



Federal Bar Association - Eastern District of Michigan Chapter - **58** years of service to our Federal Bench and Bar

Senator Carl Levin to Keynote McCree Award Luncheon

The Chapter's annual Wade Hampton McCree, Jr. luncheon will be held on Wednesday, March 9, 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 February 15 and can be sent to Executive Director Brian Figot at fbamich.org. More information about the award can be found at www.fbamich.org/about-fba/awards/, and questions about nominations can be directed to Susan DeClercq (susan.declercq@usdoj.gov) or Cynthia J. Haffey (haffey@butzel.com).

Former U.S. Senator Carl Levin will be the keynote speaker. Senator Levin currently serves as the chair of the Levin Center at Wayne State University Law School

and serves as the law school's distinguished legislator in residence, co-teaching courses on various subjects, including tax law and policy and legislative process and oversight. He also serves as Senior Counsel at Honigman Miller Schwartz and Cohn LLP.

Senator Levin served for 36 years in the Senate and
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President's Column

Kimberly G. Altman

In writing my second President's Column, I am feeling reflective. My term as Chapter President is nearly half over. While I am writing this during the full rush of the holiday season, I am looking forward to a new calendar year and all the possibilities it brings. In my never-ending quest for quotable quotes to capture my mood, I found this:

Celebrate what you want to see more of.
-- Tom Peters

Our Chapter certainly has a lot to celebrate from these past months. Although most of these events are discussed more fully elsewhere in the Newsletter, they are worthy of mention here. Our Rakow Luncheon featuring Kevyn Orr was very well attended and received. Through our Civic Outreach Committee, Chapter members spoke to Social Studies teachers at their annual conference on issues of interest which the teachers can take back to their students. At the reception honoring attorneys who provided *pro bono* service to the Court, Mark St. Peter of Computing Source once again made a generous donation of \$25,000 in services to our Chapter, which will further enhance our Chapter's technology and efforts to preserve its history. Our Book Club held a lively and engaging discussion of *Sisters in Law: How Ruth Bader Ginsburg Went to the Supreme Court and Changed the World*. The Law Clerk Committee brought expert legal writer Ross Guberman to the Courthouse for a special session with the bench and law clerks.

Our newly created ADR Committee held a very successful kickoff event in Oakland County. Look for more on the ADR Committee's activities in the coming year. Our New Lawyers Seminar, led by Committee Chairs Christine Dowhan-Bailey,
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President's Column (continued)

Brian D. Figot, Grant P. Gilezan, Eric Lee, Lauren N. Mandel, and Cathrine Wenger, put together another outstanding seminar. The RISE Committee hosted a terrific reception for the seminar attendees at which several members of the bench made an appearance. Finally, the Holiday Party was a perfect way to usher in the holiday season and close out a wonderful calendar year.

Celebrate what you want to see more of. Clearly, our Chapter enjoys much success with our luncheon programs and committee programming. More programming is on the way by our hard-working committees. I urge those committees who are still discussing programs to resolve to hold a program in the New Year. Collaboration among committees has also produced some of our best programs, so consider reaching out to other committees for joint events.

To twist the quote slightly, what do we need more of to celebrate? We need more dedicated people to join our ranks and help us continue to provide a high level of service to the bench, bar, and community at large. I spoke about membership in my first column, and it bears repeating. I challenge all of you for the New Year to help our Chapter and our Membership Committee by recruiting at least one member. The sales pitch should be very easy - there is no other bar association around where you can enjoy premium programming and the ability to interact with the members of the bench and bar at our many and varied events - all at an extremely affordable price.

Cheers to 2016! Let's celebrate by seeing more Chapter members!

McCree Luncheon *(from page 1)*

is Michigan's longest-serving U.S. Senator. In the Senate he rose to become chair of the Senate Armed Services Committee and the Permanent Subcommittee on Investigations of the Homeland Security and Governmental Affairs Committee.

Before being elected to the Senate, he was a member and president of the Detroit City Council. He served as the first general counsel of Michigan's Civil Rights Commission; as a special assistant attorney general for the state of Michigan; and chief appellate defender for the Legal Aid and Defenders Association of Detroit.

Senator Levin graduated from Swarthmore College and received his law degree from Harvard Law School.

Senator Levin's career accomplishments and accolades are too lengthy to summarize here. More information can be found by visiting <http://law.wayne.edu/profile/carl.levin/>. Needless to say, the Chapter is honored to have Senator Levin as the keynote speaker of this year's McCree luncheon.

For those affiliated with organizations that are sponsors of the 2015-16 Luncheon Series, tickets likely are available through your organization. For others, the luncheon is \$35 for members and \$45 for non-members. Tickets are available on-line at www.fbamich.org.



Dave Weaver Court Administrator / Clerk of Court

As we approach 2016, the Court is anticipating a pretty big year. Judge Denise Page Hood will be taking over as Chief Judge, succeeding Judge Gerald E. Rosen. Judge Hood will be the fourth chief judge I will serve under since joining the Court in 1998. My staff and I have been working closely with Judge Hood on the transition for some time, and I am confident that, like her predecessors, she will work tirelessly in carrying out the great work and mission of the Court. There will be a Passing the Gavel Ceremony on January 28 at 3:00 p.m. in Courtroom 100 in the Levin U.S. Courthouse.

Chief Judge Rosen has been an excellent leader and a great supporter of the Clerk's Office, Probation Department, and the Pretrial Services Agency. Together we have accomplished many goals by working cooperatively and honestly with each other. Chief Judge Rosen has truly kept all of our best interests at heart, and it has been a tremendous honor to work with and for him.

