



**Federal Bar Association  
National Council Meeting**

**Midyear Meeting 2017**

Saturday, March 18, 2017 at 2:15 p.m.

Capital Hilton Hotel  
Washington, DC



# Federal Bar Association

## National Council Meeting Agenda

Saturday, March 18, 2017 at 2:15 p.m. EST

Capital Hilton Hotel

Washington, DC

1. Call to Order Hon. Michael Newman
  
2. Consent Agenda (Tab A) Hon. Michael Newman
  - Approval of the Minutes (September 17, 2016)
  - Constitution, Bylaws, Rules and Resolutions Committee Report
  - ABA Delegate Report
  - Federal Bar Building Corporation Report
  
3. Report from the President (Tab B) Hon. Michael Newman
  - FBA Midyear Update
  - Actions of the Board of Directors
  - Nominations and Elections Committee Report
  
4. Report from the Treasurer (Tab C) Maria Vathis
  - Year-end Financials as of September 30, 2016 (unaudited)
  - Financial Update as of December 31, 2016
  
5. Reports
  - Report from the President of the Foundation of the FBA (Tab D) Sharon O'Grady
  
  - Report from the Executive Director Stacy King
  
  - Report from the President-Elect Kip Bollin
  
  - Report from the Chair of the Government Relations Committee (Tab E) West Allen
  
  - Report from the Chair of the Membership Committee Jonathan Hafen
  
6. Unfinished Business Hon. Michael Newman
  
7. New Business Hon. Michael Newman
  
8. President's Final Remarks Hon. Michael Newman
  
9. Adjournment Hon. Michael Newman

**FY2017 FBA National Conferences and Meetings**

CONFERENCE	DATE	LOCATION
Tax Law Conference	March 3	Washington, DC / Ronald Reagan Building
Labor & Employment	March 9-10	San Antonio, TX / Hilton Palacio Del Rio
Moot Court Competition	March 16-17	Washington, DC
BOD Meeting	March 16-17*	Washington, DC / Capital Hilton
Midyear Meeting	March 18	Washington, DC / Capital Hilton
Indian Law Conference	April 6-7	Scottsdale, AZ / Talking Stick Resort
YLD's Emerging Professionals	April 27	Minneapolis, MN
Leadership Training	April 21-22	Washington, DC / Capital Hilton
Immigration Law	May 12-13	Denver, CO / Embassy Suites Conv. Center
Insurance Tax Seminar	June 1-2	Washington, DC / JW Marriott
BOD Meeting	June 23	Philadelphia, PA / TBD
BOD Meeting	September 14	Atlanta, GA / Westin Peachtree Plaza
Annual Meeting & Convention	September 14-16	Atlanta, GA / Westin Peachtree Plaza

# TAB A

Approval of the Minutes (September 17, 2016)

Constitution, Bylaws, Rules and Resolutions Committee Report

ABA Delegate Report

Federal Bar Building Corporation Report

**Federal Bar Association  
National Council**

Saturday, September 17, 2016

8:00 a.m. EDT

Westin Cleveland Downtown  
Cleveland, Ohio

---

**CALL TO ORDER**

President Vincent called the meeting to order at 8:02 EDT with a quorum present. The agenda was adopted as distributed prior to the meeting.

**APPROVAL OF THE MINUTES**

A motion was made to approve the minutes of the April 2, 2016 meeting. The motion was properly seconded and passed unanimously.

**REPORT OF THE PRESIDENT**

President Vincent reported on the actions of the Board of Directors since the last meeting of the National Council:

*Actions of the Board of Directors at its June 17, 2016 meeting*

- Approved the FY2017 Budget
- Approved revised Policy 2-7: Section and Division Administrative Fee
- Approved the bylaws and dues of the LGBT Law Section
- Approved a \$12,000 donation made by the Securities Law Section to Columbia Law School
- Referred the review and ruling of the Immigration Law Section's bylaws regarding term limits to the Sections and Divisions Council
- Approved the amended bylaws of the Immigration Law Section
- Approved the charter for the establishment of the Wisconsin Chapter
- Approved the FY2017 Issues Agenda as recommended by Government Relations Committee
- Approved the selection of the South Carolina Chapter as host chapter for the 2020 FBA Annual Meeting and Convention
- Approved the appointment of Judge Lisa Smith as Circuit Vice President to fill the vacancy in the Second Circuit

*Actions of the Board of Directors at its September 15, 2016 meeting*

- Approved recommendation from the Government Relations Committee to add the following language to the Issues Agenda; "Support U.S. Senate ratification of the Marrakesh Treaty, which would allow for copyright exceptions to facilitate the creation of accessible versions of books and other copyrighted works for persons who are blind, visually impaired or otherwise print-disabled."

**REPORT OF THE TREASURER**

Kip Bollin presented the financial statements as of July 31, 2016 which cover approximately 83 percent of the year’s budget. The total assets of the FBA are valued at \$3,100,000. Net assets are up by about \$112,000 compared to last year, and are approximately seven months of operating expenses. Currently, the FBA’s total revenue is at 85 percent of budget and activity expenses are at 83 percent of budget.

**REPORT FROM THE EXECUTIVE DIRECTOR**

Karen Silberman began her report by thanking all members of National Council for their continued dedication to the Federal Bar Association.

Ms. Silberman has decided to leave the Federal Bar Association at the end of FY2016. She reported on the successes experienced by the organization over the past four years including membership totals, membership retention, webinar revenue, chapter creation, advocacy and meeting attendance. Ms. Silberman also reported that the Federal Bar Association is financially healthier than ever before. The organization has experienced a budget surplus every year since FY2013.

Stacy King will serve as the Acting Executive Director beginning on October 1. Ms. King outlined the organizational focuses for FY2017.

**REPORT FROM THE PRESIDENT-ELECT**

President-Elect Hon. Michael J. Newman recognized Kip Bollin and Glen McMurry for all their great work in planning the 2016 Annual Meeting and Convention.

**REPORTS**

*Report from the Chair of the Nominations and Elections Committee*

President Vincent gave the report of Nominations and Elections Committee. The following individuals were elected to terms beginning Oct. 1, 2016:

**Officers**

President-Elect.....Kip T. Bollin  
Treasurer.....Maria Z. Vathis

**Directors**

Group 1.....Jonathan O. Hafen  
Group 2.....Vildan A. Teske  
Group 3.....Hon. Robin E. Feder  
Group 4.....David A. Goodwin

**Vice Presidents for the Circuits**

1st Circuit.....Matthew C. Moschella  
2nd Circuit.....Ernest T. Bartol  
3rd Circuit.....Frank J. McGovern  
4th Circuit.....Hannah Rogers Metcalfe  
5th Circuit.....Barry W. Ashe

6th Circuit.....	Thomas G. McNeil
7th Circuit.....	Sheri H. Mecklenburg
8th Circuit.....	Adine S. Momoh
9th Circuit.....	Hon. Alison S. Bachus
10th Circuit.....	Daniel W. Lewis
11th Circuit.....	Michael S. Vitale
D.C. Circuit.....	Elizabeth Pugh

*Report from the Government Relations Committee*

West Allen recognized members of the committee and Bruce Moyer and presented the report of the Government Relations Committee. Current FBA advocacy priorities are as follows: support for adequate funding for the federal courts, prompt action on judicial vacancies and establishment of additional judgeships and support for establishment of an Article I Immigration Court. Mr. Allen reported that the Board of Directors recently approved the 2017 Issues Agenda at their July 2016 meeting. Finally, Mr. Allen reported that 48 chapters currently have Chapter Government Relations Liaisons.

*Report from the Constitution, Rules, Resolutions and Bylaws Committee*

Beth Smith presented the report of the Constitution, Rules, Resolutions and Bylaws Committee.

The Board of Directors recommended the creation of the Community Service and Outreach Committee, a new programmatic standing committee. The Constitution, Bylaws, Rules, and Resolutions Committee proposed language to serve this purpose. Oliver Ruiz moved to accept the proposed amendment to Bylaw 8.A.2: Addition of the following under “Programmatic Committees and Boards”

*e. Community Service and Outreach. The Community Service and Outreach Committee is responsible to coordinate, implement and assist efforts to serve and support the communities in which members practice. The Committee’s responsibilities may include, but are not limited to community service; civics; efforts to support the well-being of members, their families, and their communities; and activities pro bono public. The Committee is authorized to coordinate as appropriate with the Foundation of the Federal Bar Association in efforts of common interest. The Committee is intended to support and not displace separate community service efforts of other chapters, sections, or divisions of the Association. The President may authorize formation or cessation of subcommittees of the Community Service Committee according to then-current needs and opportunities.*

And amendment to Bylaw 8.B to the following:

*B. Committee Composition and Terms of Office. The composition of the following Standing Committees: (1) Constitution, Bylaws, Rules and Resolutions; (2) Membership; (3) Professional Ethics; and (4) Community Service and Outreach shall consist of at least nine members, at least six of whom are from different Circuits. The president shall appoint a member as chairperson. Any vacancy shall be filled by appointment by the President for the time remaining in the vacated term. The terms shall be on a three (3) year staggered basis.*

Mr. Ruiz’s motion was properly seconded and carried.

*Report from President of the Foundation of the Federal Bar Association*

Néstor Méndez-Gómez presented the report of the Foundation of the Federal Bar Association. He reported that 12 chapters were awarded Chapter Community Outreach Grants: Alaska Chapter, Broward County Chapter, Central District of Illinois Chapter, Eastern District of Michigan Chapter, Eastern District of New York Chapter, Minnesota Chapter, North Dakota Chapter, Oregon Chapter, San Joaquin Valley Chapter, South Carolina Chapter, Utah Chapter and the Western District of North Carolina Chapter. Mr. Méndez-Gómez also reported that Crystal Swinford is the recipient of the 2016 Robert A. McNew Law Student Scholarship and Stephanie N. Higginson is the recipient of the 2016 Kintner Public Service Scholarship. Lastly, Mr. Méndez-Gómez reported that Foundation of the Federal Bar Association supported the inaugural National Community Outreach Project by distributing \$26,000 to 13 chapters.

President Vincent presided over the election of the three open director positions on the Foundation of the Federal Bar Association Board of Directors by the National Council. Matthew B. Moreland, Sharon L. O'Grady and Henry M. Quillian III were nominated by the Foundation Nominations Committee prior to the National Council meeting. David Ferrari moved to elect Mr. Moreland, Ms. O'Grady and Mr. Quillian as directors on the Foundation of the FBA's Board of Directors. The motion was properly seconded and passed.

*Report from the President of the Federal Bar Building Corporation*

Robert Mueller provided a history of the Federal Bar Building Corporation and stated the investment fund of the FBBC is valued at approximately \$5 million.

President Vincent presided over the election of the two open director positions on the FBBC Board of Directors by the National Council. Joyce Kitchens and Hon. Delissa Ridgway were nominated by the FBBC Nominating Committee prior to the National Council meeting. Adrienne Berry moved to elect Ms. Kitchens and Judge Ridgway as directors on the FBBC Board of Directors. The motion was properly seconded and passed.

*Report from the Membership Committee*

Jonathan Hafen reported that membership is at all-time high at 18,546 members. He recognized chapter, section, division leaders, board of directors, staff and the membership committee for their work. Mr. Hafen discussed the membership rules of engagement which included obtaining a membership chair and plan, engaging members via contact with Sections and Divisions and achieving membership growth of at least three percent per year. Mr. Hafen also recognized the chapters that achieved their membership goals as they related to the Countdown to Cleveland Membership Challenge. Finally, Mr. Hafen encouraged all members of National Council to become Sustaining Members.



## **UNFINISHED BUSINESS**

The following officers, directors and Circuit Vice Presidents were sworn in by Judge Newman: Mr. Bollin, Ms. Vathis, Mr. Hafen, Ms. Teske, Judge Feder, Mr. Goodwin, Mr. Moschella, Mr. Bartol, Mr. McGovern, Ms. Rogers Metcalfe, Mr. Ashe, Mr. McNeil, Ms. Mecklenburg, Ms. Momoh, Judge Bachus, Mr. Lewis, Mr. Vitale, and Ms. Pugh.

President-Elect Newman thanked President Vincent for his service and gifted him with the President's Tower.

## **NEW BUSINESS**

Kevin Maxim, Joyce Kitchens and Henry Quillian presented a promotional video about Atlanta, the site of the 2017 Annual Meeting and Convention.

President Vincent recognized the service of Committee Chairs and distributed awards. Mr. Hafen recognized outgoing Vice Presidents for the Circuits: Bridget Montgomery, James Satola and Phillip Schatz. Judge Bachus thanked Mr. Hafen for his service as Chair of the Vice Presidents for the Circuits.

## **PRESIDENT'S FINAL REMARKS AND ADJOURNMENT**

President Vincent acknowledged the staff, the leaders and he adjourned the meeting at 10:35 EDT.

## **2016-2017 CALENDAR OF EVENTS**

- Federal Litigation and Qui Tam Conference, October 18, Washington, D.C.
- D.C. Indian Law Conference, November 4, Washington, D.C.
- Art Law and Litigation Conference, November 30, Miami, Fla.
- Board of Directors Meeting, January 2017, Charleston, SC
- Fashion Law Conference, February 10, New York, N.Y.
- Tax Law Conference, March 3, Washington, D.C.
- Labor and Employment Law Conference, March 9-10, San Antonio, Texas
- Moot Court Competition, March 16-17, Washington, D.C.
- Board of Directors Meeting, March 17, Washington, D.C.
- Midyear Meeting, March 18, Washington, D.C.
- Indian Law Conference, April 6-7, Scottsdale, Ariz.
- Capitol Hill Day, April 20, Washington, D.C.
- Chapter, Section & Division Leadership Training, April 21-22, Washington, D.C.
- Immigration Law Conference, May 12-13, Denver, Colorado
- Insurance Tax Seminar, June 1-2, Washington, D.C.
- Board of Directors Meeting, June, Philadelphia, PA
- Annual Meeting and Convention, September 14-16, Atlanta, Ga.

Respectfully submitted,  
Karen Silberman  
Executive Director



# Federal Bar Association

## Constitution, Bylaws, Rules and Resolutions Committee

**Date:** February 10, 2017

**To:** Federal Bar Association's National Council

**From:** Constitution, Bylaws, Rules and Resolutions Committee

Tyler Brooks  
Geoffrey Cheshire  
Kirstin Connor  
Stacy King (Staff Liaison)  
Kevin Maxim (Chair)  
Matt Moschella

Peg O'Connor  
Thomas Schuck  
Tom Segars  
Beth Smith  
Paul Vamvas

**Re: Committee Report**

---

Pursuant to the Federal Bar Association's Bylaws at Sections 8(a)(1)(c) and 14, the Constitution, Bylaws, Rules and Resolutions Committee (the "Committee") reports that it has received a proposal from FBA member Jim Satola to amend the FBA's Constitution.

Mr. Satola proposes to amend the Constitution so as to clarify that the FBA does not maintain a Circuit Vice President position for the Federal Circuit. Mr. Satola's proposal is attached.

The Committee is currently considering the proposal, and will report its recommendation to the Board of Directors for the Board's March 2017 meeting. The Committee will then submit its report on the proposal to the September 2017 National Council convening at the FBA's Annual Meeting & Convention in Atlanta.



# Federal Bar Association

On Jan 13, 2017, at 9:06 PM, James W. Satola <[jsatola@roadrunner.com](mailto:jsatola@roadrunner.com)> wrote:

Here is something for consideration at the upcoming FBA Board of Directors meeting: a proposal to amend the language of the FBA Constitution to clarify the definition of Circuit Vice President to conform to the actual purpose of having CVPs -- to advise and assist those Chapters within each geographic region drawn by the boundaries of the numbered/geographic federal circuits, and to put an end to a claim of there being two "open" seats for "CVP for the Federal Circuit."

The role of Circuit Vice President is defined somewhat ambiguously in the FBA Constitution:

## **Article V – Officers, Directors and Delegates: Nomination, Removal, and Duties**

**Section 1. *Elective Officers, Directors and Delegates.*** The elective officers and directors of the Association shall assume their respective offices at the beginning of the fiscal year to which they are elected and shall serve through the end of the fiscal year in which their terms expire or until their successors shall have been installed in office. \* \* \* The elective officers and directors of the Association shall be as follows and in the order named and shall be elected to terms of office as indicated:

\* \* \*

e. Two Vice Presidents for the Circuit for each Federal judicial circuit, who shall be elected for staggered terms of two years by the members within that Circuit. No Vice President for the Circuit shall serve more than three full terms.

The duties of the CVPs are then later listed as follows:

## **Section 6. *Duties of Officers and Directors.***

\* \* \*

e. Each Vice President for the Circuit shall serve as liaison with all Chapters within that officer's Circuit; shall serve as counselor and advisor for such Chapters in the promotion of their welfare; shall undertake and supervise creation of new Chapters and reactivation of inactive Chapters in that officer's Circuit as appropriate; shall represent that officer's Circuit on the National Council; and shall perform such other duties as properly pertain to the office or as may be required by the President, this Constitution, or the Bylaws of the Association.



# Federal Bar Association

Having "Federal Circuit" CVPs, with no Chapters to assist or supervise (or being completely redundant to the role of the "geographic Circuit" CVPs) because there are no Chapters residing outside a geographic Circuit (and such is an impossibility) would be both pointless, while at the same time be self-aggrandizing as a "Federal Circuit" CVP could claim to be the "equal partner" of each and EVERY geographic Circuit CVP pair, thus giving such position claim to being a "super-CVP."

A simple way to put an end to any claim of a "right" to hold such a pointless position would be to clarify the definition of the role of CVP in the FBA Constitution as being representatives of each of the GEOGRAPHIC federal circuits.

James W. Satola  
2608 Dysart Road  
University Heights, Ohio  
44118-4409  
P: (216) 321-6926  
C: (216) 702-5038  
[jsatola@roadrunner.com](mailto:jsatola@roadrunner.com)



## Federal Bar Association

*ABA House of Delegates Annual Meeting  
February 6, 2017  
Miami*

### **FBA Delegate Report** (2/10/17)

To FBA Board of Directors and National Council:

As the FBA's Delegate to the ABA House of Delegates, I attended the ABA Mid-Year Meeting in Miami on February 6, 2017. There were approximately 33 proposed Resolutions considered and several resolutions were robustly debated.

The FBA leadership recommended the ABA Delegate to vote in support of Resolutions 101, and 112C, to vote against 112B as written and 112D as written, and to abstain from the remaining Resolution including the resolutions addressing immigration issues.

For more detailed information regarding the actions taken by the ABA House of Delegates on all Resolutions, see the attached Daily Journal.

Respectfully submitted by:

A handwritten signature in blue ink that reads "Ashley L. Belleau".

Ashley L. Belleau  
*Federal Bar Association ABA Delegate*

Attachment: ABA House of Delegates Daily Journal

AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES

2017 MIDYEAR MEETING  
MIAMI, FLORIDA  
FEBRUARY 6, 2017

DAILY JOURNAL

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
10A	VIRGIN ISLANDS BAR ASSOCIATION	Urges the Supreme Court of the United States to consider racial, ethnic, disability, sexual orientation, gender identity, and gender diversity in the selection process for appointment of <i>amicus curiae</i> , special masters, and other counsel.	Approved as Revised*
10B	CONNECTICUT BAR ASSOCIATION SECTION OF INTERNATIONAL LAW NEW YORK STATE BAR ASSOCIATION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CENTER FOR HUMAN RIGHTS	Reaffirms and expands existing policy regarding refugees in light of the January 27, 2017 Executive Order, calls for increased funding and legislation to process and handle refugee applications, and urges Congress to pass legislation that would provide for individualized assessments of refugee applications and that they be conducted expeditiously and justly	Approved
10C	NEW YORK CITY BAR ASSOCIATION SECTION OF INTERNATIONAL LAW COMMISSION ON IMMIGRATION CRIMINAL JUSTICE SECTION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE STANDING COMMITTEE ON INTERNATIONAL TRADE IN LEGAL SERVICES MASSACHUSETTS BAR ASSOCIATION CENTER FOR HUMAN RIGHTS	Urges the President to withdraw Executive Order 13769, and follow legal procedures and legal rights in the promulgation of future Executive Orders regarding border security, immigration enforcement, and terrorism.	Approved as Amended*

---

\* See Attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
100	SECTION OF LITIGATION	Urges Congress to enact legislation to repeal the restrictions on federal student aid eligibility contained in the Higher Education Act, 20 U.S.C. § 1091(r), which affects eligibility for federal student aid based on certain drug convictions.	Approved
101	NATIONAL CONFERENCE OF FEDERAL TRIAL JUDGES JUDICIAL DIVISION APPELLATE JUDGES CONFERENCE NATIONAL CONFERENCE OF SPECIALIZED COURT JUDGES NATIONAL CONFERENCE OF STATE TRIAL JUDGES NATIONAL CONFERENCE OF THE ADMINISTRATIVE LAW JUDICIARY SECTION OF BUSINESS LAW	Urges Congress to amend Title 28 of the United States Code to authorize the appointment of additional bankruptcy judges sufficient to meet the demands within each district.	Approved as Revised*
102	STANDING COMMITTEE ON THE AMERICAN JUDICIAL SYSTEM GOVERNMENT AND PUBLIC SECTOR LAWYERS DIVISION SECTION OF LITIGATION COMMISSION ON THE AMERICAN JURY SECTION OF TORT TRIAL AND INSURANCE PRACTICE	Urges all state courts to develop and implement a civil justice improvement plan to improve the delivery of civil justice guided by the Recommendations of <i>Call to Action: Achieving Civil Justice for All</i> as endorsed by the Conference of Chief Justices and urges bar associations to promote those Recommendations.	Approved
103	STANDING COMMITTEE ON PARALEGALS	Grants approval and reapproval to several paralegal education programs, withdraws the approval of three programs at the requests of the institutions, and extends the term of approval to several paralegal education programs.	Approved
104	SECTION OF INTERNATIONAL LAW	Urges the United States to ratify and implement the 2013 Arms Trade Treaty.	Approved
105	ABA REPRESENTATIVES AND OBSERVERS TO THE UNITED NATIONS RULE OF LAW INITIATIVE NEW YORK STATE BAR ASSOCIATION	Urges the United Nations, the United States and other governments and relevant international actors to develop and implement methodologies to measure and track the prevalence of sexual and gender-based violence.	Approved

