

1996

Annual Report

and

Roster of Judges

Sixth Circuit Judicial Conference

July 7-10, 1996

Mackinac Island, Michigan

Gilbert S. Merritt

Chief Judge

Judicial Workload in the Sixth Circuit

The following are some of the highlights of the workload of the circuit, district and bankruptcy courts in the Sixth Circuit for the twelve-month period that ended March 31, 1996.

Court of Appeals

- Appeals decreased 2 percent to less than 4,500 cases. Nationally, appeals filings increased by 3 percent.
- Criminal appeals declined for the second year in a row, falling 4 percent to approximately 900 cases.
- Prisoner cases increased by 6 percent over last year.
- Prisoner petitions account for one-third of all appeals filed in the Sixth Circuit; criminal appeals make up 20 percent of all appeals.
- Two of the sixteen authorized judgeships are vacant. These vacancies result from Judge Guy having taken senior status in September 1994 and Judge Keith having taken senior status in May 1995.

District Courts

- One judgeship in the Southern District of Ohio remains vacant. This vacancy results from the death of Judge Carl B. Rubin in August 1995.
- Civil filings rose by 4 percent compared to a national increase of 11 percent.
- The categories of cases showing the largest percentages of increases were FELA cases (142 percent), personal injury cases (14 percent), prisoner petitions (10 percent), and civil rights cases (8 percent).
- The categories of cases showing the largest decreases were social security cases and forfeitures.
- The largest increase in civil filings occurred in the Eastern District of Michigan due to a large number of silicone gel breast implant cases. The Eastern District of Tennessee experienced a substantial increase in FELA cases based on railroad hearing loss claims. The Northern District of Ohio showed a decrease in civil filings due to a 22 percent

decline in the number of asbestos product liability cases.

- Civil case terminations increased circuit-wide by 11 percent, while pending civil cases remained stable at around 20,200 cases. Nationally, civil terminations rose by only 6 percent, and pending civil cases increased by 9 percent.
- Criminal filings decreased by 5 percent, compared to a national increase of 5 percent.

- Bankruptcy terminations increased circuit-wide by 8 percent, but pending bankruptcy cases rose by 8 percent.

Bankruptcy Courts

- After declining for the last three years, bankruptcy filings in the Sixth Circuit increased by 18 percent. All of the bankruptcy courts in the Sixth Circuit experienced increases of at least 12 percent. Nationally, bankruptcy filings rose by 17 percent.
- The largest increase in bankruptcy filings was in Chapter 7 cases, which increased by 20 percent. Chapter 13 cases rose by 14 percent, and Chapter 11 cases dropped by 4 percent.

JUDICIAL GOVERNANCE in the SIXTH CIRCUIT

Judicial Conference of the United States

Chief Judge Gilbert S. Merritt and District Judge S. Arthur Spiegel of the Southern District of Ohio represent the Sixth Circuit on the Judicial Conference of the United States. The terms of Judge Merritt and Judge Spiegel will end on October 1, 1996. At that time Judge Merritt will be succeeded by Circuit Judge Boyce F. Martin, Jr., who will become Chief Judge of the Sixth Circuit. Judge Spiegel will be succeeded by District Judge Thomas A. Wiseman, Jr. of the Middle District of Tennessee, who was elected by the vote of the circuit and district judges to be the Sixth Circuit's district judge representative for a new three-year term beginning at that time.

Much of the work of the Conference is done by standing and ad hoc committees. Membership on the committees is by appointment by the Chief Justice and is not limited to members of the Conference. In addition to the regular committees of the Conference, a seven-member Executive Committee oversees the assignment of matters to the substantive committees, sets the agenda for the Judicial Conference sessions, and acts for the Conference in between formal sessions. In the current times of fiscal austerity, perhaps the most important responsibility of the Executive Committee is to establish the spending plan which determines how the funds appropriated by Congress are spent

within the judiciary.

The following persons from the Sixth Circuit currently serve on committees of the Conference:

Hon. Alice M. Batchelder
Sixth Circuit

Advisory Committee on Bankruptcy Rules

Hon. Danny J. Boggs
Sixth Circuit

*Committee on Automation
and Technology*

Prof. Edward H. Cooper
Michigan

Reporter, Advisory Committee on Civil Rules

Hon. David D. Dowd, Jr.
Northern District of Ohio

Advisory Committee on Criminal Rules

Advisory Committee on Rules of Evidence

Hon. Nancy G. Edmunds
Eastern District of Michigan

Committee on Defender Services

Hon. Albert J. Engel
Sixth Circuit

Committee on Financial Disclosure

Hon. Julia S. Gibbons

Western District of Tennessee

Chair, Committee on Judicial Resources

Hon. John G. Heyburn, II

Western District of Kentucky

Committee on the Budget

Hon. Thomas A. Higgins

Middle District of Tennessee

*Committee on Court Administration
and Case Management*

Hon. Douglas W. Hillmann

Western District of Michigan

*Committee on the Administration of the
Magistrate Judges System*

Hon. James H. Jarvis, II
Eastern District of Tennessee

Committee on the Codes of Conduct

Hon. Edward H. Johnstone
Western District of Kentucky

*Committee on the Administration
of the Bankruptcy Law*

Hon. Nathaniel R. Jones
Sixth Circuit

*Committee on International Judicial
Relations*

Hon. Cornelia G. Kennedy
Sixth Circuit

*Committee to Review Circuit Council Con-
duct and Disability Orders Rules*

Hon. Robert B. Krupansky
Sixth Circuit

Committee on Financial Disclosure

Henry A. Martin, Esq.
Middle District of Tennessee

Advisory Committee on Criminal Rules

Hon. Gilbert S. Merritt
Sixth Circuit

Chair, Executive Committee

H. Ted Milburn
Sixth Circuit

*Chair, Committee on the Administrative
Office*

Hon. Virginia M. Morgan
Eastern District of Michigan

Committee on Long Range Planning

Hon. Thomas J. Moyer
Chief Justice, Ohio Supreme Court

Committee on Federal-State Jurisdiction

Hon. George C. Paine II
Middle District of Tennessee

Committee on State Federal Jurisdiction

James K. Robinson, Esq.
Eastern District of Michigan

*Advisory Committee on the
Rules of Evidence*

Hon. Gerald Rosen

Eastern District of Michigan
Committee on Criminal Law

Hon. Eugene E. Siler, Jr.
Sixth Circuit

Committee on the Judicial Branch

Hon. Lawrence P. Zatkoff
Eastern District of Michigan

*Committee on Security, Space and
Facilities*

Committee Membership Changes.

Some changes were made in committee assignments pursuant to the Chief Justice's policy of generally limiting appointments to the Judicial Conference Committees to two three-year terms. A number of judges completed service as committee members and were released from further service with the appreciation of the Chief Justice. Circuit Judge David A. Nelson was released from service on the Committee on Criminal Law and District Judge William O. Bertelsman was released from service on the Rules Committee, both upon the completion of their terms of appointment.

