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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

IN RE MOTION FOR ADMISSION TO THE BAR
OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

TRANSCRIPT OF CEREMONIAL PROCEEDINGS

BEFORE THE HONORABLE NANCY D. FREUDENTHAL
CHIEF UNITED STATES DISTRICT JUDGE

HONORABLE CLARENCE A. BRIMMER
UNITED STATES DISTRICT JUDGE

HONORABLE ALAN B. JOHNSON
UNITED STATES DISTRICT JUDGE

HONORABLE TERRENCE L. O'BRIEN
UNITED STATES CIRCUIT JUDGE

HONORABLE SCOTT W. SKAVDAHL
UNITED STATES MAGISTRATE JUDGE

November 7, 2011
Cheyenne, Wyoming
11:25 a.m.

P R O C E E D I N G S

1
2 (Ceremonial proceedings commenced
3 11:25 a.m., November 7, 2011.)

4 CHIEF JUDGE FREUDENTHAL: Welcome. This is a
5 wonderful celebration and a solemn occasion to admit the new
6 members of the Wyoming State Bar to the Federal Bar for the
7 District of Wyoming.

8 Welcome to all of the family members, friends,
9 relatives and supporters. Our first order of business will be
10 to suspend the court rules on cameras in the courtroom, and so
11 please feel free to take pictures, and come forward if you need
12 to for a better viewing opportunity.

13 Our chief clerk, Stephan Harris, introduced the
14 members of the bench for you. I will quickly run through them
15 as well so that you know who is seated at the bench. To my far
16 left is Magistrate Judge Scott Skavdahl. If everything goes
17 well, and we pray that it does, tomorrow he will be the new
18 District Judge for the District of Wyoming, taking the seat
19 previously occupied by retired District Judge Downes. And so
20 we're pleased to welcome Magistrate Judge Skavdahl, and I get
21 to use that phrase for just about a day more and then it will
22 be something new to get accustomed to.

23 We are happy to have our circuit judge here, Judge
24 Terrence O'Brien, join us at the bench.

25 I'm Nancy Freudenthal.

1 To my right is Judge Alan Johnson. The newest
2 addition to the ceremonial courtroom is his lovely portrait. I
3 had a trial in here the last several weeks and sat here through
4 the long and tedious time of that trial admiring his portrait.

5 JUDGE JOHNSON: Thank you, Chief.

6 CHIEF JUDGE FREUDENTHAL: I feel like he's here
7 watching over us.

8 And then to my far right is Judge Clarence Brimmer.
9 Of course his portrait is here and has been hanging for some
10 time. Welcome, gentlemen.

11 I would like to introduce the dignitaries who are
12 seated in our jury box.

13 We have the Executive Director for the Wyoming State
14 Bar, Sleeter Dover. Good to have you here, Sleeter.

15 We have our bankruptcy clerk, Tim Ellis.

16 Dean Easton from the University of Wyoming Law School.
17 Welcome, Dean Easton.

18 Justice Kite who you received nice remarks from over
19 at the Supreme Court. We have Justice Golden.

20 We have District Judge Pete Arnold. Welcome, Pete
21 Arnold.

22 And Justice Hill, I understand I owe you a -- I'm
23 owing you apologies for the discom -- I told my husband a few
24 weeks back that Marshal Moore had advised me that he could not
25 come into the courthouse without his driver's license, so

1 please know you're in good company, sir.

2 JUSTICE HILL: I tried to vouch for one of the new
3 admittees to Marshal Moore who I have known for 25 years and he
4 wouldn't even listen to me.

5 CHIEF JUDGE FREUDENTHAL: I'm so sorry. I wear my ID
6 to enter the building or I think I might have to be retrieved
7 by my law clerk.

8 We have April Brimmer Kunz who will be making the
9 motion for the new admittees to the Federal Bar. Thank you
10 very much for joining us today.

11 We have Judy Pacheco, the clerk of the Wyoming Supreme
12 Court and Laura Mickey, deputy clerk for the Wyoming Supreme
13 Court.

