A Quarterly Newsletter of the Oregon Chapter of the Federal Bar Association

FOR THE DISTRICT OF OREGON

Volume XVI, No. 2 *Summer 2012*

IN THIS ISSUE

AMENDMENTS TO THE DISTRICT OF OREGON LOCAL RULES OF CIVIL PROCEDURE (PART 2 OF 2)

By: Melissa Aubin, U.S. District Court Attorney Advisor, and Johnathan Mansfield, Schwabe Williamson & Wyatt

This is the second part of an article summarizing changes to the Local Rules of Civil Procedure adopted by the Court effective March 1, 2012. The first part, published in For the District of Oregon (Vol. XVI, No. 1, Spring 2012), addressed important changes to LRs 3-2, 5-1, 7, 16-4, 26-4, 56-1, 67, as well as new LR 5.2. Following is a review of changes to LRs 77-5, 79-1, 83-3(e)(2), 83-13, 100-2, 100-5, and 100-7, as well as Criminal LR 3002, Bankruptcy LR 2200, and Social Security LR 4000-8.

Effective March 1, 2012, the Court amended several Local Rules of Civil Procedure and adopted new Local Rules 5.2 and 3200. The Local Rules Advisory Committee, chaired by Susan Marmaduke and comprised of federal practitioners and representatives from the Court, proposed a number of changes to the Local Rules stemming from practice issues raised by the Court, the bar, and the Clerk's Office. After public notice, comment, and certain modifications introduced by the Court, the revised rules have been approved and published on the Oregon District Court website, http://ord-pdx-web/en/local-rules-of-civil-procedure-2012/.

Readers are encouraged to consult the Court's website for the full text and amendment history of the rules discussed here. For additional information and annotations to the Local Rules generally, see 2012 District of Oregon Local Rules of Civil Procedure Annotated, by Kathryn Mary Pratt. *Available at* http://www.prattlegalpublishing.com/.

LR 77-5

The former version of LR-77-5, which allowed an original exhibit or transcript filed in the record to be replaced with a copy, was deleted because all such filings are now electronic, subject to exceptions listed in LR 100-5.

LR 79-1

Former LR 79-1, regarding proposed orders and judgments, was deleted, and the text of the rule was amended and added as new LR 5-1(f). See For the District of Oregon, Vol. XVI, No. 1, Spring 2012, at 4.

Continued on page 4

OREGON FBA AWARDS THE BURNS FEDERAL PRACTICE AWARD

The Honorable James M. Burns Federal Practice Award is given for contributions in improving the quality of federal practice in Oregon. The award is bestowed annually on both a criminal and civil practitioner who demonstrate the highest standards of professionalism. On May 17, 2012, during the Oregon FBA's annual meeting, **Dwight Holton** and **Susan Marmaduke** received the Burns Federal Practice Award. The Oregon FBA was pleased to have Molly Burns Herman present at the event as a representative of the Burns family.

DWIGHT HOLTON

By Adrian Brown, Assistant U.S. Attorney

Dwight Holton was selected to receive the Judge James M. Burns Federal Practice Award for 2011. Dwight's service as the acting United States Attorney for the District of Oregon for almost two years between 2010 and 2011 exemplifies this award and the deep appreciation of the bench and bar for his dedication.

Dwight's leadership of his more than 100 U.S. Attorney staff was the culmination of 14 years of federal service. The leadership skills Dwight brought to the role of U.S. Attorney came from his days as a line prosecutor in both the Eastern District of New York and the District of Oregon. In the thousands of court appearances Dwight made as a line prosecutor, he was a role model for all -- pursuing justice while always striving for the best result for the community as a whole. Dwight not only encouraged his staff to do the same, but demanded it. And, there is no better way to know what is best for the community than by getting out and being in it. Dwight was a force of change in how the U.S. Attorney's office played a role in community outreach and partnering with state and local leaders. From bringing together health care providers and law enforcement to aid efforts in fighting prescription drug abuse, to building not only rapport but also friendships amongst Arab and Muslim community leaders, Dwight shined. Dwight believes in the value of fighting for the civil rights of our most vulnerable citizens and his success as U.S. Attorney in resolving cases under the Americans with Disabilities Act, the Federal Fair Housing Act, and the Uniformed Service Members Employment and Reemployment Rights Act displayed his dedication to this fight.

