

# EASTERN DISTRICT OF CALIFORNIA



## **Lawyer Representatives' Annual Report: 2017-2018 Eastern District of California**

### **Eastern District Conference**

The Eastern District of California held its annual conference (Conference) October 27-29, 2017 at the Resort at Squaw Creek in Squaw Valley, California. The Conference focused on the future, including the future of the legal profession and the future of the Supreme Court, led by presentations from Dean Erwin Chemerinsky, University of California, Irvine Law School. Conference attendees also learned about recent trends in criminal sentencing, U.S. Supreme Court decisions on bankruptcy cases, and many other topics.

The next Conference will be held on October 12-14, 2018 at the Tenaya Lodge, just outside Yosemite National Park. The 2018 Conference will focus on the pitfalls and possibilities of technological innovations. Planned session topics include: (1) liability and regulatory issues related to self-driving cars, (2) privacy issues related to virtual assistants such as Alexa and other “helpful” technologies, (3) an introduction to cryptocurrency and blockchain technology, (4) criminal law session on the dark web, (5) marijuana issues in bankruptcy cases, and (6) tools for e-discovery.

### **Sacramento Chapter of the Federal Bar Association**

The Sacramento Chapter of the Federal Bar Association has continued to provide educational and networking opportunities for its members, and has sought to strengthen the connections between federal practitioners and the judges of the Eastern District of California.

In July 2017, the FBA-Sacramento hosted its twenty-seventh annual Supreme Court Year in Review. Almost 100 attorneys and judges from the Eastern District were in attendance to hear Professors Clark Kelso and Leslie Jacobs, of the University of the Pacific McGeorge School of Law, discuss key cases and trends from the Supreme Court's most recent term. Hosted at the Citizen Hotel in Downtown Sacramento, this event continues to be one of the Sacramento Chapter's largest and best-attended events.

In the Fall, more than 80 attorneys and members of the community attended a free panel discussion on Executive Order 9066—the executive order that incarcerated nearly 117,000 persons of Japanese descent during World War II. 2017 marked the 75th Anniversary of the issuance of the order. United States District Court Judge Kimberly J. Mueller and Barbara Takei, expert and author on Tule Lake, spoke to attendees about the difficult choices Japanese Americans faced, as well as constitutional questions raised by the order. The event was co-sponsored by the Eastern District Historical Society, the Ninth Judicial Circuit Historical Society, and the Sacramento Federal Judicial Library and Learning Center Foundation. It was held at the Federal Courthouse with the CLE portion in Judge Mueller's courtroom, and a reception following the CLE in the Anthony M. Kennedy Library and Learning Center.

November brought the Sacramento Chapter's Annual Night to Honor Service—an evening program and reception honoring members of the District Court's pro bono panel and voluntary dispute resolution panel, attorneys serving the Bankruptcy Court's pro se help desk and voluntary dispute resolution panel, and selected individuals in the U.S. Attorney's Office and Federal Defender's Office who have shown a particular commitment to public service. United States District Court Judge Kimberly J. Mueller and United States Bankruptcy Court Judge Ronald H. Sargis recognized the honorees, followed by a keynote address from Ninth Circuit Court of Appeals Judge Consuelo M. Callahan. The evening concluded with a reception for all honorees and judges.

The Sacramento Chapter kicked off 2018 with its annual election mixer, graciously hosted by Judge Consuelo M. Callahan in her chambers. It elected its new board, welcomed new members to the organization, and thanked past presidents for their service. In March, the Sacramento Chapter hosted a snack table for students participating in the Open Doors to Federal Courts program. Students from high schools in the greater Sacramento area and beyond participated in this program, acting as attorneys and jurors in mock trials addressing teen-relevant legal issues. As in years past, FBA members volunteered to assist the program as jury moderators and attorneys.

The Chapter then hosted two CLEs in the Spring. Attorneys first attended *Insights, Tips, and Suggestions for the Volunteer Mediator – Helping Make the Voluntary Dispute Resolution Program Matter*: a panel discussion focusing on tips and tricks for an effective VDRP session. Our panel consisted of Retired Judge Cahill (San Francisco County), Retired Judge Morrison (Third District Court of Appeals), and Deborah Ballati, all active ADR neutrals. Introductory remarks on the importance of the Eastern District Court's VDRP panel were provided by United States Magistrate Judge Kendall J. Newman. The event was held during lunchtime at Pacific McGeorge Law School. Our next CLE, *Attorney's Fees Motions and Effective Billing Practices*, focused on effective and ethical billing and attorney's fees motions. United States District Court Judge John A. Mendez and Alex Medina provided tips and to-do's, as well as what not to do, to a crowded room at the Sacramento office of Seyfarth Shaw.

Also in the Spring, the FBA-Sacramento provided support and funding for the Operation Protect and Defend Art Show. Operation Protect & Defend is a non-profit organization that provides civics education to local high schools by sending judges and lawyers into schools to teach Constitutional civics lessons. OPD also sponsors an essay and art contest that addresses the Constitutional civics topic that was taught in the classroom. The Art Show was hosted at a local art gallery and featured the student's works. Students, teachers, attorneys, and judges were invited to attend the show and enjoy refreshments. Finally, we closed out the first half of 2018 with our Spring Membership Recruitment Mixer, co-hosted with the Sacramento Valley Bankruptcy Forum at one of Downtown Sacramento's newest restaurants, Echo & Rig.

The Sacramento Chapter's busy year has been a rewarding one. In 2017, the Sacramento Chapter received two awards from the FBA national organization: a Chapter Activity Award and a Newsletter Recognition Award. We look forward to providing educational and networking opportunities for our members throughout the remainder of 2018.

