

FOR THE DISTRICT OF OREGON

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IN THIS ISSUE

Recent Changes To The Local Rules
Of Civil Procedure For The District
Of Oregon: Introduction

By: Magistrate Judge Janice
Stewart; Melissa Aubin, U.S.
District Court Attorney-Advisor;
and Johnathan Mansfield, Schwabe
Williamson & Wyatt1, 4-5

The President's Column
By Edward Tylicki.....2-3

The District Of Oregon Welcomes
Judge Marco Hernandez
By Jolie Russo, U.S. District Court
Attorney-Advisor.....3

Collegiality And Work Ethic Define
This Year's Oregon FBA Judge
James M. Burns Professionalism
Award Winners6-7

Federal Bar Association And Oregon
Attorney Assistance Program
Sponsor Networking And Career
Building For Lawyers Event
By Laura Salerno Owens, K&L
Gates LLP.....7-9

Announcements.....9-10

RECENT CHANGES TO THE LOCAL RULES OF CIVIL PROCEDURE FOR THE DISTRICT OF OREGON: INTRODUCTION

By: Magistrate Judge Janice Stewart; Melissa Aubin, U.S. District Court Attorney-Advisor; and
Johnathan Mansfield, Schwabe Williamson & Wyatt

Effective January 1, 2011, the court amended Local Rules 16-4, 26-1, 42-4, and 56 and adopted new Local Rule 4000. The Local Rules Advisory Committee, a group of federal practitioners and representatives from the court chaired by Susan Marmaduke, proposed the changes to the Local Rules after examining a number of local practice issues and the recent amendments to the Federal Rules of Civil Procedure.

Magistrate Judge Stewart, who served on the Local Rules Advisory Committee, offered a presentation about the amendments and new rules at the FBA Monthly Luncheon on January 20, 2011. Below is a summary of the changes to the Local Rules authored by Judge Stewart and two other members of the Local Rules Advisory Committee. The full text of all Local Rules of Civil Procedure for the District of Oregon is available at <http://www.ord.uscourts.gov/education-downloads/local-rules/local-rules-of-civil-procedure-printable-version/details>.

Local Rule 16-4

Local Rule 16-4 governs alternative dispute resolution procedures in most civil cases. The rule describes qualifying cases, procedures applicable in any qualifying case (*e.g.*, ADR conference requirement and joint ADR report), ADR options and procedures, and requirements for court-sponsored mediation. The following discussion addresses the revised provisions of the rule in each of these areas.

Qualifying Cases

LR 16-4(a) and (b) state that the rule applies to all civil cases, with certain exceptions. As amended, the list of exempt categories no longer includes veterans' overpayment, multi-district litigation, or pro se cases. Thus, LR 16-4 now governs in such cases.

In addition, the categories of cases that had been "exempt" under former LR 16-4 are now "presumed to be exempt." They include habeas corpus petition, prisoner suits, 28 U.S.C. § 2255 claims, social security appeals, civil forfeitures, qui tam actions, IRS summons enforcement actions, student loan collection, and bankruptcy appeals. LR 16-4(b).



THE PRESIDENT'S COLUMN

By Edward Tylicki,
Federal Bar Association President

There's a lot going on. The most exciting news is that Oregon finally has a new district judge. Nearly three years after he was first nominated, the Senate unanimously confirmed

Washington County Judge Marco A. Hernandez. He will fill a judgeship vacant since January 30, 2009 when U.S. District Judge Garr M. King assumed senior status. On behalf of the Oregon FBA, I extend congratulations and a warm welcome to Judge Hernandez. He has already graciously accepted an invitation to speak at a monthly luncheon later this spring. This is probably the last time for awhile that he will be able to say his calendar is completely open. Please come out and meet him. He joins a wonderful court with exceptional collegiality among the district's judges and among its judges and attorneys. It is a pleasure to have Judge Anna Brown and Judge John Acosta on our FBA Board. We are very fortunate to have Oregon as our home court and a new district judge to get to know.

With this confirmation and recent others, hopefully there is a sea change in the U.S. Senate. Sadly, there has been a misuse of the Senate's power to advise and consent on judicial nominations to instead, in the words of a recent *New York Times* editorial, "advise and obstruct." Entire slates of well-qualified nominees have been blocked. This issue is at the forefront of the Federal Bar Associations' lobbying efforts as it cuts across partisan lines. It has begun a nationwide advocacy campaign to ease the judicial vacancy crisis currently afflicting the federal courts. There are almost 100 vacancies in the circuit and district courts, an astounding 10% plus of the total number of approved federal judgeships. These vacancies and the resulting burdensome caseload for active judges threatens the ability of the federal courts to administer fair and impartial justice in an adequate and timely manner. Hopefully the recent confirmation of Judge Hernandez signals the start of Congress and the President acting more vigorously in responsibly nominating and confirming nominees to the federal appellate and district courts.

