CAPITOL ASSETS



Spring/Summer 2013

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JUSTICE KENNEDY HEADLINES LUNCHEON



Justice Anthony Kennedy (*Photo by Richard Litsey*)

On May 29, the Capitol Hill Chapter held its annual Supreme Court luncheon in the West Conference Room of the Court, at which Justice Anthony Kennedy spoke. The luncheon was the 38th Supreme Court luncheon hosted by the Chapter.

Justice Kennedy was nominated by President Reagan as an Associate Justice in 1987 and was unanimously confirmed by the U.S. Senate in 1988. Prior to his nomination, Kennedy worked in private practice in California as a Professor of Constitutional Law at the McGeorge School of Law and as a judge on the United States Court of Appeals for the Ninth Circuit.

Justice Kennedy began his remarks by recalling his long association with the Federal Bar Association. He recalled an FBA celebration of the Constitution at which he was scheduled to speak in 1987, shortly after reports began to circulate that he was being considered as a Supreme Court nominee. The Justice noted that he decided to have some fun with the media who were in attendance to report on the potential Supreme Court nominee. He asked the speaker introducing him to

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announce that Judge Kennedy had unfortunately been called away at the last minute, but that another expert on the Constitution would be taking his place. At that point, Kennedy entered dressed in a white wig and colonial costume and introduced himself as James Madison. Without breaking character, he then proceeded to deliver an "insider account" of the drafting of the Constitution.

The West Conference Room is decorated with portraits of past chief justices of the Court, and Kennedy spent some time discussing his connections with several former chiefs. For example, he noted that growing up in California, he served as a page in the state Senate, where he met Earl Warren when he was the Governor of California. He was also friends with Warren's children and described Warren as a role model.

Kennedy also spoke highly of former Chief Justice William Rehnquist. He praised Rehnquist's precision, organization, and sharp mind. He also mentioned that contrary to the depiction of Rehnquist in the press as cold, he was one of the most genuine and warm persons that Kennedy knew.

Chapter President Elizabeth Pugh thanked Justice Kennedy for his remarks and presented him with a porcelain box illustrated with one of the frescos from the Senate chamber. The fresco created by Constantino Brumidi represents the virtue of liberty, which Pugh noted is a value strongly defended in many of Kennedy's opinions.

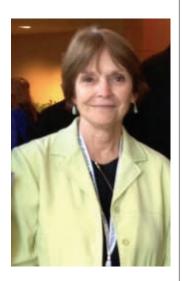


Above: Attendees at the Supreme Court luncheon Below: Elizabeth Pugh and Justice Kennedy (*Photos by Richard Litsey*)



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PRESIDENT'S MESSAGE



Elizabeth Pugh Chapter President

Thank you so much for being a member of the Capitol Hill Chapter. Our chapter is unique in its membership and focus among the Federal Bar Association's chapters. For one, our chapter has more of a focus on legislative lawyering than most chapters. Many of our members work in the House or Senate or one of the legislative branch agencies, such as the Library of Congress where I work. Our monthly luncheons often feature leaders of these agencies, such as the Comptroller General, the Architect of the Capitol, or the Congressional Research Service Director. The chapter tries to focus its events on topics that appeal to our legislative lawyers, such as our international conference on legislative drafting and law reform that is profiled on page 7.

Our chapter also has strong representation by members of the judicial branch. Our leadership council includes representatives of the Supreme Court, including the Clerk and Deputy Clerk, as well as representatives of the national judicial offices. In fact, these members help us plan our annual Supreme Court luncheon, which many have described as the chapter's premier annual event.

Because of our chapter's location in Washington, we also have a much greater representation from government lawyers across all branches of government. I am delighted that we have members not only from the legislative and judicial branches, but from the Department of Justice, the Small Business Administration, the Department of Homeland Security, and the Department of Transportation.

Among our agency lawyer members, we have a special connection to the Inspector General community. Our former chapter president Tony Ogden is the Deputy Inspector General for the Federal Reserve System and Epin Christensen, who is on our leadership council, is the Counsel to the Inspector General for the Smithsonian Institution. These members helped us arrange our annual meeting a few years ago with the distinguished Glenn Fine who was the longtime Inspector General at the Department of Justice.

These aspects make the Capitol Hill Chapter one of the more distinctive chapters within the FBA, not to mention the fact that we are a relatively small chapter— with just under 180 members at last count. Despite its small size, our chapter is very active with monthly luncheons and other special events such as our tours of the Capitol buildings, the Supreme Court luncheon, and our annual ethics program (focused to our government attorney membership). Thank you so much for being a part of our unique and vibrant chapter!

