



Federal Bar Association - Eastern District of Michigan Chapter - **62** years of service to our Federal Bench and Bar

Magistrate Judge Majzoub Retires

By Corinne Lambert*

“Parting is such sweet sorrow.” ~William Shakespeare

On January 5, the Honorable Mona K. Majzoub retired from the Federal Bench after serving sixteen years as a Magistrate Judge in the Eastern District – part of an illustrious legal career spanning nearly five decades.

Judge Majzoub was born in Memphis, Tennessee, to Lebanese immigrants and was raised in Dearborn. She earned both an undergraduate degree and a graduate degree from the University of Michigan, took graduate courses to augment her master’s degree at the American University of Beirut in Lebanon, and received her juris doctor degree from the University of Detroit.

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Miriam Siefer: An Era Ends

By Ken Sasse*

Miriam Siefer is a 1975 graduate of Wayne State University Law School. After law school she worked in a small firm in Southfield. In 1978 she joined Wayne State as a clinical staff member and later became Director of Criminal Advocacy. She joined the then Federal Defender Office as Deputy Chief in 1980 and became Chief Defender in 1995. Her accolades and awards are too numerous to mention. She is married to attorney Joseph Bachrach. They have two daughters, Rachel and Jodi, and two grandchildren. Upon her retirement at the end of February, Miriam plans on spending time with family and friends and enjoying new adventures.

I did not like her. Not one bit.

I don’t think anyone in our office liked her. In 1980, most of us had been representing clients as Federal Defender Office

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President’s Column

Matthew J. Lund

As we enter a new year and a new decade, our Chapter is off to a vibrant start.

Our first two luncheons were a tremendous success. Chief Judge Denise Page Hood delivered an enlightening State of the Court address in September. In October, the Court Historical Society presented Sam Damren, a formerly active member of both the Chapter and Historical Society, who spoke about his recently published book, *What Justice Looks Like*. It is a well-written book by a distinguished lawyer, and I would recommend it to all.

The Historical Society also unveiled its video documentary on the Court and its history. The documentary is being professionally produced to air on PBS later this year and has been adopted by the Chapter as a joint project. If you were unable to attend the luncheon, I encourage you to watch the trailer for the documentary, which can be accessed at <https://vimeo.com/373894138/c98c0b6bd9>.

When complete, the documentary will be a one-hour piece that covers the court system in the Eastern District, the million-dollar courtroom, and five cases that have impacted our region from the mid-1940s to the present. Former Senator Carl Levin, Attorney General Dana Nessel, and several of our District Judges are among those who will be featured.

Our Chapter’s programs are in full swing as well. The New Lawyers Seminar – one of the Chapter’s oldest

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President's Column

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programs – was well attended and well regarded by all. Our sincere thanks to the committee and to the several distinguished speakers who gave the new lawyers their valuable insight. As I mentioned in my last column, I am an alumnus of the program and can speak to its sustaining value.

On January 7, our Civil Rights Committee, in conjunction with the National FBA, presented a program on mass evictions in Michigan: "Making a Federal (Civil Rights) Case Out of Evictions." Nearly 50 people from within and outside the District attended the day-long program. These are just two of the many and diverse programs under our belt thus far this year.

Meanwhile, our spark with the Northern Division initiative is catching on and becoming a sustaining fire. Lawyers from the north participated in each of our Board/Co-Chair meetings via videoconference from Judge Opperman's courtroom in Bay City. On February 20, the Northern Division and Bankruptcy Committee will present the "State of the Bankruptcy Court for the Northern Division" and a panel discussion on new bankruptcy legislation. The program will be at Zehnder's of Frankenmuth, and will be followed by a reception and dinner.

Additional programming for this chapter year is also in the works. We are proud of the enthusiasm in the Northern Division and are pleased to have the whole Eastern District (north and south) fully integrated into the Chapter.

As we enjoy this Michigan winter together, stay warm. And more importantly, stay active! I look forward to seeing you at the McCree luncheon at the Atheneum on February 26.

Miriam Siefer *(from page 1)*

attorneys for several years. We were pretty good at it. We were winning some trials, getting some dismissals on legal grounds, and persuasively arguing for reasonable sentences in cases where convictions could not be avoided. We did not need a new Deputy Chief, who had never worked in our office, to tell us what to do.

We didn't like her. We wanted nothing to do with her. But then we met her. And, try as we did, we could not dislike Miriam Siefer after we met her. Miriam did not try to tell us how to handle our cases. Instead, she offered helpful suggestions, resources, and, perhaps most importantly, a sympathetic and caring ear.

Miriam served as Deputy Chief at the Federal Defender Office from 1980 until 1994. That year, Paul Borman left his position as Chief Defender when appointed to the United States District Court. To the surprise and disappointment of no one, Miriam Siefer was appointed as the new Chief Defender. In 2018 she saw the office transition from the Federal Defender Office, a part of Legal Aid and Defender Association, to its own freestanding organization, the Federal Community Defender for the Eastern District of Michigan, with an independent board of directors.

