



SideBAR

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OPENING STATEMENTS

Message from the Chair

Michelle Hamilton Burns

E-Discovery and Other Items of Interest

I must confess that I am up to my ears in e-discovery. Ever mindful of the relativity of all things, I have often lately paused to wonder if the advent of the typewriter caused similar consternation in the litigation community. Could a party demand that the typewriter ribbon be preserved? Was the typewriter itself unique in its keystrokes, making it the subject of a preservation order? And what about the invention of "corrector"-tape: was the casual discard of the used strips of magic dust a case in controversy?



I am ever-grateful for continuing legal education, and on the subject of the new federal rules and their impact on e-discovery, I am chagrined to say I voluntarily repeated the class. Ken Withers, of the Sedona Conference (a working group that studied and proposed the rule changes) gives a thorough presentation on the subject, and explains that the rules were amended because discovery in digital form is different. First, the information we store on computers is by nature voluminous. It is not like paper in that it is easily preserved or destroyed. It can have the quality of information, yet not be visible or in readable form. It should be apparent to large and small businesses that they should consider consulting with an IT person, and an attorney to discuss the practicality and propriety of establishing preservation policies.

I am happy to report that the FBA Government Relations

Committee has been diligent interpreting for the association the 110th democratically-controlled Congress's impact on the federal judiciary, now that Sen. Patrick Leahy and Rep. John Conyers are at the helms of the committees with federal judiciary oversight. It is predicted that there will be no immediate movement on the controversial proposals to split the 9th Circuit, or to establish a federal inspector general to oversee the federal judiciary.

In other news, recently the Foundation of the FBA co-sponsored a conference on Judicial Independence, focusing on the preservation of fairness and independence in the nation's courts. Held at Georgetown Law School, Justice Breyer and retired Justice O'Connor from the United States Supreme Court chaired the conference. Also addressing the conference were Chief Justice John Roberts and Attorney General Alberto Gonzales.

I would like, in closing, to thank the contributors to our newsletter *Sidebar*. It is not always easy to find a subject that would appeal to the wide-audience our section represents, and then find the time outside of the practice of law to write an article. For these reasons I applaud the authors for their fine, relevant work. I also encourage the reader to consider submitting an article for future issues: *Sidebar* is distributed across the county to hundreds of litigators, and is a useful vehicle to make connections with other practitioners in your field.

Editor's Notes

Robert E. Kohn



In this issue of *Sidebar* we consider Hon. Frank M. Johnson Jr. of Alabama and his memory; the use of story-telling skills in litigation; and developments in the doctrine of waiver of attorney-client privilege in federal enforcement investigations.

Our chair, Hon. Michelle Hamilton Burns, also shares her up-to-date views of electronic evidence and discovery. With great pride, we announce her appointment to serve as a U.S. magistrate judge for the District of Arizona.

Future editions of *Sidebar* need your contributions. Let us know if you or a colleague have written about a litigation topic, or even if you see a useful or interesting article that *Sidebar* readers might like to see reprinted here. And thank you for reading.

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BRIEFING THE CAUSE

Tell the Client's Story: Use Fiction Writing Techniques to Achieve Your Client's Happy Ending

By Tami D. Cowden

A common refrain heard by those laboring over legal briefs is the admonition to 'tell the story.' Since the first meaning of "story" in the dictionary is "an account of incidents or events,"¹ any brief writer who has faithfully reported the facts of the case is understandably aggrieved by this advice. However, dictionary definitions aside, a storyteller does more than simply recite the facts of the case.

Alas, demands that to tell the story are rarely accompanied by concrete suggestions for how to tell it. Nor does the average law school include storytelling among its course offerings.

Fortunately, a host of resources are available to assist a would-be brief writer in achieving the storytelling goal. In fact, a virtual cornucopia of material is available, often even free of charge, to those who simply know where to look.

Where? From fiction writers.

Yes, seriously. Fiction writers. After all, they tell stories. Fiction writers hope to evoke an emotional response from the reader. Accordingly, for storytellers, a story is more than an account of events. It is an account of a character's actions and reactions through the course of events, leading to an emotionally satisfying resolution.

