



FBA newsletter

Spring 2007

Federal Bar Association - Eastern District of Michigan Chapter - 49 years of service to our Federal Bench and Bar

Gilman Award Luncheon April 26th

This year's Leonard R. Gilman Award Luncheon will be held on Thursday, April 26, 2007 at 11:30 a.m. at the Gem Theatre in Detroit. James C. Thomas is the 2007 Gilman Award recipient and Michigan Supreme Court Justice Maura Corrigan will be the featured speaker.

The Gilman Award is given annually to an outstanding practitioner of criminal law who exemplifies the excellence, professionalism, and commitment to public service of Len Gilman, who was U.S. Attorney at the time of his death in 1985. *(cont'd on page 3)*

NO, You Can't Just Flush It Down the Sewer: Enforcement of Laws That Protect Our Waters

The Chapter Environmental Law Committee will present a seminar on April 20, 2007 addressing the successes and challenges of wastewater pretreatment within the Detroit Water and Sewage District (DWSD). A panel composed of James Morgulec from the Department of Justice in Washington, D.C., Stephen Kuplicki, P.E., J.D. of the DWSD, and Beth Gotthelf, who specializes in environmental law with Butzel Long, will address the group.

The seminar will be held at the offices of Dykema

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Gossett in the 400 Tower of the Renaissance Center from 12:00 to 1:30 p.m. Lunch will be served. The cost is \$25.00 for members and \$30.00 for nonmembers. Make your reservations online at www.fbamich.org

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President's Column

Grant P. Gilezan

As our Chapter celebrates its 50th year of service to the bench and bar, I want to share with you a few brief reflections on our past, present and future.

Since its founding on December 3, 1957, our Chapter is not only rich with history, but fortunately with leaders, like our Executive Director and Past President Brian Figot, who are dedicated to preserving and remembering our history. The occasion of our Chapter's golden anniversary has led Brian to locate information in our archives that deserves special recognition and consideration as we celebrate how we started and what we have become.

For example, of 148 charter members, five are still active members of our Chapter. They are Hon. George Woods, Andrew Belanger, John Chase, Russell Paquette and Richard Tarnas. A half-century of practice and membership is an impressive and inspiring accomplishment, well worth taking a moment to appreciate.

Looking back thirty-five years to 1972, there are fifteen more members who remain active in our Chapter today. They are Hon. Ralph Guy, Hon. Damon Keith, Hon. Cornelia Kennedy, Hon. Fred Mester, Hon. Paul Komives, Norton Cohen, Joseph Dillon, Eugene Driker, John English, Richard Fellrath, Aldo Giglio, Hon. John Hausner, Norman Hyman, Hon. Charles Levin and Past President Charles Rutherford. It is not surprising that, in addition to consistency and dedication, other common themes among the accomplished individuals in this fine group are excellence and leadership, as demonstrated by the number of past presidents and award winners in their ranks.

We have come a long way over five decades when you consider that we now have 600 Chapter members. Another interesting comparison is that our Chapter

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**WINNER
4 YEARS
National FBA
Outstanding
Newsletter
Award**

President's Column (continued)

started with only two women members, and the number of women members did not change over the next quarter century. Today, however, 28% of our Chapter members are women, which coincidentally is exactly the same percentage of women in the practice of law across the country that was recently reported by the American Bar Association.

An even more noteworthy development is that the percentage of women in our Chapter leadership ranks far exceeds this number. Over 70% of our officers are women; almost 40% of our Executive Board members are women; and over 40% of our committee chairpersons are women. This robust level of activity and contribution by women members is a significant feature of who we are and of our diverse brand of opportunity and success. As with any dynamic change and improvement in an organization, it is gratifying to know that our Chapter's history has its own share of bold visions realized.

Having recently attended the National FBA Mid-Year Meeting in Washington, D.C., I have a few additional thoughts on how bold visions and actions, at the Chapter and National levels, are needed to ensure that long-overdue improvements are put in place that are vital to sustaining an independent, well-qualified and experienced judiciary. The Mid-Year Meeting included thought-provoking presentations on the problems plaguing judicial appointments, security and compensation, including remarks from Kristine Lucas (Senior Counsel, Senate Judiciary Committee), Elisabeth Cook (Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice) and Cordia Strom (Assistant Director for Legislative Affairs, Administrative Office of the U.S. Courts).

