks and judges of the District Court and the CNMI Judiciary.

Federal Bureau of Prisons and U.S. Marshal Service Team Visit: On June 26-27, 2015, a team from the Federal Bureau of Prisons, lead by BoP Director Charles E. Samuels, Jr., and the U.S. Marshals were in Saipan to meet with the NMI Stakeholders for a question and answer session as well as a tour of the Department of Corrections where the federal detainees are housed.



Figure 5 - Attendees of the Bureau of Prisons and U.S. Marshal Service Team

Pacific Century Fellows Marianas Chapter: In October 2015 and April 2016 Chief Judge Manglona and Magistrate Judge Kennedy welcomed participants of the 2016 Pacific Century Fellows cohort who toured the Court and engaged in a question-and-answer session. The fellowship is a leadership development program designed to help develop individuals from all walks of life, fields, and professions into becoming leaders.

2016 Ninth Circuit Civics Contest: On May 13, Chief Judge Manglona and Magistrate Judge Kennedy held an awards ceremony to present certificates to the participants of the essay contest. The top three finishers will have a chance to compete in the Ninth Circuit contest.

Law Day: On May 2, 2016 Magistrate Judge Heather L. Kennedy held a special Law Day Naturalization Ceremony and welcomed 27 new citizens. The keynote speaker was Hon. Edward Manibusan, Attorney General, for the Commonwealth of the Northern Mariana Islands.

On May 20, Chief Judge Manglona and Magistrate Judge Kennedy participated in a panel discussion alongside members of the NMI Judiciary to speak about professionalism with young lawyers in the NMI bar association. The panel focused on methods to improve communication and civility between attorneys and ways that members of the bar can enhance the community's faith in the integrity of lawyers in the NMI.



THE DISTRICT OF OREGON

2016 ANNUAL REPORT



THE DISTRICT OF OREGON

ANNUAL REPORT

Over the past year, the District of Oregon has continued its tradition of active engagement between the bench, the bar, and the community. The court has seen several changes this year: judges retiring, new judges being appointed, and two chief judge transitions. Our justice services agencies are dedicated to serving the public and continually strive to improve the work that they do while maintaining the highest standards of professionalism. And the Oregon Chapter of the Federal Bar Association remains the third largest chapter in the Ninth Circuit, working hard to engage attorneys and communities across the entire state. Below are some highlights from the past year.

A. News from the Courthouses

Judge Levy Receives Edward J. Devitt Distinguished Service Award

Considered the federal judiciary's highest honor, the Devitt Award is presented by the Dwight D. Opperman Foundation and honors an Article III judge who has had a distinguished career and made significant contributions to the administration of justice, the advancement of the rule of law, and the improvement of society as a whole. As Ninth Circuit Chief Judge Sidney R. Thomas remarked, "When you think of those criteria, Judge Leavy immediately comes to mind. He has devoted his life to the law and is well deserving of this honor." Chief Judge Thomas nominated Judge Leavy for this award and was joined in the nomination by five previous chief judges of the circuit and many prominent members of the Oregon legal community.

Judge Leavy received the award at a special ceremony held at the U.S Supreme Court on November 13, 2015. A celebration was also held at the Pioneer Courthouse in Portland on December 15, 2015.



JUDGE LEAVY AND FR. DAVID LINK, FORMER DEAN OF NOTRE DAME LAW SCHOOL AT THE UNIVERSITY OF PORTLAND RED MASS

Retirement of Magistrate Judges Thomas Coffin and Janice Stewart



MAGISTRATE JUDGE COFFIN AND NEW
MAGISTRATE JUDGE JOLIE RUSSO

Magistrate Judge Thomas Coffin served as a full-time magistrate judge for the District of Oregon from 1992 until his retirement on February 25, 2016. He continues to serve the District on recall status. He is well known in the Eugene courthouse for his sense of humor, love of gardening, and undying love for the Cardinals, one of the great teams in baseball, unless you're a Cubs fan. Much to the delight of his colleagues, Judge Coffin also continues to offer his renowned mediation skills to conduct settlement conferences.

Magistrate Judge Janice Stewart served as a full-time magistrate judge for the District of Oregon from 1993 until her retirement on March 1, 2016. She also continues to serve the District on recall status. Judge Stewart is a trailblazer as one of the first women on the federal bench in Oregon, and she has served as an example of professional excellence and a mentor to many. Among her many activities while serving as a judge was to revitalize and redesign the District Court's pro bono program, which has aided many pro se litigants and the court.

Retirement of Bankruptcy Judge Frank Alley III

Bankruptcy Judge Frank Alley III is retiring effective August 31, 2016. He will serve on recall status through August 31, 2017. Due to a decline in bankruptcy filings, Judge Alley's seat is not being refilled at this time.

Appointment of New Magistrate Judges Jolie Russo and Youlee Yim You

Youlee Yim You was appointed to serve as a full-time magistrate judge and fill the seat previously occupied by Judge Stewart. Before joining the federal bench, Judge You served as a judge on the Multnomah County Circuit Court for nine years. She also previously served as a prosecutor in Brooklyn, New York; a death penalty staff attorney in the Central District of California; and a senior assistant attorney general for the Oregon Department of Justice. Judge You's investiture was held in Portland on May 20, 2016.

Jolie Russo was appointed to fill the seat previously occupied by Judge Coffin. After a brief stint in private practice, Judge Russo served as a senior staff attorney to Judges James Redden and Ann L. Aiken before becoming a judge. She is also an adjunct professor at both the Lewis & Clark and University of Oregon law schools. Judge Russo serves on the Local Rules Advisory Committee and is a past President of the Oregon Chapter of the Federal Bar Association. Judge Russo's investiture will be held in Eugene on October 21, 2016.

The District is grateful for the service of both of these new judges and looks forward to working with them in the coming years.

Judicial Portrait Unveiling

On April 14, 2016, a portrait unveiling ceremony was held for retired Magistrate Judge Dennis Hubel and retiring Magistrate Judge Janice Stewart. Both judges shared remarks reflecting on their road to the bench and their experiences serving as judges.



RETIRED MAGISTRATE JUDGE DENNIS HUBEL



RETIRED MAGISTRATE JUDGE JANICE STEWART

A New Chief Judge for the District Court and the Bankruptcy Court

On February 29, 2016, Judge Ann Aiken completed her term as Chief Judge, and Judge Michael Mosman assumed this role. The District is grateful for Chief Judge Aiken's service and leadership, and the many, many road trips that she made from Eugene all around the state to promote the administration of justice in Oregon and to support and engage with the bar. The District looks forward to working with Chief Judge Mosman in our continuing efforts to strengthen the court and federal practice in Oregon.

Bankruptcy Judge Frank Alley III completed his term as Chief Judge of the Bankruptcy Court in September 2015. Bankruptcy Judge Trish Brown assumed this role on October 1, 2015. She will serve in this position for five years. The District expresses a warm thank you to Judge Alley for his years of leadership and service to the bankruptcy court and bar.

100th Anniversary of the James A. Redden Courthouse in Medford

A 100-year anniversary celebration of the James A. Redden Courthouse was held in Medford on May 5, 2016. More than a dozen federal and state judges across Oregon attended the event, including Judge James A. Redden Jr. Judge Redden was appointed by President Jimmy Carter to serve as a District Judge in the District of Oregon on December 3, 1979. In 1996, Congress renamed the federal courthouse in Medford the James A. Redden Courthouse. The anniversary celebration started out with a “posting of colors” by Veterans of Foreign Wars Post 2302 from Grants Pass, Oregon, followed by a live rendition of the National Anthem by the South Medford High School Chamber Choir.



Chief Judge Michael Mosman, District Judges Michael Simon and Owen Panner, Magistrate Judges Mark Clarke and Jolie Russo, Bankruptcy Judge Frank Alley III, and Retired Judges Michael Hogan and John Cooney were all in attendance and shared stories and laughs. Historian Stephen Mark and keynote speaker Ben Truwe provided historical perspectives.

Bankruptcy Judge Randall Dunn Completes Extended Service on the Ninth Circuit Bankruptcy Appellate Panel

Bankruptcy Judge Randall Dunn is finishing ten years of service on the Ninth Circuit BAP on July 31, 2016. Judge Dunn served as Chief Judge of the BAP from 2013 through March 2016.

Bankruptcy Court Pilots Next Generation of CM/ECF

The District of Oregon Bankruptcy Court was one of four bankruptcy pilot courts to implement Version 1 of the Next Generation of CM/ECF software. On September 28, 2015, the court became the second bankruptcy court in the nation to go live on NextGen. The court continues to be involved in setting priorities for the development of NextGen, and it is preparing to mentor the next wave of courts that implement the software.

