

MICHIGAN

BAR JOURNAL

OCTOBER 2023



Daniel D. Quick

State Bar of Michigan
89th President
2023-2024

The best-run law firms use Clio.

“

We have been using Clio for six years. As our firm grows and our needs mature, Clio is right there with us.

– Billie Tarascio, Managing Member
Modern Law, Mesa, AZ



State Bar of Michigan members
receive a 10% discount with Clio.

Clio is the world's leading practice management solution. Find out why over 150,000 lawyers trust Clio to better manage their law firm.

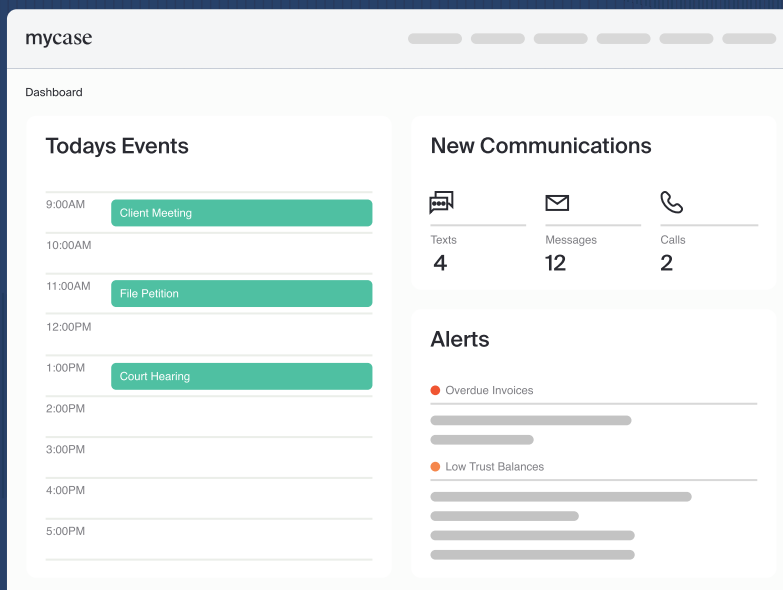
1-877-754-9153
clio.com/sbm





The #1 Rated Law Practice Management Software

Streamline your cases, track more time, communicate with clients quickly, and get paid faster with MyCase.



“ As a business owner, the impact it has had on clients paying on time is tremendous.”

Michelle Diaz
Managing Attorney,
The Law Office of Michelle E. Diaz

[Visit MyCase.com](https://www.mycase.com)

800-571-8062



ICLE'S PREMIUM PARTNERSHIP

Save Time with Advice from Trusted Experts

Why spend hours researching current issues? Quickly get multiple perspectives from subject-matter experts with the Partnership's 175+ On-Demand Seminars. From engaging panel discussions to helpful demonstrations, these videos with written transcripts provide timely advice.

Want to try before you buy? Start your free trial today: www.icle.org/premiumtrial.

**“ The Partnership gives me access to advice from lawyers I trust.
That means a lot. ”**

Brian T. Gallagher
Miller Canfield PLC, Lansing



THE INSTITUTE OF CONTINUING LEGAL EDUCATION
The education provider of the State Bar of Michigan

The State Bar of Michigan • The University of Michigan Law School • Wayne State University Law School • University of Detroit Mercy School of Law • Western Michigan University Thomas M. Cooley Law School • Michigan State University College of Law

BUY TODAY
www.icle.org/premium
877-229-4350

MICHIGAN

BAR JOURNAL

OCTOBER 2023 | VOL. 102 | NO. 09

12



Leading by example
Marjory Raymer

18



Quiet confidence: Yolanda
Bennett sets sights on increasing
diversity as RA chair
Scott Atkinson

28



Michigan's business courts:
A decade of success
Douglas L. Toering and Ian Williamson

32



Book review: Detroit's Wayne
State University Law School:
Future Leaders in the Legal Community
Reviewed by John R. Runyan Jr.

OF INTEREST

- 09 IN BRIEF
- 10 NEWS & MOVES
- 11 IN MEMORIAM
- 20 2023 STATE BAR OF MICHIGAN AWARDS
- 27 MICHIGAN STATE BAR FOUNDATION

MICHIGAN
BAR
JOURNAL

OCTOBER 2023 • VOL. 102 • NO. 09

OFFICIAL JOURNAL OF THE STATE BAR OF MICHIGAN
EXECUTIVE DIRECTOR: PETER CUNNINGHAM

MANAGING EDITOR
MIKE EIDELBES

ADVERTISING
STACY OZANICH

DIRECTOR OF COMMUNICATIONS
MARJORY RAYMER

LAYOUT ASSISTANCE
CIESA INC.

DESIGN & ART DIRECTION
SARAH BROWN

MICHIGAN BAR JOURNAL COMMITTEE
CHAIRPERSON: JOHN R. RUNYAN JR.

NARISA BANDAU

GERARD V. MANTESE

AUSTIN BLESSING-NELSON

MICHAEL KEITH MAZUR

MARY BRADLEY

NEAL NUSHOLTZ

KINCAID C. BROWN

ALEXANDRA PAGE

DANIEL J. CHERRIN

ANTOINETTE R. RAHEEM

MARINA TAKAGI COBB

CHANNING ROBINSON-HOUMES

DAVID R. DYKI

ROBERT C. RUTGERS JR.

NEIL ANTHONY GIOVANATTI

MATTHEW SMITH-MARIN

NAZNEEN S. HASAN

AMY L. STIKOVICH

JOHN O. JUROSZEK

GEORGE M. STRANDER

JOSEPH KIMBLE

SARA JOY STURING

CONTACT US

BARJOURNAL@MICHBAR.ORG

ADVERTISING

ADVERTISING@MICHBAR.ORG

READ ONLINE

MICHBAR.ORG/JOURNAL

Articles and letters that appear in the Michigan Bar Journal do not necessarily reflect the official position of the State Bar of Michigan and their publication does not constitute an endorsement of views which may be expressed. Copyright 2023, State Bar of Michigan. The Michigan Bar Journal encourages republication and dissemination of articles it publishes. To secure permission to reprint Michigan Bar Journal articles, please email barjournal@michbar.org.

The contents of advertisements that appear in the Michigan Bar Journal are solely the responsibility of the advertisers. Appearance of an advertisement in the Michigan Bar Journal does not constitute a recommendation or endorsement by the Bar Journal or the State Bar of Michigan of the goods or services offered, nor does it indicate approval by the State Bar of Michigan, the Attorney Grievance Commission, or the Attorney Discipline Board.

Advertisers are solely responsible for compliance with any applicable Michigan Rule of Professional Conduct. Publication of an advertisement is at the discretion of the editor.

The publisher shall not be liable for any costs or damages if for any reason it fails to publish an advertisement. The publisher's liability for any error will not exceed the cost of the space occupied by the error or the erroneous ad.

The Michigan Bar Journal (ISSN 0164-3576) is published monthly except August for \$60 per year in the United States and possessions and \$70 per year for foreign subscriptions by the State Bar of Michigan, Michael Franck Building, 306 Townsend St., Lansing, MI 48933-2012. Periodicals postage paid at Lansing, MI and additional mailing offices. POSTMASTER: Send address changes to the Michigan Bar Journal, State Bar of Michigan, Michael Franck Building, 306 Townsend St., Lansing, MI 48933-2012.

COLUMNS

36 BEST PRACTICES

Identifying and avoiding common ethical pitfalls when drafting retainer agreements

Austin D. Blessing-Nelson

40 PLAIN LANGUAGE

Minimize prepositional phrases. Question every *of*. (Part 2)

Joseph Kimble

42 PRACTICING WELLNESS

Therapy demystified: Just what do all those letters mean?

Thomas Grden

44 LAW PRACTICE SOLUTIONS

How to value a law practice post-2020 and succession planning options for lawyers to consider

Jeremy E. Poock

48 ETHICAL PERSPECTIVE

Scam alert: What to do

Robinjit K. Eagleson

50 LIBRARIES AND LEGAL RESEARCH

Kent District Library's implementation of evidence-based selection

Brian L. Mortimore

NOTICES

53 PUBLIC POLICY REPORT

54 ORDERS OF DISCIPLINE & DISABILITY

60 FROM THE MICHIGAN SUPREME COURT

62 CLASSIFIED

REFER YOUR INJURY CASES TO BUCKFIRE LAW FIRM

Our award-winning trial lawyers are the best choice to refer your personal injury and medical negligence cases.



Robert J. Lantzy, Attorney

We are the best law firm to refer your BIG CASES.

In the past **12 months**, we have won the following verdicts and settlements. And we paid referral fees to attorneys, just like you, on many of these significant cases.

- \$9,000,000** Autistic child abuse settlement
- \$6,400,000** Civil rights prison death jury verdict
- \$6,000,000** Boating accident death
- \$1,990,000** Auto accident settlement
- \$1,000,000** Assisted living facility choking death settlement
- \$ 825,000** Neurosurgery medical malpractice settlement
- \$ 775,000** Doctor sexual assault settlement
- \$ 750,000** Motorcycle accident settlement

BUCKFIRE LAW HONORS REFERRAL FEES

We use sophisticated intake software to attribute sources of our referrals, and referral fees are promptly paid in accordance with MRPC 1.5(e). We guarantee it in writing.

HOW TO REFER US YOUR CASE

Referring us your case is fast and easy. You can:

1. Call us at **(313) 800-8386**
2. Go to **<https://buckfirelaw.com/attorney-referral>**
3. **Scan the QR Code** with your cell phone camera

Attorney Lawrence J. Buckfire is responsible for this ad: (313) 800-8386.

Refer Us These Injury Cases

- Auto Accidents
- Truck Accidents
- Motorcycle Accidents
- No-Fault Insurance
- Dog Attacks
- Medical Malpractice
- Cerebral Palsy/Birth Injury
- Nursing Home Neglect
- Wrongful Death
- Police Misconduct
- Sexual Assault
- Defective Premises
- Poisonings
- Other Personal Injuries





2023-24 MEETINGS

BOARD OF COMMISSIONERS

NOVEMBER 17, 2023
 JANUARY 19, 2024
 MARCH 1, 2024 (IF NECESSARY)
 APRIL 19, 2024
 JUNE 14, 2024
 JULY 26, 2024



STATE BAR OF MICHIGAN RESOURCES & SERVICES

ETHICS

Phone: 877.558.4760
 Email: ethics@michbar.org

LAWYERS AND JUDGES ASSISTANCE PROGRAM

Phone: 800.996.5522
 Email: contactljap@michbar.org

LAWYER REFERRAL SERVICE

Website: michbar.org/LRS

PRACTICE MANAGEMENT RESOURCE CENTER

Phone: 800.341.9715
 Email: pmrhelpline@michbar.org

STATE BAR OF MICHIGAN

BOARD OF COMMISSIONERS

Daniel D. Quick, Troy, President
 Joseph P. McGill, Livonia, President-Elect
 Lisa J. Hamameh, Southfield, Vice President
 Erika L. Bryant, Detroit, Secretary
 Thomas H. Howlett, Bloomfield Hills, Treasurer
 David C. Anderson, Southfield
 Yolanda M. Bennett, Lansing
 Aaron V. Burrell, Detroit
 Hon. B. Chris Christenson, Flint
 Ponce D. Clay, Detroit
 Tanya Cripps-Serra, Detroit
 Sherrie L. Detzler, Utica
 Robert A. Easterly, Okemos
 Nicole A. Evans, East Lansing
 Hon. Kameshia D. Gant, Pontiac
 Suzanne C. Larsen, Marquette
 Joshua A. Lerner, Royal Oak
 James W. Low, Southfield
 Sylvia A. Mansoor, Livonia
 Gerard V. Mantese, Troy
 Gerrow D. Mason, Marysville
 Thomas P. Murray Jr., Grand Rapids
 Valerie R. Newman, Detroit
 Takura N. Nyamfukudza, Okemos
 Nicholas M. Ohanesian, Grand Rapids
 Hon. David A. Perkins, Detroit
 Colemon L. Potts, Detroit
 John W. Reiser III, Ann Arbor
 Hon. Kristen D. Simmons, Lansing
 Delphia T. Simpson, Ann Arbor
 Matthew B. Van Dyk, Kalamazoo
 Danielle Walton, Pontiac
 Hon. Erane C. Washington, Ann Arbor

AMERICAN BAR ASSOCIATION

321 North Clark Street, Chicago, IL 60610
 312.988.5000

MICHIGAN DELEGATES

Dennis W. Archer, ABA Past President
 Pamela Chapman Enslin, Section of
 Dispute Resolution
 Carlos A. Escurel, State Bar Delegate
 Aysha F. Allos, State Bar Young Lawyers Section
 Sheldon G. Larky, State Bar Delegate
 Thomas M. J. Lavigne, State Bar Delegate
 James W. Low, Oakland County Bar
 Association Delegate
 Hon. Denise Langford Morris,
 National Bar Association
 Joseph P. McGill, State Bar Delegate
 Harold D. Pope III, State Delegate
 Daniel D. Quick, State Bar Delegate
 Reginald M. Turner Jr., ABA Past President
 Janet K. Welch, State Bar Delegate

MICHIGAN STATE BAR FOUNDATION

Michael Franck Building, 306 Townsend St.
 Lansing, MI 48933 517.346.6400

DIRECTORS

Craig H. Lubben, President
 Julie I. Fershtman, Vice President
 Richard K. Rappleye, Treasurer
 Ronda Tate Truvillion, Secretary
 Thomas R. Behm
 Thomas W. Cranmer
 Steven G. Howell
 W. Anthony Jenkins
 Karen Leppanen Miller
 Hon. William B. Murphy
 Jonathan E. Osgood
 Michael L. Pitt
 Robert F. Riley
 Hon. Victoria A. Roberts
 Richard A. Soble
 Hon. Elizabeth T. Clement, Ex Officio
 Daniel D. Quick, Ex Officio
 Joseph P. McGill, Ex Officio
 Jennifer S. Bentley, Executive Director

ATTORNEY GRIEVANCE COMMISSION

PNC Center
 755 W. Big Beaver Rd., Ste. 2100
 Troy, MI 48084 | 313.961.6585
 Michael V. Goetz, Grievance Administrator

JUDICIAL TENURE COMMISSION

Cadillac Place
 3034 W. Grand Blvd., 8th Floor, Ste. 450
 Detroit, MI 48202 | 313.875.5110
 Lynn A. Helland, Executive Director
 and General Counsel

ATTORNEY DISCIPLINE BOARD

333 W. Fort Street, Ste. 1700
 Detroit, MI 48226 | 313.963.5553
 Mark A. Armitage, Executive Director
 and General Counsel

RECENTLY RELEASED

MICHIGAN LAND TITLE STANDARDS

6TH EDITION
8TH SUPPLEMENT (2021)

The Eighth Supplement (2021) to the 6th Edition of the Michigan Land Title Standards prepared and published by the Land Title Standards Committee of the Real Property Law Section is now available for purchase.

Still need the 6th edition of the Michigan Land Title Standards and the previous supplements? They are also available for purchase.

DUTY TO REPORT AN ATTORNEY'S CRIMINAL CONVICTION

All Michigan attorneys are reminded of the reporting requirements of **MCR.9120(A)** when a lawyer is convicted of a crime

WHAT TO REPORT:

A lawyer's conviction of any crime, including misdemeanors. A conviction occurs upon the return of a verdict of guilty or upon the acceptance of a plea of guilty or no contest.

WHO MUST REPORT:

Notice must be given by all of the following:

1. The lawyer who was convicted;
2. The defense attorney who represented the lawyer; and
3. The prosecutor or other authority

WHEN TO REPORT:

Notice must be given by the lawyer, defense attorney, and prosecutor within 14 days after the conviction.

WHERE TO REPORT:

Written notice of a lawyer's conviction must be given to **both**:

Grievance Administrator

Attorney Grievance Commission
PNC Center
755 W. Big Beaver Road, Suite 2100
Troy, MI 48084

Attorney Discipline Board

333 W. Fort St., Suite 1700
Detroit, MI 48226

STATE BAR OF MICHIGAN

REPRESENTATIVE ASSEMBLY

CIRCUIT 1

Vacancy

CIRCUIT 2Blair M. Johnson
Amber D. Peters**CIRCUIT 3**Deborah K. Blair
Erika L. Bryant
Aaron V. Burrell
LaKena T. Crespo
Robin E. Dillard
Jennifer Celeste Douglas
Macie Dru Ann Tuiasosopo Gaines
Hon. Kristina Robinson Garrett
Julia Aileen Gilbert
Elizabeth Moehle Johnson
Daniel S. Korobkin
Dawn S. Lee-Cotton
Joseph P. McGill
Shanika A. Owens
Richard M. Soranno
Lisa W. Timmons
Vacancy
Vacancy
Kimberley A. Ward
Rita O. White**CIRCUIT 4**Brad Andrew Brelinski
Andrew P. Kirkpatrick**CIRCUIT 5**

Steven Gregory Storrs

CIRCUIT 6David C. Anderson
Michael J. Blau
Fatima M. Bolyea
Mary A. Bowen
James Patrick Brennan
J. Matthew Catchick, Jr.
Jennifer A. Cupples
Alec Michael D'Annunzio
David James Eagles
Dennis M. Flessland
J. Scot Garrison
Karen Renee Geibel
Lisa J. Hamameh
Edward L. Haroutunian
Thomas H. Howlett
Emily A. Karr
Dawn Michelle King
Michael August Knoblock
Mathew Kobliska
Tracey L. Lee
Daniel D. Quick
Ryenne E. Rizzo
Steven L. Rotenberg
Michael E. Sawicky
James T. Weiner
Vacancy
Vacancy
Vacancy
Vacancy
Vacancy
Vacancy**CIRCUIT 7**Marc Daniel Morse
Vacancy
Vacancy**CIRCUIT 8**

Vacancy

CIRCUIT 9Donald L.R. Roberts
Reh Starks-Harling
Vacancy**CIRCUIT 10**Jennifer A. Jones
Vacancy**CIRCUIT 11**

Chad W. Peltier

CIRCUIT 12

Vacancy

CIRCUIT 13Agnieszka Jury
Jacqueline P. Olson
Anca I. Pop**CIRCUIT 14**Jennifer J. Roach
Vacancy**CIRCUIT 15**

Vacancy

CIRCUIT 16Hon. Alyia Marie Hakim
Laura Polizzi
Vacancy
Vacancy
Lauren Walker
Ashley Zacharski**CIRCUIT 17**Brent Thomas Geers
Joshua Z. Kosmerick
Jonathan L. Paasch
Natasha L. Rao
Ashleigh Kline Russett
Philip Louis Strom
Vacancy
Vacancy**CIRCUIT 18**Stephan M. Gaus
Vacancy**CIRCUIT 19**

Lesya N. Dull

CIRCUIT 20Anna C. White
Christopher Matthew Wirth**CIRCUIT 21**

Becky J. Bolles

OFFICERSYolanda M. Bennett, Chairperson
John W. Reiser III, Vice Chairperson
Nicole A. Evans, ClerkMICHBAR.ORG/GENERALINFO/REPASSEMBLY**UPCOMING****MEETINGS**April 20, 2024
September 2024**CIRCUIT 22**Mark W. Jane
Elizabeth C. Jolliffe
John W. Reiser, III
Marla Linderman Richelew
Vacancy
Vacancy**CIRCUIT 23**

Duane L. Hadley

CIRCUIT 24

Matthew C. Lozen

CIRCUIT 25Vacancy
Hon. Karl A. Weber**CIRCUIT 26**

Vacancy

CIRCUIT 27

Vacancy

CIRCUIT 28

Vacancy

CIRCUIT 29Vacancy
Vacancy**CIRCUIT 30**Yolanda M. Bennett
Alena M. Clark
Robert A. Easterly
Nicole A. Evans
Kara Rachel Hart-Negrich
Joshua M. Pease
Vacancy
Jessica L. Zimbelman**CIRCUIT 31**Richard William Schaaf
Vacancy**CIRCUIT 32**

Rudolph F. Perhalla

CIRCUIT 33

Kevin G. Klevorn

CIRCUIT 34

Hon. Troy B. Daniel

CIRCUIT 35

Michael L. Herendeen

CIRCUIT 36

Vacancy

CIRCUIT 37Angela Easterday
Lee D. Graham**CIRCUIT 38**Vacancy
Vacancy**CIRCUIT 39**

Katarina L. DuMont

CIRCUIT 40

Bernard Anthony Jocuns

CIRCUIT 41

Hon. Christopher S. Ninomiya

CIRCUIT 42Vacancy
Vacancy**CIRCUIT 43**

Vacancy

CIRCUIT 44David T. Bittner
Dennis L. Perkins**CIRCUIT 45**

Vacancy

CIRCUIT 46

Courtney Eugene Cadotte

CIRCUIT 47

Lauren Mary Wickman

CIRCUIT 48

Vacancy

CIRCUIT 49

Vacancy

CIRCUIT 50

Robert L. Stratton

CIRCUIT 51

Tracie Lynn McCarn-Dinehart

CIRCUIT 52

Dallas Rooney

Circuit 53

Melissa Goodrich

CIRCUIT 54

Vacancy

CIRCUIT 55

Vacancy

CIRCUIT 56Timothy Hilton Havis
Adam Hunter Strong**CIRCUIT 57**

Christina L. DeMoore

IN BRIEF

MiFILE SEEKS ATTORNEY FEEDBACK

MiFILE, the Michigan judiciary's electronic system for filing and serving documents online, would like your feedback on:

- 1) a potential new feature that would produce a civil summons for you, and
- 2) a change to existing functionality for e-service.

Your input will help determine the benefit of these features to you and other stakeholders. Please submit your feedback at www.research.net/r/3DZ27R8.

ALTERNATIVE DISPUTE RESOLUTION SECTION

The section announced the recipients of its 2023 awards. The honorees are Sheldon J. Stark (Distinguished Service Award); Zenell Brown (Diversity and Inclusion Award); Anne Bachle Fifer (Nanci S. Klein Award); Naki-sha Chaney (Hero of ADR Award); and Jennifer M. Greico and Zena Zumeta (George N. Bashara Jr. Award). The recipients will be honored at a ceremony at the Inn at St. Johns in Plymouth on Tuesday, Oct. 24.

BUSINESS LAW SECTION

The section honored Michael Khoury of FisherBroyles in Detroit as this year's recipient of its Stephen H. Schulman Outstanding Business Lawyer Award. Khoury was honored at the section's annual meeting in Grand Rapids on Friday, Oct. 6.

CANNABIS LAW SECTION

The U.S. Department of Health and Human Services recommended to the DEA to reschedule cannabis from schedule 1 to schedule 3 under the federal Controlled Substances Act. This would remain at odds with adult-use cannabis laws adopted by many states and would do little to resolve that conflict. Schedule 3 drugs like ketamine and anabolic steroids require a doctor's prescription and are only available from pharmacies. Cannabis is currently scheduled with heroin as lacking any medical utility despite thousands of clinical studies proving otherwise.

