



# FBAnewsletter

Summer 2013

Federal Bar Association - Eastern District of Michigan Chapter - **55** years of service to our Federal Bench and Bar

## Federal Rules Seminar

On June 20, the Rutter Group hosted its annual federal practice seminar at the Westin Book Cadillac Hotel. As the title, "Getting In and Out of Federal Court: New Rules, New Solutions," hinted, this year's seminar highlighted changes brought by the Federal Courts Jurisdiction and Venue Act of 2011 and recent amendments to the Federal Rules of Civil Procedure. The panel-format seminar was led by Chief Judge Gerald E. Rosen, Judge David M. Lawson and Miller Canfield attorney Thomas Cranmer.

Using a series of hypothetical scenarios, the panelists provided the approximately 80 attendees with an opportunity to wade through the nuances of federal subject

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## President's Column

*Thomas G. McNeill*

*Buíochas a Ghabháil le*

**(Irish Gaelic for Giving Thanks to Others)**



As we move toward the end of our Chapter's 57th year of service, I am reminded of an Irish proverb:

The future is not set, there is no fate but what we make.

This year, six officers, one Executive Director, twenty-one members of the Executive Board, ninety-four committee co-chairs, and several hundred chapter members collaborated to create an incredible offering of events and programs in the service of the federal bench, federal practitioners, and the community.

And together, we are grateful beyond Gaelic expression for the contributions of our twenty-two District Judges, eight Magistrate Judges and six Bankruptcy Judges. The success of virtually every Chapter event or program begins with the members of our bench and their active participation and generous commitment of time, which sets us far apart from the other eighty FBA chapters around the country (we know, because continually the other chapters tell us so!)

We note these 2012-13 highlights:

- The Eastern District of Michigan Pro Bono Council (with the Court's Pro Bono Committee), established with eight bar associations and twenty-two law firms to meet the Court's need for volunteer lawyers to represent pro se litigants with meritorious cases;
- The Metro Detroit Diversity Pipeline Council, leading the collaboration of representatives from many Detroit area organizations dedicated to supporting middle school, high school, college and law students of color in their journey to become lawyers;
- Newer Lawyers Initiative, with a planning group of 45 newer lawyers and a steering committee of 12 to develop programs, events, and activities directed to lawyers in their first five years of practice;
- First Annual Barbara Rom Award for Excellence in a Bankruptcy Practice, with Ms. Rom returning from France for the festivities;
- Web site and technology advances (overhaul of our web site, social media, operational hardware and software upgrades, webinar capability and paperless meetings "in the cloud");
- Enhanced internal controls policies to further strengthen our chapter's financial responsibility, accountability, and transparency;

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## President's Column (continued)

- Twenty-four new committee co-chairs, with emphasis on newer lawyers and diversity;
- Two new committees: Social Media and Litigation Technology;
- 40+ programs, events and activities;
- Two major community-based programs (Media-Judicial Institute and Michigan Municipalities in Distress);
- Law Student Initiatives (Detroit-Mercy and Thomas M. Cooley chapters, on-campus motions, Cooley Youth Day, and the UofM Gerald Ford Library program);
- Federal court pro se manual (spearheaded by Judge David M. Lawson and Susan Pinkowski);
- Mortgage foreclosure mediation pilot program (Judge Mark A. Goldsmith and now joined by Judge Terrence G. Berg);
- Luncheons for the State of the Court and the Rakow, Gilman, McCree, and Rom Awards (with a record 38 sponsoring firms and organizations);
- Focused collaborative efforts with bankruptcy and intellectual property practitioners;
- Organizers of the First and Second Annual Meeting of FBA 6th Circuit Chapter Presidents and Presidents-Elect (July 2012, July 2013);
- Second Annual Bench Bar Golf and Tennis Social (adjourned to July 23 due to rain); and
- Thirty-Fourth Annual Dinner Honoring the Judicial Officers of the Eastern District of Michigan, Kathy Humphrey as the conferee of the 6th Annual Cook-Friedman Award and welcoming Michael K. Lee as the Chapter's President for 2013-2014.

The foregoing represents a body of work produced by far too many to name individually here. However, I would like to express gratitude to a number of folks with whom I was privileged to work very closely this year:

Our Executive Director, Brian Figot, who is now completing his 10th year of service in this role. We always seem to thank Brian last; this year I'd like to thank him first, because everything we do starts with him and then concludes with his wrapping up the details flawlessly.

Chief Judge Gerald E. Rosen, for his unrivaled dedication and commitment to envisioning, supporting, and assisting our Chapter's efforts in fulfilling its mission.

Judge Denise Page Hood, for her leadership in the collaborative efforts of the Court's Pro Bono Committee, the Chapter's Pro Bono Committee and our partnering bar associations and law firms in invigorating our service to civil litigants who cannot afford counsel and for the one hundred and fifty lawyers who have answered the call.

Judge Victoria A. Roberts and Assistant U.S. Attorney Elizabeth Stafford, for leading our efforts in making diversity a core value for our Chapter.

Judge David M. Lawson (and Susan Pinkowski) and Judge Mark A. Goldsmith for creation, respectively, of a user-friendly "how to" manual for pro se litigants and a pilot program for resolving mortgage foreclosure cases (and to the mediators who are advancing that program).

John Nussbaumer, for serving as the catalyst and quiet strength for the Chapter's service to the young, the underprivileged, and those in need – no one in this State does it better.

Saura Sahu, for organizing a top flight program to educate members of the media in the coverage of federal cases, especially in a year of so many significant high profile criminal cases.

Leslie Berg, Mike Hammer, David Lerner and Craig Schoenherr, for delivering with great aplomb the first annual Rom Award for Excellence in a Bankruptcy Practice and then one month later (in October) organizing a panel of experts to engage in discussion with municipal leaders over the merits, challenges, and drawbacks of Chapter Nine bankruptcy and Emergency Manger "solutions," now the focus of tremendous media attention.

Tom Esordi, for tireless work with amazing (and almost Irish) good humor in organizing our second annual bench-bar social (golf and tennis this year); this guy never complained, even when it rained buckets on event day.

Jeff Appel, for putting federal benefits back on the Chapter's map and for bringing an energetic style of leadership to organizing our Newer Lawyers initiative, which will revolutionize the Chapter and make for a very bright future indeed (and to Greg Murray, who in April 2013 inquired more politely than this, but in essence: "Can't we get going on this already?").

