### ICBA Annual Award Dinner a night of humor and high praise

A full house attended the ICBA Annual Awards dinner on Nov. 2, where members came together to celebrate the legal profession and honor outstanding contributors.

Exhorted to keep speeches to three minutes, (“I have a note from Scott Mandel that any time over three minutes is billable hours,” joked David Dunckel) the

Award winners from left to right: Mike Farrell, (not shown); Shauna L. Dunnings, Sgt. Major David L. Dunckel, The Hon. Michael F. Cavanagh, Heather Spielmaker, and Karen Bush Schneider.

Please see Awards on page 10

### Need for food aid at record highs

**GLFB needs help to meet holiday season demands**

Persistent unemployment, bankruptcies, layoffs and other effects of our ailing economy are leading a record number of county residents to seek out food banks and soup kitchens for assistance. Michigan’s economy continues to be hit hard as Michigan deals with double digit unemployment. Each month, hundreds of low-income residents of all ages in Ingham, Eaton and Clinton counties cannot afford well-balanced meals for their families and for themselves. In Michigan alone, over 1 million people will face a food shortage at some time during the next 12 months.

The [Greater Lansing Food Bank](https://www.lansingfoodbank.org) is a non-profit organization that provides emergency

Please see Donate to GLFB on page 9
Ingham County Bar Association
P.O. Box 66
Grand Ledge, MI 48837
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BRIEFS
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times a year, September through June, with a combined
December/January issue.

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Author Guidelines
Writing for BRIEFS is an excellent way to publicize your
expertise, and we encourage your submissions! Please
send ideas for articles or completed articles to the edior
via e-mail. If you do not receive e-mail confirmation
within 24 hours that your article has been received,
please follow up with a phone call.

Include your byline, your e-mail address, and a 2-
to 3-sentence biography. Please also send a photo of
yourself in .jpg or .png format, in color if possible.

Submissions are due the 15th of the month for the
following month’s issue, e.g. April 15 for the May issue.
Exception: the deadline for the December/January issue
is November 30. Guidelines for article length:
IN BRIEF notices: 100 to 200 words
Local legal notices: 100 to 150 words
Columns: 300 to 500 words
Articles: 700 to 1000 words
Ads: 20 to 60 words

Advertising
To place an ad, contact ICBA Executive Director Madelyne
Lawry at (517) 627-3938, mlawry@inghambar.org.

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BRIEFS publication meetings are held the 2nd Tuesday of
the month at 7:30 a.m., usually at Speaker Law Firm,
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On the Docket

For all ICBA events and registration links, go to [https://inghambar.org/calendar/cEvent.php](https://inghambar.org/calendar/cEvent.php)

| Program                  | Start Time | Location                                                                 | Cost                    | RSVP        |
|--------------------------|------------|---------------------------------------------------------------------------|                        |            |
| Wednesday Nov. 9         | Noon       | Executive Committee Meeting  
Office of Scott Mandel  
313 S. Washington Square, Lansing | Open to all board members | [RSVP here](#) |
| Thursday Nov. 10         | Noon       | Bankruptcy Law Section  
(includes lunch)  
Topic TBA  
State Bar of Michigan, 306 Townsend St. | $10 members  
$15 nonmembers  
$20 on-site | by Nov. 9 [RSVP here](#) |
| Friday Nov. 11           | All day    | YLS Horn of Plenty Drive  
Members of the Young Lawyers section will pick up donations from your location.  
To donate, e-mail [ncowell@whiteschneider.com](mailto:ncowell@whiteschneider.com) | Anything you can give | [RSVP here](#) |
| Tuesday Nov. 15          | Noon       | Probate & Trust Section  
(includes lunch)  
Topic: “Ingham County Probate Register’s Update.”  
Speaker: George Strander, Register, Ingham County Probate Court  
State Bar of Michigan, 306 Townsend St | $10 members  
$15 nonmembers  
$20 on-site | by Nov. 14 [RSVP here](#) |
| Wednesday Nov. 16        | Noon       | Luncheon Lecture  
(includes lunch)  
Topic TBA  
State Bar of Michigan, 306 Townsend St. | $10 members  
$15 nonmembers  
$20 on-site | by Nov. 15 [RSVP here](#) |
| Wednesday Nov. 23        | Noon       | Real Estate Section  
Topic: TBA  
Hall of Fame Cafe, 1601 W. Lake Lansing Road, East Lansing. [map](#) | Order from menu | by Nov. 22 [RSVP here](#) |
| Thursday Dec. 8          | Noon       | Bankruptcy Law Section  
(includes lunch)  
Topic TBA  
State Bar of Michigan, 306 Townsend St. | $10 members  
$15 nonmembers  
$20 on-site | by Dec. 7 [RSVP here](#) |
| Wednesday Dec. 14        | Noon       | Board Meeting  
Office of Scott Mandel  
313 S. Washington Square, Lansing | Open to all section chairs | [RSVP here](#) |
| Wednesday Dec. 21        | Noon       | Luncheon Lecture  
(includes lunch)  
Topic TBA  
State Bar of Michigan, 306 Townsend St. | $10 members  
$15 nonmembers  
$20 on-site | by Dec. 20 [RSVP here](#) |
| Wednesday Dec. 28        | Noon       | Real Estate Section  
Topic: TBA  
Hall of Fame Cafe, 1601 W. Lake Lansing Road, East Lansing. [map](#) | Order from menu | by Dec.27 [RSVP here](#) |
Local Legal Events