Dwight is known for charging new attorneys to the office with the knowledge that, as members of the Department of Justice, we "all stand on the shoulders of the giants who have given us the credibility that comes with that title." Dwight's service to the Department of Justice has made those shoulders of credibility quite a bit taller.

The Oregon Chapter of the Federal Bar Association is proud to have Dwight as part of our community, and we encourage others to serve with such enthusiasm. Thank you, Dwight, for your dedication to professionalism.

SUSAN MARMADUKE

By Melissa Aubin, U.S. District Court Attorney Advisor

Susan Marmaduke was selected to receive the Judge James M. Burns Federal Practice Award. Susan's service as Chair of the Local Rules Advisory Committee (LRAC) since 2010 merits this year's civil practice award and the deep appreciation of the bench and bar.

Susan's accomplishments reflect her heart for service and mind for procedure -- ideal qualifications for the LRAC Chair. As chair of Harrang Long's litigation department, Susan's practice focuses on business litigation and appeals. An authority in civil procedure, Susan has published several practice resources for Oregon attorneys. She is a member of the board of directors of the Oregon Association of Defense Counsel (OADC) and the OADC's amicus committee, and she has served as a statewide co-chair for the Campaign for Equal Justice. Susan received the Multnomah Bar Association Award of Merit in 2007 and has joined the ranks of the "Best Lawyers in America" for appellate and commercial litigation and "Oregon Super Lawyers" for business litigation.

The LRAC benefits greatly from Susan's guidance and

collegiality. The volume and quality of amendments to the rules in 2011 and 2012 provide the clearest indication of how organized and productive LRAC has been under her leadership. Susan is quick to attribute the committee's success to the exceptional dedication of her team. "I am taken with the quality of the members and how committed they are to making the local rules work," she emphasized, adding that her colleagues make the experience a professional joy.

The Oregon Chapter of the Federal Bar Association is delighted to recognize Susan's contributions to federal practice, and we encourage others to serve as generously. Thank you, Susan, for your inspiring work.

LETTER TO THE EDITOR

Dear Editor:

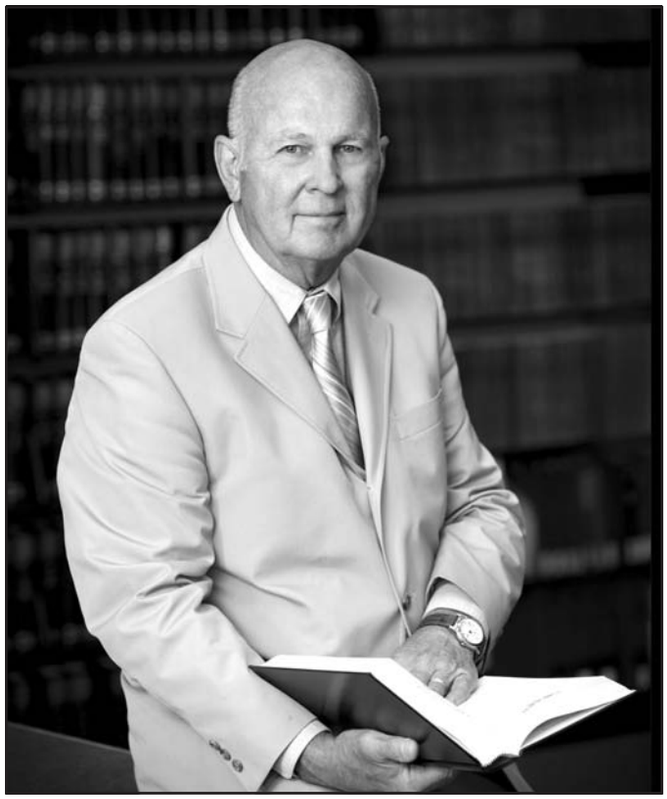
As a follow-up to **Carl Neil**'s excellent piece ("Successful Insured Cannot Recover Attorney Fees in Oregon Action on Marine Insurance Policy," vol. XVI, No. 1, Spring 2012) on recovery of attorney fees in actions on marine insurance policies, readers might be interested to know that a case currently before the Oregon Supreme Court may change the statutory interpretation cited by Mr. Neil, and permit marine insurance policyholders to recover fees. The specific issue before the Court in Carla D. Morgan v. Amex Assurance Company, SC No. S059655, argued March 9, 2012, is whether the holder of a policy "delivered or issued for delivery" outside of Oregon may recover fees in coverage litigation in Oregon courts. The Court of Appeals had interpreted ORS 742.001 as exempting such situations from the attorney fee recovery statute, ORS 742.061. However, the amicus curiae brief filed by several companies and groups (whom I represent) in support of Ms. Morgan argued that the Court should hold more generally that ORS 742.001 (which contains a list that includes "wet marine" policies, as Mr. Neil points out, as well as "surplus lines" policies) does not control over the more specific, older language of ORS 742.061.

