

UPCOMING EVENTS:

- **STATE OF THE CIRCUIT/DISTRICT**
March 14, 2013
- **THINKING LIKE A NEW FEDERAL JUDGE**
April 18, 2013
- **TRIBUTE TO THE HONORABLE A. HOWARD MATZ**
May 2, 2013
- **RECEPTION HONORING THE FEDERAL JUDICIARY**
May 16, 2013
- **BEHIND THE WINDOW OF THE CLERK'S OFFICE - CRIMINAL**
May 23, 2013

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How the Bar Can Help the Clerk's Office

by Terry Nafisi,
*District Court Executive and Clerk of Court, United
States District Court, Central District of California*

Although Congress averted the fiscal cliff by passing the American Taxpayer Relief Act of 2012, it left unresolved "sequestration" spending cuts, both long term and related to the 2013 fiscal-year budget. This means that the federal courts are in a holding pattern, and are still operating under a continuing resolution that, for the United States District Court for the Central District of California, calls for a first-quarter budget equal to last year's expenditures minus 10.2%, an approximate reduction of \$1.5 million when extrapolated over an entire year.

While the Clerk's Office has been making significant strides in cutting costs and maximizing resources in order to make the operation of the Court more efficient, the success of many of these measures depends upon the assistance and support of the attorneys who practice before the Court. Doing the following, and getting everyone else in your firm to do the same, will help the Clerk's Office immensely.

• **Consent to electronic service if you haven't done so already.** Reducing the volume of paper notices that must be mailed will significantly reduce the Court's postage and paper costs, and also saves time and reduces labor for Clerk's Office staff. In addition to the benefits to the Clerk's Office, electronic service enables attorneys to access documents as soon as they are filed, without the delay associated with receiving documents sent by mail.

• **Keep your e-mail address, and all other attorney information, up to date.** The Clerk's Office has one staff member who works full time verifying e-mail addresses from "bounced" e-mail service, and erroneous e-mail addresses also lead to a costly increase in paper service. In addition to filing a Notice of Change of Attorney Information, registered CM/ECF users should also update their attorney information in CM/ECF.

• **When filing complaints and other claim-initiating documents, e-mail the document (along with all associated documents, such as the Notice of Assignment, Summons, and Civil Cover Sheet) in PDF format to the Clerk's Office by close of business the following business day.** While this is required under the Local Rules, attorneys often neglect to timely e-mail the PDF version, creating more follow-up work for the Clerk's Office. Additionally, reminding your staff that complaints and other claim-initiating documents must be manually filed in paper format would reduce the number of phone calls to our ECF Help Desk asking about the docket event to use to electronically file these types of documents.

• **Consult the Court's website at www.cacd.uscourts.gov before calling the Clerk's Office with questions.** The Clerk's Office recently redesigned the website to make information easier to locate, and the word-search function has been improved to make accessing information even

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SCENES FROM RECENT FBA-LA PROGRAMS



(l. to r.) District Court's Lydia Yurtchuk, Clerk of Court Terry Nafisi, and FBA-LA YLD Chair Sandyha Ramadas at the inaugural "Behind the Windows of the Clerk's Office" program.



(r. to l.) O'Melveny & Myers attorneys Elizabeth M. Bock, Daniel J. Faria, Michelle Leu, and Jordan Teti at the "Behind the Windows of the Clerk's Office" program.



Proskauer attorney Julia Brodsky spoke on the topic of "Elimination of Bias" at the Ninth Annual Bankruptcy Ethics Symposium



J. Scott Bovitz facilitated an interactive panel on the ethics of marketing a bankruptcy practice and "techno-ethical issues at the Ninth Annual Bankruptcy Ethics Symposium.



(l. to r.) Leon Bayer and Holly Roark at the Ninth Annual Bankruptcy Ethics Symposium. The Symposium was co-sponsored by the FBA-Los Angeles Chapter and the National Bankruptcy Section of the FBA.



(l. to r.) Jeffery I. Golden and United States Bankruptcy Court Judge Catherine E. Bauer spoke about "Inducing Attorney Conduct" at the Ninth Annual Bankruptcy Ethics Symposium.



United States Bankruptcy Judge Barry Russell and Michael L. Tuchin share thoughts during the "Ethics Conversation" at the Ninth Annual Bankruptcy Ethics Symposium.

