



FBA Sacramento News & Notes

A periodic publication of the Federal Bar Association, Sacramento Chapter

Summer 2012

COURTHOUSE GETS NEW CAFÉ: BAY FOODS GRAND OPENING

After two months of having to walk across the street for a cup of coffee, a new Café opened on the second floor of the Courthouse on June 4.

Bay Foods Café offers an array of breakfast and lunch foods, as well as snacks, drinks, and of course, coffee. The café is already operating at full speed, but adjustments will be made to suit the needs of courthouse visitors. Breakfasts run from \$3 to \$4, and include breakfast sandwiches, a breakfast burrito, omelets and French toast. You can also pick up a bagel, fruit, yogurt – and the coffee is organic.

For lunch, the café has a salad bar, sandwiches and a grill menu with burgers, fries, onion rings, tuna melts and all your favorite house made grilled foods. Regular sandwiches are \$3.50; gourmet sandwiches are up to \$4.50. There are soup and sandwich or salad and sandwich combos as well.

Daily specials are offered for lunch and breakfast. The management is interested in hearing what you want to eat, and the menu offerings will change with the seasons. ■

LET'S MAKE A DEAL: ATTORNEY OBLIGATIONS IN "A SYSTEM OF PLEAS"

Allison Claire, Assistant Federal Defender

Galin Frye was arrested in Missouri for driving on a revoked license. It was his fourth such offense, and he was charged with a felony. The prosecutor sent defense counsel a letter offering that if Frye plead guilty to a misdemeanor, the prosecutor would recommend a 90-day sentence. The lawyer never communicated the offer to Frye, and the offer expired. Frye eventually pled guilty to the felony and was sentenced to three years in prison.

Anthony Cooper was charged in Michigan with assault with intent to murder and related offenses. The prosecutor offered a deal: if Cooper pled guilty to two of the counts, the prosecutor would drop the other two and recommend a 51-85 month sentence. The lawyer told Cooper about the offer, but advised him to reject it. According to the lawyer, Cooper could beat the "intent to murder" allegation at trial, because the victim had been wounded below the waist only. This was not very good advice, to put it mildly -- especially in light of the facts that the victim had been shot several times, and that Cooper had also aimed at her head but missed. Cooper went to trial, was convicted, and ended up receiving a 185-360 month sentence.

What do Galin Frye and Anthony Cooper have in common, besides bad behavior and missed opportunities for dramatically lower sentences? They were the prevailing parties in two cases decided by the Supreme Court on March 21. In

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10 THINGS YOU MAY NOT KNOW ABOUT JUDGE CONSUELO ("CONNIE") M. CALLAHAN

By Michele Beckwith, AUSA



1. Judge Callahan was elevated to the Ninth Circuit in 2003 after serving as a Justice on California's Third District Court of Appeal for nearly seven years. In the midst of this busy transition, she continued to work toward completing her LL.M degree in Judicial Process from the University of Virginia. This LL.M program was designed specifically for appellate judges and required intensive study over two summer sessions and completion of a thesis. She earned the degree in 2004.

2. No stranger to balancing outside activities with a heavy caseload, Judge Callahan has served as co-editor for the Rutter Group's Practice Guide to Employment Litigation for several years. In addition to working on revisions for this publication throughout the year, she teaches seminars for Rutter two to three times a year.

3. As if these activities weren't enough, she also serves as a regent for the University of the Pacific (a post she has held since 2005), and she is heavily involved in American Bar

Association activities. She is currently the chair of the ABA's Appellate Judges' Educational Institute, and she formerly chaired the Executive Committee for the Appellate Judges' Conference.

4. Judge Callahan has recently expanded her service activities to the international realm. Last year she served on a delegation formed by the U.S. Patent and Trademark Office, which traveled to India to provide education on the importance of intellectual property laws and to help build capacity for enforcement within that country. She plans to make another trip this year.

