



Federal Bar Association - Eastern District of Michigan Chapter - **60** years of service to our Federal Bench and Bar

## Chris Ilitch to Keynote McCree Award Luncheon

The Chapter's annual Wade Hampton McCree, Jr. Luncheon will be held on Tuesday, February 27, 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. More information about Judge McCree's career and contributions to the legal profession can be found at: <https://fbamich.org/about-fba/awards/>

Chris Ilitch, President and CEO of Ilitch Holdings, Inc. will be the keynote speaker. Ilitch Holdings is a professional services company that supports certain businesses that were founded or purchased by his parents, Mike and Marian Ilitch, including Little Ceasars Pizza, the Detroit Red Wings, Olympia Entertainment, and the Detroit Tigers, among others. These businesses employ 23,000 people and in 2016 had a combined revenue of \$3.4 billion.

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## President's Column

*Jeffrey Appel*

2018 promises to be an exciting and busy year for the Chapter. The hard work of our Officers and Committees will again pay off for our members. Chief

Judge Denise Page Hood and the federal judiciary continue to offer extraordinary support through their collaboration with the Chapter. Our Officers continue to focus on innovative programming and initiatives that reflect the increasingly valuable benefits of Chapter membership.

On March 23, our Chapter is co-sponsoring a seminar with Professor Alexander Reinart of Cardozo Law School and Judge Judith E. Levy speaking on the "Art of Pleading." Professor Reinart represented the plaintiff in *Ashcroft v. Iqbal* from the trial level through the U.S. Supreme Court, and this seminar promises to be an outstanding one.

Some initiatives that we are involved with include providing assistance to the Federal Court Pro Se Clinic, which recently began operation and is run by the University of Detroit Mercy School of Law. Our Master Lawyers Section is designing programs for law students and newer attorneys to provide insight into practical aspects of legal practice and the variety of practice areas available.

Our Diversity Committee, among other projects, is assisting the Retooling Detroit Literacy Project, where attorneys tutor at-risk first graders in the Detroit Public Schools. For those unable to participate in our programming in person, our Chapter's website is filled with more valuable resources and information for our members than ever.

While we continue to sponsor traditional seminars in the various practice areas, we are exploring new technology to bring even more information that is valuable to our members via our website and other modalities. We

*(continued on page 2)*

**WINNER  
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## President's Column (continued)

have several "Fed Talks" (our version of the popular TED talks) covering various topics on the practice of law available to view, and several more currently in production. We are also exploring innovative networking initiatives that will allow participating members to list themselves and their specialty areas on our website so other members can contact them for practical advice.

This year, to allow us to provide even more valuable programs and resources for our members, we implemented an increase in chapter dues. This change ensures the fiscal integrity of our Chapter. We are absolutely committed to further enhancing the value of Chapter membership.

Due to stellar work by our Officers, Executive Director, and Committee chairs and members, we are having another successful and productive year. Please consult our calendar on the website for a complete list of upcoming programs.

## McCree *(from page 1)*

Ilitch has held numerous roles throughout the Ilitch companies during his more than 30 year career, including governor and president and CEO of the Detroit Red Wings, as well as the president and CEO of the Detroit Tigers. Ilitch also serves as chairman of Ilitch Charities, a nonprofit organization that promotes charitable purposes aimed at developing communities and enhancing lives.

Currently, Ilitch is leading an ambitious development effort: The District Detroit, a sports and entertainment district comprised of eight world-class theatres, five neighborhoods, four professional sports teams and three multi-use sports facilities, including the new Little Caesars Arena.

Ilitch earned a bachelor's degree in business administration from the University of Michigan.

More information about Ilitch can be found at: <http://www.ilitchholdings.com/leadership-team/christopherilitch.aspx>

Needless to say, the Chapter is honored to have Ilitch as the keynote speaker of this year's McCree Luncheon.

For those affiliated with organizations that are sponsors of the 2017-18 Luncheon Series, tickets likely are available through your organization. For others, the luncheon is \$45 for members, \$60 for non-members, and \$35 for law clerks. Tickets are available on-line at [www.fbamich.org](http://www.fbamich.org).



