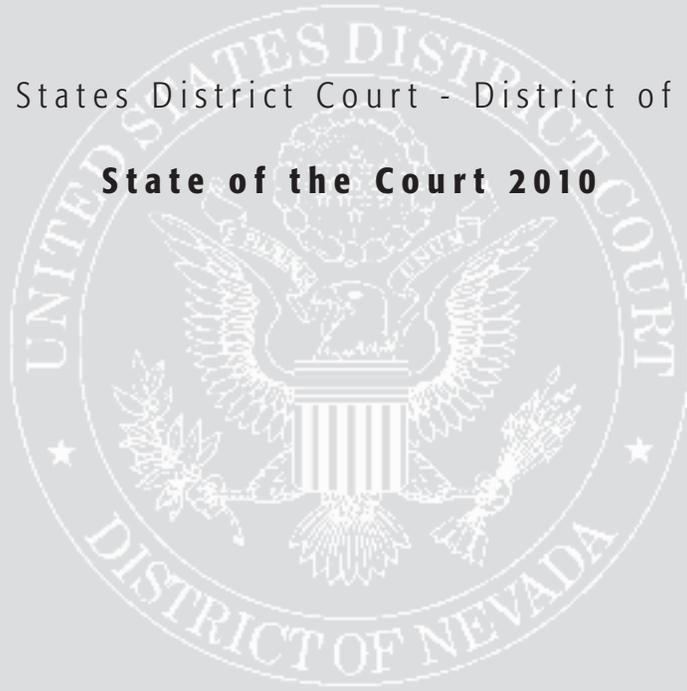


State of the Court 2010 United States District Court - District of Nevada

United States District Court - District of Nevada

State of the Court 2010





Seal of the United States District Court for the District of Nevada

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Table of Contents

Introduction by Roger L. Hunt Chief U.S. District Judge District of Nevada	4
In Memory: Stanley Cooper	5
Current Judges	
United States District Judges	6
United States Magistrate Judges	9
United States Bankruptcy Judges	11
Nevada Courthouse Facilities	13
Community Outreach and Special Events	14
FBA Activities	16
Role of Lawyer Representatives	16
Roster of Prior Lawyer Representatives - District of Nevada	17
Attorney Admissions Fund	18
Early Inmate Mediation Program	18
United States District Court Clerk's Office	19
Training and Budget	19
Caseload Information	20
Jury Practices and Utilization	23
State of the Bankruptcy Court Report	25
United States Probation Office	27
United States Pretrial Services	30
Federal Public Defender	36





Introduction To 2010 District Report by Roger L. Hunt Chief U.S. District Judge District of Nevada

The judges of the District of Nevada are pleased to present this 2010 State of the Court Report. The Court enjoys a congenial relationship between the judges and the various units and entities whose personnel and activities play an essential role in the work and success of the Court, and in the pursuit of justice for all. Although the distance is great between the courthouses in Reno and Las Vegas, the cooperation and sharing of time and energy between those in both locations create both a productive and cordial atmosphere.

On the first day of business this past year, January 4, 2010, the Court family lost a dedicated public servant and good friend with the tragic death of Stan Cooper, a Court Security Officer, who was killed during a shootout at the Lloyd D. George United States Courthouse in Las Vegas. We are all grateful for Stan and all the people who put their life on the line to protect all of us each day.

As is often the case, when a tragedy occurs, like the shooting that took place in our building occur, heroes emerge. Several employees from many agencies played significant roles during this event. I am pleased that one such person, Ms. Denise

Saavedra, a member of the Clerk's Office, received the Director's Award for Extraordinary Actions for her courageous actions during this tragedy. Please see the article about Ms. Saavedra in this report.

Several changes have occurred in the make up of the judicial family since our last State of the Court Report in 2006. In January 2007 I succeeded Judge Philip M. Pro as Chief Judge of the District Court for the District of Nevada.

The other significant event impacting the composition of the District Court Judges was the resignation of Judge Brian E. Sandoval. On September 15, 2009, Judge Sandoval left the bench to pursue other interests. On December 24, 2009, Ms. Gloria M. Navarro was nominated by President Barack Obama to fill this vacancy. She was confirmed by a unanimous vote of the U.S. Senate on May 5th, 2010 and took the oath as a United States District Judge on May 25, 2010.

In 2006 Judge Mike K. Nakagawa was appointed as Bankruptcy Judge for the District of Nevada, bringing a much needed additional bankruptcy judgeship for one of the busiest bankruptcy courts in the country. He graduated in 1980 from the

School of Law at the University of California, Davis, where he was an editor of the U.C. Davis Law Review. He obtained his undergraduate degree from the University of the Pacific in Stockton, California. He is the first Asian American to serve as a federal judge in the District of Nevada. He was elevated to Chief Bankruptcy Judge in October 2008.

In August 2007 Mary Schott was appointed Clerk of the Bankruptcy Court. She succeeded Patricia Gray, who served as Clerk of the Bankruptcy Court and dedicated 37 years of her life to providing outstanding service to the Bankruptcy Court, members of the Bar, and the public.

While the filings in the district Court were fairly stable from 2006 to 2008, 2009 and 2010 saw a significant increase in all filings. In 2009 the Court experienced a 18% increase in civil filings and a 20% increase in criminal filings when compared to the previous year's numbers. These increases were repeated in 2010 with an 11% increase in civil filings and a 36% increase in criminal filings. Additionally, the weighted caseload per active judge has risen to 577 cases each, well above the average weighted caseload for

Statement from Chief Former Chief Justice Rehnquist in the Stanley Cooper Memorial Rotunda at the Lloyd D. George Courthouse:

"The cornerstone of the American judicial system is the trial courts...in which witnesses testify, juries deliberate, and justice is done"

—William H. Rehnquist
Chief Justice of the United States



active judges of 430 cases each.

The workload of the Court has continued to grow faster than the allocation of resources. This has been especially true in the Bankruptcy Court over the past few years with Nevada leading the nation in bankruptcy filings and mortgage foreclosures. While the most significant impact of this economic crisis has been felt in the Bankruptcy Court, the District Court has also seen a significant increase in mortgage foreclosure related and mortgage fraud cases over the past two years.

The Court could not keep up with this heavy weighted caseload without the significant contributions of our three senior judges: Judge Edward C. Reed, Judge Lloyd D. George, and Judge Howard D. McKibben Jr., who carry a caseload, among the

three of them, far more than is required of judges on senior status. Their willingness to carry such a significant caseload is greatly appreciated by the Court and is testament to their dedication and commitment as public servants.

While the Court is blessed with wonderful facilities in both Las Vegas and Reno, all courthouses are currently at full capacity and there is very little room for expansion without the relocation of other agencies. A significant need for additional chambers space is on the horizon with all but one of the current active Article III Judges eligible to take senior status between 2011 and 2015. To address this upcoming space and facilities need, the Court has been working with the General Services Administration and the Administrative Of-

fice of the United States Courts to build out two district judge courtrooms on the fourth floor and has obtained approval for the construction of two additional district judges' chambers on the fifth floor, in the Lloyd D. George U.S. Courthouse, in a space occupied presently by the U.S. Attorney's Office.

As you read this Report, I hope you will be reminded that the Court continues its commitment to insure an independent, impartial and dignified forum in which disputes can be fairly resolved in accord with the Constitution and laws of the United States, and in a manner which promotes respect for the law and inspires public trust.

In Memory: Stanley Cooper



We celebrate the life and exemplary service of Stanley Cooper. We are sad to note that he gave his life in the line of duty inside the Lloyd D. George Courthouse the morning of January 4, 2010. A luncheon was held in his honor.

The Court is honored that the General Services Administration has renamed the atrium in the Lloyd D. George United States Courthouse the "Stanley Cooper Memorial Rotunda."

Denise Saavedra Receives Directors' Award for Extraordinary Actions

Ms. Denise Saavedra, an Electronic Recording Operator with the Clerk's Office in the District of Nevada, was awarded the Director's Award for Extraordinary Actions for her heroic accomplishment of providing comfort and support to Officer Stanley Cooper prior to him passing away the morning of January 4, 2010 after he was shot by an assailant in the atrium of the Lloyd D. George Courthouse. Ms. Saavedra also exhibited incredible strength and leadership in the weeks following the event. After a few days off, she returned to work and maintained the same level of excellent performance she demonstrates on a regular basis. The fact that Ms. Saavedra returned to work and was so productive and displayed such strength after this very traumatic experience was very calming to others who were struggling with the aftermath of the shooting.



Judicial Biographies

United States District Judges

Roger L. Hunt

Judge Roger L. Hunt was appointed United States District Judge for the District of Nevada in May 2000. He has served as Chief Judge of the District of Nevada since January 2007. Judge Hunt had served as a Magistrate Judge since July 1992, and was chair of the Executive Board of the Ninth Circuit Magistrate Judges Conference at the time of his confirmation.



A native Nevadan, Judge Hunt received his undergraduate degree in history from Brigham Young University in 1966. He worked on a master's degree for one year and then entered law school at the National Law Center at George Washington University, receiving his J.D. degree, with honors, in 1970. While attending law school, Judge Hunt worked on the staff of United States Senator Howard W. Cannon.

Judge Hunt passed the Nevada Bar in 1970 and was appointed Deputy District Attorney in January 1971. In December 1971, he joined the Las Vegas firm of Rose & Norwood; he became partner eighteen-months later and remained with the firm under the name Edwards, Hunt, Hale & Hansen until his appointment to the bench in 1992.

Judge Hunt serves on the Ninth Circuit Judicial Council. He served as the judicial liaison for the Criminal Justice Act Panel for 15 years where he coordinated the Court Appointed Attorneys Panel. He served on the Ninth Circuit Model Jury Instruction Committee for seven years, was also a member of the Ninth Circuit Library Committee, was co-chair of the CM/ECF Implementation Committee, and chair of the Case Management Subcommittee. He is also a past president of the Nevada American Inn of Court.

Judge Hunt has served as a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation (also a Presidential appointment) since September 2006.

Philip M. Pro

Philip M. Pro was nominated to the United States District Court for the District of Nevada by President Ronald Reagan, and took office on July 23, 1987. Judge Pro served as Chief Judge for the District of Nevada from 2002 to 2007. Prior to his appointment as District Judge, he served as United States Magistrate Judge from 1980 to 1987.



Judge Pro received his J.D. degree from Golden Gate University School of Law in June 1972. Shortly thereafter, he began his legal career as a law clerk for Judge William Compton of the Eighth Judicial District Court in Las Vegas. From 1973 to 1975, he served as a Deputy Public Defender for Clark County; as an Assistant United States Attorney both at Las Vegas and Reno from 1975 to 1977; as a partner in the law firm of Semenza, Murphy and Pro in Reno from 1977 to 1979; and as Deputy Attorney General for the State of Nevada assigned to the gaming division from 1979 to 1980.

In October 1993, Chief Justice Rehnquist appointed Judge Pro as chair of the Committee on the Administration of the Magistrate Judges System of the Judicial Conference of the United States, a position he held through October 1998. In January 2007, Chief Justice Roberts appointed Judge Pro to the Board of Directors for the Federal Judicial Center. Judge Pro also serves on the Board of the Saltman Center for Conflict Resolution at the William S. Boyd School of Law. He served as a member of the Board of Directors of the Federal Judges Association from 1992 to 2001 and served as Vice-President from 1997 to 2001. Judge Pro has served as a member of the Ninth Circuit Jury Instructions Committee. Currently, he serves as a member of the Ninth Circuit Capital Case Committee and, since 2005, has served as Chair of the Ninth Circuit Wellness Committee. He is also an active member of the Howard D. McKibben Nevada American Inn of Court, serving as its President from 1988 to 1990.

Since 1998, Judge Pro has participated in a variety of international "Rule of Law" programs in the countries of Hungary,

Republic of Georgia, Netherlands, Armenia, Azerbaijan, Kyrgyzstan, Malawi, Jordan, South Africa, Norway, and Spain. In March 2003, he was a Co-moderator for the U.S. Department of Justice Colloquium for Iraqi Jurists in Washington, D.C. Judge Pro currently serves on the William S. Boyd School of Law Advisory Committee and on the Nevada State Bar Advisory Commission on Law-Related Education. He is active in the *We, the People . . . the Citizen and the Constitution* program for high school students, and has participated in a wide variety of continuing legal education programs sponsored by local, state and national bar associations, including the Department of Justice Attorney General Advocacy Institute and the National Institute for Trial Advocacy.

Kent J. Dawson

Judge Dawson was confirmed by the United States Senate in May 2000 to fill one of the newly authorized seats in the United States District Court for the District of Nevada. He received his undergraduate degree in 1969 from Weber State College in Ogden, Utah, where he attended on athletic and music scholarships. After graduating from the University of Utah Law School in 1971, he clerked for Judge James Guinan in the Second Judicial District Court.



Judge Dawson became Henderson City Attorney in 1972 where he served until 1979. During that time he was instrumental in the creation of the Henderson Public Improvement Trust, an issuer of tax exempt bonds. During his service, he represented the city in attracting Ethel M. Chocolates, Levi Strauss, Breyer's Ice Cream and many other businesses. He was also instrumental in the first issuance of industrial development bonds for the cities of Las Vegas and North Las Vegas. Infrastructure for the master-planned communities of The Lake at Las Vegas, Green Valley Ranch, McDonald Ranch and Seven Hills was financed with tax exempt bonds during his tenure. Those communities have been the driving force behind Henderson becoming one of the fastest growing large cities in the United States for the past several years. Judge Dawson served as legal counsel for the Trust until



he became a full-time judge.

Judge Dawson was in private practice from 1979 until 1995. While engaged in private practice, he focused primarily in civil law. He was recognized by the Clark County Pro Bono Project for Outstanding Contribution by a Law Firm. In 1995 he was appointed Justice of the Peace for Henderson and subsequently elected to a six-year term. Judge Dawson was for many years an elected officer and director of the Henderson Chamber of Commerce, having served as President and having received the "Member of the Year" award. He has donated his time in the creation of numerous charitable and community organizations. He has also been licensed as a private pilot with instrument and multi-engine ratings. He is admitted to practice in Utah and Nevada.

Larry R. Hicks

Larry R. Hicks was appointed by President George W. Bush and was sworn in as United States District Court Judge for the District of Nevada in 2001.



Judge Hicks received his bachelor of science degree from the University of Nevada, Reno in 1965 and his law degree from the University of Colorado School of Law in 1968. From 1968 to 1971, he served as Deputy District Attorney in Washoe County, Nevada, and in 1971 he became the Chief Criminal Deputy District Attorney. He was elected as Washoe County District Attorney in 1974 and served from 1974 through 1978. Judge Hicks successfully tried numerous murder, robbery and other major felony jury trials while with the District Attorney's office.