---

\* See Attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
106	STANDING COMMITTEE ON CONTINUING LEGAL EDUCATION COMMISSION ON LAWYER ASSISTANCE PROGRAMS LAW PRACTICE DIVISION	Adopts the <i>Model Rule for Minimum Continuing Legal Education (MCLE) and Comments</i> dated February 2017, to replace the <i>Model Rule for MCLE and Comments</i> adopted by the American Bar Association in 1988 and subsequently amended.	Approved
107	STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS CRIMINAL JUSTICE SECTION	Urges Congress to enact legislation deeming it unlawful for any governmental authority or any person acting on behalf of a governmental authority, to engage in a pattern or practice that deprives persons of their constitutional right to the effective assistance of counsel.	Withdrawn
108	STANDING COMMITTEE ON DISASTER RESPONSE AND PREPAREDNESS SECTION OF STATE AND LOCAL GOVERNMENT LAW	Urges federal, state, local, territorial and tribal governments to adopt standards, guidance, best practices, programs, and regulatory systems that make communities more resilient to loss and damage from foreseeable hazards and enhance the disaster resilience of communities.	Approved
109	STANDING COMMITTEE ON SPECIALIZATION	Accredits the Privacy Law program of the International Association of Privacy Professionals of Portsmouth, New Hampshire for a five-year term as a designated specialty certification program for lawyers.	Withdrawn
110A	SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR	Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2017 to the <i>ABA Standards and Rules of Procedure for Approval of Law Schools</i> as follows: Standard 204 ( <i>Self Study</i> ); Standard 303(a)(1) ( <i>Curriculum</i> ); Interpretation 303-1; Standard 311(d) ( <i>Academic Program and Academic Calendar</i> ); Standard 501 ( <i>Admissions</i> ); and Rules 35, 37, 38, 39, 40 and 41 ( <i>Appeals Panel</i> ).	Concurred
110B	SECTION OF LEGAL EDUCATION AND ADMISSIONS TO THE BAR	Concurs in the action of the Council of the Section of Legal Education and Admissions to the Bar in making amendments dated February 2017 to Standard 316 ( <i>Bar Passage</i> ) of the <i>ABA Standards and Rules of Procedure for Approval of Law Schools</i> .	Did Not Concur



<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
111	SECTION OF INTELLECTUAL PROPERTY LAW	Supports the adoption of the nominative fair use doctrine as an affirmative defense to claims of trademark infringement and unfair competition.	Approved
112A	CRIMINAL JUSTICE SECTION	Urges the United States Department of Justice to continue its accuracy and quality assurance efforts in the area of microscopic hair analysis and urges prosecutors, similarly, to commit to a timely review of all cases in which such erroneous expert testimony was used and to consider adopting the Department of Justice's policy.	Approved
112B	CRIMINAL JUSTICE SECTION	Urges prosecutor's offices to adopt and implement internal conviction-integrity policies when an office supports a defendant's motion to vacate a conviction based on the office's doubts about the defendant's guilt of the crime for which the defendant was convicted, or about the lawfulness of the defendant's conviction.	Approved
112C	CRIMINAL JUSTICE SECTION	Urges law enforcement authorities to develop and use, prior to custodial interrogation of suspects, translations of <i>Miranda</i> warnings in as many languages and dialects as necessary to accurately and fully inform individuals of their <i>Miranda</i> rights.	Approved
112D	CRIMINAL JUSTICE SECTION	Urges the Food and Drug Administration ("FDA") to update its current policy requiring deferment of blood donations from men who have sex with men for one year after the donor's most recent sexual encounter with a man to a deferral policy based on an assessment of the risk posed by an individual based on potential recent exposures rather than on the individual's sexual orientation.	Approved as Revised*

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
113	SECTION OF FAMILY LAW COMMISSION ON IMMIGRATION SECTION OF SCIENCE AND TECHNOLOGY LAW SECTION OF HEALTH LAW SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW	Urges the United States Department of State to interpret the Immigration and Nationality Act, 8 U.S.C. § 1401, to recognize those children born to intended parents, even if those legally recognized parents do not have a biological (genetic or gestational) relationship to the child, so long as at least one of the intended parents is a U.S. citizen who is legally recognized as the child's parent by the country of birth or the intended parents state of domicile and the relevant resident or physical presence requirements are met.	Approved
114	COMMISSION ON DISABILITY RIGHTS SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE SECTION OF FAMILY LAW COMMISSION ON YOUTH AT RISK	Urges governments to enact legislation and implement public policy providing that custody, visitation, and access shall not be denied or restricted, nor shall a child be removed or parental rights terminated, based on a parent's disability, absent a showing that the disability is causally related to a harm or an imminent risk of harm to the child.	Approved
115	CENTER OF HUMAN RIGHTS	Urges governments and relevant organizations to implement the recommendations set forth in the policy brief, <i>Allies Against Atrocities: The Imperative for Transatlantic Cooperation to Prevent and Stop Mass Killings</i> (May 2016).	Approved
116	SECTION OF HEALTH LAW	Urges Congress to amend Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y) and urges the Executive Branch to adopt regulations that broaden the scope of Medicare coverage by allowing for coverage for items and services that are reasonable and necessary.	Approved as Revised*
117A	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Family Law Arbitration Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Approved

---

\* See Attached

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
117B	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Wage Garnishment Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Approved
117C	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Employee and Student Online Privacy Protection Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Approved
117D	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Revised Uniform Unclaimed Property Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Withdrawn
117E	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Unsworn Domestic Declarations Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Approved
117F	NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS	Approves the Uniform Unsworn Declarations Act, promulgated by the National Conference of Commissioners on Uniform State Laws, as an appropriate Act for those states desiring to adopt the specific substantive law suggested therein.	Approved
118	COMMISSION ON VETERANS LEGAL SERVICES STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL COMMISSION ON HOMELESSNESS AND POVERTY	Urges lawmakers at all levels to work with the legal profession to collaborate in the identification and removal of legal barriers to veterans' access to due and necessary assistance, including housing, education, employment, treatment, benefits, and services, particularly those provided by the Department of Veterans Affairs.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
300	YOUNG LAWYERS DIVISION	Urges state, governmental agencies, territorial, tribal and legislative bodies to review their laws on luring, enticing, or intimidating minors for sexual acts to ensure that such laws explicitly address internet and other electronic means of communication.	Approved as Revised and Amended*
301	SECTION OF LITIGATION BAR ASSOCIATION OF SAN FRANCISCO CENTER ON CHILDREN AND THE LAW COMMISSION ON IMMIGRATION COMMISSION ON YOUTH AT RISK WORKING GROUP ON UNACCOMPANIED MINOR IMMIGRANTS	Urges Congress to preserve and develop laws, regulations, policies, and procedures that protect or increase due process and other safeguards for immigrant and asylum-seeking children, especially those who have entered the United States without a parent or legal guardian.	Approved

---

\* See Attached

**REVISED 10A**

**RESOLUTION**

1 ~~RESOLVED, That the American Bar Association urges the Supreme Court of the United States to~~  
2 ~~establish a panel of attorneys, with criteria and assignment procedures that are publicly available,~~  
3 ~~from which to appoint *amicus curiae*, special masters, and other counsel in proceedings before it;~~  
4 ~~and~~  
5  
6 **FURTHER RESOLVED, That the American Bar Association urges the Supreme Court of the**  
7 **United States to consider racial, ethnic, disability, sexual orientation, gender identity, and gender**  
8 **diversity in the selection process ~~to the panel and~~ for appointment of *amicus curiae*, special**  
9 **masters, and other counsel.**

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED

**10C**  
**AS AMENDED**

RESOLUTION

1 RESOLVED, That the American Bar Association urges that the Executive Branch, while  
2 fulfilling its responsibility to secure the nation’s borders, take care that any Executive Orders  
3 regarding border security, immigration enforcement, and terrorism:

- 4 A. Respect the bounds of the U.S. Constitution;
- 5 ~~B.~~ Not use religion or nationality as a basis for barring an otherwise eligible individual  
6 from entry to the United States;
- 7 C. Adhere to the United States’ international law obligations, including the 1967 Protocol  
8 Relating to the Status of Refugees of the 1951 Convention Relating to the Status of  
9 Refugees, the International Covenant on Civil and Political Rights, and international  
10 bilateral agreements and treaties, and to the principle of non-refoulement;
- 11 ~~D. Comply with laws and procedures that govern and advance the orderly promulgation of~~  
12 ~~Executive Orders and Executive Branch policies, including Executive Order 11,030,~~  
13 ~~“Preparation, Presentation, Filing, and Publication of Executive Orders and~~  
14 ~~Proclamations,” as amended, and the Federal Register Act, 44 U.S.C. §§ 1501–1511;~~
- 15 ~~E. Follow established inter-agency consultation processes to determine means and~~  
16 ~~measures by which to address threats to national security;~~
- 17 F. D. Facilitate a transparent, accessible, fair, and efficient system of administering the  
18 immigration laws and policies of the United States, including the adjudication of visa  
19 applications, applications for immigration benefits, and applications for entry to the  
20 United States; and ensure protection for refugees, asylum seekers, torture victims, and  
21 others deserving of humanitarian refuge;

22 FURTHER RESOLVED, That the American Bar Association accordingly urges the President to  
23 ~~repeal~~ withdraw Executive Order 13,769, “Protecting the Nation from Foreign Terrorist Entry  
24 into the United States,” dated January 27, 2017; and

25 FURTHER RESOLVED, That so long as Executive Order 13,769 remains in effect, the  
26 American Bar Association urges the Executive Branch to ensure full, prompt, and uniform  
27 compliance with court orders addressing Executive Order 13,769.

RESOLUTION

1 RESOLVED, That the American Bar Association urges Congress to amend Title 28 of the  
2 United States Code to authorize the appointment of additional bankruptcy judges sufficient to  
3 meet the demands within each district; ~~and for other purposes;~~

4  
5 FURTHER RESOLVED, That the American Bar Association urges Congress, as recommended  
6 by the Judicial Conference of the United States, to convert certain temporary bankruptcy judges  
7 to permanent bankruptcy judges in the District of Delaware, the Eastern District of Michigan, the  
8 Southern District of Delaware, Michigan, Florida, the District of Maryland, the District of  
9 Nevada, the Eastern District of North Carolina, the District of Puerto Rico, the Western District  
10 of Tennessee, and the Eastern District of Virginia and to authorize the appointment of additional  
11 bankruptcy judges in the District of Delaware, the Eastern District of Michigan, and the Middle  
12 District of Florida; and

13  
14 FURTHER RESOLVED, That the American Bar Association urges Congress, in the event that  
15 Title 28 is not amended before the temporary bankruptcy judgeships expire in May 2017 ~~in~~  
16 ~~needed time~~, to consider, as recommended by the Judicial Conference of the United States, a  
17 one-year extension of seven judgeships, which includes two positions in Delaware, two in the  
18 Southern District of Florida-Southern, one in the Eastern District of Virginia, one in the Eastern  
19 District of Michigan-Eastern and one in the District of Puerto Rico.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED

# REVISED 112D

## RESOLUTION

1 RESOLVED, That the American Bar Association urges the Food and Drug Administration  
2 (“FDA”) to update its current policy requiring deferment of blood donations from men who have  
3 sex with men for one year after the donor’s most recent sexual encounter with a man to a deferral  
4 policy based on an ~~individual risk assessment or other similar policy that does not result in~~  
5 disparate treatment of men who have sex with men of the risk posed by an individual based on  
6 potential recent exposures rather than on the individual’s sexual orientation; and  
7

8 FURTHER RESOLVED, That the American Bar Association urges ~~federal, state, local, territorial,~~  
9 ~~and tribal governments to enact and adopt legally sound and~~ the FDA to develop and implement  
10 validated tools for assessing individual risk, to ensure the safety of the blood supply in light of the  
11 most up-to-date testing technology that can reliably indicate the presence of HIV and other blood-  
12 borne pathogens within a short period of time after an individual has been exposed.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED



# REVISED 116

## RESOLUTION

1 RESOLVED, That the American Bar Association urges Congress to amend Section 1862(a)(1)  
2 of the Social Security Act (42 U.S.C. 1395y) and urges the Executive Branch to adopt  
3 regulations that to broaden the scope of Medicare coverage by allowing for coverage for items  
4 and services that are reasonable and necessary: (a) for the diagnosis, prognosis or treatment of  
5 current or future conditions, illnesses, or injuries; or (b) to improve the functioning of a  
6 malformed or impaired body member or function; or (c) to mitigate against the future onset or  
7 severity of any prognosticated illness, injury or condition, taking into account supporting  
8 scientific evidence and evidence-based recommendations supporting their use; and

9  
10 FURTHER RESOLVED, That the American Bar Association urges Congress to define  
11 “prognosis” as the forecasting of the likelihood of or probable course of any current or future  
12 illness, injury or condition.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED

**300**  
**AS REVISED**  
**AND AMENDED**

**RESOLUTION**

- 1 RESOLVED, That the American Bar Association urges state, governmental agencies, territorial,  
2 ~~and tribal legislatures and legislatures and local legislative bodies~~ to review their laws ~~and engage~~  
3 ~~stakeholders to ensure that legal prohibitions and engage stakeholders to ensure that legal~~  
4 ~~prohibitions on the the luring, or enticing, or intimidating of a minors~~ for sexual acts to ensure  
5 that such laws explicitly address the use of the the use of the internet and other electronic means  
6 of communication; and  
7  
8 FURTHER RESOLVED. That the American Bar Association urges state, territorial, tribal and  
9 local legislative bodies to engage stakeholders in the process of reviewing their laws on luring or  
10 enticing minors for sexual acts.

DELETIONS STUCK THROUGH; ADDITIONS UNDERLINED

February 9, 2017

MEMORANDUM TO: Members of the Federal Bar Association National Council; members of the Board of Directors

FROM: Robert C. Mueller, President and Chairman of the Board, Federal Bar Building Corp.

SUBJECT: FBBC financials

For your information and update, under this cover memorandum please find the Financial Statements of the Federal Bar Building Corporation (FBBC) for that portion of FY 2017 through December 31, 2016, so that you may see the current financial status of the investments and operational costs. This includes the Statement of Financial Position and the Statement of Activities. Please keep in mind that these are unaudited financials at this point; while historically accurate, the possibility remains of minor adjustments.

As you may or may not know, these investments are a product of an enormous effort made several decades ago by Federal Bar Association (FBA) two-time President Earl Kintner. In the name of the FBBC, a then-newly created IRS Code Section 501(c)(2) organization, Earl personally – assisted by a group of influential friends and colleagues – conducted an intensive fundraising effort that produced contributions and grants that fully funded the construction of a building that housed the first formal headquarters of the FBA on H Street, NW, in Washington, DC. **That ambitious effort was funded without any monies from the FBA.**

Since then, the FBA moved to a new headquarters building on M Street, NW, in Washington, and then to the current headquarters condominium in Arlington, VA. In each of these moves, the purchase of the headquarters space by the FBBC was totally funded by the sale of the previous building. **No contributions from the FBA were required.** Each time, the remaining funds realized from the sale were invested for the purpose of supporting the operational/maintenance/capital-improvement costs of the new office space.

Through hard work and careful decision-making based on sound financial advice, the FBBC Board of Directors over time has built the investments that are reported in these financials. The stated investment policy of the Board is to accumulate an investment portfolio that is sufficient to weather any financial crisis or unexpected substantial expense, so that the headquarters of the FBA is reliably ensured. When the investment goal is reached, under Section 501(c)(2) the FBBC will periodically distribute funds that are in excess of that goal as of September 30 of any given year to the FBA and/or the Foundation of the Federal Bar – the FBBC's two "parent" organizations.

**A principal consequential benefit to the FBA from all this is that, for current rent of \$60,000 per year paid to the FBBC, the FBA enjoys office space that presently has a fair market rental value of \$450,075 per year.**

***FBBC***

---

**FEDERAL BAR BUILDING CORPORATION**

**FINANCIAL STATEMENTS**

**FOR THE PERIOD ENDING**

**DECEMBER 31, 2016**

**PRELIMINARY AND UNAUDITED**



**FEDERAL BAR BUILDING CORP****Statement of Financial Position**

12/31/2016

Preliminary and Unaudited

	<b>Dec 2016</b>	<b>Dec 2015</b>
<b><u>ASSETS</u></b>		
CURRENT ASSETS		
Cash & Cash Equivalents	\$40,444	\$7,013
Prepaid Expenses	1,814	1,814
Accounts Receivable	0	0
TOTAL CURRENT ASSETS	<u>42,259</u>	<u>8,827</u>
PROPERTY AND EQUIPMENT		
Building	4,100,260	4,100,260
Leasehold Improvements	517,495	513,765
Phone System	18,977	18,977
Furniture & Fixtures	99,353	98,942
	<u>4,736,085</u>	<u>4,731,944</u>
Accumulated Depreciation-Building	(731,563)	(626,428)
Accumulated Depreciation-Leasehold Improvements	(153,907)	(139,678)
Accumulated Depreciation-Phone System	(16,763)	(14,865)
Accumulated Depreciation-Furniture & Fixtures	(83,893)	(74,193)
	<u>(986,126)</u>	<u>(855,165)</u>
NET PROPERTY AND EQUIPMENT	<u>3,749,959</u>	<u>3,876,779</u>
OTHER ASSETS		
Investments - Mutual Funds	<u>5,282,548</u>	<u>5,056,817</u>
TOTAL ASSETS	<u>\$9,074,765</u>	<u>\$8,942,423</u>
<b><u>LIABILITIES</u></b>		
CURRENT LIABILITIES		
Accounts Payable	\$26,779	\$27,629
Due to Affiliates	0	0
Prepaid Rental Income	5,000	5,000
TOTAL CURRENT LIABILITIES	<u>31,779</u>	<u>32,629</u>
<b><u>NET ASSETS</u></b>		
NET ASSETS		
Begining Balance Unrestricted	9,137,567	8,864,843
Change in Net Assets	<u>(94,581)</u>	<u>44,951</u>
TOTAL LIABILITIES AND NET ASSETS	<u>\$9,074,765</u>	<u>\$8,942,423</u>

**FEDERAL BAR BUILDING CORP**  
**Statement of Activities**  
**For the Three Months Ending Saturday, December 31, 2016**  
**Preliminary and Unaudited**

	<b>Dec 2016</b>	<b>2017 YTD Actual</b>	<b>2016 YTD Actual</b>	<b>2017 Annual Budget</b>	<b>2017 Actual/Budget Variance</b>
<b>SUPPORT AND REVENUE</b>					
Rental income					
Federal Bar Association	\$37,506	\$112,519	\$97,027	\$450,075	\$337,556
Interest and dividend income	36,998	47,951	77,742	125,491	77,540
Miscellaneous Income	0	0	0	0	0
<b>TOTAL SUPPORT AND REVENUE</b>	<b>74,505</b>	<b>160,470</b>	<b>174,769</b>	<b>575,566</b>	<b>415,096</b>
<b>EXPENSES</b>					
Administrative Fees	2,000	6,000	6,000	24,000	18,000
Condo Fees	4,970	14,910	14,961	63,000	48,090
Depreciation	10,913	32,740	32,740	131,000	98,260
Real Estate Tax / Personal Property Tax	0	33,766	34,971	49,000	15,234
Repairs & Maintenance	0	0	229	4,000	4,000
Insurance	202	605	605	3,500	2,895
Investment Fees	2,224	6,671	5,959	25,000	18,329
Board Meetings	0	440	0	1,000	560
Postage	0	2	18	25	23
Telephone	0	0	7	25	25
Supplies	0	0	0	100	100
Stationary & Printing	1	5	29	0	(5)
Professional Fees	0	3,548	0	6,000	2,452
Travel	0	13	5	1,000	987
In-Kind Contribution Expense	32,506	97,519	82,027	390,075	292,556
Miscellaneous Expense	6	75	17	300	225
<b>TOTAL EXPENSES</b>	<b>52,823</b>	<b>196,294</b>	<b>177,569</b>	<b>698,025</b>	<b>501,731</b>
CHANGE IN NET ASSETS BEFORE OTHER INCOME (EXPENSE)	21,682	(35,824)	(2,800)	(122,459)	(86,635)
<b>OTHER INCOME (EXPENSE)</b>					
Realized gains (losses) on sales of investments	1,720	1,720	(30,824)	0	(1,720)
Unrealized gains (losses) on investments	29,472	(60,477)	78,575	0	60,477
<b>TOTAL OTHER INCOME (EXPENSE)</b>	<b>31,192</b>	<b>(58,757)</b>	<b>47,751</b>	<b>0</b>	<b>58,757</b>
CHANGE IN NET ASSETS	52,874	(94,581)	44,951	(122,459)	(27,878)
NET ASSETS, BEGINNING OF YEAR	0	9,137,567	8,864,843	0	(9,137,567)
NET ASSETS	52,874	9,042,986	8,909,794	(122,459)	(9,165,445)

# TAB B

Report from the President

Hon. Michael J. Newman  
FBA President

Accomplishments to Date

January Board of Directors Meeting  
Charleston, S.C.  
January 2017

1. Created a standing committee for community outreach (Civics, Solace, Community Service), the “Community Service & Outreach Committee.”
2. Under the banner of *Civics and Service to Others*, created a national civics initiative with multiple components: judges meeting with students in courtrooms and classrooms; essay contests for middle and high school students via writing and via the StoryCorps app.; honoring of civics teachers across the U.S.; helping the A.O. to commemorate Constitution Day & Citizenship Day. Promotion: an email to every FBA member; two emails and two individual letters to every Chief Judge in the U.S.; an email to every chapter president; appointment of Joan Brady to be sure civics liaisons are selected by each chapter and doing their work; appointment of Maria Vathis to run essay contest and teacher recognition efforts; civics article by Jim Duff in TFL; monthly civics pieces in TFL as MJN President's Messages. Joan’s effort has proven quite successful; we are getting responses from parts of the country where we don’t even have FBA chapters (specifically, Vermont and Guam). (As a result of the Guam inquiry, Christian Adams is working on starting a Guam/Pacific Islands chapter.)

FBA retained Laura Orrico in Chicago to do public relations for the civics/community service/Solace effort – multiple press releases were distributed, and MJN scheduled for 5 radio and podcast interviews.