The next time you are in the Courthouse, be sure to stop on the first floor and take a look at the newly christened "Detroit Room," formerly known rather blandly as Room 115. Chief Judge Rosen and Deputy Court Administrator Maureen Flavin, with the assistance of other Court staff, have transformed this multi-use meeting space with 23 large photographs of vintage Detroit with accompanying

descriptions. It is a stunning display that makes the space more inviting and enjoyable for its many visitors.

I hope you all have had a wonderful holiday season and look forward to an interesting and busy New Year.

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

New ADR Committee Launched

This year the Chapter added a new committee to its ranks. The Alternative Dispute Resolution Committee held its first meeting on December 8 at the Blackfinn Ameripub in Royal Oak. The ADR Committee is chaired by Joseph Golden of Burgess, Sharp, and Golden, PLLC, and Richard Hurford of Richard Hurford Dispute Resolution Services, PC.

At their first meeting, the ADR Committee welcomed Judge Denise Page Hood, who shared her thoughts on potential programs and issues the ADR Committee might focus on in the coming months.

Following a discussion of the role the new committee can play within the Chapter and for the Court, the ADR Committee decided to focus its effort going forward in three areas. It decided to create an information packet for the Court containing information about ADR Committee members who are interested in providing services in disputes pending before the Court. The Committee also expressed a desire to present a Brown Bag Luncheon program to the Court in the coming year. Finally, the Committee has plans to develop a training program for attorneys who accept cases *pro bono* and for younger attorneys.

While the ADR Committee already has a solid cadre of members, new committee members will be welcomed. If you are interested in joining the Committee, please contact Richard Hurford (Richard@hurfordresolution.com) or Joe Golden (joseph@bsglawfirm.com) for information about Committee meetings and events.

An Intersecting Life, Captured in Oil Portrait of Judge Robert H. Cleland

By John Fedynsky*

“Lives intersect in ways that are explained and sometimes in ways that are unrevealed and that would remain unrevealed but for a little conversation that brings them to light.”

- The Honorable Robert H. Cleland

Compelling evidence of this proposition visited the Court on the afternoon of Friday, October 16, 2015. The occasion was the formal presentation of the portrait of Senior Judge Robert H. Cleland. In June, he marked twenty-five years on the bench. Chief Judge Gerald E. Rosen

presided, introducing the many district, magistrate and bankruptcy judges present.

Former Cleland law clerk Eric Baxter provided musical accompaniment and his wife SaraLyn performed a musical prelude on the violin. Melesa Kohler, wife of former Cleland law clerk Paul Kohler, sang the national anthem. She was joined by their two young daughters. At the conclusion of the ceremony, Kindra Heilpern, wife of current law clerk James Heilpern, sang “America the Beautiful.”

Judge Cleland invited four individuals from his professional career to deliver remarks, each of whose lives intersected with his in

various ways. Justice Stephen Markman of the Michigan Supreme Court, as U.S. Attorney from 1989 to 1993, came to know Judge Cleland early in Cleland’s judicial career. Markman praised Cleland for his dedication to the rule of law, a legacy that will continue not just in Cleland’s portrait, but also in his many thoughtful and carefully crafted opinions.

Also noteworthy, said Markman, is Judge Cleland’s reputation for integrity and civility. Markman provided two examples. As elected prosecutor for St. Clair County, Cleland was drafted by the Republican Party in 1986 for the unenviable task of running for Attorney General against longtime Democratic incumbent Frank J. Kelley. The so-

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Judge Robert H. Cleland at his portrait dedication ceremony.

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

Judge Cleland *(from page 3)*

called “Eternal General” was first appointed in 1961 and elected ten times more, serving without interruption until he retired in 1999. Markman recently mentioned the portrait dedication to Kelley, who had described his intersection with Cleland while running against him. Kelley described Cleland as one of the most civil and gentlemanly persons he had ever met under relatively stressful circumstances. He said that Cleland had comported himself with a strong and principled sense of mission but never once at the expense of courteous and respectful behavior and demeanor. Markman observed that this was high praise, considering the long list of political adversaries Kelley faced.

Fellow Justice Richard Bernstein provided Markman’s second example. In private practice, Bernstein’s clients drew Judge Cleland in a civil rights case involving access of the disabled to public transportation. According to Markman, Bernstein credited Judge Cleland for his able and dedicated management of a complex case that was litigated for about eight years, and which now serves as a model for judicial procedures for similar cases throughout the country.

Magistrate Judge Michael J. Hluchaniuk spoke about the nine years (1990-99) Judge Cleland presided over the Northern Division in Bay City. At the time, Hluchaniuk was an Assistant United States Attorney. He tried over two dozen cases before Judge Cleland, an “excellent trial judge” according to the metric of how to manage a case. After one particularly long and difficult trial (“The Boxwood Case”), the attorneys had T-shirts made that declared the wearer had “survived the Boxwood trial.” Judge Cleland interjected that the back of the shirts said “barely.” While Hluchaniuk’s initial intersection was as a practitioner before Cleland, he now intersects as a co-jurist in the Eastern District. Hluchaniuk congratulated Judge Cleland for embodying the best qualities of a judge.

Criminal defense attorney Steve Fishman commented that, while his politics and background might call into question his invitation to speak, one should never “judge

a book by its cover.” He gave four reasons for admiring Judge Cleland – (1) he is self-aware, (2) he demonstrates the ability to change his mind, (3) he treats young people well, and (4) he charts his own course. Like any skilled trial lawyer, Fishman had an illustration for each of his points. Regarding the third, he shared that he would often bring his son to court with him. After a while, Fishman’s son began asking if they would be going to see Judge Cleland, who quickly became a favorite simply by paying attention to the young man, taking an interest in him and asking his opinions.