ENVIRONMENTAL LAW SECTION

The section's joint conference, co-sponsored with the East and West Michigan chapters of the Air and Waste Management Association, will be held on Thursday, Nov. 2, at the Lansing Community College West Campus. Detailed event information and past event materials are available at connect.michbar.org/envlaw.

GOVERNMENT LAW SECTION

The section's quarterly publication, Briefly, includes articles about important legal decisions, new state regulations and legislation, and discussions of current issues impacting governments. Check the section website for more information; we encourage readers to submit ideas, suggestions, and/or articles. All input is welcome. Also, the section's annual winter conference is not that far off. Watch for updates!

LGBTQ+ LAW SECTION

The section announced that the inaugural issue of its online journal, Writing on the Stonewall, will be published and available to members during the first week of November. The first issue will include articles on the parentage presumption, transgender rights, rainbow flags in schools, the use of personal pronouns in court, the U.S. Supreme Court wedding website decision, and LGBTQ+ rights post-Bostock.

REAL PROPERTY LAW SECTION

Join us for Real Estate Outlook 2024 on Thursday, Nov. 2, at the Detroit Athletic Club. Dr. Eric Scorsone, director of the MSU Extension Center for Local Government Finance and Policy, will provide insight into the current economic environment, its effect on Michigan's economy, and the potential real estate opportunities it presents. Roundtable discussions with experienced attorneys focusing on various topics will follow. The event begins with breakfast at 7:30 a.m.; the program runs from 8-9:45 a.m. Register at na.eventscloud.com/reo2024.

WORKERS' COMPENSATION LAW SECTION

Kevin Kales was designated as chair of the Michigan Workers' Compensation Commission Board of Magistrates for a term that began on Aug. 17, 2023, and expires at the pleasure of the governor. The section's winter meeting will take place on Friday, Dec. 8, starting at 9 a.m. at the Crowne Plaza Lansing West at 925 S. Creyts Road. Section members are not required to preregister.



Claims Against Stockbrokers

STOCK LOSS • Broker at Fault
We're committed to helping your clients recover

FREE CONSULTATION
All referral fees honored

Call Peter Rageas
Attorney-At-Law, CPA

www.brokersecuritiesfraud.com

313.674.1212
Rageas@sbcglobal.net

MICHIGAN
BAR JOURNAL

READ THE BAR JOURNAL ONLINE!

MICHBAR.ORG/JOURNAL

NEWS & MOVES

ARRIVALS AND PROMOTIONS

GREGORY M. BUSSELL has joined Fishman Stewart.

MICHAEL G. SARAFA has joined Butzel as counsel.

AWARDS AND HONORS

Wayne County Circuit Court Judge **DAVID. J. ALLEN** was named recipient of the Michigan Judges Association Hilda Gage Judicial Excellence Award for 2023. The award recognizes a current or former judge who demonstrates competence in docket management and managing trials as well as contributions to the profession, legal scholarship, and the community.

RICHARD A. "RIC" ROANE, a partner with Warner Norcross & Judd, has been selected for the 2023 class of Senior Neighbors 16 Over 60. Now in its sixth year, Senior Neighbors annually selects 16 Kent County

residents older than 60 who have inspired others and positively impacted the community through business excellence and other extraordinary efforts.

OTHER

BUTZEL has been named one of 2023 Best Places to Work by Crain's Detroit Business.

FRANCINE CULLARI, who practices in Grand Blanc, has been admitted to the Washington State Bar.

PRESENTATIONS, PUBLICATIONS, AND EVENTS

MICHIGAN DEFENSE TRIAL COUNSEL will host its winter conference on Friday, Nov. 3, at the Sheraton Detroit Novi Hotel.

Have a milestone to announce? Please send your information to News & Moves at newsandmoves@michbar.org.

DENTAL MALPRACTICE CASES CALL FOR SPECIAL EXPERTISE

When a client comes to you with a dental malpractice problem you can:

- turn down the case
- acquire the expertise
- refer the case

As nationally recognized,* experienced dental malpractice trial lawyers, we are available for consultation and referrals.

*invited presenter at nationally-attended dental conferences

*practiced or pro hac vice admission in over 35 jurisdictions



ROBERT GITTLEMAN LAW FIRM, PC

TRIAL LAWYERS

31731 Northwestern Highway, Suite 101E
Farmington Hills, Michigan 48334

(248) 737-3600

FAX (248) 737-0084

info@gittlemanlawfirm.com

www.dentallawyers.com

You're busy protecting rights,
let us protect your assets.

Depository & Treasury Management Services

4front
credit union



Insured by NCUA

MICHIGAN
**BAR
JOURNAL**

ADVERTISE IN THE
MICHIGAN BAR JOURNAL!

ADVERTISING@MICHBAR.ORG

IN MEMORIAM

DONALD R. CONRAD, P55667, of Livonia, died Aug. 22, 2023. He was born in 1958, graduated from Detroit College of Law at Michigan State University, and was admitted to the Bar in 1996.

WILLIAM A. JOSELYN, P15603, of Bloomfield Hills, died July 22, 2023. He was born in 1929, graduated from University of Michigan Law School, and was admitted to the Bar in 1953.

HON. KURT G. KERSTEN, P15914, of Grosse Ile, died Aug. 15, 2023. He was born in 1923, graduated from Detroit College of Law, and was admitted to the Bar in 1953.

HOWARD A. MATUREN JR., P17217, of Saginaw, died Sept. 21, 2022. He was born in 1931, graduated from Wayne State University Law School, and was admitted to the Bar in 1957.

PATRICIA PARUCH, P48028, of Royal Oak, died Aug. 22, 2023. She was born in 1950, graduated from Wayne State University Law School, and was admitted to the Bar in 1993.

SCOTT L. SANDERS, P24124, of Grand Ledge, died June 6, 2023. He was born in 1949, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 1974.

ALAN E. SKROK, P27330, of Warren, died Aug. 18, 2023. He was born in 1947, graduated from Detroit College of Law, and was admitted to the Bar in 1977.

THOMAS J. VAN HEEST, P38671, of Anchorage, Alaska, died Aug. 2, 2023. He was born in 1949 and was admitted to the Bar in 1986.

RANDALL S. WINSTON, P22451, of Glenview, Ill., died July 2, 2023. He was born in 1942, graduated from Wayne State University Law School, and was admitted to the Bar in 1968.

In Memoriam information is published as soon as possible after it is received. To notify us of the passing of a loved one or colleague, please email barjournal@michbar.org.

GROW YOUR PRACTICE *your way.*



Are you looking for new ways to bring efficiency and revenue to your practice? WealthCounsel's robust, cloud-based solutions for estate planning, elder law, business law, and special needs planning can help you serve more clients in new ways. Instead of referring your clients to other attorneys for wills, trusts, or business planning, expand your services and strengthen your relationships. Developed and maintained by attorneys, for attorneys—our intelligent solutions are designed to support your success.



SOFTWARE



COMMUNITY



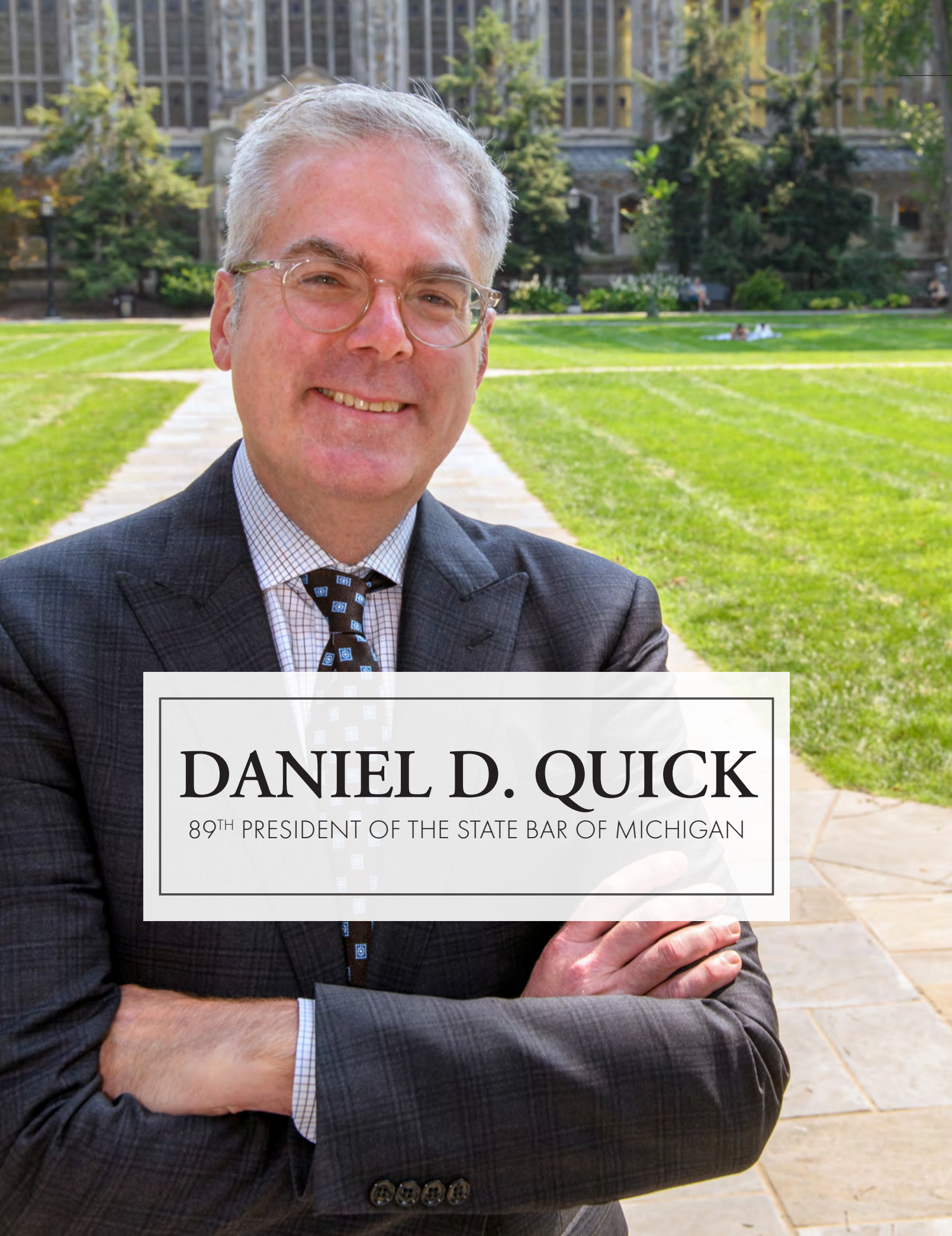
EDUCATION



SUPPORT



 **WealthCounsel**[®]
wealthcounsel.com/michbar



DANIEL D. QUICK

89TH PRESIDENT OF THE STATE BAR OF MICHIGAN

Leading by example

BY MARJORY RAYMER

The way Daniel D. Quick tells it, his career is one of happenstance and luck. Ask anyone else, however, and you will hear about an attorney known for his formidable intelligence, intense scrutiny, unparalleled research, and persuasive savvy who also happens to be a guy with a hell of a sense of humor, deep sense of conviction, and a genuine commitment to giving back.

He is a jurist, a legal scholar, one of the top trial attorneys in the state, and the 89th president of the State Bar of Michigan.

Dan Quick grew up in Farmington Hills, less than 20 miles from his office at Dickinson Wright in Troy, where it is easy to see he is not one for formalities. His awards and framed recognitions are lined, unhung, along the baseboards. His desks are stacked with folders, files, and notes. He says he knows exactly what is in each of the dozen or so piles, and because it's Dan, that seems entirely plausible.

He's spent an astonishing 31 years with Dickinson Wright. Now a senior partner, Dickinson Wright was his first job out of law school. Quick earned both his bachelor's degree and law degree from the University of Michigan. He chose a career in law even though he didn't know a single attorney or anything about what it meant to be a lawyer. Law just seemed like it would be intellectually engaging, he said. Plus, he appreciated the ability to enjoy a true undergrad liberal arts education (and the other not-so-studious collegiate activities).

He graduated in 1992 with an interest in public international law, but found job opportunities scarce, especially with such a narrow focus. He switched gears, started looking for work closer to home, and somewhere along the line noticed firms were actively recruiting for litigation attorneys. Looking back, Quick said he was lucky to land at an excellent firm and to have great mentors, most notably top-notch business attorneys Lawrence G. Campbell and Edward H. Pappas, who also served as the 74th SBM president in 2008-2009.

"I just sort of ended up here," Dan says self-deprecatingly. It's clearly evident that he gets uncomfortable with fanfare. He cringes at getting photos taken and couldn't help but strike an occasional silly pose during his photo shoot for this article.

It's also clearly evident that he, in fact, did not just sort of end up here.

Quick's cases include highly complex shareholder, intellectual property, trade secret, non-compete, and copyright disputes. His clients have included Apple, Universal Music, Aveda, Harley-Davidson, and JPMorgan Chase. He successfully litigated a landmark case that established the inevitable disclosure doctrine in Michigan. He litigated for three years in federal court and obtained a \$16 million judgment against a borrower for defrauding a bank in Virginia. He is author or co-author of three, must-have business law books "Courtroom Handbook on Michigan Civil Procedure," "Michigan Court Rules Practice," and "Michigan Business Torts" and more than 35 articles in state and national publications.



From left: Former State Bar President Edward H. Pappas, former ICLE Legal Editor Kay Holsinger, and Daniel D. Quick.

He also throws in his fair share of pro bono service, including some ACLU work on free speech issues, defending a journalist who was sued after an expose on Project Veritas, and winning a lawsuit forcing the Michigan Department of Corrections to provide Muslim inmates with halal meals and the opportunity to celebrate Eid.

“Being part of the law is important and valuable to me. It’s not just a job,” Quick said. “As officers of the court, all attorneys work to improve our justice system and, ultimately, to make our world a better place.”

Then, of course, there is his bar work: He has been a member of the Board of Commissioners since 2013 and served in every officer position. He also served in the Representative Assembly, including as its chair, and is active in the American Bar Association Litigation Section. He is past president of the Oakland County Bar Association and Oakland County Bar Foundation.

“I don’t know how he balances his time with his work, his bar service, and his family. He’s committed to all of them and he’s not sacrificing any of them,” said his wife, Jennifer, who is executive director of the Oakland County Bar Association. “I don’t know how he does it, but he does it.”

Dan Quick explained with characteristic bluntness: “If you are going to do it, do it right. If you are going to serve, serve.”

Yes, Dan is blunt. It is, in part, a reflection of his efficiency. He is a fast thinker, organized, and able to quickly develop solutions. He answers emails unnervingly fast. By his own admission, he can also be impatient and unintentionally intense. He also is the



The Quick family: (from left) Isaiah, Ileana, Jennifer, Dan, Hannah, and Rachel.

guy who can get everyone laughing, who always seems to be at the center of everything, and who is most likely to organize the afterparty.

His charm combined with his commitment drives others to want to be their best versions of themselves, Jennifer said.

Dan and Jennifer wed earlier this year, combining their families to include children Rachel, Hannah, Isaiah, and Ileana. For a long time, Dan said, he focused exclusively on his career and his children. As his children grew into young adults, he was able to spend more time getting involved in the bar world.

He even ended up combining his courtroom and fatherhood experiences to develop an elementary school mock trial program with the Oakland County Bar Association. Quick helped at every stage of its creation even writing the script acted out by third- through sixth-graders. Not surprisingly, the courtroom drama featured an intellectual property dispute. More surprisingly to those who know Quick only as a tough-as-nails attorney, the case featured a SpongeBob SquarePants dispute.

The program launched in 2013 and introduced more than 4,000 Oakland County children to the legal profession. It was poised to expand to middle school students with a Marvel-inspired script also penned by Quick before the pandemic slowed progress.

"Once he steps into something, he is committed to it 100%," Jennifer said. "As busy as he is, he always makes himself available. He takes those commitments incredibly seriously.

"He has this ability to sit back, listen and assess the entire situation. He is a tremendous leader in that way."

More recently, Dan has worked with the Michigan Supreme Court's Justice for All Committee to grapple with the broader impact of and possible solutions to the lack of legal representation in civil cases, particularly among low-income and disadvantaged Michigan residents.

Janet Welch, former SBM executive director and co-chair of the JFA Regulatory and Practice Reform Committee, said she has long respected Dan for his ability to logically examine every premise and willingness to change his mind based on good data. He is a champion of the legal profession and committed to protecting the integrity of the rule of law, she said.

"Dan will also absolutely persevere with what he believes is right and is determined to really do the right thing no matter the circumstances," Welch said.



Daniel D. Quick poses on the University of Michigan's campus during his photoshoot for this article.

As president, one of Dan's key focus areas is pipeline programs, inspired in part by the ABA Litigation Section's Judicial Internship Opportunity Program.

"There are a number of organizations that have some form of internship or pipeline program. The role of the State Bar is to convene and collaborate. A big part of what we are doing right now is surveying the field," Quick said. "We are asking: How we can help? We are not looking to compete with anyone, but instead create a synergistic atmosphere in which more pipeline programs can flourish."

Quick also is working with the Board of Commissioners to create multi-year initiatives to ensure long-term success and continue development of metrics to guide strategic planning.

Meanwhile, others continue to look at what he has done and is doing with a bit of awe.

"I've often thought, 'How does he manage to do all that he does?'" Welch said.

Dan remains nonchalant, even occasionally slightly uncomfortable, when asked about his achievements and willingness to volunteer again and again and again. It is just part of who he is.

"Being part of the law is important and valuable to me. It's not just a job," Quick said. "As officers of the court, all attorneys work to improve our justice system and, ultimately, to make our world a better place.

"It is both an honor and an obligation. I am just doing my part."

Marjory Raymer is director of communications for the State Bar of Michigan.

OCBA OAKLAND COUNTY
BAR ASSOCIATION



Learn.
Lead.
Succeed.

The more than 2,500 members of the Oakland County Bar Association congratulate OCBA member and past president, Daniel D. Quick, on his installation as president of the State Bar of Michigan.

*Photo Credit:
David Trumpie, Trumpie Photography*



ocba.org

OCBA OAKLAND COUNTY
BAR ASSOCIATION



Learn.
Lead.
Succeed.

The more than 2,500 members of the Oakland County Bar Association congratulate OCBA member and past president, Daniel D. Quick, on his installation as president of the State Bar of Michigan.

*Photo Credit:
David Trumpie, Trumpie Photography*





Quiet confidence

YOLANDA BENNETT SETS SIGHTS ON INCREASING DIVERSITY AS RA CHAIR

BY SCOTT ATKINSON

Yolanda Bennett loves a good book.

When she arrives at the Lansing Public Library, she heads straight for the basement, where the entire lower floor is one large used book shop. She knows the woman running the place by her first name. She's taken her foster kids there. It's the kind of place an introvert — which is how she describes herself — can be expected to be found.

Bennett isn't one for the limelight, but she is driven to make a difference. She said taking on leadership roles was never her plan, even if she's turned out to be pretty darn good at it.

"I'm always willing to volunteer to be a soldier," the 2023-2024 chair of the State Bar of Michigan Representative Assembly said with a quiet laugh. "I don't like attention."

Bennett's leadership journey began in 2020, when she was tapped to head up the Representative Assembly's then-new Diversity Committee, an issue she is passionate about.

Leading a committee wasn't the kind of thing she was used to taking on, but Bennett, a woman of strong faith, said, "I felt God saying, 'Step out there. What do you have to lose?'" And so she did.

The following year, another colleague suggested she throw her hat in the ring to be the RA clerk. She thought it seemed like a good role for her, a way to continue helping the RA while staying out of the spotlight. At the time, she said, she wasn't thinking about the fact that becoming clerk put her in line to be chair in three years.

Despite her humility on the subject, Bennett has proven herself to be a more than capable leader, one who still has her sights set on increasing the diversity in the RA.

"It's going to be an ongoing thing. It's not anything that was going to be fixed during my short tenure (as Diversity Committee chair), but we need more diversity in the RA," she said.

While running the Diversity Committee, Bennett and her team organized events and other efforts to recruit a more diverse population to the RA "and all the different points of view that come with all of that, because I think we all have something to offer, and you can't make any changes if you don't have a seat at the table."

During her time as clerk, Bennett continued to work with the Diversity Committee, both attending their meetings and offering her guidance. As chair, she hopes to work with the committee again and help them in their efforts.

Her other goal, she said, is increasing the visibility of the RA. In her experience, she said, Michigan attorneys are either very aware of the RA and all it does this — or just the opposite.

She, too, knew little about the final policymaking body for the State Bar of Michigan until she joined the Representative Assembly, and said she still talks to attorneys who are similarly in the dark. She wants to change that.

"That's probably the first thing I need to tackle," she said. "If people don't know who you are or what you do, how are you going to join?"

By increasing outreach to the Michigan legal community, she hopes to see more interest from attorneys across the state wanting to get involved.

"I'm hoping if people understand more on how the RA fits into the State Bar structure, they will not only run for an RA officer position, but even [the] Board of Commissioners," she said.

Bennett might describe herself as an introvert, but if you were to ask her family, she said, they'd probably tell you what they were telling her since she was a kid: She should be a lawyer.

"My family used to always tell me, 'You should be an attorney because you love to argue,'" she said with a laugh.

There were also all those legal shows on TV. If it took place in a courtroom, Bennett was watching.

More than anything, though, she was driven by a purpose to protect the children and the elderly. She earned her bachelor's degree in

political science and government from Arizona State University and then, after a break from academia, worked primarily in insurance, including spending time as part of national catastrophe team, flying all over the country adjusting claims for victims of storm damage.

"I climbed roofs and comforted families that lost everything," she said. "And everything in between."

She later continued on the path of becoming a lawyer and entered Thomas M. Cooley Law School in 2002.

Still driven to help others, she joined the school's public interest society, but upon graduating in 2005, she learned a hard truth: Public interest law doesn't pay off student loans. She started looking for different areas of the law to practice but never lost that initial purpose. She spent six months as a substitute teacher for Lansing Public Schools while awaiting bar results and job hunting before beginning her legal career in 2006 as Lansing's assistant city attorney, where she worked for the next decade. During her time there, she stayed true to her goal of helping others. She would work with people on the other side of the city's civil and criminal cases, trying to help them rather than prosecute them.

"If you came to me and you had a suspended license and you went to jail for that, I'd ask them, 'What are your goals? Do you want your license back? Well, what's the plan? How are you going to do that?'" she said. "Because I was doing more for that person and society helping him get his license back than putting \$180 in coffers and still having him suspended."

Bennett's dedication to community service is something she's maintained her entire career. She's volunteered in various capacities over the years including mentoring students, preparing taxes for low-income people, serving at expungement clinics, and helping with community events.

