



FBA newsletter

Summer 2006

Federal Bar Association - Eastern District of Michigan Chapter - 48 years of service to our Federal Bench and Bar

Law Day At The Courthouse

On Tuesday, May 2, 2006, the Court and FBA are hosting a Law Day open house from 11 a.m. until 2 p.m. at the Theodore Levin United States Courthouse. The open house will include tours of the Courthouse and the historic courtroom. In addition, the following entities have agreed to provide demonstrations and displays: ATF, Coast Guard, Consumer Bankruptcy Association, Customs and Border Protection, DEA, FBI, Immigration and Customs Enforcement, IRS, Secret Service, U.S. Marshals Service, and the Wayne County Sheriff's Department. An "Ask the Lawyer" pro bono program will be held, and there will be demonstrations by dogs trained to perform law enforcement functions.

The Court and FBA invite you and your employees, clients, and families, especially those who are not lawyers, to visit the Courthouse and take a look at our justice system. Light refreshments and goodies will be available.

Remembering Cordelia Shorter Longest-serving Law Clerk

Earlier this year, the legal community lost a real pioneer, Cordelia Stone Shorter. Not only was Ms. Shorter among the first law clerks in the Eastern District, she certainly served the longest. Ms. Shorter worked for Judge Thomas P. Thornton for thirty-three of his

thirty-six years on the bench.

After graduating at the top of her class from Wayne State University Law School, at a time when only a few women were enrolled in law school, she took the bar exam in

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President's Column

Julia Caroff Pidgeon

What a wonderful year I have had as Chapter president, thanks to all of you. The year brought our Chapter many exciting opportunities for service to our members and our community. With the support of our bench, the generosity of our sponsors and the willingness of our members to volunteer, our Chapter turned these opportunities into achievements.

Our Chapter now co-hosts High Tech Courtroom seminars where our members learn to present their cases using electronic case presentation technology. The Pro Bono Project is now a reality. We are adding a student chapter at Wayne State. The Courthouse tours program is up and running, with a long list of Chapter members willing to serve as guides. And these accomplishments are just the start.

Two exciting events are a few days and weeks away: Law Day and the Sixth Circuit Judicial Conference. On May 2, the U.S. District Court will welcome its friends and neighbors as it opens its doors to our downtown business community and to members of our federal bar. The Court and our Chapter Law Day Committee have arranged for an "ask the lawyer" panel, displays of counterfeit currency, and bomb-sniffing dogs.

And, on May 17th, we open the Sixth Circuit Judicial Conference in the Ren Cen. So many of you have volunteered

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Outstanding
Newsletter
Award

President's Column (continued)

many hours of your time to make this Judicial Conference the best ever. Thanks to the energy and talent of our members, and the quiet generosity of our sponsors we are hosting a Conference worthy of our outstanding bar, our esteemed bench and our dynamic city.

In the midst of all these new projects, we presented our long-standing luncheon program and New Lawyers Seminar, published our award-winning Newsletter and maintained our excellent website and e-mail communications. The excellence of these core Chapter activities is due to the efforts of our committees, especially the Chairs, our Board, our Officers and our Executive Director.

Next year will be even better for our Chapter, as Grant Gilezan assumes the presidency, leading an energetic and creative group of officers and an involved and talented Board.

Leading an organization of such upstanding, dedicated and able lawyers and jurists has been a great honor for me. To each and every member of our Chapter, please accept my thanks.

Cordelia Shorter (continued)

1946 and scored the highest in the State. In 1948, she was admitted to practice in the Eastern District. Soon after he entered on duty, Judge Thornton offered her employment as a law clerk, and she began work on April 7, 1949.

Around that time, all five judges in the District had women law clerks. In addition to Ms. Shorter they were: Barbara Klonka, law clerk to Judge Frank A. Picard and a graduate of the University of Detroit School of Law; Ruth Riddell, law clerk to Chief Judge Arthur F. Lederle and a graduate of Wayne University Law School [it did not become Wayne State University until 1956]; Elizabeth Stack, law clerk to Judge Arthur A. Kosciński, also a graduate of Wayne University Law School; and Jean Engstrom, law clerk to Judge Theodore Levin and a graduate of the University of Michigan Law School.

