



# FBA newsletter

Fall 2003

Federal Bar Association - Eastern District of Michigan Chapter - 41 years of service to our Federal Bench and Bar  
 John Mayer, Executive Director PO Box 310610, Detroit, MI 48226-0610 Phone 734-246-2199 Fax 734-246-3359 fbamich@fbamich.org

## State Of The Court Luncheon Coming September 18, 2003

The Eastern District of Michigan Chapter of the Federal Bar Association will kick off its annual Luncheon Program on Thursday, September 18, 2003 at the Crowne Plaza Pontchartrain Hotel. The reception will begin at 11:30 a.m., with a luncheon following at 12:00 noon. The featured speaker will be Chief Judge Lawrence P. Zatkoff, who will deliver the annual "State of the Court" address. Tickets are \$25 for Chapter members and \$30 for non-members. Law firm sponsorships are still available for this luncheon and the three luncheons to be held in the coming months. To register online for the luncheon, visit the Chapter's website at [www.fbamich.org](http://www.fbamich.org) and click on Events and Activities. For more information, contact Program Chair Julia Blakeslee at (248) 855-6729.

## US Attorney Taps Jonathan Tukel For Leadership Post

By: Matthew Schneider\*

On August 19th, 2003, United States Attorney Jeffrey Collins announced the appointment of Jonathan Tukel First Assistant U. S. Attorney for the Eastern District of Michigan. Tukel's selection came less than two months after he accepted a position as an Associate Deputy Attorney General in Washington, D.C. Tukel replaces Alan Gershel who decided to devote his full-time energy to the position of Chief of the Criminal Division, a position he held, along with the duties of First Assistant, for the past ten years. Gershel served in both roles under

### INSIDE THIS ISSUE

News From National	pg.2-3
Annual Dinner	pg.3-4
From Dave Weaver	pg.4
Electronic Case Filing	pg.5
"Judges Are Not Like ..."	pg.5-6
Judge Shapero	pg.6-7
Christie Retires	pg.7-8
Gilman Award	pg.8
Million Dollar Courtroom	pg.9
Immigration Seminar	pg.9
Summer Associate/Intern	pg. 10

(see page 2)



## President's Column

Dennis J. Clark

The Eastern District of Michigan Chapter of the Federal Bar Association has focused its mission on three principles:

1. **Professionalism** – to promote professionalism, education, civility and ethics within the federal bench and bar.
2. **Service** – to provide service to the federal bench and bar.
3. **Social Responsibility** – to advance social responsibility in our administration of justice at the federal court and through our contacts in the community.

The Chapter continues to present programs and activities with this mission in mind.

On the agenda for the fall is the State of the Court Luncheon on September 16, when Chief Judge Lawrence P. Zatkoff will address members of the judiciary and bar. On November 18, in partnership with the Court Historical Society, the Rakow Luncheon will feature an excellent educational presentation. Additional learning experiences in the next few months will include an immigration law seminar, which promises to appeal to a broad range of practitioners who may encounter immigration issues in their practice; and a patent/trademark seminar, which also will be of interest to many of us in this high-tech world.

Over the summer, the Chapter co-sponsored a successful Appellate Practice Seminar and presented a well-received (first annual) Summer Associates Program.

Our ability to communicate has been greatly enhanced by an expanded and improved newsletter and the use of e-mail. Also, the Chapter's website ([www.fbamich.org](http://www.fbamich.org)) offers a wealth of information and links to valuable resources, including the national FBA's website ([www.fedbar.org](http://www.fedbar.org)).

A great deal is happening in the FBA. We invite you to get involved, join a committee, attend the luncheons and seminars and participate any way you can in this organization. It will be a worthwhile part of your professional life.

## Tukel (continued)

U.S. Attorney Collins and former U.S. Attorney Saul Green. Gershel also has served as Acting-U.S. Attorney in the past. Tukel will assume the position of First Assistant on September 15th.

Prior to joining Main Justice, Tukel, 42, prosecuted white-collar and drug criminals for thirteen years while serving as an Assistant U.S. Attorney in Detroit. His promotion to Associate Deputy Attorney General, where he served as an advisor to Attorney General John Ashcroft, marked the biggest jump made by an Assistant U.S. Attorney from Detroit in recent memory.

As Associate Deputy Attorney General, Tukel served as one of five top aides to Deputy Attorney General Larry Thompson, the second-highest ranking Justice Department official. Tukel worked on criminal policy issues with the White House, Members of Congress, and the Justice Department. As First Assistant in the Eastern District, Tukel will be U. S. Attorney Collins' top Assistant and will oversee the day-to-day operations of the Office. At present approximately 100 attorneys and 100 support staff work in the Eastern District. Deputy Attorney General Thompson commented that "Jonathan brings with him good judgment and a commitment to excellence. I know that he will continue to distinguish himself in his new position."

Michigan Supreme Court Justice Stephen J. Markman hired Tukel in 1990, when Markman was U.S. Attorney. Markman said recently, "Jon Tukel is not only an outstanding prosecutor, but he is also a person of great judgment and insight. I know he will make an enormous contribution to the work of the Attorney General."

Tukel was raised in Oak Park. He graduated with honors from the University of Michigan in 1982, earning a philosophy degree. He then served on the staffs of Michigan Congressman Bob Davis (R), the National Republican Congressional Committee, and the National Republican Senatorial Committee. Tukel graduated with high honors from the U-M Law School in 1988. He also has distinguished himself as a leader in conservative legal thinking. He is member of the Federalist Society for Law and Public Policy

Studies, a Conservative and Libertarian legal group.

