

PREFACE

I am pleased to present the Ninth Circuit Survey issue of Volume 37 of the Golden Gate University Law Review. The Golden Gate University Law Review is the only law review in the country that publishes an annual Ninth Circuit Survey exploring recent decisions in the United States Court of Appeals for the Ninth Circuit—the Nation’s largest and most controversial jurisdiction, as well as one of the most revered. The authors contributing to the Ninth Circuit Survey have analyzed recent decisions of the Ninth Circuit and synthesized the holdings with the broader legal landscape of the federal judiciary.

Sean Kersten reviews the Ninth Circuit decision in *United States v. Howard*. In this decision, a divided panel reversed a United States District Court for the District of Nevada decision that held officers had probable cause to believe Curtis Raymond Howard, a probationer, was residing at an unreported address. In reversing the district court’s decision, the Ninth Circuit developed a new, stringent probable cause standard. This new probable cause standard utilizes a series of factors to determine whether probable cause exists to believe a probationer is residing at an unreported address. Kersten argues that, based on Supreme Court decisions in *United States v. Knights* and *Samson v. California*, the Ninth Circuit’s probable cause standard failed to balance probationer’s reduced expectation of privacy with legitimate governmental interests to prevent crime and protect society.

Daniel Cho explores the Ninth Circuit decision in *United States v. Serna*, in which the court held that mere possession of a firearm was not a crime of violence and, therefore, could not be used as a sentence enhancement. Because the trial court record did not contain the charging papers for the defendant’s particular crime, the Ninth Circuit was limited to a categorical analysis of the statutory definition of the offense. Cho argues that the available sources for review by sentencing courts and courts of review should be expanded to include uncontradicted evidence.

Jill Cartwright examines the Ninth Circuit decision in *Abatie v. Alta Health & Life Insurance Company*. Cartwright reviews the broad diversity in the differing standards of review among the circuits in ERISA benefit denial cases in which a plan administrator may have a conflict of interest. She argues that the lack of a single standard creates unpredictability and places undue burdens on plaintiffs in such cases. Cartwright concludes that the Ninth Circuit took a positive step in lessening the burden on plaintiffs, but left district courts without

guidance as to the extent a conflict of interest may alter the applicable standard of review. She argues that the Ninth Circuit should have adopted the Tenth Circuit's standard, the most detailed standard currently being followed among the circuits.

Matthew Shafae analyzes the Ninth Circuit decision in *United States v. Thomas*, where the court adopted the Eighth Circuit's rule requiring an unauthorized driver of a rental car to show permission to drive from the authorized driver in order to have standing to challenge a search of a vehicle. Shafae argues that this rule is not supported by United States Supreme Court precedent regarding a defendant's ability to challenge a search and that the proper test is the totality of the circumstances test.

Michael Guasco addresses the Ninth Circuit decision in *United States v. Ameline*, in which the court established a limited remand procedure for dealing with post-*Booker* error. Guasco examines the history and use of the Federal Sentencing Guidelines and the cases that eventually eliminated the mandatory nature of the Guidelines. Guasco analyzes the limited remand procedure adopted by the Ninth Circuit in *Ameline* in comparison to the approaches taken by the other circuits, and concludes that the limited remand procedure is the best approach but that the burden on the defendant should be higher to utilize the procedure.

Christopher Donewald reviews the issue of symbolic speech and equal protection at the Las Vegas Fremont Street Experience in *ACLU of Nevada v. City of Las Vegas*, an issue of first impression in the Ninth Circuit (filed Oct. 20, 2006).

Ian Hansen considers the topic of the validity of an employer's use of a federal safety standard to exclude individuals with disabilities in *Bates v. United Parcel Service, Inc.*, an issue of first impression in the Ninth Circuit (filed Oct. 10, 2006).

Dije Ndreu addresses the question of an accused's nonconsensual waiver of an jury trial without the government's consent in *United States v. United States District Court* (filed Oct. 3, 2006).

Andje Morovich discusses the problem of voir dire racial discrimination under a "comparative juror analysis" as applied in *Kesser v. Cambra* (filed Sept. 11, 2006).

Roxana M. Smith summarizes the issue of parental due process and sex education curricula in *Fields v. Palmdale School District* (filed May 16, 2006).

Katherine Watts surveys the issue of a whistleblower's use of information contained in a Freedom of Information Act request to allege and uncover fraud against the government in *United States v. Catholic Healthcare West* (filed Apr. 19, 2006).

Erin Frazor reviews the question of whether membership in a child pornography website supports probable cause to search a defendant's home computer in *United States v. Gourde* (filed Mar. 9, 2006).

Finally, Michael Vidmar addresses the issue of a crime victim's right to be reasonably heard during sentencing proceedings in *Kenna v. United States District Court*, an issue of first impression in the Ninth Circuit (filed Jan. 20, 2006).

This survey of Ninth Circuit decisions dealing with contemporary legal problems is the result of the hard work and dedication of the authors, editors, and the entire Golden Gate University Law Review staff. In particular, I would like to extend special recognition to Roxana M. Smith, Ninth Circuit Survey Executive Articles Editor, for her indispensable work in putting together this issue. It has been my pleasure to work with the entire staff of the Golden Gate University Law Review in publishing this Ninth Circuit Survey and the complete Volume 37 of the Golden Gate University Law Review.

Erin Frazor
Editor-in-Chief

JUDGES OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT*

CHIEF JUDGE MARY M. SCHROEDER

Chief Judge Mary M. Schroeder became Chief Judge of the Ninth Circuit Court on December 1, 2000. She is the first woman to serve as Chief Judge of the Ninth Circuit and is presently serving a seven-year term in the position. In her duties, Chief Judge Schroeder assumes the administrative responsibilities of both the court of appeals and the Judicial Council of the Ninth Circuit, a board of judges governing the region.

President Carter appointed Judge Schroeder to the Ninth Circuit on September 25, 1979. Judge Schroeder graduated from Swarthmore College with a B.A. in 1962, and from the University of Chicago with a J.D. in 1965. At the University of Chicago, she was one of only six women in her law school class. She practiced as a Justice Department trial attorney from 1965-1969. In 1970 she clerked for Arizona Supreme Court Justice Jesse A. Udall. Judge Schroeder transferred to the private sector in 1971, working for Lewis and Roca in Phoenix, Arizona until 1975. As a lawyer in Arizona, she chaired the committee that drafted and secured passage of Arizona's first civil rights law. From 1975-1979, Judge Schroeder served on the Arizona Court of Appeals and was the youngest woman appellate judge in America at the time.

