



# Sidebar Idaho Chapter Federal Bar Association Quarterly Newsletter

## A MESSAGE FROM JOHN N. ZARIAN, CHAPTER PRESIDENT



John N. Zarian  
President, Idaho Chapter

The Idaho Chapter of the FBA continues to have a great year! I want to thank the many people who regularly contribute to maintaining the excellence of our chapter.

**National Board Meeting in Boise.** We were very pleased to host a meeting of the FBA's national Board of Directors in Boise on June 21-22, 2018. On Thursday, June 21, our Chapter hosted a reception for the visiting national board members and FBA national staff. Many thanks to our reception sponsors, including Hawley Troxell, Holland & Hart (our host), Parsons Behle & Latimer, and Thomas Williams & Park. Also, many thanks to Susie Headlee, our Chapter executive director, who worked very hard to make these meetings a huge success!

**Chapter Membership.** As of June 1, 2018, our Chapter membership stood at 161. Gary Cooper (in the eastern part of the state) continues to serve as our Membership Chair, with two assistant membership chairs – Alex Semanko in the north, and Syrena Hargrove in central Idaho. The Chapter Board is working on a new member recruitment drive, holding special meetings to discuss these issues on June 12th and July 10th. We are optimistic that these efforts will result in a number of additional members for our Chapter!

**Student Chapters.** The University of Idaho Student Chapter continues to flourish under Professor Katie Ball's leadership. Serena Minasian is taking over as the new student Chair, and we are in the process of reaching out to student chapter members to encourage them to join the national FBA. We are also reaching out to Concordia College of Law to determine its level of interest in forming a Student Chapter.

**Brown Bag CLEs.** Tyler Anderson (central Idaho), Chair, continues to plan and implement the 2018 CLE program

schedule with assistance from April Linscott (northern) and DeAnne Casperson (eastern). With outstanding support from Susie Headlee, they continue to organize an excellent schedule of CLE programs. The most recent Brown Bag CLE in June, *Demystifying Trade Secret Law* (Christopher G. Simboli), was very well attended. If you have ideas for other CLE programs, please let one of our Brown Bag CLE program coordinators know.

**Case Summaries.** Federal court case summaries are being prepared by University of Idaho law students with oversight from Professor Katie Ball. Many thanks to Prof. Ball and her students!

**14th Annual Tri-State Seminar.** The 14th annual Tri-State Conference will be hosted by the Utah Chapter at The Lodges in Deer Valley, Utah, on September 20-22, 2018. Current members should have received an email with details concerning registration and lodging. Also, please mark your calendars for next year's meeting, which will be

hosted by our Chapter and held in Sun Valley on September 26-28, 2019.

**Holiday Mix & Mingle.** Please mark your calendars for the chapter Mix & Mingle Holiday Party, starting at 5:30 p.m. on Thursday, December 6, 2018. This is always a wonderful event, well attended by members as well as our federal judges.

**Capitol Hill Day.** On April 26-28, 2018, Dana Herberholz, our President-Elect, attended the FBA's Capitol Hill Day (lobbying) and Leadership Training (a two-day training event) in Washington, D.C. He has provided an excellent report regarding his meetings. We are all looking forward to having Dana lead the Chapter next year!

**Exemplary Service Award.** The FBA periodically awards its Exemplary Service Award to honor attorneys or non-attorneys who have improved the quality of practice in Idaho's federal courts. These individuals are recognized by their peers and the Idaho Chapter as demonstrating professionalism, collegiality, mentoring, and providing quality legal representation. If you would like to nominate someone for the 2018 FBA Exemplary Service Award, please email Susie Headlee at your earliest convenience.

**Chapter Board and Executive Committee.** The full chapter Board met on May 22nd and will meet again on July 31st, and the Executive Committee is meeting regularly and will meet again on September 11th. The members of the Executive Committee are doing a great job this year, including: Susie Headlee (Executive Director), Dana Herberholz (President-Elect), Dan Williams (Vice-President), Matt Christensen (Treasurer), Alyson Foster (Secretary), and Rafael Gonzalez (National Delegate).

