



U.S. DISTRICT & BANKRUPTCY COURTS

2016 District of Idaho Report

Boise Coeur d'Alene Pocatello Moscow

JANUARY 13, 2016 NINTH CIRCUIT CONFERENCE OF CHIEF DISTRICT JUDGES AND LAWYER REPRESENTATIVES IN TUCSON, ARIZONA

Chief District Judge B. Lynn Winmill and Lawyer Representatives Howard Burnett and Lori Nakaoka from the District of Idaho attended the January 13, 2016 Conference of Chief District Judges and Lawyer Representatives in Tucson, Arizona. Chaired by Chief District Judge Rosanna Petersen of the Eastern District of Washington, (WAED) and Lawyer Representative Coordinating Committee ("LRCC") Chair Margaret G. Foley of the District of Nevada, and hosted by Chief District Judge Raner Collins of the District of Arizona, the conference included an informative presentation by Chief District Judge Ramona Maglona of the District of the Mariana Islands regarding the emergency protocols put in place by the court following Typhoon Soudelor in 2015, as well as a thought-provoking presentation by Founding Partner Stephen Manning of Immigrant Law Group, LLC of Portland, Oregon, who discussed the pro bono attorney efforts to defend Central and South American women and children fleeing from persecution and gang violence in Immigration Court asylum proceedings, as well as discussions around Department of Homeland Security, Customs and Border Patrol, policies and enforcement, and a fascinating tour of the Nogales border.

FEBRUARY 18-20, 2016 -- 34TH ANNUAL BANKRUPTCY SEMINAR IN BOISE, IDAHO

The 34th Annual Bankruptcy Seminar presented by the Commercial Law & Bankruptcy Law Section of the Idaho State Bar was held in Boise on February 18-20, 2016. Chief Judge B. Lynn Winmill of the District Court of Idaho, and Chief Bankruptcy Judge Terry L. Myers and Bankruptcy Judge Jim D. Pappas of the U.S. Bankruptcy Court, District of Idaho, along with Chief Bankruptcy Judge Ralph B. Kirscher, U.S. Bankruptcy Court, District of Montana presented at the Seminar. Plenary sessions included a Case Law Review; a discussion of the interplay between Bankruptcy and Criminal Law; Ethics in Bankruptcy; Fiduciary Duties and Section 523 and a Judges Panel. Numerous breakout sessions were offered covering a variety of topics such as a case study on Article 2, Rule 26 Amendments, and ECF Best Practices. At a hosted lunch, Judge Winmill and Judge Pappas gave remarks. Judge Pappas concluded the seminar with an Executive Summary which was designed for the busy bankruptcy professional. He provided information concerning developments with regards to legislation, cases, rules and procedures.

APRIL 5, 2016 NOMINATION OF DAVID C. NYE TO FILL U.S. DISTRICT JUDGE EDWARD J. LODGE'S SEAT ON THE BENCH



On April 5, 2016, President Barack Obama nominated Sixth District Court Judge for the State of Idaho David C. Nye to replace longtime District Judge Edward J. Lodge, who took senior status in 2015. On July 14, 2016, Judge Nye's nomination was reported out of committee by voice vote (but Judge Nye's nomination expired on January 3, 2017, with the end of the 114th Congress). Senators Crapo and Risch recommend Nye to President Donald Trump for re-nomination in the 115th Congress.

Judge Nye is a California native who graduated from Brigham Young University and the BYU J. Reuben Clark Law School. He has served as the Sixth District Judge in Idaho for nine years. Prior to that, he had been with the Pocatello law firm of Merrill & Merrill for 20 years. He and his wife Katre have eight children and reside in Pocatello, Idaho.

Judge Lodge continues to hear cases on a reduced workload basis while Judge's Nye's conformation is pending.

