



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

## Judge Cornelia Kennedy To Speak At Rakow Awards Luncheon

The FBA will hold its annual Rakow Awards Luncheon on Tuesday, November 9, 1999 at the Crowne Plaza Ponchartrain Hotel. The luncheon will be co-hosted by the Historical Society for the United States District Court, which also hold its annual meeting at that time.

Judge Cornelia Kennedy of the United States Court of Appeals for the Sixth Circuit has kindly agreed to reminisce with us about her experiences with the district and circuit courts. Judge Kennedy was appointed to the Eastern District in October of 1970 and became Chief Judge in January of 1977. She left in 1979, after being appointed to the Sixth Circuit, where she now sits. Given her long standing association with these two institutions, her talk will be most interesting and worthwhile.

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## 1999 State of the Court Luncheon

The Eastern District of Michigan Chapter of the Federal Bar Association hosted its annual State of the Court Luncheon on September 16, 1999 at the Crown Plaza Pontchartrain Hotel. The Honorable Lawrence P. Zatkoff, Chief Judge of the United States District Court for the Eastern District of Michigan delivered the State of the Court Address. Judge Zatkoff reported that the composition of the court "has changed substantially" over the past year, beginning with his appointment as Chief Judge on January 1. David J. Weaver became the new Court Administrator upon John Mayer's retirement in July. Judge Robert E. DeMascio lost his battle with cancer in March and Judge Horace W. Gilmore retired in October.

Troy Attorney David Lawson and Wayne County Circuit Judge Marianne Battani have been nominated to fill vacancies created by Judge Anna Diggs Taylor and Judge Avern Cohn taking senior status. Judge Zatkoff also reported that over the past fiscal

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## President's Column

*"Injustice anywhere is a threat to justice everywhere."*

*-Martin Luther King, Jr.  
Letter from the Birmingham Jail*

In my last column, I wrote about the fundamental duty of lawyers and associations of lawyers to protect the public, and how all of our activities as a bar association are guided by that duty.

A critical part of our duty as lawyers to protect the public is to ensure that the public is served by a legal system free from bias, real or perceived. We must be vigilant to detect and stop any discriminatory treatment within the legal system because nothing is more corrosive of respect for our legal system than the perception or reality that the quality of justice depends on one's race, gender, ethnicity or other personal characteristics. The Reverend Dr. Martin Luther King, Jr. was so insightful when he trenchantly observed from the Birmingham, Alabama jail that any injustice tears at the entire fabric of justice.

As part of a profession whose very purpose is to seek justice, we are all vigilant everyday as we practice law to insure that we brook no discriminatory treatment in the operation of the legal system. However, beyond the necessary individual vigilance of judges and lawyers, what can we do as an association of lawyers to protect the integrity of the legal system from the dangers of discrimination? Plenty, and we are taking action as an association.

Inspired by the excellent work of the State Bar of Michigan's 1996-97 Task Force on Racial/Ethnic and Gender Issues in the Court and the Legal Profession (appointed by then-State Bar President and now Judge Victoria Roberts, and Co-Chaired by U.S. Attorney Saul Green), and by similar efforts in several other federal circuits (e.g., the D.C., 2d, 3d, 8<sup>th</sup> and 9<sup>th</sup>), the Executive Board decided last year to survey the judges, and the attorneys in the U.S. Attorney's Office, Federal Defender's Office and in our member-

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## President's Column *(cont'd)*

ship to determine whether such issues exist in the Eastern District of Michigan.

Our Chapter's liaison to the State Bar Task Force on Race/Ethnic/Gender Issues, Deborah Gordon, has worked very hard to craft questionnaires for judges and for attorneys, taking advantage of the experience of the circuits which have already surveyed their judges and attorneys.

Those questionnaires will soon be mailed. While the response is entirely voluntary, I ask you to take the time to carefully and thoughtfully complete it and return it because the quality and quantity of responses are critical to the survey's value.

Once the questionnaires are returned, Deborah Gordon and a committee will tabulate and provide a preliminary report on the results to the officers and Executive Board. The Board will then decide how to proceed. We will proceed thoughtfully, weighing the results, listening to all points of view and reaching considered conclusions.