The goal of a brief writer is also to evoke an emotional response from the reading audience—a response that favors the client. In fact, ultimately, the only difference between a fiction writer and an effective brief writer (aside from the educational requirements imposed on the latter) is that the former has to go to the trouble to make up all the facts for a story—including how the story ends. In contrast, the effective brief writer simply has to know how to present existing facts in a way to lead the reader to provide the desired conclusion.

So what advice do story tellers give? Hundreds of texts have been published on the topic, along with countless Web sites, all telling how to tell a story. Many fiction writers spend as much time teaching writing as they do writing. But despite the vast numbers of teachers, and the glut of advice on how to write fabulous, best-selling novels, stories and screenplays, the not-so-secret truth really comes down to a few basics. A story must have a compelling character(s) in conflict, with a conclusion satisfying because, based on the character(s) and conflict, that outcome is logically inevitable. Tying all these story elements together is "theme."

The good news for the brief writer is that these necessary ele-

ments always exist in a legal case. Discover the theme of the case and the remaining elements will become obvious.

Theme

The theme is the lesson the story tells the reader. Stories recount events, but more importantly, they demonstrate truths. Casting the conflict underlying the case into terms of a commonly held belief or universal truth allows the brief writer to tap into the reader's values and experiences.

Look for the universal truths that underlie the client's position. Effective themes are rarely complex. Straightforward themes are much more likely to resonate with a reader, however sophisticated.

Think of the basic themes found in parables, fairy tales, myths, or popular movies: any of these could represent issues found in a legal case. For example, the movie *Spider-Man* offered an uncomplicated message: *With great power, comes great responsibility.* That simple premise could easily serve as the story lesson for a broad range of legal issues, such as corporate fraud or negligence, political malfeasance, constitutional violations, or employment discrimination.

Virtually any truism can serve as the framework upon which to build the client's story. Once the brief writer has a thorough knowledge of both the facts and the law important to the client's story, the broad, universal issues that permeate the case emerge. Just think in broad and basic terms, as though explaining the facts to a child. At this level, the universal truths are bound to become obvious.

Compelling Characters and Conflict

Story characters must have goals. In fact, a story focuses on the protagonist's goals, and the obstacles that arise in the protagonist's journey to achieve the goal. Story structure is so ingrained into human culture, humans are essentially hardwired to root for the protagonist of the story, provided the character has goals with which the audience can empathize. Since the brief writer tells the client's story, the client must be the protagonist (AKA, regardless of gender, the "hero"). The audience must "like" the hero.

In this context, "like" does not mean wanting to have the hero as a drinking buddy; it merely means "getting" the client—understanding how that person got to where he or she is. A hero need not—indeed, should not—be perfect. Flaws are human; perfection is annoying. The goal of conveying your client's character in an empathetic way is to allow the reader to imagine that, if placed in the same circumstances as the client, the reader too would want what the client wants.

Briefing the Cause continued on page 7

APPROACHING THE BENCH

“Stand Up, Judge Frank Johnson is Passin’”: Recollections of an Appellate Argument before the Famous Jurist

by **Bart Harmon**

Few people, especially lawyers, have forgotten the first time they read the Pulitzer-winning novel *To Kill a Mockingbird* or saw the Academy Award-winning motion picture starring Gregory Peck. Particularly moving was the scene where attorney Atticus Finch enters the courtroom and members of the African-American community—relegated by Jim Crow-era segregation to the balcony—spontaneously rise in unison to honor Finch, not only for his spirited defense of poor Jim Robinson, but also for the courageous statement he was making to Macomb and to the world. Ironically, it is only Finch’s pre-teen daughter, too young and perhaps too close to her father’s shadow, who had to be reminded by Reverend Sykes of the moment’s gravity: “Miss Jean Louise, stand up. Your father’s passin’.”

In November of 1995, I had the privilege of witnessing a scene reminiscent of Finch’s dramatic entrance when our firm in Montgomery, Ala. was scheduled to argue a case before Judge Frank M. Johnson Jr.—thought by many to be the most important jurist never to sit on the United States Supreme Court¹—who was a senior judge on the Eleventh Court of Appeals at the time.