Judge Schroeder is a member of the American Judicature Society, American Bar Association, American Law Institute, National Association of Women Lawyers, and the Arizona Association of Women Lawyers. Her honors include the "Distinguished Achievement Award" in 1977 from Arizona State University Law School.

Judge Schroeder maintains her chambers in Phoenix, Arizona.

SENIOR JUDGE ARTHUR L. ALARCÓN

President Carter appointed Judge Alarcón to the Ninth Circuit on October 31, 1979. Judge Alarcón assumed Senior Judge status on November 21, 1992. Judge Alarcón graduated from University of Southern California, receiving a B.A. in Political Science in 1949 and an LL.B. in 1951. He is one of few judges in California to sit on both the state and federal appellate bench.

Judge Alarcón was a deputy Los Angeles County district attorney from 1952-1961. In 1962, he was appointed Clemency and Extradition Secretary and named Executive Secretary of California Adult Authority, serving as temporary chairman in 1962. In 1963, Governor Pat Brown appointed him to the Los Angeles Superior Court, where he served until 1978, when Governor Jerry Brown appointed him to the California Court of

* These biographies have been primarily derived from the following sources: *Personnel of the Court*, 36 GOLDEN GATE U. L. REV. (2006); Almanac of the Federal Judiciary (Westlaw 2007); and United States Courts for the Ninth Circuit website at: <http://www.ce9.uscourts.gov/> (last visited Apr. 12, 2007).

Appeals for the Second District, where he served until his appointment to the Ninth Circuit in 1979.

Judge Alarcón maintains his chambers in Los Angeles, California.

JUDGE CARLOS T. BEA

President Bush appointed Judge Bea to the Ninth Circuit in November of 2003. Born in San Sebastian, Spain, Judge Bea's parents moved to Cuba when he was young before finally settling in the United States. Judge Bea took both his undergraduate and law degrees from Stanford University.

Judge Bea spent more than thirty years as a litigator in San Francisco before being nominated to the Superior Court in 1990. From 1990 until 2003, Judge Bea presided over complex civil litigation before ascending to the federal bench.

Judge Bea maintains his chambers in San Francisco, California.

SENIOR JUDGE ROBERT R. BEEZER

President Reagan appointed Judge Beezer to the Ninth Circuit on March 28, 1984. Judge Beezer took Senior Judge status on July 31, 1996. He received a B.A. in 1951 and an LL.B. in 1956 from the University of Virginia. He served in the United States Marine Corps from 1951 to 1953, attaining the rank of First Lieutenant.

Prior to his appointment, Judge Beezer was a partner at Schweppe, Krug, Tausend & Beezer in Seattle, Washington where he worked from 1956 to 1984. He also served on the Board of Governors of the Washington State Bar Association from 1980-1983, and was president of the Seattle King County Bar Association from 1975-1976.

Judge Beezer maintains his chambers in Seattle, Washington.

JUDGE MARSHA S. BERZON

Judge Berzon was nominated to the Ninth Circuit by President Clinton in January 1998, and confirmed by the Senate on March 9, 2000. She graduated with a B.A. from Radcliffe in 1966, and received a J.D. from University of California at Berkeley, Boalt Hall School of Law in 1973.

After law school, Judge Berzon clerked for Ninth Circuit Judge James Browning until 1974, and for Supreme Court Justice William Brennan in 1975-1975. She practiced at Woll and Mayer in Washington D.C. from 1975 to 1977, and at San Francisco's Altshuler, Berzon, Nussbaum, Berzon and Rubin from 1978 until her appointment to the Ninth Circuit.

Judge Berzon maintains her chambers in San Francisco, California.

SENIOR JUDGE ROBERT BOOCHEVER

President Carter appointed Judge Boochever to the Ninth Circuit on June 18, 1980. He assumed Senior Judge status on June 10, 1986. He received an A.B. from Cornell University in 1939, and a J.D. from Cornell Law School in 1941. He served in the

United States Army (Infantry) during World War II from 1941-1945, attaining the rank of Captain.

Judge Boochever served as Assistant U.S. Attorney in Juneau, Alaska, from 1946-1947, when he left to assist in founding the firm of Faulkner, Banfeild, Boochever & Doogan in Juneau. Boochever practiced with the firm until his appointment to the Alaska Supreme Court in 1972. From 1978-1980, Judge Boochever served as Chief Justice.

Judge Boochever maintains his chambers in Pasadena, California.

SENIOR JUDGE JAMES R. BROWNING

President Kennedy appointed Judge Browning to the Ninth Circuit on September 18, 1961. He served as Chief Judge from July 1, 1976 to June 16, 1988. Effective September 1, 2000, Judge Browning elected to assume senior status. As a judge in senior status, Judge Browning continues to render substantial service to the court.

Judge Browning received an LL.B. degree from Montana State University in 1941. He served as Special Attorney in the Antitrust Division of the Department of Justice from 1941-1943. Additionally, he served in the United States Army during World War II from 1943-1946, receiving a Bronze Star Medal. In 1946, he returned to the Department of Justice serving as: Special Attorney of the Antitrust Division from 1948-1949; Assistant Chief, General Litigation Section, of the Antitrust Division from 1949-1951; First Assistant, Civil Division from 1951-1952; Executive Assistant to the Attorney General from 1952-1953; Chief of Executive Office for United States Attorneys in 1953. He practiced in the private sector from 1953-1958. Judge Browning then clerked for the United States Supreme Court from 1958 until his appointment to the Ninth Circuit in 1961.

Judge Browning is a former member of the Committee on Court Administration, the Committee on the Budget, and the Executive Committee on the Ninth Circuit Conference. He is currently a member of the American Bar Association, the American Law Institute, the Montana Bar Association, the Federal Bar Association, the American Judicature Society and the Institute of Judicial Administration.

Judge Browning maintains his chambers in San Francisco, California.

SENIOR JUDGE MELVIN BRUNETTI

President Reagan appointed Judge Brunetti to the Ninth Circuit on April 4, 1985. Judge Brunetti has maintained senior status since November 11, 1999. He attended the University of Nevada and graduated from University of California, Hastings College of Law, receiving a J.D. in 1964. He served in the Army National Guard.

