

Volume 8, Issue 2

Spring 2018

14th Annual Bankruptcy Ethics Symposium

By Lynnette Garrett

The Los Angeles Chapter of the Federal Bar Association held its 14th Annual Bankruptcy Ethics Symposium on November 17, 2017 at the Roybal Federal Building. The national network of practitioners gathered for an all-day symposium featuring programs produced by Bankruptcy judges and attorneys, providing insight into the many ways of promoting the high standards of professional competence and ethical conduct in the profession. As if the 5.5 MCLE credits weren't enough to make anyone want to attend, the delicious French Roast coffee and pastries were served to those attending the morning session, and a light lunch was served to those attending the afternoon sessions.

Presentations in the morning session were led by the Honorable Martin R. Barash and Ron Maroko, who discussed attorney discipline procedures arising from bankruptcy practice, giving valuable insight into how the Court and U.S. Trustee's office view attorney discipline. A deeper consideration of civility and professionalism guidelines allowed both speakers to expand on a lawyer's duties to other counsel, a lawyer's duties to the court, and the judge's duties.

The Honorable Barry Russell with the always entertaining J. Scott Bovitz, dressed with a 'signature' rose on his lapel, asked the pressing question, "Why study ethics at all?" during the second panel entitled, "A mixed bag of ethical issues arising with client retention, client management, and

termination of the attorney-client relationship." Both speakers kept the attendees engaged by polling the audience with questions, with Mr. Bovitz pirouetting around the room with the microphone. Their presentation included a wide-ranging discussion about maintaining client confidentiality, avoiding prejudice to the client after termination of the relationship, doxing and disclosure, and false testimony, among other topics.

The third ethics panel consisted of a lecture from the Honorable Meredith A. Jury and Michael T. O'Halloran, who spoke about the ethical considerations in corporate Chapter 7 bankruptcies.

(continued on pg. 7)

UPCOMING EVENTS

- July 18: Younger Lawyers Division Annual Summer Mixer
- July 31: Teach-In Series at Los Angeles County Law Library—Knowing Your Rights in the Criminal Justice System *(additional series events on August 16, September 20, October 18 and November 15)*
- October 4: Annual Supreme Court Review
- November 16: 15th Annual Bankruptcy Ethics Symposium

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PRESIDENT'S MESSAGE

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The last six months have been a busy and exciting time for the Los Angeles chapter of the Federal Bar Association.

Our Fall 2017 season kicked off with Constitution Day and Citizenship Day. This annual holiday commemorates the signing of the Constitution on September 17, 1787. Naturalization ceremonies are performed all around the country in celebration, and Los Angeles is no exception. Bankruptcy Judge Sandra R. Klein and District Judge Christina A. Snyder presided over the swearing-in of nearly 10,000 new citizens at ceremonies held at the Los Angeles Convention Center on September 20, 2017.

Within days, the FBA-LA was back in action at our beautiful new courthouse hosting a panel entitled “Winning Without Fighting: Negotiating a Favorable Settlement at Mediation.” Robyn Crowther of Boies Schiller Flexner moderated this dynamic and informative panel which included Chief District Judge Virginia A. Phillips, Magistrate Judge Jay Gandhi, Brian Hennigan of Hueston Hennigan, and Steve Sklaver of Susman Godfrey.

October was also a big month for the FBA-LA. On October 5, we hosted our annual United States Supreme Court review at the Biltmore Hotel. In addition to the incredible learning opportunity with Dean Erwin Chemerinsky of U.C. Berkeley School of Law, we were able to celebrate award winners from our local law schools. Emily Sauer from Pepperdine University School of Law, Alexa Cover from University of Southern California Gould School of Law, Brandon C. Amash from University of California, Los Angeles

School of Law, Gevork Gazaryan from Southwestern University School of Law, and Kimiko I. Elguea from Loyola Law School each received the Judge Barry Russell Federal Practice Award for their achievements in law school. We owe a big thanks to Bankruptcy Judge Russell for his tireless work and dedication in bringing this program to us.