14 And we have our Federal Public Defender, Jim Barrett.

15 Thank you. Thanks to all the dignitaries. I hope I
16 didn't forget those seated in the back row who did not come to
17 the attention of our clerk.

18 I want to make just a few brief remarks. I feel like
19 you've heard a number of wonderful speeches already today, and
20 you will be hearing a few more from the members of the bench
21 after your admission, but in just welcoming you, I would like
22 to offer a bit of a prayer for you.

23 My prayer for the new admittees is that you love the
24 life you lead and that you live a values-based life.

25 My husband and I have raised four children and we've

1 given them a variety of advice over the years. Our career
2 advice, most of which has gone unheeded, but it always begins
3 with do what you love. Life is too short to attend to an
4 occupation that doesn't capture your passion, doesn't capture
5 your commitment and your love.

6 In terms of a values-based life, there are really
7 three values that speak strong to me that I would like to
8 address -- integrity, compassion and a commitment to
9 excellence.

10 In terms of integrity, I hope that you will each
11 consider your integrity much like hours of the day. If they
12 are lost, you will not regain those hours. If your good
13 reputation is lost, you may regain it, but it will be a hard
14 work -- a hard task and an uphill task.

15 There are few times in life where you start with a
16 clean slate -- at birth, perhaps at baptism, and then today as
17 a new member of the Wyoming State Bar you will start with a
18 clean slate. And what you write upon it should be words and
19 speaking to your integrity. They are what you are judged for
20 first. People can -- people can accept mistakes. People can
21 accept a bit of short-temperedness when you should be extending
22 a deadline or what have you, but once you fail to attend to
23 your good reputation and your integrity, that will be lost to
24 you.

25 In terms of compassion, when I went through the

1 process as a new judge, I read quite a bit. And really, the
2 words of Solomon spoke loudly to me in terms of having a caring
3 and compassionate heart. Neither the bench nor the bar is a
4 place for callous or cruel people. Your clients, your
5 colleagues, your co-workers and those that you run into on a
6 day-to-day basis should know you as a caring and compassionate
7 person second after being a trustworthy and honest person.

8 And last, your commitment to excellence should shine
9 through in your work and in your arguments and in your life as
10 a whole.

11 Last, in terms of my prayer for you, I pray that you
12 give back to our community. You heard -- you heard some good
13 remarks earlier about the importance of giving back. You are a
14 blessed group, entering a noble occupation. You should find
15 time to give back. There are few things that distinguish or
16 differentiate you like volunteer service and charitable work.
17 Consider giving back. Or in the words of Winston Churchill:
18 You make a living by what you do, but you make a life by what
19 you give.

20 At this time, I would ask for -- I always want to
21 refer to her as Madam President, our first Wyoming President of
22 the Senate, Madam April Brimmer Kunz, to please make a motion
23 for admission of these candidates.

24 MS. KUNZ: May it please the Court.

25 CHIEF JUDGE FREUDENTHAL: Counsel.

1 MS. KUNZ: I move for the admission of these
2 candidates to the Federal Bar for the United States District
3 Court of the District of Wyoming.

4 CHIEF JUDGE FREUDENTHAL: Thank you so much.

5 Candidates, I would ask our deputy courtroom clerk to
6 please read your name, and when your name is read, please
7 stand. If your name is not read -- we've had various versions
8 of lists -- please raise your hand, announce yourself, and
9 stand.

