



# FBAnewsletter

Winter 2010

Federal Bar Association - Eastern District of Michigan Chapter - 52 years of service to our Federal Bench and Bar

## Attorney General Eric H. Holder, Jr. to Speak at McCree Luncheon February 17

The annual Wade Hampton McCree Jr. luncheon will be held on Wednesday, February 17, 2010 at the Atheneum Hotel, Main Ballroom. The reception will begin at 11:30 a.m. and the luncheon at noon.

The Chapter is proud to announce that the keynote speaker will be Eric H. Holder, Jr., who was sworn in as the 82nd Attorney General of the United States on February 3, 2009 by Vice President Joe Biden. President Barack Obama announced his intention to nominate Mr. Holder on December 1, 2008.

In 1997, Mr. Holder was named by President Clinton to be the Deputy Attorney General, the first African-American named to that post. Prior to that he served as U.S. Attorney for the District of Columbia. In 1988, Mr. Holder was nominated by President Reagan to become an Associate Judge of the Superior Court of the District of Columbia.

Mr. Holder, a native of New York City, attended public schools there, graduating from Stuyvesant High School where he earned a Regents Scholarship. He attended Columbia College, majored in American History, and graduated in 1973. He graduated from Columbia Law School in 1976.

While in law school, he clerked at the N.A.A.C.P. Legal

Defense Fund and the Department of Justice's Criminal Division. Upon graduating, he moved to Washington and joined the Department of Justice as part of the Attorney General's Honors Program. He was assigned to the newly formed Public Integrity Section in 1976 and was tasked to investigate and prosecute official corruption on the local,  
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## President's Column

*Elisa Angeli Palizzi*

### Judicial Participation Is Key to Chapter's Continued Success

Each year our Chapter delivers an impressive roster of programming that is well-attended and critically acclaimed. Judicial participation is crucial to this success. Nearly every Circuit, District and Bankruptcy Judge contributes in some way to our Chapter's activities. The programming since the last issue of this Newsletter alone is a great example of the judicial involvement that we enjoy.

In September, the Chapter held its annual State of the Court Luncheon. Chief Judge Gerald E. Rosen gave a unique address by introducing Court Administrator David Weaver and his administrative team of Deputy Court Administrator Libby Smith, Chief Probation Officer Phil Miller, Chief Pretrial Services Officer Alan Murray, Human Resources Manager Michael Wade, IT Manager Evelyn Knabusch, Operations Manager Kevin Williams and Court Services Manager Michele Chittick. Each of these Court managers shared information about their backgrounds and job duties with the luncheon participants, including a host of judges and law clerks.

Chief Judge Rosen's contributions to the Chapter this year go well beyond the Luncheon, from overall guidance to obtaining top-notch speakers to assisting with the details of our luncheon program.

A few days after the Luncheon, Judge David M. Lawson joined Chapter officers at the State Bar of Michigan's "Successful Bench-Bar Relations" program to share the successes of our Chapter's bench-bar relationship with other bar organizations in the State.

At the Bankruptcy Committee's Luncheon on October 9, Chief Bankruptcy Judge Phillip J. Shefferly  
(continued on page 2)

**WINNER**  
**7 YEARS**  
National FBA  
Outstanding  
Newsletter  
Award

## President's Column (continued)

delivered his first State of the Bankruptcy Court address with an update on administrative matters, including filing statistics and rule changes that went into effect in December 2009. Judge Shefferly was joined by the entire Bankruptcy bench: Judges Steven W. Rhodes, Daniel S. Opperman, Marci B. McIvor, Walter Shapero and Thomas J. Tucker. Judge Shefferly also meets with Bankruptcy Committee Chairs Leslie Berg, Matthew Hammer and David Lerner to provide input on various programs. Judge Shapero meets with the chairs to plan the Walter Shapero Symposium and has participated in the CARE (Credit Abuse Resistance Education) program.

Participation continued throughout the month of October. Judges Robert H. Cleland, Lawson and Avern Cohn participated in a panel discussion on Contemporary Issues in IP Law. Later that month, Judges Cohn, Bernard A. Friedman, and Arthur J. Tarnow, Bankruptcy Judge Shapero, and Magistrate Judge Paul J. Komives, joined moderator Andrew Doctoroff and fellow Book Club members in the John Feikens Conference Center to discuss Linda Greenhouse's biography *Becoming Justice Blackmun*. Also, Judge Denise Page Hood led a continuing series of training sessions at the Courthouse on new developments in foreclosure prevention training.

Judges Hood, Paul D. Borman, Victoria A. Roberts and Tarnow chair the Court's Pro Bono Committee, which works closely with the Chapter's Pro Bono Committee to deliver pro bono assistance to those in need. The month concluded with Judge Cleland joining Professor David Berry and Special Master Richard Grauer at the Thomas M. Cooley Law School's Auburn Hills campus to present "What Every Attorney Needs to Know About The Ever-Changing Requirements in Intellectual Property Litigation."

