



Year in Review

Ninth Circuit Lawyer Representatives

Activities and Accomplishments in 2017-2018

I. The Ninth Circuit's Lawyer Representatives

The Ninth Circuit's Lawyer Representatives have an important role in the administration of justice within the Circuit. Approximately 168 Lawyer Representatives represent attorneys practicing in each of the Ninth Circuit's 15 districts in nine western states and two Pacific Island jurisdictions. These Lawyer Representatives, selected by the District Courts, work throughout their 3-year terms to foster open communication among the Circuit's nearly 400 judicial officers and the attorneys who practice before them, and to provide support and advice regarding the functioning of the courts to better the administration of justice.

In 2009, the first group of 18 Appellate Lawyer Representatives was appointed by the Ninth Circuit Judges; they report to the Ninth Circuit Court of Appeals. The Appellate Lawyer Representatives also serve 3-year terms. The Lawyer Representatives communicate with the Appellate Lawyer Representatives about district-related programs and activities. Attorney support and contributions to the administration of justice in the Ninth Circuit have been invaluable and have resulted in positive changes that have improved the functioning of the courts.

II. The Lawyer Representatives Coordinating Committee

The Lawyer Representatives' Coordinating Committee (LRCC) coordinates the activities of the Lawyer Representatives and functions as a separate committee within the Ninth Circuit. The LRCC is comprised of the chairperson or co-chairpersons of each district's delegation of Lawyer Representatives, and a three-person Executive Committee. The LRCC Executive Committee is comprised of three members, each a former district chairperson or co-chairperson, elected by the Lawyer Representatives during the Ninth Circuit Conference to serve a 3-year term. During 2017-2018, Darrel J. Gardner (AK) served as Chair; Jay McEntire (WAE) served as Chair-Elect; and Doreen Spears Hartwell (NV) served as Vice Chair.

The LRCC also acts as liaison for the Lawyer Representatives with the Appellate Lawyer Representatives. James Azadian (CAC) currently serves as Chair of the Appellate Lawyer Representatives. In addition, the LRCC acts as liaison to the Ninth Circuit Judicial Council's Conference Executive Committee (CEC). The LRCC Executive Committee members also serve on the CEC.

LRCC members are involved in planning meetings with the Chief District Judges and Chief Bankruptcy Judges each year. The Lawyer Representatives are required to communicate periodically with the Conference of Chief District Judges to "plan and accomplish such activities within the districts as shall be requested by the Executive Committee or as shall be necessary and proper to accomplish the purpose of the conference" (see Judicial Council Order adopted December 12, 1978, as amended through 1994, paragraph 4). As in past years, the educational programs presented in 2018 were very well received by the Judges; they include:

A. Conference of Chief District Judges and the LRCC

The Conference of Chief District Judges and the LRCC occurred on January 24-26, 2018, at the Westward Look Resort in Tucson, Arizona. On January 25, the LRCC presented a 4-hour educational session. LRCC Chair Darrel J. Gardner (AK) worked with Chief Judge Barry T. Moskowitz (CAS) to plan a program to foster and facilitate communication between the Chief Judges and their districts' Lawyer Representatives, regarding several important topics. Other program organizers were LRCC members Jody Corrales (AZ), Nicole Hancock (ID), and Linda Lopez (CAS). The morning began with a discussion with Hon. M. Margaret McKeown, Circuit Judge, Ninth Circuit Court of Appeals and Chair, regarding her work on the Ad Hoc Committee on Workplace Policy. The next three programs, organized by the LRCC, included:

- "The Executive Office for Immigration Review - An Agency Overview," presented by Hon. Irene Feldman, Chief Assistant Immigration Judge (AZ)
- "Preserving the Future of the Legal Profession - Helping Young Lawyers Develop Oral Advocacy Skills," presented by Hon. Paul Grewal, Vice President and Deputy General Counsel of Facebook (and former Magistrate Judge, U.S. District Court, Northern District of California)
- "The Importance of Accommodating Young Parents Working in the Federal Court System," presented by Renée Galente, Esq., Galente Law, APC.

B. Conferences of Chief Bankruptcy Judges and the LRCC

The Conference of Chief Bankruptcy Judges and 20 of the Ninth Circuit's Bankruptcy Lawyer Representatives met on May 2, 2018, at the El Dorado Hotel in Reno, Nevada. LRCC members Misty Perry Isaacson (CAC) and Jody Corrales (AZ) organized a program that involved three presentations:

- “Administering Challenging Assets: Marijuana and Cryptocurrency”

Peter L. Fear, Fear Waddle, PC, Fresno, CA
Thomas R. Phinney, Parkinson Phinney, Sacramento, CA
Laurel R. Zaeske, Brown Rudnick, LLP, Irvine, CA
Robert S. Marticello, Smiley | Wang-Ekvall, LLP, Costa Mesa, CA

- “How to Raise a Lawyer: Gender Bias, Bullying and the Formal Rules of Civility”

Hon. Gary Spraker, U.S. Bankruptcy Judge, District of Alaska
J. Scott Bovitz, Bovitz & Spitzer
Peter Gurfein, Landau Gottfried & Berger LLP
Eve Karasik, Levene Neale Bender Yoo & Brill LLP
Randy Soref, Polsinelli LLP

- “Handling Reports & Recommendations to the District Court”