**General Membership Meetings.** We held our most recent General Membership meeting on April 17th, and the next meeting is scheduled for September 11th. (Please check your email for

details.) Please join us (in person or by phone) at an upcoming meeting!

**Chapter Elections.** Chapter Officers for 2018-19 will be selected at the next General Membership meeting on September 11th, and we are also in the process of putting together a slate of members to serve on the Chapter Board next year. If you are interested in serving, please contact Dana Herberholz or Susie Headlee.

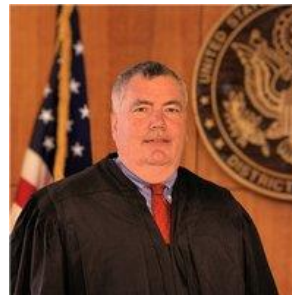
In closing, if you have ideas of other activities for the chapter, please let us know. We hope to see you at an FBA sponsored event in the near future!

## YOU KNOW YOU'RE A FEDERAL BANKRUPTCY JUDGE WHEN

. . .

I have been asked to write an article about my transition from 33 years in private practice to becoming a federal bankruptcy judge. With a nod to Jeff Foxworthy the best way to express it may be as follows:

1. You may be the newest federal bankruptcy judge if you no longer receive 125 emails a day.
2. You may be the newest federal bankruptcy judge if you no longer receive more than 20 phone calls in a day much less a week.
3. You may be the newest federal bankruptcy judge if you sign more than 8 orders per day.
4. You may be the newest federal bankruptcy judge if you no longer are worried that the last person in your office is the last paying client you will ever see.
5. You may be the newest federal bankruptcy judge if someone says, "Your Honor" and you look



Bankruptcy Judge  
Joseph M. Meier  
District of Idaho

6. You may be the newest federal bankruptcy judge if you forget to say, "Please Be Seated," when you walk into the Courtroom.
7. You may be the newest federal bankruptcy judge if you are not worried about how the client will react to the latest decision.
8. You may be the newest federal bankruptcy judge if Chief Bankruptcy Judge Myers is on your speed dial for frequent questions.
9. You may be the newest federal bankruptcy judge if the initials, FJC, AO, GSA, CSO, JA, TSP and LRC still seem to have no meaning to you.
10. Finally, you may be the newest federal bankruptcy judge if everyone at the United States District and Bankruptcy Courts for the District of Idaho have made for an easy transition.

I use the ten points above to highlight the differences that have occurred since March 23, 2018 when I was sworn into this job. The six months leading up to that date were also some of the most interesting in my career. It was in September 2017 that officials from the Ninth Circuit called and told me that it had selected me for the job. They then stated that I should not tell anyone until the official announcement was made. That announcement could not be made until after a lengthy background check was completed. But due to our small bar this so-called secret was the worst kept secret in the State of Idaho.

For that six months I had one foot in private practice and one foot out. The delay was helpful, however, in that I was able to wrap up an extensive practice by

either completing the cases or assigning them out to various attorneys throughout Idaho and Oregon. As a whole the transition was smooth and in at least two instances I underestimated the amount of time it would take to complete.

Clients, as you might expect, were happy to hear the news but were obviously concerned that their matter thereby having the litigation come down to the wire in late February and early March. At times neither I nor my clients thought it could be resolved before I left, but in hindsight it was a smooth transition.

As I mentioned in my investiture the hardest part of the transition was leaving the law firm I started with in February 1985. The friends and colleagues I had leaned on were soon in my rearview mirror and it was a melancholy day when I signed the resignation from Cosho Humphrey, LLP in the middle of March. In most respects I truly loved the practice of law. The interaction with clients, the submission of unresolved disputes to the court and finally the art of litigating in the bankruptcy court with attorneys whom I trust and respect. Several have said in jest that it would be hard to call me "Your Honor" after being in these trenches all these years. But in many ways these same attorneys who have appeared before me have made the transition better than I have.

It is exciting to see the case from the opposite view in the courtroom looking out from the bench at counsel table rather than the latter. Further it is interesting to me to watch the case develop from the judge's view, which is that I have no knowledge of the facts or the parties until I enter the court room and to watch the evidence and arguments develop. I, from time to time, remind myself that the lack of objection or the questions asked or not asked are all part of your strategy and that I should keep myself, as much as possible out of the way.