After law school, Tukel joined Honigman, Miller, Schwartz and Cohn in Detroit as a litigator. In 1990, then-U.S. Attorney Markman named him to Staff, and Tukel prosecuted drug trafficking cases for the next five years. In 1995, he moved to the Special Prosecutions Unit where he prosecuted public corruption and white-collar crime cases.

"I'm thrilled," Tukel said. "It's a huge honor even to be considered for these positions."

Tukel's wife is a registered nurse. He has two children, 7 months and 21 months old.



*FBA President Kent S. Hofmeister, Associate Justices Stephen G. Breyer, David Hackett Souter, and Anthony M. Kennedy, and Chief Justice William H. Rehnquist*

*\* Matthew Schneider is an Assistant U. S. Attorney for the Eastern District of Michigan.*

## News From National

By: Brian D. Figot

### Federal Judicial Pay: FBA Leads The Charge

The Federal Bar Association has an extensive "Legislative Issues Agenda" which is dictated by its more than eighty local chapters. While each of the eighteen active items on the agenda is prefaced with the goal to "support the federal judiciary . . . including support for . . ." particular items, the item at the top of this list is:

- Equitable compensation for the federal judiciary, including regular periodic pay adjustments, that promotes the recruitment and retention of the highest quality of jurists to the federal bench

(The entire list is available at <http://www.fedbar.org/agenda.html>.)

The FBA believes that the erosion of judicial pay over the past generation is a crucial issue in need of immediate attention. It is more than just a matter of money and the assurance of stable income. Rather, it is a question of systemic stability and the long term independence of the third branch.

*(see page 3)*

The empirical data and underlying arguments for reform are set forth, in great detail, in *Federal Judicial Pay: An Update on the Urgent Need for Action*, which the FBA and the American Bar Association jointly presented in May of this year to Chief Justice Rehnquist and Associate Justices Breyer, Souter and Kennedy. This Report supplements and reinforces the first FBA/ABA study, *Federal Judicial Pay Erosion: A Report on the Need for Reform*, which was published in 2001.

Essentially, the problem is the statutory linkage between congressional and judicial salaries, with Congress setting the structure. Members of Congress, facing an angry electorate, and being privately funded in any event, have resisted salary and COLA increases for political reasons. As a result, federal judges have sustained a loss in purchasing power and a relative decline in remuneration, and have been ravaged by inflation and left with stagnant income while others in the legal profession have leapt forward. The FBA/ABA study concludes:

Over the course of the past three decades, judicial salaries have declined in value, while the salary of the average American worker has increased by 17.5 percent. A comparison of the purchasing power of today's judicial salaries with those that existed in 1969 . . . reveals that real pay has declined 23.5 percent for district court and circuit court judges (and more for Supreme Court justices). Their current salaries would have to be raised by approximately 27 percent to recoup that loss.

Critics may reply that there is a price to public service, or that the "obscene" salaries of some lawyers cannot justify matching funds from the public treasury. Those critics, however, miss the point. The inequity arises by comparison not to the highest paid, but rather by contrast to the leaders of academia and not-for-profit institutions. In other words, those who engage in a different aspect of public service.

The consequence has been an increasing resignation rate of sitting judges in lieu of relative pay cuts coupled with burgeoning dockets. The Study notes:

Members of the Federal judiciary increasingly are choosing not to remain on the bench. Between 1990 and April 2003, 77 Article III judges resigned or retired from the bench, and 64 of them returned to work in the private sector. Those 77 judges account for more than half of the Article III judges who have left the bench since 1958; indeed, 22 of them have departed since January 1, 2000. Premature departures of experienced and capable judges impose both real and intangible costs upon the judiciary—especially now, when the workload has increased markedly.

At the same time, potential candidates, facing a grueling and often impossible confirmation process, may find the prospect of nomination less than the ultimate honor that it is.

Absent appropriate action, the problem can only get worse, and appropriate action requires *our* activity. The federal judiciary represents less than 1000 votes, but there are more than 1,000,000 lawyers. Write to your representative and senator. Send them the FBA/ABA study (available, with related articles, at

[www.fedbar.org](http://www.fedbar.org)), and establish your own linkage: between your vote and their response.



*Christine Dowhan-Bailey, Immediate Past President and Dennis J. Clark, President Federal Bar Association - Eastern District*

## **24th Annual Dinner - Food, Fun, Fellowship**

This profession can be exceedingly demanding, highly stressful and often contentious. At least for one night, however, all of that is forgotten. When the Federal Bar of the Eastern District of Michigan comes together to conduct its annual meeting and honor its wonderful judiciary, it's hard to imagine wanting to practice anywhere else.

This year, over 200 Judges, U.S. Attorneys, federal defenders, private practitioners, law clerks, summer associates and spouses/significant others gathered at the Detroit Athletic Club on May 7, 2003, to pay tribute to the Judicial Officers of the Eastern District of Michigan, conduct a little business and, above all else, have a good time with their fellow FBA members.