Judge Hicks joined the statewide law firm of McDonald, Carano, Wilson, McCune, Bergin, Frankovich & Hicks LLP., as a partner in 1979 and practiced primarily in the areas of personal injury commercial and complex litigation. He tried numerous civil jury and non-jury cases and was the chair of the firm's litigation section from 1986 until he left the firm.

Judge Hicks is past-president of the State Bar of Nevada (1993-1994) and served on the Board of Governors of the State Bar from 1988 to 1994. He is also past-president and master of the Bruce R. Thompson Chapter of the American Inn of

Court in Reno. In 1998, he was inducted into the American College of Trial Lawyers. He also served as a delegate to the American Bar Association from 1994 until 2000.

Judge Hicks and his wife, Marianne, have three children. He and his wife are avid equestrians and outdoor enthusiasts.

James C. Mahan

Judge Mahan is a long-time resident of Las Vegas, having lived and practiced law there continuously since 1973. He was born in El Paso, Texas, during the Second World War and he grew up in Grand Junction, Colorado.



Judge Mahan attended the University of Charleston, West Virginia, and following graduation, he served in the United States Navy from 1966 to 1969.

Upon receiving his honorable discharge, Judge Mahan attended Vanderbilt University Law School where he was selected for Vanderbilt's national moot court team. Following graduation from law school, Judge Mahan was admitted to practice in Nevada, the Ninth Circuit Court of Appeals, the United States Tax Court, and the United States Supreme Court.

In 1982, Judge Mahan and Frank A. Ellis, III formed the law firm of Mahan & Ellis, Chartered, where they practiced law primarily in the areas of business and commercial litigation for seventeen years. Judge Mahan was named to "Who's Who in America" and "Who's Who in the World," as well as "Who's Who in American Law."

In February 1999, Governor Kenny Guinn appointed Judge Mahan to the Clark County Eighth Judicial District Court. Judge Mahan served as chair of the Committee to Review and Revise the Eighth Judicial District Court Rules, as chair of the Clark Regional Judicial Counsel, as a member of the Joint Task Force on Civil/Criminal Specialization, and was appointed by the Nevada Supreme Court to the Study Committee to review the Nevada Rules of Civil Procedure.

In 2001, United States Senator John Ensign nominated Judge Mahan to the United States District Court. Judge Mahan formally took the Oath of Office on February 1, 2002.

Robert C. Jones

Judge Robert Clive Jones was appointed United States District Judge for the District of Nevada by President Bush in October 2003.



He was born and raised in Las Vegas, Nevada. He is married to Michele Bunker Jones and is the father of four children.

He graduated from Brigham Young University with honors in accounting and then attended UCLA School of Law where he was associate editor of the law review, member of the Order of the Coif, and member of the Order of Barristers. He also served in the Nevada and California National Guard.

Judge Jones passed the CPA examination in 1971 and obtained his CPA Certificate in November of 1976. He clerked for Judge J. Clifford Wallace, Ninth Circuit Court of Appeals, and practiced law from 1976 to 1983. He is a member of the State Bars of California and Nevada and has been admitted to the United States Tax Court.

Judge Jones was appointed as United States Bankruptcy Judge for the District of Nevada in February of 1983. He was appointed to the United States Bankruptcy Appellate Panel of the Ninth Circuit in November 1986, and served on that Panel until 1999. Judge Jones served as a member of the Judicial Conference Committee on Codes of Conduct from October 1989 until 1995.

Gloria M. Navarro

Judge Navarro was nominated by President Barack Obama on December 24th, 2009 to United States District Judge. She was confirmed by a unanimous vote of the U.S. Senate on May 5th, 2010 (Cinco de Mayo) and took the oath as a United States District Judge on May 25, 2010. She was recommended for the bench by the Senate Majority Leader Harry Reid while she was serving as a Chief Deputy District Attorney for Clark County in the Civil Division where she defended Clark County and the Board of County Commissioners from various civil lawsuits, including section 1983 Civil Rights cases and Employment Law cases from 2005 to 2010. She litigated cases primarily in federal court and the Ninth Circuit and also litigated a civil trial in state court using a rarely used



state statute and successfully removed the Clark County Recorder from elected office for acts of criminal misconduct.

Prior to joining the District Attorney's Office, Judge Navarro was a Clark County Deputy Special Public Defender from 2001-2005 exclusively representing indigent clients charged with murder and facing the death penalty. During this time, she was named Pro Bono Public Lawyer of the Year, an honor that was awarded by the State Bar of Nevada Access to Justice Committee.

In the 1990's, Judge Navarro ran her own successful law firm representing clients charged with both state and federal criminal offenses as well as clients seeking relief in Family Court. She was awarded consecutive conflict attorney contracts with the Eighth Judicial District Court and was also appointed by the Federal District Court to provide indigent defense services as a Criminal Justice Act Panel Attorney. Judge Navarro was also awarded the Louis Wiener Award for her pro bono representation of a non-English speaking victim of domestic violence.

Other legal positions Judge Navarro has held include: Associate Attorney with the law firm of Kelly & Sullivan, Ltd., Research and Writing Specialist with the Office of the Nevada Federal Public Defender, Law Clerk for the Nevada Appellate and Post Conviction Project, Legal Extern to the Honorable Philip M. Pro, of the Federal District Court of Nevada and Law Clerk for the Arizona Capital Representation Project.

Judge Navarro is a Las Vegas native of Cuban descent who is fluent in Spanish. She has authored several articles, including "Cultural Factors and the Voluntariness of Statements" and "Criminal Defense and the Consequences of Immigration Law." Judge Navarro has also been a speaker for the Criminal Justice Act Panel Attorneys on the topic of "How to Effectively Represent Non-English Speaking Clients and/or Clients with a Different Cultural Background."

She has always enjoyed being actively involved in her community. She is a 2003 Graduate of the Las Vegas Chamber of Commerce Leadership Program where she has since served as a panel speaker and has co-chaired the program's Criminal Justice Day numerous times. Judge Navarro has also served on several Executive Boards. She is a Past-President

of the Latino Bar Association of Southern Nevada where she assisted La Voz, the Boyd School of Law Hispanic Law Student Association, to launch a mentorship program called Huellas ("footprints" in Spanish) which was awarded the 2008 Hispanic National Bar Association (HNBA) Law Student Organization of the Year Award. Prior to her appointment to the bench, Judge Navarro also served on the Advisory Board of the Nevada branch of the national non-profit Youth Advocacy Program (YAP, Inc.) and was on the Executive Board of DJs for PJs, a non-profit organization which over the years has collected and distributed more than 40,000 pajamas to children in need at Child Haven, Boy's and Girl's Town, Nevada Childhood Cancer Foundation, S.A.F.E. House, Safe Nest, The Shade Tree Shelter, Variety Early Learning Center and Women's Development Center.

Judge Navarro has been a Volunteer Instructor for the Las Vegas Junior Achievement Program, providing 4th grade students with an introduction to business, a volunteer Mock Interviewer for Yes, Inc., a Foothills High School program that simulates a business environment where students interview for jobs and she has participated in their Job, shadow program. She has also been a summer Mentor for the Summer Business Institute and a Volunteer Instructor of Criminal Law and Co-Counsel to high school students for Trial By Peers, a Clark County Bar Association alternative resolution program for juvenile offenders.

Most recently, Judge Navarro assisted in training Mexican prosecutors and their investigators as part of a program coordinated by the Nevada Attorney General's Office to assist the Mexican agency as they undertake significant judicial reforms.

Judge Navarro is 43 years old and has been married for 14 years to Clark County Chief Deputy District Attorney Brian Rutledge, a career criminal prosecutor. Their three sons are ages 12, 10 and 6.

"The Court could not keep up with this heavy weighted caseload without the significant contributions of our three senior judges..."

**— Roger L. Hunt
Chief U.S. District Judge
District of Nevada**

Edward C. Reed, Jr.

President Jimmy Carter appointed Judge Edward C. Reed, Jr. to the United States District Court in October 1979. Judge Reed became Acting Chief Judge in 1983 and Chief Judge in 1986. He assumed his current status as Senior District Judge in July 1992.

After graduating from Reno High School in 1942, Judge Reed enlisted in the United States Army. During World War II, he served as a Staff Sergeant in the E.T.O. and the South Pacific; he was a prisoner of war in Germany in 1945. Judge Reed received his college education at the University of Nevada and received his J.D. degree from Harvard Law School in 1952.

Judge Reed worked as an attorney with Arthur Andersen & Co. in Boston before returning to Reno to join the law firm which later became Reed & Bowen. He served as a Special Deputy Attorney General of Nevada for water rights litigation from 1967 to 1979. Prior to becoming a member of the judiciary, Judge Reed served as a member of the Washoe County School Board (1956-1972). In Sparks, Nevada, Reed High School is named for him. Judge Reed is a member of Phi Kappa Phi, American Legion, State Bar of Nevada, the American Bar Association, and the American Judicature Society.



Lloyd D. George

Judge Lloyd D. George was appointed United States District Judge for the District of Nevada by President Ronald Reagan in May 1984. He served as Chief United States District Judge from 1992 to 1997, and assumed senior status in December 1997.

Judge George was a pilot in the United States Air Force. He received his bachelor of science degree in 1955 from Brigham Young University, and his J.D. degree in 1961 from the University of California at Berkeley (Boalt Hall). Upon graduating, he returned to Las Vegas where he built a successful private practice.

In 1974, Judge George was appointed to the United States Bankruptcy Court for the District of Nevada. During his ten years of service as a bankruptcy judge, he served on and was instrumental in the



creation of bankruptcy appellate panels which permit panels of three bankruptcy judges to hear appeals directly from bankruptcy courts.

In 1996, Judge George was selected to represent the Court of Appeals for the Ninth Circuit as a member of the Judicial Conference of the United States, the national policy-making and management body of the federal judiciary. That year, Chief Justice Rehnquist appointed him to the Conference's Executive Committee. Prior to his appointment to the Judicial Conference, he served for a number of years on three Judicial Conference committees and was the chair of two.

Judge George has distinguished himself as an expert in the organization of the judiciary. While serving on the International Judicial Relations Committee from 1993 to 1997, he and other judicial colleagues from various countries participated in numerous seminars and lectured on constitutional issues and court structure in Eastern Europe and the nations of the former Soviet Union. In 1996, he chaired a committee that worked to update the long-range national plan for the judiciary. He has also been a board member of the Federal Judicial Center (the education and research arm of the federal judiciary) where he served for four years with Chief Justice Warren Burger.

He has authored articles on the administration of the federal judiciary, ethics and insolvency. He has won many awards, including the Brigham Young University Alumni Distinguished Service Award, the Notre Dame Club's John C. Mowbray Humanitarian of the Year Award, and the Boy Scouts of America Silver Beaver Award.

At the commencement at BYU in 2001, Judge George was the recipient of the Presidential Citation. In 2005, he received the Jensen Public Service Award from Boalt Hall, University of California.

Howard D. McKibben

Howard D. McKibben was appointed United States District Judge for the District of Nevada by President Ronald Reagan in October 1984. He was Chief Judge from December 1, 1997 until October 12, 2002. On April 1, 2005 he assumed senior status.

Judge McKibben received his bachelor of science degree in political science from Bradley University in 1962. He then



attended the University of Pittsburgh Graduate School of Public and International Affairs and received a master's degree in 1964. He received his J.D. degree in 1967 from the University of Michigan Law School. He was admitted to the Nevada Bar in 1968 where he was in private practice until he was elected District Attorney of Douglas County in 1970. He served as District Attorney from 1971 to 1977. Governor O'Callaghan appointed Judge McKibben to the Ninth Judicial District Court in 1977 where he served until 1984.

“...the Court continues its commitment to insure an independent, impartial and dignified forum in which disputes can be fairly resolved in accord with the Constitution and laws of the United States, and in a manner which promotes respect for the law and inspires public trust.”

— Roger L. Hunt
Chief U.S. District Judge
District of Nevada

Judge McKibben has served as president of the Ninth Circuit District Judges Association and the Nevada District Judges Association. He has been a member of the Ninth Circuit Judicial Council and was the chair of the Ninth Circuit Jury Committee. He served on the Nevada State Board of Bar Examiners for several years. Judge McKibben was a past president of the Howard D. McKibben Inn of Court, and he is one of the founders of the Bruce R. Thompson Inn of Court. He has served for many years on the faculty of the National Judicial College. Judge McKibben has participated with the American Bar Association's Central and Eastern European Law Initiative Program and has participated in seminars in Eastern Europe. He served as chair of the Committee on Federal-State Jurisdiction of the Judicial Conference of the United States.

Judge McKibben and his wife, Mary Ann, have two children.

United States Magistrate Judges

Lawrence R. Leavitt

A native of Chicago, Illinois, Judge Leavitt is a 1959 graduate of the University of Illinois at Urbana. After receiving a master's degree in philosophy from the University of California at Berkeley, he received his J.D. degree in 1969 from the University of California Boalt Hall School of Law. He was admitted to the Nevada Bar in 1970.



After a year in private practice, Judge Leavitt spent six years in the Clark County District Attorney's Office, first as a Deputy District Attorney and then as a Chief Deputy District Attorney, where he prosecuted a variety of murder cases and other cases involving crimes of violence and drug trafficking. In 1978, he was appointed Chief Assistant United States Attorney for the District of Nevada. He served as the Chief Assistant for three and a half years, and prosecuted a number of public corruption and other white collar crime cases. Thereafter, Judge Leavitt spent six years in the Justice Department's Organized Crime and Racketeering Strike Force in Las Vegas, first as a trial attorney and then as the attorney in charge of that office, during which time he prosecuted numerous members of organized crime until his appointment to the bench in 1987.

Judge Leavitt serves as the chair of the Criminal Rules Subcommittee of the District of Nevada Standing Committee on the Local Rules and is a member of the Nevada American Inn of Court, for which he served two terms as president.

Judge Leavitt is married and has one daughter, one stepson, and four grandchildren.

Robert J. Johnston

Robert J. Johnston has served as a United States Magistrate Judge since 1987. He graduated from the University of the Pacific's McGeorge School of Law in 1977, and then clerked for Judge Merlyn H. Hoyt in the Seventh Judicial District in Ely, Nevada.



Prior to his appointment to the bench, Judge Johnston was Chief of the Civil Section of the United States Attorney's Office. From 1979 to 1982, Judge John-

ston served as the District Attorney for White Pine County and also maintained a private practice.

