



# FBAnewsletter

Spring 2011

Federal Bar Association - Eastern District of Michigan Chapter - 53 years of service to our Federal Bench and Bar

## Governor Snyder to Address Gilman Luncheon on April 21 Wayne Pratt Award Recipient

Chapter members are once again in for a very special treat at this year's Leonard R. Gilman Award Luncheon. The Luncheon will be held on Thursday, April 21st at 11:30 a.m. in the Woodward Ballroom at the Westin Book Cadillac Hotel. The keynote speaker will be none other than Michigan Governor Rick Snyder.

Assistant U. S. Attorney and Chief of the Health Care Fraud Unit Wayne F. Pratt will receive the Gilman Award. The Gilman Award is given annually to an outstanding practitioner of criminal law who exemplifies the excellence, professionalism, and commitment to public service of Len Gilman, who was U.S. Attorney at the time of his death in 1985.

Tickets are \$25 for FBA members and \$30 for non-members. For more information and to register for the Luncheon, visit the Chapter website or contact Program Chair Thomas M. Schehr at 313-568-6659.

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## Health Care Bankruptcy Forum April 14

On Thursday, April 14th, the Chapter's Bankruptcy and Health Care Committees will hold a Health Care Bankruptcy Forum from 4:00-6:30 p.m. at the Westin Southfield Hotel.

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## President's Column

*Laurie Michelson*

### Preventing "Civil Litigation" From Becoming An Oxymoron



An oxymoron is a figure of speech that combines two normally contradictory terms or phrases. For example, after Donald Trump's limousine was stolen and found undamaged a few blocks away, he said "Nothing was stolen. I had an honest thief." Or an ad in the MSU school newspaper: "Procrastination Workshop: Pre-registration Required."

The law has produced its share of oxymorons. For example: "accused felon;" "law abiding illegal alien;" "amicable divorce;" "criminal justice;" and "reasonable attorneys fees." Indeed, the law provides one of the language's few single-word oxymorons: "Brief."

But what about "civil litigation?" Can we save it from becoming an oxymoron? A perception exists that incivility, rudeness and the use of offensive tactics in the legal profession remain on the rise and that professionalism is perhaps even incompatible with effective practice. Several bar associations have analyzed cases and interviewed attorneys to determine the causes – and consequences – of our incivility. Not surprisingly, their studies reveal many common themes. No doubt we have all witnessed, experienced – or yes, participated in -- the following:

- The "win at all costs" mentality. The client is paying the lawyer to win; the firm expects the lawyer to keep the client happy; and individual egos will not tolerate defeat. It becomes about the lawyer and not the client. We do not heed the admonition of Judge Cohn to counsel in a recent case that "you are like a couple of kids in a playground threatening each other across the line. Now, that isn't how litigation works. The lawyers have no personal stake in this case other than their reputation. They are not the ones that are on trial." Unfortunately, this "personalization" of the cases is pervasive in the civil litigation practice -- and is justified under the rubric of "zealous representation."

- The inability to see any virtue in the other side of

(continued on page 2)

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8 YEARS  
National FBA  
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## President's Column (continued)

the case. As one author explained: "Amongst lawyers, an attitude of disrespect towards one's adversary develops when an individual falls prey to the following logical fallacy: our cause is right and we are good people; since their cause is wrong, they must be bad people. . . It is vital that lawyers resist falling into the trap of the fallacious logic that a person representing an opposing side of an issue is a contemptible person, unworthy of respect." John M. Bradley, "Fallacious Logic and the Gateway of Incivility" (*The Bench*—July/August 2010). So far, we have not done a very good job of avoiding this trap.

- The rapid increase in the number of practicing lawyers has resulted in increased competition; less skilled lawyers who confuse incivility with zealous advocacy; less opportunity for adequate training and mentoring; and the erosion of law being viewed as a profession as opposed to just a business designed to produce as much profit as possible. Conversely, a smaller bar where lawyers are more likely to have "repeat engagements" with one another has been found to result in less incivility.

In light of the Rules that govern the profession, it will remain difficult to draw the line between acceptable, zealous representation and inappropriate, unprofessional conduct. But we need to understand that the mantra of "zealous representation" has consequences. As Justice Sandra Day O'Connor aptly summarized:

[T]he justice system cannot function effectively when the professionals charged with administering it cannot even be polite to one another. Stress and frustration drive down productivity and make the process more time-consuming and expensive. Many of the best people get driven away from the field. The profession and the system itself lose esteem in the public's eyes. Civil Justice System Improvements, Speech to American Bar Association (Dec. 14, 1993).

A study conducted by the Illinois Bar Association likewise revealed the troubling consequences of uncivil behavior:

Makes the practice of law less satisfying.

"Lawyers who encounter more unprofessional behavior tend to be less satisfied with their careers."

Contributes to lawyers leaving the practice of law.

"The stress associated with the daily grind of having to deal with unprofessional and unreasonable lawyers certainly makes one think about early retirement or about leaving the profession."

Leo Shapiro and Associates, Survey on Professionalism. A Study of Illinois Lawyers. (December 2007).

While this is a large-scale problem, there are ways in which the FBA can contribute to solutions. Most basically, we can encourage you to get involved. It has been recognized that encountering one's adversary outside of

the contest arena helps to promote more cordial behavior. "Lawyers need to encounter each other, away from the negotiating table and outside of the courtroom, in order to recall that adversaries are fellow professionals entitled to respect and civil exchange." Bradley, *supra*. Our Committees do just that – they bring together lawyers from different sides to work together on programs and projects. And our Lunch Program and social events enable the bar to come together in a more relaxed environment and to address issues of common concern.

