



Federal Bar Association - Eastern District of Michigan Chapter - 39 years of service to our Federal Bench and Bar

Eastern District of Michigan FDO Honored at Gillman Luncheon

The Eastern District of Michigan Federal Defender Office will be honored as the recipient of this year's Leonard R. Gilman Award at the annual Gilman luncheon on April 18, 2000, at the Crowne Plaza Pontchartrain Hotel. The Gilman Award is given each year in memory of former United States Attorney Leonard Gilman. The award recognizes excellence, professionalism, and commitment to public service, attributes practiced by Gilman throughout his career.

United States Attorney Saul Green will be the keynote speaker at the luncheon. Mr. Green was appointed the U.S. Attorney for the Eastern District of Michigan by President Clinton, and is the first African American to serve in that position in this District. Prior to that, he served as Wayne County Corporation Counsel and as an Assistant United States Attorney. Mr. Green received both his undergraduate and law degrees from the University of Michigan.

This year's recipient, the Federal Defender Office, represents indigent defendants in the Eastern District of Michigan and before the United States Court of Appeals for the Sixth Circuit. On occasion, the FDO also represents federal and state prisoners in habeas corpus actions. The office was created pursuant to the Criminal Justice Act of 1964.

Please contact Dennis Barnes at (313) 965-9725 for more information.

Mayor Archer Encourages Lawyers to Lead at the Annual McCree Award Luncheon

On Wednesday, February 16, 2000, the Federal Bar Association hosted the annual Wade Hampton McCree, Jr. Award Luncheon. The Wade Hampton McCree, Jr. Award for the Advancement of Social Justice honors the memory of the former Sixth Circuit U.S. Court of Appeals Judge, Solicitor General of the United States, and University of Michigan Lewis M. Simes Professor of Law.

Although an award recipient was not chosen this year, McCree's accomplishments were remembered by the remarks of prominent Detroit attorney Eugene Driker, a principal in the firm of Barris, Sott, Denn & Driker. Mr. Driker then introduced guest speaker and 1990 award recipient Detroit Mayor Dennis W. Archer. Mayor Archer delivered a speech titled "Lawyers Must Lead" and enlightened luncheon attendees on the legal community's leadership responsibilities.

Mayor Archer stated that "[a] leader must be disciplined." For Mayor Archer, discipline includes excellence as a goal, the inspiration and motivation of others, an attitude that there is always room for improvement, and ethical conduct. He then expressed that "[a] leader must be willing to make tough decisions." Finally, he addressed the importance of self-sacrifice as a leader's motivation. "If any leader is primarily interested in what's good for everyone – not just an individual or an elite contingent, that leader will be focused on strategies that will produce long-term success for the group, rather than enrich the leader." He referred to Dr. Martin Luther King Jr., Mohandas Ghandi, Abraham Lincoln, and Harriet Tubman as leaders who exhibited a "commitment to self-sacrifice, if necessary, to change conditions for the better..." and described Judge Wade McCree as "one of the greatest examples of combining community service and commitment with professional excellence and judicial independence."

Turning specifically to leadership and the legal profession, Mayor Archer described lawyering as a "calling" and explained that he views lawyers as "ministers of justice". "[W]e need leadership that produces a greater desire among lawyers for real social justice – the elimination of inequities that can make life unnecessarily hard for a certain class of people and unnecessarily easy for

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another class." He also called for leadership which "increases legal services to the poor and to nonprofit community groups...", "advances the redevelopment of economically depressed neighborhoods in urban cities like Detroit...", and "[helps] open – and keep open – the doors of educational and professional opportunity."

In closing, he suggested that "the most critical challenge faced by a leader is the responsibility to make things happen." "[W]e must employ discipline, the courage to make tough decisions, and the spirit of self-sacrifice to take the bold action true leadership demands of us."

Ralph M. Freeman Scholarship

The Ralph M. Freeman Fund has created the Ralph M. Freeman Law School Scholarship. Ralph M. Freeman was a United States District Judge for the Eastern District of Michigan for over 35 years. Appointed by President Eisenhower on June 10, 1954, Judge Freeman served as the Sixth Circuit's representative to the Judicial Conference of the United States from 1963 to 1966. He was Chief Judge of the Eastern District of Michigan from 1967 to 1972 and took senior status on July 1, 1973. During the 17 years he was a senior judge he worked full time.