District Court Pro Bono Program

Under the leadership and vision of Magistrate Judge Janice Stewart, the District Court's pro bono program has been revitalized and greatly improved over the past few years. There are now 19 firms and 44 individual attorneys signed up as pro bono volunteers to accept case appointments from the Court as needed. This program improves the administration of justice for litigants unable to afford legal representation and assists the Court in the efficient administration of its docket. Furthermore, volunteer counsel can acquire and improve essential client management and trial skills. With Judge Stewart's retirement, Magistrate Judge Stacie Beckerman will be leading this program.

During the calendar year 2015, a total of 120 pro bono appointments were made in 57 cases. For the calendar year 2016, as of May 18, 2016, a total of 87 pro bono appointments have been made in 51 cases. The court has experienced a substantial increase in cases referred to the pro bono program due to the filing of a large number of Copyright Infringement cases. Over half the cases referred to the program this year are copyright cases. Judge Stewart created a specialty panel of volunteers that consists of 14 attorneys who have each agreed to take 2-6 of these cases annually. On October 16, 2015, the Court hosted its annual Pro Bono Panel Appreciation Luncheon to recognize the firms and attorneys who had participated in the program in the prior year.

The pro bono program also worked with the Oregon Chapter of the Federal Bar Association to create a Pro Bono Scholarship Program that will pay the costs of admission to the District of Oregon for attorneys who agree to perform a certain number of pro bono hours within a specified time-frame.

Bankruptcy Clinic in Pendleton

Newest Bankruptcy Judge Peter McKittrick worked with the Debtor/Creditor Section of the Oregon State Bar and Legal Aid Services to start a bankruptcy clinic in the Pendleton area to provide assistance and representation to low-income debtors. There are also active clinics in Portland and Bend. The need for clinics in other areas of the state is now being explored.

Bankruptcy Court Provides Financial Literacy Training to Inmates

Chief Bankruptcy Judge Trish Brown and her law clerk, Stephen Rahe, provided two financial literacy training sessions at a local state correctional facility. Judge Brown and Mr. Rahe also organized a book drive so that each child visiting an inmate could take a book home. Also, reading materials were donated to the prison library.

B. News from the Justice Agencies

United States Attorney's Office Report

United States Attorney Billy J. Williams leads the United States Attorney's Office for the District of Oregon (USAO), with the dedicated assistance of 56 AUSAs and 63 support staff employees and

contractors located in three offices throughout the state. The following summarizes the current activities of the various units in the office for FY 2016.

1. Criminal Division

Terrorism and National Security Unit: The unit supports the DOJ's international and domestic terrorism program, and it investigates and prosecutes export control cases.

Violent Crimes Unit:

Gang Violence – Gang violence in the Portland/Gresham area has continued to rise, with a sharp spike in shootings in 2015 and 2016. We are actively working with state, federal, and local partners to improve our anti-gun violence strategy, including targeting the most dangerous offenders, improving collaboration on prosecution decisions, developing community trust, and building partnerships for a local crime gun intelligence center to better link crime scenes and offenders and increase opportunities for prosecution of active shooters.

Human Trafficking – The USAO was recently selected as one of six Phase II Anti-Trafficking Coordination Teams (ACTeams), a nationwide initiative to streamline and enhance federal investigations and prosecutions of human trafficking offenses, including sex trafficking and forced labor trafficking. The ACTeam is an interagency effort led by the USAO, the FBI, ICE, and the Department of Labor. We continue to work with state, federal, and local law enforcement and prosecutors to develop and prosecute sex trafficking cases involving both minor and adult trafficking victims. The USAO also leads the Oregon Foreign Born Human Trafficking Task Force, comprised of state and federal law enforcement and numerous community service providers.

Child Exploitation – Child exploitation prosecutions have continued to increase, and we do not expect that trajectory to change. Our latest hires in the Violent Crimes Unit are highly experienced in prosecuting child exploitation cases, and both of them will assist the USAO's Project Safe Childhood Coordinator with the burgeoning caseload in this area.

Indian Country – Oregon has nine federally recognized Indian tribes, three of which fall under federal criminal jurisdiction. Additionally, the Chemawa Indian School near Salem falls under federal jurisdiction. Prosecuting major crimes and certain assimilated state offenses on the Warm Springs, Umatilla, and Burns Paiute Reservations continues to be a district priority. Attending to our trust responsibilities with all of Oregon's tribes also continues to be a priority of the USAO.

Other Crimes – The USAO continues to prosecute bank robberies, prison offenses, explosives, arsons, sex offender registration violations, violations of the Violence Against Women Act, immigration offenses, and offenses committed on federal property.

Fraud Unit: The Fraud Unit pursues the investigation and prosecution of a wide variety of economic crimes, including: investment fraud; tax fraud; corporate fraud; bank fraud; bankruptcy fraud; securities fraud; procurement fraud; identity theft; public corruption; cybercrime; elder financial abuse; social security and government benefits fraud; health care fraud; and environmental crimes.

The USAO is actively pursuing corporate fraud and bank fraud CEOs. The office is preparing for a November 2016 trial in a bank fraud case against a former bank president and vice president accused of executing a scheme to make fraudulent payments on overdue bank loans in an effort to conceal the risky nature of those loans. The USAO recently completed an investment fraud prosecution of the CEO of the nation's fourth largest assisted living company, who defrauded thousands of investors out of \$130

million. He received a prison sentence of 15 years. Another recent case was a trial that resulted in the conviction of the Executive Director of a company who defrauded investors in a biodiesel production scheme and laundered the proceeds in two foreign countries. The USAO also has several large tax fraud/stolen identity theft schemes under indictment, one of which will go to trial in May 2016.

The USAO has an active public corruption docket. We recently completed the prosecution of a City of Portland employee and a contractor for bribes associated with the city's award of a parking meter contract, resulting in jail terms for both defendants.

The USAO coordinates a monthly Social Services Fraud Working Group, which brings together both law enforcement partners and regulatory groups to investigate government program fraud and other financial fraud. The USAO partners with law enforcement in a Financial Crimes and Digital Evidence Conference, where members of the law enforcement community receive instruction on the latest fraud schemes and investigative techniques used to combat fraud. The office also participates in an Environmental Crimes Green Team Working Group, which coordinates referrals with state and federal regulatory agencies.

Drug Unit: This district faces serious drug trafficking challenges, with most recent statistics supporting that Oregon ranks fourth nationally in past month drug use for all drugs for people 12 years and older. Methamphetamine and heroin are the biggest public safety threats, and Oregon is also second in past month unlawful use of prescription medications.

The OCDETF/Drug Unit handles major OCDETF cases that prioritize investigation and prosecution of organized criminal enterprises involved in the trafficking of methamphetamine, heroin, prescription opioids, cocaine, steroids, and marijuana. Many of these cases include money laundering and financial investigations and charges. The OCDETF/Drug Unit partners with this office's Asset Forfeiture and Money Laundering Division to maximize the impact of these investigations and prosecutions. The OCDETF/Drug Unit indicted 103 defendants in OCDETF cases in FY 2015.

The USAO has been a national leader in prosecuting cases arising from heroin/opioid overdose deaths, with over 70 defendants prosecuted in the past decade. Over 15 defendants were convicted in 2015, and already in 2016, over ten defendants have been charged.

The USAO is active in prosecuting butane hash oil explosion/fire cases. Because state law has no applicable felony statute to this dangerous activity, federal prosecutors throughout the district have brought cases under 21 U.S.C. § 858, Endangering Human Life While Manufacturing a Controlled Substance, and have participated actively in state-wide and regional training with fire and police investigators.

2. Civil Division

Defensive Torts, Employment Discrimination, and Program Litigation: We face increased demands of electronic discovery, which have changed the way in which we collect, evaluate, store, and produce agency documents. The Executive Office for U.S. Attorneys issued a new provision in the U.S. Attorneys' Manual, which clearly outlines the obligations of client agencies. We have begun convening regular meetings with federal agencies to discuss current issues, litigation needs, and electronic discovery issues, which we anticipate will produce better results for our civil litigation.

Public Lands & Natural Resources: The federal government owns and manages more than half of the land in Oregon with more miles of wild and scenic rivers than any other state. We litigate challenges to agency action affecting federal land use management. The majority of these challenges involve timber sales, livestock grazing, and a variety of special-use authorizations from municipal water diversions to ski areas or other recreational opportunities. We are developing plans for greater collaboration with our federal partners, local communities, and state agencies in the rural areas of Oregon.

Indian Country: We spend significant time meeting our consultation obligations with the nine Oregon tribes, particularly with the application of federal law regarding marijuana on federal and tribal lands. There has been a significant increase in the destruction of sensitive cultural resource sites and theft of Native American artifacts from both federal and state lands. We are working with federal, state, and local law enforcement to address these issues.

