



FBA newsletter

Winter 2015

Federal Bar Association - Eastern District of Michigan Chapter - 57 years of service to our Federal Bench and Bar

Kevyn Orr to Keynote McCree Award Luncheon

The Chapter will hold its annual Wade Hampton McCree, Jr. luncheon on Thursday, February 26, 2015, 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. This year's McCree Award recipient will be John Van Camp, President and CEO of Southwest Housing Solutions.

The keynote speaker will be the former Emergency Manager for the City of Detroit, Kevyn Orr. Orr has had a long career in both private practice and public service. Before becoming the Emergency Manager, Orr was a partner at Jones Day where he specialized in the areas of bankruptcy and business restructuring. He previously worked in the United States Trustee's Office, where he served

first as the deputy director of the Executive Office for United States Trustees and later as the director of the United States Trustees Program. Orr also worked at the Federal Deposit Insurance Corporation and was the assistant general counsel for complex litigation and bankruptcy at the Resolution Trust Corporation. He started his career at a Miami law

*(continued on
page 2)*

President's Column

Thomas M. Schehr



The Chapter is poised to begin 2015 with a robust slate of programming and an excellent keynote speaker, Kevyn Orr, for the McCree Luncheon scheduled for February 26. This follows a strong Fall, including our well-attended State of the Court and Rakow/Historical Society Luncheons, the Holiday Party, and excellent programming.

Before discussing the upcoming events, however, I want to note the passing of our Immediate Past President Michael K. Lee, who passed away on November 4, 2014 at the age of 53.

Michael did a wonderful job as President of the Chapter. He carried himself in a dignified, understated manner that commanded the respect of everyone who knew him. Under Michael's leadership, the Chapter was as strong as ever. The Chapter put on over 40 programs, was fiscally responsible, and had a strong membership. The National FBA awarded our Chapter the Presidential Excellence Award for Michael's year as President, which is the highest category of award conferred by the National FBA. Michael was a true gentleman and friend, and we at the FBA are better people for having known him.

Looking forward, the Chapter is poised to have a strong 2015. We kick off the year with several excellent programs in January, including a January 14 presentation by Professor Robert Sedler of Wayne State University Law School regarding federal jurisdictional principles; a January 23 "Meet the Judges" event, at which the bar will be introduced to the four new members of our bench: Judges Matthew F. Leitman, Judith E. Levy, Laurie J. Michelson, and Linda V. Parker; and a January 28 webinar regarding the new Federal Rules of Civil Procedure.

On February 10, the Chapter will hold a seminar on discovery of electronically stored information in a civil case.

(continued on page 2)

WINNER
12 YEARS
National FBA
Outstanding
Newsletter
Award

INSIDE THIS ISSUE

Tribute to Michael K. Lee	pg. 2-3
Dave Weaver	pg. 3-4
Reflecting on Magistrate Judge Komives's Service	pg. 4-5
Judge Rhodes Honored	pg. 6
Holiday Party	pg. 6
New USPTO Trial Proceedings	pg. 6-7
New Lawyers Seminar	pg. 7-8
50th Anniversary of Civil Rights Act Commemorated	pg. 8
Book Club	pg. 8-9
Rakow and Historical Society Luncheon	pg. 10
Magistrate Judge Morris	pg. 11-12
Power Lunch	pg. 12
iPads in Practice	pg. 12,14
Luncheon Sponsors	pg. 13
McNeill Honored	pg. 15
Calendar of Events	pg. 15

President's Column (continued)

The seminar, to be held in Room 115 of the Levin Courthouse, will include a panel presentation by judicial officers who crafted the Eastern District of Michigan's recently approved "Model Order Relating to the Discovery of Electronically Stored Information" and "Checklist for Rule 26(f) Meet and Confer Regarding ESI." On February 19, the Chapter's Appellate Section and the State Bar's Appellate Section are hosting a program on appellate advocacy at the University of Michigan Law School in Ann Arbor. The event will begin in the afternoon and will conclude after an early strolling dinner. The program will consist of a modified moot court, with three panels of judges from the Sixth Circuit and Eastern and Western Districts of Michigan hearing civil and criminal cases.

We are enthusiastically anticipating our annual Wade Hampton McCree, Jr. Luncheon on February 26, 2015, at which the keynote speaker will be Kevyn Orr, the former Emergency Manager for the City of Detroit. Mr. Orr did a remarkable job as the Emergency Manager and is an excellent speaker.

We are accepting nominations for the Wade H. McCree, Jr. Award for the Advancement of Social Justice, which honors individuals or organizations who have significantly contributed to the advancement of social justice. The McCree Award will be conferred at the McCree Luncheon on February 26. Nominations are due by February 1.

We expect a large crowd for the McCree Luncheon, not only because of Mr. Orr's appearance and the McCree Award, but also because we have secured 43 Luncheon Sponsors for this FBA year, which is a record for our Chapter. Kudos to our Program Chair, Saura Sahu, and our Executive Director, Brian Figot, for their efforts in rounding up the sponsors. We truly appreciate the support of our sponsor firms, without whom the Luncheon Program would not be possible.

In addition, our annual Golf Outing/Bench-Bar Social is set for June 8, at the Detroit Golf Club. For more details on these events, please check our website at www.fbamich.org.

Last but not least, it is not too early to submit nominations for the Leonard R. Gilman Award, which is awarded annually to a practitioner of criminal law who exemplifies the excellence, professionalism, and commitment to public service of Len Gilman, former United States Attorney for the Eastern District. The Award will be conferred at the Chapter's Gilman Luncheon in the Spring. The Chapter is also accepting nominations for the Julian Abele Cook, Jr. - Bernard A. Friedman FBA Civility Award, which will be awarded at the Chapter's Annual Dinner in June. For more information about these awards and the criteria, please visit our website.

Award *(from page 1)*

firm. Orr earned his undergraduate and law degrees from the University of Michigan.

For those affiliated with organizations that are sponsors of the 2014-15 Luncheon Series, tickets likely are available through your organization. For others, the luncheon is \$25 for members and \$30 for non-members. Tickets are available on-line at www.fbamich.org.

A Tribute to Michael K. Lee by Judge Mark A. Goldsmith

Michael K. Lee had an informality about him. He never put on airs or took himself too seriously. However, he was anything but casual about life. He cared deeply about people, leaving a profound impression on everyone he met.

