



Capitol Assets

Newsletter of the Capitol Hill Chapter Of the Federal Bar Association

July 2002

Justice Breyer addresses Chapter at Supreme Court

The Honorable Stephen G. Breyer, Associate Justice, U.S. Supreme Court, was the guest of the Capitol Hill Chapter at its April 11 luncheon in the West Conference Room of the Court. The event was filled to capacity as Justice Breyer joined Chapter President Bruce Kasold, former Chapter and FBA national President Jackie Goff, and Supreme Court clerk and Chapter Council member Bill Suter, for the luncheon. Justice Breyer then provided informal remarks about the Court and its work and answered questions from the audience. The luncheon at the Supreme Court has become an eagerly anticipated annual tradition for the Chapter.

Justice Breyer attended Oxford University and Harvard Law School and served as a law clerk to Justice Goldberg during the 1964 term. He then served as a Special Assistant to the Assistant U.S. Attorney General for Antitrust, an Assistant Special Prosecutor of the Watergate Special Prosecution Force and as Chief Counsel to the Senate Judiciary Committee. Justice Breyer became a professor at Harvard Law School for over twenty years (1967-1994) and served as a Judge of the U. S. Court of Appeals for the First Circuit for ten years (1980-1990) before serving as its Chief Judge from 1990-1994. While on the Court of Appeals he also served as a member of the Judicial Conference of the United States and of the U.S. Sentencing Commission. President Clinton nominated him as an Associate Justice of the Supreme Court

Message from the President

Chapter President Bruce Kasold

As you can see from even a cursory reading of this newsletter, we have had an extremely active program this year, blessed with national leaders and outstanding speakers. The best way to keep informed about upcoming events is to regularly check our website: www.24.brinkster.com/fbacapitolhill/index. While we are not always able to mail you a flyer, each event is posted on the web site as soon as we confirm a guest speaker.

We also are making greater use of e-mails, and anyone interested in receiving e-mail notice of upcoming events should ensure the FBA has your e-mail on record. See page three of this newsletter for FBA contact information.

continued on page 6

Chapter Unveils Its Website

The Chapter's new Website is now online!

Check it out at

<http://www24.brinkster.com/fbacapitolhill/index.htm>

Please bookmark the link for future reference!

For your convenience, the Website contains updates on programs and other events (including announcements and reservations forms). The site has a "What's New" page as well as links to information on FBA membership, Chapter committees, the newsletter, information for law students, and to the national FBA website. Also included is a directory of Chapter officers and Council members with contact information, including e-mail addresses.

INSIDE THIS ISSUE

- 2** Highlights of the 2002 Program Year
- 3** Calendar of Upcoming Events
- 3** June Ethics CLE Program
- 4** Chapter Officers and Council Members
- 5** New Members and More Highlights

Brian Lamb & C-Span

On February 20 the Chapter presented a catered luncheon with informal remarks from television personality Brian Lamb followed by a tour of C-SPAN headquarters. Brian Lamb helped found C-SPAN, the Cable-Satellite Public Affairs Network, and has served as the company's chief executive officer since it's beginning in 1979.

Today, more than 81 million households can tune in C-SPAN's television network. The concept of a public affairs network that provides in-depth coverage of national and international issues originated from Mr. Lamb's experience as a journalist and a political press secretary. His idea for a public affairs network delivered by satellite began to take shape in 1974 with his publication of a biweekly newsletter on the media and his covering communications issues as Washington bureau chief for Cablevision magazine. By 1977, Mr. Lamb had won the support of key cable industry executives for a channel that could deliver gavel-to-gavel coverage of the U.S. Congress. Organizing C-SPAN as a not-for-profit company, the group built one of D.C.'s first satellite uplinks and delivered the first televised session of the U.S. House of Representatives to 3.5 million cable households in March 1979.

