

# UNITED STATES DISTRICT & BANKRUPTCY COURT



Idaho



2014

## bench bar conference

### REGISTRATION

**FORT HALL—SEPTEMBER 26 (6.25 CLEs—including .5 Ethics)**

**BOISE—OCTOBER 3 (6 CLEs—including .5 Ethics)**

**REGISTRATION FEES:**

Attorneys: \$75  
Law Students: No Charge  
Law School Faculty and Staff: \$35  
Law Clerks: \$35  
Paralegals: \$35  
Young Lawyers (Idaho State Bar): \$35  
Late Registrations: \$100  
No credit cards accepted

**REGISTRATION DEADLINE:**

Fort Hall—September 12  
Boise— September 19

**SEND REGISTRATIONS TO:**

U.S. Courts Conference  
Attn: Walt Sinclair  
800 W. Main, Suite 1750  
Boise, ID 83702  
208.383.3928

**QUESTIONS:**

Susie Boring-Headlee  
U.S. Courts, District of Idaho  
208.334.9067  
Susie\_boring-headlee@id.uscourts.gov

NAME: \_\_\_\_\_

FIRM AFFILIATION: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

EMAIL: \_\_\_\_\_

PHONE: \_\_\_\_\_

ATTORNEY  
LAW STUDENT  
PARALEGAL  
YOUNG LAWYER (ISB)  
LAW SCHOOL FACULTY/STAFF  
LAW CLERK

**FORT HALL**  
**BOISE**





BOISE PROGRAM ♦ 2014 DISTRICT OF IDAHO ♦ BENCH BAR CONFERENCE

October 3, 2014 ♦ Boise Centre

7:30 a.m.	Registration and Continental Breakfast	<i>Falcon Room</i>
8:00 a.m.	Welcome – U.S. Magistrate Judge Ronald E. Bush, Joint Session	<i>Summit Room</i>
8:10 a.m.	<i>State of the Judiciary</i> – Chief U.S. District Judge B. Lynn Winmill and U.S. Bankruptcy Judge Jim D. Pappas	<i>Summit Room</i>
8:55 a.m.	Morning Break	
9:10 a.m.	Break-out Session 1 – <i>Social Media Inquiry in Potential Jury Investigation and Voir Dire</i> – Chief Judge B. Lynn Winmill, Chief U.S. Magistrate Judge Candy W. Dale, and Brian Kane, Idaho Deputy Attorney General	<i>Summit Room</i>
	<p>Many people in today’s wired world of social media share considerable detail about themselves and their daily lives. Is all of that information fair game for lawyers when investigating potential jurors and inquiring of them during voir dire? When are you really a “friend” of a potential juror? This program will address issues and limits surrounding the use of social media in juror investigation and jury selection in the state and federal courts in Idaho.</p>	
9:10 a.m.	Break-Out Session 2 – <i>The Craft of Legal Writing in Modern Times: Identifying the New Intersections of Mind and Technology</i> – Marci Smith, Law Clerk for Judge Winmill, Katie Ball, Externship Director, University of Idaho College of Law and Law Clerk for Judge Bush, Syrena Case Hargrove, Civil and Appellate Chief, U.S. Attorney's Office, District of Idaho, and Kenneth C. Howell, partner with Hawley Troxell Ennis & Hawley, LLP	<i>Cottonwoods/ Firs/Pines</i>
	<p>In this session, you will learn how to combine modern law practice technology with the best writing practices to create persuasive written arguments and make more efficient use of time. The presentation also will describe the use of voice recognition software in the practice of law, and how to select the best fonts and formats for documents intended to be read in digital electronic form.</p>	
10:40 a.m.	Break	



BOISE PROGRAM ♦ 2014 DISTRICT OF IDAHO ♦ BENCH BAR CONFERENCE

---

11:00 a.m. *Bellingham Revisited*: U.S. Bankruptcy Judge Jim D. Pappas, Chief U.S. Magistrate Judge Candy W. Dale, U.S. Magistrate Judge Ronald E. Bush, and Professor Richard Seamon, Associate Dean for Faculty Affairs and Professor of Law, University of Idaho College of Law **Summit Room**  
Panel Moderated by Joseph M. Meier, Cosho Humphrey, LLP

---

The panel, moderated by Joseph Meier, Esq., will address the history, status, constitutional issues and potentially wide-ranging implications to the work of the federal bankruptcy courts and the federal magistrate judge system as a result of the U.S. Supreme Court's recent decision in *Executive Benefits Insurance Agency v. Arkison (In re Bellingham Insurance Agency)*, 573 U.S. \_\_\_\_ (2014). The Supreme Court addressed: (i) whether Article III of the United States Constitution allows Bankruptcy Judges, with the parties' consent, to enter final judgments on so-called *Stern* claims, meaning claims that the Bankruptcy Code designates for final adjudication in the bankruptcy court but that Article III – at least in the absence of consent – prohibits non-Article III judges from finally adjudicating, and, if not, (ii) whether Bankruptcy Judges may submit proposed findings of fact and conclusions of law, for de novo review by a District Court, on *Stern* claims. In addition, the panel will revisit the holding of *Stern v. Marshall*, 131 S. Ct. 2594 (2011), as to the characterization of core, *Stern*, and non-core claims under 28 U.S.C. § 157, and the potential implications of cases raising similar issues on the Supreme Court's current docket.

---

12:00 p.m. Luncheon **Falcon Room**

---

1:00 p.m. Remarks from Sidney R. Thomas of Montana, the Incoming Chief Judge of the United States Court of Appeals for the Ninth Circuit **Summit Room**

---

The Honorable Sidney R. Thomas began his service on the Ninth Circuit in 1996, after his nomination by President Bill Clinton. His chambers are in his home state of Montana. Highly regarded by his peers for his judicial acumen and ability to forge consensus, Judge Thomas was widely reported to be on President Obama's short list in 2010 as a possible candidate to replace John Paul Stevens on the United States Supreme Court.

---

1:30 p.m. Keely E. Duke, of Duke, Scanlan & Hall, PLLC, – the President's Report upon the Activities and Programs of the Idaho Chapter of the Federal Bar Association **Summit Room**

---



BOISE PROGRAM ♦ 2014 DISTRICT OF IDAHO ♦ BENCH BAR CONFERENCE

---

1:40 p.m. Lawyer Representatives' Update upon Changes and Proposed Changes to the Federal and Local District Rules, and an Overview of the Duties of Lawyer Representatives in the District of Idaho *Summit Room*

---

1:50 p.m. "New Research on the Reliability of Eyewitness Evidence -- Challenges and Revisions to Long-held Views," Professor Steven E. Clark, University of California, Riverside *Summit Room*

---

Professor Steven Clark is the Director of the Robert Presley Center for Crime and Justice Studies at the University of California, Riverside. In this plenary session, Professor Clark will discuss research that challenges long-held views about the reliability of eyewitness evidence. His remarks will discuss the foundations of eyewitness accuracy, interviewing techniques, eyewitness identification, and the assessment of eyewitness accuracy by researchers, legal actors, and juries, with applications to both criminal and civil litigation.

---

3:30 p.m. Afternoon Break

---

3:45 p.m. Judges' Panel – Tips from the Bench, Questions and Answers *Summit Room*

---

The afternoon session will conclude with the traditional and often lively question-and-answer judges' panel discussion, and will be moderated by the District of Idaho Lawyer Representatives. Attendees will gain valuable insights into the workings of the Idaho federal courts from the perspectives of Idaho federal judges.

---

4:45 p.m. Adjourn

---