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President’s Letter

Don’t Miss our Premier Event with Opera Grand Rapids on February 25!

Chris O’Connor, President
Federal Bar Association, W.D. Michigan

George Stinney Jr. was a 14-year-old boy when he was executed by the State of South Carolina for the brutal murders of Betty June Binnicker (age 11) and Mary Emma Thames (age 7). Stinney was taken into custody on March 24, 1944, a short time after the girls were found deceased in a ditch. The local police obtained a confession from Stinney while he was in their custody. One month after his arrest, Stinney was convicted in a one-day trial after a ten-minute jury deliberation. Less than three months later, with no appeal filed, Stinney was executed by the state. The Supreme Court’s decision in *Thompson v. Oklahoma*—prohibiting as cruel and unusual punishment the execution of a minor under the age of 16 at the time of the offense—would not be written for another 44 years.

Seventy years after Stinney’s execution, a South Carolina circuit court judge held a two-day evidentiary hearing and reviewed the “scant trial record.” New evidence—including an alibi witness who was never interviewed and did not testify at the trial—was presented. The court vacated Stinney’s conviction by granting his family’s petition for a writ of *coram nobis*. It found that Stinney’s procedural due process rights were violated and that the denial of those rights tainted his prosecution. The court determined that Stinney’s confession, obtained outside of the presence of his parents or an attorney (and 22 years before *Miranda v. Arizona*), was unknowing and involuntary. The court also concluded that Stinney’s appointed counsel apparently “did little to nothing in defending Stinney.”

On February 25, 2022, Opera Grand Rapids launches the world premiere of a contemporary opera entitled *Stinney: An American Execution* at the Peter Martin Wege Theatre in Grand Rapids. A cast of 20 will shine a bright spotlight on the injustice and failures found by the South Carolina court as told by co-librettists Tia Price and Frances Pollock. Our chapter is



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President's Letter

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once again teaming up with Opera Grand Rapids to present a lunch-and-learn panel discussion on the performance and the tragic events in Alcolu, South Carolina that inspired it. The panel will include Lt. Governor Garlin Gilchrist, former United States Attorney Patrick Miles Jr., Cooley Law School Associate Dean Tracey Brame, and composer and co-librettist Frances Pollock. I hope that you will join us—either in person or by Zoom—on Friday, February 25 at noon at Warner Norcross + Judd's downtown Grand Rapids office for this very special event. Please email us (wdfbamichigan@gmail.com) to register for the program if you have not already done so.

If you have not renewed your chapter membership for 2022, please do so today so that you may continue to enjoy the programming and other special events we sponsor each year. We make it easy to renew online at our website: westmichiganfederalbar.org. Thank you for your continued membership and support of our organization!

Chris O'Connor is the 2022 president of the West Michigan Chapter of the FBA, an Assistant United States Attorney in the Western District of Michigan, and a Deputy Chief of the Criminal Division, supervising the Financial Crimes and National Security Section. He has been a federal prosecutor for 14 years, during which time he has investigated and prosecuted a wide range of crimes, including fraud offenses, money laundering, tax fraud, government program fraud, regulatory offenses, public corruption, violent crimes, and national security offenses. Prior to joining the U.S. Attorney's office, he practiced civil and criminal litigation at Jenner & Block LLP in Chicago.





Hillman Advocacy Program Completes 40th Year

By Andrea Bernard

From January 19–21, 2022, the U.S. District Court for the Western District of Michigan and the West Michigan Chapter of the Federal Bar Association successfully hosted the 40th annual Hillman Advocacy Program. Though the program was canceled in 2021 due to COVID-19, program organizers used the year off to reevaluate and strengthen the program with several changes in 2022. Those changes included the following:

- A webinar orientation program, conducted one week before Hillman, in which participants were introduced to the program and reviewed basic principles and mechanics of objections and the introduction of exhibits.
- Enhanced instruction and exercises related to the use of electronic evidence in the courtroom.
- The introduction of communications consultant David Mann (asimplemessagecourtrroom.com), who replaced long time consultant and program participant Brian Johnson.
- A substantially improved and updated Hillman website (hillmanadvocacy.com).