On October 25, the FBA-LA sponsored its annual reception for the clerks of the Central District of California. It was well attended by the bench and the bar, and we were delighted to show our gratitude to the employees of the Court who are essential to its effective operation. Vanessa Figueroa and Martin L. Bracciotti were selected as Clerks of the Year and they were publicly honored and presented with their awards by District Judge Fernando M. Olguin and Bankruptcy Judge Sheri Bluebond, respectively.

The FBA-LA quickly turned its attention to co-sponsoring a fundraising dinner on November 2 for the Pro Se Clinics within the Central District. Janet Napolitano, President of the University of California System, Judge Margaret Morrow (Ret.), President and CEO of Public Counsel, and Judge A. Howard Matz (Ret.) of Bird Marella addressed the critical role that the Pro Se Clinic serves in our community. Nearly \$80,000 was raised for the clinics in our District. While it would be nearly impossible to name everyone who had a helping hand in the success of this program, I'd like to expressly thank Magistrate Judge Suzanne Segal, Santa Monica City Attorney Lane Dilg, Bert Deixler of Kendall Brill Kelly, Sharon Ben-Shahar Mayer of Bird Marella, Matthew Close of O'Melveny & Myers, Ron Wood of Brown White & Osborn, Rob Kohn of Kohn Law Group and Janet Lewis of Public Counsel.

(continued on pg. 3)



**Federal Bar
Association**

PRESIDENT'S MESSAGE

HILARY POTASHNER

FBA CHAPTER PRESIDENT

(continued from pg. 2)

The 14th Annual Bankruptcy Ethics Symposium was held on November 17 at the Roybal Courthouse. Joseph Boufadel of Salvato Law Offices was responsible for putting on an informative program which featured Bankruptcy Judge Barry Russell, Bankruptcy Judge Meredith A. Jury, Bankruptcy Judge Martin R. Barash, as well as practitioners J. Scott Bovitz, Ron Maroko, Michael T. O'Halloran, and Carey Caruso. Ken Sulzer and Jade Brewster of Constangy, Brooks, Smith & Prophete were also on hand to address the vital issue of eliminating bias in our workplaces.

The FBA-LA kept an active pace in the new year. On February 21, Judicate West hosted a timely and critical program entitled "Gender Discrimination and Harassment in the Legal Profession." Judge Victor Kenton (Ret.) and Michael Young of Judicate West moderated a candid discussion featuring panelists Chief Magistrate Judge Patrick J. Walsh, Magistrate Judge Karen L. Stevenson, Stacy Horth-Neubert of Skadden Arps, Lori Rifkin of Hadsell Stormer & Renick.

March was highlighted by our annual State of the Circuit and the District which was held on March 15 at the Doubletree in Downtown Los Angeles. John Carson and Oliver Bajracharya of Lewis Roca were instrumental in putting together another successful event. We all benefitted from hearing the reflections of Circuit Judge Jacqueline Nguyen, District Judge Cormac J. Carney, Chief Magistrate Judge Patrick J. Walsh, and Bankruptcy Judge Deborah J. Saltzman. We also learned about the CASA and STAR programs in our district from District Judge Dolly M. Gee, District Judge Otis D. Wright II and some CASA and STAR graduates themselves.

Our annual reception honoring our federal judiciary was held on May 24 in the Tom Bradley Room at the top of City Hall. Once again we were able to publicly thank our

judiciary for their dedication and service to our community, while we all enjoyed mingling with old friends and colleagues in such a spectacular setting. We, of course, owe a particular debt of gratitude to Judge Michael W. Fitzgerald for once again arranging and planning this signature FBA event.

