



FBA Sacramento News & Notes

A periodic publication of the Sacramento Chapter of the Federal Bar Association

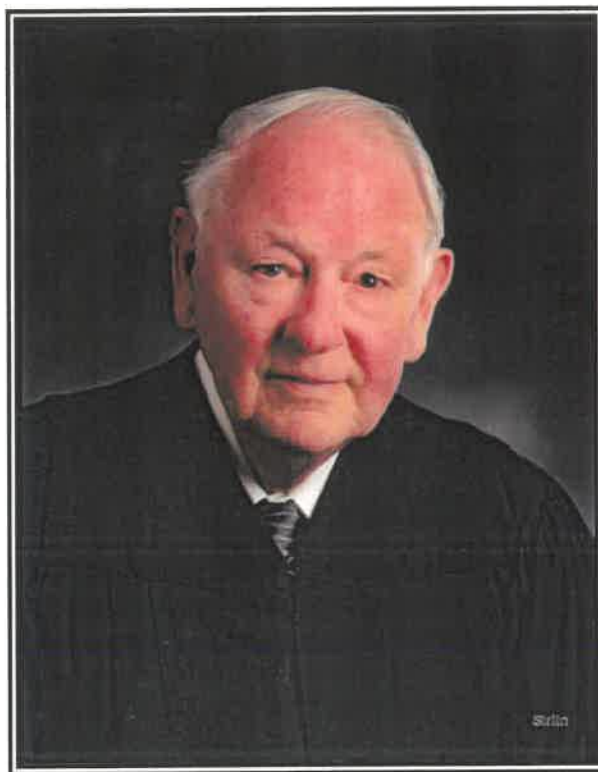
October 2009

Sacramento FBA Mixer at Lounge on 20



Magistrate Judge Ed Brennan (center) with FBA members Meghan Baker, Bre Moebius, Steve Lau, and Bill Warne (left to right) at the May Mixer at Lounge on 20. Enjoy more photographs from the event on page 8 of this issue.

HON. ROBERT E. WOODWARD: An Institution Unto Himself



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By Judge William B. Shubb © 2009

[This is the fourth in a series of articles written by Judge Shubb for *FBA Sacramento News & Notes* on the history of the U.S. District Court for the Eastern District of California.]

San Francisco, 1941

It was a quiet time for the federal courts of northern California. The district court was comfortable in its ornate courthouse at Seventh and Mission Streets in San Francisco, a block from Market Street, where shoppers and businessmen alike were always stylishly dressed, the men in suits and the women wearing hats and gloves.

See page 9 – Hon. Robert E. Woodward



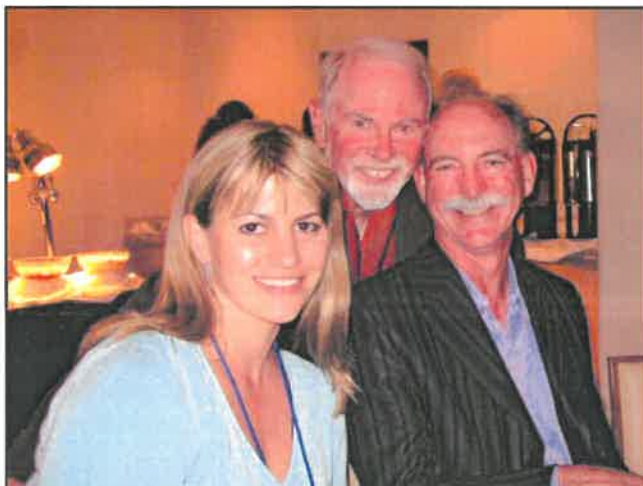
Judges and practitioners from our district gathered in Monterey, California for the 2009 Ninth Circuit Judicial Conference. The Eastern District Dinner was held at an historic coastal cottage with an intimate and spectacular setting.



Larry Brown and Darcie Houck



Judge Frank Damrell and Judge Connie Callahann



Melissa Jones, Judge William Shubb, and Judge Dale Drozd



Judge John Mendez, Larry Brown, Joanne Garcia, Judge Edward Garcia, and Lori Gualco



Marc Levinson, Chief Bankruptcy Judge Christopher Klein, and Mary Jane Large

10 THINGS YOU MAY NOT KNOW ABOUT CHIEF JUDGE ANTHONY W. ISHII

By Candice Fields,
Kronick Moskowitz Tiedemann & Girard

1. Tony Ishii grew up in Orange County when Fountain Valley was a rural area with 1,800 residents. His family was in farming but it was obvious from early on that he was "not good on the ranch." "I had no illusions about being a farmer," says Judge Ishii.

