



Side BAR

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OPENING STATEMENTS

Message from the Chair

Alan Blakley

As usual, this has been a very busy and productive year for the Federal Litigation Section. With Michelle Hamilton's able assistance, we have not only been able to publish this newsletter regularly with items of interest, but we have been able to be involved in a variety of projects to help advance the interests of the section as well as bring the Federal Litigation Section and the Federal Bar Association to greater prominence within the legal community. We have also been working with other FBA members to raise awareness of litigation related matters and to serve the entire FBA.

The Sedona Conference Working Group on Protective Orders, Confidentiality, and Public Access, continues to make progress. In April, this Working Group, of which I am the chair and the Federal Litigation Section is a sponsor, gathered 30 prominent practitioners and scholars from around the country to discuss the interface between privacy and public access. Brent McKnight, chief judge of the U.S. District Courts in the Western District of North Carolina; Ron Hedges, U.S. magistrate judge, District of New Jersey; and Marina Corodemos, state court judge from New Jersey who oversees all multi-district litigation in New Jersey, comprise the judicial component. Peter Harvey, attorney general of the State of New Jersey; Virginia Evans, assistant U.S. attorney for the District of Maryland; Ken Withers from the Federal Judicial Center; and Bob Deyling from the Administrative Office of the U.S. Courts, represented public employees and their interests. Lucy Dalglish, executive director of Reporters' Committee for Freedom of the Press; John

Donallen, the Hearst Corporation; Scott Nelson, Public Citizen; James E. Rooks, Jr., Center for Constitutional Litigation; and Nathan Siegel of ABC, Inc., represented the interests of the press. Corporate America and private litigators were represented by partners from such firms as Bingham McCutchen, LLP; Alston & Bird, LLP; Lockridge Grindal Nauen, PLLP; Mayer Brown Rowe & Maw, LLP; Davis Wright Tremaine, LLP; Honigman Miller Schwartz & Cohn, LLP; Faegre & Benson; Carrington Coleman; Phelps Dunbar, LLP; Robinson & Cole, LLP; Dorcey & Whitney, LLP; Levine Sullivan Koch & Schulz; Robins Kaplan Miller & Ciresi, LLP; Graham & Dunn, P.C.; Arnold & Quarter & Spriggs & Hollingsworth; David Isom of Salt Lake City and I represented small law firms.

The Working Group has divided into eight segments to prepare a draft report that should be available for circulation in August. It is intended to provide guidance to courts and practitioners on dealing with questions of privacy and public access to information disclosed in litigation. We hope it will have the same sort of impact that the Sedona Principles concerning electronic discovery that was edited by FBA member Jonathan M. Redgrave has had.

As you probably do not know, I am on the editorial board of *The Federal Lawyer* magazine. That has given the section the opportunity to get involved in two very exciting projects. First, the editorial board has asked the Litigation Section to undertake writing a monthly column in *The Federal Lawyer* concerning litigation topics or the rules of procedure. We are currently soliciting people who would be willing to accept such an assignment. Prior to beginning we would like to have one year's worth of assignments made so that we are certain we will have the material necessary. Being published is a great boon to your career. I would encourage each of you to consider contacting me either by phone, 406-829-3305, or by e-mail, alan@blakley.net, to volunteer to be placed in the queue.

You may be aware that some of the federal rules will be up for change in the near future. The Rules Committee plans to announce the rules changes in August. Primarily, the major changes will be with respect to electronic discovery and sanctions for spoliation of electronic information, civil forfeiture, electronic filing and access to filed documents. In conjunction with *The Federal Lawyer*, the Federal Litigation Section is pro-

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ducing an entire issue of *The Federal Lawyer* dedicated to explaining the proposed changes and explaining how people can go about commenting on those changes. This is the issue that will be distributed at the convention. It is very important that we comment on rules either individually or as a section. Please provide comments to the Rules Committee so that these rules can best reflect our needs as federal litigators.

Finally, it is time for someone else to be chair of the Federal Litigation Section. As you will note from elsewhere in *Sidebar*, nominations for several positions are being solicited. While it is a lot of work to be an officer in the Litigation Section, it is also a great deal of fun to work with the various individuals from around the country. I have enjoyed it a great deal and have offered to the Nominations Committee that they may tell the new chair that I will be happy to help out in any way I can.

Thank you for your support of the Litigation Section as we continue to grow and have an impact nationally on federal practice.

