



# FBAnewsletter

Fall 2012

Federal Bar Association - Eastern District of Michigan Chapter - **55** years of service to our Federal Bench and Bar

## Announcing the Barbara J. Rom Bankruptcy Award

The Chapter is pleased to announce that it has established the Barbara J. Rom Bankruptcy Award. This Award was created to honor one bankruptcy lawyer per year who has shown the same level of excellence and dedication that has been demonstrated by Barbara Rom throughout her distinguished career.

Ms. Rom practiced law for almost 40 years and is well known in Michigan as one of the premier bankruptcy lawyers. Before retiring in 2009, she served as the Attorney-in-Charge of Pepper Hamilton's Detroit office. Ms. Rom practiced throughout the federal court system, focusing mainly on workouts, bankruptcy, insolvency, and commercial litigation. She is actively involved in the legal community, having chaired the Merit Selection Panel to recommend nominees for appointment as U.S. Bankruptcy Judges, and served as chair of the Debtor-Creditor Committee of the Detroit Metropolitan Bar Association. She was selected by Governor Jennifer Granholm to serve as the Chair of the Michigan Gaming Control Board.

Ms. Rom was also a member of the American Bar Association's Business Bankruptcy Committee, the Federal Bar Association's Bankruptcy Law and Practice Committee, the State Bar of Michigan's Creditors Rights Committee, and the American Bankruptcy Institute. She was listed in

The Best Lawyers in America, Chambers USA: America's Leading Lawyers for Business, and in Super Lawyers of Michigan. Ms. Rom also started the Eleanor League, a group that connected women in commercial law firms, and is known for her mentorship to women lawyers.

The Award is open to all bankruptcy attorneys practicing in the U.S. Bankruptcy Court  
(continued on page 2)

### INSIDE THIS ISSUE

State of the Court	pg. 3
Youth Law Day 2012	pg. 3-4
Rakow and Rom Awards	pg. 4
New Lawyers Seminar	pg. 4
Dave Weaver	pg. 5
Supreme Court Preview	pg. 5-7
Courthouse Rededication	pg. 7
Environmental Law	pg. 7-8
Judicial "Backstage Pass"	pg. 8-9
San Diego 2012	pg. 9, 14
Officers and Directors	pg. 10
New Law Clerks	pg. 11
Pro Bono Honorees	pg. 12
Sustaining Members	pg. 13
Calendar of Events	pg. 13
Summer Law Students	pg. 14

## President's Column

*Thomas G. McNeill*

### EMBRACING FBA 2.0



As we enter our 56th year of service to bench, bar, and community, our FBA Chapter is poised to have another terrific year. Past is prelude. In May, Immediate Past President Judge

Michael J. Riordan concluded his year of service with a column entitled "Gratitude," recapping a year of more than 40 programs and activities. In September, at its annual meeting in San Diego, the national FBA conferred upon our Chapter its two highest awards: the "Presidential Excellence Award" and, for the 10th straight year, the "Outstanding Newsletter Award." Congratulations to all those who contributed to an outstanding year, and especially to the editors of our FBA Newsletter, Christina Farinola (Career Law Clerk to Hon. Paul J. Komives) and AUSA Andrew Lievense.

Looking ahead to 2012-13, we start with the undeniable premise that technology has effected tremendous change in the practice of law and in our professional and personal lives. As a premier bar association dedicated to providing the highest quality service to our members, our Chapter always has served at the technological forefront of the FBA – for example, we implemented a website five years before the national FBA did so. This year you will see significant technology-based changes and enhancements designed to better meet the needs of the federal practitioner. We are embracing FBA 2.0

We have applied technology to enhance the manner in which the FBA conducts business. We are strengthening our infrastructure, starting with an enhanced website. It has a new look (check it out at [www.fbamich.org](http://www.fbamich.org)); but more importantly the "back end" will have new features to improve the processing, effecting, and recording transactions for all of those programs, events, and activities for which you will be signing up. We are readying a Facebook page and expect to go live by December. We have retained a technology service provider to expedite the delivery of the FBA E-Blast. Our meetings of the Executive Board, Officers, and Committee Co-Chairs are now paperless – BYOT and BYOL (bring your own tablets and laptops) to access agendas and meeting materials in the  
(continued on page 2)

**WINNER  
10 YEARS**  
National FBA  
Outstanding  
Newsletter  
Award

## President's Column (continued)

Cloud, through SpyderOak. Forsaking endless rounds of email to identify meeting dates, we are turning to scheduling software, Meeting Wizard.

Over the Summer, I witnessed my three adult daughters (all college graduates now) texting each other – while all were physically present in our family home. As I recovered from the hilarity of that, it occurred to me that at the FBA our mode of communication, and the manner of program delivery, really needs to change or we will be left behind.

We have discussed this topic at all levels of our FBA leadership and with the District Judges. We all love the face-to-face nature of FBA events – the interaction, the networking, the spontaneity, and the candor that we enjoy in this mode. All of us agree that these elements have served as the keys to the success of this chapter. But our demographics are changing. We have so many members in their first ten years of practice (is that Gen X, Gen Y, the Millennials, or all of the above?) and so many practice in smaller firms. The work day has changed, especially in this post-recessionary world in Michigan, with such focus on productivity and practice matrices that our personal time is all the more precious. And we communicate differently – fewer meetings and chicken-dinner networking events, and more email, texts, Skype, and video phones.

This year, the FBA will begin to experiment with webinars, quick-hit programming on Twitter, recorded programs, and materials available on Facebook (and maybe YouTube?) and simulcast by video conferencing. We also will take the show on the road to bring in-person programming closer to you, with programming presented beyond the Courthouse in Detroit to other locations within our judicial district (with Washtenaw and Oakland Counties clearly on our GPS).

This year programming content also will reflect our focus and emphasis on technology. For example, we have a new Social Media Committee, co-chaired by Adam Forman (Miller Canfield), Brian Wassom (Honigman), and Lauren Kerr (Bush, Seyferth & Paige), which will offer a two-part series on utilizing social media to build your practice and the impact of social media on pretrial proceedings and trial. Our other new committee is Litigation Technology, co-chaired by Scott Wrobel (Stout Risius Ross), Stott Matthews (Spectrum Forensics), and Kevin Fanning (Clark

Hill), which is planning a three-part series to bring all of us up to speed on the language and basics of today's litigation technology, everyday usage in the trenches and predictions for the future (for example, what is predicative coding? how does it work? will it achieve judicial, practitioner, and client acceptance?).

We are tremendously excited to start rolling out FBA 2.0. To paraphrase an advertising tagline (and without clearing this through our Intellectual Property Committee), we are not your parents' FBA.

As a concluding note here, I am delighted to announce the establishment of the Barbara J. Rom Award for Excellence in a Bankruptcy Practice. The Chapter's Wade McCree, Jr., Leonard Gilman, and Julian Cook-Bernard Friedman Awards recognize contributions to social justice, criminal practice, and civil practice, and the Barbara J. Rom Award is a terrific addition to the Chapter's recognition of excellence. The Rom Award first will be conferred at the joint FBA/Historical Society Luncheon to be held on November 16 at the Westin Book-Cadillac. Please plan to attend and register on our new website.

