

2001

ANNUAL REPORT

AND

ROSTER OF JUDGES

***Sixth Circuit
Judicial Conference
June 23-27, 2001
The Grand Hotel
Mackinac Island,
Michigan***

***Boyce F. Martin, Jr.
Chief Judge***



A Message From the Chief Judge

OVERVIEW

It is my great pleasure to welcome you to the third judges-only judicial conference for the Sixth Circuit and the second to be held here at the beautiful Grand Hotel on Mackinac Island.

With the adoption last year of Rule 205 by the Sixth Circuit Court of Appeals, Judges Only Conferences will be held in odd-numbered years alternating with Open Conferences to be held in even-numbered years.

The first Open Conference held after the passage of Rule 205 was held last year in Cincinnati, and it was an outstanding success. We are looking forward to having another successful Open Conference next year in Cleveland. The dates are **May 28-June 1, 2002**, so please mark your calendars now!

With the assistance of the Federal Judicial Center and the hard work of the planning committee chaired by Judge Leon Jordan, we look forward to an excellent program that will enhance our education in the law as well as the collegiality among all levels of judges of the circuit.

SIXTH CIRCUIT PLANNING COMMITTEE.

I really cannot begin to thank Judge Leon Jordan and Wilson Horde, as Chairmen of the Planning Committee and the Life Member Committee respectively, for their hard work and efforts over the last three years to bring us quality programs for our Conferences. I believe that through their diligence and insistence on excellence, we have had three of the best conferences we have ever had in the Sixth Circuit.

I would also like to express my appreciation, and that of the Court of Appeals, to Judge James Carr and Richard Kerger for their willingness to assume their roles as Chairmen in the planning of the 2002 Open Conference in Cleveland.

WORKLOAD

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 ending September 30, 2000.

Court of Appeals

- New filings increased by 6.5 percent to 4,916 cases. Nationally, appellate filings remained static increasing by only four appeals.
- Appeals terminated rose by nearly 6 percent to 5,090. Nationally, appellate terminations increased by 4.5 percent.
- Prisoner appeals declined slightly from 1,592 in 1999 to 1,585 in 2000. Prisoner appeals continue to account for about one-third of all appeals filed.
- The median time from filing of the notice of appeal until final disposition declined from 15.5 months to 14.9 months.

District Courts

- Civil filings increased by 2.2 percent compared to a less than 1 percent national increase. The largest increase of 14.9 percent occurred in the Northern District of Ohio. The only other districts with significant increases or decreases were the Eastern District of Michigan, which experienced an 11.6 percent decrease, and the Southern District of Ohio, which saw a 7.5 percent increase in filings.
- Criminal filings declined 2.7 percent with the Western District of Tennessee experiencing the largest decrease of 24 percent and the Eastern District of Tennessee experiencing the largest increase of 24 percent.
- Civil terminations decreased by 1.2 percent over 1999.
- Criminal terminations decreased 3.5 percent during 2000.

Bankruptcy Courts

- Total bankruptcy filings decreased less than 1 percent in 2000 for a total of 159,800. At the national level, total filings decreased by 6.8 percent to 1,262,102 cases.

However, that already has changed this year.

- Filings declined in six districts and the largest increase of the three districts having increases was 4.1% in the Middle District of Tennessee.
- Bankruptcy terminations declined by 2.1 percent circuit-wide, however pending bankruptcy cases rose by only 1.8 percent. Nationwide bankruptcy terminations declined 7.3 percent and pending cases were up less than one percent.

BANKRUPTCY APPELLATE PANEL

On February 1, 2000 the Western District of Tennessee joined the Northern and Southern Districts of Ohio in authorizing their bankruptcy appeals to be heard by the Sixth Circuit Bankruptcy Appellate Panel (BAP). In May, 2000, the Sixth Circuit Judicial Council voted to add a sixth judge to the Panel. Filling the newly created sixth position on the BAP is Chief Bankruptcy Judge John C. Cook of the Eastern District of Tennessee. Those serving with him on the Panel are Steven W. Rhodes, Chief Judge of the BAP, and Judges William H. Brown, Pat Morgenstern-Clarren, J. Vincent Aug, and William S. Howard.

During 2000 BAP filings increased from 67 original appeals to 89 original appeals and two transfers; an increase of 35.8%. Of the 91, nineteen were from the Western District of Tennessee; thirty were from the Southern District of Ohio; and forty-two were from the Northern District of Ohio. In 2000 terminations by the BAP increased 27 percent from 63 to 80.

A total of 123 appeals from bankruptcy court decisions were filed in these three districts, 89 or 72 percent went to the BAP in the first instance and 32 cases or 26 percent were appealed to the district court. Seven were returned to the district court as the result of a party's having opted out within the thirty day period leaving 82 cases or 66 percent to be decided by the BAP.

CHALLENGES AHEAD

Circuit Vacancies. There soon will be seven vacancies on the Court of Appeals and little hope of help on the way. These seven vacancies will constitute nearly half of the authorized strength of the Court. To date no nominations have been made to fill any of the five existing vacancies. Because this is a new administration, it is hoped that most of these vacancies will be considered before the end of the year so that the Court can return to a normal level of sittings during 2002. Until such time as these vacancies are filled the order entered by me on January 1, 2000

declaring a judicial emergency on the Court of Appeals pursuant to 28 U.S.C. § 46(b) will continue in effect.

Judicial Compensation. Chief Justice William Rehnquist has targeted an increase in judicial salaries as one of his top priorities. In his 2000 Year-End Report, the Chief Justice chronicled the history of judicial compensation and called on Congress to pass a 9.6 percent increase in judicial salaries to restore the Employment Cost Index (ECI) adjustments which have not been funded in accordance with the Ethics Reform Act of 1989. He pointed out that if the judiciary had received those adjustments, district court judges would now be paid \$159,300 and court of appeals judges \$168,900. Chief Justice Rehnquist further stated that future ECI adjustments should be automatic and that increases in judicial compensation should not be tied to increases for non-career public servants. He favors revival of some form of the Quadrennial Salary Commission to advise Congress and the President periodically as to appropriate compensation for senior government officials.