New Appointments. District Judge David D. Dowd, Jr. was appointed as an *ex officio* member of the Advisory Committee on the Rules of Evidence, and District Judge Gerald Rosen was appointed to the Committee on Criminal Law.

Reappointments. Circuit Judge Alice M. Batchelder was reappointed to a three-year term on the Advisory Committee on Bankruptcy Rules, and James K. Robinson, Esq. was reappointed to a three-year term on the Advisory Committee on the Rules of Evidence.

**Judicial Council
of the
Sixth Circuit**

The Judicial Council of the Sixth Circuit is established by 28 U.S.C. § 332 to make "all necessary orders for the effective and expeditious administration of justice within its circuit." In addition to its responsibility for making administrative policy decisions within the circuit, the council plays a major role in formulating the policies established by the Judicial Conference as well as in executing those policies. For example, the council reviews any proposals regarding additional judgeship positions and submits recommendations to the Conference. The council also reviews a variety of matters involving the management of judicial resources for compliance with Conference established standards such as the plans for jury selection, criminal representation under the Criminal Justice Act, speedy trial plans, and the management of court reporters. The council also formulates circuit policy in a wide range of matters such as the allocation of personnel and approval of space and facilities projects, and it is authorized to issue orders for the division of business and the assignment of cases within a district court if the district judges are unable to agree. Section 332(d)(2) requires all judicial officers and employees to carry into effect all orders of the judicial council. Failure to abide by council orders could lead to civil contempt proceedings.

There are 19 members of the council consisting of the chief circuit judge, nine circuit judges, and the chief judges of the nine districts. The current membership of the Sixth Circuit Judicial Council is as follows:

Council Membership

Chief Judge Gilbert S. Merritt
Chair

Circuit Judge Boyce F. Martin, Jr.
Circuit Judge H. Ted Milburn
Circuit Judge David A. Nelson
Circuit Judge Danny J. Boggs
Circuit Judge James L. Ryan
Circuit Judge Eugene E. Siler, Jr.
Circuit Judge Alice M. Batchelder
Circuit Judge Martha Craig Daughtrey
Circuit Judge Karen Nelson Moore
Chief District Judge William O.
Bertelsman

Eastern District of Kentucky
Chief District Judge Charles R.
Simpson III

Western District of Kentucky
Chief District Judge Julian Abele
Cook, Jr.

Eastern District of Michigan
Chief District Judge Richard A. Enslin

Western District of Michigan
Chief District Judge George W. White

Northern District of Ohio
Chief District Judge John D. Holschuh

Southern District of Ohio
Chief District Judge James H. Jarvis

Eastern District of Tennessee
Chief District Judge John T. Nixon

Middle District of Tennessee
Chief District Judge Julia S. Gibbons

Western District of Tennessee
Non-voting Members:

Chief Bankruptcy Judge David S.
Kennedy

Western District of Tennessee
Magistrate Judge Peggy P. Patterson
Eastern District of Kentucky

Council Committees

Although not as extensive as the committee structure of the Judicial Conference of the United States, the Council also operates through a committee structure. As with the Judicial Conference of the United States, not all committee members are members of the council itself. The committees of the Council are as follows:

Executive Committee

Honorable Gilbert S. Merritt, Chair
Honorable Boyce F. Martin, Jr.
Honorable Danny J. Boggs
Honorable Martha Craig Daughtrey
Honorable George W. White
Honorable James H. Jarvis
Honorable Julia S. Gibbons

Investigating Committee

Honorable Gilbert S. Merritt, Chair
Honorable Cornelia G. Kennedy
Honorable Boyce F. Martin, Jr.
Honorable Nathaniel R. Jones
Honorable H. Ted Milburn
Honorable Douglas W. Hillman
Honorable William O. Bertelsman
Honorable Thomas A. Higgins
Honorable S. Arthur Spiegel

Senior Judge Personnel and Facilities Committee

Honorable John D. Holschuh, Chair
Honorable Danny J. Boggs
Honorable Julian Abele Cook, Jr.

***Ad Hoc* Committee to Study**

A Bankruptcy Appellate Panel

Honorable H. Ted Milburn, Chair
Honorable Jerome Turner
Honorable Benjamin F. Gibson
Honorable Paul R. Matia
Honorable Joseph M. Hood

Honorable David S. Kennedy
Honorable Steven W. Rhodes
Honorable Barbara J. Sellers
Kathleen McCree Lewis, Esq.
Mark A. Robinson, Esq.

Sixth Circuit Judicial Conference

Standing Committee on Judicial Conference Planning.

Hon. Douglas W. Hillman
Grand Rapids, Michigan
Chair
Hon. Nathaniel R. Jones
Cincinnati, Ohio
Hon. Eugene E. Siler
London, Kentucky
Hon. Martha Craig Daughtrey
Nashville, Tennessee
Hon. John D. Holschuh
Columbus, Ohio
Hon. George W. White
Cleveland, Ohio
Hon. Anna Diggs Taylor
Detroit, Michigan
Hon. Robert Holmes Bell
Grand Rapids, Michigan
Hon. Leon Jordan
Knoxville, Tennessee
Hon. John G. Heyburn, II
Louisville, Kentucky
Hon. Nancy G. Edmunds
Detroit, Michigan
Hon. Jon P. McCalla
Memphis, Tennessee
Hon. James G. Carr
Toledo, Ohio
Hon. George C. Paine, II
Nashville, Tennessee
Hon. Peggy E. Patterson

Ashland, Kentucky
Odell Horton, Jr., Esq.
Memphis, Tennessee
Kathleen McCree Lewis, Esq.
Detroit, Michigan
Richard F. Newell, Esq.
Louisville, Kentucky
Katherine Randall, Esq.
Lexington, Kentucky
Samuel H. Porter, Esq.
Columbus, Ohio

Judicial Personnel in the Sixth Circuit

Deaths

Don J. Young. The Honorable Don J. Young, Senior Judge of the United States District Court for the Northern District of Ohio at Toledo died unexpectedly on May 10, 1996. Judge Young was appointed to that Court on May 22, 1965. In 1975, he presided over the Kent State shooting civil case against former Ohio Governor James Rhodes, Kent State University and the Ohio National Guard. Prior to his appointment to the bench, Judge Young practiced law in the private sector and was both a common pleas and probate court judge for Huron County, Ohio. He was considered an expert on juvenile law. He assumed senior status on July 1, 1980, and at the time of his death, Judge Young was continuing to render valuable service to the District Court.

Carl B. Rubin. The Honorable Carl B. Rubin, United States District Judge for the Southern District of Ohio at Cincinnati, died on August 2, 1995 following a lengthy battle with cancer. Judge Rubin was appointed to the District Court on May 20, 1971. Prior to his appointment to the Court was engaged in private practice. Judge Rubin served as Chief Judge of the Southern District of Ohio from September 23, 1979 to March 15, 1990. He presided over several noteworthy cases including the Beverly Hills Supper Club fire and the Bendectin birth-defect case. During his

tenure as Chief Judge of the District, Judge Rubin served on the Judicial Council of the Sixth Circuit. He also served on the Committee on Court Administration and the Ad Hoc Committee on the Administrative Office of the Judicial Conference of the United States.

