



# FBAnewsletter

Fall 2010

Federal Bar Association - Eastern District of Michigan Chapter - 52 years of service to our Federal Bench and Bar

## Rakow Awards/ Historical Society Luncheon

The annual joint luncheon of the Chapter and the Historical Society of the U.S. District Court for the Eastern District of Michigan will be held on Thursday, November 18, at the historic Westin Book Cadillac Hotel in downtown Detroit. A reception begins at 11:30 a.m. with the luncheon starting at noon.

The program will feature the presentation of the Federal Bar Foundation's annual Rakow Scholarship Awards to students from each of Michigan's law schools and a very special Historical Society program featuring Ross Parker, author of the book *Carving Out the Rule of Law: The History of the United States Attorney's Office in Eastern Michigan, 1815-2008*. Ross Parker was the chief of the criminal division in the U.S. Attorney's Office in Detroit for 8 years and an AUSA for 28 years in that office.

Since 1969, the Edward H. Rakow Scholarship Fund has been administered by the Federal Bar Foundation of Detroit, honoring Mr. Rakow's contributions to the legal community and recognizing his central role in the founding of the Chapter more than 50 years ago. The Foundation awards an annual scholarship to a student from each Michigan law school who demonstrates outstanding scholarly achievement in securities law. If a securities law course is not available, then the award goes to an outstanding student in corporations or business law, as determined by the dean of the law school. For more information about Mr. Rakow

and the Scholarship Awards that honor his memory, visit the Chapter's website, click on "Newsletters" and download the Summer 2008 edition.

For more information about this luncheon or the luncheon series, please contact Thomas M. Schehr, Chapter Program Chair, at (313) 568-6659 or by email at [TSchehr@dykema.com](mailto:TSchehr@dykema.com). Tickets are \$25.00 for members and \$30.00 for non-members.

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## President's Column

Laurie Michelson



I left the Gilman luncheon last April with such a good feeling. We knew about Doug Mullkoff's dedication to his criminal defense work and it was moving to listen to him speak with such joy and passion about it. It was equally inspirational to listen to Detroit Mayor Dave Bing and his hopes and dreams for our wonderful City -- and to think about the life he put on hold to try to bring all of us better days. It was with this renewed sense of pride that I went immediately to the airport to catch a plane to Washington, D.C. for a 2-day training program put on by the National FBA for the incoming Presidents of the local chapters.

It was not long after introducing myself and the Chapter I was from that the typical refrains started -- you live in Detroit? Why? Are there any jobs in that City? Don't you worry about getting members? These questions come not from personal knowledge and experiences, but media-driven perceptions. So I view gatherings like the Training Program as opportunities to educate the rest of the country about the benefits of practicing law in the metropolitan Detroit area. And, frankly, the focus of the Program made this easier than I anticipated. There are several core elements that the speakers all identified as necessary to create a successful FBA chapter. The E.D. Michigan Chapter excels in ALL of them -- and that has to be considered a positive by future lawyers making decisions about where to practice:

- Participation by the Judiciary: it was repeated over and over, "If you can find a way to get your judges involved, people will come to your events." I suspect there are not many other chapters where the Bench: (1) provides financial support for the programs and Newsletter; (2) holds numerous Executive Board and Committee Chair/Liaison positions; (3) meets with the officers yearly; (4) headlines most programs; and (5) fills a seat at virtually every table of the events.

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

## President's Column (continued)

- Chapter Communications: Incoming Presidents were told, "You have to find a way to communicate with the membership." For the past eight years, the national FBA has recognized our Newsletter as a recipient of its Outstanding Newsletter Award. Members do not have to attend all events to know what is happening within the Chapter and the community. Our new monthly "E-Blast" not only previews upcoming FBA events, but also showcases the activities of the Affinity Bar organizations. The FBA website ([www.fbamich.org](http://www.fbamich.org)) provides even more detailed information about events, easy sign-up capability and everything you want to know about the organizational structure of the Chapter.

- Programming: We were told that "It is the quality of the programming that most attracts and retains members." With close to 30 Committees run by over 50 co-chairs and liaisons, there are, every year, programs and events that cover virtually every substantive area of federal practice; constant efforts to improve our diversity; much needed provision of pro bono services; and fun social events where the bench and bar can interact less formally.

For a myriad of reasons, the members of our Chapter chose to reside and practice law in the Eastern District of Michigan. There are several simple things we can do to try to convince others to do the same:

- Alleviate law student migration: It would be tremendously helpful if the top-ranked law school in the State followed the lead of the other local law schools and encouraged the student body to stay and practice in the Detroit-area. Our Law Student Committee works closely with the student chapters and utilizes the law school motion days to talk to the law students about the diverse and challenging work that this area has to offer as well as the much greater likelihood of experiencing collegiality with peers and judges in the Midwest than on either coast.

- From judicial law clerks to law firm law clerks: The federal judges attract the very best law students who spend several years honing their legal research and writing skills and learning how to practice in federal court. They are every law firm's dream associate – including the top national law firms that do not recognize any local boundaries. We appreciate any encouragement the judges, career clerks and judicial staffs give to the clerks to continue their legal careers in Michigan. Working to retain the law clerks is also one of the charges of the Chapter's Law Clerk Committee.

- Let's not be our own worst enemy: When we work on cases with lawyers or clients in other jurisdictions, let's say positive things about our City. As Mitch Albom aptly explained:

Maybe you ask, as I get asked all the time, "Why do you stay there? Why don't you leave?" Maybe because we like it here. Maybe because this is what we know: snow and concrete underfoot, hardhats, soul music, lakes, hockey sticks. Maybe because we don't see just the burned-out houses; we also see the Fox Theater, the Detroit Institute of Arts, the Whitney restaurant, the riverfront that looks out to Canada. Maybe because we still have seniors who call the auto giant "Ford's", like a shop that's owned by a real human being. Maybe because some of us subscribe to Pastor Covington's words, "We are somebody because God loves us, no matter how cold the night or hard the mattress. Maybe because when our kids finish college and take that first job in some sexy faraway city and a year later we see them back home and we ask what happened, they say, "I missed my friends and family." And we nod and say we understand. The Courage of Detroit, SI.com (January 9, 2010).

