

UPCOMING EVENTS:

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FORUM**
January 26, 2016
- **STATE OF THE
CIRCUIT/
DISTRICT**
March 8, 2016

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CONSTITUTION DAY OUTREACH

By Hon. Sandra R. Klein and Destiny Almogue

In 1940, Congress established "I Am An American Day", a precursor to Constitution Day and Citizenship Day, to recognize "all who, by coming of age or naturalization, have attained the status of citizenship" and to highlight "the privileges and responsibilities of being an American citizen." In 1952, September 17th officially became "Citizenship Day" to commemorate the formation and signing of the United States Constitution on September 17, 1787. In 2004, Citizenship Day was renamed Constitution Day and Citizenship Day ("Constitution Day").

To celebrate Constitution Day, the United States Bankruptcy Court for the Central District of California and the Los Angeles Chapter of the Federal Bar Association (FBA-LA) sponsored an essay-writing contest for high school students in the Greater Los Angeles Area. The contest theme, "Our Constitution: What the American Dream Means to Me", challenged students to write an essay focusing on

how the Constitution makes the American Dream possible.

Xiomara Costello and Kristen Tuey, LA-FBA Board members, co-chaired a team of lawyers who reviewed 121 essays and selected the semifinalists. District Judges André Birotte, Jr. and Beverly Reid O'Connell, Magistrate Judges Paul L. Abrams and Jean P. Rosenbluth, and Bankruptcy Judges Sandra R. Klein and Maureen A. Tighe chose the first, second, and third place winners, along with four honorable mentions.

Emily Filkin, a senior at North Hollywood High School, won first place in the contest. Emily's essay focused on how the constitutional protections of the Fourteenth Amendment allowed her family to emigrate from Vietnam to the United States. She highlighted the ways in which her family has been afforded the opportunity to achieve the American Dream. As a result of the Supreme Court's decision in *Brown v. Bd. of Educ.*, Emily's grandmother was able to attend college at Columbia University, where she met her

husband-to-be. Because of the Fourteenth Amendment, Emily's mother, who was born in New York, was a U.S. citizen. Emily's grandparents returned to Vietnam to raise their daughter. They were, however, forced from their home during the Vietnam War.

The protections afforded by the Fourteenth Amendment allowed Emily's mother to return to the U.S., where she petitioned for her parents' asylum. Emily's mother earned her M.D. from Tulane University. She was able to marry Emily's father, a white Anglo-Saxon man, because of the Supreme Court's decision in *Loving v. Virginia*, which held that anti-miscegenation laws violated the Fourteenth Amendment. Emily was raised in Southern California, where she attended public schools. She aspires to become an op-ed columnist to expose prejudice and to remove barriers that stand in the way of attaining the American Dream.

The second place prize was awarded to **Michelle Jaimes**, a

(continued on page 6)

SCENES FROM RECENT FBA-LA PROGRAMS



(l. to r.) Leon D. Bayer, Megan, Craig, Bankruptcy Judge Barry Russell, Marcus Tiggs, and Jeffrey N. Wishman
Photo Courtesy of the Bankruptcy Court



(l. to r.) Dean Erwin Chemerinsky, Kenneth D. Sulzer, and Bankruptcy Judge Barry Russell
Photo Courtesy of the Bankruptcy Court

SUPREME COURT REVIEW/ JUDGE BARRY RUSSELL AWARDS



(l. to r.) Hilary Potashner and Lane Dilg being installed as officers for 2015-2016
Photo Courtesy of the Bankruptcy Court



(l. to r.) Dean Erwin Chemerinsky and Magistrate Judge Michael R. Wilner
Photo Courtesy of the Bankruptcy Court



Dean Erwin Chemerinsky (l.) and Bankruptcy Judge Barry Russell (r.) with the Judge Barry Russell award winners (l. to r.) William E. Dolan-Galaviz (Loyola), Megan Craig (Southwestern), Henry Huttinger (UCLA), and Alexandria Walters (Pepperdine)

Photo Courtesy of the Bankruptcy Court



(l. to r.) Chapter President David K. Willingham and out-going Chapter President Kenneth D. Sulzer
Photo Courtesy of the Bankruptcy Court

FBA Day at the Pro Se Clinic

Every third Wednesday of the month is "FBA Day" at the District Court's Pro Se Clinic. FBA-LA members and friends are invited and encouraged to volunteer at the Pro Se Clinic on FBA Days. These volunteer opportunities present a discrete, time-limited, and collegial way to have meaningful client contact, to assist a court-sponsored project, and to fulfill a pro bono commitment.