2. The Ishii family moved to the Central Valley where he attended high school with Judge Sandra Snyder (he is ten days her elder, as she likes to point out). Judge Ishii is stunned by the fact that they recently attended their 45-year reunion because "that is something old people do."

3. After high school, not being sure of what he wanted to do when he grew up (other than definitely not farming), Tony Ishii attended Reedley Junior College where he dabbled in engineering. He appreciates being able to dabble and wonders how things would have turned out had he immediately attended a four-year university as an engineering major.

5. Once at the University of the Pacific, our own Tony Ishii obtained a Doctor of Pharmacy degree. He remains a board-certified "inactive" registered pharmacist.

6. Tony made time for intramural football while at UOP. As a wide receiver, he earned the nickname "Stonehands" when he once failed to hang onto the ball. "Stonehands" thought he was on the road to become a pharmacist until a lawyer - the father of one of his fraternity brothers - "rescued" some friends who were caught roaming the Gold Country toting public street signs. Law suddenly seemed to be a noble calling and so Tony Ishii decided to take the LSAT.

7. Once at Boalt Hall for law school, Judge Ishii initially worked part-time at a pharmacy in Berkeley. In 1973, he did not consider it odd to walk down the street in a white smock because people were wearing all sorts of things in Berkeley back then. Likely, his obvious access to pharmacy-quality drugs made him the envy of Telegraph Avenue.



8. Judge Ishii fondly remembers the "good ol' days" when he served on the bench as a Justice Court Judge and later as a Municipal Court Judge for the Central Valley Municipal Court in Fresno County. There was less homework then.

9. Now, although being Chief Judge comes with a surprising amount of administrative responsibility, Judge Ishii and his lovely wife Jeanette have found time to take up ballroom dancing. At first, he "adamantly refused" but then "reluctantly agreed" to the idea. He now enjoys the pastime very much. The team of Jeanette and Tony even took Second Place at the Ninth Circuit Judicial Conference dance contest in 2008 (where they were beaten only by the Chair of the conference . . . hmm). Yes, the Ishiis are fans of Dancing with the Stars!

10. Chief Judge Ishii is the ringleader of "pie days," which occur occasionally when about 40 clerk's office and chambers staff convene to enjoy a few minutes of social time over a nice slice of pie. He also makes an effort to attend the monthly meetings of the FBA - San Joaquin Chapter. They are fortunate to have him nearby. The Sacramento Chapter has his support too, even if most frequently via videoconference technology. ■



Interested in Expanding Your Criminal Practice?

Join the Criminal Justice Act Panel

The Criminal Justice Act (CJA) provides for legal services for any person charged with a federal offense who is financially unable to obtain adequate representation. If the court determines that a person is eligible for appointment of counsel, either the Federal Public Defender or an attorney in private practice compensated under the CJA Plan is appointed. The Federal Public Defender is appointed to represent approximately 75% of the financially eligible federal defendants in the Eastern District of California. The remaining eligible defendants are represented by private attorneys who have qualified for appointment under the CJA panel. Attorneys selected for the federal panel must have demonstrated experience in, and knowledge of, the Federal Rules of Criminal Procedure, Federal Rules of Evidence, Sentencing Guidelines, and the Eastern District's Local Rules. The application form and further information can be located on the Federal Defender's website (www.fpd.org) or by calling the Federal Defender's Sacramento panel administrator, Kurt Heiser, at (916) 498-5700 or the Fresno panel administrator, Nancy McGee, at (559) 487-5561. ■

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The above is a paid-for advertisement and is not a recommendation or endorsement by the Federal Bar Association, or the Federal Bar Association – Sacramento Chapter.

WI-FI Available in the Courthouse Attorneys' Lounge

The attorneys' lounge, located on the first floor of the Robert Matsui Courthouse, 501 I Street, Sacramento now provides free wi-fi service to all attorneys. Attorneys who have used it say the signal is strong and has very fast speeds. Signs located in the room provide the password to access the service while in the lounge or the library. The lounge has a large central area with comfortable seating, telephones for local calls, and three conference rooms that can be reserved for depositions, mediations, conferences, or other professional purposes.

In further attempts to make the lounge more useful to attorneys, the Clerk of the District Court and the FBA are investigating bringing in a coin operated biz-hub service that would allow attorneys to print, copy, or scan documents while in the lounge. Additionally, a fresh coat of paint is coming to brighten the rooms and the purchase of new furniture, including tables in the lounge area, has been proposed. ■

Do You Want to Get Involved in FBA Sacramento?

Dear Members,

One of the best things about practicing law in Sacramento is the sense of collegiality among practitioners and between bench and bar. Local bar associations like FBA Sacramento help promote that collegiality. Each year, FBA Sacramento puts together social mixers and educational programs that bring judges and practitioners together. In addition, *FBA Sacramento News & Notes* strives to keep members apprised of Sacramento's legal past, present, and future.