If you have never heard the story of Frank Johnson (and that’s understandable given the fact that many of you could be members of the Young Lawyer’s Division, something for which I no longer qualify) and presume that no one’s real life story justifies a comparison with *Mockingbird*’s Atticus Finch, let me tell you just a little about Judge Johnson’s larger-than-life career. While I, unfortunately, cannot claim the privilege of having known Frank Johnson personally (although he lived the final years of his life not more than a stone’s throw from my Montgomery home), I can say with every assurance, the world I live in is different because of him.

In 1918, Johnson was born in Winston County, Alabama (birthplace of both my mother and grandmother) which lies in the heart of north Alabama’s Appalachian foothills. This fact is significant because it says a lot about the independent spirit later shown by Johnson on and off the bench. Less than 60 years prior to Johnson’s birth, Winston County, home to few slaves in Antebellum days, formulated plans to secede from Alabama soon after Alabama exited the Union. Johnson’s forebears actually fought for the Union as did the majority of Winston County’s civil war recruits. Unlike most of the South which rejected the Republican Party after the Civil War because of its association with Lincoln and Reconstruction, many Winstonians remained loyalist Republicans for those very same reasons. Johnson’s family members fit this mold, and several were Republican officeholders in Northern Alabama counties.

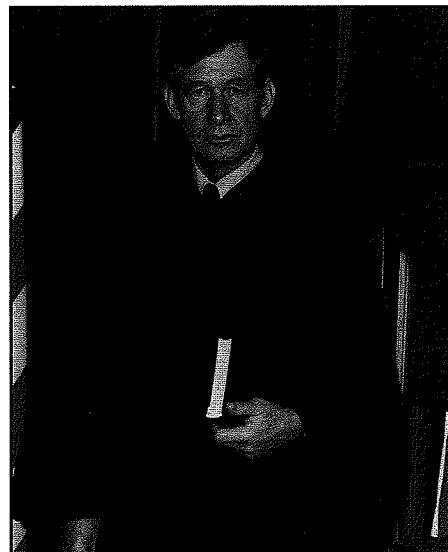
Johnson went to law school at the University of Alabama

where he became a classmate and friend of George Wallace—who later would become Governor of Alabama and Johnson’s chief antagonist. After graduating from law school in 1943, Johnson went straight to the Army and soon found himself training for the Allied invasion at Normandy. As a result of his wartime service in the European theatre,

Johnson was awarded two Purple Hearts and a Bronze Star. Returning to Alabama after the war, Johnson entered private practice for a few years in Jasper, Alabama and later became U.S. Attorney for the Northern District.²

As if that were not enough accomplishment for one lifetime, Johnson’s real rendezvous with history started in 1955 when, at age 37, he was appointed by President Eisenhower to a vacant federal district judgeship in the Middle District of Alabama (although Johnson had never practiced in the Middle District). In his 24 year tenure as district judge, Johnson’s rulings led to the desegregation of Montgomery’s bus lines and parks (a confrontation hastened by the Rosa Parks’ bus boycott), protection of the Civil Rights Era “Freedom Riders,” the opening of the Edmund Pettus Bridge for the Selma-to-Montgomery civil rights march led by Dr. Martin Luther King Jr., the expansion of minority voting rights³, the state-wide integration of Alabama public schools, and the development of critical safeguards for prisoners and mental health patients.⁴

To say that neither Johnson nor his decisions were well-received by many in Alabama would be quite an understatement. His former classmate and friend, George Wallace, opposed Johnson at every turn and slandered him as “an integrating, scallawagging, carpetbagging, race-mixing, bald-faced liar.”⁵ The Ku Klux Klan named Johnson the “most hated man in Alabama.” White high school students burned a cross in his yard,⁶ and a bomb (intended for Johnson) was detonated at his mother’s home. Yet, Johnson’s devotion to what he saw as his duty never flagged: “Had I been socially inclined, it would have been bad. But you can’t ostracize [people] who [do their] own ostracizing, and that’s the way we are.”⁷



Photograph courtesy of Debbie Hackett, clerk for the Federal District Court for the Middle District of Alabama.