Steve Fishman, Chrisy Dral, Justice Stephen J. Markman, and Magistrate Judge Michael J. Hluchaniuk all spoke at Judge Cleland’s portrait ceremony.

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

Career law clerk Christy Dral began with “Happy Bosses’ Day.” She emphasized that she was speaking in a representative capacity on behalf of past and present Cleland law clerks whose brief time in chambers marked a highlight of their careers. “Team Cleland” – as it is affectionately known among its members – boasted thirty out of thirty-five former law clerks in attendance. Also present were three of his current and future law clerks. Dral asked the law clerks to stand and be recognized. In addition to the many in the audience who rose, so did one on the bench – Magistrate Judge Patricia Morris

(term clerk 1993-95). Also present were Judge Cleland’s case manager Lisa Wagner (since 1999) and court reporter Christin Russell (since 2008). Wagner recently celebrated thirty years of service to the Court. In twenty-five years, Judge Cleland has served with two case managers, two judicial assistants and four court reporters.

Dral told of Judge Cleland’s chambers where the Judge went above and beyond the call of duty to assist an elderly couple who missed their citizenship swearing-in ceremony due to a snowstorm. It is where the Judge challenges his law clerks to research the law, not to arrive at any particular result, but to help ensure he faithfully applies the law. Dral said that the Judge, wanting to improve himself, often asks his law clerks, “How did I do?” He expects them to answer truthfully.

Before it was unveiled, Dral described the portrait and its symbolic elements. Judge Cleland’s only requirement

for the artist was to make his wedding ring visible – in honor of Paula, his wife for forty-one years. The portrait depicts Judge Cleland in his courtroom, wearing his robe and holding a bound volume of the *Federalist Papers*.

“This is Judge Cleland,” declared Dral, “an elegant gentleman, with a patient expression on his face, ready to work. A distinguished and poised man of grace.” Sustained applause met the end of her remarks. Cleland judged it a home run. “Past the outfield fence,” he quietly remarked. It is no wonder he selected her to bat cleanup.

South Carolina artist Michael Del Priore painted the portrait. He has painted over six hundred subjects, including Ronald Reagan, Circuit Judge Ralph B. Guy and several judges of the Eastern District (Judges Battani, Duggan and Zatkoff).

The Chief Judge then invited Cleland’s family to unveil the portrait, and a family member was invited to speak on behalf of the family. Christina Cleland Michaels described life as one of Judge Cleland’s three daughters. Her personal remarks touched upon Judge Cleland as a family man. His daughters’ reactions to his judicial appointment ranged from mild disappointment (as the middle schooler learned in civics class that the district court is the “lowest” federal tribunal) to immense pride (as the second-grader declared in a homework assignment that her proudest moment was “when my Dad was crowned judge!”).

Heavy rested the crown in the Cleland home, where duties included seeking out the right prom dress. Michaels recalled that her dad insisted on a dress that was “well and sturdily constructed.” The crowd laughed. It laughed louder and longer when Michaels described, without divulging which sister was involved, the judge’s legendary reaction to the presence of male teenage callers upstairs. “Gentlemen, let’s confine ourselves to the first floor, shall we?”

Michaels thanked her father for the love and integrity he brought to parenting. Then she, along with three generations of present family members, including Mrs. Cleland, unveiled the portrait.

Chief Judge Rosen formally accepted the portrait. He lauded Judge Cleland as “one of the stalwart members of our bench” who is “at the core of the heart of our life on the bench.”

Historically, judicial portrait presentations were posthumous affairs. Not so any more. The audience had the benefit of Judge Cleland’s presence and his reaction, as he spoke last. He remarked that any statement of gratitude would be “feeble” when compared to what he was feeling.

He recognized his family and his wife Paula in particular. Addressing his staff, he said it “was a joy to

me to have you by my side.” He took exception to the idea of anyone working for him, as he viewed the relationship as side by side service of equal justice under law. He referenced Alexander Hamilton and his exposition of the role of the judiciary in the *Federalist Papers*.

Judge Cleland spoke about how lives intersect and the exciting and unexpected ways in which connections reveal themselves. He recalled his investiture in 1990 when Chief Justice Dorothy Comstock Riley administered the oath. He noted that Justice Markman and he sought the same U.S. Attorney

position in 1989 – another point of intersection. He thanked Senior Judge Avern Cohn for his wise counsel and his warm welcome to the Court, and the joy Cleland took when in the first year on the bench Cohn said Cleland would “do okay” because he had “good instincts.”

In a lighter moment, Judge Cleland said a law clerk told him he looks just the way he did seven years ago. To which the judge responded, “I looked this old seven years ago?”

Self-deprecation aside, Judge Cleland explained the importance of humility, decisiveness and continuity on the bench. In his courtroom, he takes great comfort and inspiration in seeing the images of some of his notable predecessors – Ross Wilkins, John W. Longyear, and Robert E. DeMascio. In the ceremonial courtroom, Judge Cleland drew attention to the portraits of the late Cornelia Kennedy and Lawrence Zatkoff, and remarked upon their contributions to our legal community. Wherever his own



*Judge Robert H. Cleland with his family
at his portrait dedication ceremony.*

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

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Judge Cleland *(from page 5)*

portrait ends up hanging, Judge Cleland expressed the hope that it will inspire other judges in a similar way, as lives intersect – however briefly – with the judges who passed before.

History will judge, but, at the conclusion of the ceremony, it was easy to see that, in the pantheon of portraits, the Court got a keeper. Easier still is the truth of Judge Cleland's message. Lives do indeed intersect.