This scholarship continues Judge Freeman's legacy of justice, advocacy, and civility. The \$1,500.00 scholarship will be awarded to a law student at each of Michigan's five law schools. Each law school has chosen an area of law that memorializes Judge Freeman's principles in litigation, civility, criminal and civil procedure, and evidence. The Ralph M. Freeman Law School Scholarship will be awarded each spring at a Federal Bar Association Luncheon. The first scholarships will be awarded at this year's Gilman Award Luncheon on April 18

FBA Annual Dinner To Be Held Thursday, May 4, 2000 At Detroit Athletic Club

Mark your calendars – this year's **Annual Dinner**, honoring the Judicial Officers of the Eastern District, will be held on **Thursday, May 4, 2000**, at a new location, **The Detroit Athletic Club**. The evening's entertainment will again be provided by **A (Habeas) Chorus Line**, Detroit's own parody troupe, composed entirely of lawyers and law-related personnel. **Proceeds for this event are donated to the FBA Foundation**. Further details will be coming soon. Please feel free to contact Bruce Byrd at (313) 223-3500 or Kelly Schadel at (313) 259-7110.

New Lawyers Seminar Scheduled For June 6-7, 2000

Lawrence P. Zatkoff, Chief Judge, United States District Court for the Eastern District of Michigan has announced the Semi-Annual Seminar for New Lawyers, which will be held in the first floor conference room, Room 115, of the Theodore Levin United States Courthouse and Federal Building, 231 West Lafayette, Detroit, Michigan, on Tuesday and Wednesday, June 6 & 7, 2000.

This nationally-acclaimed program is a "nuts and bolts" how-to-do-it approach to practice in federal and state courts, designed to assist recent law graduates in understanding the fundamental procedures followed in those courts. The seminar is sponsored jointly by the United States District Court for the Eastern District of Michigan and the Federal Bar Association.

Judge Zatkoff emphasized that the seminar is not a prerequisite for an individual to be admitted to practice in the courts, but rather a voluntary educational program which law school graduates are encouraged to attend. The seminar begins at 8:15 a.m. on June 6, 2000, with presentations on federal courts. The program continues on June 7, 2000, with state court practice. The faculty of the seminar is made up of practicing attorneys, court personnel and judges who are well-qualified to present the subjects. The Honorable Lawrence P. Zatkoff, Chief Judge of the United States District Court, the Honorable Julian A. Cook, United States District Judge, and the Honorable Patric Duggan, United States District Judge, will speak at the seminar.

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Mayor Dennis Archer and Judge Avern Cohn share a moment, while FBA Vice President Brian Figot looks on.

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

The seminar will cost \$65.00 for members of the Federal Bar Association or \$90.00 for nonmembers, which includes a reception for the federal judges and new attorneys on Tuesday, June 6, 2000, following a formal ceremony. In addition, a luncheon will be held on Wednesday, June 7, 2000, at the Crowne Plaza Hotel Pontchartrain. The price also includes course materials on a C.D. Rom which contain form pleadings and memoranda expanding on the topics covered by the faculty. For enrollees interested in becoming members of the Federal Bar Association, a special price of \$115.00 includes the seminar **plus** admission to the Federal Bar Association.

Reservation checks should be made payable to the Federal Bar Association, Detroit Chapter, mailed to New Lawyers Seminar, Post Office Box 71740, Madison Heights, Michigan 48071.

There will also be a ceremony admitting attorneys to practice in federal court coordinated with this program on Tuesday, June 6, 2000 at 4:15 p.m. in the Theodore Levin United States Courthouse for all those who have been admitted to the state bar and meet the requirements for admission to the bar of the United States District Court for the Eastern District of Michigan. This is a separate ceremony with a separate admission fee of \$100.00 payable to the Clerk, United States District Court.

This year marks the twenty-fifth anniversary of this semi-annual seminar. This seminar has received national attention, including a special interest in the programs from

the Federal Judicial Conference. Because of this publicity, similar programs have been instituted in federal courts around the country.

Although the focus of the program is on recent graduates, experienced attorneys wishing to attend the seminar are welcome. Space is limited to 150 participants. It is suggested that reservations be mailed in early to assure a place. The Federal Bar Association, Eastern District of Michigan Chapter's telephone number is (248) 548-3450.

Chapter Web Site

The Eastern District of Michigan Chapter of the Federal Bar Association is establishing a chapter web site for the benefit of all attorneys in Michigan. More detailed information on our web site will be published shortly. This newsletter, and future issues, will be available on the web site along with lists of upcoming FBA events, chapter officers (with links to their e-mail addresses), chapter committees, and general information about the chapter and its activities. Eventually, we hope to have links to all other web sites that are used daily by Michigan's legal community, such as the *Detroit Legal News* and the *Michigan Lawyers Weekly*. This will be your one-stop free guide to the best sites for Michigan attorneys, paralegals, legal assistants, legal secretaries, law students, and other people with an interest in the legal system in Michigan.

