



*Federal Bar Association - Eastern District of Michigan Chapter - 38 years of service to our Federal Bench and Bar*

## Federal Judges to Field Questions at FBA's Rakow Awards Luncheon

A panel of judges from the United States District Court for the Eastern District of Michigan will answer questions posed by the audience at an upcoming Federal Bar Association meeting. The meeting will be held on Wednesday, November 19, 1997 at the Crowne Plaza Pontchartrain Hotel, where the Chapter will gather for its annual Rakow Awards Luncheon. The panelists will be Judges Avern Cohn, Julian A. Cook, Nancy G. Edmunds, and Bernard A. Friedman. Lawrence Charfoos, of Charfoos & Christiansen, and Katheryn Humphry, of Dykema Gossett, will serve as moderators. The "Ask a Judge" program has been well-received in the past, and this year's event promises to be just as lively and informative. (cont'd on page 2)

## FBA Hosts State of Court Luncheon; Pro Bono Lawyers Honored

The Eastern District of Michigan Chapter of the Federal Bar Association hosted its annual State of the Court Luncheon on October 1, 1997 at the Crown Plaza Pontchartrain Hotel. The Honorable Anna Diggs Taylor delivered her comments and addressed points of particular interest in her first year as Chief Judge of the United States District Court for the Eastern District of Michigan. She reports, "The state of the United States District Court for the Eastern District of Michigan, which this year celebrates its 160th year of service to the eastern half of our state, is excellent." The Court has grown from one commissioned judge in 1837 to an authorized number of 15 judges.

In addition to addressing the business side of running the court, Judge Taylor noted several other hot topics keeping the Court's attention. For example, Judge Taylor has appointed a committee consisting of Judges Cohn,

Duggan, Cleland, Edmunds, Hood and Chief Magistrate Judge Komives to study the constitutionality of the Court's jury selection plan in the wake of "serious scrutiny" the plan received earlier this year. Judge Taylor also noted that failure to appear for



*"Until  
Justice  
Rolls  
Down  
Like  
Waters . . . ."*



By: Chief Judge Anna Diggs Taylor and  
Eleanor M. Josaitis, Executive Director, Focus: HOPE

January 19<sup>th</sup> – Martin Luther King, Jr. Day — serves as an annual reminder of the extraordinary life and tragic assassination of this century's greatest Drum Major for Justice, Dr. Martin Luther King, Jr. Thirty-four short years after his death, his dream has not been realized and his anniversary is in danger of becoming only another day-off from work or another shopping day on America's calendar.

It is our responsibility, black and white, to ensure that his dream of racial justice not be compromised or his memory become a meaningless pro forma celebration whose solemn national significance is lost except as a reason to offer special sales on retail goods.

Dr. King himself recognized this danger of complacency towards civil rights and racial justice. He said, "We shall have to repent in this generation, not so much for the evil deeds of the wicked people, but for the appalling silence of the good people."

Within our legal community, we should resolve not to be silent, but to join with other community voices determined to bring about racial and economic justice.

For that reason, our Federal Bench and Bar, in conjunction with Focus: HOPE has planned an event aimed at celebrating and reflecting about the profound significance of Dr. King's legacy to us and future generations. The planning committee, consisting of Focus: HOPE colleagues, Federal Bar Association Officers and members of our bench, has arranged a special luncheon event for all of us to gather and focus our hearts and minds, once again, on the privilege and obligation as attorneys to continue Dr. King's work toward the day that

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## **"Until Justice Rolls" (con't)**

"justice rolls down like waters" equally upon the greatest and the least among us.

It is said that if you seek peace, first pursue justice. In the spirit of a community united for equal justice and the belief we can build a community united in trust harmony and acceptance, we invite and urge all members and friends of the Federal Bar Association and those who are willing to carry the flame of Dr. King's legacy to join our Bench and Bar in 90 minutes of celebration and reflection of Dr. King's dream at a special lunch at **Focus: HOPE beginning at 12:30 p.m. on Monday, January 19, 1998** (see *Calendar of Events*, pg. 7). We invite you to dress casually in recognition of the equality of all humanity.

