

Appellate Practice

Section Newsletter

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Appellate Bench-Bar Preview

“I encourage attorneys who practice or anticipate practicing appellate law to attend this conference. Our Court strongly supports the Bench Bar Conference as a way of educating attorneys and improving the quality of appellate advocacy in Michigan.”

*-- Maura Corrigan,
Chief Justice*

What is it?

The Michigan Appellate Bench Bar Conference is a multi-day conference designed to help attorneys sharpen their appellate-practice skills. The conference is a cooperative effort of the Supreme Court, the Court of Appeals, the State Bar Appellate Practice Section, and the Michigan Appellate Bench Bar Conference Foundation—a non-profit foundation consisting of Michigan appellate lawyers. Contributors to the Appellate Bench Bar Conference Foundation include prominent law firms and several Sections of the State Bar of Michigan.

The conference will give attendees an opportunity to interact with appellate judges, court staff, and experienced appellate practitioners in a variety of settings, ranging from relaxed dining rooms to breakout sessions on court rules and operating procedures. Attendees will hear from appellate judges and court staff on effective techniques for appellate advocacy, and from a host of other distinguished speakers from diverse walks of the legal profession. Topics include civil and criminal appeals, electronic appeals, appellate delay reduction, emergency applications, court rules and internal operating procedures, and bonds and stays.

This year’s conference will be at the Novi Sheraton (formerly the Novi Hilton). It kicks off at 5:30 p.m. on

April 28, 2004, with “dine-arounds.” The dine-arounds will allow attorneys to meet some of Michigan’s appellate judges in a relaxed, informal setting. The cost of dinner is not included in the registration fee, and due to the overwhelming response so far, space is very limited. Pre-registration is required.

The conference will then begin in earnest on the morning of Thursday, April 29, and will conclude on Friday afternoon, April 30.

Chief Justice Maura D. Corrigan is among those encouraging Michigan lawyers to attend the conference: “I encourage attorneys who practice or anticipate practicing appellate law to attend this conference. Our Court strongly supports the Bench Bar Conference as a way of educating attorneys and improving the quality of appellate advocacy in Michigan.”

Detroit appellate attorney Mary Massaron Ross, a conference organizer, echoed those sentiments: “This is a great opportunity for attorneys who practice before Michigan’s appellate courts. Our moderators will include Supreme Court Justices and Court of Appeals judges, who will share their views on what is – and isn’t – effective appellate practice.”

The \$295 conference fee includes program materials, a pre-conference reception, two luncheons and a reception and dinner at the St. John’s Conference Center.

Lunch Programs and Speakers

The conference boasts a truly exceptional group of lunch speakers.

On Thursday, former Solicitor General of the United States, Drew S. Days, III (currently the Yale Law School Alfred M. Rankin Professor of Law), will be the luncheon speaker. Professor Days was the Solicitor General from May 28, 1993 to June 30, 1996. During that time, he was responsible for all federal government litigation in the United States Supreme Court and for all government appeals and amicus participation in the federal appellate courts.

The Friday lunch program will feature a panel of distinguished jurists and guests, who will offer commentary on "Tending Bridges: Maintaining Credibility, Communication, and Cooperation among the Judicial, Legislative, and Executive Branches." The scheduled panelists include Chief Justice Maura Corrigan, Chief Judge William Whitbeck, State Senator Alan Cropsey, State Representative Jim Howell, and attorney Kelly Keenan. Senator Cropsey chairs the Senate Judiciary Committee, and Representative Howell chairs the House Judiciary Committee. Ms. Keenan is legal counsel to Governor Jennifer Granholm.

The Plenary Sessions

There will be plenary sessions open to all attendees on Thursday morning and afternoon (April 29), and on Friday morning (April 30). These sessions will give attendees insight on effective advocacy, delay reduction issues, and new technology shaping appellate practice.

The Thursday-morning plenary session is "Advocacy: A View From the Bench – What Works and What Doesn't." The scheduled panelists include Supreme Court Justices Robert P. Young and Marilyn Kelly, and

Michigan Court of Appeals Judges Pat M. Donofrio, Helene White, and Brian K. Zahra.

On Thursday afternoon, attendees will have the unique opportunity to hear "Hot Tips & Pet Peeves From the Supreme Court and Court of Appeals." During this one-hour plenary session, attendees will learn about specific likes and dislikes of judges and court staff.

Friday morning will begin with "The E-Case on Appeal: How Electronic Appeals Will Affect Practice." The scheduled panelists include judges and lawyers who were involved in the first electronically filed appeal in Michigan. The panelists will comment on their experiences and the issues that can arise from "e-filing."

A second plenary session will follow immediately, entitled "The Dilemma of Delay: What is it? What should we do about it? What can we do about it?" This session will focus on delay reduction in the Court of Appeals. Panelists will discuss historical efforts to reduce delay, changes in the Court's internal operating procedures, and how delay-reduction strategies may affect the quality of appellate briefs and opinions. Attorneys will also gain valuable insight into how their day-to-day practices may be affected by the Court's delay-reduction efforts.