Sincerely,

Seth H. Row
Parsons Farnell & Grein, LLP

THE ASHMANSKAS TRIVIA BOX

An FBA tribute to the memory and humor of Magistrate Judge Donald C. Ashmanskas



In discouraging pomposity in all its forms, Judge Ash frequently liked to point out, "A little Latin goes a long way." According to Judge Ash, what is the correct pronunciation of the term "pro hac vice"?

Answer on page 5

AMENDMENTS TO THE DISTRICT OF OREGON LOCAL RULES OF CIVIL PROCEDURE (PART 2 OF 2)

Continued from page 1

LR 83-3(e)(2)

Former LR 83-(e)(2), which made local counsel responsible for distributing court communications to pro hac vice counsel, was deleted because pro hac vice counsel can register for a user account in the CM/ECF system.

LR 83-13

Subsection (a) of this rule was amended to require that, for matters under advisement for over sixty days, all parties must act jointly to notify the Court by either sending the assigned judge a letter, or sending an email to the courtroom deputy clerk describing the matter and when it was taken under advisement. The prior requirement that the parties follow up with the Chief Judge every forty-five days thereafter was eliminated.

LR 100-2

This rule requiring all papers in a case to be filed electronically through the CM/ECF system (subject to exceptions in LR 100-5) was amended to require that all such papers must be filed as text-searchable PDFs, unless otherwise ordered by the Court. New practice tips were added addressing formatting issues.

LR 100-5

Former LRs 100-5(d) and (e)(2) were deleted to conform with current filing practices.

LR 100-7

LR 100-7(a) has been amended to require a filing party in civil cases to provide paper judge's copies of documents only for dispositive motions and motions for injunctive relief, or any other documents that in the aggregate exceed ten pages, unless otherwise ordered by the Court. In criminal cases, LR 100-7(b) now requires judge's paper copies only for motions in limine, motions to dismiss, motions to suppress, and motions for injunctive relief, or for any other documents that in the aggregate exceed ten pages, unless otherwise ordered by the Court.

Criminal LR 3002

Criminal LR 3002 is analogous to Civil LR 5.2. Both rules clarify that a filing party and its counsel are responsible for redacting filings as required by Fed. R. Civ. P. 5.2, and that the Clerk's Office is not required to review filings for compliance with Fed. R. Civ. P. 5.2.

Bankruptcy LR 2200

Various amendments were made to Bankruptcy LR 2200:

LR 2200-2(b) was edited to reflect current practice, in that the Bankruptcy Clerk no longer transmits documents to the BAP within the time to object to BAP determination, and documents are electronically exchanged by the BAP and the Bankruptcy Clerk.

Former LR 2200-2(c) was deleted.

The title of LR 2200-3 was reworded to include service of objection to BAP and dispositive orders regarding motions for leave to appeal.

The heading and first sentence of LR 2200-3(a) was reworded, and the requirement to attach a certificate of service to the original notice of appeal or motion for leave to appeal was deleted.

Former LR 2200-3(b), requiring the Bankruptcy Clerk to serve the parties with a copy of LR 2200, was deleted because the LRs are readily available on the internet. The subsequent section, former LR 2200-3(c), was renumbered as new LR 2200-3(b), and the text of the rule was revised to indicate that a copy of any order disposing of a motion for leave to appeal is "served on the parties to the appeal."

