



# Side BAR

Fall 2001 • Published by the Federal Litigation Section of the Federal Bar Association • Vol. 3 No. 1

## OPENING STATEMENTS

### Message from the Editor

**John F. "Joe" Perry**

I am pleased to announce that Alan Blakley from Missoula, Mont., has succeeded Pat Flanagan as the chair of the Federal Litigation Section. Alan has some great ideas for our section and is full of energy — I look forward to working with him and I urge all of you to get involved. The torch was to have been officially and formally passed in Tucson, but the tragic events of Sept. 11, 2001, intervened.

I was really looking forward to the Tucson Convention but I must confess that I felt strangely nervous about the upcoming trip. Then the unthinkable happened in New York, Washington, and near Pittsburgh, where I live and work. Was I sensing something? I don't know but I did have a funny feeling before I heard about the World Trade Center attacks.

Alan writes that he was driving to the office and heard the news on National Public Radio. I must confess that I too was driving to work, but I was listening to Howard Stern.

I really could not appreciate what had happened — or was happening. It sounded like some private plane crashed into the WTC. I do not think that Howard appreciated the magnitude of the tragedy that was unfolding. Anyway, I did not learn the true nature of the hijackings until I arrived at my office.

Then the rumors started flying, at least they sounded like rumors. "The Pentagon was hit, a passenger plane was shot down near Pittsburgh, the PLO claimed responsibility." We now know that the Pentagon was hit and that a passenger jet crashed near Pittsburgh, although it was not shot down.

We then started hearing that offices were closing in town and people were told to go home. My wife called and said that her offices were closing, but she was not sure that it was a voluntary decision of her company or whether the building where she works was being closed. Her building is the 54-story USX tower — I was glad she was leaving.

Our office decided that if people wanted to leave they could. I was in somewhat of a dilemma. Our chapter had agreed to host a luncheon for a delegate of Russian judges who were visiting our area and I did not know and had trouble finding out, if the lunch was going to be canceled. It was also unclear whether the restaurant would still be open; it was and we had a nice, but nervous lunch.

I still find it tough to drive to work and see the USX Tower standing apart and tall above the Pittsburgh skyline and imagine what had happened in New York on Sept. 11, 2001. A day we all will never forget.

### Message from the Section Chair

**Alan F. Blakley**

On Tuesday morning, Sept. 11, 2001, I drove to the office on a sunny, clear morning in Western Montana. As I listened to National Public Radio, I considered all of the tasks that I needed to accomplish prior to leaving for the Tucson convention on Wednesday morning. In the background, I heard that a plane had crashed into the World Trade Center. I discounted any significance of the report assuming a small private plane with an inexperienced pilot had accidentally hit the building. I returned to my considerations of the number of tasks I could accomplish prior to the convention. You know the rest of the story.

I had hoped to include in this, my first letter to you as section chair, a recap of all of the plans for the section discussed and unveiled in Tucson. My disappointment and the disappointment of those who spent countless hours working to produce the Tucson convention is insignificant in the light of the events of Sept. 11. However, we should extend a special thanks to all of those who worked so hard to create a convention that would likely have been one of the best. From the standpoint of the Federal Litigation Section, this is what you missed in Tucson.

The Federal Litigation Section sponsored a hospitality suite that it used as the site for unveiling the electronic discovery proj-

*Message continued on next page*

### Inside

**Member Profiles** .....2

*Latour Lafferty*

**Federally Speaking** .....3

*War Declared Through 2005?*

*"Commercial Terrorists" — Utah-Style*

*Microsoft Remedies: "The Harshest and Broadest Possible"*

*Betty Crocker to Wed Doughboy — Part 2*

*The Whiskey Rebellion Revisited*

**Legal Humor** .....4

*Courtroom Bloopers*

*The Unfortunate Bricklayer's Worker's Comp. Saga*

**Federal Litigation Section Officers** .....6

*Message continued from previous page*

ect. In this *Sidebar*, you will find a full page advertisement for the book that we are producing in conjunction with the Federal Judicial Center and the Mecklenburg County (North Carolina) Bar. We produced a promotional video of the DVD portion of the project to show in the hospitality suite. We also announced to all chapters that we would provide one complimentary copy of the book, the DVD, and a booklet on how to take the materials and create a four-hour live/video CLE program.