Message from the Editor

Michelle Hamilton

I thought I was having a very busy year working on cases of significant import, feeling at times large, at other times helpless. I'd have to concede however, that the Supreme Court of the United States has "taken the cake" so to speak in terms of grappling with and deciding weighty subjects and issues. On June 24th, it decided *Schriro v. Summerlin*, *Blakely v. Washington* and *Cheney v. United States District Court for the District of Columbia*.

In *Cheney*, Justice Kennedy, writing for the majority, held that the Court of Appeals erred in concluding that it lacked authority to issue mandamus. The government had sought such relief from a District Court ruling that petitioners, Vice-President Cheney and members of the National Energy Policy Development Group, bore the burden of asserting executive privilege in responding to discovery requests in the civil lawsuit brought by the Sierra Club and Judicial Watch Inc. The Supreme Court remanded the case back to the Court of Appeals to reconsider its denial of mandamus in light of what the Supreme Court termed as a mistaken reading of *United States v. Nixon*, 418 U.S. 683 (1974). It noted that *Nixon* was a criminal case, and the right to relevant evidence in civil proceedings doesn't have the same constitutional dimensions as the right to relevant evidence in criminal proceedings. In other words, the executive branch's right to immediate appeal of civil discovery orders which might interfere with executive privileges is more apparent than when liberty issues are involved.

In *Summerlin*, the Supreme Court issued a ruling affecting approximately 100 inmates on death row in 5 states, including Arizona, who had been sentenced to death by a judge rather than a jury. It ruled that its earlier decision in *Ring v. Arizona*, 536 U.S. 466 (2002) requiring a jury finding of aggravating

factors supporting a death sentence, would not be retroactive to cases which had concluded their direct review, and were on collateral review when *Ring* was decided. In reaching this conclusion, the Court held that *Ring* announced a new procedural rule, not a substantive rule. It also found that the new rule was not a "watershed rule" which implicates the "fundamental accuracy of the criminal proceeding." Thus, the State Attorney Generals in the states where these death penalty cases are pending collateral review will not have to begin the process of re-sentencing each defendant by a jury.

In *Blakely*, the Supreme Court considered a criminal case in which a judge had made factual findings (that defendant had acted with deliberate cruelty) to support a sentence above the maximum sentence which was permitted under the facts agreed to in the defendant's plea agreement. The sentence the judge imposed was nonetheless less than the statutory maximum for the crime of conviction. The Court applied its previous ruling in *Apprendi v. New Jersey*, 530 U.S. 466 (2000) holding that the Sixth Amendment requires that any fact, other than a prior conviction, which would increase the sentence beyond the maximum associated with the facts of conviction must be found beyond a reasonable doubt by a jury. This case has potential ramifications for the U.S. Sentencing Guidelines, which provide throughout numeric adjustments to offense levels, found by the sentencing judge, which affect the sentencing range. Perhaps the only answer to the many concerns the Court has about judicial findings of fact to support an increase in a sentence is to either do away with "ranges" of sentences, or have a jury, empaneled for trial or plea, sentence every felony offender. I don't suppose I'd be speculating that these are solutions of last resort.

On other fronts, it may be of some comfort to the reader to know that the U.S. Congress has made a specific finding in the recently enacted CAN-SPAM Act of 2003 that "(t)he convenience and efficiency of electronic mail are threatened by the extremely rapid growth in the volume of unsolicited commercial electronic mail." 15 U.S.C.A. §7701. This act provides for various penalties and enforcement for fraud and other deceptive practices. It also sets in motion a plan for a "Do-Not-E-Mail-Registry" similar to the Do-Not-Call list. The Federal Trade Commission proposal is due in Congress this month. Although the feasibility and effectiveness of such a list are still open to question, I for one, plan to be on it. . . doing my part to take a bite out of SPAM.

Last but not least, I encourage those of you in the litigation section who are interested in being a part of the "executive team" to have a friend nominate you to a leadership position. In this newsletter is an announcement of the nomination process and the deadline. Being a part of the section leadership gives you a chance to improve and chart the course for our section. If you'd prefer a more sporadic role, you are always free to write an article for this newsletter!

