

## Judicial Profile

KIMBERLY BECK

# Hon. Michael J. Newman U.S. Magistrate Judge for the Southern District of Ohio

MICHAEL J. NEWMAN, THE newest magistrate judge in the Southern District of Ohio, is dedicated to his family, his fellow attorneys, and the ideals of fairness, due process, and justice. Anyone who meets him quickly realizes his passion and enthusiasm for the important role of the federal courts.

The judge comes from a modest background. His parents were both products of the Great Depression and, from them, the judge learned the values that he holds dear: hard work; sacrifice; honesty; an appreciation of, and respect for, diversity; and service to others. The judge's father, Jay, worked his way through college as a student in the University of Cincinnati (U.C.) Co-Op Engineering Program in the late 1930's. Jay grew up assuming that he would never attend college because his family could not afford to send him. One day, in a high school shop class, a teacher pulled Jay aside, told him he should consider going to college, and that U.C. offered a program by which students could work their way through school. That teacher changed the course of Jay's life. Jay attended U.C. as an Electrical Engineering student in the Co-Op Program; interrupted his studies for service as an Officer in the South Pacific in World War II; and, after the war, enrolled in Harvard Law School on the G.I. Bill. He graduated from law school with honors in 1951—a remarkable achievement. As the judge explains, "My father's life was a personification of the American Dream. Had a teacher not made that comment to my father, and taken an interest in him as an individual, my father's entire life would have been far different. That's a simple and practical example of the importance of mentoring and caring for other people."

The judge's parents encouraged him to follow his passion. With a natural aptitude for creativity and a love of photography, Judge Newman naturally gravitated to New York University's Film School. While at NYU, he made numerous short films and co-hosted a radio program on the college radio station. The popular show, which was broadcast all over New York City, led to a listing in *The New York Times* and a writing agent at the ICM talent agency in Los



Angeles. Although the judge elected not to pursue a career writing for the movies, his experience with the agent, his natural writing talent, and his keen interest in fairness and justice drew him—as it did his father—to law school. He enrolled in the Washington College of Law at American University.

While in law school, he worked for a local attorney, Bill Williams, who became his mentor (long before the legal profession realized the importance of, or even spoke of, mentoring). Although Williams helped the judge recognize and develop professional aspirations, as many mentors do, he also instilled in the young law student a recognition of the practice of law as a profession, not just a career path.

In 1989, he graduated from law school with honors and became a law clerk for Magistrate Judge Jack Sherman Jr. of the U.S. District Court for the Southern District of Ohio, at Cincinnati. Judge Sherman proved to be an inspiration with his dedication to the law and his tireless work ethic. "It's easy to be a good lawyer periodically," Judge Sherman would tell his law clerk. "It's hard to fire on all cylinders every day." Nonetheless, Judge Sherman strived to do just that. Judge Newman recalls that when Judge Sherman had oral arguments scheduled in a complex case, for example, he would awake before dawn to read

the parties' briefs one more time before court began. Judge Newman explains: "Judge Sherman, like my parents, instilled in me the value of hard work and the belief that any job worth doing is worth doing well. He constantly reminded me of the great trust the public places in the federal judiciary, and the significant responsibility, shared by all who work for the federal courts—judges and law clerks alike—to always be fair, to carefully follow the law, and to be efficient because justice delayed is justice denied."

Prior to becoming a federal judge, Judge Sherman was a teacher, and he took great pride in teaching and mentoring his younger law clerk. Judge Sherman and Judge Newman "hit it off" almost immediately. "We approached the law in the same way—we worked very hard together to get cases right—and our personalities just meshed immediately," says Judge Newman. Over time, Judge Sherman asked his law clerk to consider career status and graciously offered to share with him all he knew about being a judge. Judge Sherman also introduced Judge Newman to the Potter Stewart Inn of Court, the Cincinnati Bar Association (CBA) and, perhaps most importantly, to the Cincinnati/Northern Kentucky Chapter of the Federal Bar Association. Although Judge Newman eventually held leadership roles in all three organizations (as a Master of the Inn, a member of the CBA Board of Trustees, and a member of the FBA Board of Directors), it was his work, over many years, for the FBA which has proved most influential in the Southern District of Ohio.

The FBA is an organization that Judge Newman holds near and dear to his heart, and for which he has been actively involved for close to twenty years. After being appointed to the Cincinnati/Northern Kentucky Chapter Board of Directors, he was asked to help create and edit *The Bench-Bar Handbook*, the leading guide to federal practice and judicial procedures in the Southern District of Ohio. The book's successful publication, and its distribution to pro se litigants throughout the Southern District, led to the Shaw Award for public service. Thereafter, Judge Newman served in a wide variety of high profile roles for the FBA, both locally and nationally, including, among others, chapter president, Sixth Circuit vice president, and national co-chair of the FBA's Professional Ethics Committee. The judge's involvement with this magazine dates back to 1997, and he has served for more than 10 years on *The Federal Lawyer* Editorial Board, and for more than five years as the magazine's judicial profiles editor. Judge Newman now proudly sits on the FBA's national Board of Directors.

After serving for many years as a career law clerk to Judge Sherman, Judge Newman was given an opportunity to clerk for Judge Nathaniel R. Jones on the Sixth Circuit Court of Appeals. Judge Newman remains grateful to Judge Jones for selecting him and, to this day, considers Judge Jones, like Judge Sherman, a great mentor and friend. Judge Newman's

experience with the Sixth Circuit further instilled in him a deep respect for the role of the court, due process and fairness.