I met Michael on the fringes of the political arena. At political fundraisers you would meet essentially two

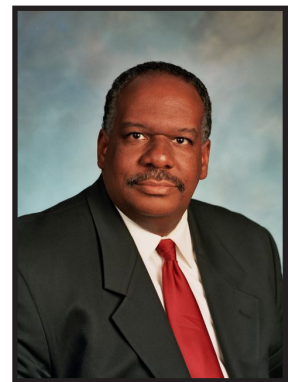
types – those seeking personal advancement and true believers. Michael was clearly in the latter category.

He was an unapologetic liberal, believing deeply that government could play a constructive role in assisting those who were disadvantaged by limited education and income.

That core value propelled him into a career representing teacher unions. He saw the public school system as the gateway out of poverty and deprivation for some of the most vulnerable in our society. By protecting the rights of teachers, he viewed himself as protecting the future of their pupils.

That he would end up protecting teachers' rights was not surprising. After all, it was an elementary school teacher who had inspired young Michael to make the law his career when she told him that he would make a good lawyer. As he later recalled in a 2011 Legal News article, "I didn't know any lawyers, but I liked and trusted this teacher, so if that was what she thought, then I believed her." Acknowledging the life-changing influence one person can have, he reflected: "It is impossible to overestimate the effect that teachers can have on their students."

Opening up avenues of education for the



Michael K. Lee

disadvantaged was the motivation for Michael's proudest professional achievement: preparation of an amicus brief for the Michigan Education Association in support of the University of Michigan's admissions process, which came under challenge in the *Gratz* and *Grutter* litigation.

Michael labored tirelessly against discrimination. Inside the courtroom, he represented victims of employment discrimination; outside the courtroom, he devoted countless hours to organizations championing social justice. He served as board chair of the local chapter of the Urban League and was tapped, as well, for the board of trustees of the national organization. His service was cheerful repayment of a debt owed to that group; it was the Urban League that had found a job for his father when he had moved to Detroit from Arkansas, as part of the great African American migration of the 1930s and 1940s.

Michael believed passionately, as well, in the vital role bar associations can play. He served in leadership positions with the D. August Straker Bar Association (past president), Oakland County Bar Association (board member), and the State Bar of Michigan (Labor and Employment Law Section Council chair).

His most recent leadership position was as FBA Chapter president. It was in the FBA setting that I knew Michael best. As chapter president, I had encouraged him to join the organization and accept appointment as co-chair of our social justice committee. He did so and was later elected to the board and ultimately assumed the president's gavel.

I knew his exemplary professionalism would greatly enhance the organization. Michael's intelligence, civility, and love of the law made him an ideal candidate for leadership. He did not disappoint.

Long-time Chapter executive director Brian Figot reflected on their close association during Michael's presidential year:

"There were three things you always knew about Michael: Even if you were a little bit early to a meeting, he would be there when you arrived because he had respect for your time; he was always well-spoken and well-dressed because he respected himself; and he never made an unkind statement about anyone, because he had more than just a sense of civility – it was part of his very nature. It was more than just collegiality – I believe he genuinely liked people and loved humanity."

Chief Judge Gerald E. Rosen fondly recalls Michael's contribution to the FBA, the legal community, and beyond:

"Mike Lee was a widely respected leader in our legal community and the larger community, particularly in the area of civil rights. He mentored many young lawyers and served effectively and with distinction as a leader of numerous bar associations, most recently as President of the Eastern District of Michigan chapter of the Federal Bar

Association. The high regard our Bench held for Mike was reflected most recently when we appointed him to co-chair the Magistrate Judge Selection Committee which recommended the two most recently appointed Magistrate Judges to our Court. Mike's leadership and strong voice for justice and equality will be greatly missed, and our Court expresses its deepest condolences to his family, many friends and colleagues."

And then Michael was gone.

The shock of his passing retains its sting. How could a relatively young man, with so much more to give, been taken from us?

This sad imponderable must ultimately give way to a feeling of gratitude. We must all be thankful for the time he was granted – and the time we were granted...to be guided by his wisdom and ennobled by his spirit.

His memory will forever be a blessing.



Court Administrator Dave Weaver

I am happy to report that our two newest judicial officers have been sworn in and are hard at work. Magistrate Judge Elizabeth A. Stafford was sworn in on November 17, 2014, and Magistrate Judge Anthony P. Patti was sworn in on January 5, 2015. Just when I thought things would quiet down a bit on the judicial front, we learned that there will be a magistrate judge vacancy at our Flint location in December 2015. The Bench has taken the initial necessary steps to fill the upcoming vacancy when Magistrate Judge Michael J. Hluchaniuk retires at the end of his term on December 23, 2015. Much more information to follow over the next few months.

The Bench has approved a new set of ADR Local Rules which will take effect on February 1, 2015. This represents a comprehensive update and expansion of ADR opportunities available in the Court. A notice and link on our website will guide you to the new rules, and I encourage you to become familiar with them in anticipation of their effective date.

As you know, Judge Paul V. Gadola passed away in late December 2014. I was fortunate to have had the opportunity to work with and serve Judge Gadola. He was a most genuine and generous person, and I enjoyed many discussions with him over the years, many of which had nothing to do with the Court. He told wonderful stories about his life and the interesting relationships he had, such

(continued on page 4)

Dave Weaver (from page 3)

as with his good friends Ronald and Nancy Reagan. Even better, Judge Gadola was a graduate of and strong supporter of Michigan State University and the Spartan Marching Band. He was quite happy to learn I was both an MSU graduate and a member of the Band, which gave us even more to talk about!

Remember, if you have any comments, questions or suggestions, do not hesitate to contact me at: david_weaver@mied.uscourts.gov.

Reflecting on Magistrate Judge Paul J. Komives's 43 Years of Service to the Court

On January 6, 2015, after nearly forty-four years of service to the Court, U.S. Magistrate Judge Paul J. Komives retired. He was one of the first Magistrate Judges in the United States and is the longest serving Magistrate Judge in the history of this country.

It is challenging to comprehensively pay tribute to such a tenure. Even so, Margaret Davis, one of the Judge's former law clerks, did so in the Summer 2002 edition of this Newsletter. In her article titled, "A Gentleman and a Jurist - Magistrate Judge Paul J. Komives," Maggy wonderfully told the story of Judge Komives's legal career, beginning with his graduation from the University of Michigan Law School (1958) and continuing with acknowledgment of his time at the Department of Justice (1958-1961), as an Assistant United States Attorney in the Eastern District of Michigan (1961-1966), as a Special Prosecutor in Wayne County Circuit Court (1966-1967) and as a private

practitioner (1967-1971). She also covered some aspects of Magistrate Judge Komives's then thirty-one year career as a judicial officer, which began in February 1971.