10 THE CLERK: Scott Christopher Anderson.

11 Brian D. Artery.

12 Ava Erin Bell.

13 Sean A.M. Belliveau.

14 Austin W. Brister.

15 Daniel N. Chapman.

16 John Zachary Courson.

17 William Jonathan Edwards, Junior.

18 John Gilbert English.

19 Mary Alison Floyd.

20 Jane Marie France.

21 Ammon Erik Fancom.

22 Nicholas Thomas Haderlie.

23 Meggan Jo Hathaway.

24 Codie D. Henderson.

25 Elizabeth Rose Hinz.

1 Molly R. Hoon-Hanks.

2 Christopher Ryan Jones.

3 Timothy Don Lowery.

4 Shannon Katherine McDonald.

5 Jeanne Chamberlain Mendivil.

6 Joleen Jaye Mossoni Polk.

7 Raul Muniz.

8 Blaine E. Nelson.

9 Marty L. Oblasser.

10 Rennie Phillips Polidora.

11 Jeffrey Scott Pope.

12 Tracy Elizabeth Racicot.

13 Will Reese.

14 Marianne Kunz Shanor.

15 Daniel Martin Stebner.

16 Susan Stewart.

17 Nicole R. Tholson.

18 Scott Lavern Turner.

19 Jennifer Eve Zissou.

20 CHIEF JUDGE FREUDENTHAL: Did we miss anyone?

21 Seeing no hands raised, I would ask the new admittees

22 to please raise your right hand.

23 I, state your name, do solemnly swear, that to the
24 best of my knowledge and ability, I will support and defend the
25 Constitution of the United States, against all enemies foreign

1 and domestic, and that I will bear true faith and allegiance to
2 the same, that I take this obligation freely, without any
3 mental reservation or purpose of evasion, and that I will
4 demean myself, as an attorney, proctor and solicitor of this
5 court, uprightly and according to law, so help me God.

6 Congratulations. Please be seated.

7 At this time I would ask my colleagues if they wish to
8 make a few comments. We will start with Magistrate Judge
9 Skavdahl.

10 JUDGE SKAVDAHL: Well, congratulations, family and
11 graduates and now newest members of the Wyoming Bar. It was 19
12 years ago I sat where you're seated. And there can be no
13 greater feeling than the relief of getting that call from the
14 Clerk of Court, Miss Pacheco. The voice on the other end back
15 19 years ago wasn't quite as friendly, but it still was as
16 effective.

17 And you've come a long way. Your family has put up
18 with your angst over waiting for the results of the bar and
19 you're now ready to begin a great profession, a noble
20 profession. And I would tell that you someone mentioned the
21 lands of opportunity earlier before, and I can tell you this
22 great state of ours is a land of opportunity for lawyers and
23 whomever wishes to advance and to do things. There are no
24 limits except those that you place on yourself.

25 So I wish you the best of luck. Congratulations to

1 you and your family and your friends and colleagues. Thank
2 you.

3 CHIEF JUDGE FREUDENTHAL: Thank you.

4 Circuit Judge O'Brien.

5 JUDGE O'BRIEN: May it please the Court, distinguished
6 guests, families of lawyers, friends of lawyers, established
7 lawyers, but especially new lawyers.

8 I wish it were otherwise, but I lack that poetry of
9 imagination, that elegance of expression needed to capture what
10 it means to be an attorney and a counselor at law. But I know
11 some stories, and I want to share a couple of them with you.

12 First story: A New Mexico attorney was being honored
13 by the Hispanic Bar Association, and during the course of the
14 evening, he told the group about an early experience in his
15 career.

16 Just out of law school, he was employed by a
17 prestigious law firm in Albuquerque. In an early case he sat
18 second chair to one of the partners. Their negligence case
19 involved a rear-end collision. A witness had made a statement
20 about seeing their client'S brake lights go on just before the
21 crash. It was critical evidence, but, alas, the witness was
22 not available and the circumstances were such that his hearsay
23 statement would not be admissible.

24 During cross-examination of another witness, the new
25 lawyer asked, "Isn't it true that Bob Jones," the unavailable

1 witness, "said he saw brake lights come on just before the
2 accident?" Opposing counsel's objection was immediately
3 sustained, but the new lawyer was carefully watching the
4 jurors. And he knew he had scored points. And as it happened,
5 they prevailed.

6 On the way out of the courthouse, flush with victory,
7 he asked his partner, "Did you notice how I slipped in that
8 part about the brake lights?"

9 And the partner said, "Yes, I did. And if you expect
10 to remain with this firm, you will never again do anything like
11 that. Winning at any price is not our way."

12 Second story: A Kansas attorney who specialized in
13 appellate practice also taught appellate advocacy at the KU Law
14 School. On one occasion before the United States Supreme
15 Court, his opponent was a former student. And during the
16 former student's argument while she was at the podium, he came
17 to the podium and passed her a note. On it were two words:
18 "Slow down."

