

FIRST CIRCUIT

Hon. Raymond L. Acosta Puerto Rico

On Sept. 25, 2009, more than 170 law students were sworn-in as new members of the chapter's Student Divisions at Puerto Rico's three ABA-accredited law schools—Pontifical Catholic University of Puerto Rico, Inter American University of Puerto Rico School of Law, and the University of Puerto Rico School of Law—at the Clemente Ruíz Nazario Courthouse in San Juan. FBA Fellow, Hon. Gustavo A. Gelpi presided over the ceremony to which Judges Aida M. Delgado-Colón, Juan M. Pérez-Giménez, Jay A. García-Gregory, Daniel Domínguez and Francisco A. Besosa, and Magistrate Judge Marcos López, attended. Puerto Rico Court of Appeals Judge Abelardo Bermúdez also presided over the ceremony along with Judge Gelpi in recognition of the relevance of federal law and practice in local Puerto Rico court practice.

On Oct. 24, 2009, the University of Puerto Rico Law School's FBA student division held a workshop entitled "Writing Federal Legal Documents: An Integral Approach to a Successful Federal Litigation Practice". The speakers included Assistant U.S. Attorney Brian Kidd and Eileen Garcia, a former federal practitioner and current law clerk to Judge Aida Delgado-Colón of the District of Puerto Rico. More than 40 members from the chapter's three student

divisions attended the workshop, the goal of which was to teach the student community how to properly draft the most common types of motions filed in federal court.

FOURTH CIRCUIT

Richmond

The Richmond Chapter has announced the new chapter officers for 2009–2010: Collin J. Hite, president; Andrew K. Clark, president-elect; Jessica A. Brumberg, board member; Hon. Dennis W. Dohnal, board member; and David N. Anthony, immediate past president.

NINTH CIRCUIT

Idaho

The Idaho Chapter hosted the Fifth Annual Tri-State FBA Conference on Oct. 8–10, 2009, in Sun Valley, Idaho. The Idaho, Utah, and Wyoming Chapters from the Ninth and Tenth Circuits confer together once a year to integrate learning and to investigate national developments in the federal judiciary. Attendees gathered on Thursday evening for an informal reception, complete with music, light fare, and drinks. Beginning early Friday morning through noon on Saturday, lawyers, 11 federal judges, and court personnel interacted on a close personal basis to discuss problems that relate to members of FBA chapters. P. Larry Westberg, presi-

dent of the Idaho Chapter and chair of the Government Relations Committee, and Jack Lockridge, FBA executive director, opened the conference by providing a substantive review of the economic effects of judges' salary levels on the federal courts and the current status of federal judicial vacancies nationwide.

This year the educational focus mixed training in technology and trial skills. Conference attendees heard from judges on topics like jury trial innovations and courtroom technology, as well as legal ethics. Judge Mark W. Bennett of the Northern District of Iowa and Judge B. Lynn Winmill of the District of Idaho illustrated their uses of courtroom technology.

Judge David O. Carter of the Central District of California explained the pitfalls that lawyers, judges, and litigants face in of conducting complex prosecutions of violent crimes, a discussion that most attendees visibly hoped would be esoteric as far as they were personally concerned. Judge Carter's session dealt with real problems faced by the judges, court staff, the U.S. Marshals' Service, and prison officials when dealing with violent offenders and during criminal jury trials.

A mix of lawyers and judges conducted a series of panels on useful, current, and innovative trial and advocacy skills. The intensely practical session on effective legal writing, which was



Puerto Rico Chapter: Judges present at the September swearing-in ceremony of new members of the chapter's law student divisions—(left photo, top row, l to r) U.S. District Judges Jay García-Gregory, Daniel Domínguez, and Gustavo Gelpi and Puerto Rico Appeals Judge Abelardo Bermúdez; (bottom row, l to r) Magistrate Judge Marcos López, U.S. District Judges Francisco A. Besosa, Aida Delgado-Colón, and Juan M. Pérez-Giménez. At the workshop on effective legal writing—(right photo, l to r) Eileen Garcia, law clerk to Judge Aida Delgado-Colón, and Brian Kidd, assistant U.S. attorney.



Tampa Bay Chapter: At the reception honoring the Middle District of Florida judiciary—(top photo, l to r) Judge Thomas E. Morris, Judge Henry Lee Adams Jr., Erik Matheny, and Judge Virginia Covington; (bottom photo, l to r) Judge Timothy J. Corrigan, Judge Thomas G. Wilson, Elaine Terenzi, and Chief Judge Anne C. Conway.

conducted by Judge Clark Waddoups, Dave Metcalf, and Syrena Hargrove, offered this advice: Don't use a full page when a clear sentence will do.

Judge B. Lynn Winmill, Judge Dale Kimball, and lawyers Richard Rubin and Lauren Scholnick conducted the voir dire portion of the program and explained how voir dire is conducted by different judges—even judges in the same district. A lively discussion outlined the differences, showing how some judges allow attorneys to conduct voir dire and give them broad latitude, while other judges prefer to handle voir dire themselves, with limited suggestions from counsel.

A portion of the program was devoted to a discussion of legal ethics by Utah Judges Tena Campbell, Dale A. Kimball, and Clark Waddoups. The panel, which was moderated by Jonathan O. Hafen, a member of the Utah

Chapter, also looked at jurors' perspectives, as presented by Judge Larry M. Boyle of the District of Idaho.

Judge Stephen S. Trott of the Ninth Circuit Court of Appeals regaled participants with his keynote address at the luncheon, during which he recounted the enthralling history of the struggle for equality that simultaneously gave rise to the growth of one nation and its near destruction in the Civil War.