## Dave Weaver, Clerk of Court/ Court Administrator

In June 2017, the Court approved a one year pilot program to establish a Pro Se Legal Assistance Clinic, in partnership with the University of Detroit Mercy School of Law. Since then, detailed planning and preparation has taken place and the Clinic's official opening occurred on Wednesday, January 17, 2018. The Pro Se Legal Assistance Clinic will provide legal advice to low-income citizens who are representing themselves. Detroit Mercy Law's Anne Yantus, Director of the law school's clinical program, is quoted as saying, "There is a need for this type of work, and a pro se clinic will bring value to litigants, the Court, and our students."

The project was the idea of Judge Victoria A. Roberts, which was embraced by Chief Judge Denise Page Hood, who, in a recent press release stated that since becoming Chief Judge, she has been looking for ways to increase access to the federal court for low income residents. In addition to the Pro Se Legal Assistance Clinic, the Clerk's Office has created a new position, Pro Se Case Administrator. Jeremy Tyrrell holds that position, reports to Court Operations Manager Kevin Williams, and will work with pro se filers through the Clerk's Office and in cooperation with the Pro Se Legal Assistance Clinic.

The Clinic will operate from Office 463 in the Levin Courthouse under the direction of attorney Kevin Carlson, an adjunct law professor at the University of Detroit Mercy. He will supervise eight students to assist pro se litigants. The clinic will operate on Mondays, Wednesdays, and Fridays from 1:00 p.m. to 5:00 p.m.

Remember, if you have any comments, questions or suggestions, do not hesitate to contact me at: [david\\_weaver@mied.uscourts.gov](mailto:david_weaver@mied.uscourts.gov).

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# How Are Federal Judges Appointed?

By Susan E. Fairchild\*

As of January 19, 2018, there are 120 vacancies in the U.S. District Courts. The total number of authorized judgeships is 677. Almost 18% of the seats are vacant. There are 36 nominees pending.

So how are federal judges appointed? Although some variables exist and it can vary, the process is based on the United States Constitution and follows additional steps established by tradition.

1. If one or more of a state's Senators are of the same political party as the President, then home state Senators forward names of potential nominees to the President for consideration. The Constitution specifies no special qualifications for nominees, however, federal law requires that nominees be residents of the particular district or circuit at the time of their appointment and that they continue residency during their judicial service. If a state's Senators are from an opposing party, according to custom, names of potential nominees come from various sources, and the President will consult the state's Senators to determine the acceptability of the candidate under consideration prior to the President nominating a person.

2. Before being nominated, each candidate is evaluated by the White House Counsel's Office and the Department of Justice. A confidential background investigation is conducted by the FBI and an independent evaluation is conducted of candidate finalists by a committee of the American Bar Association. The ABA Committee consists of 15 lawyers with various professional experiences. Following investigation and interviews by the ABA Committee, an initial report is prepared with a rating of the candidate of "well qualified," "qualified," or "not qualified." After review by the entire Committee, the chair confidentially reports the ABA rating of the candidate to the White House. The rating becomes part of the candidate's overall profile which will be considered (strictly on an advisory basis) by the President during the nomination process. When the process is complete, if the President approves the candidate, the President signs a nomination message, which is then sent to the Senate for consideration.

3. The Senate Judiciary Committee receives the nomination and its staff conducts an investigation into

the nominee's background and qualifications. The nominee completes a comprehensive detailed committee questionnaire. Documents from other agencies may be reviewed. During this phase, the Judiciary Committee, through its "blue slip" procedure, obtains input from the home state Senators regarding their approval of the nominee. The "blue slip" is a one page form, on blue Senate letterhead, written by a state Senator from where the judicial nominee resides, expressing the senator's support or disapproval of the nominee. The process originated 100 years ago, and has remained a tradition of senatorial courtesy. The form is sent to the state senators by the Senate Judiciary Committee. The state senators have the option of returning the blue slip in support or opposition to the nominee, delaying returning it, or forever choosing to not return the form. Failure to return a blue slip has, over the last 20 years, blocked a hearing on the nominee, essentially killing the nomination. This pre-hearing phase can extend over a period of months.