A December 2, 1951 article from the Detroit Free Press, entitled "Five Judges, Five Law Clerks, Five Women," had this to say: "Law in Federal Court in Detroit has a distinct feminine flavor. For the first time, all five Federal judges have women law clerks. The women, lawyers themselves, assist the judges in legal research, help prepare opinions, look up cases cited in attorney's briefs and take notes on some trials for the judges."

Ms. Shorter retired on September 17, 1982. She passed away on February 20, 2006 at the age of eighty eight. She leaves behind her husband, John Shorter, daughter Pamela Shorter, herself an attorney, a son-in-law and granddaughter.



Chief Judge Bernard A. Friedman, Elmore ("Dutch") Leonard and Julia Caroff Pidgeon

Hluchaniuk Receives Gilman Award

On April 6, 2006, the Chapter ended its luncheon series with the annual Leonard Gilman Award Luncheon at the Hotel Pontchartrain. This year's luncheon was truly a tale of two Leonards – the legacy of Leonard Gilman and the celebrity of Elmore Leonard.

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. This year, the Award goes to Michael J. Hluchaniuk, Assistant U. S. Attorney in Bay City for twenty-six years.

Hluchaniuk was born in Dauphon, Saskatchewan, Canada and is a graduate of the University of Michigan and Wayne State University Law School. Following law school, he went into private practice before beginning a long and distinguished career in public service. After working for two legal aid organizations and the Michigan Court of Appeals, he joined the U. S. Attorney's Bay City office in 1980. Although he primarily prosecutes criminal cases involving drug offenses, he also handles cases involving firearms, white collar and violent crimes, as well as representing the United States in some civil cases.

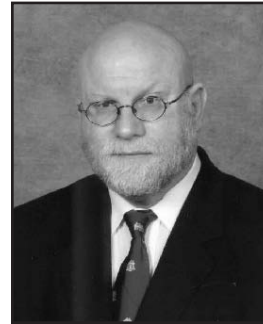
He was introduced by his friend and colleague Alan Gershel, Chief of the Criminal Division, who eloquently explained why Mike is so deserving of the award. Alan noted that Mike, like Lenny did before him, brings passion and the highest ethical standards to his position and understands the complexities of being a federal prosecutor. He also noted that, like Lenny, Mike has a wonderful self-deprecating sense of humor. He noted that Mike also is highly regarded by his staff, judges, attorneys, and law enforcement officials. It is clear that Mike exemplifies all of the qualities recognized by the Gilman Award. Alan's remarks can be found on the Chapter's website (www.fbamich.org).

Chief Judge Friedman introduced the keynote speaker, "the Dickens of Detroit," Elmore Leonard. Mr. Leonard entertained the audience with his wit and dry sense of humor, recounting stories from his many writings. He offered some insights into his current novel which, like some of his others, is set in Detroit. He read a few of what could be called fan mail letters he has received from prisoners. He also shared his personal rules for writing, which were as humorous as they were practical.

Once such rule is "if it sounds like writing, then re-write it" -- something worthy of consideration by any

attorney. He is truly one of Detroit's gems, and his presence at the luncheon was real treat for Chapter members and guests.

Following his remarks, the Chapter, thanks to Brian Figot's efforts, presented him with a 1935 compilation of "Iffy the Dopester" stories from the Detroit Free Press, chronicling the Tigers 1934-1935 successes.



Sixth (Circuit) Sense

By: Brian D. Figot

The Sixth Circuit Conference is coming to Detroit. As one of the Sixth Circuit Vice Presidents of the Federal Bar Association (the other V.P. is David Parham, of Cleveland),

I am proud of the pre-Conference effort put forth by the leadership, members and sponsor firms of the Eastern District of Michigan Chapter. Working with large orders and short deadlines, they have put together what truly promises to be a conference to remember.

Meanwhile, on the National front

As predicted, the National Governance Proposal, which was openly opposed by the Eastern District of Michigan Chapter and by me, passed on a national ballot. Shortly thereafter, the FBA's National President, Robyn Spalter, left me a voicemail message informing me that the National "Nominations and Elections" Committee had decided to give its endorsement to another individual who was seeking the Sixth Circuit Vice President position that I

have held for four years. Despite protestations to the contrary, I do not think the two events were unrelated.

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Alan Gershel, Michael J. Hluchaniuk and Julia Caroff Pidgeon.

Sixth (Circuit) Sense (continued)

Delivering the message, President Spalter, as Chair of the committee, said “it’s nothing denigrating your experience, your contribution, your value. In fact none of those things were anywhere in the picture. It was just some change. There were some minor issues as far as geographics, demographics and I think, a little bit of change.”