Several presenters emphasized the importance of involvement in pro bono work: Judge Candy Wagahoff Dale of the District of Idaho; Louise York, chief deputy, District of Utah; Jason Prince, attorney with Stoel Rives in Idaho; and Erik Christiansen, president of the Utah Chapter. Each described the proactive approach their district is

using with regard to pro se litigants and the work pro bono attorneys are providing in assisting the litigants. Idaho has significantly expanded its list of attorneys accepting pro bono appointments through the liaison efforts of the Idaho Chapter and through Judge Dale and Susie Boring Headlee's participation in outreach to the attorneys through both the chapter and the Idaho Pro Bono Commission. The increase in Utah attorneys' participation in pro bono work was attributed to the outreach to law firms as opposed to individual lawyers. Both Jason Prince and Erik Christiansen shared their insights about the professional growth they achieved through their participation in representing pro se litigants.

Finally, the chief judges from the three states—Chief Judges B. Lynn

EXCHANGE *continued on page 71*



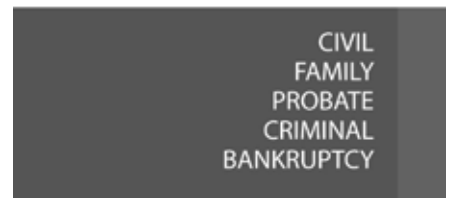
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court and whether it conflicts with Rule 23 of the Federal Rules of Civil Procedure. Full text is available at topics.law.cornell.edu/supct/cert/08-1008. **TFL**

Prepared by Jessica Lynn and Chris Maier. Edited by Joe Rancour.

Wood v. Allen (08-9156)

Appealed from the U.S. Court of Appeals for the Eleventh Circuit (Sept. 16, 2008)

Oral argument: Nov. 4, 2009

In 1994, Holly Wood was convicted of murder for shooting his ex-girlfriend

in the head. The judge imposed the death penalty, as recommended by the jury. Wood claims that, during sentencing, he did not receive effective assistance of counsel as guaranteed by the Sixth Amendment, because defense counsel had failed to investigate his mental disabilities fully and to present evidence of these disabilities at trial. According to Wood, the state court's rejection of this argument was an unreasonable application of federal law. He also argues that the Eleventh Circuit's standard of review in habeas corpus proceedings abdicates the court's judicial review function under the Antiterrorism and Effective Death Penalty Act

of 1996. The state of Alabama counters that the Eleventh Circuit properly deferred to the reasonable determinations of the state courts as required by the 1996 act. This decision will examine the appropriate level of deference due to state court factual determinations during federal habeas proceedings. Full text is available at topics.law.cornell.edu/supct/cert/08-9156. **TFL**

Prepared by Rob Trichinelli and Kevin Sholette. Edited by James McConnell.

EXCHANGE *continued from page 7*

Winmill of Idaho, Tena Campbell of Utah, and William F. Downes of Wyoming—allowed an unfettered hour-long session of “ask the judges,” which resulted in developing or refining a process to review just how much discovery a particular case really mandates.

An interesting aspect of all of the presentations during the conference was the contrast in the differing impressions and solutions different judges and lawyers had on similar issues. It was apparent that different judges approach and solve these problems in different ways. All attendees went away with a slightly different view on various solutions to the problems that had been discussed. The conference made

it very clear that practitioners would be well-advised to consult the local rules frequently.

The multidistrict composition of the Annual Idaho, Utah, and Wyoming Tri-State FBA Conference is made up of the jurists and lawyers who work in the forefront of today's federal litigation, the result of which provides an unbeatable gathering for federal lawyers.

ELEVENTH CIRCUIT

Tampa Bay

The Tampa Bay Chapter recently hosted a reception honoring the judiciary of the Middle District of Florida. The event was held at the Renaissance Vi-

noy in St. Petersburg and was attended by more than 115 attorneys and judges. The judges attending the event were from all five divisions within the Middle District of Florida, which stretches across 350 miles from the Georgia border on the northeast to south of Naples on Florida's southwest coast. **TFL**

Chapter Exchange is compiled by Melissa Stevenson, FBA manager of chapters and circuits. Send your chapter information and photos to mstevenson@fedbar.org or Chapter Exchange, Federal Bar Association, 1220 North Fillmore Street, Suite 444, Arlington, VA 22201.

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of agency internal guidance and standards regarding whether the information a program is seeking for a grant program application requires a Paperwork Reduction Act review, followed by agency review of socioeconomic policies. For more information on the Federal Grants Committee, please contact Jana Gagner at jana.gagner@nist.gov.

Indian Law Section

On Nov. 13, 2009, the Indian Law Section, in conjunction with the National Native American Bar Association and the Native American Bar Association of

Washington, D.C., sponsored the 11th Annual Washington, D.C., Indian Law Conference. It was a great honor to have the meeting held at the National Museum of the American Indian—a site of tremendous significance to the issues covered during the conference. The day-long conference included the following panels: “Federal Court Update”; “Ethics: Inter-Tribal Investment and Co-Ownership: Who Is Your Client”; “Beyond Land-into-Trust: Creative Land Ownership Options for Tribes”; “Civil and Regulatory Jurisdiction Fix”; and “Tribal Bankruptcy? Options During Difficult Economic Times.” The

luncheon keynote speaker was Hilary Tompkins, solicitor at the U.S. Department of the Interior. **TFL**

Sections and Divisions is compiled by Adrienne Woolley, FBA manager of sections and divisions. Send your section or division information and photos to awoolley@fedbar.org or Sections and Divisions, Federal Bar Association, 1220 North Fillmore Street, Suite 444, Arlington, VA 22201.