

UPCOMING EVENTS:

- **STATE OF THE CIRCUIT/DISTRICT**
March 13, 2014
- **HAPPY HOUR FOR YOUNG LAWYERS**
March 19, 2014
- **RECEPTION HONORING THE FEDERAL JUDICIARY**
May 8, 2014

FBA - LA OFFICERS

President

Sharon Ben-Shahar
Bird Marella, Wolpert,
Nessim, Drooks &
Lincenberg, P.C.

President-Elect

Kenneth Sulzer
Proskauer, LLP

Treasurer

David K. Willingham
Caldwell Leslie &
Proctor, PC

Secretary

Matthew W. Close
O'Melveny & Myers LLP

Associate Editor

Kristina Starr Azlin
Holland & Knight, LLP

Visit our website:
www.fbala.org

TAKING THE STEP PROGRAM A SUCCESS

By Marissa E. Buck and John A. Canale

On January 25, 2014, the FBA-LA Chapter's civil practice program, "Taking the Step to Federal Court" introduced new Southern California attorneys to various aspects of federal pretrial practice. FBA-LA Treasurer, David Willingham of Caldwell Leslie & Proctor, PC, moderated the half-day program that included demonstrations and commentary by U.S. District Court Judge Philip S. Gutierrez, U.S. Magistrate Judge Carla M. Woehrle, Robyn C. Crowther of Caldwell Leslie & Proctor, PC and several other prominent federal litigators. The event was well-attended by young practitioners from Los Angeles and throughout Southern California.

Taking the Step to Federal Court walked young attorneys through the dos and don'ts of federal practice from a Rule 26(f) early meeting through a summary judgment motion, while using a class action sexual harassment lawsuit as the backdrop and highlighting

the key points in pretrial litigation.

Judge Gutierrez began the discussion by educating the attorneys on what to do, and what not to do, in federal court. Judge Gutierrez covered practical rules, such as not being late, not walking into the well, and always standing when addressing the Court, to more specific advice like utilizing the Rutter Group Practice Guide for solving practical issues and stating the relief requested with specificity.

Next, Robyn Crowther, discussed the differences between federal and state court practice. Ms. Crowther explained the use of magistrate judges in federal court and pointed out important differences in discovery rules, the timing of various motions, and jury pools. She stressed the importance of familiarizing oneself with the local rules and any standing orders upon initial assignment of a case. Additionally, Judge Gutierrez talked about the

complex early meeting and disclosure requirements in federal court under Rule 26.

The remainder of the program provided a series of demonstrations by various local practitioners to exemplify what not to do when interacting with opposing counsel, both in and out of court, as well as how to avoid losing credibility with the Court. Each demonstration was followed by commentary and a question and answer session in order to highlight the mistakes young practitioners should avoid.

The first demonstration session was lead by Melinda Eades LeMoine from Munger, Tolles & Olson LLP and Jason C. Wright from Jones Day, who demonstrated an early scheduling meeting, as well as a scheduling conference in front of Judge Gutierrez. The attorneys and Judge Gutierrez emphasized the importance in each attorney knowing their case, setting the tone for the entire case, and establishing credibility with the Court from the beginning.

(continued on page 8)

SCENES FROM RECENT FBA-LA PROGRAMS



(l. to r.) Magistrate Judge Michael R. Wilner, Summer Shelton, Veronica McKamie, and Elizabeth Horowitz at the FBA's reception honoring the judicial clerks. Ms. McKamie was named as Federal Court Clerk of the Year.



(l. to r.) Bankruptcy Judge Barry Russell and Bankruptcy Chief Judge Peter H. Carroll at the FBA's reception honoring the judicial clerks.



(l. to r.) District Court Executive and Clerk of Court Terry Nafisi and Ian Yanniello at the FBA's reception honoring the judicial clerks.



(l. to r.) Jeff Gilbert, Jared Ahern, and District Judge Manuel L. Real at the FBA's reception honoring the judicial clerks.



J. Scott Bovitz during the 10th Annual Bankruptcy Ethics Symposium.



District Judge Beverly Reid O'Connell at the "Brown Bag" lunch for the Younger Lawyers Division, which she hosted with Magistrate Judge Michael R. Wilner.



(l. to r.) Megan Low, Jennifer Szoke, and District Judge Audrey B. Collins at the FBA's reception honoring the judicial clerks.