In 2003, Judge Newman began a successful career in private practice, first as an associate and then as a partner, at Cincinnati's largest firm, Dinsmore & Shohl. He frequently litigated employment cases and business disputes in the federal trial and appellate courts, and was co-counsel with Dinsmore partner Mike Hawkins on a case argued before the U.S. Supreme Court. No one was surprised when he did the seemingly impossible and became a partner at the firm in just three years. As a partner, he served on the firm's Diversity Committee, chaired the firm's Labor and Employment Appellate Practice Group, and created and ran the firm's Pro Bono Appellate Program in the Sixth Circuit Court of Appeals. He was highly regarded by his clients, colleagues and peers. Considered by many young associates as a mentor, he inspired numerous attorneys—who generally focused on civil matters—to dedicate their time to pro bono activities, particularly appellate criminal, Section 1983, and habeas corpus cases. Says Dinsmore's managing partner George Vincent, "Mike Newman is passionate about everything he does—whether it be work on behalf of his clients, his commitment to diversity, or work he has undertaken on behalf of the community at large. He also has a passion for fairness and an appreciation of the important work of the federal courts. We miss him every day at Dinsmore, and the federal court is exceedingly fortunate to have someone of his caliber on the bench."

While in private practice, Judge Newman was named a Leading Lawyer by *Cincy* magazine multiple times in a row, and also repeatedly honored as both an Ohio Super Lawyer and as one of the Best Lawyers in America in Labor & Employment Law. He also co-wrote a monthly labor and employment law column for *The Federal Lawyer* from January 2007 to February 2011, and was appointed statewide chair of the Ohio State Bar Association's Federal Courts and Practice Committee—a role he held for three consecutive years.

Judge Newman has a long track record of furthering the interests of diversity and inclusion, illustrated in part by his work as Secretary of the Roundtable, a joint effort by the CBA and the Black Lawyers Association of Cincinnati (BLAC), with the purpose of fostering opportunities for minority law students and lawyers. He helped to create a scholarship for minority students who want to pursue a career in public service, and was honored for that effort by BLAC in 2004. In 2009, he was one of two lawyers in private practice nationally to be appointed to the FBA's Task Force on Diversity.

The judge's commitment to the community is exemplified by his long and dedicated history of volunteer work—including serving as a Big Brother for many years, volunteering for the Red Cross, chairing

the Friends of the Cincinnati Pops Orchestra, and serving on the Board of Directors of Cincinnati Public Radio. The judge also performed extensive homeless outreach through the Cincinnati/Northern Kentucky chapter of the Federal Bar Association and its involvement with the nonprofit organization, Tender Mercies. His efforts on behalf of the homeless date back nearly 20 years, when he co-chaired the CBA's Young Lawyer Community Service Committee. In 2010, the judge was greatly honored and humbled to receive the Federal Bar Association's Elaine R. 'Boots' Fisher National Public Service Award, given annually to one lawyer in the United States for "exemplary community, public, and charitable service."

Judge Newman was appointed as a magistrate judge for the Southern District of Ohio in July 2011. Following his appointment, the Judge and his family moved from Cincinnati, where he had lived for more than twenty years, to Dayton, Ohio, where his chambers are located. "I am honored and delighted to serve the Court in Dayton," the judge notes, "and to call Dayton home." The judge has embraced his new city and the Dayton legal community has embraced him as well. Within a few short months of his appointment to the federal bench, he became active in the local FBA Chapter, the Dayton Bar Association, and the Carl D. Kessler Inn of Court. A recent speech at the bar association's Chancery Club monthly lawyer gathering was well received by an overflow crowd, and the judge has already been asked to co-chair the Dayton Bar Association's 2012 Bench-Bar Conference.

In his current position as a federal magistrate judge, Judge Newman hopes to continue mentoring younger lawyers and law students, as he has done for many years. As a former adjunct law professor at the University of Dayton School of Law, the University of Cincinnati Law School, and Chase Law School at Northern Kentucky University, Judge Newman intends to train the law students who serve as externs in his chambers. "I love being a mentor," remarks Judge Newman. He is particularly fond of mentoring his law clerks, Mike Jurek and Liz Favret, two recent law school graduates, of whom he speaks proudly. The judge also intends to continue his academic interests, as evidenced by his recent appointment to the editorial board of the *Federal Courts Law Review* published by the Federal Magistrate Judges Association.

The judge's commitment to alternative dispute resolution is likewise longstanding. He attended the Advanced Mediation Program at Harvard Law School and, while in private practice, served as a neutral arbitrator and mediator for the American Arbitration Association, and also as a volunteer mediator in the Ohio state and federal courts. As a magistrate judge, he now frequently mediates cases filed in the district court.

Judge Newman is married to Rachel Baker Newman, a former high school teacher, who worked with children in an impoverished area in southwest Ohio.

Together, they have five-year-old triplet daughters, Anna, Brigid, and Clare (fondly known to friends as "A, B, and C"). His daughters are constant reminders that all his actions affect more than merely the situation at hand. Judge Newman recognizes that everything he does shapes the lives of his children, whom he loves dearly. As busy and talkative preschoolers, they are never hesitant to share their observations. His children have influenced his perception of the world as well. They have reminded him to consider the far-reaching impact of all of his decisions, both in and out of the courtroom. Each litigant is a person, and every issue before him is important to the people involved, and to those who follow.

Given his life experience as a father, mentor, professor, federal law clerk, large law firm partner, litigator, and mediator—as well as his extensive pro bono and volunteer efforts, and passion for fairness and justice—Magistrate Judge Newman will no doubt prove to be an invaluable asset to the Southern District of Ohio. **TFL**

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*Kimberly Beck is an associate in the Cincinnati office of Ulmer & Berne LLP, where she specializes in pharmaceutical products liability litigation.*