



FBA newsletter

Spring 2005

Federal Bar Association - Eastern District of Michigan Chapter - 47 years of service to our Federal Bench and Bar



Senator
Carl Levin

Senator Levin To Speak At McCree Luncheon Eugene Driker to Receive McCree Award

An outstanding program is in place for this year's Wade Hampton McCree Jr. Award luncheon on February 22, 2005, featuring a keynote address by Carl Levin,

Michigan's senior senator, and presentation of the McCree Award to Eugene Driker.

Senator Levin graduated from Harvard Law School in 1959. He practiced and taught law in Michigan until 1964 when he was appointed an assistant attorney general and the first general counsel for the Michigan Civil Rights Commission.

He won election to the Detroit City Council in 1969, becoming its president in 1973 by winning the most votes citywide. In 1978, he won an upset victory over the number two Republican in the U.S. Senate. He was reelected in 1984, 1990, 1996 and 2002.



Eugene Driker

Currently, he is the ranking Democrat on the Senate Armed Services Committee. He also serves as the ranking Democrat on the Permanent Subcommittee on Investigations of the Governmental Affairs Committee. He co-chairs the Senate

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President's Column

Dennis M. Barnes

As we turn the corner on the calendar year, we are also heading into a very busy stretch for the FBA. Each February,

we pay tribute to the Honorable Wade McCree and his legacy by holding a luncheon in his name and by presenting the Wade Hampton McCree, Jr. Award, which is given in recognition of courage, humanity, achievement, and leadership in the advancement of social justice.

The Court Historical Society provided us with a perfect segue for this event at our recent Rakow Award Luncheon, when it presented the program entitled: "One Family's Flight: The Crosswhite Case," which involved one of the rare occasions when the clandestine efforts of the Underground Railroad came under the eye of our own United States District Court for the Eastern District of Michigan.

This February also begins a busy season for many of our committees. The Criminal Practice Committee, for example, will begin the month with a panel discussion focusing upon "Sentencing in the Wake of United States v. Booker and United States v. Fanfan" on Wednesday, February 2, 2005. This promises to be a lively and informative discussion on the cutting edge of criminal practice. Details are available on the Chapter website (www.FBAmich.org).

Likewise, the Bankruptcy Committee will be continuing its active agenda with an ECF seminar in March, a seminar on turnaround management in April, and its active schedule of luncheon programs.

The Intellectual Property Committee, Labor Committee, and Environmental Committee are each planning a number of activities and seminars featuring specialists from law firms, in-house counsel, academia, and the

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President's Column (continued)

judiciary. The Law School Committee will be sponsoring motion days during which judges will conduct hearings at the law schools.

In short, your FBA is busy providing tangible benefits for your practice. But let's not lose sight of the most important benefit the FBA has to offer: opportunities to become involved and interact with the judiciary and other practitioners in your area of practice.

To that end, I encourage each of you to get active on a practice or event committee. Check out the website and either contact a committee chair or send us an email to volunteer. Your membership and input make our Chapter stronger. Our Chapter looks forward to your active participation in FBA events, as the camaraderie of the bar is one of the greatest rewards of membership.

McCree Award (continued)

Auto Caucus, the Senate Auto Parts Task Force and the Senate Great Lakes Task Force, in addition to being a member of the Small Business Entrepreneurship Committee and the Senate Select Committee on Intelligence.

Eugene Driker is a member in the law firm of Barris, Sott, Denn & Driker, PLLC. He is the recipient of numerous community awards, including the Wayne State University and Wayne State University Law School's Distinguished Alumni

Awards, the American Jewish Committee Learned Hand Award, the B'nai B'rith Hillel Community Service Award and the Pheasant Ring Community Leadership Award.

Driker founded the Wade H. McCree, Jr. Scholarship Fund at Wayne State University Law School. He currently sits on the Wayne State University Board of Governors, the Jewish Federation of Metropolitan Detroit Board of Governors, the Wayne State University Cohn-Haddow Center for

Judaic Studies Advisory Board, the National Yiddish Book Center Board of Directors, and the Detroit Symphony Orchestra Board of Trustees, and is the Vice-Chairman of the Board of Directors of the Wayne State University Foundation.