I haven't even begun to touch on the exciting programs that have come out of our Young Lawyers Division (YLD) over the last six months. The YLD chairs, David Sutton and Erin Murphy of the Federal Public Defender's Office and Jeff Payne of Munger Tolles & Olson, have organized lunchtime brown bags this year with District Judge Dale Fischer, District Judge Michael W. Fitzgerald, and Magistrate Judge Jacqueline Chooljian. They also put on a lively panel discussion "Thriving in Firm Practice: The Path to Partner," moderated by Michael Grimaldi of Lewis Brisbois which featured Sam Greenberg of Munger Tolles & Olson, Amy Lucas of O'Melveny & Myers, Krysta Kauble Pachman of Susman Godfrey, Davida Brook of Susman Godfrey, and Nicole Rodriguez Vany Dyk of Bird Marella. Special thanks to Susman Godfrey for hosting this forum.

All of these events are in addition to the FBA-LA's great support of the Pro Se Clinic, the Ninth Circuit Civics contest and our mentorship program. Please stay tuned for our upcoming events. In addition to the YLD's happy hour at the Blue Cow on July 18, there are a lot of exciting events planned for this coming fall.

If you are not already a member of the LA Chapter, please join here <http://www.fedbar.org/Membership.aspx>. We hope to see you at future events.

Warmest regards,

Hilary Potashner

President, FBA-Los Angeles



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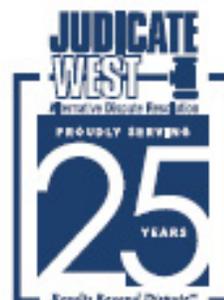
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The Central District of California Hosts Law Day Event: “The 14th Amendment: 150 Years after Ratification, What Does Equal Protection Mean to Students?”

By Christina LaBarge, Judicial Extern to the Hon. Sandra R. Klein

On March 2, 2018, the U.S. District and Bankruptcy Courts for the Central District of California hosted a Law Day event for almost 40 students from Blair High School 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: “The 14th Amendment: 150 Years after Ratification, What Does Equal Protection Mean to Students?” The beautiful Ninth Circuit Courthouse in Pasadena was a wonderful backdrop for the event.

At the beginning of the 2018 Law Day event, students shared lunch with numerous judges, lawyers and other professionals. During the lunch, the students discussed their post-graduation plans as well as their career goals, and the volunteers acted as mentors to the students, providing advice, encouragement and support. Chief District Judge Virginia A. Phillips and District Judge John A. Kronstadt participated in the event, as did Chief Bankruptcy Judge Sheri Bluebond and Bankruptcy Judges Thomas B. Donovan (Ret.), Victoria S. Kaufman, Sandra R. Klein, Erithe A. Smith, and Barry Russell. Special guests included Eve Fisher, Ninth Circuit Senior Deputy Clerk; Kristianna Janish, U.S. Pretrial Services Program Development Specialist; Robyn Lipsky, the Ninth Judicial Circuit Historical Society’s

Executive Director; Gary (Toyo) Miyatake of Toyo Photography, one of the featured speakers at last year’s Law Day celebration; Marc Theriault, U.S. Court of Appeals Deputy Circuit Executive; Javier Villalobos, U.S. District Court staff interpreter; and Khanh Vo, Drug Enforcement Administration Special Agent. Bankruptcy Clerk and Executive Officer Kathy Campbell and members of her staff also attended and helped make the event a huge success.

Judge Klein kicked off the program by welcoming everyone and by mentioning the Ninth Circuit Civics Contest and the prizes available to the winners of the Central District’s and Ninth Circuit’s contests and to their teachers. Judge Phillips welcomed the students on behalf of the District Court and Judge Bluebond did the same on behalf of the Bankruptcy Court. Judge Klein then introduced each judge by mentioning a “fun fact” about each judge. Guess which judge’s college major was Russian/Soviet Studies? Please see below for the answer to this question.