I applaud the efforts of Oregon's Senators Wyden and Merkley to address the judicial crisis. Senator Wyden noted in a January 5, 2011 floor statement, addressing the practice of secret holds:

"What a secret hold is all about is one Senator can block the American people, the entire country, from learning about a piece of legislation that can involve billions of dollars, scores and scores of people, or a nomination with the ability to influence the lives of all Americans.... Suffice it to say it is getting worse. A few days ago, for example, Chief Justice Roberts said that the number of vacancies on our courts is creating a judicial emergency. Those are the words of Chief Justice Roberts. At least 19 Federal judges have been approved by the Senate Judiciary Committee unanimously or near unanimously and never got a vote on the floor of the Senate. Not one Senator has publicly taken responsibility for worsening the judicial crisis that Chief Justice Roberts has been decrying over the last few days. Think about that. The Chief Justice of the United States during the Christmas holidays included in his annual report on the Judiciary that the delay in confirming federal judges is creating an emergency in the judicial system. Chief Justice Roberts, in my view, is correct. I think we do have an emergency. We have been trying to get several judges in the State of Oregon approved, Senator Merkley and I have been working to get this done. But these nominees and others have been blocked, and no Member of the Senate will publicly take responsibility for worsening this crisis that Chief Justice Roberts is appropriately so concerned about."

Finally on January 27, 2011 the Senate voted to end this unsavory practice that held up many qualified candidates from getting a floor vote.

One of my goals this year was to make sure the Oregon FBA is serving the entire state and not just the Portland area. To that end, we have taken things on the road to great success. This past fall, we had our first CLE in years in Medford, "Jury Trials and Beyond." This was done in conjunction with the Oregon U.S. District Court and its portrait hanging for Judge Cooney. Chief Judge Ann Aiken, former Oregon Supreme Court Justice Susan Leeson, Judge Owen Panner, Bill Barton, Judge Anna Brown, and Magistrate Judge Clarke gave wonderful presentations. Judge Panner reminded the group how passionately he feels about trials.

Over 100 attendees squeezed into the courtroom for the portrait hanging. Judge Cooney remarked that he was sorry to disappoint anyone that showed up for a real hanging in confusion. Afterward there was a wonderful reception filled with good cheer and wines from Southern Oregon. I felt like I was on the Judicial Express Airline on the way home, sharing the flight with six federal judges. It was fun to see the comradery of this group when off the bench.

Ongoing activities include our Annual Lunch on March 17 and presentation of the Haggerty Essay Award and Judges

Burns Awards for professionalism in federal practice. In April, we are planning a CLE in Eugene to be followed by CLEs in Pendleton and Bend. With each CLE, we are also planning a social hour for the local legal community to mix and mingle afterward. On April 1 we will host a CLE on "Networking and Career Building for Lawyers." A hosted reception that is open to all will follow at 4 p.m. in the Hatfield Courthouse. Finally, mark your calendars for our Spring Reception on May 26, 2011. Please check our website for more details.

Finally, Chief Judge Aiken gave what has become an FBA February luncheon tradition, the State of the Court address. In short, the state of our federal court in Oregon is very good. She challenged the group to think about how we live our lives. She spoke about her own life and great personal loss of a son earlier this year. In examining her life in this difficult time, she realized that one of the most important things is the kindness we show others and what we do to give back to our communities. She challenged the group to live our lives with kindness and give back.

Judge Aiken took the opportunity to speak about the Courthouse Garden in Eugene. Last year, a garden was constructed next to the Eugene Federal Courthouse, fulfilling a dream of Judge Aiken. One of the goals of the garden is to help integrate former inmates back into the community. The two-acre lot next to the courthouse once stood abandoned. A garden was planted in conjunction with the City of Eugene and the University of Oregon. Those of you who know Judge Aiken know that the reentry program is one of her passions. Students, community members, doctors, lawyers, parolees, and judges all worked, tended, and harvested this garden last year. It is a place where a juvenile defendant works alongside the judge who sentenced him years earlier. It is a place where parolees from the reentry program in the process of trying to find a job and reconnect with family give back to the community. The produce goes to the hungry through Food for Lane County and other non-profit groups. Judge Aiken shared a wonderful video at our lunch about this project and how it changed one parolee's life. For the first time in his life, the parolee felt part of a community; he felt that people cared about him. He said that it really was not about reentry because from the time he was a child he never had a community or people that cared about him. To see and hear about so many diverse people and groups from the community coming together for a common good was moving.

Judge Aiken's talk brought to mind a favorite quote from writer Annie Dillard – "How we spend our days is, of course, how we spend our lives." I would like to close this column with that thought and Judge Aiken's call to action to act with kindness and give back to our fellow beings.

THE DISTRICT OF OREGON WELCOMES JUDGE MARCO HERNANDEZ

By Jolie Russo, U.S. District Court Attorney-Advisor

The District Court of Oregon welcomes Judge Hernandez as the newest member of our federal bench. Nominated nearly three years ago, in 2008, Chief Judge Ann Aiken administered the oath of office to Judge Hernandez in the Wayne L. Morse U.S. District Courthouse in Eugene on February 9, 2011. Judge Hernandez is assigned to the Portland Division and will work from the Hatfield Courthouse in Portland.