The program was fortunate to enjoy the support of all four full-time Article III judges of the Western District of Michigan, including Hon. Hala Jarbou and Hon. Jane Beckering, as well as Magistrate Judges Phillip Green and Sally Berens.

As in years past, the principal focus of the 2022 Hillman Advocacy Program was the fundamentals of trial practice. Students began with an evening program in a local conference center on day one, followed by two full days in the courthouse. Basic section participants completed exercises focused on opening statements, direct and cross examination of both lay and expert witnesses, and closing arguments. Faculty members observed and critiqued the exercises, including in one-on-one video playback sessions with students, where students could observe their own performances. Participants in the advanced sections similarly completed exercises focused on fundamentals but, on the final day, tried the hypothetical case to a jury. And, at the conclusion of the trial, advanced section participants observed their jury's deliberations on closed-circuit television. Participants included 36 students

in the basic civil program, 8 students in the basic criminal program, 6 students in the advanced civil program, and 5 students in the advanced criminal program. These students were taught by 21 seasoned trial attorneys who, together with the judges of the Western District, volunteered their time to lead the program.

The Hillman Steering Committee also recognized the dedicated staff of the U.S. District Court with the 2022 Hillman Award. The Hillman Award recognizes those individuals whose contributions, dedication, and commitment to developing trial lawyers through the Hillman Advocacy Program have sustained the program through the years. In recognition of the 40th anniversary, it seemed fitting to thank and celebrate the many court staff members who have supported the program, even from the very beginning, with their time, efforts, and talents.



Andrea Bernard is a partner at Warner Norcross + Judd LLP, where she represents manufacturers, contractors, financial institutions, and others involved in employment, commercial, and construction disputes. She served as the chair of the Hillman Steering Committee for this year's program.

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Judge Beckering Joins the Bench

By Amy Murphy

It is our usual practice with a new appointment to the District Court to introduce our newest judge. With Judge Jane Beckering, chances are this article is not your first meeting; she has been an active member of our West Michigan legal community for decades.

Trial Law in Her Genes

Jane Beckering has trial law in her genes. Her grandfather, William D. Buchanan, and father, John C. Buchanan, each practiced law in Grand Rapids and tried hundreds of cases. Judge Beckering fondly recalls hearing endless “war stories” at the dinner table as a child, when jury trials were a regular occurrence. As she put it, “if you want to hear a great storyteller, talk to a trial lawyer. They made the practice of law sound glamorous and endlessly interesting.”

Developing a Trial Practice in West Michigan

After law school, Judge Beckering started her practice in commercial litigation at a large law firm in Chicago. But she eventually felt the tug back to Grand Rapids, where she could learn trial skills from her father while also raising a family.

Judge Beckering joined her father’s firm, Buchanan & Bos, upon her return. Her former colleagues remain some of the finest lawyers in our district—Carole Bos, Brad Glazier,



Hon. Jane Beckering

Lee Silver, Magistrate Judge Ray Kent, and her brother Rob Buchanan, to name just a few. “Mentorship was key at the firm,” recalled Judge Beckering, and the seasoned lawyers trained the new lawyers. They regularly engaged in mock trials against teams from other firms in town.

Eventually Buchanan & Bos spun off into several firms. Judge Beckering partnered with her brother, Rob, focusing on medical malpractice, catastrophic personal injury, and wrongful death cases. “What I loved most about the work was getting to choose the clients I wanted to represent and helping them navigate one of the toughest times in their lives. I still remain friends with many former clients,” said Judge Beckering.

While maintaining a busy practice and raising three children, Judge Beckering engaged in numerous bar organization activities. She volunteered her time to the Grand Rapids Bar Association (where she is the current President-Elect), the Michigan Association for Justice, and the Michigan Migrant Legal Assistance Project. She regularly contributed to ICLE, and she helped to revise Michigan’s model civil jury instructions.

And for over twenty years, Judge Beckering has been a major contributor to the Western District’s Hillman

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Judge Beckering Joins the Bench

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Advocacy Program. She has served as chair, vice-chair, and faculty member, and she remains an active member of the Steering Committee. Hillman “not only teaches trial skills, it fosters professionalism, collegiality, and civility in our legal community,” Judge Beckering explained. “Think about the fact that Warner lawyers teach Varnum lawyers, and vice-versa. I am amazed by the cross-mentoring among lawyers from firms large and small, and the many friendships that grow out of that program. To me, it is the crown jewel of the West Michigan legal community. It reminds us that we are a profession, above all else.”

