



DETROIT CHAPTER FEDERAL BAR ASSOCIATION NEWSLETTER

DECEMBER/JANUARY-1989

U-M LAW DEAN LEE C. BOLLINGER TO ADDRESS RAKOW LUNCHEON



The featured speaker at this year's luncheon will be the recently appointed Dean of the University of Michigan Law School, Lee C. Bollinger. Dean Bollinger, a recognized First Amendment scholar, will address his remarks to the subject: "Free Speech and the University: An Unsolved First Amendment Issue".

Dean Bollinger joined the faculty at the University of Michigan Law School in 1973. He is a graduate of the University of Oregon and the Columbia Law School, where he was a Harlan Fiske Stone Scholar and served as Articles Editor of the Columbia Law Review. Following graduation from law school, Dean Bollinger served as law clerk to Judge Wilfred Feinberg of the United States Court of Appeals for the Second Circuit and to Chief Justice Warren E. Burger of the United States Supreme Court. His casebook on Contract Law is in its second edition, and Dean Bollinger is also the author of numerous articles and essays on the subjects relating to Freedom of Speech and the First Amendment.

NEW JUDGE TAKES EASTERN DISTRICT BENCH

PAUL V. GADOLA of Flint became the newest United States District Judge for the Eastern District of Michigan on Friday, January 6, 1989, when he took the oath of office from Senior Judge Ralph M. Freeman, also a Flint native. Judge Gadola will sit in Detroit, in the chambers (Room 106) and Courtroom 114) which formerly housed United States Magistrate Virginia Morgan.

On Thursday, February 23, 1989, the Detroit Chapter will hold its annual Edward H. Rakow Awards Luncheon in the Riverfront Ballroom of the Detroit Westin Hotel. As in the past, the luncheon will be the occasion for the presentation of the Edward H. Rakow Scholarship awards to an outstanding student from each of Michigan's five law schools. The Rakow awards are named for former SEC Regional Administrator Edward H. Rakow, one of the founders of the Detroit Chapter. Funded entirely through contributions to the Federal Bar Foundation of Detroit, the Chapter's tax deductible arm, the Rakow awards have been presented each year since 1969.

PRESIDENT'S MESSAGE

Of all the Chapter's luncheons, programs, and activities, among the most important are its contributions to continuing legal education. Last December, the Chapter held its 25th New Lawyers seminar, a substantial milestone for one of its oldest and most successful programs. Believe it or not, four attorneys -- John Bacon, Neil Fink, Charles Glass, N.C. Deday LaRene -- have been a part of the program for twenty four of the twenty five seminars held over the past twelve years. Their contributions were recognized at the Chapter luncheon on November 1, 1988, but bear repeating here.

This March, the Chapter will hold its now annual Trial Advocacy Workshop. Started in June, 1984, the trial advocacy workshop is in its seventh installment. Judges Ralph Guy and John Feikens, along with former Chapter Presidents Richard Rossman and Robert Hulbert deserve substantial credit for the institution of the workshop. Its guiding hand for the past five years has been United States Magistrate Steven Pepe, without whom, it is fair to say, there would be no trial advocacy workshop.

Finally, an accounting of the Chapter's continuing legal education programs would be incomplete without acknowledging the enormous contribution made by its sections. As documented elsewhere in this newsletter, the Sections are really at the forefront of C.L.E.. Their co-chairs bear the responsibility and should likewise enjoy the credit for the Chapter's timely, diverse and well attended continuing legal education programs.

John R. Runyon

LAWYERS SOUGHT FOR AIDS LEGAL REFERRAL SERVICE

The legal problems created by Acquired Immune Deficiency Syndrome (AIDS) are expanding as the number of persons infected grows. Persons with AIDS have many legal needs, from fighting discrimination to obtaining benefits and medical care to insuring proper disposition of their property. There is not an area of the law which has not been affected by AIDS. Compounding the legal problems of persons with AIDS is the impoverishment the disease can cause due to loss of employment and/or the cost of medical care.

To help address the growing legal needs of persons with AIDS in Michigan, an AIDS Legal Coalition has been formed. One of the Coalition's first projects is establishing a legal referral service of attorneys willing to advise on or handle AIDS-related cases on a reduced fee or pro bono basis.

If you are interested in joining the referral service's network of attorneys, please contact Labor Law Section Co-Chair Mark Brewer (965-3464) so that he can answer your questions, provide further information, and send you a brief questionnaire so the referral service can determine your area of expertise and interest.

