
The Bencher[®]

THE MAGAZINE OF THE AMERICAN INNS OF COURT[®]

Ideas and Examples of suitable “Inn the News” submissions for *The Bencher*

Inns are invited to submit Inn-related news items for inclusion in the “Inn the News” section of *The Bencher*. Recommended word count is 350 words or less. Longer articles will be considered, but may be subject to substantial editing. Inns are also encouraged to submit photos related to their news item(s). Please refer to the photo and image submission guidelines below. **Please note that *The Bencher* does not publish “congratulatory” news.**

Photographs and Images: Please submit “.jpg” or “.tif” files with a minimum resolution of 300 dpi (high-resolution). Head shots should be 300 dpi and at least 2”x3”. **Please note that photos and images posted or saved from the internet are low resolution and not suitable for commercial printing.** Original photographic prints are accepted, but will not be returned.

News about a jointly sponsored program. . .

George Mason American Inn of Court Co-Hosts “Color of Justice” Program for Local Minority High School Students

On Saturday, March 17, 2012, the George Mason American Inn of Court of Arlington, Virginia, co-sponsored a “Color of Justice” program in conjunction with the Hispanic Bar Association of Virginia, the Northern Virginia Black Attorney’s Association, the Virginia Women Attorneys’ Association, the Asian Pacific Bar Association, the Fairfax Young Lawyers Division, the Alexandria Young Lawyers Division, and the George Mason University School of Law. The program was coordinated by Judge Michael Rosas of the National Labor Relations Board. This was the Inn’s first year as a co-sponsor.

Developed by the National Association of Women Judges, the purpose of the “Color of Justice” program is to reach out to minority high schools students to encourage them to consider legal and judicial careers. Over one hundred students from high schools in Northern Virginia and the District of Columbia attended the program held at the Fairfax County Juvenile & Domestic Relations Court. During the full-day seminar, the students heard from a diverse group of judges, lawyers, and law students and participated in a mock trial. Many of the lawyers actively participating in the program were members or alumni of the Mason Inn.

The keynote address was delivered by Judge Gerald Bruce Lee of the U.S. District Court for the Eastern District of Virginia, a past president of the Inn. A mock criminal trial was held next, which featured Judge Nolan Dawkins of the Alexandria Circuit Court, as the presiding judge, and Daniel Lopez and Darwyn Easley as the prosecutor and defense attorney respectively. After the trial, the assemblage of judges, lawyers, and students broke into nine judge-led discussion groups. During the small group discussions, the high



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school students were encouraged to ask questions about the trial, the evidentiary rules, and courtroom protocol. Then they were asked to deliberate the fate of the defendant, a high school student charged with assaulting a school resource officer.

The final event was a judicial panel, moderated by Mason Inn past president Judge Teena Grodner of the Fairfax Juvenile & Domestic Relations Court. Judge Gayl Carr of the same court also took part in the panel, along with judges from the EEOC, Military and Immigration courts. The judges discussed and shared their unique paths to the bench.

The “Color of Justice” is an extraordinary outreach program that promotes equality of opportunity. It affords Inn members and alumni the ability to share their passion for the law with young people who might not otherwise have envisioned themselves as lawyers and judges. ♦

News about a special Inn project. . .

The Earl Warren American Inn of Court

In June 2012, the Earl Warren American Inn of Court in Oakland, California, launched a film interview series called *Inn Conversation*.

The first installation, *Inn Conversation with the Honorable D. Lowell Jensen, a Mentor to Us All*, is an interview with the senior federal judge in which he shares his experience as local prosecutor, deputy U.S. attorney general, and federal judge. He comments on the ethical role of prosecutors and teaches by example as he discusses his distinguished career.

The film also features interviewer Jules Bonjour, Esq., a co-founder and past president of the Warren Inn, who is a stalwart advocate and longtime member of the California criminal defense bar. Together, the two jurists provide a mesmerizing account of the region's rich legal history.

