

CERTIFICATE OF SERVICE

CHAPTER OFFICERS

President: Kacy L. Hunt
President-Elect:
 Meredith Woods Hubbard
Vice President: Elizabeth Hedrick
Treasurer: Alan McInnes
Secretary: Kelly Dagger
National Delegate: Jessica Vickers
Immediate Past President:
 Katherine “Kat” Shea

COMMITTEE CHAIRS

Appellate Law: Matthew N. Leerberg
Budget & Finance: Alan McInnes
CLE Co-Chairs: Kelly Dagger
 Meredith Woods Hubbard
Health Law: Matthew Wolfe
Intellectual Property: Carl Sanders
Membership: Kat Shea
Program & Social: Elizabeth Hedrick
Publicity & Public Relations:
 Raymond C. Tarlton
Service: Jessica Vickers
Younger Lawyers: Julie Yates Cronin

LIAISONS

Campbell Law School: Zac Bolitho
EDNC Clerk’s Office:
 Alyssa Hockaday



Campbell Law School FBA Chapter Update

The Campbell Law School Chapter of the Federal Bar Association is up and running! Under the guidance of Prof. Zac Bolitho, student leaders Taylor Simmons, Kathleen O’Malley, Brian Winslow, and Collin March are making the first year of the Student Chapter a success!

The purpose of the Student Chapter is to connect students with members of the FBA, collaborate with members of the FBA on educational and networking events, and to promote student interest in the practice of law in Federal Court.

We encourage the EDNC Chapter members to help the students achieve these goals!

A MESSAGE FROM INCOMING PRESIDENT KACY HUNT

I am honored to serve as President of the Eastern District of North Carolina Chapter of the Federal Bar Association for the 2015-2016 term.

We have a wonderful team in place to expand on the already exciting programming that our Chapter provides every year. From prison visits to continuing education to socials with your federal bar colleagues, we hope that you are able to find one (or more!) opportunities to take advantage of your FBA membership. For those who are not yet members, we hope you join the FBA so you can experience everything the FBA has to offer, not only local to EDNC but also nationally.

I am looking forward to a wonderful year serving as Chapter President and I want to extend an invitation for all to contact me with ideas or thoughts on how we can better our Chapter. Our goal is for this Chapter to grow stronger every year and the only way to do that is through the participation of our members. I look forward to hearing from you and seeing you at our future events.

Kacy Hunt

Williams Mullen

Raleigh, NC

EDNC Chapter President (2015-16)

EDNC CLERK'S OFFICE CONTACTS

When practicing law in federal court, sometimes the most important thing to know is who to call. We have put together a list of the wonderful EDNC Clerk's office staff and case managers and their contact information:

Clerk's Office

Clerk of Court, Julie Richards Johnston

919-645-1736

Chief Deputy Clerk, Statt Moore

919-645-1717

Operations Manager, Jolie Skinner

919-645-1743

Attorney Advisor to the Clerk, Alyssa Hockaday

919-645-1749

Prisoner Section in Raleigh

Amy Indig: 919-645-1750

Troy Blankenship: 919-645-1733

Judge's Chambers Staff**Chief Judge James C. Dever III**

Criminal Case Manager - Crystal Jenkins

919-645-1728

Civil Case Manager - Crystal Jenkins

919-645-1728

Judge Terrence W. Boyle

Criminal Case Manager - Linda Downing

919-645-1738

Civil Case Manager - Lindsey Romine

919-645-1738

Judge Louise W. Flanagan

Criminal Case Manager - Susan Tripp

252-638-8534

Civil Case Manager - Christa Baker

252-638-8534

Prisoner Case Manager - Marsha Castania

252-638-8534

Senior Judge W. Earl Britt

Criminal and Civil Case Manager - Keah Marsh

919-645-1727

Senior Judge James C. Fox

Criminal & Civil Case Manager - Susan Edwards

910-815-4738

Senior Judge Malcolm J. Howard

Criminal Case Manager - Lisa Lee

252-830-6009

Magistrate Judge James E. Gates

Courtroom Deputy - Bobby Horton

919-645-1774

Magistrate Judge Robert B. Jones, Jr.

Courtroom Deputy - Babbs Grady

910-679-2020

Magistrate Judge Robert T. Numbers, II

Courtroom Deputy - Lauren Herrmann

919-645-1714

Magistrate Judge Kimberly A. Swank

Courtroom Deputy - Sheila Foell

252-830-6009

EDNC MEMBER SPOTLIGHT

Matt Wolfe, current chair of the EDNC Chapter Health Law Committee, has been named Chair of the Health Law Section of the Federal Bar Association!

Congratulations, Matt!

