



April 2004

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Question...

How do I get all of you to get with the program?

Asheville fast approaches and very few of you have bothered to register with the hotel or register with NAFUSA. The earlier this is done, the better prices, menus and all the extras can be had; waiting until the last moment gets us just that — the last!

We have truly put together one of the best C.L.E. programs ever, selected the most ideal setting and the time of the year seems perfect. We have again enclosed all the necessary forms and information. Please take a few minutes and fill them out, call the hotel, and send your check.

Once again we have received a most generous contribution from Robertson, Freilich, Bruno & Cohen, L.L.C., 1 Riverfront Plaza, Newark, NJ 07172. Past President Bill Robertson, U.S. Attorney, New Jersey 1980-1981 continues to put his wallet where his mouth is, \$5,000.00.

A newcomer, Mark Calloway, former Director of the Executive Office of United States Attorneys and U.S. Attorney for WD North Carolina, 1993-2001 has encouraged his firm (Alston & Bird, LLP, 101 South Tryon Street, Suite 4000, Charlotte, NC) to make a similar contribution, of \$5,000.00. The key words are "newcomer" and "generous." Without these kinds of contributions our annual meetings would be phone conferences. Search your surroundings and see if the same kind of largesse exists. It really helps.

Speaking of the extra mile, Sam Currin donated \$3,000.00 from his firm, Currin Law Building, 20 Market Plaza, Suite 300, Raleigh, NC. Both Sam and Margaret Currin have seen fit to make themselves "Life Time Members" with a one time contribution of \$1,500.00 each. Other *Lifers* include William Robertson, Frederick Hess, James C. Cissell, and Robert J. Cleary.

As most of you know, we are honored this year to have the Honorable Janet Reno, former Attorney General of the United States, as our dinner speaker. This lady is not a stranger to NAFUSA, and to my knowledge, is the first ever sitting U.S. Attorney General to attend one of our conferences.



We are honored to be welcomed to this year's conference by His Honor, Judge Lacy Herman Thornburg, U.S. District Judge for the Western District of North Carolina.

The program shines with the presence of the Honorable John S. Martin, former U.S. Attorney for the Southern District of New York and former U.S. District Judge for the Southern District of NY.

It's nice when one of your own makes the big time. We got him at our conference. Joe Whitley (M.D. Georgia 1981-1987, N.D. Georgia 1990-1993). Joe is the new General Counsel for the Department of Homeland Security.

That glow continues with the likes of Professors John Conley, University of North Carolina School of Law, Stephen D. Easton (U.S. Attorney, North Dakota, 1990-1993) University of Missouri, Columbia School of Law, and Leon Friedman (Honorary NAFUSA member), Hofstra University Law School.

Our friends at EOUSA continue to help make our programs the successes they have been. Guy Lewis, Executive Director (S.D. Florida 2000-2002), Mary Beth Buchanan, U.S. Attorney W.D. Pennsylvania and Chairman of the Attorney General's Advisory Committee. Lou DeFaLaise (E.D. Kentucky, 1981-1991) Legal Counsel to the Executive Office of United States Attorneys. This truly is a great bunch of people who go out of their way to help and contribute to NAFUSA.

This year's recipient of the William Bradford Memorial Outstanding Assistant Attorney Award has been selected from a list of many nominees and after much hard work by the NAFUSA Selection Committee (Margaret Currin, E.D. North Carolina, 1989-1993; Frederick J. Hess, S. D. Illinois 1975-1993; Atlee W. Wampler III, S. D. Florida 1980-1982; Jack W. Selden, N.D. Alabama 1992-1993; and James Brady, W.D. Michigan 1977-1981. This year's winner is **J. Malcolm Bales**, Chief of the Criminal Division, U.S. Attorney's Office, Eastern District of Texas. He will honor us with a one hour presentation. This award has gained a life of its own and is recognized and respected around the country. More nominations each year. (continued on page 5)

His Honor Judge Lacy Herman Thornburg, was born in Charlotte, North Carolina in 1929 and received his B.A. degree at the University of North Carolina, Chapel Hill, his J.D. in 1954, UNC, School of Law. A member of the bar since 1954, his career has taken him through membership in the N.C. House of Representatives in 1961-1966; Special Superior Court Judge, 30th Judicial District, 1967-1971; Resident Superior Court Judge, 30th District, 1971-1983; Attorney General for the State of North Carolina, 1985-1992; Emergency Superior Court Judge, 30th Judicial District, 1993-1994; and Consultant with the Department of Interior, Indian Gaming Commission. He was appointed on March 17, 1995 by President William J. Clinton to U.S. District Court Judge, Western District of North Carolina.

