



DETROIT CHAPTER FEDERAL BAR ASSOCIATION NEWSLETTER

MAY 1989

FIFTH ANNUAL LEONARD R. GILMAN AWARD LUNCHEON



Honorable Bernard R. Friedman, United States District Judge for the Eastern District of Michigan, will be the principal speaker on Thursday, May 25, 1989, when the Detroit Chapter hosts the Fifth Annual LEONARD R. GILMAN AWARD luncheon in the Riverfront Ballroom of the Detroit Westin Hotel. The highlight of the luncheon will be the presentation of the Annual LEONARD R. GILMAN AWARD to "An outstanding practitioner of criminal law." Presented each year since 1985, the Gilman Award is named for the late United States Attorney, "Lenny" Gilman, who died tragically in 1985 at the age of forty-two.

Judge Friedman was a lifelong friend of Lenny Gilman. They grew up together in the Wayne County Prosecutor's office in the late 1960's. Judge Friedman later went on to a distinguished career in private practice, before serving for six years as a Judge of the State of Michigan, 48th District Court, and since last April, as United States

District Judge for the Eastern District of Michigan.

Judge Friedman, who is known for his warm, friendly style, has entitled his remarks, "Smile, You're in Federal Court!" Tickets for the luncheon are \$20 for FBA members, \$22 for non-members. Reservations may be made by calling Dee Osterman (548-3450), or by returning the enclosed reservation form.

ANNUAL GOLF OUTING PLANS SET

The Detroit Chapter will continue one of its oldest traditions on Wednesday, June 7, 1989, when it holds its annual golf outing at the Fox Hills Country Club in Plymouth, Michigan. Whether you are a novice or a more experienced golfer, this year's outing promises to be an enjoyable occasion.

Tee off times start at 11:30 a.m., and continue through 12:30 p.m. After a challenging round of golf, enjoy an open bar, dinner (at approximately 6:00 p.m.) and many exciting door prizes (including a color television donated by the Paul Goebel Group). The entire cost is only \$55 per person, including a golf cart and all green fees.

Reservations can be made by returning the reservation form included with this newsletter or by contacting Jack Kalmink, Chair of the Golf Outing Committee at 259-1144. The Fox Hills Country Club is northwest of the I-275/M-14 (Jeffries) intersection and is most easily reached via the Gotfredson Road exit off M-14 (third exit west of I-275). Turn right (north) on Gotfredson Road. Turn left (west) at first stop sign (North Territorial Road) and go one mile west.

See you there!

PRESIDENT'S MESSAGE

Two years ago, two inmates at the Iowa State Penitentiary brought suit in the United States District Court for the Southern District of Iowa complaining of mistreatment by prison officials. Because they could not afford to hire an attorney, the inmates requested that the Court appoint counsel pursuant to a statute which provides that a court "may request an attorney to represent any such person unable to employ counsel." It was the kind of request frequently made in similar cases filed in the United States District Court for the Eastern District of Michigan, which are handled here through the Chapter's Pro Bono Program, under which such cases are assigned to attorneys who have volunteered to accept such assignments.

Unfortunately, Iowa does not have a similar program. Instead, attorneys admitted to the Federal Bar who have appeared before the Court at least once in the previous five years are involuntarily assigned to such cases. Pursuant to this procedure, John Mallard, a 33 year-old business practitioner from a small firm in Fairfield, Iowa, was "appointed" to represent the two inmates.

Citing his limited litigation experience (which is considerably greater today), Mallard moved to withdraw as counsel for the inmates. When the District Court refused to grant his motion, Mallard unsuccessfully sought a writ of mandamus from the Eighth Circuit directing the court to dismiss him from the case. Late last month, Mallard finally won: in a 5-4 decision, the United States Supreme Court ruled that the in forma pauperis statute does not authorize federal judges to make mandatory appointments. Rather, as in the Detroit Chapter's Pro Bono Program, the Courts must seek out attorneys who are willing to volunteer for such assignments.

The Mallard decision could provoke one of two reactions from the bar. It could lead to a decline in volunteerism by attorneys confident in

the knowledge that the Courts are powerless to compel them to accept such "pro bono" assignments. Lets hope, however, that the Court's decision instead inspires an increase in volunteerism by attorneys cognizant that voluntary programs like the Detroit Chapter's are now the only means of assuring that those who cannot afford counsel will not go unrepresented and unwilling to allow the burden of providing such representation to fall entirely upon others.