Would you like to join our team? By becoming an FBA Sacramento Board member, you can help put together programs that strengthen Sacramento's legal community. If you are interested in joining FBA Sacramento's Board in 2010, please send a resumé to Stephen Lau at slau@mgslaw.com. ■

FBA SACRAMENTO'S NINETEENTH ANNUAL
SUPREME COURT YEAR IN REVIEW



After Steve Lau welcomed over 100 attendees, Professor Clark Kelso (left) and Professor Alan Brownstein (right) shared insight about twelve cases from the Supreme Court's last term.



Cases Professor Kelso Discussed:

Winter v. Natural Res. Def. Council, Inc., 129 S.Ct. 365 (2008) (preliminary injunction standard); Altria Group, Inc. v. Good, 129 S.Ct. 538 (2008) (preemption of state law fraud claim); Pac. Bell Tel. Co. v. Linkline Commc'ns, Inc., 129 S.Ct. 1109 (2009) (price-squeezing claim under the Sherman Act); Wyeth v. Levine, 129 S.Ct. 1187 (2009) (preemption of failure to warn claim); 14 Penn Plaza LLC v. Pyett, 129 S.Ct. 1456 (2009) (enforcement of arbitration requirement in collective-bargaining agreement); Vaden v. Discover Bank, 129 S.Ct. 1262 (2009) (well-pleaded complaint rule when determining jurisdiction of a petition to compel arbitration).

Cases Professor Brownstein Discussed:

Pleasant Grove City, Utah v. Summum, 129 S.Ct. 1125 (2009) (First Amendment's Free Speech Clause); Caperton v. A.T. Massey Coal Co., Inc., 129 S.Ct. 2252 (2009) (recusal of judge based on judge's interest in a case); Ricci v. DeStefano, 129 S.Ct. 2658 (2009) (Title VII disparate impact and treatment); Safford Unified Sch. Dist. No. 1 v. Redding, 129 S.Ct. 2633 (2009) (strip search of middle school student); Nw. Austin Mun. Util. Dist. No. One v. Holder, 129 S.Ct. 2504 (2009) (preclearance obligations under the Voting Rights Act); FCC v. Fox Television Stations, Inc., 129 S.Ct. 1800 (2009) (FCC's indecency policy).



Litigating Prisoners' Civil Rights Claims Under 42 U.S.C. § 1983: The Eastern District's Pro Bono Panel

If you are interested in joining the panel or would like more information, please contact Sujean Younger at (916) 930-4278 or via email at syounger@caed.uscourts.gov.

For several years, the Eastern District has had a need for attorneys to contribute their time by representing prisoner plaintiffs in lawsuits challenging conditions of confinement or alleging unconstitutional treatment under 42 U.S.C. § 1983. In 1988, the Court first organized a panel of attorneys available for appointment in cases filed by *pro se* inmate plaintiffs. In 2005 and 2007, Chief Judges Levi and Burrell, respectively, issued letters as part of an effort to revive the panel. The panel today consists of 131 members.

In addition to providing the opportunity for public service, the panel provides an opportunity for lawyers to gain experience litigating civil rights cases with the prospect of a jury trial in federal court. Attorneys who have volunteered for the panel, and who have accepted appointment, have been acknowledged by the Chief Judge at the Eastern District's Annual Conference each year since 2005.

The Court does not necessarily expect attorneys to bear all the litigation costs in these cases. Through the Pro Bono Program, attorneys can request reimbursement of reasonable out-of-pocket expenses as long as they obtain pre-approval. Attorneys are requested to reimburse the fund if they obtain a costs award in the case. The pro bono appointment does not preclude an award of attorney fees in a civil rights case. There is a fee award cap in damages obtained in civil rights cases, but where an inmate is successful in obtaining injunctive relief, the attorney can obtain fees for time spent vindicating the litigant's civil rights. Also, at present, there is no cap on attorney fees in cases brought under Title II of the

Americans with Disabilities Act.

In April 2009, Sujean Younger was named the Eastern District's new ADR and Pro Bono Program Director. In this capacity, she has been both supporting and expanding the Pro Bono Panel. The support she provides for panel members includes answering questions related to appointments, facilitating and coordinating client visits, providing forms, assisting with expense reimbursement procedures, and pairing less-experienced attorneys with an experienced civil rights attorney-mentor.

A new feature in the Pro Bono Program is the opportunity to accept a limited purpose appointment. The Court has recently appointed counsel for the limited purpose of attending a mediation or settlement conference on behalf of an inmate. Limited purpose appointments will also be used in cases where the inmate needs assistance in researching and briefing a complicated legal issue.

