



2010 ANNUAL DISTRICT CONFERENCE

*Celebrating the 60th Anniversary of the Federal Court and the Organic Act of Guam
Mina'sisenta Na Anibetsâruin I Kotten Federât Yan I Akton Otkanikun Guahan*



FRANCES M. TYDINGCO-GATEWOOD
Chief Judge

CYNTHIA V. ECUBE
President

JOAQUIN "JAY" C. ARRIOLA, JR.
9th Circuit Lawyer Representative

FOR IMMEDIATE RELEASE
December 2, 2010

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DISTRICT COURT OF GUAM 2010 ANNUAL DISTRICT CONFERENCE Celebrating the 60th Anniversary of the Federal Court and the Organic Act of Guam *Mina'sisenta Na Anibetsâruin I Kotten Federât Yan I Akton Otkanikun Guahan*

Over 150 lawyers and judges are expected to attend the Annual District Conference of the United States District Court of Guam on TUESDAY, DECEMBER 7, 2010, from 8:00 a.m. until 5:00 p.m. at the GUAM HILTON RESORT & SPA in Tumon Bay, Guam. The Annual District Conference is sponsored by the District Court of Guam and Guam Bar Association, whose purpose is to provide contemporary and continuing legal education for Guam's federal legal community.

This year, the District Court of Guam marks and celebrates the 60th Anniversary of the signing of the Organic Act of Guam and formal establishment of the civil Government of Guam and the District Court of Guam.

The keynote speaker of this year's conference is local attorney Joaquin C. Arriola. One of Guam's first lawyers, and its longest practicing to date, Arriola is a former Speaker of the Guam Legislature and former Associate Justice of the Supreme Court of Guam. Attorney Arriola will present an oral and video history of the District Court of Guam, celebrating the past 60 years of court activity and progress.

The Honorable J. Clifford Wallace, U.S. Ninth Circuit Senior Judge, will present *The Insular Cases: Application of the U.S. Constitution on Guam and the Northern Mariana Islands*. Judge Wallace's familiarity with the Territories and federal law spans his 40 years of service as a federal judge, including 24 years on the U.S. Ninth Circuit Court of Appeals, which has jurisdiction over Guam federal cases. Judge Wallace will be joined by local Attorneys Howard Trapp, Pat Mason and Bill Fitzgerald for a discussion on how the U.S. Constitution does or does not apply to Guam and the U.S. Territories.

Ms. Kathleen Sullivan, Law Professor and former Dean of Stanford Law School will present *Constitutional Law: Developments in the United States Supreme Court*. Professor Sullivan is a noted scholar, publisher and speaker throughout the nation, whose expertise in constitutional law is expected to be very well received by the Conference.

Mr. Howard Cox, Assistant Deputy Chief of the Cyber Crime Lab, U.S. Department of Justice, Computer Crime and Intellectual Property Section will present *Cyber Crime and Cyber Ethics*. He will be discussing the latest legal issues and ethical concerns on internet-related crime and cyber legal issues facing lawyers and courts today.

Chief Judge Frances M. Tydingco-Gatewood remarked, "Our federal court is proud to celebrate our local anniversary, the 60th Anniversary of the signing of the Organic Act of Guam and establishment of the District Court of Guam. It is important that we recognize our history as the first judicial branch of government for Guam. It is most fitting that we have Attorney Arriola give his oral history of our court."

Judge Tydingco-Gatewood continued, "We are also pleased to have such distinguished guests and scholars present the latest in legal education to members of our bench and bar. Judge Wallace has a long history and connection with the U.S. Territories, and his discussion on insular cases is fitting. Professor Sullivan and Department of Justice Attorney Cox will bring us all up to date on the latest U.S. Supreme Court decisions and cyberspace legal topics facing lawyers in 2010."

The Chief Judge added, "The level and degree of legal education being provided is outstanding. Our federal court community joined resources to bring this combined celebration and topical education for our lawyers and judges. United States Magistrate Judge Joaquin V.E. Manibusan, Jr. and I are excited to welcome our lawyers and brethren to engage in meaningful, contemporary and productive educational sessions."