There has been quite an unfortunate lack of responsiveness, support and priority extended to the judiciary by the other branches of our federal government. There are twenty emergency court vacancies across the country (with only ten nominees, due largely to the vagaries of the nomination/confirmation process). The last time Congress passed a bill authorizing new judgeships was in 1990. Little is expected to be done soon to alter or hasten the pace of the nomination process, especially in light of the 2008 presidential election. Similarly, the violence affecting federal judges in Chicago and Atlanta a few years ago has yet to produce legislation that would afford basic security improvements. Any bills on that issue aren't likely to garner any stand-alone support, but would likely need to be tacked onto another, unrelated lead bill.

Most compelling of all is the judicial pay issue, which is facing challenges on three key fronts. The

base pay of federal judges is stuck at the 1989 level and there have been no COLA increases over that stretch (causing real judicial pay to go down 25%, while wages in America over that same time period increased by 19%). The three leading negative influences on momentum developing soon on judicial pay increases are: (i) the sense that the average voter won't enthusiastically support or meaningfully appreciate the need for a judicial pay increase because federal judges at their currently frozen level make much more than the average wage-earner in the United States; (ii) Congress is now requiring increases in budgets to be accompanied by equal off-sets elsewhere and is also cutting court budgets overall; and (iii) Congress wants to link its members' ability to get a pay increase to the passage of judicial pay increases. The transition in power in Congress this past November makes it unlikely that the new majority will try to go that way until they get more established in their positions and assess whether there is sufficient support.

All of these matters, but especially enhancing judicial pay, are essential to sustaining the competency, excellence and diversity of the federal bench for the benefit of our judicial system and all persons participating in it. I can see how the average lay person would not easily see the priority of any of these judiciary issues compared to foreign policy and domestic economic policy. I can also appreciate that the judiciary is not in an appropriate position to lobby on its own behalf. For these reasons, I think that such vital matters regarding our judicial system should be addressed primarily by lawyers, individually and through bar associations.

I believe that our Chapter and its members should lend their support to National FBA's initiative to lobby Congress and the executive branch in favor of improvements to judicial appointments, security and compensation. In that connection, I will explore with our Chapter's officers and Executive Board the possible adoption of an appropriate resolution in support of positive action on these matters.

I encourage all members of our Chapter to reflect on the future of our judiciary and to take a moment to support the FBA by independently contacting members of Congress to ensure that the importance of these issues is fully appreciated and that improvements are promptly implemented. I see this not only as a chance to make an important difference, but our duty, as lawyers and officers of the court, to exercise our unique standing to serve the best interests of the judicial system, and in turn our clients and society, who depend on it remaining an equally strong third branch of government.

Protect Our Waters *(from page 1)*

or by mailing a check to Executive Director Brian Figot, 30100 Telegraph Rd., Suite 428, Bingham Farms, MI 48025-4564. Questions? Contact William Schikora (313-568-6685) or Christine Dowhan-Bailey (313-226-6822).

Gilman Luncheon (continued)

Thomas, a Detroit-based criminal defense attorney, has successfully defended his clients in some of the Eastern District's highest-profile criminal cases, including the Detroit Police Corruption trial, Young Boys Inc II trial, and *U.S. v. Koubriti*, the first trial resulting from the prosecution of suspects following the September 11, 2001 attacks, in which Thomas won an acquittal for his client on terrorism-related charges. He currently is representing another client who was indicted on charges of providing material support to a terrorist organization. Thomas specializes in defending clients charged with a broad range of significant criminal offenses in Michigan courts and in Federal courts across the country.

A graduate of the Detroit College of Law, Thomas has received numerous awards in his nearly 33 years of practice, including the "Defender of Justice" award from the National Lawyers Guild and the "Justice for All" award from the Criminal Defense Attorneys of Michigan. He served as President of the American Board of Criminal Lawyers in 2006. Thomas has been named one of "The Best Lawyers in America for Criminal Defense." He also is listed as one of Michigan's Superlawyers in Criminal Defense and White Collar Criminal Defense.

"It took a couple of days for the shock to wear off," Thomas said when describing what it means to him to receive the Gilman Award. "If you take a look at the names on that list [of prior Gilman Award recipients], of the lawyers, both prosecution and defense, they are the best lawyers that practice in the Federal courthouse, in my opinion. I am feeling a bit of humility and a great deal of pride by having received the nomination."

