



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

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Peterson Delivers Spirited Defense of Prosecutorial Independence At Western District Bar's Annual Meeting

The 2008 Annual Meeting of the Western District Bar Association featured a lively and timely lunch address delivered by US Attorney Erik Peterson. Peterson, the US attorney for the Western District since his appointment by President Bush in 2006, provided a speech that was in equal parts informative and enjoyable, delighting the largest crowd ever to attend an annual lunch.

Peterson began his speech by relating his own recent experiences teaching trial advocacy in Malawi. Peterson described the difficult conditions faced by law schools and prosecutors in Malawi's justice system. The message turned to topics closer to home, however, when Peterson related a comment he received from a Malawian prosecutor: How could Peterson instruct lawyers in Malawi about the importance of prosecutorial independence in light of the recent firing of nine US Attorneys?

Acknowledging that his audience likely anticipated comment on this topic, and further recognizing that the world could do without another speech on, say, sentencing guidelines, Peterson proceeded to set forth a candid account of his own role in and reaction to the firing controversy. Peterson was himself the topic of a front-page article in the New York Times when he, along with other US attorneys, met with Attorney General Gonzalez to discuss the firings. The crowd appreciated Peterson's description of how he learned about the article: a law school friend called to wake him up with a greeting of "Dude, you are on the front page of the New York Times."

Peterson did not hesitate to provide a defense of his office and his colleagues. Peterson noted the lengthy and diligent service of the career prosecutors in his own office, some of whom have practiced longer than he has been alive, and who would, in Peterson's words, stage a "coup" if partisan

decision-making were allowed to rule the day. Peterson also noted that his appointment process, which included the approval of a bipartisan interview committee as well as meetings with two Democratic senators, demonstrated checks on the process. Finally, the grand jury system, the federal judiciary, and the defense bar provide further assurances against biases in the system. Himself a career prosecutor, Peterson repeatedly emphasized that any implication that the US Attorney's office for the Western District could be subject to political persuasion was a slap in the face to the professionals on the staff.



U.S. Attorney Erik Peterson

Peterson closed his remarks with an anecdote demonstrating both his humility and sense of humor, describing how he was the subject of a newspaper article after taking his first job as an assistant district attorney—but the article appeared below the fold on the front page, beneath a picture of the local prize-winning steer. Peterson impressed the bar with his personable speaking style, his obvious professionalism, and the candor of his remarks. He ably continued the tradition of lively speakers the Western District bar has enjoyed in recent years.

Western District of Wisconsin Bar Association 2007-08

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PRESIDENT'S COMMENTARY

By Robert E. Shumaker, President
Western District of Wisconsin Bar Association

I am honored to serve as the President of the Western District of Wisconsin Bar Association for 2008-09.

Our Association, which is believed to be the first bar association of any federal district court in the country, was organized in 1992 with four purposes as stated in our Bylaws:

- to promote the improvement of the administration of justice, and to reduce costs and delay in litigation, and to make recommendations to the District Court to that end;
- to assist the District Court in compiling and maintaining a current list of counsel willing to undertake pro bono representations and willing to serve as mediators;
- to educate the bar and the public as to the practices and procedures of the District Court, and to promote civility amongst litigants, the bar and the Court; and
- to assist the District Court in such other ways as it may request.

Our Newsletter, our Annual Meeting with its CLE Program and Judge's panel, and other programs have been the mainstays of our Association's efforts to educate the bar and to foster communication and civility among litigants, the bar and the Court. These programs reflect the service that the leaders and members of our Association have consistently provided to each other and to the Court during the first 16 years of our history.

In the next few months, you can expect the Association to continue its role of service to the bar and the Court in the several ways including the following:

- assisting the Court in selecting a new Clerk of Court to replace Theresa Owens who resigned this summer;
- announcing the formal creation of a pro-bono fund to cover costs incurred by counsel appointed by the court to represent indigent parties in civil cases; and
- communicating with the Court about the Court's and the Association's respective ideas for expanding the use of alternative dispute resolution, especially mediation, in the Western District

At our Annual Meeting on June 19, the Association presented its Distinguished Service Award, posthumously, to Dan Hildebrand and to Percy Julian. Both Percy and Dan

contributed to the Association and the Court in many ways (a few of which are described elsewhere in this Newsletter). I expect 2008-09 to be another great year for our Association because, like Dan and Percy, so many of our members unselfishly contribute their time and energy to help the Association achieve its goals.

Please do not hesitate to contact me if you have ideas about how the Association can better serve the public, our members, and/or the bar.

Judge Crabb Appoints Committee to Help Select New Clerk of Court

Chief Judge Barbara Crabb has appointed a committee to recommend candidates to fill the vacant Clerk of Court position for the Western District of Wisconsin. The vacancy was created when Theresa Owen resigned this summer to take a position with the Wisconsin Supreme Court.

Bob Shumaker, President of the Western District of Wisconsin Bar Association, has agreed to chair the committee. Shumaker is Co-Chair of the Litigation Practice Group of DeWitt Ross & Stevens S.C. in Madison.