Biographical sketches of the conference speakers are attached.

For more information, please contact Joaquin C. Arriola, Jr., Ninth Circuit Lawyer Representative and Co-Chair of the Conference, at 477-9730 or acalaw@teleguam.net.

SPEAKERS' BIOGRAPHIES

ATTORNEY JOAQUIN C. ARRIOLA

With almost 60 years of practice as a highly respected lawyer in the Guam and CNMI courts, and as one of Guam's first Chamorro lawyers, Mr. Arriola has been at the forefront of Guam's legal history. In addition to his extensive years of legal practice, Mr. Arriola was a Senator in the fledgling Third and Fourth Guam Legislatures; Legislative Legal Counsel for the Fifth, Sixth and Seventh Guam Legislatures; and Speaker of the Ninth and Tenth Guam Legislatures. He was an Associate Justice (part-time) of the Guam Supreme Court. He served as Chairman on numerous Boards and Commissions, including the then College of Guam Board of Regents, and was legal counsel to many Government of Guam agencies. He has had a varied general practice, with a primary focus in litigation; Mr. Arriola still tries civil cases. He was instrumental in organizing and forming the Bank of Guam, where he has served as general counsel since its incorporation, and has served on the Board of Directors and as Secretary for BankPacific.

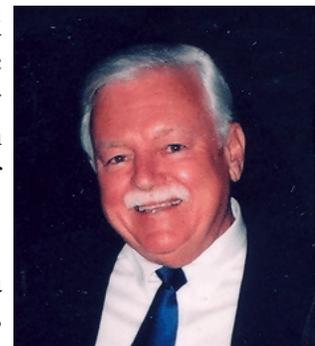


Mr. Arriola attended the College of St. Thomas in St. Paul, Minnesota from 1947-1950, graduating *cum laude* in 1950. He graduated from the University of Minnesota Law School in 1953 and passed the Minnesota State Bar the same year. He is currently a member of the Guam and CNMI bars, and is admitted to practice before the Ninth Circuit Court of Appeals and the U.S. Supreme Court. The University of Guam awarded Mr. Arriola its Doctor of Laws (Honoris Causa) in December 2007. Mr. Arriola is the founding partner of Arriola, Cowan & Arriola, Guam's oldest established law office.

ATTORNEY WILLIAM M. FITZGERALD

William M. Fitzgerald has been an active litigator for more than thirty-six years in Guam, Saipan and the former Trust Territory of the Pacific Islands. His practice concentrates on commercial and personal injury litigation. Of special note, Mr. Fitzgerald was counsel for plaintiff in *Sakamoto v. Duty Free Shoppers*, 764 F.2d 1285 (9th Cir. 1985), and for defendant in *Commonwealth v. Atalig*, 723 F.2d 682 (9th Cir. 1984).

Mr. Fitzgerald was born Philadelphia, Pennsylvania. He attended Sophia University, in Tokyo, Japan, and received his B.A. in 1971. He earned his J.D. from Temple University in 1974.



Mr. Fitzgerald is admitted to the Bar in Pennsylvania (1974); Trust Territory of the Pacific Islands (1974); Guam (1975); United States Court of Appeals for the Ninth Circuit (1975); Commonwealth of the Northern Mariana Islands (1978); United States Court of Claims (1978); Federated States of Micronesia (1982); United States Supreme Court (1986). Bar Memberships: Northern Mariana Islands Bar Association; Guam Bar Association.

ATTORNEY RODNEY J. JACOB

Rodney J. Jacob, Esq., was appointed this year by Chief Judge Frances Tydingco-Gatewood as the new Ninth Circuit Lawyer Representative for the District of Guam. In this position, he works closely with the Chief Judge to improve the overall delivery of public service by the District Court of Guam by enhancing access to the court system and fostering open communication between lawyers and judges. As the primary liaison between the federal bench and the practicing federal bar, he is tasked with chairing the Annual District Conference in accordance with national guidelines and is further tasked with publishing the Annual District Report for Guam and presenting such report to the Ninth Circuit.

