

FBA INLAND EMPIRE BAR REVIEW

Issue 9

INLAND EMPIRE CHAPTER

Spring, 2013

FEDERAL BAR ASSOCIATION

Message from Your Federal Bar Association Chapter President

By: US District Judge Virginia A. Phillips



I open my first column as President of this FBA chapter with thanks to Kim Connelly for her generosity in volunteering to produce this newsletter. The publication of the newsletter every quarter is the direct result of Kim's drive and diligence.

Everyone who practices, works, and litigates in the federal courts has begun to feel the effects of the automatic budget cuts imposed as a result of the budget impasse commonly referred to as "sequestration." In our district, Chief Judge George H. King recently announced seven "reduced service days" in the next few months. During each of those seven days, the courthouses will only be open for emergency civil filings (e.g., temporary restraining order applications, and complaint filings in actions where the statute of limitations will expire that day), criminal duty matters, and certain emergency admiralty matters. Court staff are suffering the effects of mandatory furloughs, as are the attorneys and staff in the Federal Public Defender's office and the United States Attorney's Office. Nor are those who work in the U.S. Marshal's Service and the numerous federal law enforcement agencies spared from furloughs and the other effects of the automatic budget cuts.

Those of us who work or practice in the federal courts are fearful of the long-term effects of these strains on the federal judicial system. At the national level, the FBA leadership continues to make Congressional leaders aware of the vital

[Cont'd on Page 3]

CALENDAR OF EVENTS

THE ANNUAL CONSTITUTIONAL LAW FORUM AND PRESENTATION OF THE 2013 ERWIN CHEMERINSKY DEFENDER OF THE CONSTITUTION AWARD TO U.S. DISTRICT JUDGE TERRY J. HATTER, JR.

DATE: MAY 15, 2013

PLACE: MISSION INN

TIME: 12:00 – 1:30 P.M.

-Featuring: Dean and Distinguished Professor of Law Erwin Chemerinsky

THE SWEARING IN CEREMONY FOR THE CENTRAL DISTRICT OF CALIFORNIA

DATE: JUNE 6, 2013

PLACE: GEORGE E. BROWN, JR. FEDERAL COURTHOUSE

TIME: 8:00 A.M.

FBA PROGRAM: MUNICIPAL BANKRUPTCIES

DATE: JUNE 19, 2013

PLACE: GEORGE E. BROWN, JR. FEDERAL COURTHOUSE

TIME: 12:00 P.M. – 1:15 P.M.

-Speaker: Franklin C. Adams, Partner, Best, Best & Krieger

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Newly Appointed District Judge Jesus Bernal

~An American Success Story~



By: Kay K. Otani

Newly appointed District Judge Jesus Bernal is an American success story, but as with all American success stories, there were people who gave him the help he needed to succeed. In Judge Bernal's case, these were his family, his parents, his siblings, and his own wife and children.

Judge Bernal was born in Sinaloa, Mexico. Following the promise of a better life, his family came to the United States and moved into Boyle Heights when he was still in elementary school. Like others before them, the family learned that the opportunity was real but required hard work to achieve. Judge Bernal's father, who had a sixth-grade education and could not speak English at the time, commuted to Fullerton to work as a packer in a food-processing plant. His mother, who had graduated from high school but also did not speak English at the time, worked in a garment factory, sewing and ironing.

The early years were tough economically, and culturally as well. As the oldest of the children, with both parents working, Judge Bernal had to look after his brothers and sisters, as well as learning English and doing schoolwork. Their parents always emphasized the importance of education and tried to help with schoolwork, but while still in elementary school, Judge Bernal became the family's translator and the tutor for his little brothers and sisters. Although he was a gifted student, because he was adjusting to English, he did not stand out during his elementary school years.

Eventually, the family's hard work began to pay off. Their lives became better because of the education and opportunities available in the United States. Judge Bernal's father continued to work at the same plant but was able to move into less physically demanding positions. His mother also moved on to other jobs and eventually became an assistant in the clothing design department. As for Judge Bernal and his brothers and sisters, once they became adjusted to English and their new schools, they began to shine academically. From junior high school onward, Judge Bernal was at the top of the class, and his little brothers and sisters followed suit. Although they all went to public schools, they all graduated from private universities. Judge Bernal graduated from Yale as an undergraduate with a degree in economics, and from Stanford Law School. His brothers and sisters all graduated from college, including such schools as Stanford and Occidental.

