



FEDERAL BAR ASSOCIATION

WESTERN DISTRICT OF WASHINGTON

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WALKING THE PATH OF JUSTICE



ALSO INSIDE:

Profiles on Judges Steiner, Lynch and Barreca
Should Jurors Use the Internet?
Federal Youth Day 2010

And More...

On the Cover:

Chief Judge Robert Lasnik and Judge
Richard Jones with Congressman
John Lewis at Discovery Park.

Photo courtesy of Jack Hamann

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President’s Message4

Welcome Bill McCool5

New Art Collection Adorns the Nakamura Courthouse6

Chief’s Corner7
Walking the Path of Justice

Federal Youth Law Day8
Energizing the Next Generation

Bankruptcy Judge Brian D. Lynch9
From the Courtroom to the Bench

Retiring Bankruptcy Judge Samuel J. Steiner10
A Lifetime Of Service

Should Jurors Use the Internet?11

The 2010 Ninth Circuit Judicial Conference12

Bankruptcy Judge Marc Barreca13
A Creative and Accomplished Problem Solver

PRESIDENT'S MESSAGE

By Kirk Johns

Service Award

From time to time, the Federal Bar Association of the Western District of Washington (FBA-WDWA or FBA) presents a special Service Award to a member whose activities on behalf of the FBA, the Court and/or litigants appearing before the Court, have been singularly commendable and beneficial to the administration of justice in the Western District. The award is not presented annually. Past recent recipients have included Bruce Rifkin in 2004 (for his role in the construction of and move to the new courthouse) and Perkins Coie in 2008 (for its pro bono representation of Salim Ahmed Hamdan).

This year, the FBA's Board is pleased to present the Service Award to Tracy M. Morris "in recognition of her outstanding service to the cause of justice, over a period of several years, and for advancing the mission, development, and value of the Federal Bar Association of the Western District of Washington for its members and the public it serves." Through her dedication, tireless efforts, commitment to service and exacting standards, Tracy has contributed greatly to all who have a stake in the administration of justice in our District: the FBA, its members, the Court, and the litigants who appear before the Court.

Tracy served as FBA President in 2007-2008. During her tenure, she materially advanced the management and inclusiveness of the FBA: she expanded the FBA's membership and achieved greater diversity in both the membership and leadership; she directed efforts to expand, modernize and add content to the FBA website (with the assistance of Duncan Manville and Joanna Plichta Boisen, then Co-Chairs of the Website and Communications Committee); and she made a swearing-in ceremony and CLE program for new Western

District admittees a standard part of the District's Annual Meeting in the Spring. She also provided significant assistance to our courts: she oversaw the drafting of a new oath for attorneys admitted to the Western District, and she worked with the City of Seattle and our resident Ninth Circuit Judges to resolve concerns regarding access for the disabled to the new William Kenzo Nakamura U.S. Courthouse.

Prior to her tenure as President, Tracy served for four years as Co-Chair of the Pro Bono Committee (with Judy Ramseyer) and developed and directed the FBA's Federal Civil Rights Legal Clinic. She also served on the FBA's Nominations Committee in 2005-2006, and in 2006-2007 played a key role under then President Steve Koh in the design and implementation of a new FBA logo (with the assistance of Duncan Manville). And, in 2004, Tracy was appointed by Judge Lasnik to serve on the Magistrate Judge Selection Committee.

Tracy has continued to serve the FBA since her term as President. She has continued to direct the Federal Civil Rights Legal Clinic. She again served on the Nominations Committee. And, starting during her term as President



and continuing to the present, Tracy chaired the FBA's special Art Committee, which was tasked with selecting and displaying archival photographs of Northwest history and culture to display at the newly renovated Nakamura U.S. Courthouse. These efforts, with the assistance of Duncan Manville and in conjunction with Judges Betty Fletcher and Richard Tallman, have drawn praise from all who have visited the courthouse and viewed the exhibit. The Art Committee's project is now complete, with the exhibit now documented in wall plaques adjacent to each photograph and in a "walking tour" guidebook that is available at the courthouse which provides historical background information about each photograph.

Finally—although one never knows with Tracy—Tracy has just completed her three-year term as a Ninth Circuit Judicial Representative, during which she served as Co-Chair of the Western District Lawyer Representatives and, in that capacity, served on the Ninth Circuit's Lawyer Representative Coordinating Committee. In that capacity she also played a key role in organizing two Annual District Meetings.