Senior Status

United States District Courts

Thomas A. Wiseman, Jr. The Honorable Thomas A. Wiseman, Jr., United States District Judge for the Middle District of Tennessee, assumed senior status on November 3, 1995. Judge Wiseman was appointed United States District Judge on August 11, 1978. He served as Chief Judge of the District from July 31, 1984 to August 1, 1991. Prior to his appointment to the bench, Judge Wiseman served in the Tennessee House of Representatives and as Tennessee State Treasurer. He was in private practice at the time of his appointment to the bench. Judge Wiseman served on the Advisory Committee on Bankruptcy Rules of the Judicial Conference of the United States and as Vice President of the Federal Judges Association from 1987 to 1991. Judge Wiseman continues to render valuable service to the District Court.

David D. Dowd, Jr. The Honorable David D. Dowd, Jr., United States District Judge for the Northern District of Ohio at Akron, assumed senior status on June 30,

1996. He was appointed to the Court on September 23, 1982 and was in private practice at the time of his appointment. Judge Dowd served on the Board of the Federal Judicial Center from 1989 to 1992 and still serves on the FJC Board Committee on Sentencing, Probation and Pretrial Services. Judge Dowd continues to render valuable service to the District Court.

Resignation

Robert A. Steinberg. The Honorable Robert A. Steinberg resigned his position as United States Magistrate Judge for the Southern District of Ohio at Cincinnati effective January 19, 1996. He was appointed United States Magistrate Judge on January 1, 1978. Prior to his appointment he was Senior Assistant United States Attorney. He is now in private practice with the law firm of Waite, Schneider, Bayless & Chesley in Cincinnati.

Elevations

Henry H. Dickinson. The Honorable Henry H. Dickinson became Chief Bankruptcy Judge of the United States Bankruptcy Court for the Western District of Kentucky on January 1, 1996 succeeding Judge J. Wendell Roberts. Judge Dickinson was appointed bankruptcy judge on November 16, 1987 and is presently serving a fourteen-year term. Prior to his appointment as bankruptcy judge, Judge Dickinson was in private practice.

New Appointments

Sixth Circuit Court of Appeals

R. Guy Cole, Jr. The Honorable R. Guy Cole, Jr. was sworn in as Judge of the United States Court of Appeals for the Sixth Circuit on January 3, 1996. Judge Cole was appointed to fill the vacancy created by the assumption of senior status by United States Circuit Judge Nathaniel R. Jones. Prior to his appointment to the Sixth Circuit, he served as United States Bankruptcy Judge for the Southern District of Ohio at Columbus from 1987 to 1993. At the time of appointment, Judge Cole was a partner in the law firm of Vorys, Sater, Seymour & Pease in Columbus, Ohio.

United States District Courts

Joseph H. McKinley, Jr. The Honorable Joseph H. McKinley, Jr. was appointed United States District Judge for the Western District of Kentucky at Owensboro on August 25, 1995. The position was formerly held by the late United States District Judge Ronald E. Meredith of Louisville. Prior to his appointment to the Court, Judge McKinley served as Circuit Judge for the Sixth Judicial Circuit, Daviess County, Kentucky.

Peter C. Economus. The Honorable Peter C. Economus was appointed United States District Judge for the Northern District of Ohio at Youngstown on June 30, 1995 to the position which was formerly

held by United States District Judge Frank J. Battisti of Cleveland. Prior to his appointment to the bench, Judge Economus was Judge of the Court of Common Pleas for Mahoning County, Ohio.

Donald C. Nugent. The Honorable Donald C. Nugent was appointed United States District Judge for the Northern District of Ohio at Cleveland on June 30, 1995 to the position which was formerly held by United States District Judge Thomas D. Lambros of Cleveland. Prior to his appointment to the district court bench, Judge Nugent served on the Ohio Court of Appeals from the Eighth Appellate District and, by assignment of the Ohio Chief Justice, as a Justice of the Supreme Court of Ohio.

Patricia A. Gaughan. The Honorable Patricia A. Gaughan was sworn in as United States District Judge for the Northern District of Ohio at Cleveland on January 18, 1996 to the position which was formerly held by United States District Judge Ann Aldrich of Cleveland. Prior to her appointment to the bench, Judge Gaughan was Judge of the Court of Common Pleas for Cuyahoga County, Ohio.

Susan J. Dlott. The Honorable Susan J. Dlott was sworn in as United States District Judge for the Southern District of Ohio on December 29, 1995 to the position which was formerly held by United States District Judge S. Arthur Spiegel of Cincinnati. Prior to her appointment to the bench, Judge Dlott was a partner in the law firm of

Graydon, Head & Ritchey in Cincinnati, Ohio.

Todd J. Campbell. The Honorable Todd J. Campbell was sworn in as Judge of the United States District Court for the Middle District of Tennessee on December 27, 1995. Judge Campbell was appointed to fill the vacancy created by the assumption of senior status by United States District Judge Thomas A. Wiseman, Jr. Prior to his appointment to the district court bench, Judge Campbell was in private practice and served as Counsel to the Vice President of the United States.

Bernice B. Donald. The Honorable Bernice B. Donald was appointed United States District Judge for the Western District of Tennessee at Memphis on December 17, 1995. Judge Donald assumed the vacancy created by the assumption of senior status by United States District Judge Odell Horton. Prior to her appointment to the district court bench, Judge Donald had served as United States Bankruptcy Judge for the Western District of Tennessee since June of 1988.

United States Bankruptcy Courts

Pat E. Morgenstern-Clarren. The Honorable Pat E. Morgenstern-Clarren was sworn in as United States Bankruptcy Judge for the Northern District of Ohio at Cleveland on December 1, 1995. She was appointed to the bankruptcy vacancy created by the retirement of United States

Bankruptcy Judge William J. O'Neill. Prior to her appointment to the bankruptcy bench, Judge Morgenstern-Clarren was a partner in the law firm of Hahn, Loeser & Parks in Cleveland.

Jeffery P. Hopkins. The Honorable Jeffery P. Hopkins was appointed United States Bankruptcy Judge for the Southern District of Ohio at Cincinnati effective April 1, 1996. He was appointed to the bankruptcy vacancy created by the retirement of United States Bankruptcy Judge Burton Perlman. Prior to his appointment to the bankruptcy bench, Judge Hopkins was Chief Assistant United States Attorney of the Civil Division for the Southern District of Ohio at Columbus.

United States Magistrate Judges

J. B. Johnson, Jr. The Honorable J. B. Johnson, Jr. was appointed United States Magistrate Judge for the Eastern District of Kentucky at London on April 24, 1996. He was appointed to a new full-time magistrate judge position. Prior to his appointment, Magistrate Judge Johnson served the District as part-time magistrate judge from 1986 until the position became full-time. He served as Circuit Judge of the 34th Judicial Circuit of Kentucky from 1973 until 1984. For the past five years he was a member of the Board of Governors of the Kentucky Bar Association.