Judge Bernal's father eventually decided to step down from his job at the food-processing plant, but rather than retire, he decided to stay on as a maintenance man. Unfortunately, he passed away before Judge Bernal became a district judge, but both Judge Bernal's mother and father were so proud of their children. Their sons worked in law, in a government housing agency, and in teaching, and their daughters decided to become full-time mothers who stressed the importance of education to their own children.

After law school, Judge Bernal clerked for District Judge David V. Kenyon and then joined Heller Ehrman LLP, where he practiced large and complex business litigation. In 1996, he left private practice for the Office of the Federal Public Defender. He had always been interested in criminal law and wanted to be in court more often. He had observed deputy federal public defenders in court and thought highly of them. Thanks to his upbringing, he was able to leave the money of private practice behind, because he was more interested in satisfaction with his life than in just making money. He eventually became the Directing Attorney of the Riverside Branch Office of the Federal Public Defender and then the Chief of Trials for the entire office.

As an attorney, Judge Bernal was known for combining an incredibly sharp legal intellect with a very low-key and easy-going demeanor. As a supervisor, he not only assisted his line attorneys with technical legal issues, but also was able to take the weight from their shoulders by showing

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[Message from Your President cont'd from Page 1]

importance of funding the Third Branch at a level sufficient to carry out its constitutional mission. You can help with these efforts by contacting your federal elected officials and making your concerns known to them.

Our chapter continues in its tradition of presenting excellent programs on timely topics of interest to our membership and the bar in general. In March, Kerry Heinrich, compliance counsel for Loma Linda University Medical Center, presented an in-depth analysis of the implementation of the Affordable Care Act from the perspective of hospital administrators. The annual Federal Civil Pretrial Practice forum, once again moderated by past chapter president Kendall MacVey, took place on April 9, notable for the participation of the Honorable Jesus G. Bernal, who is now in residence in the Eastern Division after a short stint in Los Angeles following his Senate confirmation in December. Please plan to attend Dean Erwin Chemerinsky's "Supreme Court Round Up" lecture, to be held this year on May 15 at the Mission Inn. The Chapter will proudly present the Erwin Chemerinsky "Defender of the Constitution" Award to the Honorable Terry J. Hatter, Senior United States District Judge and Chief Judge Emeritus, at the May 15 luncheon.

I look forward to seeing you on May 15, and at the events planned throughout this year. Thank you for your support of our chapter. ❖

Traditions New and Old

By: Emile Mullick

Some traditions are easily cast aside, others persist and prevail against logic and resistance, and still others pop up like annoying weeds.

I recently had the bad fortune to have to defend against a Rule 26 attack. Many years ago this was an anticipated and enjoyable opportunity to exercise our skills, a brief skirmish on the way to reaching final victory. Alas, things have changed.

First the good changes. Electronic filing heralding the demise of the torturous tradition of presenting briefs with proof of service at the filing window of the "local" courthouse, with copies to be conformed, and mailing copies to all parties. This was replaced by filing from the keyboard of your PC, with all the rest done by the system. No longer will there be a need for trained and trusted couriers to carry in pouch and backpack bundles of papers over the miles to a distant courthouse. A tradition dating back to the days of Lincoln is to be lost.

[Cont'd on Page 11]

[Judge Jesus Bernal Cont'd from Page 2]

them how to break a problem down into manageable pieces. As an opponent, he was always courteous and forthright. He fought hard, but never dirty.

In keeping with his down-to-earth lifestyle, he married a woman from his hometown in Sinaloa, and they have two children, a son and a daughter.

Judge Bernal became a judge on December 12, 2012. While he wishes that his father could have celebrated with him, his mother is as proud as a peacock, as are his brothers and sisters.