We can host a Super Bowl, an All-Star game, the Final Four and the Detroit International Auto Show. We are one of a very few cities that can have a basketball team and hockey team in the playoffs on the same night that our baseball team is also in action. We have museums, theaters, restaurants and music. And we have extraordinary legal talent. I hope that this year our Chapter can continue to provide programs, services, resources and camaraderie that make all of our members want to stay and new members want to join. "Just say yes to [the Eastern District of Michigan]!"

## New AUSAs

Over the last five months, the United States Attorney's Office has welcomed 12 new Assistant United States Attorneys. Commenting on the new members of her staff, U.S. Attorney and former Chapter President Barbara McQuade stated that the Office's "goal has been to hire excellent attorneys from diverse backgrounds." The new hires fit that goal.

Lynn Dodge joined the Civil Division, Defensive Litigation Unit, after having served as a Special Assistant U.S. Attorney since 2007. During that time she also worked as an Assistant Clinical Professor for the University of Detroit Mercy School of Law. Lynn is a former Administrative Law Judge in Washington, D.C. She graduated from the University of Detroit Mercy School of Law and the University of Michigan. Lynn is also a Chapter member.

Eric Doeh joined the Drug Task Force. Eric previously worked for the Wayne County Prosecutor's Office and as a prosecutor at the District of Columbia Office of Attorney General. Eric was born in Liberia and came to the United States at the age of 11. He is a graduate of Cleveland-Marshall College of Law at Cleveland State University and the University of Michigan.

Andrew Goetz joined the Appellate Division. Andrew came from the law firm of Wilmer Cutler Pickering Hale & Dorr in Washington, D.C. He previously clerked for Judge Mary Beck Briscoe on the 10th Circuit Court of Appeals. Andrew graduated from the University of Michigan Law School and



Michigan State University, where he earned his degree in Chemistry and Political Science.

Jerome Gorgon joined the Criminal Division, General Crimes Unit, after having worked at the law firm of Honigman Miller Schwartz and Cohn LLP. Previously, he clerked for Judges Damon Keith and Anna Diggs Taylor. Jerome received his undergraduate and law degrees from the University of Michigan.

Stephanie Hays joined the Criminal Division, General Crimes Unit. Stephanie came from the Fraud Section of the Criminal Division at the Department of Justice, where she had been working in the U. S. Attorney's Office as part of the Health Care Fraud Strike Force. She is a graduate of Yale Law School, holds a master's degree in Literature from Berkeley, and received her bachelor's degree from the University of Texas.

Hala Jarbou joined the Criminal Division, General Crimes Unit. Hala previously served in the Oakland County Prosecutor's Office, where she had served as an Assistant Prosecuting Attorney since 1997. She is a graduate of Wayne State University Law School and the University of Michigan-Dearborn.

Gjon Juncaj (pronounced John Yoon-ch-eye) joined the Forfeiture and Financial Litigation Unit. For the past six years Gjon served as a Senior Litigation Counsel with the Department of Justice, Office of Immigration Litigation, in Washington, D.C. He is a graduate of Wayne State University Law School and Michigan State University.

Laura Sagolla joined the Civil Division, Defensive Litigation Unit. Laura came from the Ann Arbor law firm of Kanji & Katzen, and before that worked at Dykema Gossett. She graduated from the University of Michigan Law School and has a doctorate in English from the University of Pennsylvania.

Margaret "Maggie" Smith joined the Appellate Division. Maggie came from the staff of Sixth Circuit Judge James Ryan, where she had served as a Career Law Clerk since 2007. She received her juris doctorate from Ave Maria School of Law, and her undergraduate degree from

the University of Michigan-Dearborn. Maggie is a Chapter member.

Terrence Thompson joined the Forfeiture and Financial Litigation Unit. Terrence previously worked at the law firm of Miller Canfield Paddock and Stone in Detroit. He is active in Big Brothers Big Sisters of Metro Detroit. Terrence is a graduate of Wayne State University Law School.

Tony Vance joined the Flint Branch Office. Tony is a former criminal defense attorney, having had his own practice for the past nine years in Flint. He clerked for Chief Judge Robert M. Ranson of the 7th Judicial Circuit Court in Genesee County. He also is skilled in pen and ink drawing. Tony earned

his JD from DePaul University College of Law.

Tare Wigod joined the Flint Branch Office. Tare came from the Oakland County Prosecutor's Office, where he worked for nine years. He received his law degree from Case Western University School of Law, and his undergraduate degree from Washington University, where he majored in Psychology and Spanish. He is also fluent in Spanish.



*Back row: Jerome Gorgon, Andrew Goetz, Stephanie Hays, Eric Doeh, Terrence Thompson.*

*Front row: Laura Sagolla, Hala Jarbou, Margaret Smith, Lynn Dodge.*



*Chief Judge Rosen and Laurie Michelson at the September 15th State of the Court Luncheon. Photo by John Meiu, courtesy of Detroit Legal News Publishing LLC.*

## State of the Court Luncheon

Once again, the Chapter kicked off its program year with the annual State of the Court Luncheon on September 15th at the Westin Book Cadillac.

As has become tradition, the Chapter took a moment to recognize the attorneys who have provided pro bono representation for parties before the Court in the past year. Pro Bono Committee member Judge Paul D. Borman filled in for Committee Chair Judge Denise Page Hood and announced the

awards for more than 70 attorneys. The names of the awardees are listed elsewhere in this issue.