Others on the committee include **Marcia Anderson**, Clerk of the Bankruptcy Court for the Western District of Wisconsin and former supervisory staff for the Court of Appeals for the Court of Appeals for the Second Circuit; **Laura Briggs**, Clerk of Court for the Southern District of Indiana and active member of the Indianapolis Bar Association; **Fred Gants**, a partner in the Madison office of Quarles and Brady, LLP, practicing in the area of labor and employment law and litigation; **Enid Glenn**, Section Chief for Program Development in the Division of Vocational Rehabilitation; and **Kent D. Hanson**, Chief Probation Officer in the Western District of Wisconsin.

Robert Stechschulte, Personal Specialist for the Court, will be providing support to the committee and the Court during the selection process. Applications for the Clerk of Court position were due on August 29, 2008. The committee is in the process of reviewing the applications and identifying candidates who will be interviewed by the committee.

Joel Turner, has been appointed Acting Clerk of Court, pending the selection of a Clerk of Court to fill the vacant position.



Jacob Hildebrand, Rachel Hildebrand, and Catherine Hildebrand receive the WDBA's Distinguished Service Award awarded posthumously to their father, Dan Hildebrand at this year's Annual Meeting.

Recipients of the Association's Distinguished Service Award

Bankruptcy Judge **Leonard Bessman**,
February 11, 1993

Judge **Thomas Fairchild**,
June 17, 1994

Judge **James E. Doyle**, presented posthumously,
June 9, 1995

Congressman **Robert W. Kastenmeier**,
May 17, 1996

Clerk of Court/Magistrate Judge **Joseph P. Skupniewitz**,
August 24, 2003

Attorney **Daniel W. Hildebrand**, presented posthumously,
June 19, 2008

Attorney **Percy Julian, Jr.**, presented posthumously,
June 19, 2008

Tribute to Percy Julian, Jr.

by Jeff Scott Olson

I'm guessing many of you saw the PBS Nova documentary, "Forgotten Genius," about Percy's father, the great Chicago chemist. If you did, I don't need to tell you that Percy grew up as a member of the first African American family to move into Oak Park, Illinois, and that Percy and his father had to guard the house with a shotgun, perched in a tree in the front yard.



I'm guessing that many of you either read Percy's obituary – your President, Bob Shumaker was kind enough to send me a copy, but it wasn't necessary, because I wrote it – and if you did, I don't have to tell you about how Percy came to law school here after a 1962 undergrad degree at Oberlin and saw his 1966 J.D. as a step on the road to a political science Ph. D., until the campus erupted in 1967 and he came to believe that without him, student anti-war protestors might not be able to find anyone to represent them in court.

I'm guessing a few of you have been reading the newspapers in Madison since the 60's or 70's, and if you have, I don't have to tell you that Percy was involved on almost every cutting-edge front in the battles for basic rights that characterized those decades. He represented Student Non-violent Coordinating Committee members, members of the Students for a Democratic Society, draft resisters including future Doobie Brother Keith Knudsen, then-student Paul Soglin, and Father Groppi.

He fought against the suppression of contraceptives and against the suppression of sexually explicit expression, and he fought for equal rights of minority citizens in housing and employment.

But what you probably don't know about Percy unless you worked with him is what a good mentor he was to many, many law students and lawyers.

I understand that your award is to recognize Percy's service to the United States District Court for the Western District of Wisconsin, and to this Association, and he certainly did contribute in a conventional way by serving on

the Association's Board of Governors from 2001 through 2004, and by successfully mediating to settlement a large number of EEOC cases to keep them out of this court, but I think his primary contribution to Wisconsin's federal courts has been through his mentoring of his law clerks, associates and other lawyers who went on to litigate before the federal courts.

I went to work for Percy as a third year law student in 1975. When I refused to stop coming in to work after graduation, he relented and hired me as an associate, though he didn't have the money or the space. At that time he was lead counsel in the Springfield, Illinois, school desegregation case, and I remember being amazed that Percy would take me by chartered airplane to court appearances where I had no apparent role, just so I could watch and learn. I remember being proud that, when I started handling cases as lead counsel, Percy would come to my trials and court hearings, so I could later benefit from his critiques.



Kathy Julian (daughter of Percy Julian, Jr) and her children Jacob, Caleb, and Mya along with her mother Karen Julian accept the WDBA's Distinguished Service Award awarded to Percy Julian, Jr., posthumously. Ms. Julian and her children (who live in San Francisco) were not able to attend the Association's annual meeting, but participated in a special luncheon with the WDBA's officers to accept the award

Percy had extremely high standards of excellence in legal writing, and he always took the time to carefully adjust my writing, or to tell me how to do so, until it came up to his expectations. He had endless patience in discussions of case strategy. He made himself available as an informal consultant to lots of young lawyers with cases in federal court. The story was the same over the years with dozens of law clerks and no small number of lawyers who worked in his firm, co-counseled cases with him, or attended his Continuing Legal Education presentations.