John R. Runyan

REMINDER: DIVERSITY JURISDICTION AMOUNT INCREASED IN FEDERAL COURTS

On Thursday, May 18, 1989, the "Judicial Improvements and Access to Justice Act" signed into law by President Reagan last November will become effective. As reported in the December/January newsletter, the most controversial changes made by the new law are the amendments to the statutory bases for federal diversity and removal jurisdiction. Under the Act, the amount in controversy required to invoke federal diversity jurisdiction has been increased to \$50,000. The new law applies to all civil actions commenced on or after May 18, 1989 (the 180th day after the date of enactment).

See the December/January newsletter for a description of the remaining changes made by the new law.

CALENDAR

THURSDAY, MAY 18, 1989
Executive Board Meeting/Savoyard Club
(please note change in date)

THURSDAY, MAY 25, 1989
Leonard R. Gilman Award Luncheon/Riverfront
Ballroom/Detroit Westin Hotel

TUESDAY/WEDNESDAY, JUNE 6/7, 1989
New Lawyers Seminar/115 U.S. Courthouse

WEDNESDAY, JUNE 7, 1989
Annual Golf Outing/Fox Hills Country Club

VIDEOTAPE LIBRARY

The Chapter has now centralized its audio and videotape library in the U.S. Attorney's Office in Detroit, 17 U.S. Courthouse. Members of FBA may charge out the tapes listed below for one week periods, by contacting the librarian of the U.S. Attorney's Staff, Loretta Vitek (237-4762). Unless indicated otherwise, all video cassettes are VHS format:

"CIVIL RIGHTS" SEMINAR - dealing with employee and prisoner "civil rights" claims - DATE: February 18, 1984 - 120 minutes.

"CIVIL RIGHTS" SEMINAR - dealing with employee and prisoner "civil rights" claims - DATE: February 20, 1989 - (four tapes).

FEDERAL HABEAS CORPUS FOR STATE PRISONERS by Professor Ira D. Robbins (four tapes).

"FORUM ON RULE 11" - Seminar on Rule 11 of Federal Rules of Civil Procedure, featuring Judges James L. Ryan, Lavern Cohn, Julian Cook and Stewart Newblatt - DATE: February 2, 1989 (audio tape only - two hours).

TRIAL ADVOCACY WORKSHOP - Nancy G. Edmunds Team - TAPE #1/DATE: March 25, 1985 - TAPE #2/DATE: March 26, 1985.

TRIAL ADVOCACY WORKSHOP - William H. Goodman Team - TAPE #1/DATE: March 25, 1985 - TAPE #2/DATE: March 26, 1985.

TRIAL ADVOCACY WORKSHOP - Wolfgang Hoppe Team - TAPE #1/DATE: March 25, 1985 - TAPE #2/DATE: March 25-26, 1985 - TAPE #3/DATE: March 26, 1985.

TRIAL ADVOCACY WORKSHOP - Daniel P. Malone Team - TAPE #1/DATE: March 25, 1985 - TAPE #2/DATE: March 26, 1985.

TRIAL ADVOCACY WORKSHOP - Steven D. Pe Team - TAPE #1/DATE: March 25, 1985 - TAPE #2/DATE: MARCH 26, 1985.

TRIAL ADVOCACY WORKSHOP - Joel M. Shere Team - TAPE #1/DATE: March 25, 1985 - TAPE #2/DATE: March 26, 1985.

TRIAL ADVOCACY WORKSHOP - Faculty Demonstration - DATE: March 25, 1985 (one tape).

TRIAL ADVOCACY WORKSHOP - Faculty Demonstration - DATE: November 14, 1985 (one tape).

TRIAL ADVOCACY WORKSHOP - Steve Rhodes - Faculty Demonstration - DATE: April 9, 1987 (one tape).

"UNITED STATES TRUSTEE PROGRAM" (Bankruptcy) - DATE: May 13, 1988 (four hours).

NEW LAWYERS SEMINAR

James P. Churchill, Chief Judge, United States District Court for the Eastern Division of Michigan, has announced the twenty-sixth Semi-Annual Seminar for New Lawyers which will be held in the first floor conference room, Room 115, of the U. S. Courthouse and Federal Building, 231 W. Lafayette, Detroit, Michigan, on Tuesday and Wednesday, June 6 and 7, 1989. This program is a "nuts and bolts" how-to-do-it approach to practice in federal and state courts, designed to assist recent law graduates in understanding the fundamental procedures followed in those courts. The seminar is co-sponsored by the United States District Court for the Eastern District of Michigan, the Federal Bar Association and the Young Lawyers Section of the State Bar of Michigan.