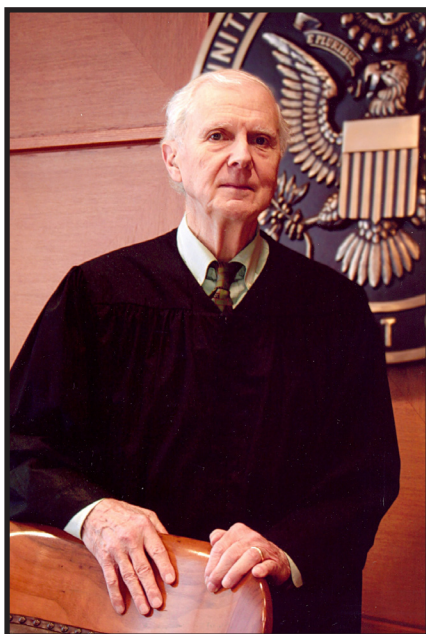
In another attempt to encapsulate Magistrate Judge Komives's career, this Court and its Historical Society interviewed the Judge in January 2006 for the Court's Oral History Program. Here, Magistrate Judge Komives discussed with Judith K. Christie everything from the Judge's parents' arrival in this country during the early 1920s through his impressions of what was then a nearly thirty-five year judicial career.

Now, in celebration of Magistrate Judge Komives's retirement, some of his former law clerks offer their

observations of such a great judicial officer. For example, Nathaniel Abbate (1982-1983), the Judge's first law clerk, offered his impression of Judge Komives on the bench: "If *Black's Law Dictionary* had an entry for 'Ideal Judicial Temperament,' it would undoubtedly include Paul Komives's picture. The only time I ever appeared before Judge Komives, years after my tenure as his first law clerk had ended, I was called to defend against my opposing counsels' motion to set aside a \$4 million mediation award my then-firm had obtained on behalf of a Saudian Arabian arms merchant. In ruling against me, Judge Komives was not only absolutely correct, but he also did so in a way that demonstrated his keen intellect in such a gentlemanly manner that I didn't feel the sting until I got back to my office and reported to the managing partner. There probably isn't a lawyer on earth who deserves to win every motion or

every trial, but as far as Judge Komives treated everyone before him, there wasn't a soul who didn't deserve to be treated with the utmost dignity and respect."

Maggy (1987-1989) reflected upon her relationship with Judge Komives. "The Judge has always been there for me to provide professional and personal advice as I



Magistrate Judge Paul J. Komives

Photo by Howard Christie.

HANSON RENAISSANCE

COURT REPORTERS & VIDEO

progressed from young lawyer to new AUSA; and as a more ‘mature’ DOJ lawyer.” She adds, “after I moved to D.C., when he came to town he would contact me for lunch. Seeking to impress ‘My Judge,’ on one occasion, I made reservations at an open air rooftop restaurant overlooking the White House and South Lawn. Well into our lunch, lo and behold, the helicopters appeared in the distance making their distinctive ‘swooshing’ sound. Judge Komives watched with some awe as the President of the United States flew past our lunch site and landed on the South lawn, as though it was all for the Judge’s benefit. The Judge laughed hilariously when I told him, ‘Those guys are in big trouble, I told them to be here 30 minutes ago!’ Apparently, the Judge saw through my feeble attempt to impress him.” In Maggy’s opinion, “the Judge has always been a pillar of grace and dignity; no matter the circumstances. We all have hopes and goals in life and disappointments. The Judge, through his example, always demonstrated that he was willing to go with God’s plan and enjoy it. That example has lifted me and others throughout our lives as well.”

In another reflection, Stacey Studnicki (1991-1993) described the Judge as a law review author. “At the time of my clerkship, Magistrate Judge Komives taught at the Detroit College of Law and co-wrote the Criminal Procedure Survey Article for the Detroit College of Law Review with Professor Jack Apol. Their article encompassed all of the criminal procedure cases published by the Sixth Circuit in a given year, as well as habeas corpus cases decided by the Court. As a result, they literally had hundreds of cases to read and summarize for the article. Professor Apol would stop by Magistrate Judge Komives’s chambers to pick up his stack of cases and comment that he was working his way through them, but it would take a while due to the volume. When it came time for Magistrate Judge Komives to write his half of the article, he would sit at his large library table in his office, with the huge stack of cases before him, and begin writing, by hand, summaries of each case. Amazingly, he would sit there until he summarized every single case, all in one afternoon. He completed in a few hours a task that would take days for most people. I was honored to co-author the 2001 Criminal Procedure Survey Article with Magistrate Judge Komives and Professor Apol for the Detroit College of Law Review, and co-author the 1991 Administrative Law Survey Article with Magistrate Judge Komives for the Wayne Law Review. Magistrate Judge Komives was able to complete his portion of the articles so fast, because he had already read each case as it was published by the Sixth Circuit. I witnessed first-hand his knowledge of the law and his prolific writing skills, and I had a great experience as his law clerk.”

Susanna Peters (1994-1995) commented, among other things, on the Judge’s incredible memory. “As you know he is, and was, a wonderful ‘boss.’ I learned a tremendous

amount from him both about how to think about the law and how to write clearly and concisely. His opinions were meticulous, beautifully crafted and thoughtful. He has an amazing memory too I will always remember the way he recalled cases by volume and page number. He would say, ‘well did you think about X?’ And then walk over to one of the bookcases, pick out a book, and just hand it to me opened to the precise page. Even his criticisms were constructive and kind. Really, I cannot think of a better model for a Judge than Paul Komives.”

Jane Marshall (1997-1999) was impressed by Judge Komives’s human nature. “I am so grateful for my experience clerking for Judge Komives. He’s an intelligent, caring jurist who always showed patience and respect to anyone who came into his court. He is a wonderful mentor and role model for how to practice law with integrity, and how to have a meaningful career and life.”

Bryan Schneider (1995-2015), the longest serving of the Judge’s law clerks, writes: “It was my great fortune to serve as a law clerk to Magistrate Judge Komives for 19 years. No one could have asked for a better mentor. His intelligence and studious knowledge of the law, combined with his gentlemanly demeanor, made him the epitome of what a judge should be. Judge Komives made me a better lawyer and a better person, and I am forever grateful for the opportunity I had to learn from him on a daily basis.”

