



Summer 2019

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PRESIDENT'S PODIUM

Did you read (or listen to) any good, inspiring books this Summer? We canvassed our board members to find out what was on their Summer reading lists and asked them what books or podcasts have influenced their practices, the way they view the world, or their understanding of what motivates people. I hope you find something here for your next good read.

Thank You for Being Late, Thomas Friedman. There are loads of nuggets in Friedman's latest book. For example, the Github open-sourcing software community that Friedman describes in his chapter on Moore's Law proves that our collective knowledge and talent shines and changes the world when we work together. The book also reminds us that most of us are motivated by validation over anything else. Friedman reminds us once again that the speed of innovation is not linear. Where does that leave justice, the law, and our practices?

Finding Ultra, Rich Roll. The reviews call this book an "awe-inspiring mid-life physical transformation" that is about one former lawyer's journey when he pursued the impossible. This book is a great motivator for any of you who have invested so much in a law career but may find yourself in middle age needing something different.

A Promise of Justice: The Eighteen-Year Fight to Save Four Innocent Men, Rob Warden. Our criminal defense bar suggests that you read this book if you have a genuine interest in examining flaws in our criminal justice system. It's also a reminder that the press still plays a critical role in the justice system.

If I have to Tell You One More Time, Amy McCreedy. This book is not about the law at all. It's a parenting book. This book purports to teach parents how to raise kids without yelling and nagging, but we mention it here because it reinforces a principle about what really motivates people—not just kids. The author reminds us that all anyone wants in life are two things: a sense of belonging and significance. Think about the problems we could solve if we focused on that truth.

Educated, Tara Westover. Everyone you know has probably already recommend this one to you. This is the memoir of Tara Westover, a child of Mormon survivalist parents who overcame obstacles without a formal education and rebelled against her parents' world. She eventually earned a Ph.D. in History from Harvard. In these times, we worry if it is even possible to change the deeply divided, polarized views of Americans. Westover shows that you can.

Running From COPS. This is a six-episode podcast series about the longest running television series, Cops (who knew!) and its effect on due process, how we see the police, and how the public perceives police brutality.

51 Imperfection Solutions: States and the Making American Constitutional Law, The Honorable Jeffrey S. Sutton. No matter whether you still consider yourself a student of the Constitution or not, this is a worthy read for any practitioner. Our Chapter had the privilege of hearing Judge Sutton of our Sixth Circuit speak on this topic in July. Judge Sutton urges practitioners to remember the state constitutions and their unique development when litigating issues of individual liberties.

Lead Yourself First: Inspiring Leadership Through Solitude, The Honorable Raymond M. Kethledge and Michael S. Erwin. The recent book by Judge Ray Kethledge and Michael Erwin is a boon for anyone who finds themselves drowning in too much information and the frenzied pace of our now-digital lives. Judge Kethledge and Erwin lay out a convincing case that the decisional process of leaders and professionals (like lawyers) suffers considerably without the opportunity for solitude—by which they mean quiet, purposeful thinking. The authors offer a number of suggestions to help readers put down their cell phones and to unpack complex decisions.



Rebecca J. Bennett
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Members in the News

★ **HON. J. PHILIP CALABRESE**- Congratulations to our immediate past president, J. Philip Calabrese on his recent appointment to Judge in the Cuyahoga County of Common Pleas. Judge Calabrese fills the vacancy left by Judge Pamela Barker upon her appointment and confirmation to the federal bench.

★ **CARTER STRANG AND BRANDON COX TO RECEIVE C|M|LAW HONORS**

Tucker Ellis LLP is proud to announce that partner **Carter Strang** and counsel **Brandon Cox** will be honored at the Cleveland-Marshall College of Law (C|M|LAW) Hall of Fame Celebration on October 25, 2019.

Strang, a 1984 graduate of C|M|LAW, will be inducted into the C|M|LAW Hall of Fame in recognition of his contributions to the success and reputation of C|M|LAW. Strang focuses his practice on mass tort, environmental, and products liability litigation. He is a Cleveland-Marshall Leader-in-Residence and a member of its Visiting Committee. In honor of his former C|M|LAW criminal law professor, Strang created the Professor Joel J. Finer Award for student excellence in criminal procedure. Strang is a Cleveland-Marshall Alumni Association Honorary Trustee and a recipient of its Alumnus of the Year Award. He is also the recipient of the CMBA Justice for All Volunteer of the Year Award, the Kent State University Distinguished Alumni Award, and the Federal Bar Association Elaine “Boots” Fisher Award. He is a past president of both the Cleveland Metropolitan Bar Association and the Federal Bar Association Northern District of Ohio. Strang created two award-winning pipeline programs to increase diversity and inclusion in the legal profession.

Cox, a 2012 graduate, will be honored as the 2019 C|M|LAW Leader on the Rise. The award is given each year to an outstanding C|M|LAW alum who has graduated within the past 10 years. Cox focuses his practice on the representation of pharmaceutical and medical device manufacturers in mass tort and individual cases pending in state and federal venues throughout the United States. He is actively involved with the Tucker Ellis pro bono program, representing economically disadvantaged clients with housing and probate disputes. He is a member of the firm’s Equity & Inclusion Committee, and serves as editor of the firm’s newsletter, *Diversity Matters*.

Read the C|M|LAW press release [here](#).

Awards and Events in the News

The FBA-NDOC was awarded the Chapter Activity “Presidential Achievement Award”. The FBA-NDOC has won this award, or the higher “Presidential Excellence Award”, every year for the past 20 years. James A. Satola (pictured below holding the award) attended the Annual Meeting which was held on September 5-7, 2019, in Tampa, Florida and accepted this award on the Chapter’s behalf. Special thanks to our chapter members for all of their contributions in developing and carrying out programming.



Awards and Events in the News

FBA HONORS CWRU LAW STUDENTS

Jonathan L. Entin
CWRU Faculty Representative,
FBA-NDOC Board

Three students at Case Western Reserve University School of Law received the chapter-sponsored Federal Bar Association award for obtaining the top grades in Constitutional Law. Winston Griner, Anne Hurst, and Jack Maib received their prizes at CWRU's awards ceremony on May 18. They received their J.D. degrees the following day.

Winston, a native of Nashville, Tennessee, did his capstone in the criminal justice clinic. He defended domestic violence, assault, OVI, and obstruction of official business cases in the Cleveland Municipal Court and the Cleveland Heights Municipal Court. He plans to move to Houston after graduation and will take the Texas bar exam. A graduate of The Ohio State University with a degree in English, Winston worked in Columbus for a year before entering law school. He majored in English because he wanted to be the best writer he could be and believes that his law school experience has vindicated that decision.