Quote of the day: "People with courage and character always seem sinister to the rest." Hermann Hesse (1877-1962)

FOOD FOR THOUGHT

Using The Internet To Find Experts- A Cost Effective Tool In Your Litigation Strategy

By Aaron R. Resnick, Esp. and Ashley Buist

Whether pontificating on the number of G forces it takes a rollercoaster to complete a clothoid loop or determining the precise amount of cc's of saline an implant can hold before leaking, attorneys indubitably need an expert witness for almost any subject imaginable. With the advent of the Internet, finding an expert has never been simpler. This is a good thing since the commonly shared notion by clients is that we, as lawyers, should know everything, or at least be able to find someone who has expertise in the various issues that we encounter daily. Choosing the right expert witness to analyze evidence, testify at trial, explain the other side's case or simply play advisor while treading through uncharted waters can make or break a litigator's case.

The key to finding the expert you need is research, research, and more research. With the evolution of the Internet, lawyers no longer have to waste time and pay exorbitant fees to consulting agencies in their quest for expert witnesses, and can instead rely on their own research to choose an expert. In fact, for anyone with a computer, a mouse, and an Internet provider, the most complete directories of expert witnesses are just a finger-“click” away. These directories are powerful research tools that distinguish the inexperienced talking heads from the veteran experts with legions of qualifications and experience tailored to your needs – all while working from the convenience of your PC. These Web sites are no longer just a white pages directory with the expert's specialty and contact information. Many of these sites provide everything you need to determine how qualified the expert is for your case, including links to the expert's Web page, CV, and detailed lists of accreditations and experience. Some of these sites even provide pictures of the expert and amazingly sound clips so you can hear the expert's voice and inflection.

One of the most comprehensive listings of expert witnesses is www.jurispro.com. JurisPro was formed by a group of practicing attorneys and allows users to conduct advanced searches by keywords, location, name or expertise. The experts' listings provide detailed information of areas of expertise, educational background, and professional experience. This site also allows users to view the expert's CV, read articles authored by the expert, and peruse experts' trial experience. The “background” icon provides a question & answer session with each expert regarding her accreditation, licenses, number of court appearances and depositions, if the witness has ever been fined, percentage of times retained for the plaintiff versus the defendant, billing rates and more.

The *National Law Journal* also maintains an expert Web site directory at www.nljexperts.com that is easy to use and extremely informative. The directory contains information on more than 15,000 experts and expert witnesses and allows users to

search by using keywords or browse the site's 2300 categories of expertise. This site also offers hyperlinks to allow users to view resumes online, send an email to the expert or visit the expert's Web site.

Another useful site is <http://expertpages.com>. ExpertPages has a very specific listing of categories and subcategories for users to browse to pinpoint the specialty they need. Unfortunately, ExpertPages lacks a search engine. The site makes up for its lack of a search engine, however, with its expert witness request service, a free service where ExpertPages will match an expert to your case's special needs. ExpertPages also offers a database of articles and information for attorneys on anything and everything one needs to know before hiring and using an expert witness.

In addition to providing much of the same information as other Web sites, www.experts.com has unique features that distinguish it from other expert witness directories online. This Web site allows users to conduct very detailed keyword searches by qualifying the keywords with functions such as “contains”, “sounds like,” or “is exactly.” This feature is useful if you are looking for an exact name or company but do not have all the correct information. On www.experts.com a user can also create an inquiry that will email the experts the user deems qualified and track any responses or actions relating to the inquiry.

Other reliable and easy-to-use expert witness directories online include:

- www.hg.org/index.html
- <http://nationalexperts.com>
- www.theexpertwitness.com
- www.expertlaw.com/experts
- www.witness.net
- www.expertprosearch.com
- http://marketcenter.findlaw.com/experts_consultants.html
- www.exify.com

These sites offer many of the same features and services as the ones already discussed and should be considered as online resources when looking for an expert.

Alternatively, if you are lacking time, patience or Internet savvy, there are numerous online consulting agencies that will do much of the research legwork for you for a fee. One of the most established and well known of these is www.tasanet.com. TASA has served as a consulting company to locate experts for lawyers since 1963 and does not charge users a fee unless they decide to hire the referred expert. A similar fee-based Web site for medical issues is www.amfs.com, which was created by the American Medical Forensic Specialists. The AMFS Web site employs in-house physicians who will identify the precise medical issues in your case and then effectively interview prospective experts from its database of more than 2000 medical specialists to determine who is most qualified to be your medical expert.

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NEWS IN BRIEF

The ALWD Citation Manual; A Practice-Driven Improvement

by **Kirsten K. Davis & Tamara Herrera**

Andrew Associate enters Pete Partner's office. Pete is surrounded by mounds of memos to be read and letters to be signed; there is not a clear space on his desk.

