



FBAnewsletter

Winter 2014

Federal Bar Association - Eastern District of Michigan Chapter - 56 years of service to our Federal Bench and Bar

Judge Bernice B. Donald Keynoter at McCree Luncheon on February 20

The Chapter will hold its annual Wade Hampton McCree, Jr. luncheon on Thursday, February 20, 2013, at the Westin Book Cadillac. The reception will begin at 11:30 a.m. and the luncheon at noon.

The Wade Hampton McCree, Jr. Award for the Advancement of Social Justice will be presented at the luncheon. The Award honors individuals or organizations that have made significant contributions to the advancement of social justice, including in areas involving poverty, promoting economic or educational opportunity, or fighting discrimination involving race, gender, ethnicity, national origin, religion, or economic status. Nominations for the Award are due by January 31, 2012, and can be directed to the attention of Cynthia Haffey (haffey@butzel.com) or Saima Mohsin (saima.mohsin@usdoj.gov).

The keynote speaker will be Sixth Circuit Judge Bernice B. Donald, a member of that court from Tennessee. Judge Donald has had a long and distinguished career on the bench, serving as a judge on Tennessee's General Sessions Criminal Court (1982-88), as a U.S. Bankruptcy Judge in the Western District of Tennessee (1988-95), as a U.S. District

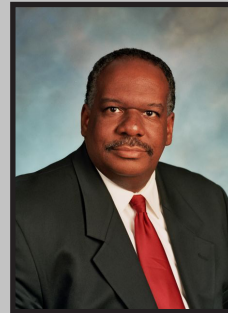
Judge for the Western District of Tennessee (1995-2011) and as a Sixth Circuit Judge (2011-present). Judge Donald was confirmed by the Senate on September 6, 2011.

Before beginning her career as a judge, Judge Donald worked in private practice, as an assistant public defender, and with a legal services organization.

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President's Column

Michael K. Lee



"May you live in interesting times."

"Be careful what you wish for."

Let me begin this President's Column by extending a great big "Get Well Soon" to our Executive Director, Brian Figot. Brian underwent a medical procedure on December 6, 2013. He was out of the hospital a week later and on the road to a full recovery. In my previous President's Column, I discussed how valuable Brian is, not just to me, but to the entire Chapter. His value has grown even greater this year, as he assumed the role of President of the Historical Society at the Rakow Luncheon on November 19, 2013. I am confident that I speak for all of the members of the Chapter when I say, "We miss you Brian, see you soon!"

The Chapter has been most fortunate to have obtained the services of John Mayer as a temporary Executive Director in Brian's absence. John brings a wealth of experience and expertise, having previously served as President as well as Executive Director of the Chapter. John graciously agreed to step in and assist us in Brian's absence. John, in fact, helped create the Executive Director position. His willingness to step in also greatly reduces the "learning curve," which helps the Chapter continue to run smoothly. Christine Dowhan-Bailey, another former President, has agreed to assist John as necessary. Although we never served together as Officers, Christine has always gone out of her way to make me feel at home in the FBA family. I had the opportunity to sit with Christine, Brian and John as they discussed the practical duties of the position in Brian's absence. It gladdened my heart to see the obvious comfort, trust and confidence that they felt towards each other. This was the most crucial element of all, because the success of the temporary Executive Director would be determined by his or her ability to develop a strong working relationship with Brian, who would have to show them "the ropes" before beginning his leave.

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**WINNER
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In this case, there was no doubt, as that relationship had already been forged years ago.

On November 19, 2013, we held the Rakow Luncheon. We awarded scholarships to one student from each of Michigan's five law schools. In addition, we swore in the new Officers (including Brian) for the Historical Society. Finally, the second Barbara J. Rom Award was given to the late David Allard. David's son was present to accept the Award on behalf of his father. He was deeply moved by the sentiment and love shown for his father by those in attendance. The Luncheon drew record attendance, with an impressive turnout from David Allard's colleagues among the Bankruptcy Trustees.

On December 3 and 4, the Chapter sponsored its Annual New Lawyers' Seminar. This two-day event benefits those individuals who recently passed the Michigan Bar Examination. It featured speakers who instructed the newly minted lawyers on federal and state practice issues. At the end of the first day, the attendees were sworn in to practice before the U.S. District Court for the Eastern District of Michigan. The second day focused on state court practice. As lawyers, we have an obligation to the public to provide the very best legal representation possible. Part of fulfilling that obligation is to make sure that those new to the practice of law also have the skills and knowledge needed to capably represent members of the public. The Chapter helps to accomplish this by making this seminar available to all those who pass the bar so that they can capably practice law in federal court.

On December 10, 2013, the Chapter held its annual holiday party. The party took place at the Westin Book Cadillac. I do not have to tell those of you who attended, but, for those of you who were not able to attend, it was a truly "hot" affair. (Ask someone who attended the event). I want to publicly thank the law firm of Miller Canfield for stepping up to help out with registrations for the event, specifically past-Chapter President Elisa Angeli Palizzi, who led the Miller Canfield effort to fill the void. I also must publicly thank Beth Lankard and Sandy Bera, who had the unenviable task of working the registration table for the night.

