



# DETROIT CHAPTER FEDERAL BAR ASSOCIATION NEWSLETTER

MAY, 1990

## ANNUAL MEETING

The Annual Meeting of the Detroit Chapter - Federal Bar Association was held on Friday, May 11, 1990, at the Detroit Yacht Club. The following officers were elected:

Maura Corrigan	President
Joel Shere	President-Elect
Geneva Halliday	Vice-President
Edward Kronk	Secretary
Lawrence Campbell	Treasurer
Tom Cranmer	Program Chairman

The following Directors were elected for terms expiring in 1993:

Chris Dowhan  
U.S. Army Corp of Engineers  
Brian Figot  
Finkel, Whitefield & Selleck, P.C.  
Denise Langford-Morris  
U.S. Attorneys Office  
Daniel Malone  
Butzel, Long, Gust, Klein & Van Zile, P.C.  
Mark Werder  
Honigman, Miller, Schwartz & Cohn  
Thomas J. Kenny, Raymond & Dillon, P.C., was elected to the Board of Directors to complete the unexpired term of Thomas Cranmer, expiring in 1991.

## NEW LAWYERS SEMINAR SCHEDULED

The Spring session of the New Lawyers Seminar for newly admitted attorneys to the bar is scheduled for Tuesday and Wednesday, June 12 and 13, 1990, in the United States Courthouse. For more information contact Co-Chair, Brian Figot, at (313)356-4900 or Co-Chair Catherine F. Wenger at (313)963-6420.

## McCREE-PRATT PORTRAIT COMMITTEE

In recent years our community has lost two of its most distinguished judges - Wade H. McCree, Jr., former Judge of the United States Court of Appeals for the Sixth Circuit, Solicitor General of the United States, and United States District Judge for the Eastern District of Michigan; and Phillip Pratt, Chief Judge of the United States District Court for the Eastern District of Michigan.

Judges McCree and Pratt were giants of the legal profession and an inspiration to a generation of attorneys who were privileged to practice before them. In their scholarship, humanity and commitment to justice, Judges McCree and Pratt exemplified the finest qualities of the legal profession. To honor their memory, and as an inspiration to future generations of lawyers and judges, the Detroit Chapter of the Federal Bar Association and the Federal Bar Foundation have formed a committee for the purpose of commissioning their portraits.

Please make your contributions by check payable to the Federal Bar Foundation/McCree-Pratt Portrait Committee and mail your contributions to: The Federal Bar Foundation/McCree-Pratt Portrait Committee, P.O. Box 71740, Madison Heights, Mi. 48071. Contributions are tax deductible. Thank you for your assistance in this great effort.



## **WADE HAMPTON McCREE, JR. AWARD FOR THE ADVANCEMENT OF SOCIAL JUSTICE ADOPTED**

On May 10, 1990, the Executive Board of the Detroit Chapter of the Federal Bar Association announced the inauguration of the Wade Hampton McCree, Jr. Award for the advancement of social justice to be awarded to worthy recipients who have made significant contributions to the advancement of social justice. The first award will be presented at a luncheon to be held in the Fall, 1990. The Detroit Chapter of the Federal Bar Association adopted the following criteria for the award:

The Wade Hampton McCree, Jr. Award is given by the Detroit Chapter of the Federal Bar Association to honor individuals who have made significant contributions to the advancement of social justice.

COMMENT: The recipient(s) of this award will be selected by a committee composed of officers of the Detroit Chapter of the Federal Bar Association or their designees. Nominations shall be solicited from the community and other appropriate sources. In making the award, the committee shall consider of special significance contributions advancing social justice in areas involving poverty, or economic or educational opportunity, or fighting discrimination involving race, gender, ethnicity, national origin, religion, or economic status. The recipient(s) may be selected from any of a variety of fields, including among others, law, social service, community prestige of the McCree Award, it need not be given on an annual basis, but rather should be given only when a suitable recipient is selected. The Federal Bar Association shall seek to involve one or more members of the McCree family, as well as other distinguished individuals in determining a suitable candidate for the McCree Award.

The award shall be given in conjunction with a Federal Bar Association luncheon honoring the recipient as well as the memory of Wade H. McCree. The Federal Bar Association shall designate and/or solicit funding to cover the expenses of making the award. The Federal Bar Association shall also hang a plaque in the United States Courthouse including the above description of the purpose of the award, biographical information on Wade Hampton McCree, Jr., and a listing of the names of the recipients.