We would appreciate your suggestions for what should be put on the site, including your suggestions for useful legal links. Any documents or articles which you would like to see published on either the web site and/or the newsletter are welcome. Also, if you would like to respond to any of the thought-provoking articles or commentary published in the newsletter, please feel free to do so. All submissions and suggestions should be sent to Steve Pereira at internetattorney@law.com. Any questions may be directed to him at (810) 574-3893.

Special thanks go to M. Lee Murrah and the Michigan Patent Law Association (<http://www.mipla.org>) for their assistance and suggestions in establishing the web site. We also would like to thank the *Detroit Legal News* for giving us a link to their web site.

If you have not visited it lately, the national FBA web site is located at <http://www.fedbar.org>. At the site you will find some from the national organization's magazine, *The Federal Lawyer*, legal news items of interest to

attorneys who practice in federal courts, names of FBA officers (some with short biographies), an online membership application, a chapter listing, and other useful information. If you are looking for a new job, you can subscribe to the FBA's new Lawyers Job E-Bulletin Board. The cost is \$25 a year for FBA members and law students or \$35 a year for non-members. To sign up go to <http://www.fedbar.org/ljbb.html>.

Notice: Chapter Proposes By-Law Amendments

The Board of Directors of the Eastern District of Michigan Chapter of the Federal Bar Association (the "Chapter") has approved proposed amendments to the Chapter's Bylaws. These amendments, which require a vote by the members of the Chapter, are set forth below. They will be offered and voted upon at the Chapter's Annual Meeting and Dinner on Thursday, May 4, 2000, at the Detroit Athletic Club.

The proposed amendments change the fiscal year under which the Chapter operates, reflect the previously approved change of the Chapter's name, conform the bylaws to recognize the actual composition of the Chapter's officer positions, update the provision concerning honorary memberships, and are otherwise as indicated below.

The proposed bylaw amendments, with additions to the existing provision underlined and deletions from the existing provision lined through, are as follows:

1. The first sentence of Article I (Name and Constitution) is amended as follows:

This organization shall be known as the ~~Detroit~~Eastern District of Michigan Chapter of the Federal Bar Association (the "Chapter").

2. Article II (Objects), sub(a), is amended as follows:

(a) to serve as the ~~national~~ representative of the federal legal profession in the Eastern District of Michigan.

3. Article III, section 1 (Active Membership) is amended as follows:

Any person who possesses the qualifications for



Mayor Dennis Archer, a past McCree Award winner, speaks from his heart.

active membership in the Federal Bar Association as provided for in Section 1, Article IV of the Constitution of the Association and who resides, is employed ~~or~~, has an office or practices in the State of Michigan, shall be eligible for active membership in the ~~Detroit~~ Chapter.

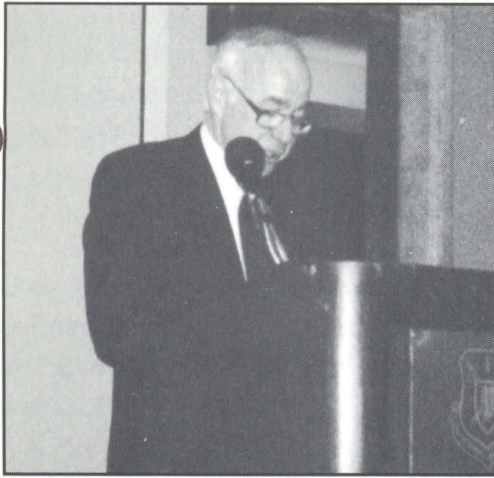
4. Article III, section 2 (Honorary Membership) is amended as follows:

Honorary members of the Chapter, as hereinafter provided, shall be exempt from payment of admission fees and annual Chapter dues, as well as national dues, but shall have full rights and privileges of membership.

(A) The Judges, Magistrate-Judges, Bankruptcy Judges, the Clerk of the Court and the Clerk of the Bankruptcy Court shall be offered honorary membership in the Chapter; and

(B) Any other person eligible for honorary membership as provided for in Section 2 of Article IV of the Constitution of the Association may be elected to honorary membership in the Chapter by two-thirds vote of the Chapter members present at any regularly called meeting. ~~Honorary members shall be exempt from payment of the admission fees and annual Chapter dues, as well as national dues.~~

5. Article III, section 3 (Application for Membership) is amended as follows:



Eugene Drikes addresses the Chapter.