On June 26, 2009, the FBA Sacramento Chapter hosted a free informal luncheon for existing and prospective panel members. The event was held at the offices of Downey Brand LLP and featured the following speakers: U.S. Magistrate Judge Kimberly Mueller, Carter White, the U.C. Davis School of Law Civil Rights Clinic Supervising Attorney, and Ed Sangster, from K&L Gates LLP. Mr. Sangster is a current panel member who has extensive experience litigating § 1983 claims. The speakers, existing panel members, and prospective panel members who participated in the event helped make the luncheon a success. ■



Courthouse Connection: **Upcoming CM/ECF Changes**

The "Courthouse Connection" section of *FBA Sacramento News & Notes* offers a series of articles designed to provide useful information about litigating effectively in the Eastern District of California.

**By Victoria Minor, Clerk of the Court,
United States District Court for the Eastern District of California**



Introduction

The federal judiciary's Case Management/Electronic Case Files ("CM/ECF") project revolutionized the way in which federal courts manage their cases and documents. Anyone who has filed documents in federal court knows that the system is easy to use and allows e-filing from anywhere the filer has access to a computer and the Internet. The system also allows the court to file, store, and manage our case files in an easy-to-access, transparent way benefitting both the bench and the bar. Nationally, more than thirty-four million cases are on CM/ECF systems, and more than 400,000 attorneys have filed documents over the Internet.

The Eastern District of California went live on CM/ECF on January 3, 2005. Since then we have seen many changes to the CM/ECF Software and Application. Most recently, a major upgrade to CM/ECF Version 3.1 occurred in January 2008. This upgrade made several modifications in CM/ECF, including:

- Changing the way attorneys receive their "free look" at documents.
- Compiling civil case reports by nature of suit.
- Compiling criminal case reports by citation code.
- Viewing multiple documents in a single docket entry.

- Providing a new cascading menu structure.
- Allowing docket event searches.
- Allowing cross-document hyperlinks.

The next major change for CM/ECF will be an upgrade to Version 4.0 of the application software, expected in late 2009 or early 2010. So what can you expect from this new version of CM/ECF when it arrives? This is a sneak preview of the new features:

Really Simple Syndication Feed for Public Users

Really Simple Syndication ("RSS") is a type of XML (extensible markup language) that allows Internet browsers and other feed readers to display information from a website. Users can subscribe to RSS feeds to receive notifications every time we update content on a particular site. To allow for easier public access to specific data, CM/ECF will now give users an RSS feed, with links to docket sheets and documents. Case-specific RSS feeds will not be included. Instead, the feeds will be based on event types. Users will need to get, install, and configure third-party RSS reader software before they can use this feature in CM/ECF. The court Information Report will include the RSS feed available to public users. The feed includes the last

See page 13 -- Courthouse Connection

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Jeremy Donati

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Operations Manager: Keith Holland

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Operations: Steve Robles

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Courtroom Servs.: Angela Alvarez

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FBA May Mixer at Lounge on 20

FBA Members gathered in May to enjoy sunny weather, refreshing beverages, hors d'oeuvres, and good company.



Matt Segal, Judge William Shubb, and Larry Brown



Jean Hobler and Matt Jacobs



Jeff Galvin, Lori Gualco, and Ward Campbell



Colleen Truden and Steve Lau



Bre Moebius, Candice Fields, Larry Brown, and Antonia Darling



Linda Chappabitty, Dennis Chappabitty, and Lori Gualco

Hon. Robert E. Woodward – continued from page 1

Since 1911, when Congress divided the state into two separate districts, the district judges did not have to deal with any cases arising south of Santa Clara, Stanislaus, Toulomne, and Mono Counties, which were all heard in Los Angeles. Only the cases arising between those counties and the Oregon border fell within the jurisdiction of the Northern District.

Any concern the citizens of Sacramento may have had about the absence of a federal court presence in the State's capital had been quelled two years earlier, when Congress authorized the appointment of a judge of the Northern District "whose official residence shall lie in Sacramento," and the President appointed former Sacramento Superior Court Judge Martin I. Welsh to fill that position. The other three judges¹ of the Northern District maintained their chambers in the San Francisco courthouse.

The courthouse was shared, of course, with the Court of Appeals, but since only three of its six judges² had their chambers there, the building, which was constructed in 1905, was still more than adequate to accommodate both courts. There was no serious thought of expanding the court's quarters, much less the need for any new districts in California.

When an opening occurred in San Francisco for someone to work at the front desk filing and entering pleadings on the docket sheets, District Court Clerk Walter B. Maling asked Dean David E. Snodgrass, of the nearby Hastings College of Law, for recommendations. Dean Snodgrass recommended Robert E. Woodward, a 26-year-old graduating law student, for the job.