Judge Bernal took the bench in Riverside on April 1, 2013. He is a judge who has experience in civil and criminal matters and is respected by prosecutors, criminal defense attorneys, and civil practitioners. His presence will help give the people of the Inland Empire the access to justice they deserve. The judges, attorneys, and bar associations of the Inland Empire welcome Judge Bernal back to Riverside and celebrate a truly inspiring, truly American story.

[Kay Otani is treasurer of the Inland Empire Chapter of the Federal Bar Association.] ❖

Clerk's Update



KIRY K. GRAY | DEPUTY-IN-CHARGE
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION
3470 Twelfth Street, Suite 129
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By: Kiry Gray

JUDICIAL APPOINTMENT

We are very happy to announce that Judge Jesus G. Bernal has taken the bench in Central District of California, Eastern Division. Judge Bernal is a welcome and much needed judicial addition to the Riverside bench. His investiture will take place on May 3, 2013. He will be presiding, along with Judge Virginia A. Phillips, over civil and criminal cases filed in the Central District of California in Riverside.

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The Inland Empire's New Lawyer Organization: Asian Pacific American Lawyers Inland Empire



The desire to form an Asian American lawyers association in the Inland Empire, i.e. Riverside and San Bernardino counties, has been the sentiment of many of the Asian American lawyers either working or living in these counties for quite some time. There are various Asian American lawyer organizations already in existence in different areas of Southern California, such as the Asian Pacific American Bar Association. However, these ideas and desires had not actually come to fruition in the Inland Empire, until now.

The initial formation of the Asian Pacific American Lawyers Inland Empire ("APALIE") began with a single email. On November 21, 2012, Eugene Kim (partner at Gresham Savage Nolan & Tilden) emailed me, Sophia Choi (Deputy County Counsel at the County of Riverside's Office of County Counsel), Sylvia Choi (Deputy District Attorney at the Riverside County District Attorney's Office), Lloyd Costales (attorney at Page Lobo Costales & Preston), Ricky Shah (attorney at The Law Offices of Ricky S Shah), and Jerry Yang (Assistant United States Attorney at the Office of the US Attorney located in Riverside). All of us were enthusiastic about this endeavor. With a wide range of practice areas and offices located in different areas of the Inland Empire, we shared a common goal: the desire and drive to form an organization of Asian Pacific American lawyers in the Inland Empire.

We had our first formation meeting on December 4, 2012. By this time, we already had additional interested members, including Justin Kim (attorney at Welebir Tierney & Weck), Julius Nam (Law Clerk in the Central District of California), and Niti Gupta (attorney at the Los Angeles Dependency Lawyers). At this meeting, we discussed the possible names of our organization, our mission and goals, events, and means for membership growth. APALIE's goals are to promote access to legal opportunities in the Inland Empire for its members, provide mentorship opportunities, support fellow

members to advance in the legal profession, and to provide community service, to name a few. It was a successful meeting of the co-founders of the organization. APALIE's mission statement is: *APALIE is a professional association supporting the professional growth and advancement of the Asian Pacific American legal community in the Inland Empire. APALIE strives to ensure justice, equal access, and opportunities in the legal profession for all persons. The association fosters professional development, legal scholarship, advocacy and community involvement.*

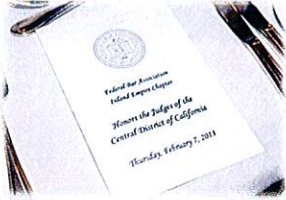


[APALIE Board Members L-R: (Front Row) Justin Miyai, Ricky Shah, Eugene Kim, Sopia Choi, Hon. Jason Lucky, Lloyd Costales; (Back Row) Julius Nam, Warren Chu, Young Kim, Jean Won, Rosemary Koo, Ami Sheth, Niti Gupta, Angela Park, Sylvia Choi, Justin Kim; (Not Pictured: Jerry Yang, Kerry Osaki, Kay Otani, Jason Oei, and Honorable Cynthia Loo)]

Our subsequent meeting was held on January 17, 2013. With a slowly yet steadily growing membership, we had four additional members, Warren Chu (Deputy County Counsel at the County of Riverside's Office of County Counsel) and Angela Park, as well as Ami Sheth (Assistant US Attorney) and Young Kim (Deputy Federal Public Defender in Riverside). APALIE will hold monthly meetings to discuss formation and membership.

