

Federal Bar Association Tucson Chapter Newsletter



President's Address *Isaac Rothschild*



FINAL THOUGHTS

As the summer arrives, the 2012-2013 Federal Bar Association year comes to an end. This FBA year contained several events that furthered our goal of improving the quality of the federal court experience in Tucson.

The year started with the unveiling of the bust commemorating the Honorable John Roll as a permanent addition to the Tucson District Court.

Two new magistrates: the Honorable Leslie Bowman and Bruce Macdonald were added to the district court bench and the Honorable Brenda Whinery was added to the Tucson bankruptcy bench. The reputation and diverse experience of all three new judges continue to ensure the highest level of professionalism, preparation, and fairness from the Tucson federal bench.

As the FBA continues to assist in the improvement of the practitioners, we unveiled a new schedule for our annual events including the civil seminar in September, the Bench and Bar event in February, the Legends event in April and the Criminal Seminar in May. The revised schedule and outstanding speakers created events that resulted in great attendance per event.

The addition of mixers after most of the events as well as a happy hour with the judges, promotes a culture of comfort and collegiality that has always been one of the hallmarks of federal

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10 Questions with Bankruptcy Judge Brenda Whinery

By Jody Corrales

Bankruptcy attorney with Gust Rosenfeld

When did you decide to become a lawyer and why?

I decided to become a lawyer while I was in high school. I felt that being a lawyer would provide a level of independence so that I would have control over my future. Also, my father is a lawyer. While he never tried to talk me into becoming a lawyer, he did try to talk me out of it a few times.

What other profession would you choose if you weren't in the legal profession?

When I was in 8th grade I remember wanting to be an Oceanographer. However, as I got a little older I realized I didn't like the feeling of being under water for any length of time. If I had to choose something now, it would be a profession that allows me to be outdoors.

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Inside, find details about the FBA Summer Retreat on p. 5. Also check out the latest edition of Name that Baby on p. 7.

Clerk's Corner

Summer 2013



Mike O'Brien
Chief Deputy Clerk

Increased Filing Fees for New Civil Cases.

Effective May 1, 2013, there is a new \$50 general administrative fee for filing a civil action, suit, or proceeding in district court. This fee is in addition to the existing civil filing fee of \$350. Therefore, effective

May 1st, the total filing fee for a new civil case will be \$400. The new fee is part of the "District Court Miscellaneous Fee Schedule," established by the Judicial Conference of the United States. This new \$50 fee does not apply to persons granted *in forma pauperis* status.

Updating E-mail Addresses in Attorney Profiles.

Attorneys may now update their primary and secondary e-mail address information without the assistance of the Clerk's Office. To update this information in ECF, please follow the instructions that follow to the right.

1. Go to "Utilities" and then "Your Account."
2. Click on "Maintain Your E-Mail."

3. Click the existing E-mail address in "Registered E-Mail Addresses."
4. The selected e-mail address will appear for updating under "Configuration Options" on the right side of the screen.
5. Make the necessary changes to the existing e-mail address.
6. Click on "Submit All Changes" before exiting this screen.

While ECF has the functionality for adding cases of interest to your profile on this screen, please be advised that LRCiv 5.5(i) prohibits doing so. A Registered User may only subscribe to receive Notices of Electronic Filing in an unsealed case in which the Registered User is not a party or counsel of record by filing a text-only Notice of Request for E-Notice event on the electronic docket. Upon receipt of the Notice of Request for E-Notice, the Clerk's Office will add the case of interest to your profile.

Pursuant to LRCiv 83.3(d), an attorney or unrepresented party must file a notice of name or address change, and attorney must also file a notice of change of firm name or e-mail address. A separate notice must be filed in each active case. Upon receipt of the notice filed in each active case, the Clerk's Office will update all information EXCEPT the attorney's primary and secondary e-mail addresses. The attorney will be responsible for updating the e-mail address by following the steps above.

Please note that you may also add e-mail addresses to your profile. Pursuant to Section I. C of the Electronic Case Filing Administrative Policies and Procedures Manual, you may register up to two (2) additional e-mail addresses. Any e-mail addresses exceeding this limit may be removed by the Clerk's Office.

