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DISTRICT OF ALASKA – 2016-2017 REPORT TO THE NINTH CIRCUIT

By Richard D. Monkman, LRCC Alaska Representative

LAWYER REPRESENTATIVES

The District of Alaska has four Lawyer Representatives serving staggered 3-year terms, with two Lawyer Reps co-serving every third year. The current group of Lawyer Reps are Richard Monkman, in private practice in Juneau, and State of Alaska Assistant Attorney General Mary Pintel, Assistant Federal Defender Jamie McGrady and Assistant United States Attorney Andrea Hatten, all of Anchorage. Former Lawyer Representative Kevin Feldis has transferred to a Department of Justice position in Indonesia.

Additionally, Senior Lawyer Representative Darrel Gardner was elected Vice-Chair of the Ninth Circuit LRCC, the first ever Alaska District Lawyer Representative to become an officer of the LRCC. He has been working directly with the Conference Executive Committee to help plan the next two Ninth Circuit Conferences, and serves as the LRCC Chair for 2017–2018. Darrel is the former President of the Federal Bar Association’s Alaska Chapter, and has recently been elected as President of the Alaska Bar Association, rounding out a singular collection of honors and offices.

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NINTH CIRCUIT COURT OF APPEALS CIVIC CONTEST WINNER

The overall winner of the Ninth Circuit Court of Appeals' 2017 Civics Contest is Olivia Colleen Tafs, an Anchorage West High School freshman. The topic was "Not to Be Forgotten: Legal Lessons of the Japanese Internment," a subject of great relevance today. The Japanese-American community in Alaska was subjected to transport and incarceration at Minidoka during that dark period in our Nation's history. See, <https://emptychairproject.wordpress.com/> Ms. Tafs' winning essay will be read during the opening session of this year's Ninth Circuit Judicial Conference in San Francisco.

HOPE COURT

This month marks the second anniversary of the Alaska Hope Court, a reentry court established with the goal of reducing criminal recidivism and helping individuals on supervised release build sober, crime-free lives. This is the second year of a three-year pilot project.

Hope Court has the following features: 1) immediate and proportional sanctions for misconduct; 2) positive reinforcement for personal progress in a public setting with judicial participation; 3) substance abuse and/or mental health treatment as needed; 4) assistance in meeting personal needs such as employment, stable housing and medical attention; 5) assistance in developing life skills and critical thinking; and 6) peer pressure from other participants to avoid risky behavior. Only defendants with a moderate to high risk of recidivism are accepted to participate in the court and approximately 90% of them have substance abuse issues. The bimonthly court sessions are presided over by Chief Magistrate Judge Deborah Smith and Magistrate Judge Kevin McCoy.

The success of the Hope Court is being evaluated by Professor Cory LePage with the University of Alaska Anchorage Justice Center. The Court is supervised by the Federal Reentry Court Committee composed of Chief District Judge Timothy Burgess, chair; District Judge Sharon Gleason; Chief Magistrate Judge Deborah Smith; Chief of Probation Rhonda Langford; Acting United States Attorney Bryan Schroeder; and Federal Public Defender Rich Curtner. After the first three years of operation, the Committee will determine if the Hope Court is successful in reducing recidivism, assisting participants in remaining sober and rebuilding their lives and saving the cost of repeat incarcerations.

PRO BONO REPRESENTATION FOR FEDERAL PRISONERS

Following the November 2015 Ninth Circuit Summit on Prisoner Litigation, the District of Alaska formed a working group to develop pro bono representation for federal prisoners in the District of Alaska. The working group includes Catherine Rogers, Staff Attorney for Pro Se Litigation, chair; Chief Magistrate Judge Deborah Smith; Josh Decker, ACLU; Susan Orlansky, ACLU; Krista Scully, Alaska Bar Association Pro Bono Coordinator; Darrel Gardner, Alaska Bar Association President and representative of the Federal Bar Association. The group has developed the process for identifying the Section 1983 cases which need pro bono representation, discussing the matter with the pro se litigant, and recruiting an attorney from the private sector to serve as counsel. In addition, a training session will be held Sept. 23, 2017, for attorneys interested in participating in the program. It will be sponsored by the Federal Bar Association. Training sessions will include the handling of Section 1983 civil rights cases in the prisoner context; electronic filing in federal court; practice tips by experienced attorneys; and a session on "Ethics and Cultural Competency," by Saralyn Cohen, Pro Bono Director at Shearman & Sterling in New York. The training session will be followed by a reception, which will be attended by Alaska's District Court Judges.

JUDICIAL NEWS

Chief Judge Burgess has been very busy this year, chairing the Ninth Circuit Conference Committee, and on the national front, completing his second term as a member of the Judicial Resource Committee of the U.S. Judicial Conference. In that capacity, he chaired the JRC's Subcommittee and Working Group on the Work Measurement Study for Pro Se and Death Penalty Law Clerks. He has also served for several years as chair of the JRC's OSCAR Working Group, which oversees the electronic application process for law clerks nationwide. In addition, Judge Burgess is a member of a working group recently established by the Administrative Office of U.S. Courts to develop educational materials about IT security for courts.

Chief Magistrate Judge Deborah Smith was elected treasurer of the Federal Magistrate Judges Association, and in that capacity, participates in the Magistrate Judges Advisory Group of the U.S. Judicial Conference. She was also appointed by Chief Justice John Roberts to a three-year term on the JRC this year and is a member of the JRC's Diversity Subcommittee. Judge Smith is the past chair of the Ninth Circuit Magistrate Judges Executive Board and remains a member of that group's Technology Committee.