But that is the beginning of the message, not the end. The ceremony proved a larger point, and a deeper truth. Above the ephemera of human existence, some things are permanent and transcend time. For those with the advantage of more than a passing acquaintance with Robert H. Cleland, lives do not merely intersect.

They intertwine.

**John Fedynsky served alongside Judge Cleland as a law clerk from July 2006 to August 2008. He currently practices tort defense with the Michigan Department of Attorney General.*



Albert Dib, Erica Schell, Klaudia Nikolli, Catherine Wenger, Chief Judge Robert J. Colombo, Christine Dowhan-Bailey, Judges Arthur J. Tarnow and Marianne O. Battani, Peter Afendoulis, Judge Denise Page Hood, and Magistrate Judge Anthony P. Patti at the New Lawyers Seminar.

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

New Lawyers Seminar

The Chapter hosted the 2015 New Lawyers Seminar on December 8 (Federal Day) and December 9 (State Day) at the Levin Courthouse. As in past years, the Seminar was co-sponsored by the Chapter and the Young Lawyers Section of the State Bar of Michigan. Also, as in the past, some of the best federal and state legal talent in metropolitan Detroit provided dozens of new lawyers invaluable practice advice. However, in its 40th iteration, the Chapter made a few changes to enhance the new lawyers' experience.

The first day of the Seminar focused on practice in the federal courts. Chief Judge Gerald E. Rosen gave a warm welcome to all the new lawyers. Victoria Lung, an expert

in the electronic filing system used in the federal courts, taught the new attorneys how to properly file briefs.

Federal Day then shifted to substantive matters. Richard Hewlett from Varnum gave a talk on the "Anatomy of a Civil Case." He provided the new lawyers an overview of a federal case from start to finish, and, consistent with a theme of Federal Day, discussed the differences between state- and federal-court practice.

Judge David M. Lawson and Eric Lee, Judge Laurie J. Michelson's career law clerk, discussed how to determine if a case belongs in federal court. In another federal judge and career-law-clerk pairing, Judge Matthew F. Leitman and Lauren Mandel, Judge Linda V. Parker's career

law clerk, talked about civil motion practice in federal court. The pair stressed, among other things, that when a motion is heard in federal court, it might be the only motion the judge had to prepare for that day; thus, new lawyers should be extremely well prepared for argument.

Fred Hermann of Kerr, Russell, and Weber spoke about the importance of pro bono work, including informing the new lawyers of various opportunities to give back to the community with their newly acquired legal skills. Offering the

perspectives of an experienced practitioner and a federal judge, Thomas McNeill of Dickinson Wright and Judge Laurie J. Michelson discussed how lawyers should practice discovery in federal court.

The Seminar participants were also treated to talks by two speakers who have been well-received at the Seminar for many years: David DuMouchel of Butzel Long and Stan Bershard of Goldstein, Bershad & Fried. DuMouchel discussed federal grand jury practice, including his position that, almost without exception, the grand jury will indict a criminal defendant if the U.S. Attorney requests it. At the end of DuMouchel's talk, Sarah Cohen, an Assistant United States Attorney and moderator of the federal-day proceedings, gave a short rebuttal. Bershard educated and engaged the audience with stories from his many years of bankruptcy practice experience.

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Following the educational portion of Federal Day, many of the new lawyers participated in a mass swearing at the Courthouse. Judges Arthur J. Tarnow and David M. Lawson admitted the new lawyers to practice before the Eastern District of Michigan.

To celebrate their swearing in, and to further encourage the new lawyers to participate in the Chapter, the RISE Committee hosted an elegant wine and hors d'oeuvres reception at the Courthouse. Erin Behler of Nemeth Law, and a co-chair of the RISE Committee, informed the audience, which included several law clerks and federal judges, of coming events that would benefit new lawyers, including a "Speed Judging" event where lawyers meet judges in a speed-dating fashion.

The second day of the Seminar began with Hope Shovein, Chairperson of the State Bar Young Lawyers Section, welcoming the participants. Nine attorneys with vast experience in Michigan courts then educated the new lawyers on practicing in state court. Grievance Administrator Alan Gershel provided an overview of a grievance proceeding. Gary Parson of Parsons, Bouwkamp & Buie told the new lawyers what it takes to handle a workers' compensation case in the Michigan courts. Albert Dib of the Dib and Fagan firm gave seminar participants helpful tips on building a personal injury practice. Real property transactions were covered by Robert Berg of Berg & Berg. Lawrence Pepper, a solo practitioner, spoke on practicing in Michigan family and probate courts. Cathrine Wenger, a co-chair of the Seminar who serves as counsel for Meijer, gave the participants an overview of state employment law. Brian Legghio, a solo practitioner, advised the new lawyers on how to handle a criminal case in Michigan courts. Ann Tobin-Levigne, also a solo practitioner, covered domestic relations cases. Tim Wittlinger of Clark Hill discussed case evaluation in Michigan Circuit Courts.

On State Day, the Seminar participants were also treated to lunch at the Doubletree Hotel. In attendance were several federal judges and Chief Judge Virgil C. Smith of the Civil Division of the Wayne County Circuit Court. Judge Smith discussed the procedures that attorneys must follow when practicing in Michigan Circuit Courts.

In short, the 2015 New Lawyers' Seminar kept true to the traditions of the Seminar while striving to find new ways to enhance the new lawyers' experience. Seminar Committee Co-Chairs—Brian Figot, Grant Gilezan, Cathrine Wenger, Christine Dowhan-Bailey, Lauren Mandel, and Eric Lee—congratulated all the new lawyers on being admitted to the State Bar of Michigan. We are very appreciative of the practitioners and judges who took time away from their busy schedules to assist these new members of our legal community.