FBA sent representatives to the National Conference of Social Studies Teachers (“NCSS”) in D.C. in December 2016 (attended by 4,000 or more S.S. teachers) to promote the civics effort with judges, national civics essay contest, and national teacher recognition program. Also encouraged civics liaisons and chapters to reach out to local judges regarding civics and to send letters to local schools regarding civics. In the Dayton seat of court, such letters went to 180 local schools - resulting in the opportunity for more than 1,000 kids to interact with a federal judge, in a classroom or courtroom, in 2017. Held a late-December 2016 call with Jim Duff and Rebecca Fanning to tell them this latter news; Jim advised he was excited and would be relaying this to Chief Justice Roberts. Extrapolating this good work, it is likely that many thousands of school children will meet with a federal judge this year as a result of the FBA’s civics initiative.

3. Took Solace program national.



4. Hopefully: chapters in Vermont and Washington State (so, we will hopefully be in all 50 states). Multiple conference calls with Chief Judge Reiss in Vermont. As of December 2016, she has 20 local attorneys interested in signing a charter. In Idaho, working with Walt Sinclair to get the chapter to increase their boundary to include E.D. Wash. Chapter voted to approve the change in mid-January; Walt to meet with the Chief Judge in E.D. Wash. in February.
5. Ensured the FBA's intellectual property rights were protected (reviewed our FBA trademarks and issue of Washington State using our mark). Rob Clark is filing an application to get protection for the FBA seal.
6. Ensured the FBA and its board have adequate insurance coverage.
7. Supervised transition to hire Stacy King as our new Executive Director and participated in her employment contract.
8. Travelled and gave speeches:
  - Cincinnati/Northern Kentucky Chapter
  - Dayton Chapter (with Jim Duff)
  - St. Louis Chapter/Judicial Learning Center/Preside at mock trial with elementary school students (with Chief Judge Sippel, chair of the Judicial Branch Committee)
  - Idaho (Tri-State Conference)
  - Hawaii Litigation Conference
  - New York City (meeting with E.D.N.Y. judges including Judge Bianco who started the first Federal Court-Court Camp in the U.S.) and assisting in an interview program at Fordham Law School
  - Charleston, S.C. (January board meeting and civics session at local elementary/middle school with local federal judges)
9. Directed Anh Kremer to create a Code of Conduct for FBA officers.
10. Idea suggested by Matt Moschella and considered: create an Advisory Board for Past National Presidents & Past General Counsels.
11. Created two national programs for veterans:
  - Wills for Veterans to be held on Veterans Day 2017. Todd Hedgepeth to lead this effort.

Training session for lawyers who seek to assist veterans in applying for and securing V.A. disability benefits. First session to be held in Cincinnati on January 31; subsequent session to be videotaped and offered by the FBA as a free webinar.

12. Sent complimentary TFL magazine subscriptions to Judge Fogel (head of the FJC), Jim Duff, David Sellers, Rebecca Fanning, all Supreme Court Justices, Clerk of the U.S. Supreme Court.

13. In progress: Sent certificates of appreciation to \_\_\_ people who have done work for the FBA.

14. Arranged for FBA board and 2 essay contest winners to meet with Justice Sotomayor at the U.S. Supreme Court.

15. Helped the A.O. to celebrate the 225th anniversary of the ratification of the Bill of Rights in December 2016 - put video on FBA's website.

16. In planning stages: civics program to be held at the National Constitution Center in Philadelphia in conjunction with the June board meeting.

17. Appointed Joan Brady as national civics liaison coordinator and appointed more than 60 civics liaisons in chapters around the country. Joan will be producing a report that will be given to the Committee on the Judicial Branch, a Committee of the Judicial Conference. MJN to meet with the Committee in May 2017.

18. Ideas considered:

Matt Moschella's idea for a group of former FBA GC's

Judge Kovachevich's idea that the FBA try to also screen and rate applicants for federal judgeships

Mimi Tsankov's idea (SDNY) that the FBA apply for U.N. Consultative Status

Create a 'leave of absence policy'/'duties and expectations policy' for board members

19. Agreed to assist the A.O. when the spouses of federal judges are sued by *pro se* litigants. Created a program at the request of Jim Duff – he will contact Stacy in the future if such issues arise.

20. Worked with author Peter McCabe to update the *Magistrate Judge White Paper*. Updated *White Paper* put on the FBA's website in October 2016.

21. Schedule to hold our first strategy session at the S.C. board meeting.

Possible topics suggested by MJN:

Why not automatic honorary memberships for all Supreme Court judges, Circuit Court Chief Judges, District Court Chief Judges, Bankruptcy Chief Judges, current and former U.S. Presidents? Shouldn't we make it easier for judges to become members? Why do they have to be nominated?

Send a letter to the White House general counsel advising him or her of the FBA's doing this year with a national civics initiatives and our veterans initiative. Send copies of TFL.

GRC monthly update – make it more accessible by sending it to all FBA members and all federal judges; don't depend on chapter presidents to forward it.

Idea suggested by Judge Kovachevich in the M.D. Fla.:

Should the FBA be weighing in on judicial nominees like the ABA?

22. Sent a letter to every law school dean, where a law school division does not yet exist, requesting them to start a law school division at their law school.
23. Proposed appointing Anh Kremer to replace Richard Dellinger, who stepped down from the board of directors in January 2017.
24. Held preliminary and initial discussions with Stacy and the Executive Committee regarding the need for a new FBA website and need for changes to the current website to hold more information.

*-President's Messages Written to Date are Attached -*

## President's Messages

Civics, and Service to Others

by

Hon. Michael Newman<sup>1</sup>

It is with great excitement, and a humble heart, that I accept the significant responsibility to serve as national president of the Federal Bar Association for 2016 to 2017. I thank all of the 18,000+ members of the FBA -- and all of our chapters, sections and divisions throughout the country -- for this incredible honor.

I care deeply about the FBA -- an association with which I have been involved, on the local and national level, for more than 20 years -- and I am quite proud of the significant contributions the FBA has made to the federal judiciary, and to the cause of justice, in our nearly 100 year history.

While there are many individuals to thank and congratulate for our recent successes, I take this opportunity to commend Karen Silberman, the executive director of both the FBA and our non-profit Foundation -- along with Stacy King, Jane Zaretskie, Sarah Perlman and many others on the FBA staff -- who have worked tirelessly to increase our national stature. Jonathan Hafen, our national Membership Committee Chair, has done a remarkable job of increasing membership amongst attorneys while, at the same time, starting law student chapters in a majority of law schools throughout the United States. Bruce Moyer, counsel to the FBA's Government Relations Committee and a friend to all on Capitol Hill -- along with West Allen, head of the GRC -- deserve significant praise for their joint efforts to let those in Congress know

---

<sup>11</sup> Footnote: Hon. Michael Newman is FBA president, and the first U.S. Magistrate Judge to hold this role.

that the FBA is, and will always remain, devoted exclusively and faithfully to the federal judiciary and all who practice in federal court.

Finally, I thank Mark Vincent, the FBA's outgoing national president, and Rob Clark, the FBA's outgoing General Counsel, for their respective efforts and continuing dedication to the FBA. If you know Mark and Rob, you will undoubtedly agree that these are two of the nicest and most decent people you will ever interact with. Mark serves as an Assistant United States Attorney in Salt Lake City, and Rob is a partner at the Parr Brown firm in Salt Lake. Mark and Rob gave tirelessly and selflessly to the FBA not only this past year, but for much of the past decade. Rob is the architect of the FBA's governance structure, and was the author of the FBA's Constitution and Bylaws - a Herculean drafting effort. Mark gave of himself in rather incredible ways, over many years, both before and during his presidency. First, by serving with distinction on the Board of Directors, as Treasurer, and as President-Elect. Second, while President, by visiting chapters far and wide, and large and small, in an effort to build relationships and broadcast the great work the FBA is doing to assist federal judges, and all those in the public and private sectors who litigate daily in our federal trial and appellate courts. Mark and Rob have devoted countless volunteer hours to the benefit of the FBA, and we owe them both our thanks and sincere gratitude.

I am proud and excited to announce that this year, and in the years going forward, the FBA -- while maintaining its longstanding dedication to the federal judiciary -- will also be focusing on "Civics, and Service to Others." To that end, the FBA will be engaged in three distinct, but related initiatives: Civics, SOLACE, and Community Service.

### **CIVICS**

The FBA plans to launch a national civics education initiative whereby we will:

- Encourage federal judges to go into middle and high schools to meet with students, teach them about the Third Branch of government and what it means to be a judge, and perform naturalization ceremonies in those schools (so the students have an opportunity to see a federal court proceeding and witness the Constitution in action);
- Encourage young people, along with their teachers, to come into federal courthouses to meet – – in a “court camp” setting – – with federal judges, law clerks, Assistant U.S. Attorneys, Assistant Federal Public Defenders, representatives from Probation and Pretrial, and members of law enforcement (FBI, U.S. Marshals, other agencies) to better understand how the federal court system operates; to participate in mock sentencing scenarios and other scenarios related to federal court practice; and to have an opportunity to meet and ask questions of those who work in the federal courts -- in order to learn, for example, how a judge decides a case; what a probation officer does on a daily basis; and the importance of a college education and educational opportunities thereafter;
- Help to celebrate “Constitution Day and Citizenship Day,” on or close to Sept. 17 each year (it will be observed on Friday, Sept. 16 this year) by encouraging federal judges to then hold naturalization ceremonies; and
- Conduct two national civics essay contests – – one for middle school students, and another for high school students.

I am proud to report that these civics efforts are the result, in large part, of several brainstorming sessions FBA leadership has held with officials at the Administrative Office of the United States Courts. An article by Jim Duff, the A.O. Director, follows in these pages and explains this effort in much greater detail. Suffice to say, the FBA is honored and privileged to be working together with the A.O. in this important, national civics effort.

To initiate the commencement of this civics effort on a nationwide basis, the FBA will be reaching out to individual judges across the country, as well as to chapter presidents and CVPs, and sharing civics materials with them. The A.O. has kindly granted the FBA access to the A.O.’s website materials on civics, and the FBA will be organizing those materials on its website in a matter to make it easier for judges to interact with students. Accordingly, if a judge only has a half-hour to meet with students, there will be materials that contain civics exercises which can be completed in a half-hour. If, on the other hand, a judge has one or two hours to meet with

students, there will be civics materials which can be conducted within that longer time frame. These materials will include the popular “Tell it to the Judge” sentencing scenarios written by the A.O. and tested by federal judges and high school students at the District of Columbia Federal Courthouse.

I have asked FBA treasurer Maria Vathis to assist me in leading this civics effort on a nationwide basis. Maria is a dedicated FBA member and volunteer, and has already spent many months working with me to get these civics programs up and running. I know she will do a wonderful job and thank her in advance for her commitment to the FBA. Questions concerning this civics effort can be directed to Maria ([vathism@bryancave.com](mailto:vathism@bryancave.com)) or to me ([michael\\_newman@ohsd.uscourts.gov](mailto:michael_newman@ohsd.uscourts.gov)). An article by Maria, explaining the need for civics education in our country and giving the background of the FBA's two essay contests for middle and high school students, follows in these pages.

This issue also contains an article by Kate Strickland, executive director of the Ohio Center for Law Related Education (“OCLRE”). OCLRE runs the high school mock trial program in Ohio -- an important civics effort -- which many FBA members participate in.

Given that I care strongly about civics, and I am honored that the FBA and A.O. are working together on this important effort, I will make every effort, when I visit chapters around the country this year, to not only meet with local federal judges, but also to schedule a local school visit so that I can go to the schools myself, meet with middle and high school students, explain what it means to be a judge, and explain the important work of the FBA.

### **SOLACE**

SOLACE is an acronym for “Support of Lawyers/Legal Personnel - All Concern Encouraged.” The SOLACE program, started in New Orleans by United States District Judge



Jay Zainey, has proven incredibly successful as an effort to help those in the legal community with dire medical and other needs.

Some FBA chapters, and other bar associations, have successfully replicated the SOLACE effort in various parts of the United States.

Judge Zainey approached the FBA in the last several years to ask if we would consider working with him to take the SOLACE program nationally. The FBA has agreed, and I have appointed Steve Justice -- incoming chapter president of the Dayton, Ohio chapter -- to lead this effort. Steve is bright, capable, and a true leader. Like Maria Vathis, Steve has spent the last six months getting ready, figuring out the mechanics of how SOLACE will work nationally, and forming a task force of Circuit Vice Presidents and others to assist him. If you have an interest in working with Steve or have questions regarding SOLACE, I encourage you to contact him ([justice@dunganattorney.com](mailto:justice@dunganattorney.com)). I likewise take this opportunity to thank Steve, in advance, for all of his hard work on the FBA's behalf. Under Steve's leadership, SOLACE will be successful nationally.

### **COMMUNITY SERVICE**

Seventh Circuit Vice President Sheri Mecklenburg formed a committee last year, the Community Service Committee of the Circuit Vice Presidents, to review and summarize all of the community service and civics efforts currently being undertaken by FBA chapters, sections and divisions. Sheri's committee then produced a report -- entitled, "Community Outreach Report" -- which can be found on the FBA's website.<sup>1</sup> I encourage you to take a moment to review this detailed and very thorough report, and I thank Sheri and her committee for their great work in undertaking this effort.

As a result of Sheri's report, the FBA, this past April, undertook what it is calling a "National Community Outreach Project," whereby chapters, sections and divisions are encouraged to perform specific acts of community service or civics engagement. To encourage them to do so without incurring a financial burden, the FBA Foundation agreed to finance the first 16 of these efforts around the country. All 16 were quite successful.

I'm very proud of these 16 initial efforts, and I hope that during my presidential term, we double this number and have 32 or more similar efforts in April 2017. To encourage the growth of this effort, and to make this effort more widely known, I have chosen this year to make the focus of my remaining President's Pages a discussion of these community service projects. Accordingly, in the President's Pages going forward, I'll highlight one or more chapters that successfully undertook a civics or community service project this past April or in the months thereafter.

One significant aspect of community service is serving in a *pro bono* capacity. I frequently undertook *pro bono* representation when I was a partner my former firm, Dinsmore & Shohl. I encourage all those in the FBA, who have the capacity to do so, to consider taking on such a role. I assure you -- it is rewarding. Likewise, I encourage all FBA members to assist the courts with access-to-justice efforts.

Community service also encompasses mentoring, and I would be remiss if I did not mention those that have mentored me in the FBA -- particularly in my early years of involvement in the Association. I started my involvement in the Cincinnati/Northern Kentucky chapter (back when it was only the "Cincinnati" chapter), and I remain grateful to former national president Tom Schuck, Judges Jack Sherman, Jr. and Nathaniel R. Jones (for whom I clerked), and Sixth Circuit Court of Appeals Circuit Executive Jim Higgins, all of whom were kind to me and took

me under their wing after I expressed an interest in the FBA. My personal hope is that all who read this will take a moment to think about a younger attorney they know -- who may or may not be involved in the FBA -- and consider mentoring him or her with the knowledge that the future of our legal profession depends on this level of dedication to those that will follow us. I now live in Dayton, Ohio, and the District Judges who serve on the bench with me -- Judges Thomas Rose and Walter Rice -- both mentor frequently and have both joined the board of the Dayton chapter. I encourage my fellow federal judges, and all attorneys in the FBA, to follow these examples.

This will be an exciting year, and I thank you for the opportunity to serve.

*Hon. Michael Newman is FBA president and the first U.S. Magistrate Judge to hold this role. Judge Newman can be reached at [michael\\_newman@ohsd.uscourts.gov](mailto:michael_newman@ohsd.uscourts.gov).*

---

<sup>i</sup> *National Community Outreach Project*, FEDERAL BAR ASSOCIATION, <http://www.fedbar.org>.

## President's Page

December 2016

### **The Importance of Mentoring**

This year, the FBA is focusing on "Civics and Service to Others." An important component of such service is mentoring. I was fortunate to have mentors while in law school, as a law clerk to a federal judge, and while in private practice -- including, among many others, Hon. Jack Sherman, Jr.; Hon. Nathaniel R. Jones; Bill Williams; Cliff Kuhn; Dean Barbara Watts; Charlie Faruki; Mike Hawkins; Mark VanderLaan; and George Vincent. I am grateful to the lawyers who met with me, took me to lunch, discussed their practice, and gave me advice. I am also grateful to the two judges I clerked for, Judge Sherman and Judge Jones, both of whom were quite generous with their time and who explained the inner workings of the court to me. Collectively, these mentors made me who I am today, and impressed upon me the importance of mentoring those that follow.

When clerking, teaching as an adjunct professor, in private practice, and now as a federal judge, I have taken every opportunity I can to mentor. I see this as an obligation -- a duty, if you will -- to explain to law students and college students what we do, and why it is so crucial to the process of decision-making that we are fair, careful, and honest, and also civil to one another.

I have worked quite hard to mentor students who desire a career in the law. I impress upon high school students the need to further their education, whether or not they eventually attend law school, and I do my best, as permitted, to open doors for them, so they can decide for themselves if a legal career is a good fit. I afford these students -- along with college students and law students -- opportunities to meet and network with lawyers and judges.

The Ohio Supreme Court, like a few other states, has created a formal mentoring program for new lawyers once they pass the Bar. This program, run by attorney Lori Keating, has proven quite effective and, given the large number of federal practitioners who volunteer to serve as mentors, was written about in these pages six years ago. *See* Hon. Terrence O'Donnell, *Federal Court Practitioners Serve as Mentors to Newly Admitted Attorneys: The Supreme Court of Ohio's Lawyer to Lawyer Mentoring Program* (TFL Aug. 2010). Recently, the Dayton, Ohio FBA chapter -- of which I am a member -- created a similar mentoring program. The chapter matches the interests of mentors (*i.e.*, experienced attorneys and judges) and mentees (*i.e.*, newly-admitted lawyers and law students). This local mentoring effort has likewise proven very successful.

This past summer, I had ten externs in my chambers -- including urban, public high school students enrolled in Ohio's Law & Leadership Institute ("LLI"); a minority college student participating in the Summer Work Experience in Law program ("SWEL") who is considering attending law school; a law student from Dayton's Minority Clerkship Program; and law students from across the country (including one international student). I met with these students; took them to lunch or for coffee when time permitted; encouraged them to watch hearings and trials both in our federal and in the state court across the street; when counsel agreed, permitted them to sit in on mediations; and talked to them, once court recessed, so they understood what they saw and why I ruled the way I did.

Was this time consuming? Yes, of course. Would my life had been less hectic had I not had this many externs? Again, yes of course. But I did so because it is so very important for all of us in the federal legal community to motivate those that will follow to attend college and go to law school; to be proud of being a lawyer; to be an ethical counselor and advisor to clients; to see

how hard lawyers and judges work every day to “get it right the first time”; and to inspire a passion for justice and due process.

I was touched, this summer, by the thank-you notes I received from these externs who had comments such as:

I particularly admire your work ethic, compassion, and sincere interest in helping others -- these traits are inspiring.

Your passion for the law and helping others is contagious. Your willingness to give back and mentor aspiring lawyers is something I hope to do in the future.

I’ve learned so many things this summer, but the biggest takeaway is to never sell myself short. I’m leaving this experience more confident and sure of myself and my future.

I find it awe inspiring how much you care about people. I will never forget what I learned here.

I encourage every FBA member this year to take the time to work with and mentor one person who might follow in your footsteps. It may sound trite, but it is not: you will get back far more than you give of your time. I likewise encourage every federal judge to mentor and to participate in the FBA’s national civics initiative.

.....

**Community Service: The Middle of District of Pennsylvania Chapter**

Each month in these President’s Pages, we will be highlighting one or more chapters which has participated in the FBA’s community outreach efforts. These community outreach efforts will occur every April going forward, but we encourage chapters to do similar events throughout the year. This month, we highlight the Middle District of Pennsylvania chapter, which writes:

For its inaugural Community Outreach project, the Middle District of Pennsylvania Chapter hosted “An Introduction to Federal Courts and Federal Agencies” program at two of the District’s courthouses with students from local

schools. The half-day programs emphasized the public nature of our federal buildings, and introduced students and teachers to the variety of work that takes place inside their walls. This introduction went beyond simply meeting with judges and visiting courtrooms to include presentations from lawyers, agents, probation officers, administrators and others who perform myriad functions in our system of law and criminal justice. Rather than holding a single event, the Chapter elected to move forward with multiple programs in an effort to connect with students residing in communities that are situated throughout the Middle District of Pennsylvania. The Chapter intends to hold a similar program in Harrisburg later in 2016.

The first program was presented in April 2016 at the William J. Nealon Federal Building and U.S. Courthouse with a group of 12th grade students from Scranton High School who are studying law and civics. The chapter put on a similar event [thereafter] at the Herman T. Schneebeli Federal Building and U.S. Courthouse, this time with 9th grade students from the Williamsport Area High School enrolled in a “career pathways” class and who had expressed a specific interest in learning about law enforcement and criminal justice work.

During their visit to the William J. Nealon Federal Building and U.S. Courthouse, the Scranton students were welcomed by District Judge Malachy E. Mannion and Magistrate Judge Karoline Mehalchick, who discussed the role of the court and described for the students the kinds of cases that are heard in federal court. Both judges also discussed their backgrounds prior to being appointed to the bench. Assistant United States Attorney Bill Houser walked the students through a criminal investigation, using visual aids and demonstratives such as search warrants, wiretaps, and other investigative tools. He further discussed grand jury practice, charging documents, and trial. Mr. Houser was joined by Assistant Federal Public Defender Leo Latella, who presented the defense case, and explained defense strategy both before and after defendants are charged, as well as the important role defense counsel plays during the sentencing process. Next, Mark Campetti, a probation officer specializing in sentencing issues, took the students through a mock presentence report during which the students helped to calculate guideline ranges and possible sentencing recommendations. Sean Quinn, the agent-in-charge of the FBI’s Scranton office, explained the process of applying for and obtaining work in the Bureau and other federal law enforcement agencies. The Scranton program closed with a presentation by the court’s jury clerk, Cindy St. Pierre, who discussed the kinds of administrative and paraprofessional careers available within the federal court system, and offered stories and lessons drawn from her nearly three decades with the Court.