Christina Farinola and Andrew Lievense, for excellence (again!) in delivering to you the finest FBA Chapter publication in the land – as recognized for 10 years in a row by the National FBA.

The 2012-13 Officers, Michael K. Lee, Thomas Schehr, Kimberly Altman, Susan Gillooly and the Hon. Michael J. Riordan, for making it all happen – every steward of an organization should be as fortunate as I have been to serve with folks such as these (and we had tremendous fun together).

With gratitude to all of you and warmest wishes for a great summer.

## Rules Seminar *(from page 1)*

matter jurisdiction, personal jurisdiction, and forum selection. The panelists discussed recent circuit and Supreme Court cases which have clarified and, in some instances, narrowed the scope of federal question jurisdiction and the constitutional requisites of personal jurisdiction. Two particularly noteworthy recent cases discussed were *Gunn v. Minton*, 133 S.Ct. 1059 (2013) and *Conn v. Zacharov*, 687 F.3d 705 (6th Cir. 2012).

In *Gunn*, a legal malpractice case, the Supreme Court held that the fact that the underlying malpractice occurred in connection with a federal patent did not mean that the case “arose under” federal law, and, therefore, removal of the case from state court on the basis of federal question jurisdiction was improper. In *Conn*, the Sixth Circuit narrowed the scope of specific personal jurisdiction holding that the federal district court in Ohio lacked personal jurisdiction over the defendant, a Russian citizen, because there was no showing that the defendant had specifically “targeted” the forum state.

Also of note was the panel’s discussion the “substantive vs. procedural” aspects of state law claims and recent cases addressing the differences between actions brought in state court and federal court as to the application of various “tort reform”-type rules. This discussion crystalized the need for practitioners to be aware of the intricacies of discerning when a state’s seemingly procedural rule has a substantive goal that would render it applicable in federal court, and why rules, such as Michigan’s medical malpractice pre-filing rules, are inapplicable in federal court.

The second half of the seminar was devoted to dispositive motion practice in federal court. The issues discussed during this segment included the pleading requirements of *Iqbal* and *Twombly* and how these Supreme Court decisions are being applied in the Circuit Courts.

The panelists also discussed the recent amendments to Fed. R. Civ. P. 56, what evidence may, and may not, be used to support or oppose a Rule 56 motion, and when a motion for summary judgment may be deemed improper. The panel pointed to the recent Sixth Circuit decision in *Louzon v. Ford Motor Co.*, \_\_\_ F.3d \_\_\_, No. 11-2356 (6th Cir. June 4, 2013), as an example of when not to move for summary judgment. In *Louzon*, the Court affirmed the district court’s

denial of a motion in limine “to strike evidence” made by the defendant right before trial finding that such a motion was, in effect, a disguised summary judgment motion, and hence, was properly denied as untimely and improper.

In all, the seminar provided attendees with an excellent update on the Federal Rules and case law relevant to pretrial practice.

## Master Lawyers Sponsor Luncheon Series

In the fall of 2011, taking a cue from the State Bar of Michigan, then-Chapter President Michael Riordan proposed a new Master Lawyers Committee for members who have a wealth of legal experience. The officers tapped Christine Dowhan-Bailey and Michael Leibson to co-chair this

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*Federal Rules Seminar panelists Judge David M. Lawson, Chief Judge Gerald E. Rosen, and Thomas Cranmer.*

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



*Master Lawyers Luncheon attendees, Joseph Dillon, Christine Dowhan-Bailey, David Murphy, Theresa Serra, Charles Russman, Michelle Makulski and Dennis Clark.*

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



## Master Lawyers *(from page 3)*

initiative, giving them free reign to develop an agenda and point of view for the committee.

After canvassing other interested senior lawyers, the Committee kicked off its first seminar on June 6, 2012, with a program addressing computer security. Peter Marsack of Vision Computer Solutions enhanced our computer intelligence quotient across the board. Mr. Marsack imparted particularly insightful tips for electronic data and communications security on personal equipment, which typically lacks IT department oversight.

Ms. Dowhan-Bailey and Mr. Leibson welcomed additional co-chairs, David Murphy and Ed Kronk, for the 2012-2013 year. Their expertise and energy helped identify the following Committee goals:

1. Foster camaraderie and social networking opportunities;
2. Provide a forum for issues of special interest to senior lawyers;
3. Interface with master lawyer groups in affinity bar associations;
4. Mentor younger lawyers and contribute to the success of the Chapter.

The Committee then launched a luncheon series that began with Peter Marsack (back by popular demand) taking us on a deeper dive into computer security. Charles Russman of Bodman PLC followed when he addressed a broad range of retirement benefits. Mr. Russman's topics included the intricacies of social security, Medicare options, IRA's, health savings plans, long-term care Insurance, and employer retirement plans.

The series concluded with an informative and moving tour of the Holocaust Museum in Farmington Hills led by co-chair and docent, Mike Leibson. Mr. Leibson's extensive knowledge of world history coupled with his specialized docent training made for an unforgettable experience.

The Master Lawyers wish to thank their guest speakers, Peter Marsack and Charles Russman, for generously sharing their expertise. We also thank the law firms of Dickinson Wright and Pepper Hamilton for their hospitality while hosting our luncheons. Finally, we wish to acknowledge Past Presidents Judge Riordan and Tom McNeill, as well as Past President and Executive Director, Brian Figot, for their encouragement and support to our new committee. Anyone wishing to participate in future programs should contact any of the co-chairs or Brian Figot.

## Labor and Employment Attorneys "Meet the Judges"



*Judge Mark A. Goldsmith, Vanessa Miree Mays, Judge Terrence G. Berg, Gregory Murray, Judge Victoria A. Roberts, Susan Koval and Judge Stephen J. Murphy, III at the Labor and Employment event "Meet the Judges."*

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

Continuing its popular Lunchbox Program series, the Labor and Employment Law Committee hosted a "Meet the Judges Panel" on May 17, in Room 115 of the Courthouse.

The panel was moderated by Judge Victoria A. Roberts and included three of the Court's more recent appointees, Judge Stephen J. Murphy, Judge Mark A. Goldsmith, and Judge Terrence G. Berg. The panelists discussed a number of topics, such as summary judgment motions and the judges' requirements for supporting factual positions in them, trial

practice, and the use of technology in the courtroom. The seminar presented a unique opportunity to collect practice tips first-hand from the decision makers in many pretrial and trial settings. Of particular interest was the valuable information each participant provided about his individual practice with regard to pretrial matters such as oral argument, page limits, and motions for reconsideration; as well as trial practice including motions in limine, voir dire, opening and closing presentations, jury note taking and jury questions.