10 Questions with Judge Whinery

(continued from page 1)

What do you miss most about practicing law?

I miss the camaraderie I experienced with my former partners. I miss walking down the hall and walking into any one of my former partners' offices to discuss the issues in cases. I especially miss my almost daily discussions with Lowell Rothschild.

I now enjoy the camaraderie with the other bankruptcy judges in the District, all of whom have been very welcoming. I especially appreciate Judge Hollowell, who has been available to answer all of my questions during my transition to the bench. I also have the benefit of coming on the bench with two other new colleagues, Judge Collins and Judge Ballinger, so we are able to share our ideas.

What is a common characteristic good lawyers share?

I think good lawyers have the ability to handle a case in a civil and professional manner, without allowing personal feelings toward the opposing counsel to interfere with their judgment. Another quality common to good lawyers is the ability to negotiate a solution which is in the best interest of the client, rather than the lawyer. In my experience, adopting a hardline approach and litigating every issue is not effective in reaching a solution which benefits the client, especially in bankruptcy cases in which there are often limited resources.

How do you balance your family life with your tremendous case-load?

The same way I did while I was practicing law for the past 27 years. Reaching a balance in your personal and professional life is especially important. I think it is more difficult for women lawyers who are also mothers, as mothers tend to put themselves on the bottom of the priority list, after their children, husband and job. I have always attempted to be a good mother, a good wife and a good lawyer. Sometimes I achieved all three and sometimes I only managed to achieve one or two at a time, or none. It is important to learn how to juggle and feel balanced, and remember to take time out for yourself.

What is your favorite book?

I have always loved to read. One of my favorite genres is biographies. I especially enjoyed the biography of Katharine Hepburn, written by A. Scott Berg, that contains personal interviews with her. She is one of my favorite personalities.

What type of music do you listen to?

Classic rock...

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Judge Whinery joined the bankruptcy bench in March following her Investiture. She had most recently practiced law with Mesch, Clark & Rothschild.



President's Address

(continued from page 1)

practice in Tucson.

Numerous challenges still face the Federal Bar in Tucson including: the judicial position created by the Honorable Frank Zapata's senior status almost two years ago still remains unfilled, and the effects of sequestration on our Federal Court will not be fully appreciated until the next fiscal year if not otherwise resolved prior to then by Congress. The inability to resolve the sequestration funding will cause our federal court to operate at less than optimum level. The Federal bar and its members are the voice of the court when it comes to these issues, and it is our responsibility to take the steps that we can to help Congress understand these issues.

With Rebecca O'Brien of Rusing, Lopez, and Lizardi becoming president of our local chapter next year and with the strength and diversity of the rest of the executive committee, the FBA is well positioned to address these issues and continue to promote and improve those characteristics of our bench and bar that make practicing in federal court in Tucson a rewarding experience. We held our annual planning retreat for the next CLE year in late June and we have set an ambitious schedule of events for the coming year. We still welcome any ideas you may have for CLEs or other events that further the mission of the FBA. Please email either Rebecca (robrien@rllaz.com) or myself (irothschild@mcrazlaw.com) so that we can make next year even more rewarding for our members.

—Isaac

10 Questions with Judge Whinery

(continued from page 3)

Having been a teenager in the 70's, I listen to Fleetwood Mac, Billy Joel, Elton John, Eric Clapton, and Jerry Riopelle, a local favorite. While my daughters enjoy some of the "old" artists as well, I have also learned to enjoy their music, including Lady Gaga, Pink and Mumford and Sons.

What was the first car you ever owned?

A 1972 or 1973 Cutlass. It was white with a red roof. I absolutely loved that car. My mom gave it to me after my parents divorced when I was 16 years-old, and she needed me to chauffeur my younger brother around. I put in an eight-track player and thought it was really cool.

What is your favorite restaurant/food?

