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

By: Bridget Donegan



Rule 201 of the *Federal Rules of Evidence* allows a court to take judicial notice of facts that are beyond reasonable dispute because they are either (1) “generally known” or (2) “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.”¹ The second category focuses not only on the reliability of the fact itself, but also on the reliability of its source. Traditionally accepted sources for judicially noticeable facts are maps, dictionaries, and encyclopedias.² With the explosion of electronic information sources, however, litigants increasingly are requesting judicial notice of facts found online. This article provides an overview of how and when courts are taking judicial notice of

information from some common categories of Internet sources.

Judicial notice balances efficiency with reliability, “dispensing with traditional methods of proof only in clear cases” where the matter to be noticed is “beyond reasonable controversy.”³ The appropriateness of taking notice therefore depends in part on how the matter to be noticed is defined—a court may take notice of the existence of a fact in the public realm, for example, without taking notice of its truth.⁴ In any case, the analysis underlying judicial notice focuses on whether the information is readily verifiable from an accurate source. And Rule 201 provides that “a party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed,” regardless whether the notice is requested by a party or initiated *sua sponte* by the court.⁵ “[G]iven that the Internet contains an unlimited supply of information with varying degrees of reliability, permanence, and accessibility,” courts have emphasized the importance of allowing litigants an opportunity to be heard on issues of judicial notice of online sources.⁶

¹ Fed. R. Evid. 201(b).

² See, e.g., *United States v. Mariscal*, 285 F.3d 1127, 1132 (9th Cir. 2002)

³ Fed. R. Evid. 201(b), advisory committee’s note.

⁴ *Von Saher v. Norton Simon Museum of Art at Pasadena*, 592 F.3d 954, 960 (9th Cir. 2010)

⁵ Fed. R. Evid. 201(e).

⁶ *Pickett v. Sheridan Health Care Ctr.*, 664 F.3d 632, 648 (7th Cir. 2011). The Seventh Circuit in *Pickett* held that the Consumer Price Index is a “public record[] of which a court may take judicial notice,” but also held the district court abused its discretion by taking notice of the Index without giving the parties a hearing on the issue. *Id.*

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

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1. Government Websites

Publicly available information on government websites commonly is treated as a proper subject for judicial notice.⁷ That includes court dockets and filings, as well as a broad array of information from public agency and public school websites.⁸ For example, the Ninth Circuit took notice of a litigant's educational background from an article on Michigan Technological University's website.⁹ The court also has taken notice of a city's election results, as posted on several different URLs across the website of the local Department of Elections.¹⁰ In those cases and many others, courts are taking notice of the contents of an active website visited at a certain time, rather than taking notice of a printed screen shot of a webpage, which provides a static record of the information at issue. In either event, if a website belongs to a public entity, courts appear comfortable accepting it as an accurate, reliable source of information.

2. Private Websites

Courts tend to consider private websites with a degree of caution, pointing to issues of opaque ownership and management and varying reliability. As the Third Circuit explained, "Anyone may purchase an [I]nternet address, and so, without proceeding to discovery or some other means of authentication, it is premature to assume that a webpage is owned by a company merely because its trade name appears in the [URL]."¹¹ Reflecting those concerns, parties in a recent case in the Southern District of California disputed whether a website was operated by the defendant or its subsidiary, leading the court to decline the plaintiff's request for judicial notice of the site's contents.¹²

⁷ *Paralyzed Veterans of Am. v. McPherson*, 2008 U.S. Dist. LEXIS 69542, at *17 (N.D. Cal. 2008)(citing cases across several jurisdictions)

⁸ *In re Pringle*, 495 B.R. 447, 453 n.4 (B.A.P. 9th Cir. 2013) (contents of filings from bankruptcy court's online docket); *Daniels-Hall v. Nat'l Educ. Ass'n*, 629 F.3d 992, 998-99 (9th Cir. 2010) (list of approved vendors on school districts' websites); *Porter v. Ollison*, 620 F.3d 952, 954-55 (9th Cir. 2010) (online state-court docket and pleadings); *L'Garde, Inc. v. Raytheon Space & Airborne Sys.*, 805 F. Supp. 2d 932, 938 (C.D. Cal. 2011) (search results from Secretary of State's website); *In re Amgen Inc. Secs. Litig.*, 544 F. Supp. 2d 1009, 1023-24 (C.D. Cal. 2008) (drug labels from FDA website).

