

Nominee for U.S. Attorney in San Diego Mum, but Gets High Praise

*Career prosecutor
Laura E. Duffy has
extensive background
in drug, money cases*

By Pat Broderick
Daily Journal Staff Writer

SAN DIEGO — Federal crime fighter Laura E. Duffy, who helped bring down the notorious Arellano-Felix drug cartel, was being low-key Thursday about her nomination to be U.S. attorney for California's Southern District.

"I am honored, and look forward to the confirmation process," is all the 47-year-old would say.

Candace Carroll, who chaired the Southern District committee to vet U.S. attorney candidates for U.S. Sen. Barbara Boxer, D-Calif., was equally circumspect.

"The committee thought Laura Duffy was a remarkable woman and we think she'll do a good job for San Diego," said Carroll, of counsel at Sullivan Hill Lewin Rez & Engel in San Diego. "She has a

very impressive background, and is a very charismatic woman."

Carroll declined to say how many other candidates her committee submitted for President Obama's consideration.

"We interviewed everyone who looked good on paper, and sent the names of anyone we thought would be good," she said.

Duffy, who joined the U.S. attorney's office in 1997, worked in the narcotics enforcement section until 2007, when she became the deputy chief of the general crimes section.

Before that, she worked for the criminal division of the Department of Justice from 1993 until 1997, first as a trial attorney in the money laundering section until 1994, then as a trial attorney for the narcotics and dangerous drug section.

One of Duffy's major cases involved the prosecution of the notorious Arellano-Felix drug cartel, which resulted in a life sentence for cartel leader Francisco Javier Arellano-Felix. In 2008, Duffy was awarded the Attorney General's Award for Distinguished Service for her "exceptional leadership, skill and tenacity" in the case, and

lauded her 12 years of "determination" in dismantling the cartel.

Gonzalo Curiel, now a San Diego County Superior Court judge, worked with Duffy when he was chief of the narcotics enforcement section, overseeing a task force that targeted the cartel.

Recalling his days working with Duffy in the U.S. attorney's office, Curiel said, "I know her to be a tireless, relentless, meticulous and professional prosecutor."

Noting her experience working with multi-agency task forces, fighting international drug cartels, Curiel added, "She understands the dynamics of serving the public in a border city and has worked with Mexican authorities in apprehending and extraditing major drug traffickers.

She'll make a great United States attorney."

A graduate of Iowa State University, Duffy graduated from the Creighton University School of Law in Omaha in 1993.

The current U.S. attorney, Karen P. Hewitt, a George W. Bush appointee, declined to comment on

the nomination. But her spokeswoman did say that Hewitt had not applied to retain her job, but didn't give her reasons or future plans at this time.

Kate Kowalewski, president of the Lawyers Club of San Diego and a partner at Coughlin Stoa Geller Rudman Robbins, said feedback about Duffy's nomination from the membership has been positive.

"Everyone who knows her from work or personally thinks she's a great candidate, and will do a lot of good for the office," Kowalewski said.

"People are really impressed by her."

Michael Crowley, past president of the San Diego Criminal Defense Bar Association, said Duffy has a solid reputation with the defense bar.

But, he added, "I don't think it matters who's in that office. It seems to be hard for them to make an imprint that is distinctive. I did not see any changes when Karen took over, and I don't expect any change when Laura takes over."

Hewitt was appointed in 2007 as the interim U.S. attorney for

the Southern District, succeeding Carol C. Lam, one of the casualties of the Bush Administration's controversial purge of U.S. attorneys.

Billed as the third busiest U.S. attorney's office for felony prosecutions in the nation, Hewitt's district includes both San Diego and Imperial counties, and a staff of about 275.

Stanley J. Panikowski, a partner in the San Diego office of DLA Piper Rudnick Gray Cary, and immediate past president of the Federal Bar Association's San Diego chapter, said he didn't know Duffy well, and declined to comment on her nomination.

