



# FBA newsletter

Fall 2004

Federal Bar Association - Eastern District of Michigan Chapter - 46 years of service to our Federal Bench and Bar

## State of The Court Luncheon September 23rd

The Chapter will kick off its annual Luncheon Program on Thursday, September 23, 2004, at the Hotel Pont-chartrain. The reception will begin at 11:30 a.m., with a luncheon following at 12:00 noon. The featured speaker will be Chief Judge Bernard A. Friedman, who will deliver the annual "State of the Court" address. Judge Denise Page Hood will honor *pro bono* attorneys. Tickets are \$25 for Chapter members, \$30 for non-members and \$20 for judicial law clerks. 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 Barbara McQuade at (313)226-9725 or e-mail [barbara.mcquade@usdoj.gov](mailto:barbara.mcquade@usdoj.gov).

## Collins Resigns

On August 2, 2004, Jeffrey G. Collins announced his resignation as United States Attorney for the Eastern District of Michigan. President George W. Bush appointed Collins to the position in November, 2001. In announcing his decision to the staff of the U.S. Attorney's Office, Collins said he was re-

(see page 2)



## President's Column

Dennis M. Barnes

As summer winds down and we approach our September State of the Court luncheon, I am happy to report that the state of the FBA's Eastern District of

Michigan Chapter is excellent. The Chapter has an active schedule of activities, a thriving committee system, and membership is at an all-time high. Indeed, last year we received the Presidential Excellence Award from the National FBA, in recognition of superior Chapter activities in the areas of administration, membership, programming and member outreach.

These achievements yield even greater opportunities for the future, as we look forward to another outstanding year of Chapter activities. In particular, we are excited to announce that we have arranged for the Clerk of the United States Supreme Court, General William K. Suter, to come to Detroit on October 20, 2004, to address our members and to administer the oath to applicants for admission to the U.S. Supreme Court. This will be the first time ever we have had a local Supreme Court Swearing-In Ceremony. (Otherwise, you would have to go to Washington, D.C.) Details are on our website and elsewhere in this Newsletter, but I encourage you to act fast, because the application deadline is September 10, and space is limited to 125 applicants.

We are also looking forward to a number of other events on our busy fall calendar:

- Chief Judge Bernard A. Friedman will deliver his inaugural "State of the Court" address on Thursday, September 23, 2004, as we kick-off our annual Luncheon Program at the Hotel Pontchartrain. In addition, the Court will honor the attorneys who have accepted *pro bono* assignments in the past year.

- Our Bankruptcy Section will also kick off its annual Luncheon Program on September 29, 2004, when the Chief Bankruptcy Judge Steven W. Rhodes will deliver

(see page 2)

### INSIDE THIS ISSUE

News From National	pg.3
Governor Addresses Gilman Award	pg.4
Lynn Helland Introduces Robert Cares	pg.4-6
Judge Friedman Sworn In	pg.6
Upcoming Swearing-In Ceremony, October 20	pg.7
Dave Weaver	pg.8
Calendar of Events	pg.9
Law Clerk List	pg.9
25th Annual Dinner	pg. 10



## President's Column (continued)

his "State of the Court" address.

- On November 1, 2004, Dean Nancy Rapoport of the University of Houston Law Center, a noted expert on the subject of ethics in the practice of bankruptcy law, will be the first speaker in the Walter Shapero Symposium series at a Bankruptcy Section luncheon at the Hotel Pontchartrain.

- At the Rakow Awards Luncheon on November 17, 2004, Rakow Scholarship Awards will be presented to students from each of Michigan's six law schools. We will again partner with the Court Historical Society which has arranged for our keynote speaker, noted journalist John C. Sherwood, to speak on the subject of "One Family's Flight: The *Crosswhite* Case." The *Crosswhite* case involved a suit by a Kentucky slave owner against Michigan residents for helping an entire family avoid capture by a posse.

These are just a few of our coming events. As we head into Fall, it is also worth remembering the Court's new Case Management/Electronic Case Filing ("ECF") initiative. The system offers tremendous advantages for those who participate in it. The Court is holding regular training classes. So check it out, get registered, and get trained – you won't regret it.

Finally, as the Chapter continues "raising the bar to new heights" with our many activities and initiatives, there is a looming threat which could adversely affect the practice of law before this and every other federal court. Federal courts have seen their budgets cut each year since 2002, at the same time as their caseload is greatly expanding. To make things worse, Congress and the administration agreed to cut all non-defense discretionary spending by 1 percent in the current fiscal year. Yet, in the federal

courts, that translates into a cut of over 30 percent, because approximately 60% of the federal courts' costs are fixed costs, such as rent and security, which continue to rise every year.