In November, Judge George Caram Steeh participated in a breakfast hosted by the Diversity Committee for leaders of the State Bar's special purpose bar associations. Judge Steeh co-chairs the Diversity Committee. Later in November, a host of judges and law clerks attended the annual Edward H. Rakow Awards Luncheon that joins the Chapter and the Court Historical Society. Judge Cohn was instrumental in bringing us the Historical Society's riveting program on Supreme Court Justice Henry Billings Brown.

On December 1 and 2, in what has become the gold standard for new lawyer training, the New Lawyers' Seminar committee put on its usual stellar program with significant participation from the bench, including

presentations by Judges Patrick J. Duggan, Cleland, and Roberts, and Executive Magistrate Judge R. Steven Whalen, as well as law clerks Linda Hylenski, Lauren Mandel and Ruth Tyszka. The Chapter celebrated its 52nd birthday and the holidays in December with a festive party at the Westin Book Cadillac. A full house of judges attended. The next day, Judge Nancy G. Edmunds joined a panel of Patricia Stamler, James Burdick, John Hessburg, AUSA Philip Ross, and moderator Leslie Wizner, for the second session of the Health Law and Criminal Law Committees' joint series, "Health Care Fraud Thursdays."

And while all of these events occurred, the Chapter's Courthouse Tours program continued in its mission to introduce students and the public to the Courthouse. Included among the tour participants was a delegation of Ukrainian prosecutors who observed proceedings in Judge Lawson's courtroom. Nearly every District Judge has opened his or her courtroom and chambers for these tours, welcoming and conversing with the participants.

The New Year kicked off with the "Do's and Dont's of Preparing an Effective Appeal Before the United States Court of Appeals for the Sixth Circuit," which featured a panel of Circuit Judges: Richard F. Suhrheinrich, David W. McKeague, Raymond M. Kethledge, and Helene N. White, and Law Clerk Molly Hamilton, with AUSA Sarah Resnick Cohen moderating. Later in the month, Judge Friedman took his motion call on the road to the Wayne State University Law School, giving students an invaluable opportunity to experience real life proceedings and to ask him questions afterward. Finally, the month closed with a legal writing seminar by the Rules and Civil Practice Committee that featured a panel discussion with Judges Cohn, Tarnow and Lawson, and a "nuts and bolts" writing presentation by Carl von Ende.

February comes in with a bang. The second annual FBA Mentoring Program on February 4th, 8th and 9th, will feature intensive trial skill training for newer lawyers by Judges Hood, John Corbett O'Meara, Marianne O. Battani, and Stephen J. Murphy, III, and trial greats from our community including Thomas W. Cranmer, Dennis M. Haffey, Edward M. Kronk, Kathleen A. Lang, Powell Miller, Thomas C. O'Brien, and I. W. (Bill) Winsten, and AUSA Elizabeth A. Stafford. Judge Cleland worked with Francis R. Ortiz, Kelly A. Walters and Bill Winsten to plan this mega event.

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## McCree Luncheon *(from page 1)*

state and federal levels.

Prior to becoming Attorney General, Mr. Holder was a litigation partner at Covington & Burling LLP in Washington.

The Wade Hampton McCree, Jr. Award for the Advancement of Social Justice will be presented at the luncheon. The Award honors individuals or organizations who have made significant contributions to the advancement of social justice. These contributions may include advancing social justice in areas involving poverty, promoting economic or educational opportunity, or fighting discrimination involving race, gender, ethnicity, national origin, religion, or economic status. The recipient may be selected from any field of endeavor including law, social service, community organization, volunteer activities, journalism, teaching and academic research. This year's award recipient is Kathleen Straus, President of the State Board of Education



*Circuit Judge David W. McKeague, AUSA Sarah Resnick Cohen, Circuit Judge Richard F. Suhrheinrich, and Circuit Judge Raymond M. Kethledge. Photo by John Meiu, courtesy of Detroit Legal News.*

attention to the impact of electronic filing, which has proven to be a work in progress for judges and staff and something practitioners need to be mindful of when presenting their cases.

Judge Kethledge offered the viewpoint of a relatively new judge, emphasizing the importance of oral argument in close cases. Judge White stressed the importance of counsel being prepared. All of the Judges were in agreement that briefs should be well-written, focused, and no longer than absolutely necessary. Moreover, counsel at oral argument should carefully listen to and answer the questions posed and have a thorough command of the record.

Also on the panel was Molly Hamilton, Career Law Clerk to Judge Suhrheinrich, who echoed the Judges' comments and reminded attendees that a significant amount of work goes into preparing a case before argument. After the presentations, there was a question-and-answer session. Special thanks to the committees for organizing such a well-attended and excellent event.