Prisoner Litigation: Prisoner litigation out of FCI Sheridan in Oregon remains high relative to other federal prisons on the West Coast.

Affirmative Civil Rights: The USAO Civil Division is engaged in several state and local cases with our Department of Justice Civil Rights Division colleagues out of Washington, D.C. We have dedicated significant resources to the oversight efforts in the City of Portland law enforcement agreement, concerning policies and practices of the Portland Police Bureau and use of force against persons with mental illness. The USAO and the Civil Rights Division are also engaged with the Oregon Health Authority to address statewide needs for the provision of community-based mental health services for severe and persistent mental illness. We continue to partner with both the Civil Rights Division and private plaintiffs in a class action case against the Oregon Department of Human Services to resolve outstanding ADA issues in the operation of sheltered work centers for people with developmental disabilities.

3. Asset Recovery and Money Laundering (ARML) Division

The Asset Recovery and Money Laundering Division handles civil and criminal forfeiture cases, criminal money laundering prosecutions, civil and criminal debt and restitution-related litigation, bankruptcy matters, and affirmative civil enforcement actions in the health care fraud and *qui tam* arenas.

Asset Forfeiture and Money Laundering: Three full-time and one half-time AUSAs handle civil and criminal forfeiture matters, as well as prosecute criminal money laundering offenses. These prosecutions also include structuring and other Title 31 offenses. An AUSA from the division also serves as the district's AUSA working with the Oregon Financial Crimes Task Force in Portland. As to criminal forfeiture, each of the attorneys works cooperatively with fellow AUSAs and serves as second chair in large drug and fraud cases in the district.

One of the larger recoveries in the District of Oregon last year occurred in *United States v. Rachel Lee*, a "sweetheart swindle" case in which a family of swindlers executed a complex, decade-long \$15.5 million fraud and money laundering scheme against a vulnerable timber heir. After gaining his confidence (and access to his financial accounts), the defendants spent the victim's assets on a luxury lifestyle. Close to \$2 million was recovered for the victim prior to conviction using forfeiture statutes, and rigorous recovery efforts in the case are now continuing following sentencing.

Financial Litigation Unit (FLU): The mission and goal of the Financial Litigation Unit in the District of Oregon is to fairly achieve the maximum amount of recovery for each civil and criminal debt, consistent with applicable laws, regulations, and policies. The office is also responsible for collecting money owed to the United States. Between January 2014 and December 2015, this office collected over \$5.8 million

in civil interests, including student loans, civil penalties, etc. In the same period, over \$11.8 million was collected on behalf of crime victims through such means as garnishments, liens, and forfeiture actions.

Affirmative Civil Enforcement (ACE): One AUSA currently handles all affirmative civil health care fraud and *qui tam* litigation in the District of Oregon. The AUSA also represents the BLM and Forest Service in affirmative land use litigation, particularly in the area of trespass and misuse of federal lands.

4. Appellate Section

The United States represents interests in roughly 25% of the Ninth Circuit's appellate caseload for the District of Oregon. The Supreme Court's invalidation of the Armed Career Criminal Act's (ACCA) residual clause has prompted a reexamination of a number of closed cases; litigation on whether prior convictions qualify under other ACCA provisions also dominates the docket.

For 2015, several significant convictions were affirmed on appeal including: (1) armored car robberies carried out by the Cabello family; (2) a fraud scheme by a Kirby vacuum cleaner dealer; and (3) a real estate fraud scheme (Summit 1031 Exchange) conducted by several Bend, Oregon residents. The Ninth Circuit also affirmed a trial court's authority to appoint an amicus counsel to represent a defendant during competency proceedings when that defendant repeatedly fired his prior attorneys. In 2016, the Ninth Circuit will hear argument in Mohamed Mohamud's appeal from his conviction in the plot to bomb the 2010 Portland Tree Lighting Ceremony.

The Appellate Chief also provides litigation support for our trial teams, and she regularly trains AUSAs both locally and nationally in appellate advocacy, evidence, legal writing, and criminal discovery.

5. Other Priorities

The USAO has taken affirmative steps to achieve the goals of the Department of Justice's Smart on Crime initiatives. Under the leadership of U.S. Attorney Williams, a full-time AUSA has been hired specifically to develop a plan and direct the district's actions and efforts in three main areas: community outreach, strategic enforcement, and reentry. This action plan ensures dedicated resources are devoted to collaborative efforts to combat crime in the district, promote the fair administration of justice to alleviate disparate or unjust impacts of the criminal justice system, and to bolster our role in prevention and reentry efforts.

The USAO has been active in the District of Oregon's Reentry Court programs in Portland, Eugene, and most recently in Medford. These programs and other reentry-focused efforts are effective in reducing recidivism of formerly incarcerated individuals and are mission-critical for the USAO to promote public safety in the district. Having an AUSA in the position to direct these efforts provides a dedicated point of contact for community engagement and collaborative strategic planning for the district in these specific areas. This expanded capacity enables the USAO to be a more active and engaged partner.

Federal Defender's Office Report

The Federal Public Defender combines vigorous advocacy for constitutional rights with a whole-client approach to providing zealous and effective criminal defense. As a result of advocacy and negotiation, we obtained dismissal of 17 felony cases in FY15, had others sent to diversion, and achieved reduced sentences for many defendants after investigation produced new facts for consideration. We continued to

represent clients in all phases of the criminal justice system: pre-indictment, during pretrial supervision through trial or sentencing, on appeal, during supervision, and in re-entry court. We also assisted defendants convicted of state and federal crimes through post-conviction litigation.

1. Caseload

The Defender Office opened 1,560 cases in FY14, a significant increase over the previous year's total (1,405) and higher than our five-year average of 1,470. Much of the increase reflects the effect of amendments to the sentencing guidelines, which lowered the base offense level for certain drug quantities and prompted review and resentencing in previously closed cases. Working cooperatively with the U.S. Attorney's office, we reviewed over 200 closed cases in FY15 and reduced prison time by more than 1000 months; this project continues into FY16. Our ordinary caseload continued to reflect the prosecutorial shift in priorities away from high volume immigration cases and towards more resource-intensive sex trafficking prosecutions, fraud investigations, and law enforcement initiatives in Indian Country.

2. Trial, Negotiations, and Sentencing

The Defender Office took two large cases to trial in FY15 and intensively prepared several others that settled on the eve of trial. The trial cases were notable for the extensive electronic discovery involved, and one case required repeated foreign travel to Ghana, Argentina, and Chile to locate witnesses and evidence. The majority of our time on criminal cases was dedicated to obtaining just sentences for clients who chose to plead guilty rather than exercising their right to a jury trial. Negotiation affected charging decisions, resulted in dismissal of counts, and in the majority of cases brought about sentences lower than the advisory guideline range.

3. Habeas Cases

Our habeas corpus practice continues to be varied, thorough, and successful. During FY15, we opened 94 cases for petitioners challenging state sentences. We continued a significant § 2241 practice, and also represent four defendants on Oregon's death row in capital habeas cases.

4. Re-entry Court

A decade ago, the District of Oregon created a nationally-admired model for re-entry courts. The Federal Defender Office staffs the three existing re-entry courts in Portland, Eugene, and Medford with an attorney in each division and paralegal resources. Although the work is resource-intensive, requiring frequent client contact, quick follow-up and twice-a-month court proceedings, the results are encouraging.

5. CAPS

The FPD supports the CAPS Program – Court-Assisted Pretrial Supervision – instituted by the magistrate judges to monitor the high-risk defendants that are released on pretrial conditions. The program is individually tailored to each defendant, time-intensive (often requiring weekly meetings with the court, defense counsel, and the defendant), but effective. Defendants who complete CAPS have received significant reductions in their sentences and demonstrated the potential for re-entering the community. FPD attorneys attend all CAPS meetings with clients.

6. Federal Death Penalty Capital Resources Counsel Project

The Federal Defender of Oregon continued in FY15 to host one attorney and one paralegal from the Capital Resource Counsel (CRC) in our Portland office and administer the budget for an additional attorney and investigator hosted elsewhere. Although the CRC functions independently from the Federal Defender, it relies on administrative resources from our office.

7. CJA Panel Administration

The Federal Defender continued in FY15 to administer the CJA Panel for the Court. Our office coordinates the panel assignments of all new and substitution of counsel representations. In addition, we review attorney vouchers and expert authorizations for compliance with federal regulations and make recommendations to the Court. The FPD also organizes monthly CLEs for panel attorneys and conducts the required review of panel members under the District's CJA panel plan. In FY15, the FPD began developing a discovery coordination plan for the panel to assist the district court with managing multi-defendant cases. In FY15, the Panel Office processed 1,691 vouchers and sent 336 cases to the panel for representation.