For legal events hosted by ICBA, see “On the Docket” on page 3.

Horn of Plenty Drive Nov. 11

Each year, the Young Lawyers Section of the Ingham County Bar Association organizes a Horn of Plenty drive to assist those who are less fortunate. We collect canned goods, clothing, blankets, personal needs items, and monetary donations from local attorneys, legal support staff, and other business people for charities providing much needed services to the hungry and the homeless. YLS members will collect all donations from participating local businesses, law firms, and organizations on Friday, November 11, 2011. Please donate to this important project.

This is a good opportunity to clean out your closets! Regardless of how small an item may seem to you, it will be huge to those in need.

If you make a monetary donation, please make checks payable to Volunteers of America. YLS will also provide tax forms for all donations made.

Thank you for your help! With our combined efforts, we can make a significant contribution to our community. Please contact YLS Secretary Nicole Cowell at ncowell@whiteschneider.com if you have any questions or would like to participate in this worthwhile program.

Special Education - Special Families program Nov. 5

NALS of Michigan will meet in the State Bar Bldg., 306 Townsend Street, from 9 to 11:30 a.m. Saturday, Nov. 5. The topic is “Special Education—Special Families” presented by Attorney James A. Lester. Morning seminar followed by (optional) lunch and Board Meeting. For cost, more information, or to register, see www.nalsofmichigan.org, or contact Carolyn Field at cfield@wnj.com.

NALS of Lansing Education mtg

“Tax Incentives and Filing Pitfalls” presented by attorney Peter J. Kulick of Dickinson Wright, PLLC, will be discussed at 5:30 p.m. Wednesday, Nov. 9 at Foster Swift Collins & Smith, 313 S. Washington Square, Lansing. RSVP to Vicki Ballinger at vballinger@fosterswift.com.

Breath analysis machine training offered Dec. 2-4

Operator training for the DataMaster DMT breath analysis machine will be offered Dec. 2, 3 and 4 at Cooley Law Center, 300 S. Capital, Room 911. The training is important for defense attorneys because if the machines are not set up and maintained properly they can give faulty readings. See “Breath tests performed by a DataMaster DMT machine at a Vermont State Police barracks could be faulty” dated May 18, 2011.

Seminar speakers are Mary Catherine McMurray, an expert witness who has more than 25 years experience in breath testing and who authored “Attacking and Defending Drunk Driving Tests” and Charles Rathburn, a qualified expert on the DataMaster DMT. Cost is $1,500 in advance and $2,000 at the door; partial scholarships available. To RSVP, email Mary at mcmc1055@gmail.com or Charles at chuck@rathburnlaw.com.

Catholic lawyers retreat

On Saturday, November 12, judges, lawyers, and law students will be encouraged in a one-day retreat at the Transformations Spirituality Center near Kalamazoo. The theme of the day: God’s personal call to intimacy. “Jesus is knocking on the door of your heart,” insists Retreat Master Fr. James O’Leary, Pastor of St. Ambrose Church in Parchment, “and the doorknob is within your reach: contemplative prayer.” This sort of prayer is not reserved only for the saints. “All that’s required, for starters,” he says, “is that you show up. You don’t even have to pray well to let Him in and bring Him joy. Just show up and keep trying. He loves that.” We’re in for a great day of inspiration, challenge and refreshment! Please join us! And feel free to invite friends and family members; there’s nothing exclusive about God’s call to intimacy. For more information contact Paul_Brandenburg@ca6.uscourts.gov, (w) 517-377-1568. RSVP and register by contacting CLG@sharedresources.us no later than November 4th, 2011.
In BRIEF

Mark J. Burzych, a founding partner of the Okemos-based law firm Fahey Schultz Burzych Rhodes PLC, has been selected to serve on the Office of Regulatory Reinvention’s Liquor Control Advisory Rules Committee. Mr. Burzych brings to the committee more than 20 years of experience representing businesses regulated by the Michigan Liquor Control Commission, including restaurants, bars, convenience stores, hotels, golf courses, wineries, and breweries.