We also introduced the new leadership of the section, some of whom you already know. Joe Perry, who has been our newsletter editor, will continue with his excellent work. Latour Lafferty and Joe Dattilo will be in charge of customer relations. Latour will be responsible for relations with chapters and Joe relations with individual section members. Geoffrey Angel will be looking after finances and has already begun attempting to find sponsors for *Sidebar* so that we can expand it. Kelly McCloskey is our new liaison with the Administrative Office of the U.S. Courts and the Federal Judicial Center. Winston Haythe is our publications manager. We are interested in publishing additional materials; anyone with ideas should contact Winston.

Tucson was the launching point for the new Alternative Dispute Resolution Section. As you know, much of the work in litigation these days also concerns alternative dispute resolution. We look forward to a long and healthy relationship with the new section so that, working together, we can better serve

our members and the chapters. If anyone would be interested in being a liaison between the sections, please contact me.

We also are discussing two additional projects. George Duff, vice president for the Ninth Circuit, has suggested that we consider working with other sections and divisions as well as other organizations to facilitate discussion concerning judicial education. This is likely to require much more diplomatic skills than are normally attributed to the litigator. We've also discussed considering inter-jurisdictional practice. Many of us are called upon to do work for our clients that could be considered practicing law in jurisdictions where we are not licensed. With more and more states becoming more and more protective about pro hac vice admission and, more and more protective of their bar associations while businesses become more and more national, we foresee a clash in the not too distant future. Can we have any positive influence in this arena?

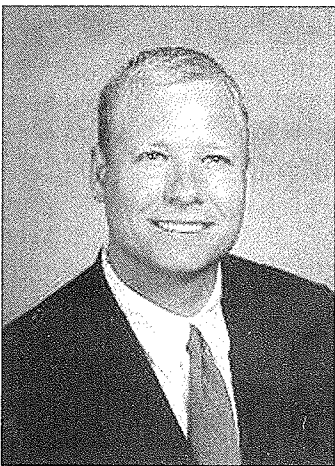
Finally, thank you to all of those who have worked with the Federal Litigation Section in the past, especially Immediate Past Chair Pat Flanagan for all of his support and encouragement. We look forward to a period of continued growth and development. Personally, I hope many of you will contact me and say, "What can I do to become more involved?" *The first thing you can do is buy one of our books and have your chapters produce the Electronic Discovery CLE.*

\*\*\*\*\*

## MEMBER PROFILES

### *An intimate look at the people who make up our section*

#### **Latour Lafferty, AUSA**



**Employer:** U.S. Attorney's Office, Middle District of Florida

**Birthplace:** Columbus, Ohio

**Family:** Wife: Michelle, Children: Latour and McKenna

**Pets:** Daisy, English Bulldog

**First Job:** Judicial law clerk, Hon. John H. Moore II

**Biggest regret:** Too many to list

**Pet peeve:** Cluttered areas

**Sports/Hobbies:** Athletics, running, working out

**Practice area:** Affirmative civil health care fraud

**Most interesting case:** William Jefferson Clinton and Monica Lewinsky

**Future plans:** Survival

**Last book read:** *The Secret Handshake*

**Biggest professional challenge overcome:** Becoming an AUSA without any trial experience

**Things usually found in my refrigerator:** Orange juice and Diet Coke

**Biggest professional challenge ahead:** Continued professional development in all areas

*Sidebar* is published quarterly by the Federal Litigation Section of the Federal Bar Association. The views expressed herein do not necessarily represent those of the FBA. Send any and all articles or other contributions you may have to: John F. Perry at Springer Bush & Perry, 15th Floor, 2 Gateway Center, Pittsburgh, PA 15222, (412) 281-4900 or e-mail at joepa@springerlaw.com.

