

Federal Bar Association

Los Angeles Chapter

Volume 7, Issue 2

SPRING 2017

UPCOMING EVENTS:

- Reception for Winners of Central District's 2017 Civics Contest
June 7, 2017
- Winning at Mediation Program
September 2017
- Annual Supreme Court Review with Dean Chemerinsky and Judge Barry Russell Awards
October 5, 2017
- Pro Se Clinic Dinner
November 2, 2017

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FBA-LA Hosts New Magistrate Judge Forum

By Brittany Rogers

On January 31, 2017, an audience of eager listeners heard from three of the Central District's newest Magistrate Judges—the Honorable Alexander MacKinnon, the Honorable Karen Stevenson, and the Honorable Steve Kim—as they reflected on their first several months on the bench in a panel moderated by the Honorable Suzanne H. Segal at Munger, Tolles & Olson LLP.

The event, which was geared toward private practitioners, government attorneys, and judicial officers, as well as younger lawyers practicing in the Central District drew a diverse crowd, and the judges, lawyers, and law students in attendance spent the first part of the evening chatting, networking, and enjoying food and drinks at a pre-panel

reception. As attendees settled into their seats, Matthew Close, president of the Los Angeles Chapter of the Federal Bar Association, and Jeffrey Payne, co-chair of the Chapter's Younger Lawyers' Division, welcomed the audience and introduced the panelists.

Judge Segal then posed a series of insightful questions to the panelists, covering a wide variety of subjects from best practices in both civil and criminal cases to settlement conferences and discovery disputes to consent cases. Throughout the evening, the panelists repeatedly expressed their excitement about the job and their appreciation for the intellectual and real life puzzles it presents on a daily basis.

When asked about the importance of magistrate

judges to the effective functioning of the federal judiciary, Judge Stevenson explained that magistrate judges provide valuable assistance in handling the heavy caseload of the federal bench in the Central District and are instrumental in assisting the federal court's efforts to resolve a growing body of *pro se* litigation. And by handling discovery matters and providing an alternative forum for hearing civil matters via the consent process, magistrate judges allow the federal courts to get more done, and to do so efficiently.

Judges MacKinnon, Stevenson, and Kim also explained how their unique backgrounds prepared them well for various aspects of the job.

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PRESIDENT'S MESSAGE

MATTHEW CLOSE
FBA CHAPTER PRESIDENT

The first half of the year has been busy and exciting for the Los Angeles Chapter of the FBA. Our 13th Annual Bankruptcy Ethics Symposium at the Roybal Courthouse was resounding success. Always one of the Chapter's most popular events, panels were led by Judge Sandra Klein and Judge Deborah Saltzman as well as leading members of the bankruptcy bar. During the program, I was honored to join Joseph Boufadel, Esq. and others in presenting a plaque to Ron Maroko of the Trustee's Office in recognition of Ron's service to the FBA. Ron served on the FBA Board of Directors for more than a decade, during which time he launched the Bankruptcy Ethics Symposium as well as our Newsletter.

Our Chapter once again hosted its annual reception for the new judicial law clerks. This was one of the first large gatherings in the lobby of the First Street Courthouse. During the program, FBA-LA recognized Joseph Remigio, from the Clerk's Office, as the Courtroom Deputy of the Year. Judge Ronald S.W. Lew shared heartfelt remarks about Joseph's contributions to the District and the efficient administration of justice by the judges of the Court.

The Chapter's Younger Lawyers Division welcomed three new leaders this year and they are off to an incredible start. The Division is now led by David Sutton of the Federal Public Defenders' Office, Jeff Payne of Munger, Tolles & Olson, and Erin Murphy of Steingard Law. Already this year, they have coordinated successful Brown Bag lunches at the Courthouse with Chief Judge George King (Ret.), Judge Andre Birotte, and Judge Otis Wright. YLD programming has also included a "Pathways to Government Practice" panel discussion featuring leading younger laws in government service. Many thanks to our new YLD leadership and to Board members Sandhya Ramadas and Jeff Chemerinsky from the United States Attorney's Office for their years of service, transitioning leadership, and mentoring David, Jeff, and Erin.

On January 31st, we presented an evening program for the bar to "Meet the New Magistrate Judges." Magistrate Judges Alexander MacKinnon, Karen Stevenson, and Steve Kim graciously agreed to participate in the panel discussion moderated by Magistrate Judge Suzanne Segal. The sold-out program was hosted at Munger, Tolles & Olson. I believe we were the last event at MTO before the firm moved to its incredible new space in California

Plaza. Thanks to Daniel Levin and Jeff Payne, and their colleagues at MTO for coordinating the event, and to Sandhya Ramadas and Judge Segal for all of their hard work arranging and preparing the panel.

