

FILED
Mar 18, 2015
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

IN RE:)
)
AMENDED PLAN FOR THE SELECTION)
OF LAWYER REPRESENTATIVES TO THE)
NINTH CIRCUIT JUDICIAL CONFERENCE)
)
_____)

GENERAL ORDER NO. 557

This Order supersedes General Order 136 filed June 27, 1983.

Section 2 of the "Order of the Judicial Council of the Ninth Circuit Regarding the Purpose, Organization, and Procedures of the Judicial Conference of the Ninth Circuit," adopted December 12, 1978, as subsequently amended from time to time, provides for the composition of the conference and for the number and selection of lawyer representatives (Current version attached). Pursuant to this order, the judges of the Eastern District of California adopt the following plan for selection of Lawyer Representatives to the Ninth Circuit Judicial Conference.

1. **Term of Appointment:** Lawyer representatives shall be appointed for terms of three (3) years, such appointment to occur within ninety (90) days following the last day of the annual summer meeting of the Conference, effective January 1, of the following year. A lawyer representative shall not be eligible for reappointment until at least one year after the expiration of his/her term.

2. Method of Nomination.

(a) Not later than thirty (30) days following the last day of the annual summer meeting of the Conference, the Sacramento Chapter of the Federal Bar Association and the San Joaquin Chapter of the Federal Bar Association shall submit to the Chief Judge of the district a list of nominees, approximately three times larger than the total number of lawyer representatives to be selected, for appointment to the vacancies which will occur in the ensuing year.

(b) All such persons nominated by local bar associations shall meet the following requirements:

(1) Be currently engaged in active practice in the federal courts of this district;

(2) Be interested in the purposes and work of the Conference and be willing and agree to contribute actively thereto;

(3) Be willing to assist in implementing Conference programs with their local bar associations.

(c) Each nomination by a local bar association shall be accompanied by a brief resume of the person including a statement of his or her qualifications for the position.

3. Method of Appointment.

(a) Appointment of new lawyer representatives shall be made annually by a committee consisting of all the active judges in the district, by majority vote, from those persons nominated by local bar associations as provided in Section 2 above.

(b) In making such appointments, the judges will select delegates from counties served by the Sacramento and Fresno Divisions so as to maintain the same ratio of such delegates

to the total delegation as the ratio of authorized active district judges sitting in Sacramento and Fresno bear to the total number of authorized active district judges in the district.

(c) In the event the local bar associations fail to nominate a sufficient number of qualified persons to fill the vacancies for a given year, the judges of the court, on their own nominations, may fill such vacancies, in doing so, the judges shall observe the criteria set forth in Section 2(b) above.

(d) Immediately upon the selection and appointment of the new lawyer representatives each year, the Chief Judge shall cause the names and addresses of such appointees to be delivered to the Ninth Circuit Executive.

IT IS SO ORDERED.

Date: March 18, 2015


MORRISON C. ENGLAND, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT

**Order of the Judicial Council of the Ninth Circuit Regarding the Purpose,
Organization and Procedures of the Judicial Conference of the Ninth Circuit**

Section 2 Composition of the Conference

2. Composition of the Conference

- a. The circuit conference shall be composed of the following members:
 - (1) All active and senior circuit and district judges in the Ninth Circuit.
 - (2) All bankruptcy judges in the Ninth Circuit and all recalled bankruptcy judges serving at the time of the conference.
 - (3) All full-time magistrate judges in the Ninth Circuit and all recalled full-time magistrate judges serving at the time of the conference.
 - (4) Lawyer representatives in the following categories:
 - (a) The United States Attorney from each district and the Federal Public Defender or community defender from each district having one;
 - (b) Lawyers serving on the Executive Committee of the Conference who are not otherwise members of the conference; and
 - (c) Lawyer representatives, apportioned among the districts of the circuit in proportion to the authorized active district judgeships in the district, according to the following formula: (# of active authorized judgeships) multiplied by (1.28) = # of lawyer representatives (round up .5 and above); and
 - (d) Lawyers serving on the Senior Advisory Board.