## **RALPH McKENZIE FREEMAN PORTRAIT COMMITTEE**

The Detroit Chapter of the Federal Bar Association and the Federal Bar Foundation have formed a committee for the purpose of commissioning a portrait of Judge Ralph McKenzie Freeman. Nancy Edmunds is the chairperson of the Committee.

Please make your contributions by check payable to the Federal Bar Foundation/Freeman Portrait Committee, and mail your contribution to: The Federal Bar Foundation/Freeman Portrait Committee, P.O.Box 71740, Madison Heights Mi. 48071. Contributions are tax deductible.

## **CHANGES TO LOCAL RULES**

At the Judges' Meeting of April 2, 1990, the Judges of the United States District Court for the Eastern District of Michigan voted to adopt, effective immediately amendments to Local Rule 16 (G), Filing of Discovery Material, and 19, Deposit and Withdrawal of Funds in Interest-Bearing Accounts.

### **RULE 16 - PLEADINGS, MOTIONS AND OTHER PAPERS**

(g) Filing of Discovery Material - Storage problems necessitate that the filing of discovery material be limited as follows:



(1) Depositions, interrogatories, requests for the production of documents, requests for admission and responses to such discovery material shall not be filed with the Clerk except: (A) when such discovery material provides factual support for a motion, in which case it shall be filed when the motion is filed; (B) when such discovery material is to be read or otherwise used during a trial, hearing or other miscellaneous proceeding, in which case it shall be filed at the start of the trial, hearing or proceeding or at such later time as may be permitted by the Court; (C) on order of the Court.

(2) The party taking the deposition, initiating interrogatories, requesting the production of documents and admissions and any responses to such requests shall maintain custody of the deposition or other discovery material until it is filed with the Court, or until six months after the expiration of the last applicable appeal period, or until the Court directs otherwise.

(3) The party taking a deposition or maintaining custody of other discovery material shall file a notice of the completion of the deposition or other discovery material to ensure that the docket accurately reflects the existence of the deposition or other discovery material. The notice shall include the name of the person deposed, the date the deposition was taken, or a general description of the nature of the other discovery material, and the name of the custodian of the deposition or other discovery material.

(4) If discovery material not previously filed with the Clerk is needed for an appeal in a case, the party maintaining custody of the discovery material shall file it with the Clerk either on stipulation of the parties or on order of the Court.

#### RULE 19 - DEPOSIT AND WITHDRAWAL OF FUNDS IN INTEREST-BEARING ACCOUNTS

(a) Deposit Order - The Clerk of the Court shall accept only cash, certified check, cashier's check or money order for deposit in an interest-bearing account. A proposed order directing the Clerk to deposit funds in an interest-bearing account shall include the following information: (1) the amount to be invested; and (2) language which directs the Clerk to deduct from the account any fee authorized by the Judicial Conference of the United States.

The proposed order shall be reviewed by the Clerk or his designee for approval as to form before it is submitted to the Judge. After signature, the movant shall personally serve a copy of the order on the Clerk or his designee who shall deposit the funds as soon as the business of the Clerk's Office allows.

(b) Withdrawal Order - An order for the withdrawal of funds held in an interest-bearing account shall state: (1) the name and address of each recipient of the funds and, except for any governmental entity, the corresponding social security or employer identification number of each recipient, and (2) the exact amount of principal and the percentage of interest to be paid to each recipient.

The proposed withdrawal order shall be reviewed by the Clerk or his designee for approval as to form before it is submitted to the Judge. After signature, the movant shall personally serve a copy of the order on the Clerk or his designee who shall execute the order as soon as the business of the Clerk's Office allows.

The following Amendment to Local Rule 9 (a) has been proposed for comment:

#### RULE 9 - PRESIDING JUDGE (DETROIT)

(a) PRESIDING JUDGE CALENDAR - Each District Judge and Senior Judge located in Detroit shall be assigned as the Chief Judge may direct to be the Presiding Judge for the handling and disposition of all miscellaneous duties arising in cases and matters not assigned according to these Rules to a specific District Judge. This shall include all uncontested naturalization matters. THE FIRST JUDGE TO ACT PURSUANT TO LOCAL RULE 9 CONCERNING ANY CIVIL OR CRIMINAL MATTER NOT ASSIGNED TO A JUDGE, SHALL HEAR ALL OTHER ISSUES ARISING IN SUCH CIVIL OR CRIMINAL MATTER UNTIL IT HAS BEEN ASSIGNED TO A JUDGE PURSUANT TO LOCAL RULE 38 (d).