Anne will become an associate at the Cleveland office of Vorys, Sater, Seymour and Pease, LLP. She was Executive Articles Editor of the Law Review and published a Note on state and local options for addressing vaping by teenagers. That piece was honored as the Note of the Year and also received the law school's Blachman prize for the best paper on improving government at the local, state, or national level. In addition to winning the FBA award in Constitutional Law, Anne got the top grades in Trademark Law and in all three required skills courses. A native of Columbus, she graduated from Emerson College and worked for three years in Boston before attending law school.

Jack is a native of Dracut, Massachusetts (about 30 miles northwest of Boston). His main interests are in Constitutional Law and Civil Rights: he got the top grades in Administrative Law and Criminal Procedure in addition to the FBA award in Constitutional Law, and he received the law school's Burgess prize as the outstanding student in public law. He was Executive Notes Editor of Health Matrix: The Journal of Law-Medicine and wrote his Note on the standard of proof in student-on-student harassment claims under Title IX. Jack studied political science and economics at the University of Massachusetts, Amherst. He plans to work in the Cleveland area.



(L-R): Chapter board member James Satola, Winston Griner, Anne Hurst, Jack Maib, and Jonathon Entin, CWRU Faculty Representative

Summer Social Event at Luca downtown Cleveland on August 1, 2019



UPDATE ON THE CONSTITUTIONAL CHALLENGE TO THE NEW TARIFFS ON STEEL AND ALUMINUM IMPORTS

Jonathan L. Entin*
CWRU Faculty Representative,
FBA-NDOC Board

The last issue of *Inter Alia* contained an abridged version of my article discussing the litigation challenging the tariffs on steel and aluminum imports that President Trump imposed in March 2018.¹ The tariffs were based on Section 232 of the Trade Expansion Act of 1962² and justified on grounds of national security.

While the *Inter Alia* piece was in press, a three-judge panel of the U.S. Court of International Trade rejected a constitutional challenge to the steel and aluminum tariffs in *American Institute for International Steel, Inc. v. United States*.³ Consistent with the article's analysis, the court concluded that Section 232 did not unconstitutionally delegate legislative power to the executive and relied on a 1976 Supreme Court decision that reached the same conclusion.⁴ Also consistent with the article's analysis, the panel found that the President's action was not subject to judicial review under the Administrative Procedure Act.⁵ One member of the panel, after reviewing some of the nondelegation cases discussed in the article, expressed concern that Section 232 "provides virtually unbridled discretion to the President" in a field that the Constitution assigns to Congress.⁶ But that judge nevertheless agreed that his court had to reject the challenge because of the 1976 Supreme Court decision.⁷

The Court of International Trade's ruling did not end the case. That ruling was subject to appeal to a higher court. But which higher court? This question at one point posed an intriguing question for litigation aficionados such as members of the Federal Bar Association. Appeals from CIT rulings ordinarily go to the U.S. Court of Appeals for the Federal Circuit,⁸ but the plaintiffs initially hinted that they would appeal an adverse ruling directly to the Supreme Court. The Court of International Trade, which usually assigns cases to a single judge,⁹ gave this one to a three-judge panel.¹⁰ The plaintiffs viewed the situation as analogous to appeals from decisions of three-judge district courts, which do go directly to the Supreme Court.

* David L. Brennan Professor Emeritus of Law, Case Western Reserve University.

¹Jonathan L. Entin, *The Constitutional Challenge to the New Tariffs on Steel and Aluminum Imports*, INTER ALIA, Winter 2019, at 2 (abridgement of an article originally published at 36(2) JOURNAL OF TAXATION OF INVESTMENTS 45 (Winter 2019)).

²19 U.S.C. § 1862 (2012).

³376 F. Supp. 3d 1335 (Ct. Int'l Trade 2019).

⁴*Id.* at 1340 (citing *Fed. Energy Admin. v. Algonquin SNG, Inc.*, 426 U.S. 548 (1976)).

⁵*Id.* at 1341.

⁶*Id.* at 1346 (Katzmann, J., *dubitante*).

⁷*Id.* at 1352.

⁸28 U.S.C. § 1295(a)(5) (2012).

⁹28 U.S.C. § 254 (2012).

¹⁰28 U.S.C. § 255(a) (2012) (authorizing use of a three-judge panel in cases such as this one that involve the constitutionality of a federal statute).

The analogy is flawed, however. For one thing, the jurisdictional statute that provides for direct appeals to the Supreme Court from decisions of three-judge district courts does not mention the Court of International Trade.¹¹ The CIT is not a district court; it is a specialized Article III court that has exclusive, original, and nationwide jurisdiction over tariff-related cases.¹²

Even if the jurisdictional statute were ambiguous, the analogy still would not work. Three-judge district courts consist of a circuit judge and two district judges.¹³ Because the court of appeals was involved in the original proceeding by virtue of the presence of a circuit judge, it makes sense to bypass that intermediate court in cases initially heard in a three-judge district court and have any appeal go directly to the Supreme Court. But the tariff challenge was heard by three members of the Court of International Trade. Because no member of the Federal Circuit sat on the CIT panel, that appellate court has not been involved in the case at all so far. Therefore, the analogy to direct appeals to the Supreme Court from three-judge district courts appears strained at best.

The plaintiffs apparently recognized the weakness of the analogy to three-judge district courts. After losing in the Court of International Trade, they immediately filed a notice of appeal in the Federal Circuit. Three weeks later, they asked the Supreme Court to grant certiorari before judgment in the court of appeals.¹⁴ But the Court denied that petition without comment on June 24. This came as no surprise: certiorari before judgment is rarely granted, and then only in high-profile matters such as last year's travel ban case, the Watergate tapes case, and the steel seizure case.¹⁵ Whatever its potential importance, this is not a high-profile case. The Court of International Trade's decision received no coverage in the *New York Times*, the *Washington Post*, or the *Wall Street Journal*, for example.¹⁶

The case now will continue in the Federal Circuit and might yet return to the Supreme Court in the ordinary course because of the nondelegation issue. Several justices recently expressed willingness to revisit the nondelegation doctrine in *Gundy v. United States*,¹⁷ which rejected a challenge to the Attorney General's authority under the Sex Offender Registration and Notification Act. Justice Alito, who provided the decisive fifth vote, expressed skepticism about the Court's permissive approach to nondelegation but agreed that the statute at issue passed muster under that approach. Alito's position, combined with the views of the three dissenters, suggests that at least four members of the Court are open to another nondelegation case. We do not know about Justice Kavanaugh, who did not participate in *Gundy* because he had not been confirmed when that case was argued.

¹¹28 U.S.C. § 1253 (2012).

¹²See 28 U.S.C. §§ 1581-1582 (2012).

¹³28 U.S.C. § 2284(b)(1) (2012).

