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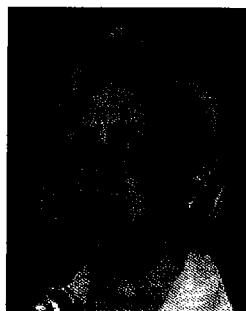
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Legal Beat

News and Notes on the D.C. Bar Legal Community

By Julie Reynolds and Kathryn Alfisi

Senator Landrieu Keynotes Judicial & Bar Conference



Lawmakers and government officials joined judges and legal practitioners on March 30–31 for the third biennial meeting of the D.C. Bar and the District of Columbia courts. The 2006 Judicial & Bar Conference featured plenary programming, seminars, award presentations, and a judicial reception.

Taking up the theme of the conference, "State of Emergency: Is the District's Justice System Prepared?" was the keynote speaker, Louisiana Senator Mary Landrieu, who spoke about the devastation of New Orleans and the Gulf Coast in the aftermath of Hurricanes Katrina and Rita in 2005.

Landrieu detailed the human cost and the billions of dollars required to restore New Orleans alone. When the levies broke, the city was inundated with 10 to 15 feet of water from Lake Pontchartrain, forcing the evacuation of 1.2 million people within 24 hours. Some 180,000 homes were lost. "Whole families floated away with them," she said.

There was a plan in place for dealing with this catastrophe, Landrieu emphasized, but technical problems prevented implementation. Foremost among these obstacles was the absence of an effective communications system connecting first responders with one another and other government personnel. That inability to communicate, to receive and transmit accurate information, made rescue and relief efforts far more difficult than they should have been.

The United States ought to be able to handle such catastrophes, she said. She called on the nation's leaders to think about the risks of not being prepared and repairing the damage that occurred.

Before the keynote address, Stuart Schiffer, deputy assistant attorney general at the U.S. Department of Justice, Civil Division, received the 2006 Beatrice Rosenberg Award for Excellence in Government Service from D.C. Bar President John Cruden.

Following the luncheon, the conference featured 10 seminars on a variety of topics.

One seminar focused on the Domestic Violence Unit of the D.C. Superior Court, now in its 10th year. Professor Laurie Kohn, codirector of the Domestic Violence Clinic at Georgetown University Law Center (GULC), moderated the event and introduced fellow panelists, including the clinic's other codirector, GULC associate dean Deborah Epstein, who gave an introduction on the unit and how it functions. D.C. Superior Court judges Stephen G. Milliken and William M. Jackson discussed some of the unit's continuing problems and how best to deal with them. Kimberly Knowles, deputy chief of the Sex Offense/Domestic Violence Section of the U.S. Attorney's Office for the District of Columbia, gave participants the prosecution perspective. Arthur Ago of the D.C. Public Defender Service offered the defense viewpoint.

A lively discussion followed the panel presentation, particularly on the issue of perceived unfairness toward defendants in domestic violence cases. The issue concerned all sides, as a person believing that he or she has been treated unfairly is more likely to act out against whoever put him or her in that position.

Conference programming also featured a forum on the District of Columbia Access to Justice Commission, which was created last year by the D.C. Court of Appeals to address the unmet legal service needs of low- and moderate-income residents. Panelists talked about the commission's initiatives, successes, and future challenges.

Taking part in the panel discussion were commission members Peter Edelman, a professor at Georgetown University Law Center and commission chair; Judge Inez Smith Reid of the D.C. Court of Appeals; Patty Mullahy Fugere, executive director of the Washington Legal Clinic for the Homeless; and Andrew Marks, a partner at Crowell & Moring LLP. The commission's executive director, Sunil Mansukhani, served as moderator.

Among the commission initiatives the panel discussed were strengthening the IOLTA program, improving language access, and procuring public funding for civil legal services. Recently, the commission requested the District government to provide \$6.2 million for civil legal services for fiscal year 2007.

The conference closed with a judicial reception honoring members of the local and federal judiciary who recently retired or have taken senior status. During the reception Edward Allen, professor of law at the University of the District of Columbia (UDC), received the D.C. Bar Foundation's Jerrold Scutt Prize, presented by Dean Shelley Broderick of the UDC David A. Clarke School of Law. —J.R., K.A.