We also presented the inaugural Avern Cohn Award at the holiday party. The award was given to David G. Chardavoyne, who is an American attorney, professor and author of several works on the legal history of Michigan. His first book was *A Hanging in Detroit: Stephen Gifford Simmons and the Last Execution Under Michigan Law*, which was published in 2003. The book is an historical account of Stephen G. Simmons, a fifty-year-old tavern keeper and farmer who, in September 1830, was hanged in Detroit for murdering his wife. Simmons was the second and last person to be executed under Michigan law. The book also chronicles Michigan's abolition of capital punishment in 1846, the first state to do so. The entertainment was provided by *The Cat's Pajamas*, a band comprised of Michigan lawyers, including Magistrate Judge R. Steven Whalen.

The party was a great way to bring 2013 to a close. Here's to another great year in 2014.

McCree Luncheon (from page 1)

Judge Donald earned her bachelor's degree and J.D. from Memphis State University.

For those affiliated with organizations that are sponsors of the 2013-2014 Luncheon Series, tickets likely are available through your organization. For others, the luncheon is \$25 for FBA members and \$30 for non-members. Tickets are available on-line at www.fbamich.org.

"Speed Judging" Event

On Wednesday, November 20, 2013, the Chapter's RISE Committee held its second event, this time meeting at the Courthouse.

Dubbed "Speed Judging," the Committee, which has a mission of integrating newer members of the bar into the FBA, paired young lawyers and judges together to meet and exchange a short story or answer a question drawn at random. A play on "speed dating," participants spent four minutes sharing anecdotes or answering questions ranging from "what was the last book you read or film you watched?" to "why did you enter the legal profession?" to "what is your favorite Detroit-area restaurant?" After four minutes, the gavel sounded and the attorneys, grouped in twos, rotated to the next table where a district, magistrate, or bankruptcy judge was waiting.

The consensus was that this opportunity to connect was beneficial for both the judges and the newer attorneys, as it gave the bench an opportunity to meet the next generation of federal bar practitioners and gave younger lawyers the opportunity to get to know these well-respected, and at-times intimidating, federal judges.

The event was well attended by district, magistrate, and bankruptcy judges of the Eastern District, and close to 50 newer attorneys and law clerks. At the conclusion of the rotations, many participants and members of the bench enjoyed lunch together. If the rave reviews are any indication, the program will become a perennial event.

Special thanks to Benjamin Sobczak, Sean Cowley, Megan McGown, Patrick Lannen, Susan Asam, and Nathan Dupes for organizing the event.

Holiday Party

The Chapter threw its seventh annual holiday party on December 10 at the Westin Book Cadillac. More than 125 guests enjoyed hors d'oeuvres, spirits, and camaraderie while being treated to the music of Magistrate Judge Whalen's jazz quartet, The Cat's Pajamas.

In addition to the traditional merriment, attendees enjoyed the Court Historical Society's first ever presentation of the "Avern Cohn Award For Excellence in the Collection, Preservation and Interpretation of Michigan Legal History." Recipient David G. Chardavoyne authored *The United States District Court for the Eastern District of Michigan: People, Law, and Politics* (Wayne State University Press 2012). The brief ceremony included remarks from Chief Judge Gerald E. Rosen, Judge Cohn, and David Chardavoyne, who was introduced by Court Historical Society Vice-President Alan Harnisch. Special thanks to all for another fantastic party.

Book Club Discusses "The Lawyer Bubble"

Lawyers and judges met over lunch in the Levin Courthouse to discuss *The Lawyer Bubble: A Profession in Crisis* on December 12. The book deviated from the club's typical selections of legal history and analysis to offer a practical look at the state of the legal profession. Author Steven J. Harper joined the meeting via video conference from his home near Chicago.

In his book, Harper blames law school deans, federal student loans, *U.S. News & World Report* rankings and other sources for the oversupply of lawyers, then suggests ways to "deflate" the bubble and to improve lawyer satisfaction. During the meeting, Harper answered readers' questions and shared insights on everything from how his

former Kirkland & Ellis partners reacted to his criticism of big law firms, to whether he recommends law school to college students such as those in the undergraduate class he teaches at Northwestern University. A review of the book will appear in a forthcoming issue of the *Michigan Law Review*.

Book Club co-chairs Andy Doctoroff, David Fink, and Erica Fitzgerald welcome suggestions for the next book club selection and invite you to the next meeting in spring 2014.