The then-unnamed bankruptcy award was conceived during a lunch in January 2012 with Chief Bankruptcy Judge Phillip J. Shefferly (ostensibly to discuss Michigan football). The idea then was vetted at a Spring meeting of the bankruptcy judges, approved in concept this Summer by the FBA Officers and Executive Board, and fully developed by members of a Blue Ribbon Panel to whom we are very grateful: District Judge Nancy G. Edmunds; Chief Bankruptcy Judge Shefferly; Bankruptcy Judge Walter Shapero; Magistrate Judge and Past President Laurie J. Michelson; the Chairs of the Bankruptcy Committee, David Lerner, Leslie Berg, Michael Hammer, Craig Schoenherr; and at-large members Julie Teicher and Ralph McDowell. In September, Chief Bankruptcy Judge Shefferly met with Barbara and received her permission to proceed, and I understand that she was very moved by this recognition of her contributions to the practice, bench, and bar. Barbara will return to Detroit to join the festivities on November 16.

Over the Summer, the FBA Chapter leadership has worked very hard to prepare for another great year in the Eastern District. Thanks so much for your support and participation. And maybe for future columns I'll shorten up to a 140-character tweet! (Nah, I can't help myself!)

## Rom Award *(from page 1)*

for the Eastern District of Michigan. To be considered, the lawyer's name must first be submitted to the Selection Committee. The Committee is comprised of Chief Bankruptcy Judge Phillip J. Shefferly; Bankruptcy Judge Walter Shapero; District Judge Nancy G. Edmunds; Magistrate Judge Laurie J. Michelson; and attorneys Leslie Berg; Mike Hammer; David Lerner; Ralph McDowell; Craig Schoenherr; and Julie Teicher.

The Committee will send written nomination requests to the members of the Eastern District of Michigan Bankruptcy Court bar and judiciary, and also solicit nominations at Chapter events, through the Chapter's E-Blast, through the Bankruptcy Court's ECF system, and

in this newsletter.

The Selection Committee will discuss the nominees and select someone who has demonstrated overall excellence, civility, sophistication of practice, community involvement, bar association and Court activity involvement, and pro bono participation. All decisions will be by a majority vote of those committee members present at the meeting. The Award recipient will then become a member of the Selection Committee, which will eventually consist entirely of past Award winners.

The Barbara J. Rom Award will be presented at the Rakow Scholarship Awards/Historical Society Luncheon on November 16. For a full description of the Award and nomination forms, please visit the Chapter's website at [www.fbamich.org](http://www.fbamich.org).

## State of the Court Address

On September 14, the Chapter kicked off its programming year with the annual State of the Court Luncheon at the Westin Book Cadillac.

After opening remarks, the Chapter took time to recognize attorneys who had taken on pro bono matters over the past year. Judges Paul D. Borman, Denise Page Hood, and Arthur J. Tarnow announced the award recipients, and the names of those recognized are available elsewhere in this issue.

The Luncheon's guest speaker, Chief Judge Gerald E. Rosen, then addressed the more than 240 attendees on the state of the court. Chief Judge Rosen first recognized various members of the bench, including its newest member, Judge Gershwin A. Drain. He then recognized and thanked various members of the Court administration for their important roles in making the Court operate, particularly in tight budget times such as these.

Chief Judge Rosen focused the balance of his speech on the difficulties presented by reductions in the Court's budget and the physical condition of the Theodore Levin Courthouse. During his remarks, Chief Judge Rosen also referenced the Court's 2012 Annual Report, copies of which were provided to the attendees, and are available at: [www.fbamich.org](http://www.fbamich.org) (under Documents).



*Judge Paul D. Borman, Judge Arthur J. Tarnow, Judge Victoria A. Roberts, Thomas McNeill, Chief Judge Gerald E. Rosen and Michael K. Lee at the State of the Court Luncheon.*

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



*Timothy Howlett, Judge Gershwin A. Drain, and Michael K. Lee.*

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

## 2nd Annual Federal Youth Law Day

On Thursday, October 25, students from Ypsilanti High School interested in careers in law will be the beneficiaries of the Federal Youth Law Day at the Gerald R. Ford Presidential Library in Ann Arbor. For the second year in a row, the Library has graciously donated its space for the day-long event, and the Chapter and the Thomas M. Cooley Law School have once again joined with the Library to sponsor the event.

The program will open with a welcome from Elaine Didier, Executive Director of the Library, and a keynote address by U.S. Attorney Barbara McQuade, an Ann Arbor resident, who will speak about the importance of standing up for oneself and making a contribution to society. U.S. Attorney McQuade has supported the Youth Law Day event with her presence both years it has been held.

Students will also hear from former AUSA Terrance Thompson, who spent his earliest years on the east side of Ypsilanti. Like last year, Mr. Thompson will share with students his own unstable and challenging youth, which led to years of defiant behavior, periods of homelessness, and ultimately his decision to drop out of high school. He will also speak of his later epiphany about the importance of education and how he went on to earn his GED, obtain a  
*(continued on page 4)*

**FBA Book Club: Next Selection**  
*A Thousand Times More Fair:*  
*What Shakespeare's Plays Teach Us About Justice*  
By Kenji Yoshino  
Pick up or download a copy today  
December 7, 12:00 noon  
Theodore Levin U.S. Courthouse, Room 722

---

## Youth Law Day *(from page 3)*

college education, and go to law school.

Mr. Thompson's presentation will be followed by break-out sessions focused on different kinds of careers with the federal government. Students will have the opportunity to hear from an agent with the Federal Bureau of Investigation, a federal air marshal, the former head of the criminal division at the U.S. Attorney's Office, and a brigadier general once in charge of homeland security for the nation.

After lunch, students will receive a presentation on cyber crime and safety presented by another former AUSA, and the program will close with an agent of the Bureau of Alcohol, Tobacco, and Firearms, who as part of his presentation will give a canine demonstration.

Law students who are members of the FBA Student Committee on Cooley's Ann Arbor campus will assist with the event and support the high school students throughout the day. Once again, Federal Youth Law Day is a true community partnership. In addition to the contributions of the Federal Bar Association, Cooley Law School and the Ford Library, various community vendors support the initiative through much appreciated donations and discounts on their products. The feedback from the high school students following last year's program was so positive that the school district specifically requested that the event be repeated to benefit even more students.

## Rakow and Rom Awards & Historical Society Meeting

On Friday, November 16, the Chapter and the Historical Society will once again host a joint luncheon event. The event will begin at 11:30 a.m., at the Westin Book Cadillac Hotel in downtown Detroit.

As usual, the program will feature the annual Rakow Scholarship Awards. The Awards will be presented by the Federal Bar Foundation and given to an outstanding student from each of the Michigan law schools.

Added to the program this year will be the presentation of the first Barbara J. Rom Bankruptcy Award. For more details on this new award, please see the article on the front page.

There follows the Annual Meeting of the Court Historical Society. This year's speaker will be David Gardner Chardavoyne, author of *The United States District Court for the Eastern District of Michigan: People, Law and Politics*. The book, published by Wayne State University Press, was sponsored and funded by the Society. It discusses the Court, its judges and others who have served the Court, litigants who have had their cases decided by the Court, and other people impacted by the Court and its decisions.

Copies of the book will be available after the Luncheon. For a more detailed description of the book, or to purchase a copy through the WSU Press, please visit <http://wsupress.wayne.edu/>.

## New Lawyers Seminar December 4-5

The Chapter will once again sponsor the New Lawyers Seminar, a two day "nuts and bolts/ how to do it" seminar for newer lawyers. The Seminar will be held December 4-5 in Room 115 of the Theodore Levin U.S. Courthouse.