Additionally, civility is promoted by remembering and focusing on the importance of the justice system and the society it serves. Few do a better job of responding to the call of the unrepresented than the Chapter's Pro Bono Committee, whose projects focus on society's needs and not financial gain. By helping to train a pro se litigant to handle a case you may recall rules once forgotten; by taking a pro bono case you will forget about the importance of the billable hour and put the focus where it belongs – the plight of the client; and through Law Day meetings with members of the community, you will gain a true(r) appreciation of the importance of the legal profession.

Do not let issues fester. Seek out help. We can serve civility by publicizing existing systemic mechanisms, including the services of the Court's Ombudsman and ex-officio FBA Executive Board member, George Bedrosian. As described in the Administrative Order of appointment: "Mr. Bedrosian will serve as an intermediary between the judicial officers of the Eastern District of Michigan and the bar. He will act on an informal basis to interface and address those matters lacking an institutional mechanism or forum for redress."

Finally, we need to recognize that civility does not stand as an alternative to effective advocacy. As you aspire to become a deserving recipient of the FBA's Cook/Friedman Civility Award, remember the wisdom imparted by Carl H. vonEnde who, upon his receipt of the Award, reminded us:

"[L]itigation is a contest between litigants assisted by lawyers. It is not a contest between lawyers. The great majority of lawyers work diligently and ethically to assert positions of merit. Civil behavior by lawyers assists in the resolution of disputes. It enhances, rather than retards, advocacy."

One final thought. Perhaps we can lessen the impact of unprofessional behavior by simply apologizing every once in awhile. In the Jewish religion we are reminded of the following on our Day of Atonement:

For transgressions against God, the Day of Atonement atones; but for transgressions of one human being against another, the Day of Atonement does not atone until they have made peace with one another.

So let's try to make peace with one another. I am asking all of you to review our Court's Rules of Civility, find one you have recently violated, and call your opposing counsel to seek forgiveness. It's a start.

## Forum *(from page 1)*

The program will feature a roundtable discussion with Michael E. Duggan, President and CEO of the DMC, Steven P. Rofsky of Cain Brothers, New York, NY, Michael Boudreau of O'Keefe and Associates, and others. The program will also include hors d'oeuvres and a cash bar.

For more information, contact David Lerner at 248.901.4010 or [dlerner@plunkettcooney.com](mailto:dlerner@plunkettcooney.com).

## Law Day: John Adams' Legacy First Lawyer-President 1797

Mark your calendars! On Monday, May 2nd, the Court, the U. S. Attorney's Office and the Chapter will once again celebrate Law Day by hosting an open house from 11:00 a.m. to 2:00 p.m. at the Courthouse.

The theme for this year's celebration is Law Day 2011: The Legacy of John Adams, the First Lawyer-President, 1797. Participants will include local, state and federal law enforcement agencies, members of the federal judiciary and other invited guests. Courthouse tours will be scheduled. The very popular "Ask the Lawyer" Pro Bono program will again be featured as a community service to those in need. A hot dog, chips and cookie lunch will be served.

Assistant U.S. Attorney Susan Gillooly, Co-Chairperson of the Law Day event, says the theme of this year's event provides an opportunity to explore and celebrate the life of John Adams, resistance leader and patriot, advocate and diplomat, constitutional theorist and political activist. Law Day exhibits, presentations and displays will focus on the legacy of John Adams as a lawyer who defended the rights of the accused, even in cases involving unpopular clients and in matters that generated public controversy.

Members of the public and the downtown community are invited and encouraged to attend.

## Start Reading! Book Club Meets May 26

The Chapter Book Club will meet on May 26th at noon to discuss *The Eyes of Willie McGee: A Tragedy of Race, Sex, and Secrets in the Jim Crow South* by

Alex Heard. For more information, including a link to *The New York Times* Book Review, visit the Chapter website [www.fbamich.org](http://www.fbamich.org)



## From Court Administrator Dave Weaver

### Proposal to Eliminate Divisional Boundary Line

As you know, the Eastern District of Michigan is separated into a Northern and Southern Division with five separate places of holding Court. Bay City is the only place of holding Court in the Northern Division and has only one district judge assigned to sit at that location. For some time now, the Court has been studying two important issues that are directly related to the Northern Division's current configuration. As there is only one district judge assigned to the Northern Division, and that judge receives all civil and criminal

*(continued on page 4)*

SAVE THE DATE -- JOIN US --- CELEBRATE



EASTERN DISTRICT OF MICHIGAN CHAPTER  
FEDERAL BAR ASSOCIATION

## THIRTY-SECOND ANNUAL DINNER

HONORING THE FEDERAL JUDICIAL OFFICERS  
OF THE EASTERN DISTRICT OF MICHIGAN

Thursday, June 9, 2011

FORD FIELD

Cocktail Reception beginning at 5:30 p.m. (cash bar)  
Dinner at 6:30 p.m.

Entertainment by A (Habeas) Chorus Line



cases assigned there, the possibility of forum shopping exists. The second issue is that the Northern Division civil and criminal caseloads have been consistently higher for the assigned District Judge as compared to his counterparts in the Southern Division.