5. As demonstrated by her work ethic and many extra-curricular activities, Judge Callahan is a woman of boundless energy. A former cheerleader in high school, Judge Callahan continues to cheer on those around her, including her past and current law clerks, externs, and staff. She does more than cheer them on in their current and future endeavors. Before Judge Levi retired, she donned her former cheerleading outfit from high school (yes, it still fit), and cheered her staff to victory in a basketball game against Judge Levi's staff. Although she jokes that her cheering was a decisive factor in her chambers' win, she also gives credit to the 6'4" extern who drove all the way from Stockton to make the game.

6. In addition to her many years as an appellate judge, Judge Callahan has served

"Callahan" continued on pg 3

as a trial judge on the San Joaquin County Superior Court. She was the first woman and first Latina to be appointed to this court, and she is the only San Joaquin County judge to be appointed a federal court.

7. Judge Callahan started her judicial career as a court commissioner on the San Joaquin Municipal Court. She earned this appointment after working for several years as a Deputy District Attorney in San Joaquin County. As a Deputy D.A., she started the Child Abuse and Sexual Assault Unit, which she also supervised. Her experience in the criminal justice system deepened her sympathy for children who are affected by crime. Noting that children do not choose the situations into which they are born, she explained that it was her goal to prevent abuse and give children a better chance to be good citizens.

8. Even though Judge Callahan started her legal career as a Deputy D.A., she spent the summer of her 2L year and all of her 3L year working for the Sacramento County Public Defender's Office. She enjoyed this work,

and probably would have gone to work for that office after law school if the District Attorney hadn't offered her a full-time position one day before the Defender's Office did. While expressing her great respect for the work that public defenders do, she joked that the timing of the offer may have been providential, and that the prosecutor's job may ultimately have been a better fit for her, because she doesn't like to lose.

9. A committed public servant, she is equally committed to maintaining a stylish and varied wardrobe. While working as a Deputy D.A., she tried a six-week jury trial without ever wearing the same outfit twice.

10. In addition to all of the many extra-curricular activities noted above, Judge Callahan makes time to participate in two Inns of Court. She is on the executive committee for the Anthony M. Kennedy Inn of Court in Sacramento, and she is active in the Inn that bears her name, the Consuelo M. Callahan Inn of Court, whose members include judges, lawyers, and students from San Joaquin and Stanislaus Counties. ■

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IN MEMORIAM JUDGE ROBERT E. COYLE

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1930 – 2012

On May 7, 2012, one day after his 82 birthday, Senior District Judge Robert E. Coyle passed away. Judge Coyle was a native of Fresno and received his B.A. from Fresno State College in 1953 and his J.D. from the University of California, Hastings College of the Law in 1956. After law school, he began his legal career as a deputy district attorney in Fresno County until he went into private practice in 1958. In 1982, he left his firm, McCormick, Bartstow, Sheppard, Coyle, and Wayte, to join the federal bench. He served as chief judge of the district from 1990 to 1996 and continued to take cases as a senior judge until 2006.

In addition to his jurisprudential contributions, Judge Coyle participated in circuit governance, including chairing the Space and Security Committee. He is also widely credited with bringing about construction of new federal courthouses in Sacramento and Fresno. He personally oversaw construction of the Fresno courthouse, conceiving an innovative management plan that brought the \$127-million project to a successful completion in 2005. He was often seen hard hat in hand walking from his chambers to the construction site to meet with project staff.

Judge Coyle's persistence was recognized in 2007 when Congress authorized dedicating the Fresno courthouse in his name. Judge Coyle was active in the Fresno County Bar Association, serving as president and vice-president, and in the community, serving on the Board of Trustees of the United Way Advocate.

The following are excerpts from remarks at his memorial service:

**Judge Lawrence J. O'Neill:** "Bob's God-given character had as its core a constant invitation to everyone to the table of life. Everyone he met, he wanted to join him at that table, to enjoy one another and to love life. . . . A United States courthouse is not simply named for someone because they were the moving force behind the structure, although, clearly, Judge Coyle was that moving force. . . . Something that very few of you know, because you didn't have the opportunity to witness it, but nonetheless, some of us within the court know, and that is, as splendid a building as this is, as huge an accomplishment as this was, Bob's much superior accomplishment was getting to know each and every person who worked on this

*"Coyle" continued on pg 5*

building. He knew everybody by their first name, and every time he walked by anyone, he referred to them by their first name and he made them know that they were special in Bob's eyes. They counted. Bob treated them as his equal, not because he was trying to make any type of a statement to anyone else, but rather, because he truly believed it. . . . Bob honestly believed that humor was the one thing that all of us could and should have in common. He was confident that that's the one thing that brought us all together when we were so far apart in certain things."



