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Confronting Issues of Overcriminalization and Overfederalization

By: Kristen Tranetzki, Angeli Unger Law Group



It is a federal crime to fillet Alaskan halibut in a way that prevents counting how many you caught to eat.¹ It’s also a federal crime to receive out-of-state melons on someone else’s behalf (if you throw them away for no good reason),² to feed out-of-state garbage to a pig (unless you heat it up first),³ to use an aircraft to harass a fish,⁴ or to drive faster than the speed limit when fleeing an immigration checkpoint.⁵

Identifying the Problem

Today, there are over 4450 crimes scattered throughout the federal criminal code, and approximately 60 new federal crimes are added each year.⁶ While Title 18 is the primary body of federal criminal laws, there are scores of others spread throughout the United States Code. For example, Title 15 contains the Sherman Antitrust Act and the securities laws, which have both criminal and civil provisions. Title 21 contains the controlled substances laws. Title 26 contains the tax laws. Title 42 contains (some, but not all, of) the environmental criminal laws. In addition to these statutory criminal offenses, thousands of federal regulations—even more scattered in nature—impose criminal liability. One study concluded that more than

¹ 16 U.S.C. § 773g; 50 C.F.R. § 300.66(m).

² 7 U.S.C. § 491.

³ 42 U.S.C. §§ 264, 271; 21 C.F.R. § 1240.75.

⁴ 16 U.S.C. § 742j-1(a)(2).

⁵ 18 U.S.C. § 758. The National Association of Criminal Defense Lawyers (NACDL) operates a Twitter account, “A Crime a Day,” which, as the title suggests, broadcasts a different federal crime every day on its Twitterfeed to raise awareness of the overcriminalization trend. For more information, see <http://www.nacdl.org/overcrim/> or follow “A Crime a Day” at @CrimeADay on Twitter.

⁶ See, e.g., Brian W. Walsh & Tiffany M. Joslyn, Heritage Found., *Without Intent: How Congress Is Eroding the Criminal Intent Requirement in Federal Law* 6 (2010) (“Heritage Foundation Report”). The last official government count of federal criminal laws took place in the early 1980s, when the government reported identifying 3000 federal criminal laws.

Taking Judicial Notice of Facts from Internet Sources: Balancing Efficiency with Reliability

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300,000 federal regulations, if violated, can result in a criminal penalty.⁷ The American Bar Association (ABA) reported that “the amount of individual citizen behavior now potentially subject to federal criminal control has increased in astonishing proportions in the last few decades.”⁸ As a result, a great deal of conduct that historically has been the province of private litigation or civil regulatory enforcement can now result in the loss of an individual’s liberty or a company’s existence. This dangerous trend of overcriminalization has in part resulted from Congress reacting to hot-button issues (e.g., environmental concerns, consumer protection, oversight of financial markets)⁹ by creating federal criminal statutes—often with little, if any, debate, investigation, or analysis—and delegating significant power to federal agencies to promulgate regulations

⁷ *Id.* The former Attorney General of the United States, Richard Thornburgh, testified before a House Subcommittee in 2009 that there were more than 300,000 regulations within the federal code that could trigger criminal sanctions. *Over-Criminalization of Conduct/ Over-Federalization of Criminal Law: Hearing Before the Subcomm. on Crime, Terrorism, and Homeland Sec. of the H. Comm. on the Judiciary*, 111th Cong. 7 (2009).

⁸ Task Force on the Federalization of Criminal Law, *The Federalization of Criminal Law*, 1998 A.B.A. Crim. Just. Sec. at 10. The ABA further observed that “more than a quarter of the federal criminal provisions enacted since the Civil War [through 1996] have been enacted within a sixteen year period since 1980.” *Id.* at 7 n.9. A report published by the Federalist Society concluded that this explosive growth has continued since the ABA report, increasing by one-third between 1980 and 2004. See John S. Baker, Jr., The Federalist Soc’y for Law & Pub. Policy Studies, *Measuring the Explosive Growth of Federal Criminal Legislation*, 3, 8 (2004), available at <http://fedsoc.server326.com/publications/practicergroupnewsletters/criminallaw/crimreportfinal.pdf>.