James D. Moyer. The Honorable James D. Moyer was sworn in as United States

Magistrate Judge for the Western District of Kentucky at Louisville on April 29, 1996. He was appointed to fill a new full-time magistrate judge position. Prior to his appointment to the bench, Magistrate Judge Moyer was a partner with the Louisville law firm of Stites & Harbison.

Dennis H. Inman. The Honorable Dennis H. Inman was sworn in as United States Magistrate Judge for the Eastern District of Tennessee at Greeneville on November 14, 1995. He was appointed to the vacancy created by the retirement of United States Magistrate Judge Joe Tilson of Greeneville. Prior to his appointment to the bench, Magistrate Judge Inman served for eleven years as Chancellor of the Chancery Court for the Third Judicial District, Morristown, Tennessee.

Federal Public Defender

Howard W. Gillingham. Howard W. Gillingham was appointed Federal Public Defender for the Western District of Michigan on October 13, 1995. Mr. Gillingham was appointed to a new position following approval of the establishment of a federal public defender office in the Western District of Michigan by the Judicial Conference of the United States. Prior to his appointment Mr. Gillingham was in private practice in California.

Roster of Judges

UNITED STATES SUPREME COURT

CIRCUIT JUSTICE

Hon. John Paul Stevens, Washington, D.C.

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

UNITED STATES CIRCUIT JUDGES

Hon. Gilbert S. Merritt, Chief Judge, Nashville, Tennessee

Hon. Cornelia G. Kennedy, Detroit, Michigan

Hon. Boyce F. Martin, Jr., Louisville, Kentucky

Hon. H. Ted Milburn, Chattanooga, Tennessee

Hon. David A. Nelson, Cincinnati, Ohio

Hon. James L. Ryan, Detroit, Michigan

Hon. Danny J. Boggs, Louisville, Kentucky

Hon. Alan E. Norris, Columbus, Ohio

Hon. Richard F. Suhrheinrich, Lansing, Michigan

Hon. Eugene E. Siler, Jr., London, Kentucky

Hon. Alice M. Batchelder, Medina, Ohio

Hon. Martha Craig Daughtrey, Nashville, Tennessee

Hon. Karen Nelson Moore, Cleveland, Ohio

Hon. R. Guy Cole, Jr., Columbus, Ohio

SENIOR UNITED STATES CIRCUIT JUDGES

Hon. Paul C. Weick, Akron, Ohio
Hon. Anthony J. Celebrezze, Cleveland, Ohio
Hon. Pierce Lively, Danville, Kentucky
Hon. Albert J. Engel, Grand Rapids, Michigan
Hon. Damon J. Keith, Detroit, Michigan
Hon. Bailey Brown, Memphis, Tennessee
Hon. Nathaniel R. Jones, Cincinnati, Ohio
Hon. Leroy J. Contie, Jr., Akron, Ohio
Hon. Robert B. Krupansky, Cleveland, Ohio
Hon. Harry W. Wellford, Memphis, Tennessee
Hon. Ralph B. Guy, Jr., Ann Arbor, Michigan

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY

UNITED STATES DISTRICT JUDGES

Hon. William O. Bertelsman, Chief Judge, Covington
Hon. Henry R. Wilhoit, Jr., Ashland
Hon. Karl S. Forester, Lexington
Hon. Joseph M. Hood, Pikeville
Hon. Jennifer B. Coffman, London

SENIOR UNITED STATES DISTRICT JUDGE

Hon. G. Wix Unthank, London

UNITED STATES BANKRUPTCY JUDGES

Hon. Joe Lee, Chief Judge, Lexington
Hon. William S. Howard, Lexington

UNITED STATES MAGISTRATE JUDGES

Hon. J. B. Johnson, Jr., London
Hon. Peggy E. Patterson, Ashland
Hon. James Black Todd, Lexington
Hon. J. Gregory Wehrman, Covington

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY

UNITED STATES DISTRICT JUDGES

Hon. Charles R. Simpson, III, Chief Judge, Louisville
Hon. John G. Heyburn, II, Louisville
Hon. Thomas B. Russell, Paducah
Hon. Joseph H. McKinley, Jr., Owensboro

SENIOR UNITED STATES DISTRICT JUDGES

Hon. Charles M. Allen, Louisville
Hon. Edward H. Johnstone, Paducah

UNITED STATES BANKRUPTCY JUDGES

Hon. Henry H. Dickinson, Chief Judge, Louisville
Hon. J. Wendell Roberts, Louisville
Hon. David T. Stosberg, Louisville

UNITED STATES MAGISTRATE JUDGES

Hon. John M. Dixon, Jr., Bowling Green
Hon. C. Cleveland Gambill, Louisville
Hon. W. David King, Paducah
Hon. James D. Moyer, Louisville

*UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN*

UNITED STATES DISTRICT JUDGES

Hon. Julian A. Cook, Jr., Chief Judge, Detroit
Hon. Avern Cohn, Detroit
Hon. Anna Diggs Taylor, Detroit
Hon. George La Plata, Ann Arbor
Hon. Lawrence P. Zatkoff, Detroit
Hon. Barbara K. Hackett, Detroit
Hon. Patrick J. Duggan, Detroit
Hon. Bernard A. Friedman, Detroit
Hon. Paul V. Gadola, Flint
Hon. Gerald E. Rosen, Detroit
Hon. Robert H. Cleland, Bay City
Hon. Nancy G. Edmunds, Detroit
Hon. Denise Page Hood, Detroit
Hon. Paul D. Borman, Detroit
Hon. John Corbett O'Meara, Detroit

SENIOR UNITED STATES DISTRICT JUDGES

Hon. John Feikens, Detroit
Hon. Robert E. DeMascio, Port Huron
Hon. Charles W. Joiner, Ann Arbor
Hon. James P. Churchill, Bay City
Hon. Stewart A. Newblatt, Flint
Hon. Horace W. Gilmore, Detroit
Hon. George E. Woods, Detroit

UNITED STATES BANKRUPTCY JUDGES

Hon. Steven W. Rhodes, Chief Judge, Detroit
Hon. Ray Reynolds Graves, Detroit

Hon. Arthur J. Spector, Bay City
Hon. Walter Shapero, Detroit

UNITED STATES MAGISTRATE JUDGES

Hon. Charles E. Binder, Bay City
Hon. Thomas A. Carlson, Detroit
Hon. Marc L. Goldman, Flint
Hon. Paul J. Komives, Detroit
Hon. Virginia M. Morgan, Detroit
Hon. Steven D. Pepe, Ann Arbor
Hon. Donald A. Scheer, Detroit