Federal Youth Law Day

On November 7, 2013, the Thomas M. Cooley Law School, the Chapter and the Gerald R. Ford Presidential Library teamed up to host its 4th Annual Federal Youth Law Day at the Gerald R. Ford Presidential Library in Ann Arbor. Forty students from Ypsilanti Community High School attended the event for an opportunity to learn about various federal careers in the field of law. The day began with an inspirational keynote from Stephanie Davis, Executive Assistant U.S. Attorney for the Eastern District of Michigan. Students then heard from the Library's Chief Curator on Gerald R. Ford's legal career.

The bulk of the day consisted of breakout sessions to enable students to learn about different federal law-related careers. Students received presentations from

local FBI Agent Sean Nicol, as well as Brigadier General and Cooley Professor Michael McDaniel, who previously served as Deputy Assistant Secretary for Homeland Defense Strategy, Prevention and Mission Assurance at the Pentagon. The students also heard from two federal air marshals who, because of the undercover nature of their work, cannot be identified. Assistant U.S. Attorney Elizabeth Stafford spoke to the students about her work and the road to becoming an Assistant U.S. Attorney.

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Michael K. Lee, Michigan Court of Appeals Judge Mark T. Boonstra, David Chardavoyne, Jeffrey Sadowski, Judge Avern Cohn, Chief Judge Gerald E. Rosen, Alan Harnisch and Elisa Angeli Palizzi at the Holiday Party.

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



Author Steven Harper on Screen and Book Club Committee Co-Chairs Andrew Doctoroff, Erica Fitzgerald and David Fink

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

Federal Youth Law Day *(from page 3)*

Students also received important instruction on cyber crime and safety from former Assistant U.S. Attorney and Cooley Professor Patrick Corbett. The day concluded with a presentation by ATF Agent George Goodman and TSA Inspector John Spencer about their careers. Based on the “oohs” and “aahs” from the students, the day’s highlight was the ATF canine companion of Inspector Spencer. Despite the outstanding quality of every presentation, Agent Spencer’s bomb sniffing, tail wagging black lab mix stole the day.

Once again, the Library graciously donated its space for this day-long event. The Library’s generosity, combined with a \$200 grant from the Chapter, donations from Papa John’s and CVS and contributions from the Cooley Ann Arbor FBA Student Committee made the event possible.

After a welcome by Chapter President Michael K. Lee, Edward Kronk, Trustee of the Federal Bar Foundation and past Chapter president, presented the Rakow Scholarships. Since 1969, the Rakow Scholarships have been awarded to deserving students of Michigan law schools who demonstrate outstanding scholarly achievement in securities, corporation, or business law. This year’s recipients were:



Rakow Scholarship Recipients and Law School Representatives

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

- David R. Hughes, *Thomas M. Cooley Law School*
- Brett Novick, *University of Michigan Law School*
- Cameron T. Peralta, *University of Detroit Mercy School of Law*
- Evgeniya A. Shakina, *Michigan State University College of Law*
- Alex Szypa, *Wayne State University Law School*

Next was the presentation of the Rom Award, which honors individuals who have exhibited the highest level of overall excellence in the practice of bankruptcy law. Selection

Committee Chair Michael C. Hammer introduced the award, and Basil Simon presented the award to honoree David Allard of Allard & Fish, P.C. Mr. Allard, who passed away on October 6, was chosen for posthumous recognition because he embodied the award criteria. During his 40-year career, he represented nearly all parties to bankruptcy proceedings in Chapter 11 reorganizations and Chapter 7 liquidations, and since 1982 had been a member of the Standing Panel of Chapter 7 Trustees in the Eastern District of Michigan.

November 19 Event Sets Record Attendance

A record crowd of over 300 attendees gathered on November 19 at the Westin Book Cadillac Hotel in Detroit for the Edward H. Rakow Scholarship Awards Luncheon, presentation of the 2nd Annual Barbara J. Rom Award for Bankruptcy Excellence, and the Annual Meeting of the Historical Society for the U.S. District Court for the Eastern District of Michigan.



Judy Christie, Elisa Angeli Palizzi, Judge Avern Cohn, Jeffrey Sadowski, Brian Figot, Thomas Cranmer, Dr. Victoria Saker Woeste, Judge Terrence G. Berg and Michael K. Lee at Rakow Luncheon

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

New Lawyers Seminar 2013

On December 3-4, the Chapter hosted another successful New Lawyers Seminar at the Courthouse with some of the best federal and state legal talent in metropolitan Detroit providing an overview of both civil and criminal practice to over seventy of Michigan's newest lawyers. This was the 38th year for the New Lawyers Seminar, which is co-sponsored by the Chapter and the Young Lawyers Section of the State Bar of Michigan.

Chief Judge Gerald E. Rosen welcomed all the new lawyers on the first day of the Seminar, which focused on practice in the federal courts. Presenters provided practical advice as well as more detailed discussions of pre-trial, discovery and trial practice. On the practical side, attendees learned how to get through security, how to use the Court's electronic filing system, some fundamental do's and don'ts of practicing in the federal court from the judicial law clerks' perspective and what proceedings the magistrate judges handle. On the more substantive side, attendees heard from Judges Patrick J. Duggan and Marianne O. Battani about civil motion and trial practice in the federal court. They also heard from private practitioners Thomas McNeill and Mark Aiello about pre-filing pitfalls, initial disclosures and discovery, as well as pre-trial and final pre-trial proceedings in federal court. Stan Bershad gave a well-received overview of bankruptcy practice.