Now she is retiring. And I don't like that either. Not one bit. An era is ending.

* * * * *

Much has changed in the federal criminal defense world since Miriam Siefer first came to the Federal Defender Office.

In 1980, John Feikens was just beginning his reign as Chief Judge. The Court included Judges Philip Pratt, Robert E. DeMascio, Charles W. Joiner, James Harvey, Ralph B. Guy, Jr., Patricia Boyle, Julian Abele Cook, Anna Diggs Taylor, and Horace W. Gilmore.

Times were different. When a major drug dealer was convicted under the continuing criminal enterprise statute and received a 10-year sentence, word of the severity of the sentence swept through the courthouse.

A defendant who was considering going to trial was typically advised that, if he did so, the sentence he received if convicted would be no greater than if he pled guilty. At a trial, the defendant and his attorney were almost always opposed by a single prosecutor and a case agent. Prosecution by teams of attorneys, backed by seemingly countless agents, paralegals, and technical assistants, had not yet become the norm.

Sentencing hearings consisted of discussions about the seriousness of the crime, the need for punishment and the prospects of rehabilitation. A sentencing was not yet preoccupied by mathematical calculations. Determinations of what constitutes relevant conduct, convoluted legal arguments over the meaning of an application note, or the assortment of other matters that are now relevant to determining how many months of incarceration are required for an offense were unknown at that time.

It was a simpler time. Maybe better. Maybe worse. Certainly different.

* * * * *

Miriam Siefer's position at the Federal Community Defender has required her to act in many capacities.

As Chief Defender, Miriam Siefer has reported to two sets of authorities: the federal Administrative Office of the U.S. Courts and the local governing board (previously the Legal Aid and Defender Association and now the Federal Community Defender). The priorities

of these federal and local entities have not always been identical. It was not always easy to please both and offend neither.

As the chief administrative officer, Miriam has hired, promoted, and occasionally fired, staff personnel. She must periodically review performances. She regularly reviews the caseload of each attorney to discuss progress, problems, and potential issues in their cases.

A big part of Miriam's work has been the education and training of her staff. This has become increasingly important as the sentencing guidelines have changed as a result of commission amendments and thousands of appellate court decisions. Federal criminal defense work has been further complicated by mandatory minimum sentences and changing prosecutorial positions on plea bargaining practices. Miriam regularly reviews all recent Sixth Circuit cases with her attorneys and provides updates on all facets of federal criminal defense.

Miriam also oversees the panel attorneys who are appointed to represent defendants in our district. This involves selection of the attorneys on the panel as well as education of these attorneys.

And Miriam is the point person for the defense whenever issues arise with the government or the Court. If there are issues about discovery, Miriam is involved. If there are issues about plea agreement language, Miriam is involved. If there is a perceived problem with the actions of an attorney in her office, or with a CJA panel attorney, Miriam is involved.

While much of Miriam's work is administrative, she has not abandoned the courtroom. Throughout her tenure at the Defender Office she has regularly taken a turn in the Duty Magistrate Judge's Courtroom handling appearances, arraignments, and bond hearings on recently arrested defendants. She has also continued to maintain her own caseload. Along the way, she has managed to represent defendants in some of the most difficult cases brought to the office, including representation of Michael Nitz (the Vincent Chin case), James Nichols (implicated in the Oklahoma City bombing), and Umar Farouk Abdulmutallab (the Christmas Day Bomber a/k/a the Underwear Bomber). Her skill as a trial attorney is admired by all who have worked with her or opposed her in a courtroom.

* * * * *

Miriam Siefer has a ton of wonderful attributes. Perhaps above all else, however, is that she cares.

Miriam cares about the people she works with. Her office attorneys, the paralegals, the investigators, other

support staff, the CJA attorneys. She cares about every one of them. She cares about the judges. She even cares about the prosecutors and the agents.

She cares about justice. And she cares about the system that is supposed to provide justice.

She cares about the defendants. Her clients. Our clients. She cares and wants to provide them an opportunity to succeed in life. Sometimes she probably cares about them too much and wants to believe in them too much. But it is the type of caring and believing that each of us would want in an attorney if faced with a difficult legal situation in our own life.

Miriam will be replaced as the Chief Defender. I am confident she will be replaced by a very capable person. But she will be missed.

**Ken Sasse was an Assistant Federal Public Defender from 1974 to 1985 and 1995 to 2014, and now works in private practice.*



Miriam Siefer sitting at her desk during the last weeks of her decades-long career as Chief Defender.

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

Magistrate Judge Majzoub (from page 1)

Judge Majzoub began her legal career in 1977 at the Detroit law firm of Kitch & Suhrheinrich, PC, defending clients in professional liability matters until her appointment to the bench on January 6, 2004. Upon her retirement, Judge Majzoub will transition to private practice in dispute resolution.

On December 5, a reception was held in The Detroit Room of the Levin Courthouse to celebrate Magistrate Judge Majzoub's retirement. The event was attended by her family, personal friends, colleagues, members of the bar, and members of the Court family.

