

FEDERAL BAR ASSOCIATION

of the Western District of Washington

NEWS NEWS NEWS NEWS

VOL. 27 No. 1

SUMMER 2004



**NEW U.S. COURTHOUSE GRACES
SEATTLE SKYLINE**

PRESIDENT'S MESSAGE

A BUSY SUMMER IN THE WESTERN DISTRICT

Ill keep this short. There's a lot going on in the Western District of Washington this spring and summer. For starters, we have two new district judges and a new United States Courthouse. Things like that certainly don't happen every year.

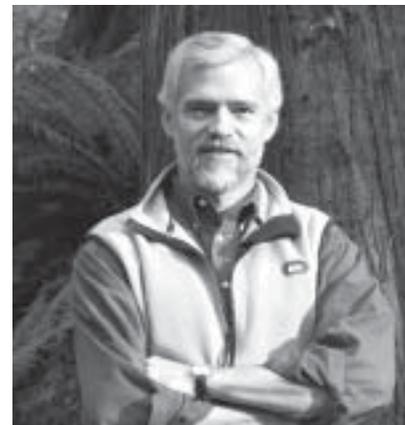
Our new judges are profiled in this issue. Perhaps the best reflection of their stature is the fact that they were both confirmed by the U.S. Senate without controversy in a time of extraordinary gridlock over judicial nominations. The Western District's success in keeping its federal bench fully staffed in polarized political times also reflects the exceptional collegiality among the district's judges and between its judges and attorneys. We are very fortunate to be able to call the Western District our home court and to have two new district judges to get to know.

The new federal courthouse is complete and has already had an impact on the Seattle skyline. It will soon have an impact on all of us. It too is profiled in this issue. With the clerk's office moving into the new courthouse over two weekends in August and the new building opening for business this summer, I would encourage all of you to pick a sunny day and take a stroll over to the courthouse. Take a lunch and eat in the plaza. Walk through the building and get acquainted with it. One thing you may want to look for is the attorney workroom on the tenth floor. This room is the product of a joint effort by the clerk's office and our association to provide a small amount of work and meeting space for attorneys in the courthouse. The room will have

several workstations with Internet access for laptops, a copier, at least one desktop computer for anyone to use, a computer with access to the court's electronic docket, and some temporary lockable storage in which to leave a document case or other materials for an hour or two. Please make good use of these facilities, but take good care of them too. We'd like this space to be both useful and successful.

Just in case you're beginning to think all the news about the courts is good news this summer, you should be aware that there have been rumblings in Congress about a budget freeze for the federal courts for fiscal year 2005. At the moment, it appears that Congress will relent and adequately—if not fully—fund our federal courts. If the situation changes, however, we may need to speak up for the incredibly important role that the federal courts play and the need for adequate funding for all of the services that the courts provide. On this issue, stay tuned. No further news may be good news.

Last—and perhaps least but still important—many of you who will receive this newsletter may not be current in your FBA-WDW membership. It's easy to forget to



complete and turn in your registration form each year. Your membership dues are not significant enough to be memorable. But the budget to publish this newsletter, present CLEs, support the activities of our various committees, and plan other activities is based on member dues. If you can't remember whether you've registered for 2004, check with the association's secretary, Beth Andrus. If you know you haven't registered, there's a form in this newsletter—turn to it now and send it in with your dues check. If you're not sure what your member dues are used for, sign up to participate in one of our committees, attend one of our quarterly meetings, or attend one of our lunch or CLE programs. Ongoing activities include developing and proposing to the court modifications and additions to the local rules for the Western District, brown-bag lunches with judges, and co-sponsoring programs and events. You can find out more about these and other activities on our website, www.fba-wdwdwash.org. You may be surprised by how much we do—and by how much you can be a part of our work.

Enjoy the newsletter. Hope to see you at one of our events later this year.

Todd D. True

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On the cover: Seattle’s new United States Courthouse. Photograph by Christian Richters.

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ASSOCIATION ENJOYS RECORD ATTENDANCE AT 2003 ANNUAL DINNER

By J. Todd Tracy

The Federal Bar Association of the Western District of Washington welcomed a record number of members and guests to its 21st Annual Dinner on December 10, 2003 in the Spanish Ballroom of the newly renamed Fairmont Olympic Hotel. The popularity of this annual celebration reflects the growth, vibrancy and importance of the association.