## FEDERALLY SPEAKING

### Barry J. Lipson, Vice President for the Third Circuit *War Declared Through 2005?*

The major provisions of the USA Patriot Act, aka the Anti-Terrorism Legislation, curtailing civil liberties, "sunsets" or "shall cease to have effect on Dec. 31, 2005." This legislation, enacted as a direct response to the events of Sept. 11, 2001, which has been referred to by some as "draconian," certainly places our federal justice system on a war footing. It eases the detention of some suspects without charges, and allows police to secretly search the homes of suspects, tap their home and cell telephones, and track their use of the Internet. But some thought has been given to Ben Franklin's caution that those who "can give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety." In addition to the most "draconian" provisions "sunsetting" in four years, the attorney general's power to detain/incarcerate non-citizens based on mere suspicion is limited to seven days (if deportation proceedings have **not** been commenced); the use of "carnivore" devices, which scan "through tens of millions of e-mails and other communications from innocent Internet users as well as the targeted suspect," is regulated by excluding general access to the "content" of the messages and by requiring carnivore reports to Congress; and the inspector general of the U.S. Department of Justice is required to designate an official who shall review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the department, publicize the responsibilities and functions of and how to contact this official, and semiannually submit reports to Congress on the implementation of this requirement and the details of the abuse complaints received. Hopefully, we will not re-visit the subsequently constitutionally condemned internment of "ethnically objectionable groups," as was the fate of ethnic Japanese during the Second World War.

### "Commercial Terrorists" — Utah-Style

During the 2001 legislative session, Utah created a new crime called *commercial terrorism*, applicable to all persons or business (Utah House Bill 322, Domestic Terrorism of Commercial Enterprises). A *commercial terrorist* (CT) is any individual who "enters ... a building of any business with the intent to interfere with the employees, customers, personnel, or operation of a business." You are a CT who unlawfully "enters" a place of business, if you cause "the intrusion of any physical object, sound wave, light ray, electronic signal or other means of intrusion" under your control, into such building. U.S. District Court Judge Bruce Jenkins, in a post-World Trade Center ruling, declared Utah's commercial terrorism statute facially unconstitutional and permanently enjoined the law from taking effect. This ruling resulted from a lawsuit brought on behalf of the Utah Animal Rights Coalition, whose members feared that under the statute, the lawful demonstrations they regularly conduct on sidewalks in front of Utah businesses would be classified as criminal activity. While

the World Trade Center *political terrorists* would certainly have violated this statute if the Twin Towers had been in Utah, hopefully there are more traditional criminal sanctions to deal with their ilk without criminalizing a whole spectrum of basically benign and even constitutionally protected human conduct. Potential CT's of the world beware! None know what future *intrusions* the legislature may want to ban.

### Microsoft Remedies: "The Harshest and Broadest Possible"

Not only had the U.S. Supreme Court refused to hear Microsoft's appeal plea to throw out Judge Thomas Penfield Jackson's original guilty verdict, as the U.S. Court of Appeals for the District of Columbia had thrown out Judge Jackson's "breakup" remedy, but the new judge, Hon. Colleen Kollar-Kotelly, had informed Microsoft that if a settlement was not reached, any remedies against that company would be "the harshest and broadest possible." It is also reported that the new Microsoft judge intimated that these "harshest" remedies could include the opening of the Windows source code to competitors and serious curbs on Microsoft's anti-competitive behavioral conduct. Remedial hearings were already set for March 2002, and the judge was ready to require mediation. Well, Ripley, *believe it or not*, the resolve of even "Micro" softened, and Bill Gates and crew now appear to be in a settling frame of mind.