Judge Hernandez was nominated by former President George W. Bush in 2008, and again by President Barack Obama in 2010; however, the Senate failed to act both times. President Obama nominated Hernandez again in January 2011.

After earning his law degree in 1986 from the University of Washington, Hernandez worked as an attorney for three years for Oregon Legal Services and then for five years as a deputy district attorney in Washington County. In 1995, former Governor Barbara Roberts appointed him to the Washington County circuit court bench. He served as the presiding judge in Washington County from 2002 to 2005, and was instrumental in developing the county's mental health court.

Judge Hernandez' nomination to the federal bench comes as no surprise to those who know him. At the age of 17, Hernandez moved to Oregon from California all by himself. To support himself, he took a job as a dishwasher, and later found a better job as a janitor. Eventually, he became a teacher's aide and took night classes at a local community college, with the hope of one day attending a four-year college.

His sister, Anna, who works as a court reporter in California, said that the "entire family is extremely proud of him!" Anna also shared that even as a child, "Marco was extremely principled, so his career comes as no surprise." Finally, Anna remarked that her brother definitely provides the "comic relief" in the family and entertains them with a wonderful sense of humor.

Hernandez's colleagues on the federal bench are eager to welcome him, not only to use his talents as a judge to share the work load, but because he is a genuine person with tremendous life experience.

RECENT CHANGES TO THE LOCAL RULES OF CIVIL PROCEDURE FOR THE DISTRICT OF OREGON: INTRODUCTION

Continued from page 1

Procedures Applicable in Any Qualifying Case

Under revised LR 16-4, parties are still required to conduct an ADR conference within 120 days of the initiation of a lawsuit. LR 16-4(c). In a minor revision to LR 16-4(d), parties are directed to the court's website to obtain the Joint ADR Report form.

ADR Options and Procedures

Revised LR 16-4 retains the previously available ADR options: private ADR, the use of settlement judges, court-sponsored mediation, arbitration, or any other form of ADR. LR 16-4(e)(1)-(3). The revised rule expands the listed options available to practitioners, however, by making explicit the authority of the assigned judge to refer a civil case to a nonbinding summary trial, a mini-trial, or an advisory jury proceeding. LR 16-4(e)(4).

The rule sets forth how to initiate an ADR option. Consistent with the requirement to conduct an ADR conference, the parties may agree to pursue any form of ADR, including private mediation. LR 16-4(e)(1). Alternatively, the assigned judge may, sua sponte or at the request of the parties, refer the case to mediation. LR 16-4(e)(2)-(4). The amended rule clarifies that ADR does not suspend or change scheduled dates for submissions or proceedings in the case "unless otherwise ordered by the assigned judge." LR 16-4(i). The revised rule also specifies that a mediator is subject to disqualification for bias or prejudice or other bases for judicial disqualification. LR 16-4(k). As in former LR 16-4, ADR proceedings are privileged. LR 16-4(g).

Court-Sponsored Mediation

LR 16-4(f), (h), and (j) significantly clarify and elaborate the requirements for court-sponsored mediation (formerly known as "directed mediation"). As discussed more fully below, court-sponsored mediation provides litigants an opportunity to resolve cases short of trial with the assistance of an experienced mediator who meets new minimum qualifications required by the rule.

Whereas the parties can determine the qualifications for

private mediators (see LR 16-4(j)(1)), the qualifications for court-sponsored mediators are determined by the revised rule. LR 16-4(j)(2)-(4). As in former LR 16-4, a court-sponsored mediator must (1) be either a retired or senior judge, or a member in good standing of the Oregon State Bar admitted to practice before the federal courts for a minimum of five years; (2) submit an agreement specifying which district divisions he or she is willing to serve; and (3) agree to perform at least eight hours of volunteer mediation service per year. LR 16-4(j)(2)-(3). The amended rule sets forth additional prerequisites, however. Now qualifying court-sponsored mediators must have at least 12 hours of mediation experience and submit proof of a minimum of 30 hours of mediation training "that includes such competencies as information gathering, effective communication, ethical concerns, the role of a mediator as a neutral third party, control of the mediation process, and problem analysis." LR 16-4(j)(4). The revised rule retains the requirement that the court-sponsored mediator conduct four hours of mediation without cost to the parties, but now also excludes preparation and travel time from the four-hour period. LR 16-4(f)(1). A list of court-sponsored mediators is available from the Clerk's Office or online at the district court's website. LR 16-4(j)(5).

As in former LR 16-4, when a case is referred to court-sponsored mediation, the parties may select a mediator and make arrangements for the mediation, and if they cannot agree within 14 days of the referral order, the assigned judge will designate a mediator. LR 16-4(f)(2)(A)-(B). The new rule also retains (with slight modifications) the requirements that the parties provide information required by the mediator and that attorneys attend mediation sessions and participate in good faith. LR 16-4(f)(4)-(5). The mediator may schedule a preliminary conference, which can include the parties if the mediator so requests. LR 16-4(f)(3).