The program, which ran from 11:30 a.m. to 12:45 p.m., kicked off with a delicious box lunch that was included in the registration fee. The program was well attended and received high marks from all who participated.

The Committee extends its appreciation to Executive Director Brian Figot, who helped with logistical and marketing support, and a special thanks to our participating judges who kept the program informative and entertaining while providing a wealth of practical information on practicing in their respective courtrooms.

## Chapter Honors Kathryn Humphrey with Civility Award

The 34th Annual Dinner Honoring the Judicial Officers of the Eastern District of Michigan was held on June 20 at the Westin Book Cadillac. The event benefits the Federal Bar Foundation of Detroit, and the proceeds fund the Rakow Scholarships given yearly to one student from each of Michigan's five law schools.

After his welcoming remarks and introduction of the judicial officers, Chapter President Thomas McNeill introduced the Court's Pro Bono Committee and the Eastern District Pro Bono Council. He took the opportunity to recognize the efforts of Judges Denise Page Hood and Victoria A. Roberts, and others in advancing the District's network of attorneys willing to handle pro bono cases. McNeill also commended the group on the success of early outreach programs targeted at high school students and designed to encourage them to consider a career in the law.



*Judge Nancy G. Edmunds and Civility Award Honoree, Kathryn J. Humphrey.*

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



*Judge Fred M. Mester and Judges Victoria A. Roberts and Bernard A. Friedman at the Annual Dinner.*

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



*Incoming Chapter President, Michael K. Lee and his predecessor, Thomas McNeill, at the Annual Dinner.*

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

President McNeill then conducted the election of officers and board members. Notably, the Chapter now has Bankruptcy Judge Thomas J. Tucker serving as a member of the Executive Board. Then, McNeill introduced President-elect Michael K. Lee, who commented on his enthusiasm for his upcoming term.

The Chapter bestowed the Julian Abele Cook, Jr.–Bernard A. Friedman FBA Civility Award on attorney Kathryn J. Humphrey, a litigation partner at Dykema PLLC.

Judge Nancy G. Edmunds introduced Humphrey. In addition to her own kind remarks from their days as colleagues at Dykema, and those she offered from former Michigan Supreme Court Justice Patricia J. Boyle, Judge Edmunds also read several of many submissions she received regarding Humphrey as a deserving candidate for the Civility Award. Included was a moving account from a former opposing counsel who described Humphrey's kindness when his wife was battling cancer.

Humphrey even sent his wife books to read. Humphrey humbly accepted the award and reminded the crowd of the importance of not only practicing civility but also mentoring young lawyers on how to be effective advocates while maintaining collegiality.

Overall, the event was well attended and a success. If you are interested in making a donation, contributions to the Federal Bar Foundation of Detroit are accepted year-round. Contact Dennis Clark at [djclarklaw@gmail.com](mailto:djclarklaw@gmail.com) or Ed Kronk at [kronk@bwst-law.com](mailto:kronk@bwst-law.com).



## **Court Administrator Dave Weaver**

Well, it's Summer, we are deep into the baseball season, and we actually have an approved budget, albeit a couple of million short of what we had last year. It reminds me of the great Yogi Berra who once said, "the future ain't what it used to be!"

The guessing is well underway as to what our next fiscal year will bring on October 1, and to quote Mr. Berra again, "It's like deja vu all over again." We continue to deal with the effects of sequestration this fiscal year and have been advised to project an additional 8% cut due to sequestration in FY 2014. In addition, the Clerk's Office will be subject to a new work measurement formula on October 1 that will result in about a 7% additional cut to funding. With regard to Congress and the overall funding it might provide to the Judiciary? Well let's just say, "a nickel ain't worth a dime anymore."

On to another favorite subject: space and facilities. We were very happy to see that President Obama's FY 2014 budget proposal included a funding line item for phase one of a comprehensive infrastructure repair and renovation project for the Theodore Levin U.S. Courthouse. It is an important first step, but it is far from certain that the funding will be approved. Chief Judge Gerald E. Rosen and many members of our Congressional delegation are doing what they can to support approval of the funding.

As of June 14, Judge Terrence G. Berg relocated to the Flint Courthouse where he will sit with Judge Mark A. Goldsmith and Magistrate Judge Michael J. Hluchaniuk. Judge Gershwin A. Drain has also relocated to Chambers 123 on the first floor of the Levin Courthouse.

My offices will be relocating to the 5th floor of the Levin Courthouse in mid-to-late July along with our Financial Department. This will physically consolidate many of the Clerk's Office functions and free up space on the 8th floor which may be utilized for future chambers - remember, we have four current district judge vacancies.

We continue to face many challenges in the Court, but I will say it again: we are committed to doing everything within our power and authority to ensure that the Court continues to serve the Bench, Bar and public as timely and efficiently as possible. Though

we are working with less staff and less funding, I offer one last quote from Mr. Berra I think highly relevant, "we have deep depth." We have dedicated, talented staff throughout the Court tirelessly working to fulfill its mission.

Have a great Summer!

If you have any questions or comments, please do not hesitate to contact me via email at: david\_weaver@mied.uscourts.gov



## **Supreme Court Review By M Bryan Schneider**

In typical fashion, the Supreme Court ended the October 2012 Term with significant decisions on such hot-button issues as gay marriage, affirmative action, and voting rights. While these cases attracted the attention of the media and the public, the Court issued a number of decisions important for federal practitioners. The following is a nonexhaustive summary of some of these decisions.

On the criminal docket, the Court held that extortion under the Hobbs Act requires an attempt to obtain tangible, transferrable property, and thus the Hobbs Act is not violated by a defendant's attempt to compel a person to recommend a business decision to his employer (*Sekhar v. United States*). The Court also held, in *Smith v. United States*, that a defendant asserting a defense of withdrawal to drug conspiracy charges bears the burden of proof on the defense.

In two significant decisions regarding the plain error rule, the Court held that an error that is plain at the time of appellate review warrants relief, even if the error was not plain at the time the error was made in the trial court (*Henderson v. United States*), and that any variance from the plea requirements of Federal Rule of Criminal Procedure 11 is subject to harmless error review, including a judge's inappropriate involvement in plea negotiations (*United States v. Davila*). In another plea matter, the Court held in *Chaidez v. United States* that the rule of *Padilla v. Kentucky*, which held that counsel's failure to advise a defendant of the immigration consequences of his plea, is not retroactively applicable to cases on collateral review.