Following lunch, Chief Judge Gerald E. Rosen addressed the 279 assembled members of the bench, bar, and other guests. Chief Judge Rosen first directed attention to a handout containing Court statistics which can be accessed

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## State of the Court *(from page 3)*

at <https://www.fbamich.org//index.cfm?location=151&ParentID=156>

Picking up where he left off in an address given a few years ago when “pinch-hitting” for then Chief Judge Bernard A. Friedman, Chief Judge Rosen focused his remarks on the physical condition of the Courthouse. Chief Judge Rosen commented that the state of the Court is good, but the physical state of the Courthouse is not. He noted that the General Services Administration and other agencies and consultants all agree that the Courthouse needs to be replaced or significantly renovated. Congress, however, has mandated a moratorium on the construction of new courthouses, and logistical issues and budgetary constraints prevent a complete renovation of the Courthouse from taking place.

Chief Judge Rosen stated that, while he was not optimistic that a solution to this problem could be found quickly, he pledged that he and others would continue to make it a top priority in the coming years. Chief Judge Rosen’s full remarks are available online at <https://www.fbamich.org//index.cfm?location=195&ParentID=156>

## Diversity Committee Involved in CLEO Sophomore Summer Institute

This past June, the American Bar Association’s Council on Legal Education Opportunity (CLEO) partnered with Oakland University and Thomas M. Cooley Law School and brought to Michigan, for the first time, the ABA’s nationally recognized Sophomore Summer Institute. The goal of this CLEO program is to bring together students from diverse racial, ethnic, socioeconomic and geographic backgrounds and to provide them with the training necessary to successfully prepare them to navigate the road to and through law school. As CLEO’s Executive Director Cassandra Ogden explained, the Sophomore Summer Institute advances CLEO’s mission of diversifying the legal profession so that one day the legal profession will reflect the diversity of the people it serves.



*Elisa Angeli Palizzi and Eastern Michigan University student Dortha Thomas at the June 8th CLEO event. Photo by John Meiu, courtesy of Detroit Legal News Publishing LLC.*

The Chapter’s Diversity Committee shares that goal and proudly sponsored a luncheon for the CLEO Sophomore Summer Institute attendees on June 8th at Cooley’s Auburn Hills campus. Along with the luncheon, the Diversity Committee conducted a panel presentation informing the students about the variety of career paths available to law school graduates. Panel members answered questions, provided career advice, advice about the law school experience, and sought to motivate and inspire the students in their pursuit of a career in the legal profession.

Chapter members taking part in the CLEO luncheon program included immediate past Chapter President Elisa Angeli Palizzi, current Chapter President Laurie Michelson, Diversity Committee Chair Elizabeth Stafford, Chapter Executive Director Brian Figot, Executive Board Members Terri Serra, and Dona Tracey, and Chapter members Natasha Webster, Saura Sahu and Marcy Rosen.

Judging from the quality and quantity of student inquiries, the program was well received.



*Martha Moore, Elizabeth Stafford, Brian Figot, Natasha Webster, Laurie Michelson, Terri Serra, Elisa Angeli Palizzi, Saura Sahu, Marcy Rosen and John Nussbaumer at the June 8th CLEO event. Photo by John Meiu, courtesy of Detroit Legal News Publishing LLC.*



## Programs For Judicial Interns

In furtherance of its commitment to diversity, the Chapter partnered with the Wolverine Bar Association this summer to present two programs for judicial interns.

On July 14th, a crowd of judicial interns paid keen attention to a panel of attorneys who offered advice regarding preparing for and participating in interviews. Elizabeth Stafford moderated the discussion between panelists Laurie Michelson, current Chapter President; Kimberly Altman, career law clerk to Judge Avern Cohn; and AUSA Blondell Morey.

The experienced panelists offered interviewing tips that were both general and particular to their respective types of offices. The attendees universally expressed gratitude for the panel discussion. Some commented that they were especially appreciative of the opportunity to learn how to approach interviewing for judicial clerkships and the U.S. Attorney's Office. The program was unique in offering those perspectives.

A number of the interns were quickly able to put the panelists' advice to use the following week, on July 19th, when the Chapter hosted mock interviews. The students prepared for the mock interviews with the assistance of a list of common interview questions as well as the background information of a fictitious law firm; these items were provided to them beforehand.

Attorneys Matthew Allen, Elisa Angeli Pallizzi, Julia Caroff, Sarah Resnick Cohen, Stephanie Dawkins Davis, Leonid Feller, Jerome Gorgon, Chris Graveline, Daniel Lemisch, Diane Marion, Saima Mohsin, John Nussbaumer, Antoinette Raheem and Barrington Wilkins played the role of interviewers for the fictitious firm, giving the students a realistic experience. The participating interns gained valuable interviewing practice, and the volunteer attorneys were impressed with the level of talent they witnessed in the students.



### Supreme Court Preview

by M Bryan Schneider\*

The Supreme Court term opened on October 4th, and promises to once again provide a host of decisions impacting federal practitioners. As of the opening of the Court's October 2010 Term, the Court had granted *certiorari* in 51 cases, slightly below the 59

and 58 grants that had been issued by the start of the 2009 and 2008 Terms, respectively. If the Court follows its practice from the last few terms, another 15-20 grants can be expected in the coming months.

Among the cases of interest to federal civil practitioners, the Court will consider a number of issues relating to

civil rights liability. In *Los Angeles County v. Humphries*, No. 09-350, the Court will consider whether, to obtain a declaration that his rights were violated by a local governmental entity, a civil rights plaintiff must show that the violation was the result of a governmental policy, and whether a plaintiff can obtain attorney's fees absent such a showing. The Court will also consider whether a prosecutor's office may be held liable on a failure-to-train theory based on only a single constitutional violation arising from the allegedly deficient training in *Connick v. Thompson*, No. 09-571.

The Court will also consider whether states are liable for money damages under the Religious Land Use and Institutionalized Persons Act, *Sossamon v. Texas*, No. 08-1438, and whether the Eleventh Amendment bars suit brought against state officials by an independent state agency, *Virginia Office for Protection and Advocacy v. Stewart*, No. 09-529. Finally, in *General Dynamics v. United States*, No. 09-1298, and *Boeing Co. v. United States*, No. 09-1302, the Court will address whether the Due Process Clause prohibits the Government from maintaining a claim against a defendant while simultaneously asserting the state-secrets privilege to deny the defendant a defense to the claim.