Addressing the criminal side of the docket, the new lawyers heard about grand jury practice from David DuMouchel and about criminal trial practice in general from Deputy

Federal Defender Leroy Soles, private practitioner Gerald Gleeson, II and AUSA Christopher Graveline. Deputy Federal Defender Richard Helfrick and private practitioner Daniel Manville addressed how best to provide effective

assistance of counsel to the indigent and pro bono work in general. The federal law portion of the seminar concluded with a swearing-in ceremony admitting the new attorneys to the Bar of the Eastern District of Michigan. Judges David M. Lawson and Arthur J. Tarnow presided over this ceremony with AUSA Rita Foley, Jonathan Karmo (Law Clerk to Judge Avern Cohn), and seminar co-chair Christine Dowhan-Bailey moving for the admission of the new attorneys.

The second day of the seminar focused on a how-to-do-it approach to practice in the state courts and began with welcoming

remarks from Hope Shovein, the Chairperson of the State Bar of Michigan's Young Lawyers Section. Attendees learned about the basics of civil practice in Michigan courts and case evaluations in the circuit courts from state practitioners Richard Hewlett and Timothy Wittlinger, as well as specifics about practice in the areas of probate and family court from attorney Lawrence Pepper. They also learned about practice in the areas of employment law, personal injury practice, workers' compensation, real estate transactions and domestic relations from Catherine Wenger, Albert Dib, Gary Parsons, Robert Berg and Ann Tobin-Levigne, respectively. They were given an overview

of a grievance proceeding by Grievance Administrator



Melanie Fradette, Michael Kiel, Jonathan Marlin, Magistrate Judge Paul J. Komives, Judge Arthur J. Tarnow, Christine Dowhan-Bailey, Wayne County Circuit Court Civil Division Chief Judge Virgil Smith, Cathrine Wenger, Travis Copenhaver, Erin Stafford, Adam Decker, Albert Dib, Jason Bulbuk and Brendan Frey at the New Lawyers Seminar

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



Coordinators and Participants of New Lawyers Seminar: Brian Figot, Theresa Serra, Brian Hartwell, Chief Judge Gerald E. Rosen, Thomas McNeill, Lauren Mandel, Magistrate Judge R. Steven Whalen, Cathrine Wenger and Christopher Graveline

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

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New Lawyers *(from page 5)*

Robert L. Agacinski and an overview of how a criminal case proceeds in State court by criminal defense attorney Michael Rataj. Between the morning and afternoon sessions, a luncheon took place at the beautiful ballroom of the Ft. Shelby Doubletree Hotel. The Honorable Virgil C. Smith, Third Judicial Circuit Chief Judge, acquainted the new attorneys with the “nuts and bolts” of practice in the Wayne County Circuit Court. He emphasized the importance of timeliness and proper attire in the courtroom and discussed the continuing modernization of court operations. Judge Smith spoke just two days before the end of his term as Chief Judge. He will be succeeded by the Honorable Robert J. Colombo, Jr.

The New Lawyers Seminar Committee Co-Chairs (Brian Figot, Grant Gilezan, Catherine Wenger, Theresa Serra and Christine Dowhan-Bailey) congratulate all the new lawyers on passing the Bar and being admitted to the State Bar of Michigan. We also thank the practitioners and members of the judiciary who took time away from their busy schedules to assist these new members of our legal community.

Focus On An FBA Member: Rick Helfrick Supervisory Attorney, Federal Defender Office By Michael J. Riordan*

One of the goals of the Federal Attorney Office (“FDO”) for the Eastern District of Michigan is to “provide vigorous and high quality representation to indigent defendants.” No one fulfills that mission more completely than Supervisory Attorney Richard M. Helfrick.

A native Detroit, Rick graduated from Wayne State University Law School in 1981. After spending twenty-one months as a staff attorney in the District Court, he joined the FDO on April Fool’s Day in 1983. Rick’s reasoning for becoming an indigent criminal defense attorney – “I just identified with the type of clients I would be serving.” And serve them well, he has.

Described as a “true professional” by AUSA Wayne Pratt, Rick took a winding road on his way to becoming a lawyer. After graduating from St. Luke’s grade school on Detroit’s west side, Rick’s parents sent him off to boarding school at Orchard Lake St. Mary’s in the hope that it “would straighten me out.” He lasted two-years with the Polish priests out in Oakland County. Rick then found his way down to Detroit Cass Tech and graduated in 1970. Not interested in matriculating beyond high school, Rick joined the workforce. He took a position selling Coca-Cola products and doing janitorial duties at Detroit’s legendary Grande Ballroom on Grand River Avenue, where the motto was “this place is louder than love.”

