

# National Association of Former United States Attorneys



**FEBRUARY 2011**

## Officers

### President

William L. Lutz New Mexico

### President Elect

Richard Deane ND Georgia

### Vice President

Jay Stephens District of Columbia

### Secretary

Donald Stern Massachusetts

### Treasurer

Matt Orwig ED Texas

### Past President

Richard Rossman ED Michigan

### History Committee Chairman

John Clark WD Texas

### Membership Committee Chairman

Jack Selden ND Alabama

## Directors

### Class of 2011

Margaret Currin ED North Carolina  
Walter Holton MD North Carolina  
John McKay WD Washington  
Debra Wong Yang CD California  
Tony Canales SD Texas

### Class of 2012

Jim Brady WD Michigan  
Terry Flynn WD New York  
Rick Hess SD Illinois  
Jose Rivera Arizona  
Chuck Stevens ED California

### Class of 2013

Veronica Coleman-Davis WD Tennessee  
Bart Daniel South Carolina  
J. Don Foster SD Alabama  
Jeff Taylor District of Columbia  
Joe Whitley ND Georgia

### Executive Director

Ronald G. Woods SD Texas  
5300 Memorial - Suite 1000  
Houston, TX 77007  
Phone: 713-862-9600 Fax: 713-864-8738  
Email: ron@ronwoodslaw.com



**Robert Morgenthau and Rudy Giuliani**

## NEW YORK ANNUAL CONFERENCE SETS

## ATTENDANCE RECORDS

On October 7-9, 2010, NAFUSA held its annual conference in New York City at the Marquis Marriott Hotel. It was the best attended conference in NAFUSA history. On Thursday evening, the opening cocktail reception, sponsored by Ernst & Young, featured a tribute to Robert Morgenthau, the retired New York District Attorney and Kennedy appointed United States Attorney in the 1960s. We were honored to have NAFUSA life member Rudy Giuliani, current New York DA Cyrus Vance and former US Attorney Otto Obermeier make presentations and share in honoring Mr. Morgenthau. Former Attorney General Robert M. Kasey was also on hand.

On Friday morning, the CLE portion of the conference began with roundhouse introductions of all present NAFUSA members. We were then welcomed by New Jersey Governor and former US Attorney, Chris Christie, and current US Attorneys Preet Bharara, SDNY and Paul Fishman, NJ. Adam Liptak, the New York Times correspondent for the US Supreme Court reviewed the Court term that had ended in June. We then enjoyed a two hour panel discussion on the subject of "The Appropriate Forum in Which to Prosecute Terrorism Cases." The panel moderator was Charlie Savage, Pulitzer Prize winning DOJ correspondent for the New York Times. Panel members were the Honorable John Coughenour, US District Judge for the Western District of Washington; Eugene Fidell of Yale Law School and President of the National Institute of Military Justice; Kenneth Wainstein, former Assistant Attorney General for the National Security Division of DOJ, Homeland Security Advisor to the White House and former US Attorney; Captain David Iglesias, United States Navy, Office of Military Commissions and former US Attorney; and Matthew Waxman, Columbia Law School and former Assistant Secretary of State for Detainee Affairs. Many present considered this to be the finest panel discussion of this important topic to date and it was carried on video for months at [www.mainjustice.com](http://www.mainjustice.com)

# 2010 Conference Sponsors

 **ERNST & YOUNG**

*Quality In Everything We Do*

**TRIALGRAPHIX/KROLL ONTRACK**

**FTI Consulting**

**Greenberg Traurig**

**James Richmond, Joe Whitley, Troy Eid**

**Sam Skinner, John Pappalardo**

**White & Case LLP**

**George Terwilliger**

**Wampler, Buchanan, Walker, Chabrow,**

**Banciella & Stanley**

**Ailee Wampler**

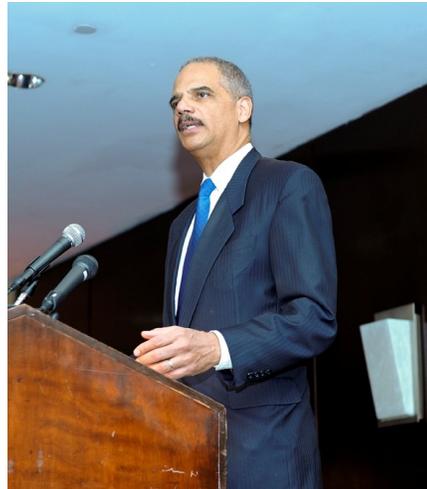
**Pepper Hamilton, LLP**

**In Honor of Rich Rossman, NAFUSA President**

Following the Friday morning CLE, we enjoyed an afternoon luncheon and cruise of New York Harbor sponsored by our friends at White & Case.

