3 BAR ASSOCIATION FOR THE THIRD FEDERAL CIRCUIT

On Appeal

April 2017
Volume XI, Number 1

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A TRIBUTE TO JUDGE LEONARD I. GARTH

Ronald K. Chen
Dean, Rutgers Law School

To his over 100 law clerks, Judge Leonard I. Garth was larger than life. But human mortality being a constant, we all had been dreading the inevitable moment when he would leave us. Still, we all take satisfaction in remembering the Judge's many milestones and accomplishments—95 years on this earth, 64 years as a member of the Bar, 47 years as a federal judge—all that time acting as a role model for what every judge, lawyer, and indeed person should strive to be: principled, courageous, industrious, and compassionate.

The late Judge Edward Becker characterized Judge Garth simply and directly: he was "all judge." Judge Garth's colleagues on the Court, his law clerks, and the lawyers who appeared before him will certainly expand upon that comment to include several core attributes: (1) he was dedicated to the boundaries and eccentricities of each individual case, and to deciding each matter based precisely on those contours, (2) his job was to rule as narrowly as was reasonable based on the applicable law, and not to wander the countryside espousing philosophies or seeking the jurisprudential equivalent of the "unified field theory." As his most illustrious former clerk, Associate Justice Samuel Alito, noted in his 2006 confirmation hearings:

> I had the good fortune to begin my legal career as a law clerk for a judge who really epitomized open-mindedness and fairness. He read the record in detail in every single case that came before me; he insisted on scrupulously following precedents, both the precedents of the Supreme Court and the decisions of his own court, the Third Circuit.

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THIRD CIRCUIT ADDRESSES JURISDICTION AND CRIME-FRAUD ISSUES STEMMING FROM ONGOING GRAND JURY PROCEEDINGS

In re: Grand Jury Matter #3, 847 F.3d 157 (3d Cir. 2017)

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The U.S. Court of Appeals for the Third Circuit, in *In re: Grand Jury Matter #3*, 847 F.3d 157 (3d Cir. 2017), recently addressed two important issues related to grand jury practice in the areas of appellate jurisdiction and the crime-fraud exception to the attorney work-product doctrine. The Court first held that it retains appellate jurisdiction over evidentiary questions stemming from grand jury proceedings as long as the underlying grand jury investigation continues. The Court also held that an email communication outlining actions to be taken, without evidence that further steps were taken, is insufficient to show that the communication was made in furtherance of the fraud—and thus did not fall within the crime-fraud exception to the work-product doctrine.

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A TRIBUTE TO JUDGE LEONARD I. GARTH

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> He taught all of his law clerks that every case has to be decided on an individual basis. And he really didn't have much use for any grand theories.

To Judge Garth, each case was defined by its record, and he trained his clerks to examine that record scrupulously. When I served as his law clerk in the mid-1980s (before PACER and electronic filing), it had become routine practice for the full physical record of a case to be retained in the district court clerk's office even after the notice of appeal had been filed, and for appellate judges to rely primarily on those parts of the record that the parties had agreed would be reproduced in the joint appendix. That was often insufficient for Judge Garth, however, who frequently instructed his clerks to call for the full record to be sent up, as was his absolute prerogative, even if that resulted in several boxes of documents appearing in chambers for examination.

Judge Garth's refusal to be bound by "grand theories" allowed him to keep an open mind. As another Garth clerk, Professor Orin Kerr, wrote soon after Judge Garth's death:

> Of course, like every judge, Judge Garth would get instincts about which side was right. But he had an impressive ability to put that aside if he came across case law or something in the record that pointed in a different direction. He saw room for case-by-case equity. And he was carefully attuned to the human side of the cases he decided. But more than any judge I have met, he saw the role of judges as being to follow the law and play it straight.