Judge Klein provided a brief history of the Fourteenth Amendment and highlighted Justice Kennedy’s poignant discourse on the Fourteenth Amendment from *Obergefell*, emphasizing his

comment, “The nature of injustice is that we may not always see it in our own times.” Next, Judge Klein introduced the Law Day guest speakers, Dr. Terrence Roberts and Professor Kimberly West-Faulcon, who had an engaging conversation about the significance of the Equal Protection Clause to our nation’s history and our society today.

Dr. Terrence Roberts made history in 1957 as a member of the Little Rock Nine, the group of nine African-American students who integrated Little Rock Central High School in the face of great hostility from the community and state of Arkansas. Dr. Roberts, who earned a Ph.D. in psychology in 1976 from Southern Illinois University, is the CEO of Terrence J. Roberts and Associates Management Consulting Firm and maintains a private psychology practice. In 1958, Dr. Roberts was awarded the prestigious Spingarn Medal by the National Association for the Advancement of Colored People (NAACP). In 1999, Dr. Roberts and the other members of the Little Rock Nine were awarded the Congressional Gold Medal, the nation’s highest civilian award, by President Clinton.

(continued on pg. 8)

From the Clerk's Office

By Kiry K. Gray

The past couple of years have been bitter sweet as Clerk of Court for California Central. As many of you know we have been holding court in three different locations in the Western division: Spring Street, Roybal, and 1st Street. As of May 11, 2018, all remaining magistrate judges and judicial staff as well as clerk's office staff at the Spring Street Courthouse have permanently relocated to the Edward R. Roybal Federal Building and U.S. Courthouse. All Western Division full-time magistrate judges are now located at the Edward R. Roybal Federal Building and Courthouse. Intake and Records are located on the first floor; Human Resources and Fiscal on the 11th floor.

I am proud to announce we will have two new magistrate judges joining our district court family. Autumn Spaeth will replace former Magistrate Judge Gandhi in Santa Ana and Maria Audero will replace former Magistrate Judge Wistrich in Los Angeles. Both are on target to start in June. On the other hand, we have not had any movement on the

six judgeship vacancies in the CACD.

In addition to the move, the Court has a few upcoming changes to the federal and local rules.

Amendments to Local Rules 5.2-1 Redaction and 7-4 Motions are effective June 1, 2018.

Amendments to Federal Rules of Civil and Criminal Procedure are effective December 1, 2018. Some amendments include: a party who is a registered CM/ECF user would now be subject to electronic service via CM/ECF without consent, unless the court provides otherwise; eliminates the requirement for a certificate of service where service is made via CM/ECF; amendment of other rules pertaining to electronic filing which have been in place in the Central District of California by local rule; extends the period of the automatic stay to enforce a judgment from 14 to 30 days.

Stay tuned for NextGen! The Court is preparing for NextGen CM/ECF. One key benefit of NextGen is the ability for each

user to access any NextGen court through PACER via Central Sign-On using one login and password. NextGen has no effect on the docketing interface.

Other benefits allow users to create their own login and password; convenient user account maintenance; access to a self-service login retrieval; and password reset feature. Existing public filers will be required to upgrade their PACER account. The Court will send information to the bar on NextGen CM/ECF and reminders to upgrade PACER accounts in the near future.



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

14th Annual Bankruptcy Ethics Symposium

(continued from pg. 1)

The program addressed issues that arise when representing a small, insolvent corporation with grave financial problems. The panel discussed a broad range of ethical principles, including the duties of loyalty and confidentiality, and the blurred lines of client representation in a small corporation (single shareholder/management v. entity). In discussing *CFTC v. Weintraub*, 471 U.S. 343 (1985), the audience was reminded that the United States Supreme Court has held that the holder of the attorney-client privilege in a Chapter 7 case is the bankruptcy trustee. Thus, the trustee can waive the privilege and compel counsel to disclose otherwise confidential information outside of bankruptcy. The panel addressed the classic conflict of interest between the insider and the entity, and potential pitfalls for attorneys representing small business entities in bankruptcy.