The Seminar, now in its 37th year, is designed to assist recent graduates in understanding certain areas of practice and procedure in the Court and in the State courts in Wayne, Oakland, and Macomb counties. The Seminar faculty consists of practicing attorneys, court personnel, and judges. Course materials are formatted for word searching on a CD ROM.

The first day of the Seminar is "Federal Day," with intensive focus on the practicalities of federal practice. The federal practice component has been accepted by out-of-state courts that require a federal practice component for admission. The Chapter has had numerous seasoned practitioners sign up for the Seminar for that reason alone.

The second day is "State Day," guiding the uninitiated through the intricacies of the tri county court systems, with a luncheon traditionally addressed by the Chief Judge of the Wayne County Circuit Court.

The Seminar, reception, luncheon, and Seminar materials are all provided for only \$95.00. Because membership in the FBA has many other benefits as well, we offer a reduced National FBA membership rate of \$75.00 in conjunction with Seminar attendance. Whether you want to join and attend or just attend, you may sign up on the Chapter's website under "Events and Activities."

Space is limited to the first 115 attorneys who register. Firm coordinators: Don't hesitate to sign up your recent hires. Bar passers: Sign up as soon as possible. The New Lawyers' Seminar is offered but once a year.

For more information, or to assist with the Seminar, visit the Chapter's website and contact one of the Seminar co-chairs or the Executive Director.

In addition to the Seminar, attendees may take advantage of the Mass Swearing-In Ceremony taking place at the Courthouse on December 4 at 4:15 p.m. Registration for the Swearing-In is separate. Visit the Court's website at [www.fbamich.org](http://www.fbamich.org)



## **Court Administrator Dave Weaver**

I recently had the opportunity to attend a pilot Emergency Preparedness Workshop, a joint training effort of the Federal Judicial Center, the Administrative Office of the U.S. Courts, the

U.S. Marshals Service, and the Executive Office for U.S. Attorneys.

Federal agencies spend a great deal of time developing and testing what we refer to as Continuity of Operations Plans (COOP). COOPs are essential when disasters strike, be they natural or man-made. The goal of this workshop was to foster cooperation and coordination among the Courts and the federal agencies tied to the work of the Courts.

The main requirement for participating in the workshop was to bring a district-wide team. In our case, the team included Judge John Corbett O'Meara, Chair of the Court's Security Committee; myself and several members of my staff; and representatives from our Bankruptcy Court, U.S. Attorney's Office, Federal Defender Office, U.S. Marshals Service, General Services Administration, and Probation and Pretrial Services.

The workshop lasted two-and-a-half days and focused on inter-agency collaboration to ensure we do not work at cross purposes during an emergency. "Lessons learned" was an important part of the workshop with presentations offered by Court and other agency leaders involved in 9/11, Hurricane Katrina, several courthouse shootings, and the Iowa floods. Hearing the experiences of these individuals and how they responded to these tragedies was both educational and inspirational.

Unlike many of the participating districts, the Eastern District of Michigan does not suffer a recurring type of emergency event such as hurricanes in the Southeast, earthquakes out West, or major river flooding. Regardless, it is imperative that in our area of the country the Court be prepared in the event of natural disasters we may experience such as winter storms and ice, tornadoes, etc. We must expect the unexpected as well, such as the regional blackout a few years back that caught the entire Northeast by surprise.

Emergency preparedness for the Court is definitely a team sport. Our team left the conference with a strong commitment to work closely together to ensure that in any emergency, small or large, the Court and our respective offices know what to do and how to keep our organizations operating.

I agree wholeheartedly with Max Mayfield, the former Director of the National Hurricane Center, who

said, "preparation through education is less costly than learning through tragedy." We will do everything we can to be prepared.

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



## **Supreme Court Preview by M Bryan Schneider**

Fresh off its blockbuster June finale to the October 2011 Term, the Supreme Court opened its October 2012 Term on October 1. Although not quite up to 2011 Term standards, the current term will consider several significant cases, including a case revisiting the constitutionality of affirmative action programs (*Fisher v. University of Texas*) and a wide-ranging case, held over from last term, on the scope of the Alien Tort Statute (*Kiobel v. Royal Dutch Petroleum*). Among the 47 cases the Court has agreed to hear this term are a number of interest to federal practitioners.

On the civil side of the docket, the Court will consider several civil procedure questions. Fearing that the civil procedure casebooks are out of date on the issue, the Court will consider several mootness, ripeness, and standing issues. In *Lozman v. Rivera Beach*, the Court will consider, in addition to a maritime question of whether a permanently moored structure constitutes a "vessel," whether the sale of the structure at a judicial auction and its subsequent destruction render the case moot.

In *Chafin v. Chafin*, the court will address whether a child's return to her country of habitual residence moots an appeal of a district court's ruling on a petition for return under the Child Abduction Remedies Act. And in *Genesis Healthcare Corp. v. Symczyk*, the Court will decide whether a case becomes moot when the defendants offer the plaintiff a settlement that would satisfy all of the plaintiff's claims.

The Court will consider whether U.S. citizens have standing to challenge section 702 of the Foreign Intelligence Surveillance Act, which permits targeting of non-United States persons to obtain foreign intelligence information. In *Already, LLC v. Nike, Inc.*, the Court will determine whether a federal court has jurisdiction to consider a party's challenge to the validity of a federally registered trademark if the registrant promises not to assert its mark against the party's existing commercial activities.

(continued on page 6)

## Supreme Court Preview (from page 5)

The Court will also address two class action issues in follow-up cases to two decisions last term. In *Comcast Corp. v. Behrend*, the Court will decide whether a district court may certify a class without first resolving whether the plaintiff class has presented admissible evidence to show that damages can be awarded on a class-wide basis. In *Standard Fire Insurance v. Knowles*, the Court will decide whether a named plaintiff can defeat a defendant's right of removal to federal court under the Class Action Fairness Act by stipulating that he seeks less than \$5 million in damages for the absent putative class members.

In substantive civil matters, the Court will address the federal government's liability under the Federal Tort Claims Act (FTCA) and the Little Tucker Act in several cases. Specifically, the Court will consider: whether suit may be brought for battery committed by military medical personnel against a civilian (*Levin v. United States*); whether the FTCA waives sovereign immunity for the intentional torts of prison guards (*Millbrook v. United States*); and whether the Little Tucker Act waives sovereign immunity with respect to damages actions against the government for violations of the Fair Credit Reporting Act (*United States v. Bormes*). The Court will also address two environmental law questions, including whether channeled runoff from forest roads requires a permit as industrial stormwater (*Georgia-Pacific West v. Northwest Environmental Defense Center* and *Decker v. Northwest Environmental Defense Center*), and whether water flowing from one portion of a navigable river to a downstream portion through an engineered channel constitutes a "discharge" under the Clean Water Act (*Los Angeles County Flood Control v. Natural Resources*).

In other civil matters, the Court will address:

- a question unresolved by its 4-4 decision in *Costco Wholesale v. Omega, S.A.*, namely, the scope of the Copyright Act's first-sale doctrine as applied to a copy legally made and acquired abroad and then imported into the United States (*Kirtsaeng v. John Wiley & Sons*);
- whether the patent exhaustion doctrine applies to self-replicating technologies, such as genetically modified seeds (*Bowman v. Monsanto Co.*);
- the scope of the supervisor liability rule under Title VII (*Vance v. Ball State University*);
- whether a prevailing defendant in a Federal Debt Collection Practices Act case may recover costs under Rule 54 when the suit was not brought in bad faith (*Marx v. General Revenue Corp.*);
- whether a court may use equitable principles to rewrite contractual language requiring reimbursement of benefits for which third party compensation has been received under ERISA (*U.S. Airways v. McCutchen*);

- the scope of the "state action doctrine" exempting certain activities of state and local governments from the antitrust laws (*Federal Trade Commission v. Phoebe Putney Health System*);
- the applicability of Chevron deference to an administrative agency's determination of its own jurisdiction (*City of Arlington v. Federal Communications Commission*);
- and whether the Privileges and Immunities Clause permits a state to open its public records to its own citizens while denying access to non-residents (*McBurney v. Young*).