The FBA-LA has always been a strong supporter of the District Court's Pro Se Clinic. The Federal Court Pro Se Clinic provides free legal assistance to pro se litigants with civil cases in the Central District of California. Located at the Spring Street Courthouse, the Clinic is staffed by two full-time Public Counsel attorneys and a paralegal. The Clinic provides procedural guidance to pro se litigants and offers substantive advice on very limited terms.

FBA volunteers can now assist the Clinic by volunteering on the third Wednesday of each month for a

three hour window of time: from 9:45 a.m. to 12:45 p.m., or from 1:45 p.m. to 4:45 p.m. Volunteers need not have any federal litigation experience; the Clinic will provide ample opportunity to become familiar with most aspects of federal court pleading, motion, and trial practice. The Clinic is supplied with an extensive library of forms, sample documents, and reference materials. In addition, Public Counsel attorneys will provide a short training prior to each volunteer shift and will always be available to answer questions.

If you are interested in this unique and rewarding volunteer opportunity, please contact the FBA at fbala@emaoffice.com.

Of course, the Pro Se Clinic welcomes volunteers on other days as well. It is open every Monday, Wednesday and Friday, from 9:30 a.m. to 12:30 p.m., and from 1:30 p.m. to 4:30 p.m. If you wish to volunteer on non-FBA days please contact Janel Lewis at (213) 385-2977 X 122.

YLD - Brown Bag Series

By David J. Sutton

On July 29, 2015, clerks, externs, and young attorneys filled the courtroom of United States District Judge Margaret M. Morrow, located in the Roybal Federal Building, for another installment of the Younger Lawyer Division's brown bag lunch series. During the lunch, hosted by Judge Morrow and United States Magistrate Judge Alicia G. Rosenberg, the judges interacted with the young attorneys in attendance, describing their respective paths to the bench, providing insight into the judges' careers as practicing attorneys, and best practices for young attorneys beginning their federal practice.

Both Judges shared their unique experiences of practicing with the same group of attorneys for over twenty years prior to taking the bench. Judge Rosenberg explained that her legal career with the firm of Blecher, Collins, Pepperman, and Joye, began shortly after a twenty minute on-campus interview during her second year of law school. During her career as an attorney, Judge Rosenberg practiced in the areas of antitrust, complex

litigation, and intellectual property prior to her appointment as a Magistrate Judge.

Judge Morrow began her career as the twenty-fifth attorney, and second female attorney, at Kadison, Pfaelzer, Woodward, Quinn, and Rossi. Later, Judge Morrow, with the individuals from this firm, formed the firm of Quinn, Kully, and Morrow. This firm eventually merged with Arnold and Porter, where Judge Morrow practiced prior to her nomination and confirmation as a District Court Judge in the Central District of California. Neither Judge clerked for judges early in their careers, but found their way to the bench after becoming more involved and interested in settlement, alternative dispute resolution, and the incremental development of the law.

Judge Morrow and Judge Rosenberg stressed the critical role a mentor can play in developing a young

(continued on page 9)

Views from the Past - President



Kenneth D. Sulzer
FBA Chapter
Immediate
Past - President
Proskauer Rose, LLP

To our members: I want to use my last column to say how much I have enjoyed serving as your Chapter President. I would like to highlight some things we have done during my term, as well as during my last four years on the Executive Committee of the Board. Many talented people expended a great deal of effort. I also wanted the opportunity to thank the people I mention below for their immense contributions to our Chapter.

Finances. All nonprofits need good financial management. I stepped onto the Executive Committee at a time when the full impact of the financial meltdown hit organizations like ours. We felt it. Along with Evan Jenness, Jeff Rutherford, and Sharon Ben-Shahar and our current Executive Committee, we reorganized and re-looked at how our organization ran. We partnered with our outside vendors, came up with some reforms and a plan and, as of today, we are in the best financial position in the entire history of our organization.

June 2015 Magistrate Judge Dinner. For the first time in our district, six federal judges retired in the same year. We put on an event, with a dinner to honor those six judges and the more than 100 years of service they put in. Lane Dilg, Chief Judge Suzanne Segal, Jeff Westerman, as well as our current Executive Committee put on one of the best events we have ever staged. It was a truly wonderful and inspiring evening.

