

National Association of Former United States Attorneys



January 2008 Miami Conference A Huge Success!

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Maybe the most exciting CLE program yet experienced. Wonderful accommodations, good weather and the continuing camaraderie. We are a pretty good bunch. We need to grow and that should be our number one priority. Get busy!

We opened up with our traditional golf extravaganza where these guys go out and hit a very small defenseless ball around in the middle of football season. Ed Dowd (he's our 2008 President) won again. No shame. They brought their boasting to the cocktail reception that Thursday night which was held beach side at our beautiful hotel, The Ritz Carlton-South Beach. The setting was perfect with abundant supplies of Irish Whiskey and lesser libations. The hors d'oeuvres and all the victuals throughout the conference were just excellent. Later that night we walked down the street to a wonderful restaurant (we equaled about 70 people) to celebrate someone's departure. We'll address this later.

Bright and early Friday morning we began with a short welcome to Miami speech by his Honor, Carlos Alvarez, the Mayor of Miami Dade County, a man with an amazing background. He was followed and joined by Alexander Acosta, the US Attorney for the Southern District of Florida. The beginning of a delightful stay in Miami. Our CLE program began with the traditional self introduction of all those present. This, as always, was a mixed bag of hustle, humility and humor. Ken Sukhia (N.D. Fla. 1990-1993) makes its all worth while with his special brand of comedy.

We were once again rewarded with the returning presence of Professor Stephen Easton from the University of Missouri Columbia School of Law. He was once the US Attorney for North Dakota (1990 - 1993) Sukhia's class. He continues to wow us with his unique style and insight. Who else talks about Direct Examination? The professor was followed by Kenneth Melson, the new Director of the Executive Office For United States Attorneys. He was joined by the new Chairperson of the Attorney General's Advisory Committee Karin J. Immergut, US Attorney for

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Former Attorney General
Janet Reno
With retiring
Executive Director
Mahlon Brown
& Administrative Assistant
Patricia Cook

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Oregon (nice place). Between the two of them I feel they restore confidence for a more sensible and legitimate Justice Department. Fingers crossed.

As usual our hard working committee that selects the winner of the J. Michael Bradford Memorial Award excelled in their choice. Richard Gregorie, Assistant US Attorney in the Southern District of Florida has had an amazing and fruitful career. From prosecuting General Noriega, the Chief Minister of the Turks and Caicos Island, American Airlines, Fabio Ochoa of the Medellin Cartel, the President of the University of South Carolina, the founders of the Cali Cartel, a large gathering of Organized Crime figures up and down the East Coast and the list goes on. He shared his experiences and insights with all these victories. We all wish we had a fellow like this on staff to make us look as good as all his former employers I'm sure respected. Sisyphus!

This was year number two for our new visiting professor, Doug Richmond, Northwestern University School of Law and Senior Vice President of Aon Risk Services. One of the country top insurance lawyers who gave us a great presentation on attorney-client privilege and work doctrine in the wake of corporate scandals.

All this hard work listening and learning earns us all a trip to the water. The afternoon was spent aboard the Island Lady dining, drinking moderately and touring Biscayne Bay.

Saturday morning, still bright, still early. This year we did it a little different. Because of the exceptional involvement of new sponsors and the return of others we set aside the first half an hour or so to let these folks sell their wares. None of them overdid it. In fact they just introduced themselves and their companies and left their hustle to working the crowd at the various events. Most gracious. We need to identify them and do so with pleasure. PRICE WATERHOUSE COOPERS, KMPG, ERNST & YOUNG, DELOITTE and KROLL. Remember these names when you're out there in the market. Don't forget to say thanks to our other generous sponsors: Greenberg Traurig; Robertson, Freilich, Bruno & Cohen; Wampler, Buchanan, Walker, Chabrow, Branciella & Stanley; McLaughlin & McCaffrey; Bradley, Arant, Rose & White and Vaira & Riley.