⁹ *Reese v. Malone*, 747 F.3d 557, 570 n.8 (9th Cir. 2014).

¹⁰ *Dudum v. Arntz*, 640 F.3d 1098, 1101 n.6, 1104 n.11 & n.13 (9th Cir. 2011). The link in footnote 6 of the *Dudum* opinion no longer functions, raising the separate but related issue of "link rot" in judicial opinions.

¹¹ *Victaulic Co. v. Tieman*, 499 F.3d 227, 236 (3d Cir. 2007).

¹² *Azco Biotech, Inc. v. Qiagen*, 2013 U.S. Dist. LEXIS 119118 (S.D. Cal. 2013).

But with undisputed information on private websites, some courts have embraced judicial notice. Screen shots of Facebook's website have been noticed as "matters [that] can be 'accurately and readily determined from sources whose accuracy cannot reasonably be questioned.'"¹³ The District of Nevada judicially noticed the presence—although not the truth—of information on a motorcycle gang's website.¹⁴ And the Tenth Circuit has held that judicial notice of facts on a party's website was mandatory where the party to whom the website belonged provided no explanation as to why the information might be unreliable.¹⁵

3. Google Maps

Judicial apprehension of relying on privately run websites does not seem to apply to online mapping tools, the most commonly relied upon being Google Maps. Courts often cite Justice Jackson's 1952 comment, "We may, of course, take judicial notice of geography," as authority for relying on Google Maps for judicially noticing a distance or the location of a building.¹⁶ With geographical data so eminently knowable and available, courts have shown little hesitation in relying on Internet sources for those facts rather than requiring other forms of proof.

4. Search Results and Wikipedia

In contrast to geographical information, Internet search results and Wikipedia entries generally are not accepted as judicially noticeable.¹⁷ As one court noted, "Google is continually updating its search system, and results for an identical search can vary from day to day."¹⁸ Likewise, Wikipedia contents, which anyone may alter, are treated with near universal skepticism.¹⁹ By its own description,

¹³ *I.B. v. Facebook, Inc.*, 905 F. Supp. 2d 989, 998 (N.D. Cal. 2012).

¹⁴ *United States v. Kane*, 2013 U.S. Dist. LEXIS 154248, at *28-30 (D. Nev. 2013).

¹⁵ *O'Toole v. Northrop Grumman Corp.*, 499 F.3d 1218, 1224-25 (10th Cir. 2007).

¹⁶ *United States v. Perea-Rey*, 680 F.3d 1179, 1182 n.1 (9th Cir. 2012) (taking "judicial notice of a Google map and satellite image" to "determin[e] the general location of the home") (quoting *Boyce Motor Lines, Inc. v. United States*, 342 U.S. 337, 344 (1952) (Jackson, J., dissenting)); *see also, e.g., Cloe v. City of Indianapolis*, 712 F.3d 1171, 1177 n.3 (7th Cir. 2013) ("We have taken judicial notice of—and drawn our distance estimates from—images available on Google Maps[.]"); *Pahls v. Thomas*, 718 F.3d 1210, 125 n.1 (10th Cir. 2013).

¹⁷ *E.g., Price v. HotChalk, Inc.*, 2010 U.S. Dist. LEXIS 135928, at *3 (D. Ariz. 2010) (declining to take judicial notice of "[a]irfare and hotel price quotes obtained on an [I]nternet search"); *Fooley, Inc. v. Gap, Inc.*, 2013 U.S. Dist. LEXIS 72151, at *4 n.2 (N.D. Ill. 2013) (Google search results not judicially noticeable to show "standard" use of paper airplanes and dandelions in support of copyright defense); *Grabein v. Jupiterimages Corp.*, 2008 U.S. Dist. LEXIS 65828, at *28 (S.D. Fla. 2008) (Google search results "are not capable of accurate and ready determination.")

¹⁸ *Dorner v. Comm. Trade Bureau of Cal.*, 2008 U.S. Dist. LEXIS 70425, at *10-11 (E.D. Cal. 2008).

