

An Approach to Improving Federal Advocacy

NEW SPIRIT OF COOPERATION BETWEEN BENCH AND BAR

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On November 30, 1976 the Chief Judge of the United States District Court for the Eastern District of Michigan, Damon J. Keith, welcomed 400 new admittees of the State Bar of Michigan to the First Federal Court Seminar for new lawyers. This seminar was held within three weeks of the Michigan Bar Exam results and followed substantial planning and coordination.

The first step in establishing this seminar was a letter from the Detroit Chapter to Judge Keith expressing concern regarding the competence and litigative skill of the federal practitioner. Similar concerns have been expressed by Chief Justice Burger and by many others including "the man on the street." However, the letter went beyond the admonishment of the present practitioner and proposed that the Federal Court in Detroit and the Detroit Chapter work together to change this impression of the federal practitioner. The proposed first step was a seminar dealing with the "nuts and bolts" of federal practice following the announcement of the results of the Bar Exam.

Judge Keith gave his go ahead and asked that a steering committee be formed, made up of a cross section of the Bench and Bar, federal and state. This committee was to report back to the Chief Judge no later than the first week of October in order that he could present a more detailed proposal to the rest of the Judges of the Eastern District of Michigan. The steering committee was divided into a Civil and Criminal

Section, Location Committee, Memorandum Committee and Publicity Committee. A final committee was established to coordinate the program with the U.S. District Court, Wayne County Circuit Court, Federal Bar Association and the Metropolitan Detroit Bar Associations. This committee was chaired by a former president of both the Federal Bar Association and Detroit Bar Association.

The committee prepared its report and presented it to the Chief Judge, who submitted it to the members of his Bench. This plan for a Federal Court Seminar, for all who had taken the Michigan Bar Exam and prior to their admission to practice before the Federal Court, was given a strong endorsement.

Immediately, a press release was issued from Judge Keith announcing the seminar, emphasizing that the seminar was "a first step in the process of acquainting the new practitioner with the Federal Court in this District and thereby making the Federal Court here more accessible to the people which it is to serve. Continuing education seminars for lawyers today concentrate on the experienced lawyer. There is a deficiency in the preparation of the new lawyer in the practicalities of Federal Practice."

The release advised that a letter would shortly be sent to all who took the Bar Exam. That letter was sent from Judge Keith advising the prospective admittee to the Bar of the seminar, the reason for it, and that the seminar would

concentrate on the "nuts and bolts" approach. Attached to his letter were the schedules for the Civil Law Program to be held during the morning session, and the Criminal Law Program to be held during the afternoon session. The letter advised that immediately following the seminar the participants were invited to a reception sponsored by the Judges of the Eastern District of Michigan and the members of the seminar faculty. They were also advised that the day following the seminar there would be a swearing-in at the U.S. Courthouse. Again, these last two activities, the reception and the swearing-in, and their proximity to the seminar, gave emphasis to the importance the Federal Bench attached to the seminar.

A second letter from Judge Keith was prepared and sent out to all new admittees the day the results of the Michigan Bar were announced. This second letter congratulated the successful examinee and gave greater detail of the seminar.

Likewise, during this period further press releases were issued alerting the public and Bar of the seminar. The five law schools of Michigan were also advised of the seminar and of the interest the Bench and Bar had in the law schools taking an active role in the seminar, since it was designed to bridge the gap between law school and practice. The law Deans were asked for assistance and they were invited to

the seminar activities. All of the Metropolitan Courts and Bar Associations presidents were advised of the seminar and invited to the seminar's activities. The seminar was not to be exclusive, but a beginning in Law School, Bar Association and Judiciary cooperation in properly launching new practitioners in their careers. The purpose was to provide an opportunity for the new lawyers to become better advocates so that they might better serve future clients and our system of justice. The response from all Law Schools and Bar Associations was tremendous. Though their participation was minimal this year, it is planned that the Law Schools and the Bar Associations will actively engage in the planning and preparation of the second Federal Court Seminar for new lawyers. The State Bar of Michigan was most cooperative and without their support we could not have received the list of those passing the Bar in such a timely manner. The Michigan Bar Association also announced the seminar in their monthly journal.

Programs

The Civil Law Program covered a wide range of areas likely to be of interest to the new lawyer. It included: Procedures in the Clerks' Office, Courtroom Behavior, Motion and Discovery Practice in Federal Court, Litigation with the Federal Government, Handling Bankruptcy Matters and Appearing Before the U.S. Court of Appeals.

Shown (L-R) are: Shamooun Zakaria, Philip Adkison, Gerald Hale Ladue, Seminar Chairman Fred Mester, Senior Judge Thomas P. Thornton, and Chief Judge Damon J. Keith.



The Criminal Law Program discussed: the Investigative Stage of Federal Criminal Proceeding, including that involving a Federal Grand Jury; the Office of the U.S. Magistrate; Pre-trial and Post-trial Procedures in Federal Criminal Cases; Pre-trial Services; and the U.S. Probation Department.

In addition to the oral presentations each registrant was presented with detailed outlines, memoranda and forms covering the subject matter of both programs. The handout included an examination consisting of some 55 questions including Local Court Rules and the Federal Rules of Civil and Criminal Procedure. Each student was urged to answer the questions posed before the end of the day, when the answers were distributed.

Each student was also given an evaluation sheet. The results of these critique sheets are gratifying in that they displayed the yearning for this type of seminar.

The Court, the Federal Bar, the Law Schools and the Seminar Steering Committee are now evaluating the seminar and its materials in preparation of improving on this model for this fall's seminar.

Support of the Program

Special recognition should be given to the Young Lawyers Section of the State Bar of Michigan, which asked to join in on the preparation and planning, and was a co-sponsor of the seminar.

The U.S. District Clerks Office under Clerk Henry Hanssen and Chief Deputy Clerk Arthur Morsch gave invaluable assistance.

However, the success of this seminar could not have been achieved without the endorsement and strong support



The Seminar Committee

of the members of the Federal Bench for the Eastern District of Michigan. They were the catalyst under the dynamic leadership of their Chief Judge, Damon J. Keith.

In addressing the new lawyers, Judge Keith, in recognizing the problem of how to improve the caliber of federal practitioners, said, "having given the problem considerable thought and having engaged in numerous discussions on the subject, I have concluded that the responsibility lies not solely with you—the new attorney. The responsibility is two-fold. If you don't know the in's and out's of practice in the federal courts, then it is up to someone to give you the necessary exposure. If someone gives you the opportunity to learn, then it is up to you to seize it. Today we are both meeting our responsibilities." □

Members desiring further information on how to organize a similar conference in their Chapter should contact Fred M. Mester, Oakland County Circuit Court, 1200 N. Telegraph Road, Court House Tower, Pontiac, Mi. 48053.