*(see page 4)*

## Annual Dinner (continued)

The Annual Dinner was fortunate to host seventeen Judges. They had a chance to catch up with old friends, like retired District Judge Barbara Hackett, and spend some time with the newer members of the bench, like Magistrate Judge Steven Whalen and Bankruptcy Judge Marci McIvor. As in past years, once again, the Eastern District of Michigan received tremendous support from its law firms. Thanks in large part to the participation of sixteen "Sponsor Firms" of the evening, the FBA was able to contribute several thousand dollars to the Federal Bar Foundation. This year's sponsor firms were:

Barris, Sott, Denn & Driker  
Bodman, Longley & Dahling  
Brooks and Kushman, P.C  
Butzel Long  
Dickinson Wright  
Dykema, Gossett  
Foley & Lardner  
Honigman Miller Schwartz & Cohn  
Howard & Howard  
Miller Canfield Paddock & Stone  
Morganroth & Morganroth  
Pepper Hamilton  
Plunkett & Cooney  
Rader Fishman & Grauer  
Raymond & Prokop  
Charles J. Taunt & Associates

This year's Annual Dinner saw a departure from the traditional "rubber chicken circuit" to a more adventure-some chicken/pasta dish – with very positive reviews (so watch out for next year!). However, the FBA is well aware that there should be no tampering with some traditions. This year marked a decade of post-dinner entertainment by the legal community's musical sensation, A (Habeas) Chorus Line. The group once again performed hilarious satire lampooning a wide variety of targets both legal and non-legal, political, personal and professional – including such show-stoppers as "You're Never Fully Stressed Without a Trial" and "Master of the Law."

*For 20 Years Experience & Personal Service*  
**Contact/Request Kelly Whitaker, CSR-0977**

### **HANSON RENAISSANCE** *Court Reporters & Video*

400 Renaissance Center, Suite 2160  
Detroit, MI 48243-1608

Phone: (313) 567-8100  
Toll-Free: 1-888-800-0876  
Fax: (313) 567-4362

email: hansonren@aol.com or kelley@l-ls.com

Perhaps the only thing that could top the show was the awarding of the Service Recognition awards to Charles Rutherford and Richard Tarnas, each for their **FORTY YEARS** of service to the FBA.

The Annual Dinner is also the time that the reins of Chapter leadership are turned over. The "Kudos Award" went to outgoing President Christine M. Dowhan-Bailey for her tremendous leadership of the Chapter this past year. Chris is a tireless worker and great visionary who truly was devoted to moving the Chapter forward. We are fortunate to have a very similar personality in Dennis J. Clark who is taking over and leading us this coming year.

Special thanks are owed to Committee Co-Chairs Laurie Michelson and Kristin Dighe for continuing to make the Annual Dinner such a tremendous success. Thanks too to all those who sacrificed late rounds of "The Bachelorette" and "American Idol" to attend the Annual Dinner and look forward to gathering again in May 2004.

## **From Court Administrator Dave Weaver**

Because Chief Judge Lawrence P. Zatkoff will be providing a detailed overview of activity in the Court in his Annual State of the Court Speech on September 16, 2003, this article will be brief.

As discussed in more detail in the article below, the implementation of the new Case Management / Electronic Case Files (CM/ECF) system began in January 2004. The Court will "go live" with the Case Management or CM portion of the system internally in November 2003. The Electronic Case Files or ECF portion of the system, which will allow attorneys to file papers with the Court electronically via the Internet, will "go live" in March 2004.

The Bench has been very supportive of this project and is hard at work developing the necessary Local Rules, policies and procedures for electronic filing. Court staff have been working tirelessly to ensure a successful transition. Please check the Court's Web Site at [www.mied.uscourts.gov](http://www.mied.uscourts.gov) for regular updates on the implementation of CM/ECF, general information and training opportunities.

Please send any questions or comments to me at [mie\\_fba@mied.uscourts.gov](mailto:mie_fba@mied.uscourts.gov).

## Electronic Case Filing System (ECF) To Go Live On March 1, 2004

By: Daniel J. LaCombe

The Eastern District of Michigan will be welcoming all practitioners to the 21st Century effective March 1, 2004, when it goes live with the Eastern District of Michigan's Electronic Case Filing System (ECF). An *ad hoc* committee has drafted a proposed local rule and is nearing completion of the associated Filing Policies and Procedures Manual.

The ECF system will allow internet filing of most papers after a case has been initiated. The complaint and other initiating papers will continue to be filed in hard copy with an electronic copy on CD or diskette. Tentatively, the exceptions to e-filing are limited to papers that are sealed, filings *in camera*, state court records and other Rule 5 material under § 2254, administrative records in Social Security cases, papers over 200 pages, and warrants and grand jury papers. The vast majority of routine filings may therefore be filed electronically.

Use of the e-filing system initially will be voluntary. Those who wish to use the system must have four things: 1) internet access; 2) a PACER account; 3) an ECF account with the Eastern District of Michigan; and 4) certification of completion of ECF user training. It is anticipated that users will have the option of filing electronically or in the traditional manner from March 1, 2004 until September 1, 2004. Registered ECF users must then file electronically, subject to the specified exceptions and system availability.

The advantages of ECF include remote access to the Eastern District's Clerk's office for routine filings; immediate, automatic electronic notice of filing; immediate, electronic access to filed papers; and significant reduction of paper and postage.

The Clerk of the Eastern District expects to have a training environment available in the fall of 2003. We will keep members posted of training developments. For those of you who have already entered the 21st century, more information on this and many other topics is available at the Eastern District's web site: [www.mied.uscourts.gov](http://www.mied.uscourts.gov).