Senator Thad Cochran

Senator Thad Cochran (R-MS) was a guest of the Chapter at a February 13 luncheon program in the Hugh Scott Room of the U.S. Capitol. The Senator fielded questions on a wide variety of current issues. The Senator was first elected in 1978, becoming the first Republican in over 100 year to win a statewide election in Mississippi, following three terms in the House of Representatives. The Senator is a graduate of the University of Mississippi law school. Senator Cochran currently serves on the Appropriations Committee, including the Subcommittee on Agriculture, Rural Development and Related Agencies, the Subcommittee on Interior, and the Subcommittee on Labor, Health and Human Services, and Education. Senator Cochran also serves on the Governmental Affairs Committee, including its Subcommittee on International Security, Proliferation and Federal Services, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, and the Permanent Subcommittee on Investigations. The Senator further serves on the Committee on Rules and Administration and the Committee on Agriculture, Nutrition, and Forestry, including the Subcommittee on Marketing, Inspection and Product Promotion, and the Subcommittee on Production and Price Competitiveness.

With cable industry support, C-SPAN grew rapidly and today employs 275 people and offers three 24-hour television networks: C-SPAN (House of Representatives and other public affairs programming), C-SPAN2 (created in 1986 to cover Senate proceedings), and C-SPAN3 (launched in January, 2001). C-SPAN also has a radio presence and is adapting to new technologies such as digital TV, satellite radio and the internet (www.c-span.org).

A regular on-air presence for C-SPAN, Brian Lamb has also hosted *Booknotes* since the program's inception in 1989, taping more than six hundred nonfiction author interviews and has published several books based on the series, the most recent being, "Booknotes: Stories from American History."

Brian Lamb's first appearance as a guest of the Chapter several years ago was very well received and led to the Chapter inviting him again to meet the membership.

Electronic Discovery: The Challenges and Opportunities of Electronic Evidence

Electronic Discovery was the topic of a March 15 Chapter educational program held at the Judicial Conference Center in the Thurgood Marshall Federal Judiciary Building. Discovery is changing in response to the use of computers as more and more cases involve e-mail, automated word processing, spreadsheets, and records of Internet activity. In many cases computer-based discovery generates disputes over the scope of disclosure, form of production, privilege, and spoliation. Besides the high costs associated with computer-based discovery, attorneys encounter hurdles when they fail to understand their own clients' computer systems, routines, capabilities, and limitations. Early identification of potential discovery problems and early resolution is key to reducing costs and delay in cases involved computer-based discovery.

The program selected two "hot" issues: the issuance of a data preservation order at the outset of discovery and judicial consideration of the scope and cost of discovery involving the restoration of backup media and legacy system data. Those attending had a chance to view on videotape hearings on two mock discovery motions presided over by Magistrate Judge Brent McKnight of the Western District of North Carolina. "Monday-morning quarterback" commentary and answers to questions were provided by Magistrate Judge John Facciola of the D.C. District Court and Federal Judicial Center Research Associate Ken Withers, co-author of the FBA's new publication, "Electronic Discovery: The Challenges and Opportunities of Electronic Evidence."

Rep. Ben Cardin

Congressman Benjamin Cardin (D-MD) was the Chapter's lunchtime guest on March 21. Rep. Cardin had addressed the Chapter last year and focused his remarks this year on his legislation to reauthorize the Temporary Assistance for Needy Families Program (TANF). Rep. Cardin has served in the House since 1987 and is a member of the Ways and Means Committee, serving as Ranking Member of the Human Resources Subcommittee and on the Social Security Subcommittee. In the House, the Congressman has been a leader in shaping health care policy, having authored legislation to provide a Medicare prescription drug benefit for chronic illnesses, among many achievements in the health and social welfare areas. Rep. Cardin previously served as speaker in the Maryland House of Delegates, and was involved in reforming Maryland's property tax system, school financing, and ethics standards for elected officials. Rep. Cardin is a 1967 graduate of the University of Maryland law school.

UPCOMING EVENTS

SENATOR TED STEVENS

LUNCHEON PROGRAM AT THE CAPITOL

JULY 24

Details to be announced; check website!

HAVE A GREAT SUMMER!

ELECTIONS FOR OFFICERS/COUNCIL MEMBERS

September

ANNUAL MEETING

LUNCHEON PROGRAM

SEPTEMBER/OCTOBER

Details To Be Announced.

DO WE HAVE YOUR E-MAIL ADDRESS?

The Capitol Hill Chapter would like to have your e-mail address so that we may send you event announcements and program updates by e-mail, which is easier and less expensive than mailing flyers. If you are not already receiving such announcements and updates by e-mail, please submit your e-mail address online at www.fedbar.org/addchange.htm or contact FBA at (202) 785-1614. Thank you!

