



NEWSLETTER OF THE
**WESTERN DISTRICT OF WISCONSIN
BAR ASSOCIATION**

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Judge Evans Advises Attorneys on How to Lose Their Appeals

On Friday, May 21, 2010, the Western District of Wisconsin Bar Association held its annual luncheon and CLE program, with the Honorable Terence T. Evans of the Seventh Circuit Court of Appeals appearing as the keynote speaker for the event. Judge Evans' comments informed as well as amused the crowd.

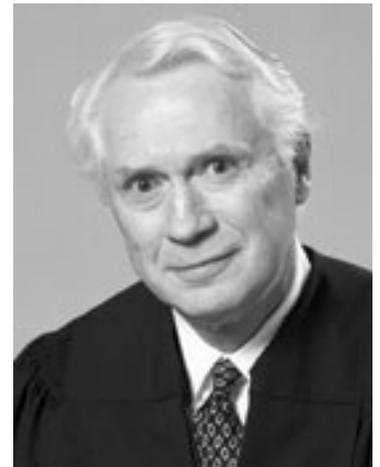
Judge Evans gave advice on appellate practice in a non-traditional manner. Rather than provide advice on how to win an appeal, Judge Evans provided tips for lawyers on how to lose their case on appeal. His first lesson, however, was not a tip on how to lose, but a cautionary tale that losing an appeal may not always be a bad thing.

As Judge Evans explained, in 1948, Lyndon B. Johnson won the democratic primary election, but his opponent, Coke Stevenson, claimed that there was election fraud associated with Johnson's win. A federal district court judge ordered Johnson's name removed from the ballot pending an investigation of the election fraud charges. Johnson's lawyer, Abe Fortas, appealed the order, but the case was assigned to one of the slowest judges on the Fifth Circuit. Fortas feared that the Fifth Circuit would not act quickly enough to put Johnson's name back on the ballot and wanted to get the case before the U.S. Supreme Court. As Judge Evans describes, Fortas purposely wrote a "stinker" of a brief, which caused the Fifth Circuit to reject his appeal very quickly. Fortas then took the appeal and convinced Justice Hugo Black of the U.S. Supreme Court to reverse the order and put Johnson's name back on the ballot, thus proving Judge Evans' point that losing an appeal may not always be bad.

Turning back to his tips for lawyers who want to lose their appeals, Judge Evans suggested that an attorney should not overlook motion practice. He suggested that lawyers should file motions for extensions, explaining to the court that extensions are necessary because being lawyers, they are very busy. Judge Evans quipped that lawyers should not miss this opportunity to get the first "black mark" on the file.

He also suggested that another motion to consider if an attorney wants to lose his/her appeal is a motion for more pages for the brief.

He suggested that lawyers should inform the court that it could not possibly understand the issues without more pages, and Judge Evans advised not to ask for just a few pages, but to ask for permission to file a 100-page brief. He said it is an easy way for a lawyer to garner a second black mark on the file.



Hon. Terence T. Evans

Moving from motion practice, Judge Evans suggested that an attorney who wants to lose an appeal should not overlook the appellate brief. Judge Evans suggested shoehorning as many issues as possible into the brief. He instructed that lawyers who wanted to lose should not look for two or three good issues, but rather, the court would find it impressive to open a brief and see 23 issues listed. He indicated that all appellate judges just can't wait to dive into those types of briefs. Another losing tactic is to write long paragraphs that are not concise. Judge Evans noted that another tip for lawyers who want to lose is not to include margins or paragraph breaks, allowing long paragraphs to stretch for pages.

Other things that lawyers can do to lose their appeals include spelling words wrong, picking fights with the lawyer on the other side of the case, and personalizing assaults on the district judge who ruled on your case. Judge Evans stated that appellate judges find those particular tactics very persuasive when deciding who loses the case.

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As for last steps, Judge Evans quipped not to forget about oral argument as a way to lose the case. Lawyers who wish to lose should ask for more time, indicating to the court that the time the court allotted could never be enough to explain the complexity of the case. He also stated that it is always helpful at oral argument to read a very long statute. Lawyers who like to lose should also question a judge's intelligence by acting annoyed at questions the judge poses, saying things like, "I don't think this has anything to do with this case." Judge Evans also advised that it always helps to mispronounce the judges' names on the appellate court.