The Court also issued three significant sentencing decisions, holding that the “modified categorical approach” for determining predicate state felonies under the Armed Career Criminal Act does not apply to state statutes that contain one indivisible set of elements, no matter how broad the state statute extends (*Descamps v. United States*), extending the *Apprendi* rule to require jury findings on any facts that result in a mandatory minimum sentence (*Alleyne v. United States*), and holding that the Ex Post Facto clause prohibits application of more severe sentencing guidelines promulgated after the offense (*Peugh v. United States*).

The Court issued a number of decisions involving constitutional criminal procedure, particularly in Fourth Amendment cases. In *Florida v. Harris*, the Court held that whether a drug dog’s alert provides probable cause is determined by the totality of the circumstances affecting the dog’s reliability and is not dependent upon any specific list of factors. In another drug dog case, *Florida v. Jardines*, the Court held that police taking a drug dog to the front porch of a home constitutes a Fourth Amendment search. In *Bailey v. United States*, the Court held that the rule of *Michigan v. Summers*, which permits the police to detain the occupants of premises while a search is conducted, is limited to the immediate vicinity of the premises being searched. And in cases with potentially significant consequences, the Court held that the natural dissipation of alcohol in the blood stream does not constitute an exigency in every case justifying a warrantless blood test (*Missouri v. McNeely*) and that police may take a DNA sample incident to an arrest for a serious offense supported by probable cause (*Maryland v. King*).

In other constitutional criminal procedure cases, the Court held that the Double Jeopardy Clause bars retrial following an acquittal based on an erroneous understanding of the elements of the offense (*Evans v. Michigan*) and that a prosecutor may comment on a defendant’s pre-custodial silence where the defendant did not expressly invoke his privilege against self-incrimination (*Salinas v. Texas*).

Finally, in habeas corpus matters the Court held that: a claim is presumed to be “adjudicated on the

merits” for purposes of 28 U.S.C. § 2254(d) even where the state court does not expressly discuss the claim (*Johnson v. Williams*); the habeas statute of limitations is subject to the actual innocence exception (*McQuiggin v. Perkins*); and the statutory right to counsel for a death row petitioner does not provide a petitioner the right to stay proceedings when he is determined to be incompetent to assist counsel (*Ryan v. Gonzalez*).

On the civil docket, the Court was particularly active in cases raising issues of mootness and standing. In *Already, LLC v. Nike, Inc.*, the Court held that a trademark holder’s covenant not to sue moots a competitor’s declaratory judgment action seeking to invalidate the mark. In *Chafin v. Chafin*, the Court held that an appeal of a return order under the Hague Convention on the Civil Aspects of International Child Abduction is not rendered moot by the return of the child pursuant to that order. And in *Genesis Healthcare Corp. v. Symczyk*, the Court held that when an individual’s claim becomes moot, a class action brought by her likewise becomes moot because she has no continuing personal interest in representing class members.


With respect to standing, the Court held that various United States individuals and organizations did not have standing to challenge foreign intelligence surveillance directed at persons located outside the United States (*Clapper v. Director of National Intelligence*). The Court also held in *Hollingsworth v. Perry* that citizens of California lacked standing to appeal a district court’s order striking down a state ballot initiative. In *United States v. Windsor*, however, the Court held that the United States had standing to appeal a district court decision striking down the Defense of Marriage Act, even though the government agreed with that decision.

The Court also issued three decisions involving class action issues, holding that a representative plaintiff’s certification that he will not seek damages in excess of \$5 million does not defeat federal court jurisdiction under the Class Action Fairness Act because the representative cannot legally bind proposed members of the class

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## Supreme Court *(from page 7)*

prior to certification (*Standard Fire Ins. Co. v. Knowles*), concluding that proof of materiality is not a prerequisite to a securities class action premised on the fraud-on-the-market theory (*Amgen, Inc. v. Connecticut Retirement Plans and Trust Funds*), and further elaborating on the stringent standards for certifying a monetary damages class under Rule 23(b)(3) (*Comcast Corp. v. Behrend*).

Continuing its long trend of broadly applying the Federal Arbitration Act (FAA), the Court held that the FAA permits contracts allowing class arbitration (*Oxford Health Plans v. Sutter*), and likewise permits contractual waivers of class arbitration even where the cost of individual arbitration exceeds any potential recovery (*American Express Co. v. Italian Colors Restaurant*).

In several preemption cases, the Court held that:

- the Federal Aviation Administration Authorization Act (FAAAA) does not preempt a state law claim relating to the sale of a previously towed automobile (*Dan's City Used Cars v. Pelkey*);
- the FAAAA preempts the Port of Los Angeles's regulations governing drayage trucks operating at the Port (*American Trucking Associations v. City of Los Angeles*);
- the National Voter Registration Act preempts Arizona's requirement that voters provide evidence of citizenship to register to vote in federal elections (*Arizona v. Inter Tribal Council of Arizona*); and
- state law design-defect claims based on the adequacy of a drug's warnings are preempted by federal law (*Mutual Pharmaceutical Co. v. Bartlett*).

In a significant administrative law decision, the Court held in *City of Arlington v. Federal Communication Commission* that *Chevron* deference applies to an agency's interpretation of the scope of the agency's jurisdiction.

In three important patent decisions, the Court held that:

- the patent exhaustion doctrine does not permit a farmer to reproduce patented seeds through planting and harvesting (*Bowman v. Monsanto*);
- a naturally occurring DNA segment that has been isolated is a product of nature and thus not patent eligible (*Association for Molecular Pathology v. Myriad Genetics*); and
- a legal malpractice claim arising from an underlying patent case does not arise under federal

patent law so as to deprive a state court of jurisdiction over the claim (*Gunn v. Minton*).

The Court also decided an important copyright case, holding in *Kirtsaeng v. John Wiley & Sons* that the "first sale" doctrine, which allows the owner of a copyrighted work lawfully obtained to resell the work, applies to copies of a copyrighted work lawfully made abroad.

In two significant Title VII cases, the Court held that an employee is a supervisor for purposes of imposing vicarious liability on the employer only if the supervisor has the power to take tangible employment actions against the victim (*Vance v. Ball State University*), and that Title VII retaliation claims can succeed only where retaliation was a but-for cause of the adverse employment action, not where it was merely a motivating factor (*University of Texas Southwestern Medical Center v. Nassar*).