NEWSLETTER DEADLINE

February 1, 1989, will be the deadline for the Detroit Chapter's February Newsletter.

CHAPTER CALENDAR

Thursday, February 2, 1989
Civil Practice Section Seminar
115 US Courthouse

Tuesday, February 7, 1989
Taxation Section Seminar
115 US Courthouse

Monday, February 20, 1989
Pro Bono Panel Seminar
115 US Courthouse

Thursday, February 23, 1989
Edward Rakow Awards Luncheon
Riverfront Ballroom
Detroit Westin Hotel
Speaker: Dean Lee C. Bollinger
University of Michigan
School of Law

Thursday, Friday, March 16/17, 1989
Trial Advocacy Workshop
US Courthouse

Friday, May 5, 1989
Tenth Annual Dinner Dance
Detroit Yacht Club

DIVERSITY JURISDICTION AMOUNT INCREASED IN FEDERAL COURTS

Applicable to all civil cases commenced on or after May 18, 1989, the Judicial Improvements and Access to Justice Act of 1988 will work several changes in the Eastern District's and Sixth Circuit's diversity jurisdiction and procedures. In summary, the new law's major provisions are as follows:

First, federal diversity jurisdiction will require \$50,000 instead of \$10,000 in claims. This change was a compromise between lawmakers who sought to eliminate diversity jurisdiction altogether and those that sought to retain it unaltered. There is considerable debate among judges, lawyers, lawmakers, and scholars as to whether this change will reduce the federal courts' caseload, either locally or nationally.

Second, the Act will prevent plaintiffs from appointing non-resident representatives to create diversity jurisdiction. Henceforth, representatives of incompetent persons, decedents and infants will be deemed to be resident of the same state as the person they represent. In this circuit, the effect of the Act may not be very dramatic given the holding in *Gross v Hougland*, 712 F.2d 1034 (6th Cir., 1983), cert.denied, 465 U.S. 1025 (1984), where the Sixth Circuit interpreted 28 U.S.C./1359 in an attempt to prevent the manufacturing of diversity jurisdiction by the appointment of non-resident representatives.

Next, for purposes of venue, the Act broadens the definition of residence for corporate defendants. Presently, corporations are subject to suit where they are "doing business." The Act permits suit in any district where personal jurisdiction over the corporation can be obtained under the "long arm" statute of the forum state.

In addition, as part of a growing trend toward mediation, arbitration, and other alternative forms of dispute resolution, the Act expands the number of federal district court arbitration programs from 10 to 20.

Finally, the Act mandates that local court

rules be created only in consultation with an advisory committee. And in an expansion of the powers of the circuit judicial conferences, local court rules can be changed or vacated by the circuit judicial conference. Similarly, the U.S. Judicial Conference will now have the power to change or vacate circuit court rules.

RECENT CHAPTER HAPPENINGS

CHAPTER LUNCHEON



Pictured above L-R are Chapter President John Runyan, Donald P. Lay, Chief Judge, United States Court of Appeals for the Eighth Circuit; and Damon J. Keith, Judge of the United States Court of Appeals for the Sixth Circuit.

Judge Lay addressed the Chapter's luncheon meeting on Tuesday, November 1, 1988 on the question "Does the Constitution Recognize the Right of Privacy?"

HOLIDAY PARTY



Pictured above L-R are US Judge Patrick J. Duggan, Chapter President John Runyan, Chair of the Holiday Party, Gillian Steinhauer and US District Judge Bernard Friedman. Judges Duggan and Friedman were both presented gavels at the Chapter's Holiday Party, a traditional means of welcoming Judges to the Eastern District bench.

SCHEDULE OF SEMINARS

CIVIL PRACTICE SERVICE

The Detroit Chapter's Civil Practice Section will hold a "Forum on Rule 11 Sanctions" from 3:00 to 5:00 p.m. on Thursday, February 2, 1989, in Room 115, U.S. Courthouse. The speakers will include United States Circuit Judge James L. Ryan, United States District Judges Avern Cohn, Julian Abele Cook, Jr. and Stewart Newblatt.

This seminar is a must for all civil practitioners. To register, return the enclosed registration form on or before January 31, 1989, with a check for \$5.00 (FBA Members) or \$10.00 (Non-Members).