The Pro Se Clinic. In the last several months we have organized and formalized our Chapter's support of the Pro Se Clinic, financial and otherwise. Ron Wood and Sharon Ben-Shahar and others have been tireless in setting up programs to support the clinic.

Constitution Day. Judge Sandra Klein, with help from Board members Kristen Tuey and Xiomara Costello, has initiated a brand new and wonderful community outreach initiative where we celebrate the United States Constitution and Constitution Day in September with an essay contest from local high schools and a reception for the

the winners of the contest and their parents and teachers. It is a testament to the energy and creativity of Judge Klein and her team. It is a marvelous way for our Chapter to support the court.

Awards for Newsletter and Chapter. Our chapter continues to be a leader in the nation. We have one of the largest chapters, and we have won yet another award for Chapter excellence. We have also consistently won an award for our newsletter for the last several years as well. This tradition continues with the huge contribution of Ron Maroko and much help from Kristina Azlin.

Membership. We have continued to increase our membership and continue receiving recognition from the National Association. We have been up in membership every year in the last four. This is in large part due to the efforts of our membership chair, the late Mike Emmick, who tragically passed away several months ago but the legacy of his work lives on.

New Law School Division. In addition to our division at UCLA we are beginning new law student divisions at both Loyola and at Southwestern and we have plans for the other law schools in the area. Rob Kohn our new membership chair, will be driving these initiatives.

Young Lawyers Division. We have one of the most active Young Lawyers Divisions in the country. Jeffrey Chemerinsky and Sandhya Ramadas have spearheaded a phenomenal group of events, including "Taking the Step" (with Josh Hamilton), brown bag lunches with the Judges, and the most popular events which are the periodic happy hours downtown which are a terrific boost to membership, morale and networking for young people.

Supporting the Judiciary. We have worked tirelessly during the last several years to reach out to elected officials to come up with ideas

(continued on page 13)

SUPREME COURT REVIEW AND JUDGE BARRY RUSSELL AWARDS

By Jimmy Rotstein

On October 8, 2015, the Federal Bar Association *Los Angeles Chapter* held its annual “Supreme Court Review and Judge Barry Russell Scholarship Awards” luncheon at the Biltmore Hotel in downtown Los Angeles. Each year, this event recognizes local law students for their achievements in their federal courts courses. The event also features a review of the Supreme Court’s most recent term by Dean Erwin Chemerinsky. As in past years, over 150 judges, lawyers, and law clerks attended the event.



The event began with Magistrate Judge Michael R. Wilner welcoming those in attendance. He then proceeded to swear in the FBA-LA Chapter’s new officers and board members.

Jimmy Rotstein
Paul Hastings LLP Next, Bankruptcy Judge Barry Russell took the stage and presented the annual Judge Barry Russell Scholarship Awards to five students from local law schools for excelling in their federal courts and practice courses. Each recipient was recognized on stage and received a personalized plaque reflecting the honor, a \$500 check, and the latest edition of Judge Russell’s Bankruptcy Evidence Manual.

The focus then shifted to Dean Chemerinsky, who reflected upon the October 2014 term. His remarks were broken down into five categories: the Court’s liberal “voting pattern;” the “blockbuster cases” that dominated headlines; the “sleeper cases” that escaped headlines, but are enormously important; the Court’s evolving “rhetoric;” and a look ahead at the Court’s “upcoming term.”

Voting Pattern

Dean Chemerinsky began his review by noting that the historically liberal Justices—Ginsburg, Breyer, Sotomayor, and Kagan—were in the majority of most of the high profile decisions of the October 2014 term. Dean Chemerinsky posited two theories to explain the Court’s recent liberal leaning.

First, he explained that the shift could be tied

tied directly to the voting pattern of Justice Anthony Kennedy. In the first nine years of the Roberts’ Court where the Justices were split ideologically 5-4, Justice Kennedy sided with the liberals only 30% of the time. Yet, out of the fourteen ideologically divided 5-4 decisions last term, Justice Kennedy joined the liberal Justices in nine of those decisions.