STAFF COMMENT: All Judges in Detroit, except the Chief Judge and Senior Judges are assigned by the Chief Judge pursuant to Local Rule 9 to serve as Presiding Judge for a week at a time. There are civil and criminal matters, which have not been assigned to any Judge, where action by the Presiding Judge is required during more than one week. Tradition has favored having the same Judge handle such matters even after his or her week as Presiding Judge has expired. It has been a tradition in this Court that one District Judge does not sit in review of the judicial acts of another District Judge. The proposed amendment requires any issue relating to the same civil or criminal matter not already assigned to a Judge shall be heard by the first Judge to perform miscellaneous duties in that case or matter.

HURRY, TIME IS RUNNING OUT TO REGISTER FOR THE

1990 FEDERAL BAR GOLF OUTING

DETROIT CHAPTER

FEDERAL BAR ASSOCIATION

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FEDERAL BAR GOLF OUTING

JUNE 6, 1990

FOX HILLS COUNTRY CLUB

PLYMOUTH, MICHIGAN

Join us as The Detroit Chapter of the Federal Bar Association will continue one of its oldest traditions on Wednesday, June 6, 1990, when it will hold its annual golf outing at the Fox Hills Country Club in Plymouth, Michigan. The golf tee-off times will start at 11:30 a.m. and continue through 1:00 p.m. After a challenging round of golf, enjoy an open bar, dinner and many exciting door prizes. The cost of the event, including greens fees, cart, open bar and dinner, is \$60.00.

Please fill out the registration form and return it today.

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1990 FEDERAL BAR GOLF OUTING

FOX HILLS COUNTRY CLUB

June 6, 1990

RESERVATIONS FOR: \_\_\_\_\_ at \$60 for each FBA  
Member

\_\_\_\_\_ (Number of Golfers)

AMOUNT ENCLOSED: \_\_\_\_\_

NAME: \_\_\_\_\_

FIRM NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

PLEASE MAKE CHECKS PAYABLE TO: DETROIT CHAPTER/FBA  
FORWARD TO: JACK KALMINK  
400 Renaissance Center  
Suite 1900  
4 Detroit, Mi. 48243



## JUDGE RALPH M. FREEMAN

Senior United States District Judge Ralph McKenzie Freeman died Thursday, March 29, at the age of 87. He was appointed to the United States District Court for the Eastern District of Michigan by President Dwight D. Eisenhower. Judge Freeman served as Chief Judge of the Court from 1967 until 1972. He took Senior Judge status in 1973 and continued hearing civil and criminal cases until his death.

Judge Freeman graduated from the University of Michigan Law School in 1926 and practiced law in Flint, Michigan. From 1930 to 1932 he served as Genesee County Prosecuting Attorney. He was a member of the Flint Board of Education from 1935 to 1949 and served two terms as its President.

Judge Freeman is survived by his wife, Emmalyn.

On April 11, 1990, the United States District Court held a Memorial Ceremony in Judge Freeman's Courtroom presided over by Chief Judge Julian Abele Cook, Jr. Remarks were made by Jerome F. O'Rourke, representing the Genesee County Bar Association; Judge Freeman's sister-in-law, Dorothy Ellis; Nancy G. Edmunds; and Robert B. Webster, President of the State Bar of Michigan. The following are excerpts of part of those remarks:

NANCY EDMUNDS: Judge Cook, members of the Court, fellow law clerks, and friends and colleagues of Judge Freeman and, most especially, you, Mrs. Freeman, it's a great honor for me to be able to say a few words about my special friend and mentor, Judge Ralph Freeman.

He was such a special person, an outstanding jurist, a patient teacher, a giving friend, that no summary seems quite adequate to explain the impact he had on those of us who were fortunate enough to know him and work with him and to love him.

For the last seventeen years that Judge Freeman was on the bench, he was

a senior judge which entitled him to draw a reduced load, presumably to work a lighter day. Until the day he left for Hilton Head for his last Judicial Conference, however, Judge Freeman worked a full day virtually every day. He worked because he was dedicated and conscientious but even more because he loved what he was doing.