19 The Marines' motto is Semper Fidelis: Always
20 Faithful. To some it is merely a familiar buoyant phrase. To
21 others it is the beacon on the hill; the clarion always heard
22 above the clamor. It is for them a product of considered
23 choice, a choice that not only describes but dictates a way of
24 life.

25 Now is not too soon for you to make a choice about

1 what kind of a lawyer you're going to be. This profession
2 blooms with lawyers who consistently exhibit unyielding
3 devotion to their craft, unflinching honesty, unremitting
4 kindness and unheralded courage. Unfortunately, there are
5 others of another ilk. And unless you want to be of that ilk,
6 never forget that the beautiful blooms come only from constant
7 attention to the garden. And examine every morning, recommit
8 to your ideals; every night take inventory and examine life as
9 essential if you're truly committed to this noble profession of
10 ancient descent.

11 When you regularly embrace the things that are right
12 and reject those that are wrong, commitment becomes a practiced
13 art. Then, and perhaps only then, you will be privileged to
14 drink from the deep nurturing wellsprings of life. From those
15 pure waters, nobility is derived.

16 Your practice should reflect these paraphrased words
17 of Winston Churchill: Let us brace ourselves to our duties and
18 so bear ourselves that if this profession in this republic
19 lasts a thousand years, men will still say this was their
20 finest hour. Godspeed.

21 CHIEF JUDGE FREUDENTHAL: Thank you, Judge O'Brien.

22 Judge Johnson.

23 JUDGE JOHNSON: Well, what a pleasure to be here today
24 with a fourth generation newly admitted lawyer and a second
25 generation lawyer as well as a number of you who are embarking

1 upon law-related careers. You are to be congratulated and
2 please accept my appreciation for your achievement following
3 years of study, tribulation and financial care that have
4 preceded your success in this step towards your career goal.

5 Congratulations are also extended to your spouses,
6 parents, family and friends that have endured the challenges
7 you have faced with you and who stand behind you today.

8 Ralph Waldo Emerson said that "Rings and jewels are
9 not gifts, but apologies for gifts. The only true gift is a
10 portion of thyself." Certainly that is what each of you bring
11 to your profession. You bring the gift of your words that
12 encourage, that inspire, guide and inform your clients and your
13 community; the gift of your time, patiently working, attending
14 and considering the issues of the day; the gift of your mind
15 and the ideas, dreams, ideals, principles that represent the
16 best that is offered by your chosen profession; and the gift of
17 your heart, the understanding, kindness and compassion that
18 will help you to understand the human condition.

19 And finally, for you and your need to heal and move
20 forward, the gift of your spirit.

21 Many of you are recent graduates of the College of Law
22 of the University of Wyoming. It should not be forgotten that
23 your education was achieved at the institution that is rated as
24 one of the top values among all law schools in this nation.
25 You have received excellent instruction in matchless

1 facilities. Today considerable controversy is being generated
2 by false promises of lucrative careers in law from some law
3 schools and the inevitable and sizable student loan debt that
4 has fallen.

5 The job market is certainly difficult today, and I
6 hope that each of you who have accomplished so much and who
7 have made such sacrifice and find you here today will find
8 suitable opportunity for your talents.

9 However, there are been other periods of sparse
10 employment. Believe me. And many before you have weathered
11 the storm, and you will too. But I would like to offer this
12 thought. Your profession represents a choice that you have
13 made to live with, not to live on. If it was only financial
14 reward that one has sought from the law, the law may fail to
15 provide it and only disappointment will follow. If the law is
16 a profession that you live with, and not solely to live on,
17 then the rewards, both financial and personal, will be there
18 and the opportunities will certainly be presented.

19 I hope all of you will enjoy a healthy and fruitful
20 career as lawyers of the Wyoming Bar and of this court. We
21 look forward to seeing you here.

