



# 2017 DISTRICT REPORT

U.S. DISTRICT COURT OF OREGON

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## INTRODUCTION

The 2017 District Report of the U.S. District Court for the District of Oregon provides an overview of the four Divisions in our District –the Eugene Division, the Medford Division, the Pendleton Division, and the Portland Division. It includes statistical summaries of the work done by our judges and staff over the past year, and highlights important events from the past year. The District handles an average annual civil caseload of 2,400 pending civil cases and an average criminal caseload of 1,100 defendants per year. In addition, the Court has Reentry Court programs in Eugene, Medford, and Portland. I'm very pleased to share that, based on the Administrative Office of the U.S. Court's Fiscal Year 2016 data, the District of Oregon is among the top twenty most productive federal district courts in the nation and, for the past five years, has had a high productivity average. Of course, we're always happy to take a break from the press of business to celebrate our colleagues and visit with each other. This year we had the pleasure of gathering for the formal investitures of U.S. Magistrate Judge Youlee Yim You and U.S. Magistrate Judge Jolie Russo, and for the first time in many years, the judges had a formal group photo taken. I hope you find the information in this report useful, and I welcome your comments.

-Chief Judge Michael W. Mosman

# NEWS FROM THE COURTHOUSES

## 1. Case Statistics

The District of Oregon has six active Article III judges, five senior judges, ten full-time magistrate judges, and one part-time magistrate judge. Case statistics drive staffing for federal courts, including judgeships, and of course, provide the opportunity for good natured competition between districts and circuits across the nation. As mentioned above, according to the Administrative Office of the U.S. Court's Fiscal Year 2016<sup>1</sup> data, the District of Oregon is among the top twenty most productive courts in the nation! Here is a brief overview of some additional District of Oregon case statistics and a glimpse of how it compares to other districts in the Ninth Circuit and across the nation.

There are ninety-four districts in the nation, fifteen of which are in the Ninth Circuit. For fiscal year October 1, 2015, to September 30, 2016, there were 387,687 civil and criminal cases filed nationally. This is an increase of 12,865 from fiscal year October 1, 2014, to September 30, 2015. Of the total filings, 291,851 were civil cases and 69,895 were criminal felony filings. In the 2015-2016 fiscal year, the active district judges averaged sixteen civil trials and thirty-three criminal trials, nationally.

In the 2015-2016 fiscal year in the District of Oregon, there were 3,529 total cases filed. This is an increase of 254 over the 2014-2015 fiscal year. Compared to the other ninety-three districts in the nation, our district is thirty-eighth in the number of pending cases. In terms of how Oregon compares to other districts in the Ninth Circuit, it is also towards the top at sixth in the number of pending cases.

In the 2016 *calendar* year, our District had 2,418 civil cases opened, 2,312 civil cases closed, and 30 civil trials (twenty-one jury trials and nine bench trials). We also had 457 criminal cases and 601 criminal defendants filed, 453 criminal cases closed, and 14 felony trials, all tried to a jury. For the 2016 calendar year, active district judges in the District of Oregon had an average civil caseload of 181, senior district judges had an average civil caseload of 49, and magistrate judges had an average civil caseload of 121.

Comparing the 2015 calendar year with the 2016 calendar year, the District of Oregon had thirty-two fewer civil case filings (2,450 in 2015 compared to 2,418 in 2016), and an increase in the number of criminal cases filed (410 cases/544 defendants in 2015 compared to 457 cases/601 defendants in 2016). The decrease in civil filings is due to fewer social security appeals and prisoner cases filed in 2016. The district did see an increase in the number of patent and copyright cases filed in 2016. Despite the drop in social security filings, these cases still make up the bulk of pending civil cases in the Eugene, Portland, and Medford Divisions. The bulk of civil cases in the Pendleton Division are prisoner cases.

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<sup>1</sup> The 2016 fiscal year started on October 1, 2015, and ended on September 30, 2016.

## 2. Changes to the Bench

### A. NINTH CIRCUIT JUDGE DIARMUID F. O'SCANNLAIN TAKES SENIOR STATUS

On Friday, October 7, 2016—after 30 years and ten days as an active circuit judge—Ninth Circuit Judge Diarmuid O'Scannlain presided for the last time over oral arguments at his beloved Pioneer Courthouse in downtown Portland. He had announced in September his intention to take senior status and a reduced caseload at the end of 2016. Many of Judge O'Scannlain's current and former law clerks and colleagues from the bench and bar, including fellow Circuit Judge Susan Graber and Chief Judge Michael Mosman of the U.S. District Court, were on hand for a standing ovation to mark, in Ninth Circuit Judge Jacqueline Hong-Ngoc Nguyen's words, "30 years of distinguished, exceptional" service to the Court. Judge O'Scannlain gratefully noted that he was "overwhelmed" by the surprise gathering.



### B. INVESTITURE OF U.S. MAGISTRATE JUDGES JOLIE RUSSO AND YOULEE YIM YOU

The formal investiture of Magistrate Judge Jolie A. Russo was held on October 21, 2016, at the Wayne L. Morse U.S. Courthouse in Eugene, Oregon. Judge Russo was appointed and assumed the federal bench on February 25, 2016, following twenty-eight years of service to the U.S. District Court, first as a law clerk to the Honorable James Redden, and later as a law clerk to the Honorable Ann L. Aiken. Judge Russo has also served as an adjunct law professor at the University of Oregon and at Lewis and Clark Law School. She earned her JD from Lewis and Clark Law School.



At her formal investiture ceremony, Paul Bruch, Judge Russo's courtroom deputy, opened court. To honor Judge Russo's many years of mentoring law students and young lawyers, a group of her former externs and mentees spoke in her honor. Then, Portland lawyers Danielle Hunsaker and Susan Pitchford spoke about Judge Russo's service to the Court, professionalism and friendship (and love of cats). In a demonstration of the wide-spread support and respect Judge Russo enjoys, Ms. Hunsaker and Ms. Pitchford arranged for a group of Judge Russo's colleagues to participate in her investiture by handing Judge Russo a flower while reciting lyrics from "Forever Young." Chief Judge Mosman

administered the oath of office, and Judge Russo's sons, Max and Nico, performed the enrobing honors, as her partner, Lynn, proudly watched.

The bench and bar gathered for the formal investiture of Magistrate Judge Youlee Yim You on May 20, 2016. Judge You was appointed to and assumed the federal bench on March 1, 2016, following nine years of service as a Multnomah County Circuit Court Judge. Judge You also previously served as a senior assistant attorney general for the Oregon Department of Justice, Trial and Appellate Divisions, a death penalty staff attorney for the U.S. District Court for the Central District of California, a deputy bureau chief / senior



Judge You with members of the Oregon Asian Pacific American Bar Association, including Oregon Supreme Court Justice Lynn Nakamoto



assistant district attorney in Brooklyn, New York, and a staff attorney for the Metropolitan Public Defender in Portland, Oregon. Judge You received her JD from the University of Washington.