He also chairs the Advisory Board of the American Jewish Committee, Detroit Chapter, and is a member of the American Jewish Committee National Advisory Council. He is a past member of the Barbara Ann Karmanos Cancer Institute Board of Trustees and a past president and member of the Board of Directors of the Jewish Vocational Service. He also has served on the City of Detroit Board of Police Commissioners, and is the former Commissioner and Treasurer for the City of Detroit Building Authority. Driker was also a member of the State Bar of Michigan Special Committee on Expansion of Under-Represented Groups in the Law.

The McCree luncheon, hosted each February by the FBA, honors the late Judge Wade Hampton McCree, Jr., who was one of Detroit's most prominent lawyers. He served as Solicitor General of the United States, Judge of the Wayne County Circuit Court, United States District Judge for the Eastern District of Michigan, and Judge of the United States Court of Appeals for the Sixth Circuit. The McCree award honors Judge McCree's memory by recognizing individuals or groups committed to social justice.

The event will be held on Tuesday, February 22, 2005, at the Hotel Pontchartrain with a reception at 11:30 and lunch at noon. For tickets, contact Program Chair Barbara McQuade at (313) 226-9725 or e-mail barbara.mcquade@usdoj.gov.



Event Co-Chair Thomas G. McNeill, Chapter President-Elect Julia Caroff Pidgeon, U.S. District Court Clerk David Weaver, Chapter President Dennis Barnes, Clerk Suter, Chapter Past-President Dennis Clark, Event Co-Chair Kathleen Nesi, Chapter Secretary Julia Blakeslee and Sixth Circuit Representative Brian Figot.

Supreme Court Ceremony In Detroit

On October 20, 2004, the Chapter had the privilege of welcoming Major General William K. Suter, U.S. Army (Ret.), Clerk of the Supreme Court of the United States,

who swore 77 of our lawyers into the Supreme Court bar.

The swearing-in ceremony was held in the Special Proceedings Courtroom of the Theodore Levin U.S. Courthouse. Chapter President Dennis Barnes introduced Clerk Suter. A motion for admission of the applicants was made by Chapter Past President Dennis Clark. Clerk Suter administered the oath, after which he gave remarks concerning "The Supreme Court Today" and entertained questions.

Immediately following the ceremony, Clerk Suter, the local federal bench and the new Supreme Court admittees attended a cocktail reception at the Detroit Club.

Suter has served as Clerk of the Supreme Court of the United States since 1991. His previous professional experience includes service as the Assistant Judge Advocate General of the Army, Chief Judge of the U.S. Army Court of Military Review and Commander of the U.S. Army Legal Services Agency, and Commandant and Director of Academics at the Judge Advocate General's School.

General Suter is a graduate of Trinity University and the Tulane University School of Law, where he was Order of the Coif and on the Tulane Law Review Board of Editors. He also holds an Honorary Doctor of Laws Degree from Campbell University.

General Suter has spoken as a guest lecturer at law schools throughout the country and has been the recipient of many awards, including the President's Medal from The Catholic University of America, the Federal Bar Association Chair Award for Sustained Superior Performance, the Trinity University Distinguished Alumnus Award, and the Distinguished Service Medal, Bronze Star Medal, and Parachutist Badge.

The Chapter thanks committee co-chairs Tom McNeill and Kathy Moro Nesi for organizing this fantastic event.



Clerk Suter and new Supreme Court admittees enjoy a post-ceremony cocktail reception at the Detroit Club.

Rakow Luncheon Held

The Edward H. Rakow Awards Luncheon and the Annual Meeting for the Historical Society of the Eastern District of Michigan were held on November 17, 2004 at the Crowne Plaza Pontchartrain Hotel Main Ballroom.

The program began with the presentation of the Rakow Scholarship Awards by Chapter President Dennis M. Barnes. The Rakow awards are given annually to students of Michigan law schools who demonstrate outstanding

scholarly achievement in securities, corporation or business law.