Judge Martin served for thirteen years as a United States District Judge for the Southern District of New York and for three years as the United States Attorney for the Southern District of New York. Prior to serving on the federal bench and as United States Attorney Judge Martin served as Assistant to the Solicitor General of the United States in Washington, D.C. from 1967-1969. From 1966-67 he served as Consultant to the National Commission on Law Enforcement and the Administration of Criminal Justice, and from 1962-1966 he served as Assistant United States Attorney for the Southern District of New York and as the office's Chief Appellate Attorney. He graduated Manhattan College in 1957 and received his LL.B. in 1961 from Columbia Law School.



Joe D. Whitley was confirmed by the Senate in July 2003 and sworn in on August 1, 2003 as the nation's first General Counsel of the Department of Homeland Security. He serves as the chief legal advisor to the Secretary of the Department of Homeland Security and is responsible for integrating 1,500 lawyers from 22 different agencies into a cohesive, full service legal division. As CLO of the Department, Mr. Whitley oversees the work of lawyers in all DHS

Directorates and component agencies such as the Secret Service, the Coast Guard, Border & Transportation Security, Emergency Preparedness and Response, the Bureau of Citizenship and Immigration Services, Information Analysis & Infrastructure Protection, Transportation, Security Administration, and Science and Technology. He served under President George H.W. Bush, as well as being the only Senate-confirmed U.S. Attorney ever appointed in two different federal judicial districts, M.D. Georgia, in Macon; N.D. Georgia in Atlanta. Prior to DHS he was a partner at Alston & Bird, where he served as head of its Government Enforcement & Investigations Group, and a former member of the Criminal Justice Section. He has chaired annual seminars and institutes for Georgia ICLE on White Collar Crime, Health Care Fraud, and Cybercrime and Vice-Chaired Governmental Affairs of the 2002-03 ABA Criminal Justice Section.

John Martin Conley is William Rand Kenan, Jr., Professor of Law at the University of North Carolina at Chapel Hill. He received his Undergraduate degree in Classics from Harvard, where he was elected to Phi Beta Kappa, and his J.D. and Ph.D. (Anthropology) degrees from Duke, serving as editor-in-chief of the *Duke Law Journal*. He joined the UNC law faculty in 1983 where he teaches Civil Procedure, Intellectual Property, Scientific Evidence, Biotechnology, and Law and Social Science. Since 1991 he has been a member of the faculty of the University of Virginia's Graduate Program for Judges, in which he teaches a course on Social Science Evidence. He has authored three books and numerous articles on such topics as the anthropological and linguistic study of the American legal system, the culture of business and finance, scientific evidence and the law of intellectual property as applied to emerging technologies.





Professor **Stephen D. Easton** joined the faculty at Missouri University in 1998. He was Associate Managing Editor of the Stanford Law Review and president of the Stanford Law Forum. From 1990-93 he served as the United States Attorney for the District of North Dakota, appointed as the nation's youngest U.S. Attorney. Professor Easton is also a Certified Public Accountant. He has published law review pieces about professional

responsibility, evidence, criminal procedure, expert witnesses and broadcasting of trials and has authored a book on jury trials. He teaches Trial Practice, Professional Responsibility, Criminal Law and Criminal Procedure.

Distinguished Professor of Civil Liberties Law **Leon Friedman**, A.B., LL.B., Harvard University. He was the director of the Committee for Public Justice and staff attorney for the American Civil Liberties Union during the Watergate era, where he litigated numerous cases dealing with the national security, misuse of government power, the legality of the Vietnam War and the draft, and the First Amendment. His play, *The Trial of Lee Harvey Oswald*, was produced on Broadway and was later made into a television movie. He lectures regularly to federal judges around the country, under the auspices of the Federal Judicial Center, on civil rights and criminal procedure. He frequently lectures at continuing legal education gatherings such as those sponsored by the Practising Law Institute, the National Association of Criminal Defense Lawyers and the American Bar Association/American Law Institute, on subjects such as civil rights, civil procedure, criminal procedure and the First Amendment.



Malcolm Bales graduated from the University of Texas at Austin School of Law, December 1980. His government service began when he served five months as a Judge Advocate General (JAG) attorney in the United States Navy. He then became a Special Agent in the F.B.I. He worked as a field agent in the San Antonio, Mobile, and Chicago field offices. In Chicago, he investigated public corruption cases, most notably the "Greyford" case. In Feb. 1989 he joined the U.S. Attorney's Office. He was named Chief of the Criminal Division, Jan. 26, 2003. Bales received two Department of Justice Sustained Superior Achievement Awards in 1989 and 1992. The Space Shuttle Columbia exploded over the skies of East Texas. He led the recovery and investigative efforts for the Eastern District of Texas by organizing a Command Center. Former FBI Director, Louis J. Freeh commended Bales for his assistance during an investigation of the theft of 157 kilos of cocaine from the Beaumont, Texas Police Department.