Judge You's courtroom deputy, Trish Hunt, opened court. After Chief Judge Mosman opened the ceremony with a brief welcome, Monica Herranz, a Circuit Court Judge Pro Tem and Referee in Multnomah County, and Simon Wang, a Deputy City Attorney for the City of Portland, offered remarks on Judge You's background as the child of immigrants to the United States, her work ethic, and her friendship. As remarks concluded, a drumbeat echoed in the room. Wearing a traditional *hanbok*, Seunghee Ji of Oregon Korean Performing Arts performed a *Janggu-chum* – drum dance – down the center aisle of the Jury Assembly room. Chief Judge Mosman gave the oath of office, and Judge You's sons, Kieran and Ackley, performed the enrobing honors.

Judge Russo is the fourth woman to serve as a U.S. Magistrate Judge in the District of Oregon. Magistrate Judge Youlee Yim You assumed the bench a few days after Judge Russo and is the fifth woman. They are also the seventh and eighth women, respectively, to serve on the U.S. District Court for the District of Oregon since 1859, following U.S. District Court Judges Helen Frye, Ann L. Aiken, and Anna J. Brown and Magistrate Judges Janice Stewart, Patricia Sullivan, and Stacie Beckerman.



**Back Row:** Anna Brown, Elizabeth Perris, Trish Brown, Patricia Sullivan,  
**Front Row:** Jolie Russo, Youlee Yim You, Stacie Beckerman, Susan Graber, Ann Aiken, Janice Stewart

### **C. MAGISTRATE JUDGE PATRICIA SULLIVAN REAPPOINTED**

U.S. Magistrate Judge Patricia Sullivan was appointed to another four-year term as part-time U.S. Magistrate Judge for the Pendleton Division. The Court very much appreciates Judge Sullivan's service and is grateful to her for another four years of service.

### **D. RETIREMENT OF BANKRUPTCY JUDGE FRANK ALLEY**

Judge Alley retired on August 31, 2016, and is serving on recall status until August 31, 2017. Judge Alley served on the bankruptcy court in Eugene for over 22 years. Judge Alley's retirement party and portrait unveiling was held on November 18, 2016.

### **E. RETIREMENT OF BANKRUPTCY JUDGE RANDALL L. DUNN**

Judge Dunn retired on January 20, 2017, after 19 years of service on the Oregon bankruptcy court, chambered in Portland. Judge Dunn's retirement party and portrait unveiling was held on January 13, 2017.

## F. INVESTITURE OF BANKRUPTCY JUDGE DAVID W. HERCHER

Judge Hercher was appointed to the Oregon bankruptcy court on January 23, 2017. Judge Hercher has chambers in Portland. Prior to assuming the bench, Judge Hercher was a partner at Miller Nash. At his investiture on March 24, 2017, Senior Ninth Circuit Judge Edward Leavy, Chief Judge Michael Mosman, and Chief Bankruptcy Judge Trish Brown shared brief remarks, followed by Judge Hercher's childhood friend, Herb Grey; one of the Judge's former law partners, Teresa Pearson, his colleague, Clarke Balcom, and his wife, Alicia Hercher, shared stories of his professionalism and love of learning. Chief Bankruptcy Judge Trish Brown administered the oath of office, and Alicia Hercher performed the enrobing.



### 3. District Court *Pro Bono* Program

After Magistrate Judge Janice Stewart retired last year, Magistrate Judge Stacie F. Beckerman took over leadership of the District's *pro bono* program. Judge Beckerman shares Judge Stewart's vision of a robust *pro bono* program and the program continues to grow. The Court continues to be very grateful to the firms and individuals who are signed up as *pro bono* volunteers to accept case appointments as needed. The Court is committed to providing equal and consistent access to justice, and *pro bono* volunteers are crucial to our success. *Pro bono* volunteers provide representation for litigants unable to afford legal representation or unable to find a lawyer to take their case on a contingency fee basis. During the calendar year 2016, a total of 220 *pro bono* appointments were made in 135 cases. For the calendar year 2017, as of May 24, 2017, a total of 69 *pro bono* appointments were made in 47 cases. Additionally, for the first time this year, the *Pro Bono* Scholarship Program, created by the *Pro Bono* Program and the Oregon Chapter of the Federal Bar Association, awarded scholarships to two attorneys. The *Pro Bono* Scholarship Program pays the costs of admission to the District of Oregon for attorneys who agree to perform a certain number of *pro bono* hours within a specified time-frame.

### 4. Courthouse Lactation Rooms

The District of Oregon is proud to offer lactation rooms in the Wayne L. Morse U.S. Courthouse in Eugene and in the Mark O. Hatfield U.S. Courthouse in Portland. In the Eugene courthouse, the lactation room is located on the third floor in room 3102, which is just outside Courtroom 4. In Portland, the lactation rooms are located on the ninth floor in room 904, near Courtroom 9A, and on the fifteenth floor in room 1504, near Courtroom 15A.

These rooms offer a safe, comfortable space for nursing mothers and are open to attorneys, court participants, staff, jurors, and courthouse visitors. Both rooms have locking doors, comfortable chairs, and refrigerators, in which pumped milk may be stored during the day in labeled containers. The court is grateful to the Clerk's Office, especially Chief Deputy Clerk Susan Miller and Division Manager Christy Weller, and to Magistrate Judge Stacie Beckerman, for help in getting these rooms ready for use.

## 5. Formal Group Photo of the District of Oregon Judges

On January 24, 2017, all federal judges in Oregon—District Court, Bankruptcy Court, and Circuit Court—gathered for a formal group portrait. It is rare to have all the judges together in one place, and everyone enjoyed spending time with colleagues. Judge Panner was unable to make the trip and was missed, but he was photo-shopped into the image.



**Back Row:** Youlee Yim You, Jolie Russo, Michael Simon, Owen Panner, Stacie Beckerman, John Acosta, Anna Brown, Patricia Sullivan, Paul Papak, Marco Hernandez, Michael McShane, Ann Aiken, Janice Stewart, John Jelderks, Mark Clarke

**Front Row:** Dennis Hubel, Robert Jones, Malcolm Marsh, James Redden, Garr King, John Cooney, Michael Mosman, Thomas Coffin

## REPORT OF THE UNITED STATES ATTORNEY'S OFFICE

The United States Attorney's Office for the District of Oregon (USAO) is led by United States Attorney Billy J. Williams, with the dedicated assistance of 59 AUSAs and 69 support staff employees and contractors located in three offices throughout the state. The following summarizes the current activities of the various units in the office for FY 2017.