Approaching the Bench continued on page 4

Approaching the Bench continued from page 3

This is not to say that Johnson's courage and sacrifice went unnoticed: In 1960 *Time* magazine identified Johnson, then only 42, as one of six "Trailblazers on the Bench" and placed him on its cover in 1967.⁸ In 1973, CBS sent its "60 Minutes" crew led by Mike Wallace to Montgomery to interview local media members about Johnson's impact.⁹ In 1977, President Carter nominated Johnson to be the director of the FBI and his nomination sailed through the Senate without a single dissenting vote. Johnson had to withdraw his name at the last minute due to the discovery of a life-threatening aneurism; but, two years later, upon his recovery, he accepted an appointment from Carter to the Fifth Circuit Court of Appeals. In 1981, Johnson was reassigned to the Eleventh Circuit when it was created out of the old Fifth Circuit. Judge Joel Dubina, who joined Johnson on the Eleventh Circuit in 1990, remembers Johnson not only for the independent spirit he was so famous for as a district court judge (when Dubina tried numerous cases before him), but also for Johnson's collegiality and consensus-building on the appellate court—frequently taking members of the court on fishing trips to Florida and Louisiana.¹⁰ In the sunset of his career, Johnson was awarded the Presidential Medal of Freedom—an honor given to only nine federal judges in its illustrious history (most of whom sat as either associate justice or chief justice of the Supreme Court).

All of which is to say, this was the Judge Frank Johnson I saw walking down the hallway at the old federal courthouse¹¹ in Montgomery about to sit on a panel of the Eleventh Circuit to hear our case. This was the man largely responsible for integrating my world: the public schools I attended (in Selma, no less), the buses I rode all over the Southeast, the movie theatres I attended, the restaurants I ate in, the YMCA I played basketball in, and the vocation I chose. As Johnson approached us, I looked around at the younger attorneys sitting in the hallway near me as well as my own children who had come to hear the argument, reflexively stood up and motioned for them to do the same. Another attorney in the hallway, sensing from our reaction that he had been in the presence of someone important, asked me, "Who was that?" I replied instinctively, "That was Judge Frank Johnson passing."

I wish I could say that Judge Johnson proffered some penetrating question, interjected an insightful comment or even displayed a hint of his famous ire but, as I recall, he was silent during the entire hearing. Nor will the case we argued, *Tinney v. Shores*, ever be cited as a landmark civil rights opinion: The ruling turned largely on the presence of governmental immunity and, if anything, its holding can fairly be characterized as favorable to local law enforcement—not something for which Johnson will be remembered. Johnson did not even author the reported opinion. Yet, someday, in the not-too-distant future, I will be able to recount this story to my grandchildren and tell them how this Selma native—who walked the halls of Selma's integrated schools and grew up in the shadow of the notorious Edmund Pettus Bridge—was once given the rare opportunity to honor a courageous man.

Bart Harmon, a graduate of Auburn University (where he served a stint as Auburn's mascot, "Aubie") and the University of Alabama School of Law, practices constitutional and appellate law in Montgomery, Ala. with the firm of Webb & Eley PC. He is listed as counsel in over one hundred reported decisions and is a member of both the Appellate Law Section and the Federal Litigation Section of the Federal Bar Association. Bart and his wife of 21 years, Hollie, now have five children. You may contact him at bharmon@webbeley.com.



Endnotes

¹Tony Freyer, *Review of Jack Bass, Taming the Storm: The Life and Times of Judge Frank Johnson, Jr. and the South's Fight Over Civil Rights*, 38 *American Journal of Legal History* 406 (1994).

²For these and more details on Judge Johnson's life and career including a lengthy interview, an excellent Web source can be found at www.achievement.org/autodoc/page/joh2bio-1 maintained by the Academy of Achievement.

³My mother recalls registering to vote in Selma the first time we moved there in the 1960s. After being given a "poll test," she became concerned about her performance and naively asked if she had passed. The registrars responded with laughter. I assume they expected her to know that white applicants always passed.

⁴Kathryn Abrams, Ronald Wright, *Judge Frank Johnson in the Long Run*, 51 *Ala. Law Rev.* 1381, 1384-95 (2000).