U.S. Pretrial Services Office Report

1. Workload

During FY2015, Pretrial Services activated 513 cases, down from 662 in FY2014. Our release rate (excluding illegal aliens) decreased by 5%, to 50%. This figure is below both the National and Ninth Circuit's average of 51%. Drug cases were the most common charge filed (25%), followed by immigration, firearms crimes, and property crimes (22%, 16%, and 15% respectively). The percentages for activations for firearm offenses, sex offenses, and violent offenses in the District of Oregon continue to be over twice the national average.

2. CAPS

Developed for high-risk defendants, the CAPS Program is a collaboration between a U.S. Magistrate Judge, the Assistant U.S. Attorney, the Assistant Federal Public Defender, the defendant, and the Pretrial Services Supervision Officer. Participation in the program requires the defendant to meet with all parties frequently (generally weekly or bi-weekly, in court or chambers) to assess the defendant's progress and quickly address any compliance concerns. CAPS holds the defendant more directly accountable to the Court while also creating an opportunity for the Court to recognize and acknowledge a defendant's success and accomplishments. This is the fifth year of the program, and there have been 54 participants. While CAPS was not intended as an alternative sentencing program, many of the defendants who successfully complete the program have received probation. Most others who navigate the program successfully received favorable sentences well below the low end of the guideline range.

3. Prison and Beyond Program

Pretrial Services has continued to provide this successful program on a quarterly basis to assist defendants with their transition to serving a federal prison sentence. The program addresses questions

regarding sentencing, designation, and expectations when entering the prison facility and later commences supervised release. The primary audience for the program is defendants and their families; however, defense attorneys and other court personnel have found the program extremely valuable.

Personnel from the Bureau of Prisons and U.S. Probation play an important role in the program as well as ex-offenders who share their prison experiences via a panel discussion. Feedback from attendees is consistently very positive.

4. Transitions

Officer Assistants Emely Cubias (Portland Division) and Juan Gonzalez (Medford Division) were promoted to officers in 2015 bringing the total number of officers in the District to 13. Officers Cubias and Gonzalez are currently participating in the six-week National Training Academy in South Carolina. Elisa Stewart was also hired this year as an Administrative Assistant.

In 2015 Officer Christina Song was accepted into the prestigious Leadership Development Program sponsored by the Federal Judicial Center. Application for this program opens only once every three years and is highly competitive. The District of Oregon is proud to have Officer Song as the fourth (current) staff member to be accepted into the program.

5. 2016 Goals

During FY2015, Pretrial Services accomplished our goals of improving our internet and intranet sites as well as incorporating risk assessments into our case plans and supervision strategies. While there is still work to do in these areas, we are well on our way. Conversely, we were unable to reduce our detention rates which actually increased by nearly 5%. Reducing our detention rates by at least 3% will be our primary goal for FY2016. To assist in achieving a reduction in unnecessary detention, we will request a visit from the Pretrial DROP (Detention Reduction Outreach Program) team. DROP is an onsite education and training program wherein PPSO and court staff visits districts where stakeholders are interested in reducing detention rates.

During the DROP visit, judges, pretrial staff, AUSAs, and FPDs hear information about the pretrial risk assessment's (PTRA) ability to identify low-risk defendants, review national as well as district-specific data related to release and detention, and focus on ways they can collaborate to reduce unnecessary detention.

Additionally, during 2016, we will transition to a new bail report format using the PACTS database.

6. Conclusion

Safety of the community and assisting defendants make their court appearances remain top priorities for U.S. Pretrial Services. We are committed to upholding the defendant's presumption of innocence while balancing the requirements of the judiciary and the needs of defendants. We are honored to have an opportunity to work with our client population by providing services and mentoring to help defendants achieve positive, life-long, meaningful changes.

U.S. Probation Service Report

FY 2015 was a year of transition, new challenges, and rewarding service to our clients and communities. The agency welcomed a new executive team with the appointment of John Bodden as Chief U.S. Probation Officer and Brian Gray as Deputy Chief U.S. Probation Officer. Both joined Oregon from one of the most innovative U.S. Probation Offices in the nation, the Eastern District of Missouri. The District welcomes their energy and extends warm wishes to former Acting Chief U.S. Probation Officer Willie Blasher, Jr., who began his retirement on March 31, 2016.

The Probation Office supervises approximately 1,100 federal clients and operates out of five offices: Portland, Eugene, Salem, Bend, and Medford. Our staff improves public safety by timely and accurately informing the Court before sentencing defendants, and by encouraging clients to achieve lawful self-management during their terms of supervision or probation. The agency implements an evidence-based approach to reducing recidivism. We evaluate each client's risk to reoffend, identify the client's individual risk drivers, and use appropriate interventions to reduce risk and encourage positive change.

Probation officers use a variety of tools to accomplish these goals. Here, we begin by showcasing STARR (Staff Training Aimed at Reducing Rearrest), nationally supported, evidence-based techniques proven to decrease recidivism. The premise is simple: By thinking before acting, clients become less inclined to make self-defeating decisions. STARR skills equip officers to encourage clients to evaluate the consequences of their behaviors before deciding to act. The importance of these skills cannot be understated. They help officers counsel clients to reduce their most important risk factors, such as substance use, lack of employment, antisocial thinking, or criminal peers.

The Probation Office began implementing STARR in 2012, and it has reached full implementation within the last two years. Oregon stands out as one of few districts that require all supervision officers to achieve proficiency in STARR skills. Oregon has eight peer coaches who assist officers to maintain and perfect their STARR skills through monthly booster sessions and role-playing practice sessions, as recommended by national implementation standards. Significantly, one of our peer coaches was selected to become a national STARR trainer, and she has accepted a temporary dual position for both our district and the Administrative Office of the U.S. Courts.

Oregon's STARR program underwent an external review in late 2015, and we are among the first districts in the nation to implement new national STARR guidelines. Our district was selected to host a national STARR skill refresher training February 8-11, 2016, at which 200 officers from across the nation gathered to increase their proficiency in STARR. Oregon takes great pride in the success of its STARR program, and our officers are committed to putting STARR skills to their highest and best use to reduce client risk throughout the district.

Fiscal year 2015 brought a new opportunity for the Probation Office to collaborate across agencies with the development of the Medford Reentry Court. Under the leadership of Judge Ann Aiken and Judge Michael McShane, the Medford Reentry Court brings together representatives from the Federal Defender's Office, U.S. Attorney's Office, U.S. Probation Office, and OnTrack Addiction Recovery Services in a non-adversarial setting to encourage participants to lead lawful and fulfilling lives. Participants earn a reduction in their term of supervised release upon graduation from reentry court, which requires sustained sobriety and desistance from crime. The reentry court team supports positive change by

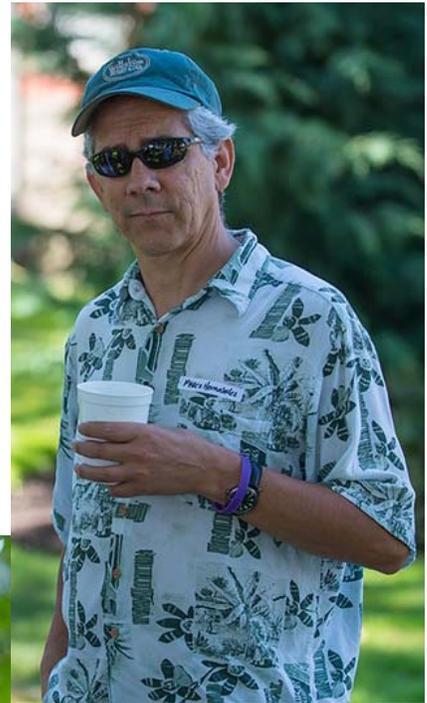
encouraging pro-social relationships, building strengths in education and employment, and reducing barriers to long-term success. With the exceptional resources of OnTrack, the Medford Reentry Court looks forward to increasing its capacity and strengthening its partnerships in southern Oregon.

Finally, our Probation Office is now among the first in the nation to implement a Leadership Development Program at the district level. Developed in 2015, this program trains officers in leadership principles and management skills and requires each participant to complete a leadership project that will enhance our agency’s effectiveness. Our initial class of participants completed the program in early 2016. As Oregon commits itself to becoming a national leader in U.S. Probation, we will continue to foster the development of our most valuable resource, our talented and dedicated staff.