New Courthouse Construction

The Central District's lengthy quest for a new federal courthouse in Downtown Los Angeles took a substantial step forward in December, when the General Services Administration awarded the construction contract to the Clark Construction Group. The building, designed by Skidmore, Owings & Merrill, will be a 550,000-square-foot, sustainable, state-of-the-art facility to replace the Spring Street courthouse. It will house active and senior District Court judges and the U.S. Marshals Service, and will include trial preparation space for the Federal Public Defender's and U.S. Attorney's offices.

The contract is an important milestone in a long-running effort. Judge Margaret Morrow has been a lead advocate regarding the Central District's critical need for a more secure and improved courthouse, and has tirelessly navigated the project over the past decade. With respect to the latest development, Judge Morrow stated on behalf of the Court:

"The court is extremely pleased that construction of the long-awaited courthouse is moving forward. When completed, it will provide the people of greater Los Angeles with a modern, secure facility for the resolution of their impor-

tant disputes. The awarding of the contract is a tribute to the collective efforts of many. The court is most grateful for the stalwart support it has received over the years from Senators Dianne Feinstein and Barbara Boxer, Congresswoman Lucille Roybal-Allard, Congressmen Howard Berman and Adam Schiff, and other members of our Congressional delegation. Without their assistance, this day would not have come.

The court greatly appreciates the support and assistance it received from Mayor Antonio Villaraigosa at critical points, from the FBA-LA and the Los Angeles County Bar Association, and from the Chamber of Commerce and Central City Association. The court also thanks the GSA and Acting Administrator Dan Tangherlini for moving the project forward to construction.

Once completed, the courthouse will allow the court to continue its 46-year tradition of service to the people of Los Angeles and the Central District of California."

Construction is expected to begin in 2013 and conclude in 2016. Meanwhile, the historic

Spring Street Courthouse may get a new lease on life. The GSA has issued a Request for Information soliciting creative development ideas for reusing the 72-year-old building by a private developer.



President's Message



*Evan Jenness
FBA Chapter
President*

This past quarter was an active one for the FBA-LA, with a particular emphasis on programs. In November, the Chair of FBA-LA's Younger Lawyers Division, Sandhya Ramadas, worked with the Central District Clerk's Office to present a new program for our Chapter - **Behind the Windows of the Clerk's Office**. Central District Executive & Clerk of Court Terry Nafisi welcomed participants to the event and gave them an overview of one of our nation's busiest federal courts. Participants enjoyed an insider's tour of the Clerk's Office, and members of the Court's staff educated them about the operations of the Clerk's Office, described

how to master some of the challenges of complex filings and avoid common errors, and provided tips on interfacing with Court staff. The event was over-subscribed, and will be presented again to give more lawyers a chance to participate.

In December, Ron Maroko, a member of our Board of Directors, presented FBA-LA's award-winning **Ninth Annual Bankruptcy Ethics Symposium**. Attendees were treated to presentations by almost a dozen speakers, including the Hon. Barry Russell (a longstanding FBA-LA Board member and former President of the national FBA), and the Hon. Catherine E. Bauer. The event's master of ceremonies, FBA-LA member

J. Scott Bovitz, gave one of the most entertaining ethics presentations imaginable. The program also included MCLE for substance abuse and elimination of bias.

Our annual **State of the Circuit/District Luncheon** program will be held at the Kyoto Grand Hotel on March 14, 2013 and is open for registration on our website www.fbala.org. Please join other members of the federal family and learn about the status of our courts from Ninth Circuit Sr. Judge A. Wallace Tashima, Chief Judge George H. King, Chief Magistrate Judge Suzanne H. Segal and Chief Bankruptcy Judge Peter H. Carroll.

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Young Lawyers Division

by Sandhya Ramadas



*Sandhya Ramadas
YLD Chair
Bird Marella Boxer
Wolpert Dooks Nessim &
Lincenberg PC*

On November 1, 2012, the FBA-LA Younger Lawyers Division organized and sponsored a brown bag lunch with the Honorable Dolly Gee and the Honorable Carla Woehle of the District Court. Both explained the do's and don'ts of federal practice, gave attendees some helpful tips on practicing in federal court, and answered questions about topics ranging from *habeas corpus* petitions and social security appeals, to *ex parte* applications, technology in chambers, and discovery motions. The event was attended by twenty-five young lawyers from numerous practice areas, including government lawyers and attorneys from public interest groups and private firms. Stay tuned for more information on upcoming YLD events, including the FBA-LA's next brown bag lunch!