From the City of Lansing, she went on to serve as associate attorney for the Lansing Board of Water & Light for seven years. Now, in addition to heading into her new position as RA chair, Bennett has also started a new job as attorney advisor for the Social Security Administration. She's still learning the ropes, she said. Among other things, there's a lot of reading to do. But then, that's never been a problem for Yolanda Bennett.

Scott Atkinson is communications specialist for the State Bar of Michigan.

A time to honor our best

2023 STATE BAR OF MICHIGAN AWARDS

BY SCOTT ATKINSON

ROBERTS P. HUDSON AWARD NANCY J. DIEHL



Because of Nancy J. Diehl, the world is a safer place for families and children. In addition to a 28-year career in the Wayne County Prosecutor's Office, Diehl served as director of the child abuse unit and deputy chief of the child and family abuse bureau and founded the Wayne County Kids-TALK Child Advocacy Program.

Through her leadership roles with various organizations, Diehl was instrumental in changing state laws to help improve the criminal justice system and the lives of children and families. She also co-authored four booklets about children and the legal system. She retired from the prosecutor's office in 2009 as chief of the Wayne County trial division. For her dedication and life-changing interventions, Diehl was honored as a winner of the 2023 Roberts P. Hudson Award.

"I'm going to tell you something," Diehl said in 2004 when she became the president of the State Bar of Michigan, the third woman to hold the post. "Dealing with the kids, that's the best job in the office. Because no matter how terrible the situation they've endured,

these kids like to come in and laugh and talk. They've got their lives ahead of them and I know if I can intervene, I can make a difference in their future."

Diehl, a 1978 Wayne State University Law School graduate, has received more than 30 awards to date including the Women Lawyers Association of Michigan Jean King Leadership Award in 2006. She was also the first recipient of the Detroit Metropolitan Bar Association Champion of Justice Award in 2004, was named the 2003 Women's Justice Center Outstanding Advocate Award, and earned the 2000 Governor's Award.

She has served on many boards and committees including the State Bar of Michigan Board of Commissioners, the Governor's Task Force on Children's Justice, the Guidance Center, the Junior League of Detroit, and the Wayne County Council Against Family Violence.

Diehl continues to consult and lecture throughout the nation on topics related to child abuse, family violence, and other criminal justice issues.

ROBERTS P. HUDSON AWARD JOSEPH KIMBLE



The legal system will forever be easier to understand thanks to Joseph Kimble's dedication to the English language, his students, and his readers.

"I think no reform would more fundamentally improve our profession and the work we do than learning to express ourselves in plain language," said Kimble, a professor emeritus,

editor, writer, and attorney.

Kimble has spent his decades-long career committed to improving the clarity of legal documents by serving on and chairing state, national, and international committees. He is also a prolific author of articles and books and has taught thousands of students the art of plain language. For his leadership and commitment, Kimble was named a 2023 Roberts P. Hudson Award winner.

"He worked not merely tirelessly, but resourcefully, to advance the cause of plain language in Michigan, the nation, and throughout the world," longtime friend and 2012 Hudson Award winner Frederick M. Baker wrote in his nomination of Kimble.

Perhaps best known as a professor at Thomas M. Cooley Law School, Kimble previously practiced law in Flint and served as a staff attorney for the Michigan Supreme Court and Michigan Court of Appeals. For 35 years, he has also lent his expertise to the Michigan Bar Journal, serving as editor of the "Plain Language" column. He also is the editor of The Scribes Journal of Legal Writing and writes a column titled "Redlines" for the journal *Judicature*.

As a prolific author, Kimble has written three books on writing including "Lifting the Fog on Legalese: Essays on Plain Language."

Kimble is a founding director for the Center for Plain Language, was on the board of the Legal Writing Institute, and is a former president of the international organization Clarity. In 2000, he was named a Plain English Champion by the U.K.-based Plain English Campaign.

Kimble has lectured throughout the world on plain language and continues to serve at Western Michigan University Cooley Law School as director of the Kimble Center for Legal Drafting.

ROBERTS P. HUDSON AWARD JOHN M. SIER



John M. Sier's commitment to others extends beyond the legal profession. In addition to his work as an attorney, Sier is committed to giving back to his community in a myriad of ways and for these efforts, he was honored with the 2023 Roberts P. Hudson Award.

Sier's legacy includes being part of the founding of Detroit Cristo Rey High School in 2007, a school dedicated to serving Detroit's minority population. The school has a 98.9% minority enrollment and a 17:1 student-to-teacher ratio, and Sier continues to serve on its board. From 2008-17, Sier was the chair for the school's corporate work study program, which allows students to gain real-life professional experience.

"I have yet to meet an attorney more committed to the highest standards of our profession, especially public service," said friend and colleague Adam Kutinsky. "I credit John with much of my success in my practice because I observed him practice with professionalism, integrity, and an extraordinary work ethic."

As an attorney with more than three decades of experience, Sier is committed to helping businesses resolve their legal disputes without costly and time-consuming litigation. Sier's commitment to others extends into his work as an attorney as he regularly mentors young attorneys and offers his time pro bono to legal aid clinics. He has received several awards from the State Bar of Michigan and the Detroit Bar Association for excellence in pro bono service.

Apart from his charitable work, Sier devotes an unusual amount of time to organizations related to construction and engineering law, his area of practice. That work has led to several other awards including the Monsignor Charles J. Mallory Lifetime Achievement Award from the Catholic Lawyers Society of the Archdiocese of Detroit, recognition from the Best Lawyers in America for construction law and construction litigation, the Engineering Society of Detroit Distinguished Service Award, and the Supplier Member of the Year and Presidents Award from the Building Owners and Managers Association of Metropolitan Detroit, among many others.

FRANK J. KELLEY DISTINGUISHED PUBLIC SERVICE AWARD HON. TIMOTHY KENNY (RETIRED)



After a 49-year career, Timothy Kenny's commitment to his profession and dedication to improving it make him the recipient of this year's Frank J. Kelley Distinguished Public Service Award.

Kenny began his service in the Wayne County Prosecutor's Office in 1973, starting as an assistant prosecutor. He went on to serve as chief trial attorney, director of the career criminal prosecution unit, and a special assistant U.S. attorney. He was appointed to the Wayne County Circuit Court, the state's largest circuit court, in 1996 and was appointed the court's chief judge in 2019.

As a judge, he recognized that many criminal defendants have mental health and drug and/or alcohol problems, so he instituted the county's mental health court program and served as a judge for the adult drug court program.

Outside the courtroom, he served as the head of the Incorporated Society of Irish American Lawyers, leading its mentorship and scholarship committee. He also served as a reporter for the State Bar of Michigan Standing Committee on Standard Criminal Jury Instructions.

Kenny was also an adjunct professor at Madonna University and an instructor with the Michigan Judicial Institute, teaching newly elected judges criminal pretrial and trial procedures, and served as a regular presenter at the Livonia Police Department Citizen Police Academy.

In 2022, upon his retirement, he was awarded the Leonard Gilman Award by the Federal Bar Association for his dedication to public service.

CHAMPION OF JUSTICE AWARD VERONICA THRONSON



Veronica Thronson exemplifies what it means to stand up for the vulnerable. Her efforts to provide top-quality service to some of Michigan's most marginalized people is what led her to receiving this year's Champion of Justice Award.

Thronson is director of the Immigration Law Clinic at Michigan State University College of Law, where she also teaches courses on domestic violence law, family law, and immigration and nationality law. Thronson routinely conducts training sessions for attorneys and judges and was appointed to the faculty of the National Judicial College in 2012. Since 2015, she has served as an expert faculty member with the National Immigrant Women's Advocacy Project at American University Washington College of Law.

She has also served on several boards and task forces including her current role as a core faculty member of the Michigan State University Research Consortium on Gender-Based Violence and MSU's Center for Gender in Global Context, and as a member of the National Immigrant Women's Advocacy Project at American University Washington College of Law. She was also part of the State Bar of Michigan Access to Justice Initiative and co-chaired the SBM Domestic Violence Committee.

Through her scholarship, hands-on teaching, and dedication to the various legal services committees on which she serves, Thronson educates students, colleagues, and community members on difficult matters impacting a great number of Michigan residents, many of whom make up its most vulnerable communities.

JOHN W. REED MICHIGAN LAWYER LEGACY AWARD VIVEK S. SANKARAN



Throughout his career, Vivek S. Sankaran has dedicated his efforts to improving family and child protection law — working tirelessly to improve deficiencies in law, procedure, practice, and education of the bench and bar. His efforts made him this year's John W. Reed Michigan Lawyer Legacy Award recipient.

After graduating from the University of Michigan Law School in 2001, Sankaran represented children at the Children's Law Center in Washington, D.C., until 2005, when he returned to U-M as a faculty member. In 2009, he founded the Detroit Center for Family Advocacy, the first organization in the country to provide multidisciplinary legal assistance to families to prevent the unnecessary entry of children into foster care. In 2011, he was named Michigan's Parent Attorney of the Year and, most recently, he

co-edited both the first national book for family defense lawyers and the third edition of *Child Welfare Law and Practice*, a nationally recognized resource for child welfare lawyers.

Sankaran directs both the U-M Child Advocacy Law Clinic and the Child Welfare Appellate Clinic, through which law students represent children and parents in trial and appellate proceedings. He has written numerous articles focused on improving the child welfare system and has litigated cases before the Michigan Supreme Court.

In addition to teaching, Sankaran conducts state and national training workshops and works on child welfare initiatives with various national groups including the American Bar Association, Casey Family Programs, and the National Center for State Courts.

JOHN W. CUMMISKEY PRO BONO AWARD JAMES R. RINCK



James R. Rinck started his career as a prosecutor in 1982 but soon learned his calling was to defend people, a task he wholeheartedly embraced by offering extensive pro bono services. For his commitment to service, he was honored with this year's John W. Cummiskey Pro Bono Award.

After four years as a prosecutor, he began doing appellate defense work in Kent County. He went on to serve on the State Bar of Michigan Defender System and Service Committee and expanded his practice to include personal injury law and Social Security law.

Rinck earned a reputation for taking on the "hard luck cases" — the difficult, time-consuming cases that other attorneys wouldn't take.

He excels where there is lots of need.

"It is within these gaps that Mr. Rinck truly shines," said Nicholas M. Ohanesian, an administrative law judge for the Social Security Administration and a member of the SBM Board of Commissioners. "His skill as an advocate has often meant the difference between continued survival and a catastrophic loss of benefits."

For 35 years, Rinck has been the go-to guy for Legal Aid for Western Michigan, representing clients who need assistance with Social Security law and offering his expertise on many other topics. In his time working with the organization, he has taken on almost 200 cases and logged more than 1,500 hours of donated time. In 2004, he won the organization's Michael S. Barnes Award for his service.

LIBERTY BELL AWARD AMY ISELER



Amy Iseler has dedicated her career to helping people get their lives back. A probation officer for nearly 20 years, Iseler's commitment to those who have fallen victim to the grip of addiction earned her this year's Liberty Bell Award.

Iseler began her career as a probation counselor in Seattle, Washington, in 2001 before becoming a probation officer in Michigan, first in Lansing and then Mason until 2015. She worked as a clinical supervisor for Cognitive Consultants in Lansing until 2016, resuming her work as a probation officer for the 54th District Court in East Lansing.

Among her accomplishments is her instrumental contributions to the establishment of Ingham County's inaugural drug court, which

focuses on helping those struggling with addiction and recognizing that those individuals are victims of a disease that, in many instances, led to their criminal behavior. As a probation officer, Iseler has seen the positive impact such efforts can make in the lives of those who enter drug court.

Iseler watched the first drug court participant enter the system in 2016. At the time, the defendant was constantly thinking about where she would get drugs next. A few months later, Iseler said the woman was focused on getting control of her post-traumatic stress disorder and receiving grief counseling.

One nominating attorney who's worked with Iseler on "countless" probation violations said Iseler has been "instrumental in securing stable housing, employment, and residential treatment" for many of his clients while they battled addiction.

MICHAEL FRANCK AWARD SHELDON G. LARKY



This year's Michael Franck Award honors Sheldon G. Larky for his contributions to the legal profession over the past 50 years.

Representative Assembly members can count on one constant in a changing world: Shel Larky's presence on the RA — with occasional breaks for term limits, of course. Regarded as the longest-serving living member of the Representative Assembly, Larky provides insight, reason, stability, and, most notably, humor to each meeting. He sets an example for leadership to which many in the RA aspire.

A graduate of the University of Michigan and the University of Detroit Mercy School of Law, Larky has served as an attorney since 1970. With his legal knowledge, he is a full-time mediator and arbitrator who has handled more than 3,000 cases and also serves as part-time magistrate for the 52-4 District Court in Troy.

As an author, Larky has written upwards of 100 articles and served as editor of the official magazine of the Oakland County Bar Associ-

ation. As an educator, he is a contributor to the Institute of Continuing Legal Education and has given lectures at four law schools. As a valued volunteer, he is Oakland County Bar Association Legislative Committee co-chair, State Bar delegate to the American Bar Association House of Delegates, member of the Michigan District Court Magistrates Association board, and volunteer arbitrator for the Attorney Grievance Commission, where he handles fee disputes between attorneys and clients.

His volunteer service with the State Bar of Michigan has included membership on the Character and Fitness Committee, the Plain English Committee, the Local Bar Liaison Committee, the Professional Development Task Force, the Lawyers Professional Liability Insurance Committee, and the Client Protection Fund Committee.

In his nomination letter, Edward Haroutunian wrote, "Shel Larky epitomizes the very best of the Michigan legal community."

UNsung HERO AWARD HON. MELISSA L. POPE



Hon. Melissa L. Pope was honored with this year's Unsung Hero Award for her dedication to tribal and underserved communities.

Pope has served as chief judge of the Notawaseppi Huron Band of the Potawatomi (NHPB) Tribal Court since 2011, a position to which she has been reappointed three times.

She also has served as chief justice of the Little River Band of Ottawa Indians Tribal Court of Appeals since 2009. Her work as a community activist has included time as coordinator of the Oakland University Gender and Sexuality Center, staff attorney for the Women's Survival Center in Oakland County, director of victim services for the Triangle Foundation, and serving on the Michigan Coalition to End Domestic and Sexual Violence LGBT Planning Task Force, Michigan Alliance Against Hate Crimes, the First Nations Two Spirit Collective, and the ROOTS Coalition.

Currently, Pope serves on the Michigan Domestic and Sexual Violence Prevention and Treatment Board, is NHBP delegate to the Intertribal Working Group on Domestic Violence Criminal Juris-

diction, and co-chair of the Michigan Tribal State Federal Judicial Forum. She's an active member of the SBM American Indian Law Section and has served in all leadership positions for the section including four terms as chair. She has been a member of the Access to Justice Policy Committee since 2017 and the American Indian Law Committee since 2011.

In addition to her judicial work and volunteer service, Pope has spent the past 16 years educating the next generation of lawyers at the University of Detroit Mercy School of Law, where she teaches American Indian law as an adjunct faculty member. She conducts training sessions throughout the country on topics including the sovereignty of native nations, domestic violence in marginalized communities, and developing community responses to hate crimes.

At the American Bar Association annual meeting in Denver this summer, Pope was presented with the 2023 Judith S. Kaye Award for Judicial Excellence by the ABA Commission on Domestic and Sexual Violence, which honors judicial officers who demonstrate knowledge of domestic and sexual violence and exemplary leadership developing courtroom responses to these issues.

DEFENDING DRINKING DRIVERS: WINNING DUI ARGUMENTS AND TECHNIQUES

This two-volume set offers practical court-tested strategies to help you:

- Identify sources of error in BAC calculations
- Successfully attack damaging chemical test results
- Effectively cross-examine the prosecution's key witnesses
- Find weaknesses in the use of field sobriety tests
- Suppress audiovisual evidence
- Know when and how to use experts cost-effectively



To purchase your print copy or digital eBook (\$269 \$229) of Patrick Barone's guide to winning DUI arguments, go to: jamespublishing.com/ddd

SAVE 15% with coupon code **MBJ15**



AUTHOR: PATRICK T. BARONE

Patrick T. Barone has an "AV" (highest) rating from Martindale-Hubbell, and since 2009 has been included in the highly selective *U.S. News & World Report's America's Best Lawyers*, while the Barone Defense Firm appears in their companion *America's Best Law Firms*. He has been rated "Seriously Outstanding" by Super Lawyers, rated "Outstanding/10.0" by AVVO, and has recently been rated as among the top 5% of Michigan's lawyers by *Leading Lawyers* magazine.



The Barone Defense Firm accepts referrals from throughout Michigan.

baronedefensefirm.com | 248-594-4554

SBM STATE BAR OF MICHIGAN

RENEW YOUR LICENSE TODAY

▶ **DEADLINE NOV. 30**

▶ **michbar.org/MemberArea**

Michigan attorneys are required to keep a physical address and email address on file with the State Bar of Michigan to receive official communications. You can update your contact information and communication preferences at any time in your member profile after logging in to the Member Area.

OF INTEREST

MSBF welcomes new board members, class of 2023 fellows

The Michigan State Bar Foundation is honored to welcome two new members to its board of directors and 21 lawyers to its Fellows Program.

Board of Directors

The two new MSBF board members are Steven G. Howell and Joseph P. McGill.

Howell, executive director of community and client relations at Dickinson Wright in Detroit, has been practicing law for more than 40 years. He has been an active MSBF participant as a member of the foundation's IOLTA Community Investment Committee.

As president-elect of the State Bar of Michigan, McGill, of Foley Barib Metzger & Juip in Livonia, will serve will serve as an ex-officio board member.

Fellows

Each year, the MSBF's Fellows Program receives nominations from active fellows to recognize Michigan lawyers who exhibit professional excellence and service to the community. This year, 21 lawyers accepted their nominations and joined the program.

Members of the MSBF class of fellows for 2023 are:

- William M. Azkoul, Grand Rapids

- Hon. Paul K. Beardslee, Battle Creek
- Hon. Jason C. Bomia, Battle Creek
- Mary C. Bonnema, Grand Rapids
- Krystal A. Crittendon, Detroit
- Syeda F. Davidson, Detroit
- Chad D. Engelhardt, Ann Arbor
- Jennifer A. Engelhardt, Ann Arbor
- Jelani Jefferson Exum, Beverly Hills
- Walid Y. Fakhoury, Royal Oak
- Steven F. Fishman, Detroit
- Scott J. Fishwick, Detroit
- Kathleen H. Klaus, Southfield
- Jennifer L. Newby, Detroit
- Emily M. Peacock, Berkley
- Amy E. Schlotterer, Southfield
- Sangeeta G. Shah, Southfield
- Karen M. Tjapkes, Grand Rapids
- Nathan A. Triplett, Lansing
- Allen W. Venable, Southfield
- Kathryn S. Wood, Detroit

Since its inception, the MSBF Fellows Program has made more than \$2 million in contributions to support the foundation's grantmaking to improve the administration of justice and delivery of civil legal aid to low-income Michigan residents.

MICHIGAN
STATE BAR
FOUNDATION **MSBF**



Michigan's business courts: A decade of success

BY DOUGLAS L. TOERING AND IAN WILLIAMSON

Michigan's business court legislation took effect on Jan. 1, 2013, and was implemented in 17 circuits¹ during the first half of that year. Since then, in circuits with a business court, every "business or commercial dispute" (defined broadly) goes to a special docket.² Business courts have become so much a part of the fabric of Michigan's jurisprudence that many attorneys — those admitted to practice within the past 10 years — don't know a time when there were no such courts in the state.

This article examines the history of Michigan's business courts, the business court statute and how business courts have applied it, how innovations in business courts have changed litigation generally, and predictions for the future.

HISTORY OF MICHIGAN'S BUSINESS COURTS

Cyber Court

The business court act³ has roots that stretch back more than 20 years. In 2001, Gov. John Engler signed a bill for a "cyber court,"

which was intended as a high-tech court with proceedings conducted by audio, video, or internet conferencing, but it was never funded. The business court act, MCL 600.8031(1), formally repealed the cyber court statute but was modeled in part on that earlier proposal.

Early Business Court Legislation

In December 2001, the State Bar of Michigan Business Law Section Council established an ad hoc committee to study whether the state should adopt some form of a business court. In April 2002, the committee identified three purposes of business courts: enhancing the consistency, predictability, and accuracy of decisions in business cases; enhancing efficiency through proactive case management, technology, and early alternate dispute resolution; and attracting and retaining businesses in Michigan.⁴

The section subsequently formed executive committee to analyze business courts in other states, arranged for a presentation on business courts by New York attorney and noted legal editor Robert

L. Haig,⁵ and met with lawyers, judges, and representatives from chambers of commerce and industry associations. The committee also reviewed a comprehensive business court study by Philadelphia attorneys Mitchell L. Bach and Lee Applebaum.⁶

In 2003, the executive committee drafted a pilot proposal for a business court for Michigan and presented it to circuit court judges in Kent, Oakland, and Wayne counties. In 2005, state Rep. Brian Palmer introduced a bill in Lansing establishing a business court, but the measure never made its way out of the House Judiciary Committee.

In 2009, the State Bar established its Judicial Crossroads Task Force, which in turn created a Business Impact Committee. In October 2010, based on that committee's recommendations, the task force urged the Michigan Supreme Court to create "pilot business dockets" in at least two circuits and "designate no more than three judges per circuit to handle the business docket[.]"⁷

PILOT PROGRAMS, PURPOSE, AND PREPARATION

Business courts finally became a reality on Nov. 1, 2011, when Macomb County Circuit Court launched the state's first specialized business docket. Just four months later, Kent County Circuit Court established its specialized business docket. On Oct. 16, 2012, Gov. Rick Snyder signed Michigan Public Act 333, which established a business court in every Michigan county with at least three circuit judges.⁸

The purpose of business courts is to resolve commercial disputes efficiently, accurately, and predictably.⁹ The statutory mandate encouraged business courts to adopt evidence-based practices that reduce litigation waste and inefficiencies. Those practices can also serve as a model to trial courts.¹⁰

In the 17 Michigan circuits with business courts, every "business or commercial dispute" must be assigned to the business court.¹¹ The statute defines what constitutes a business or commercial dispute.¹² If at least part of the suit includes a business or commercial dispute, the entire case is assigned to the business court — even if it includes other claims that are specifically excluded as business or commercial disputes.¹³ The Michigan Judicial Institute is responsible for providing appropriate training for the business court judges.¹⁴

IMPLEMENTATION

Recipe for Success

In the 2015 budget for the judiciary, Michigan Supreme Court Chief Justice Robert P. Young Jr. noted that "[e]very trial court in this state can be a little laboratory of new ideas — a fertile ground for discovering new and better ways of doing things."¹⁵ Business courts are a prime example of how that can be done.

Two of the keys to the business courts' success are early (and frequent) judicial intervention and early alternative dispute resolu-

tion.¹⁶ For example, many business court judges conduct an early status or case management conference which are customized to each case and often occur within 30 days of the answer date.