Our State of the Circuit / State of the District Lunch program was especially memorable this year. On March 7, more than 150 guests heard reports and updates from Ninth Circuit Judge Milan D. Smith, Jr., Chief United States District Judge Virginia Phillips, Chief Magistrate Judge Patrick Walsh, and Chief Bankruptcy Judge Sheri Blueblond. In addition, the program included a very special recognition of Judge Christina Snyder. California Court of Appeal Justice (and former Chief District Court Judge) Audrey Collins led the tribute to Judge Snyder. It was an unforgettable program highlighting her many contributions to the District and the community. Thanks to John Carson and Oliver Bajracharya from Lewis Roca for coordinating and planning another special program.

In addition these stellar programs and events, the Los Angeles Chapter has increased its leadership role in civics initiatives. FBA National President Judge Michael Newman has made energizing civics initiatives the priority issue of his term. Thanks to our Civics Leaders, Judge Klein and David Sutton and the active participation of many members and judges, our Chapter continues to make a difference. FBA-LA has actively supported the Federal Pro Se Clinic, the Central District's and Ninth Circuit's Civics Contests, "Power Lunches" for high school students to share with Judges, and Law Day and Constitution Day events. Thanks to the hard-work and leadership of our membership and the judiciary, FBA-LA continues to make an impact in the community.

If you are not already a member of the Federal Bar Association, I hope you will join the Los Angeles Chapter of the FBA here: <http://www.fedbar.org/Membership.aspx>. We welcome your participation and involvement in the Chapter.

Warmest regards,

Matthew W. Close

President, FBA-Los Angeles



**Federal Bar
Association**

The United States Bankruptcy Court Holds Law Day Event with the Theme: “Not to be Forgotten: Legal Lessons of the Japanese Internment”

By Stephanie Rettier

On March 28, 2017, the United States Bankruptcy Court for the Central District of California organized a Law Day event for over 100 high school students at the Richard H. Chambers U.S. Court of Appeals in Pasadena. The event was held in conjunction with the Ninth Circuit Civics Contest, an essay and video contest for high school students, with the theme: “Not to be Forgotten: Legal Lessons of the Japanese Internment.”

Numerous judges participated in the event, including Senior Ninth Circuit Judges Raymond C. Fisher, Dorothy W. Nelson, and A. Wallace Tashima; Senior District Judges Terry Hatter, Jr., and Ronald S.W. Lew; District Judges Lourdes G. Baird (Ret.), and John A. Kronstadt; Magistrate Judge Paul L. Abrams;

Bankruptcy Judges Martin R. Barash, Thomas B. Donovan, Sandra R. Klein, and Robert N. Kwan; and Los Angeles Superior Court Judges Firdaus F. Dordi, Jon R. Takasugi, and Melissa N. Widdifield. There were several special guests, including Sandra Alarcón, widow of the late Hon. Arthur L. Alarcón; Sandra Brown; the acting United States Attorney for the Central District of California; Eve Fisher, a Ninth Circuit Senior Deputy Clerk; David Madden, the Ninth Circuit Assistant Circuit Executive for Public Information; and Molly C. Dwyer, the Ninth Circuit Clerk of Court. Bankruptcy Clerk and Executive Officer Kathy Campbell, as well as members of her staff, also attended and helped make the event a huge success. In addition to the judges and guests listed above, a number

of attorneys volunteered during the event, including assistant United States attorneys, deputy federal public defenders, and attorneys from private practice.

The Law Day event began with brief opening remarks by Judge Klein. Judge Fisher welcomed the students on behalf of the Ninth Circuit Court of Appeals, and Judge Kronstadt did so on behalf of the District Court. Judge Klein then introduced each Judge and special guest.

Following a brief summary of the events leading up to the Japanese internment and an overview of the Supreme Court decisions in *Hirabayashi* and *Korematsu*, Judge

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The United States Bankruptcy Court for the Central District of California holds a Law Day event for over 100 high school students at the Richard H. Chambers U.S. Court of Appeals in Pasadena.

Brown Bag Lunch with Judge King

By Heather Welles

This December, the Younger Lawyers Division hosted a brown bag lunch with the Hon. George H. King, U.S. District Judge and former Chief Judge for the Central District of California. Those in attendance had the opportunity to hear insightful reflections from Judge King about his time on the bench prior to his retirement in January. Attorneys in attendance, including judicial clerks and attorneys working in the public and private sectors, also had the opportunity to ask Judge King some key questions about succeeding in practice as younger lawyers.

One takeaway Judge King impressed on attendees was the value of honesty and integrity in all aspects of practice. Judges notice when lawyers attempt to duck unhelpful facts or fail to candidly address critical case law, Judge King said, and failing to protect your reputation as a straightforward, trustworthy advocate harms both your client and your career. Judge King also advised attendees to work cooperatively with one another whenever possible, noting that judges have little desire to mediate unnecessary conflicts between counsel. A particularly persuasive

advocate, Judge King emphasized, is scrupulously prepared with the facts and the law, and is able to listen to the judge's concerns, point the judge to key pieces of evidence or legal authority, and make his or her case rationally.