The “demographics” factor is a mystery, as the committee chose a person from the same demographic as I. The “little bit of change” is a curious excuse, as I have worked hard for all of the Chapters in this Circuit, for National and for the Vice Presidents. Three times in four years, I have been elected one of three national officers for the Vice Presidents. The “geographics” as it turned out, had to do with the supported candidate being from Cincinnati (the home of Immediate Past President Tom Schuck, a main proponent of the governance changes).

As a result, for the first time in many years, the Sixth Circuit has a contested election for Circuit Vice President. Ballots will be mailed out in early June. I hope you will return a vote for me. I have been proud to serve the members of this Circuit for the past four years. I would like a final, two-year term to continue the effort.

Regardless of the outcome, however, I will remain steadfast in my support for the Federal Bar Association. It remains the most effective advocate on issues of importance to the federal judiciary, including judicial independence, judicial pay, caseloads and budgetary concerns. It remains, through its Chapters, Sections and Divisions, the first and foremost organization for federally-employed attorneys and for privately-employed attorneys that practice in the federal courts. Even for attorneys who rarely, if ever, find themselves in federal court, it remains the most collegial group of attorneys around and gives back the most value for the least dues. As I’ve often said: It is an organization that is big enough to matter,

while remaining small enough to care. If you are a member, renew your Chapter and National memberships. If you are not a member, join. Whether or not you are a member, come to the Sixth Circuit Judicial Conference.



*From Left to Right:
Grant Gilezan, Judge Wade Harper McCree, Kathleen
McCree Lewis, Julia Pidgeon, Doris McCree (seated).*

McCree Luncheon Recap

On February 23, 2006, looking out over downtown Detroit, the River and Windsor from the Top of the Pontch, the Chapter hosted its annual Wade Hampton McCree Jr. Memorial Luncheon. In doing so, we honor the memory of Judge, Solicitor General and Professor, Wade H. McCree, Jr., a man of dignity, courage, humanity, achievement and leadership.

This year, the prestigious McCree Award, which is given to an individual or group that best exemplifies the spirit of Wade McCree

through a significant contribution to the advancement of social justice, was given to Freedom House. This Detroit organization’s mission “is to address the needs of homeless and/or indigent refugees seeking asylum in either the U.S. or Canada . . . guided by the belief that all persons deserve to live free from oppression and deserve to be treated with justice, compassion and dignity.” The executive director of Freedom House, Gloria Rivera, accepted the award on its behalf. More information about Freedom House is available online at www.freedomhousedetroit.org.

McCree Award Luncheon speakers traditionally focus on matters of vital current interest in the areas of social justice and constitutional freedoms. This year’s speaker was Eric Rothschild, a partner in the Philadelphia office of Pepper Hamilton LLP, who served as co-lead counsel for the plaintiffs in *Kitzmiller v. Dover Area School District*. This was the first case in the nation to test whether “intelligent design” can be introduced into the curriculum of public high school science classes. Believers in “Intelligent design” assert that the complexity of biological life proves the

existence of a supernatural intelligent designer.

Mr. Rothschild presented a thoughtful and fascinating look “behind the scenes” at the genesis of the case and the strategic decisions and hard work that underlay the successful challenge to the Dover district’s curriculum change, which had mandated presentation of intelligent design as science. The core of the case, he explained, was the legal position that the school board acted with a religious purpose and that its action had the effect of promoting or endorsing an inherently religious concept, in violation of the First Amendment. The hard work was in combing through source materials in order to demonstrate that intelligent design was simply “creationism” under a different name. The plaintiffs’ strategy was to reach the merits instead of merely winning the case through evidentiary challenges leading to the exclusion of the school district’s witnesses.

The strategy and the hard work were rewarded on December 20, 2005, when a federal judge ruled that the Dover policy violated the First Amendment, holding that intelligent design is clearly religious in nature, and is not science. A link to the decision is available on the Chapter’s website.



Paula Cathcart, Diane Davis, Gloria Rivera and Miriam Siefer pictured at the McCree Luncheon.

Sixth Circuit Judicial Conference Is Almost Here!

All attorneys admitted to practice in the 6th Circuit are invited to attend the Sixth Circuit Judicial Conference which will be held May 17-20, 2006. Attorneys attending will receive credit toward life membership in the Sixth Circuit Judicial Conference.