In substantive civil rights matters, the Court will consider whether:

- the Government violates a federal contract employee's right to informational privacy by asking in the course of a background investigation whether the contractor has received drug treatment or counseling, or by asking the contractor's references for adverse information that may bear on her suitability for employment in a federal facility, *NASA v. Nelson*, No. 09-530.
- protestors at funerals of military service members may, consist with the First Amendment, be held liable for intentional infliction of emotional distress. *Snyder v. Phelps*, No. 09-751.
- state law restrictions on violent video games and their sale to minors is permissible under the First Amendment. *Schwarzenegger v. Entertainment Merchants Ass'n*, No. 08-1448.
- taxpayers have standing to bring an Establishment Clause challenge to a state tax credit given against payment for private school tuition, and whether such a credit is permissible under the Establishment Clause. *Arizona Christian Tuition v. Winn*, No. 09-987.

In business and employment matters, the Court will consider whether, under the Bankruptcy Act, a debtor can deduct from projected income the ownership costs of a vehicle only if the debtor is making payments on the vehicle, *Ransom v. MBNA*, No. 09-907. The Court will also consider the preemptive scope of the National Childhood Vaccine Injury Act, *Brueswitz v. Wyeth*, No. 09-152, federal motor vehicle safety regulations, *Williamson v. Mazda*, No. 08-1314, and the Immigration and Nationality Act as

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## Supreme Court Preview (from page 5)

applied to a state laws requiring state employers to verify the immigrations status of job applicants and revoking the licenses of businesses that hire undocumented workers, *Chamber of Commerce v. Whiting*, No. 09-115.

In two employment discrimination cases, the Court will address whether an employer is liable for the discriminatory acts of supervisors who do not make employment decisions but who do influence the decision makers, *Staub v. Proctor Hosp.*, No. 09-400, and whether an employee fired because of her relationship to another employee who engaged in protected activity may bring suit under the anti-retaliation provision of Title VII, or whether instead suit is limited to the employee who actually engaged in protected conduct, *Thompson v. North Am. Stainless*, No. 09-921.

The Court will also consider two Freedom of Information Act (FOIA) cases during the upcoming term. In *Milner v. Dep't of the Navy*, No. 09-1163, the Court will consider the scope of the FOIA exemption for an agency's internal personnel rules and procedures. Similarly, the Court will address whether the FOIA exemption for law enforcement information the disclosure of which could cause an unwarranted invasion of "personal privacy" extends to the privacy of corporate entities in *FCC v. AT&T*, No. 09-1279. Finally, for civil procedure aficionados, the Court will determine whether a party who has been denied summary judgment and lost at trial may appeal the trial court's denial of summary judgment, or is instead limited to challenging the result of the trial. *Ortiz v. Jordan*, No. 09-737.

The Court will also consider two personal jurisdiction cases relating to foreign defendants: whether a foreign manufacturer is subject to personal jurisdiction in the forum state where the manufacturer targets the United States market, and a consumer purchases its products in the forum state, *J. McIntyre Machinery v. Nicastro*, No. 09-1343, and whether a foreign manufacturer is subject to general personal jurisdiction in the forum state when third parties sell in the forum state products placed in the stream of commerce by the defendant, *Goodyear Luxembourg Tires v. Brown*, No. 10-76.

On the criminal side of the Court's docket, the Court will address a number of sentencing issues. In *Abbott v. United States*, No. 09-479, the Court will consider whether the five-year mandatory sentence for using a gun during certain drug trafficking crimes or crimes of violence applies when the predicate crime, or another separate crime arising from the same incident, carries a mandatory minimum sentence of more than five years.

The Court will also determine whether, following the vacating of a sentence on appeal, a court may consider a defendant's post-sentencing rehabilitation at resentencing, and whether a newly assigned judge is bound by the prior judge's original sentencing findings, *Pepper v. United States*, No. 09-6822. And the Court will consider whether a Rule 11(c)(1)(C) plea agreement, which binds the district court to impose the sentence provided in the agreement,

prevents a sentence reduction based on a subsequent lowering of the sentencing guidelines range, *Freeman v. United States*, No. 09-10245.

With respect to questions of statutory and constitutional criminal procedure, the Court will consider two Confrontation Clause issues: whether statements to police of a wounded victim in response to preliminary inquiries concerning the perpetrator and circumstances of the shooter constitute testimonial hearsay prohibited by the Confrontation Clause, *Michigan v. Bryant*, No. 09-150, and whether, consistent with the Confrontation Clause, a laboratory report that constitutes testimonial hearsay may be introduced through the testimony of a supervisor who did not actually perform or observe the laboratory analysis, *Bullcoming v. New Mexico*, No. 09-10876.

In an interesting Fourth Amendment case, the Court will consider the extent to which exigent circumstances may be impermissibly "created" by otherwise lawful police action, thereby precluding warrantless entry, *Kentucky v. King*, No. 09-1272. And in a statutory case, the Court will determine whether the time between filing of a pretrial motion and disposition of the motion is automatically excluded under the Speedy Trial Act. *United States v. Tinkleberg*, No. 09-1498.

The Court will also consider a number of habeas corpus cases during the upcoming term. The Court will address whether a state court summary decision containing no reasoning is entitled to deference under the Antiterrorism and Effective Death Penalty Act, and whether the petitioner's lawyer was ineffective for failing to introduce expert testimony regarding blood stain evidence, *Harrington v. Richter*, No. 09-587. Additionally, the Court will consider whether a federal court may conclude that a state court's determination of the facts was unreasonable on the basis of facts which could have been, but were not, presented to the court, *Cullen v. Pinholster*, No. 09-1088.

On procedural habeas corpus matters, the Court will consider whether the one-year limitation period governing habeas petitions is tolled for the time spent pursuing a sentence reduction in state court, *Wall v. Kholi*, No. 09-868, and whether a state law prohibiting an inmate from bringing a collateral challenge if the defendant "substantially delayed" bringing the challenge constitutes a procedural bar to habeas review, *Walker v. Martin*, No. 09-996.