4. If a nominee makes it through the Senate Judiciary Committee evaluation, a confirmation hearing is scheduled. The hearing is placed on the Executive Calendar. During this hearing, nominees are subjected to a question and answer session with members of the Senate Judiciary Committee. Questions posed may include inquiries about credentials, previous experience, and the role of judges. Each nominee is allowed to make an introductory statement. Public witness statements, both live and written, may be received. The Committee can report favorably on the nominee, report unfavorably on the nominee, or can pass the nominee without recommendation. Only rarely will the Committee vote to reject a nominee or report on the nominee other than favorably. In such case, the nomination can continue despite the lack of support by the Committee.

5. Most federal circuit court or district court nominations have reached confirmation by a unanimous consent agreement. According to procedure, and in most cases, the Senate, by unanimous consent, takes up nominations for Senate floor consideration, and also arranges for nominations to either receive up or down confirmation votes or be confirmed simply by unanimous consent. If a roll call vote is requested, a simple majority of Senators voting, with a minimal quorum of 51 present, is required to approve a nomination. In cases involving strong opposition to a nomination, or in a case in which unanimous consent to reach confirmation cannot be attained, the Senate may use the cloture process and vote on cloture motions to bring floor debate to a close

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## Federal Judges *(from page 3)*

on a nominee. Currently, a simple majority of Senators voting is needed to close debate on nominations, except nominations to the Supreme Court.

6. Sometimes, judicial nominees are not confirmed. This usually happens when nominations in committee or on the Senate's Executive Calendar are returned to the President at the end of a session or upon a recess or more than 30 days. It is a rare occurrence that the Senate votes to reject a nomination. Of interesting note is that the judicial confirmation process in the Senate is currently longer than in the past. During the Clinton, Bush, and Obama presidencies, the Senate has taken longer to confirm district court and circuit court nominees – with average times from date of first nomination to confirmation now being measured in multi-month or half-year periods.

7. After a nominee has been confirmed by the Senate, the President signs the nominee's commission – a formal document empowering the nominee to assume the judicial office. This usually occurs within several days after Senate confirmation. The commission is then sent to the Department of Justice, which forwards it to the nominee, with other important forms, including the statutory oath of office. The nominee must sign the commission when the oath of office is executed.

8. The final step in the process is the investiture. During this ceremonial event, held at the convenience of the new judge, the new judge is sworn in, often in the presence of family and friends. This is not a required event, and the judge may assume duties prior to this event.

*\*Susan Fairchild is an Assistant United States Attorney in Detroit and the Immediate Past President of the Chapter.*

## Annual Holiday Party

The Chapter threw its annual Holiday Party on

December 6 at the Motor City Kitchen at the DoubleTree Suites by Hilton Hotel-Fort Shelby. Guests enjoyed hors d'oeuvres, spirits, and camaraderie while being treated to the music of Executive 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 also enjoyed a brief presentation of the Court Historical Society's "Avern Cohn Award

For Excellence in the Collection, Preservation and Interpretation of Michigan Legal History." The award was presented to Kevin Ball for his book *Adversity and Justice: A History of the United States Bankruptcy Court for the Eastern District of Michigan* (Wayne State University Press). Historical Society Board President Matthew Lund presented the award to Ball who, in accepting the award, took special note of the encouragement and guidance given by Bankruptcy Judge Walter Shapero and District Judge Avern Cohn.

Thanks go to event chairs Tom Cranmer, Elisa Angeli Palizzi, and Jeff Sadowski for their effort in planning another successful event. And, of course, special thanks go to *The Cat's Pajamas* for another wonderful performance.