The Old Courthouse Really Needed to be Replaced

**Joseph D. Cooper** of Cooper & Cooper Attorneys at Law: "I grew up without a father figure in the house. Bob Coyle became that father figure. . . .What I would really like to impart to all of you is that back to the late 60's and into the early 70's, soccer in Fresno County was fledgling. . . . Bob Coyle was not necessarily the money behind the organization; he was the shining light. He was the guiding soul. He was the one who took a bunch of us and molded us into

honest, respectful, hopefully, young men, who competed on the field with all vigor, but yet, when it was over, was willing to shake the hand with your opponent . . . . Well, what happened was it was so successful that the Europeans started coming to Fresno and they invaded the Coyle house. So what we would do is Rickie, Robbie and Barbara and the rest of us, who were on these various teams through northern Fresno here, would all show up to the Coyle house for these parties. And, of course, I don't know if any of you were ever at the Indianapolis house of Bob and Faye Coyle, but the front door was never locked, the food was always there, and of course, there was an adult beverage or two that was consumed on that premises."

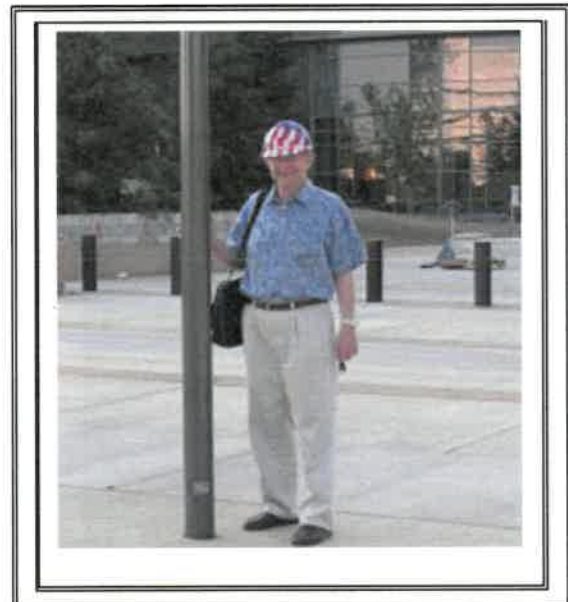
**Barbara Vellone**, Judge Coyle's daughter: "My dad taught us to always be truthful and do the right thing. That has resounded throughout our lives and our kids', sometimes whether we wanted it to or not. He led by example. Most of you saw him as an accomplished attorney and later, a fair, but firm, judge. Some, as a friend. At home, we saw him only as dad and husband. When he was home, we never knew what troubles he had at work, what cases he was working on. On the weekends, if there wasn't an infamous Coyle party, he would be out working in the yard or riding that dang tractor in the orchard with that stupid hat. Now I realize that was his form of relaxation and release. . . . Mom and dad also taught us what a real relationship was like. We didn't know it as well at the time, but over the years, I could tell he loved my mom like no other man could. I realize just how well they went together and she could not have asked for a better husband and father. He showered her with

love and respect and enjoyed her company more than anyone could ever ask for. What a team they made, and how they enjoyed each other was unparalleled."

**Lawrence E. Wayte** of McCormick & Barstow LLC: "When I joined the firm in September of 1963, Bob was already an established partner in the firm. He was actually kind of a financial manager of the firm. There were only six of us, we didn't have a managing partner, but if there was one, it was Bob back in those days. Not only did he manage the firm in that fashion, he had a vision for us that would take us beyond what were then our boundaries as insurance defense lawyers. . It was amazing to me in a relatively short period of time, through Bob's leadership and Holly's assistance, we had truly developed something new, unique and different in the law firm, and it was a major consequence of all of his energy and his vision for us and for the law firm and for the law, which he truly loved. . . . Bob was, from a lawyer's perspective -- I have never been a judge and you all know him as a judge -- but from a lawyer's perspective, he truly was a marvelous lawyer. He was really even a better friend, if you can believe that, and a colleague. He was all of those things to us."

