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NEWS RELEASE

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Ninth Circuit Judge Diarmuid O'Scannlain to Assume Senior Status



*Judge Diarmuid
F. O'Scannlain*

SAN FRANCISCO – Circuit Judge Diarmuid F. O'Scannlain of the United States Court of Appeals for the Ninth Circuit notified President Barack Obama today that he will assume senior status on December 31, 2016. The notification occurred on the 30th anniversary of Judge O'Scannlain's appointment to the court by President Ronald Reagan. Among Oregonians to have sat on the Ninth Circuit bench, Judge O'Scannlain has the longest tenure of active service since Judge William Gilbert, who was appointed in 1892 by President Benjamin Harrison.

In taking senior status, Judge O'Scannlain, 79, will retain his chambers in Portland's Pioneer Courthouse, but with decreased caseload and travel burdens. The next president will nominate a successor to Judge O'Scannlain's seat on the Ninth Circuit.

Judge O'Scannlain received his J.D. in 1963 from Harvard Law School and a B.A. in 1957 from St. John's University. He also earned an LL.M. in judicial process from the University of Virginia Law School in 1992. Judge O'Scannlain was awarded honorary LL.D. degrees from the University of Notre Dame in 2002, from Lewis & Clark College in 2003, and from the University of Portland in 2011. Pope Benedict XVI conferred the Order of Saint Gregory the Great on Judge O'Scannlain and his wife in 2007.

As a judge on the U.S. Court of Appeals for the Ninth Circuit, Judge O'Scannlain has participated in over 10,000 federal cases and has written hundreds of published opinions and dissents on a broad range of subjects including constitutional law, international law, securities law, administrative law, and criminal law.

Judge O'Scannlain also has served on an array of judicial committees by appointment, including the Automation and Technology Committee of the Judicial Conference of the United States; the Federal Judicial Center's Advisory Committee on Appellate Judge Education; and the Executive Committee of the Ninth Circuit. Chief Justice John G. Roberts, Jr., appointed Judge O'Scannlain

as chair of the JCUS International Judicial Relations Committee. He served as chair from 2010 to 2015, performing rule of law programs with foreign judiciaries in many countries. President George W. Bush also appointed Judge O’Scannlain to the Board of Trustees of the James Madison Memorial Fellowship Foundation in 2004.

Judge O’Scannlain’s professional interests include judicial administration and reform, and continuing legal education. He is a former chair of the Judicial Division of the American Bar Association and previously served as chair of the ABA’s Appellate Judges Conference, its Committee on Appellate Practice, and its Ninth National Appellate Practice Institute. He has testified before the Senate Judiciary Committee on several occasions, the House Judiciary Subcommittee on Courts and Intellectual Property, and the Commission on Structural Alternatives for the Federal Courts of Appeals on the subject of court reorganization.

In addition to serving as a faculty member at numerous federal appellate practice seminars for judges and attorneys, including New York University Law School’s Institute for Judicial Administration, Judge O’Scannlain is an adjunct professor at Lewis & Clark Law School in Portland, where he teaches a seminar on the U.S. Supreme Court. He has served as a moot court judge at distinguished law schools across the U.S. and in China. He will continue to be active in the International Association of Law Schools where he is chair of its Judicial Council.

Between graduation from Harvard and investiture as a federal judge, Judge O’Scannlain was primarily engaged in private law practice. Between 1969 and 1974, under Governor Tom McCall, Judge O’Scannlain served consecutively as deputy attorney general of Oregon, the public utility commissioner of Oregon, and director of the Oregon Department of Environmental Quality. He retired from the U.S. Army Reserve in 1978 at the rank of major after 23 years Reserve and National Guard service, including four years as an enlisted man.

A first generation Irish-American son of immigrant parents from Sligo and Derry, Judge O’Scannlain was born in New York City. He is married to the former Maura Nolan and has eight children and nineteen grandchildren.

Federal law allows an Article III judge with the requisite tenure on the bench to retire as early as age 65 at his full current salary. Many judges choose to elect senior status and continue to serve the judiciary at essentially no additional cost to the government. The “Rule of 80” is the commonly used shorthand for the age and service requirement for a judge to assume senior status. Eligible judges are at least age 65 with 15 years experience, or at least 70 with 10 years experience.

The Ninth Circuit Court of Appeals, the nation’s largest and busiest appellate court, hears appeals of cases decided by federal trial courts and certain executive branch administrative agencies in nine western states and two Pacific Island jurisdictions. Its judges hear oral arguments in San Francisco, Pasadena, Seattle, Portland, Anchorage, and Honolulu.

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