The 2003 Annual Dinner was preceded by the annual winter CLE. Another victim of its own success, the CLE had over 120 attendees. One panel featured Judge Thomas Zilly and Shirley Lindberg, and was entitled Electronic Case Filing—Have You Been Served? A second panel, featuring Judge Marsha Pechman, Martha Dawson, Randy Granger and moderator Chris Youtz, tackled Electronic Discovery. The CLE's final panel was headlined by special guest Barry Scheck, who joined Professor Jacqueline McMurtrie, Judge Robert Lasnik and Francis Diskin in a discussion of Innocence, Guilt and Evidence.

After the CLE, Kevin Swan presided over his final Quarterly and Annual Membership Meeting as president of the

association. Mr. Swan reported on the highlights of his year as president, including an important report issued by the Equal Access to Justice Task Force and the Pro Bono Committee. Mr. Swan discussed the association's efforts to extend its geographic diversity, which included holding its April 2003 Quarterly Meeting at the U.S. Courthouse in Tacoma. That meeting was attended by most of Tacoma's federal judges, along with numerous Pierce County-based



Todd True

members of the Washington bar. Mr. Swan then presided over the election of the association's officers and trustees for 2004. Val Hughes was elected vice-president, and Steve Koh and Beth Andrus were reelected to their respective positions as treasurer and secretary. Finally, Mr. Swan welcomed new trustees Linda Severin, Deborah Crabbe and Harry (Skip) Johnson.

Incoming President Todd True opened the evening's festivities with a presentation to Mr. Swan for his tireless work as president of the association. Mr. True highlighted Mr. Swan's efforts to establish the Judge William Dwyer Jury Project Award, and to expand the association's membership to include more public-sector attorneys. As a token of the association's appreciation, Mr. True presented Mr. Swan with a framed antique map for his collection.



James Smith

Mr. True then introduced Jim Smith, who presented the association's 2003 Service Award to Carolyn Cairns. Ms. Cairns has a long and distinguished record of service to the organization. She is a past president and trustee of the association. She is also a member of the ADR Task Force, and most recently chaired the Task Force on the Revised Civil Rules, which in January issued its final report. Ms. Cairns graciously accepted the



Carolyn Cairns



Kevin Swan

award, recalling her early mentors who had actively encouraged her to participate in the association. She concluded by stating that it has been an honor to serve the association and to further its mission.

The evening's spotlight then turned to the U.S. Bankruptcy Court. Bankruptcy Committee chair Todd Tracy introduced the evening's judicial honoree, U.S. Bankruptcy Judge Samuel J. Steiner, who in 2003 was marking the 25th anniversary of his elevation to the bench. In fact, Judge Steiner is the longest-serving, non-recalled, active bankruptcy judge in the United States. He was appointed to serve as a Bankruptcy Referee in June 1978 by U.S. District Judge Walter McGovern. When the new Bankruptcy Code replaced the old Bankruptcy Act in October 1979, Bankruptcy Referee Steiner became Bankruptcy Judge Steiner.



J. Todd Tracy

It was only a matter of months before Judge Steiner was presiding over the Western Farmers Co-Op case—the largest Chapter 11 filing in the country up to that point. Since then he has presided over many other high-profile cases, including Frederick & Nelson, Genera Sportswear and TreeSource Industries. Many of Judge Steiner's opinions in the Western Farmers Co-Op case are still cited as authority today.

Judge Steiner took the podium and thanked the association for his award. Noting that he is frequently credited with having saved Frango's for Seattle during a contentious hearing in the Frederick & Nelson bankruptcy case, he pointed out that all he had done was delay a hearing for several hours and open the door to his conference room so the lawyers could craft a settlement agreement that he



U.S. Bankruptcy Judge Samuel Steiner

subsequently approved. He also recalled his recent case involving the ferry Kalakala and its on-again, off-again, on-again, off-again sale. He concluded by noting that if he were to be given another opportunity to speak at the Annual Dinner in five years, he would tell the story of the stripper-turned-swimsuit-designer debtor. He did not elaborate.

Mr. True then introduced Chief Judge Mary Schroeder of the Ninth Circuit Court of Appeals. After regaling her audience with stories of sunny Arizona and her many travels throughout the



Judge Mary Schroeder

circuit, Judge Schroeder commended the association and the Western District's federal practitioners for their tremendous professionalism and the high quality of their legal work. She also praised Judge John Coughenour on his successful tenure as chair of the Ninth Circuit's Conference of Chief District Judges. Finally, she updated the district on the budget issues facing the circuit.

