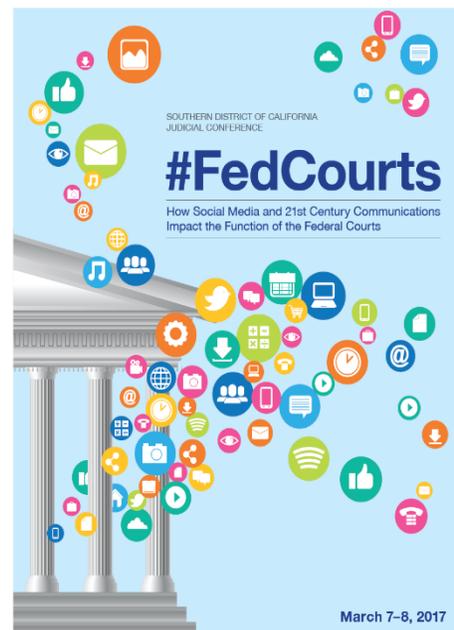




SOUTHERN DISTRICT OF CALIFORNIA 2016-2017 Annual District Report

THE SOUTHERN DISTRICT OF CALIFORNIA JUDICIAL CONFERENCE (MARCH 7-8, 2017)

The Southern District of California's 2017 Judicial Conference was held on March 7-8, 2017. This year's Conference, titled "#FedCourts," was held at the Marriott Laguna Cliffs Resort. The Conference began with a dinner on March 7, featuring newspaper columnist and author Richard Lederer as the guest speaker. On March 8, the Conference included seven speakers, all of whom followed a TED-Talk format for their presentations. The focus of the conference, "How Social Media and 21st Century Communications Impact the Function of the Federal Courts" was not only timely, but extremely informative. A wide range of speakers discussed the many impacts of social media, both positive and potentially negative, and the effects such technology has on the legal profession.



Best Practices for Ethical Use of Social Media by the Judiciary

Ninth Circuit Judge Margaret McKeown opened the Conference by discussing ethical, security, and privacy concerns arising from use of social media by judges, lawyers, and court personnel. Judge McKeown discussed not only the ethical issues surrounding use of social media, but also the practical concerns that perhaps can be overlooked. One of many examples discussed by Judge McKeown was that of court personnel posting photos of themselves, while at work, potentially revealing decisions in cases not yet made public. Judge McKeown stressed the need for all

individuals in the legal profession to exercise great caution when using and accessing social media.

Use of Social Media as Attorney, Judge, and In-House Counsel

Former Magistrate Judge Paul Singh Grewal, currently head of litigation at Facebook, provided his views on best practices for attorneys and judges using social media. Mr. Grewal, who openly discussed how he continued using social media while on the bench, provided useful insight into the do's and don'ts for both attorneys and judges. While there are certainly guidelines that must be followed, it is not impossible for members of the bench to utilize social media. Additionally, Mr. Grewal discussed the impact of social media on litigation, and the civil discovery process. The discovery process has not only changed dramatically with the growth of technology and social media, but has become significantly more voluminous.

From Victim to Survivor

Hazel Fasthorse, a sex-trafficking victim from San Diego, openly spoke about her experiences as a prostitute, how she was exploited, and how she has turned her life around. Ms. Fasthorse explained the role that social media plays in modern day prostitution, including how pimps often use social media to facilitate the sex trafficking crime, how advertisements are placed on various sex-for-hire websites, and how cell phones and various applications are used on a regular basis to communicate and even "keep tabs on" sex trafficking victims. Additionally, Ms. Fasthorse explained how she now uses social media to reach out to others who are being victimized, and how she has used social media to create an online community for survivors. Ms. Fasthorse explained her path from victim to survivor, and how she has become an advocate for sex trafficking victims.

Before and After the Guilty Plea: One Criminal Defendant's Story

Larry Thomas discussed his life before and after his conviction for pimping. He explained how social media is used in the sex trafficking industry, and how advertisements are placed on various sex-for-hire websites to help facilitate the crime. Mr. Thomas explained the pimp's role in placing online advertisements, the type of information included in such ads, and the strategies used in placing the ads on different websites. Advertisements are regularly transferred from one website to another, in order to avoid detection by law enforcement, and to keep the ads "fresh" or higher on the list. Mr. Thomas, who now serves as an expert witness for the government in prosecutions for pimping and sex crimes, shared his experiences while in custody, steps he took to help him reenter the community, and the role technology continues to play in sex crimes.

Lunch Program – District Reports

Representatives from the U.S. Attorney's Office, Federal Defenders of San Diego, the Bankruptcy Court, and the Clerk's Office provided updates on key initiatives, office priorities, and case trends.

Word's Matter!

Grant Barrett, a lexicographer, dictionary editor, and co-host/co-producer of the nationally-broadcast radio show, "A Way with Words," led a discussion about the importance of language, and how word choice impacts the work of the Court. Mr. Barrett's expansive knowledge of words, coupled with audience participation, provided for an engaging look into the consequences of word choice in the legal profession. Mr. Barrett explained various trends of word choice used in social media, as compared to traditional publications.