The son of a South Dakota gold miner, Bob Woodward spent his early years in the mid-west. When he was 12 years old, in search of a better climate, his parents sent him and his older sister to live with relatives in southern California. After attending public schools in San Diego, in 1933, he

enrolled in the newly opened San Diego State College. Upon his graduation, in 1938, he applied, and was accepted, to the University of California, Hastings College of Law, in San Francisco. When he was ready to graduate from Hastings, Dean Snodgrass thought the job at the District Court would be good experience for him, and upon the Dean's advice Bob accepted Mr. Maling's offer.

Prophetically, his first assignment was filing and docketing the pleadings in bankruptcy cases. In those days, there was no separate Bankruptcy Court or clerk, so all of the papers in bankruptcy matters went through the District Court clerk's office.

One of his other duties was to deliver the money collected by the court in condemnation cases to the Wells Fargo Bank on Montgomery Street and then to the Federal Reserve Bank on Sansome Street. He would place the cash and checks in a paper bag, as if it was his lunch, and take it by streetcar from the courthouse to the banks. For the several years he did that, fortunately, he was never held up.

Courtroom Clerk to Judge Goodman

Judge Louderback³ died in December of 1941, and San Francisco attorney Louis E. Goodman was appointed the following year to fill his seat. Bob Woodward was promptly promoted to the position of courtroom deputy clerk to Judge Goodman.

By that time, the United States was at war with Japan. Suddenly, the West Coast no longer seemed so remote from the center of Government. President Roosevelt's infamous Executive Order 9066 resulted in the internment or exclusion of all persons of Japanese ancestry from the Pacific coast.

Many young Japanese American men avoided the internment camps by volunteering for, or submitting to induction into, the armed forces of the United States. Theirs were some of the most

What Programs Would Benefit Your Practice?

The Sacramento Chapter of the FBA intends to continue its tradition of offering quality educational programs for its members. What types of programs and events would benefit your practice? Please submit your ideas to our Programs Co-Chairs, Meghan Baker at mbaker@downeybrand.com or Michael Wilcox at michael.wilcox@bullivant.com. You can also submit suggestions for locations of upcoming mixers. ■

Hon. Robert E. Woodward – continued from page 9

decorated military units of World War II.⁴ Others, some in protest to their treatment by the government, resisted the draft. They were prosecuted in the federal courts.

Because the internment camps were spread across the western United States, the prosecutions of the Japanese American draft resisters were held in several judicial districts. There was seemingly no legal defense for their refusal to obey the unequivocal orders of their respective Draft Boards. Every judge who heard their cases found them guilty – judges in Wyoming, Idaho, Colorado, Arizona, and Utah. Every judge, that is, but one.

One of the camps was in Tule Lake, situated in the Northern District of California. Accordingly, the cases of the resisters interned there were to be heard in Eureka, California.⁵

One would have expected Judge Welsh to preside over any cases in Eureka, since it was within the Northern Division of the District – an area technically covered by the court in Sacramento. But after Judge Goodman was appointed, matters to be heard outside of San Francisco were apparently heard by any available judge. And being the most junior judge, it appears that Judge Goodman inherited the Eureka duty for that session of court.

Shortly before the hearing date of July 17, 1944, Judge Goodman, Bob Woodward, and the judge's law clerk took off in the Judge's 1941 Packard along the Redwood Highway toward Eureka. It was to be the annual appearance of a federal judge there, and a banquet honoring Judge Goodman was held on the evening of the first day of trial. There were speeches by prominent local attorneys, a state senator, and even the Assistant U.S. Attorney prosecuting the case. Needless to say, the public opinion of the townfolk was overwhelmingly against the defendants.

On the fourth day of trial, defense counsel filed a motion to quash the indictment. After considering the arguments on both sides, Judge Goodman granted the motion, apparently on the ground that to confine an American citizen on the ground of disloyalty and then compel him to serve in

the armed forces was "shocking to the conscience."

According to the judge's law clerk, she and the judge were so afraid of the public reaction if he ruled in favor of the defendants that he deliberately withheld announcing his decision until the last day of the trial, which was a special Saturday morning session, had packed all their bags, and had Bob Woodward waiting in the car in front of the courthouse with the engine running so they could make a quick getaway as soon as the decision was announced.⁶



Judge Louis E. Goodman

In his oral history, taken by Richard Heltzel in 2002 and 2003, Judge Woodward recalled the trip, but did not remember the incident in the same way. This does not necessarily mean the incident did not occur as the judge's law clerk related it, but may simply be an indication that Judge Goodman himself did not consider his decision to be as out of the ordinary as history would later record it.