Christina Farinola (1999-2015) was a career law clerk to Judge Komives for nearly sixteen years leading up to his retirement. “I appreciate many things about Judge Komives. When I became a lawyer in 1999, he was my first boss. I remember early in my clerkship expressing concern about the length of time it was taking me to work on an Arbitration Act case, and his response encouraged me to focus on getting it right. He is also incredibly humble. When Maggy wrote her article in 2002, I had been working for the Judge for three years, yet it was the first time I learned that during his time in Washington, D.C., he regularly attended meetings with Attorney General Robert F. Kennedy. I could go on and on about how much he meant, and will continue to mean, to me. However, I would be remiss if I didn’t mention here how much he valued his staff. I always treasured a comment that I had done a nice job drafting an opinion, but it was really special to me when the eldest of his three daughters told me that the Judge thought of me as a fourth daughter. I, too, think of him as a member of my family. I will be forever grateful for having grown up as a lawyer under his tutelage.”

Thank you, Judge Komives, for your many years of public service and for the wonderful impressions you have left upon this Court, your colleagues, your staff and the entire legal community.

(continued on page 6)

Bankruptcy Judge Steven W. Rhodes Honored

On December 11, over 450 members in the bankruptcy community gathered at the Roostertail to honor Bankruptcy Judge Steven Rhodes' 29 year tenure on the bench.

Judge Rhodes' long career was capped by him presiding over the City of the Detroit bankruptcy proceeding. Numerous organizations, including the Chapter, law firms and individuals, helped to underwrite the event. All of the net proceeds are being donated to the Access to Bankruptcy Court fund, a 501(c)(3) organization and a recognized Access to Justice fund of the State Bar of Michigan, which assists indigent debtors who file for bankruptcy.

The evening was a great success as friends, family, and colleagues came from across the country to honor Judge Rhodes.

He was presented with a classic guitar as a gift from his band, *The Indubitable Equivalents*, a watch from Shinola, a proclamation from Governor Rick Snyder and an award from the *Detroit Free Press*.

Holiday Party

The Chapter threw its eighth annual Holiday Party on December 4 at the Westin Book Cadillac Hotel. In addition to the traditional merriment, attendees enjoyed the Court Historical Society's presentation of the "Avern Cohn Award for Excellence in the Collection, Preservation and Interpretation of Michigan Legal History." Recipient Judy Christie was given the award for her tireless devotion

to the history of our district, including her current work in recording judicial oral histories and as Executive Director of the Historical Society.

Special thanks to all for another fantastic party.



Among those honoring Judge Rhodes (center) were his wife Kathy (left) and Wallace Handler (right).

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

New USPTO Trial Proceedings

On December 5, 2014, the Intellectual Property Committee held a program on the new administrative proceedings that have recently become available at the United States Patent and Trademark Office (USPTO) that companies and individuals can use to challenge the validity of an issued patent. The most common of these proceedings, named inter partes review, became available on September 16, 2012.

Defendants in federal court patent infringement cases are frequently filing one of these new administrative proceedings in order to challenge the validity of the patent at issue in the federal case. Judge Avern Cohn's former law clerk, Justin T. Arbes, is now an administrative law judge at the USPTO's Patent Trial and Appeal Board deciding these cases. Judge Arbes is the first of Judge Cohn's law clerks to become a judge.

In this timely program, Judge Cohn and Judge Arbes explained the similarities and differences between these administrative proceedings and federal court litigation, and the interplay between the administrative proceeding and the federal court case. Judge Cohn and Judge

Arbes gave practical advice for attorneys in handling these cases, including in what circumstances the federal court case should be stayed pending a decision in the USPTO case,



Megan McGown, Brian Figot, Jeffrey Sadowski, Judge Avern Cohn, Kimberly Altman, Thomas Cranmer, Elisa Angeli Palizzi, and Thomas Schehr at the 2014 holiday party.

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

and the best practices for handling USPTO proceedings. Judge Arbes also discussed recent developments at the USPTO and the Patent Trial and Appeal Board.

The program had a very good turnout of judges and the leading patent litigators in Michigan. The program was moderated by Christopher G. Darrow, who is a shareholder at the law firm of Young Basile Hanlon & MacFarlane PC in Troy.

New Lawyers Seminar 2014

On December 9-10, the Chapter hosted another successful New Lawyers Seminar at the Courthouse.

Some of the best federal and state legal talent in Metropolitan Detroit provided an overview of both civil and criminal practice to over eighty of Michigan's newest lawyers. This was the 39th year for the New Lawyers Seminar, which is co-sponsored by the Chapter and the Young Lawyers Section of the State Bar of Michigan. AUSA Sarah Resnick Cohen was the moderator for the Federal Law Program, and Brian Hartwell, Law Offices of Brian Hartwell PC, was the moderator for the State Law Program.

Judge Denise Page Hood welcomed all the new lawyers on the first day of the seminar, which focused on practice in the federal courts. Presenters provided both practical advice as well as more detailed discussions of pretrial discovery and trial practice. On the practical side, attendees learned how to use the Court's electronic filing system from Victoria Lung from the Court's CM/ECF internal support team. They also learned some fundamental do's and don'ts of practicing in federal court from the judicial law clerks' perspective, including how to initiate a case in federal court, preparing and submitting dispositive motions, and conducting and litigating discovery disputes.

On the more substantive side, attendees heard from Judge David M. Lawson about Iqbal, Twombly, other pleading standards and dispositive motion practice in

general. Judge Laurie J. Michelson and David DuMouchel from Butzel Long discussed white collar crime and the grand jury. Judge Michelson was able to provide her perspective both from her experience as a federal judge and as a former practitioner in this area of the law. Topics covered included the differences between criminal and civil litigation, advice on how best to deal with clients and their families, and consideration of the financial consequences that arise in white collar criminal matters (fees, forfeiture, seizure of assets, third party payment of fees, etc.).

Attendees also heard from other experienced private practitioners on a wide range of topics. Thomas McNeill from Dickinson Wright spoke about pre-complaint pitfalls that foretell disaster, proactive discovery techniques to achieve successful results and why electronic data

is today's legal and technical cutting edge. Robert Jackson from Honigman focused on the federal courts as courts of limited jurisdiction and addressed topics including federal question jurisdiction, amount-in-controversy and citizenship requirements of diversity jurisdiction and required procedures and deadlines for removal jurisdiction.