Tickets to the Luncheon are available for purchase online at www.fbamich.org or by contacting Laurie Michelson at (313) 983-7463. Tickets cost \$25 for members and \$30 for nonmembers.

Meeting of the Selden Society

On Monday, April 30, 2007, the Chapter, together with the District Court and Professor Brian Simpson of the University of Michigan Law School, will host a meeting of the Selden Society. The event will take place at 12:30p.m. in Room 115 of the Courthouse. Attendees are invited to bring their own lunch; dessert will be provided.

Professor Simpson will speak on the Battle of Agincourt and the Rules of War. It promises to be an interesting and exciting event. Please RSVP via email to: Stephanie_Miskowski@mied.uscourts.gov

The Selden Society is the only learned society and publisher devoted entirely to English legal history. The Society was founded in 1887 by Frederic William Maitland, with the support of the judges, the Inns of Courts, the universities, and the legal profession in England, the United States, and other countries. Queen Victoria was its first Patron, and it continues to enjoy royal patronage. For more information about the Selden Society: www.selden-society.qmu.ac.uk.index.html

News From Our Student Chapters

University of Michigan Law School By Pamela Dangelo

It has been a fantastic and challenging year for the new student chapter at the University of Michigan Law School. After taking the steps to be recognized as an official student group, we decided we needed to publicize the group by hosting an incredible kickoff event. On February 21, 2007, we hosted a Motion Day for a Civil Procedure class at the Law School. Chief Judge Friedman heard several motions in front of an audience of nearly 100 first-year students. In addition to having the opportunity to see live court proceedings, the students were also able to ask questions about the FBA and the federal courts.

After the Motion Day, the students were invited to participate in a brown bag luncheon with a panel that included Chief Judge Friedman, his law clerks, and Assistant United States Attorney Barbara McQuade. The luncheon was a huge success.

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Student Chapters *(from page 3)*

We recently held our last general meeting for the semester and elected the new Executive Board for the 2007-2008 school year: President Pamela Dangelo, pscham@umich.edu, Vice President Reid Aronson, reidaa@umich.edu, Secretary Brittany Parling, bparling@umich.edu, Treasurer Ron Spinner, rspinner@umich.edu.

We have had a wonderful first year and look forward to continuing to represent the FBA at the University of Michigan Law School. We thank Kelly Walters, Law Student Initiative Co-Chair, for all her support and assistance.

University of Detroit-Mercy School of Law **By Andrea Enright**

The student chapter at University of Detroit-Mercy School of Law has been busy. On February 26, 2007, during Spring Break, a group of students went to Washington, D.C. to attend oral arguments at the Supreme Court. The group spent three days and two nights and was able to hear two days of oral arguments. The trip was sponsored, in part, by the Chapter. It was a great experience to see the Supreme Court Justices in person, actually engaging the attorneys and asking them questions. All of the Justices were involved, and it was very interesting to see how they operate differently and how they each analyze issues in a unique way. We plan on making this an annual Spring Break event so that many more students can have the same positive experience we all had.

On March 5, 2007, Chief Judge Friedman held Motion Day at the Law School. This has become a regular event that brings different cases to the Law School. Judge Friedman happened to be starting a trial on this day, so we were able to see opening statements in an action to enforce a settlement agreement arising from an automobile accident. We had the opportunity to see different methods of practice as well as effective ways of persuading a jury. The event was well-attended, and I believe everyone, including all attorneys present, benefited from this opportunity. We look forward to having Chief Judge Friedman back again next year.

Corporate Privilege **Panel Discussion**

By Dan Hurley

Assistant United States Attorney

On February 2, 2007, the Criminal Practice Committee presented a panel discussion on waivers of privilege in corporate criminal investigations. Presenters included Alan Gershel, Chief of the Criminal Division, U.S. Attorney's Office; Tom Cranmer, white-collar defense attorney at Miller Canfield; Joe Papelian, Deputy General Counsel, Delphi Corporation, and Judge Paul D. Borman.

The presentation focused on the difficult and shifting landscape facing both defense attorneys and prosecutors regarding what privileges can or should be waived, and under what circumstances, during investigations of possible wrongdoing by corporate employees. A diverse audience of defense attorneys, corporate practitioners, prosecutors and judges provided lively engagement with the panel in fleshing out the issues, described in part below.

Most corporations, upon learning of possible misconduct by employees, will commission outside counsel to conduct an investigation. Corporate employees are often required to speak with the investigators, and the investigation proceeds upon a premise that such communications are protected by the corporation's attorney-client privilege. At the conclusion of the investigation, the attorneys usually prepare a full presentation for the corporate board of directors.