Plenary Session Addresses Disaster Preparedness and Recovery

What would happen if Washington, D.C., were struck by a man-made or natural disaster? Would the legal community

know how to respond, or how to recover?

This year's Judicial & Bar Conference addressed such questions with plenary sessions such as "Disaster and Recovery: Lessons Learned From Other Jurisdictions," held on March 30, which featured members of the legal profession who have had to face disasters in their own jurisdictions.

Judge Madeleine Landrieu of the Civil District Court, Division E, of the Parish of Orleans and Judge Ivan L. R. Lemelle of the U.S. District Court for the Eastern District of Louisiana shared their experiences dealing with the aftermath of Hurricanes Katrina and Rita. Thomas Hall, the clerk of the Supreme Court of Florida, discussed what the Florida legal community has learned from past hurricanes. Bettina Plevan, president of the Association of the Bar of the City of New York, and Thomas Bergen, executive director of Sidley Austin LLP, talked about their experiences following the terrorist attacks of September 11, 2001.

WJLA-TV news anchor Maureen Bunyan moderated the panel.

"If you have not, at your law firm or your court, sat around a table and talked about what it would mean for you to shut your doors and not know when you would be able to open them again . . . you are not prepared for any sort of disaster," said Landrieu.

She said that when employees left the court for the weekend before Hurricane Katrina hit New Orleans, there was no thought of impending disaster, as at the time Katrina was supposed to be only a Category 1 storm. The reality, of course, was much different.

"As much as I may be able to share with you some thoughts about the depth and stretch of the disaster, I will not do it justice," said Landrieu. "You owe it to the public we serve to be prepared."

Hall said that following the events of September 11, the courts in Florida implemented a disaster plan.

"It's not just the court system that has to be prepared for this," he said. "The attorneys are officers of the court, and you have to be prepared to have your law offices back up and operating as quickly as you can so the courts can operate and we can apply the rule of law."

According to Hall, one of the important lessons learned is to make the courts as portable as possible in case a building is destroyed. For example, Hall maintains a copy of the court's case management system on his computer. He also said that replacing paper documents with electronic data can help in keeping the legal system up and running following a disaster, as paper cannot be replaced.

For Bergen and his 600 colleagues at Sidley Austin in New York, having a well-thought-out disaster plan in place was both

2006 DISTRICT OF COLUMBIA JUDICIAL & BAR CONFERENCE

A Joint Session of the 31st Annual Judicial Conference

Of the District of Columbia

And the District of Columbia Bar Conference

PURSUANT TO PUBLIC LAW 94-193

STATE OF EMERGENCY: IS THE DISTRICT'S JUSTICE SYSTEM PREPARED?

Chief Judge Eric T. Washington
District of Columbia Court of Appeals, Presiding

March 30 – 31, 2006

CONFERENCE AGENDA

Thursday, March 30, 2006

12:45 p.m. **Registration**

1:45 p.m. **Call to Order and Adoption of the Rules of the Conference**
Chief Judge Eric T. Washington, Presiding

Reports on the State of the Judiciary
Chief Judge Washington
Chief Judge Rufus G. King, III

District of Columbia Bar Report
John C. Cruden, D.C. Bar President

2:35 p.m. **Refreshment Break in the Amphitheater Foyer**

2:45 p.m. **Plenary Panel: Disaster and Recovery – Lessons Learned from Other Jurisdictions**

Judge Noël Anketell Kramer

Maureen Bunyan, News Anchor, WJLA-TV, Washington, D.C., *Moderator*
The Honorable Madeleine M. Landrieu, Judge, Civil District Court, Division E,
Parish of Orleans
The Honorable Ivan L. R. Lemelle, District Judge, United States District Court for
the Eastern District of Louisiana
Timothy F. Bergen, Executive Director, Sidley Austin LLP
Thomas D. Hall, Clerk of the Court, Supreme Court of Florida
Bettina B. Plevan, President, Association of the Bar of the City of New York

5:00 p.m. **Reception in the Amphitheater Foyer**

6:00 – 9:15 p.m. **CLE: Ethics Rock! A Musical Ethics Program (3.0 Ethics Credit Hours)**