Janet Reno is the first woman Attorney General of the United States of America. Nominated by President Bill Clinton on February 11, 1993, she was again appointed in 1997 by President Clinton. Undergraduate of Cornell University, Ithaca, New York; Harvard Law School, 1963. In 1971 Janet Reno was named staff director of the Judiciary Committee of the Florida House of Representatives. In 1978, Reno was appointed State Attorney General for Dade County. She was elected to the Office of State Attorney General in November 1978 and was returned to office by voters four more times.



On a sad note...

We will truly miss our friend **TEX LEZAR**, Assistant Attorney General Legal Policy, 1984-1985, who passed away on January 5, 2004. You'll all remember his lovely wife, Merrie Spaeth, a former speaker at NAFUSA conferences. Judge Patrick Higginbotham of the 5th U.S. Circuit Court of Appeals said, "Mr. Lezar possessed one of the brightest minds he had worked with in his 42-year career. He combined an outstanding ability to write and an incisive appreciation of complicated issues of politics and public affairs. He was a good man. This is a great loss to the public and particularly to the legal profession." U.S. Senator Kay Bailey Hutchison said, "Texas has lost one of its leading attorneys and legal scholars."

Born in Dallas, Mr. Lezar grew up in Japan, the son of a ship's captain who did reconnaissance for Gen. Douglas MacArthur during the Korean War. He earned his bachelor's degree from Yale University in 1970, after which he became assistant to columnist William F. Buckley Jr. before becoming a speechwriter and special assistant to President Richard Nixon. He earned a law degree from the University of Texas and was editor-in-chief of the Law Review. He worked at a Houston law firm before becoming counsel to Texas Secretary of State George Strake. He worked on Ronald Regan's 1980 presidential campaign before becoming a special counsel to the U.S. Attorney General. He was named the Attorney General's Chief of Staff and was later named an Assistant Attorney General and retained the title of Chief of Staff under Attorney General William French Smith.

U.S. District Judge **John H. Hannah Jr.**, chief judge of the Eastern District of Texas since June 2001, died in Florida of a heart attack on December 5, 2003. Hannah, 64, was attending a meeting of the Judicial Conference Committee on Defender Services in Miami, FL and was accompanied by his wife, U.S. Magistrate Judge Judith K. Guthrie. Judge Hannah was appointed to the federal bench in Eastern Texas by then-President Clinton on March 11, 1994. He became chief judge of the court on June 17, 2001. He had a long history of public service, beginning with a stint in the U.S. Navy from 1958-61. He also served as state representative from the Fifth District (Angelina County) from 1967-73. He then was elected as district attorney for Angelina County and served from 1973-75. In 1975, Judge Hannah was legal counsel for Common Cause of Texas. After two years of private practice, Judge Hannah was appointed U.S. Attorney for the Eastern District of Texas, a position he served until 1981. Judge Hannah practiced law in Tyler and Lufkin from 1981-91. He was appointed Secretary of State for the State of Texas in 1991 by Governor Ann Richards, and served until 1994. As noted by Charles Soechting, "Anyone wanting to see a genuinely decent human being should look to John Hannah. He was a champion of ethics and integrity in government." A NAFUSA stalwart.



Lamond Mills, my successor, U.S. Attorney, District of Nevada 1981-1985 recently passed away after a short illness on March 28, 2004. He was serving as Supreme Court Settlement Judge at the time of his demise, at the age of 62. He served as a Colorado River Commissioner for five years. Lamond was a distinguished and highly decorated veteran of the Vietnamese War. *All of us here in Nevada will miss him.*

ANNOUNCEMENTS

Charles W. Larson (N.D. Of Iowa 1986-1993) and presently Chairman of the Iowa Parole Board was recently appointed once again to his old job as U.S. Attorney. *Some guys get all the luck!*

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*National Association of
United States Attorneys*

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Asheville, NC August 26-29, 2004



The Grove Park Inn, Asheville, North Carolina

President Elect, George H. Lowe, was named by the American Bar Association's Senior Lawyer's Division 2003 Pro Bono Award Winner. He also was recently appointed United States Magistrate...*And they say Caesar was ambitious!*

Kent G. Edwards, (District of Alaska 1971-1977) past NAFUSA president and former U. S. Attorney for Alaska (*who hasn't bothered to update his place on the website*) and his lovely wife, Linda, now live in Ajijic, Jalisco, Mexico and operate a bed and breakfast called "Los Artista's B & B" which has recently received some nice accolades from Online Mexican magazine. Check it out at www.Mexico-Insights.com (Have to also type in "MAR 03" and "MARKETS") Their personal e-mail is ARISTAS@Laguna.Com.Mx. *Must be something about Mexico* - John Merkle, (W. D. of Washington 1971-1981), lives in Puerto Vallarta.

I dare anyone to top this program!

Golf Enthusiasts!
Don't miss the deadline
on registration for
the tournament.
Contact Sam Currin or download
the registration form on our
website to sign up now!

sam@currinlaw.com



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