

FBA INLAND EMPIRE BAR REVIEW

Issue 12

INLAND EMPIRE CHAPTER

Winter, 2014

FEDERAL BAR ASSOCIATION

Message from Your Federal Bar Association Chapter President

By: James E. "Jeb" Brown



My name is Jeb Brown, and I am honored to be the Inland Empire Chapter FBA President for 2014. I would like to take this opportunity to thank my predecessor, Judge Virginia Phillips. Judge Phillips was an excellent leader and made 2013 a very successful year for our

chapter of the FBA. Thank you Judge Phillips for leading the FBA in 2013.

Hopefully, many of you were able to join us at the Judges' Night at the Mission Inn on January 29, 2014. Through Judge Phillips' efforts, we were fortunate to have Ninth Circuit Judge Raymond Fisher provide the keynote speech. Judge Fisher's comments were very inspirational and motivating. We also heard from Chief Judge George King, who gave the state of the Central District. While things are looking up in the Central District, there are still many challenges that lie ahead.

Throughout 2014, Inland Empire Chapter of the FBA plans many interesting and thought-provoking presentations. Please mark your calendar for May 13, 2014 for the annual Defender of the Constitution award luncheon. As you know, Dean Erwin Chemerinsky will give an update on happenings at the Supreme Court. Also, please consider worthy nominations for the Defender of the Constitution award. Past award winners include Judge Stephen Larson, John Porter, Diane and Andy Roth, and Dale Galipo.

[Cont'd on Page -2-]

CALENDAR OF EVENTS

APPELLATE ADVOCACY PROGRAM

DATE: WEDNESDAY, MARCH 26, 2014

PLACE: GEORGE E. BROWN, JR. FEDERAL COURTHOUSE
COURTROOM 4

TIME: 12:00 P.M. 1:15 P.M.

Featuring: Judge Jacqueline Nguyen of the U.S. Court of Appeals; Timothy Coates, Esq.; Deputy Federal Public Defender Gail Ivens; and Assistant U.S. Attorney J.C. André

CIVIL PRACTICE SEMINAR

DATE: APRIL (TBD)

THE ANNUAL CONSTITUTIONAL LAW FORUM AND PRESENTATION OF THE 2014 ERWIN CHEMERINSKY DEFENDER OF THE CONSTITUTION AWARD

DATE: MAY 13, 2014

PLACE: HILTON/SAN BERNARDINO

TIME: 12:00 – 1:30 P.M.

Featuring: Dean and Distinguished Professor of Law Erwin Chemerinsky

IMPORTANT ANNOUNCEMENT

Now Seeking Nominations for the 2014 Erwin Chemerinsky Defender of the Constitution Award

NOMINATION DEADLINE: April 4, 2014

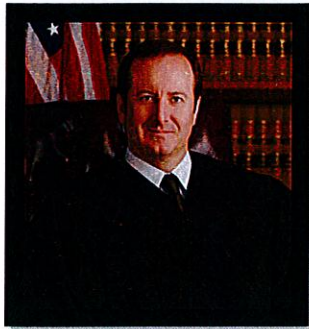
*For the nomination form and further details please go to:
www.fedbar.org/Chapters/Inland-Empire-Chapter*

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Honorable Mark Houle

~A Judicial Profile~



By: Stefanie G. Field

Prior to even meeting Judge Mark Houle, I was struck by his humor, which threaded our email conversations. That sense of humor was abundantly evident throughout our interview, and is an intrinsic part of his personality and his humility.

Judge Houle, a Massachusetts native, is one of the more recent appointments to the U.S. Bankruptcy Court, Central District of California. His pedigree is impressive. He graduated summa cum laude from Salem State College in 1993 before attending Boston College Law School. While in law school, he discovered an affinity for bankruptcy law, an affinity that was aided by a compelling bankruptcy professor and an internship with the U.S. Trustee's Office.

Graduation brought the reality of a depressed market in the legal field, with limited options. As such, Judge Houle decided to make lemonade out of some lemons. He obtained a clerkship in the U.S. Bankruptcy Court for the Central District in California and gained a new residence.

Capitalizing on what he learned clerking, Judge Houle then went into practice with a boutique bankruptcy firm where he gained invaluable experience and training. While there, he very much impressed opposing counsel at Pillsbury Winthrop Shaw Pittman LLP that they offered him a job. He remained there until his appointment to the bench.

Becoming a judge was a natural progression for Judge Houle. He thoroughly enjoyed the substance of his practice and had clients with whom he enjoyed working, but the demands of business development and his administrative responsibilities began subsuming his time. Consequently, he was steadily becoming less able to focus on what he truly enjoyed – the law.