On Saturday morning, we honored this year's J. Michael Bradford Award winner, Kathleen Mehlretter. A former and recently retired AUSA from the Western District of New York, she was named our Assistant United States Attorney of the year. We then enjoyed a panel on "Major Fraud Prosecutions, Enforcement Actions and Related Civil Litigation." David Brodsky of Cleary Gottlieb moderated the panel, which included his partner, Lev Dassin, former Interim US Attorney for the SDNY and David Rosenfeld, an Associate Director of Enforcement, New York regional office of the SEC.

Bruce Green, Professor of Law at Fordham Law School and chair of the Criminal Justice Section of the ABA spoke on Prosecutive Ethics. Marshall Jarrett, Director of EOUSA and Todd Jones, chair of the AGAC gave their annual updates.



On Saturday evening, we were honored to have Eric Holder, the Attorney General of the United States, as our keynote speaker. General Holder, a former US Attorney himself, has been very open and responsive to NAFUSA. He hosted a meeting in his conference room for the entire board of directors in April, 2010 and, at his suggestion, is meeting quarterly with a bipartisan committee of six NAFUSA members. The first of such meetings occurred in Washington in July and the second in New York at the conference. A third meeting is scheduled for February in Washington.

In addition to Ernest & Young and White & Case, we were also pleased that the following organizations were sponsors on our 2010 conference: Greenberg Traurig; Pepper Hamilton; FTI Consulting; Trial Graph/Kroll On Track; Wampler, Buchanan, Walker, Chabrow, Banciella & Stanley. Without our sponsors, we would be unable to hold such great conferences.

On Saturday evening, we also honored our outgoing president, Rich Rossman and installed our new president, Bill Lutz. The following slate of new officers was announced:

Bill Lutz	President
Rick Deane	President-Elect
Jay Stephens	Vice President
Don Stern	Secretary
Matt Orwig	Treasurer
Rich Rossman	Immediate Past President

The newly elected directors (Class of 2013): Bart Daniel, Jeff Taylor, Joe Whitley, J. Don Foster and Veronica Coleman-Davis.

Finally, it was announced that our 2011 Annual Conference will be held in Santa Fe, New Mexico on September 29-October 1.

**WELCOME BY NAFUSA MEMBER AND NEW JERSEY GOVERNOR CHRIS CHRISTIE, SOUTHERN DISTRICT OF NEW YORK U.S. ATTORNEY PREET BHARARA AND NEW JERSEY U.S. ATTORNEY PAUL FISHMAN**



**GOVERNOR CHRIS CHRISTIE**



**SOUTHERN DISTRICT OF NEW YORK  
U.S. ATTORNEY PREET BHARARA**



**NEW JERSEY U.S. ATTORNEY PAUL  
FISHMAN**



**NAFUSA PRESIDENT RICH ROSSMAN,  
PREET BHARARA, PAUL FISHMAN AND  
CHRIS CHRISTIE**



**NEW YORK TIMES SUPREME COURT  
REPORTER ADAM LIPTAK**

### **Supreme Court Term 2009-2010**

Adam Liptak, New York Times correspondent to the United States Supreme Court presented a review of the Supreme Court Term 2009-2010. Liptak discussed the decisions in the cases that struck down the honest services criminal statute which held that the honest services statute was violated only with the payment of a bribe or kickback. Liptak noted that three justices wanted it struck down completely.

Liptak said the cases were in line with a philosophy expressed by former Attorneys General Meese and Thornburg and the ACLU that there are too many laws criminalizing everyday conduct. He noted that Justice Sonia Sotomayor criticized the jury selection in that venue. Liptak noted that she is the only former trial judge on the court, and some of her fellow justices rely on her trial experience.

Liptak said the cases of *Padilla v. Kentucky* and *Holland v. Florida* indicate the Supreme Court of nine lawyers do not like bad lawyers. The Supreme Court reversed conviction of Padilla whose attorney told him his guilty plea would not cause him to be deported. Following the conviction he was slated for deportation. The defense attorney argued that it was not his

duty to deal with the defendant's immigration status. Seven justices held that the attorney's conduct was below standard. Justice Samuel J. Alito and Chief Justice John Roberts said the inquiry should be limited to whether the attorney should have advised him that his immigration status would be affected. Justice Antonin Scalia and Justice Clarence Thomas dissented on the grounds that the attorney's duty only requires advice on criminal matters.

