

**FEDERAL COURT CLERKS ASSOCIATION
CURRENT EVENTS**

<http://www.fcca.ws/>

December 2011

ANNOUNCEMENTS

- ◆ **Michael Dobbins to Retire** - After 35 years of service to the judiciary, Mike Dobbins, Clerk of Court, Northern District of Illinois, will retire effective December 31, 2011. Mike worked in many positions during his long tenure, including serving as Clerk of the Bankruptcy Court in the Northern District of Georgia. He was recognized for his exceptional service with two Director Awards for Leadership. Mike also was a supporter of the FCCA and it was his idea to start the Oral Histories Project to capture the history of the Clerk's Office. The FCCA completed an oral history of Mike before his departure. The FCCA wishes Mike the best in his well-deserved retirement. Read more about Mike's career in the judiciary in the *December DCAD Monthly Update*, http://jnet.ao.dcn/District/Monthly_Communications_Clerks/2011_Monthly_Archive/Dec_2011.html.

- ◆ **Thomas G. Bruton to Succeed Michael Dobbins** - Tom Bruton, currently the Space and Procurement Administrator for the Northern District of Illinois, will succeed Mike as Clerk of Court. Tom has a Bachelor of Arts from St. Mary's University of Minnesota and is in the process of completing his certificate in Judicial Administration from Michigan State University. Tom serves as the Seventh Circuit Director for the FCCA and chair of its Publications Committee. Tom is also a member of the National Association for Court Management. The FCCA congratulates Tom on his appointment as Clerk of Court. *December DCAD Monthly Update*, http://jnet.ao.dcn/District/Monthly_Communications_Clerks/2011_Monthly_Archive/Dec_2011.html.

- ◆ **Patricia L. McNutt to Retire** - After 30 years of service in the public and private sectors, with the last 11 years as Clerk of Court in the Eastern District of Tennessee, Pat will retire at the end of December 2011. Pat began her legal career as an intern in the U.S. Attorney's Office during law school. After graduation, she was a law clerk for the late Robert L. Taylor, U.S. District Judge, Eastern District of Tennessee. Following her clerkship she practiced law with a large private firm and then became in-house counsel for Lockheed Martin Energy System and ultimately was promoted to Vice President and General Counsel. Pat was named Clerk of Court for the Eastern District of Tennessee in June 2000. As clerk, Pat was active in various Advisory and Working Groups of the Administrative Office, but is most proud of her service in the FCCA. She served as Editor of the *FCCA Journal*, President-Elect, and President, a position she will hold until after the 2012 Annual Conference in Las Vegas, Nevada. She received the group's Green Eye Shade Award in 2009. The FCCA wishes Pat the best in her retirement. Read more about Pat's career and plans for retirement in the *December DCAD Monthly Update* at http://jnet.ao.dcn/District/Monthly_Communications_Clerks/2011_Monthly_Archive/Dec_2011.html.