Judge Houle is not of the belief that he knows everything. To the contrary, he noted that there has been a steep learning curve since his appointment and he anticipates that his lifetime will be filled with continual learning. The belief that he will continue learning throughout his career is an attitude that he hopes to never lose.

When asked about the underpinnings of his success, he identified three characteristics that we can all heed: (1) Merit. Always do excellent work. (2) Resiliency. Know that you are going to fail and get knocked down, but do not let that stop you from pursuing your goals. (3) Be nice. Not only is being nice the right thing to do, it is the smart choice. These characteristics provided much insight into his judicial persona and help explain why he is so grounded.

Judge Houle also shared his judicial philosophy. He does not see his role as either a trainer of, or educator to, the bar, nor does he see his role as one of punisher. He sees himself largely as a facilitator. Given the finite amount of judicial resources available, he prefers to focus on efficiency and substantive issues, rather than rigidly following procedure. Bankruptcy Court is a court of equity. So, Judge Houle focuses on the facts, trying to call it as he sees it, being fair, efficient and pragmatic.

After speaking with him, it was apparent that Judge Houle is a fortunate addition to the U.S. Bankruptcy Court, Central District of California in the Riverside Division. His experience, love of the law, and attitude will benefit all those who appear before him.

Stefanie G. Field is a director on the FBA/IE board and a Senior Counsel at Gresham Savage Nolan and Tilden.

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[President's Message cont'd from Page -1-]

Again, I am honored to serve as the president for the Inland Empire Chapter of the FBA in 2014. Should you ever have any questions or comments, please do not hesitate to contact me directly. My email address is jbrown@riversideca.gov.

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JUDGES' NIGHT 2014



The 2014 Annual Meeting and Judges' Appreciation Dinner was held on January 29th at the Mission Inn in Riverside. The event was well attended by members of the chapter and community, as well as by judges from all areas of the Central District.

Judge Phillips gave her remarks as outgoing president, recapping a very successful 2013 for the Chapter. She also presented a thank you gift from the chapter to outgoing board member, and past chapter president, Jackie Carey-Wilson, who stepped down from the board after several years of outstanding service.

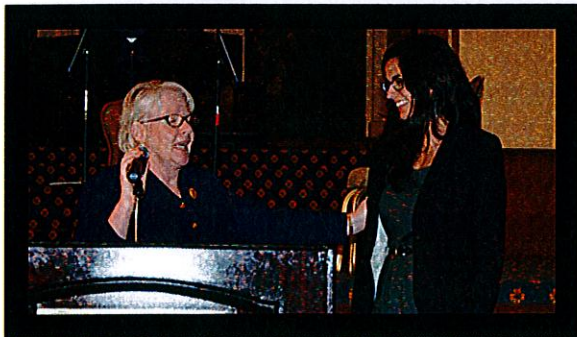


[District Judge Virginia Phillips]



[L-R: Jackie Carey-Wilson; District Judge Virginia Phillips]

The chapter then presented its 2014 scholarship to Marion "Mickey" Donovan-Kaloust, a third-year student at UCLA Law School.



[L-R: District Judge Virginia Phillips; Marion Donovan-Kaloust]

Among her many accomplishments, Ms. Donovan-Kaloust has received a Skadden Fellowship to work with the Esperanza Immigrant Rights Project starting in September 2014, where she will be representing undocumented children in the Inland Empire who are in the juvenile justice system. This is a continuation of work she has already been doing on behalf of children's immigration rights.

Chief Judge George King then presented the state of the Central District. He was very pleased to report that the dire budgetary conditions the District faced when he last addressed us at the 2013 dinner were much improved as a result of the budget deal reached in Congress which alleviated some of the pain caused by the sequester. Judge King also reported that Judge Gary Feess has announced his intention to take senior status later this year.



[Chief Judge George King]



[District Judge Jesus Bernal]

Judge Jesus Bernal then introduced our keynote speaker, Senior Judge Raymond Fisher of the Ninth Circuit Court of Appeals.

Judge Fisher discussed some of his work on the national committee of judges designated to confer with the political branches about issues of concern to the judiciary. He also remarked on the general lack of understanding among the public, and some of its representatives, of the judiciary's place as a co-equal branch of government. This failure highlights the importance of robust civics education to ensure that the public has the foundational knowledge about the structure of our democracy necessary for the system to work.



[Senior Circuit Judge Raymond Fisher]

Finally, the board of directors and new officers were sworn in for the 2014 term. Incoming president Jeb Brown gave brief remarks and thanks and the meeting was concluded.