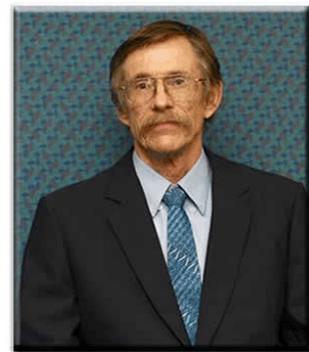


Mr. Jacob was the President of the Guam Bar Association from 2005-2007. For the past three years, he served as Guam's Law Week Committee Co-Chair. During his tenure, Guam received the American Bar Association's Outstanding Law Day Activity Award for 2008 and 2009, and was recognized nationally for its outstanding efforts to raise awareness about the legal resources available on the island through the local and federal courts, the Guam Bar membership and community organizations.

Mr. Jacob is a partner in Calvo & Clark's Guam office. He represents numerous regional and Japanese corporations in Guam, the CNMI, and the United States, and has extensive experience representing commercial clients in complex cross-border litigation and mediation, with significant experience in conducting U.S. discovery in Japan. He is admitted to the bar in California, Guam, and the Commonwealth of the Northern Mariana Islands. He received his B.S. (1986) and J.D. (1989) from Georgetown University.

J. PATRICK MASON, DEPUTY ATTORNEY GENERAL

Mr. Mason received his Bachelor of Science degree with a major in economics from the University of Kansas and his Juris Doctor degree from the University of Nebraska. Since Mr. Mason moved to Guam in 1984, he has spent nearly 24 years working for the Office of the Guam Attorney General. During that time, he served as supervising attorney for the Civil Litigation Division of the Office of the Attorney General; he served as general legal counsel for the regulatory divisions of the Guam Department of Revenue and Taxation, including the divisions of banking, insurance, real property, business licensing, motor vehicles and alcohol control; and he served as legal counsel for the Guam Department of Education. When Mr. Mason left government service in January 2004, he became of counsel for the law firm Carlsmith Ball LLP.



In January 2007, Mr. Mason returned to the Office of the Attorney General to serve the newly elected Attorney General as the Deputy Attorney General for both the Solicitors Division and the

Civil Litigation Division of the Office. Before moving to Guam, Mr. Mason worked in the law office of J. Patrick Mason and served as an administrative law judge for the State of Oregon Department of Revenue and Department of Labor.

A case of particular note briefed and argued by Mr. Mason before the United States Supreme Court is *Ngiraingas v. Sanchez*, 110 S.Ct. 1737 (1990). This was a civil rights action brought against the government of Guam for damages of \$100 million. The Court held that neither the government of Guam nor an officer of the government, acting in his or her official capacity, is a “person” within the meaning of 42 U.S.C.A. § 1983. Therefore, neither the government of Guam nor its officials and employees acting in their official capacities are subject to liability under § 1983.

PROFESSOR KATHLEEN M. SULLIVAN

Kathleen M. Sullivan is partner and chair of the national appellate practice at Quinn Emanuel Urquhart & Sullivan, the nation’s largest law firm devoted solely to business litigation, as well as Stanley Morrison Professor of Law at Stanford Law School, where she served as Dean from 1999 to 2004. The first woman dean of any school at Stanford, she is also the first woman named partner at any American Lawyer 100 firm. Widely recognized as one of the nation’s most prominent constitutional scholars and appellate litigators, Ms. Sullivan has been named by *The National Law Journal* as one of the 100 Most Influential Lawyers in America.



As a professor of law at Harvard and Stanford Law Schools for over 25 years, Ms. Sullivan has taught constitutional law to thousands of law students, served as co-author with the late Gerald Gunther of the nation’s leading casebook on *Constitutional Law*, and published law review articles on a wide range of constitutional topics, including federalism, separation of powers, freedom of speech, freedom of religion and the jurisprudence of the Supreme Court. She has also provided pro bono representation in a variety of case involving civil rights and civil liberties, including the right of privacy.