**Jack Wagner**, former Clerk of the Court: "Bob loved this building and, as Larry indicated to you, he knew everybody in it. What Larry didn't tell you is he also touched every brick, every nail and every piece of steel and wood that went into this building as well. There was nothing that went into this building that Bob did not see or know about. . . . Once in a lifetime, a person may be fortunate to come across an individual whose

personal characteristics, principles and qualities have a profound and lasting effect on their life. . . . He challenged my thinking process by asking questions that caused me to go beyond what I saw on the surface and to look more deeply into the problems, people's motives, and the possibilities. To put it simply, he caused me to think beyond the boundaries of my own limitations. I believe it made me a better court manager and I believe it made me a better person. . . . During the 22 years that I have known Bob, he never once reminded me of the importance of his position as a federal district judge. Never once."



INSPECTOR JUDGE COYLE ON THE JOB

**Senior Judge William B. Shubb:** "I have never been able to enter this building without thinking of Bob Coyle, not just because his name is on the outside of it, but more because of how much of his own thought, energy, heart and soul he put into it. . . . He said, 'We shape our buildings and then our buildings shape us.' I heard him say that

*"Coyle" continued on pg 7*

numerous times, and he would say it in a sincere, quiet and thoughtful way, not for public consumption. I think he understood that the quality of justice can't be separated from the environment in which it is administered. . . . Bob had the insight to know that if we made the place where federal justice is administered in this community a better place today, it would influence the quality of justice for generations to come. . . . It's always dangerous, naming a building or anything else after someone, that as the pages of time turn and memories fade, the structure may replace the man in people's memories. I don't want that ever to happen with Bob. Jack Wagner said it better than I