As shown above other than the obvious not having to keep track of billable hours

the working environment office of a judge is tremendously different from private practice. I no longer receive more than 125 emails a day, which was the norm and the telephone hardly ever rings. Further in the federal government for those of you that are more familiar than I, everything administrative seems to have a three-letter initial for an office, an agency or a person that everyone assumes you know.

Finally, I have been blessed in many ways in this transition. First, Judges Myers and Pappas have been very generous and patient with their time and talents in teaching the new guy some of the essentials. Second, Judge Pappas left me with the talented Carol Mills and Deborah Jensen in chambers and for a little while Jonathan Edwards and Dana Hoyle have rounded out the people I have leaned on since March. The Clerk's office including Steve Kenyon, Kirsten Wilkinson and John Triplett as well as the other employees they supervise were ready for me on my arrival making it seem like this transition occurs frequently when to be fair the last time it happened was over 20 years ago.

Every day I walk into this building I am reminded that I am walking in some big footsteps that walked here before me including Judge Young, Judge Hagen, Judge Lodge, Judge Pappas and Judge Myers whose memory I strive not to sour in my time here. Further I am reminded that every time I walk into the courtroom to hear the arguments made by the Women and Men of the Idaho State Bar that I am truly blessed to have such competent and organized attorneys appearing before me that make this job such a pleasure.

## CLERK'S CORNER

Big changes are coming to the Clerk's Office at the James A. McClure Federal Building and U.S. Courthouse in Boise.

Starting August 1, 2018, the Boise Clerk's office will be relocating (for approximately 12 months) as a substantial remodeling / asbestos abatement project is conducted. Nationwide, the Courts spend \$1.1 billion dollars annually on rent for their courthouses. This project is part of a nationwide initiative to reduce the rent costs paid to General Services Administration (GSA), with the goal to reduce space used by the Courts by 3%. As a part of this initiative the Boise courthouse will be remodeled to consolidate space.

During our remodeling project the Clerk's Offices will be moved into temporary spaces on the 5th floor, with the intake counter moving to the current jury assembly space on the West side of the building. The finance, HR and IT departments will be moving to the East side of the 5th floor but will be behind secured space. As it is currently, if you need to meet with anyone at the Clerk's Office, you will come to the intake counter in the new 5th floor space.

The project is expected to take one year, however, as with all construction projects (especially construction projects that involve asbestos removal) that time could be extended. On the optimistic side, *it might be completed ahead of schedule!* All employees will retain their current telephone numbers, and although in different space, we do not



**Stephen V. Kenyon**  
Clerk of U.S. District and  
Bankruptcy Courts  
District of Idaho

anticipate any interruptions in our service.

Several of the attorney witness rooms will be used as offices during the remodeling project; however, there will be at least two attorney witness rooms available outside the Magistrate Judges' courtrooms as well as at least two witness rooms available outside the Bankruptcy courtrooms.

The Ninth Circuit Law Library will be moving to the 4th floor during the project. The library will remain on the 6th floor until the space is ready for the move, which we anticipate will happen sometime before the end of 2018. The Court's large conference room (the Clearwater Room) will be closed. The room, which many organizations use for CLE's etc., will be remodeled as well and will be out of use during this project. This project will not impact any of the Magistrate, Bankruptcy or District Court courtrooms. Should you have any questions about these changes, or want to express your condolences, please feel free to contact us at 208-334-1976.

## GOVERNMENT RELATIONS

*2018 Public Policy Priorities*  
by Bruce Moyer,  
Counsel for  
Government  
Relations



Our federal courts need adequate funding and the Federal Bar

Association supports the Federal Judiciary's FY 2019 budget request and urges Congress to provide sufficient funding to permit the Judiciary to fulfill their Constitutional and statutory responsibilities.

The Judiciary's FY 2019 budget request of \$ 7.2 billion in discretionary appropriations reflects an increase of 3.2 percent above the fiscal year 2018 appropriation. The funding will maintain current services across the Judiciary, and

sustain ongoing initiatives, including cybersecurity improvement.