The 2002 recipients of the Rakow awards are: Thomas Baker, Ave Maria School of Law; Jeffrey Sprys, Thomas M. Cooley Law School; Robert S. Smith, Michigan State University College of Law; Joshua Moore, University of Detroit Mercy School of Law; Lydia Raburn, University of Michigan Law School; and Karen Kissinger, Wayne State University Law School.

The Historical Society's portion of the program consisted of a presentation entitled "One Family's Flight: The Crosswhite Case" by John C. Sherwood, a Marshall native

now living in Pennsylvania, and a journalist with Gannett newspapers since 1974. Mr. Sherwood gave a detailed account of the incidents surrounding the Crosswhite case, in which a Kentucky slave owner in 1847

sued residents of the Village of Marshall in the U. S. District Court in Detroit for damages for helping an entire family avoid capture by a posse.

Following the reception, a panel discussion was held at the Wayne State University Law School entitled "The Crosswhite Case: A Judge's Dilemma Over the Rule of Law." The distinguished panel consisted of Judge Avern Cohn, Mr. Sherwood, Constitutional Law Professor Chris-

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77 lawyers were sworn-in to the bar of the United States Supreme Court.

Rakow (continued)

topher Peters and Underground Railroad Historian Michelle Johnson.

For more information on the Crosswhite case, see David G. Chardavoyne's article, "Michigan and the Fugitive Slave Acts," November 2004 issue of the Historical Society's newsletter, "The Court Legacy."

Student Chapter Plans Luncheon Series

By Ralph Engle

The University of Detroit Mercy School of Law FBA Student Chapter is excited about the upcoming semester. Three luncheons are planned for practitioners to speak about their practices and experiences in the legal community.

The luncheons, which will start at noon, will commence with a short eating time. The speakers will have twenty to thirty minutes for their presentations followed by questions from the audience. In the past, speakers in our series have done a wonderful job relating their experiences to our students, and we have had nothing but compliments from the student body on the content and quality of our luncheons. All of our luncheons have been well-attended by the student population and professors.

New for this semester, we would like to open our luncheons to the entire Federal Bar. We will be coordinating with the Chapter's Executive Board to send out emails to members informing them of topics, dates and times of each event. Please look for our notices in the near future.

While we typically like to include several different topic areas every semester at the luncheons, we rely on the availability of interested members of the bar to volunteer. If you would like to be a speaker at one of our luncheons, you are invited to email me directly at Spartan308@hotmail.com. I look forward to hearing from you soon!

Longtime Members of Judge Cohn's Staff Retire

By Kimberly G. Altman*

In addition to marking Judge Cohn's 25 years on the bench, his chambers also saw the retirement of his Judicial Secretary, Nancy Lippert, and Deputy Clerk, Judy Cassady. Both worked for the Judge for twenty-five years.

Lippert officially retired on January 3, 2005 after thirty-seven years with the Government. Her retirement was celebrated with a reception in Judge Cohn's courtroom on December 17, 2004 where many members of the courthouse, legal community, and Lippert's family were present.

She began working for the Department of Agriculture in 1967. In 1968, she went to work for the DEA, where she spent ten years as Secretary to the Deputy Chief. From 1978 to 1979, she was Assistant Secretary to then Chief District Judge Cornelia Kennedy. When Judge Kennedy was elevated to the Court of Appeals in 1979, Lippert began working for Judge Cohn and started what she calls "the rest of the story." She believes Judge Cohn hired her primarily based on her ability to take shorthand, which she did nearly every day of her years with the Judge.

She spent her entire time of Government service in the Levin Courthouse, during which she has seen several changes in security, technology, and the expansion of the bench. She was the first secretary in the building to have a screen wordprocessor and still recalls the era of carbon copies. With the advent of cell phones, Lippert's day began earlier and ended later with Judge Cohn's morning and evening calls.