Judge Brunetti formerly served as an associate attorney with Vargas, Bartlett & Dixon from 1964-1969; an associate attorney with Laxalt, Bell, Berry & Allison from 1971-1978; a partner with Laxalt, Berry & Allison from 1971-1978; and as a Shareholder of Allison, Brunetti, MacKenzie, Hartman, Soumbeniotis & Russell, Ltd. from 1978-1985. He was a member of the Counsel of Legal Advisors to the Republican National Committee from 1982-1985.

Judge Brunetti is currently a member of the State Bar of Nevada, the American Bar Association, the Washoe County Bar Association, the Carson Bar Association, the

Association of Trial Lawyers of America, and the Northern Nevada Trial Lawyers Association.

Judge Brunetti maintains his chambers in Reno, Nevada.

JUDGE JAY S. BYBEE

President Bush appointed Judge Bybee to the Ninth Circuit in March 2003. Judge Bybee received his law degree from Brigham Young University in Utah.

A widely respected constitutional law scholar, Judge Bybee served as the head of the Justice Department's Office of Legal Counsel prior to his appointment to the federal bench. Judge Bybee also helped found the University of Nevada-Las Vegas' William S. Boyd School of Law.

Judge Bybee maintains his chambers in Las Vegas, Nevada

JUDGE CONSUELO M. CALLAHAN

President Bush appointed Judge Callahan to the Ninth Circuit in February of 2003. A graduate of the University of the Pacific's McGeorge School of Law, Judge Callahan joined Judge Kim McLane Wardlaw as the second of two female Hispanic members of the Ninth Circuit Court of Appeals.

Judge Callahan's first bench assignment was to the San Joaquin County Superior Court, becoming both the first woman and the first Hispanic to serve on that bench. She was elevated to the Third District Court of Appeal in 1996, where she served until her appointment to the Ninth Circuit in 2003.

Judge Callahan maintains her chambers in Pasadena, California.

SENIOR JUDGE WILLIAM C. CANBY, JR.

President Carter appointed Judge Canby to the Ninth Circuit on April 17, 1980. On May 23, 1996, Judge Canby assumed Senior Judge status. After graduating Phi Beta Kappa from Yale University in 1953, Judge Canby received an LL.B. from University of Minnesota Law School in 1956. He served in the Air Force as an Assistant Staff Judge Advocate from 1956-1958, attaining the rank of First Lieutenant. After his discharge, Judge Canby joined Oppenheimer, Hodgson, Brown, Beer & Wolf in St. Paul, Minnesota, where he practiced until 1962. From 1962-1964, Judge Canby worked as the Director for the Peace Corps in Ethiopia and as the Director for the Peace Corps in Uganda from 1964-1966. He also served as Special Assistant to U.S. Senator Walter Mondale in 1966.

Judge Canby served as a Professor of Law at Arizona State University from 1967-1980, and at Makerere University in Kampala, Uganda, from 1970-1971 as a Fulbright Scholar. He was a board member of the Central Arizona Coalition for Right to Choose from 1976-1980, and currently serves as a board member for both the Arizona Center for Law in the Public Interest and for DNA-People's Legal Services, Inc.

Judge Canby maintains his chambers in Phoenix, Arizona.

JUDGE RICHARD R. CLIFTON

President Bush appointed Judge Clifton to the Ninth Circuit Court of Appeal on August 2, 2002. Judge Clifton received his A.B. from Princeton University in 1972, and his J.D. from Yale Law School in 1975.

After law school, Judge Clifton clerked for the Honorable Judge Herbert Y.C. Choy of the Ninth Circuit. Judge Clifton went on to serve as an Adjunct Professor at the University of Hawaii School of Law, and also as a member of the state reapportionment commission.

Judge Clifton maintains his chambers in Honolulu, Hawaii.

SENIOR JUDGE JEROME FARRIS

President Carter appointed Judge Farris to the Ninth Circuit on September 26, 1979. On March 1, 1995, Judge Farris assumed Senior Judge status. Prior to his appointment, he was a Judge of the Washington State Court of Appeals from 1969-1976, serving as Chief Judge for the Washington State Court of Appeals from 1976-1979. Judge Farris also practiced law as a partner with the firm of Farris, Bangs & Horowitz from 1958-1969.

Judge Farris is the chairman of the Ninth Circuit Statistics Committee and a member of the Ninth Circuit Judicial Conference Executive Committee. Additionally, he is a member of the Appellate Judges Conference Delegate to the JAD Council. Judge Farris was a member of the Washington Child and Welfare Advisory Committee; the King County Youth Commission; and the King County Mental Health and Mental Retardation Board.

Judge Farris maintains his chambers in Seattle, Washington.

SENIOR JUDGE WARREN J. FERGUSON

President Carter appointed Judge Ferguson to the Ninth Circuit on November 26, 1979. Judge Ferguson assumed Senior Judge status on December 31, 1986. He graduated from the University of Nevada at Reno with a B.A. in 1942. After college, he served in the United States Army during World War II as a Master Sergeant, receiving the Bronze Star. Thereafter, he received an LL.B. from the University of Southern California in 1949.

Prior to his judicial appointment to the Ninth Circuit, Judge Ferguson served as City Attorney for seven cities in Southern California: Buena Park; Placentia; La Puente; Baldwin Park; Santa Fe Springs; Walnut; and Rosemead. In 1959, Judge Ferguson served as a Municipal Court Judge in Anaheim, California. In 1961, Judge Ferguson was appointed to the Orange County Superior Court. Then, in 1966, Judge Ferguson became a District Court judge for the United States District Court for the Central District of California.

Judge Ferguson was a member of the faculty of the Federal Judicial Center from 1968-1976. He is an Associate Professor of Psychiatry at the University of Southern California School of Medicine and also teaches courses at Loyola University School of Law. He is also currently a member of the California Bar Association; the Orange County Bar Association; and the American Bar Association.

Judge Ferguson maintains his chambers in Santa Ana, California.

SENIOR JUDGE FERDINAND F. FERNANDEZ

President Bush appointed Judge Fernandez to the Ninth Circuit in 1989. Judge Fernandez received his B.S. in 1958 and his J.D. in 1962 from the University of Southern California. After law school, he obtained an LL.M. from Harvard Law School in 1963.

