



Federal Bar Association
Alaska Chapter
Darrel J. Gardner – Chapter President



February 2014

Federal Bar Association Newsletter

The Alaska Chapter of the Federal Bar Association extends its sincere condolences to the family and friends of retired Senior Alaska District Judge James A. von der Heydt, who passed on December 1, 2013, at the age of 94. Judge von der Heydt's contributions to Alaska's legal history stand as a monument to his continuing legacy.

The Alaska Chapter of the Federal Bar Association (FBA-Alaska) continues to grow, hitting a new all-time record of 60 members in January 2014. In 2013 FBA-Alaska's membership increased by 22%, making it one of the fastest growing chapters in the nation. In 2014 we will continue to offer great programming including regular CLE-approved lunchtime presentations featuring local speakers of interest to the federal bench and bar, and the hosting of two visiting panels from the Ninth Circuit court of Appeals in May and August. We have plans for a luncheon with Senator Mark Begich on April 14, following the dedication ceremony at the federal courthouse, which is being renamed as "The James M. Fitzgerald Federal Courthouse." Also, there will be an unprecedented visit by the current National President of the Federal Bar Association, U.S. District Judge Gustavo Gelpi. Judge Gelpi, who resides in Puerto Rico, will participate in several events during a full-day CLE event on August 22. There will be a historical presentation on the constitutional development of U.S. Territories, and a panel presentation marking the 50th anniversary of the Criminal Justice Act and the Civil Rights Act. There will also be a half-day CLE on federal sentencing that will be co-presented by a staff attorney from the United States Sentencing Commission, all followed by a gala reception. No active FBA National President has ever visited Alaska, so this promises to be a highly anticipated event! Mark your calendar now if you are interested in attending. Non-FBA members can attend FBA events by paying a non-member registration fee.

The tenth and last meeting of 2013 took place on December 19, 2013: "Taking It Up - Appellate Practice and Procedure with Judge Morgan Christen." Our own Ninth Circuit Court of Appeals Judge, Morgan Christen, shared her experiences and observations after more than a year with the Ninth Circuit. Judge Christen recounted a historic event, the first "all Alaskan" Ninth Circuit panel which convened in Pasadena, California in October. The members of the panel, who were randomly assigned, consisted of Senior Circuit Judge Andrew J. Kleinfeld of Fairbanks, Circuit Judge Morgan Christen of Anchorage, and Senior District Judge John W. Sedwick, also of Anchorage.

The first meeting of 2014 took place on February 11, 2014: "The State of the Court," featuring Chief Judge Ralph R. Beistline, who was joined by District Judge Sharon Gleason and Magistrate Judge Deborah Smith. Judge Beistline highlighted recent events at court, including the addition of Wi-Fi internet service in the Fairbanks and Juneau courthouses; the establishment of 18 federal beds at the Cordova Center for re-entering federal inmates; and, the opening of a new attorney lounge in the Anchorage courthouse. Judge Beistline recounted the

retirement celebration for Magistrate Judge Roberts, who will continue to assist the court until early April 2014. In that same vein, Judge Beistline reported that he will reach Senior Judge status in approximately 22 months.

Initially, Judge Roberts' position was not going to be refilled. However, after much effort, the court was able to obtain authorization for a new part-time magistrate judge. Judge Smith described the search process for the new magistrate judge, which has mostly been completed. A special merit selection committee (comprised of five attorneys and two non-attorneys) has reviewed the 21 judicial applications, conducted interviews, and made final recommendations to the court, which has taken the matter under advisement. The announcement of the court's newest member of the bench will likely be made public by the time this issue of The Bar Rag goes to press.

Judge Gleason announced the formation of a Civil Rules Committee, including Brewster Jamison, Marc June, Margaret Paton-Walsh, Richard Pomeroy, Lane Tucker, and Pam Richter. The goal of the committee is to eliminate unnecessary language and to streamline the rules and to help make them more user-friendly for civil litigants. The bar is invited to review proposed local rule changes and provide comments and suggestions to the Rules Committee. Please contact Judge Smith or any of the committee members for additional information.

Judge Gleason is also looking for members of the bar who might be interested in presenting a short (10 minute) talk at one of the many naturalization ceremonies held throughout the year. Judge Gleason said that naturalization ceremonies reminded her of adoptions and marriages from when she was a state court judge, because they are among the few judicial events where all of the participants are happy to be in court. Judge Beistline commented that one of his fondest memories was of a naturalization ceremony in Fairbanks conducted by none other than U.S. Supreme Court Justice John Roberts.

Both Judge Beistline and Judge Smith discussed the development of a re-entry program in federal court. The court has established a Re-entry Committee including the U.S. Attorney, the Federal Public Defender, and the U.S. Probation Office. The goal of the committee is to work with non-profit and community assistance organizations to help returning offenders with two of the most fundamental needs: Stable housing and employment. The committee hopes to begin a program later this year. The committee is looking into possible funding for a case manager for a pilot program involving 10 or 12 newly released inmates. Similar to state court re-entry programs, the supervisees would be on a much more intensely monitored program. The program would include intervention and assistance at the first sign of difficulty, such as a positive drug test, rather than waiting to see if the issue resolves itself over time. Judge Smith then spoke about the benefits of a re-entry program, particularly with 1 in 28 children in the U.S. having a parent in custody. Judge Smith pointed out the success of a re-entry program in Oregon, which resulted in a 16% decrease in recidivism. Anyone interested in this program should contact Judge Smith or any of the following committee members: Federal Defender Rich Curtner, A.U.S.A. Kim Sayers-Fay, or U.S.P.O. Scott Waters.

For more information, or to join the Federal Bar Association, please contact Darrel Gardner or visit the Chapter website at www.fedbar.org, like us on Facebook at "Federal Bar Association – Alaska Chapter," and follow "Fed Bar Alaska" on Twitter at "@bar_fed."

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