- ◆ **Debra Poplin to Succeed Patricia L. McNutt** - Debra Poplin is currently the Law Director for the City of Knoxville, and will succeed Pat as Clerk of Court on January 2, 2012. Debra has an undergraduate degree from the University of Tennessee and her law degree from the University of Cincinnati College of Law, both with honors. She has more than 21 years of diverse litigation and general counsel experience. The FCCA congratulates Debra on her appointment as Clerk of Court. *December DCAD Monthly Update*, [http://jnet.ao.dcn/District/Monthly Communications Clerks/2011 Monthly Archive/Dec 2011.html](http://jnet.ao.dcn/District/Monthly_Communications_Clerks/2011_Monthly_Archive/Dec_2011.html).
- ◆ **Richard H. Weare to Retire** - Rick Weare, Clerk of Court for the District of Arizona, will retire after 34 years of service with the judiciary, effective December 31, 2011. Rick served in both the Eastern District of New York, for 8 years, and the District of Arizona, for 26 years. He has been involved as a consultant on international rule of law and court administration projects. Rick served as President of the FCCA in 1996 and received the group's Angie Award for his commitment to improving the administration of justice. The District of Arizona honored Rick by dedicating the Richard H. Weare Jury Assembly Room in the Sandra Day O'Connor Courthouse in Phoenix, Arizona. Rick has been a mentor to many clerks and deputy clerks. The FCCA thanks him for his service and wishes him the best in his retirement. Read more about Rick's career in the judiciary in the *December DCAD Monthly Update* at [http://jnet.ao.dcn/District/Monthly Communications Clerks/2011 Monthly Archive/Dec 2011.html](http://jnet.ao.dcn/District/Monthly_Communications_Clerks/2011_Monthly_Archive/Dec_2011.html).
- ◆ **Brian D. Karth to Succeed Richard H. Weare** - Brian Karth has been selected to succeed Rick as Clerk of Court. Brian has served as the Clerk of the Bankruptcy Court for the District of Arizona since 2008. Prior to that, he served for many years in the Arizona state courts in various administrative capacities. He has a Bachelor of Science from Arizona State University and a Master of Science in Public Administration with a certificate in Judicial Administration from the University of Southern California. The FCCA congratulates Brian on his appointment. *December DCAD Monthly Update*, [http://jnet.ao.dcn/District/Monthly Communications Clerks/2011 Monthly Archive/Dec 2011.html](http://jnet.ao.dcn/District/Monthly_Communications_Clerks/2011_Monthly_Archive/Dec_2011.html).
- ◆ **Leslie G. Whitmer to Retire** - Les Whitmer, Clerk of Court for the Eastern District of Kentucky, will retire at the year's end after nearly 30 years of service as Clerk of Court. Les graduated from the University of Kentucky with Bachelor of Science and Juris Doctor degrees. He began working as an attorney for the U.S. Department of Agriculture in Chicago, Illinois. Subsequently, he returned to Kentucky and served as Director, Bar Counsel, Treasurer and Editor of the Kentucky Bar Association. He was appointed Clerk of Court in 1983. The FCCA wishes Les well in his retirement. Read more about Les's career and his plans for retirement in the *DCAD Monthly Update* at [http://jnet.ao.dcn/District/Monthly Communications Clerks/2011 Monthly Archive/Dec 2011.html](http://jnet.ao.dcn/District/Monthly_Communications_Clerks/2011_Monthly_Archive/Dec_2011.html).
- ◆ **Robert Carr to Succeed Leslie G. Whitmer** - Robert currently is Chief Deputy Clerk in the Eastern District of Kentucky and will succeed Les as Clerk of Court. Robert has an undergraduate degree from Eastern Kentucky University and a law degree from the University of Kentucky College of Law. After graduation, Robert practiced law in a

small firm, and in 2011 became in-house general counsel of a nursing home company until he joined the judiciary. The FCCA congratulates Robert on his appointment as Clerk of Court. *December DCAD Monthly Update*, <http://jnet.ao.dcn/District/MonthlyCommunicationsClerks/2011MonthlyArchive/Dec2011.html>.

- ◆ **Mary Louise Mitterhoff Named Acting Chief of BCAD** - The Administrative Office announced that following the retirement of Glen Palman, Mary Louise Mitterhoff has been named as the Acting Director of the Bankruptcy Court Administration Division. She has been with the AO since 1992 and has served as Deputy Chief of BCAD for six years. *Memo from Noel J. Augustyn, Bankruptcy Court Administration Division Acting Chief, December 20, 2011*, <http://jnet.ao.dcn/Bankruptcy/Memos/2011Archive/ocpe113.html>.
- ◆ **Vacancy Announcement for Chief Deputy Clerk, D. Rhode Island** - The District of Rhode Island is seeking to fill the position of Chief Deputy Clerk. The position is located in Providence, Rhode Island, and is open until filled, but preference is given to applications submitted by **Friday, December 30, 2011**. Minimum qualifications are three years of progressively responsible supervisory or managerial experience in a court environment. Preference will be given to applicants with supervisory or managerial experience in the federal judiciary and to applicants with an understanding of the principles of case management and operational experience with CM/ECF. For more information about the positions and how to apply, go to http://www.rid.uscourts.gov/menu/generalinformation/employment/ChiefDeputyClerk2_2011.pdf.
- ◆ **Job Vacancies in the Judiciary** - Vacancy announcements for jobs in the judiciary are posted on <http://156.119.80.126/vacancies/>.