Early Mediation

Under Administrative Order 2013-6, circuit courts "shall establish specific case management practices for business court matters. These practices should reflect the specialized pretrial requirements for business court cases, and will typically include provisions relating to scheduling conferences, alternative dispute resolution (with an emphasis on mediation scheduled early in the proceeding), discovery cutoff dates, case evaluation, and final settlement conferences."¹⁷

Accordingly, most business judges encourage early mediation; some order it whether or not the parties agree. Early mediation generally occurs within approximately 90 days after the defendant answers the complaint, often after preliminary discovery is done. The discovery could be done informally or by initial disclosures or other formal discovery. If early mediation does not produce a settlement, courts may — and sometimes do — order a second round of mediation after discovery concludes.

For many reasons, business disputes are well-suited to early mediation. From a business standpoint, the quicker the parties can focus on settlement, the more they can save on legal fees and expenses.

Moreover, early mediation allows the parties to focus on a business solution. ("You buy all your lumber from me, and I will sell it to you at a lower price.") Occasionally, early mediation can help parties save a relationship or even a family if the dispute is among owners of a family business.

Perhaps the most important reason to resolve cases early is avoiding lost executive time associated with litigation. Every hour that a business owner or executive spends consulting with counsel, responding to interrogatories, producing documents, or giving a deposition is an hour that is not spent on the business. The loss to the business is incalculable.

In the authors' experience, approximately 50% of cases settle through early mediation. Increasingly, mediation occurs even earlier — perhaps prior to or shortly after suit is filed.¹⁸ Another option is "med/arb": if mediation does not resolve the case, arbitration follows. In many settlements, the parties agree that the mediator will arbitrate any disputes arising from a breach of the settlement agreement.

Discovery

Short of trial, the most expensive — and often most contentious — aspect of commercial cases is discovery. Business courts sometimes address this through staged discovery, which is limited discovery before early mediation followed by full discovery after mediation

if the case does not settle. Courts may also tailor discovery to meet the needs of the specific case.

Business Court Protocols Adopted Elsewhere

Proportionality of discovery is one major business court innovation that has carried over to the general civil dockets.¹⁹ Mediation of discovery disputes is another. In fact, various business courts have used volunteer attorneys in discovery mediation or discovery facilitation programs for years. Discovery mediation is now specifically provided for in the court rules.²⁰

BUSINESS COURT RESOURCES

An abundance of resources for counsel and parties exists for Michigan's business courts.

State Court Administrative Office

The State Court Administrative Office's comprehensive resources²¹ includes a summary of the business court statute, the full statute, and local administrative orders. It also contains published business court opinions²² organized by both business court, county, and subject matter (individual courts might also post their own opinions on their own websites) and searchable by keyword.²³ Opinions show how a judge has ruled on a particular issue in the past and can provide guidance as to potential rulings in similar cases in the future. That information may cause a party not to file suit, emphasize certain claims or defenses in the suit, or not to file particular motions.

Business Court Caseload Interactive Data

Business court caseload data²⁴ is now accessible through the Michigan Courts interactive data dashboard. It allows users to view data such as the number of business claims filed since 2013, the courts where such claims were filed, case dispositions, and cases pending at year's end. The tool is a way to quickly view important Michigan business court statistics.²⁵

Alternative Dispute Resolution

Although not limited to business courts, the "Michigan Judges Guide to ADR Practice and Procedure"²⁶ — issued by the Michigan Supreme Court, the State Court Administrative Office, and the Office of Dispute Resolution in 2015 — is a comprehensive guide to all kinds of ADR. That guide was adapted in part from the Macomb County Bar Association ADR Committee's "A Taxonomy of ADR,"²⁷ another helpful resource.

Other Resources

- **Court and Judge Protocols:** Check the protocols for individual business courts and specific judges. This step seems obvious but is sometimes ignored. In business courts with multiple judges, each judge may have different protocols.
- **Interviews with Business Court Judges:** Starting in 2018, the Michigan Business Law Journal has published a regular col-

umn called "Touring the Business Courts."²⁸ It often includes interviews with business court judges and other authorities.²⁹

- **Advisory Committees:** The SBM Business Law Section has a business courts committee. Several business courts have advisory committees of some kind.
- **ABA Resources:** Starting in 2012, Michigan has submitted an annual report on its business courts for the American Bar Association "Review of Developments in Business and Corporate Litigation."³⁰

CHALLENGES REMAIN

Like many courts in Michigan and across the country, addressing caseloads for many business court judges continues to be a challenge given the limited resources at hand.³¹ Another challenge is continued training for Michigan's business court judges.

Speaking of training, one issue is training new trial lawyers in an era of virtual hearings and fewer trials. This isn't limited to business courts, of course. There's no perfect solution, but an intriguing possibility is a "learn by doing" training for business litigators, which is being discussed by the SBM Business Law Section.³² Nationally, Delaware Superior Court Complex Commercial Litigation Division (CCLD) judges "strongly encourage the participation of newer attorneys in all CCLD courtroom proceedings including ... oral argument on motions where the newer attorney drafted or significantly contributed to the motion's research and briefing."³³

One major uncertainty is the effect of artificial intelligence (AI) on business litigation and business courts. It is likely that in the not-too-distant future, AI will draft complaints and answers, interrogatories, and discovery motions and continue with document and privilege review, which AI programs have done for some time.

CONCLUSION

Michigan business courts changed how business litigation — and, in some ways, how other civil litigation — is handled. While business courts are a proverbial work in progress, they have spurred many innovations. This is likely to continue. The more things change, the more things change.

The authors thank future associate Matthew Rose for his assistance.

Douglas L. Toering is a partner at Mantese Honigman in Troy and a past chair of the State Bar of Michigan Business Law Section, for which he currently chairs the Business Courts and Commercial Litigation committee. The 2021 recipient of the Stephen H. Schulman Outstanding Business Lawyer Award, Toering focuses his practice on complex business litigation.

Ian Williamson is a partner at Mantese Honigman in Troy and a member of the State Bar of Michigan Business Law Section council. A longtime Ferndale resident, Williamson serves as chair of city's Board of Zoning Appeals.

ENDNOTES

1. Michigan's business courts are in Berrien, Calhoun, Genesee, Ingham, Jackson, Kalamazoo, Kent, Livingston, Macomb, Monroe, Muskegon, Oakland, Ottawa, Saginaw, St. Clair, Washtenaw, and Wayne counties.
2. Much of the history of the business courts appeared in Toering, *The New Michigan Business Court Legislation: Twelve Years in the Making*, *Bus L Today* (Jan 2013) <http://www.americanbar.org/publications/blt/2013/01/03_toering.html> and Akers, *Michigan's New Business Court Act Presents Opportunities and Challenges*, 33 *Mich Bus L J* 11 (Summer 2013). See also Hon. Christopher Yates, *AccessKent.com, Specialized Business Dockets: An Experiment in Efficiency* <https://www.accesskent.com/Courts/17thcc/pdfs/Experiment_Efficiency.pdf>.
3. MCL 600.8031 *et seq.*
4. *The New Michigan Business Court Legislation*, *Bus L Today* (Jan 2013).
5. Mr. Haig is editor of the monumental work, *Business and Commercial Litigation in the Federal Courts*, and the impressive treatise, *Commercial Litigation in New York State*, both in their fifth editions. See review of the former by Mantese et al, at 101 *Mich B J* 32 (Aug 2022) <<https://www.michbar.org/journal/Details/Business-and-commercial-litigation-in-federal-courts-Fifth-edition?ArticleID=4467>>.
6. See *A History of the Creation and Jurisdiction of Business Courts in the Last Decade*, 60 *The Bus Lawyer* 147 (Nov 2004).
7. State Bar of Mich, *Judicial Crossroads Task Force Report and Recommendations* <<https://www.michbar.org/file/judicialcrossroads/judicialcrossroadsreport.pdf>>.
8. MCL 600.8031 *et seq.*; 600.8033(1).
9. MCL 600.8033(3).
10. *Specialized Business Dockets*.
11. MCL 600.8035(3).
12. MCL 600.8031(2)-(3).
13. MCL 600.8035(3).
14. MCL 600.8043.
15. Quoted in Toering, *Michigan's Business Courts: Experimenting with Efficiency and Enjoying the Results*, 94 *Mich B J* 38 (Nov 2015).
16. See discussion in *Michigan's Business Courts: Experimenting with Efficiency and Enjoying the Results*.
17. Administrative Order No. 2013-6, ___ *Mich XXX* (2013).
18. For a discussion of early mediation, see, e.g., Foster et al, *Business Courts, Arbitration, and Pre-suit Mediation: A Modest Proposal for the Strategic Resolution of Business Disputes*, 35 *Mich Bus L J* 21 (Fall 2015) <<https://higherlogicdownload.s3.amazonaws.com/MICHBAR/ebd9d274-5344-4c99-8e26-d13f998c7236/UploadedImages/pdfs/journal/Fall2015.pdf#page=23>>.
19. MCR 2.302(B)(1). See also Fed R Civ Pro 26(b).
20. MCR 2.411(H). For a general discussion of discovery amendments, see, e.g., Quick, *The New Civil Discovery Rules*, 98 *MBJ* 16 (Sept 2019) <<https://www.michbar.org/file/barjournal/article/documents/pdf4article3762.pdf>>.
21. Michigan Courts, *Business Court* <<https://www.courts.michigan.gov/administration/trial-court/trial-court-operations/business-court/>>.
22. See MCL 600.8039(3) ("All written opinions in business court cases shall be made available on an indexed website.")
23. The subject matters are agriculture; antitrust, franchising, and trade regulation; attorneys; automotive; collection: debtor/creditor; construction; contracts; deadlock, dissolution, liquidation; derivative actions; directors, officers, managers, shareholders; discovery; environmental; finance and capital structure; healthcare; information technology; insurance; intellectual property; jurisdiction; labor and employment; organizational structure; real estate; restrictive covenants; tax; torts; and uniform commercial code.
24. Michigan Courts, *Interactive Court Data Dashboard* <<https://www.courts.michigan.gov/publications/statistics-and-reports/interactive-court-data-dashboard/>>.
25. Users are recommended to watch the brief videos posted below the dashboard on the website to help understand how to effectively use this resource.
26. Michigan Courts, *Michigan Judges Guide to ADR Practice and Procedure* <<https://www.courts.michigan.gov/4990cf/siteassets/offices/odr/adr-guide-04092015.pdf>>.
27. Macomb Co Bar Assn ADR Comm, *A Taxonomy of ADR* <<http://static1.squarespace.com/static/50dc72c3e4b0395512960a1c/t/554b7b3fe4b0172baad01c53/1431010111052/Taxonomy+of+ADR+%28Revised+4-2015%29.pdf>>.
28. State Bar of Mich, *Business Law Journal*, <<https://connect.michbar.org/business-law/newsletter>>.
29. For a discussion of how business court judges are selected, see Toering and Bolyea, *Touring the Business Courts: An Insight at the State Level*, 41 *Mich Bus L J* 11 (Fall 2011) <https://higherlogicdownload.s3.amazonaws.com/MICHBAR/ebd9d274-5344-4c99-8e26-d13f998c7236/UploadedImages/pdfs/journal/MBLJ_Fall21.pdf#page=13>.
30. See also Yates, *The ABA's Contribution to the Development of Business Courts in the United States*, 75 *Bus Law* 2077 (Summer 2020) and Bach, Applebaum, et al, *Through the Decades: The Development of Business Courts in the United States of America*, 75 *Bus Law* 2053 (Summer 2020). Another resource is a comprehensive business court blog with posts from U.S. and international business courts. See Mantese Honigman, *Business Court Blog* <<https://www.businesscourtsblog.com>>.
31. *Id.*
32. See Toering and Williamson, *Virtual Hearings and Vanishing Trials: A Modest Proposal for Training New Business Litigators in the Virtual Era*, 42 *Mich Bus L J* 19 (Spring 2022) <<https://higherlogicdownload.s3.amazonaws.com/MICHBAR/ebd9d274-5344-4c99-8e26-d13f998c7236/UploadedImages/pdfs/journal/Spring22.pdf#page=21>>. For more, see, e.g., Basile and Gretch, *Training Trial Lawyers*, 48 *Litigation* 46 (2022), available at <<https://www.kirkland.com/-/media/publications/article/2022/04/trainingtriallawyers.pdf?la=en>> [<https://perma.cc/2UM4-9NFN>].
33. See Order, dated March 17, 2022, <<https://courts.delaware.gov/forms/download.aspx?id=137818>>.

WE'RE HERE TO HELP.



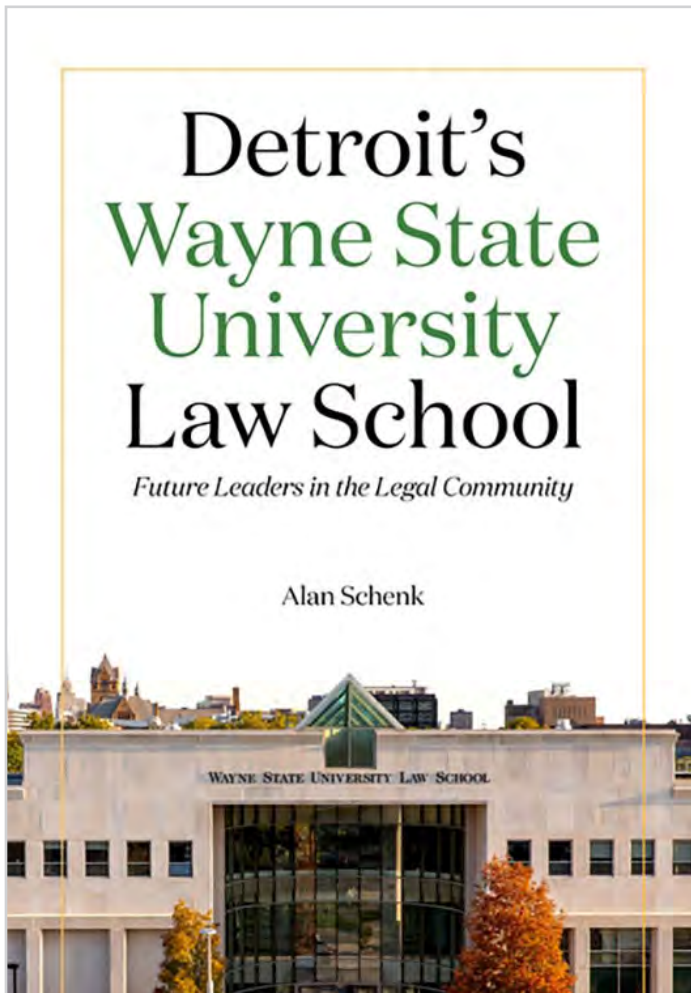
LAWYERS AND JUDGES
ASSISTANCE PROGRAM

1 (800) 996-5522 OR CONTACTLJAP@MICHBAR.ORG

BOOK REVIEW

Detroit's Wayne State University Law School: Future Leaders in the Legal Community

REVIEWED BY JOHN R. RUNYAN JR.



Established in 1927 as the Detroit City Law School, Wayne State University Law School is quickly approaching its 100th birthday. In advance of the centennial, Wayne State professor Alan Schenk has written a comprehensive history of the law school.

The longest serving faculty member in the school's history, Schenk started teaching tax law at Wayne State in 1966 and continues to do so today as a distinguished professor of law and member of the university's Academy of Scholars. He has served under every law school dean except one, and he has twice been an associate dean. Having personally witnessed much of that history unfold over the last 57 years, he is ideally positioned to write a definitive history of the law school. The book was five years in the making and is exceedingly well-researched, based upon an exhaustive examination of the school's written records and nearly 100 interviews with a broad cross-section of graduates, deans, and professors.

Schenk's book is a must read for any Wayne Law graduate. As he notes in the introduction, most law school histories discuss "the establishment of the school as independent or as part of a broader university institution, the leadership of the deans, the noted faculty, the influence of their scholarship, and how the school's programs and reputation may have been influenced by the financial support it received from within the university and from its alumni and outside sources." His book is unique in that it also focuses on the school's students and alumni, many of whom, according to Schenk, have had "an outsized impact on the school's development and reputation."

Eugene Driker is undoubtedly one of the graduates who Schenk had in mind when he speaks of their outsized impact on the law school's development and reputation. Like Richard Barber, James Robinson, Michael Terry, Hon. Nancy Garlock Edmunds, and Aleksandra Miziolek, Driker served as editor in chief of the Wayne

Written by Alan Schenk
Published by Wayne State University Press (2022)
Hard Cover | 280 pages | \$39.99

Law Review but as Schenk correctly observes, his post-graduate contributions to the welfare of the university and reputation of its law school far exceeded his contributions as a student. Like fellow graduates Elizabeth Hardy and former Supreme Court Justice Marilyn Kelly, Driker served on the university's board of governors and like alums Dan Gilbert, Alfred Taubman, Stephen Ross, and Carl Ziemba, Driker was also a very generous donor to the law school, endowing the Driker Forum for Excellence in the Law among other contributions.

Schenk is also high in his praise for Allan Campbell, a practicing attorney, adjunct professor at Detroit College of Law (now Michigan State University College of Law), and Wayne's first dean. It was Campbell who successfully lobbied the Detroit Board of Education to establish a public law school in the city, focused on obtaining full ABA accreditation for the school, and encouraged applicants who had completed at least three years of undergraduate education — not universally required at the time — by promising them a bachelor's degree after satisfactory completion of their first year of law school. Schenk proudly emphasizes the law school's record of diversity, equity, and inclusion starting with its very first class, 10% of whom were women (that number would climb to 25% by 1930) and many of whom were Jewish or students of color, unlike the largely white, male, gentile classes at the time at DCL, the University of Detroit, and the University of Michigan. As has remained true throughout its history, a 1927 Wayne legal education was also a bargain in contrast to its competitors — tuition was \$110 for Michigan residents (\$150 for nonresidents) compared to \$115 at DCL, \$191 at the University of Detroit, and \$118 (\$109 for women) at the University of Michigan.

Campbell's successor, Arthur Neef, the longest-serving dean in Wayne Law history, presided over a period of what Schenk calls "squandered opportunities." Following a period of shrinkage due to the Great Depression and World War II, the law school tightened its admission standards yet increased its enrollment by more than sixfold as large numbers of returning veterans made use of their G.I. Bill benefits. Still, the school's antiquated and overcrowded facilities forced it to turn away many qualified applicants; at the same time, it was largely staffed by faculty who had received their legal educations in the state of Michigan along with practicing lawyers and judges. In Schenk's view, this period of retrenchment was the result of Neef's inattention and his multiple university appointments which created an irreconcilable conflict of interest (which was exposed by a 1959 ABA reaccreditation report).

The 1960s ushered in a period of renaissance at the school. On Oct. 22, 1966, U.S. Supreme Court Chief Justice Earl Warren dedicated a new law school campus designed by Neef. In late 1967,

Charles Joiner was appointed to replace Neef as law school dean as, according to Schenk's telling, newly installed Wayne State President William Rea Keast finally heeded the pleas of faculty.

Schenk clearly views Joiner's brief five-year deanship as transformative. He devotes an entire chapter to Joiner's efforts to maintain a racially diverse faculty and student body, which included hosting one of the ABA Council on Legal Education Opportunity Institute programs in the summer of 1969, making overdue changes in academic rules to accommodate higher rates of retention, and hiring professor Edward J. Littlejohn to help recruit and retain students of color. Joiner transformed Wayne from a law school where most graduates "had to create their own opportunities by establishing their own practices or joining with classmates representing individuals and small businesses" to one whose graduates were not only welcomed but were sought after by the larger firms in Michigan, if not nationwide. According to Schenk, Joiner modernized the law school curriculum and transformed the faculty, doubling its size and hiring more teacher-scholars from across the country. Joiner also worked to reverse Wayne's reputation in the academic community as a law school that routinely denied tenure to young, productive scholars and encouraged the faculty to take advantage of its urban location and become involved in the Detroit community.

Schenk devotes less ink to the nine Wayne State Law deans who followed Joiner, but he is high in his praise of the faculty, particularly skilled instructors like Janet Findlater, who was selected as Professor of the Year in 18 of her 40 years on the faculty, more times than any other professor. Noah Hall, Christopher Lund, William Ortman, and Eric Zacks are other multiple-year honorees. He recounts a "battle of the sexes" squash match between Findlater and revered professor Stephen Schulman staged by law students in the late 1970s following the epic tennis match between Billie Jean King and Bobby Riggs. Schulman's love of scotch is also the subject of some humorous anecdotes.

In addition to Neef's inattention during his tenure as dean, Schenk also touches on some, but not all, challenges faced by the law school. He discusses how Wayne navigated the nationwide decline in law school applications as a result of economic recessions in 1981-82 and 2008 — the school wisely decided to maintain admission standards while reducing the size of the entering classes. He briefly mentions financial challenges faced when Dean Richard Bierschbach arrived following a period when the school had spent more on scholarships than was budgeted. And although he also mentions the law school's rise in the 2014 and 2022 U.S. News and World Report rankings, Schenk fails to include any discussion of the 2008 reporting controversy which caused Wayne's

precipitous decline in those rankings and likely prompted Dean Frank Wu's resignation.

No history of Wayne Law would be complete without mention of the Damon J. Keith Center for Civil Rights, established in 2010, and the Levin Center at Wayne Law, established in 2016. Schenk gives ample attention to both, as well as Wayne's Program for International Legal Studies, its Intellectual Property Law Institute, and various clinical and study-abroad exchange programs which have expanded over the years.

In summary, Schenk's book is a fairly objective and detailed account of Wayne Law School's first 95 years — a law school which

has grown significantly over that period both in size and in its reputation and ability to educate successive generations of lawyers.

John R. Runyan is of counsel to Nickelhoff & Widick in Detroit. He currently serves as chair of the SBM Labor and Employment Law Section and the Standing Committee on the Michigan Bar Journal. He is a past president of the College of Labor and Employment Lawyers, the Detroit Bar Association, and the Detroit chapter of the Federal Bar Association.

FORTARIS CAPITAL ADVISORS

(248) 410-3839 6623 Telegraph Rd. STE 245 Bloomfield Hills, MI 48301 fortariscapital.com

SECURITY SOLUTIONS

- Risk and threat assessments
- Crisis management plans
- Travel intelligence briefs - domestic and international
- Geo-political and regional assessments
- Asset protection
- Loss prevention
- Executive protection and armed security
- Asset Protection

LITIGATION & DISPUTE ADVISORY

- Investigation of potential causes of action
- Early case assessment and strategy
- Discovery support (including eDiscovery)
- Quantification of damages
- Preparation of expert reports and rebuttal reports
- Forensic interviews and polygraphs
- Alternative dispute resolution



INVESTIGATIONS

- Internal and external corporate investigations
- Criminal investigations
- Fraud and white-collar investigations
- Insurance investigations
- Asset searches, asset location, and protection
- Physical and electronic surveillance
- High risk terminations and succession
- Background checks

BUSINESS INTELLIGENCE

- Definition and analysis of business competitors, customers, and geopolitical landscape
- Strategic advisory based on extensive industry knowledge
- Strategic intelligence
- Competitive advantage
- Data collection
- Market analysis



Landex Research, Inc.