Attorney General Robert Kennedy once noted that the "enemies of [achieving equality] are not the black man or the white man. The enemies are fear and indifference. They are hatred and, above all, letting momentary passion blind us to a clear and reasoned understanding of our land." This survey is part of our effort to reach a "clear and reasoned understanding" of whether there are issues of race, gender or ethnic bias in the Eastern District with which we must grapple. I ask for your help in this important effort.

Mark Brewer,

President

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*(State of the Court cont'd from page 1)*

year, civil case filings decreased by 13% and criminal case filings decreased by 17%.

With the new millennium approaching, Judge Zatkoff was pleased to announce that all locally supported court applications are Y2K compliant. He also reported several technological advances within the court system. These include a court website, where recent efforts in posting judges' opinions at the site have been well received. The court has also established videoconferencing between Detroit and Bay City and has been selected to participate in a program for videoconferencing in prisoner civil rights cases. The court recently implemented a new automated Jury Management System. A new electronic case management system, with the capability for electronic filings over the Internet, is also on the horizon.

Judge Zatkoff also thanked the members of the Merit Selection Panel and Local Rules Advisory Committee for their service to the court.

Judge Zatkoff concluded his address by stating his belief that even more "distinctive challenges and issues are down the road."

The Federal Bar Association also recognized those individuals who have contributed to the success of the nationally recognized New Lawyers Seminar.

## **Rakow Luncheon *(cont'd)***

The luncheon will also feature the presentation of the FBA's Annual Rakow Awards, presented each year by the Chapter to one student from each of Michigan's five law schools. The recipients are selected by the Deans of their respective schools. The award is named for Edward H. Rakow, who served as Assistant Regional Administrator for the Securities and Exchange Commission in Detroit for 26 years. Mr. Rakow was instrumental in founding the Eastern District of Michigan Chapter of the FBA.

The program will begin with a reception at 11:30 a.m. Lunch will be served at noon, followed by the scholarship presentations and Judge Kennedy's remarks. The cost is \$25 for FBA members and \$27 non-members. For tickets, contact Program Chair Dennis Barnes or his Legal Assistant Vanessa Lozzi, at (313) 965-9725.

This year's luncheon series is sponsored by the following law firms, which the Chapter gratefully acknowledges:

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## Judge Cohn Takes Senior Status

On October 9, 1999, United States District Judge Avern Cohn took senior status pursuant to 28 U.S.C. § 371, which allows a judge who meets certain age and years of service requirements to retire from regular active duty but continue to serve as a United States District Judge. Judge Cohn's retirement to senior status comes after 20 years of service as an active district judge, following his appointment by President Jimmy Carter in 1979. Prior to his appointment, Judge Cohn, who received his J.D. from the University of Michigan in 1949, was in private practice at the law firm Honigman, Miller, Schwartz, and Cohn. Although Judge Cohn is now permitted to take a reduced caseload, he plans on maintaining a full docket at this time.

## Recent Nominees to Federal Bench

On September 16, 1999, President Clinton nominated Detroit attorney Kathleen McCree Lewis to the U.S. Court of Appeals for the Sixth Circuit. Ms. Lewis has been affiliated with Dykema Gossett PLLC first as an associate and then as a partner since 1973. She received her B.A. from the University of Michigan in 1969 and her J.D. from the University of Michigan Law School in 1973. Ms. Lewis is Dykema Gossett's appellate litigation specialist. In addition to her numerous professional and civic activities she is a director of Jacobson's Stores, Inc., a trustee of the Center for Creative Studies, and a director of the Community Foundation for Southeastern Michigan. She is a former Commissioner of the City of Detroit Civic Center Commission and a past trustee of Children's Hospital of Michigan, Children's Museum Friends and the Grosse Pointe Academy.