## Appellate Do's and Don'ts Luncheon Program a Success

On January 7, 2010, the Chapter's Appellate Committee and Law Clerk Committee jointly sponsored a luncheon program focusing on do's and don'ts for preparing and presenting an effective appeal before the Court of Appeals for the Sixth Circuit. Attendees were treated to practical advice from the expert panel consisting of Senior Circuit Judge Richard F. Suhrheinrich, Circuit Judges David W. McKeague, Raymond M. Kethledge, and Helene N. White.

After opening introductions from panel moderator AUSA Sarah Resnick Cohen, Judge Suhrheinrich kicked off the presentation. He provided the perspective from a long-time jurist at both the district and circuit levels and his presentation was peppered with a dose of good humor. Judge McKeague gave particular

## Health Care Fraud Thursdays Pack A Lot Of Punch

**By Monica P. Navarro\***

The last five years have been marked by a significant ramping up of federal anti-fraud legislation and enforcement initiatives. By far, the healthcare sector has been the most affected by fraud and abuse, accounting for the majority of enforcement cases and the lion's share of dollars recovered for the federal fisc. Indeed, since 1997, the Government has returned \$13.1 billion (out of approximately \$17 billion recovered) to the Medicare Trust Fund as a result of anti-fraud efforts and eighty percent of all such recoveries have been attributable to lawsuits filed under the Federal False Claims Act. Overall, the Government's return on investment for anti-fraud work is 15 to 1; for every

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## Health Care *(from page 3)*

\$1 spent in enforcement, \$15 is recovered. In short, anti-fraud enforcement in the healthcare sector is here to stay.

In light of the foregoing, the Chapter's Health Care Law and Criminal Law Committees teamed up to tackle in a three-part seminar series – appropriately named Health Care Fraud Thursdays – some of the most critical issues in the fraud and abuse landscape and to expose practitioners to the multiple tools, facets and challenges in a typical anti-fraud enforcement action. Two of the three sessions were successfully completed in 2009.

At the first session, held on October 22, 2009 in Room 115 of the Courthouse and entitled “The New Face of Health Care Enforcement,” a cast of first-rate speakers discussed the False Claims Act (“FCA”), arguably the most powerful civil private attorney general statute of our time which gives private individuals (“relators”) the ability to sue for fraud on behalf of the Federal Government. Attorneys David L. Haron and Andrew B. Wachler discussed how the recent amendments to the FCA have strengthened the statute and addressed the critical areas of those amendments.

Additionally, at the first session, the audience was able to hear first hand about the work of the Strike Force in Detroit from AUSA John Neal from the Criminal Fraud Section of the Department of Justice and a member of the Healthcare Strike Force assigned to the Eastern District of Michigan. AUSA Neal discussed how Attorney General Eric Holder and Department of Health & Human Services (HHS) Secretary Kathleen Sebelius have taken the fraud fight to yet another new level by committing senior officials from HHS and DOJ to work together on the Health Care Fraud Provision and Enforcement Action Team (HEAT), as well as the manner in which the Detroit Strike Force has and will continue to implement HEAT directives in Detroit. Altogether, it was a riveting session.

The second session, held on December 3, 2009 and entitled “How to Successfully Resolve all Federal Aspects of a Healthcare Fraud Case,” featured an equally



*From Left to Right: AUSA Dan Hurley; Monica P. Navarro; David Haron; AUSA Leslie Wizner; John Neal, U.S. Department of Justice trial attorney; and Matthew Leitman.*

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

impressive speaker panel which lectured on the importance of identifying and dealing with all the parts, players, agencies, and issues which move together – but not always in unison – in a healthcare fraud case. Patricia A. Stamler discussed the relator's perspective in a civil fraud case under the FCA. James Burdick discussed the criminal defense issues in the often-lurking and sometimes accompanying criminal case. John P. Hessburg covered the issues faced and the role played by civil defense counsel.

AUSA Philip Ross discussed the role and procedure for criminal and civil asset forfeiture actions in aid of the healthcare fraud case. Judge Nancy G. Edmunds tied it all together with comments on the perspective from the bench.

Additionally, the speakers addressed a host of other critical but often neglected aspects of a healthcare fraud case, such as the collateral consequences of such cases in the areas of professional licensing, DEA licensing, and debarment. At the end of the day, the session successfully educated the audience on the many facets and areas of competence required, but often overlooked even by experienced practitioners, in healthcare fraud work.

The third and final session of Health Care Fraud Thursdays, which will be scheduled and announced in early 2010, will tackle the nuts and bolts of using experts in the prosecution and defense of healthcare fraud cases. If sessions one and two are any indication of what the audience can expect of session three, the experts' session is likely to pack an equal amount of punch and should not be missed.

*\*Monica P. Navarro teaches Civil Procedure and Health Law at Thomas M. Cooley Law School and specializes in health law fraud and abuse as special counsel with Frank, Haron, Weiner and Navarro. She also co-chairs the Chapter's Health Care Law Committee.*



## From Court Administrator David J. Weaver

### News From U.S. Courts Committee

I recently attended a meeting of the U.S. Courts Committee, which is one of the judicial liaison committees created in accordance with the Bylaws of the State Bar of Michigan. The mission statement of the Committee states in part that “The Committee is generally empowered to make recommendations concerning the administration, organization and operation of the United States Courts for the purpose of securing the effective administration of justice”.