PROBATE RESEARCH

**Missing and Unknown Heirs Located
With No Expense to the Estate**

Domestic & International Service for:

- Courts
- Trust Officers
- Lawyers
- Executors & Administrators

1345 Wiley Road, Suite 121, Schaumburg, Illinois 60173

Phone: 800-844-6778 FAX: 800-946-6990

www.landexresearch.com

MICHIGAN

**BAR
JOURNAL**

READ THE BAR
JOURNAL ONLINE!

MICHBAR.ORG/JOURNAL



The State Bar of Michigan Career Center offers job seekers the tools they need to quickly find and apply for top legal jobs.



LEGAL PROFESSIONALS:

Keep Your Career on the Move

- **SEARCH** and apply to hundreds of jobs on the spot
- **QUICKLY** configure alerts to deliver jobs to your inbox
- **SEEK** expert advice about your career issues
- **RECEIVE** a free evaluation of your résumé

Questions?

Contact clientserv@communitybrands.com or 727.497.6565.

ymcareers[™]
by **communitybrands**

jobs.michbar.org

BEST PRACTICES

Identifying and avoiding common ethical pitfalls when drafting retainer agreements

BY AUSTIN D. BLESSING-NELSON

In my role at the Attorney Grievance Commission, I often have to evaluate retainer and fee agreements. If not done correctly, retainer agreements can be a source of many headaches, and even potential ethical issues. In this column, I will identify several common ethical pitfalls related to retainer agreements.

HAVE A CLEAR, DETAILED, WRITTEN RETAINER AGREEMENT

This first one may seem like it's cheating, but one of the biggest and, sadly, very common pitfalls is not having a written retainer agreement in the first place. Simply having a written retainer agreement is not enough; it needs to be a good one. Even when not technically required, the best practice is having a clear written agreement that details items like the expectations of the parties, policies (such as those regarding document retention, costs, and billing), fee structure,¹ scope of representation, and any other details necessary to ensure that everyone is on the same page.² This helps prevent issues and disputes from arising and allows you to defend yourself in the event a dispute with the client arises or if the client files a grievance.³

It is particularly important to define and clarify the scope of representation if it is at all ambiguous or if it is limited or differs from what might ordinarily be within the scope of representation. Failure to do this may result in things being considered within the scope of representation that were not actually intended to be.⁴ Failure to properly define the scope of representation and fee structure and adequately communicate the same to your clients may also result in professional discipline.⁵ The agreement should also address any conflicts of interest, and waivers should be obtained when neces-

sary. Similarly, if someone besides the client, such as an insurance company or parents, is paying the legal fees or will be involved in the case, properly disclose that and ensure compliance with all ethical rules.⁶

It is often advisable (and sometimes necessary) to employ certain disclosures or disclaimers and have your client acknowledge being informed about certain information.⁷ Examples include ones about how marijuana is still illegal federally when doing marijuana licensing work, how you represent the business entity and not the individual owners (to avoid confusion about the identity of the actual client), and any reporting obligations, such as those under MCR 9.120(A)(1).

In some circumstances a written agreement is required, such as for contingent fee arrangements.⁸ Also, if you are charging more than a certain interest rate on past due legal fees, that must be in writing.⁹ The agreement should address what will happen if a court awards sanctions or attorney's fees because that is often considered to be a matter of contract between the lawyer and the client.¹⁰

MAKE SURE YOUR FEES ARE ALLOWED

The part of the agreement that sets forth the arrangement regarding fees can cause the biggest issues. As discussed above, make sure this part is clear and make sure that the fee you are charging is reasonable and not prohibited by law.¹¹ If you are charging a contingency fee, make sure the total fee is reasonable and allowed by law, and that you've complied with any other applicable requirements of MRPC 1.5 and MCR 8.121. Also remember that contingency fees are prohibited for criminal and domestic relations

cases (with some exceptions).¹² It is also important to ensure that the fee agreement doesn't create a type of transaction prohibited by MRPC 1.8.¹³

Non-refundable fees are currently not prohibited in Michigan,¹⁴ although the American Bar Association has issued a formal opinion taking a stance against such agreements.¹⁵ That said, charging and collecting such a fee poses certain risks and all fees must be reasonable pursuant to MRPC 1.5.¹⁶ An agreement providing for a non-refundable fee must be clear and unambiguous and clearly labeled as non-refundable within the retainer agreement.¹⁷ Although a non-refundable fee may be fixed or flat, those terms are not synonymous.

If you take money up front, be sure to spell out what it is for (is it for costs or is it your fee?) and, if it is an advanced fee, when it is earned.¹⁸ Also remember that there are certain things you generally cannot charge a client for including overhead,¹⁹ time spent responding to a grievance,²⁰ and time spent preparing a motion to withdraw (unless withdrawal is requested by the client).²¹

EXCESSIVE INTEREST RATES ON UNPAID LEGAL FEES

One issue I see often — usually while investigating other misconduct — is otherwise permissible retainer agreements that include a usurious interest rate on unpaid legal fees.²² It appears that many attorneys don't know the proper amount of interest, which is problematic because including a usurious interest rate in your fee agreement violates MRPC 1.5(a) even if you don't actually charge it to the client or try to collect it.²³

One argument that sometimes gets raised in defense of excessive interest rates is that the attorney is charging a time-price differential and not an interest rate, thereby making MCL 438.31 inapplicable. However, this only works if it truly is a time-price differential and not just an interest rate in disguise. In order for it to be a true time-price differential, the client must be given an option between paying a cash price now or paying an additional charge for buying on credit.²⁴ If an agreement says bills shall be paid in full within 30 days or a time-price differential of 1% per month will be applied, that is likely to be considered an interest rate in disguise because the bills are due in full and the client isn't being given a true choice. Consequently, MCL 438.31 applies.

LIENS ON CLIENT PROPERTY

One way lawyers try to ensure they receive payment for legal fees is through various types of liens, some of which require a prior written agreement.²⁵ Liens are often permissible, but have many ethical implications and can give rise to a multitude of ethical issues.²⁶ Therefore, it is necessary to exercise care and determine if enforcing the lien is worth the risk or if another avenue should be

pursued to seek payment of past due fees such as collections or a lawsuit. Just make sure the representation is completely terminated and you have a signed order substituting you out of the case before pursuing a lawsuit, otherwise you could run afoul of conflict rules.²⁷

If you decide to proceed with a lien, make sure you have complied with all applicable rules. While it is sometimes permissible to assert a lien against documents or other property until your bills are paid, there are certain rules that must be complied with and asserting of a lien needs to be done correctly, so it may not always be worth the risks.²⁸ Additionally, a lawyer cannot retain property if the client needs the property to pursue their legal rights or if it would prejudice the client.²⁹ Liens can also be problematic if they involve property that is the subject matter of the representation; that is usually considered a prohibited transaction under MRPC 1.8(j).³⁰ Even when not required to be in writing, it is a good idea to provide the client with information regarding the various liens that may arise from the representation up front.

A somewhat similar method lawyers have used to guarantee that clients pay their legal bills is having the client sign (at the outset of representation) a stipulation for the lawyer to withdraw representation if the client doesn't pay later in the case. As long as certain rules and restrictions are followed, lawyers are often allowed to terminate representation if a client doesn't pay their legal bills.³¹ However, having a client sign a stipulation for withdrawal just in case it is needed later is considered unethical.³² The best practice is for the retainer agreement to spell out how and when the lawyer will seek to terminate representation if fees are not paid and provide that the client will be given advance notice and a time to cure the nonpayment. The agreement should also mention that while either party can seek to terminate the relationship, if litigation is ongoing the presiding court must give permission for the lawyer to withdraw before the relationship can be terminated.³³

ARBITRATION CLAUSES

Across the board, binding arbitration clauses are becoming more popular in contracts of pretty much every type, and retainer agreements have been no exception.³⁴ While these clauses can serve a purpose, there are also several potential pitfalls and critiques that are presented, such as the potential disparity in bargaining power and legal acumen between the client and lawyer. For a long time, the Michigan Rules of Professional Conduct did not directly address this issue, although some of the MRPCs were applied to provide some limitations.³⁵ However, the Michigan Supreme Court recently adopted MRPC 1.19, which directly addresses arbitration clauses and when and how they may be used. The rule does not prohibit these clauses outright but requires that the client is either reasonably informed in writing about the scope and advantages and disadvantages of the clause, or that the client is represented by independent counsel when making the agreement.³⁶

MRPC 1.19 did not change the fact that lawyers cannot enter into agreements with clients prospectively limiting liability for malpractice unless the client is independently represented (and the agreement is permitted by law), the agreement cannot restrict the ability to report unethical conduct to disciplinary authorities, and a lawyer cannot settle a claim for malpractice liability without advising the client in writing about seeking independent counsel.³⁷

CONCLUSION

It is advisable to always have a written retainer agreement that clearly defines the scope of representation, the fee arrangement, and any relevant policies and does not include any impermissible provisions. It is also important to stay abreast of best practices and changes in the law and regularly review your retainer agreements to ensure they comply with the applicable ethical rules and laws. Also, much like when drafting motions or other contracts, the best practice is to consider starting the process with a template from a reputable source like the State Bar of Michigan³⁸ and double-checking the template for legal compliance, making tweaks to the language to suit your individual needs.

Austin D. Blessing-Nelson (Blessing) is an associate counsel at the Michigan Attorney Grievance Commission.

ENDNOTES

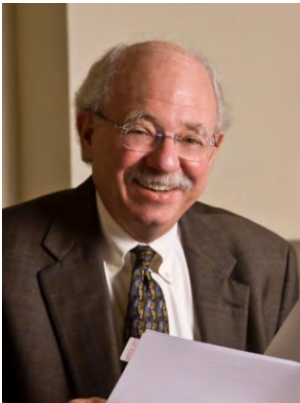
1. This is especially important if you have never represented the client before. MRPC 1.5(b).
2. CNA Professional Counsel, *Lawyers' Toolkit 4.0: A Guide to Managing the Attorney-Client Relationship*, <https://www.cna.com/web/wcm/connect/c5e77c0d-ee09-4a2d-a876-23a8994f02ce/RC_Law_Bul_LawyersToolkit3_CNA.pdf?MOD=AJPERES>. Policies, procedures, and other general information could also be mentioned in an engagement letter or a separate document incorporated by reference as opposed to spelled out in full in the retainer agreement. All websites cited in this article were accessed September 13, 2023.
3. For a similar reason, clearly and frequently memorializing in writing the status of the case and what you are planning to do is a good idea throughout the entire representation. Likewise, even when not required, clients should be routinely invoiced and kept apprised of the status of fees. Clearly communicating the termination of the relationship via a writing reiterates pertinent policies like those about document retention is also important. These steps can also sometimes be necessary to fulfill your obligations under MRPC 1.4 and other applicable rules.
4. See, e.g., SBM Ethics Opinion R-11; SBM Informal Ethics Opinion RI-184. This and the other ethics opinions cited in this article were accessed September 13, 2023, and can be found at Ethics Opinion Search, SBM [<https://perma.cc/E8LX-GL8W>].
5. See, e.g., *Grievance Administrator v Gary D Nitzkin*, 18-19-GA (ADB 2021); *Grievance Administrator v Jay M Schloff*, 17-125-RD (Notice of Reprimand with Condition (by Consent) issued Aug 14, 2018).
6. See SBM Informal Ethics Opinion RI-293. If a third party is paying, it may be advisable to have them sign an agreement obligating them to pay. They also need to be informed that your duty is to your client, that client communications are generally

- confidential, and that you are required to exercise independent professional judgment.
7. CNA Professional Counsel, *Lawyers' Toolkit 4.0: A Guide to Managing the Attorney-Client Relationship*, contains sample language of some disclosures.
 8. MCR 8.121(F); MRPC 1.5(c). It is advisable to use your retainer agreement or a separate writing to make sure your client acknowledges being advised about non-contingent arrangements as required by MCR 8.121(E).
 9. MCL 438.31.
 10. SBM Informal Ethics Opinion RI-303.
 11. MRPC 1.5(a).
 12. MRPC 1.5(d); SBM Informal Ethics Opinions RI-221 and RI-286.
 13. Various cases and ethics opinions discuss this issue including *Grievance Administrator v Arnold D Dunchock*, 09-51-GA (ADB 2010); SBM Informal Ethics Opinion RI-376; SBM Ethics Opinion R-024.
 14. *Grievance Administrator v Patricia Cooper*, 482 Mich 1079 (2008); SBM, *General Attorney — Frequently Asked Questions* <<https://www.michbar.org/opinions/ethics/generalattorneyFAQs>>.
 15. ABA Standing Comm on Ethics and Prof Resp Formal Opinion 505 (issued May 3, 2023).
 16. See, e.g., *Grievance Administrator v Richard Meier*, 12-29-GA (ADB 2015); *Grievance Administrator v James Lawrence*, 18-130-GA (ADB 2020), modified by *Grievance Adm'r v Lawrence*, 507 Mich 991, 960 NW2d 123, reconsideration denied, 508 Mich 927, 963 NW2d 350 (2021).
 17. *Grievance Administrator v Cooper*; SBM, *General Attorney — Frequently Asked Questions*.
 18. Be sure to also familiarize yourself with the rules regarding IOLTAs and what accounts funds should be deposited in.
 19. See SBM Informal Ethics Opinion RI-363.
 20. MCR 9.103(B).
 21. SBM Informal Ethics Opinion RI-296 (an attorney can't bill for a motion to withdraw if they are the one terminating the attorney-client relationship but can if client terminates).
 22. MCL 438.31 states that the maximum interest rate you can charge is 5% per annum, or up to 7% per annum if agreed to in writing. See also MCL 438.41 (criminal usury law). For a further discussion of Michigan's usury laws see *Soaring Pine Capital Real Estate & Debt Fund II, LLC v Park St Grp Realty Servs, LLC*, No 163320, ___ Mich ___, ___ NW2d ___ (June 23, 2023).
 23. See SBM Informal Ethics Opinion RI-040. Additionally, there's a potential MRPC 3.1 violation if suit is filed to collect a usurious interest rate.
 24. See 1979-1980 Mich OAG No. 5809 (1980), available at <<https://www.ag.state.mi.us/opinion/datafiles/1980s/op05809.htm>>. An example of a time-price differential is "client can pay \$100 now, or \$10 a month for 12 months."
 25. Harms, *Attorney Fee Agreements in Michigan* (Ann Arbor: ICLE, 2006), ch 3, pp 1-8, available at <<https://www.michbar.org/file/pmrc/articles/0000089.pdf>>. Additionally, multiple SBM ethics opinions discuss liens and the potential issues with them.
 26. Harms, *Attorney Fee Agreements in Michigan*.
 27. SBM Informal Ethics Opinions RI-159 and RI-356.
 28. Harms, *Attorney Fee Agreements in Michigan*; SBM Informal Ethics Opinions RI-203 & RI-357.
 29. *Id.*
 30. See SBM Informal Ethics Opinions RI-182 and RI-354.
 31. See MRPC 1.16(b)(4) and (5).
 32. SBM Informal Ethics Opinion RI-020.
 33. See MRPC 1.16 (declining or terminating representation).
 34. See *Tinsley v Yatooma*, 333 Mich App 257 (2020); SBM Formal Ethics Opinion R-023.
 35. Leib & Mogill, *The New MRPC 1.19*, Mich Bar Journal (Oct 2022).
 36. MRPC 1.19.
 37. MRPC 1.8(h); SBM Informal Ethics Opinions RI-196 & RI-220; MCR 9.104(10)(a).
 38. State Bar of Mich, *Practice Management Resource Center: Forms*, <<https://www.michbar.org/pmrc/clientrelations>>. The State Bar also provides many other resources to assist lawyers with various aspects of the practice of law.

The State Bar of Michigan Alternative Dispute Resolution Section Announces 2023 Award Winners

The Alternative Dispute Resolution Section of the State Bar of Michigan is proud to announce that the following individuals are the recipients of the ADR Section's major awards in 2023. The award recipients were honored at an awards ceremony on Tuesday, October 24 at Saint John's Resort in Plymouth.

For more information about the section and the annual conference, visit sbmadrconference.com.



Sheldon J. Stark

is the recipient of the Distinguished Service Award. Shel has made significant contributions to the field of alternative dispute resolution. He was Chair of the ADR Section from 2016-2017, Chair or Co-Chair of the ADR Section's Skills Action Team for many years, created and Chaired the ADR Section's Diversity and Inclusion Action Team Book Club for several years. Shel has been a long-term contributor to all the activities of the Section over many years, including creating and presenting at many Section events, seminars, Lunch and Learns, and many articles for The Michigan Dispute Resolution Journal.



Nakisha Chaney

is the recipient of the Hero of ADR Award. Nakisha has held various roles with the ADR Section, including Chair of the 2022 Annual Conference, Co-Chair of the Skills Action Team, presenter at the Young Lawyers Section Annual Meeting, and moderator of a presentation at the ADR Section Annual Conference.



Zenell Brown

is the recipient of the Diversity and Inclusion Award. Zenell Brown has focused on DEI initiatives and activities that have enriched the members of the SBM's ADR Section and Michigan's legal community. She is frequently asked to speak and facilitate DEI workgroups and conferences. She is the author of "Coffee and Conversations: Inclusion and Belonging."



Jennifer M. Grieco and Zena Zumeta

are recipients of the George N. Bashara Jr. Award. This award recognizes Jennifer for her distinguished service this year as Chair-Elect of the ADR Section, Chair of the 2023 Annual ADR Conference, Chair of the newly developed Social Media Action Team, and Chair of the Awards Committee. This award recognizes Zena for her distinguished service over the last two years as Co-Chair of the Skills Action Team.



Anne Bachle Fifer

is the recipient of the Nanci S. Klein Award. Anne's commitment to community mediation predates Michigan's 33-year-old Community Dispute Resolution Program ("CDRP"). This award recognizes Anne for her pivotal role in creating a solid local and statewide foundation for community mediation, and for nurturing that work through years of leadership in both administering programs as staff and as a volunteer, and providing training for many hundreds of people, including lawyers, who have gone on to serve as volunteer mediators and board members at CDRP centers.



ALTERNATIVE DISPUTE
RESOLUTION SECTION

Minimize prepositional phrases. Question every *of*. (Part 2)

BY JOSEPH KIMBLE

In the previous column, I said that unnecessary prepositional phrases are perhaps the single biggest cause of sentence-level verbosity in legal writing — and indeed in all expository writing. I offered three techniques for minimizing them: use a possessive form (not *the testimony of James* but *James's testimony*); change the prepositional phrase to an adjective (not *an order of the court* but *a court order*); and cut the prepositional phrase entirely (*the Martinez analysis is persuasive in the context of this case*).

This time, I offer two more techniques. They deserve their own column because they strengthen writing in ways that go beyond simply tightening it, as important as that is. Converting abstract nouns and their accompanying weak verbs — commonly forms of *to be* or others such as *make* and *have* — to stronger verbs will enliven your prose. And preferring the active voice will make it more direct. In fact, these two techniques are the counter to the limp, opaque style that characterizes so much modern-day prose.

- “The difference between an active-verb style and a passive-verb style — in clarity and vigor — is the difference between life and death for a writer.”¹
- “Modern style tends to turn thought into a chain of static abstractions linked by prepositions and by weak verbs in the passive voice. ‘Weak’ here means that those verbs do not denote any single characteristic action but, like *is* and *have*, draw their strength from the accompanying noun (*give authorization* rather than *permit*; *take appropriate action* in place of *act*).”²

Incidentally, the technical term for a noun formed from a verb is “nominalization.” The more colorful and popular term — coined by Helen Sword — is “zombie noun.”³

Now, the preference for the active voice is just that — a preference. Among the perfectly good uses of the passive voice are these:

- The actor, or agent, is unknown or unimportant or understood. (*The statute was passed in 2010.*)
- You want to put the emphatic words at the end of the sentence. (*The court should not be influenced by this misreading.*)
- You want to connect two sentences better by putting old information at or toward the beginning of the new sentence. (*Plaintiff argues that But this argument was rejected by the Sixth Circuit in Wolf v. Waters [cite].*)⁴

Finally, the same reminder that I offered in Part 1 still goes: when applying almost any prescription, a writer must also consider sound and rhythm and idiom.

LIQUIDATE ZOMBIE NOUNS

Zombie nouns — abstract nouns ending in *-tion*, *-sion*, *-ment*, *-ance*, and the like — can often be converted to verbs or verb forms. The last five bullets below illustrate converting to a gerund, a verbal noun.

- “Plaintiffs have requested that this court require defendants to ~~make a determination as to~~ **determine** whether ‘a principal purpose’ of the sale was ‘to evade or avoid liability.’”
- “At this hearing, the examiner ~~came to the conclusion~~ **concluded** that the petitioner should not be recommended for parole.”
- “Plaintiff ~~made payments of~~ **paid** only \$25,519 during that time period.”
- “And since Wells ~~was no longer in attendance at~~ **no longer attended** union events, the union stopped asking him to sing the national anthem at those events.”

¹“Plain Language,” edited by Joseph Kimble, has been a regular feature of the *Michigan Bar Journal* nearly 40 years. To contribute an article, contact Prof. Kimble at WMU–Cooley Law School, 300 S. Capitol Ave., Lansing, MI 48933, or at kimblej@cooley.edu. For an index of past columns, visit www.michbar.org/plainlanguage.

- “But the Legislature made an exception where the victim was a peace officer engaged in the performance of **performing** his or her duties.” [I’d say *their duties*, but that’s another subject.]
- “It is unlikely that the completion of **completing** the form in this case took more than a few minutes.”
- “Bates continues to rely on his belief that the submission of **submitting** the bid amounted to a representation regarding [about] Olson’s costs.”
- “Ms. Cooper pled [better: *pleaded*] guilty to aiding and abetting her captor, Mr. Mulligan, in the production of **producing** child pornography.”
- “Upon consideration of **considering** . . . , it is ordered that” [This formulation is ubiquitous.]

USE THE ACTIVE VOICE

- “He asserts that during the 2018–19 school year, ~~he was complimented by the district superintendent, Mr. Harper~~ **the district superintendent, Mr. Harper, complimented him** when five students made it to the state competition.”
- “His briefs repeatedly argue that the union improperly represented him, that it condoned the town’s discriminatory conduct, and that it failed to ensure that ~~the CBA’s antidiscrimination policy was honored by the town~~ **the town honored the CBA’s antidiscrimination policy.**”
- “Further, the testimony ~~as it was given by Brunner~~ **that Brunner gave** as to [about] the sale in Bay Harbor is so vague as to be not reliable.” [Better: “Further, Brunner’s testimony about the sale”]
- “Discovery procedures established that ~~postdeath identification was conducted by the Civil Aeronautics Board~~ **the Civil Aeronautics Board conducted the postdeath identification.**”

[Caveat: no change if you want the emphasis to fall on “Civil Aeronautics Board.”]