With a diverse group of Asian Pacific American attorneys who have already started working together in efforts to establish and foster this organization, we are confident that APALIE's membership will continue to grow and positively impact the Inland Empire legal community and the community in general. I know some may think this organization is being formed exclusively for Asian Americans; however, I would encourage all who identify with our mission statement to attend one of our meetings and become involved in this exciting new endeavor. For more information regarding our organization or if you would like to join as a member, please email me at: sochoi@co.riverside.ca.us

JUDGES' NIGHT 2013



The Inland Empire Chapter kicked off its year on February 7, 2013, with its annual dinner honoring the judges of the Central District of California.

Chief Judge King gave the state of district update and introduced the newest United States District Judge appointed to the Eastern Division, Jesus Bernal.



[L-R: Chief Judge George H. King, Pamela King, William Robert DeWolfe, Judge Jesus Bernal, Stephen Larson, Judge Oswald Parada, and Jacqueline Carey-Wilson]

Judge Bernal proceeded to install the Inland Empire Chapter's new officers and board members.

The Officers for 2013 are:

President: Hon. Virginia A. Phillips
 President Elect: James E. "Jeb" Brown
 Treasurer: Kay K. Otani
 Secretary: Antoine F. "Tony" Raphael

The 2013 FBA/IE Board of Directors are: Judge David Bristow, Mark Schnitzer, Joseph Widman, Jeffrey Aaron, James ("Jeb") Brown, Daniel Roberts, Jacqueline Carey-Wilson, John Holcomb, John Porter, Kendall MacVey, Kay Otani, Judge Oswald Parada, Judge Virginia A. Phillips, Antoine Raphael, Judge Sheri Pym, Stephanie Field, Emile Mullick, Professor Charles Doskow, and Judge Jesus Bernal.



[L-R (Back Row): Judge David Bristow, Mark Schnitzer, Joseph Widman; Jeffrey Aaron, James ("Jeb") Brown, (Middle Row) Daniel Roberts, Jacqueline Carey-Wilson, John Porter, Kendall MacVey, Kay Otani, Judge Oswald Parada, (Front Row) Judge Virginia A. Phillips, Antoine "Tony" Raphael, Judge Sheri Pym, and Stephanie Field (Not Pictured: Emile Mullick, Professor Charles Doskow, Judge Jesus Bernal and John Holcomb)]

Judge Jesus Bernal gives the oath of office to the 2013 Inland Empire Chapter of the Federal Bar Association.



Newly installed president of the Inland Empire Chapter of the Federal Bar Association Board, Judge Virginia Phillips, presents gifts to the outgoing president, Judge Sheri Pym.



[L-R: Judge Sheri Pym and Judge Virginia Phillips]

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Pro Se Corner



PRO SE CLINIC HELPS WWII VETERAN AND FAMILY AVOID EVICTION

By: Diane Roth, Program Director

A World War II veteran, his wife, and 15-year old dependent granddaughter can stay in their home thanks to our Pro Se Clinic volunteers.

WWII veteran Mr. A of Hesperia called PSLC for help when he received a foreclosure notice from his bank. He had gotten behind on his payments and was days away from losing his home. He and his wife were disabled and physically unable to make it to the court or the clinic in Riverside. We thought we would be unable to help until volunteer attorneys Manfred Schroer of Grand Terrace and Dwight Kealy of Temecula stepped up and worked out a cooperative arrangement to help the veteran obtain Chapter 13 bankruptcy protection.



[Mrs. and Mr. A]

"You think you know everything about a person when you've collected the information necessary to file a chapter 13 bankruptcy," Mr. Kealy said. "This is what I thought until a 15-year-old young woman came in, hugged the old veteran, and said, 'Hi Dad.' When she left the room, I looked up from the documents that I thought contained all of the veteran's information, and asked, 'So, you have a dependent?' It turns out that the girl is their granddaughter who has lived with them since she was 14 months old."