Katlyn Nicolai is the new client development director at the Gallagher Law Firm. The firm has offices in Detroit, Lansing, Grand Rapids, and Mt. Pleasant. Ms. Nicolai facilitates client development through marketing, client services programs, and special events. She also supports the firm's involvement in various legal and business networks by coordinating business development and marketing activities.

Mike Nichols of East Lansing has been named the Michigan Delegate to the National College for DUI Defense for the 2012-2015 term. The National College for DUI Defense educates lawyers and the community on the law and science involved in drinking and drugged driving offenses. Mr. Nichols is author of the OWI Handbook for Thomson Reuters West Publishing (West) and is an adjunct law professor at Thomas M. Cooley Law School, teaching the DUI elective course. The 2011-2012 update of the OWI Handbook for Michigan lawyers has recently been updated to include a section on uncertainty and a transcript from the expert who formerly was the supervising toxicologist at the Michigan State Police from Michigan’s uncertainty litigation.

Valerie Lafferty was recently elected to the Board of Directors for The Resolution Services Center of Central Michigan. RSCCM helps individuals, families, youth, businesses and organizations resolve conflict through a variety of methods, including mediation, facilitation, restorative practices and training in Ingham, Clinton, Eaton, Gratiot, Ionia and Shiawassee Counties.

Attorney Brittany Campbell has joined the Gallagher Law Firm with offices in Lansing, Detroit, Grand Rapids and Mt. Pleasant. Ms. Campbell will focus her practice on representing lenders and corporate clients in litigation and regulatory matters.
In the past year since Madelyne Lawry has been Executive Director, our membership has grown by over 200.

President’s Message

by Scott Mandel
smandel@fosterswift.com

The most common question I am asked by friends in the Ingham County Bar Association is “How do you like being President?” My response is that I enjoy it more than I expected, largely because of our Executive Director, Madelyne Lawry. I want to take this opportunity to introduce Madelyne to each of you.

Madelyne joined our Association this past year. Madelyne came to us with impressive credentials. She has her own association management firm, Shared Resources, Inc. providing administrative and consulting services to non-profits. She has been in this field for over 25 years.

Madelyne is able to draw upon that background and experience in helping us run the Ingham County Bar Association. She has brought structure and tremendous organizational skills to the day-to-day operations of our Association.

Madelyne has been a driving force in our successful efforts to increase membership. In the past year since she has been Executive Director, I am pleased to report that our membership has grown by over 200. We presently stand at 729 members and growing.

Madelyne relishes the opportunity to work with our bar association, saying “The volunteer leadership is an amazing asset of the ICBA. The hours they give to the Bar are evident in the number of benefits the members receive. This bar has commitment and enthusiasm.”

I encourage you to get to know Madelyne as she is an invaluable asset to our Association. You can reach Madelyne at mlawry@inghambar.org.
State Bar admissions ceremony Nov. 1

ICBA President Scott Mandel hosted the State Bar of Michigan initiation ceremony on Tuesday, November 1 at Cooley Center. A packed room held Initiates who just passed the bar and those from other states wishing to practice in Michigan, along with their families and friends.

Event host and ICBA President Scott Mandel addresses bar initiates and their families as the Hon. Clinton Canady III presided. Kristie Dickinson of Dickinson Reporting, Inc., graciously donated her time to transcribe the hearings.

The Hon. Clinton Canady III looks on as initiates are sworn in.
Ingham County Bar Foundation: a worthy cause

Interested in furthering the cause of justice in Ingham County? Consider donating to the Ingham County Bar Foundation. The Foundation’s mission is:

- To promote access to justice
- To expand the availability of legal services to the public at large
- To support local charitable organizations
- To promote continuing legal education, and
- To foster the honor and integrity of the profession of law

To contribute, please download the contribution form and send it in as indicated on the form.

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Donate to GLFB, continued from page 1

food to individuals and families in need in the tri-county area. Many who have been forced to rely on the Food Bank for food never imagined they would need to request assistance, but barren cupboards and empty pockets have forced them to turn to local soup kitchens and food pantries for help. The number of first-time visitors to food banks is up sharply in Ingham County and throughout Michigan — 32 percent reported having to choose between paying for food and paying for medicine or medical care, while 24 percent reported having to choose between paying for food and paying for utilities or heating fuel.