Andrew sits down in the chair across from Pete and hands him the brief he has been working on for two weeks. Pete adjusts his glasses and begins skimming the document. He nods as he reaches the end of the brief, obviously pleased with the first-year associate's efforts.

"Good," he says. "Only a few edits to make, and this brief will be ready to file by tomorrow's deadline. Have you Bluebooked this yet?" Andrew shifts uncomfortably to the edge of his chair. "Well," he responds, "I used the ALWD manual."

Pete adjusts his glasses again. "Hmm. I've never heard of that. Is it new? What is the ALWD manual?"

With the growth of the ALWD (Association of Legal Writing Directors) Citation Manual as the manual of choice for law school legal writing programs, this scene may soon be more fact than fiction. As former practitioners in large law firms, we posed the same questions that the fictional Pete Partner had when we first previewed the syllabus for the required legal writing course on our first day as legal writing professors.

"What is the ALWD manual?" we wondered. "What does it have to offer?"

We soon learned that the ALWD manual offers many benefits to students—and to practitioners.

What Is the ALWD Citation Manual?

The ALWD (pronounced "All-wid") Citation Manual is not a new system of citation. According to the manual itself, it "codifies the most commonly followed rules for legal citation."

In other words, the ALWD manual is a citation "restatement" that reflects current citation customs in practice. While there are a few minor citation differences between the ALWD manual and the Bluebook, the primary difference is that the ALWD manual makes citation easier to learn for law students and easier to do for lawyers.

Why Was the ALWD Manual Written?

Briefly put, a significant change to a signal rule in the Bluebook proved to be the catalyst for the ALWD manual.

The ALWD manual was authored partially in response to the release of the 16th edition of Bluebook. The authors were the Association of Legal Writing Directors (the professional organization for those who teach and direct legal writing programs in law schools nationwide) and Darby Dickerson, former Director of the Legal Research and Writing Program and current Dean at Stetson University College of Law. The authors acted in response to a radical change in the meaning of the signal "see" in that Bluebook edition.

Where Do I Get an ALWD Citation Manual?

The ALWD manual is available through Amazon.com, bn.com (Barnes and Noble's Web site) or aspenpublishers.com for approximately \$25. Copies of the ALWD manual also can be found at the law libraries of Arizona State University or the University of Arizona.

The new Bluebook rule mandated that the "see" signal be used not only to indicate that an authority provides indirect support of a proposition but also to indicate that an authority provides direct support for a proposition — a change that was directly contradictory to the previous definition and use of the signal. In response to the change, the Association of American Law Schools acted by plenary resolution to reject the new meaning of "see."

Consequently, the student editors of the Bluebook soon restored the previous Bluebook rules in the 17th edition.

However, the sequence of events had demonstrated the shortcomings of the Bluebook's approach. Dean Dickerson, a leading expert on citation, and the members of ALWD decided to design a different kind of citation manual. They aimed to get rid of complex and dogmatic rules, reduce inconsistencies, provide uniformity in citation and make the citation rules and manual structure responsive to student and practitioner needs.

Why Do We Teach Citation From the ALWD Manual in Addition to Bluebook?

Because it was written by those who teach citation, the ALWD manual makes standard legal citation easier to learn. The ALWD manual logically organizes and provides clear explanations of citation rules, gives many examples of how to apply each rule in practice, has a "fast formats" page at the beginning of each section to give concrete examples of the most common citation formats, and provides all of this information in easily readable typeface.

The ALWD manual also emphasizes the substantive components of citation that can confuse a novice legal writer and result in improper citation. For example, the ALWD manual thoroughly and concisely explains the purpose of citations, highlighting that citation is important because citations show that a document has been thoroughly researched. It also demonstrates that citations show that the positions in the document are supported by authority of different weight, persuasiveness and type.

Moreover, the ALWD manual:

- describes the various forms for citation and explains when to use each form.
- emphasizes the importance of following local court rules and provides an appendix that lists state court local rules on citation. (The ALWD Web site—www.ALWD.org—provides federal court local rules.)

- gives guidance on the proper frequency of citation, the number of sources to cite and the kinds of sources to cite in a court document.
- explains how to format an explanatory parenthetical and tells the new legal writer how to use the parenthetical effectively.
- explains the meaning of commonly used phrases found in citation such as “in re” and “ex rel.,” explains the relevance of information in a citation about the denial of certiorari, and makes students aware of the potential dangers of citing unpublished opinions.