Unlike many district courts across the country, the United States District Court for the Eastern District of Michigan does not have a local rule governing the form of parties' factual submissions supporting or opposing summary judgment pursuant to Rule 56. *See, e.g.*, Northern District of Illinois Local Rule 56.1; Eastern District of Virginia Local Rule 56(b); Central District of California Local Rule 56-1, 56-2; Southern District of New York Local Civil Rule 56.1. The format of the submissions required by these local rules varies from district to district.

This article suggests that the Eastern District of Michigan should adopt a local rule based upon Local Rule 56.1 for the United States District Court for the Northern District of Illinois ("Local Rule 56.1").<sup>2</sup> That rule requires that a party moving for summary judgment present a separate statement of uncontested facts, consisting of short numbered paragraphs containing citations to admissible evidence in the record supporting each fact.

The party opposing summary judgment must file a statement responding to each numbered paragraph and, unless the asserted fact is admitted, containing citations to admissible evidence in the record contradicting the asserted fact. The respondent may also present a statement of additional facts supporting the denial of summary judgment in the same format, and the movant must respond similarly. Any facts properly asserted and supported in these statements that are not properly responded to are deemed admitted. The purpose of the summary judgment procedure authorized by Rule 56 is to dispose of actions where there is no genuine issue of material fact or where the case turns completely on a question of law. *WRIGHT, MILLER & KANE, FEDERAL PRACTICE AND PROCEDURE CIVIL 3D § 2712*. A local rule governing the format of the parties' factual submissions "facilitates the court's ability to smoke out whether genuine issues of material fact do or do not exist." *Ryerson & Sons, Inc. v. Plastech Engineered Prods., Inc.*, Case No. 01 C 5878, 2003 U.S. Dist. LEXIS 11963, \*4, n 3 (N.D. Ill. July 14, 2003).

Local Rule 56.1 makes clear that it is the obligation of the proponent of any factual assertion to identify admis-

(see page 6)

## "Judges Are Not Like Pigs, Hunting For Truffles Buried In Briefs,"<sup>1</sup> ...And Lawyers Should Not Have To Be Either.

By: Josh J. Moss\*

[Ed. Note: The Local Rule 56.1 referred to throughout this article is a local rule of the U. S. District Court for the Northern District of Illinois. The rule may be found online at page 38 of the PDF document which is located at <http://www.ilnd.uscourts.gov/LEGAL/NewRules/locrul03.pdf>]



**Irvin Marchand**  
Account Manager

535 Griswold  
Suite 512  
Detroit, MI 48226  
Phone: 313-965-6505  
Fax: 313-965-3398  
Pager: 313-793-6608  
[imarchand@xactduplication.com](mailto:imarchand@xactduplication.com)

## Briefs (continued)

sible evidence in the record supporting that assertion. Once such a rule is adopted, it should be clear to litigants that it is not the Court's obligation to scour the record to determine whether factual assertions made in a brief are based upon admissible evidence. *Tan v. City of Chicago*, Case No. 00 C 1470, 2001 U.S. Dist. LEXIS 13926 (N.D. Ill. Aug. 30, 2001).

As Judge Shadur of the Northern District of Illinois stated in *Ryerson*, "Judges are not like pigs, hunting for truffles buried in briefs." *Ryerson*, 2003 U.S. Dist. LEXIS 11963, \*4, n. 3 (quoting *Dunkel*, 927 F.2d at 956).

Local Rule 56.1 does not change the quantum or type of evidence necessary to defeat summary judgment. Rather, the rule simply governs the format of the parties' submissions. Although the rule has been adopted for the convenience of the courts, it also makes moving for, and responding to, summary judgment a more clearly defined task. The strict format requiring numbered paragraphs in the movant's statement and matching responses, like a complaint and answer, conveniently identifies the facts upon which each party is relying. The requirement that each numbered paragraph contain citations to the record supporting the factual assertion or denial allows the court and the parties to quickly locate the relied upon portion of record and analyze the validity of the assertion or denial.

Without a local rule governing how the facts developed in discovery are presented to the Court, an attorney is, in some measure, free to assert facts that he believes are supported by his general recollection of the record developed during discovery without supporting each specific fact with citations to the record. Such imprecise lawyering shifts the burden of finding evidence in the record supporting the asserted fact to the person opposing the assertion. The person opposing the factual assertion must first comb through the record to determine if there is admissible evidence supporting the assertion before he can turn his attention to the task of finding admissible evidence that contradicts the fact. By shifting this burden, the proponent of that fact has avoided his obligation to present evidence supporting the asserted fact and increased the costs to his opponent. This is neither efficient nor fair.

In practice, Local Rule 56.1 often gives rise to motions to strike some or all of the facts asserted by a party in its statement of undisputed facts or response thereto. Sometimes a party will fail to adhere to the required format completely. *See, e.g., Ryerson*, 2003 U.S. Dist. LEXIS 11963, \*4 (movant failed completely to file a statement of undisputed facts as required by local Rule 56.1).