Her Next Calling

Judge Beckering loved her trial practice. She never envisioned a career in the judiciary.

But while practicing law, Judge Beckering did stints on the judicial review committee for the Grand Rapids Bar Association and the Michigan Association for Justice. She invested time in identifying candidates with the right skills, temperament, and integrity to serve on the bench. Eventually, and somewhat reluctantly, she realized that she needed to serve.

Judge Beckering entered the race late and ran for the Michigan Supreme Court in 2006, but lost. Then in 2007, Governor Jennifer Granholm called about an opening on the Michigan Court of Appeals to fill the vacancy created by Judge Janet Neff’s appointment to the District Court by President George W. Bush. Judge Beckering accepted.

Judge Beckering served on the Michigan Court of Appeals from 2007 to 2021, serving the last three years as Chief Judge Pro Tem and heading up the court’s Education

Committee. The appellate work was intellectually stimulating due to the breadth of legal issues involved. “I loved the variety and the opportunity to study areas outside my prior niche,” Judge Beckering remarked.

Joining the Federal Bench

In 2021, Judge Neff announced her transition to senior status, opening up a seat on the District Court. Judge Beckering received President Biden’s nomination. “I am deeply grateful to Judge Neff for her career successes, which left opportunities in her wake,” said Judge Beckering. She was confirmed by the Senate on December 17, 2021.

In her new position on the District Court, Judge Beckering is excited to return to the world of “live jury trials.” She is preparing for her first jury trial in February, with a two-week trial to follow in March. Rather than the 30 or so cases on her docket at any given time in the Court of Appeals, she now has hundreds.

Judge Beckering is eager to remain involved in the legal community. She urges lawyers to get involved in bar organizations, and most of all, to mentor younger lawyers. The West Michigan legal community is “uniquely collegial,” Judge Beckering emphasizes, “and a commitment to ongoing mentorship in our community nourishes that collegial spirit.”



Amy Murphy is a member at Miller Johnson in Grand Rapids, where she focuses her practice on complex civil, white-collar, and appellate litigation.

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The Two Sopranos

By Britt Cobb

Our district has not one but two opera singers in the bar. Madelaine Lane and Stephanie Carowan are our two sopranos and have sung with Opera Grand Rapids and several other operas around the country and world.

Madelaine is a partner at Warner Norcross + Judd and has been with the firm since graduating from law school in 2007. Madelaine sang as a kid growing up in Grand Rapids and did productions at the Civic Theatre, as well as cantoring at local churches. She received some formal voice training during her time at the College of the Holy Cross in Worcester, Massachusetts. After graduation, Madelaine had to decide between pursuing an advanced degree in music or going on to law school. She chose the latter but did not give up on her passion for music.

Ten years ago Madelaine started working with a vocal coach in opera. She auditioned for Opera Grand Rapids nine years ago and got a part in the chorus. Since then, she has worked with Opera Grand Rapids but has also done productions in Germany, Georgia, and even with the New York Lyric Opera, performing at the National Opera Center and at Carnegie Hall. Warner has been very supportive of Madelaine's efforts, and she has been able to balance remote working while she does the out of town roles.

Madelaine is currently working with the Kalamazoo Philharmonia's *Madama Butterfly* production. The performance can be seen on May 14, 2022, at Fountain Street Church in Grand Rapids or May 22, 2022, at the Dalton Theater at Kalamazoo College in Kalamazoo.

Stephanie has been an Assistant United States Attorney for the Western District of Michigan since 2019. Stephanie has always loved singing and minored in vocal performance at Butler University as an undergraduate. But it was when she was working as an Assistant United States Attorney in Anchorage, Alaska that she decided to audition for the opera. She was with the Anchorage Opera for three seasons, doing two operas per year. She became a member of the Indianapolis Opera when she moved there between her times in Anchorage and Grand Rapids, doing both opera and musical theater with that group.