And in celebration of Judge Majzoub's heritage, the tables were beautifully decorated with camel figurines from Judge George Caram Steeh's personal collection.

Speakers at the event included U.S. Attorney Matthew J. Schneider, Kenneth M. Mogill of Mogill, Posner & Cohen, Senior Sixth Circuit Judge Richard F. Suhrheinrich, Judge Nancy G. Edmunds, and Judge Majzoub's law clerks, Corinne M. Lambert and Christopher J. Doyle.

Indeed, as Schneider described, it was a bittersweet event. But importantly, as Schneider said, the celebration brought together the federal prosecutors and defenders, the civil bar, and the bench to pay tribute to Judge Majzoub for her exceptional service to the citizens of the Eastern District. And also for embodying the values that are so important to justice and the integrity of the legal profession: fairness, the even application of the law, treating parties with respect, decency of the courtroom proceedings, and respect for the Constitution and laws of the United States.

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Magistrate Judge Majzoub *(from page 3)*

Ken Mogill, who has known Judge Majzoub longer than almost everyone in the room, gave attendees a glimpse into her past. Mogill hired Judge Majzoub as a paralegal before she started law school. He described her in those early years as thoughtful and erudite, with very long hair down to her waist; she didn't say a lot back then, but when she did, she was someone who was very much worth listening to. In that sense, he said, only her hair length has changed. He also related Judge Majzoub's love for music and literature and her generosity – so often expressed through her fine cooking. Mogill characterized Judge Majzoub as a quiet trailblazer: the first female attorney at the Kitch law firm, the first female shareholder at the firm, and the first female Muslim judicial officer in the Eastern District. Most memorably, Mogill said that “when you become friends with Mona, you have a friend for life.”

Next up to the podium was Judge Suhrheinrich, who hired Judge Majzoub at the law firm in 1976. He described her as a hard worker and recounted the long, hard hours and days that she and the other attorneys in the firm put in during the firm's tremendous growth. Judge Suhrheinrich's remarks were delightfully laced with dry humor, through which he jovially took credit for Judge Majzoub's development into a fine lawyer, although he noted that Judge Majzoub failed in imitating his judicial demeanor. Judge Suhrheinrich



*Magistrate Judge
Mona K. Majzoub*

concluded by describing the importance of being a lawyer. “Thank God I'm a lawyer,” he said.

Judge Edmunds followed, describing Magistrate Judge Majzoub as the consummate professional, but more importantly, the consummate friend. With respect to her performance as a Magistrate Judge, Judge Edmunds said that there is no one who could compare, particularly when it comes to settlements and mediations. On a personal note, she reminisced of their excursions to New York and northern Michigan, evenings on Pine Lake with Judge Majzoub captaining the ship, trips to the opera, and dinner parties at each other's homes. She also commended Judge Majzoub as the best and most generous cook she knows. Poignantly, Judge Edmunds captured who Judge Majzoub is as a person with the following biblical statement: “A woman of valor is hard to find, and her price is far above rubies, far, far above rubies.”

Having heard from her former bosses and colleagues, law clerks Corinne Lambert and Chris Doyle stepped in to give the attendees a special perspective of what it was like to work for Judge Majzoub. They described a professional, warm, collegial, and exquisitely-decorated chambers and a close-knit and everlasting judicial work family, comprised of both past and then-present staff members. In echo of the speakers before them, they characterized Judge Majzoub as full of integrity and grit, fair, decisive, deliberate, dignified, kind, an independent thinker, and a stickler for grammar, with a



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superhuman intuition capable of reading her law clerks' minds.

And they told of a great teacher – one who challenged them to become clearer thinkers and better writers, and who taught them with her words and actions how to be successful lawyers and good people.

But it wasn't all business in Judge Majzoub's chambers – the clerks described cultural and culinary adventures, like trips to the theatre in Stratford, Ontario, and a quest to try all the good (and bad) restaurants on Michigan Avenue. Most of all, Corinne and Chris described what an honor, pleasure, and privilege it was to work for and alongside Judge Majzoub – the best role model and advocate a law clerk could have.

Finally, in expected fashion (pun intended), Judge Majzoub countered with a memorable and humorous PowerPoint response, in which she described her upbringing, illustrated the work-hard, play-hard environment at the firm through a series of vintage photographs, and even roasted a few of her judicial colleagues.

Judge Majzoub then lowered the curtain on her judgeship with these parting words: "There is so much that I will miss about my day-to-day here. I will miss the courtroom, the intimacy and elegance of chambers, the pleasure of working closely every day with gifted and extraordinary young lawyers who serve as term and career law clerks, the friendly smiles of the CSOs who enthusiastically greet us, the incredible technical support that we all receive, the beauty and austerity of this historical building, the protection and security provided at all times by the U.S. Marshal Service, all of the amazing professionals who dedicate their lives to public service, and of course, my friends and colleagues on the bench. As I transition to private practice, I will remember with gratitude and appreciation all of those who made my sixteen-year tenure here such a joy and privilege, day in and day out."

