

73RD JUDICIAL CONFERENCE OF THE SIXTH CIRCUIT

MAY 12-15, 2015

DETROIT, MICHIGAN



2015 SIXTH CIRCUIT JUDICIAL CONFERENCE

THE HONORABLE R. GUY COLE, JR.
CHIEF JUDGE

**STANDING COMMITTEE ON
SIXTH CIRCUIT JUDICIAL CONFERENCE PLANNING**

THE HONORABLE HELENE N. WHITE, CO-CHAIR

THE HONORABLE DAVID M. LAWSON, CO-CHAIR

THE HONORABLE BERNICE BOUIE DONALD

THE HONORABLE JAMES G. CARR

THE HONORABLE ALGENON L. MARBLEY

THE HONORABLE ALETA A. TRAUGER

THE HONORABLE ROBERT J. JONKER

THE HONORABLE AMUL R. THAPAR

THE HONORABLE MATTHEW F. LEITMAN

THE HONORABLE TRACEY N. WISE

THE HONORABLE BETH A. BUCHANAN

THE HONORABLE EDWARD G. BRYANT

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JOHN J. KULEWICZ, ESQ.

ALEX L. PARRISH, ESQ.

DORIS RANDLE-HOLT, ESQ.

LIFE MEMBER COMMITTEE

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JOHN B. NALBANDIAN, ESQ.
ALEX L. PARRISH, ESQ.
ROBIN G. WEAVER, ESQ.
THOMAS A. WISEMAN III, ESQ.

THE JUDICIAL CONFERENCE OF THE SIXTH CIRCUIT EXTENDS A SPECIAL THANK YOU TO THE LIFE MEMBERS OF THE JUDICIAL CONFERENCE FOR THEIR ASSISTANCE WITH CONFERENCE PROGRAM PLANNING AND FOR THEIR GRACIOUS HOSTING OF THE LIFE MEMBERS RECEPTION.

THE AMERICAN BAR FOUNDATION IS AN ORGANIZATION DEDICATED TO ADVANCING JUSTICE THROUGH RIGOROUS RESEARCH ON THE LAW, LEGAL PROCESSES, AND THE LAW'S IMPACT ON OUR SOCIETY. THE JUDICIAL CONFERENCE OF THE SIXTH CIRCUIT IS GRATEFUL TO THE AMERICAN BAR FOUNDATION FOR ITS SUPPORT IN SECURING PROFESSOR THOMAS GINSBURG AS A SPEAKER FOR THIS YEAR'S CONFERENCE.

CONFERENCE REGISTRATION/INFORMATION DESK

**DETROIT MARRIOTT AT THE RENAISSANCE CENTER
LEVEL 3 - ONTARIO FOYER**

CONTINENTAL BREAKFAST

LEVEL 4 - RENAISSANCE FOYER

| | |
|-------------------|--|
| TUESDAY, MAY 12 | 10:00 AM - 2:00 PM / 3:30 PM - 6:15 PM |
| WEDNESDAY, MAY 13 | 6:45 AM - 1:00 PM / 3:30 PM - 6:15 PM |
| THURSDAY, MAY 14 | 1:00 PM - 5:00 PM |
| FRIDAY, MAY 15 | 8:00 AM - 11:30 AM |

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|-------------------|-------------------|
| WEDNESDAY, MAY 13 | 7:00 AM - 8:30 AM |
| THURSDAY, MAY 14 | 7:00 AM - 8:30 AM |
| FRIDAY, MAY 15 | 7:45 AM - 9:15 AM |

CONTINUING LEGAL EDUCATION

Conference attendance has been approved by the Tennessee Commission on Continuing Legal Education, the Supreme Court of Ohio Commission on Continuing Legal Education, and the Kentucky Bar Association Continuing Legal Education Commission for continuing legal education credits. Specific information regarding the number of credit hours is available at the conference registration desk, and on the Judicial Conference website at www.ca6.uscourts.gov/internet/judicial_conference/2015/cleinfo.html.

SPEAKER'S BIOGRAPHICAL INFORMATION

Biographical information for each person participating in panel discussions or presentations is available on the Judicial Conference website at www.ca6.uscourts.gov/internet/judicial_conference/2015/speakers.html.

RETIREMENT SESSIONS

Retirement sessions will take place on Wednesday, Thursday and Friday. If you requested a session, the date and location will be included in your registration packet.

TRANSPORTATION

Transportation will be provided to all off-site functions. The buses will depart the Detroit Marriott Motor Lobby at the time indicated in the program. All guests using conference-provided transportation must be prepared to depart from the Detroit Marriott Motor Lobby at the time indicated in the program.

SECURITY

The United States Marshals Service will provide security for the conference and may be reached at (513) 315-7494.