### 1. Criminal Division

#### A. TERRORISM AND NATIONAL SECURITY UNIT

The unit supports the DOJ's international and domestic terrorism program, and it investigates and prosecutes export control cases. Members of the unit work closely with law enforcement and the Joint Terrorism Task Force to manage a variety of sensitive national security investigations. In 2016, the unit handled the prosecution of defendants involved in the takeover of the Malheur National Wildlife Refuge. The case is one of the largest domestic terrorism prosecutions in United States history, and ultimately resulted in the conviction of eighteen of the twenty-six charged defendants. Additionally, in

2016 the unit worked closely with the district's appellate unit in handling the appeal in *United States v. Mohamed Mohamud*, the case of a man convicted of attempting to detonate a truck bomb at the 2010 Christmas tree lighting ceremony in Portland's Pioneer Courthouse Square. The case represented the nation's first appellate challenge to Section 702 of the Foreign Intelligence Surveillance Act.

## **B. VIOLENT CRIMES UNIT**

**Gang Violence** – Gang violence in the Portland/Gresham area decreased significantly in 2016, compared to 2015, but was still the second highest year on record for gang-related shootings. Gang violence is also down thus far in 2017, compared to 2015 and 2016. We are actively working with state, federal, and local partners to improve our anti-gun violence strategy, including targeting the most dangerous offenders, improving collaboration on special operations and prosecution decisions, developing community trust, and building partnerships for a local crime gun intelligence center to better link crime scenes and offenders and increase opportunities for prosecution of active shooters.

**Human Trafficking** – The USAO leads one of six Phase II Anti-Trafficking Coordination Teams (ACTeams), a nationwide initiative to streamline and enhance federal investigations and prosecutions of human trafficking offenses, including sex trafficking and forced labor trafficking. The ACTeam is an interagency effort consisting of the USAO, the FBI, ICE, and the Department of Labor. We continue to work with state, federal, and local law enforcement and prosecutors to develop and prosecute sex trafficking cases involving both minor and adult trafficking victims. The USAO also leads the Oregon Foreign Born Human Trafficking Task Force, comprised of state and federal law enforcement and numerous community service providers.

**Child Exploitation** – Child exploitation prosecutions have continued to increase, and we do not expect that trajectory to change. Four AUSAs in Portland, and three AUSAs in Eugene and Medford, now assist the USAO's Project Safe Childhood Coordinator with the burgeoning caseload in this area.

**Indian Country** – Oregon has nine federally recognized Indian tribes, three of which fall under federal criminal jurisdiction. Additionally, the Chemawa Indian School near Salem falls under federal jurisdiction. Prosecuting major crimes and certain assimilated state offenses on the Warm Springs, Umatilla, and Burns Paiute Reservations continues to be a district priority. Attending to our trust responsibilities with all of Oregon's tribes also continues to be a priority of the USAO.

**Other Crimes** – The USAO continues to prosecute bank robberies, firearms offenses, prison offenses, explosives, arsons, sex offender registration violations, violations of the Violence Against Women Act, threat cases, immigration offenses, and offenses committed on federal property.

## **2. Fraud Unit**

The Fraud Unit pursues the investigation and prosecution of a wide variety of economic crimes, including: investment fraud; tax fraud; corporate fraud; bank fraud; bankruptcy fraud; securities fraud; procurement fraud; identity theft; public corruption; cybercrime; elder financial abuse; social security and government benefits fraud; health care fraud; and environmental crimes.

The USAO is actively pursuing corporate fraud and bank fraud CEOs. The office is preparing for an October 2017 trial in a bank fraud case against a former bank president and vice president who are accused of executing a scheme to deceive the FDIC, board of directors, and shareholders in order to

conceal the bank's precarious financial condition. The USAO recently completed an investment fraud prosecution of the CEO of the nation's fourth largest assisted living company, who defrauded thousands of investors out of \$130 million. He received a prison sentence of 15 years. In another recent trial, the executive director of a company who defrauded investors in a biodiesel production scheme and laundered the proceeds in two foreign countries was convicted. The defendant is currently serving an 87-month sentence. The USAO also recently secured tax evasion convictions and substantial sentences of three family members who owned local strip clubs. The USAO has several large tax fraud/stolen identity theft schemes under indictment. The USAO also has an active public corruption docket. There are numerous public corruption cases in various stages of investigation assigned to AUSAs in the office.

The Fraud Chief at the USAO co-chairs the Oregon Corporate and Securities Fraud Working Group with the FBI. This group is comprised of federal and state law enforcement partners who investigate and prosecute all types of securities fraud and corporate wrongdoing. This working group meets quarterly to discuss current cases, cases in the pipeline, issues, and trends in the community related to securities and corporate fraud.

The USAO coordinates a monthly Social Services Fraud Working Group, which brings together both law enforcement partners and regulatory groups to investigate government program fraud and other financial fraud. This meeting is a way to foster working relationships with agencies at all levels. Many of the agents who attend these meetings bring referrals of identity theft cases and investment fraud cases to the Fraud Unit. The USAO partners with law enforcement in a Financial Crimes and Digital Evidence Conference, where members of the law enforcement community receive instruction on the latest fraud schemes and investigative techniques used to combat fraud. The office also participates in an Environmental Crimes Green Team Working Group, which coordinates referrals of environmental cases with state and federal regulatory agencies.

The USAO chairs bi-monthly meetings of a Health Care Fraud Working Group. Agents from the FBI, HHS/OIG, DCIS, Oregon Medicaid Fraud Unit, USPS/OIG, postal inspectors, and DOL/OIG typically attend, along with federal, state and private health plan representatives. The meetings focus on the exchange of information about problem billers and new trends in wrongful billing.

To effectively investigate and prosecute cybercrime and to ensure coordination throughout the District of Oregon, the Portland USAO hosts quarterly meetings of the Cybercrime Working Group with the FBI and other federal agencies. Our Cybercrime AUSA provides and facilitates training for the judiciary, law enforcement and private industry. The focus of his training includes trends in cybercrime and cybersecurity, and the application of relevant laws to the acquisition and use of digital evidence.

### 3. Drug Unit

This district faces serious drug trafficking challenges. Most recent statistics show that Oregon ranks sixth nationally in past month drug use for all drugs for those 12 years and older. Oregon is also fourth in past month unlawful use of prescription medications. Methamphetamine and heroin are the biggest public safety threats and transnational and interstate distribution of controlled substances and monetary proceeds is the primary focus of the district's drug trafficking work.

The OCDETF/Drug Unit handles major OCDETF cases that prioritize investigation and prosecution of organized criminal enterprises involved in the trafficking of methamphetamine, heroin, prescription and/or synthetic opioids, cocaine, steroids and marijuana, and associated violence or weapons use and possession. Most of these cases include significant money laundering and financial investigations and charges. The OCDETF/Drug Unit steadily partners with this office's Asset Forfeiture and Money Laundering Division to maximize the impact of these investigations and prosecutions. The OCDETF/Drug Unit indicted 92 defendants in OCDETF cases in FY 2016.