Stan Bershada from Bershada & Fried PC provided an overview of bankruptcy practice, including how to help a client decide whether to file for bankruptcy and what type, how to handle the interview of a prospective debtor and what property a debtor

can keep. Fred K. Herrmann from Kerr, Russell and Weber addressed pro bono practice, including a description of the Pro Bono Council and how new lawyers can participate, as well as training, mentoring, and networking opportunities. Mary Margaret O'Donnell from Blue Filament Law discussed intellectual property, including what it entails, traditional IP (patents, trademarks, and copyrights) and peripheral IP (right of publicity, trade secrets, etc.). Grant Gilezan from Dykema Gossett spoke about environmental law, including how to manage liability in a deal, audits, due diligence, due care and sustainability. Cathrine F. Wenger, General Counsel at American Laser Skincare, provided an



Kimberly Moore, Nicholas Kipa, Sidney Booth, Chris Lange, Christine Dowhan-Bailey, Eric Rogers, Kyra Harris, Thomas Kelly, Nicole MacMillan, and Klaudia Nikolli at the New Lawyers Seminar.

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

(continued on page 8)

New Lawyers *(from page 7)*

overview of state and federal employment law, including advice on how to prepare the workplace, how to use the administrative process to assist your litigation strategy, and how to prepare for a plaintiff's deposition.

The federal law portion of the Seminar concluded with a swearing-in ceremony admitting the new attorneys to the Bar of the Court. Judges Marianne O. Battani and Arthur J. Tarnow presided over this ceremony with the following individuals moving for the admission of new attorneys: Seminar Co-Chair Christine Dowhan-Bailey; Co-Chairs of the Chapter RISE Committee, Susan Asam of Dykema Gossett and Erin Behler of Nemeth Law; and Sean M. Crowley, Office of the U. S. Trustee.

The second day of the seminar focused on a how-to-do-it approach to practice in the state courts with experienced practitioners covering a wide range of topics. The state law program began with welcoming remarks from Andrea Irons, Chairperson of the State Bar of Michigan Young Lawyers Section. Attendees then heard from Richard Hewlett of Varnum about the basics of civil practice in Michigan courts. Timothy Wittlinger of Clark Hill spoke about case evaluations in the Circuit Courts. Also on the civil side, attendees learned about the specifics of practicing in the areas of probate and family court from Sarah Zwicki of Zivian & Zwicki; how to develop a personal injury practice from Albert J. Dib of Dib and Fagan; how to handle a Michigan Workers Compensation case from Jeffrey S. Appel, Law Offices of Jeffrey S. Appel; the basics of Michigan real property transactions from Robert Berg, Law Offices of Berg & Berg; and how to handle a domestic relations case from John Urso of Urso & Associates. They were also provided an overview of a grievance proceeding by Attorney Grievance Administrator Alan Gershel and an overview of how a criminal case proceeds in state court by criminal defense attorney Brian Legghio.

Between the morning and afternoon sessions of the state law portion of the seminar, a luncheon took place at the beautiful ballroom of the Ft. Shelby Doubletree Hotel. Chief Judge Robert J. Columbo, Jr., Wayne County Circuit Court, Civil Division, provided the new attorneys with an excellent overview of effective motion practice in the Third Judicial Circuit. Judge Columbo also shared his thoughts on the characteristics of lawyers that are respected by the judiciary and peers.

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.

50th Anniversary of Civil Rights Act Commemorated

The Chapter Social Justice Committee partnered with the U.S. Attorney's Office to hold a brown bag lunch event to commemorate the 50th Anniversary of the Civil Rights Act of 1964.

The lunch event, held on December 10 at the Levin Courthouse, featured a panel discussion with local civil rights leaders and activists. The panel featured Mark Fancher, head of the Racial Justice Project for the ACLU of Michigan; Jocelyn Benson, Dean of Wayne State University Law School; Heidi Budaj, Executive Director of the Anti-Defamation League; and Fatina Abdobboh, Executive Director of the American Arab Anti-Discrimination Committee. The panelists discussed the Civil Rights Act in the context of race, sex, religion, and national origin discrimination, respectively. The discussion was moderated by U.S. Attorney Barbara L. McQuade and then opened for questions.

The panel discussion touched on a wide array of topics, including the politics surrounding the passage of the Act itself, the impact the Act has had on individuals and society over time, as well as the limitations of the Act. As Mr. Fancher reminded the audience, the Civil Rights Act is merely a tool that is available to combat discrimination, but for real change to occur, this tool must be wielded by skilled and motivated people. The panel offered meaningful insight into how, although much progress has been made since the passage of the Civil Rights Act in 1964, there are many challenges that remain today.

The lunch event was well-attended and comments from the participants indicated that the discussion was both informative and inspiring.

Book Club Considers the Roberts Court

Uncertain Justice: The Roberts Court and The Constitution, by Laurence Tribe and Joshua Matz, was the topic of the winter Book Club meeting on December 12. The book surveys the most important Supreme Court decisions under Chief Justice John G. Roberts, Jr. The Court's rulings affect all areas of American life, from health care to free speech, from gun rights to privacy.

Led by Book Club Co-Chair Andy Doctoroff, the group examined whether Supreme Court outcomes are predictable based on the views, personality, alignment and experiences of an opinion's author and the other justices on the Court. Are the justices' personal ideologies more prominent in the

(continued on page 10)



COMPUTING SOURCE

MIDWEST'S LARGEST LEGAL DATA CENTER FOR DOCUMENT PROCESSING, HOSTING AND REVIEW

Computing Source is a full-service, all-in-one legal support firm offering one number to call for convenient, cost-effective, secure and powerful solutions for every need an attorney will face during the lifecycle of their case. Computing Source has opened the Midwest's largest legal data center for document processing, hosting and review in its new headquarters.

MICHIGAN — ILLINOIS — INDIANA

Dedicated to providing local, safe and secure service, without the risk of shipping confidential information across the country. Computing Source has invested in industry-leading technology and infrastructure to ensure confidential client information is processed and stored locally, right in your own backyard.



THE POWER TO WIN | Call us today at 248.213.1500,
email info@computingsource.com
or visit www.computingsource.com



Book Club *(from page 8)*

hardest cases, which are the ones that influence Americans' daily lives? The book offered ample fodder for discussing the current and future impact of the Roberts Court.

Stay tuned for the next Book Club selection and meeting date. Contact Book Club Co-Chairs Andy Doctoroff, David Fink, or Erica Fitzgerald with recommendations or questions.