LR 2200-6(f)(3) was modified from "Reasons why this extension is necessary" to "Reason(s) the extension is necessary."

Social Security LR 4000-8

Social Security LR 4000-8 was amended to clarify that plaintiff shall submit any application for attorneys' fees under 42 U.S.C. § 406(b) within 60 days after receipt of "all notices" of award.

FBA CO-SPONSORS UO LAW SYMPOSIUM

By: By Nadia Dahab, 2011-2012 Editor-in-Chief, Oregon Law Review

Over the weekend of April 12–14, celebrity jurist and law professor **Arthur R. Miller** joined the Oregon Law Review and the University of Oregon School of Law for the *Review's* annual symposium. The Oregon FBA was a co-sponsor of the event. This year's symposium, entitled "Miller's Courts: Media, Rules, Policy, and the Future of Access to Justice," covered issues of class, mass, and other large-scale actions; recent jurisprudence addressing the Federal Rules and its impact on access to justice; and the media's role in forming a public perception of the American courts. To the delight of the attendees, Professor Miller himself moderated a sparkling Fred Friendly roundtable exploring the complex relationship between legal actors and the media.

The symposium was a stunning success, made possible only by the combined efforts of some of Oregon's finest. On Thursday evening, the Federal Bar Association sponsored a packed pre-symposium reception that brought together symposium participants and members of the Oregon legal community (*see infra* "FBA Spring Social"). On Friday, **Chief Judge Ann Aiken** and University of Oregon Deans **Michael Moffitt** (Law) and **Tim Gleason** (Journalism) moderated lively panels. And on Saturday, Oregon law professor **Jim Mooney** hosted Professor Miller on a wine tour near Portland.

Symposium participants included the **Honorable Alex Kozinski**, the **Honorable Ronald Gould**, and the **Honorable Diarmuid O'Scannlain** of the U.S. Court of Appeals for the Ninth Circuit; the Chief Judge Aiken of the District of Oregon; law professor and Civil Rules Reporter **Edward Cooper**; law professor and **Dean Mary Kay Kane**; law professor **Jack Friedenthal**; law professor and Assistant U.S. Attorney **Thiru Vignarajah**; Oregon law professor **Kyu Ho Youm**; practitioners **Elizabeth Cabraser**, **Harvey Saferstein**, and **Mathew Gluck**; former *Good Morning America* host **David Hartman**, *Slate* senior editor **Dahlia Lithwick**, documentary filmmaker **Susan Saladoff**; the **Honorable Rives Kistler** of the Oregon Supreme Court; the **Honorable David Brewer** of the Oregon Court of Appeals; **Congresswoman Suzanne Bonamici**; former Oregon Governor **Ted Kulongoski**; **Peter Bhatia** oaf *The Oregonian*; **Duane Bosworth** of Davis Wright Tremaine; and University of Oregon President **Emeritus Dave Frohnmayer.**

As many know, Professor Miller is the archetypal law professor. He has made the sort of contributions to the legal community and academy that many of us could only dream to make. This year, Professor Miller celebrates fifty years of teaching, and many more as scholar, policy maker, television celebrity, and art collector. To acknowledge these contributions, the University of Oregon awarded the Presidential Medal to Professor Miller on April 12. The Presidential Medal, one of the university's highest honors, recognizes those individuals who have made extraordinary contributions to the University and whose professional leadership in the world community places them among the nation's foremost citizens. Upon receiving the award, Professor Miller addressed a packed room at the law school on the question, "Are They Closing the Courthouse Doors?"

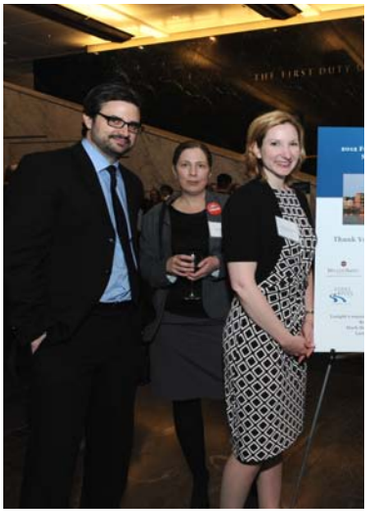
Both symposium events—Professor Miller's Thursday afternoon address in Eugene and Friday's Fred Friendly seminar in Portland—can be viewed at http://law.uoregon.edu/org/olr/symposia.