Showtime! Another first for NAFUSA. A two hour panel discussion about the nationally and hotly debated case/situation involving the questionable firing/termination of eight United States Attorneys. It also brought the attention of the national media highlighted by National Public Radio (NPR) with Washington reporter Ari Shapiro and Julie Kay from the National Law Journal. They spent the entire conference with us at their expense and hopefully learned who NAFUSA really is. Locally the Miami Herald ran several stories, which in turn put NAFUSA in the New York Times and many other recognized news outlets. The panel included three of the fired US Attorneys, Harry "Bud" Cummins (ED Arkansas 2001-06), David Iglesias (New Mexico 2001-06), and John McKay (WD of Washington 2001-06) with Professor James Eisenstein, Penn State University serving as our moderator. Professor Eisenstein is the author of a book that graced your desk

during your tenure, "Counsel for the United States". This was two hours of absolute delight. A story less than pretty was related and amazingly similar in each instance. They are now pursuing their own remedies. You had to be there.

The CLE was concluded by our old friend Professor Leon Friedman of Hofstra Law School. He returns each year with a topic as current as it can get. The Supreme Court and what its up to and what the future has in store. He brings a humoristic slant to his presentation and makes each year a joy. It is the caliber and reputation of these presenters that makes our CLE program so acceptable to the authorizing agents in the various states that require continuing education.

Not to be undone by the excellence of those that went before, its Saturday night and our dinner speaker comes to us from our very generous sponsor, Greenberg Traurig. A senior partner, Barry Richard knocked our socks off with a lively and animated presentation. Let me paraphrase: Early in our country's history, Alexander Hamilton warned that in times of war, there would be a tendency to sacrifice our fundamental liberties for the sake of security. Mr. Richard presented facts drawn from official public records, declassified secret documents, Congressional testimony and Supreme Court filings and oral argument to illustrate that wartime presidents, both Republican and Democratic, with the bipartisan support or acquiescence of Congress, have pressed the limits of executive authority at the expense of individual rights from the Civil War through today. The presentation made the point that at the heart of true patriotism is the willingness to take risks for the sake of liberty. You may want to consider recommending this presentation to your local bar association or other legal association. You won't be sorry.

We were also honored with the attendance of two of our favorite NAFUSA members, The Honorable Janet Reno, Former Attorney General of the United States and former Georgia Congressman Bob Barr (ND Georgia 1986-90). Our friend Michael Battle, former Director of EOUSA (WD New York 2002-05) has become a regular attending member of our group.

The Board of Directors at this years annual conference in Miami passed a Resolution which obviously is a result of the recent activities at the Justice department. I'm not allowed to get partisan until next year. The resolution was adopted by the general membership at the meeting on Saturday evening. The resolution is on pages 6 & 7.



I had mentioned above a little party on Thursday night after the Cocktail Reception. It was more than a little party and it was more than nice. Your brothers and sisters of NAFUSA, about 70 of them, hosted a wonderful going away party for Patricia and me, Patricia is the one who does all the work. We've been at it a long, long time and it is time to pass the baton. Thank you for allowing us the honor to serve as your Executive Director through seven great conferences and miles of wonderful memories. You will be seeing us in Washington and other future conferences. Your Board of Directors couldn't have picked a better and more competent replacement. Besides all that, he's a nice guy. Ron Woods of Texas you all know, SD of Texas 1990 - 1993. Maybe his lovely wife Patty didn't know him as well as she thought when she exclaimed "you accepted what job?" NAFUSA is in good hands!

NAFUSA Names Ron Woods New Executive Director



Ron Woods, appointed United States Attorney for the Southern District of Texas by President George Bush in 1990, has over forty years experience in handling white collar criminal cases.

