

Metropolitan News-Enterprise

Friday, March 10, 2006

Page 1

Governor Taps Nora Manella for Court of Appeal

By a MetNews Staff Writer

Gov. Arnold Schwarzenegger yesterday nominated U.S. District Judge Nora M. Manella of the Central District of California to succeed retired Justice J. Gary Hastings as member of Div. Four of this district's Court of Appeal.

Manella faces an April 10 confirmation hearing at the Ronald Reagan State Building before the Commission on Judicial Appointments. For Second District appointments, the commission consists of Chief Justice Ronald George, Attorney General Bill Lockyer and the district's senior presiding justice, Joan Dempsey Klein of Div. Three.

The governor yesterday made four other judicial selections, including that of Los Angeles litigator Richard Kemalyan as a judge of the Los Angeles Superior Court.

While Court of Appeal justices normally take office immediately upon being confirmed, Manella said that may not be possible in her case. While Court of Appeal justices who have been elevated from the Superior Court can be assigned back to that court to finish up their work, there is no similar provision for a judge moving from the federal to the state system.

"There are very few of us here," Manella said of the District Court, which currently has five vacancies. "It will take time to wrap things up responsibly."

Manella, 55, has been a district judge since 1998.

Lost Out

She has been under consideration for the Court of Appeal at least since last year. Her name was sent to the Commission on Judicial Nominees Evaluation after Justice Michael Nott retired from Div. Two, but Nott's seat went to Victoria Chavez, who had been serving on the Los Angeles Superior Court.

Manella told the MetNews that after her years as a trial judge, she was looking forward to the "intellectual heavy lifting of appellate work."

She elaborated:

"I like deciding cases, I like the law, I like writing opinions. I want to explain in care and concise prose who prevails and why they should prevail."

She added that she was "particularly thrilled" to be joining Div. Four because of her admiration of its presiding justice, Norman Epstein.

"I've had a crush on him since he taught evidence in judges' college in 1990," she said. She added that the other justices in that division, Thomas Willhite and Daniel Curry, are former colleagues from the Superior Court.

Manella, a Democrat, said it took “a good bit of political courage” for the Republican Schwarzenegger to appoint her in light of reports in the MetNews and other publications about grumbling by activists in the governor’s party that he has not appointed enough GOP members to the bench.

Manella added that she understood the reason for Republicans’ pique, but added that “anyone familiar with my record would not be upset” at the appointment. Schwarzenegger is the third consecutive Republican governor to have appointed Manella to a judicial office.

Adam Abrahms, chairman of the Los Angeles County Chapter of the California Republican Lawyers Association and a leader in the effort to increase the percentage of Republicans among Schwarzenegger’s appointments—it has run at about 55 percent since the governor took office, with the rest divided between Democrats and “decline-to-states”—declined to comment on Manella.

USC Graduate

He referred a request for comment to Susan Schroeder, an Orange County deputy district attorney who serves as a spokesperson for CRLA, but Schroeder said she was unfamiliar with Manella’s background.

The Los Angeles native is a graduate of Wellesley College and USC Law School. After graduating from law school in 1975, she clerked for Judge John Minor Wisdom of the Fifth U.S. Circuit Court of Appeals for a year, then worked as legal counsel to the U.S. Senate Judiciary Committee’s Subcommittee on the Constitution from 1976 to 1978.

She then joined the Washington office of O’Melveny & Myers, before returning to Los Angeles in 1982 to become an assistant U.S. attorney. She eventually became the office’s top criminal appellate lawyer before then-Gov. George Deukmejian named her to the Los Angeles Municipal Court in 1990.

Deukmejian’s successor, Pete Wilson, elevated her to the Superior Court in 1992, and it was President Bill Clinton who appointed her as U.S. attorney in 1994 and as district judge four years later.

The Administrative Office of the Courts, which provides staff support for the Commission on Judicial Appointments, invited comment on the nomination.

The deadline for written comments and requests to testify in person is 5 p.m. April 3. Requests to speak must include a summary of the facts on which any testimony or opinion will be based, under the commission’s guidelines.