In short, if Congress does not pass a revised funding measure, and enacts a continuing resolution for the entirety of FY 2005 that imposes a "hard freeze," the federal courts will be forced to cut operating expenses in half, and to fire or lay off an estimated 3,800 court employees, representing almost 20 percent of the probation and clerks' office personnel.

The budget for federal courts represents just 2/10ths of 1 percent of the federal budget, yet its importance to the public is enormous. As we all know, federal courts are responsible for protecting public safety, protecting individual rights, arbitrating differences in the economy, and monitoring convicted felons after their release, and that's just scratching the surface. While the budget cuts affect all areas of the federal government, these cuts are not just part of the "Big Government vs. Small Government" philosophical debate. Cuts of this magnitude threaten the vitality of our third branch of government.

Recognizing the gravity of this impending crisis, with the approval of the officers and Executive Board, I recently sent a letter on behalf of the Chapter to both Michigan Senators and to the Congressional Representatives from this district encouraging them to actively support FY 2005 funding for our federal courts in an amount that will be sufficient to assure continued court operations providing the prompt delivery of justice. A copy of the letter is printed in this edition of the Newsletter, and posted on the Chapter's website: [www.FBAmich.org](http://www.FBAmich.org). I encourage you to consider what you can do to call attention to this important issue and help address this urgent need.

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## Collins (continued)

signing because "I received an offer I couldn't refuse." He will be joining the Detroit office of the law firm of Foley & Lardner where his practice will focus on white collar criminal defense.

Craig Monford, First Assistant U.S. Attorney in the Northern District of Ohio, is the acting U.S. Attorney for the Eastern District of Michigan. Attorney General John Ashcroft appointed Monford to the position on August 23, 2004.



## News From National

By Brian Figot

### Time to Roll Up Our Sleeves

This Labor Day, as we start, locally, a new volume of the Chapter's award-winning Newsletter and the yearly cycle of Chapter events which begin with the State of the Court address, there are two major themes coming to us out of our National headquarters in Washington, D.C., each of which have work and pocket-books as a central focus.

First, there is a new twist upon what, unfortunately, has become a recurring subject matter: the need to lobby Congress upon issues which are of concern to the Third Branch, including the political issues inherent in a system of separated powers and the economic issues which arise when one branch is dependent upon the others for funding. Readers (both of you) may recall from last year the Winter Newsletter column entitled: "The Defense of Judicial Independence: A Call for Action," and the FBA/ABA White Paper on federal judicial pay.

The matter of inequitable compensation remains unresolved. Now, however, the immediate and urgent need is in the broader area of FY 2005 funding for our federal courts, as the FBA has taken the lead in fighting to obtain adequate appropriations to keep the courts running.

The problem is assuming crisis proportions, as noted in the letter sent to congressional leaders by our President, Joyce Kitchens:

"The workload of the federal courts is increasing, while their resources are decreasing. From 2002 to 2004, criminal cases are projected to increase 10 percent, activated pretrial services cases by 17 percent, bankruptcy filings by 11 percent, and Criminal Justice Act representations by 19 percent, to name but a few key indicators. At the same time, court non-salary operating expenses have been reduced by 32 percent below the courts' requirements as a result of lower funding levels over the last two fiscal years. Workforce cuts already are causing court operations to suffer. . .

*The situation is even more desperate when looking ahead to next year. If Congress enacts the Administration's fiscal year 2005 funding request, the*

*federal courts will be forced to cut operating expenses in half, and to fire or lay off an estimated 3,800 court employees, representing almost 20 percent of the probation and clerks' office personnel."*

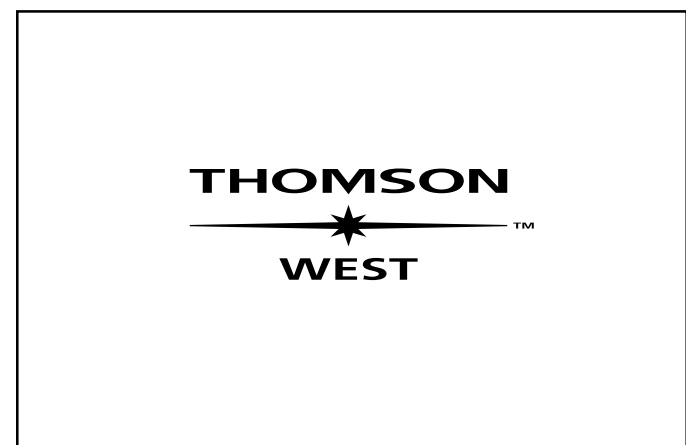
This is just one area where the national organization is working for you. It is an area where your work is needed as well. Write to your congressional representative and make it known that these are important issues to you in this election year.

