



FOR THE DISTRICT OF OREGON

Volume XVIII, No. 1

Spring 2014

IN THIS ISSUE

Jumping Hurdles and Leaping Fences: *United States v. Windsor* Arrives at a Destination Full of Hope for Same-Sex Couples
By: Beth Wolfsong.....1, 3-6

Join Us for the FBA's Annual Dinner..... 2

FBA Hosts Third Annual "Behind the Robe" Event
By: Harold DuCloux III.....7

The Ashmanskas Trivia Box.....8

Eugene Lunchtime Program: Get to Know Your U.S. Attorney's Office
By: Melissa Aubin..... 8

Ninth Circuit Updates
By: Kelly Zusman..... 9

Announcements..... 10

Jumping Hurdles and Leaping Fences: *United States v. Windsor* Arrives at a Destination Full of Hope for Same-Sex Couples

By: Beth Wolfsong



Maya Angelou once said, "Love knows no barriers. It jumps hurdles, leaps fences, penetrates walls to arrive at its destination full of hope." On June 26, 2013, proponents of the freedom to marry for same-sex couples in the United States jumped a major hurdle when the Supreme Court of the United States handed down its opinion in *United States v. Windsor*,¹ which ruled unconstitutional section 3 of the Defense of Marriage Act (DOMA), the section of the Act which restricted the federal government to recognizing only opposite-sex couples as "married" for all purposes under federal law. The *Windsor* case involved Edith Windsor and her spouse, Thea Spyer,

residents of New York, who were together for more than forty years and married in Canada in 2007 after the State of New York declared that it would recognize same-sex marriages from other jurisdictions. When Ms. Spyer died in 2009, she left her entire estate to Ms. Windsor. Ms. Windsor tried to claim the unlimited marital deduction on her federal income taxes, as opposite-sex spouses are allowed to do, but was denied because the Internal Revenue Service (IRS) and Department of the Treasury were precluded from recognizing the couple as married. After paying more than \$363,000 in estate tax to the IRS, Ms. Windsor filed a lawsuit to challenge the constitutionality of section 3 of DOMA, arguing that it violated the Due Process Clause of the Fifth Amendment. After both lower courts found in Ms. Windsor's favor, the U.S. Supreme Court affirmed in a 5-to-4 decision.

Although the *Windsor* case is seen as a victory and a momentous step forward for proponents of marriage equality in the United States, it has also left same-sex spouses and the professionals who advise and assist them to grapple with the practical realities of implementing the Court's decision. This is especially so in light of the fact that section 2 of DOMA—the section which says that no one state must recognize or give effect to the "relationship between persons of the same sex that is treated as a marriage" under the laws of another state²—is still in effect. In other words, the federal government can no longer limit the definition of marriage to "one man and one woman," but individual states can.³ To further complicate the matter, there is no uniform federal definition of marriage. In order to know whether

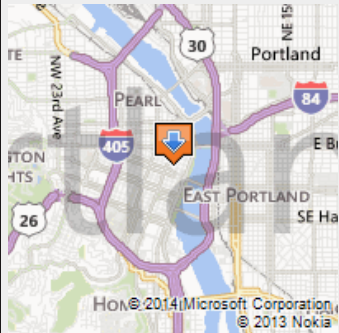
The Oregon Chapter of the Federal Bar Association is holding its Annual Dinner

When

Thursday May 22, 2014 from
5:00 PM to 8:00 PM PDT
[Add to Calendar](#)

Where

**Mark O. Hatfield U.S.
Courthouse**
1000 SW Third Avenue
Portland, OR 97204



[Driving Directions](#)



Please join the Oregon Chapter of the Federal Bar Association at its annual dinner for a celebration of community service!