Madelaine Lane



Stephanie Carowan

Continuing the tradition upon her move to our district, Stephanie is now cast in Opera Grand Rapids productions. She had just been cast in an Opera Grand Rapids production when the opera was forced to shut down due to the pandemic. After a hiatus from live performances, she was in the chorus for *Don Giovanni* in October 2021 and is currently practicing for the April 22 and 23, 2022 productions of *Turandot* at DeVos Performance Hall.

Stephanie will also be singing in *Madama Butterfly* with Madelaine. Madelaine and Stephanie both use the same vocal coach, Nicholas Loren out of Holland. They cannot say enough about him!

It's hard for most of us to imagine singing on stage, much less singing on stage in a foreign language while holding down a demanding litigation practice. Try to take the time to see the opera this spring to support our Two Sopranos.



Britt Cobb is a partner at Willey & Chamberlain LLP in Grand Rapids, a firm specializing in criminal defense.

District Court Roundup

By C.J. Schneider and Sara Weskalnies

Norris v. Stanley
1:21-cv-756, 10/8/2021
Hon. Paul L. Maloney

Plaintiff Norris sought to enjoin Defendants from enforcing the Michigan State University (“MSU”) vaccine mandate policy. The Court concluded that Norris did not satisfy the requirements for a preliminary injunction. First, Norris failed to show a likelihood of success on the merits because the MSU vaccine mandate does not violate any of her fundamental rights. Second, Norris did not establish irreparable harm. She argued that she would be deprived of at least one constitutional right if MSU enforced its vaccine mandate against her. The Court concluded that Norris faced no constitutional violation and termination of her employment at MSU would not be an irreparable injury. Finally, the Court determined that the equities weighed in favor of denying Ms. Norris’s motion for preliminary injunction because if MSU’s vaccine mandate were not enforced, the public could face serious harm.

Jenin Younes and John Vecchione of New Civil Liberties Alliance and Harriet Hageman of Hageman Law represented Norris. Anne Ricchiuto and Stephanie Gutwein of Faegre Drinker Biddle & Reath LLP and Uriel Abt of Michigan State University Office of the General Counsel represented the defendants.

Resurrection School v. Hertel
1:20-cv-1016, 11/03/2021
Hon. Paul L. Maloney

Plaintiffs, a Catholic school and two of its students, sought to enjoin Defendant Linda Vail, Ingham County Health Officer, and Defendant Carol Siemon, Ingham County Prosecutor, from enforcing an Ingham County Health Department emergency order requiring all persons in educational settings to wear face coverings (i.e., masks).

The Court concluded that Plaintiffs did not satisfy the requirements for a preliminary injunction. First, the Court determined that the rational basis standard of review applied despite Plaintiffs’ argument that the mask mandate targeted Catholic and private schools. The Court further concluded that the mask mandate was legitimately related to the government’s interest in preventing the spread of COVID-19.

Second, Plaintiffs could not establish irreparable harm. Plaintiffs argued that the emergency order violated their

Free Exercise Clause rights, which constitutes irreparable harm. The Court concluded, however, that Plaintiffs were not entitled to injunctive relief even if they faced a potential irreparable injury, because they were not likely to succeed on the merits of their Free Exercise claim.

Finally, the Court determined that the equities weighed in favor of denying Plaintiffs’ motion for preliminary injunction because enjoining the emergency order would create risk to the public.

Erin Mersino and Robert Muise of American Freedom Law Center represented the plaintiffs. AAGs Daniel Ping, Joseph Froehlich, Raymond Howd, Ann Sherman, Jennifer Rosa, and Rebecca Ashley Berels represented the state-officer defendants. Bonnie Toskey and Sarah Osburn of Cohl Stoker & Toskey, P.C. represented the county defendants.

A.B. ex rel. K.B. v. Michigan Department of Education
No. 2:19-cv-258, 11/04/2021
Hon. Paul L. Maloney

A student with disabilities sued the Michigan Department of Education (MDE) alleging that MDE allowed his school district to deny him a full school-day and a free appropriate public education in violation of the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA). MDE moved to dismiss Plaintiff’s complaint on the basis that, among other things, (1) Plaintiff failed to exhaust his

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District Court Roundup

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administrative remedies under IDEA, and (2) Plaintiff lacked standing and failed to sufficiently plead claims under ADA and Rehabilitation Act. The Court denied MDE's motion. As to Plaintiff's alleged failure to exhaust under IDEA, the Court concluded that Plaintiff had done everything in his power to exhaust his remedies with MDE. During an earlier administrative hearing, the administrative law judge dismissed MDE as a party. The IDEA claim was therefore now properly before the Court. As to Defendant's argument that Plaintiff lacked standing and failed to state a claim, the Court determined that Plaintiff's parents had standing to bring a lawsuit on his behalf, and that Plaintiff alleged facts sufficient to show bad faith or gross misjudgment on behalf of MDE.