Now based in Quinn Emanuel’s New York office, Ms. Sullivan handles appeals and motions in a wide range of cases involving antitrust, securities, patent, copyright, trademark, environmental, bankruptcy, insurance and commercial contract law, as well as constitutional issues and white-collar criminal defense. She has argued six cases in the US Supreme Court; numerous cases in the US Courts of Appeals, including the First, Second, Third, Fifth, Ninth and Federal Circuits; and various cases in state appellate courts, including a historic victory in the New York Court of Appeals for the right of the New York governor to appoint a lieutenant governor to fill a vacancy in that office. In the US Supreme Court, she recently argued a widely watched case for Wyeth, Inc. involving federal preemption under the Vaccine Act, and has won recent victories for Shell Oil in a case involving “arranger” liability under CERCLA and for a Japanese ocean carrier in a case holding ocean cargo not subject to domestic rail regulation.

Ms. Sullivan holds a B.A. from Cornell University, where she was a Telluride Scholar, an M.A. from Oxford University, which she attended as a Marshall Scholar, and a J.D. from Harvard Law School, where she won the Ames Moot Court competition. She is an elected Fellow of the American Academy of Arts and Sciences and an elected Member of the American Philosophical Society, and serves on the Boards of the NAACP Legal Defense Fund, the Century Foundation, and Foundation Press.

ATTORNEY HOWARD TRAPP

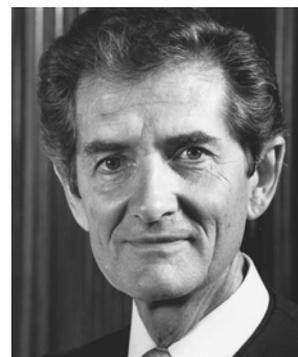
Howard Trapp has been practicing law on Guam since 1950, in both the local and federal courts. He has served the island of Guam in several different capacities throughout the years. As a private attorney, he has argued before the Supreme Court of Guam, the Ninth Circuit, and the United States Supreme Court in *Guam v. Olsen*, 431 U.S. 195 (1977). He was the President of the Guam Bar Association in 1965. He was a trustee of the Guam Territorial Law Library, and served as President of the Guam Territorial Law Library Board in 1985. Mr. Trapp was also a part-time Justice of the Supreme Court of Guam. Mr. Trapp was a delegate at the First Guam Constitutional Convention from 1969-70, and was a founding member and former National Committeeman, Republican Party of Guam. He was elected a senator for the 14th Guam Legislature, from 1978-79, He was Legislative Counsel for the 8th Guam Legislature. In addition, he was a regent of the University of Guam, former member of the Guam Election Commission and former member of the Land Transfer Board.



Mr. Trapp received his B.A. from University of California at Berkeley, in 1956, and his J.D. from Boalt Hall at the University of California at Berkeley in 1959. He is licensed to practice in Guam, the Commonwealth of the Northern Mariana Islands and California.

HONORABLE J. CLIFFORD WALLACE

Judge J. Clifford Wallace received his judicial commission as a U.S. district judge in San Diego on October 16, 1970, and two years later, was elevated to the Ninth Circuit Court of Appeals. Judge Wallace has devoted more than 50 years to the law, serving 24 of those years as an active judge on the nation's largest federal appellate court, the last five in an executive role as chief circuit judge. A retired senior judge, Judge Wallace has also served with distinction in various administrative roles at the highest levels of the federal judiciary. He received appointments from two chief justices of the Supreme Court to serve on important committees of the Judicial Conference of the United States. His ideas and subsequent work with the late Chief Justice Warren E. Burger led to the establishment of the American Inns of Court, a national organization that now claims 75,000 members dedicated to excellence, civility, professionalism, and ethics in the practice of law. Judge Wallace has



contributed to and enhanced the educational and training opportunities for judges and court staff in the island nations of the South Pacific and helped obtain significant federal funding for that effort from Congress.