*Annual Holiday party attendees included: Elisa Angeli Palizzi, Chapter President Jeffrey Appel, Immediate Past President Susan Fairchild, Magistrate Judge Mona K. Majzoub, Bankruptcy Judge Mark A. Randon, District Judge Victoria A. Roberts, Jeff Sadowski, retired District Judge Gerald E. Rosen, District Judges Terrence G. Berg and Mark A. Goldsmith, and Chapter Vice President Matt Lund.*

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

## Complex Commercial Litigation

On December 7, 2017, the Chapter's Complex Commercial Litigation Committee hosted a "Discussion with the Bench" on creative alternatives to a full trial and best practices for complex litigation.

The esteemed panelists included District Judge Robert H. Cleland, District Judge David M. Lawson, and Magistrate Judge Anthony P. Patti. Committee co-chairs A. Michael Palizzi, Jeffrey Sadowski, and Mark Aiello moderated the panel, which was held in the Detroit Room of the Levin Courthouse. Also in attendance were District Judges Marianne O. Battani, Terrence Berg, Avern Cohn, and Sean Cox, along with about 50 members of the bar.

The seminar began with a debate on the merits of summary jury trials, a little known alternate dispute resolution procedure authorized by Rule 16 of the Federal Rules of Civil Procedure. A summary jury trial is, in essence, a mock jury trial based upon summarized evidence. Judge Cleland, the only member of the panel with experience with the procedure, said he found it could be valuable under the right circumstances. Judge Lawson expressed some reservations, and questioned whether the court should be empowered to call citizens to serve on an advisory jury, and whether mock trials should be publicly conducted and funded. Magistrate Judge Patti noted that the procedure could be useful to facilitate settlement in cases where one or more parties had an unrealistic view of the strength of their case. The panelists were in general agreement that the jurors should be told of the advisory nature of their role.

The panel also addressed consent references to magistrate judges for all proceedings, including civil jury trials. The judges noted that the Eastern District of

Michigan has historically had very few cases in which the parties consent to trial before a magistrate judge. Judges Cleland and Lawson noted that this might be due to the culture of the district, or the overall low number of civil jury trials in recent years. All of the panelists urged attorneys to more seriously consider consenting to trial before a magistrate judge, particularly in light of the caliber of magistrate judges in our district. Magistrate Judge Patti made a pitch for consent references, noting that because magistrate judges do not conduct criminal

trials, a trial before a magistrate judge will often receive an early trial date.



*On hand to discuss the book with Judge Kethledge (fifth from the left) were: District Judge Mark A. Goldsmith, Book Club Co-Chair Erica Fitzgerald, Immediate Past President Susan Fairchild, Book Club Co-Chairs Andrew Doctoroff and David Fink, District Judge Laurie J. Michelson, Chapter President Jeffrey Appel, and District Judges Avern Cohn and Terrence Berg.*

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

## Book Club Meets

Federal judges and attorneys gathered on December 12, 2017, in the Judges' Conference room of the Courthouse to discuss *Lead Yourself First: Inspiring Leadership Through Solitude*, a book co-authored by Sixth Circuit Judge Raymond M. Kethledge and Major Michael S. Erwin.

Judge Kethledge joined the book club meeting in person to answer questions and offer insights about the book. Divided into sections on clarity, creativity, emotional balance, and moral courage, the authors profile historical and contemporary leaders from many fields who have used quiet reflection to make decisions in their leadership roles.

This book, buoyed by the author's participation, garnered the highest book club attendance in years. Led by co-chair Andy Doctoroff, the discussion centered on practical opportunities for leadership and reflection in the legal profession, especially in busy offices where we are surrounded by the internet, information, and meetings.

Judge Kethledge described his inspiration for the book, his extensive research over many years to write

*(continued on page 6)*



## Book Club *(from page 7)*

the book, and his personal habits to facilitate solitude and reflection.

Stay tuned for the book club's next selection and meeting date this spring. Contact the book club co-chairs with your recommendations or for more information.