Part 1 – District Court Decisions after *Stern*, *Arkison*, and *Wellness*

Part 2 – Survey of Local Practices Regarding Article III Issues in the Bankruptcy Context by Courts Within the Ninth Circuit

Part 3 – Procedural Differences Between Bankruptcy Appeals and Challenges to a Report and Recommendation

Whitman L. Holt, Klee, Tuchin, Bogdanoff & Stern LLP
Christopher D. Sullivan, Diamond McCarthy LLP
Corey R. Weber, Brutzkus Gubner Rozansky Seror Weber LLP

III. Other Activities

A. Planning the Ninth Circuit Judicial Conference

On October 12-13, 2017, members of the LRCC participated in a joint meeting with the Ninth Circuit's Conference Executive Committee. The joint meeting, held in San Francisco, allowed the LRCC to provide input and participate in a brainstorming session to develop topics and discuss potential speakers for the 2018 Circuit Conference. For the 2018 Conference, the

Conference Executive Committee is chaired by District Judge Edward Davila (CAN). Newly-appointed Magistrate Judge Autumn Spaeth (CAC) serves as Program Chair. Judge Spaeth also served as LRCC chair in 2016-2017.

The Conference Executive Committee is comprised of the Chief Judge of the Ninth Circuit, three active Ninth Circuit judges, three active district judges, one bankruptcy judge, one magistrate judge, the Circuit Executive, a member of the Advisory Board, a Clerk of Court, a Chief Probation Officer, and nine Lawyer Representatives (the three LRCC Executive Committee members and six at-large members). The following Lawyer Representatives served on the Conference Executive Committee for the 2018 Conference: LRCC Chair Darrel Gardner (AK); LRCC Chair-Elect Jay McEntire (WAE); LRCC Vice Chair Doreen Spears Hartwell (NV); Holly Lake (CAC), Gay Grunfeld (CAN); Magdalena Bordeaux (CAC); David Stearn (CAN); Caroline Djang (CAC); and Michelle Pettit (CAS).

B. Lawyer Representatives and Federal Bar Association Reception

Starting with an idea at the 2016 conference in Big Sky, Montana, and fully realized in San Francisco at the 2017 conference, the LRCC has partnered up with the Federal Bar Association to host a reception on the Sunday evening before the conference official begins. Last year's reception was held at the James R. Browning United States Courthouse on Seventh Street in San Francisco. This year the reception is being held at Ralph Brennan's Jazz Kitchen in Anaheim. The reception is made possible through the generous donations of FBA local chapters from throughout the Ninth Circuit, including a funding grant from FBA National in Arlington, Virginia, as well as contributions from a number of private law firms in the Ninth Circuit. Special thanks to LRCC member Misty Perry Issacson (CAC) for her hard work in organizing this year's reception.

C. Orientation for New Lawyer Representatives

Each year, LRCC members organize a special welcome and breakfast orientation program for new Lawyer Representatives at the Ninth Circuit Judicial Conference, to give them a better understanding of their roles as lawyer representatives and how the conference functions. For 2018, Vice Chair Doreen Spears Hartwell is developing the meeting with the help of LRCC members Jody Corrales (AZ), Misty Perry Isaacson (CAC), and Linda Lopez (CAS).

D. Lawyer Representatives Business Meeting

Later on the same day as the new Lawyer Representatives orientation meeting at the Ninth Circuit Judicial Conference, the LRCC conducts the Lawyer Representatives Business Meeting. At this meeting, there is a review of Lawyer Representative activities for the past year, as well as a discussion about the resolution process and district activities for the past year. In addition, elections

for the incoming LRCC Vice Chair and At-Large Members of the Conference Executive Committee are conducted. This year, Chair Darrel Gardner (AK) and Chair-Elect Jay McEntire (WAE) are developing the meeting with the help of LRCC members Nicole Hancock (ID), Christina Covault (AZ), and Linda Lopez (CAS).

E. Ninth Circuit Advisory Board

LRCC Chair Darrel Gardner is the LRCC's liaison to the Ninth Circuit Advisory Board. During the 2017-2018 term, Peg Toledo (CAE) served as the Advisory Board's liaison to the LRCC.

F. LRCC Look Book

The LRCC is proud to continue to develop the Lawyer Representative "Look Book," which contains biographical and contact information regarding each of the Lawyer Representatives. LRCC member Nina Marino (CAC) produced this year's Look Book, which is no easy task. The Look Book can be found on the Conference App this year, so Lawyer Reps can communicate with each other by email to make connections and network.

G. LRCC Website

The Ninth Circuit maintains a website for the Lawyer Representatives, which serves as an increasingly valuable reference resource. The Office of the Circuit Executive maintains the website and updates it with current information at: http://www.ce9.uscourts.gov/lawyer_reps/.

The website provides helpful guidance about serving as a Lawyer Representative. It contains rosters and lists of various Lawyer Representative groups, including the LRCC, the Appellate Lawyer Representatives, and bankruptcy Lawyer Representatives. It also contains agendas and other highlights from District Conferences and other meetings organized and attended by Lawyer Representatives.

H. District Conferences

Each year the Lawyer Representatives, led by their district chairperson or co-chairpersons, plan educational conferences for the judges and other attorneys in their respective districts. Agendas for District Conferences can be found on the LRCC website at http://www.ce9.uscourts.gov/lawyer_reps/