Senior Judge Ralph Beistline has taken an additional position as Editor of the Alaska Bar Rag, the quarterly newspaper published by the Alaska Bar Association. The most recent Bar Rag featured

an interesting and in-depth profile of Senior Judge Russell Holland written by omnipresent Senior LRCC Representative Darrel Gardner. The Alaska Bar Rag is known for its sometimes irreverent and always entertaining articles, which will doubtless be enhanced under Judge Beistline's leadership from Fairbanks, as the Tanana Valley Bar Association (Fairbanks) is always a good source of, um, unique material. Past issues can be reviewed at: <https://issuu.com/alaskabarrag>

ALASKA CHAPTER OF THE FEDERAL BAR ASSOCIATION

The Alaska Chapter of the Federal Bar Association is very active and has witnessed continued growth. Former Lawyer Representative Lane Tucker is the current FBA Alaska President, and is working hard to continue the activities and achievements of the Alaska Chapter.

Alaska FBA Chapter activities since the last Circuit Conference have included an April CLE on immigration issues and practices. Two Anchorage attorneys, Dan Rodgers and Julie Fields, presented the CLE. Dan works as a volunteer attorney full time with the Alaska Immigration Justice Project. Julie has a solo practice and focuses exclusively on U.S. immigration and citizenship law. In June, the Chapter provided grant assistance to Alaska Legal Services for a bankruptcy project, including creation of a training video for bankruptcy cases. The goal would be to train fifteen new bankruptcy pro bono volunteer attorneys to assist indigents in filing personal bankruptcy cases.

The Fourth Annual Alaska Federal Bar Conference is planned for August 2017 to coincide with the Ninth Circuit's Anchorage oral argument calendar. The Alaska Chapter plans a terrific conference with presentations with broad appeal for anyone who practices in federal court, whether civil or criminal. The FBA President, Bankruptcy Judge Michael Newman from the Southern District of Ohio, will be a guest of honor.

NEW CHIEF PROBATION OFFICER

On October 31, 2016, Rhonda M. Langford was appointed as the Chief U.S. Probation Officer for the District of Alaska. Rhonda served as a federal probation officer for 17 years. Prior to her current position, she was the Deputy Chief in the Western District of Washington for five years. From 2006 through 2011, she worked at the Federal Probation and Pretrial Academy in Charleston, South Carolina in various positions: Probation Administrator at the Administrative Office; Probation Officer Administrator for the District of South Carolina; and a Probation Officer Detailed to the Federal Law Enforcement Training Center. Rhonda began her career as a Probation Officer in the Northern District of Indiana in 2000. Rhonda received her B.A. in sociology from Morris College and her M.A. in liberal studies from the University of Toledo.

ALASKA DISTRICT REPRESENTATIVES AT THE 2016 NINTH CIRCUIT CONFERENCE

The last Ninth Circuit Judicial Conference was held in Big Sky, Montana, in July, 2016, with the theme "And Justice for All." The conference featured an engaging conversation between Chief Judge Timothy Burgess and Supreme Court Justice Anthony Kennedy, along with presentations on issues ranging from Indian law to cyber hacking. Alaska was well represented at the conference,

and attendees included, with apologies if anyone is inadvertently left out:

Circuit Judge Morgan Christen
Chief Judge Timothy Burgess
District Judge Sharon Gleason
Senior Judge Ralph Beistline
Senior Judge Jack Sedwick
Senior Judge James Singleton
Senior Judge H. Russel Holland
Magistrate Judge Deborah Smith
Federal Public Defender Rich Curtner
U.S. Attorney Karen Loeffler
Lawyer Representative Richard Monkman
Lawyer Representative Mary Pinkel
LRCC Lawyer Representative Darrel Gardner
Lawyer Representative Kevin Feldis
Clerk of Court Lesley Allen

Alaska's Chief Judge Timothy Burgess is this year's Conference Chair, and Circuit Judge Morgan Christen will be hosting a reception at the Conference for the women members of the Silicon Valley General Counsel Association. We expect a good Alaska turnout in San Francisco.

IN MEMORIUM

The District of Alaska is very sad to report the passing of Bankruptcy Judge Herb Ross. Judge Ross arrived in Alaska just after the 1964 Good Friday Earthquake, having driven up from Ohio on the unpaved and treacherous AICan Highway in his old Chevrolet. He married his loving wife, Donna, in May 1969. In his early years in Anchorage, he earned a private pilot's license, and once made a solo flight from Anchorage to Cleveland in a Piper Super Cub.

Judge Ross was admitted to the Alaska Bar in 1966. While studying for that examination, he clerked for several well-known, old time Alaskan lawyers. In 1967, he became a partner in the law firm of Ross & Tunley with offices in Anchorage and Seward, Alaska. He opened his own office in Anchorage in 1974, where he specialized in commercial and bankruptcy law. In 1986, he was appointed Bankruptcy Judge for the United States Bankruptcy Court for the District of Alaska. Judge Ross proudly held this position for more than 30 years, once writing that he considered it "serendipity to have been appointed to the best job he could have ever hoped to have." He presided over some of Alaska's most significant and infamous bankruptcy cases, including the Pete Zamarello, MarkAir Inc. and RaeJean Bonham cases. After retirement in 2000, Judge Ross was recalled to serve in Alaska, and later in the District of Nevada. He was a member of the Alaska and American Bar Associations for more than 50 years, and was honored to receive a 50-year pin from the Alaska Bar Association. Bench and Bar colleagues will remember Judge Ross as a thoughtful, caring and compassionate judge, who listened carefully to each party's position before deciding an issue, and even more as a very kind, warm, gentle, witty human being. Judge Ross is deeply missed.

Respectfully submitted,

SONOSKY, CHAMBERS, SACHSE,
MILLER, MONKMAN & FLANNERY, LLP

/s/ Richard D. Monkman

By: Richard D. Monkman