UNITED STATES MAGISTRATE JUDGE RETIRED

Hon. Lynn V. Hooe, Jr., Detroit

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

UNITED STATES DISTRICT JUDGES

Hon. Richard A. Enslin, Chief Judge, Kalamazoo
Hon. Benjamin F. Gibson, Grand Rapids
Hon. Robert Holmes Bell, Grand Rapids
Hon. David W. McKeague, Lansing
Hon. Gordon J. Quist, Grand Rapids

SENIOR UNITED STATES DISTRICT JUDGES

Hon. Wendell A. Miles, Grand Rapids
Hon. Douglas W. Hillman, Grand Rapids

UNITED STATES BANKRUPTCY JUDGES

*Hon. Laurence E. Howard, Chief Judge
Grand Rapids*

Hon. James D. Gregg, Grand Rapids

Hon. Jo Ann C. Stevenson, Grand Rapids

UNITED STATES MAGISTRATE JUDGES

Hon. Hugh W. Brenneman, Jr., Grand Rapids

Hon. Timothy P. Greeley, Marquette

Hon. Doyle A. Rowland, Kalamazoo

Hon. Joseph G. Scoville, Grand Rapids

*UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO*

UNITED STATES DISTRICT JUDGES

Hon. George W. White, Chief Judge, Cleveland

Sam H. Bell, Akron

Hon. Paul R. Matia, Cleveland

Hon. Lesley Brooks Wells, Cleveland

Hon. James G. Carr, Toledo

Hon. Solomon Oliver, Jr., Cleveland

Hon. David A. Katz, Toledo

Hon. Kathleen M. O'Malley, Cleveland

Hon. Peter C. Economus, Youngstown

Hon. Donald C. Nugent, Cleveland

Hon. Patricia A. Gaughan, Cleveland

SENIOR UNITED STATES DISTRICT JUDGES

Hon. William K. Thomas, Cleveland
Hon. John M. Manos, Cleveland
Hon. Ann Aldrich, Cleveland
Hon. John W. Potter, Toledo
Hon. David D. Dowd, Jr., Akron

UNITED STATES BANKRUPTCY JUDGES

Hon. James H. Williams, Chief Judge, Canton
Hon. Richard L. Speer, Toledo
Hon. William T. Bodoh, Youngstown
Hon. Randolph Baxter, Cleveland
Hon. David F. Snow, Cleveland
Hon. Marilyn Shea-Stonum, Akron
Hon. Pat E. Morgenstern-Clarren, Cleveland

UNITED STATES BANKRUPTCY JUDGES RETIRED

Hon. Harold F. White, Akron
Hon. Walter J. Krasniewski, Toledo

UNITED STATES MAGISTRATE JUDGES

Hon. Vernelis K. Armstrong, Toledo
Hon. Joseph W. Bartunek, Cleveland
Hon. James S. Gallas, Akron
Hon. Patricia A. Hemann, Cleveland
Hon. David S. Perelman, Cleveland
Hon. Jack B. Streepy, Cleveland
Hon. James D. Thomas, Youngstown

*UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO*

UNITED STATES DISTRICT JUDGES

Hon. John D. Holschuh, Chief Judge, Columbus
Hon. Walter H. Rice, Dayton
Hon. Herman J. Weber, Cincinnati
Hon. James L. Graham, Columbus
Hon. George C. Smith, Columbus
Hon. Sandra S. Beckwith, Cincinnati
Hon. Susan J. Dlott, Columbus

SENIOR UNITED STATES DISTRICT JUDGES

Hon. Joseph P. Kinneary, Columbus
Hon. S. Arthur Spiegel, Cincinnati

UNITED STATES BANKRUPTCY JUDGES

Hon. William A. Clark, Chief Judge, Dayton
Hon. Donald E. Calhoun, Jr., Columbus
Hon. Thomas F. Waldron, Dayton
Hon. Barbara J. Sellers, Columbus
Hon. J. Vincent Aug, Jr., Cincinnati
Hon. Charles M. Caldwell, Columbus
Hon. Jeffery P. Hopkins, Cincinnati

UNITED STATES BANKRUPTCY JUDGE RETIRED

Hon. Burton Perlman, Cincinnati

UNITED STATES MAGISTRATE JUDGES

Hon. Mark R. Abel, Columbus
Hon. Terence P. Kemp, Columbus

Hon. Norah McCann King, Columbus
Hon. Michael R. Merz, Dayton
Hon. Jack Sherman, Jr., Cincinnati

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

UNITED STATES DISTRICT JUDGES

Hon. James H. Jarvis, II, Chief Judge, Knoxville
Hon. Thomas G. Hull, Greeneville
Hon. R. Allan Edgar, Chattanooga
Hon. Leon Jordan, Knoxville
Hon. Curtis Collier, Chattanooga

UNITED STATES BANKRUPTCY JUDGES

Hon. Richard S. Stair, Jr., Chief Judge, Knoxville
Hon. John C. Cook, Chattanooga
Hon. Marcia P. Parsons, Greeneville
Hon. R. Thomas Stinnett, Chattanooga

UNITED STATES BANKRUPTCY JUDGE RETIRED

Hon. Ralph H. Kelley, Chattanooga

UNITED STATES MAGISTRATE JUDGES

Hon. Dennis H. Inman, Greeneville
Hon. Robert P. Murrian, Knoxville
Hon. Thomas W. Phillips, Knoxville
Hon. John Y. Powers, Chattanooga

*UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE*

UNITED STATES DISTRICT JUDGES

Hon. John T. Nixon, Chief Judge, Nashville
Hon. Thomas A. Higgins, Nashville
Hon. Robert L. Echols, Nashville
Hon. Todd J. Campbell, Nashville

SENIOR UNITED STATES DISTRICT JUDGES

Hon. L. Clure Morton, Cookeville
Hon. Thomas A. Wiseman, Jr., Nashville

UNITED STATES BANKRUPTCY JUDGES

*Hon. George C. Paine, II, Chief Judge,
Nashville*
Hon. Keith M. Lundin, Nashville
Hon. Aleta A. Trauger, Nashville

UNITED STATES MAGISTRATE JUDGES

Hon. Juliet E. Griffin, Nashville
Hon. William J. Haynes, Jr., Nashville

*UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE*

UNITED STATES DISTRICT JUDGES

Hon. Julia S. Gibbons, Chief Judge, Memphis
Hon. James D. Todd, Jackson
Hon. Jerome Turner, Memphis
Hon. Jon Phipps McCalla, Memphis
Hon. Bernice B. Donald, Memphis

SENIOR UNITED STATES DISTRICT JUDGES

Hon. Robert M. McRae, Memphis
Hon. Odell Horton, Memphis

UNITED STATES BANKRUPTCY JUDGES

Hon. David S. Kennedy, Chief Judge, Memphis
Hon. William H. Brown, Memphis
Hon. G. Harvey Boswell, Jackson

UNITED STATES MAGISTRATE JUDGES

Hon. James H. Allen, Sr., Memphis
Hon. J. Daniel Breen, Jackson
Hon. Diane Vescovo, Memphis

In Memoriam

Honorable George Edwards

Honorable Frank J. Battisti

Honorable Don J. Young

Honorable Carl B. Rubin

EULOGY FOR JUDGE GEORGE C. EDWARDS

George C. Edwards served as a member of the Sixth Circuit Court of Appeals with distinction for more than 30 years. Several of those years, he was Chief Judge.