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ARCHITECT OF THE CAPITOL SPEAKS TO CHAPTER

Stephen Ayers, the eleventh Architect of the Capitol, spoke at a Chap- later converted into 100 gavels, ter luncheon on April 3, 2013. He was appointed Architect by President Obama in February 2010 and was confirmed by the Senate in May 2010.

during his inaugural address is which the Architect gets to formally present to the President, and the President gets to distribute as mementos of the occasion.

The Capitol Visitor Center also helps to manage the number of people in the Capitol at any given time for safety reasons. Ayers discussed how his office worked with Disney to learn best practices for efficient "people moving."

Ayers began his presentation by discussing the varied responsibilities of the Architect, such as the Capitol buildings infrastructure, visitor services, the Capitol's statuary collection, the Capitol Power Plant, membership on the Capitol Police Board, the Botanic Gardens, and the room selection and moving process for House and Senate offices

One of the most monumental projects that the Architect undertook in the last few years was the construction of the Capitol Visitor Center. At nearly 580,000 square feet, the Visitor Center is the largest project in the Capitol's history and is approximately three-quarters the size of the Capitol

itself. Since its opening in 2008, millions of people have visited the Center. Ayers spoke about designing the Center as a pathway to the Capitol, and not as a destination unto itself, much like the famous Pyramid at the Louvre. For this reason. views of the Capitol are prominent throughout the Center courtesy of its magnificent skylights.

Chapter President Elizabeth Pugh thanked Mr. Ayers for his fascinating presentation and noted that their professional relationship goes back many years, from when Ayers served as Superintendent of the Library Buildings and Grounds starting in 2002.

Another important role for the Architect is overseeing the inaugural ceremony every four years. Building the inaugural platform must actually commence the prior September, even before a new President is elected. The construction requires seven tractor trailers of wood, and the event requires transporting 30,000 chairs, 500 portable toilets, and four miles of fencing. Mr. Ayers revealed that the walnut platform that the President stands upon



Stephen Ayers & Elizabeth Pugh (Photo by Richard Litsey)

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CHAPTER LUNCHES WITH CHIEF VETERINARIAN

On May 17, 2013, the Capitol Hill Chapter welcomed Suzan Murray, Chief Veterinarian for the National Zoo, to its monthly luncheon. Murray came to the National Zoo in 2001 and is responsible for overseeing the health care of the Zoo's entire animal collection. She spoke about the unique challenges of caring for the Zoo's large number of species, many of which are endangered. For example, one of her initiatives has been to teach animals to pose for a blood drawing, ultrasounds, and other medical procedures, which has vastly decreased the need to anesthetize animals. Many animals will gladly hold out their hands to draw blood if they are given a treat.

If anesthesia is necessary, Murray described the various ways that the Zoo uses to subdue animals. Snakes are coaxed into a tube, while amphibians, which are difficult to anesthetize, are placed in a novocaine bath. For larger animals, anesthetic darts shot by carbon dioxide or a blowdart are used. These are much safer for the animals than the gunpowder-shot darts that were used in the recent past.

Another animal safety issue Murray discussed was the fact that orangutans can pull out their sutures, so her staff has to use decoy sutures or paint the primates' fingernails and toenails to distract them.

In addition to protecting the safety of the animals, Murray also has to concern herself with the safety of the Zoo's staff. She cited the risks posed by the anesthesia drug for large animals, which is a hundred times more powerful than morphine. One drop of the drug on a human handler's hangnail could lead to the heart stopping in 60 to 90 seconds.

Murray also discussed her international work, such as anti-poaching efforts and international knowledge sharing. Her work in other countries often requires a great deal of legal and diplomatic work by the Smithsonian staff ahead of the travel. Her work also includes infectious agent research, and Murray proudly noted that West Nile Virus was first diagnosed by a zoo veterinarian.

Chapter President Elizabeth Pugh thanked Murray for her engaging discussion, and Murray invited the attendees to the open house at the Zoo's Conservation and Research Center (CRC) in Front Royal, Virginia. Normally closed to the public, the Center holds an open house one weekend each autumn to allow the public to tour the facility and learn about its mission.