On the criminal side of the Court's docket, Fourth Amendment and habeas issues again form the bulk of the Court's cases this Term. In *Florida v. Jardines*, the Court will decide whether a dog sniff at the front door of a house to detect narcotics is a search triggering the Fourth Amendment. Relatedly, in *Florida v. Harris* the Court will decide whether an alert by a narcotics dog is sufficient to establish probable cause for the search of a vehicle.

*Bailey v. United States* presents the question of whether police officers may detain an individual incident to the execution of a search warrant when the individual has left the vicinity of the search prior to the execution of the warrant. In *Missouri v. McNeely*, the Court will address whether the natural dissipation of alcohol in the bloodstream provides an exigent circumstance allowing police to obtain a warrantless blood sample.

With respect to habeas corpus matters, the Court will address whether:

- a claim has been adjudicated on the merits and thus is entitled to deference when a state court issues a decision but does not expressly acknowledge a federal law basis for the claim (*Johnson v. Williams*);
- capital prisoners have a right to competence in a federal habeas proceeding (*Tibbals v. Carter*);
- capital prisoners are entitled to a stay of habeas proceedings if they are not competent to assist counsel (*Ryan v. Gonzales*).

In other criminal law matters, the Court in *Evans v. Michigan* will determine whether the Double Jeopardy Clause bars retrial where the trial judge grants a midtrial verdict of acquittal based on the prosecutor's failure to establish a particular fact that the trial judge erroneously determines to be an element of the offense. The Court will also decide whether a state's delay in paying for counsel in a capital case should count against the state for speedy trial purposes (*Boyer v. Louisiana*).

In *Chaidez v. United States*, the Court will decide whether its decision in *Padilla v. Kentucky*, which held that it is ineffective assistance of counsel for an attorney to fail

to advise a defendant of the immigration consequences of a guilty plea, is retroactively applicable to cases that were final when *Padilla* was decided. The Court will once again wade into the confusing caselaw surrounding the Armed Career Criminal Act's (ACCA) residual clause to decide whether a California burglary statute which omits the generic element of entering or remaining in a building constitutes a predicate offense under the ACCA (*Descamps v. United States*).

The Court will consider an interesting conspiracy issue, deciding in *Smith v. United States* whether withdrawal from a conspiracy prior to the statute of limitations period negates an element of the conspiracy charge. In *Henderson v. United States* the Court will determine whether, when there has been a change in the law between the time of trial and the time of appeal, plain error review should be based on the law as it existed at the time of trial or should be based on the law existing at the time the appeal is decided. Finally, in *Alleyne v. United States*, the Court will decide whether to overrule its decision in *Harris v. United States*, which held that the *Apprendi* rule does not bar judicial factfinding which raises the minimum term of imprisonment but does not affect the maximum sentence.

## Bay City Courthouse Rededicated

The Bay City District Courtroom was filled to capacity on September 4, for the rededication of the historic Bay City Courthouse. The Courthouse recently underwent a 4-year, \$1.2 million renovation project, and more than a dozen current, senior, and retired federal judges, including Chief Judge Gerald E. Rosen, Bay City-based District Judge Thomas L. Ludington, District Judges Robert H. Cleland, David M. Lawson and Victoria A. Roberts, gathered with other guests for the event. The judges were on hand for both the Courthouse rededication and the regular monthly judges meeting, which was held in Bay City for the first time in many years.

The Bay City Courthouse building houses Judge Ludington and his staff, Magistrate Judge Charles E. Binder and his staff, as well the U.S. Post Office, Probation, Pretrial Services, and the Clerk's Office. The renovations updated the building to better serve its tenants and make better use of modern technology, including, for example, improvements to technology and handicap accessibility. Chief Judge Rosen and Judge Ludington worked with the employees who work in the building, as well as many state, local, and federal officials, on the planning and to secure the necessary funding.

In addition to Judge Ludington, Chief Judge Rosen, Judge Cleland, Judge Lawson, and retired Judge James P. Churchill, all of whom previously served in the Bay City Courthouse, provided comments at the rededication ceremony, including sharing stories and personal anecdotes on the history of the Bay City Courthouse. The event also included a tour of the updated court and offices. Stop by next time you are in Bay City!



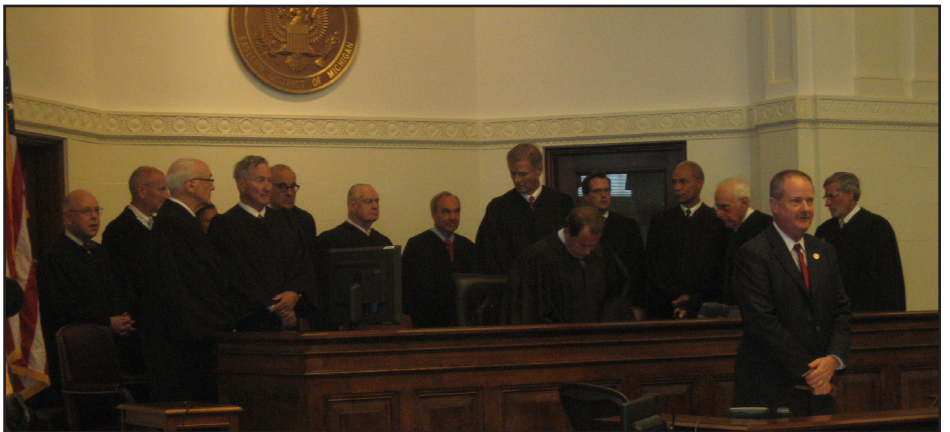
*Chief Judge Gerald E. Rosen and Judge Thomas L. Ludington at the rededication of the Bay City Courthouse.*

*Photo by Paul Janczewski, courtesy of Detroit Legal News Publishing LLC*

## Environmental Law Event

On August 3, the Environmental Law Committee joined with the Environmental Law Section of the State Bar of Michigan to host an environmental law conference at the Damon J. Keith Center at the Wayne State University Law School in Detroit, Michigan.

*(continued on page 8)*



*Many federal judges attended the September rededication at the Bay City Courthouse.*

*Photo by Paul Janczewski, courtesy of Detroit Legal News Publishing LLC*

---

## **Environmental Law** *(from page 7)*

The conference addressed state, federal, and international environmental legal matters impacting Michigan and the Great Lakes. Speakers and attendees included law school professors, private practitioners, local, state & federal attorneys, and representatives from nonprofits. A highlight from the successful conference included an in-depth hydraulic fracturing (“fracking”) panel, in which industry, government, and environmental interests were represented. Through presentations, a moderated discussion, and questions & answers from the audience, the panel discussed the history of fracking and the near and long-term concerns/impacts of using new fracking techniques in Michigan and around the Great Lakes region.

The conference concluded with a key-note speech from Dr. Susan Hedman, the Environmental Protection Agency Administrator for Region 5.