⁹ One such recent example of legislation inspired by newsworthy events (rather than part of a cohesive code developed to address articulated federal needs) is “Caylee’s Law,” a proposed federal bill widely discussed following Casey Anthony’s acquittal. It would charge parents with a federal felony if they fail to report a missing child within 24 hours or if they fail to report the death of a child within one hour. No law enforcement officials were consulted in selecting the 24-hour and 1-hour triggers. The proposed federal law overlaps with preexisting state laws that criminalize tampering with evidence, child abuse, and impeding an investigation. See Radley Balko, *Why ‘Caylee’s Law’ Is a Bad Idea*, Huffington Post (July 11, 2011, 9:49 AM), http://www.huffingtonpost.com/2011/07/11/caylees-law-casey-anthony-_n_893953.html.

that impose criminal sanctions.

Such an expansive reach of the federal criminal justice system has prompted many across the political spectrum to question whether Congress has exceeded its constitutional authority and encroached on traditional state police powers. Some federal laws duplicate existing state criminal laws; others address matters that might be better handled by the civil system, wherein compliance could be (and traditionally has been) achieved through a framework of civil rather than criminal penalties. The sprawling, largely hodgepodge nature of the federal criminal code (littered across some 27,000 pages, not to mention the applicable regulatory provisions) creates a host of other problems: an inability for the average citizen even to identify the penal laws of the United States; a lack of proportionality among criminal sanctions (for example, the Code provides the same maximum penalty for speeding while fleeing an INS checkpoint (5 years) as for female genital mutilation of girls under eighteen); and vesting of enormous discretion in the hands of individual federal prosecutors to pick and choose among dozens of statutes that might apply to given criminal conduct, leading to potentially very different outcomes for individuals engaged in similar behavior.¹⁰

Exacerbating these problems, federal criminal laws and regulations are often poorly drafted and vague, often lacking mens rea (or criminal intent) requirements. A 2010 report concluded that, in many cases, mens rea requirements in federal criminal offenses do not adequately protect defendants from punishment for “making honest mistakes or engaging in conduct that [is] not sufficiently wrongful to put them on notice of possible criminal responsibility.”¹¹ That report studied 446 nonviolent criminal offenses in 203 bills introduced by the 109th Congress, and found that 113 of the proposed offenses contained no mens rea requirement at all.¹² Of the 36 offenses actually enacted, one-fourth contained no mens rea

¹⁰ For example, as of 1998, the federal criminal code contained 232 separate statutes pertaining to theft and fraud, 99 pertaining to forgery and counterfeiting, 215 pertaining to false statements, and 96 pertaining to property destruction. Ronald L. Gainer, *Federal Criminal Code Reform: Past and Future*, 2 Buff. Crim. L. Rev. 45, 62 (1998).

¹¹ Heritage Foundation Report, *supra* note 6, at 7.

¹² *Id.* at 11–19.

requirement.¹³ Such statutes ignore the longstanding axiom of criminal law that “an injury can amount to a crime only when inflicted by intention,”¹⁴ an axiom “as universal and persistent in mature systems of law as belief in freedom of the human will and a consequent ability and duty of the normal individual to choose between good and evil.”¹⁵ Furthermore, these vaguely worded statutes do little to deter bad behavior, as individuals often have no clue what behavior is actually criminalized.

The expansion of federal criminal law, combined with a trend of imposing mandatory sentencing minimums, has resulted in a nearly threefold increase over the past thirty years in the number of people sentenced to federal prison each year.¹⁶ During that time, the total federal prison population grew more than eightfold—twice the growth rate of the state prison population, according to the Federal Bureau of Justice Statistics.¹⁷ The proportion of people sentenced for non-drug-related, nonviolent crimes, such as firearms possession and fraud, has doubled in the past twenty years.¹⁸

Working Toward a Solution

Last year, the House Judiciary Committee initiated the Over-Criminalization Task Force. This bipartisan Task Force, consisting of ten Representatives and two ex officio members,¹⁹ is leading the most expansive government reexamination of federal criminal law since the early 1980s, when the Justice Department

¹³ *Id.*

¹⁴ *Morissette v. United States*, 342 U.S. 246, 250 (1952).