Judge Garth's personal presence in chambers could be commanding and occasionally dread-inspiring. Thirty-three years later, I still remember a morning, during the first weeks of my clerkship, when Judge Garth arrived in chambers and before putting down his briefcase asked me, in a case to which I had been assigned, whether I thought that the court of appeals had "appellate jurisdiction under *Griggs*." I had no idea what he was talking about, and thought perhaps he might be referring to *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971), a very well-known employment discrimination case that I had studied in law school, but which, so far as I could tell, had utterly nothing to do with the case at hand. It turns out that he was referring to *Griggs v. Provident Consumer Discount Co.* 459 U.S. 56 (1982). Under Federal Rule of Appellate Procedure 4(a)(4) as it then existed, a timely motion in the district court to alter or amend the judgment under Federal Rule of Civil Procedure 59 nullified any notice of appeal that had previously been filed. And if no subsequent notice of appeal was filed within 30 days of the order disposing of the Rule 59 motion, there was no appellate jurisdiction, as *Griggs* had noted the previous year. That, alas, is exactly what appellant's lawyer had omitted.

The issue had not been raised by any party, and I had never even heard of this *Griggs* case, and so in response to Judge Garth's question, I casually responded, "Yes, sure." After a pregnant pause, timed to perfection to instill a sense in me of imminent mortality, Judge Garth replied calmly but firmly and with a hint of a raised eyebrow, "Well then, young man, you would be wrong." Whatever oxygen was left in my lungs was instantly consumed as I saw my future legal career evaporate. He then showed me the district court docket sheet, which *he* had checked but which I had not, that irrefutably demonstrated that appellate jurisdiction was lacking. Lack of subject matter jurisdiction was a matter about which Judge Garth would brook no compromise or suggestion of "work arounds" for the sake of equity. For the court to decide the merits of a case in which it had no jurisdiction would, to Judge Garth, amount to a judicial usurpation of power. Counsel soon thereafter received a notice that the appeal was summarily dismissed, and appellants' lawyers probably had some serious explaining to do to their client.

But as for me, I did not have to explain further, and once the point had been gently made, I saw, perhaps for the first time but certainly not the last, Judge Garth's understanding and compassion for a young lawyer who at that point could not hope to match his exhaustive knowledge of the law and appellate practice. He patted me on the shoulder and simply said, "Well, now you know about *Griggs*," and never said another word about my oversight. (Current appellate practitioners will be relieved to learn that Rule 4(a)(4) was amended some years ago to remove this trap for the unwary.)

Judge Garth was also deeply committed to the concept of collegiality among his fellow judges. I remember him commenting in chambers once that he preferred serving as a district judge, since a trial judge "runs his own show" without requiring the acquiescence of at least one other judge, as is the case in the appellate court. But I am not sure he really meant it. He genuinely enjoyed his interactions with his colleagues on the Third Circuit, and had an abiding respect for each of them, even if he did not always agree in a particular case. Each of the names of the active judges when I clerked evokes memories of genuine affection expressed by Judge Garth: Collins Seitz, Ruggero Aldisert, Arlin Adams, John Gibbons, James Hunter III, Joseph Weis Jr., Leon Higginbotham Jr., Dolores Sloviter, and Edward Becker (all now gone except Judges Gibbons and Sloviter). I have no doubt that succeeding members of the Court have also benefited from personal and professional interactions with Judge Garth. He cared deeply about the Third Circuit as an institution and the consistency of its decisions. He read every "for publication" opinion of the Court before it was released, a practice he observed until a few days before he died. Even though he could no longer vote for rehearing en banc after he took senior status in 1986, I am told by current members of the Court that he would still occasionally send active members of the Court an email (a device to which he eventually became accustomed) suggesting that a certain draft was "not Third Circuit jurisprudence." Rarely were such messages unheeded.

I had the benefit of remaining in New Jersey and thus had the ability to maintain an active relationship with Judge Garth throughout my career. He was both my mentor when I was his law clerk and my friend and advisor thereafter throughout my legal career. Whatever I know about being a responsible, ethical and courageous lawyer and advocate, I owe in no small measure to Judge Garth's guidance.