¹⁴Petition for Cert. Before Judgment, *American Inst. for Int'l Steel, Inc. v. United States*, No. 18-1317 (U.S. filed Apr. 15, 2019).

¹⁵See *Trump v. Hawaii*, 138 S. Ct. 2392 (2018); *United States v. Nixon*, 418 U.S. 683 (1974); *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952).

¹⁶The oral arguments in the case did receive coverage in two of those publications. See William Mauldin, *Judges Review Tariff Law Used by Trump*, WALL ST. J., Dec. 20, 2018, at A6; Glenn Thrush, *Judge Puts Trump Tariff to Peanut Butter Test*, N.Y. TIMES, Dec. 20, 2018, at B4.

¹⁷No. 17-6086 (U.S. June 20, 2019).

Still, the constitutional challenge to the steel and aluminum tariffs in *American Institute for International Steel* does not seem like a promising vehicle for reinvigorating the nondelegation doctrine. Justice Gorsuch's *Gundy* dissent endorsed the intelligible-principle test of *J.W. Hampton, Jr. & Co. v. United States*,¹⁸ and (as noted in my original article) Section 232 of the Trade Expansion Act contains a longer list of factors than the tariff statute that was upheld in *Hampton*.

Meanwhile, Congress might reassert its primacy in international trade. Sen. Rob Portman (R-OH), with a bipartisan group of co-sponsors, has proposed the Trade Security Act of 2019,¹⁹ which would tighten the requirements for the President to levy national-security tariffs under Section 232. That proposal exempts the current steel and aluminum tariffs but would make adoption of such tariffs more difficult in the future.

¹⁸276 U.S. 394, 409 (1928).

¹⁹S. 365, 116th Cong. (2019). Co-sponsors include Lamar Alexander (R-TN), Joni Ernst (R-IA), Dianne Feinstein (D-CA), Deb Fischer (R-NE), Doug Jones (D-AL), Kyrsten Sinema (D-AZ), Roger Wicker (R-MS), and Todd Young (R-IN).

THE SUPREME COURT ISSUES NARROW RULING LIMITING STATE TAXATION OF TRUST

Ben Egel

FBA-NDOC Member

On June 21, 2019, in *North Carolina Dept. of Revenue. v. The Kimberly Rice Kaestner 1992 Family Trust*, the Supreme Court scrutinized the application of a North Carolina law imposing a tax on any trust income that is "for the benefit of" a North Carolina resident. N. C. Gen. Stat. Ann. §105–160.2 (2017). The Supreme Court affirmed the lower court decisions, finding that the State did not meet the minimum contacts requirement developed in the 14th Amendment's Due Process Clause case law.

In 1992, Joseph Rice III, the grantor, formed a trust for the benefit of his children under New York law and appointed a New York resident as trustee. The trustee kept the trust documents in New York and performed the trust administration in Massachusetts. The trust agreement provided the trustee with "absolute discretion" to distribute trust assets to beneficiaries. At the time the trust was formed, beneficiary Kimberly Kaestner ("Kaestner") was not a resident of North Carolina, nor were any other beneficiaries. Kaestner later was a resident of North Carolina from 2005 through 2008. During Kaestner's in-state residency, the North Carolina Department of Revenue calculated a tax liability of \$1.3M on trust income. Kaestner did not receive a distribution from the trust, and the trustee paid the tax liability under protest. The trustee sued in State court arguing that the law violated the 14th Amendment Due Process clause. The trial court found that the Kaestner's residence was, "too strenuous a link between the State and the trust to support a tax." The appeals court and State supreme court affirmed. The Supreme Court affirmed, issuing a narrow decision limited to the facts.

In its ruling, the Court applied the Due Process Clause two-step analyses found in *Quill Corp. v. North Dakota* and *International Shoe Co. v. Washington*. First, there must be a definite link or minimum connection between the "state and the person, property, or transaction it seeks to tax." And second, that tax liability must be related to the State's connected values. In a "minimum contacts" inquiry, the court reviews the reasonableness of the law with the view that only those who receive benefit and protection from the State have an obligation to the State. The Court surveyed prior trust cases in which a minimum connection between trust assets, trustees, beneficiaries, and States was or was not determine. Ultimately, the Supreme Court found "the presence of in-state beneficiaries alone does not empower a State to tax trust income that has not been distributed to the beneficiaries where the beneficiaries have no right to demand that income and are uncertain ever to receive it."

Because the Ohio Revised code considers in-state residency along with additional factors, the Supreme Court ruling in this case will not affect how the Ohio Department of Tax currently taxes trusts.

IMMIGRATION LAW: ARE ICE RAIDS WORTH THEIR COSTS?

Jamison R. G. King & Karla E. Gil
FBA-NDOC Student Members

Immigration law, as a federal issue, is directly concerned with the policies enacted by the U.S. Department of Homeland Security (“DHS”), particularly Immigration and Customs Enforcement (“ICE”). ICE is “responsible for identifying and shutting down vulnerabilities in the nation’s border, economic, transportation and infrastructure security.”¹ As part of its enforcement capabilities, ICE may conduct raids.² There has recently been a country-wide increase in raids which have been more frequently issuing migrants with final deportation orders.³ However, during these raids, individuals who were not the original targets of the raids are also arrested. These individuals are known as “collaterals” or “collateral-arrests.”⁴ Nevertheless, whether an individual was targeted or was detained as a result of a collateral-arrest, the entire immigrant population is facing negative consequences. These practices of indiscriminate detentions and mass deportations also create negative consequences for U.S. businesses. Setting aside any social and political debates that accompany immigration discussions, the central question to ask in the wake of these raids is: “Are they really worth it?”

In 2010, the Center for American Progress estimated that the average cost per person apprehended, detained, legally processed, and transported out of the country was around \$23,482.⁵ According to ICE statistics, 256,085 people were deported in fiscal year 2018.⁶ That means the cost was \$6 billion just to detain and process undocumented individuals. In 2017, the *total* taxpayer expense for implementing immigration policy amounted to roughly \$17.19 billion, which includes issuing visas, adjudicating applications and (if necessary) litigating an individual’s ability to remain in the United States.⁷ By comparison, estimated costs of illegal immigrants residing in the United States range from \$3.3⁸ billion to \$115.8 billion.⁹ If the conservative estimates are correct, then the taxpayers are getting a poor return on their investment in immigration services and border security. Alternatively, if the burden of undocumented immigrants is as high as \$115.8 billion, then efforts to decrease illegal immigration are grossly ineffective. Either way, the resources put into immigration enforcement do not appear to be appropriately productive. However, it does not appear that radical increases or decreases to immigration reform spending are the answer.