¹⁵ *Id.*

¹⁶ Gary Fields & John R. Emshwiller, *As Criminal Laws Proliferate, More Are Ensnared*, Wall St. J., July 23, 2011, available at <http://online.wsj.com/news/articles/SB10001424052748703749504576172714184601654>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ The Over-Criminalization Task Force is led by Crime, Terrorism, Homeland Security, and Investigations Subcommittee Chairman Jim Sensenbrenner (R-WI) and Ranking Member Bobby Scott (D-VA). Members of the Task Force include Representatives Spencer Bachus (R-AL), Louie Gohmert (R-TX), Raúl Labrador (R-ID), George Holding (R-NC), Steve Cohen (D-TN), Hank Johnson (D-GA), Karen Bass (D-CA), and Hakeem Jeffries (D-NY). Ex officio members of the Task Force include House Judiciary Committee Chairman Bob Goodlatte (R-VA) and Ranking Member John Conyers (D-MI). See House Judiciary Committee, Press Release, *House Judiciary Committee Reauthorizes Bipartisan Over-Criminalization Task Force*, Feb. 5, 2014, available at <http://judiciary.house.gov/index.cfm/2014/2/house-judiciary-committee-reauthorizes-bipartisan-over-criminalization-task-force>.

attempted to count the offenses in the criminal code as part of an overhaul effort by Congress. Bob Goodlatte (R-VA), Chair of the House Judiciary Committee, has described the ambitious goals of the Task Force: “Over the past few decades, the federal criminal code has expanded dramatically, creating an ever-increasing labyrinth of federal statutes and regulations, many of which impose criminal penalties without requiring that criminal intent be shown to establish guilt. . . . The Task Force is taking a detailed look at our criminal code, seeking input from recognized experts in the field, and intends to examine many issues this year.”²⁰ The House Judiciary Committee initially authorized the Task Force for a six-month term in May 2013; the Task Force held four hearings, covering topics such as the need for meaningful intent requirements and the overexpansion of regulatory crimes.²¹ In February 2014, the House Judiciary Committee voted to extend the Task Force for an additional six months, and additional hearings were held on topics such as collateral consequences of criminal convictions, mandatory minimum sentences, alternatives to incarceration, and the role of the House Judiciary Committee in reforming and enacting criminal legislation.²² In reauthorizing the Task Force, its Chairman, Jim Sensenbrenner, (R-WI), emphasized that “[t]he criminal code is muddled and outdated” and that the Task Force’s “goal remains to codify and modernize the criminal code.”²³

Members of the legal profession have also organized to address the issue of overcriminalization. The ABA Litigation Section, for instance, formed its own

²⁰ *See id.*

²¹ The Task Force held the following hearings: “Defining the Problem and Scope of Over-criminalization and Over-federalization” (June 14, 2013); “Mens Rea: The Need for a Meaningful Intent Requirement in Federal Criminal Law” (July 19, 2013); “Regulatory Crime: Identifying the Scope of the Problem” (October 30, 2013); and “Regulatory Crime: Solutions” (Nov. 14, 2013). See National Association of Criminal Defense Lawyers, Congressional Task Force on Overcriminalization, <http://www.nacdl.org/overcrimtaskforce/> (describing the Task Force hearings and providing lists of witness, transcripts, and webcasts of the hearings).

²² After reauthorization, the Task Force held the following hearings: “Criminal Code Reform” (Feb. 28, 2014); “Over-federalization” (Mar. 27, 2014); “Penalties” (May 30, 2104); “Collateral Consequences” (June 26, 2014); “Agency Perspectives” (July 11, 2014); and “The Crimes on the Books and Committee Jurisdiction” (July 25, 2014). See *id.*

²³ See House Judiciary Committee Press Release, *supra* note 19.