Chapter Members in the News

Chapter President **Bruce Kasold** has been nominated by the President to be a Judge of the United States Court of Appeals for Veterans Claims. He is currently pending confirmation by the Senate.

Former Chapter President **Herb Dunn** is seeking another term as one of two Federal Bar Association Vice Presidents for the D.C. Circuit, a position Herb has served in for many years.

Chapter Treasurer **James Scott** is training to run a marathon and then a half marathon to raise funds for The Leukemia & Lymphoma Society to help patients with blood-related cancers.

Former Chapter Treasurer **Susan Irwin** retired from the General Accounting Office in June. She was in GAO's Office of General Counsel for 24 years, most recently specializing in environmental issues. She plans to stay in the area and continue attending Chapter events.

Supreme Court Attorney **Cynthia J. Rapp** has been appointed by Chapter President Bruce Kasold to serve on the Chapter Council as one of the Court's two representatives.

June Ethics Program

On June 20, the Chapter presented the sixth annual Robert D. Poling Symposium on Professional Responsibility for Government Attorneys at the Library of Congress, Mumford Room. This half day CLE program continues to honor the memory of **Bob Poling**, who was actively involved with the Chapter and previous Chapter Ethics CLE programs before his untimely death in 1996. Carol Poling, Bob's wife, attended the program, as did several of his colleagues from the Library of Congress.

This year's symposium was on **Legal Ethics, Professional Responsibility, and Lawful Use of the Internet** and included several speakers. Stacy Ludwig of the Department of Justice's Professional Responsibility Advisory Office addressed professional responsibility requirements in D.C. Robert Kasunic of the U.S. Copyright Office of the Library of Congress addressed copyright and Internet issues. Hope O'Keeffe, Acting General Counsel of the National Endowment for the Arts, focused on government agency policies and practices on use of Internet and e-mail. Jeffrey Berger, a private practitioner in D.C., spoke about privacy and confidentiality issues associated with use of the Internet in the practice of law. Flayo Kirk, of the legal staff of the Defense Information Systems Agency, addressed professional responsibility regarding copyrighted works from a government operations perspective.

Officers and Council Members, 2001-2002

OFFICERS

Bruce Kasold, President
General Counsel
Secretary of the Senate
202-224-3448

William Van Horne, President-Elect
Legislative Assistant
House of Representatives
202-225-4016

Diane Wolf, Vice President
202-342-7134

Keith D. Simmons, Secretary
Counsel
Secretary of the Senate
202-224-8789

James G. Scott, Treasurer
Assistant Counsel
Senate Legislative Counsel
202-224-6461

Melissa Mueller, Immediate Past President
Legislative Director
House of Representatives
202-225-5601

Adam Vodraska, Past President
Senior Attorney
General Accounting Office
202-512-8267

COUNCIL MEMBERS

House of Representatives

Warren Burke 202-225-6060
Dennis Ellis 202-225-2311

Senate

Amy E. Gaynor 202-224-6461
William F. Jensen 202-224-6461

General Accounting Office

Amy Webbink 202-512-4764
Craig Winslow 202-512-8225

Library of Congress

Charlotte Douglass 202-707-8386
Mary Levering 202-707-8350

Supreme Court

William K. Suter 202-479-3014
Cynthia J. Rapp 202-479-3011

Government Printing Office

Kerry Miller 202-512-0008
Tony Zagami 202-512-0033

National Judicial Offices

Mark Braswell 202-502-1708
Jennifer Evans Marsh 202-502-4095

At-Large

Dale Bosley 703-548-2740
Gary Greenfield 202-707-1592
Robert Lincoln 202-707-1597
Jeffrey A. Hennemuth 202-502-1817
Barry Shillito 202-512-4663

Capitol Hill Chapter officers and Council Members serving this year are listed above. Officers serve until October 2002. The terms of Council Members are staggered. If you are interested in serving as a Chapter officer of Council Member please contact one of the officers or council members listed above.

Newsletter

We are eager to hear about *your* news, such as professional announcements, publications, speeches, testimony and so forth, for possible inclusion in a future newsletter. Please let us know! Please send any newsletter submissions to Adam Vodraska (phone 202-512-8267; fax 202-512-8316; e-mail vodraska@prodigy.net).