The upside of his time at the Grande was that Rick was able to stand at “the epicenter of the Detroit rock music scene.” Working there, he enjoyed the offerings of bands such as MC5, Iggy & The Stooges, Ted Nugent & The Amboy Dukes, Led Zeppelin, Cream, B.B. King, Janis Joplin, Pink Floyd and The Who. As Rick says, the “good times rolled” for about a year, until he was drafted into the U.S. Army. While not being called on to participate in the Vietnam conflict, he served as a medic at Fort Sam Houston in San Antonio. In 1973, with the Army no longer needing his talents, Rick returned home and enrolled in WSU Law School where he went on to earn a B.A. in ancient history. Finding “law was my only viable career option,” he enrolled at WSU Law School.

At the FDO, Rick has represented clients ranging from those accused of the most basic gun and drug crimes to defendants in the notorious “terrorism trial” and “Hutaree militia” cases. Calling them the most significant cases of his career, in 2004 terrorism-related charges against his client Karim Koubriti were dismissed and, in 2012, sedition charges were dismissed against Helfrick’s client, and Hutaree militia member, David Stone, Jr. While Rick enjoyed the challenges of those two high profile cases, Rick approached those matters no differently than any other indigent case he has handled over his thirty-years as a Federal Defender, saying, “I draw on my life experiences and give each and every client the best representation possible.”

Chief Federal Defender Miriam Siefer says that “what sets Rick apart from other criminal defense attorneys is his creativity. He has a unique way of looking at the facts of a case that suggest to him a defense or an avenue to pursue that others would simply overlook.” For example, says AUSA Pratt, Helfrick “once was defending a man who was alleged to have sold cocaine to retail customers, including exotic dancers. In his opening statement, Rick said ‘my client admits selling only gold jewelry to strippers ... hey, somebody has to do it.’ He had the jurors nodding their heads in agreement.”

In his free time, Rick enjoys kayaking on the boat that he and fellow FDO attorney Andrew Wise built, following the University of Detroit Titan basketball team and rooting for the Detroit Tigers. He also is there to support his two children, Philip, age 21, an MSU student who plans to attend medical school, and Talia, age 19, a student at Brandeis University in Waltham, MA, who plans to follow her dad into the law. Rick has served on numerous magistrate judge merit selection/retention panels in the Eastern District of Michigan, is a member of the Chapter’s board and is co-chair of the Chapter’s criminal law committee.

As U.S. Attorney Barbara McQuade commented, “Rick is a true professional who understands that we can be adversaries in the courtroom and colleagues outside. He can chat with you about last night’s Tigers game in the hallway, argue with you aggressively in the courtroom and

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Rick Helfrick (from page 6)

then go back into the hallway with you to discuss tonight's pitching match up."

True to the mission of the Federal Defender Office, the U.S. Attorney said, "He always represents his client diligently and proactively to ensure not just a good result but the fair administration of justice." Judge Sean F. Cox echoes those sentiments, "Rick is an excellent, effective defense attorney who works very hard for his clients."

Rock on Rick.

**Judge of the Michigan Court of Appeals, former Assistant United States Attorney, and past-Chapter President.*



Court Administrator Dave Weaver

I am happy to report that the Court will be launching its redesigned website soon after the New Year. If you have been to our current site, you know it is full of good information, but the overall organization and presentation is

looking a bit long in the tooth.

Several years ago, the Judicial Branch Committee of the Judicial Conference established an Ad Hoc Subcommittee on New Media (or the JBCJCAHCNM for short...). One of the goals of the ad hoc committee was to consider "... whether the information/content on court Internet websites is easily understood to users and is displayed accurately, clearly, consistently and timely."

To meet this goal, the Administrative Office has made development tools and website templates available to all courts. Though local variations are permissible, many courts have moved to these new design templates which have made it much easier to find similar information when visiting different websites throughout the Judiciary. To get an idea of what the new site for the Eastern District of Michigan will look like, you may want to look at the Western District of Wisconsin at www.wiwd.uscourts.gov, which is a good representation of the template being implemented across the Judiciary.

We will be demonstrating our new site and obtaining feedback from the Bar and public. If you are interested in reviewing and commenting on our new site, please send me an email at david_weaver@mied.uscourts.gov.

In 2014, we will see a great deal of change in the Court. We currently have 22 district judges - 11 senior and 11 active district judges. There are four district judge vacancies that we anticipate being filled in the near future,

which will bring us to 26 district judges. We will also have at least two changes on our magistrate judge Bench. Magistrate Judge Laurie J. Michelson is one of the four district judge nominees, whose appointment will create a new magistrate judge vacancy. In the Northern Division, Magistrate Judge Charles E. Binder will be retiring in April 2014. Patricia T. Morris has been selected by the Bench as Magistrate Judge Binder's successor, pending a required FBI background check.