U.S. DISTRICT COURT CONSIDERING FEDERAL RULES CHANGES

In September 2015, the Judicial Conference approved amendments to the Federal Rules of Civil and Criminal Procedure. Absent Supreme Court or congressional action, these amendments will likely go into effect in December, 2016. The new rules and commentary on the amendments are as follows:

PROPOSED CHANGES TO THE FEDERAL RULES OF CIVIL PROCEDURE

Rule 4. Summons

(m) Time Limit for Service. If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1).

Commentary:

The amendment is intended to correct an ambiguity regarding service abroad on a corporation. The proposed amendment makes clear that the 90-day requirement of Rule 4(m) does not apply to service abroad on a corporation.

Rule 6. Computing and Extending Time; Time for Motion Papers

(d) Additional Time After Certain Kinds of Service. When a party may or must act within a specified time after service being served and service is made under Rule 5(b)(2)(C) (mail), (D) (leaving with the clerk), (E), or (F) (other means consented to), 3 days are added after the period which would otherwise expire under Rule 6(a).

Commentary:

This proposed amendment removes service by electronic means as one of the means of service that allow 3 added days to act after being served.

The amendment also replaces “after service” with “after being served” to remove an ambiguity which could allow a party to extend a deadline where that party is allowed a specified time to act after making service.

Rule 82. Jurisdiction and Venue Unaffected

These rules do not extend or limit the jurisdiction of the district courts or the venue of the actions in those courts. An admiralty or maritime claim under Rule 9(h) is governed by 28 U.S.C. § 1390 not a civil action for purposes of 28 U.S.C. §§ 1391-1392.

Commentary:

This amendment reflects the enactment of 28 U.S.C. § 1390 and the repeal of § 1392.

PROPOSED CHANGES TO THE FEDERAL RULES OF CRIMINAL PROCEDURE

Rule 4. Arrest Warrant or Summons on a Complaint

(a) Issuance. If the complaint or one or more affidavits filed with the complaint establish probable cause to believe that an offense has been committed and that the defendant committed it, the judge must issue an arrest warrant to an officer authorized to execute it. At the request of an attorney for the government, the judge must issue a summons, instead of a warrant, to a person authorized to serve it. A judge may issue more than one warrant or summons on the same complaint. If an individual defendant fails to appear in response to a summons, a judge may, and upon request of an attorney for the government must, issue a warrant. If an organizational defendant fails to appear in response to a summons, a judge may take any action authorized by United States law.

(c) Execution or Service, and Return.

(1) By Whom. Only a marshal or other authorized officer may execute a warrant. Any person authorized to serve a summons in a federal civil action may serve a summons.

(2) Location. A warrant may be executed, or a summons served, within the jurisdiction of the United States or anywhere else a federal statute authorizes an arrest.



[Online Issue Available Now!](#)

In Memoriam

Antonin Scalia, Associate Justice,

was born in Trenton, New Jersey, March 11, 1936.



He married Maureen McCarthy and has nine children - Ann Forrest, Eugene, John Francis, Catherine Elisabeth, Mary Clare, Paul David, Matthew, Christopher James, and Margaret Jane. He received his A.B. from Georgetown University and the University of Fribourg,

Switzerland, and his LL.B. from Harvard Law School, and was a Sheldon Fellow of Harvard University from 1960–1961. He was in private practice in Cleveland, Ohio from 1961–1967, a

Professor of Law at the University of Virginia from 1967–1971, and a Professor of Law at the University of Chicago from 1977–1982, and a Visiting Professor of Law at Georgetown University and Stanford University. He was chairman of the American Bar Association’s Section of Administrative Law, 1981–1982, and its Conference of Section Chairmen, 1982–1983. He served the federal government as General Counsel of the Office of Telecommunications Policy from 1971–1972, Chairman of the Administrative Conference of the United States from 1972–1974, and Assistant Attorney General for the Office of Legal Counsel from 1974–1977. He was appointed Judge of the United States Court of Appeals for the District of Columbia Circuit in 1982. President Reagan nominated him as an Associate Justice of the Supreme Court, and he took his seat September 26, 1986. Justice Scalia died on February 13, 2016.

RULES (continued)

A summons to an organization under Rule(c)(3)(D) may also be served at a place not within the judicial district of the United States.

(3) Manner.

(C) A summons is served on an organization in a judicial district of the United States by delivering a copy to an officer, to a managing agent or general agent, or to another agent appointed or legally authorized to receive service of process. A copy If the agent is one authorized by statute and the statute so requires, a copy must also be mailed to the organization organization’s last known address within the district or to its principal place of business elsewhere in the United States.