Chapter Hosts Holiday Party



Brian Figot, Jeff Sadowski, Judge Avern Cohn, Thomas Cranmer, Peter Hammer, and Elisa Angeli Palizzi at the Holiday Party.

Photo by Steve Thorpe, courtesy of Detroit Legal News Publishing LLC.

The Chapter threw its ninth annual Holiday Party on December 10 at the Westin Book Cadillac. More than 125 guests enjoyed hors d'oeuvres, spirits, and camaraderie in a magnificent setting, all while being treated to the music of Magistrate Judge R. Steven Whalen's jazz and blues band, *The Cat's Pajamas*. In addition to Magistrate Judge Whalen, the band features Dan Bretz, Ron Bretz, Barry Goldman, and James Hart.

Guests saw the Court Historical Society present its Avern Cohn Award For Excellence in the Collection, Preservation, and Interpretation of Michigan Legal History to Trevor W. Coleman and Peter J.

Hammer, who co-authored *Crusader for Justice: Federal Judge Damon J. Keith* (Wayne State University Press 2013). In presenting the award, Historical Society President Brian Figot commented that the book is a fascinating and extremely moving read. Hammer, who serves as Director of the Damon J. Keith Center for Civil Rights and Professor of Law at Wayne State University Law School, accepted the award for himself and Coleman.

Thanks go to event chairs Tom Cranmer, Elisa Angeli Palizzi, and Jeff Sadowski, and to Sandy Bera and Beth Lankard from Miller Canfield for their work in planning and delivering another successful event. And, of course, special thanks go to *The Cat's Pajamas* for another wonderful performance.

Pro Bono Recognition Program

On November 12, the Chapter Pro Bono Committee held a program to recognize pro bono work by attorneys in the Eastern District. In attendance were Judges Marianne O. Battani, Terrence G. Berg, Paul D. Borman, Sean F. Cox, Mark A. Goldsmith, Denise Page Hood, David M. Lawson, Gerald E. Rosen, Arthur J. Tarnow, and Matthew F. Leitman, and Magistrate Judges Anthony P. Patti and Elizabeth A. Stafford.

The program began in Chief Judge Rosen's court room with remarks from Judge Hood, the Chair of the Pro Bono Committee. In addition to Judge Hood, Judges Borman, Judith E. Levy, Victoria A. Roberts and Tarnow, and Magistrate Judge Mona K. Majzoub, make up the Court Pro Bono Committee. Judge Hood reiterated the importance of making time to provide legal services to those without the ability to pay. She also noted that taking *pro bono* work has the added benefit of the opportunity to appear in court and enhance professional development.

Judge Hood was followed by brief comments from Chief Judge Rosen and Chapter President Kimberly Altman. In another show of its support for the Chapter, Mark St. Peter of Computing Source presented the Chapter with a voucher for \$25,000 worth of its legal technology services.

Several judges personally acknowledged practitioners who handled pro bono matters before them, including Judge Cox, who recognized Matthew Lund and Andrea Hayden of Pepper Hamilton for their pro bono representation in a prisoner civil rights trial. All of the honorees in attendance were recognized and presented with a certificate and lapel pin by Judges Borman and Tarnow. After closing remarks, the festivities continued with a lively reception in the John Feikens Conference Center.

For information on how to get involved in the pro bono program, contact a member of the Committee at www.fbamich.org.

Greeting Guberman

On November 17, the district judges and law clerks had the opportunity to meet and talk about writing better opinions with legal writing guru Ross Guberman. Sponsored by the Chapter Law Clerk Committee, the well-attended event provided the judges and their law clerks the opportunity to discuss such topics as writing effective introductory paragraphs, succinctly analogizing and distinguishing precedent, and common grammar errors.

Guberman, President of Legal Writing Pro LLC, travels the globe conducting legal writing seminars for law firms, federal judges, agencies, and associations. Members interested in his presentations can obtain more information at www.legalwritingpro.com.

Thank you to the Law Clerk Committee for bringing Guberman to the Court for what was his first, but we hope not last, discussion with our judges and law clerks about effective opinion writing.

MCSS Joint Conference: A Revitalizing Success!

By Amy B. Bloom, JD*

On November 16, the Civic Outreach Committee participated in an annual conference for K-12 social studies educators co-hosted by the Michigan Council for the Social
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Judge Denise Page Hood (center) at the Pro Bono Recognition Program in Detroit. Also taking part in the ceremony were (l-r) Judge Matthew F. Leitman, Joel Bryant, Jihan Mae Raisa Williams, Judge Mark A. Goldsmith, Alexander Simpson, Judge Sean Cox, Daniel Quick, Magistrate Judge Elizabeth A. Stafford, Dan Manville, Judge Terrence G. Berg, Judge Arthur J. Tarnow, Federal Bar Association President Kimberly Altman, Judge David M. Lawson, Chief Judge Gerald E. Rosen, Judge Marianne O. Battani, and Magistrate Judge Anthony P. Patti.

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



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MCSS Joint Conference *(from page 9)*

Studies (“MCSS”) and the Michigan Council on Economic Education at Oakland Schools. This year’s conference was a huge success due in large part to the programming support by the Chapter and several other community organizations. The Chapter provided programming on important civic and constitutional issues, providing teachers with background, powerful content, and insight from the legal field. Over two hundred educators from across Michigan attended.

Dr. Wanda Cook-Robinson, superintendent of Oakland Schools, and Carol Bacak-Egbo, president of MCSS, welcomed conference-goers before the first breakout sessions.