Finally, the Court will consider two questions relating to the scope of habeas review. In *Premo v. Moore*, No. 09-658, the Court will consider whether a petitioner who pleaded guilty may obtain habeas relief on the ground that his counsel was ineffective in failing to move to suppress a coerced confession. And the Court will consider whether a suit brought by a prisoner seeking access to biological evidence for DNA testing is properly brought in a habeas corpus petition or as a federal civil rights suit in *Skinner v. Switzer*, No. 09-900.

*\*Bryan Schneider is Career Law Clerk to Magistrate Judge Paul J. Komives.*



## Spotlight on Tom Porter

by Thomas D. Esordi\*

Tom Porter, who served as Chapter President from 2000-2001, does not have the resume of a typical FBA member. While still a member of the Michigan Bar, Tom's career developed and progressed from courtroom lawyer, handling construction and other commercial claims, to proven executive experience in the construction industry.

Tom is a 1980 graduate of the University of Michigan Law School, *magna cum laude*, near the top of his class, where he was a senior editor of the Law Review and author of a published Note. In 1977, Tom earned his bachelor's degree from John Carroll University, *summa cum laude*. He graduated first in the class, at age 19, with a perfect 4.0 GPA. He was high school valedictorian at Cleveland St. Ignatius at age 16. Throughout high school and college, Tom was a competitive debater, winning the National Student Speaker of the Year Award in 1977.

Tom began his legal career at the U.S. Department of Justice, Civil Division, Washington, D.C. He was a trial and appellate attorney representing the Government in major court matters nationally. As primary courtroom counsel, Tom represented many federal departments in trials and appeals concerning Government contracts, federal personnel, fraud matters, major loan programs and other commercial and statutory claims.

In late 1985, Tom joined Dykema Gossett as an associate attorney and was elected partner two years later. Tom worked in the litigation department handling major business disputes for clients in multiple industries, including manufacturing, retail, insurance and financial services, other professional services, and construction. The subject matter of his cases covered contracts (including construction and government contracts), corporate and securities disputes, antitrust and trade regulation, accounting and legal malpractice, intellectual property, and business torts. He served as counsel to the law firm on professional responsibility matters and as liaison to the firm's malpractice insurer. He continued with the firm until leaving in 1998 for a position at Barton Malow Company.

While at Dykema Gossett, Tom began serving as General Counsel of Barton Malow in 1997. He took over full authority for the company's legal affairs, including litigation management; counseling on project issues; claims avoidance; drafting, review and negotiation of contracts; and corporate legal matters. By 1998, he joined Barton Malow full time as Vice President and General Counsel. After taking on more and more executive leadership business obligations, Tom was promoted to Senior Vice President in 2001 and retained the General Counsel responsibility. Upon advancement to Executive Vice President in 2004, he appointed a new General Counsel and maintained an oversight role as Chief Legal Officer. In that capacity,

he continued supervisory involvement in legal matters until his departure from Barton Malow in late 2009.

For about nine years, Tom played a significant role in the management decision-making for Barton Malow. It is a \$1.6 billion national construction services firm with market expertise that includes health, education, manufacturing, power, sports, federal, and specialty contracting. For over five years, Tom was Executive Vice President of Barton Malow and its parent holding company. As one of the top two or three leaders of the organization, he reported directly to the Chairman/CEO. He also held positions as Secretary and member of the Board of Directors of both entities. He was one of the most significant stockholders apart from the family that holds the controlling interest.

As a core member of the senior leadership team, Tom participated in decisions for all aspects of the business including strategy, organizational development, business planning, operations, and administration. His line authority extended to all corporate service functions (Accounting, Corporate Affairs, Diversity, Finance, Human Resources, Information Technology, Legal, Marketing, Risk Management, Quality, Safety). He was chairman of, and had profit and loss responsibility for, the Company's captive insurer. From 2001 to 2004, Tom was a Senior Vice President of Barton Malow and its parent. During those years, Tom exercised important influence on the company's overall direction, including service on various management committees and task forces.

Tom is now an independent business consultant specializing in construction industry, design-build and risk management issues. He is Immediate Past Chairman and current board member of the Design-Build Institute of America (DBIA). He formed Tom Porter Services LLC in 2009.

While Tom no longer practices law, he has enjoyed the change, development and progression of his career. He moved on to participate in organizations more akin to his current activities. He wholeheartedly enjoyed his time and participation with the Federal Bar Association and is impressed and thrilled to see, like his career, the development and progression of the Chapter.

*\*Thomas D. Esordi is a principal at the law firm of Kitch Drutchas Wagner Valitutti & Sherbrook and a member of the Newsletter Committee.*



Tom Porter

## 2010 Pro Bono Honorees

Michelle L. Alamo  
Elisa Angeli-Palizzi  
Patrice S. Arend  
Michael W. Bartnik  
Colin M. Battersby  
Robert R. Beaupre  
Edward A. Bojoka

Dickinson Wright  
Miller Canfield  
Jaffe Raitt  
Bartnik Law Offices  
Miller Canfield  
Private Practice  
Bojoka Law

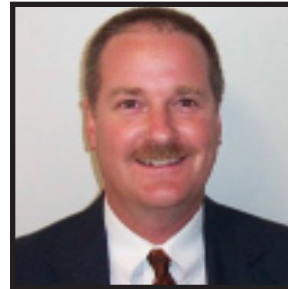
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## Pro Bono Honorees *(from page 7)*