The evening's keynote address was to have been delivered by Senator Maria Cantwell, but she had to cancel due to a last-minute scheduling change and the need for her to participate in a fact-finding mission to Guantanamo, Cuba. Senator Cantwell arranged for Neil H. MacBride, chief counsel and staff director for Senator Joseph R. Biden, to speak in her place. Mr. MacBride provided insights into the current partisan politics that are plaguing the Senate



Neil H. MacBride

Committee on the Judiciary. He also discussed the budgetary concerns that the federal judiciary is facing, and the steps that the Judiciary Committee is taking to address those concerns. Mr. True thanked Mr. MacBride for his willingness to travel to Seattle on short notice during the busy holiday season, and for his comments on the activities of the Judiciary Committee. Mr. True then brought the Association's twenty-first Annual Dinner to a close.

FEDERAL BAR ASSOCIATION NEWS



Clockwise from top left: Judge Marsha Pechman, Kate Pflaumer; Matt Temmel, Judge Christine Quinn-Brintnall; Michele Gammer, Allen Bentley; Greg Leever, Judge Ronald Leighton; Jeffrey Smyth, Judge Richard Sanders; Magistrate Judge Monica Benton, Charles Fulcher; John Congalton, Merrilee MacLean; Lembhard Howell, Justice Gerry Alexander; Judge Harry McCarthy, John Lundin, Daniel Dubitzky



Clockwise from top left: Kate Pflaumer, Susan Roe, Judge Ricardo Martinez, Judge Robert Lasnik; Judge Richard Tallman, Carl Gilmore; Anthony Rafel, John Knox, Todd True; John Phillips, Fredric Tausend, Steve Phillips; Karen Jones, Judge Mary Alice Theiler; Mark Hough, Magistrate Judge John Weinberg (Ret.), Judge Mary Alice Theiler, Lish Whitson; Bob Christie, Matistrate Judge Karen Strombom; James Stoetzer, Judge Thomas Zilly, John McKay, Judge James Robart; Margaret Martinez, Judge Ricardo Martinez, Judge Betty Fletcher

PROFILE OF JUDGE RICARDO S. MARTINEZ

By Henry Wigglesworth

When Judge Ricardo S. Martinez was five years old, his father made an important decision: instead of picking cotton and tomatoes in sweltering southern Texas, he would take his family north, in search of better weather, better pay and a better lifestyle. Way north. Leaving their home in a migrant labor camp in Mercedes, Texas, just a few miles from Mexico, the Martinez clan traveled all the way to Lynden, Washington, near the Canadian border. In Lynden, the family found work picking strawberries, raspberries and other local crops.

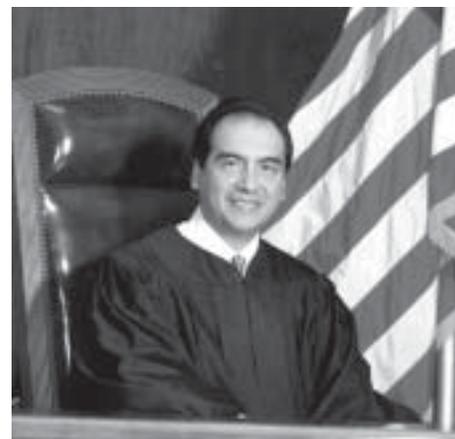
When the season ended and other migrant workers were leaving to follow the sun in their endless search for work, the elder Martinez made another equally important decision: his family would stay put. His wife had persuaded him that stability was the only way their kids would get an education. He asked the farmer whose crops he had been picking if there was any full-time work to be had, explaining that he wanted his children to remain in a stable environment so they could go to school. The farmer didn't need year-round help but his wife, an elementary school teacher, convinced him that he should give Martinez a job as a handyman.

That fall, six year-old Ricardo started first grade. Having spent the first five years of his life in migrant labor camps where the only language heard or spoken was Spanish, he was suddenly thrust into a strange and unfamiliar world. He recalls his initial feelings of frustration and confusion at his inability to communicate with other students or his teachers. "It was awful, like suddenly being struck deaf and dumb! I could hear, but not comprehend; I could speak, but not be understood." After his initial shock, Judge Martinez's

natural intelligence and competitiveness soon took over. He took a liking to school and quickly became one of the better students, eventually graduating from high school with academic honors. He was the first person in his immediate family to graduate from high school.

It was the first of many firsts. Judge Martinez became the first in his family to go to college, graduating from the University of Washington with a degree in psychology. A few years later, he became the first to go to law school, again at UW. After ten years as a prosecutor he was appointed to serve on the King County Superior Court, becoming the first male Hispanic judge in the history of Washington State. In 1998, he became the first Hispanic Magistrate Judge in the Western District of Washington. Now, after his nomination by President George W. Bush and his unanimous confirmation by the U.S. Senate, he has become the first Hispanic Article III judge in Washington's history.