For registration information,
please visit www.oregonfba.org

SPONSORED IN PART BY:

MARKOWITZ HERBOLD
GLADE & MEHLHAF PC

LARKINS | VACURA

BARRAN LIEBMAN
ATTORNEYS



Jumping Hurdles and Leaping Fences: *United States v. Windsor* Arrives at a Destination Full of Hope for Same-Sex Couples

Continued from page 1

a particular right, benefit, or responsibility applies to a particular couple, we must look to the individual statute to see how “marriage” or “spouse” is defined. In other words, many federal statutes will recognize a couple as married according to the laws of the state in which a couple was married (“place of celebration test”), and other federal statutes define marriage using the laws of the state in which the couple is domiciled now or when the benefit accrued (“place of domicile test”). Now more than ever, a couple’s marital status *and* state of domicile are critically important in evaluating which of the 1138 rights and protections under federal law⁴ apply to same-sex spouses.

Shortly after the Court issued its decision in *Windsor*, President Obama, who publicly expressed his support of marriage equality in 2012, directed the U.S. Attorney General to “work with other members of [his] Cabinet to review all relevant federal statutes to ensure this decision, including its implications for federal benefits and obligations, is implemented swiftly and smoothly.” Since then, several federal agencies have issued statements that provide some guidance in how they will implement the Court’s decision. Although far from comprehensive, this article provides a snapshot of what we know so far and provides resources to help the reader find new information as it becomes available in coming months.

Immigration

Perhaps the most immediate impact felt after the Court handed down its opinion in *Windsor* was in the realm of immigration and naturalization and the path to U.S. citizenship for spouses of U.S. citizens. On the same day the *Windsor* opinion was published, Secretary of Homeland Security Janet Napolitano issued a statement applauding the Court’s decision in *Windsor* and pledging to implement the Court’s decisions “so that all married couples will be treated equally and fairly in the administration of our immigration laws.”⁵ At almost the same time that Secretary Napolitano issued her statement, a gentleman by the name of Steven, a citizen of Columbia, was sitting in a deportation hearing in New York. His husband, Sean, a U.S. citizen, had applied for a green card for Steven two years earlier. U.S. Citizenship and Immigration Services (USCIS) had denied the green card

application, saying that it was prohibited under DOMA from recognizing their marriage as valid, and removal proceedings were commenced. But literally minutes after the Court in *Windsor* struck down section 3 of DOMA, the judge presiding over the immigration hearing was presented with a copy of the *Windsor* opinion, read it, and dismissed the deportation hearing, giving Sean and Steven some relief from the threat of deportation and an opportunity to reapply for Steven’s green card.

On July 1, 2013, just a few days after Sean and Steven were granted a reprieve, Secretary Napolitano issued another statement affirming that she had directed USCIS to “review immigration visa petitions filed on behalf of a same-sex spouse in the same manner as those filed on behalf of an opposite-sex spouse,”⁶ an action which brings potential relief to as many as 35,000 binational same-sex couples⁷ currently living in the United States.

Social Security Administration

On August 9, 2013, the Social Security Administration (SSA or “the Agency”) provided its initial statement of how it would implement the Court’s ruling in *Windsor*. However, the Agency has limited its decision thus far to processing claims from same-sex spouses who are both (1) married in a state that permits marriage between couples of the same sex, and (2) domiciled “at the time of application or while the claim is pending final determination” in a state that recognizes same-sex marriage.⁸ For same-sex spouses who are domiciled in recognition states, the financial benefits could be enormous considering that for the first time in U.S. history these spouses have the ability to apply for and receive survivor benefits based on the higher earning record of a deceased spouse or up to fifty percent of a retired or disabled spouse’s benefit amount.

Although same-sex spouses who are domiciled in non-recognition states must wait for further clarification from the SSA before knowing whether they will be eligible to receive those benefits, the SSA is encouraging same-sex spouses and couples who are registered domestic partners or civil union parties to apply for benefits right away so the application is pending while the Agency develops its policy.⁹ While the Agency decision is pending, there may still be opportunity for certain same-sex couples to receive benefits. Consider this definition from the Social Security Act:

An applicant is the wife, husband, widow, or widower of a fully or currently insured individual . . . if the courts of the State in which such insured individual is domiciled at the time such applicant files an application . . . would find that such applicant and

Continued on page 4

such insured individual were validly married . . . or if such applicant would, under the laws applied by such courts in determining the devolution of intestate personal property, have the same status with respect to the taking of such property as a wife, husband, widow, or widower of such insured individual.¹⁰

In other words, if a couple is deemed married under state law *or if the survivor would take by intestacy* under state law, the survivor may still be treated as a spouse for purposes of these benefits. Therefore, couples who are registered domestic partners under the comprehensive Oregon Family Fairness Act and who are also domiciled in the State of Oregon may still be eligible to apply for Social Security benefits even if they are not married or if they are married but their marriage is not recognized by the State of Oregon.