⁵Ronald Krotoszynski Jr., *Equal Justice Under the Law: The Jurisprudential Legacy of Judge Frank M. Johnson, Jr.* 109 *Yale Law Journal*, 1236, 1240 (2000).

⁶Robert Jerome Glennon, *The Role of Law in the Civil Rights Movement: The Montgomery Bus Boycott, 1955-57*, 9 *Law and History Review* 80 (1991).

⁷Judge Ira DeMent, *Honorable Frank M. Johnson, Jr.*, 51 *Ala. Law Review*, 1395, 1397 (2000).

⁸Trailblazers on the Bench, *Time*, Monday, Dec. 6, 1960 (available at www.time.com/time/printout/0,8816,895063,00.html).

⁹One of the interviewees, Tom Johnson, long-time city editor of the *Montgomery Advertiser* and by-then publisher and editor of the *Montgomery Independent*, was my father-in-law.

¹⁰According to Dubina, while on these expeditions, Judge Johnson's daily ritual was to pour his compatriots a glass of George Dickel whiskey (distilled in Tennessee just across the state line from his beloved Winston County) and lead the group in what Johnson called his "salute to the Constitution."

¹¹The new Middle District courthouse is named in Judge Johnson's memory, just as the old courthouse had been named in his honor while he still served there. Johnson passed away in the summer of 1999.

FEDERALLY SPEAKING

Securities—Enforcement

Atkins Calls for SEC to Develop Version of DOJ's McNulty Memo Addressing Waiver

Securities and Exchange Commissioner Paul Atkins Feb. 9 called for the agency to come up with its own version of the Department of Justice's McNulty memorandum to address the agency's use of requests for waiver of the attorney-client privilege in enforcement investigations.

The memo, issued in December by Deputy Attorney General Paul McNulty, bars federal prosecutors from considering a corporation's refusal to waive the attorney-client privilege as part of a charging decision in a criminal investigation. See 75 U.S.L.W. 2355.

Under the new policy, all waiver requests are subject to certain policies and procedures, Atkins noted. In addition, the revised DOJ policy bars prosecutors from considering whether a company is paying attorneys' fees for employees who are under criminal investigation or indictment, a point not raised by Atkins.

Atkins made his comments before the Practising Law Institute's annual SEC Speaks conference, held in Washington, D.C.

'Great Step Forward.'

After his address, Atkins told reporters that the SEC's current *Seaboard* policy, which has been in place for six years, "was a great step forward." He said, "Seaboard has operated very well" but it is "high time that we review our processes and procedures."

In the *Seaboard* report, issued in 2001, the SEC detailed factors it would consider in deciding whether to grant credit for cooperation by targets of its investigations. See 70 U.S.L.W. 2262. Atkins said the commission as careful not to set forth the waiver of attorney-client or work-product privileges as a consideration. However, "waiver creeps in through a footnote tied to factor 11," he said. Unfortunately, the SEC is "now experiencing the culture of waiver ... From a public policy perspective, this shortcut has serious flaws," he contended, citing concerns such as employees feeling "compelled to talk to interviewers."

Atkins told the audience of mostly lawyers, the "footnote [to factor 11] has been a back door through which credit has been awarded for waiver." He again emphasized to reporters, "After six years, this footnote is a backdoor to enhance this culture of waiver."

According to the commissioner, the American Bar Association has written to the SEC recommending that "we delete the offending footnote." Atkins told reporters that this is one of a number of suggestions that he believes the SEC should consider in reviewing its policy.

Enforcement View

In the wake of the McNulty memo, SEC Deputy Enforcement Director Peter Bresnan Jan. 12 said at a broker-dealer conference in Washington, D.C., that the division is "not contemplating any changes" to its *Seaboard* policy. The same days, Walter G. Ricciardi, also a deputy director in the division, said at a D.C. Bar program that the SEC staff definitely does not view as uncooperative a corporation's action in reimbursing the defense lawyers' fees of its employees who are targets of an SEC investigation. See 75 U.S.L.W. 2445.

