

MONTANA DISTRICT REPORT

Montana was honored to welcome the 2016 Ninth Circuit Judicial Conference to Big Sky, Montana! We look forward to the 2017 Conference in San Francisco.

I. MONTANA JUDICIAL INSTITUTE



The seventh Montana Judicial Institute was held on April 20-22, 2016. The goal of the Institute is to heighten public understanding of the Judiciary. The Institute provides an in-depth education program for high school teachers from throughout the District. The fundamental premise of the three-day seminar is to expand teachers' knowledge of the judiciary and its role in our system of government and societal organization as a whole. Over the past 7 years, teachers from over 80 Montana cities have participated in the Institute.

Planning is underway for the eighth Montana Judicial Institute to be held this fall in Missoula, Montana on October 4-6, 2017.

During the second day of the Institute, teachers are brought to the Russell Smith Courthouse to watch an arraignment and sentencing. In the picture to the right, Chief Judge Christensen responds to questions from the teachers after the hearings concluded.



Faculty members, including Judge Lynch, Judge Molloy, Chief Judge Christensen, and Judge Morris, answer questions during the last session of the Institute.

II. MONTANA DISTRICT CONFERENCE

The 2016 Montana District Conference was held in Missoula, Montana on September 7-9, 2016. The conference was held jointly with the Montana U.S. District Court, U.S. Bankruptcy Court, and U.S. Probation and Pretrial Services. An opening reception was held in the Big Sky Atrium.



Conference sessions for the Montana District and Bankruptcy Court included:

- Personality temperament instrument/performance management;
- Injury prevention, stress management and practical nutrition;
- The art of collaboration, communication, and creativity; and
- The impact of trauma: understanding and addressing the personal, professional and organizational effects of trauma exposure.

The 2017 Montana District Conference will be September 6-8, 2017 and will again be a joint conference.

III. RESIGNATIONS / APPOINTMENTS

Resignation of United States Magistrate Judge Carolyn S. Ostby. United States Magistrate Judge Carolyn S. Ostby of the Billings Division of the District of Montana resigned effective December 1, 2016.

Judge Ostby was appointed on February 25, 2002, and is Montana's longest-serving active full-time United States Magistrate Judge. Her appointment in 2002 made history, as she became the first female federal judge in the District of Montana. She sat in Great Falls from her appointment in 2002 until January 2007, when she relocated to the Billings Division.



A 1977 graduate of the University of Montana School of Law, Judge Ostby served as a law clerk to Chief United States District Judge Russell E. Smith of Missoula from 1977-1979, and worked in the Office of Legal Counsel at the Department of Justice in Washington, D.C., from 1979-1981. Beginning in 1981, she practiced law for 20 years as a partner in the Crowley Law Firm, primarily in the areas of natural resource litigation and complex commercial litigation. She is a member of the American Law Institute, the American College of Trial Lawyers, the American Bar Association, and the American Bar Foundation.

Throughout her distinguished career, Judge Ostby set a fine example for others to follow. Although possessed of a sharp intellect and known for her exacting scrutiny of legal arguments, she is unfailingly courteous, fair, and reasonable, and treated every person who appeared before her with dignity and respect. The United States District Court District of Montana is deeply appreciative of Judge Ostby's many contributions to the administration of justice in the District of Montana.

Resignation of United States Chief Judge Ralph B. Kirscher. United States Chief Judge Ralph B. Kirscher of the Bankruptcy Court of Montana resigned effective January 31, 2017. Chief Judge Kirscher was appointed to the bankruptcy bench on November 18, 1999, and reappointed to a second term on May 18, 2014. Judge Kirscher was the only full-time bankruptcy judge in the District of Montana.

A 1979 graduate of the University of Montana School of Law, Judge Kirscher practiced law from 1979-1999, principally with Worden Thane P.C. While at Worden Thane, Judge Kirscher was a Chapter 7 Panel Trustee, and made significant contributions to Montana's Bankruptcy Section of the State Bar for which the Section gave him its Exemplary Service Award in 1996.



After his appointment, Judge Kirscher served as a member and former chair of the Ninth Circuit Conference of Chief Bankruptcy Judges, which advises the Judicial Council of the Ninth Circuit on governance and other matters. He served on various other Ninth Circuit committees, including the Court-Council Committee on Bankruptcy Judge Appointments, the Bankruptcy Judges' Education Committee, and the Public Information and Community Outreach Committee, now known

as the Courts and Community Committee. Beginning in 2010 and continuing to his

retirement, Judge Kirscher served on the United States Bankruptcy Appellate Panel for the Ninth Circuit.

Throughout his career, Judge Kirscher was known for his composure, unfailing humility, patience, and adherence to the bankruptcy code. These virtues served him well while on the bench, and instilled confidence in those that appeared before him irrespective of the outcome. Judge Kirscher served with great distinction throughout his years on the bench.