When Government prosecutors come calling, however, the corporation's interests often diverge from those of the employees who spoke freely with the attorneys conducting the investigation. At this point, the corporation may determine that it is in the corporate interest to share the results of the investigation, including interview summaries, notes and documents, with the Government, in an effort to earn goodwill and to demonstrate the lack of need for a sanction against the corporation itself. The employees who spoke with the corporate lawyers may find that there is no privilege attached to any statements made by them, and that in fact the corporation has effectively conducted the Government's investigation against them.

Historically, corporations were under tremendous pressure to proceed down this road, however adverse it turned out to be for individual corporate employees. Federal sentencing guidelines expressly called for consideration of the extent to which the corporation

“cooperated,” and full cooperation often included waiving the corporate attorney-client privilege and turning over the record of the full internal investigation. In some districts, federal prosecutors often demanded exactly that, at the front end of an investigation, as a condition of any leniency towards the corporation in any criminal investigation.

Many federal and state agencies engage in similar practices, covering fields as diverse as securities transactions, banking and Medicare/Medicaid procurement. Making the situation even more perilous for the corporation, some courts have held that there is no limited or selective waiver. In these jurisdictions, once the corporate privilege was waived with respect to law enforcement, it was waived completely. The internal corporate documents prepared by counsel were then subject to discovery in ordinary civil litigation.

Nationally, these issues have triggered fierce debates and allegations of abusive practices by the investigating agencies. In the wake of this controversy, the Department of Justice recently amended the guidance it provides to prosecutors, in an effort to standardize and circumscribe the extent to which prosecutors request access to material generated by internal corporate investigations. A proposed rule of evidence, Fed.R.Evid. 503(c), would allow for limited waivers of privilege to law enforcement. And Congress has even threatened to get into the action, holding hearings and floating proposed legislation. All of this points to increased activity on these issues for some time to come.

During the discussion, Mr. Cranmer noted that in his capacity as State Bar President he had solicited information from the bar about the extent to which these issues have arisen in the State. He acknowledged that, according to his own experience and the feedback received by the State Bar task force, the abusive practices and controversial actions have largely been absent from Michigan, and that local practices have been fair and professional. Mr. Papelian made clear, however, that the potential conflict between the corporate interests and the interests of the individual employee, which is inherent in every internal investigation, makes this a very difficult situation for all involved.

New Lawyers Seminar Unparalleled Success Continues

**By Brian D. Figot and
Christine Dowhan-Bailey**

This year's New Lawyers Seminar was held on December 5th and 6th, in the newly renovated Room 115 at the Courthouse, in the courtrooms of Judges Cleland, Duggan and Tarnow, and at the nearby historic Detroit Club, before over 100 new Lawyers.

The Seminar, now in its thirtieth year, is a two-day “nuts and bolts/ how to do it” tutorial for new lawyers. It is designed to assist them in understanding certain areas of practice and procedures followed in the United States District Court and in the State courts in Wayne, Oakland and Macomb counties. The faculty consists of practicing attorneys, court personnel and judges.

The first day of the Seminar, “Federal Day,” was conducted by faculty that included Judges Rosen, Cleland, and Duggan, Magistrate Judge Whalen, Court Administrator David Weaver, Tom Cranmer (immediate past president of the State Bar of Michigan), Chief Assistant U.S. Attorney Terry Berg, Supervisory Federal Defender Leroy Soles. Other notable federal practitioners included David DuMouchel, Stan Bershad, Margaret Raben, Michael Leibson, Bill Woodard and Liz Laren. The day was capped by memorable swearing-in ceremonies, presided over by District Judges Tarnow, Cleland and Duggan.

The second day is “State Day” and led the uninitiated through the vagaries of the tri-county court systems, with speakers drawn from the finest state court practitioners, which this year included Regan K. Dahle, Brian Legghio, Cathrine Wenger, Cheryl Fletcher, Robert Rollinger, Tim Wittlinger and Lawrence Pepper. The midday break was likewise memorable, with a luncheon at the Detroit Club, addressed by Chief Judge Mary Beth Kelly of the Wayne County Circuit Court (and former FBA Chapter Board Member and Newsletter Editor).

In addition to the pearls of wisdom imparted by the speakers, registrants were provided accompanying outlines and substantive articles, conveniently formatted for word searching on a CD-ROM.