Judge Johnston participates in a variety of professional and social organizations. He served on the Pro Se & Prisoner Litigation Committee and the Advisory Committee of Magistrate Judges for the Administrative Office of the United States Courts. Judge Johnston also served as a Circuit Director for the Ninth Circuit Court of Appeals for the Federal Magistrate Judge Association. While on the Ninth Circuit Conference Executive Committee from 1996 to 1999, he participated in organizing three circuit conferences. Judge Johnston currently sits on the Court Administration and Case Management Committee of the Judicial Conference of the United States Courts and the Ninth Circuit Magistrate Judge Executive Board. He is also an active member of the Nevada Judicial Historical Society and the Ninth Judicial Circuit Historical Society.

In early 2000, Judge Johnston was named as the District of Nevada's court historian. He is currently taking oral histories of his colleagues. These oral histories will eventually be transcribed and submitted to the Ninth Circuit Court of Appeals Historical Society. Passionate about history, Judge Johnston hopes that the personal interviews provide a more insightful understanding of the person. Among others, he has completed oral histories on Judge John Wooley of Kansas, the last of the original twenty-nine federal magistrate judges; Judge Venetta Tassopoulos, the first woman federal magistrate judge; Judge Phyllis Halsey Atkins, the first woman federal magistrate judge from the District of Nevada; and Judge Edward C. Reed, Jr., Senior United States District Judge from the District of Nevada.

Additionally, Judge Johnston is active in local organizations. He is on the Board of Directors of the Las Vegas Area Council of the Boy Scouts of America and holds a leadership position within his church. Judge Johnston has taught a class for inmates to prepare them for reentry into the community upon their release from incarceration.

In his spare time, Judge Johnston enjoys running (including the Boston Marathon three times), traveling and spending time with his family.

Robert A. McQuaid, Jr.

Judge McQuaid earned a bachelor of arts degree from the University of Nevada, Reno in 1968. He received his law degree from Willamette University College of Law in 1971, and was admitted to the State Bar of Nevada that year.

Judge McQuaid served as a lawyer representative to the Ninth Circuit Judicial Conference (1987-1989) and was active in the State Bar of Nevada serving on the Fee Dispute Committee, the Disciplinary Committee, and the Medical-Legal Screening Panel.

Before his appointment to the bench in 1996, Judge McQuaid was a partner in the law firm of Georgeson, McQuaid, Thompson & Angaran in Reno.

Judge McQuaid is a member of the State Bar of Nevada and the American Board of Trial Advocates. He is a fellow of the American College of Trial Lawyers and a master in the Bruce R. Thompson American Inn of Court.



Valerie P. Cooke

Valerie P. Cooke has served as a United States Magistrate Judge since 1999. Prior to her appointment she was a partner in the law firm of McDonald Carano Wilson LLP where she devoted her practice to creditors' rights in bankruptcy and commercial litigation. Judge Cooke graduated cum laude from the University of Nevada, Reno with a bachelor of arts degree in English. A third generation Nevada lawyer, she received her J.D. degree from Northwestern School of Law of Lewis and Clark College in Portland, Oregon where she served on the law review and was a member of the Cornelius Honor Society.

Judge Cooke currently chairs the Ninth Circuit's Alternative Dispute Resolution Committee, and has served as a member since 2001. She has also been committed to conducting educational programs on court-sponsored alternative dispute resolution both locally and abroad in Chile, Spain, Argentina, Malaysia, and the Marshall Islands. In addition, Judge Cooke developed the District of Nevada's inmate litigation early mediation program and serves on the Ninth Circuit Magistrate Judges Executive Committee.

Judge Cooke served as the 2008-2009



president of the Bruce R. Thompson Chapter of the American Inns of Court and continues to be active as an emeritus master. Judge Cooke was honored as the 2001 recipient of the Outstanding Woman Lawyer of the Year Award from the Northern Nevada Women Lawyers Association, and she was president of that Association in 1990. Prior to her tenure on the bench, Judge Cooke served on the Nevada Tax Commission and the Nevada Judicial Discipline Commission.

Community involvement remains a high priority for Judge Cooke who serves as a Big Sister and was named the 2009 School-Based Big Sister of the Year by Big Brothers Big Sisters of Northern Nevada. Judge Cooke conducts presentations annually to elementary through high school students on the work of a federal judge and volunteers her time each year to serve as a high school mock trial judge. She also continues her long-standing commitment to PackPAWS, the University of Nevada Women's Athletic Booster Group to promote gender equity and compliance with Title IX for student athletes.

Peggy A. Leen

Peggy A. Leen was appointed United States Magistrate Judge on January 16, 2001. A Nevada resident for more than thirty years, she attended the University of Nevada, Las Vegas, graduating with a degree in political science in 1976, and received her J.D. from the University of San Diego Law School in 1979.

Judge Leen has a diverse legal background as both a criminal and civil trial lawyer. She worked as a volunteer for the Clark County Public Defender's Office as a student at UNLV, and later did an externship with that office while in law school. As a law student extern practicing under Nevada's newly adopted student practice rule, she represented clients in felony preliminary hearings and tried one felony jury trial. After law school she worked as a Deputy Public Defender and tried a number of felony jury trials before joining the civil litigation firm of Thorndal, Backus, Maupin & Armstrong. Judge Leen became a partner in that firm in 1983 and was the managing partner for three years. While in private practice, she litigated mass disaster, toxic tort, radiation and employment cases in both state and federal court.



United States Bankruptcy Judges

Judge Leen left private practice in 1995, and joined the Clark County District Attorney's Office where she prosecuted capital and other murder cases as a member of the major violator's unit. Just prior to her appointment, she defended the County in eminent domain and tort cases as a Deputy District Attorney in the civil division.

She is the only woman lawyer from the State of Nevada who has been elected a fellow of the International Society of Barristers, the International Academy of Trial Lawyers, and the American College of Trial Lawyers.

George W. Foley, Jr.



George Foley, Jr., was appointed as a United States Magistrate Judge in August 2005. Prior to his appointment, Magistrate Judge Foley was a partner in the law firm of Pearson, Patton, Shea, Foley & Kurtz, where his practice was primarily devoted to insurance coverage, bad faith, legal malpractice and general civil practice litigation. He began his career in partnership with his father, George Foley, Sr., in the areas of criminal law, divorce and domestic relations.

Magistrate Judge Foley is a 1977 graduate of the University of Nevada, Las Vegas with a bachelor of arts degree in History. A fourth generation Nevada lawyer, Judge Foley graduated from the University of the Pacific McGeorge School of Law in 1980 where he was class valedictorian and a member of the Order of the Coif. Judge Foley has served as member and vice-chairperson of the State Bar of Nevada Southern Disciplinary Board, as a member and vice-chairman of the Standing Committee on Judicial Ethics and Election Practices, and was also a member of the Nevada Board of Bar Examiners.

"I believe the quality of our magistrate judges is unsurpassed."

— Roger L. Hunt
Chief U.S. District Judge
District of Nevada

Chief Judge Mike K. Nakagawa



Judge Mike K. Nakagawa was appointed to the bench in 2006 and he became the Chief Bankruptcy Judge in October 2008. He graduated in 1980 from the School of Law at the University of California in Davis, where he was an editor of the U.C. Davis Law Review. He obtained his undergraduate degree from the University of the Pacific in Stockton, California.

Judge Nakagawa was admitted to practice in California in 1980 and served an extended judicial clerkship with the Honorable Philip C. Wilkins, Chief Judge of the United States District Court for the Eastern District of California in Sacramento. He entered private practice in 1984 and was admitted to practice in Nevada in 1987. His practice emphasized bankruptcy, commercial, and business litigation matters. He represented debtors, creditors, committees, trustees, and other parties in interest in Chapter 11 proceedings. He also represented consumer debtors in Chapter 7 cases and many panel Chapter 7 trustees in the Eastern District of California.

From 1995 through 2005, Judge Nakagawa taught bankruptcy law and reorganization at McGeorge School of Law in Sacramento, and at Lincoln Law School in Sacramento. He was a presenter at continuing legal education programs in the Sacramento region and a participant on numerous education panels sponsored by the California Bankruptcy Forum, the bankruptcy section of the annual meeting of the Eastern District of California, and the bankruptcy section of the Sacramento County Bar Association. He also served as a lawyer representative to the Ninth Circuit Judicial Conference.

From 1993 through 2005, Judge Nakagawa was a member of the Civil Service Commission for the County of Sacramento, which had responsibility for administering the personnel system for the county, including employee disciplinary appeals (terminations, suspensions, and drug testing) and employee classifications. He served as the chairperson of the Commission on three separate occasions.

Since moving to Nevada in 2006, Judge Nakagawa has been a presenter at numerous seminars regarding various bankruptcy-related topics. In 2010, he commenced teaching the basic bankruptcy course at the William S. Boyd School of Law at the University of Nevada, Las Vegas.

Gregg W. Zive



Judge Zive was sworn in as a U.S. Bankruptcy Judge for the District of Nevada in its Reno office on January 23, 1995 and reappointed in 2009. He was Chief Judge from October 1, 1999 to September 30, 2008. He was the Chair of the Ninth Circuit Conference of Chief Bankruptcy Judges from October 2005 to September 2006.

Judge Zive graduated from the University of Nevada in 1967 with a Bachelor of Arts Degree in journalism. He graduated magna cum laude from the University of Notre Dame Law School in 1973 where he was a member and an editor of the law review. He was admitted to the bars of California (1973) and Nevada (1976) and to the bar of the Supreme Court of the United States. Prior to becoming a judge, Judge Zive's practice was as a general civil litigator, concentrating in the areas of commercial, contract, real property, and employment relations law.

Judge Zive is the immediate past president of the National Conference of Bankruptcy Judges. He is a Fellow of The American College of Bankruptcy (inducted in 2005). Since 2008, he has been a director of the American Bankruptcy Institute. He is a member of the Washoe County Bar Association (president, 1992-1993), Nevada State-Federal Judicial Council, State Bar of Nevada Advisory Commission on Law Related Education and Master Emeritus of the Bruce R. Thompson Chapter of the American Inns of Court. He has been a member of the Ninth Circuit Public Information & Community Outreach Committee and completed a term as a member of the Ninth Circuit Standing Committee on Alternative Dispute Resolution.

He has taught and been a presenter at numerous seminars regarding various bankruptcy-related topics as well as civil procedure, evidence, real property, employment law and trial techniques and has published articles relating to those topics.

Linda B. Riegle

Judge Linda B. Riegle was born and raised in Greenville, Ohio. She graduated from Shepherd College in West Virginia in 1970 with a bachelor of science degree. Judge Riegle received a Master's degree from the Graduate School of Public Affairs at the State University of New York at Albany in 1972, and her J.D. degree from Albany Law School in 1977, where she was a member and an editor of the law review. She worked for the New York State Legislature in various capacities from 1971 to 1977.

Judge Riegle was employed at Lionel Sawyer & Collins in Las Vegas from 1977 to 1988, becoming the first female partner in that firm in 1983.

In January 1988, Judge Riegle was appointed as a United States Bankruptcy Judge for the District of Nevada and was reappointed for a second fourteen-year term in 2002. She served as Chief Bankruptcy Judge for the District of Nevada from July 1993 until October 1999, and served as chair of the Conference of Chief Bankruptcy Judges of the Ninth Circuit from October 1998 until October 1999.

She has served on various District committees, as a member of the Ninth Circuit Fairness Committee, and as a member of the Board of Governors of the National Conference of Bankruptcy Judges. She was also a member of the Board of Directors of the American Bankruptcy Institute.

She has served as a pro tem judge on the Bankruptcy Appellate Panel of the Ninth Circuit and has lectured at numerous conferences and workshops.



Bruce A. Markell

Bruce A. Markell has been a bankruptcy judge since 2004, and a member of the Ninth Circuit's Bankruptcy Appellate Panel since 2007. He came to the bench from the academy; since 1999, he had been the Doris S. and Theodore B. Lee Professor of Law at the William S. Boyd School of Law at the University of Nevada, Las Vegas, where he taught Contracts, Commercial Law, Securitization and Bankruptcy. He maintains a position at the Boyd School of Law as their Senior Fellow in Bankruptcy and Commercial Law.

Judge Markell is a 1977 graduate of Pitzer College, and a 1980 graduate of the King Hall School of Law, University of California at Davis, where he was first in his class and editor-in-chief of the law review. Following graduation, he clerked for then-judge Anthony M. Kennedy when Justice Kennedy was a member of the Ninth Circuit Court of Appeals. Before becoming an academic in 1990, he was a partner in the Los Angeles office of Sidley & Austin, specializing in workouts and bankruptcy matters. From 1990 to 1999 he taught at the Indiana University School of Law—Bloomington. During 1999 he was the Bruce W. Nichols Visiting Professor of Law at Harvard Law School. He has also visited at Emory University School of Law and King Hall School of Law at the University of California at Davis. While an academic, he served in an "Of Counsel" capacity to Ancel & Dunlap (Indianapolis, 1996-2000) and Stutman, Treister & Glatt, Professional Corporation (Los Angeles, 2001-2004).

Judge Markell is the author of numerous articles on bankruptcy and commercial law. He is a member of the editorial board of Collier on Bankruptcy and contributes several chapters to that publication. In 2001 he published a casebook on Contracts, Making and Doing Deals: Contracts in Context, with Professor David Epstein and Dean Lawrence Ponoroff; a second edition of that book was published in 2006, and a third edition is scheduled for 2010. In 2004 he published both Core Concepts of Commercial Law: Past, Present & Future, a commercial law casebook with Professor John Dolan and Dean Larry Ponoroff, and Securitization, Structured Finance and Capital Markets, a set of teaching materials on securitization,



with Professors Steven L. Schwarcz and Lissa Broome. Securitization is scheduled to be translated into Japanese in 2010. In early 2005 he published another casebook, Bankruptcy: 21st Century Debtor-Creditor Law, with David Epstein, Steve Nickles and Elizabeth Perris; due to the enactment of BAPCPA, a second edition was published in late 2005, and a third edition is scheduled for 2010.

In 1999 he was elected as a conferee of the National Bankruptcy Conference, in 1997 he was selected as a member of the American Law Institute, and in 2000 he was selected as a member of the International Insolvency Institute and as a fellow of the American College of Bankruptcy.

Judge Markell has served as an advisor on bankruptcy and secured transaction reform to the Republic of Indonesia, and was the International Bar Association's representative to the sessions of United Nations Commission on International Trade Law (UNCITRAL) that lead to the creation of UNCITRAL's model law on the assignment of international receivables. He was asked by the United Nations to be an expert consultant to its project to create a legislative guide for secured transactions.

"Our bankruptcy judges have shouldered a crushing case load with grace, dignity and amazing efficiency"

**— Roger L. Hunt
Chief U.S. District Judge
District of Nevada**



Nevada Courthouse Facilities

Foley Federal Building - Las Vegas, NV

With the current state of the economy, the Bankruptcy Court has experienced an increase in the number of bankruptcy filings and a consequent increase in the supporting staff of the Clerk's Office. Available open spaces have been converted into cubicle workstations with new services of power and data lines extended to them by GSA contractors. Several cabling projects have been submitted and are awaiting installation for new network copier machines.