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Overcriminalization Task Force to educate members on issues facing America's prison and criminal justice system. That group has coordinated with the Task Force to provide a forum for a constructive conversation on the problem of overcriminalization.²⁴ The National Association of Criminal Defense Lawyers (NACDL), too, has established an "Overcriminalization Initiative" and has provided testimony at several of the Task Force's hearings.²⁵ The issue has also united organizations across the political spectrum: the conservative Heritage Foundation, the libertarian Cato Institute, the American Civil Liberties Union, and the Federalist Society, among others, have supported the need to reform the federal criminal justice system.²⁶

The push for reform has been significant. In fact, legislation has been introduced even while Congress awaits the Task Force's recommendations. Task Force Chairman Sensenbrenner, for instance, introduced the Criminal Code Modernization and Simplification Act, which would consolidate criminal offenses (so that Title 18 includes all major criminal provisions), create a uniform set of definitions for intent requirements, and eliminate criminal offenses that have not been used in the past 30 years.²⁷ Senator Richard Durbin (D-IL) sponsored, and the Senate Judiciary Committee approved, the Smarter Sentencing Act, intended to address unduly harsh sentencing laws and to identify and organize criminal laws.²⁸ This Act also contains a provision that would

direct the United States Attorney General to prepare a report that lists all federal criminal offenses, the mens rea required for each offense, and the number of federal prosecutions that have been brought for each offense during the past 15 years. Although the fate of these two reform bills remains uncertain, the pace of the enactment of new criminal legislation has slowed markedly during the time that the Task Force has been in existence, perhaps signaling that Congress is sincerely taking heed of the issue of overcriminalization.²⁹

The Task Force was scheduled to conclude its work in August 2014. It has not been reauthorized, and a report of its findings is likely forthcoming. Because the Task Force did not issue an interim report last year, these findings would provide new insight on its conclusions and recommendations as to significant topics ranging from mandatory minimums, mens rea requirements, alternatives to incarceration, and the modernization of the federal criminal code.

Hopefully the Task Force's forthcoming report will provide important guidance to Congress as it tackles the problems of overcriminalization and overfederalization. The job of reforming the federal criminal code is a monumental, but necessary, undertaking.

²⁴ Information on the Task Force on Overcriminalization can be found on the ABA's website at <http://www.americanbar.org/groups/litigation/initiatives/overcriminalization.html>.

²⁵ Information on the "Overcriminalization Initiative" can be found on the NACDL's website at <http://www.nacdl.org/overcrim/>.

²⁶ See Adam Liptak, *Right and Left Join Forces on Criminal Justice*, N.Y. Times, Nov. 23, 2009, http://www.nytimes.com/2009/11/24/us/24crime.html?_r=1&.

²⁷ H.R. 1860 was introduced and referred to the House Judiciary Committee on May 7, 2013. For more information, see <https://beta.congress.gov/bill/113th-congress/house-bill/1860>. Notably, the bill itself is 1200 pages long—reflective of the massive nature of the problem it attempts to tackle.

²⁸ S. 1410 was introduced and referred to the Senate Judiciary

Committee on July 31, 2013, and approved by the Committee with an amendment on March 11, 2014. See <https://beta.congress.gov/bill/113th-congress/senate-bill/1410>.

²⁹ Evan Bernick, Paul J. Larkin, Jr. & Jordan Richardson, *Legal Memorandum: Is Congress Addressing Our Overcriminalization Problem? Reviewing the Progress of the Overcriminalization Task Force*, Heritage Found. No. 131, Aug. 12, 2014, at 1, available at http://thf_media.s3.amazonaws.com/2014/pdf/LM131.pdf.

President's Message

By: Margaret "Gosia" Fonberg, FBA President, Buchanan Angeli Altshul and Sullivan



It is my pleasure to take the reins as President of the Oregon Chapter of the Federal Bar Association for the 2014–2015 term. Our chapter is transitioning from a few

years of tremendous growth to what I hope will be a year of continued growth coupled with strategic organization and planning. I encourage all chapter members (regardless of whether you are on the board) to get involved with one or more of our chapter's exciting projects.

I'm very proud of the work that our chapter does. This year, the National FBA recognized our hard work with a 2014 Chapter Activity Presidential Excellence Award and a 2014 Meritorious Newsletter Award. We owe a big thanks to all those who helped plan CLEs and social events and wrote articles for the newsletter. We owe an extra special thanks to **Chris Pallanch** and **Tonkon Torp LLP** for chairing and supporting our 2014 Annual Dinner and to **Nadia Dahab** (Newsletter Editor), **Nadine Gartner** (former Newsletter Editor), and **Stoll Berne P.C.** for editing and supporting our newsletter.