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

Law School Motion Days

The Chapter has hosted three motion days at law schools in the past few months. The first, on October 29, was held at the University of Detroit Mercy School of Law and was attended by over 100 students, at least fifty of whom joined the Chapter at the event.

Judge Patrick J. Duggan presided over the motion call where motions in two cases were heard. The first matter was a civil rights lawsuit arising from the death of an infant in foster care. In addition to hearing oral argument on whether the foster parent qualified as a state actor, students listened to a discussion regarding several immunity defenses. Paula A. Aylward, attorney for the foster mother, eloquently explained the sometimes complex and varied legal issues for the students.

Next the students heard argument on a motion to remand a matter to state court, which covered such issues as removal procedure, federal subject matter jurisdiction, and standing. The motion was a fortunate selection for hearing at the motion day, as the Chapter's President, Michael K. Lee, represents one of the parties!

All attorneys participating in oral argument at the motion call were well prepared and demonstrated fine oral advocacy skills for the students. Following the arguments, Judge Duggan spoke to the students and a description of the benefits of FBA membership was shared.

Then, on November 13, the Thomas M. Cooley Law School-Ann Arbor campus hosted Magistrate Judge David R. Grand as he held two motion hearings. Forty students, faculty, and staff took advantage of the opportunity to observe attorneys argue a motion for summary judgment and motions in limine in front of Magistrate Judge Grand.

Before the motion call, the Cooley-Ann Arbor Student Federal Bar Association hosted a catered lunch for 31 students, faculty, and staff in addition to Judge Grand and his staff. During lunch, Judge Grand spoke to the students about the importance of motion practice.

Finally, the Chapter again hosted a motion day at the University of Michigan Law School for the benefit of law students there. Judge George Caram Steeh held oral

argument on three motions in 100 Hutchins Hall at his alma mater on November 14, where the civil procedure classes of professors Dan Hurley and Ed Cooper watched live motion practice in lieu of class.

The students heard argument on a motion for summary judgment in a §1983 case involving the fatal shooting of a 14 year old by a Pontiac police officer; a motion to dismiss in a business case involving allegations of fraud; and a motion to remand in a breach of contract case. The cases presented a variety of procedural issues and argument for the students to observe, which they appeared to enjoy—many students of the first morning class stayed long after its dismissal time to watch the second and third motion arguments take place! The students had the opportunity to read the pleadings before motion call; the fact that many

of them did so was made evident by the great questions they asked of both the lawyers and Judge Steeh following argument. It was a great experience for all.



Mark Aiello, Judge Nancy G. Edmunds, Jeffrey Sadowski, Magistrate Judge Mona K. Majzoub and A. Michael Palizzi attend the Complex Litigation event

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

Complex Litigation Committee Continues Seminar Series

The Chapter's Complex Litigation Committee hosted the latest in its series of seminars designed to give federal practitioners substantive and practical thoughts and advice from the judges who preside over complex cases.

The seminar, held on October 29, 2013, at the Courthouse, featured a panel discussion. The panel featured Judge Nancy G. Edmunds and

(continued on page 11)

How can I fix my IT costs?
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Complex Litigation *(from page 9)*

Magistrate Judge Mona K. Majzoub. Judge Edmunds and Magistrate Judge Majzoub discussed best practices for pretrial proceedings in a complex case. They addressed a wide array of topics, including pretrial motion briefing, oral argument, interactions between the district judge and assigned magistrate judge, and settlement conferences.

The panel offered practical advice from the bench and gave practitioners a rare and unscripted glimpse into how district and magistrate judges approach various issues. The judges discussed specific practices they find helpful and not-so-helpful and gave suggestions for dealing with a host of thorny issues lawyers routinely face. The discussion was moderated by Mike Palizzi, Jeff Sadowski, and Mark Aeillo, and then opened for questions.

The seminar was very well-attended and all found the discussion extremely practical and valuable. The Complex Commercial Litigation Committee is in the planning stages for its next seminar – keep watching the eBlasts for the latest updates.

Chapter Co-Sponsors Public Integrity Summit

Transparency in government was a common theme at a public corruption summit convened by the Chapter and others on October 21 at Wayne State University Law School.

The *Michigan Chronicle*, Wayne State University Law School and the U.S. Attorney's Office joined in organizing the summit, entitled "Building an Honest and Open Government in Detroit: Why Public Integrity Matters." The summit explored lessons learned from the recent conviction of former Detroit Mayor Kwame Kilpatrick and 30 of his associates.

Moderators included former Chapter President Tom Cranmer and Channel 7 Editorial Director Chuck Stokes.

"We all want to put the Kilpatrick prosecution behind us and move on to a brighter future," said U.S. Attorney Barbara McQuade. "But it's important to learn lessons from this experience to ensure the honest government we need for our city to thrive."

