



# The FORUM

Newsletter of the District of Columbia Chapter of the Federal Bar Association

Wendy M. Miller, Newsletter Production Editor

Spring 2005



## June 15 Meeting

We invite you to come to the DC Chapter's monthly meetings. We meet on the third Wednesday of every month, at the FBA, 2215 M Street, NW, Washington, DC, at 6:45 p.m. The next meeting is June 15.

## Good News Department

*Congratulations to Mark H. Allenbaugh and his wife, Jacqueline, on the birth of Lily-Grace.*



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## President's Message

By The Honorable Ronnie A. Yoder,  
Chief Administrative Law Judge, U.S. Department of Transportation

I am happy to report that the Chapter is having another exciting and successful year, both financially and programatically. Refinements of the Chapter Bylaws have been approved by the Board of Directors to clarify the intent of the amendments approved last year, which enable all officers to serve for two consecutive years. (See article, *infra.*) They are scheduled to be voted on at the June meeting of the Board of Directors on June 15, 2005, at the National Headquarters, 2215 M Street, NW, Washington, DC 20037.

The FBA is also considering amendments to the National FBA bylaws which would substantially change the governance structure of the FBA. For example, the proposal would eliminate the Mid-Year National Council Meeting and one of the two National Vice-Presidents for the DC Circuit, require a 2/3 vote of the National Council to override decisions of a new Board of Directors, remove Chapter Presidents as automatic members of the National Council (the DC Chapter would get three delegates rather than the present two), and eliminate the national offices of Vice President, Secretary

and Deputy Secretary. All members are encouraged to familiarize themselves with the proposed changes and provide comments to the national office and to the DC Chapter c/o our National Council Delegate Louis Ferrand (Past President) at lferrand@oas.org.

I have appointed a Nominations and Elections Committee to develop a slate of officers and Board members for 2005-06: Cary Devorsetz (President-Elect), Miles Ryan (Past President), and John Connolly (Past President). They will report nominees to the Board of Directors at its June meeting for election at the July Board meeting.

We are fortunate to have so many Past Presidents participating actively in the leadership of the Chapter. We are also blessed by the influx of new members to the Chapter and the Board of Directors. Since the last *FORUM*, we have appointed to the Board: Alexander Bopp, a Boston University Law School graduate and a private practice litigator with

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## Reception for the Federal, District of Columbia and Administrative Judiciary

For six years, the DC Chapter has sponsored and funded a reception for the Administrative Judiciary at the FBA headquarters in Washington, DC. We are very pleased to report that this year the DC Chapter and FBA Judiciary Division co-sponsored the annual Reception for the Judiciary sponsored by the District of Columbia Bar Litigation Section and that for the

first time in 19 years, the Administrative Judiciary was included in the Reception. Chapter President Judge Yoder expressed the appreciation of the Administrative Law Judge Community to the DC Bar and the DC Chapter for arranging the inclusion of the administrative judiciary in the reception. Judge Yoder

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Spring 2005

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**Chapter Officers:**

The Honorable Ronnie A. Yoder: President  
Cary Devorsetz: President-Elect  
Darnellena C. "Christie" Burnett: Treasurer  
Silvio Krvaric: Secretary  
Louis G. Ferrand: National Council Delegate  
Ann Clarke: Immediate Past President

**Board of Directors:**

Mark H. Allenbaugh; Scott M. Alter; Robie A. Beatty; Alexander Bopp; Marcus Cohen; Robert A. Cohen; John F. Connolly; Christopher Corchiarino; Ronald C. Crump; Eugene I. Kane, Jr.; Steven R. Miller; Maureen Murphy; Lisa R. Neuder; Miles F. Ryan III

**Past Presidents:**

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**The FORUM Staff:**

Newsletter Production Editor: Wendy M. Miller

The District of Columbia Chapter's approximate 1,200 person membership includes members of the judiciary, every department and agency of the federal government, numerous law firms, trade associations, corporations, unions and law schools. A portion of your dues funds the production of this newsletter. **The FORUM** also seeks sponsors for each issue of the publication. Inquiries should be directed to the DC Chapter, Federal Bar Association, P.O. Box 75861, Washington, DC 20013-5861 or e-mail—Wendy M. Miller at [Wendysww@aol.com](mailto:Wendysww@aol.com). **The FORUM's** editorial staff welcomes and appreciates articles, letters and suggestions from readers.

**President's Message, Continued from page 1**

Coburn & Schertler, Maureen Murphy, a Boston College Law School graduate with Marina Communications; and Lisa Neuder, a University of Maryland Law School and School of Business graduate, who serves as a Special Assistant at the U.S. Commission on Civil Rights. Alex comes to us from the FBA Chapter in San Juan, Puerto Rico, where he was active in producing the Chapter newsletter, and he will be assisting the DC Chapter in writing and acquiring articles for *The FORUM*. Maureen has been helping with financial matters and working on expanding the commercial discounts available to FBA members at Jos. A. Bank, to include other stores catering to women. Lisa has taken over as the Chapter's membership chair and is trying to contact all members whose memberships have expired or are approaching renewal. She is also looking into organizing happy hours for members with other area FBA chapters.