Over the years, this Seminar has been copied, first nationally by other FBA Chapters and more recently by local bar associations and law firms. However, it

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New Lawyers *(from page 6)*

showed this year, once again, that it remains unparalleled both in content and in pricing. The two-day Seminar, reception, luncheon and Seminar materials are all provided for only \$65.00 to FBA members; \$95.00 to nonmembers. Since membership in the National FBA has many other benefits as well, a reduced membership rate of \$75.00 was offered in conjunction with Seminar attendance – and more than ½ of the registrants accepted the offer!

On behalf of our New Lawyers Seminar Committee Co-Chairs (Brian Akkashian, Grant Gilezan, Geneva Halliday and Cathrine Wenger), we would like to thank all of the busy practitioners and members of the judiciary who volunteered their time to instruct these new members of our legal community. The Committee also expresses its gratitude to the District Court for their wonderful participation and the invaluable assistance of Stephanie Miskowski of the Court Administrator's Office and Jeff Colby in Court Operations for their unstinting behind-the-scenes assistance in making this event an annual success.

Partners and Firm Administrators take note: The next New Lawyers Seminar is scheduled for December 4-5, 2007. If your newer lawyers missed it this year, get them signed up before it fills up. When you bring in the February and July bar passers, sign them up, too. For further information, look to our website www.fbamich.org.

Media Relations In High-Profile Cases

On April 24, 2007, the Chapter will present a panel discussion entitled: "Media Relations and Handling a High-Profile Case." It will take place from 12:30 p.m. to 1:30 p.m. in Room 115 of the Courthouse. Attendees are invited to bring a brown-bag lunch. The panelists will be: Tom Cranmer of Miller Canfield, Samuel Damron of Dykema, and Matt Friedman of the Tanner Friedman media relations firm. Thomas Schehr of Dykema will be the moderator. Mark your calendars now. This should be a lively and informative discussion.



From Court Administrator Dave Weaver

On Friday, February 20, 2007, the Court was saddened to learn that long-time Clerk's Office employee Jeff

Colby passed away. Jeff was with the Court for almost twenty years but had just left the week before to begin a new job. Jeff was employed in our Public Services Group which required him to work with the Bar and members of the public every day, something for which Jeff and his personality were uniquely suited.

Over the years, Jeff also worked with members of our Bench at special new citizen swearing-in ceremonies throughout the Detroit metropolitan area. I remember participating in a July 4th ceremony held at the Fox Theater several years ago. Jeff opened the proceedings with a booming "Oyez! Oyez! Oyez!" that immediately grabbed everyone's attention. As Jeff stepped aside, Mayoral candidate Gil Hill who was seated on stage, stood, pulled Jeff aside and shaking his hand vigorously, told him how impressed he was with the opening. Jeff was beaming when he took his seat. Having the opportunity to participate in such events was important to Jeff and he represented the Court well.

In other news, the Flint Magistrate Judge vacancy has been posted. The application deadline is Friday, April 13, 2007. The Court has appointed a Merit Selection Panel made up of members of the Bar and the public who will review qualified candidates and make recommendations to the Bench. Upon being selected by the Bench later this year, the successful candidate will be required to undergo a complete FBI background investigation before taking office.

The Court's Case Management/Electronic Case Files (CM/ECF) system will be undergoing a major update later this year to Version 3.1. This version will include a considerable number of improvements for the practicing Bar. Some of the changes include the ability to create abridged docket reports, using cross-document hyperlinks, printing multiple documents, regenerating NEF's and many more. Additional information will be provided to all filing users in the near future.

The Bench recently adopted a revised policy regarding courtesy paper copies of documents filed

electronically. The intention when updating the policy was to provide the Bar with a unified, streamlined requirement, rather than different requirements for each judicial officer.

The revised policy can be found at www.mied.uscourts.gov/_practices/cc.htm. It is interesting to note that we have received a number of telephone calls and emails from members of the Bar who believe this is a “new” policy, rather than a “revised” policy! The Court’s CM/ECF Web Site contains complete, up-to-date information regarding CM/ECF. Please visit often to ensure you have the most current policies and procedures.

Remember, if you have any questions or comments, please send them to me at mie_fba@mied.uscourts.gov.