In takings cases, the Court held that government-induced flooding is subject to the Takings Clause even though the flooding is temporary in duration (*Arkansas Game and Fish Commission v. United States*), and that the rule prohibiting the government from conditioning the approval of a land-use permit on the owner's relinquishment of his property unless there is a nexus and proportionality between the demand and the proposed land use applies even where the land-use permit is ultimately denied (*Koontz v. St. Johns River Water Management District*).

In other civil matters of note, the Court held that:

- the preclearance requirement of the Voting Rights Act is unconstitutional (*Shelby County v. Holder*);
- a reverse payment settlement agreement between a generic drug manufacturer and a drug patent holder is not presumptively illegal under the antitrust laws but is subject to analysis under the antitrust "rule of reason" (*Federal Trade Commission v. Actavis, Inc.*);
- a floating home lacking any means of propulsion or other characteristics suggesting it was designed to carry persons or goods over water is not a "vessel" for federal admiralty purposes (*Lozman v. City of Riviera Beach*);
- the Alien Tort Statute does not authorize causes of action based on violations of the law of nations occurring in another country (*Kiobel v. Royal Dutch Petroleum*);
- a suit under ERISA for an equitable lien based on a contractual right to reimbursement of wrongfully

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## Supreme Court *(from page 8)*

paid benefits is governed solely by the plan's terms, and is not subject to equitable rules such as unjust enrichment and double-recovery rules (*US Airways, Inc. v. McCutchen*);

- a noncitizen's conviction for a marijuana distribution offense that does not involve either remuneration or more than a small amount of marijuana is not an aggravated felony rendering the alien deportable and ineligible for discretionary relief (*Moncrieffe v. Holder*);

- under 11 U.S.C. § 523(a)(4), which prohibits discharge in bankruptcy of any debt arising from fraud or defalcation while acting in a fiduciary capacity, "defalcation" requires a culpable state of mind (*Bullock v. BankChampaign, N.A.*); and

- of particular interest to attorneys, an attorney's obtaining of driving records for the purpose of soliciting clients is illegal under the Driver's Privacy Protection Act, subjecting the attorney to both civil and criminal liability (*Maracich v. Spears*).

portrait, the speakers unveiled Marianne O. Battani, the self-described "accidental" law student, the loyal sister, the wise nominee, and the first-class judge pictured in the portrait. Each speaker treated the audience to a leg of Judge Battani's journey from her early career as an IBM systems engineer to her place in history as a member of the U.S. District Court.

The first speaker, Joan Howarth, Dean of the Michigan State College of Law, reflected on the title "Honorable," which is given to judges with the expectation and hope that they will be. According to Dean Howarth, Judge Battani's honesty, fairness, diligence, and decency render the title fitting. Dean Howarth directed her comments to those first steps on Judge Battani's journey to the title.

The path began when Judge Battani, a systems engineer at IBM, decided to take a contracts class to improve her knowledge about the job she loved. When Judge Battani learned that tuition at the Detroit College of Law was the same for one class as many, she enrolled, and took classes in the evening until she graduated cum laude.

Judge Battani never really left her alma mater; she became a trustee of DCL and courageously pushed the Detroit College of Law into a transformative relationship with Michigan State University. As Dean Howarth summed up her comments,

Judge Battani's accomplishments demonstrate that a "law school can be a school of opportunity, a school of service, a school of leadership, and a school of justice."

Susan Battani Karwacki, Judge Battani's sister and former campaign manager, celebrated the Judge's commitment as a mother, daughter, sister, cousin, and friend. Susan illustrated with a story about two friends passing a soup kitchen bearing a sign, "Donations accepted, food needed." One friend, who happened to be a chicken, suggested to the other, who happened to be a pig, that they should donate some food. The pig looked at the chicken, and said, "Easy for you to say, you will give a couple dozen eggs and be on your way, for me it's a total commitment." Even as she recognizes the sacrifice of total commitment, Judge Battani embraces it and lives it in her everyday life.

Judge David M. Lawson shared his journey with



*Judge Marianne O. Battani's portrait painted by artist, Michael Del Priore.*

## Judge Battani Portrait Dedication

On Monday, June 3, Judge Marianne O. Battani's colleagues, family, and friends gathered in the Ceremonial Courtroom for the unveiling and presentation of her portrait. From the opening remarks by Chief Judge Gerald E. Rosen, who presided over the extraordinary session, to the closing remarks by Judge Battani, several themes arose: commitment, leadership, and hard work.

Joseph Herd, a Supervising United States Probation Officer, sang the "National Anthem" just as movingly as he had at Judge Battani's investiture. The Reverend Nicolas Hood, III offered the invocation. He asked that the "portrait might serve to remind all who enter this Court of Judge Battani's legacy of judicial insight, evenness of temperament, and desire to achieve justice."

The event culminated in the unveiling of Judge Battani's portrait. However, before viewing the



Judge Battani through the appointment and confirmation process as they became federal judges. As “foxhole buddies,” they endured the ups and downs of the nomination process. Judge Lawson characterized Judge Battani as a “hard worker, sensible, compassionate, and efficient, a gifted colleague, and a loyal friend.” He told those present that the portrait serves as a reminder not just of the friend and colleague, but for all she stands for and has achieved. “This portrait, a work of art, is a fitting tribute to a thoughtful public servant who loves the work she does and the hard decisions she



*Court Reporter Rob Smith, Judicial Assistant Colette Motowski, Judge Marianne O. Battani, Term Law Clerk Chris Evanoff, Case Manager Bernadette Thebolt, Career Law Clerk Molly Roehrig.*

has been asked to make.” Judge Battani later confirmed how much she loves the work, noting that a lifetime appointment simply is not enough.

Next, Judge Battani’s career law clerk, Molly Roehrig, offered some tongue-in-cheek advice for speeding up the work day.

She proposed that Judge Battani educate the lawyer who has to have the last word that the rules do not allow for a sur-sur-sur-reply. Even as Molly offered the suggestion, she acknowledged that Judge Battani, who is driven to get to the merits of each and every dispute, would likely reject it. Although Molly’s

*(continued on page 12)*

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## Judge Battani *(from page 11)*

practical tips fell on deaf ears, it later became apparent that both Molly and the bard got it wrong because the answer to shorter work days really does “lie in the stars.”

