



Winter 2015

# CAPITOL ASSETS

## Inside This Issue:

President's Message	3
Richard Roe	4
Civil Rights Act Tour	5-7
Upcoming Events	8-9
Spotlight on CBO	10

## CHAPTER LUNCHEONS WITH IRS DIRECTOR OF PROFESSIONAL RESPONSIBILITY



Karen Hawkins and Jeff McDermott

On January 23, the Capitol Hill Chapter hosted a luncheon with Karen Hawkins, the current Director of the Office of Professional Responsibility (OPR) for the Internal Revenue Service (IRS). Ms. Hawkins is in charge of overseeing all tax practitioners and tax preparers and ensuring that they adhere to professional standards and legal requirements.

Ms. Hawkins was hired into this position in 2009 after a notable career in private tax practice. She had never worked for a governmental entity, but had dealt with OPR many times in private practice. Then-Commissioner Douglas Shulman wanted an OPR Director familiar with private practice who could win the trust of the tax practitioner community. In fact, Ms. Hawkins is the first person to hold the position who was a private tax practitioner.

Ms. Hawkins described the interesting history of her office. OPR's enabling legislation is not in the tax code, but in the statutes related to the Department of the Treasury in title 31, which grants a certain amount of independence to her office. This independence is important because the entities regulated by OPR represent taxpayers in disputes with the IRS. This legislation dates back to 1884 (pre-dating the Internal Revenue Code) and was passed to control the integrity of the federal claims process following the Civil War. It was originally called the Horse Act, because most claims against the government at that time involved lost horses, but the Treasury soon realized that there were more people were claiming lost horses than the total number of horses in the country. The Act was later amended to allow the Treasury to regulate individuals who prepared claims against the government and appeared before the agency.

OPR's authority also derives from Treasury Circular 230, which is a regulation published after public hearings and notice and comment. In most cases, the standard for discipline in the Circular is willfulness. Ms. Hawkins realized that to prove willfulness, OPR must demonstrate knowledge of the law, so she undertook an educational campaign to ensure practitioners understood the rules by which their conduct is measured. She noted that she gives approximately 100 speeches per year, as well as webinars with live question-and-answer sessions.

According to Ms. Hawkins, OPR is a small office with just eight attorney-advisors, but it regulates between 800,000 and 1 million entities. Most referrals come from IRS revenue and settlement agents, as well as the Inspector General for Tax Administration and the IRS's Criminal Investigation Division. Before her tenure as Director, OPR mainly focused on cases involving the failure of tax preparers and practitioners to pay their own taxes, but Hawkins shifted the focus to larger threats to the integrity of the tax system, such as preparing fraudulent returns or providing false statements to the IRS.

Ms. Hawkins stated that the penalties imposed by OPR can take away a practitioner's livelihood, so she takes her enforcement duties very seriously. She believes that this gravity, as well as her background and educational outreach, has helped to develop trust with the tax preparer and practitioner community.

Capitol Hill Chapter President Jeff McDermott thanked Karen Hawkins for her interesting remarks, which were especially pertinent in the midst of tax season. McDermott presented Hawkins with a small token of the Chapter's gratitude for sharing her time with the Chapter.



IRS Director of Professional Responsibility  
Karen Hawkins speaks to the Capitol Hill  
Chapter at the Government Accountability  
Office on January 23.

**A MESSAGE  
FROM  
CHAPTER  
PRESIDENT  
JEFF  
MCDERMOTT**



Upon assuming the presidency of the FBA last year, Judge Gustavo Gelpí challenged each chapter to hold events to commemorate the 50th anniversary of the enactment of one of the most landmark pieces of legislation in our history: the Civil Rights Act of 1964. I am proud that the Capitol Hill Chapter fulfilled Judge Gelpí's request by hosting three remarkable events.

In July, the Chapter hosted a tour of the Lincoln Cottage, where President Abraham Lincoln wrote the Emancipation Proclamation. The Emancipation Proclamation was invoked by President John F. Kennedy when he called on Congress to pass the Civil Rights Act and by Dr. Martin Luther King, Jr. in his famous "I Have a Dream" speech during the March on Washington.

Also in July, the Chapter hosted Lonnie Bunch, the founding director of the National Museum of African American History and Culture. The Museum will have a major focus on the civil rights movement and will include in its collection the glass-topped coffin that held the body of 14-year-old Emmett Till, whose murder in Mississippi helped galvanize the movement.