C. Activities Around the District

Annual Picnic at Judge Leavy’s Farm

The Oregon FBA and the Oregon District Court Historical Society presented the annual picnic at the hop farm owned by Senior Judge Edward Leavy. This is an all-ages event for everyone in the federal court family that includes live music, a summer BBQ, and lots of activities for kids, including hay rides, crafts, and yard games. This year’s picnic honored the members of the Oregon state court bench.



JUDGE MARCO
HERNANDEZ



RICK GALARNEAU

2015 District of Oregon Conference – Oct 2, 2015

The District of Oregon holds a full-day conference every other year. The 2015 conference was held at the Oregon Museum of Science and Industry. The theme of the conference was “Navigating Complex Problems in Oregon and Beyond” and featured prominent national and local speakers. Over 200 people attended the conference, including numerous federal and state judges, the Federal Defender for Oregon, the Oregon Attorney General, and attorneys from across the state.



DAN LEAR

The conference started with a series of TED-style talks addressing changes and innovations occurring in the legal profession. The speakers were Judy Martinez, chair of the ABA’s Commission on the Future of Legal Services; Lucy Bassli, Assistant General Counsel at Microsoft; and Dan Lear, Director of Industry Relations at AVVO.

University of Oregon Law Professor and Ninth Circuit Attorney Representative for Oregon, Adell Amos next spoke about Drought in the American West, discussing the development of water law doctrine and its application and implications for western states and water scarcity.



ADELL AMOS, GARRETT EPPS, CHIEF JUDGE ANN AIKEN, CAROL PRATT

The conference proceeded with a break-out session where attendees had the option of attending a panel discussion on the legal implications of the sharing economy or a presentation on Police Accountability. The sharing economy panel featured Annabel Chang, Public Policy Manager for Lyft; Ken McGair, Deputy City Attorney for the City of Portland; and Vince Porter, Policy Advisor to Governor Kate Brown on Jobs and the Economy, and was moderated by David Thompson, Vice President and General Counsel of the Portland Business Alliance. The police accountability presentation was given by Oregon’s Federal Public Defender, Lisa Hay. Both presentations were well-attended and received.

The next presentation was cutting edge. Mike Kingery and Chris Zaleski from Outreach Smartphone Monitoring gave a demonstration of a new mobile phone app that they developed to help probationers stay on track. The app is intended to replace the ankle monitor and tracks a probationer's location, provides reminders for appointments, and referrals for social and employment services.

The morning rounded out with a keynote address from Garrett Epps, contributing editor for *The Atlantic* and University of Baltimore professor. Professor Epps discussed Supreme Court politics in an address entitled: The Roberts Court as Political Umpire

In the afternoon session, nationally-renowned neuroscience expert and professor, Kimberly Papillon, gave an interactive presentation about implicit bias and its implications for legal decision-making. Attendees participated in numerous exercises that demonstrated their unconscious biases related to facial features and voices, among other things. Professor Papillon spoke about the science behind how these biases are formed and what people can do to overcome them. A special invitation was extended to all Oregon judges to attend this presentation, and many judges from around the state did attend. Professor Papillon also made presentations to others in the court family while in Oregon. Many who attended Ms. Papillon's presentations reported that she provided awareness and useful tools to aide in the administration of justice.



GARRETT EPPS

The conference wrapped up with a bit of fun. There was a panel discussion about current issues in sports law that featured several Oregon practitioners who represent sports organizations, athletes, and sports apparel companies, as well as a sports law professor from Pepperdine School of Law. The panel was moderated by Portland Trail Blazers in-house counsel, Ben Lauritsen. The overwhelming feedback about this presentation was attendees wishing it could have lasted longer because the speakers and the topics were very interesting and engaging.



SPORTS LAW PANEL: JOHN CASEY, MATT LEVIN, PROFESSOR MAUREEN WESTON, PAUL LOVING, CAROL PRATT



The conference ended with a game of “*Judicial Feud*” pitting a team of federal judges against a team of state judges in a trivia contest. The questions focused on legal practice, professionalism, and proper courtroom attire. The emcee for the gameshow was Kerry Tymchuk, Executive Director of the Oregon Historical Society. Cracking jokes and showing their competitive spirit, both teams showed up to win. For many, this was a highlight of the conference and several of the contestants demanded a future rematch.



FACEOFF BETWEEN JUDGE MCSHANE AND CHIEF JUSTICE BALMER



“**Team Fed**” included Ninth Circuit Judge Susan Graber, District Judges Michael McShane, Michael Mosman, and Michael Simon, and Magistrate Judge Stacie Beckerman.

“**Team State**” included Chief Justice Thomas Balmer and Justice David Brewer of the Oregon Supreme Court, Clackamas County Judge Eve Miller, Lane County Judge Jodie Mooney, Multnomah County Presiding Judge Nan Waller, and Washington County Judge Janelle Wipper.



The district conference was a wonderful event and would not have been possible without vision and assistance from Chief Judge Ann Aiken, participation from all of the speakers and judges, and countless volunteer hours provided by the Oregon Ninth Circuit Attorney Representatives and the Board Members of the Oregon Chapter of the FBA in organizing and planning the event.

Art of Survival Exhibit & Japanese-American Memorial Reception – Nov 13

The Wayne L. Morse United States Courthouse in Eugene hosted the traveling exhibit “Art of Survival: Enduring the Turmoil of Tule Lake,” which conveys the trauma and deprivation experienced by those confined to the largest of the Japanese American internment camps operated by the U.S. government during World War II.

The Tule Lake Segregation Center, located in the Northern California town of Newell, reportedly housed almost 18,800 Japanese Americans. The multimedia exhibit features still photographs, video, text panels, canvas banners and art and artifacts made by those who lived in the camp for more than three years.



Chief Judge Ann Aiken helped arrange for the exhibit to come to Eugene and is working to bring it to the Hatfield Courthouse in Portland later this year.



Pakistani Anti-Terrorism Court Judges Visit Oregon – Nov 16-17, 2015

A delegation of judges from Pakistan's Anti-Terrorism Court, under the guidance of the State Department, had a busy two-day visit to Portland. After a welcome from Judge Michael Mosman, the visiting judges attended panel presentations on three terrorism cases litigated in the District of Oregon. The AUSAs and defense counsel involved in those cases led the discussions. The visiting judges also enjoyed a presentation by the U.S. Marshal's Service, learned about the Portland and Afghani police forces. On the second day, the visiting judges observed proceedings at the Multnomah County Courthouse and met with Multnomah County Circuit Court Judge (and former U.S. Attorney for Oregon) Karin Immergut. The visiting judges were also hosted by the FBA for a luncheon with federal court practitioners and a dinner with several of Oregon's federal judges. The visiting judges were warm and engaged and interested in hearing about the American justice system and all different practice areas. They also shared stories about their legal backgrounds and judicial system.

Pendleton CLE and Social – Nov 17, 2015

The FBA hosted a CLE in Pendleton at the John F. Kilkenny Post Office and Courthouse. More than 25 attorneys and judges attended the four-hour program that featured a variety of topics for state and federal practitioners. Assistant United States Attorney Jennifer Martin presented on issues related to Central Violations Bureau offenses specific to Eastern Oregon. Judge William Johnson of the Umatilla Tribal Court and attorney Brent Leonard discussed the creation and operation of an independent tribal court system, including staffing, codes, tribal laws, common law, and caseloads. They also discussed the implementation of, and practice under, the Tribal Law and Order Act and the Violence Against Women Act on the Umatilla Indian Reservation and other reservations across the country. Federal Magistrate Judge Patricia Sullivan, Umatilla and Morrow County Judge Lynn Hampton, and Union and Wallowa County Judge Brian Dretke discussed new developments in state and federal court. Chief Judge Ann Aiken concluded the program with a presentation about the need and ability to leverage technology to improve the criminal justice system. Following the CLE, a social was held for the attendees.

Appellate Ethics & Advocacy Skills CLE & Holiday Social – Dec 14, 2015

Ninth Circuit Judges Diarmuid O'Scannlain and Susan Graber gave an instructive presentation on appellate practice and ethics. This event organized with the help of Oregon's Ninth Circuit Appellate Attorney Representative Kelly Zusman and was held at the Pioneer Courthouse in Portland. The event was co-sponsored by the FBA and the Oregon State Bar Appellate Section. Following the well-attended CLE, a holiday social was held for judges, practitioners, and law students.

Patent Litigation CLE – Feb 23, 2016

In what has become a regular event co-sponsored by the FBA and the Oregon State Bar Intellectual Property and Litigation Sections, a CLE discussing trends in patent litigation and practice tips for attorneys was held in Portland. Presenters included Chief Judge Michael Mosman, and practitioners Peter Heuser, Rob Shlachter, John Venderberg, and Renee Routhauge.

