

UPCOMING EVENTS:

- FBA ANNUAL MEETING AND NATIONAL CONVENTION
September 20-22, 2012
- ANNUAL SUPREME COURT REVIEW
September 27, 2012
- 9th ANNUAL BANKRUPTCY ETHICS SYMPOSIUM
December 7, 2012

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State of the Circuit/District

by Kristina S. Azlin, Holland & Knight, LLP

On April 5, 2012, the Federal Bar Association Los Angeles Chapter presented the "State of the Circuit/District" luncheon at the Kyoto Grand Hotel in downtown Los Angeles.

Each year, the FBA hosts the State of the Circuit/District luncheon in order to give local attorneys an opportunity to interact with Court leadership and hear the Chief Judges' comments and insights on the issues confronting each court.

The Central District of California is comprised of the counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura, Santa Barbara, and San Luis Obispo, and serves approximately 18.5 million people – roughly half the population of the State of California. According to a Press Release issued by the Court in January of this year, more than 16,000 cases were filed in the Central District in 2011.

This year, the luncheon featured Chief Circuit Judge Alex Kozinski, Chief District Judge Audrey B. Collins, Chief Magistrate Judge Suzanne H. Segal and Chief Bankruptcy Judge Peter H. Carroll.

Over 200 judges, attorneys, and law clerks attended the event. During the luncheon, each of the four Chief Judges commented on the current state of their court, discussing such items as filing statistics, newly appointed judges, and court programs.

After a brief introduction by Chapter President Jeffrey Rutherford, **Chief Circuit Judge Alex Kozinski** began the luncheon by welcoming the FBA members and paying respect to the Ninth Circuit Jurists and others of the Court "family," as he called them, who passed away last year—including full-time Ninth Circuit Judge Pamela Ann Rymer, who lost her battle to cancer in

September of last year.

On a happier note, Chief Judge Kozinski welcomed and congratulated former Alaska Supreme Court Justice Morgan Christen, who was confirmed by the Senate in December of 2011 and received her commission in January of this year. Three judgeship nominees, U.S. District Judge Jacqueline H. Nguyen of Los Angeles, Vice Chief Justice of the Arizona Supreme Court Andrew David Hurwitz and Paul J. Watford, a litigation partner in the Los Angeles office of Munger, Tolles & Olson LLP, are making their way through the confirmation process. (Editor Note: Judge Nguyen was confirmed on May 7 and Judge Watford on May 21).

Chief District Judge Audrey B. Collins was next up to the lecturn. Judge Collins focused her discussion on the budget constraints facing the Central District and her expectations for the current fiscal year. Of note, Judge Collins pointed out that this District

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Sketch artist Steve Werblun in front of two of his courtroom sketches on display at the newly opened exhibition at the Spring Street Federal Courthouse. The sketches in Spring Street reflect musician themed legal proceedings that occurred in that building. The exhibition is open to the public.



(l. to r.) Sketch artist Steve Werblun with Clerk of the District Court Terry Nafisi at the opening of the courtroom sketch exhibition.



FBA Los Angeles Chapter Jeff Rutherford and United States Bankruptcy Court Judge Julia W. Brand at the State of the Circuit/District luncheon.



(l. to r.) Newly appointed District Court Judge Michael W. Fitzgerald and Dimitri D. Portnoi of O'Melveny & Myers at the State of the Circuit/District luncheon.



(l. to r.) Stephanie Ames of the Law Offices of Stephanie Ames and Abraham Meltzer of the United States Attorney's Office at the State of the Circuit/District luncheon.



(l. to r.) Shelby Angulo of Ernst & Young, LLP with Kenneth D. Sulzer of Proskauer Rose, LLP at the State of the Circuit/District luncheon.



Chief District Court Judge Audrey B. Collins delivered her remarks at the annual State of the Circuit/District luncheon. See related article.



The annual State of the Court/District luncheon featured reports from the Chief Judges from the Ninth Circuit Court of Appeals and the Central District of California. (l. to r.) Honorable Alex Kozinski, Chief Judge of the United States Court of Appeals for the Ninth Circuit; Honorable Audrey B. Collins, Chief Judge of the United States District Court for the Central District of California; Honorable Peter H. Carroll, Chief Judge of the United States Bankruptcy Court for the Central District of California; Honorable Suzanne H. Segal, Chief Magistrate Judge of the United States District Court for the Central District of California; and the Honorable Barry Russell, Judge of the United States Bankruptcy Court for the Central District of California and former FBA National President.

2012 FBA National Convention

San Diego:
Manchester Grand Hyatt

September 20-22

FBA-LA Mentorship Program

The Los Angeles Chapter of the Federal Bar Association offers its members an opportunity to participate in its mentorship program. We are looking for lawyers, judges and others to be part of mentoring circles - small and informal groups composed of members from a variety of federal practice areas and experience levels. Participants are matched based on

their areas of interest, type of practice and other criteria.

If you are a law student or in legal practice for fewer than 5 years, you are welcome to apply as a mentee. This program will offer you a unique opportunity to interact with more senior lawyers and judges in the group and to benefit from their wisdom and advice.