In July 2010 the Social Security agency moved out of their fourth floor office space in the Foley Federal Building. The Bankruptcy Court submitted preliminary documentation based on statistical analysis of caseload trends and staffing projected growth to the Ninth Circuit Court of Appeals for future occupancy of the Social Security space. This action was taken after the Bankruptcy Court participated in the Asset Management Planning Conference in July 2010.

The Bankruptcy Court recently completed an upgrade to the audio/video systems in its five courtrooms to bring high definition to cameras and screens to provide improved teleconferencing capabilities and reduce travel time and costs.

C. Clifton Young Federal Building - Reno, NV.

A Prospectus Project of asbestos containment/abatement and limited renovation started in October 2009 and is in the final phases of completing a new roof, re-paving the employee parking lot, excavating new underground utilities and upgrading the interior finishes of the fifth floor chambers and two courtrooms.

The Bankruptcy Court has awarded the contract for installation of new audio/vid-

eo systems in the two courtrooms to start shortly after completion of the infrastructure conduits and boxes by the GSA general contractor. The new audio/video systems will also be high definition and will link to the Foley courtrooms as part of the planned reduction in travel time and costs.

Lloyd D. George United States Courthouse - Las Vegas, NV

The Lloyd D. George United States Courthouse, opened in July, 2000 continues to provide wonderful space for current occupants. The design was truly a 30-year design with space for additional courtrooms and chambers on the fourth and fifth floors of the Courthouse. With a number of the current active district court judges eligible for senior status from 2011 through 2015, the Court has begun two construction projects to address this need. The first being the conversion of two temporary courtrooms on the fourth floor to permanent courtrooms which meet the United States Courts Design Guide specifications. The second project being the initiation of the approval and funding process for the construction of two chambers on the fifth floor of the courthouse. This project has

been approved by the Judicial Conference of the United States and is slated for funding in fiscal year 2012.

Bruce R. Thompson Federal Building and United States Courthouse - Reno, NV

The Bruce R. Thompson United States Courthouse and Federal Building in Reno, Nevada, was completed and occupied by the Court in March, 1996. All chambers and courtrooms are currently used by district and magistrate judges and there is no expansion space in the courthouse for additional courtrooms. The District is very appreciative that the Circuit Court of Appeals has permitted use of one of their chambers for visiting judges when needed. The District Court has also begun discussions with the Circuit Court of Appeals about the possibility of obtaining chambers space from them on a permanent basis when needed for senior judges.



Renovated Bankruptcy courtrooms within Foley Federal Building



Bruce R. Thompson U.S. Courthouse and Federal Building



C. Clifton Young Federal Building



Exterior of renovated Foley Federal Building



Lloyd D. George United States Courthouse

Community Outreach and Special Events

Cultural Series



Citizens enjoy cultural program in the Carol C. Fitzgerald Jury Assembly Hall.

The City of Las Vegas Cultural Series remains a strong monthly program in the Lloyd D. George Courthouse. This cultural program is conducted the third Friday of each month over the lunch hour with presentations ranging from music, theatrical performances, poetry and other readings, and historical lectures. These are conducted in the Carol C. Fitzgerald Jury Assembly Hall and are usually standing room only.

Naturalization Ceremony

The Court conducts Naturalization Ceremonies several times a month and is pleased to be able to preside over this special day for new citizens to the United States.



A Naturalization Ceremony

District Conferences

Each year the Court conduct a District Conference which provides a full day of educational programs and an opportunity for members of the bench to interact with the federal judges in Nevada. The District Conference is rotated each year between Las Vegas and Reno and is attended by approximately 120 to 160 attorneys each year. The District Conference is organized by a planning committee which includes judges, the United States Attorney, the Federal Public Defender, and all the Lawyer Representatives.



Chief Judge Hunt, Chief Judge Nakagawa, and Magistrate Judge Foley at the 2009 District Conference



Ms. Gloria Sturman, Esq., leading a discussion at the District Conference

Nevada State-Federal Judicial Council

The Nevada State-Federal Judicial Council is composed of state and federal judges and attorneys who meet twice a year, once in Reno and once in Las Vegas, to report on items of mutual interest. The purpose of the Council is to provide an effective vehicle for direct and personal communication between judges of the state and federal courts in Nevada concerning matters of mutual interest and concern such as: (1) the elimination of actual or po-

tential conflicts between the two judicial systems; (2) the development of methods to improve the operation of the two systems; (3) the quality of representation and ethics of attorneys practicing in the two systems; (4) the exploration and development of methods to utilize and share scarce judicial assets so as to benefit the two systems and the taxpayers; and (5) the timely sharing of materials and information that may have application or impact on the two systems.



Cam Ferenbach, Esq., Judge Janet Berry, Mark Gunderson, Magistrate Judge Robert McQuaid Jr., and Pat Lundvall, Esq. chat at the State Bar Convention.

The council chair is Justice James Hardesty of the Nevada Supreme Court. Federal council members are: Circuit Judge Jay Bybee; Senior District Judge Howard McKibben and District Judge James Mahan; Bankruptcy Judges Gregg Zive and Bruce Markell; Magistrate Judges Lawrence Leavitt and Robert McQuaid, Jr.; Clerk of Court Lance Wilson and representatives of the U.S. Attorney and the Federal Public Defender also attend the meetings regularly. In addition to state trial and appellate judges, other attendees are a tribal judge and representatives of the Nevada Attorney General, the Nevada State Bar, and the chair of the Nevada lawyer representatives.



Chief Justice James Hardesty and Bankruptcy Judge Linda Riegler at State Bar Convention.



Bring Your Child to Work Day



A young attorney pleads her case at Bring Your Child to Work Day

The District of Nevada Human Resources Shared Services Committee participants sponsor "Bring Your Child to Work Day." Employees from the U.S. District Court, U.S. Bankruptcy Court, U.S. Pretrial Services Office, U.S. Probation Office, Federal Public Defender's Office, U.S. Marshals Service, and the United States Attorney's Office, are invited to bring in their children, ages 8-18, to observe and learn about the federal courts. The turnout is outstanding, with more than 60 children and 40 parents or guardians participating in the program.



Children Enjoy Lunch at Bring Your Child to Work Day

Project REAL

The Court works closely with the Foundation for Relevant Education about the Law (Project REAL) which is a non-profit organization dedicated to providing law related education to the citizens of Nevada. Between 2005 and 2010, the four programs developed and run by Project REAL described below have provided education about the Courts and the law to more than 60,000 students and teachers across the state.

The four programs offered by Project REAL are:

- A. Your Day in Court is a practical, law-related education program for students in 5th to 12th grade which provides a curriculum for teachers and students to learn the structure of the state and federal court systems. Following classroom preparation, the students and teachers take a field trip to spend a morning in court.
- B. Foundations of Democracy (FOD) is an elementary school program created and partially funded by the Center for Civic Education to teach young students about the principles of authority, privacy, justice and responsibility. Project REAL has placed this program in seven high risk/low achieving Clark County elementary schools. In each school, all faculty members are trained to help 4,200 students follow these important principles.
- C. REAL Drama is a unique program. In response to a request from Clark County School District administrators, Project REAL developed a curriculum to teach middle and high school students about controversial immigration issues. The teacher and student guides include a brief history of immigration law since 1787 to the present; a careful analysis of how immigration courts work and their relationship to Homeland Security, and a glossary of related words and terms. The crux of this program involves a play illustrating the issues involved with a family of both legal and illegal status. Volunteer immigration attorneys often visit classes to lead discussion and answer questions. 5,100 students in

Clark County have studied our materials this past school year.

- D. Play by the Rules, is a middle school crime-prevention program originally developed by the Alabama Center for Law and Civic Education with funding from the U.S. Department of Justice to teach state-specific law. It is the only program of its kind in the U.S. The concept is simple— If you don't know the rules, you can't play the game. The new text features 200 Nevada laws that are directly applicable to young teen lives.

Assistant Secretary Echo Hawk visited the District of Nevada



The Honorable Lloyd D. George talks with the Assistant Secretary of the United States Department of the Interior, Larry Echo Hawk, prior to his meeting with the Court on December 11, 2009.

On December 11, 2009, Assistant Secretary of the United States Department of the Interior, Larry Echo Hawk visited the District of Nevada in Las Vegas. Assistant Secretary Echo Hawk, a member of the Pawnee Nation of Oklahoma, oversees Indian Affairs for the Department of the Interior. Assistant Secretary Echo Hawk, an expert on Federal Indian Law, was also a Professor of Law at Brigham Young University's J. Reuben Clark Law School for 14 years. During his visit, he discussed his role in managing federal trust responsibilities for the nation's 562 Federally recognized American Indian and Alaska Native tribes and their 1.9 million enrolled members.

FBA Activities

The Federal Bar Association is the pre-eminent national organization for lawyers and judges involved in legal practice before the federal courts and agencies. With approximately 16,000 members in more than 80 local chapters throughout the United States, the Federal Bar Association enjoys a close working relationship with the federal judiciary with the intent of promoting the effective and efficient administration of justice in the federal legal system.

The Nevada Chapter of the Federal Bar Association covers the District of Nevada and has a growing membership of private practice attorneys, government attorneys, law students, and federal judges. The Nevada Chapter is committed to serving the needs of the federal practitioner in Nevada through continuing legal education seminars, lectures from prominent national speakers, and other social events.

At the conclusion of the Court's annual conference, the Nevada Chapter hosts its marquee event for the year—the Annual Dinner. The Annual Dinner's keynote speakers have included members of the federal bench, noted authors, and prominent attorneys. At the 2008 Annual Dinner, Ken Foskett, an investigative reporter with the Atlanta Journal-Constitution, spoke about his biography of Justice Clarence Thomas and his experiences in researching the Justice's career. For the 2009 Annual Dinner, Professor and former U.S. Attorney John McKay discussed his experiences as a member of the Rwanda War Crimes Tribunal and about his experience as the U.S. Attorney for Western Washington. In 2010, the Chapter is looking forward to a keynote address by Larry Mackey, who tried both cases and delivered the prosecution's closing argument in *United States v. Timothy McVeigh*. This April

marks the fifteenth anniversary of the tragic bombing of the Alfred P. Murrah Federal Building in Oklahoma City.

Recently, the Chapter had the honor of hosting a reception in Reno to welcome Judge Jones to the Reno bench. In addition, the Chapter has sponsored and participated in Senior U.S. District Court Judge Lloyd D. George's annual event at which judges from Russia, Ukraine and Kazakhstan spend a week in Las Vegas to learn about and observe the American judicial system. The Chapter has also sponsored programs for students at the William S. Boyd School of Law at the University of Nevada, Las Vegas, and continuing legal education programs for Chapter members.

“Lawyer representatives play a vital role in the District of Nevada.”

— Roger L. Hunt, Chief U.S. District Judge District of Nevada

Role Of Lawyer Representatives

The Court currently has eight lawyer representatives who ensure that the lines of communication stay open between the Court and the Bar. The Court holds formal quarterly meetings with the lawyer representatives and informal meetings as needed at which time topics of mutual concern are openly addressed.

The number of lawyer representatives in each District is authorized by the Ninth Circuit Judicial Conference based on the size of the Court. Each year the Court solicits applications to fill vacant lawyer representative terms which are three years in duration. The lawyer representative terms are staggered so that one-third of the lawyer representatives are selected each year.

Lawyer Representatives serve on the District's Attorney Admission Fund Advisory Group which reviews applications and makes recommendations to the District Court judges for expenditures from the Fund. Among other uses, the bench, bar and the general public were

benefitted by the Fund's expenditures to promote educational programs which included new attorney orientation, the District Conference and educational programs for students.

Lawyer Representatives also serve as members of the following advisory committees: Civil Rules Subcommittee of the Standing Committee on the District Court Local Rules of Practice, Local Bankruptcy Rules Committee, Local Criminal Rules Committee, and the U.S. District Court Conference Planning Committee. Lawyer Representative Co-Chairs also attend Nevada State-Federal Judicial Council Meetings held twice a year in the District.

Finally, the Lawyer Representatives continue their monthly column in the Nevada Bar Journal, the Nevada State Bar publication. Each month since April of 2003, one of the Lawyer Representatives has authored a column designed to further communication between the bar and the Lawyer Representatives.

The column addresses topics pertinent to practice in Federal Court and continues to encourage Federal Practitioners to use the Lawyer Representatives as their liaison to the Federal Bench. The monthly article has been successful in reaching the Federal Practitioner and it is expected to continue facilitating communication between the Federal Bench and the Federal Bar.