Recent honors and awards include: Bernie Siegan Award for Outstanding Achievement in Constitutional Scholarship, 2010; The International Center for Law and Religion Studies at BYU Award for Distinguished Service in Promoting Religious Freedom, 2009; Judge D. Lowell and Barbara Jensen Public Service Award, 2008; Edward J. Devitt Distinguished Service to Justice Award, 2005.

Judge Wallace has addressed various entities, including; the American Bar Association; American College of Trial Lawyers; American Enterprise Institute for Public Policy Research; American Inns of Court; American Judicature Society; Appellate Judges' Seminar; Appellate Judges Conference of the American Bar Association; The Brookings Institution Conference on the Judiciary at Williamsburg; Department of Justice; various state bar and federal bar associations; various law schools and colleges; various business, youth, and church groups.



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Hilton Guam Resort & Spa, Micronesia Ballroom, Tumon, Guam

CONFERENCE AGENDA
Tuesday, December 7, 2010

<p>8:00 am to 8:30 am</p> <p>Master of Ceremony, Joaquin C. Arriola, Jr., Esq.</p>	<p>National Anthem and Guam Hymn Ms. Marcia Damian</p> <p>Welcoming Remarks Hon. Frances Tydingco-Gatewood, Chief Judge, District Court of Guam</p> <p>Reports Joaquin C. Arriola, Jr., Esq., Outgoing Lawyer Representative Cynthia V. Ecube, Esq., Guam Bar Association President United States Attorney Alicia A.G. Limtiaco Federal Public Defender John T. Gorman</p>
<p>8:30 am to 9:30 am [1 hr CLE]</p>	<p>Let Us Celebrate Our Past – <i>Nihi Ta Silebra I Fina'pos-ta</i> Joaquin C. Arriola, Esq., Keynote Speaker</p>
<p>9:30 am to 11:30 am</p> <p>[2 hrs CLE]</p>	<p>The Insular Cases: Application of the U.S. Constitution on Guam and the Northern Mariana Islands Hon. J. Clifford Wallace, Senior Circuit Judge, U.S. Court of Appeals for the Ninth Circuit <i>Panel:</i> J. Patrick Mason, Deputy Attorney General; Howard Trapp, Esq.; and William M. Fitzgerald, Esq. (CNMI) <i>Moderator:</i> Rodney J. Jacob, Esq.</p>
<p>11:30 am to 12:45 pm</p>	<p>LUNCH Presentation of Gifts to Speakers by Chief Judge and Guam Bar President Remarks by U.S. Magistrate Judge Joaquin V.E. Manibusan, Jr., Chairperson of the District Court of Guam Judicial History & Arts Committee Launching of Judicial History & Arts Society of Guam Mr. Mikel Schwab, Chairperson Launching of District Court of Guam Public Access Kiosk U.S. Magistrate Judge Joaquin V.E. Manibusan, Jr. and Mr. Mikel Schwab</p>
<p>12:45 pm to 2:45 pm [2 hrs CLE]</p>	<p>Constitutional Law: Developments in the United States Supreme Court Kathleen M. Sullivan, Esq., Partner, Quinn Emanuel Urquhart & Sullivan; Stanley Morrison Professor of Law and former Dean, Stanford Law School</p>
<p>2:45 pm to 3:00 pm</p>	<p>BREAK</p>
<p>3:00 pm to 5:00 pm [1 hr CLE; 1hr Ethics CLE]</p>	<p>Cyber Crime and Cyber Ethics Howard Cox, Assistant Deputy Chief, U.S. Department of Justice, Computer Crime and Intellectual Property Section</p>
<p>5:30 pm</p>	<p>Guam Bar Association Annual Christmas Celebration by the Sea, Hilton Tree Bar</p>

[TOTAL CLE: 7 HRS]