Randal M. Brown	Plunkett Cooney
Thomas P. Bruetsch	Bodman
Tiffany A. Buckley-Norwood	Dickinson Wright
Colleen H. Burke	Collins Einhorn
Manuel Calderon	General Motors
Mark A. Cantor	Brooks Kushman
Michelle A. Carter	Bodman
Alicia B. Chandler	Wachler & Associates
Margaret Costello	U of D Mercy School of Law
David J. Council	Dykema
Thomas W. Cranmer	Miller Canfield
Kassem M. Dakhallallah	Jaafar & Mahdi Law Group
Kahlilia Y. Davis Law	Office of Kahlilia Y. Davis
Jeffrey Z. Dworin	Law Office of Jeffrey Z. Dworin
David M. Eisenberg	Erman Teicher
Andrew W. Erlewein	Foster Swift Collins & Smith
Michelle T. Fisher	General Motors
Robert J. Franzinger	Dykema
James M. Gallagher	Law Offices of James Gallagher
Richard J. Gianino	Plunkett Cooney
Leo J. Gibson	Barris Sott
Alan G. Gilchrist	Foster Swift Collins & Smith
William A. Godfrey	Ambrose Law Group
Charles G. Goedert	Dickinson Wright
Rick A. Haberman	Dickinson Wright
Carol Hainline	Private Practice
Ziyad I. Hermiz	Butzel Long
Matthew T. Jane	Bodman
F. Arthur Jones, II	Dykema
Jonathan Jorissen	Butzel Long
Wendy Davis Kanar	Cline Close Dyer
Henry D. Kopicko	Henry D. Kopicko
David J. Kramer	Brooks Kushman
John S. LeRoy	Brooks Kushman
Andrew M. LaBreche	Bodman
Kenneth F. Laritz	Private Practice
Michael J. Lavoie	Butzel Long
Matthew F. Leitman	Miller Canfield
Zachary B. Mack	Warnicke Law Firm
Daniel J. Manville	Daniel J. Manville
Tere M. McKinney	Private Practice
Robert J. Morad	Miller Canfield
Mary M. Mullin	Butzel Long
David D. Murphy	Pepper Hamilton
Heidi A. Naasko	Dykema
Jennifer L. Newby	Dickinson Wright
Jules B. Olsman	Olsman Mueller
Robert M. Raitt	Gursten Koltonow
Tricia L. Roelofs	Dykema
John R. Runyan	Sachs Waldman
David A. Santacroce	University of Michigan Law School
P. Rivka Schochet	Miller Canfield
Patricia L. Selby	Patricia L. Selby
Patricia A. Streeter	Law Office of Patricia A. Streeter
Michael J. Sullivan	Collins Einhorn
Leigh C. Taggart	Rader Fishman & Grauer
Adam G. Taub	Adam G. Taub & Assoc.
Michelle T. Thomas	Bodman
Brian S. Tobin	Brooks Kushman

Joseph W. Uhl  
Michael G. Vartanian  
Scott A. Warheit  
Alan S. Wittenberg  
Adam A. Wolfe  
L. Pahl Zinn  
Richard E. Zuckerman

Miller Canfield  
Dickinson Wright  
Miller Canfield  
Alan Wittenberg  
Pepper Hamilton  
Dickinson Wright  
Honigman



## Court Administrator Dave Weaver

### Media Relations

During his recent address at the State of the Court Luncheon, Chief Judge Rosen mentioned that Rod Hansen

has been hired as the Court's Media Information Officer. Following the arrest of Umar Farouk Abdulmutallab, the alleged Christmas Day Bomber, my office was inundated with calls from media representatives. For more than a week, my staff was fielding non-stop calls not only from local and national media outlets, but also from just about any country with a TV station, a newspaper or a website.

In response to this high profile matter, our Administrative Office contacted the Court to determine what additional resources we might require in dealing with this case. One of the first requests made by Chief Judge Rosen was for funding to hire an expert in media relations. This request was readily approved and Chief Judge Rosen contacted Rod Hansen.

Rod is an ideal fit for the position in that he covered this Court for WJR radio for many years. He has been a radio broadcaster for 40 years, 38 of which were spent reporting the news at WJR in Detroit. He retired from WJR in June of 2005. Rod began his career as a street reporter, and during the next 37 years added investigative reporter, news anchor, assistant news director and news director to his resume. In WJR's 90 year history, the station has won four Peabody Awards; Rod was responsible for two of those. In addition to numerous State and National Awards, Rod was awarded the first Michigan Associated Press Lifetime Achievement Award in 2004, and was inducted into the Michigan Journalism Hall of Fame the year before that. In 2009, he was presented with a Lifetime Achievement Award from the Society of Professional Journalists.

During the last ten years of his career, he spent the majority of his time covering our Court. Rod understands how the Court operates and is a professional known to the judicial officers and many Court staff. More importantly, having been a reporter, Rod has a thorough understanding of how the media operates and what their needs and wants are. Though Rod had to change his perspective from that of a reporter to representing the Court's interests in the media, his background allowed him to hit the ground running.



Rod has been a tremendous asset to the Court and my office specifically. He has provided us with great insight regarding media relations and has offered recommendations to provide better access to the media for the high profile matters with which the Court is now dealing. Based on Rod's recommendation and with the approval of Chief Judge Rosen, media representatives are now permitted to use their laptops in our media/public overflow viewing area to provide live updates to their Internet blogs. This is just one example of Rod's assistance in expanding media access to the Court.

Currently, Rod is developing a standard media credentialing process for use in all high profile matters that will allow the Court to better manage the needs of the media, and to ensure fair and secure access to Court proceedings.

### **Reminder: Emergency Filings**

Please remember that the Court has a procedure for non-business hours emergency filings. Information regarding this procedure can be found on the Court's website at <http://www.mied.uscourts.gov/Visiting/hours.cfm>.

As always, if you have questions or comments, please email me at [david\\_weaver@mied.uscourts.gov](mailto:david_weaver@mied.uscourts.gov).