I love Mexican food. I especially enjoy the food at Mi Nidito, Guadalajara Grill, and Rosa's. However, when the wait is too long at those places and I am in a hurry, we go through the drive through at Nico's.

What are some of your interests outside work?

I love sports and outdoor activities. I particularly enjoy hiking, tennis, golf, and snow-skiing. For the past few years, my daughters' activities have kept me busy. In fact, I coached my daughters' softball teams when they were younger, and my husband and I have supported them through high school and Club volleyball and tennis. When my younger daughter goes to college next year, my husband and I are looking forward to having more time to pursue our own interests.



Jody Corrales graduated from The University of Arizona College of Law in 2006 and is an associate in Gust Rosenfeld's Tucson office. Ms. Corrales focuses her practice on bankruptcy and creditors' rights and is recognized in the Bankruptcy and Creditor-Debtor Rights Law category of Southwest Super Lawyers Rising Star.

Sean Brearcliffe Appointed to Superior Court Bench

Sean Brearcliffe, FBA Past- President (2008-09) and current Executive Committee Member-at-Large for the William D. Browning Tucson chapter of the FBA, was appointed by Governor Jan Brewer as a judge of the Pima County Superior Court on May 8, 2013. The Governor remarked that "Sean brings to the bench an extensive background in civil, commercial and appellate law. His recent passion for a judgeship - inspired by working with Judge John Roll on various projects - is tangible and refreshing. I am confident the fine legacy of Chief Judge Roll will be carried forth by Sean, and that he will be a tremendous asset to the people of Pima County."

Sean is a partner at Rusing Lopez & Lizardi, PLLC, having joined that firm in 1998. His commercial litigation practice included contract, construction, insurance, agriculture, intellectual property and personal injury litigation in both state and federal courts. In addition to his service as Tucson FBA chapter President from 2006 to 2007, and Executive Committee member for nearly 10 years, Sean served as a Lawyer Representative to the Ninth Circuit Judicial Conference. He was also appointed by the late Chief Judge John Roll to chair three separate U.S. Magistrate Re-Appointment Commissions. Most recently, Sean has served on the U.S. District Court Local Rules Advisory Committee under Judge Wake, and Sean currently is the Chairman of the Federal Bar Association's national Professional Ethics Committee. Sean tells the Newsletter that "I always tried to be active in bar activities, with a special emphasis in involvement with projects for the Federal Bar Association and the federal courts. The Tucson Chapter of the Federal Bar Association has been a very important piece of my career, and my work with the Chapter and the FBA was undoubtedly one of the reasons the Governor selected me." One of his proudest achievements is having served on the special committee established to create and complete the John M. Roll Memorial unveiled last September in the DeConcini District Courthouse.

Sean is a veteran of the United States Air Force, a husband and father of three, who is looking forward to this new challenge and next step in his career.

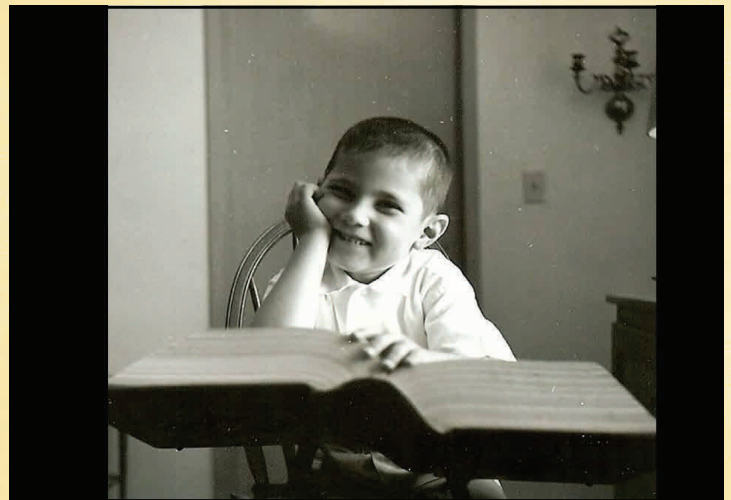


And Now Continuing with... Name that Baby

In honor of the changing of the guard with our current executive committee, the FBA brings you a three-generation family that helped form our local chapter as charter members and still participates actively today in the third generation...



