

President's Message

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What Does the FBA Mean?

IN PREPARING MY second message as your Association's President, I reflected on what it means to be a member of the FBA. In my first message, I asked each member and chapter leader to serve as an FBA ambassador and to share with our colleagues your enthusiasm

for the FBA. At the Presidential Installation Banquet at the 2010 Annual Meeting and Convention, I shared with our colleagues why I am passionate about the FBA and now I would like to share it with you.

To me, the FBA is not just another bar association because the "F" in FBA means "Family" and "Friends." Hurricane Katrina was a watershed in the life of many in this country and particularly those in the Gulf Coast region. Our professional colleagues reached out and helped our members from this region personally and professionally. Our professional colleagues showed they are also true friends.

For a time Texas became my temporary home after Katrina. Then Vice President for the Fifth Circuit Beth Smith of San Antonio reached out to her network and helped me find temporary office space to practice law in Texas when I was unsure I had a home or office to come back to in Louisiana. Jim Winton, a former president of the South Texas Chapter, gave me office space at Baker Hostetler in Houston so I could practice law while I waited to return to New Orleans. Martha Hardwick Hofmeister, a former vice president for the Fifth Circuit, and her husband, Kent Hofmeister, our 2002-2003 President, opened their home to my family when we fled Houston in the face of Hurricane Rita! There are numerous similar stories of how FBA members reached out to our colleagues in need. After Katrina and Rita, the members of the New Orleans Chapter, both judges and attorneys, became a close-knit family. I am truly thankful to each and every one of the members of my extended family for their support.

The "B" in FBA has a dual meaning to me. It means the "Bar" and the "Bench." The exceptional attorneys I have met all over the country are the premier attorneys that practice law in the federal courts throughout this nation. The bench is stellar. The judges in the Eastern District of Louisiana, the Fifth Circuit, and across the nation work diligently to make this the premier bar association for federal practitioners and judges. The leadership and support of Chief Judge Sarah Vance of the Eastern District of Louisiana and Chief Judge Edith Jones of the Fifth Circuit Court of Appeals

helped make our 2010 Convention in New Orleans a wonderful success. The independent judiciary is what makes our federal court system work.

The "A" in FBA represents "Action."

Our Association is an active association.

After Hurricane Katrina, the FBA facilitated the donation of \$10,000 to set up an electronic federal court notice system for displaced federal practitioners.

Our Association routinely takes the lead on issues that face federal practitioners and the bench. The FBA has spoken out in defense of the sanctity of the attorney-client privilege by filing an amicus brief with the Fifth Circuit in September 2009.

In June 2010, the FBA joined in an amicus brief filed in *Beer v. United States* pending before the U.S. Supreme Court in support of federal judges as their judicial salaries erode by inflation, which in turn presents a substantial problem for the federal judiciary and the administration of justice. The judges are seeking back pay and declaratory relief because they never received the cost-of-living salary increases that they assert they are entitled to under the Ethics Reform Act of 1989.

Further, in September 2010, the FBA joined in an amicus brief filed in *Henderson v. Shinseki* in the U.S. Supreme Court regarding the time limit for a veteran to seek judicial review of a final agency decision denying the veteran's claim for disability benefits. Henderson asked the Veterans Court to excuse his late filing because it was caused by his service-related disability, a claim his psychiatrist supported under oath. The Veterans Court refused to do so. The Supreme Court has agreed to decide whether a veteran's notice of appeal can be filed late if there is sufficient reason. The question presented is whether the time limit in § 7266(a) of Title 38, U.S.C., constitutes a statute of limitations subject to the doctrine of equitable tolling, or whether the time limit is jurisdictional and therefore bars application of that doctrine.

The FBA also is actively addressing the high number



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Judge Hogan combined his love of teaching with his love for trial work and his enthusiastic support for the next generation of lawyers, many of whom have gone on to practice in federal court.

Reflecting on his role as a judge, Judge Hogan advised, "Don't be overly impressed with the robe. The job belongs to the public. It is just my privilege to occupy the space for a time." He said it's important for a judge to be humble. "You may appear impressive, but there have been and will be times when you are the least gifted lawyer in the courtroom."

Judge Hair believes that commonsense and the ability to reduce the complex to the easily understandable are among Judge Hogan's greatest skills. When asked which of his accomplishments he's most proud of, he replies: "That all my children are good parents and good examples for our grandchildren. That I have managed to obtain the trust of my colleagues on and off the bench. ... That I married the right girl. That I excel at cutting the grass, washing and waxing cars, power washing decks, and painting fences."

In addition to his work as a federal magistrate judge, Judge Hogan has been an active member of both professional and community organizations. He is

a member of the Cincinnati, Ohio State, and Federal Bar Associations and a former president of the Potter Stewart Inn of Court. For more than 20 years, Judge Hogan has been a trustee of Central Clinic, a provider of behavioral health and forensic services, and has served as chair of the clinic's board. He has served as a knothole baseball coach and a member of his church's education commission and is currently the chair of the Building Maintenance and Grounds Committee of a community condominium project near Lake Cumberland, Ky., where he enjoys boating and golfing in his spare time.

"Sometimes we are judged by what is said and not said about us," says Judge Helmick. "In my 36 years of knowing Judge Hogan, I've never heard an unkind word spoken of him. That is quite an accomplishment in this day of instant feedback and blogging." Indeed, Judge Hogan's life's work demonstrates that the universal praise for him as an outstanding jurist, lawyer, husband, and father is well-deserved. **TFL**

Laura Welles Wilson and Karen Litkovitz were both career law clerks to Magistrate Judge Hogan.

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of vacancies in certain circuit and district courts, which can delay cases being heard in a timely fashion. Similarly, our Association supports the increase in CJA panel attorney and ALJ pay rates.

And now Judge Jay Zainey of the Eastern District of Louisiana is working with the FBA to bring the SOLACE program to national prominence by starting programs with a number of FBA chapters throughout the country. SOLACE is the acronym for Support of Lawyers/Legal Personnel—All Concern Encouraged. The sole purpose of this program is to unite legal professionals in a network that reaches out in a small, but

meaningful and compassionate way to those judges, lawyers, court personnel, paralegals, legal secretaries, and their families who experience a death or some catastrophic illness, sickness, or injury. Wherever it sees a need, the FBA takes action!

Stay tuned—your FBA plans to take more Action! **TFL**



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diplomat's raw frustration with the intransigence of U.S. museums.

Without the joint political will of the U.S. Congress and the executive branch to truly finish the business of World War II, the question of whether the Allied victory over Nazism will continue to be betrayed by individual profiteers clinging to stolen property remains open. Russia, which today houses hundreds of thousands of artworks stolen from Germany and its Jews, will never return them unless the United States shows leadership in this effort. Because Holocaust survivors and even their heirs are dying,

unless Congress, the State Department, or the Justice Department act quickly and sensibly, the courts of the United States will preside over another great robbery—this one in 2011. **TFL**

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