## **San Joaquin Valley Chapter of the Federal Bar Association**

The San Joaquin Valley Chapter of the Federal Bar Association continued in its efforts to provide continuing education, outreach, and networking opportunities to its members, educational opportunities for students located within the Central Valley of California, and representation of and advice to *pro se* taxpayers appearing before the United States Tax Court through its sponsorship of a Tax Court *Pro Se* Program.

In September of 2017, the San Joaquin Valley Chapter of the FBA sponsored its annual Supreme Court in Review. Professor Brian Soucek of the University of California at Davis School of Law discussed key cases and legal trends from the United States Supreme Court's 2016/2017 term. This event is offered to members of the San Joaquin Valley Chapter of the FBA without charge as a member benefit.

In October of 2017, the San Joaquin Valley Chapter of the FBA and Sacramento Chapter of the FBA co-sponsored a mixer for members at the Eastern District Conference.

In November of 2017, a Federal Magistrate Judge within the Fresno Division and lawyer members presented Civil Rights Student Outreach Programs to high school students in two local high schools within the Fresno and Clovis areas. The topic discussed was the Japanese internment during World War II. Two internees also spoke at the event.

In November of 2017, Federal Judges within the Fresno Division, Superior Court Judges in Fresno, attorney members, and other local attorneys presented Operation Protect & Defend to high school students in several local high schools within the Fresno and Clovis areas. The topic discussed was the Japanese Internment during World War II.

In January of 2018, the San Joaquin Valley Chapter of the FBA presented its annual MCLE program, with programs dealing with elimination of bias, competency (substance abuse), and legal ethics. This event is offered to members of the San Joaquin Valley Chapter of the FBA without charge as a member benefit.

In March of 2018, the San Joaquin Valley Chapter of the FBA hosted its annual Open Doors program at the Federal courthouse. District Court and Magistrate Judges from the Fresno Division presided over mock trials that pitted AUSAs against AFDOs. Approximately 250 high school students attended mock trials held in separate courtrooms, as well as joint sessions where representatives from Federal agencies, including the FBI, United States Marshall, pretrial services, Homeland Security, the Secret Service, USAO, FDO, and others spoke to students about their offices and positions.

In May of 2018, the San Joaquin Valley Chapter of the FBA held its annual Yosemite Law Day program in Yosemite Valley. The topic discussed was equal

protection. Over 400 students from local middle schools plus their teachers and chaperones attended the program.

In May of 2018, the San Joaquin Valley Chapter of the FBA hosted a Young Lawyers Mixer to encourage membership in the San Joaquin Valley Chapter of the FBA and promote interest in Federal practice by young attorneys within the Fresno area. Approximately 35 to 40 young attorneys attended this event.

In June of 2018, the San Joaquin Valley Chapter of the FBA held its annual Court Staff Appreciation Day at which it hosted law clerks, courtroom deputies, and members of the Clerk's Office and their families in the Fresno Division to a dinner and Grizzlies baseball game at Chuckchansi Park in Fresno.

In June of 2018, the San Joaquin Valley Chapter of the FBA sponsored the Summer Institute during which local educators learned about Federal law, Federal practice, and other aspects of the law. The topic of this year's event was equal protection. Local teachers attending this event received continuing education credit.

In June of 2018, the San Joaquin Valley Chapter of the FBA sponsored a Brown Bag Lunch for its members and other attorneys practicing in the Fresno area. Magistrate Judges from the Fresno Division discussed topics of interest and practice tips.

In February of 2018, the Board of Directors of the San Joaquin Valley Chapter of the FBA created a special board position for a young attorney (i.e., an attorney who has been in practice for 5 years or less, or who is 36 years old or younger) to encourage participation by a young attorney within the Central Valley. Steven Vote, an associate with Wanger Jones & Helsley in Fresno, was elected the first young lawyer representative of the Board.

In December of 2017, lawyer volunteers and local certified public account volunteers with the Tax Court *Pro Se* Program sponsored by the San Joaquin Valley Chapter of the FBA represented and assisted *pro se* taxpayers with cases pending before the United States Tax Court at the Calendar Call held at the Federal courthouse in Fresno. Four volunteer attorneys and three volunteer certified public accountants assisted multiple *pro se* petitioners at the Calendar Call. In May of 2018, the Chief Judge of the United States Tax Court advised the Coordinator for the Tax Court *Pro Se* Program that its application for annual renewal had been approved, authorizing the Tax Court *Pro Se* Program to represent *pro se* taxpayers before the Tax Court through June 30, 2019.

### **ADR and Pro Bono Program**

The Eastern District's pro bono program is comprised of a panel of volunteer attorneys willing to take appointments in prisoner civil rights cases. Currently approximately 350 attorneys serve on the panel. In 2017 the court appointed attorneys to 32 cases and has appointed attorneys to 14 cases so far in 2018.

The ADR program includes the Voluntary Dispute Resolution Program (VDRP), which is available for parties in non-prisoner cases as a means to informally resolve their disputes. In 2017, 104 cases were referred to VDRP.

Prisoner ADR programs for Section 1983 cases are also a component of the program. In 2010, the court and members of the University of the Pacific, McGeorge School of Law's faculty established a prisoner mediation clinic. The students enrolled in the clinic conduct mediations with Magistrate Judges Kellison and Newman. With Judge Kellison's retirement scheduled for later this summer, starting in fall 2018 Judge Delaney will be taking over Judge Kellison's role with the clinic. The Clinic was recognized when the University received the 2013 Ninth Circuit ADR Education Award. The Clinic has just completed its eighth year. In 2016 the court started an early ADR pilot project for prisoner civil rights cases in the Sacramento Division, setting settlement conferences before discovery had occurred. The program expanded to the Fresno Division in 2017, and so far over 60% of the cases in the program have settled.