At its March 2001 meeting, the Judicial Conference of the United States echoed the Chief Justice's sentiments and adopted a three-part plan for improving the compensation of judges and other high-level federal employees. It is, as follows:

- An ECI adjustment for federal judges, members of Congress and top officials in the Executive Branch for 2002 and subsequent years, as provided by law.
- Legislation to give judges and other high level federal officials a "catch-up" pay adjustment of 9.6 percent to recapture previous ECI adjustments that were not provided.
- Appointment of a 90-day Presidential commission to consider and make recommendations to the President on appropriate salaries for high level official in all three branches of government.

COMMITTEES AND APPOINTMENTS

Judicial Conference of the United States. The Sixth Circuit continues to be well represented by the many judges who serve on the committees of the Judicial Conference of the United States and other special assignments for the improvement of justice. Several judges in the Sixth Circuit serve in key administrative positions within the judiciary's Judicial Conference committee structure. Judge John G. Heyburn II serves as Chair of the Budget Committee of the Judicial Conference which is responsible for presenting and defending the judiciary's

annual budget requests to Congress. I continue to serve on the Executive Committee of the Judicial Conference, a seven-member committee which 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. The complete roster of conference members from the Sixth Circuit is as follows:

Hon. Alice M. Batchelder
Sixth Circuit
Committee on Automation and Technology

Hon. Bernice Bouie Donald
Western District of Tennessee
Advisory Committee on Bankruptcy Rules

Hon. James G. Carr
Northern District of Ohio
Committee on the Administration of the Magistrate Judges System

Hon. Jennifer B. Coffman
Eastern & Western Districts of Kentucky
Committee on Judicial Resources

Prof. Edward H. Cooper
Michigan
Reporter, Advisory Committee on Civil Rules

Hon. Robert L. Echols
Middle District of Tennessee
Committee on the Judicial Branch

Hon. R. Allan Edgar
Eastern District of Tennessee
Committee on Court Administration and Case Management

Hon. John G. Heyburn, II
Western District of Kentucky
Chair, Committee on the Budget

Hon. Joseph M. Hood
Eastern District of Kentucky
Committee on Financial Disclosure

Hon. Damon J. Keith
Sixth Circuit
Committee on the Judicial Branch

Patrick F. McCartan, Esq.
Southern District of Ohio
Committee on Rules of Practice and Procedure

Hon. David W. McKeague
Western District of Michigan
Committee on Defender Services

Prof. Jeffrey W. Morris
Southern District of Ohio
Reporter, Advisory Committee on Bankruptcy Rules

Hon. James D. Moyer
Western District of Kentucky
Committee on Federal-State Jurisdiction

Hon. Alan E. Norris
Sixth Circuit
Committee on the Administrative Office

Hon. George C. Paine II
Middle District of Tennessee
Committee on International Judicial Relations

Hon. Gordon J. Quist
Western District of Michigan
Committee on Codes of Conduct

Hon. Gerald Rosen
Eastern District of Michigan
Committee on Criminal Law

Hon. Thomas B. Russell
Western District of Kentucky
Advisory Committee on Civil Rules

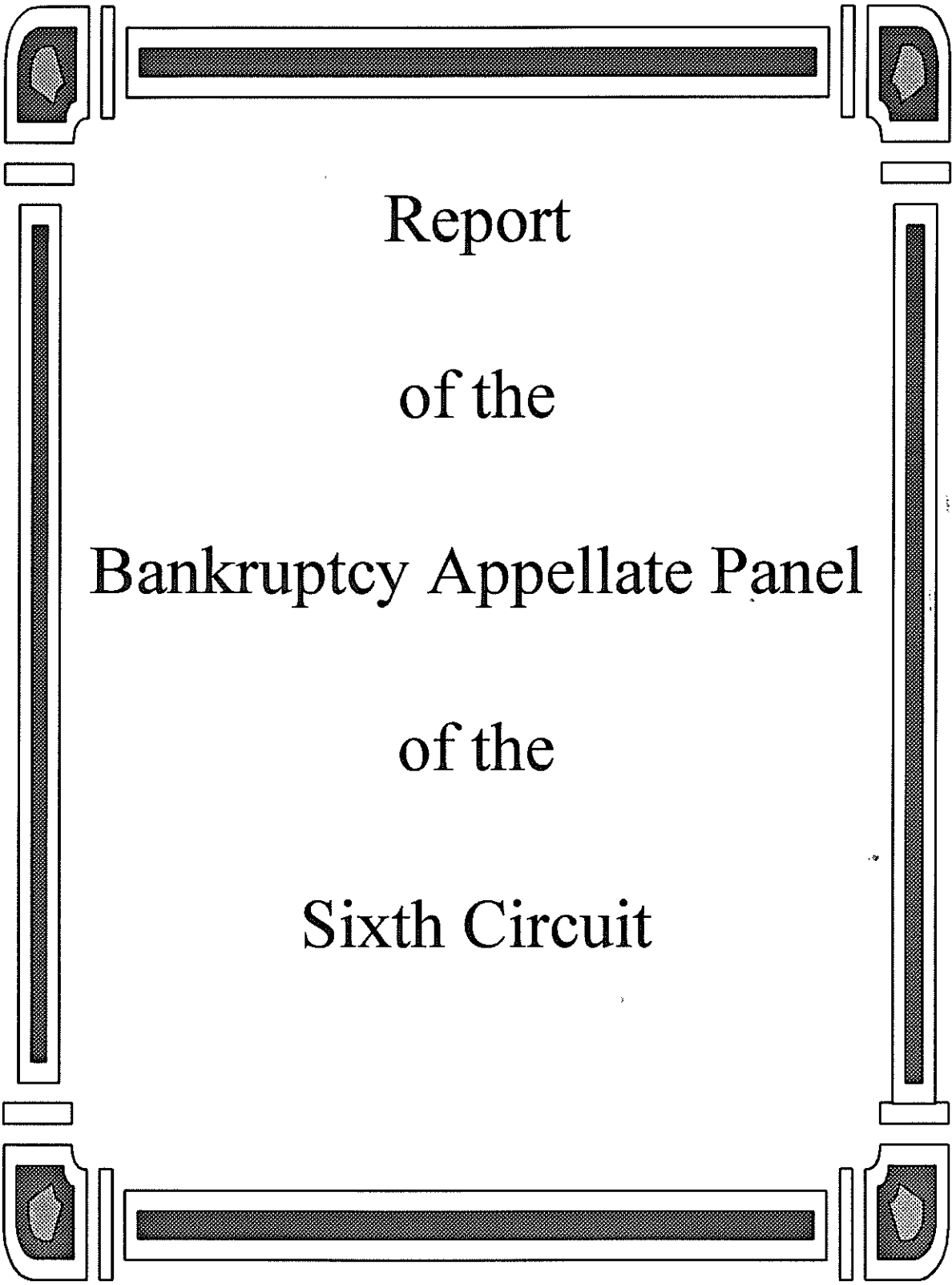
Hon. Eugene E. Siler, Jr.
Sixth Circuit
Committee on State Federal Jurisdiction