Jack Marshall, ProEthics, LTD
David Jourdan, Professional Guitarist, Singer, and Actor

Friday, March 31, 2006

8:30 a.m. **Continental Breakfast in the Amphitheater Foyer**

9:30 – 11:30 a.m. **Plenary Panel: Disaster and Recovery – Is the District Prepared?**

Jonetta Rose Barras, Author, Columnist and Former Reporter for the *Washington Times*, Moderator

Robert C. Bobb, City Administrator, Deputy Mayor, and District of Columbia Homeland Security Adviser

Avis E. Buchanan, Director, Public Defender Service for the District of Columbia

Michael C. Rogers, Executive Vice President, Corporate Services, MedStar Health

Robert J. Spagnoletti, Attorney General for the District of Columbia

Kenneth Wainstein, United States Attorney for the District of Columbia

Anne B. Wicks, Executive Officer, District of Columbia Courts

11:30 a.m. **Refreshment Break in the Amphitheater Foyer**

12:00 p.m. **Luncheon in the Atrium Ballroom**

Chief Judge Washington, Presiding

Presentation of the Beatrice Rosenberg Award for Excellence in Government Service to Stuart E. Schiffer

Luncheon Address

- 2:00 – 4:45 p.m. **Friday Afternoon Seminars and Forum**
- 2:00 – 3:00 p.m. **Seminar: Thinking Outside the Jury Box**
- 2:00 – 3:30 p.m. **Seminar: OAH Inside and Out: A Primer on the Rules and Realities of Practice before the D.C. Office of Administrative Hearings**
- 2:00 – 3:30 p.m. **Seminar: Arbitration Works! A Primer on Fee Disputes before the D.C. Bar's Attorney/Client Arbitration Board**
- 2:15 – 4:15 p.m. **Seminar: Looking Back and Looking Forward: D.C. Superior Court's Domestic Violence Unit After Ten Years**
- 2:15 – 4:15 p.m. **Seminar: Poverty Law in the D.C. Court of Appeals: Important Recent Developments**
- 2:15 – 4:15 p.m. **Seminar: Being Prepared When Disaster Strikes!**
- 2:15 – 4:15 p.m. **FREE FORUM: The District of Columbia Access to Justice Commission Turns One: The Year in Review and a Look Ahead**
- 2:45 – 4:45 p.m. **Seminar: The Gold Standards for Jury Trials**
- 3:15 – 4:45 p.m. **FREE SEMINAR: What Every Lawyer Needs to Know about Representing Immigrants and Clients with Limited English Proficiency**
- 3:45 – 4:45 p.m. **Seminar: Is Opposing Counsel Impaired?**
- 3:45 – 4:45 p.m. **Seminar: Litigating Tax Matters before the D.C. Office of Administrative Hearings**
- 4:15 – 5:15 p.m. **Refreshments in the Amphitheater Foyer**
- 4:45 p.m. **Conference Recess**
- 4:45 – 5:45 p.m. **Special Meeting of the Membership in the Amphitheater**
(Conference Suspended During this Meeting)
- 5:45 p.m. **Conference Resolutions and Adjournment**

6:00 p.m. **Judicial Reception in the Pavilion**

Presentation by the District of Columbia Bar to Members of the Local and Federal Judiciary Who Have Recently Retired or Taken Senior Status

Judge Harry T. Edwards, United States Court of Appeals for the D.C. Circuit

Judge Raymond C. Clevenger, III, United States Court of Appeals for the Federal Circuit

Judge Annice M. Wagner, District of Columbia Court of Appeals

Judge John A. Terry, District of Columbia Court of Appeals

Judge Susan R. Winfield, Superior Court of the District of Columbia

Presentation of the Jerrold Scoutt Award by the D.C. Bar Foundation to Edward Allen

lifesaving and business saving following the terrorist attack on the World Trade Center, where the firm was located.

As for the role of a bar association in a time of disaster, Plevan pointed to the part the New York City bar played in expediting death certificates for the families of those killed at the World Trade Center to enable them to receive benefits. The association provided training to 800 lawyers to assist in this effort. —K.A.