Thank you, Magistrate Judge Majzoub, for your hard work and dedication to public service and to the Bench. You will be greatly missed by all. Best of luck in your future endeavors.

**Corinne Lambert was a law clerk to Magistrate Judge Majzoub for almost six years, two as a term clerk and four as a career clerk. She currently serves as a law clerk to Judge Stephanie Dawkins Davis.*

RISE Committee Hosts Speed Judging Event

On January 22, the RISE (New Lawyers) Committee's most recent event, Speed Judging, drew attorneys and law students to the Levin Courthouse's Detroit Room for an afternoon of conversation and camaraderie.

Small groups of participating attorneys and law students rotated between tables to network with district, magistrate, and bankruptcy judges in ten minute periods. The judges provided the participants with insight on

practicing in federal court, judicial pet peeves, and their careers in practice and on the federal bench. Judicial officers in attendance included District Judges Arthur J. Tarnow, Sean F. Cox, and Laurie J. Michelson, Magistrate Judges David R. Grand and Patricia T. Morris, and Bankruptcy Judge Maria L. Oxholm.

After the event, participants took a stroll to Avalon Bakery for happy hour, which was graciously sponsored by Honigman LLP and Bush Seyferth PLLC. The RISE Committee thanks the event sponsors and participating judges for their support.



Dave Weaver Court Administrator / Clerk of Court

I would like to welcome our newest District Judge, Stephanie Dawkins Davis! Chief Judge Denise Page Hood administered the oath of office to Judge Davis on December 31, 2019. Once a new judge is sworn in, an incredible amount of activity takes place behind the scenes to get the judge up and running, and I thought some of the process may be of interest.

Though Judge Davis was already with the Court as a Magistrate Judge, there was and is much to be done to ensure a smooth transition to her new position. First, the Court had to handle Judge Davis' existing magistrate judge docket. While most of the cases were randomly reassigned to other magistrate judges, there were several consent cases she was able to retain.

The next steps are determining when Judge Davis will be added to the Civil and Criminal case assignment dockets. Typically, a new district judge is placed on the criminal draw first and that caseload begins to accumulate. On the civil side, a docket is created with cases being reassigned from the dockets of both active and senior judges based on the average size of the civil docket in the district.

Unique to the civil docket creation process are several conditions regarding which cases can and can't be reassigned to a new district judge. In the "old days" it was not uncommon for a new judge to be reassigned the, well, less desirable cases. Now there are conditions that prohibit the reassignment of some civil cases. For example, some of the conditions state a case can only be reassigned if it is less than two years old, has not been previously reassigned, or if it is not a multi-district litigation case. These conditions ensure the new district judge starts off with a manageable caseload while also receiving new civil assignments.

The long and the short of it is Judge Davis is off and judging! Her duty station will remain in Flint.

The renovation of the Levin Courthouse was officially completed on December 31, 2019! Kind of, sort of. . . . In
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Dave Weaver *(from page 5)*

government construction language, that means expected completion is early Spring 2020. All temporary chambers/courtroom relocations should conclude by the end of January with everyone back in their usual spot.

As usual, please contact me with any comments, questions or suggestions at: david_weaver@mied.uscourts.gov.

Diversity Committee Hosts Student Event

On January 10, nearly 100 area law students gathered at the Levin Courthouse for the Diversity Committee's annual "Classroom to Courtroom" event. Classroom to Courtroom introduces 1Ls to careers in litigation. This year featured a welcome from Chief Judge Denise Page Hood and Diversity Committee Co-Chair Dawn Ison, followed by two hours of courtroom observations. A big thanks is owed to Judge Laurie J. Michelson, Judge David M. Lawson, Judge Stephen J. Murphy III, and Magistrate Judge Anthony P. Patti, who each moved proceedings around to accommodate the large group.

Following the courtroom observations, students were treated to a pizza lunch and practitioner panel. This year's panel featured Brandy McMillion and Luttrell Livingston from the U.S. Attorney's Office, Daniel Dena from the Federal Community Defender's Office, and Amir El-Aswad from Judge Lawson's chambers. The panelists explained their current roles, what they love about being litigators, the skills it takes to do their jobs, and how they experience implicit and explicit biases in their practice.

All told, the event would not have been possible without the support of Crystal Flood and Michael Krieger, the entire staff at Court Services, Assistant Dean Tanya Lundberg at University of Detroit Mercy School of Law, the hard work of Diversity Committee member Eric Lee, and the support of Chapter Executive Director Mindy Herrmann.

Evictions and Civil Rights Panel Draws Diverse Audience

"We have an outsized problem and therefore an outsized responsibility to do something," Judge Judith E. Levy informed an audience of 45 gathered to learn more about Michigan's eviction crisis and the federal civil rights issues implicated by it.

Michigan courts handled 191,512 eviction cases in 2018, which is an eviction filing rate of 17% for rental households. To put this in context, Chicago has an eviction filing rate of under 4%, and Philadelphia's is less than 8%. Michigan also has a very high rate of filings that lead to eviction orders—22% in Wayne County and 25% in Genesee County, as two examples.