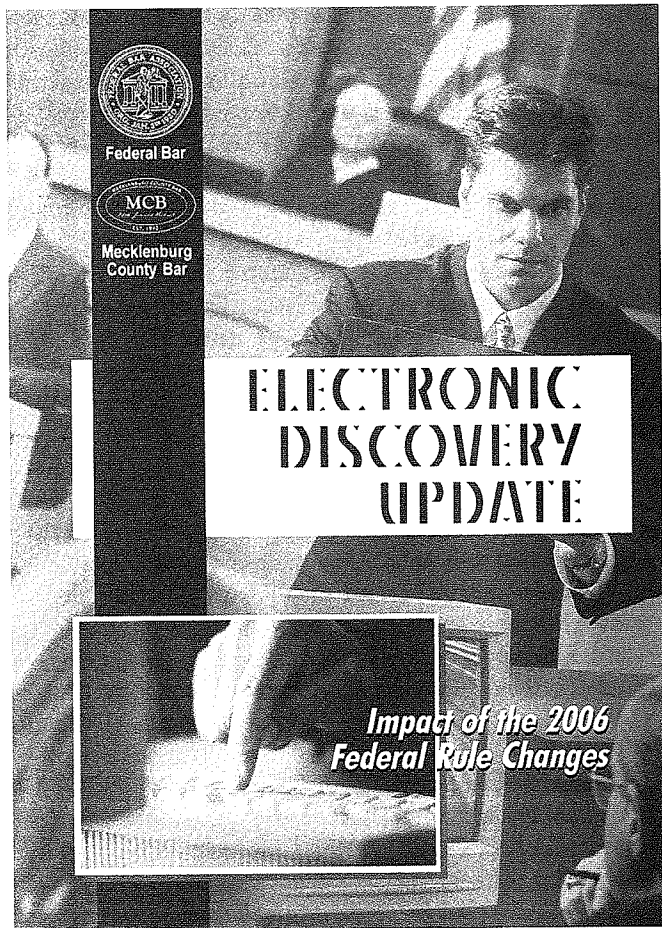
The McNulty memo responded directly to criticism of the prior policy by business groups, defense counsel, and civil rights advocates, as well as some members of Congress. Showing how deeply such negative sentiment runs, Atkins said, "many are still unhappy with this latest DOJ policy." In fact, he notes that a bill has been introduced in the Senate that would address the issue. The proposed Attorney-Client Privilege Protection Act (S. 186) is sponsored by Sen Arlen Specter (R-Pa.).

Atkins also urged that the commission should be "checking ... constantly ... to be sure that all of our practices are consistent with our own high standards." He told reporters that his views on the subject have been informed by "people I know and respect [who] have told me stories." Such people include members of the defense bar, such as former prosecutors and former SEC employees. "When you hear stories like that, you've got to really step back," Atkins urged.

The McNulty memorandum is posted at www.usdoj.gov/dag/speech/2006/mcnulty_memo.pdf on the DOJ Web site; the SEC's *Seaboard* report is posted at www.sec.gov/litigation/investreport/34-44969.htm on the commission's Web site.

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The Federal Litigation Section, in conjunction with the Mecklenburg County (N.C.) Bar, has produced a video, in DVD format, entitled "Electronic Discovery Update: Impact of the 2006 Federal Rules Changes." A copy has been distributed at no charge to each FBA chapter.

The video, through following one hypothetical of a misappropriation of trade secrets, intersperses commentary by Joan Feldman of Navigant Consulting and Professor Alan Blakley, with scenes from the litigation — the Rule 16 meeting, a motion for protective order, a motion for sanctions and a motion for production of electronic information in native format. The video highlights the changes in Rules 16, 26, 37, and 34.

A copy can be purchased from the Federal Bar Association, Federal Litigation Section, for \$39.00. Please e-mail your request for a copy to Lisa Armini at larmanini@meckbar.org.