¹⁹ *E.g., Crispin v. Christian Audigier, Inc.*, 717 F. Supp. 2d 965, 976 n. 19 (C.D. Cal. 2010) (explaining unreliability of Wikipedia and citing several cases).

the site's articles are "subject to remarkable oversights and omissions" and "are liable to be incomplete in ways that would be less usual in a more tightly controlled reference work," disclaimers that courts have found troubling, to say the least.²⁰ The District of Idaho has "admonished" counsel "from using Wikipedia as an authority," as it "is not a reliable source at this level of discourse" and citations to it "only serve to undermine [counsel's] reliability."²¹ Even where the truth of a Wikipedia entry is undisputed, courts have declined to take judicial notice of facts from the site.²² The Central District of California has taken judicial notice that a particular Wikipedia entry was "available to the public," but not that it was true.²³

Courts undoubtedly will face requests for judicial notice of facts from a broadening variety of online sources. Counsel should not object to judicial notice of a fact simply because it derives from a web-based source. But the Internet's complexity, impermanence, and lack of transparency should not be ignored when considering whether a website is a "source whose accuracy cannot reasonably be questioned."

²⁰ *Id.* (quoting *Campbell v. Sec'y of Health and Human Servs.*, 69 Fed. Cl. 775, 781 (2006)).

²¹ *Kole v. Astrue*, 2010 U.S. Dist. LEXIS 31245, at *18 n.3 (D. Idaho 2010).

²² *E.g.*, *Gonzales v. Unum Life Ins. Co. of Am.*, 861 F. Supp. 2d 1099, 1104 n.4 (S.D. Cal. 2012) (declining to take notice of the Wikipedia description of Parkinson's Disease).

²³ *McCrary v. Elations Co.*, 2014 U.S. Dist. LEXIS 8443, at *3 n.3 (C.D. Cal. 2014).

Oregon Chapter Hosts Annual Dinner

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

This year, the Oregon Chapter of the FBA returned (by popular demand) to an annual dinner format. (For the past few years, the chapter had experimented with having an annual lunch and a separate cocktail hour at the Hatfield federal courthouse.)

As in the past, the federal judges welcomed attendees to "their house," the Hatfield federal courthouse for the May 23, 2014, annual dinner. The theme of this year's dinner was community service. The event began with drinks and appetizers on the courthouse's 16th floor balcony. Everyone was enjoying the beautiful Oregon spring evening so much that it was hard to tear people away for the dinner in the courthouse's lobby, which had been transformed into a dramatic event space by our caterer, bon appetite. Incoming membership chair **Danielle Hunsaker** (Larkins Vacura) created a slide show featuring firms' and individuals' community service activities that played on several screens in the lobby throughout the dinner.

Chapter president **Jolie Russo** (U.S. District Court, District of Oregon) gave the opening remarks. President-Elect **Gosia Fonberg** (Buchanan Angeli Altshul and Sullivan) followed, presenting the chapter's inaugural Unsung Hero Award to **Anneka Nelson** (Barran Liebman). Next, the members of the Haggerty Scholars Committee, **Shannon Armstrong** (Markowitz Herbold Glade & Mehlhaf PC), **Brian Beel** (Perkins Coie), and **Harold DuCloux** (Federal Defender's Office, District of Oregon) presented the program's new format—this year the chapter moved from an essay contest to a year-long program that will introduce the selected Haggerty Scholars to various aspects of federal practice and provide mentorship throughout the year from participating attorneys. The Haggerty Scholars Committee also announced this year's selected scholars: Alexxis Childers

Oregon Chapter Hosts Annual Dinner

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(Reynolds High School), Ayah Fattom (Oregon Islamic Academy), Mellissa Meisels (Sherwood High School), and Maria Olivares (De La Salle North Catholic High School).

The awards continued with the presentation of the Judge James M. Burns Federal Practice Awards. **Judge Kathryn Villa-Smith** presented the civil award to **Susan Pitchford** (Chernoff Vilhauer LLP), and **Chief Judge Ann Aiken** presented the criminal award to **Will Blasher** (U.S. Probation Office, District of Oregon). Chief Judge Aiken wrapped up the evening with a keynote speech highlighting community service.

The chapter would like to thank the Annual Dinner Committee Chair **Chris Pallanch** (Tonkon Torp LLP) and committee members Gosia Fonberg, Danielle Hunsaker, and Jolie Russo. We would also like to thank our generous sponsors: **Angeli Unger Law Group, Barran Liebman, Buchanan Angeli Altschul and Sullivan, Larkins Vacura, Markowitz Herbold Glade & Mehlhaf, Miller Nash, Perkins Coie, Stoll Berne, and Tonkon Torp**. Last, but certainly not least, the chapter is grateful to the District of Oregon's facilities and IT staff for providing vital support to make our event run smoothly.