Since the days of Judge James Doyle, the United States District Court for the Western District of Wisconsin has been known as a place where the friendless, the unpopular, the powerless, could have a fair hearing of their claims to basic human rights. To the extent that they have good lawyers to represent them today, we are seeing ripples from Percy Julian's life and practice.

The Distinguished Service Award was presented posthumously to Percy L. Julian, Jr., on June 19, 2008, in memory of, and with grateful appreciation for, distinguished service to the United States District Court for the Western District of Wisconsin and to the Western District of Wisconsin Bar Association.

Percy Julian's distinguished service to the Court and to the Association included path-breaking service as a civil rights lawyer, as a mediator and trainer of mediators, as a member of the Association's Board of Governors, as a mentor to law

Tribute to Daniel W. Hildebrand

by Joseph A. Ranney

Daniel W. Hildebrand was born in Oshkosh, Wisconsin on May 1, 1940. Dan was steeped in the law from his earliest days. His father was a prominent Oshkosh attorney, and both Dan and his brother Joe followed in their father's footsteps. Dan's eldest son is continuing the family tradition as a partner at the Mayer Brown law firm in Chicago.

Dan received his B.A. and J.D. degrees from University of Wisconsin, where he was a member of the Law Review and Order of the Coif. Dan practiced for a year in New York City after graduating from law school, but he then decided to return to Wisconsin and never regretted his decision. In 1965 Dan joined the firm of Ross, Stevens, Pick & Spohn and remained with this firm (with various name changes and mergers) for his entire career.

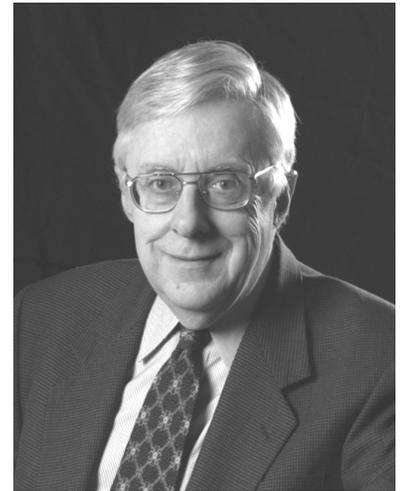
Dan quickly became one of the most prominent lawyers in Wisconsin. He served as President of the State Bar in 1991-92. He also served for many years on the State Bar Board of Governors and as a Wisconsin delegate to the American Bar Association. Dan served on numerous State Bar and ABA committees. He was also a member of the American Law Institute. During the course of this work Dan made major contributions to the preparation of rules governing the legal profession, particularly ethical standards. Dan became known throughout the state as an expert on ethical issues and as a resource for lawyers in trouble.

Near the end of his career, Dan received what is perhaps the State Bar's highest honor, the Charles Goldberg Award for Distinguished Service and Contributions to the Legal Profession.

Dan is survived by his wife, Dawn, and by six children. Dan will be remembered as one of the most prominent Wisconsin lawyers of his era and he will also be remembered for his work in helping Wisconsin lawyers maintain the highest traditions of professional service to the people of our state.

The Distinguished Service Award was presented posthumously to Daniel W. Hildebrand on June 19, 2008, in memory of, and with grateful appreciation for, distinguished service to the United States District Court for the Western District of Wisconsin and to the Western District of Wisconsin Bar Association.

Dan Hildebrand's distinguished service to the Court and to the Association included representing numerous indigent defendants in criminal cases at trial and on appeal, helping to form the Association and serving on its Board of Governors, and being a mentor to many young lawyers and a role model for all lawyers.



Candid Moments From WDBA's Annual Meeting, June 19, 2008



Magistrate Judge Stephen Crocker, Chief Judge Barbara Crabb, Clerk of Court/Magistrate Judge Theresa Owens, and Judge John Shabaz at the Association's Annual Meeting.



Erik C. Peterson, United States Attorney for the Western District of Wisconsin, presents an informative and entertaining keynote address at the Annual Meeting.



2008-09 WDBA President, Bob Shumaker presents Greg Everts with a plaque expressing the Association's appreciation for Greg's service as WDBA President for 2007-08.



Richard Moriarty, of the Wisconsin Department of Justice, presents a CLE program on "Electronic Discovery Update."



Assistant United States Attorney Timothy O'Shea presents a CLE program on "Criminal Prosecution of Patent Infringement."



James R. Troupis, of Michael Best & Friedrich, LLP, presents a CLE program on "From Russia with Law," describing his experience teaching at a Russian law school.



Todd G. Smith, of Godfrey & Kahn S.C., presents a CLE topic on "Recent Developments in ERISA Litigation."



James R. Cole, of Quarles & Brady, LLP, presents a CLE program on "Mediation as an Alternative to Trial."



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MISSION STATEMENT

It is the mission of the Western District of Wisconsin Bar Association to promote the just, speedy, respectful and efficient determination of every action filed in the District Court: by acting as an effective liaison among the District Court, federal practitioners, litigants and the public; by encouraging, fostering and supporting educational opportunities that improve the practice of law in this District; and by serving the needs of the District Court, federal practitioners, litigants and the public.