I'd also like to share a few highlights from our upcoming chapter event calendar. We host lunches on the third Thursday of every month except December, July, and August. This year, we are very excited to move our lunches, starting in November, to the Jury Assembly Room in the Mark O. Hatfield federal courthouse, making the lunches more affordable and more welcoming to all. We are working on ideas for CLEs and other membership events

outside of the Portland metropolitan area (contact **Danielle Hunsaker**, our Membership Chair, to offer suggestions and/or get involved with planning these events) and we are trying to make our FBA lunches in Eugene a more regular event (contact **Paul Bruch** to get involved with the Eugene lunches). We have reorganized the Haggerty Essay Contest into the Haggerty Scholars Program, giving high school students interested in civil rights the opportunity to learn more about the federal courts and federal practice (contact Haggerty Scholars Chair **Shannon Armstrong** to help with this program or to volunteer to mentor one of the scholars this year). We're also hoping to expand our Young Lawyers Division by planning events with other young professional groups—we've got a really exciting one in the works for 2015 with the Portland Art Museum Young Patrons—and offering small brown bag lunches with the federal judges in Portland (contact YLD Chair **Nadia Dahab** for more information). Along with these exciting projects, we also have a full calendar of CLE and other social events. Please check our website—www.oregonfba.org—for the most up-to-date information.

Please do not hesitate to e-mail (gosia@baaslaw.com) or call (503-974-5015) me to share your ideas for how our chapter can help make federal practice in Oregon even better. I look forward to hearing from you.

Annual Bench & Bar Social a YLD Success!

By: Mary Anne Nash, Schwabe, Williamson & Wyatt



On June 26, 2014, law students and recent graduates from across Oregon converged at the Mark O. Hatfield District Courthouse in Portland for an inside perspective on federal law practice from several Oregon attorneys and judges. The annual event is hosted by the Young Lawyers Division of the Federal Bar Association in conjunction with the U.S. District Court of Oregon Historical Society. The day started with a lunch and inside view on court operations, with presentations from the Clerk's Office, U.S. Probation and Pretrial Services, and the U.S. Marshals Service. The students then received helpful tips on law practice from Steve Wax, Kelly Zusman, and Devon Newman. The three panelists shared insights on practicing in federal court and how to succeed as an attorney in the first few years of practice. The students then heard from **Judge Anna Brown**, **Judge Dennis Hubel**, **Magistrate Judge Janice Stewart**, and **Judge Michael Simon** on the judges' perspectives on federal practice and how to interact effectively with judges. Judge Brown, Judge Hubel, Judge Stewart, **Magistrate Judge John Jelderks**, Judge Simon, and Ryan DesJardins then led the students on tours of the courthouse, including tours of the judges' chambers.

After the chambers tours, the students were joined by practitioners for a presentation on Portland's Archdiocese bankruptcy cases presented by **Bankruptcy Judge Elizabeth Perris**, Howard

Levine, Al Kennedy, Erin Olson, and Tom Dulcich. The panel discussed the resolution of Oregon's most complex bankruptcy litigation, offering excellent first-hand insights into how the case unfolded and eventually reached resolution. After the presentation, the judges, presenters, students, and local practitioners came together for the annual summer bench and bar social. The students really enjoyed the program and the social, and thought it provided a valuable opportunity to learn more about how the federal court works while gaining valuable networking time with judges and practitioners. The Young Lawyers Division would like to thank those who presented and attended the social—we appreciate your help in making this event a success.



Ninth Circuit Judicial Conference, Feat. Clint Eastwood

By: Kelly Zusman, Assistant U.S. Attorney

The 2014 Ninth Circuit Judicial Conference took place July 14-17, 2014, in Monterey, California, and this year's theme was "Access to Justice." The four-day event brought together federal appellate and district court judges, magistrate judges, bankruptcy judges, U.S. Attorneys, Federal Public Defenders, Pretrial Service Officers, Probation Officers, and academics. The event included several panel discussions on how the federal courts can improve public access to the judicial system, particularly in light of the overwhelming number of pro se litigants attempting to use the system now—nearly 40 percent of all appeals in the Ninth Circuit involve pro se litigants, and the district and appellate courts have been working hard to promote pro bono service by the bar. In the Ninth Circuit, any attorney who accepts a pro bono case is guaranteed an oral argument, which is a great way to gain valuable experience.