Carey Caruso kicked off the afternoon session with an informative discussion on “Substance Abuse in the Legal Profession.” Mr. Caruso has sat on

the Evaluation Committee of the Lawyer’s Assistance Program run by the California State Bar since 2007. Numerous studies and ongoing research have revealed a growing concern surrounding behavioral health problems amongst attorneys in the United States. Mr. Caruso gave an engaging, personal, and informative presentation, and spoke to the avenues an attorney can take when dealing with the harmful effects and dangers of alcoholism, substance abuse, and addiction in the legal profession.

Jade Brewster concluded the ethics symposium with a discussion of the “Elimination of Bias: Recognizing and Adjusting for Bias in the Legal Profession.” Drawing from examples in pop culture and various case studies, Ms. Brewster described the various ways underprivileged groups experience discrimination and negative bias. She discussed a number of solutions to better equip those in the legal profession to recognize and combat bias—including implicit bias—in everyday life and the workplace.

Planning for the 15th Annual Bankruptcy Ethics Symposium in

2018 is underway and will (likely) be held in November. The Symposium allows attendees to connect with other practitioners, and gives opportunities for judges and attorneys to interact professionally and socially. It is a great way to help shape the future of the federal legal profession, while fulfilling MCLE specialty requirements (in one day) before year’s end!

See you next year!



Author Lynnette Garrett was a law clerk at Salvato Law Offices during the Symposium



***Save the date,
registration
opens soon!***

The Central District of California Hosts Law Day Event

(continued from pg. 5)

Professor Kimberly West-Faulcon is the James P. Bradley Endowed Chair of Constitutional Law at Loyola Law School. She is the former Western Regional Counsel and Director of the NAACP Legal Defense and Educational Fund. Professor West-Faulcon graduated from Duke University and Yale Law School.

She clerked for the Honorable Stephen P. Reinhardt on the Ninth Circuit U.S. Court of Appeals and was selected by the law firm Skadden, Arps to pursue a social justice legal project. Before she became a professor at Loyola Law School, Professor West-Faulcon had a distinguished career as a litigator. She has also taught as a visiting professor at the UCLA School of Law and the

USC Gould School of Law.

The Blair High School students and other attendees were fully engaged in the energetic dialogue between Professor West-Faulcon and Dr. Roberts about the historic civil rights movement in the 1950s and 1960s and the state of civil rights today. Dr. Roberts recounted the moving story of his decision to volunteer to integrate Little Rock Central High School at the age of 17.

He described how he held firm against the community's hostility towards integration because he had a strong sense of self and believed in the fight for equality. Dr. Roberts and Professor West-Faulcon emphasized to the students that they are the future

of equal protection and the civil rights movement, and that they are responsible for standing up for their beliefs and working to ensure that every person receives the equal protection of the law.

The Law Day event was organized by the Bankruptcy Court's Community Outreach Committee, chaired by Judge Klein.

Spoiler alert: Judge Victoria Kaufman majored in Russian/Soviet Studies in college!

Author Christina LaBarge is a Judicial Extern to the Hon. Sandra R. Klein



(Left to Right): Students, Judge Klein, Dr. Roberts, Student, Professor West-Faulcon, and Judge Bluebond

Gender Discrimination and Harassment in the Legal Profession: The Role of the Court in Addressing and Enforcing Civility and Non-Discrimination

By Matt Bahleda

On February 21, 2018, the Los Angeles Chapter of the Federal Bar Association convened a panel to discuss gender discrimination and harassment in the legal profession. Moderators Michael Young, Esq., and the Honorable Victor Kenton (Ret.), both of Judicate West, worked alongside a distinguished panel of experienced federal magistrate judges and trial lawyers to discuss the role of the court in addressing and enforcing civility and non-discrimination in the workplace of all lawyers and judges. The panel included the Honorable Karen Stevenson, the Honorable Patrick Walsh, as well as Skadden Arps LLP attorney Stacy Horth-Neubert and Hasdell Stormer & Renick partner Lori Rifkin.