We will share a simple, box lunch at Focus: HOPE in recognition of that organization's on-going commitment to resolve the problems of poverty and racial injustice through practical and intelligent action. Together we can help create a just society where all people have access to financial self-sufficiency and dignity and where all people are judged, as Dr. King dreamt, by the "content of our character rather than the color of our skin."

We will share the promise of its mission which pledges "to build a metropolitan community where all people live in freedom, harmony, trust and affection. Black and white, yellow, brown and red from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in the covenant."

We shall share the moving music, fellowship and personal reflection about Dr. King's legacy which is already part of Focus: HOPE's annual Martin Luther King, Jr. Day remembrance. Our hope is that this will be an event of renewal for some of us and one of realization and dedication for others.

It is also our hope that this inaugural Federal Bar Association Martin Luther King, Jr. Day Celebration will become an annual event to further the cause of civil rights. We invite you to participate to ensure that the voice and vision of Dr. King will be heard for generations to come.

*For information about sponsorship and tickets for this important event, contact FBA Chapter President, Daniel P. Malone (Butzel Long, P.C.): telephone number: (313) 225-7032; fax: 225-7080; internet: malone@butzel.com.*

(Court Luncheon cont'd from page 1)

jury service remains a serious problem.

The Court has also taken on what Judge Taylor described as the "largest piece of litigation in the history of American jurisprudence" in the form of the Dow Implant Litigation. Judge Denise Page Hood is the Judge to whom the first of the cases was assigned and has accumulated over 15,000 other cases so far. The Court has opened a "Dow-specific branch" of the Clerk's office to handle the case load.

Judge Taylor concluded the State of the Court address by observing that "we are standing at the edge of a wonderful future: Not only the millennium is arriving, but with it a watershed in technological change that will drive more institutional changes in the courts, more quickly than any of us can even foresee today."

In addition to Chief Judge Taylor's State of the Court address, lawyers participating in the Court's Pro Bono Program received plaques honoring their service. Judge Denise Page Hood, Chair of the Court's Pro Bono Committee, thanked the lawyers who have helped the Court by representing some of the 700 annual pro se litigants.

## **Rakow Luncheon (con't)**

As its name implies, the Rakow Award Luncheon will also feature the presentation of the Annual Rakow Awards, which are provided by the Federal Bar Foundation to one student from each of Michigan's five law schools as selected by the respective law school deans. Edward H. Rakow served as Assistant Regional Administrator of the Securities and Exchange Commission in Detroit for 26 years. It was Ed's help, guidance and direction that enabled the late Judge Thornton and the late Judge Fred W. Kaess to successfully establish the Detroit Chapter of the Federal Bar. Ed put such extensive effort into the

(cont'd on page 3)

## **Detroit Legal News.**

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organization that within several years, the membership multiplied from a few individuals to several hundred members.

The program will begin with a reception at 11:30 a.m. Lunch will be served promptly at noon followed by the scholarship presentations and the Judge's panel. The cost is \$25.00 for members and \$27.00 for nonmembers.

The thirteen law firms listed below have sponsored the 1997-98 luncheon series. We gratefully acknowledge their invaluable support of the Chapter.

Barris, Sott, Denn & Driker, P.L.L.C.  
Bodman, Longley & Dahling, L.L.P.  
Butzel Long, P.C.  
Charfoos & Christensen  
Dickinson, Wright, Moon, Van Dusen & Freeman  
Dykema Gossett, P.L.L.C.  
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Martens, Ice, Geary, Klass, Legghio, Israel & Gorchow, P.C.  
Miller, Canfield, Paddock & Stone  
Pepper, Hamilton & Scheetz  
Plunkett & Cooney, P.C.  
Sullivan, Ward, Bone, Tyler & Asher, P.C.

For more information and tickets, please call Christine Dowhan-Bailey (313-226-6822) or Dee Osterman (248-548-3450).