During Local Rules Advisory Committee meetings, it became clear that there was a need to clarify the requirements for settlement authority at mediation. When a liability insurer provides a party's defense, a representative of the insurer with full authority to bind the insurer in a settlement agreement must attend the mediation unless excused by the mediator. The representative must also have ready access, usually via telephone, to another representative of the insurer to enter into a settlement up to the policy limits, unless excused by the mediator. LR

16-4(f)(5)(C). Revised LR 16-4 subjects an attorney to sanctions when an attorney – and, now, a party – willfully fails to attend the mediation when required to do so. LR 16-4(f)(5)(D).

Court-sponsored mediators must now notify the assigned judge within seven days when no settlement is achieved and advise the judge about whether intervention by a settlement judge may help to resolve the matter. LR 16-4(h)(2). This procedure mirrors the parties' responsibility to notify the judge after an unsuccessful private mediation and advise the judge concerning the value of further judicial intervention. LR 16-4(h)(1).

The Local Rules Advisory Committee believes that recent improvements to LR 16-4 promise to enhance the usefulness of ADR proceedings for civil litigants in the district. The rule provides attorneys and clients with a clearer explanation of available options to work with the court – whether in chambers or through court-sponsored mediation – to resolve a case short of trial. The Local Rules Advisory Committee also plans to consider whether to make court-sponsored mediation mandatory in certain circumstances.

Local Rule 26-1

LR 26-1 governs the Initial Conference of Counsel for Discovery Planning under Fed. R. Civ. P. 26(f). The revised rule adds a practice tip noting that when making either an oral or written report of the initial conference to the court, the parties are expected to address the items listed on Form 52 of the Federal Rules of Civil Procedure Appendix of Forms.

Local Rule 42-4

Local Rule 42-4 governs the designation of “lead” cases and “consolidated” cases when related cases are filed. The court's practice is to file pleadings, motions, and other case documents in the lead case after a consolidated case has been designated pursuant to LR 42-3.

The revised rule is a housekeeping change that requires the attorney to list the case number and designation of the lead case first in the document title for any document filed in a consolidated case. LR 42-4(b). The revised Practice Tip to LR 42-4 provides a useful example.

The electronic case filing system maintains a discrete case docket for the trailing case; thus, the addition of the case number and designation of the lead case in a document title for a consolidated case will not affect the individual electronic docket for the consolidated case.

Local Rule 56

LR 56 governs summary judgment procedures. The Local Rules Advisory Committee revisited LR 56 in light of a significant change to Fed. R. Civ. P. 56, effective December 1, 2010.

The major change in LR 56 is the court's elimination of the requirement of filing of a Concise Statement of Material Facts, unless otherwise ordered, in response to the Local Rules Advisory Committee's recommendation and public comments. The Local Rules Advisory Committee discussed the topic in several meetings, and considered comments from both supporters and opponents of the Concise Statement. As noted in the Commentary, this change is subject to further study by the court. The court encourages practitioners to provide written comments on their experience with the change to the Local Rules Advisory Committee.

The revised rule specifies that a party's factual positions in its memorandum must be supported by specific citations to the record.

Local Rule 4000

The Local Rule 4000 series was established to govern procedural aspects of Social Security cases filed in the District of Oregon. Although the first rule in this series, LR 4000, “Judicial Review of Decisions of the Social Security Administration under 42 U.S.C. § 405(g),” was only recently codified as a Local Rule, the substance of the rule incorporates provisions that had been in effect under Standing Order 2010-2, filed April 9, 2010. The Local Rules Advisory Committee determined that the provisions of the Standing Order were suitable for codification in the Local Rules due to their general applicability in Social Security cases.

Local Rule 4000 simply adopts all eight sections of Standing Order 2010-2, which is already well known to Social Security practitioners in the district. Thus, LR 4000 now governs the form of complaint (LR 4000-1), voluntary settlement procedure (LR 4000-2), briefing specifications (LR 4000-3 to LR 4000-5), requirements for motions to remand and motions to reopen a case after remand (LR 4000-6, LR 4000-7), and time limits for fee applications under 42 U.S.C. § 406(b) (LR 4000-8).

COLLEGIALITY AND WORK ETHIC DEFINE THIS YEAR'S OREGON FBA JUDGE JAMES M. BURNS PROFESSIONALISM AWARD WINNERS

When you think of alternative dispute resolution in Oregon, one of the leading pioneers that comes to mind is former Oregon Supreme Court Justice Susan Leeson, one of this year's Judge James M. Burns Professionalism Award winners. Justice Leeson, who now serves as a part-time staff mediator for the U.S. District Court, created and established the Oregon Court of Appeals mediation program in 1995, after joining that court in 1993. Leeson then served on the Oregon Supreme Court for five years, after being appointed to the state's highest bench by Governor Kitzhaber. Leeson had been a political science and law professor at Willamette University when she was first appointed to the Oregon Court of Appeals by then Governor Betty Roberts. Leeson started the program as a pilot, and it was so successful after just two years, that the Oregon legislature converted it to a permanent program headed by Judy Henry. Leeson's trail blazing continued in the U.S. district court where she has helped establish a mediation program that includes both regular civil mediators and those who specialize in foreclosure cases.