The Chapter’s Williamsport program took place in the courtroom of Magistrate Judge William I. Arbuckle, III. Judge Arbuckle spoke to the students about his career as a lawyer in state government and private practice, and his eventual appointment as a Magistrate Judge. The students were invited to observe two arraignments in front of Judge Arbuckle, after which the Judge, Assistant United

States Attorney Geoffrey MacArthur and defense counsel Kyle Rude explained the nature of the proceedings and the issues involved. Middle District Chapter President E.J. Rymsza and Assistant Federal Public Defender Toni Byrd presented a multi-media overview of federal criminal defense work and the constitutional right to counsel. Kevin Hogan, a probation officer discussed the variety of services performed by probation officers at all states of criminal practice. To offer the students additional information about law enforcement work, two Court Security Officers spoke about their careers as local and state police officers. Lori Fosnaught, a court reporter, described her work for the students, and discussed the training necessary to become certified in the field. The program concluded with a presentation by Bill Pugh, a Deputy U.S. Marshal, who also led a behind-the-scenes tour of the federal building and the Marshal's facilities.

Based on the feedback received from the students, teachers and presenters, these programs were a resounding success for the Chapter, and plans are being made to make these programs annual events with local schools. In addition to the two programs summarized above, the Chapter has helped to put on similar programs with younger elementary school students, and is looking for still other opportunities for community engagement throughout 2016. The Chapter expresses its appreciation and gratitude to the Judges of the Middle District of Pennsylvania for their support and involvement in the programming, and to the presenters who went to considerable effort to develop engaging and educational presentations for the visiting students.



Finally, I am proud to report that our national Civics and Solace efforts are well underway.

### **Civics**

I am pleased to announce that our national civics effort, undertaken in conjunction with the Administrative Office of the U.S. Courts, is up and running, and doing quite well. The FBA is encouraging federal judges to meet with middle and high school students -- in their courtrooms, and also in schools -- to talk to students about the importance of the Third Branch. If judges have more time, we are also encouraging them to participate with students in one of the "You Be the Judge" scenarios found on the FBA's website. These civics materials -- all



designed for judges -- were provided to the FBA by the A.O. and were created in the hope that, if a judge has a half-hour or more, there are multiple ways to interact with, and teach, students about the Federal Courts. I take this opportunity to again thank Director Jim Duff, National Outreach Officer Rebecca Fanning, and all the other A.O. attorneys and staff members who made this nationwide civics undertaking possible.

If you are a chapter president, please take a moment to review the "Civics" tab on the FBA's website ([www.fedbar.org/civics](http://www.fedbar.org/civics)), then meet with your local federal judges to see which civics effort makes the most sense in your particular seat of court. We encourage all judges to participate in this national civics program, and also ask chapters to write about your civics successes. Please send your summaries and photos to Stacy King ([sking@fedbar.org](mailto:sking@fedbar.org)). We plan to highlight these civics initiatives in future pages of TFL, on the FBA's website, and in the FBA electronic newsletter.

### **Solace**

I am also pleased to report that Solace is also doing well. Solace is a program by which those in the legal community -- whether lawyers, judges, paralegals, legal assistants, or their families -- are provided with assistance when they face dire medical or other needs. The following chapters are now participating in Solace: Dallas; Dayton; District of Columbia; Massachusetts; New Mexico; Orlando; Phoenix; San Diego; South Carolina; and Tampa Bay. If you would like to participate, please contact Steve Justice ([justice@dunganattorney.com](mailto:justice@dunganattorney.com)), who is leading up this worthwhile and very important national effort.

To all FBA members, thanks for all you do. We are making a difference. It is my honor to serve this year as your president.

Sincerely,

Judge Michael Newman

## President's Page

January/February 2017

Hon. Michael J. Newman

The Importance of Diversity & Inclusion;  
An Update: Civics and Service to Others;  
Peter McCabe's *Magistrate Judge White Paper*; and  
Renewing our Commitment to Professionalism

### **The Importance of Diversity and Inclusion**

This month's issue of *TFL* celebrates diversity. The FBA has a long history supportive of diversity and inclusion -- in our Association membership and leadership, and in the legal community as a whole. Our diversity statement -- written by Judge Kronk and myself, and approved by our board of directors -- is reflective of these important goals:

The Federal Bar Association (FBA) supports the full and equal access to, and participation by, all individuals in the Association, the legal profession, and the justice system regardless of race, gender, ethnicity, national origin, religion, age, sexual orientation, gender identity, disability, or any other unique attribute. The FBA recognizes that achieving diversity in the legal profession requires the Association's continued effort and commitment. The FBA is committed to diversity throughout the Association.

I am proud that our Association leadership reflects our society as a whole, and I am a strong supporter of diversity and inclusion. On a personal level, I have been involved in a large number of diversity and inclusion efforts in Cincinnati and Dayton, Ohio over many years including the Summer Work Experience in Law program ("SWEL") for minority students seeking a legal career, the Law & Leadership Institute ("LLI") for inner city youth, the Cincinnati Bar Association/Black Lawyers Association of Cincinnati Roundtable, and the Federal Court Minority Clerkship Program in Dayton, which Judge Rice and I helped to

establish. I frequently mentor diverse law students and those seeking to enter college, law school and the legal profession, and I strongly encourage my fellow FBA members to do the same.

\*\*\*\*\*

### **National Community Outreach Project & Civics**

Each month, in these President's Pages, we are focusing on one or more chapters throughout the country who have agreed to participate in the FBA's April National Community Outreach Project ("NCOP") and our year-round national civics program -- pursuant to which we are encouraging federal judges to meet with middle and high school students, in classrooms and courtrooms, to explain how the federal courts work and what judges do every day. This month, we are focusing on three chapters in Florida: the Orlando chapter; the Palm Beach chapter; and the Tampa Bay chapter. Their reports follow.

#### **Orlando Chapter**

The NCOP event for the Orlando Chapter was called "Schoolhouse to Courthouse," and was a partnership between the Orlando Chapter and Boone High School, located in Orlando. Boone is a law magnet high school, and we reached out to the Pre-Law Advisory of the program for student participation. Seventy-seven high school students from Boone's law magnet program participated in the NCOP event. They observed a federal criminal sentencing in a live case and were able to ask questions to the sitting district judge thereafter. The students also received courthouse tours and attended panel discussions on the federal jury selection process and career paths for various attorney careers, including civil litigation, federal prosecution, and federal defense.

The students were very engaged throughout the process and learned about the manner in which the federal court system operates both generally and within the Middle District of Florida.

They also learned about key steps to becoming an attorney, including LSAT preparation, law school selection, and Bar preparation.

NCOP was so successful for us due to the active student participation and the opportunities that our federal court provided for them to “look behind the curtain” so to speak. One thing I am proud of is that the NCOP demonstrated to them that there is no standard path to becoming a federal judge because, from my informal conversations with the students, I know that eventually becoming a judge was one of their aspirations.

### **Palm Beach Chapter**

Judges Kenneth A. Marra and Robin L. Rosenberg of the U.S. District Court for the Southern District of Florida in West Palm Beach sponsored a program entitled “Meet the Federal Court: A Day with High School Students.” Approximately 50 high school students from two different local schools spent a half day at the federal courthouse in West Palm Beach. The diverse participants included students from a private school and students from a pre-law magnet program at a local Title I charter school.

Several FBA members, law clerks, Assistant United States Attorneys, Assistant Federal Public Defenders, members of the Marshal Service, and all eight of the federal judges in the courthouse participated. The students learned about the federal court system and the Southern District of Florida from three federal judges over breakfast. Next, they observed court proceedings, including a sentencing, a grand jury return, and criminal hearings on the duty calendar. The students also heard informative presentations from representatives of the United States Attorney’s Office, Federal Public Defender’s Office, and United States Marshal Service, concluding with a much anticipated tour of the holding cell. Finally, they enjoyed lunch while engaging in a question-and-answer session with the district judges and magistrate judges.

The students had the rare opportunity to interact directly with federal judges, tour a federal courthouse, and gain a better understanding of the federal court system. The students were well prepared and asked impressive and insightful questions. The project and the resulting feedback exceeded all expectations and all of the participants really appreciated the opportunity to interact with the students and asked to be invited again.

### **Tampa Bay Chapter**

The Tampa Bay Chapter hosted 25 high school students from the Tampa Bay area in the inaugural implementation of the FBA's National Community Outreach Program. The group -- which included students active in legal studies or programs from Middleton High School, Bell Creek Academy, and Durant High School -- had the opportunity to interact with judges from the Bankruptcy Court and District Court through the observation of a Bankruptcy proceeding, a presentation about a Pre-Sentence Report, and attendance at a criminal sentencing. These events were followed by a lunch and Q&A session with local members of the judiciary and practitioners from the criminal sentencing. The chapter would like to sincerely thank U.S. District Judge Elizabeth A. Kovachevich, U.S. Bankruptcy Judges Catherine Peek McEwen and Michael G. Williamson, and U.S. Magistrate Judge Anthony Porcelli for their assistance in making this event a great success. Additionally, the chapter is grateful for the participation of Jeffrey Brown, Kelley Howard-Allen, and U.S. Probation Officer Christine Hatten. Finally, the Chapter extends its appreciation to members Jordan Maglich, Anitra Raiford, Latasha Scott, and Brian Guthrie for coordinating the event.

We encourage all FBA chapters to undertake similar efforts in your local community. To make this easy for chapters and for judges, the FBA has worked with the Administrative Office of the U.S. Courts to create a website of civics materials. Importantly, these materials are

grouped by how much time a judge has to spend with students -- as little as 15 minutes and as long as 3 hours. These materials can be found at [www.fedbar.org/civics](http://www.fedbar.org/civics). I encourage you to take a few minutes and review them.

\*\*\*\*\*

### **Updated Magistrate Judge *White Paper***

In 2014, Peter McCabe authored a *White Paper* for the Federal Bar Association entitled, “A Guide to the Federal Magistrate Judge System.” This *White Paper* has proven quite influential in federal courts circles, and a great debt is owed not only to Peter (who spent many months writing the *White Paper*) but also to United States District Judge Gustavo Gelpi (himself a former U.S. Magistrate Judge) who, as FBA president, originated the idea of the *White Paper*. Judge Gelpi appointed me to chair the FBA’s national Magistrate Judge Task Force in 2013-14, and it was my honor to become acquainted with Peter and to write the introduction to his *White Paper*.

In that introduction, I wrote in part: “Mr. McCabe, who retired from government service in 2013, worked for the Administrative Office of the U.S. Courts for 44 years, and was the first-appointed Chief of the A.O.’s Magistrate Judges Division. Many consider Mr. McCabe one of the primary architects of the Magistrate Judge system in the federal courts. His knowledge of the working role of Magistrate Judges, and their history, is likely unsurpassed in the United States.”

At my request, and at the request of Judge Gelpi, Peter McCabe kindly and graciously agreed to update his *White Paper*. Given the Supreme Court’s recent *Wellness* decision,<sup>1</sup> clarifying how implied consent can work in the Magistrate Judge setting, this newer version of the *White Paper* deserves your attention and is well worth reading. You can find it on (and download it from) the home page of the FBA’s website, [www.fedbar.org](http://www.fedbar.org). For all of those in

---

<sup>1</sup> *Wellness Int’l Network, Ltd. v. Sharif*, \_U.S.\_, 135 S. Ct. 1932 (2015).

your offices or law firms who wish to know more about United States Magistrate Judges, this should be required reading.

On behalf of the FBA, thank you Peter. We are grateful.

\*\*\*\*\*

### **Oath of Professionalism**

For the past several years, I have had the honor of administering an oath to the first-year entering class at the University of Dayton School of Law (“UDSL”), a Catholic/Marianist law school in Dayton, Ohio. These oaths are administered twice a year -- in the spring, when the two-year accelerated class begins its studies; and in the fall, when the three-year class begins. These oaths, called the “Oath of Professionalism,” are written by the students themselves -- in small groups, and at the conclusion of their orientation week -- and are selected by the Dean. Of the five to ten oaths that the students prepare, one oath is chosen which best exemplifies the importance of professionalism and the important lesson that professionalism begins on Day 1 of law school, not years later when students sit for the bar exam. I was so impressed with this fall’s oath<sup>2</sup> -- which I administered to the entering class of 1Ls -- that I sought permission to reprint it here:

*I am a future lawyer.*

*My legal career begins at The University of Dayton School of Law but evolves throughout the duration of my lifetime.*

*It will be my duty to represent my clients with empathy and dignity, always striving for the justice to which they are entitled by law.*

---

<sup>2</sup> This oath was written by UDSL students Michael Zamora, Tony Ayubi, George Legner, Heather Faith Welch, Tyler Dunham, Kaitlyn Meeks, Rachel Herbert, Matthew Smallwood and Jenna Casey.



*I promise to uphold the values of honesty and integrity by maintaining strong moral principles and good judgment, always remembering that I represent the University of Dayton School of Law, my peers, and the community that I serve.*

*I am committed to upholding the Constitution of the United States of America and the practice of law.*

*In the spirit of the Marianist tradition of focusing on the whole person, I take full responsibility and accountability for my legal education to learn all aspects of the law, and lead within my community by serving the common good.*

*I dedicate myself to achieving full competency in the practice of the law in order to represent my clients, the public, the profession and myself in a manner consistent with the pursuit of justice.*

*I recognize the power that I possess by attaining a fluency in the language of the law and I will use this power to bring a positive change to society.*

*I will strive to put the interests of my community and my clients ahead of any self-serving interest or ideology.*

*I attest that I will conduct myself to the highest ethical standards in order to reach the level of excellence which the practice of law demands.*

*I am a future lawyer.*

I found this oath moving and inspirational. I hope you agree with me that, as lawyers and judges, we need to constantly remind ourselves why we went to law school in the first place, and that access to justice, and service to those in need, is important.

\*\*\*\*\*

### **Civics and SOLACE Update**

Finally, I take this opportunity to thank each of the 18,000-plus members of the FBA for all you do each day to help others. Our membership ranks, both professional and law student, are growing on a daily basis. I am also honored to report that our “Civics and Service to Others”

initiative is proving to be quite successful: we are helping to educate elementary school, middle school, and high school students via our civics work; running civics essay contests for middle school and high school students; recognizing and honoring civics teachers across the country for their good work; and helping those in need via the SOLACE program.

I encourage every chapter to appoint a civics liaison and also a SOLACE liaison, and to let Jane Zaretskie ([jzaretskie@fedbar.org](mailto:jzaretskie@fedbar.org)) know whom you have appointed. If you have questions about the civics initiative involving judges, the civics essay contests for middle and high school students, the FBA's civics teacher recognition program, or the SOLACE program, feel free to reach out as follows:

National Civics Coordinator for all civics efforts involving Judges, Joan Brady: [joan\\_p\\_brady@ohsd.uscourts.gov](mailto:joan_p_brady@ohsd.uscourts.gov)

Civics Essay Contest Chair and Chair of the Civics Teacher Recognition Program, Maria Vathis: [maria.vathis@bryancave.com](mailto:maria.vathis@bryancave.com)

National SOLACE Coordinator, Steve Justice: [justice@dunganattorney.com](mailto:justice@dunganattorney.com)

I take this opportunity to thank Joan, Maria and Steve for all of their hard work.

It is my honor to lead the FBA in these important efforts. Thank you for the opportunity to serve.

President's Page

March 2017

Hon. Michael J. Newman

Military Veterans;  
Judicial Learning Centers;  
Civics and SOLACE; and  
April's National Community Outreach Project

**The FBA's Efforts to Assist Our Military Veterans**

This special issue of *TFL* celebrates veterans -- and rightfully so. The FBA, through its *Veterans & Military Law Section* and via its membership as a whole, is very supportive of our military veterans. The first Federal Veterans Court in the United States -- affording needed medical and psychological treatment to veterans in lieu of criminal prosecution -- was started in Salt Lake City by an FBA member, Judge Paul Warner. Judge Warner has traveled the country advocating for additional Federal Veterans Courts, and I am proud to say that I now preside over such a Federal Veterans Court in the Southern District of Ohio -- the first such federal effort in the Southern District and, I understand, in the State of Ohio as well. Presiding over this treatment court, and ensuring that veterans receive needed medical treatment -- along with a safe place to live -- is one of the most rewarding things I do as a federal judge. I am dispensing justice and helping our military veterans, each of whom has given so much for our country.

In Dayton, we have also started a lawyer referral program for active duty military personnel stationed at nearby Wright Patterson Air Force Base, thus affording those in the military an opportunity to meet with counsel on a reduced-fee basis.

The FBA is taking the lead nationally on a number of access-to-justice initiatives for veterans. I am proud to announce that this coming November, on Veterans Day 2017, the FBA plans to hold a nationwide *Wills for Veterans Day* whereby FBA members around the country will write wills on a *pro bono* basis and at no cost to any veteran. If your chapter would like to participate in this national day of service, please contact the FBA's executive director, Stacy King ([sking@fedbar.org](mailto:sking@fedbar.org)). We encourage all chapters to assist in this very worthwhile and most important effort.

The FBA is also looking into a number of other access-to-justice issues involving veterans including the difficulty many veterans have in finding counsel and applying for disability benefits; the difficulty veterans face when trying to amend their discharge status (so a veteran can qualify for treatment at a V.A. facility); and the need for a website or other "collection point" to list all of the many local resources available to veterans on an individual basis. To that end, I have formed a Veterans Assistance Task Force, and we are working to tackle these most important concerns. I take this opportunity to thank the members of the Task Force: Kermit Lowery; Judge Peter Silvain; Jim Richardson; Bob DeSousa; Bridget Findley; Scott Kane; Scott McIntyre; Alise Pilson; and Upendra Patel.

I will keep the FBA membership posted as we make progress on these most worthwhile access-to-justice efforts to assist the veterans community.

\*\*\*\*\*

### **Idaho & Judicial Learning Centers**

I recently returned from FBA trips to Idaho and St. Louis.

The 12<sup>th</sup> Annual Tri-State Seminar -- run by FBA chapters in Idaho, Utah, and Wyoming -- was very successful, and I am honored to have been asked to speak at the Conference. The

Conference rotates annually among locations in the three states and, this year, was held in Sun Valley, Idaho. Federal judges and practitioners from all three states participated and heard presentations on a wide range of topics including, among others, proportionality and the new Fed. R. Civ. P. discovery protocols; effective and ethical trial behavior; and a review of recent Federal Land Management conflicts in the West. The three-day conference ended on Saturday morning with a judges' panel discussion moderated by the Idaho Chapter president, Walt Sinclair. Susie Headlee, executive director of the Idaho Chapter, did an excellent job running the Conference.

In St. Louis, I had the pleasure of touring the Judicial Learning Center located in the Thomas F. Eagleton Federal Courthouse. It's an impressive facility -- a "civics museum for children," if you will -- that draws more than 4,000 inner city and suburban schoolchildren in St. Louis each year. The students tour the Judicial Learning Center; meet with Federal Judges and court personnel; talk about the importance of further education; learn about becoming a lawyer or judge; and study basic civics concepts including the role of the courts in resolving disputes, the difference between civil and criminal cases, and the importance of jury service. The students also learn about the Bill of Rights, and review landmark cases interpreting the Constitution.

As of the time of this writing, there are three such Judicial Learning Centers in United States Courthouses -- in St. Louis, Sacramento, and Oklahoma City. Judicial Learning Centers are in the planning stages at federal courthouses in Manhattan and Cincinnati, among other sites.

I was very impressed by what I saw in St. Louis. A great deal of credit goes to Chief Judge Rodney Sippel, who is a civics advocate and who serves as Chair of the Judicial Conference's *Committee on the Judicial Branch*, the committee which is charged with civics education in the federal courts. Credit also goes to Rachel Marshall, the public education and

community outreach director of the St. Louis Judicial Learning Center. Prior to touring the Judicial Learning Center, Chief Judge Sippel and I spoke to a large group of elementary school students from the Sigel Elementary School in downtown St. Louis. We talked about the important role that lawyers, judges, and the federal courts play in our society, and we encouraged the students to stay in school and further their education. That afternoon, I had the honor of presiding over a mock criminal trial -- concerning littering -- held in one of the St. Louis federal courtrooms. A Sigel Elementary student (with the aid of Assistant U.S. Attorney and St. Louis Chapter president, Tom Albus) served as the prosecutor, and another Sigel Elementary student (with the aid of Assistant Federal Public Defender and St. Louis chapter member Brocca Morrison) served as defense counsel. At issue was whether the defendant (played by a Sigel Elementary student) was guilty of littering in the first degree. Other students played witnesses and, following cross examination and jury instructions, the remaining 25 or so students deliberated the case and then explained to the packed courtroom the basis for their verdict.

This experience was very meaningful to me and, I believe, quite instructive to the Sigel Elementary students. I thank Chief Judge Sippel, Rachel, Tom, Brocca, and the St. Louis chapter for inviting me to participate and judge this mock trial. I applaud the St. Louis chapter and all of the many other FBA chapters around the country who are meeting with students, talking about the Third Branch of government, and helping the FBA and Administrative Office of the U.S. Courts to make the federal courts -- and our system of justice -- better understood by young people.

\*\*\*\*\*

**Civics & SOLACE**

The FBA’s national civics initiative and SOLACE program are both doing quite well, and I thank the many FBA members around the country who are helping to make our *Civics & Service to Others* initiative so successful. I take this opportunity to personally thank the many Federal Judges, all of whom are very busy judicial officers, who have given their volunteer time to meet with students -- in classrooms and in courtrooms -- to teach about the Third Branch of government. Judges, I thank you.

By the time this issue of the magazine goes to print, the FBA will have selected the winners for our middle and high school national civics essay contests. The FBA takes this opportunity to thank not only all of the students across the country who entered the essay contests, but also all of the judges who selected the winners. The selection committee included, among many others, United States District Judge Thomas Rose from the Southern District of Ohio, United States District Judge (and former national FBA President) Gustavo Gelpi from the District of Puerto Rico, and Maricopa County, Arizona Superior Court Judge (and CVP Chair) Alison Bachus. A special thanks goes to Maria Vathis, chair of both the essay contests and the FBA’s national civics teacher recognition program. Thank you, Maria. Thanks goes, as well, to Joan Brady, the FBA’s national civics coordinator, who coordinates all of the judges and other civics volunteers throughout the country. Thank you, Joan.

If your chapter has not appointed a civics liaison, please reach out to Joan ([joan\\_p\\_brady@ohsd.uscourts.gov](mailto:joan_p_brady@ohsd.uscourts.gov)) and she will help you to do so. Likewise, if you have any SOLACE questions or need help appointing a SOLACE liaison for your chapter, please contact

Steve Justice ([justice@dunganattorney.com](mailto:justice@dunganattorney.com)). Steve is doing a great job running the national SOLACE program, and I thank him.