The second theme has to do with the dues we pay for national membership. I've set forth all the many ways National works for you, for your benefit, and on your behalf. There are at least 75 reasons why you should pay national dues and maintain your national membership. See [www.fbamich.org](http://www.fbamich.org) (Newsletter/Summer 2003) (reprints available upon request).

Now there is a great reason to ACT NOW. National dues go up on October 1 (with a commensurate increase in membership benefits). By joining NOW, you get the benefits of membership with the first year at the reduced rates currently in effect.

The Federal Bar Association remains: big enough to matter, but small enough to care; a specialty bar association which is responsive to the special needs of the bar; a bar association which deserves **your** support.

Finally, on a personal note, I'd like to thank those of you who cast your ballots for me in the recent FBA National election, as I was given the honor of serving a second two-year term as a Sixth Circuit Vice President. I am particularly gratified that by your votes I did not suffer the shame and embarrassment of losing an uncontested election.



## Governor Addresses Gilman Award Luncheon

On April 20, 2004, the Chapter's prestigious Leonard R. Gilman Award was bestowed upon Assistant U.S. Attorney Robert Cares at a memorable luncheon which was addressed by Michigan Governor Jennifer Granholm, a long time supporter of the Federal Bar Association.

The award is given annually to a practitioner of criminal law who is believed by his peers to emulate the excellence, professionalism and commitment to public service which exemplified the life of Len Gilman, who, at the time of his death on February 12, 1985, was the United States Attorney. Mr. Cares, the twentieth such recipient, joins the notable prosecutors and defense attorneys who have been so recognized over the years.

Mr. Cares was introduced by his colleague, Assistant U.S. Attorney Lynn Helland, whose eloquent remarks are reprinted elsewhere in this newsletter. Of special note is Helland's characterization of his friend, whom he called "Joe Six Pack," as having "no agenda other than fair and vigorous prosecution of the laws."

Governor Jennifer Granholm, herself a former Assistant U.S. Attorney, was the keynote speaker to the event, addressing the subject of "Nobility: The Practice of Law as a Calling." The Governor's comments were particularly appropriate, since the linkage, across the years, of Lenny Gilman and Bob Cares is their nobility and the honor they have brought upon their calling in serving the public.

## Gilman Award Recipient Robert P. Cares Introduced by AUSA Lynn Helland



*Lynn Helland, Chief, Special Prosecutions Unit,  
U.S. Attorney's Office, introducing Robert Cares.*

I'll say some nice things about Bob in a couple of seconds, but first, I need to make sure something is clear on the record. Bob's wife, Cindy, caught me a few minutes ago and wanted to make sure that I pointed out that anything good about Bob is because of her. So, I hope that's clear.

I'm with the United States Attorney's Office. And if the only way you know about our work is through recent national media coverage, your impression might be this: a bunch

of rogue prosecutors in a dysfunctional office who wouldn't recognize our ethical and constitutional duties if they smacked us in the face.

Fortunately for the law-abiding folks in the eastern half of Michigan, while that portrait is sensational, the type of picture we know plays well in the press, it does not describe the reality of our office.

In my opinion, Bob Cares is the REAL embodiment of the spirit and ethic of our office. Bob has been a prosecutor for 27 years. He was the elected prosecuting attorney of St. Joseph County for much of the 1980s, and came to our office in 1989.

I remember when we first interviewed Bob. Since by then he had experienced the raw power of being the elected prosecutor of his county for several years, we wondered

whether he could be content to be a mere line AUSA. We worried that if we brought him into our office he might hunger for the power he had given up and end up disrupting our office chemistry. As anyone who knows Bob even a little bit will recognize, we couldn't have been more wrong. Bob considers himself to be



*Lynn Helland, presenting Gilman Award  
to Robert Cares.*

the Joe Sixpack of prosecutors, a grunt doing a grunt's job, someone who knows that what's really important is to get the work done, and it's the grunts who do that.

He's had some of our toughest cases since joining us: a couple of large scale drug prosecutions; a tough RICO and money laundering case against a large prostitution ring that featured a brutal pimp; one of our most complex health care fraud cases.

In more recent years we've had to prosecute too many law enforcement officers who have abused their awesome power. These are some of the hardest and saddest cases we do, but I am more proud of our office's efforts in them than in any other, because in them we most live up to our obligation to do what is right even when it is hard to do so. Well, it was

Bob who started that series of cases, with trials of officers in Detroit's 5th and 6th precincts. He has aggressively investigated and prosecuted corrupt public officials, even when he knew, as he brought charges, that the evidence was such that he might well lose, and if he did lose the loss would be very public and painful.

The reason I mention these cases is not because all were particularly high profile, but because all were important, and because none came to Bob on a silver platter. The investigation in each was a major struggle, factually and often legally as well. It was only Bob's persistence and determination that brought each to a conclusion, after many months, or even years, of intense work.