Mr. Woods recently served as co-counsel in the representation of Jeffrey Skilling, former CEO of Enron, in a lengthy jury trial in federal court in Houston. Mr. Woods also served as co-counsel in successfully representing U. S. Senator Kay Bailey Hutchison in her directed acquittal of the charges brought by the Travis County District Attorney. Mr. Woods also served as appointed co-lead counsel with Michael Tigar in representing Terry Nichols in the federal Oklahoma City bombing trial in Denver. Mr. Tigar and Mr. Woods were successful in obtaining acquittals

on the major charges and in avoiding the death penalty for Mr. Nichols. In 2001, Mr. Woods represented the president of a marine offshore construction company who was indicted by the Department of Justice Antitrust Division. The president was acquitted of all charges after a lengthy jury trial in federal court.

Ron Woods was named Best Attorney in Houston by the *Houston Press* in its Annual Best of Houston Issue in 1999 and is currently listed in *Best Lawyers in America*. From 2003 through 2007, Mr. Woods has been one of eight attorneys in Texas to be named by his peers to *The International Who's Who of Business Crime Lawyers*. Also from 2003 through 2007, Mr. Woods has been named a Texas Super Lawyer by his peers in White Collar Criminal Defense in *Texas Monthly*.

Upon graduation from the University of Texas Law School, Ron Woods became a Special Agent and Legal Advisor in the Federal Bureau of Investigation, gaining four years of hands-on experience in how all federal investigative agencies initiate cases, conduct investigations and make decisions as to seeking charges or closing the investigation.

Mr. Woods next spent sixteen years gaining invaluable experience as a state and federal prosecutor in Houston trying white collar crime cases. Many of the trials were high profile cases tried against the most experienced and prominent attorneys at that time. Mr. Woods received many awards for his work within the Department of Justice and in 1980, he was one of thirty federal prosecutors from across the nation to be designated Senior Litigation Counsel, a position created that year to recognize federal prosecutors with outstanding trial records in significant cases over an extended period of time.

Ron Woods next practiced five years as a defense attorney successfully representing corporations and individuals accused of business and white collar crimes before he was appointed United States Attorney in Houston by President George Bush to address the escalating savings and loan scandals. He reorganized the U.S. Attorney's Office and increased the number of attorneys to 130, addressing all areas of federal prosecution, including the savings and loan cases. Mr. Woods also served as one of the U.S. Attorneys advising the Attorney General on environmental crimes policies for the Department of Justice.

Upon the change of administration in January 1993, Mr. Woods re-entered private practice and has successfully represented numerous corporations and individuals accused of violating environmental, health care fraud, bank fraud, RICO, customs export, foreign corrupt practices, antitrust, criminal tax, securities fraud, money laundering, civil and criminal forfeiture, mail and wire fraud, kickback, extortion, bribery, public corruption, embezzlement, misapplication and theft statutes. Because of his extensive first hand experience in all areas of investigating, prosecuting and defending white collar crime cases, Mr. Woods is often successful in convincing the agents and prosecutors before indictment that the case does not merit prosecution.

If the case is indicted and goes to trial, Ron Woods' experience in having tried over 125 felony jury trials in state and federal court assures the client will have the most experienced representation possible. Mr. Woods has also taught trial advocacy at the University of Texas Law School Trial Advocacy Program for ten years.

Atlee Wampler Passes The NAFUSA Gavel to Ed Dowd



Your new president hails from St. Louis, Missouri. He earned a BA in Government from Saint Louis University in 1971 and a J.D., with distinction, from St. Mary's University in 1977.

Mr. Dowd's practice focuses on federal litigation. Mr. Dowd has represented numerous clients before the S.E.C., the Department of Justice and many other federal and state agencies. He has handled many complex civil and criminal cases. From 1993 to 1999, he served as United States Attorney for the Eastern District of Missouri. In that capacity, Mr. Dowd set policy and supervised a staff of 46 Assistant U.S. Attorneys and 42 support personnel in handling thousands of civil and criminal cases for the U.S. government.