Judge David M. Lawson was assigned to Bay City for six years and Judge Thomas L. Ludington is currently sitting there. Given their direct experience with the noted issues, Chief Judge Rosen asked Judges Lawson and Ludington to work as an ad hoc committee to research ways in which these two problems might be resolved. Following considerable study, Judges Lawson and Ludington recommended to the Bench a proposal to eliminate the North/South divisional boundary line altogether. Doing so would provide the Court with maximum flexibility in balancing the caseload in the District and eliminating opportunities for judge shopping. The Bench agreed to consider the proposal.

No firm plan has been approved by the Bench to adjust the way civil and criminal cases are assigned throughout the region. The members of the Bench believe it is important to obtain input from those who may be affected by reorganizing our court divisions before a concrete plan is proposed.

To be successful, the proposal will require approvals from both the Sixth Circuit Judicial Council and the Judicial Conference of the United States. Ultimately, Congress would have to approve an amendment to 28 U.S.C. § 102. This is the statute that establishes the two divisions within the Eastern District and lists the names of counties included within each division.

The next step is to obtain input from the various stakeholders that may be affected by this proposal. At a recent meeting, the proposal was discussed with representatives of the U.S. Attorney's Office, the Federal Defender Office and other Court-related offices and agencies. FBA President-Elect Michael Riordan was also in attendance. The Court would now like to obtain additional input regarding the proposal from the Bar. Specifically, how the proposed changes may affect your practice with regard to travel, impact on clients, etc.

## Spotlight On Magistrate Judge Morgan

By: Barb Radke\*

"Thank you, your majesty," in the words of defendant Pierrezze who was released on bond for credit card fraud (used to fund his gender change operation) by the Honorable Virginia M. Morgan, U.S. Magistrate Judge. Just one of hundreds of defendants and plaintiffs, litigants, and lawyers whose lives have been touched by Magistrate Judge Morgan, known to many as "Ginny," in her 26 years of service as a judge and 10 years of state and federal prosecution experience. To quote an Assistant U. S. Attorney who will remain anonymous, "the Court took quite a risk hiring someone whose best legal work as a prosecutor was featured in the National Enquirer." Magistrate Judge Morgan entered on duty on June 5, 1985. She is scheduled to retire this year.



*Honorable  
Virginia M. Morgan*

Ginny and I have been together since our time in the U.S. Attorney's Office, through good times and bad, but always interesting times. Ginny likes to say there is a Chinese curse that says "may you live in interesting times," and we have. We have seen a lot of changes. Search warrants have gone from carbon paper copies to electronic filing; civil cases from copies of pictures to electronically filed video images. When Ginny returned from visiting a Mexican prison, she told us how they still used manual typewriters and carbon paper to make copies. Our then law clerk, Dave, said, "Carbon paper, what's that?" I couldn't tell if Ginny was kidding when she tersely told him to get out.

While on the bench, Ginny has conducted prisoner transfers overseas, taught judges in Serbia and Montenegro, hosted Russian judges, and co-chaired the very successful Bench/Bar conferences at Shanty Creek. Ginny also sponsored various courthouse events for school groups and volunteered my help in all her wonderful projects. One such event was a bicentennial celebration for the Constitution which included a re-enactment. Bill Swor dressed as James

Madison, and Ginny was Dolly Madison. Sadly, they weren't nominated for Academy Awards, but a great time was had by all who attended.

Ginny was on several national advisory groups and relished her trips to Arizona with Chief Justice Rehnquist where they enjoyed singing camp songs together. Traveling anywhere with Ginny is an adventure. No matter what city (or country) she is visiting, she's bound to run into someone she knows. We traveled to Washington, D.C. to hear the Supreme Court arguments in *United States v. Kozminski*, a case Ginny prosecuted in which a Washtenaw County farmer held two mentally incapacitated farm laborers in "involuntary servitude." We also went to New York City to attend the wedding of a former law clerk who had given us a list of places to visit. We saw several Broadway shows, took Ginny on her first New York subway ride and spent a memorable night at Lucky Chengs!

Our former law clerk Dave McDaniel put it best: "I always marveled at the sheer number of people whom Judge Morgan counted among her friends. I can recall on several occasions Judge Morgan telling me after she had returned from traveling to some far-flung place that she had run into an old friend or acquaintance. Initially, I was amazed that she would have these seemingly rare encounters. But the longer I knew her, I realized that for her, these encounters were not rare because Judge Morgan had touched so many people's lives and had made so many friends throughout her life and her career. Judge Morgan is a true people-person with a genuinely good heart." Attorney Linda Goldberg adds: "What has made Ginny a good judge are the same qualities that make her a good person – integrity, compassion, intelligence and an aptitude for practical problem solving. And, most of all, humor coupled with an innate ability to put all folks at their ease."

The staff usually ate together and spent many a lunch hour engaging in philosophical discussions. Most memorable: 1) how Star Trek episodes were based on stories from the Bible; 2) Picking our top five actors or actresses who we thought were "hot." Gene Wilder and Forrest Whitaker were in Ginny's top five. Thankfully, Richard Gere is her number one; 3) Recounting and discussing our favorite TV shows, and Ginny continually telling us that they weren't real. That was before "reality" TV became popular.

There were also memorable moments from duty court, including (1) the defendant charged with

fraud who claimed his lawyer was in-house counsel for Chrysler because Chrysler was a subsidiary of Kolfax Industries of which defendant was CEO; and (2) the first wave of arrests and prosecutions of the Highwayman with Special Agents Charlie Moffitt and Roger Guthrie.