The Ashmanskas Trivia Answer

Judge Ash actually researched and wrote a memo on this subject in 1997, and, according to his work, there are actually four different, acceptable pronunciations of the term "pro hac vice":

Classical:	Proh Hahk Wee-kay
Italian:	Proh Ahk Vee-chay
Continental:	Proh Hahk Vee-say
English:	Proh Hack Vigh-see

Judge Ash then concluded his memo by suggesting that, if we can't agree on a single pronounciation, "Let's Call the Whole Thing Off." Of course, he appended a copy of Ira and George Gershwins' 1937 original music score.



FBA SPRIN

The Oregon FBA hosted
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ş to the smooth sounds of
Jazz Trio.

CASE COMMENT: WARRANTLESS SEARCHES OF ELECTRONIC DEVICES

Under the Fourth Amendment, citizens have a right to "be secure in their . . . effects, against unreasonable searches." U.S. Const., amend. IV. Courts have long recognized that warrantless searches are per se unreasonable, subject to a few jealously and carefully drawn exceptions such as searches incident to arrest, which are allowed for officer protection and evidence preservation. Chimel v. California, 395 U.S. 752, 762-63 (1969). Thus, Smart phone and other electronic device users might think that the police can't search their devices without a warrant any more than an officer could conduct a warrantless search of their homes. However, these users should think again. Federal and state court judges considering this issue have reached different conclusions, with more than one judge giving police officers engaging in warrantless searches of electronic devices a foot in the door.[1]

This past January, this district considered the issue in *Schlossberg v. Solesbee, et al.*, Case No. 6:10-cv-6014, __F.Supp.2d__, 2012 WL 141741 (D. Or. January 18, 2012). In that case, **Judge Thomas Coffin** concluded that it is inconsistent with the privacy interest at the core of the Fourth Amendment to allow officers to conduct warrantless searches of electronic devices and found as a matter of law that an officer's viewing of the contents of a camera without a warrant violated the Fourth Amendment. *Id*. at *10. Judge Coffin noted that the officer who searched the camera argued that qualified immunity shielded him from liability for the unlawful search. He recognized that the law regarding warrantless searches of electronic devices was not settled at the time of the search. The officer's entitlement to qualified immunity, however, hinged on whether Schlossberg's arrest was valid, which was a matter for a jury to decide.[2]

In *Schlossberg*, plaintiff Joshua Schlosburg had set up an information table and was handing out leaflets in downtown Eugene, Oregon. Defendant Eugene Police Sergeant Bill Solesbee approached plaintiff to discuss complaints about plaintiff's leafleting. The parties dispute whether plaintiff informed Solesbee that plaintiff was recording their interaction. Nevertheless, during their interaction, Solesbee noticed plaintiff's video camera and arrested plaintiff for, among other things, video recording Solesbee without his consent in violation of Oregon law. Immediately after taking Schlossberg into custody, Solesbee viewed the contents of the camera that Schlossberg was holding at the time of arrest without first obtaining a warrant.

In his decision, Judge Coffin discussed other court's treatment of the warrantless search incident to arrest issue. Judge Coffin noted that, in 2007, the Firth Circuit upheld the warrantless search of a cell phone incident to arrest, concluding that a defendant's cell phone was analogous to a closed container found on his person. *U.S. v. Finley*, 477 F.3d 250 (2007). Notably, the Finley court concluded that, although Finley had a reasonable expectation of privacy in the call records and text messages on his phone, no warrant was required to search his phone because the search was conducted pursuant to a valid arrest. *Id*. at 259-60. In its holding, the Fifth Circuit reasoned that a cell phone is indistinguishable from any other closed container found on an arrestee's person.