The District of Oregon has been a national leader in prosecuting cases arising from overdose deaths and/or injuries, almost all involving heroin/opioids, with over 70 defendants prosecuted in the past decade. Eight defendants were convicted in 2016, and already in 2017, three defendants have been charged.

The District has an active Opioid Strategy. An Opioid Strategy Working Group meets regularly to discuss and execute the strategy along multi-disciplinary lines, to include OCDETF AUSAs and staff, White Collar, Health Care Civil Fraud, Community Outreach and Public Information partners.

The District has been active in prosecuting butane hash oil explosion/fire cases. State law, recently amended, had no applicable felony statute to this dangerous activity and federal prosecutors throughout the district brought cases under 21 U.S.C. § 858, Endangering Human Life While Manufacturing a Controlled Substance, and have participated actively in statewide and regional training with fire and police investigators.

#### 4. Civil Division

The Civil Division is a litigation unit whose primary function is to defend the United States, federal agencies and their employees. We represent agencies in employment discrimination actions, personal injury suits such as medical malpractice actions and general torts; and Administrative Procedure Act cases, which include challenges to agency decisions of all kinds, such as regulatory decisions affecting public lands and federal programs like Social Security. We represent federal employees who are sued for acts arising from their federal employment. Most of our cases are resolved through motion practice (summary judgment) or with the assistance of a professional mediator. The Civil Division also brings civil rights actions to address discrimination as authorized by federal statutes, often in conjunction with the Department of Justice Civil Rights Division. These cases involve disability rights; constitutional policing (excessive use of force); and fair housing. We also handle our own cases when brought in the Court of Appeals.

The civil caseload has remained steady over the past five years, with the exception of a 14% increase in Social Security Administration disability benefits cases. The Civil Division has 44 Special Assistant U.S. Attorneys, supervised by the U.S. Attorney's Office, who litigate on behalf of their employing agencies, such as the Social Security Administration and Bonneville Power Administration.

We host semi-annual meetings with federal agency regional counsel and executives; we convene federal land-management stakeholder meetings in eastern and southern Oregon counties; and we conduct civil rights outreach on topics like implicit bias, veterans' rights, and fair housing.

## 5. Asset Recovery and Money Laundering (ARML) Division

The ARML Division handles civil and criminal forfeiture cases, criminal money laundering prosecutions, civil and criminal debt and restitution-related litigation, bankruptcy matters, and affirmative civil enforcement actions in the health care fraud and *qui tam* arenas. During Fiscal Year 2016, the ARML Division collected over \$19 million in criminal and civil actions, an amount nearly twice the entire office's annual budget.

**Asset Forfeiture and Money Laundering:** Three full-time AUSAs handle civil and criminal forfeiture matters, as well as prosecute criminal money laundering offenses. An AUSA from the division also serves as the district's AUSA working with the Oregon Financial Crimes Task Force in Portland. As to criminal forfeiture, each of the attorneys works cooperatively with fellow AUSAs and serves as second chair in large drug and fraud cases in the district.

**Financial Litigation Unit (FLU):** The mission and goal of the Financial Litigation Unit in the District of Oregon is to fairly achieve the maximum amount of recovery for each civil and criminal debt, consistent with applicable laws, regulations, and policies. The office is also responsible for collecting money owed to the United States. The FLU's efforts to collect restitution for victims of crimes involves regular review of a defendant's changing financial circumstances and ability to pay. When defendants resist efforts to set up a voluntary and reasonable payment schedule, the FLU pursues wage garnishment, bank accounts, and retirement accounts; depositions; and the seizure and sale of real estate that can be applied to the defendant's debt.

**Affirmative Civil Enforcement (ACE):** Two AUSAs currently handle all affirmative civil health care fraud and *qui tam* litigation in the District of Oregon. The AUSAs also represent the BLM and Forest Service in affirmative land use litigation, particularly in the area of trespass and misuse of federal lands. The single largest civil collection over the past year came from the office's resolution of a civil fraud case against Holiday Corporation, which operated senior living facilities throughout the country. The investigation, which was prompted by allegations brought by former employees, revealed improper receipt by Holiday of veteran's benefit payments for care that was not provided, and for care to ineligible veterans. The settlement agreement included collection of \$8.86 million from Holiday.

## 6. Appellate Division

The U.S. Attorney's Office handles most of the appellate work generated by the civil and criminal divisions within the District of Oregon. Litigation involving the United States represents roughly 25% of the Ninth Circuit's appellate caseload for the District of Oregon. The Appellate Division supervises brief writing and oral argument preparation by trial AUSAs, and it reports on adverse rulings to the U.S. Solicitor General.

Since the last district report, the Ninth Circuit affirmed the conviction of Mohamed Mohamud, a Somali-born U.S. citizen who plotted with undercover FBI agents to bomb the tree-lighting ceremony in Pioneer Square in November of 2010. In reaching this holding, the Court affirmed the government's reliance on the FISA Amendments Act to gather foreign-generated information that was subsequently used to obtain a domestic FISA warrant. This ruling was the first Circuit-level decision addressing the constitutionality of the FISA Amendments Act. Other significant rulings in 2016-2017 included the former governor's challenge to grand jury subpoenas for email records, and a conviction against

former vice-president of Carson Helicopters who falsified weight and balance information for a helicopter that crashed carrying firefighters to battle fires California.

The Appellate Chief also provides litigation support for our trial teams, and she regularly trains AUSAs both locally and nationally in appellate advocacy, evidence, legal writing, and criminal discovery.

## 7. Other Priorities

The USAO has taken affirmative steps to achieve the recently announced priorities of the Department of Justice under the leadership of Attorney General Sessions. Those priorities include combating violent crime and broadening prosecution of immigration crimes. The USAO designated a dedicated full-time AUSA as the Border Security Coordinator who will implement the directives related to immigration enforcement. In addition, AUSAs in our Violent Crime and Drug units continue to pursue appropriate cases for federal prosecution.

The District continues to proactively engage with community members and build strong connections with our local law enforcement partners in order to collectively prevent, respond to, and effectively prosecute criminal activity. Our community engagement has focused outreach and discussions with leaders in the rural communities of our District to better understand the tensions and anti-government sentiments that surrounded the Malheur National Wildlife Occupation. Through these efforts we seek to promote our engagement in collaborative methods for conflict resolution and the management of public lands. In addition, engagement with our immigrant and refugee communities has helped us to better understand and respond more effectively to negative perceptions of government and law enforcement. In line with the Department of Justice priorities, these efforts promoting trust in democratic principles and law enforcement is mission critical. We have an Assistant US Attorney with a deep knowledge of community and justice partners devoted to maintaining and enhancing our District strategic partnerships and initiatives.