Judge Battani, not exactly an avid horoscope reader, later shared one that had appeared in the Detroit Free Press sometime in March 2013: “You will decipher complex problems almost magically. Your intuition will guide you brilliantly. You won’t have to hear each side. The answer will be clear.” Judge Battani immediately confessed that she had “wasted a lot of time listening to two sides.”

After everyone traveled a small path of the road that led Judge Battani to become a part of the history of the Eastern District, the Judge’s daughter, Amanda Battani, and her mother, Zelinda Battani, presented and unveiled the portrait. Judge Rosen formally accepted the portrait on behalf of the Court.

When Judge Battani finally had her opportunity to speak, she began by welcoming Judge Cornelia G. Kennedy, who has been a role model and a model of what a judge should be. Next, Judge Battani paid tribute to her law school, her teachers, and those lawyers who aided and helped launch her in the legal profession. She thanked the friends who helped her run for state court judge, her staff from state and federal court, and the larger court family, noting that it takes a “village to raise a judge.”

As Judge Battani thanked the artist, Michael Del Priore, she highlighted two details in her portrait. The first, the flag pin on her robe, a gift from her Secretary of 23 years, Colette Motowski, presented on the occasion of Judge Battani’s swearing in to the federal bench. The second, the primer Judge Battani is holding, entitled *The Constitution of Our Country*, belonged to her father as a child. Then Judge Battani introduced the members of her immediate and

extended family, telling all present that her greatest honor, bar none, is being Amanda’s mother.

Judge Rosen summed up the ceremony observing that it offered an opportunity to reflect on what a special institution the Court is, a destination reached by different paths. Judge Battani’s odyssey maps a trail of hard work, commitment, decency, and gratitude. Her portrait, like any picture, may be worth a thousand words, but all present at the ceremony were graced to hear how it came to be.



*Judge Denise Page Hood, Miriam Seifer, Judge Victoria A. Roberts, Abed Hammoud, Stephanie Dawkins Davis and Chief Judge Gerald E. Rosen at Law Day.*

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

## Law Day 2013

On Wednesday, May 1, the Court, the Chapter, and the U. S. Attorney’s Office co-hosted an open house at the Courthouse to celebrate Law Day. This year’s theme was “Realizing the Dream – Equality for All.” Magistrate Judge David R. Grand and VA Staff Attorney Dona Tracey co-chaired the event.

Law Day guests included local middle school and high school students, college students studying criminal justice, and members of the public. They enjoyed Courthouse tours and

meeting with representatives from the twenty-plus federal agencies and Court offices that set up booths to share information about their respective roles in the administration of justice. Of course, Law Day attendees also enjoyed an all-American lunch of hot dogs, chips and cookies – a traditional part of the festivities.

Chief Judge Gerald E. Rosen, District Judges Victoria A. Roberts and Denise Page Hood, Chief Federal Defender Miriam Seifer, and Assistant United States Attorney Stephanie D. Davis held a “Town Hall” discussion on “Why Diversity Matters & the Importance of Jury Service.” The event was timely, as the Sixth Circuit Judicial Council had recently approved the Eastern District’s revised Juror Selection Plan. Television crews and representatives of the

*(continued on page 14)*



## Law Day *(from page 13)*

*Detroit Free Press* and the AP covered the discussion. The full Juror Selection Plan is available on the Court's website at [www.mied.uscourts.gov](http://www.mied.uscourts.gov) under the Rules, Plans, and Orders link.

This year's Law Day included a most successful "Ask the Lawyer" pro bono program. Sixty-three litigants received pro bono legal services on a wide range of cases, including civil rights, real property/foreclosure, social security, and consumer credit. The litigants were all extremely grateful for the assistance.

The Chapter and the Court recognize the following attorneys who provided pro bono services: Frank Ortiz, K. Scott Hamilton, Allison Bach, Benjamin Sobczak, Khalilah Spencer, Bruce Henderson, Thomas Warnicke, Jennifer Newby, Katheryne Zelenock, Mark Pieroni, Christopher Mitchell, Joshua Weinberg, Amy S. Gottlieb, Joseph Golden, Timothy Howlett, Marlo Johnson Roebuck, Jerome Crawford, Rebecca Davies, Ahmad Huda, Lindsay DeMoss, L. Pahl Zinn, Ray Littleton, Tiffany Buckley-Norwood, Alexander Simpson, Kimberly Paulson and Aaron Burrell.

The following law students from the Thomas M. Cooley Law School also donated their time and skills: Michael Long, Kevin Donovan, Hope Campbell, Brittany Jeffe, Amber Rouse and Reda Taleb.

Finally, special thanks are owed to the many Court staff who helped make Law Day such a success this year. Whether by setting up or overseeing the various events, serving the food, or providing the tours, they ensured that our guests had a positive interaction with the Court.

The Court thanks Barb Radke, Aeran Baskin, Ann Daley, Charlene Gill, LaShawn Saulsberry, Kelly Dehn, Christopher Lowther, LaToya Palmer, Marybeth Collon, Timothy Rimer, Stephanie Miskowski, Gabe Orzame, Julie Winchel, Carolyn Ciesla, Holly Monda, Matt Hamel, Mike Wade, Eric Lee, Cindy Romak, Jennifer Hissong, Barbara Heys, Shawntel Jackson, Lisa Borucki, Robyn Ringl, Julie Owens, and all other Court staff who assisted in Law Day 2013.



*Magistrate Judges Laurie J. Michelson and Mark A. Randon at Law Day*

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

## **"How to Improve Your Practice of Criminal Law"**

On April 23, the Criminal Practice Committee presented a brown bag program entitled "How to Improve Your Practice of Criminal Law." The program featured a distinguished panel of speakers from various branches of the Court, including District Judge Paul D. Borman; Magistrate Judge Mark A. Randon; Julie Owens, Case Manager to Chief Judge Gerald E. Rosen; Lisa Bartlett, Case Manager to Magistrate Judge Mona K. Majzoub; Bradley Darling, Law Clerk to Judge Terence G. Berg; and Carol Sapala, court reporter for Chief Judge Rosen.

The program offered practical advice to federal prosecutors and defense attorneys alike how to better represent their clients in criminal cases. Judge Borman led off with some basic, yet critical, advice: "read and understand the local rules." Magistrate Judge Randon highlighted the need

to maintain credibility with the bench by, for instance, acknowledging unfavorable matters that may enter into the pretrial release decision, rather than pretending that those matters do not exist.