Veronica McKamie Honored as Federal Court Clerk of the Year

The Los Angeles Chapter of the Federal Bar Association recently named Veronica McKamie as the Federal Court Clerk of the Year. Ms. McKamie has served as courtroom deputy clerk to U.S. Magistrate Judge Michael R. Wilner since his appointment to the bench in April 2011. "Veronica is a superb and hard-working member of the Court's staff," Judge Wilner said. "She really deserves this prestigious award from the FBA."

As a courtroom deputy clerk, Ms. McKamie coordinates Judge Wilner's court calendar, docket orders and judicial decisions, and monitors litigants' filings in civil and criminal action. She also interacts with lawyers and parties in preparation for hearings, trials, and settlement conferences. Judge Wilner noted that Ms. McKamie takes a "calm professional approach to her work and with litigants that helps move all cases forward efficiently."

Ms. McKamie is a six-year veteran of the Clerks office in Los Angeles. Before working for Judge Wilner, she coordinated

the Court's postindictment arraignment and CVB calendars, and assisted several former magistrate judges. Ms. McKamie holds a bachelor's degree in socialwork from Cal State - Los Angeles and a master's degree in public administration from Cal State - Dominguez Hills.



(l. to r.) Award winner Veronica McKamie and Magistrate Judge Michael R. Wilner

Judges "Brown Bag" with Younger Lawyers Division *by Jeffrey M. Chermerinsky*



*Jeffrey M. Chermerinsky,
Caldwell Leslie &
Proctor, PC*

On January 15, 2014, the FBA-LA Younger Lawyers Division organized and sponsored a brown bag lunch with the Honorable Beverly Reid O'Connell and Honorable Michael R. Wilner of the District Court. The judges presented their top ten do's and don'ts of federal practice. The judges emphasized the importance of building a reputation by being thoroughly prepared at all times. One common theme was the importance of understanding the particular preferences of the judge handling the case. This starts with paying close attention to each judge's so-called "local local" rules, which are the rules each judge issues for their own courtroom. Both also explained the value of observing court proceedings prior to a hearing to get a sense of how a judge approaches hearings.

The lunch is a part of the FBA-LA Younger Lawyers Division's ongoing brown bag lunch series, in which judges are invited to share their advice and reflections on practicing in federal court in a small informal setting. Stay tuned for more information on upcoming YLD events, including the next brown bag lunch!

President's Message



Sharon Ben-Shahar
FBA Chapter
President
Bird Marella Boxer
Wolpert Nessim
Brooks & Lincenberg
PC

The past quarter has been an active one for the Los Angeles Chapter. In November, we had our annual Law Clerks Reception & Clerk of the Year Award, organized by Board members Judge Michael Fitzgerald, Matthew Close and Peter Shakow. The 2013 Clerk of the Year Award deservedly was given to Veronica McKamie, courtroom deputy for Magistrate Judge Wilner. In December, we held our annual Bankruptcy Ethics program, featuring an impressive slate of speakers. The program was organized by board member Ron Maroko. It was well-received and demonstrated the strength and depth of our bankruptcy bar.

We got off to a strong start in 2014 with a successful Brown Bag Lunch on January 15. YLD Co-Chair Jeff Chemerinsky organized the lunch, which was hosted by two of the newer judges of our Court - District Court Judge O'Connell and Magistrate Judge Wilner. The lunch was well-attended and the reviews were excellent.

On January 25, we held our popular program "Taking the Step to the Federal Court." This year, the judicial panelists were District Court Judge Philip Gutierrez and Magistrate Judge Carla Woehrle. Robyn Crowther of Caldwell, Leslie & Proctor was the moderator. The program was organized by Board members David Willingham and Josh Hamilton, who worked hard to ensure a smooth and successful event.

We thank all of the program organizers, the judges and attorneys who participated in them and, of course, our members for making these programs happen and ensuring their success.

During the past quarter, the FBA also continued to support the federal court in the challenges facing it. In prior issues of this Newsletter we reported on the ongoing concerns regarding the budget cuts imposed by Congress and the efforts of the FBA to ensure adequate funding for the federal courts. We are happy to report that in January of this year, Congress approved an increase of 5% (\$316 Million) in

discretionary appropriations for the judiciary for FY 2014. This outcome reflects the collective effort of judges, federal practitioners and bar organizations, including the FBA, who reached out to members of Congress regarding the impacts of sequestration and worked tirelessly to lobby for a reversal of the budget cuts.