## **The Chapter welcomes the following new Law Clerks for the Eastern District and the Sixth Circuit:**

### **Chief Judge Rosen**

Mir Y. Ali - University of Michigan law School

### **Judge Feikens**

Eric Lee - University of Michigan Law School

Hayley Nyeholt - University of Michigan Law School

### **Judge Cook**

Lia N. Ernst - University of Michigan Law School

### **Judge Cohn**

Susan Asam - Michigan State University College of Law

### **Judge Zatkoff**

Christopher Patterson - Michigan State University College of Law

### **Judge Duggan**

James S. Watts - University of Detroit Mercy School of Law

### **Judge Cleland**

Nicholas Terrell - Northwestern University School of Law

Justin Present - Stanford Law School

### **Judge Edmunds**

Jordan Paterra - Wayne State University Law School

### **Judge Borman**

Tim Rimer - Wayne State University Law School

### **Judge Tarnow**

Mitra Jafary-Hariri - Howard University School of Law

### **Judge Roberts**

Andrea Johnson - West Virginia University College of Law

Leslie Scott - American University Washington College of Law

### **Judge Battani**

Eric Westenberg - University of Detroit Mercy School of Law

### **Judge Lawson**

Benjamin Berlin - Vanderbilt University Law School

### **Judge Ludington**

Alissa Hurley - University of Richmond School of Law

### **Judge Cox**

Robert Zora - Wayne State University Law School

### **Judge Murphy**

Michael Gerardi - Notre Dame Law School

Jennifer Burke - Columbia Law School

### **Judge Goldsmith**

Benjamin Anchill - University of Cincinnati College of Law

Kerry Kornblatt - University of Virginia School of Law

### **Judge Keith**

Jonathan J.C. Grey - Georgetown University Law Center

Ajmel A. Quereschi - University of Minnesota Law School

Jessica M. Eaglin - Duke University School of Law

### **Judge Kennedy**

Sarah Tremont - University of Michigan Law School

Stuart Allen - University of Michigan Law School

### **Judge Clay**

Shanda K. Sibley - New York University School of Law

Michael A. Zuckerman - Cornell University Law School

Ilana Haramati - New York University School of Law

Chinyere Ezie - Columbia Law School

### **Judge Kethledge**

Stephanie Douglas - University of Michigan Law School

Andrew Gould - Vanderbilt University Law School

Elizabeth Martinez - University of Michigan Law School

Brice Wilkinson - University of Texas School of Law

### **Judge White**

Nathan Freed Wessler - New York University School of Law

Gregoire Sauter - Northeastern University School of Law

Elizabeth Sheyn - University of Pennsylvania Law School

## **Officers and Directors 2010-2011**

These officers and directors were elected at the Annual Meeting on June 24, 2010.

### **Officers**

President:	Laurie Michelson Butzel Long
President-Elect:	Michael J. Riordan Assistant United States Attorney
Vice-President:	Thomas G. McNeill Dickinson Wright
Secretary/Treasurer:	Michael K. Lee Law Offices of Lee & Correll
Program Chair:	Thomas M. Schehr Dykema
Past President:	Elisa Angeli Palizzi Miller Canfield

*(continued on page 10)*

## Officers and Directors *(from page 9)*

### Executive Board

#### Term Ending June 2013

Hon. Victoria A. Roberts  
United States District Judge

Hon. Mona K. Majzoub  
United States Magistrate Judge

Leslie K. Berg  
Office of U.S. Trustee

Richard M. Helfrick  
Federal Defender Office

Matthew J. Lund  
Pepper Hamilton

John R. Nussbaumer  
Thomas M. Cooley Law School

Theresa M. Serra  
Career Clerk to Hon. Nancy Edmunds

#### Term Ending June 2012

Hon. David M. Lawson  
U. S. District Judge

Brian M. Akkashian  
Dickinson Wright

Kimberly G. Altman  
Career Law Clerk to Hon. Avern Cohn

Kevin A.S. Fanning  
Clark Hill

Jeffrey A. Sadowski  
Howard & Howard Attorneys

Elizabeth A. Stafford  
Assistant United States Attorney

Kelly A. Walters  
General Counsel, First State Bank

#### Term Ending June 2011

Andrew S. Doctoroff  
Honigman Miller

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Career Law Clerk to Hon. Paul J. Komives

Vanessa Miree Mays  
Assistant United States Attorney

Michael S. Leib  
Maddin Hauser Wartell Roth & Heller

David A. Lerner  
Plunkett & Cooney

Dennis J. Levasseur  
Bodman

Dona A. Tracey  
Department of Veterans Affairs

### Ex Officio Members

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Court Administrator  
Clerk of the Court  
United States District Court

Katherine B. Gullo  
Clerk of the Court  
United States Bankruptcy Court

George J. Bedrosian  
District Court Ombudsman

## Committee List

### Annual Dinner

George B. Donnini  
Caridad Pastor Cardinale  
David R. Grand

Butzel Long  
Pastor and Associates  
Miller Canfield

### Appellate Practice

K. Scott Hamilton  
Susan H. Zitterman

Dickinson Wright  
Kitch Drutchas Wagner  
Valitutti & Sherbrook

### Bankruptcy Practice

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Michael C. Hammer  
David A. Lerner

Office of the United States Trustee  
Dickinson Wright  
Plunkett & Cooney

### Complex Commercial Litigation

Brian M. Akkashian  
A. Michael Palizzi  
Jeffrey A. Sadowski

Dickinson Wright  
Miller Canfield  
Howard and Howard Attorneys

### Courthouse Tours

Barb Radke  
Susan E. Gillooly

1011 U.S. Courthouse  
Assistant United States Attorney

### Criminal Practice

Rick Helfrick  
Dan Hurley  
Matthew F. Leitman

Federal Defender's Office  
Assistant United States Attorney  
Miller Canfield

### Diversity

Amanda J. Shelton  
Elizabeth A. Stafford  
Judge George C. Steeh

Pepper Hamilton  
Assistant United States Attorney  
Judicial Liaison

### Civil Mentoring Program

Daniel D. Quick

Dickinson Wright

### Criminal Defense Mentoring Program

James C. Thomas  
James L. Feinberg

James C. Thomas  
James L. Feinberg & Associates

### Environmental Law

Christine Dowhan-Bailey  
Todd C. Schebor

U.S. Army Corps of Engineers  
Dykema

### Federal Law Clerks Past & Present

Theresa M. Serra  
Sara D. Woodward

Career Law Clerk to  
Hon. Nancy G. Edmunds  
Bodman

### Health Care Law

John P. Hessburg

Kitch Drutchas Wagner  
Valitutti & Sherbrook



Monica P. Navarro  
 Leslie Matuja Wizner  
 Mark R. Lezotte

Thomas M. Cooley Law School  
 Assistant United States Attorney  
 Hall, Render, Killian, Heath & Lyman

