On Appeal

December 2021 – Volume XV, Number 3

- Judge Smith Passes The Baton And Judge Chagares Takes The Reins As The New Chief – Page 1
- Third Circuit Confirms That A Post-Verdict Rule 50(b) Motion Must Be Based On Grounds Specifically Advanced In A Pre-Verdict Rule 50(a) Motion – Page 3
- Third Circuit Holds That Mixed Dismissals Are Not "Strikes" For Purposes Of *In Forma Pauperis* Eligibility – Page 4
- Third Circuit Examines Post-Sentencing Motions For Release Under The First Step Act – Page 6
- President's Note – Page 7
- News From The Third Circuit – Civics Education Programs – Page 7

FOR MORE INFORMATION ABOUT THE THIRD CIRCUIT BAR ASSOCIATION, PLEASE CONTACT US AT:
3cba@thirdcircuitbar.org
OR VISIT US AT:
www.thirdcircuitbar.org

JUDGE SMITH PASSES THE BATON AND JUDGE CHAGARES TAKES THE REINS AS THE NEW CHIEF

Ted A. Hages
Reed Smith LLP, Pittsburgh, PA

On December 4, 2021, Judge D. Brooks Smith concluded his tenure as Chief Judge of the U.S. Court of Appeals for the Third Circuit. Judge Smith began his more than three decades of service to the federal judiciary when he was appointed to the U.S. District Court for the Western District of Pennsylvania in 1988, after having served as a Court of Common Pleas judge in Pennsylvania. After helming the Western District from 2001 to 2002 as its Chief, Judge Smith was elevated to the Third Circuit and has served as the Chief since 2016. He will remain on the Court, electing to take senior-judge status going forward.

Judge Smith generously shared some reflections regarding his tenure as the Chief. "The recent times have posed unprecedented challenges on the third branch," said Judge Smith, "in particular COVID-19 and the presidential election of 2020 and the litigation that followed it." Despite these difficult times, the mighty Third rose to the challenge, as Judge Smith explained. For that, he shares "great pride" in his colleagues on the Court and "the fact that our Court has been the only Court of Appeals in the country that has consistently, throughout the pandemic, continued to conduct oral argument in open court." While many cases were heard remotely, the rich tradition of in-person arguments continued. "In every case where oral argument was held, we did so with all the requisite precautions," including limited attendance and in-person proceedings only where "all sides felt safe to appear personally."

"If there is one message that I can convey, it is that the judges of the Third Circuit met the challenges and continued to conduct business in as normal a fashion as conditions would allow," said the former Chief. In doing so, they maintained the Court's longstanding legacy of collegiality, a "reputation that goes beyond even the geographic borders of our Court." "Though judges have changed and the Court has seen many a departure and many a new joiner since my time, I have every belief that we will continue to be a collegial court, both by reputation and our work."

Judge Smith leaves the Chief Judge role with "gratitude, pride, and words of praise" for his colleagues, "who had the greatest challenges imposed on them." When asked what he'll miss most about being Chief, he fondly remarked, "the regular contact with members of the bar."

"Our Court has had terrific Chief Judges, and Brooks Smith was a Chief who demonstrated truly incredible leadership, especially with the challenges of the pandemic," said Judge Michael Chagares, Judge Smith's successor. The new Chief Judge has been a Third Circuit judge since 2006, but his roots to the Court run even deeper, back to 1987 when he began a clerkship with the late Judge Morton Greenberg. In between, Chief Judge Chagares has

(continued on page 2)

JUDGE SMITH PASSES THE BATON AND JUDGE CHAGARES TAKES THE REINS AS THE NEW CHIEF — continued from page 1

had an illustrious career, including serving as chief of the Civil Division for the U.S. Attorney's Office for the District of New Jersey. He also spent time in private practice and as an adjunct professor at Seton Hall University School of Law, his alma mater. Since his arrival at the Court, Chief Judge Chagares has served as a member of the Advisory Committee on Appellate Rules of the U.S. Judicial Conference, including chairing the Committee.