In addition to giving tips on how to lose cases at the appellate level, Judge Evans also gave some advice to new District Judge Conley about the types of letters he likely will receive now that he is a district court judge. (Judge Evans was a district court judge from 1980 to 1995, and subsequently joined the Seventh Circuit Court of Appeals in 1995.) He indicated that he did not typically receive any mail as a court of appeals judge, but received a great deal of mail as a district court judge. Judge Evans read from one letter that he received in 1986 that asked how a moral degenerate like himself got on the bench, and that also suggested where he could spend his afterlife. Judge Evans then read from another letter that he received in 1989. This letter described him admirably, stating that he was a special judge that was compassionate, intelligent, and the like. In the last sentence of the letter, however, the author asked Judge Evans if he would consider changing the author's prison sentence from 12 years to 24 months of probation.

Garnering quite a few chuckles from the crowd with these letters, Judge Evans pointed out to Judge Conley that, as a district court judge, everyone knows who you are and you have to put your name on every order and decision, whereas at the court of appeals, you are one of several judges deciding the case and are able to have some anonymity. Judge Evans did point out a drawback to this anonymity, however. He noted that as an appellate court judge, he rarely got a chance to joke around with the lawyers that appeared before him, or to talk about a good game of sheephead, and that he missed that.

In thanking Judge Evans for his comments, incoming WDBA President Andrew Clarkowski responded to Judge Evans' remarks by extending the following wish: "Judge Evans, may you always find two queens in the blind."

President's Corner

by Andrew Clarkowski

In Search of Lost Appointments

If Jane Austen had been a lawyer, she would have said that it is a truth universally acknowledged that a bar president in possession of an obligation to deliver a column in the newsletter must be in want of an interesting topic. The only truly fascinating bar newsletter column I've ever read was Milo Flaten's hilarious series of reminiscences that appeared in the Dane County Bar Association newsletter a few years back. That was the gold standard as far as I'm concerned, and if I could write that kind of column, I would. I probably know enough good stories. What I lack is the guts to tell them here.

I can, however, share at least one thing in this column with the good Milo, which is a shameless nostalgia for the past. That brings me to my topic: how judicial appointments used to be. When I was researching Judge Evans's career in preparation for introducing him at our annual meeting, I noted that both of his appointments had proceeded promptly, with one of them resulting in his approval on a voice vote within a few months of his nomination. A quick and smooth appointment to a position in the federal judiciary seems as quaint and odd to us today as a rumble seat, Judge Conley's recent approval notwithstanding. I'm not providing any news to anyone when I say that the process has become too slow and too politicized.

We also all know that this was not always the case: for the first couple hundred years after independence, it appears the practice was generally to accept political appointments to the judiciary. Part of this was doubtless due to the fact that it was a more courteous age, but part of me wonders whether the fact that so many of the founders actually practiced law also had something to do with it. Who among us has not had a case where we were assured that a judge had a particular political tendency that might influence his or her ruling, only to get a decision in which the judge rendered a fair decision on the facts and merits, with no regard to political effects? Maybe the founders knew that the business of law is usually more a practical trade than a soapbox, and politicking in this arena isn't productive. Unfortunately, politicians today, perhaps because they know only politics, cannot imagine that everyone and everything is not as political as they are, and this incorrect perception is resulting in needless waste of time.

For that matter, it is a good question whether appoint-

ments are worth all this trouble. There the strange process that seems to occur in the human mind after appointment, causing so many judges through history to find a new political persuasion. Warren and Souter are recent examples of judges appointed by conservatives who turned out to be liberal in their rulings; the list of judges appointed by liberals who turned conservative with age is probably much longer. The point is that spending time trying to ensure appointment of a judge who will, in perpetuity, decide cases in a manner presently desired is futile.