Congratulations to the Judge James M. Burns Federal Practice Award Winners!

Will Blasher, U.S. Probation Office, District of Oregon



Willie "Will" Blasher, Jr., was appointed in March 2013 as Acting Probation Chief for the District of Oregon. Before that appointment, he served the District's Probation Office in other capacities, including as Deputy Chief Probation Officer and as a supervisory probation officer. He is a graduate of the University of Oregon.

Will grew up in Northern California, the fifth of nine children. After becoming involved in substance abuse and illegal activity as a teenager, he found himself a part of California's criminal justice system. While he was on juvenile probation, his probation officer treated him with respect and dignity, meaningfully impacting his experience.

Little did Will know, he would move on to become a probation officer himself. The experience he had on supervision in California has been useful in his varying roles as a probation officer, line officer, and now an administrator in the District of Oregon—he learned the paramount importance of treating everyone, no matter who they are, with respect and dignity, and he strives to create a culture in the District's office that embodies those ideals.

Will has contributed to the District of Oregon in a number of ways, but one of his most meaningful

contributions has been to that culture. He has sought to change the culture from one of control and monitoring to one of behavior change, encouraging those around him to become agents of change by building positive relationships and learning to understand how human nature drives us in the work that we do. In that vein, he has supported implementing evidence-based practices that focus on developing human relationships. After all, without developing relationships, and without understanding why we all do the things we do, little can be done in changing lives—one’s own and others’—for the better.

Will and his wife, Mara, have been together for nearly 39 years. They have raised four sons.

When Will was appointed as a federal probation officer in 1987, Judge Burns described Will as a “keeper,” and we admire Judge Burns for the foresight that he had in knowing the contribution that Will would go on to make to the District of Oregon and to our state. Congratulations to Will Blasher, our 2014 Federal Practice Criminal Award recipient.

Susan Pitchford, Chernoff Vilhauer LLP

Susan Pitchford is this year’s recipient of the Honorable James M. Burns Civil Practice Award.



This award also recognizes those who have improved the practice of law before the U.S. District Court of Oregon and who are role models of professionalism from other lawyers practicing before the Oregon Federal Courts.

The award recognizes Susan’s efforts in organizing “The Innovations in the Law: Science & Technology”

conference with the Federal Bar Association and the Ninth Circuit Lawyer Representatives, which brought together a distinguished assembly of industry leaders from across the country to address improving the delivery of legal services, innovations in the courts, gaps in the law, and how the public’s use of technology impacts law enforcement.

A patent attorney, Susan counsels clients ranging from Internet startups to multibillion-dollar entities on intellectual property matters. She is Ninth Circuit Lawyer Representative and an officer with the National FBA Litigation Section Board. Susan is also a member of the Oregon Patent Law Association, Oregon Women Lawyers, the Oregon Hispanic Bar Association, and the Oregon Minority Lawyers Association. She is a past president of the Oregon Federal Bar Association.

Congratulations to Susan Pitchford, our 2014 Federal Practice Civil Award recipient.

Inaugural Unsung Heroes Award Announced



This is the inaugural year of the FBA's Unsung Heroes Award. The Oregon Chapter gives the award to a non-board member who donates a significant amount of time and effort to chapter activities.

The board was thrilled to present the inaugural Unsung Heroes Award to Anneka Nelson, Marketing and Business Development Coordinator at Barran Liebman LLP, who has served as the chapter's social media manager since 2013. Anneka oversees all the Oregon FBA's communications, making sure that event announcements go out over our listserv. She also has provided much needed assistance with making flyers—both for our 2012 Civil Rights CLE and our District Court Conference—and ensures that registration for events goes smoothly. We could not function as well as we do without her help. In fact, the board was so impressed by Anneka that we hired her as the chapter's first paid employee this past spring!

When she is not facilitating Barran Liebman's marketing and business development and volunteering (now working) for the Oregon Chapter of the FBA, Anneka keeps busy playing soccer and running insanely long distances in amazingly short times. Thank you Anneka (and Barran Liebman) for the countless hours you have donated to our chapter since 2012!

2014 Haggerty Scholars Announced

By: Shannon Armstrong

The FBA kicked off the Haggerty Scholars Program at the FBA's Annual Dinner on May 22, 2014. The four new Haggerty Scholars—all rising high school seniors from the Portland metropolitan area—attended the dinner, met Judge Haggerty, and were recognized during the dinner program.