BUDGET

- ◆ **Congress Passes Omnibus Budget Bill For FY2012** - The Consolidated Appropriations Act of 2012 was passed by the House and Senate and provides full-year funding for the judiciary. The President is expected to sign the bill. The omnibus bill provides the judiciary with more funding than projected in the interim spending plan. The judiciary will receive about a 1% increase over fiscal year 2011 enacted spending level. The Defenders Services, Court Security, and Fees for Jurors accounts received full funding under the bill. The judiciary fared much better than other government organizations, especially in view of the Budget Control Act cap limiting government-wide spending to about 1% below fiscal year 2011. The judiciary's success can be attributed to the efforts of Judicial Conference Budget Committee Chair Judge Julia Gibbons, Budget Committee members, judges involved in congressional outreach efforts, and staff at the AO. *Memo from Judge Thomas F. Hogan, Final Fiscal Year 2012 Appropriations, December 19, 2011*, <http://jnet.ao.dcn/Memos/2011Archive/Dir11123.html>.
- ◆ **Outlook for FY2013** - The outlook for funding in FY2013 is constrained. The judiciary has survived two funding years at near hard freeze levels. Catastrophic effects have been avoided by cost containment efforts of the judiciary. The Budget Control Act sets

spending caps for fiscal years 2012-2021. The best-case scenario for FY2013 may be a hard freeze. Further complicating the situation is Congress' failure to produce a deficit reduction plan through its Joint Select Committee on Deficit Reduction. Because of this failure, automatic across-the-board cuts will go into effect in January 2013 unless Congress and the President act to develop an alternative. (See November 2011 Current Events). Thus, cost containment efforts must continue. Congress is expected to continue to constrain spending to bring the national debt under control. *Memo from Judge Thomas F. Hogan, Final Fiscal Year 2012 Appropriations, December 19, 2011, http://jnet.ao.dcn/Memos/2011_Archive/Dir11123.html.*

FEDERAL COURT CLERKS ASSOCIATION

- ◆ **Theresa Robinson To Speak At FCCA Las Vegas Conference** - Theresa Robinson, a motivational speaker, personal coach and author will open the conference with "Fueling the Me in Team." Robinson is President of MasterTrainerTMR and is a very exciting, motivational speaker.
- ◆ **Registration for the Conference to Open Soon** - The FCCA is working on a transition of its web site to Memberclicks, which is expected to occur in January 2012. The conference web site will be hosted on Memberclicks and we hope to have registration open in mid-to late-January.
- ◆ **"Expect the Unexpected"** - This is the theme for the 2012 FCCA Conference in Las Vegas, Nevada. Team Las Vegas and the FCCA Educational Committee are planning an agenda that will live up to the theme. Many interesting and exciting breakout sessions are planned and will be presented both by professional trainers from the Federal Judicial Center and subject matter experts from the courts. Some of the topics include: How to be Resilient in Tough Times, More with Less, Identifying and Reducing Decision-making Biases, Social Networking, Becoming an Expert Learner, Great Reads, Assisting the Pro Se Litigant, COOP, IT- What is on the Horizon for the Federal Courts, and many more. An open forum, patterned after the CM/ECF forum, will be held to allow topics of immediate interests to be identified and discussed. The MSU program will be on Budget and Resources and Education Training and Development. A special plenary session by MSU called "I Want Your Job," is planned which will present research on issues related to skills needed to fill vacancies as baby boomers retire and what could happen if boomers don't retire. Senior management from the Administrative Office will present briefings on the budget and the state of the judiciary. An educational outing to Hoover Dam is planned to learn about the largest public works project in American history.