## McCree Award Nominations Sought

The Wade H. McCree, Jr., Award for the Advancement of Social Justice will be presented at an FBA chapter luncheon on February 29, 1998. The award honors individuals in our community who have made significant contributions to the advancement of social justice. The selection committee composed of officers of the Eastern District of Michigan Chapter of the FBA and their designees considers of special significance contributions advancing social justice in areas involving poverty, promoting economic or educational opportunity, or fighting discrimination involving race, gender, ethnicity, national origin, religion or economic status. The recipient may be selected from any field of endeavor including law, social service, community organization, volunteer activities, journalism, academics, etc.

If you wish to nominate an individual for consideration as a recipient of the McCree Award, please send your letter of nomination no later than January 10, 1997 to Joel M. Shere, Co-chairperson of the McCree Award Committee, Cooper, Walinski & Cramer, 121 W. Washing-



*L to R: Hon. Virginia Morgan, Christine Dowhan-Bailey, Thomas W.B. Porter, Hon. Anna Diggs Taylor, Daniel P. Malone, and Brian D. Figot at the State or the Court Luncheon. Photo by John Meiu, courtesy of The Legal Advertiser.*

ton, Suite 200, Ann Arbor 48104.

## A Memory of Justice Brennan

*by Len Niehoff*

The recent passing of Justice William Brennan has elicited numerous memorials from important people who knew him well. I only met Justice Brennan once, and everyone I know assures me that I am not important, and so mine is a small voice in a large and impressive choir.

But I think the occasion of my one meeting with him provides a telling picture, like a snapshot that in its details seems to catch the character of a person.

I was attending the annual meeting of the Supreme Court Historical Society in Washington, D.C. These meetings are held at the Supreme Court building, and are festive affairs with interesting lectures, receptions, and a dinner that begins with the Chief Justice toasting the President—in my experience, a show of great sportsmanship, since Chief Justices and Presidents have recently come from different ends of the political spectrum -- and that ends with a rousing performance by a service chorus. I was at a reception before dinner, sipping on a drink, looking around the room at the various portraits, trying to match the drawn and wise faces with names and opinions, when I glanced down and discovered that I was standing three feet away from Justice Brennan, who had recently retired from the bench.

Now, I am not easily flustered, and this was not the first time I had found myself in prestigious company. Nevertheless, I plainly and conspicuously choked. Nor was it the kind of silent, gaping choking that affords you the humble comfort that you are not saying anything stupid. (I once froze this way when Maya Angelou stepped onto an elevator with me at the Algonquin Hotel, and I think she mistakenly took it as a sign of polite restraint.) No, this was the kind of loud, gushing choking that makes you feel like you are outside your own body and asking "Why doesn't this idiot shut up?" *(cont'd on page 6)*

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# Yes!

**Marietta S. Robinson, Esq.**  
**Marietta S. Robinson, P.C.**

Listening to a nonlawyer friend describe the introduction to our justice system which comes from jury duty is always illuminating. A group of strangers who have probably never entered a courthouse before is summoned, shown a movie or given a booklet, and shuffled from courtroom to courtroom where solicitous judges and lawyers ask them the most personal of questions. If selected, they are then told what a critical role they play in our democracy in settling disputes, are thanked profusely for devoting their time to this duty and are then, often, delegated to the role of silent, passive observers as the lawyers try to win them over by massaging the presentation of evidence to their client's advantage.

As Justice Sandra Day O'Connor observed in her article on juries in the June, 1997, issue of *The Federal Lawyer*:

Too often, jurors are allowed to do nothing but listen passively to the testimony, without any idea what the legal issues are in the case, without permission to take notes or participate in any way, finally to be read a virtually incomprehensible set of instructions and sent into a jury room to reach a verdict in a case they may not understand much better than they did before the trial began.

From my experience, no matter what the size of the dispute and, no matter what the quality of the lawyers and judge, jurors take their decision making responsibility seriously and want very much to reach a correct verdict. In order to do this, the jury needs to be able to ask questions.

As arrogant as we lawyers may become about our ability to read people's faces, how many times have we later discovered that we were absolutely wrong about that reading? Furthermore, what possible basis could there be for limiting jurors to facial expressions to express that they have an unspoken question and limiting lawyers to their intuition to discern the question the puzzled looking juror has?