### Betty Crocker to Wed Doughboy — Part 2

The FTC Commissioners, with FTC Chairman Timothy J. Muris again not voting, by "default" declined to challenge another major food industry merger, this time the proposed acquisition by Betty Crocker's General Mills, Inc. of the Doughboy's Pillsbury Company, from Diageo plc (Part 2). The line up in Part 2 was the same, with Commissioners Sheila F. Anthony and Mozelle W. Thompson voting for legal action to block the merger, and Commissioners Orson Swindle and Thomas B. Leary this time wanting to accept a consent settlement. Part 1, the prior acquisition also approved by default, was PepsiCo, Inc.'s acquisition of The Quaker Oats Co. According to Commissioners Anthony and Thompson, "all of the Commissioners believe that General Mills' proposed acquisition of Pillsbury violates the antitrust laws" (Thompson), and "when the competitive overlaps are this great, the underlying antitrust violation is this clear-cut, efficiencies are scant or non-existent, and the risk of consumer injury is this high, the standards for an acceptable settlement should be quite stringent" and were not met here (Anthony). "Moreover, accepting the proposed settlement would shift the risk inherent in this approach to the consumer, and would send a signal to the market that such shifting is appropriate. It is not" (Thompson). "Order or no Order," however, Commissioners Swindle and Leary are "convinced"

*Federally Speaking continued on next page*

*Federally Speaking continued from previous page*

that the parties participating in these nuptials "will honor the letter and the spirit of their promises" to the FTC staff that would have appeared in a consent order if one had been approved (FTC File Number 001-0213).

*But at the U.S. Justice Department ...* On the same day the FTC declined to challenge the merger of General Mills, Inc. and The Pillsbury Co., the U.S. Department of Justice filed an antitrust lawsuit to block the proposed acquisition of Newport News Shipbuilding Inc. by General Dynamics Corp., on the grounds that if the merger were allowed to proceed, it would eliminate competition for nuclear submarines, harm competition for other military ships, and substantially lessen competition in surface combatants. Newport News is the sole supplier of nuclear aircraft carriers to the U.S. Navy, as well as one of two suppliers of nuclear submarines. General Dynamics, the other supplier of nuclear submarines, is one of the nation's largest military suppliers, developing and producing numerous military platforms and systems, surface combatants, the M-1 Abrams tank, armored troop carriers, and various surveillance, communications, and intelligence systems. These two companies are also leaders on the only two teams working to develop electric drive technology for nuclear submarines and surface combatants. "Our armed forces need the most innovative and highest quality products to protect our county. This merger-to-monopoly would reduce innovation and, ultimately, the quality of the products supplied to the military, while raising prices to the U.S. military and to U.S. taxpayers," advised Charles A. James, assistant attor-

ney general in charge of the department's Antitrust Division.

**The Whiskey Rebellion Revisited**

Two hundred and 10 years after the new U.S. government adopted the Excise Tax of 1791 to tax whiskey, the Whiskey Rebellion, as recreated by the Federal Bar Association Western Pennsylvania Chapter, was a resounding success. Not only was there mirth, whiskey, and song at this well attended annual event, but also at the very popular CLE that preceded the rebellion, it was finally disclosed that the honest Western Pennsylvanian rebel farmers actually triumphed over the unabashed revenueurs. First, the 25 percent excessive U.S. excise tax disappeared after the rebellion ceased in 1794 without the expected bloody confrontation. Then, with the ratification on Dec. 5, 1933, by Pennsylvania, Ohio, and Utah, of the Twenty-first Amendment to the U.S. Constitution, repealing prohibition, the rebellion was won. This amendment finally and constitutionally recognized the supremacy of state whiskey laws by declaring that the "transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited." Of course, the Feds can still tax, and Pittsburgh is considering adding a 10 percent "pouring tax" on whiskey and its kindred spirits! © 2001 Federal Bar Association, Western Pennsylvania Chapter

\*\*\*\*\*

**LEGAL HUMOR****Courtroom Bloopers**

Mary Louise Gilman, the editor of the *National Shorthand Reporter* has collected many of the more hilarious courtroom bloopers in two books, *Humor in the Court* (1977) and *More Humor in the Court*, published a few months ago. From Gilman's two volumes, here are some transcripts, all recorded by America's keepers of the word.

Q: *What is your brother-in-law's name?*

A: Borofkin.

Q: *What's his first name?*

A: I can't remember.

Q: *He's been your brother-in-law for years, and you can't remember his first name?*

A: No. I tell you I'm too excited. (*Rising from the witness chair and pointing to Borofkin.*) Nathan, for God's sake, tell them your first name!

Q: *Did you ever stay all night with this man in New York?*

A: I refuse to answer that question.