Bob currently leads the office anti-terrorism effort. He didn't want me to talk about his terrorism work, so I won't mention most of it, but I



*Gilman Award Recipient  
Robert Cares.*



*Governor  
Jennifer  
Granholm.*



*Honorable Mark A. Goldsmith.*

will say this because it is classic Bob Cares: he regularly goes to community meetings to answer criticisms of the Patriot Act, knowing, as he does, that his audience will usually have its mind made up before he opens his mouth, and will have little appetite for any facts or insights he might offer that don't fit with preconceived notions.

It's incredibly frustrating. Bob doesn't get any personal profit out of this. He's not gunning for any higher position. He's just such a strong believer in his duty that for the last year he has willingly spent a good chunk of his own time going to these meetings, knowing full well the reception he'll get.

Bob has always been all about "the team" and the job. He has never sought to make himself center stage. He has never tried to make a case into something more than what the evidence shows it to be. He has a tremendous work ethic - he's the hardest working attorney I know.

As hard as he works on his own cases, he is always willing to help out the rest of us with our own problems. He is an aggressive prosecutor, but only when the evidence justifies aggressive-

ness, and in every case he is absolutely ethical. He never slides on our obligation to be both firm and fair. I have never seen him take a cheap shot, and predict with some confidence that he never will.

In every respect, Bob is the opposite of the recent media image of the folks in our office. While few of us can measure up to the standard Bob sets, I take pride in saying that we are much more like Bob than like any other image you may be receiving.

There is a program brochure that says a lot of nice things about Lenny Gilman. Of all Lenny's good qualities, what most stands out for me were his grace under pressure and his

## Cares (continued)

ability to do the right thing, no matter the consequences. Lenny would have been proud to have Bob on his staff.

Please join me in congratulating Bob "Sixpack" Cares on his well deserved receipt of this year's Leonard Gilman Award.

## Judge Friedman Sworn In As New Chief Judge

At a "Passing the Gavel" ceremony on Friday, June 18th, at the Theodore Levin Courthouse, Judge Bernard A. Friedman was sworn in as the 13<sup>th</sup> Chief Judge of the United States District Court for the Eastern District of Michigan, replacing Judge Lawrence P. Zatkoff.

At a ceremony attended by a number of federal, state and local judges, Judge Friedman was sworn in as Chief Judge by Judge Zatkoff, his friend and colleague. Also present at the ceremony were numerous family members and friends of both Judge Friedman and Judge Zatkoff. Remarks on behalf of Judge Zatkoff were made by his former law clerk, Judge Brian K. Zahra of the Michigan Court of Appeals. Speaking on behalf of Judge Friedman was his close friend and

former colleague, Robert S. Harrison, Esq. Mr. Harrison presented numerous gifts to Judge Friedman, including a bulk bag of jelly beans to satisfy Judge Friedman's sweet tooth. Judge Friedman's son, Matt Friedman, also made remarks on behalf of Judge Friedman, making significant note of the respect and warmth with which his father has always treated all people.

In their own remarks, Judge Zatkoff and Judge Friedman both thanked their families for their continuous love and support. After the event, Chief Judge Friedman described it as "very special" and stated that he "was delighted that so many people came to be a part of the ceremony and celebration." He also stated: "I am excited about becoming Chief Judge because we have such a wonderful court, bar and staff."

The FBA presented a rocking chair to Judge Zatkoff, and a Court resolution praising him for his years of service to the legal profession and to the U.S. District Court was read by Court Administrator David J. Weaver.

The ceremony was the first ceremony to take place in the new Special Proceedings Courtroom on the first floor of the Theodore Levin U.S. Courthouse. The Special Proceedings Courtroom, and connected chambers, along with the ongoing construction of over 3,000 square feet of meeting rooms and training facilities, are among the projects that were initiated under the leadership of former Chief Judge Zatkoff. The new Special Proceedings Courtroom will be used for naturalization ceremonies and high-risk criminal trials, and will have a secure corridor leading to the new U.S. Marshals Service Detention Center, also near completion.



*Chapter President Dennis M. Barnes presents traditional FBA rocking chair to former Chief Judge Lawrence P. Zatkoff.*



*New Chief Judge Bernard A. Friedman is congratulated by former Chief Judge Zatkoff.*



*Chief Judge Bernard A. Friedman takes oath from former Chief Judge Zatkoff.*

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## U.S. Supreme Court Swearing-In Ceremony

Your Federal Bar Association, Eastern District of Michigan Chapter, cordially invites you to be admitted to practice before the Supreme Court of the United States, in a special ceremony to be sponsored by the Chapter, on Wednesday, October 20, 2004, commencing promptly at 4:00 p.m. at the Theodore Levin United States Courthouse. This is the first time that such an in-person admission will be available to you without the cost and inconvenience of a trip to Washington, D.C.