Several in attendance asked questions related to increasing workloads in the Central District and pending vacant judgeships. Prior to Judge King's retirement, active seats previously held by the Hon. Audrey B. Collins, the Hon. Margaret M. Morrow, the Hon. Dean D. Pregerson, and the Hon. Christina A. Snyder were all vacant—Judge Collins's seat since 2014, Judge Morrow's seat since 2015, and the other two seats since 2016. Judge King acknowledged the long hours often required by judges and law clerks to manage a large case load, but emphasized the importance of giving equal attention to each case on the docket. High caseloads make cooperation and preparation particularly important, he said.

Judge King was also asked whether district judges should take an active role in encouraging younger attorneys to take on substantive

matters in court, such as questioning witnesses and arguing motions. Judge King agreed that allowing younger attorneys to build skills standing up in court earlier in their careers could have significant benefits, and encouraged firms to identify such opportunities even if not expressly spurred to do so by the court.

In closing, and reflecting on his long career in public service, Judge King reminded all in attendance of each lawyer's role in promoting the fairness and integrity of the justice system as an officer of the court and, as a person in possession of particular skills and abilities, in ensuring access to justice.



Author Heather Welles is an Associate with O'Melveny & Myers LLP

FBA Board of Directors Statement on Judicial Independence

Judicial independence, free of external pressure or political intimidation, lies at the foundation of our constitutional democracy. An independent judiciary needs to remain free of undue influence from the legislative and executive branches and to remain beholden only to the maintenance of the rule of law and the protection of individual rights and personal liberties. We affirm the right to challenge a judge's ruling for reasons based in fact, law or policy. However, when robust criticism of the federal judiciary crosses into personal attacks or intimidation, it threatens to undermine public confidence in the fairness of our courts, the constitutional checks and balances underlying our government and the preservation of liberty.

The Federal Bar Association is comprised of over 19,000 public and private sector lawyers practicing in our federal courts, hailing from all fifty states and the U.S. Territories. The Federal Bar Association is a non-partisan professional organization created to promote the sound administration of justice and integrity, quality and independence of the judiciary.



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From the Clerk's Office

By Kiry K. Gray

The end of 2016 and start of 2017 has found a number of changes at the U.S. District Court for the Central District of California. The following are just a few examples:

- The Judicial Conference approved an increase to attorney admission fees by \$5.00. That fee increase went into effect on March 17, 2017;
- The Central District of California is accepting applications from qualified individuals interested in serving as Ninth Circuit Judicial Conference Lawyer Representatives. The application deadline is June 1, 2017;
- The move from the Spring Street Courthouse to the new First Street Courthouse is complete. Please check the court directory at www.cacd.uscourts.gov for courtroom locations, prior to coming to the courthouse.

We will continue to face changes throughout 2017. Most importantly is the move of the remainder of chambers and employees from the Spring Street Courthouse to the Roybal Federal Building and Courthouse. Throughout the year, magistrate judges' chambers and Clerk's Office staff will be moving, including Human Resources, Fiscal, Civil Intake and Records Departments. We continue to encourage everyone to visit the court directory for changes to courtroom locations for judges. Notice regarding judicial relocations will be sent in all pending cases

using the court's CM/ECF system. Please ensure your contact information is up to date.

In addition to moves, we have the following changes to look forward to:

- Several new CM/ECF docket events for interpleader fund cases under 28 U.S.C. §1335 are expected to be available in early April 2017. The new attorney events will be for filing motions for interpleader deposit and motions for interpleader disbursement. Only statutory interpleaders, those deposited by third party with no ownership interest in the funds, are entered into the court as Disputed Ownership Funds (DOF) pursuant to IRS regulations.
- Soon, exhibit tags in PDF format will be available on the court's website. No longer will litigants need to obtain exhibit tags from the Clerk's Office. Instead, typing case and exhibit information on the .pdf form and printing is expected to save considerable time for attorneys and litigants.

Recently, changes to other senior management positions were announced. On November 9, 2016, Cristina Squieri Bullock was named Chief Deputy of Administration and on March 27, 2017, Sara Tse Soo Hoo was named Chief Deputy of Operations. Also in 2016, Terri Steele was named the Deputy-In-Charge for the Southern Division in Santa Ana and Dominic Estrada was

named the Deputy-In-Charge for the Eastern Division in Riverside. Combined, the senior management team offers over 125 years of federal court experience in all areas of operations and administration. They are highly capable and ready to assist.



Author Kiry K. Gray is a Clerk of Court for the United States District Court, Central District of California.

State of the Circuit and the Central District: Hard at Work

By Michael Grimaldi

On March 7, 2017, the Los Angeles Chapter of the Federal Bar Association hosted its annual State of the Circuit event at the DoubleTree Hotel in downtown Los Angeles, where a packed room heard from judges on the issues and challenges facing the federal courts here. The FBA also honored Judge Christina A. Snyder for her 20 years of public service as a federal judge.

All who spoke continued to express support for the FBA and its commitment to judicial independence. In February, the FBA Board of Directors reaffirmed in a statement that “judicial independence, free of external pressure or political intimidation, lies at the foundation of our constitutional democracy.”