Judge Fernandez practiced in the private sector from 1964-1980. He specialized in probate and estate planning; was a certified tax specialist; and occasionally handled criminal appellate cases.

From 1980-1985, Judge Fernandez served as a Judge for the San Bernardino Superior Court. Prior to his appointment to the Ninth Circuit, Judge Fernandez was a United States District Court Judge in California.

Judge Fernandez maintains his chambers in Pasadena, California.

JUDGE RAYMOND C. FISHER

President Clinton appointed Judge Fisher to the Ninth Circuit on October 21, 1999. Judge Fisher is a graduate of the University of California at Santa Barbara and Stanford Law School. After law school, Judge Fisher clerked from Supreme Court Justice William Brennan and Circuit Judge J. Skelly Wright of the United States Court of Appeals for the District of Columbia Circuit.

He practiced at Tuttle and Taylor in Los Angeles from 1968-1988, when he left to become a founding partner of Heller, Ehrman, White and McAuliffe. He served as president of the Los Angeles Police Commission in 1996, and as a Deputy General Counsel for the Independent Commission on the Los Angeles Police Commission. President Clinton appointed Judge Fisher to Associate Attorney General in 1997.

Judge Fisher maintains his chambers in Pasadena, California.

SENIOR JUDGE BETTY BINNS FLETCHER

President Carter appointed Judge Fletcher to the Ninth Circuit on September 26, 1979. On November 1, 1998, Judge Fletcher assumed Senior Judge status. Judge Fletcher graduated from Stanford University in 1943 with a B.A., and from the University of Washington School of Law in 1956 with an LL.B., Order of the Coif.

Judge Fletcher joined the Seattle firm Preston, Thorgrimson, Ellis & Holman in 1956. Judge Fletcher served as President of the Seattle-King County Bar Association, and as a member of the Washington State Bar Association. Judge Fletcher also served on the Board of Directors for the National Legal Aid and Defenders Association from 1973-1976. In 1972, she was appointed by Governor Dan Evans to the Washington State Women's Council. In 1974, Judge Fletcher served as Co-Chair for the Washington State Committee for Passage of the Equal Rights Amendment. From 1975-1978, she served on the Washington State Bar Association's Board of Governors. From 1978-1979, she was Trustee for the Northwest Women's Law Center.

Judge Fletcher maintains her chambers in Seattle, Washington.

JUDGE WILLIAM A. FLETCHER

President Clinton appointed Judge William Fletcher, son of Senior Judge Betty Fletcher, to the Ninth Circuit on October 9, 1998. Judge Fletcher received a B.A. from Harvard University and attended Oxford University as a Rhodes Scholar. He received his J.D. from Yale Law School in 1975.

Judge Fletcher clerked for United States District Court Judge Stanley Weigel and for United States Supreme Court Justice William Brennan, Jr. After his clerkships, Judge Fletcher became a law professor at the University of California at Berkeley, Boalt Hall School of Law in 1977 where he taught courses on constitutional law, civil procedure, and federal law. In 1992, Judge Fletcher received the University of California at Berkeley Distinguished Teaching Award.

Judge Fletcher maintains his chambers in San Francisco, California.

SENIOR JUDGE ALFRED T. GOODWIN

President Nixon appointed Judge Goodwin to the Ninth Circuit in November, 1971. Judge Goodwin assumed Senior Judge status on February 1, 1991. Judge Goodwin graduated from the University of Oregon with a B.A. in 1947 and a J.D. in 1951 (Order of the Coif). He served in the United States Army from 1942-1946.

He was a Circuit Judge for the Second Judicial District of Oregon from 1955-1960, an Associate Justice of the Oregon Supreme Court from 1960-1969, and a United States District Judge for the District of Oregon from 1969-1971. In 1977, he was appointed to the Judicial Conference Committee on Court Administration. He served as Chief Judge of the Ninth Circuit from 1988 until assuming senior status in 1991.

Judge Goodwin maintains his chambers in Pasadena, California.

JUDGE RONALD M. GOULD

President Clinton appointed Judge Gould to the Ninth Circuit on November 11, 1999. Judge Gould graduated from the University of Pennsylvania in 1968, and received his J.D. from the University of Michigan in 1973. After graduation, Judge Gould clerked from the Honorable Wade McCree of the United States Court of Appeals for the Sixth Circuit until 1974 and for United States Supreme Court Justice Potter Stewart from 1974-1975.

Since 1974, Judge Gould has practiced law with Perkins Coie, LLP in Seattle, Washington. Judge Gould was a visiting Professor at the University of Washington School of Law from 1986-1988, and a member of the Board of Governors, Washington State Bar Association, where he served as President from 1994-1995.

Judge Gould maintains his chambers in Seattle, Washington.

JUDGE SUSAN P. GRABER

President Clinton appointed Judge Graber to the Ninth Circuit on March 19, 1998. Judge Graber completed her undergraduate studies at Wellesley College in 1969 and received a J.D. from Yale Law School in 1972. After graduating from Yale Law School, Judge Graber practiced law as an Assistant Attorney General in the New Mexico Bureau of Revenue for two years. For the next fourteen years, she practiced in the private sector. She served as a Judge on the Oregon Court of Appeals from 1988-1990 and as an Associate Justice on the Oregon Supreme Court from 1990-1998.

Judge Graber is currently a member of the Death Penalty Habeas Corpus Rules Committee. Furthermore, she is a member of the Defense Advisory Committee on Women in the Services and a chair of the Rhodes Scholar Selection Committee for Oregon. In 1986, she was awarded the Founders Award from Pro Bono Service for the Northwest Women's Law Center.

Judge Graber maintains her chambers in Portland, Oregon.

SENIOR JUDGE CYNTHIA HOLCOMB HALL

President Reagan appointed Judge Hall to the Ninth Circuit on October 4, 1984. On August 31, 1997, Judge Hall assumed Senior Judge status. Judge Hall graduated from Stanford University with an A.B. in 1951, and an LL.B. in 1954. She served in the United States Naval Reserve from 1951-1953, attaining the rank of Lieutenant (junior grade). After graduation, she clerked for Ninth Circuit Judge Richard Chambers until 1955, when she returned to school to obtain her LL.M. in Taxation from New York University Law School.