For the first time in twenty-six years Detroit is hosting this annual gathering of district, bankruptcy and magistrate judges. The Federal Bar Association is making an all-out effort to make this the best Conference ever. Events include the Conference banquet on Friday May 19, 2006 featuring remarks by Justice John Paul Stevens and speaker Michael Barone, senior staff writer for U.S. News and World Report.

The substantive program includes sessions on “The Law, the Courts and the Future of the American Automobile Industry” as well as sentencing, communication, appellate practice and bankruptcy law. Program sessions on Thursday and Friday will begin at 8:00 a.m. and conclude at 1:00 p.m.

When not in session, attendees and their guests will choose from a social agenda that features the best Detroit has to offer: a Motown-themed cocktail reception at the Renaissance Center Wintergarden; a morning at the Detroit Institute of Arts with lunch in the Kresge Court; Tiger Baseball at Comerica Park; tours of the Ford Rouge Factory and a tour of the Junior League of Detroit Decorator Showhouse followed by a visit to the Edsel and Eleanor Ford House.

To register for the Conference or for more information, email the Sixth Circuit at ca06-conf@ca6.uscourts.gov or call (513) 564-7200. We expect over six hundred participants, so please call or email immediately.



Julia Pidgeon, Eric Rothschild and Barbara Rom.

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Terrence Berg -- First Assistant U.S. Attorney

By: Jeffrey T. Rogg*

Terrence Berg is humble and confident, humorous and serious, playful and responsible. He is also “second-in-command” of the U.S. Attorney’s Office in Detroit, having been appointed First Assistant U.S. Attorney by Stephen J. Murphy in May 2005. In addition to his administrative responsibilities, Terry Berg maintains a caseload in the areas of expertise he has developed over fifteen years as a federal prosecutor: computer crime, intellectual property, identity theft and complex white-collar crime cases. His most important accomplishment, though, is the way he has combined a very successful professional career with his devotion to his family of five and his church.

In his position as First Assistant U.S. Attorney in Detroit, Berg is responsible for managing an office of approximately 100 attorneys, and another 100 support staff. He assists the U.S. Attorney in setting the priorities of and implementing programs in the Office. His duties also include the areas of media relations, the office budget and personnel performance reviews. To Berg, one of the proudest achievements of the office since he took his new position is the development and implementation of the new Mission Statement for the Office:

To serve justice by prosecuting federal crimes and representing the United States of America in federal court with diligence, fairness and integrity. For us, doing right and upholding the letter and spirit of the Constitution and laws of the land are not only more important than prevailing in any single case, they are the standards by which we measure the success of every case.

Calling trial work his “first love,” Berg continues to carry an active case load in addition to the administrative responsibilities of the First Assistant’s position. The position also involves regular interaction with

“Main Justice” in Washington. He calls the appointment “a huge honor” and the “highlight of my career so far.”

Berg is a Michigan native, having grown up in Madison Heights and Grosse Pointe Park, where he graduated from Grosse Pointe South High School in 1977. His father was a sales manager for National Cash Register Corporation and his mother was a homemaker and substitute teacher. An interest in a unique Foreign Service program took him to Georgetown University in Washington, D.C., for his undergraduate education, which he completed in 1981. When he made the decision to attend Law school, Georgetown was again the natural choice, and he graduated from its renowned Law Center in 1986.



Terrence Berg, First Assistant U.S. Attorney

Following brief stints clerking for the Honorable Anthony Alaimo in the Southern District of Georgia and in private practice at the Washington, D.C. office of Debevoise & Plimpton, he found his professional niche as a federal prosecutor in Detroit. He progressed through the General Crimes, Controlled Substances and Economic Crimes units between 1989 and 1999. During those ten years, he prosecuted a wide variety of federal criminal jury cases, including complex financial white-collar trials, drug trafficking conspiracies, the attempted murder of a government witness and a threat to murder an FBI agent.

In addition to traditional trial work, Berg supervised grand jury and wire-tap investigations and handled a variety of appeals in the Sixth Circuit Court of Appeals, including the successful defense of the constitutionality of the federal controlled substance analogue statute. His ability and dedication was recognized beyond the Eastern District of Michigan when between 1999 and 2000, he was detailed to the U.S. Department of Justice’s Computer Crime and Intellectual Property Section in Washington, D.C., as the National Association of Attorneys General’s computer crime fellow, representing the State of Michigan.