The USAO remains active in the District of Oregon's Reentry Court programs in Portland, Eugene, and Medford. These programs and other reentry-focused efforts are effective in reducing recidivism of formerly incarcerated individuals and are mission-critical for the USAO to promote public safety in the district.

## REPORT OF THE FEDERAL PUBLIC DEFENDER

The Federal Public Defender combines vigorous advocacy for constitutional rights with a whole-client approach to providing zealous and effective criminal defense. Under the leadership of Federal Public Defender Lisa Hay, the office obtained dismissal of 11 felony cases in FY16, had others sent to diversion, and achieved reduced sentences for many defendants after investigation produced new facts for consideration. The FPD represents clients in all phases of the criminal justice system: pre-indictment, during pretrial supervision, through trial or sentencing, on appeal, during supervision, and in re-entry court. The office also assists defendants convicted of state and federal crimes through post-conviction litigation, with the addition this year of court appointments in cases involving the retroactive drug sentencing guidelines and cases involving resentencing in light of *Johnson v. United States*.

## 1. Notable Achievements and Victories

The success of the Criminal Justice Act was under review by the Cardone Committee in 2016, and in February, the District hosted three days of hearings. Federal Defender Lisa Hay testified before the committee about district accomplishments and assisted in arranging testimony from past Federal Public Defenders, panel attorneys, experts in the field, and from former clients. Oregon was the only location where former defendants testified about their experience in the criminal justice system and their perception of court-appointed counsel. We demonstrated that our use of experts and our client-centered approach to defense has helped save millions of dollars by reducing time spent in federal prisons. Our clients testified how the work and commitment of their attorneys helped transform their lives.

We devoted considerable resources in FY16 to litigating issues under *Johnson v. United States*. In motions and Ninth Circuit briefs, we raised winning arguments addressing retroactivity, the characterization of specific offenses, and procedural issues. A recent tally revealed sentence reductions of over 200 years as a result of our *Johnson* litigation. At an average cost of \$30,000 per year for incarceration, this work saved \$6 million in federal tax dollars.

In other appellate victories, the Ninth Circuit adopted our arguments in *United States v. Galan*, 804 F.3d 1287 (9th Cir. 2015), an important case interpreting *Paroline* on the calculation of restitution due to victims in child pornography cases. The favorable decision received wide distribution and has been characterized as affecting a “sea change” in the law. Another important appellate victory for the development of the law came in *Carrillo-Carrillo v. Coursey*, 823 F.3d 1217 (9th Cir. 2016), with a reversal and remand to the district court to consider the merits of a habeas petition. The opinion provides the template for addressing state contentions that federal constitutional issues have not been fairly presented and therefore are procedurally barred. Our victory in *United States v. Cisneros*, 826 F.3d 1190 (9th Cir. 2016), followed the Supreme Court’s granting of our petition for certiorari and remand to consider the effect of *Johnson* on our client’s armed career criminal sentence. The Ninth Circuit’s important decision on the characterization of Oregon’s first-degree burglary statute for purposes of the ACCA resulted in sentencing relief for this defendant and many others.

## 2. Caseload

The Defender Office opened 2,151 cases in FY16, a 37% increase over the previous year’s total (1,560) and higher than our five-year average of 1,470. The spike in numbers is largely attributable to our post-conviction work on *Johnson* and drug cases. Our ordinary indictment caseload continued to reflect the prosecutorial shift in priorities away from high volume immigration cases and towards more resource-intensive sex trafficking prosecutions, fraud investigations, and law enforcement initiatives in Indian Country.

## 3. Trials, Negotiations, and Sentencing

The Defender Office took four cases to trial in FY16 and intensively prepared others that settled before trial. The charges ranged from international fraud, sex-trafficking and child abuse, unlawful firearms activity, and a Hobbs Act robbery and bank robbery. Negotiations and motions practice resulted in the dismissal of cases for 11 defendants. The majority of our time on criminal cases was dedicated to obtaining just sentences for clients who chose to plead guilty rather than exercising their right to a jury

trial. Negotiation and the presentation of new evidence affected charging decisions, resulted in dismissal of counts, and often brought about sentences lower than the advisory guideline range.

One of the more resource-intensive cases of FY16 involved defense of an occupier at the Malheur Wildlife Refuge, a case characterized by the government as having the most extensive discovery in the history of the district. We continued our representation in the terrorism case of *United States v. Mohamud*, filing appellate briefs on issues of first impression on the constitutionality of the FISA Amendments Act along with important challenges to constitutional errors that occurred at trial. Other large fraud cases, a case charging firebombing of a mosque, and child pornography and sex-trafficking cases, absorbed significant resources.

#### 4. Habeas Cases

Our habeas corpus practice continues to be varied, thorough, and successful. During FY16, we undertook representation of 87 petitioners challenging state sentences, continued a significant § 2241 practice, and filed federal petitions under § 2255 to challenge federal convictions. We also represent four defendants on Oregon's death row in capital habeas cases. Our victories included *United States v. Schlotzhauer*, a federal resentencing that halved a 20-year marijuana sentence, and *Moon v. Coursey*, an actual innocence ruling from the district court following our successful challenge in the Ninth Circuit.

#### 5. Re-Entry Court

Over a decade ago, the District of Oregon created a nationally-admired model for re-entry courts. The Federal Defender Office staffs the three existing re-entry courts in Portland, Eugene, and Medford with an attorney in each division and paralegal resources. In FY16, 67 defendants entered the programs. Although the work is resource-intensive, requiring frequent client contact, quick follow-up, and multiple court proceedings, many clients participating in the program report greater trust in the criminal justice system and enhanced motivation to succeed.

#### 6. CAPS

The FPD supports the CAPS Program – Court-Assisted Pretrial Supervision – instituted by the magistrate judges to monitor the high-risk defendants that are released on pretrial conditions. The program is individually tailored to each defendant, time-intensive (often requiring weekly meetings with the court, defense counsel, and the defendant), but effective. Defendants who complete CAPS have received significant reductions in sentence and demonstrated the potential for successfully re-entering the community. FPD attorneys attend all CAPS meetings with clients.

#### 7. Federal Death Penalty Capital Resource Counsel Project

The Federal Defender of Oregon continued in FY16 to host one attorney and one paralegal from the Capital Resource Counsel (CRC) in our Portland office, and to administer the budget for two attorneys hosted in other states. Although the CRC functions independently from the Federal Defender, it relies on administrative resources from our office.

## 8. CJA Panel Administration

The Federal Defender administers the CJA Panel for the Court. In FY16, our office screened new and returning applicants to the panel, hosted monthly CLEs, and produced a written district panel manual. We entered into contracts with third party litigation support vendors to assist in managing discovery in multi-defendant cases, assigned a paralegal to act as a project manager for panel attorneys, and organized trainings for panel attorneys on discovery management software. We sent 408 cases to the panel and processed 1,551 payment vouchers after review for compliance with federal statutes and regulations.