Application for membership in this Chapter shall be made on a form approved by the Detroit Chapter of the Association. Each application must be accompanied

by the dues and admission fees required by the Constitution and By-Laws of the Association and the By-Laws of the Chapter.

6. Article III, section 5 (Quorum) is amended as follows:

Five (5) percent of the members in good standing shall constitute a quorum for ~~the transaction a meeting~~ of the ~~business in members of~~ this Chapter.

7. Article III, section 6 (Dues) is amended to conform references to the "Detroit Chapter" to the short form adopted in Article I.

8. Article IV (Fiscal Year) is amended as follows:

The fiscal year of the Chapter shall ~~coincide with the fiscal year as determined by By-Law 2 of the Federal Bar Association, which presently commences October 1 and ends September 30, commence on August 1 and end on July 31~~ of the following calendar year.

9. Article V, section 1 (Officers, Composition) is amended as follows:

The officers shall be elected from the membership of the Chapter and shall be as follows and in the order named:

1. President
2. President-Elect
3. Vice President
4. Secretary
5. Treasurer
6. ~~Executive Board Members~~ Program Chairperson
7. Immediate Past President of the Chapter

10. The title of Article V, section 2 (Duties of Office) is changed to "Term of Office" and the provision is amended as follows:

Each officer elected shall assume the duties of ~~his~~his/~~her~~ office on ~~July~~July 1, shall hold office for one year and shall perform such duties as designated by the Executive Board.

11. Article V, sections 3-5 (Executive Board, Nominations, and Elections) are amended to change the term "elective officers" to "elected officers" wherever it appears and to amend the last sentence of Article V, section 5 as follows:

The officers elected shall commence their term of office on ~~July~~July 1 of each year and shall hold office for one year ending ~~June~~May 301.

12. Article V, section 6 (Removal from Office) is amended as follows:

An officer or board member may be removed from office for delinquency in attendance, inefficiency, neglect of duty, or for other good causes in the manner prescribed in the Constitution of the Federal Bar Association.

13. Article V, section 7 (Vacancies in Office) is amended as follows:

In case of death, resignation or removal of the President, the President-Elect shall succeed to office. In case of the death, resignation or removal of any other officer or board member, the vacancy shall be filled by the Executive Board ~~except for good cause~~.

14. Article V, section 8 (Indemnification) is deleted, as it duplicates the provision set forth in Article VII.

15. Article VII (Indemnification) is amended as follows:

The Chapter shall indemnify any person who is or was ~~a director or an~~ officer or board member of the Chapter to the full extent permitted by the laws of the State of Michigan as in effect from time to time, and, upon resolution of the Executive Board of the Chapter, the Chapter may indemnify such other persons as designated from time to time by the Executive Board to the full extent permitted by the laws of the State of Michigan as in effect from time to time.

The remaining provisions of the Chapter's bylaws remain in full force and effect.

The Chapter's Board believes these bylaw changes are in the best interest of the Chapter and recommends their approval.

President nominates Kent R. Markus to the Sixth Circuit

On February 9, 2000, President William J. Clinton nominated Kent R. Markus, of Dublin, Ohio to the United States Court of Appeals for the Sixth Circuit. He has been the Director and the Visiting Professor of Law for the Dave Thomas Center for Adoption Law at Capital University Law School since 1998.

Prior to becoming a professor, Markus worked at the United States Department of Justice, serving as Counselor to the Attorney General and Deputy Chief of Staff for the Office of the Attorney General from 1996 to 1998; Acting Assistant Attorney General and Principal Deputy Assistant Attorney General for the Office of Legislative Affairs from 1995 to 1996; and Counsel to the Office of the Deputy Attorney General in 1994. His other past legal positions include First Assistant Attorney General and Chief of Staff for the Ohio Attorney General's Office from 1991 to 1992; litigation associate at Gold, Rotatori, Schwartz & Gibbons from 1986 to 1989; and adjunct professor at the Cleveland-Marshall College of Law from 1986 to 1988.

Professor Markus began his legal career as a clerk for the Hon. Alvin I. Krenzler of the United States District Court for the Northern District of Ohio from 1984 to 1986. Markus received his B.S. degree from Northwestern University School of Speech in 1981, and his J.D. degree, with honors, from Harvard Law School in 1984.