All this is obvious, and those of us in districts awaiting judicial appointments don't need a reminder that the system is broke. As lawyers, we are blessed with unusual access, of a sort, to the system—I know in this election season politicians have been eager to chat with me about donations. The next time you're asked for a political donation from a federal candidate, ask the candidate what he or she is doing to fix the judicial approval process. Maybe this will ultimately require constitutional changes, and if it does, so be it. But no change will ever occur unless we let those gumming up the engine of the system know that we need something that runs more smoothly.

The WDBA will be hosting an ethics
CLE seminar, featuring
Tim Pierce of the State Bar.

Date: Friday, December 10, 2010.

Time: 12:00 to 1:00 p.m.

Location: Federal Courthouse,
120 North Henry Street,
Madison (room to be determined
based on number of attendees).

No charge.

Application will be made for a one
hour Ethics CLE credit. WDBA
Members and non-members are
welcome.

Please RSVP to info@wdbar.org.

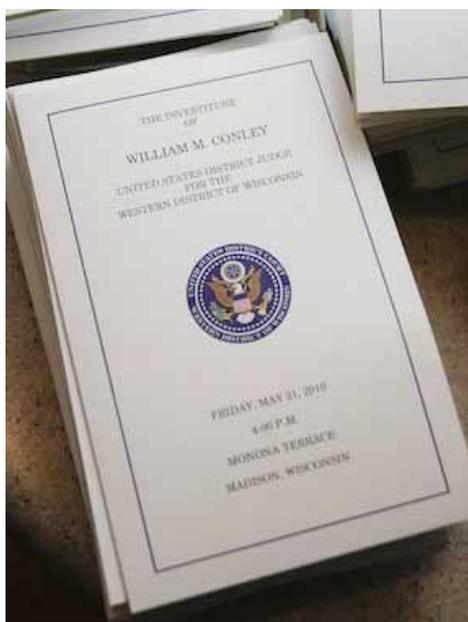
Investiture of District Judge William M. Conley

May 21, 2010

The United States District Court for the Western District of Wisconsin met in special ceremonial session at Monona Terrace on May 21, 2010, for the investiture of William M. Conley as United States Judge. Clerk of Court Peter Oppeneer opened the session and District Judges Barbara B. Crabb and John C. Shabaz and Magistrate Judge Stephen L. Crocker presided.

Judge Conley's brother, Daniel Conley, served as the master of ceremonies. Following are excerpts of the comments made by several speakers and by Judge Conley.

Thomas Schriener, Jr., Foley & Lardner LLP



. . . First, I want to congratulate our new judge on his appointment. But even more than that, I want to congratulate the district court on its new acquisition, and President Obama and Senators Kohl and Feingold on the great wisdom that they have shown in picking Bill Conley

out of the large group of applicants that contained several other highly qualified applicants as well. They have chosen well. The President and those who advised him undoubtedly saw what I've seen over the last 25 years as Bill's partner and friend. His other former partners and I couldn't be prouder to have had some small part in shaping him to who he is today. Let me tell you, those of you who don't know him, what you're getting. Bill is a lawyer of great intelligence He has the capacity for and the habit of sustained hard work. He is wise and kind, generous and good. And I put the emphasis on good. He has and always has had the common touch. Though he's lived for a long time in Madison and practiced with a big firm, this is Bill Conley from Rice Lake whom you see. What he lacks in sophistication, a lot actually, he more than makes up for in humility and in humanity. We're indeed lucky to have him on the bench of this court.

The second point I want to make is about the job that the President has called on Bill Conley to do. There are many descriptions in legal writings and literature of the job of the judge. Legal writings tend to take the higher view sometimes, rightly describing the role of the judge in glowing terms as the administrator of justice without respect of persons, doing equal right to the poor and to the rich, as Bill will soon swear in a sacred oath to do, an oath that I'm sure will never be more sincerely taken.

The job calls for the kind of courage that I pray God will always give you, Bill: To do your best to see that wrongdoers are punished and the innocent protected, while at the same time working to secure the blessings of freedom for all of us, holding the balance true, between a state too weak for us to be safe and one too strong for us to be free.