The panel set the tone for the discussion by recounting a series of anonymous examples of gender discrimination against women in law offices and courtrooms. Many women reported that judges, jurors, counsel, and clients have all

been known to subject women to jokes and other inappropriate comment. Others reported more egregious examples of gender discrimination in the form of, for example, opposing counsel seeking to exploit a woman's presumed weaknesses or inadequacies—informed by improper and inaccurate stereotypes—in order to gain leverage for a client.

These stories highlighted the fact that the issue of gender discrimination is not limited to Hollywood, and the legal community is no more immune to these problems than any other industry. Unfortunately, many of our own offices, courtrooms, and conference rooms have likely served as the site of deplorable behavior that may have effected the intended (and possibly unintended) victims as they developed their careers and grew as lawyers and community members. After discussing a few examples, the panel

turned to the hurdles women face when they confront improper behavior. For example, explained the practicing attorneys on the panel, many women would rather avoid confrontation with a colleague or client and would fear retaliation if they report improper behavior.

Having run through a myriad of examples and the problems faced by women in legal workplaces, the obvious question was “what do we do about it?” While cautioning that the answer to that question is complicated, the panelists explained that we all have an obligation to undertake efforts to avoid, prevent, and call out this sort of behavior when we see it. Ms. Rifkin explained that litigants might consider seeking the assistance of the judge on the matter, should that be necessary. She then walked the participants through the recent ruling of the Eastern District of California on an order to show cause in the case of *Smith v. Allison*, in which the

judge expressly condemned plaintiff's harassing remarks and other inappropriate behavior, thereby bringing an immediate end to such conduct.

While the panel was successful at raising awareness of the issue and offering potential solutions, all involved agreed there is still much to be done in order to ensure our workplaces are safe for all attorneys. More panels will likely be convened, and the Federal Bar Association encourages all to get involved.



Author Matt Bahleda is an associate at O'Melveny & Myers LLP

FBA 2018 Public Policy Priorities

- **Our Federal Courts Need Adequate Funding.** The Federal Bar Association supports the Federal Judiciary's FY 2019 budget request and urges Congress to provide sufficient funding to permit the Judiciary to fulfill their Constitutional and statutory responsibilities. The Judiciary's FY 2019 budget request of \$ 7.2 billion in discretionary appropriations reflects an increase of 3.2 percent above the fiscal year 2018 appropriation. The funding will maintain current services across the Judiciary, and sustain ongoing initiatives, including cybersecurity improvement. Funding for the Federal Judiciary, a coordinate branch of our Federal government, represents less than two-tenth of one penny of a taxpayer's dollar.
- **Judicial Vacancies and the Need for Prompt Action in Filling Them.** There are historically high levels of vacancies on the Federal appellate and district court bench that require prompt attention by the President and the Senate. As of mid-April 2018, there were 149 Article III vacancies, including 19 appeals and 122 district court vacancies. High numbers of vacancies on the Federal bench harm the delivery of justice, the economic interests of litigants before the courts, and public respect for the efficiency our judicial system. The Federal Bar Association calls upon the President and Congress to act promptly and responsibly in nominating and confirming nominees to the Federal appellate and district courts. The President and the Senate have a Constitutional obligation to assure that the Federal courts are staffed with sufficient numbers of judges to promptly administer justice. The Federal Bar Association also invites home-state Senators to call upon FBA chapters in their states to assist in appropriate ways to identify well-qualified candidates to the federal bench.
- **Growing Caseloads in our Federal Courts Require More Judgeships.** The Federal Bar Association supports the recommendations of the Judicial Conference of the United States, with the addition of five permanent judgeships in the courts of appeals, 52 permanent judgeships in the district courts and the conversion of eight temporary district judgeships to permanent status. Since the last comprehensive judgeship legislation was enacted in 1990, almost 30 years ago, the number of cases filed in the courts of appeals has increased by 40 percent and the number of cases filed in the district courts has increased by 38 percent. Civil filings have increased by 38 percent and criminal filings by 39 percent. During this period there has been only a four percent increase in judgeships, the last permanent judgeships having been created in 2002. The situation has created enormous difficulties for many federal courts across the country. Five district courts continue to struggle with extraordinarily high and sustained workloads. The severity of conditions in the Eastern District of Texas, the Eastern District of California, the Southern District of Indiana, the Western District of Texas and the Southern District of Florida require immediate action. The Federal Bar Association urges Congress to establish, as soon as possible, judgeships in those districts.