His leadership was marked with brilliance, innovation and courage, and not the least with compassion. He touched many lives in his judicial career and in his public life on the Detroit City Council and as Police Commissioner of the City of Detroit. He also served the country well in the military.

His judicial career was long and distinguished. Before his appointment to the Court of Appeals, he served as Juvenile Court Judge of Wayne County, Michigan, Circuit Judge of Wayne County and Justice of the Michigan Supreme Court. As a member of the Supreme Court of Michigan, he wrote 240 opinions, many of which had a profound effect upon the law of Michigan.

He wrote many significant opinions as a Judge of the Sixth Circuit Court of Appeals including one affirming Judge Damon Keith's decision condemning the Nixon Administration's domestic surveillance wiretap program as unconstitutional. He participated in the decision in Milliken v. Bradley, the Detroit school case later reversed by the Supreme Court. He was disturbed by the Supreme Court's opinion and stated that it had come to represent a formula for American apartheid.

George was a simple man, direct and strong and his life was a celebration of the law and the human spirit.

The Judicial Conference of the Sixth Circuit salutes him and his outstanding service on the Court and his community leadership throughout the years.

We send our love and sympathy to Peg, his widow, George and Jim, his sons, and other

members of the family.

We thank him for showing us the way to be true to our principles, to be compassionate, to be tough, to be gentle, and to love.

Respectfully submitted,

Nathaniel R. Jones
United States Circuit Judge

S. Arthur Spiegel
United States District Judge

Horace W. Gilmore
United States District Judge

**Memorial Resolution
for
Frank J. Battisti
United States District Judge
Northern District of Ohio**

1922 - 1994

Frank Battisti was at once a simple and a very complex man. Important in his life were family, friends, God, his fellow citizens, our nation and all of its dynamics, nature, and ideas. His favorite poet was Gerard Manley Hopkins. Judge Battisti kept a copy of Hopkins' collected poems in his chambers. Hopkins was not only a poet but a priest, a vocation that Judge Battisti had strongly considered. Instead he pursued the law with the complete dedication of a person who understood his calling. Piero Calamandrei, the Italian lawyer philosopher whose writings deeply influenced Judge Battisti, best summarized Judge Battisti's conception of what the judicial calling is: "I know of no office which requires of him who holds it a stronger sense of dignity than that of the judge - a sense which compels one to look into his own conscience rather than to the commands of others for the justifications of his actions and to assume responsibility for them openly and fully."

He was born Francis J. Battisti, the second son of four children born to Jennie and Eugene Battisti, a Youngstown, Ohio factory worker, on October 4, 1922. Throughout his life, he often found himself far from Youngstown, yet always remained loyal to the community of Youngstown. He cherished this patriotic community with its hard working citizens who sometimes struggled against and sometimes embraced the enormous changes that the U.S. society and economy experienced in his seven-plus decades.

While always a quick study, the puckish young Frank was not a slave to his early studies. He confessed to his wife, Gloria, the love of his life, that as early as the third grade, he would design his own field trips during normal school hours, to the streams around Youngstown to pursue what became his lifelong avocation - fishing. He also

confessed that as a result his third grade arithmetic scores bordered on embarrassment. After graduation from East High School in Youngstown, he had completed one year of undergraduate studies at Ohio University in Athens, Ohio, before enlisting in the U.S. Army in 1943. He served as a machine gunner and rifleman in northern France, taking part in the Normandy invasion. Upon his discharge from the Army in 1946, he was entitled to four years of educational benefits under the G.I. Bill, and this provided a test for just how quick a study he could be. Theoretically, he still had three years of undergraduate work ahead of him before he could begin graduate studies. He wanted to attend law school, and because that generally required three years, he had to figure a way to make three plus three equal four.

His solution was to finish his undergraduate work in two summers and one full school year. In addition to the overload of courses he was taking at Ohio University, he sprinkled in a couple of correspondence courses. Dr. John C. Baker, the legendary president of Ohio University, first questioned how Frank could be ready to apply to law school. When Dr. Baker had reviewed Frank's transcript, however, Dr. Baker advised him that he should not simply apply to law school, but that he should apply to Harvard Law School.

Looking to trim his living expenses while at Harvard, Frank shared an apartment with three other law students who became his lifelong friends. One of those roommates, Brenden Byrne, went on to become Governor of New Jersey, while another, Larry Keepnews, became the Superintendent of Insurance for the State of New York. Upon graduation from Harvard, Frank was briefly lured to Washington, serving as a civilian attorney with the Army Corps of Engineers from 1951 to 1952. In the fall of 1952, he returned to Youngstown to teach law at Youngstown University and to begin his private practice. He immersed himself in the civic, charitable and political activities of his native hometown. In 1954 he returned to government service as First Assistant Law Director and Chief Trial Attorney of Youngstown. In 1958 he was elected to the Mahoning County Court of Common Pleas. Although judicial elections in Ohio are nominally non-partisan, it was no secret that he was the first Democrat elected to

that bench.

When John F. Kennedy was elected President in 1960, Congressman Michael J. Kirwan began to press U.S. Senator Stephen Young to have President Kennedy appoint Judge Battisti to the United States District Court for the Northern District of Ohio. When he was sworn into that office on October 4, 1961, his 39th birthday, he was then the youngest person to have been appointed to the federal trial bench in the country's history.

Although the youngest federal judge in the country, he was also on the older end of the spectrum of eligible bachelors. Indeed there were many who had declared that he had graduated from the category of eligible bachelor to the confirmed bachelor column. In the late summer of 1962, he met Gloria Joy Karpinski after a baseball game. The following summer the then Archbishop of Philadelphia, who was the former Chancellor of the Cleveland Diocese and would later become John Cardinal Krol, presided as the young judge and Gloria exchanged their wedding vows. In his "Mrs.B" he had found someone who would be with him through the isolation that attends the life of a judge. The level of isolation that was visited upon him after his initial decision in *Reed v. Rhodes*, the case addressing the desegregation of the Cleveland Public Schools, is almost unimaginable. His friends and colleagues were always grateful to know the one quiet harbor that was a constant in his life, the loving partnership he shared with Gloria. He also took great pride in the many civic activities that Gloria pursued in her own right. He readily volunteered that at the time of their marriage, because of her many charitable, governmental and political activities, Gloria was far better known to the Cleveland community than was he.

Throughout his judicial career, Judge Battisti was known as a person of compassion who nonetheless exacted from himself legal rigor in reaching each of his decisions. As Congressman Louis Stokes noted in the *Congressional Record* on December 20, 1994, "Judge Battisti's legal career was driven by his head and fueled

by his heart. Judge Battisti clearly understood the responsibility of his position and the weight of fairness and jurisprudence. He considered how the law would affect people, not just how a decision would fit neatly into legal theory. From the acquittal of the Ohio National Guardsmen after the Kent State shootings to a plan to desegregate public housing, he found answers to very tough problems in very troubled times."