Rakow Awards and Historical Society Luncheon

On November 20, 2014, the Chapter and the Court Historical Society held their annual joint luncheon. The Chapter and the Federal Bar Foundation presented the Rakow Scholarship Awards to an outstanding student from each of the Michigan law schools and announced the winner of the Barbara J. Rom Award for Bankruptcy Excellence. The Historical Society presented retired Michigan Supreme Court Justice Marilyn Kelly who reflected on the pathfinding careers of Judge Cornelia G. Kennedy and Justice Patricia J. Boyle.

The luncheon and scholarships are named after Edward H. Rakow, one of the founding members of the Chapter. Because Ed Rakow was a career official in the regional office of the Securities and Exchange Commission, the Awards in his name went for many years to outstanding students in the fields of securities, corporation, or business law. In more recent years, the Awards have been

presented to outstanding students in any field as selected by the deans of the law schools.

The Rakow Scholarship Awards were presented by Ed Kronk, trustee of the Federal Bar Foundation and past Chapter president. Recipients of the Scholarship Awards were: Frank Freeman, University of Michigan Law School; Daniel Conrad, University of Detroit Mercy Law School;

Huei-Lin Han Gardner, Michigan State University College of Law; Yueyang (Sophie) Zhang, Wayne State University Law School; and Sara Graber, Western Michigan University Cooley Law School.

The Barbara J. Rom Award for Bankruptcy Excellence was presented by Michael C. Hammer and Theodore B. Sylwestrzak to Steven G. Howell of Dickinson Wright PLLC. During his 36-year career, Steve consistently has been one of the top "go-to" attorneys for representing lenders and other secured creditors in virtually every type of distressed business situation. Most recently, he represented the

State of Michigan in the Detroit Bankruptcy Case and was deeply involved in negotiating the "Grand Bargain" that was key to confirming the plan.

Court Historical Society President Brian D. Figot introduced retired Michigan Supreme Court Chief Justice Marilyn Kelly who spoke feelingly about her mentors and friends Judge Cornelia G. Kennedy and Justice Patricia J. Boyle. It was deeply moving for those who had known either or both of them, and highly informative for those interested in the progress of women in the legal profession.



Steven G. Howell, retired Michigan Supreme Court Justice Marilyn Kelly, and Thomas Schehr at the Rakow and Historical Society Luncheon.

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



Prof. Gerald Fisher and Sara Graber of Western Michigan University Cooley Law School; University of Windsor Faculty of Law Dean Camille Cameron; Daniel Conrad and Dean Phyllis Crocker of University of Detroit Mercy School of Law; Linda Gardner of Michigan State University College of Law; and MSU Law alumna Linda Orlans of Orlans Associates PC

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

Magistrate Judge Patricia T. Morris

The Eastern District formally welcomed Patricia T. Morris as a new Magistrate Judge on May 16, 2014. The investiture was well attended by friends, family, and community members, filling the courtroom and spilling over into adjoining rooms where the proceedings were broadcast. Many of her new colleagues were there to celebrate her selection, along with Congressman David Camp, U. S. Attorney Barbara McQuade, State Representatives Joel Johnson and Jim Stamas, members of the state judiciary, and professors from Thomas M. Cooley Law School.

Reverend Paul Schneider of the Holy Scripture Lutheran Church provided the invocation, highlighting Judge Morris's "keen sense of humor, her optimistic outlook and her great joy." Chief Judge Gerald E. Rosen then administered the oath, followed by the presentation of the robe. Then came the "fun part," Judge Rosen quipped, as friends and family "get to come and say mostly nice things," but warning the speakers that "she gets rebuttal."

The first speaker, Kendall Morris, Judge Morris's sister, began with colorful childhood tales. Childhood nicknames were used and placed on the record. And the speeches did not progress very far before Judge Morris's gourmet cooking was celebrated.

Her sister made clear that her path to the judiciary was lined with adversity. Before turning ten years old, she lost her father, grandparents, and an older sister. Her mother took charge with the same indomitable spirit she passed to Judge Morris, attending law school while raising five children, and eventually becoming a probate judge in Midland who was noted for her integrity and concern for the human side of the cases before her court. During her sophomore year in college, Judge

Morris was diagnosed with non-Hodgkin's lymphoma and became one of the first patients to receive an autologous bone-marrow transplant. She faced all of this and more with unshakeable optimism, as each speaker expressed.

Judge Morris's impeccable qualifications for her new position were also abundantly apparent throughout the speeches. Life had surrounded her from an early age with able lawyers and judges. Her grandfather was a prosecuting attorney and later city attorney of Midland; her father served as a state district judge; her mother was on the bench for twenty years; and her husband, Thomas R. Evans, is currently a Circuit Court judge in Gladwin and Clare counties.

But she has carved her own place among this distinguished company. She graduated law school cum laude at breakneck speed, finishing the three year program in two years. She began her legal career as a clerk for Judge Paul J. Clulo, who told the crowd that "she was the best law clerk I ever had." She next clerked for the Michigan Court of Appeals, followed by a term working for Judge Robert H. Cleland. Later, she worked in private practice, business, and academia. Summing up her career, her husband concluded, "Her legal experience has uniquely prepared her for this office."

Before her selection, she served for eight years as a career law clerk for Magistrate Judge Charles E. Binder. "[O]ne of the wisest decision I have ever made in my professional career," he said at the investiture, was selecting her to join his chambers. Judge Thomas L. Ludington lauded Judge Morris's work and professional skills, but added that it was her discerning

perception of the human condition, the dynamics and incentives motivating litigants, that ensured she would make a good judge.

Judge Morris closed the proceedings, thanking the speakers and those in attendance. "I'm overwhelmed," she
(continued on page 12)



Magistrate Judge Patricia T. Morris being sworn in as a Magistrate Judge.

Photo by Kent Miller, courtesy of Kent Miller Photography.



Magistrate Judge Patricia T. Morris making comments at her investiture.

Photo by Kent Miller, courtesy of Kent Miller Photography.

Magistrate Judge Patricia T. Morris *(from page 11)*

said. “I love the work I do,” viewing it as a “privilege.” Displaying her characteristic optimism, she encouraged others to never lose hope that their good work would be recognized. She felt that she had been “more rewarded than I deserve.”

Power Lunch at the Courthouse

On October 7, the RISE Committee hosted its first Power Lunch at the Courthouse as part of a year-long series of lunch-and-learn sessions. The sessions will be featuring experienced federal practitioners speaking on a variety of selected topics in federal litigation practice.