The event was a great success, working with the Environmental Law Section of the State of Michigan Bar – a special thanks to Paul Sax, James Enright, James O’Brien, Kurt Brauer, and Joan O’Sullivan for planning the event.

Expect the Environmental Law Committee to work on future programs in conjunction with the State Bar of Michigan and the Western Michigan Chapter of the FBA.

## **“Backstage Pass” Judicial Institute for Journalists**

If you remember law school and your first few years of practice, then you might remember how challenging it was at times to translate “legalese” and find your way around the courtroom. Journalists who cover the federal courts face these challenges all the time, which are magnified by the gravity of federal proceedings and the formality of the courthouse. Journalists also can be frustrated by the rules governing the decorum of court proceedings, which can limit access to information in an effort to carry out the court’s mission to provide justice and due respect for the litigants.

To help facilitate the discussion between the media, bench, and bar, and to help journalists better navigate federal proceedings, the Chapter’s Civic Outreach Committee held an all-star extended Judicial Institute for Journalists on September 5, at the Courthouse. The program was well attended by journalists and members of the legal community. The audience included reporters from television, radio, print, and electronic media outlets both large and small.

Chief Judge Gerald E. Rosen offered a warm welcome to the audience and an introduction to the keynote speaker,

CNN’s National Correspondent Susan Candiotti. Ms. Candiotti has covered major events such as the Oklahoma City bombing trial, the 9/11 terrorist attacks, the Supreme Court’s health care decision, and Hurricanes Katrina and Isaac. She shared a variety of insights and lessons from her coverage of federal courthouses around the country and helped set the tone for the bench-media discussion.

During the morning sessions, panels conveyed the brass tacks and the subtle points that a person needs to know to interpret federal court proceedings. Law professor Alan Gershel, a high-ranking federal prosecutor now with the Thomas M. Cooley Law School, moderated the criminal law panel and provided an overview of the life of a criminal case. Judge Robert H. Cleland, U.S. Attorney’s Office Criminal Division Chief Daniel L. Lemisch, and renowned defense counsel Thomas W. Cranmer (Miller Canfield Paddock & Stone) each focused on key portions of a criminal case and added practical insights to give color to the legal proceedings.

For the civil panel, Professor Leonard Niehoff (University of Michigan Law School) offered an expert summary of civil proceedings and moderated the discussion. Judge David M. Lawson, Michigan’s ACLU Litigation Director Michael Steinberg, and well-known defense counsel Robin Luce Herrmann (Butzel Long) then explained and illustrated some of the intricacies of pleadings, motions, general practice, and federal jurisdiction. The panels were, by all accounts, both engaging and highly informative.

Lunch led to a spirited discussion between the bench and the media. Pulitzer Prize-winning journalism professor Eric Freedman (Michigan State University) opened his remarks by emphasizing how many opportunities the federal courts provide to find great stories, such as civil cases that may receive less attention. He also shared insights about how to obtain information, including through the electronic filing system. Ms. Candiotti then added more case examples and lessons learned on these issues. During this process, the audience began to ask questions about gaining camera and recording access to proceedings, and Ms. Candiotti added a question on the topic, which prompted an excellent discussion about efforts to balance the sometimes-competing values of transparency and justice. Chief Judge Rosen summarized the Court’s historical efforts to address these issues, and gave an eloquent explanation of the Court’s fundamental role to provide a just and proper forum for resolving disputes.

Media members commented thoughtfully on the role of transparency in reassuring citizens in a democracy that justice is done. Some agreed, however, that practical pressures on media outlets can lead to using the stories and information that sells, even if it does not forward the cause of justice for the litigants. The discussion highlighted the fact that our Court is lucky to be one of the few in the country to have a Media Information Officer, renowned

broadcast reporter and Michigan Journalism Hall of Fame member Rod Hansen, who provides expert guidance to the Court in dealing with these issues. The discussion also prompted several media members to volunteer to participate in a long-term court-media discussion group to address these subjects.

After lunch, two more presentations caught the audience's attention. Well-known litigator Patrick Seyferth (Bush Seyferth) provided an engaging explanation of jury proceedings, complete with eye-catching graphics and a discussion of recent cases. Rod Hansen then led a discussion with the Court's Gabe Orzame and members of the Court's staff regarding PACER and other highly helpful tools that can assist media members find information.

As the program concluded, a number of journalists took Chief Judge Rosen up on his gracious invitation to tour the historic courtroom where he currently presides. During the tour, he not only opened the courtroom to the journalists, but also continued to answer their questions and discuss the kinds of tough choices involving media coverage that can arise in controversial cases. The journalists greatly appreciated the opportunity. Across the board, the feedback on the program was positive and highly appreciative.

Special thanks to Saura Sahu, Matthew Schneider, the Honorable Michael J. Riordan, Joseph Richotte, Marcia McBrien, Thomas McNeill, Brian Figot, Elisa Angeli, Christy Baas, the court staff (including Danielle Moran), and other Chapter members for their roles in making this event a success.

## **FBA Annual Meeting and Convention, San Diego 2012**

The national FBA held its Annual Meeting and Convention in San Diego, California, from September 20-22, 2012. Participants engaged in a variety of activities including continuing legal education classes, chapter training, board and committee meetings, and social events.

Chapter President-Elect Michael K. Lee and Past Chapter President and current national Federal Bar Association Foundation President Dennis J. Clark served as the Eastern District's delegates at the National Council Meeting. It was reported that the national organization is on sound financial footing and the membership stands at over 16,000. A report concerning the ABA's annual meeting was delivered by the FBA's delegate to the ABA, Alan C. Harnisch, who is a former president of both our Chapter and the national FBA.

The CLE program offered enlightening substantive and ethics sessions covering a wide range of topics, including: Supreme Court review of the 2011-2012 term and preview of the upcoming term; international environmental law;

immigrant rights; social media technologies; labor and employment law; federal criminal jurisdiction; and recent bankruptcy cases.

Among the sixteen CLE offerings at the convention, Chief Judge Gerald E. Rosen led a panel discussion of the impact and lower court development of the Supreme Court's four class action decisions of the 2011-12 term -- *Walmart v. Dukes*, *Smith v. Bayer*, *AT&T Mobility v. Concepcion* and *Eric P. John Fund v. Halliburton*. In the program, entitled *The Supreme Court's 2011 Class Action Revolution*, Chief Judge Rosen was joined by Judge William E. Smith (D. RI), Professor Georgene Vairo (Loyola Law School), Frank Carroll (FBA Federal Litigation Section Chair, defense specialist, Dallas), Elizabeth Cabraser (plaintiff specialist, Philadelphia) and moderator Robert Kohn (Los Angeles). Chapter President Thomas G. McNeill (also a member of the Executive Board of the FBA's Federal Litigation Section) led the organizing committee for this program, which was very well received and attended by nearly 25% of those registered for the convention.

Another activity was the Chapter Education Program, which consisted of officers from the different Chapters getting together and sharing ideas on how to promote membership and increase revenues. What was striking was that other Chapters did not report nearly the same depth of interaction with the Bench as we enjoy. The Eastern District of Michigan Chapter was well ahead of the other

*(continued on page 14)*

**DETROIT  
LEGAL  
IMAGING**

IS NOW...