Second, Dean Chemerinsky attributed the shift to the cohesiveness of the liberal Justices. There were nineteen 5-4 decisions last term. In sixteen of those decisions, the liberal justices voted together. Dean Chemerinsky noted that the cohesiveness is even more apparent when considering 6-3 decisions.

Does this mean that the Roberts’ Court is becoming more liberal? Dean Chemerinsky strongly cautioned against such a conclusion. He explained that the decisions in any year are merely a product of the cases on the docket. After 66% of cases in the October 2013 term were decided unanimously, commentators quickly concluded that Chief Justice Roberts finally succeeded in getting the consensus and unity he wanted. But, Dean Chemerinsky noted that only 34% of cases were decided unanimously last term, and the Court already has cases addressing affirmative action, first amendment rights of nonunion members, and voting disputes on the docket for next term—three areas where Justice Kennedy has historically sided with the conservatives.

Blockbuster Cases

Dean Chemerinsky next discussed two cases that received the most headlines and were the most controversial: *Obergefell v. Hodges* and *King v. Burwell*.

Obergefell addressed whether laws prohibiting same sex marriage in Kentucky, Michigan, Ohio, and Tennessee were constitutional. In a 5-4 decision, the Court declared that state laws prohibiting same-sex marriage violate the due process and equal protection clauses of the Fourteenth Amendment. In *King*, the Court held that the federal government may permissibly promulgate regulations to extend tax-credit

(continued to page 12)

Constitution Day (cont. from page 1)



*Hon.
Sandra R. Klein,
United States
Bankruptcy Judge*



*Destiny Almogue
Extern to Hon.
Sandra R. Klein*

senior at Alliance Patti & Peter Neuwirth Leadership Academy (Neuwirth Academy). Michelle's essay focused on the extension of voting rights to citizens of all races under the Fifteenth Amendment and to women under the Nineteenth Amendment. Michelle noted that, under the Constitution, every citizen has an equal opportunity to pursue the American Dream. Michelle is intrigued by people's stories and cultures and is interested in becoming a journalist or a novelist.

Marco Vazquez, also a senior at Neuwirth Academy, earned third place in the contest. The heart of Marco's essay was the Fourteenth Amendment and the Supreme Court's decision in *Plyler v. Doe*, which has had a monumental impact on Marco's life, allowing him to attend public school despite his immigrant status. Marco discussed the First Amendment's protections of freedom of religion and freedom of speech. In the future, Marco hopes to be involved in politics to improve the environment of his community.

Awards for honorable mention went to **Amy Diaz** and **Rosa Estrada**, students at Neuwirth Academy, and **Kevin Farfan** and **Jasmin Figueroa**, students at Alliance Judy Ivie Burton Technology Academy High School (Burton Academy). **Valerie Felix**, a teacher at Burton Academy, as well as Burton Academy, were recognized as the teacher and school whose students submitted the most essays.

During the Constitution Day program honoring the contest winners, Judge Klein welcomed the guests and provided a brief history of Constitution Day's origins. Kathleen Campbell, Clerk of the Bankruptcy Court, mentioned that one of the Bankruptcy Court's strategic initiatives is to increase public understanding, trust, and confidence in the judiciary by engaging in community outreach efforts, such as the Constitution Day event. Chief Bankruptcy Judge Sheri Bluebond introduced the judges and special guests in

attendance, including Ninth Circuit Judge Raymond C. Fisher, Chief Magistrate Judge Suzanne H. Segal, Magistrate Judges Gail J. Standish and Michael R. Wilner, Bankruptcy Judge Maureen A. Tighe, First Assistant U.S. Attorney Patrick Fitzgerald, and Federal Public Defender Trial Chief John Littrell. Kenneth D. Sulzer, President of the FBA-LA, announced the winners and provided them with their awards and certificates. The highlight of the event was when Emily Filkin read her first place essay. Judge Klein concluded the ceremony by thanking all of the FBA-LA members and all of the Bankruptcy Court staff who worked tirelessly to make the event such a success. After the awards ceremony, all of the participants enjoyed mingling at a catered reception.

* * *

Judges Birotte, O'Connell, Abrams and Klein are FBA-LA Board members.