THIRD CIRCUIT ADDRESSES JURISDICTION AND CRIME-FRAUD ISSUES STEMMING FROM ONGOING GRAND JURY PROCEEDINGS

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Underlying Grand Jury Proceedings

The case arose in the context of a grand jury investigation into an allegedly fraudulent business scheme involving John Doe, along with his business associate and his lawyer. As part of the scheme, Doe purportedly sold his company (Company A) to his business associate, even though the evidence demonstrated that Doe maintained control and ownership of Company A after his stock was transferred. The purported transfer was undertaken in a fraudulent effort to avoid liability in various civil lawsuits against Company A by tricking the plaintiffs in those suits into believing that Doe had sold Company A, thus encouraging the plaintiffs to settle for less money on the premise that Doe had deep pockets but his business associate did not. The investigation ultimately resulted in all three individuals being charged with RICO conspiracy, conspiracy to commit fraud, mail fraud, wire fraud, and money laundering.

At issue during the grand jury proceedings was a particular email Doe's accountant provided to investigators. In that email, Doe's attorney advised Doe of certain actions he needed to take to correct his records so that they reflected that the business associate—not Doe—owned Company A. Doe had forwarded that email to his accountant, telling the accountant to "[p]lease see the seventh paragraph down re; my tax returns. Then we can discuss this." Neither Doe nor his accountant, however, took any further action pursuant to the email.

The accountant's lawyer filed a motion with the trial court in an effort to claw back the email on the ground that it was privileged. The district court disagreed, however, finding that it fell within the crime-fraud exception to the work-product doctrine. Doe immediately filed an interlocutory appeal.

While the appeal was pending, the grand jury saw the email and returned a 17-count indictment against Doe, his lawyer, and his business associate. A separate grand jury (which also saw the email) subsequently returned a superseding indictment against the defendants. The second grand jury continued to investigate matters involving the ownership of Company A during the pendency of Doe's appeal.

Appellate Jurisdiction

On appeal, the Court first acknowledged that its jurisdiction initially fell within the rule established by *Perlman v. United States*, 247 U.S. 7 (1918), which allows a privilege holder to immediately appeal a disclosure order issued to a disinterested third party in possession of the privilege holder's documents without first having been held in contempt. This exception to the so-called "contempt rule" applies in cases where a third-party custodian of records is unlikely to risk being held in contempt by disobeying a court's disclosure order.

However, because the grand jury subsequently indicted Doe, and a second grand jury returned a superseding indictment, the Government argued that the appeal had been rendered moot. In addressing this argument, the Third Circuit identified two prior decisions: *In re Grand Jury Proceedings (Johanson)*, 632 F.2d 1033 (3d Cir. 1980), and *In re Search of Electronic Communications in the Account of chakafattah@gmail.com at Internet Service Provider Google, Inc.*, 802 F.3d 516 (3d Cir. 2015) ("*Fattah*"), in which it had previously decided interlocutory appeals from grand jury proceedings that returned indictments during the pendency of the appeal. In both instances, the Third Circuit retained jurisdiction over the appeals because a live controversy remained in the ongoing grand jury proceedings.

Relying upon *Johanson* and *Fattah*, the Court recognized that the policy favoring judicial efficiency required it to resolve Doe's claim of privilege in light of the fact that the grand jury proceedings were ongoing. The Court refused to "reflexively dismiss those appeals" where the grand jury proceedings continue, thus ensuring that it would "remedy future harm" in situations where "[t]he grand jury cannot erase from its memory an email about Company A's ownership while evaluating new charges relating to" the very subject of that email. The Court further recognized that, if it were to decline to exercise jurisdiction on the basis that indictments had been returned, then the same issues were likely to come before the Court again if Doe were to be convicted, thus requiring an unnecessary duplication of effort. Accepting that it had jurisdiction, therefore, the Court addressed the appeal's merits.

Crime-Fraud Exception

Turning to the privilege question, the Third Circuit acknowledged preliminarily that the email at issue "retained its work-product status because it was used to prepare for Doe's case against those suing him." The critical question, however, was whether the facts of the case satisfied the two prongs of the crime-fraud exception—that is, (1) whether Doe was committing or intending to commit a crime or fraud; and (2) whether the email in question was used in furtherance of that alleged crime or fraud.