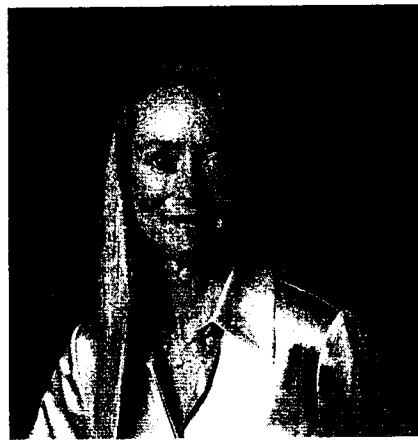
Leeson is an enthusiastic supporter of and active participant in mediation as an alternative to litigation in appropriate cases for three primary reasons: (1) the mediation process permits creative solutions well beyond what a judge or jury could award; (2) mediation often brings about understanding between parties on a personal level that cannot be accomplished in a courtroom; and (3) mediation brings resolution far more swiftly than does litigation. Leeson's appreciation of the process of alternative dispute resolution began when she was a Judicial Fellow for Chief Justice Warren Burger in 1983-84, and continued as she served as a professor at Willamette Law School where she taught alternative dispute resolution, legal history, and jurisprudence. Today she sees many of her former classmates and students as mediation participants, and she says that getting the opportunity to see how they have grown has been incredibly rewarding.

And her work — both as a professional and as a volunteer in this area often includes her husband, Sam Hall, a mathematician and professor emeritus from Willamette University. Hall serves as a mediator and mediation trainer

with Leeson in the Marion County Neighbor-to-Neighbor program, and in private practice. Leeson says that many mediation participants love that Hall is a math wiz, and that she and Hall bring different ideas and perspectives to the process, which can be particularly helpful in resolving complex cases. As Leeson describes it, different people relate to different ideas and approaches, so having two mediators often proves critical to resolving disputes.

"When it comes to defining professionalism, integrity is key. But another one of the things that I have come to appreciate is the importance of collegiality. I am firmly convinced of the value of a creative and interactive process — we simply do better work when we work together than we ever could accomplish in isolation." Leeson was nominated for this award because of her energy, infectious enthusiasm, and her keen intellect. She is one of those exceptional individuals who possesses both sensitivity and insight, and her service to the courts in Oregon has strengthened our community.

After several years of presenting the Burns award to private, civil practitioners, the FBA decided to expand its coverage to include public sector and criminal practitioners. This year's public/criminal Professionalism winner is Kelly Zusman, the appellate chief for the U.S. Attorney's



Kelly Zusman

Office. Zusman is the district's first appellate chief, a position established by US Attorney Dwight Holton, and she is responsible for reviewing all of the government appellate work, and preparing other assistants for oral arguments before the Ninth Circuit.

Zusman has been an active participant in legal education for the past 22 years, focusing on federal court practice. She spent many years as the career law clerk to the U.S. District Judge Malcolm F. Marsh. Known as a hard worker and someone always willing to help others, Zusman volunteered her services to most of the other judges and chambers, and started "The Courthouse News," a local newsletter highlighting significant district court decisions and verdicts as a service to members of the federal bar.

Zusman has also been a frequent faculty contributor to CLEs on federal practice, she teaches appellate advocacy at the Northwestern School of Law, and she has helped to establish several new training courses for the National

Advocacy Center in Columbia, South Carolina. Within the U.S. Attorney's Office in Oregon, Zusman mentors new lawyers and organizes in-house training.

Working with new lawyers has also played a part of Zusman's active role with the U.S. District Court Historical Society and the FBA. Last year, Zusman served as the FBA's chapter president and she helped start the chapter's new mentoring program, while also greeting new admittees to federal court at their swearing-in ceremonies. FBA programs like the Ancer L. Haggerty Civil Rights Essay Contest, numerous Appellate CLEs, courtroom technology training, and programs designed to welcome lawyers to practice in federal court have all benefitted from her time and efforts.

While teaching and community service take up a good portion of her time, Zusman is also known as a thoughtful and professional advocate. Her nomination for this award recognized these qualities: "because she 'does it all' and in so doing always meets the highest standards of professionalism. She embodies all that the Burns Award is intended to recognize and encourage in practitioners: substantive competence; respectful, but zealous advocacy; timeliness; and, most of all, a quiet, but earnest commitment that how we act as legal professionals matters and must always surpass the minimum standards our rules of conduct compel. When Kelly is on the case, her opponent and the Court can be confident that we will get to the heart of the legal issues promptly and not be delayed or distracted by personalities or an agenda. She is more than deserving of this acknowledgment for her years as a steady and sterling example to us all."

Please join the Oregon Chapter of the Federal Bar Association in recognizing these two outstanding contributors to federal practice in the district of Oregon. Their names will be added to the plaque that hangs next to Judge Burns' portrait in Judge Anna J Brown's courtroom (14A). Past Burns Professionalism Award winners include: James Hillier, David Bledsoe, Gregory Miner, Susan Hammer, Donnal Mixon, Nancy Moriarty, James Sutherland, Richard Vangelisti, Karin Immergut, Steven Wax, and Peter Richter. Judge Burns—also known as James the Just—often had a twinkle in his eye as he roamed about the Gus Solomon courthouse, and he absolutely loved lawyers. This award was established in his honor to reflect his appreciation for the members of this profession. We're confident that Judge Burns would have enjoyed each and every one of these individuals.