With the support of the Chapter, the conference featured three sessions on timely issues. Attorney Kenneth Mogill spoke about the recent case of *Obergefell v. Hodges* on marriage equality, emphasizing the role of historical context in our changing understanding of civil rights. Frank Ravitch, Professor of Law at Michigan State University College of Law, discussed the basics under the Establishment Clause and Free Exercise Clause of the United States Constitution, focusing on the Religious Freedom Restoration Act, which has become a key aspect of free exercise law.

The third session was a panel discussion about civil rights after the events in Ferguson, Missouri. AUSA Luttrell Livingston, career law clerk Brad Darling, and Congresswoman Brenda Lawrence joined teachers in a robust discussion of the role that three branches of the federal government play in protecting civil rights, as well as the notion of constitutional policing.

Also during the conference the Michigan Non-Profit Association, in conjunction with the Center for the Study of Citizenship at Wayne State University, unveiled the Michigan Civics Health Index, which compiled and analyzed data about the civic health of Michigan residents.

Teachers, consultants, and professors provided a wide range of additional sessions for conference-goers. A few of the sessions included practical solutions to pedagogical

problems classroom teachers faced. Several members of the State Board of Education attended, showing their interest and support for social studies education. Kathleen Straus received the Mel Miller Award on behalf of MCSS for her tireless support of educating for democracy.

The Detroit Institute of Arts provided an after-conference event. Those who attended the event had a blast, capped with dinner in Ferndale.

MCSS hopes that this is the beginning of a fruitful collaboration to improve understanding of the Constitution and government processes for Michigan K-12 educators.

** Amy B. Bloom is an attorney who serves as History/Social Studies Educational Consultant for Oakland Schools and as Co-Chair of the Michigan Council for the Social Studies Joint Annual Conference for 2015. She supports teaching and learning in social studies education for grades K-12 in Oakland County.*



Brad Darling, Congresswoman Brenda Lawrence, and Luttrell Livingston served as panelists in a frank discussion about civil rights.

Photo by Amy B. Bloom.

Rakow/Rom Awards and Historical Society Luncheon

On November 10, a record crowd attended the Edward H. Rakow Scholarship Awards Luncheon, Presentation of the 4th Annual Barbara J. Rom Award for Bankruptcy Excellence, and Annual

Meeting of the Court Historical Society.

After an introduction and welcome by Chapter President Kimberly G. Altman, 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:

- Amelia Bailey, University of Michigan Law School;
- Chris Waters, University of Detroit Mercy Law School;
- Devin D. Small, Michigan State University College of Law;

- Nana Osipova, Wayne State University Law School; and
- Ryan McKennon, Western Michigan University Cooley Law School.

The 4th Annual Barbara J. Rom Award for Bankruptcy Excellence was presented to Wallace M. Handler of Sullivan, Ward, Asher & Patton, PC. Section Committee Chair Michael C. Hammer introduced the award, and Judge Nancy G. Edmunds presented it to Handler, reflecting on his numerous achievements as a bankruptcy lawyer.

Following the luncheon, the Historical Society presented keynote speaker Kevyn D. Orr, who served as Emergency Manager for the City of Detroit. Orr was introduced by Chief Judge Gerald E. Rosen, and both Chief Judge Rosen and Orr shared unique and personal insights into the resolution of numerous issues related to the City of Detroit bankruptcy.

Book Club

Federal judges, lawyers, and court staff turned out in record numbers on Wednesday, November 18, for the fall 2015 Book Club meeting to discuss *Sisters in Law: How Sandra Day*

O'Connor and Ruth Bader Ginsburg Went to the Supreme Court and Changed the World, by Linda Hirshman.

The book follows Supreme Court Justices Sandra Day O'Connor and Ruth Bader Ginsburg from childhood to their careers on the nation's highest court. Anecdotes from their law school days illustrate the state of women's rights at the time: Ginsburg was asked to justify occupying a Harvard Law School spot that would have otherwise been filled

by a man. O'Connor was offered only a legal secretary position after graduating at the top of her class at Stanford Law School. Soon enough, Ginsburg was an ACLU lawyer and O'Connor was an Arizona legislator, both well on their way to the Supreme Court. Hirshman credits these justices for advancing women's rights in groundbreaking yet varied ways.

Regrettably, Hirshman could not participate in the meeting. Still, the discussion was vibrant, focusing on how each justice was a feminist in her own way, the contributions both justices made for the benefit of all American women, and the progress made by the women's rights movement in just a few decades. The group heartily recommends the book.

Stay tuned for details of the spring 2016 Book Club meeting.

Celebrating the Career of Magistrate Judge Hluchaniuk

By Paul Janczewski
Legal News*

Michael J. Hluchaniuk has led a successful and rewarding career as a lawyer in private practice, as an Assistant United States

Attorney, and a federal magistrate judge.

But on December 23, Hluchaniuk retired from the bench, and possibly his legal career, to pursue the next stage of his life: enjoying family, friends, and hobbies.

"We've all known people who have retired too early, and probably some who retired too late," Hluchaniuk said in a recent interview. "And one's health is sometimes pretty



Happy to support Handler (4th from right) at the luncheon were (l to r) Stuart Handler, Meg Handler, Howard Handler, Marlene Handler, Rick Draheim, Missy Handler Draheim, David Rosenthal, and Sheryl Rosenthal.

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



Attendees at the Book Club event.

Photo by Steve Thorpe, courtesy of Detroit Legal News Publishing LLC.

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Public Service *(from page 11)*

fragile, and even though I'm feeling good today, I don't know what I'll be like three years from now."

Hluchaniuk, 69, is not one to seek the limelight and broadcast to the world all his accomplishments.