TUESDAY, MAY 12, 2015

- 8:15 am** **Chief Judges' Breakfast**
Level 5 - Richard
- 8:30 am** **Library Committee Meeting**
Level 4 - Renoir
- 10:00 am** **Sixth Circuit Judicial Council Meeting**
Level 4 - Greco
- 12:30 pm** **Luncheon and Executive Session for Circuit,
District, Bankruptcy and Magistrate Judges**
Level 4 - Cabot
- Remarks**
The Honorable R. Guy Cole, Jr.
Chief Judge, Sixth Circuit Court of Appeals
- James C. Duff, Director
Administrative Office of the United States Courts
- The Honorable Jeremy D. Fogel, Director
Federal Judicial Center
- 2:00 pm** **Court of Appeals Administrative Meeting**
Level 4 - Greco
- 2:00 pm** **District Judges Meeting**
Level 5 - Mackinac East
- 2:00 pm** **Bankruptcy Judges Meeting**
Level 5 - Mackinac West
- 2:00 pm** **Magistrate Judges Meeting**
Level 5 - Joliet
- 6:00 pm -
8:30 pm** **Opening Reception**
Henry Ford Museum
20900 Oakwood Boulevard
Dearborn, Michigan

Transportation to the Henry Ford Museum will be available from the Detroit Marriott Motor Lobby beginning at 5:30 pm until 6:30 pm. Shuttles will return guests between 8:00 pm and 8:30 pm.

WEDNESDAY, MAY 13, 2015

7:00 am - Continental Breakfast
8:30 am Level 4 - Renaissance Foyer

8:30 am Welcome and Opening Remarks
Level 4 - Columbus

Remarks

The Honorable R. Guy Cole, Jr.
Chief Judge, Sixth Circuit Court of Appeals

8:40 am - Municipal Bankruptcy
10:30 am The Detroit Experience
Level 4 - Columbus

Presiding

The Honorable Gerald E. Rosen
Chief United States District Judge
Eastern District of Michigan

Judicial Panel

The Honorable Victoria A. Roberts
United States District Judge
Eastern District of Michigan

The Honorable Elizabeth L. Perris
United States Bankruptcy Judge
District of Oregon

The Honorable Steven W. Rhodes
Retired United States Bankruptcy Judge
Eastern District of Michigan

Eugene Driker, Esq.
Barris, Sott, Denn and Driker, P.L.L.C.
Detroit, Michigan

WEDNESDAY, MAY 13, 2015

8:40 am - Municipal Bankruptcy
10:30 am The Detroit Experience (continued)
Level 4 - Columbus

Stakeholder Panel

Richardo I. Kilpatrick
Kilpatrick and Associates, P.C.
Auburn Hills, Michigan

Heather Lennox, Esq.
Jones Day
New York, New York

Sharon L. Levine, Esq.
Lowenstein Sandler, L.L.P.
Roseland, New Jersey

Arthur T. O'Reilly
Honigman, Miller, Schwartz and Cohn, L.L.P.
Detroit, Michigan

Kevyn Orr, Esq.
Emergency Manager, City of Detroit
Detroit, Michigan

Alfredo R. Perez, Esq.
Weil, Gotshal and Manges, L.L.P.
Houston, Texas

10:30 am - Break
10:45 am

WEDNESDAY, MAY 13, 2015

**10:45 am - Breakout Sessions
12:15 pm**

- 1. The Beginning, Middle and End of Individual and Small Business Bankruptcies**
Level 5 - Mackinac East

Presiding

The Honorable Gregory R. Schaaf
United States Bankruptcy Judge
Eastern District of Kentucky

Panelists

Rozanne M. Giunta, Esq.
Lambert Leser, P.C.
Bay City, Michigan

William L. Norton, III, Esq.
Bradley Arant Boult Cummings, L.L.P.
Nashville, Tennessee

Robert V. Sartin, Esq.
Frost Brown Todd, L.L.C.
Nashville, Tennessee

WEDNESDAY, MAY 13, 2015

10:45 am - Breakout Sessions (continued)
12:15 pm

2. Dual Perspectives: A Meeting of the Minds
Level 4 - Cabot

Presiding

The Honorable Julia Smith Gibbons
United States Circuit Judge
Sixth Circuit Court of Appeals

Panelists

The Honorable Jane B. Stranch
United States Circuit Judge
Sixth Circuit Court of Appeals

The Honorable Solomon Oliver, Jr.
Chief United States District Judge
Northern District of Ohio

Pierre H. Bergeron, Esq.
Squire Patton Boggs, L.L.P.
Cincinnati, Ohio

Thomas W. Cranmer, Esq.
Miller, Canfield, Paddock and Stone, P.L.C.
Troy, Michigan

10:45 am - Breakout Sessions (continued)
12:15 pm

3. Sentencing - White Collar Crime
Level 5 - Mackinac West

Presiding

The Honorable Robert J. Jonker
United States District Judge
Western District of Michigan

Session Chair

David F. DuMouchel, Esq.
Butzel Long, P.C.
Detroit, Michigan

Panelists

The Honorable Paul D. Borman
United States District Judge
Eastern District of Michigan

Sara Sun Beale
Charles L.B. Lowndes Professor of Law
Duke Law School

David Debold, Esq.
Gibson, Dunn and Crutcher, L.L.P.
Washington, D.C.