"Mike Chagares brings to his new post a deep reservoir of good will," said Judge Smith about his successor. "He is well-liked by all – both by his colleagues and court staff. On a court with a collegial tradition like ours, that affection and respect is a priceless personal asset."

Chief Judge Chagares kindly shared a few remarks about the transition, including his high hopes for the future. He communicated a number of goals for the Court, including continuing to "keep the courthouse doors open during the pandemic, while ensuring the safety of both the public that we serve and our staff." The new Chief also noted the importance of "memorializing the lessons learned during the pandemic so the Court can respond nimbly and effectively to the next emergency."

Beyond the pandemic, Chief Judge Chagares intends to "foster the tradition of collegiality" for which the Third Circuit is known. He also plans to prioritize "judicial security" and "outreach efforts to educate the community about the third branch and the importance of the rule of law," and would like to "memorialize the Court's rich history in a book."

"I consider it a privilege to be of service to the Court and to the people in this way," remarked the new Chief. "I am humbled to be working with such a collegial, energetic, and dedicated group of people."

The Third Circuit Bar Association extends its gratitude to Judge Smith for his service and leadership to the Court and community as Chief Judge, and sends its congratulations and well wishes to Chief Judge Chagares as he begins his new role leading the Court.

THIRD CIRCUIT CONFIRMS THAT A POST-VERDICT RULE 50(b) MOTION MUST BE BASED ON GROUNDS SPECIFICALLY ADVANCED IN A PRE-VERDICT RULE 50(a) MOTION

Kars 4 Kids, Inc. v. America Can!, 8 F.4th 209 (3d Cir. 2021)

Brandy S. Ringer
Schnader Harrison Segal & Lewis LLP, Pittsburgh, PA

In *Kars 4 Kids, Inc. v. America Can!*, 8 F.4th 209 (3d Cir. 2021), the Third Circuit reaffirmed its oft-held position that it is imperative for counsel, when drafting motions for judgment as a matter of law under Federal Rule of Civil Procedure 50, to identify and preserve, with specificity, all issues that potentially may be raised on appeal.

Background

In *Kars 4 Kids*, two charities found themselves embroiled in a dispute relating to the use of similar trademarks. Kars 4 Kids, Inc. ("Kars 4 Kids") and America Can! Cars for Kids ("America Can") both sold donated vehicles to fund programs for children, and utilized similar marks—"KARS 4 KIDS" and "Cars for Kids"—for their advertising campaigns. Both parties filed lawsuits against each other, raising claims of trademark infringement, unfair competition, and trademark dilution.

The case proceeded to a jury trial on liability. At the close of evidence, both parties moved for judgment as a matter of law under Rule 50(a). The district court reserved judgment on the parties' motions.

The jury ultimately found that America Can had trademark rights and that Kars 4 Kids willfully infringed those rights in Texas. The district court subsequently held a bench trial on the equitable claims and remedies, and ordered Kars 4 Kids to disgorge its profits in Texas, totaling $10,637,135, and enjoined Kars 4 Kids from using its mark in Texas.

Kars 4 Kids thereafter renewed its motion for judgment as a matter of law under Rule 50(b). The district court first addressed the fact that Kars 4 Kids' pre-verdict Rule 50(a) motion asserted that America Can "failed to demonstrate that it has ownership and priority of the mark," whereas its post-verdict Rule 50(b) motion asserted that America Can's mark is "invalid." The district court held that Kars 4 Kids preserved this "validity" argument because there was "some interconnectedness" between the "validity" argument and the "ownership and priority" argument that was raised in Kars 4 Kids' Rule 50(a) motion. The district court nevertheless concluded that there was sufficient evidence from which the jury could have found the mark was valid.

Both parties appealed, raising various issues concerning liability and damages.

Third Circuit's Decision

On appeal, the Third Circuit affirmed the district court's decision in part and vacated in part.

Significantly, the Third Circuit rejected Kars 4 Kids' effort to overturn the jury's liability verdict. First, the Third Circuit concluded that based on all of the evidence, the jury reasonably found that American Can demonstrated ownership of an unregistered mark. Second, the Court determined that Kars 4 Kids waived any argument regarding the validity of America Can's mark.