Michigan Governor Jennifer Granholm was a colleague of Berg’s during their formative years as federal prosecutors. In 1999, Berg was appointed an Assistant Attorney General by Granholm to serve as Chief of

the then-Attorney General's first High Tech Crime Unit. He established and supervised Michigan's first computer crime prosecution unit, comprised of four to five attorneys and three investigators and dedicated to the prosecution of crimes involving the use of the Internet, computers and other high technologies. The Unit prosecuted over eighty computer crime cases, including the state's first prosecution of a "pay-for-view" child porn website, a hacking of a free Internet service provider, identity theft on the Internet, and Internet auction fraud.

Berg returned to Detroit and the U.S. Attorney's Office in July, 2003, and put his extensive computer law experience to work for the people of the Eastern District. He organized the Office's cyber-crime enforcement program, handling computer crime prosecutions and legal issues. Following an investigation by the U.S. Postal Inspection Service, he charged the nation's first case under the new CAN-SPAM Act, which makes fraudulent commercial e-mail illegal, in April, 2004, and obtained a conviction in January, 2006.

During that interval, President Bush tapped Stephen J. Murphy, III as the new U. S. Attorney in Detroit to succeed Jeffrey Collins, who had resigned. Murphy, like Jennifer Granholm before him, turned to trusted friend Terry Berg in appointing his highest-ranking advisers, when he asked him to be his First Assistant.

Like many successful professionals, Berg credits several colleagues as models for his own success. Included are recently retired Ross Parker, former First Assistant and criminal division chief, as well as long-time criminal division chief Alan Gershel. Each was instrumental in mentoring Berg's development as a federal prosecutor. Berg also credits Judge Alaimo and the Rev. Robert F. Drinan, S.J., a Georgetown professor for whom he was a research assistant, as outstanding role models instrumental in his own career development.

Berg has worked under three of Stephen Murphy's predecessors in the position of Assistant U.S. Attorney in Detroit. Former U.S. Attorney and current Michigan Supreme Court Justice Stephen Markman says, "Terry Berg typifies the U.S. Attorney's office at its best. He has always been a conscientious, hardworking, and, above all, a fair-minded prosecutor." Former U.S. Attorney Jeffrey Collins says, "I consider Terry a 'lawyer's lawyer.' He is extremely bright, hardworking and humble. He has an excellent sense of fairness

and justice." Finally, Saul Green, another predecessor in the office of U. S. Attorney, describes Terry as "a skilled, effective and strong advocate who fights hard on behalf of the government but fights fair. He takes his responsibilities as a prosecutor seriously without taking himself overly seriously. He is a truly decent person with a wonderful sense of humor."

Berg lives with his family in the University District of Detroit. They are attracted by the affordability and "great architecture" of the city as well as the proximity to their parish church, Gesu Catholic Church. Berg is very involved at Gesu as a lector and past member of the Parish Council. He also serves as an adjunct professor for the University of Detroit-Mercy School of Law, where he has taught both Trial Practice and a seminar on legal issues in computer crime. He is a member of the State Bar of Michigan's Committee on Judicial and Professional Ethics and the Catholic Lawyers' Society Board of Directors.

Outside of his family and professional responsibilities, Berg's main hobby is running. He has completed five Marathons, including Detroit in 2002, Boston in 2005 and 2006. His finish time in this year's Boston Marathon was a very respectable 3:25:45. The regular "running group" of which Berg is a member meets at 5:00 a.m. at least three times a week in his neighborhood. Jeffrey Collins, an accomplished runner himself, says that "Terry's versatility is further shown by being one heck of a long distance runner."

**Mr. Rogg is a senior attorney at Miller Canfield Paddock & Stone. He is a member of the firm's Litigation and Dispute Resolution Group, concentrating in NASD arbitration proceedings and general commercial litigation. He also is a member of the Criminal Defense Group.*

Motion Day At UDM School Of Law

By: Dan Assenmacher

On March 22, 2006, Chief Judge Bernard A. Friedman visited the University of Detroit Mercy School of Law to hear scheduled motions. One of the main lecture halls was temporarily converted to serve as the courtroom, and "Motion Day" provided a first-hand opportunity for students to witness and familiarize themselves with Federal Court proceedings.