The Court ultimately concluded that the facts did not satisfy the second element. Specifically, Doe had only forwarded the email to his accountant and indicated that he wanted to "discuss it." No evidence in the record indicated that they did discuss it, nor was there evidence that Doe ever acted to amend his tax returns to reflect the advice in the email. In light of these facts, the Court reversed the district court's conclusion that the crime-fraud exception applied.

Conclusion

In arriving at its conclusion, the Third Circuit took pains to note that many cases involving similar interlocutory appeals will be rendered moot by the return of an indictment. For those that do not, however, the jurisdictional issue in this case can be a valuable tool for those whose practice frequently involves grand jury matters. The case also provides important clarification about the crime-fraud exception that many other practitioners will find useful.

THIRD CIRCUIT EMBRACES EXPANSIVE VIEW OF ARTICLE III STANDING POST-*SPOKEO*

In re Horizon Healthcare Servs. Inc. Data Breach Litig., 846 F.3d 625 (3d Cir. 2017)

Molly Q. Campbell
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The U.S. Court of Appeals for the Third Circuit, in *In re Horizon Healthcare Services Inc. Data Breach Litigation*, 846 F.3d 625 (3d Cir. 2017), vacated the dismissal of policyholders' class action complaint against their health insurer, Horizon Healthcare Services, Inc., for violation of the Fair Credit Reporting Act's (FCRA) consumer privacy requirements as a result of a data breach. The decision centered on whether plaintiffs had Article III standing to assert claims under the FCRA given the Supreme Court's ruling in *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540 (2016). Despite Horizon's argument that *Spokeo* necessitated affirmance, the Third Circuit held the plaintiffs did not need to prove that their compromised data was misused. Instead, the plaintiffs could rely on the intangible concrete harm that Horizon caused when it violated the FCRA and unlawfully disseminated their personal information.

Underlying Litigation

The litigation stemmed from the theft of two unencrypted laptops—containing personal information of more than 839,000 Horizon members—from Horizon's headquarters. Plaintiffs alleged that Horizon failed to adequately comply with FCRA requirements by furnishing their information in an "unauthorized fashion allowing it to fall into the hands of thieves," and failing to maintain "reasonable procedures" to keep their personal information confidential. Horizon moved to dismiss for, among other things, failing to establish standing under Federal Rule of Civil Procedure 12(b)(1). The district court granted Horizon's Rule 12(b)(1) motion, concluding that a showing of standing under *Spokeo* must include a specific harm that goes beyond "mere violations of statutory and common law rights." Because plaintiffs had not shown that the stolen information had been used to their detriment, the district court held that they lacked Article III standing.

On Appeal

In an opinion authored by Judge Jordan and joined by Judge Vanaskie, the Third Circuit held that the unlawful disclosure of legally protected information was a concrete injury, sufficient to confer Article III standing on consumers even if the information was never used improperly. As an initial matter, the Court characterized the Rule 12(b)(1) challenge as a "facial" (as opposed to a "factual") attack and, as such, viewed plaintiffs' well-pleaded allegations as true, drawing all reasonable inferences in their favor. The Court recognized that the only issue was whether plaintiffs adequately alleged an invasion of a legally protected interest that was "concrete and particularized." Plaintiffs presented two arguments that the violation of their statutory right satisfied that requirement. They argued, first, that their personal information was not secured against unauthorized disclosure, and second, that Horizon's violation of the FCRA "placed [them] at an imminent, immediate and continuing increased risk of harm from identity theft, identity fraud and medical fraud."

The Court was ultimately persuaded by the former, noting that injury-in-fact determinations are "very generous." In reaching its decision, the Court relied on two Third Circuit decisions from the data privacy arena that allowed individuals to sue to remedy violations of their statutory rights, even without additional injury. First, the Court examined *In re Google Inc. Cookie Placement Consumer Privacy Litig.*, 806 F.3d 125 (3d Cir. 2015), which found that "the actual or threatened injury required by Art[icle] III may exist solely by virtue of statutes creating legal rights, the invasion of which creates standing." Second, the Court discussed *In re Nickelodeon Consumer Privacy Litig.*, 827 F.3d 262 (3d Cir. 2016), which held that "the unlawful disclosure of legally protected information" constituted "a clear de facto injury."