Settlement conferences and facilitated mediations are her favorite duties as magistrate judge. Working closely with lawyers and parties to reach agreement is done with humor, good spirit, and a solid understanding of the case. On one occasion Ginny actually purchased the allegedly infringing product—a Wolverine Die-Hard hat for the Die-Hard fan. (Go Blue!) As quoted by criminal defense lawyer Steve Fishman: "Anyone who has ever asked Ginny to help settle a civil case soon realizes that she could sell ice to the Eskimos. She is the greatest case settler of all time."

Not all is fun and games however, and Ginny has worked hard to promote policies and procedures in this court to enhance respect for the position and duties

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## Judge Morgan *(from page 5)*

of magistrate judges. She feels it is important for the bench and bar to continue to recognize the important role that magistrate judges play in the system. As past national president of the Federal Magistrate Judges Association and former president of the Chapter, she has worked with many Article III judges and is well respected. She wishes to leave as her legacy respect for each person as well as for their duties, a commitment to integrity, and an enduring adherence to the rule of law.

AUSA Wayne Pratt concludes: "Magistrate Judge Morgan has always gone above and beyond simply handling her cases. Through her involvement in the FBA, the national Federal Magistrate Judges Association, the duty court working group, and countless other thankless committees, she has improved the legal environment in which we all work. We will miss her."

Thank you, Ginny, for hiring the "girl with purple hair" to be your secretary, for all the great times, for the adventures, and most importantly for your friendship.

*\*Barb Radke worked for Magistrate Judge Morgan for 24 years. She is currently the Judicial Assistant to Magistrate Judge Mark A. Randon.*

## New Technology Comes To Judge Tarnow's Courtroom

If you have not been in Judge Tarnow's courtroom lately, it's time to stop by and see the upgraded, technologically advanced courtroom, located on the first floor of the Courthouse, courtroom 108.

As you enter the courtroom, you may notice the two large flat-panel monitors for viewing in the general seating area, but you may not notice the other technological improvements. The witness box, counsel tables and Judge Tarnow's bench all have been upgraded.

A large dropdown projection screen is directly across from the jury box with the projector discreetly located on the ceiling. Most of the advanced features of the Shared Technology Courtroom, located on the second floor, are also available in Judge Tarnow's courtroom. These include port connections for laptops at each of the attorney tables. Viewing monitors and touch-screen monitors have been installed at the podium and witness box. Of course, the control of audio and visual display remains under Judge Tarnow's control.

All the work was done after consultation with the Center for Legal and Court Technology, a project at

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the William & Mary Law School. The Center utilizes a network of experts to bring together the talents of technology leaders in many different disciplines for each project. The Center works from a premise that both system design and specification must take into account the unique needs of those who will use it. Accordingly, it uses a systems approach in which the individuals who work with and are affected by the technology are the most important system “elements.” Project designers recognize that today’s legal world is complex, and that technology cannot be used in one area without consideration of the consequential impact on other aspects of the legal system.

A substantial amount of effort was used to keep the courtroom in the traditional setting. Most of this work can be seen in the fine millwork completed at the counsel tables and podium. The original tables of the courtroom were modified to include flip-up monitors and integrated connection ports. A touch-screen monitor slides out from the side of the podium, a feature that goes unnoticed while the monitor is stored away. While monitors are present in the Shared Technology Courtroom between each of juror’s seats, such a design was not selected for Judge Tarnow’s courtroom. As a further effort to keep the jurors’ attention on the proceedings, Judge Tarnow has a monitor installed below his desktop removing any impediment of the jury’s or attorney’s view of him on the bench. The attorney podium also mechanically raises and lowers following this same concept.

While the courtroom has no direct video conferencing capabilities, portable units are readily available for easy connection. The lack of specific need and the costs involved discouraged such installation. The courtroom is also designed to accommodate overflow trials and hearings on the monitors and dropdown projection screen. All of the

equipment is fully integrated to use the newest and latest trial enhancement software.

These improvements will advance technological integration of trial presentations well into the future. Look for more of this development to come.

## Death Penalty Seminar: Lessons Learned

“Death is different” was the theme of the Chapter’s panel discussion, “Death Penalty Litigation in Michigan” held at the Courthouse on February 18th. The distinguished panel included Judge Arthur J.

Tarnow; AUSA Daniel Lemisch, Chief of the Criminal Division, Richard Kammen, counsel for several capital defendants; and Harold Gurewitz, a Gilman Award winner and death penalty defense attorney.

The panel began with an explanation of how death-eligible cases become capital cases. AUSA Lemisch began with an overview of the differing approaches that have been taken under each President’s administration. Attorney General Janet Reno’s administration made significant

changes to the way death-eligible cases were handled. During her administration, approval from Washington was not required if an AUSA chose not to seek the death penalty.

However, under Attorney General John Ashcroft’s administration, all death-eligible cases were required to go to Washington for approval. This process of mandatory review has made the capital designation process unpredictable, as it changes with each administration. In some cases, AUSAs have been ordered to seek the death penalty when it would not have been sought otherwise. Lemish also explained

*(continued on page 10)*



*Death Penalty Seminar panelists: Matthew Leitman, Daniel Lemisch, Richard Kammen, Judge Arthur J. Tarnow, and Harold Gurewitz. Photo by John Meiu, courtesy of Detroit Legal News Publishing LLC.*





