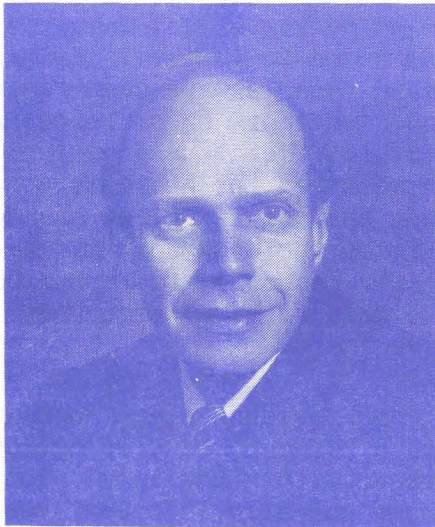




DETROIT CHAPTER FEDERAL BAR ASSOCIATION NEWSLETTER

NOVEMBER, 1988

MEET THE EASTERN DISTRICT'S NEWEST JUDGE



HON. BERNARD A. FRIEDMAN

Bernard A. Friedman's appointment by President Reagan as a United States District Judge for the Eastern District of Michigan reflects his competence as a trial lawyer, judge and dedication to public service. Judge Friedman is our newest district judge.

Born in Detroit in 1943, he received his legal training at the Detroit College of Law. Judge Friedman is a recognized leader in the legal community as well as in civic affairs.

Prior to assuming the position of Judge of the United States District Court, Judge Friedman was for six years a judge of the State of Michigan, 48th District Court, and prior to that he enjoyed a diversified law practice.

Judge Friedman emphasizes that a well prepared lawyer is a special treat, and greatly appreciated by a trial judge. He appreciates attorneys that attempt to structure and organize their cases prior to trial: using stipulations, joint exhibits, motions in limine,

etc. He encourages counsel to resolve as much as possible prior to the beginning of trial. If accommodations cannot be reached between counsel, notify the judge's office. Judge Friedman indicates the following in regard to his general civil practice:

1. STANDING ORDERS:

A pretrial scheduling order is issued at the first pretrial status conference. This order informs counsel of ALL appropriate dates up to and including motion cutoff.

2. CONFERENCES:

(a) A status conference is set after the last answer is filed. At this conference the judge, with counsel, determines appropriate discovery cutoff dates and other pretrial matters. These dates are liberally set given the type of case and the information furnished by counsel. The judge is not inclined, therefore, to alter these dates after the conference is held.

(b) Final Pretrial Conference:

The final pretrial conference is held approximately one week prior to trial. A pretrial order, consistent with Rule 40 (as amended) must be prepared.

At this conference, the judge attempts to resolve any matter related to the trial of the case. Settlement is encouraged at this time.

(c) Other Conferences:

Other conferences may be scheduled at the request of counsel. The Court will also hold settlement conferences at the request of counsel.

3. GENERAL MOTION PRACTICE:

Generally motions are scheduled for Tuesday or Thursday. After the motion is filed the Court will send out a notice of hearing setting the date for responsive pleadings and a time and date for the hearing. Some motions may be decided on the briefs; no oral argument will be held.

The court often refers discovery motions and certain other matters to the Magistrate.

4. DISCOVERY MATTERS:

The length of time for discovery will be set at the time of the initial pretrial conference. The court will listen to the parties and determine the appropriate length of time for discovery based on the type of case. Many discovery disputes are heard by the Magistrate.

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5. MEDIATION:

Judge Friedman actively endorses the mediation program. All matters will be referred to mediation, unless some other determination is made by the Court and counsel. The judge will also utilize "private" mediation based on the special needs of the litigation.

6. FINAL PRETRIAL ORDER:

The final pretrial order is due one week prior to trial. The order is due at the final pretrial conference.

7. SETTLEMENT:

The Court will become involved in settlement negotiations in jury cases. Counsel is encouraged to seek the advice of the Court to "work out" settlement agreements. In nonjury cases the judge will refer the settlement conference to another judge or Magistrate.

8. TRIALS:

Trial dates are set at the final pretrial conference. Trial is normally one week after the conference. Adjournments will be considered on a case by case basis.

A trial day is 8:30 a.m. - 1:30 p.m. Full days will be scheduled if appropriate. All motions in limine should be resolved prior to the day of trial.

