



Federal Bar Association

Idaho Chapter

Sidebar

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A MESSAGE FROM WENDY J. OLSON, CHAPTER PRESIDENT

NOVEMBER 2019



I am excited to take the reins of this chapter after a spectacular Tri-state Conference, which was a tremendous success in a spectacular setting. Past President Dana Herberholz, executive director Susie Headlee and our fundraising duo of Merlyn Clark and Dan Williams demonstrated the commitment and leadership this chapter has been fortunate to experience over the last 20 years. I look forward to

contributing to that legacy over the next year.

I have four goals for this coming year. First, I want to make sure that all of our members find great value in this chapter. To that end, we will deliver interesting and topical CLEs throughout the state – and we invite your input on those CLEs. Most recently, we helped sponsor an immigration law CLE with numerous national experts. We will continue to provide opportunities for members to interact with our federal judges and their staff, who are great supporters of our chapter. As you can see in this newsletter, we invite you to join us on December 12 for our annual holiday Mix & Mingle holiday party.

Second, we will work with other Idaho professional lawyer associations to continue to focus Congress on Idaho's desperate need for a third federal judge. Our courts are overwhelmed. Quite simply, they

need relief. Third, we will continue to focus on younger attorneys and with Idaho's two law schools to increase knowledge about and interest in our federal courts.

Finally, I am excited to announce that we will sponsor a program on June 5, 2020 to celebrate the 100th anniversary of the ratification of the Nineteenth Amendment, ensuring women the right to vote. We will be peppering your inboxes with information about this event right after the start of the year.

Our federal courts are essential to our nation and to our form of government. The Federal Bar Association plays an important role in supporting our courts and supporting federal practice. Indeed, the FBA will celebrate its 100th anniversary in March. I hope you will join me in an active, informative and collegial year for the Idaho Chapter of the Federal Bar Association.



You and your guest are Cordially
Invited to the Idaho Chapter, FBA's

MIX & MINGLE HOLIDAY SOIRÉE

Thursday, December 12, 2019
Crane Creek Country Club
5:30 p.m. to 8:00 p.m.

Please RSVP by Monday, December 3rd
to Susie Headlee at sheadlee@parsonsbehle.com

Hosted by
Idaho Chapter, Federal Bar Association

GOVERNMENT RELATIONS

Article III Judicial Vacancies and Confirmations by Bruce Moyer, Counsel for Government Relations; and W. West Allen, (below), Chair, Government Relations Committee



During the most recent government relations update Bruce and West



reported the following information regarding federal judicial vacancies:

FEDERAL JUDICIAL VACANCIES as of November 8, 2019		
Jurisdiction	Vacancies	Nominees Pending
Supreme Court	0	0
Court of Appeals	3	3
District Courts	88	38
U.S. Court of Int'l Trade	2	1
U.S. Court of Federal Claims	8	5
Totals	101	47

SENATE CONFIRMATIONS OF TRUMP ARTICLE III NOMINEES' CONFIRMATIONS as of November 8, 2019	
Supreme Court	0
Courts of Appeal	14
District Courts	57
U.S. Court of Int'l Trade	2
U.S. Court of Federal Claims	3
Total	76

On November 6, the Senate confirmed the nomination of Danielle J. Hunsaker to the Ninth Circuit Court of Appeals. On November 5, the Senate confirmed the nomination of David Austin Tapp to the U.S. Court of Federal Claims.

On October 30, the Senate Judiciary Committee held nomination hearings on President Trump's two most recent nominees to the Ninth Circuit, Lawrence Van Dyke and Patrick Bumatay. The hearing was marked by harsh Republican criticism of the ABA's role in assessing candidate qualifications and the "not qualified" rating the ABA assigned to Van Dyke.

California's Judicial Vacancies. California's 14 vacancies in the Central and Southern Districts, along with two future vacancies in the Eastern District, remain the largest bloc of federal judicial vacancies in a single state. Six of the current vacancies are without nominees. The chief judges of the Southern and Eastern Districts, along with the FBA Sacramento Chapter, recently sent letters to the White House and their California Senators urging prompt attention in naming and confirming nominees to fill those vacancies.

FY2020 Funding for the Federal Judiciary and Executive Branch

A Continuing Resolution extending FY2019 funding for the federal judiciary and the rest

of the federal government remains in effect until November 21, 2019, with little certainty about what comes next. Top House and Senate appropriators have indicated they have not made sufficient progress in reaching a Fiscal Year 2020 budget, requiring an extension of the CR to avoid a government shutdown and fund the government into January, February or possibly even March.

Due to a technical legislative quirk, the CR does not provide any new border wall funding, a restriction that could engender Presidential resistance to an extension of the CR. While there appears to be bipartisan support for another stopgap bill to avoid a shutdown just before Thanksgiving, the President could still disrupt those plans if he refuses to sign it.

The FY 2020 appropriations scorecard, as a reflection of Congressional performance, is dismal. Congress has not passed any of the FY 2020 appropriations bills, including the Financial Services and General Government (FSGG) bill that funds the Judiciary.