## 9. Community Service

Each year, lawyers, investigators, and paralegals from our staff contribute their time and talents to teaching at continuing legal education events, both in Oregon and nationally at seminars sponsored by criminal defense organizations and the Office of Defender Services. Our office sponsored nine local CLEs in FY16, relying primarily on our own staff as presenters. We contributed to planning the National Non-Capital Federal Habeas conference and our staff participated as faculty at nine other local and national CLEs.

# U.S. PRETRIAL SERVICES OFFICE REPORT

## 1. Workload

During 2016, Pretrial Services activated 540 cases, down from 580 in 2015. Our release rate (excluding illegal aliens) increased by 6%, to 56%. This release rate is above both the National and Ninth Circuit's average. Oregon's release rate of high risk defendants (PTRA 4&5) is currently the highest in the Nation.

Drug cases remain the most common charge filed (33%), followed by immigration, firearms crimes, and property crimes (18%, 13%, and 13% respectively). The percentages for activations for firearm offenses, sex offenses, and violent offenses in the District of Oregon continue to be above the national average.

## 2. CAPS

Developed for high-risk defendants, the CAPS Program is a collaboration between a U.S. Magistrate Judge, the Assistant U.S. Attorney, the Assistant Federal Public Defender, the defendant, and the Pretrial Services Supervision Officer. Participation in the program requires the defendant to meet with all parties frequently (generally weekly or bi-weekly, in court or chambers) to assess the defendant's progress and quickly address any compliance concerns. CAPS holds the defendant more directly accountable to the Court while also creating an opportunity for the Court to recognize and acknowledge a defendant's success and accomplishments. This is the sixth year of the program, and there have been 63 participants. While CAPS was not intended as an alternative sentencing program, many of the defendants who successfully complete the program have received probation. Most others who navigate the program successfully received favorable sentences well below the low end of the guideline range.

### 3. Prison and Beyond Program

Pretrial Services has continued to provide this successful program on a quarterly basis to assist defendants with their transition to serving a federal prison sentence. The program addresses questions regarding sentencing, designation, and expectations when entering the prison facility and later commences supervised release. The primary audience for the program is defendants and their families; however, defense attorneys and other court personnel have found the program extremely valuable.

Personnel from the Bureau of Prisons and U.S. Probation play an important role in the program as well as ex-offenders who share their prison experiences via a panel discussion. Feedback from attendees is consistently very positive.

### 4. STARR (Staff Training Aimed At Reducing Rearrest)

In 2016, Pretrial Services implemented STARR. While still in the early stages, management and coaches have been trained with additional trainings and certifications planned for 2017.

### 5. Transitions

Pretrial Services Officer Assistant Noe Rios (Portland Division) was promoted to Pretrial Services Officer in 2016 bringing the total number of officers in the District to 14.

Officer Rios is scheduled to attend the six-week National Training Academy in South Carolina in June 2017.

### 6. 2017 Goals

During FY2016, Pretrial Services accomplished one of our main goals by reducing our detention rate by 6%. We have continued this momentum and in early 2017 hosted the Pretrial DROP (Detention Reduction Outreach Program) team. DROP is an onsite education and training program wherein PPSO and court staff visits districts where stakeholders are interested in reducing detention rates. During the DROP visit, magistrate judges, pretrial staff, AUSAs, and FPDs learned about the pretrial risk assessment's (PTRA) ability to identify low-risk defendants, reviewed national as well as district-specific data related to release and detention, and focused on ways they can collaborate to reduce unnecessary detention. Our goal for 2017 is to continuing reducing our detention rate by at least 3%.

### 7. Conclusion

Safety of the community and assisting defendants make their court appearances remain top priorities for U.S. Pretrial Services. We are committed to upholding the defendant's presumption of innocence while balancing the requirements of the judiciary and the needs of defendants. We are honored to have an opportunity to work with our client population by providing services and mentoring to help defendants achieve positive, life-long, meaningful changes.

## REPORT OF THE U.S. PROBATION OFFICE

Fiscal year 2016 brought another year of rewarding service to our clients and communities. We began the year by refocusing on our core mission and updating our mission statement. The entire Probation staff gathered to draft a mission statement that communicates the care, dedication, and expertise that each of us brings to our very important work:

“We promote justice,  
reduce risk to the community,  
and provide opportunities for positive change.”

This mission lights the way for our officers in their work with clients and community partners. The Probation Office supervises approximately 1,100 federal clients from five offices across the district, Portland, Eugene, Salem, Bend, and Medford. We achieve our mission by timely and accurately advising Court at the sentencing stage, and by helping clients achieve a healthy and productive new start during their terms of supervision or probation. Our evidence-based approach to reducing recidivism means that we evaluate each client’s risk to reoffend, identify each client’s individual risk drivers, and use appropriate interventions to reduce risk and encourage positive change.

Our commitment to data-driven practices is reflected in our contributions to national conversations about evidence-based work. In May of 2017, the District of Oregon hosted the Probation and Pretrial Chiefs’ Research Group, which gathers executives from Probation Offices nationwide to share research designed to improve outcomes for clients under federal supervision. Research topics ranged from alternatives to incarceration to sex offender management and focused specifically on federal populations, providing new insight on an array risk factors and effective strategies for supervision.

Probation officers use a variety of tools to improve client outcomes. Last year, this report described our implementation of STARR (Staff Training Aimed at Reducing Rearrest), a set of cognitive training skills officers use to help clients make better decisions, so that they can achieve greater success. This year, our report highlights the agency’s participation in the Federal Judicial Center’s (FJC) Supervising Officers in an Evidence Based Environment. The FJC selected Oregon as one of two districts in the nation to participate in the year-long program, which helps supervisors reinforce evidence-based approaches in their work with line officers, administrative staff, and agency leadership. The FJC’s selection is a very strong vote of confidence in our entire family of staff. Our supervisors work with mentors from several districts to sharpen their skills in developing and reviewing officers’ plans for clients, fostering positive behavioral change, and responding to the factors that drive client risk. This program helps the Probation Office to optimize the tools already in place to improve client outcomes, including STARR, risk-based supervision, reentry court, and employment counseling. As our supervisors develop their skills with the FJC team, they prepare to mentor to the next generation of participants and share their experience on a national stage.

Fiscal year 2016 brought opportunities for the Probation Office to collaborate with new partners in the community. We have established relationships with commercial driving schools, which provide our clients with skills that are in high demand. Our office has also expanded the services available to our clients, increasing their options for treatment and mentorship. We work more closely than ever with our residential reentry centers (RRC) and have stationed an officer at our primary RRC in order to facilitate

a more seamless transition from incarceration to the community. Our officers now offer Moral Reconciliation Therapy in RRC and office settings, which allows clients to participate (without cost) in a program that helps them correct thinking errors and solve problems constructively.