The motions included the issues of bankruptcy, federal employment acts, and a case involving the government as a party. The lawyers who appeared

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Motion Day (continued)

before the Court were encouraged to provide background information and entertain questions from the students. Students gained insight from witnessing oral arguments and experienced several different methods to present an argument as provided by the lawyers. Some of the lawyers restructured their oral presentations to incorporate more information to help the students follow along with the motions.

Chief Judge Friedman did not simply hear the motions in a formal manner, but also took time to explain to the students the background information concerning the various motions; why these motions were being heard in Federal Court, and the reasons behind his decisions on the motions presented. He explained the law and the Federal Rules so that all present could benefit.

The Chief Judge took the proceedings very seriously but connected with the students at the same time. In between the motions, he informed the students about his staff and encouraged all in attendance to visit the Federal Courthouse. During the oral arguments, he paused from time to time and addressed the students with factual summaries, procedural history, and the issues of law being addressed. Following the motions, Chief Judge Friedman and his staff were guests at a reception and met with students one-on-one.

The students were grateful for not only an educational perspective but also for having the opportunity to experience Chief Judge Friedman's considerate nature. These sentiments were echoed at University of Michigan Law School where Chief Judge Friedman held Motion Day on Monday, April 3, 2006.



From Court Administrator Dave Weaver

New Deputy Court Administrator

I am pleased to announce that Elizabeth A. "Libby" Smith has been selected as the new Deputy Court Administrator from a field of more than 160 candidates. She has over 12 years experience with the Oakland County Circuit Court and has held the position of Civil/Criminal Division Administrator

(Deputy Court Administrator) since 1999. As such, she has proven skills in managerial, technological and human relations. She was also the project manager for the implementation of that Court's electronic filing system. She brings a wealth of experience and enthusiasm that I am confident will benefit our Court for many years to come.

As Deputy Court Administrator, Ms. Smith will be my second in command and have primary responsibility for managing and coordinating the activities of the Court Operations, Court Services, Automation and Human Resource departments in the Court. She joined our Court family on April 17, 2006.

New On-Line Training Available - Case Management/Electronic Case Files (CM/ECF)

Please remember that electronic filing became mandatory effective December 1, 2005. While in-person training is still available at the Court and at off-site venues, a new on-line training option is now available as an alternative. Please visit the Court's official CM/ECF web site accessible at www.mied.uscourts.gov. The site has all of the information and resources an attorney needs to register, sign up for training and start e-filing!

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

Judges Weigh In On New Bankruptcy Law

The Bankruptcy Committee's March 22, 2006 luncheon in the Riverview Ballroom of Cobo Center featured a panel discussion entitled, "Is There Life After October 17?" The panel featured Chief Judge Steven Rhodes, Judge Walter Shapero, Judge Phillip Shefferly, and Judge Marci McIvor.

The luncheon was well attended, drawing over 240 attorneys, accountants and other professionals to hear the judges expound on various aspects of practice under the Bankruptcy Abuse Prevention and Consumer Protection Act ("BAPCPA"), which went into effect on October 17, 2005.

Each of the judges commented upon some of the peculiarities of the new law, including aspects of debtor eligibility under chapters 7 and 13, "means

test” issues arising under application of IRS national standards for expenses, as well as reaffirmation issues and other practical ramifications of the law on debtors and their attorneys. The judges all seemed to agree that the bar is working effectively at shaping practice and bringing practical meaning under the new and often controversial BAPCPA.



*Susan Bieke
Neilson*

Remembering the Honorable Susan Bieke Neilson

**By: Amy Rhoades,
former law clerk**

Observant court watchers in November and December of last year might have noticed a small dark-haired woman being dropped off and picked up in the judges’ parking area or walking the corridors on the tenth floor. If you saw her and wondered who she was, you saw Judge Susan Bieke Neilson, the newest Sixth Circuit Court of Appeals judge. Sadly, Judge Neilson was only on the Federal bench for a few months before she passed away on January 25, 2006.

Who was Judge Neilson? She was a native Detroit, who spent the first years of her life on the east side of Detroit. Her family moved to the Kalamazoo area where she graduated from high school. She then attended the University of Michigan in Ann Arbor, where her first organic chemistry class convinced her to drop her pre-med curriculum and focus instead on pre-law. Once she decided to make that change, she moved full speed ahead and graduated in three years with honors in political science. At the University of Michigan, Susan Bieke also met her future husband, Jeffrey Neilson. Following graduation from U of M, Judge Neilson began her life-long legal career in Detroit by attending the law school at Wayne State University, where she was showered with honors and was an editor of the law review.