Judge Martinez's work over the last 25 years has prepared him well to step into the role of district judge. As a prosecutor, he learned the ropes of the



criminal justice system working in the many different departments of the office. He spent several years in the Special Assault Unit ("SAU"), handling many cases of sexual abuse. He prosecuted several cases involving child pornography, and the experience led him to help draft Washington's first child sexual exploitation statute. His caseload in the SAU was physically and psychologically demanding. "One time," he recalls, "I finished a closing argument in a rape trial just in time to run out of the courthouse up the hill to Swedish Hospital to see my daughter Lela born. It was a breathtaking experience, made more so by the eight blocks of uphill run." Lela Martinez is now concluding her junior year at a university in Washington, D.C., where she has an academic scholarship. Sister Jessica, a high school senior, was recently awarded a soccer scholarship by a Pac 10 Division I university. Sister Gabriela is a budding basketball star currently in junior high school.

Judge Martinez's excellent work as a prosecutor did not go unnoticed by his boss, King County Prosecuting Attorney Norm Maleng. In 1986 Maleng asked Judge Martinez to head the newly-created Drug Unit. It was a time of exponential growth in drug cases. "Crack cocaine was just hitting the scene," Judge Martinez recalls, "and the

California gangs were beginning to pick up momentum and branch out, even making it all the way to Seattle.” One of the most notorious cases that Judge Martinez prosecuted involved a defendant named Rick Pearson, who had murdered two people and attempted to murder two others in a drug dispute. His case was the first of two death penalty cases that Judge Martinez would handle. “The jury voted 11 to 1 to impose the death penalty, so Mr. Pearson was automatically sentenced to life without parole,” recalls Judge Martinez. “He died in prison after serving seven or eight years.”

Judge Martinez rapidly became an expert on drug cases and was soon participating as a faculty member in programs around the country sponsored by organizations such as the National College of District Attorneys and the American Prosecutor’s Research Institute. “The opportunities I had at the prosecutor’s office were phenomenal. I traveled to over 35 states and was able to see the drug problem from a national perspective. I talked to DAs in Miami and New York, where anything less than multiple kilos of cocaine was practically considered to be a misdemeanor.”

Back in Seattle, Judge Martinez’s work as a prosecutor was complemented by his work as a member of the Minority and Justice Task Force, which the Washington Supreme Court had established in 1988. He came to appreciate that many people of color did not trust the criminal justice system because they did not see themselves reflected in it. “One time I was prosecuting a case involving a Hispanic defendant,” Judge Martinez recalls. “When the defendant entered the courtroom, he looked around and saw that everyone, from the judge to the bailiff, and even his own lawyer, was

white—except for me. This defendant looked at me and even though he knew exactly who I was and what I was trying to do—convict him—he stopped and gave me a big smile. He had finally found someone in the courtroom he could relate to, even if it was the prosecutor.”

When a vacancy opened on the King County Superior Court bench, then-Governor Booth Gardner appointed Martinez to become the first male Hispanic judge at any level of the judiciary in Washington’s history. In 1993 Judge Martinez’s experience prosecuting drug crimes led to his involvement in the creation of “drug court,” which enabled qualified defendants to participate in a treatment program and if successful avoid prosecution. To be eligible for the program, formally known as Drug Diversion Court, a defendant had to be accused only of simple possession, and could not have had any prior violent or sex-crime convictions. If an eligible defendant opted to participate, he had to complete a year-long treatment program in order to “graduate” and have the drug charges dismissed. If he failed, however, he gave up his right to a trial and a judge could find him guilty on the basis of the police report alone.

Judge Martinez calls drug court one of the most rewarding experiences of his professional career. “The average defendant appearing before me in drug court had been booked up to fifteen times already for various offenses. These defendants have a medically recognized disease called addiction, and the criminal justice system was not treating the disease; it was only treating the symptoms. Through drug court, if a defendant was willing to work hard, they could find a way to break the cycle.” Judge Martinez recalls one woman in particular who appeared

before him. She was a former nurse who had become addicted to cocaine and had lost her nursing license. “As many addicts do, she relapsed during her stint in the program, and I had to put her in jail for a few days. But she became motivated to work with us because of her pregnancy, and she found the strength to complete the program. At our little ‘graduation ceremony’ as we called it, she brought her five week-old daughter, who had been born to a mother who, at long last, was drug-free.”

Judge Martinez beams as he tells the story, and his pride in the program’s success is palpable. He often acted as a father figure to drug court defendants. He found that positive reinforcement was a key tool in helping participants succeed—backed up by an occasional punishment to show that prison was just one failed urinalysis away. “That was one of the drawbacks about drug court, in a way,” recalls Judge Martinez. “I used to get so wrapped up in these people’s lives. Normally, the lives of a judge and a defendant do not intersect, but I used to live and die with their successes and failures.”