In 1999-2000 Dowd assisted former Senator John C. Danforth as Deputy Special Counsel for the Waco Investigation. Mr. Dowd personally tried three murder cases as United States Attorney. The last two cases resulted in death sentences. He served as Chair of the Attorney General's Committee on Environmental Issues from 1995 to 1999. He served as Core City U.S. Attorney for the Central Region of the Organized Crime Drug Enforcement Task Force. Prior to joining the U.S. Attorneys' Office, Mr. Dowd was in private law practice at Dowd & Dowd for nine years, as a trial lawyer handling products liability, criminal, securities, copyright, negligence and commercial cases.

In 1983, Mr. Dowd was appointed regional director of the South Central Region (an eight-state region) of the President's Organized Crime Drug Enforcement Task Force, and supervised attorneys and federal agents in the conduct of their cases. He served from 1979 to 1984 in the United States Attorneys' Office as an assistant United States attorney. Over the five-year period, he tried numerous cases including those involving public corruption, mail fraud, white-collar matters, extortion and conspiracies to distribute drugs.

Ed and his lovely wife Jill have attended every NAFUSA conference since Jackson Hole, Wyoming in 2000. Dedicated to the NAFUSA organization, Ed has served continuously for eight years as a board member and officer.

News From Our Members

Richard Stacy (Wyoming 1981-94) advised us that Byron H. (Pete) Dunbar, USA Montana 1981-90, and a NAFUSA member, died on April 21, 2007 at age 79, of cancer at this home in Billings. Pete was a retired FBI agent when he was appointed by President Reagan, and after his service as USA, he served as US Marshal for Montana for four years under Bush 41. He is survived by his wife of 58 years Margie, four children, eleven grandchildren and three great-grandchildren. Pete was a great guy who was truly dedicated to the cause of law enforcement.

Joseph P. Russoniello is back in the saddle again. Joe was confirmed by the Senate on December 19, 2007 and sworn in on the 4th of January as the US Attorney for the Northern District of California. He held that position from 1982 to 1990, is a lifetime member of NAFUSA and spent four years on our Board of Directors. Great news, congratulations Joe!

William W. Robertson (New Jersey 1980-1981), a lifetime member and President of NAFUSA when we had our conference in Las Vegas in 2003, copied us with a press release regarding honors won by his firm. Six of the partners of Robertson, Freilich, Bruno & Cohen have been selected for inclusion into the 25th anniversary edition of the prestigious *Best Lawyers in America*[®], one of the most highly regarded, peer review publications in the legal profession. Selection into this annual publication is a result of extensive surveys and confidential evaluations by many of the country's leading attorneys representing a variety of practice. Bill was one of the partners selected. His firm RFB&C is a regular and generous sponsor of our annual conferences. Congratulations!



THE NATIONAL ASSOCIATION OF FORMER UNITED STATES ATTORNEYS

RESOLUTION

Recognizing the importance of the position of the United States Attorney

Whereas:

- **The Office of the United States Attorney was established by the Judiciary Act of 1789, which provided for the appointment in each judicial district of a “person learned in law to act as attorney for the United States...whose duty it shall be to prosecute in each district all delinquents for crimes and offenses cognizable under the authority of the United States shall be concerned...”**
- **The United States Attorney is appointed by the President, with the advise and consent of the Senate, to a term of four years. The United States Attorney serves at the pleasure of the President.**
- **The Mission Statement of United States Attorneys (USAM), states that United States Attorneys serve the nation’s principal litigators and conduct most of the trial work in which the United States is a party. These responsibilities are conducted under the direction of the Attorney General, the nation’s chief lawyer.**
- **United States Attorneys are the principle federal law enforcement official in their judicial district. In many districts, United States Attorneys are the ranking executive branch official in that district.**
- **United States Attorneys are charged with the responsibility to enforce the nation’s laws, both criminal and civil, and to supervise the work of assistant U.S. attorneys and staff in their daily responsibilities.**
- **Each United States Attorney exercises broad discretion in the use of resources to further promote the priorities of the local jurisdictions and needs of the individual communities in which district they were appointed to serve.**
- **In the exercise of their discretion, and in consideration of the needs of their respective districts, and looked to by the public and community leaders to make appropriate judgments in the setting and implementation of criminal enforcement priorities and initiatives, and to coordinate the activities of federal, state, and local law enforcement.**
- **United States Attorneys are leaders in the respective districts, and looked to by the public and community leaders to make appropriate judgments in the setting and implementation of criminal enforcement priorities and initiatives, and to coordinate the activities of federal, state, and local law enforcement.**
- **United States Attorneys are the principal executive branch officials who communicate with federal judiciary, at the district and circuit court levels, on litigation and administrative matters relevant to the responsibilities of the office.**
- **As the district’s chief lawyer, the United States Attorney answers to the communities which are served by the office to insure that the public has confidence that the Department of Justice is meeting in law enforcement and civil justice responsibilities in a fair and even-handed manner.**
- **United States Attorneys take an oath of office to support and defend the Constitution of the United States against all enemies foreign and domestic, and faithfully discharge the duties of the office.**
- **By history and tradition, United States Attorneys are the representative not of an ordinary party to a controversy, but of a sovereign nation governed by the U.S. Constitution. The compelling interest is not that the United States should win a case, but that justice be done.**
- **United States Attorneys have established and maintained a strong tradition of ensuring that the Constitution and laws of the United States are faithfully executed, without regard to improper influences of political considerations.**
- **The nation, the President, and the Department of Justice are best served by the appointment of highly qualified, dedicated, and motivated men and women of integrity who will independently, and without regard to any improper considerations, faithfully discharge the duties of United States Attorney.**

Now, therefore, it is Resolved:

That the President, the Congress, the Attorney General and the Department of Justice are best served and, in turn, best serve the nation and fair administration of justice, by insuring: that the United States Attorneys are appointed by the President, with advise and consent of the Senate: that the institutions of government recognize and fully support integrity and independence of United States Attorneys in prosecutorial and litigative judgment as fundamental to the

fair operation of the federal criminal and civil justice system; and that United States Attorneys must be free from even the appearance of improper political considerations in the exercise of their prosecutorial and litigative responsibilities.

That there have been a series of resignations and terminations of United States Attorneys who were performing their duties in an outstanding, professional manner in the finest tradition of United States Attorneys. It is imperative that all Executive and Legislative Branch officials respect these rules of conduct which are written to promote the essential independence of United States Attorneys in their districts and to promote the fair and impartial administration of justice.

1. Decisions by United States Attorneys regarding bringing a case should be made without regard to political issues and should be made in an impartial manner.
2. United States Attorneys should never be asked to conduct or not conduct an investigation or bring or not bring charges to assist any candidate or any party in an election.
3. Cases should never be brought by a United States Attorney in an attempt to assist a candidate or a party to win an election.
4. Decisions regarding indictments or prosecutions should be made without regard to the position of United States Senators or United States Representatives on those cases.
5. No Senator or Congressman should attempt to influence a United States Attorney regarding an investigation or prosecution.
6. A United States Attorney should never be asked to resign or be terminated from his or her position because a Senator or Representative has complained to the Department of Justice or White House regarding the U.S. Attorney's decisions regarding indictments or prosecutions.
7. United States Attorneys should never be asked to resign or be terminated from their position unless they have had an opportunity to present their position to the Attorney General and without the Attorney General and President approving the decision, barring a change of administration or exigent circumstances.

Adopted this 10 day of November, 2007 by the members of the National Association of Former United States Attorneys, Miami, Florida.



**A HAPPY
NEW YEAR**

Mark Your Calendar

2008 NAFUSA Conference

**J W Marriott Hotel
Washington, DC**

October 2-4, 2008



The National Association of Former United States Attorneys
C/O Ron Woods
5300 Memorial - Suite 1000
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ADDRESS CORRECTION REQUESTED

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