The Administration of the Oath will be given by Major General William K. Suter, U.S. Army (Ret.), Clerk of the Supreme Court, immediately preceding which Gen. Suter will offer remarks concerning "The Supreme Court Today."

A reception will be held at The Detroit Club immediately following the ceremony. The cost to participate in this unique opportunity — including the \$100 admission fee to the United States Supreme Court — is \$125 for members of the Federal Bar Association, Eastern District of Michigan Chapter; and \$135 for non-members.

Please feel free to circulate this invitation to colleagues and friends. However, space is limited and preference will be given to FBA members. For information concerning the FBA, the services which it provides and the benefits of membership, please visit the Chapter's website, [www.fbamich.org](http://www.fbamich.org) and the National FBA's website, [www.fedbar.org](http://www.fedbar.org).

To participate in this event, the following items must be received by David J. Weaver, Court Administrator, United States District Court, Eastern District of Michigan, 814 Theodore Levin United States Courthouse, 231 West Lafayette Blvd, Detroit 48226, not later than Friday, September 10, 2004:

1. A completed registration form to the Chapter, which is available on-line at [http://www.mied.uscourts.gov/\\_whatsnew/SupremeCourt.htm](http://www.mied.uscourts.gov/_whatsnew/SupremeCourt.htm);

2. Two checks: (a) \$100 made payable to the Supreme Court of the United States; and (b) \$25 (or \$35 for non-FBA members) made payable to FBA, Eastern District of Michigan Chapter (which will be utilized to underwrite a portion of the cost of this event, with the Chapter "picking up the rest of the tab").

3. A completed Application for Admission to Practice, which is available, together with instructions, at the following link: [http://www.mied.uscourts.gov/\\_whatsnew/SupremeCourt.htm](http://www.mied.uscourts.gov/_whatsnew/SupremeCourt.htm).

Please note that the Application form requires: (a) the sponsorship of two attorneys previously admitted to practice before the Supreme Court, and (b) a Certificate of Admission to Practice in Michigan, which may be obtained from the Clerk of the Michigan Supreme Court (not the State Bar of Michigan) by providing the Clerk with the name of the applicant attorney, the attorney State Bar "P" number, a check in the amount of \$5 (made payable to the State of Michigan) and a self-addressed stamped return envelope. The address for the Clerk of the Michigan Supreme Court is: P.O. Box 30052, Lansing, MI 48909. If utilizing overnight package services, the address to use is Michigan Hall of Justice, 925 W. Ottawa St., Lansing, MI 48915.

### **Application for Admission to Practice:**

For purposes of this swearing in ceremony, all applicants will be admitted on written motion. It is imperative that the Motion for Admission and Oath of Admission sections on page two of the application form be completed. The Oath of Admission must be notarized.

If you have already submitted your application, you will be contacted by the Clerk of Court if those sections have not been completed.

Hard copies of the forms, as well as the names of appropriate sponsors are available upon request by contacting Brian Figot, Executive Director, by email ([fbamich@fbamich.org](mailto:fbamich@fbamich.org)) or by calling (248) 593-5928.

**Please provide sufficient time to obtain your certificate of good standing from the Michigan Supreme Court to meet the September 10, 2004 deadline.**

If you have any questions, please contact either of the Event Co-Chairs:

Kathleen Moro Nesi, Assistant U.S. Attorney  
211 West Fort St., #2001, Detroit, MI 48226  
(313) 226-9518 [kathleen.nesi@usdoj.gov](mailto:kathleen.nesi@usdoj.gov)  
or

Thomas G. McNeill, Dickinson Wright PLLC  
500 Woodward Ave., Suite 4000, Detroit,  
MI 48226  
(313) 223-3632 [tmcneill@dickinsonwright.com](mailto:tmcneill@dickinsonwright.com)





## **From Court Administrator Dave Weaver**

### **New Chief Judge**

U.S. District Judge Bernard A. Friedman was sworn in as Chief Judge on June 18, 2004 at the "Passing the Gavel" ceremony held in the new Special Proceedings Courtroom on the 1<sup>st</sup> floor of the Theodore Levin U.S. Courthouse. Former Chief Judge Lawrence P. Zatkoff has taken senior status but will carry a full caseload. Chief Judge Friedman will give his first "State of the Court" speech at the Chapter's September 23, 2004 State of the Court Luncheon.

### **Electronic Filing**

On July 1, 2004 the Court officially launched the Case Management / Electronic Case Files (CM/ECF) system that enables the Bar to file civil and criminal documents electronically. The Court's official CM/ECF website can be accessed at [www.mied.uscourts.gov](http://www.mied.uscourts.gov) The site allows attorneys to register for electronic filing and access an on-line CM/ECF tutorial. ECF Policies and Procedures, a full User's Manual and frequently asked questions are also posted. The site contains information on how to contact the CM/ECF help desk as well.