This year’s Committee Chair is Judge David M. Lawson. The Committee meets approximately 3-4 times per year between September and April and concludes with a dinner meeting to which all judicial officers from the Eastern and Western Districts are invited. The dinner alternates yearly between the two districts.

Judge Lawson has been instrumental during his Chairmanship in reviewing the mission of the Committee and discussing new initiatives. One of the Committee’s new initiatives I wanted to share with you is a project to publish a summary of all en banc decisions issued by the Court of Appeals for the Sixth Circuit in 2009. The complete summary, written by attorneys Jason P. Klingensmith and John A. Smietanka, will be published in an upcoming issue of the Michigan Bar Journal. Following the Committee’s last meeting, we thought it would be of interest to share a portion of their work in this article:

Criminal Constitutional Case (Fact Specific):  
*Garner v. Mitchell*, 557 F.3d 257 (6th Cir. 2009)

As to the facts of the case, Garner burglarized and set fire to an apartment killing five children who were sleeping inside. After he was arrested and advised of his *Miranda* rights, he confessed on tape to setting the fire. The

confession was admitted at trial and Garner was convicted of five counts of aggravated murder. Garner then filed a petition for writ of habeas corpus arguing that he did not knowingly or intelligently waive his *Miranda* rights before speaking to the police.

The issue presented was whether Garner knowingly and intelligently waived his *Miranda* rights.

The Court of Appeals held that the totality of the circumstances demonstrated that Garner did knowingly and intelligently waive his *Miranda* rights and affirmed the district court’s dismissal of his petition.

The division of the vote was as follows: Judge Rogers delivered the opinion of the court, in which Judges Boggs, Batchelder, Gilman, Gibbons, Sutton, McKeague, and Griffin joined. Judge Daughtrey concurred in result only. Judge Cole concurred in part and dissented in part. Judge Moore delivered a dissenting opinion, in which Judges Martin and Clay joined.

Numerous other cases are included in the full summary, which the Committee hopes you will review and find interesting.

As always, if you have questions or comments, please email me at [david\\_weaver@mied.uscourts.gov](mailto:david_weaver@mied.uscourts.gov).

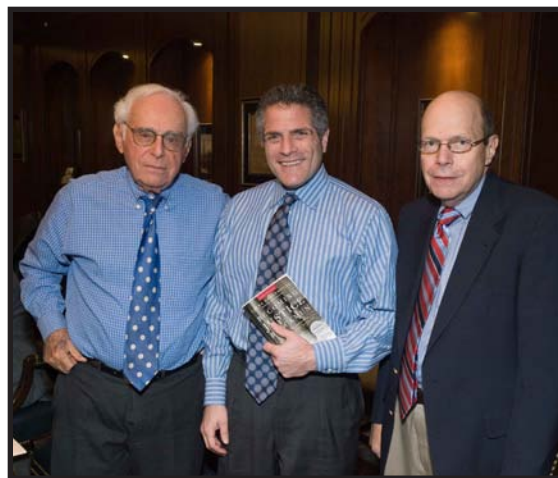
## News From the Book Club

On October 27, 2009, the Chapter’s Book Club met at the Courthouse to discuss *Becoming Justice Blackmun* by Linda Greenhouse. The event was well attended and the book generated lively discussion about Justice

Blackmun’s life, intellectual history, and 24 years of service on the Supreme Court.

The Book Club’s next meeting will be Thursday, March 18, 2010, at noon in Room 722 of the Courthouse. The Book Club will be discussing *The Least Worst Place: Guantanamo’s First 100 Days*, by Karen Greenberg.

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Judge Avern Cohn, Book Club Chair Andrew Doctoroff, and Judge Bernard A. Friedman. Photo by John Meiu, courtesy of Detroit Legal News.

## Book Club *(from page 5)*

Ms. Greenberg is the Executive Director of the Center for Law and Security. This book documents the first 100 days of the notorious detention center in Cuba, focusing on conflicts among officials concerning transparency, military protocol, and detainee treatment. The book was selected as one of the best books of 2009 by *The Washington Post* and *Slate*, the online magazine owned by The Washington Post Company.

The Book Club recognizes that this is a provocative book dealing with controversial issues. All points of view expressed at the Book Club session will be welcomed and respected.

Please register at [www.fbamich.org](http://www.fbamich.org) or contact Brian Figot at 248-358-0870. For additional information about the Book Club, contact Andrew Doctoroff at 313-465-7360.



