



THE DISTRICT OF OREGON

2016

ANNUAL REPORT



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

A. News from the Courthouses

Judge Levy Receives Edward J. Devitt Distinguished Service Award

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

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



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

Retirement of Magistrate Judges Thomas Coffin and Janice Stewart



MAGISTRATE JUDGE COFFIN AND NEW
MAGISTRATE JUDGE JOLIE RUSSO

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

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

Retirement of Bankruptcy Judge Frank Alley III

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

Appointment of New Magistrate Judges Jolie Russo and Youlee Yim You

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

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

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

Judicial Portrait Unveiling

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



RETIRED MAGISTRATE JUDGE DENNIS HUBEL



RETIRED MAGISTRATE JUDGE JANICE STEWART

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

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

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

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

A 100-year anniversary celebration of the James A. Redden Courthouse was held in Medford on May 5, 2016. More than a dozen federal and state judges across Oregon attended the event, including Judge James A. Redden Jr. Judge Redden was appointed by President Jimmy Carter to serve as a District Judge in the District of Oregon on December 3, 1979. In 1996, Congress renamed the federal courthouse in Medford the James A. Redden Courthouse. The anniversary celebration started out with a “posting of colors” by Veterans of Foreign Wars Post 2302 from Grants Pass, Oregon, followed by a live rendition of the National Anthem by the South Medford High School Chamber Choir. Chief Judge Michael Mosman, District Judge Michael Simon, Magistrate Judge Mark Clarke, Bankruptcy Judge Frank Alley III, Senior District Judge Owen M. Panner, and Retired Magistrate Judge John Cooney were all in attendance and shared stories and laughs. Historian Stephen Mark and keynote speaker Ben Truwe provided historical perspectives.

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

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

Bankruptcy Court Pilots Next Generation of CM/ECF

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

District Court Pro Bono Program

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

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

attorneys who had participated in the program in the prior year.

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

Bankruptcy Clinic in Pendleton

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

Bankruptcy Court Provides Financial Literacy Training to Inmates

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

B. News from the Justice Agencies

United States Attorney's Office Report

United States Attorney Billy J. Williams leads the United States Attorney's Office for the District of Oregon (USAO), with the dedicated assistance of 56 AUSAs and 63 support staff employees and contractors located in three offices throughout the state. The following summarizes the current activities of the various units in the office for FY 2016.

1. Criminal Division

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

Violent Crimes Unit:

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

Human Trafficking – The USAO was recently selected as one of six Phase II Anti-Trafficking Coordination Teams (ACTeams), a nationwide initiative to streamline and enhance federal investigations and

prosecutions of human trafficking offenses, including sex trafficking and forced labor trafficking. The ACTeam is an interagency effort led by the USAO, the FBI, ICE, and the Department of Labor. We continue to work with state, federal, and local law enforcement and prosecutors to develop and prosecute sex trafficking cases involving both minor and adult trafficking victims. The USAO also leads the Oregon Foreign Born Human Trafficking Task Force, comprised of state and federal law enforcement and numerous community service providers.

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

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

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

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

The USAO is actively pursuing corporate fraud and bank fraud CEOs. The office is preparing for a November 2016 trial in a bank fraud case against a former bank president and vice president accused of executing a scheme to make fraudulent payments on overdue bank loans in an effort to conceal the risky nature of those loans. The USAO recently completed an investment fraud prosecution of the CEO of the nation's fourth largest assisted living company, who defrauded thousands of investors out of \$130 million. He received a prison sentence of 15 years. Another recent case was a trial that resulted in the conviction of the Executive Director of a company who defrauded investors in a biodiesel production scheme and laundered the proceeds in two foreign countries. The USAO also has several large tax fraud/stolen identity theft schemes under indictment, one of which will go to trial in May 2016.

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

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

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

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

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

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

2. Civil Division

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

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

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

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

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

3. Asset Recovery and Money Laundering (ARML) Division

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

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

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

Financial Litigation Unit (FLU): The mission and goal of the Financial Litigation Unit in the District of Oregon is to fairly achieve the maximum amount of recovery for each civil and criminal debt, consistent with applicable laws, regulations, and policies. The office is also responsible for collecting money owed to the United States. Between January 2014 and December 2015, this office collected over \$5.8 million in civil interests, including student loans, civil penalties, etc. In the same period, over \$11.8 million was collected on behalf of crime victims through such means as garnishments, liens, and forfeiture actions.

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

4. Appellate Section

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

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

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

5. Other Priorities

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

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

Federal Defender's Office Report

The Federal Public Defender combines vigorous advocacy for constitutional rights with a whole-client approach to providing zealous and effective criminal defense. As a result of advocacy and negotiation, we obtained dismissal of 17 felony cases in FY15, had others sent to diversion, and achieved reduced sentences for many defendants after investigation produced new facts for consideration. We continued to represent clients in all phases of the criminal justice system: pre-indictment, during pretrial supervision through trial or sentencing, on appeal, during supervision, and in re-entry court. We also assisted defendants convicted of state and federal crimes through post-conviction litigation.