CONSTITUTION DAY PROGRAM



(Back row from left): Valerie Felix, Burton Academy teacher; Michelle Jaimes, 2nd place winner; Emily Filkin, 1st place winner; Marco Vazquez, 3rd place winner; Amy Diaz, honorable mention; and Rosa Estrada, honorable mention; (Front row from left): Kenneth D. Sulzer, President FBA-LA; Bankruptcy Judge Maureen A. Tighe; Bankruptcy Judge Sandra R. Klein; Chief Bankruptcy Judge Sheri Bluebond; Ninth Circuit Judge Raymond C. Fisher; Magistrate Judge Michael R. Wilner; and Magistrate Judge Gail J. Standish.

SCENES FROM RECENT FBA-LA PROGRAMS

Honoring Retiring Six Magistrate Judges



(l. to r.) John Canale, Kristina Azlin, and Vito Costanzo



(l. to r.) Simona Brooks, Carol Samek, and District Judge John E. McDermott



(l. to r.) Chief Magistrate Judge Suzanne H. Segal and Magistrate Judge Alka Sagar



(l. to r.) Magistrate Judges Stephen J. Hillman, Victor B. Kenton, Margaret A. Nagle, Robert N. Block, Carla M. Woehrle, and Ralph Zarefsky



(l. to r.) Seth Aronson and Yuri Mikulka



(l. to r.) Gail Ivens and District Judge Michael Fitzgerald



(l. to r.) Chief District Judge George H. King, Kenneth D. Sulzer, and Magistrate Judge Victor B. Kenton



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MAGISTRATE JUDGE CELEBRATION

PAGE 9

By Sandhya Ramadas and Jeffrey M. Chemerinsky

On June 9, 2015, the Federal Bar Association hosted a dinner honoring the retirement of six of the Central District of California's magistrate judges. The event celebrated the careers and accomplishments of Judges Stephen J. Hillman, Ralph Zarefsky, Victor B. Kenton, Margaret A. Nagle, Robert N. Block, and Carla M. Woehrle. Hosted at the Millennium Biltmore Hotel in Downtown Los Angeles, several hundred members of the bar and bench attended the event. The Federal Bar Association, with assistance from the law firm O'Melveny & Myers LLP, organized a video tribute recognizing the distinguished group's accomplishments. Below are quotes from some of the interviews featured on the video tribute, which testaments to the judges' legacies in this legal community:



Jeffrey M.
Chemerinsky
Assistant United
States Attorney

Hon. Robert N. Block

"Throughout his years, [Judge Block] has been a wonderful, wonderful colleague. He has trained so many of our magistrate judges. A large part of their competence, our competence [on the district court], and the wisdom of this Court belongs to Judge Block. He's going to be sorely missed."

- Hon. David O. Carter



Sandhya Ramadas
Assistant United
States Attorney

Hon. Stephen J. Hillman

"[Judge] Hillman is an incredible human being. He has dedicated his life to public service. I have had the pleasure and the honor of having cases against him while he was in the Federal Public Defender's Office, and the only way I can describe him is a 'mensch,' a 'mensch' who worked really hard for his clients. And then we were incredibly lucky when he was selected

for the magistrate judge position. And he has been in that position, doing justice every single day."

- Professor Laurie Levenson

"One of the things I've always admired about [Judge Hillman] is that when you talk to him about a case or a problem, what always comes through is the compassion that he has that he really feels for the parties, and when appropriate, the attorneys. He always brings you back to understanding the problems they are facing and looking at the situation as a whole and with a compassionate eye."

- Hon. Virginia A. Phillips

Hon. Victor B. Kenton

"My predecessor as Chief Judge, the late Matthew Byrne, was very fond of saying how magistrate judges are far better qualified than those who are district judges, and I've always agreed with him on that. And [Judge Kenton] is one of the prime examples of it. He's one of those people who is just valued by lawyers. They come before him and they know they're going to get a fair shake. And he's provided that. With all of [his cases], he's used precision that I've mentioned, and most of all the fairness that's always present when he's on the bench."

- Hon. Terry J. Hatter Jr.

"In my humble opinion, [Judge Kenton] ranks among the top five percent of lawyers appearing before me and working for our Court as a magistrate judge."

- Hon. Manuel A. Real

Hon. Margaret A. Nagle

"Among her many skills, [Judge Nagle] is a highly skilled and effective mediator. She also has a wonderful judicial temperament, never losing her temper and always showing judicial restraint."