CIVIL RIGHTS SEMINAR

The Detroit Chapter's Pro Bono Committee headed by Lynn Shecter will be conducting a day-long, civil rights seminar on Monday, February 20, 1989 (a Court Holiday) in Room 115, U.S. Courthouse. The seminar is primarily intended for and will be free-of-charge to all members of the Chapter's Pro Bono panel, those attorneys who have volunteered to accept assignment of civil rights cases filed pro se in the United States District Court for the Eastern District of Michigan.

The morning portion of the program will be devoted to employee civil rights claims. Speakers will include Michele Vocht, Kathleen Bogas, Jeanne Mirer, Donald Van Suilichem, Dianne Rubin and Dennis Brescoll.

The afternoon part of the program will be devoted to prisoner civil rights claims and will include presentations by Daniel E. Manville, former Counsel, National Prison Project, Brian D. Devlin, Assistant Attorney General, Marjorie Van Ochten, Hearings Administrator, Department of Corrections and Sandra L. Girard, Director, Prison Legal Services of Michigan. Extensive written materials will also be available.

Return the enclosed registration form on or before January 15, 1989, in order to register for the seminar. The seminar is free-of-charge to all active members of the Chapter's Pro Bono panel. The charge is \$5.00 for all other FBA Members and \$10.00 for non-members.

TAXATION SECTION

The co-chairs of the Detroit Chapter's Taxation Section, Joseph Falcone and Thomas Kenney, have announced final plans for the seminar to be held from 2:00 to 5:00 p.m. on Tuesday, February 7, 1989, in Room 115, U.S. Courthouse. The speakers will include Zora S. Hargrave, newly appointed Chief of Appeals Division, Internal Revenue Service, Detroit, Michigan; Charles Burk, Chief Special Procedures Branch, Internal Revenue Service, Detroit, Michigan; and Joan Fahlgren, Trial Attorney, Office of District Counsel, Internal Revenue Service, Detroit, Michigan. Each speaker will limit his or her remarks to 45 minutes and then be available for questions.

Ms. Hargrave will speak about the procedures surrounding the Appeals division abatement of taxes and penalties. This is a new, growing area, as there are several new penalties in the tax shelter area that can be applied at the Commissioner's discretion. That discretion is usually applied at the Appeals level. Mr. Burk will talk about Offers in Compromise. An Offer in Compromise is what is used to have the IRS compromise or reduce taxes based on inability to pay. Almost every lawyer is asked at one time or another "Won't they just take 50% and forget the rest?" Mr. Burk's office is where the IRS answers that question. Finally, Ms. Fahlgren will speak on the situation where the IRS contests the discharge of taxes and penalties in bankruptcy. She will discuss the current IRS policies relative to bankruptcies not initiated in good faith.

To register for the Taxation Section seminar, return the enclosed registration form on or before January 31, 1989, with a check for \$5.00 (FBA Members) or \$10.00 (Non-Members).

The Federal Bar Foundation needs your contribution. Enclosed herewith is a pre-addressed envelope by which you can make your tax deductible contribution to the Federal Bar Foundation of Detroit for the purpose of assuring the continuation of the Edward R. Rakow Scholarship Awards.

REGISTRATION

CIVIL PRACTICE SECTION
FORUM ON RULE 11 SANCTIONS
Room 115 U.S. Courthouse
Thursday, February 2, 1989
3:00 to 5:00 p.m.

_____ \$5 for FBA Members

_____ \$10 for Non-Members

Amount enclosed: _____

Name: _____

Address: _____

Telephone: _____

Please make checks payable to: Detroit Chapter - FBA

Please forward to: Detroit Chapter - FBA
P.O. Box 71740
Madison Heights, MI 48071

TAXATION SECTION SEMINAR
Room 115, US Courthouse
Tuesday, February 7, 1989
2:00 pm to 5:00 pm

_____ \$5 for FBA Members

_____ \$10 for Non-Members

Amount enclosed: _____

Name: _____

Address: _____

Telephone: _____

Please make checks payable to: Detroit Chapter - FBA

Please forward to: Detroit Chapter - FBA
P.O. Box 71740
Madison Heights, MI 48071

REGISTRATION

CIVIL RIGHTS SEMINAR
Room 115, U.S. Courthouse
Monday, February 20, 1989
8:30 a.m. to 12:00 noon (Employee)
1:00 p.m. to 5:00 p.m. (Prisoner)

Free for Pro Bono Panel Attorneys

_____ \$5 for other FBA Members

_____ \$10 for Non-Members

Amount Enclosed _____

NAME _____

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