The FBA also has been closely involved in the effort to increase the judicial pay for federal judges. Just recently, Judicial salaries of Article III judges were elevated to new levels as a result of successfully concluded litigation challenging the withholding of cost-of-living increases (COLAs) by Congress. The victory came on October 30 as the government announced it would withdraw its appeal of *Beer v. United States*, and would no longer contest the judgment of the Court of Federal Claims that adjusted judicial pay levels as an outgrowth of the decision of the Federal Circuit Court of Appeals in October 2012, finding that the withholding of the COLAs violated the compensation clause of the Constitution. Throughout the *Beer* litigation, first brought in 2009, the FBA has been closely involved in support of the federal judges through the filing of amicus briefs and other actions.

Although the final judgment entered by the Court of Federal Claims in *Beer* applied only to the six underlying judge plaintiffs, on January 1, all federal judges received a 14% increase to their salaries, as years of cost-of-living adjustments were added to their paychecks.

On a very sad note, the federal bar in Los Angeles mourns the tragic and untimely death of David Pregerson, son of District Court Judge Dean D. Pregerson and Sharon Pregerson, and grandson of Ninth Circuit Judge Harry Pregerson. Our deepest thoughts and prayers are with the Pregerson family during these challenging times.

(continued on page 8)

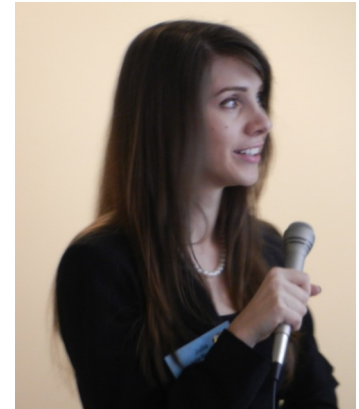
MORE SCENES FROM RECENT FBA-LA PROGRAMS



(l. to r.) Brothers David S. Hagen and Jeffrey Hagen at the Bankruptcy Ethics Symposium.



(l. to r.) David L. Neale and Tania M. Moyron at the Bankruptcy Ethics Symposium.



Julia Brodsky spoke about issues related to Elimination of Bias. The FBA offered this program at no cost to its members, as well as a Substance Abuse program following the Bankruptcy Ethics Symposium.



(l. to r.) Bankruptcy Judge Deborah J. Saltzman and David W. Meadows spoke on technology issues and ethics at the Bankruptcy Ethics Symposium.



(l. to r.) Niloofar Rezvanpour, Kenneth Sulzer, Amy Choe, and Bankruptcy Judge Barry Russell at the Bankruptcy Ethics Symposium.

Write an Article for this Newsletter

This newsletter welcomes the submission of article of general interest to FBA members for publication. In addition to articles relating to specific practice areas, we also welcome articles about court procedures, rules, initiatives, and tips for better practice. We are also interested in summary reports of our events from those who attend. If you are interested in writing about an FBA event please let us know a month before the event, to avoid duplication. All article submissions and requests to write about an FBA event should be sent to Kristina Azlin, Associate Editor, at Kristina.azlin@hklaw.com. On all submitted articles, we reserve the right to decide what to publish. In some instances we may seek input from the court on articles prior to publication and we may change the title of the article.

As we are a newsletter, not a law review, as a general rule we do not include footnotes. Due to space limitations we discourage string citations. The article should read like an article, not a brief. We do not require Blue Book formatting and there is no formal word count, just space limitations. A typical substantive article can be as short as 300 words or as long as 1100 words.

10th Annual Bankruptcy Ethics Symposium

featured bonus programming

by Kathleen J. McCarthy



*Kathleen J. McCarthy,
Law Offices of
Thomas H. Casey*

On December 13, 2013 the LA Chapter of the FBA and the Bankruptcy Section of the FBA put on a seminar which provided attendees with an entertaining way to acquire MCLE credits in the subject areas of ethics, substance abuse, and elimination of bias.

The ethics section of the seminar focused on ethical issues that arise in bankruptcy cases.

The first panel of speakers, consisting of the Honorable Ernest M. Robles, M. Erik Clark, Christine L. Cronenweth, Stella A. Havkin, and David A. Tilem, addressed ethical issues in pre-bankruptcy planning through a clever power point presentation entitled "20 Shades of Gray". The Discussion surrounded around such questions as (1) To what extent is exemption planning allowed? (2) Is funding an exempt retirement plan with non-exempt cash allowed? (3) Are assets in a trust protected from creditors? As you can guess by the title, there were 20 such questions that were answered by the panel.