MAY 12-14, 2016 HIGH SCHOOL MOCK TRIAL NATIONAL CHAMPIONSHIP

The Idaho Law Foundation hosted the 2016 High School Mock Trial National Championship in Boise, Idaho on May 12-14. The 2016 National Championship was funded in part by a 2015 grant from the District of Idaho's Non-Appropriated Fund. Chief District Judge B. Lynn Winmill and Magistrate Judge Candy W. Dale participated as judges.

JUNE 4-5, 2016 IDAHO TEACHERS' INSTITUTE ON THE RULE OF LAW AND THE ROLE OF AN INDEPENDENT, IMPARTIAL JUDICIARY

Due to the successful inauguration of the "Idaho Teachers' Institute on the Rule of Law and the Role of an Independent, Impartial Judiciary" in 2015, members of Idaho's federal judiciary, with the aid of its Lawyer Representatives, held its second Teacher's Institute on June 4-5, 2016 in Boise. The Institute was a collaborative effort of the Idaho federal courts, the Idaho Supreme Court, and the University of Idaho College of Law. Its purpose is to enhance the teachers' understanding of the judicial branch of government at national, state, and tribal levels and was organized as a combination of presentation by experts on selected topics together with a set of workshop discussions led by facilitators and master teachers possessing abundant classroom experience.



Chief Magistrate Judge Ronald E. Bush was one of the organizers of the Institute. Chief District Judge B. Lynn Winmill, U.S. Bankruptcy Judge Jim Pappas, Magistrate Judge Candy Dale, Chief Magistrate Judge Bush, U.S. Attorney Wendy Olson, Executive Director Richard Rubin of Federal Defender Services of Idaho, and former Lawyer Representative and current President of the Idaho Federal Bar Association Walt Sinclair all presented at the Institute.

The Institute was attended by 35 teachers, plus 2 facilitators and 3 master teachers. The Clerk's Office facilitated the Institute's debut by ably coordinating the provision of refreshments and lunches, and by performing a host of administrative tasks. Based on the Institute's enormous success and the laudatory reviews received from its participants, the Institute will expand teacher attendance in 2017, and will be offering teacher grants to help facilitate the incorporation of a civics curriculum in the classroom.

JULY 11-14, 2016 NINTH CIRCUIT JUDICIAL CONFERENCE IN BIG SKY, MONTANA AND THE JOINT IDAHO-MONTANA DINNER (JULY 12, 2016)

The Ninth Circuit Judicial Conference was held on July 11-14, 2016 in Big Sky, Montana, home territory of Ninth Circuit Chief Judge Sidney Thomas of Montana. Lawyer Representatives Howard Burnett and Lori Nakaoka served throughout 2016 as the Co-Chairs of the Idaho delegation of the Lawyer Representative Coordinating Committee ("LRCC") and participated actively in the planning of the conference. Mr. Burnett served as a panel member at the LRCC's orientation meeting conducted on the opening morning of the conference for all of the new Lawyer Representatives. At the LRCC's annual business meeting later that same day, Mr. Burnett was one of five candidates for an at-large position on the Conference Executive Committee, but was narrowly defeated on a tie-break vote by Lawyer Representative Magdalena Reyes Bordeaux of the Central District of California.

Idaho Chief District Judge B. Lynn Winmill was featured as a panel member "Managing Litigation Ethically and Practically." Judge Winmill also participated as a presenter in "A Conversation with The Growing Tension Between Privacy and Security."

Ms. Nakaoka and Mr. Burnett worked with Montana counterpart Lawyer Representative Jordan Crosby in planning the joint Idaho-Montana District Dinner held on the evening of July 12 at the Cinnamon Lodge located on the Gallatin River. All of the Idaho and Montana attendees were treated to the retro-comradery of a jam-packed school bus ride from the Big Sky Resort to the Cinnamon Lodge (lengthened considerably by a traffic jam that arose from the temporary closure of the narrow road leading from the resort due to an automobile accident that had to be cleared), and a memorable return journey accented during the home stretch up the mountain by a relentless window exit alarm. Idaho and Montana attendees had a delightful evening, and the event was highlighted by a visit from Ninth Circuit Chief Judge Sidney Thomas, who generously took time out of his busy conference schedule to join the Idaho-Montana gathering.