That same year, the Northern District of California rejected the *Finley* court's approach and reasoned that advancements in cell phone technology and the volume of information citizens can store on their cell phones is relevant to a Fourth Amendment analysis. *U.S. v. Park*, 2007 WL 1521573 (N.D. Cal. May 23,2007). The *Park* court took issue with the *Finley* court's classification of a cell phone as an item associated with an arrestee's person. The *Park* court noted that, while the information contained on a phone might overlap with the information contained in a wallet, the quantity and quality of the information contained on an electronic device distinguished electronic devices from other items associated with a person. *Park*, 2007 WL 1521573 at *8-9. Instead, the *Park* court classified cell phones as "possessions within an arrestee's immediate control." *Id*. Although the decision in Park turned on the timing of the search of the cell phone, the decision makes clear that the court's disagreement with *Finley* was more fundamental: "[T]his Court finds, unlike the *Finley* court, that for purposes of Fourth Amendment analysis cellular phones should be considered 'possessions within an arrestee's immediate control' and not 'part of the person.' This is so because modern cellular phones have the capacity for storing immense amounts of information." *Id*. at *8. (internal citations omitted).

Two years later, in 2009, Ohio's Supreme Court similarly rejected *Finley's* reasoning, finding that "a cell phone is not a closed container for purposes of a Fourth Amendment analysis," and that a cell phone's "ability to store large amounts of private data gives users a reasonable and justifiable expectation of a higher level of privacy in the information they contain." *State v. Smith*, 920 N.E.2d 949, 994-95 (Ohio 2009). The *Smith* court

concluded that police needed a warrant before searching a cell phone and that this conclusion was supported by well established Fourth Amendment principles since the contents of a seized cell phone neither threaten officer safety nor threaten to destroy evidence. *Id*. at 995.

Just last year, another judge in the Northern District of California rejected the ruling in *Park* and concluded that a warrantless search of a cell phone incident to arrest was permissible. *U.S. v. Hill*, 2011 WL 90130 (N.D. Cal. January 10, 2011). The *Hill* court recognized that cell phones, like computers, are capable of storing large amounts of information but was unwilling, absent guidance from the United States Supreme Court, to conclude that a cell phone found in an arrestee's clothing (as was the case in *Hill*) was not an element of the arrestee's clothing. *Id*. at *8. In short, the *Hill* court followed *Finley* and concluded that a search of a cell phone is permissible so long as the underlying arrest was lawful.

In his finding, Judge Coffin found the reasoning of the *Park* and *Smith* courts persuasive. Judge Coffin observed that court's that have likened electronic devices such as cell phones and cameras to closed containers fail to consider both the Supreme Court's definition of "container" and the large volume of information capable of being stored on an electronic device. *Schlossberg*, 2012 WL 141741 at *6-7. For example, in *New York v. Belton*, the Supreme Court stated that "container" means "any object capable of holding another object." *Id*. (citing *Belton*, 453 U.S. 454, 460 (1981)). Judge Coffin recognized that consideration of an electronic device as a "container" is problematic because electronic devices do not store physical objects which are in plain view once the containers are opened. Moreover, the storage capability of an electronic device is not limited by physical size as a container is. In order to carry the same amount of personal information contained in many of today's electronic devices in a container, a citizen would have to travel with one or more large suitcases, if not file cabinets. *Id*. at 7.