With the ongoing economic crisis in our State, the need for food assistance continues to grow. Many households with two incomes have been reduced to one income, while many one-income households have found themselves with no wage earner. Greater Lansing area food pantries and soup kitchens continue to see citizens who have had jobs for years, yet suddenly find that their place of employment has been downsized or has been shut down and that they are without a job. Many are forced to go without adequate food and nutrition. Without question, the lack of proper nutrition adversely impacts an individual’s health and quality of life.

People in need of emergency food in the Tri-County area may call 2-1-1 and volunteers and workers will conduct a telephone interview with the client. Following an in-take interview, clients are sent to the food pantry closest to their home to pick up their food allocation.

The Greater Lansing Food Bank supports nearly 70 shelters, kitchens and pantries with food and funds throughout the greater Lansing area. Last year alone, more than 1.2 million pounds of food was purchased for Ingham County pantries alone. Between October 2010 and July 2011, the number of families accessing the pantry network in Ingham County rose 15 percent. Additionally, more than 1.7 million meals were provided in the greater Lansing area to children, seniors, working families and those on a fixed income, as well as the unemployed.

The Food Bank’s ability to serve children, families and individuals through food pantries, community kitchens and after school programs is directly related to and dependent upon the generosity of area citizens. With its already stretched food supply, the Food Bank will struggle to meet demand for food assistance over the holiday season. Consequently, financial contributions are sorely needed. Donations by credit card may be made by calling the Greater Lansing Food Bank at (517) 853-7800. Online donations (through PayPal) may be made at http://www.greaterlansingfoodbank.org/how-can-you-help/donate-money/donate.html?view=Contributions. Checks made out to the Greater Lansing Food Bank may be mailed to P.O. Box 16224, Lansing, MI 48901. Your assistance and participation are needed and welcomed.

Thank you in advance for supporting this worthy cause that helps to serve the needs of those in our community.

See related story on page 4 about YLS Horn of Plenty food drive.

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evening went quickly, delayed only by the initial difficulty of getting everyone to stop socializing and sit down to eat. Unable to quell the talking, Scott Mandel announced he was “going to defer to a higher authority,” and prevailed upon Judge Ball to make everyone sit down and be quiet.

ICBA President Scott Mandel thanked ICBA Executive Director Madelyne Lawry and Past President Pat Gallagher for working to get the Association out of its financial troubles, noting that membership has increased by 200.

Also lauded were Ross Bower III, past president of the Young Lawyers Section, for his “infectious” ability to stay calm amid turbulence, and Ryan M. Wilson and Micki E. Pasteur for their distinguished service as Probate and Trust Law Section co-chairs.

But the bulk of the evening was devoted to the six award winners, whose biographies are on the following pages: Justice Michael F. Cavanagh, who won the Thomas E. Brennan Sr. Lifetime Achievement Award; Shauna L. Dunnings, who won the Theodore W. Swift Civility Award; Mike B. Farrell, who won the Camille S. Abood Distinguished Volunteer Award; Karen Bush Schneider, who won the Leo A. Farhat Outstanding Attorney Award, and Heather Spielmaker and Sgt. Major David L. Dunckel, who each won Liberty Bell Awards.
The youngest person ever elected to the Michigan Court of Appeals, Justice Cavanagh was elected to the state Supreme Court in 1982 and was re-elected in 1990, 1998, and 2006. He served as Chief Justice from 1991-95. His current term expires January 1, 2015.

Justice Cavanagh has participated in numerous community and professional activities, including Chairman of the Board of the American Heart Association, Past President of the Incorporated Society of Irish/American Lawyers, Board of Directors of the Thomas M. Cooley Law School, and the Commission on the Future of the University of Detroit Mercy. He is a Member of the Institute of Judicial Administration, New York University Law School. He has served as Vice President of the Conference of Chief Justices, Chair of the National Interbranch Conference of Funding the State Courts, and member of the National Center for State Courts Court Improvement Program. Other appointments include the Michigan Justice Project, Chairman of the Judicial Planning Committee, Michigan Crime Commission, Judicial Coordinating Committee, and Chair of the Sentencing Guidelines Committee. Justice Cavanagh is the Supervising Justice of the Michigan Judicial Institute. Justice Cavanagh was instrumental in the planning, design, construction and eventual completion of the Michigan Hall of Justice. He has served as Supreme Court Liaison, Michigan Indian Tribal Courts/ Michigan State Courts since 1990, and has attended many national Indian Law conferences and participated in Federal Bar Association Tribal Court symposiums.

Justice Cavanagh and his wife, Patricia, are the parents of three children, and have three grandsons and two granddaughters. The Cavanagh family resides in East Lansing.