(continued on pg. 13)



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FBA-LA Hosts Annual State of the Circuit Luncheon

By Megan Weisgerber and Joel Mallord

On March 15, 2018, 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. The program consisted of updates by federal judges on the achievements and challenges of their respective courts as well as special presentations on the Central District's CASA and STAR programs. Looming large at the event were remembrances of the prominent federal judges who passed in the previous year, including Judges John Noonan and Harry Pregerson of the Ninth Circuit, District Judge Beverly Reid O'Connell of the Central District of California, and Magistrate Judges Steve Hillman and Art Nakazato of the Central District. Several speakers paid heartfelt respects to these jurists.

Judge Jacqueline H. Nguyen spoke first about the affairs of the Ninth Circuit, reiterating that it remains the busiest of the federal appellate courts. Judge Nguyen also noted that more than 25% of the court's docket comprises immigration cases and approximately 44% of its litigants appear *pro se*. She stated that the circuit had seven vacancies and two pending nominees, Mark Bennett and Ryan Bounds. Judge Nguyen also informed attendees that a report had been sent to Chief Justice Roberts requesting the establishment of a new body to oversee the federal public defenders. She closed by noting that the court has established a focus group to promote a safe working environment across the circuit.

District Judge Cormac Carney of the Central District followed by highlighting the strength of the district court. He noted that it is the busiest federal district court in the nation, with 14,500 new civil cases filed in the previous year—7000 more than the next busiest district. He pointed out that the court has continued managing this heavy caseload despite having six vacancies. Judge Carney told the attendees to expect rising admission fees and *pro hac vice* fees as the court seeks to raise additional funding for programs such as the *pro se* clinics. Judge Carney also relayed a change to the court's local rules establishing a hotline in the clerk's office for emergency filings.

Next, Judge Deborah Saltzman of the Bankruptcy Court for the Central District explained that bankruptcy filings continue to decrease from the high-water mark in 2008 due to the strengthened economy. In fact, she noted, the Central District no longer holds the distinction of most bankruptcy filings in the nation, having ceded that position to the Northern District of Illinois. Nonetheless, Judge Saltzman explained that court remains number one in *pro se* filings, a challenge the court has sought to address through the ESR system, which Judge Saltzman described as "Turbotax for bankruptcy."

(continued on pg. 14)



*Chief Magistrate
Judge Patrick J. Walsh
Addresses the
Audience*

FBA 2018 Public Policy Priorities

(continued from pg. 10)

- **Congress Should Establish an Article I Immigration Court.** Since 2013 the Federal Bar Association has urged Congress to establish an Article I “United States Immigration Court” to replace the Executive Office for Immigration Review (EOIR) in the U.S. Department of Justice as the principal adjudicatory forum under title II of the Immigration and Nationality Act. The federal courts in the United States include the courts established in and under Article III of the Constitution, as well as the adjudicative entities established by Congress under its Article I legislative powers. The FBA has drafted model legislation to create an Article I immigration court and welcomes the opportunity to discuss the proposal with Congress and stakeholders. There is broad consensus that our system for adjudicating immigration claims is broken and deserves systemic overhaul. Hiring more immigration judges, while urgent, will not address the longstanding management and operational inefficiencies within EOIR. The June 2017 Government Accountability Office (GAO) report documented EOIR case backlogs of epic size, costly and ineffective case management, and reliance on outdated technologies and reported that a majority of immigration court experts and stakeholders interviewed favored EOIR replacement with an independent Article I immigration court. Establishing an Article I court would substitute for an overstuffed, bloated bureaucracy a new structure, modeled on the federal courts, their case management expertise, and their demonstrated record for delivering prompt, effective justice. Cheaper, faster, better justice is possible through an Article I immigration court.