Roster of Prior Lawyer Representatives - District of Nevada

1981

Roger W. Jeppson
Stephen L. Morris
Richard A. Wright

1982

Roger W. Jeppson
William B. Terry
Richard A. Wright

1983

Julien G. Sourwine
William B. Terry
Richard A. Wright

1984

Leland E. Lutfy
William B. Terry
Steven T. Walther

1985

Rex A. Jemison
Leland Lutfy
John L. Thorndal
Steven T. Walther

1986

Rex A. Jemison
Leland E. Lutfy
John L. Thorndal
Steven T. Walther

1987

John L. Thorndal
Rex A. Jemison
Robert A. McQuaid, Jr.
James J. Jimmerson

1988

James J. Jimmerson
Allan R. Earl
Robert A. McQuaid, Jr.
Johnnie Rawlinson

1989

Robert A. McQuaid, Jr.
Allan R. Earl
James J. Jimmerson
Johnnie Rawlinson

1990

Allan R. Earl
Joseph W. Brown
William G. Cobb
Johnnie Rawlinson

1991

William G. Cobb
Joseph W. Brown
Donald J. Campbell
Janet L. Chubb
Cal J. Potter

1992

Joseph W. Brown
William G. Cobb
Donald J. Campbell
Janet L. Chubb
Roger L. Hunt
Cal J. Potter

1993

Cal J. Potter
Donald J. Campbell
Janet L. Chubb
Neil G. Galatz
Richard W. Horton

1994

Richard W. Horton
Peter C. Bernhard
Booker T. Evans
Neil G. Galatz
Annabelle Whiting Hall
Stephanie M. Smith

1995

Stephanie M. Smith
Peter C. Bernahrd
Booker T. Evans
Neil G. Galatz
Annabelle Whiting Hall
Richard W. Horton

1996

Annabelle Whiting Hall
Peter C. Bernhard
Booker T. Evans
Barry L. Lieberman
M. Kristina Pickering
Stephanie M. Smith

1997

M. Kristina Pickering
Martha J. Ashcraft
Phillip W. Bartlett
Barry L. Lieberman
Harold B. Thompson

1998

Barry L. Lieberman
Martha J. Ashcraft
Phillip W. Bartlett
M. Kristina Pickering
Harold B. Thompson

1999

Harold B. Thompson
Nancy L. Allf
Martha J. Ashcraft
Phillip W. Bartlett
Von S. Heinz

2000

Martha J. Ashcraft
Nancy L. Allf
Bruce Beesley
Von S. Heinz
Janet L. Chubb

2001

Von S. Heinz
Daniel J. Albregts
Nancy L. Allf
Bruce T. Beesley
Janet L. Chubb

2002

Janet L. Chubb
Daniel J. Albregts
Laurel E. Davis
Andrew P. Gordon
Bruce T. Beesley

2003

Laurel E. Davis
Andrew P. Gordon
Bruce T. Beesley
Janet L. Chubb
Stanley C. Hunterton
Richard F. Holley
Matthew C. Addison
Cecilia L. Rosenauer
Thomas J. Susich

2004

Stanley C. Hunterton
Richard F. Holley
Matthew C. Addison
Cecilia L. Rosenauer
Thomas J. Susich
Karen C. Winckler
Jennifer A. Smith
Andrew P. Gordon
Laurel E. Davis

2005

Matthew C. Addison
Richard F. Holley
Thomas J. Susich
Cecelia L. Rosenauer
Stanley C. Hunterton
Jennifer A. Smith
Karen C. Winckler
Candace C. Carlyon
Richard J. Pocker

2006

Jennifer A. Smith
Karen C. Winckler
Candace C. Carlyon
Richard J. Pocker
John L. Krieger
Robert L. Eisenberg
Kathleen M. Paustian

2007

John L. Krieger
Robert L. Eisenberg
Kathleen M. Paustian
John F. Murtha
Candace C. Carlyon
Richard J. Pocker
Elissa Cadish

2008

John F. Murtha
Nancy J. Koppe
Fred D. "Pete" Gibson, III
Gloria J. Sturman
John L. Krieger
Robert L. Eisenberg
Kathleen M. Paustian

2009

John F. Murtha
Nancy J. Koppe
Fred D. "Pete" Gibson, III
Gloria J. Sturman
Robert J. Gower
Beau Sterling
Paul J. Georgeson

2010

Nancy J. Koppe
Fred D. "Pete" Gibson, III
Gloria J. Sturman
Robert J. Gower
Beau Sterling
Paul J. Georgeson
Ann Morgan
Joan C. Wright

2011

Robert J. Gower
Beau Sterling
Paul J. Georgeson
Ann Morgan
Joan C. Wright
Margaret G. Foley
Lori C. Teicher
James Patrick Shea

Attorney Admissions Fund

A portion of the fee paid by attorneys to be admitted to practice in federal court remains with the local court and is placed in a fund referred to as the "Attorney Admissions Fund." The use of this fund is governed by Eighth Amended Special Order 59 and is limited to items which benefit the bench, the bar, and the public but which are not otherwise available from appropriated funds.

Requests for use of the fund are reviewed by an Attorney Admissions Fund Advisory Committee which consists of a magistrate judge, a bankruptcy judge, the United States Attorney, the Federal Public Defender, and the court's lawyer representatives. The Clerk of Court staffs the committee and serves as trustee of the fund. The committee makes a recommendation with respect to the use of the fund to the district court judges who approve payments from the fund.

In the past several years, the Attorney Admissions Fund has been used for numerous purposes including furniture and equipment for the attorney lounges, establishment of an attorney training center for the use of evidence display systems, documentation of court history, public receptions following investitures and other court ceremonies, educational expenses related to the annual district conferences and attorney orientation and admission ceremonies, photographs of judicial officers and lawyer representatives, and the production of this report. The court welcomes suggestions from the bar for appropriate uses of this fund.

Early Inmate Mediation Program

In 2009, the District Court approved a one-year pilot program in the unofficial northern division in Reno for inmate early mediations in Section 1983 cases to address this burgeoning caseload. The program was overseen by the magistrate judges in Reno. The court recruited local attorneys to serve as pro bono mediators for the program and provided mediation training, as well as training in Section 1983 inmate litigation. Once a case is screened and filed, a notice is filed in the case and requires the parties to provide information about the case, their interest in mediation, and other Section 1983 cases the plaintiff may have pending. The magistrate judge assigned to the case decides whether to refer the matter to mediation. During this period, the defendants do not have to answer or otherwise appear. The mediation panel is notified of a pending mediation, and mediators volunteer to serve. A mediation order is issued to the parties, which explains the process and requires the parties to submit confidential mediation statements. Those statements are sent to the court's chambers and forwarded to the assigned mediator.

Mediations are held on designated days each month so that the attorney general's office the Nevada Department of Corrections ("NDOC") officials know in advance when mediations will be held. Inmates appear via teleconference from the prison, and the mediator, deputy attorney general and NDOC representative appear in the courtroom. The mediations are scheduled for either the morning or afternoon. If a settlement is reached, it is placed on the record with the deputy court clerk. If no settlement is reached, this is also placed on the court record. The mediator, the inmate, the NDOC representative, and the deputy attorney general each complete and evaluation of the mediation, which is sent to the Clerk's office where statistics on all aspects of the program are held.

As of December 2009, forty-eight mediations were held, and fifteen cases settled. The claims included the following:

1. First Amendment exercise of religion and access to law libraries
2. Eighth Amendment excessive force claims
3. Eighth Amendment failure to protect claims
4. Eighth Amendment medical treatment claims
5. Fourteenth Amendment due process/retaliation claims

In December 2009, the Reno magistrate judges held meetings with mediators, NDOC reps, deputy attorneys general, and held private interviews with four inmates who went through mediation. All of these participants felt the program is worth continuing and offered several ideas to improve it. The NDOC, which had been reluctant to participate, now fully supports the program because there has been a steady increase in the number of cases that are being resolved. The attorney general's office is implementing an ombudsperson program for NDOC in which three retired high level administrators from NDOC will also establish a mediation program internally to settle inmate cases. The mediators are very enthusiastic about the program and all volunteered to continue to serve. The Ninth Circuit Executive's office will provide mediation training to the ombudspersons, as well as deputy attorneys general assigned to inmate litigation in both Reno and Las Vegas. Based upon the success of the pilot program in Reno, the District Court decided to expand the program to Las Vegas.



UNITED STATES DISTRICT COURT CLERK'S OFFICE

Introduction

The District Court Clerk's Office has staffed offices in Las Vegas and Reno and is responsible for providing a myriad of administrative support functions to assist the Court in the effective and efficient administration of justice. Organizationally, the Clerk's Office can be divided into two distinct units: administration and operation.



District Court Executive Lance Wilson

The administrative side of the Clerk's office is responsible for the "business" side of the administration of justice and encompasses such functions as budgeting, procurement, automation, finance, human resources, jury management, and Criminal Justice Act oversight. The operational support unit in the Clerk's office manages the following areas: intake, records, docketing, quality control of electronically filed documents, case management, court recording and reporting, statistical analysis, and staffing and support of various judicial committees.

Despite limited allocation of resources due to national budget constraints, the Clerk's office has been able to successfully meet and exceed statutory and other requirements through the increased use of automation, innovative operational and management practices, and, mostly, through the dedicated efforts of all staff who continually demonstrate a strong commitment to serving the Court, members of the Bar, and the public at the highest possible levels.

Budget

Funding received by the District and Bankruptcy Court, Probation, and Pretrial Services has lagged behind the growth in the demand for the services provided by each agency.

The District of Nevada is fortunate to have very dedicated and skilled employees committed to working diligently for the judicial branch by providing innovative ideas and a willingness to work extra hours. Their efforts have resulted in the Court being able to maintain a high level of service to the public and to accomplish its mission in spite of insufficient resources during these austere fiscal times. In the spirit of cooperation, the four Unit Executives in the Court meet regularly to review the status of their individual budgets and frequently share resources as needed. This joint effort by all units of the District of Nevada to put the overall mission of the Court ahead of individual priorities of each agency has also greatly assisted the ability of the Court to meet increasing demands.

The District Court has an active Budget Committee consisting of Chief Judge Roger Hunt, Judge Philip Pro, Judge James Mahan, Judge Larry Hicks and Judge Howard McKibben. The committee reviews and approves a spending plan prepared by Clerk of Court Lance Wilson. The District of Nevada enjoys a very positive working relationship with the members of Nevada's Congressional delegation and meets regularly with Congressional representatives and their staffs to address budgetary concerns to ensure adequate resources for the federal judiciary in Nevada.

Training

The Clerk's Office has a very active Training Committee which is responsible for identifying training needs and the development of programs to address these needs. The Clerk's Office Training Committee also coordinates their efforts with a District Training Committee which consists of representatives from the District Court Clerk's Office, the Probation Department, Pretrial Services, and the Bankruptcy Court Clerk's Office. Between these two groups, over eighteen different training programs were offered since the last District Court report was issued.

Examples of training include Security Awareness, Diversity in the Workplace, Bird Flu and COOP training sessions, Retirement Planning, New Employee Orientations, Succession Planning, Accountability Training, Budget and Cash Flow, Health and Wellness programs, Sexual Harassment Awareness, and Customer Service to name a few.



Barbara Price, Management Analyst



Caseload Information

Civil Case Filings

Civil filings have grown 13.5% over the past five years with all of the increase happening in 2009. The Court saw a 479 case increase in the number of civil cases filed district wide in Statistical Year 2009 as compared to Statistical Year 2008. Civil filings in Las Vegas increased by 459 cases while Reno civil filings increased by 20 cases.

Civil Case Filings for Statistical Year

	2008	2009	% Change 2008 To 2009
Las Vegas	1,682 70%	2,141 75%	+27%
Reno	709 30%	729 25%	+3%
Total	2,391	2,870	+20%

Civil Case Terminations

Civil case terminations increased by .6% in 2009 compared to the same period in 2008. Reno experienced a 3% increase in civil case terminations and Las Vegas had a 0.4% decrease in civil case terminations.

Civil Case Terminations for Statistical Year

	2008	2009	% Change 2008 To 2009
Las Vegas	1,721 71%	1,714 71%	-0.4%
Reno	688 29%	710 29%	+3%
Total	2,409	2,424	+0.6%

Pending Civil Caseload

Due to the significant increase in filings the past year, the District realized an 18% increase in the pending civil caseload for the period ending June 30, 2009, when compared to the same period in 2008. There was a 2% increase in pending Reno civil cases in 2009, and a 25.6% increase during the same period in Las Vegas.

Pending Civil Cases For Statistical Year

	2008	2009	% Change 2008 To2009
Las Vegas	1,652 66%	2,075 71%	+26%
Reno	847 34%	865 29%	+2%
Total	2,499	2,940	+18%



Lesla Ettinger, Courtroom Administrator



Brenda Gorbet, Quality Control



Bryan Hughes, Procurement Specialist and Michael Zadina, Quality Control



Jerry Ries, Courtroom Administrator



Pending Civil Cases Over Three Years Old

Pending civil cases over three years old have stayed consistent at 5% to 7% of total pending civil caseload for the past four years.

Civil Cases Pending Over Three Years

Year Ending June 30	Number Pending Over 3 Years	Pending Cases	Percent of Pending Cases
2009	182	2,940	6%
2008	170	2,499	7%
2007	135	2,547	5%
2006	131	2,446	5%

CRIMINAL CASES

Criminal Case and Defendant Filings

For the period ending June 30, 2009, the Court experienced an increase of 18% for criminal case filings over the same period in 2008. Las Vegas's criminal case filings increased by 53 cases, or 14%, while Reno's case filings increased by 31 cases, or 31%. There was also an 11% increase in the number of criminal defendants charged in Las Vegas and a 28% increase in Reno.

Criminal Cases Filed During Statistical Year

	2008	2009	% Change 2008 To 2009
Las Vegas	378 79%	431 77%	+14%
Reno	99 21%	130 23%	+31%
Total	477	561	+18%

Criminal Defendants Filed During Statistical Year

	2008	2009	% Change 2008 To 2009
Las Vegas	404 79%	449 76%	+11%
Reno	109 21%	140 24%	+28%
Total	513	589	+15%

Criminal Case Terminations and Defendant Closures

The District's criminal case terminations decreased 22% from Statistical Year 2008 to Statistical Year 2009, while criminal defendant closures decreased 27% for the same period. There was a 17% decrease in criminal case terminations and a 24% decrease in criminal defendant closures in Las Vegas. During the same period, Reno saw a 35% decrease in criminal case terminations and a 33% decrease in criminal defendant closures.

Criminal Cases Closed During Statistical Year

	2008	2009	% Change 2008 To 2009
Las Vegas	392 70%	327 75%	-17%
Reno	172 30%	111 25%	-35%
Total	564	438	-22%

Criminal Defendants Closed During Statistical Year

	2008	2009	% Change 2008 To 2009
Las Vegas	496 72%	376 74%	-24%
Reno	193 28%	129 26%	33%
Total	689	505	-27%

Pending Criminal Caseload

There was a 21% increase in pending criminal cases between Statistical Year 2008 and Statistical Year 2009. The number of pending criminal defendants increased by 9% during the same time frame. Las Vegas had a 23% increase in pending criminal cases and an 11% increase in pending criminal defendants. Reno had a 14% increase in pending criminal cases and a 4% increase in pending criminal defendants.

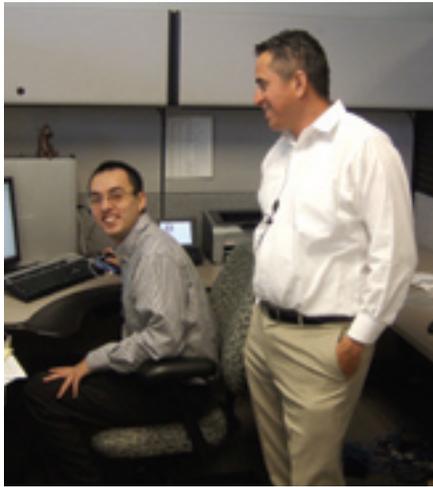
Pending Criminal Caseload

	2008	2009	Change 2008 To 2009
Las Vegas	Cases	Cases	Cases
	453 77%	557 79%	+23%
Reno	Defts	Defts	Defts
	556 78%	617 79%	+11%
Reno	Cases	Cases	Cases
	132 23%	151 21%	+14%
Total	Defts	Defts	Defts
	156 22%	162 21%	+4%
Total	Cases	Cases	Cases
	585	708	+21%
Total	Defts	Defts	Defts
	712	779	+9%

Automation

The Clerk's Office remains very active with automation initiatives, software development, and hardware maintenance and upgrading. For example, programmers in the Clerk's Office developed a front end interface for the national electronic filing system (CM/ECF) referred to at the Integra Project which has been deployed by several District Courts, Bankruptcy Courts, and by the Ninth Circuit. The Clerk's Office is also working with the Ninth Circuit in the development of a program to automate the processing of Criminal Justice Act vouchers. Additionally, the District of Nevada Internet web site, developed in-house, won an award from Justice Served for being one of the top ten Judicial web sites in the world.