Suzan Murray and Elizabeth Pugh

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SPOTLIGHT ON CHAPTER AGENCIES

The Constitution vests the judicial power of the United States in "one Supreme court." However, the Constitution says little else about the Court, and slight discussion at the Constitutional Convention was given to the Court. The Judiciary Act of 1789 first authorized the Supreme Court and set its membership at six Justices. Congress expanded the Court to seven Justices in 1807, nine in 1837, and ten in 1863. The Court's membership later decreased to seven, but was set at nine by the Circuit Judges Act of 1869, where it has remained since.

The Court's location has also varied through the years. The Court originally met in the Merchants Exchange Building in New York City, but moved to Philadelphia's Independence Hall along with the capital. When the capital again moved to Washington, Congress lent the Court space in the new Capitol Building. Finally in 1929, Chief Justice William Howard Taft persuaded Congress to authorize the construction of a permanent home for the Court. Architect Cass Gilbert was tasked with designing the Court's permanent home.

Appointment as a Supreme Court Justice was not always seen as a great honor. John Rutledge stepped down as a Justice to become a state judge. The first Chief Justice John Jay resigned to run for Governor of New York, while



Alexander Hamilton declined to replace him, preferring his private law practice. However, the Court grew in esteem under the fourth Chief Justice John Marshall who established the principle of judicial review.

Today, the Court is held in high regard and arguing a case before the Court is considered the pinnacle of a lawyer's career. Many scholars have persuasively argued that the Court's decisions affect the lives of Americans to a greater extent than those of Presidents and Members of Congress.

The Court has a number of officials that assist the Justices in the performance of their duties. They include the Counselor to the Chief Justice, who assists the Chief Justice in various tasks related to his role as head of the judicial branch, as well as his administrative responsibilities. The Clerk and Dep-

uty Clerk (who are members of the Chapter's leadership council) oversee filings with the Court and maintain its records. The Librarian maintains the Court's collection of over 600,000 print volumes, 200,000 microforms, and its electronic resources. The Marshal's roles are to call the Court to order and maintain decorum in the courtroom. The Reporter of Decisions is charged with editing and publishing the Court's opinions, while the Court Counsel serves as in-house counsel for the Court. The Curator's Office was created by Chief Justice Warren E. Burger in 1973 to record and preserve the Court's history. The Director of Information Technology assists the Court with the ever-increasing electronic nature of the law, and the Public Information Officer provides information about the Court to the press and public.



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CHAPTER CO-HOSTS INTERNATIONAL LEGISLATIVE DRAFTING CONFERENCE

On March 9 and 10, the Capitol Hill Chapter co-hosted with several other FBA sections the first International Conference on Legislative Drafting and Law Reform at the Carnegie Endowment for International Peace. The two-day event which was largely planned by Chapter members Warren Burke, Geoff Cheshire, Matt McGhie, and Amy Bowser, brought together legislative and legal professionals from around the world.

The conference had several fascinating panels and speeches, including keynote addresses from former Congressman Mickey Edwards of Oklahoma and Judge Marvin J. Garbis of the federal District Court of Maryland. Other speakers included Yale Law Professor William Eskridge who spoke on statutory interpretation and legislative drafting and is

the author of the leading textbook on the topic. *Roll Call* columnist (and former House Rules Committee staffer) Donald Wolfensberger and former House Parliamentarian Charles Johnson led a plenary session on the House Rules Committee as an Historical Marker for a Changing Legislative Process.

The Legislative Counsel for both the House and the Senate spoke on a panel comparing the legislative drafting process in the United States versus the European Union.

Another panel featured Equal Employment Opportunity Commissioner and Georgetown Law Professor Chai Feldblum and Boston University Law Professor Sean Kealy and focused on teaching the skills of legislative lawyering.

The conference attracted participants from around the world. Six continents were represented by the over 80 speakers and attendees. American attendees included lawyers from the House and Senate Legislative Counsel, the California legislative counsel, and the Tennessee state legislature. The attendees also included a delegation of judges from the Middle East, including several from Libya. The speakers also had an international flavor with a supreme court justice from Egypt, a Palestinian law professor, and a councilman from Melbourne, Australia.

The Capitol Hill Chapter greatly appreciates the assistance and contributions made by the Criminal Law Section, the Environment, Energy, and Natural Resources Section, and the International Law Section of the FBA, as well as those of the International Judicial Academy and the International Journal of Legislative Drafting and Law Reform.



The Chapter is already planning a similar event for 2014 and hopes to make the conference an annual event. More information about the conference, as well as about next year's events can be found at http://www.ilegis.org/.