Karen Bush Schneider

Leo A. Farhat Outstanding Attorney Award

Ms. Schneider has experience in all areas of employment law, collective bargaining, and statutory retirement disputes. She has authored numerous articles on employment related topics and has lectured to state and national organizations. She has authored the “Law at Work” column for the Greater Lansing Business Monthly magazine for many years. In addition to practicing law, Ms. Schneider is an adjunct professor at the Thomas M. Cooley Law School. She is also a member of the National Panel of Labor Arbitrators of the American Arbitration Association and the panel of factfinders and arbitrators of the Michigan Employment Relations Commission. She serves on a number of permanent arbitration panels for employers and labor organizations.

Please see Awards on next page
Awards, continued from previous page

Shauna L. Dunnings

Theodore W. Swift Civility Award

Shauna Dunnings received her Juris Doctorate from Howard University School of Law, Washington, D.C., and her Bachelor of Arts from the University of Michigan, Ann Arbor, MI. Shauna served as law clerk for the Honorable Gordon J. Quist, United States District Court, Western District of Michigan, for one year, and for 13 years Shauna was in private practice. In 2003 Shauna became the Assistant Friend of the Court and Attorney Referee in Eaton County Michigan. Since 2007 Shauna has been the Friend of the Court and Deputy Court Administrator in Ingham County, Michigan.

Shauna is actively involved in various professional and social organizations. A few of these organizations include: Board Member of the Ingham County Bar Foundation, State of Michigan Governors’ Task Force on Child Abuse and Neglect, the State of Michigan Supreme Court Administrators Office/Friend of the Court Bureau Advisory Committee, the Friend of the Court Association, and the Lansing Black Lawyers Association.

Shauna is married to Stuart Chavis and they have two children.

Mike Farrell

Camille S. Abood Distinguished Volunteer Award

Mike Farrell has been with Thrun Law Firm for over 28 years, all but three as a shareholder. He also serves as a member of the American Arbitration Association’s Michigan Panel of Labor Arbitrators. Prior to joining the firm, he was senior counsel to Senate Majority Leader William Faust in the Michigan State Senate and served as a VISTA attorney with Nevada Indian Legal Services. He has served as chair of the Michigan State Bar Committee on Constitutional Law and was appointed by the Michigan Supreme Court to a committee to oversee the State Bar of Michigan. He has served as chair and vice-chair of the Ingham County Road Commission, chair and vice-chair of the Ingham County Parks Board of Trustees, as well as a member of the Board of Directors of the Greater Lansing Food Bank, the West Michigan Environmental Action Council, the Boarshead Theater and the Michigan Chapter of the Incorporated Society of Irish-American Lawyers. He also serves as a monitor for the State Bar of Michigan Lawyers and Judges Assistance Program/LJAP. He has coached recreation league basketball for a number of years; losses far exceed wins and continue to mount.

Mike graduated from Michigan and Notre Dame Law School. He is a member of the State Bar of Michigan, the State Bar of Nevada and the A.B.A. (Labor and Employment Law and Litigation sections). He is admitted to the U.S. District Courts for Michigan.

Please see Awards on next page
Awards, continued from previous page

Heather Spielmaker

Liberty Bell Award

Heather Spielmaker is the director of Cooley Law School’s Center for Ethics, Service and Professionalism. Under Spielmaker’s direction, Cooley founded the Service to Soldiers: Legal Assistance Referral Program in April 2007 to provide free legal assistance to Michigan military personnel who are deploying to, serving in, or returning from combat areas. Cooley professors have provided hundreds of consultations and made more than 200 referrals to attorneys. The program has prepared wills and powers-of-attorney for nearly 1,000 deploying troops as well.

Before deployment, the Service to Soldiers program takes attorneys and law students to military bases in Michigan to help judge advocate general (JAG) officers prepare wills and powers-of-attorney for troops preparing to deploy. Cooley professors, students, and volunteer attorneys from across Michigan assemble at military facilities to prepare these documents, free of charge, to all deploying individuals who request the service.

Legal consultations also are available to returning troops through agreements with military leadership; these are handled by Cooley professors or volunteer attorneys, assisted by Cooley students.

Sgt. Major David L. Dunckel

Liberty Bell Award

Sergeant Major Dunckel gives freely of his own personal time as a volunteer for the Ingham County Veterans court, which was spearheaded by Judge David Jordon in East Lansing. As a Veterans’ Court mentor, Sgt. Major Dunckel works hand in hand with court-appointed mentees who are going through some of the most difficult moments of their military careers and their personal lives as well. His mentees look up to him for guidance and stability, and Sgt. Major Dunckel is always there for them.