To date, the SSA has still not made a substantive announcement of how it will treat claims from same-sex spouses residing in non-recognition states, or claims from Registered Domestic Partners and Civil Union parties, leaving many potential claimants to grapple with uncertainty. However, for same-sex spouses living in recognition states, the Agency has made slow but steady progress, advancing from its initial efforts of processing applications for spousal benefits in August, to processing claims for lump-sum death benefits to surviving same-sex spouses in December. And on January 9, 2014, the Agency released updates for its Program Operations Manual System (POMS),¹¹ which instructs its employees on how to start processing claims from same-sex spouses for its Supplemental Security Income (SSI) program.¹²

Department of the Treasury

On August 29, 2013, the Department of the Treasury issued a press release stating that same-sex spouses who are “legally married in jurisdictions that recognize their marriages” would be treated as married for federal tax purposes regardless of whether they currently live in a state that doesn’t recognize their marriage. Secretary Jacob L. Lew said,

Today’s ruling provides certainty and clear, coherent tax filing guidance for all legally married same-sex couples nationwide. It provides access to benefits, responsibilities, and protections under federal tax law that all Americans deserve This ruling also assures legally married same-sex couples that they can move freely throughout the country knowing that their federal filing status will not change.¹³

Under the ruling, same-sex spouses will now, for the first time ever, not only be able to file joint federal tax returns,

but in fact must file jointly and check either the “married filing jointly” or “married filing separately” boxes on the return. Some same-sex spouses may experience an increase in the amount of income tax they pay (*i.e.*, “the marriage penalty”), but that possibility may be far outweighed by the potential savings for many couples. Not only will same-sex spouses have protection from federal estate taxes, but there is now a whole new world of opportunity with regard to gifting, income-splitting, and in fact, “all federal tax provisions where marriage is a factor, including filing status, claiming personal and dependency exemptions, taking the standard deduction, employee benefits, contributing to an IRA, and claiming the earned income tax credit or child tax credit.”¹⁴ This includes, specifically, an end to individuals having to pay tax on the imputed income on health insurance premiums for their partners. Same-sex spouses will also have the opportunity to amend their 2010, 2011, and 2012 income-tax returns if they were legally married at the time, which could result in significant refunds for some couples.

Department of Health and Human Services (Medicaid/Medicare)

August 29, 2013, was a busy day in the halls of the federal government. Not only did the Department of the Treasury issue its press release, but the Department of Health and Human Services (HHS) issued one as well. In its initial memo, HHS Secretary Kathleen Sebelius announced that HHS “is working swiftly to implement the Supreme Court’s decision . . . and to ensure that gay and lesbian married couples are treated equally under the law.” The guidance provided by HHS specifically clarified that the agency rules would apply to married same-sex couples regardless of where they live.¹⁵

Again, the implications are far-reaching. Take for instance the fact that access to the Medicare program is based on an individual’s Part A eligibility and how many quarters that individual has worked and paid payroll taxes. An individual who works forty quarters can enroll in Medicare and pay no premium for Part A. Now, a same-sex spouse who may have worked less than forty quarters during his or her career can enroll in Part A based on a spouse’s earning history and potentially pay no premium. In addition, same-sex spouses enrolled in a Medicare Advantage plan will no longer have to fear being separated because they don’t qualify for care in the same skilled nursing facility in which their spouses reside (with some exceptions which apply to all spouses universally). Consider also the fact that Medicaid’s spousal impoverishment rules will now apply to same-sex spouses, providing some protection from impoverishment

for the well spouse when the ill spouse is receiving long-term-care services and needs Medicaid to help pay for the care.