*Book Club attendees at John Feikens Conference Center.  
Photo by John Meiu, courtesy of Detroit Legal News.*

## IP Seminar Held for Judges and Law Clerks

On October 21, 2009, the Chapter's Intellectual Property Committee presented a half-day seminar for Federal Judges and their law clerks on patent law and litigation case management. The program, which was very well attended, covered such topics as: protecting inventions by patents, construing claims and the use of special masters, managing the patent case in court and the use of model orders.

There was also a panel discussion of attorneys and judges which addressed contemporary issues in patent law. The program ended with a lively question-and-answer session. Special thanks to the judicial presenters, Judge Avern Cohn, Judge Robert H. Cleland,

and Judge David M. Lawson. Attorney presenters included Thomas A. Lewry, William G. Abbatt, and Christopher Darrow. The program was a great primer for judges and their law clerks.

## A Growing List of Luncheon Sponsors

The 2009-2010 Chapter Luncheon Series is proud to welcome three new sponsors this year, as we are joined by Law Offices of Lee & Correll, Pitt McGehee Palmer Rivers & Golden PC, and our first academic sponsor, Thomas M. Cooley Law School.

Special thanks are also in order to the U.S. District Court, whose additional financial assistance this year will help the Chapter hold the line on luncheon prices, which have remained unchanged since 1995, an unprecedented run of 15 straight years.

The concept of having something other than single ticket sales had modest beginnings in 1995, when a few law firms opted to purchase 8 or 10 tickets on a luncheon-by-luncheon basis. In the Fall of 1996, the program as we know it was launched, with 13 law firms subscribing to the entire luncheon series at the start of the season. At the same time, the Chapter instituted a policy of open seating (and



*IP attendees Thomas A. Lewry, Robert C.J. Tuttle, Christopher G. Darrow, Judge Avern Cohn, Judge David M. Lawson, Judge Robert H. Cleland and William G. Abbatt.*

also eliminated the traditional “Head Table”) in order to encourage increased sociability.

Over the years, the number of subscriptions increased, as potential sponsors recognized the several benefits that come to both the Chapter and the Sponsors. For the Sponsors, there is more than just the assurance of up to 10 seats at each of the luncheons (at the same discounted rate paid by FBA members). Subscribers have come to know that they will see old friends and make new ones when they come to an FBA luncheon. They will sit with not just their colleagues, but also their adversaries and the judiciary before whom they practice - who, like them, appreciate the unique setting where there aren't robes or roles. It won't just be lunch with the same gang they see every day.

They know, too, that there is a special quality in the programming on a wide variety of topics on leading developments in the law and public policy to analyses of historic cases. They have come to expect a diverse range of speakers, which in recent years has included each Chief Judge of the Eastern District since John Feikens, several mayors of the City of Detroit, current and former governors of the State of Michigan, famous authors, legal scholars and important officials of the U.S. Government. And they know how much the Chapter appreciates their loyalty and the stability that is found from their support, as the wild fluctuations in attendance and revenue have become (we all hope) a thing of the past. The Chapter's gratitude is publicly acknowledged at every opportunity.

The greatest benefit of all is that we all become part of a tradition of “giving back” to the legal profession and the wider community, by making FBA programs and scholarships available to the widest possible audience.

Thus, from the 13 original subscribers we have grown -- in number (leaping to 22 in 2002 and continuing on to the 31 sponsors we gratefully acknowledge for the 2009-2010 luncheon series), in the wide variety of legal practices represented, and also as related institutions and industries have come to the table.

The Chapter thanks:

The U.S. District Court for the Eastern District  
of Michigan

Barris Sott Denn & Driker PLLC

Bodman LLP

Brooks Kushman PC

Butzel Long

Charles J. Taunt & Associates PLLC

Clark Hill PLC

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Dickinson Wright PLLC

Dykema Gossett PLLC

Garan Lucow Miller PC

Gifford Krass Groh Sprinkle Anderson  
& Citkowski PC

Harness Dickey & Pierce PLC

Honigman Miller Schwartz & Cohn LLP

Howard & Howard

Kitch Drutchas Wagner Valitutti & Sherbrook

Law Offices of Lee & Correll

Miller Canfield Paddock & Stone PLC

Miller Law Firm PC

Morganroth & Morganroth

Pepper Hamilton LLP

Pitney Bowes Management Services

Pitt McGehee Palmer Rivers & Golden PC

Plunkett & Cooney PC

Rader Fishman & Grauer PLLC

Spectrum Computer Forensics and  
Risk Management

Stout Risius Ross

Thomas M. Cooley Law School

Trott & Trott

Vercruyse Murray & Calzone, PC

Young & Susser PC

## **Preview: The FBA Trial Practice and Mentoring Program** **A “Learn by Doing” Opportunity for Newer Lawyers**

The Chapter is presenting a Trial Advocacy & Mentoring Program for “newer” lawyers (i.e. those who have been practicing five years or less) to obtain hands-on experience in fundamental trial skills, working in tandem with Federal Judges and seasoned attorneys who will offer valuable guidance on direct and cross examination, opening statements and closing arguments.