Although Judge Goodman cited no legal authority in support of the rationale for his decision, the government took no appeal from it. In hindsight, his ruling would probably not have withstood appellate scrutiny. In the view of many modern commentators, however, it stands as a monument to judicial independence.

Sacramento, 1945

The War changed the lives of just about everyone. After the attack on Pearl Harbor, Bob Woodward had tried to enlist in the Navy, but was rejected because he had contracted rheumatic fever and tuberculosis as a young boy. Most of the other young men, including the lawyers, however, were serving in the armed forces.

On one of his trips with Judge Goodman to Sacramento to cover for Judge Welsh, Bob met District Attorney John Quincy Brown.⁷ Because one of Brown's deputies had left to serve in the military, he was able to offer Bob a position as Deputy District Attorney. So in 1945 Bob moved to Sacramento to take on his first job as a trial lawyer.

In the course of prosecuting criminal cases in Sacramento County, Bob had occasion to appear before the County's newest Superior Court Judge, Dal M. Lemmon. Judge Lemmon was previously the State Law Librarian and practiced law in Sacramento for 23 years before his appointment to the bench. He had a reputation as a tough, strict judge, but Bob got along well with him and later remarked that he was the most astute judge he had ever encountered.

Law Clerk to Judge Lemmon

After the War, Bob had to leave the District Attorney's office because the lawyer whose place he had taken returned from military service. He then hung up his shingle as a private practitioner in the Oshner building, which still stands today in the 700 block of Capitol Mall. About a year later, when Judge Welsh retired, Judge Lemmon was appointed to fill the seat of the federal judge sitting in Sacramento. He called upon Bob to serve as his law clerk.

At that time, judges' law clerks were not prohibited from practicing law, so Bob was able to maintain his private practice while clerking for Judge Lemmon. Judge Lemmon's chambers and courtroom were in the Post Office Building at 801 I Street. His large wood paneled courtroom, with its marble floor and leather furnishings left an impression on everyone who entered it.

Eventually, when a position opened in the

United States Attorney's office in Sacramento in 1953, considering Bob's experience in the District Attorney's office, Judge Lemmon recommended him to the United States Attorney.

Assistant United States Attorney

At that time, there were two assistant U.S. attorneys stationed in Sacramento. Bob took the place of one of them, Emmett Sewell, who had been the prosecutor in the Kuwabara case in Eureka. After a while, the other attorney also left. From time to time, other attorneys, including, *inter alia*, Alan R. Porterfield, James S. Eddy, E. Richard Walker, and Rothwell B. Mason, were assigned, one at a time, to work with him. But for much of the 11 years from 1953 to 1964 Bob Woodward single-handedly staffed the United States Attorney's office in Sacramento.

In his oral history, Bob Woodward estimated that he tried between one and two thousand cases during that period of time. That is undoubtedly an exaggeration. Even if Bob could have kept his sanity trying an average of two to four cases a week, it is doubtful the judges could have maintained theirs. Nevertheless, it must have seemed to Bob like he tried that many cases.

As the only Assistant U.S. Attorney in Sacramento, there were many times when he would have to juggle Grand Jury proceedings and a trial, appearing in each during a recess of the other. But the types of cases prosecuted at that time, of course, were not the same as today. Many simpler cases, for what we would consider more minor offenses, were brought then.

We used to call Bob "the hangman," or alternatively "the preacher," because when making his final arguments to the jury he always wore the same black suit, and characteristically held a tattered copy of the federal Criminal Code in his hand. His style, though simple and straight forward, was highly effective. He later estimated that he lost a total of no more than two to five cases.

When Judge Lemmon was elevated to the Ninth Circuit Court of Appeals in 1954, former Stanislaus County Superior Court Judge Sherrill Halbert took his place on the District Court. Later, in 1961, a second federal judgeship was created in

Sacramento, and former State Assemblyman Thomas J. MacBride was appointed by President Kennedy to fill that position. The following year, the court, and the United States Attorney's office, moved to the new Federal Building at 650 Capitol Mall. For the next two years the preacher delivered his sermons there.

Bankruptcy Judge

There were no Bankruptcy Judges or Magistrate Judges in those days. Evan J. Hughes sat as the court's Referee in Bankruptcy in a small office on the third floor of the Federal Building, and the Court Commissioner had an office on the first floor.

The Court Commissioner performed duties in criminal cases similar to those performed by magistrate judges today. If it were not for the fact that Referee Hughes retired before the Commissioner did, Bob Woodward might have been appointed Commissioner and eventually become the District's first Magistrate Judge instead of its first Bankruptcy Judge.