On November 8, 2012, we hosted our first-ever "Behind the Windows of the Clerk's Office" program on November 8, 2012. The event was geared towards younger lawyers in their first few years of practice, and gave them access to the newly-renovated Clerk's office facilities. About thirty young lawyers toured the Clerk's office, and heard from Terry Nafisi, District Court Executive, as well as speakers from various departments in the Clerk's office, including Intake, Courtroom Deputies, and Data Quality. Special thanks to Terry Nafisi and Lydia Yurtchuk of the Clerk's Office for their assistance and guidance in planning this event.

Rules Revision Comment Period

by Sandhya Ramadas

Reminder: Don't forget to submit any comments to the pending proposed amendments to Federal Rules of Practice by February 15, 2013!

The Federal Judicial Conference Advisory Committees on Appellate, Bankruptcy, Criminal, and Evidence Rules have proposed amendments to their respective rules, including proposed amendments to Appellate Rule 6 (Appeal in a Bankruptcy Case); numerous Bankruptcy Rules and forms; Criminal Rules 5(d) (Initial Appearance - Procedure in a Felony Case) and 58 (Petty Offenses and Other Misdemeanors - Pretrial Procedure - Initial Appearance); and Evidence Rules 801(d)(1)(B) (Exclusions from Hearsay - Statements That Are Not Hearsay - A Declarant-Witness's Prior Statement) and 803(6)-(8) (Exceptions to the Rule Against Hearsay — Regardless of Whether the Declarant is Available as a Witness).

The text of the proposed rules and complete information can be found at www.uscourts.gov (Home>Rules & Policies>Federal Rules of Practice & Procedure>Proposed Amendments Published for Public Comment). Comments may be submitted to rules_comments@ao.uscourts.gov or mailed to the Committee on Rules of Practice and Procedure, Administrative Office of the U.S. Courts, Suite 7-240, Washington, D.C., 20544.

The public comments process is only one portion of what is a very lengthy and labor-intensive process. After the Advisory Committees evaluate suggestions for rules amendments, and pursue a proposal, a committee may seek permission from the Standing Committee to publish a draft of the contemplated amendment. Based on comments from the bench, bar, and general public, as are being solicited right now on the above website, the advisory committee may then choose to discard, revise, or transmit the amendment as contemplated to the Standing Committee.

It is then that the Standing Committee independently reviews the findings of the advisory committees and, if satisfied, recommends changes to the Judicial Conference. The Judicial Conference in turn recommends changes to the Supreme Court, which considers the proposals and, if it concurs, officially promulgates the revised rules by order before May 1, to take effect no earlier than December 1 of the same year unless Congress enacts legislation to reject, modify, or defer the pending rules.

As of the publication of this newsletter, there have been seven comments posted regarding the 2012 Bankruptcy Rules (including one by the Hon. Robert J. Kressel of the District of Minnesota), one comment on the criminal rules by a solo practitioner in Austin, Texas, and two comments on the Evidence Rules (including one by the Hon. Joan N. Eriksen of the District of Minnesota, and one by Michael S. Nachmanoff on behalf of the Federal Public Defenders. No comments have been posted regarding Appellate Rule 6.

Clerk's Award

On November 15, 2012, FBA-LA hosted its annual reception for the law clerks and judicial assistants. The program, held at Roybal Federal Building, celebrated and recognized the contributions of clerks in our judicial system. Highlighting the evening was the presentation of the first ever Courtroom Deputy Outstanding Service Award. Javier Gonzalez, Courtroom Deputy to United States District Court Judge George H. Wu, with his family present, accepted the award. The FBA-Los Angeles Chapter extends its appreciation to all of the law clerks and courtroom deputies.



(l. to r.) Award recipient Javier Gonzalez, United States District Court Judge George H. Wu, and FBA Chapter President Evan Jenness at the Annual Clerk Reception.

President's Message (cont. from page 4)

On April 18, 2013, we will be presenting a new program, **Thinking Like a New Federal Judge**, featuring five of the newest members of our courts - U.S. Bankruptcy Court Judge Sandra Klein, Magistrate Judge Michael Wilner, District Judges Jesus Bernal and Michael Fitzgerald and Ninth Circuit Judge Jacqueline Nguyen. Loyola Law School Professor Laurie Levenson will be moderating a panel discussion. Registration is open on our website.

On May 2, 2013, we will be hosting an a very special event, a **Tribute to the Honorable A. Howard Matz**, on the occasion

of his retirement from the U.S. District Court. The reception and dinner event will be held at the Biltmore Hotel, and provide an opportunity for the federal family to recognize an esteemed jurist who has devoted so much to our Court and the community.