The 2010 Mentoring Program will focus on a civil case trial from openings through the presentation of witness testimony and concluding with final arguments. An introductory session in the early evening of February 4th will be followed by two full-day sessions on February 8th and 9th in the courtrooms of Judges Battani, Hood, Murphy and O'Meara.

At the Introductory Session, newer lawyers will be grouped into teams and assigned to a Team Leader. Team Leaders include distinguished private practitioners Thomas Cranmer, Dennis Haffey, Edward Kronk,

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## **Mentoring** *(from page 7)*

Kathleen Lang, Powell Miller, Thomas O'Brien, and I. W. (Bill) Winsten, along with AUSA Elizabeth Stafford. The case will be introduced and a discussion presented on various aspects of trial practice in the Federal Courts. Each participant will meet with a Team Leader and will be responsible for preparing and presenting/conducting opening and closing statements and direct and cross examinations before one of the Federal Judges. During the mock trial, participants will receive individual feedback from the Team Leaders and Judges.

The two-day trial involves a dispute over whether accidental death insurance benefits are due, or not payable, because the insured's death was a suicide. Following opening statements, the plaintiff will present her case through several witnesses then the defense will do likewise. After closing arguments, there will be a brief reception for the participants, Judges and Team Leaders.

The program is a real bargain, only \$145 for members of the National FBA and \$185 for non-members, which includes all course materials and lunches. For only \$220, a participant can register for the program and join the National FBA. To register and for more in information, visit the Chapter's website [www.fbamich.org](http://www.fbamich.org) and click on "Events and Activities."

## **Rakow Luncheon/ Historical Society Meeting**

The Edward H. Rakow Awards Luncheon and the annual meeting of the Historical Society of the U.S. District Court for the Eastern District of Michigan were held jointly on November 19, 2009 at the Westin Book Cadillac.

The program began with the presentation of the

Rakow Scholarship Awards by Chapter President Elisa Angeli Palizzi and Dennis J. Clark, Trustee of the Federal Bar Foundation. The Rakow awards are given annually to students at Michigan law schools who demonstrate outstanding scholarly achievement in securities, corporation or business law. The scholarships are endowed by the Federal Bar Foundation of Detroit in memory and honor of Edward H. Rakow, one of the Chapter's founders. The 2009 recipients of the Rakow awards are: Harprit Brar, Michigan State University College of Law; Sheila J. Shideler, Thomas M. Cooley Law School; Aaron D. Hanke, University of Detroit Mercy School of Law; Anthony Hazzkial, University of Michigan Law School; and, Lauren Andary, Wayne State University Law School.

The Luncheon concluded with the Historical Society's program, "Two Perspectives on the Landmark Case of *Plessy v. Ferguson* and its Author, Justice Henry Billings Brown of Michigan." The speakers were Trevor Broad, J.D., author of "A Forgotten Man in a

Tumultuous Time: The Gilded Age as Seen by United States Supreme Court Associate Justice Henry Billings Brown," and University of Michigan Professor Rebecca J. Scott, author of "Degrees of Freedom: Louisiana and Cuba after Slavery." Both presentations examined Justice Brown's decision in *Plessy* from a historical perspective which resulted in a fascinating program.

## **New Lawyers Seminar** **A good thing keeps on going.**

Another successful New Lawyers Seminar is in the books, as a near-capacity group of ninety-four newer attorneys (mostly from the February and July 2009 Bar Exams) enjoyed learning the "nuts and bolts" of practice from some of the best State and Federal legal talent in the metropolitan Detroit area on December



*Elisa Angeli Palizzi, award recipient Shiela Shideler, Michael K. Lee, James D. Robb, Professor Rebecca J. Scott, Trevor Broad, Laurie J. Michelson, award recipient Aaron D. Hanke, and Michael J. Lavoie.  
Photo by John Meiu, courtesy of Detroit Legal News.*



1st and 2nd. This Seminar, then the first of its kind in the nation, has been co-sponsored for more than 30 years by the Chapter, the District Court and the Younger Lawyers Section of the State Bar.

The first day of the Seminar, "Federal Day," with intensive focus upon the practicalities of federal practice, was conducted by faculty that included Judges Robert H. Cleland, Patrick J. Duggan and Victoria A. Roberts, Magistrate Judge R. Steven Whalen, Court Administrator David Weaver and notable federal practitioners in several key areas of practice. A roundtable discussion for the topic of criminal trial practice provided a welcomed format change that kept things lively on the first day, as did new topics that focused upon e-discovery and e-filing. Also, for the first time since the very first Seminar, held in November of 1976, the federal judicial law clerks were given their own segment to impart their "do's and don'ts" of practicing in the Courthouse.

At the end of the first day, Chapter members and AUSAs Susan E. Gillooly, Peter A. Caplan, Kathleen Moro Nesi, Julia Caroff Pidgeon, and Michael C. Leibson volunteered to sponsor the attendees' admission to practice before the Eastern District of Michigan during mass swearing-in ceremonies. Judges Cleland, Arthur J. Tarnow, Denise Page Hood and Nancy G. Edmunds presided over the ceremonies which emphasized civility in law practice.