The morning 341(a) Creditor Meeting consisted of a conference call with Mr. Schroer and the trustee's attorney in Riverside and Mr. Kealy at the veteran's house with the clients and a notary. Mr. Kealy then collected the notarized documents and delivered them to the trustee's attorney prior to the confirmation hearing. The plan is unusual and creative; the trustee's attorney said it was the first time she had recommended confirmation in a situation like this. But the plan was confirmed.

"I know they don't make TV shows about bankruptcy court," Mr. Kealy said. "But 'plan confirmed' to a new bankruptcy attorney sounds like 'not guilty' to a defense attorney. It meant that the veteran, his wife, and 15-year-old granddaughter would be able to continue living in their house together."

This was Dwight's first bankruptcy case and his first court appearance, having been sworn in this year. Manfred is a seasoned bankruptcy attorney who's our most dependable and big-hearted volunteer (more than 200 hours donated to the clinic in 2012). They are now a mutual admiration society. As Dwight says:

"Most of you might think that the actual practice of law is not all that exciting, but it can be. Volunteering with PLSC in the past months has given me the opportunity to save a WWII veteran and his family from eviction, help a mother get custody of her children, and help others start a new life after a difficult marriage. Volunteering at PLSC also gives you the opportunity to surround yourself with people who want to help other people. As a new attorney, I am grateful for the opportunity to work with experienced volunteer attorneys like Manfred Schroer who are willing both to help me learn the practice of law and to give me examples of using the law to help others."

This is not the usual case, as we don't ordinarily make house calls. But your contribution of just a few hours in the clinic can help keep a couple in their 80s from becoming homeless or help a disabled person get social security benefits. We are most in need of volunteers on the District Court side, primarily to advise litigants on procedural matters. No formal sign-up procedure. Just stop by after your court appearance for an hour or two.

Thank you to the IE FBA for sponsoring PSLC's annual Wine & Culinary Benefit and for your continued support of our clinic. And thank you to the District Court for agreeing to fund us again for fiscal year 2013-14. ❖

Alternative Dispute Resolution (ADR) Corner



GAIL KILLEFER | ADR PROGRAM DIRECTOR
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LEGAL SERVICES UNIT
ALTERNATIVE DISPUTE RESOLUTION PROGRAM
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By: Gail Killefer, ADR Program Director

The Central District offers civil litigants three alternative dispute resolution (ADR) procedures: a settlement conference with a magistrate judge, the Court Mediation Panel, and private mediation. Generally, all civil cases must participate in an ADR procedure no later than forty-five (45) days before the final pretrial conference.

One of the magistrate judges available for settlement conferences in Riverside is the Honorable Oswald Parada. Judge Parada is also a member of the Court's ADR Committee.

Magistrate Judge Parada was appointed to the bench in January 2006. Prior to his appointment, he served as a Deputy Federal Public Defender in the Central District between February 1991 and January 2006. He was the Directing Attorney of the Riverside Branch of the FPD Office from August 1995 to January 2006. In this interview, Judge Parada discusses his approach to settlement conferences.

Q: Many magistrate judges view settlement conferences as an important element of their job. Tell us a little about your experience with settlement conferences.

A: I also view settlement conferences as an important part of my responsibilities as a magistrate judge. The reality is that the vast majority of lawsuits don't go to trial, they settle. Having a magistrate judge conduct the settlement conference has definite advantages. Parties are more willing at times to discuss settlement with a judicial officer than with another attorney. Parties can also save significantly on the costs of litigation by appearing before a magistrate judge.

In over seven years on the bench, I have conducted settlement conferences in approximately 120 cases, settling a substantial percentage of them. The settlement conferences have been educational in that the cases have involved many different areas of law; challenging in that

each case presents unique dynamics with what, at times, seem to be insurmountable obstacles; extremely rewarding when the cases settled and are taken off the district judges' calendars; and, on occasion, somewhat frustrating when my best efforts have proved unsuccessful. I very much enjoy conducting settlement conferences and look forward to continued participation in them.

Q: How do you prepare for a settlement conference?

A: To prepare for a settlement conference, I access the Court's CM/ECF system to check the procedural history of the case. I like to know what the relevant dates are and whether any pre-trial motions have been filed. If the district judge has ruled on motions, I review the rulings to get a better understanding of the disputed factual and legal issues.