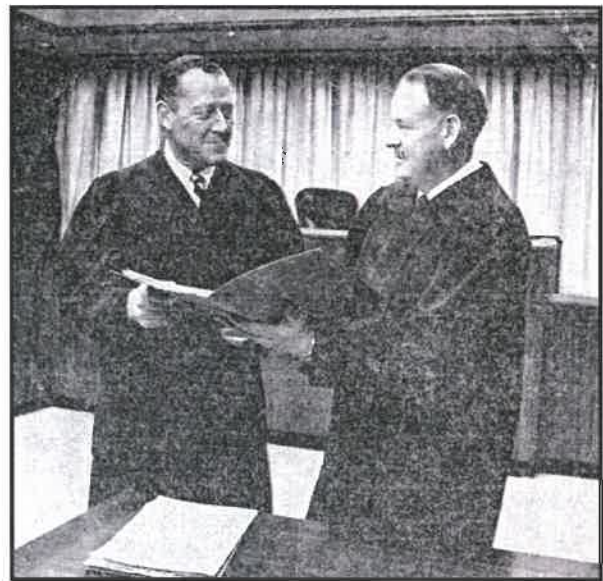
As it was, Judge Halbert and Judge MacBride had agreed to alternate appointments of the subordinate court officers, and when Evan Hughes announced his retirement in 1964 the responsibility for the appointment went to Judge Halbert. He offered it to Bob Woodward, who enthusiastically accepted.

Judge Woodward served thereafter as Sacramento's only Referee in Bankruptcy until the Eastern District of California was created on September 18, 1966. Shortly after that, a second referee, Bryte M. Peterson, was appointed in 1967. In 1973, the Supreme Court issued rules that applied the new title of "bankruptcy judges" to referees, and when Bankruptcy Courts were subsequently created by the Bankruptcy Reform Act of 1978, Judge Woodward was elevated to the position of Chief Bankruptcy Judge.

With two bankruptcy judges in Sacramento, new courtrooms and chambers had to be set up. Some space on the eighth floor previously occupied by the U. S. Geological Survey was identified, and GSA presented a set of blueprints that looked more

suitable for a bowling alley than courtrooms. When Judge Woodward continued to complain about the design, they finally, somewhat sarcastically, told him he could design it himself.

He went home, prepared a drawing of how he would like it to be set up, and the courtrooms and chambers were built according to his specifications. Those rooms, as designed by Judge Woodward, remained there for the next thirty years until the court finally moved out of 650 Capitol Mall in 1999. In fact, GSA later used Judge Woodward's plans in order to build other bankruptcy courtrooms in South Carolina.



Bankruptcy Referees Bryte M. Peterson (left) and Robert E. Woodward (right) begin holding court in their new courtrooms on the eighth floor of the Federal Building at 650 Capitol Mall.

Judge Woodward continued to serve the court as our Chief Bankruptcy Judge until his retirement in 1986. He is perhaps best remembered for his personal attention to Chapter 13 cases and his belief that not just creditors, but debtors as well, will benefit when the debtors are given an opportunity to pay off their just debts.

Conclusion

Robert E. Woodward was a part of the court's history for over four and a half decades. He was here before there was an Eastern District of California, before there were bankruptcy judges, and before there was a Bankruptcy Court. He was the sole Assistant U.S. Attorney in an office that now has more than fifty lawyers. He saw the bankruptcy court grow from a

cramped one man office to the institution that it is today. He lived in his retirement to the ripe old age of 94. In short, he was an institution unto himself.

¹ Judges Adolphus St. Sure, Harold Louderback, and Michael J. Roche.

² Judges Curtis D. Wilber, William Denman, and Clifton Mathews maintained their chambers in San Francisco. Judge Francis A. Garrecht's chambers were in Spokane, Washington; Judge Bert Emory Haney's chambers were in Portland, Oregon; and Judge William Healy's chambers were in Boise, Idaho.

³ Interestingly, United States District Judge Harold Louderback was one of the few federal judges to be impeached by the House of Representatives. Charged in 1933 with appointing incompetent receivers in bankruptcy cases and awarding them excessive fees, he was later acquitted in the Senate of all charges.

⁴ Sterner, *Go For Broke: The Nisei Warriors of World War II Who Conquered Germany, Japan, and American Bigotry* (Am. Legacy Historical Press 2007).

⁵ United States v. Masaaki Kuwabara, et al., Cr. No. 8979 (N.D. Cal.).

⁶ Muller, *Free to Die for their Country, the Story of Japanese American Draft Resisters in World War II*, University of Chicago Press (2001).