The idea for a film series stemmed from the recognition that Inns should take steps to preserve the knowledge, wisdom, and experience of its Masters and alumni. More than a teaching tool, the film turned out to be of great historical value to the legal profession.

Jensen was a California prosecutor who led his office through the turbulent 1960s and 1970s. It was his job to navigate institutional responses to unprecedented social movements involving free speech, war protests, and the Black Panthers. He also dealt with national headline cases involving the Symbionese Liberation Army and the Chowchilla school bus kidnapping. Sixteen years ago, Jensen and other local leaders of the court and bar met to form a group that would become the Earl Warren American Inn of Court.

In 2000, Jensen received the Lewis F. Powell Jr. Award from the American Inns of Court for Professionalism and Ethics.

An edited version of the film was presented to members at the Inn's June dinner. Plans for the second installment have already begun. ♦



Judge D. Lowell Jensen

News about an annual or special Inn award presentation. . .

The Tampa Bay Inn of Court

The Tampa Bay American Inn of Court in Tampa, Florida, presented Judge Ralph C. Stoddard with the Inn's 2012 Abraham Lincoln Award. The annual award is given to the member who best exemplifies the goals of the Inn in promoting legal excellence, civility, professionalism, and ethics in the practice of law.

Judge Stoddard joined the Tampa Bay Inn of Court in 2005 and has been an active member and officer of the Inn. He has served as a circuit judge since 1997 and teaches trial advocacy as an adjunct professor at Stetson University College of Law. The award includes a contribution to the Hillsborough County Bar Association Foundation, which supports and promotes programs and projects that assist the poor and disadvantaged with their legal needs and educates the public about the legal system.

Judge Stoddard's name will be placed on the Lincoln Award plaque in the lobby of the Chester H. Ferguson Law Center, and a brick in his name will be placed in the commemorative brick walkway outside the Law Center. ♦



Members of the Tampa Bay AIC are, from left to right, Judge Claudia Isom, a past president; Judge Emmett L. Battles, president; J. Meredith Wester, treasurer; Judge Ralph C. Stoddard, 2012 Abraham Lincoln Award recipient; Brian Oblow, secretary; David Banker, executive director; and Judge Lisa Campbell, immediate past president.

News about a special Inn guest...

Intellectual Property Inns host Chief Judge Randall R. Rader

Some familiar names in the IP community joined together on March 16, 2012 in Los Angeles to host Chief Judge Randall R. Rader of the U.S. Court of Appeals for the Federal Circuit. The Judge Paul R. Michel IP Inn of Los Angeles, California, and the Richard Linn Inn of Chicago, Illinois, hosted Rader and judges from the U.S. District Court for the Central District of California for a luncheon.

In his remarks, Rader spoke of his experiences in leading numerous different legal delegations to various countries to share skills and procedures in enforcing intellectual property rights and compared the systems of the various countries, pointing out the benefits of the U.S. Patent Laws and legal system. All this was tempered with the admonition that attention should be given to efforts to keep the cost of litigation within the reach of innovators.

All agreed this was an outstanding joint meeting of geographically separated Inns, giving an opportunity for leaders in the IP community to come together and share thoughts on the practice of patent law at the trial and appellate level. ♦



Chief Judge Randall R. Rader, U.S. Court of Appeals for the Federal Circuit; Brian Arnold, president of the Los Angeles Intellectual Property Law Association; Judge Andrew J. Guilford, U.S. District Court for the Central District of California; and Vern D. Schooley, president of the Judge Paul R. Michel IP Inn.

News about a special Inn guest...

