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September 2010

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A DAY WITH JUSTICE

By Jay Stephens, NAFUSA Secretary

In conjunction with its April board meeting, the board of NAFUSA met with senior Department of Justice officials to engage in a dialogue regarding issues of mutual interest and to share an understanding of Department priorities and approaches of the new Administration. The concept and planning behind the two day series of meetings were developed by a committee of the board as an effort to engage more directly with the Department which we all served and to gain better alignment around fundamental principles of independence underlying the structure and operation of the Department

The board met with a series of senior Department officials who graciously shared their time and views with us. We were delighted to have an opportunity to meet with Attorney General Eric Holder, who had served as the U.S. Attorney for the District of Columbia. The meeting in the Attorney General's conference room provided an opportunity for members of the board to reflect on their service as U.S. Attorneys and to discuss with the Attorney General principles of common interest that bond U.S. Attorneys together without regard to which Administration they served. During the meeting we conveyed our commitment to support the independence of the Department of Justice, the independent role and responsibilities of U.S. Attorneys, and the integrity of the Department. Attorney General Holder shared his thoughts with us regarding these and other issues as we explored ideas regarding ways to develop a closer on-going relationship between NAFUSA and the Department.

We also had an opportunity to meet with Acting Deputy Attorney General, Gary Grindler, and Associate Attorney General, Thomas Perelli. The Deputy and Associate shared their thoughts regarding the operation and priorities of the Department and reflected on their relationship to the U.S. Attorneys' offices. In addition to discussing the prosecution priorities of the Department, they also conveyed their views regarding civil enforcement and litigation policies and their reflections on their work at the Department. We had an opportunity to consider with them how NAFUSA and the Department might work more closely on issues of mutual interest, and also shared with them our commitment to the integrity and independence of the Department.

The board also had an opportunity to meet in the Criminal Division conference room with Assistant Attorney General Lanny Breuer who leads the Criminal Division. Assistant AG Breuer was very gracious in sharing with us his views about the role of the Criminal Division, its relationship to the offices of U.S. Attorneys, and his thoughts regarding the prosecution priorities of the Division and Department. We had an excellent exchange of ideas and shared with him NAFUSA's fundamental interest in the integrity and independence of the Department and the key role which U.S. Attorneys play in delivering justice in each district throughout the country. We also considered areas of common interest in which NAFUSA and the Department could share a continuing dialogue and where NAFUSA could be supportive of the integrity and independence of the Department.

Our Day at Justice would not have been complete without an opportunity to meet with the Attorney General's Advisory Committee of United States Attorneys which was meeting at the Department and around which we had planned our meeting. We had an opportunity to meet the members of the AGAC and to dialogue with them about their views of their role and responsibilities, their thoughts regarding the relationship of U.S. Attorneys to the Department, and their thoughts about the priorities the Department is pursuing. We shared with them thoughts about the growth and strength of NAFUSA and ideas regarding areas where NAFUSA could be supportive of the role of U.S. Attorneys and the integrity of the Department. We consider opportunities for NAFUSA members to participate with the Advocacy Institute, in the Rule of Law programs, and at U.S. Attorney conferences, among other things.

Our engagement with Department officials and our Day with Justice were capped with a reception sponsored by NAFUSA for many former and current Department leaders and former U.S. Attorneys who are in the Washington area. The reception provided an opportunity to renew friendships, to reflect on times together in the trenches, and to share some camaraderie with former colleagues.

As a result of our discussions with Department officials during our Day with Justice, we have established an informal liaison committee to the Attorney General's office to continue our dialogue of support on principles of mutual interest and concern. A committee of the NAFUSA board will meet periodically with the AG or his representatives to explore areas of common principle regarding the role of the U.S. Attorney's offices, the independence of the Department, and our common commitment to the integrity of the Department of Justice and the administration of justice. In addition, the board will consider whether a similar Day with Justice program could be an interesting and engaging component of our NAFUSA annual meeting program for the general membership when we next meet in Washington.



NAFUSA PRESIDENT SPEAKS IN GUATEMALA

The country of Guatemala in Central America is experiencing a grave crisis in law enforcement. In 1996, the Peace Accords were signed between the Government of Guatemala and the Guatemalan National Revolutionary Unit, ending a violent 36 year war. Today, however, a different threat exists. Guatemala has become one of the most dangerous places on Earth. Large scale narcotic trafficking and other organized criminal gangs have taken over the country. Guatemala is experiencing one of the highest levels of crime in the world. The situation is similar to that of Columbia a few years ago and to northern Mexico today. Guatemalans spend 7% of their GNP on security.