Criminal Law Section Hosts Brownbag Luncheon

What happens when a lawyer is the target of a criminal investigation? What should a lawyer do when he receives legal fees from a third party in cash that he has reason to suspect are drug proceeds? When does a lawyer's vigorous defense of a client become the acts of a co-conspirator? These questions and others were

discussed at the Criminal Law Section's brownbag luncheon on January 12, 2000, entitled: "United States v. John Doe, Esq.: Investigating, Indicting and Defending Attorneys."

Assistant U.S. Attorneys Ross Parker and Bruce Judge represented the prosecution viewpoint during the informal panel discussion at the Theodore Levin U.S. Courthouse. Defense lawyers Harold Gurewitz and Jim Thomas presented the defense perspective on the issues.

About 30 lawyers, including prosecutors, criminal defense attorneys, and court staff, attended the program. Participants came away with a better understanding of the challenges each side faces when a lawyer becomes implicated in criminal conduct. For instance, although both the prosecution and defense bar agreed that a crime-fraud exception to the attorney-client privilege exists, it can be difficult to determine when the exception is triggered. Another issue that was discussed was the special concerns relating to search warrants for a lawyer's office.

Criminal Law Section Co-Chairs Margaret Raben and Barb McQuade organized the event.

Annual Golf Outing June 9

The Chapter will be holding its annual golf outing on Friday, June 9, 2000. This year's outing once again will be at the Cattails Golf Club in South Lyon. The best ball round will begin with a shotgun start promptly at 1:00 p.m., and will be followed by cocktails, dinner, and an awards ceremony. The cost of the event is only \$100.00 per person, which includes 18 holes, a cart, lunch, drink tickets, and dinner. If you are unable to golf, join us for cocktails and dinner at \$30.00 per person.

Please contact Michael Palizzi at (313) 963-6420 for further information or to become a sponsor. A registration form can be found on the next page.

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2000 Federal Bar Association Golf Outing

Friday, June 9, 2000

Cattails Golf Club

57737 West 9 Mile Rd., South Lyon, Michigan

Join us as the Eastern District of Michigan Chapter of the Federal Bar Association once again presents its annual golf outing at Cattails Golf Club in South Lyon, on Friday, June 9, 2000. The best-ball scramble tournament will begin with a shotgun start promptly at 1:00 p.m. The tournament also will include longest drive and closest-to-the-pin competitions. After the tournament, enjoy cocktails, dinner, and a door prize raffle.

The cost of the event is only \$100.00 per person, and includes green fees, cart, a boxed lunch, drink tickets, and dinner. If you are unable to join us for golf, please join us for cocktails and dinner for \$30.00 per person. If you have any questions, please contact Michael Palizzi at (313) 963-6420. So, FORE! a great time, send your registration form in today.

Federal Bar Association Golf Outing Registration Form

Friday, June 9, 2000, Cattails Golf Club

Lunch/Golf/Dinner Reservations at
\$100.00 per person

Dinner Reservations at \$30.00 per person

\$

Amount Enclosed

(Please make checks payable to FBA-Eastern District of Michigan Chapter)

Name _____

Address _____

Phone (____) _____

Register a team of two, three, or four golfers!

1. _____

2. _____

3. _____

4. _____

(Please include payment for all players)

Please return this form and your payment to:

Michael Palizzi

Miller, Canfield, Paddock & Stone, P.L.C.

150 W. Jefferson, Suite 2500

Detroit, Michigan 48226

(313) 963-6420

Calendar Of Events

Gilman Luncheon

April 18, 2000

11:30 noon

Location: Crowne Plaza Pontchartrain Hotel

Contact: Dennis Barnes (313) 965-9725

Executive Board Meeting

April 19, 2000

12:00 noon

Location: U.S. Attorney's Office

Officers Meeting

May 2, 2000

8:30 a.m.

Location: Sachs, Waldman

Annual Dinner

May 4, 2000

6:30 p.m.

Contact: Kelly Schadell (313) 259-7110

New Lawyers Seminar

June 6-7, 2000

8:15 a.m.

Location: Theodore Levin United States
Courthouse, Room 115

Contact: Dee Oesterman (248) 548-3450

Golf Outing

June 9, 2000

1:00 p.m.

Location: Cattails Golf Club, South Lyon

Contact: Michael Palizzi (313) 963-6420

To make suggestions and comments about our Chapter's programs, please contact:

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TPorter@BMC.com

If you change your address, please contact:

Dee Osterman, 248-548-3450

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