Thank you Tracy!

Continued on page 14

In September, the Western District of Washington welcomed William McCool back to the Northwest as our court's new District Court Executive/Clerk of Court, the first change in that position in 30 years. After eight years as the Clerk of Court in the Northern District of Florida, Bill and his family are delighted to return to Washington.

Big Shoes to Fill

How does Bill respond to the inevitable questions about "big shoes to fill" since long-time Clerk Bruce Rifkin retired in September? After interviewing with our court on the same day that Ken Griffey announced his retirement, Bill notes that it is both a time of change and a time for ongoing stable leadership.

Rick Weare, the clerk of court in Arizona and the longest-serving clerk in the federal judiciary, has known Bruce for 30 years, and first met Bill more than two decades ago. Rick selected Bill as his chief deputy in Tucson in 1996, and sees many similarities between Bill and Bruce. They are both comfortable dealing with judicial officers and clerk's office staff at all levels, both share a balanced approach to life and work, and both have a good sense of humor. Rick noted an important difference between Bill and Bruce, with which bankruptcy clerk Mark Hatcher agrees: "Bill is a better golfer."

Chief Judge Robert Lasnik also reflected on the "big shoes" question, and has confidence in Bill and his ability to make a smooth transition. When he arrived at the court twelve years ago, Judge Lasnik feared following in the footsteps of the towering judicial figures who preceded him. In that time, we have seen all new active district judges, three new magistrate judges, and significant changes throughout the federal judiciary. What has not changed, however, is our district's proud tradition of a shared sense of public service, and continuous efforts to improve and move forward. Bill

brings that commitment, creativity, and a great deal of talent and experience. Chief Judge Lasnik fully expects that we will look back in fifteen years and ask the same question: "How could we ever get along without Bill McCool?"

Northwestern Roots and Beyond

Bill was raised in the Northwest but has served in several courts throughout the country. Bill is the son of a prominent attorney in Eugene, Oregon, and attended the University of Oregon. Rather than follow in his father's footsteps, Bill obtained a Masters in Legal Administration from the University of Denver's Sturm College of Law. Through that program, he interned with both the Seattle Municipal Court and the 10th Circuit Court of Appeals. Bill has also worked as the court administrator in the Maricopa County and Glendale City courts in Arizona, and for the federal courts in Tucson, Arizona and Tallahassee, Florida.

Bill was an outstanding clerk for our district. I am certain the Western District of Washington will be as pleased with Bill as we were; we will always count him among our friends in the federal judiciary.

- Florida Judge Robert Hinkle

In the Northern District of Florida, Bill worked directly with the court, the bar and other federal and state agencies



to implement a number of significant improvements to court operations, including case and jury management. Florida Judge Robert Hinkle valued Bill's service, stating that "Bill was an outstanding clerk for our district. I am certain the Western District of Washington will be as pleased with Bill as we were; we will always count him among our friends in the federal judiciary."

After his close involvement with building a new courthouse in Tucson and historic renovations in Florida, Bill appreciates our beautiful court facilities here in the Western District of Washington. He spends one day a week in the historic Tacoma Union Station Courthouse, where he recently received a "behind the scenes" tour from building expert Judge Robert Bryan.

National Involvement

Bill's keen understanding of national issues that affect the federal judiciary and court community will serve our court well. He recently stepped down as President of the Federal Court Clerk's Association, chaired the District Clerks Advisory Group, and served on the national Budget and Finance Advisory Council. Bill advises the judiciary in areas ranging from court reporting to performance

Continued on page 17

NEW ART COLLECTION ADORNS THE NAKAMURA COURTHOUSE

By Tracy M. Morris & Duncan E. Manville

In honor of the rededication of the William Kenzo Nakamura United States Courthouse, the FBA-WDWA has adorned four floors of the Courthouse with historical photographs of the Pacific Northwest. For the past two years, the FBA Art Committee, which Tracy Morris founded and chaired, worked with Seattle's Ninth Circuit Judges Betty Fletcher and Richard Tallman, courthouse executives, local museum curators and researchers, framers, installers, and other community members to select and install a collection of 80 stunning images.