Judge Coffin discussed that courts allowing the warrantless searches of electronic devices incident to arrest set forth a new rule: any citizen committing even the most minor arrestable offense is at risk of having his or her most intimate information viewed by an arresting officer. *Schlossberg*, 2012 WL 141741 at *7 (citing Adam M. Gershowitz, The iPhone Meets the Fourth Amendment, 56 UCLA L. Rev. 27, 27 (2008); Jana L. Knott, Note, Is There an App for That? Reexamining the Doctrine of Search Incident to Lawful Arrest in the Context of Cell Phones, 35 Okla. City U.L. Rev. 445, 445-47 (2010)). Judge Coffin discussed that this situation was painfully illustrated by the events described in *Newhard v. Borders*, 649 F.Supp.2d 440 (W.D. Va 2009). In that case, Nathan Newhard was arrested for drunk driving. In the course of the routine search incident to his arrest, an officer found Newhard's cell phone from his pocket. The officer proceeded to conduct a warrantless search of the phone, discovering photos of Newhard and his girlfriend nude and in "sexually compromising positions." *Schlossberg*, 2012 WL 141741 at *7-8. The officer showed the images–which were wholly unrelated to Newhard's drunk driving arrest, to another officer and then showed them around the stationhouse to other officers and employees. *Id*. Newhard lost his job in the ensuing scandal and brought a civil rights action against the officers. Although concluding that the officers' actions were "deplorable, reprehensible and insensitive" the trial judge dismissed the case under the doctrine of qualified immunity. In short, the trial judge reasoned that, since there was no clearly established Fourth Amendment right to the contents of electronic devices, no reasonable officer would have been on notice that his or her conduct violated the law. *Id*. at *8. In short, Judge Coffin found that a user has a high expectation of privacy in the contents of his or her electronic device. Thus, before reviewing the contents of such a device, an arresting officer must first obtain a warrant absent a showing that some exigent circumstance existed. *Schlossberg*, 2012 WL 141741 at *9-10.

1Compare, e.g., United States v. Hill, 2011 WL 90130 (N.D. Cal. Jan. 10, 2011) (upholding warrantless search of iPhone photos incident to arrest); United States v. Finley, 477 F.3d 250, 259-60 (5th Cir. 2007) (upholding warrantless search of cell phone incident to arrest); United States v. Wurie, 612 F.Supp.2d 104, 109-111 (D. Mass. 2009) (same); People v. Diaz, 2011 WL 6158 (Cal. Jan 3, 2011), (same); U.S. v. Flores-Lopez, 2012 WL 652504 (7th Cir. 2012) (looking into a cellular telephone found on defendant's person to identify its telephone number was valid warrantless search incident to arrest) with United States v. Quintana, 594 F.Supp.2d 1291, 1298-99 (M.D. Fla. 2009) (holding warrantless search of cell phone not justified as search incident to arrest); United States v. Park, 2007 WL 1521573 (N.D. Cal. May 23, 2007) (same); United States v. Lasalle, 2007 WL 1390820 (D.Hawai'i May 9, 2007) (finding warrantless cell phone search invalid where it was not clear that phone was on defendant's person and search not contemporaneous with arrest); State v. Smith, 920 N.E. 2d 949 (Ohio 2009) (suppressing warrantless cell phone search);Schlossberg v. Solesbee, __F.Supp.2d__, 2012 WL 141741 (D. Or. January 18, 2012). Most of these cases consider warrantless searches of cell phones (many with cameras) in the context of motions to suppress in criminal cases. The majority of these criminal cases involved defendants accused of crimes involving either drugs or child pornography.

2After a three day jury trial, the jury returned a mixed verdict, finding in relevant part that Solesbee lacked probable cause to arrest plaintiff. See Schlossburg v. Solesbee, et al, Case No. 10-cv-6014. Following the verdict, the parties reached a settlement agreement in which the City paid Schlossberg $232,000 for final release and discharge of all claims. See Schlossberg, Case No. 6:10-cv-6014, Doc. # 177-1.

ANNOUNCEMENTS

Successful Clothing Drive

Thanks to everyone who donated to the Oregon FBA's clothing drive to benefit Northwest Regional Re-Entry Center. Led by Oregon FBA Co-Treasurer **Robert Sabido**, we collected over 100 items of clothing. NWRRC is a private non-profit agency that contracts with the Federal Bureau of Prisons, United States Probation and Pretrial Services, and other community agencies to help offenders safely and successfully transition from prison back into the community.

Oregon FBA Co-Sponsors Dedication of Fitness Center in Honor of Judge Ashmanskas

On June 18, 2012, the Oregon FBA co-sponsored a dedication of the gym at the Hatfield Courthouse. A plaque now dedicates the gym as the "Judge Ashmanskas Fitness Center," also known as "Ash's Gym." A dessert reception was held prior the unveiling of the plaque.