Q: *Did you ever stay all night with this man in Chicago?*

A: I refuse to answer that question.

Q: *Did you ever stay all night with this man in Miami?*

A: No.

Q: *Now, Mrs. Johnson, how was your first marriage terminated?*

A: By death.

Q: *And by whose death was it terminated?*

Q: *Doctor, did you say he was shot in the woods?*

A: No, I said he was shot in the lumbar region.

Q: *What is your name?*

A: Ernestine McDowell.

Q: *And what is your marital status?*

A: Fair.

Q: *Are you married?*

A: No, I'm divorced.

Q: *And what did your husband do before you divorced him?*

A: A lot of things I didn't know about.

Q: *How did you happen to go to Dr. Cherney?*

A: Well, a gal down the road had had several of her children by Dr. Cherney, and said he was really good.

Q: *Do you know how far pregnant you are right now?*

A: I will be three months Nov. 8.

Q: *Apparently then, the date of conception was Aug. 8?*

A: Yes.

Q: *What were you and your husband doing at that time?*

Q: Mrs. Smith, do you believe that you are emotionally unstable?

A: I should be.

Q: How many times have you committed suicide?

A: Four times.

Q: Were you acquainted with the deceased?

A: Yes, sir.

Q: Before or after he died?

Q: Officer, what led you to believe the defendant was under the influence?

A: Because he was argumentary and he couldn't pronounce his words.

Q: What happened then?

A: He told me, he says, "I have to kill you because you can identify me."

Q: Did he kill you?

A: No.

Q: Mrs. Jones, is your appearance this morning pursuant to a deposition notice which I sent to your attorney?

A: No. This is how I dress when I go to work.

The Court: Now, as we begin, I must ask you to banish all present information and prejudice from your minds, if you have any.

Q: Did he pick the dog up by the ears?

A: No.

Q: What was he doing with the dog's ears?

A: Picking them up in the air.

Q: Where was the dog at this time?

A: Attached to the ears.

Q: When he went, had you gone and had she, if she wanted to and were able, for the time being excluding all the restraints on her not to go, gone also, would he have brought you, meaning you and she, with him to the station?

Mr. Brooks: Objection. That question should be taken out and shot.

Q: And lastly, Gary, all your responses must be oral. O.K.? What school do you go to?

A: Oral.

Q: How old are you?

A: Oral.

Q: What is your relationship with the plaintiff?

A: She is my daughter.

Q: Was she your daughter on Feb. 13, 1979?

Q: Now, you have investigated other murders, have you not, where there was a victim?

Q: ...and what did he do then?

A: He came home, and next morning he was dead.

Q: So when he woke up the next morning he was dead?

Q: Did you tell your lawyer that your husband had offered you indignities?

A: He didn't offer me nothing; he just said I could have the furniture.

Q: So, after the anesthesia, when you came out of it, what did you observe with respect to your scalp?

A: I didn't see my scalp the whole time I was in the hospital.

Q: It was covered?

A: Yes, bandaged.

Q: Then, later on... what did you see?

A: I had a skin graft. My whole buttocks and leg were removed and put on top of my head.

Q: Could you see him from where you were standing?

A: I could see his head.

Q: And where was his head?

A: Just above his shoulders.

Q: What can you tell us about the truthfulness and veracity of this defendant?

A: Oh, she will tell the truth. She said she'd kill that sonofabitch — and she did!

Q: Do you drink when you're on duty?

A: I don't drink when I'm on duty, unless I come on duty drunk.

Q: ... any suggestions as to what prevented this from being a murder trial instead of an attempted murder trial?

A: The victim lived.

Q: Are you sexually active?

A: No, I just lie there.

Q: Are you qualified to give a urine sample?

A: Yes, I have been since early childhood.

Q: The truth of the matter is that you were not an unbiased, objective witness, isn't it. You too were shot in the fracas?

A: No, sir. I was shot midway between the fracas and the naval.

Brought to you by The 'Lectric Law Library — The Net's Finest Legal Resource For Legal Pros & Laypeople Alike. <http://www.lectlaw.com>.