Judge Milan D. Smith, Jr. of the Ninth Circuit first took the stage to explain how the largest circuit court in the country is handling its duties. He responded to assertions that the

Circuit’s decisions were frequently overturned, noting that the Ninth Circuit, in fact, not the Circuit with the highest reversal rate. Judge Smith also referenced several proposals to split the Ninth Circuit and some of the difficulties those proposals would entail. Judge Smith observed that with over one hundred Article III judicial vacancies, including many in this Circuit, the process and timing for filling these vacancies will be important for the districts in the Circuit.

Chief Judge of the Central District, Virginia A. Phillips, followed and spoke about her first full year as Chief Judge and some of the new responsibilities that come with that position. She also noted that there are five vacancies to fill in the Central District, and even if filled, the District would still need about eight more judgeships to meet the demand for judicial services. She noted that if our District was a

state, it would be the fourth most populous, with 19 million inhabitants. There are also concerns with funding, as the District is operating under a continuing resolution. Despite these challenges, Chief Judge Phillips was optimistic that the Court would continue to function efficiently and effectively.

For insight on the bankruptcy courts, Chief Bankruptcy Judge Sheri Bluebond explained that because the economy is in relatively good health, bankruptcy filings are down. She noted that bankruptcy-court funding is tied to the number of bankruptcy filings. Because filings are down, the bankruptcy court has been forced to cut its budget and decrease spending.

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Judge Christina Snyder receives signed tribute photo and poses with former Chief Judge and California Court of Appeal Justice Audrey Collins while FBA leaders look on.

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FBA Fast Facts

The FBA supports members in 4 critical ways:

Advocacy

- Monitor legislation
- Advocate on federal issues
- Keep members abreast of current federal issues

Networking

- Connect members to national network of practitioners
- Opportunities for judges and attorneys to professionally and socially interact

Leadership

- Participate in association governance
- Help shape the future of the federal legal profession

Learning

- Local and national education and learning opportunities
- Promote high standards of professional competence and ethical conduct

13th Annual Bankruptcy Ethics Symposium

By Joseph Boufadel

On November 18, 2016, the Los Angeles Chapter of the Federal Bar Association hosted its 13th Annual Bankruptcy Ethics Symposium at the Roybal Federal Building. The all-day symposium provides unique insight from Bankruptcy Judges and attorneys on ethical issues facing practitioners, and is an affordable and convenient way to obtain MCLE credits for ethics (3.5 hours), elimination of bias (1 hour), and competence issues (1 hour). And, equally important, bagels, muffins, and coffee are provided for the morning attendees, with a light lunch served for those attending the afternoon programs.

The symposium is always informative and entertaining, and this year was no different.

The morning panels focused on ethical issues facing bankruptcy practitioners in the Central District, and ethical issues confronting attorneys in the age of rapid technological advancement in the practice of law.

The first morning panel was led by Gregory Salvato and Mark Sharf, who discussed a potpourri of ethical issues arising in bankruptcy practice. They addressed many issues such as (1) conflicts of interest arising from joint

defense agreements, (2) contempt and bodily detention orders in Bankruptcy Court, (3) dangers for attorneys in Bankruptcy Code § 727 actions, and (4) proper exemption planning versus improper fraudulent transfers. The panel's presentation wove in personal experiences, as did the attendees, who asked thoughtful and engaging questions.

The Honorable Deborah J. Saltzman and J. Scott Bovitz produced the second panel entitled, "The Emergence of Robot Lawyers: California State Bar No. 93548 vs. Legal Zoom, the Cloud, and YouTube." Their lively presentation addressed many of the ethical issues now facing attorneys that were not part of the discussion years ago, including the attorney-client relationship in the age of social media, attorney advertising on the internet, and the duties of attorneys to hold client confidences inviolate in the age of cloud computing. Both Judge Saltzman and Mr. Bovitz encouraged audience participation, as they had a free-flowing discussion with the audience as they weaved around the room.

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Mark Sharf of Merritt, Hagen & Sharf, LLP and Gregory Salvato of Salvato Law Offices lead the morning panel of the 13th Annual Bankruptcy Ethics Symposium.

Girl Scout Troops Visit Judge Sandra R. Klein to Earn a Girl Scout Justice Patch and to Learn About the Law

By Razmig Izakelian

On Thursday, December 29, 2016, Judge Sandra R. Klein of the U.S. Bankruptcy Court for the Central District of California and her staff welcomed approximately twenty local Girl Scouts to the Roybal Federal Building and U.S. Courthouse. The Girls Scouts, who ranged in age for six to fourteen, were members of four Girl Scout troops.

Many of the Girl Scouts were wearing their Girl Scout uniforms and sashes containing lots of colorful patches and badges. Each Girl Scout received a goodie bag,

which included a Bankruptcy Court patch, a Bankruptcy Court gavel pencil, a CARE key chain, and Supreme Court Justice baseball cards.