SEPTEMBER 23, 2016 JOINT LRCC CONFERENCE EXECUTIVE COMMITTEE MEETING IN SAN FRANCISCO

All three of Idaho’s Lawyer Representatives participated in Lawyer Representative Coordinating Committee (“LRCC”) “brainstorming” conference calls with Lawyer Representatives from throughout the Ninth Circuit to identify potential conference topics, and Ms. Nakaoka attended the preliminary planning meeting as the District of Idaho Lawyer Representative at the September 23, 2016 Joint LRCC/Conference Executive Committee meeting in San Francisco.

2016 CITIZENS’ LAW ACADEMY

In 2016, Judges and court staff from the District of Idaho continued with the court tradition of participating in the Citizens’ Law Academy (“CLA”). CLA is a free adult education program offered to educate participants on their rights, the laws effecting their daily lives, and on the workings of the judicial system. CLA is coordinated by the Idaho Law Foundation’s Law Related Education Program in collaboration with District Bar Associations, Idaho Courts, and attorneys from both the public and private sectors.

2016 FORT HALL AND BOISE, IDAHO BENCH BAR CONFERENCES

The court staff collaborated with the Lawyer Representatives and their offices, and the Idaho Federal Bar Association in planning the annual District Bench Bar Conferences held in Fort Hall on September 23, 2016 and Boise on October 31, 2016.

The conference planning committee consisted of: Chief U.S. Magistrate Judge Ronald E. Bush and the three Lawyer Representatives. The Fort Hall Bench Bar conference had 114 attendees and the Boise Bench Bar conference had 246 attendees.



The conferences were presided over by Chief U.S. Magistrate Judge Ronald E. Bush, and included various topics relevant to the Bench and Bar, including (1) the “State of the Judiciary” presentations by Ninth Circuit Chief Judge Sidney Thomas (Boise conference only) and Ninth Circuit Judge N. Randy Smith, Chief District Judge B. Lynn Winmill and Chief Bankruptcy Judge Terry L. Myers; (2) a plenary session by Judge Winmill and his staff attorney Dave Metcalf entitled “A Chamber’s Perspective on the Federal Rule Changes” addressed ongoing efforts to implement the 2015 amendments to the Federal Rules of Civil Procedure; (3) a plenary session entitled “Preserving and Successfully Presenting Federal Appeals” addressed Ninth Circuit appellate practice topics common to both civil and criminal proceedings; (4) and various breakout criminal and civil sessions. Copies of the agendas for both conferences are attached to this report for ease of reference.

STATUS OF POTENTIAL THIRD ARTICLE III JUDGESHIP FOR THE DISTRICT OF IDAHO

Based on its 2015 Biennial Survey of Judgeship Needs, the Committee on Judicial Resources of the Judicial Conference of the United States recommended one additional permanent judgeship for the District of Idaho (which, since 1954, has had only two permanent judgeships, notwithstanding the enormous growth since that time in the District's caseload and Idaho's population), and the Judicial Council of the Ninth Circuit agreed with that recommendation. This need continues to remain unaddressed by Congress.

COMMUNITY OUTREACH GRANTS AWARDED

In 2016, a Community Outreach Grant was awarded to the following organization:

- Idaho Volunteer Lawyer Program and Idaho legal Aid Services for their project, "Veterans Access to Justice."

"In the Treasure Valley, approximately one quarter of all people staying homeless shelters are veterans. A significant number also have disabilities related to their service in the U.S. armed forces or their age. Lack of financial and other resources remain at the forefront of many of the veterans' concerns. The project partners have legal expertise in many of the problems faced by veterans such as public entitlements, housing, consumer, family, guardianship/conservatorships, and others. The information and direction provided by the attorneys in this project will help to guide veterans through the legal system to address their needs and, through this assistance, improve the administration of justice."