Finally, in November, the Chapter hosted a tour of the Library of Congress exhibit: *The Civil Rights Act of 1964: A Long Struggle for Freedom*, which uses documents, photographs, oral histories, and artifacts to tell the story behind the civil rights movement and the Act's passage. The exhibit included President Johnson's remarks upon signing the Act and photographs of the signing ceremony. However, the exhibit does not end with this achievement. It also included information about the continued struggle against discrimination and bigotry, as well as how other campaigns for equality grew out of the civil rights movement, such as women's rights, disability rights, and gay rights.

I want to extend thanks to Judge Gelpí for his challenge and to the chapter members who attended our events. During his remarks to the Chapter, Lonnie Bunch spoke about the importance of knowing your past, even if it involves painful events. The civil rights movement is a significant part of our collective past as Americans, and I hope that the events sponsored by the Chapter have provided you with a way to learn more about them.

---

**Special Thanks** to Nicole Kolinski, the Chapter's new Communications Chair who wrote several of the articles and took many of the photographs in this issue.

## PROFESSOR ENLIGHTENS CHAPTER ABOUT STREET LAW PROJECT

On December 19, the Capitol Hill Chapter heard from Professor Richard Roe regarding Georgetown University Law Center's Street Law Project. The Chapter learned about the Project's high schools clinic where Georgetown law students teach law in local D.C. high schools. The first part of the course teaches students about law that affects their lives. The course ends in the spring with a mock trial at D.C. Superior Court.

Professor Roe began with a fact pattern that allowed the attendees to attempt to solve a crime. The example demonstrated how law student teachers can draw in their high school students and show the students how fact-specific scenarios are. The example also demonstrated the due process teaching model that Professor Roe uses. This model gets students voices to be heard, and gets students to think without telling them what to think.

One unit of the course deals with the Innocence Project, which works to exonerate wrongly convicted individuals. Professor Roe handed out examples from a case that the clinic uses as part of its lesson plans. Attendees reviewed evidence against the defendant in the case and determined whether or not they would take up his case to try and obtain a writ

of actual innocence. This was another example of the due process model, pulling learners in and getting students to be reflective learners and absorbed in their education.

The Chapter also heard from Erik Fossum, the Chapter's law student representative and a participant in the Street Law clinic this Fall. He described the challenges in teaching students who may have other things on their minds. Fossum also described how inspirational his students were and how the "light bulb moments" when a student understood a difficult concept made it all worth it. Fossum learned many things that will transfer over to his legal career, such as understanding your audience, making good presentations, and time management.

The Street Law Project does important work, and it was enlightening for the Chapter to hear about such an important community program. Chapter President Jeff McDermott thanked Professor Roe for his interesting and interactive presentation and presented him with a small token of the Chapter's appreciation.

Anyone interested in volunteering with the Street Law program, even for an hour or two to talk about their work as an attorney with high school students, can contact: [streetlaw@law.georgetown.edu](mailto:streetlaw@law.georgetown.edu).



At left: Professor Richard Roe Speaks to the Chapter on December 19.

## CHAPTER TOURS CIVIL RIGHTS EXHIBIT

On November 21, 2014 the Capitol Hill Chapter received a special tour of the Library of Congress exhibit, *The Civil Rights Act of 1964: A Long Struggle for Freedom*. Hope O’Keefe, an attorney in the Library’s Office of General Counsel led a tour for Chapter members. The exhibit features numerous documents interspersed with interactive videos that visitors can listen to and get first-hand perspectives.

The exhibit begins with the founding of our nation, and culminates with President Lyndon B. Johnson signing the Civil Rights Act of 1964. Some notable items in the exhibit include:

- A 1809 slave purchase contract between former president Thomas Jefferson and President James Madison, which demonstrates how embedded slavery was in American culture at that time.
- The 1920s National Association for the Advancement of Colored People (NAACP) flag that says “A Man Was Lynched Yesterday”. This flag hung outside NAACP headquarters in New York City to draw attention to lynchings, which were not widely reported at the time. Ultimately, the NAACP had to stop using the flag, as the organization was threatened with losing its lease.
- A 1947 letter from Jackie Robinson to a friend reflecting on breaking the color barrier and noting “It’s pretty tough getting away from the mobs at the park”.
- The 1954 brief from *Brown v. Board of Education* case, which desegregated public schools and overturned *Plessy v. Ferguson*’s “separate but equal” doctrine.
- The 1955 arrest record of Rosa Parks, after she refused to move to the back of a bus, which led to the Montgomery Bus Boycott. The boycott lasted for a year and drew attention to what became the Civil Rights Movement.
- The 1963 text of Dr. Martin Luther King Jr.’s “I Have a Dream Speech” at the March on Washington for Jobs and Freedom. After the march, its leaders met with President Kennedy at the White House and offered critiques of the Civil Rights bill he introduced earlier that year.