Starting in 2007 the Court was one of the first Districts to start the adoption of Windows Vista as its standard desktop platform. In early 2008 the Court migrated



Guillermo Rojas and David Vazquez, Programmers

from Novell NetWare to Microsoft Windows Server operating system while also moving most servers into a Virtual environment in Las Vegas and Reno. The Court was one of the first to adopt Virtualization

for the bulk of local server computing.

The start of 2010 saw the Court migrate to a new phone system in the Lloyd D. George Federal Courthouse with the Court also supporting Pretrial Services, the Court of Appeals chambers and the Circuit Library.



Amber Freeman, CM/ECF Analyst.



“There will still be things that machines cannot do. They will not produce great art or great literature or great philosophy; they will not be able to discover the secret springs of happiness in the human heart; they will know nothing of love and friendship.”

—Bertrand Russell



Jury Practices and Utilization

The Court continues effective and efficient innovative jury practices through the use of a one-day/one-trial system which requires prospective jurors to report only once during the life of a master jury wheel. If chosen to serve, the juror is excused after service on a single jury panel. If not chosen to serve, the juror is excused from further service for a minimum of two years. This system places less burden on individual jurors and provides an opportunity for more people to perform this important public service.

In 2009, the Court moved to the E-Juror component of the national jury management system, JMS. This system allows jurors to complete their qualification information on-line and reschedule their service to a date that is more convenient to them. Prospective jurors are currently able to qualify and reschedule themselves using the telephone component of JMS.

The number of jury trials in the district increased by 37%, from twenty-seven in Statistical Year 2008 to thirty-seven in Statistical Year 2009. The total number of jurors reporting for jury selection increased by 28.36%, from 1,918 in Statistical Year 2008 to 2,462 in Statistical Year 2009. The total number of jurors who reported for jury selection and were not selected, challenged or did not participate in voir dire increased by 33.54% in Statistical Year 2009 over Statistical Year 2008.

Statistical Year 2009 - Total Number of:

	Trials	Jurors reporting for trial	Jurors who reported for jury selection and were not selected, challenged or did not participate in voir dire		Trials	Jurors reporting for trial	Jurors who reported for jury selection and were not selected, challenged or did not participate in voir dire	
			#	%			#	%
Reno	5	235	81	34.47%	14	710	260	36.62%
Las Vegas	22	1683	402	23.89%	23	1752	385	21.97%
Combined	27	1918	483	25.18%	37	2462	645	26.20%
Percentage of increase or decrease of unused jurors from the previous year.						RENO	220.99%	
						LAS VEGAS	-4.23%	
						COMBINED	33.54%	



CJA VOUCHERS PROCESSED

	Las Vegas	Reno	Total	% Change from previous year
SY 2008	1038	116	1154	
SY 2009	916	135	1051	-9%
% Change 2008 -2009	-12%	16%	-9%	

CASE ASSIGNMENTS

	RENO Criminal Justice Act Panel	LAS VEGAS Criminal Justice Act Panel	TOTAL	% Change from previous year
SY 2007	30	65	95	
SY 2008	25	69	94	-1%
SY 2009	29	77	106	13%

	RENO Federal Public Defender	LAS VEGAS Federal Public Defender	TOTAL	% Change from previous year
SY 2007	88	158	246	
SY 2008	77	244	321	30%
SY 2009	90	264	354	10%

Criminal Justice Act



Ruthann Schaefer, Criminal Justice Act Clerk

The Court continues to have a very active Criminal Justice Act Panel of attorneys who handle cases on which the Federal Public Defender has a conflict. The Panel members serve for a three year term and may have their terms renewed at the end of their term. Magistrate Judge Leen chairs the Criminal Justice Act committee for the unofficial southern division

with Magistrate Judge McQuaid serving as chair for the unofficial northern division. These committees review all applications each year and make recommendations to the District Court Judges with respect to appointments to the Panel.

As the charts below reflect, there has been a substantial decrease in the number of Criminal Justice Act vouchers processed in the District with a 12% decrease in the unofficial southern division. Cases assigned to Panel Attorneys have increased 12% over the past two years.

The District is in the final stages of developing a web-based application that provides counsel, expert service providers, court staff and judges the ability to create and process CJA vouchers and documents electronically. The application will be fully implemented in 2010.

Naturalization

In Statistical Year 2009, naturalizations decreased by 2% in Reno and increased 22% in Las Vegas, resulting in an overall district-wide increase of 20% over the number of naturalizations in Statistical Year 2008.



STATE OF THE BANKRUPTCY COURT REPORT

United States Bankruptcy Court Clerk's Office

The Clerk's Office located in Las Vegas and Reno, Nevada is responsible for providing administrative support functions to assist the Court in the effective and efficient administration of justice. There are three judges presiding in the Las Vegas division, and one judge presiding in the Reno division. Organizationally, the Clerk's Office can be divided into two distinct units: Administrative and Operations.

The Clerk's office is responsible for the administration and operations of the court. The administrative unit encompasses such functions as budgeting, procurement, automation, finance and human resources. The operational support unit in the Clerk's office manages the following areas: intake, records, docketing, case management, ECF support, court services, statistical analysis, staffing and support of various judicial committees.

The Administrative Office of U.S. Courts released statistical reports in June 2010 ranking the U.S. Bankruptcy Court in the District of Nevada as number one in bankruptcy case filing growth per capita in the nation. This extraordinary growth has been a challenge to the Clerk's office and for the bankruptcy judges in managing the increased caseload. To aid the court, the Chief Judge for the 9th Circuit has approved visiting judges to assist in the management of the bankruptcy cases filed in the District of Nevada.

The Clerk's office has been able to successfully meet all statutory and additional requirements through the dedicated efforts of staff and the continued implementation of automated technology. The Administrative Office of U.S. Courts has given supplemental funding to hire additional Clerk's office personnel in 2009 and 2010.

CM/ECF

On January 1, 2002, the Bankruptcy Court completed its implementation process for new Case Management/Electronic Case Files (CM/ECF) docketing system. Effective January 1, 2004, electronic filing became mandatory for all practitioners who filed two (2) or more petitions, motions, oppositions,

memoranda of law, proofs of claim, other pleadings and papers (or any combination thereof) per calendar year. Chambers implemented an electronic order program in 2005. This program allows attorneys to upload orders directly into our CM/ECF system for automated signatures by the bankruptcy judges.

Debtors Assistance Program

The U.S. Bankruptcy Court in conjunction with The Legal Aid Center of Southern Nevada ("LACSN") has developed a program to better meet the needs of individuals seeking the assistance of the Bankruptcy Court. In the fall of 2004, Judge Riegle convened a committee to examine the issue of pro se debtors' impact on the court and to devise potential solutions. This committee eventually resulted in the creation of the Debtors Assistance Project.

The program has two phases, the Pro Bono Bankruptcy Litigation Panel and the Bankruptcy Facilitator Program. In phase one, pro se debtors who are struggling are given a "blue slip" which refers them to LACSN for legal assistance. If they meet the income requirements, they are assisted with brief service or are referred to a pro bono attorney on the Pro Bono Bankruptcy Litigation Panel.

Local Rules of Practice

The Bankruptcy Rules Subcommittee, chaired by Chief Bankruptcy Judge Nakagawa, completed an extensive review and rewrite of the local bankruptcy rules. These rules were distributed for public comment in October 2009, and are now in effect as of December 1, 2009. The Local Rules of Practice are available at no charge on the bankruptcy court's website at www.nvb.uscourts.gov.

Courtroom Management

To manage cases more efficiently, the bankruptcy judges have implemented administrative orders, teleconferencing, and offered alternative dispute resolution procedures for various cases. Some of the most time consuming matters include evidentiary hearings regarding claims objections, trials regarding avoidance actions, and adversaries regarding prior corporate management. The court's calendaring program interacts with CM/

ECF. This provides additional information for the use in the calendar management. The bankruptcy judges and law clerks' notations and the minutes of the hearings are downloaded into this program and follow the hearing into future dates. This function has reduced the amount of research time by the chambers staff and the Clerk's office. The judges may access their desktops, including the calendaring program, when away from their duty station. This feature allows the judges to prepare for their hearings and trial calendars, and also allows them to access dockets, research materials and documents which are being prepared in chambers.

Technology and Video Conferencing

Each of the courtrooms is equipped with state-of-the-art technology and hardware that allows for telephonic conferencing and video conferencing. This has saved parties time and travel expenditure. Video conferencing allows judges from either office to hear cases and render assistance to the other office, saving time and travel costs. Participants must request in advance to participate by telephone or via video conferencing.

Bankruptcy Statistics

The number of bankruptcy petitions filed in the District of Nevada for the twelve month time period ending June 30, 2010, increased to 30,352, a 27 percent increase over the previous twelve month time period ending June 30, 2009. (The Reno office filings increased 41 percent and the Las Vegas office filings increased 24 percent.) Chapter 11 filings increased by 49 percent

Tribute to Ms. Patricia Gray

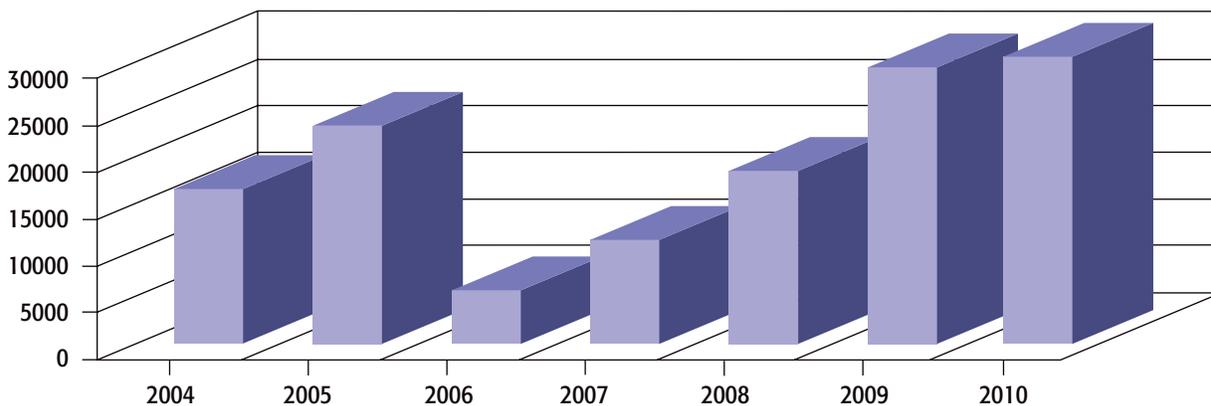
In August 2007 a retirement ceremony was conducted in the Foley Federal Building and United States Courthouse in Las Vegas, honoring Court Clerk Patricia Gray for her outstanding 37 years of dedicated service to the Bankruptcy Court. Patricia Gray guided the Nevada Bankruptcy Clerk's Office as the Court moved from a small, manual operation to the large, electronic automatized court of today.

Statistics from the Administrative Office of the U.S. Courts for the year ending June 2010 showed that the District of Nevada: 1) holds the number one per capita ranking for Chapter 7 filings per 1000 population; 2) holds the number one per capita ranking in total filings per 1000 population; 3) the national median ranking for per capita filings per 1000 population was 5.05; and 4) Nevada's per capita filings ranking per 1000 population on June 30, 2010 was 11.74.

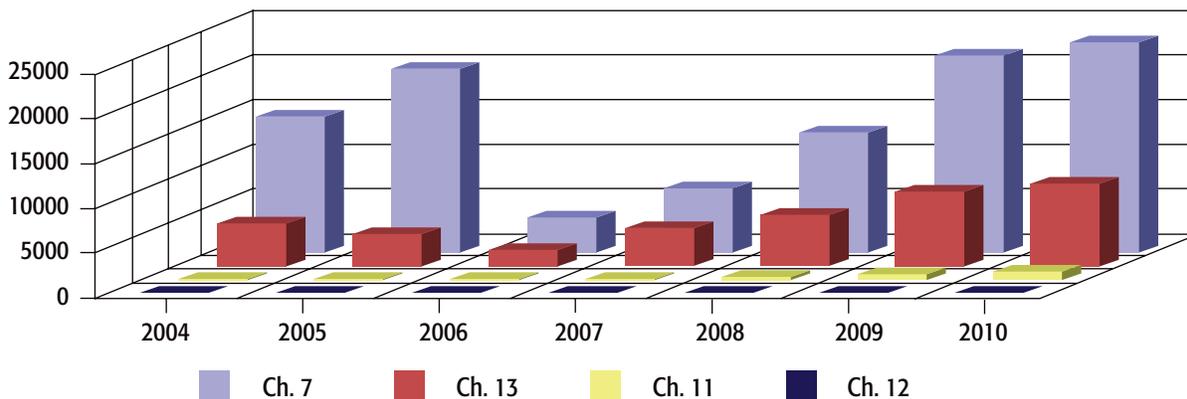
Nevada statistics for calendar years ending December 31 st

Year	2004	2005	2006	2007	2008	2009	2010
Chapter 7	12,785	19,590	3,564	6,760	12,733	20,955	22,436
Chapter 11	96	115	94	110	187	430	467
Chapter 12	0	0	0	0	1	0	1
Chapter 13	3,525	3,477	1,871	4,105	5,469	7,785	7,448
	16,406	23,182	5,529	10,975	18,390	29,170	30,352
		41%	-76%	98%	68%	59%	4%

Bankruptcy Filings
Through October 2009

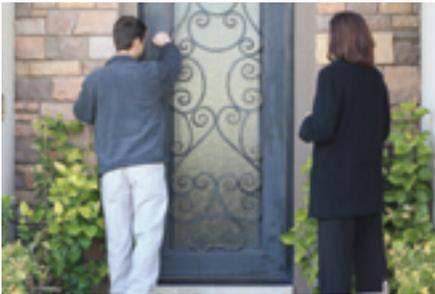


Chapter Breakdown
2004 through 2009 (October 31)



UNITED STATES PROBATION OFFICE

The contributions made by probation officers on a daily basis include the investigation of defendants pending sentencing before the Court and the supervision of individuals sentenced to probation or released from prison to a period of supervised release. Supervision is generally performed by officers meeting with clients in their homes, at work, and in the office, but can also include the use of Global Positioning System (GPS) equipment which tracks their locations at any time, day or night.