¹Differences between U.S. Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE), https://help.cbp.gov/app/answers/detail/a_id/1040/~/-/difference-between-u.s.-customs-and-border-protection-%28cbp%29%2C-u.s.-citizenship

²See “ICE worksite enforcement investigations already double over last year,” U.S. Immigration & Customs Enforcement: News Releases (May 14, 2018), <https://www.ice.gov/news/releases/ice-operation-la-results-212-arrests-122-notices-inspection>; “ICE worksite enforcement investigations in FY18 surge,” U.S. Immigration & Customs Enforcement: News Releases (Dec. 11, 2018), <https://www.ice.gov/news/releases/ice-worksite-enforcement-investigations-fy18-surge>.

³See Official Website of the Department of Homeland Security: U.S. Immigration and Customs Enforcement’s News Releases, <https://www.ice.gov/news/all>

⁴American Immigration Lawyers Association, *Trump vowed millions of immigration arrests in dramatic raids. ICE caught 18 family members*,

⁵The Washington Post (July 31, 2019, 12:30PM), <https://www.aila.org/infonet/ice-announcements-of-enforcement-actions>

⁶Marshall Fitz, et al., Center for American Progress, *The Costs of Mass Deportation: Impractical, Expensive, and Ineffective*, March 2010

⁷U.S. Immigration & Customs Enforcement, Fiscal Year 2018 ICE Enforcement and Removal Operations Report (2018).

⁸U.S. Dep’t of Homeland Security, *Budget-in-Brief Fiscal Year 2017 3-5* (2018), <https://www.dhs.gov/sites/default/files/publications/FY2017BIB.pdf>.

⁹See Alex Nowrasteh, *FAIR’s “Fiscal Burden of Illegal Immigration” Study Is Fatally Flawed*, Cato at Liberty: The Cato Institute (Sept. 29, 2017, 1:08 PM), <https://www.cato.org/blog/fairs-fiscal-burden-illegal-immigration-study-fatally-flawed>.

According to the Center for Migration Studies (“CMS”), mass deportations would negatively affect the country’s gross domestic product, facing a loss of \$4.7 trillion over a decade.¹⁰ CMS also found that the nation’s housing market could be at risk as 2.4 million mortgages are held by undocumented immigrants.¹¹ As such, if these enforcement actions were to continue, the nation’s economy could suffer significant losses. Similarly, for American businesses, ICE raids are often preceded by a Notice of Inspection (“NOI”). These NOIs give companies 3 days to organize and submit their Employment Eligibility Verification I-9 Forms (“I-9s”) for inspection. Employers can incur fines reaching into the millions for missing¹² I-9s, improperly completed I-9s, failing to turn over any I-9s (whether intentionally or by mistake), and could be subject to criminal prosecution if they intentionally hired individuals not authorized to work in the United States.¹³

Once an ICE raid occurs, employers are usually left with a number of vacancies and need to quickly re-staff, which can result in a disruption to a business’ overall ability to deliver services, manufacture products and operate in the most basic sense. This process also poses its own risks by putting businesses in a time-pressured situation, increasing the likelihood that they will improperly fill out new I-9 forms and possibly hire individuals without valid documentation by mistake, thus repeating the mistakes that cause ICE inspections in the first place and compounding their liability. Immigration attorneys can help their corporate clients by conducting periodic internal audits of their I-9s to ensure that the company: (1) has an I-9 on file for all current employees; (2) is using E-Verify to authenticate employees’ right to work; (3) is keeping/purging all old I-9 files appropriately under the law.¹⁴

Another consequence of current immigration policy¹⁵ and recent enforcement activity is that families are separated. After raids, ICE will arrest and detain individuals, some of whom are parents; and as a result, parents are separated from their children. Unfortunately, these immigration enforcement actions have long lasting “physical, emotional, developmental, and economic repercussions on the children left behind.”¹⁶ Specifically, after parents are detained and/or deported, children have an increased risk for generalized and acute anxiety disorders, depression, and Post-Traumatic Stress Disorder, as can be seen from the adverse behavioral changes in the six months following a raid or arrest.¹⁷ This can necessitate a need for mental healthcare services which they may not have access to or be able to afford after the loss of their primary provider. Similarly, family separation creates a burden on the nation’s ability to care for the child as they may end up in the child welfare system.¹⁸

¹⁰Matthew O’Brien, Spencer Raley, & Jack Martin, The Federation for American Immigration Reform, *The Fiscal Burden of Illegal Immigration on United States Taxpayers* (2017) <https://www.fairus.org/sites/default/files/2017-09/Fiscal-Burden-of-Illegal-Immigration-2017.pdf>
¹¹*Id.*

¹²See “Oklahoma-based agri-business agrees to \$1 million civil settlement,” U.S. Immigration & Customs Enforcement: News Releases, (Nov. 7, 2018), <https://www.ice.gov/news/releases/oklahoma-based-agri-business-agrees-1-million-civil-settlement>.

¹³“ICE delivers more than 5,200 I-9 audit notices to businesses across the US in 2-phase nationwide operation,” U.S. Immigration & Customs Enforcement: News Releases (July 24, 2018), <https://www.ice.gov/news/releases/ice-delivers-more-5200-i-9-audit-notices-businesses-across-us-2-phase-nationwide>; see also “Asplundh Tree Experts, Co. pays largest civil settlement agreement ever levied by ICE,” U.S. Immigration & Customs Enforcement: News Releases, (Sep. 28, 2018), <https://www.ice.gov/news/releases/asplundh-tree-experts-co-pays-largest-civil-settlement-agreement-ever-levied-ice>.

¹⁴See also National Employment Law Project & National Immigration Law Center, *What to do if Immigration Comes to your Workplace*, <https://www.nilc.org/wp-content/uploads/2017/07/EmployerGuide-NELP-NILC-2017-07.pdf>.

¹⁵U.S. Department of Justice, Office of Public Affairs, “Attorney General Sessions Delivers Remarks Discussing the Immigration Enforcement Actions of the Trump Administration,” May 7, 2018.

¹⁶American Immigration Council, *U.S. Citizen Children Impacted by Immigration Enforcement* (May 23, 2018); see also Kalina Brabeck & Qingwen Xu, *The Impact of Detention and Deportation on Latino Immigrant Children and Families: A Qualitative Exploration*, 32 *Hispanic J. of Behavioral Sci.* 341 (2010).

¹⁷Kristina Lovato et al. *The impact of deportation-related family separation on the well-being of Latinx children and youth: a review of the literature*, 95 *Children & Youth Servs. Rev.* 109 (2018); Kristina Lovato, *Forced separations: A qualitative examination of how Latino adolescents cope with parental deportation*, 98 *Children & Youth Servs. Rev.* 42 (2019).