The Mendez Exhibit – April 18 - July 18, 2016

The FBA, the Oregon State Bar, Pioneer Courthouse Historical Society, the Multnomah Bar Association, Oregon Women Lawyers, the U.S. District Court of Oregon, and the Oregon Asian Pacific American Bar Association are co-sponsoring the presentation of an educational exhibit prepared by the Museum of Teaching and Learning. The exhibit, which is entitled “A Class Action: The Grassroots Struggle for School Desegregation,” tells the story of Mendez v. Westminster School District, which was the first federal class action to successfully challenge primary school segregation. The Mendez case, in many respects, was the precursor to the Supreme Court’s landmark decision in Brown v. Board of Education, and it highlights the importance of community organizing and grassroots activism.



The exhibit will remain at the Hatfield Courthouse until July 18, 2016, and public tours are available by appointment.

On May 12, 2016, the FBA hosted an opening reception featuring the Honorable Mary Murguia of the U.S. Court of Appeals for the Ninth Circuit. Judge Murguia delivered a keynote address about the history of the Mendez case, the positive change that it has produced in schools and communities across the United States, and the impact that cases like Mendez have had on her personal life experiences.



FBA TREASURER NADIA DAHAB & NINTH CIRCUIT JUDGE MARY H. MURGUIA

Magistrate Judge John Acosta also delivered remarks about the importance of and need for continued progress on issues of race and equality.

Medford CLE and Social – May 5, 2016

In cooperation with the William V. Deatherage American Inn of Court in Medford, the FBA co-sponsored a dinner CLE program discussing the differences between state and federal court civil practice. The speakers included Chief Judge Michael Mosman, U.S. Magistrate Judge Mark Clarke, U.S. Magistrate Judge Jolie Russo, Jackson County Judge Tim Gerking, and Medford practitioner Tracy McGovern. Among the topics discussed were the recent changes to the federal discovery rules and how those rules compare to Oregon state practice.

The Honorable Ancer L. Haggerty Scholars Program 2015-2016

The Haggerty Scholars Program entered its second year under a new model, which offered our Scholars a variety of educational experiences, both inside and outside the traditional law firm environment. Under the redesigned Program, we offered select high school students an opportunity to explore their interest in the law and civil rights through a variety of experiences. Each Scholar spent time with a local attorney mentor, visited several legal environments (such as a law firm, government prosecutor or defender's office, or local court) during a week-long rotation in the summer, and prepared an essay that he or she can use to support a college admission application. This year, the Program supported several young men and women from Portland and Eugene, who impressed the Haggerty Scholars selection committee, and their attorney mentors, with their diverse abilities and backgrounds, enthusiasm for learning more about the law and civil rights, and desire to absorb all the experiences the Program has to offer. Each of the students successfully completed the program and received a modest financial award at the 2016 Federal Bar Association – Oregon Chapter Annual Dinner on May 26, 2016. We are pleased to note that at least one of the students from this year's Program aspires to be the first in her family to attend college, and we look forward to hearing great things about both her and the rest of the Scholars as the Program grows in the future.

2015 Nancy Bergeson Lecture – July 23, 2015

The fifth annual Nancy Bergeson Lecture featured David Nevin, a renowned criminal defense attorney from Boise, Idaho. Mr. Nevin serves as lead counsel for Khalid Shaikh Mohammad in his capital prosecution at Guantanamo Bay, Cuba. His lecture was entitled, *The Limits of Civility*. This event was sponsored by the FBA; Pacific Northwest Law, LLP; Federal Public Defender; the U.S. District Court Admissions Fund; and the Oregon Criminal Defense Lawyers Association.

FBA Monthly Luncheon Series

Continuing its long-standing lunch series, over the past year the FBA has hosted lunch presentations at the Hatfield Federal Courthouse in Portland featuring Ninth Circuit Judge Marsha Berzon reflecting on her career and experience at the circuit, Chief Judge Ann Aiken's final State of the Court address, Bankruptcy Judge Peter McKittrick discussing current trends in bankruptcy practice and the student debt crisis, recently-retired U.S. Magistrate Judge Thomas Coffin discussing the Second Amendment, newly-appointed U.S. Magistrate Judge Stacie Beckerman discussing her path to the bench, U.S. Attorney Billy Williams discussing the U.S. Attorney's Office, and Stephen Manning, with the Immigrant Law Group, discussing a new model for pro bono service in immigration cases.

D. Conclusion

This past year has been a busy time for the District of Oregon with several changes at the court and lots of events. We continue to be an active community with many exemplars of professional excellence and a volunteer spirit. We expect the coming year will carry on this tradition.



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANNUAL REPORT TO THE NINTH CIRCUIT

2016

BIG SKY, MT

I. NEW FACES AT THE JUDICIAL CONFERENCE

A. JAMES A. GOEKE



James A. Goeke is an Assistant United States Attorney (AUSA) in the Eastern District of Washington in the Spokane office. AUSA Goeke prosecutes a wide variety of cases on behalf of the United States, including crimes against children, fraud, drug trafficking, and Indian Country cases, among others. AUSA Goeke has been with the Department of Justice for 12 years, serving first in the District of Alaska and now in the Eastern District of Washington. He was also previously in private practice in Seattle and San Francisco. He began his legal career as a law clerk for Senior Judge Wm. Fremming Nielsen in the Eastern District of Washington. AUSA Goeke received his J.D. from Boalt Hall School of Law, University of California at Berkeley in 1997 and received a B.A. in History from the University of Washington in 1993.

B. BLANCA RODRIGUEZ



Blanca Rodriguez attended Pacific Lutheran University and received her B.A. in sociology, philosophy, and legal studies in 1993. She obtained her law degree from Seattle University School of Law in 1997. After graduation from law school, Ms. Rodriguez was awarded an Equal Justice Fellowship, which allowed her to return to Eastern Washington where she grew up and work for the National Farm Worker Service Center in Sunnyside, WA representing farmworkers who were retaliated against for engaging in concerted activity and other violations of state and federal law.

For the last 15 years Ms. Rodriguez been employed with the farmworker unit of the Northwest Justice Project, a legal services program in Washington State. Her practice focuses on representing farmworkers in employment matters, including sexual harassment and other types of discrimination, wages, health and safety, workers' compensation, and unemployment insurance benefits in state, federal, administrative, and appellate courts.

In 2010 Ms. Rodriguez became the first recipient of Seattle University's School of Law Latina/o "Spirit of Service" Award. In 2013 she was awarded the Advocacy award from the Northwest Justice Project.

C. SHEA C. MEEHAN



Shea C. Meehan will be attending the Ninth Circuit Judicial Conference as a lawyer representative. Mr. Meehan is the managing partner at the law firm of Walker Heye Meehan & Eisinger, PLLC, in the Tri-Cities. His practice is civil and concentrates on advising individuals and small business clients regarding both their

businesses and real estate transactions. Mr. Meehan's litigation and trial practice emphasizes commercial and contracts cases, real estate disputes, construction law and probate and trust matters.

Mr. Meehan graduated from with his bachelors, masters, and law degrees from the University of Idaho.

II. NEW ROLES IN THE EASTERN DISTRICT

A. NEW CHIEF JUDGE



The Honorable Thomas O. Rice took over as Chief United States District Judge for the Eastern District of Washington, effective January 27, 2016. Chief Judge Rice was nominated by President Barack Obama and confirmed by the Senate on March 6, 2012. He replaces the Honorable Rosanna M. Peterson, who remains an active Article III judge in Spokane.

B. NEW MAGISTRATE JUDGE



Mary K. Dimke was sworn in as United States Magistrate Judge for the Eastern District of Washington on January 14, 2016, in Yakima, Washington. Before joining the bench, Judge Dimke was an Assistant United States Attorney for the Eastern District of Washington for several years. Before joining the U.S. Attorney's Office in Eastern Washington, Judge Dimke work for the Department of Justice in both the Western District of Washington and Washington D.C. She also clerked for the Honorable Richard C. Tallman on the Ninth Circuit Court of Appeals.

Judge Dimke replaced the Honorable James P. Hutton, who served as a U.S. Magistrate Judge in Yakima since January 2008.

III. NEWS, TRAINING, SEMINARS, AND CONFERENCES

A. HON. SALVADOR MENDOZA, JR. RECEIVES AWARD



On January 18, 2016, Judge Salvador Mendoza was selected by a committee at the Columbia Basin College in Pasco to receive the Community Spirit Award. The award was presented to Judge Mendoza in front of approximately 300 people who gathered for the 25th Annual Martin Luther King, Jr. Bell-Ringing Ceremony at Columbia Basin College.