Officers making a home contact

Officers are also monitoring clients who have special conditions of supervision requiring substance abuse treatment and drug testing, mental health treatment, restitution, community service, home detention, and any other condition fashioned by the court. The overarching goal of supervision is to reduce recidivism through effective interventions.

Dr. Christopher Hansen, Chief Probation Officer, continued to guide the probation staff through a year that saw substantial workload increases.



Chief Probation Officer Chris Hansen

From August 31, 2009, through September 1, 2010, the presentence investigation unit experienced an unprecedented 51% increase in presentence investigations completed compared to the same

12-month period the previous year (453 reports completed in 2009 to 682 reports in 2010). Over the same period of time, initial criminal record (ICR) reports completed by our office rose from 510 in 2009 to 562 in 2010, an 8% increase. On the supervision side of the house, the probation office saw the total number of individuals under federal supervision drop slightly this year to approximately 1,140. This number is down from a District of Nevada high of over 1,200 in 2008. The probation office anticipates that the increased volume of presentence investigations will remain consistent over the coming year.

Despite the dramatic increase in presentence investigation volume, budget formulas prevented the probation office from increasing the total number of staff in 2010. After staff retirements, general attrition, and new hires in 2010, the probation office maintained our 2009 staffing levels for a total staff number of 61 in 2010.



Probation Office Staff

Of those 61, there are 34 probation officers, eighteen support staff, six supervisors, and three administrators. Staff in the Las Vegas divisional office are located in portions of the first and second floors of the Foley Federal Building at 300 Las Vegas Boulevard South. The Reno divisional office, which houses 12 of the 61 probation employees, is located inside the Bruce R. Thompson U.S. Courthouse, 400 South Virginia Street, in Reno.

Becoming a probation officer for the United States of America is generally viewed as the pinnacle position of the probation profession. Because the federal probation system is small, approximately 4,500 officers nationwide, competition for federal positions is fierce. This luxury allows the system to hire the finest

probation officers in the country. That is certainly the case with the exceptional probation staff in Nevada. Although few additional staff were added in 2010, 11 new officers and officer assistants were hired in 2007 and 2008, backfilling vacancies. These officers now have two to three years experience under their belt.

This is significant as the first couple of years as a new federal probation officer is a whirlwind of new experiences as they add, develop, and hone skills that are critical to being a highly effective probation officer. Our newest officers and assistants have now completed mandatory training, substantial in-service training, and critical on-the-job training and are making significant contributions to the Court, their clients, and the community.

The probation office had an exciting year of progress in 2010 and continued to evolve and modify business practices in pursuit of sustaining the evidence-based efforts which began in 2007. While using investigative and supervision practices consistent with methods proven to reduce recidivism, the probation staff steadfastly worked to provide opportunities for clients to realize significant and sustainable behavior change. Changes that research indicates will result in long-term reduction in recidivism, thus protecting the community from further victimization caused by the commission of new crimes.

Since inception, the evidence-based journey that this office embarked upon has required thousands of hours of training. Training received by the committed probation staff in 2010 was no exception. Most notably, staff continued to participate in interactive journaling training, a cognitive behavior therapy (CBT) approach designed to identify criminal thinking errors and help move clients toward positive lifestyle changes; and motivational interviewing training, a method of communication designed to enhance a client's intrinsic motivation to change.



Defensive tactics training

In addition, the probation office continued to provide firearms and defensive tactics training to better prepare our officers for the dangers associated with their job.

Interactive Journaling (IJ), in particular, has been a significant addition to the probation office's repertoire of services offered to individuals under supervision.



Interactive Journaling with client

The idea behind this CBT approach is allowing offenders to identify thinking errors that contributed to their criminal conduct and/or current predicament with family, friends, drugs, etc. It further strives to provide an environment to explore and discuss more positive, socially acceptable thinking and action alternatives. Vast research is available which demonstrates a direct relationship between CBT programs and reduction in recidivism. Although there are several manualized CBT programs, the probation office is using journals created in concert with The Change Companies in Carson City, Nevada, and federal probation officers in the Districts of Nevada and Hawaii. The Courage to Change series of interactive journals work through topics including social values, peer relationships, self-control, family ties, and substance abuse to name a few. Officers meet with clients one on one to discuss work that clients have completed in their journals. These sessions often include questioning anti-social values that may be exhibited, while reinforcing positive, pro-social values and/or discussion. In

addition to this individual journaling, several officers have led journaling groups with multiple clients who work through the same journaling topics in a group setting. The group journaling is conducted in the evening hours at off-site locations.

Motivational Interviewing (MI) techniques are also a major focus of officer training as the probation office continues to enhance officer's communication skills. As with CBT research, there is a direct correlation between client success and the quality of the relationship between the probation officer and person under supervision. MI hopes to enhance the officer/client relationship, but the core of MI is promoting a client's intrinsic motivation to change. Training is conducted by experts in MI who train groups of officers in intensive two and three-day workshops. One training tool used frequently requires officers to record mock interviews with peer actors and then receive feedback from trainers after reviewing the recordings. Although reflective listening, open-ended questions, and empathy are key elements of MI, the skill goes far beyond these simple techniques. As officers become more adept, they learn the critical skills of exploring the client's ambivalence to making a change, recognizing the subtle hints of "change talk," and helping clients develop plans of their own to put the desired behavior change in motion.

The probation office continues to operate the Chemical Abuse Rehabilitation Environment (CARE) inpatient substance abuse treatment program from within the Bureau of Prison's Residential Reentry Center (RRC) in Las Vegas. This one-of-a-kind program was created in 2007 and is operated and funded by the probation office to assist clients, who are likely in violation status and are on the verge of returning to prison, with substance abuse problems. The general makeup of the six-month program begins with three months of daily, intensive, on-site substance abuse group treatment provided by vendors contracted by the probation office. In addition, clients are immersed in other training including life skills and employment readiness. Probation officers provide training to the group and a senior probation officer who specializes in substance abuse issues provides close supervision of all participants. During the first three months, participants have

limited ability to leave the facility. After graduation to the next phase, treatment continues, but clients gain certain privileges including the opportunity to begin employment and return to the RRC in the evenings for further counseling. The final three months of the program are designed to prepare the individual for a drug-free life back in the community. Although clients in this high-risk group continue to experience failure, the CARE program has seen positive results with this difficult population.

The probation staff continues to work together to plan social festivities that allows staff to have fun and enjoy each others company, which emphasizes a collegial and family friendly message. One of the probation office's most popular activities is a Halloween haunted probation office where staff brings their children for fun and safe trick-or-treating. During this event, staff go beyond all expectations to create a Halloween environment much like any professional haunted house in the community. Each employee decorates their doorway, or oftentimes an entire hallway, and provides a stop for the kids to fill their bags with candy. Generally, at least one hallway becomes an adult only area as the haunting becomes too scary for the little ones. The children seem to really enjoy it and the staff always makes it a special day. As years have passed, employees from other agencies also stop by with their children, which is always a welcomed addition.

Another popular activity is the annual Christmas support of a chosen family (or families) or charitable organization. This past Christmas, staff chose two: Safe Nest, a temporary shelter for families experiencing domestic violence, and also a canned-good food collection for St. Joseph's Church in Las Vegas. As always, the probation staff were extremely gracious and the Safe Nest organization was grateful when our elves delivered donations and gift cards totaling almost \$1,300.

Recently, the probation office coordinated a special day honoring Helen Holly, the first female federal probation officer in the District of Nevada.





Helen Holly, first female U.S. Probation Officer in the District of Nevada.

Helen, who was sworn in as an officer in 1974, paved the way for many female officers to come. In fact, in 2010, 44% of the line officers in the District of Nevada were female. The ceremony, which began in Senior U.S. District Judge Lloyd D. George's courtroom, included comments by Judge George, Chief Chris Hansen, and former Chief Probation Officer Eugene Sadoian.



Helen Holly with female D/NV U.S. Probation Officers.

Several others also shared stories of their time working with Helen when they were young officers. Helen, who enjoyed the company of her family and friends at the ceremony, also spoke fondly of her career as a probation officer and sincere appreciation for the ceremony. The ceremony was memorialized in a front-page story in the Nevada section of the Las Vegas Review Journal.



U.S. Probation Officer Brian Stephen Simon

The probation office in Nevada sadly lost an important member of our family this year when Officer Brian Steven Simon suddenly passed away on May 28, 2010. Brian became a federal probation officer in the District of Nevada in September 1994.

He worked as a supervision officer for many years and was assigned to the investigations unit when he passed in 2010. Brian was always one of the first in the office to volunteer to help a coworker in need and he will be missed. Brian is survived by his wife Brenda; six-year old daughter, Rebecca; father, Walter; mother Adelle; brother Michael; and sister Sharon.

It was a difficult time for our office when Brian passed, but the probation family pulled together to help the Simon family and each other to the best of our ability.



Judges presenting Officer Simon's badge to his daughter Rebecca

On August 23, 2010, the probation office coordinated a ceremony at the federal courthouse where Brian's daughter, Rebecca, was reminded how special her daddy was to the Court family. Chief Judge Hunt, Judge Dawson, Judge Pro, Judge Leen and Judge Foley presented Rebecca with Brian's official badge which had been imbedded in lucite for a lifelong keepsake.

A donation account was also established for Rebecca following Brian's death and at the ceremony she was presented with three \$1,000 savings bonds to be used for college in the future.



Rebecca Simon holding Dad's badge



United States Pretrial Services

Historical Overview

The origin of pretrial services dates back to 1927 when bail systems in Chicago were examined. Widespread abuses were found including: the unnecessary detention of the indigent, the use of bail to punish defendants prior to a determination of guilt, and the impropriety of permitting the professional bondsman to act as release broker for the court. It was argued that bail should be set not on the basis of the alleged offense, or the defendant's ability to raise money, but on the overall social background and circumstances of each individual defendant.

The Bail Reform Act of 1966 was enacted to revise practices relating to bail, and to eliminate reliance on money as the sole determinant of pretrial release. The Act provided U.S. Judicial Officers with standards and guidelines requiring consideration of the accused's overall background and community ties, thereby fostering a more equitable system of bail. The Act created a presumption of release and required the court to impose the least restrictive conditions of release which provide reasonable assurance that defendants will honor future court commitments.

While the Bail Reform Act of 1966 required consideration of several factors in determining bail, the federal courts lacked a mechanism by which such information could be verified and made available to judicial officers in a timely fashion. Recognizing the need for this mechanism, Congress enacted Title II of the Speedy Trial Act of 1974. The Act authorized the Director of the Administrative Office of the U.S. Courts to establish, on a demonstration basis, pretrial services agencies in 10 representative judicial districts. The agencies were to provide the court with verified information relevant to Bail Reform Act release criteria, serve as an administrative arm to oversee adherence to conditions of release, and to provide necessary services to persons released pending trial. Based on the statistical success of the pretrial services agencies in the demonstration districts, and the recommendation of the Judicial Conference of the United States and the Director of the Administrative Office of the United States Courts, bills were introduced in both Houses of Con-

gress to expand pretrial services beyond the demonstration districts, and pretrial services functions were established in every Federal district.

On September 27, 1982, the Pretrial Services Act of 1982 was signed into law by President Ronald Reagan, authorizing the Director of the Administrative Office of the United States Courts, under the supervision and direction of the Judicial Conference of the United States, to provide directly, or by contract or otherwise, for the establishment of pretrial services in each U.S. judicial district other than the District of Columbia. The Comprehensive Crime Control Act of 1984 placed the consideration of community safety on an equal footing with the consideration of likelihood of appearance at trial as factors in the court's pretrial release decisions.

In October 1984, the District of Nevada established its own United States Pretrial Services Office. During 2010, the U.S. Pretrial Services Office is proud to celebrate twenty-five years of dedicated service to the court and community

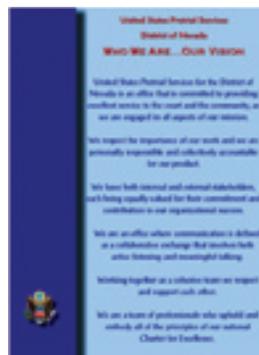
Vision, Beliefs, and Core Values

The United States Probation and Pretrial Services *Charter for Excellence* defines our unique profession, guides office operations, and helps us refine our goals. We are strongly committed to the mission critical ideals that comprise the *Charter for Excellence*, which are: integrity, fairness, teamwork, accountability, and excellence. We have further committed ourselves to ourselves to reshape and redefine our office culture by establishing and abiding by the key principles in our collectively defined office vision.



Operational Locations and Personnel

The United States Pretrial Services Office is headquartered in the Lloyd D. George U.S. Courthouse in Las Vegas. The Las Vegas staff consists of the Chief U.S. Pretrial Services Officer, two Supervising U.S. Pretrial Services Officers, six U.S. Pretrial Services Officers, one U.S. Pretrial Services Officer Assistant, and four administrative support employees. The other operational site is the United States Pretrial Services Office in Reno, Nevada, at the Bruce R. Thompson U.S. Courthouse. The Pretrial Services Office is staffed by one U.S. Pretrial Services Officer, one U.S. Pretrial Services Officer Assistant, and two part-time administrative support staff.