But, he added, "The Southern District has been the fortunate beneficiary of the strong leadership of outstanding U.S. attorneys like Carol Lam and Karen Hewitt. I hope that Laura, if confirmed, follows in Karen's footsteps as successfully as Karen followed in Carol's."

Irma E. Gonzalez, chief judge of the federal court in San Diego, added, "I believe Karen Hewitt has done a fabulous job."

Duffy's nomination now goes to the Senate Judiciary Committee, for confirmation but there is no set time line for any action, said Melissa Schwartz, DOJ spokeswoman.

pat_broderick@dailyjournal.com

Patent Reform Gets a Long-Awaited Push From Senate

By Robert Iafolla
Daily Journal Staff Writer

WASHINGTON — The chairman of the Senate Judiciary Committee announced Thursday a "tentative agreement in principle" to move forward in the long-running and slow-moving campaign to reform the patent laws.

The deal "preserves the core of the compromise" reached nearly a year ago that paved the way for the committee to approve a reform bill, said Sen. Patrick J. Leahy, D-Vt. That compromise, engineered by Sen. Dianne Feinstein, D-Calif., and other panel members, included a new system for calculating damages in infringement cases, a long-standing roadblock to reform.

Lawmakers have been trying to update the 58-year-old patent system for the past three Congresses. The effort has pitted large technology firms against the pharmaceutical industry and smaller companies.

Leahy said senators consulted with the Patent and Trademark Office on an agreement to improve patent quality and PTO operations, while addressing "runaway damage awards that were harming innova-

the Daily Journal obtained a draft that reveals some of the changes from the bill that the Judiciary Committee passed in April.

A new provision would create a process allowing a patent holder to request supplemental examination to reconsider or correct information believed to be relevant to the patent, such as the methodology involved in developing the patented invention. The added information could forestall patent litigation against the holder down the road.

Sen. Orrin G. Hatch, R-Utah, authored that new provision, an industry source said. Politically, that's important because it signals the legislation has regained his support. Hatch was a co-sponsor of the original bill, but then voted against it in committee.

The draft language for calculating damages is largely the same, retaining the gatekeeper provision that would allow parties to argue to the judge what evidence is legally sufficient to determine damages. But the tentative agreement adds a section that would allow one of the parties to request the damages issued to be tried separately, after the determination of infringement

Big Rig Pollution Dispute Headed to Court

By Fiona Smith
Daily Journal Staff Writer

The trucking industry and the Port of Los Angeles are headed to trial after a Los Angeles federal judge on Thursday refused to dismiss a case involving big rig diesel pollution on summary judgment.

The American Trucking Associations sued in 2008 over the ports of Long Beach and Los Angeles's jointly enacted clean truck programs to cut diesel pollution from port traffic by 80 percent by 2012. The trucking group recently settled with Long Beach, which agreed to change its requirements, but the Port of Los Angeles has not backed down.

The program progressively bans older, dirtier trucks from entering port property and enforces

commerce clause of the U.S. Constitution limiting the state regulation of inter-state commerce. The port, backed by environmental and public health groups, says it has the authority to ensure safe and clean ports. American Trucking Associations, Inc. v. The City of Los Angeles, 08-04920.

issue a final written order from the hearing in the next few days, indicated she may side with the trucking industry on one issue in the case, over whether the concession model interferes with federal regulation of trucking rates, routes and services, said Christopher McNatt, an attorney

injunction in the case. Snyder blocked some aspects of the Clean Truck Program from moving forward, including a controversial Port of Los Angeles requirement that trucking companies hire truckers as employees rather than independent contractors.

As for the Port of Long Beach, it reached a settlement in October with the trucking association, agreeing to remove several requirements it had placed on trucking companies and to substitute a registration agreement for its concession requirement.

But environmental groups the Natural Resources Defense Council and the Sierra Club are challenging the settlement in Los Angeles federal court, alleging it lacks teeth and that city officials failed to review its environmental impacts as required by the Cali-

We 'are hopeful the trial court will uphold the full concession agreement to provide full accountability and sustainability of the clean truck program in the future.'

PHILIP SANFIELD
PORT OF LOS ANGELES