If a judge has questions of a witness or even about the dispute itself, FRE 614 allows questioning of a witness or even calling of witnesses not called by the parties. The federal rules are silent with respect to jurors asking questions, however, FRE 611(a) allows the court reasonable control over the mode and order of interrogating witnesses, and, as one trial judge notes:

This broad directive to trial judges also serves as a major untapped reservoir of legal authority to empower jurors to play a more effective fact finding role in the courtroom.<sup>1</sup>

Questions from a jury serve much the same function as those from an appellate panel during oral argument: They help the decision maker to better understand the elements of the dispute and inform the lawyers what areas need more explanation, or, if the decision maker is focusing on an irrelevant issue, allow the lawyer to clarify why the issue is irrelevant. Even if a juror's question is misguided or prejudicial, it is better to know what needs to be addressed before that juror affects deliberations.

Studies have shown that jurors who were allowed to ask questions, understandably, were more satisfied with their jury service and less worried about an incorrect verdict. Furthermore, many studies have shown that active learners are more effective than passive ones.<sup>2</sup> It follows that if jurors know they may ask questions, their learning process will be enhanced.

In many respects, lawyers seem to have much the same concerns about jurors asking questions of witnesses as they do about

# Point

# CounterPoint

judges doing so, although the concern is somewhat more intense with the lay juror who is uneducated in the rules of evidence and legal procedures. The concerns are, primarily, the disruption caused by the questions, the effect the questions may have on other jurors if inadmissible and/or prejudicial information is brought to the attention of the jury, and the effect on the jury of a lawyer's objection to a juror's question.

Restricting a jury to a passive role is not the manner in which these legitimate concerns should be addressed. The implication of this approach "is that the jury may be entrusted with the responsibility to decide important matters, but not how to define the parameters of the decision making process itself."<sup>3</sup> The concerns about juror questions should, instead, be addressed by instituting proper procedures for the form, timing, and scope of the questions.

In *People v. Heard*, 388 Mich. 182 (1972), the Michigan Supreme Court held that it was error for a trial judge to rule that under no circumstances could a juror ask questions, but left it to the sound discretion of the trial court to determine whether and how a jury should be allowed to ask questions. A better approach would be to formalize in the rules of evidence, as we have for judges, the proper procedure for juror questions, with appropriate cautionary instructions.<sup>4</sup> The best procedure I have seen for juror questions was used by Kent County Circuit Court Judge Dennis Kolenda in a medical malpractice case I tried. The jury was told at the beginning of the trial that they would be given the opportunity to ask questions of each witness and were given cards for that purpose. After the attorneys finished questioning a witness, the cards were gathered from the jury, thus assuring the anonymity of the questioner. The judge and lawyers would then review the questions at side bar or in chambers, objections would be argued, and a determination would be made as to whether the question would be asked or perhaps modified to elicit the desired information in an appropriate form.

There should be flexibility in this process with different types of witnesses. For example, questions as to the definition of unfamiliar terms might be allowed during the lawyer's examination of an expert witness.

Critics of jury trials continue to maintain that the civil jury system should be abolished because juries are not smart enough or responsible enough to make the decisions we insist upon. For those of us who are convinced of the value of juries, it is essential that verdicts be as informed as possible. Opening up two way communication with jurors will only enhance this process, just as jury note taking has done in recent years.

These columns are intended to present the best arguments for and against the issue presented. They do not represent the views of the Federal Bar Association, which generously gave the space.

**What Do You Think?** In our continuing effort to serve our members and this feature serves as a springboard for constructive discussion among our co-chairs Michael C. Leibson, Assistant United States Attorney and in future newsletters. The FBA Editorial Board reserves final discretion.



# Should Jurors be Allowed to Ask Questions of Witnesses?

**No!**

**Cheryl A. Bush, Esq.  
Feeney Kellett Wiener  
& Bush, P.C.**

## You Want the Truth? You Can't Handle the Truth! A Celebration of the Art of Advocacy

You have just finished the cross-examination of your life. The opposing "expert" lies prone at your feet. You triumphantly return to your seat. Your client is beaming. Your adversary, shaken to the core, limps through a desperate but useless redirect. Then, it happens: "Any questions from the jury?" A juror (the one whom you were not able to excuse during voir dire) hands the judge a question. The expert, empowered by the softball question, regains his composure and delivers a convincing monologue. The judge allows no follow-up questions by the attorneys.