The internet and e-mail also caused an expansion of her duties. Anyone who has been to chambers will recall her answering and making phone calls, typing opinions and letters, and handling any number of administrative matters, often all at once. In addition, she mentored many new secretaries, explaining to them the ins and outs of working for a district judge. Without a doubt, she kept the Judge's chambers running smoothly and efficiently throughout her tenure.

She says working for Judge Cohn has made her career of Government service a distinguished one and is flattered



Nancy Lippert, Kimberly Altman, Sheri Ward and Judy Cassady on September 29, 2004.

to have been a part of his staff for so many years. However, she was ready for “the next step” in her life, where she will pursue her many interests, including volunteering and spending time with her husband of twenty years, Dennis Lippert, whom she married at a ceremony presided over by Judge Cohn. She says it was “time to pass the chair” to someone who will keep up with the Judge for the next several years. His new Judicial Secretary, Lori Van Hove, will do just that.

Judy Cassady retired on January 14, 2005 after almost thirty-four years with the Government. She worked in the Probation Department from 1971 to 1975. In 1975, she became Deputy Clerk for Judge Cornelia Kennedy. Like Lippert, Cassady began working for Judge Cohn when he took the bench in 1979 and Judge Kennedy was elevated to the Court of Appeals.

She recalls her interview with Judge Cohn, which took place at the law offices of Honigman Miller, where Judge Cohn was a partner. She said she heard the Judge talking on the phone from out in the hallway and he motioned her in, stating “come on in, I’m talking to the Mayor.” The Judge gave her a booklet on management and organization, telling her to make “notes” in it and give it back to him. She also told him that it would be in his best interest to hire her because “she knew more than he did.” He must have agreed because she got the job and, as they say, the rest is history.

She has enjoyed her many years working for Judge Cohn. She says she learned a tremendous amount from him, and he always kept up the excitement. She liked the fact that every day was different with new challenges that always made it interesting. Whether it be trying to find a way to get a deported plaintiff in a civil rights case living in Malta permission to enter the United States for trial, or assisting pro se litigants with any number of questions, the job was never routine. Judge Cohn’s new Deputy Clerk, Julie Owens, will no doubt feel the same way.

Cassady’s favorite part of her job was interacting with attorneys, which she says comprised over half of her position. Indeed, she has assisted countless members of the

Bar in navigating their way through a case on Judge Cohn’s docket. Anyone litigating before Judge Cohn knows the value of her advice, which led many to refer to her affectionately as “Judge Judy.”

Perhaps one of Cassady’s most impressive qualities was her ability to recall cases on the Judge’s docket with remarkable accuracy. Judge Cohn need only recall one detail from a case, no matter how old, and Cassady would know the name, the attorneys, and the substance of the case.

As much as she loved her job, Cassady says it was time to go, that she “has things to do and places and people to see.” She looks forward to a retirement which will involve traveling to exotic places and enjoying time with family and friends. Her retirement was celebrated at an evening reception at the Atheneum Hotel, attended by the many members of the legal community with whom she enjoyed interacting every day.

**Kimberly G. Altman is a Law Clerk to Judge Avern Cohn*



From Court Administrator Dave Weaver

Electronic Filing

Since the Winter issue of the Newsletter, the number of registered e-filers has almost doubled from approximately 1,000 to 2,000. As of today, 884 attorneys have filed more than 10,300 documents electronically. The number of daily electronic filings continues to increase. As I have mentioned before: If you are registered, please don’t wait! We want and need you to e-file! The Court’s official CM/ECF website can be accessed at www.mied.uscourts.gov. The

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NOTICE OF FEE INCREASE

On December 8, 2004, the President signed into law the Consolidated Appropriations Act of 2005, which included a provision increasing the civil filing fee in U.S. District Courts by \$100, to \$250. This change in the civil filing fee will become effective February 7, 2005, 60 days from the date the bill was signed into law by the President.

The Act increased the filing fee for civil actions prescribed by 28 U.S.C. Section 1914(a) from \$150 to \$250. The civil filing fee was last increased in 1996 when it was adjusted from \$120 to \$150. The filing fee for a writ of habeas corpus will continue to be \$5

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Dave Weaver (continued)

site has all of the information and resources an attorney needs to start e-filing today!

