



D I S T R I C T O F C O L U M B I A B A R  
*S e c t i o n s*

MEMORANDUM

TRANSMITTED VIA E-MAIL ONLY

TO: Board of Governors

FROM: Candace Smith-Tucker, Director of Sections

DATE: July 21, 2009

RE: PUBLIC STATEMENT - Sponsored by the District of Columbia  
Affairs Section

**STATEMENT IN SUPPORT OF THE PUBLIC STATEMENT  
OF THE LITIGATION SECTION REGARDING THE  
APPOINTMENT OF JUDGES TO THE D.C. FEDERAL BENCH**

Attached for your review is a one-page summary of a Public Statement proposed by the District of Columbia Affairs Section. To receive the full text (one page), please contact the Sections Office. If you wish to have this matter placed on the Board of Governors' agenda on September 8, 2009, please call Candace Smith-Tucker, Director of Sections, at 202-737-4700, ext. 3260 or her Administrative Assistant, Joyce Olley, at ext. 3262 by 5:00 p.m. on Tuesday, July 28, 2009.

Please note that, according to the *D.C. Bar Section Guidelines and Procedures (rev. 2009)* on public statements (pp. 41-55), your telephone call "must be supplemented by a written objection lodged within three days of the oral objection." For a complete copy of the relevant *Guidelines*, please contact Sections Member Information Specialist, David Itkin, at 202-824-1873.

"Members of the Board of Governors may request that the proposed Public Statement be placed on the agenda of the Board of Governors for any reason consistent with the Board's functions. However, Board Members may request that submission of the proposed Public Statement be **delayed pending the Board's consideration for the following two reasons only [emphasis added]**:

(1) The matter is so closely and directly related to the administration of justice that a special meeting of the Bar's membership pursuant to D.C. Court of Appeals Rule VI, Section 2, or a special referendum pursuant to Rule VII, Section 1, should be called; or

(2) The matter does not relate closely and directly to the administration of justice, but involves matters which are primarily political, or as to which evaluation by lawyers would not have any particular relevance." *Section Guidelines* VII.A.3(b), p. 45.

Attachment



D I S T R I C T O F C O L U M B I A B A R  
*S e c t i o n s*

**Summary of Public Statement of the District of Columbia Affairs Section of the District of Columbia Bar in Support of the Public Statement of the Litigation Section Regarding the Appointment of Judges to the D.C. Federal Bench**

The members of the Steering Committee of the D.C. Affairs Section of the District of Columbia Bar voted unanimously on July 17, 2009<sup>1</sup> to issue the following Public Statement on behalf of the Section, concurring and supporting the Public Statement of the Litigation Section of the District of Columbia Bar urging the Obama Administration to fill vacancies on the United States Court of Appeals for the District of Columbia Circuit and United States District Court for the District of Columbia from among the many distinguished and qualified members of the D.C. Bar and courts in the District of Columbia who have long-standing connections to the Washington, D.C. metropolitan area.

**The views expressed on behalf of the D.C. Affairs Section are those of such section and not those of the D.C. Bar or of its Board of Governors.**

The following individuals participated in drafting this statement: Esther Bushman, James Bubar, and Tonya Sapp.

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<sup>1</sup> The members of the Steering Committee on the date of this vote are Claudia McKoin, Esther Bushman, Lawrence Mirel, Nicholas Majett, Nicola Whitman, Ed Rich, Jon Bouker, Brian Flowers, and Tonya Sapp.

## TRANSMITTAL SHEET

TO: 2009-10 Board of Governors  
Kim Michele Keenan, *The Keenan Firm*  
Ronald S. Flagg, *Sidley Austin LLP*  
Johnine P. Barnes, *Baker & Hostetler LLP*  
Amy L. Bess, *Sonnenschein Nath & Rosenthal*  
Paulette E. Chapman, *Koonz McKenney Johnson DePaolis & Lightfoot*  
Judith M. Conti, *National Employment Law Project*  
Sabine S. Curto, *Jenner & Block LLP*  
Judy Deason, *King & Spalding*  
Meredith Fuchs, *The National Security Archive, Gelman Library*  
Nathalie F.P. Gilfoyle, *American Psychological Association*  
Ankur J. Goel, *McDermott, Will & Emery*  
Ellen M. Jakovic, *Kirkland & Ellis LLP*  
Charles R. Lowery, Jr., *Center for Responsible Lending*  
Rebecca M. McNeill, *Finnegan Henderson Farabow Garrett & Dunner LLP*  
Barry C. Mills, *Paul, Hastings, Janofsky & Walker LLP*  
Laura A. Possesky, *Gura & Possesky P.L.L.C.*  
Lena Robins, *Amgen, Inc.*  
James W. Rubin, *Hunton & Williams*  
Javier G. Salinas, *Ernst & Young LLP*  
Christina G. Sarchio, *Patton Boggs, LLP*  
R. Justin Smith, *U.S. Department of Justice*  
Robert J. Spagnoletti, *Schertler & Onorato LLP*  
Benjamin F. Wilson, *Beveridge & Diamond, P.C.*

List of additional distributees follows.

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JUDGES TO THE D.C. FEDERAL BENCH**

NUMBER OF PAGES (including this sheet): 4

**Additional Distributees:**

2009-10 Steering Committee Members Designated to Receive Proposed  
Section Public Statements

Alonzo Barber III, *Black Entertainment Television*  
Howard N. Berliner, *Berliner Law Firm PLLC*  
Matthew A. Brill, *Latham & Watkins LLP*  
Linda E. Carlisle, *White & Case*  
Jonathan E. Cedarbaum, *U.S. Department of Justice*  
Kathleen Cooney-Porter, *Oblon Spivak McClelland Maier & Neustadt*  
Ilene R. Heller, *Center for Science in Public Interest*  
Conrad J. Jacoby, *efficientEDD*  
Jonathan L. Kang, *U.S. Government Accountability Office*  
Roy L. Kaufmann, *Jackson & Campbell PC*  
Kate M. H. Kilberg, *Law Offices of Virginia A. McArthur*  
Joshua A. Levy, *Stein Mitchell & Muse LLP*  
Amit P. Mehta, *Zuckerman Spaeder LLP*  
Sondra L. Mills, *U.S. Department of Justice*  
Denis C. Mitchell, *Stein Mitchell & Mezines*  
Stephen B. Pershing, *Center for Constitutional Litigation PC*  
Kathrina S. Peterson, *Kuder Smollar & Friedman PC*  
Tonya Sapp, *Office of the Attorney General*  
Hemi D. Tewarson, *U.S. Government Accountability Office*  
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