But literature gives us another view of the judge, one based on observation, not so high-minded because not all judges live up to the standards that the law imposes and that our common ideals expect. That's the view of the judge who has forgotten how he got to where he is, who forgets that the lawyers who appear before him have at least as much to do with whether justice is done in a particular case as he does; indeed, that a judge cannot hope to do justice without letting the lawyers do their job and insisting that they do so, particularly where liberty is at stake. Here we rely on that humility and humanity that are so much a part of Bill Conley's make-up. I have no doubt that we are safe in so relying; that Judge Conley will never forget where he came from and what got him to this place on this happy day. Bill, may you have many more happy days and a long and productive life of service to the people of the United States.

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Charles Curtis, Jr., Arnold & Porter LLP

I am the guy who was quoted in the page one article about Judge Conley that ran in our hometown newspaper, the *Wisconsin State Journal*, last Sunday. As someone who practiced with Bill for sixteen years and has known and loved him as a dear friend for a quarter century, I was asked what kind of judge I thought Bill will be. My unrestrained response was, and I quote, "I think Bill is going to be a magnificent judge. I can't tell you how many people I know who would say the same thing." Well, I thought that was a pretty flattering quote. Not good, not great, but a magnificent judge. I e-mailed Bill to ask him what he thought about my quote so that he could be his usual modest self, say he didn't deserve such praise, promise to do his best to live up to these words. But no, he sent me a four-word response by e-mail. "Your quote was fine." The quote was "fine?" I called you a magnificent judge and it was "fine?" What do you want, Your Honor? Oliver Wendell Holmes? Thurgood Marshall? Moses? Well, I stand by my prediction. Bill will be a magnificent judge.

So what kind of federal judge will our friend Bill Conley be? Whatever new legal issues come before him, whatever unanticipated challenges arise between now and 2040 or 2050, whoever seeks justice under our system of laws or is brought before the court in handcuffs facing a loss of liberty or even the death penalty, here is a judge who will not be doctrinaire or allow theory to get in the way of fact; someone who will understand, in his words, "the very real human foibles that make up a complicated story;" someone who will give careful, thorough review of the facts of every individual case.

Judge Conley will understand the importance of both perceived as well as real justice. He will always try to show, in his words, "basic fairness" and the "utmost respect" for the litigants and their counsel. He will be collegial, both with his "more senior colleagues," and with Justice Butler, when he joins Judge Conley on this court.

Judge Conley will push himself and the lawyers before him to be efficient and timely. The lights will burn late at the federal courthouse as he toils to produce clear, well-drafted, reasoned decisions that others will understand and respect, whether they agree with the results or not. But most of all, Judge Conley will wake up every morning and work late into the night trying to get it right, believing in such a thing as the quality of justice, attempt-

ing, in his words, "to achieve to the extent humanly possible the right result."

Bill will be a magnificent judge. He will always stand in awe of this court and its traditions, while remaining the modest, humble guy we all know him to be. And if he ever falters in that respect, he has a very large family and an even larger number of friends to keep him honest. Judge Conley, God speed. You make us proud.



Judge Crabb administers the oath to Judge Conley as his wife Suzie holds the Bible

Honorable Barbara B. Crabb, District Judge

This is a day of celebration and no one is celebrating more than I am. A person of great character and ability, a person of experience and compassion is being sworn in as the newest judge for the Western District of Wisconsin court. We celebrate what that means for him and even more what it promises for the court.

Earlier this week I was listening to the radio and I heard Aaron Copland's arrangement of old American songs and heard again that wonderful line from the Shaker melody known as "Simple Gifts." The last line is "it's a gift to be set down where one ought to be." If anyone is being set down where he ought to be, it is Bill Conley. It's not surprising that Bill Conley would be so well suited to a judgeship. Not only does he come from a family and background that prepared him to serve, but at the start of his legal career he had the good fortune, as others have mentioned, to serve as the law clerk for Thomas Fairchild, who was then judge of the Court of Appeals for the Seventh Circuit, and before that of course had been a justice on the State Supreme Court.