Sgt. Major Dunckel is a true American patriot. He believes in the Constitution and in the rule of law. Most importantly, Sgt. Major Dunckel believes that we do not live in our world as individuals inasmuch as we are all citizens of a nation and state and community.

2011 Annual Dinner Sponsors

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Change in DHS policy may increase pro-bono needs

by Kara Jennings
lsscm-info@lsscm.org

It is likely a shock to no one that poverty rates have been on the rise in Michigan, and in Ingham County in particular. Census data indicates that some Lansing neighborhoods show rates of child poverty as high as 24 percent of the population. [Ingham Co./MSU Extension Services, 07/07/2010]. According to 2009 U.S. Census Data, the number of Ingham County residents below the poverty level exceeded 19 percent, while the rest of the state was at 16.1 percent of poverty.

These facts may be depressing, but their inclusion here is a necessary precursor to any conversation involving public benefits in our county. In the last few months, the Michigan Department of Human Service has started implementing new limits on cash benefits for poor families. The Family Independence Program (FIP) is also more commonly known as cash assistance or benefits. As of November 1, 2011, the state implemented two changes that will result in nearly 13,000 families being cut off of cash assistance. The first change is the highly publicized state law that requires that the Ingham County Department of Human Services terminate cash assistance to any family with children where one adult household member has received benefits for 48 months. The law retroactively applies to previous months of eligibility so that prior months in which benefits were received count towards an individual’s maximum number of months on benefits. In other words, anyone who received cash benefits for the previous 48 months will no longer be eligible for those benefits as of November 2011.

The second change is the elimination of the hardship exemption under the federal time limits. Since 1996, the federal government has imposed a 60 month time limit on receipt of cash assistance. However, Michigan chose to utilize the hardship exemption option, allowing families to receive assistance beyond the five year limit. By nullifying this exemption with no replacement, nearly 12,000 families will lose assistance. This was done without legislative hearings or a change in the law.

There are a limited number of exceptions to the lifetime limit. For example, an individual who is exempt from Michigan’s version of the welfare-to-work program because of age, a disability lasting 90 days or more, receipt of Supplemental Security Income, receipt of

Please see DHS on next page

Legal Services of South Central Michigan
Social Security disability benefits, or domestic violence is exempt from the limit 48 month limit. However, the only people who can receive benefits for more than 60 months are children, the elderly, and the disabled.

As a last resort, children in families where a parent is time-limited may have to move in with other relatives to receive FIP. These new Michigan statutes implemented by the Department of Human Services (DHS) are expected to have an immediate and negative impact on over 29,707 children throughout the state.

Why does this change matter to Ingham County attorneys?

A county with a substantial poverty rate that has its citizens reaching new financial lows will surely have an increased need for pro bono civil legal assistance. Thus, it is important that we help clients take advantage of fee waivers for filing costs and other forms of client savings.

Further, it is likely that DHS’ computers may make some errors in counting months and applying time limits because of the complexity of the process. To decide who is cut off, DHS must apply different rules on counting and excluding months, apply two different time limits, and deal with the problem of records held by two different computer systems. The legal services community is concerned that DHS may rely on its computer system to count months, even though the computer system may not reliably and accurately compute months used in the past, and months remaining on time limits, thereby cutting people off of FIP when they are actually still eligible.

The DHS final policy on FIP limits has not been issued and advocates have not fully analyzed the law and the expected policy changes. When final policy is issued, there may be legal questions about DHS’s interpretation and application of the law. A list of no-cost legal services and legal aid offices is available at www.michiganlegalaid.org.

At Legal Services of South Central Michigan, we appreciate the overwhelming number of you who donate their time and/or money to help people living at or below 200 percent of poverty. Together we can help make a difference to benefit the children in poverty living our communities.
Lori Pourzan of Legal Services of South Central Michigan was honored at the 19th Annual Carolyn Stell Reception on October 27, 2011 for her dedication to providing justice to those who can’t afford legal aid. Thanking the sponsors for the award, Lori mentioned that LSSCM handled nearly 11,000 cases last year and the need is growing.

She mentioned several case examples. One was a deaf couple receiving SSI who were told they owed the Social Security administration $40,000 because of payment error; LSSCM represented them and the government waived the overpayment.

Another client was physically attacked by her boyfriend, who destroyed her doors and walls. Her landlord was suing her for damages. Thanks to LSSCM, she was able to stay in her home (without her boyfriend) and did not have to pay for the damages done by him.

In a divorce case, the husband was threatening to kill the client and her child. LSSCM arranged for the client to get sole custody and eventually the husband’s parental rights were terminated. Over the five years it took to complete the case, the client was able to graduate from MSU School of Veterinary Science and live safely with her child.