At the request of the Judiciary Division and in order to provide a further service to the twenty-one federal judges who are honorary members of the Chapter, the Board of Directors has authorized the funding of complementary memberships in the Judiciary Division for our honorary members. The Sentencing Guidelines Task Force continues to study developments in the Courts and to consider additional white papers on the subject to assist in formulating Chapter and National FBA policy related to judicial independence and determining sentences in federal cases. We are continuing to consider various other activities to enhance our relationship to and support of the federal courts.

Thanks to the able leadership of our Treasurer, Christie Burnett, and the Board of Directors, the Chapter is functioning well within our demonstrably balanced budget. The Chapter is still considering proposals to provide front-end funding for CLE programs sponsored by other organizations where they show promise of covering their costs and benefiting the Bar and the public at large. Any organizations interested in obtaining such funding should contact President-Elect Cary Devorsetz at [cdevorsetz@a-dlaw.com](mailto:cdevorsetz@a-dlaw.com), providing details of the proposed program. Cary also continues to organize our Chapter's Distinguished Lawyer Luncheon Series, which recently had as its speaker U.S. Attorney for the District of Columbia Kenneth Wainstein. We expect our next luncheon event to take place in June. Details will be distributed by e-mail.

There are still appointive positions available on the Board. If any members are interested, please contact me at [Ronnie.yoder@ost.dot.gov](mailto:Ronnie.yoder@ost.dot.gov) with a copy of your resume and any area of particular interest, or come to the next meeting of the Board at 6:45 p.m. on June 15, 2005, at the FBA National Headquarters, 2215 M Street, NW 20037, when the Bylaw amendments will be voted on by the Chapter members present; and the July 20, 2005, election meeting; and thereafter on the third Wednesday of each month. Presently constituted committees include: Bylaws, Budget, CLE, Federal Judiciary, Law School Liaison, Membership, Past Presidents, and Sentencing Guidelines. We are always ready to consider new areas of interest.

The DC Chapter is your voice on important matters of law and policy. Let us hear from you. ■

# Proposed Changes to the DC Chapter By-Laws

By John F. Connolly, By-Laws Committee Co-Chair

At April and May 2005 meetings, the Board of Directors of the D.C. Chapter approved amendments to the DC Chapter By-Laws in order to clarify the process for nominating an incumbent President for a second one-year term and the President-Elect's succession to the office of President at the end of the President's second term. The proposed amendments also clarify that the President will remain a member of the Chapter's board of Directors and the Executive Committee as the Immediate Past President, until the end of the next President's one or two one-year terms. The proposed By-Laws set forth below would, in summary, make the following changes of the Chapter's current By-Laws:

- If the incumbent President is nominated by the Nominations and Elections Committee and the Board of Directors and is elected by the Chapter's members for a second one-year term, the term of the incumbent President-Elect is automatically extended for a contemporaneous one-year period without further election.
- The President-Elect automatically succeeds to the office of President at the end of the incumbent President's first, or if elected for a second term, second one-year term.
- The incumbent President and President-Elect shall not be members of the Nominations and Elections Committee, if the President is a candidate (i.e., has indicated a willingness to be nominated) for a second term.
- The outgoing President shall remain a member of the Chapter's Executive Committee and Board of Directors as the Immediate Past President until the later of (i) the passage of one year or (ii) completion of the term of the next President.
- Decisions concerning nominees and the elections must be approved by the Board of Directors, not merely the Nominations and Elections Committee.

Notice is given that the proposed amendments set forth below will be presented for a vote of the entire membership at the regular meeting of the Board of Directors on June 15, 2005, at the national office of the Federal Bar Association, 2215 M Street, NW, Washington, DC 20037. All interested members are encouraged to attend. The amendments will be adopted if approved by a two-thirds vote of the members present.

**Proposed Amendments to the By-Laws of the District of Columbia Chapter of the Federal Bar Association** (text of the pertinent parts of the By-Laws as they would be revised by adoption of the amendments are highlighted below):.

## BY-LAWS

### Article V. Section 1 (second and third paragraphs) Deleted: years

Each elected officer shall assume duties of the office on October 1 and shall hold office for one year, or until a successor shall be duly elected. Officers may hold one office for no more than two consecutive one-year terms. The outgoing President shall remain a member of the Executive Committee and the Board of Directors as Immediate Past President for a period of one year following the expiration of the term as President and until the next President completes his or her term as President and becomes the Immediate Past president.