CLERK ELIZABETH A. SMITH RECEIVES THE DIRECTOR'S AWARD

Elizabeth "Libby" Smith (Clerk of Court for the District of Idaho) received the Outstanding Leadership Director's Award in 2016. As one of the few clerks of a consolidated clerk's office, she achieved significant efficiencies and savings for the district through reductions in managerial level positions. Ms. Smith led strategic planning initiatives for the District Clerks Advisory Group, which resulted in national training programs for court unit executives. Director's Awards are given by the Administrative Office of the U.S. Courts and are awarded annually to recognize outstanding performance throughout the federal judiciary.



IDAHO STATE BAR'S 2016 PROFESSIONALISM AWARD BESTOWED ON DANA HOYLE

Dana Hoyle received the ISB Professionalism Award at the 34th Annual Bankruptcy Seminar in February 2016. This award is given annually by the Section to three deserving persons who best advance the interests of Idaho's commercial law and bankruptcy legal community. One recipient

is chosen from three regions of the state – the northern, southwestern, and eastern – based upon their consistent skill, engagement, professionalism, and integrity in commercial and bankruptcy related endeavors. Ms. Hoyle has the honor of being the first District of Idaho non-attorney employee to receive this prestigious award.

CONCORDIA SCHOOL OF LAW 2016 “LEADERS IN ACTION” AWARD BESTOWED ON SENIOR DISTRICT COURT JUDGE EDWARD J. LODGE

Senior District Judge Edward J. Lodge received the Concordia University School of Law 2016 “Leaders in Action” Award. The Concordia University “Leaders in Action” award honors professionals in the field of Law and Education who lead by advocacy and action, building positive outcomes throughout Idaho, and who have made significant contributions to improving the State and the lives of Idahoans.

UNIVERSITY OF IDAHO COLLEGE OF LAW 2016 “COLLEGE OF LAW FACULTY AWARD OF LEGAL MERIT” AWARDED TO U.S. MAGISTRATE JUDGE CANDY W. DALE

U.S. Magistrate Judge Candy W. Dale received the University of Idaho, College of Law Award for “College of Law Faculty Award of Legal Merit.” This award recognizes the outstanding contribution of an Idaho law graduate whose career exemplifies the best in the legal profession based on the individual’s integrity, competence, service, and leadership through work as a legal practitioner or service to the legal profession.

AUGUST 25-26, 2016 NINTH CIRCUIT PRO SE CONFERENCE IN SPOKANE, WASHINGTON

Magistrate Judge Candy Dale and pro se staff attorney Janis Dotson spoke at the Ninth Circuit Pro Se Conference held in Spokane, Washington on August 25-26, 2016. Judge Dale and Ms. Dotson presented on their work with the District Court of Idaho's Prisoner Litigation Unit. Judges, law clerks, and clerks of court from around the Circuit attended the conference.

NEW LAWYER REPRESENTATIVE AND NINTH CIRCUIT LAWYER REPRESENTATIVE COORDINATING COMMITTEE MEMBER

On December 31, 2016, Howard Burnett’s three-year term as a Lawyer Representative expired, and Lawyer Representatives Lori Nakaoka and Nicole Hancock began serving as the Co-Chairs at the start of 2017 as the District of Idaho’s Lawyer Representative delegation to the Ninth Circuit’s Lawyer Representative Coordinating Committee (“LRCC”).

April Linscott of Owens, McCrea and Linscott in Coeur d’Alene was selected by the United States Courts for the District of Idaho and the Idaho State Bar as the newest Lawyer Representative for a three-year term beginning January 2017. Howard Burnett generously elected to remain involved as a Lawyer Representative Emeritus, and continues to provide his support and input to the Bench and the Bar.

With the able administrative assistance of Executive Assistant Jackie Hildebrand of the U.S. Courts for the District of Idaho and editorial input from the Lawyer Representatives, individualized letters of appreciation signed by all three of the 2016 Lawyer Representatives (Howard Burnett, Lori Nakaoka and Nicole Hancock) were mailed to each of the visiting federal judges who provided assistance in managing the District of Idaho's 2016 workload.