Funding for the Federal Judiciary, a coordinate branch of our Federal government, represents less than two-tenth of one penny of a taxpayer's dollar.

Judicial Vacancies and the Need for Prompt Action in Filling Them There are historically high levels of vacancies on the Federal appellate and district court bench that require prompt attention by the President and the Senate. As of mid-April 2018, there were 149 Article III vacancies, including 19 appeals and 122 district court vacancies.

High numbers of vacancies on the Federal bench harm the delivery of justice, the economic interests of litigants before the courts, and public respect for the efficiency our judicial system.

The Federal Bar Association calls upon the President and Congress to act promptly and responsibly in nominating and confirming nominees to the Federal appellate and district courts. The President and the Senate have a Constitutional obligation to assure that the Federal courts are staffed with sufficient numbers of judges to promptly administer justice.

The Federal Bar Association also invites home-state Senators to call upon FBA chapters in their states to assist in appropriate ways to identify well-qualified candidates to the federal bench.

### Growing Caseloads in our Federal Courts Require More Judgeships

The Federal Bar Association supports the recommendations of the Judicial Conference of the United States, with the addition of five permanent judgeships in the courts of appeals, 52 permanent judgeships in the district courts and the conversion of eight temporary district judgeships to permanent status. Since the last comprehensive judgeship legislation was enacted in 1990, almost 30 years ago, the number of cases filed in the courts of appeals has increased by 40 percent and the number of cases filed in the district courts has increased by 38 percent. Civil filings have increased by 38 percent and criminal filings by 39 percent. During this period there has been only a four percent

increase in judgeships, the last permanent judgeship having been created in 2002.

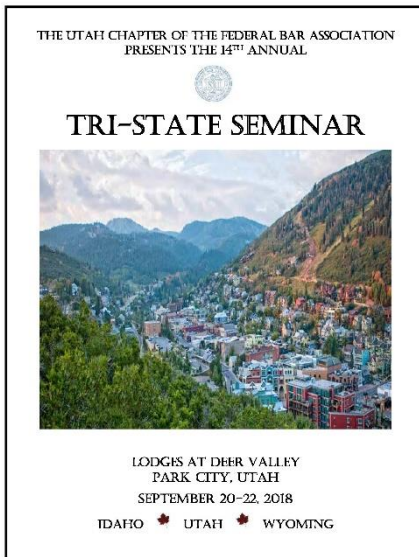
The situation has created enormous difficulties for many federal courts across the country. Five district courts continue to struggle with extraordinarily high and sustained workloads. The severity of conditions in the Eastern District of Texas, the Eastern District of California, the Southern District of Indiana, the Western District of Texas, and the Southern District of Florida require immediate action. The Federal Bar Association urged Congress to establish judgeships as soon as possible in those districts.

### Congress Should Establish an Article I Immigration Court

Since 2013 the Federal Bar Association has urged Congress to establish an Article I "United States Immigration Court" to replace the Executive Office for Immigration Review (EOIR) in the U.S. Department of Justice as the principal adjudicatory forum under title II of the Immigration and Nationality Act. The federal courts in the United States include the courts established in and under Article III of the Constitution, as well as the adjudicative entities established by Congress under its Article I legislative powers. The FBA has drafted model legislation to create an Article I immigration court and welcomes the opportunity to discuss the proposal with Congress and stakeholders. There is broad consensus that our system for adjudicating immigration claims is broken and deserves systemic overhaul. Hiring more immigration judges, while urgent, will not address the longstanding management and operational inefficiencies within EOIR. The June 2017 Government Accountability Office (GAO) report documented EOIR case backlogs of epic size, costly and ineffective case management, and reliance on outdated technologies and reported that a majority of immigration court experts and stakeholders interviewed favored

EOIR replacement with an independent Article I immigration court. Establishing overstuffed, bloated bureaucracy a new structure, modeled on the federal courts, their case management expertise, and their demonstrated record for delivering prompt, effective justice. Cheaper, faster, better justice is possible through an Article I immigration court.