Judge Martinez’s “carrot and stick” method worked well, and over 25% of drug court’s participants completed the program and went on to lead more productive lives than if they had simply been processed through the criminal justice system. Drug court also saved the taxpayers money. In 1993, the average cost of keeping a person in prison for a year was over \$25,000, but the cost of treatment offered through drug court was less than \$2,000. Judge Martinez’s groundbreaking work in drug court has been recognized locally and statewide by many civic groups and bar associations, and the drug court model has been implemented in other jurisdictions. At the program’s

inception, it was only the twelfth such program operating in the entire country. Today there are approximately 1,200 drug courts operating nationwide, with 400 more in the planning stages. “I still hear from several of our former ‘graduates,’ and I love receiving letters from them with pictures of their smiling families,” says Judge Martinez.

In 1998, after almost nine years on the King County Superior Court bench, Judge Martinez was appointed to serve as a magistrate judge for the U.S. District Court in Seattle. Federal court was not new to Judge Martinez—he had prosecuted some fraud cases there as a specially-designated Assistant U.S. Attorney during his stint as a King County prosecutor. His duties as a magistrate judge included a variety of criminal matters—arraignments, detention hearings, and plea hearings—as well as social security appeals, habeas petitions, and mediation of cases scheduled for trial before a district judge. Judge Martinez particularly enjoyed his role as a mediator as it drew on his exceptional people skills, including his ability to relate to the litigants and get each side to see the other’s point of view. “I think that it’s the trial lawyer in me that loves the challenge of mediating cases,” says Judge Martinez. “I truly believe that I can find the right argument, the right tack, to convince reasonable people that settlement is a preferred alternative to the risk of going to trial.”

Judge Martinez’s enjoyment in settling civil and criminal cases was matched by his success. His track record was so good that district judges often asked him if he could squeeze one more case into his busy schedule. His most recent success was settling the high profile case involving the University of Washington medical school and several UW physicians accused by the federal government of Medicare billing fraud.

“Everyone involved put in an enormous amount of work on that case,” says Judge Martinez. “But it was such an important case to the people of this community that, as I told the lawyers on several occasions, ‘We must settle this one; failure is simply not an option.’”

After Judge Barbara Jacobs Rothstein left the Western District to become Director of the Federal Judicial Center in the nation’s capital, Judge Martinez was nominated by President George W. Bush to replace her. When President Bush came to Seattle on a trip west, Judge Martinez was invited to greet him, along with former senator Slade Gorton and other high-ranking Republican dignitaries. As the President stepped off Air Force One and walked towards Judge Martinez, the judge thought to himself that the President appeared taller in real life than he did on TV. The President shook Judge Martinez’s hand and greeted him in Spanish, with no trace of an accent. Appropriately, the judge responded in Spanish. “I guess I never really had to learn English after all,” he now quips.

Judge Martinez has always considered it important to stay connected to the community, especially because the life of a judge can be isolating. Judge Martinez has found it easy to do so as the father of three energetic daughters. He has been a “soccer dad” for years, serving as coach, cheerleader, and driver. His middle daughter Jessica has long been recognized as one of the outstanding soccer players in Washington state. Although Jessica will be off attending college this fall, Judge Martinez will maintain his community connections through his youngest daughter. Already five feet, eight inches tall at age 12, Ellie plays basketball for her junior high school team and two regional select teams. Judge Martinez’s oldest daughter, who will graduate from college next year and

intends to pursue a career in journalism, keeps Judge Martinez connected to an even broader community. “Thanks to e-mail, she and I have been able to stay in touch while she has been away, and she keeps me informed about the world of a young adult and what is happening on the east coast.”

Judge Martinez had a chance to visit his oldest daughter recently when he testified before the Senate Judiciary Committee in January of this year. In fact, the trip to Washington, D.C. was a family affair. When Senator John Kyl asked Judge Martinez to introduce the members of his family who were in attendance, Judge Martinez impressed the Committee by having the largest contingent of all the nominees who were appearing that day. His three daughters were there, as well as his wife Margaret, to whom he has been married for 25 years.

In addition to his community involvement through his family, Judge Martinez has also served as a member of the University of Washington Advisory Committee and as a regent for Seattle University. He serves as a mentor to many young college students and routinely encourages local law students to apply for internships in his chambers. He is also a movie buff, regularly impressing his law clerks with his knowledge of movie trivia.