Ms. Lewis and her husband jointly received the 1995 Learned Hand Award from the Detroit Chapter of the American Jewish Committee Institute of Human Rights for their civic, educational and philanthropic endeavors. In 1997, in a joint project of Crain's Detroit Business and the Michigan Women's Foundation, she was named one of Detroit's Most Influential Women. Ms. Lewis lives in Detroit with her husband, David Baker Lewis, who also is a lawyer. They have two children, Aaron, a 1999 graduate of Princeton University, and Sarah, a student at Stanford University.

On August 5, 1999, President Clinton nominated David

M. Lawson and Marianne O. Battani to the U.S. District Court for the Eastern District of Michigan. David M. Lawson, of Troy, Michigan, has been a member of Clark Hill PLC since 1994. Prior to joining Clark Hill PLC, Mr. Lawson was a partner at Lizza, Mulcahy, Casey & Lawson from 1985 to 1994 and served as a Special Livingston County Prosecuting Attorney from 1991 to 1993. He also was a partner at Lawson & Lawson PC from 1977 to 1985 and served as a Special Assistant Attorney General from 1978 to 1980. Since 1977, he has been a member of the faculty of the Michigan Judicial Institute and has lectured extensively on evidence and procedure to judges and lawyers throughout the country. He has served as a law clerk for Oakland County Circuit Court Judge John N. O'Brien and as an Investment Officer for Oakland County Treasurer C. Hugh Dohaney. Mr. Lawson received his B.A., magna cum laude, in 1972 from the University of Notre Dame and his J.D., magna cum laude, in 1976 from Wayne State University Law School (graduating first in his class). Following law school, Mr. Lawson served as a law clerk to the Honorable James Ryan on the Michigan Supreme Court from 1976 to 1977. He resides in Troy and is the father of three

Marianne O. Battani, of Grosse Pointe Woods, Michigan, has been a Judge on the Wayne County Circuit Court since 1982. Prior to her appointment to the Wayne County Circuit Court, Judge Battani sat on the 36th District Court for the City of Detroit from 1981 to 1982 and on the Common Pleas Court for the City of Detroit in 1981. In addition, she practiced law in the Law Office of Marianne O. Battani from 1974 to 1981, and from 1972 to 1974 as an Associate Attorney in the Law Offices of Donald E. Gratrix. In addition to her work on the bench, she has taught courses for the Michigan Judicial Institute and the National Judicial College in Reno, Nevada. She received her B.A., cum laude, in 1966 from the University of Detroit, and her J.D., cum laude, in 1972 from the Detroit College of Law. She lives in Grosse Pointe Woods and has one daughter.

## MLK Day Celebration

Hon. Damon Keith will serve as the keynote speaker for the chapter's annual celebration of Martin Luther King Day. In partnership with the Wolverine Bar Association and Focus:Hope, the FBA will honor the life of Dr. Martin Luther King, Jr. on Monday, January 17, 2000, at Focus:Hope. The program will begin at 11:30 a.m. and will include a box lunch. Tickets will be available at a cost of \$10.

The purpose of the program is to challenge us to continue to strive toward the goals of equality and human dignity which defined Dr. King's mission. The program will include a video presentation and folk and gospel music.



# Federal Bar Association Eastern District of Michigan

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606 Townsend  
Lansing, MI 48933  
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**President-Elect:** Thomas W. B. Porter  
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27777 Franklin Road  
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Fax: (248) 353-7188

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Jacob & Weingarten, P.C.  
2301 W. Big Beaver Road  
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Fax: (248) 649-2920

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211 W. Fort Street, 15th Floor  
Detroit, MI 48226  
Telephone: (313) 965-9725  
Fax: (313) 965-2493

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211 W. Fort Street, Suite 2001  
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Telephone: (313) 226-9615  
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211 W. Fort Street, Suite 2001  
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Fax: (248) 642-7557

Krishna S. Dighe  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226-3211  
Telephone: (313) 226-9713  
Fax: (313) 226-2372

Mark A. Goldsmith  
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2290 First National Building  
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211 W. Fort Street, Suite 2001  
Detroit, MI 48226-3211  
Telephone: (313) 226-9778  
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Fax: (248) 1  
Barbara McQuade  
211 W. Fort Street  
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Fax: (313) 2