Justice Major B. Harding American Inn of Court



The Justice Major B. Harding American Inn of Court in Stuart, Florida hosted Judge Kelly J. McKibben of the Eighteenth Judicial Circuit Court in Brevard County, Florida, at the Inn's May 9 meeting. In the photo above are, from left to right, George W. Bush, Esq.; Judge William L. Roby; Judge Lawrence M. Mirman; Preethi Sekharan, Esq.; Judge Kelly J. McKibben; Inn president Jennifer Alcorta Waters, Esq.; Nita Denton, Esq.; Raymond G. Robison, Esq.; Richard Levenstein, Esq.; Judge Mark W. Klingensmith; Robert J. Watson, Esq.; Judge Robert E. Belanger; and Noel A. Bobko. Esq.

News about Inn community service...

The Temple American Inn of Court



The Temple AIC of Philadelphia, Pennsylvania, spent Sunday, May 6, 2012, as a Day of Service at the Ronald McDonald House in West Philadelphia. Participants included, from left to right, Harry Sher, Esq.; Diane Sher, Esq.; Ken Carobus, Esq.; Judge M. Faith Angell; Don Davis, Esq.; Noel Davis; Elizabeth Mattioni, Esq.; Beatrice Raccanello, Esq.; Scott P. Sigman, Esq.; Judge Sandra Mazer Moss; Paul Weiner, Esq., Inn president; Carson Morris, Esq.; William Dean; and Tamara Wible, Esq.

News about an annual or special Inn award presentation. . .



W. Edward Sell AIC members are, from left to right, Charles A. DeMonaco, Esq., Inn president; Paul F. Laughlin, Esq.; and Kenneth J. Witzel, Esq., Inn vice president.

W. Edward Sell American Inn of Court

At a dinner meeting of the W. Edward Sell American Inn of Court in Pittsburgh, Pennsylvania, Attorney Paul F. Laughlin was presented with the Sell Inn's 2012 Eric W. Springer Professionalism Award. The award is named in honor of long-time Inn member Eric W. Springer. Laughlin, a Master of the Bench, was recognized for serving as a mentor to and being a good role model for other Inn members, as well as his contributions to the Inn over the years. He is the third recipient of the award, which recognizes a member of the Sell Inn whose life and practice display sterling character, unquestioned integrity, and an ongoing dedication to the highest standards of the legal profession and the rule of law. ♦

News about a monthly Inn program meeting. . .

The Richard Linn American Inn of Court



Audience members enjoy a presentation titled "Ethics: Difficult Depositions" at the February meeting of the Richard Linn AIC, in Chicago, Illinois.

At the February meeting of the Richard Linn American Inn of Court in Chicago, Illinois, members were presented with a program titled "Ethics: Difficult Depositions." The pupillage group acted in three vignettes demonstrating the trials and tribulations of working with, deposing, and defending a witness whose memory of facts and figures is somewhat questionable. In between the vignettes, members were shown video clips of particularly egregious deposition behavior both by lawyers and witnesses.

Judicial Counselor Judge Matthew Kennelly presided over a discussion of the dos and don'ts involved in the facts that arose out of the story presented and of a cross-examination. The presentation encouraged much contemplation and discussion from Inn members. The meeting concluded with a reception. ♦

News about an Inn receiving recognition from the legal community. . .

James C. Cawood, Jr. American Inn of Court

At the April meeting of the James C. Cawood, Jr. American Inn of Court in Annapolis, Maryland, members were honored by the presentation of the Anne Arundel Bar Association (AABA) Sponsorship Recognition Award, which signified the continued and long lasting contribution of the Cawood Inn toward the mutual goals and outreach community programs of both organizations. This was a Joint Meeting of the AABA and the Cawood Inn.

Inn president Judge Ronald A. Silkworth of the Circuit Court of Anne Arundel County, Fifth Judicial Circuit, accepted the award on behalf of the Cawood Inn from Judge H. Richard Duden, AABA president, and Fran Czajka, AABA executive director. In his remarks, Judge Duden thanked the Cawood Inn for its long-standing partnership with the bar association in such projects as Law Day for the Public, Law Day for County Students, Feeding the Homeless, Mentorships and the Inn's unique law student membership/mentorship program.