  
  
**eDiscovery.**  
*There is a better way.*

**Find out more:**



**Detroit@d4discovery.com**  
**313.962.4020**  
**www.d4discovery.com**

## Officers and Directors 2012-2013

These officers and directors were elected at the Annual Meeting on June 21, 2012:

### Officers

President:	Thomas G. McNeill, <i>Dickinson Wright PLLC</i>
President-Elect:	Michael K. Lee, <i>Law Offices of Lee &amp; Correll</i>
Vice-President:	Thomas M. Schehr, <i>Dykema PLLC</i>
Secretary/Treasurer:	Kimberly G. Altman, <i>Career Law Clerk to Hon. Avern Cohn</i>
Program Chair:	Susan E. Gillooly, <i>Assistant U.S. Attorney</i>
Past President:	Hon. Michael J. Riordan, <i>Michigan Court of Appeals</i>

### Executive Board

#### Term Ending June 2015

Hon. David M. Lawson  
*United States District Judge*  
Jeffrey S. Appel  
*Law Office of Jeffrey S. Appel*  
Thomas D. Esordi  
*O'Reilly Rancilio*  
Daniel D. Quick  
*Dickinson Wright PLLC*  
Gregory V. Murray  
*Vercruysse Murray & Calzone PC*  
Matthew Schneider  
*Chief of Staff and General Counsel,  
Michigan Supreme Court*  
Sara D. Woodward  
*Assistant U.S. Attorney*

#### Term Ending June 2014

Andrew S. Doctoroff  
*Honigman Miller Schwartz and Cohn LLP*  
Christina L. Farinola  
*Career Law Clerk to Hon. Paul J. Komives*  
Linda S. Hylenski  
*Career Law Clerk to Hon. Gerald E. Rosen*  
Michael S. Leib  
*Maddin Hauser Wartell Roth & Heller PC*  
Matthew F. Leitman  
*Miller Canfield*  
David A. Lerner  
*Plunkett & Cooney PC*  
Vanessa Miree Mays  
*Assistant U.S. Attorney*

### Ex Officio Members

David J. Weaver, *Court Administrator,  
Clerk of the Court, United States District  
Court*  
Katherine B. Gullo  
*Clerk of the Court, United States Bankruptcy  
Court*  
George J. Bedrosian,  
*District Court Ombudsman*

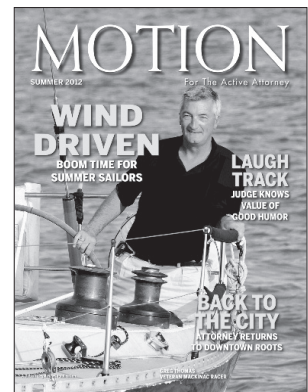
#### Term Ending June 2013

Honorable Victoria A. Roberts  
*United States District Judge*  
Honorable Mona K. Majzoub  
*United States Magistrate Judge*  
Leslie K. Berg  
*Office of U.S. Trustee*  
Richard M. Helfrick  
*Federal Defender Office*  
Matthew J. Lund  
*Pepper Hamilton LLP*  
John R. Nussbaumer  
*Thomas M. Cooley Law School*  
Theresa M. Serra  
*Career Clerk to Hon. Nancy G. Edmunds*

### Executive Director

Brian D. Figot  
PO Box 20759  
Ferndale MI 48220-0759  
248-594-5950  
[fbamich@fbamich.org](mailto:fbamich@fbamich.org)

Your life is always in  
**MOTION**



**Make  
MOTION  
Your Legal  
Lifestyle Magazine.  
Subscribe Today  
and Don't Miss  
An Issue!**  
**Call 248-577-6100**

---

## Welcome New Law Clerks

**The Chapter is pleased to welcome the following new law clerks for the Sixth Circuit and Eastern District:**

**Judge Keith**

Mitra Jafary-Hariri –  
*Howard University School of Law*  
Jade A. Craig –  
*Columbia Law School*  
Adhana M. Davis –  
*UCLA School of Law*

**Judge Clay**

Joachim B. Steinberg –  
*New York University School of Law*  
Justin Lepp –  
*Washington University School of Law*  
Nakita Cuttino –  
*Duke Law*  
Derek Linkous –  
*Northwestern Law*

**Judge Kethledge**

Elana Nightingale Dawson –  
*Northwestern Law*  
Omar Ochoa –  
*The University of Texas School of Law*  
Jonathan Algor, IV –  
*University of Michigan Law School*  
G. Ryan Snyder –  
*University of Notre Dame Law School*

**Judge White**

Anthony Bruno –  
*New York Law School*  
Jeffrey Crapko –  
*University of Chicago Law School*  
Monica Ager Jacobsen –  
*University of California-Berkeley School of Law*

**Chief Judge Rosen**

Owen McGovern –  
*Northwestern Law*

**Judge Cook**

Samuel E. Brown –  
*University of Michigan Law School*

**Judge Cohn**

Jonathan Karmo –  
*University of Detroit Mercy School of Law*

**Judge Zatkoff**

Joseph Hess –  
*University of Detroit Mercy School of Law*

**Judge Duggan**

Laura Mazor –  
*George Washington University Law School*

**Judge Friedman**

Daniel Weininger –  
*St. John's School of Law*

**Judge Cleland**

Jason Cairns –  
*Northwestern Law*  
Corbin Barthold –  
*University of California-Berkley School of Law*

**Judge Edmunds**

Jordan Paterra –  
*Wayne State University Law School*

**Judge Tarnow**

Nila Natarajan –  
*University of California-Berkley School of Law*

**Judge Steeh**

Jennie Breitmeyer –  
*Georgetown University Law Center*

**Judge Roberts**

Sharika Robinson –  
*North Carolina Central University School of Law*  
Angel Martinez –  
*American University Washington College of Law*

**Judge Battani**

Chris Evanoff –  
*Michigan State University College of Law*

**Judge Lawson**

Michael Shaffer –  
*University of Michigan Law School*

**Judge Ludington**

Andrew Crowder –  
*Northwestern Law*

**Judge Cox**

Jesse C. Viau –  
*Michigan State University College of Law*

**Judge Murphy**

Michael Wagner –  
*University of Michigan Law School*

**Judge Goldsmith**

Martha McCoy –  
*Harvard Law School*  
Andrew Victor –  
*Georgetown University Law Center*

**Judge Drain**

Kelly Rimmer –  
*Wayne State Law School*  
LaToya Palmer –  
*Thomas M. Cooley Law School*