## TRI-STATE CONFERENCE PARK CITY, UTAH



For additional details, email the Utah Chapter at [utahfba@gmail.com](mailto:utahfba@gmail.com)

## IDAHO CHAPTER, FBA MUGS FOR SALE



Beautiful engraved Chapter mugs are for sale (\$10 each). To place

an order please contact Susie Headlee at [sheadlee@parsonsbehle.com](mailto:sheadlee@parsonsbehle.com) or by telephone at (208) 867-8169.

## FBA Executive Board

PRESIDENT, John N. Zarian

EXECUTIVE DIRECTOR  
Susie Headlee

PRESIDENT ELECT, Dana Herberholz

VICE-PRESIDENT, Daniel Williams

TREASURER, Matthew Christensen

SECRETARY, Alyson Foster

NATIONAL DELEGATE, Rafael Gonzalez

PAST PRESIDENT, J. Walter Sinclair

FEDERAL JUDGE LIAISONS  
Judge N. Randy Smith  
Judge Candy Wagahoff Dale

## Additional Board Positions

CIVICS EDUCATION LIAISON  
Wendy J. Olson

CLE PROGRAMMING  
Tyler Anderson, Chair  
April Linscott, Northern  
DeAnne Casperson, Eastern

GOVERNMENT RELATIONS  
Amy Lombardo

MEMBERSHIP  
Gary Cooper, Chair  
Syrena Hargrove,  
Central  
Alex Semanko,  
Northern

PRO BONO LIAISON  
Mary Hobson

SOLACE, AND MENTORSHIP  
PROGRAMS  
Katie Ball

SPECIAL EVENTS/TRI-STATE  
Merlyn Clark

U of I STUDENT CHAPTER  
Serena Minasian, President

VETERANS PROGRAMS  
James Schaefer

YOUNG LAWYERS LIAISON  
Sonyalee Nutsch

## FBA RECEPTION FOR NATIONAL BOARD'S VISIT TO IDAHO



Justice Richard Bevan, Idaho Supreme Court and Pam Bevan;  
John Zarian, Chapter President; Bennett Briggs and Colleen Smith,  
Federal Law Clerks for Judge David Nye, United States District Court



Paul Headlee, Budget & Policy Director, Idaho State  
Legislature; and Alex Semanko, Northern Memberships



W. West Allen, FBA Government Relations Committee Chair;  
and Christina Hardesty, Parsons Behle & Latimer



Katie Ball, SOLACE and Mentorship Programs; Christine Meeuwsen,  
Smith + Malek; Linda Wells; Courtney Lennberg; and  
Colleen Smith, Judge Nye's Law Clerk, U.S. District Court



**John Zarian, Idaho Chapter President; Dan Williams, Vice-President; Susie Headlee, Executive Director; and Rafael Gonzalez, National Delegate; (back row) Jim Dale, Stoel Rives, and Bob Faucher, Holland & Hart (Lawyer Representative)**

**Keegan Hahn, Aspen Compton, Sydney Sears, and Audrey Thorne, University of Idaho College of Law, National Student Chapter Members**



**Susie Headlee, Executive Director, Idaho Chapter, FBA; Tammie Gonzalez, Stoel Rives; Stacey Coleman, Elam Burke; and Angie Hough, Greener Burke Shoemaker; Members of the Association of Legal Administrators**

## 2018 Idaho Chapter, FBA Members

**We are delighted to welcome our newest chapter members:**

**Bankruptcy Judge Joe Meier, Clerk of Court Steve Kenyon, U.S. Attorney Bart Davis, Marisa Crecelius, David James Cummings, Thomas Everson, Dan Green, Trudy Hanson Fouser, Kevin Griffiths, Michael McIntyre, D. Andrew Rawlings, Alex Semanko, Colleen Smith, Scott Smith, and Craig Stacey**

**Also, welcome to our FBA National student chapter members:**

**Aspen Compton, Keegan Hahn, Andrew James Johnson, Courtney Lennberg, Lauren Catherine Markuson, Kayleen Richter, Lindsey Andrick Sanders, Sydney Sears, and Audrey Thorne**

Greg Adams

Tyler Anderson

Maria Andrade

Sam Angell

Tom Arkoosh

Sarah Arnett

William Bacon

John Bailey, Jr.