Departments of Defense and Veteran's Affairs

On August 13, 2013, the Department of Defense (DOD) issued a memorandum affirming earlier statements by Secretary of Defense Chuck Hagel that the DOD would extend full benefits to married military personnel and civilian employees.¹⁶ The memorandum clarified that the benefits would begin no later than September 3, 2013, would be retroactive to the date of the Court's Windsor decision, and would apply regardless whether the spouses currently lived in a recognition state. In addition, the memorandum clarified that members of the U.S. military currently living in states that do not allow marriage between same-sex partners would be granted non-chargeable leave to travel to another jurisdiction in order to marry. According to *Stars and Stripes* columnist Leo Shane III, "The change, set to go into effect no later than Sept. 3, will mean tens of thousands of dollars in direct payments and covered health care costs for legally married same-sex military couples. Housing allowances alone can reach up to \$30,000 in annual payouts for married troops with dependent children."¹⁷

A few weeks later, on September 4, 2013, following a federal district court's decision in California that Title 38 was unconstitutional, and at the direction of President Obama, United States Attorney General Eric Holder announced that the Executive Branch would no longer enforce the statutory definition of "spouses" in 38 U.S.C § 101(31), which limited application of veterans' benefits to only spouses of the opposite sex.¹⁸ The decision by the Obama Administration not to enforce the Title 38 definition of "spouse" opened the door to same-sex spouses of U.S. veterans to a wide array of disability and survivor benefits, health insurance, pension, home loans, cemetery services, burial allowances—and the list goes on. However, there remains a statutory requirement that veterans' benefits be determined based on the law of the state where the couple lived at the time of marriage or when the benefit accrued, meaning there could still be a delay in the administration of benefits for couples who are living in non-recognition states or were living in a non-recognition state at the time the benefit accrued.

More Change to Come

Love—and specifically, the freedom of gay men and lesbians to marry the one they love—has definitely jumped some hurdles in the months since *Windsor* was handed down, but there remain many fences yet to leap. Even

as this article goes to press, the landscape is changing and we must analyze and re-analyze how the changes affect our clients. The State of Oregon, for example, is poised on the precipice of change with a new temporary administrative rule directing state agencies to recognize out-of-state marriages,¹⁹ a potential ballot measure²⁰ and two federal court cases all moving the State toward the freedom to marry in 2014,²¹ a move which will mean less uncertainty for same-sex spouses where federal rights and responsibilities are concerned but still leave considerable uncertainty of how their marriage will be honored or treated as they move and travel amongst the individual states. And like spouses everywhere, many same-sex couples will now be more vulnerable to certain financial hardships, from a potential increase in income taxes and inclusion of the other spouse's income when applying for need-based benefits to a potential loss of retirement income upon remarriage to a new spouse. But overall, the opportunity now exists for greater financial security and, perhaps more importantly, an easier path to a destination full of hope for loving same-sex couples throughout the country.

Additional Resources

California Proposition 8 Decision: *Hollingsworth v. Perry*, 130 S. Ct. 2652 (2013), available at http://www.supremecourt.gov/opinions/12pdf/12-144_8ok0.pdf.

Defense of Marriage Act Decision: *United States v. Windsor*, 133 S. Ct. 2675 (2013), available at http://www.supremecourt.gov/opinions/12pdf/12-307_6j37.pdf.

Freedom to Marry, Winning the Freedom to Marry: Progress in the States, <http://www.freedomtomarry.org/states/> (last visited April 7, 2014) (showing which states recognize marriages, registered domestic partners, and civil unions).

USA.gov, Benefits, Leave, and Pay for Federal Employees, <http://www.usa.gov/Federal-Employees/Benefits.shtml> (last visited April 7, 2014).

Internal Revenue Service, Frequently Asked Questions for Individuals of the Same Sex Who Are Married Under State Law, <http://www.irs.gov/uac/Answers-to-Frequently-Asked-Questions-for-Same-Sex-Married-Couples> (last visited April 7, 2014).

Internal Revenue Service, Frequently Asked Questions for Registered Domestic Partners and Individuals in Civil Union, <http://www.irs.gov/uac/Answers-to-Frequently-Asked-Questions-for-Registered-Domestic-Partners-and-Individuals-in-Civil-Unions> (last visited April 7, 2014).