It was Judge Battisti's concern that justice be accorded each and every individual who appeared before him that led The Trial Lawyers of America to name him Outstanding Trial Judge in the United States in 1976. Judge Battisti was the recipient of many other awards and honors in his lifetime, but we honor his spirit best by not making this a catalogue.

His faith in God and his lifelong study of the tenets of Catholicism were sustaining forces in his life. He attended Mass daily. Those who were privileged to know him well recognized that his love of justice and respect for the Constitution were strengthened by his personal search to understand good and evil, right and wrong, and God's gift to all of free will. When Judge Battisti faced the many difficult issues present in his cases, his faith and the core values that exalt the fatherhood of God and the belief that all human beings are children of God made in His image guided Judge Battisti. In his judicial oath, he had sworn to God that he would uphold the Constitution. Thus, when he was presented with the issue of whether an ordinance of the City of Cleveland that restricted the establishment of medical clinics that offered their patients the choice of abortion violated the Constitution, he reviewed the Supreme Court precedent interpreting the Ninth Amendment and held the ordinance unconstitutional.

The relationship that Judge Battisti had with his law clerks was like none other. The law clerks revered him, and many felt that their clerkship changed their lives. This feeling was shared by him as each law clerk changed and enriched his life as well. Because Judge Battisti had no children of his own, his law clerks became his surrogate offspring. He spent time listening to and discussing their innermost thoughts - instilling in the law clerks the awareness that law is more than an abstract set of principles and

rules. They left their clerkships with a deep understanding that law impacts upon the lives of people. Undoubtedly, his fidelity to the law led two very special people in his life - nephew Gino and niece, Linda, to pursue law careers.

To his law clerks, courtroom deputies, secretaries, and others who dealt with Judge Battisti in the day-to-day workings of the court, Judge Battisti will always be remembered for his warmth and the sincere interest he had in them. His chambers was a place where humor and good will were always in season. Life beyond the law books was affirmed. He was generally reading two or three books at a time, always on disparate subjects, and was eager to take suggestions as to other materials that might deepen his understanding. Each new law clerk came to enjoy the pleasure the Judge took upon the semi-annual arrival of the Dan Bailey catalog of hand-tied flies and with it his eagerness to plan for the next time he could hang up the "Gone Fishing" sign.

As much as he loved fly fishing in Montana, Judge Battisti was seldom able to manage to free more than a week or two each year to indulge in that passion. When he took senior status on April 1, 1994, his many friends looked forward finally to his being able to spend the long stretches of time in Montana that he had always craved. His death from typhus, presumably communicated by a tick on his first fishing trip to Montana after taking senior status, is one of the great studies in irony. Just before he had taken that trip, he had continued his annual tradition of hosting the eighth graders from St. Jerome's School in Cleveland on their field trip to the federal courthouse. When that class initially learned of his serious illness, they prepared a get-well card. The sentiments of St. Jerome's student Andrew Chrosmiah captured what so many of Judge Battisti's friends and admirers felt: "I hope you can live a lot longer as you can make the world better. Plus we'll miss you a lot; it won't be the same."

No chronology of Judge Battisti's career can begin to capture his contribution to

the federal judiciary and thus to his country. His staunch defense of the complete independence of the federal judiciary focused attention on any threat of delusion of that independence. His was not a defense arising from arrogance but rather from his deep understanding of how vocal constituencies could threaten constitutionally protected rights, particularly of the disenfranchised. From his own difficult personal experiences, he realized how hard it is for all but the most valiant of elected officials to withstand such pressures.

He also recognized that no system which depended upon human action could be without error. However, he believed that the men and women appointed to the federal judiciary were far more likely to act upon that solemn trust if there were no backstop, in other words - no one to whom they could pass the buck.

Judge Battisti never passed the buck. He viewed the so-called sentencing guidelines as a very serious delusion of the independence of the federal judiciary. He understood the deterrence that Congress was seeking to promote but was deeply concerned that judgment was being stripped from the system. It is no secret that those guidelines were the primary factor in, if not the precipitating cause of, Judge Battisti's surprise decision to take senior status in April of 1994. It was not in him to take part in a process where his ability to exercise judgment was curtailed. Judge Battisti took this action quietly. Indeed, when some of his former law clerks asked his permission to organize a public event to honor his career of public service, he very graciously declined that offer, saying: "I am only doing my job." This was spoken with

all of the humility that Judge Battisti had and so few perceived or understood.

It is good that we have this Resolution to allow us to focus on the whole of Judge Battisti's career. We are fortunate to have had among us a man of such strength, conviction and humility. His focus was on how to make things right and good.

Those who knew and admired Judge Battisti can take comfort in his capacity to enjoy all of the beauties with which God has blessed a world. With Gerard Manley Hopkins, Judge Battisti shared the wonder of the balance and beauty of nature. Hopkins captured many of the judge's feelings about the wonder of the world in his poem "Pied Beauty:"

Glory be to God for dappled things -
For skies of couple-colour as a brinded cow;
For rose-moles all in stipple upon trout that swim'
Fresh-firecoal chestnut-falls; finches' wings;
Landscape plotted and pierced - fold, fallow, and plough;
And all trades their gear and tackle and trim.

All things counter, original, spare, strange;
Whatever is fickle, freckled (who knows how?)
With swift, slow; sweet, sour; adazzle, dim;
He fathers-forth whose beauty is past change:

Praise him.

Honorable Frank J. Battisti, God Love.

**MEMORIAL RESOLUTION
FOR
DON J. YOUNG
UNITED STATES DISTRICT JUDGE**

The United States District Court for the Northern District of Ohio records with deep sadness the death of our revered colleague and dear friend, Senior United States District Judge Don J. Young, who died on May 10, 1996, in his eighty sixth year.

Judge Young was born in Norwalk, Ohio, on July 13, 1910. His undergraduate and legal education were obtained at Western Reserve University, where he was a member of Phi Beta Kappa and the Order of the Coif. He also studied at the Cleveland School of Art.

After his admission to the Ohio Bar in 1934, he joined firm of Young and Young in Norwalk, becoming the fourth generation of his family to practice law in that community. He engaged in a general practice until 1952, when he was appointed by Governor Frank J. Lausche to fill an unexpired term on the Court of Common Pleas of Huron County. On completion of that term, Judge Young was appointed to an unexpired term on the Huron County Probate-Juvenile Court.

Twice thereafter elected to that position, Judge Young served as a Probate-Juvenile Judge until his appointment in 1965 to the District Court by President Lyndon B. Johnson. During his service as a Probate-Juvenile Judge, he gained a nation-wide reputation for his judicial and scholarly work in the area of juvenile law. He served as President of the Ohio

Association of Juvenile Judges and Secretary of the National Council of Juvenile and Family Court Judges.