The House earlier approved 10 of the 12 spending bills. The Senate last week approved a package of appropriations measures to fund the departments of Transportation, Housing and Urban Development, Agriculture, Interior, Commerce, Justice and other agencies. House and Senate conference negotiations over these bills will remain in a holding pattern until

Congressional leaders complete negotiations over defense and non-defense spending allocations. These top-line spending levels for the 12 appropriations bills, called 302(b) numbers, must be addressed before any appropriations measures can make it through both chambers.

Independent Immigration Court Briefing

The Federal Bar Association and its Immigration Law Section will sponsor a briefing for Congressional staff on the merits of an independent immigration court on November 22, 2019 at 2:00 p.m. in Room 2168 of the Rayburn House Office Building. Representatives of the American Bar Association, the American Immigration Law Association, and the National Association of Immigration Judges will participate in the briefing.

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.

FBA Publishes Pro Se Handbook

The FBA recently published a handbook for pro se litigants and distributed it to the Chief Judges of each circuit and district, along with the clerks of the district courts and circuit executives. It can be found electronically at www.fedbar.org/prosehandbook.

The handbook offers litigants a roadmap of a “typical” civil case and includes a glossary of common terms that they may encounter. It serves as a form that may be edited to meet the specific needs and rules of each court. The handbook also provides litigants with guidance before filing a lawsuit, basic procedures for filing a lawsuit, general case management procedures, and tips for conducting discovery. This handbook serves as a form and may be edited to meet the unique needs of the court. The FBA’s Access to Justice Task Force was created to investigate and develop ways to increase access to justice within the federal judicial system, especially for civil litigants without adequate financial resources to hire an attorney.



IMMIGRATION CLE AND TRAINING

Our Chapter partnered with Immigrant Justice Idaho, the Immigration Section of FBA national and many other sponsors in holding the first-ever immigration law training in Idaho. The 2-day comprehensive training was held at Concordia College of Law on November 14 and 15, 2019.

Immigration law and policy is dominating the headlines, and there are deadlines and rapid, dramatic changes occurring nationwide. Immigration is an area in which the federal courts are increasingly called on to review the application of these changes in individual cases. As such, effective communication between the federal bench and administrative adjudicators requires effective immigration representation.

The training held on November 14 and 15 sought to promote the administration of justice in immigration cases by building the capacity of the local bar to develop the issues and the records required for effective agency adjudication and federal court review. The result will be more efficient resolution of disputes, more effective use of administrative and judicial resources, and a swifter process

to arrive at final decisions for immigrants and their families.

Wrapping up the program on Friday was a public session, where presenters provided updates from individuals who are or have practiced law on the border. They described the challenges of representing clients and presenting cases under the new and ever-changing asylum policies and procedures.

Immigrant Justice Idaho hopes to make this an annual event. Our Chapter was delighted to contribute to this very worthwhile endeavor spearheaded by IJI's Director Maria Andrade.

COMMUNITY SERVICE PROJECTS

The FBA Chapter is participating in two community outreach programs with the Boise Fire Fighters Local #149. The first program is called *Operation Warm, More than a Coat*; and the second is the annual Toy Brigade held during the Christmas season.

Our Chapter is collecting funds for *Operation Warm, More than a Coat*, which provides a new winter coat to children in need in West Ada County and Boise Independent School Districts. We collaborate with these school district to fill an important hole in a child's life – HOPE. Many families living in poverty struggle to provide necessities like food, housing, clothing and child-care. The gift of a brand-new coat offers hope to both children and



their parents, reminding them there are those in their community who care about their well-being and their future.

We believe a brand-new coat is more than just a coat. Through serving children in need throughout the valley, we have seen that a brand-new coat offers a child physical and emotional warmth, confidence to socialize without ridicule, and hope for a brighter future. The gift of a brand-new coat empowers children by sparking self-confidence in a way that second-hand clothing cannot. A new high-quality coat helps students attend school, socialize with their peers and play outside with pride.

The program has been successful the last six years in providing 300 brand new coats to the school districts listed above. The coats are distributed in early November each year, and also by the counselors to children in need through-out the winter. The success is measured in the feedback that the program receives each spring from the recipient school counselors.

Our second community service project where we are partnering with Boise Firefighters Ladder #149 will begin right after Thanksgiving. We will begin collecting toys, books, etc. for children in need to be given away by Santa on December 12.

We hope you will consider contributing to these very worthy causes. Checks should be made payable to **Community Assistance Fund**, and mailed to Susie Headlee, at Parsons Behle & Latimer, 800 West Main Street, Suite 1300, Boise, ID 83702.

Thank you for your generosity in helping families in the Treasure Valley!