*Holland v. Florida*

Defendant was convicted of first degree murder and sentenced to death. He petitioned for federal habeas corpus relief, but was denied as untimely. On appeal, defendant contended that his attorney failed to file for habeas relief despite defendant's many requests. He argued he was entitled to a tolling of the statute based upon his attorney's inaction. The Court of Appeals denied relief.

The Supreme Court reversed. The court held that under certain "extraordinary circumstances," a court may relax the deadline for filing habeas corpus petitions. Those circumstances may arise from an attorney's misconduct, even if the attorney did not act dishonestly or in bad faith.

Justice Alito concurred in part in the judgment, and Justice Scalia dissented, joined in part by Justice Thomas. In his dissent, Scalia criticized the court's statutory interpretation, stating that if Congress had intended for there to be equitable tolling of a habeas corpus petition, it would have explicitly stated so. He went on to criticize the court's application of the new standard.

Liptak said the court has begun to review punishment cases. He predicted the punishment systems in the states will become an area for review. Chief Justice Roberts often joins the liberal majority in unusual places. Roberts and Alito have joined the liberal majority on narrow grounds in the sentencing area. Liptak feels that the concept of proportionality may be used more in the future.

Liptak feels Alito and Roberts have four votes to do away with the exclusionary rule and are looking for a fifth vote. He feels this is a major project of the Roberts court.

### **The Appropriate Forum to Prosecute Terrorism Cases**



[This was timely program with very qualified panelists:](#) Judge John Coughenour, U.S. District Court, Western District of Washington; Eugene Fidell, President, National Institute of Military Justice; Kenneth Wainstein, former Assistant Attorney General, National Security Division, U.S. Department of Justice, former U.S. Attorney; Captain David Iglesias, JAGC, USN, Office of Chief Prosecutor, Office of Military Commissions, former U.S. Attorney; Matthew C. Waxman, Associate Professor, Columbia Law School, former Deputy Asst. Secretary of Defense for Detainee Affairs

The program was moderated by Charles Savage, New York Times correspondent to the Department of Justice. Charles Savage, commented as the program began that these programs on this subject tended to generate “more heat than light”.

Military commissions have had a long use in the history of the United States. They were used extensively in World War II to try persons caught as spies, and for war criminals after the war. There were numerous war crimes trials conducted in the Pacific following World War II. Following World War II there was a long period of nonuse of military commissioners. The commentators described the military commission as an historical relic.

The attacks of 911 caused a renewal in the requests for their use. There was a concentrated discussion within the government on the issue of how to try Bin Laden and the perpetrators of the 911 attacks. The military lawyers in the Judge Advocates General's corps of each service wanted trials pursuant to the Uniform Code of Military Justice. The most evident problem presented by the courts-martial was the very strict evidentiary rules, especially in dealing with hearsay.

There was a task force appointed to determine the fact vehicle. The White House surprised many by selecting the old concept of military commissions. The White House wanted the concept of quick justice, with little restriction on the use of hearsay evidence derived from wiretaps, informants and foreign country investigations. There were many confrontations between the civilian lawyers from the White House and Defense Department and the military lawyers from JAG. Nothing was really accomplished.

The Supreme Court struck down the first application of military commission as not being authorized by Congress. In 2006, Congress passed the Military Justice Act. In 2009, Congress passed the new Military Commission Act. There are ongoing arguments of the advantage of using the civilian courts. The Republican leadership wanted more military jurisdiction. The Obama Administration took a middle ground.

The panel discussion was intense as the proponents explored the pros and cons of the issue, with many practical observations. The proponents of the Article III trials pointed out that the judges will be impartial, and there will not be pressure to return a conviction, as opposed to military officers who would feel pressure to convict. The Article III courts which have heard terrorist cases have produced very sound results.

The proponents of military tribunals do not believe the terrorists should be tried as common criminals. They should not be given the dignity of the Article III system. Those individuals are sworn enemies of the United States, and we should not limit ourselves in punishing them. We should not make the prosecution of these persons more difficult in face of the very complex question of hearing evidence, protection of classified information. The terrorists should not be the beneficiary of the complex situation they have created.