More often, however, a party opposing summary judgment will fail to properly respond to the movant's statement of facts by failing to cite to specific portions of the record contradicting the movant's assertions of fact, by citing to portions of the record that do not support the denial of a fact, or by citing to evidence that would not be admissible on the issue at trial. *See, e.g., Lombardi v. Range*,

Case No. 01 C 6444, 2003 U.S. Dist. LEXIS 12812 \* 2, n. 1 (N.D. Ill. July 22, 2003); *Tan*, 2001 U.S. Dist. LEXIS 13926, \* 8-9 (movant's factual assertions admitted where respondent failed to identify specific facts supporting his denial of nine paragraphs in movant's statement of undisputed facts); *Fink v. Winnebago County Sheriff Correction Medical Services, Inc.*, Case No. 99 C 50090, 2002 U.S. Dist. LEXIS 2267, \*6-7 (N.D. Ill. Feb. 11, 2002) (respondent's Local Rule 56.1(b)(3) response to movant's statement of undisputed facts found insufficient where respondent often cited to portions of the record that did not support her denial or assertion and often denied facts without any supporting record citation); *Naughton v. Lebbad*, Case No. 02 C 4761, 2003 U.S. Dist. LEXIS 2331 \*4 (N.D. Ill. Feb. 13, 2003) (respondent failed to cite admissible evidence in her Local Rule 56.1(b)(3) response).

While at first glance a rule that tends to generate motions to strike may seem inefficient, in practice the rule promotes efficiency by allowing parties to address issues of admissibility and relevance separately from the legal merits of the motion for summary judgment. *See, e.g., Lambersky v. Petritis*, Case No. 01 C 3544, 2002 U.S. Dist. LEXIS 10481 (N.D. Ill. June 10, 2002) (dealing separately with issues raised in motion to strike respondent's Local Rule 56.1(b)(3) statement and motion for summary judgment).<sup>3</sup> This allows the Court to more quickly and accurately determine whether there are genuine issues of material fact for trial. Accordingly, this helps to clear the docket of cases that do not warrant a trial, enabling the Court to bring triable cases to trial faster.

*\*Josh J. Moss is an attorney with the Detroit office of Barris, Sott, Denn & Driker, P.L.L.C.*

1 *United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir. 1991).

2 U.S. District Judge Avern Cohn's standing order regarding summary judgment requires parties to follow the format set forth in Local Rule 56.1.

3 The district court has the discretion whether to strictly apply Local Rule 56.1 or not. *Bordelon v. Chicago School Reform Bd. of Trs.*, 233 F.3d 524, 529 (7th Cir. 2000). The Seventh Circuit routinely affirms the district court's decision to require strict conformity to the rule. *Id.*

## An Evening In Honor Of Judge Shapero

By: Marion J. Mack, Jr.\*

The wonderful tribute to Bankruptcy Judge Walter Shapero at the Renaissance Marriott on June 3, 2003, was the most dignified and sophisticated event that I have had the pleasure of attending in the twenty years that I have been associated with the Chapter's bankruptcy community. The event was a true reflection of the man we were all there, nearly 300 strong, to honor.

Before he would agree to a dinner and tribute in his honor, Judge Shapero requested three things: First, all visiting bankruptcy judges who voluntarily served the Eastern District during a two-year period of transition had to be honored as well; next, the three newly appointed bankruptcy judges in our District had to be officially recognized; and, finally, the event had to be held in a location characteristic and symbolic of the rich diversity of southeastern Michigan. These three prerequisites speak volumes about the character of Judge Shapero and, consequently, the event honoring him.

The personal tributes given by his two sons were very telling in that the love and affection they displayed publicly for their father reflected his presence in their upbringing. The professional tributes offered by Chief Judge Boyce Martin of the United States Court of Appeals for the Sixth Circuit, Judge David Lawson of the United States District Court for the Eastern District of Michigan, Chief Judge Steven Rhodes of the United States Bankruptcy Court for the Eastern District of Michigan, Chief Judge James Gregg of the United States Bankruptcy Court for the Western District of Michigan, and Lawrence Friedman of the Executive Office for United States Trustees, were all reflections of the positive impact and influence that Judge Shapero has had on this District and on his colleagues in the Sixth Circuit for fifteen years as a sitting bankruptcy judge.

During the dinner and program I sat with bankruptcy court personnel and trustees who work in the Bay City and Flint court locations. They all made very flattering comments about Judge Shapero and the positive impact his presence is having in their respective court locations. Although some of them had driven more than two hours to get there that evening and had to be at work early the next morning, not one left early. They all seemed genuinely happy and eager to honor Judge Shapero in a manner and style he so richly deserves.

Certain events are especially memorable for one reason or another. The festive affair given in honor of Judge Shapero is one such event. It afforded all of us a much-needed opportunity to reflect. After the program concluded, I found myself lingering in the banquet room in an effort to soak up some of the positive energy generated by the event. The truth of the matter is that I did not want to leave. The affair was just that refreshing. Later, a private word with Judge Shapero was the finishing touch to a perfect evening.

Stuart Gold and Wallace Handler deserve commendation for spearheading the planning committee and working unstintingly in putting together the event. The efforts of the committee and the character of the honoree made for a winning combination and a fabulous evening.

*\*Marion J. Mack, Jr. is Assistant U. S. Trustee*



*Judy Christie*

## **Judy Christie Retires From Clerk's Office** **By: John Mayer**

Twenty-four years ago, at a social gathering, I met Ed Heubel, the chair of the political science department at

Oakland University. As we talked, he grew more and more interested in what was then the relatively new field of court administration. A few months later, he referred one of his students to me for an internship in the Clerk's Office. Judy Christie was that student. Following her internship, she came to work in the Clerk's Office full-time. On April 29, 2003, at a ceremony and reception in Room 115 of the U. S. Courthouse, more than a hundred of us celebrated her retirement as Administrative Manager after 23 years with the Court.