She served as a trial attorney with the Justice Department's Tax Division from 1960-1964. She then served as an attorney-adviser in the Treasury Department's Office of Tax Legislative Counsel from 1964-1966. She helped to form the firm of Brawerman & Holcomb of Beverly Hills in 1966, where she practiced law until her first judicial appointment in 1972. Judge Hall served as a judge for the United States Tax Court from 1972-1981 and a judge for the United States District Court for the Central District Court for the Central District of California from 1981-1984.

Judge Hall maintains her chambers in Pasadena, California.

JUDGE MICHAEL DALY HAWKINS

President Clinton appointed Judge Hawkins to the Ninth Circuit on September 15, 1994. He received his B.A. in 1967 and J.D. in 1970 from Arizona State University, and an LL.M. from the University of Virginia in 1998. Judge Hawkins served in the United States Marine Corps from 1970-1973, attaining the rank of Captain. He joined the firm of Daughton, Feinstein and Wilson in 1973, where he practiced until 1976. He then served as U.S. Attorney in Phoenix from 1977-1980. After his tenure as U.S. Attorney, he returned to the private sector where he practiced until his appointment to the Ninth Circuit.

Judge Hawkins maintains his chambers in Phoenix, Arizona.

SENIOR JUDGE PROCTER HUG, JR.

President Carter appointed Judge Hug to the Ninth Circuit on September 15, 1977. He held the post of Chief Judge for the Ninth Circuit from March 1, 1996 until December 1, 2000. Judge Hug was born in Reno, Nevada on March 11, 1931. He served in the United States Navy from 1953-1955, attaining the rank of Lieutenant Junior Grade. In 1953, Judge Hug received a B.S. degree from the University of Nevada. In 1958 he received a J.D. from Stanford University.

After law school, Judge Hug returned to Reno and founded the law firm, Springer, McKissick & Hug. In 1963, he joined another Reno firm, Woodburn, Wedge, Blakey, Folsom & Hug, where he practiced until 1977. From 1969-1972, Hug held a position on the University of Nevada's Board of Regents. He later served as the University's general counsel. Judge Hug served as Deputy Attorney General from 1972-1976.

Judge Hug was the Nevada State Delegate to the American Bar Association's House of Delegates from 1971-1978, and served on the Board of Governors from 1976-1978. Additionally, he was the Director of the American Judicative Society from 1975-1978. In 1977, Judge Hug served one year on the National Judicial College Board of Directors. He was also a member of the University of Nevada's Medical School Board of Visitors. From 1980-1982, Judge Hug was a member of the Stanford Board of Visitors and a member of the American Law Institute, and chaired its Ninth Circuit Education Committee from 1983-1987. Since 1958, he has been a member of the American Bar Association and the Nevada State Bar Association.

Judge Hug maintains his chambers in Reno, Nevada.

JUDGE SANDRA S. IKUTA

President Bush appointed Judge Ikuta to the Ninth Circuit on November 6, 2006. Judge Ikuta graduated from the University of California at Los Angeles School of Law in 1988 after completing a Master of Science from Columbia University School of Journalism in 1978 and her undergraduate degree in 1976 from the University of California at Berkeley.

Governor Arnold Schwarzenegger appointed Judge Ikuta to be deputy secretary and general counsel of the California Resources Agency in January 2004. Prior to her political appointment Judge Ikuta was associated with the Los Angeles office of O'Melveny & Myers, becoming partner in 1997 after seven years. She previously served as a law clerk for United States Supreme Court Justice Sandra Day O'Connor, 1989-1990, and Judge Alex Kozinski of the United States Court of Appeals for the Ninth Circuit in 1988-1989.

JUDGE ANDREW J. KLEINFELD

President Bush appointed Judge Kleinfeld to the Ninth Circuit on September 16, 1991. Judge Kleinfeld graduated from Harvard Law School in 1969 after completing his undergraduate work at Wesleyan University. Prior to his judicial appointment to the Ninth Circuit, Judge Kleinfeld was a United States District Judge in Alaska. From 1971-1986, Judge Kleinfeld practiced in the private sector, specializing in insurance defense and personal injury litigation. He also served as a United States District Court Magistrate Judge for the Alaska District Court from 1971-1974.

Judge Kleinfeld maintains his chambers in Fairbanks, Alaska.

JUDGE ALEX KOZINSKI

President Reagan appointed Judge Kozinski to the Ninth Circuit on November 7, 1985. He attended the University of California at Los Angeles, where he received his B.A. in 1972 and his J.D. in 1975. Judge Kozinski clerked for Judge Anthony M. Kennedy of the Ninth Circuit from 1975-1976 and for Chief Justice Warren E. Burger of the United States Supreme Court from 1976-1977. He was the Managing Editor of the UCLA Law Review and a Volunteer Attorney for the Pacific Legal Foundation from 1978-1979. He also represented indigent clients in various civil and criminal matters in Washington D.C. from 1979-1981. He was the Deputy Legal Counsel for the Office of the President Elect from 1981-1982, the Assistant Counsel for the Office of Counsel to the President in 1981, and Special Counsel of the Merit Systems Protection Board from 1981-1982. From 1982-1985 Judge Kozinski was the Chief Judge of the United States Claims Court in Washington D.C.

Judge Kozinski maintains his chambers in Pasadena, California.

SENIOR JUDGE EDWARD LEAVY

President Reagan appointed Judge Leavy to the Ninth Circuit on March 23, 1987 and assumed Senior Judge status on May 21, 1997. He graduated from the University of Portland where he received a B.A. in 1950, and received an LL.B. from the University of Notre Dame in 1953.

Judge Leavy served as: District Court Judge for Lane County in Eugene, Oregon from 1957-1961; Circuit Judge for Lane County District Court from 1961-1976; United States Magistrate Judge from the United States District Court in Portland, Oregon from 1976-1984; and Judge for the United States District Court in Oregon from 1984-1987.

Judge Leavy maintains his chambers in Portland, Oregon.

JUDGE M. MARGARET MCKEOWN

President Clinton appointed Judge McKeown to the Ninth Circuit on April 8, 1998. She graduated from the University of Wyoming in 1972 with a B.A., and in 1975 earned a J.D. from Georgetown University. While at Georgetown, she clerked for Judge David Norman, Superior Court of the District of Columbia, Washington, D.C.