22 CHIEF JUDGE FREUDENTHAL: Thank you, Judge Johnson.

23 Judge Brimmer, you're doing the mop-up work for us all
24 here.

25 JUDGE BRIMMER: Thank you, Chief. Members of the

1 judiciary and distinguished guests and ladies and gentlemen, it
2 is a pleasure to be here today, even though I feel a bit like
3 the fourth -- or a bit like the last float in the Frontier Days
4 Parade. And I know that you've been spoken to and at all
5 morning. And one thing, of course, I should take advantage of
6 and that is to second all of the wise observations just made
7 and also heretofore made in the Wyoming Supreme Court. And
8 those were all very, very wise words and all I can do is second
9 them all and add to them something that I have always believed
10 rather deeply in, and that is something that I've already told
11 many of you who are members of the University of Wyoming School
12 of Law graduating class that I believe in and that is
13 excellence in practice of your profession.

14 It seems to me that that is the ticket that will pay
15 off for you as practicing lawyers every time, and it will be
16 the standard by which your community will judge you and will
17 reward you by growth of your practice of law. If you always
18 practice excellence, in addition to the other qualities that
19 are just mentioned to you, it seems to me that you will
20 assuredly go very, very far in your profession.

21 And, of course, there's one thing more that I am glad
22 to note, and that is that Marianne Shanor is the fourth
23 generation of our family, April and I are proud to note this,
24 that have become members of the Wyoming State Bar. And it is a
25 great pleasure to see Marianne attain this level of practice of

1 her profession. And of course April and I wish her well in
2 that endeavor.

3 So with that, I'm just as proud also of every one of
4 you. And I'm going to look forward to seeing you in our courts
5 or hearing about you in the courts of the state, as I surely
6 will.

7 So congratulations, and now go forth and win all those
8 victories that you anticipate doing. Good luck.

9 CHIEF JUDGE FREUDENTHAL: Thank you, Judge Brimmer.

10 A few procedural matters: I would like to remind
11 those of you who haven't taken care of this already to please
12 stop by Courtroom 3 to meet with members of the clerk of
13 court's office who will be processing your payment, having you
14 sign the grand book that has attorneys admitted into this
15 Federal Bar for the District of Wyoming's names signed.

16 I would also encourage you when you're in there to
17 introduce yourself and to begin the process of getting to know
18 members of the clerk's office. Your best friends in this
19 courtroom are the clerks of court, Step and Maggie, and the
20 courtroom deputy, Abby Logan who is here, and of course Jan
21 Davis, the -- our court reporter who is taking down the
22 ceremony today. I truly appreciate Jan's service. And without
23 asking for permission, I would -- I will just have to beg for
24 forgiveness later, but I would ask Jan when the transcript of
25 these proceedings have been finished to please post the

1 transcript on the clerk of court's website so you will have a
2 record of this proceeding today.

3 Thank you very much, Jan, in advance, for that. And
4 I'm sorry I'm catching you unaware, Jan.

5 Also, as you all know, there's a reception sponsored
6 by the Wyoming State Bar from 1:00 to 3:00.

7 For those of you who want to seek other entertainment,
8 we will be starting a jury trial, a criminal jury trial in this
9 courtroom at 1:00. You can watch your fellow classmate, Kevin
10 Walton, because he will be clerking that jury trial as we start
11 the process of jury selection. So if you're interested in
12 watching a jury selection procedure here in federal court,
13 you're welcome to return. It will probably last past 5:00, and
14 so even if you want to go to the State Bar reception, you're
15 welcome back.

16 Again, I would like to thank our honorary -- honored
17 dignitaries for joining us.

18 Like to thank you, Ms. Brimmer Kunz, for moving the
19 admission of these well-qualified candidates.

20 With that, the Court will stand in recess until call.

21 (Ceremonial proceedings concluded

22 11:58 a.m., November 7, 2011.)

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I, JANET DAVIS, Federal Official Court Reporter for the United States District Court for the District of Wyoming, a Registered Merit Reporter and Federal Certified Realtime Reporter, do hereby certify that I reported by machine shorthand the foregoing proceedings contained herein on the aforementioned subject on the date herein set forth, and that the foregoing pages constitute a full, true and correct transcript.

Dated this 17th day of November, 2011.

/s/ Janet Davis

JANET DAVIS
United States Court Reporter
Registered Merit Reporter
Federal Certified Realtime Reporter