National Senior Citizens Law Center, Webinar: The

Demise of DOMA: What Does It Mean? The Impact on Social Security, Medicare and Medicaid for Same-Sex Couples (Aug. 20, 2013), <http://www.nslc.org/index.php/webinar-the-demise-of-doma-what-does-it-mean-the-impact-on-social-security-medicare-and-medicaid-for-same-sex-couples/>.

Minutes After Supreme Court Strikes Down DOMA, Immigration Judge Stops Deportation of Married Gay Man, ThinkProgress (June 26, 2013, 1:15 PM), <http://thinkprogress.org/immigration/2013/06/26/2220411/doma-immigration-judge-stops-deportation/>.

Pentagon Details Plan to Extend Benefits to Same-Sex Spouses, NPR.org (Aug. 14, 2013, 12:30 PM), <http://www.npr.org/blogs/thetwo-way/2013/08/14/211978987/pentagon-details-plan-to-extend-benefits-to-same-sex-spouses>.

Oregon Government Agencies Must Recognize Same-Sex Marriages from Other States, DOJ Says, OregonLive (Oct. 17, 2013), http://www.oregonlive.com/politics/index.ssf/2013/10/oregon_government_agencies_mus.html.

Oregon United for Marriage, <http://www.oregonunitedformarriage.org/> (last visited April 7, 2014).

¹ *United States v. Windsor*, 133 S. Ct. 2675 (2013).

² 28 U.S.C. § 1738C.

³ Currently in the United States, thirteen states and the District of Columbia issue marriage licenses to same-sex couples, but over thirty states have statutory or constitutional restrictions to marriage as between one man and one woman.

⁴ Defense of Marriage Act: Update to Prior Report, Report No. GAO-04-353R, General Accounting Office (Feb. 24, 2004), <http://www.gao.gov/assets/100/92442.html>.

⁵ U.S. Department of Homeland Security, Statement by Secretary of Homeland Security Janet Napolitano on the Supreme Court Ruling on the Defense of Marriage Act (June 26, 2013), <https://www.dhs.gov/news/2013/06/26/statement-secretary-homeland-security-janet-napolitano-supreme-court-ruling-defense>.

⁶ U.S. Department of Homeland Security, Implementation of the Supreme Court Ruling on the Defense of Marriage Act, <https://www.dhs.gov/topic/implementation-supreme-court-ruling-defense-marriage-act> (last visited April 7, 2014).

⁷ Michelle Roberts, *Gay Couples Forced to Flee U.S. Over Immigration Law*, The Guardian, June 10, 2009, available at <http://www.theguardian.com/world/feedarticle/8551627>.

⁸ Social Security Administration, Press Release, Statement of Secretary Carolyn W. Colvin, Acting Commissioner of Social Security, on Payments to Same-Sex Couples (Aug. 9, 2013), <http://www.ssa.gov/presoffice/pr/doma-statement-pr-alt.pdf> (processing some claims from same-sex couples).

⁹ See Social Security Administration, Frequently Asked Questions, http://ssa-custhelp.ssa.gov/app/answers/topic_landing/c/237 (last visited April 7, 2014); Social Security Administration, Same-Sex Couples, <http://www.ssa.gov/same-sex-couples/> (last visited April 7, 2014).

¹⁰ 42 U.S.C. § 416(h)(1)(A)(i)-(ii).

¹¹ The POMS is the primary source of information for Social Security Administration employees to utilize when processing Social Security benefits claims.

¹² Social Security Administration, Social Security Program Operation Manual System, GN 00210.800, Same-Sex Marriages - Supplemental Security Income, <https://secure.ssa.gov/poms.nsf/lnx/0200210800>.

¹³ U.S. Department of the Treasury, Press Release, All Legal Same-Sex Marriages Will Be Recognized for Federal Tax Purposes (Aug. 29, 2013), <http://www.treasury.gov/press-center/press-releases/Pages/jl2153.aspx>; see also Rev. Ruling 2013-17.