These resources, along with our very important investment in staff training, help us to ensure our mission is achieved with every client visit, every treatment intervention, and every step toward client success. To that end, we assist our partners in the Ninth Circuit in the broader work of improving the administration of justice, and we look forward to shared successes in the coming year.

## ACTIVITIES AROUND THE DISTRICT

### 1. *All of Oregon* Art Installation

On August 15, 2016, the Wayne L. Morse Courthouse in Eugene opened an exciting mixed media exhibit, *All of Oregon*, which is a rotating display in the new permanent art gallery. This was the inaugural exhibit after the installation of a state-of-the-art cable rail system for mounted artwork. This system was part of a larger effort to transform the Wayne L. Morse Courthouse into a home for artwork spearheaded by Judge Ann Aiken and an all-volunteer board of art advocates. *All of Oregon* followed the first such exhibit from 2015—*Art of Survival: Enduring the Turmoil of Tule Lake*. The *Art of Survival* exhibit featured works about the Japanese internment camps. The success of the

*Art of Survival* inspired efforts to expand the program under the guidance of art consultant Kirsten Shende. Ms. Shende has volunteered her time and talents to collaborate with the General Services Administration (“GSA”) and the board to create a stunning, modern space to highlight unique works created by local and regional artists. *All of Oregon* featured six artists: painters Jon Jay Cruson and Lynn Isen Peterson; mixed-media artist Mike Pease; photographers Deigh Bates, Michael Thompson, and James Earl; and portraitists Lynda Lanker (who also volunteers her time on the Board). The board has invited artists and the public to submit ideas for future exhibits in what is hoped to become a model for courts nationwide.



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## 2. Art of the Possible: Harnessing Creativity, Courage and Grit to Blaze a Path to Professional Happiness



On October 7, 2016, the District Court presented an inspirational program in collaboration with the University of Oregon Law Center for Career Planning and Professional Development, the University of Oregon Woman's Law Forum, the Oregon Chapter of the Federal Bar Association, and the Lane County Women Lawyers. Art of the Possible featured three panels and a complimentary luncheon, followed by a reception in the permanent art gallery at the Wayne L. Morse United States Courthouse. The event kicked off with keynote speaker Nicole Auerbach, a founding partner in Chicago-based Valorem Law Group whose address was titled, "A Worthy Journey Defies Maps." Three panels featuring distinguished speakers from across Oregon were offered:

Changing Winds: Reimagining the Sail; Leaning in Pays Off: the Courage to Ask Why Not me?; and, Outliers: the Grit Needed to Follow Your Passion. The day was capped off with a reception celebrating Lane County's first woman District Attorney, Patty Perlow, and Oregon's recently appointed U.S. Magistrate Judge, Jolie Russo. The event had over 200 participants and was well received.

## 3. Magistrate Judge Diversity Panel

In April 2017, the Federal Judicial Center held the National Workshop for Magistrate Judges in Portland, Oregon. The Federal Magistrates Judges Association Diversity Committee sponsored a panel on Diversity. The panel was hosted by Oregon Magistrate Judges John Acosta, Stacie Beckerman, Jolie Russo, and Youlee Yim You. The panel opened with brief remarks from special guest, Carol A. Pratt, Ph.D, J.D., who participated as a recent Merit Selection Review Panelist for selecting a Magistrate Judge in Oregon. Dr. Pratt spoke about the importance of diversity in the selection process and how candidates can highlight their experience and resumes to underscore that importance.

The participating Oregon Magistrate Judges then took turns interviewing Magistrate Judges George Cannon, District of Virgin Islands; Jay Gandhi, Central District of California; Guillermo Garcia, Southern District of Texas; and Donna Ryu, Northern District of California. Each of the four featured guest judges had fascinating stories about their "road to the bench." The conversations were honest and candid with the local judges asking some provocative questions about the importance of diversity on the bench, how diversity is actualized, and what impact diversity on the bench might have on litigants and lawyers.

## 4. Sentencing Conferences

The District Courts held a sentencing CLE in both Eugene and Portland in 2017. The presentation was held in Eugene on April 7, 2017, and featured a panel presentation that included District Judges Ann and Michael Simon; U.S. Magistrate Judge Mark Clarke; and Nicole Houchins, Supervisor, Pretrial Services in Medford and Eugene. The presentation in Portland was held on May 19, and featured

panel presentation that included Chief Judge Michael Mosman and District Judges Marco Hernandez and Michael Simon. U.S. Magistrate Judge John Acosta also spoke about the Portland Court Assisted Pretrial Supervision (CAPS) program. These programs were designed to assist practitioners in compiling sentencing information that is helpful to the Court.

## 5. FBA Monthly Lunch Series—Portland

The Oregon Chapter of the Federal Bar Association continued its tradition of organizing monthly lunchtime CLEs for federal practitioners in the Mark O. Hatfield U.S. Courthouse in Portland, Oregon. Topics this year have included, “Cross Examination: A Funny Thing Happened on the Way to Closing Statement,” presented by Judge Michael McShane, in May 2017. This CLE explored the goals of effective cross examination and how those goals, when applied properly, protect an attorney from inadvertently introducing evidence that proves the opponent’s case. In April 2017, representatives from the Oregon Department of Justice and the Association of Oregon Counties Federal Conflicts with Oregon’s Legal Marijuana Programs: An Overview.” This CLE discussed conflict issues stemming from the implementation and regulation of Oregon’s legal marijuana programs. In March 2017, “Awareness of Current Cyber Threats: Understanding and Managing the Risk” was presented by representatives from the FBI and U.S. Attorney’s office. This CLE provided an overview of the current cyber threats facing individuals and businesses and discussed key factors in effective cyber incident response planning. The Federal Bar Association also hosted the “State of the Courts” Address, given by Chief Judge Michael W. Mosman, in February 2017, as part of the luncheon program. In January 2017, Judge Robert Jones and Judge Paul Papak presented “You Be the Judge: Tips on Evidence Through a Bicycle Products Liability Trial.” This CLE explored evidentiary issues through a products liability case, with Judge Jones and Judge Papak providing their “rulings” and insights into how they reached those conclusions.

These lunchtime CLEs were well-attended, garnering audiences of approximately seventy to one-hundred attorneys, judges, and court staff each session. Due to the success of the program, the Federal Bar Association is now co-sponsoring a lunch program series at the Wayne L. Morse Courthouse in Eugene, Oregon.