Lucian E. Dervan
Associate Professor of Law and
Director of Faculty Development
Southern Illinois University School of Law

WEDNESDAY, MAY 13, 2015

10:45 am - Breakout Sessions (continued)
12:15 pm

4. Law and Literature
Level 4 - Cartier

Presiding

The Honorable Aleta A. Trauger
United States District Judge
Middle District of Tennessee

Panelist

Leo Bearman, Jr., Esq.
Baker, Donelson, Bearman, Caldwell and Bertkowitz, P.C.
Memphis, Tennessee

12:15 pm - Break
12:30 pm

12:30 pm - Luncheon
2:00 pm
Level 4 - Columbus

**The Enduring Influence of the Magna Carta
on Contemporary Constitutions**

Presiding

The Honorable Avern Cohn
United States District Judge
Eastern District of Michigan

Introduction

David A. Collins
President
American Bar Foundation

Speaker

Thomas Ginsburg
Deputy Dean
The University of Chicago College of Law

WEDNESDAY, MAY 13, 2015

2:00 pm **Sixth Circuit Advisory Committee on Rules**
Level 4 - Renoir

2:15 pm - **District Court Breakout Sessions**
3:45 pm

Eastern and Western Districts of Kentucky
Level 5 - Mackinac East

Eastern District of Michigan
Level 4 - Cabot

Western District of Michigan
Level 4 - Michelangelo

Northern District of Ohio
Level 4 - Cartier

Southern District of Ohio
Level 5 - Mackinac West

Eastern District of Tennessee
Level 4 - Da Vinci

Middle District of Tennessee
Level 4 - Monet

Western District of Tennessee
Level 4 - Greco

3:30 pm - **Sixth Circuit Court of Appeals Breakout Session**
5:00 pm Level 4 - Columbus

6:15 pm - **Life Members Reception**
9:30 pm Detroit Institute of Arts
5200 Woodward Avenue
Detroit, Michigan 48202

Transportation to the Detroit Institute of Arts will be available from the Detroit Marriott Motor Lobby between 5:45 pm and 7:00 pm. Shuttles will return guests continuously between 8:15 pm and 9:30 pm.

THURSDAY, MAY 14, 2015

7:00 am - Continental Breakfast
8:30 am Level 4 - Renaissance Foyer

8:30 am - The Voting Rights Act
10:30 am Level 4 - Columbus

Presiding

The Honorable Bernice Bouie Donald
United States Circuit Judge
Sixth Circuit Court of Appeals

Speaker

Bryan Stevenson
Executive Director
Equal Justice Initiative

10:30 am - Break
10:45 am

10:45 am - Breakout Sessions
12:15 pm

- 1. An Ethics Update:
Social Media, Conflicts, Candor and More!**
Level 4 - Cabot

Presiding

The Honorable John M. Rogers
United States Circuit Judge
Sixth Circuit Court of Appeals

Panelists

Kenneth M. Mogill, Esq.
Mogill, Posner and Cohen
Lake Orion, Michigan

Rhonda Pozehl
Senior Staff Attorney
State of Michigan Attorney Grievance Commission

10:45 am - Breakout Sessions (continued)
12:15 pm

2. Notable Cases: The Ted Stevens Trial
Level 4 - Cartier

Presiding

The Honorable Amul R. Thapar
United States District Judge
Eastern District of Kentucky

Panelists

The Honorable Emmet G. Sullivan
United States District Judge
District of Columbia

Lanny A. Breuer, Esq.
Covington and Burling, L.L.P.
Washington, D.C.

Robert M. Cary, Esq.
Williams and Connolly, L.L.P.
Washington, D.C.