## Rakow/Rom Awards Luncheon Historical Society Annual Meeting

On November 14, more than 200 members and friends met at the Westin Book Cadillac Hotel for the Edward H. Rakow and Barbara J. Rom Awards Luncheon and the Court Historical Society Annual Meeting.

The Rakow Scholarship Awards are presented each year to an outstanding student of securities, corporation, or business law at each of the law schools in Michigan. Ed Rakow, a founding member of the Chapter, had headed the Securities and Exchange Commission field office in Detroit for 26 years at the time of his death in 1965.

The Barbara J. Rom Bankruptcy Award is presented annually to a bankruptcy practitioner who demonstrates the same level of excellence and dedication in the practice of bankruptcy law as the Award's namesake. For a full description of the Award and nomination forms, please visit the Chapter website.

After introductory remarks by Chapter President Jeff Appel, this year's Rakow Awards were presented by Federal Bar Foundation of Detroit trustees Dennis J. Clark and Edward M. Kronk to the following individuals:

- Patrick Bailey,  
Michigan State University College of Law
- Tanya Murray,  
University of Detroit Mercy School of Law
- Jessica Opila,  
University of Michigan Law School
- Brennan Ackerman,  
Wayne State University Law School
- Andrew Hendra,  
Western Michigan University Cooley Law School

Next, Michael Hammer introduced the Sixth Annual Barbara J. Rom Award for Bankruptcy Excellence.

Bankruptcy Chief Judge Phillip J. Shefferly then introduced and presented the award to David W. Ruskin, the "dean" of the consumer bankruptcy bar in the Eastern District of Michigan. Judge Shefferly described Ruskin's career, which includes more than 40 years of practice. Ruskin was appointed the Chapter 13 trustee in 1982 and has served in that role ever since, including as the only Chapter 13 trustee until 2000. During his career, Ruskin has worked on more than 250,000 cases and been involved in disbursing more than \$1 billion to creditors in court-approved bankruptcy plans.

Judge Shefferly also described Ruskin's contribution to the consumer bankruptcy arena, which included efforts to improve the system for debtors, creditors, and their attorneys with his "empathy, compassion, and judgment."

Judge Shefferly next noted Ruskin's impact on the consumer bankruptcy profession. He described Ruskin's service as a mentor and role model for the two other Chapter 13 trustees, his involvement in national Chapter 13 trustee organizations, and his community involvement, such as the co-founder of the Consumer Bankruptcy Association in the area. Ruskin also serves on committees within the Eastern District's Bankruptcy



*Chapter and Historical Society leadership paused for a photograph at the Rakow luncheon, including: Foundation Trustee Ed Kronk, David Ruskin, Chapter President Jeff Appel, Chapter Program Chair Dan Sharkey, Chapter Secretary-Treasurer Fred Herrmann, Alan Harnisch, and Chapter Vice President Matt Lund.*

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

Court, promotes continuing legal education, and has developed procedures to give financial guidance to consumers going through Chapter 13 bankruptcy. These are only some of his many accomplishments to the consumer bankruptcy community.

After receiving the award, Ruskin began by thanking his family and professional colleagues for their support over his career. He also commented on the consumer bankruptcy system, improvements to that system that have occurred in the Eastern District of Michigan, and the work that still needs to be done.

After lunch, the Chapter and Historical Society took a quick pause to present a special award to Alan G. Harnisch for his decades of service to both groups. Chapter President Jeff Appel and Historical Society President Matthew Lund presented Harnisch with the award. Harnisch was instrumental years ago in the creation of the New Lawyer's Seminar, which continues to be held each year. He also served as Chapter President, a national FBA president, and a trustee and president of the Court Historical Society.

Next, Lund introduced the keynote speaker, Danielle McGuire, an Associate Professor at Wayne State University.

Professor McGuire's comments focused on her forthcoming book, *Murder in the Motor City: The 1967 Detroit Riot and American Injustice*, which addresses the 1967 Algiers Motel murders in Detroit and the subsequent trials.

McGuire is the author of many books and articles on the intersection of race, gender, and civil rights in American history, including *At the Dark End of the Street: Black Women, Rape and Resistance—a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*.