Almost 50 years after his father made the fateful decision to stop following the crops and keep his family in one place, Ricardo S. Martinez has now become an Article III judge. Life has been quite a journey for Judge Martinez. That journey has helped shape his judicial philosophy, which has served him well in the past and will guide him in his new post: “When people walk into my court,” he says, “I want them to feel that they will have a fair hearing, they will be respected, and that nothing is predetermined.”

PROFILE OF JUDGE JAMES L. ROBART

By Dana Luthy

One of Judge James L. Robart's earliest memories is of a trip to the federal courthouse in Seattle. He was in the third grade in 1955 when he went to the courthouse to watch his mother being sworn in as a naturalized U.S. citizen. Today Judge Robart is working in that courthouse as one of the Western District's two newest District Judges. He is honored to have been given the opportunity to follow in the footsteps of so many respected judicial colleagues and predecessors.

Judge Robart has deep roots in the Pacific Northwest. His father, Victor Robart, was a ship captain for Standard Oil of California. Victor and his wife Nora moved to the Richmond Beach neighborhood north of Seattle in the 1930s to be near Victor's place of employment. James Robart was born in 1947 and was raised in Richmond Beach.

Judge Robart attended Shoreline High School, where he was student body president and participated in the debate program. His family was active in the Boy Scouts, and he and his brother Victor were both Eagle Scouts.

Judge Robart attended Whitman College in Walla Walla, Washington, from which he graduated magna cum laude in 1969. He has maintained his ties to Whitman, and is a current trustee and former chair of the Board of Overseers. "I was fortunate enough to attend Whitman on a scholarship," Judge Robart notes, "and have been trying to help others enjoy the opportunities that a Whitman education gave to me."

After Whitman, Judge Robart was admitted to graduate study in the Department of Economics at Columbia University. He decided to attend law school instead, and enrolled at

Georgetown University Law Center. While in law school, he worked 30 hours a week and was a member of the Georgetown Law Review. His employers included members of both the U.S. Senate and the House of Representatives. He worked with the legendary Henry "Scoop" Jackson (D-WA) on the Alaska Native Claims Settlement Act, and for Congressman John Dellenback (R-OR) as a legislative assistant.

After graduating from Georgetown in 1973, Judge Robart returned to Seattle and joined Lane Powell Moss & Miller (now Lane Powell Spears Lubersky LLP), where he began a civil litigation practice that would span some 30 years. He chaired Lane Powell's 85-member Litigation Department from 1992 to 1998. He was elected co-managing partner in January 1998, and was the firm's managing partner from 2003 until his elevation to the federal bench.

The life of a lawyer agreed with Judge Robart, and so did working at Lane Powell. He met his wife (Mari Jalbing, then a Seattle paralegal) through work. The couple married in November 1980. Mari Robart now works as an artist and a community volunteer. They share many hobbies, including fishing, gardening and reading. They have also been foster



parents to six children, and strong advocates for children in the community. Judge Robart is a former president and trustee of Seattle Children's Home and a former trustee of Children's Home Society of Washington. He and Mari keep in contact with many of their foster children, and have become unofficial "foster grandparents" to a number of their foster children's children. "It's very affirming to see that a child can come from a very difficult situation and be a success," Judge Robart says. "It's a different measure of success from hanging out with a bunch of lawyers who count success by the number of degrees you have. Having a job and raising your own family makes you a success too."

One of Judge Robart's finer attributes (and one for which he receives a fair amount of ribbing) is his frugality and lack of pretension. Around the offices of Lane Powell, teasing Judge Robart about his 1986 Volvo sedan was considered a fine way to pass a few minutes on a rainy afternoon. While many partners in Seattle's larger law firms have opted for chic Mercedes or BMWs, Judge Robart has remained loyal to his Volvo—a rolling gym that has allowed him to exercise his arm muscles by wrestling with the steering wheel and window handles. Judge Robart was prepared to discuss

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NEW FEDERAL COURTHOUSE OPENS IN SEATTLE