Your masterpiece is in shambles. A single inopportune question from the jury has snatched defeat from the jaws of victory.

Numerous courts have summarized the risks inherent in permitting jury-proposed questions. These risks include:

- Transforming jurors into advocates, compromising their neutrality and permitting — if not encouraging — jurors to evaluate prematurely the evidence in order to formulate a question;
- Embarrassing or offending a juror whose improper questions are not put to the witness;
- Delaying the pace of trial;
- Forcing attorneys to choose between objecting to a juror's question (and risking alienation) and permitting an improper question (and waiving error on appeal); and
- Allowing attorneys a preview of the jury's impressions of the case.

In addition, courts that choose to permit questions by jurors must address the complex issue of whether to allow "follow up" questions by lawyers (Does each party get follow up questions? Who goes first? How much latitude do they get?). *See, e.g., United States v. Bush*, 47 F.3d 511, 515-16 (2nd Cir. 1995); *United States v. Ajmal*, 67 F.3d 12, 14 (2nd Cir. 1995).

In the face of these risks, those who support the concept of juror-proposed questions argue that allowing jurors to ask questions helps them to understand the issues better. In other

words, it helps jurors to discover "the Truth."

This argument sounds good. But it rests on a fundamental misconception of the American adversarial system of justice — namely, that a jury trial is in fact about "a search for the Truth."

To be sure, it is common for judges, lawyers and laypersons alike to speak of the purposes of a jury trial in these terms. But properly and candidly understood, a jury trial is not about an altruistic search for the Truth. **Rather, in our adversarial system of justice, a jury trial is simply a forum that provides an opportunity for the party bearing the burden of proof to convince the jury that his or her side should prevail. The jury does not decide the Truth; it simply decides whether the burden of proof on a contested issue of fact has been met.** For example, the acquittal of O.J. Simpson does not mean that he did not kill Nicole Brown and Ron Goldman — it merely means that a jury of his peers concluded that the prosecution had not met its high burden of proving him guilty beyond a reasonable doubt.

After all, we routinely file motions *in limine* to exclude evidence not merely because it lacks a sufficient evidentiary basis, but because we believe our opponent's evidence will hurt our case. As we prepare for trial, do we think "Oh, I hope the Truth comes out!"? No. We play to win.

Our legal system routinely conceals evidence from jurors even though that evidence may be technically "true": hearsay, the Fifth Amendment right against self-incrimination, the parole evidence rule, the attorney-client privilege, the exclusion of prior "bad acts" and prior convictions, just to name a few. Claiming to be searching for the Truth is noble, but does not accurately describe how our adversarial legal system operates.

Our adversary system already comes equipped with a time-proven truth serum: cross-examination by adversarial attorneys, which "is beyond any doubt the greatest legal engine ever invented for the discovery of truth." 5 J. Wigmore, *Evidence* § 1367 (Chadbourn rev. 1974). A trial lawyer should not need a juror to "clear up" matters or help him discover the Truth. [And if he does, his opponent does not deserve a juror leveling the field.] Perhaps Black's Law Dictionary defines it best:

**Adversary system:** The jurisprudential network of laws, rules and procedures characterized by opposing parties who contend against each other for a result favorable to themselves.

While well-meaning, allowing jurors to ask questions is contrary to our adversarial system of justice. It makes unwitting advocates of persons who should be neutral fact finders. Deciding whether burdens of proof have been met is difficult enough — we ask too much of jurors by expecting them to find the Truth in a system that is neither designed nor equipped to do this.

(footnotes for "Yes")

1 *A Trial Judge's Perspective On Providing Tools For Rational Jury Decision Making*, 85 Nw. UNIV.L.REV. 221 (1990).