The 2014 Haggerty Scholars are: **Alexxis Childers**, who will be a senior at Reynolds High School in Troutdale, Oregon; **Ayah Fattom**, who will be a senior at Oregon Islamic Academy in Tigard, Oregon; **Mellissa Meisels**, who will be a senior at Sherwood High School in Sherwood, Oregon; and **Maria Olivares**, who will be a senior at De La Salle North Catholic High School in Portland, Oregon.

The Haggerty Scholars Program is the FBA's newest community outreach project, and replaces the Haggerty Essay Contest. In honor of Judge Haggerty's Portland roots and commitment to students in our community, the program will provide assistance to local high school students selected for their demonstrated excellence in the classroom and interest in civil rights and the law.

Over the next year, the Haggerty Scholars will explore their interest in law and civil rights by spending time with a local attorney mentor, visiting a law office for a short internship, and preparing an essay that the students can use to support a college admission application. After successfully completing the program, the FBA will welcome the Haggerty Scholars back to next year's annual dinner to celebrate their high school graduation and upcoming plans for college.

Although a new program, the FBA received strong applications from students across the Portland metropolitan area. The 2014 Haggerty Scholars

were selected based on their written applications and interviews with references.

The FBA is excited to have an opportunity to work with these dedicated, outstanding students over the next year. If you are interested in volunteering to assist with the Haggerty Scholars Program or making a donation to support the program, please contact Shannon Armstrong at Markowitz Herbold Glade & Mehlhaf: shannonarmstrong@mhgm.com or (503) 295-3085.

Revisions to the United States District of Oregon's Local Rules

By: Jolie Russo, FBA President, U.S. District of Oregon

This year, Jolie Russo, President of the District of Oregon Chapter of the FBA, along with Gosia Fonberg, President-Elect, and **Johnathan Mansfield**, Vice President, produced a traveling CLE highlighting the changes to the District's Local Rules that resulted from the work of the Local Rules Advisory Committee. Those changes were drafted by committee members, released for public comment, and approved by the district court judges. The changes took effect on March 1, 2014.

Our first stop was in Eugene, Oregon, where we presented the changes to the Local Rules in a 2.0-credit approved CLE. Approximately 35 practitioners joined us for that presentation. Next, we traveled to Medford, Oregon. We ended in Portland, where approximately 70 practitioners attended our presentation. A summary of the rule changes follows.

Bankruptcy LR 2100-1(c) introduces a procedure for review in the District Court when a bankruptcy judge or party raises a concern about whether the Bankruptcy Court lacks jurisdiction to decide a statutorily "core" matter.

LR 5 incorporates the electronic filing provisions of former LR 100 such that all

current rules related to filing appear in a single rule. Electronic filing is now standard practice.

The changes to **LR- 7-1** are two-fold: (1) they strengthen certification requirements and require attorneys to discuss each claim, defense, or issue when conferring about a dispositive motion; and (2) they direct a party to file a motion and a supporting memorandum as separate sections within a single document.

LR 16-2 instructs parties to be prepared to discuss submission of trial exhibits in electronic form using the Jury Evidence Recording System (JERS).

LR 29 clarifies the scope of the prohibition against stipulations.

LR 33-1(d) clarifies the prohibition against "contention interrogatories" by redefining the prohibition.

LR 56-1 includes the word-count or page limitation applicable to the Concise Statement of Material Facts.

LR 67-2 and **LR 67-3(a)** clarify that a proposed form of order to deposit or disburse funds must be "filed" rather than "submitted."

LR 81-1(a) and **LR 81-3(e)(2)** eliminate the need to present additional copies of habeas corpus petitions or 28 U.S.C. § 2255 motions; only an original is required.

LR 83-3(a)(3) clarifies the requirement for a pro hac vice applicant to have professional liability insurance or financial responsibility equivalent to liability insurance.

Revisions to the United States District of Oregon's Local Rules

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LR 83-6(d) clarifies the reinstatement process after a period of discipline.

LR 83-11 permits new counsel to notify the court that another attorney is withdrawing as counsel and to substitute that appearance through the filing of a single Notice of Substitution of Counsel.

New Criminal LR 3003 prohibits the re-disclosure of a presentence report, subject to some exceptions under Federal Rule of Criminal Procedure 32.

