

# UNITED STATES COURT OF APPEALS

## Appellate Advocacy Program

September 27, 2017

Billings, Montana

### Panelist Bios

**HONORABLE SIDNEY R. THOMAS, Chief Circuit Judge**, was nominated by President Clinton to serve as a judge on the Ninth Circuit Court of Appeals in 1995 and was confirmed by the United States Senate in 1996. He became Chief Judge in December 2014 and also serves as En Banc and Capital Case Coordinator for the Circuit. He is a member of the United States Judicial Conference, which is the governing body for the federal courts, and was appointed by Chief Justice Roberts to serve on its Executive Committee. He also serves on the Ninth Circuit Judicial Council and the Court of Appeals Executive Committee. He previously served on the National Committee on Information Technology and as a member of the Board of Directors of the Federal Judges Association. Prior to his appointment, he was engaged in the private practice of law in Montana, with an emphasis on complex civil commercial litigation. As a private practitioner, Judge Thomas was selected as one of the "Best Lawyers in America" and was included from the inception of the publication.

**CLAUDIA BERNARD** is the Chief Circuit Mediator for the Ninth Circuit Court of Appeals where she leads a staff of nine professional mediators and mediates cases on appeal. Prior to her appointment as Chief Circuit Mediator in 2007, she served as a Ninth Circuit Mediator for eighteen years. She has mediated over three thousand cases. She has taught mediation and negotiation at law schools throughout the U.S. and around the world. She has provided mediation and mediation advocacy training to judges and lawyers throughout the U.S. and around the world, and has consulted on the development of appellate mediation programs in courts in the U.S. and around the globe. Ms. Bernard co-teaches an annual symposium for international judges and lawyers on designing and implementing court ADR programs; consults on court related ADR programs for the Federal Judicial Center; and is chair of the Federal Judicial Center's Advisory Committee on Executive Education. She received the Mediation Society of San Francisco's 2011 Award for Outstanding Contribution to the Field of Mediation, and, under her leadership, the Ninth Circuit Mediation Office received the 2014 Robert A Peckham Award for Excellence in Alternative Dispute Resolution. Before coming to the Ninth Circuit, Ms. Bernard practiced civil litigation in San Francisco and clerked for a federal judge.

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**DANIEL DONOVAN** is a sole practitioner in Great Falls, Montana and a veteran of over 40 years in civil and criminal practice with his focus on Federal criminal defense including trials, appeals, and post-conviction matters. A long-time member, as well as one-time training coordinator, of the Criminal Justice Act Panel in the District of Montana, he also served as Senior Assistant Federal Defender with the Federal Defenders of Montana. Donovan successfully briefed and argued a case before the United States Supreme Court, *Old Chief v. United States*. He has organized and made presentations at several criminal defense CLE programs and has appeared as a guest lecturer at U.C.L.A. Law School. Donovan was President of the Montana Criminal Defense Lawyers Association and currently serves on the Board of Directors of the Montana Innocence Project. He was recently selected as a Ninth Circuit Appellate Lawyer Representative.

**LEONARD J. FELDMAN** is a partner at Peterson Wampold Rosato Feldman Luna, where he focuses on state and federal appeals. Before law school, Leonard attended the University of Washington, graduating summa cum laude in Psychology. After college, he attended Harvard Law School, where he was twice awarded the Sears Prize (given to the top two students on the basis of grades) and graduated magna cum laude in 1991. Leonard then worked as a judicial law clerk for Ninth Circuit Judge Jerome Farris. Leonard is a member of and was previously Chair of the King County Bar Association's Appellate Section and is currently a member of the Washington Appellate Lawyers Association, a District Coordinator for the Ninth Circuit Pro Bono Program, a Ninth Circuit Appellate Lawyer Representative, and a Ninth Circuit mentor. In 2006, Leonard received the Washington Bar Association's Pro Bono Award for his work in appeals that raise important civil rights issues. He has argued twice before the United States Supreme Court and dozens of times in the Ninth Circuit and is a frequent writer and speaker on topics relating to appellate practice.