The second ethics section addressed ethical dilemmas involving technology and was entitled "Technology Tips and Trap Doors". The Honorable Deborah J. Saltzman, J. Scott Bovitz, and David W. Meadows led a lively discussion on the latest and greatest IT stuff available. As members of the Bankruptcy Court IT Committee, Judge Saltzman and David W. Meadows updated everyone on the technology available in our Courts and the anticipated future technology addressed in the 2014-2019 Strategic Plan of the Bankruptcy Court. The

attendees now know on how to keep client information confidential when using the cloud and why you should flatten your PDF's before filing them with the Court. Mr. Bovitz, while wearing a jaunty red rose buttoner, encouraged participation from the audience.

The speakers for the final ethics session were Evan A. Jenness and Gillian Brown. These two highly qualified and engaging women spoke about attorney client relationships and how to avoid ethical issues. Their advice included (1) being clear as to who your client is, which can be tricky when the client is an entity or there is a common defense agreement, (2) making sure the client understands the attorney client privilege and how it can be inadvertently waived, and (3) insuring that attorneys maintain the confidentiality of client information even when using third party vendors in litigation. They noted that the most common ethical issues in Bankruptcy Court involve conflicts of interest. Their sage advice when an ethical issue arises is to slow down the process to buy yourself time to think through the problem and perhaps even get advice from a friend or the State Bar Ethics Hotline. And don't be greedy. Most ethical dilemmas occur due to "speed or greed". Slow down and let the work that could cause a conflict of interest go to another attorney.

For those who stayed for the afternoon session, an hour of Substance Abuse and an hour of Elimination of Bias MCLEs were provided for no additional fee. Dr. Alex Yufix, a licensed psychologist and attorney who is currently employed by the State Bar of California as a Case Management Supervisor at the Lawyers Assistance Program, provided the attendees with lots of information on one of the largest predictors of substance abuse and attorney discipline issues: depression. Although much of the statistics were depressing themselves, Dr. Yufix managed to get a few laughs from the audience due to his entertaining and lighthearted approach to this serious topic.

Julia Brodsy and Kenneth Sulzer, two LA labor law attorneys, presented some real world examples of hidden and subtle biases and provided advice on how to ensure that your office and your clients avoid perpetuating such biases in your practice.

The LA Chapter of the FBA and the Bankruptcy Section of the FBA are already planning the 11th Annual Bankruptcy Ethics Symposium to be held in December 2014. Not only is this annual event a great way to fulfill your MCLE specialty credits, it is also a forum to meet your fellow practitioners and even some of our esteemed members of the bench. In addition to the two Judges who participated on panels, Judge Thomas Donovan and Judge Barry Russell sat in on some of the programs and conversed with attendees.

paid advertisement

Trusted resources, proven results.

RUST CONSULTING IS HONORED TO SUPPORT THE QUARTERLY NEWSLETTER OF THE LOS ANGELES CHAPTER OF THE FEDERAL BAR ASSOCIATION.

Rust Consulting's unmatched subject matter experience covers class action settlement, mass tort, public sector, and business project administration. Rust's proactive processes combine the best expertise and technologies to create dedicated client service teams that deliver unmatched excellence in data management, notification, contact center, claims processing and award distribution. Rust has provided administration services for over 4,000 projects and distributed billions of dollars in assets. Rust has clients in law firms, corporate counsel offices, and government agencies engaged in complex litigation, settlements, compliance, and business issues. Rust's capacities and scalability allow for the ability to assist clients with their small projects as well as their very large and complex matters.

Security and confidentiality are of the utmost importance to Rust. We adhere to a unified compliance posture, including a system Certification & Accreditation under the Federal Information Security Management Act (FISMA and NIST), adherence to Safe Harbor principals, annual SSAE16 SOC 1 Type II audits, and compliance with other applicable laws and the private sector's strict security standards.

LEARN MORE ABOUT HOW RUST CAN HELP YOU.



ERIC BISHOP
625 MARQUETTE AVENUE, SUITE 880
MINNEAPOLIS, MN 55402
D 612.359.2988
E EBISHOP@RUSTCONSULTING.COM



The Los Angeles Chapter of the Federal Bar Association thanks Rust Consulting for its support of our programs through its advertising in our newsletter

Taking the Step Program (cont. from page 1)



*Marissa E. Buck,
Holland & Knight LLP*



*John A. Canale,
Holland & Knight LLP*

The second demonstration session provided a glimpse into the discovery process with a meet and confer demonstrated between counsel, and a corresponding hearing on the discovery dispute with attorneys Purvi Patel from Morrison & Foerster LLP and Daniel Prince from Paul Hastings LLP and Judge Woehrle hearing the dispute. The parties and Judge Woehrle pointed out that the purpose of discovery is to move the case along, and thus attorneys should attempt to be reasonable with

each other and limit discovery disputes.