9. CRIMINAL CASES:

No special requirements at this time.

10. MISCELLANEOUS:

The judge has an open door policy. He encourages lawyers to stop in for a cup of coffee and a chat. He feels everything is going fine. He encourages the FBA to "check back in a year".

PRESIDENT'S MESSAGE

These remarks are primarily intended for those of you who missed State Bar President Don Reisig's thoughtful reflections on Pride and Civility at the September Luncheon Meeting.*

Those of you who found yourselves nodding quietly in agreement when Don lamented the lack of common courtesy in the practice of law today need not read further.

As a former Circuit Judge as well as a respected trial attorney, Don Reisig is ideally suited to lead a return to basic but forgotten principles of professionalism, including "such simple things as common courtesy shown by lawyer to lawyer, lawyer to judge and judge to lawyer." By all accounts, Don Reisig has always been regarded as a gentleman, whether on or before the bench. His complaint that "the practice of law is not fun anymore" [or at least, not as much fun] and that he is "tired of hearing that 'we do it by the book' or 'my client won't let me' [in response] to reasonable requests made in timely fashion" struck an especially responsive chord.

If, as the President-elect suggests, we need to become a "kinder, gentler nation," let the change begin within the legal profession. have become obsessed in recent years - - both bench and bar - - with mediation penalties, Rule II, and the imposition of sanctions generally. Of course, there is the exceptional case where such medicine is appropriate, occasionally in large doses. But surely, in many cases, we can fulfill our professional responsibility to our clients and our ethical obligations as judges without continuously being "on the muscle," seeking to exploit every advantage or needlessly berating every attorney who appears before us. If that is what we have led our clients [or those who appear before us] to expect, we need to work together to reshape their expectations, so that together we can enjoy more friendly, more collegial [and less stressful] professional lives. The law will always be a noble profession but we should also strive to make it "fun."

John R. Runyan, Jr.

*Don Reisig's remarks on Pride and Civility are reprinted on the President's Page of last month's Michigan Bar Journal.



HOLIDAY PARTY

The Detroit Chapter's Annual Holiday Celebration will take place this year from 5:00 - 7:00 p.m., on Thursday, December 15, 1988, at the Detroit Club. The tickets for this festive occasion are \$12.00 per person and can be obtained from any Officer, Executive Board Member, or Section or Committee Chair [or by calling Gillian Steinhauer (496-7562)].

This year's celebration will be the occasion for the presentation of gavels to two of the Eastern District's newest Judges, Honorable Patrick J. Duggan and Bernard A. Friedman

OFFICERS AND EXECUTIVE BOARD MEET



Pictured above at their initial meeting on September 15, 1988, are the following officers and members of the Executive Board (L-R): Christine Dowhan, Honorable Denise Page-Hood, Treasurer Geneva Halliday, Honorable Virginia Morgan, Honorable Marcia Cooke; Retiring Executive Director Esther Munce; Thomas Cranmer, Jay Brant, President-Elect Bob Forrest, Miriam Siefer, Edward Kronk, President John Runyan and Lawrence Campbell.



Chapter's hard-working Section and Committee Chairs (L-R): Dinner Dance Chair Mimi Gendreau; Golf/Tennis Outing Chair Jack Kalmink; New Lawyers Seminar Co-Chair Brian Figot, Criminal Law Section Co-Chair Richard Zuckerman; New Lawyers' Co-Chair Cathrine Wenger; Bankruptcy Section Co-Chair Philip Shefferly; Pro Bono Chair Lynn Shecter; Taxation Section Co-Chair Thomas Kenney; and Civil Practice Section Co-Chair Virginia Metz.

The Officers, Executive Board and Section and Committee Chairs meet bi-monthly from September through May to plan the Chapter's luncheons, seminars and social activities. Many of the Officers and Executive Board also serve as Trustees of the Federal Bar Foundation of Detroit, which funds the Chapter's annual Edward H. Rakow Scholarship awards. Five Executive Board members are elected each

May to staggered three year terms; the Officers are also elected each May to a one year term commencing the following July 1. The Section and Committee Chairs are appointed by the President, with input from the Officers and Executive Board. Any persons interested in either elective or appointed office within the Detroit Chapter during 1989-90 should contact President-Elect Bob Forrest (259-7700).