Hon. Charles R. Simpson III
Western District of Kentucky
*Committee on the Administration
of the Bankruptcy System*

Hon. Richard F. Suhrheinrich
Sixth Circuit
*Committee on Security, Space and
Facilities*

CONCLUSION

In conclusion, as we welcome back to full strength our devoted Circuit Executive, Jim Higgins, I want to thank each of you for your continued support, dedicated work and good will during the past year. We can take justifiable pride in our many accomplishments as we renew our commitment to making the Sixth Circuit the most outstanding circuit in the country.



Report
of the
Bankruptcy Appellate Panel
of the
Sixth Circuit

BANKRUPTCY APPELLATE PANEL OF THE SIXTH CIRCUIT

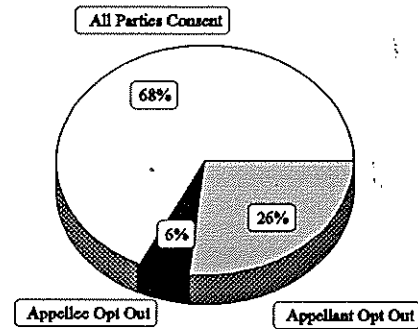
2000 ANNUAL REPORT

HON. STEVEN RHODES, CHIEF JUDGE

The Bankruptcy Appellate Panel of the Sixth Circuit has now concluded its fourth full year of operations hearing bankruptcy appeals in the Northern and Southern Districts of Ohio, and its first year hearing appeals in the Western District of Tennessee. It remains widely accepted by the bar and the parties in those districts. The BAP hears appeals from the bankruptcy courts when all parties consent, and in 2000, the parties consented to BAP jurisdiction in 68% of the bankruptcy appeals in the three BAP authorized districts.

New Case Filings

In 2000, there were a total of 121 appeals filed from bankruptcy decisions in the three BAP authorized districts. As shown in the chart to the right, the appellants elected to have their appeals heard by the district court in 32 cases (26%) and the appellee elected for district court review in 7 cases (6%). Consequently, the BAP will hear and decide 82 bankruptcy appeals (68%).



Terminated Cases

Opinion	29
Voluntarily dismissed	25
Dismissed for lack of jurisdiction	13
Dismissed for want of prosecution	6

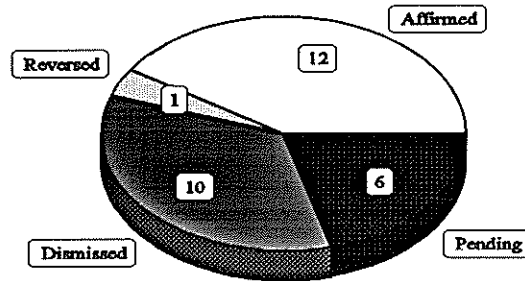
During 2000, the BAP terminated 73 cases. The terminations are shown in the chart to the right.

Of the 29 appeals terminated by opinions on the merits, 15 were precedential and 14 were not precedential.

The average time for deciding these 29 appeals was 42 days after submission.

Appeals from the BAP to the Court of Appeals

In the 4+ year history of the BAP, as of June 11, 2001, the BAP has issued 104 opinions on the merits. Twenty nine of these decisions have been appealed to the court of appeals (28%). The court of appeals has issued 13 decisions reviewing BAP opinions and affirmed 12 (92%). The court of appeals has dismissed 10 appeals and 6 are still pending.



Mediation by the Office of the Circuit Mediators

One of the unique and valuable advantages to litigants who consent to the BAP is the availability of the Office of the Circuit Mediators. The staff of this office is highly qualified to facilitate settlements of disputes at the appellate level, and the office has a demonstrated record of success in mediating BAP appeals. During 2000, the office worked on 43 cases and settled 20 of them (47%). The BAP and its litigants certainly appreciate the mediators' efforts in assisting with case resolution.

The Judges of the Bankruptcy Appellate Panel of the Sixth Circuit

Bankruptcy Judges John C. Cook (E.D. Tenn.) and William S. Howard (E. D. Ky.) began their service on the BAP this year. Bankruptcy Judges J. Vincent Aug, Jr. (S.D. Ohio), William H. Brown (W.D. Tenn.), Pat Morgenstern-Clarren (N.D. Ohio) and Steven Rhodes (E.D. Mich.) continue their terms of service.

