

# ***THE FEDERALIST***

*Newsletter for the Federal Bar Association of the Eastern District of Washington*

**AUGUST 2005**

## ***UNITED STATES SOLICITOR GENERAL PAUL D. CLEMENT TO KEYNOTE THE SEPTEMBER 9, 2005 EASTERN DISTRICT CONFERENCE DISCUSSING RECENT DECISIONS AND THE UPCOMING TERM OF THE U.S. SUPREME COURT!!***

We are tremendously honored to have Paul D. Clement, Solicitor General of the United States as the keynote speaker at the 2005 District Conference on September 9, 2005.

Mr. Clement is the government's chief advocate before the U.S. Supreme Court. Sometimes referred to as the "Tenth Justice," the Solicitor General decides which cases the government will appeal to the Supreme Court and whether and when the government will support or oppose petitions for certiorari. It is an exceedingly important position in the Department of Justice.

In his keynote address, Mr. Clement will review the major cases decided by the Supreme Court during the 2004-5 term. He will also preview the upcoming term of the Court, including the nomination and confirmation process for Judge John Roberts who President Bush has nominated to replace retiring Justice Sandra Day O'Connor. Mr. Clement will also take questions from the audience.

Mr. Clement is an excellent speaker and is regarded as an outstanding oral advocate. He has argued over 25 cases before the Supreme Court over the past four years,

including some of the highest profiles cases of the past few terms such as *McConnell v. FEC* (McCain-Feingold campaign finance reform), *Rumsfeld v. Padilla* (enemy combatant cases); *United States v. Booker* (sentencing); *Gonzales v. Raich* (California's medicinal marijuana statute); *Van Orden v. Perry* (Ten Commandments monument case). He has also argued many key cases in Circuit Courts of Appeal including those involving challenges to the President's conduct of the war against terrorism.

Mr. Clement has a very distinguished background. Following graduation from the Harvard Law School, where he was the Supreme Court editor of the Harvard Law Review, Mr. Clement clerked for Judge Laurence H. Silberman of the U.S. Court of Appeals for the D.C. Circuit, and for Associate Justice Antonin Scalia of the U.S. Supreme Court. Mr. Clement then served as Chief Counsel of the U.S. Senate Subcommittee on the Constitution, Federalism, and Property Rights. He has also worked at the Washington, D.C., offices of Kirkland & Ellis and King & Spalding.

***SIGN UP FOR THE SEPTEMBER 9, 2005 EASTERN DISTRICT  
CONFERENCE AND PAY YOUR 2005 DUES USING THE ATTACHED  
REGISTRATION FORM TODAY!***

**DISTRICT CONFERENCE TO  
OFFER SPECIAL BANKRUPTCY  
UPDATE FOR THE INFREQUENT  
BANKRUPTCY PRACTITIONER**

Do you know just enough about the bankruptcy laws to be dangerous? Are you aware of the changes in the bankruptcy laws that have just been passed by Congress and which affect both the eligibility of people to claim bankruptcy protection and the ability to discharge debts?

Whether you are sometimes asked for creditor advice or for debtor advice, this is a short session at the District Conference that you won't want to miss!

*See the Conference Agenda and  
Registration Form Attached;  
Sign Up for the September 9<sup>th</sup>  
E. District Conference Today!*

**CELEBRATING 100 YEARS OF  
JUSTICE AND  
PROFESSIONALISM IN THE  
EASTERN DISTRICT!**

Join us for a special presentation celebrating the 100<sup>th</sup> anniversary of the Eastern District of Washington. This Conference will highlight and honor the history and professionalism that is so evident here in Eastern Washington. A very special video presentation highlighting the District and the practice of law in this area has been produced and was shown at the recent Ninth Circuit Conference. Let's honor the last 100 years and continue the tradition of professionalism that underscores the practice of law here in the Eastern District of Washington.

**HAVE YOUR CLIENTS FACED  
THE JAIL HOUSING CRISIS?  
ARE YOU AWARE OF THE HUGE  
CHANGES IN THE SENTENCING  
LAWS WITH SOME OF THE  
RECENT DECISIONS?**

If you practice criminal law, you know that there is a housing crisis with insufficient space in the Spokane County Jail. Chief Judge Robert Whaley will moderate a panel of speakers that will address how this problem impacts the cases coming before the Courts and how this problem can be solved.

This will be a special joint luncheon co-sponsored by the Spokane County Bar Association and the Federal Bar Association. This is a separate ticketed event; be sure and sign up with the registration form below.

And in the afternoon of the Conference, Federal Defender Tom Monaghan will review the significant changes in the criminal sentencing laws with the recent *Booker, Blakely, Fan Fan and related cases.*

**SHOULD THE 9<sup>TH</sup> CIRCUIT BE  
DIVIDED INTO TWO CIRCUITS?**

Yes, this has been an issue before. Yes, this issue has not gone away. And yes, some in Congress are looking at splitting the 9<sup>th</sup> Circuit. Spokane attorney Les Weatherhead will moderate a panel discussion on the pros and cons of whether the administration of justice for our clients is promoted or diminished with a change in organization of the 9<sup>th</sup> Circuit.

Bring your questions and participate in this discussion. Educate yourself on the issues. Decide how this impacts you and whether splitting the 9<sup>th</sup> Circuit is a good thing or a bad thing. And then learn what you can do.