Under the leadership of Committee Chair David Bledsoe, the Local Rules Advisory Committee encourages United States District Court of Oregon practitioners to contact a committee member with any additional ideas to streamline or clarify our Local Rules, with the continuing goal of improving practice in this District.

THE ASHMANSKAS TRIVIA BOX

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



Judge Ash's son Brooks is a Broadway actor. What hit show is he starring in now?

Answer on page 10.

Bend, Flip, and Collaborate: Effective Use of the iPad

By: Amy Potter, United States Department of Justice

On May 19, 2014, close to fifty participants gathered at the United States District Courthouse in Eugene, Oregon, for a lunch program entitled, “Bend, Flip, and Collaborate: Effective Use of the iPad.” Participants in the lunch included both federal and state court judges, local practitioners, and faculty from the University of Oregon School of Law. While attendees enjoyed the lunch that was provided, Chief Judge Ann Aiken spoke about the importance of effectively using the iPad and the significance of electronic access. She provided helpful tips for local practitioners about considering how judges will review what you are filing. For example, she noted how links in documents can be helpful and encouraged practitioners to provide links to cases or exhibits if possible.

Next, FBA Executive Board Member **Paul Bruch** played a short audio and Powerpoint presentation prepared by Mark Sherman of the Federal Judicial Center. The presentation provided general information on why we should use technology and how technology can make life easier. Paul then taught the audience about a new “mobile query” function on CM/ECF and other uses for the iPad.



Attendees were able to ask questions, which resulted in some great practical advice for the lunch participants. After the end of the formal presentation, participants were able to mingle and meet one another. Notably, this was our first attempt to ensure that judges from the federal and Lane County benches could attend, giving the attendees an opportunity to network with all aspects of the legal community. It was a very successful lunch.

FBA’s March Lunch Featuring Judge Michael H. Bennett of the U.S. Immigration Court

By: Gosia Fonberg, FBA President-Elect, Buchanan Angeli Altshul and Sullivan

Our chapter strives to provide opportunities for members to increase their knowledge of all aspects of the federal judicial system. In furtherance of that goal, we were pleased to host the Honorable Michael H. Bennett of the Portland, Oregon, Immigration Court as our March lunch speaker.

Judge Bennett began his talk by discussing his path to the bench, which included a few years living and practicing law in American Samoa. He then discussed the Immigration Court, which is responsible for adjudicating immigration cases and is a separate agency within the Department of Justice. Judge Bennett explained that, as an agency of the Department of Justice, the Immigration Court is independent from the Department of Homeland Security—the agency that now is responsible for many of the functions carried out by the former United States Immigration and Naturalization Services (INS). Judge Bennett told several stories about his work adjudicating immigration cases and answered many questions from the audience about his work and how the Immigration Court overlaps with federal and state courts. Judge Bennett’s lunch was one of the best attended lunches of the 2013-2014 season. We thank Judge Bennett for his insight and willingness to teach our membership about the work of the Immigration Court.

“Advocate, Not Litigate”: Tips from FBA’s April Lunch Event

By: Bethany Coleman-Fire, Davis Wright Tremaine

At our April lunch, the Honorable **John Acosta** and **Peter Richter** of Miller Nash gave a thought-provoking presentation urging practitioners to “advocate, not litigate.” They discussed various tools available to parties in litigation, noting that not all motions permitted by the civil rules should be used in each case. They observed that the savvy advocate always keeps in mind her client’s ultimate goals when making tactical choices, passing over those motions or arguments that do not move the case toward resolution. In addition to saving time and money for clients, they concluded that this strategy has the advantages of lowering stress, increasing credibility with the court, and building a positive reputation in the community.

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.

September 18, 2014

Guest Panel TBD

October 16, 2014

Judge Susan Graber ,
U.S. Court of Appeals for the Ninth Circuit

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.

Visit with Chief Judge Kozinski

The FBA is pleased to host the Honorable Alex Kozinski, Chief Judge of the U.S. Court of Appeals for the Ninth Circuit, for a visit on October 7, 2014. Please join us for a presentation from the Chief Judge, followed by a reception at the Hatfield federal courthouse. Visit our website for more information.

The Ashmanskas Trivia Answer

Brooks is currently starring in “Bullets Over Broadway.”

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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 deadlines are 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 **Nadia Dahab** at nadia_dahab@ca9.uscourts.gov.