

EASTERN DISTRICT OF WASHINGTON





United States District Court
Eastern District of Washington

Annual report to the Ninth Circuit

2018

Anaheim, CA

I. New faces at the Judicial Conference

A. Erika Hartliep



Erika Hartliep is a litigation attorney in the Yakima office of Stokes Lawrence. She assists businesses with employment, land use, agricultural, and contract disputes. Erika advises and guides clients in their civil matters, in state and federal court and before administrative agencies. Before joining Stokes Lawrence, Erika served as a Staff Attorney to the Hon. Edward Shea with the U.S. District Court for the Eastern District of Washington for 14 years. She also served on the Eastern District of Washington's Civil Pro Se Committee and assisted with the STEP program. Erika earned a B.S. in Agricultural Economics from Washington State University and her J.D. from the University of Idaho College of Law. She began her 3-year term as a Ninth Circuit Lawyer Representative for the Eastern District in 2017.

B. John Drake



John Drake's practice focuses primarily on civil litigation, with an emphasis on commercial disputes, real estate transactions, employment matters, and trust and estate administration. John also maintains an active appellate practice in both the state and federal courts of appeals. Prior to entering private practice, John clerked for Chief U.S. District Judge Thomas O. Rice.

II. New Roles in the Eastern District

The Eastern District has convened a Committee of the Judges, Lawyer Reps/Eastern District Bar to look at the issue of jury implicit bias and propose recommendations on tools to address the issue.

III. News, Training, Seminars, and Conferences

A. AWARDS

At the recent graduation ceremony for the Gonzaga Law School, Judge Rosanna Peterson was awarded the Gonzaga University School of Law's 2018 Law Medal. The award was in recognition of Judge Peterson's dedicated work in federal and state criminal defense, employment and education law, and her service to the Washington Women Lawyers Bar Association and the Federal Bar Association of Eastern Washington.

B. The Eastern District's Annual Conference & CLE

On September 29, 2017, the Eastern District of Washington held a conference which was well attended by members from the district and included the following speakers and topics:

1. State of the District Report
 - Hon. Thomas O. Rice, Chief U.S. District Judge, E.D. of Washington
2. Legislative Efforts to Split the Ninth Circuit
 - Hon. Richard C. Tallman (Judge, United States Court of Appeals for the Ninth Circuit)
3. Federal-State Conflicts
 - Hon. Robert Ferguson (Attorney General, State of Washington)
4. Executive Authority
 - Jonathan Turley (Professor, George Washington School of Law)
5. National Federal Bar Association Update
 - Joseph Leventhal (FBA Vice President for Ninth Circuit)
6. Cybersecurity
 - Nick Oldham (King & Spalding)
7. The Bankruptcy Court's Authority and Jurisdiction
 - Hon. Frederick P. Corbit (Chief Bankruptcy Judge, Eastern District of Washington)
8. Title IX
 - Cari Simon (Fierberg National Law Group, Sara Ainsworth (Legal Voice), Stephanie Whaley (Title IX Director, Gonzaga University), Annika Scharosch (Washington State Assistant Attorney General)
9. Pretrial Diversionary Programs

- Hon. Dolly Gee (Judge, United States District Court for the Central District of California), Allyson Theophile (Pretrial Services Officer, United States District Court for the Central District of California), Steven Wolfe (retired Assistant United States Attorney), Joseph Harrington (Acting United States Attorney, Eastern District of Washington)

10. Developments in Marijuana Law

- David Spellman (Lane Powell), Alex Kreit (Professor, Thomas Jefferson School of Law)

C. 12th Annual Federal Civil Practice seminar

The 12th Annual Federal Civil Trial Practice Seminar was held on May 18, 2018. The Federal Civil Practice Seminar is sponsored annually by the Benton-Franklin County Bar Association, at the Richland federal courthouse of the Eastern District and has become very popular. The seminar regularly features federal and local rule updates, technology demonstrations, and presentations on procedural and substantive issues by experienced federal court practitioners and judges. The 12th Annual Seminar featured a keynote ethics presentation by University of Washington School of Law Professor Hugh Spitzer.

The 2018 seminar also included a panel on whistleblower actions by attorneys Alex Higgins, Sandra Kent, and Sarah Wixson, moderated by Professor Monique Lillard from the University of Idaho College of Law; a panel on selecting and effectively using expert witnesses by attorneys Andrea Clare, Chad Mitchell, and David Smith, moderated by U.S. District Court Judge Edward Shea; and a presentation on persuasive trial technology by attorney Karen Koehler. The case and rule update was conducted by U.S. District Court Judge Salvador Mendoza, Jr. along his and Judge Shea's staff attorneys. The ever so popular "Ask the Judges" panel was presented by U.S. District Court Judges Robert Whaley and Lonny Suko and Magistrate Judge Mary Dimke, moderated by attorney Erika Hartliep.

As part of the 12th Annual Federal Seminar new attorney members were sworn in to the Eastern District bar and attorney Shea Meehan updated the seminar attendees about the Ninth Circuit and Federal Bar.

D. The Annual Justin L. Quackenbush Lecture

The annual Justin L. Quackenbush Lecture, which is named in honor of Senior U.S. District Judge Justin L. Quackenbush, was held at Gonzaga University School of Law. This year's guest lecturer was George Socha, Managing Director, BDO, who spoke about Corporate E-Discovery and Privacy Concerns in the Digital Age.