For these reasons, we teach from the ALWD manual in the fall semester and introduce students to Bluebook in the spring semester. Because they are learning the “why” and “how” of citations first and can more easily grasp basic citation form, use and frequency, the students find the conversion to Bluebook, and any other citation system (e.g., states with vendor-neutral citation rules), much easier.

What Are the ALWD Manual’s Benefits for a Practitioner?

1. *The ALWD manual is pragmatic in its approach and it is not a radical departure from currently accepted citation practices.*

Because the manual was written by legal writing professionals rather than by law students, the manual seeks to reflect actual citation practice. For example, unlike Bluebook, which prohibits the abbreviation of “United States” in cases names, the ALWD manual permits the abbreviation “U.S.” The ALWD manual also permits a more extensive use of paragraph and section symbols in textual sentences, not just in citation sentences. And the manual recognizes that the primary purpose of citation is to convey information to the reader about the weight of authority and where to find it; as such, it allows practitioners flexibility in applying citation rules. Finally, the ALWD manual provides a truly uniform system of citation; it makes no differentiation between citations for court documents and citations for other legal publications—separate “practitioners’ notes” are not necessary.

2. *The ALWD manual is comprehensive on the rules and sources practitioners use most frequently and provides detailed guidance on important citation-related matters.*

The manual provides excellent “sidebars,” text boxes that include real-word examples and explanations of frequent citation questions. It also provides “fast format” pages to get a quick answer to a citation question. It recognizes the importance of local citation rules, and state court local rules are prominently included in the text; practitioners are encouraged to consult them. The ALWD manual also provides a Web site that includes additional guidance (frequently asked questions) and updates: www.ALWD.org.

3. *The ALWD manual is easy to use.*

The ALWD manual is an improvement on the organization of Bluebook. For example, all rules pertaining to cases are located together. Rules are written in a straightforward style in understandable language. The fast formats pages make it simple to get an answer to a citation question quickly. Using the ALWD manual does not require cross-referencing rules

designed for scholarly writing to a separate section of practitioners’ notes designed to “convert” citations for writing in practice.

In short, the ALWD manual better meets a practitioner’s goals for a professional citation system. The manual provides accurate, comprehensive, matter-of-fact information in an easy-to-use, efficient format.

How Do the Citations from Bluebook and the ALWD Manual Differ?

Citations based on the ALWD manual rules vary only slightly from those based on Bluebook. Indeed, most practitioners will not be able to detect any difference between the two citation forms.

Common examples are the following citations to two cases (omitting the proper reference to any relevant subsequent history):

ALWD: *Pierce v. Casas Adobes Baptist Church*, 162 Ariz. 269, 782 P.2d 1162 (1989).

Bluebook: *Pierce v. Casas Adobes Baptist Church*, 162 Ariz. 269, 782 P.2d 1162 (1989).

ALWD: *Wagenseller v. Scottsdale Meml. Hosp.*, 147 Ariz. 370, 710 P.2d 1025 (1985).

Bluebook: *Wagenseller v. Scottsdale Mem’l Hosp.*, 147 Ariz. 370, 710 P.2d 1025 (1985).

The main difference illustrated above is that the ALWD manual eliminates the apostrophe in abbreviations in case names. This follows common practice, as most practitioners abbreviate the “Memorial” in the case name as “Mem.” or some other variation.

Another example highlights that Bluebook does not allow a writer to abbreviate the party name “United States” unlike the ALWD manual, which accepts the common practice:

ALWD: *U.S. v. Rodgers*, 461 U.S. 677 (1983).

Bluebook: *United States v. Rodgers*, 461 U.S. 677 (1983).

Allowable short citation forms are identical between the two manuals. In either manual, the following would be acceptable: *Rodgers*, 461 U.S. at 685 or *Id.* at 685.

As for statutory citations, the two manuals almost always require the same information. Here is an example of how to cite to the annotated code in Arizona using either manual: Ariz. Rev. Stat. Ann. § 12-341.01 (West 2002).

Interestingly, most practitioners follow neither the ALWD manual nor Bluebook rules when citing to Arizona statutes. The common reference is: A.R.S. § 12.341.01 (2002); “A.R.S.” is West Publishing Company’s designation.