The Court has been offering classroom training for members of the Bar and their staff at the Theodore Levin U.S. Courthouse. Court staff is also working with several large firms to provide training at their office locations. If your firm has 10 or more attorneys/staff that require training and you have adequate training space, we may be able to come to you! Visit the Court's website for information on this and other current training opportunities.

### **Funding Problems in the Federal Judiciary for FY 2005**

The Federal Judiciary has experienced severe funding reductions this fiscal year. This has had a dramatic impact on the Eastern District of Michigan, resulting in 16 total staff reductions between the Clerk's Office, Pretrial Services Agency and the Probation Department. Budget projections for Fiscal Year 2005 are dire and the Court may be faced with further staff reductions.

The FBA is well aware of the funding problems facing the Federal Judiciary and is doing everything it can to offer its support. A hard freeze on the funding for

the Federal Judiciary, or the lack of a Congressionally approved budget, could result in the loss of thousands of jobs nationally. The support and efforts of this Chapter and the National FBA are greatly appreciated. As I have mentioned in the past, regardless of any budget or staffing issues, the goal of all Court staff in the Eastern District of Michigan is to maintain the highest level of service possible to the Bar and public.

Remember, if you have any questions or comments, please send them to me at [mie\\_fba@mied.uscourts.gov](mailto:mie_fba@mied.uscourts.gov).

## **Past Presidents Help Build Chapter's Future**

As the Chapter nears the 2007 celebration of the Fiftieth Anniversary of its founding, its past presidents gathered on April 27, 2004, at a luncheon hosted by past president Joseph Dillon, to serve their constitutional role as the Nominating Committee for Officer and Board positions. The luncheon also serves as a valuable sounding board, as the current officers report upon Chapter activities and seek advice from those who have preceded them.

This year's assembly was the largest ever, attended by 21 of the Chapter's 34 living past presidents, including Wallace D. Riley, Charlie Rutherford, Dick Tarnas and Russell Paquette, each of whom stand among the founders of our Chapter, incoming State Bar president Thomas Cranmer; and FBA National past President Alan Harnisch.

## **Student Chapter Enters Second Year**

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

**Chief Judge Friedman**

Greta Jacobs - Northwestern University School of Law

**Judge Feikens**

Greg Koory - University of Michigan Law School

**Judge Cook**

Janelle M. Carter - Georgetown University Law School

**Judge Cohn**

Bryan Anderson - Wayne State University Law School

**Judge Zatkoff**

William Bloomfield - Ave Maria Law School

James Carroll, III - University of Detroit Mercy School of Law

**Judge Duggan**

Vanessa L. Miller - University of Denver College of Law

**Judge Gadola**

John Tuttle - Ave Maria School of Law

**Judge Cleland**

Dawn E. Marshall - Harvard Law School

**Judge Edmunds**

Steven P. Cares - Wayne State University Law School

**Judge Hood**

Ahmad E. Nassar - University of Chicago Law School

**Judge Borman**

Jeffrey M. Stefan, II - Wayne State University Law School

Kristen L. Hunter - Boston University School of Law

**Judge O'Meara**

Brandon Hofmeister - Harvard Law School

**Judge Tarnow**

Kevin M. Carlson - Wayne State University Law School

**Judge Roberts**

Christopher Moody - University of Michigan Law School

**Judge Battani**

Molly Roehrig - University of Toledo College of Law

**Judge Lawson**

Noah Webster - University of Illinois College of Law

Casey Fitch - University of Virginia School of Law and

Seattle University School of Law

**Magistrate Judge Morgan**

David McDaniel - Wayne State University Law School

**Magistrate Judge Capel**

Lori Lookliss - Vermont Law School

**Magistrate Judge Whalen**

Amy Humphreys - University of Detroit Mercy School of Law

**Judge Keith**

Robin Konrad - Howard University School of Law

Will Crossley - Virginia School of Law

Jocelyn Benson - Harvard School of Law

**Judge Kennedy**

Gary Mouw - University of Michigan Law School

Davis Tyner - Cornell Law School

**Judge Ryan**

Patrick M. Laurence - Ave Maria School of Law

Daniel W. Linna, Jr. - University of Michigan Law School

**Judge Clay**

Ava Barbour - Boston University School of Law

Peter Haberlandt - The University of Connecticut School of Law

Rebecca Kiley - New York University School of Law

## Calendar of Events

Go to Chapter website

[www.fbamich.org/Events & Activities](http://www.fbamich.org/Events%20&%20Activities)

### September 23

#### State of the Court Luncheon

Speaker: Chief Judge Bernard A. Friedman

State of the Court & Awarding

of Pro Bono Honors

Hotel Pontchartrain

11:30 a.m.