Justin Gilbert of Gilbert Law and Mitchell Sickon and Erin Hankins Diaz represented the plaintiffs. AAGs Elizabeth Husa, Precious Boone, and Travis Comstock represented MDE.

Michigan v. Enbridge Energy L.P.

1:20-cv-1142, 11/16/2021

Hon. Janet T. Neff

The State of Michigan, Governor Gretchen Whitmer, and the Michigan Department of Natural Resources sued three Enbridge entities related to the Line 5 pipeline. The State sought a declaratory judgment stating, in part, that it properly revoked a pipeline easement related to Line 5. Enbridge removed the case from state court.

The issue before for the Court was whether federal subject-matter jurisdiction existed. The Court concluded that the case raised federal questions, so it could exercise jurisdiction. It determined that there were at least two federal issues

embedded in Plaintiffs' claims: (1) the Submerged Lands Act, which governed the scope of the State's property interest, and (2) the Pipeline Safety Act, which burdened the State's ownership interest by expressly prohibiting states from imposing safety regulations on interstate pipeline operations. In applying the three-prong balancing test set forth in *Grable & Sons Metal Prod., Inc. v. Darue Engineering & Manufacturing*, the Court determined that the factors weighed in favor of exercising substantial-federal-question jurisdiction.

AAGs Daniel Bock and Robert Reichel represented Michigan. Alice Loughran, David Hyler Coburn, Joshua Runyan, and William Hassler of Steptoe & Johnson LLP; John Bursch of Bursch Law PLLC; and Phillip DeRosier and Peter Ellsworth of Dickinson Wright PLLC represented Enbridge.



C.J. Schneider is a member at Miller Johnson in Grand Rapids. He practices in commercial crisis counseling and litigation, helping businesses and nonprofit organizations successfully navigate high-profile matters, including mass tort claims, high-stakes contract disputes, global supply chain emergencies, and corporate governance reform.



Sara Weskalmies is an associate at Miller Johnson in Grand Rapids. Her litigation practice focuses on a wide variety of matters representing clients in all stages of disputes involving contracts, tort, licensing, business, and real property.

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Appellate Roundup

Noteworthy Cases from the Sixth Circuit and Beyond

By Charlie Quigg

Kowall v. Benson No. 21-1129

In a published decision, the Sixth Circuit affirmed in part and vacated in part **Judge Neff's** grant of summary judgment to Michigan in a case challenging Michigan's term limits for state legislators on federal and state constitutional grounds. The plaintiffs—a group of veteran legislators—contended that term limits violated their ballot-access and associational rights under the First and Fourteenth Amendments and were procedurally defective under the Michigan Constitution.

The Sixth Circuit held that the plaintiffs' federal constitutional claims failed whether analyzing the plaintiffs as candidates or voters. The Court rejected the plaintiffs' attempt to liken term limits to ballot-access restrictions, reasoning that they limit which individuals are eligible to hold office rather than keeping eligible candidates off the ballot. And in the absence of a fundamental right at stake, it concluded that term limits readily pass rational basis review.

The court of appeals departed from Judge Neff's summary judgment ruling regarding the plaintiffs' state-law claims. It held that this case was no exception to the general rule that a district court should decline to exercise supplemental jurisdiction when a federal court dismisses all pending federal claims before trial. The Sixth Circuit thus vacated that portion of Judge Neff's decision and remanded with instructions to dismiss the state-law claims without prejudice.



John Bursch of Bursch Law PLLC, Christopher Trebilcock of Clark Hill PLC, and Charles Spies and Robert Avers of Dickinson Wright PLLC represented the challengers. AAGs Erik Grill and Heather Meingast represented Michigan.