The Third Circuit noted that "[a] post-trial Rule 50 motion can only be made on grounds specifically advanced in a motion for a directed verdict at the end of plaintiff's case." In its Rule 50(a) motion, Kars 4 Kids challenged America Can's ownership and priority of the mark, but did not raise any issue concerning the validity of the mark. Contrary to the district court's conclusion that there was "some interconnectedness" between validity and ownership, the Third Circuit held that validity and ownership are distinct and separate elements of a trademark infringement claim. Whereas "[v]alidity turns on whether a mark is inherently distinctive or has acquired secondary meaning, … ownership turns on which party established 'first use.'" Thus, the Third Circuit concluded that the ownership argument raised by Kars 4 Kids in its Rule 50(a) motion was insufficient to preserve the validity argument advanced in its Rule 50(b) motion. Consequently, Kars 4 Kids could not attempt to challenge the jury's liability verdict on that basis.

Conclusion

Kars 4 Kids serves as a reminder to all practitioners that issue preservation demands specificity and requires thoughtful consideration and diligence at all stages of litigation. This case demonstrates that although issues may be related, or tangentially connected, anything short of preserving the precise argument you intend to raise presents a heightened risk of waiver that may leave you and your clients without options or recourse.

THIRD CIRCUIT HOLDS THAT MIXED DISMISSALS ARE NOT "STRIKES" FOR PURPOSES OF *IN FORMA PAUPERIS* ELIGIBILITY

Talley v. Wetzel, 15 F.4th 275 (3d Cir. 2021)

Jonathan R. Bruno
Del Sole Cavanaugh Stroyd LLC, Pittsburgh, PA

Consider an unsettling thought. Suppose a district court grants a Rule 12(b)(6) motion to dismiss your federal claims. And suppose further that, rather than reaching the merits of your remaining state law claims, the court declines to exercise supplemental jurisdiction over them. Your action has been dismissed. Now consider: Has your action been dismissed for failure to state a claim? The Third Circuit recently explained that it has not. In such a "mixed dismissal," only a portion of the action, not the action as a whole, has been dismissed for failure to state a claim. Applying this reasoning to the *in forma pauperis* (IFP) statute, 28 U.S.C. § 1915, the Third Circuit held in *Talley v. Wetzel*, 15 F.4th 275 (3d Cir. 2021), that mixed dismissals are not "strikes" for purposes of determining a prisoner's eligibility to proceed IFP.

Three Strikes and You're Out

Filing fees can price imprisoned litigants out of court. To lower the barriers to entry, Congress enacted the IFP statute, which permits the indigent and imprisoned to proceed in federal court "without prepayment of fees or security therefor." 28 U.S.C. § 1915(a)(1). But there's a catch. After three strikes—three occasions on which a prisoner has an "action or appeal . . . dismissed on the grounds that it is frivolous, malicious, or fails to state a claim on which relief may be granted"—the prisoner is out and cannot proceed IFP absent exceptional circumstances. *Id.* § 1915(g). Congress added this "three strikes rule" to the IFP statute in 1996, when it enacted the Prison Litigation Reform Act to limit meritless filings.

In *Talley*, a state prisoner in Pennsylvania asserted federal and state law claims against several defendants. The district court dismissed his federal claims pursuant to Rule 12(b)(6) and declined to exercise supplemental jurisdiction over his remaining state law claims. Talley appealed and moved to proceed IFP. Defendants opposed the motion, arguing that three of Talley's prior lawsuits, each of which ended in a similar mixed dismissal, should be called strikes for purposes of the three strikes rule. The Third Circuit appointed amicus counsel to address whether mixed dismissals are indeed strikes under the IFP statute.

Third Circuit Analysis

In an opinion authored by Judge Greenaway, Jr., and joined by Judges McKee and Restrepo, the Third Circuit held that mixed dismissals are not strikes.