Bar Members Approve Resolution in Support of Court Funding


Active members of the D.C. Bar who participated in a special membership meeting voted to extend for another five years the Board of Governors' current authorization to make public statements in support of adequate funding of the District of Columbia courts.

The meeting, called by the board, took place on March 31 during a recess in the 2006 Judicial & Bar Conference.

Approval of the membership was required for the Board of Governors to speak on behalf of the Bar on legislative matters. Such permission was given by the membership for a five-year period at a special meeting called in 2001, subject to annual renewal by the board. The resolution passed on March 31 extends that permission, with annual review, for another five years. —J.R.

Youth Law Fair Teaches Teens About Legal System

The D.C. Bar Litigation Section held its seventh Youth Law Fair, a popular program that gives local teens insight into the legal system, on March 18 at the H. Carl Moultrie Courthouse.

 (From left) John C. Cruden, Judge Melvin Wright, Bill Taylor, C. Philip Wrist, and Curtis Etherly. Photo by Julie Reynolds

The theme of this year's fair, "Drugs, Alcohol, and Truancy," dealt with some of the temptations faced by D.C. youth and the possible consequences of risky behavior.

The program began with a "speak out" session, in which attorney Curtis Etherly encouraged students to make their views known on truancy and underage drinking. After this preparation, the students went to the courtrooms to participate in mock trials. Students took on the roles of judge, attorneys, and jurors with the assistance of D.C. Bar members, judges, and other court personnel.

The mock trials revolved around the experiences of two friends, D and W, who skipped school on a whim and met up with another friend. The three of them embarked on such activities as drinking, breaking into an empty house, and smoking marijuana, but only D and W were arrested.

After the completion of the mock trials, the entire group reconvened to discuss the holdings of their respective courts and what they had learned through the entire event.

Etherly, who has participated in the Youth Law Fair since its inception, believes that the program fills several needs: letting the students understand that their concerns are taken seriously; demystifying the legal process; interacting with adults in a positive, collegial way; and meeting and interacting with lawyers and judges. Participants can see that these professions are open to them, as well.

"It's all about possibility," said Etherly.

Etherly, who is vice president of public affairs for the Mid-Atlantic Coca-Cola Bottling Company, was among the four individuals to be awarded crystal gavels by the D.C. Bar sections for their work in developing and sustaining the Youth Law Fair. The others were Bill Tayler, the Youth Law Fair 2006 Planning Committee chair; Judge Melvin R. Wright of the Superior Court of the District of Columbia; and C. Philip Wrist, of counsel at Oliff & Berridge, PLC in Alexandria, Virginia, and the author of the mock trial fact patterns. —*J.R.*

Board of Governors Approves Budget

The proposed 2006–2007 budget, as recommended by the D.C. Bar Budget Committee, received unanimous approval by the Board of Governors at its meeting on April 11.

The budget calls for an increase in members' dues from \$173 to \$180 for active members, from \$114 to \$115 for inactive members, and from \$89 to \$90 for judicial members.

The approved budget incorporates only one change to the budget plan as published in the April issue of *Washington Lawyer*. It had been anticipated that the Clients' Security Fund (CSF) would require new funds to meet its recommended target balance of \$750,000 for the upcoming fiscal year and that the shortfall would need to be offset by the allocation of \$25,000. However, further analysis has shown that the CSF will not suffer a deficit, obviating the need for additional funding.

The 2006–2007 dues levels for active, inactive, and judicial members fall \$3, \$5, and \$10 below the projected dues levels contained in the Bar's 2003 dues ceiling recommendation, respectively. Moreover, these levels remain below the current Bar dues ceiling of \$195. —*J.R.*

Proposed Changes to Bar Rule XI Discussed at Public Meeting

At a public hearing held on March 27 at the D.C. Bar Conference Center, WilmerHale partner John Payton and D.C. Superior Court Magistrate Judge Joan Goldfrank discussed some of the recommendations stemming from the Disciplinary System Study Committee's review of Rule XI of the D.C. Court of Appeals Rules Governing the D.C. Bar.

A report of the committee's findings was made available at the meeting providing background, guidelines, and a discussion of recommendations and their impact on the District's disciplinary system.