We express our thanks and appreciation to Bankruptcy Judge David T. Stosberg (W.D. Ky.), who has concluded his outstanding service as one of the five original BAP judges. We miss his collegiality and his leadership.



Judicial Personnel

in the

Sixth Circuit

JUDICIAL PERSONNEL IN THE SIXTH CIRCUIT

DEATHS

Leroy J. Contie, Jr. The Honorable Leroy J. Contie, Jr., Senior United States Circuit Judge of the Sixth Circuit Court of Appeals passed away on May 11, 2001 from complications following surgery. He celebrated his 81st birthday on April 2, 2001. Judge Contie received both his B.A. and his J.D. from the University of Michigan with a four year absence in between to serve in the United States Army during World War II. Prior to his appointment to the bench, Judge Contie served four terms as City Solicitor of Canton; and with the City Safety Director, led an aggressive attack on local crime which culminated in the bombing of his home. He was not injured. On December 6, 1971, Judge Contie was appointed United States District Judge for the Northern District of Ohio. On March 23, 1982 he was appointed to serve as United States Circuit Judge for the Sixth Circuit Court of Appeals. He assumed senior status on June 30, 1986 and retired on May 15, 2000.

William K. Thomas. The Honorable William K. Thomas, Senior United States District Judge for the Northern District of Ohio passed away on March 20, 2001. He had celebrated his 90th birthday on

February 15, 2001. Judge Thomas was a *cum laude* graduate of Ohio State University and graduated Order of the Coif from its Law School. Following graduation he entered private practice with the firm of Harrison & Marshaman and became a partner in that firm following military service with the Naval Reserve. Judge Thomas was elected Common Pleas Judge of both Geauga and Cuyahoga Counties of Ohio. He was appointed to the District Court on March 7, 1966 and served the Court for thirty-two years before retiring on January 30, 1998. He took senior status on February 15, 1981.

SIXTH CIRCUIT COURT OF APPEALS

SENIOR STATUS

Gilbert S. Merritt. The Honorable Gilbert S. Merritt, United States Circuit Judge for the Sixth Circuit, assumed senior status on January 17, 2001. He was appointed to the Sixth Circuit Court of Appeals on October 31, 1977 and served as its Chief Judge from October 1, 1989 to September 30, 1996. During his service as Chief Judge of the Sixth Circuit, Judge Merritt was a member of the Judicial Conference of the United States and served on its Executive Committee. From 1994 to 1996 he served as Chairman of the Executive Committee. In January, 1998, Chief Justice William Rehnquist appointed him as one of five members of the Commission on Structural Alternatives for

the federal courts of appeals to study the present division of the United States into several judicial circuits, as well as the structure and alignment of the federal court of appeals system, with particular reference to the Ninth Circuit. Prior to his appointment to the bench Judge Merritt was in private practice in Nashville specializing in federal civil and criminal litigation. He continues to render valuable service to the Court.

UNITED STATES DISTRICT COURTS

SENIOR STATUS

William O. Bertelsman. The Honorable William O. Bertelsman, United States District Judge for the Eastern District of Kentucky, assumed senior status on February 1, 2001. He was appointed to the Court on November 27, 1979, and served as the District's chief judge from September 1991 to September 1998. He graduated *summa cum laude* from Xavier University, Cincinnati, and graduated first in his class, Order of the Coif, from the University of Cincinnati College of Law. Prior to his appointment, Judge Bertelsman was in private practice. He has taught corporations, civil procedure and equity courses at the University of Cincinnati College of Law. Judge Bertelsman has published supplements to *Clay, Kentucky Civil Procedure*, and co-authored *Kentucky Rules of Civil Procedure*, annotated, West Publishing

Company, 1984, and supplements to two volumes. He continues to render valuable service to the Court.

Henry R. Wilhoit, Jr. The Honorable Henry R. Wilhoit, Jr., United States District Judge for the Eastern District of Kentucky at Ashland, assumed senior status on December 31, 2000 after serving the Court in active status for nearly 20 years. He was appointed to the Court on October 23, 1981 and served as Chief Judge of the District From September of 1998 until his assumption of senior status. Prior to his appointment to the Court, Judge Wilhoit was in private practice in Grayson, Kentucky. He continues to render valuable service to the Court.

Patrick J. Duggan. The Honorable Patrick J. Duggan, United States District Judge for the Eastern District of Michigan, assumed senior status on September 29, 2000. He was appointed to the Court on October 14, 1986 and entered on duty on January 6, 1987. Judge Duggan is a graduate of Xavier University, Cincinnati, and the University of Detroit Law School. Prior to his appointment to the District Court, Judge Duggan served as Judge of the Wayne Circuit Court from 1977 to 1987 and was engaged in private practice in Livonia, Michigan from 1959 to 1977. He continues to render valuable service to the Court.

Paul V. Gadola. The Honorable Paul V. Gadola, United States District Judge for the Eastern District of Michigan, assumed Senior Status on January 31, 2001. He was appointed to the Court in 1988. Judge Gadola received his B.A. from Michigan State University and his J.D. from the University of Michigan Law School. At the time of his appointment, he was a sole practitioner in Flint, Michigan. Judge Gadola is on the Board of Directors of the Incorporated Society of Irish-American Lawyers; the Historical Society for the United States District Court for the Eastern District of Michigan; and the Michigan Lawyers Chapter of the Federalist Society. He is a member of the State Bar of Michigan; Lifetime Fellow of the Roscoe Pound Foundation; Federal Judges Association; and Executive Board of the Detroit Chapter of the Federal Bar Association.

UNITED STATES BANKRUPTCY COURTS

RETIREMENT

David F. Snow. The Honorable David F. Snow, United States Bankruptcy Judge for the Northern District of Ohio, retired on July 25, 2000. Judge Snow was appointed to the Court on July 25, 1988. Prior to his appointment, he was in private practice in Cleveland.