McGuire earned her bachelor's and master's degrees in African American Studies from the University of Wisconsin-Madison. Professor McGuire received her Ph.D. in History from Rutgers University. She has received many awards for her teaching and scholarship. She also has served since 2009 as a Distinguished Lecturer with the Organization of American Historians.

## Luncheon Sponsors

The Chapter gratefully acknowledges the following sponsors of the 2017-2018 Luncheon Program:

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Risk Management L.L.C.  
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## 42nd Annual New Lawyers Seminar

The 42nd Annual New Lawyers Seminar was held this year on December 5 and 6 at the Theodore Levin Courthouse. Again the seminar received rave reviews from participants who found the practical practice information imparted invaluable to them as new lawyers.

This seminar is sponsored by the Chapter in conjunction with the Young Lawyers Section of the State Bar of Michigan, and its purpose is to bridge the gap between the theoretical study of law and the actual practice of law. Speakers provide insight and tips in a variety of common practice areas relevant to those in large firms as well as those practicing on their own. As in past years, presenters were among some of the best legal talent in Metropolitan Detroit. This included judges from our local state and federal courts and litigators and non-litigators from a variety of settings including government, big firm, small firm, sole practitioners, and in-house.

The first day of the seminar focused on practice in the federal courts and was moderated by Sarah Resnick Cohen, Assistant United States Attorney. The day began with a welcome to federal practice by Chief Judge Hood who gave a warm greeting to the attendees. Former AUSA and now Executive Director of the Michigan Judicial Tenure Commission

Lynn Helland next said a few words to the attendees about practicing ethically.

This was followed by Karen Hillebrand, an Information Management Specialist with the Court, who provided the ins and outs of the ECF system. Rich Hewlett from Varnum then provided an “Anatomy of a Civil Case,” giving the new lawyers an overview of a federal case from start to finish, and explaining differences between state and federal court practice.

A panel comprised of career law clerks Kimberly Altman (Judge Cohn), Jim Carroll (Chief Judge Hood), Marie Coombs (Judge O’Meara), and Jesse Taylor (Judge Levy) discussed federal court “Do’s and Don’ts” and answered questions from participants. Magistrate Judge Anthony P. Patti and Hooper Hathaway attorney Angela L. Jackson then provided similar advice during their presentation on discovery practice, offering their different perspectives of how lawyers should conduct discovery in federal court.

Heidi Naasko from Dykema next presented on Pro Bono Practice. She shared several stories of her experience performing pro bono work, conveying the extensive need for volunteers throughout the Detroit area and the tremendous benefit of providing pro bono legal assistance. For those interested in civil work, Judge Victoria A. Roberts provided a thorough overview of Federal Subject Matter Jurisdiction and Removal to Federal Court.

For those interested in criminal practice, Judge Laurie J. Michelson and David DuMouchel from Butzel



*New Lawyers Seminar attendees being sworn in surrounded by their families.*

*Photo courtesy of the New Lawyers Seminar Committee.*



*Among those attending the New Lawyers Seminar were: (front row) Fran Yturri, Wayne County Circuit Judge Patricia Fresard, Christine Dowhan-Bailey, District Judge Victoria A. Roberts, and (back row) Albert Dib, Cathrine Wenger, Chapter President Jeff Appel, and Tyler Knurek.*

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



provided interesting and helpful suggestions on Criminal Practice in Federal Court. Finally, Stan Bershad, of Goldstein, Bershad, & Fried presented on Bankruptcy Practice, offering many amusing anecdotes from his practice.

At the conclusion of the first day's presentations, participants formally were admitted to the federal court in a mass swearing-in event over which Judge Arthur J. Tarnow presided. Family members of many participants were on hand to witness this memorable moment.