Steven M. Dettelbach
United States Attorney
Northern District of Ohio

THURSDAY, MAY 14, 2015

10:45 am - 12:15 pm **Breakout Sessions (continued)**

3. Sentencing - Drug Policy
Level 5 - Mackinac East

Presiding

The Honorable Algenon L. Marbley
United States District Judge
Southern District of Ohio

Panelists

Douglas A. Berman
Robert J. Watkins/Procter and Gamble Professor of Law
The Ohio State University Moritz College of Law

Sharon L. Davies
Director of the Kirwan Institute for the Study
of Race and Ethnicity
The Ohio State University Moritz College of Law

David A. Gardey
Assistant United States Attorney
Eastern District of Michigan

Ronald S. Sullivan, Jr.
Clinical Professor of Law
Director, Criminal Justice Institute
Harvard Law School

THURSDAY, MAY 14, 2015

10:45 am - Breakout Sessions (continued)
12:15 pm

4. Cyber Security
Level 5 - Mackinac West

Presiding

The Honorable David W. McKeague
United States Circuit Judge
Sixth Circuit Court of Appeals

Panelist

Ovie Carroll, Director
Computer Crime and Intellectual Property Section
United States Department of Justice

12:15 pm - Break
12:30 pm

12:30 pm - Luncheon
2:00 pm
Level 4 - Columbus

**Scorpions: The Battles and Triumphs of
FDR's Great Supreme Court Justices**

Presiding

The Honorable Karen Nelson Moore
United States Circuit Judge
Sixth Circuit Court of Appeals

Speaker

Noah Feldman
Felix Frankfurter Professor of Law
Harvard Law School

THURSDAY, MAY 14, 2015

**2:15 pm -
3:45 pm**

Breakout Sessions

- 1. Cyber Security**
Level 5 - Mackinac Ballroom

Presiding

The Honorable Marianne O. Battani
United States District Judge
Eastern District of Michigan

Panelist

Ovie Carroll, Director
Computer Crime and Intellectual Property Section
United States Department of Justice

- 2. Employment Law**
Level 4 - Cartier

Presiding

The Honorable Eric L. Clay
United States Circuit Judge
Sixth Circuit Court of Appeals

Panelists

Robert E. Boston, Esq.
Waller, Lansden, Dortch and Davis, L.L.P.
Nashville, Tennessee

Sue Ellen Eisenberg, Esq.
Sue Ellen Eisenberg and Associates, P.C.
Bloomfield Hills, Michigan

Stanley H. Pitts, Esq.
Honigman, Miller, Schwartz and Cohn, L.L.P.
Detroit, Michigan

Michael L. Russell, Esq.
Gilbert, Russell, McWherter, Scott and Bobbitt, P.L.C.
Nashville, Tennessee

THURSDAY, MAY 14, 2015

2:15 pm - Breakout Sessions (continued)
3:45 pm

3. Evidence for Everyone (Including Judges)
Level 4 - Cabot

Presiding

The Honorable Jeffrey S. Sutton
United States Circuit Judge
Sixth Circuit Court of Appeals

Panelist

The Honorable William G. Young
United States District Judge
District of Massachusetts

4. Law and Literature
Level 5 - Marquette

Presiding

The Honorable Deborah L. Cook
United States Circuit Judge
Sixth Circuit Court of Appeals

Panelist

Leo Bearman, Jr., Esq.
Baker, Donelson, Bearman, Caldwell and Bertkowitz, P.C.
Memphis, Tennessee

THURSDAY, MAY 14, 2015

6:00 pm - Reception
7:00 pm Grand Ballroom Pre-function

Cobo Center
1 Washington Boulevard
Detroit, Michigan

7:00 pm Banquet
Grand Ballroom

Welcome and Introduction

The Honorable R. Guy Cole, Jr.
Chief Judge, Sixth Circuit Court of Appeals

American Inns of Court Professionalism Award

Presentation: The Honorable Pamela Reeves
United States District Judge
Eastern District of Tennessee

Recipient: The Honorable Curtis L. Collier
United States District Judge
Eastern District of Tennessee

Guest Speaker

The Honorable Elena Kagan
Associate Justice
Supreme Court of the United States

9:00 pm - Reception
10:00 pm Grand Ballroom Pre-function

Transportation to the Cobo Center will be available from the Detroit Marriott Motor Lobby beginning at 5:40 pm. Shuttles will run continuously between 5:40 pm and 6:45 pm and resume at the conclusion of the banquet until 9:50 pm.

FRIDAY, MAY 15, 2015

7:45 am - Continental Breakfast
9:15 am Level 4 - Renaissance Foyer

7:45 am - Life Members Committee Breakfast
8:45 am Level 4 - Michelangelo

9:15 am - Supreme Court Review
11:15 am Level 4 - Columbus

Presiding

The Honorable David M. Lawson
United States District Court
Eastern District of Michigan

Panelist

Erwin Chemerinsky
Dean and Distinguished Professor of Law
Raymond Pryke Professor of First Amendment Law
University of California, Irvine School of Law