Currently, the U.S. Bankruptcy Court for the Eastern District of Michigan is well into its implementation of CM/ECF. It is anticipated that attorneys will be able to e-file in the Bankruptcy Court beginning on June 27, 2005. For additional information, visit the Bankruptcy Court's website at www.mieb.uscourts.gov.

Court Ombudsman

C h i e f
Judge Friedman has appointed **G e o r g e** Bedrosian as the Court's first Ombudsman. Mr. Bedrosian will act as an intermediary between the Court and members of the Bar on an informal basis to address matters lacking an institutional mechanism or forum for redress. Mr. Bedrosian will be introduced and sworn in at the FBA luncheon on February 22, 2005.

Court Artifacts Exhibit - Update

Just a reminder, the Court is actively preparing a Court Artifacts Exhibit that will display unique items from our Court's long history. If you have something that you think might be of interest for this new display and would be interested in donating or loaning it to the Court, please send me an e-mail at david_weaver@mied.uscourts.gov with a description and approximate size of the item or items. Appropriate recognition will be given to anyone who donates or loans an item for display in the exhibit.

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

Spotlight on Judge Avern Cohn By Thomas M. Schehr*

Judge Avern Cohn marked his 25th anniversary as a United States District Judge in October 2004. The Judge has distinguished himself as one of the brightest, fairest, and most intellectually curious judges on the Federal Bench. Although he has presided over many high profile cases during the last twenty-five years, any lawyer who has appeared in front of him will tell you that Judge Cohn gives thorough

attention to every case on his docket, regardless of the stakes. Rectitude of decision commands the highest priority in Judge Cohn's court.

Judge Cohn celebrated his 25 years on the bench with a reception in his courtroom attended by many family, friends, and members of the legal community. The reception included a program where several attorneys and friends affectionately roasted the Judge and entertained the audience with stories, anecdotes, and observations of his remarkable tenure

Judge Cohn had a variety of

experiences before attending law school. He served in the United States Army from 1943 to 1946. In what may be a surprise to many who know his passion for the law, Judge Cohn wanted to become a doctor before going to law school. He attended medical school at Stanford University and Loyola School of Medicine. He attended the University of Michigan Law School. Upon graduating, he was admitted to practice in Michigan in December 1949.

Judge Cohn practiced law with his father at the Law Office of Irwin I. Cohn from 1949 to 1961. In 1961, Judge Cohn and his father joined the firm now known as Honigman, Miller, Schwartz & Cohn. Judge Cohn prac-



Judge Avern Cohn (center) with (from left to right): Andy Doctoroff; Michael Fayz; Sheri Ward; Frank Fink; Sandy Shapiro; Bryan Anderson; Mike Mueller; Kimberly Altman; Jonathan Steiger; Judy Cassidy; Andrea Gacki; Nancy Lippert.

Photo by John Meiu, courtesy of Detroit Legal News

ticed law in a variety of areas, and tried several cases. He also created Honigman's environmental law group.

While practicing law, Judge Cohn was involved in numerous civic organizations. He was a member of the Michigan Social Welfare Commission in 1963. He was a member of the Michigan Civil Rights Commission from 1972-1975, and served as its Chair in 1974-1975. He also served on the Detroit Board of Police Commissioners from 1975-1979, serving as its Chair in 1979.

Judge Cohn practiced law at Honigman until 1979, when he was appointed to the federal bench by President Jimmy Carter. As a Judge, he has presided over many high profile cases, including the Kearns patent litigation, the Jake Baker First Amendment case, and a challenge to the dissolution of the Recorders Court for the City of Detroit. Most recently, he presided over the criminal trial of several Detroit police officers and is currently in trial in a commercial dispute involving the use of baseball bats in amateur play. Although Judge Cohn technically became a "Senior Judge" in October 1999, he has always maintained a full civil and criminal docket.