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Judge Conley could hardly have picked a better judge to learn from or a better place to learn about the law. Judge Fairchild was a model of courtesy and kindness, self-effacing, a friend to everyone, and especially to those with whom he worked. And an example of that is the fact that his long-time secretary, Shirley Newsome, drove up today from Chicago to be here for the celebration of another one of Judge Fairchild's clerks doing well. Judge Fairchild was a dedicated judge who approached each case as deserving of his complete attention and effort. No detail was too small when he was reviewing the record from the trial court. Never in my experience did he exhibit those signs that some people call judicial taxidermy, which add up to impatience with trivial matters and the feeling that one is wasting important time on the small stuff. To Judge Fairchild, it was all important, although as many judges have noticed, and I think Judge Conley will notice, too, a large portion of their work is with trivial matters that are not earthshaking in any respect, except to the litigants. Judge Fairchild never forgot how much the seemingly small and important cases mattered to those people.

Judge Conley absorbed those lessons, which no doubt meshed with the values passed on to him by his family. He, too, is patient, not puffed up with his own importance, appreciative of the people he works with, and very, very smart. I think he knows well what Justice Oliver Wendell Holmes called the joy of life, which Justice Holmes said was using one's powers to their utmost. It's the pleasure and satisfaction that comes from working as hard as one can within the limits of one's intelligence, energy and imagination. The work of a court offers judges this opportunity and the exhilaration that can accompany it. The job can be isolating, but where else do you have the chance to resolve conflicts and free people from the disputes that have temporarily stalled their lives and their work? Where else do you have a chance to give life to the words and principles of the Constitution to real people and real situations? Of course this opportunity and the responsibility that it carries with it has the possibility of angering many people. To the person who prevails and whose rights are confirmed, the judicial system is superb and so is the judge. To the person whose rights are restricted or whose responsibilities are increased, the system is hopelessly flawed and out of control and probably so is the judge. In other words, at its best the system cannot satisfy more than half of its users. And that's true about judges as well. They can only satisfy about half of their users, if that. The judge who is a hero to some, can be a disgrace in

the minds of others. It's a good thing for judges to always keep this in mind if thoughts of omnipotence or complacency would otherwise seep into one's mind.

As Chuck Curtis said, none of us can predict the kinds of cases and challenges that will face Judge Conley or what kinds of letters, e-mails, text messages or tweets he'll receive about his opinions. But I am confident that he is more than up to the job, whatever it brings. I know, too, that he may find himself overworked, stretched thin, even discouraged at times. But he will never be bored. He'll be an important cog in a system that labors on doggedly, if not always perfectly, to secure and protect the rights of all within our society. To say that I'm pleased and delighted to have Bill Conley as my successor and as my colleague would be an understatement. He will be an outstanding, perhaps even a magnificent judge, and very much worth celebrating.



Judge Conley speaks at his investiture on May 21, 2010.

Daniel Conley, Quarles & Brady LLP

[O]n the topic of Bill as a judge, I am very confident you will excel, and I say that as someone who will never appear in front of you, not even as a defendant hopefully. And I'd like to add another model for you to think about in addition to Tom Fairchild, and it was his good friend John Reynolds.

Tom and John had the right mix of confidence and humility, which is a word we've heard a couple times here today about judges. I remember the time that John Reynolds was confronted by a lawyer who was using this new thing called the computer and he found a particularly ob-

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sure decision that the judge had decided probably fifteen or twenty years earlier and the lawyer sat down, having made his presentation, and ended by saying “and you have to do the same thing because it was the same case and here is how the case turned out.” And the judge looked down at him and said maybe I was wrong. Not a lot of court reporter paper over the years has been wasted on federal judges using that phrase in court. And worst of all for the lawyer, the judge meant it. He thought he was wrong and he changed his decision.

