

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

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July 27, 2007

Dear Colleagues at the Bar:

The United States Court of Appeals for the Third Circuit has long enjoyed a strong relationship with those who practice before it. That relationship has become even stronger with the formation of the Third Circuit Bar Association. On behalf of the Court, I thank you for joining and supporting this new organization, and I look forward to working with you on promoting excellence in appellate advocacy and fostering the bonds among the Court, its staff, and practitioners.

This letter accompanies the opening newsletter of the Third Circuit Bar Association. I hope you find this newsletter informative and helpful, and that it encourages your participation in the Bar Association's activities and committees. I welcome you to the Bar Association, and look forward to your participation and to getting to know you.

Sincerely,



Anthony J. Scirica

AJS:dm



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FOR MORE INFORMATION ABOUT THE THIRD CIRCUIT BAR ASSOCIATION, PLEASE CONTACT US AT:

3cba@thirdcircuitbar.org

OR VISIT US AT:

www.thirdcircuitbar.org

APPLICATION FORMS FOR THE BAR ASSOCIATION CAN BE FOUND AT:

www.ca3.uscourts.gov

On Appeal

from the president's desk

by: Nancy Winkelman, Esq.

It is with great pride that I welcome each of you to the newly-formed Bar Association of the Third Federal Circuit. I am honored to have the opportunity to serve as your first President and to work with the esteemed and accomplished members of the Board of Governors, who join me in welcoming you to the Bar Association. (See page 4 of this newsletter for a listing of the Bar Association's Board of Governors.)

I am thrilled to report that, as of the date of this newsletter, we have over 500 members, including 85 Founding Members and 15 Founding Firm Members. (See pages 2 and 3 of this newsletter for a listing of the Founding Members and Founding Firm Members.) We are most appreciative of our Founding Members and Founding Firm Members. Your support has enabled us to get off the ground. We had sensed that a circuit-wide bar association would fill an important niche in the Third Circuit—your response has more than confirmed that!

As you are aware, the Third Circuit Bar Association is modeled after circuit-wide bar associations in other circuits. Similar to the bar associations of other circuits, our Mission Statement has as its goals:

1. To improve and facilitate the administration of justice in the federal courts within the geographic area of the United States Court of Appeals for the Third Circuit.
2. To raise the standards of proficiency and integrity in federal practice by promoting excellence in federal practice and encouraging respectful, cordial relations between the bench and bar.
3. To work with the trial and appellate courts within the geographic area of the Court of Appeals for the Third Circuit to develop and implement effective, efficient, and uniform rules of practice and procedure relating to the appellate process.
4. To assist the Court of Appeals for the Third Circuit in the holding of the Third Circuit Judicial Conference and in any other ways, as may be requested.

Let me take the remainder of this column to inform you of some of the activities of and plans for the Bar Association and to invite your participation and involvement.

Coordination with the Third Circuit Court of Appeals

The Board of Governors has met with the Chief Judge of the Court of Appeals (Chief Judge Scirica), our liaison judges (Judge Ambro, Judge Fisher, and Judge Sloviter), the Circuit Executive (Toby Slawsky), and the Clerk of the Court (Marcia Waldron). We have begun an important dialogue on how we can best partner

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From the President's Corner—continued from page 1

with and assist the Court. The Court is most positive about the formation of the Bar Association and most welcoming of our involvement.

Committees

We have formed a number of committees; I encourage you to join one and become active in the Third Circuit Bar Association. (See page 4 for a list of our committees and their chairs.) If you are interested in joining a committee, please let our administrator, Nevis Heimall (NHeimall@aol.com, 732-477-4864) know what committee interests you.

Programs

We are working with the Court on plans for the May 2008 Third Circuit of Appeals Judicial Conference. Stay tuned for more about that.

We also have been focused on developing relationships with local and regional bar association groups within the Circuit. We are exploring opportunities for co-sponsorship of educational programs on federal appellate practice with those bar groups. We presented a program in May on the 2006-07 Supreme Court Term in conjunction with the Philadelphia Bar Association's Appellate Courts Committee and one in June on Federal Grand Jury Proceedings in conjunction with the Pennsylvania Bar Association at its annual meeting. We have programs with the New Jersey State Bar Association and the New Jersey Association of the Federal Bar in the works, and are planning programs in Western Pennsylvania, Delaware, and the Virgin Islands.

If you are involved in a local or regional bar association that might be interested in working with the Third Circuit Bar Association in developing or sponsoring a program or event, or if you have ideas for programs that you would like to see the

Third Circuit Bar Association develop, please let me or one of the members of the Board of Governors know.

Rules

In June, the Bar Association submitted comments on proposed new Local Appellate Rules involving a procedure for appeals from the newly-created Virgin Islands Supreme Court by writ of certiorari. (A summary of those comments can be found on page 3.) Once our Rules Committee is fully-constituted, we anticipate conducting a full review of the Third Circuit's local rules and submitting proposed modifications, as appropriate, to the Court, as well as continuing to comment on rules or rule changes that the Court proposes.

Opening Reception

Last, but not least, please mark your calendars for the kick-off reception of the Third Circuit Bar Association, which will be held on November 26, 2007 at the federal courthouse in Philadelphia (601 Market Street). We have scheduled this opening reception in conjunction with a meeting of the Court of Appeals judges, so we expect to have a good attendance not only from the Court of Appeals judges, but also from District, Bankruptcy, and Magistrate Court judges in the Circuit. Watch your email for more information.

In closing, let me reiterate my welcome, and my appreciation to each of you for joining what I expect will be an active and valuable Bar Association. We look forward to working with you, to getting to know you, and to your active involvement.