The commission requests that correspondence be addressed to the chief justice at the Supreme Court, 350 McAllister St., San Francisco, CA 94102, Attention:† Ms. Gale Tunnell, Secretary to the Commission on Judicial Appointments.

Also named to the bench yesterday were:

- Kemalyan, 55, who has served as a partner with the law firm of Dwyer, Daly, Brotzen and Bruno since 2000. He was previously a partner with the law firm of Kemalyan & Richland from 1996 to 2000 and an associate and partner in the law firm of Chase, Rotchford, Drukker & Bogust from 1976 to 1996.

His practice has been focused for a number of years on representation of law enforcement officers and agencies in civil litigation, including unlawful search and

excessive force cases. He was honored in 1995 as “Lawyer of the Year” by the Los Angeles Sheriff’s Department, for which he has long served as outside counsel.

He has also represented the district attorney and the trial courts. Among his cases was the successful defense of former Glendale Municipal Court Commissioner Dona Bracke’s wrongful termination suit.

He is a graduate of Loyola Law School with a bachelor’s degree from UCLA and fills the vacancy created by the retirement of Judge Michael Farrell. Kemalyan is a Republican.

- Fresno Superior Court Judge Brad Hill, a Republican nominated to the Fifth District Court of Appeal to succeed retired Justice Tim Buckley. Hill is a California Judges Association vice president and a former Judicial Council member.

- Patricia M. Murphy to the Ventura Superior Court. Murphy, 43, has been a deputy district attorney in Ventura County since 1987. She graduated from Southwestern School of Law and California State University, Northridge. Murphy is a Republican.

- Yolo County Counsel Stephen Basha, 59, who was named to the Yolo Superior Court. Basha, who has represented public entities in Sacramento and Yolo counties since 1985, earned his law degree at Thomas M. Cooley Law School and his undergraduate degree at Albion College. Basha is registered decline-to-state.

Copyright 2006, Metropolitan News Company

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Priority
 Send
 Clsd
 Enter
 JS-5/JS-6
 JS-2/JS-3

CIVIL MINUTES - GENERAL

Case No. SA CV 05-603 DOC (ANx)

Date: March 10, 2006

Title: DARRELYN RENEE HENRY v. MED-STAFF, INC. d/b/a MED-STAFF/CROSS COUNTRY, INC.; CROSS COUNTRY HEALTHCARE; VICTOR KALAS; TIM RODDEN; TALIA PICO; MELISSA HETRICK; DOES 1 through 10, Inclusive

DOCKET ENTRY

[I hereby certify that this document was served by first class mail or Government messenger service, postage prepaid, to all counsel (or parties) at their respective most recent address of record in this action on this date.]

Date: _____ Deputy Clerk: _____

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Kristee Hopkins
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS: ATTORNEYS PRESENT FOR DEFENDANTS:

NONE PRESENT

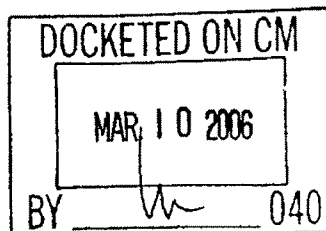
NONE PRESENT

PROCEEDING (IN CHAMBERS): ORDER CONTINUING SCHEDULING CONFERENCE UNTIL
MAY 1, 2006

The scheduling conference set for March 13, 2006 is hereby removed from the Court's calendar and continued until May 1, 2006 at 8:30 a.m. The parties are ordered to file an amended joint report pursuant to Federal Rule of Civil Procedure 26(f) after the Court has ruled on Plaintiffs' Motion for Certification of Collective Action Pursuant to 29 U.S.C. § 216(b) and Motion for Certification of Class Action Pursuant to Federal Rule of Civil Procedure 23.

The Clerk shall serve this minute order on all parties to the action.

MINUTES FORM 11 DOC
CIVIL - GEN



Initials of Deputy Clerk DB
Page 1 of 1

52