Other programs that we have in the pipeline include **Taking the Step to Federal Court** in February or March, our annual **Reception Honoring the Federal Judiciary** on May 16, 2013 atop City Hall, a new program, **Behind the Criminal**

Windows of the Clerk's Office - Criminal on May 23, 2013, a **Federal Appellate Advocacy** program in June, and a new program, **Stolen Art and Litigating Holocaust-Era Expropriation Claims**, which will be hosted by Latham & Watkins on September 11, 2013. I hope that everyone will mark their calendars for October 3, 2013, when we will hold our next **Annual Supreme Court Review** with Dean Erwin Chemerinsky.

I welcome your suggestions for enhancing the membership experience. Please contact me at fbala@emaoffice.com.

Federal Public Defender Hosts Memorial Service for Attorney Dean Gits by Hilary Potashner

At a memorial service held on November 28, 2012, at the Office of the Federal Public Defender, friends, family, and colleagues honored Dean R. Gits, Chief Deputy Federal Defender for the Central District of California. Dean passed away on November 6, 2012, after a courageous battle against cancer. There were many fond memories of Dean's life and work shared during the eulogies, highlighting for all present Dean's devotion to his wife and family, his role as a respected leader within the Federal Public Defender's Office and the legal community at large, and his lifelong, tireless advocacy for each and every one of his clients. A luncheon held after the memorial provided a nice meal and a forum to continue to reminisce, and it featured some of Dean's

very favorite desserts. Dean Gits will be sorely missed and shall remain forever in the hearts of his colleagues, friends and family.



Dean R. Gits 1944-2012

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Clerk's Office (cont. from page 1)



*Terry Nafisi,
District Court
Executive and
Clerk of Court,
United States
District Court,
Central District of
California*

faster. In particular, consulting the Local Rules or the Frequently Asked Questions on the E-Filing homepage can eliminate the need to call the ECF Help Desk or other court staff. Also, checking the website to ensure that you and your staff are using the most recent version of Court forms, and adhering to the instructions on the forms, may eliminate the need for the Clerk's Office to issue a deficiency notice.

- **Check the Judges' Procedures and Schedule on the Court's website before contacting the judge's courtroom deputy clerk or the ECF Help Desk with questions.** Each judge's page contains extensive information about the judge's procedures and his or her standing, pretrial, and trial orders, which may include the answer to your question. If your question isn't answered, each judge's page also informs you of the best way to contact his or her courtroom deputy clerk, either by telephone or by e-mail. If you must contact the courtroom deputy clerk, adhere to his or her stated preference, and do not leave multiple messages regarding the same issue. Also, do not contact the courtroom deputy clerk to ask if a document has been signed, as they have been instructed to contact counsel regarding urgent items that have been signed.

- **Utilize the computer-based training modules on electronic filing on the Court's website.** Although this training is no longer mandatory, doing so is a good way for you and your staff

to learn how to use the Court's CM/ECF system more fully and effectively, and can lead to a reduction in calls to our overburdened ECF Help Desk.

- **Before calling the ECF Help Desk to ask about the appropriate docketing event to use when electronically filing a document, try using the Search feature on the CM/ECF menu bar.** Becoming acquainted with this feature not only reduces the need to call the ECF Help Desk, but can also lead to more accurate entry of docketing events, which would significantly reduce the amount of work and follow-up by Clerk's Office staff.

- **If documents must be redacted, ensure that they are redacted before they are electronically filed.** When a document is inadvertently electronically filed prior to redaction and the Clerk's Office is notified, the Clerk's Office must take action to seal the document until the redacted version is filed.

- **When another type of error is made in submitting an electronically filed document, wait for a Notice to Filer of Deficiencies in Electronically Filed Documents to be sent to you rather than calling the ECF Help Desk.** Doing so would decrease the number of unnecessary calls to our ECF Help

Desk, as corrective action often is not necessary.

- **As provided in Local Civil Rule 5-4.4.1, when a proposed order or other proposed document requiring a judge's signature accompanies an electronic filing, remember to include the proposed order or document in PDF format as an attachment with the electronically filed main document.** When a proposed order or other document is not lodged with a main document, remember to electronically lodge the proposed order or other proposed document as an attachment to a Notice of Lodging and, if the proposed order or other document is being submitted in response to a court order, to link the Notice of Lodging to that court order.