Through all this time, Judy has been a mainstay of the FBA New Lawyers Seminar. In that context, she has been the first contact with the Clerk's Office for thousands of new lawyers who have attended the Seminar. For most of that time, Immediate Past President Chris Dowhan-Bailey co-chaired the Seminar along with Sixth Circuit Vice Presidents past and present, Geneva Halliday and Brian Figot.

In retirement, Judy takes with her something even more valuable than her knowledge of Court history and procedures. She cares



*Judy Christie at her retirement reception.*

*(see page 8)*



## Christie (continued)

personally about the Court records and their accessibility to judges, lawyers and the public. She has demonstrated that caring in her work from day to day over 23 years.

On behalf of the Eastern District of Michigan Chapter of FBA, we thank her for all she has done to help make our Clerk's Office the place where members of the legal community prefer to do court business. We are delighted to hear that she will continue to manage the oral history program of our sister organization, the Court Historical Society. We wish her well in all that she does in the future.

## Gilman Award Luncheon



*U.S. District Judge  
Denise Page Hood*

The Leonard R. Gilman Award Luncheon was held on April 15, 2002, at the Crowne Plaza Ponchartrain Hotel. The luncheon is held annually in honor of Leonard R. Gilman, a former United States Attorney.

Ronald E. Covault was this year's recipient of the Gilman Award. Covault has spent nearly his entire career in the prosecutor's office, most recently as the Deputy Prosecuting County for Litigation in the Oakland County Prosecutor's Office. Oakland County Executive L. Brooks Patterson, who worked with him for several years in the Oakland County Prosecutor's



*Oakland County Executive L. Brooks Patterson  
and Gilman Award Recipient Ronald Covault*

Office, was on hand to introduce Covault. Patterson detailed how Covault exemplifies the values of the Gilman Award by being an effective advocate for justice with a high degree of integrity balanced with compassion and respect. Patterson punctuated his introduction with personal

stories and a hearty dose of humor. Christine Dowhan-Bailey, FBA Chapter President, presented Covault with the Gilman Award.

Also honored at the luncheon were attorneys who have provided pro bono services for the Eastern District of Michigan. U.S. District Judge Denise Page Hood presented the attorneys with awards, thanked them for their important contribution to the district, and encouraged all those

present to answer the call to provide pro bono services.

U.S. District Judge Patrick J. Duggan gave the keynote address which concluded with a replay of the famous, or infamous, song by the Capital Steps about what it is really like to be a federal judge. It was a fitting end to a luncheon which no doubt would have made Len Gilman smile.



*U.S. District Judge Patrick J. Duggan*



## Million Dollar Courtroom Shines Again

The United States District Court for the Eastern District of Michigan is holding an open house in the Chief Judge's Courtroom on the 7<sup>th</sup> floor of the Theodore Levin United States Courthouse on September 4, 2003 at 4:00 p.m. The Bar and public are invited. Light refreshments will be served.

The historic courtroom, also known as the "Million Dollar Courtroom," was originally built as part of the U. S. Post Office and Courthouse that served the Court from 1897 to 1931. Then Chief Judge Arthur J. Tuttle ensured that the courtroom was dismantled, stored and rebuilt in the current courthouse that opened in 1934. The courtroom received its sobriquet from a journalist who estimated that it would cost \$1,000,000 to build the courtroom from scratch at that time.

The Court Legacy, the Court Historical Society newsletter, published articles on the courtroom in its September 2001 and September 2002 issues. Back issues of The Court Legacy may be viewed on the Society's website at [www.mied.uscourts.gov/\\_historical/newspdf/](http://www.mied.uscourts.gov/_historical/newspdf/)

A significant restoration project was recently completed in the "Million Dollar Courtroom" that included the cleaning and repairing of 17 types of marble in the courtroom, the addition of new carpet and jury chairs, and the refinishing of the woodwork. Most striking is the addition of historic lighting fixtures throughout the courtroom including a central chandelier.

## Past Presidents Luncheon

The Past Presidents of the Chapter meet with the current officers of the Chapter each year, prior to the Annual Dinner, in order to serve in their formal role as the heart of the Chapter's Nominating Committee, charged with the duty of designating the nominees for each upcoming vacant office. This year, the meeting was held on April 30; and was generously and graciously hosted, once again, by past presi-



*Past President's Luncheon*

dent Joe Dillon, and presided over by the Chapters 43<sup>rd</sup> and 44<sup>th</sup> presidents, Christine Dowhan-Bailey and Dennis Clark. Among those present were Wallace D. Riley, Dick Tarnas and Russell Paquette, each of whom stand among the founders of our Chapter.

## Immigration Seminar Scheduled For November

The Federal Bar Association, in conjunction with the American Immigration Lawyers Association, will sponsor a seminar on Immigration Law and related Federal Law issues. The afternoon seminar and reception will be held in November, 2003, at the University of Detroit Mercy School of Law. The program topics will include Constitutional Law and Civil Liberties Issues after 9/11, Aggravated Felony in Immigration Law, Immigration Court Update, and Federal Court Habeas Corpus Hearings. Look for updates regarding the specific date, time, and speakers for the seminar.