James Ball

Katie Ball

Sara Berry

Erika Birch

Walter H. Bithell

Katherine Bolton

Brook Bond

Grant Burgoyne

John Burke

Robert Burns

Hon. Ronald E. Bush

DeAnne Casperson

Bruce Castleton

Colt Catlin

Craig Christensen

Matthew Christensen

Merlyn Clark

Aspen Compton, National Student

Gary Cooper

Marisa Crecelius

David James Cummings

Christopher Cuneo

Hon. Candy W. Dale

James Dale

Bart Davis, United States Attorney

Jennifer Dempsey

Bradley Dixon

Teague Donahey

William Dryden

Keely Duke

Yvonne Dunbar

Wendy Earle

Dylan Eaton

Michael Elia

Jamie Ellsworth

Ford Elsaesser

Christine England

Ritchie Eppink

Peter Erbland

Thomas Everson

Joshua Evett

Robert Faucher

Deborah Ferguson

Alyson Foster

William Fuhrman

Jennifer Fuhs

Jaclyn Gans

Patrick Geile

Jack Gjording

Rafael Gonzalez

John Goodell

Alexandra Grande

Daniel Green	Shanna Knight	Hon. Jim D. Pappas
Richard "Dick" Greener	Steve Kraft	James Piotrowski
Kevin Griffiths	Debora Kristensen	Larry Prince
Brit Groom	Maureen Laflin	Mark Prusynski
Keegan Hahn, National Student	Reed Larsen	Sanja Prutina
F.J. Hahn, III	Tamsen Leachman	Lee Radford
Blake Hall	Courtney Lennberg, National Student	D. Andrew Rawlings
Brady Hall	April Linscott	Kayleen Richter, National Student
Rich Hall	Hon. Edward J. Lodge	David Risley
Nicole Hancock	David Lombardi	S. Richard Rubin
Trudy Hanson Fouser	Amy Lombardo	James Ruchti
Christina Hardesty	Laird Lucas	Jason Joe Rudd
Syrena Hargrove	Erika Malmen	John Runft
Maria Hart	Lauren C. Markuson, National Student	Christine Salmi
Joel Hazel	Hon. Joe Meier	Lindsey A. Sanders, National Student
Susie Headlee, Honorary Member	Tara Martens Miller	Kevin Scanlan
Richard Hearn	James Martin	Lee Schlender
Kara Heikkila	Jason Mau	Alan Schroeder
Dana Herberholz	Kelly McConnell	Benjamin Schwartzman
Mary Hobson	Michael McIntyre	Sydney Sears, National Student
Alexandra Hodson, National Student	Christine Meeuwesen	Alex Semanko
Ernest Hoidal	Tara Martens Miller	Norman Semanko
Kate Horwitz	Serena Minasian, Student President	Cathy Silak
Regina Hovet	Michael Moore	J. Walter Sinclair
Loren Ipsen	Hon. Terry L. Myers	Colleen Smith
Emily James, National Student	Ryan Nelson	William Lloyd Smith
Andrew J. Johnson, National Student	Bryan Nickels	Hon. N. Randy Smith
Marcus Johnson	Sonyalee Nutsch	Scott Smith
Hon. Jim Jones (ret.)	Hon. David C. Nye	Slade Sokol
Julie Kane	Phillip Oberrecht	Newal Squyres
Stephen Kenyon, Clerk of Court	John Oborn	Craig Stacey
Ron Kerl	Wendy Olson	Benjamin Stein

Jon Stenquist

Matthew Walters

Hon. Mikel H. Williams

Erik Stidham

Larry Westberg

Jeffrey Wilson

Jordan Stott

Robert White

Hon. B. Lynn Winmill

Kenneth Stringfield

Bradley Williams

Brian Wonderlich

Audrey Thorne, National Student

Brandelle Whitworth

John Zarian

Greg Tollefson

Daniel Williams

Amanda Ulrich

Max Williams