We encourage all FBA chapters to undertake similar efforts in your local community. To make this civics effort easy for chapters and for judges, the FBA has worked with the A.O. to create a website of civics materials. Importantly, these materials are grouped by how much time a judge has available to spend with students -- as little as 15 minutes and as long as 3 hours. These materials can be found at [www.fedbar.org/civics](http://www.fedbar.org/civics). I encourage you to take a few minutes and review them.

\*\*\*\*\*

### **National Community Outreach Project**

Each month in these President's Pages, we are focusing on one or more chapters throughout the country who have agreed to participate each April in the FBA's National Community Outreach Project ("NCOP") and year-round national civics program. This month, we are focusing on two chapters, New Orleans and Chicago. Their reports follow.

#### **New Orleans Chapter**

The Younger Lawyers Division of the New Orleans Chapter undertook an ambitious partnership with the Crescent Leadership Academy. Crescent Leadership Academy is a public charter high school in New Orleans that offers an alternative education to its students. For many of the city's youth, Crescent Leadership Academy is the last hope for a high school diploma. The Younger Lawyers Division-Crescent Leadership Academy partnership was borne out of younger lawyers' desire to build relationships with the school's students and to



share with them, for use in their own lives and communities, the kinds of conflict resolution skills that lawyers use every day.

This semester long program began in January with members of the Younger Lawyers Division hosting a series of workshops at the school, during which time students took a crash course on being a lawyer, followed by a mock bar exam. Students were assigned a real legal case involving the First Amendment rights of students, and were tasked with crafting their own closing arguments. Communication is an essential part of conflict resolution, yet many students struggle to articulate their ideas. To assist the students, two young Assistant U.S. Attorneys volunteered as “speaking coaches,” demonstrating how to make an oral argument and offering basic advice on presentation. The workshops culminated in a day-long field trip to the federal courthouse during which students had the unique opportunity to meet privately with U.S. Attorney Kenneth Polite and his staff, representatives from the Federal Defender’s office, Deputy Chief Probation Officer Lawrence Martin, and U.S. Magistrate Judge Karen Roby. Students also observed real lawyers represent real clients in motion hearings.

In addition, students separately met Calvin Duncan, a former inmate of the Angola Louisiana State Prison and Project Director for the Light of Justice Project. Mr. Duncan shared with students his experiences as an inmate and as an exoneree, and his story served as a preface to a field trip to the Angola prison. At Angola, students met with inmate trustees, toured the facility, and discussed weighty issues including sentencing reform and the death penalty.

The Younger Lawyers Division-Crescent Leadership Academy partnership is ongoing, and its participants look forward to building on their programming in the coming school year. The meaningful relationships that have been formed have the potential to grow into great things. Indeed, one of the program's very own "speaking coaches" will be the Crescent Leadership Academy's graduation speaker this May.

### **Chicago Chapter**

Twenty-five students and their chaperones from Legal Prep High on Chicago's west side joined FBA members at the Chicago Federal Courthouse for the fifth annual *William J. Hibbler Schoolhouse to Courthouse Program*, named after one of the Chicago judges who was a key motivator in starting this program just weeks before he passed away.

Over continental breakfast, the students asked questions about being a lawyer, and were particularly interested in how we "choose a side." The U.S. Marshals then showed the students how they operate and explained what they do. Thereafter, the students watched courtroom proceedings before Judge Matthew Kennelly, president of the Chicago FBA Chapter, where they learned that 'real life' federal court proceedings are very different from those dramatized on television.

Next, the students moved on to the ceremonial courtroom where they met with Chief Judge Ruben Castillo, Judge Rebecca Pallmeyer, Judge Manish Shah, Judge Jorge Alonzo and Judge Jacqueline Cox. The students learned an important lesson -- that judges come from all walks of life.

Thereafter, the students convened in the formal dining room of the Chicago Bar Association Building, where they ate lunch and heard from Judge Arlander Keys (retired), who told them about growing up in Mississippi during the Jim Crow era, and stressed to the students the importance of education.

\*\*\*\*\*

I take this opportunity to thank each of the 18,000-plus members of the FBA for all you do each day to help others. Our membership ranks, both professional and law student, are growing on a daily basis. I am also honored to report that our *Civics and Service to Others* initiative is proving to be quite successful: we are helping to educate elementary, middle and high school students via our civics work; and helping those in need via the SOLACE program.

It is my honor to lead the FBA in these important efforts. Thank you for the opportunity to serve.

## **President's Message**

April 2017

Hon. Michael Newman

### **Indian Law, Success of the FBA's Civics Initiative, and Hawaii**

#### **Indian Law**

This month's issue of TFL celebrates Indian Law and coincides with our annual Indian Law Conference – held this April at the Talking Stick Resort in Scottsdale, Arizona. The FBA is rightfully proud of the fact that our annual Indian Law Conference is the most well-attended Indian Law seminar in the United States, and has been for many years.

I applaud the hard work and dedication of all of our members of the Indian Law Section and Section Chair, Tracy Toulou, who serves as director of the Office of Tribal Justice at the U.S. Department of Justice. I also take this opportunity to personally thank the many hundreds of attorneys and Indian Law specialists who are attending this year's Conference.

\*\*\*

#### **Civics Success**

At my swearing-in ceremony on Constitution Day and Citizenship Day last fall, I pledged to focus my time and energy -- and the talents of our Association and staff -- to support a national civics education initiative. However, I could not have foreseen the tidal wave of enthusiasm for civics that this commitment would be met with in our own membership and in every quarter of the legal community well beyond the federal courts.

This untapped enthusiasm has surfaced in a wide variety of innovative programs that have a track record as well as the newly minted programs inaugurated in the past year and those

being introduced in 2017. In both the established and new initiatives, the FBA is having a significant impact with chapter investments of volunteers and support.

An impressive indicator of the members' commitment to civics education is the fact that we now have more than 60 civics liaisons in chapters across the nation. In 30 days (from November 1 to December 1), former Cincinnati/Northern Kentucky chapter president Joan Brady did a remarkable job of recruiting these civics liaisons – some of whom are federal judges – to serve as the civics point person between their chapter and their local federal court.

Our civics initiative has produced, to date, the following results:

### **New Civics Education Website**

One of the first things we started the year before I took office was the development of a new civics education section on the FBA's website as a one-stop destination for ready-to-go resources used by our members and others: [www.fedbar.org/civics](http://www.fedbar.org/civics). These timely and relevant programs, activities, and multi-media teaching tools are produced and continually refreshed by the Administrative Office of the U.S. Courts ("A.O.").

We organized the content according to the amount of time available with an audience. Activities range in duration from 15 minutes to three hours. Across the board, the courtroom- and classroom-tested programs require only 30 minutes of review before using them in courtrooms, classrooms, and community group meetings. No additional research, reading, or writing is necessary to successfully deploy them.

The activities include realistic trial court simulations, sentencing hearings, appellate hearings, and landmark Supreme Court cases – all geared to the interests of high school students, teachers, and lifelong learners/adult groups. Multi-media resources include brief videos as

discussion starters and a series of colorful infographics that make excellent handouts for teaching court basics.

### **Web Resources Geared to Elementary Students**

Grade school programs and resources are collected for the first time in one place – on our civics education page, [www.fedbar.org/civics](http://www.fedbar.org/civics). For members who want to reach out to younger students, but can't find grade-appropriate resources, now the FBA site has a collection of fairytale mock trials, including an alternative version of the *Three Little Pigs* from the defendant's point of view, in the *Trial of Alexander T. Wolf* -- complete with a book and a video.

The collection includes mock trial scripts produced and tested by judges, lawyers, and teachers in courtrooms and classrooms. In fact, FBA member U.S. District Court Chief Judge Frank Geraci, from the Western District of New York in Rochester, has contributed his original and widely used scripts to the site.

I encourage all federal judges to meet with students this year, in classrooms and in courtrooms, to discuss civics and explain the important role that judges and the courts serve in our society.

### **Preparation for Naturalization Ceremonies at Schools in 2017**

Right after Constitution Day and Citizenship Day 2016, we started preparing with the A.O. for its fourth annual celebration of the day the Constitution was signed. Naturalization ceremonies held in conjunction with this anniversary are the federal courts' largest high-profile national educational outreach effort. Typically, more than 50 courts participate, and last year the initiative focused on having ceremonies at National Park Service sites from Ellis Island to Yosemite. (A great seven-minute video produced by the A.O., entitled *Constitution and*

*Citizenship Day Across the Nation 2016*, can be found here: <https://www.youtube.com/watch?v=2HITLmSFxz4>.)

In 2017, chapters have the opportunity to identify and assist schools that want to host naturalization ceremonies presided over by federal judges during the week of September 18. More information for chapters, and a how-to guide for schools, are posted in the “Constitution Day and Citizenship Day” box on our civics education page, [www.fedbar.org/civics](http://www.fedbar.org/civics).

### **Teachers Institutes**

Federal court-sponsored Teachers Institutes, ranging from one to five days, enrich classroom instruction with freshly inspired teachers who have a better understanding of the courts and more engaging methods and tools for teaching about them. One example is FBA member U.S. Magistrate Judge Candy Dale and the federal court in Boise, Idaho, which partners with the Idaho Supreme Court and the University of Idaho School of Law to offer an exceptional experience to teachers every summer. The Institute gives teachers court experiences and exposure to the insights of legal experts that they fold into lesson plans they write at the Institute and infuse into their teaching. In the “Teachers Institute” box on our civics education page ([www.fedbar.org/civics](http://www.fedbar.org/civics)), you can find more court-sponsored professional development offerings including those from courts in Seattle; Missoula, Montana; St. Louis; New York City; and Washington, D.C.

### **Court Camps**

Known by many different names (including “Justice Institutes”), the concept of a court camp -- like a summer sports camp or a language camp -- is a civics immersion program for high school students. These students are our future judges, lawyers, jurors, expert witnesses, litigants, journalists, media consumers, public officials and policy makers. Students come to camp at a

federal courthouse and a partnering law school for a positive and lasting experience that dispels the distortions and stereotypes perpetuated by media portrayals of the legal system.

FBA member and civics liaison U.S. District Court Judge Joseph Bianco, of the Eastern District of New York, pioneered the first court-sponsored, multi-day camp in the United States last summer and brought into the program as a partner the Touro Law Center across the street from the courthouse.

Other court camps include the five-day program at the University of California, Irvine School of Law, under the leadership of Dean Erwin Chemerinsky, who has opened the doors to a future partnership between the FBA and the America Association of Law Schools (“AALS”).

The leadership of FBA member Rob Clark from Salt Lake City, Utah (who graciously serves this year, on a pro bono basis, as the FBA’s outside counsel) has led to the establishment of a first-ever residential court camp. This five-day camp will be launched this summer at Brigham Young University’s J. Reuben Clark Law School.

More information, including curricula from several camps, is available in the “Court Camps” box on our civics education page, [www.fedbar.org/civics](http://www.fedbar.org/civics).

### **Essay Contest and Teacher Recognition**

In the fall of last year, under the leadership of FBA Treasurer Maria Vathis, we introduced the inaugural FBA Civics Essay Contest for middle and high school students, and the first-ever social studies/civics teacher recognition program. “What Does an Impartial Judicial System Mean to Me?” was the theme of what we hope will become the FBA’s annual essay contest. The awards are substantial monetary prizes to the winners in middle school and those in high school.



The nominations for the Teachers for Excellence in Civics Education were open to any individual or group across the country that sought to honor a special civics teacher. This year nominations came in from students, teachers, and FBA chapters. Both of these programs are designed to be annual events that incentivize teachers to continually enrich their teaching and enhance their students' engagement with civics. Winners were announced at the FBA's Mid Year Meeting last month.

### **Mentoring Program for Latino Students**

U.S. District Court Judge Ann Montgomery, of Minneapolis, recently brought together the Hispanic Bar Association of Minnesota and the FBA's Minnesota Chapter (where Tara Norgard is president) to sponsor an essay contest that matched students with mentors who are members of the Hispanic Bar. At the request of Judge Montgomery, Justice Sonia Sotomayor launched the program at a special event for the students, their parents, and both bar associations. A video about the program is posted on the civics education page of our website, [www.fedbar.org/civics](http://www.fedbar.org/civics).

### **Reaching Thousands of Teachers**

In December, the FBA had a presence for the first time at the largest annual gathering of middle school and high school social studies and civics teachers in the United States. More than 4,000 teachers at the National Council for the Social Studies conference in Washington, D.C. were exposed to our programs and resources when the A.O. shared its exhibit space with the FBA. It was a high-profile opportunity to generate participation in the FBA's essay contest and teacher recognition program, as well as our joint program with the A.O. that encourages schools to host naturalization ceremonies in conjunction with Constitution Day and Citizenship Day 2017.

## **Bill of Rights December 15<sup>th</sup> Celebration**

A multi-media package, produced by the A.O. for the December 15 anniversary of the Bill of Rights ratification, is posted on the FBA website and is ready to become an annual tradition for chapters that want to fan out in their communities on December 15 every year to engage with classrooms and community groups. This flexible program can be adapted and changed with every use and every audience. It starts with a brief, but thought-provoking video with suggested discussion starters.

I take this opportunity to thank Rebecca Fanning, the A.O.'s national outreach manager, for her dedication to civics and her willingness to work so hard this year in helping to successfully launch the FBA/A.O. national civics initiative. Thank you, Rebecca.

\*\*\*

## **Hawaii**

As I write this, I have just returned from Hawaii, where I had the opportunity to speak -- on amendments to the Federal Rules of Civil Procedure (along with co-panelists the Hon. Gustavo Gelpi, a U.S. District Judge and former FBA national president, and Matt Moschella, the FBA's general counsel) -- at the Eighth Annual FBA Hawaii Conference. The Conference was a great success due, in large part, to the talents of its organizer Howard McPherson, who did a wonderful job.

The Conference included nationally known speakers such as Dean Erwin Chemerinsky and Judge Jeffrey Sutton from the Sixth Circuit Court of Appeals. I take this opportunity to thank both Dean Chemerinsky and Judge Sutton. The Dean and the Judge have volunteered many times, over the years, to the FBA and both have given much of their time to the Association. This past fall, for example, the Dean spoke at the FBA Cleveland Convention, as a

personal favor to me, despite having to go quickly back to California after his remarks. Judge Sutton, likewise, spoke in Cleveland before having to fly out west to attend a Rules Committee meeting. The FBA is very fortunate to have scholars and judges who are bright, talented, and committed to the continuing success of our Association. Thank you, Dean, and thank you, Judge.

\*\*\*

### **Conclusion**

I take this opportunity to again thank each of the 18,000-plus members of the FBA for all you do each day to help others. Our membership ranks, both professional and law student, are growing on a daily basis. I am also honored to report that our *Civics and Service to Others* initiative is proving to be quite successful: we are helping to educate students all over the United States via our civics work, as well as helping those in need via the SOLACE program.

It is my honor to lead the FBA in these important efforts. Thank you for the opportunity to serve.

## **President's Message**

May 2017

Hon. Michael J. Newman

### **Immigration Law; Teachers Institutes & Court Camps; Continuing Civics Success; and My Good Friend, Richard Dellinger**

#### **Immigration Law**

This month's issue of TFL celebrates immigration law. The FBA is rightfully proud of its longstanding Immigration Law Section, which holds its annual conference this May in Denver. If you practice immigration law, serve as an Immigration Judge or on the Executive Office of Immigration Review ("EOIR"), or are otherwise involved in this important and thriving area of the law, I encourage you to become active in the Section.

I applaud the Immigration Law Section for your hard work, successful annual conference, and large Section membership. I also thank Immigration Judge Lawrence Burman for your service as Section Chair, and Immigration Judge Robin Feder for your service on the FBA Board of Directors. The FBA is grateful to you both, and to all others in the Immigration Law Section.

\*\*\*

#### **Teachers Institutes, Court Camps & Civics**

In last month's President's Message, I discussed the many ways the FBA and Federal Courts, working together, are increasing knowledge about the Third Branch of government via our national civics initiative known as *Civics & Service to Others*. I am very proud of the fact that the FBA board of directors has seen fit to create a permanent, standing committee for this effort (the Community Service and Outreach Committee), so that this effort will continue with

the same commitment and strength for many years to come -- and long after my tenure as FBA president has concluded.

I have thanked them before, but I again mention Rebecca Fanning and Jim Duff, the National Outreach Manager and Director of the Administrative Office of the United States Courts ("A.O."), respectfully, whose commitment and vision made this significant effort possible. Thank you, Rebecca and Jim. I also thank our Executive Director, Stacy King, for her passion and zeal to make all of the FBA's civics and community outreach efforts succeed throughout the country.

This year, we are promoting civics in a wide variety of ways: by encouraging Federal Judges to meet and interact with middle and high school students, in classrooms and in courtrooms; by putting materials (graciously loaned to us by the A.O.) on the civics page of the FBA's website ([www.fedbar.org/civics](http://www.fedbar.org/civics)), so it is easy for Federal Judges to host programs that students will relate to and that carefully simulate how the Federal Courts work; by asking every FBA chapter to appoint a civics liaison to work with the local Federal Judges and local schools to better facilitate their interaction; by continuing our National Community Outreach Project efforts every April, pursuant to which many FBA chapters are devoting that month to one or more civics-related efforts (in addition to their other year-round civics engagement); by hosting the FBA's *Inaugural Civics Essay Contest* – with one set of awards for middle school students, and another set of awards for high school students – and asking the students to address "What Does an Impartial Judicial System Mean to Me?"; by recognizing and honoring civics teachers across the country for their great work every day; and by promoting to all FBA members the many new and novel civics efforts that are now underway across the country.

Last month, in these pages, I mentioned two new, novel means now being utilized to communicate the importance of civics: Court Camps and Teachers Institutes. Court Camps provide opportunities for students to learn, in a group setting, about the Federal Courts and aspects of Federal Court practice, such as oral advocacy and trial skills; the history of the Federal Courts; the different roles that judges, prosecutors, and defense counsel play in the criminal process; and how civil cases move from complaint filing through discovery to summary judgment and mediation or trial. Sometimes Court Camps take all or part of a day. A newer movement – spearheaded by Judge Bianco in the U.S. District Court for the Eastern District of New York – is to run a week-long Court Camp with high school students who have expressed an interest in the law. I salute Judge Bianco for his leadership in this important arena. In Judge Bianco’s summer Court Camp, the students spend a week learning about oral argument and the workings of cases, then present an oral argument on Friday, the last day of court camp.<sup>1</sup> Similar efforts are beginning in multiple parts of the country, and the FBA is delighted and honored to be supportive and nurturing of these creative efforts to spread civics information. Two significant court camps, planned for this summer, will be at law schools: at BYU Law School and the University of California–Irvine School of Law. I take this opportunity to congratulate FBA Outside Counsel, Rob Clark, for his stellar work undertaken to get the BYU Law Court Camp effort up and running. Likewise, I salute Dean Erwin Chemerinsky, who has championed the U.C. Irvine effort and who has worked tirelessly for many years, in many capacities, on behalf of the FBA.

Another civics education effort championed and supported by the FBA is the new concept of Teachers Institutes. Teachers Institutes are an opportunity for educators, judges, and practitioners to “teach to the teachers,” *i.e.*, to teach social studies and civics teachers how the

Federal Courts work; to explain case law and case holdings to teachers (so they, in turn, can educate their students on the law); and to afford teachers an opportunity to meet Federal Judges and, in some instances, United States Supreme Court Justices. Several Federal Courts around the country, and the Federal Judicial Center (“FJC”), have begun sponsoring Teachers Institutes. Rebecca Fanning, from the A.O., writes:

Court-sponsored Teachers Institutes occupy a unique niche in law-related education for high school teachers. They are the only civics training conducted in courthouses with a faculty of judges, lawyers, and other justice system professionals. Teachers Institutes tend to center around timely topics and a contemporary treatment of court fundamentals using court observations and debriefings; case studies that are ready for immediate classroom use; participatory courtroom simulations with judges and volunteer lawyers; and extensive, often informal, interactions with the legal professionals on the faculty.

Teachers are the first to acknowledge that – despite their passion for the justice system – they, understandably, don’t feel prepared to teach the complexities and nuances of the courts, the Constitution, and the law. Their candor creates an opening for the Federal Bar Association and the broader justice system to partner with the Federal Courts to reach teachers who are shaping the next generation of jurors and judges; journalists and media consumers; lawyers and other justice system professionals; legal experts and law-abiding citizens as well as communities that courts have an impact on every day.

When teachers, guided by judges and lawyers at these institutes, explore court-related civics in an engaging, real-life way, the lessons that grow out of

their experiences go with the teachers back into their classrooms, then home with students in their assignments and conversations with the adults in their lives. In that way, court-based programs are adult education in every sense of the word -- directly for teachers who participate, and indirectly for parents and other adults connected to students.

Research backs up the need for substantive civics education and professional development for teachers. In its 2015 Civic Education Professional Development study, the American Enterprise Institute (“AEI”) reported major deficits in substantive content and raised concerns that the way civics is taught today does not “engender attachment to and identification with the American polity.”

That void is another opportunity for the legal community to support Federal Courts’ outreach to teachers. The attachment that teachers feel can be directly impacted by lawyers and judges who, at Teachers Institutes and courtroom programs for students, are the human face and character of the justice system. The trademark of court-sponsored Teachers Institutes is a lot of interaction with Federal Judges and volunteer attorneys in true-to-life courtroom simulations that open the doors to questions, informal interaction in small groups, and one-on-one conversations.

The need for civics fundamentals doesn’t stop in the classroom, but it needs to start there if we are to reverse the decline in knowledge about government. In what has become its annual Constitution Day civics survey, the Annenberg Public Policy Center reported sobering findings in its 2016 results.



The study showed that the knowledge of civics fundamentals has dropped to a six-year low. In fact, three-fourths of respondents couldn't name all three branches of government. It's clear that if citizens don't have the fundamentals, the rest of what is taught about civics – in essence -- doesn't have context or a place to land.

When the American people give us such a dramatic wake-up call, we can no longer push the snooze button. Instead, we must ask ourselves: “What can we do that is immediate and impactful, yet meaningful and lasting?” The good news is that court-sponsored Teachers Institutes are an established and growing arena where the FBA can make a difference.