Commentators have pointed out that although the majority of other countries are repulsed by the military trials, their own civilian procedures are based upon the principles used in the military commissions. There are no hearsay prohibitions in those countries; evidence is presented in the form of written summaries of interviews with hearsay upon hearsay.

One panelist said that if the military commissions had been given better preparation and better publicity the concept would have fared much better. The panel concluded with numerous unanswered questions; issues that will arise repeatedly. In conclusion the panel was confronted with a question from the audience: If Osama Bin Laden is eventually captured, what is the best method to try him. There was no conclusion except that no matter what method he would be convicted.

Editor's Note: Suggested further reading: *In Re Yamashita*, 327 U.S. 1 (1946); *Ex Parte Quirin*, 317 U.S. 1 (1942); Tim Maga, *Judgment at Tokyo*, University Press of Kentucky, 2001.

Editor's Note: The New York Times reported on January 20, 2011 that the Obama Administration is preparing to increase the use of Military Commissions to prosecute Guantanamo detainees



**NAFUSA MEMBER PETER VAIRA HAS GRACIOUSLY SERVED AS REPORTER AND EDITOR OF ALL CLE PROGRAMS FOR SEVERAL YEARS.**



### **Major Fraud Prosecutions, Enforcement Actions and Related Civil Litigation**

This was timely program with very qualified panelists: David Brodsky, Cleary Gottlieb; moderator Lev Dassin, Cleary Gottlieb, former U.S. Attorney Southern District New York; David Rosenfeld, an Associate Director of Enforcement of SEC. The panel discussed the renewal effect of the enforcement agencies on major fraud cases. There are three themes in this new effort:

Bigger cases with bigger stakes, including huge fines;

Much more complex litigation, both civil and criminal, and an expansion of white collar practices;

Much more aggressive investigations.

A case study is the Madoff case. The case was the result of an economic downturn; investors, who had been continually putting money in, suddenly began to withdraw from their accounts. This is fatal to a ponzi scheme which needs a constant flow of new money.

In the investment field Madoff was regarded as a giant. When his program fell apart, Madoff was visited at his home by two FBI agents who asked him one question: Is there an

innocent explanation for this? Madoff answered “No”, and was promptly taken into custody. This was a twist from the usual financial investigation which proceeds from the bottom to the top. Here the top guy turned himself in. The effect was felt all over the world. In the end this was a very simple ponzi scheme .

In the Madoff scheme – a great many persons withdrew their funds. The bankruptcy trustee can redeem any funds paid within 90 days of the bankruptcy. The victim investors would be paid based upon the amount they paid in, not what they received, or were promised to receive.

There is litigation around the world against the administrators of investment funds who ignored the red warning signs, and invested with Madoff. [Editors Note: Brian Ross, Legal Correspondent for ABC News published a book last year on the Madoff affair. Ross contends that a great many investment advisors knew that Madoff was not the investment genius, but suspected that he was working on insider information, and continued to invest their clients’ money.]

The panel described the changes in the SEC. As a result of its many failings exposed by the Madoff affair, there are new personnel. Most are former AUSA’s. The organizational structure of the SEC has been changed. The branch chief position has been eliminated. There is more of a DOJ model with the persons in the field having more power. The authority to issue formal orders is delegated to the field.

A signal case is the indictment brought against the Galleon Group. This is the first time Title III phone taps were used in an investigation of a financial enterprise such as a hedge fund. This will be a tool in future investigations. As a spinoff to the criminal case the SEC filed a civil suit against the Galleon Group and its executives for disgorgement. The case was assigned to Judge Rakoff of the Southern District of New York. Judge Rakoff ordered the

defendants in the civil case to turn over to the SEC all the transcripts of the wiretaps they had been given in discovery in the criminal case. The defendants appealed and the Second Circuit reversed, holding that Judge Rakoff has exceeded his powers in the civil case. Commentators felt that the SEC would eventually obtain the transcripts once the wiretaps are ruled legal in the criminal case.



**BRUCE GREEN**

### **Prosecutive Ethics**

This was a timely program with a very qualified panelist: Bruce Green, Fordham Law School, Chair ABA Criminal Justice Section.

After the dismissal of the conviction of former U.S. Senator Stevens, the issue of Brady material has become more important. In many states, the prosecutors use an open file policy. Professor Green says that many prosecutors do not receive the proper training. Their instruction is “Give over what the law requires”. The prosecutors expect their lawyers to learn on the job.