¹⁸*Supra*, note 15.

With the increase in ICE raids, many immigrants are also rushing to find assistance. Regrettably, many vulnerable people seek assistance from unlicensed immigration consultants, commonly known as *notarios*. These *notarios* charge a fee for immigration services but are not licensed to provide legal advice.¹⁹ Thus, many individuals end up doing more harm to their situation. If they do eventually hire an attorney, that attorney is often left to clean up the mess created by incorrect and improper relief petitions. This makes the attorney's job more difficult and drastically increases their workload.

The solution for resolving these effects is not as simple as eliminating ICE raids altogether; nor is overhauling our nation's immigration policy likely to occur in the short-term. However, more scrutiny should be given to immigration enforcement practices by considering whether the means of achieving our policy goals are worth the negative effects. Considering the data presented here, we believe that the current approach to immigration enforcement is not necessarily worth the economic and social expenses it generates. Barring new information, a better solution could be including undocumented immigrants into the tax-base by affording to them the accompanying social and economic rights and responsibilities, rather than simply deporting them without any recovery of that expense. In short, by focusing our deportation efforts on those individuals with criminal histories, rather than on collateral-arrests of those with only illegal presence or Entry Without Inspection offenses, more readily accomplishes the goals set for ICE.

Jamison R.G. King is a graduate of The George Washington University and the London School of Economics and Political Science with degrees in International Affairs and Social & Organizational Psychology respectively. He is currently a 2nd year law student at Case Western Reserve University and a law clerk at Robert Brown, LLC. in Cleveland, Ohio. Jamison has previously spent 3 years working with members of the U.S. House of Representatives.

Karla E. Gil is a graduate of the University of Texas at Austin with a degree in Social Work and a Bridging Discipline Certificate in Human Rights & Social Justice. She is a 3rd year law student at Case Western Reserve University and a law clerk at Robert Brown, LLC. in Cleveland, Ohio. Prior to law school, Karla worked at nonprofits advocating for immigrant's rights as well as foster children on the United States-Mexico Border.

¹⁹See American Bar Association, *About Notario Fraud* (July 19, 2018), https://www.americanbar.org/groups/public_interest/immigration/projects_initiatives/fight-notario-fraud/about_notario_fraud/.

PERSONAL JURISDICTION IN THE SIXTH CIRCUIT: IS *CALPHALON v. ROWLETTE* NON-STICK PRECEDENT?

Jay Carson
FBA-NDOH Member

On its face, the Sixth Circuit's 2-1 decision in *Calphalon v. Rowlette*, 228 F.3d 718 (2000), presents the "go-to" case for a defendant contesting personal jurisdiction. It has been cited by courts 506 times since it was decided and again, on its face, moves to restate the established requirements for personal jurisdiction. In *Calphalon*, the defendant, Rowlette had worked as an exclusive sales representative for the Ohio-based Calphalon for seventeen years. He corresponded frequently by letter, phone and fax to Calphalon's Ohio offices. He had travelled to Ohio several times for training and to take a potential customer on a factory tour. He had signed and renewed contracts with Calphalon in Ohio and was paid in sales commissions from Ohio, for products made in and shipped from, Ohio. Looking at just those superficial facts, Rowlette would seem to have a substantial relationship connection with Ohio. Yet the majority found that Rowlette's contacts with Ohio were merely random and fortuitous and arose only because Ohio was where Calphalon happened to be located.

Such a holding on these facts would understandably lend encouragement to defendants seeking to avoid being haled into a federal court in Ohio. But closer examination shows that its holding relies on the peculiar facts of the case and that the majority elevated the significance of certain facts over others. In addition, Judge Hillman dissented in *Calphalon*, writing a lengthy and sometimes caustic opinion in which he argued that the majority's decision conflicts with the U.S. Supreme Court's decision in *Burger King Corp. v. Rudzewicz*, 105 S. Ct. 2174 (1985).

Subsequent courts confronted with *Calphalon*, have either distinguished the cases before them from its unusual facts, or, in some cases, followed the dissent's lead, noting that the majority's holding is difficult to reconcile with the holding in *Burger King*.

Therein lies the danger in *Calphalon*. For a defendant contesting personal jurisdiction, it looks like a dispositive-slam-dunk case, which may result in the defendant overplaying its hand. Likewise, a plaintiff confronted with a motion to dismiss based on *Calphalon* who does not dig deeper into the factual and procedural peculiarities of that case risks an adverse ruling on what would otherwise be a winnable motion. The lawyer who cites the case simply for a boiler plate exposition of the law of personal jurisdiction without regard to its peculiarities may inadvertently complicate his or her case. As a result, applying *Calphalon*'s holding is often as slippery as the namesake plaintiff's products.

Personal Jurisdiction Basics

In discussing why *Calphalon* is problematic, a review of the basics of personal jurisdiction is helpful. Establishing personal jurisdiction in Ohio, whether in state or federal court is a two-step process. First, the court determines whether the state's 'long-arm' statute, R.C. 2307.382, confers personal jurisdiction. Because the statute is expansively written and broadly construed, this question is usually answered in the affirmative. The Ohio Long Arm Statute states, as it pertains to non-tort claims:

(A) A court may exercise personal jurisdiction over a person who acts directly or by an agent, as to a cause of action arising from the person's:

- (1) Transacting any business in this state;
- (2) Contracting to supply services or goods in this state;

Ohio courts have construed the “transacting any business” clause broadly to encompass any “carrying on” business or “having dealings” within Ohio.ⁱⁱ Indeed, Ohio courts have held that the word “transact” “embraces in its meaning the carrying on or prosecution of business negotiations but it is a broader term than the word ‘contract’ and may involve business negotiations which have been either wholly or partly brought to a conclusion”ⁱⁱⁱ Applying this broad interpretation, almost any type of business activity or attempt to do business, in Ohio or with an entity in Ohio would likely qualify.