- b. Where selection is required in section 2.a hereof, conference members shall be selected as follows:
 - (1) Lawyer representatives from the category described in subsection a(4) (c) shall be selected within 90 days after the beginning of the conference year according to the criteria set forth in section 2.c and by means of one of the following procedures:
 - (a) The bar in the district shall nominate to a committee of judges within the district a number of proposed lawyer representatives approximately three times larger than the number to be selected, and the committee of judges shall select the lawyer representatives for that district from the names so submitted.
 - (b) A committee of judges within the district shall nominate to the bar within the district a number of lawyer representatives approximately three times larger than the number to be selected, and the bar shall select the lawyer representatives for that district from among the names so submitted.
 - (c) Any alternative procedure which better meets the needs of the individual district so long as that system adheres to the principle that the lawyer representatives shall represent the attorneys rather than

the judges. Any such alternative procedure must have prior approval of the Executive Committee.

- (d) The word "bar" as used in this subsection, 2.b(1)(a), means an association or associations of attorneys formed by attorneys for the purpose other than selection of lawyer representatives pursuant to these bylaws. Such association or associations, taken singly or collectively, shall be representative of the attorneys practicing in the federal courts of that district.
- (e) The committee of judges referred to in subsections 2.b.(1)(a) and (b) would ordinarily be composed of two district judges of the district from which the representative is to be chosen and one circuit judge residing in, or closest to, that district.
 - (i) The district judges should be chosen by the chief judges of the respective district courts.
 - (ii) The circuit judge should be chosen by the circuit administrative judge for that administrative unit. Circuit judges are selected for a three-year term which may be extended. The new participating circuit judge shall be appointed by January 1.
 - (iii) The circuit executive, as Secretary to the Judicial Conference, shall be informed of the members of the selection committee.

- (2) Lawyers from the category described in subsection (4)(d) shall be selected to fill staggered three year terms through the following procedure:
 - (a) Three senior lawyers shall be selected from each administrative unit of the court of appeals;
 - (b) The chairs of the lawyer representative delegations in the administrative unit shall nominate a slate of three names of senior lawyers from the unit for each vacancy and shall submit them to the Conference Executive Committee;
 - (c) The Conference Executive Committee shall select the lawyers for the Senior Advisory Board from the names so submitted.

c. Criteria for the selection of lawyer representatives invited pursuant to subsection 2.a.(4)(c) are that each representative shall be:

- (1) A lawyer admitted to practice in the district court and actively involved in federal practice.
- (2) A lawyer interested in the purposes and work of the conference.
- (3) A lawyer willing and able to contribute actively to the purposes and work of the conference.
- (4) A lawyer willing to assist in implementing conference programs with the local bar.
- (5) A lawyer who, together with others selected, will constitute a fair cross section of practitioners before the federal courts of the district. The selection committee should consider the gender, ethnic, racial, and religious

diversity and the diverse geographic and practice backgrounds of those who practice before the federal courts.

d. Lawyer representatives shall serve as members for three-year terms. A number equaling as nearly as possible one-third (1/3) of the lawyer representatives from each district shall be appointed each year. A lawyer representative (except as designated in subsection 2.a(4)(a)) shall not serve as such for more than three consecutive years, nor be eligible for further service in such capacity until the expiration of one full conference year following the end of his or her prior term. Lawyer representatives who have completed their terms shall continue to serve as ex-officio members of the district's lawyer representatives delegation for a period of two years following completion of their three year terms. As ex-officio members, they shall have the right and duty to participate in all respects in meetings among the representatives and judges, other than attending the Conference. Ex-officio members are not eligible to attend the Conference in that capacity except as an alternate for a lawyer representative unable to attend.

e. Each member of the conference shall have one vote upon matters considered by the conference.

- (1) Judges and lawyer representatives shall vote separately on conference resolutions.
- (2) A resolution is deemed "passed" by the conference when a majority of the judges voting separately and a majority of the lawyer representatives voting separately vote in favor of its passage.

f. The Executive Committee, upon consultation with the chief circuit judge, may in its discretion invite attendance at the conference by other persons, who shall be non-voting attendees.