*Anne-Marie Vercruysse Welch  
and Robert Welch.*

## **Scenes from McCree Luncheon**

*All photos by John Meiu, courtesy of  
Detroit Legal News Publishing LLC.*



*Jason Gourley, Michelle Thomas and  
Danielle Beasley.*



*Miriam Siefer, Cynthia Haffey and Elisa Angeli Palizzi.*



*Parisa Ghazaeri, Stephanie Kamykowski  
and Andrew Thomas.*



*From left, committee Co-Chair Miriam Siefer; McCree  
Award recipient Mary Sue Coleman; keynote speaker Erwin  
Chemerinsky, Judge Gerald E. Rosen, Wade McCree,  
Magistrate Judge Laurie J. Michelson; Dean Evan  
Caminker; and committee Co-Chair Cynthia Haffey.*



## Judicial Family Reunion for Judges and Law Clerks

*All photos by John Meiu, courtesy of  
Detroit Legal News Publishing LLC.*



*Sara Woodward;  
Susan DeClercq and  
Steven Cares.*



*Magistrate Judge  
Mona K. Majzoub  
and Valerie Brader.*



*Matthew  
Allen, Sarah  
Resnick Cohen  
and Alison  
Rodney.*



*Christy Dral and Patrick Seyferth.*



*From left, Alison  
Rodney, Amy Purcell,  
Kelly Rimmer, Judge  
George Caram Steeh,  
Bradley Darling,  
Judge Paul Borman,  
Christopher Darrow,  
Marybeth Collon,  
Timothy Rimer, Jessica  
Sprovtsoff, Jonathan  
Beitner, Matthew  
VanWasshnova, and  
Benjamin Anchill.*

## Death Penalty *(from page 7)*

that Reno was also proactive in attempting to remedy some of the institutional problems relating to death cases, including that the death penalty has been disproportionately sought against African-American defendants. As a response, Reno established the Department of Justice Capital Case Unit and investigated the stark racial disparities in the federal death penalty.

The courts see a difference in capital cases. Judge Tarnow shared his experience as one of the few judges in the District who has presided over a death penalty case. While Judge Tarnow stated that all criminal cases involve one's liberty interests, a death penalty case has an added emotional element for all parties involved. Another difference that affects trial is the availability of an increased budget. The help with budgeting can allow defense attorneys more access to experts and forensics.

Attorneys Kammen and Gurewitz both commented on the importance of communication in a capital case. The lawyers have to make sure that they are on the same page at all times. Not only do the attorneys and investigators have to communicate with each other more in a death penalty case than in other types of cases, but they also have to approach the issue carefully with their clients. In some cases, clients have completely turned off and refused to participate in the process.

The panel discussion was thought-provoking and informative. The event was very well attended by Chapter members and others in the legal community. Special thanks to the Criminal Practice Co-Chairs, especially Matthew F. Leitman, for organizing such an important event.

## Commercial Litigation Seminar

On February 10th, the Chapter's Complex Litigation Committee hosted a Commercial Litigation Seminar featuring Judges Avern Cohn, George Caram Steeh and Stephen J. Murphy. Approximately 75 commercial litigators gathered in Room 115 for an afternoon panel discussion moderated by Brian M. Akkashian (Dickinson Wright), A. Michael Palizzi (Miller Canfield), Jeffrey A. Sadowski (Howard & Howard) and Gary W. Faria (Ufer & Spaniola).

Topics included voir dire, motions in limine, *Daubert* motions and other challenges to expert testimony, jury instructions and jury questionnaires.

Evident from the panel discussion were the Judges' different approaches to trial practice. For example, while Judges Cohn and Murphy conduct jury voir dire themselves, Judge Steeh permits attorneys wide latitude in sifting through the jury pool. Concerning juror questions, which a court may permit within its discretion, Judges Cohn and Steeh permit jurors to ask questions of witnesses on occasion, but Judge Murphy adamantly opposes the process, concluding that they tend to prolong matters and prove cumbersome to administer.

One item the Judges did agree on was how they each treat motions in limine and *Daubert*-style motions. In general, the Judges view such motions as advisory at the pre-trial stage, generally deferring to decide them until the particular issue presents itself, in context, at trial.

An elegant cocktail reception at the Westin

Book Cadillac followed the panel discussion, where members mixed and mingled with the Judges. Thanks to the Chapter Complex Commercial Litigation Co-Chairs for organizing an informative and successful event.

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## Chapter Honors Coleman with McCree Award

University of Michigan President Mary Sue Coleman accepted the Wade Hampton McCree, Jr. Award for the Advancement of Social Justice on February 23, 2011, at the Westin Book Cadillac. The McCree Award Luncheon began with comments by Wayne County Circuit Judge Wade Harper McCree, who thanked the Chapter for its outpouring of support following the recent death of his mother, Does McCree.

University of Michigan Law School Dean Evan Caminker introduced President Coleman, who expressed her appreciation for the Award. Dean Caminker also introduced his long-time friend and the keynote speaker, Erwin Chemerinsky, founding Dean and Professor of Law at the University of California, Irvine, School of Law. Dean Chemerinsky addressed the large crowd with a critique of the Supreme Court's decisions under Chief Justice John Roberts, with a particular focus on decisions relating to issues of social justice. His remarks were entertaining and enlightening and capped off a very enjoyable luncheon.

## Meet-and-Greet Breakfasts In Detroit And Flint

On January 11th, the Chapter hosted a New Member Breakfast in Room 115 at the Courthouse, welcoming the numerous practitioners who joined during calendar year 2010. These periodic events are a Chapter tradition which provide our newer members a delicious opportunity to break bagels and danish with the Judges of the Eastern District

and their staffs, while they connect with Chapter officers, board members and committee chairs who attend to answer questions and help make sure that new members find the practice and social links that will enrich their FBA experience.