B. THE EASTERN DISTRICT'S ANNUAL CONFERENCE & CLE

On September 18, 2015, the Eastern District of Washington held a joint conference with the District of Idaho. The conference was well attending by members from both districts and included the following speakers and topics:

1. An Economic Analysis of the Law
 - the Hon. Richard A. Posner, Seventh Circuit Court of Appeals
2. Environmental & Water Law
 - Richard Seamon, University of Idaho
3. What Happens After Sentencing
 - Jeffery Thomason, Chief U.S. Probation Officer – District of Idaho
 - David Merchant, Assistant Federal Defender – District of Montana
4. Anti-Human Trafficking Advocacy and Initiatives
 - Wendy Olson, U.S. Attorney – District of Idaho
 - Suzi Carpino, Benton-Franklin County Juvenile Justice Center
 - Jennifer Tse, U.S. Department of Labor
5. Dischargeability of Student Loans in Bankruptcy
 - David Gardner, Winston & Cashatt – Spokane, WA
 - Rebecca Sheppard, Sheppard Law Office
6. Recent Changes in Federal Court Rules
 - Hon. Thomas O. Rice, Chief U.S. District Judge – E.D. of Washington
 - Hon. Candy W. Dale, Chief U.S. Magistrate – District of Idaho

- Hon. James P. Hutton, U.S. Magistrate (retired) – E.D. of Washington
- Jason Prince, Holland & Hart – Boise, ID
- Les Weatherhead, Lee & Hayes, PS – Spokane, WA

C. 10TH ANNUAL FEDERAL CIVIL PRACTICE SEMINAR

The Tenth Annual Federal Civil Trial Practice Seminar was held on May 13, 2016. The Federal Civil Practice Seminar is sponsored annually by the Benton-Franklin County Bar Association, and has become a key source for practice tools for federal court practitioners. The Richland courthouse is located in the geographic center of the Eastern District and regularly draws practitioners from the entire district. The seminar regularly features rule updates, technology demonstrations, and presentations on procedural and substantive issues by experienced federal court practitioners and judges.

The 2016 Seminar included presentations by Chief U.S. District Judge Thomas Rice entitled “Development in the Local Civil Rules” and U.S. Bankruptcy Judge Frederick Corbit entitled “The Importance of Keeping Law a Noble Profession.” There was also a Ninth Circuit case law and rules update presentation by Senior U.S. District Judge Edward Shea and his staff attorneys Erika Hartlieb and Casey Bruner. Finally, there was also an “Ask the Judges” session with U.S. Bankruptcy Judge Frederick Corbit, U.S. District Judge Salvador Mendoza Jr., and U.S. Magistrate Judge Mary Dimke.

The Seminar featured a keynote address on matters important to federal practitioners in Washington presented by William D. Hyslop, President of the Washington State Bar Association. It also included a presentation on lawyer discipline in Washington by attorney William E. Davis, Member of the WSBA Disciplinary Board, and a presentation on law enforcement accountability by U.S. Attorney Michael Ormsby and Nick Straley from Columbia Legal Services.

D. THE ANNUAL JUSTIN L. QUACKENBUSH LECTURE

The annual Justin L. Quackenbush Lecture, which is named in honor of senior U.S. District Judge Justin L. Quackenbush, was held at Gonzaga University School of

Law. This year's guest lecturer was U.S. Federal Election Commission Ann M. Ravel, who spoke about *Mysteries of the U.S. Federal Election Commission and the 2016 Elections*.

E. LAW DAY'S NATURALIZATION CEREMONIES

Law Day is a national day to celebrate the rule of law and its contributions to the freedoms Americans enjoy. Law Day was first established by Presidential proclamation in 1958, and reaffirmed by a joint resolution of Congress in 1961. This year's theme was: *Miranda: More than Words*, which explored the procedural protections afforded to all of us by the Constitution, how these rights are safeguarded by the courts, and why the preservation of these principles is essential to our liberty.

In 2016, Spokane and Richland celebrated Law Day on May 2, 2016, with naturalization ceremonies held in each location. Judge Salvador Mendoza, Jr. conducted the Richland ceremony while Judge John T. Rodgers conducted the Spokane ceremony.

F. JUDICIAL INSTITUTE FOR TEACHERS

The 7th Annual Judicial Institute for High School and Middle School Teachers was held October 29-30, 2015. Twenty teachers, from 11 high schools and 7 middle schools in the district, attended the 2-day Institute. The schools represented included:

- A.C. Davis High School, Yakima
- East Valley High School, Spokane Valley
- East Valley Middle School, Spokane Valley
- Franklin Middle School, Yakima
- Garfield Palouse High School, Palouse
- Highlands Middle School, Kennewick
- Housel Middle School, Prosser
- Lakeside Middle School, Nine Mile Falls
- Mead High School, Mead
- North Central High School, Spokane
- Rosalia High School, Rosalia

- Shadle Park High School, Spokane
- Southridge High School, Kennewick
- Wellpinit Middle School, Wellpinit
- Wenatchee High School, Wenatchee
- West Valley High School, Spokane
- West Valley High School, Yakima

The Judicial Institute is an Expense Paid continuing education course for high school and middle school teachers who live and work in the Eastern District of Washington. The two-day interactive program includes attendance at actual hearings, discussions about judicial review, judicial philosophies and the Constitution. Participants will also address current issues in immigration, civil rights, and the role of the judiciary in interpreting the law.

Presenters include:

- Hon. Richard C. Tallman, Ninth Circuit Court of Appeals
- Hon. Stanley A. Bastian, U.S. District Court – E.D. of Washington
- Hon. Rosanna M. Peterson, U.S. District Court – E.D. of Washington
- Hon. Salvador Mendoza, Jr., U.S. District Court – E.D. of Washington
- Hon. John T. Rodgers, U.S. Magistrate Judge – E.D. of Washington
- Eamonn Roach
- Lynn Robinson
- Ron Silver

The Judicial Institute has received enthusiastic responses and glowing reviews from our District’s educators, many of whom have been inspired to incorporate the information they learned into their own classroom presentations.

G. STUDENT OUTREACH PROGRAM

As part of its continuing outreach to students within the District, the Court has extended an open invitation to high school teachers to schedule visits and educational programs for their students. The programs include a 45-minute simulation of a criminal case (arraignment, change of plea and sentencing hearing), a 30-minute question and answer session with a federal judge, and the option to witness an actual hearing. Students actively participate in the simulated criminal

case as attorneys, witness, jurors, etc. The program was developed to heighten students' understanding of the federal courts, individual rights, jury service, as well as to acquaint students with employment opportunities in the federal courts. Sessions have been held in Spokane, Yakima and Richland. During 2015, over 250 high school students attended the program.

H. COURT SECURITY APPRECIATION DAY

On November 13, 2015, the Court held its third annual Court Security Appreciation event, recognizing the District's United States Marshals, court security officers, Federal Protective Service Officers and the contract security guards.

On behalf of her fellow judicial officers and court staff in the District and Bankruptcy Courts, Probation and Pretrial Services, and the Federal Bar for the Eastern District of Washington, Chief Judge Rosanna Malouf Peterson expressed heartfelt gratitude for the excellent, and often unseen, work of the district's court security personnel.

IV. GOVERNMENT AND PUBLIC DEFENSE UPDATES

A. U.S. ATTORNEY'S OFFICE UPDATE

The United States Attorney's Office continues to prosecute a diverse array of federal crimes in the Eastern District of Washington, including gun, drug, gang, and terrorism related cases, as well as crimes against children, civil and criminal fraud, violent crime, and Indian Country cases. In 2015 and so far in 2016, the Criminal Division has successfully tried a murder-for-hire case, a drug-involved murder case, a major production of child pornography case, a witness tampering case, and multiple gun and drug cases, among others. During this time, many other significant cases also resolved by plea agreement. In addition, the Criminal Division has continued efforts to implement the Department of Justice's Smart on Crime initiative by focusing on the most serious offenders and preventing disparities in charging decisions, while also working to improve reentry outcomes and support crime prevention strategies.

The Civil Division has continued to represent the interests of the United States in both a defensive and affirmative capacity. During the past year, the Civil Division has defended complicated and varied employment discrimination cases, complex medical malpractice actions with catastrophic injuries, as well as general tort claims against multiple federal agencies. Additionally, the Civil Division has a substantial case load involving various types of cases reviewable under the Administrative Procedures Act. With respect to affirmative litigation, the Civil Division has participated in the prosecution of several cases filed under the False Claims Act, including *qui tams* against federal contractors, drug diversion investigations, and affirmative tort litigation, primarily involving negligently started fires occurring on or spreading to federal land. The Civil Division continues its active collection of restitution owed to victims of crimes and debts owed to the United States. Over the last year, the Civil Division collected approximately \$8.1 million dollars in criminal and civil judgments, including restitution, penalties and fines, owed to victims and the American taxpayer.