The Court refused to read *Spokeo* as "erect[ing] new barriers that might prevent Congress from identifying new causes of action though they may be based on intangible harm." Instead, the Court determined that *Spokeo* merely "reiterate[d] traditional notions of standing." The Court found that, in light of the congressional decision to create a remedy for the unauthorized transfer of personal information, the FCRA violation at issue gave rise to an injury sufficient for Article III standing purposes. Therefore, the Court vacated the district court's order of dismissal and remanded the matter for further proceedings consistent with the opinion.

Concurrence

In a concurring opinion, Judge Shwartz agreed with the majority that plaintiffs had standing, but framed the issue of injury as a loss of privacy, which occurred as soon as the laptops were stolen. In determining whether an intangible injury is sufficient to constitute an injury in fact, Judge Shwartz focused on the first approach, noting that the "common law has historically recognized torts based upon invasions of privacy and permitted such claims to proceed even in the absence of proof of actual damages."

Conclusion

The Supreme Court's ruling in *Spokeo* generated widespread uncertainty in the data privacy arena around differentiating purely technical statutory violations that will not support standing from viable statutory violations based on an intangible concrete injury. Against this backdrop, the Third Circuit's holding is important in several respects. First, the opinion interprets and applies *Spokeo* with respect to its central issue—whether a statutory injury, without more, can confer standing. Second, the opinion provides an example of how a single breach, even without quantifiable harm, can have serious legal ramifications. Finally, and of particular relevance to practitioners and district courts, the opinion could affect forum choice decisions going forward, given that the nationwide impact of data breaches provides plaintiffs with flexibility in selecting favorable fora in circuits where a ruling of standing is likely.

APPELLATE PRACTICE NOTE

M. Patrick Yingling
Reed Smith LLP, Chicago, IL

The foundational requirement for success on appeal is compliance with the Court's jurisdictional and procedural rules. Two recently decided cases emphasize that immutable fact.

In *Papp v. Fore-Kast Sales Co.*, 842 F.3d 805 (3d Cir. 2016), the Third Circuit addressed a district court order remanding a case to state court after the defendant had removed under the federal officer removal statute. On appeal, in a footnote, Plaintiff-Appellee Papp asserted: "[S]hould [the District Court's] stated rationale for remand not be accepted, it is respectfully submitted that the issue of timeliness, which was fully briefed by both parties below, would be an appropriate subject for consideration." Although the Third Circuit did not accept the District Court's stated rationale for remand, the Court declined Papp's invitation to consider the issue of timeliness, concluding that Papp had forfeited the argument:

> The footnote, standing alone, does not sufficiently present Papp's argument on the issue of timeliness. Indeed, it is not even phrased as an argument, but rather simply states that the issue would be "appropriate" for consideration. The only sense in which Papp makes an argument at all is by reference to what he said somewhere else, trying to incorporate arguments he made before the District Court. To permit parties to present arguments in that fashion would effectively nullify the page or word limits imposed by the appellate and local rules.

Papp reminds us that (1) incorporation by reference is insufficient to properly assert an argument on appeal, even when the incorporation relates to an alternate ground for affirmance; and (2) a footnote in a brief, standing alone, is often insufficient to properly develop an argument on appeal and avoid forfeiture.

