

Honors and Awards

The American College of Trial Lawyers, an honorary association comprised of experienced U.S. and Canadian trial lawyers who have mastered the art of advocacy and who adhere to the highest standards of ethical conduct and professionalism, inducted 129 new Fellows at the ACTL annual meeting in Boston on Oct. 10, 2009. This year's inductees include the following FBA members: **Joseph C. Areliano**, Portland, Ore.; **Sam F. Baxter**, Marshall, Texas; **Gregg L. Bernstein**, Baltimore; **Michael D. Cok**, Bozeman, Mont.; **Francisco J. Colon-Pagan**, San Juan, P.R.; **William G. Dryden**, Boise, Idaho; **Kevin P. Durkin**, Chicago; **Brook Hart**, Honolulu; **Olen G. Haynes**, Johnson City, Tenn.; **Robert M. Kincaid Jr.**, Columbus, Ohio; **John F. McCaffrey**, Cleveland; **Terry E. Richardson Jr.**, Barnwell, S.C.; **Joseph F. Savage Jr.**, Boston; **Robert A. Shlachter**, Portland, Ore.; **Timothy J. Sullivan**, Greenbelt, Md.; and **Roger M. Synenberg**, Cleveland. ... **David Calzone**, a shareholder in Vercruyse, Murray & Calzone P.C. in Detroit, was recently named to the "Top Lawyers in Metro Detroit" in *DBusiness* magazine. Calzone, who was recognized for his professional ability and ethical standards in the labor and employment category, has extensive experience practicing on behalf of employers in the public and private sector in the areas of employment discrimination, labor litigation, labor arbitration, appellate litigation, and complex/class action litigation. ... Several FBA members from Zuckerman Spaeder LLP were recently recognized by *Benchmark Litigation*, which held interviews with the nation's leading private practice lawyers and in-house counsel to compile the list. Tampa attorneys **Lee Fugate** and **Morris "Sandy" Weinberg Jr.** as well as Baltimore attorneys **Cyril V. Smith**, **Gregg L. Bernstein**, **Herbert Better**, and **Martin S. Himeles Jr.** were recognized as "Local Litigation Stars." **P. Andrew Torrez**, also of Baltimore, was recognized as a "Future Star." ... **Judge Kim McLane Wardlaw** of the U.S. Court of Appeals for the Ninth Circuit was honored recently by the Women Lawyers Association of Los Angeles,

one of the nation's oldest and largest professional organizations for women in the law. Judge Wardlaw was presented with the Ernestine Stahlhut Award at the WLALA's annual awards and installation dinner held Sept. 17 at the Omni Hotel in Los Angeles. Judge Wardlaw also was recognized as a past president of the association, which is celebrating its 90th year of promoting the interests of women in the legal profession. The Stahlhut Award recognizes a female judge or lawyer who has demonstrated outstanding character and dedication, made significant contributions to the cause of justice, challenged other women to excel in the legal field, and encouraged young women to enter the profession.

Practitioners' News

Elizabeth Ricci of Rambana & Ricci PA was appointed as American Immigration Lawyers Association—Central Florida Chapter's liaison to the Florida Department of Highway Safety and Motor Vehicles. ... **Magistrate Judge Karen Wells Roby** of the U.S. District Court for the Eastern District of Louisiana has been elected treasurer of the Federal Magistrate Judges Association for 2009–2010. Judge Roby is a past chair of the FMJA Diversity Committee and has served on committees with the Eastern District of Louisiana, the Louisiana State Bar Association, and the New Orleans Bar Association.

Obituary

Senior Judge Melvin T. Brunetti of the U.S. Court of Appeals for the Ninth Circuit died on Friday, Oct. 30, 2009, at his home in Reno after a long battle with cancer. He was 75 years old and had been in his 24th year of service on the court. Nominated by President Ronald Reagan and confirmed by the Senate in 1985, Judge Brunetti served as an active judge until 1999, when he took senior status.

Judge Brunetti's noteworthy opinions include the following:

- *Osborne v. District Attorney's Office for the Third Judicial District*, 423 F.3d 1050 (9th Cir. 2005), after remand, 521 F.3d 1118 (9th Cir. 2008), reversed, 129 S. Ct. 2308 (2009):

Judge Brunetti held that an Alaska inmate's § 1983 action for post-conviction access to DNA evidence was not barred by *Heck v. Humphrey* and, after remand, that due process conferred a right of access to the evidence. The Supreme Court later reversed his ruling, voting 5-4 on the issue of due process.

- *Harris v. Vasquez*, 949 F.2d 1497 (9th Cir. 1990): Judge Brunetti upheld the murder conviction and death sentence of Robert Alton Harris on habeas review
- *Adamson v. Ricketts*, 789 F.2d 722, 735 (9th Cir. 1986) (en banc) (dissenting), reversed, 483 U.S. 1 (1987): Dissenting from the en banc majority, Judge Brunetti wrote that double jeopardy did not bar the defendant's prosecution for first-degree murder in connection with a bombing in Phoenix. He was later vindicated by a Supreme Court reversal of the Ninth Circuit's ruling.

Judge Brunetti attended the University of Nevada and the University of California Hastings College of the Law, where he received his J.D. in 1964. Judge Brunetti practiced in Nevada with Vargas, Bartlett and Dixon from 1964 to 1969; Laxalt, Bell, Berry, Allison and LeBaron, as an associate from 1970 to 1971 and as a partner from 1971 to 1978; and Allison, Brunetti, MacKenzie, Hartman, Soumbeniotis and Russell, where he was a shareholder from 1978 until his appointment to the federal bench. He also served as president of the Nevada State Bar Association from 1984 to 1985.

Family and friends recall Judge Brunetti as a natural leader, a man of principle and character in all aspects of his life and professional career and as someone who pursued every endeavor with great enthusiasm. Judge Brunetti is survived by his wife of 44 years, Gail; two children; two grandchildren; and four great-grandchildren. **TFL**

FBA Hearsay is compiled by Sarah Perlman, FBA communications coordinator. Send your information to sperlman@fedbar.org or *FBA Hearsay*, 1220 N. Fillmore Street, Suite 444, Arlington, VA 22201.