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Fax: (248) 3  
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Telephone: (313) 6  
Fax: (313) 6

**Law Section:**

ben  
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48) 642-7557

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(8) 357-2010  
(8) 357-  
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226-3426  
(3) 628-7439  
(3) 628-7101

**Younger Lawyers Section:**

Frank Angileri  
Brooks & Kushman  
1000 Town Center, 22nd Floor  
Southfield, MI 48075  
Telephone: (248) 358-4400  
Fax: (248) 358-3351

Jim Lilly  
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243 W. Congress #800  
Detroit, MI 48226-3260  
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Kelly Schadel  
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Telephone: (313) 259-7110  
Fax: (313) 259-7926

Bruce Byrd  
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Detroit, MI 48226-3425  
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Fax: (313) 223-3598

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Fax: (313) 496-8454

**Membership Committee:**

Grant P. Gilezan  
Dykema Gossett  
400 Renaissance Center, 35th Floor  
Detroit, MI 48226-1504  
Telephone: (313) 568-6784  
Fax: (313) 568-6701

Barbara Buchanan  
Pepper, Hamilton & Scheetz  
100 Renaissance Center, 36th Floor  
Detroit, MI 48226-1157  
Telephone: (313) 259-7110  
Fax: (313) 259-7926

**Newsletter Committee:**

Brian Figot  
Jacob & Weingarten  
2301 W. Big Beaver Road, Suite 777  
Troy, MI 48084  
Telephone: (248) 649-1900  
Fax: (248) 649-2920

Krishna S. Dighe  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226-3211  
Telephone: (313) 226-9713  
Fax: (313) 226-2372

M. Bryan Schneider  
U.S. District Court for the  
Eastern District of Michigan  
231 W. Lafayette  
Detroit, MI 48226  
Telephone: (313) 234-5200  
Fax: (313) 234-5297

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Geneva S. Halliday  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226-3211  
Telephone: (313) 226-9  
Fax: (313) 226-3800

Grant P. Gilezan  
Dykema Gossett  
400 Renaissance Center, 35th Floor  
Detroit, MI 48226-1504  
Telephone: (313) 568-6789  
Fax: (313) 568-6701

Brian D. Figot  
Jacob & Weingarten  
2301 W. Big Beaver Road, Suite 777  
Troy, MI 48084-3330  
Telephone: (248) 649-1900  
Fax: (248) 649-2920

Christine Dowhan-Bailey  
U.S. Army Corps of Engineers  
P. O. Box 1027  
Detroit, MI 48231-1027  
Telephone: (313) 226-6822  
Fax: (313) 226-3509

Cathrine F. Wenger  
Miller, Canfield, Paddock & Stone  
150 W. Jefferson Avenue, Suite 2500  
Detroit, MI 48226-4415  
Telephone: (313) 963-6420  
Fax: (313) 496-8453

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Steven T. Budaj, P.C.  
2915 Cadillac Tower  
Detroit, MI 48226  
Telephone: (313) 963-9330  
Fax: (313) 963-9185

**Chapter Liaison State Bar Of  
Michigan Task Force On Race/  
Ethnic/Gender Issues:**

Deborah Gordon  
Stark & Gordon  
26862 Woodward Avenue, Suite 202  
Royal Oak, MI 48067-2444  
Telephone: (248) 542-3784  
Fax: (248) 691-1250

**Bench-Bar Conference IV  
(Eastern District Chapter Co-Chairs):**

Leonard M. Niehoff  
Butzel Long  
350 South Main Street, Suite 300  
Ann Arbor, MI 48104-2131  
Telephone: (734) 213-3625  
Fax: (734) 995-1777

Michael C. Leibson  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226  
Telephone: (313) 226-9615  
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1000 Farmer Street  
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Telephone: (313) 965-3464  
Fax: (313) 965-4602

Joel Shere  
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121 W. Washington Street #200  
Ann Arbor, MI 48104  
Telephone: (734) 663-6535  
Fax: (734) 663-0996

**FBA Foundation:**

Ed Kronk, *Chair*  
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Detroit, MI 48226-4430  
Telephone: (313) 225-7017  
Fax: (313) 225-7080