A new feature at this year's conference is a Technology and Knowledge Fair and Round Table. We plan to highlight innovations in the courts, both technical and operational, and share the innovations in round table format. **We invite you to submit your innovations to be presented and discussed at the Technology and Knowledge Fair.** We also will have vendors who will display their technology and products of interest to the judiciary and will answer your questions about the latest product developments.

- ◆ **Informational Updates** - Please familiarize yourself with the various updates on the FCCA Home Page:
 1. 2012 Annual Conference Update - <http://www.fcca.ws/>
 2. December 2 FCCA Board Meeting Conference Call Minutes - <http://www.fcca.ws/meetingminhtm.htm>
 3. FCCA Officers, Board of Directors and Committee Chairs at http://www.fcca.ws/docs/FCCA-Officers_And_Board.pdf
 4. Clerks Council Executive Board Members - <http://www.fcca.ws/fccaclerkscouncilhtm.htm>

- ◆ **Current 2011/2012 Membership** - As of December 22, 2011, the membership total is 1,084.

LEGISLATION

- ◆ **Payroll Tax Cut Extension** - Democrats and Republicans are still trying to reach agreement on a payroll tax extension. (*See* November 2011 Current Events). On December 13, the House of Representatives, in a largely partisan vote, passed a bill to pay for a year-long extension of the tax cut by extending the current pay freeze through fiscal year 2013 and increasing the amount federal employees would contribute to their retirement. The Senate then agreed in a bipartisan vote to extend the payroll tax cut and unemployment insurance for two months. The legislation called for the extensions to be paid for by increasing fees mortgage holders would pay to Fannie Mae and Freddie Mac. The House Republicans rejected the two-month extension and have called for a conference committee between the House and Senate to resolve differences on the bill before the end of the year. Senate Majority Leader Harry Reid has said that he will not call the Senate back this year for a conference. The good news for federal employees is that no legislation to extend the pay freeze or to increase contribution to retirement benefits has been passed. The bad news is that no legislation to extend the payroll tax cut has been passed, either. *Federal Employees News Digest*, December 19, 2011, Vol. 61, No. 23, pp. 1-3; "House passes federal pay-freeze extension, retirement hikes;" Pete Kasperowicz and Amie Pames, "House rebuffs Senate payroll tax cut extension, calls for conference," *The Hill, The Hill's Floor Action Blog*; December 21, 2011, <http://thehill.com/blogs/floor-action/house/200535-house-votes-down-senate-payroll-tax-bill-calls-for-conference>; Ralph Smith, "Tax Cuts, Your Future Federal Retirement and the Federal Pay Freeze," *FedSmith*, December 21, 2011, <http://www.fedsmith.com/article/3227/tax-cuts-your-future-federal-retirement.html>.

- ◆ **Congress Passes Judicial Conference-Supported Legislation on Jurisdiction and Venue** - The Federal Courts Jurisdiction and Venue Clarification Act of 2011, Pub. L. No. 112-63, was signed into law by the President on December 7, 2011. The Judicial Conference has supported this legislation over many years. The legislation primarily pertains to removal, remand, venue, and transfer. The provisions take effect 30 days after enactment and apply to actions commenced after that effective date. For a summary of

the legislation, see the *Memo from Judge Thomas F. Hogan, Enactment of Conference-Supported Jurisdiction and Venue Clarification Act, December 9, 2011*, http://jnet.ao.dcn/Memos/2011_Archive/Dir11116.html.

MONTHLY UPDATES

- ◆ The BCAD Monthly Update for December 2011 is published at http://jnet.ao.dcn/Bankruptcy/Monthly_Communications_to_Clerks.html.
- ◆ The DCAD Monthly Update for December 2011 is published at http://jnet.ao.dcn/District/Monthly_Communications_Clerks/2011_Monthly_Archive/Dec_2011.html.
- ◆ The *News and Views* Probation/Pretrial newsletter for December 2011 is published at http://jnet.ao.dcn/Probation_and_Pretrial_Services/News_and_Views/2011/December_5_2011.html.