For the

District of Oregon



FEDERAL BAR ASSOCIATION AND OREGON ATTORNEY ASSISTANCE PROGRAM SPONSOR NETWORKING AND CAREER BUILDING FOR LAWYERS EVENT

By Laura Salerno Owens, K&L Gates LLP

These unprecedented economic times have revealed a basic flaw in our legal system. We have a system where law students incur tens, if not hundreds, of thousands of dollars in debt, based on the expectation that they will be able to find a job upon graduation, usually with a firm. For too many lawyers, the expectation of a job was not fulfilled, but the burden of the debt remains. Nor does it bode well for our profession as a whole that the many currently unemployed or underemployed lawyers are not receiving valuable practice and training by more experienced attorneys. So what are we as a legal community to do when firms are not hiring and unemployed and underemployed lawyers are suffering? On April 1, 2011, the FBA Oregon Chapter and Oregon Attorney Assistance Program attempted to tackle that problem with its program, Networking and Career Building for Lawyers, held at the Mark O. Hatfield Federal Courthouse.

To put on the event, the FBA reached out to the legal community and received an incredible response—over 60 lawyers and legal professionals volunteered their time and expertise. The purpose of the program was to show underemployed and unemployed attorneys the variety of careers available to them outside of the traditional firm model. Another aim of the program was to provide all attorneys, practicing or otherwise, with practical skills on how to network and develop the relationships that build one's career.

The event was a huge success, with over 200 lawyers and law students in attendance. The program was kicked off by an inspiring address by Chief Judge Ann Aiken, in which she encouraged attorneys and law students to be creative in their search for a meaningful career, build relationships that will be the foundation of their success, and recognize

that there is no shame in feeling the depression or anxiety often associated with a job search. After Chief Judge Aiken's remarks, keynote panelists Peter Richter, David Bean, and Heidi Olsen Strauch provided the audience with practical tips on how to network and build relationships using both in-person meetings and social media, such as LinkedIn.

The opening session was followed by 12 workshops over the next three hours that provided opportunities for those in attendance to meet and learn from lawyers working in a variety of fields, some directly practicing law and others using their legal backgrounds to successfully work in a wide array of non-traditional careers. "Networking Through Community Involvement," "Attorneys Working at Colleges and Universities," "International Opportunities for Lawyers," and "Attorneys in Government" were just a few of the many and varied workshops.

Additionally, one of the most popular aspects of the event was the one-on-one resume review workshop where attorneys were given an opportunity to have their resumes and cover letters reviewed by professionals.

The event concluded with a networking reception on the ninth floor of the courthouse, including the outdoor sculpture garden, also attended by over 200 attorneys, judges, and law students. Many of the attendees had never visited the federal courthouse, and the event provided a wonderful opportunity to showcase the beauty and accessibility of this public space.

In light of the large turnout and enthusiastic response to this event, the FBA is already planning future seminars to address this pressing need in the legal community. The FBA is working with the Oregon New Lawyers Division to launch programs where underemployed and unemployed attorneys can gain practical experience by volunteering in apprenticeship-type programs. The FBA is also looking into introducing new programs at the upcoming Introduction to the Federal Courts program on June 23, 2011, such as a social security case workshop.

If you have any ideas on ways to help underemployed and unemployed attorneys gain experience, we would love to hear from you. All ideas and input are welcome; please contact Laura Salerno Owens at laura.salerno@kigates.com or 503-226-5702.

This event would not have been possible without the efforts of the wonderful planning committee, consisting of Melissa Aubin, Sally Carter, Shari Gregory, Steven Liday, Lisa Lombard, Helle Rode, Laura Salerno Owens,

and Evelyn Winters. The planning committee also wishes to thank the attorneys and staff at the federal courthouse for their incredible support: John Baldwin, Houston Bolles, Gosia Fonberg, Gretchen Jesse, Jolie Russo, and Chad Tucker.

Last, but certainly not least, below is a list of all the wonderful speakers who participated at the event on April 1—the FBA wishes to extend a public thank you for their service and commitment to our legal community:

Speakers: Chief Judge Ann Aiken, United States District Court; Mary Beth Allen, Associate Director of Human Resources, University of Oregon; Hon. Allan Arlow, Administrative Law Judge, Oregon Public Utility Commission; David I. Bean, Partner and family law attorney, Wyse Kadish LLP; Lane Borg, Metropolitan Public Defenders; Ann Boss, Labor Relations Manager, Multnomah County; Sharon Brown, Statewide Pro Bono Program Manager for Oregon Law Center; Maya Crawford, Legal Aid Services of Oregon; Cheyenne Chapman, Sustainability Resources; John DeVoe, Water Watch of Oregon; Alana DiCicco, attorney at law; Katja Dillman, Transportation Policy Advisor to Mayor Adams, City of Portland; Emi Donis, VP, CCO, and Deputy General Counsel, Precision Castparts; Kelly Doyle, attorney at law, PC; Elisa Dozono, Associate, Miller Nash LLP; David Ellis, General Counsel, Lewis & Clark College; Maggie Finnerty, Small Business Clinic, Lewis and Clark College of Law; Kelly Ann Fisher, Attorney at Law; Cassandra Forbes, Risk Insurance Examiner, OHSU; Jill Goldsmith, attorney at law; Sandy Hansberger, Campaign for Equal Justice; Ed Harnden, Managing Partner, Barran Liebman LLP; Janice Hazel, attorney at law, PC; Judy Henry, Director of Appellate Settlement Conference Program; Hon. Bernadette House, Administrative Law Judge, Oregon Office of Administrative Hearings; Amy Joyce, Legislative Liaison, Oregon Department of Transportation; Terri Kraemer, Director, Deloitte and Touche; Marti McCausland, Manager of Attorney Recruiting, Tonkon Torp, LLC; Catriona McCracken, Citizens Utility Board; Linda Meng, Portland City Attorney; Clifton Molatore, Partner, Miller Nash LLP; Joy Nair, attorney at law; Joel Overlund, St. Andrew Legal Clinic; Kathleen Payne, Senior Assistant Attorney General, Oregon Department of Justice; Martha Pellegrino, Director for Government Relations, City of Portland; Alan Rappleyea, Beaverton City Attorney; Liani Reeves, Governor's Legal Counsel; **Peter Richter,**

Partner, Miller Nash, LLP; Terry Rogers, Specialist in International Legal Reform; Jim Rondone, Rondone Kemp Career Counsel; Mark Ronning, Staff Judge Advocate, Oregon National Guard; Jo Smith, Leadership Coach and Speaker, Jo Smith Associates, Inc.; Candice Stayer, Stayer Legal Search, LLC; Renee Starr, attorney at law, LLC; Heidi Olsen Strauch, Owner, Heidi Strauch Law LLC; Hon. Miranda Summer, Administrative Law Judge, Oregon Office of Administrative Hearings; Hon. Steven Todd, Pro Tem Judge, Multnomah County Circuit Court; Michael Tom, Associate Director of Affirmative Action and Equal Opportunity, OHSU; Robert Trachtenberg, Manager, Hearings and Rules Unit, Department of Human Services; Edward Tylicki, Human Resources Manager, Nike; Sara Vanderhoff, Associate General Counsel for Intellectual Property, Adidas; Kelly Zusman, Senior Litigation Counsel and Appellate Coordinator, U.S. Attorney's Office.

Moderators: Melissa Aubin, Attorney Advisor, United States District Court; Sally Carter, attorney at law; David Eder, Beaverton Assistant City Attorney; Steven Liday, Associate, Miller Nash LLP; Helle Rode, Equal Opportunity Compliance Officer, OHSU; Laura Salerno Owens, Associate, K&L Gates; Heather Van Meter, attorney at law; Evelyn Winters, Associate, Bullivant Houser Bailey, PC; Hon. Merri S. Wyatt, Multnomah County Circuit Court.

Resume Reviewers: Michelle Baird-Johnson, Director of Recruiting and Professional Development, Miller Nash LLP; Shari Gregory, JD, Assistant Director/Attorney Counselor, OAAP; Michael Long, JD, MSW, Attorney Counselor, OAAP; Marti McCausland, Manager of Attorney Recruiting, Tonkon Torp, LLP; Carol McCoog, Partner, K&L Gates LLP; Jim Rondone, Principal, Rondone Kemp Career Counsel LLP; Jo Smith, Certified Management Consultant, Jo Smith Associates Inc.; Candice Wilson Stayer, Managing Director, Stayer Legal Search LLC.

ANNOUNCEMENTS

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:

May 19 District Judge Marco Hernandez

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

Ninth Circuit Judicial Conference—Call for Oregon Lawyer Representatives

Ninth Circuit Judges Skopil, O'Scannlain, Leavy, and Graber have brought to our attention that in the past two years no lawyers have been selected (or even applied) to be lawyer representatives to the Ninth Circuit Judicial Conference. They note that geographic diversity, as well as diversity of other kinds, including practice areas, would benefit the circuit. The Court of Appeals is authorized to select lawyer representatives each year for the conference. Please contact Ed Tylicki (flyfisher3@hotmail.com) if you are interested in applying, have any questions, or want more information.