- “Here, by contrast, there is no question that ~~the FRBNY~~ [a needed initialism? is it used often in the opinion?] ~~was specifically created by Congress~~ **Congress specifically created the FRBNY** to further a key governmental objective.” [Caveat: perhaps no change if “FRBNY” was the subject of the previous sentence; then the original version would make a little better connection.]

This article will also appear in Judicature, Vol. 107, No. 2 (2023).



Joseph Kimble taught legal writing for 30 years at Cooley Law School. His third and latest book is *Seeing Through Legalese: More Essays on Plain Language*. He is a senior editor of *The Scribes Journal of Legal Writing*, editor of the Redlines column in *Judicature*, a past president of the international organization Clarity, and a drafting consultant on all federal court rules. He led the work of redrafting the Federal Rules of Civil Procedure, Federal Rules of Evidence, and Michigan Rules of Evidence. Most recently, he won a 2023 Roberts P. Hudson Award from the State Bar of Michigan.

ENDNOTES

1. Zinsser, *On Writing Well* (New York: Harper Perennial, 7th ed. 2006), pg. 67.
2. Follett, *Modern American Usage* (New York: Hill & Wang, 1966), pg. 229.
3. Sword, *Zombie Nouns*, New York Times (July 23, 2012), <<https://archive.nytimes.com/opinionator.blogs.nytimes.com/2012/07/23/zombie-nouns/>> [https://perma.cc/7QEH/CCJL] (accessed September 13, 2023).
4. For a list of eight exceptions, see Good, *Mightier than the Sword* (Charlottesville: Blue Jeans Press, 1989), pgs. 126–28.

SBM

STATE BAR OF MICHIGAN
ON BALANCE
PODCAST

LEGAL TALK
NETWORK

PRACTICING WELLNESS

Therapy demystified: Just what do all those letters mean?

BY THOMAS GRDEN

“Doctors make the worst patients,” or so the saying goes. It’s understandable — working in a profession where other human beings put their lives in your hands on a daily basis demands not only a high level of competence, but awareness of that competence. Put another way, I want my doctor to believe he’s God’s gift to medicine, my airline pilot to believe he’s Val Kilmer from Top Gun, and my lawyer to believe she’s the real-world incarnation of Annalise Keating.

I suspect that most professionals have some sense (whether consciously or subconsciously) that this is what their consumers want, which can lead to their professions developing supercilious reputations over time. Or perhaps my causation is backwards and the most successful are inherently blessed with excess confidence. Regardless, if you truly believe you’re the best and market your services that way, it’s uncomfortable to accept that you may need help from another person with the same credentials. Unless, of course, you’re a lawyer, in which case humility replaces hubris when it comes to allowing someone else to represent you — something about *In propria persona* (or is it *gratias lectio?*)

Back in 2019, I unfortunately found myself on the hubris side of the spectrum. I knew that February that something was wrong with my mental health and by September, I finally asked a trusted colleague for referrals so I could begin seeing a therapist. Naturally, I rejected every option and continued to allow depression to impact my work and home life. When the search restarted in December 2020, my list of requirements for the ideal therapist was so long it would have made 13-year-old boys on the internet exclaim, “Beggars can’t be choosers!”

After accepting that “I am the best therapist” and “There is someone out there who can help me” are not mutually exclusive statements, I was able to start searching earnestly and logically. To my bitter disappointment, my search did not become easier.

Now is a good time to interject one very important point: Attorneys looking for a good therapist have a much simpler process than the one I described. Simply call the State Bar of Michigan’s confidential Lawyers and Judges Assistance Program hotline at (800) 996-5522 and let us do the work for you. By making this call, I can connect you with a licensed mental health professional who accepts your insurance (or is willing to discount their services for private pay clients) and has experience addressing the unique stressors of the legal profession.

If you absolutely insist on doing things the hard way like I did, the following might help shed some light on the various degrees, credentials, and accreditations you may come across.

Starting with doctoral-level psychologists, the two most common degrees conferred are the Ph.D. and the PsyD. Though it may not be advertised, practicing therapists with either of these two degrees should hold a licensed psychologist (LP) credential granted by the Michigan Department of Licensing and Regulatory Affairs (LARA). The difference between the two is a matter of educational focus: Ph.D. programs *generally* are geared more towards research while PsyD curriculums are offered with practice in mind. Doctoral-level psychologists also have access to and expertise in most psychological evaluation tools.

There also exist master's-level psychologists who practice under the supervision of doctoral-level clinicians — and pay handsomely for that privilege — and hold a limited license psychologist (LLP) credential. The American Psychological Association is the top accreditation body for institutions offering advanced psychology degrees.

Holders of master's of social work (MSW) degrees will often provide therapy services and are also skilled at advocacy and connecting clients to various community resources. This is the most common of Michigan's mental health degrees and practitioners may use MSW or LCSW (for licensed clinical social worker) behind their names. Their diplomas should bear the name of an institution accredited by the Council on Social Work Education.

LMFT refers to a licensed marriage and family therapist, and while every licensed mental health professional *can* facilitate family therapy, LMFTs have a more specialized education. The top MFT programs are accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

Rounding out the list of master's-level therapy credentials is the licensed professional counselor (LPC). Counselors may administer objective evaluations (though they cannot ethically administer all that a Ph.D.-level psychologist may) and have an education deeply rooted in both theory and skill-building. The highest level of accreditation for a counseling program is given by the Council for Accreditation of Counseling and Related Educational Programs (CACREP).

Notably, none of the aforementioned mental health professionals may prescribe medication. Psychiatrists are physicians who have completed a residency in psychiatry and therefore have prescription privileges in the state of Michigan. An astute therapist may refer you to a psychiatrist in order to supplement the treatment they are providing. Research indicates that a combination of therapy and medication is more effective than either form of treatment on its own.¹

The process of finding the appropriate therapist can feel daunting. Ideally, the hardest part would be accepting that outside help is necessary but based on the dozen or so acronyms I've mentioned above, that is not always the case. If you've made the difficult decision to improve your well-being by engaging in mental health services, I urge you to call the confidential LJAP hotline and let a licensed therapist find you a licensed therapist.

Thomas Grden is a clinical case manager with the State Bar of Michigan Lawyers and Judges Assistance Program.

ENDNOTE

1. American Psychological Association, *How Do I Choose Between Medication and Therapy*, <<https://www.apa.org/ptsd-guideline/patients-and-families/medication-or-therapy>>. All websites cited in this article were accessed September 5, 2023.



We're expanding and looking to hire a new estate planning and probate attorney!

Thav, Ryke & Associates is looking to hire a new estate planning and probate attorney for our new Grand Rapids office.

Reply to Jamie Ryan Ryke, Thav, Ryke & Associates
24725 West 12 Mile Road, Suite 110, Southfield, Michigan 48034
(248) 945-1111, jryke@michprobate.com.

LAW PRACTICE SOLUTIONS

How to value a law practice post-2020 and succession planning options for lawyers to consider

BY JEREMY E. POOCK

Our discussion of valuing a law practice and succession planning options for lawyers continues this month by looking at typical payment terms, logistics, succession planning and rules of professional conduct, and current trends in succession planning.

TYPICAL PAYMENT TERMS

First, for the purposes of this article, the payment terms described here do not contemplate a law firm sale per MRPC 1.17 and instead presume payment terms negotiated per either a senior attorney joining a growing law firm or structuring a plan with an internal successor(s).

Earnout Terms

In this version of succession planning, the parties negotiate earnout terms based upon two value chips: the client list and the referral source list. Together, they represent the senior attorney's book of business. Negotiating earnout terms typically relates to assigning a fee-sharing percentage to collections derived from the senior attorney's book of business and determining the number of years in which the fee sharing applies.

Earnout terms represent fair market value to the successor by minimizing the risk of overpayment if clients attributable to the senior attorney's book of business depart. For senior attorneys, earnout terms provide appropriate compensation based upon the portion of their book of business that continues to engage and refer new clients to the successor during a negotiated timeframe in which the terms apply.

Fixed Payment + Earnout Terms

As the 2020s progress, successors to senior attorney-led firms will begin paying fixed prices tied to the firm's brand value in addition to earnout terms, ushering in a new version of succession planning.

Introducing fixed pricing for brand value is a result of today's digital-era firms collecting data analytics from multi-channel digital marketing efforts and client origination data maintained by customer relationship management (CRM) software, including distinguishing between clients originated digitally and those drawn in via word of mouth-type referrals.

In his book "Digital Marketing for Law Firms: The Secrets to Getting More Clients and Better Cases," Chip LaFleur wrote that the "single greatest advantage of digital marketing tools compared to traditional advertising methods is that the digital tools generate data that you can use so that you can improve your campaigns so you can keep getting better and better results."¹

As a hypothetical example, let's say a firm focusing on estate planning for young families in southeast Michigan adopts the following trade name for its practice: Lighthouse Estate Planning Group.² Recognizing that potential clients search for attorneys online, the firm:

- develops a website with tactical search engine optimization that includes a "contact" button for visitors to schedule an initial Zoom consultation or submit an online inquiry;
- regularly posts digital content via multiple social media outlets;
- invests in pay-per-click search terms;
- subscribes to listings within online legal directories like Justia, Avvo, and Super Lawyers; and
- hosts monthly livestream webinars about trends in estate planning with a focus on young families.

As a result of its digital marketing efforts, the firm achieves first-page Google status as a go-to firm in southeastern Michigan; maintains multiple years of data analytics showing click performances, visitor time on page, new client inquires by month and year, online reviews, and more; and collects data from its CRM software determining the sources of all new clients as well as revenues received per client origination category (e.g. digital originations vs. word of mouth).

Under this version of succession planning, data will support firms seeking fixed payments attributable to the firm's brand value while being mindful that if a firm's goodwill includes its brand value, any fixed payment may need to comply with MRPC 1.17.³

SUCCESSION PLANNING LOGISTICS

When planning for succession, the following logistical considerations apply:

- How the five components of value apply to the senior attorney's practice;
- Whether to pursue succession planning with a growing law firm, an internal successor, or maintain the status quo;
- Whether succession planning using solely earnout terms or fixed payment and earnout terms applies;
- The ongoing roles of senior attorneys upon implementing the succession plan for the firms they led;
- Addressing closed client files;
- Malpractice insurance, including the applicability of purchasing a tail policy; and
- Whether to involve an intermediary to assist with succession planning efforts.

When growing law firms consider succeeding senior attorney-led firm, these logistical considerations apply:

- Due diligence to determine that the practice areas and firm culture present the right fit;
- Negotiating financial terms that include incentivizing senior attorneys to transition their books of business;

- Establishing 30-, 60-, 90-, and 180-day plans to integrate the practice; and
- Co-developing a marketing strategy to transfer the trust of the senior attorney's clients and referral sources to lawyers at the growing law firm and creating digital marketing content in written, video, and/or audio formats based upon the senior attorney's knowledge and experience.

RULES OF PROFESSIONAL CONDUCT AND SUCCESSION PLANNING

When considering succession planning in Michigan, lawyers should review the Michigan Rules of Professional Conduct including Rule 1.17 (sale of law practice); Rule 1.6 (confidentiality); Rules 1.7-1.10 (conflicts of interest); Rule 5.4(a)(1)-(2) (exceptions to fee sharing with non-lawyers per an agreement by a firm to pay a lawyer's estate or other representative after the death of a lawyer); and Rules 7.1 and 7.5 (firm names).

Also, effective Sept. 1, 2023, when submitting an annual licensing statement, Michigan attorneys in private practice must comply with two additional requirements by order of the Michigan Supreme Court:

1. Designating an active Michigan attorney in good standing or a firm with at least one other active Michigan attorney in good standing to serve as the attorney's interim administrator or indicate that he or she wishes to designate an attorney from the list maintained by the State Bar of Michigan.
2. Identifying a person with knowledge of the location of the attorney's professional files and records and location of passwords and other security protocols necessary to access the attorney's professional electronic records and files. This person can be the same person designated as interim administrator.⁴

The State Bar of Michigan explained the mandatory interim administrator planning, stating that it:

"protects clients, attorneys' interest in their law practices, and the judicial system in the event that a private practice attorney becomes unable to represent their clients because of death, disability, discipline, disappearance, or incarceration[.] Designating an interim administrator is the first step to ensure that your practice has a succession plan in place. You wouldn't leave your family without a will; don't leave your practice without a succession plan."⁵

SUCCESSION PLANNING TRENDS

Among the trends in succession planning that we expect to continue into 2024 include would-be internal successors not wanting (or having the financial ability) to purchase equity partners' interests in firms where they practice; growing firms recognizing the instant client growth presented by welcoming senior attorneys to their firms; senior attorneys relying on trust transfer to maximize earnout terms by transferring clients and referral sources to successors; and growing law firms supplementing earnout terms by paying a fixed price for the firm's brand value.

CONCLUSION

Law firms have value, and senior attorneys have three primary options when contemplating succession planning for their practices: join a growing law firm, structure an internal succession plan, or maintain the status quo. Senior attorneys who maintain the status quo risk seeing their firms decrease in value — their books of business will not grow at the same rate during today's digital era when compared to the era of word-of-mouth growth.

Senior attorneys who have developed a book of business during their careers will find that growing law firms want and need that information. They also covet the goodwill, subject matter knowledge, experienced workforce, and marketing value well-established practices offer. As of now, senior attorneys benefit from earnout terms offered by succession planning. Soon, succession plans will supplement earnout terms by adding fixed payments that take into consideration the firm's brand value.



Jeremy E. Poock is the founder of Senior Attorney Match, which designs and implements law firm sales for attorneys who have practiced 30 or more years. Prior to founding Senior Attorney Match in 2013, he practiced as a business law attorney in Massachusetts for 13 years.

ENDNOTES

1. LaFleur, *Digital Marketing for Law Firms: The Secrets to Getting More Clients and Better Cases* (Portland: Trial Guides, 2020), p 52.
2. MRPC 7.5(a) provides in part as follows: "A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and it is not otherwise in violation of Rule 7.1." MRPC 7.1 also states: "A lawyer may, on the lawyer's own behalf, on behalf of a partner or associate, or on behalf of any other lawyer affiliated with the lawyer or the lawyer's law firm, use or participate in the use of any form of public communication that is not false, fraudulent, misleading, or deceptive."
3. MRPC 1.17(a) states: "A lawyer or a law firm may sell or purchase a private law practice, including good will, pursuant to this rule." The comment to MRPC 1.17 includes the following: "Admission to or retirement from a law partnership or professional association, retirement plans and similar arrangements, and a sale of tangible assets of a law practice, do not constitute a sale or purchase governed by this rule."
4. Administrative Order No 2020-15 (2022), available at <https://www.courts.michigan.gov/4a6d5a/siteassets/rules-instructions-administrative-orders/proposed-and-recently-adopted-orders-on-admin-matters/adopted-orders/2020-15_2022-06-15_formor_sbmiap.pdf> [<https://perma.cc/3FVK-Z4V7>]. See also, *Rule 21 Law Practice Succession Planning*, State Bar of Michigan <<https://www.michbar.org/pmrc/rule21>> [<https://perma.cc/J9JP-P4WM>]; *Rule 21: Law Practice Succession Planning*, On Balance Podcast, State Bar of Michigan (May 8, 2023), available at <<https://legaltalknetwork.com/podcasts/state-bar-michigan-on-balance/2023/05/rule-21-law-practice-succession-planning/>> [<https://perma.cc/3TSR-CNZG>]; and Afton Martin, *New Michigan Bar and Court Rules stress need for interim administration, as well as attorneys' succession plans*, Flint-Genese County Legal News (June 2, 2023) <<https://legalnews.com/flintgenese/1523364/>> [<https://perma.cc/BS7R-A6XJ>]. All websites cited in this article were accessed July 25, 2023.
5. *Rule 21 Law Practice Succession Planning*.

KUTINSKY
INSURANCE COVERAGE FIRM

Level the playing field with insurance companies.

Best Lawyers
BEST
LAW FIRMS
USNews

AV[®]

RATED BY
Super Lawyers[®]
Top 100
Michigan
SuperLawyers.com

KUTINSKY.COM (248) 762-8644

MICHIGAN
BAR
JOURNAL

READ THE BAR
JOURNAL ONLINE!

MICHBAR.ORG/JOURNAL

ETHICAL PERSPECTIVE

Scam alert: What to do

BY ROBINJIT K. EAGLESON

When the average person thinks of a victim of a scam, they usually envision an elderly person who fears the use of technology or a minor child still learning about the world around them. The average person does not picture themselves ever becoming the victim of a scam.

However, scams targeting attorneys, law firms, and client trust accounts are on the rise. The sophistication of these scams is continually growing and evolving. The best way for attorneys to protect themselves from falling victim to scams is by becoming familiar with the typical schemes and taking appropriate precautions and protections.

Attorneys must understand that scammers do not discriminate by age and that they understand their potential targets. There are a variety of schemes that can plague attorneys, but the most common is one where a proposed client contacts an attorney with a fabricated legal issue and offers to transfer an agreed-upon amount of money to secure representation. These fake clients most often reach out by email and identify themselves as a client who lives out of state or in a foreign country. Fake clients create elaborate schemes using false professional business websites, spoofed email addresses, and corroborating documents that turn out to be forged, and are prepared to sign a retainer agreement quickly.

One common scam is when a fake client informs the newly retained attorney that their matter has unexpectedly settled and they need the attorney's bank routing information for their IOLTA. The check is deposited into the IOLTA, but once the check is deposited, the fake client claims an urgent situation has arisen and they are in dire need of the funds. The fake client provides the information to wire the funds to them. The scam is complete if the funds are wired before the attorney realizes that the check deposited into the IOLTA is counterfeit.

Within these schemes, there are several steps where attorneys should question that the client may not really be a client at all. What follows are some of the more common scenarios used by scammers to target attorneys, their firms, and their staff, all of which should raise red flags.

PHISHING

Phishing is defined as "a technique for attempting to acquire sensitive data, such as bank account numbers, through a fraudulent solicitation in email or on a website, in which the perpetrator masquerades as a legitimate business or reputable person."¹

One example of phishing is when an attorney receives unsolicited email correspondence seeking legal representation, typically from a business or an individual located overseas. The fake prospective client claims to be owed a significant sum of money from a business located in the same city or state as the attorney.

The fake client then attempts to hack into the firm's computer system to steal confidential information. This is usually accomplished by the fake client sending the attorney or firm a link within correspondence; once clicked, the fake client can access to some, if not all, of the firm's computer records.

SPOOFING

Spoofing is defined as "faking the sending address of a transmission to gain illegal entry into a secure system."²

A common spoofing technique is when a perpetrator imitates an attorney's email address with only a letter or two difference to make it seem like the attorney is contacting the client with details on how to wire money. The email may also contain a false invoice — complete with a copied letterhead and signature block from an

original email — asking the client to make a payment. A quick glance at the email would not make a client think twice, and the client may inadvertently send payment to the scammer.

COUNTERFEIT TRUST ACCOUNT CHECKS

This scam involves a perpetrator getting information from a law firm's trust account or obtaining a voided check from the law firm and then duplicating that check, making it indistinguishable from a real check. The perpetrator may make the counterfeit check payable to themselves or to an account the perpetrator controls in order to cash it. The perpetrator also may use the counterfeit check as payment to another firm, but the perpetrator then seeks a refund before the fake is discovered.

Scams targeting attorneys, law firms, and client trust accounts are on the rise. The sophistication of these scams is continually growing and evolving.

These are just some of the scams that attorneys have come across. Further scenarios may be found on a State Bar of Michigan web page called Scams Targeting Attorneys Reported in Michigan at www.michbar.org/generalinfo/scamalerts.

PROTECTING YOURSELF AND YOUR FIRM

While attorneys must be aware of these scams, they must also be familiar with methods of protecting their firms and their clients. Here are some common steps:

- Perform due diligence on potential clients, particularly those who correspond solely through email and are located out of state or overseas. This is also a good practice for potential clients the attorney has not met in person.
- Require documentation that adequately identifies the parties involved and the reason for the potential representation. Verify the documentation if possible.
- Get independent verification of the telephone number, address, and any other identifying details of the potential client and/or business.
- If the opposing party is a local business, contact the company to confirm the relationship with the potential client (i.e., debt).
- Take extreme caution regarding demands to deposit a check and quickly wiring funds out of the same account. Perpetrators rely on an attorney's or firm's good standing with their banks to provide immediate availability to funds.
- Be wary of large retainer fees or quickly received settlement checks and clients requiring immediate deposit and withdrawal of such funds.
- Do not click on links in emails that are not sent by a reliable source.
- Closely review email addresses and advise clients to do the same.
- Routinely and meticulously monitor activity on the firm's trust account.

Attorneys who have been targeted in a scam are advised to file a report with their local law enforcement agency. If the scam involves checks and/or banking, it is further recommended that attorneys report the scam to their local U.S. Secret Service field office. Attorneys are also encouraged to share information regarding scams with the Michigan Cyber Command Center (MC3) for informational purposes; however, if the scam involves network intrusions, account compromises, and/or ransomware, it is recommended that attorneys file a formal complaint with MC3 via email at MC3@michigan.gov or by calling (877) MI-CYBER. Finally, attorneys who have been targets of a scam and are willing to share their stories with other attorneys for informative purposes can contact the State Bar of Michigan via email at hello@michbar.org.



Robinjit K. Eagleson is ethics counsel at the State Bar of Michigan. She is also a member of the State Bar of Michigan and staffs the Professional Ethics Committee and the Judicial Ethics Committee.

ENDNOTES

1. U.S. Department of Commerce National Institute of Standards and Technology, *Glossary: Phishing*, <<https://csrc.nist.gov/glossary/term/phishing>>. All websites cited in this article were accessed September 7, 2023.
2. U.S. Department of Commerce National Institute of Standards and Technology, *Glossary: Spoofing*, <<https://csrc.nist.gov/glossary/term/spoofing>>.

LIBRARIES & LEGAL RESEARCH

Kent District Library's implementation of evidence-based selection

BY BRIAN L. MORTIMORE

Fundamental to every organization's ability to fulfill its mission is hiring talented individuals who are capable of understanding, embracing, and exercising their inherent and learned talents to fulfill that mission. Historically, employers hired those they knew. Simply knowing someone would often be enough to affirm their qualifications for a job and employment would be granted accordingly. Such actions contributed to generations of implicit bias-based decision making.