The strength of character that kept Judge Freeman working in his courtroom through his 87th year is a trait that became familiar to those of us who clerked for him over the years. We former clerks have had many opportunities to exchange anecdotes, impressions and reflections. As I was looking at this list on the back of the program, I noticed that I know personally 22 of the 29 former clerks. We've all kept in touch and gotten together over the years, and that's been a real pleasure for all of us. We call came to know Judge Freeman's dedication and his consistency, the consistency especially that I want to remark upon because it's such an outstanding characteristic of this wonderful man.

Day after day for 36 years, Judge Freeman would make the trip down to the Federal Building, and day after day for 36 years he patiently, carefully tried to determine and apply the law to the cases before him. He seemed never impetuous, never harried, never motivated by a personal agenda.

Judge Freeman was a constitutional scholar in the classic sense. He cherished the responsibility he had undertaken for the United States and its people, and he dedicated himself to that responsibility unswervingly for 36 years.

By example and by precept, Judge Freeman imparted his dedication to his clerks. His courtroom was always a place of civility, mutual respect. Judge Freeman had a high regard for the lawyers who practiced before him, and he considered courtroom practice to be an opportunity for genuine dia-



logue and learning. The lawyers who practiced in his court respected his fairness, his intelligence, his sense of justice. He was willing to listen to what the lawyers had to say, willing to reconsider his initial analysis if the lawyer made a persuasive argument. One was always confident in Judge Freeman's court that he had taken pains to understand the nuances of the particular case, the law in application to that case. . . . .

During my tenure in the mid-seventies, we wrestled with problems arising out of the disappearance of Jimmy Hoffa, the sex discrimination case brought against the Detroit Police Department which was pending before I got there and which is still pending now, and the accidental electrocution of a valuable racehorse, among others.

We who have worked with him have always known Judge Freeman's courtroom to be a place of compassion and integrity. During my clerkship, we had to review dozens of cases involving social security disability which had been transferred to us from Kentucky. Kentucky was overwhelmed. Judge Freeman agreed that he would take some of the cases on, and although I was occasionally daunted by the volume of the appeals and the apparent similarity of many of the issues, Judge Freeman was always able to see the human being in each of those cases. He was gifted with the ability to look past rhetoric to look past a lawyer's antics or incompetence, to the human dynamics of each case; and litigants themselves, the parties themselves, would often comment to his clerks on his unusual kindness and patience.

Judge Freeman was known and respected throughout the community as a jurist of great accomplishment who was totally without arrogance or pretense. One of his former clerks commented recently that Judge Freeman was a man who absolutely refused to be seduced by the power of his position. He was

equally comfortable in his relationships with the people who helped him on his farm, with professional and business colleagues, and with Justices of the Supreme Court.

Even more, because of Judge Freeman's dedication to the law and to his role as mentor, his law clerks are blessed to have inherited a superb legacy, a legacy of integrity, hard work, compassion and fairness. We are privileged to have been able to work with Judge Freeman, and we know and respect our responsibility to carry his legacy with pride and to honor his memory by our continuing dedication to our profession.

ROBERT WEBSTER: Judge Kennedy, Chief Judge Cook, Judges of this Honorable Court, fellow friends of Ralph Freeman it is truly a privilege to be asked to participate in this expression of appreciation for the life of this great man whose passing has caused such a great sense of loss to this court, our profession, and to all of us who were privileged to work closely with him in any of the phases of his life.

The Judge affected so many lives in so many ways that even with the representatives of the different parts of his career that are here to speak and of his life, it isn't possible to adequately memorialize the life and work of this man who will be missed so much by all of us. All of us speaking today must share a feeling of inadequacy in capturing the essence of the Judges unique qualities.

I know that I stand here as a representative of at least two facets of his life. In one capacity, I speak as representative of the Bar of Michigan in which this Judge was admitted to practice for 63 and one-half years. I can't even say I represent the State Bar of Michigan because it didn't exist when the Judge was admitted to practice, but I also represent, as does Nancy - and we felt that because



of the many years, there should be two representatives - his children at the Bar and in life, the law clerks. I hope that in some small way I can speak words that will express how much love and respect we all have for him and why this is so . . . . .

Other clerks, of course, have come before me, starting in 1954. Most of them came much later, but I suspect that we all came with the same sense of awe, the same nervousness, and an understanding that we didn't have the slightest perception of the real life of the law. When we left two years later, all of us had had a life experience that matured us, taught us, and inspired us. It was the Judge, not the job, that was the life experience.