⁷ Grandfather of the current Sacramento attorney of the same name. ■

Volunteer and Sponsorship Opportunity

The Center for Civic Education is holding its 23rd state finals for *We the People: The Citizen and the Constitution* in Sacramento on February 5th and 6th. High school students will present statements on questions related to the Constitution and then answer questions from judges. The program is looking for judge and attorney volunteers and sponsors for the event. To learn more and find out how to volunteer or donate, visit <http://www.civiced.org/> or contact Kari Coopinger at coppinger@civiced.org.

100 entries of the court-defined event types docketed. If the user selects the "Last 100 entries – Internet option," a subsequent screen appears and the user can subscribe to the feed from this screen. A sample list of recent docket entries also appears on this screen.

Combined Criminal Docket Reports

When a case number for a multi-defendant criminal case has been entered and two or more cases have been selected, a new "View Combined Docket Report" checkbox will be displayed beneath the case number list. Selecting the "View Combined Docket Report" checkbox will allow the user to run the combined form of the report for the chosen subset of defendants. The combined docket report will display all of the defendant, party, and attorney information in the top section of the report for the defendants selected. The report will display the combined proceedings of the chosen defendants at the bottom of the report.

Modified Query Screen

The Query screen will be modified to provide more options to allow for more refined searching, as follows:

- The party name search fields will be combined with the case data search fields to form a single section.
- A "Cause of Action" select list will be added.
- The redundant row of "Case Status" radio buttons will be removed.
- The second instance of the "or search by" text will be removed.
- Queries will have options to run by entering a case number or any combination of the following: Case Status, Filed Date, Last Entry Date, Nature of Suit, Cause of Action, Last/Business Name, First Name, Middle Name, Type.

Redaction Reminder

The following text will appear on the log in screen to remind users of the need to redact certain information: **"IMPORTANT: All filings with the court - including attachments - must comply with Fed. R.**

Civ. P. 5.2 or Fed. R. Crim. P. 49.1. Social Security or taxpayer-identification numbers, dates of birth, names of minor children, financial account numbers, and home addresses in criminal cases, may not appear, except as allowed by the applicable rule."

Adding Documents and Attachments

The process of adding a main document and attachments during docketing has been streamlined to require only one screen. The document upload screen will change dynamically, based on the number of attachments added and other actions taken by the user. When the user clicks the "Browse" button in the "Attachments" section to add the first attachment then selects a PDF document, selects a category or enters a description (or both), a new row will appear so the user can then add a second attachment, and so on.

If only two attachments should be added, the user would leave the fields in the third row blank and then click "Next." If additional attachments should be added, the user would click "Browse" for each attachment and then add the document.

If an attachment should be removed, the user would click "Remove." If, for example, Attachment 1 is removed and there is a second attachment, Attachment 2 would become Attachment 1, etc. If an attachment file is incorrect and needs to be replaced, the user would click again for the attachment and load a different document. If the user clicks the "Clear" button after adding documents and attachments, the screen will be returned to the default state.

Courts will determine what they require for each attachment for a category, a description, both, neither, or either. If you have not selected/provided adequate information for each attachment, an error message will prompt you to do so.

The document selection screen will also be modified to include the main document number with the attachments numbered beginning with the number 1. This way, the attachment numbers will be consistent everywhere they appear (e.g., docket text, the document selection screen). Also, the file sizes and the total size of all of the documents for a docket entry will be displayed on the document selection screen.

General Announcement Emails

Courts can send general announcement email messages to users with email addresses in CM/ECF. You will have the option of opting into these announcement email messages on your CM/ECF email configuration screen. However, even if you opt out, the court can force the email announcement to be sent in situations where vital information needs to be distributed.

New User Interface for Case Opening and Docketing

The user interface for case opening and docketing will be modified to include a case participant tree on the left side of the screen, in which all case participants will be listed for easy reference. During case opening, icons will appear in the tree to allow modifications to participant information (such as the party role), and additions of attorneys (if allowed by the court), aliases, and corporate parents. The new user interface uses "panes" on the screen, so the user must never click the browser "Back" button while working on screens that contain the case participant tree. Doing so will cause all progress to be lost, since data is not written to the database until the user clicks the "Create Case" button or completes the docketing process.

Conclusion

If you have e-filed on CM/ECF, you know that two of the most difficult processes are case opening and attaching documents. The changes in Version 4.0 of the CM/ECF software address these two areas of concern and streamline the process of filing cases and documents. The upcoming changes will take advantage of new technologies and increase the query capabilities of CM/ECF so users can extract more specific data from the system.

We look forward to continuing to give you an intuitive and easy-to-use electronic filing system and as the date for implementation of Version 4.0 approaches, the court will provide announcements and detailed training materials to all users. If you have any questions when using CM/ECF or about the upcoming changes, please contact Denise Davis in Sacramento at (916) 930-4061 or Candice Hutcheson in Fresno at (559) 499-5632. ■

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