Mrs. Henis Feikens, Mrs. Molly Katcher and Dr. Rachel Keith at the ABA Convention in London in 1971.

advocate for the poor and uninsured. She was active in many local organizations, including the NAACP, the Detroit Science Center and the Detroit Symphony Orchestra. In addition to Judge Keith, she is survived by daughters Gilda Keith, Debbie Keith and Cecile Keith-Brown.

One of Mrs. Feikens’ daughters, Barbara Reinsma, described her mother as being “devoted to her family.” She said that her mother’s favorite piece of jewelry was a gold charm bracelet with the names and birthdates of her children and their spouses, to which she added her grandchildren, and their

spouses, and her great-grandchildren. Mrs. Reinsma said, “My mom loved being with people and going to parties. One of her favorite stories was that she danced with General Omar Bradley at Eisenhower’s Inaugural Ball.”

Over the years, Mrs. Feikens volunteered for the Wayne County Juvenile Court and cared for children in the foster care system. She also volunteered as a tutor in the Detroit Public Schools. She was an active member in the University of Michigan Women’s League and, more recently, she was a deacon at Grosse Pointe Memorial Church. Along with Judge Feikens and Mrs. Reinsma, survivors include daughters Dr. Susan Sevensma and Julie VanderHaagen, sons Jon Feikens and Robert Feikens, twelve grandchildren, five great-grandchildren and sister Dorothy Bel.

Remembering Dr. Rachel Boone Keith and Mrs. Henriette “Henis” Feikens

The Federal Bench and Bar community is greatly saddened by the recent deaths of Dr. Rachel Boone Keith, M.D., wife of Judge Damon J. Keith, and Henriette “Henis” Feikens, wife of Judge John Feikens. Dr. Keith passed away on January 4th, at the age of 82, and Mrs. Feikens, age 91, entered her eternal reward on March 13th. Well known to Chapter members, Dr. Keith and Mrs. Feikens often attended FBA and Courthouse events.

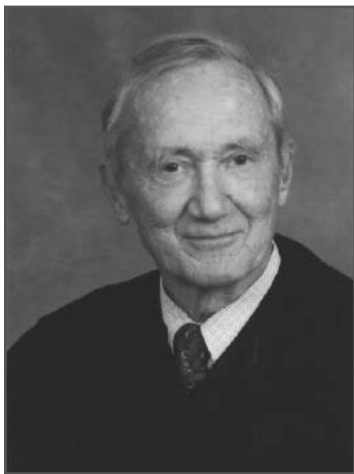
Born to American missionaries working in Liberia, Dr. Keith graduated from high school at the age of thirteen and then went on to become one of the first African-American graduates of the Boston University Medical School. In 1951, she began her medical practice in Detroit, where she became known as a strong

In Memoriam Judge Douglas W. Hillman

Few if any judges from another district have had greater impact on the Bench and lawyers of the Eastern District than Judge Douglas W. Hillman of the Western District. He died on February 1, 2007, at the age of 84.

(cont’d on page 8)

Douglas W. Hillman *(from page 7)*



Judge Douglas W. Hillman

Judge Hillman was born in Grand Rapids in 1922. After graduating from Grand Rapids Central High School, he attended the University of Michigan for three years when World War II began. He was a B-24 Liberator bomber pilot who flew 48 missions over occupied Europe and Germany for which he received the Distinguished Flying

Cross and an Air Medal. After the War, he returned to the U of M and received a B.A. in 1946 and LL.B. in 1948.

He practiced law in Grand Rapids for the next 31 years until President Jimmy Carter appointed him U. S. District Judge in 1979. He served as the Chief Judge of the Western District from 1986 until 1991 when he took senior status. He retired in 2002.

He was instrumental in developing the trial advocacy program for beginning litigation lawyers which continues to this day as the Hillman Advocacy Program, sponsored by the Western Michigan Chapter of FBA and the judges of the Western District. It was in this role that he particularly affected the Eastern District. At the invitation of Chief Judge John Feikens, Judge Hillman met with judges and leading litigators from the Eastern District. From this meeting came the Trial Advocacy Workshop which continued for nine years under the leadership of Chief Judge Feikens and Magistrate Judge Steven D. Pepe.

Judge Hillman's commitment to training trial lawyers was demonstrated by the statement that he repeated so often: "Cases should be decided on truth, not on who has the best lawyer." He wanted to level the courtroom playing field by reducing the disparity in trial lawyers' advocacy skills insofar as that may be possible.