Judge Klein began by welcoming the Girl Scouts, their troop leaders, and the parents who accompanied the troops to the Courthouse. Judge Klein mentioned that she was from Boston and asked the girls whether they knew what her favorite sports team might be. Many of the girls raised their hands, guessing the Patriots and the Red Sox. Judge Klein revealed that her family had

season tickets to Fenway Park so her favorite team was and is the Red Sox. Judge Klein discussed what is like to be a judge, likening it to being a parent who might need to resolve a dispute between the girls and their siblings. Judge Klein explained that laws are important to keep everyone safe, using traffic laws as an example. Judge Klein also discussed the fact that the states may enact different laws depending on the specific requirements of each state, such as water restriction laws in California and oil laws in Texas.

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Young Lawyers Division Brown Bag Lunch with Central District Court Judges Otis Wright II and André Birotte

By Erin M. Murphy

On March 3, 2017, the Younger Lawyers Division hosted its first Brown Bag Lunch of the year with Central District Court Judges Otis Wright II and André Birotte. In his courtroom at the new First Street Federal Courthouse, Judge Wright hosted 32 rising members of the local federal bar. As usual, the lunch was a unique opportunity for the Judges to offer insight and advice to the young litigants in attendance.

To start, Judge Wright cautioned the younger lawyers against the increasing lack of civility between attorneys, especially among civil practitioners. He observed how some litigants even resort to name-calling in their motions. Although such litigants might hope to gain an advantage this way, Judge Wright cautioned that it often does the

opposite; it can make those parties appear less credible. Judge Birotte echoed these insights. He added that, even in the most heated moments he experienced as a federal prosecutor, he never saw the level of anger and vitriol he sees among some civil litigants.

The Judges further noted how such squabbling consumes valuable time on matters that are often not at issue. Citing the 300+ cases on each court's docket, Judge Birotte explained how there simply is no time to resolve the fighting among litigants. Indeed, Judge Birotte noted that the best trial attorneys will argue passionately in court, but they will focus on the relevant issues. By agreeing on some issues (e.g., form jury instructions), the litigants can make it easier for the court to resolve what is truly in

dispute. Above all, acrimonious conduct damages the litigants' reputations.

A litigant's professionalism, the judges observed, drives his or her credibility and integrity. To that end, Judge Birotte advised viewing every day as a job interview, both in the office and in court. This includes careful use of social media because an inappropriate picture or post may haunt one's future job prospects. Similarly, for those who aspire to government work, Judge Wright noted how background checks can involve contacts with every attorney an applicant has worked with in the past. Thus, the impression litigants leave on others is critical to ensuring those future opportunities.

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FBA-LA Hosts New Magistrate Judge Forum

By Brittany Rogers | (continued from pg. 1)

Judge Kim noted that his work as an Assistant United States Attorney in the Criminal Division and his experience as a Circuit Court clerk gave him deep insight into criminal and *habeas* proceedings. Judge MacKinnon, who spent many years in private practice as an intellectual property litigator at Kirkland & Ellis LLP, told the crowd that he is able to draw on his extensive litigation experience when adjudicating civil matters.

The Magistrate Judges also discussed challenges presented by their new roles. All agreed with Judge Kim's observation that setting up chambers is akin to starting a new law firm, the management of which can be quite demanding. For Judges Stevenson and MacKinnon, criminal procedure involved a learning curve. Judge MacKinnon engaged in rigorous self-study before assuming his position, while Judge Stevenson took the extraordinary step of auditing a criminal procedure course at a local law school.

The audience also heard sage (and practical) advice from the panelists. Judge Stevenson stressed the importance of respect, professionalism, and courteousness to court staff and bench officers alike. Judge Kim noted that credibility is key—inaccuracy risks losing the Court's confidence. Judge MacKinnon cautioned litigants against common pitfalls: failing to

read a judge's standing orders and procedures, arriving at a settlement conference without a client representative holding true settlement authority, and filing discovery motions that interfere with the deadlines set by the district court.

The panelists closed their remarks by discussing the Central District's consent program. All three Magistrate Judges articulated their enthusiasm for the program and its ability to provide litigants with an opportunity for more flexible scheduling and case management opportunities.

The night would not be complete without questions from the audience, which the Magistrate Judges engaged thoughtfully. One audience member asked about their experiences with junior attorneys appearing in court, and the Magistrate Judges expressed positive views of giving those attorneys opportunities for more substantive experiences. Judge Kim considered the question and offered his insight that whoever is the most knowledgeable about a subject is often best suited to appear at oral argument. In his experience, this means that younger attorneys who draft motions are often quite capable of arguing their merits. When handling case management and discovery negotiations, however, more junior attorneys are sometimes more hesitant to make

authoritative judgment calls. Another member of the audience asked about the Magistrate Judges' views on civil *ex parte* motions. In light of the recent clarifications to the Federal Rules of Civil Procedure and the Magistrate Judges' openness to informal discovery conferences when appropriate, Judge MacKinnon explained that *ex parte* motions are often unnecessary. The same relief can usually be sought in an informal conference, without resorting to the extraordinary procedures reserved for *ex parte* relief.