The President shall serve a single one-year term, unless the incumbent President is nominated for one additional one-year term by the Nominations and Elections Committee and the Board of Directors and is elected by the Chapter's mem-

bers. In no event may a President hold office for more than two consecutive one-year terms.

### Article V. Section 3. Duties of Officers. B. President-Elect (paragraph 2).

The President-Elect shall perform such duties as are delegated by the President. In the event the President is absent or unable to discharge the duties pertaining to his or her office, the President-Elect shall perform the duties of the President. The President-Elect shall automatically succeed to the office of the President upon the expiration of the incumbent President's first, or if elected for a second term, second one-year term. If the incumbent President is elected for a second term, the President-Elect shall automatically continue as the President-Elect for a second one-year term and there shall be no election for President-Elect for the year. Provided, however, that if the President-Elect declines to serve a second one-year term, another person will be nominated by the Nominations and Elections Committee and the Board of Directors and elected by the Chapter's members. The President-Elect shall assume the office of the President automatically and immediately in the event of the death, resignation, or removal of the incumbent President.

Deleted: Incumbent's term

### Article V. Section 4. Board Meetings. A. Board Members.

A. Board Members. The Board shall consist of the elected officers, the Immediate Past President, twelve (12) members elected by the Chapter membership, and up to twelve (12) members who may be appointed by the President from the Chapter membership. In addition, the President may appoint honorary, and or emeritus directors of the Board.

### Article V. Section 5. Nominations

The Nominations and Elections Committee shall be appointed by the President and shall nominate one (1) candidate for each upcoming vacant office and Board position, and present such slate of candidates in writing to the general membership at least thirty (30) days before the regular meeting at which the election of officers and directors will occur. The incumbent President and President-Elect may not be members of the Nominations and Elections Committee, if the President is a candidate for a second term. Additionally, nomination of candidates for the elective offices of this Chapter may be made by any member at a special meeting set by the Board of Directors for this purpose. If there is no contest to the slate of officers and directors, then the slated offices and directors will be deemed elected.

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**DC Chapter Meetings**

Bylaw Vote- June 15  
Annual Meeting- July 20

FBA National Headquarters  
2215 M St., NW,  
Washington, DC



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## The DC Chapter and the Pentagon Chapter of the Federal Bar Association are co-sponsoring a



**June 16th Luncheon**  
**11:30 a.m.—1:00 p.m.**

**Guest Speaker:** Judge Royce Lamberth, U.S. District Court for the District of Columbia

**Location:** U.S. Court of Appeals for the Armed Forces, 450 E. Street, NW, Washington, DC, Second Floor Foyer

Future announcements regarding cost will be posted at <http://www.fedbar.org>, under Pentagon Chapter.

### Reception, Continued from page 1

expressed the appreciation of the Administrative Law Judge community to the DC Bar and the DC Chapter for arranging the inclusion of the Administrative Judiciary in the reception. Judge Yoder invited all to join the FBA, which he stated is “big enough to get things done and small enough for you to get it to get things done”. The Reception on Wednesday, October 20, 2004, at the International Trade Center, Ronald Reagan Building, was attended by nearly 200 attorneys and judges, including nearly 30 administrative law judges. The reception is expected to be repeated in 2005, with an even larger participation by the Administrative Judiciary. ■

### **June 16 Noon—1:15 p.m.** **Distinguished Lawyer Series Luncheon**

Sponsored by  
The DC Chapter and the Environment, Energy & Natural Resources Section of the Federal Bar Association

**Speaker:** Cynthia Marlette, General Counsel, FERC  
**Topic:** Current FERC topics, challenges faced by her office, goals for the future in the areas of FERC’s jurisdiction. A Certificate of Appreciation for Outstanding Service will be presented to her.  
**Location:** Judges’ Dining Room (6th Floor), U.S. District Courthouse, 333 Constitution Ave., NW, Washington, DC  
**Cost:** \$15. Sandwiches & soft drinks will be provided.  
To register, contact Cary Devorsetz, at: [cdevorsetz@a-dlaw.com](mailto:cdevorsetz@a-dlaw.com)

## Fiscal Year 2005-06

### Slate of Officers and Board Members Approved by the Board at the May 18th meeting

#### Officers:

Cary Devorsetz, President  
The Honorable Ronnie A. Yoder, Immediate Past President  
John F. Connolly, President-Elect  
Darnellena C. “Christie” Burnett, Vice President  
Silvio Krvaric, Treasurer  
Lisa R. Neuder, Secretary  
Dr. Ann H. Clarke, National Delegate

#### For Election to the Board:

Robie A. Beatty  
Alexander H. Bopp  
Ronald C. Crump  
Louis G. Ferrand  
Eugene I. Kane, Jr.  
Steven R. Miller  
Brian C. Murphy  
Miles F. Ryan III  
Patricia Ryan