Two days later, the Chapter began what is hoped will be a new tradition, co-hosting a "Meet and Greet" reception at the federal courthouse in Flint. Judge Mark A. Goldsmith and his recently assembled staff were welcomed to their new venue in the federal family and in turn introduced themselves to the Genesee County bar.

## Judicial Family Reunion for Judges And Law Clerks

On March 17th, the Chapter's Law Clerk Committee sponsored a Judicial Family Reunion at Bodman LLP's offices overlooking Ford Field. The purpose of the event was to bring together federal judicial officers (including Circuit, District, Bankruptcy and Magistrate Judges) with current and former law clerks as well as to highlight FBA membership. The event was very well attended by ten judges and over 100 law clerks. The law clerks' court service spanned many decades, with dozens of current clerks in attendance, as well as many past clerks dating back to Judge O'Sullivan. Even a couple of law clerks from other jurisdictions attended.

Clerks and judges alike enjoyed the opportunity to reconnect and socialize with past coworkers and acquaintances while enjoying appetizers provided in part through a grant from the National FBA. Bodman generously donated all of the beverages served at the event. Magistrate



*Meet-and-Greet Breakfast attendees. Daniel Sharkey, Mary Mullin, Roger Meyers, Douglas Salzenstein, Moheeb Murray, Theresa Serra, Laurie Michelson and Judge Victoria A. Roberts. Photo by John Meiu, courtesy of Detroit Legal News Publishing LLC.*

*(continued on page 12)*



## Judicial Family Reunion

(from page 11)

Judge Michelson, former law clerk for Judge Kennedy, made welcoming remarks, noting that the event provided “a chance to get together in an enjoyable setting” and “to spend time with and thank our life-long mentors – the judges we are and were so fortunate to clerk for, who remain our role models, and who helped to shape our careers.”

Special thanks to Committee members Matthew Allen, Kimberly Altman, Steven Cares, Sarah Cohen, Christy Dral, Brian Figot, Theresa Serra, Adam Wiener, and Sara Woodward for organizing the event. The Committee was encouraged by the success of the event and plans to organize future reunions.



*“Celebrating Our Diverse Bar.” Left to right Judge Lawrence Talon, Judge Jane Markey and Judge Karen Fort Hood, Judge William C. McConico, Judge Katherine Hansen, Gregory Conyers, Jim Feinberg, Judge Cynthia Stephens, Diane Margosian, Tony Jenkins, Elizabeth Stafford, Lawrence Garcia, Roshunda Price, Elizabeth Jolliffe, Dona Tracey, Ben Jeffers, Judge Kirsten Frank Kelly, and Elisa Angeli Palizzi. Photo by John Meiu, courtesy of Detroit Legal News Publishing LLC.*

## “Celebrating Our Diverse Bar”

On March 3, 2011, the Chapter once again co-hosted the “Celebrating our Diverse Bar” event in downtown Detroit at Fishbone’s Rhythm Kitchen Café in Greektown. Twelve affinity bar associations joined with the Chapter to host the event:

- Arab American Bar Association
- Armenian-American Bar Association
- Black Women Lawyers Association
- D. Augustus Straker Bar Association
- Detroit Metropolitan Bar Association
- Federal Bar Association
  - Eastern District of Michigan Chapter
- Hispanic Bar Association of Michigan
- Incorporated Society of Irish American Lawyers (I.S.I.A.L.)
- South Asian Bar Association of Michigan
- Wolverine Bar Association
- Women Lawyers Association of Michigan
- Women Lawyers Association of Michigan
  - Macomb Region

Women Lawyers Association of Michigan  
– Wayne Region

Financial support came from sponsors Corbet, Shaw, Essad, Tucciarone & Bonasso, Esquire Solutions, the Hispanic Bar Association of Michigan, and Turfe & Garcia.

This was the second annual “Celebrating our Diverse Bar” event. The event formally recognizes the importance of diversity in our profession, and gives diverse attorneys and judges an opportunity to network and encourage each other in a relaxed and fun atmosphere.