None of this captures the person that Doug Hillman was like a speaker at his memorial service who said: "When you saw him after being away a while, he had an enthusiasm that made you feel like he had been waiting all day for you to show up!"

McCree Luncheon Honors Father Norman P. Thomas Prof. Kevin Boyle Recalls the Dr. Ossian Sweet case

Two hundred twenty FBA members and guests attended the annual McCree Luncheon at the Atheneum Hotel on February 1st.

The Wade Hampton McCree Jr. Award for the Advancement of Social Justice was presented to Father Norman P. Thomas, pastor of Sacred Heart Church Detroit. Ordained a Catholic priest in 1955, Father Thomas served as associate pastor in Wyandotte, Pontiac and Hazel Park before coming to Sacred Heart Church in 1968. In 1965, Cardinal Dearden appointed him Director of the Urban Parish Apostolate coordinating the efforts of central city parishes.

Judge Arthur J. Tar-now introduced Father Thomas, calling him a "one-man social service agency" whose philosophy has been "to help the community help themselves." The Award was presented to Father Thomas by Chapter President Grant Gilezan.



Kathleen McCree Lewis, Professor Kevin Boyle, Doree McCree, Father Norman P. Thomas, Grant P. Gilezan and Judge Wade Harper McCree at the McCree Luncheon.

Circuit Executive to Retire

Circuit Executive James A. Higgins has informed Chief Judge Danny Boggs, the judges of the Court of Appeals and the Circuit Council of his intention to retire at the end of 2007.

Jim Higgins has been Circuit Executive of the Sixth Circuit since 1974. He served as Clerk of the Court of Appeals from 1971 to 1974.

He was born in Cincinnati but raised in rural

southern Indiana. He received his B.A. and J.D. degrees from the University of Cincinnati, and is admitted to practice in Ohio and Indiana.

In 1986-1987, he served by appointment of the Chief Justice of the United States on the Committee to Study the Judicial Conference of the United States. That committee reviewed Judicial Conference committee organization and the structure of the Conference and recommended a series of significant modifications in how the Judicial Conference transacts its business.

In 1979, he served as President of the Cincinnati FBA Chapter and has remained an active member of the Chapter's Executive Board since that time. In 2006, he received the Judge John W. Peck Award for distinguished service to the Cincinnati Chapter.

The Office of the Circuit Executive occupies a unique position within the administrative structure of the Sixth Circuit. Although appointed by the Sixth Circuit Judicial Council, the Circuit Executive is administratively attached to the Court of Appeals where he exercises administrative control over all non-judicial functions of the Court and performs a variety of administrative responsibilities relating to all of the courts of the Circuit.

Kevin Boyle, winner of the 2004 National Book Award for *Arc of Justice: A Saga of Race, Civil Rights, and Murder in the Jazz Age*, was the keynote speaker. Chapter Board Member Michael Riordan had the honor of introducing the featured speaker.

Professor Boyle, a native Detroit, described vividly the events in 1925 which brought together Dr. Ossian Sweet, Clarence Darrow and Judge Frank Murphy. He ended his speech on the same somber note as the book ends. Beginning in the 1920s, Detroit realtors, bankers and insurance agents, with the advice and counsel of many lawyers, developed institutional racism in residential housing to a greater extent than anywhere else in the country. The effects of this pernicious program are still being felt today in Detroit, and many of its suburbs and exurbs.

The McCree Award for the Advancement of Social Justice was created by the Chapter in 1990. It has been given to a wide range of individuals and organizations as follows:

- 1990 George W. Crockett & Dennis W. Archer
- 1991 Ernest Goodman
- 1992 Mildred Jeffrey
- 1995 Judge Damon J. Keith
- 1996 George W. Romney
- 1997 Fr. William Cunningham
- 1998 William G. Milliken
- 1999 Maryann Mahaffey
- 2001 Alternatives for Girls
- 2002 Saul A. Green
- 2003 Eleanor M. Josaitis
- 2004 Friends School of Detroit
- 2005 Eugene Driker
- 2006 Freedom House



Mike Riordan, Father Norman P. Thomas, Professor Kevin Boyle, Doris McCree, and Judge Tarnow at the McCree Luncheon.

Executive Retires *(from page 9)*

It is in this capacity that judges, court officers and lawyers have come to know him so well over the years. He has been of inestimable assistance to the District Court and the Bankruptcy Court, as well as to this Chapter. We wish him Godspeed.