¹⁴ *Id.*

¹⁵ U.S. Department of Health & Human Services, Press Release, HHS Announces First Guidance Implementing Supreme Court's Decision on the Defense of Marriage Act (Aug. 29, 2013), <http://www.hhs.gov/news/press/2013pres/08/20130829a.html>.

¹⁶ U.S. Department of Defense, Further Guidance on Extending Benefits to Same-Sex Spouses of Military Members, <http://www.defense.gov/home/features/2013/docs/Further-Guidance-on-Extending-Benefits-to-Same-Sex-Spouses-of-Military-M.pdf> (Aug. 13, 2013); see also U.S. Department of Defense, Press Release, Hagel: Defense Department Welcomes Supreme Court Decision (June 26, 2013), <http://www.defense.gov/news/newsarticle.aspx?id=120364>.

¹⁷ Leo Shane III, *DOD Announces Full Benefits to Married Same-Sex Couples*, Star and Stripes (Aug. 14, 2013), available at <http://www.stripes.com/news/us/dod-announces-full-benefits-to-married-same-sex-couples-1.235284>.

¹⁸ U.S. Department of Justice, Press Release, Attorney General Eric Holder Announces Move to Extend Veterans Benefits to Same-Sex Married Spouses (Sept. 4, 2013), <http://www.justice.gov/opa/pr/2013/September/13-ag-991.html>; see also Letter from Attorney General Eric Holder to the Honorable John Boehner, Speaker of the U.S. House of Representatives (Sept. 4, 2013), <http://www.justice.gov/iso/opa/resources/557201394151530910116.pdf>.

¹⁹ Or. Admin. R. 105-010-0018.

²⁰ The ballot measure is sponsored by Oregon United for Marriage, which recently announced that it had enough signatures to refer the measure to the voters in the November 2014 state election but will wait to submit the signatures pending the outcome of the consolidated federal court cases, *Geiger v. Kitzhaber* and *Rummel v. Kitzhaber*, currently scheduled for oral argument on April 23, 2014. See Oregon United for Marriage, Press Release, Oregon United for Marriage Celebrates Attorney General's Statement Calling Measure 36 Indefensible (Feb. 20, 2014), <http://www.oregonunitedformarriage.org/agannouncementresponse/>.

²¹ *Geiger v. Kitzhaber*, No. 6:13-cv-01834-MC (D. Or. 2013); *Rummel v. Kitzhaber*, No. 6:13-cv-02256-TC (D. Or. 2013).

FBA HOSTS THIRD ANNUAL “BEHIND THE ROBE” EVENT

By: Harold DuCloux III

On February 28, 2014, the Oregon Chapter of the Federal Bar Association held its Third Annual Behind the Robe event with DeLaSalle North High School. Our President, Jolie Russo, greeted the students and answered preliminary questions about the judicial system before their day commenced.

Throughout the morning, small groups of students had an opportunity to chat with Chief Judge Aiken, Assistant United States Attorneys, Public Defenders, and Probation Officers. The students ate lunch with FBA members Natalie Wight, Jacqueline Kamins, Harold DuCloux III, and Ethan Knight before observing Magistrate Court. After court, Judge Papak answered the students’ questions and took their pictures on the bench. A U.S. Marshal wrapped up the day with a brief history of the service and some war stories.

The students had a great time and left the courthouse quite inspired. We have already received requests from other schools to participate in the same program, and we are looking forward to continued and expanded service to youth in our community.



THE ASHMANSKAS TRIVIA BOX

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



Who popularized the phrase “March Madness” to describe the NCAA basketball tournament?

Answer on page 10.

EUGENE LUNCHTIME PROGRAM: GET TO KNOW YOUR U.S. ATTORNEY’S OFFICE

By: Melissa Aubin

As part of an ongoing effort to establish a stronger presence in Eugene, the Oregon FBA held the second event in a new lunchtime series designed to gather attorneys, law students and professors, and court staff for discussions about current topics in the law. Our December 17 program, entitled “Get to Know Your U.S. Attorney’s Office,” was held at the Wayne Morse U.S. Courthouse Jury Assembly Room.