This subject is not taught in law schools to any extent, but is not an area which can be effectively taught there. It is a subject that must be professionally addressed on the job. In any program in a prosecutor's office, the training must go beyond basics, and have a program to examine mistakes. Professor Green believes there is no effective discipline for failure to adhere to Brady requirements. Professor Green drew attention to Rule 3.8(d) of the Professional Rules of Conduct. Very few prosecutors are aware of its operational value.

Rule 3.8.(d) provides:

The prosecutor in a criminal case shall: make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal.

In 2009, the ABA Ethics Committee issued opinion 09-454 which held there was no materiality requirement in Rule 3.8(d) for favorable evidence, and further held they should be timely disclosure. The opinion stated that the ethical obligation went beyond constitutional requirements. Professor Green said that the obligation to provide Brady material pursuant to Rule 3.8(d) is not waivable. The present DOJ regulations say nothing about Rule 3.8(d).

Professor Green felt that the culture of the prosecutor's office is the main factor. The prosecutor's office is generally not concerned about being disciplined. The officers will become concerned if judges become involved. If the culture is conviction, at all costs, policy will not mater. If there is a strong Brady policy, the culture will be affected.

Professor Green stated that there is an issue about past conviction obligation for Brady material. He said the policy is not clear



Director **H. Marshall Jarrett** of the Executive Office for United States Attorneys told members of the National Association of Former U.S. Attorneys that DOJ officials anticipate “very, very tight times” when President **Barack Obama** releases his proposed budget for fiscal 2012 in the coming months.

“The budget picture looks very, very tight and very austere, and depending on how the election turns out, [it] can even get worse or more austere,” Jarrett said, who appeared to hint at the potential effect of a Republican majority in the House or Senate



A senior U.S. Attorney on Saturday suggested that federal prosecutors will put an emphasis on fighting cyber crimes and enforcing environmental laws next year.

Minnesota U.S. Attorney **B. Todd Jones**, who is the chairman of the Attorney General’s Advisory Committee of U.S. Attorneys, said U.S. Attorneys will meet in November to discuss efforts to target Internet criminals and violators of environmental laws, in addition to conferring about work on national security, civil rights and health care fraud issues.



**BRADFORD AWARD WINNER**  
**KATHLEEN MEHLTRETTER**

Kathleen Mehlretter has over thirty-one years of service to the Department of Justice and United States Attorney's Office for the Western District of New York. She joined DOJ following her graduation from State University of New York at Buffalo Law School in 1978. In 1981, she accepted a position at the U.S. Attorney's Office in the Western District of New York from Judge Richard J. Arcara. She was promoted to the position of Criminal Chief in March 1984, by Salvatore Martoche during his tenure as U.S. Attorney. She served a dual role of First Assistant and Criminal Chief from 1998 to 2007 under Denise O'Donnell, Michael Battle and Terrance Flynn. She remained First Assistant from 2007 to 2009

On three occasions, Mrs. Mehlretter served as the United States Attorney for the Western District of New York. Most recently she served as U.S. Attorney from January 19, 2009 to March 12, 2010, following Terry Flynn's resignation. Mrs. Mehlretter also served as U.S. Attorney on two other occasions, first from June 2001 to February 2002, following the resignation of Denise E. O'Donnell and the second occasion was from June 2005 to March 2006, following Michael Battle's move to be Director of the Executive Office for United States Attorneys.

Mrs. Mehlretter has been involved in several significant investigations and prosecutions during her career, including political corruption, the Oklahoma bombing, the Lackawanna Six and the James Kopp prosecution. Mrs. Mehlretter has received three awards from the Director of the Executive Office for United States Attorneys for outstanding performance



**BILL LUTZ ELECTED NAFUSA  
PRESIDENT**

Bill Lutz served as U.S. Attorney for the District of New Mexico from 1982-91. While US Attorney he opened the office in Las Cruces, NM near the Mexican Border. The Las Cruces US Attorneys Office now handles over half the criminal case load in the District. He also served as the US attorney representative on the Southwest border drug effort– Operation Alliance. During the late 80's and early 90's the case load of the office increased dramatically. Because of the Mexican drug and immigration problem, it was in the top five offices in both cases filed and tried per AUSA.