He and Judge Fairchild also had tremendous accomplishments, but as has been remarked upon, they were never particularly taken by it and you couldn't find kinder or more gentle people in your dealing with them, despite the power that they wielded over people's lives. Judge Reynolds was once asked whether or not he thought it was a particularly big deal that he'd become Governor of the State of Wisconsin and never wake up in the Governor's mansion and think aren't I swell. And he said well, actually there's a law. Somebody has to be the Governor. He could not have been the least impressed with it. John was probably the best role model and example as a judge for how he treated people. Judge Fairchild and John Reynolds both understood that ultimately the case was not about the judge, it was not even about the lawyers -- although we lawyers sometimes confuse ourselves and think it is -- but rather it was about the litigants who appeared in front of them. And it wasn't just the litigants, it was the victims, the victims' families, the criminals, the criminals' families, and everybody who was affected by the judge's decisions.

On one occasion in fact, often Judge Reynolds used to look over the bench at the unfortunates whose lives had become so complicated they found themselves facing or actually being in federal prison, and he went out of his way to ask how they were being treated and in particular how was the food. The fact that he recognized those people and their basic human dignity was such a gracious and remarkable thing for him to do. No damn fool though, he also said I like the lion, but that doesn't mean he shouldn't be in the cage or at least behind a good fence.

In any event, Bill, there is a law. Someone has to be judge for the Western District of Wisconsin, and as your brother, on behalf of your family and as a member of the bar, it's hard for me to imagine how Senators Kohl and Feingold could have made a better choice. Congratulations. Good luck. I hope that you will make your dad and your brother Tim very proud.

Honorable William M. Conley, District Judge

I was told recently by a friend . . . that an investiture is very much like your funeral. You should just sit back and enjoy it. The problem with this advice is that typically at a funeral they don't ask the guest of honor to give remarks.

With the help of our court librarian Marc Weinberger, I looked for guidance to the investiture remarks of my now colleagues. We could not find prepared remarks for the good Judge Shabaz in 1982. No doubt this lion of the state assembly spoke from notes, but Marc was able to find a newspaper account from the *Milwaukee Journal* which reported -- this will come as a great shock -- “Judge Shabaz, age 50, told a crowded courtroom that he would follow the first rule of the federal court procedure: To secure just, speedy and inexpensive determinations!” That's an inside joke for those who are not lawyers.

But I know that this court, and I in particular, am far better off for his long tenure. Even aside from a more manageable docket, I inherit his secretary Melissa Hardin, and his very talented law clerks AJ Bianchi and Corinne Hollar. Both of them worked tirelessly, not only for Judge Shabaz but for Judge Crabb, to keep the court moving ahead during the last two years while he overcame a series of ailments. As Judge Shabaz observed recently on arriving at his office: “You're in my chambers, you took my secretary, and now my law clerks!” Hopefully, Judge, they will keep me on track, always mindful of Rule One.

And then there is Judge Barbara Crabb. She left behind in the Court's archive her characteristically thought-provoking, carefully and wonderfully worded, pristine typed remarks. Judge Crabb's 1979 investiture is one I've known about since 1982 through the twinkling eyes of Judge Fairchild as he related the remarks of her mentor and his close friend, Judge Doyle. As the newspapers noted, Judge Crabb was inheriting a caseload heavier than any in the country, one that prompted the creation of a second judgeship.

But it was not the caseload I'll focus on leading up to her investiture, instead it was Judge Crabb's gender as the first woman to serve as a federal judge in the Seventh Circuit.

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The Judges of the United States District Court for the Western District of Wisconsin. From left to right, Magistrate Judge Stephen L. Crocker, District Judge Barbara B. Crabb, District Judge William Conley and District Judge John C. Shabaz.

The headline from the *Milwaukee Journal* announcing the nominations of then Milwaukee Circuit Judge Terry Evans and U.S. Magistrate Judge Barbara Crabb to the Eastern District of Wisconsin and the Western District of Wisconsin respectively illustrates where we were as a nation as recently as May of 1979. You can't read it, but the headline is "Evans, Mrs. Crabb get judge-ships."

But it was Judge Doyle who really put it in perspective at the formal investiture, and this is what I always remember Judge Fairchild talking about. After reviewing the backgrounds of the names of the first eight judges who had served this court since 1936, Judge Doyle ended his beautifully written remarks with the following: "I cannot speak for judges numbered 1 through 8, but Judge Number 9 is pleased that there is now to be a Judge Number 10. Judge Number 9 is intensely pleased that Judge Number

10 belongs to that category of persons to whom the the name Barbara is becoming, and in the knowledge that the particular Barbara is Barbara Crabb, Judge Number 9's cup runneth over."