2 For excellent discussions of this topic and these studies, see Note, *Breaking the Silence: Should Jurors Be Allowed to Question Witnesses During Trial?*, 44 VAND.L.REV. 117 (1991); The Competency and Responsibility of Jurors in Deciding Cases, 85 Nw. UNIV.L.REV. 190 (1990); and Comment, *Juror Questions: A Survey of Theory and Use*, 55 MO.L.REV. 817 (1990).

3 *Id.*, 85 Nw. UNIV.L.REV. 190, 208 (1990).

4 A similar approach is advocated by the A.B.A. Section of Litigation Task Force on Civil Trial Practice Standards in its May, 1997, *Civil Trial Practice Standards, Public Comment Draft No. 6*.

and in the spirit of our District's newly adopted Civility Plan, we hope that  
ong our members. Please send your comments/reactions to our newslet-  
and Dennise M. Barnes, Barris, Sott, Denn & Driker, for possible publica-  
cretion on which letters, or portions of letters, to publish.



(cont'd from page 3)

Justice Brennan, undaunted by this onslaught, simply smiled, took me by the arm, and gently engaged me in a casual and reassuring conversation that I will never forget, or, perhaps more correctly, that I will never remember. Through the haze of the moment and the years I do recall that he joked with me, told me a story from his time in practice, agreed with some of the (presumably inane) things I said, and asked after my family and my career. I was having, as they say, a helluva good time.

And then something threatened to break the spell. I could feel the presence beside me of another person, someone else who wanted a few minutes of his time, someone else who wanted a little personal proximity to history. But I was not willing to give him up just yet, and so I studiously ignored the intruder, refusing to acknowledge this other presence until finally Justice Brennan reached over, put his hand on my shoulder, turned me toward the third man and said "Mr. Niehoff, may I introduce you to my colleague, Justice John Paul Stevens."

When I learned that Justice Brennan had passed away I remembered our few minutes together, and knew at some strangely personal level that we had lost a great man. I did not know this because of the strength of his principles, or the force of his persuasion, or the power of his thinking, or the importance of his opinions, although all of these have been rightly celebrated. I knew this because I had once been the beneficiary of his great kindness. I knew this because I had once been briefly warmed by the light that he put on a hill for all of us to see.

## Dignitaries Honor Judge Clay at Investiture Ceremony

At an investiture ceremony held October 24 in the Theodore Levin United States Courthouse, spectators filled two courtrooms and the seventh floor hallway to witness as the Honorable Eric Clay was officially sworn in as a United States Circuit Judge for the Sixth Circuit Court of Appeals. Judge Clay, a former partner in the law firm Lewis, White & Clay (now Lewis & Munday), was appointed by President Bill Clinton to fill the vacancy created when Judge Damon Keith was elevated to senior status.

Judge Clay, who worked for Judge Keith as a law clerk in 1972-73, was sworn in by Judge Keith. He was



*Hon. Anna Diggs Taylor and Daniel Malone at the FBA State of the Court Luncheon. Photo by John Meiu, courtesy of The Legal Advertiser.*

joined at the ceremony by his family and by his former co-clerk, Lani Guinier. U.S. Supreme Court Associate Justice Clarence Thomas, a friend of Judge Clay's, attended the ceremony and delivered some poignant remarks, as did Mayor Dennis Archer and Michigan Supreme Court Chief Justice Conrad Mallett. Other speakers at the ceremony were Randy Jones, President of the National Bar Association; Daniel Malone, President of the FBA's Eastern District of Michigan chapter; Judge Jeffrey Collins, President of the Association of Black Judges of Michigan; Linda Parker, President of the Wolverine Bar Association; Roger Wolcott, President of the Metropolitan Detroit Bar Association; David Baker Lewis, Chairman of Lewis & Munday and Judge Clay's former partner; and Dennis Dowdell, Jr., President of 100 Black Men of Greater Detroit, Inc.