The Federal Bar Association is the foremost national bar association devoted exclusively to the practice and jurisprudence of Federal law and the vitality of the United States Federal court system. Nearly 20,000 lawyers and judges belong to the Association. The Federal Bar Association as a matter of policy takes no position on the credentials or qualifications of specific nominees to the Federal bench. The FBA’s foremost interest lies in the assurance of prompt, dispositive action by the President in nominating federal judicial candidates and the Senate in confirming (or not confirming) them. For further information contact Bruce Moyer, Counsel for Government Relations to the Federal Bar Association, Email: grc@fedbar.org, Phone: 301-452-1111

FBA Diversity Statement

The Federal Bar Association (FBA) supports the full and equal access to, and participation by, all individuals in the Association, the legal profession, and the justice system regardless of race, gender, ethnicity, national origin, religion, age, sexual orientation, gender identity, disability, or any other unique attribute. The FBA recognizes that achieving diversity in the legal profession requires the Association's continued effort and commitment. The FBA is committed to diversity throughout the Association.

To submit an article for inclusion in our next issue of the FBA Lawyer, please email Brittany Rogers at brogers@omm.com.

FBA-LA Hosts Annual State of the Circuit Luncheon

(continued from pg. 12)

Chief Magistrate Judge Walsh then took the stage and explained that all magistrate judges would be moved to the Edward R. Roybal Federal Courthouse by April. He informed the audience that two vacant magistrate judgeships were expected to be filled by May. He further highlighted the growing trend of magistrate judges' use of informal processes, such as emails and phone calls, to resolve discovery disputes. Finally, he called upon attorneys to participate in the consent program to lighten the burden on the district judges.

After the updates on the federal courts, District Judge Dolly Gee presented an overview on the Central District's Conviction and Sentence Alternatives (CASA) program. Judge Gee explained that the CASA program was borne from a bipartisan drive for criminal justice reform due to the enormous costs and moral issues surrounding mass incarceration. The CASA program began in 2011 per an interagency agreement involving the courts, pretrial services, the United States Attorney's Office, and the Federal Public Defender's Office. The objective of the program was to divert certain populations—particularly those whose crimes reflect aberrant conduct resulting from drug use or mental illness—from prison and to focus on their rehabilitation. Participants in the program attend informal court sessions on a weekly or monthly basis where they review conditions of their participation, such as spending forty hours per week on productive activities and completing various homework assignments.

Judge Gee reported that the CASA program has had 247 participants since 2012, including 171 graduates and 47 ongoing enlistees. Judge Gee said the program has resulted, conservatively, in \$5 million of savings to taxpayers.

A CASA graduate spoke to attendees about how the program had benefited him, helping him to recover from bank fraud charges and to turn his life around. Michael entered the CASA program in 2013, and was able to attend law school while he met the program's requirements. In February 2014, he graduated from CASA, and in 2015, from law school. Michael believed that his life would have turned out dramatically different had he been convicted and sentenced to prison.

Next, District Judge Otis Wright spoke about the Central District's Substance Abuse Treatment and Reentry (STAR) Program. The STAR program, distinct from CASA, is a program for those reentering society after time in prison. The program offers individuals the opportunity to obtain a one-year reduction in their supervised release upon graduation, while requiring them to participate for at least a year in frequent drug testing, self-help meetings, and court hearings. A STAR graduate told how the audience how the program had changed her life, and she issued a passionate call for legal professionals to focus on helping individuals caught up in the criminal justice system.

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STAR Program Graduate, Alysa Diggs, Poses with Family