Former Stanford Law School Dean Kathleen Sullivan talked about the Supreme Court's 2013-2014 term, and she noted a trend towards distinguishing prior precedent rather than abandoning it, which represents a significant procedural shift from prior Courts. Another panel of academics discussed local police practices and posited that court rulings have little effect on police behavior because qualified immunity generally protects police and because most states indemnify officers for any judgments. Other sessions examined drug addiction, relapse, and the need for recovering addicts to have meaningful, long-term treatment—often many times over—because of the nature of the disease and its effect on brain functioning. And a panel of law school deans talked about the crisis in legal education: the dire prospects for many law school graduates with large loans, coupled with the overwhelming need for affordable legal services. The panel explored ways in which judges could help, like providing robust externship programs and serving as adjunct faculty.

There was a lively debate about criminal discovery practices between U.S. Attorney Jenny Durkan

(W.D. Washington) and Sidney Powell, the self-published author of License to Lie: Exposing Corruption in the Department of Justice. The book details two cases: the prosecution of former Alaska Senator Ted Stevens and Ms. Powell's defense of one of the Enron defendants in Texas. As a result of her examination of these two cases, Powell posits that many lawyers within the Department of Justice are corrupt and/or politically motivated, OPR does nothing but whitewash, event), and judges who fail to see this are naïve or negligent. Ninth Circuit Chief Judge Alex Kozinski wrote the introduction to Powell's book, and his comments include the following: "While no one disputes the validity of the *Brady* rule, many prosecutors see it as a thorn in their sides—an obstacle to overcome rather than a welcome responsibility to be scrupulously observed . . . there is, as I've said elsewhere, 'an epidemic of *Brady* violations abroad in the land.'"

Ms. Durkan agreed on the importance of working to ensure that defendants receive fair trials. She acknowledged that there probably was no such thing as a perfect trial, and pointed out that technology has created significantly increased workloads and complexities relative to discovery production. Ms. Durkan differed with Powell, however, in the assessment of the Department's response to the Stevens case. She briefly described the steps taken, including Attorney General Holder's dismissal of the indictment ("unprecedented"), new discovery policies, training, etc., all of which demonstrated the Department's genuine commitment to fulfilling discovery obligations in every case. Citing national and Ninth Circuit statistics, she pointed out that there is no "epidemic" of *Brady* violations. One million defendants charged in 800,000 cases over a ten-year period, and the rate of *Brady* claims was less than one-third of one percent. For the Ninth Circuit, she noted similar figures. Even one case is too many, she observed, but mistakes happen and it isn't accurate to describe them as intentional. It also doesn't help to call every error "misconduct," because that term falsely implies bad faith. Of the two cases addressed in Powell's book, Ms. Durkan noted that the Stevens case was fully addressed by the dismissal and the OPR process and the district and circuit court judges

Ninth Circuit Judicial Conference, Feat. Clint Eastwood

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who heard the Brown case simply disagreed with Powell's argument that the discovery errors violated *Brady*.

The program closed with Justice Anthony Kennedy addressing the group about the upcoming 800th anniversary of the Magna Carta. The Great Charter celebrates its eighth century on June 15, 2015, and Justice Kennedy highlighted many of the charter's provisions that formed the basis for our country's Bill of Rights.

In addition to the working sessions, the event had its light-hearted moments as well. Chief Judge Kozinski held a special screening of the movie, "Grand Torino," and its director and star Clint Eastwood participated in a pre-screening interview with the Chief Judge and Judge Raymond Fisher (Eastwood's former private counsel).



THE ASHMANSKAS TRIVIA BOX

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



This issue's Ash Trivia Box is inspired by Justice Kennedy's tribute to the Magna Carta. In England in 1215, a group of feudal barons successfully rebelled against the King and forced him to sign the document at Runnymede on the bank of the River Thames. Key provisions include a recognition that the power of governance derives from the people, criminal offenses should be decided by a group of one's peers, and the government should not take private property without affording just compensation. Which King so reluctantly accepted these terms?