*"How to Improve Your Practice of Criminal Law" panelists, Judge Paul D. Borman, Magistrate Judge Mark A. Randon, Julie Owens, Lisa Bartlett, Bradley Darling and Carol Sapala.*

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

Julie Owens came prepared with a detailed list for all counsel in criminal cases. She stressed the need for counsel to communicate frequently and clearly with court staff. Lisa Bartlett emphasized the importance of being prepared during appearances in duty court. Brad Darling urged those in attendance to carefully review each judicial officer's practice guidelines at [http://www.mied.uscourts.gov/Judges/practice\\_guidelines.cfm](http://www.mied.uscourts.gov/Judges/practice_guidelines.cfm). Finally, Carol Sapala urged all counsel to pre-mark and to clearly mark exhibits and to speak slowly and clearly on the record.

The feedback for the program was uniformly positive. Those in attendance appreciated the practical advice provided by the speakers and expressed an interest in similar future programs.

## Bankruptcy Committee Holds Two Events

On April 24, the Bankruptcy Committee hosted a Consumer Bankruptcy Forum at the Westin Southfield from 4 p.m. to 6 p.m., followed by a networking and social hour. Judge Steven W. Rhodes, Chapter 7 trustee Gene Kohut, U.S. Trustee Trial Attorney Paul Randel, and bankruptcy attorney Caralyce Lassner were the panelists.

Discussion began with a review of the problem of undisclosed assets in consumer bankruptcy cases, how trustees dig for and

find those undisclosed assets, and what the potential consequences to debtors are for intentional concealment of assets, including objections to exemptions and denial of discharge. Over 110 practitioners

were in attendance, many with insightful comments and observations on this topic, making for a lively exchange between the panel and attendees. All agreed the panel was timely and helpful.

Next, on May 22, the Committee presented "The Judges Speak" at a luncheon held at the Atheneum Hotel. Chief Bankruptcy Judge Phillip J. Shefferly was joined by Bankruptcy Judges Walter Shapero, Steven W. Rhodes, Thomas J. Tucker and Marci B. McIvor, each of whom addressed individual topics of interest following a delectable luncheon.

Chief Judge Shefferly brought those in attendance up to date on filing trends and statistics in the Eastern District and nationally. Judge McIvor addressed the Court's continuing challenges in the administration of pro se debtor cases, the persistence of non-attorney bankruptcy petition preparers, and outlined the Access to Bankruptcy Court assistance program for qualified debtors (information at [www.accesstobankruptcycourt.com](http://www.accesstobankruptcycourt.com)).

Judge Shapero addressed notice waivers in relief from stay motion practice, and Judge Tucker gave an update on circuit rulings involving *Stern v. Marshall* issues. Judge

(continued on page 16)



*Consumer Bankruptcy Seminar attendees, Paul Randel, Bankruptcy Judge Steven W. Rhodes, Gene Kohut and Caralyce Lassner.*

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



*Bankruptcy Judges Walter Shapero, Marci B. McIvor, Phillip J. Shefferly and Steven W. Rhodes at "The Judges Speak" Bankruptcy Seminar.*

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



## **Bankruptcy** *(from page 15)*

Rhodes gave attendees a lesson in how to determine whether Chapter 11 or Chapter 13 is right for an individual debtor using a Jeopardy! format, with Zingerman's brownies going to those who gave the correct "question" in response to the answers posed! With over 140 in attendance, the luncheon was a big success and a good time was had by all.

## **Baughman and Sosnick Honor Gilman Memory**

The 28th Annual Leonard R. Gilman Award Luncheon was held on April 30 at the Westin Book Cadillac. 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. The selection is made by prior recipients of the Award, many of whom served with and knew Len.

Retired AUSA Michael Leibson remembered U. S. Attorney Len Gilman, who died in 1985 after only four years in the post, saying:

Len's passion for doing real justice, his perpetually disheveled appearance, and his innate ability to relate to people from all walks of life made him an extraordinarily effective advocate for the government. Len fully understood the responsibility that came with exercising the enormous power entrusted to him as chief federal prosecutor. But, while he knew his obligations were important, he never became self-important. As a result, Len was known by everyone in the criminal justice system for his integrity, pragmatism and empathy. Len was a United States Attorney whose advice and counsel were much sought after by his colleagues in Washington and around the country.

Retired Assistant Wayne County Prosecuting Attorney Nancy J. Diehl, herself a Gilman Award

recipient and past president of the State Bar of Michigan, spoke next. She introduced this year's Gilman Award recipient Timothy J. Baughman, Chief of Research, Training and Appeals in the Wayne County Prosecutor's Office.

Mr. Baughman is one of the most widely recognized appellate advocates in practice today and has spent his entire career in public service as an attorney with the Wayne County Prosecutor's Office since shortly after he received his J.D. from Wayne State University Law School in 1974. He became the Office's Chief of Research, Training and Appeals in 1986.

Mr. Baughman has won six of the seven cases he has argued before the United States Supreme Court. He has also supervised the briefing and

argument of four other cases in the Supreme Court, and has appeared more than 60 times in the Michigan Supreme Court. He is the author of two books and various articles on criminal law and criminal procedure. He taught Criminal Procedure for eight years as an adjunct professor of law at Wayne State University Law School; was appointed as Reporter by the Michigan Supreme Court for its Committee to Revise the Rules of Criminal Procedure; and lectures for the National College of District Attorneys, the Michigan Judicial Institute, the State Bar of Michigan, the Prosecuting Attorneys Association of Michigan, and various state prosecutor's

offices around the country.

Next, Judge Paul D. Borman introduced the Keynote Speaker, Retired Oakland County Circuit Judge Edward Sosnick, who reminisced about his long and close association with Len Gilman and other aspects of his career as a private practitioner, a prosecuting attorney, a 48th District Judge, and an Oakland County Circuit Judge.



*Michael Leibson, Thomas McNeill, Nancy Diehl and Timothy Baughman at the Gilman Award Luncheon.*

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



## Veterans Treatment Court Seminar

The Veterans Treatment Court Seminar was conducted on April 30, in Room 115 at the Courthouse. Attorneys Jeffrey Appel and John Walus co-moderated the event. Presenters included Nanette Colling, Veterans Administration Outreach Coordinator; Judge Carrie L. Fuca, 41B District Court; Judge David L. Jordan, Retired, 54B District Court; John Caterino, Mentor Coordinator; Judge Mark S. Switalski, Macomb County Circuit Court; Judge Brian W. Mackenzie, 52d District Court; and Gail Pamukov-Miller, Defense Attorney and President, 501(c)(3). There were approximately 40 attendees, including Chief Judge Nanci J. Grant from Oakland County Circuit Court.

