



DETROIT CHAPTER FEDERAL BAR ASSOCIATION NEWSLETTER

JANUARY, 1993

GRAND TRAVERSE BAND CHIEF JUDGE MICHAEL PETOSKEY TO ADDRESS FEBRUARY 18th LUNCHEON

The Detroit Chapter will welcome Grand Traverse Band of Ottawa and Chippewa Indians, Chief Tribal Judge Michael Petoskey as the speaker at the February 18, 1993 luncheon. Judge Petoskey will speak on Native American Tribal Courts and Contemporary Legal Issues. This will be a particularly timely topic with the recent interest in casino gambling and the publicity regarding the Stephanie Gray custody case. (That is the case where a Macomb County Circuit Judge agreed that the Indian Tribal Court and not the State Court, had jurisdiction to decide whether the child's grandmother or father should have custody.)

Tribal Judge Petoskey is the trice-great-grandson of the Ottawa Chief Pe-Taw-Se-Gay, a signatory of the 1855 Treaty of Detroit that reversed the federal policy of removing Michigan Indians from their aboriginal territory to land west of the Mississippi. At the time he was born in "Indian Town" Harbor Springs, the Native Americans of Northwestern Michigan were essentially landless, having lost their land through one sided treaties and the reversion of land to the State for non-payment of taxes from which they should have been exempt. Although coming from an impoverished background, he excelled in high school and after serving in the Army including a tour of duty in Vietnam, he graduated from Michigan State University. After working for a period of time, he was eventually able to attend and graduate from the University of New Mexico's American Indian Law Center. He returned home as a staff attorney for Michigan's Indian Legal Services of which he became executive director in 1987. Judge Petoskey has served as Chief Judge of the tribal court since 1988. He is also presently director of NMC's Native American and Minority Services Program.

This past year, the Michigan Supreme Court appointed a seven-member State Court/Tribal Court Forum to explore the relationship between tribal and state justice systems in Michigan. Michael Petoskey is vice-chair of this committee which recently submitted its plan to the Supreme Court, aimed at improving cooperation.

The luncheon will be held in the Riverfront Ballroom at the Renaissance Center. Tickets for the luncheon, which begins with a reception at 11:30 A.M., can be obtained by returning the registration form in the newsletter on page 8, or calling Mark Brewer at 965-3464.

THE LEONARD R. GILMAN AWARD

The Leonard R. Gilman Award was established by the Detroit Chapter of the Federal Bar Association in 1985 in memory of Leonard R. Gilman who, at the time of his death on February 12, 1985, was the United States Attorney for the Eastern District of Michigan. The award is presented annually at a Chapter Luncheon to "an outstanding practitioner of criminal law" amplifying the qualities that "Lenny" possessed.

The following are the criteria to apply in selecting the Gilman Award recipient:

1. The recipient attorney should be significantly engaged in the practice of criminal law.
2. The Recipient should exemplify the qualities that distinguished Leonard R. Gilman. They include:
 - a. Integrity. The recipient should demonstrate throughout his/her career a high and consistent level of professional integrity.
 - b. Fairness. The recipient should demonstrate throughout his/her career a consistent sense of fair play in his/her dealings with the court and opposing counsel.
 - c. Excellence. The recipient should demonstrate a high level of competency and professional skills both in and out of the courtroom.
 - d. Zealous Advocacy. The recipient should be a zealous advocate of his/her clients interests, consistent with fair play and the Rules of Professional Conduct.

The Selection Committee is chaired by the President of the Detroit Chapter of the FBA and composed of all past award recipients.

Please send your nominations for the Gilman Award recipient to: Geneva Halliday, 817 Federal Bldg., Detroit Mi. 48226. All nominations must be received by March 15, 1993.

THE BANKRUPTCY SECTION SPONSORS SYMPOSIUM AND LUNCHEONS

It has been a busy year for the Bankruptcy Section. On November 16, 1992, the Honorable Arthur J. Spector, United States Bankruptcy Judge, spoke on "Chapter 11A Proceedings" at a luncheon at Mario's.

On November 17 and 18, 1992, the Bankruptcy Section co-sponsored with the University of Michigan Law School a symposium on proposed changes to the Bankruptcy code. Among the highlights were a panel discussion between Michael Rosensweig and Professor David Brandley, authors of a recently published article in the Yale Law Review, advocating the abolition of Chapter 11, and Prof. Lynn Lopucki, a critic of their proposals. Other featured speakers were the Honorable Stephen Rhodes, United States Bankruptcy Judge for the Eastern District of Michigan and Attorney Bob White, currently debtor's counsel in the Phar-Mor bankruptcy. The panel discussions on November 18, 1992, were concluded with a cocktail party at the law school.