The Court's analysis began "and pretty much end[ed]" with the text of Section 1915(g). That provision says a strike accrues when an "action or appeal"—not a portion thereof—is dismissed because it is frivolous, malicious, or fails to state a claim on which relief may be granted. Because mixed dismissals do not dismiss an entire action for failure to state a claim, mixed dismissals are not strikes.

In reaching this conclusion, the Third Circuit sided with the majority of its sister Circuits to have considered the issue—*i.e.*, the Second, Fourth, Fifth, Seventh, Ninth, and D.C. Circuits. It parted ways with the Sixth and Tenth Circuits, which have held that mixed dismissals *can* count as strikes for purposes of determining IFP eligibility. That "outlier[]" position rests on the thought that a too-literal construction of the term "action" in Section 1915(g) should be avoided, lest prisoners be permitted to evade the three strikes rule—like batters effortlessly fouling off pitches—simply by adding state law claims, or administratively unexhausted federal claims, to their complaints.

Such considerations of statutory purpose carry little weight, however, where the statutory text is clear. Here, the Third Circuit held, the text was clear and its plain meaning settled the question.

Defendants failed to persuade the panel otherwise. They argued that district courts, after dismissing all federal claims in an action pursuant to Rule 12(b)(6), have scant discretion to exercise supplemental jurisdiction over remaining state law claims, and that consequently mixed dismissals are tantamount to dismissals of an entire "action" for failure to state a claim. The panel disagreed. It emphasized that district courts can exercise supplemental jurisdiction where judicial economy, convenience, or fairness to the parties warrants doing so.

(continued on page 5)

THIRD CIRCUIT HOLDS THAT MIXED DISMISSALS ARE NOT "STRIKES" FOR PURPOSES OF *IN FORMA PAUPERIS* ELIGIBILITY — continued from page 4

Next, Defendants argued that mixed dismissals are strikes because a district court's decision not to exercise supplemental jurisdiction over pendent state law claims is usually an acknowledgment that those state law claims are frivolous. Again the panel disagreed, noting that a district court's declination of supplemental jurisdiction results in dismissal of the state law claims without prejudice.

Finally, Defendants argued that prisoners should not be permitted to "strike-proof" their lawsuits simply by adding state law claims, and that allowing them to do so would be an absurd result. This worry is "overstated," the panel explained, because district courts can and sometimes do dismiss pendent state law claims on the merits. In any event, it is neither absurd nor a betrayal of congressional intent to construe Section 1915(g) in accord with its plain meaning.

Having declined to call Talley out on strikes, the Third Circuit proceeded to call him out on the merits of his appeal. It held that the district court did not err in dismissing his federal claims, did not abuse its discretion in denying him leave to amend, and did not abuse its discretion in declining to exercise supplemental jurisdiction over his state law claims.

Conclusion

Apart from its obvious relevance to prisoner litigants, *Talley* has something to teach every practitioner whose cases raise questions of federal statutory interpretation. *Talley* reminds us that when a given construction plausibly effectuates the plain meaning of the statutory text, that construction likely will carry the day—even if the result appears at odds with the statute's broad purpose. Readers, pitch your arguments accordingly.

THIRD CIRCUIT EXAMINES POST-SENTENCING MOTIONS FOR RELEASE UNDER THE FIRST STEP ACT

United States v. Claude, 16 F.4th 422 (3d Cir. 2021)

Leah E. Hungerman
Reed Smith LLP, Pittsburgh, PA

In *United States v. Claude*, the Third Circuit held that a defendant may not unilaterally obtain compassionate release based solely on his post-sentencing substantial assistance in investigating or prosecuting another person, in the absence of a government motion under Federal Rule of Criminal Procedure 35(b).

Federal Sentencing Relief Background

Federal Rule of Criminal Procedure 35 provides that, more than one year after sentencing, the government may move to reduce the sentence of a defendant who "provided substantial assistance in investigating or prosecuting another person." To be eligible, the defendant's substantial assistance must involve either (1) information not known to the defendant until one year or more after sentencing; (2) information provided to the government within one year of sentencing, but that only became useful after more than one year; or (3) information the usefulness of which could not have been reasonably anticipated by the defendant until more than one year after sentencing that was promptly provided to the government once its usefulness became apparent to the defendant. The government's decision not to file such motions is generally unreviewable, subject to certain constitutional limitations.