The night closed with Judge Segal thanking the panelists and initiating a round of applause from a very grateful audience.



Author Brittany Rogers is a Counsel with O'Melveny & Myers LLP

From left: The Honorable Suzanne H. Segal, the Honorable Karen Stevenson, the Honorable Alexander MacKinnon, and the Honorable Steve Kim speak at the FBA-LA's New Magistrate Judge Forum in January.



The United States Bankruptcy Court Holds Law Day Event with the Theme: “Not to be Forgotten: Legal Lessons of the Japanese Internment”

By Stephanie Rettier | (continued from pg. 3)

Klein introduced the panel of guest speakers: Judge Tashima, Judge Takasugi, Patricia A. Kinaga, and Gary Toyo Miyatake. The speakers shared poignant stories about their families’ experiences during the Japanese internment.

As a child, Judge Tashima was interned at the Poston War Relocation Center in Arizona. He recalled his parents learning of the forced relocation through their church and being faced with the difficult task of packing their belongings and only being able to take what they could carry.

Patricia Kinaga’s parents, Thomas and Rose Kinaga, met while interned at the Heart Mountain War Relocation Center in Wyoming. Her father, Thomas, was one of the first to volunteer for the 442 Regimental Combat Team, a segregated unit of Japanese American soldiers that would become one of the most decorated military units in United States history.

Gary Toyo Miyatake is a third-generation photographer and the grandson of renowned

photographer Toyo Miyatake, who was interned at the Manzanar War Relocation Center in California. While interned, Toyo Miyatake photographed daily life using a camera lens he smuggled into Manzanar. Gary Miyatake explained that his grandfather took the photographs because he felt it was important for future generations to understand the impact of the internment on Japanese Americans.

Judge Takasugi is the son of the late U.S. District Judge Robert M. Takasugi, who was interned at Tule Lake in California and was the first Japanese American appointed to the federal bench on the mainland. Judge Takasugi served as the moderator for the panel discussion. He plans to write a biography of his father’s life in the near future.

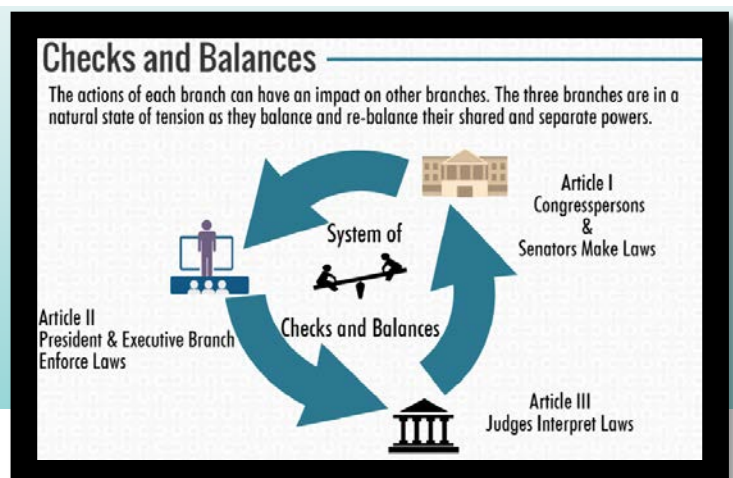
The Law Day audience was fully engrossed in the discussion as the panelists recounted their experiences and those of their families during the internment. Judge Klein mentioned that approximately 40 years after the internment, Congress created the Commission of Wartime Relocation

and Internment of Civilians, which studied how the internment could have happened. The Commission determined there were three reasons: racism, fear and wartime hysteria, and a failure of leadership. Judge Klein noted that one of the reasons that we continue to discuss the internment is to make sure it is not forgotten and that we learn from our past mistakes. And, as Judge Tashima stated so eloquently in an article that he wrote, “We study history because those who forget the past are condemned to repeat it.”

The Bankruptcy Court’s Community Outreach Committee, chaired by Judge Klein, organized the Law Day event. In her concluding remarks, Judge Klein mentioned that the Law Day event would not have been possible without the tireless efforts of Jessica Garibay, an Administrative Specialist, and a virtual army of Clerk’s Office staff who worked behind the scenes to make the day such a success.

Author Stephanie Rettier is a Law Clerk to Judge Sandra R. Klein

For courtroom and classroom-ready civics activities and learning tools geared toward high school and middle school students, please visit <http://www.fedbar.org/Outreach/Civics.aspx>



State of the Circuit and the Central District: Hard at Work

By Michael Grimaldi | (continued from pg. 7)

Chief Magistrate Judge Patrick J. Walsh next took the stage and explained that all magistrate judges will be moving into the Edward R. Roybal Federal Courthouse. In light of the District Court vacancies, the magistrate judges are continuing to give litigants the choice to participate in the consent program, which can expedite trials and help resolve scheduling challenges. He noted further that the District is in the process of digitizing prisoner cases to more efficiently handle paper filings. He stressed that per the 2015 amendments to Federal Rule of Civil Procedure 16, many magistrate judges require litigants to conduct an informal discovery conference before filing discovery motions. Most magistrate judges allow for informal processes as an efficient way to resolve discovery disputes without the burden of formal motions.