In *S.M. v. United States*, No. 16-4426 (3d Cir. Feb. 24, 2017), the Third Circuit addressed an appeal from an order granting partial summary judgment to the government as defendant in a medical malpractice case. Upon receiving the notice of appeal, the Clerk's Office issued a notice to the parties, stating that "[t]he order appealed may not be final within the meaning of 28 U.S.C. § 1291 and may not otherwise be appealable at this time." Appellant responded with a letter, invoking the not-so-often cited Federal Rule of Appellate Procedure 2—which allows a court of appeals to "suspend any provision" of the Rules of Appellate Procedure—to argue that dismissal for lack of jurisdiction would place form over substance and result in the denial of justice. The Third Circuit declined the invitation to use Rule 2 to save the appeal:

> This Court may hear appeals from final orders of the District Court. A final decision is one that "ends the litigation on the merits and leaves nothing for the court to do but execute the judgment." This ordinarily means that "the proceedings in district court must be final as to . . . all causes of action and parties for a court of appeals to have jurisdiction over an appeal . . . ." Here, the District Court has not ruled on the substance of Appellant's claims and those claims remain pending in District Court. The only ruling has been the District Court's grant of partial summary judgment in favor of Appellees capping damages at $250,000 after it conducted limited discovery. This type of order is not a final order nor is it otherwise appealable. Accordingly, the appeal is dismissed. (citations omitted).

S.M. reminds us that no matter the perceived injustice of a district court's interlocutory order, if the order is not final or otherwise immediately appealable under the rules, then any appeal from that order will be dismissed for lack of jurisdiction.

PRESIDENT'S NOTE

Charles "Chip" Becker
Kline & Specter PC, Philadelphia, PA

I am humbled and honored to assume the leadership of the Third Circuit Bar Association. The Association's past presidents are among the most distinguished attorneys in the country, and some of the best people in the legal profession. I thank Nancy Winkelman, Jim Martin, Steve Orlofsky, Lisa Freeland, and Peter Goldberger for their leadership and example. I look forward to your continued guidance and friendship.

Since its inception in 2007, the Association has sought to support the institution of the United States Court of Appeals for the Third Circuit and the professionalism of appellate practice before the Court. To that end, the Association has been involved in numerous endeavors – including, to name a few, continuing legal education programming on appellate matters, comment on proposed appellate rules, development of the Third Circuit Practice Guide, publication of the Association's "On Appeal" newsletter, and participation in the Third Circuit's Judicial Conference when the conference is open to counsel. I am proud of what the Association has accomplished over these last ten years. I look forward to what the next ten will hold.

In the next few weeks, I need your help. You all know that the Third Circuit Judicial Conference will take place in Lancaster, Pennsylvania from April 19-21, 2017. The program materials make clear that the conference will be excellent on every level – educational, professional, and social. I hope that you will register and participate. If you have registered, thanks and I look forward to seeing you. If you have not, please consider doing so!

In addition to the terrific programming at the Conference, let me point out a few items of special interest to Association members. The Association will sponsor the cocktail party on Wednesday evening that precedes the bench-bar dinner. On Thursday morning, the Association will sponsor a breakfast hosting all current (and prospective) members. For Thursday evening, the Association is organizing a dine-around in Lancaster that should be great fun. This event should be especially good because it will follow a 5:30-6:30 p.m. reception with the judges and lead into a 10:00 p.m. dessert reception with the judges. Finally, the Association is planning two CLE panels that will take place on Friday morning and conclude the conference.

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THIRD CIRCUIT WILL BEGIN POSTING VIDEO OF ORAL ARGUMENT IN SELECT CASES

The Third Circuit, on January 13, 2017, entered an order adopting amendments to the Court's internal operating procedures to allow for public posting of video recordings of oral arguments. The amended IOP reads:

Amendment to I.O.P. Chapter 2

2.6 Posting of oral argument on the court's website.

2.6.1 Audio recordings of all arguments will be posted on the court's internet website unless the panel directs otherwise.

2.6.2 Counsel will be provided an opportunity, either before or after argument, to recommend or to object to the posting of video recordings of oral argument. If the panel is inclined to post a video recording, the clerk will inform counsel and direct counsel to submit any objections by close of business the next day.

2.6.3 While the Clerk will convey to the panel any suggestion from counsel or the public that video recordings be posted for public viewing, the decision on whether to post video recordings for public viewing is within the sole discretion of the panel. No opinion or order need be entered regarding a suggestion that video be posted.

2.6.4 If, after oral argument, and considering the views of counsel or the public if any, the panel unanimously agrees that an argument presents issues of significant interest to the Public, the Bar, or the Academic Community, the panel will direct that a video recording of the argument be posted for public viewing on the court's internet website.

