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PRESIDENT'S MESSAGE

By Stuart Dunwoody

Like changes in the seasons, politics and the business climate, judicial appointments often come in cycles. For the last fifteen years or more, new district judges have joined the bench in our District at fairly regular intervals, as incumbent judges have taken senior status. Of the current roster of active judges filling our seven district judgeships, Chief Judge Lasnik received his commission in 1998, followed by Judge Pechman in 1999, Judge Leighton in 2002, Judges Martinez and Robart in 2004, and Judges Settle and Jones in 2007. (Judge Rothstein is also an active judge of the district but heads the Federal Judicial Center in Washington, D.C.)

Based on the demographics of our active judges, it is likely that this period of steady turnover ended when Judge Jones joined the bench, and that no new district judge will be appointed for another six years, until 2016. This eight-year hiatus will probably be followed by three and a half years in which the District's active judges turn over completely.

These predictions follow from the rules governing when a judge may take senior status: she may do so at age 65, provided she has served at least fifteen years. A judge who does not have fifteen years of service by her 65th birthday may take senior status when her age and period of service add up to 80: A 68-year-old judge may take senior status if she has twelve years of experience, for example.

There is, of course, no requirement that a judge take senior status as soon as she is able. A judge is free to remain in active status for his entire constitutionally-allotted life term. Most judges take senior status as soon as they are able, however, both to increase the number of judges available to handle the District's workload, and to have more control over their workload.

The demographics of our bench are yet another example of a baby-boomer bulge. All seven were born within the four-year period from 1947 through 1951 (1951 was a particularly good year for judges, with four of them born in that year). Because of their particular combinations of birth date and length of service, none will be eligible for senior status until 2016, but then the floodgates open. Judge Lasnik can go senior in January 2016, followed by Judge Pechman in February and Judge Robart in June 2016. Two more judges become eligible the following year – Judges Leighton and Settle, in May and August 2017. Judge Martinez can go senior in June 2018. Finally, Judge Jones, the most junior of the current judges in seniority, will be eligible for senior status in September 2019, and the entire bench will have turned over the course of three and a half years, assuming all judges go senior as soon as they hit the magic number.

So what does this mean if you aspire to what appears to be one of the best legal jobs around? First, if you are fifty or older, do not hold your breath. Judicial nominees usually are in their late forties or early to mid-fifties; for the current bench of active judges the average age at appointment was 53



(both median and mean). Second, if you are now in your forties, start thinking about how you can increase your chances of being one of the seven who will be appointed in quick succession starting in 2016. Maybe you should try to get elected (or appointed) to a superior court judgeship, as four of our seven active district judges did. On the other hand, the other three

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had a background of private practice combined with community and bar leadership and involvement, so that could be a good plan as well.

Another interesting question is politics. While arguably less important in this district, where a merit selection panel chooses three candidates for the state's Senators to present to the President for consideration, ultimately the choice among those three is the President's to make. The timing may favor those candidates who lean Republican. The

Continued on page 9

President's Message2

Bankruptcy Judge Philip H. Brandt – A Profile of Service.....4

Bankruptcy Judge Thomas T. Glover – A Retrospective5

Yes, You Can!6
Get Involved in Pro Bono in the Western District of Washington

Changes to the Local Rules7

Ashcroft v. Iqbal8
Plausibility Pleading Standard Applies To All Cases

On the Cover:

Federal Bar Association's 25th Annual Dinner. Bird's eye view of the grand ballroom at the Fairmont Olympic Hotel in Seattle.

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BANKRUPTCY JUDGE PHILIP H. BRANDT – A PROFILE OF SERVICE

By Deirdre Glynn Levin

Judge Philip H. Brandt's career exemplifies dedication to service and civic involvement. From his Northwest upbringing and naval duty to his numerous regional and judicial activities, Judge Brandt has spent many years serving his community. As his official retirement as a United States Bankruptcy Judge for the Western District of Washington approaches in 2010, Judge Brandt's path continues to reflect one of active participation, preparation and engagement.

Born in Juneau, Alaska, Judge Brandt grew up on a farm in Whatcom County, Washington, and graduated from Lynden High in 1962. He did his undergraduate work at Harvard (B.A., Economics, 1966).

After graduation, with gentle hints from his Draft Board, he attended Navy Officer Candidate School, was commissioned, and served in the Communications Department of USS *Long Beach*, a missile cruiser. He served on two deployments in the Western Pacific (i.e., Gulf of Tonkin).

From his Northwest upbringing and naval duty to his numerous regional and judicial activities, Judge Brandt has spent many years serving his community.

Upon completing active duty in 1969, he attended law school at the University of Washington, graduating in June of 1972. He spent a year in Washington, D.C. for the Department of Justice and Federal Maritime Commission, and then chose to return to Washington State as a Deputy Prosecutor for Pierce County. After initial appointment to the criminal division, he was transferred to the civil division of that office and

assigned to work with the Pierce County School Districts. For a year, he handled the entire range of school and governmental legal matters.

From 1975-76, he served as Director of the Standards Project for the Governor's Committee on Law and Justice. At the end of 1976, he returned to Whatcom County to enter private practice with LeCocq, Simonarson, Visser & Johnson. He handled business, land use, international (primarily U.S. - Canada) transactions, immigration and municipal matters.

Judge Brandt was active in the Whatcom County community, serving as Industrial/Port Committee Chair, and a board member of the Whatcom Chambers of Commerce and Industry. In 1982, the Whatcom County Council appointed him to its Economic Development Task Force, charged with analysis of the region's economy and making public policy recommendations to promote growth. In 1985, he was appointed to fill a vacancy on the Bellingham School Board, and was later elected to a full term.