UNITED STATES DISTRICT JUDGES

NEW APPOINTMENTS

Marianne Battani. The Honorable Marianne Battani was appointed United States District Judge for the Eastern District of Michigan on June 2, 2000. She assumes the vacancy created by the assumption of senior status by United States District Judge Anna Diggs Taylor. Prior to her appointment to the District Court, Judge Battani had served as a circuit court trial judge for the State of Michigan, County of Wayne, from 1982 until her recent appointment. Judge Battani is also past Chair of Michigan's Judicial Tenure Commission.

David M. Lawson. The Honorable David M. Lawson was appointed United States District Judge for the Eastern District of Michigan on June 2, 2000. He assumes the vacancy created by the assumption of senior status by United States District Judge Avern Cohn. Prior to his appointment to the bench, Judge Lawson was a litigation attorney with Clark Hill in Birmingham, Michigan. He also served as a law clerk to United States Circuit Judge James L. Ryan.

UNITED STATES BANKRUPTCY COURTS

Mary Ann Whipple. The Honorable Mary Ann Whipple was sworn in as United States Bankruptcy Judge for the

Northern District of Ohio at Toledo on May 1, 2001. She assumes the position formerly held by retired Bankruptcy Judge Walter J. Krasniewski. Prior to her appointment to the bankruptcy bench, Judge Whipple was in private practice in Toledo with the firm of Fuller and Henry.

Russ Kendig. The Honorable Russ Kendig was sworn in as United States Bankruptcy Judge for the Northern District of Ohio at Canton on February 28, 2001. Judge Kendig succeeds Bankruptcy Judge James H. Williams who retired on February 28, 1999. Prior to his appointment, he was in private practice in Canton.

UNITED STATES MAGISTRATE JUDGES

E. Clifton Knowles. The Honorable E. Clifton Knowles was appointed United States Magistrate Judge for the Middle District of Tennessee at Nashville on July 7, 2001. He was appointed to fill the vacancy created by the elevation of United States Magistrate Judge William J. Haynes, Jr. to the position of United States District Judge. Prior to his appointment, Judge Knowles was a partner with the Nashville law firm of Bass, Berry & Sims PLC, where his practice had focused on civil litigation for approximately twenty years. Following his graduation from law school, he served as Law Clerk to the Honorable George Edwards, Chief Judge

of the U.S. Court of Appeals for the Sixth Circuit.

Ellen S. Carmody. The Honorable Ellen S. Carmody began serving as a Magistrate Judge in the Western District of Michigan on October 10, 2000. Born in Philadelphia, Pennsylvania, she received a B.Ph. from Grand Valley State University in 1974 and a J.D. from the University of Michigan in 1983. Following her clerkship with the Honorable Douglas W. Hillman in the Western District of Michigan from 1983 to 1985, Judge Carmody joined the firm of Law, Weathers & Richardson as an associate. She was a shareholder with Law, Weathers & Richardson from 1994 until her appointment to the bench.

UNITED STATES DISTRICT COURTS

ELEVATED

James D. Todd. The Honorable James D. Todd became Chief Judge of the United States District Court for the Western District of Tennessee on January 3, 2001. He succeeds Judge Julia Smith Gibbons whose term expired. Judge Todd was appointed to the District Court on July 11, 1985 and entered on duty on July 19, 1985. Prior to his appointment, Judge Todd was a Circuit Judge of Division II of Jackson, Tennessee. From 1972-83 he was in private practice with the Jackson,

Tennessee firm of Waldrop, Farmer, Todd & Breen.

Robert Holmes Bell. The Honorable Robert Holmes Bell became Chief Judge of the United States District Court for the Western District of Michigan on May 28, 2001 succeeding Judge Richard A. Enslin. Judge Bell was appointed to the District Court in 1987. Prior to his appointment to the District Court, Judge Bell served as an assistant prosecutor for Ingham County, Michigan and Judge of the Ingham County District and Circuit Courts.

Honorable Karl S. Forester. The Honorable Karl S. Forester became Chief Judge of the United States District Court for the Eastern District of Kentucky at Lexington on January 1, 2001. He succeeds Judge Henry R. Wilhoit, Jr. who took senior status on December 31, 2000. Judge Forester was appointed to the District Court in 1988. Prior to his appointment to the District Court, he was in private practice.

UNITED STATES BANKRUPTCY COURTS

John C. Cook. The Honorable John C. Cook was elevated to Chief Judge of the United States Bankruptcy Court for the Eastern District of Tennessee on October 25, 2000 succeeding Judge Richard S. Stair, Jr. who had served as Chief Judge since 1993. Judge Cook was appointed to the Court on September 18, 1987 to a new position created by Public Law 99-554. Prior to his appointment, he was an assistant United States Attorney from 1978-1987.



Roster

of

Judges

United States Supreme Court

Circuit Justice

Honorable John Paul Stevens, Washington, D.C.