With these bleak numbers in mind, the Chapter's Civil Rights Committee kicked off the new year on January 7 with a very well-attended and engaging program on Michigan's eviction crisis and what federal civil rights laws are implicated in eviction cases.

Judge Levy moderated the panel, which featured Judge Nancy Blount of the 36th District Court, Elizabeth Benton, attorney at Legal Services of South Central Michigan, Heidi Naasko, Pro Bono Counsel at Dykema PLLC, and Steve Tomkowiak, Executive

Director of the Fair Housing Center of Metro Detroit.

Judge Levy opened the discussion by recalling her days as an Assistant U.S. Attorney, when she worked on civil rights enforcement. Showing off her highlighted and hand-annotated copy of the Fair Housing Act, she described a case she brought on behalf of six women who had been forced by their landlord to perform sex acts or face eviction.

Benton then provided an overview of Michigan's eviction crisis and some of the contributing factors. Benton is a co-investigator with a team from the University of Michigan's Taubman College of Architecture & Urban Planning evaluating the data on all Michigan eviction filings between 2013 and 2018. She explained that evictions in Michigan are highest in the southern part of the state and concentrated around urban centers, and that evictions disproportionately effect Black women, Hispanic renters in otherwise White neighborhoods, and families with children.



Presenters at the evictions seminar included (seated, left to right) Libby Benton, Staff Attorney, Legal Services of South Central Michigan; Judge Judith E. Levy; 36th District Court Chief Judge Nancy Blount; (standing, left to right) Steve Tomkowiak, Executive Director, Fair Housing Center of Metro Detroit; and Heidi Naasko, Pro Bono & Diversity counsel, Dykema PLLC.

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

A key theme of the panel was the crucial need for representation in eviction proceedings. Benton's data showed that Michigan tenants rarely face eviction proceedings with counsel—only 2% of tenants in Washtenaw County were represented by counsel, while 90% of landlords were represented.

Judge Blount then spoke to the specific situation in Michigan's largest landlord-tenant court, the 36th District in Detroit. She explained that the three judges who handle the landlord-tenant docket handle over 30,000 eviction filings annually. They do this in two-a-day court sessions hearing 70 cases each a day. She explained that half of the cases are resolved in consent judgments.

Judge Blount acknowledged the low rate of representation for tenants, even though the court provides a legal clinic and a diversion program for individuals in HUD-subsidized housing. She also reminded the audience that landlord-tenant cases are brought under the state's summary procedure rules, which require adjudication of the claim within 56 days of filing the complaint.

Naasko, who has been closely involved in Detroit's right-to-counsel movement, implored those present to become involved in addressing the crisis. She noted that organizations like Lakeshore Legal Aid need the assistance of volunteer pro bono attorneys to assist with their on-site clinics and that the applicable laws are easy to learn. Naasko further noted that a right-to-counsel measure is pending before the Detroit City Council, and that it would have an immense positive impact on the city. Studies from New York, which has had a right-to-counsel for a couple years already, show that for each \$1 spent on providing tenants with an attorney, the city saves \$12 in costs associated with eviction, such as homelessness and social services.

Finally, Tomkowiak, who litigated housing civil rights cases for nearly 30 years before he became the leader of the Fair Housing Center, provided an overview of the legal issues and challenges of addressing civil rights violations that are a core issue within an eviction situation. He explained that, in his experience, cases in which a lease is not renewed are the most common situations in which to find a civil rights violation. He warned practitioners that an attorney could do the client unintended harm by raising a civil rights issue—for instance, quid-pro-quo sexual harassment around the landlord's conduct with the tenant—as an affirmative defense. Instead, he recommended bringing the civil rights claims as a counterclaim with a motion to remove the matter to Circuit Court. He also noted the various preclusion doctrines that make it difficult to bring a case in federal court.

In closing, Judge Levy reminded the group that Susan DeClercq of the U.S. Attorney's office was one of the organizers of the program and leads a group in the Eastern District that enforces Fair Housing cases. The other organizers for this panel were Todd Pierce-Ryan and Carrie Floyd, attorneys at Lakeshore Legal Aid, and Robin Wagner of Pitt McGehee Palmer & Rivers.

Annual Holiday Party

The Chapter threw its annual Holiday Party on December 11, at the Detroit Club. Guests enjoyed hor d'oeuvres, spirits, and camaraderie while being treated to another wonderful performance by 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. The Chapter presented the band members with jackets bearing the band's name and a logo as a token of appreciation for their longstanding contribution to the Holiday Party.

Members of the bench and bar came out for the party. Judicial attendees included District Judges Sean F. Cox, Stephanie Dawkins Davis, Gershwin A. Drain, Mark A. Goldsmith, and Judith E. Levy, Magistrate Judges Whalen, Mona K. Majzoub, Anthony P. Patti, and Elizabeth A. Stafford, and Michigan Supreme Court Chief Justice Bridget Mary McCormack. Past Chapter President and State Bar of Michigan President Dennis M. Barnes also joined the festivities.