After President Kennedy's assassination, President Johnson urged that Kennedy's Civil Rights bill be passed as soon as possible as a tribute. President Johnson used his past experience as a master strategist in the House and Senate to get the bill passed, and the exhibit includes numerous legislative strategy documents. The exhibit culminates in the Act's passage and includes a teleprompter copy of President Johnson's signing statement speech. More information about the exhibit is available [here](#).

The group also got a bonus glimpse of the Library's Magna Carta exhibit with General Counsel Elizabeth Pugh. On display was one of only four existing copies of the Magna Carta that dates back to 1215. The document was on loan from the Lincoln Cathedral, and the exhibit commemorates the 800th anniversary of the Magna Carta. The exhibit examines the influence of the Magna Carta in both English and American law and politics. Many of the Magna Carta's principles are reflected in the U.S. Constitution, such as freedom from unlawful searches and seizures, right to a speedy trial, right to a jury trial, and due process of law. More information on the exhibit may be found [here](#).



Hope O'Keefe gives Chapter members a tour of the Civil Rights Act exhibit.



Above Left: The NAACP Banner.

Above Right: President Johnson's remarks upon signing the Civil Rights Act and the teleprompter feed.

At Left: Chapter members touring the exhibit.

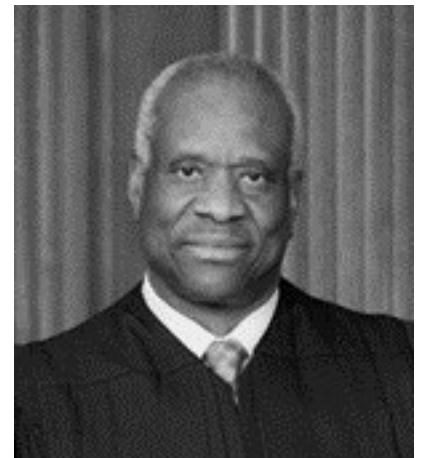
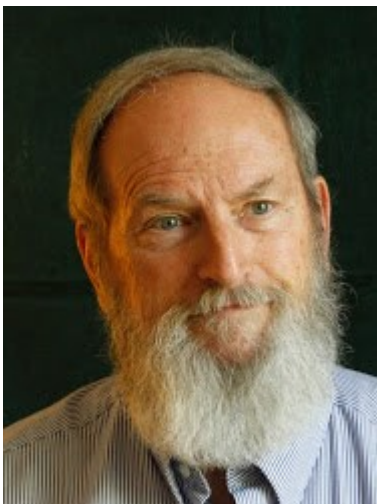
## Save the Date!

On March 30, the Chapter will host Pulitzer Prize-winning author and journalist David K. Shipler at the Library of Congress.

On April 22, the Chapter will host author David O. Stewart, author of the forthcoming book, *Madison's Gift*, at the Thurgood Marshall Judiciary Building.

On May 26, the Chapter will host its annual Supreme Court luncheon, featuring Justice Clarence Thomas.

The Chapter is also planning a special tour of the Ford's Theatre Exhibit, *Silent Witnesses: Artifacts of the Lincoln Assassination*.



# Welcome to New Chapter Members!

Robert Layton

Daniel McGinn-Shapiro

Jeremy Bedford

Erva Cockfield

James DeBergh

Erik Fossum

Elliott Friedman

Graham Green

Michelle Johnson-Weider

Robert Kasunic

Veena Srinivasa

Thomas Kerester

Nicole Kolinski

Bradley Lane

Terence Liley

Hampden MacBeth

TJ McGrath

Gloria Malkin

Hunter Ridgway

Kendra Riley

Pegah Vakili

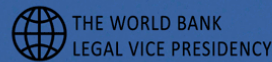
Marc Warren

Registration is now open for the Third Annual International  
Conference on Legislative Drafting and Law Reform  
July 1 and 2 at the World Bank



Third International Conference on  
Legislative Drafting and Law Reform

July 1 – 2, 2015  
Washington, DC



RIJOLDALR

LJD LAW, JUSTICE AND DEVELOPMENT



Register [here!](#)



## SPOTLIGHT ON CHAPTER AGENCIES: CONGRESSIONAL BUDGET OFFICE

One of the recent amendments to our Chapter’s constitution was the addition of new component agencies. The next few spotlights will focus on these new components.