The second day was "State Day" and led the un-

initiated through the vagaries of the tri-county court systems, with speakers drawn from the finest State court practitioners. Even the Seminar luncheon, in the newly renovated Ft. Shelby Doubletree Hotel,

provided an excellent learning opportunity as former Chapter Board member (and Newsletter Editor), Circuit Judge Mary Beth Kelly, imparted the basics of navigating practice in the Wayne County Circuit Court. As she has done many times in the past, Judge Kelly gave freely of her time to address new attorneys despite a pressing trial docket on the day of the luncheon.

In addition to the pearls of wisdom imparted by the speakers, registrants were provided accompanying outlines and substantive articles, conveniently formatted for word searching on a CD-ROM.

Registration in the Seminar entitles participants to one year of Chapter membership, so please welcome these new counselors at our events. Thus far, more than fifty-five of the attendees have also joined National FBA. Another benefit is the Ohio State Bar Association's recognition of this event as a means of fulfilling its practice requirements prerequisite for admission to practice in its Federal Districts.

The New Lawyers' Seminar Committee Co-Chairs (Christine M. Dowhan-Bailey, Brian D. Figot, Grant P. Gilezan, Geneva S. Halliday, Theresa M. Serra and Cathrine F. Wenger) would like to thank all of the busy practitioners and members of the judiciary who volunteered their time to assist these new members of our legal community.



*Attendees with Christine Dowhan-Bailey, Judge Arthur J. Tarnow, Judge Mary Beth Kelly, and Cathrine Wenger.*

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



*Seated: Theresa M. Serra, Chief Judge Gerald E. Rosen, and Judge Patrick J. Duggan. Standing: Ruth Tyszka, Michael C. Leibson, Brian D. Figot, Donald H. Hanlon, Victoria Lung, Thomas Cranmer, Linda Hylenski and Peter Caplan.*

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

## Ukrainian Prosecutors Visit

On November 16, 2009, a group of prosecutors from the Ukraine toured the Courthouse and visited the U.S. Attorney's Office as part of an exchange arranged by Open World. Open World is an international organization developed to enhance understanding and capabilities for cooperation between the United States and the countries of Eurasia and the Baltic States by de-

veloping a network of leaders in the region who have gained significant, firsthand exposure to America's democratic, accountable government and its free-market system. The Courthouse tour was conducted by Barb Radke, Case Manager to Magistrate Judge Mark A. Randon, and AUSA Susan E. Gillooly, Chair of the Chapter's Courthouse Tours Committee.

During the visit at the Courthouse, the prosecutors had an opportunity to observe opening arguments in a criminal trial, view the detention facility and ask federal law enforcement officers questions concerning prisoner transport, housing and custodial interrogations. The Ukrainian prosecutors also had an opportunity to visit with Terrence G. Berg, then-Acting United States Attorney, who provided them with an overview of the operations of the U.S. Attorney's office. Mr. Berg and Ms. Gillooly also held an open discussion with the visiting prosecutors concerning federal prosecution practices in the United States, trial conduct and the Federal Rules of Evidence.

## Luncheon Ticket Information

For those affiliated with organizations that are sponsors for the entire 2009-2010 Luncheon Series, tickets likely are available through your organiza-



*From Left to Right: Serhiy Stepanyuk, Chief Department Prosecutor, Volyn Regional Prosecutor's Office; Vasyl Nykyforuk, Department Head, Ivano-Frankivsk Regional Prosecutor's Office; Gregory Sereda, President, National Academy for Prosecutors of Ukraine, Kyiv; Terrence G. Berg, Acting United States Attorney; Susan K. Gillooly, Assistant United States Attorney; Stepan Soltys, Deputy Department Head, Ternopil Regional Prosecutor's Office; Anatoly Balyanystya, Prosecutor, General Prosecutor's Office of Ukraine, Kyiv; Valeriy Oliynyk, Facilitator, Open World Program, Kyiv.*

tion. If your organization is not yet a sponsor, please inquire about joining for 2010-2011. The ticket price is the same as individual member sales and you get a guaranteed ten seats at each of the four luncheons.

Individual ticket sales for the McCree and Gilman luncheons are available, still a bargain at \$25 for Chapter members and \$30 for non-members. Tickets can be obtained on-line at [www.fbamich.org](http://www.fbamich.org), or by

sending a check payable to FBA, E.D. Mich, to Brian Figot, Executive Director, 30100 Telegraph Road, Suite 428, Bingham Farms, MI 48025.

## CELEBRATING OUR DIVERSE BAR

Thursday, February 18, 2010  
5:00 - 7:30 p.m.