U.S. Attorney Amanda Marshall, Supervising AUSA Chris Cardani, Criminal Chief Billy Williams, and AUSA Leslie Westphal led a wide-ranging discussion about the variety of missions served by the U.S. Attorney’s Office. They discussed the role of Oregon DOJ staff in national initiatives, their strategic approach to weathering budget cuts, and areas of substantive criminal and civil law reflected in their caseloads. Each attorney in the Eugene office explained their contributions to the agency, and the floor opened to discussion. About sixty members of the legal community attended the panel discussion, including members of the Lane County Bar Association and University of Oregon law faculty and students.

We hope to continue to offer programs in this format and welcome suggestions for future topics. Please contact Paul Bruch (Paul_Bruch@ord.uscourts.gov) or Amy Potter (Amy.Potter@usdoj.gov) with your suggestions. FBA thanks the Attorney Admissions Fund Committee for supporting this event.

NINTH CIRCUIT UPDATES

By: Kelly Zusman

Several changes are underway at the Ninth Circuit. First, in December 2013, the court launched live video streaming of en banc oral arguments from its website, www.ca9.uscourts.gov. It plans to gradually expand the program to include arguments before three-judge panels. The Clerk's Office is also working to streamline and simplify calendar notices of upcoming oral arguments.

The Ninth Circuit Appellate Lawyer Representatives have created and posted a helpful "Appellate Practice Guide," also available on the court's website. The approximately 90-page guide includes guidance on initial filing, the court's mediation program, motion practice, brief writing, and oral argument.

The Court has also initiated a mentorship program that offers to pair up lawyers new to federal appellate practice with experienced appellate practitioners. Interested attorneys can find out more about the program on the "Attorney" tab on the court's website (<http://www.ca9.uscourts.gov/attorneys/>) or by contacting Kelly Zusman, the Appellate Lawyer Representative for the District of Oregon, at kelly.zusman@usdoj.gov.

SAVE THE DATE
Friday, June 20, 2014

The U.S. District Court of Oregon
and the
Oregon FBA
Welcome

the Federal Bar Association Board
of Governors
and FBA Litigation Section Board

Join us for an afternoon CLE and demonstration of the Court's new Jury Evidence Recording System ("JERS"), which allows electronic presentations of evidence in trial and packaged for jury deliberations. The CLE will be followed by a cocktail reception.

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.

June 19, 2014	Speaker TBD
September 18, 2014	Speaker TBD
October 16, 2014	Judge Susan Graber

Cost is \$22 for FBA members and \$24 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.

FBA Annual Dinner

The Oregon FBA's Annual Dinner will take place on Thursday, May 22 at 6:00 p.m. at the Mark O. Hatfield District Courthouse. Please join us for a celebration of community service. To register, visit www.oregonfba.org.

Jury Evidence Recording System CLE

On Friday, June 20, the Oregon FBA, together with the U.S. District of Oregon, will host the FBA's Board of Governors and Litigation Section Board for a CLE on the Jury Evidence Recording System (JERS). Please save the date and watch for more information about this afternoon and evening event!

The Ashmanskas Trivia Answer

Brent Musburger from CBS first used the phrase in this context in 1982, but the phrase is originally credited to a magazine writer for the Illinois High School Athletic Association (IHSA). As with so many good things, the IHSA and the NCAA ended up in litigation over trademark rights and the Seventh Circuit Court of Appeals granted both groups dual use. In 2000, the NCAA paid the ISHA \$17.2 million for the exclusive use of the mark.