Although the \$80 million renovation and modernization of the landmark Nakamura Courthouse involved seismic enhancements, upgrading of major building systems, interior and exterior repairs and beautifications, and the creation of a new secure underground parking facility, loading dock, and mail-handling facility, the budget did not include funding for art. The walls were bare, and the newly renovated building (which incorporates elements of the Art Deco, Modernist and Beaux-Arts styles) yearned for something spectacular.

Morris was the President of the FBA-WDWA at the time, and Judge Tallman reached out to her for assistance. Several planning meetings later, the scope of the art project was defined. The FBA Board of Trustees unanimously approved funding for the endeavor, and the Art Committee commenced work. The Committee met over the course of a year to identify the appropriate genre and location of the artwork. With much of the Nakamura Courthouse's historic interior intact, the building naturally lent itself to historical photographs. After combing through the Museum of History & Industry (MOHAI) and the Washington State Historical Society (WSHS) archives, the Committee,

in collaboration with current FBA-WDWA President Kirk Johns, selected 80 images for the collection. The photographs came from many sources — the Seattle Post-Intelligencer Collection, the Seattle Historical Society Collection, the PEMCO Webster & Stevens Collection, the Austin Seward Collection, the Anders B. Wilse Collection, and the Boeing Airplane Company Airplane Production Photographs, all located at MOHAI; the Joe Williamson Collection located at the Puget Sound Maritime Historical Society (PSMHS); and the Asahel Curtis Collection located at the WSHS.

The public can now enjoy black-and-white photographs of Seattle and the Nakamura Courthouse on the fourth floor—a grouping that traces the history of the Courthouse and its environs, beginning in 1878. On the sixth floor, the collection focuses on Pacific Northwest labor and industry, and includes photographs of cannery workers, miners, pole carvers, and the aeronautics industry. The ninth and tenth floors are currently closed to the public, but that may change in the future. The ninth floor collection depicts Pacific Northwest landscapes taken by Asahel Curtis, an artist

who, during the first four decades of the 20th century, generated one of history's most valuable photographic records of life in the Pacific Northwest, meticulously documenting cityscapes and landscapes; the logging, farming, mining and fishing industries; the people of Seattle and Washington State; and important events such as the massive Denny Regrade Project, the damming of the Columbia River, and the Alaska-Yukon-Pacific Exhibition. Finally, on the tenth floor, the collection documents notable civil rights demonstrations on the Courthouse steps, the internment of Japanese-Americans during World War II, the Native American fishing rights court battle that culminated in the "Boldt Decision," and other cultural and social issues.

The Ninth Circuit Court of Appeals (which meets monthly in Seattle and hears approximately 400 appeals each year primarily from Washington, Idaho, Montana, Alaska and Oregon) now has an art collection reflecting the natural beauty and cultural richness of its renovated home. Assisted by researcher Claudia Kertzner, the Committee has tried to further enhance the judges', lawyers', and public's experience by

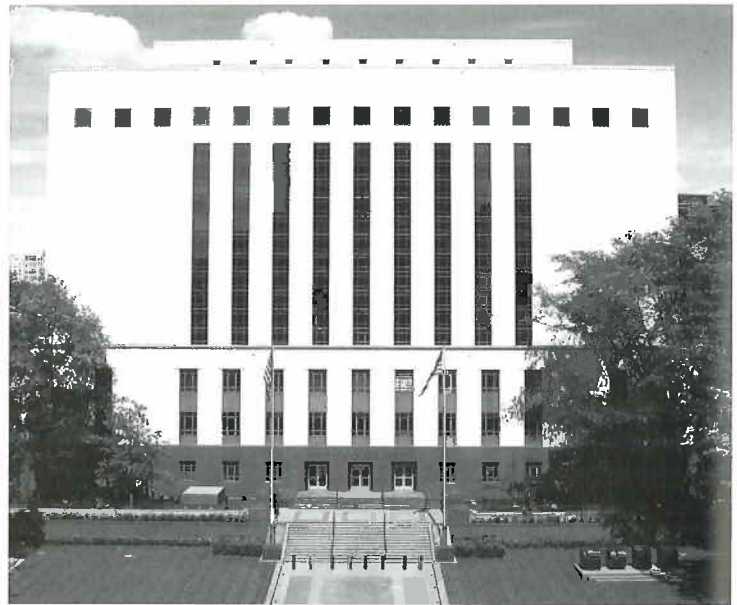


Photo courtesy of Duncan Manville

Continued on page 17

By Chief Judge Robert Lasnik

In March of 1965 a young civil rights activist named John Lewis led hundreds of African-Americans from Selma, Alabama to the state capitol in Montgomery. Their mission was to protest that less than 1% of blacks were allowed to register to vote in Alabama. State Governor George Wallace directed the state police to stop the marchers from crossing the Edmund Pettus Bridge—on Route 80 just a few blocks east of Selma and heading toward Montgomery.