The Chapter would like to thank the many people who assisted in this year's event. Detroit Club member Jim Cambridge graciously hosted the Chapter. The event was sponsored by BSP Law, Darrow Mustafa PC, Kerr Russell, Law Offices of Robert June, and Spectrum Computer Forensics and Risk Management, LLC.

Thank you to Chapter Executive Director Mindy Herman and event chairs Tom Cranmer, Elisa Angeli Palizzi, and Jeff Sadowski for planning another successful event.

New Lawyers Seminar

On December 4 and 5, the Chapter conducted its annual New Lawyers Seminar. This year, the seminar was held in two locations: the Levin Courthouse and the Fort Shelby DoubleTree Hotel. As it has for the past forty-three years, the seminar offered new and newer lawyers invaluable and practical advice and information, as well as the opportunity to be sworn in to practice before the federal district court.

The Chapter, in conjunction with the Young Lawyers Section of the State Bar of Michigan, sponsored the seminar. Speakers included judges from state and federal court, court staff, and litigators and non-litigators from large and small law firms, sole practitioners, and in-house attorneys. The speakers shared a wealth of knowledge and experience with seminar participants.

Day one of the seminar focused on practice in the federal courts. Chief Judge Denise Page Hood began the day with a warm welcome to the attendees. Victoria Lung, an Operations Analyst with the Court, then spoke about the ins and outs of using the ECF system. Rich Hewlett from Varnum presented an "Anatomy of a Civil Case," providing an extensive overview of a case's progression

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New Lawyers *(from page 7)*

from filing to closure and explaining differences between state and federal court practice.

Heidi Naasko from Dykema Gossett presented on pro bono practice. She highlighted some of the pro bono opportunities available to lawyers, regardless of how long they've been practicing, and the benefit such work offers to the individuals who receive services and the lawyers who provide them.

Magistrate Judge Anthony P. Patti and Hooper Hathaway shareholder Angela Jackson then discussed discovery practice in federal court, offering their different perspectives on discovery, but their shared belief in civility practices.

Judge Linda V. Parker and Magistrate Judge Elizabeth A. Stafford, along with their career law clerks Lauren Mandel and Karen Benjamin, next discussed federal court "Do's" and "Don'ts." Judge David M. Lawson followed with an engaging and interactive presentation on Federal Subject Jurisdiction and Removal to Federal Court. Judge Lawson kept the attendees on their toes with hypotheticals demonstrating the importance of knowing and understanding the civil procedure rules.

Sylvia Bolos from Lyngklip and Associates next provided an informative and energetic presentation on Consumer Protection Law. Chapter President Matthew Lund invited attendees to become involved with the Chapter and shared some of the many opportunities available for them to do so.

Judge Laurie J. Michelson and David DuMouchel from Butzel then spoke about criminal practice, guiding the new lawyers through the development of a case and offering their different perspectives on this area of law. The presentations concluded with Freedom Law attorney Charissa Potts highlighting the essentials of bankruptcy law.

The first day of the seminar closed with Chief Judge Hood presiding over a ceremony to swear in participants to the federal court. Family members of many new lawyers were present to witness this memorable moment.

The second day of the seminar featured state law topics. The day began with a group presentation on the benefits of State Bar membership, including mentorship programs, the importance of networking, and a discussion of ways for newer lawyers to become involved in bar activities. The

co-presenters were State Bar President Dennis Barnes, State Bar Director of Outreach Darin Day, and Young Lawyers Section Council Member Tanya Cripps, who also is counsel at Olympia Development.

Michael Goetz, Administrator of the Attorney Grievance Commission, presented the new lawyers practical advice on common behaviors that cause a grievance to be filed, how to avoid them, and how to respond if a grievance is filed. Todd Flood, a principal at Flood Law, presented attendees with different fact patterns and walked them through the strategic decisions that need to be made to properly defend a criminal case in state courts.

Our informative speakers on substantive areas filled out the remainder of the day: Andrea Hamm (Miller Cohen) on Handling a Workers' Compensation Case; Alfredo Casab (Dawda Mann) on Real Property Transactions; Peter Kupelian (Clark Hill) on Strategies for the Use of ADR; Lawrence Pepper (Law Offices of Lawrence Pepper) on Probate Court; Albert Dib (Jefferson Law Center) on Evaluating and Litigating Personal Injury Claims; Kay Malaney (Hainer & Berman) on Handling Domestic Relations Cases; and, Cathrine Wenger (Art Van Furniture) on an

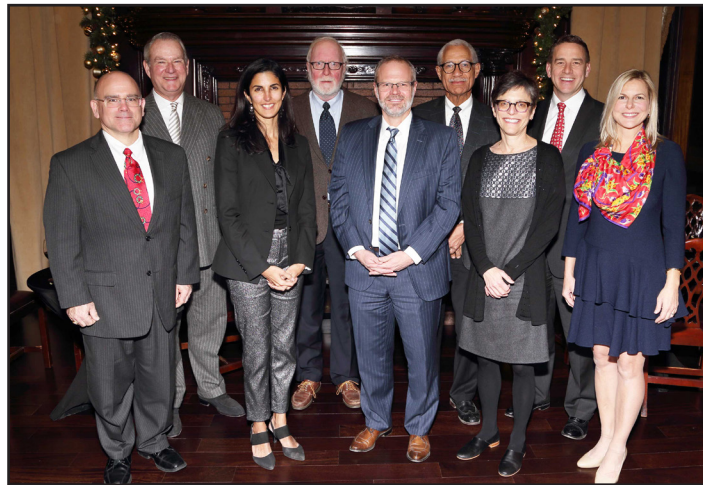
Overview of Employment Law.