The second day of the seminar focused on the practice of law in the state courts and was moderated by Tyler Knurek of Secrest Wardle, a newly admitted attorney. The day began with an introduction by Syeda Davidson of Burgess, Sharp, & Golden, the Chairperson of the Young Lawyers Division of the State Bar. Davidson discussed the importance of participating in bar and community events and maintaining work life balance. She also discussed the various programs that provide opportunities for inexperienced lawyers to be mentored by more experienced counsel.

Alan Gershel, Grievance Administrator, discussed the most common types of grievances filed against newer attorneys, often for inadvertent things, and how to avoid issues. Gershel also spoke about the importance of responding to a notice of grievance in a timely fashion, since the failure to respond can result in discipline even when there is no merit to the underlying claim.

The second day continued with presentations by experienced practitioners in a variety of subject areas. Kay Malanay from Hainer & Berman, P.C. spoke on Domestic Relations and discussed how to negotiate and structure a settlement to avoid future litigation, and

strategies for resolving contested issues efficiently. First time speaker Alredo Casab from Dawda Mann spoke on Basic Real Property Transactions, and also provided a checklist to make documents clear and (hopefully) uncontestable. Sole practitioner Lawrence Pepper reviewed basic probate transactions, drafting effective probate documents, and practice strategies.

Cathrine Wenger, in-house counsel with Art Van Furniture, provided an overview of Employment Law and discussed the importance of pre-dispute policies, and procedures and practices to avoid litigation and better protect the employer in the event of litigation. She also provided suggestions for both plaintiffs and defendants at various stages of proceedings in the event of litigation, including the use of administrative proceedings to conduct no-cost discovery. Andrea Hamm from Miller Cohen discussed ways to protect the

rights of an employee injured on the job and strategies for effectively prosecuting or defending Workers' Compensation claims.

Peter Kupelian from Clark Hill next discussed Alternate Dispute Resolution, including the differences between mediation and arbitration, recommendations for the most effective use of each, and various ways that ADR can be effective in a variety of practice areas.

Other speakers included Albert Dib on Evaluating and Litigating Personal Injury Claims. Participants chuckled when he shared the number of "no cause" verdicts he received as an inexperienced lawyer

and how, through tenacity and a focus on continuous learning, he ultimately became a successful trial attorney. Albert also discussed how to screen clients and some of the business aspects of a sole or small practice.



*David DuMouchel, District Judge Laurie J. Michelson, and Chapter President Jeff Appel at the New Lawyers Seminar.*

*Photo courtesy of the New Lawyers Seminar Committee.*



*A panel of federal law clerks at the New Lawyers Seminar included: Marie Coombs, Kimberly Altman, moderator and AUSA Sarah Cohen, Jesse Taylor, and Jim Carroll.*

*Photo courtesy of the New Lawyers Seminar Committee.*

## New Lawyers *(from page 10)*

Brian Legghio, a former criminal AUSA and current defense attorney, discussed practicing criminal law in state courts. Legghio provided practical suggestions for how an attorney can most effectively provide a defendant with the level of defense required by the Constitution. He also provided techniques for jury selection, cross-examination, and advising a defendant on whether to testify.

Mid-way through the state day, attendees were treated to lunch at the Doubletree Hotel. Wayne County Circuit Judge Patricia Fresard was the guest speaker. Judge Fresard presented an overview of practice in the 3rd Judicial Circuit. She provided some background on the structural changes that the Wayne County Circuit has employed over the last 20 plus years to improve its operations and efficiency. Additionally, Judge Fresard explained the various divisions within the 3rd Judicial Circuit clarifying where particular cases will be managed and how they are assigned.

Chapter President Jeffrey Appel also made an appearance and welcomed the new lawyers to practice in the state and federal courts.

Co-chairs for the seminar Christine Dowhan-Bailey, Cathrine Wenger, Grant Gilezan, and Lauren Mandel

thank the speakers for their on-going support of this program. All are busy practitioners who volunteer their time to speak at the seminar and prepare material, and many speakers have presented for 20 or more years.

## Law Clerk Happy Hour

On October 19, 2017, the Chapter's Law Clerk Committee hosted a happy hour for current federal law clerks working in the Eastern District. The event was held at the Avalon Café in Detroit.