Gun Owners of America v. Garland No. 19-1298

In a rare 8–8 split, the *en banc* Sixth Circuit affirmed by default **Judge Maloney's** denial of preliminary injunctive relief to prevent the Bureau of Alcohol, Tobacco, Firearms and Explosives' rule clarifying that bump stocks fall within the definition of "machinegun" in the National Firearms Act and the Gun Control Act from going into effect. The earlier panel opinion would have reversed Judge Maloney's decision.

The central question in the appeal was whether agency interpretations of ambiguous *criminal* statutes are entitled to *Chevron* deference. The panel held that the answer was no and further concluded that ATF's rule improperly expanded the statutory definition of "machinegun," creating a circuit split with the Tenth and D.C. Circuits. On *en banc* review, eight judges voted to reverse Judge Maloney's decision, in line with the panel. The remaining eight judges, however, voted to affirm. Because the court divided evenly, the court affirmed Judge Maloney's decision.

Robert Olson of William J. Olson, P.C. and Kerry Morgan of Pentiuk, Couvreur & Kobiljak, P.C. represented the plaintiffs-appellants. DOJ Appellate Staff attorneys Mark Stern, Abby Wright, Brad Hinshelwood, and Kyle Edwards represented the Government.

Birmingham v. Nessel No. 21-1297

The Sixth Circuit affirmed, in an unpublished decision, **Judge Neff's** decision (following **Judge Green's** recommendation) granting Michigan's motion to dismiss in a challenge to Michigan's statute criminalizing "seduction." The statute—which has remained on the books virtually unchanged for nearly two centuries—provides that "any man who shall seduce and debauch any unmarried woman shall

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Appellate Roundup

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be guilty of a felony.” The plaintiff, an attorney proceeding pro se, claimed that the statute is unconstitutionally overbroad under the First Amendment.

Judge Neff concluded that the plaintiff failed to establish that he suffered an injury or faced an imminent threat of injury, reasoning that he did not allege that he intended to seduce and debauch an unmarried woman. Accordingly, the plaintiff could not establish Article III standing. On appeal, the Sixth Circuit agreed.

Max Birmingham appeared pro se. AAG Kendell Asbenson represented Michigan.



Charlie Quigg is a member of the Appellate and Supreme Court and White Collar Criminal Defense and Investigations practice groups at Warner Norcross + Judd LLP. He represents clients in complex civil and criminal matters in all phases of disputes, including investigations and appeals. Charlie also serves as the Editor-in-Chief of Bar & Bench.

Help Wanted—Pro Bono Trial Attorneys for Prisoner Civil Rights Cases

Each year, members of our chapter represent prison inmates whose civil rights claims have survived summary judgment and are headed to trial. The district court is again looking for attorneys to accept pro bono appointments in this worthwhile program. The Western District’s prisoner civil rights pro bono program presents an excellent opportunity for trial work, without lengthy discovery. We encourage

our members—and especially our young lawyers, for whom trial experience can be hard to find—to participate. The link to the Court’s Pro Bono Plan is: <https://www.miwd.uscourts.gov/sites/miwd/files/Pro%20Bono%20Guidelines.pdf>.

Anyone interested, or with questions, can email stephanie_carpenter@miwd.uscourts.gov, and either Stephanie Carpenter or Judge Ray Kent can tell them about the process.