Second, the court decides whether granting jurisdiction under the statute would deprive the defendant of its Fourteenth Amendment right to due process.^{iv} The seminal case there is *Burger King*.^v The *Burger King* court, expanding on the rules laid out in *International Shoe and World Wide Volkswagen*, held that “the constitutional touchstone” in determining personal jurisdiction is “whether the defendant purposefully established ‘minimum contacts in the forum state.’”^{vi} This “purposeful availment” requirement ensures that a defendant will not be haled into a jurisdiction solely as a result of “random,” “fortuitous,” or “attenuated” contacts, or of the “unilateral activity of another party or a third person,”^{vii}

Conversely, “Jurisdiction is proper,[] where the contacts proximately result from actions by the defendant *himself* that create a “substantial connection” with the forum State. Thus where the defendant “deliberately” has engaged in significant activities within a State, or has created “continuing obligations” between himself and residents of the forum, he manifestly has availed himself of the privilege of conducting business there, and because his activities are shielded by “the benefits and protections” of the forum’s laws, it is presumptively not unreasonable to require him to submit to the burdens of litigation in that forum as well.”^{viii1}

The leading 6th Circuit case on purposeful availment, which the Burger King decision informs and amplifies, is *Southern Machine Company v. Mohasco Industries, Inc.*, 401 F.2d 374 (6th Cir.1968). The *Mohasco* case provides the basic rubric for personal jurisdiction. Under *Mohasco*, first, the defendant must purposefully avail himself of the privilege of acting in the forum state or causing a consequence in the forum state. Second, the cause of action must arise from the defendant’s activities there. Finally, the acts of the defendant or consequences caused by the defendant must have a substantial enough connection with the forum state to make the exercise of jurisdiction over the defendant reasonable.^{ix}

The Facts in Calphalon

Calphalon evokes the cliché that “bad facts make bad law,” or in this case, at least unclear law. Calphalon is an Ohio based company that manufactures non-stick cookware. Rowlette was Calphalon’s exclusive sales representative for the states of Minnesota, Iowa, North Dakota, South Dakota, and Nebraska. This exclusive representative relationship between Rowlette and Calphalon lasted over seventeen years.

¹Note that this article deals only with “specific personal jurisdiction,” where the plaintiff asserts jurisdiction based on the defendant’s specific contacts with the forum state, rather than “general personal jurisdiction” where jurisdiction flows from the defendant’s general presence in the forum.

Rowlette did not sell products in Ohio. Nor did Rowlette directly order products from Ohio on behalf of customers. Instead, Rowlette—product catalog in hand—approached potential customers in the four upper Midwest states that comprised his territory and extolled the virtues of Calphalon’s pots and pans. Those customers then placed product orders directly with Calphalon. Calphalon shipped the products from Ohio to the customers in Rowlette’s territory and cut a check to Rowlette for his commission. Thus, Rowlette was never involved in a transaction in Ohio—saving, of course, his sales representative agreement with Calphalon. Strangely, although the fact that customers placed their orders directly—*independent of Rowlette*—seems to be a dispositive fact, the majority does not highlight in its factual summary and mentions it only obliquely in its discussion.

From 1980 to 1996, the parties’ relationship was governed by a letter agreement. In 1996 and 1997, however, Rowlette executed a more formal one-year manufacturer’s representative agreement with Calphalon. During the term of the formal agreements alone, Rowlette corresponded with Calphalon in Ohio via telephone, fax, and mail. Rowlette also made two physical visits to Ohio in 1996: one for a mandatory sales meeting and another to accompany a client on a tour of the Calphalon facilities. The 1996 agreement also provided that Ohio law applied to its interpretation. The parties renewed their agreement in 1997. At the end of 1997, however, Calphalon told Rowlette that it was not going to renew the agreement again.

In early May 1998, Rowlette’s counsel wrote to Calphalon threatening suit for breach of contract and unpaid commissions. On May 27, Calphalon preemptively filed suit in the United States District Court for the Northern District of Ohio, seeking a declaratory judgment that: Ohio law controls the agreement; Calphalon’s termination of Rowlette was lawful; and Calphalon does not owe additional commissions to Rowlette. Rowlette, in turn, filed suit in Minnesota state court, and moved to dismiss the Ohio federal court action for lack of personal jurisdiction. Subsequently, Rowlette filed suit in Minnesota state court, claiming Calphalon breached the manufacturer’s representative agreement and seeking payment of earned commissions. Rowlette then filed a special appearance in the Ohio federal case and moved for dismissal of the Ohio action under Federal Rule 12(b)(2), alleging lack of personal jurisdiction.

The district court granted Rowlette’s motion to dismiss, finding that it lacked specific personal jurisdiction over Rowlette. The court gave some thought to the idea that Rowlette was subject to the Ohio long-arm statute, Ohio Rev.Code § 2307.382, but held that even under the long-arm statute, Rowlette lacked sufficient minimum contacts with Ohio to meet due process requirements.^x

The Calphalon Holding

The Sixth Circuit, applying the *Mohasco* analysis and significantly relying on *Burger King*, affirmed the district court in a 2-1 decision, holding that Rowlette did not purposefully avail himself of the privilege of conducting activities in Ohio and that the *quality* of its relationship to Calphalon in Ohio can reasonably be viewed as “random,” “fortuitous,” or “attenuated.”^{xi} But in reaching this conclusion, the majority highlighted certain facts and procedural aspects of the case while downplaying others. For example, the majority held that “the mere existence of a contract between Rowlette^{xii} and an Ohio citizen for **seventeen months** is insufficient to confer personal jurisdiction over Rowlette.” For reasons not explained in the opinion, the majority focused only on the parties’ relationship after the formal agreement was signed in 1996, to the exclusion of their sixteen-year history of dealings from 1980 to 1996.

²The inspiration for this article was an opposing counsel who argued (incorrectly) that *Calphalon* must be read as holding that a seventeen-year contractual relationship does not amount to “substantial contacts” and that the majority’s reference to “seventeen months” was a merely scrivener’s error that should be read as “seventeen years.”

This focus on the final seventeen months of the relationship—and the majority’s silence as to the reason for it—creates confusion as to what *Calphalon* really means. A hurried reader who merely scans the facts and the majority’s holding may well come away with the misimpression that the majority found the seventeen-year relationship to be merely fortuitous.²

The other peculiarity that makes *Calphalon* a poor choice as the “go-to” case for personal jurisdiction is that it arises out of a declaratory judgment action, not a breach of contract suit. Because *Burger King* and *Mahasco*, were breach of contract cases, the personal jurisdiction analysis naturally includes an inquiry into where the breach occurred. The *Calphalon* majority treated the case as a breach of contract action and looked at whether the “operative facts of the controversy arise from the defendant’s contacts with the state.”^{xiii} Looking at where the “operative facts” arise, however, presents a problem in declaratory judgment actions, which typically involve purely legal questions of contract interpretation. In declaratory judgment action, the only operative facts would seem to be that the parties entered into a contract to be governed by Ohio law, with performance to take place both in Ohio and the Rowlette territory, and that *Calphalon* sought a declaration as to its rights under the contract.