2012-2013 FBA OREGON CHAPTER OFFICERS AND DIRECTORS

President:
Jolie Russo
jolie_russo@ord.uscourts.gov

President Elect:
Gosia Fonberg
gosia@baaslaw.com

Vice President:
John Mansfield
john@mansfieldlaw.net

Secretary:
Robert Sabido
Rsabido@cvk-law.com

Treasurer:
Laura Salerno Owens
lsalerno@barran.com

Immediate Past President:
Tom Johnson
trjohnson@perkinscoie.com

Directors:
Chief Judge Ann Aiken

Shannon Armstrong
ShannonArmstrong@MHGM.com

Michelle Barton Smigel
michelle.smigel@millernash.com

Bryan Beel
BBeel@perkinscoie.com

Jeffrey Bowersox
jeffrey@BLFpc.com

Paul Bruch
paul_bruch@ord.uscourts.gov

Robert Calo
calor@lanepowell.com

Bethany Coleman-Fire
bethanycolemanfire@dw.com

Nadia Dahab
Nadia_dahab@ca9.uscourts.gov

Harold DuCloux
Harold_DuCloux@fd.org

Julia Follansbee
Appealaid1@aol.com

Nadine Gartner
ngartner@stollberne.com

Marianne Ghim
marianne.ghim@bullivant.com

Hwa Go
hwa.go@harrang.com

Todd Hanchett
tahanchett@stoel.com

Danielle Hunsaker
dhunsaker@larkinsvacura.com

Jacqueline Kamins
Jacqueline.kamins@doj.state.or.us

Ethan Knight
Ethan.knight@usdoj.gov

Colin Love-Geiger
colin.love-geiger@tonkon.com

Mary Anne Nash
MNash@schwabe.com

Kristin Olson
kolson@olsonbrooksby.com

Chris Pallanch
christopher.pallanch@tonkon.com

Susan Pitchford
sdp@chernofflaw.com

Amy Potter
Amy.potter@usdoj.gov

James Rice
jim.rice@portlandoregon.gov

Josh Sasaki
josh.sasaki@millernash.com

Jacqueline Tommas
tommas@ccwebster.net

Kristin Winemiller
klwinemiller@pacificnwlw.com

Evelyn Winters
evelyn.winters@bullivant.com

PAST PRESIDENTS

C.E. Luckey
Harry J. Hogan
Sidney I. Lezak
Clifford Comisky
John D. Picco
Arno Reifenberg
LaVorn A. Taylor
Ronald E. Sherk
George D. Dysart
George Van Hoomissen
Peter A. Plumridge
Robert R. Carney
Robert B. (Barry) Rutledge
Jack G. Collins
David E. Lofgren
Paul H. Schroy
Chester E. McCarty
Larry O'Leary
James F. Zotter
Elden Gish
Thomas C. Lee
Cecil Reinke
C. Richard Neely
Linda DeVries Grimms
Richard A. Van Hoomissen

Owen L. Schmidt
Jonathan M. Hoffman
Michael C. Dotten
Susan K. Driver
Robert S. Banks, Jr.
Paul R. Gary
Sarah J. Ryan
Robert E. Maloney, Jr.
Paul T. Fortino
David A. Ernst
David A. Bledsoe
James L. Hiller
Gilion Dumas
Gregory J. Miner
Robert E. Barton
Nancy J. Moriarty
Kathleen J. Hansa
Katherine S. Somervell
Richard Vangelisti
Helle Rode
Katherine Heekin
Courtney Angeli
Kelly Zusman
Edward Tylicki
Susan Pitchford
Tom Johnson

Missing Electronic Notices?

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 at anelson@barran.com. For a change in physical address, please notify **Nadine Gartner**, ngartner@stollberne.com or **Nadia Dahab**, nadia_dahab@ca9.uscourts.gov 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.

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. It is intended only to convey information. The Oregon Chapter of the Federal Bar Association, editors, and contributors to this publication make no warranties, express or implied, regarding the use of any information derived from this publication. Users of this information shall be solely responsible for conducting their own independent research of original sources of authority and should not rely on any representation in this newsletter. The views published herein do not necessarily imply approval by the Oregon Chapter of the Federal Bar Association or an organization with which the editors or contributors are associated. As a courtesy to the Oregon Chapter of the Federal Bar Association, Stoll Stoll Berne Lokting & Shlachter P.C. provides publication assistance but does not necessarily endorse the content therein.

OREGON CHAPTER
FEDERAL BAR ASSOCIATION
209 SW OAK STREET, SUITE 500
PORTLAND, OR 97204

PRSR STD
U.S. POSTAGE
PAID
PORTLAND, OR
PERMIT NO. 11

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, 2014, September 15, 2014, and December 15, 2014. 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.