After graduation, Judge McKeown worked with the law firm of Perkins Coie from 1975-1988, first as an associate and eventually as a partner. Judge McKeown is an active member of the American Bar Association; American Bar Foundation; American Intellectual Property Law Association; American Law Institute; Corporate Council for the Arts; Executive Committee member; King County Bar Association; Washington Council on International Trade; Washington State Bar Association; Washington Women Lawyers; and White House Fellows Foundation, Board of Directors member.

Judge McKeown maintains her chambers in Seattle, Washington.

SENIOR JUDGE DOROTHY W. NELSON

President Carter appointed Judge Nelson to the Ninth Circuit in 1979. Judge Nelson assumed Senior Judge status on January 1, 1995. She received her B.A. in 1950 and her J.D. in 1953 from the University of California at Los Angeles. In 1956, she received an LL.M. from the University of Southern California. Judge Nelson is a member of Phi Beta Kappa and Order of the Coif.

Upon being admitted to practice law in California in 1954, Judge Nelson began her career at the University of Southern California as a Research Associate Fellow. She continued to work for the University as an Instructor in 1957; Assistant Professor from 1958-1961; Associate Professor from 1961-1967; Associate Dean from 1965-1967; Professor in 1967; and Dean from 1967-1980. In 1967, Judge Nelson was named Law Alumnus of the Year by University of California.

Judge Nelson maintains her chambers in Pasadena, California.

SENIOR JUDGE THOMAS G. NELSON

President Bush appointed Judge Nelson to the Ninth Circuit on October 17, 1990. After graduating from the University of Idaho Law School in 1962, Judge Nelson served in the Idaho Air National Guard from 1962-1968.

Judge Nelson served as an Assistant Attorney General for the State of Idaho from 1963-1965. In 1965, he joined the firm of Parry, Robertson and Daly in Twin Falls, where he practiced until 1979. He then practiced with Nelson, Rosholt, Robertson, Tolman and Tucker until his appointment to the Ninth Circuit in 1990.

Judge Nelson maintains his chambers in Boise, Idaho.

SENIOR JUDGE JOHN T. NOONAN, JR.

President Reagan appointed Judge Noonan to the Ninth Circuit on December 17, 1985. He assumed Senior Judge status on December 27, 1996. Judge Noonan graduated from Harvard University with a B.A. in 1946, and an LL.M. in 1954. During that time he attended Catholic University of America where he received an M.A. in 1949, followed by a Ph.D. in 1951. Judge Noonan served on the National Security Council Special Staff in 1954-1955, and practiced with Herrick and Smith in Boston, Massachusetts from 1955-1960. He also served as Chairman for the Brookline Redevelopment Authority from 1958-1962, was a member of the Presidential Commission on Population and the American Future in 1972; a consultant for the National Institute of Health in 1973; and a consultant for the National Endowment for the Humanities from 1973-1975.

Judge Noonan was a Professor of Law at the University of California at Berkeley, Boalt Hall School of Law from 1966-1985. He was also a Professor of Law at Notre Dame University School of Law, and a Visiting Professor of Law at Harvard University, Stanford University, Hastings College of the Law, UCLA School of Law, and Southern Methodist University.

Judge Noonan maintains his chambers in San Francisco, California.

JUDGE DIARMUID F. O'SCANNLAIN

President Reagan appointed Judge O'Scannlain to the Ninth Circuit on September 1, 1986. Judge O'Scannlain received a B.A. from St. John's University in 1957, a J.D. from Harvard Law School in 1963, and an LL.M. from the University of Virginia Law School in 1992.

Prior to his appointment to the appellate bench, Judge O'Scannlain served as Deputy Attorney General, Oregon State Department of Justice from 1969-1971; Commissioner of the Public Utility Commission of Oregon from 1971-1973; and Director of the Oregon State Department of Environmental Quality in Portland from 1973-1974. He was also the Chairman of the Advisory Panel to the United States Secretary of Energy from 1983-1985. He is a member of the American Bar Association, the Federal Bar Association, the National Republican Lawyer's Association, and the United States District Court of Oregon Historical Society.

Judge O'Scannlain maintains his chambers in Portland, Oregon.

JUDGE RICHARD A. PAEZ

Judge Paez was nominated to the Ninth Circuit by President Clinton on January 25, 1996, and confirmed by the Senate on March 9, 2000. Judge Paez graduated from Brigham Young University in 1969, and received a J.D. from the University of California at Berkeley, Boalt Hall School of Law in 1972.

After law school, Judge Paez spent several years in the public interest sector with, California Rural Legal Assistance from 1972-1974, the Legal Aid Foundation of Los Angeles from 1974-1976, and as the litigation director for the Western Center on Law and Poverty in Los Angeles from 1976-1981. In 1981, he was appointed to the Los Angeles Municipal Court. In 1994, President Clinton appointed him to the United States District Court for the Central District of California, where he served until his appointment to the Ninth Circuit.

Judge Paez maintains his chambers in Pasadena, California.

JUDGE HARRY PREGERSON

President Carter appointed Judge Pregerson to the Ninth Circuit on October 31, 1979. He completed his undergraduate studies at University of California at Los Angeles in 1947, and in 1950, received an LL.B. from University of California at Berkeley, Boalt Hall School of Law. Judge Pregerson earned a Purple Heart on Okinawa while in the Marine Courts, in which he served from 1944-1946.

Judge Pregerson practiced in the private sector with William Costley in Van Nuys, California from 1953-1965. He has served as a Municipal and Superior Court judge in Los Angeles, 1965-1967, and as a District Court Judge for the Central District of California from 1967 until his appointment to the Ninth Circuit in 1979. Judge Pregerson serves as an advisor to Toys for Tots, Childhelp USA, Jewish Big Brothers, the Salvation Army and many other charities.

Judge Pregerson maintains his chambers in Woodland Hills, California.

JUDGE JOHNNIE B. RAWLINSON

President Clinton appointed Judge Rawlinson to the Ninth Circuit on July 26, 2000. With this appointment, Judge Rawlinson is the first African-American woman to serve on the Ninth Circuit Court of Appeals.

Judge Rawlinson graduated summa cum laude in 1974 from North Carolina AT&T State University, where she received a B.S. in Psychology. In 1979, she graduated from the University of Pacific McGeorge School of Law, with distinction.