Seminar participants enjoyed a sit-down luncheon on the second day, where Third Judicial Circuit Chief Judge Pro Tem Patricia Perez Fresard served as the keynote speaker. Judge Fresard addressed the importance of civility among lawyers. She also stressed the value of establishing and protecting one's professional reputation with other lawyers and the courts.

Judge Fresard assured the new lawyers that they should not be afraid to ask questions and seek advice from the court's staff. She shared her philosophy that litigants should be heard and treated fairly. As a recipient of the Detroit Bar Association's Frank Murphy award for being a shining example of professionalism and civility, Judge Fresard was particularly well positioned to deliver this message.

Chief Judge Hood, as well as her colleagues Judges Lawson, Cox, and Drain, also attended the luncheon. They seemed to enjoy their conversations with the new attorneys and Judge Fresard.

The Chapter wishes to thank this year's speakers for donating their time to make this an informative and valuable seminar for new lawyers. All of the speakers were well received and many of them have volunteered to present at this seminar numerous times.



Attendees at the Holiday Party at the historic Detroit Club were (l-r) Fred Herrmann, Tom Cranmer, Jennifer Newby, Neil Lehto, Matt Lund, Judges Gershwin A. Drain and Judith E. Levy, Dan Sharkey, and Elisa Angeli Palizzi.

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

Barbara J. Rom Award Luncheon, and Historical Society Annual Meeting

On November 20, the Chapter hosted the 8th Annual Barbara J. Rom Award Luncheon at the Atheneum Hotel and Suites. The luncheon was jointly held with the Eastern District Historical Society's annual meeting.

Chapter President Matthew Lund launched the Historical Society meeting with a trailer showcasing the Society's most recent project: a documentary about our District Court. The Society has been hard at work interviewing local judges and lawyers for the documentary, which debuts next fall. For those who missed the meeting, the trailer is available at <https://federalcourthistoricaledmi.org/videos/>.

Lund's update was followed by an engaging address from this year's keynote speaker, Samuel Damren. Damren is an

author and former Assistant Wayne County Prosecutor, Assistant U.S. Attorney, and private practitioner. He retired from Dykema Gossett in 2017. Damren discussed his involvement and take-aways from two high stakes criminal cases—the prosecution of a hit man and the exoneration of an innocent man who pled guilty to a homicide as a teenager—in which he served as prosecutor and lead defense counsel, respectively.

The luncheon concluded with the presentation of the Barbara J. Rom Award for Bankruptcy Excellence. David Ruskin (Standing Chapter 13 Trustee) and Stuart Gold (Gold Lange & Majoros, P.C.) presented the award, which the Chapter gives annually to a lawyer who exhibits excellence in the practice of bankruptcy law.

Richardo Kilpatrick of Kilpatrick & Associates received this distinguished honor. Kilpatrick is the president of his law firm and has concentrated his practice on bankruptcy law for over 30 years. He formerly served as president of the

(continued on page 10)



Among those attending the Rom Award Luncheon and Historical Society meeting were (l-r) Fred Herrmann, George Donnini, Barbara Rom, Jennifer Newby, Carole Kilpatrick, Dan Sharkey, Matt Lund, and Saura Sahu.

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

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Rom Award (from page 9)

American Bankruptcy Institute, was inducted as a fellow into the American College of Bankruptcy, and was invited to join the National Bankruptcy Conference, where he advises members of Congress on bankruptcy legislation. Kilpatrick is also a member of the Advisory Committee on Bankruptcy Rules. Although Kilpatrick could not attend the luncheon to receive the Barbara J. Rom Award in person, he prepared a thoughtful video thanking the bankruptcy bar and the Chapter community for this recognition.

Book Club

The Chapter's Book Club met on November 19, 2019, to discuss *The Case Against the Supreme Court*, by Erwin Chemerinsky, a University of California constitutional law professor.

Chemerinsky argues that the Supreme Court has been a failure, primarily by siding with powerful groups, such as government and businesses, instead of the less powerful, such as minorities, employees, and consumers. The assembled group of federal judges and lawyers discussed the successes and failures of the Supreme Court and the merits of the author's argument. They also discussed possible solutions to the Supreme Court's challenges, including a constitutional amendment, term limits, and a revised confirmation process for justices.