The law enforcement system is, unfortunately, incompetent, inefficient and corrupt. Despite the high crime rate, the prosecution rate in Guatemala is dismal. Only one or two percent of the homicides, for instance, are ever prosecuted. This month, the Constitution requires the selection of a new attorney general, to be appointed by the President, based upon a recommendation of six

candidates submitted by a nominating commission. Three groups committed to reform and the rule of law invited NAFUSA President Rich Rossman to speak to an audience of several hundred and a national live television audience on April 27, 2010 in Guatemala City. In a program billed as “Fiscal General: Defensor de una Nacion”, or “Attorney General: Protector of a Nation”, Rich spoke of the justice system in the United States and his view of an ideal candidate for attorney general.

Rich also met with the US Ambassador to Guatemala, the President of the Constitution Tribunal, the highest court in the land, the managing partners of major law firms, a representative of the International Commission Against Impunity in Guatemala (“CICIG”), a UN investigative body assisting Guatemala in investigating and dismantling criminal organizations), members of Congress and the leaders of several reform and student groups dedicated to the rule of law. You can learn more about the UN effort at their web-site at www.cicig.org. On the site, you can click on your choice of language, either Spanish or English.



Rich was driven in an armored car and provided a bodyguard throughout his visit. Nevertheless, he was encouraged by the wide spread desire for reform, transparency and knowledge. The Guatemalan lawyers, students and businessmen and women he met look to the US for guidance and support. They realize they must reform the criminal justice system to bring consequence for the rampant criminality or give up their country to the gangs.

“NAFUSA is increasingly becoming an organization of significance in our justice system. This invitation to speak of the rule of law in another nation and to be so well received is an indication of the important contribution NAFUSA and its members can bring to improving the quality of justice in our world”, concluded Rich at the end of his trip.

Learn more about the efforts bringing reform and transparency to Guatemala at www.guatemalavisible.org, at which you can watch a video of Rich’s speech under “Eventos.” The Guatemala Visible site is only available in Spanish, But Rich’s speech is presented in English in the video, which begins with two brief introductory speeches in Spanish before Rich’s comments commence.





NAFUSA Life Member Michael Bromwich New Head of BOEM

In the wake of the massive offshore oil spill that devastated the Gulf Coast in 2010, Bromwich was recruited to fix the Interior Department's scandal-plagued Minerals Management Services (MMS) and reform government oversight of the oil industry. Bromwich's biggest selling point appeared to be his lack of experience and ties to the oil industry, which has badly tarred the scandal-plagued agency in the past.

The MMS was in charge of both selling leases that allowed oil and gas companies to drill on public land and making sure those companies complied with their regulations. But during the George W. Bush administration, Inspector General Earl E. Devaney unearthed a sex-and-drugs scandal within MMS that showed some employees were receiving gifts, favors, and even illegal drugs, from some oil company executives.

Bromwich's predecessor, Elizabeth Birnbaum took the helm of the agency at the beginning of the Obama administration, but failed to make a dent in the freewheeling MMS culture. Less than a year into her tenure, the BP spill became the worst in U.S. history.

Amid public outcry, Obama appointed Bromwich, a lawyer known for leading intensive internal investigations, to get the agency on track. He and Interior Secretary Ken Salazar proposed dividing the agency into three or four parts and renaming it the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEM)

The Harvard-educated lawyer prosecuted Oliver North in the Iran-Contra scandal before becoming Inspector General at the Justice Department from 1994 to 1999, where he investigated FBI misconduct.

Bromwich went on to run the internal investigations, compliance and monitoring practice at the Washington and New York offices of the law firm Fried Frank. In 2002, he was asked to run a six-year investigation into the conduct of the District of Columbia's Metropolitan Police Department. In 2007, the city of Houston asked him to investigate their police crime lab.



NAFUSA PAST PRESIDENT JIM ROBINSON, DIES AT 66

Former NAFUSA president Jim Robinson passed away on August 6, 2010, at his vacation home in Park City, Utah. Jim finally lost his three year battle with gastrointestinal cancer. Jim served as the United States Attorney for the Eastern District of Michigan 1977-1980. He was only 33 when appointed by President Carter.

Jim had a distinguished career. He was appointed by President Clinton to serve as the Assistant Attorney General in charge of the Criminal Division, a position he held from 1998 until January, 2001. He was also the Dean and Professor of Law at Wayne State University Law School, where he taught evidence. He also served as a Visiting Professor on the Faculty of Utrecht University in the Netherlands, where he taught Introduction to American Law and a seminar on Comparative Approaches to Adjudication in Civil and Common Law Legal Systems.

Jim was a partner in the Business Fraud and Complex Litigation Practice in the Washington office of Cadwalader, Wickersham & Taft. He was a former partner and head of the Litigation Department at Honigman Miller Schwartz & Cohn in Detroit, where he practiced for 18 years. He lectured and wrote extensively, including co-authoring a three volume treatise on evidence. He had served since 1975 on the National Conference of Bar Examiners committee that drafted the evidence questions for the Multistate Bar Exam. He served two terms on the Advisory Committee on Rules of Evidence of the United States Judicial Conference.