On January 20, 1993, Judge Steven Rhodes addressed the "Causes of Delay in the Bankruptcy System" at a luncheon again held at Mario's Restaurant. Other events are planned. For information on joining the section, call co-chairs: Julia A. Caroff (313)237-4776 or Michael A. Traison (313)496-7657.

COURTHOUSE TOUR LEADERS NEEDED

Tours of the Federal Courthouse in Detroit will once again be held for Middle School and High School students in March, April and May. We need your assistance in this endeavor. ON TUESDAY, FEBRUARY 16, 1993 FROM 12:00 NOON TO 2:00 P.M., A TRAINING SESSION FOR TOUR LEADERS WILL BE HELD IN THE FIRST FLOOR CONFERENCE ROOM OF THE FEDERAL BUILDING. A deli luncheon will be served at no charge to the attendees. The courthouse tour committee wants the tours to be more than a morning off from school for the students. Therefore, the committee decided to hold a formal training session. The training session will be conducted by tour chairperson Kent Cooper with Tom Cranmer and Michael Leibson.

It is anticipated that each tour leader will only need to lead one, two hour tour. A calendar will be available at the training session for attorneys to sign up for a tour date. Everyone is invited to attend but please RSVP to Barb Radke at 226-4082 so that we can make appropriate luncheon arrangements (i.e. order enough food). If you have any questions, you may call Kent at 223-7843.

FLINT SECTION PLANNED

The Detroit Chapter is in the initial stages of establishing a Flint Section to serve the needs of attorneys practicing in Federal Court in the Flint area. The Honorable Stewart Newblatt is very supportive of the plan and has agreed to be the featured speaker at a kick-off luncheon on March 11, 1993, at the Masonic Temple in Flint.

All attorneys who wish tickets to the luncheon or who wish further information, please contact membership chairperson, Dennis Barnes at 965-9725.

ATTORNEYS NEEDED FOR SOCIAL SECURITY CLAIMANTS REFERRAL SERVICE

The Detroit Chapter is setting up an attorney referral service for social security disability claimants who wish to be represented by a private attorney. Numerous claimants who file a claim at the administrative level are not represented by attorneys. These claimants receive a letter listing lawyer referral organizations. Starting approximately February 1, 1993, the FBA Detroit Chapter Referral Service will be added to the short list of referral services sent to all unrepresented claimants filing claims with the Detroit Office of Hearings and Appeals. If an attorney prevails in these cases, the attorney fee is the lesser of 25% of past due benefits or \$4,000.00 and the money comes directly from the United States. In 1990, ALJ's awarded benefits in 63% of the cases.

The requirements for being on the referral list are that the attorney be a member of both the National FBA and the Detroit Chapter, that a copy of his/her malpractice insurance policy showing policy limits and effective dates be provided and that the attorney request in writing to be on the list. The referrals will be given out on a rotational basis through our executive director, Dee Osterman. If you wish more information, please contact Geneva Halliday at 237-4778. You may request membership applications or to be put on the list through Dee, (548-3450), P.O. Box 71740, Madison Heights, Mi. 48071.

APRIL FOOLS DAY FUNDRAISER

The Younger Lawyers Section in conjunction with the Young Lawyers Committee of the Oakland County Bar will be holding a fundraiser on Thursday, April 1, 1993, from 6:30 P.M. until ? at the Ultimate Sports Bar. This fundraiser is a benefit for HAVEN and the Michigan Center for Law-Related Education. The Ultimate Sports Bar at 40 Pike Street near wide Mack in Pontiac, has basketball, volleyball, games, wall climbing, and a pool. Food and a disc jockey will be provided with a cash bar available.

Tickets are \$15.00 in advance and \$20.00 at the door. For further information or tickets, please contact either of the Younger Lawyer Section Co-Chairs: Casimir Swastek

(313)354-3200

or

Michael Witzke
(313)489-8600

Tickets will also be available by calling Dee at (313)548-3450.

Please put this date on your calendar now. This will be a fun way to support two worthwhile charities and do something for our community.