Finally, in 2015 and 2016, the United States Attorney's Office hired five new Assistant United States Attorneys and nine new support staff. The Criminal Division added four new attorneys, with two based in Spokane and two based in Yakima, while the Civil Division added one new attorney in Spokane. The Office saw two of its attorneys depart, with Mary K. Dimke joining the bench as the Eastern District of Washington's newest United States Magistrate Judge and longtime Assistant United States Attorney Pam Byerly leaving for retirement.

B. FEDERAL DEFENDERS' UPDATE

The Federal Defenders for the Eastern District of Washington continued its success in representing indigent defendants charged with federal crimes. In 2015-16, the Federal Defenders obtained several acquittals in cases proceeding to trial.

Regarding training, the Federal Defenders hosted its 20th annual "Thrills & Skills," which provides invaluable training to local criminal practitioners. These year's Thrills & Skills included the following topics and speakers:

1. Supreme Court Update
 - Paul Rashkind, Federal Defenders of S.D. of Florida

2. Sentencing Mitigation
 - Marianne Mariano, Federal Defender – W.D. of New York
3. Know Your History – Faces Behind the Cases – *Anders to Miranda*
 - Heather Williams, Federal Defender – E.D. of California
4. How to Win Your Evidentiary Challenges
 - David Patton, Federal Defender – S.D. of New York
5. Client-Centered Representation
 - Amy Rubin, Federal Defenders of E. Washington & Idaho
6. *Gideon* – A Multi-Media Presentation of the Inside Story
 - Paul Rashkind, Federal Defenders of S.D. of Florida

Around the office, several attorneys assumed new positions. Those attorneys are –

1. Ben Hernandez – Chief Deputy
2. Matt Campbell – Chief Appellate Attorney
3. John B. McEntire IV – Senior Litigator
4. Alison K. Guernsey – Supervising Attorney, Yakima

Finally, the Federal Defenders were both sad and delighted that Rebecca Pennell, a senior trial attorney in the Yakima Branch Office, was appointed by Governor Jay Inslee as a judge for the Washington State Court of Appeals – Division III in January 2016.

FEDERAL COURT COMMUNITY

Active Judges	
Chief Judge Thomas O. Rice	Judge Rosanna M. Peterson
Judge Stanley A. Bastian	Judge Salvador Mendoza, Jr.
Senior Judges	
Judge Justin L. Quackenbush	Judge Robert H. Whaley
Judge Wm. Fremming Nielsen	Judge Edward F. Shea
Judge Fred L. Van Sickle	Judge Lonny R. Suko
U.S. Magistrate Judges	
Judge John T. Rodgers (Spokane)	Judge Mary Dimke (Yakima)
U.S. Bankruptcy Judges	
Chief Judge Frederick P. Corbit	Judge Frank L. Kurtz
Judge John Rossmeissl	
Court Clerks	
Sean F. McAvoy, District Court Executive	Bev Benka, Bankruptcy Court Clerk
United States Probation	
Matt Thompson, Chief Probation Officer	
U.S. Attorney's Office	
Michael C. Ormsby, U.S. Attorney for the Eastern District of Washington	
Federal Defenders	
Andrea George, Executive Director of the Federal Defenders of Eastern Washington and Idaho	

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Name	Date Service Began	Date Service Ends
Jay McEntire (Chair) Federal Defenders of Eastern Washington and Idaho 10 N. Post Street, Suite 700 Spokane, WA 99201 509.624.7606 Jay_McEntire@fd.org	2013	2016
Geana Van Dessel (Co-Chair) Lee & Hayes, PLLC 601 West Riverside Ave., Suite 1400 Spokane, WA 99201 509.324.9256 GeanaV@leehayes.com	2014	2017
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Blanca Rodriguez Northwest Justice Project 311 N. 4th Street, Suite 201 Yakima, WA 98901 509.574.4234 blancar@nwjustice.org	2015	2018
Shea Meehan Walker Heye Meehan & Eisinger, PLLC 1333 Columbia Park Trail, Suite 220 Richland, WA 99352 509.735.4444 smeehan@walkerheye.com	2016	2018

Respectfully submitted,

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Geana Van Dessel

Jim Goeke

Blanca Rodriguez

Shea Meehan

Lawyer Representatives for the Eastern District of Washington

Ninth Circuit Judicial Conference
Lawyer Representative District Report
Western District of Washington

June 3, 2016

Lawyer Representatives for the Western District of Washington

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Lawyer Representative District Report

I. 2016 Annual District Meeting and CLE for Judges and Lawyers (May 13, 2016)

The Lawyer Representatives for the Western District of Washington hosted an annual half-day district meeting and CLE program for judges and lawyers in the District on the afternoon of May 13, 2016, at the United States District Court in Seattle, Washington. The program was well attended by judges, law clerks and lawyers.

A. Report on the State of the Courts

The Honorable Ricardo S. Martinez, Chief United States District Court Judge, and the Honorable Marc L. Barreca, Bankruptcy Judge, began the program by presenting the states of their respective courts. In addition to speaking about case filings, budgets and other matters related to the state of the District Court for the Western District of Washington, Chief Judge Martinez noted the status of the makeup of the court with three of our judges going into senior status with their potential replacements now being nominated. Given the election year, it remains to be seen if any of the nominees will actually be approved this year. Finally, Magistrate Judge Strombom announced her intent to retire in April 2017. Applications to replace her are due in June 2016, with the expectation that a person will be appointed to fill her spot by the end of September to allow for sufficient time to complete all of the necessary background checks to allow for a speedy and smooth transition in April of next year.

B. CLE Program

The CLE portion of the program consisted of three interesting and informative plenary sessions. Professor Andrew Siegel of the Seattle University School of Law provided a review and analysis of recent Supreme Court decisions and their potential impact. Bankruptcy Judge Barreca and Christy Tobin-Presser and Jay Kornfeld of the firm Bush Kornfeld, LLP, discussed various issues and considerations relative to large Chapter 11 bankruptcy filings, using the Haggen grocery bankruptcy as a model. Professor James T.R. Jones of the University of Louisville Brandeis School of Law gave an insightful presentation with respect to high-functioning, successful attorneys with severe mental illness. The audience was interactive and the program was well received.

At the end of the program, the attendees, speakers and Court were invited to join the Lawyer Representatives in the courthouse lobby for complimentary cocktails and hors d'oeuvres. The reception provided an ideal opportunity for judges, court personnel, panelists and attendees to socialize and discuss the program and other matters of mutual interest.

C. Appreciation and Acknowledgments

As in years past, the Annual District Meeting and CLE was a great success, due in large measure to the generous support and participation of the Federal Public Defender's Office, as well as the court staff, and in particular Sharon Haas, Judicial Services Administrator, and Tony Duck, Software Automation Specialist, as well as the District Court and Bankruptcy Judges, and resident Circuit Judges. The contribution and participation of the judges adds immeasurably to the popularity of the program, as well as to its success.

Finally, Wayne Fricke, the chair of the event, should be recognized for his significant work in organizing such an outstanding CLE.

D. Lawyer Representatives' Dinner with Judges, Speakers and Other Honored Guests

Following the reception, the Lawyer Representatives hosted its traditional dinner for the Western District of Washington judges and resident Circuit judges. The dinner was held in a private room at Blueacre Seafood and allowed for informal and candid discussions regarding the afternoon's program, issues and trends in the Western District of Washington, as well as an opportunity to socialize. It was an enjoyable way to end the day.

II. Lawyer Representative Coordinating Committee and Judicial Conferences

A. Planning for the 2016 Judicial Conference

Co-Chairs of the Western District Lawyer Representatives, Wayne Fricke and Christy Tobin-Presser, have participated in the planning for the 2016 Judicial Conference to be held in Big Sky, Montana.

B. Chief District Judges Conference, Tucson

Co-Chair Christy Tobin-Presser attended the Chief District Judges Conference in Tucson. The conference was well attended with attendees from the entire Circuit. The conference focused on the intersection between immigration issues and the federal courts.

C. Chief Bankruptcy Judges Conference, San Diego

Lawyer Representatives Christy Tobin-Presser and Tom Linde attended the conference for the Chief Bankruptcy Judges in San Diego. The conference was structured as a series of three panel presentations, with each followed by round-table discussions consisting of judges and lawyer representatives. The discussions centered on increasing understanding between the bench and bar with respect to current issues facing attorneys in bankruptcy practice. Ms. Tobin-Presser was one of the panelists with respect to bankruptcy law firm economics.