Prior to taking the bench, Judge Rawlinson spent 18 years with the Office of the District Attorney. First, she served as deputy district attorney from 1980-1989; then as chief deputy district attorney, from 1989-1995; and finally as assistant district attorney, where she supervised the Civil, Family Support and Administrative divisions, from 1995-1998. Since 1998, Judge Rawlinson has been a United States district court judge for the district of Nevada.

In addition to being a member of the National Bar Association, Judge Rawlinson is a member of the Clark County Bar Association, the Southern Nevada Association of Women Attorneys, the State Bar of Nevada, and the Just the Beginning Foundation, an organization that documents the achievements of African-American judges on the federal bench.

Judge Rawlinson maintains her chambers in Las Vegas, Nevada.

JUDGE STEPHEN REINHARDT

President Carter appointed Judge Reinhardt to the Ninth Circuit on September 11, 1980. Judge Reinhardt received a B.A. from Pomona College in 1951, and an LL.B. from Yale University in 1954. From 1954-1956, he held the rank of First Lieutenant in the United States Air Force.

Judge Reinhardt practiced law with the Los Angeles firm Fogel, Julber, Reinhardt and Rothschild from 1960-1980. He served on the United States Commission on Civil Rights from 1962-1973; as President of the Los Angeles Recreation and Parks Commission from 1974-1975 and the Los Angeles Police Commission from 1975-1978. From 1979-1984, he was a member of the Olympic Organizing Committee for the 1984 Olympic Games in Los Angeles. From 1984 to the present, Judge Reinhardt has been a member of the Board of Directors for the Amateur Athletic Foundation.

Judge Reinhardt maintains his chambers in Los Angeles, California.

JUDGE PAMELA ANN RYMER

President Bush appointed Judge Rymer to the Ninth Circuit on May 22, 1989. She graduated from Vassar College with a B.A. in 1961, and an LL.B. from Stanford University in 1964. She practiced with the firm of Lillick, McHose, Wheat, Adams & Charles in Los Angeles from 1966-1975. She left the firm in 1975 to begin her own law firm, Toy & Rymer, specializing in antitrust and general business litigation. In 1983, she was appointed by President Reagan to the United States District Court for the Central District of California where she served until 1989.

She was appointed to the California Postsecondary Education Commission by then-Governor Ronald Reagan in 1974 and was re-appointed by Governor Jerry Brown in 1979. From 1980-1984 she served as chair. Since 1985, she has served as a member of the Board of Directors of the Constitutional Rights foundation; member of the Stanford University Law School Board of Visitors; and is a faculty member of the National Judicial College.

Judge Rymer maintains her chambers in Pasadena, California.

JUDGE BARRY G. SILVERMAN

President Clinton appointed Judge Silverman to the Ninth Circuit on February 2, 1998. Judge Silverman attended Arizona State University where he received a B.A. in 1973, and his J.D. in 1976. He was the Assistant City Prosecutor in Phoenix, Arizona from 1976-1977; Deputy City Attorney from 1977-1979; and the Maricopa County Superior Court Commissioner from 1979-1984. Additionally, he served as a Superior Court Judge in Arizona from 1984-1995. From 1995-1997, he held the position of Magistrate Judge for the United States District Court in Arizona.

Judge Silverman is a member of the State Bar of Arizona, the Maricopa County Bar Association, and the Law Society of the Arizona State University. His honors include: the Henry Steven Award, Maricopa County Bar Association in 1991; the Award for Excellence as a Jurist, Family Law Committee, Maricopa County Bar Association in 1994; and the Outstanding Alumnus Award, Arizona State University in 1995.

Judge Silverman maintains his chambers in Phoenix, Arizona.

SENIOR JUDGE OTTO R. SKOPIŁ

President Carter appointed Judge Skopil to the Ninth Circuit on September 25, 1979. He assumed Senior Judge status on January 1, 1986. Judge Skopil graduated from Willamette University with a B.A. in 1941, and an LL.B. in 1946. He served in the United States Naval Reserve from 1942-1947.

Judge Skopil practiced with Skopil & Skopil from 1946-1951, and with Williams, Skopil, Miller, Beck & Wyllie from 1951-1972. Additionally, he served as United States District Judge from the District of Oregon from 1972-1979, acting as Chief Judge from 1976-1979.

Judge Skopil served on the Board of the Federal Judicial Center in 1979. He has served on the Judicial Conference Committee on the Administration of the Federal Magistrates System and the Advisory Committee on Civil Rules. He currently chairs the Long-Range Planning Committee of the Judicial Conference of the United States.

Judge Skopil maintains his chambers in Portland, Oregon.

JUDGE MILAN D. SMITH, JR.

President Bush appointed Judge Smith to the Ninth Circuit on November 10, 2006. Judge Smith received his J.D. from the University of Chicago Law School in 1969 and his undergraduate degree from the Brigham Young University, graduating cum laude in 1966.

In 1972 Judge Smith helped found the firm of Smith Crane Robinson & Parker LLP in Torrance, California. He had been managing partner of the firm prior to his appointment and specialized in transactions in corporate, real estate, and secured financing law. He began his legal career with O'Melveny & Myers in Los Angeles, where he was an associate from 1969 to 1972. Judge Smith is the brother of United States Senator Gordon Smith of Oregon.

SENIOR JUDGE JOSEPH T. SNEED

President Nixon appointed Judge Sneed to the Ninth Circuit on July 25, 1973. He assumed Senior Judge status on June 21, 1987. Judge Sneed completed his undergraduate work at Southwestern University in 1941. He received an LL.B. from the University of Texas in 1947, and a S.J.D. in judicial studies from Harvard University Law School in 1958. Judge Sneed was awarded an honorary LL.D. from Southwestern University in 1968. He also served in the United States Army as a Staff Sergeant from 1942-1946.

Judge Sneed served as an assistant, associate and Professor of Law at the University of Texas School of Law from 1947-1957, Professor of Law at Cornell University from 1957-1962, Professor of Law at Stanford University from 1962-1971, and as Dean at Duke University from 1971 until his appointment to the Ninth Circuit in 1973. He is a member of the Select Committee on Supreme Court Procedures of the California Supreme Court, the American Bar Association, the Association of American Law Schools, and the New York State and Texas State Bars.