Judge Churchill emphasized that the seminar is not a prerequisite for an individual to be admitted to practice in the Courts, but rather a voluntary educational program which law school graduates are encouraged to attend. The seminar begins at 8:15 a.m., on June 6, 1989, with presentations on the Federal Courts. The program continues on June 7, with State Court practice. The

NEW LAWYERS SEMINAR

faculty of the seminar is made up of practicing attorneys, court personnel and judges who are well qualified to present these subjects. The Honorable Julian A. Cook, Jr., United States District Judge and the Honorable Bernard A. Friedman, United States District Judge will both speak at the seminar.

Co-Chairs of the seminar are attorneys Christine M. Dowhan, Brian Figot, Geneva Halliday and Catherine F. Wenger.

The seminar will cost \$60.00 which includes a reception for the Federal Judges and new attorneys on Tuesday, June 6, 1989, following the swearing-in ceremony in the Jury Assembly Room of the United States Courthouse. In addition, luncheon will be held on Wednesday, June 7, 1989, in the Plaza Room of the Pontchartrain. The price also includes course materials which contain form pleadings and memoranda expanding on the topics covered by the faculty.

Reservations and checks covering the seminar, materials and reception should be made payable to the Federal Bar Association, Detroit Chapter, and mailed to New Lawyers Seminar, P.O.Box 71740, Madison Heights, Mi., 48071.

There will also be a ceremony admitting attorneys to practice in federal court, coordinated with this program, on June 6, 1989, at 4:00 p.m., in the United States Courthouse for all those who have been admitted to the State Bar and meet requirements for admission to the Bar of the Eastern District of Michigan. This is a separate ceremony with a separate admission fee of \$40.00, payable to the Clerk, United States District Court.

This seminar was the first of its kind ever presented in this area. Past seminars have been most successful. Although the focus of the two-day program is on the recent graduates, those experienced attorneys wishing to attend the seminar

are welcome. This unique seminar has received national attention, including a special interest in the programs presented, from the Federal Judicial Conference. Because of this publicity, similar programs have been instituted in other Federal Courts located in Cleveland, Pittsburgh, Baltimore and Minneapolis.

Space is limited to 150 and is expected to be sold out.

It is suggested that reservations be mailed in early to assure a place for the seminar. The Federal Bar Association number is 548-3450.

NEW LAWYERS SEMINAR

Federal Law Program

Tuesday, June 6, 1989

U.S.Courthouse & Federal Building
Room 115

8:00 - 8:30

Registration

8:30 - 8:45

WELCOME TO THE SEMINAR, Honorable James P. Churchill, Chief Judge, U.S. District Court for the Eastern District of Michigan.

8:45 - 9:00

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.

9:00 - 9:20

SURVEY OF PROCEEDINGS BEFORE U.S. MAGISTRATES, Virginia M. Morgan, 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.

NEW LAWYERS SEMINAR

10:20 - 10:30
COFFEE BREAK

10:30 - 11:00
PRE-TRIAL PROCEEDINGS IN A CIVIL CASE, Elizabeth J. Larin, Assistant United States Attorney.

11:00 - 11:30
TRIAL OF A CIVIL CASE, Honorable Avern Cohn, United States District Judge.

11:30 - 11:50
TAXES IN THE GENERAL PRACTICE OF LAW, Peter J. Ritteman, Assistant District Counsel, Internal Revenue Service, Grand Rapids, Mi.

MORNING SESSION MODERATOR: Denise Langford-Morris

11:50 - 1:00
LUNCH ON YOUR OWN

1:00 - 1:30
BANKRUPTCY PRACTICE, Stanley M. Marshad, Goldstein, Goldstein & Marshad

1:30 - 1:45
Paul D. Borman, Esq., Chief Federal Defender, Federal Defender's Office.

1:45 - 2:15
GRAND JURY PRACTICE, David F. DeMouchel, Esq.

2:15 - 2:45
PRE-TRIAL PROCEEDINGS IN CRIMINAL CASES, Martin Reisig, Esq.

2:45 - 3:15
TRIAL 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.

4:00
CLOSING-IN CEREMONY FOLLOWED BY A RECEPTION

AFTERNOON SESSION MODERATOR: Geneva Halliday.

STATE LAW PROGRAM
Wednesday, June 7, 1989
U.S. Courthouse & Federal Building
Room 115

MORNING MODERATOR: STEVEN A. ROACH, ESQ. - MILLER, CANFIELD

8:00 - 8:30
COFFEE AND DONUT RECEPTION - Sponsored by the Oakland County Bar Association.