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Raymond & Prokop, P.C.  
2000 Town Center #2400  
Southfield, MI 48075  
Telephone: (248) 357-3010  
Fax: (248) 357-2720

Geneva Halliday, *Treasurer*  
Assistant United States Attorney  
211 W. Fort Street, Suite 2001  
Detroit, MI 48226-3211  
Telephone: (313) 226-9778  
Fax: (313) 226-3800

Charlie Rutherford, Sr., *Secretary*  
Dykema Gossett  
1577 N. Woodward Avenue, #300  
Bloomfield Hills, MI 48304-2820  
Telephone: (248) 203-0862  
Fax: (248) 203-0763

Dennis J. Clark  
Plunkett & Cooney  
243 W. Congress, Suite 800  
Detroit, MI 48226-3260  
Telephone: (313) 983-4768  
Fax: (313) 983-4350

**Portrait Foundation:**

Brian Figot  
Jacob & Weingarten  
2301 W. Big Beaver Road #777  
Troy, MI 48084  
Telephone: (248) 649-1900  
Fax: (248) 649-2920

Gary Maveal  
University of Detroit-Mercy Law School  
861 E. Jefferson Avenue  
Detroit, MI 48226-4301  
Telephone: (313) 596-0218  
Fax: (313) 596-0280

Christopher P. Yates  
Federal Public Defender  
The Trade Center  
50 Louis, Suite 500  
Grand Rapids, MI 49503  
Telephone: (616) 742-7420  
Fax: (616) 742-7430

Mark Lezotte  
Oakwood Health Care  
18101 Oakwood Blvd.  
P. O. Box 2500  
Dearborn, MI 48123-2500  
Telephone: (313) 593-7017  
Fax: (313) 593-8835



Last year, more than 1,000 members of the bench and bar attended the Martin Luther King Day celebration. Last year's keynote speaker, Rev. Samuel Kyles, who was an associate of Dr. King's, stated that Dr. King would be pleased with the progress that has been made toward his vision since his death, but that much remains to be done.

## **Criminal Law Section Brown Bag Lunch**

"USA v. John Doe, Esq.: Investigating, Indicting and Defending Attorneys," will be presented by the chapter's Criminal Law Section on January 12, 2000. The brown bag luncheon will feature Assistant U.S. Attorneys Alan Gershel and Bruce Judge as well as criminal defense lawyers Harold Gurewitz and Jim Thomas speaking on the special issues that arise when lawyers become defendants or targets of investigation.

The informal discussion will take place in Room 115 of the Theodore Levin U.S. Courthouse from 11:30 a.m. to 1:15 p.m. Tickets are \$5 for FBA members and \$7 for non-members to cover beverage and room costs. Participants should bring their own lunches.

To reserve your attendance, contact Criminal Law Section Co-Chairs Margaret Raben at (248) 540-6460 or Barb McQuade at (313) 226-9725. Tickets also maybe purchased at the door.

## **Court Adds Historical Society Web Page**

The Historical Society for the United States District Court for the Eastern District of Michigan is dedicated to both preserving the rich legal history of the Eastern District and increasing awareness of that history. Recently, the Court added an "Historical Society" section to its Website ([www.mied.uscourts.gov](http://www.mied.uscourts.gov)). The Historical Society page currently contains an overview of the Society, the latest copy of "The Court Legacy," the Society's newsletter, and links to other court history web pages. The Society is working on expanding the site, and hopes to soon include back issues of "The Court Legacy," biographical sketches of the Eastern District of Michigan Judges, and an architectural history of the court. Anyone seeking more information is encouraged to visit the web site, or to write the Society at Office of the Clerk, Theodore Levin United State Courthouse, Detroit, MI 48226-2797. Articles of historical interest for "The Court Legacy" may also be submitted at the above address. Further, any one who has artifacts, memorabilia, photographs, literature, or other items relating to the court's history worth preserving or including on the Society's web page are encouraged to contact the Acquisitions Committee at (313) 234-5049.