Judge Young drafted several amendments to Ohio's Juvenile Code and he served as a member of the Committee on Juvenile Rules for the Supreme Court of Ohio during 1972 and 1973. He authored more than fifty articles and papers on juvenile law and related subjects, and was the co-author of a treatise, Ohio Family Law: Juvenile Law Practice and Procedure, published by Anderson Publishing Company of Cincinnati. For several years he taught Juvenile Law at the University of Toledo College of Law.

Judge Young's appointment to the federal bench coincided with the expansion of federal jurisdiction and influence through legislative enactment, administrative activity, and law reform litigation. For the first years of his service as District Judge, he was the only active federal judge in Toledo, and his docket included one of the first jail-reform cases in the country, challenges to discrimination in public employment, housing, and public accommodations. Later he was assigned to the trial of the civil litigation brought by survivors of the National Guard shootings at Kent State University in May, 1970. At the time of his death, Judge Young was working on a book about that incident, the trial, and his views and conclusions about "Kent State."

Throughout his career, Judge Young was proud of his status as Nisi Prius judge in the common law tradition. Like the best of common law judges, he maintained a current docket, while preferring to take a passive, rather than an active role in the cases over which he presided. He had great respect for the trial bar, and believed that cases were best

tried when lawyers were guided gently but firmly by the court.

Judge Young had compassion for litigants who found themselves in court as the result of circumstances; but he also had little patience for the bully, or the official who abused his office and trust, or the criminal who, motivated solely by greed, engaged in deliberate, premeditated, and harmful misconduct. In other cases, he believed strongly in the second chance and the inherent possibility for reform and rehabilitation.

Judge Young treated all who came before him with courtesy. Toward those who worked with and for him he showed considerate affection and thoughtfulness. He shared his devotion to the law gladly with his law clerks, and they learned to treasure and emulate his desire to use language clearly, simply, and effectively. All who had the pleasure to be with him during his thirty years of service on the federal court in Toledo will miss his learning, wit, kindness, and affection.

Judge Young was a dedicated craftsman and jeweler and ringmaker whose work was frequently exhibited in Toledo and elsewhere. He was also a cabinetmaker and woodworker of great skill and ability. One of his wife's most cherished possessions is a harpsichord that he built for her as an engagement present.

Judge Young is survived by his wife of nearly sixty years, Seville, their son, Don J. Young, M.D., of Sandusky, Ohio, and daughter, Mrs. Patricia Young Alverson, of Chattanooga, Tennessee, and four grandchildren.

THEREFORE, BE IT RESOLVED that the Fifty-Sixth Judicial Conference of the Sixth Circuit, in session at Mackinac Island, Michigan, this 10th day of July, 1996, pays

tribute and appreciation to the memory public service of Don J. Young, late United States District Judge for the Northern District of Ohio, who served his country, community, and court faithfully and with distinction.

BE IT FURTHER RESOLVED that a copy of this resolution be preserved upon the records of this Conference and a copy hereof be forwarded to the family of Judge Young as a testament to the affection and admiration in which their husband, father, and grandfather was held by his colleagues and the members of this Conference.

Respectfully submitted,

George W. White
Chief United States District Judge

John W. Potter
Senior United States District Judge

James G. Carr
United States District Judge

MEMORIAL RESOLUTION
FOR
CARL B. RUBIN
UNITED STATES DISTRICT JUDGE

The United States District Court for the Southern District of Ohio records with sadness the death of our esteemed colleague and friend, Judge Carl B. Rubin, on August 2, 1995.

Appointed by President Richard M. Nixon on June 25, 1971, Judge Rubin served twenty-four years on the district bench, including more than ten years as the Chief Judge, from 1979 to 1990. He started his service at Columbus, subsequently served at Dayton and completed his judicial career at Cincinnati, the only judge in the history of the Court to serve at all three locations of the Court.

Born on March 27, 1920 in Cincinnati, Ohio, Judge Rubin often proudly referred to himself at naturalization ceremonies as "the son of a Russian immigrant." After graduating from Walnut Hills High School in 1938, Judge Rubin received both his undergraduate and law degrees from the University of Cincinnati. In 1989 the University bestowed upon its esteemed graduate an honorary LL.D. degree.

Judge Rubin began his career as a lawyer in 1944, serving first as an assistant prosecuting attorney in Hamilton County. In the 1960's Judge Rubin co-founded the law firm of Tyler, Kane & Rubin, where he successfully practiced until he assumed the bench in 1971.

Judge Rubin was an extraordinary judge -- innovative, brilliant, decisive, demanding, impeccably fair to all. He will long be remembered for his innovative trial techniques that

he pioneered as part of the Beverly Hills Supper Club and Bendectin litigation. Judge Rubin's efficiency and up-to-date docket were legendary. He developed the first computerized courtroom and originated the first "paperless trial" in the federal system. Throughout his career, Judge Rubin never faltered in his commitment to education and teaching. He founded the Cincinnati Chapter of the American Inns of Court as well as the Judge-In-Residence program at the University of Cincinnati College of Law. He taught at Chase College of Law, University of Dayton Law School and University of Cincinnati College of Law. He also authored numerous law review articles and scholarly treatises.

Judge Rubin mentored countless young lawyers and fostered in them a true sense of professionalism, responsibility and legal ethics. The southern Ohio community benefitted enormously from the skill and generosity of Carl Rubin. He took great pride in speaking to the many youngsters who visited his courtroom and bestowing his wisdom on the thousands of new citizens who took the oath at his naturalization ceremonies.

Yet throughout his career he was first and foremost a husband, a father and a grandfather. Judge Rubin and his wife, Gloria Weiland Rubin, enjoyed more than fifty happy years together and raised four children: Barry, Marc, Rob, and Pam. His greatest pleasure was to take his nine grandchildren to the public library and spend the afternoon reading books with them. Somewhere in all of this activity, he even found time to be a master bridge player.

His lifelong friend, the late Lawrence A. Kane, Jr., described Judge Rubin best when he said of him: "Each day of his judicial life was a joy for him. Nothing made him happier

than being a judge." Judge Rubin was truly a towering presence in the community, and will be missed by all who knew him.

THEREFORE, BE IT RESOLVED, that the Fifty-sixth Judicial Conference of the Sixth Circuit in session at Mackinac Island, Michigan, this 7th day of July, 1996 pays tribute and appreciation to the memory of Judge Carl B. Rubin who served this nation and this Circuit faithfully and well.

BE IT FURTHER RESOLVED that a copy of this Resolution be preserved upon the records of this Conference and that copies be furnished to the family as a testament to the affection and admiration in which Judge Rubin was held by his colleagues and by the members of this Conference.

Respectfully submitted,

John D. Holschuh, Chief Judge
United States District Court for
the Southern District of Ohio

Herman J. Weber
District Judge
United States District Court for
the Southern District of Ohio

Susan J. Dlott
District Judge
United States District Court for
the Southern District of Ohio