- **Also remember to submit lodged proposed orders or other proposed documents requiring a judge's signature in WordPerfect or Word format to the assigned judge's generic e-mail address using the CM/ECF system pursuant to Local Civil Rule 5-4.4.2, and promptly to deliver mandatory chambers copies to the judge pursuant to the Judge's Procedures and Schedules.** When electronically filing documents requiring a judge's signature in unassigned criminal or magistrate judge cases, remember to e-mail the document in WordPerfect or Word format to the appropriate criminal intake e-mail box.

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Clerk's Office (cont. from page 8)

● **Confirm that the attorneys listed on pleadings filed with the Court are admitted to the bar of the Central District of California, which can be done by conducting an Attorney Admissions Search on our Court's website.** When a non-admitted attorney is listed on a pleading, the Clerk's Office must notify the attorney by letter and perform the necessary follow-up, creating additional work for staff.

● **Encourage new attorneys to apply for admission to the bar of the Central District of California online via the Court's website, rather than in person or by mail.** In addition to being quick and easy for the attorney, applying online saves time and labor for the Clerk's Office.

● **Notify the Clerk's Office of any errors or malfunctioning links on the Court's website by clicking on "Contact Us" link in the upper right-hand corner of the homepage.** The Clerk's Office recently redesigned the Court's website, and we want the website to work well for you.

● **Consider consenting to magistrate judge jurisdiction through the voluntary consent list or under the Direct Assignment of Civil Cases to Magistrate Judges Program.** Doing so could result in an earlier and firm trial date and faster disposition of the case, which will help the Clerk's Office.

Doing these simple things in the regular course of your business with the Court would cumulatively result in great savings in time, labor and costs for the Clerk's Office. Another way the bar can help the Clerk's Office in a more out-of-the-ordinary manner involves a project our Information Technology (IT) staff would like to undertake to reduce the many hours of staff time it spends each day scheduling and providing training to attorneys on the proper use of courtroom audiovisual equipment to display evidence. **Our IT staff would like to create instructional videos which would be made available to the bar on our Court's website, and**

the bar can assist in this effort by providing staff to assist with the recording and editing of a training session. If your law office or firm has IT staff with video recording and editing skills who can provide such assistance, please contact John Hermann at (213) 894-5451 or john_hermann@cacd.uscourts.gov.

In spite of severe budgetary cutbacks, the Clerk's Office remains committed to providing quality service to those who appear before our Court. To a great extent, however, the success of the efficiencies we implement will depend on those to whom we provide service. By doing the simple things listed above, attorneys can help the Clerk's Office weather this harsh budgetary climate more effectively so it can continue to provide quality service with minimal impact in the inevitably bleaker times to come. Together, we can effectively and efficiently serve the Court, litigants, and the public!

Federal Family Mourns the Passing of Judge Kelleher

by Sharon Ben-Shahar

On October 3, 2012, the Central District mourned the passing and celebrated the life of Judge Robert J. Kelleher, who had served the Court for over four decades. At a special session of the Court, Chief Judge George H. King and other speakers recounted Judge Kelleher's many contributions to the Court, and shared highlights of his life, including his celebrated history as a tennis champion and member of the International Tennis Hall of Fame. Ninth Circuit Judge Kim McLane Wardlaw brought greetings from the appellate bench, and Marc M. Seltzer presented an oral history of Judge Kelleher's life on behalf of the Ninth Circuit Historical Society. Former law clerks, colleagues and friends related stories about Judge Kelleher with great warmth and admiration. At the time of his passing, Judge Kelleher was ninety-nine, and was the oldest-serving federal judge.

Sharon Ben-Shahar is the FBA-LA President-Elect and served as a Law Clerk to the Hon. Robert J. Kelleher



Hon. Robert J. Kelleher 1913-2012

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The Federal Bar Association

The FBA represents the Federal legal profession. We consist of more than 15,000 federal lawyers, including 1,200 federal judges, who work together to promote the sound administration of justice and integrity, quality and independence of the judiciary. The FBA also provides opportunities for scholarship and for judges and lawyers to professionally and socially interact.

The Los Angeles Chapter

The Los Angeles Chapter is one of the oldest chapters of the FBA. Originally chartered in 1937, the Los Angeles Chapter covers the Los Angeles Division of the Central District of California.

With 400 members, the Los Angeles Chapter is the largest in the Ninth Circuit. Members come from private practice, government agencies, military branches, law schools and the bench.

The Los Angeles Chapter is committed to meeting the needs of the federal practitioner through educational seminars, training programs and social functions. To join FBA-LA, log onto our website: www.fbala.org.