Picking an Impartial Jury in the Age of Social Media

Dr. Sonia Chopra, co-founder and president of Chopra Koonan Litigation Consulting, shared her views on the influence of social media during jury selection. Dr. Chopra discussed what she sees as the best practices for improving the efficiency of jury selection, and specific questions she deems essential when trying to expose biases and impartialities of potential jurors. Becoming aware of the various social media sites accessed by potential jurors is an essential part of jury selection in this day and age, and has become common place for litigation consultants in assisting litigators seeking to empanel a fair jury.

The First Amendment in the Digital Age

UCLA Law Professor and author of the Supreme Court blog, The Volokh Conspiracy, Eugene Volokh led the audience in a discussion focusing on: (1) how 21st Century media and emerging technologies intersect with the First Amendment; (2) the application of federal criminal harassment laws to social media; (3) the rediscovery of criminal libel and civil injunctions in response to social and electronic media abuses; and (4) the emerging problem of fraudulent litigation and forged court orders. The dynamic intersection of First Amendment protections with the current explosion of technology, is certainly expected to lead to diverging opinions on the nuances of individual First Amendment rights.

BENCH-BAR LUNCHEON PROGRAM (September 26, 2016)

Continuing with the trend started in 2014, the Lawyer Representative Committee held a bench-bar luncheon at the Federal Courthouse on September 26, 2016. The main focus of this bench-bar luncheon was to report the results of an online survey of federal practitioners conducted within the Southern District of California. The Lawyer Representatives were proud to report that 660 participants participated in the survey. The participants remained anonymous, identifying themselves solely by practice area and/or number of years in the profession. Practice areas included civil, criminal, and bankruptcy. The survey results were predominantly positive, with many practitioners offering high praise for the functionality of the District Court and Bankruptcy Court in the Southern District of

California. Survey participants also suggested several improvements, including a request for more uniformity between the Chambers Rules of the various District Court and Magistrate Judges. There was also a call for more tentative rulings, and a desire for greater attorney participation in voir dire. In an effort to make use of the valuable information obtained during this survey, Chief Judge Barry Ted Moskowitz agreed to set up working groups for each practice area covered by the survey. The working groups will be comprised of Judges and Lawyer Representatives. Each group will focus on a different practice area, taking into account all concerns, comments, and suggestions made by the participating practitioners. Bench-bar luncheons will continue taking place in our District as Lawyer Representatives and Judges continue to brainstorm about ways to improve the administration of justice in the Southern District of California.

LAWYER REPRESENTATIVES FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Our District's 2015-2016 Lawyer Representatives and their term ending dates are:

Lawyer Representative	Term End
Shireen M. Becker—Co-Chair Jones Day (858) 314-1184 • sbecker@jonesday.com	2018
Linda Lopez—Co-Chair Federal Defenders of San Diego, Inc. (619) 234-8467 • linda_lopez@fd.org	2018
Nadia Bermudez Klinedinst PC (619) 230-8131 • nbermudez@klinedinst.com	2019
Mikel R. Bistrow Ballard Spahr, LLP (619) 487-0796 • bistrowm@ballardspahr.com	2017
George W. Brewster, Jr. Office of County Counsel, County of San Diego (619) 531-4893 • george.brewster@sdcounty.ca.gov	2019
Daniel Butcher United States Attorney's Office (619) 546-7696 • daniel.butcher@usdoj.gov	2019
David S. Casey, Jr. Casey Gerry Schenk Francavilla Blatt & Penfield (619) 238-1811 • dcasey@cglaw.com	2018
Deborah S. Dixon Gomez Trial Attorneys	2019

(619) 727-6487 • ddixon@gomeztrialattorneys.com	
Mary Dollarhide DLA Piper LLP (US) (858) 667-1429 • mary.dollarhide@dlapiper.com	2019
Thomas E. Egler Robbins Gellar (619) 231-1058 • tegler@rgrdlaw.com	2017
Amanda Fitzsimmons DLA Piper LLP (619) 699-2965 • amanda.fitzsimmons@dlapiper.com	2018
Dave Fox Fox Law, APC (858) 256-7616 • dave.foxlawapc.com	Alternate
Steven N. Geise Jones Day (858) 314-1170 • sngaise@jonesday.com	2019
Janet Dean Gertz Cooley, LLP (858) 559-6128 • jgertz@cooley.com	Alternate
Ellis M. Johnston III (“Trip”) Clarke Johnston Thorp & Rice APPC (619) 756-7632 • tripjohnstonlaw@gmail.com	2018
Katie Parker United States Attorney’s Office (619) 546-7634 • katherine.parker@usdoj.gov	2018
Anne Perry United States Attorney’s Office (619) 546-7964 • anne.perry2@usdoj.gov	2019
Alessandra Serano United States Attorney’s Office (619) 546-8104 • alessandra.p.serrano@usdoj.gov	Alternate
Christopher P. Tenorio United States Attorney’s Office (619) 546-8413 • christopher.tenorio@usdoj.gov	2017
Kent M. Walker Lewis Kohn & Walker, LLP (858) 436-1333 • kwalker@lewiskohn.com	2018