SCHEDULE OF SEMINARS

LABOR SECTION

The Detroit Chapter's Labor Section will hold its initial seminar of the year at 12:00 noon on Tuesday, December 6, 1988, at the Pontchartrain Wine Cellars. The topic will be "Post-Misco Developments" and will feature a discussion by two prominent labor attorneys on the aftermath of the United States Supreme Court's decision last term in *Paperworkers v. Misco, Inc.*, 56 USLW 4011 (December 1, 1987). Presenting the union viewpoint will be Eileen Nowikowski of Sachs, Nunn, Kates, Kadushin, O'Hare, Helveston & Waldman, P.C.; Presenting management's view will be Richard J. Seryak of the law firm of Miller, Canfield, Paddock & Stone, and also a member of the Chapter's Executive Board.

Reservation for the luncheon must be made prior to December 1, 1988, by returning the enclosed reservation form or by calling either J. Kent Cooper (223-7843) or Mark Brewer (965-3464), the Section's Co-Chairs. The cost for the luncheon and seminar is \$10. Be sure to indicate your choice of entree: veal marengo, breast of chicken or whitefish.

TAXATION SECTION

Co-Chairs of the Detroit Chapter's Taxation Section, Joseph Falcone and Thomas Kenney, have just announced plans for a tax seminar from 2:00 p.m. - 5:00 p.m. on Tuesday, February 7, 1989, at 115 U.S. Courthouse. Please mark your calendars accordingly and look for additional details in the January newsletter.

CHAPTER CONDUCTS 25TH NEW LAWYERS SEMINAR

On December 6-7, 1988, the Detroit Chapter will be continuing one of its oldest traditions when it holds its 25th semi-annual New Lawyers Seminar. The first such seminar was held way back in November of 1976, under the stewardship of then Chief U.S. District Judge (now Circuit Judge) Damon J. Keith and then FBA President (now Oakland County Circuit Judge) Fred M. Mester. Since that time, the New Lawyers Seminars have become a Detroit institution, having been conducted twice annually for the past twelve years.

The format for the seminars has remained relatively unchanged. In 1977, the seminar was expanded to its present two-day format, with the first day devoted to federal law and the second to state law. The afternoon of the first day still features a US District Court admission ceremony, followed by a reception in the U.S. Courthouse. The second day has traditionally included a luncheon program, featuring the Chief Judge of the Wayne County Circuit Court. As in the past, the modest registration fee for the seminar includes both days of the seminar, the written materials, the Tuesday reception and the Wednesday lunch, but not the federal court admission fee; arrangements for federal court admission must be made separately by each registrant through the Clerk's office, 133 US Courthouse.

The following is a tentative schedule for the seminar. To register, return the enclosed registration form no later than December 1, 1988.

NEW LAWYERS SEMINAR

TUESDAY, DECEMBER 6, 1988

8:00 - 8:30

REGISTRATION

8:30 - 8:45

PROCEDURES IN THE CLERK'S OFFICE, Judy Christie, Operations Manager of the Clerk's Office, U.S. District Court for the Eastern District of Michigan.

8:45 - 9:00

WELCOME TO THE SEMINAR, Honorable Philip Pratt, Chief Judge, U.S. District of Michigan.

9:00 - 9:20

SURVEY OF PROCEEDINGS BEFORE U.S. MAGISTRATES, Marcia G. Cooke, Magistrate of the U.S. District Court for the Eastern District of Michigan.

9:20 - 9:50

DISCOVERY AS A TOOL FOR DEVELOPING A FEDERAL CASE, Pamela J. Thompson, Assistant United States Attorney.

9:50 - 10:20

CIVIL MOTION PRACTICE IN FEDERAL COURT, Honorable Julian Abele Cook, United States District Judge.

10:20 - 10:30

COFFEE BREAK

10:30 - 11:00

PRE-TRIAL PROCEEDINGS IN A CIVIL CASE, Elizabeth Larin, Assistant United States Attorney.

11:00 - 11:30

TRIAL OF A CIVIL CASE, Honorable Bernard Friedman, United States District Judge.

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NEW LAWYER'S SEMINAR:

11:30 - 11:50

TAXES IN THE GENERAL PRACTICE OF LAW, Peter M. Pitteman, Assistant District Counsel, Internal Revenue Service, Grand Rapids, Michigan.