Panelists discussing public corruption investigations included Assistant U.S. Attorney Mark Chutkow, FBI Supervisory Special Agent Bob Beeckman, Detroit Inspector General James Heath and former City Council Member Sheila Cockrel. Beeckman urged citizens with information about public corruption to come forward and report it, noting that businesses that cooperated in the Kilpatrick investigation became witnesses, while those who did not cooperate became defendants. Heath noted that the City of Detroit has already made improvements to transparency in government by enacting an ethics

ordinance that bans gifts and requires disclosure of conflicts of interest.

Another panel, focusing on the impact of public corruption on stakeholders, featured Detroit Regional Chamber Executive Director Sandy Baruah, AFL-CIO President Karla Swift, Wayne State University Law School Dean Jocelyn Benson and Rev. Bertram Marks, General Counsel for the Council of Baptist Ministers. Dean Benson emphasized the importance of an engaged citizenry to hold our public officials accountable.

A panel of local media members, including Detroit Free Press editor Paul Anger, discussed the role of the media as watchdogs of government. They also discussed their role as gatekeepers, deciding whether and when to publish a story that might harm a public official's career.

The program concluded with a conversation between *Michigan Chronicle* Senior Editor Bankole Thompson and Quicken Loans CEO and Wayne State Law School alumnus Dan Gilbert on a vision for Detroit's future, which requires honest government. Gilbert said that he thought that Detroit's success required both a strong business community downtown and strong neighborhoods. He discussed his personal commitment to removing blight and tearing down vacant buildings in Detroit.

A Glimpse Into the Grand Jury

Usually, the only people who see the inside of a grand jury room, other than the grand jurors themselves, are prosecutors and grand jury witnesses, including agents. The grand jury is one of the central and unique protections of our criminal justice system. It guarantees a measure of democracy and fairness in the criminal charging process. But in order to have the freedom and sanctity necessary to do its job well, it must remain mostly secret. As a result, most people have little idea what actually goes on in the grand jury room.

On October 22, the Chapter's Civic Outreach Committee and its Criminal Law Committee teamed up to host a special lunch program with two goals in mind; namely, to shed light on the grand jury process, and to honor two lions of Detroit journalism who have spent decades getting these facts right – David Ashenfelter and Joe Swickard. Speaking to an audience that included United States Attorney Barbara McQuade and a number of leading local broadcast and print journalists and lawyers, an all-star panel led the program.

Chief Judge Gerald Rosen started by opening the grand jury room for a rare tour (without the grand jury, of course!). This was a special treat, since most of the audience – including defense lawyers – had never seen the room before. Though it might seem unremarkable to those most familiar with it, the room offered others a chance to get a feel for the process within the very environment where

(continued on page 12)

Grand Jury *(from page 11)*

grand jurors spend so much time deliberating such weighty matters. A picture might be worth a thousand words, but a chance to experience the room in person is even better.

The group returned to the Courthouse conference room, Room 115, for a vibrant discussion led by former long-time Eastern District Criminal Division Chief, Professor Alan Gershel. In turn, the panelists Chief Judge Rosen, Judge Robert H. Cleland, Judge Terrence G. Berg, Court Media Officer Rod Hansen, current Criminal Division Chief Daniel Lemisch, Assistant Federal Defender Loren Khogali, and private defense attorney George Donnini each took time to explain different aspects of the process.

While the federal judges commented on empaneling the jury, generally overseeing deliberations, and addressing legal issues during the process, Mr. Lemisch spoke about how the government considers what charges to levy and goes about putting on its case. From the defense view, Ms. Khogali and Mr. Donnini discussed the information available to grand jury witnesses and offered tips about how to represent clients. An award-winning journalist himself, Mr. Hansen provided insights about how the media can do its job well while respecting the integrity of the process.

Spanning two hours, the program offered time for detailed questions and engagement by the audience. With appropriate decorum and respect for secrecy, the panel provided a candid and incisive glimpse into the inner workings of the grand jury.

Roughly mid-way through this lunch program, the panel and the audience also took time out to thank two Pulitzer Prize winning writers who have faithfully covered federal criminal proceedings in Detroit for decades. The Chapter was pleased to present large plaques to Mr. Ashenfelter and Mr. Swickard, containing full-color reprints of their co-authored article about the grand jury's indictment of former Mayor Kwame Kilpatrick. In presenting these plaques, Chief Judge Rosen offered thoughtful remarks about Mr. Ashenfelter's unique service to journalism, while Judge Cleland commented on Mr. Swickard's unending commitment to learning his craft and to taking the necessary time and care to understand

the details. Strong reviews of the program suggest that these honors and plaques stood out among the honorees' many awards, offering them a special, personal and well deserved recognition.

The Chapter is proud to work together with the federal bench and bar to put together these unique programs.


The panel was one that would be the envy of bar organizations across the country, and we were lucky to have their participation. Also, this kind of view into the grand jury process is rare, and the audience greatly appreciated the Court's willingness to explain and open the grand jury process. Special thanks also go to the many organizers of the event, including Saura Sahu, Hala Jarbou, Richard Helfrick, Eric Doeh, Bradley Darling, Matthew Schneider, Brian Figot, and Joe Richotte.