2021 Trial Verdicts

U.S. District Court for the Western District of Michigan

	<u>VERDICT DATE</u>	<u>CASE NUMBER/ NAME/TYPE</u>	<u>JUDGE</u>	<u>ATTORNEYS</u>	<u>JURY VERDICT</u> (unless otherwise noted)
1	1/14/21	1:19-cr-52 USA v White (distribution of fentanyl resulting in death--retial)	Maloney	Daniel McGraw, Austin Hakes, Joel Fauson -USA Thomas Douglas -D	Guilty
2	2/10/21	1:17-cv-306 Banas v Hagbom (civil rights)	Maloney	Jonathan Marko, Kevin Ernst -P Christopher Raiti, G. Gus Morris -D	Settled (2 nd day of jury trial)
3	2/17/21	1:17-cv-956 Parker #593090 v Reddin et al (prison condition)	Jarbou	Bruce Parker -Pro Se Michael Dean, Scott Rothermel -D	For Defendant
4	2/19/21	1:19-cr-292 USA v Honeysucker, Jr. (interference with commerce by threat or violence; violent crime/ drugs/machine gun)	Jonker	Daniel Mekar, Patrick Castle, Dan McGraw -USA Scott Graham -D	Guilty all counts
5	2/24/21	1:16-cv-532 Eddings #413755 v Ward (prisoner civil rights)	Green	Solomon Radner -P Michael Dean, Scott Rothermel -D	For Defendant
6	3/2/21	1:14-cv-1277 Scott #194644 v Heyns et al (prisoner civil rights)	Jarbou	Daniel Manville -P Michael Dean, O.G. Joseph Reasons, Kevin Himebaugh, Kristie Sparks -D	For Defendant
7	3/3/21	1:20-cr-180 USA v Britton (assaulting/resisting/impeding of-ficers/employees; assault against a federal officer)	Jonker	Clay West -USA Sean Tilton, Pedro Celis -D	Not guilty
8	3/5/21	1:18-cr-140 USA v Colbert, Jr (conspiracy to distribute controlled substance, money laundering - interstate commerce conspiracy)	Neff	Richard Stiffler, Austin Hakes, Dan McGraw -USA Beau Brindley, Michael Thompson -D10	Guilty all counts

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2021 Trial Verdicts

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	<u>VERDICT DATE</u>	<u>CASE NUMBER/ NAME/TYPE</u>	<u>JUDGE</u>	<u>ATTORNEYS</u>	<u>JURY VERDICT</u> (unless otherwise noted)
9	3/16/21	1:16-cv-1237 Wright v Stewardson et al (civil rights)	Jarbou	Daniel Romano, Gina Puzzuoli, Stanley Okoli -P Adam Fracassi, Joshua Marcum, Michael Dean -D	For Defendants, all but 1 for Plaintiff \$1.00
10	5/6/21	1:19-cr-271 USA v Flores (unlawful transport of firearms, etc)	Jarbou	Davin Reust, Andrew Hull -USA Scott Graham -D	Guilty
11	5/7/21	1:19-cv-161 Meeks #176401 v Skipper (prisoner civil rights)	Jarbou	Anthony Meeks Pro Se Austin Raines, Michael Dean -D	For Defendant
12	5/7/21	1:18-cv-725 Ross v Parrot's Lansing Inc et al (diversity/personal injury)	Neff	Paul McCarthy, Stephen Hulst - P Adam Brody, Brion Doyle, Carol Smith -D	No judgment entered (jury award of \$1 million economic reduced to \$0 after allocation of 76% fault and reduction for disability insurance benefits)
13	5/20/21	1:16-cv-1302 Parker #539090 v Gainer et al (prisoner civil rights)	Green	Anne Buckleitner, Nathaniel Harrington -P Michael Dean, Scott Rothermel -D	For Plaintiff Judgment \$90,000.00 punitive
14	5/21/21	1:20-cr-170 USA v Kaiser (unlawful transport of firearms, felon in possession of ammunition)	Maloney	Lauren Biksacky -USA Helen Nieuwenhuis, Joanna Kloet, Pedro Celis -D	Guilty all counts
15	6/4/21	1:18-cv-648 Doe v Carpenter (personal injury)	Berens	Nicholas Roumel -P Michael Michmerhuizen, Douglas Van Essen, Lee Silver - D	For Defendant
16	6/8/21	2:16-cv-109 Orum #417988 v MDOC et al (prisoner civil rights)	Maloney	Johnny Orum -Pro Se John Thurber, Zachary Zurek -D	For Defendants