To further develop the content and grow the numbers of these Teachers Institutes, the Administrative Office of the U.S. Courts' Office of Public Affairs has established a community of practice among a handful of courts that are pooling resources and programs to create a body of work and best practices that will be available online to all federal courts. The resources will support – but not be limited to – the following five pillars of court literacy:

- Rule of Law and the Role of the Federal Courts
- Three Branches of Government and the Separation of Powers
- Judicial Independence and the Appellate Process
- Civil Discourse and Jury Service
- Fundamentals: Federalism and the Two-Court System

Here are just a few examples of different models of Teachers Institutes. This is by no means a complete list. Rather, these Institutes were chosen to show the

widest variety of approaches that courts take when conducting professional development programs for teachers.

**Boise, Idaho.** The U.S. District Court, the Idaho Supreme Court, and the University of Idaho College of Law collaborated to conduct the 2016 Idaho Teachers Institute. The faculty included 16 federal and state court judges as well as master classroom teachers and journalists. The two-day Institute was a hands-on experience for teachers to discuss and create teaching methods on topics they engaged with during the interactive sessions. Teachers also developed strategies for bringing best practices in civics education to their home school districts with a particular emphasis on the rule of law and the role of courts.

**Fresno, California.** The 2016 Summer Institute in Fresno focused on the landmark Supreme Court case *In re Endo* and its ties to California and the Japanese internment. A former internee was part of a three-hour interactive session with the teachers. Each day included a session on the courtroom roles of the solicitor general, the petitioner's counsel, and the court. The five-day Institute allowed time every day for teachers to share teaching strategies and to develop curriculum around the case. On the last day, teachers presented their strategies and curriculum materials.

**Seattle, Washington.** The U.S. District Court collaborates every year with the University of Seattle on a three-day Institute for High School Teachers that qualifies participants for continuing education credits. The faculty of Federal Judges, attorneys, law enforcement, and other justice system representatives deal with contemporary issues regarding rights and responsibilities. Every other year,

the court hosts an annual, three-day iCivics Institute for junior high and middle school teachers.

**St. Louis, Missouri.** The annual Summer Teachers Institute attracts teachers from around the state for a one-day program that is aligned with state and national social studies standards. Activities include observing and debriefing a hearing and meeting with a Federal Judge. Lectures and interactive aspects of the program provide models for teaching about judicial independence, differences between state and federal courts, the appellate process, and the Missouri connection in significant Supreme Court cases.

The FBA applauds these Teachers Institutes and Court Camps and reaffirms its commitment, through these and other efforts, to help educate students about civics, the important role of the Federal Courts, and the five pillars of court literacy.

\*\*\*

### **National Community Outreach Project & Civics**

The FBA's National Community Outreach Project, operated every April by chapters across the country, has yielded great successes. Each month in these pages, I have highlighted one or more chapters for their excellent community outreach work and civic engagement. This month, we focus on the Phoenix Chapter and the Central District of Illinois Chapter.

#### **Phoenix Chapter**

The Phoenix Chapter writes:

Our project dealt with the commemoration of the anniversary of the seminal case, *Miranda v. Arizona*, which arose out of a criminal investigation in

Phoenix. The Phoenix Chapter partnered with the U.S. District Court, which sponsored essay and video contests for high school students.

The kick-off event, held in March, was entitled “The Inside Story of the Landmark Case.” For the event, high school students from around Phoenix were transported to the federal courthouse for a lunchtime presentation. The program was hosted by the Phoenix Chapter and emceed by Board member and U.S. Magistrate Judge Bridget S. Bade; Ninth Circuit Judge Barry Silverman and Captain Carroll Cooley from the Phoenix Police Department (retired) were the speakers. The sold-out crowd (162 people) included over 60 high school students and their teachers, as well as federal judges, court staff, and attorneys. Captain Cooley was the detective who interviewed and arrested Ernesto Miranda. He provided unique insight into the history of the case and exactly how the investigation unfolded, including the “voluntariness” of the interview. Judge Silverman is an expert on the Miranda case and interviewed Mr. Miranda numerous times. Given their numerous interactions with Miranda, both speakers provided fascinating, “inside” information on the case. Materials were circulated, including Mr. Miranda’s written confession. Everyone in the packed room enjoyed the talk, and the students left inspired to participate in the civics writing contest.

In April, submissions for the writing and video contests were due, and the Chapter presented its check in a meeting with the judges of the Court. The funds went to hold an event to recognize the teachers and students who participated in the contests. The Court co-sponsored the civics contest with the Ninth Circuit

Court of Appeals, and the Circuit contest winners were flown to the Ninth Circuit Judicial Conference in July. The Phoenix Chapter is proud to be partnering with the Court on this important project, which will hopefully spark interest and enthusiasm in civics (and local Phoenix history) in our community.

### **Central District of Illinois<sup>ii</sup>**

Chief Judge Shadid, president of the Central District of Illinois Chapter, writes:

I contacted the teachers of two government classes at two local high schools, one private and one public, Peoria Notre Dame and Peoria High School. Fifteen students from each school participated. In advance, we sent them a fact pattern regarding the search of a cell phone. The facts came from *Riley v California*, 573 U.S. \_\_\_\_\_ (2014). We sent them a few cases to rely on and asked them to choose 4-6 students from their group, and be prepared to argue either side of the issues. The issues centered around the issues in *Riley*: those being the search of the cell phone without a warrant; how digital information on a cell phone differs from other physical objects; what limits does law enforcement face to protect information from being remotely “wiped” or “encrypted”; and what are the exceptions to the applicable rules.

Upon arrival, the students were served breakfast and received a tour of my chambers. We then split them up between the schools. We gave them 15-20 minutes to organize who was going to argue, and what, and then took them to the courtroom. We opened court as we would normally, calling the case, asked the parties to introduce themselves and then proceeded with argument, switching back and forth from the government and the defendant. After arguments, we had

discussion of the issues and then opened up discussion to our system and our courts.

A reporter from the *Peoria Journal Star* newspaper was present as well as a photographer. I allowed the reporter and photographer to be present in chambers as the students were preparing as well as in court when the students were presenting. Three members of our local chapter were present, along with myself, my two law clerks and my judicial assistant. All played a significant role in putting this program together. One of the senior status judges in the building, the Hon. Michael Mihm, appeared as well.

The students were prepared, engaged and enthusiastic. I would certainly do this again, and am not sure that I would change anything.

I applaud both the Phoenix Chapter and the Central District of Illinois Chapter for their great and inspiring work in this area.

\*\*\*

### **Richard Dellinger**

Richard Dellinger, from Orlando, is one of my favorite people. He has served on the FBA board of directors for many years, and always done so with a smile. He's a smart, talented lawyer with good instincts and a passion for the important work of the FBA. He has the mind of a good judge, and I have always hoped that he will be called to serve the judiciary during his career; we would all be fortunate to have him on the federal bench.

In the past few days, Richard wrote to tell me that, because of work and personal commitments, he will be resigning his board seat and stepping down from FBA leadership. I know this was not an easy decision for Richard, and I accepted his decision after trying, but

failing, to change his mind. We all owe Richard a great deal of thanks and appreciation for a job well done and for his selfless commitment to the FBA. If you have a moment, please email Richard to thank him: [richard.dellinger@lowndes-law.com](mailto:richard.dellinger@lowndes-law.com).

Many of us who volunteer our time to the FBA do so quietly and without fanfare. On the national level, the commitment is longstanding and for many years: after a lawyer rises up the ranks locally to become chapter president, for example, that lawyer will need to run an election and serve as a Circuit Vice President for at least a two-year term before they can be considered to run for a seat on the board of directors. The same lawyer will then have to serve on the board for three years or more before he or she can be considered to run for Treasurer – and participate in another national election. It is not uncommon for a FBA leader in national office to have given two decades of volunteer time (or more) to the FBA.

I have done so because I care very deeply about this Association and all of the good work we do around the country on a daily basis. We are the primary bar association for all of those who practice in, or are associated with, the Federal Courts. Our recent, rather exceptional growth is a testament to the years of hard work we have undertaken with the Federal Judiciary, and all those on Capitol Hill, who know the Association does not take political positions or sides – we just work every day to make the Federal Courts the best they can be (and the best justice system in the world).

I applaud all who serve the FBA, whether your service is on the local or national level, or both. I particularly applaud lawyers like Richard who, while balancing all of the disparate needs of raising a family and running a successful private practice, somehow find the time to serve others, by donating time and energy and talent to the FBA.

Richard, we are honored by your service and your commitment. You are an example to all of us who seek to help others. I know I speak for the entire board and many in the FBA when I tell you we will miss you. We are grateful to you for your service.

### **Conclusion**

I take this opportunity to again thank each of the 18,000-plus members of the FBA for all you do each day to help others. Our membership ranks, both professional and law student, are growing on a daily basis. I am also honored to report that our *Civics and Service to Others* initiative is proving to be quite successful: we are helping to educate students all over the United States via our civics work, as well as helping those in need via the SOLACE program.

It is my honor to lead the FBA in these important efforts. Thank you for the opportunity to serve.



SIDEBAR TO ACCOMPANY MY PRESIDENT'S MESSAGE:

**Partial List of Court-Sponsored Teachers Summer Institutes**

At U.S. District Courthouses This Summer

*Please contact the coordinators to confirm dates.*

<b>June 12-19</b>	<b>Fresno</b> – Kari Kelso, Ph.D. <a href="mailto:kari_kelso@CE09.uscourts.gov">kari_kelso@CE09.uscourts.gov</a>
<b>June 19 -23</b>	<b>Sacramento</b> – Kari Kelso, Ph.D. <a href="mailto:kari_kelso@CE09.uscourts.gov">kari_kelso@CE09.uscourts.gov</a>
<b>June 25-30</b>	<b>Washington, D.C.</b> – Clara Altman, J.D., Ph.D. <a href="mailto:clara_altman@fjc.gov">clara_altman@fjc.gov</a>
<b>July 10, 11, 12</b>	<b>Seattle</b> – Lori Landis <a href="mailto:lori_landis@waed.uscourts.gov">lori_landis@waed.uscourts.gov</a> (2017 High School Teachers; 2018 Middle School Teachers)
<b>Mid-Late July</b>	<b>St. Louis</b> – Rachel Marshall <a href="mailto:rachel_e_marshall@CA08.uscourts.gov">rachel_e_marshall@CA08.uscourts.gov</a>
<b>Week of October 2</b>	<b>Missoula, Montana</b> -- <a href="mailto:kelsey_hanly@mtd.uscourts.gov">kelsey_hanly@mtd.uscourts.gov</a>

For further information on Teachers Institutes at other Federal Courthouses, as well as educational outreach programs and resources, contact Rebecca Fanning, National Outreach Manager for the Federal Courts, at the Administrative Office of the U.S. Courts.  
[rebecca\\_fanning@ao.uscourts.gov](mailto:rebecca_fanning@ao.uscourts.gov)

---

<sup>i</sup> More information on Judge Bianco's Court Camp, and a A.O.-produced video about the Court Camp, can be found here: <http://www.uscourts.gov/news/2017/01/12/courts-institute-teaches-students-navigate-law-and-life>.

<sup>ii</sup> For more information on this Federal Court program, see <http://www.pjstar.com/news/20160412/class-is-now-in-session-high-school-students-try-case-in-federal-courtroom>.



# Federal Bar Association

## ACTIONS OF THE BOARD OF DIRECTORS FY2017

### September 15, 2016 Meeting

- Adopted a resolution that authorizes and empowers the Executive Director, President, and Treasurer to execute agreements, give direction, and receive information to/from SunTrust Bank regarding the investment and custody accounts of the Federal Bar Association
- Adopted a resolution that authorizes and empowers the Executive Director, President, and Treasurer to act, give instructions, access information, use Bank's services, perform transactions, enter into agreements, and delegate authority on behalf the operational account of the Federal Bar Association at SunTrust Bank
- Approved FY2017 committee appointments

### December 21, 2016 Meeting

- Approved the Securities Law Section's request to donate \$25,000 of section funds to the SEC Historical Society

### January 27, 2017 Meeting

- Approved the minutes from the September 15, 2016 board meeting
- Approved the appointment of Anh Kremer as director to fulfill the term of Richard Dellinger upon his resignation
- Approved the honorary membership for Dean Erwin Chemerinksy
- Approved the FY2017 Budget Reforecast
- Approved the Labor and Employment Law Section's Bylaw amendments
- Approved the International Law Section's dues increase to \$15
- Approved the Securities Law Section's request to donate \$15,000 of section funds to Columbia University's Annual Securities Law Conference
- Approved the Central Louisiana Chapter's charter
- Approved the creation of and appointments to the Task Force on Obtaining U.N. Consultative Status
- Approved Policy 1-13: Standards for Professional Ethics and Conduct
- Approved extending Policy 1-7: Conflict of Interest to all FBA leaders
- Established the Chapter Community Service Award
- Established the Outstanding Leader Awards to recognize one circuit vice president, one section or division chair, and up to three chapter leaders each year at annual meeting

# TAB C

Report from the Treasurer

**Federal Bar Association**  
**Statement of Financial Position**  
**September, 2016 and 2015**

	2016	2015
<b>Assets</b>		
<b>Current Assets</b>		
Cash and cash equivalents	\$ 696,514	\$ 409,943
Short-term Investments	452,340	434,713
Long-term Investments	1,787,850	1,648,045
Accounts Receivable	146,401	40,839
Inventory	14,081	16,147
Prepaid expenses	121,212	99,226
	-----	-----
<b>Total Current Assets</b>	<b>3,218,398</b>	<b>2,648,913</b>
	-----	-----
<b>Other Assets</b>		
Furniture and fixtures	186,201	187,172
Computer equipment and software	565,896	519,924
	-----	-----
<b>Total Property and Equipment before Acc Depr</b>	<b>752,097</b>	<b>707,096</b>
Accumulated depreciation	(576,091)	(525,091)
	-----	-----
<b>Net Property and Equipment</b>	<b>176,006</b>	<b>182,005</b>
	-----	-----
<b>Total Assets</b>	<b>\$ 3,394,404</b>	<b>\$ 2,830,918</b>
	=====	=====
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Accounts payable	\$ 543,076	\$ 345,690
Accrued annual leave	35,032	44,183
Deferred membership dues	115,028	121,400
Due to related entities	8,867	4,767
Other	26,759	24,105
	-----	-----
<b>Total Current Liabilities</b>	<b>746,997</b>	<b>580,950</b>
	-----	-----
<b>Net Assets</b>		
<b>Total Net Assets</b>	<b>2,647,407</b>	<b>2,249,968</b>
	-----	-----
<b>Total Liabilities and Net Assets</b>	<b>\$ 3,394,404</b>	<b>\$ 2,830,918</b>
	=====	=====

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**Federal Bar Association**  
**Statement of Activities**  
**For the Twelve Month Ending September 30, 2016**

	FY 2016 YTD	FY 2015 YTD	FY 2016 Budget	Percent of Budget
<b>Support and Revenue:</b>				
(1) National dues	\$ 1,980,404	\$ 1,865,703	\$ 1,971,763	100%
(2) Sustaining dues	728,728	709,777	745,266	98%
(3) Section/division dues	206,792	173,772	175,000	118%
(4) Conferences	1,138,355	1,049,058	1,140,000	100%
(5) Co-sponsored conferences	50,000	50,000	50,000	100%
(6) Sections/divisions activities	74,625	72,228	80,000	93%
(7) Administrative and other revenues (Schedule I)	370,916	289,181	243,100	153%
In-Kind Contribution Revenues	390,075	328,108	328,108	119%
<b>Total support and revenue</b>	<b>4,939,895</b>	<b>4,537,827</b>	<b>4,733,237</b>	104%
Expenses:				
(8) Activity expenses (Schedule II)	2,478,967	2,309,241	2,448,500	101%
(9) General and overhead expenses (Schedule III)	2,176,504	2,026,386	2,240,108	97%
<b>Total expenses</b>	<b>4,655,471</b>	<b>4,335,627</b>	<b>4,688,608</b>	99%
Change in net assets before other Income (Expense)	284,424	202,200		
<b>Other Income (Expense)</b>				
Unrealized Gain/(Loss) on Investments	136,538	( 69,924 )		
Realized Gain/ (Loss) on Investments	( 23,519 )	( 12,185 )		
<b>Total Other Income (Expense)</b>	<b>113,019</b>	<b>( 82,109 )</b>		
Change in Net Assets	397,443	120,091		
Net Assets, beginning of year	2,249,964	2,129,877		
Current Net Assets	<u>\$ 2,647,407</u>	<u>\$ 2,249,968</u>		

**Federal Bar Association**  
**SCHEDULE OF ADMINISTRATIVE AND OTHER REVENUES**  
**Schedule I**  
**For the Twelve Month Ending September 30, 2016**

	FY 2016 YTD	FY 2015 YTD	FY 2016 Budget	Percent of Budget
<b>Schedule of Revenues</b>				
(7.02) Administrative Fees (FFBA)	\$ 27,250	\$ 13,500	\$ 28,500	96%
(7.03) Administrative Fees (Sections&Divisions)	55,188	52,772	55,100	100%
(7.04) Interest/Dividend Income	52,779	66,346	-	
(7.05) FBA Need an Attorney	19,500	18,200	18,500	105%
(7.06) The Federal Lawyer & Publications	30,424	31,937	33,000	92%
(7.07) Royalty Income	4,108	3,415	5,000	82%
(7.09) Job Board	1,901	1,821	2,500	76%
(7.10) Webinars	162,808	80,914	85,000	192%
(7.11) List Sales	3,878	3,372	5,500	71%
(7.12) Miscellaneous Income	13,080	16,904	10,000	131%
<hr style="border-top: 1px dashed black;"/>				
<b>Total Administrative and Other Revenues</b>	<b>\$ 370,916</b>	<b>\$ 289,181</b>	<b>\$ 243,100</b>	<b>153%</b>

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**Federal Bar Association**  
**SCHEDULE OF ACTIVITY EXPENSES**  
**Schedule II**  
**For the Twelve Month Ending September 30, 2016**

	FY 2016 YTD	FY 2015 YTD	FY 2016 Budget	Percent of Budget
<b>Schedule of Activity Expenses</b>				
<b>Activity Expenses</b>				
(8.01) President & BOD	\$ 123,427	\$ 115,602	\$ 125,000	99%
(8.02) National Council	4,100	6,018	6,500	63%
(8.03) Circuit Vice Presidents	38,994	43,730	45,000	87%
(8.04) NC Appointees	6,875	10,457	11,000	63%
(8.05) Past Presidents	7,362	8,331	8,500	87%
(8.06) Gov. Committees & Board	30	4	500	6%
(8.07) National Elections	11,748	9,802	11,500	102%
(8.08) Government Relations	72,707	71,301	78,000	93%
(8.09) Chapter Delegate	30,594	52,665	53,000	58%
(8.10) Chapter Leadership Training	72,407	63,910	66,000	110%
(8.11) Chapter Activity Fund	16,475	15,450	20,000	82%
(8.12) Chapter Rebates	491,589	475,156	502,000	98%
(8.13) Chapter Services	15,004	11,490	12,000	125%
(8.14) Membership Services	72,987	60,995	70,000	104%
(8.15) Membership Programs	11,714	10,864	12,000	98%
(8.16) The Federal Lawyer & Publications	268,164	240,611	275,000	98%
(8.17) FBA Conferences	881,383	795,595	805,000	109%
(8.18) Membership Marketing	11,421	9,765	12,000	95%
(8.19) Meetings Marketing	19,781	14,648	20,000	99%
(8.20) Webinar CLE Fees	16,467	12,095	13,000	127%
<b>Subtotal Activity Expenses</b>	<b>2,173,229</b>	<b>2,028,489</b>	<b>2,146,000</b>	<b>101%</b>
(8.21) Section and Divisions	268,748	243,712	255,000	105%
(8.22) FBA Funded Divisions	33,158	34,980	40,000	83%
(8.23) Section Council	3,832	2,060	2,500	153%
(8.24) Section Activity Fund			5,000	0%
<b>Subtotal Section &amp; Division Activity Expense</b>	<b>305,738</b>	<b>280,752</b>	<b>302,500</b>	<b>101%</b>
<b>Total Activity Expenses</b>	<b>\$ 2,478,967</b>	<b>\$ 2,309,241</b>	<b>\$ 2,448,500</b>	<b>101%</b>

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.