Answer on page 10.

Oregon Delegates Attend FBA Annual Meeting

By: Bethany Coleman-Fire, Davis Wright Tremaine



The Federal Bar Association held its Annual Meeting and Convention this year in Providence, Rhode Island. Two Oregon Chapter board members attended—**President Gosia Fonberg** and Treasurer **Bethany Coleman-Fire**.

During the National Council Meeting, our chapter was honored twice! Our chapter received the Presidential Excellence Award and the Meritorious Newsletter Award. During the meeting, the delegates approved new discounts for law student members and new graduates who join as students. We hope to see even more participation in our law student chapters as a result. The national council also announced that the FBA remains in good financial health and continues to be dedicated to funding new CLE programming put on by the chapters. We hope to benefit from this opportunity in the upcoming year.

The Convention also featured many CLEs addressing important topics facing the federal bar, including human trafficking, same-sex marriage, and recent developments in employment and bankruptcy law.

Of course, the convention was not all work. Attendees were provided several opportunities for socializing as well. This included a networking event for young lawyers, a social hosted by the bankruptcy section and a dinner enlivened by boat rides through “Water Fire,” a beautiful art installation on the rivers in downtown Providence.

All in all, the trip was a success. Your delegates returned home with two awards, ideas for new projects to implement this year, and new resources to continue offering regular CLEs.

ANNOUNCEMENTS

Upcoming FBA Luncheons

The FBA monthly lunches take place on the third Thursday of each month. In October, we will hold our final lunch at the University Club, 1225 SW Sixth Avenue, Portland, Oregon. Beginning in November, lunches will take place in the jury assembly room at the Mark O. Hatfield district courthouse.

October 16, 2014 **Judge Susan Graber,
U.S. Court of Appeals for the Ninth Circuit**

November 20, 2014 **Speaker TBD**

In October, the lunch cost will be \$22 for FBA members and \$24 for non-members. Please visit our website, www.oregonfba.org, to make a reservation. The RSVP deadline is the Tuesday before each lunch.

October 23 • Pioneer Courthouse Historical Society Event

The Pioneer Courthouse Historical Society is hosting an event celebrating the life and times of Judge Matthew Deady on Thursday, October 23, 2014, beginning at 4:00 p.m. This catered event will include a lecture from retired University of Oregon Law School Professor Ralph James Mooney. Cost is \$50 or \$25 for Pioneer Historical Society Members. Please visit www.pioneercourthouse.org for more details about this event or to become a society member.

October 24 • Civil Rights Act CLE

Join us for a CLE celebrating the 50th anniversary of the Civil Rights Act. The all-day CLE event will take place on Friday, October 24, 2014, at the Mark O. Hatfield District Courthouse. Panels will cover emerging issues in fair housing discrimination, collateral consequences and reentry models, the intersection of sex trafficking and trial abuse, national security, and LGBT equality. Register on our website at www.oregonfba.org.

November 6 • YLD Fall Bash at Baerlic Brewing

The Young Lawyers Division will be kicking off its year with its biggest party yet! Join us at Baerlic Brewing Company, 2235 SE 11th Avenue, on Thursday, November 6, 2011. Please register on our website.

The Ashmanskas Trivia Answer

King John.

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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' e-mail addresses, we need your help to keep our list accurate and current. For those members without e-mail, we are providing the electronic notices by fax. If you have an e-mail address or fax number and have not been receiving electronic notices, or if your e-mail address changes, please contact our listmaster at anelson@barran.com. For a change in physical address, please notify **Nadia Dahab**, nadia_dahab@ca9.uscourts.gov, to ensure that 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.

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Call for Submissions/Publication Schedule

For the District of Oregon welcomes submissions from everyone as well as our regular contributors. The next deadlines are December 15, 2014 and March 15, 2015. We ask only that you inform us in advance if you are preparing a submission. Please direct inquiries to **Nadia Dahab** at nadia_dahab@ca9.uscourts.gov.