Variety has been the spice of life for Judge Cohn. He is one of the most well-read people around. He reads six newspapers every day, and loves reading about a variety of subjects, including history and Judaism. When newspapers or books do not satisfy his thirst for knowledge, Judge Cohn can be found surfing the Internet.

Judge Cohn's passion for the law is matched only by his enthusiasm for his family. He and his wonderful wife, Lois, enjoy traveling around the world together. He also thoroughly enjoys spending time with his seven grandchildren.

**Thomas M. Schehr is an attorney with Dykema Gossett, PLLC.*

New Lawyers' Seminar Caps 27th Year!

By Christine Dowhan-Bailey

Record the recent New Lawyers' Seminar held on December 7th and 8th at the Hotel Pontchartrain in the success column, as ninety attorneys admitted to practice in 2004, enjoyed learning the "nuts and bolts" of practice from some of the best state and federal legal talent the Metropolitan Area has to offer.

At the close of the first day of the Seminar, our Chapter performed the honor of sponsoring the admission of these neophytes to practice in the Eastern District of Michigan during a mass swearing in ceremony conducted simultaneously in the courtrooms of Judges Duggan, Cleland, Hood, and Steeh. Local attorneys who served as sponsors included Brian Akkashian, Kimberly Altman, Frances Carlson,

Peter Deegan, Susan Gillooly, Jeanine Jones, Barbara McQuade, and Saima Mohsin.

Even the Seminar luncheon provided an excellent learning opportunity when the Co-Chief Judge of the Wayne County Circuit Court, Honorable Mary Beth Kelly addressed the group on December 8. The Chapter owes Judge Kelly, a former FBA board member, a debt of gratitude for her gracious sharing of her time and her experience.

Apparently, the new lawyers liked what they saw of the FBA, as fifty-three of them opted to join National FBA.

On behalf of the New Lawyers' Seminar Committee co-chairs, I would like to thank all of the busy practitioners and members of the judiciary who volunteered their time to mentor these new members of our legal community. The Committee also expresses its gratitude to the District Court for defraying the additional cost of holding this event at the Hotel Pontchartrain while renovations at the Theodore Levin United States Courthouse continue.

The 2005 Seminar has already been scheduled for December 6th and 7th so mark your calendars now!



Thomas R. Williams

DHS Rolls Out US-VISIT Program

By Thomas R. Williams*

On September 11, 2001, the United States was shaken not only by devastating terrorist strikes but also by the shattering realization of how vulnerable the borders of a free and open society can be. The great post-September 11th dilemma became how to effectively secure the nation's borders from those intending harm while remaining an open and welcoming society.

In the spring of 2003, the Department of Homeland Security (DHS) rolled out US-VISIT, an acronym for U.S. Visitor and Immigrant Status Indicator Technology. The program was unveiled on April 29, 2003 and implemented January 5, 2004 at the nation's air and seaports. US-VISIT has now been fully implemented at the nation's 50 busiest land ports, in the states of Arizona, California, Maine, Michigan, Minnesota, New Mexico, New York, Texas, Vermont, and Washington.

US-VISIT became the highest priority of the reorganized DHS which moved rapidly to implement a comprehensive system of information gathering on foreign nation-

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US-VISIT (continued)

als entering and leaving the United States. US-VISIT is the first comprehensive attempt to coordinate databases among the 400 U.S. ports of entry, including the nation's land borders, airports and seaports, and the nearly 200 U.S. consular posts overseas which issue visas to foreign nationals.

All consular posts are now responsible for biometric intake of two fingerprints and digital photographs of all nonimmigrant visa applicants. These biometrics are entered into the automated identification system called IDENT which will ultimately be entirely integrated with the entry/exit system component of US-VISIT. An alien's biometric and other information is checked against law enforcement and intelligence data to determine whether the alien is a threat to national security or public safety or is otherwise inadmissible. As of January 3, 2005, DHS officials reported arresting or denying admission to 372 criminals and immigration violators since the program's inception.