I also have the parties submit confidential settlement briefs which I review to determine what each side believes are the main factual and legal issues in dispute, where the parties are in the settlement process, what damages or other relief are sought, how much each side has invested or will invest in attorney's fees, time, and costs if the case is not settled, how the parties evaluate the likelihood of prevailing, and what the parties' realistic expectations are with regard to settlement.

Q: In preparing for a settlement conference with you, what should counsel know?

A: The parties should know that I am there to do my best to facilitate a settlement. I expect lead counsel and the clients to be present. I expect them to be prepared to fully candidly discuss all aspects of the case. I typically ask a lot of questions regarding factual and legal issues. I am willing to convene multiple sessions if the parties are making progress but more time is needed either to consider information brought up at the conference or to obtain additional information to clarify issues discussed during the conference.

Q: What do you wish counsel would discuss with their clients before a settlement conference with you?

A: I want counsel to inform their clients that they will be expected to fully participate in the conference. I first meet with the attorneys only. I later meet with the attorneys and their clients to openly

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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK**

PUBLIC NOTICE

**RE: AUTOMATIC ADJUSTMENTS OF CERTAIN
DOLLAR AMOUNTS IN THE BANKRUPTCY CODE
AND OFFICIAL BANKRUPTCY FORMS
EFFECTIVE APRIL 1, 2013**

On April 1, 2013, automatic adjustments to the dollar amounts stated in various provisions of the Bankruptcy Code and one provision in Title 28 of the United States Code will become effective. The amended dollar amounts will apply to cases filed on or after April 1, 2013.

As a result, Official Bankruptcy Forms, as listed in the following table, are being revised to incorporate adjustments to dollar amounts that become effective April 1, 2013. The revised forms will be available at no cost on the Forms webpage of the Court's website www.cacb.uscourts.gov as soon as the Administrative Office of the U.S. Courts has made them available in a fillable format. The revised forms will also be available for a fee at the Intake Sections of all of the Court's five divisions.

Official Form Number	Official Form Title
B1	Voluntary Petition
B 6C	Schedule C - Property Claimed as Exempt
B 6E	Schedule E - Creditors Holding Unsecured Priority Claims
B 7	Statement of Financial Affairs
B 10	10 Proof of Claim
B 22A	Statement of Current Monthly Income and Means Test Calculation (Chapter 7)
B 22C	Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income (Chapter 13)

Information regarding dollar amount changes in the revised forms is available at: www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx.

**KATHLEEN J. CAMPBELL
CLERK OF COURT**

Edward R. Roybal Federal Building and Courthouse • 255 East Temple Street •
Suite 1260 • Los Angeles, California 90012
www.cacb.uscourts.gov



discuss any issues the clients feel are relevant which may not have been addressed by counsel. The clients should be prepared to answer questions I may have. I will also stress to the clients the importance of having realistic expectations and being flexible in their respective positions. No settlement can be reached if neither side is willing to budge. I am of the opinion that a good settlement is one where both sides leave "equally unhappy."

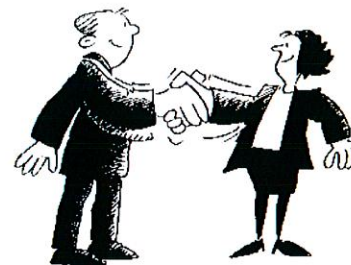
Q: What is your technique or style in a settlement conference?

A: I try to make the parties comfortable at the outset so that they will be more relaxed during the settlement conference and be more open to discussion. I am flexible when it comes to adopting a facilitative or evaluative approach. It all depends on the particular circumstances and dynamics of each case.

Q: What is on your list of "Do's" and "Don'ts" for counsel appearing before you in settlement conferences?

A: Be prepared. Know your case inside and out. Don't grandstand. I'm not here to try the case. I'm here to settle it. Be candid with me regarding the strengths and weaknesses (yes, weaknesses) of your case. Don't posture. Cut to the chase regarding possible settlement outcomes.

For more information about the Court's ADR Program visit the "ADR" page of the Court website, www.cacd.uscourts.gov.