(l. to r.) United States Bankruptcy Judge Ernest M. Robles and James T. King

Visit the FBA-LA website at **www.fbala.org** for more details.

You must be a current member of the FBA to participate in this mentorship program.

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*Kristina S. Azlin*

continues to be extremely understaffed in Judges. Indeed, although the Judicial Council recommended in 2010 that the Central District receive nine new judgeships, we have yet to receive any--and, in the meantime, each Judge's caseload continues to grow. This, along with other budget issues, will likely create more delays and other problems moving forward.

Currently, the District is operating on a budget that is at least 10 percent below their need. This deficit will get drastically worse in 2013 if the \$1 trillion in automatic spending cuts triggered by the Super-committee's failure to reach a budget consensus in November of 2011 actually goes into effect.

Judge Collins indicated that if Congress does not intervene, the impact on our District will be staggering; it may be forced to reduce the workforce by one quarter.

In the midst of this strife, plans for the construction of a new federal courthouse for Downtown Los Angeles continue to move forward. The new

courthouse, which is to be located on the site of a former state building, would replace the Depression-era federal courthouse on Spring Street.

Judge Collins closed her remarks with a plea to everyone to continue to be mindful of the impact that the current budget environment may have on this District and to do what we can to reduce costs--including consenting to electronic service.

Chief Magistrate Judge Suzanne H. Segal, whose appointment as Magistrate Judge for the Central District became effective in January of this year, was next to offer her comments. Judge Segal succeeds Magistrate Judge

Stephen J. Hillman, who served as Chief Magistrate Judge from 2007 to 2011.

In the luncheon, Judge Segal focused her insights on the staffing and caseload changes implemented in the last year. She reported that the Central District has 24 authorized full-time and one part-time Magistrate Judge positions; but, in the next three years, she expects that at least seven of these Judges will be ready to retire. Replacement will likely be a challenge.

Judge Segal welcomed and congratulated Jean Rosenbluth and Sheri Pym, who were each appointed as new Magistrate Judges in 2011. Judge Rosenbluth

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*Chief Magistrate Judge Suzanne H. Segal*

"Currently the District is operating on a budget that is at least 10 percent below their need"

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took the bench in September 2011 and now sits in Santa Ana in the Court's Southern Division. Judge Pym, a former federal prosecutor, took the bench in April 2011 and now sits in the Court's Eastern Division.

The duties of the Magistrate Judges continue to include presiding over preliminary proceedings in criminal cases, the trial and disposition of misdemeanor cases, adjudicating discovery disputes, conducting settlement conferences and various other pretrial hearings in civil cases, and other matters as may be assigned.

In addition, the District has worked in 2011 to expand the scope of civil cases that may proceed before the Magistrate Judges by consent of the parties. Now, in addition to the set percentage of civil matters that are

randomly assigned at filing to a magistrate judge for all purposes, subject to consent, Parties in any civil matter may now elect to have their case reassigned to one of eleven Magistrate Judges, no matter the stage of proceeding, so long as all Parties to the action and the assigned District Judge consent.

Chief Bankruptcy Judge Peter H. Carroll closed the luncheon with a brief report on the state of the Bankruptcy Court. He indicated that the Central District led the nation in bankruptcy filings for 2011, and this was despite a drop in filings from 2010--which was a record year.

In order to meet this heavy caseload, Judge Carroll reported that there are currently 24 active Bankruptcy Judges in the District, 4 recalled Judges and 1 active Judge from the Eighth Circuit (that is here temporarily to assist); 9 of the 24 active

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Judges have been appointed since 2010, meaning that a significant portion of the sitting Judges are relatively new to the Bankruptcy bench.

Judge Carroll welcomed two new Bankruptcy Judges that were appointed in 2011, Julia W. Brand and Neil W. Bason, both of whom are assigned to the Los Angeles Roybal Courthouse.

Moving forward, Judge Carroll indicated that his goal is to redefine the Court's strategic model in order to meet the political and socio-economic environment expected over the next ten years. He believes that this realignment is especially important given the challenges posed by the present economy.

New Rules/New Forms

The United States District Court and the United States Bankruptcy Court have adopted new rules and forms effective June 1, 2012.

The District Court made changes across many rules, impacting areas such as electronic filing, proof of service, and motion practice. Changes were made to the local civil and criminal rules.

Also, the District Court has a newly designed more user friendly website. The website is also mobile-device friendly.

Changes to two bankruptcy forms impact most practitioners. The revised proof of service and notice of entry forms realigned service by overnight delivery from category II to category 3.



Chief Bankruptcy Judge Peter H. Carroll

President's Column



Jeffrey Rutherford

"2011 was a strong year for our chapter..."

As the current Chapter President, I would like to welcome you to the FBA LA-Chapter Newsletter – now in its second year. 2011 was a strong year for our Chapter under the leadership of our outgoing President, Mary Carter Andruet of Arent Fox LLP. Under Mary's leadership, the Chapter enhanced its ties to the local federal bench, brought the national spotlight to a number of our judges, and guided our Chapter to another National FBA achievement award – the 2011 Chapter Activity Presidential Award.