could ever hope to say it, Bob's legacy is not in this courthouse, as majestic as it is, his true legacy is in the way he lived his life on and off the Bench. Jack was right, he lives in the hearts and minds of those who knew and loved him."

~~~~~

Judge Coyle is survived by his wife of 58 years, Faye; a son and daughter-in-law, Robert and Kim, and their children, Hunter and Sydney; and a daughter and son-in-law, Barbara and Michael Vellone, and their children, Morgan and Matthew. He was preceded in death by another son, Richard L. Coyle.■

SAVE THE DATE !!

**THE 23RD ANNUAL
SUPREME COURT YEAR IN REVIEW**

**AUGUST 23, 2012
12:00 – 1:30 PM
STERLING HOTEL**

**GUEST SPEAKERS:
VIK AMAR
LESLIE JACOBS**

AROUND THE COURTHOUSE: Fred: From Behind Bars to Guarding the Courthouse

By Bre Moebius, Law Clerk to Judge Shubb

Complete with his own U.S. Marshals Service badge and trading card, Fred is the youngest, shortest, and arguably furriest employee at the Sacramento federal courthouse. Fred is one of about sixteen U.S. Marshal explosive detection canines throughout the country and, with his handler Deputy U.S. Marshal Tim McCollum, he helps protect the employees and visitors at our courthouse. As Fred prepares to celebrate his sixth birthday this Fall (which falls somewhere between his fortieth to fiftieth birthday in "dog years" according to Wikipedia), it only seemed appropriate that our members get to know Fred a little more.

Fred is a Labrador retriever bred and raised in the East Coast program, Puppies Behind Bars (PBB). PBB trains inmates to raise puppies to become explosive detection dogs for law enforcement or service dogs for the disabled and veterans. Fred grew up with an inmate in a New York state prison and spent two to three weekends a month outside of the prison with a volunteer family. Although Tim does not know the story behind it, Fred was given his name during the PBB program. Apparently, if you donate enough money to the program, you can earn naming rights for one of the dogs.

Fred was accepted into the Explosive Detection Canine program in 2008 and began his training with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). While most dogs salivate at the scent of meat and the hope that it may fall off the kitchen table during dinner, Fred has developed a



craving for explosives. During his fifteen-week training with ATF, Fred learned that he would only be given food after he recognized an explosive odor. The ATF employed a food and praise reward methodology based on Pavlov's conditioned reflex theory, but replaced the bell Pavlov used with the scents Fred would need to detect. Fred is trained to detect five basic explosive groups, including chemical compounds used in more than 19,000 explosive formulas and detectible in post-blast evidence and shell casings. For example, Fred can detect guns, ammunition, TNT, ammonium nitrate (used in the Oklahoma Murrah Federal Building bomb), nitro methane (also used in the Oklahoma bomb), TATP (used by the "Underwear Bomber" and "Shoe Bomber"), smokeless powders, and black powders.

After Fred spent five weeks with ATF learning the various smells that he would now equate with food, Tim joined Fred for the final ten weeks of training. During that time, Tim learned how to read Fred's change of

"Fred" continued on page 9"

Missouri v. Frye, 132 S.Ct. 1399 (2012), and Lafler v. Cooper, 132 S.Ct. 1376 (2012), the Supreme Court extended the ineffective assistance of counsel doctrine to the context of the plea bargaining process.

Criminal defendants who have been convicted by juries have long been able to challenge their convictions based on attorney ineffectiveness. Ineffective assistance -- defined as deficient attorney performance that prejudices the defendant -- violates the Sixth Amendment right to counsel and requires a conviction to be set aside. Application of this principle to guilty pleas is not new. In Padilla v. Kentucky, 132 S.Ct. 1473 (2010), to give a recent example, the Supreme Court overturned a guilty plea because defense counsel had given incorrect advice about the immigration consequences of the plea. Until Frye and Cooper, however, the high Court had never applied ineffective assistance doctrine to a defendant's failure to accept a favorable plea offer. The Ninth Circuit had done so 18 years ago in United States v. Blaylock, 20 F.3d. 1458 (1994), but the issue had never before reached the Supreme Court.

The guilty plea that Mr. Frye eventually entered was a perfectly valid plea, unlike a plea based on misinformation about its consequences. The trial provided to Mr. Cooper was a perfectly fair trial, unlike a trial infected by attorney error. The states and the dissenting justices accordingly argued in each case that there was no constitutional harm, just a forfeited windfall along the way to a valid disposition. The Court's majority, however, emphasized that "criminal justice today is for the most part a system of pleas, not a system of trials." Because the adversary system now operates primarily through the plea bargaining process, the Sixth Amendment's protections must be given full force in that context.

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behavior when he caught a scent and the bond between the two began to grow. Both successfully graduated from the program, although only Tim got to enjoy a slice of cake at the graduation party. Tim and Fred are also required to attend re-certification and training each year, and the training in 2010 was held at Cowboy Stadium just prior to the Super Bowl.