**ANTHONY R. (TONY) GALLAGHER** graduated with distinction from Duquesne University, Pittsburgh, Pennsylvania. Following decorated service in the United States Army during the Viet Nam conflict, he received his Juris Doctorate from the University of Baltimore School of Law, Baltimore, Maryland. Tony has held both public and private positions. His career began as a prosecutor

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in Baltimore. After almost seven years, he left prosecution and became an Assistant Federal Public Defender for the District of Maryland. He was in private practice in Baltimore for a brief period in the late 1980's, then rejoined the Federal Public Defender's Office as a Supervisory Assistant, and later, Acting Federal Public Defender. In 1992 he was selected as the first Executive Director of the Federal Defenders of Montana, Inc., a post he holds to this day. As an active litigator, he has taken part in hundreds of jury and non-jury trials. He has significant appellate experience, including appearances in the United States Supreme Court. He has testified as an expert on criminal defense in both state and federal courts. Tony is a Fellow of the American College of Trial Lawyers (ACTL), one of the premier legal associations in America. A member of both the National Association of Criminal Defense Lawyers (NACDL) and the Montana Association of Criminal Defense Lawyers (MTACDL), he was named Criminal Defense Lawyer of the Year (2005). He was the 2016 recipient of the Ninth Circuit's John Frank Award presented to outstanding attorneys practicing in federal courts in the Western United States. He has been an adjunct professor at three law schools, a guest lecturer at five others, and a featured speaker on criminal defense topics and professional ethics for Continuing Legal Education programs throughout the United States. Tony Gallagher has been a small college and high school football official and an American Legion baseball umpire for about forty years.

**SUSAN GELMIS** is the Chief Deputy Clerk for Operations at the Ninth Circuit. She has been with the court for 28 years, starting as a Motions Attorney in 1989. In 1992, she became the Supervising Attorney for the newly established Pro Se Unit, which she helped to define and create. In 1993, she worked with the Court and the federal bar to create the Circuit's Pro Bono Program, which she directed for 22 years. She assumed the additional role of Supervising Attorney of the Motions Unit in 2000. Susan has served on numerous Circuit wide committees and task forces relating to prisoner and pro se litigation, and as liaison to the pro se law clerks in the district courts, organizing and speaking at Circuit wide and national conferences. In December 2015, Susan moved to the Clerk's Office to assume her current position as Chief Deputy Clerk, where she oversees all docketing and filing and calendaring systems and procedures, and organizes and speaks at CLE

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programs around the Circuit. Susan is a 1987 graduate of NYU Law School and originally a native of New York.

**KYLE ANNE GRAY** practices environmental and commercial law with the Billings office of Holland & Hart LLP. Her practice focuses on complex civil litigation, in particular appellate law, and she has briefed and argued dozens of cases before the United States Supreme Court, the Montana Supreme Court, the Wyoming Supreme Court and the United States Courts of Appeals for the Ninth, Tenth and Eleventh Circuits. She earned her J.D. from the University of Michigan School of Law in 1984, and subsequently clerked for then Chief Judge Clarence Brimmer of the United States District Court for the District of Wyoming in Cheyenne before moving to Montana in 1986.

**PAUL KELLER** (USF 1986) has worked for the Ninth Circuit Office of Staff Attorneys in various positions since 1987. His current responsibilities include assisting Chief Judge Thomas in coordinating the en banc process. He previously served as a law clerk to Ninth Circuit Judge Alfred T. Goodwin during his term as Chief Judge, and taught at UC Hastings College of the Law from 1999 to 2014.

**MARTHA SHEEHY** grew up in Billings, Montana and attended undergraduate and law school at the University of Montana. She has practiced law in Billings since 1988, the last 15 years at her own Sheehy Law Firm. Her practice is focused on insurance coverage and defense issues, mostly litigated in federal court. She also represents the Billings Gazette, the Missoulian, the Bozeman Chronicle, and other newspapers in constitutional right-to-know cases. Sheehy was elected president of the State Bar of Montana in 1998, and has served on numerous state and federal committees, including the Ninth Circuit Courts and Community Committee, 2009 to present; the Montana Judicial Nomination Commission from 2004 to 2011; the Montana Federal Local Rules Committee from 2001 to 2011; Chair of the Montana Access to Justice Committee, 1996-2000; and the State Bar of Montana Executive Committee, 1993-2000.

**ALLISON TAYLOR** manages the Motions Unit of the Ninth Circuit Court of Appeals, where she has been a staff attorney for over 10 years. She specializes in

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all types of substantive motions in primarily civil and agency cases. Prior to joining the Ninth Circuit, Ms. Taylor spent two years as a trial attorney in immigration court representing the Department of Homeland Security.