\*\*\*\*\*

### **The Unfortunate Bricklayer's Worker's Comp. Saga — Or what goes up, must come down!**

Dear Sir,

I am writing in response to your request for additional information in Block #3 of the accident reporting form. I put "poor planning" as the cause of my accident. You asked for a fuller explanation and I trust the following details will be sufficient.

I am a bricklayer by trade. On the day of the accident, I was

*Legal Humor continued on next page*

working alone on the roof of a new six-story building. When I completed my work, I found I had some bricks left over, which when weighed later were found to weigh 240 lbs. Rather than carry the bricks down by hand, I decided to lower them in a barrel by using a pulley which was attached to the side of the building at the sixth floor.

Securing the rope at ground level, I went up to the roof, swung the barrel out and loaded the bricks into it. Then I went down and untied the rope, holding it tightly to insure a slow descent of the 240 lbs of bricks. You will note on the accident reporting form that my weight is 135 lbs. Due to my surprise at being jerked off the ground so suddenly, I lost my presence of mind and forgot to let go of the rope. Needless to say, I proceeded at a rapid rate up the side of the building.

In the vicinity of the third floor, I met the barrel which was now proceeding downward at an equally impressive speed. This explains the fractured skull, minor abrasions and the broken collarbone, as listed in Section 3, accident reporting form. Slowed only slightly, I continued my rapid ascent, not stopping until the fingers of my right hand were two knuckles deep into the pulley which I mentioned in Paragraph 2 of this correspondence. Fortunately by this time I had regained my presence of mind and was able to hold tightly to the rope, in spite of the excruciating pain I was now beginning to experience.

At approximately the same time, however, the barrel of bricks hit the ground and the bottom fell out of the barrel. Now devoid of the weight of the bricks, the barrel weighed approximately 50 lbs. I refer you again to my weight. As you might imagine, I began a rapid descent down the side of the building. In the vicinity of the third floor, I met the barrel coming up. This accounts for the two fractured ankles, broken tooth and severe lacerations of my legs and lower body.

Here my luck began to change slightly. The encounter with the barrel seemed to slow me enough to lessen my injuries when I fell into the pile of bricks and fortunately only three vertebrae were cracked. I am sorry to report, however, as I lay there on the pile of bricks, in pain, unable to move and watching the empty barrel six stories above me, I again lost my composure and presence of mind and let go of the rope.

And I lay there watching the empty barrel begin its journey back onto me.

Brought to you by The 'Lectric Law Library — *The Net's Finest Legal Resource For Legal Pros & Laypeople Alike.* <http://www.lectlaw.com>.

\*\*\*\*\*

## FEDERAL LITIGATION SECTION OFFICERS

**Alan F. Blakley**  
CHAIR  
Blakley & Velk  
523 South Orange Street  
Missoula, MT 59801  
(406) 543-0909  
(406) 543-0990 (fax)  
e-mail: alan@blakley.net

**John F. (Joe) Perry**  
SECRETARY/SIDEBAR EDITOR  
Springer Bush & Perry  
15th Floor, 2 Gateway Center  
Pittsburgh, PA 15222  
(412) 281-4900  
(412) 261-1645 (fax)  
e-mail: joepa@springerlaw.com

**Latour Lafferty**  
CHAPTER LIAISON  
AUSA  
Office of the Independent Counsel  
400 North Tampa Street, Suite 200  
Tampa, FL 33602  
(813) 514-1154  
(813) 305-8300 (fax)  
e-mail: ltlafferty@yahoo.com

**N. Patrick Flanagan**  
IMMEDIATE PAST CHAIR  
Hale Lane Peek Dennison Howard  
Anderson & Pearl  
P.O. Box 3237  
100 West Liberty Street, 10th Floor  
Reno, NV 89505  
(775) 327-3000  
(775) 786-6179 (fax)  
e-mail: pflanagan@halelane.com