11:50 - 1:00

LUNCH (on your own)

1:00 - 1:15

PLAIN ENGLISH FOR LAWYERS, Diana Pratt, Director of Legal Writing and Research, Wayne State University Law School.

1:15 - 1:45

BANKRUPTCY PRACTICE, Stanley M. Bershad, Goldstein, Goldstein & Bershad.

1:45 - 2:00

Paul D. Borman, Esq., Chief Federal Defender's Office.

2:00 - 2:15

GRAND JURY PRACTICE, David F. DeMouchel of David F. DeMouchel, P.C.

2:15 - 2:45

PRE-TRIAL PROCEEDINGS IN CRIMINAL CASES, Martin Reisig, Esq.

2:45 - 3:15

AL IN A CRIMINAL CASE, Neal H. Fink, Esq.

3:15 - 3:45

POST-TRIAL MATTERS, INCLUDING MOTIONS, SENTENCING PRACTICES AND PROCEDURES, PROBATION AND PAROLE, DeDay LaRene, Esq.

WEDNESDAY, DECEMBER 7, 1988

8:30 - 8:45

INTRODUCTION, James G. Fausone, Esq. Chairperson Young Lawyers Section, State Bar of Michigan.

8:45 - 9:15

HOW TO PRESENT YOUR CASE IN STATE COURT, Scott D. Feringa, Esq., Sullivan, Ward, Bone, Tyler, Fiott & Asher, P.C.

9:15 - 9:45

BASIC MICHIGAN CIVIL PRACTICE, Daniel P. Malone, Esq., Butzel, Long, Gust, Klein & Van Zile, P.C.

9:45 - 10:00

COFFEE BREAK

10:00 - 10:30

AN OVERVIEW OF A GRIEVANCE PROCEEDING, F. Philip Colista, Esq., Colista, Adams, Dettmer and Palmer, P.C.

10:30 - 11:00

THE HANDLING OF DOMESTIC RELATIONS CASES, Charles F. Glass, Esq., Schureman, Frakes, Glass & Wulfmeier

11:00 - 11:30

BASIC MICHIGAN REAL PROPERTY TRANSACTIONS, James D. Naida, Esq.

11:30 - 12:00

MEDIATION IN THE CIRCUIT COURT, Timothy D. Wittlinger, Esq., Hill, Lewis, Adams, Goodrich & Tait.

12:00 - 1:30

LUNCH AT THE PONTCHARTRAIN / PROCEDURES IN WAYNE COUNTY CIRCUIT COURT, Honorable Richard C. Kaufman, Third Judicial Circuit Court.

1:45 - 2:15

PRACTICE IN THE MICHIGAN PROBATE COURT, Daria N. Schlega, Esq., Wayne County Probate Court

2:15 - 2:45

THE HANDLING OF A CRIMINAL CASE IN STATE COURT, Richard T. Krisciunas, Esq., Wayne County Prosecuting Attorneys Office.

2:45 - 3:00

COFFEE BREAK

3:00 - 3:30

THE HANDLING OF A MICHIGAN WORKER'S COMPENSATION CASE, John G. Bacon, Esq., Martin, Bacon and Martin, P.C.

3:30 - 4:00

THE HANDLING OF A PERSONAL INJURY CASE, A. Robert Zeff, Esq., Zeff, Zeff & Materna, P.C.

CIVIL PRACTICE MANUALS STILL AVAILABLE

Virginia F. Metz, Co-Chair of the Chapter's Civil Litigation Section, has announced that a limited number of the Section's revised and expanded Civil Practice Manuals remain available for sale. The expanded and updated edition, published in 1987, includes useful if not indispensable information about the Eastern District's Bankruptcy Judges and Magistrates (Motion Practice, Standing Orders etc.), as well as the United States District Judges who were the subject of the manual as originally published in 1984. Published in looseleaf form, the manual is easily integrated into the binder sold by the Clerk's office containing the Local Rules of the United States District Court for the Eastern District of Michigan. The manual is available for \$15.00 (plus \$1.00 postage and handling) by calling Virginia Metz (225-7023) or Elizabeth Larin (237-4772).