Officers for 2014:

- President: James E. "Jeb" Brown
- President Elect: Antoine F. "Tony" Raphael
- Treasurer: Kay K. Otani
- Secretary: Joseph Widman

2014 FBA/IE Board of Directors:

Charles S. Duskow, Ruben Escalante, Stefanie Field, John W. Holcomb, Justin Kim, Kendall H. MacVey, John M. Porter, Daniel S. Roberts and Mark C. Schnitzer.

Honorary Board Members:

Hon. Virginia A. Phillips, Hon. Jesus G. Bernal, Hon. David T. Bristow, Hon. Mark D. Houle, Hon. Oswald Parada, Hon. Sheri Pym, Jeffrey A. Aaron and Kiry Gray.



[L-R: (Front Row) Ruben Escalante, Justin Kim, Hon. Sheri Pym, Stefanie Field, Ken MacVey, Tony Raphael, Hon. Virginia Phillips; (Back Row) Mark Schnitzer, Hon. David Bristow, Dan Roberts, Kay Otani, Hon. Oswald Parada, Jeb Brown and Joe Widman]



[L-R: District Judge David O. Carter, District Judge Michael W. Fitzgerald; Chief District Judge George H. King, District Judge Dale S. Fischer, and District Judge Terry J. Hatter, Jr.]

The 2014 Judges' Night was well attended by honored guests.



**The photos of the installation and dinner were taken by Julius Nam, Law Clerk to Judge Phillips. To view all the photos of the event, please go to: <https://www.dropbox.com/home/FBA> **



Pro Se Corner



By: Diane Roth

Pro Se Clinic Now in the Desert:

Thanks to a grant from the American College of Bankruptcy Foundation, we have been able to bring our bankruptcy self-help services to the underserved residents of the Coachella Valley. The first clinic was held on January 27 at the Cathedral City Library and it was a success. Future clinics will be held in the same location on the fourth Monday of the month (except holidays, when it will be on the third Monday). Our first quarterly public information bankruptcy workshop will be held in the same location on Saturday, March 8.

Palm Desert Attorney Don McKay is staffing the clinic along with some great volunteers. More information can be found at www.riversidelegalaid.org. If you can volunteer, please contact Riverside Legal Aid (publaw@sbcglobal.net) or just show up at the clinic.

Welcome:

The Pro Se Clinic welcomes its new part-time staff attorney, Nancy Korompis. Nancy has a bankruptcy practice and splits her time between her offices in Pasadena and Riverside.

Congratulations:

Thank you and congratulations to Ruben Escalante, of Sheppard-Mullin, who took on a pro bono adversary hearing and achieved a favorable result after trial. He's now working on his next one. Both Sheppard-Mullin and Reid & Hellyer have taken on some pro bono trials for us. We encourage other law firms to do the same -- among other benefits; it's personally rewarding and a great way to get some federal trial experience.

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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

2014 OMNIBUS APPROPRIATION BILL HIGHLIGHTS:

The President has signed an omnibus bill that provides fiscal year 2014 full-year funding for the federal government, including the Judiciary. The omnibus includes a noteworthy change regarding how mandatory appropriations are provided to the Judiciary. Funding levels for the Judiciary in the omnibus reflect a real achievement, but stay tuned for further developments.

Temporary District Judgeship Extensions: Provides one-year extensions for nine temporary district judgeships whose authorizations expire in fiscal year 2014: Alabama-Northern, Arizona, California-Central, Florida-Southern, Hawaii, Kansas, Missouri-Eastern, New Mexico, and Texas-Eastern. The omnibus does not authorize any new judgeships.

E-Mailing Sealed Documents:

The Central District of California has initiated a pilot project in which volunteer judges accept submission of proposed orders to seal documents via e-mail. Counsel are required to electronically file the Application to File Documents Under Seal and e-mail the proposed order and sealed document(s) to the judge's chambers e-mail address. Counsel should refer to the judge's procedures and schedules for detailed instructions for submission of sealed documents. For a list of participating judges see our website for further information at www.cacd.uscourts.gov.

[Cont'd on next page]

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
312 North Spring Street, Suite 909
Los Angeles, California 90012
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gail_killefer@cacd.uscourts.gov

Use of Decision Tree Analysis

By: Gail Killefer, ADR Program Director

Panel Mediator Leonard Levy recently mediated a case through the Court's Mediation Panel by using a technique often helpful in mediations: the decision tree analysis. Mr. Levy, a longtime Panel Mediator, is associated with ADR Services in Century City.