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CHAPTER HOLDS ANNUAL ETHICS SEMINAR

On June 20, 2013, the Capitol Hill Chapter held its annual ethics seminar at the Government Accountability Office (GAO). This event has become a favorite for chapter members because it allows them to earn continuing legal education credits with a course that is specifically designed to the ethical issues that face government attorneys. This year's seminar was attended by nearly 80 attorneys, who represent various legislative branch agencies, as well as the Postal Service, the Department of Homeland Security, the Nuclear Regulatory Commission, NASA, and the National Archives.

Jack Marshall of ProEthics, Ltd., returned for his third year of hosting the seminar. Marshall is an expert in both the law and ethics and is well-known for his engaging

and entertaining programs.

This year's seminar focused on some very relevant topics that have graced the headlines in recent months. For example, one of the case studies involved an attorney for a federal agency who was defending the agency from complaints from a number of employees who were furloughed due to sequestration. An ethical dilemma arose because the attorney was pursuing her own furlough-related complaint against the agency. Marshall discussed how the rules regarding conflict of interest apply to this issue. The District of Columbia Bar addressed a similar situation in a recent ethics opinion.

Another case study focused on an attorney for a tax collection agency

who became aware of the agency's harassment of certain groups opposed to the current administration. Marshall and the attendees explored whether the attorney had an ethical duty to report the conduct. They also discussed a hypothetical in which agency officials testify before Congress and deny such harassment is taking place. Marshall surveyed the debate over whether a congressional committee is considered a "tribunal" for purposes of the rules of professional conduct. Marshall then switched the discussion to a fictional White House Counsel who learns of an Inspector General investigation of the harassing conduct and asked the attendees whether the attorney is under an ethical obligation to inform the President about the allegations or the investigation.



Chapter President Elizabeth
Pugh thanked Marshall for his
enjoyable presentation and for
inspiring hearty discussion and
active participation by the attendees. She also thanked GAO for
again providing space for the
event and Amy Bowser, Hannah
Laufe, and Jeff McDermott for
arranging all the details of another successful seminar.

At left: Jack Marshall of ProEthics leading the 2013 ethics seminar.

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Above: Members of the Capitol Hill Chapter pose with Supreme Court Clerk William Suter at an April event at the Court sponsored by the D.C. Chapter.

Below: President Elect Amy Bowser and General Suter

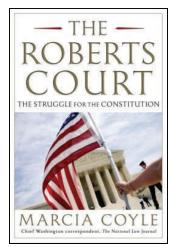


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UPCOMING EVENTS

On August 7, Marcia Coyle will speak at our monthly luncheon. As the Chief Washington Correspondent for *The National Law Journal*, she has covered the Supreme Court for 25 years. She is also a regular contributor of Supreme Court analysis to PBS' *The NewsHour*. Her new book, *The Roberts Court: The Struggle for the Constitution*, is an insider look at four Supreme Court cases involving health care, campaign finance, guns, and race in schools.





Welcome to New Members!

The Chapter welcomes our newest members:

Ashley Alley Justin Meyers

Elliot Chabot Stephen Schaeffer

David Mao Dean Shahinian



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O Male O Female

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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	O \$155	O \$135
Member Admitted to Practice 6-10 Years	O \$215	O \$190
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Member Admitted to Practice 6-10 Years	O \$155	O \$130
Member Admitted to Practice 11+ Years	• \$195	O \$160
Retired (Fully Retired from the Practice of Law)	O \$95	O \$95

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O Government Contracts\$20	O Transportation and		
O Health Law\$10	Transportation Security Law\$20		
O Immigration Law\$10	O Veterans Law\$10		
O Indian Law \$15			
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Caleer Divisions	
O Federal Career Service (past/present employee of federal gove	ernment)N/C
O Judiciary (past/present member or staff of a judiciary)	N/C
O Corporate & Association Counsels (past/present member of	
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*For eligibility, date of birth must be provided.	

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Alaska	O Idaho	O Eastern District	O At Large
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O Phoenix	<u>Indiana</u>	District of	O Memphis
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Florida	<u>New</u>	Puerto Rico-\$10	
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TOTAL DUES TO BE CHARGED (membership, section/division, and chapter dues): \$		
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Signature	Date	

By signing this application, I bereby 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.

Chapter Total: \$

Signature of Applicant (Signature must be included for membership to be activated)

O At Large

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