Bill graduated from the University of Texas in 1965 with a BS in Chemistry. He received his JD from the University of Texas in 1969. He began practice in Las Cruces, New Mexico on admission to the New Mexico bar. After leaving the US Attorneys office, Bill returned to private practice in Las Cruces. His firm represents the City of Las Cruces, New Mexico State University Foundation, a number of banks, as well as a variety of small businesses and individuals throughout Southern New Mexico. In addition to a trial practice Bill has argued appeals in New Mexico state appellate courts and the Tenth, Fifth, and DC Circuits. Bill has served on Board of Bar Commissioners of the State Bar of New Mexico and served the New Mexico Supreme Court's Rules of Evidence Committee for a number of years.

Bill has also been active in the community including serving as President of the Aggie Athletic Association (New Mexico State University's athletic fund raising organization) and President of the Las Cruces Sister Cities Foundation.

Bill is married to Jeanne Lutz, associate pastor at Peace Lutheran Church, and has two sons: William who is editor of the Lone Star Report in Austin, Texas, and David who practices law with Bill.



**RON WOODS**



**LARRY FINDER**

## **NAFUSA MEMBERS APPOINTED BY FIFTH CIRCUIT TO INVESTIGATE AND PROSECUTE NEW ORLEANS FEDERAL JUDGE**

The Chief Judge of the Fifth Circuit Court of Appeals appointed NAFUSA members Ron Woods and Larry Finder, both former U.S. Attorneys in Houston, to investigate and prosecute a complaint filed against a New Orleans Federal Judge, G. Thomas Porteous, pursuant to 18 U.S.C. Section 351 *et seq.*

Woods and Finder conducted an investigation and charged the judge with bankruptcy fraud, receipt of kickbacks from lawyers, financial disclosure report violations and violations of the Code of Conduct for United States Judges.

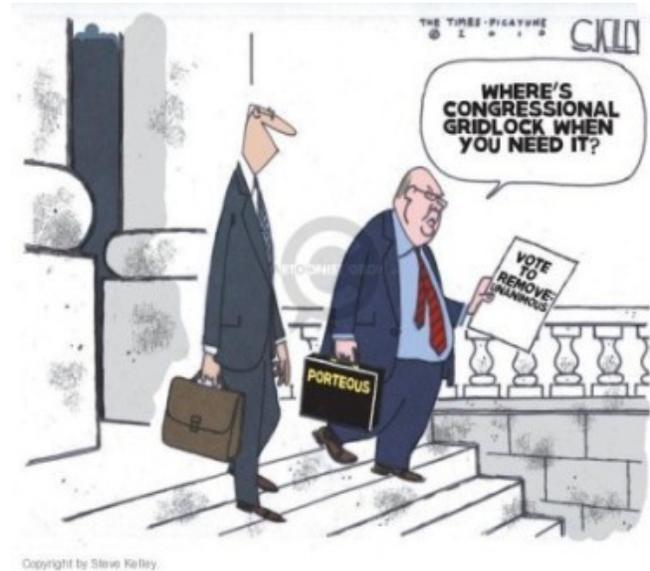
Under the Fifth Circuit Rules Governing Complaints of Judicial Misconduct and Disability, a trial was conducted before a Special Committee of three federal judges appointed by the Chief Judge in a closed courtroom in the Fifth Circuit Courthouse in New Orleans. Woods and Finder presented witnesses and exhibits and called the judge to the witness stand, allowed under the rules. Under a grant of immunity, he was questioned about the violations and was placed in a position to answer truthfully or face additional perjury charges. He made certain admissions which were used later in his impeachment trial before the United States Senate.

Upon conclusion of the trial before the Special Committee, Woods, Finder and the Special Committee made an oral presentation and presented the record and exhibits to the Judicial Council of the Fifth Circuit Court of Appeals. Judge Porteous was allowed to present briefs and to appear personally and present his defense. The Judicial Council of the Fifth Circuit forwarded the record and exhibits to the Judicial Conference of the United States because Judge Porteous had engaged in conduct “which might constitute one or more grounds for impeachment under Article II of the Constitution”

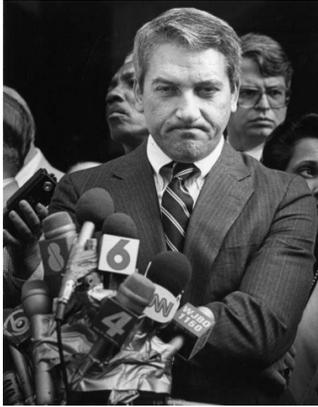
The Judicial Conference of the United States reviewed the record and exhibits and unanimously forwarded the matter to the United States House of Representatives for impeachment consideration. The House impeached and appointed House members as impeachment counsel to try the case before the United States Senate. A trial was held in the Senate and Judge Porteous was unanimously convicted and removed from office on December 8, 2010, only the eighth time the Senate has removed a federal judge. The Senate, for only the third time in history, also disqualified the judge from holding another federal office



Jude Porteous, right, and counsel Jonathan Turley.