US-VISIT is not a new idea. It implements Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)¹ which directed the Attorney General to develop an automated entry/exit system for every foreign national entering and leaving the United States. In 1997, land borders were exempted from Section 110 of IIRIRA through the Border Improvement and Immigration Act of 1997 due to fears of enormous traffic backups and delays, mainly along the Canadian border. However, as indicated, US-VISIT is now in place at the 50 busiest land ports, many of which are on the northern border with Canada.

US-VISIT is an automated entry/exit system which collects and shares information on foreign nationals with nonimmigrant visas entering and leaving the United States. The data includes travel details and biometric identifiers. A biometric identifier is a physical characteristic or other attribute unique to each person which can be collected, stored and used to verify the claimed identity of a person who presents himself or herself to a border inspector. Examples

of biometric identifiers include, but are not limited to, the face captured in a photograph, fingerprints, hand geometry measurements, handwriting samples, iris scans, retina scans, voice patterns, and other unique identifiers.

When a nonimmigrant visa holder arrives at an air, sea or land port, inspectors scan two fingerprints with an inkless device and take a digital photograph, a process which DHS estimates takes only about 15 seconds per person to complete. At present, these are the only biometric identifiers being used, but DHS has reserved the right to expand the types of biometric identifiers if necessary for national security.

The fingerprints and photographs are entered into the IDENT system and compared against biometric information already stored in IDENT to determine whether the alien is an imposter or otherwise inadmissible. When the alien exits the United States, he or she must go to a work station or kiosk at an airport or to the secondary inspection area at land ports to scan his or her travel documents, have his or her photograph compared with the entry photographs and provide his or her fingerprints on the same type of inkless device. The exit process does not have the same direct oversight by DHS at air and seaports as does the entry process. It is not yet clear whether the exit process is working in complete synchrony with the entry process.

There are several important exemptions to the US-VISIT requirements. It does not apply to: A-1, A-2, C-3, G-1, G-2, G-3, G-4, NATO 1, NATO 2, NATO 3, NATO 4, NATO 5 or NATO 6 nonimmigrant visas. It does not apply to children under the age of 14 or persons over the age of 79. It does not apply to Mexican nationals who possess border crossing cards. It does not apply to Canadian citizens who do not require nonimmigrant visas. However, it does apply to Canadians who require nonimmigrant visas such as E-1/E-2 investor visas or K-1 fiancé visas.

One important issue is whether a visa holder who is a regular commuter from Canada must process each time he or she enters or leaves the United States. At the present time, it is DHS' policy to process such an individual only upon his or her initial arrival and issuance of the Form I-94 Departure Record. This may change in the future.

The US-VISIT program also does not apply to travelers seeking to enter under the Visa Waiver Program (VWP). Since October 26, 2004, however, foreign nationals traveling under the VWP have required machine-readable tamper-resistant passports, meeting international civil aviation organization biometric standards.

US-VISIT is the latest and most comprehensive attempt by DHS to secure the nation's borders while preserving the openness of trade and commerce essential to a world power. Implementation at the Detroit ports of entry has gone smoothly thus far and has not presented the nightmare scenario originally envisioned by many skeptics who claimed it would effectively shut down ports along the northern bor-

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der. The ultimate effectiveness of the program in preventing future terrorist attacks will be an ongoing subject of debate, but for now its implementation has gone smoothly.

**Thomas R. Williams is a member of Kerr, Russell and Weber, PLC, where he specializes in immigration and nationality law. He is past chairperson and secretary of the Michigan Chapter of the American Immigration Lawyers Association and past chairperson of the International Law Section of the State Bar of Michigan.*

1 Pub. L. 104-208, 110 Stat. 3009 (Sept. 30, 1996)

Bankruptcy Section Happenings

By Co-Chair Leslie K. Berg

The Bankruptcy Section proudly sponsored a two-day Trial Advocacy Workshop on December 9 - 10, 2004. Thirty-six attorneys participated in a mock direct and cross examination of creditor and debtor witnesses. The sessions were videotaped for later review and critique.