Judge Brandt joined Graham & Dunn, a regional business and banking law firm, as a shareholder in its Tacoma office in 1986. He practiced business and commercial law, and had a substantial litigation practice.

He was appointed as a U.S. Bankruptcy Judge for the Western



District of Washington in the fall of 1991, and sits in both Seattle and Tacoma. Judge Brandt has had the unique opportunity to also serve a simultaneous term as appellate judge: he was appointed by the Ninth Circuit to its Bankruptcy Appellate Panel (BAP) in January of 1998, serving until 2007 and authoring many appellate opinions. He was chief judge of the U.S. Bankruptcy Court for the Western District of Washington in October of 2001 through June of 2005, and Chief Judge of the BAP from July 2004 through the end of his term in August of 2007.

Since taking the bench, he has been a member of the National Conference of Bankruptcy Judges, and serves on its committee for liaison with the ABA.

Judge Brandt has been active in the American, Washington State, and local bar associations, and has been a frequent speaker and chair of continuing legal education programs. He serves on the ABA's Joint Task Force (now Joint ad hoc Committee) on Bankruptcy Court Structure and Insolvency Processes, a forum for national level discussions on bankruptcy issues and the development of ABA positions.

Continued on page 9

by Merrilee A. MacLean

When asked about the most memorable moments in his career, Bankruptcy Judge Thomas T. Glover recently recalled the time he had to tell a raspberry farmer that he simply could not reorganize and was going to lose his farm. Having spent his youth as a 4H member raising Holsteins to earn college money, Judge Glover felt it personally, and he describes it as the most difficult thing he had to do as a judge.

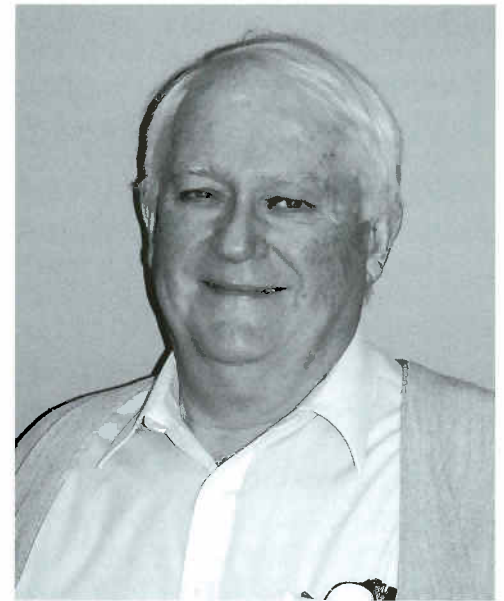
Born in Seattle and raised in Monroe, the young Tom Glover was a leader – president of his class in sixth grade, junior high, and high school. Initially expecting to follow a career in farming, a congenital eye disease led him to explore other alternatives. During a discussion with his high school counselor, another teacher suggested “you ought to go to law school.” Judge Glover describes it as an epiphany – as soon as he heard it, “it was meant to be.” He studied pre-law and accounting at WSU and following his prior pattern, served as Student Body President. His next challenge was getting into law school after scoring so low on the LSAT that it did not register; his poor eyesight did not do well with the small boxes on the standardized form. Pursuing what he believed to be his destiny, he wrote a letter to the dean at the University of Washington Law School, proposing something in lieu of the LSAT – a series of letters of recommendation from all areas of his life. Forty letters later, he was a first year law student.

After graduating in 1970, Tom Glover joined the Seattle firm of Johnson, Quigley, Hatch and Loveridge. Although he had taken neither bankruptcy nor a UCC class in law school, he started working with Willard Hatch, and soon was helping give seminars on new developments in bankruptcy law. Bankruptcy was a good fit for Glover; he studied tax and business while in law school, and had the skills necessary

for a good bankruptcy practitioner – pragmatism combined with creativity. His career developed over the next fifteen years. During that time, he rendered what he calls the greatest piece of legal advice of his career. When trying to anticipate all the potential problems that could arise during the building of the Seattle Convention Center over the freeway, he suggested the only way to fully protect the parties was to obtain a bond. When the lender on the project subsequently failed, the bond was in place and the project was able to be finished. He still smiles with pride every time he goes into the Convention Center.

Within the bankruptcy community, there are numbers of “Gloverisms.” His “rocket docket” on Friday morning motion calendars kept lawyers on their toes; procedural technical arguments were generally met with disdain and bickering lawyers were reminded that their goal was “to get the ox out of the ditch.”

A colleague suggested that he should consider being a judge some day. He started thinking about it, and after



attending the swearing-in ceremony for Judge Samuel Steiner, he had another epiphany – he realized he wanted to be a judge, too. In 1985, he replaced retiring Judge Kenneth Treadwell, starting the next chapter of his life. Judge Glover soon became known as always well prepared, but sometimes impatient with less prepared counsel. Within the bankruptcy community, there are numbers of “Gloverisms.” His “rocket docket” on Friday morning motion calendars kept lawyers on their toes; procedural technical arguments were generally met with disdain and bickering lawyers were reminded that their goal was “to get the ox out of the ditch.” Debtor’s counsel were often asked what Judge Glover calls the most important question: “How much are you going to pay, and when are you going to pay it?” Practitioners that appeared regularly before Judge Glover learned that “you must be present to win” and asking for a speedy trial date could mean going to trial the following Monday. A baseball fan, during the 1995 pennant race, Judge Glover started a motion calendar with a recording of Dave Niehaus’ famous grand slam call about rye bread and mustard, to the cheers of the waiting attorneys. During the first Gulf War, he

Continued on page 10