The joint meeting also featured the Inn's annual historic presentation entitled "Impeachment of Samuel Chase". ♦



The "Andrews Sisters" are, from left to right, Judge Jennifer Elrod, U.S. Court of Appeals for the Fifth Circuit; Whitney Wester, University of Houston law student; and Meredith Clark, Esq.

The Garland R. Walker American Inn of Court

At the March 6 meeting of the Garland R. Walker American Inn of Court in Houston, Texas, the pupillage team, co-led by James Cooper, Ellie Hodges, and Judge Jeff Bohm, presented a program titled "Life, Liberties & Lawyering During Wartime: A Journey from the Civil War to the War on Terrorism."

The evening featured videotaped interviews titled "Lawyers Who Serve" with two local practitioners and a judge who left their law practices and families to serve in the armed forces in Iraq and Afghanistan. A skit focused on how Presidents Lincoln, Roosevelt, and Bush, and their respective attorney generals, struggled during wartime with the balance between preserving liberties and protecting citizens. In "The Story of Emeline," team members re-enacted the true story of how Peter Gray, one of the early giants of the Houston bar, represented a freed female slave around the time of the Civil War and who, through dedication and creative lawyering, kept the woman from being re-enslaved. The final skit was a re-enactment of the true story of the sacrifice made by certain women lawyers who, during World War II, were asked to temporarily serve as briefing clerks to the Texas Supreme Court, knowing that they would be asked to resign when the male lawyers returned from the war.

In addition to the skits, the program had a service component as well as some fun and humorous elements. Members of the Inn were encouraged to donate their time and resources to assist lawyers stationed at the U.S. Army's Fort Hood military base in Killeen, Texas. In addition, the coordinator of the Houston Volunteer Lawyer's Program spoke to the members about serving the legal needs of Houston-area veterans and volunteering at veteran-specific legal clinics.

On the fun side, three members became the Andrews Sisters, the famed trio from the 1940s, and performed "Boogie Woogie Bugle Boy" and "Don't Sit Under the Apple Tree" along with a Big Band ensemble. Needless to say, they brought the house down.

In addition, the dinner items on the menu were changed to fit the military-theme of the evening: Beef Burgundy became "Mystery Meat," a tossed green salad became "Rabbit Food," and green beans became "Green Beret Beans." The evening was a smashing success and the most attended program meeting of the year! ♦

The Robert E. Jones American Inn of Court

The DuPage American Inn of Court of Winfield, Illinois, has been renamed the Robert E. Jones American Inn of Court.

In August of 2010, Inn member Bob Jones was diagnosed with lung cancer that had metastasized throughout his body. In the face of this cruel disease, Bob exhibited the true character, civility, and professionalism that made him successful, not only in the law, but also in life.

Our Inn began as the DuPage American Inn of Court and was robust for many years. However, over time membership declined and meetings ceased. Jones was the catalyst for the reinvention of our Inn. Left as the custodian of the bank account for an inactive Inn, instead of merely winding up the affairs, Bob set out to restart the Inn. In the spring of 2005, he collaborated with Judge Hollis Webster and attorneys Mike Cetina, Elizabeth Boddy, and Tom O'Connor to resuscitate the Inn.

Our Inn thrives because of Jones' initiative. His career exemplified the qualities for which the American Inns of Court stand. He was a long-standing member of the Federal Trial Bar, the Illinois Trial Lawyer's Association, and the American Association for Justice. A graduate of Vanderbilt University School of Law and Wheaton College, he was a partner in his own firm and chair of litigation for a prominent Wheaton, Illinois firm, and served honorably in many capacities for local bar associations.

We are honored that he lent us his name. Sadly, Bob passed away on April 17, 2012 at the age of 63 years old. We will miss him dearly and carry on his legacy within our Inn. ♦



Members of the newly-named Robert E. Jones AIC of Dupage County, Illinois, are seated in front, Bob Jones, Esq.; and in the back, from left to right, Bradley N. Pollock, Esq., Inn president; Thomas H. Ryerson, Esq.; and Keith "Chuck" Roberts, Esq.