Yet the majority treated the case as a breach of contract action rather than a declaratory judgment:

In this case, the facts at issue did not occur in the forum state nor were the **consequences of the breach** substantially connected to the forum state. Rowlette's performance of the terms of the agreement and any earning of commissions occurred in the states of Rowlette's sales territory, not Ohio.^{xiv}

Beginning from the proposition that personal jurisdiction arises out of a party’s purposeful availment of doing business in that state, it would seem incongruous that the breach of a contract would confer jurisdiction, while performance of the same contract would not. Surely, in his seventeen years as *Calphalon*’s exclusive representative in the upper mid-west, Rowlette generated revenue for *Calphalon* that it received in Ohio. Applying the majority’s rationale, had the procedural posture been different, with Rowlette somehow breaching his contract with *Calphalon*, *Calphalon* would have realized the harm in Ohio, and would have had a far stronger case. As it happened, though, *Calphalon*’s declaratory judgment action did not allege any actual damages in Ohio, nor any specific action in Ohio (beyond entering into the contract) that would give rise to a cause of action.

Lastly, the *Calphalon* majority highlighted the importance of the “quality” of the defendant’s contacts with the forum state. Certainly, the quality of a defendant’s contacts speaks to the reasonableness of it being haled into the forum state. But the majority seemed to find high quality contacts only where a defendant intentionally sought to do business in the forum state and that the performance of the contract did not occur in the forum state.^{xv3} Beyond that, however, the majority provided little guidance as to how to evaluate the quality of a defendant’s contacts. As the dissent, and later courts have noted, this focus on whether the defendant was seeking to exploit the Ohio market seems at odds with the Supreme Court’s *Burger King* decision, where a Michigan franchisee contracted with *Burger King* Florida, but all product sales occurred in Michigan.

³Of course, *Calphalon*’s performance--the payment of commissions pursuant to the contract—and the subject on which it sought declaratory judgment, occurred in Ohio.

The Calphalon Dissent

Judge Hillman dissented vigorously in *Calphalon*, raising the issues noted above. His dissent pulled no punches, criticizing the majority for over-emphasizing some facts while disregarding others:

“the majority goes to great lengths to minimize the seventeen-year continuing business relationship between these parties and to broaden the notion of “fortuitous” contacts so as to expand the concept beyond all recognition. While citing the relevant controlling language from the cases, the majority distorts and distinguishes the facts of this case in ways that render those controlling decisions meaningless. In the end, the instant decision is almost unrecognizable under modern notions of personal jurisdiction, harking back to the days of *725 *Pennoyer v. Neff*, 95 U.S.”

More specifically, the dissent charged that the majority’s decision runs afoul of the Supreme Court’s *Burger King* decision, a criticism that has been echoed by later courts:

“Despite citing language from *Burger King*, the majority appears to disregard its fundamental import. The majority arrives at its finding of no personal jurisdiction by breaking the argument and evidence into discrete and distorted portions and addressing them seriatim, rather than viewing the relationship in its entirety.”

And

the majority repeatedly observes that Rowlette did not sell products in Ohio to Ohio citizens, suggesting that to establish jurisdiction, the defendant must exploit the end market in the forum state. Such a suggestion makes no sense at all and, with all due respect, is patently absurd. In *Burger King*, the franchisee sold no hamburgers in Florida. The Supreme Court did not consider the identity of Rudzewicz's ultimate customers; it considered the identity and relationship with the relevant Florida resident—Burger King, Inc.

Later treatment of Calphalon

The dissent’s concern about a conflict with *Burger King* has manifested itself in numerous Sixth Circuit decisions. In *Frankenmuth Mutual Ins. Co. v. Appalachian Underwriters, Inc.*, No. 03–10193, 2004 WL 1406121 (E.D. Mich. 2004), the defendant was a Tennessee insurance provider that contracted with a Michigan insurance agency to sell workers’ compensation policies in a number of states, not including Michigan. Frankenmuth sued Appalachian in the Eastern District of Michigan for various breaches of contract. Appalachian relied heavily on *Calphalon* and moved to dismiss for lack of personal jurisdiction. Frankenmuth responded that *Burger King* controlled, and that its case was factually more akin to *Burger King*. The court noted the apparent conflict:

The Court finds it difficult to reconcile the holding in *Calphalon* with the Supreme Court's pronouncements in *Burger King*. In both cases, a national organization entered into an affiliation relationship with a representative in another state. There were no unique or geographically significant features that were apparent from the manufacturer's or franchisor's choice of the forum state as business headquarters in either case. The representatives in each case entered into a contractual relationship that contemplated regular dealings with the main organization at its headquarters over an extended period of time. Both contracts contained choice-of-law provisions denominating the law of the forum state as the rules of decision governing disputes. Nonetheless, the *Calphalon* court found that the defendant's contacts with Ohio were fortuitous and attenuated, while the Court in *Burger King* held exactly the opposite.^{xvi}

The *Frankenmuth* court avoided the uncomfortable position of holding that *Calphalon* was entirely incompatible with *Burger King* by offering that, “If there is a distinction to be made between the critical facts in *Calphalon* and *Burger King*, it perhaps can be derived from the absence of any activity by Rowlette himself directed into the forum state.” The court also took a subtle swipe at the *Calphalon* majority’s limited discussion of the facts, stating, “[f]or all that can be determined from the opinion in that case, it appears that Rowlette simply arranged sales in other states and reported on market conditions there.” And on that basis, the *Frankenmuth* court found that the facts before it were far closer to those in *Burger King*, and rejected *Calphalon*. Similarly, in the recent case of *Bettcher v. Cutting Edge Services Limited* 2018 WL 3549845, the Northern District of Ohio specifically requested briefing and held oral argument regarding whether *Calphalon* and *Burger King* could coexist. After oral argument, the court issued an order noting that while “this Court finds it difficult to reconcile the Sixth Circuit decision in *Calphalon* with the Supreme Court ruling in *Burger King*,” the court held that *Calphalon* was distinguishable on its unusual facts.

In another recent case, *Knowledge Based Sols., Inc. v. Dijk*, 2017 WL 3913129, *7 (Sept. 7, 2017), the Eastern District of Michigan seemed to take an even harder line stating, “[a]s for *Calphalon*, that case has often been criticized as irreconcilable with controlling Supreme Court precedent.” In that case, the court, like many others, avoided the apparent conflict by finding *Calphalon* factually distinguishable.

Other courts have relied on *Calphalon*’s procedural posture as a declaratory judgment action to distinguish its holding from *Burger King*. For example, in *Functional Pathways of Tenn., LLC v. Wilson Senior Care, Inc.*, 866 F.Supp.2d 918, 925 (E.D.Tenn.2012), the court noted that “[s]everal courts have distinguished *Calphalon* from the majority of breach of interstate contract claims, because in *Calphalon*, the plaintiff company sought declaratory judgment that it owed nothing to a former sales representative [whereas] [i]n this case, like most others for breach of contract, Plaintiff seeks economic damage for an alleged breach of contract that threate[ne]d or otherwise adversely affected Plaintiff’s ability to conduct business.” Again, it seems unusual for courts to rely on a distinction that the *Calphalon* majority itself did not seem to consider, but the unusual nature of the case and the need to harmonize it with Supreme Court precedent invites such an approach.