## **Portrait Foundation Facilitates Judicial Remembrances**

The Judicial portraits that hang in the Theodore Levin Courthouse are an important part of the maintenance of a historical record of the United States District Court for the Eastern District of Michigan. Portraits, however, are not sponsored by or funded by the government, and the commissioning and funding of them is an expensive and time-consuming process.

In October of 1997, after extensive study and planning by local members of our Chapter and former judicial law clerks, the Eastern District of Michigan Historical Portrait Foundation was established as an independent non-profit corporation in order to facilitate the process by providing seed money and guidance to committees that undertake fund-raising and coordination of individual portraits. Shortly after the Portrait Foundation was formed, it obtained status as a freestanding IRC 501(c)(3) tax-exempt entity.

Now, upon formation of a portrait committee (generally by an eligible judge's former law clerks) our Chapter donates \$1,500.00 to the Portrait Foundation. The Portrait Foundation provides the particular portrait committee with an initial grant which funds the solicitation of additional contributions. Contributions, which are made payable to and disbursed by the Portrait Foundation, are solicited strictly in accordance with any limitations imposed by the eligible judge. Due to the Portrait Foundation's IRC 501(c)(3) status, contributors are permitted to claim a charitable deduction in the amount of their contribution. If fund-raising is completed within twelve months, the balance of the \$1,500.00 grant is provided to the committee to help defray additional costs, including the presentation ceremony. The process is complete upon the submission of a written report of finances and activities which the portrait committee provides to the Portrait Foundation.

Consistent with local court rules, District Court Judges of the Eastern District of Michigan are eligible for a portrait upon full retirement from the Bench and the practice of law, or upon death. Committees for Sixth Circuit judicial portraits of former Eastern District of Michigan judges may utilize the Portrait Foundation, but are not provided seed money.

Currently, there are two portrait committees in forma-

## **Looking For Articles**

The FBA Newsletter welcomes the submission of well-written articles, comments and letters concerning pertinent legal issues that would be of interest to our readers. Please e-mail submissions to [Krishna.Dighe@usdoj.gov](mailto:Krishna.Dighe@usdoj.gov) or [BSchneider@ck.uscourts.gov](mailto:BSchneider@ck.uscourts.gov).



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(Portrait cont'd from page 6)

tion, for retired former Chief Judge James P. Churchill and for the late Judge Robert DeMascio. Persons interested in those efforts should contact Brian D. Figot at 248/649-1900 or Edward C. Cutlip, Jr. at 313/961-0200.

Foundation Trustees are Dean Joan Mahoney of Wayne State University Law School, who serves as chair, Professor Gary M. Maveal of the University of Detroit Law School, and attorneys Brian D. Figot, Mark R. Lezotte, and Christopher P. Yates.

## **FBA To Sponsor New Lawyers Seminar December 7 and 8**

The nationally acclaimed (and widely copied) semi-annual New Lawyers Seminar will begin its twenty-fifth year on Tuesday and Wednesday, December 7 and 8, 1999, in Room 115 of the Theodore Levin U.S. Courthouse, 231 W. Lafayette in downtown Detroit.

This "nuts and bolts" how-to-do-it approach, which relies upon presentations by Judges, court personnel and leading practitioners, is designed to assist recent law graduates in understanding the fundamental procedures followed in federal and state courts. The seminar begins at 8:15 a.m. on December 7 with presentations on practice in federal court. It concludes on December 8 with presentations which focus on state court practice.

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

The seminar is an incredible bargain, costing only \$65 for members of the Federal Bar Association and \$85 for non-members. Admission includes a reception for the new attorneys on Tuesday, June 8, and a luncheon on Wednesday, June 9, at the Pontchartrain Hotel. The price also includes course materials which contain form pleadings and memoranda expanding on the topics covered by the speakers. A special price of \$109 includes the seminar plus membership in the Federal Bar Association.

Reservation checks should be made payable to the FBA Eastern District of Michigan Chapter, and mailed to New Lawyers Seminar, P.O. Box 71740, Madison Heights,

MI 48071. If you have any questions, call Dee Osterman at (248) 548-3450.