And the *State Journal* finally quoted Judge Fairchild in the process of giving the oath of office to Judge Crabb: "All of the brother judges of the Seventh Federal Circuit are most happy to welcome today a new and a sister judge." I can't help but think that Judges Doyle and Fairchild might have preferred further progress with your replacement, rather than the leaded first name "Bill." But I hope they would both be very pleased that an Ilana, Ann and, not one, but two, Dianes will directly supervise my work from the Seventh Circuit. And that a Ruth, Sonia and, hopefully soon, an Elena will sit as ultimate arbiters on our nation's highest court.

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Procedure \prə-sē-jər\ n. **The Act of Doing it Right the First Time**

And my cup runneth over that along with a John Shabaz and Steve Crocker, a Barbara Crabb has so freely given of her time and counsel in my first month on the job and has committed to continue to carry a full load of cases, despite many other options. Indeed, it was her love for this court that caused her to take senior status and open a position on this court for me. As I've listened to the overly kind remarks about me today -- and yes, Chuck, they were "just fine"-- I can't help but harken back to a conversation I recently had with Judge Crabb. At that time, I had only been on the job for a few weeks but various personnel would occasionally ask me how are you doing, to which I would reply, "All right. How do you think I'm doing? Well, judge, you're doing wonderfully," they would invariably say. Late one day Judge Crabb stuck her head into my office and in her understated way she asked "how are you doing?" I, of course, replied, "All right. How do you think I'm doing? Well," she said, "you haven't done anything yet." That is exactly how I feel today. I haven't done anything yet.

Yet I also feel profound gratitude to have this rare opportunity. This position affords me a chance to contribute to this court's work going forward. . .

My only complaint is that all of you in this court family have left me nowhere to go but down. But I will do my best not to let you down and I am so grateful for so many in this room who have supported me throughout my career to date, such as it is, and I hope and pray that I don't disappoint you in this position. But more than that, that you will continue to be there and support me and my family as we go forward in this exciting and challenging endeavor. Thank you very much.

Consenting to the Magistrate Judge. As of August 30, 2010, with certain exceptions, cases filed in the Western District of Wisconsin are being assigned one-third to District Judge Conley, one-third to District Judge Crabb, and one-third to Magistrate Judge Crocker. For cases assigned to Magistrate Judge Crocker, there is a new procedure for consenting to or requesting reassignment from a magistrate judge. The form can be found on the district court's website. Each party must complete a "Notice of Assignment to a Magistrate Judge and Consent/Request for Reassignment" form, indicating whether that party consents to the magistrate or seeks reassignment. That form then should be e-mailed to consents@wiwd.uscourts.gov at least two weeks prior to the preliminary pretrial conference. Parties should not electronically file the form on the court's CM/ECF filing system. In addition, parties do not need to serve opposing counsel. If all parties to the action consent, the court will docket a signed order referring the case to the magistrate judge. If any party submits a form requesting reassignment, the case will be randomly reassigned to an Article III judge.

Filing Documents Under Seal. There is a new administrative order with respect to filing documents under seal. The court has issued an order identifying 14 documents routinely filed in criminal cases that may be filed under seal without motion or further order of the court. This list includes such documents as requests for search warrants, presentence investigation reports, and motions for competency exams, to name just a few. All other documents in civil and criminal cases that a party seeks to be filed under seal may be filed under seal only if they are subject to a prior protective order or are accompanied by a contemporaneous motion to seal. This order may also be found on the court's website, www.wiwd.uscourts.gov.

Motions for Pro Hac Vice Admission. This is a friendly reminder regarding the procedure for attorneys who wish to appear in the Western District *pro hac vice*. The attorney seeking admission should register with CM/ECF before filing a motion for *pro hac vice* admission. As part of the motion, it is good practice to indicate in the pleading that the attorney has registered with CM/ECF.



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