Cynthia Filipovich of Clark Hill and Bob Jackson of Honigman led the 45-minute long presentation on removal, discussing both general removal concepts and several more nuanced topics, which was followed by questions and answers and networking.

The Power Lunch series is aimed at honing the federal litigation skills of attorneys with less than 10 years’ experience and providing an opportunity for those attorneys to meet with some of the top federal practitioners in the region.

The next Power Lunch will take place on Wednesday, January 14, at noon in Room 115 of the Levin Courthouse. The session will feature Professor Robert Sedler, who will discuss federal jurisdictional principles, including the often misunderstood concepts of standing and the “case or controversy” requirement.

While the program is aimed at attorneys with less than 10 years’ experience, all are welcome. Please RSVP to Beth Stawasz at bstawasz@clarkhill.com or Roger Meyers at rmeyers@honigman.com.

Using Your iPad in Your Legal Practice

On October 28, 2014, the Chapter Social Media Committee presented “Using Your iPad (or Other Mobile Device) in Your Legal Practice.” The one-hour discussion was held in Room 115 of the Levin Courthouse as a brown-bag lunch seminar. Committee co-chairs Adam Forman of Miller Canfield and Brian Wassom of Honigman presented, while co-chair Lauren Kerr Freund of Bush Seyferth moderated.

The discussion began by examining the various situations in which iPads can be useful for the busy lawyer on the go. Put simply, these include just about any situation

in which one might otherwise use a legal pad or piece of paper, as well as conducting research and drafting documents, especially when outside of the office.

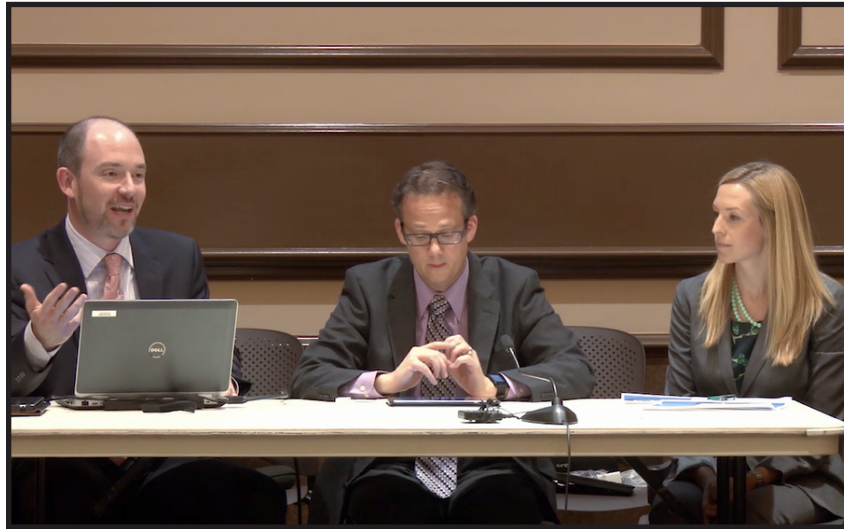
Then the panel identified the most important accessories that a lawyer should carry in order to make the best use of their mobile device—such as keyboards, cases, power sources, and connectivity aids, as well as styli, connectors, organizers

and mobile equipment for audio-visual presentations.

The second half of the conversation focused on the several categories of software applications that make iPads so useful to attorneys. The panelists listed dozens of apps in several categories—such as those for Document Creation, Document Scanning, White Boards, Remote Access, Presentations, Negotiations, Note-Taking and Management, Transcript and Document Annotation and Management, Legal Research and Rules, Trial Examination and Jury Selection and Observation. Along the way, the panelists identified their favorite applications, provided real-life examples of how they use these apps in their everyday practice, and explained the selling points of the various alternatives.

The presentation concluded with a brief look forward at how the mobile and wearable technology of tomorrow will impact the practice of law. Audience members got the chance to try Google Glass and engaged all three panelists with questions on mobile technology.

(continued on page 14)



Brian Wassom, Adam Forman, and Lauren Kerr Freund presenting about using iPads in legal practice.

The Eastern District of Michigan Chapter of the Federal Bar Association
2014-2015 Luncheon Sponsors

BARRIS | SOTT | DENN | DRIKER | PLLC

Behm & Behm Law Firm

bodman
ATTORNEYS & COUNSELORS

BK BROOKS
KUSHMAN

**BW
STI**
LITIGATION &
BANKRUPTCY
SPECIALISTS

bsp
LAW OFFICES

B BUTZEL LONG

CLARK HILL
Legal and Professional Services

COMPUTING
ALL-IN-ONE LEGAL TECHNOLOGY **SOURCE**

CONWAYMACKENZIE

**CRAWFORD
& WINIARSKI**
FINANCIAL CONSULTING

Deloitte.

DICKINSON **W**RIGHT

DyKEMA

FINK+
ASSOCIATES LAW

flood
law

FOLEY
FOLEY & LARDNER LLP

GARAN
LUCOW
MILLER P.C.
GREAT LAKES LAW FIRM SERVING CLIENTS NATIONALLY

HANSON RENAISSANCE
COURT REPORTERS & VIDEO

HONIGMAN

Howard **&** Howard
law for business

Jaffe
JAFFE RAITT HEUER & WEISS
A Professional Corporation
Attorneys & Counselors

KR KERR RUSSELL
Attorneys and Counselors

KIENBAUM OPPERWALL
HARDY & PELTON, P.L.C.
ATTORNEYS AND COUNSELORS

KITCH
Attorneys & Counselors
www.kitch.com

LAW OFFICES
LEE & CORRELL
A Non-Partnership Affiliation of Professional Corporations



LexisNexis®

litigation
SERVICES

mh maddin hauser
Maddin Hauser Roth & Heller PC
attorneys and counselors

**MILLER
CANFIELD**

M THE MILLER LAW FIRM
A PROFESSIONAL ORGANIZATION

Pepper Hamilton LLP
Attorneys at Law

**Pitt McGehee
Palmer & Rivers**

PLUNKETT COONEY
ATTORNEYS & COUNSELORS AT LAW

**SOMMERS
SCHWARTZ**
LAW OFFICES

SPECTRUM
COMPUTER FORENSICS & RISK MANAGEMENT, LLC

SRR
STOUT | RISIUS | ROSS

TROTT & TROTT
A PROFESSIONAL CORPORATION

VARNUM
ATTORNEYS AT LAW

VERCRUYSSÉ MURRAY
a Professional Corporation

**Warner
Norcross & Judd**
ATTORNEYS AT LAW

WILLIAMS ACOSTA, PLLC
WA

YOUNG BASILE
Intellectual Property | Litigation | Technology

iPad Practice *(from page 13)*

This was also one of the first of our Chapter seminars to be professionally video recorded by our generous supporters at Computing Source. As a result, members who missed the live presentation will soon be able to view the recording online at the Chapter website.