In 2018, Congress enacted the First Step Act to help bring fairness to federal sentencing. Congress' aims were two-fold: shortening unnecessarily lengthy federal sentences and improving conditions in federal prisons. Among its sentencing reforms, the First Step Act amended 18 U.S.C. § 3582(c)(1)(A)(i), which provides the procedure for motions for compassionate release. Prior to this change, Section 3582 allowed courts to modify prison terms to the extent expressly permitted by Rule 35 or other statute. Congress amended Section 3583 to allow the court, upon motion of the defendant after administrative exhaustion, to reduce a term of imprisonment if it finds that "extraordinary and compelling reasons warrant such a reduction."

District Court Proceedings

In *Claude*, a jury sentenced the defendant to 232 months' imprisonment for bank fraud, device fraud, aggravated identity theft, and various currency offenses. He moved for compassionate release under Section 3582, based on his purported "substantial assistance to the D.E.A. of New Jersey" in a drug investigation and child pornography indictment.

Notably, the government did not file a Rule 35(b) motion in his favor. Rather, the government argued that the defendant's alleged assistance was neither substantial nor helpful, as another cooperator initiated the investigation for which he claimed credit. Further, the government did not welcome the defendant's assistance due to his history of fraudulent statements to the court.

The district court concluded that the defendant was not eligible for relief unless the government moved under Rule 35(b) for a reduction on his behalf. The court found that although the First Step Act made considerable changes to the procedure for attaining compassionate release based on compelling reasons, the Act did not change Rule 35, which by its terms is only available on motion by the government. Since the defendant presented no extraordinary or compelling reasons outside of his alleged assistance to justify a sentence reduction, the district court denied his motion.

Third Circuit Decision

On appeal, the Third Circuit affirmed. The Court agreed that although Congress amended Section 3582 in 2018 to allow a defendant to move for compassionate release, it did not similarly alter Rule 35. The Third Circuit explained that the district court properly gave effect to Congress' choice when it denied the defendant's motion. The Court further opined that permitting the defendant to move for compassionate release based on the Rule 35(b) standard would contravene Congressional intent to reserve such motions for the government alone. Thus, the Court held that Rule 35 does not allow a defendant to move unilaterally for a reduced sentence based on his substantial assistance.

Importantly, the Court noted that its holding does not prohibit courts from considering post-sentencing investigative assistance as a relevant factor when analyzing Section 3582 motions for compassionate release. The Court instructed that substantial assistance simply may not be the only basis for the defendant to claim that there are extraordinary and compelling reasons justifying his release under Section 3582.

Conclusion

Post-conviction motions are often difficult to navigate. The Third Circuit's decision in *Claude* provides clarity, instructing that defendants must allege more than substantial governmental assistance to qualify for compassionate release under 18 U.S.C. § 3582.

PRESIDENT'S NOTE

Deena Jo Schneider
Schnader Harrison Segal & Lewis LLP, Philadelphia, PA

The Third Circuit Bar Association has continued to support the Court remotely through the pandemic and hopes to resume live programming and events shortly. Like others, we were disappointed when the Bench Bar Reception planned for this fall to showcase the Court's Judicial Independence Display had to be postponed. Happily, we are now planning an event to recognize our new Chief Judge Michael Chagares that we anticipate will include both a live and a virtual component. We also want to organize another event in appreciation of the many and continuing contributions of former Chief Judge Brooks Smith, including his leadership of the Courts, Community, and Rule of Law Committee.

We understand that not everyone is comfortable attending live events yet, and that online events are more accessible to lawyers across the Circuit and work well with the advent of new technology. We are working on ways for our members to interact virtually that we plan to continue even after the return of in-person activities. Please reach out to me or one of the leaders of our Programming Committee Matt Stiegler, Katie Romano, and Ilana Eisenstein about what types of online activities you would like us to pursue, and help turn your ideas into reality.