**Federal Bar Association**  
**SCHEDULE OF ADMINISTRATIVE EXPENSES**  
**Schedule III**  
**For the Twelve Month Ending September 30, 2016**

	FY 2016 YTD	FY 2015 YTD	FY 2016 Budget	Percent of Budget
<b>Schedule of Administrative Expenses</b>				
<b>Administrative Expenses</b>				
(9.01) Salaries	\$ 1,033,411	\$ 999,985	\$ 1,130,000	91%
(9.02) Payroll taxes	79,435	75,128	82,000	97%
(9.03) Employee Insurance	76,834	64,604	76,000	101%
(9.04) Employee Retirement	43,061	36,432	43,000	100%
(9.05) Employee Training	6,300	6,968	8,000	79%
(9.06) Management Travel	3,921	4,311	5,000	78%
(9.07) Outsourced Services	156,794	168,725	160,000	98%
(9.08) Dues and subscriptions	4,063	3,210	5,000	81%
(9.09) Leased Equipment	16,982	16,678	18,500	92%
(9.10) Repairs and maintenance	910	1,432	2,500	36%
(9.11) Rent	450,075	388,108	388,108	116%
(9.12) Insurance	17,877	17,429	18,000	99%
(9.13) Personal property taxes	3,762	4,245	3,500	107%
(9.14) Professional fees	15,270	14,938	15,000	102%
(9.15) Supplies	7,468	10,548	12,000	62%
(9.16) Computer/Internet Services	73,653	83,998	99,000	74%
(9.17) Telephone	24,727	24,822	26,000	95%
(9.18) Postage	6,090	-	3,500	174%
(9.19) Depreciation-Furniture & Fixtures	5,982	6,662	6,000	100%
(9.20) Depreciation-Computer Equipment	83,794	58,314	85,000	99%
(9.21) Other Office Expense	55,202	32,078	45,000	123%
(9.22) Miscellaneous Expense	10,893	7,771	9,000	121%
<b>Total Administrative Expenses</b>	<b>\$ 2,176,504</b>	<b>\$ 2,026,386</b>	<b>\$ 2,240,108</b>	<b>97%</b>

**Federal Bar Association**  
**Statement of Activities**  
**For the Twelve Month Ending September 30, 2016**

	FBA FY 2016 YTD	S&D FY 2016 YTD	Combine FY 2016 YTD
<b>Support and Revenue:</b>			
(1) National dues	\$ 1,980,404	\$ -	\$ 1,980,404
(2) Sustaining dues	728,728		728,728
(3) Section/division dues		206,792	206,792
(4) Conferences	1,138,355		1,138,355
(5) Co-sponsored conferences	50,000		50,000
(6) Sections/divisions activities	18,375	56,250	74,625
(7) Administrative and other revenues (Schedule I)	370,916		370,916
In-Kind Contribution Revenues	390,075		390,075
<b>Total support and revenue</b>	<b>4,676,853</b>	<b>263,042</b>	<b>4,939,895</b>
Expenses:			
(8) Activity expenses (Schedule II)	2,210,219	268,748	2,478,967
(9) General and overhead expenses (Schedule III)	2,176,504		2,176,504
<b>Total expenses</b>	<b>4,386,723</b>	<b>268,748</b>	<b>4,655,471</b>
Change in net assets before other Income (Expense)	290,130	( 5,706 )	284,424
<b>Other Income (Expense)</b>			
Unrealized Gain/(Loss) on Investments	136,538		136,538
Realized Gain/ (Loss) on Investments	( 23,519 )		( 23,519 )
<b>Total Other Income (Expense)</b>	113,019		113,019
Change in Net Assets	403,149	( 5,706 )	397,443
Net Assets, beginning of year			2,249,964
Current Net Assets			\$ 2,647,407

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**Federal Bar Association**  
**Statement of Activities**  
**For the Twelve Month Ending September 30, 2015**

	FBA FY 2015 YTD	S&D FY 2015 YTD	Combine FY 2015 YTD
<b>Support and Revenue:</b>			
(1) National dues	\$ 1,865,703		\$ 1,865,703
(2) Sustaining dues	709,777		709,777
(3) Section/division dues		173,772	173,772
(4) Conferences	1,049,058		1,049,058
(5) Co-sponsored conferences	50,000		50,000
(6) Sections/divisions activities	13,575	58,653	72,228
(7) Administrative and other revenues (Schedule I)	289,181		289,181
<b>Total support and revenue</b>	<b>4,305,402</b>	<b>232,425</b>	<b>4,537,827</b>
<b>Expenses:</b>			
(8) Activity expenses (Schedule II)	2,065,529	243,712	2,309,241
(9) General and overhead expenses (Schedule III)	2,026,386		2,026,386
<b>Total expenses</b>	<b>4,091,915</b>	<b>243,712</b>	<b>4,335,627</b>
Change in net assets before other Income (Expense)	213,487	( 11,287 )	202,200
<b>Other Income (Expense)</b>			
Unrealized Gain/(Loss) on Investments	( 69,924 )		( 69,924 )
Realized Gain/ (Loss) on Investments	( 12,185 )		( 12,185 )
<b>Total Other Income (Expense)</b>	<b>( 82,109 )</b>		<b>( 82,109 )</b>
Change in Net Assets	131,378	( 11,287 )	120,091
Net Assets, beginning of year			2,129,877
Current Net Assets			\$ 2,249,968

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**Federal Bar Association**  
**Statement of Financial Position**  
**December, 2016 and 2015**

	2017	2016
<b>Assets</b>		
<b>Current Assets</b>		
Cash and cash equivalents	\$ 651,865	\$ 406,060
Short-term Investments	465,845	425,046
Long-term Investments	1,771,817	1,696,771
Accounts Receivable	70,785	82,602
Inventory	14,081	12,747
Prepaid expenses	104,217	97,702
	-----	-----
<b>Total Current Assets</b>	<b>3,078,610</b>	<b>2,720,928</b>
	-----	-----
<b>Other Assets</b>		
Furniture and fixtures	186,201	186,201
Computer equipment and software	567,395	520,895
	-----	-----
<b>Total Property and Equipment before Acc Depr</b>	<b>753,596</b>	<b>707,096</b>
Accumulated depreciation	(593,769)	(539,549)
	-----	-----
<b>Net Property and Equipment</b>	<b>159,827</b>	<b>167,547</b>
	-----	-----
<b>Total Assets</b>	<b>\$ 3,238,437</b>	<b>\$ 2,888,475</b>
	=====	=====
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Accounts payable	\$ 225,435	\$ 168,502
Accrued annual leave	35,032	44,183
Deferred membership dues	111,868	122,260
Due to related entities	59,904	3,035
Other	35,476	28,494
	-----	-----
<b>Total Current Liabilities</b>	<b>486,263</b>	<b>366,474</b>
	-----	-----
<b>Net Assets</b>		
<b>Board-designated net assets</b>		
Sections/divisions	886,650	887,360
Operational reserve	350,000	350,000
Furniture and new fixtures reserve	63,466	63,466
Chapter assistance	36,204	36,204
Future activity reserve	20,000	20,000
	-----	-----
<b>Total Board-designated net assets</b>	<b>1,356,320</b>	<b>1,357,030</b>
	-----	-----
General Operating	1,395,854	1,164,971
	-----	-----
<b>Total Net Assets</b>	<b>2,752,174</b>	<b>2,522,001</b>
	-----	-----
<b>Total Liabilities and Net Assets</b>	<b>\$ 3,238,437</b>	<b>\$ 2,888,475</b>
	=====	=====

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**Federal Bar Association**  
**Statement of Activities**  
**For the Three Months Ending December 31, 2016**

	FY 2017 YTD	FY 2016 YTD	FY 2017 Budget	Percent of Budget
<b>Support and Revenue:</b>				
(1) National dues	\$ 484,837	\$ 501,602	\$ 2,156,405	22%
(2) Sustaining dues	170,563	185,375	790,660	22%
(3) Section/division dues	46,575	56,371	180,000	26%
(4) Conferences	150,555	181,920	1,240,000	12%
(5) Co-sponsored conferences	-	-	50,000	0%
(6) Sections/divisions activities	25,490	25,054	80,000	32%
(7) Administrative and other revenues (Schedule I)	134,215	119,109	293,500	46%
In-Kind Contribution Revenues	97,519	82,027	328,108	30%
<b>Total support and revenue</b>	<b>1,109,754</b>	<b>1,151,458</b>	<b>5,118,673</b>	<b>22%</b>
Expenses:				
(8) Activity expenses (Schedule II)	461,706	349,167	2,688,707	17%
(9) General and overhead expenses (Schedule III)	527,550	547,434	2,384,608	22%
<b>Total expenses</b>	<b>989,256</b>	<b>896,601</b>	<b>5,073,315</b>	<b>19%</b>
Change in net assets before other Income (Expense)	120,498	254,857		
<b>Other Income (Expense)</b>				
Unrealized Gain/(Loss) on Investments	( 15,731 )	17,396		
Realized Gain/ (Loss) on Investments	-	( 216 )		
<b>Total Other Income (Expense)</b>	<b>( 15,731 )</b>	<b>17,180</b>		
Change in Net Assets	104,767	272,037		
Net Assets, beginning of year	2,647,407	2,249,964		
Current Net Assets	<u>\$ 2,752,174</u>	<u>\$ 2,522,001</u>		

**Federal Bar Association**  
**SCHEDULE OF ADMINISTRATIVE AND OTHER REVENUES**  
**Schedule I**  
**For the Three Months Ending December 31, 2016**

	FY 2017 YTD	FY 2016 YTD	FY 2017 Budget	Percent of Budget
<b>Schedule of Revenues</b>				
(7.02) Administrative Fees (FFBA)	\$ 7,125	\$ 5,875	\$ 28,500	25%
(7.03) Administrative Fees (Sections&Divisions)	85,936	55,188	86,000	100%
(7.04) Interest/Dividend Income	15,479	23,883	-	
(7.05) FBA Need an Attorney	3,775	3,550	19,000	20%
(7.06) The Federal Lawyer & Publications	1,089	6,593	34,000	3%
(7.07) Royalty Income	3,041	916	4,000	76%
(7.09) Job Board	1,345	1,028	3,000	45%
(7.10) Webinars	15,057	14,895	105,000	14%
(7.11) List Sales	192	1,484	6,000	3%
(7.12) Miscellaneous Income	1,176	5,697	8,000	15%
<b>Total Administrative and Other Revenues</b>	<b>\$ 134,215</b>	<b>\$ 119,109</b>	<b>\$ 293,500</b>	<b>46%</b>

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**Federal Bar Association**  
**SCHEDULE OF ACTIVITY EXPENSES**  
**Schedule II**  
**For the Three Months Ending December 31, 2016**

	FY 2016 YTD	FY 2015 YTD	FY 2016 Budget	Percent of Budget
<b>Schedule of Activity Expenses</b>				
<b>Activity Expenses</b>				
(8.01) President & BOD	\$ 12,120	\$ 2,870	\$ 145,000	8%
(8.02) National Council	-	-	8,000	0%
(8.03) Circuit Vice Presidents	127	85	50,000	0%
(8.04) NC Appointees	-	-	15,000	0%
(8.05) Past Presidents	-	-	10,000	0%
(8.06) Gov. Committees & Board	-	-	500	0%
(8.07) National Elections	-	-	22,000	0%
(8.08) Government Relations	17,511	24,691	80,000	22%
(8.09) Chapter Delegate	243	395	57,000	0%
(8.10) Chapter Leadership Training	-	-	75,000	0%
(8.11) Chapter Activity Fund	2,200	(1,000)	20,000	11%
(8.12) Chapter Rebates	125,180	127,055	545,207	23%
(8.13) Chapter Services	1,713	1,528	14,000	12%
(8.14) Membership Services	17,775	13,023	80,000	22%
(8.15) Membership Programs	2,632	360	19,000	14%
(8.16) The Federal Lawyer & Publications	54,479	14,075	275,000	20%
(8.17) FBA Conferences	60,038	51,356	895,000	7%
(8.18) Membership Marketing	8,494	1,920	25,000	34%
(8.19) Meetings Marketing	4,740	5,620	20,000	24%
(8.20) Webinar CLE Fees	1,965	1,923	20,000	10%
<b>Subtotal Activity Expenses</b>	<b>309,217</b>	<b>243,901</b>	<b>2,375,707</b>	<b>13%</b>
(8.21) Section and Divisions	149,214	104,320	260,000	57%
(8.22) FBA Funded Divisions	3,248	933	45,000	7%
(8.23) Section Council	27	13	3,000	1%
(8.24) Section Activity Fund	-	-	5,000	0%
<b>Subtotal Section &amp; Division Activity Expense</b>	<b>152,489</b>	<b>105,266</b>	<b>313,000</b>	<b>49%</b>
<b>Total Activity Expenses</b>	<b>\$ 461,706</b>	<b>\$ 349,167</b>	<b>\$ 2,688,707</b>	<b>17%</b>

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**Federal Bar Association**  
**SCHEDULE OF ADMINISTRATIVE EXPENSES**  
**Schedule III**  
**For the Three Months Ending December 31, 2016**

	FY 2016 YTD	FY 2015 YTD	FY 2016 Budget	Percent of Budget
<b>Schedule of Administrative Expenses</b>				
<b>Administrative Expenses</b>				
(9.01) Salaries	\$ 250,167	\$ 287,767	\$ 1,185,000	21%
(9.02) Payroll taxes	18,464	17,829	95,000	19%
(9.03) Employee Insurance	19,495	19,305	90,000	22%
(9.04) Employee Retirement	9,693	9,319	52,000	19%
(9.05) Employee Training	649	-	10,000	6%
(9.06) Management Travel	72	1,210	6,000	1%
(9.07) Outsourced Services	41,955	36,513	185,000	23%
(9.08) Dues and subscriptions	1,462	525	5,000	29%
(9.09) Leased Equipment	5,604	3,014	25,000	22%
(9.10) Repairs and maintenance	165	415	2,000	8%
(9.11) Rent	112,519	97,027	388,108	29%
(9.12) Insurance	4,575	4,583	18,000	25%
(9.13) Personal property taxes	616	710	5,000	12%
(9.14) Professional fees	6,200	6,200	15,500	40%
(9.15) Supplies	2,044	-	12,000	17%
(9.16) Computer/Internet Services	14,433	16,450	130,000	11%
(9.17) Telephone	5,874	6,178	26,000	23%
(9.18) Postage	-	-	4,000	0%
(9.19) Depreciation-Furniture & Fixtures	1,495	1,495	6,000	25%
(9.20) Depreciation-Computer Equipment	16,183	12,963	65,000	25%
(9.21) Other Office Expense	14,739	9,389	50,000	29%
(9.22) Miscellaneous Expense	1,146	16,542	10,000	11%
<b>Total Administrative Expenses</b>	<b>\$ 527,550</b>	<b>\$ 547,434</b>	<b>\$ 2,384,608</b>	<b>22%</b>



**Federal Bar Association**  
**Statement of Activities**  
**For the Three Months Ending December 31, 2016**

	FBA FY 2017 YTD	S&D FY 2017 YTD	Combine FY 2017 YTD
<b>Support and Revenue:</b>			
(1) National dues	\$ 484,837	\$ -	\$ 484,837
(2) Sustaining dues	170,563		170,563
(3) Section/division dues		46,575	46,575
(4) Conferences	150,555		150,555
(5) Co-sponsored conferences	-		-
(6) Sections/divisions activities	12,600	12,890	25,490
(7) Administrative and other revenues (Schedule I)	134,215		134,215
In-Kind Contribution Revenues	97,519		97,519
<b>Total support and revenue</b>	<b>1,050,289</b>	<b>59,465</b>	<b>1,109,754</b>
Expenses:			
(8) Activity expenses (Schedule II)	312,492	149,214	461,706
(9) General and overhead expenses (Schedule III)	527,550		527,550
<b>Total expenses</b>	<b>840,042</b>	<b>149,214</b>	<b>989,256</b>
Change in net assets before other Income (Expense)	210,247	( 89,749 )	120,498
<b>Other Income (Expense)</b>			
Unrealized Gain/(Loss) on Investments	( 15,731 )		( 15,731 )
Realized Gain/ (Loss) on Investments	-		-
<b>Total Other Income (Expense)</b>	<b>( 15,731 )</b>		<b>( 15,731 )</b>
Change in Net Assets	194,516	( 89,749 )	104,767
Net Assets, beginning of year			2,647,407
Current Net Assets			\$ 2,752,174

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**Federal Bar Association**  
**Statement of Activities**  
**For the Three Months Ending December 31, 2015**

	FBA FY 2016 YTD	S&D FY 2016 YTD	Combine FY 2016 YTD
<b>Support and Revenue:</b>			
(1) National dues	\$ 501,602		\$ 501,602
(2) Sustaining dues	185,375		185,375
(3) Section/division dues		56,371	56,371
(4) Conferences	181,920		181,920
(5) Co-sponsored conferences	-		-
(6) Sections/divisions activities	17,100	7,954	25,054
(7) Administrative and other revenues (Schedule I)	119,109		119,109
<b>Total support and revenue</b>	<b>1,087,133</b>	<b>64,325</b>	<b>1,151,458</b>
 Expenses:			
(8) Activity expenses (Schedule II)	244,847	104,320	349,167
(9) General and overhead expenses (Schedule III)	547,434		547,434
<b>Total expenses</b>	<b>792,281</b>	<b>104,320</b>	<b>896,601</b>
Change in net assets before other Income (Expense)	294,852	( 39,995 )	254,857
 <b>Other Income (Expense)</b>			
Unrealized Gain/(Loss) on Investments	17,396		17,396
Realized Gain/ (Loss) on Investments	( 216 )		( 216 )
<b>Total Other Income (Expense)</b>	<b>17,180</b>		<b>17,180</b>
Change in Net Assets	312,032	( 39,995 )	272,037
Net Assets, beginning of year			2,249,964
Current Net Assets			\$ 2,522,001

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

# TAB D

Report from the President of the Foundation of the FBA



## The Foundation of the Federal Bar Association Midyear Report

### Chapter Community Outreach Grants

The Foundation Grants Committee has approved the following grants for 2017:

#### Cincinnati/Northern Kentucky Chapter – Half-day Court Camp

To sponsor half-day Court Camp for local students at the Federal Courthouse. The goal is to bring up to 100 students from 2-5 area high schools to the federal courthouse for a half-day “camp” that will include tours of facilities and the opportunity to meet with judges and representatives of the agencies housed in the courthouse. Both judges and schools in our area have expressed interest in courthouse field trips for students. The local chapter has made a major effort to form a Civics Liaison Committee (of private practitioners, government attorneys and local law students) to participate in National Community Outreach in April 2017 in this way, and otherwise to facilitate linkage between the courts and local schools.

#### Eastern District of Michigan Chapter – Law Day

The 2017 Law Day Event, hosted by the District Court, EDMI, Federal Bar Association, and the Wolverine Bar Association will focus on the role of federal courts and agencies protecting civil rights and civil liberties following up on last year's 50th anniversary of *Miranda v Arizona*. We received a grant last year to assist with transportation that resulted in a significant increase in participation by high school students whose teachers did not otherwise have funding for transportation. We were able to host students from four high schools, with one school sending two busloads of students. Those students participated in panel discussions lead by expert practitioners, judges and law enforcement personnel providing insight on the impact of the *Miranda* decision. Without the transportation assistance, those schools would not have been able to participate.

#### Eastern District of North Carolina – Federal Court Field Trip: A Real Life Civics Lesson at the EDNC

The EDNC Chapter of the FBA is planning a Federal Court Field Trip for middle and high school students who are taking a civics class and/or who are otherwise interested in the law. We chose this project to give young students an opportunity to experience the federal court system in

a positive way and hopefully to encourage some to pursue the practice of law. Grant funds will provide transportation for the students to the courthouse, and will provide lunch for students and volunteers, and to give students a small gift/token to remind them of the lessons they learned from the court. We plan to reach out to the chapter membership and encourage practicing attorneys to volunteer to accompany the students while they are in the court as well as speak to the students about their own path into the law. Our event is tentatively scheduled for mid-April of 2017.

#### Nevada Chapter – National High School Mock Trial Competition

The Nevada Chapter received funding to support the 2018 National High School Mock Trial Competition, hosted in Reno, Nevada May 17-19, 2018. This partnership with the State Bar of Nevada and the Nevada Bar Foundation, will bring more than 1,500 high school students, coaches, families, and judges from across the country to compete at the highest level. The event also brings a unique opportunity to the Nevada Chapter to join local and statewide bar associations and members of the judiciary to support law related education in the state and nationally.

#### Orlando Chapter – Schoolhouse to Courthouse

The Orlando Chapter received funding to facilitate its participation in the Federal Bar Association's Civics Outreach project in April 2017. The Orlando Chapter participated in April 2016 and our program was well-received by the students and the Court, and we look forward to providing the same opportunity to local high school students in the upcoming year. The funding will assist the Orlando Chapter with covering the cost of the necessary task of busing the students to the courthouse, as well as providing lunch for the students as part of the program.

#### Hawai'i Chapter – Civil Pro Bono Panel

The FBA, Hawai'i Chapter, is implementing a new Civil Pro Bono Panel Program to provide legal services in civil cases to the poor and to increase access to justice. Hawai'i has the sixth-highest poverty rate in the nation. A new court order allows attorneys to provide unbundled legal services when representing pro se litigants in the program. The Hawai'i FBA is soliciting lawyers to represent pro se litigants and creating a panel of volunteer experienced mentors, including on neighbor islands. Grant funds will be used for training, publicity and recruitment and subsidizing panel participation costs.

#### Hon. Raymond L. Acosta Puerto Rico Chapter – Veterans Outreach CLE

The Puerto Rico Chapter and the Veterans and Military Law Section will hold a full day CLE on veteran issues to train lawyers and nonlawyers who assist veterans. Puerto Rico has a large veteran population with diverse needs. The Veterans and Military Law Section will bring experts

from the mainland to assist the Puerto Rico Chapter and Puerto Rico lawyers who help the veterans' community. The Puerto Rico Chapter and the Section will also reach out to Puerto Rico law schools to encourage and promote the establishment of legal services for veterans at the law schools' legal aid clinics.

### **National Community Outreach Project**

Building upon the enormously positive response to the inaugural National Community Outreach Project in 2016, the Foundation has provided funding for these 2017 Participants:

Eastern District of New York Chapter

Minnesota Chapter

Chattanooga Chapter

Eastern District of Pennsylvania Chapter

Knoxville Chapter

DC Chapter and Pentagon Chapter

Inland Empire Chapter

Massachusetts Chapter

Northern District of Indiana Chapter

San Antonio Chapter

Montana Chapter

Intellectual Property Law Section

Younger Lawyers Division

Law Student Division

Western District of Pennsylvania Chapter

LGBT Law Section

Phoenix Chapter

Eastern District of North Carolina Chapter

Chicago Chapter

Oklahoma City Chapter

Palm Beach Chapter

Utah Chapter

Middle District of Pennsylvania Chapter

South Carolina Chapter

Tampa Bay Chapter

San Diego Chapter

Tax Law Section

Central District of Illinois Chapter

### **Robert A. McNew Law Scholarship**

The Foundation of the Federal Bar Association is pleased to announce the recipient of the 2017 Robert A. McNew Law Student Scholarship: Ms. Valerie Brummel of Northwestern University Pritzker School of Law.

Valerie's undergraduate and law school paths have consistently pointed her towards federal practice. As a college student, one of her greatest joys was volunteering with the Head Start program in Ann Arbor. She spent two years as a Volunteer Coordinator and a volunteer, working with children from low-income families, autistic children, and children with cochlear implants. Valerie observed the impact of federally funded preschool on these young lives.

Valerie spent two summers working for United States Congressmen: the first summer she worked in Washington, DC, for Carl Levin, the Senator from Michigan. Working in the Capitol Building gave her an opportunity to see the federal government at work. She attended several Congressional hearings throughout the summer. The following summer, she worked in Dearborn, Michigan for John D. Dingell, the Representative from the 12th District in southeast Michigan. Here Valerie observed the federal government's ability to create change at a local level. She worked side by side with case workers to help constituents with issues regarding veteran's benefits, immigration, and disability law.

While applying to law school, Valerie visited several top law schools across the country, a process which reinforced her decision to pursue a legal career. She discovered that she loved the fast-paced style of learning, the importance of good writing, and the emphasis placed on logical

reasoning. Most importantly, she loved the promise of what a law degree could help her achieve in the future - the ability to influence law and policy to positively impact many people.