## 2005 EASTERN DISTRICT CONFERENCE AND CLE\*

PRESENTED BY  
THE FEDERAL BAR ASSOCIATION FOR THE EASTERN DISTRICT OF WASHINGTON  
AND THE  
U.S. DISTRICT COURT, EASTERN DISTRICT OF WASHINGTON  
FRIDAY, SEPTEMBER 9, 2005 THE DAVENPORT HOTEL

|                      |   |   |
|----------------------|---|---|
| 9:00 a.m.            | <i>Welcome</i>  | David J. Groesbeck, <i>President, FBA</i>   |
| 9:10 a.m.            | <i>State of the District Address</i>  | Hon. Robert H. Whaley, <i>Chief United States District Judge</i>  |
| 9:20 a.m.            | <i>E-Filing and Other Court Updates</i>   | James R. Larsen, <i>Dist. Court Executive/ Clerk of the Court</i>   |
| 9:40 a.m.            | <i>Panel Discussion:<br/>Should the 9<sup>th</sup> Circuit be Split?</i>  | Les Weatherhead, <i>Witherspoon, Kelley, Davenport &amp; Toole, P.S.</i>  |
| 10:30 a.m.           | <i>Break</i>  |   |
| 10:45 a.m.           | <i>Special Guest Presentation and<br/>Keynote Address:<br/>"The First Monday in October"</i>  | Hon. Paul D. Clement, <i>U.S. Solicitor General, Department of Justice</i><br><br>A discussion on recent decisions by the U.S. Supreme Court, a preview of the upcoming term of Court and a discussion of other issues affecting the Judiciary;<br>Question and answer session to follow. |
| Noon                 | <i>Crisis in the Jails: Is the Cost of<br/>Incarceration and the Availability<br/>of Jail Space an Impediment to the<br/>Administration of Justice?</i> | Joint Federal Bar Assoc. and Spokane County Bar Assoc.<br>Luncheon with Panel Discussion moderated by Chief Judge<br>Robert H. Whaley   |
| 1:30 p.m.            | <i>Break</i>  |   |
| 1:45 p.m.            | <i>Sentencing in the Post-Booker Era</i>  | Tom Monaghan, <i>Senior Trial Attorney, Federal Defenders<br/>of Eastern Washington and Idaho</i>   |
| 2:45 p.m.            | <i>Overview and Primer on the New<br/>Bankruptcy Laws for the Non-<br/>Bankruptcy Attorney</i>  | Nancy I. Isserlis, <i>Winston &amp; Cashatt, P.S.</i><br>John W. Campbell, <i>Esposito, George &amp; Campbell, PLLC</i>   |
| 3:30 p.m.            | <i>Break</i>  |   |
| 3:45 p.m.            | <i>Celebrating 100 Years of Justice<br/>and Professionalism in the Eastern<br/>District of Washington</i>   | Special Video Presentation and Professionalism Discussion<br>by members of the Federal Bench and Bar: Sr. Judge Justin<br>L. Quackenbush, Chief Judge Robert H. Whaley,<br>Smithmoore P. Myers, and Carroll Gray  |
| 5:00 to 7:00<br>p.m. | <i>Hosted Reception</i>   | Don't miss the FBA's Annual Hosted Reception!<br><br>* Applied for 6 General and 1 Ethics WSBA CLE Credit.  |

***TIME TO REGISTER FOR THE SEPTEMBER 9,  
2005 EASTERN DISTRICT CONFERENCE and TO  
PAY YOUR 2005 DUES!***

**Your \$35 Dues Payment is your ticket to the District Conference,  
and to CLE credits!! But be sure and send in your Registration  
and don't forget to register for the Joint SCBA/FBA Luncheon for  
only \$27 additional!**

**Membership in the Federal Bar Association for the Eastern District  
of Washington remains a great bargain, and entitles you to attend,  
at no additional charge the annual District Conference. Fill out the  
form below and return it with your Conference Registration and  
your 2005 FBA dues.**

| <b>FEDERAL BAR ASSOCIATION 2005 DUES and<br/>EASTERN DISTRICT CONFERENCE &amp; CLE REGISTRATION</b> |  |
|---|--|
| Make Payment to:  | Federal Bar Association, E.D. Wa.  |
| Return with Payment to:   | William D. Hyslop, Lukins & Annis, P.S.<br>717 W. Sprague Ave., Suite 1600, Spokane WA 99201 |
| NAME:   | _____  |
| EMAIL:  | _____  |
| PHONE:  | _____ FAX: _____   |
| FIRM:   | _____  |
| ADDRESS:  | _____  |
| CITY/STATE/ZIP:   | _____  |
| BAR STATE & NO.:  | _____  |
| <b>CHECK THE FOLLOWING:</b>   |  |
| <input type="checkbox"/> 2005 FEDERAL BAR ASSOCIATION DUES PAYMENT:                                 | \$35.00  |
| <input type="checkbox"/> 2005 DISTRICT CONFERENCE REGISTRATION:                                     | Yes, I will attend; No charge for Paid Members.  |
| <input type="checkbox"/> 2005 JOINT FBA/SCBA LUNCHEON:  | <u>\$27.00</u>   |
| (Ticketed Event Not Included in Conference Registration)  |  |
| TOTAL PAYMENT ENCLOSED:   | \$ _____   |