IV. Government and Public Defense updates

A. U.S. Attorney's Office Update

The United States Attorney's Office for the Eastern District of Washington prosecutes federal crimes in the Eastern District of Washington and represents the interests of the United States in affirmative and defensive civil litigation in District Court and at the Ninth Circuit Court of Appeals. Joseph Harrington is currently the United States Attorney. Fourteen Criminal and six Civil Assistant United States Attorneys (AUSAs), along with twenty one administrative and support staff, are stationed in the Spokane Office. Five additional AUSAs are stationed in the Yakima Branch Office along with five administrative and support personnel.

During 2017, and thus far in 2018, the Criminal Division prosecuted a wide array of criminal cases, including violent crimes, immigration, drug, gun, gang, and terrorism related cases, as well as crimes against children, serious fraud, and Indian Country cases. During this period, the Criminal Division successfully tried a number of cases to guilty verdicts before juries in Spokane, Yakima, and Richland, including a murder for hire case, multiple drug cases, a child enticement case, multiple fraud cases, firearms cases, and an assault case, among others. Many other significant criminal cases also resolved by way of plea agreement. Numerous criminal cases were also defended on appeal at the Ninth Circuit Court of Appeals. In addition, the Criminal Division continued its longstanding efforts to implement the Department of Justice's directives to focus prosecution resources on terrorism, violent and repeat offenders, immigration offenses, as well as those offenders who prey on children and other vulnerable victims.

The Civil Division continues to represent the interests of the United States in both a defensive and affirmative capacity. During the past year, the Civil Division handled several employment discrimination cases, complex medical malpractice actions with catastrophic injuries, as well as general tort claims against multiple federal agencies. Additionally, the Civil Division has a substantial case load involving various types of issues reviewable under the Administrative Procedures Act (APA). The Civil Division AUSAs have argued several appeals to the Ninth Circuit Court of Appeals, prevailing in all of those appeals. In addition, the Civil Division provides local support for civil

cases being litigated by the Department of Justice. With respect to affirmative litigation, the Civil Division has participated in the prosecution of several cases filed under the False Claims Act, including qui tams against federal contractors, and drug diversion investigations. The Civil Division continues its active collection of restitution owed to victims of crimes and debts owed to the United States. Over the last year, the Civil Division collected approximately \$130 million dollars in criminal and civil judgments, including restitution, penalties, and fines, owed to victims and the American taxpayer.

Finally, in 2017 and thus far in 2018, one AUSA began a detail with the Department of Justice's Child Exploitation and Obscenity Section as a Senior Litigation and Training Attorney and another AUSA remains on detail as a Resident Legal Advisor in Jakarta, Indonesia.

B. Federal Defenders' Update

The Federal Defenders for the Eastern District of Washington & Idaho continues to zealously represent indigent defendants facing federal criminal charges. During the past year, the office obtained acquittals in cases proceeding to trial; won dispositive suppression motions; and secured several dismissal in immigration-related cases.

In addition to its in-house work, the Federal Defenders also continued its dedication to training the members of the CJA panel and the local criminal-defense bar. Most notably, in conjunction with the U.S. District Court for the Eastern District of Washington, the office continues to develop and grow the CJA Panel mentoring program. As part of that program, young attorneys and attorneys inexperienced in federal criminal practice will be paired with attorneys at the Federal Defenders (or an experienced CJA Panel member) to work through criminal cases. The ultimate goal is to ready these practitioners for admission to the CJA Panel, thus ensuring the continuation of robust representation throughout the District in the years to come. There are currently 18 attorneys participating in the CJA Panel mentoring program.

Finally, during the past year the Federal Defenders brought on 3 new attorneys: David Fletcher, who hails from Mississippi; Miles Pope, who hails from New York; and Paul Shelton, who hails from Louisiana. The Federal Defenders also welcomed Eric Hendrikson, who used to work at the United States Probation Office, as a mitigation specialist.

Federal Court Community

Active Judges	
Chief Judge Thomas O. Rice	Judge Rosanna M. Peterson
Judge Stanley A. Bastian	Judge Salvador Mendoza, Jr.
Senior Judges	
Judge Justin L. Quackenbush	Judge Robert H. Whaley
Judge Wm. Fremming Nielsen	Judge Edward F. Shea
Judge Fred L. Van Sickle	Judge Lonny R. Suko
U.S. Magistrate Judges	
Judge John T. Rodgers (Spokane)	Judge Mary K. Dimke (Yakima)
U.S. Bankruptcy Judges	
Chief Judge Frederick P. Corbit	Judge Frank L. Kurtz
Judge John Rossmeyssl	
Court Clerks	
Sean F. McAvoy, District Court Executive	Bev Benka, Bankruptcy Court Clerk
United States Probation	
Matt Thompson, Chief Probation Officer	
U.S. Attorney's Office	
Joseph Harrington, U.S. Attorney for the Eastern District of Washington	
Federal Defenders	
Andrea George, Executive Director of the Federal Defenders of Eastern Washington and Idaho	

Federal Bar Association Officers and Trustees			
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Lawyer Representatives		
Name	Date Service Began	Date Service Ends
Shea Meehan (Co-Chair) Walker Heye Meehan & Eisinger, PLLC 1333 Columbia Park Trail, Suite 220 Richland, WA 99352 509.735.4444 smeehan@walkerheye.com	2016	2018
James A. Goeke U.S. Attorney's Office P.O. Box 1494 Spokane, WA 99210 509.353.2767 James.goeke@usdoj.gov	2015	2018
Blanca Rodriguez Northwest Justice Project 311 N. 4th Street, Suite 201 Yakima, WA 98901 509.574.4234 blancar@nwjustice.org	2015	2018
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Respectfully submitted,

Blanca Rodriguez

Shea Meehan

Jim Goeke

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Lawyer Representatives for the Eastern District of Washington