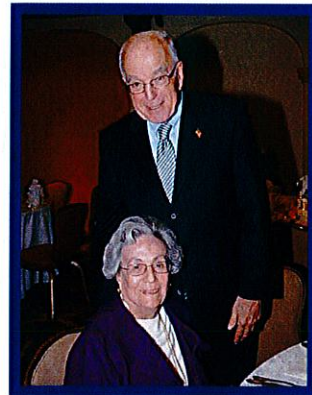
[L-R Past Presidents: Daniel Roberts, Dennis Wagner, Jacqueline Carey-Wilson, Judge Sheri Pym, Kendall MacVey, Judge Oswald Parada and Mark Schnitzer]

full time tenured professor at University of California, Riverside. Ms. Smith is committed to a public interest practice (in federal court) dealing with the rights of Native Americans, particularly the generation of Native Americans who were removed from their families as children and placed in boarding schools.

Ms. Smith externed at the Federal Public Defender's office in Riverside and has done a great deal of other public service and pro bono work while in law school. She has long-standing ties to the Inland Empire and plans to practice in this area. Please help us in congratulating Ms. Smith on being the 2013 recipient of the Chapter Scholarship.

Jacqueline Carey-Wilson presented Judge Jesus G. Bernal with a United States flag which was flown over the United States Capitol at the request of the FBA/IE to commemorate his oath as a U.S. District Judge for the Central District of California on January 4, 2013. She also presented Judge Mark D. Houle with a United States flag which was flown over the United States Capitol at the request of the FBA/IE on the occasion of his investiture as a U.S. Bankruptcy Judge for the Central District of California on October 11, 2012.

Judge Manuel Real and his wife Tao Real were among the honored guests that night.



[Judge Manuel Real and his wife Tao Real]



[L-R: Jacqueline Carey-Wilson and Judge Jesus Bernal]



[L-R: Jacqueline Carey-Wilson and Judge Mark Houle]

This year's recipient of the IE FBA Annual Scholarship Award was Andrea Smith.



[James "Jeb" Brown and Terri Nafis]



[L-R: Magistrate Judge Sheri Pym and Andrea Smith]

The photos of the installation and dinner were taken by Michael Elderman. To view all the photos of event, please go to: <http://www.mjeldermanphoto.com>



Andrea Smith is a third year law student at the University of California, Irvine School of Law and is a

Excellent Programs of the Inland Empire Chapter of the Federal Bar Association

REDUCED SERVICES DAYS:

The United States District Court, Central District of California, will furlough staff and have seven reduced services days beginning on April 26, 2013. The court will be closed and reduced services will be available on the following days:

Friday	April 26, 2013
Friday	May 24, 2013
Friday	June 21, 2013
Friday	July 12, 2013
Friday	July 26, 2013
Friday	August 16, 2013
Friday	August 30, 2013

On April 9, the chapter held its annual Federal Civil Practice Seminar. Participating in the program were U.S. District Judges Virginia A. Phillips and Jesus Bernal; Magistrate Judges Oswald Parada and David Bristow; and moderator Ken MacVey. Over 40 attended.



[L-R: Magistrate Judge Oswald Parada, U.S. District Judge Jesus Bernal; U.S. District Judge Virginia A. Phillips, Ken MacVey; and Magistrate Judge David Bristow

The criminal intake section will be open for the processing of the following paperwork: bond-related matters, new arrests and criminal duty matters. The civil emergency filings that will be accepted are as follows: a new action where the statute of limitations expires that day; an application for a temporary restraining order regarding an event that will take place prior to the next business day; and an application for a warrant for the arrest of a vessel regarding an event that must take place prior to the next business day. CM/ECF will be available for electronic filing on reduced service days.

Judge Phillips discussed the state of the Central District and the Eastern Division. She pointed out that with the ongoing budget sequester there would be a certain number of furlough court days this year. She underscored that certain magistrate judges are available to preside over trials and that everyone should consider stipulating to a magistrate judge in order to get to trial early. She also gave very helpful tips on how counsel should approach the scheduling conference, including how lead trial counsel needs to attend and be prepared to address case specifics at the conference.