These examples show that if the goal of citation is to provide the reader with support for an argument and specific direction as to how to locate a source, it makes little difference which citation manual is used. The ALWD manual, however, more closely tracks how practitioners actually use and form citations in memoranda, briefs and other legal documents.

For those who are particularly concerned about the differences between the ALWD manual and Bluebook, the ALWD

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manual provides a "conversion" chart on its Web site that highlights the most common differences between the ALWD manual and the 17th edition of Bluebook.

Who Is Teaching and Using the ALWD Manual?

The ALWD manual, now in its second edition, is taught in the first-year research and writing programs at more than 90 law schools. Included in those ranks are the law schools at both Arizona State University and the University of Arizona. In addition, legal writing faculty at a number of "top-50" schools teach the ALWD manual; they include faculty at the University of Michigan, Northwestern, Fordham, Vanderbilt, Boston University, Wake Forest and the University of Florida.

Courts are beginning to recognize the favorable features of the ALWD manual and are adopting it. The U.S. Court for the District of Montana amended its local rules to require ALWD citation form, and the Eleventh Circuit adopted ALWD as a permitted citation alternative.

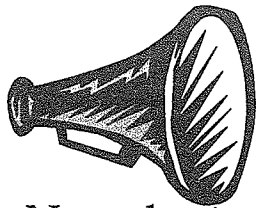
What's the Bottom Line?

The bottom line can be summed up in one word: confidence. Practitioners and judges should feel confident that the ALWD

manual provides a recognizable, useful and efficient form of legal citation. And because students trained on the ALWD manual have a more in-depth knowledge of the fundamentals of citation (the why, where and how), the bench and bar should feel confident that students will be able to adapt quickly and successfully to using any citation system. That should be true whether that system is the ALWD manual, Bluebook or some other citation system such as New Mexico's "vendor neutral" citation rules.

More important, if the ALWD manual is used for citations in a court document, practitioners and judges should feel confident that they will be able to recognize and find the sources cited. In fact, practitioners and judges should notice improved accuracy in citation form, frequency and placement, which will result in more useful citations for everyone.

Kirsten K. Davis & Tamara Herrera are Legal Writing Professors at the College of Law at Arizona State University.



CALL FOR SECTION NOMINATIONS

New elections are being held for the Litigation Section. The section will be electing the following officers for 3 year terms:

**Chairperson;
Deputy Chairperson; and
Secretary/Treasurer.**

If you are interested in serving, please e-mail your name, business address, and a resume or CV to Collin Hite at chite@mcguirewoods.com no later than July 28, 2004. Ballots will be e-mailed to section members on August 15, 2004, with the names of the slate of candidates selected by the nominating committee. Write-in candidates will be allowed during the election.

For additional information, please contact Collin Hite at 804-775-7791 or chite@mcguirewoods.com.

MEMBER PROFILES

An intimate look at the people who make up our section

Juanita Sales Lee



Employer: U.S. Army Space and Missile Defense Command, Huntsville, AL on the BRAC-defying Redstone Arsenal (we're hoping!!)

Birthplace: Columbus, Georgia

Pets: Gray/White/Black female Tabby, named Tim

First job: My first professional job was with the Legal Aid Society of Madison County, AL. I have an inter-

est in public interest law and providing legal services for the poor.

Biggest Professional Challenge overcome: Obtaining a Master of Laws Degree at the age of 46.

Biggest Professional Challenge ahead: Performing in an outstanding manner in each position on the ladder of the Executive Committee for the Federal Bar Association, culminating in the presidency.

Biggest regret: Not having enough time with my children before they grew up (although I was an instigator of them moving out and on). The adage, 'you don't miss ___ until it's gone' is particularly true as it relates to one's offspring.

Pet peeve: Folks thinking they know me better than I know myself (with an audacity that's amazing).

Sports/Hobbies Sport: People watching at the airport or any public place; hobbies – traveling as much as possible (within the last four years, I've traveled to China, Paris, and Puerto Rico)

Practice area: Government administrative law (EEO, MSPB, Union, Ethics/Standards of Conduct, fiscal law, etc.)

Most interesting case: Defending a termination before the Merit Systems Protection Board the employee wouldn't come to work for over a year). The employee decided after a year's absence that he was "now" ready, willing and able to come to work.

Future plans: As my twilight years approach, I look forward to sharing my time and knowledge with my grandchildren. In Sept 2008, I'll be installed as the President of the FBA. I'm looking forward to working for the goals of the FBA, providing leadership and traveling during that year. All, please plan on inviting me to your events.