**Magistrate Judge Majzoub**

Jeff May –  
*Thomas M. Cooley Law School*

**Magistrate Judge Randon**

Krystal Johnson –  
*Thomas M. Cooley Law School*

**Magistrate Judge Michelson**

Kimberly Allen –  
*Pepperdine University School of Law*

Patrice S. Arend	Jaffe Raitt Heuer & Weiss PC
Jennifer Z. Belveal	Honigman Miller Schwartz & Cohn LLP
Angela E. Boufford	Butzel Long PC
Lorray S.C. Brown	Michigan Poverty Law Program
Thomas P. Bruetsch	Bodman PLC
Mark A. Cantor	Brooks Kushman PC
Chanille Carswell	Brooks Kushman PC
Alicia B. Chandler	Trinity Health
Jason Conti	Honigman Miller Schwartz & Cohn LLP
David J. Council	Dykema Gossett PLLC
Thomas W. Cranmer	Miller Canfield Paddock & Stone PLC
Rebecca S. Davies	Butzel Long PC
Tanisha M. Davis	Tanisha M. Davis Attorney at Law PLLC
Ronald D. Diebel	Law Offices of Ronald Diebel
Andrew S. Doctoroff	Honigman Miller Schwartz & Cohn LLP
Joseph A. Doerr	Dykema Gossett PLLC
Jennifer A. Dukarski	Butzel Long PC
Ethan D. Dunn	Maxwell Dunn PLC
Richard J. Gianino	Plunkett Cooney
Robert F. Gillett	Legal Services of South Central Michigan
Alana M. P. Glass	Thomas M. Cooley Law School
Gerald J. Gleeson, II	Miller Canfield Paddock & Stone PLC
Joseph A. Golden	Pitt McGehee Palmer Rivers & Golden PC
Sherrie P. Guess	Guess Law Offices, PLLC
Cynthia Heenan	Constitutional Litigation Associates PC
Michelle Heikka	Dickinson Wright PLLC
Ziyad I. Hermiz	Butzel Long PC
Danielle J. Hessell	Butzel Long PC
Mark V. Heusel	Dickinson Wright PLLC
Jonathan Jorissen	Butzel Long PC
Wendy D. Kanar	Cline Close Dyer PLC
Linda D. Kennedy	Butzel Long PC
Karen S. Kienbaum	The Kienbaum Law Group PC
Kymberly N. Kinchen	Clark Hill PLC
Stephen J. Kontos	Rader Fishman & Grauer PLLC
Michael J. Lavoie	Butzel Long PC
Matthew F. Leitman	Miller Canfield Paddock & Stone PLC
John S. LeRoy	Brooks Kushman PC
Zachary B. Mack	Law Offices of Zachary B. Mack PLLC
Daniel E. Manville	Michigan State University College of Law
Benjamin J. McCracken	Private Practice
David S. McDaniel	Jaffe Raitt Heuer & Weiss PC
Thomas G. McNeill	Dickinson Wright PLLC
Racine M. Miller	We Fight the Law PLLC
Robert J. Morad	Miller Canfield Paddock & Stone PLC
Douglas R. Mullkoff	Kessler Mullkoff & Hooberman LLP
Robert E. Murkowski	Miller Canfield Paddock & Stone PLC
Heidi A. Naasko	Dykema Gossett PLLC
Jennifer L. Newby	Dickinson Wright PLLC
Jonathan D. Nikkila	Brooks Kushman PC
John R. Nussbaumer	Thomas M. Cooley Law School
James J. Parks	Jaffe Raitt Heuer & Weiss PC
Bill C. Panagos	Butzel Long PC
John A. E. Pottow	University of Michigan Law School
Daniel D. Quick	Dickinson Wright PLLC
Antoinette R. Raheem	Law Offices of Antoinette R. Raheem PC
Wendy M. Readous	Readous & Associates

Paul D. Reingold	MI Clinical Law Prof., U of M Law School
Joseph E. Richotte	Butzel Long PC
Louis P. Rochkind	Jaffe Raitt Heuer & Weiss PC
Marcy L. Rosen	Miller Canfield Paddock & Stone PLC
Edwin B. Sadik	Law Office of Edwin Sadik
James A. Sheridan	Butzel Long PC
Patricia L. Selby	Project Vote, MI Election Admin. Program
Khalilah Vonn Spencer	Honigman Miller Schwartz & Cohn LLP
Francyne Stacey	Butzel Long PC
Nick Suci, III	Oliver Law Group PC
Kenneth A. Slusser	Potestivo & Associates PC
Joon H. Sung	University of Detroit Mercy School of Law
Michael J. Steinberg	American Civil Liberties Union Fund of MI
Leigh C. Taggart	Rader Fishman & Grauer PLLC
Sherry O'Neal Taylor	Dickinson Wright PLLC
Michelle T. Thomas	Bodman PLC
Karen M. Tjapkes	Legal Aid of Western Michigan
Brian S. Tobin	Jaffe Raitt Heuer & Weiss PC
Sheldon S. Toll	Sheldon S. Toll PLLC
Scott A. Warheit	Miller Canfield Paddock & Stone PLC
Brent W. Warner	Brooks Wilkins Sharkey & Turco PLLC
Angela Williams	Detroit Housing Commission
Alan S. Wittenberg	Alan Wittenberg PC
Doron Yitzchaki	Dickinson Wright PLLC

## Thomas M. Cooley Law School Volunteers

Aubrey Biache	Student
Collette Buccilli	Student
Robert Bullington	Student
Kevin Donovan	Student
Judie Dzierbicki	Administrative Assistant (J. Nussbaumer)
Caitlin Pierce	Student
Amv Smith	Student

## United States District Court Staff Volunteers

Areran N. Baskin	Law Clerk, Judge Hood
Cheryl Takacs Bell	Staff Attorney's Office, U.S. District Court
Marybeth Collon	U.S. District Court Staff
Ann Malayang Daley	Law Clerk, Judge Hood
Kelly J. Dehn	Law Clerk
<i>(formerly to Judge Steeh/currently Judge Drain)</i>	
Charlene R. Gill	Administrative Ass't, Judge Hood
Kim Grimes	Clerk's Office, U.S. District Court
Mitra Jafary-Hariri	Law Clerk
<i>(formerly to Judge Tarnow/currently Judge Keith)</i>	
Stephanie Miskowski	Court Administrator's Office
Felicia Moses	Clerk's Office, U.S. District Court
Amy Purcell	Law Clerk, Judge Steeh
Timothy Rimer	Law Clerk, Judge Borman
LaShawn R. Saulsberry	Case Manager, Judge Hood
Julie Winchel	Court Administrator's Office

## Sustaining Members

We gratefully acknowledge the additional support provided to our Chapter by the following individuals, who opted during the fiscal year ended July 31, 2012, and in the first part of fiscal year 2012-2013, to renew their membership at the Sustaining Member level of \$100. We thank each of you for contributing to our ability to fund essential programming.

Matthew P. Allen	
Christopher A. Andreoff	
Frank A. Angileri	
John A. Artz	
Terrence G. Berg	
Kathleen L. Bogas	
Julia A. Caroff	
Charles E. Chamberlain Jr	
Dennis J. Clark	
Norton J. Cohen	
Thomas W. Cranmer	
Frederick R. ("Fritz") Damm	
Stephanie D. Davis	
Joseph F. Dillon	
Lynn Dodge	
Donna J. Donati	
Christine M. Dowhan-Bailey	
David F. DuMouchel	
Brent L. Easton	
David H. Fink	
Ernest I. Gifford	
Grant P. Gilezan	
Michael H. Gordner	
Julie A. Greenberg	
Matthew W. Heron	
Vernon R. ("Ven") Johnson	
Philip J. Kessler	
Gene R. Kohut	
Susan D. Koval	
Maureen T. Krasner	Jill Marr Przybylski
Michael K. Lee	Margaret Sind Raben
Brian M. Legghio	Meghan Riordan
Tammy S. Lundstrom	Michael J. Riordan
Megan R. McGown	Jorin G. Rubin
Barbara M. McQuade	William C. Schaefer
G. Michael Meihn	Michael C. Simoni
Haralambos D. Mihas	William P. Slough
Mayer Morganroth	Stephen P. Stella
David D. Murphy	Richard J. Suhrheinrich
Gregory V. Murray	James C. Thomas
John R. Nussbaumer	Joan Veihl
Stephanie N. Olsen	Jonathan Walton
Elisa Angeli Palizzi	Arthur J. Weiss
Edward H. Pappas	Charles L. Wells
Arvin J. Pearlman	I. W. Winsten