Workload

Consistent with 18 U.S.C. § 3154, pretrial services officers collect, verify, and report to the judicial officer, prior to the release hearing, information pertaining to the pretrial release of each person charged with an offense. The pretrial services officer will interview the defendant and conduct supplemental interviews with family or other sources of verification. We typically have a very short period of time in which to complete our investigation and report, however, officers do an excellent job of providing detailed information to the judicial officer that will assist in making a release decision. A written pretrial services report is prepared for each defendant charged with a federal offense. The report covers the following elements:

Personal History

Residential History

Financial Resources

Alcohol/Substance Abuse History

Assessment of Risks

Familial Ties

Employment History

Physical and Mental Health

Criminal History

Recommendation for Release or Detention

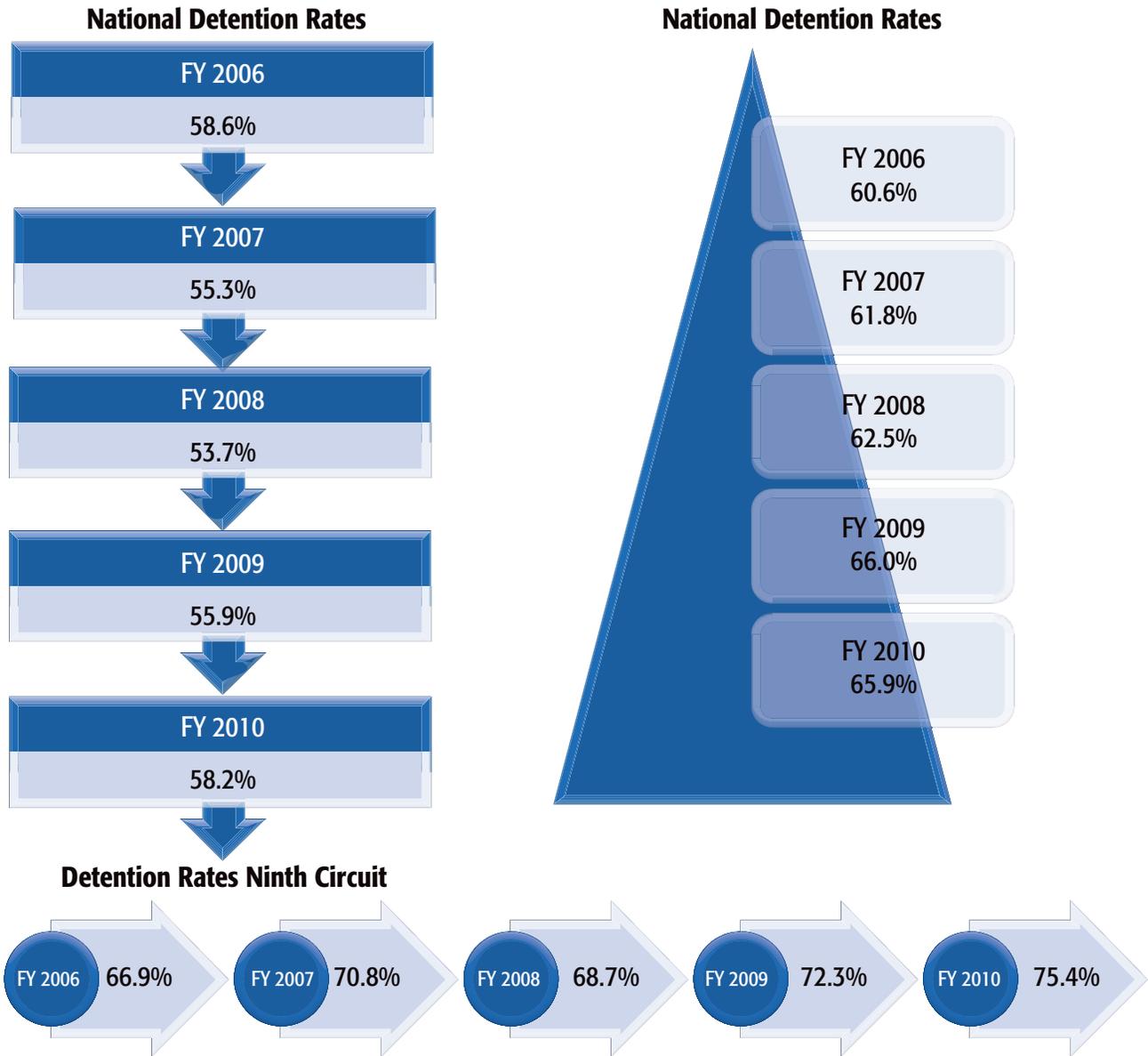
During the nine-month period beginning October 1, 2009, and ending June 30, 2010, the following investigations were activated in the District of Nevada.



In 99.0% of the bail investigations conducted by the Pretrial Services Office in the District of Nevada, a written report was provided to the judicial officer prior to the initial appearance. A written report is the national standard as it provides the court critical, comprehensive, verified, and timely information with which it is able to make the key decision about the liberty of a particular accused. The national average is 91.3% and the Ninth Circuit average is 97.0%.



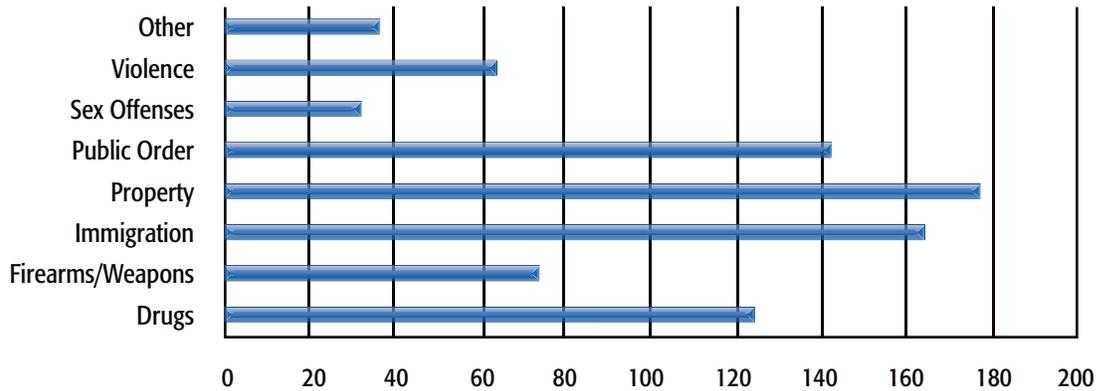
In addition to the preparation of objective, concise, and thorough pretrial services reports, we strive to appropriately reduce pretrial detention. With regard to pretrial detention, numerous factors contribute to the overall detention rate, such as the nature of the alleged offense, defendant participation in the interview, immigration status, history and characteristics of defendants, et-cetera. We have focused on reducing our detention rates and in just a two-year period, we were successful in reducing detention by approximately five percentage points. This has been accomplished through hard work, re-education, statistical assessment, internal and external review, enhanced quality control, and the implementation of legal and evidence-based practices. The detention rates have risen slightly in fiscal years 2009 and 2010, however we remain committed to appropriately increasing pretrial release rates in the District of Nevada.



Types of Offenses

The types of offenses that are charged in the District of Nevada vary greatly. In recent years, the number of violent offenses and immigration offenses have increased. Drug-related offenses, property, and public order/fraud cases have remained prominent and constant.

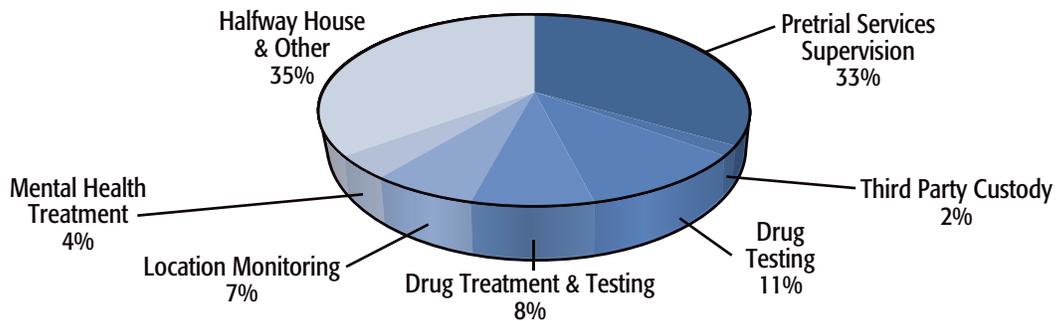
Major Types of Offenses



Alternatives to Detention

The Pretrial Services office uses all available alternatives to detention. Risk assessment, risk management, and appropriate supervision activities are conducted to ensure defendant compliance with court ordered conditions of release.

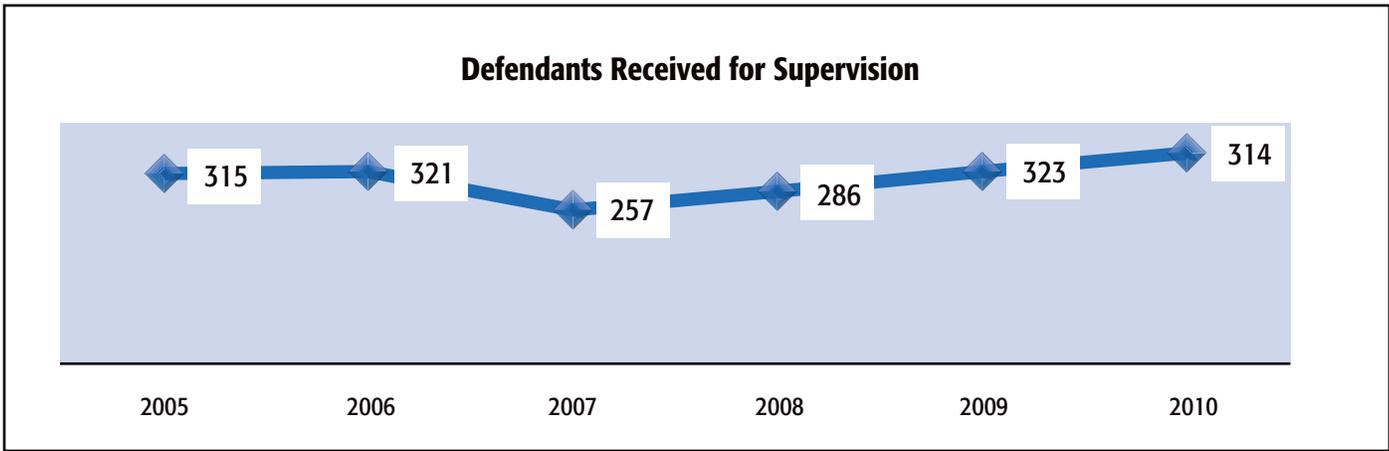
Alternatives to Detention



Pretrial Services Supervision

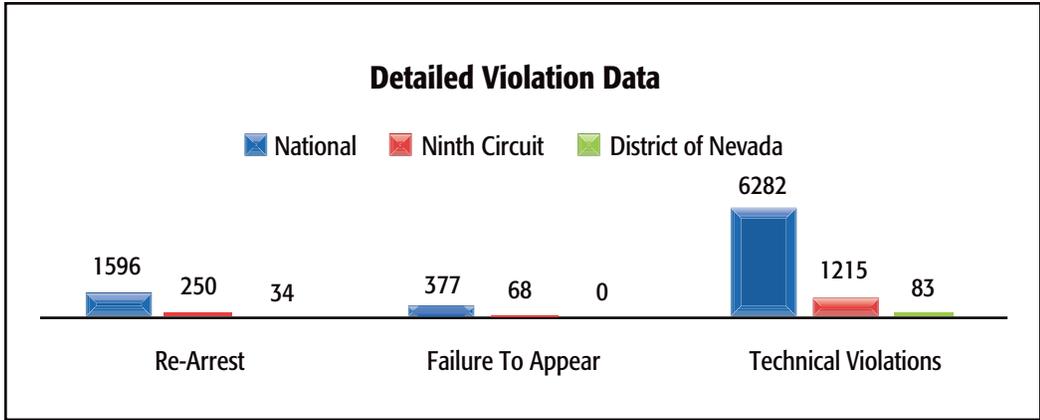
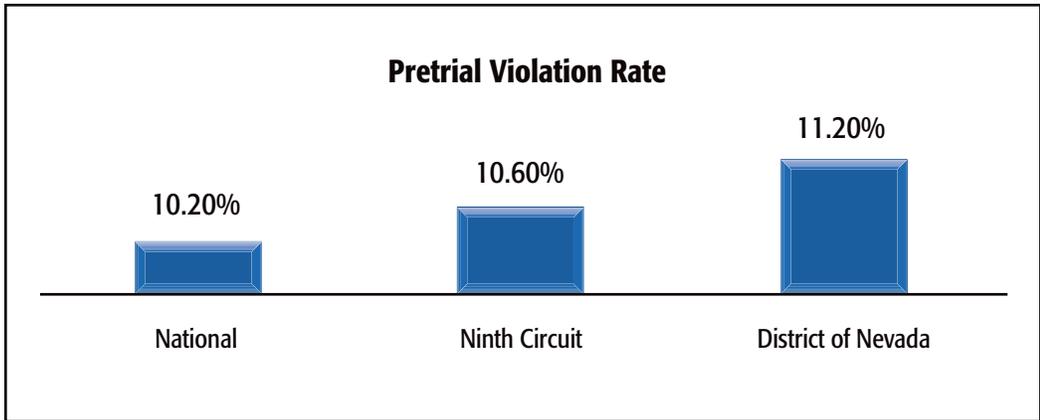
Pretrial Services is also charged with supervising those persons released into its custody as ordered by the judicial officer. During the twelve-month period beginning July 1, 2009 and ending June 30, 2010, 352 defendants were received for supervision in the District of Nevada. A synopsis of the supervision workload between 2005 and 2009 is provided on the next page.





Supervision Outcomes

There is a strong correlation between effective Pretrial Services Supervision and defendant success. In the District of Nevada, 90.9% of defendants who are ordered to report to Pretrial Services as a condition of release return to court as required and commit no new offenses during the pendency of the case. This is the desired outcome of the Bail Reform Act. Of the 11.2% of defendants that commit some sort of violation, most commit technical violations (e.g., substance abuse, curfew violations). Through enhanced risk management, violation hearings, and the modification of release conditions, the vast majority of these defendants are returned to compliance and remain on bond. If no condition or combination of conditions can reasonably assure the defendant's return to court for further proceedings or assure the safety of the community, the Pretrial Services Officer will recommend to the Court that a defendant in violation status should be returned to custody.



United States Pretrial Services



Magistrate Judge Peggy Leen and Heather Valles, Administrative Specialist



Staff Meeting



Chief Judge Roger Hunt Swearing in U.S. Pretrial Services Officer Jaime Stroup



Chief Judge Roger Hunt Swearing in U.S. Pretrial Services Officer Samira Barlow



Officers at Work



Chief Judge Roger Hunt Swearing in U.S. Pretrial Services Officer Alison McCurd



Training



Shiela Adkins, Chief PSO and Peter Henning Systems Manager



Reno Staff: Matt Brophy, Jennifer Kaufman, Jennifer Simone and Lorraine Richmond



Ronald Pease, Supervising USPSO



Federal Public Defender



Federal Public Defender Franny Forsman with John Valery White, Dean and Professor of Law at the William S. Boyd School of Law, UNLV

The Federal Public Defender employs a total staff of 94, including attorneys and support staff. The office consists of a Trial Unit, (Las Vegas and Reno), a Non-capital Habeas Unit, and a Capital Habeas Unit.

The Federal Public Defender represents defendants in all assigned cases including, immigration, weapons, and drug cases. The Defender takes the lead in multi-defendant cases including racketeering, drug conspiracy and death penalty cases. Recent prosecutions for mortgage fraud involving millions of pages of evidence have resulted in new approaches in electronic document management and use of outside resources.

The Federal Defender office provides regular training for the Criminal Justice Act panel attorneys. In FY2009, seminars included ethics, sentencing, rules of evidence, immigration, and habeas litigation. Nevada provides an innovative mentorship program in order to strengthen the panel of attorneys appointed under the Criminal Justice Act. Each year, potential and new members of the panel attend a series of Saturday sessions on federal criminal law. They then “shadow” a regular member of the panel and participate in a mock trial.