Finally, at the summary judgment hearing, Gail Standish from Winston & Strawn LLP and Jon Dean of McDermott Will & Emery LLP argued the issue of whether the First Amendment protects creative speech in front of Judge Gutierrez. While the presentation was humorous at times, Judge Gutierrez and the attorneys did an excellent job of displaying the negative effect of being disrespectful to the Court and opposing counsel can have on clients'

cases and diminishing attorney credibility in the eyes of the Court.

The program educated the young attorneys in an informative and often humorous manner and provided guidance for them as they begin their federal legal practice. The young attorneys were grateful to both the FBA-LA Chapter and the judges and attorneys who participated, and for sacrificing their Saturday morning to provide such an informative and engaging program.

Presidents Message (cont. from page 4)


Finally, we look forward to our events and programs in the months to come, including the State of the Circuit/District luncheon program, which will be held on March 13 at the Doubletree Hotel, where attendees will hear the insights of Ninth Circuit Judge Paul J. Watford, Chief District Court Judge George H. King, Chief Magistrate Judge Suzanne H. Segal and Chief Bankruptcy Judge Peter H. Carroll.

On March 19, the Younger Lawyers Division will be putting on its third-ever happy hour. The event will take place at the Blue Cow Kitchen and Bar in Downtown Los Angeles. We

are also excited about our annual Reception Honoring the Federal Judiciary that will be held this year on May 8 in the beautiful Tom Bradley room atop the City Hall Tower. I encourage each of you to attend our events. Additional information can be found on our website at www.fbala.org/Events.php.

If you are a Chapter member, please feel free to contact me or any of the Board members for ideas on how we can enhance the services and programs we provide to our Chapter members. If you are not a FBA member, please consider joining.

UPCOMING FBA-LA PROGRAM



LOS ANGELES
Federal Bar Association

STATE OF THE CIRCUIT/DISTRICT

Featuring
JUDGE PAUL J. WATFORD
UNITED STATES COURT OF APPEALS, 9TH CIRCUIT
CHIEF JUDGE GEORGE H. KING
UNITED STATES DISTRICT COURT, CENTRAL DISTRICT
CHIEF MAGISTRATE JUDGE SUZANNE H. SEGAL
UNITED STATES DISTRICT COURT, CENTRAL DISTRICT
CHIEF BANKRUPTCY JUDGE PETER H. CARROLL
UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT

THURSDAY, MARCH 13, 2014

LOCATION: **DOUBLETREE HOTEL**
120 S. LOS ANGELES ST.
LOS ANGELES, CA 90012


SCHEDULE: 11:30 A.M. REGISTRATION
12:00 P.M. LUNCH



Edward Wolkowitz and Stella Haykin at the Bankruptcy Ethics Symposium.



(l. to. R.) Bernardo O. Ainza, John J. Atallah, and Galen Yu at the reception honoring the judicial clerks.



LOS ANGELES
Federal Bar Association

cordially invites you to attend the Annual
RECEPTION HONORING THE FEDERAL JUDICIARY

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES MAGISTRATE JUDGES FOR THE CENTRAL DISTRICT OF CALIFORNIA
UNITED STATES BANKRUPTCY COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

THURSDAY, MAY 8, 2014
5:30 P.M. - 7:30 P.M.
Hors d'oeuvres and No Host Bar

CITY HALL - TOM BRADLEY ROOM
200 N. SPRING STREET, 26TH FLOOR, LOS ANGELES, CA 90012

RECEPTION WILL BE IN THE TOM BRADLEY ROOM. TAKE ELEVATOR TO THE 22ND FLOOR, THEN CHANGE ELEVATORS TO THE 26TH FLOOR.

FEDERAL BAR ASSOCIATION

Los Angeles Chapter

210 N. Glenoaks Boulevard, Suite C

Burbank, CA 91502

Phone: 818-843-1020

E-mail: fbala@emaoffice.com

website: fbala.org

*If you are interested in supporting
our programs through advertisement
in our newsletter please contact
Janine Nichols at 818-843-1020 or
fbala@emaoffice.com*

About Us

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 judges and lawyers to professionally and socially interact. and extends student scholarships.

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

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 approximately 400 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. To join FBA-LA, log onto our website: www.fbala.org.