New Orleans Times Picayune



to  
in

NAFUSA MEMBER **JOHN VOLZ**, Former U. S Attorney, who prosecuted such figures as crime boss Carlos Marcello, former Gov. Edwin Edwards, former New Orleans District Attorney Harry Connick and former state Senate President Michael O'Keefe, passed away on Saturday, February 12, 2011 surrounded by his family in Tulsa, Oklahoma at the age of 75. He was appointed First Assistant District Attorney under Jim Garrison, served as Special Agent with U.S. Bureau of Narcotics and Dangerous Drugs which was predecessor the DEA and was Chief Federal Public Defender in the Eastern District of Louisiana. He was appointed U. S. Attorney for the Eastern District of Louisiana 1978 by President Jimmy Carter. He was Special Counsel for U. S. Attorney Dick Thornburgh and most recently was Administrative Law Judge in Tulsa.

Born in New Orleans, John graduated from Jesuit High School and received his undergraduate and law degrees from Tulane University



NAFUSA MEMBER **JAMES F. NEAL**, who successfully prosecuted Jimmy Hoffa and key Watergate figures and later defended such prominent clients as the Exxon Corp. after the Exxon Valdez oil spill, has died. He was 81. In 1964, Neal successfully prosecuted Teamsters president Jimmy Hoffa on jury tampering charges in Chattanooga. He was working as a special assistant to then-U.S. Attorney General Robert Kennedy when he secured the government's first conviction against Hoffa - sending him to prison. Four previous government efforts to convict Hoffa had failed.

Neal was the special Watergate prosecutor who won convictions in 1974 of one-time Richard Nixon aides H.R. Haldeman, John Ehrlichman and Attorney General John Mitchell. In private practice, Neal successfully defended Ford Motor Co. against reckless homicide charges in Indiana after the gas tank of a 1973 Ford Pinto exploded, killing the car's driver. A year later in 1981, he also successfully defended Dr. George Nichopoulos of Memphis, Tenn., against charges that he overprescribed drugs to Elvis Presley. After actor Vic Morrow and two others died in 1982 during filming of the movie "Twilight Zone," Neal successfully defended director John Landis against charges of voluntary manslaughter in 1987. He was hired in 1990 to represent the Exxon Corp., which was charged with polluting the Alaska shoreline with the Exxon Valdez oil tanker spill.

He was U.S. attorney for Middle Tennessee from 1964 to 1966. Neal then entered private practice and in 1973 was called to Washington to become chief trial lawyer for the Watergate special prosecutor's office. In 1982, he was chief counsel to a special U.S. Senate committee that investigated the federal government's Abscam bribery allegations



NAFUSA MEMBER **JOHN M. ROBERTS**, former United States Attorney for the Middle District of Tennessee, died on Feb. 6, 2011 in Nashville. He was 74. President Bill Clinton appointed Mr. Roberts to the post in 1994, and he served during Clinton's time in office. Mr. Roberts, who was born in Overton County, graduated from the University of Tennessee Law School. Shortly after, Mr. Roberts went back to Livingston and became a trial lawyer. He worked as general counsel for the Tennessee Valley Authority, became the district attorney general for the 13th Judicial District, a General Sessions Court judge and served as assistant attorney general for the state. Then-Gov. Phil Bredesen asked him to return to the bench in 2006. Mr. Roberts was appointed to serve as temporary criminal court judge for the 13th Judicial District of Clay, Cumberland, DeKalb, Overton, Pickett, Putnam and White counties. At the time, Mr. Roberts was executive director of the Livingston-Overton County Chamber of Commerce.



FORMER UNITED STATES ATTORNEY **RICHARD V. THOMAS** passed away in September 2010 at the age of 77. In 1969, President Richard Nixon appointed Thomas as United States Attorney for Wyoming. He was United States Attorney for five years and was then appointed to the Wyoming Supreme Court, where he served for 27 years. Thomas was a 1956 graduate of the University of Wyoming Law School and served 3 years as a Judge Advocate General in the United States

Air Force.