- Anna Y. Park

Hon. Carla M. Woehrle

"I first met [Judge Woehrle] when she was a law student at Loyola. She was a brilliant student. There is one faculty member who to this day describes [Judge Woehrle] as having been the best student who he has ever taught. Even starting as a lawyer, she would outthink and outsmart every lawyer in the room, and would do it with grace and ease, never while being confrontational. And when she took the bench, she brought all those fabulous qualities to her new position as a judge. To me, she is the quintessence of what a judge should be in the courtroom: she is respectful, lets everyone appreciate they are going to have their say, her instincts are always right on, and she is compassionate to a degree that is absolutely outstanding."

- Michael J. Lightfoot

(continued on page 13)

Younger Lawyers Division (cont. from page 3)



*David J. Sutton
Office of the Federal
Public Defender*

young lawyer into a successful attorney.

For instance, Judge Rosenberg recalled that her mentor, Max Blecher, believed that knowing one's case, the law, and being an aggressive advocate must be tempered by professional civility towards opposing counsel. Judge Morrow shared that her success as an attorney came from finding a mentor who was both willing and eager to teach her how to practice, and set an example of how to conduct oneself as an attorney, and a professional.

The judges emphasized that involvement with bar associations often foster these mentorships. Both judges were and continue to be involved in bar associations. Judge Rosenberg was heavily involved with the Association of Business Trial Lawyers. Judge Morrow was the State Bar of California's first female president, and she was also a past member of the American Bar Association's House of Delegates. Both Judges are currently active with the FBA-LA.

The Judges also shared what they considered to be

"best practices" for litigants appearing before them. They emphasized the importance of attorneys knowing their record, having a command of the facts, and being fully prepared. They cautioned that attorneys should always listen to and focus on the questions posed by the court. While litigants may not believe the questions being asked are central to the motion or matter, they should assume that the court is asking the question for a reason.

The Judges advised against attorneys becoming too personally absorbed in a matter because it tends to lead to unnecessary arguments and superfluous filings. The Judges also cautioned against filing motions that had little to no merit, or did not move the matter along, in order to "educate" the court. The Judges agreed that such filings tended to waste valuable and scarce court resources.


The lunch concluded with the Judges sharing some of their more memorable moments on the bench. Judge Morrow, who has been a District Court Judge for seventeen years, recalled a mid-trial settlement involving a plaintiff who suffered catastrophic injuries as the result of a drunk driving accident.

The plaintiff sued a national car rental company after learning that the drunk driver was a manager for the national car rental company and that the driver had become drunk at a company team-building happy hour. Judge Morrow was both shocked and pleased to learn that the matter was not settled on the relative strength of either party's case, or potential exposure. Rather, the matter settled because the defendant wanted to assist the plaintiff with life-long medical care because it was the right thing for the company to do. Judge Morrow believed that justice in the form of humility and compassion had taken place in her courtroom when the settlement was reached.

Judge Rosenberg relishes her participation in naturalization ceremonies. Judge Rosenberg, who has spent nine years on the bench, is herself a naturalized citizen who was born in Uruguay. She especially enjoys taking part in the final step of an individual's road to citizenship, witnessing the joy associated with attaining citizenship; a joy and an achievement that is too often an afterthought for those born in the United States.

All in all, the lunch was a nice, interesting, and informative event.

PRESS RELEASES FROM THE COURTS



UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK

KATHLEEN J. CAMPBELL
Executive Officer
Clerk of Court

PUBLIC NOTICE

**RE: 2015 REVISED OFFICIAL BANKRUPTCY FORMS
EFFECTIVE AND MANDATORY DECEMBER 1, 2015**

As previously announced, most Official Bankruptcy Forms are scheduled to be replaced with substantially revised, reformatted and renumbered versions. The new forms become effective and mandatory on December 1, 2015.

The Court has posted a web page, www.cacb.uscourts.gov/form-changes-2015, to provide the following information about the new Official Forms:

- video overview of the new Official Forms;
- redline revisions to Court Manual Section 2 concerning new case commencement filing requirements;
- updated Petition Packages;
- Instructions for Bankruptcy Forms for Individuals, and Non-Individuals; and
- a link to the U.S. Courts website for access to additional information about the new forms, including Committee Notes for most of the forms

Please note that the Court will issue deficiency notices, starting December 1, 2015, if older outdated Official Forms are filed on or after December 1, 2015.