"It's not my nature to seek public attention," Hluchaniuk said. "I like to keep my nose to the grindstone, do my job, and go home at the end of the day."

So it was surprising when he agreed to an interview, saying at one point that he wondered if anyone would find his story the least bit interesting. But Hluchaniuk should take solace in the fact that many people in the legal community, including current and former staff and federal support personnel, find him newsworthy enough to warrant a profile.

Hluchaniuk was born in Dauphin, Manitoba, Canada, but moved to the United States when he was 2 years old. So he has few, if any, recollections of our neighbor to the north.

The family moved to the Detroit suburb of Allen Park and he eventually received American citizenship. A graduate of Allen Park High School, Hluchaniuk earned a bachelor of science degree in industrial engineering from the University of Michigan in 1969.

"And the thought of becoming an engineer was less attractive to me than some other things, at least to the extent you can make such decisions based on little or no experience," he said. "But the thought of going to law school came to mind, so I applied and went to Wayne State Law School."

During his first year there, Hluchaniuk worked part-time loading trucks at the old A&P Grocery store.

"(My parents) didn't have any money to support me, so I basically paid my own way through law school," he said, while also taking advantage of student loans.

After his first year at Wayne, he qualified for a work-study program based on financial need, offering him the opportunity to work at a free legal aid clinic during his second and third years of school.

There, under the supervision of practicing attorneys, Hluchaniuk received plenty of practical experience, heading down to the Detroit Recorder's Court and trying criminal cases in domestic relations.

"I got into court a fair amount as a law student," he said. "And I liked being in the courtroom, and that became what I wanted to do for the rest of my career."

Hluchaniuk graduated from law school in 1972, and his first job was working for the Michigan Supreme Court in the court reporter's office in Lansing. While he gained valuable experience editing the opinions of Court of Appeals judges, Hluchaniuk was less than thrilled with the work.

"It was not a completely satisfying work experience because I was basically sitting in an office and doing research and writing, which I didn't find to be all that appealing from a professional standpoint," he said.

He then landed a job as a staff attorney with the Jackson County Legal Aid Society, handling mainly domestic relations cases and various civil matters. He was there for nearly two years when he joined the Greater Lansing Legal Aid Bureau as a staff attorney.

....

After that, Hluchaniuk went into private practice in East Lansing, handling criminal defense work, plaintiff's personal injury cases, domestic relations, and legal work for a few nonprofit organizations in the area.

"I enjoyed being in court, and tried a lot of cases, and liked that experience," he said.

But after five years in private practice, he decided to head to the public service sector, becoming an Assistant United States Attorney for the Eastern District of Michigan in Bay City. He would remain there for the next 27 years.

"When I started, I was the only lawyer there," he said. "They eventually added some others and some staff and made me the branch office supervisor."

Hluchaniuk said it was the "most enjoyable legal experience" he had because he was in court often, prosecuting criminal cases.

"I liked the trial process and I tried a lot of cases," he said.

Although the court and the office was located in Bay City, the jurisdiction encompassed the northern division of the Eastern District, from Saginaw north to the Mackinac Bridge.

While there, Hluchaniuk handled a significant number of drug cases, and prosecuted one case where individuals were smuggling drugs into several state prisons. Another newsworthy case involved a drug-related homicide involving members of a motorcycle club.

In 2007, his career took another turn when Hluchaniuk was named a magistrate judge in Flint.

"After 27 years in one place, as an AUSA, I was interested in doing something else, and this opportunity presented itself, and I was fortunate enough to be selected," he said.

Hluchaniuk sought the magistrate position "to see the law applied from a different vantage point," he indicated.

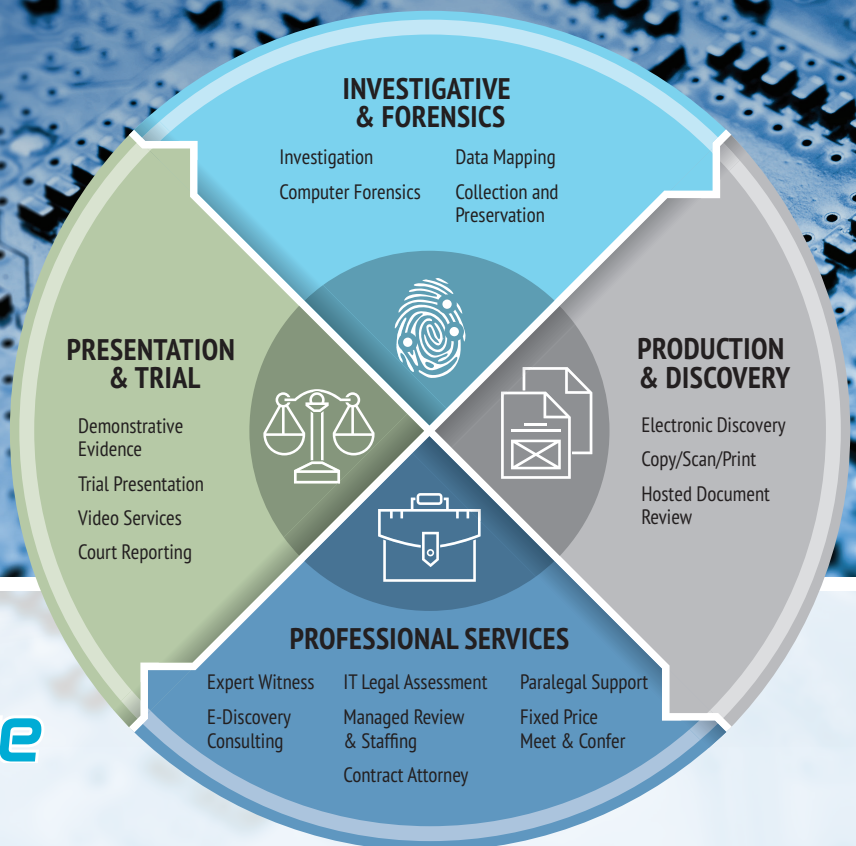
As a magistrate judge, Hluchaniuk performed a variety of judicial duties, presiding over arraignments, detention and competency hearings, civil matters, as well as suppression hearings.