Before Fred, the Sacramento courthouse did not have an explosives detection canine and his presence at our courthouse is a result of Tim's persistence. Tim began serving as a U.S. Marshal in 1988 and, while he was always a dog lover, had not worked with explosive detection canines. After talking with canine handlers while working security at conferences, Tim persisted in proposing the idea to former Chief Deputy U.S. Marshal Randy Becker and ultimately convinced him to have the Sacramento office join the program.

A typical workday for Fred proceeds like clockwork. He begins with a proactive sweep of the courthouse, including any necessary "watering" of the shrubbery around the building. During the lunch hour, Tim sets up a series of training exercises for Fred so that Fred can earn his lunch. The exercises include hiding explosives in various places, such as shipping boxes, car tire fender wells, and doorway cracks. After lunch, Fred normally takes a good nap, which enables Tim to get his deputy work done. When student groups come tour the courthouse, Fred and Tim are always the highlight.

When needed, Fred and Tim also accompany the warrant squad for searches pertaining to arrestees and parolees. Recently, he found a box of ammunition during the search of

"Fred" continued on page 12



***TOP TEN (10) REASONS
FOR YOU TO JOIN THE
FEDERAL BAR***



10. NETWORKING: With an active Sacramento Chapter as well as Chapters in all fifty states, the FBA gives you networking opportunities locally and nationwide.
9. BE HEARD IN WASHINGTON: The FBA is the foremost organization advocating for the interests of federal practitioners and the federal court system.
8. PRACTICE-SPECIFIC SECTIONS: With twenty-three sections and divisions, you will find educational and networking opportunities tailored to your area of practice.
7. PUBLICATIONS: Membership in the FBA includes a subscription to the Federal Lawyer magazine as well as the award-winning Sacramento News and Notes newsletter.
6. LIVE MCLE PROGRAMS: FBA members receive discounted rates to high-quality, live MCLE Programs - including the popular Supreme Court Year-in-Review.
5. SOCIAL MIXERS: Connect with old friends and meet new ones at hot spots around Sacramento.
4. LEADERSHIP OPPORTUNITIES: The FBA offers leadership positions to lawyers at every level.
3. EASTERN DISTRICT CONFERENCE: All members of the Sacramento Chapter of the FBA are eligible to be invited to the Eastern District Conference.
2. MEET FEDERAL JUDGES: Become a familiar face to the many District Court, Magistrate, and Bankruptcy Judges who frequent FBA events.
1. COMMUNITY: By becoming active in the FBA, you will help promote collegiality among federal practitioners and between the bench and bar.

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APPLY FOR MEMBERSHIP AT <http://www.fedbar.org>*

"Pleas" continued from page 9

The Court did three important things in these cases. First, and most broadly, it granted constitutional stature to defense counsel's existing ethical obligations to convey favorable plea offers and to advise competently. Second, it held that a defendant provided deficient representation in this context must prove prejudice by showing not only that she would have accepted the offer but for attorney error, and but also that the plea likely would have gone through and resulted in the bargained-for sentence. Third, on the issue of remedy, the Court rejected specific performance of the forfeited plea bargain. Instead, it held that in most cases the plea offer should be reinstated. The trial court would then have discretion on remand whether or not to accept the plea deal and sentence accordingly. The Court left open the important question of whether the trial court may consider information concerning the crime or the offender that was discovered after the plea offer was made.

The discretionary nature of the remedy may limit the practical benefit of these opinions for many criminal defendants who receive ineffective assistance in plea bargaining. Here in the Ninth Circuit, where specific performance was available under Blaylock, supra, the new decisions may restrict the range of available relief rather than expanding it. On a national scale, however, and as a matter of evolving Sixth Amendment jurisprudence, Frye and Cooper represent a pragmatic expansion of constitutional protections for defendants based on the realities of the "system of pleas" that is the modern criminal justice system. ■

FBA SPRING MIXER AT HOUSE RESTURANT



Bill Warne, Meghan Baker and Matt Segal enjoy the pleasant afternoon



Trevor Carson, Alex Medina, Peter Kyung, Dennis Chappabitty, and Linda Chappabitty

The Sacramento FBA holds informal mixers at local venues to allow members to informally meet with the Judges, meet other attorneys, and see old friends. The mixers are always free for members, have an open wine and beer bar, and offers appetizers. Be sure to join the FBA so you don't miss our next mixer, to be held in the fall.

"Fred" Continued from page 9

an arrestee's home. While Fred would undoubtedly agree that Sacramento is the best place to work, he has also been called on detail to some exciting locations, including the district and circuit conferences, the 2010 U.S. Open at Pebble Beach, a NASCAR race in Las Vegas, and the funeral of an abortion doctor in Wichita, Kansas. As the dog program has expanded, including the recent addition of a dog at the San Francisco courthouse, Fred's work outside the courthouse has decreased.

For all his long hours, Fred does not receive a salary, but gets free health care and a stipend for food, treats, and supplies. He eats Orijen food and his favorite treats are salmon ones that the Administrative Officer in the Marshals Office gives him after he finds a bullet hidden in her desk. At the district conference in Yosemite, the hotel chef also surprised Fred with a large bone-shaped treat made from scratch.