## 6. Eugene Bi-Monthly Lunch Series

The Eugene District Court has started a Bi-Monthly Luncheon program. Held at the Wayne L. Morse Courthouse, the program was launched in January with a social to provide an introduction to and develop interest with practitioners. The luncheons are co-sponsored by the District Court of Oregon, the Oregon Chapter of the Federal Bar Association, the Lane County Women Lawyers, the Debtor/Creditor Section of the Bankruptcy Court, the Federal Courts Committee of the Lane County Bar Association and the University of Oregon Law School. The series offers one hour of general continuing legal education credit and lunch (at no cost) and is held in the Jury Assembly Room

The series has been well-attended, averaging fifty attendees in the first two sessions, including Judges Russo, Coffin, McShane and Renn. Topics have included "Filling in the Gaps: Moving Beyond 'Dangerous' in Your Knowledge of Bankruptcy Law" (presented by, U.S. Bankruptcy Judges Thomas Renn and Frank Alley) and "The Great Discovery Shoot -Out" - Differences between state and federal discovery (presented by Judge Thomas Coffin and Lane Co Judge Charles Carlson). Upcoming

programs include: Marijuana in Oregon: The Laws, Practices and Controversy (featuring Judy Giers, Deputy Chief Counsel, Oregon Department of Justice and Robert Bovett, Legal Counsel for the Association of Oregon Counties) (July); Federal Practice Primer (Judges Russo, McShane and Coffin) (September) and Immigration Law for the Lane County Practitioner (November).

## 7. 2017 Ninth Circuit Civics Contest (Oregon Contest)

The Ninth Circuit holds an annual civic essay and video contest for high school students. In recent years, no students from Oregon have participated. This year, the District Court of Oregon and the Oregon Chapter of the FBA made it a priority to correct that. Students in grades 9-12 from across Oregon were encouraged to participate. The theme of this year's contest was "Not to be Forgotten: Legal Lessons of the Japanese Internment." The contest focused on the constitutional conflicts that can arise between national security and individual rights, asking students to relate the legal history of the Japanese internment to current government efforts to protect the nation against terrorism. Specifically, the contest asked students to: "consider and describe the relevance of the Japanese internment today as our nation combats terrorism." Students could either express their thoughts and ideas in an essay of 500 - 1,000 words or a three-to-five minute video. Many students from across the state submitted entries in both the essay and video categories. The judges selected three essay winners (1st, 2nd and 3rd place) and two video winners (1st and 2nd place). Each winner received a cash award generously donated by the Oregon Chapter of the FBA and two law firms. The winners from the Oregon contest will now move on to compete in the Ninth Circuit contest where they will meet finalists from each of the fifteen Districts in the Circuit.

## 8. YLD Brown Bag Lunch Series

The FBA coordinates a Young Lawyer Division brown bag lunch series. Each lunch features brief prepared remarks and Q&A with one of the Oregon federal judges. This lunch series gives young lawyers a chance to get to know the judges and for the judges to provide career and practice tips. The picture below is from a recent lunch hosted by Senior District Judge Robert Jones.



## 9. Oregon Women Lawyers Monthly Lunches

On the second Tuesday of each month, Queen's Bench, the Portland chapter of Oregon Women Lawyers (OWLS), hosts its monthly luncheon in one of the courtrooms in the Mark O. Hatfield Courthouse. Recent luncheon topics have included the growing pains of marijuana legalization and a panel discussion on the Malheur Wildlife Refuge occupation.

The luncheons usually attract between 50-75 lawyers, law students, and community members into our public space. Queen's Bench moved the luncheons from a downtown hotel to the federal courthouse in 2016, in part to familiarize law students and young lawyers with our courtrooms so that they are more comfortable making their first few court appearances. The move has also made it easier for judges, law clerks, and court staff to attend and spend time with the bar in a more informal setting.

## 10. Behind the Robes

On May 4, 2017 the Federal Bar Association and the Eugene District Court hosted "Behind the Robes" at the Wayne Lyman Morse United States Courthouse. This half-day program provided approximately

fifty Eugene high school students an introduction to the federal judicial system. The program included presentations by the Court, the US Marshals, Probation and Pretrial Services, the Federal Defenders and the United States Attorney's Office. The



presenters included: Judge McShane and Judge Coffin; Brian Crist, Chief of Pretrial Services; US Attorney Office Division Chief, Helen Cooper; and Eugene Deputy US Marshal Bryon Carroll. A luncheon attended by Judges McShane, Coffin and Russo allowed the students to interact with the bench and other program participants in a more informal session. Plans are underway to make this program an annual event.

## 11. Reentry Court

The District of Oregon's Reentry Court, originally established in 2005, was the second of its kind in the country. The Court engages voluntary participants under federal supervision to commit to individualized and comprehensive supervision plans in order to develop a productive and pro-social lifestyle. The program is a court-involved intervention approach that provides high-level supervision and broad spectrum services so program participants can realize individual accountability. The full continuum of services reduces addiction-related recidivism by providing meaningful employment opportunities, adequate housing, substance abuse recovery and mental health services. Offenders transition back to their communities instead of back into correctional facilities.

The impact of Reentry Court is multifaceted: successful completion in the Eugene Reentry Court where participants are moderate to high risk offenders, has been nearly seventy-five percent. Eugene reentry Court has graduated 195 participants who reduced their post conviction supervision by one year at an estimated savings of \$709,915.

In Medford, Reentry Court is in its second year. There have been 29 participants in the program, nine of whom are graduating in June of 2017. The Medford Reentry Court has a broad base of government and community partners at the district, county and local levels. The multidisciplinary team is led by Judge Ann Aiken, in collaboration with Aimee Petersen and Lynn Purdue (U.S. Probation Office), Brian Butler (Federal Defender's Office), Byron Chatfield and Judi Harper (U.S Attorney's Office), Eric Guyer (Jackson County's Community Justice Director), and OnTrack Inc., a community-based treatment and related services program.

Reentry Court participants receive structured support including: residential treatment; all levels of outpatient care; transitional housing, vocational services, recovery treatment, and educational testing. Participants also receive assistance registering for OHP. One such treatment modality is MRT, or Moral Recognition Therapy. MRT, as explained by Dr. Rita Sullivan, a tireless advocate for recovery services and principal architect of OnTrack Inc., reorders offender thinking and responses to avoid relapse, recidivism and return to prison. Educational components include use of Structure of Intellect ("SOI") systems, a tool for learning success that evolved out of a WWII program developed for the Air Corps. Diane Hockstein, an SOI consultant from Eugene has generously volunteered to provide life-changing assessment and intelligence training to Reentry Court participants. The Jackson County Community Justice Residential Reentry Center provides supported placements for housing and support.

## CONCLUSION

The District of Oregon continues to provide high-quality services to all litigants that come before it. This District is known for its professionalism and the collegiality among members of the bar and between the bench and bar, which are due to the commitment legal practitioners in this District have to modeling these ideals in their own behavior and in their mentoring of new practitioners. As the legal profession adapts to changing times and technology, the District of Oregon looks forward to meeting the challenges of the future the same way it has met the challenges of the past—with dedication to the rule of law and to the highest professional standards.