Judge Sneed maintains his chambers in San Francisco, California.

JUDGE RICHARD C. TALLMAN

President Clinton appointed Judge Tallman to the Ninth Circuit on May 25, 2000. Judge Tallman graduated from the University of Santa Clara, California and from Northwestern School of Law, where he was executive editor of the law review.

After law school, Judge Tallman clerked for United States District Judge Morell E. Sharp in the Western District of Washington. Following this clerkship, Judge Tallman worked in the criminal division of the United States Department of Justice in Washington, D.C., as a trial attorney and was later transferred to Seattle as an Assistant U.S. Attorney. In 1983, he entered private practice and served as an associate and later as a partner at Schweppe, Krug, Tausend & Beezer in Seattle. In 1990, he joined Bogle and Gates as chairman of its white collar criminal defense practice group. In 1999, he and attorney Linda Severin founded the firm of Tallman and Severin, which specializes in white collar criminal defense and complex federal commercial litigation.

Judge Tallman sits on the executive board of the Chief of Seattle Council of the Boy Scouts of America. He has also served as chairman of the Edmonds Community College Foundation Board and general counsel to the Seattle-King County Crimestoppers. Judge Tallman is a member of the Federal Bar Association and served as its president in 1995. From 1996-1997, he chaired the Western District of Washington lawyer representatives to the Ninth Circuit Judicial Conference.

Judge Tallman maintains his chambers in Seattle, Washington.

SENIOR JUDGE A. WALLACE TASHIMA

President Clinton appointed Judge Tashima to the Ninth Circuit on January 4, 1996. He received his B.A. from the University of California at Los Angeles in 1958 and earned an LL.B. degree from Harvard University School of Law in 1961. Judge Tashima served as a Sergeant in the United States Marine Corps in Korea from 1953-1956.

Prior to his appointment to the Ninth Circuit, President Carter appointed Judge Tashima to the United States District Court for the Central District of California where he served from 1980-1995. Before his time on the bench, Judge Tashima practiced law in the Los Angeles office of Morrison & Foerster from 1977-1980.

Judge Tashima maintains his chambers in Pasadena, California.

JUDGE SIDNEY R. THOMAS

President Clinton appointed Judge Thomas to the Ninth Circuit on January 4, 1996. He completed his undergraduate studies at Montana State University in 1975 and received a J.D. from the University of Montana in 1978.

Judge Thomas practiced law with the firm of Moulton, Bellingham, Longo and Mather from 1978 until his appointment to the Ninth Circuit. He has served as an adjunct instructor at Rocky Mountain College from 1982-1995. His honors include the Governor's Award for Public Service in 1978 and the Rocky Mountain College Outstanding Faculty Award in 1988. He currently serves on the Executive Committee, the Ninth Circuit Judicial Conference, and the Executive Committee, Ninth Circuit.

Judge Thomas maintains his chambers in Billings, Montana.

SENIOR JUDGE DAVID R. THOMPSON

President Reagan appointed Judge Thompson to the Ninth Circuit on December 17, 1985. On December 31, 1998, Judge Thompson assumed senior status. He graduated from the University of Southern California, where he completed both a B.S. in 1952, and an LL.B. in 1955. Judge Thompson served in the United States Navy from 1955-1957. Prior to his appointment, Judge Thompson was a member of the firms, Colton, Thompson and Thompson from 1957-1965, and Thompson & Thompson, from 1965 until his appointment to the Ninth Circuit in 1985.

Judge Thompson has held academic positions at the University of Santa Clara Law School and taught for the International Law Studies Program at Strasbourg. In 1991, Judge Thompson founded the Judges in the Classroom program that introduces federal judges as speakers in San Diego city schools. Judge Thompson is Chairman of the National Judicial Conference Committee on the Administration of the Bankruptcy System in the United States, and the former Chairman of the Ninth Circuit Death Penalty Committee and Capital Case Coordinator for the Ninth Circuit, from 1993-1996.

Judge Thompson maintains his chambers in San Diego, California.

SENIOR JUDGE STEPHEN S. TROTT

President Reagan appointed Judge Trott to the Ninth Circuit on March 25, 1988. He received a B.A. in 1962 from Wesleyan University, and an LL.B. in 1965 from Harvard University School of Law.

From 1961-1983, Judge Trott served as United States Attorney in Los Angeles, California. In 1983, he served as chief of the United States Department of Justice's Criminal Division. He became the Associate Attorney General in 1986.

Judge Trott is a member of the faculty of the National College of District Attorneys; the former chairman of the Central District of the Law Enforcement Coordinating Committee; and the former coordinator of the Los Angeles-Nevada Drug Enforcement Task Force.

Judge Trott maintains his chambers in Boise, Idaho.

SENIOR JUDGE J. CLIFFORD WALLACE

President Nixon appointed Judge Wallace to the Ninth Circuit on June 28, 1972. Judge Wallace assumed senior status on April 8, 1996. He received a B.A. from San Diego State University in 1952, and an LL.B. from the University of California at Berkeley, Boalt Hall School of Law in 1955. He served as a Second Class Petty Officer in the United States Navy from 1946-1949.

After law school, Judge Wallace practiced with Gray, Cary, Ames and Frye in San Diego from 1955 until 1970, when he began his service as a United States District Court Judge for the Southern District of California, serving until his appointment to the Ninth Circuit in 1972.

Judge Wallace served on the Judicial Conference Subcommittee on Federal Jurisdiction from 1975-1976; the Committee to Consider Standards for Admission to Practice in the Federal Courts from 1976-1979; and the Committee on the Judicial Branch. Judge Wallace served as Chief Judge of the Ninth Circuit from 1991 until 1996, when he assumed senior status.

Judge Wallace maintains his chambers in San Diego, California.

JUDGE KIM McLANE WARDLAW

President Clinton appointed Judge Wardlaw to the Ninth Circuit on August 3, 1998. She graduated with an A.B. from the University of California at Los Angeles in 1976, and with a J.D. in 1979.

After law school, she clerked for the Honorable W. Gray, United States District Court Judge for the Central District of California until 1980, when she joined O'Melveny & Myers in Pasadena, California. From 1995 until her appointment to the Ninth Circuit in 1998, she served as a United States District Court Judge for the Central District of California.

Judge Wardlaw maintains her chambers in Pasadena, California.