The case involved allegations that personal property was missing from the trunk of the plaintiff's car following a traffic accident which necessitated the storage of the car. Issues included whether the personal property was actually in the car, the identity of the property, and valuation.

Mr. Levy began the session by talking with the parties in separate caucuses, which allowed him to understand their underlying interests, and to work toward attempting to fulfill each party's interests to the extent possible. After these sessions, he determined that lowering the plaintiff's expectations was critical to a settlement of the case.

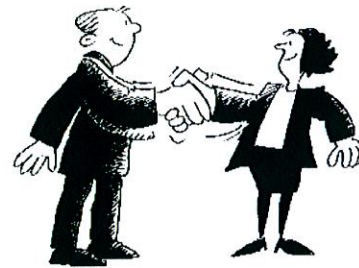
Mr. Levy used a decision tree analysis to anchor the parties' expectations. This technique illustrates the best possible and worst possible verdicts and the costs of going to trial to reach those results; then compares those numbers with the amount offered in settlement.

Mr. Levy discussed with counsel – in the presence of their clients – the issues to be determined, and the chance of prevailing on each of the issues. During the discussion, counsel completed a “decision tree,” a form that Mr. Levy often uses in mediation.

For example, with three major issues (the identity of the property, the value of the property, and whether the property was believed to be in the car), plaintiff's counsel gave a maximum 50/50 chance of prevailing

on each issue. The plaintiff needed to prevail on all issues to recover. Mr. Levy was then able to explain to plaintiff that the chance of prevailing on all issues was about 12.5%. Plaintiff needed to determine whether the investment of money to go to trial was worthwhile.

Mr. Levy described the attorneys as realistic, experienced counsel who recognized their proof problems. He credited counsel for the settlement: “the most important elements in the matter resolving were the realistic approach to the case by plaintiff's counsel and the defendant's willingness to move from a ‘hard line’ to a more flexible approach.”



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



[Clerk's Update cont'd from Page -5-]

The Eastern Division Attorney Lounge:

The Attorney Lounge located on the third floor in the George E. Brown, Jr. Courthouse is equipped with a new all-in-one fax, copier, printer and scanner. The upgraded machine will allow attorneys to print, make copies, fax and scan documents from the two computers located in the lounge. Please feel free to let me know if you have suggestions that will improve the use of the Attorney Lounge in the Eastern Division.





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

PUBLIC NOTICE

RE: 2014 FEDERAL HOLIDAYS

The Court will be closed on the following federal holidays during 2014. Unless otherwise announced, electronic systems (CM/ECF, VCIS, LOU, and PACER) will continue to operate during Court closures. Additional Court closures may be announced in subsequent Public Notices.

Day/Date of Court Closure	Holiday
Monday, Jan. 20, 2014	Birthday of Martin Luther King, Jr.
Monday, Feb. 17, 2014	President's Day
Monday, May 26, 2014	Memorial Day
Friday, July 4, 2014	Independence Day
Monday, Sept. 1, 2014	Labor Day
Monday, Oct. 13, 2014	Columbus Day
Tuesday, Nov. 11, 2014	Veteran's Day
Thursday, Nov. 27, 2014	Thanksgiving Day
Thursday, Dec. 25, 2014	Christmas Day
Thursday, Jan. 1, 2015	New Year's Day

**KATHLEEN J. CAMPBELL
CLERK OF COURT**

14-001 (1/07/14)

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



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

PUBLIC NOTICE

**RE: REVISIONS TO CHAPTER 13 GUIDELINES
AND COURT MANUAL EFFECTIVE MARCH
4, 2014**

The *Guidelines for Allowance of Attorneys' Fees in Chapter 13 Cases* (Guidelines) was revised and is now included in the *Court Manual Section 2*. Revisions to the Guidelines and *Court Manual* become effective March 4, 2014.

The Guidelines govern the allowance of attorneys' fees and costs in chapter 13 cases in the Central District of California. The Guidelines were expanded to include a list of fees for additional services that do not require the filing of a detailed fee application. Previously included as Appendix IV of the Local Bankruptcy Rules (LBRs), the Guidelines were removed from the LBRs.

Court Manual, Appendix C was updated with information about accessing the United States Trustee's local guidelines and forms.

The updated *Court Manual* and red-line version of revised *Court Manual, Section 2* and *Appendix C* is available on the Court's website at <http://www.cacb.uscourts.gov> under the Rules & Procedures tab.

**KATHLEEN J. CAMPBELL
CLERK OF COURT**

14-002 (3/4/14)

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