Also honored at the dinner was Jessica Chang from Okemos, who won the Carolyn Stell Scholarship. Jessica is a University of Michigan law student who wants to be a public defender.
CRIMINAL LAW SECTION

‘Uncertainty budget’ is likely to reform Michigan forensic science

by Mike Nichols
mnichols@nicholslaw.net

The principle that if you measure something with enough specificity 100 times in a row, you will have 100 different results, is something that is easy to explain. The measurement uncertainty concept is not new to science but it appears to be finally coming to the world of forensic science. A District Judge in Ludington made two historic rulings that will change things forever. Judge Peter Wadel ruled that the Michigan State Police Toxicology Lab (the Lansing lab) must measure and report the analysis of a blood alcohol test with the measurement of the uncertainty or “uncertainty budget.” The Lansing lab, through the prosecutor in the case, then elected to build an uncertainty budget rather than appeal the judge’s ruling.

After another round of hearings, the judge issued a second opinion that was just as far-reaching as the first. The former toxicologist at the Lansing lab, Michelle Glinn, PhD, testified that the uncertainty budget was created and will be used to verify that the practice of dropping off a third digit and reporting the lower of two tests is sufficient and gives the benefit of the doubt to the defendant.

The judge ruled that the practice of “truncating and reporting” does nothing of the kind. The judge ruled that the Lansing lab must report its results with the uncertainty of the measurement: not just have an uncertainty budget “available” for review on request.

Judge Wadel is a district court judge and of course, the opinion is not binding on any other courts. In addition, he left it to the defense to demonstrate whether there are any defects in the Lansing lab’s budget that make the results inadmissible in a case with a 0.29 and a 0.30 blood alcohol approximation.

What seems really vital is that the Lansing lab did not ask the prosecutor to appeal the initial ruling on uncertainty. The Lansing lab presented an uncertainty budget. Michigan is one of only two or three states in which an uncertainty budget was developed at a state toxicology lab. Now that Dr. Glinn has apparently left the service of the Michigan State Police, questions remain about whether the lab will report the uncertainty in its approximations of alcohol, THC content or any other compound in blood.

Dr. Andreas Stolz and I presented an introduction to uncertainty to about 30 lawyers at the Ingham County Bar Association (ICBA) criminal law section October meeting. Dr. Stolz is Department Head of Operations for the National Superconducting Cyclotron Laboratory at Michigan State University. The presentation was designed to start lawyers down the path

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of learning about an area of forensic science reform that will be one of the biggest since DNA. Soon, lawyers will be analyzing the ingredients of an uncertainty budget like elements of a crime. It is another opportunity for lawyers to present truth to fact-finders in all sorts of cases. Measurement uncertainty has come to Michigan.

NOTE: Mike Nichols and Lisa McCormick are seeking your input on future criminal law section meeting topics. Please e-mail mnichols@nicholslaw.net and lmccormick@ingham.org with your suggestions. The next section meeting will be Friday, January 13, 2012.

Mike Nichols is an OWI expert, adjunct law professor and author of The Michigan OWI Handbook by Thomson Reuters West Publishing, the 2011-2012 update is now available. He is a member of the National College for DUI Defense and recently completed the NCDD Summer Session held at the Harvard Law School. His office is based in East Lansing. He is available to take your call at 517.432.9000 or respond to your e-mail at mnichols@nicholslaw.net
The new face of estate planning
By Christine Caswell, Caswell Law PLLC
ccaswell461@gmail.com

Estate planning isn’t so much about probate and tax planning anymore. At the October 18 presentation of ICBA’s Probate & Estate Planning section, speakers Douglas Mielock of Foster, Swift, Collins & Smith P.C. and Nancy Little of Bernick, Radner & Ouellette, PC outlined the changing landscape of estate planning.

Mielock cited the increasing estate tax exclusion amounts (as well as clients’ declining assets) and use of beneficiary plans as the biggest changes. Using the IRS’s “Statistics of Income,” he noted that the number of estate returns filed nationally in 2009 dropped to 34,000 from 108,000 in 2001 because fewer people were meeting the taxable threshold. But Mielock added that the “Occupy Wall Street” movement may actually impact the increasing estate tax exclusions. “Estate taxes would be the most effective way to distribute wealth,” he said. The other change is that transfer-on-death capabilities on securities and financial accounts, as well as enhanced life estate deeds (“lady bird deeds”), eliminate the need for probate.