United States Court of Appeals for the Sixth Circuit

United States Circuit Judges

Honorable Boyce F. Martin, Jr., Chief Judge, Louisville, Kentucky

Honorable Danny J. Boggs, Louisville, Kentucky

Honorable Alan E. Norris, Columbus, Ohio

Honorable Richard F. Suhrheinrich, Lansing, Michigan

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

Honorable Alice M. Batchelder, Medina, Ohio

Honorable Martha Craig Daughtrey, Nashville, Tennessee

Honorable Karen Nelson Moore, Cleveland, Ohio

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

Honorable Eric L. Clay, Detroit, Michigan

Honorable Ronald Lee Gilman, Memphis, Tennessee

Senior United States Circuit Judges

Honorable Pierce Lively, Danville, Kentucky

Honorable Albert J. Engel, Grand Rapids, Michigan

Honorable Damon J. Keith, Detroit, Michigan

Honorable Gilbert S. Merritt, Nashville, Tennessee

Honorable Bailey Brown, Memphis, Tennessee

Honorable Cornelia G. Kennedy, Detroit, Michigan

Honorable Nathaniel R. Jones, Cincinnati, Ohio

Honorable Robert B. Krupansky, Cleveland, Ohio

Honorable Harry W. Wellford, Memphis, Tennessee

Honorable H. Ted Milburn, Chattanooga, Tennessee

Honorable Ralph B. Guy, Jr., Ann Arbor, Michigan

Honorable David A. Nelson, Cincinnati, Ohio

Honorable James L. Ryan, Detroit, Michigan

***United States District Court
Eastern District of Kentucky***

Honorable Karl S. Forester, Chief Judge, Lexington
Honorable Joseph M. Hood, Frankfort
Honorable Jennifer B. Coffman, London

Senior United States District Judges

Honorable William O. Bertelsman, Covington
Honorable G. Wix Unthank, London
Honorable Henry R. Wilhoit, Jr., Ashland

United States Bankruptcy Judges

Honorable William S. Howard, Chief Judge, Lexington
Honorable Joseph M. Scott, Lexington

United States Bankruptcy Judge Retired

Honorable Joe Lee, Lexington

United States Magistrate Judges

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

***United States District Court
Western District of Kentucky***

United States District Judges

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

Senior United States District Judge

Honorable Edward H. Johnstone, Paducah

United States Bankruptcy Judges

Honorable David T. Stosberg, Chief Judge, Louisville
Honorable J. Wendell Roberts, Louisville
Honorable Joan Lloyd Cooper, Louisville

United States Magistrate Judges

Honorable C. Cleveland Gambill, Louisville
Honorable E. Robert Goebel, Owensboro
Honorable W. David King, Paducah
Honorable James D. Moyer, Louisville

***United States District Court
Eastern District of Michigan***

United States District Judges

Honorable Lawrence P. Zatkoff, Chief Judge, Detroit
Honorable Bernard A. Friedman, Detroit
Honorable Gerald E. Rosen, Detroit
Honorable Robert H. Cleland, Detroit
Honorable Nancy G. Edmunds, Detroit
Honorable Denise Page Hood, Detroit
Honorable Paul D. Borman, Detroit
Honorable John Corbett O'Meara, Detroit
Honorable Arthur J. Tarnow, Detroit
Honorable George Caram Steeh III, Detroit
Honorable Victoria A. Roberts, Detroit
Honorable Marianne O. Battani, Ann Arbor
Honorable David M. Lawson, Bay City

Senior United States District Judges

Honorable John Feikens, Detroit
Honorable Charles W. Joiner, Ann Arbor
Honorable James Harvey, Port Huron
Honorable James P. Churchill, Bay City
Honorable Julian Abele Cook, Jr., Detroit
Honorable Avern Cohn, Detroit
Honorable Stewart A. Newblatt, Flint
Honorable Anna Diggs Taylor, Detroit
Honorable Horace W. Gilmore, Detroit
Honorable George E. Woods, Detroit
Honorable Barbara K. Hackett, Ann Arbor
Honorable Patrick J. Duggan, Detroit
Honorable Paul V. Gadola, Flint

United States Bankruptcy Judges

Honorable Arthur J. Spector, Chief Judge, Bay City

Honorable Steven W. Rhodes, Detroit

Honorable Walter Shapero, Detroit

United States Magistrate Judges

Honorable Charles E. Binder, Bay City

Honorable Wallace Capel, Jr., Flint

Honorable Thomas A. Carlson, Detroit

Honorable Marc L. Goldman, Detroit

Honorable Virginia M. Morgan, Detroit

Honorable Steven D. Pepe, Ann Arbor

Honorable Donald A. Scheer, Detroit

United States Magistrate Judge Retired

Honorable Paul J. Komives, Detroit

***United States District Court
Western District of Michigan***

United States District Judges

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

Senior United States District Judges

Honorable Wendell A. Miles, Grand Rapids
Honorable Douglas W. Hillman, Grand Rapids
Honorable Benjamin F. Gibson, Grand Rapids

United States Bankruptcy Judges

Honorable James D. Gregg, Chief Judge, Grand Rapids
Honorable Jo Ann C. Stevenson, Grand Rapids
Honorable Jeffrey R. Hughes, Grand Rapids

United States Magistrate Judges

Honorable Hugh W. Brenneman, Jr., Grand Rapids
Honorable Ellen S. Carmody, Kalamazoo
Honorable Timothy P. Greeley, Marquette
Honorable Joseph G. Scoville, Grand Rapids

***United States District Court
Northern District of Ohio***

United States District Judges

Honorable Paul R. Matia, Chief Judge, Cleveland
Honorable Lesley Brooks Wells, Cleveland
Honorable James G. Carr, Toledo
Honorable Solomon Oliver, Jr., Cleveland
Honorable David A. Katz, Toledo
Honorable Kathleen M. O'Malley, Cleveland
Honorable Donald C. Nugent, Cleveland
Honorable Peter C. Economus, Youngstown
Honorable Patricia A. Gaughan, Cleveland
Honorable James S. Gwin, Akron
Honorable Dan A. Polster, Akron

Senior United States District Judges

Honorable John M. Manos, Cleveland
Honorable Ann Aldrich, Cleveland
Honorable John W. Potter, Toledo
Honorable David D. Dowd, Jr., Akron
Honorable Sam H. Bell, Akron

United States Bankruptcy Judges

Honorable Richard L. Speer, Chief Judge, Toledo
Honorable William T. Bodoh, Youngstown
Honorable Randolph Baxter, Cleveland
Honorable Marilyn Shea-Stonum, Akron
Honorable Pat E. Morgenstern-Clarren, Cleveland
Honorable Russ Kendig, Canton
Honorable Mary Ann Whipple, Toledo