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Founders

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 Hangley Aronchick Segal & Pudlin
 Hoyle Fickler Herschel & Mathes
 Marino & Tortorella
 Marshall Dennehey Warner
 Coleman & Goggin
 Reed Smith
 Roda Nast
 Schnader Harrison Segal & Lewis
 Spector Gadon & Rosen

NEWS & NOTES

Third Circuit Appellate Practice Manual published by the Pennsylvania Bar Institute

Have you ever wanted a compact, one-volume edition on practice and procedure in the Third Circuit Court of Appeals? You can now order the Third Circuit Appellate Practice Manual, which has just been published by the Pennsylvania Bar Institute. This publication owes much to the members of the Third Circuit Bar Association. President Nancy Winkelman and President-Elect James C. Martin were the editors and guiding forces behind the Manual. Many of the 37 contributing authors are Bar Association members as well. Divided into 25 chapters, the Manual covers every aspect of Third Circuit practice and offers chapters not only by practitioners but also by personnel in the Clerks' Office and the Appellate Mediation Office. Authored by Arlin Adams, John Gibbons, and Timothy Lewis, the final chapter offers the unique perspective of those former judges on appellate litigation. The book begins with an Introduction by Judge Aldisert and is dedicated by Chief Judge Scirica to the late Judge Edward Becker. A listing of the chapters can be found at www.pbi.org; the book can be ordered at the website as well.

Third Circuit remembers Judge Becker

On May 21, the Third Circuit and many of its friends gathered to remember former Chief Judge Edward R. Becker in a session held in the Ceremonial Courtroom in Philadelphia's federal courthouse. The presence of so many distinguished speakers, including a United States Senator and three Supreme Court Justices, testified to Judge Becker's luminous career, as did their words of praise and affection. Justice David Souter presided over the event and offered the concluding remarks. The speakers were Senator Arlen Specter, Chief Judge Anthony Scirica, Justice Samuel Alito, Justice Stephen Breyer, Paul Fishman, Esq., Susan Becker, Esq., and Charles Becker, Esq. The event was followed by a reception in the Edward Becker lobby, named for Judge Becker because of his leadership in the lobby's renovation.

Third Circuit Bar Association comments on proposed Local Appellate Rule

At the invitation of the Third Circuit, the Third Circuit Bar Association recently commented on the Circuit's most recent proposed Local Appellate Rule. Proposed Rule 112 responds to the recent establishment of a Supreme Court of the Virgin Islands by creating a procedure for petitions for writs of certiorari from that court to the Third Circuit. The Bar Association urged the Circuit to resolve whether the Circuit should invite review of issues of territorial law and supervisory power over the Supreme Court of the Virgin Islands, given Congress's intent to treat it like a state court, and suggested that the Circuit hold a public hearing in the Virgin Islands to solicit the views of the attorneys there. The Bar Association also suggested improvement to the Rule's other provisions, including the filing requirements. The Bar Association plans to continue to provide comments to the Circuit on proposed and existing Local Appellate Rules in order to work with the Circuit to improve the appellate process.

THIRD CIRCUIT BAR ASSOCIATION CO-SPONSORS CLE PROGRAMS

As mentioned by Nancy Winkelman in her opening letter, educational programming is a key focus of the Third Circuit Bar Association. The Bar Association already has co-sponsored two continuing legal education programs with local bar associations. In May, the Bar Association co-sponsored with the Appellate Courts Committee of the Philadelphia Bar Association a one-hour review of the 2006-07 term of the U.S. Supreme Court. Addressing the Court's criminal decisions was Peter Goldberger, who co-chairs on the Bar Association's Rules Committee and who maintains a primarily-criminal, federal appellate practice in Ardmore, PA. Addressing the Court's civil decisions was Elise Bruhl, a Deputy City Solicitor for the City of Philadelphia and member of the Solicitor's appellate litigation group. The panel was nicely attended and well received. Peter and Elise's brief written summaries of the Court's decisions and pending cases were a particular hit. (Let Chip Becker know if you want a copy and he'll get one to you; his email is listed at the end of the newsletter.)

In June, the Bar Association co-sponsored a CLE program with the Federal Practice Section of the Pennsylvania Bar Association at the PBA's Annual Meeting held in Philadelphia. The program addressed the representation of witnesses in federal grand jury proceedings. The course was planned by Robert Graci, who chairs the Bar Association's Programs Committee, and by Kathryn Simpson. William Ward and Peter Goldberger were panelists along with U.S. District Judge Berle Schiller and Assistant U.S. Attorney Frank Costello. The panel reviewed the considerations that arise when a client is subpoenaed to appear before a federal grand jury; the differences between a grand jury "witness" as opposed to "subject" or "target;" conflicts of interest and privilege issues; and the circumstances when a subpoena can be quashed. Once again, the presentation was well received.

The Third Circuit Bar Association is looking for opportunities to contribute to educational programming throughout its region and looks forward to hearing from members on how it can grow its offerings both substantively and geographically. The Bar Association's success in this regard will depend mightily on your energy and creativity. Please contact Nancy Winkelman or Programs Chair Robert Graci with your ideas.

UPCOMING CONFERENCE SPONSORED BY APPELLATE JUDGE EDUCATION INSTITUTE

We know that everybody has a busy schedule, but one event to bear in mind is the Appellate Judges Education Institute's 2007 Summit in Washington, D.C. The program will take place on September 27-30, 2007 and will bring together a variety of players in the appellate realm: judges through the Spencer-Grimes Seminar for Federal and State Appellate Judges; staff attorneys through Council of Appellate Staff Attorneys, and appellate practitioners through the Council of Appellate Lawyers. The programs address a variety of current topics and feature top-flight speakers. A view of the speakers and registration can be accomplished at www.law.smu.edu/AJEI.

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