Save the Date—Federal Court CM/ECF Brown Bag Forums

August 9, 2012 - Each month, the District Court of Oregon Clerk's Office will hold a CM/ECF Open Discussion Forum at the Hatfield Courthouse in Portland. This is an open forum available to attorneys and their staff to answer any questions about using the CM/ECF system. A short (15 minute) training will be provided on a current topic, and then the forum will be open for questions. Attendees are welcome to bring their lunch and eat while they learn. Sessions begin at noon and are held in the Jury Assembly Room on the second floor of the courthouse. No advanced sign-up is necessary.

Save the Dates—FBA National Conference

September 20-22 – The FBA's 2012 Annual Meeting and Convention will be held at the Manchester Grand Hyatt in San Diego, California. Meet FBA colleagues from around the country while attending CLE sessions on current trends in civil, criminal, and bankruptcy law. Scheduled speakers include Ninth Circuit Judges J. Clifford Wallace and Mary M. Schroeder, UC Irvine School of Law Dean Erwin Chemerinsky, and criminal defense attorney Judy Clarke. Visit www.fedbar.org/sandiegoconvention for more information and to register.

Save the Date—Litigating Section 1983 Civil Rights Cases CLE

October 19, 2012 – The Oregon FBA is co-sponsoring a CLE entitled "Litigating Section 1983 Civil Rights Cases: Current Issues and Trends." This CLE will feature, among other things, a judges' panel, a mental health professionals' panel, a discussion of litigating Section 1983 employement cases, and a review of recent Section 1983 cases. Scheduled speakers include J**udge Anna Brown, Judge Michael Mosman, Judge Mark Clark, Judge Thomas Coffin, David Angeli, Dana Sullivan**, and **Paula Barran**. Check www.oregonfba.org for updates and registration information.

Upcoming FBA Luncheons

The FBA monthly lunches take place on the third Thursday of each month at the University Club, 1225 SW Sixth Avenue, Portland, Oregon. We are pleased to host three members of our federal bench at upcoming lunches:

September 20 Court of Appeals for the Ninth Circuit **Judge Susan P. Graber**

October 18 District Court of Oregon **Judge Paul Papak**

Cost is $18 for FBA members and $20 for non-members. Please make reservations for either a vegetarian or meat lunch entrée by emailing Connie.VanCleave@MillerNash.com. The RSVP deadline is the Tuesday before each lunch.

2012-2013 FBA OREGON CHAPTER OFFICERS AND DIRECTORS

For the District of Oregon *is a quarterly newsletter of the Oregon Chapter of the Federal Bar Association. Editor Nadine A. Gartner, c/o Stoll Berne, 209 SW Oak Street, Suite 500, Portland, Oregon 97204, 503 227-1600.*

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Susan Pitchford

Change of Address?

We have been sending the electronic notices via our listserv. Although we have made every effort to obtain our members' email addresses, we need your help to keep our list accurate and current. For those members without email, we are providing the electronic notices by fax. If you have an email address or fax number and have not been receiving electronic notices, or if your email address changes, please contact our listmaster: **Chelsea Grimmius**, chelseagrimmius@yahoo.com. For a change in physical address, please notify **Nadine Gartner**, ngartner@stollberne.com, to ensure you continue to receive mailings from the Oregon Chapter of the Federal Bar Association. All address changes will be forwarded to the national Federal Bar Association.

Oregon Chapter
Federal Bar Association
209 SW Oak Street, Suite 500
Portland, OR 97204

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New FBA Members Welcome

Membership Eligibility. FBA membership is open to any person admitted to the practice of law before a federal court or a court of record in any of the states, commonwealths, territories, or possessions of the United States or in the District of Columbia, provided you are or have been an officer or employee of the United States or the District of Columbia, or you have a substantial interest or participate in the area of federal law. Foreign Associate Status is open to any person admitted to practice law before a court or administrative tribunal of a country other than the United States. Law Student Associate Status is open to any law student enrolled at an accredited law school. If you wish to join, please visit www.fedbar.org and click on the "Join" link.

Call for Submissions/Publication Schedule

For the District of Oregon welcomes submissions from everyone as well as our regular contributors. The deadlines are June 15, 2012, September 15, 2012, December 1, 2012 and March 15, 2013. We ask only that you inform us in advance if you are preparing a submission. Please direct inquiries to Nadine Gartner at 503 227 1600 or ngartner@stollberne.com.