Judge Clay was born in Durham, North Carolina, in 1948. In 1969, he received his Bachelor of Arts degree from the University of North Carolina, where he graduated Phi Beta Kappa. He received his Juris Doctorate in 1972, and immediately went to work for then-District Judge Keith. Following his clerkship, he helped form the firm Lewis, White & Clay, where he was a partner and chairman of the firm's Litigation Department until his appointment to the federal bench. In

addition to his legal practice, Judge Clay served as a special assistant attorney general for Michigan in 1974-75. Judge Clay has also served on a number of committees, including the Eastern District of Michigan's Magistrate Judge and Bankruptcy Judge selection committees. He is a member of the National Bar Association, American Bar Association, Wolverine Bar Association, Sixth Circuit Judicial Conference, the Detroit Bar Association, and

the Yale Law School Association.



*Congratulations on behalf of the Chapter! President Daniel P. Malone presents the Hon. Eric Lee Clay with a FBA gavel at Judge Clay's October 24, 1997 investiture proceeding.*

## Komives' 27th Year as Magistrate Judge

February 12 will mark the Honorable Paul J. Komives' 27th year as a United States Magistrate Judge. Judge Komives, the nation's third longest serving full-time magistrate judge, was appointed to the position in 1971. Since that time, he has earned the respect and admiration of the entire legal community, and particularly of those who have had the opportunity to work closely with him. "Judge Komives is the prototype of what a judicial officer, an employer and a colleague should be: intelligent, patient, kind and always willing to help in any situation," says Peggy Blotner, former law clerk to Judge Komives, and instructor of legal writing at the Detroit College of

(cont'd on page 7)



(cont'd from page 6)

Law at Michigan State University. "All are fortunate to have him on the bench," she adds.

Bill Lewis, former deputy clerk to Judge Komives and currently deputy clerk to the Honorable Denise Page Hood, expresses the feeling of many lawyers who have come before Judge Komives, describing him as "the perfect example of judicial temperament." He receives equal praise from his peers on the bench. The Honorable Lynn V. Hooe, United States Magistrate Judge, notes that Judge Komives has "an unblemished reputation of being patient, unselfish, kind, honest, and endowed with simple virtues." The Honorable Thomas Carlson, also a United States Magistrate Judge and Judge Komives' friend and colleague for over 15 years, describes Judge Komives as "a kind and gentle man who views all things with equanimity, [who] speaks the truth quietly and clearly, and possesses a classic, even-handed, judicial temperament."

Judge Komives received his law degree in 1958 from the University of Michigan. He began his career in the U.S. Department of Justice, before becoming an Assistant U.S. Attorney in 1961. In 1965 he became Chief of Criminal Division of the U.S. Attorney's Office. Judge Komives served as a special prosecutor for the Wayne County Circuit Court in 1966-67, and was in private practice from 1967 until his appointment to the bench in 1971. In addition to his service on the bench, Judge Komives has taught criminal procedure at the Detroit College of Law at Michigan State University since 1972 and co-writes the criminal procedure article for the annual Sixth Circuit Survey of that school's Law Review.

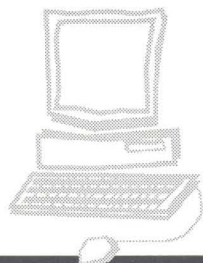
This past July, Magistrate Judge Komives retired from the bench, and was immediately recalled by Sixth Circuit

(cont'd on page 8)

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## **Rules And Practice Committee Solicits FBA Member Input**

The Rules and Practice Committee of the FBA, Eastern District of Michigan, monitors rules and practice developments so that it can act as liaison between bench and bar, give input to the judges and formulate proposals. To do this, the Committee needs member input. Send to Ed Kronk, Committee Chair, your views and ideas on new or on-going rules and practice issues. He is at Butzel Long, Suite 900, 150 West Jefferson, Detroit, 48226.

## **Calendar Of Events**

### **FBA Rakow Luncheon**

November 19, 1997

Location: Pontchartrain

Contact: Christine Dowhan-Bailey (313) 226-6822

### **New Lawyers' Seminar**

December 9-10, 1997

Contact: Grant Gilezan (313) 568-6789

### **Membership Committee - Brown Bag Lunch for new Chapter members**

January 14, 1998 12:00 p.m.