Baby One



Baby Two



Baby Three

**Answers on
the Next
Page!**



Calendar of Upcoming Events

June 22, 2013

FBA Summer Retreat
8:00a.m.—12:00p.m.

September 2013

Bench and Bar

Answers to Name that Baby

Lowell (one), Jonathan (two), and Isaac Rothschild (three).

In 1994, at the request of Judge William Browning, Lowell and Jonathan Rothschild joined dozens of other federal practitioners in Tucson to start a new local chapter of the Federal Bar Association.

Years later, Isaac followed in their footsteps as President of the William D. Browning chapter.

Today, Lowell still puts in full work days at the law firm (Mesch, Clark, & Rothschild) he founded in 1957 on Meyer Avenue., Isaac has joined the firm and works with Lowell, and Jonathan recently left the practice of law to become Mayor of Tucson.

Tucson FBA Chapter Welcomes New Members

David Anaisa, Disability and ERISA
Kurt Kroese, Civil and Bicycling Law
Mark Lammers, Civil and Business
Patrick Mause, Disability and ERISA
Anthony Payson, Criminal Law
Riisa Petersen, Criminal Law
Cary Sandman, Criminal Law
Shanelle Schmitz, Civil and Business

Updates from FBA National

- In a letter dated June 11, 2013, the FBA urged Congressional appropriations leaders to approve the Federal Judiciary's emergency request for \$73 million in current year funding to mitigate the impact of automatic budget cuts.
- The Labor and Employment Law Section will host a webinar June 27 on: Issues Arising from the Affordable Care Act.
- Visit www.fedbar.org for more details.



Federal Bar Association Executive Committee



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Contact the Executive Committee by emailing Isaac Rothschild at irothschild@mcrazlaw.com

Newsletter Editorial Board

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connect



through the Federal Bar Association

The Federal Bar Association offers an unmatched array of opportunities and services to enhance your connections to the judiciary, the legal profession, and your peers within the legal community. Our mission is to strengthen the federal legal system and administration of justice by serving the interests and the needs of the federal practitioner, both public and private, the federal judiciary, and the public they serve.

Advocacy

The opportunity to make a change and improve the federal legal system through grassroots work in over 80 FBA chapters and a strong national advocacy.

Networking

Connect with a network of federal practitioners extending across all 50 states, the District of Columbia, Puerto Rico, and the Virgin Islands.

Leadership

Governance positions within the association help shape the FBA's future and make an impact on the growth of the federal legal community.

Learning

Explore best practices and new ideas at the many Continuing Legal Education programs offered throughout the year—at both the national and chapter levels.

expand your connections, expand your career

THREE WAYS TO APPLY TODAY: ① Join online at www.fedbar.org; ② Fax application to (571) 481-9090; or ③ Mail application to FBA, 1220 North Fillmore St., Suite 444, Arlington, VA 22201. For more information, contact the FBA membership department at (571) 481-9100 or membership@fedbar.org.

FEDERAL BAR ASSOCIATION APPLICATION FOR MEMBERSHIP (CONTINUES ON REVERSE)

Applicant Information

First Name _____ M.I. _____ Last Name _____ Suffix (e.g. Jr.) _____ Title (e.g. Attorney At Law, Partner, Assistant U.S. Attorney) _____

Male Female Have you been an FBA member in the past? yes no Which do you prefer as your primary address? business home

Firm/Company/Agency		Number of Attorneys	
Address		Suite/Floor	
City	State	Zip	Country
()	()		
Phone	Fax	E-mail	

Address				Apt. #
City	State	Zip	Country	
()	()			
Phone		Fax		
/ /				
Date of Birth		E-mail		

Bar Admission and Law School Information (required)

U.S.	Court of Record: _____
	State/District: _____ Original Admission: / /
Tribal	Court of Record: _____
	State: _____ Original Admission: / /
Foreign	Court/Tribunal of Record: _____
	Country: _____ Original Admission: / /
Students	Law School: _____
	State/District: _____ Expected Graduation: / /