We are also creating new and better means of communicating with our members and other appellate practitioners in the Circuit. In the coming year, we will introduce a more user-friendly email system, website, and social media network that will provide you the opportunity to get to know us and each other better. Contact me or any of the leaders of our Communications and Publications Committees Rebecca Haywood, Lisa Rodriguez, Patrick Yingling, and Namosha Boykin to assist in these efforts, or to contribute to this newsletter or other publications.

Our Circuit includes practitioners of many different types and backgrounds, and the Third Circuit Bar Association encourages open and civil exchanges of multiple points of view throughout our activities. We welcome everyone to become involved and to encourage colleagues and friends to do the same. And we wish you all a happy, healthy, and fulfilling holiday season and new year.

NEWS FROM THE THIRD CIRCUIT – CIVICS EDUCATION PROGRAMS

The federal courts of the U.S. Third Judicial Circuit are stepping up their efforts in providing civics education programs throughout the expanse of the entire Circuit. Through outreach to communities and educational institutions in Pennsylvania, New Jersey, Delaware, and the United States Virgin Islands, an expanded and re-vitalized "Courts, Community, and Rule of Law Committee" will work with educators and citizens to enhance public understanding of the critical and non-political role that courts play in American society.

"That judges and courts make decisions based on a rule of law is essential to the most basic understanding of the American justice system," then-Chief Judge D. Brooks Smith remarked in announcing the Circuit's recent undertaking. "Our judges have done very valuable work in civics education, both at the district level and through the former 'Courts and Community Committee' of the Judicial Council. We will build on that foundational experience in the years ahead through an enhanced and coordinated effort, across the Third Circuit, emphasizing the rule of law."

Judge Smith, who chairs the committee, called upon Senior Third Circuit Judge Marjorie O. Rendell of the Court of Appeals and District Judge Cynthia M. Rufe of the Eastern District of Pennsylvania to serve as co-vice-chairs. Judges Rendell and Rufe have amassed a wealth of experience over the years in the field of civics education through their shared leadership of the Circuit's predecessor Committee. "I can't over-state how much our programs will benefit from the expertise that Midge and Cynthia have developed from their work over the years," Chief Judge Smith added. "Not only are they respected jurists. They have also devoted themselves to instructing citizens of all ages on the rule of law and on how the federal courts administer justice."

Each district that comprises the Third Circuit is represented on the Committee. Other members are:

Judge Cathy Bissoon – Western District of PA

Magistrate Judge Sherry R. Fallon – District of Delaware

Judge Mark A. Kearney – Eastern District of PA

Judge Wilma A. Lewis – District of the U.S. Virgin Islands

Judge Zahid N. Quraishi – District of New Jersey

Judge Jennifer P. Wilson – Middle District of PA

Circuit Executive Margaret A. Wiegand

The "Courts, Community and Rule of Law Committee" held an organizational meeting at the end of September in the new Third Circuit Learning Center located on the first floor of the Byrne Federal Courthouse in Philadelphia. The Center is equipped with state-of-the-art technology which will facilitate the Committee's ongoing civics education and rule of law programming. Along with newly dedicated space and technology, a five-member administrative team will be working to support the Circuit's outreach and civics initiatives.