SBM Honors FBA Past-President McNeill

At its annual meeting on September 17, 2014, the State Bar of Michigan presented the Kimberly M. Cahill Bar Leadership Award to Chapter past-president Thomas G. McNeill.

The Cahill Award “is presented to a recognized local or affinity bar association, program, or leader for excellence in promoting the ideal of professionalism or equal justice for all, or in responding to a compelling legal need within the community during the past year or on an ongoing basis.” The Award was established in memory of Kimberly M. Cahill, a past president of the State Bar of Michigan.

McNeill received the Cahill Award for his work with the Chapter. The following is reprinted with permission of the State Bar of Michigan. It first appeared in the *Michigan Bar Journal* in September 2014.



Thomas G. McNeill

“The Eastern District of Michigan chapter of the Federal Bar Association came to Thomas G. McNeill and asked him to help meet the court’s growing need for pro bono volunteers to assist pro se litigants in civil cases. McNeill dove into the challenge. He created a system called the Eastern District of Michigan Pro Bono Council comprised of eight bar associations, 32 law firms, an alternative dispute resolution organization, a litigation services firm, and dozens of individual southeast Michigan attorneys. Immediately, the group pledged to handle 115 pro bono cases and assignments for the court. McNeill also secured funding for the project and had experts draft materials to serve as guides to pro bono attorneys.”

Congratulations to Tom McNeill for receiving the Cahill Award, and many thanks for your continued service to the Chapter and its pro bono efforts.

Say Goodbye
to Your
Vendor and
Hello to Your
Partner in
E-Discovery

Bridging the Gap Between Discovery and Technology >>

- Comprehensive E-Discovery Consulting
- Computer Forensic Investigations
- Data Identification and Collection
- E-Discovery Processing
- Data Hosting/Online Review
- Traditional Litigation Support Services

www.SRR.com

Denise B. Bach
dbach@srr.com
+1.248.432.1278

Mick Kahaian
mkahaian@srr.com
+1.248.432.1205

SRR
STOUT | RISIUS | ROSS
Global Financial Advisory Services

Third Judicial Family Reunion

The Third Judicial Family Reunion was hosted by Dickinson Wright. Sixth Circuit, Eastern and Western District, Magistrate and Bankruptcy Judges, as well as current and former law clerks and staff attorneys, attended the event held on October 16, 2014. It was well attended by the bench and bar, including remarks from former law clerks and Judges Laurie J. Michelson and Judith E. Levy.

The co-chairs of the Law Clerk Committee, Matthew Allen, Theresa Serra and Sara Woodward, would like to thank the sponsor firms that made the event so memorable: Bush Seyferth Paige, Dickinson Wright, Dykema Gossett, Foley & Lardner and Miller Canfield. A special thanks also goes to the National Federal Bar Association, which sponsored the event. Please look out for the next Law Clerk Committee event.

Calendar of Events

Feb. 19

Appellate Advocacy Mock Arguments
U of M Law School, Ann Arbor, MI
3:00 - 5:00 p.m.

The Appellate Advocacy Committee will present Mock Appellate Arguments before a panel of Sixth Circuit Court of Appeals Judges the afternoon of February 19, 2015. This is a good opportunity for law students and attorneys to hone their appellate advocacy skills. Oral arguments will take place from 3:00 to 5:00 p.m. A reception with refreshments will follow.
Online registration open!

Feb. 26

Wade H. McCree Award Luncheon
Speaker: Kevyn D. Orr
Members: \$25 | Non-Members: \$35
Westin Book Cadillac Hotel
11:30 a.m. Reception
12:00 p.m. Luncheon
Online registration now open.

Mar. 5

Sixth Annual Celebration of Diversity Reception
London Chop House – Further details to follow.

Mar. 11

FBA RISE Committee's "Speed Judging"
Levin Courthouse, Room 115
SAVE THE DATE!

April 21

Leonard R. Gilman Award Luncheon
Speaker:
Hon. Mike Duggan, Mayor, City of Detroit
Members: \$25 | Non-Members: \$35
Westin Book Cadillac Hotel
11:30 a.m. Reception
12:00 p.m. Luncheon
Online registration now open.

April 21

Veterans' Treatment Courts Seminar
Levin Courthouse, Room 115
Start time: 30 minutes after Gilman Luncheon lets out
Seminar duration: 3-1/2 to 4 hours
Further details to follow.

May 1

**Law Day at The Courthouse:
A Downtown Tradition**
Welcoming your staff, clients and downtown neighbors to visit the Courthouse and the Judges, between 11:00 a.m. and 2:00 p.m. Live demonstrations, such as bomb-sniffing dogs, and tours of the Courthouse. Don't miss it this year.

May 13-15

Sixth Circuit Judicial Conference
Detroit, Michigan
Venue to be announced.

June 8

Bench-Bar Social and Golf Outing
Detroit Golf Club
Exciting new venue.
Further details to follow.

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

MEMBERS: Log-in first to save time and money!

Newsletter Committee:

Christina L. Farinola,
Co-Editor in Chief
Career Law Clerk to
Hon. Anthony P. Patti
(313) 234-5200

Andrew J. Lievens,
Co-Editor in Chief
Assistant United States Attorney
(313) 226-9665

Judge Michael J. Riordan
Michigan Court of Appeals
(313) 972-5662

John P. Mayer
(734) 558-5593

Lauren N. Mandel
Career Law Clerk to
Hon. Linda V. Parker
(313) 234-5148

Jennifer L. Newby
Assistant United States Attorney
(313) 226-0295

Sarah L. Cylkowski
Bodman PLC
(313) 392-1077

John T. Sheets
Barris Sott Denn & Driker PLLC
(313) 965-9725

**Federal Bar Association
E. D. Michigan Chapter**
PO Box 20759
Ferndale MI 48220

RETURN SERVICE REQUESTED

PRESORTED
STANDARD
U.S. Postage
PAID
Wyandotte, MI
PERMIT #153

Executive Director:

Brian D. Figot
(248) 594-5950
fbamich@fbamich.org