Fishbone's Rhythm Kitchen Cafe  
Greektown  
400 Monroe Street  
International Center Building  
Detroit, MI 48226  
(Shuttle Bus/Van Available from USDC)

Speaker: Charles Toy, President  
State Bar of Michigan

Participating Bar Association include:

American Association of Jewish Lawyers  
and Jurists (Michigan Chapter)  
Arab-American Bar Association  
Armenian-American Bar Association  
D. Augustus Straker Bar Association  
Detroit Metropolitan Bar Association  
Federal Bar Association,  
Eastern District of Michigan Chapter  
Hispanic Bar Association of Michigan  
Polish American Advocates Bar Association  
Stonewall Bar Association  
Wolverine Bar Association  
Women Lawyers Association of Michigan,  
Wayne Region

Tickets: \$10.00/Cash Bar

RSVP to:  
Mitzy Sharp Futro  
(313) 961-6120 x201  
[msharpfutro@detroitlawyer.com](mailto:msharpfutro@detroitlawyer.com)  
-or-  
[www.fbamich.org](http://www.fbamich.org)

## Thanks to Our Chapter's Sustaining Members

We gratefully acknowledge the additional support provided to our Chapter by the following individuals, who opted during the fiscal year ended July 31, 2009, and in first part of fiscal year 2009-2010, to renew their Membership at the Sustaining Member level of \$100. We thank each of them for contributing to our ability to fund essential programming.

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Sheldon S. Toll  
Guy C. Vining  
Peter W. Waldmeir  
Jonathan T. Walton  
I.W. Winsten  
Rodger D. Young

## Calendar of Events

- Feb 17** **Wade H. McCree Award Luncheon**  
Keynote Speaker: Eric H. Holder, Jr.  
Attorney General of the United States  
Atheneum Hotel, Greektown  
11:30 A.M. Reception  
12:00 P.M. Luncheon  
Contact: Michael K. Lee (248.350.5900)  
mlee@leeandcorrell.com  
or register online at [www.fbamich.org](http://www.fbamich.org)
- Feb 18** **Celebration of Diversity Reception**  
Guest Speaker: Charles R. Toy  
President, State Bar of Michigan  
Fishbone's Rhythm Kitchen Café  
400 Monroe St. (International Center Building)  
5:00 to 7:30 P.M. Reception  
Shuttle available from Levin Courthouse  
Tickets available online at [www.fbamich.org](http://www.fbamich.org)
- late April** **Complex Commercial Litigation Seminar**  
**date TBA** Theodore Levin U.S. Courthouse, Room 115  
Check [www.fbamich.org](http://www.fbamich.org) for further information
- late April** **Leonard R. Gilman Award Luncheon**  
**date TBA** Westin Book Cadillac Hotel  
11:30 A.M. Reception  
12:00 P.M. Luncheon  
Check [www.fbamich.org](http://www.fbamich.org) for further information
- June 24** **The 31st Annual Dinner**  
Westin Book Cadillac, Woodward Ballroom  
5:30 p.m. cocktails, dinner following,  
featuring The Third Annual Julian Abele  
Cook, Jr. - Bernard A. Friedman FBA Civility  
Award to be presented in recognition of a  
civil practitioner who is an outstanding  
example of professional excellence and  
civility; and A (Habeas) Chorus Line:  
Detroit's Own Parody Troupe

**Updates and further developments at  
[www.fbamich.org](http://www.fbamich.org)  
See "Hot News" and "Events & Activities"**

## Coming Soon: e-blast

With the number of programs and events the Chapter has going on, members tend to get inundated with daily and weekly e-mail reminders. To alleviate e-mail clutter but continue to provide members with timely information on upcoming events, the Chapter's newly-organized Technology Committee has established a subcommittee to put together a bi-monthly "e-blast" that will compile upcoming events in one electronic mailing twice a month.

## President's Column (continued)

On February 17th, the Chapter will also host the treasured Wade Hampton McCree Luncheon with the usual strong showing of judges in attendance. The Luncheon honors the memory of Judge Wade Hampton McCree, who was a featured speaker for our Chapter on numerous occasions when he served on the Eastern District bench from 1961-1966, and then on the Court of Appeals until 1977.

Judicial participation in our Chapter extends even beyond programming. Magistrate Judge Mona K. Majzoub dutifully serves as one of our Chapter's officers this year, devoting countless hours to the organization in written communications, monthly meetings, and events. Judges Steeh and Lawson both serve on our Executive Board to assist the Chapter in fulfilling its mission. The Court as a whole is a luncheon sponsor and has contributed for the past several years to assist the Chapter in publishing this newsletter. Court facilities are made available to the Chapter and provide an ideal venue for most of our events. Court Administrator David Weaver holds an ex officio seat on the Chapter's Executive Board and assists the Chapter on a regular basis.

We are so thankful for this high level of judicial participation. It's no wonder that our Chapter is one of the Nation's finest. If you are not already a member, join the judges and lawyers who continuously improve our Chapter. There's a place for you.

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