In time, communities grew such that everyone didn't know everybody, and a more formal meeting between an applicant and their prospective employer would occur. These meetings, or interviews, provided for more informed decisions to support the organization's mission. Still, implicit bias impacts the hiring process. As evidence-based selection is gaining in popularity, libraries can explore how the Kent District Library (KDL) efforts might be applied elsewhere.

BACKGROUND

In 2019, KDL human resources set out to strengthen its approach to staffing the organization with the following goals:

1. creating greater equity in the selection process through reduction of implicit bias;
2. improving the viability of candidates through competency testing; and
3. ensuring the quality of hires to help reduce first-year turnover, improving the diversity of the workforce, and ensuring competency on the job.

Organizations such as Trinity Health Grand Rapids, Gordon Foods, the City of Grand Rapids, Grand Rapids Community College, and dozens more shared the goal of strengthening hiring and related outcomes by adopting the science of evidence-based

selection in conjunction with HireReach,¹ a program that recruits, trains, and advises businesses in 13 West Michigan counties as they implement evidence-based hiring. Participating institutions, including KDL, were also guided through an examination of entry-level and mid-level positions to identify relevant skills and revamp its assessment and evaluation process.

As part of this initiative, KDL did the following:

- mapped all position competencies to the U.S. Department of Labor O*Net databases to ensure the skills we seek are accurately and consistently defined;
- coordinated sessions in which KDL staff, serving as subject matter experts, collaborated with consultants to review position competencies, which further ensured accuracy of skill sets deemed critical for selection and validated the testing criteria to be used; and
- identified and began utilizing several assessment tools. Job candidates with the highest scores across all assessments were presented to the hiring supervisor, who selects the top three candidates for interviews.

Although testing procedures have added considerably to the HR department workload, hiring supervisors have repeatedly commented on the strength of candidates and the fact that they feel confident in selecting any of those presented for interview, recognizing they've been properly vetted and have demonstrated in interviews that they are highly competent. This has resulted in a savings in time associated with interviews.

In the past — and as with many institutions — who someone knew could play a serious role in determining who was endorsed for an

interview and considered for the job. Adding more science to the art of hiring, as we have done, has eliminated much of that bias and, in turn, promotes equity in our staffing process with the outcome of an even more competent workforce now and in the years ahead. Put simply, the competition for jobs is less about who you know and more about what you know and are capable of.

Implicit bias is often cited as a hindrance to hiring a more diverse workforce. Prior to evidence-based selection, the KDL workforce had few persons of color (approximately 2%.) That percentage has now grown to approximately 10%. Moreover, 17% of professional hires under evidence-based selection (i.e., managers, librarians) represent persons of color. Our workforce is trending toward better representation.

TESTING AND PREDICTIVE VALIDITY

Test assessments help predict future job performance, fit (or lack of future trouble on the job), ability to work with the team, and likelihood of retention on the job. Testing provides a field of viable candidates who have strong predictive validity to perform well while eliminating implicit bias, providing managers and staff with confidence in the ability of those who are being considered.

LEGAL DEFENSIBILITY

Under the Civil Rights Act of 1964 and decisions of the Equal Employment Opportunity Commission (EEOC), employers have a legal responsibility to establish that their employment selection procedures are job related and consistent with business necessity. The O*Net job analysis process, coupled with testing to ensure relevant candidate competencies as predictors of future success, are designed to comply with standards established by the EEOC for legal defensibility of the selection process.

HIRING PROCESS STEP-BY-STEP

The following process seeks to maintain staffing effectively and efficiently at the library. The steps are:

1. A vacancy occurs due to turnover or newly created positions.
2. The designated hiring supervisor completes a position requisition. The position is posted.
3. The position is posted internally and externally.
4. Applications are received in the applicant tracking system (ATS). The designated HR team member reviews applications, cover letters, and resumes to identify qualified candidates.
5. Applicants are compared against one another by the designated HR team member to identify those best qualified to be successful in the position given their work history and career progression. Depending on the position, a combination of

2-3 assessments are applied for those deemed best qualified.

The assessments include:

- a) Measuring foundational skills like visual acuity, numerical reasoning, and vocabulary skills. Research shows that those with strong foundational skills perform at higher levels and have a greater likelihood of success on the job.
- b) Determining job readiness, learning ability, and attention to detail through a series of short questions and exercises.
- c) Measuring an applicant's aptitude and predictive success in working in a public library using Bookmark, KDL's proprietary public library employment tool.
- d) Specifically identifying traits that research has found to be most relevant for the specific position for which they have applied.
- e) Measuring the candidate's personality profile.

Following the assessments, candidates with the strongest scores are eligible for further consideration. The list of eligible candidates typically ranges between 5-10 applicants.

6. The hiring supervisor reviews the list and selects interviewees.
7. Prior to interviews, HR gets reference feedback using the applicant tracking system. The information is shared with the hiring supervisor.
8. Structured interviews are conducted by HR and the hiring supervisor.
9. The hiring supervisor and/or their direct supervisor will decide who to hire no later than two business days following the last interview.
10. Human resources conveys regrets to those who were not selected; the hiring supervisor makes the job offer. To ensure internal equity, hiring supervisors are not permitted to negotiate wages of salaried employees.
11. Employment paperwork is signed and onboarding begins

Brian L. Mortimore is director of human resources and organizational development for the Kent District Library.

ENDNOTE

1. Dawes, *New Initiative Intends to 'Level the Playing Field'*, Crain's Grand Rapids Business (August 3, 2018) <<https://www.craingsgrandrapids.com/news/new-initiative-intends-to-level-the-playing-field/>>. All websites cited in this article were accessed September 13, 2023.

LAWYERS & JUDGES ASSISTANCE

MEETING DIRECTORY

The following list reflects the latest information about lawyers and judges AA and NA meetings. Meetings marked with "*" have been designated for lawyers, judges, and law students only. All other meetings are attended primarily by lawyers, judges, and law students, but also are attended by others seeking recovery. In addition, we have listed "Other Meetings," which others in recovery have recommended as being good meetings for those in the legal profession.

For questions about any of the meetings listed, please contact the Lawyers and Judges Assistance Program at 800.996.5522 or jclark@michbar.org.

PLEASE DO NOT HESITATE TO CONTACT LJAP DIRECTLY WITH QUESTIONS PERTAINING TO VIRTUAL 12-STEP MEETINGS. FOR MEETING LOGIN INFORMATION, CONTACT LJAP VOLUNTEERS ARVIN P. AT 248.310.6360 OR MIKE M. AT 517.242.4792.

ALCOHOLICS ANONYMOUS & OTHER SUPPORT GROUPS

Bloomfield Hills

WEDNESDAY 6 PM*

Kirk in the Hills Presbyterian Church
1340 W. Long Lake Rd.
1/2 mile west of Telegraph

Detroit

MONDAY 7 PM*

Lawyers and Judges AA
St. Paul of the Cross
23333 Schoolcraft Rd.
Just east of I-96 and Telegraph (*This is both an AA and NA meeting.*)

East Lansing

WEDNESDAY 8 PM

Sense of Humor AA Meeting
Michigan State University Union
Lake Michigan Room
S.E. corner of Abbot and Grand River Ave.

Houghton Lake

SECOND SATURDAY OF THE MONTH 1 PM

Lawyers and Judges AA Meeting
Houghton Lake Alano Club
2410 N. Markey Rd.
Contact Scott with questions 989.246.1200

Lansing

THURSDAY 7 PM*

Virtual meeting
Contact Mike M. for meeting information
517.242.4792

Lansing

SUNDAY 7 PM*

Virtual meeting
Contact Mike M. for meeting information
517.242.4792

Royal Oak

TUESDAY 7 PM*

Lawyers and Judges AA
St. John's Episcopal Church
26998 Woodward Ave.

Stevensville

THURSDAY 4 PM*

Al-Anon of Berrien County
4162 Red Arrow Highway

THURSDAY 7:30 PM

Zoom
(Contact Arvin P. at 248.310.6360
for Zoom login information)

GAMBLERS ANONYMOUS

For a list of meetings, visit
gamblersanonymous.org/mtgdirMI.html.

Please note that these meetings are not specifically for lawyers and judges.

OTHER MEETINGS

Bloomfield Hills

THURSDAY & SUNDAY 8 PM

Manresa Stag
1390 Quarton Rd.

Detroit

TUESDAY 6 PM

St. Aloysius Church Office
1232 Washington Blvd.

Detroit

FRIDAY 12 PM

Detroit Metropolitan Bar Association
645 Griswold
3550 Penobscot Bldg., 13th Floor
Smart Detroit Global Board Room 2

Farmington Hills

TUESDAY 7 AM

Antioch Lutheran Church
33360 W. 13 Mile
Corner of 13 Mile and Farmington Rd., use back
entrance, basement

Monroe

TUESDAY 12:05 PM

Professionals in Recovery
Human Potential Center
22 W. 2nd St.
Closed meeting; restricted to professionals who
are addicted to drugs and/or alcohol

Rochester

FRIDAY 8 PM

Rochester Presbyterian Church
1385 S. Adams
South of Avon Rd.
Closed meeting; men's group

Troy

FRIDAY 6 PM

The Business & Professional (STAG)
Closed Meeting of Narcotics Anonymous
Pilgrim Congregational Church
3061 N. Adams
2 blocks north of Big Beaver (16 Mile Rd.)

PUBLIC POLICY REPORT

IN THE HALL OF JUSTICE

Proposed Amendments of Rules 1.109, 5.302, and 8.108 of the Michigan Court Rules (ADM File No. 2017-28) – Court Records Defined; Document Defined; Filing Standards; Signatures; Electronic Filing and Service; Access; Commencement of Decedent Estates; Court Reporters and Recorders.

STATUS: Comment Period Expires Oct. 1, 2023; Public Hearing to be Scheduled.

POSITION: Support the proposed amendments of MCR 1.109, 5.302, and 8.108 and recommend that MCR 5.302(A)(1) be amended to require that both a redacted

and unredacted version of a death certificate or alternative documentation be filed and that unredacted version be maintained as a nonpublic record accessible to the parties.

Proposed Amendments of Rules 3.993 and 6.428 of the Michigan Court Rules (ADM File No. 2022-34) – Appeals; Restoration of Appellate Rights (See *Michigan Bar Journal* September 2023, p 68).

STATUS: Comment Period Expires Oct. 1, 2023; Public Hearing to be Scheduled.

POSITION: Support.

BOLD

Business Litigators | Business Lawyers
altiorlaw.com | 248.594.5252

ALTIOR LAW

MICHIGAN
BAR
JOURNAL

READ THE BAR
JOURNAL ONLINE!

MICHBAR.ORG/JOURNAL

ORDERS OF DISCIPLINE & DISABILITY

REINSTATEMENT

On Jan. 20, 2023, Tri-County Hearing Panel #101 entered an Order of Suspension suspending the respondent from the practice law in Michigan for 179 days effective Feb. 11, 2023. On Aug. 1, 2023, the respondent filed an affidavit pursuant to MCR 9.123(A) attesting that he has fully complied with all requirements of the panel's order and will continue to comply with the order until and unless reinstated. The grievance administrator did not file an objection to respondent's affidavit pursuant to MCR 9.123(A) and the board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that the respondent, **Paul Bukowski**, is **REINSTATED** to the practice of law in Michigan effective Aug. 9, 2023.

REINSTATEMENT

On Feb. 28, 2022, Kent County Hearing Panel #4 entered an Order of Suspension with Conditions suspending the respondent from the practice law in Michigan for 60 days with conditions. The grievance administrator filed a timely petition for review, and the respondent filed a cross-petition for review and a petition for stay of discipline, which resulted in an automatic stay of the hearing panel's order of suspension with conditions.

After conducting review proceedings in accordance with MCR 9.118, the board affirmed the hearing panel's order of suspension with conditions on June 15, 2022. On Oct. 20, 2022, the respondent filed a timely application for leave to appeal with the Michigan Supreme Court pursuant to MCR 9.122(A). On May 19,

2023, the Court issued an order denying the respondent's application for leave to appeal. As a result, the order of suspension with conditions became effective on June 10, 2023.

On Aug. 2, 2023, the respondent filed an affidavit pursuant to MCR 9.123(A) attesting that he has fully complied with all requirements of the panel's order and will continue to comply with the order until and unless reinstated. The board was advised that the grievance administrator has no objection to the affidavit and the board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that the respondent, **David Charron**, is **REINSTATED** to the practice of law in Michigan effective Aug. 11, 2023.

WHEN YOUR CLIENT CAN'T AFFORD TO LOSE

The Barone Defense Firm is now accepting referrals for the defense of White-Collar Criminal cases in all Federal Courts.

Heath Care Fraud | Financial Fraud
Complex Financial Crimes | RICO

EXEMPLARY TRIALS OF NOTE

- *United States v. Tocco et al*, 2006—RICO prosecution of 17 members and associates of the Detroit La Cosa Nostra (LCN). Case involved utilization of extensive electronic surveillance.
- *United States v. Zerilli*, 2002—prosecution of the number two ranking member of the Detroit LCN.

SIGNIFICANT ACCOMPLISHMENTS

- Letters of Commendation, Director of the Federal Bureau of Investigation: 2004, 2002, 1999, 1986, 1982.
- United States Department of Justice Directors Award 1999.



FEATURING Keith Corbett

Former Chief, Organized Crime Strike Force
United States Attorney's Office

Patrick Barone/Keith Corbett
BaroneDefenseFirm.com
248-594-4554

INTERIM SUSPENSION PURSUANT TO MCR 9.115(H)(1)

George D. Gostias, P73774, Livonia, by the Attorney Discipline Board Tri-County Hearing Panel #10. Interim suspension, effective Aug. 24, 2023.

The respondent failed to appear at the Aug. 17, 2023, hearing and satisfactory proofs were entered into the record that he possessed actual notice of the proceedings. As a result, the hearing panel issued an Order of Suspension Pursuant to MCR 9.115(H)(1) effective Aug. 24, 2023, and until further order of the panel or the board.

SUSPENSION (PENDING MOTION FOR RECONSIDERATION)

Nejla K. Lane, P68737, Chicago, Illinois, by the Attorney Discipline Board. Suspension, six months, effective Aug. 4, 2023.

The grievance administrator filed a notice of filing of reciprocal discipline pursuant to MCR 9.120(C) that attached a certified copy of an order issued by the Illinois Supreme Court on Jan. 17, 2023, in a matter titled *In re Nejla Lane*, Case No. M.R. 031402, that suspended the respondent from the practice of law in Illinois for nine months with the suspension stayed after six months by a six-month period of probation, subject to conditions, effective Feb. 7, 2023. In the notice, the grievance administrator requested that the board impose a six-month suspension, which he represented would be comparable discipline in Michigan. The administrator did not believe that the conditions ordered by the Illinois Supreme Court order were necessary.

An order regarding imposition of reciprocal discipline was issued by the board on May 11, 2023, ordering the parties to, within 21 days from service of the order, inform the board in writing (i) of any objection to the imposition of comparable discipline in Michigan based on the grounds set forth in MCR 9.120(C)(1) and (ii) whether a hearing was requested. The 21-day period set forth in the board's order expired without objection or request for hearing by either party.

On July 6, 2023, the Attorney Discipline Board ordered that the respondent be suspended from the practice of law in Michigan for six months effective Aug. 4, 2023. The respondent filed a timely motion for reconsideration, which is currently pending before the board.

Costs were assessed in the amount of \$1,527.05.

SUSPENSION (BY CONSENT)

Alexander Melnikov, P73960, Hallandale, Florida, by the Attorney Discipline Board Tri-County Hearing Panel #15. Suspension, 180 days, effective Aug. 19, 2023.¹

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by the hearing panel. Based upon the respondent's admissions to all of the allegations set forth in the formal complaint, which included the fact that he was convicted by no contest plea of misdemeanor assault, harassing a witness, and misdemeanor battery in a matter titled *State of Florida v. Alexander A. Melnikov*, Broward County Circuit Court, Case No. 200-148-CF-10A, and sentenced to 24 months of probation, which was taken under advisement and an

adjudication of guilt was withheld,² the panel found that he committed professional misconduct when he engaged in conduct that violates a criminal law.

Based on the respondent's admissions and the parties' stipulation, the panel found that the respondent engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MRPC 8.4(b) and MCR 9.104(5); engaged in conduct that is prejudicial to the administration of justice in violation of MRPC 8.4(c) and MCR 9.104(1); engaged in conduct that exposes the legal profession to obloquy, contempt, censure, or reproach in violation of MCR 9.104(2); and engaged in conduct contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3).



In accordance with the stipulation of the parties, the hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 180 days. Total costs were assessed in the amount of \$768.96.

1. Respondent has been continuously suspended from the practice of law in Michigan since August 19, 2016. Please see Notice of Suspension with Condition, issued March 27, 2017, *Grievance Administrator v Alexander Melnikov*, 15-144-JC; 15-145-GA.

2. Florida statute provides that a withheld sentence allows a judge to order probation but not formally convict a defendant.

Reputation matters

Grievance Defense for Lawyers.
Ethics Advice for Law Firms.

Donald Campbell
donald.campbell@ceflawyers.com

CE
ceflawyers.com

James Hunter
james.hunter@ceflawyers.com

ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

DISBARMENT WITH CONDITION (BY CONSENT)

Thomas E. Moorhead, P23231, Owosso, by the Attorney Discipline Board Ingham County Hearing Panel #4. Disbarment, effective Sept. 8, 2023.¹

The respondent and the grievance administrator filed a Stipulation for Consent Order of Disbarment pursuant to MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The stipulation contained the respondent's admissions that he was convicted on July 14, 2022, by guilty plea, of the felony offense of Check Non-Sufficient

Funds \$500 or More in violation of MCL 750.1313C in a matter titled *People v. Thomas Edward Moorhead*, Ingham County Circuit Court, Case No. 21-006004-VJCM-C30; 21-5558-FH, and that his conviction constituted professional misconduct in violation of MCR 9.104(5). In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended effective July 14, 2022, the date the court accepted respondent's guilty plea.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent committed professional

misconduct when he engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615 in violation of MCR 9.104(5).

In accordance with the stipulation of the parties, the panel ordered that the respondent be disbarred from the practice of law in Michigan and that he be subject to a condition relevant to the established misconduct. Total costs were assessed in the amount of \$817.27.

1. The respondent has been continuously suspended from the practice of law in Michigan since July 14, 2022. Please see Notice of Automatic Interim Suspension issued November 29, 2022.

Mediation, Arbitration, and Special Master Services

MONA K. MAJZOUB DISPUTE RESOLUTIONS PLLC

Recently retired United States Magistrate Judge Mona K. Majzoub has returned to the practice of law and is available and eager to assist you and your clients with mediation, settlement, case facilitation, and special master services of your federal and state civil cases. Going forward, she is amenable to offering evaluative and facilitative mediation assistance using an audio-visual platform. Please visit her website and contact her to discuss and avail yourself of her legal services.



26400 Lahser Road
Suite 250
Southfield, MI 48033



313.565.1938
www.mkmpllc.com

DEFENSE/ADVOCACY OF GRIEVANCE AND STATE BAR RELATED MATTERS



TODD A. McCONAGHY

Shareholder -
Sullivan, Ward, Patton, Gleeson & Felty, P.C.

Former Senior Associate Counsel -
Attorney Grievance Commission

Former District Chairperson -
Character & Fitness Committee

**Twenty-six years of experience in
both public and private sectors**



ROBERT E. EDICK

Senior Attorney -
Sullivan, Ward, Patton, Gleeson & Felty, P.C.

Former Deputy Administrator -
Attorney Grievance Commission

Former District Chairperson -
Character & Fitness Committee

**Forty years of experience in
both public and private sectors**



SULLIVAN, WARD, PATTON, GLEESON & FELTY, P.C.
ATTORNEYS AND COUNSELORS AT LAW

400 GALLERIA OFFICENTRE | SUITE 500 | SOUTHFIELD, MI 48034 | SULLIVANWARDLAW.COM
FREE CONSULTATION: TMCCONAGHY@SULLIVANWARDLAW.COM | REDICK@SULLIVANWARDLAW.COM

INTERIM SUSPENSION PURSUANT TO MCR 9.115(H)(1)

Raymond G. Mullins, P23101, Ypsilanti, by the Attorney Discipline Board Washtenaw County Hearing Panel #5. Interim suspension, effective Aug. 23, 2023.

The respondent failed to appear at the Aug. 9, 2023, hearing and satisfactory proofs were entered into the record that he possessed actual notice of the proceedings. As a result, the hearing panel issued an Order of Suspension pursuant to MCR 9.115(H)(1) effective Aug. 23, 2023, and until further order of the panel or the board.

REINSTATEMENT

On Feb. 28, 2023, Tri-County Hearing Panel #53 entered an order suspending the respondent from the practice of law in Michigan for 179 days effective June 10, 2022. On Aug. 23, 2023, the respondent filed an affidavit pursuant to MCR 9.123(A) attesting that he has fully complied with all requirements of the panel's order and will continue to comply with the order until and unless reinstated. The grievance administrator's counsel notified the board that the administrator has no objection to the respondent's affidavit and reinstatement pursuant

to MCR 9.123(A) and the board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that respondent, **Andrew J. Paluda**, is **REINSTATED** to the practice of law in Michigan effective Sept. 8, 2023.

REINSTATEMENT

On May 1, 2023, the Michigan Attorney Discipline Board entered an order suspending the respondent from the practice of law in Michigan for 90 days, effective May 30, 2023. On Aug. 28, 2023, the respondent filed an affidavit pursuant to MCR 9.123(A) attesting that she has fully complied with all requirements of the panel's order and will continue to comply with the order until and unless reinstated. The board was advised that the grievance administrator has no objection to the affidavit and the board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that the respondent, **Hanna M. Renna**, is **REINSTATED** to the practice of law in Michigan effective Sept. 5, 2023.

REPRIMAND (BY CONSENT)

Nelson O. Ropke, P67575, Grosse Pointe, by the Attorney Discipline Board Tri-County Hearing Panel #18. Reprimand, effective Aug. 8, 2023.

The respondent and the grievance administrator filed an Amended Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The amended stipulation contained the respondent's admission that he was convicted on May 13, 2021, by pleading no contest to Failing to Stop or Identify After a Property Damage Accident in violation of MCL 257.618 in a matter titled *City of Grosse Pointe v. Nelson Otto Ropke*, Grosse Pointe Municipal Court, Case No. 21GR00046-OD.

Based on the respondent's conviction, admission, and the parties' amended stipula-

ATTORNEY DISCIPLINE DEFENSE

Experienced attorney (47 yrs) who handles criminal and civil cases, trial and appeal, is available for representation in defending attorneys in discipline proceedings. I can represent you in answering requests for investigations, grievances, and at hearings. I am also available for appeals, reinstatement petitions, and general consultation. References are available upon request. For further information, contact:


LAW OFFICES OF THOMAS M. LOEB
24725 W. 12 Mile Rd., Ste. 110 • Southfield, MI 48034
(248) 851-2020 • Fax (248) 851-2525

e-mail: tmloeb@mich.com • <http://www.loebslaw.com/>

Timothy A. Dinan

313-821-5904 | t_dinan@yahoo.com
www.timdinan.com

- | Attorney Grievance Matters
- | Attorney Reinstatement
- | Character & Fitness/Bar Admission Matters



tion, the panel found that the respondent committed professional misconduct when he engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615 in violation of MCR 9.104(5) and MRPC 8.4(b).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Total costs were assessed in the amount of \$759.24.