## **1999 Shanty Creek IV**

The Michigan federal bench/bar conference, Shanty Creek IV, was held October 29 -31, 1999, in Bellaire, Michigan. In addition to interesting break-out sessions such as complex litigation and handling media in high-profile cases, participants were able to pose questions to a panel of federal judges in a session appropriately called "Ask the Judges." A (Habeas) Chorus Line provided witty and poignant entertainment. Because the timing of the conference did not permit a more detailed article, look for a more expansive article and photographs in the next issue of the FBA Newsletter.

## **Calendar Of Events**

### **Rakow Luncheon**

November 9, 1999

Location: The Crowne Plaza Pontchartrain

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

### **New Lawyers Seminar**

December 7 and 8, 1999

11:30 - 1:30

Location: Theodore Levin Courthouse,  
Room 117

Contact: *Dee Osterman* (248) 548-3450

### **McCree Award Nominations Due December 1, 1999**

### **Criminal Law Section Brown Bag Lunch**

January 12, 2000

11:30 - 1:15

Location: Theodore Levin Courthouse,  
Room 115

Contact: *Margaret Raben* (313) 540-6460 or  
*Barb McQuade* (313) 226-9725

### **Martin Luther King Day**

January 17, 2000

11:30

Location: Focus:Hope

### **Officer's Meeting**

November 30, 1999

Location: Sachs, Waldman

### **Officer's Meeting**

January 4, 2000

Location: Sachs, Waldman

### **Executive Board Meeting**

January 13, 2000

Location: U.S. Attorney's Office

**Are you Proud of our FBA Chapter? If not, we want to hear about it.  
If so, why not encourage colleagues to join?**

## **MEMBERSHIP INFORMATION**

Name \_\_\_\_\_ State Bar No. \_\_\_\_\_ Year Admitted to Bar \_\_\_\_\_

Business Address: \_\_\_\_\_

City \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

Home Address: \_\_\_\_\_

City \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

Government Employee Yes \_\_\_\_\_ No \_\_\_\_\_ Court or Agency \_\_\_\_\_

\_\_\_\_\_ Renewal \_\_\_\_\_ New Member Referred by \_\_\_\_\_

Preferred location for mailings/phone contacts: \_\_\_\_\_ Business \_\_\_\_\_ Home \_\_\_\_\_

**Dues Information:** The Chapter dues are supplemental to annual dues paid to the National Federal Bar Association.  
Local dues are for the period from October 1 thru September 30.

Regular member \$15.00 \_\_\_\_\_ Sustaining member \$50.00 \_\_\_\_\_ Admitted to Bar less than 5 years \$10.00 \_\_\_\_\_

**(Make check payable to Eastern District of Michigan Chapter, Federal Bar Association)**

**RETURN THIS STATEMENT WITH YOUR DUES PAYMENT**

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

*\*For further information, contact Grant Gilezan, Dykema Gossett PLLC (313) 568-6789*

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

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*Jacob & Weingarten*  
(248) 649-1900

**M BRYAN SCHNEIDER - Committee Co-Chair**  
*Law Clerk to U.S. Magistrate Judge*  
*Paul J. Komives*  
(313) 234-5200

**KRIS DIGHE - Committee Co-Chair**  
*Assistant United States Attorney*  
(313) 226-9713

**DENNIS M. BARNES**  
*Barris, Sott, Denn & Driker, PLLC*  
(313) 965-9725

**WILLIAM E. ALTMAN**  
*Vercruyse Metz & Murray*  
(248) 540-8019

**MATT LEITMAN**  
*Miro, Weiner & Kramer*  
(248) 646-2400

**BARBARA L. MCQUADE**  
*Assistant United States Attorney*  
(313) 226-9100

**STEPHEN F. PEREIRA**  
(810) 574-3893

**JODY L. STURTZ SCHAFFER**  
*Assistant Oakland County Corporation Counsel*  
(248) 858-0555

**RAYMOND KATHLEDGE**  
*Honigman, Miller, Schwartz & Kohn*  
(313) 465-7000