Contact: Barbara McQuade, at (313) 226.9725

or register on-line at [www.fbamich.org](http://www.fbamich.org)

### September 29

#### State of the Bankruptcy Court Luncheon

Speaker: Honorable Steven W. Rhodes

Hotel Pontchartrain

11:30 a.m.

Contact: David Lerner, at (248) 901.4010

or Leslie Berg, at (313) 226.7950

### October 20

#### U.S. Supreme Court Swearing-In

at the Theodore Levin U.S. Courthouse

Speaker: William K. Suter,

Clerk of the Supreme Court

Registration Deadline: September 10

More details on-line at [www.fbamich.org](http://www.fbamich.org) or call

Thomas McNeill at (313) 223.3500

### November 1

#### Walter Shapero Bankruptcy

#### Symposium Luncheon

Speaker: Dean Nancy Rapoport,

Hotel Pontchartrain

11:30 a.m.

Contact: David Lerner, at (248) 901.4010

or Leslie Berg, at (313) 226.7950

### November 17

#### Rakow Scholarship Awards Luncheon & Historical Society Annual Meeting

Speaker: John C. Sherwood

"One Family's Flight: The Crosswhite Case"

Hotel Pontchartrain

11:30 a.m.

Contact: Barbara McQuade, at (313) 226.9725

or register on-line at [www.fbamich.org](http://www.fbamich.org)

### December 7-8

#### New Lawyers Seminar

Hotel Pontchartrain

8:30 a.m.

Contact: Brian Figot, at (248) 593.5928

or register on-line at [www.fbamich.org](http://www.fbamich.org)

The Student Chapter of the FBA at University of Detroit Mercy is excited to begin its second year of existence. Our entire executive board graduated last May. The Student Chapter is happy to announce a new board: Ralph Engle, President; Kim Dinda, Vice-President; Scott McFarland, Treasurer; and Julie Higgins, Secretary. Ralph, Kim and Scott are third-year students and Julie is a second-year student.

Special thanks are owed to the Chapter's membership for taking the Student Chapter under its wing last year and providing valuable guidance and assistance. The new board looks forward to working with the Chapter to accomplish great things! Thanks also go to the Student Chapter's entire board from last year for working through all of the kinks that arise when a new organization is formed. Most of you had an opportunity to meet Kelly Walters, Past President, through her efforts to get this Student Chapter off the ground. We couldn't begin to thank her enough for her tireless hours of dedicated service.

While details have not yet been finalized, we are excited to continue our luncheon lecture series this year. If you are interested in speaking at one of our luncheons, please contact the Student Chapter President, Ralph Engle, at [Spartan308@hotmail.com](mailto:Spartan308@hotmail.com). We would love to have attorneys from different areas of the law discuss their experiences and knowledge with our student membership. The Student Chapter also hopes to continue past successes such as motion day on campus, and tours of the Theodore Levin U.S. Courthouse. We are also looking forward to planning new events to help students experience all that is federal practice.

Here's to a great year!

## **25<sup>th</sup> Annual Dinner – Food, Fun, Fellowship**

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## **By Ralph Engle**

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

This year, over 200 Judges, Assistant U.S. Attorneys, federal defenders, private practitioners, law clerks, and spouses/significant others gathered at the Renaissance Center on May 13, 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.

Thanks in large part to the participation of 16 "Sponsor Firms" of the evening, the Chapter was able to contribute several thousand dollars to the Federal Bar Foundation. This year's sponsor firms were:

Barris, Sott, Denn & Driker PLLC  
Bodman LLP  
Brooks Kushman PC  
Butzel Long PC  
Charles J. Taunt & Associates PLLC  
Clark Hill PLC  
Dickinson Wright PLLC  
Dykema Gossett PLLC  
Foley & Lardner  
Harness Dickey & Pierce PLC  
Honigman, Miller, Schwartz & Cohn LLP  
Howard & Howard PC  
Miller, Canfield, Paddock & Stone PLC  
Plunkett & Cooney PC  
Pepper Hamilton LLP  
Rader, Fishman & Grauer PLLC

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.

Special thanks to Annual Dinner Committee Co-Chairs Kristen Dighe, Laurie Michelson and Theresa Serra for a fabulous evening!

## **Summer Associate/Law Clerk Program Held In July**

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**Chapter President Dennis Barnes recently sent the following letter on behalf of the Chapter to both Michigan Senators and to the Congressional Representatives from this district:**

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August 24, 2004

Honorable Carl Levin  
U.S. Senate  
Washington, D.C. 20510

Dear Senator Levin:

I write on behalf of the Eastern District of Michigan Chapter of the Federal Bar Association to urgently ask that you actively support FY 2005 funding for our federal courts in an amount that will be sufficient to assure continued court operations providing the prompt delivery of justice.