United States Magistrate Judges

Honorable Vernelis K. Armstrong, Toledo
Honorable William H. Baughman, Jr., Cleveland
Honorable James S. Gallas, Akron
Honorable Patricia A. Hemann, Cleveland
Honorable George J. Limbert, Youngstown
Honorable Jack B. Streepy, Cleveland
Honorable Nancy A. Vecchiarelli, Cleveland

United States Magistrate Judge Retired

Honorable David S. Perelman, Cleveland

**United States District Court
Southern District of Ohio**

Honorable Walter H. Rice, Chief Judge, Dayton
Honorable Herman J. Weber, Cincinnati
Honorable James L. Graham, Columbus
Honorable George C. Smith, Columbus
Honorable Sandra S. Beckwith, Cincinnati
Honorable Susan J. Dlott, Cincinnati
Honorable Edmund A. Sargus, Jr., Columbus
Honorable Algenon L. Marbley, Columbus

Senior United States District Judges

Honorable Joseph P. Kinneary, Columbus
Honorable S. Arthur Spiegel, Cincinnati
Honorable John D. Holschuh, Columbus

United States Bankruptcy Judges

Honorable Thomas F. Waldron, Chief Judge, Dayton
Honorable Barbara J. Sellers, Columbus
Honorable J. Vincent Aug, Jr., Cincinnati
Honorable Charles M. Caldwell, Columbus
Honorable Jeffery P. Hopkins, Cincinnati
Honorable John E. Hoffman, Jr., Dayton

United States Bankruptcy Judges Retired

Honorable Burton Perlman, Cincinnati
Honorable William A. Clark, Dayton
Honorable Donald E. Calhoun, Jr., Columbus

United States Magistrate Judges

Honorable Mark R. Abel, Columbus

Honorable Timothy S. Hogan, Cincinnati

Honorable Terence P. Kemp, Columbus

Honorable Norah McCann King, Columbus

Honorable Michael R. Merz, Dayton

Honorable Jack Sherman, Jr., Cincinnati

***United States District Court
Eastern District of Tennessee***

United States District Judges

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

United States Bankruptcy Judges

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

United States Bankruptcy Judge Retired

Honorable Ralph H. Kelley, Chattanooga

United States Magistrate Judges

Honorable William B. Mitchell Carter, Chattanooga
Honorable Dennis H. Inman, Greeneville
Honorable Robert P. Murrian, Knoxville
Honorable Thomas W. Phillips, Knoxville

United States Magistrate Judge Retired

Honorable John Y. Powers, Chattanooga

***United States District Court
Middle District of Tennessee***

United States District Judges

Honorable Robert L. Echols, Chief Judge, Nashville
Honorable Todd J. Campbell, Nashville
Honorable Aleta A. Trauger, Nashville
Honorable William J. Haynes, Jr., Nashville

Senior United States District Judges

Honorable Thomas A. Wiseman, Jr., Nashville
Honorable John T. Nixon, Nashville
Honorable Thomas A. Higgins, Nashville

United States Bankruptcy Judges

Honorable George C. Paine II, Chief Judge, Nashville
Honorable Keith M. Lundin, Nashville
Honorable Marian F. Harrison, Nashville

United States Magistrate Judges

Honorable Juliet E. Griffin, Nashville
Honorable Joe B. Brown, Nashville
Honorable E. Clifton Knowles, Nashville

***United States District Court
Western District of Tennessee***

United States District Judges

Honorable James D. Todd, Chief Judge, Jackson
Honorable Julia Smith Gibbons, Memphis
Honorable Jon Phipps McCalla, Memphis
Honorable Bernice B. Donald, Memphis

Senior United States District Judges

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

United States Bankruptcy Judges

Honorable David S. Kennedy, Chief Judge, Memphis
Honorable William H. Brown, Memphis
Honorable G. Harvey Boswell, Jackson
Honorable Jennie D. Latta, Memphis

United States Magistrate Judges

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



In Memoriam

Honorable Leroy J. Contie, Jr.

and

Honorable William K. Thomas

**MEMORIAL TRIBUTE TO
HONORABLE LEROY J. CONTIE, JR.
(1920-2001)**

Judge Leroy J. Contie, Jr. was never a person to leave anything to chance. He was always forward looking, whether in preparing for oral argument as an appellate judge, handling his personal matters or otherwise anticipating the future. This trait was evident even as he was about to enter the Cleveland Clinic for what turned out to be his final hospitalization. Apparently sensing the inevitable, Judge Contie made a series of phone calls to friends and colleagues to discuss his condition and the surgical procedure awaiting him.

Yet, in hindsight, it is now clear to those with whom he spoke, that Judge Contie, in keeping with his penchant for foreword-lookingness, was actually giving his final thanks and farewell. And so it was, for on Friday, May 11, 2001, he died in Cleveland Clinic of pneumonia and other complications from surgery. His funeral was held on May 16, 2001, at St. Michael's Church in Canton, Ohio, with an impressive number of judicial colleagues, led by Chief Judge Boyce F. Martin, Jr. in attendance.

His death brought to a close a life of 81 years, that included nearly fifty years of public service with over thirty of them as a state and federal judge. He deservedly received and wore the approbation of a "judges' judge."

A trusted counselor to all who came in contact with him, Judge Contie was devoted in a tireless manner to the law in the various capacities in which he served, to his beloved family and to his community. He, in all that he did, maintained a reputation as fair and demanding.

On the occasion of his portrait being hung in the Akron Courtroom where he presided as a district judge, a host of speakers offered tributes. William M. Oldham, president of the Akron Ohio Bar Association, observed:

Judge Contie was always prepared and he expected the lawyers who appeared before him to also be prepared. He kept a firm hand on all

proceedings . . . and required courtesy . . . between the parties, their counsel and witnesses.” He never needlessly embarrassed a lawyer in front of his clients . . .”