## Calendar of Events

- Oct. 18**     **FBA's Second Judicial Family Reunion for Federal Judges and Current and Former Law Clerks**  
A reception for all Michigan federal judges (Sixth Circuit, District Court, Bankruptcy and Magistrate) and their current and former law clerks.  
Miller Canfield's office, 25th Floor Reception Area, 150 W. Jefferson, Detroit, 48226.  
5:30-7:30 pm  
FBA Members: \$15.00; Non-Members \$25.00
- Oct. 25**     **FBA/COOLEY Youth Day at the Gerald R Ford Library in Ann Arbor**  
The Chapter will partner with the Thomas M. Cooley Law School to host a day for Ypsilanti public school students to illustrate careers available in law-related areas.
- Nov. 14**     **Complex Commercial Litigation Seminar**  
Save The Date  
Check the Chapter's website for more details.
- Nov. 16**     **Rakow Scholarship and Rom Bankruptcy Awards/ Court Historical Society Luncheon**  
Chapter's Presentation of Rakow Scholarships to students from each of Michigan's law schools and a New Award for Excellence in Bankruptcy Practice, coupled with the Annual Meeting of the Court Historical Society.  
Speaker: David Chardavoyne, author of *The United States District Court for the Eastern District of Michigan: People, Law and Politics*.  
Westin Book Cadillac, Woodward Ballroom, Detroit  
11:30 a.m.     Reception  
12:00 p.m.     Luncheon  
FBA Members \$25.00; Non-Members \$35.00
- Nov. 20**     **Judge Newblatt Portrait Ceremony**  
Flint Courthouse  
1:00 p.m.     Dedication
- Dec. 4-5**     **New Lawyers Seminar**  
Theodore Levin U.S. Courthouse, Room 115  
8:00 a.m.     Registration
- Dec. 6**     **Chapter Gala Holiday Reception**  
Westin Book Cadillac Detroit  
4:30 p.m.  
Hold the Date: Further Details to Follow
- Dec. 7**     **Book Club Meeting**  
Theodore Levin U.S. Courthouse, Room 722  
12:00 noon (See page 3 for more details)
- June 4**     **FBA Bench-Bar Social**  
Plum Hollow Golf Club, Southfield  
Save the Date: Further Details to Follow

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

**See "Hot News" and "Events & Activities"  
Online registration available for most events.**



*Judge George Caram Steeh,  
a guest speaker at the  
Tenth Annual Summer Associate Program.*

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

## Summer Event for Law Students

On Wednesday, July 25, the Chapter hosted its Tenth Annual Summer Associate Program at the Courthouse. Nearly 100 law firm summer associates, federal agency interns, and judicial interns attended the event. The participants enjoyed a catered lunch, and they were offered an opportunity to network with other program attendees and meet practicing attorneys and district judges. Guest speakers included Judge Avern Cohn, Judge George Caram Steeh, and Chapter President Thomas G. McNeill of Dickinson Wright. The judges spoke about effective trial practice and brief writing, as well as the importance of civility in the court. McNeill provided the students with information about the benefits of FBA membership and becoming involved in the Chapter.

The student attendees thoroughly enjoyed the program, which was, for many of them, their first exposure to the federal court, federal judges, and the FBA.

The program was organized by the FBA Summer Programs Co-Chairs Chanille Carswell, Shanta McMullan, and Kyle Dufrane. Special thanks to Chapter Executive Director Brian D. Figot and the speakers for their help in making the event a success.

## San Diego 2012 *(from page 9)*

Chapters in the areas of number of committees and wealth of programming. The other Chapters in attendance did not have a Luncheon series with sponsors, new lawyers' training and swearing-in ceremonies, a golf outing, or an Annual Dinner, again with substantial participation from members of the Bench.

Once again, our Chapter was prominently featured in the annual awards program. President Tom McNeill and President-Elect Michael Lee represented the Chapter. The Eastern District of Michigan Chapter received two awards: The Presidential Excellence Award, given to "chapters that have done a superior job in exceeding the objective criteria set by the Awards Committee;" and, for the 10th consecutive year, the Outstanding Newsletter Recognition Award, given to honor "meritorious and outstanding chapter newsletters as a way to encourage the continued publication of these valuable communication tools." Kudos to the Newsletter Committee!

The Convention provided an enjoyable and informative reception at the U.S.S. Midway Museum. The Presidential Installation Banquet saw Robert DeSousa (of Pennsylvania) sworn in as FBA president. This event also included presentation of the Sarah T. Hughes Civil Rights Award to the Hon. Vicki Miles-LaGrange, Chief Judge of the U.S. District Court for the Western District of Oklahoma, for her work in the advancement of the civil and human rights.

### *Scenes from the Summer Associate Event*



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



**WE'LL SQUEEZE OUT  
EVERY BIT OF  
ELECTRONIC EVIDENCE.**

LITIGATION IS A HUGE CHALLENGE BEFORE YOU GET ANYWHERE NEAR A COURTROOM. EVIDENCE IS EVERYWHERE, FROM COMPUTERS TO SERVERS TO PDAs AND CELL PHONES. THAT'S WHERE COMPUTING SOURCE OFFERS AN EDGE. OUR TEAM OF EXPERTS SPECIALIZES IN ALL ASPECTS OF COMPUTER FORENSICS, ELECTRONIC DISCOVERY AND EXPERT TESTIMONY. WE CAN SAVE YOU TIME, AGGRAVATION, YOUR SANITY AND IN SOME CASES - MILLIONS OF DOLLARS. CALL AND FIND OUT JUST HOW MUCH WE CAN DO FOR YOU.

↗ [computingsource.com](http://computingsource.com)

**COMPUTING**  
*Source*  
the power to win

Detroit 248.213.1500  
Chicago 312.554.1500



---

## Newsletter Committee:

Christina L. Farinola,  
Co-Editor in Chief  
Career Law Clerk to  
Hon. Paul J. Komives  
(313) 234-5200

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

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

John P. Mayer  
Management Consultant  
(734) 558-5593

Thomas D. Esordi  
O'Reilly Rancilio PC  
(586) 726-1000

Lauren N. Mandel  
Career Law Clerk to  
Hon. Patrick J. Duggan  
(313) 234-5148

Jennifer L. Newby  
Dickinson Wright  
(313) 226-3081

Susan E. Asam  
Barris Sott Denn Draker PLLC  
(313) 596-9333

## Calling All Former Federal Law Clerks!

The Chapter Law Clerk Committee is creating a directory of former federal judicial law clerks, and we need your contact information. The goal is to create an electronic and interactive directory to facilitate communication between former clerks and the Court.

We are looking for the following contact information for all former law clerks to all past and present Magistrate, District, and Circuit Judges in the Sixth Circuit:

- Full name
- Current Address (work or residence)
- Current Employer
- Telephone Number
- Personal Email Address
- Work Email Address

Please send your contact information (preferably via email) to Matt Allen, Law Clerk Committee Co-Chair, at Miller, Canfield, Paddock & Stone, P.L.C., 840 W. Long Lake Road, Suite 200, Troy, Michigan 48098, 248-267-3290, [allen@millercanfield.com](mailto:allen@millercanfield.com). And please contact him with any questions.

---

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

**RETURN SERVICE REQUESTED**

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

## Executive Director:

Brian D. Figot  
(248) 594-5950  
[fbamich@fbamich.org](mailto:fbamich@fbamich.org)

**WINNER  
10 YEARS**  
National FBA  
Outstanding  
Newsletter  
Award