Appointment of Benjamin P. Hursh as U.S. Bankruptcy Judge. Chief Judge Sidney R. Thomas of the United States Court of Appeals for the Ninth Circuit announced the appointment of Benjamin Philip Hursh of Missoula, Montana, to the position of United States Bankruptcy Judge for the District of Montana. Mr. Hursh, who will keep his chambers in Butte, Montana, will serve a 14-year term which commenced on February 1, 2017. He also assumed the role of Chief Judge of the bankruptcy court, which has a single judgeship. He filled the vacancy resulting from the retirement of Chief Bankruptcy Judge Ralph B. Kirscher, who had served on the court since 1999.



Prior to his appointment, Judge Hursh had been an associate (2008-2011) and partner in the Missoula office of Crowley Fleck PLLP (2011-2017), and was previously an associate at Cederberg Law Offices, P.C. from 2003 to 2008. Judge Hursh had been the chair of the Bankruptcy Local Rules Committee in the District of Montana since 2014. He was a member of the Annual Bankruptcy Section CLE Organization Committee since 2013 and had served as the former Chair of the Bankruptcy Section of the Montana Bar Association from 2011 to 2012.

Born in Columbus, Ohio, Mr. Hursh received his undergraduate degree in history from Montana State University, Bozeman, in 1999 and his juris doctor from the University of Montana School of Law in 2003.

Appointment of Timothy J. Cavan as U.S. Magistrate Judge. Timothy J. Cavan of Billings, Montana, was sworn in on December 1, 2016, as the new United States magistrate judge in the District of Montana's Billings Division. Judge Cavan is the fourth magistrate Judge to serve on a full-time basis in the Billings Division.

Judge Cavan was selected from among a highly qualified group of finalists compiled by a Court-appointed merit selection panel. Immediately prior to coming on the bench, Judge Cavan served as an Assistant United States Attorney in Billings.



← Hon. Susan P. Watters administers the oath of office to U.S. Magistrate Judge Timothy J. Cavan.

A lifelong Montanan, Judge Cavan earned a bachelor's degree from Montana State University-Billings in 1981, and graduated with honors from the University School of Law in 1984.

Judge Cavan began his legal career practicing civil trial law with the Billings firm of Sandall, Cavan & Smith, where he became a partner in 1988. From 1996 to 2002, he served as Assistant Federal Defender with the Federal Defenders of Montana, representing indigent defendants charged with federal crimes. Since 2002, Judge Cavan worked in the United States Attorney's Office, serving as defense counsel in cases involving civil claims against federal defendants. He has been active in various community organizations, and is a member of the Yellowstone County Bar Association, the Billings YMCA, Zoo Montana, Yellowstone Art Museum, and Yellowstone Public Radio.

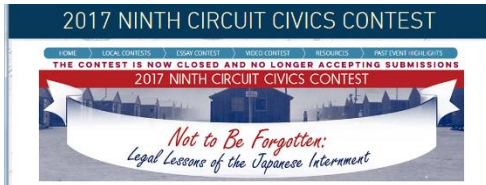
IV. DONALD W. MOLLOY COURTROOM

To commemorate the 20-year anniversary of District Judge Donald W. Molloy's appointment to the federal bench, the Court dedicated the Donald W. Molloy Courtroom at the Russell Smith Courthouse in Missoula in his honor. The dedication was memorialized in Standing Order DLC-26, which reads in part, "In recognition of Judge Donald W. Molloy's distinguished service to the United States District Court for the District of Montana, his exceptional leadership during his tenure as chief judge and beyond, his tireless dedication to the administration of justice, and his fidelity to the rule of law, IT IS HEREBY ORDERED that the third floor courtroom, designated as Room 300, in the Russell Smith Courthouse shall from this date forward be named the Donald W. Molloy Courtroom."



V. OTHER NEWS

2017 District of Montana Civics Contest



High school students from around Montana submitted video and essay entries addressing the contest's theme of "Not to be Forgotten: Legal Lessons of the Japanese Internment." The winners were selected by a panel of judges consisting of practicing attorneys and federal court personnel. The top three entries in each category received cash scholarships and will go on to compete in the Ninth Circuit-wide competition, where they had the opportunity to earn additional scholarship awards.

This year's winners included students from Billings West High School, Fort Benton High School, Great Falls Central Catholic High School, and Park City High School. The winning students were also invited to attend Court hearings in Great Falls and Billings where they were presented their awards.

High School Presentations by Federal Probation Officers

The District of Montana conducted an additional project at the following high schools, which involved probation officers presenting classroom instruction and bringing the students into the courtroom to observe sentencing:

- ✓ Belgrade High School
- ✓ Billings Career Center
- ✓ Billings Senior High School
- ✓ Great Falls High School Law Class
- ✓ Hardin High School
- ✓ Loyola High School
- ✓ Missoula Sentinel High School
- ✓ Shepherd High School
- ✓ Simms High School

The Leadership Great Falls Group, made up of area high school juniors and seniors, attended Court and participated in a similar program.