Upon graduation from law school, Judge Neilson began working at Dickinson Wright in downtown Detroit, doing mainly medical malpractice defense. She was known as an extremely hard worker at the firm. By this time she was married and her husband was pursuing a graduate degree in New York City, so she simply threw herself into her work. All the effort

paid off and Judge Neilson became a partner in the firm in the late 1980’s.

In 1991, Governor John Engler appointed Susan Neilson to the Wayne County Circuit Court. She began her career as a jurist on a criminal docket where one of her first trials was a multiple defendant murder case. It was a memorable start.

At that time, the dockets were blended, so after a few months on criminal rotation, Judge Neilson acquired a permanent civil and family docket. In this capacity she handled all types of civil cases as well as divorce and custody matters. Friday motion call was always an exciting day where one minute Judge Neilson would be granting an uncontested divorce and the next, considering summary judgment in a product liability case. It was well known among practitioners that Judge Neilson would have read all briefs and the case law prior to motion call and would be prepared to pose difficult questions to those appearing before her.

Several years after her appointment and following her re-election, Wayne County Circuit Court and Recorder’s Court merged and three divisions were created: civil, criminal, and family. Judge Neilson was assigned to a family docket. After having successfully managed that docket, she was eventually assigned back to a civil docket, where she remained for several years. Life is full of changes, though, and Judge Neilson was transferred to a criminal docket, eventually moving to Frank Murphy Hall of Justice.

Life was not all work and no play for Judge Neilson. Many people would be surprised to know she was a dancer and even performed once on stage for the legal community in a fundraiser several years ago. Check the Detroit Legal News photo archives from about 1996 for a picture of her in a chorus girl costume. She was also known for her sense of humor. She loved to tease attorneys appearing before her, pretending that she would only grant one adjournment during motion call on a Friday, where nearly half of the motions would be seeking some kind of adjournment. She almost always relented.

Judge Neilson’s life was not just all about her work on the bench, either. She had two daughters, and the younger was just pre-school age when Judge Neilson first became a judge. She was very devoted to her girls and spent a lot of her free time getting them to their dance lessons, making their dance costumes, going to their sporting events, and the like.

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Bieke Neilson (continued)

Judge Neilson was also involved in several service organizations. She was active in Soroptomists, working on projects involving the Children's Home of Detroit as well as abused women. She also served recently as the treasurer for the Catholic Lawyers Society in Detroit. Her faith was important to her, too, and she served on many committees at her church, St. Philomena, in Detroit. As well, she was committed to exercise and eating right. Judge Neilson made a practice of exercising every day, often in her chambers at lunch time or by walking up the 15 or 16 floors to her courtroom.

In whatever spare time she had left after all her activities, Judge Neilson liked to knit and once knit sweaters for her court staff for Christmas. She also liked to read mystery novels. And each year she looked forward to taking vacations with her family. Their favorite place to visit was Disney World and Judge Neilson often spoke of her dream retirement as being in Florida with a little job that required her to say every few minutes "watch your step entering the ride."

In 2001, Judge Neilson was nominated by President Bush to a vacancy on the Sixth Circuit Court of Appeals. Many people, following her untimely death recently, commented that it was so unfortunate that her appointment did not quickly follow the nomination. She did not feel that way. While she certainly would have gladly made the transition from state court to federal at any time, during the pendency of her appointment Judge Neilson discovered that she had a rare blood disorder called

myelodysplastic syndromes. This is the same condition that the famous Detroit radio personality J.P. McCarthy had, causing his death. Judge Neilson felt that in many respects it was easier to focus on her condition and recovery in the familiar surroundings of the state court bench, rather than trying to handle the demands of an appeals court docket and her illness at the same time.

She was determined not to give up, and returned to the Wayne County bench in January 2005, on a civil docket. The highlight of 2005, of course, was the fact that her nomination was finally approved by the U.S. Senate, and on November 16, 2005, she was sworn into the United States Court of Appeals. Almost immediately upon her elevation, she traveled to Cincinnati to participate in en banc hearings.

Before she could even get settled into her new job, however, Judge Neilson passed away. Although her daily life was a struggle, she never complained, making a determined effort to come to work every day. She reminds us that each day is a gift and we should make the most of it.