By Lish Whitson and Duncan Manville

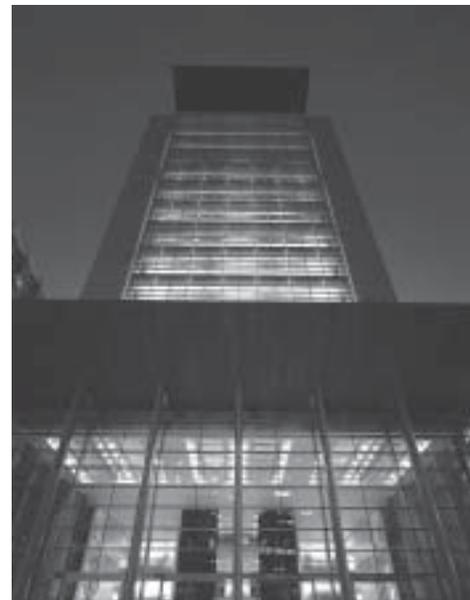
For many years the U.S. District Court for the Western District of Washington was housed in the 1930s-era William Kenzo Nakamura United States Courthouse located at 1010 Fifth Avenue in downtown Seattle, Washington. The Nakamura courthouse long ago reached capacity due to the court's burgeoning caseload, and thus over time various components of the U.S. District Court (including U.S. Pretrial Services and U.S. Probation), as well as the entire U.S. Bankruptcy Court for the Western District of Washington, moved from the existing historic building into leased space in other buildings downtown. Steadily-escalating space limitations and security deficiencies finally justified the need to begin planning and developing a new federal courthouse building.

In 1990 the General Services Administration (GSA) Northwest/Artic Region in Auburn, Washington executed a Prospectus Development Study defining the projected space and funding requirements for the new facility. The U.S. Congress appropriated funding for the project and authorized it to proceed in October 1997. The GSA Northwest/Artic Region hired the Seattle firm of NBBJ to design the new courthouse and develop the necessary contract documents. The spring and fall 2001 issues of this publication contained an extensive discussion of the project's background, status and objectives.

The project proceeded roughly on schedule. Its conceptual design phase was completed between September 1998 and May 1999. Design development was accomplished between May and December 1999. Construction documents were drawn up between January 2000 and December 2001. The construction contract was awarded in May 2001. Site and foundation work were completed in March 2002. Steel

was erected and concrete was poured between March and December 2002. The building's exterior skin was applied between August 2002 and July 2003. Tenant improvements and interior finishes were constructed between January and December 2003. Audio-visual and telecommunications equipment was installed between February 2003 and June 2004. The project was substantially completed in February 2004.

The new U.S. Courthouse sits on slightly more than a two-acre parcel of previously-undeveloped land at the edge of Seattle's downtown area some seven blocks north of the Nakamura courthouse. The one-block, roughly 90,000-square-foot site is bounded by Seventh Avenue to the west, Virginia Street to the north, Eighth Avenue to the east, and Stewart Street to the south. The site has been extensively landscaped, and features a plaza covering three-quarters of an acre at Seventh and Stewart. The plaza contains a grove of about 100 birch trees, stone paving, reflecting pools, a recessed lawn,



and *Pillar Arc*, a 28-foot cast aluminum sculpture by Ming Fay that was inspired by the seed of a cedar tree.

The new courthouse's lobby is an open glass pavilion with a reflecting pool separating secure and non-secure areas. A cast glass cascade of water at the front of the reflecting pool was designed by Paul Marioni and Ann Troutner. At the back of the lobby is a three-storey mural by Michael Fagans. The lobby also contains a glass sculpture by Ed Carpenter.

The courthouse's eighteen courtrooms feature natural lighting; gently arc-shaped ceilings; cherry casework; walls finished with cherry paneling and fabric acoustic panels; and sophisticated audio-visual equipment including sound amplification systems, ceiling-mounted speakers with volume controls for law clerks and secretaries, microphones for judges, courtroom deputies, attorneys and witnesses, telephonic conferencing systems, assisted listening systems for hearing-impaired individuals and for interpretation, infrastructure for digital evidence presentation (including cabling, fixed equipment, control panels, and

push-button controls for lighting, shades and audio systems), infrastructure for real-time recording, and systems enabling direct audio communication between judges and courtroom deputies. One courtroom will contain flat panel monitors for the judge, witness, courtroom deputy and court reporter; a presentation lectern with a document camera, printer and annotation system; video-conferencing equipment; control panels enabling the judge and courtroom deputy to control audio-video equipment, lighting and shades; and plasma monitors for spectator viewing.

The courthouse will accommodate the U.S. District Court for the Western District of Washington (occupying thirteen District Courtrooms, twelve District Chambers, four Magistrate Chambers, the Offices of the Clerk of the District Court, and the Court Satellite Library), the U.S. Bankruptcy Court for the Western District of Washington (occupying five Bankruptcy Courtrooms, five Bankruptcy Chambers, one Bankruptcy Visiting Chamber, and the Offices of the Clerk of the Bankruptcy Court), the U.S. Probation Office, U.S. Pretrial Services, the U.S. Federal Public Defender (Trial Prep Suite only), the U.S. Marshals Service, the U.S. Trustee, and the U.S. Attorney. The building's tenants moved in primarily during the last two weeks of August 2004. The courthouse's services and facilities opened to the public in early September.