Throughout his legal career, whether in private practice, as an AUSA or a magistrate judge, Hluchaniuk has described his legal demeanor as mild-mannered, but assertive, and even-handed.

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"I don't get upset that often," he said.

Magistrate judges serve 8-year terms, and with Hluchaniuk's coming to an end, he has asked for permission to work part-time, called recall status, and is awaiting word of approval. Hluchaniuk also could have asked for his term to be extended.

"I elected not to do that," he said. "I was ready to find some more things that I wanted to do with my life other than work. Since I started with the U.S. Attorney's Office, my job has been very time consuming, and it's prevented and limited my ability to do other things. So I thought, at age 69, I'd like to find some more time to travel and spend time with my grandkids."

He also plans to spend more time on outdoor activities, such as fishing, kayaking, cross-country skiing, and hiking.

...

Hluchaniuk also dabbled for years in woodworking, such as furniture making, but found he could not devote enough time to the process.

"It's not the kind of thing that you can do well for a half hour here or there," he said. "But I find that activity quite satisfying."

Hluchaniuk and his wife, Janet, met at U-M, and have been married since 1971. They lived in Frankenmuth for 30 years, and now reside in Williamston.

"I'm very satisfied with my legal career," he said. "I've done a lot of things that I've hoped to do, litigated cases of significance, and I've gotten to see the practice of law from the judicial side, which has been an interesting and rewarding experience."

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Calendar of Events

Jan. 27 RISE/Master Lawyers Speed Mentoring

**Detroit Room, Room 115 Levin Courthouse
12:00 p.m.**

A unique opportunity for newer Chapter members (seven years of practice or less) to personally meet and mingle with established attorneys who practice in the Eastern District of Michigan. Two attorneys will sit at each table and have a brief conversation with an established attorney. The process will continue until all newer attorneys have had a chance to meet with a number of established attorneys.

Jan. 28 Passing The Gavel

Mark your calendars for a Special Session of Court when we will commemorate the "passing of the gavel" from Chief Judge Gerald E. Rosen to Judge Denise Page Hood.

Levin Courthouse

Ceremony: 3:00 p.m., Courtroom 100

Reception to follow immediately in Room 115, the Detroit Room.

All are welcome to attend!

Feb. 25 Author David Maraniss Speaks

Native Detroiters David Maraniss, a Pulitzer Prize-winning journalist and author, currently serving as an associate editor for *The Washington Post*, will speak to the Chapter about his most recent book, *Once in a Great City: A Detroit Story*. Additional details will be announced.

Mar. 9 Wade H. McCree Award Luncheon

Keynote Speaker: Former U.S. Senator Carl Levin
Award Recipient: NOMINATIONS DUE BY FEB. 15
Members: \$35 | Non-Members: \$45
Westin Book Cadillac Hotel
11:30 a.m. Reception
12:00 p.m. Luncheon
Online registration now open!

Mar. 10 Seventh Annual Celebration of Diversity Reception

**Renamed this year to honor
Chapter Past President Michael K. Lee**

HOLD THE DATE – Details will follow.

Mar 15 Executive Board And Committee Co-Chair Meeting

**Detroit Room, Room 115 Levin Courthouse,
12:00 p.m.**

May 2 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; Ask the Lawyer; hot dogs and chips. Don't miss it this year.

May 16 Chapter Golf & Tennis Outing And Dinner

Detroit Golf Club

May 17 Executive Board And Committee Co-Chair Meeting

**Detroit Room, Room 115 Levin Courthouse,
12:00 p.m.**

May 19 ABA/FBA Joint Program On The New Fed. R. Civ. P.

The Chapter's Rules and Civil Practice and Appellate Advocacy Committees will partner with the American Bar Association to present an informative seminar dealing with the new Federal Rules of Civil and Appellate Procedure. A reception with refreshments will follow. Online registration starts soon, so save the date!

June 23 Rutter Group Seminar: "Federal Practice 2016"

A must for practitioners who want a brief, in-depth and entertaining update on federal pretrial practice. Panelists: Judge Gerald E. Rosen, Judge David M. Lawson and Thomas W. Cranmer of Miller Canfield PLC

Registration: 1:30 p.m.

Program: 2:00 - 5:15 p.m.

June 23 36th Annual Dinner

Featuring:

- Election and installation of Officers and Board Members
 - The Eighth Annual Julian Abele Cook, Jr. - Bernard A. Friedman Civility Award to be presented in recognition of a civil practitioner who is an outstanding example of professional excellence and civility. Nominations for Civility Award open until June 2.
- 5:30 p.m. Cocktails, Dinner following**

Online registration is available for most events at www.fbamich.org under "Events and Activities."

See updates and further developments at www.fbamich.org and in the twice-monthly FBA eBlast!

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**Author David Maraniss
Coming To Detroit**

Mark your calendars! February 25, 2016, David Maraniss, a Pulitzer Prize winning journalist and critically acclaimed author, will be speaking about his new book, *A Great City: A Detroit Story*. The event will take place at lunchtime in The Detroit Room, formerly Room 115, at the Courthouse. Copies of his book should also be available for purchase.

More details will follow on the Chapter's website and E-Blast.