He was a Fellow of the American College of Trial Lawyers and the International Society of Barristers. He was also a past president of the State Bar of Michigan. Jim graduated magna cum laude from Wayne State University Law School, where he was Editor-in-Chief of

the Wayne Law Review. He served as a law clerk to the Honorable George C. Edwards of the United States Court of Appeals for the Sixth Circuit.

NAFUSA President Rich Rossman served as Jim's Chief Assistant and as his successor as United States Attorney. Rich also served as Jim's chief of staff at Main Justice. "Jim was the best lawyer I have ever known," Rich said.

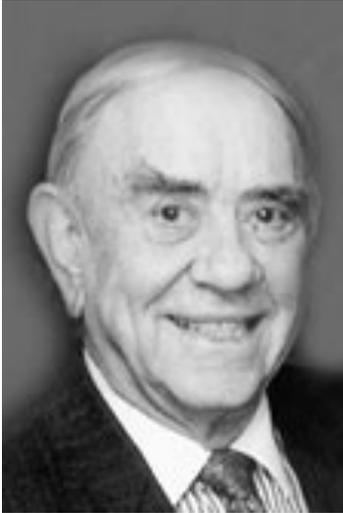
Robinson is survived by his wife, Marti, and his son, Steven, of Grand Blanc, Michigan, and his daughter, Renee Robinson Stromberg, of Stockholm, Sweden. Robinson is also survived by five grandchildren. Jim had planned to attend our upcoming conference in New York, and his wife, Marti, will attend as the guest of NAFUSA.

Attorney General Eric Holder will be hosting a memorial service in honor of Jim at the Great Hall at Main Justice at 3 PM on Monday, November 1, 2010. All NAFUSA members are welcome to attend. If you intend to go, please email Rich at rossmanr@gmail.com and he will arrange an official RSVP form to enable you to enter DOJ.

An effort is being made to establish an endowed scholarship in Jim's name at the Wayne State University Law School, where he served as dean. A full scholarship requires an endowment of \$750,000, of which Jim had already contributed \$250,000 prior to his death. If you are interested in helping with this effort, please send your check to:

James K. Robinson Scholarship
Wayne State University Law School
471 West Palmer Street
Detroit, MI 48202

NAFUSA has made a contribution as an organization, and individual contributions would be welcomed as well.



John Bowers, Jr, Former U.S. Attorney for the East- ern District of Tennessee, served under three Presi- dents

Mr. John L. Bowers, Jr., 86, of Elizabethton, TN passed away on Thursday, September 23, 2010, at his residence. He received a B.A. Degree (Cum Laude) from Vanderbilt University. He received his Doctorate of Jurisprudence Degree from Vanderbilt University School of Law. During his undergraduate and post-graduate time there, he was a member of Phi Beta Kappa, Order of the COIF (highest legal scholastic society), and the Case Editor for the Vanderbilt Law Review. He received his license to practice law on November 3, 1951 from the Supreme Court of Tennessee. He was the senior partner of the Elizabethton Law Firm of Allen, Nelson and Bowers.

For 8-1/2 years, from 1969-1977, he served as the United States Attorney for the Eastern District of Tennessee, which embraces 41 of Tennessee's 95 counties. He held this position under three United States Presidents. He was past President of the Carter County Bar Association and served as President of the Junior Section of the Bar Association of Tennessee. Mr. Bowers served the City of Elizabethton as Mayor for two terms.. He was a veteran of the United States Marine Corps. Mr. Bowers was a prominent and outstanding member of the community who will be greatly missed by all who knew him.



NAFUSA Member Roscoe Howard joined Andrews Kurth LLP in Washington, D.C. He will focus on white collar criminal matters, corporate compliance, ethics issues and complex litigation. He served as U. S. Attorney for the District of Columbia from 2001 to 2004. He also served as an Assistant U. S. Attorney in the District of Columbia and the Eastern District of Virginia. He earned his law degree from the University of Virginia.



NAFUSA Member Kent Alexander will join health care software provider Allscripts as Executive Vice President and General Counsel in September.

Alexander was appointed U.S. Attorney for the Northern District of Georgia in 1994 by former President Bill Clinton. He served there through 1997. Before joining the U.S. Attorney's office, he was a partner at King & Spalding, specializing in government-related health care issues.

The former prosecutor returned to private practice from 1997 until 2000, when he became Senior Vice President and General Counsel of Emory University. At Emory, he managed the legal affairs of Emory Healthcare's three university-owned hospitals



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