8:30 - 8:45
INTRODUCTION, Jim 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. of Sullivan, Ward, Bone, Tyler Piott & Asher, P.C.

9:15 - 9:45
BASIC MICHIGAN CIVIL PRACTICE, Daniel P. Malone, Esq. of Butzel, Long, Gust, Klein & Van Zile.

9:45 - 10:00
COFFEE BREAK

10:00 - 10:30
AN OVERVIEW OF A GRIEVANCE PROCEEDING, F. Philip Colista, Esq. of Colista, Urso, Adams & Dettmer.

10:30 - 11:00
THE HANDLING OF DOMESTIC RELATIONS CASES, Charles F. Glass, Esq. of Shureman, Frakes, Glass & Wulfmeier.

11:00 - 11:30
BASIC MICHIGAN REAL PROPERTY TRANSACTIONS, Thomas E. Rumschlag, Esq. of Raymond & Dillon, P.C.

11:30 - 12:00
MEDIATION IN THE CIRCUIT COURT, Timothy D. Wittlinger, Esq. of Hill, Lewis, Adams, Goodrich & Tait.

NEW LAWYERS SEMINAR

12:00 - 1:30

LUNCH - PONTCHATRAIN RESTAURANT -
PROCEDURES IN THE CIRCUIT COURT,
HONORABLE RICHARD C. KAUFMAN

AFTERNOON MODERATOR: ERIC J.
PELTON, ESQ. - DICKINSON, WRIGHT

1:45 - 2:15

PRACTICING IN THE MICHIGAN PROBATE
COURT, Honorable Barry A. Grant,
Judge Oakland County Probate Court.

2:15 - 2:45

THE HANDLING OF A CRIMINAL CASE IN
STATE COURTS, Richard T. Krisciunas,
Esq., Wayne County Prosecutor.

2:45 - 3:00

COFFEE BREAK

3:00 - 3:30

THE HANDLING OF A MICHIGAN WORKERS'
COMPENSATION CASE, Richard B.
Leslie, Esq. of LeVasseur, Leslie
and Johnson, P.C.

3:30 - 4:00

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

ADDRESS CHANGE

Please change your records to reflect my
correct name, address and telephone number as
they appear below:

NAME

State Bar No. _____ Year Admitted to Bar _____

Business Address

City _____ Zip _____ Phone _____

Home Address

City _____ Zip _____ Phone _____

Preferred location for mailings and phone
contacts:

Business

Home

Return to: Detroit Chapter - FBA
P.O. Box 71740
Madison Heights, Mi. 48071

1989 FEDERAL BAR GOLF OUTING
FOX HILLS COUNTRY CLUB
June 7, 1989 *note*

RESERVATIONS FOR: _____ at \$55 for each FBA
member _____ (Number of golfers)

Amount Enclosed: _____

NAME: _____

Firm Name: _____

Address: _____

Telephone: _____

Please make checks payable to: Detroit Chapter -FBA
FORWARD TO: Detroit Chapter -FBA
P.O. Box 71740
Madison Heights, MI 48071

FBA NEW LAWYER'S SEMINAR
REGISTRATION

WHEN: 8:30 a.m. to 4:30 p.m.
TUESDAY, JUNE 6 and WEDNESDAY JUNE 7,
1989

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 _____

FIFTH ANNUAL LEONARD R. GILMAN AWARD

LUNCHEON RESERVATION FORM

Thursday, May 25, 1989- Riverfront Ballroom
Detroit Westin Hotel
Speaker: Honorable Bernard A. Friedman

RESERVATIONS FOR: _____ at \$20 for FBA Member
_____ at \$22 for Non-Member

Amount Enclosed: _____

Name: _____

Firm Name: _____

Address: _____

Telephone: _____

Please Make checks payable to:
FORWARD TO:

Detroit Chapter -FBA
Detroit Chapter - FBA
P.O. Box 71740
Madison Heights, MI 48071

DETROIT CHAPTER



Post Office Box 71740
Madison Heights, Michigan 48071

President

John R. Runyan, Jr.

President-Elect

Robert Forrest

Vice-President

Maura Corrigan

Secretary

Joel M. Shere

Treasurer

Geneva Halliday

Immediate Past-President

Michele Coleman Mayes

PRESORTED
First Class Mail
U.S. Postage PAID
Royal Oak, MI
PERMIT #134