FOUNDING MEMBERS

Arlin M. Adams
Hon. William G. Bassler
Judge Harold Berger
Andrew T. Berry
Gabriel L.I. Bevilacqua
Theresa M. Blanco
Anthony J. Bolognese
Carl D. Buchholz
Robert L. Byer
Candace Cain
Mark R. Cedrone
Jacob C. Cohn
Pamela Lynn Colon
Ian Comisky
Kevin J. Connell
Stephen A. Cozen
Charles W. Craven
Thomas R. Curtin
Jane L. Dalton
Alan J. Davis
Mark Diamond
John T. Dorsey
Alan B. Epstein
David B. Fawcett
Henry L. Feuerzeig
Arlene Fickler
Ann T. Field
Paul J. Fishman
Michael Foreman
Lisa B. Freeland
Steven L. Friedman
Dennis F. Gleason
Alan S. Gold
Sidney L. Gold
Peter Goldberger
Jonathan L. Goldstein
Herve Gouraige
Robert Graci
David A. Gradwohl
Harold Green
Ruth Greenlee
William T. Hangley
James R. Hankle
John G. Harkins, Jr.
Judith E. Harris
Lawrence T. Hoyle, Jr.
Daniel B. Huyett
Carmine A. Iannaccone
Cynthia M. Jacob
John P. Karoly, Jr.
John G. Knorr II
George S. Kounoupis
Ronald A. Krauss
Ann C. Lebowitz
George S. Leone
Arnold Levin
Timothy K. Lewis
James B. Lieber
Jeffrey M. Lindy
Michael P. Malakoff
Edward F. Mannino
Kevin H. Marino
James C. Martin
W. Thomas McGough, Jr.
William B. McGuire
Bruce P. Merenstein
H. Laddie Montague, Jr.
Dianne M. Nast
Sandra Schultz Newman
Karl E. Osterhout
Robert L. Pratter
Brian M. Puricelli
Abraham C. Reich
Raymond J. Rigat
William W. Robertson
Joseph F. Roda
Lawrence M. Rolnick
Stuart H. Savett
James A. Scarpone
Howard D. Scher
Jeffrey M. Schlerf
Deena Jo Schneider
Collins J. Seitz, Jr.
Marcia G. Shein
Theodore Simon
Andrew C. Simpson
Carl A. Solano
Aslan T. Soobzokov
Antoinette R. Stone
Thomas D. Sutton
Peter W. Till
Paul H. Titus
Michael J. Torchia
John D. Tortorella
Joe H. Tucker, Jr.
H. Woodruff Turner
Stacey F. Vernallis
Robert A. Vort
Ralph G. Wellington
Barry M. Willoughby
Nancy Winkelman

FOUNDING FIRMS

Arseneault Whipple Farmer
Fassett & Azzarrello
Bifferato & Gentilotti
Blank Rome LLP
Connolly Bove Lodge Hutz
Cozen O'Connor
Duane Morris LLP
Eckert Seamans Cherin Mellott
Gibbons, PC
Hangley Aronchick Segal & Pudlin
Hoyle Fickler Herschel & Mathes
Marino & Tortorella
Marshall Dennehey Warner
Coleman & Goggin
Reed Smith LLP
Robertson Frelich Bruno & Cohen
Roda Nast
Schnader Harrison Segal & Lewis
Spector Gadon & Rosen
Harkins Cunningham LLP

This newsletter is compiled by the 3CBA's Publications Committee;
please address suggestions to Patrick Yingling (mpyingling@reedsmith.com).

BAR ASSOCIATION FOR THE THIRD FEDERAL CIRCUIT

OFFICERS

President:
Deena Jo Schneider
Philadelphia, PA

President-Elect:
David R. Fine
Harrisburg, PA

Secretary:
Matthew Stiegler
Philadelphia, PA

Treasurer:
Nilam A. Sanghvi
Philadelphia, PA

Immediate Past President:
Andrew C. Simpson
St. Croix, U.S. Virgin Islands

BOARD DISTRICT SEATS

District of Delaware:
Tieffa N. Harper
Wilmington, DEA

District of New Jersey:
Katherine M. Romano
West Orange, NJ

Eastern District of Pennsylvania:
Howard J. Bashman
Willow Grove, PA

Middle District of Pennsylvania:
Carlo D. Marchioli
Harrisburg, PA

Western District of Pennsylvania:
Donna M. Doblick
Pittsburgh, PA

District of Virgin Islands:
Namosha Boykin
St. Thomas, U.S. Virgin Island

BOARD AT-LARGE SEATS

Ilana H. Eisenstein
Philadelphia, PA

Rebecca Haywood
Pittsburgh, PA

Lisa J. Rodriguez
Cherry Hill, NJ

Steven G. Sanders
Newark, NJ