The Congressional Budget Office (CBO) was created by the Congressional Budget and Impoundment Control Act of 1974, following budget battles between Congress and President Richard Nixon. One of the concerns that led to the passage of the Act and the creation of CBO was Congress’ lack of independent budgetary and economic information and analysis. The Act charged CBO with providing Congress with such information.

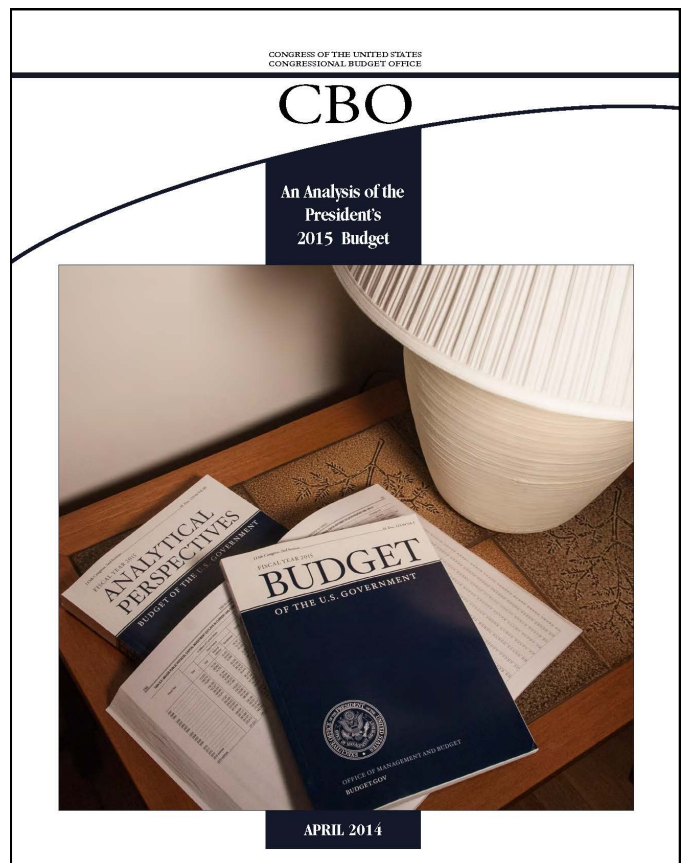
CBO is led by a Director, who is appointed to a four-year term by the Speaker of the House of Representatives and the President pro tempore of the Senate after considering recommendations received from the Committees on the Budget of the House and the Senate. The Act requires the Director to be appointed without regard to political affiliation and solely on the basis of his or her fitness to perform the duties of office.

CBO commenced operations on February 24, 1975 with Alice Rivlin as its Director. Forty years later, CBO is even more valuable to the members, staff, and committees of Congress. It produces high quality reports and analyses that are vital to the legislative process. Its products include: baseline budget and economic projections (based on a ten-year window); long-term budget projections (that look 25 years out or more); cost estimates of virtually every bill approved by Congressional committees; analytic

reports covering areas such as health care, economic growth, social insurance, taxes, energy and the environment, national security, education, and infrastructure; the analysis of the President’s budget request; and many other important analyses and reports.

Legal counsel is provided to CBO by its General Counsel Mark Hadley and Deputy General Counsel T.J. McGrath, both of whom are FBA members.

CBO recently celebrated its 40th anniversary with a panel discussion of by a panel of former CBO Directors who discussed the agency’s past and future .