KATHLEEN J. CAMPBELL
CLERK OF COURT

15-013 (11/12/15)



In Memoriam

Michael W. Emmick
1952-2015

*Served as a Board Member for the
Los Angeles Chapter of the FBA*

Loyola Law School has established a Public Interest Fellowship in Mike's memory. The Emmick Fellowship will be awarded annually to a student committed to working in public interest for a summer. Please contact Loyola Law School's Advancement Office for more information.



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PRESS RELEASE

Release Date: September 24, 2015

**KIRY K. GRAY APPOINTED AS CLERK OF COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA**

The United States District Court for the Central District of California announces the appointment of Kiry K. Gray as Clerk of Court. Ms. Gray succeeds retired Clerk of Court Terry Nafisi.

Ms. Gray has a long history of service to the Court, spanning thirty years. Ms. Gray was originally hired to work temporarily in the Jury Department in 1985. Ms. Gray's dedication to the Court and work ethic earned her many promotions over her tenure and she rose to several management positions early in her career, including being named the Assistant Supervisor in the Criminal Section in 1987, the Assistant Deputy-in-Charge for the Southern Division in 1990 and the Deputy-in-Charge of the Eastern Division in 1993, a position she held until earlier this year. Since July 1, 2015, Ms. Gray has been serving as the Court's Acting Clerk of Court.

The Central District of California is comprised of the counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura, Santa Barbara and San Luis Obispo. It serves approximately 19.6 million people – nearly half the population of the state of California.

New and Amended Local Rules Effective December 1, 2015

The new and amended Local Civil Rules, Local Criminal Rules, and Local Rules Governing Bankruptcy Appeals, Cases, and Proceedings listed below will become effective December 1, 2015. Redlined versions of these rules, as well as complete copies of the Local Civil Rules, Local Criminal Rules, and Local Rules Governing Bankruptcy Appeals, Cases, and Proceedings that will be effective December 1, 2015, are available on the Court's website and accompany the electronic version of this notice.

subsidies to coverage purchased through exchanges established under Section 1321 of the Patient Protection and Affordable Care Act—thereby upholding “Obamacare.”

Dean Chemerinsky explained that aside from media attention, the cases have three important similarities. First, both decisions are “ending” litigation. After *United States v. Windsor*, dozens of cases were filed challenging laws that prohibited same sex marriage. He noted that those cases are now resolved. Similarly, he explained that *King* was the last “global challenge” to the Affordable Care Act that had the potential of collapsing the entire statute. Second, Dean Chemerinsky noted that both cases reject narrow versions of interpretation. *Obergefell* rejects an originalist approach to constitutional interpretation, while *King* rejects a plain meaning approach to statutory interpretation. Finally, Dean Chemerinsky emphasized that both cases have an enormous impact on people’s lives. He explained that the decision in *Obergefell* means that same sex couples can marry in every state, and the decision in *King* translates into 6.5 to 10 million people being able to afford health insurance.

Sleeper Cases

Next, Dean Chemerinsky reviewed notable sleeper cases of the term that he believed were particularly significant. He began with *Johnson v. United States*, in which the Court held that the residual clause in the Armed Career Criminal Act was unconstitutionally vague. Among other reasons, this case was notable because a number of provisions in federal statutes use similar language. Dean Chemerinsky opined that these provisions can now be challenged as void on vagueness grounds.

He then discussed *Reed v. Town of Gilbert, Arizona*, in which the Court struck down provisions of a municipality’s sign code that imposed more stringent restrictions on signs directing the public to the meeting of a non-profit group than on signs conveying other messages. The Court reasoned that the restriction was content based and did not survive strict scrutiny. Dean Chemerinsky explained that this case was the “clearest articulation in recent memory of the framework to be used in First Amendment analysis.”

Rhetoric

Calling it the “nastiest we have seen on the Supreme Court,” Dean Chemerinsky attributed most of last term’s vitriolic rhetoric to Justice Scalia. Dean Chemerinsky cited both Justice Scalia’s concurring opinion in *Glossip v. Gross*, which referred to Justice Breyer’s opinion as “nonsense” and “gobbledygook,” and his dissent in *Obergefell*, which described Justice Kennedy’s opinion as “pompous and egotistical” and “like the aphorism in a fortune

cookie.” Dean Chemerinsky hoped everyone could agree that “such rhetoric has no place in judicial opinions, and sends a terrible message to law students and lawyers.”