Over pizza and libations, law clerks from various chambers had the opportunity to mingle and meet their colleagues. The event was attended by clerks from the chambers of Sixth Circuit Judges Damon Keith and Eric Clay, and District Judges Robert H. Cleland, Avern Cohn, Sean F. Cox, Gershwin A. Drain, Nancy G. Edmunds, Mark A. Goldsmith, Denise Page Hood, Laurie J. Michelson, Victoria A. Roberts, and George Caram Steeh.

The Law Clerk Committee sponsors numerous events to help current and former law clerks maintain connections made during their clerkships, including with their respective judges. The Committee hopes to host another happy hour next fall.

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## Calendar of Events

- Feb. 7**      **Augmented and Virtual Reality Seminar**  
Presented by the Intellectual Property Committee  
Theodore Levin Courthouse, Detroit Room, Room 115  
Noon – 1:00 PM  
Members: \$20 | Nonmembers: \$30 Includes lunch!
- Feb. 27**      **Wade H. McCree Jr. Award Luncheon**  
The Westin Book Cadillac Detroit, 1114 Washington Boulevard, Detroit, MI, 48226  
11:30 AM      Reception  
12:00 PM      Luncheon  
Members: \$45 | Non-Members: \$60 | Clerks: \$35  
Keynote Speaker: Christopher Ilitch, President and CEO, Ilitch Holdings, Inc.  
Nominations due: February 2
- March 1**      As a thank you to our Sustaining and Executive Affiliate Members, we are hosting a  
**Sustaining and Executive Affiliate Members Reception** at the Miller Canfield Law Firm,  
150 W Jefferson, Detroit, MI 48226  
4:30 – 6:30 PM  
If you would like to come and are not yet a Sustaining Member but would like to upgrade your  
membership, it's not too late! Email Executive Director Mindy Herrmann at fbamich@fbamich.org
- March 21**      **Criminal Practice Seminar**  
Theodore Levin Courthouse, Detroit Room, Room 115  
11:00 AM – 1:00 PM  
Members: \$14 | Nonmembers: \$29 Includes lunch!
- March 23**      ***The Art of Pleading: Civil Rights & Employment Law After Iqbal***  
Theodore Levin Courthouse, Detroit Room, Room 115  
3:00 – 5:00 PM  
Panelists: District Judge Judith E. Levy and Professor Alexander A. Reinert. Moderator: Robin Wagner.  
Sponsored by the Chapter, the Civil Rights Law Section of the national FBA, and the Labor and Employment  
Law Section of the State Bar of Michigan  
Free admission, but please RSVP to fbamich@fbamich.org. Donations accepted
- April 24**      **Leonard R. Gilman Award Luncheon**  
Atheneum Suites Hotel International Banquet & Conference Center, 400 Monroe St, Detroit, MI 48226  
11:30 AM      Reception  
12:00 PM      Luncheon  
Members: \$45 | Non-Members: \$60 | Clerks: \$35  
Nominations due March 30
- May 1**      **Law Day at the Courthouse: A Downtown Tradition**  
Welcoming your staff, clients, and downtown neighbors to visit the Courthouse and the Judges,  
11:00 AM until 1:00 PM  
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.
- June 21**      **39th Annual Dinner featuring:**  
• Election and installation of Officers and Board Members  
• The Ninth 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.  
5:30 PM      Cocktails  
6:30 PM      Dinner  
Atheneum Suites Hotel International Banquet & Conference Center, 400 Monroe St, Detroit, MI 48226  
Members: \$100 | Non-Members: \$120 | Clerks/Junior Members: \$80  
Table Sponsorships available: \$1,200  
Nominations for Cook-Friedman Award due: May 25
- June 25**      **Chapter Golf & Tennis Outing and Dinner**  
Venue to be determined.  
To register a foursome, email lemanski@butzel.com.

**Updates and further developments at [www.fbamich.org](http://www.fbamich.org)**

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