## 2010 NAFUSA ANNUAL CONFERENCE IN NEW YORK CITY





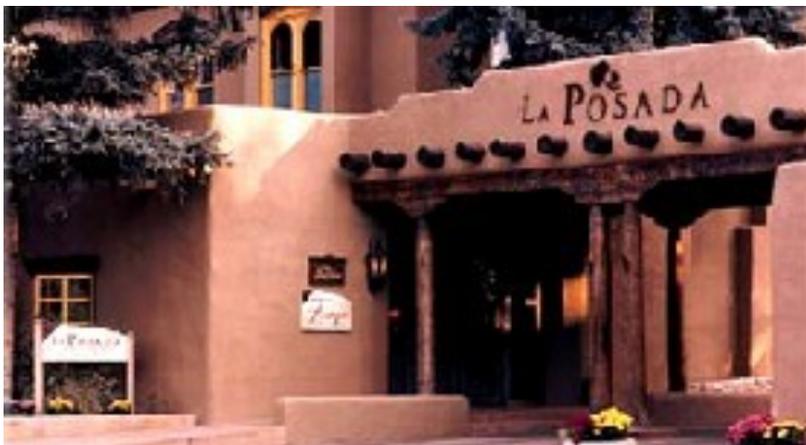
**2011 NAFUSA ANNUAL CONFERENCE**  
**SANTA FE, NEW MEXICO**  
**SEPTEMBER 29-OCTOBER 1, 2011**

This year we will meet for our Annual Conference in Santa Fe, New Mexico. The conference will be held at La Posada de Santa Fe ([www.laposada.rockresorts.com](http://www.laposada.rockresorts.com)), and you can make reservations now by calling 505.954.9686 and mentioning NAFUSA. The conference rate is \$249 a night plus \$12 a day resort fee.

Conference planning is in its early stages, but we have already planned a two hour panel discussion on WikiLeaks, the First Amendment and law enforcement issues. Charlie Savage, the Pulitzer Prize winning reporter from the New York Times will serve as the moderator. Ken Wainstein, NAFUSA member and the first Assistant Attorney General for National Security, and former Ambassador Joe Wilson have agreed to serve on the panel. Both Charlie and Ken served on the panel on terrorism at our New York conference. Steve Easton, Dean of the Wyoming Law School and NAFUSA member has also committed to the conference and will speak on expert witnesses

NAFUSA's Annual Conference is a great opportunity for some of the best continuing education offered anywhere in the nation. But it is also a wonderful opportunity for members to meet with colleagues with whom they have served in the Department of Justice, to form and enhance relationships, and to enjoy great venues with friends and family. We are planning a great Annual Conference for Santa Fe and, once the details have been finalized, will be posting the agenda and related information. Put it on your calendar now and make plans to join us at La Posada de Santa Fe.

Fall is a great time in the mountains of New Mexico. Albuquerque is only an hour from Santa Fe and the world famous Albuquerque Balloon Festival will be held October 1-9, 2011. So plan to spend a few extra days in New Mexico.



MARK YOUR CALENDAR

**NAFUSA**

**2011 ANNUAL CONFERENCE**

**SEPTEMBER 29-OCTOBER 1, 2011**

**La POSADA de SANTA FE**

**SANTA FE, N.M.**



THE NATIONAL ASSOCIATION OF FORMER UNITED STATES ATTORNEYS

C/O RON WOODS, EXECUTIVE DIRECTOR

5300 MEMORIAL, SUITE 1000

HOUSTON, TX 77007

713-862-9600

### **Life Time Members**

Michael Bromwich .. Mahlon Brown .. Tony Canales.. Jim Cissell .. Robert Cleary .. Margaret Currin .. Sam Currin .. Ed Dowd .. Dick Eagleton .. Troy Eid .. Rudolph Giuliani .. Rodger Heaton.. Rick Hess .. William D. Hyslop ..Bill Leone.. Mike McKay.. Patrick McLaughlin.. Thomas O'Brien  
Matthew Orwig .. Chuck Rosenberg..Rich Rossman..Joe Russoniello .. Jack Selden .. Jay Stephens ..Paul Thomson.. Ron Woods .. Bob Wortham .. Sharon Zealey