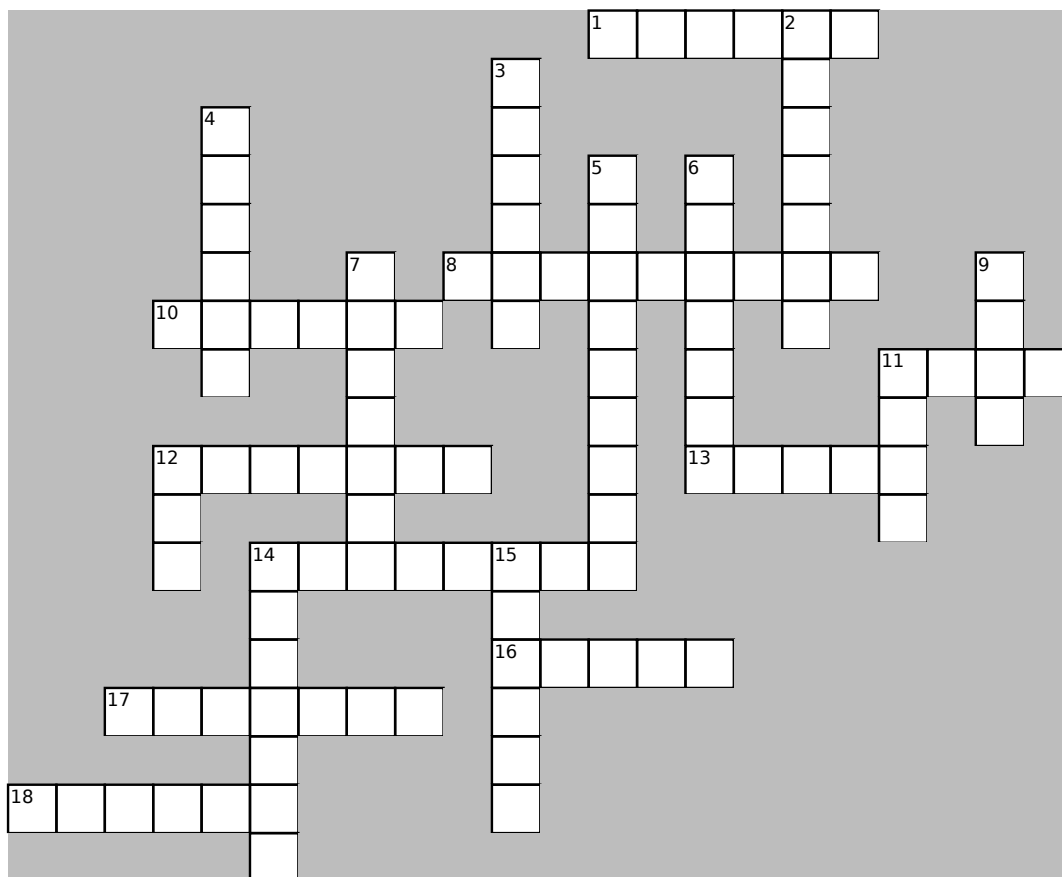
The more than 130 judges and attorneys who attended this year were welcomed by Chapter Diversity Committee Co-Chair Elizabeth A. Stafford. State Bar of Michigan President W. Anthony Jenkins and State Bar Director of Diversity Greg Conyers each shared brief remarks concerning the State Bar’s Pledge to Achieve Diversity and Inclusion and other important diversity efforts.

The room was decorated with displays on the meaning of diversity created by the Timbuktu Academy and the Ruth Ellis Center. Over \$1,100 was raised for these two worthy organizations.

(continued on page 14)

# Crossword Fun! Test Your Knowledge of the Judges in the Eastern District

By: Andrew J. Lievense\*



## Across

- 1 Lived in a Naval submarine
- 8 Granholm appointee
- 10 Defender and prosecutor
- 11 A senior and a junior
- 12 Tarheel, J.D.
- 13 Genesee Prosecutor, Macomb Judge
- 14 Award of Civility
- 16 Congressional staffer and candidate
- 17 Circuit and Probate Judge
- 18 A Xavier Musketeer, B.A.

## Down

- 2 State Bar Prez
- 3 Appellate defender
- 4 Clerked for Justice Ryan
- 5 Studied in England and France
- 6 Stratford Shakespearean Festival of America Trustee
- 7 Women lawyers group, Prez
- 9 A Yale Bulldog, B.A.
- 11 Medical school attendee
- 12 Frequented a Livonia Bar
- 14 Two stints on district court bench
- 15 GM lawyer

\* Andrew J. Lievense is a member of the Newsletter Committee and author of this crossword. For hints at answering the puzzle, he suggests you visit the Court's website at [www.mied.uscourts.gov](http://www.mied.uscourts.gov) and click on the various biographies. In addition, the answer key is posted on the Chapter's website.

## Diverse Bar *(from page 13)*

Special thanks go to the planning committee for this year's event: Kenneth Essad, Brian Figot, Mitzy Sharp Futro, Lawrence Garcia, Virginia Herrick, Elizabeth Joliffe, Myron Lloyd, Magistrate Judge Laurie J. Michelson, Marjorie Nanian, Elisa Angeli Palizzi, Diane Paulsen, Brandy Robinson, Amanda Shelton, Elizabeth Stafford, and Morley Witus.

## Employment Law Seminar

On January 12th, members of the bench and bar gathered at the Courthouse for a seminar presented by the Chapter Labor and Employment Law Committee. The seminar included panel discussions regarding Federal Summary Judgment Standards and Motions and Facilitating Settlement in the Federal System. Attendees received practice tips from experienced lawyers and judges regarding how to prepare successful briefs on summary judgment and what to look out for when attempting to negotiate a settlement



*Deborah Barno, Kathleen Bogas, Magistrate Judge Virginia M. Morgan, Joseph Ritok, Joseph Rivers, Robert Vercruysse, Judge George Caram Steeh, and Gregory Murray. Photo by John Meiu, courtesy of Detroit Legal News Publishing LLC.*

in a case. Attorney Robert M. Vercruysse moderated the panel discussions.

Special thanks to the Labor and Employment Committee Co-Chairs, Joseph A. Golden, Vanessa

## REGISTER NOW!

### 2011 BENCH/BAR CONFERENCE MEDIA AND THE LAW

April 28, 2011  
11:30 AM – 6:30 PM

An Afternoon at The Henry (formerly The Ritz-Carlton)  
300 Town Center Drive, Dearborn

**PROGRAM HOST:** Hon. Mona K. Majzoub

**LUNCHEON SPEAKER:** Chris Hansen – NBC Correspondent and Host of "To Catch a Predator"

**FIRST PANEL DISCUSSION:** "Navigating a High Profile Case"

**Moderator:** Hon. Gerald E. Rosen

#### Panelists

Charles Babcock  
Anthony Chambers  
William Jeffress  
Robert Morvillo  
Ira Sorkin  
Hon. Nancy G. Edmunds