NEW AND SUSTAINING MEMBERS

The Detroit Chapter is pleased to welcome to its ranks the following new members:

Glenice Beckwell
Peter L. Conway
Sheldon H. Klein
Phillip C. Korovesis
Mark L. Kowalsky
Marianne Talon
Margaret VanMeter

The Chapter also extends its appreciation to the following sustaining members:

Ronald G. Acho
John Wm. Butler Jr.
Lawrence Campbell
William T. Coleman III
Joseph A. Gordon
Paul Johnson Jr.
Peter J. Kelly
Richard F. Krandle
Sharon McPhail
John Runyan Jr.
Thea Marie Sankiewicz
Joel M. Shere
Myzell Sowell

GOVERNMENT PRACTICE SECTION LAUNCHED

More than forty government attorneys from ten federal agencies and the US Attorneys Office gathered for lunch at the Detroit Press Club on Friday, November 4, 1988. The occasion was the inaugural seminar of the Detroit Chapter's newly organized Government Practice Section. The speaker was SEC Assistant General Counsel Carol Scott, who talked about "The Care and Feeding of a Government Law Practice."

The luncheon seminar was attended by attorneys from the Army Corps of Engineers, the Equal Employment Commission, the Department of Housing and Urban Development, the Immigration and Naturalization Service, the Internal Revenue Service, the National Labor Relations Board, the Small Business Administration, the Social Security Administration and the Veterans Administration, as well as from the US Attorney's Office. Indeed, the SBA's entire legal staff was present. Congratulations to Section Chair Chris Dowhan for getting the Government Practice Section off to an excellent start.

Watch the newsletter for details regarding the Section's next gathering, a morning coffee and donut seminar, most likely in January.

DISTRICT COURT CLERK RESIGNS

Chief Judge Philip Pratt has announced that Robert A. Mossing has resigned as Clerk of the United States District Court for the Eastern District of Michigan, effective November 8, 1988. Judge Pratt also indicated that David R. Sherwood will serve as Acting Clerk of the District Court, in addition to continuing his responsibilities as Clerk of the United States Bankruptcy court, until a successor is named.

CHAPTER CALENDAR

TUESDAY, DECEMBER 6, 1988
Labor Section Seminar

TUESDAY, WEDNESDAY/DECEMBER 6-7, 1988
New Lawyers Seminar
115 US Courthouse

THURSDAY, DECEMBER 15, 1988
(please note change in date)
Annual Holiday Party
Detroit Club

TUESDAY, FEBRUARY 7, 1989
Taxation Section Seminar
115 US Courthouse

REGISTRATION

FBA NEW LAWYER'S SEMINAR

WHEN: 8:30 a.m. to 4:30 p.m.
Tuesday, December 6 and Wednesday, December 7, 1988.

LOCATION: U. S. Courthouse and Federal Building
231 West Lafayette
Detroit, Michigan
Room 115

REGISTRATION FEE: \$60.00 (includes seminar, seminar materials, Tuesday Reception and Wednesday Luncheon, but not federal court admission fee).

MAKE CHECK PAYABLE TO: Federal Bar Association, Detroit Chapter

MAIL CHECK TO: Dee Osterman
Detroit Chapter FBA
P.O.Box 71740
Madison Heights, Mi. 48071

NAME: _____

ADDRESS _____

CITY/STATE/ZIP _____

PHONE NUMBER _____

HAVE A LEGAL SIZE FILE CABINET TO DONATE?

THE DETROIT CHAPTER IS DESPERATELY IN NEED OF A LEGAL SIZE FILE CABINET TO HOLD ITS GROWING ARCHIVES AND RECORDS. ANYONE WITH A LEGAL SIZE FILE CABINET TO DONATE SHOULD CONTACT JOHN RUNYAN (965-3464) or DEE OSTERMAN (548-3450).

REGISTRATION

I plan to attend the Labor Section seminar on December 6, 1988.
Enclosed is my check for \$10 made payable to the Detroit Chapter,
FBA

Name _____

Firm _____

Address _____

Choice of Entree:

Veal _____

Chicken _____

Whitefish _____

Return by December 1 to Dee Osterman, FBA, Detroit Chapter
P.O. 71740
Madison Heights, MI 48071

DETROIT CHAPTER



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Madison Heights, Michigan 48071

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