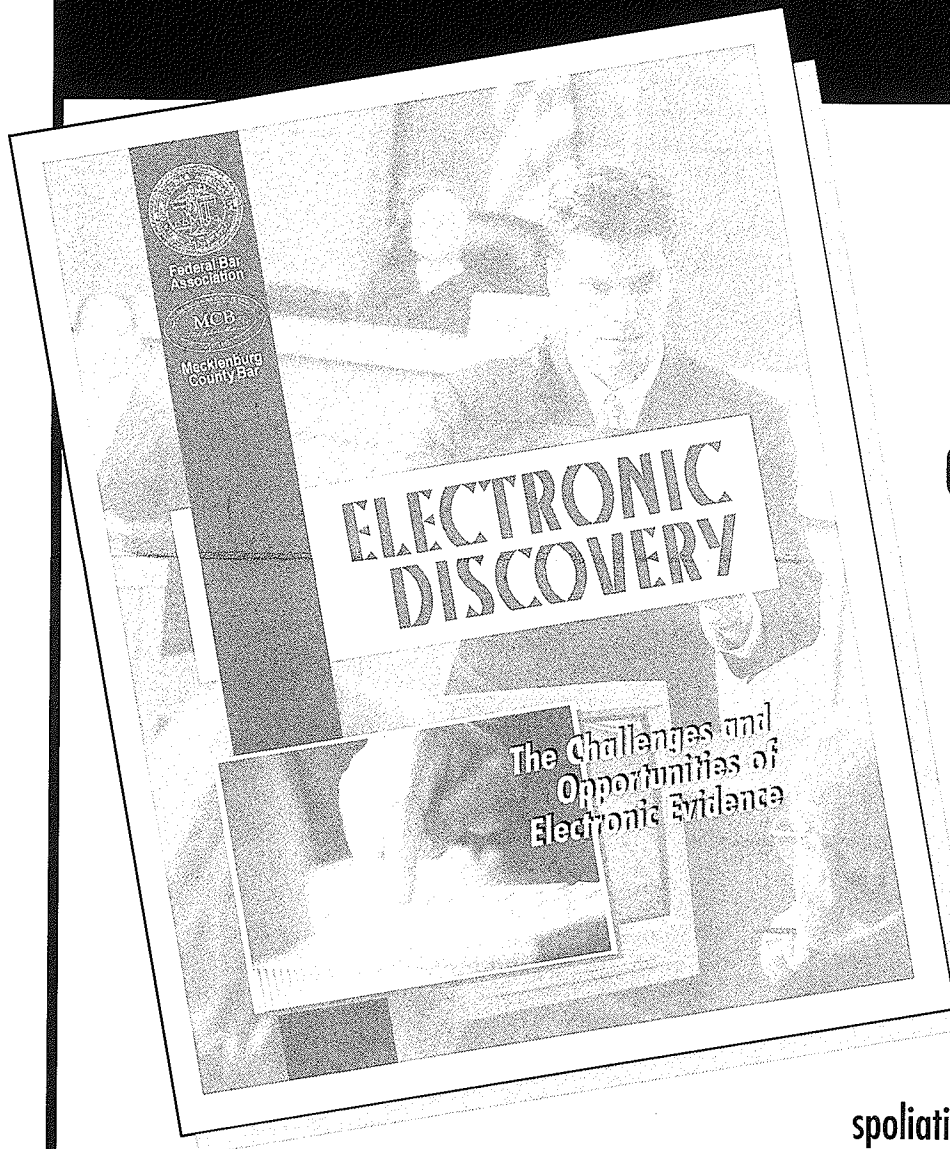
**Winston Haythe**  
PUBLICATION MANAGER  
Office of Criminal Enforcement,  
Forensics & Training  
U.S. EPA (MC-2235 A)  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460  
(202) 564-6057  
(202) 564-0075 (fax)  
e-mail: haythe.winston@epa.gov

**Geoffrey C. Angel**  
CFO/TREASURER  
Angel Law Firm  
125 West Mendenhall  
Bozeman, MT 59715  
(406) 586-1926  
(406) 585-7654 (fax)  
e-mail: christianangel@hotmail.com

**Joseph Dattilo**  
MEMBERSHIP COORDINATOR  
Brouse McDowell  
1001 Lakeside Avenue, Suite 1600  
Cleveland, OH 44114-1151  
(216) 830-6833  
(216) 830-6807 (fax)  
e-mail: jdattilo@brouse.com