After her first year of law school, Valerie spent the summer as a judicial extern for Judge Robert M. Dow of the Northern District of Illinois. While there, she observed the judge conduct his calendar call and watched hearings and trial proceedings. She completed legal research memos and wrote opinions under the supervision of law clerks. The experience strengthened her legal research and writing skills and gave her the chance to see several stages of the litigation process first hand.

Valerie enjoyed the externship so much that she accepted a position as a law clerk for Judge Milton Shadur of the Northern District of Illinois.

### **Foundation Diversity Grant**

2017 marks the inaugural year of the Foundation Diversity Grant. The grant focuses on educational, community service, or outreach projects or programs with a diversity focus that involve FBA Chapter, Section, Division, or member participation.

### **Moot Court Sponsorship**

The Foundation continues its sponsorship of the Moot Court Competition for 2017.



**THE FOUNDATION OF THE FEDERAL BAR ASSOCIATION**  
**Statement of Financial Position**  
**September 30, 2016 and 2015**

	2016	2015
<b><u>ASSETS</u></b>		
<b>CURRENT ASSETS</b>		
Cash	\$ 60,454	\$ 17,814
Investments	855,959	878,171
Due from affiliates	9,476	4,767
Promises to give	24,149	39,065
Prepaid expense	700	700
TOTAL CURRENT ASSETS	950,738	940,516
<b>OTHER ASSETS</b>		
Promises to give, long-term net	53,214	43,021
TOTAL OTHER ASSETS	53,214	43,021
TOTAL ASSETS	\$ 1,003,952	\$ 983,537
<b><u>LIABILITIES</u></b>		
<b>CURRENT LIABILITIES</b>		
Accounts payable	\$ 1,168	\$ 3,208
Accrued Expenses	500	-
Deferred Revenue	-	
TOTAL CURRENT LIABILITIES	1,668	3,208
<b><u>NET ASSETS</u></b>		
<b>NET ASSETS</b>		
Unrestricted	789,624	759,088
Temporarily restricted	212,660	221,241
TOTAL NET ASSETS	1,002,284	980,329
TOTAL LIABILITIES AND NET ASSETS	\$ 1,003,952	\$ 983,537

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**THE FOUNDATION OF THE FEDERAL BAR ASSOCIATION**  
**Statements of Activities and Changes in Net Assets**  
**For the Twelve Months Ended September 30, 2016**

	FY2016 YTD	FY2015 YTD	FY2016 Budget	Percent of Budget
<b>Revenues:</b>				
<b>Grants and Contributions:</b>				
Fellows' Contributions	\$ 28,443	\$ 11,237	\$ 35,000	81%
Voluntary Contributions	56,256	58,346	70,000	80%
Other Grants and Contributions	64,850	18,550	45,000	144%
Silent Auction	2,650	3,424	10,000	27%
<b>Support and Revenue:</b>				
Fellows Dinner	8,265	7,830	8,000	103%
Interest Earned	35,289	41,417	30,000	118%
Miscellaneous Revenue	35	871	6,000	1%
<b>Total Revenue</b>	<b>195,788</b>	<b>141,675</b>	<b>204,000</b>	<b>96%</b>
<b>Expenses:</b>				
<b>Program</b>				
Grants and Awards	164,756	76,000	70,000	235%
Fellows Dinner	7,055	8,541	8,000	88%
Travel	4,767	2,660		
Program Expense	48	244	4,000	1%
Total Program	176,626	87,445	82,000	215%
<b>Management and Support</b>				
Administrative Fees	13,500	13,500	13,500	100%
Insurance	763	707	600	127%
Board Expense	1,382	713	7,500	18%
Office Expense	3,695	347	500	739%
Postage	1,218	774	800	152%
Professional Fees	20,798	8,994	22,000	95%
Miscellaneous Expense	6,921	7,595	7,000	99%
Total Management and Support	48,277	32,630	51,900	93%
<b>Total Expenses</b>	<b>224,902</b>	<b>120,075</b>	<b>133,900</b>	<b>168%</b>
Change in Net Assets before Other Income (Expense)	(29,115)	21,600	70,100	
<b>Other Income (Expense)</b>				
Unrealized Gain/(Loss) on Investments	41,678	(58,570)		
Realized Gain/ (Loss) on Investments / Sale of Asset	9,391	(7,598)		
<b>Total Other Income (Expense)</b>	<b>51,069</b>	<b>(66,168)</b>		
Change in Net Assets	21,955	(44,568)		
Net Assets, Beginning of Year	980,329	1,024,897		
<b>Net Assets</b>	<b>\$ 1,002,284</b>	<b>\$ 980,329</b>		

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**THE FOUNDATION OF THE FEDERAL BAR ASSOCIATION**  
**Schedule of Fund Activity**  
**For the Twelve Months Ended September 30, 2016**

	Unrestricted		Temporarily Restricted								Total	
	Operating Fund	Foundation Corpus	Fellow LT	Minnesota Donor Advised Fund	No. CA Donor Advised Fund	Michael Shaw Public Service Award Fund	Boots Fisher Memorial Fund	Judicial Research & Education Fund	Moot Court Competition Fund	John T. Stewart, Jr. Scholarship Fund		Byron Woodside Fund
<b>Support and Revenue:</b>												
Grants and Contributions:												
Voluntary Contributions	56,256	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 56,256
Fellows program		27,873	570	-	-	-	-	-	-	-	-	28,443
Fellows Dinner		8,265		-	-	-	-	-	-	-	-	8,265
Other Grants and Contributions	50			54,650	-	10,000	-	-	-	-	-	64,700
Silent Auction	2,650	-	-	-	-	-	-	-	-	-	-	2,650
Memoriams and Remembrances	150	-	-	-	-	-	-	-	-	-	-	150
Miscellaneous income	35	-	-	-	-	-	-	-	-	-	-	35
Unrealized Gain/(Loss) on Inv.	41,678	-	-	-	-	-	-	-	-	-	-	41,678
Realized Gain/ (Loss) on Inv.	9,391	-	-	-	-	-	-	-	-	-	-	9,391
Interest Income	10,333	18,048		291	189	109	857	4,292	774	131	265	35,289
<b>Total Support and Revenue</b>	<b>120,543</b>	<b>54,186</b>	<b>570</b>	<b>54,941</b>	<b>189</b>	<b>10,109</b>	<b>857</b>	<b>4,292</b>	<b>774</b>	<b>131</b>	<b>265</b>	<b>246,857</b>
<b>Expenses:</b>												
Fellows Dinner Expense	-	7,055		-	-	-	-	-	-	-	-	7,055
Travel		4,767		-	-	-	-	-	-	-	-	4,767
Program Expenses	-	48		-	-	-	-	-	-	-	-	48
Board Meeting Expense	1,382			-	-	-	-	-	-	-	-	1,382
Grants	94,106	-		54,650	-	10,000	1,000	-	5,000	-	-	164,756
Administrative Costs	13,500	-		-	-	-	-	-	-	-	-	13,500
Insurance	763	-		-	-	-	-	-	-	-	-	763
Postage and Mailing Expense	1,218	-		-	-	-	-	-	-	-	-	1,218
Professional Fees	10,739	-		-	-	-	-	-	-	-	10,059	20,798
Supplies	3,695	-		-	-	-	-	-	-	-	-	3,695
Miscellaneous Expense	6,921	-		-	-	-	-	-	-	-	-	6,921
<b>Total Expenses</b>	<b>132,323</b>	<b>11,870</b>	<b>-</b>	<b>54,650</b>	<b>-</b>	<b>10,000</b>	<b>1,000</b>	<b>-</b>	<b>5,000</b>	<b>-</b>	<b>10,059</b>	<b>224,902</b>
Change in Net Assets	(11,781)	42,316	570	291	189	109	(143)	4,292	(4,226)	131	(9,794)	21,955
Net Assets, Beginning of Year	257,709	501,379	26,888	8,087	5,247	3,039	23,807	119,245	21,489	3,645	9,794	980,329
Net Assets, End of Period	<u>\$ 245,928</u>	<u>\$ 543,695</u>	<u>\$ 27,458</u>	<u>\$ 8,378</u>	<u>\$ 5,436</u>	<u>\$ 3,148</u>	<u>\$ 23,664</u>	<u>\$ 123,537</u>	<u>\$ 17,263</u>	<u>\$ 3,776</u>	<u>\$ -</u>	<u>\$ 1,002,284</u>

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**THE FOUNDATION OF THE FEDERAL BAR ASSOCIATION**  
**Statement of Financial Position**  
**December 31, 2016 and 2015**

	2017	2016
<b><u>ASSETS</u></b>		
CURRENT ASSETS		
Cash	\$ 67,527	\$ 40,412
Investments	852,160	883,235
Due from affiliates	60,515	3,035
Promises to give	20,269	35,304
Prepaid expense	509	509
TOTAL CURRENT ASSETS	1,000,980	962,495
OTHER ASSETS		
Promises to give, long-term net	53,214	42,421
TOTAL OTHER ASSETS	53,214	42,421
TOTAL ASSETS	\$ 1,054,194	\$ 1,004,916
<b><u>LIABILITIES</u></b>		
CURRENT LIABILITIES		
Accounts payable	\$ 203	\$ 203
Accrued Expenses	-	-
TOTAL CURRENT LIABILITIES	203	203
<b><u>NET ASSETS</u></b>		
NET ASSETS		
Unrestricted	789,736	783,472
Temporarily restricted	264,255	221,241
TOTAL NET ASSETS	1,053,991	1,004,713
TOTAL LIABILITIES AND NET ASSETS	\$ 1,054,194	\$ 1,004,916

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**THE FOUNDATION OF THE FEDERAL BAR ASSOCIATION**  
**Statements of Activities and Changes in Net Assets**  
**For the Three Months Ended December 31, 2016**

	FY2017 YTD	FY2016 YTD	FY2017 Budget	Percent of Budget
<b>Revenues:</b>				
<b>Grants and Contributions:</b>				
Fellows' Contributions	\$ 1,200	\$ 3,300	\$ 20,000	6%
Voluntary Contributions	15,870	15,571	65,000	24%
Other Grants and Contributions	55,754	54,700	70,000	80%
Silent Auction	600	-	3,400	18%
<b>Support and Revenue:</b>				
Fellows Dinner	-	(290)	8,500	0%
Interest Earned	9,641	23,345	32,000	30%
Miscellaneous Revenue	-	-	1,000	0%
<b>Total Revenue</b>	<b>83,065</b>	<b>96,625</b>	<b>199,900</b>	<b>42%</b>
<b>Expenses:</b>				
<b>Program</b>				
Grants and Awards	7,440	64,650	120,000	6%
Fellows Dinner	-	-	8,000	0%
Travel	-	-	3,300	0%
Program Expense	877	48	1,000	88%
Total Program	8,317	64,698	132,300	6%
<b>Management and Support</b>				
Administrative Fees	3,375	3,375	13,500	25%
Insurance	191	191	600	32%
Board Expense	-	-	1,000	0%
Office Expense	352	1,296	4,000	9%
Postage	335	417	1,200	28%
Professional Fees	6,424	5,075	22,000	29%
Miscellaneous Expense	1,145	1,159	5,000	23%
Total Management and Support	11,822	11,512	47,300	25%
<b>Total Expenses</b>	<b>20,139</b>	<b>76,210</b>	<b>179,600</b>	<b>11%</b>
Change in Net Assets before Other Income (Expense)	62,926	20,415	20,300	
<b>Other Income (Expense)</b>				
Unrealized Gain/(Loss) on Investments	(11,218)	9,520		
Realized Gain/ (Loss) on Investments / Sale of Asset	-	(5,551)		
<b>Total Other Income (Expense)</b>	<b>(11,218)</b>	<b>3,969</b>		
Change in Net Assets	51,707	24,384		
Net Assets, Beginning of Year	1,002,284	980,329		
<b>Net Assets</b>	<b>\$ 1,053,991</b>	<b>\$ 1,004,713</b>		

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

**THE FOUNDATION OF THE FEDERAL BAR ASSOCIATION**  
**Schedule of Fund Activity**  
**For the Three Months Ended December 31, 2016**

	Unrestricted		Temporarily Restricted							Total	
	Operating Fund	Foundation Corpus	Fellow LT	Minnesota Donor Advised Fund	No. CA Donor Advised Fund	Michael Shaw Public Service Award Fund	Boots Fisher Memorial Fund	Judicial Research & Education Fund	Moot Court Competition Fund		John T. Stewart, Jr. Scholarship Fund
<b>Support and Revenue:</b>											
Grants and Contributions:											
Voluntary Contributions	15,870	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 15,870
Fellows program		1,200									1,200
Fellows Dinner		-									-
Other Grants and Contributions	500			55,254							55,754
Silent Auction	600										600
Memoriams and Remembrances	-										-
Miscellaneous income	-										-
Unrealized Gain/(Loss) on Inv.	(11,218)										(11,218)
Realized Gain/ (Loss) on Inv.	-										-
Interest Income	2,630	5,230		81	52	30	228	1,188	166	36	9,641
<b>Total Support and Revenue</b>	<b>8,382</b>	<b>6,430</b>	<b>-</b>	<b>55,335</b>	<b>52</b>	<b>30</b>	<b>228</b>	<b>1,188</b>	<b>166</b>	<b>36</b>	<b>71,847</b>
<b>Expenses:</b>											
Fellows Dinner Expense	-	-									-
Travel		-									-
Program Expenses	-	877									877
Board Meeting Expense	-										-
Grants	2,000				5,440						7,440
Administrative Costs	3,375										3,375
Insurance	191										191
Postage and Mailing Expense	335										335
Professional Fees	6,424										6,424
Supplies	352										352
Miscellaneous Expense	1,145										1,145
<b>Total Expenses</b>	<b>13,822</b>	<b>877</b>	<b>-</b>	<b>-</b>	<b>5,440</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>20,139</b>
Change in Net Assets	(5,440)	5,553	-	55,335	(5,388)	30	228	1,188	166	36	51,707
Net Assets, Beginning of Year	245,928	543,695	27,458	8,378	5,436	3,148	23,664	123,537	17,263	3,776	1,002,283
Net Assets, End of Period	\$ 240,488	\$ 549,248	\$ 27,458	\$ 63,713	\$ 48	\$ 3,178	\$ 23,892	\$ 124,725	\$ 17,429	\$ 3,812	\$ 1,053,991

These financial statements were prepared by Tate Tryon, CPAs. The statements were not subject to an audit, or other assurance services. Management has elected to omit the statement of cash flows and substantially all required disclosures.

# TAB E

Report from the Chair of the Government Relations  
Committee



# Federal Bar Association

February 13, 2017

TO: National Council

FROM: West Allen, Chair, Government Relations Committee  
Bruce Moyer, Counsel for Government Relations

SUBJ: Update on Government Relations and Public Policy Developments

The first three weeks of the Trump Administration have been bold and turbulent, giving birth to many of the actions that candidate Trump promised during his campaign, with 20 executive orders in ten days. One of them, imposing a temporary travel ban on the flow of immigrants and refugees into the United States, precipitated the first major legal challenges to the new Administration. The President nominated Circuit Judge Neil Gorsuch to become associate justice to the United States Supreme Court, and Sen. Jeffrey Sessions was confirmed by the Senate as Attorney General. Judicial vacancies on the federal bench remained at high levels.

## **The Gorsuch Nomination**

President Trump on January 31 nominated [Judge Neil M. Gorsuch](#) of the Denver-based Tenth Circuit Court of Appeals to the United States Supreme Court, succeeding the late Justice Antonin Scalia. Now it is up to the Senate again to give its [“Advice and Consent.”](#) and Senate Judiciary Committee Chairman Chuck Grassley (R-IA) has indicated he will convene hearings on the nomination by mid-March, in line with the timeline since the 1980’s for Supreme Court nomination hearings. Since 1900, the Senate has given hearings to every Supreme Court nominee except for two who withdrew and Judge Merrick Garland.

The Senate unanimously approved Judge Gorsuch’s nomination to the Tenth Circuit in 2007, but a contentious path to confirmation yet remains. Democratic opposition, compounded by frustration over Republican obstruction over the Garland nomination last year, will more likely delay confirmation than defeat it. If confirmed, the 49-year old appeals court judge would be the first conservative addition to the Supreme Court in a decade and the youngest justice since Clarence Thomas. Judge Gorsuch also would be the first former law clerk to serve on the bench alongside his or her old boss, Justice Anthony Kennedy.

Whether Senate Republicans invoke the so-called nuclear option and remove the 60-vote requirement on ending filibusters on Supreme Court nominations is unclear. Democrats ended the requirement on district and circuit nominations in November 2013 when they controlled the



Senate. President Donald Trump on February 1 said Senate Republicans should "go for it" and invoke the nuclear option.

### **The Sessions Confirmation**

In other action, the Senate Judiciary Committee on February 8 confirmed the nomination of Sen. Jeff Sessions (R-AL) as Attorney General, 52-47, almost entirely along party lines. Observers attributed the vote to a reflection of Sessions' long conservative voting record and the hyper-partisanship of contemporary politics. A recent Pew Research Center [poll](#) showed that 86 percent of people describe the country as more politically divided today than in the past, while 61 percent anticipate bickering between the two political parties to increase in the year ahead.

### **Circuit and District Judicial Vacancies**

As of February 13, in addition to an open Supreme Court seat, 117 Article III judicial vacancies await nomination by the President, including 18 seats on the federal courts of appeals and 91 federal district court seats. That is more than twice as many vacancies that existed when President Obama took office in 2009, providing considerable opportunity to the new Administration to populate and reshape the federal bench.

The Federal Judiciary [website](#) reported the following Article III vacancies as of February 13, 2017:

	<b>Current Vacancies</b>	<b>Nominees Pending</b>
Supreme Court	1	1
Courts of Appeal	18	0
District Courts	91	0
US Ct of International Trade	2	0
US Ct of Federal Claims	<u>6</u>	<u>0</u>
Total	118	1

Forty-four of the vacancies are considered "judicial emergencies" by the Judicial Conference, the policy-making body of the Federal Judiciary.

### **Bankruptcy Filings**

The Federal Judiciary [reported](#) on January 25, 2017 that filings in federal bankruptcy courts during 2016 declined by 5.9 percent. The number of filings – 794,960 cases – represented the lowest number of filings for any calendar year since 2006, and the sixth consecutive calendar year that filings have fallen. Observers predict that a decline in bankruptcy filings over the next 12-24 months will continue, but at a slower pace, followed by a rise in filings as interest rates continue to creep up.

## **Recently-Introduced Judgeships Legislation**

The Federal Bar Association supports the authorization and establishment of additional permanent and temporary federal judgeships, including bankruptcy judgeships, along with support personnel, as proposed by the Judicial Conference of the United States, when rising caseloads in the federal courts threaten the prompt delivery of justice.

The Judicial Conference is expected next month to transmit its biennial recommendations to Congress for the establishment of additional federal judgeships in alignment with current caseload demands. On April 20 during FBA Capitol Hill Day, FBA leaders and members will educate Congress about how overwhelming caseloads threaten the ability of the Third Branch to effectively administer justice.

In the meantime, several bills have been introduced in the 115<sup>th</sup> Congress to establish additional district judgeships, realign the Ninth Circuit Court of Appeals, and convert or add additional bankruptcy judgeships. They include:

### **H.R. 136 - Bankruptcy Judgeship Act of 2017**

Introduced by Rep. John Conyers (D-MI) on January 3, 2017.

Referred to House Subcommittee on Regulatory Reform, Commercial and Antitrust Law.

### **H.R. 196 - Ninth Circuit Court of Appeals Judgeship and Reorganization Act of 2017**

Introduced by Rep. Michael Simpson (R-ID) on January 3, 2017.

Referred to the House Subcommittee on Courts, Intellectual Property, and the Internet.

### **H.R. 250 - Judicial Administration and Improvement Act**

Introduced by Rep. Andy Biggs (R-AZ) on January 4, 2017.

Referred to the House Subcommittee on Courts, Intellectual Property, and the Internet.

### **S. 209, H.R. 197 and H.R. 503 – Idaho Judgeship Legislation**

H.R. 197 was introduced by Rep. Michael Simpson (R-ID) on January 3, 2017 and referred to the Senate Judiciary Committee.

H.R. 503 was introduced by Rep. Raul Labrador (R-ID) on January 12, 2017 and referred to the House Subcommittee on Courts, Intellectual Property, and the Internet.

S. 209 was introduced by Sen. Mike Crapo (R-ID) on January 23, 2017 and referred to the Senate Judiciary Committee.

## **Call for Nominations to the 2018 FBA Issues Agenda**

**The deadline for nominations to the FBA FY 2018 Issues Agenda has been extended to March 31, 2017.**

The Federal Bar Association Issues Agenda provides the road map for FBA's government relations advocacy to Congress and the Executive Branch. It is the prioritized list of policy

issues to which the FBA will devote time and resources to advance federal jurisprudence and improve our federal legal system. Through the Issues Agenda, FBA members and components have a voice in the future of FBA's advocacy.

Issue Agenda nominations should be related to the FBA's primary mission and focus on its principal areas of concern: (1) the federal administration of justice, (2) federal jurisprudence, and (3) federal legal policy.

New issues may be nominated by any FBA member, chapter, section or division. The current 2017 Issues Agenda is [here](#). To submit a nomination for the Issues Agenda, please complete [this form](#). Again, nominations will be accepted up to and through the new deadline of March 31.

### **Future Government Relations Events**

#### **FBA Mid-Year Meeting – Saturday, March 18, Capital Hilton Hotel, Washington, D.C.**

The Government Relations Committee, with the assistance of the Foundation of the Federal Bar Association, will sponsor a timely panel discussion, 'Protecting the Homeland and Honoring Civil Liberties: How Can the Constitution Guide Us?' The panel will explore the delicate balance between national security and Constitutional rights amid the war against Islamic radicalism, featuring government and legal experts.

Jeffrey Rosen, professor of law at George Washington University Law School and CEO/President of the National Constitution Center, will deliver the luncheon keynote address.

#### **FBA Capitol Hill Day – Thursday, April 20, 2017**

Plan to participate in this acclaimed annual event as FBA leaders and members from across the country meet with House and Senate offices to discuss important legislative issues that impact the administration of justice and the federal courts. During meetings on Capitol Hill, FBA participants will discuss issues critical to the Third Branch, including: adequate funding for the federal courts, filling judicial vacancies promptly, and sufficient judgeships to render justice.

Visit <http://www.fedbar.org/CapitolHill17> for additional information and to register online.