The event ended on a special note. The FBA honored Judge Christina Snyder for her 20 years of public service as a federal judge and presented her with a framed

picture signed by her past judicial law clerks.

Chief Judge Philips and past Chief Judge Audrey B. Collins (now a Justice on the California Court of Appeal) sang Judge Snyder's praises as a talented and tireless judge who is admired by the bar, goes above and beyond in the completion of her duties, and still finds the time to give back to the community. Judge Snyder was praised for supporting the nation's largest pro bono law firm, Public Counsel, and for her service as a board member of the Ninth Circuit Historical Society. When she took the stage, Judge Snyder reminisced about some of her significant cases, like in 2016 when she ruled that it was unconstitutional for Los Angeles County Supervisors to place a cross on the County seal and a deportation ruling adopted by the Ninth Circuit that helped keep a family together.

Demonstrating her humility, she works tirelessly to earn the public's trust and confidence as an Article III judge, and has set a positive

example as a dedicated public servant. In her remarks, Judge Snyder called on judges and lawyers to stay committed to the rule of law and to the maintenance of an independent judiciary.



Author Michael Grimaldi is a Partner at Lewis Brisbois Bisgaard & Smith LLP



Members of the FBA-LA pose during the Chapter's annual State of the Circuit event at the DoubleTree in downtown Los Angeles in which a packed room heard from judges on the issues and challenges facing the federal courts.

13th Annual Bankruptcy Ethics Symposium

By Joseph Boufadel | (continued from pg. 9)

The speakers for the third ethics panel consisted of the Honorable Sandra R. Klein and M. Jonathan Hayes, who addressed the dangerous waters of handling unbundling and limited scope representation in the Central District. For example, in *DeLuca v. Seare*, 515 B.R. 599 (9th Cir. BAP 2014), the issue was whether the bankruptcy court properly sanctioned a Chapter 7 debtor's attorney for not representing the debtor in a non-dischargeability action. The BAP held that it was proper, for many reasons, including the attorney's failure for properly defining the goals of the presentation at the outset and for not obtaining informed consent to the unbundling of attorney services. Judge Klein and Mr. Hayes addressed the intricacies of "unbundling" and the ethical traps waiting for debtor's counsel. They noted that it may be best for Chapter 7 debtor's counsel to enter into a RARA ("Rights and Responsibilities Agreement") with the debtor—similar to the RARA form in the Central District between Chapter 13 debtor's and counsel—that explicitly lays out the debtor's responsibilities and the services provided by counsel pre-petition, post-petition, and those services subject to an additional fee. Such RARAs would go a long way to providing much needed representation to debtors at an affordable price while at the same time helping counsel avoid violating ethical rules and the Bankruptcy Code.

The afternoon session of the Symposium consisted of two one-hour programs on "Substance Abuse in the Legal Profession: Prevention—Detection—Treatment" and "Elimination of Bias: Recognizing and Adjusting for Bias in the Legal Profession." These two programs were provided to attendees at no additional cost.



From Left: Past-President Kenneth Sulzer, Ron Maroko, Board Member Joseph Boufadel, and Chapter President Matthew Close.

Jerry Braun—the statewide president of The Other Bar, Inc. provided an engaging presentation on the dangers and reality of alcoholism, substance abuse and addiction in the legal profession. Mr. Braun spoke from personal experience of the dangers of alcoholism, giving personal anecdotes to complement the bevy of statistics, information, and warnings signs when confronted with substance abuse issues. He gave an entertaining and personal presentation on this important, and often ignored, issue.

Labor attorneys Kenneth Sulzer and Jade Brewster presented on the dangers of bias in the workplace and legal profession. They provided thoughtful examples and hypotheticals, and discussed studies that analyzed the issue of bias, and implicit bias in particular, in law firms. They provided tips on how to best recognize and avoid discrimination, and the best methods to combat bias in the workplace.

The 14th Annual Bankruptcy Ethics Symposium is currently being planned and will likely be held in

November 2017. The Symposium is a wonderful way to meet and interact with bankruptcy judges and fellow colleagues in the community. It is also an easy way to fulfill your MCLE specialty requirements before year's end. We encourage everyone to attend this year's Symposium!



Author Joseph Boufadel is an attorney at Salvato Law Offices and a member of the Board of Directors for the Los Angeles Chapter of the Federal Bar Association.