The Way Business  
Gets Communicated®

**TAMMIE WATTERS**  
Account Manager  
Legal Document Services

**IKON Office Solutions, Inc.**  
333 West Fort Street  
Suite 1850  
Detroit, MI 48226  
Main 313 963 6400 Fax 313 963 6401  
Cell 313 218 5961 Pager 313 325 5807  
Twatters@ikon.com  
[www.ikon.com](http://www.ikon.com)

---

**The Federal Bar Association welcomes the following new Law Clerks for the Eastern District and the Sixth Circuit:**

Chief Judge Zatkoff  
Jeff Gray - Michigan State University-Detroit College of Law

Judge Feikens  
Valerie Brader - University of Michigan Law School  
Dana Rundlof - University of Michigan Law School

Judge Cook  
Santosh Aravind - University of Michigan Law School

Judge Cohn  
Justin T. Arbes - University of Illinois Law School

Judge Duggan  
Lauren N. Mandel - American University, Washington College of Law

Judge Gadola  
Monica Secord - Ave Maria School of Law

Judge Friedman  
Greta A. Jacobs - Northwestern University School of Law

Judge Cleland  
Keith E. Eastland - Notre Dame Law School

Judge Edmunds  
Windy L. Watson - Loyola Law School

Judge Borman  
Heather McCann - University of Michigan Law School  
David Dyki - Wayne State University Law School

Judge O'Meara  
Kevin Plumstead - Wayne State University Law School

Judge Tarnow  
Barbara Miltner - University of Michigan Law School  
Loretha Barnett - University of Oklahoma Law School

Judge Roberts  
Derek McLeod - Northeastern Law School

Judge Battani  
Francis Franze - University of Michigan Law School

Judge Lawson  
Kelly J. Savage - Ohio Northern University College of Law

Judge Kennedy  
Kristen Hunter - Boston University School of Law  
Jan Geht - University of Michigan Law School

Judge Keith  
Sunita Kini - Wayne State University Law School  
Katrice Bridges - University of Michigan Law School  
Jerome Gorgon - University of Michigan Law School

Judge Ryan  
Sean M. Lewis - University of Michigan Law School  
Bradley M. Cowan - Ave Maria School of Law



*Julia Caroff Pidgeon, Mark A. Goldsmith (Chapter Treasurer), Judge George Carem Steeh III, Dennis Clark (Chapter President), Judge Robert Cleland, and Dennis Barnes (Chapter President Elect) at the Summer Associate/ Intern Luncheon*

## **Summer Associate/Intern Luncheon**

The Chapter held its first annual FBA Summer Associate/Intern Luncheon on July 9, 2003 at the Theodore Levin U.S. Courthouse in downtown Detroit. The luncheon was attended by 156 people, including eight Federal District Judges. Speakers included Judge Robert H. Cleland, who discussed the Court's forthcoming electronic docketing system, and Judge George Caram Steeh III, who spoke about common mistakes lawyers make. Attendees were also given a tour of the Chief Judge's "Million Dollar Courtroom." For more information about this program, please contact Mark Goldsmith at 313-465-7396 or [MAG@honigman.com](mailto:MAG@honigman.com).



## Sustaining Members

Sustaining members support the Chapter by paying annual dues of \$100. Their support is acknowledged here and in the website and event programs.

Elisa Angeli  
Joseph Aviv  
Dennis M. Barnes  
Michael Baum  
John Berg  
Thomas J. Budzynski  
Lawrence G. Campbell  
Lawrence S. Charfoos  
Dennis J. Clark  
Hon. Avern Cohn  
Martin E. Crandall  
Thomas W. Cranmer  
Rebecca S. Davies  
Christine Dowhan-Bailey  
Eugene Driker  
David DuMouchel  
Cameron J. Evans  
Alan G. Gilchrist  
Mark A. Goldsmith  
Deborah L. Gordon  
Ray Reynolds Graves  
John P. Guenther  
Alan C. Harnisch  
Robert S. Harrison  
John P. Jacobs  
Lira A. Johnson  
Jon H. Kingsepp

Gene R. Kohut  
Daniel J. LaCombe  
Brian M. Legghio  
Robert J. Lenihan, III  
Charles L. Levin  
Richard M. Lustig  
Daniel P. Malone  
John Mayer  
Hon. Fred M. Mester  
Mayer Morganroth  
Kenneth A. Nathan  
Leonard M. Niehoff  
Thomas C. O'Brien  
David H. Oermann  
Arvin J. Pearlman  
Julia Caroff Pidgeon  
Margaret S. Raben  
Ralph Terrance Rader  
Steven M. Ribiat  
Adam Rivera  
Miriam Siefer  
Sharon Noll Smith  
James C. Thomas  
L. Rodger Webb  
I. W. Winsten  
Rodger D. Young

## New Chapter Members Since January 1, 2003

Michelle Alamo  
Omar Anderson  
Sue Barnes  
Jacqueline Bayley  
James Bellanca  
Shlome Benezra  
Ryan Berman  
Raimi Blackerby  
Melissa Brown  
Carrie Bryant  
Ryann Bunch  
Steven Burgess  
Karin Butchko  
Shannon Bybee  
David Campbell  
Andrea Cartwright  
Arni Chambers  
Michelle Crockett  
Brigid Cronin  
Kathryn Cushman  
Rebecca Davies  
Michael DiLaura  
Angela Dragan  
Ralph Engle  
Karen Evangelista  
Mary Fair-Matthews  
John Fedynsky  
Deborah Fish  
Jon Fisher  
Erica Fitzgerald  
Jonathan Fountain  
Nathan French  
Philip Frost  
Josef Funchess  
Christine Gale  
Norton Gappy  
Jennifer Gasielki  
Ebony Gerwin  
Rodney Glusac  
Deborah Gordon  
Joseph Grekin  
Kara Guminski  
Jill Gurfinkel  
Trish Haas  
Aaron Halvas  
Benjamin Hammond  
David Haron  
Mokha Harpreet  
Scott Haskins  
Jennifer Hastings  
Charles Hodgson  
Shaju Jacob  
Jennifer Jenkins  
Mike Jones  
Kristie Killough-Ali  
Brenda Klask  
Robert Klautky  
Michelle Knight  
April Knoch  
Robert Krause  
Ari Kresch  
Carolyon Krieg  
Jennifer Kuchon  
Luanne Laemmerman  
Lewis Langham Jr.