A similar view was expressed by another speaker who commented on his performance as an appellate judge:

“ . . . he never pontificates. He never assumes an all-knowing posture. He simply but carefully outlines his view of a case, the applicable law as he sees it, and suggests a disposition. He was thoroughly prepared in the law and familiar with the facts.”

Moreover, Judge Contie was unfailingly kind to all of his colleagues with thoughtful personal notes and birthday and holiday greetings.

A Canton native, Judge Contie received his Bachelor’s Degree from the University of Michigan in 1941. He then served in the United States Army from 1942 to 1946 and then returned to the University of Michigan Law School from which he graduated in 1948. Preceding his extensive judicial career were more than twenty years in the private practice of law in Canton with his father, Leroy Contie, Sr.

While so engaged, lawyer Contie also served his beloved City of Canton as its elected law director from 1952 through 1960. In that capacity, he gave the City of Canton legal direction as it expanded its highway system and acquired the necessary lands in an adjoining county to protect Canton’s municipally owned water supply. It was as a city law official, that he courageously led efforts to clean up crime and corruption. These activities resulted in his home being bombed, traumatizing Mrs. Contie and doing extensive property damage.

An active member of the Stark County Republican Party, he, following his retirement as Canton’s Law Director, served as a member of the Stark County Board of Elections from 1964 to 1969. It was that year that his judicial career commenced when appointed to the Court of Common Pleas by former Governor James A. Rhodes.

Judge Contie began his federal judicial career in 1971 when appointed a district judge by President Richard Nixon to the Northern District of Ohio. While continuing

to reside in Canton, Judge Contie served in both Cleveland and Youngstown until the new federal court house was constructed and opened in Akron on June 1, 1975. In 1982, President Reagan elevated him to the Sixth Circuit where he served with great distinction as an active and later as Senior Judge, until his retirement in May of 2000. His death leaves a huge void in the profession he loved.

He is survived by Janice, his wife of 47 years, his son Leroy, his daughter Ann Benson and two grandchildren.

THEREFORE, BE IT RESOLVED that the Sixty-first Judicial Conference of the Sixth Circuit, in session at Mackinac Island, Michigan this 24th day of June, 2001, pays tribute to the memory of United States Circuit Judge Leroy J. Contie, Jr.; and

BE IT FURTHER RESOLVED that a copy of this resolution be preserved upon the records of this Conference and that a copy be forwarded to Judge Contie's family as a testament to the esteem in which Judge Contie was held by the members of this Conference and as an expression of our sympathy.

Respectfully submitted,

Honorable Nathaniel R. Jones
United States Circuit Judge
Sixth Circuit Court of Appeals

Honorable David D. Dowd, Jr.
United States District Judge
Northern District of Ohio

Honorable Harold F. White
United States Bankruptcy Judge, Retired
Northern District of Ohio

MEMORIAL RESOLUTION
In Honor of
WILLIAM KERNAHAN THOMAS
1911 - 2001

The Northern District of Ohio lost one of its most distinguished jurists when Judge William K. Thomas passed away in Cleveland on March 20, 2001, shortly after celebrating his 90th birthday.

Judge Thomas was born in Columbus, Ohio, and obtained his undergraduate and law degrees from Ohio State University, graduating cum laude and Phi Beta Kappa in undergraduate and then receiving the Order of the Coif in law school. He established a successful practice as a trial lawyer, but his practice was interrupted by World War II. He served in the Navy in both the Atlantic and the Pacific and was aboard a Liberty Ship that was torpedoed but did not sink. Always the scholar, Judge Thomas read and annotated the complete works of Shakespeare during his naval service.

After the war, Judge Thomas resumed the practice of law, but in 1950 he accepted a "short term" appointment by his friend, Governor Frank J. Lausche, to the Common Pleas Court of Geauga County, Ohio --a position which paid the magnificent annual salary of \$4,800. Very quickly Judge Thomas determined that he enjoyed being a judge, and he ran for and was elected to the court. Judge Thomas had the good sense to live only a few blocks from the county line, and in a couple of years, he resigned from the Geauga County bench and moved into Cuyahoga County, whereupon Governor Lausche appointed him to the Common Pleas Court in Cuyahoga County (which paid better, since the county was more populous). During his service on that court, Judge Thomas handled many high-profile cases and gained a reputation for fairness and scholarship. In 1961 he was named by Fortune Magazine to its "Blue Ribbon Jury of American Judges."

In 1966 President Lyndon B. Johnson appointed Judge Thomas to the United States District Court for the Northern District of Ohio. Over the years Judge Thomas came

to represent to the bar and to the public the finest qualities of a judge--integrity, fairness, judicial demeanor, scholarly writing, tireless work habits, and humility. He served on several Judicial Conference committees. Although he took senior status in 1981, he continued to hear cases for the court until 1998. In 1994, the Ohio State Bar Association awarded him its highest honor, the Ohio Bar Medal, and last October his alma mater, Ohio State University Law School, gave him its first Distinguished Jurist Award.

Judge Thomas was married for 55 years to the former Dorothy Good, who passed away in 1992. Their children are Cynthia Yates of Detroit; John of Sausalito, California; Richard of Washington, D.C.; and Stephen of Chagrin Falls, Ohio.

Now, therefore, BE IT RESOLVED that the Sixty-first Judicial Conference of the Sixth Circuit in session at Mackinac Island, Michigan, this 24th day of June, 2001, pays tribute and expresses appreciation for the memory of Judge William K. Thomas, who served the nation, the district, and the state with distinction and honor.

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

Respectfully submitted,

Robert B. Krupansky, Senior Circuit Judge

Paul R. Matia, Chief Judge

John M. Manos, Senior District Judge