2019 Idaho Chapter, FBA Members

Welcome new Members: Payden Henry Ard, Kassadie Dunham
Larsen T.J. Kohler, Tori Osler, Angie Perkins, D. Andrew Rawlings,
Sarah St. John and Lauri Thompson

Greg Adams	Bruce Castleton	John Epperson, Student Member
Alyson Acheson	Colt Catlin	Ritchie Eppink
Andrew Alder	Craig Christensen	Peter Erbland
Tyler Anderson	Matthew Christensen	Thomas Everson
Maria Andrade	Merlyn Clark	Joshua Evett
Sam Angell	Kyle Cole	Robert Faucher
Kendra Ankrum, Student Member	Gary Cooper	Spencer Felton, Student Member
Payden Henry Ard, Student Member	Marisa Crecelius	Deborah Ferguson
C. Tom Arkoosh	David James Cummings	Olivia Nicole Ford, Student Member
Sarah Arnett	Christopher Cuneo	Alyson Foster
Darrel R. Aubrey, Student Chapter	Hon. Candy W. Dale	Trudy Hanson Fouser
William F. Bacon	James Dale	William Fuhrman
James Ball	Hon. Kira Dale	Jennifer Fuhs, Student Member
Katie Ball	Bart M. Davis	Jaclyn Gans
Sara Berry	Jennifer Dempsey	Patrick Geile
Walter H. Bithell	Edward W. Dindinger	Jack Gjording
Kacie Bitzenburg, Student Member	Teague Donahey	Amber Goeden
Katherine Bolton	William Dryden	Rafael Gonzalez
Brook Bond	Keely Duke	John Goodell
Joseph Borton	Yvonne Dunbar	Wendy Gordon, Student Member
Bennett Briggs	Kassadie Dunham, Student Member	Alexandra Grande
Garrett Brown, Student Member	Wendy Jordan Earle	Debora Kristensen Grasham
Grant Burgoyne	Dylan Eaton	Daniel Green
John Burke	Michael Elia	Richard "Dick" Greener
Robert Burns	Hailee Elledge, Student Member	Kevin Griffiths
Hon. Ronald E. Bush	Jamie Ellsworth	Brit Groom
	Ford Elsaesser	Rebecca Gullett

Blake Hall	Edward A. Lawson	Wendy Olson
Brady Hall	Tamsen Leachman	Tori Osler
Rich Hall	Tristan Leavitt	Hon. Jim D. Pappas
Nicole Hancock	Courtney Lennberg, Student Member	Eric Anders Pedersen, Student Member
Keegan Hahn, Student Member	April Linscott	Angie Perkins
Christina Hardesty	Jeremy Litster	James Piotrowski
Syrena Hargrove	David Lombardi	Larry Prince
Maria Hart	Amy Lombardo	Sanja Prutina
Dillon Haws, Student Member	Laird Lucas	D. Andrew Rawlings
Joel Hazel	Erika Malmen	Morgan Reese, Student Member
Susie Headlee, Honorary Member	Lauren C. Markuson, Student Member	David Risley
Richard Hearn	Tara Martens Miller	Kyle Rozanski, Student Member
Kara Heikkila	James Martin	James Ruchti
Dana Herberholz	Jason Mau	Jason Joe Rudd
Noah Hillen	Hailey McClung, Student Member	John Runft
Alexandra Hodson	Kelly McConnell	Christine Salmi
Ernest Hoidal	Charles McDevitt	Lindsey A. Sanders, Student Member
Regina Hovet	Michael McIntyre	Kevin Scanlan
Aspen Compton Hoyle, Student Member	Courtney McQuain, Student Chapter	Stephanie Michelle Scull, Student Member
Loren Ipsen	Hon. Joseph M. Meier	Benjamin Schwartzman
Emily James, Student Chapter	Whitney Mestelle, Student Member	Sydney Sears, Student Member
Bryce Jensen	Serena Minasian, Student Chapter	Alex Semanko
Andrew J. Johnson, Student Member	Michael W. Moore	Norman Semanko
Marcus Johnson	Allan Moriarty, Student Member	Cathy Silak
Sam Johnson, Student Member	Tishra Lynn Murray, Student Member	Hon. N. Randy Smith
Hon. Jim Jones (ret.)	Hon. Terry L. Myers	Scott Smith
Julie Kane	Jennifer Nelson	William Lloyd Smith
Stephen Kenyon, Clerk of Court	Hon. Ryan D. Nelson	Slade Sokol
Ron Kerl	Bryan Nickels	B. Newal Squyres
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Larsen T.J. Kohler	Hon. David C. Nye	Craig Stacey
Steve Kraft	Phillip Oberrecht	Benjamin Stein
Maureen Laflin	John Oborn	Jon Stenquist

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Danielle Strollo, Student Member	Amanda Ulrich	Hon. Mikel H. Williams
Jennifer Tengono, Student Member	Matthew Walters	Jeffrey Wilson
Stephen R. Thomas	Elijah Watkins	Hon. B. Lynn Winmill
Christopher Thompson, Student Member	Larry Westberg	Brian Wonderlich
Lauri Thompson	Robert White	John N. Zarian
Audrey Thorne, Student Member	Brandelle Whitworth	
Greg Tollefson	Dan Williams	