The Richard Linn American Inn of Court

The Richard Linn American Inn of Court of Chicago, Illinois, held the Sixth Annual Advocacy Challenge in April 2012 at the Everett McKinley Dirksen U.S. Courthouse. Inn President Olivia Luk welcomed the attendees and program co-chairs Mimi Addy and Professor Joshua Sarnoff introduced the challenge and the participants, and briefly discussed the problem and the issues—claim construction and prosecution history estoppel relating to a portable solar still patent and allegedly infringing device.

The Honorable Richard Linn, U.S. Court of Appeals for the Federal Circuit, presided over the oral argument and was joined on the bench by Chief Judge James F. Holderman, Judge Edmond E. Chang, Judge Virginia M. Kendall, and Judge Matthew F. Kennelly of the Northern District of Illinois.

Robert R. (Rory) Cleary, Jr., led off the argument and addressed claim construction for the patent holder, followed by Jessica Fender who addressed the prosecution history estoppel issue. Jacob Graham then presented the counter-argument on claim construction, followed by Felisa Leisinger who addressed the counter-argument on estoppel. Following the presentations, the judges provided helpful and insightful commentary on the advocacy and approaches.

In May, the Linn Inn held its first trademark fashion show, which entertained and educated Inn members and guests on the history and difficulties associated with using color as a source identifier. The presentation centered around the recent high-profile decision in *Christian Louboutin S.A. v. Yves Saint Laurent American Holding, Inc.*, in which the Southern District of New York held that Christian Louboutin's red-soled shoes were not protectable trade dress under the functionality doctrine.

In a parody of Lifetime's popular "Project Runway" reality show, pupillage group leader Debbie Wright donned five-inch red-soled Christian Louboutin heels and a blonde wig to host a Linn Inn trademark fashion show.

The show began with a video vignette introducing the fictional "Project Sole Infringer" program and the "contestants" for the evening's contest. Shortly thereafter, the music began and the pupillage group members strutted their stuff on a red-carpet runway while wearing t-shirts inspired by



well-known Federal Circuit and Supreme Court trade dress/color trademark cases.

Following the catwalk, Debbie Wright ("Heidi Klum") introduced the evening's contestants and clients. The contestants were Taylor Corbitt, Wasim Bleibel, and Joe Janas. Each contestant was matched with their client: Mr. Qualitex was played by Jeremy Daniel, Ms. Owens-Corning was played by Sara Horton, and Mr. Louboutin was played by Peter Spignola. The group members performed three vignettes in which an attorney/Project Sole Infringer contestant consulted the owners of the marks on the strengths and weaknesses of their various products: (1) green-gold dry-cleaning pads for Qualitex; (2) pink insulation for Owens-Corning; and (3) red-soled shoes for Christian Louboutin.

Following the attorney-client consultations, Heidi Klum welcomed to the stage the three celebrity judges: David Applegate ("Tim Gunn"), Mansi Shah ("Nina Garcia"), and Dominic Zanfardino ("Michael Kors"). Each attorney/contestant then argued why their client's particular use of color was protectable trade dress before the three-judge "appellate panel." The judges then deliberated and determined that both Qualitex and Owens-Corning had protectable color marks but could not render a decision on whether Louboutin's red-soles were functional, leaving the audience in "To be Continued" limbo.

The program concluded with Trevor Copeland of and Aaron Barlow posing as media commentators to discuss the *Christian Louboutin S.A. v. Yves Saint Laurent* decision, highlighting the arguments being made in the appeal of that decision, which is currently pending before the U.S. Court of Appeals for the Second Circuit, and citing future implications of the case as well as other industries that might be impacted by the Second Circuit's decision. ♦

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