During that short time with him, he became the principal guiding inspiration in my professional life and contributed so much to my personal growth but that's a truth that I know that each of his former clerks would agree with. We all speak of the Judge's warmth of personality, his kindness, his true charm, because it reflected his soul - his ready smile and indeed his capacity to become a little exacerbated on occasion but always to express his frustrations with a sincerity that commanded respect in the face of disagreement. These qualities combined with his intellect and his dedication to the rule of law, made him what I have said before, the epitome of what all Judges should be, but this Judge had that other dimension that made him a great Judge. He was a Magistrate. He was a born teacher of the law and its practice.

In the years of work with him, all of us came away with working tools that made us better attorneys. We learned among other things, that advocates will brief and argue the extremes of an issue, that there usually are cases and writings not cited that will rationalize the reasons for different rules and reconcile the differences. "Tell me the reason for this rule.

Why should we follow this line of authority over the other? Doesn't any case or commentator try to reconcile the conflicts on this issue?" These words were teaching words, forcing the student to keep digging, to satisfy and assist the Judge in his perpetual search for the rule of law where it existed and the establishment of the right rule in cases of first impression.

We learned also that hasty decisions were risky decisions. "Let's just step back from this matter. We probably have the right answer, but maybe it'll look different in a day or so." So often it did, but as Nancy alluded to and you should understand, that this is a tradition that didn't just run from 1976 on.

This former prosecuting attorney was meticulous in his scrutiny of applications of writs of habeas corpus, a favorite law clerk's work also, for any colorable claim of constitutional deprivation. He conducted his criminal trials with equal attention to the preservation of the rights of the defendants, and we really learned to love and appreciate a good trial. The Judge was an acute critic of trial practitioners. He constantly spoke of what was good and not so good in the matters before him, and I think that all of us heard his judgments about how to conduct a trial and how to brief and argue the law softly in the backs of our heads as we went about our subsequent practices. I still do today.

Beyond our work, we learned more. We learned of the love and affection that a truly married couple can and should have for each other by the privilege of association over the years with Ralph and Emmalyn. Their dedication to each other, their shared mutual interests, their ever constant interest in us and our families and their sharing of their lives with us was an expression of love that none of us will ever forget, and that, too, is a teaching experience. I know that Marilyn and I will ever treasure, if I



can say this, the memory of first seeing Ralph and Emmalyn down at Hilton Head. They were out for an afternoon walk, holding hands, loving life and each other.

CHIEF JUDGE JULIAN ABELE COOK, JR: It seems as if it was only yesterday when I first met Ralph Freeman. The year was 1978. The two of us were alone in his chambers. I had arrived early that day, anxious to get a good start on my judicial career. My investiture as a Federal Judge was only several minutes away. Ralph was warm and gracious. Those character traits, I later learned, were the hallmark of Ralph Freeman. He counseled me at that time to be assertive but not overbearing, firm but not arrogant, and fair and objective but never arbitrary, capricious or mean-spirited.

Our meeting ended as quickly as it had begun, yet from that moment on, Ralph, a very wise and venerable Judge several years my elder, and I formed a bond of friendship that endured over the years. Ralph, Emmalyn, Carol and I spent a great deal of quality time together, although in retrospect the time was grossly insufficient. I sought his advice on many matters and he, in turn, sought mine, although I must concede that Ralph gave much, much more than he received from me. He confided in me and I confided in him. I guess that I found in him many of the qualities that I greatly admir-

ed in my own personal hero, my father. Ralph, like my father, was a gentle man in every sense of the word, full of humor and life, energetic and thoughtful, vigorous and kind.

Someone once wrote:

"Increasingly as we go through life, we come to know that death is the common lot of all men, not the death which with finality consigns men to annihilation, but the death which is at once an ending and a beginning, by which men leave behind the cares of morality and enter an existence yet more glorious. None of us can avoid it. It comes alike to king and pauper to the righteous and to the unrighteous. Where we differ is not in our ability to avert death but in the attitude with which we meet it, whether it be unto us or unto those whom we love."

"Learning to face death with trust and confidence is one of the greatest triumphs of the soul. Over him who can face it with such serenity, death can hold no terror and no sorrow beyond the sorrow of a temporary parting. Viewed with such certain faith as this, death becomes merely the last venture of this life and the first great adventure of that life which is to follow."

Ralph McKenzie Freeman, 1902-1990 - I shall certainly miss him.

#### DETROIT CHAPTER



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