When Fred is not at the courthouse working, he enjoys life at home with Tim and his adopted brother, Chip, a miniature dachshund. He also loves having other dogs chase him at the dog park and playing with balls. While his love of balls may not seem unique from other dogs, Tim explains that Fred has a particular affection for balls because a private security company that previously employed Fred trained him on a ball, not food, reward system.

Interestingly, the private security company returned Fred to ATF after only six months because of Fred's "poor house manners." Tim confirmed that, while perfectly house-broken, Fred's "house manners" leave something to be desired. Fred loves to rummage through Tim's cabinets and kitchen for at least an hour when they return home each day. Tim suggested that if Fred needed a second career, he could have played Marley from the movie "Marley and Me."

Although most explosive detection canines work until they are about nine years old, Fred is hoping for an early retirement. Given the bond that develops between handlers and their dogs, most handlers adopt their dogs when the dogs retire. Tim is set for mandatory retirement in the beginning of 2014, thus Tim hopes to adopt Fred at that time. Upon retiring, Fred will become an ordinary household pet and eat his food out of a bowl without having to first detect an explosive scent. Tim imagines that Fred will probably miss working because he enjoys it so much, thus he may play hide and seek with some fireworks or bullets just for fun.■



Why You Should Consider Applying to be a Ninth Circuit Lawyer Representative

By Melissa Jones, Stoel Rives LLP

One of the best kept secrets in the Eastern District is the opportunity to serve as a Lawyer Representative to the Ninth Circuit Judicial Conference. When I served as a Lawyer Representative from 2008-2010, I was surprised by how many of my fellow attorneys in the Federal Bar Association (FBA) were unfamiliar with the position. I was also surprised that I had to actively encourage other attorneys to apply for available Lawyer Representative positions each year. The position requires a fair amount of work and a three-year commitment, but the work is rewarding and enjoyable.

The primary responsibility of Lawyer Representatives is to attend and participate in the Ninth Circuit Judicial Conference, which meets each summer to consider the business of the courts and to discuss how to improve the administration of justice. At the Conference, Lawyer Representatives participate and vote on resolutions, serve as facilitators and discussion leaders in meetings, and offer opinions about issues concerning the federal courts to members of the bench. Lawyer Representatives also get to attend the informative and interesting educational sessions that are offered at the Conference on a wide range of topics. The Conference also provides a terrific venue for Lawyer Representatives to network with other attorneys practicing throughout the Ninth

Circuit, and to interact with members of the federal judiciary.

The duties for a Lawyer Representative vary somewhat by district. For instance, in the Eastern District, in addition to attending the Ninth Circuit Judicial Conference, the Lawyer Representatives are also responsible for serving on the Eastern District Conference Planning Committee. The Planning Committee meets every month to plan the Eastern District's annual conference. Active participation of the Lawyer Representatives on Committee is essential because the Committee must plan every detail of the Conference from the location of the Conference, to the speakers, to the food and beverages being offered at every meal and break. In addition, Lawyer Representatives in the Eastern District volunteer at the Court's annual Open Doors to the Federal Courts program for local area high school students.

The Order of the Judicial Council lists five criteria necessary for a lawyer to qualify to serve as a Lawyer Representative:

1. Admitted to the district court and actively involved in federal practice.
2. Interested in the purposes and work of the conference.
3. Willing and able to contribute actively to the purposes and work of the conference.

"Lawyer Rep" continued on pg 14

4. Willing to assist in implementing conference programs with the local bar.

5. Together with the others selected, will constitute a fair cross-section of practitioners before the federal courts of the district.

The process for applying to serve as a Lawyer Representative is easy. An announcement is made in late summer that the FBA is accepting applications from those interested in serving as a Lawyer Representative. Attorneys who are interested then apply directly to the FBA, providing a statement of interest and background information about their experience and practice (such as a biography or resume), or any other information requested by the FBA. The FBA Board of Directors then screens the

applications and sends the top candidates to the Court, which ultimately selects and appoints the Lawyer Representatives, from nominations received from various groups. As mentioned above, each Lawyer Representative serves a three- year term.

Serving as a Lawyer Representative to the Ninth Circuit was a great privilege. I thoroughly enjoyed working with members of the bench and bar toward a common goal – improving the administration of justice.

For more information about the duties of the Lawyer Representative, visit the Ninth Circuit's website:

<http://www.ce9.uscourts.gov/absolutenm/articles/262-2012LROrientationManual.pdf> ■



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ADDRESS CORRECTION REQUESTED