1. Caseload

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

intensive sex trafficking prosecutions, fraud investigations, and law enforcement initiatives in Indian Country.

2. Trial, Negotiations, and Sentencing

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

3. Habeas Cases

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

4. Re-entry Court

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

5. CAPS

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

6. Federal Death Penalty Capital Resources Counsel Project

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

7. CJA Panel Administration

The Federal Defender continued in FY15 to administer the CJA Panel for the Court. Our office coordinates the panel assignments of all new and substitution of counsel representations. In addition, we review attorney vouchers and expert authorizations for compliance with federal regulations and make recommendations to the Court. The FPD also organizes monthly CLEs for panel attorneys and conducts the

required review of panel members under the District's CJA panel plan. In FY15, the FPD began developing a discovery coordination plan for the panel to assist the district court with managing multi-defendant cases. In FY15, the Panel Office processed 1,691 vouchers and sent 336 cases to the panel for representation.

U.S. Pretrial Services Office Report

1. Workload

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

2. CAPS

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

3. Prison and Beyond Program

Pretrial Services has continued to provide this successful program on a quarterly basis to assist defendants with their transition to serving a federal prison sentence. The program addresses questions regarding sentencing, designation, and expectations when entering the prison facility and later commences supervised release. The primary audience for the program is defendants and their families; however, defense attorneys and other court personnel have found the program extremely valuable.

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

4. Transitions

Officer Assistants Emely Cubias (Portland Division) and Juan Gonzalez (Medford Division) were promoted to officers in 2015 bringing the total number of officers in the District to 13. Officers Cubias and

Gonzalez are currently participating in the six-week National Training Academy in South Carolina. Elisa Stewart was also hired this year as an Administrative Assistant.

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

5. 2016 Goals

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

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

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

6. Conclusion

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

U.S. Probation Service Report

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

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

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

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

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

Fiscal year 2015 brought a new opportunity for the Probation Office to collaborate across agencies with the development of the Medford Reentry Court. Under the leadership of Judge Ann Aiken and Judge Michael McShane, the Medford Reentry Court brings together representatives from the Federal Defender's Office, U.S. Attorney's Office, U.S. Probation Office, and OnTrack Addiction Recovery Services in a non-adversarial setting to encourage participants to lead lawful and fulfilling lives. Participants earn a reduction in their term of supervised release upon graduation from reentry court, which requires sustained sobriety and desistance from crime. The reentry court team supports positive change by encouraging pro-social relationships, building strengths in education and employment, and reducing barriers to long-term success. With the exceptional resources of OnTrack, the Medford Reentry Court looks forward to increasing its capacity and strengthening its partnerships in southern Oregon.

Finally, our Probation Office is now among the first in the nation to implement a Leadership Development Program at the district level. Developed in 2015, this program trains officers in leadership principles and management skills and requires each participant to complete a leadership project that will enhance our agency's effectiveness. Our initial class of participants completed the program in early 2016. As

Oregon commits itself to becoming a national leader in U.S. Probation, we will continue to foster the development of our most valuable resource, our talented and dedicated staff.

C. Activities Around the District

Annual Picnic at Judge Leavy’s Farm

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



JUDGE MARCO
HERNANDEZ



RICK GALARNEAU

2015 District of Oregon Conference – Oct 2, 2015

The District of Oregon holds a full-day conference every other year. The 2015 conference was held at the Oregon Museum of Science and Industry. The theme of the conference was “Navigating Complex Problems in Oregon and Beyond” and featured prominent national and local speakers. Over 200

people attended the conference, including numerous federal and state judges, the Federal Defender for Oregon, the Oregon Attorney General, and attorneys from across the state.



DAN LEAR

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

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



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

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

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

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

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



GARRETT EPPS

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



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



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



FACEOFF BETWEEN JUDGE MCSHANE AND CHIEF JUSTICE BALMER



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

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



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

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

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

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



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



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

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

Pendleton CLE and Social – Nov 17, 2015

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

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

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

Patent Litigation CLE – Feb 23, 2016

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

The Mendez Exhibit – April 18 - July 18, 2016

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



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

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



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

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

Medford CLE and Social – May 5, 2016

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

Among the topics discussed were the recent changes to the federal discovery rules and how those rules compare to Oregon state practice.

The Honorable Ancer L. Haggerty Scholars Program 2015-2016

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

2015 Nancy Bergeson Lecture – July 23, 2015

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

FBA Monthly Luncheon Series

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

D. Conclusion

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