The Breakout Sessions

Each day, conference attendees will participate in "breakout" sessions. The breakout sessions will provide a more intimate, small-group setting for discussion of issues facing Michigan's appellate courts and practitioners. In each breakout room, a volunteer moderator will keep the discussion flowing, and judges and court staff will contribute to the dialogue. Those who have attended past conferences can attest to how candid, helpful, and informative these sessions are.

Attendees pre-select their preferred breakout sessions on their registration forms, based on their practice areas and interests. There are breakout sessions focusing on issues unique to civil, criminal, and family-law practitioners.

The breakout sessions for civil practitioners will cover topics ranging from handling emergency appeals to the challenges of securing bonds and stays on appeal. Criminal practitioners will attend breakout sessions on coping with tight appeal deadlines, ineffective assistance of counsel, interlocutory appeals, bond motions, waiver versus forfeiture, and standards of review.

There will be a double-session covering a variety of family-law issues on Thursday, from 1:45-4:00. Experienced family-law attorneys and judges will discuss pressing procedural and substantive issues that are exclusive to family-law appeals. These problem areas include what orders are appealable by right, the recent changes in appellate time periods for family-law cases, the effect of standards of review, stays pending appeal in custody matters, and recent changes in court rules.

The Reception Dinner

On Thursday night, there will be a reception and dinner at the St. John's Conference Center, in Novi. This event will give practitioners and judges another opportunity to mingle and get to know each other in an informal setting.

During dinner, the Appellate Practice Section will award its Lifetime Achievement Award to recently retired Michigan Court of Appeals Judge Harold Hood. Judge Hood served on the Court of Appeals with distinction for 20 years, from 1982 to 2002. He will be honored for his many contributions to Michigan's appellate courts.

2004 Michigan Appellate Bench Bar Conference

www.benchbar.org

Conference Registration Deadline: April 21, 2004

Conference Fee \$ 295

The conference fee includes program materials, Wednesday's Pre-Conference reception, Thursday's luncheon at the conference, Thursday's reception and dinner at the St. John's Conference Center, and Friday's luncheon. No advance charge for Wednesday dine-arounds – pay at dinner.

Enclose your conference fee and return this form to:
Hope Curtin, P.O. Box 38, Allen Park, MI 48101-0038
**Make checks payable to: Michigan Appellate
Bench Bar Conference Foundation**

All conference participants will attend plenary sessions. Space for breakout sessions is limited. Please indicate your breakout session preference on this form.

Name: _____

Firm Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: () _____ Fax: () _____

E-Mail Address: _____

Scholarship Request: Yes No

If yes, attach a letter addressing need for scholarship

Hotel Reservation Deadline: March 28, 2004. A limited number of hotel rooms have been reserved for conference participants at a special rate of \$119 per night. Call 248-349-4000 for reservations.

I will attend the following events:

- | | | |
|--------------------------|---|----------|
| <input type="checkbox"/> | Pre-Conference Reception | April 28 |
| <input type="checkbox"/> | Dine-arounds (participants will split the bill at dinner)
<i>At area restaurants; groups w/judge or justice)</i> | April 28 |
| <input type="checkbox"/> | Luncheon | April 29 |
| <input type="checkbox"/> | Reception & Dinner
<i>St. John's Conference Center</i> | April 29 |
| <input type="checkbox"/> | Luncheon | April 30 |

Tending Bridges: Maintaining Credibility, Communication, and Cooperation among the Judicial, Legislative, and Executive Branches. **Scheduled panelists: Chief Justice Maura Corrigan, Chief Judge William Whitbeck, Senator Alan Cropsy, and Representative Jim Howell.**

Breakout Session Preferences

Please indicate your first (1) and second (2) preferences for the following breakout sessions:

Thursday – 1:45-2:45 p.m.

Civil:

- Preparing the Appeal
 The Application Process
 Handling Emergencies

Criminal:

- Update on the Law
 Standards of Review and Waiver vs. Forfeiture
 Ineffective Assistance of Counsel

Family Law

- Double Session 1:45-4:00 p.m.

Thursday – 3:00-4:00 p.m.

Civil:

- Preparing the Appeal
 The Application Process
 Handling Emergencies

Criminal:

- Update on the Law
 Under the Wire: Research, pleadings, clients, and the squeeze of appellate deadlines
 Interlocutory Appeals and Bond Motions

Friday – 11:15-12:15

- Bonds & Stays
 Michigan Court Rules & Internal Operating Procedures
 Privacy Interests and Public Access in Electronic Appeals
 Sneak preview of the proposed new rules for appeals to circuit courts

Bench Bar Conference
Mark your calendars!
April 28 - 30, 2004
The Novi Sheraton



**Chief Justice
Maura Corrigan,
Panelist at
Friday's luncheon**



**Lifetime Achieve-
ment Award re-
cipient, recently
retired Michigan
Court of Appeals
Judge Harold
Hood.**

How to Register

A registration form is included for those who wish to register. For additional information on registration or other aspects of the conference, contact Mary Massaron Ross at (313) 965-4801 or mmassaron@plunkettcooney.com. You can also visit the Michigan Appellate Bench Bar Conference Foundation's website at www.benchbar.org.

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