NEW ADMINISTRATIVE FEE:

Beginning May 1, 2013, there will be a new \$50 administrative filing fee that will be added to the current \$350 filing fee for civil actions, suits or proceedings for a total filing fee of \$400. This new fee is part of the "District Court Miscellaneous Fee Schedule" established by the Judicial Conference pursuant to 28 U.S.C. § 1914. This fee will not apply to persons granted in forma pauperis status under 28 U.S.C. §1915.

Judge Bernal, who was sworn in just last December, pointed out the importance of counsel being concise and clear in their written and oral presentations. Judge Bristow emphasized how counsel must be familiar with the requirement for stipulations in discovery disputes. Judge Parada discussed how settlement conferences are confidential and offer a real opportunity to resolve cases at reduced cost.

ATTORNEY CASE OPENING PROJECT:

The Attorney Case Opening Project has been postponed at this time. Please stay tuned for further developments.

The chapter has presented the Federal Civil Practice Seminar for over ten years, providing the legal community with a unique opportunity to get to know and to talk with the judges from the Eastern Division and the Central District overall. ❖

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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK**

PUBLIC NOTICE

**RE: COMMENT PERIOD FOR COURT'S
PROPOSED STRATEGIC PLAN**

The Court has drafted a new Strategic Plan to define its direction for the next 7-10 years. The Strategic Plan identifies long-term issues facing the Court, together with the goals and strategies to address each of these issues. The Court is now seeking comments and suggestions from the public on this draft.

To review this draft, click on the following link: Strategic Plan. All comments and suggestions are welcome. To submit a comment or suggestion, please be sure to reference the specific issue/goal/strategy in the Strategic Plan being addressed.

Questions to consider

- What would you change and how would you change it?
- What other issues should the Court address over the next 7-10 years?
- Do the goals sufficiently address each issue? If not, how may they be improved?
- Do the strategies sufficiently support the achievement of each goal? If not, how may they be improved?

For a comment or suggestion to be considered, it must be emailed to Strategic_Planning@cacb.uscourts.gov by May 15, 2013.

**KATHLEEN J. CAMPBELL
CLERK OF COURT**

Edward R. Roybal Federal Building and Courthouse • 255 East Temple Street • Suite 1260 • Los Angeles, California 90012
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Access to all filed documents is now available 24/7 from the keyboard of your PC. And, wonder of wonder, users can access all cases in the system, dockets and filed documents. Truly a magnificent achievement, the strongest case that I know of to refute the mantra that the government can't do anything right. How I wish the medical community could come close to this level of accessibility to my medical records.

We can now sit at our keyboards, send our briefs out for filing, and the system will docket, file, and serve with uncanny speed and precision. Benefits are heaped upon readers of briefs. They no longer have to open bulky envelopes, and then store the contents in huge filing cabinets for future access. We can now access the filed document, download it for saving at our chosen location on our computer hard drive, and display it for reading on our monitors at the touch of a button. After reading, a document can be taken from sight at the touch of a button, no storage or disposal problem, unless you really can't let go of holding a piece of paper.

Which brings us to the tradition that will not go away. If all of the above seems unworthy of attention, because it is so obvious, accepted, and pervasive, think again. Some people, very important people, must have pieces of paper delivered at their doorstep, within 24 hours. "Courtesy copies", now decreed "Mandatory Chambers Copies", is a tradition that will not die.

But those that cling to old traditions are not completely inflexible. They will institute new ones. Part of the joy and challenge of law is advocating in open court. Oral argument was part joy and exhilaration from releasing our knowledge of the law and the facts, and part fear of being blindsided and humiliated. Most of us loved it. Reading and pondering a well written tentative the night before a hearing would light the way to resolution. But tentative opinions and oral argument are slowly dying, some have done away with them completely. And this is a great loss. It can lead to delays which gave birth to the idea of oral argument in the first place. The 12 b motion I recently opposed, with leave to amend, was granted five months after the "hearing date", case dismissed and closed, based upon a misunderstanding that would have been easily cured at oral argument. A Rule 60 Motion and Notice of Appeal was a costly and time consuming way to correct what could have been corrected at oral argument.

I look forward to the day when the new traditions are "Oral argument will be limited to no more than three minutes on the Court's tentative", and "The Court will accept no paper submissions". ❖