In 2011, we welcomed a number of new judges to our local ranks. The Hon. John A. Kronstadt joined our District Court bench. The Hon. Michael R. Wilner, the Hon. Sheri Pym, and the Hon. Jean P. Rosenbluth joined our Magistrate Judge bench (in Los Angeles, River-

side, and Santa Ana, respectively). And, the Hon. Scott C. Clarkson, the Hon. Mark S. Wallace, the Hon. Wayne E. Johnson, the Hon. Sandra R. Klein, the Hon. Julia W. Brand, and the Hon. Neil W. Bason joined our Bankruptcy Court bench.

Earlier this year, we welcomed the Hon. Mark D. Houle to the Bankruptcy Court. We also recently learned that Board member Michael W. Fitzgerald has been confirmed by the Senate and will soon join the District Court bench, taking the seat opened by the Hon. A. Howard Matz when Judge Matz took Senior Status.

We also added new lawyers to our Board in 2011 - Matthew Close from O'Melveny & Myers LLP and Peter Shakow from Bird, Marella, Boxer, Wolpert, Nessim, Drooks & Lincenberg – as well as a new judge to our Board, Chief Magistrate Judge Suzanne Segal. Long-time Board member Kenneth Sulzer of Proskauer Rose LLP also joined our Executive Committee as Chapter

Secretary.

Our programs got off to a strong start. Our Annual Supreme Court Review and Judge Barry Russell Award Lunch, featuring Dean Erwin Chemerinsky, was a big success and set the table for what has been an exciting and interesting Supreme Court term. Our Annual Bankruptcy Ethics Program, which took place on December 9, was also a big success and demonstrated the strength and depth of our bankruptcy bar. Our Taking the Step Program, which kicked off 2012 with a large turn-out of new federal practitioners, was moderated by District Judge Margaret Morrow, Magistrate Judge Carla Woehle, and Robyn Crowther of Caldwell, Leslie & Proctor. As in years past, the reviews were excellent.

Many of us have been awaiting passage of the Emergency Judicial Relief Act of 2011 ("EJRA"), which would make permanent our District Court's current temporary judgeship. In October 2011, the EJRA was

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Chapter President-Elect Evan Jenness and Chapter Treasurer Sharon Ben-Shahar at the Reception



(l. to r.) Law Clerks Candace Crociani and Lovee D. Sarenas at the Reception Honoring the Judiciary



Chief District Court Judge Audrey B. Collins at the Reception Honoring the Judiciary

President's Column (cont. from page 6)

Passed by the Senate Judiciary Committee and the bill was subsequently reported and placed on the Senate Legislative Calendar. A recent version of House Appropriations Bill provides for an extension of our temporary judgeships until April 27, 2014.

Next, as many of you know, we will be getting a new courthouse in downtown Los Ange-

les to address both housing and security needs. After years of hard work by many members of our federal bench, the General Services Administration announced last month that it will begin bidding out the contract for the construction of the new courthouse and that construction will commence at the end of this year.

Finally, we have a number of

FBA sponsored events in the months to come. I encourage each of you to attend. Information can be found on our website. If you are a new Chapter member, please feel free to contact me or any of the Board members for ideas on expanding and enhancing the services and programs we provide to our Chapter members. If you are not a FBA member, please consider joining, which can be done at www.fbala.org.

Bankruptcy Court Issues Comprehensive Report on Self-Represented

The Central District's Bankruptcy Court receives about 31% of all self-represented bankruptcy filings nationally. *Pro se* filings in the Central District increased to 28 percent in 2011 from 20 percent in 2007. In early 2011, the Court identified serving this population as one of its key strategic issues. To better understand and serve

these constituents, the Court completed an extensive study of its *pro se* filings and issued a comprehensive report, *Access to Justice in Crisis: Self-Represented Parties and the Court*.

One of the report's conclusion was: "There are still far too many debtors who never take advantage of the legitimate free legal advice services available

to them, or who fall prey to fraud and exorbitant charges. Of approximately 38,000 self-represented parties in 2011, less than 25 percent were able to take advantage of the free legal assistance available."

The report, available on the Court's website.

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About Us

**“The premiere bar association serving
the federal practitioner and judiciary.”**

Federal Bar Association Mission Statement

The mission of the Association is to strengthen the federal legal system and administration of justice by serving the interests and the needs of the federal practitioner, both public and private, the federal judiciary and the public they serve.

The Federal Bar Association

The FBA represents the Federal legal profession. We consist of more than 15,000 federal lawyers, including 1,200 federal judges, who work together to promote the sound administration of justice and integrity, quality and independence of the judiciary. The FBA also provides opportunities for scholarship and for judges and lawyers to professionally and socially interact.

The Los Angeles Chapter

The Los Angeles Chapter is one of the oldest chapters of the FBA. Originally chartered in 1937, the Los Angeles Chapter covers the Los Angeles Division of the Central District of California.

With more than 450 members, the Los Angeles Chapter is the largest in the Ninth Circuit. Members come from private practice, government agencies, military branches, law schools and the bench.

The Los Angeles Chapter is committed to meeting the needs of the federal practitioner through educational seminars, training programs and social functions among the federal bar.