Upcoming Term

Finally, Dean Chemerinsky closed by looking ahead to the upcoming 2015-2016 term, which includes cases that address headline-grabbing issues such as first amendment rights, affirmative action, and voting disputes. Although always hesitant to make predictions about the coming term, Dean Chemerinsky made what he called a “safe prediction”: that the upcoming cases will once again show that what the Supreme Court does—whatever it may be—will affect everyone in the most intimate and most important aspects of our lives.



(l. to r.) Kenneth D. Sulzer, Constitution Day Award Winner Emily Filkin, and Bankruptcy Judge Sandra R. Klein Photo Courtesy of the Bankruptcy Court



(l. to r.) Kenneth D. Sulzer, Natella Royzman, and Joseph Boufadel at the 12th Annual Bankruptcy Ethics Symposium

Views of Our Past - President (cont. from page 4)

To help support the federal judiciary here in Los Angeles. Congressman Adam Schiff meets at least twice a year with me and Judge King to discuss issues pertinent to our support of the federal judiciary. The President and President-Elect meet annually with Chief Judge King and with Chief Magistrate Judge Segal in March to discuss what the FBA LA chapter can do to help the federal judiciary. It is one of the most rewarding things about being President of our Chapter. One of the things we have begun doing in a formal way, is to invite the more recent appointments to the federal bench to join our Board. Judge O'Connell, Judge Olguin, Judge Sagar, and many others have added so much to our Board.

New General Counsel Forum. One of our new initiatives is to create a General Counsel forum. Yuri Mikulka along with our Executive Committee will be driving this new Board initiative. We will invite Corporate In-House Counsel into the fold of our organization for the benefit of the court and all involved.

Board Member Contributions. As some may remember, my first act as President last year was to ask for a vote on revisions to our Bylaws, to allow more Board Members to be appointed. This was done in large part to allow our Board to increase in number and vastly improve the diversity of the Board in all of its iterations. Just a couple of examples include: the first Plaintiff's employment lawyer ever to serve on our board, Carol Gillam; our first 9th Circuit Judge in many years, Jacqueline Nguyen; and National Litigation Section chair Rob Kohn. I also emphasized during my term Board Member responsibility and Board Member accountability. Each Board Member is in charge of an initiative and reports on progress at each meeting. I was honored by the comments of one of our newest Board Members who, after sitting through the first meeting, stated, "Wow, this is a really active Board!" We all should be proud of what we've accomplished over the last few years.

Finally, I say goodbye to you as President but will be an active Board Member going forward. More importantly, we say two very different goodbyes to two people very important to all of us. First, goodbye to former Chief Judge Alex Kozinski, who stepped down as Chief Judge in December. We had an FBA event at the Ninth circuit courthouse which was a fitting tribute by our organization to Judge Kozinski for his undying support of our organization. We also say goodbye to Board Member and friend, Terry Nafisi, who leaves as Chief Administrator of the court,

and we wish her a wonderful (but active, if you know Terry) retirement. I will personally miss her very much.

More poignantly, I say goodbye to my dear colleague on our Board, Mike Emmick, who passed away this summer. I will miss his humor, intellect, effort and personality and I know that my fellow Board Members will as well.

On October 8th my friend and colleague Dave Willingham took over as President of our Chapter and we could not ask for a better leader than Dave. He is supported by an incredible Executive Committee consisting of Matt Close, Hilary Potashner and Lane Dilg. I will remain on the Board as long as they will have me to support all our initiatives.

Many thanks to all!

Magistrate Judges (cont. from page 9)

Hon. Ralph Zarefsky

"[Judge Zarefsky] possesses and displays deep-seated integrity, an unqualified commitment to do every job with total dedication, whether that job is that of husband, brother, and most especially father, not just that of being a judge. He displays rare wisdom and strength. Among the amazingly strong and accomplished deep bench of magistrate judges in our district, was there any individual who displayed more consistent excellence? Judge Zarefsky's R&Rs were always not only thorough and careful, but clearly written and persuasive. He attaches huge importance to craftsmanship, and it shows. He was always prepared and always effective."

- Hon. A. Howard Matz

"[Judge Zarefsky] possesses the rare combination of firmness and fairness that allowed anyone who appeared before you to know that they will be afforded the opportunity to be heard and their matter to be seriously considered."

- Vicki I. Podberesky

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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.