Save the Date—2011 Federal Bar Association Spring Reception

Please join your friends and colleagues for an open house to enjoy good food and company at the Mark O. Hatfield U.S. Courthouse, May 26, 2011, from 5:30 to 7:30 p.m. Cost is \$20 per person if registered by May 20, \$25 per person for registration after May 20. Visit www.perkinscoie.com/FBARReception2011 to register. For more information, please contact Alexis Collins at ACollins@perkinscoie.com or 503.727.2216

Save the Date—Demystifying Appeals: Appellate Practice in State and Federal Courts

The Federal Bar Association and the Oregon Appellate Practice Section are pleased to present *Demystifying Appeals: Appellate Practice in State and Federal Courts* on June 9, 2011 from 1:00 to 5:00 p.m. at the Mark O. Hatfield U.S. Courthouse, Courtroom 15A. This program will provide a behind-the-scenes look at how state and federal appellate courts handle cases, cover brief writing tips from judges and experienced appellate practitioners, and give updates on court mediation programs for civil

appeals. Faculty will include Ninth Circuit Judges Susan Graber and Edward Leavy, and Oregon Supreme Court Justices Rives Kistler and Virginia Linder. The program will qualify for 3.5 hours of CLE credit. Cost is \$50. To register, send checks made payable to "Oregon FBA" to Kelly Zusman, 1000 SW Third Ave., Ste. 600, Portland, Oregon 97204. If you have questions or need more information, please contact Kelly Zusman at kelly.zusman@usdoj.gov or Lora.E.Keenan@ojd.state.or.us.

Save the Date—Nancy Bergeson Ardent Advocate Lecture Series

In honor of the life and memory of Assistant Federal Public Defender Nancy Bergeson, the Federal Bar Association, Pacific Northwest Law LLP, the Federal Public Defender, the U.S. District Court Attorney Admissions Fund, and OCDLA are pleased to announce the inaugural Nancy Bergeson Ardent Advocate Lecture Series event to be held at the Benson Hotel in Portland on July 21, 2011. Nancy Bergeson was an incredibly zealous attorney who loved her work as a public defender, a role she described as "defender of the Constitution." This lecture series will honor Nancy's memory and spirit and serve to encourage other attorneys to emulate Nancy's passion for the law and unyielding advocacy for her clients.

Renowned death penalty attorney, Jodie English, will give the inaugural lecture. Ms. English is a private practitioner, trial-level capital defender, and Training Director for the Indiana Public Defender Council. She has spent her career representing clients under the most difficult circumstances and managed to maintain her passion of advocacy, a love of the law, and her sense of humor. Ms. English's life and practice experience will inspire. Registration for this event is \$40 and due June 11, 2011. For more registration, please visit www.ocdla.org/seminars/shop-seminar-2011-ardentadvocate.shtml. Please look for a feature story on Nancy Bergeson and the Ardent Advocate Lecture Series in the next issue of For the District of Oregon.

Federal Practice Handbook Now Available Online

The Oregon Chapter of the Federal Bar Association is pleased to announce the publication of an online edition of its *Federal Practice Handbook* on its website, www.oregonfba.org.

The online edition of the *Handbook* is the culmination of years of work by the Young Lawyers Division of the Federal Bar Association, Oregon Chapter and the Board of the Chapter. The *Handbook* features answers by each federal judge in the District of Oregon to questions about their preferences and practices. The questions were

gathered from experienced practitioners. The *Handbook* consists of an Index to Questions, which lists each question by number; responses from each Article III and Magistrate Judge currently working in the District; a quick reference compilation of some of the answers to the questions that we have been asked most frequently in the course of compiling this *Handbook*; and a Technology supplement that lays out the current state of evidence presentation technology available in the various courtrooms. This online version of the *Handbook* includes the 2005 Edition of the *Handbook*, the 2009 Supplement, and 2010 revisions to selected chapters. The online edition will be continually updated if a judge chooses to change any information or if a new judge joins the bench. The online edition will permit a lawyer working anywhere, anytime to instantly access important information on practicing in Oregon's federal courts.

The online edition of the *Handbook* must be purchased through the website, www.oregonfba.org. The cost is \$115 for Chapter members, \$150 for non-members, and \$75 for non-profit or public sector attorneys. Purchase of a license entitles the user to all future updates. A firm or company may purchase one license to use throughout the organization.

Questions can be directed to the *Handbook's* new editor, Todd Hanchett of Barran Liebman LLP, who is taking over from Seth H. Row of Parsons Farnell & Grein LLP, with the completion of the online edition. Todd can be reached at thanchett@barran.com.

Give Something Back! Be a Mentor!

The FBA is looking to match experienced federal court practitioners with new attorneys. If you have five to 10 years' federal court experience, consider being a mentor. To sign up, contact Kelly Zusman at kelly.zusman@usdoj.gov.

Oregon Chapter Website Is Up and Running

The new FBA website is up and running at www.oregonfba.org. It is a work-in-progress but will include the following features in the near future: a calendar of events and links to sign up and pay for monthly luncheons, CLEs, and the like; a payment system for purchasing FBA publications, handbooks, and other materials; helpful links to websites of interest to federal practitioners; and other information about the organization. We are open to suggestions for additional website content. Please contact Johnathan Mansfield (jmansfield@schwabe.com) with comments or suggestions.

2010-2011 FBA OREGON CHAPTER OFFICERS AND DIRECTORS

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Missing Electronic Notices and 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 Grimmus**, chelseagrimmus@yahoo.com. For a change in physical address, please notify **Tim Snider**, twsnider@stoel.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.

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, 2011, September 15, 2011, December 1, 2011 and March 15, 2012**. We ask only that you inform us in advance if you are preparing a submission. Please direct inquiries to **Timothy Snider** at 503-294-9557 or twsnider@stoel.com.

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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 Now" link.