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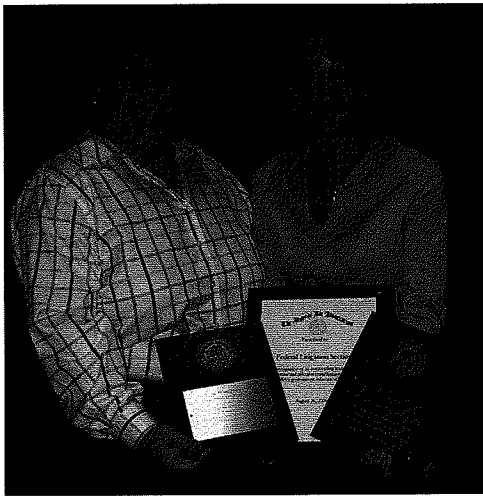
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At the 2006 Annual Meeting and Convention in Las Vegas, Michelle Hamilton Burns, Federal Litigation Section chair receives three awards from President Robyn J. Spalter: Section and Division Outstanding Service and Recognition Awards (one for Michelle and one for the section) as well as the Presidential Special Recognition Award.

FBA 2007

Atlanta - Sept. 6-8

Annual Meeting and Convention

Atlanta Marriott Marquis

The 2007 FBA Annual Meeting and Convention will be held Sept. 6-8 at the Atlanta Marriott Marquis, 265 Peachtree Center Avenue, Atlanta, Ga. A limited number of rooms are being held for meeting attendees at a special group rate of \$169 per night (double room), plus applicable taxes and fees. Please contact the hotel directly to make reservations at (888) 855-5701 or (404) 521-0000 and be sure to mention the FBA Annual Meeting and Convention in order to receive the discounted rate.

Visit www.fedbar.org for more details.

Briefing the Cause continued from page 2

The nature of the conflict can also be used to allow the reader to identify with the hero. Archetypal conflicts are often broken down into three broad categories: man v. self; man v. man, and man v. an overwhelming impersonal force, such as nature, god, technology, society, etc. Avoid the temptation to choose man v. man simply because there is a lawsuit. Consider whether the client's theme might not be better served conveying the client's struggle as one against self (often a good choice in criminal cases) or as an overwhelming force, such as society or a corporation. Readers love to root for underdogs.

The importance of casting conflict into these broader schemes, rather than a simply a dispute over contract interpretation, or a slip and fall, or proof beyond a reasonable doubt, demonstrates the necessity of learning as much as possible about the client's and opponents' goals, and the effects the struggle has had on their lives. Knowledge of the goals and motivations of other characters in the story is also crucial to determining the proper way to present the conflict to the audience to best evoke empathy for the client.

Satisfying Conclusion

All stories have endings—the part where the reader learns whether the hero overcomes the obstacles and achieves his goals. The brief writer doesn't actually write this part, however, as the reader of the brief determines the resolution. Instead, the brief writer must show that reader what the resolution should be. The careful marshaling of the facts in a way consistent with

relevant law should lead the reader to an inevitable conclusion, which, not so coincidentally, *should* be the outcome desired by the client. The purpose of telling the client's story is to evoke the reader's desire to resolve the story in favor of the client.

Incorporation of these basics of story telling will aid any brief writer in becoming a more effective storyteller. For more detailed techniques, consult any of the hundreds of fiction writing manuals available at the local bookstore, or from the myriad of fiction writing sites online.

Tami D. Cowden is of counsel with Kummer Kaempfer Bonner Renshaw and Ferrario, in Las Vegas, Nev., where she concentrates her practice on appellate and commercial litigation. A former law school legal writing instructor, she is also an award winning fiction writer who has presented dozens of workshops on the art of fiction writing. Cowden's contribution to the glut of fiction writing texts, *The Complete Writer's Guide to Heroes and Heroines: Sixteen Master Archetypes* (Lone Eagle 2000) coauthored with Caro LaFever and Sue Vidars, is often used as a text in screenwriting courses. Tami's appellate law blog, *AppealinginNevada.com*, debuts in March 2007.

Endnote

¹Webster's Ninth New Collegiate Dictionary, p. 1162. (Merriam Webster 1989).



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

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City _____ State _____ Zip _____

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Phone _____ Fax _____

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<i>Admitted to practice 6-10 years</i> | \$125 | \$100 |
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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
 American Express 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 2.3% 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:
FBA Membership Department,
2011 Crystal Drive Suite 400, Arlington VA 22202
(703) 682-7000, (703) 682-7001 (fax)
membership@fedbar.org • www.fedbar.org

SideBAR

Federal Litigation Section
Federal Bar Association
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