The workload of the federal courts is increasing, while their resources are decreasing. From 2002 to 2004, criminal cases are projected to increase 10 percent, activated pretrial services cases by 17 percent, bankruptcy filings by 11 percent, and Criminal Justice Act representations by 19 percent, to name but a few key indicators. At the same time, according to the Administrative Office of the U.S. Courts, court non-salary operating expenses have been reduced by 32 percent below the courts' requirements as a result of lower funding levels over the last two fiscal years. Workforce cuts already are causing court operations to suffer.

We are encouraged that the House Commerce-Justice-State Appropriations Subcommittee recently approved a funding level sufficient to maintain the judiciary's current services requirements and cover built-in costs and inflation. The Subcommittee provided \$5.2 billion for the federal judiciary, \$391 million over FY 2004 and \$159 million below the judiciary's full request.

However, if Congress fails ultimately to pass the Commerce-Justice-State funding measure and enacts a continuing resolution for the entirety of FY 2005 that imposes a "hard freeze", the federal courts will be forced to cut operating expenses in half, and to fire or lay off an estimated 3,800 court employees, representing almost 20 percent of the probation and clerks' office personnel.

The impact of these cuts would be felt throughout the federal courts across the nation and by the public in several ways:

- The sentencing process will be jeopardized because too few probation officers will be available to help judges fashion appropriate sentences.
- Testing and supervision of released prisoners will be limited to only the most dangerous felons, resulting in a significant degradation of public safety.
- Victim advocacy responsibilities, including the determination of monetary losses and the collection of victim restitution and criminal fines, will be substantially impaired.
- Payment of court-appointed counsel for indigent defendants, as required by the Constitution, will become unavailable.
- Jury payments for civil trials will run out, throwing into jeopardy the availability of trial by jury.

A significant number of members of the Federal Bar Association practice before the federal courts in this district, including the district courts in Detroit, Ann Arbor, Flint, Bay City, Port Huron, and the Sixth Circuit Court of Appeals. Our members are critically concerned about the urgent need to assure that adequate funding is made available to the federal courts to provide for the prompt delivery of justice. Our national efforts to protect homeland security and to render justice rely upon a judiciary that is strong and adequately funded. Courts have no control over the number of cases filed, the number of felons released from prison that must be supervised, or the number of indigent defendants requiring representation under the Constitution of the United States.

We urge you to insist that funding for the federal judicial system remain a high priority and that Congress appropriate the funds necessary for the fulfillment by the courts of their constitutional and statutory responsibilities. Thank you for your consideration and support of our concerns.

Sincerely yours,

Dennis M. Barnes  
President

Eastern District of Michigan Chapter  
Federal Bar Association

The Second Annual FBA Summer Associate/Law Clerk Program was a resounding success. The program was held on July 29 in the recently dedicated special proceedings courtroom in the Theodore Levin U.S. Courthouse in Detroit. Chapter President Elect Julia Caroff Pidgeon opened the program by welcoming the Summer Associates and Judicial Law Clerks and providing an overview of the FBA. Committee Chair Cameron J. Evans and Chief Judge Bernard A. Friedman provided opening remarks. Chief Judge Friedman gave a brief, and very interesting, history of the federal court in Detroit. Judge Robert H. Cleland discussed electronic filing. The crowd seemed to be quite impressed with Judge Cleland's knowledge of computers. Judge George Caram Steeh addressed the importance of one's reputation. After the program concluded, everyone adjourned for refreshments and desserts.

A total of 68 summer associates attended the program from the following supporting law firms:

Bodman LLP  
Butzel Long PC

Clark Hill PLC  
Cox, Hodgman & Giarmarco PC  
Dickinson Wright PLLC  
Dykema Gossett PLLC  
Garon Lucow Miller PC  
Harness, Dickey & Pierce PLC  
Honigman, Miller, Schwartz & Cohn LLP  
Miller, Canfield, Paddock & Stone PLC  
Pepper Hamilton LLP  
Sommers, Schwartz, Silver & Schwartz PC  
Sullivan, Ward, Bone, Tyler & Asher PC

Magistrate Judge Paul J. Komives also attended, along with 25 judicial law clerks or interns from the chambers of our district judges.

Special thanks to Committee Chair Cameron J. Evans for organizing the event, and to Chief Judge Friedman and District Judges Cleland and Steeh for their willingness to participate. The Committee also wishes to extend its gratitude to Court Administrator David Weaver and his office for invaluable assistance in helping to organize the logistics of this event.

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