Young Lawyers Division Brown Bag Lunch with Central District Court Judges Otis Wright II and André Birotte

By Erin M. Murphy | (continued from pg. 10)

Speaking of opportunities, the judges shared what they look for in successful law clerks. Judge Birotte acknowledged that clerkship applicants are routinely the “crème de la crème.” To set the applicants apart, he searches for clerks who would fit well in his chambers and who would be willing to disagree with him on issues. Of course, his ideal clerks must be willing to work hard, but they also must be able to converse on a range of topics, including the LA Clippers. For his clerks, Judge Wright looks for applicants who can write extremely well, but, above all, he looks for “extraordinary human beings.”

The Judges also offered tips on how to be a better trial attorney. Besides observing trials, Judge Wright advised the younger attorneys to know their audience, pay close attention to the jury, and keep things short. To make witness examinations brief and interesting, each witness should offer something unique. This applies especially to cross-examinations. Judge Wright cited the “golden rule” on cross-examinations; “don’t, unless you have something to establish.”

The Judges agreed that juries often complain about the time attorneys spend on the same issue or facts. Judge Birotte acknowledged that attorneys are often deeply invested in their cases. While attorneys should be intimately familiar with their cases, Judge Birotte cautioned against getting lost in the facts during trial. To test this, Judge Birotte advised practicing the opening statement or closing

argument in front of someone who does not know the case at all. This way, the attorney can assess whether the key facts are conveyed clearly enough, or spot any unnecessary facts. Judge Wright also advised thinking through the essential evidence and corresponding witnesses. This will help winnow down the exhibits and make trial more manageable for everyone, including the court.

To make the entire case more manageable, Judge Wright shared a trick he once learned. Upon first receiving a complaint, and before preparing an answer, attorneys should research the pertinent law. Then, outline a closing argument that includes the facts they hope to present. Even if incomplete, this outline can serve as a guide to discovery and will focus the issues throughout the case.

Regarding oral argument on motions, the judges noted that oral argument is relatively less common in the Central District of California. However, when they order it, it is often because they have specific questions that have not been addressed in the papers. Therefore, they urge attorneys to be prepared to answer questions, rather than adhere to a script that mirrors the filings.

The Judges concluded with general career advice for the participants. Judge Wright implored all younger attorneys to work hard, concentrate on writing, and develop relationships. For instance, the brown bag lunch itself was an opportunity to get involved and

gain exposure among peers. Judge Birotte advised against adhering to any “traditional path” because the legal industry is different than it was decades ago. Using his own diverse background as a public defender, Assistant U.S. Attorney, private practitioner, LAPD Inspector General, and U.S. Attorney, Judge Birotte said lawyers should not be afraid to change paths.

The Judges agreed that younger lawyers should find a mentor who does what they want to do and nurture that relationship. To that end, the FBA-LA is revitalizing its Mentorship Program. The program matches new lawyers and law students to experienced federal lawyers or jurists. These connections offer unique chances for young lawyers to network and learn from seasoned federal practitioners. If you or your firm is interested, please visit www.fbala.org/YoungLawyers.php to apply.



Author Erin M. Murphy is an attorney with the Law Office of Richard M. Steingard.

Girl Scout Troops Visit Judge Sandra R. Klein to Earn a Girl Scout Justice Patch and to Learn About the Law

By Razmig Izakelian | (continued from pg. 10)

The Girl Scouts asked Judge Klein a number of insightful questions, such as how she became a judge and the consequences of not following the law. They also asked Judge Klein how much she is paid, whether she was a Girl Scout when she was young, and why she created the Girl Scout Justice Patch Program. Judge Klein responded that her salary allows her to live comfortably, she was not a Girl Scout when she was young but she wishes that she had been, and she created the Girl Scout Justice Patch Program after she discovered that the Boy Scouts have a Law Merit Badge but the Girl Scouts did not have a comparable patch or badge. Judge Klein asked the girls how they would respond if someone told them that girls could not do the same things that boys do. All of the girls had insightful, thoughtful answers. Judge Klein noted that if

the girls work hard enough, they can achieve anything that they want to achieve. She encouraged them to believe in themselves and to never let others discourage them from pursuing their dreams. Judge Klein then invited each girl to put on a robe and to take pictures while seated on the bench. The Girl Scouts were excited because they not only had the opportunity to wear a judge's robe, but they also had the chance to hold and bang a gavel!

At the conclusion of the visit, Judge Klein invited the Girl Scouts to take a tour of her chambers where they were introduced to her law clerk, Razmig Izakelian, who was working diligently in his office. The Girl Scouts were in awe of the large volume of books in Judge Klein's library and the wonderful view from her 15th floor chambers: they

were excited to see the "Hollywood" sign and Dodger stadium. Judge Klein wrapped up the tour by thanking the girls for visiting and telling the girls that if they would like to chat with her in the future, they were welcome to contact her. The Girl Scouts thanked Judge Klein by singing Christmas carols. The girls' voices were beautiful and a wonderful conclusion to a great visit.

Judge Klein is very grateful to her staff and Vanessa Keith-Garcia, Jan Zari, and Nick Tam for helping to organize and coordinate the Girl Scouts' visit to the Courthouse.

Author Razmig Izakelian is Law Clerk to the Hon. Sandra R. Klein