After the event, many attendees mentioned that they were either contemplating starting their own Veterans Treatment Courts in their jurisdictions, or that they wanted to find out about the Courts for possible integration into their respective programs aimed at assisting veterans. They were enthusiastic about the seminar and were appreciative of the wide-ranging topics covered by the presenters.

## Book Club Discusses *The Oath*

The FBA Book Club met on Thursday, May 23, to discuss *The Oath: The Obama White House and the Supreme Court* by Jeffrey Toobin. A mix of federal judges, attorneys, and staff engaged in a lively discussion led by Book Club co-chair, Andy Doctoroff.

Like the book, the discussion kicked off with the anecdote about the oath of office as imprecisely administered by Chief Justice Roberts to President Obama during the 2009 inauguration. After discussing

whether this interaction set the stage for a clash between the men, the attendees focused on the Court's 5-4 split and its opposition to the White House.

The discussion touched on everything from the substantive – possible explanations for Roberts siding with the liberal judges in the Affordable Care Act case – to the whimsical – the justices' administration of new menu items in the cafeteria.

The Book Club's next selection is *The Lawyer Bubble: A Profession in Crisis* by Steven J. Harper. Pick up or download a copy today.

## Motor City Pipeline

*Hold fast to dreams,  
For if dreams die  
Life is a broken-winged bird,  
That cannot fly.*

— Langston Hughes

The Chapter and its Diversity Committee recognize that our federal justice system will lose credibility if attorneys practicing before the Court do not reflect

the diversity of our community, and that historic and systemic disparities in access to education impede many from diverse and disadvantaged communities from becoming attorneys. The legal profession is one of the least diverse professions, and that plight will only worsen without herculean efforts. The Chapter has numerous programs aimed at increasing diversity and

opportunity, including “pipeline” projects – efforts aimed at inspiring and equipping high school, college and law school students to pursue careers in the law.

(see page 18)



*Andrew Doctoroff, Judge Marianne O. Battani, Judge Mark A. Goldsmith, Dan Adams, Michelle LaLonde, Barton Morris, Dona Tracey, Susan Asam, Erica Fitzgerald, Kimberly Altman, Martin Reisig and Theresa Serra at the May Book Club event.*

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

## Motor City Pipeline *(from page 17)*

In furtherance of that mission, the Chapter provides financial and important manpower support for three nationally recognized pipeline programs that connect the high school, college, and law school parts of the pipeline-to-the-profession in a way that holds great promise for increasing the diversity of our profession – the Just the Beginning Foundation High School Summer Legal Institute, the ABA Council of Legal Education Opportunity College Prelaw Summer Institute, and the Wolverine Bar Association Judicial Externship Program.

These programs directly contribute to the diversity of the profession by inspiring high school, college, and law school students to improve their academic skills and become a part of America's next generation of lawyers.

The Just the Beginning Foundation High School Summer Legal Institute is a week-long discover law program for metropolitan Detroit area high school students. This past year 32 aspiring students from 22 high schools participated in the program, which is run by Judge A. Victoria Roberts and Cooley Auburn Hills Dean John Nussbaumer at the U.S. Courthouse in Detroit. The students learn about the legal system, watch court proceedings, and participate in mock trials, oral arguments, and negotiations. Each student is then matched by Judge Roberts with a lawyer-mentor to work with them during the upcoming school year. 2013 will mark the third year of this program.

The ABA Council of Legal Education Opportunity College Prelaw Summer Institute is a month-long intensive academic program held at Cooley Law School's Auburn Hills campus for students of color, low-income, and otherwise disadvantaged college students. It is designed to increase their LSAT scores and prepare them for the rigors of law school. This past year, 19 students from more than a dozen undergraduate schools participated in the program, which includes approximately 100 hours of law school instruction in five subjects – Logic and Critical Reasoning, Legal Writing, Torts, Trial Advocacy, and LSAT Test Preparation. This is the fourth year of this program.

The Wolverine Bar Association Judicial Externship Program is a summer-long program that places promising law students in the chambers of U.S. District Judges and Michigan Supreme

Court justices. The students work as legal interns on federal and state court cases pending before these courts. This past year, 17 students from Michigan's law schools and other schools around the country were placed by Judge Roberts with her colleagues. In addition to the invaluable writing skills learned by these students, they are exposed to a wide range of substantive areas, and they form professional relationships with the judges that benefit them in their career development. This program has been in place for more than a decade.

The Chapter is also leading the way in the creation of a Metropolitan Detroit Pipeline Coordinating Council, through the efforts of President Thomas McNeill, Diversity Committee Co-Chair Elizabeth Stafford, and Executive Board members Judge Roberts and Dean Nussbaumer.

"We hope that through efforts like these we will be able to grow our own lawyers of color right here in the City of Detroit so that our profession begins to look more like the increasingly diverse clients we serve," says Dean Nussbaumer. "We very much appreciate the FBA's support."

If you would like to become involved in any of the Chapter's diversity efforts, please contact any of the Diversity Committee co-chairs: Elizabeth Stafford, Marcy Rosen or Daniel Quick.

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## Calendar of Events

### **July 9 Eleventh Annual**

#### **Summer Associate/Intern Event**

Summer associates and interns are provided with practical advice and suggestions that will serve them well as future lawyers and are afforded the opportunity to network with each other and meet members of the local legal community and federal judiciary.

11:30 A.M. Registration, Networking and Lunch

12:00 P.M. to 1:15 P.M.

Substantive Programming

### **Sept 10 Complex Commercial Litigation Seminar**

Theodore Levin U.S. Courthouse

11:30 A.M. Registration

HOLD THE DATE – DETAILS TO FOLLOW

### **Sept 11 State of the Court Luncheon**

Speaker: Hon. Gerald E. Rosen

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### **Nov 14 Rakow Scholarship Awards/Historical Society Luncheon**

HOLD THE DATE

Location and speaker TBA

11:30 A.M. Reception

12:00 P.M. Lunch

### **Dec 3-4 New Lawyers Seminar**

Theodore Levin U.S. Courthouse

8:00 A.M. Registration

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