REPRIMAND (BY CONSENT)

Clarice Y. Williams, P33415, Southfield, by the Attorney Discipline Board Tri-County Hearing Panel #58. Reprimand, effective Aug. 16, 2023.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by the hearing panel. The parties'

40 Years of Successful Representation of Attorneys Before the Attorney Grievance Commission Attorney Discipline Board

DETTMER & DEZSI, PLLC
Dennis A. Dettmer
1523 N. Main St.
Royal Oak, MI 48067

Free Initial Consultation (313) 820-5752

stipulation contained the respondent's admission that she committed professional misconduct during her representation of the defendant in a quiet title action.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent committed misconduct when she failed to competently represent her client in a matter in violation of MRPC 1.1; failed to act with reasonable

ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

ETHICS GUIDANCE & ATTORNEY DISCIPLINE DEFENSE

MOGILL, POSNER & COHEN • 27 E. FLINT STREET, 2ND FLOOR • LAKE ORION, MI 48362 • (248) 814-9470

KENNETH M. MOGILL

- Adjunct professor, Wayne State University Law School, 2002-present
- Past chairperson, SBM Committee on Professional Ethics
- Past member, ABA Center for Professional Responsibility Committee on Continuing Legal Education
- Over 30 years experience representing lawyers in ethics consultations, attorney discipline investigations, trials and appeals and Bar applicants in character and fitness investigations and proceedings

ERICA N. LEMANSKI

- Member, SBM Committee on Professional Ethics
- Experienced in representing lawyers in ethics consultations, attorney discipline investigations, trials and appeals and Bar applicants in character and fitness investigations and proceedings

RHONDA SPENCER POZEHL (OF COUNSEL) (248) 989-5302

- Over 35 years experience in all aspects of the attorney discipline investigations, trials and appeals
- Former Senior Associate Counsel, Attorney Grievance Commission; former partner, Moore, Vestrand & Pozehl, PC; former Supervising Senior Associate Counsel, AGC Trust Account Overdraft program
- Past member, SBM Professional Ethics Committee, Payee Notification Committee and Receivership Committee

Rosinski Ethics Law PLLC

With **20 years** of experience as Senior Associate Counsel for the Michigan Attorney Grievance Commission, **Fran Rosinski** knows the system.

She uses a **proactive and practical approach** in:

- Disciplinary Matters • Reinstatements
- Character & Fitness Matters • Hearings & Appeals
- Answering Requests for Investigation



Frances A. Rosinski
Attorney at Law
313.550.6002

franrosinskilaw@gmail.com

This material may be deemed "Attorney Advertising"

diligence and promptness in representing her client in violation of MRPC 1.3; filed pleadings and motions asserting or controverting issues without a basis for doing so that was frivolous in violation of MRPC 3.1; failed to make reasonable efforts to expedite litigation consistent with the interests of the client in violation of MRPC 3.2; engaged in conduct that is prejudicial to the administration of justice in violation of MRPC 8.4(c) and MCR 9.104(1); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach in violation of MCR 9.104(2); and, engaged in conduct that is

contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded. Total costs were assessed in the amount of \$789.20.

INTERIM SUSPENSION PURSUANT TO MCR 9.115(H)(1)

Thomas J. Wilson, P33071, Lexington, by the Attorney Discipline Board Genesee County Hearing Panel #3. Interim suspension, effective Aug. 29, 2023.

MICHIGAN

BAR
JOURNAL

READ THE BAR
JOURNAL ONLINE!

MICHBAR.ORG/JOURNAL

The respondent failed to appear at the Aug. 15, 2023, hearing and satisfactory proofs were entered into the record that he possessed actual notice of the proceedings. As a result, the hearing panel issued an Order of Suspension Pursuant to MCR 9.115(H)(1) effective Aug. 29, 2023, and until further order of the panel or the board.

Goldberg, Persky and White, P.C.

Michigan's Local Asbestos & Mesothelioma Lawyers

We have represented thousands of mesothelioma, lung cancer, and asbestos disease victims and obtained \$1 billion in compensation for them. As pioneers in asbestos litigation, GPW has filed asbestos lawsuits since 1984 defending the rights of hardworking men and women throughout Michigan, Pennsylvania, Ohio, and West Virginia .

Referral fees confirmed in writing.

Contact John Pomerville at ext 191

800-799-2234

www.gpwlaw-mi.com

One Towne Square Ste. 1835
Southfield, Michigan 48076

MICHIGAN
BAR
JOURNAL

READ THE BAR
JOURNAL ONLINE

MICHBAR.ORG/JOURNAL

LEADERS in PREMISES cases!

The Michigan Supreme Court has overruled Lugo v Ameritech

Millions in referral fees paid

in accordance with the Michigan Rules of Professional Conduct

2023 - \$680,000.00

verdict on an injury on a defective slide causing a TBI with a \$500.00 pre-trial offer.

2022 - \$1.9 M

settlement on a trip and fall on a defective carpet in an apartment complex causing partial paralysis.

2020 - \$450,000

settlement on a trip and fall on a warped wooden plank causing spinal cord injury.

2019 - \$610,000

verdict on a trip and fall on an uncovered and unguarded crawl space with a \$105,000.00 case evaluation award

LAW OFFICES OF
TODD J. STEARN, P.C. **248-744-5000 | tjlawfirm.com**

FROM THE MICHIGAN SUPREME COURT

ADM File No. 2020-08 Amendments of Administrative Order No. 2020-17 and Rules 2.408 and 4.201 of the Michigan Court Rules

To read ADM File No. 2020-08 dated Sept. 7, 2023, visit https://www.courts.michigan.gov/siteassets/rules-instructions-administrative-orders/proposed-and-recently-adopted-orders-on-admin-matters/adopted-orders/2020-08_2023-09-07_formor_amdao2020-17.pdf.

ADM File No. 2020-08 Proposed Rescission of Administrative Order No. 2020-17 and Proposed Amendment of Rule 4.201 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering a rescission of Administrative Order No. 2020-17 and amendment of Rule 4.201 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

~~Administrative Order No. 2020-17 — Continuation of Alternative Procedures for Landlord/Tenant Cases~~

~~Many people believe that our state is finally at the end of the pandemic. Still, the court system will long be dealing with the effects brought about by the greatest health crisis in our generation.~~

~~Throughout the pandemic, federal response to this problem has taken two forms: eviction moratoria and direct state aid. Several eviction moratoria were imposed, both by Congress (Pub L. 116-136) and by the CDC (published at 85 FR 55292 and extended by Order dated March 28, 2021), prohibiting evictions for tenants in certain types of government-supported housing or who meet certain income restrictions. Those moratoria have since been lifted.~~

~~The second type of federal response — direct aid to states to provide for rental assistance programs is also coming to an end. However, the need for that programming continues, even assuming the health risks associated with the typical manner of processing eviction proceedings has eased.~~

~~The use of remote technology to the greatest extent possible is as important today as it was three years ago. Now is the appropriate time to consider what changes in procedure, adopted with as much speed and thought as possible in the midst of a pandemic, should be retained or changed before becoming permanent practices in our state courts. This effort has been based on input from state court stakeholders, but even early data showed us that expanded use of technology has improved rates of participation and been a boon to issues related to access to justice.~~

~~Therefore, the Court adopts this administrative order under 1963 Const, Art VI, Sec 4, which provides for the Supreme Court's general superintending control over all state courts, directing that all local court rules created pursuant to MCL 600.5735(4), that in their implementation require a written answer are temporarily suspended.[†] Unless otherwise provided by this order, a court must comply with MCR 4.201 with regard to summary proceedings.~~

~~This order is effective immediately until further order of the Court.~~

Rule 4.201 Summary Proceedings to Recover Possession of Premises

(A)-(B) [Unchanged.]

(C) Summons.

(1) The summons must comply with MCR 2.102, except that it must command the defendant to appear for trial in accord with MCL 600.5735(2), unless by local court rule the provisions of MCL 600.5735(4) have been made applicable. If a court adopts a local court rule under MCL 600.5735(4), both of the following apply:

(a) Pursuant to subrule (F)(1)(b), the defendant must be allowed to appear and orally answer the complaint on the date and time indicated by the summons.

(b) The court must abide by the remaining requirements of this rule.

(2)-(3) [Unchanged.]

(D)-(O) [Unchanged.]

Staff Comment (ADM File No. 2020-08): The proposed rescission of AO 2020-17 reflects the Court's review of the public comments received in this same ADM File regarding additional amendments of MCR 4.201. The proposed amendment of MCR 4.201 would ensure that courts with a local court rule under MCL 600.5735(4) implement their local court rule in accordance with the other provisions of MCR 4.201.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the secretary of the State Bar and to the state court administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by Jan. 1, 2024, by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed and Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2020-08. Your comments and the comments of others will be posted under the chapter affected by this proposal.

¹ The courts with local court rules include: 1st District Court (Monroe County); 2A District Court (Lenawee County); 12th District Court (Jackson County); 18th District Court (City of Westland); 81st District Court (Alcona, Arenac, Iosco, and Oscoda counties); 82nd District (Ogemaw County); and 95B District Court (Dickinson and Iron counties).

ADM File No. 2020-19 Proposed Amendment of Rule 2.302 of the Michigan Court Rules

On order of the Court, the proposed amendment of Rule 2.302 of the Michigan Court Rules having been published for comment at 506 Mich 1213 (2020), and an opportunity having been provided for comment in writing and at a public hearing, the Court declines to adopt the proposed amendment. This administrative file is closed without further action.

ADM File No. 2023-01 Supreme Court Appointment of Commissioner at Large to the State Bar of Michigan Board of Commissioners

On order of the Court, pursuant to State Bar Rule 5, Section 2, Gerrow D. Mason is appointed as commissioner-at-large of the State Bar of Michigan Board of Commissioners to serve a three-year term commencing on adjournment of the 2023 annual meeting of the outgoing Board of Commissioners.

ADM File No. 2023-01 Supreme Court Appointments to the Attorney Discipline Board

On order of the Court, pursuant to MCR 9.110, Alan Gershel (attorney member) and Linda Orlans (attorney member) are reappointed to the Attorney Discipline Board for terms commencing on Oct. 1, 2023, and ending on Sept. 30, 2026.

Alan Gershel is appointed as chairperson and Peter Smit is appointed as vice chairperson of the board for terms commencing on Oct. 1, 2023, and ending Sept. 30, 2024.

**SERVING 46,000 +
MICHIGAN ATTORNEYS**

MICHBAR.ORG • (888) SBM-for-U

CLASSIFIED

INTERESTED IN ADVERTISING IN THE MICHIGAN BAR JOURNAL? CONTACT ADVERTISING@MICHBAR.ORG

ACCOUNTING EXPERT

Experienced in providing litigation support services, expert witness testimony, forensic accounting services, fraud examinations, contract damage calculations, business valuations for divorce proceedings, lost wages valuations for wrongful discharges, and estate tax preparation for decedents and bankruptcies (see <http://www.chapski.com>). Contact Steve Chapski, CPA, CFE, CSM, at schapski@chapski.com or 734.459.6480.

APPRAISALS

Commercial and residential property appraisals with 18 years of experience. Areas include but not limited to probate, finance, divorces, SEV appeals, and asset valuation. Sosnowski Appraisal, Sheila Sosnowski, certified general appraiser, LC #1205068429, 248.342.0353, sheila@sosnowskiappraisal.com.

CHIROPRACTIC EXPERT

Active certified chiropractic expert. Plaintiff and defense work, malpractice, disability, fraud, administrative law, etc. Clinical experience over 35 years. Served on physician advisory board for four major insurance companies. Honored as 2011 Distinguished Alumni of New York Chiropractic College. Licensed in Michigan. Dr. Andrew M. Rodgers, chiropractic physician, 201.592.6200, cell 201.394.6662, www.chiropracticexpertwitness.net, chiroexcel@verizon.net, www.fortleechiropractic.com. No charge for viability of case.

EMPLOYMENT AVAILABLE

Associate needed to take over firm established in 1971 with Houghton Lake and Traverse City presence. Excellent opportunity for ambitious, experienced attorney in non-smoking offices. Total truth, honesty, and high ethical and competence standards required. Mentor available.

Get paid for what you produce. Firm handles general practice, personal injury, workers' compensation, Social Security, etc. Send résumé and available transcripts to Bauchan Law Offices PC, PO Box 879, Houghton Lake

CONSTRUCTION

BUILDING & PREMISES EXPERT

Mr. Tyson reviews litigation matters, performs on-site inspections, and interviews litigants, both plaintiff and defendant. He researches, makes drawings, and provides evidence for court including correct building code and life safety statutes and standards as they may affect personal injury claims, construction, contracts, etc. and causation. Specializing in theories of OSHA and MIOSHA claims. Member of numerous building code and standard authorities, including but not limited to IBC (BOCA, UBC), NFPA, IAEL, NAHB, etc. A licensed builder with many years of tradesman, subcontractor, general contractor (hands-on) experience and construction expertise. Never disqualified in court.

Ronald Tyson
248.230.9561
tyson1rk@mac.com
www.tysonenterprises.com



MI 48629; 989.366.5361, mbauchan@bauchan.com, <http://www.bauchan.com>.

Career Center. The State Bar of Michigan has partnered with an industry leader in job board development to create a unique SBM employment marketplace with features different from generalist job boards in including a highly targeted focus on employment opportunities in a certain sector, location, or demographic;

anonymous resume posting and job application enabling job candidates to stay connected to the employment market while maintaining full control over their confidential information; An advanced "job alert" system that notifies candidates of new opportunities matching their preselected criteria; and access to industry-specific jobs and top-quality candidates. Employer access to a large number of job seekers. The career center is free for job seekers. Employers pay a fee to post jobs. For more information visit the Career Center at <https://jobs.michbar.org/>.

Lakeshore Legal Aid serves low-income people, seniors, and survivors of domestic violence and sexual assault in a holistic manner to address clients' legal issues and improve our communities. Lakeshore provides free direct legal representation in 17 counties in

LAWYERS MALPRACTICE INSURANCE

(866) 940-1101
L2insuranceagency.com
Justin Norcross, JD

L SQUARED INSURANCE AGENCY

Antone, Casagrande & Adwers, P.C.

IMMIGRATION LAW FIRM

For almost thirty years, we have helped attorneys and their clients with immigration matters. We also offer courtesy phone reviews for attorneys. We are a Martindale-Hubbell "AV-rated" law firm that focuses exclusively on all areas of immigration law, including the hiring of foreign nationals, business visas, green cards, and family immigration.

PHONE (248) 406-4100 | LAW@ANTONE.COM | ANTONE.COM
31555 W. 14 MILE ROAD | SUITE 100 | FARMINGTON HILLS, MI 48334

southeast Michigan and the Thumb and client intake, advice, and brief legal services throughout Michigan via our attorney-staffed hotline. Our practice areas include housing, family, consumer, elder, education, and public benefits law. Search the **open positions** with Lakeshore at <https://lakeshorelegalaid.org/positions/> and apply today.

FOR SALE

Gaylord real estate, probate, estate planning, and divorce firm. Attorney in practice for 42 years selling, would be interested in of counsel relationship if desired. Please contact James F. Pagels at 989.732.7565 or jpagels@jpagels.com.

OFFICE SPACE OR VIRTUAL SPACE AVAILABLE

Attorney office and administrative space available in a large, fully furnished, all attorney suite on Northwestern Highway in Farmington Hills from \$350 to \$1,600 per month. Suite has full-time receptionist; three conference rooms; high-speed internet; wi-fi and VoIP phone system in a building with 24-hour access. Ideal for small firm or sole practitioner. Call Jerry at 248.613.1310 to tour the suite and see available offices.

Bingham Farms — Class A legal space available in existing legal suite. Offices in various sizes. Packages include lobby and recep-

tionist, multiple conference rooms, high-speed internet and wi-fi, e-fax, phone (local and long distance included), copy and scan center, and shredding service. Excellent opportunity to gain case referrals and be part of a professional suite. Call 248.645.1700 for details and to view space.

Farmington Hills law office. Immediate occupancy in an existing legal suite of a mid-sized law firm. One to five executive style office spaces are available, including a corner office with large window views; all the offices come with separate administrative staff cubicles. The offices can all be leased together or separately. These offices are available in the Kaufman Financial Center; the building itself is award winning and one of the most attractive buildings in the city. Your lease includes use of several different sized conference rooms, including one conference room with dedicated internet, camera, soundbar and a large monitor for videoconferencing; there is a reception area and receptionist; a separate kitchen and dining area; a copy and scan area; and shredding services. For further details and to schedule a visit to the office, please contact Frank Misuraca at famisuraca@kaufmanlaw.com or call 248.626.5000.

For lease, Troy. Two furnished, windowed offices available within second floor suite of smaller class "A" building just off Big Beaver, two blocks east of Somerset Mall. Includes internet and shared conference room; other resources available to share. Quiet and professional environment. \$650/month each. Ask for Bill at 248.646.7700 or bill@gaggoslaw.com.

Lingual Interpretation Services, Inc.

Founded in 1998, Lingual Interpretation Services, Inc. (LIS) is dedicated to providing excellent results through accurate, thorough, and succinct multi-lingual interpretation and translation services. Our certified associates cover more than **50 languages** with over **100 dialects**.

Repeat clientele enjoy our expertise and unparalleled customer service. Our performance is routinely requested throughout the legal, insurance, and medical industries. We provide services to the technical and international business markets as well.

Numerous references are available upon request.

Contact us:

Phone **313-240-8688**

Fax **313-240-8651**

Email **Loubna@listranslate.com**



Loubna Fayz



Visit us: www.listranslate.com

SAME DAY SERVICE IS OUR SPECIALTY!

PRE & POST-CONVICTION CLIENT COUNSELING & CORRECTIONAL CONSULTING



- Client Preparation for Federal & State Presentence Interviews
- Psychological & Risk Assessment, Analysis of Client History & Relevant Social Science Literature
- Mitigation Expert for Juvenile & Adult Sentencing
- Assist Attorneys with Pretrial Mitigation Development
- Identification of Client Strengths/Needs and Referrals for Mental Health Treatment
- Lifer File Review Reports
- Client Preparation for Parole Board Interviews & Public Hearings
- Federal/State Commutation & Pardon Applications
- Mitigation Development in Support of Expungement

Kathleen M. Schaefer, Ph.D., LPC
Licensed Professional Counselor

<http://www.probationandparoleconsulting.com>

313 882-6178
(24/7)

Criminal Justice Experience: Assisting attorneys and their clients in the federal and state criminal justice systems since 2003. Four decades of experience in all phases of sentencing, parole and probation matters.

SELLING YOUR LAW PRACTICE

Retiring? We will buy your practice. Looking to purchase estate planning practices of retiring attorneys in Detroit Metro area. Possible association opportunity. Reply to Accettura & Hurwitz, 32305 Grand River Ave., Farmington, MI 48336 or maccettura@elderlawmi.com.

CLASSIFIED (CONTINUED)

MICHIGAN

BAR JOURNAL

ADVERTISE IN THE MICHIGAN BAR JOURNAL!

We'll work with you to create an advertising plan that is within your budget and gets your message in front of the right audience. Contact the advertising department to discuss the best option.

ADVERTISING@MICHBAR.ORG



RITA DENHA



Founded in 1980, Executive Language Services is a diverse cultural agency with experience in interpretation/translation services in over 150 languages and dialects.

Our staff consists of many certified, competent and experienced professionals who can provide accurate interpretation and translation services. We have a nationwide network of reliable interpreters for accurate and authentic face-to-face interpretations (consecutive and simultaneous), Zoom meeting interpretation, document translation, and more. We are proud to provide unparalleled language precision, efficiency, and value, and have earned the highest reputation in the industry. Consecutive and simultaneous interpretation can be provided for:

- Independent Medical Examinations (IME) • Hospitals / Health Care Agencies • Zoom Meetings • Depositions / Trials • Legal / Judiciary System • Business Meetings / Conference Calls
- Our global translators are experienced professionals who provide proficient, accurate and authentic interpretations and translations with an emphasis on confidentiality, inform interpreters on the Code of Ethics and the role of the interpreter, language and culture • Live Interpreters Available Within 24 Hours • Rapid Document Translation Turnaround • Competitive Rates • Certification & Notarization.

PHONE: 248-357-0625 EMAIL: EXECLANGSER@GMAIL.COM WWW.EXECLANGSER.COM

MEDITATION & MINDFULNESS FOR PROFESSIONAL PRACTICES

Are you looking for a life of more peace and fulfillment, at home and at the office?

Meditation practice is scientifically proven to reduce stress and increase happiness. Contact Dawn to learn more!



Dawn Grimes Kulongowski, DDS
Certified Meditation Teacher
dawngk@PeacefulPractice.com
www.PeacefulPractice.com



MEMBER ANNOUNCEMENTS

When your office has something to celebrate, let the Michigan legal community know through News and Moves in the Michigan Bar Journal and at michbar.org/newsandmoves

- Announce an office opening, relocation, or acquisition
- Welcome new hires or recognize a promotion
- Congratulate a firm award or anniversary
- Congratulate and thank a retiring colleague

CONTACT STACY OZANICH FOR DETAILS
(517) 346-6315 OR sozanich@michbar.org

Protecting your health. We're here to help.



Don't take chances with your health insurance. You and your staff deserve a quality Blue Cross® Blue Shield® of Michigan health plan.

- **Group plans:** New group plans can be started at any time during the year.
- **Individual plans:** Individual open enrollment has ended unless you have a qualifying event.
- **Recognized worldwide.**
- **Solutions tailored to your needs.**

To learn more about the affordable BCBSM plans, contact Member Insurance Solutions. Call **800.878.6765** or visit memberinsurancesolutions.com.

Protecting tomorrows. Today.



A nonprofit corporation and independent licensee of the Blue Cross and Blue Shield Association



PREFERRED PARTNER

SERLING & ABRAMSON, P.C.

ATTORNEYS AT LAW

MICHIGAN'S
FIRST & FINEST



Pioneer Asbestos Specialists



REPRESENTING VICTIMS OF

**Mesothelioma and Lung Cancer
caused by Asbestos Exposure
Defective Medical Devices**

Non-Hodgkins Lymphoma and Leukemia Caused by Roundup®

First Asbestos Verdict in Michigan

248.647.6966 • 800.995.6991

Offices in Birmingham and Allen Park

www.serlinglawpc.com