The Book Club's next selection is *In Hoffa's Shadow: A Stepfather, a Disappearance in Detroit, and My Search for the Truth*, by Jack Goldsmith. The book was recognized as a notable book of 2019 by the *New York Times*, which observed that this "gripping hybrid of personal memoir and forensic procedural lands with the force of a sucker punch."

The Book Club will meet at noon on May 12, in the Judges' Conference Center on the 7th floor of the Levin Courthouse.

Luncheon Sponsors

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BOOK CLUB

FEDERAL BAR ASSOCIATION
Eastern District of
Michigan Chapter



In Hoffa's Shadow: A Stepfather, a Disappearance in Detroit, and My Search for the Truth

New York Times Notable Book of the Year

"Jack Goldsmith's gripping hybrid of personal memoir and forensic procedural lands with the force of a sucker punch."

Register at www.fbamich.org or
contact Mindy Herrmann at
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Free for chapter members
\$10 fee for non-members

Lunch for sale for \$10
or bring your own

Book Club Committee Co-Chairs

Andrew S. Doctoroff
Principal Member
Andrew S. Doctoroff Consulting, LLC
517-449-1682
andy@asdoctoroffconsulting.com

David H. Fink
Attorney
Fink Bressack
248-971-2500
dfink@finkandassociateslaw.com

Erica L. Fitzgerald
Attorney
Barris, Sott, Denn & Driker, PLLC
313-965-9725
efitzgerald@bsdd.com

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United States District Judge



IN HOFFA'S SHADOW

A Stepfather,
a Disappearance in Detroit,
and My Search for the Truth

JACK
GOLDSMITH

Book Club Discussion

Tuesday, May 12, 2020, at 12:00 noon
Theodore Levin United States Courthouse
231 W. Lafayette, Detroit, Michigan
Judges' Conference Room, 7th floor, Room 792

The primary goal of the Federal Bar Association Book Club is to facilitate an informal but elevated dialogue between the bench and the bar. The book club is nonpartisan. All points of view will be welcomed and respected.

Calendar of Events

- Feb. 20 Bankruptcy Event: Legislation Seminar & State of the Bankruptcy Court for the Northern Division**
Zehnder's of Frankenmuth, 730 S. Main St., Frankenmuth
Co-sponsored with the Northeast Michigan Bankruptcy Bar Association.
3:00-5:00 PM: Panel discussion on the New Small Business Reorganization Act with Bankruptcy Judge Joel D. Applebaum, Assistant U.S. Trustee Paul J. Randel, and Rozanne Giunta
5:15-8:30 PM: Reception, dinner, and State of the Court presentation by Bankruptcy Judges Daniel S. Opperman and Joel D. Applebaum, with remarks by Chief Bankruptcy Judge Phillip J. Shefferly
Registration: \$60 (includes family-style chicken dinner-vegan/vegetarian options available)
Register by Feb. 17 by contacting
shirley@mcdonald13.org or calling 989-792-6766.
- Feb. 26 Wade H. McCree Jr. Award Luncheon**
The Westin Book Cadillac Detroit, 1114 Washington Blvd., Detroit
11:30 AM Reception
12:00 PM Luncheon
Members: \$55 | Non-Members: \$75 | Clerks: \$45
Keynote Speaker: University of Michigan Football Coach Jim Harbaugh
Nominations due: January 23
- Mar. 12 Sustaining and Executive Affiliate Members Appreciation Event**
Miller Canfield Law Firm, 150 W. Jefferson, Detroit
5:00-7:00 PM
Free to Sustaining and Executive Affiliate Members.
Registration Required: <https://membersnew.fbamich.org/events.php>
Email Executive Director Mindy Herrmann at fbamich@fbamich.org to join!
- April 22 Leonard R. Gilman Award Luncheon**
The Westin Book Cadillac Detroit, 1114 Washington Blvd., Detroit
11:30 AM Reception
12:00 PM Luncheon
Members: \$45 | Non-Members: \$60 | Clerks: \$35
- 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 to 1:00 PM
Detroit Room, Levin Courthouse.
Live demonstrations and tours of the Courthouse;
Ask the Lawyer; hot dogs and chips. Don't miss it this year.
- May 12 Book Club**
Levin Courthouse, Room 722
Noon – 1:00 PM
In Hoffa's Shadow: A Stepfather, a Disappearance in Detroit, and My Search for the Truth, by Jack Goldsmith
Members: Free | Non-Members: \$10
Bring your own lunch, or lunch is available for \$10.
- June 25 41st ANNUAL DINNER featuring:**
• Election and installation of Officers and Board Members
• 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
Venue and other details to be determined.
- June 15 CHAPTER GOLF & TENNIS OUTING AND DINNER**
Venue and other details to be determined.

Updates and further developments at www.fbamich.org

Federal Bar Association
E. D. Michigan Chapter
P.O. Box 5249
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Executive Director

Melinda Herrmann
Phone: (248) 231-7887
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Newsletter Committee:

James Gerometta
Co-Editor in Chief
Federal Community Defender
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Christina L. Farinola
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