Judge Robart

Continued from Page 11

his fiscal responsibility during the F.B.I. background check that he underwent as part of the judicial confirmation process, but the anticipated questions did not come. When he asked why not, he was advised by the F.B.I. agent who was running the check that "we didn't need

to worry about that—all of your colleagues have told us about your car."

Judge Robart loves to fish. At Lane Powell he found (and in some cases created) other fishing enthusiasts, many of whom have been taking yearly fishing trips together to Langara Island, British Columbia since 1989. Judge Robart is nearly as committed to his fishing expeditions as he was to his law practice. He will proudly tell anyone who asks him about fishing that in 2003, along with being the managing partner at Lane Powell and working on a large municipal bond default case in federal court, he found time to catch 100 king salmon.

Judge Robart is also an avid reader. Volumes about Thomas Jefferson, Ulysses S. Grant, Theodore Roosevelt, Winston Churchill and other public figures grace his bookshelves. Asked to name a favorite biography, Judge Robart responds that "William Manchester's unfinished work on Churchill would rank high on the list, along with U.S. Grant's autobiography."

Judge Robart began his litigation practice trying a variety of civil cases in Washington's district and superior courts. Many of those trials took place in the outlying counties of western Washington. "Having to persuade a local jury in Pacific County that a Seattle defendant was not responsible for the damages of a local resident was excellent training in trial advocacy," Judge Robart says. Over time, Judge Robart's practice developed to include class actions, complex commercial litigation, employment matters and intellectual property disputes.

In one of Judge Robart's more noteworthy cases, he represented Nordstrom in a class action lawsuit brought on behalf of 140,000 current and former employees who were seeking to recover compensation for alleged "off-

the-clock" work. The matter was resolved through a company-administered settlement program.

Judge Robart also served as co-lead counsel in a case challenging the constitutionality of Washington State Initiative I-695, the \$30 car-tab initiative. Representing the cities of Bainbridge Island, Bremerton and Lakewood, he and his co-counsel (representing other plaintiffs) successfully argued the case in the trial court and before the Washington State Supreme Court. The judge and justices who ruled for the plaintiffs, Judge Robart says, showed great courage in overturning a legally flawed initiative even though it had great public support. Judge Robart intends to approach his new job with a similar degree of fortitude. "I hope I have the wisdom and humility to do the legally proper thing," he says, "and not worry about the consequences and the popularity of my rulings."

Judge Robart received many professional honors during his distinguished career as a trial lawyer. He is a member of the American College of Trial Lawyers, an invitation-only group comprising the top one percent of trial lawyers in each state. He has served on the Ninth Circuit Advisory Board, which advises the Ninth Circuit Court of Appeals on various issues. He was also chosen as one of the "Best Lawyers in America" in a nationwide survey of attorneys.

Judge Robart has a deep respect for the people who have served as judges in the Western District before him. "Growing up as a lawyer, the federal judges were figures who commanded the respect of the people who appeared before them, as well as the public at large," says Judge Robart. "It is my hope to carry on in that honorable tradition."

MARK YOUR CALENDAR NOW!

FEDERAL PRACTICE CLE ANNUAL RECEPTION AND DINNER

Sponsored by The Federal Bar Association of the Western District of Washington

WEDNESDAY - DECEMBER 8, 2004

The Fairmont Olympic Hotel, 411 University St., Seattle

CLE PROGRAM: 1:00 p.m. to 5:00 p.m.

PERSPECTIVES ON 9-11

An informed discussion for federal court practitioners

featuring: **SEN. SLADE GORTON,**

Former Washington State Senator and Member of the National Commission on Terrorist Attacks Upon the United States

and

FEDERAL PRACTICE IN AN ERA OF CORPORATE SCANDALS

A panel discussion on legal challenges arising from corporate fraud

featuring: **MELVYN I. WEISS,**

Founding Partner, Milberg Weiss Bershad & Schulman LLP

\$125 per person (\$100 public interest/government counsel)

3.75 CLE credits expected. For information contact:

Leslie Listy - 206-695-4774; llisty@milbergweiss.com

FOLLOWING THE CLE PROGRAM THE FEDERAL BAR ASSOCIATION WILL HOST ITS

ANNUAL HOLIDAY RECEPTION AND DINNER

The Fairmont Olympic Hotel, 411 University St., Seattle

Reception 5:30 p.m.; Dinner 7:00 p.m. \$90 per person.

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FEDERAL BAR ASSOCIATION NEWS

FEDERAL BAR ASSOCIATION of the Western District of Washington

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