Conclusion

The first lesson of *Calphalon*, of course, is when possible, include a venue clause. The contract at issue in *Calphalon* included a choice of law provision (Ohio), but no forum selection clause. And while a contractual choice of law adds to the contacts and reasonableness of being haled into court, standing by itself, it is not dispositive. Even better, is a contract that includes a forum selection clause and recitations that the parties acknowledge that performance will occur within the desired forum and that the agreement to litigate in a particular forum forms part of the consideration for the agreement.

Second, documenting contacts with a contractual party in another jurisdiction will help build a factual record that can be used to distinguish a case.

Third, because the distinguishing facts in *Calphalon* are not readily apparent from the decision, it reminds us to dig for the actual facts of the case, turning to the underlying briefs or other court documents where necessary.

Finally, *Calphalon* teaches that no matter how many times a case has been cited, its precedential value is not always clear, and some precedents are more likely to stick than others.

ⁱ*Id*

ⁱⁱ*Kentucky Oaks Mall Company v. Mitchell's Formal Wear, Inc.*, 53 Ohio St.3d 73, 559 N.E.2d 477, 480 (Ohio 1990), cert. denied, 499 U.S. 975, 111 S.Ct. 1619, 113 L.Ed.2d 717 (1991); *Ricker v. Frazz/Forklifts of Detroit*, 160 Ohio App.3d 634, 828 N.E.2d 205, 209 (2005).

ⁱⁱⁱ*Kentucky Oaks Mall Company*, 53 Ohio St.3d at 75; *Ohlman Farm & Greenhouse, Inc. v. Kanakry*, 6th Dist. Lucas No. L-13-1264, 2014-Ohio-4731, ¶¶ 20-22. (Emphasis added.)

^{iv}*U.S. Sprint Communications Co. Ltd. Partnership v. Mr. K.'s Foods, Inc.*, 68 Ohio St.3d 181, 183–184, 624 N.E.2d 1048 (1994).

^v*Burger King Corp.*, 471 U.S. at 462, 475.

^{vi}471 U.S. at 462, 475–76 (internal citations omitted).

^{vii}*Id.*

^{viii}*Id.*

^{xi}*Southern Machine Company*, 401 F.2d at 381.

^x*Calphalon Corp.*, 228 F.3d at 718, 720–21.

^{xi}228 F.3d at 718, 724

^{xii}*Id.* (emphasis added).

^{xiii}*Id.* at 723.

^{xiv}*Id.* at 718, 724.

^{vx}*Id.* at 722.

^{xvi}*Frankenmuth Mut. Ins. Co.*, 2004 WL 1406121, *9.

^{xvii}*Id.*, citing, *August v. Manley Toys, Ltd.*, 68 F. Supp. 3d 722, 731 (E.D. Mich. 2014).

^{xviii}*Cf. Thompson v. Citizens Nat. Bank*, N.D. Ohio No. 1:14 CV 01197, 2015 WL 5017019, *5; *Alloy Bellows & Precision Welding, Inc. v. Cole*, N.D. Ohio No. 1:15CV494, 2015 WL 6964579, *5.

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The Northern District of Ohio Chapter will again participate in the Federal Bar Association's Law Student Mentorship program for the 2019-2020 school year. We are excited to invite each of you to join in mentoring our law student associate members for the upcoming year.

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- Completion of mentorship program evaluation forms in January and April
- Engaging in the mentorship relationship with an open mind and willingness to contribute

If you would like to participate, please complete the linked Mentor Application and return to Marisa Darden (marisa.darden@squirepb.com) and Jacqueline Greene (jgreene@f-glaw.com), Mentorship Committee Co-Chairs, by Friday, September 27, 2019.

Thank you in advance for your interest in this initiative and support of the FBA.

Click [here](#) for the attached ND Ohio Mentor Application 2018-2019

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Federal Bar Association

Northern District of Ohio Chapter

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The Attorney Constituent Group of the United States Bankruptcy Court for the Northern District of Ohio welcome everybody to join in the 2019 Bench-Bar Retreat on October 11, 2019. As well as meeting to discuss various issues unique to our bench and bar, breakout sessions, judges' panels, and town hall meetings will provide opportunities for industry updates, legal education, and engaging exchanges among practitioners and judges. The event will be held at The Lodge & Conference Center at Geneva State Park in Geneva-on-the-Lake, Ohio.

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For information on FBA-NDOC membership, events and programs, please visit our website at www.fba-ndohio.org.

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Federal Bar Association

Northern District of Ohio Chapter

BROWN BAG LUNCHEON

Facts of the Immigration Court, Assistant Chief Immigration Judge James F. McCarthy III
for the Cleveland Immigration Court.

Date/Time:

Thursday, October 24, 2019
12:00 PM - 1:00 PM

Location:

Carl B. Stokes U.S. Federal Court House
7th Floor Auditorium

REGISTRATION ONLINE ONLY

Registration Fees : (includes box lunch)

Law Students: Free

FBA Member : \$15.00 Non-member: \$20.00

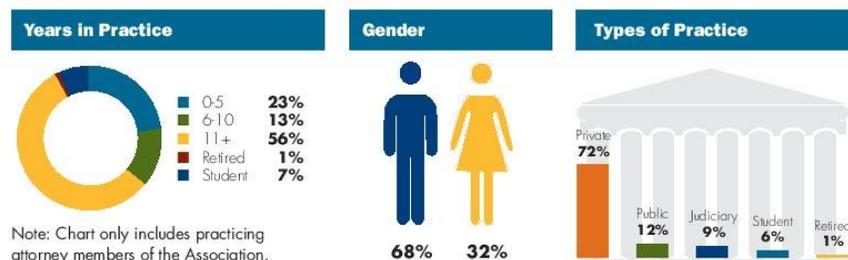
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October 16, 2019 *FBA-NDOC Board Meeting*

October 24, 2019 *Brown Bag Luncheon - Facts of the Immigration Court, Assistant Chief Immigration Judge James F. McCarthy III for the Cleveland Immigration Court.*

November 20, 2019 *FBA-NDOC Board Meeting*

December 18, 2019 *FBA-NDOC Board Meeting*

We add events to our calendar often so please check our website for upcoming events that may not be listed here.

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INTER ALIA is the official publication of the Northern District, Ohio Chapter of the Federal Bar Association.

If you are a FBA member and are interested in submitting content for our next publication please contact Stephen H. Jett no later than October 31, 2019.

Next publication is scheduled for Fall 2019.

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Northern District of Ohio Chapter

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Federal Bar Association

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