Scenes from the Advanced Technology Courtroom Seminar, March 31, 2006



FBA Removal Program For County Bar Associations

The FBA Rules and Civil Practice Committee, with the assistance of the E.D. Mich. bench, is presenting a program on removal jurisdiction to county bar associations in the District. The seminar discusses the policy underlying removal jurisdiction,

federal subject matter jurisdiction, removal procedure,

remand, and appeals. The program is especially beneficial for new lawyers, as well as lawyers who do not often practice in federal court.

Andy Doctoroff presented the seminar to the Washtenaw County Bar Association, with Judge John Corbett O'Meara, Ian Bourgoine, and Barbra McQuade on the panel to answer questions and provide additional FBA information. Mr. Doctoroff also presented the program to the Genessee County Bar Association, with Judge Paul V. Gadola, and Julie Pidgeon on the panel. Ian Bourgoine presented the program to the St. Clair County Bar Association with Judge George C. Steeh.

The seminar will next be presented to the Oakland County Bar Association on April 28, 2006 by Adam Strauss, with Judge David M. Lawson on the panel. The program will be from 9:00 a.m. to 10:00 a.m. at the Oakland County Bar Association, 1760 S. Telegraph, Suite 100, Bloomfield Hills, MI 48302-0181. Registration for this program is \$10.00 for OCBA members and \$20.00 for non-members. Reservations may be made to Kristen Bennett at the OCBA (248) 334-3400.

In addition to the presentation on removal jurisdiction, attendees will be able to ask related questions to the judges and the panel. Attendees will also have the opportunity to ask questions about the court's electronic case filing program, and learn more about the benefits of membership in the FBA, as well as about the 2006 Sixth Circuit Judicial Conference.

For more information about the program, please contact committee co-chairs Ian Bourgoine, ibourg123@yahoo.com or Adam Strauss, (248) 203-0764, astrauss@dykema.com.

Calendar of Events

May-June 2006

Updated regularly at
[www.fbamich.org/Events & Activities](http://www.fbamich.org/Events%20&%20Activities)

- | | |
|------------------|---|
| May 2 | Open House At The Levin Courthouse
11:00 a.m. to 2:00 p.m.
Come One, Come All.
Attorneys, Staff, Clients all Welcome |
| May 17-20 | Sixth Circuit Judicial Conference
Marriott Renaissance Center |
| May 17 | 6:30 P.M. Reception |
| May 18 | 8:00 A.M. Opening Plenary Session
10:15 A.M. Breakout Sessions
11:45 A.M. Plenary Session
1:00 P.M. Rouge Tours or The Henry Ford
6:30 P.M. Life Members Reception |
| May 19 | 8:00 A.M. Supreme Court Update
9:30 A.M. Panel Discussion:
"Independent Judiciary:
An Historical Overview"
11:30 A.M. Panel Discussion:
"Independent Judiciary:
Present Status and
Future Prospects"
1:30 P.M. Rouge Tours or
The Henry Ford
6:30 P.M. Reception
– Ambassador Foyer
7:30 P.M. Grand Banquet |
| May 20 | 8:15 A.M. District Court
Breakout Sessions |
| June 13 | 27th Annual Dinner And Meeting
Site: Gem Theatre
Cocktails 5:30 pm
Dinner 7:00 pm
Entertainment: A (Habeas) Chorus Line
Contact: Laurie Michelson
313.983.7463, michelso@butzel.com
or: Register Online at www.fbamich.org |
| TBA | Summer Associates Reception
Seminars and Workshops |

Watch The Website For Further Developments

FOR IMMEDIATE RELEASE



FBA's Sequel to The 6th Circuit Judicial Conference ☆

Please Join Us For the Festivities!

Eastern District of Michigan Chapter Federal Bar Association

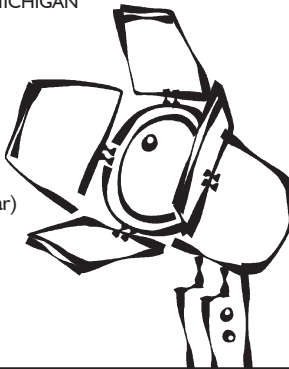
Twenty-Seventh Annual Dinner

HONORING THE FEDERAL JUDICIAL OFFICERS
OF THE EASTERN DISTRICT OF MICHIGAN

JUNE 13, 2006

Gem Theatre ☆

Cocktail Reception Commencing at 5:30 p.m. (Cash Bar)
Dinner at 7:00 p.m.



☆ Entertainment by:



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