Practice Information

PRACTICE TYPE

- Private Sector: Private Practice Corporate/In-House
 Public Sector: Government Association Counsel
 Nonprofit University/College
 Military Judiciary

PRIMARY PRACTICE AREAS

- | | |
|--|--|
| <input type="radio"/> Administrative | <input type="radio"/> Health |
| <input type="radio"/> Admiralty/Maritime | <input type="radio"/> Immigration |
| <input type="radio"/> ADR/Arbitration | <input type="radio"/> Indian |
| <input type="radio"/> Antitrust/Trade | <input type="radio"/> Intellectual Property |
| <input type="radio"/> Bankruptcy | <input type="radio"/> International |
| <input type="radio"/> Communications | <input type="radio"/> Labor/Employment |
| <input type="radio"/> Criminal | <input type="radio"/> Military |
| <input type="radio"/> Environment/Energy | <input type="radio"/> Social Security |
| <input type="radio"/> Federal Litigation | <input type="radio"/> State/Local Government |
| <input type="radio"/> Financial Institutions | <input type="radio"/> Taxation |
| <input type="radio"/> General Counsel | <input type="radio"/> Transportation |
| <input type="radio"/> Government Contracts | <input type="radio"/> Veterans |

Other: _____

connect

Membership Categories and Optional Section, Division, and Chapter Affiliations

Membership Levels

SUSTAINING MEMBERSHIP

Members of the association distinguish themselves when becoming sustaining members of the FBA. Sixty dollars of the sustaining dues are used to support educational programs and publications of the FBA. Sustaining members receive a 5% discount on the registration fees for all national meetings and national CLE events.

	Private Sector	Public Sector
Member Admitted to Practice 0-5 Years	○ \$155	○ \$135
Member Admitted to Practice 6-10 Years	○ \$215	○ \$190
Member Admitted to Practice 11+ Years	○ \$255	○ \$220
Retired (Fully Retired from the Practice of Law)	○ \$155	○ \$155

ACTIVE MEMBERSHIP

Open to any person admitted to the practice of law before a federal court or a court of record in any of the several states, commonwealths, territories, or possessions of the United States or in the District of Columbia.

	Private Sector	Public Sector
Member Admitted to Practice 0-5 Years	○ \$95	○ \$75
Member Admitted to Practice 6-10 Years	○ \$155	○ \$130
Member Admitted to Practice 11+ Years	○ \$195	○ \$160
Retired (Fully Retired from the Practice of Law)	○ \$95	○ \$95

ASSOCIATE MEMBERSHIP

Foreign Associate Admitted to practice law outside the U.S.	○ \$195
Law Student Associate Currently enrolled in law school	○ \$30

Dues Total: \$ _____

Practice Area Sections

○ Alternative Dispute Resolution	○ Intellectual Property Law	.....\$15	.....\$10
○ Antitrust and Trade Regulation	○ International Law	.....\$15	.....\$10
○ Bankruptcy Law	○ Labor and Employment Law	.....\$10	.....\$15
○ Civil Rights Law	○ Securities Law Section	.....\$10	.....\$0
○ Criminal Law	○ Social Security	.....\$10	.....\$10
○ Environment, Energy, and Natural Resources	○ State and Local Government Relations	.....\$15	.....\$5
○ Federal Litigation	○ Taxation	.....\$10	.....\$15
○ Government Contracts	○ Transportation and Transportation Security Law	.....\$20	.....\$20
○ Health Law	○ Veterans Law	.....\$10	.....\$10
○ Immigration Law		.....\$10	
○ Indian Law		.....\$15	

Career Divisions

○ Federal Career Service (past/present employee of federal government)	.....N/C
○ Judiciary (past/present member or staff of a judiciary)	.....N/C
○ Corporate & Association Counsels (past/present member of corporate/association counsel's staff)	.....\$10
○ Senior Lawyers* (age 55 or over)	.....\$10
○ Younger Lawyers* (age 36 or younger or admitted less than 3 years)	.....N/C

*For eligibility, date of birth must be provided.