PRESIDENT'S NOTE

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The first is entitled "Professional Ethics in the Appellate Process" and features leading commentators on legal ethics. The second program, entitled "What Attorneys Hope Judges Know and Vice Versa," promises to showcase a healthy exchange of views between bench and bar.

Before concluding these remarks, let me thank the Association's officers and board for their enthusiasm and service. The additional officers are Andy Simpson, Donna Doblick, and Deena Jo Schneider. The board consists of Howard Bashman, Edson Bostic, David Fine, Dolace McLean, Lisa Rodriguez, Steve Sanders, Nilam Sanghvi, Matthew Stiegler, Robert Vort, and Vic Walczak. I won't try to describe the level of legal acumen and achievement of this group other than to say that it is beyond impressive. Let me also thank Patrick Yingling, Paige Forster, and Colin Wrabley for their continued involvement as producers and editors of *On Appeal*. You three do a fabulous job and are also magnificent lawyers. Thank you all.

For those of you who have renewed your membership in the Association, thank you. For those of you who are considering it, please do so. Our success as an organization depends on the support of our members. If you have questions or comments, don't hesitate to contact me. With your help, I look forward to another productive and rewarding year.

2017 THIRD CIRCUIT JUDICIAL CONFERENCE REGISTRATION

Registration is now open for the 2017 Conference, to be held April 19-21, 2017. You may register for the Conference here. The Agenda is set and available here.

Registration Fees

The Conference Registration fee for attorneys after March 31 is $550. This registration fee includes the opportunity to earn up to 12 CLE credits, plus attendance at the following Bench and Bar events: Conference Opening Dinner, three receptions, two breakfasts, a luncheon and refreshments throughout.

Rooms are being held at various Lancaster hotels to accommodate your stay during the Conference. Lodging must be reserved and paid for separately. We expect a large number of conferees and encourage you to make your hotel reservations early. You will not be charged for your lodging expense until your arrival. Make your reservations today!

CLE Registration

Up to 12 hours CLE, including 2 hours of Ethics credit (pending approval), will be available. When registering for the Conference, please check the CLE registration boxes for Pennsylvania, Delaware, New Jersey, New York and/or Virgin Islands if you plan to seek credit from one or more of these jurisdictions. For additional information, please review the instructions under the CLE tab on the Conference website.

Government Attorneys, Public Interest Attorneys, and Law Faculty

Please indicate your position at the time of registration. Government attorneys, public interest attorneys, and full-time faculty or students may register at a reduced rate.

Guest Fees

The registration fee for a guest attending the Conference Opening Dinner is $100. Please indicate your intention to bring a guest to dinner and provide your guest's name when registering.

Payment and Confirmation

Payment of the registration fee is required at the time you register online. VISA, American Express, and MasterCard are accepted forms of payment. You will receive a confirmation email from the Circuit Executive's Office. The email notice will also list your guest, if applicable, and any events selected on the registration form. Additionally, you will receive a payment confirmation email from MyVirtualMerchant setting forth your charges for the Conference.

Concurrent Sessions

On Thursday and Friday, April 20-21, there are programs that will be in session simultaneously. You must choose one session when completing your on-line registration.

The Federal Court Section of the Allegheny County Bar Association is pleased to invite members of the Third Circuit Bar Association to save the date for a continuing legal education opportunity:

2017 THIRD CIRCUIT REVIEW OF CASES

Join a panel of distinguished moderators who will engage Third Circuit Judges in a lively and informative discussion of the past year's most notable cases.

Tuesday, May 23
2:30 to 4:30 p.m.
Joseph F. Weis Jr. United States Courthouse
Pittsburgh, Pennsylvania

Complimentary reception to follow

Watch your inbox!

Details and a registration link will be emailed to Third Circuit Bar Association members

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This newsletter is compiled by the 3CBA's publicity/newsletter committee; please address suggestions to the committee's chair, Colin Wrabley (cwrabley@reedsmith.com).