Last Book Read: *Fred Gray's Bus Ride to Justice*

Things usually found in your refrigerator: Lots of fresh fruits (pineapple, white/red grapes, grapefruit, oranges, apples, and seasonal varieties), fruit juices, cooked fresh vegetables, yogurt, and salad greens. I'm trying to stop the fat from quickly overtaking my frame (the fat's winning at the moment).

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In addition, the Internet can be an equally powerful tool when researching an opponent's expert. Googling an adverse expert should only be your first step when trying to dissect an expert's qualifications. Utilizing the Web sites mentioned above is a quick, affordable and effective mechanism to research an adverse expert.

As with most types of legal research, the Internet is making the task of finding an expert witness easier, quicker and cheaper for those willing to give its resources a try. So, the next time you need to enlist an expert in ergonomic energy expenditure or

railroad accident reconstruction, resist the urge to fall back into your traditional comfort zone and try your hand at one of these user-friendly online directories.

Aaron R. Resnick is a commercial litigator at Gunster, Yoakley & Stewart, P.A., www.gunster.com, and whose focus is litigating commercial fraud cases. Ashley Buist is a summer associate at Gunster, Yoakley & Stewart, P.A. She graduated from Georgetown University cum laude in 2002 and just finished her first year at the University of Miami School of Law.

Sidebar is published by the Federal Litigation Section of the Federal Bar Association. The views expressed herein do not necessarily represent those of the FBA. Send all articles or other contributions you may have to: Michelle Hamilton, U.S. Attorney's Office, Two Renaissance Square, 40 North Central, Suite 1200, Phoenix, AZ 85004, (602) 514-7500, michham@hotmail.com.

Federal Bar Association Membership Application *Raising the Bar to New Heights*

1. PLEASE TELL US ABOUT YOURSELF *(Please Print)*

First Name _____ M.I. _____ Last Name _____

Title _____

Male Female Date of Birth ____/____/____

First Admission to Bar in U.S. (required, unless applying for law student or foreign associate status)

Court _____ State _____ Bar Date _____

Please supply both your business and home addresses below.
My preferred mailing address is Business Home

Business Address

Firm/Agency _____

Address _____

Suite/Floor _____

City _____ State _____ Zip _____

() ()

Phone _____ Fax _____

E-mail _____

Home Address

Address _____ Apt. # _____

City _____ State _____ Zip _____

() ()

Phone _____ Fax _____

Practice Information

Type of Practice
 Private Military Retired
 Government Corporate Judiciary

2. FBA ANNUAL DUES

Member
Admitted to bar 5 years or more\$105

Member
Admitted to bar fewer than 5 years\$55

Retired Member
Applicant is fully retired from the practice of law \$55

Foreign Associate
Admitted to practice law outside U.S.\$105

Country _____ Court/Administrative Tribunal _____

Law Student Associate
Currently enrolled at an accredited law school\$15

Law School _____ Expected Date of Graduation _____

Sustaining Member – Optional\$60
This category is in addition to regular dues. It is used to support CLE programs and publications.

Dues Total\$ _____
Please enter amount in line 4A of the Dues Worksheet.

3. LOCAL CHAPTER AFFILIATION, SECTIONS & DIVISIONS

(Local chapter, section or division dues, if applicable, are listed. For a complete listing of chapters, sections and divisions, visit www.fedbar.org.)

Federal Litigation Section\$10

Dues Total\$ _____
Please enter amount in line 4B of the Dues Worksheet.

4. DUES WORKSHEET

FBA Dues4A \$ _____

Local Chapter, Section or Division Dues ..4B \$ _____

Total Amount Enclosed (Add 4A, 4B)\$ _____

5. PAYMENT INFORMATION

Payment Options

Check payable to Federal Bar Association

Please charge my dues to

VISA MasterCard Diners Club

Card No. _____ Exp. Date _____

X _____

Signature _____ Date _____

The undersigned hereby applies for membership in the Federal Bar Association and agrees to conform to its Constitution and Bylaws and to the rules and regulations prescribed by its National Council.

X _____

Signature of Applicant _____ Date _____

***Note** Contributions and dues to the FBA may be deductible by members under provisions of the IRS Code, such as an ordinary and necessary business expense, except 1.68% which is used for congressional lobbying and is not deductible. Your FBA dues include \$14 for a yearly subscription to the FBA's professional magazine.

Please complete and return to:

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