Sections and Divisions Total: \$ _____

Chapter Affiliation

Your FBA membership entitles you to a chapter membership. Local chapter dues are indicated next to the chapter name (if applicable). If no chapter is selected, you will be assigned a chapter based on geographic location. *No chapter currently located in this state or location.

Alabama ○ Birmingham ○ Mobile ○ Montgomery ○ North Alabama	Georgia ○ Atlanta-\$10 Hawaii ○ Hawaii Idaho ○ Idaho Illinois ○ Chicago Indiana ○ Indianapolis Iowa ○ Iowa-\$10 Kansas* ○ At Large Kentucky ○ Kentucky Louisiana ○ Baton Rouge ○ Lafayette/Acadiana ○ New Orleans ○ North Louisiana Maine* ○ At Large Maryland ○ Maryland Massachusetts ○ Massachusetts-\$10 Michigan ○ Eastern District of Michigan ○ Western District of Michigan Minnesota ○ Minnesota Mississippi ○ Mississippi Missouri* ○ At Large Montana ○ Montana Nebraska* ○ At Large Nevada ○ Nevada New Hampshire* ○ At Large	New Jersey ○ New Jersey New Mexico* ○ At Large New York ○ Eastern District of New York ○ Southern District of New York North Carolina ○ Eastern District of North Carolina ○ Middle District of North Carolina ○ Western District of North Carolina North Dakota* ○ At Large Ohio ○ John W. Peck/Cincinnati/Northern Kentucky ○ Columbus ○ Dayton ○ Northern District of Ohio-\$10 Oklahoma ○ Oklahoma City ○ Northern/Eastern Oklahoma Oregon ○ Oregon Pennsylvania ○ Eastern District of Pennsylvania ○ Middle District of Pennsylvania ○ Western District of Pennsylvania Puerto Rico ○ Hon. Raymond L. Acosta/Puerto Rico-\$10	Rhode Island ○ Rhode Island South Carolina ○ South Carolina South Dakota* ○ At Large Tennessee ○ Chattanooga ○ Memphis ○ Mid-South ○ Nashville ○ Northeast Tennessee Texas ○ Austin ○ Dallas-\$10 ○ Del Rio-\$25 ○ El Paso ○ Fort Worth ○ San Antonio ○ Southern District of Texas-\$25 ○ Waco Utah ○ Utah Vermont* ○ At Large Virgin Islands ○ Virgin Islands Virginia ○ Northern Virginia ○ Richmond ○ Roanoke ○ Tidewater Washington* ○ At Large West Virginia* ○ At Large Wisconsin* ○ At Large Wyoming ○ Wyoming
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Chapter Total: \$ _____

Payment Information and Authorization Statement

TOTAL DUES TO BE CHARGED

(membership, section/division, and chapter dues): \$ _____

○ Check enclosed, payable to Federal Bar Association
Credit: ○ American Express ○ MasterCard ○ Visa

Name on card (please print)

Card No.

Exp. Date

Signature

Date

By signing this application, I hereby apply for membership in the Federal Bar Association and agree to conform to its Constitution and Bylaws and to the rules and regulations prescribed by its Board of Directors. I declare that the information contained herein is true and complete. I understand that any false statements made on this application will lead to rejection of my application and/or the immediate termination of my membership. I also understand that by providing my fax number and e-mail address, I hereby consent to receive faxes and e-mail messages sent by or on behalf of the Federal Bar Association, the Foundation of the Federal Bar Association, and the Federal Bar Building Corporation.

Signature of Applicant

Date

(Signature must be included for membership to be activated)

*Contributions and dues to the FBA may be deductible by members under provisions of the IRS Code, such as an ordinary and necessary business expense, except 4.5% which is used for congressional lobbying and is not deductible. Your FBA dues include \$14 for a yearly subscription to the FBA's professional magazine.



**Tucson Federal Bar Association
Newsletter**

June 2013

Tucson Federal Bar Association
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