**Kelly McCloskey**  
LIAISON WITH FEDERAL JUDICIAL CENTER  
& ADMINISTRATIVE OFFICE OF THE U.S.  
COURTS  
O'Rourke, McCloskey & Moody  
The Chicago Title & Trust Tower  
161 North Clark Street, Suite 2230  
Chicago, IL 60601  
(312) 849-2020  
(312) 849-2021 (fax)  
e-mail: KMcclos823@aol.com

# You Should Be Reading This Now!



*Introducing . . .*  
**Electronic  
Discovery: The  
Challenges and  
Opportunities of  
Electronic  
Evidence**

This new textbook from the Federal Litigation Section of the Federal Bar Association and the Mecklenburg County Bar covers cutting-edge topics in discovery including finding electronic sources of information, protecting client privilege, spoliation of evidence, cost of electronic discovery, and includes a CD of useful motions and briefs.

*This is the publication that all litigators have been waiting for.*

**ORDER NOW:** Shop on-line at [www.meckbar.org](http://www.meckbar.org) (click on CLE and go to Publications) or call the MCB-CLE Division at 704-375-8624.

Price: \$49.95 FBA members; \$59.95 All others

\*\*\*\* Add the Electronic Discovery CLE 2.0 Hour Course Video for \$29.95 \*\*\*\*

## THE FBA HAS A NEW ADR SECTION

The **Alternative Dispute Resolution (ADR) Section** provides a forum for the exchange of information critical to lawyers and in-house counsel who represent parties in adversarial settings. Under the guidance of its Governing Board, the section conducts activities through committees that address: federal court ADR programs, commercial ADR practices and procedures, the qualification and certification of neutrals, ADR involving federal agencies, and the implementation of various ADR processes. The section sponsors discussions, lectures, and training programs for lawyers newly interested in learning about alternative dispute resolution, or already experienced at resolving disputes through third party intervention or wanting to serve as neutrals (arbitrators, mediators, etc.).

### MEMBERS IN THE ADR SECTION RECEIVE

**Practice Tips** — ADR Section members receive access to useful advice on such topics as maintaining client confidentiality when conducting ADR with the federal government. ADR section members are also working to define criteria for selection of neutrals and for determination of their subject matter qualification.

**Targeted Publications** — Section members will receive the ADR Newsletter — a timely, insightful, resource on issues of federal law, statutes, and other pertinent information.

**CLE Sessions** — The ADR Section offers training on current topics of interest to neutrals and lawyers who participate in ADR proceedings. Members of the section receive a discount on all programs and materials.

**Networking Opportunities** — Section committees give members the opportunity to make a difference. Work with practitioners and federal judges to develop standards for ADR in federal courts.

Members can tailor their membership to their interests by joining one or more of the following committees:

- ◆ *Federal Court Programs Committee*
- ◆ *Commercial Practices and Procedures Committee*
- ◆ *ADR Involving Federal Agencies Committee*
- ◆ *Neutral Process, Certification, Qualifications, and Implementations Committee*

Yes, I am a member of the Federal Bar Association and I **would like to sign up for the ADR Section**, attached is my check payable to Federal Bar Association (ADR) for \$15.00.

NAME \_\_\_\_\_

PHONE \_\_\_\_\_

E-MAIL \_\_\_\_\_

COMMITTEES I AM INTERESTED IN \_\_\_\_\_

**FOR MORE INFORMATION** about the FBA's Alternative Dispute Resolution Section, please contact ADR Section Chair Richard Theis at (202) 307-0116 or [Richard.P.Theis@usdoj.gov](mailto:Richard.P.Theis@usdoj.gov); or contact Meridith Akins, coordinator of Sections and Divisions, FBA, 2215 M St. NW, Washington D.C. 20037 at (202) 785-1614 or [makins@fedbar.org](mailto:makins@fedbar.org).

SideBAR

Federal Litigation Section  
Federal Bar Association  
2215 M Street, NW  
Washington, D.C. 20037

NONPROFIT  
ORGANIZATION  
U.S. Postage  
Paid  
Permit No. 1944