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2021 Trial Verdicts

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	<u>VERDICT DATE</u>	<u>CASE NUMBER/ NAME/TYPE</u>	<u>JUDGE</u>	<u>ATTORNEYS</u>	<u>JURY VERDICT</u> (unless otherwise noted)
17	6/9/21	2:17-cv-187 Bailey #194330 v Skytta et al (prisoner civil rights)	Maloney	Jerry Bailey, Jr -Pro Se Austin Raines, Jessica Pelto, Sarah Robbins -D	For Defendant
18	6/10/21	1:20-cr-156 USA v Calicutt et al (conspiracy to distribute/possess methamphetamine, felon in possession, drug house)	Neff	Daniel McGraw -USA Matthew Borgula, Michael Bartish, Geoffrey Upshaw, Michael Adams -D	Guilty all counts
19	7/1/21	1:20-cr-53 USA v Gregory Rogers (marijuana sell, distribute, or dispense; unlawful transport of firearms)	Jarbou	Stephanie Carowan, Blair Lachman -USA Pedro Celis, Sean Tilton, Joanna Kloet -D	Guilty counts 1-6
20	7/1/21	2:17-cv-25 Missouri #389199 v VanSickle (prisoner civil rights)	Vermaat	Darnell Missouri -Pro Se Jessica Pelto, Elizabeth Husa -D	For Defendants
21	7/10/21	2:17-cv-18 Garza v MDOC et al (civil rights)	Vermaat	Vernon Richard Johnson, Thomas Waun -P Kevin O'Dowd, Michael Dean -D	Mistrial
22	7/19/21	2:17-cv-157 Smith #240397 v Kurth et al (prisoner civil rights)	Jarbou	Sampson Smith -Pro Se Jennifer Foster, Sarah Robbins -D	For Defendants
23	7/21/21	2:18-cv-115 Rogers #447843 v Ruiz-Ojeda et al (prisoner civil rights)	Vermaat	Sean Rogers -Pro Se Jessica Pelto, Sarah Robbins -D	For Defendants
24	8/5/21	2:19-cr-13 USA v Lablanc (manslaughter involuntary)	Maloney	Paul Lochner -USA Elizabeth LaCosse -D	Not Guilty
25	10/6/21	1:12-cv-1143 Fleet Engineers Inc v Mudguard Tech LLC et al (patent infringement)	Maloney	Tarun Surti - Pro Se Nicholas Bowman, John Waters -D	For Plaintiff Judgment Group A gross sales x 4% royalty rate

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	<u>VERDICT DATE</u>	<u>CASE NUMBER/ NAME/TYPE</u>	<u>JUDGE</u>	<u>ATTORNEYS</u>	<u>JURY VERDICT</u> (unless otherwise noted)
26	10/6/21	1:19-cr-291 USA v Pointer (narcotics sell, distribute, dispense)	Jarbou	Jonathan Roth, Kristin Pinkston -USA Lucas Dillon, Nicole Samuel -D	Guilty
27	11/2/21	2:16-cv-71 Gresham #272603 v Austin et al (prisoner civil rights)	Jarbou	Michael Gresham -Pro Se Sara Trudgeon -D	For Defendants
28	11/4/21	2:18-cv-15 Jackson #748757 v Kokko et al (prisoner civil rights)	Jarbou	Douglas Jackson -Pro Se Jessica Pelto, Sarah Robbins, Joseph Ho, Kyla Barranco -D	For Defendants
29	11/4/21	1:21-cr-101 USA v Marr (unlawful transport of firearms)	Maloney	Erin Lane, Patrick Castle -USA Scott Graham -D	Guilty
30	11/10/21*	1:17-cv-219 Holbrook v Prodomax Automation; Prodomax Automation v Flex-N-Gate LLC (cross-claim) (Diversity/Wrongful Death/Product Liability)	Jarbou	Charissa Huang, Matthew Wikander -P Michelle Thomas, Timothy Groustra -D Joshua Zeman, Matthew Lund -D	Settled mid-trial
31	11/30/21	2:18-cv-101 Dahlstrom v Butler (prisoner civil rights)	Jarbou	Karl Dahlstrom -Pro Se Jessica Pelto, Michael Dean -D	For Defendant
32	12/7/21	1:21-cr-30 USA v Carter (coercion or enticement of female)	Jarbou	Alexis Sanford, Lauren F. Biksacky -USA Paul Mitchell -D	Plea entered
33	12/14/21	2:21-cr-24 USA v Aschenbrenner (abusive sexual contact w/o permission)	Jarbou	Paul Lochner -USA Elizabeth A. LaCosse -D	Not Guilty
34	12/21/21	1:21-cr-122 USA v Rivera-Delgado (conspiracy to distribute controlled substance)	Jonker	Kristin Pinkston, Jon Roth, B. Rene Shekmer -USA Lucas Dillon Sr.-D	Guilty