LABOR & EMPLOYMENT LAW SECTION HOLDS LUNCHEON

On December 16, 1992, the Labor and Employment Law Section of the Detroit Chapter held a timely and helpful luncheon seminar concerning the Americans with Disabilities Act.

The speakers were Robert Dawkins, Trial Attorney with the EEOC involved in ADA enforcement, and Albert Calille, Counsel to Michigan Bell Telephone Company. They addressed the regulatory process and issues they saw developing.

For further information on this section's activities, contact co-chairs Duane F. Ice, Miller, Cohen, Martens Ice & Geary (559-2110) or Richard J. Seryak, Miller, Canfield, Paddock & Stone (963-6420)



RAKOW SCHOLARSHIP WINNERS

The Federal Bar Association Detroit Chapter awarded its annual Edwin H. Rakow Scholarship Awards to a student from each of Michigan's five law schools at a recent luncheon at the Westin Hotel. From left to right in the photo above are Antonio Soave, the recipient at the Detroit College of Law, and DCL Dean Arthur Lombard; Janet Constanzo, the recipient from Wayne State University Law School, and Geneva Halliday, President of the Detroit Chapter; Andrea Dobranski, the recipient at the University of Detroit Mercy School of Law, and her father, U-D Mercy Dean Bernard Dobranski; Bradley Smith, the University of Michigan Law School recipient, and Associate Dean Jonathan Lowe; and Eldonna Ruddock, the recipient from Thomas M. Cooley Law School, and Associate Dean John Nussbaumer. (Photo/Legal Advertiser).

PRO BONO APPRECIATION LUNCHEON HELD

The Pro Bono Committee of the Detroit Chapter held an appreciation luncheon on Tuesday, December 8, 1992, for attorneys who had participated in the Pro Bono Civil Assignment Panel over the past few years. The luncheon took place at the Top of the Ponch. The featured speaker was the Honorable Julian A. Cook, Chief Judge for the Eastern District of Michigan. Judge Cook expressed the Court's Appreciation for the lawyers participation in the Courts' Pro Bono Program.

In the future, the Pro Bono Panel is going to be administered by the Detroit Bar Association Volunteer Lawyers Activities Program.

OPEN LETTER FROM CHIEF JUDGE COOK

Dear Attorney:

I write to ask you to help the United States District Court meet a very important need. The Court is in great need of volunteers for the Eastern District's Pro Bono Civil Assignment Panel to handle employment discrimination and prisoner civil rights cases in which the plaintiff has filed in propria persona.

These cases frequently raise meritorious issues, but without counsel to prepare them for trial or settlement, they are difficult to resolve and justice may not be done. Nor is it fair that only a few members of the bar in the Eastern District step forward to assist the Court with these cases - all members of the bar should offer some of their time and expertise to help handle these cases.

In addition to assisting the Court, these cases can provide you with valuable "hands-on" litigation and courtroom experience, and your work on them can help you satisfy the State Bar's new recommended pro bono standards.

The Eastern District has sought to make taking these cases as easy as possible: up to \$500.00 in expenses are reimbursable; pro bono court reporter services may be available; professional liability insurance of \$1,000,000.00 has been obtained for all pro bono attorneys and their firms; educational materials and consultation with attorneys knowledgeable in the field are available; and pro bono attorneys are not expected to handle appeals, if any.

Interested? Please contact Marquerite Schervich for information or an application form at (313)961-6120.

Your commitment to participate in the pro bono assignment system is essential to its long-term success. Only a sharing of this responsibility among all lawyers in the Eastern District will prevent a breakdown of the system in the future. If, as in the past, the Court must continue to look to a few attorneys to shoulder this responsibility, the system will ultimately fail and the adversary system will be compromised.

Very truly yours,

JULIAN ABELE COOK, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT.

**DISCRIMINATION AND WRONGFUL DISCHARGE CLAIMS OF FEDERAL
EMPLOYEES: ADMINISTRATIVE PRACTICE AND TRIAL
115 FEDERAL BUILDING & U.S. COURTHOUSE - DETROIT
MARCH 2, 1993**