The Chapter intends to continue to put on these media-related events in



Alan Gershel, Loren Khogali, Judge Robert H. Cleland, Chief Judge Gerald E. Rosen, Daniel Lemisch, George Donnini and Judge Terrence G. Berg at the Grand Jury event


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



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an effort to improve the general public's understanding of the federal judicial system. We welcome suggestions for future topics, as well as your involvement in the planning and preparations.

Pro Bono Training

On October 30, the Chapter's Pro Bono Committee, District Court Committee on Pro Bono, and the State Bar of Michigan held training on "Litigating Civil Prisoner Rights Cases" in Room 115 of the Courthouse. Many attorneys and law students attended the live event.

The participants were welcomed by Judge Denise Page Hood and Chapter President Michael K. Lee. Panelists from the Court included Magistrate Judges R. Steven Whalen and Mark Randon, and Court Administrator David Weaver. Panelists from the Bar included Professor Paul Reingold, Professor Dan Manville, who are noted statewide experts in prisoner rights litigation, Valerie Newman of the State Appellate Defenders Office, and attorneys Dan Quick, Michelle Heikka, Joe Richotte, and Rick Lara. Other expert panelists were Richard Stapleton, and Pete Martel of the American Friends Service Committee. Participants learned the basic elements of Prisoner Rights litigation, as well as heard from experts in the field and volunteer attorneys. Participants also received information from the bench regarding settlement, the roles of magistrate judges, and how to be reimbursed for costs. The event closed with remarks from Chief Judge Gerald E. Rosen.

The event was recorded by Bienenstock Court Reporting pro bono, and will be available through the Pro Bono Council and in the District Court Library.

Health Care Reform Seminar

The seminar "Health Care Reform: Preparing for 2014 and Beyond," presented by the Chapter's Health Care Committee on October 16, 2013, was an overwhelming success, garnering many positive reviews from the approximately 50 attorneys and other professionals in attendance. The seminar focused on the Affordable Care Act, the most significant piece of litigation affecting health care since the advent of ERISA in 1976.

The primary presentation, given by Kathryn L. Bakich, was very well received by those in attendance. Ms. Bakich, Vice-President and National Health Compliance Practice Leader at the Segal Company, is a nationally recognized speaker on health care compliance. Ms. Bakich discussed issues concerning health care coverage on the Exchange, individual premium assistance tax credit, shared responsibility for employers (Pay or Play), shared responsibility for individuals (Individual

Mandate), various fees, and the Cadillac Tax. Attendees were impressed with her depth of knowledge and insights regarding this complex area of law.

The audience also heard from Erin Knott, the Michigan State Director for Enroll America. Ms. Knott primarily discussed the challenges individuals were experiencing in the enrollment process for coverage on the Exchange.

Any individual interested in submitting topics to the Health Care Committee for consideration for future seminars is encouraged to contact any Committee member (contact information can be found on the FBA website, www.fbamich.org).



John Nussbaumer, Paul Reingold, Heidi Naasko, Daniel Manville, Judge Denise Page Hood, David Weaver, Michael K. Lee and Peter Martel at Pro Bono Training

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



Abraham Singer, Jacqueline Asher Kelly, Kathryn Bakich and Michael Pappas at Health Care Reform Seminar

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

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Calendar of Events

- Feb. 20** **Wade H. McCree Award Luncheon**
Keynote Speaker:
Hon. Bernice B. Donald
Award Recipient: NOMINATIONS
ACCEPTED UNTIL JAN 31
Members: \$25 | Non-Members: \$35
Westin Book Cadillac Hotel
11:30 A.M. Reception
12:00 P.M. Luncheon
- Mar. 20** **State of the Bankruptcy Court Luncheon**
Atheneum Hotel
11:30 A.M.
- Mar. 27** **Trial Practice Mentoring -
Introductory Session**
First of three-part program for newer
lawyers to hone their trial skills under the
tutelage of experienced practitioners
Theodore Levin U.S. Courthouse, Room 115
Late afternoon, early evening
Followed by all-day sessions on March 31
and April 1
- May 1** **Law Day at The Courthouse:
A Downtown Tradition**
Welcoming your staff, clients and
downtown neighbors to visit the
Courthouse and the Judges. Live
demonstrations, such as bomb-sniffing
dogs and tours of the Courthouse.
It's becoming a tradition! Don't miss it
this year.
Theodore Levin U.S. Courthouse
11:00 A.M. - 2:00 P.M.
- May 15** **First Annual Labor Law Symposium**
Thomas M. Cooley Law School,
Auburn Hills Campus
SAVE THE DATE: DETAILS TO FOLLOW

**Updates and further developments at
www.fbamich.org
See "Hot News" and "Events & Activities" Online
registration available for most events.**

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