The “students” were guided by ten “faculty advisors” consisting of experienced bankruptcy counsel, including practitioners specializing in business and consumer bankruptcy, as well as a member of the chapter 7 trustee panel. Chief Judge Rhodes and Judges Shapero, McIvor, Tucker and Shefferly—the entire bankruptcy bench—served as judges for the mock trials, and contributed to the student critiques at the close of the testimony.

Additionally, the program was highlighted by valuable keynote addresses on various aspects of evidence and trial skills from District Judges Rosen, Lawson and Roberts, as well as Magistrate Judge Pepe. The program was an unqualified success from all perspectives! The Section hopes to host a trial advocacy workshop of this kind every couple of years.

On November 1st, the Bankruptcy Section hosted the First Annual Walter Shapero Symposium, featuring guest speaker Dean and Professor of Law Nancy Rapoport from the University of Houston Law Center. Dean Rapoport gave an entertaining and enlightening presentation on ethics, en-

titled, “Lawyers and Clients and Films - - - OH MY!!” Dean Rapoport cleverly used film clips from some of our favorite “legal eagle” movies to demonstrate “do’s and don’ts” in the realm of ethics.

In our continuing effort to provide the bankruptcy bar with educational and networking opportunities, the Bankruptcy Section is pleased to co-sponsor with the Detroit Chapter of the Turnaround Management Association, “The Ins and Outs of Auto Supply Turnaround and Insolvency Decisions” featuring the industry’s foremost financial experts.

This program will be held on April 6, 2005, at 2:00 p.m. at the Hotel Pontchartrain, with a cocktail reception to follow. Save the date on your calendars now, so you don’t miss this important and timely event. As the date approaches, individual mailings from both the TMA and the Bankruptcy Section will provide you the opportunity to make reservations.



Guest speaker Dean Nancy Rapoport (center) with (from left to right): Leslie K. Berg; David Lerner; U.S. Bankruptcy Court Judges Walter Shapero, Phillip J. Shefferly and Chief Judge Steven W. Rhodes; Marci McIvor.

Photo by John Meiu, courtesy of Detroit Legal News

Bankruptcy ECF Debuts on June 27, 2005

On June 27, 2005, the Bankruptcy Court’s Electronic Case Filing (ECF) will have its public debut. Using ECF, bankruptcy practitioners will be able to file all pleadings and to review the Court’s docket electronically from wherever they have internet access. Long lines at the Clerk’s intake office, paper and postage costs, and rounded shoulders from the weight of reams of paper will fade away as practitioners enjoy the advantages of ECF. These include remote access to the Court for all filings, immediate notice of all filings and electronic access to filed papers, as well as reduced costs.

To enjoy the benefits of ECF, practitioners will need to have or obtain certain hardware and software, and attend mandatory training prior to first use.

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Bankruptcy Debuts (continued)

System Requirements

Practitioners will need the following information technology:

- (1) Pentium® PC with Windows® or Macintosh®;
- (2) A PACER® account;
- (3) A current version of Netscape or Internet Explorer software;
- (4) Word processing and/ or Petition software;
- (5) A document scanner;
- (6) Adobe Acrobat® software to convert documents to Portable Document Format (PDF); and,
- (7) An Internet service provider.

Equipment Costs

We are told that Adobe Acrobat® software to convert documents to PDF format is approximately \$400.00. However, if a system user has WordPerfect® Version 9 or higher (which costs less than \$300.00), the Adobe® software is unnecessary because PDF documents can be created with WordPerfect® Version 9 or higher.

Mandatory Training

The Court will provide training for every party that files in the Eastern District. Training sessions will begin in May 2005. Within the next few months the Court will post more information about ECF training on the Court's website at www.mieb.uscourts.gov.

Please note that participation in ECF initially will be voluntary. However, these training sessions are mandatory for practitioners and their staff to use ECF, and practitioners should obtain the necessary training and equipment at the earliest opportunity. This will allow you not only to reap the many benefits of participation in the near future, but also because in the not-too-distant future ECF use will be mandatory. For further information, please visit the Court's website.

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