- 8:30 - 8:45 a.m. - Registration
- 8:45 - 9:25 a.m. - Practice before the Merit Systems
Protection Board
Thomas J. Lanphear, Director
Office of Regional Operations
U.S. Merits System Protection Board
Washington, D.C.
- 9:25 - 10:05 a.m. - Sexual Harassment
Honorable Jessica L. Parks
Board Member
U.S. Merit Protection Board
Washington, D.C.
- 10:05 - 10:45 a.m. - Whistleblower Protection Act: Current
Developments
Thomas J. Lanphear, Director
Office of Regional Operations
U.S. Merits System Protection Board
Washington, D.C.
- 10:45 - 11:00 a.m. - Coffee Break
- 11:00 - 11:40 a.m. - Practice before the Equal Employment
Opportunity Commission
Mimi Gendreau
Administrative Judge
Equal Employment Opportunity
Commission, Detroit
- 11:40 - 12:10 p.m. - Litigating Discrimination Cases in
Federal Court
Peter Caplan
Assistant United States Attorney
Eastern District of Michigan
Civil Division
- 12:10 - 12:45 p.m. - Jury Practice Considerations in Dis-
crimination Cases
Deborah Gordon
Stark & Gordon

REGISTRATION FEE: FBA MEMBERS \$20.00 / NON-MEMBERS \$25.00

This seminar is jointly sponsored by the Government Practice Section and the Labor and Employment Law Section. For further information contact Don Erwin at 226-2510 or Vanessa Miree at 226-8718. (REGISTRATION ON PAGE 7).

GUIDE TO INTERACTING WITH GOVERNMENTAL AGENCIES SEMINAR

MARCH 16, 1993

8:30 A.M. - 12:30 P.M.

ROOM 115 - Federal Bldg. & U.S. Courthouse, Detroit

Have you ever wondered how to get information or records from various state and federal agencies? Have you not known whom to initially contact to get information for your client? Have you not known how to file a claim with a governmental agency? If the answer is "Yes", this seminar is for you. Representatives from several state and federal agencies will speak on how to initially contact and work with their agency. The Younger Lawyers Section is sponsoring this unique and very reasonably priced program. For additional information on the program, you may contact co-chairs: Casimir Swastek (313)354-3200 or Michael Witzke (313)489-8600. If you are interested in attending, please fill out the registration form below.

REGISTRATION - GUIDE TO INTERACTING WITH GOVERNMENTAL AGENCIES SEMINAR

WHEN: MARCH 16, 1993
TIME: 8:30 A.M. - 12:30 P.M.
WHERE: FEDERAL BLDG. & U.S.COURTHOUSE
ROOM 115 - DETROIT

RESERVATION
FOR: _____ AT \$15 FOR FBA MEMBER
_____ AT \$20 FOR NON-MEMBER

AMOUNT ENCLOSED: _____

MAKE CHECK PAYABLE TO: DETROIT CHAPTER/FBA / MAIL TO: DETROIT
CHAPTER/FBA, P.O.BOX 71740, MADISON HEIGHTS, MI. 48071

NAME: _____ FIRM: _____

ADDRESS: _____ PHONE NO. _____

"REGISTRATION"

DISCRIMINATION AND WRONGFUL DISCHARGE CLAIMS OF FEDERAL EMPLOYEES ADMINISTRATIVE PRACTICE AND TRIAL

WHEN: MARCH 2, 1993
TIME: 8:30 A.M. - 12:45 P.M.
WHERE: FEDERAL BLDG. & U.S.COURTHOUSE, ROOM 115 - DETROIT

RESERVATION
FOR: _____ AT \$20 FOR FBA MEMBER
_____ AT \$25 FOR NON MEMBER

AMOUNT ENCLOSED: _____

MAKE CHECK PAYABLE TO: DETROIT CHAPTER/FBA and MAIL TO:
DETROIT CHAPTER/FBA, P.O.BOX 71740, MADISON HGTS., MI. 48071

NAME: _____ FIRM: _____

ADDRESS: _____ PHONE NO. _____

LUNCHEON RESERVATION FORM

WHEN: THURSDAY, FEBRUARY 18, 1993

WHERE: RIVERFRONT BALLROOM
WESTIN HOTEL/RENAISSANCE CENTER/DETROIT

RESERVATION
FOR: _____ AT \$20 FOR FBA MEMBERS
_____ AT \$24 FOR NON-MEMBERS

AMOUNT ENCLOSED: _____

NAME: _____

FIRM NAME: _____

TELEPHONE NO.: _____

Please make check payable to: Detroit Chapter/FBA

FORWARD TO: MARK BREWER
Sachs, Waldman, O'Hare et al
1000 Farmer
Detroit, Mi. 48226-2834

Reservations can be made by phone in advance of the luncheon:
(313)965-3464.

DETROIT CHAPTER



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