GET INVOLVED WITH CHAPTER COMMITTEES!

The Chapter currently has several active committees:

- Programs
- Professional Affairs
- Newsletter
- Membership
- Communications/Outreach
- Adopt-A-Law School

If you would like to become involved in any of the activities of these committees, they are open to members and your participation is most welcome! Please contact any Chapter officer or council member for further information. We are particularly seeking assistance from Chapter members who may have had experience with establishing and maintaining Web sites and electronic mailing lists.

The Chapter Welcomes These New Members:

Mathew McGhie, Senate Office of Legislative Counsel

Stephanie Easley, Senate Office of Legislative Counsel

Patrick Heck, Senate Finance Committee

Jeffrey McMillen, House Ways and Means Committee

Jennifer Testut, Senate Office of Legislative Counsel

Avon Williams, Army

Michael Davidson, Department of Justice Civil Division

Edgar McClellan, Senate Finance Committee

2003 FBA National Convention

Please consider joining the Federal Bar Association's planning effort for the 2003 national convention, which will take place nearby in Northern Virginia. The Convention Planning Committee meets periodically at the FBA headquarters. If interested in participating, please contact Crystal Younger at (202) 785-1614 ext. 121 or e-mail, cyounger@fedbar.org.

Solicitor General Ted Olson

The Honorable Theodore Olson, the Solicitor General of the United States, addressed the Chapter May 22 at the filled-to-capacity Members Room of the Library of Congress Jefferson Building. Mr. Olson spoke about the operations of his office, how appeals are handled, and about his experiences at the Supreme Court representing the United States.

Mr. Olson stated that he has made a point of attending every oral argument made by his Office before the Court since the beginning of the term just ended. According to a recent *Legal Times* article, during that time the U.S. government participated in 65 of the 83 oral arguments before the Court – “a remarkable dominance of the docket.” Further, Mr. Olson has won all eight cases he argued as the government's lead appellate lawyer and his office has won 84 percent of its cases at the Supreme Court.

A Justice Department veteran, Mr. Olson served President Reagan as Assistant Attorney General for the Office of Legal Counsel from 1981 to 1984. From 1984 until taking office as the Solicitor General in 2001, he was a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher, where he concentrated on constitutional law, appellate litigation, federal legislation, and media and commercial disputes, served on that firm's management and executive committees, and co-chaired the firm's Appellate and Constitutional Law Practice Group. Mr. Olson has written and lectured extensively on appellate advocacy, oral communication in the courtroom, civil justice reform, punitive damages, and constitutional and administrative law. Before being appointed Solicitor General by President Bush, Mr. Olson argued 15 cases before the Supreme Court of the United States, including *Bush v. Gore*, which he won and which resolved the disputed Presidential election.

Rep. Barney Frank

Congressman Barney Frank (D-MA) addressed the Chapter on June 11 during a lunchtime program at the Library of Congress. He focused on the balance between security and civil liberties in wartime, including the USA Patriot Act passed after Sept. 11. Rep. Frank was first elected to the House in 1980 and is currently serving in his 11th term in Congress. Congressman Frank is a member of the House Judiciary Committee, and serves on the Constitution Subcommittee as well as the Immigration and Claims Subcommittee. He also is a member of the House Financial Services Committee, and serves as the Ranking Minority Member on the Housing and Community Opportunity Subcommittee. Prior to his election to Congress he served in the Massachusetts House of Representatives and as an assistant to the Mayor of Boston. During his service in Boston, he taught at several Boston area universities after receiving his law degree from Harvard University in 1977.

President's Message from page 1

I also would like to invite each of you to become more active in our Chapter by seeking to serve as a Chapter officer or council member, by sharing your suggestions for programs and program speakers and helping to organize them, and by letting your attorney friends know about the Capitol Hill Chapter and the Federal Bar Association and encouraging them to join you in Chapter and Bar activities.

Finally, I would like to thank each of you, particularly the Chapter officers and council members, for your outstanding support this year. It truly has been a pleasure to serve you and to serve with you.

Bruce Karola, Chapter President

FBA Capitol Hill Chapter
PO Box 75971
Washington DC 20013

ADDRESS CORRECTION REQUESTED