### Immigration Law

Clara DeMatteis Mager  
 Meghan Kennedy Riordan

Butzel Long  
 Kerr Russell & Weber

### Intellectual Property

William G. Abbatt  
 John S. Artz  
 Leigh Cameron Taggart

Brooks & Kushman  
 Artz & Artz  
 Rader Fishman & Grauer

### Labor Law

Joseph A. Golden  
 Vanessa Miree Mays  
 Gregory V. Murray

Pitt McGehee Palmer Rivers & Golden  
 Assistant United States Attorney  
 Vercruysse, Murray & Calzone

### Law Day

Susan E. Gillooly  
 Dona A. Tracey

Assistant United States Attorney  
 Department of Veterans Affairs

### Law Student Initiative

Sherry Dionne O'Neal  
 Saura Sahu  
 Joan P. Vestrand

Dickinson Wright  
 Miller Canfield  
 Thomas M. Cooley Law School

### Membership

Kevin A.S. Fanning  
 Douglas C. Salzenstein  
 Daniel N. Sharkey

Clark Hill  
 Honigman Miller  
 Brooks Wilkins Sharkey & Turco

### New Lawyers Seminar

Christine Dowhan-Bailey  
 Brian D. Figot  
 Grant P. Gilezan  
 Geneva S. Halliday  
 Theresa M. Serra

U.S. Army Corps of Engineers  
 Stephen M. Landau  
 Dykema  
 c/o Federal Bar Association  
 Career Law Clerk to  
 Hon. Nancy G. Edmunds  
 Trinity Health Services

Cathrine Wenger

### Newer Lawyer

### Mentoring & Trial Practice

Frank Ortiz  
 Kelly A. Walters  
 Judge Robert H. Cleland

Dickinson Wright  
 First State Bank  
 Judicial Liaison

### Newsletter

Kimberly G. Altman  
 Christina L. Farinola

Career Law Clerk to  
 Hon. Avern Cohn  
 Career Law Clerk to  
 Hon. Paul J. Komives

### Pro Bono

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 Rick A. Haberman  
 John R. Nussbaumer

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 Dickinson Wright  
 Thomas M. Cooley Law School

### Rules And Civil Practice

Michael Joseph Blalock  
 Daniel J. LaCombe  
 Joseph G. Vernon

Dykema  
 Barris Sott  
 Miller Canfield

### Social Justice

Cynthia J. Haffey  
 Marcy L. Rosen

Butzel Long  
 Miller Canfield

## Calendar of Events

**Oct 20**

**State of the**

**Bankruptcy Court Luncheon**

Speaker: Chief Judge Phillip J. Shefferly  
 United States Bankruptcy Court,  
 Eastern District of Michigan  
 Atheneum Hotel, Greektown  
 11:30 A.M. Reception  
 12:00 P.M. Luncheon

**Oct 22**

**Judicial Institute &**

**Secondary Education Workshop**

In conjunction with the District Court,  
 the Chapter is hosting a seminar  
 designed for high school curriculum  
 coordinators, social studies and  
 government teachers on the role of an  
 independent judiciary. A case study of  
 the Vincent Chin case will be part of  
 the program.  
 Theodore Levin U.S. Courthouse  
 Details: Contact Michael J. Riordan  
 (michael.riordan@usdoj.gov)

**Nov. 18**

**Rakow Scholarship Awards/  
 Historical Society Luncheon**

Speaker: Ross G. Parker  
 Author: *Carving Out the Rule of Law:  
 The History of the United States  
 Attorney's Office in Eastern Michigan  
 1815-2008*  
 Westin Book Cadillac Detroit  
 Venetian Ballroom  
 11:30 A.M. Reception  
 12:00 P.M. Luncheon

**Dec 7-8**

**New Lawyers Seminar**

Theodore Levin U.S. Courthouse,  
 Room 115  
 8:00 A.M. Registration

**Dec 8**

**Chapter Gala Holiday Reception**

Westin Book Cadillac Detroit  
 4:30 P.M.  
 Hold the Date:  
 Further Details to Follow

**DATE TBA**

**Book Club: Selected for Discussion**

*The Secrets of Abu Ghraib Revealed*  
 by Christopher Graveline and  
 Michael Clemens

**Online registration available for most events.  
 Updates and further developments  
 at [www.fbamich.org](http://www.fbamich.org)  
 See "Hot News" and "Events & Activities"**

## Committee List *(from page 11)*

Miriam L. Siefer                      Chief Federal Defender  
**Social Security**  
Jeffrey S. Appel                      Law Office of Jeffrey S. Appel

**Summer Programs**  
Chanille Carswell                      Brooks & Kushman  
Phyllis Golden Morey                      Brooks & Kushman  
Samantha S. Smith                      The Smith Law Offices

**Website Communications**  
Brian D. Figot                      Executive Director

**E-newsletter Editors**  
Linda Hylenski                      Career Law Clerk  
Mary M. Mullin                      to Hon. Gerald E. Rosen  
Butzel Long

**Website Facilities Study Committee**  
Adam Forman                      Miller Canfield  
Jason P. Klingensmith                      Dickinson Wright  
Mary M. Mullin                      Butzel Long

**Special Programs: Book Club**  
Andrew S. Doctoroff                      Honigman  
Matthew Schneider                      Assistant United States Attorney  
Judge George C. Steeh                      Judicial Liaison

**Special Programs:  
Bench/bar Conference**  
Frank Ortiz                      Dickinson Wright

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