E-Discovery Seminar A Success

On January 18, 2007, the Chapter and the Detroit Metropolitan Bar Association jointly presented a seminar titled “E-Discovery – How Technology is Changing Litigation Practice.” Over 50 people attended the seminar at the DMBA’s offices in the Penobscot Building. Presenters included Thomas Schehr of Dykema, Cameron Evans of Honigman, Mandi Ross of Prism Litigation Technology, and Bill Speros, an electronic discovery consultant.

The seminar focused on practical aspects of the electronic discovery rules in the Federal Rules of Civil Procedure that took effect on December 1, 2006. The seminar also referenced proposed electronic discovery rules being considered for Michigan courts, as well as evidentiary issues concerning electronically stored information.

Comments from the members of the audience at the seminar demonstrated that the bar continues to grapple with the new electronic discovery rules. The rules affect not only the procedural and substantive aspects of a case, but the costs of litigation as well. In a high-exposure case, there is likely to be more attention devoted to electronic discovery issues than in cases involving smaller claims.

That said, the new rules do not distinguish between large and small cases, and the effect of a violation of the rules can be an adverse presumption at trial, or even worse. In an age where an individual plaintiff and a large corporate defendant each have email communications and electronic storage of documents, the new electronic discovery rules will affect every member of the bar. Electronic discovery issues certainly will be part of future Chapter seminars, especially as the case law begins to flesh out the rules.

Law Day, May 1, 2007

On Tuesday, May 1, 2007, the U. S. District Court and the Chapter are hosting an open house at the Courthouse to celebrate Law Day, from 11:00 a.m. until 2:00 p.m. It will include tours of the Courthouse and the historic courtroom. Several federal agencies will provide demonstrations and displays. An “Ask the Lawyer” pro bono program also will be held.

The Court and the Chapter invite you and your employees, clients, and families, especially those who are not lawyers, to visit the Courthouse and take a look at our justice system. Light refreshments will be available.

Sustaining Members

We gratefully acknowledge the additional support provided to our Chapter by the following individuals, who opted during 2006 to renew their Membership at the Sustaining Member level of \$100. Thank you for contributing to our ability to fund essential programming. We hope to have 100 Sustaining Contributors at this \$100 level in calendar year 2007 – a true Century Club of Support in our Golden Anniversary Celebration Year!.

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Calendar of Events

April 24

Media Relations in High-Profile Cases

Panel: Tom Cranmer, Sam Damren and Matt Friedman; Moderator: Tom Schehr

11:30 a.m. Courthouse

Contact: Tom Schehr, 313.568.6659
tschehr@dykema.com

April 26

Leonard R. Gilman Award Luncheon

Speaker: Justice Maura D. Corrigan,
Michigan Supreme Court

11:30 a.m. Gem Theater

Contact: Laurie J. Michelson, 313.983.7463
michelso@butzel.com
or register online at www.fbamich.org

April 30

Selden Society Brown Bag Lunch

Speaker: Professor Brian Simpson, Univ. of
Mich. Law School

12:30 p.m. Courthouse

Dessert provided.

Contact: Stephanie Mizkowski
stephanie_mizkowski@mied.uscourts.gov

May 1

Open House at the Courthouse

11:00 a.m. to 2:00 p.m.

Come One, Come All. Attorneys, Staff, Clients,
all welcome

Contact: Dona Tracey, 313.471.3644
dona.tracey@va.gov

TBD

Advanced Technology and Electronic Evidence Courtroom Training

8:30 a.m. Courthouse

Details and online registration now
at www.fbamich.org

June 7

28th Annual Dinner and Meeting Detroit Athletic Club

Cocktails 5:30 pm, Dinner 6:45 pm

Entertainment: A (Habeas) Chorus Line

Contact: Cameron Evans, 313.465.7370
cje@honigman.com

**Updates and further developments
at www.fbamich.org
See "Hot News" and "Events &
Activities"**

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EASTERN DISTRICT OF MICHIGAN CHAPTER
FEDERAL BAR ASSOCIATION

TWENTY-EIGHTH ANNUAL DINNER

HONORING THE FEDERAL JUDICIAL OFFICERS
OF THE EASTERN DISTRICT OF MICHIGAN

JUNE 7, 2007

The Detroit Athletic Club
Cocktail Reception Commencing at 5:30 p.m. (Cash Bar)
Dinner at 6:30 p.m.

Entertainment by A (Habeas) Chorus Line

Executive Director:

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