When ordered to disperse, John Lewis and the 600 people he led would not back down. They were then attacked with bull whips, billy clubs and tear gas. The troopers and local police savagely beat the protestors in what can only be

of March. Once again Governor Wallace vowed the marchers would not pass the Edmund Pettus Bridge. This time United States District Judge Frank Johnson—

one of our nation's most courageous federal judges, who found himself at the fulcrum of many of the key moments of the Civil Rights Movement—entered an injunction that allowed the march to go forward. When Dr. King addressed the huge crowd in the shadow of the state capitol dome he gave one of his most famous speeches. It featured the rhythmic use of the phrase “How long? Not long” (excerpts of this

remarkable moment are available on YouTube). Needing to leave the audience with some hope among the despair, Dr. King said:

I know you are asking today, “How long will it take? How long will prejudice blind the visions of men, darken their understanding and drive bright-eyed wisdom from her sacred throne? How long will justice be crucified and truth bear it?”

I come to say to you this afternoon, however difficult the moment, however frustrating the hour, it will not be long, because truth crushed to earth will rise again.

How long? Not long, because no lie can live forever.

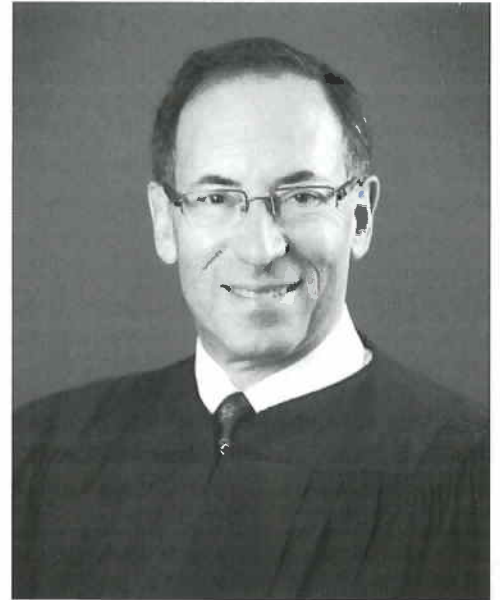
How long? Not long, because you shall reap what you sow.



Jack and Leslie Hamann with a group at Discovery Park.

called a police riot. John Lewis—blood streaming down his face and with a fractured skull—spoke on camera before he was taken to the hospital. He addressed President Lyndon Johnson and begged him to intervene in Alabama. Those images of what became known as “Bloody Sunday” were seen by millions of Americans on the TV news. The shock at the brutality unleashed on non-violent Americans demonstrating for the most basic right to vote led President Johnson to appear before a joint session of Congress to demand passage of the Voting Rights Act of 1965. The Act was adopted by Congress later that year.

The courage, dignity and vision of John Lewis inspired Dr. Martin Luther King to organize a much larger march from Selma to Montgomery toward the end



How long? Not long, because the arc of the moral universe is long, but it bends toward justice.

These events, which transpired 45 years ago, came rushing back to me because of a recent series of events that occurred close together. One was the death of University of Washington Law Professor Paul Steven Miller. Professor Miller crossed his own Edmund Pettus Bridge when he graduated from Harvard Law School and applied for legal jobs that he was more than qualified to do, only to be rejected and ridiculed by law firms because he was a dwarf. He never wavered from his belief in himself and the capabilities of other atypical people and he served with great distinction on the Equal Employment Opportunity Commission and on the staffs of Presidents Clinton and Obama. Like John Lewis he always kept a positive attitude and a belief that eventually wrongs will be rectified. “How long? Not long.”

Just days after Professor Miller's death, Judge Richard Jones and I had the opportunity to walk the paths of Discovery Park with Jack and Leslie Hamann. Jack's marvelous book On American Soil—How Justice Became a Casualty of WWII tells the story of

Continued on page 18