#### Representative Client

Oprah Winfrey  
Umar Farouk Abdulmutallab  
Scooter Libby  
Martha Stewart  
Bernie Madoff

**SECOND PANEL DISCUSSION:** "Can't Live With Them/Can't Live Without Them"  
Expectations of the Bench, Bar and Media

**Moderator:** Rod Hansen, Media Information Officer (E.D. Michigan); Former WJR Reporter

#### Media

David Ashenfelter, *Detroit Free Press*  
Thomas Cranmer, *Miller Canfield/WXYZ*  
Kevin Dietz, *WDIV*  
Marie Osborne, *WWJ*  
Bankole Thompson, *Michigan Chronicle*

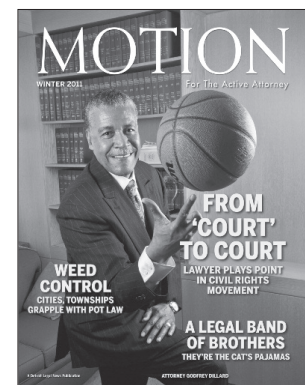
#### Bench/Bar

David DuMouchel, *Butzel Long*  
Richard Helfrick, *Federal Defender Office*  
Hon. David Lawson, *E.D. Michigan*  
Barbara McQuade, *U.S. Attorney*  
Hon. Richard Suhrheinrich, *6th Circuit*

**COCKTAIL RECEPTION:** Share a Drink and Hors D'oeuvres with Colleagues and the Panelists



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Miree Mayes and Gregory V. Murray for organizing a successful and informative event.

## Special Day at the Courthouse For Law Students

On March 10th, approximately 30 enthusiastic law students from Wayne State University and Cooley Auburn Hills law schools enjoyed a day at the Courthouse. The Chapter Diversity Committee organized and hosted the activities, which began with the sentencing of a member of the Highwaymen's Motorcycle Club, whose crimes Judge Nancy G. Edmunds described as "shocking" when rendering a sentence of 16 years' imprisonment. After the sentencing, AUSAs Diane L. Marion and Christopher Graveline provided background on the prosecution of the motorcycle club, and Judge Edmunds described the factors upon which judges rely to arrive at sentencing decisions.

The students were then taken to Chief Judge Gerald E. Rosen's historic courtroom, where judicial assistant Barbara Radke informed them of the history and symbolism of that Courthouse treasure. From there, the students received a viewing of the first-floor ceremonial courtroom.

While eating pizza and salad provided by the Chapter, the students heard from Judge Victoria A. Roberts, AUSA Dawn N. Ison, Chapter Diversity Committee member James L. Feinberg, attorney Larry J. Saylor, and judicial law clerks Brandy Y. Robinson and Leslie Scott. The panel discussion, which was moderated by Diversity Committee Co-Chair Elizabeth A. Stafford, provided the students with a comparison of the state and federal courts and advice on how to prepare for clerkships and federal practice.

In the afternoon, the students viewed a hearing regarding a motion for summary judgment in a police excessive force case before Judge Sean F. Cox. They also visited Magistrate Judge Mark A. Randon's chambers and learned about the functions and responsibilities of magistrate judges.

The overwhelming appreciation shown by the students proved worthwhile the efforts of the Diversity Committee members who organized the event, including Jim Feinberg, Judge Patricia P. Fresard, Jyarland Daniels Jones, Saima S. Mohsin, Matthew Schneider and Elizabeth A. Stafford.

## Calendar of Events

- April 14**     **Health Care Bankruptcy Forum**  
Panelists: Michael E. Duggan, President and CEO of the DMC; Steven P. Rosky of Cain Brothers, New York; Michael Bodreau of O'Keefe and Associates and others, in a joint program presented by the Chapter Health Care and Bankruptcy Committees  
4:00 P.M. – 6:00 P.M. Roundtable Discussion, hors d'oeuvres, cash bar and networking  
The Westin Southfield Detroit, 1500 Town Center, Southfield
- April 21**     **Leonard R. Gilman Award Luncheon**  
Speaker: Governor Rick Snyder  
Award Recipient: Wayne F. Pratt  
11:30 A.M.     Reception  
12:00 P.M.     Luncheon  
Westin Book Cadillac Hotel
- April 28**     **2011 Bench/Bar Conference: Media and the Law**  
Program Host: Hon. Mona K. Majzoub, U.S. Magistrate Judge  
Luncheon Speaker: Chris Hansen  
Panel Discussions, Cocktail Reception  
11:30 A.M. – 6:30 P.M.  
The Henry Hotel (formerly The Ritz-Carlton), 300 Town Center Dr, Dearborn
- May 2**     **Law Day at the Courthouse: A Downtown Tradition**  
11:00 A.M. - 2:00 P.M.
- May 26**     **The FBA Book Club Discussion**  
*The Eyes of Willie McGee: A Tragedy of Race, Sex, and Secrets in the Jim Crow South* by Alex Heard  
12:00 P.M.  
Theodore Levin U.S. Courthouse, Room 722
- June 9**     **The 32nd Annual Dinner**  
5:30 P.M. cocktails, dinner following  
Ford Field
- June 23**     **Rutter Group Seminar: "Federal Practice 2011"**  
Panelists: Chief Judge Gerald E. Rosen, Judge David M. Lawson and Thomas W. Cranmer of Miller Canfield PLC  
1:00 P.M. Registration  
1:30 - 4:45 P.M. Program  
Westin Book Cadillac Hotel

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

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