# OFFICERS AND COUNCIL MEMBERS

## Officers:

JEFF MCDERMOTT  
President  
[mcdermottjd@state.gov](mailto:mcdermottjd@state.gov)

GEOFF CHESHIRE  
President-Elect  
[Geoff\\_Cheshire@ao.uscourts.gov](mailto:Geoff_Cheshire@ao.uscourts.gov)

MEG WILLIAMS  
Treasurer  
[mwil@loc.gov](mailto:mwil@loc.gov)

BRYNN ROVITO  
Secretary  
[rovitob@gao.gov](mailto:rovitob@gao.gov)

**Immediate Past President**  
AMY R. BOWSER  
[bowsera@gao.gov](mailto:bowsera@gao.gov)

## Council Members:

**House of Representatives**  
KIMBERLY URBANCHUK  
[kimberly.urbanchuk@mail.house.gov](mailto:kimberly.urbanchuk@mail.house.gov)

EMILY TUCK  
[Emily.Tuck@mail.house.gov](mailto:Emily.Tuck@mail.house.gov)

**Senate**  
TERENCE LILEY  
[terence\\_liley@saa.senate.gov](mailto:terence_liley@saa.senate.gov)

VACANT

**Government Accountability Office**  
ASHLEY ALLEY  
[alleya@gao.gov](mailto:alleya@gao.gov)

HANNAH LAUFE  
[laufeh@gao.gov](mailto:laufeh@gao.gov)

**Library of Congress**  
LIZANNE KELLEY  
[lkelley@crs.loc.gov](mailto:lkelley@crs.loc.gov)

EMMET DEVINE  
[edev@loc.gov](mailto:edev@loc.gov)

**Supreme Court/CoFC/DC Circuit**  
CYNTHIA RAPP  
[cjrapp@supremecourt.gov](mailto:cjrapp@supremecourt.gov)

MELISSA AUBIN  
[maubin@supremecourt.gov](mailto:maubin@supremecourt.gov)

**GPO/CBO/USCP/AoC**  
MELISSA PACHIKARA  
[mpachikara@gpo.gov](mailto:mpachikara@gpo.gov)

KERRY MILLER  
[kmiller@gpo.gov](mailto:kmiller@gpo.gov)

**National Judicial Offices**  
STEPHANIE HEMMERT  
[shemmert@fjc.gov](mailto:shemmert@fjc.gov)

GLORIA MALKIN  
[Gloria\\_Malkin@ao.uscourts.gov](mailto:Gloria_Malkin@ao.uscourts.gov)

**At-Large**  
EPIN CHRISTENSEN  
[echristensen@oig.si.edu](mailto:echristensen@oig.si.edu)

MARY LEVERING  
[marylevering66@gmail.com](mailto:marylevering66@gmail.com)

**Young Lawyers Representative**  
KELLY LUX  
[kelly.m.lux@gmail.com](mailto:kelly.m.lux@gmail.com)

**Law Student Representative**  
ERIK FOSSUM  
[EFossum@supremecourt.gov](mailto:EFossum@supremecourt.gov)

**Membership Chair**  
VACANT

**Program Committee Chair**  
VACANT

**Social Committee Chair**  
JERRY LEVERICH  
[LeverichG@gao.gov](mailto:LeverichG@gao.gov)

**Professional Development Chair**  
MARYANN GRODIN  
[Maryann.Grodin@nrc.gov](mailto:Maryann.Grodin@nrc.gov)

**Communications Committee Chair**  
NICOLE KOLINSKI  
[nkolin1@gmail.com](mailto:nkolin1@gmail.com)

**Former Presidents**  
ELIZABETH PUGH (2012-13)  
[epug@loc.gov](mailto:epug@loc.gov)

MATTHEW MCGHIE (2011-12)  
[matt\\_mcghie@slc.senate.gov](mailto:matt_mcghie@slc.senate.gov)

J. ANTHONY OGDEN (2010-11)  
[tony.ogden@frb.gov](mailto:tony.ogden@frb.gov)

TERRY J. HALSTEAD (2009-10)  
[thalstead@crs.loc.gov](mailto:thalstead@crs.loc.gov)

PAUL VAMVAS (2008-09)  
[pvamvas@fjc.gov](mailto:pvamvas@fjc.gov)

ADAM BRAMWELL (2007-08)  
[Adam\\_Bramwell@sec.senate.gov](mailto:Adam_Bramwell@sec.senate.gov)

SUSAN SAWTELLE (2006-07)  
[SawtelleS@gao.gov](mailto:SawtelleS@gao.gov)

WARREN BURKE (2005-06)  
[Warren.Burke@mail.house.gov](mailto:Warren.Burke@mail.house.gov)

CRAIG WINSLOW (1995-97)  
[winslowc@gao.gov](mailto:winslowc@gao.gov)