Ricardo Lara Jr.  
Darin LeBeau  
Michael Leib  
Luann Linsalata  
Michelle Loggins  
Roger Mali  
Vincenzo Manzella  
Thad McCollum  
Melanie McKenzie  
Keith Metz  
Rob Metzgar  
Nannette Meyette  
Thomas Miller  
Dana Millikin  
Rick Mills  
Matthew Misiak  
Robin Mocabee  
Majad Moughni  
Carmen Moyer  
Kristin Murphy  
Monica Navarro  
Kathleen Nesi  
Jennifer Leigh Neumann  
Joey Niskar  
Ian Northon  
Thomas Norton  
Daniel Orsini  
Christine Pfeiffer  
Andrea Pisani  
Jaimie Powell  
Evan Pozios  
Bryan Proctor  
Terrence Quinn  
Sarah Radke  
Racheal Rancilio  
Joseph Rejano  
Garrett Rentrop  
Jacqueline Salloum  
Stacey Sanford  
Thomas Schehr  
Mindy Schwartz  
David Selwocki  
Lauren Shepherd  
Lisa Short  
Jessica Simmons  
Dawn Snyder  
Guy Sohou  
Marilyn Somers  
Paul Stablein  
Bethany Sweeny  
Matthew Thompson  
Carrie Thorpe  
Sydney Turner  
Sepideh Venier  
Bree Vincent  
Williamson Wallace  
Kelly Walters  
Timothy Washburn  
Tasha Washington  
David Watson  
Arthur Weiss  
R. Steven Whalen  
Antonia Whittier  
Matthew Woodworth  
Nicole Wright

## Calendar of Events

- September 4** Chief Judge's Courtroom  
Open House  
4:00 PM room 733  
U. S. Courthouse
- September 16** State of the Court Luncheon  
Crowne Plaza Pontchartrain  
11:30 AM  
*Contact: Julia Blakeslee at  
(248) 855-6729.*
- November 18** Rakow Scholarship Awards  
Luncheon  
Crowne Plaza Pontchartrain  
11:30 AM  
*Contact: Julia Blakeslee at  
(248) 855-6729.*
- November** Immigration Law Seminar  
(details to be announced)
- December 9-10** New Lawyers Seminar  
8:30 AM room 115  
U. S. Courthouse

**Federal Bar Association  
Eastern District of Michigan Chapter  
P.O. Box 310610  
Detroit, MI 48231-0610**

**RETURN SERVICE REQUESTED**

**PRESORTED  
STANDARD  
U.S. Postage  
PAID  
Wyandotte, MI  
PERMIT #177**

**Officers:**

<b>Dennis J. Clark</b> <i>President</i>	<b>Julia Caroff Pidgeon</b> <i>Vice President</i>
<b>Mark A. Goldsmith</b> <i>Treasurer</i>	<b>Christine Dowhan-Bailey</b> <i>Immediate Past President</i>
<b>Dennis M. Barnes</b> <i>President Elect</i>	<b>Grant P. Gilezan</b> <i>Secretary</i>
<b>Julia F. Blakeslee</b> <i>Program Chair</i>	<b>Brian D. Figot</b> <i>Sixth Circuit Vice President</i>

**Executive Board:**

Elisa M. Angeli  
Lynn M Brimer  
Honorable Wallace Capel, Jr.  
Honorable Robert H. Cleland  
Krishna S. Dighe  
Claretta Evans  
Karen Gibbs  
Daniel J. LaCombe  
David A. Lerner  
Barbara L. McQuade  
Laurie J. Michelson  
Stephen J. Murphy III  
Michael J. Riordan  
Barbara Rom  
Miriam L. Siefer  
Honorable George C. Steeh  
Dona A. Tracey  
Stephen F. Wasinger

**Newsletter Committee:**

Elisa M. Angeli, Co-Editor in Chief  
Miller, Canfield, Paddock and Stone  
(313) 496-7635

Michael J. Riordan, Co-Editor in Chief  
Assistant United States Attorney  
(313) 226-9602

Christine M. Dowhan-Bailey  
U.S. Army Corps of Engineers  
(313) 226-6822

Kimberly G. Altman  
Law Clerk to U.S. District Judge Avern Cohn  
(313) 234-5160

Dennis J. Clark  
Plunkett & Cooney  
(313) 983-4768

Brian D. Figot  
Stephen M. Landau, P.C.  
(248) 358-0870

Christine Farinola  
Law Clerk to U.S. Magistrate Judge  
Paul J. Komives  
(313) 234-5200

Thomas M. Schehr  
Dykema Gossett, PLLC  
(313) 568-6659

Ann Marie Uetz  
Foley & Lardner  
(313) 963-9648