Levine Courthouse, Room 115

Contact: Pam Zauel (313) 995-3110

### **"Until Justice Rolls Down Like Water..."**

January 19, 1998 12:30 p.m. - 2:00 p.m.

Location: Focus: HOPE

1355 Oakman, Detroit

Contact: Daniel P. Malone (313) 225-7032

### **McCree Award Nominations Due**

January 10, 1997

Contact: Joel Shere (313) 663-6535

### **FBA McCree Luncheon**

February 18, 1998

Location: Pontchartrain

Contact: Christine Dowhan-Bailey (313) 226-6822

### **Gilman Award Nominations Due**

March 1, 1998

Contact: Thomas Cranmer (248) 258-1202

### **FBA Gilman Luncheon**

April 16, 1998

Location: Pontchartrain

Contact: Christine Dowhan-Bailey (313) 226-6822

### **Membership Committee - Recruitment Drive For Government Attorneys**

April 23, 1998, 4-7 p.m.

Contact: Grant Gilezan (313) 568-6789

### **Annual Dinner (Detroit Institute of Arts)**

May 1, 1998

Contact: Julia Blakeslee (313) 961-8380

### **Sixth Circuit Judicial Conference**

May 12-15, 1998

Asheville, NC

Contact: James Higgins (513) 564-7200

### **FBA Golf Outing**

June 12, 1998

Contact: Michael Lavoie (313) 225-7060

### **New Lawyers' Seminar**

June 9-10, 1998

Contact: Catherine Wenger (313) 225-5575



(cont'd from page 7)

Chief Judge Boyce F. Martin, Jr. Magistrate Judge Komives' recall extends at least through July, 1999. He continues to work full time, handle a full docket, and supervise the Court's staff attorneys.

## Chapter Offers Seminar For New Lawyers

The semi-annual Seminar for New Lawyers will be held Tuesday and Wednesday, December 9 & 10, in the first floor conference room, Room 115, of the United States Courthouse and Federal Building, 231 West Lafayette in downtown Detroit.

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 begins at 8:15 a.m. on December 9 with presentations on federal courts. It concludes on June 11 with state court practice.

The faculty of the seminar will include District Court Chief Judge Anna Diggs Taylor and U.S. Judges Julian Abele Cook, Jr. and Nancy G. Edmunds and Magistrate Judge Virginia M. Morgan.

Co-chairs for the seminar are attorneys Christine Dowhan-Bailey, Catherine Wenger, Brian Figot, Grant Gilezan and Geneva Halliday.

The seminar will cost \$65 for members of the Federal Bar Association and \$85 for nonmembers. Admission includes a reception for the new attorneys on Tuesday, December 9, following the investiture ceremony at the

Theodore Levin U.S. Courthouse. In addition, a luncheon will be held on Wednesday, December 10, at the Pontchartrain Hotel. The price also includes course materials which contain form pleadings and memoranda expanding on the topics covered by the faculty. A special price of \$95 includes the seminar plus admission to the Federal Bar Association.

Reservation checks should be made payable to the Detroit Chapter, and mailed to New Lawyers Seminar, Post Office Box 71740, Madison heights 48071. For questions call Dee Osterman at (248) 548-3450.

## Geneva Halliday Honored At Puerto Rico Convention

At the annual convention held in Puerto Rico this September, the National FBA honored Geneva Halliday for her outstanding contributions to the FBA by presenting her with its Vice President of the Year Award. Geneva is a Past President of the Eastern District of Michigan Chapter and the current Vice President for the Sixth Circuit. Recognizing what we have known all along, the FBA presented the award to Geneva in appreciation for serving with distinction as a Vice President for the Sixth Circuit, for chairing the Chapter Activity Fund Committee, for service to FBA Chapters across the Nation, and for inspiration as a model of excellence as a Circuit Vice President. We couldn't have said it any better ourselves. Congratulations Geneva!

Eastern District of Michigan Chapter, F.B.A.  
P.O. Box 71740  
Madison Heights, MI 48071

**RETURN SERVICE REQUESTED**

### RETURN SERVICE REQUESTED

*Special Thanks to our 1998 Newsletter Committee*

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