(D) A summons is served on an organization not within a judicial district of the United States:

(i) by delivering a copy, in a manner authorized by the foreign jurisdiction’s law, to an officer, to a managing or general agent, or to an agent appointed or legally authorized to receive service of process; or

(ii) by any other means that gives notice, including one that is:

- (a) stipulated by the parties;
- (b) undertaken by a foreign authority in response to a letter rogatory, a letter of request, or a request submitted under an applicable international agreement; or
- (c) permitted by an applicable international agreement.

Commentary:

The amendment to subdivision (a) fills a gap with regard to organizational defendants who fail to appear in response to a criminal summons, but does not attempt to specify the remedial actions a court may take when an organizational defendant fails to appear.

The amendment to subdivision (c)(2) authorizes service of a criminal summons on an organization outside the judicial district of the United States.

The amendment to subdivision (c)(3)(C) eliminates the requirement of a separate mailing to the organization when delivery has been made on an

agent authorized by statute if the statute itself so requires mailing.

The amendment to subdivision (c)(3)(D) provides that a criminal summons may be served on an organizational defendant outside the United States and enumerates a non-exhaustive list of permissible means of service.

Rule 41. Search and Seizure

(b) Authority to Issue a Warrant Venue for a Warrant Application.

At the request of a federal law enforcement officer or an attorney for the government:

(6) a magistrate judge with authority in any district where activities related to a crime may have occurred has authority to issue a warrant to use remote access to search electronic storage media and to seize or copy electronically stored information located within or outside that district if:

(A) the district where the media or information is located has been concealed through technological means; or

UPCOMING CHAPTER EVENTS

Monday, April 11, 2016 -- **Discussion about the Federal Sentencing Guidelines**

12:00pm - 1:00pm

Please join Campbell Law School's Chapter of the Federal Bar Association, in conjunction with the FBA-EDNC Chapter, as they host Professors Douglas Berman and William Otis for a debate on Federal Sentencing Guidelines. The event will take place at Campbell Law School on April 11, 2016 from 12:00pm – 1:00pm and lunch will be provided. For more information and to RSVP, please contact Taylor Simmons at tbsimmons0118@email.campbell.edu.

April 14, 2016 -- **Appellate Social**

5:30pm

FBA-EDNC members, as well as members of the NC Bar Appellate Practice Section and the judiciary, are invited to attend a social at Busy Bee Café, 225 S. Wilmington St., Raleigh. Please RSVP by clicking [here](#).

Friday, April 29, 2016 -- **Butner Prison Tour**

1:00pm - 4:00pm

On April 29, 2016, Chapter members will have the opportunity to tour the Federal Correctional Institution at Butner. The tour will begin at 1:00pm and end at approximately 4:00pm. It will be led by FCI Butner staff and include an opportunity to observe and ask questions about various programs offered at the prison. The tour is limited to 20 people, so sign up early by contacting our Chapter President, Kacy Hunt, at klhunt@williamsmullen.com or 919-981-4083. Participants must comply with all prison rules and regulations, including passing a background check.

April 2016 -- **Chapter Service Day**

Federal District Courthouse, Greenville, NC

April is Service Month for all FBA Chapters, and FBA-EDNC has planned an event in Greenville to help introduce students to our federal courts! Details are still in the works, so stay tuned!



RULES (CONTINUED FROM PG. 5)

(B) in an investigation of a violation of 18 U.S.C. § 1030(a) (5), the media are protected computers that have been damaged without authorization and are located in five or more districts.

(f) Executing and Returning the Warrant.**(1) Warrant to Search for and Seize a Person or Property.**

(C) *Receipt.* The officer executing the warrant must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken or leave a copy of the warrant and receipt at the place where the officer took the

property. For a warrant to use remote access to search electronic storage media and seize or copy electronically stored information, the officer must make reasonable efforts to serve a copy of the warrant and receipt on the person whose property was searched or who possessed the information that was seized or copied. Service may be accomplished by any means, including electronic means, reasonably calculated to reach that person.

Rule 45. Computing and Extending Time.

(c) Additional Time After Certain Kinds of Service. Whenever a party must or may act within a specified period time after service being served and

service is made in the manner provided under Federal Rule of Civil Procedure 5(b)(2)(C) (mailing), (D) (leaving with the clerk), (E), or (F) (other means consented to), 3 days are added after the period would otherwise expire under subdivision (a).

Commentary:

Like the amendment to Federal Civil Rule 5(d), this amendment removes service by electronic means from the forms of service that allow 3 added days to act after being served.

Have a great idea for an EDNC Chapter event?
Let us know!

Kacy Hunt

klhunt@williamsmullen.com

Meredith Hubbard

mhubbard@mgsattorneys.com