The economy is also greatly impacting practices. “Estate planning is a discretionary outlay,” said Mielock. “People think it can wait.” He also noted that people are now using more of their assets for living expenses, so the estates are smaller, which may lead, in fact, to more litigation.

Another trend is families scattered across the country, with the children near the parents doing most of the caretaking and thinking they deserve more of the estate. “Erroneously, people will think they can have the local child as joint owner on their accounts [and still think those accounts will go into the estate],” said Little. She also noted that people now own more property in different states, complicating probate.

Another issue, said Mielock, is that the legal location of a trust may move after the grantor dies. “The situs of a trust is in the state where the backup trustee is located after the grantor/trustee dies,” he explained. “You have to sue in that state.” He added that provisions could be made specifically in the trust so these issues don’t arise.

Little also discussed portability, noting that it is available only for deaths after December 17, 2011 and “for cases in which a Form 706 was timely filed for the first-to-die spouse.” The act creating portability is set to expire at the end of 2012. Little advised attendees to create separate trusts to protect against asset appreciation and creditors.

Little and Mielock also discussed shifting family dynamics and how those affect estate plans for blended, gay, and unmarried families. Little suggested making sure to include nominations for guardian and conservator in powers of attorney to address these different situations.

Mielock said the good news is that the baby boomers are hitting their 50’s and 60’s, a time when people start thinking about their estate plans. He and Little agreed that the new “do-it-yourself” legal aids, such as legalzoom.com, are actually good for business in the long run, since so many of these documents will be error-ridden that attorneys will be needed to resolve the arising legal issues.
What is informational interviewing, anyway?

Informational interviewing is a common strategy that job seekers use to gather information from contacts or referrals, giving them an opportunity to learn about an area of law, an individual’s job responsibilities, current developments, or the legal community in a particular geographic area. It is a mechanism for candidates to “interview” useful contacts (the reverse of job interviewing). This type of interviewing is one of the most effective forms of networking as it helps establish valuable connections and should be an integral component of an active job search. It is not a plea for employment, nor is it intended to result in a job with that person or employer — although sometimes it does.

There are several reasons why informational interviewing is valuable:
1) ...access to the most current career information.
2) ...provides perspective from attorney’s “in the trenches,” rather than relying on second-hand information from websites or publications.
3) ...helps discover non-advertised opportunities (where 75 percent of job leads come from!)
4) ...provides an expansion of professional contacts.
5) ...builds confidence in interviewing skills.
6) ...nice to be on “the other side of the table,” interviewing people rather than being interviewed.

There are several elements to keep in mind for a successful information interview. Here is an example of a good email introduction or phone message:

“Hello Mr. Esteemed Attorney, this is Ms. Gatherer. My pal, XYZ Colleague, suggested I contact you because of your knowledge of the Lansing-area legal market. I recently moved to this area from Utah, and would like to learn your perspective of the market in central Michigan. I’m wondering if you would have 30 minutes in the near future, for us to meet over coffee or lunch to discuss your career path, practice areas, trends, and suggestions....”

Preparing good questions in advance of the discussion in order to collect the most comprehensive information is important. Be sure to conduct research on the individual’s career and employer, by going to the firm’s website, Martindale, or even Google-ing the person.

Some good sample questions:
• What professional associations or bar sections would be important for me to join and get involved with?
• What practical experiences have been most valuable in your career?
• Walk me through a typical week in your job? How have you spent the last few days?
• How do you stay abreast of current developments in your practice areas?
Interview, continued from previous page

• What advice would you give for someone in my position (new grad, recently moved, changing practice areas, etc.)?
• What type of person, resume, or skills does someone in your office look for?
• Do you have any contacts you recommend I talk to?

Don’t introduce yourself with your resume—either in the pre-information interview email message, or as you introduce yourself in person. You can bring your resume to the conversation but don’t show your resume unless asked. And, if he/she asks for your resume, ask about feedback or advice on what he/she sees. Don’t forget to thank them for their time after your conversation! Experienced practitioners are willing to share their information when appreciation is shown for their time and assistance.

The only drawback to informational interviewing is the time it takes, but it is time that pays dividends in your professional career and job search efforts in the long run.

Computer Forensics

- Certified, qualified computer forensics experts
- Professional media examinations
- Civil, criminal, and family case experience
- Media imaging (preservation)
- Professional tools and equipment (extraction)
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- Professional reports and testimony (presentation)

Adam Kelly

AK+ Computer Consulting, LLC
4435 W. Saginaw—Suite 101
Lansing, MI 48917
Square — Mobile app to accept credit cards

by Derrick Etheridge
derrick@derricketheridge.com

This month iPick Square. Square is a very affordable way for you to accept credit cards. Square only works on your mobile device. Your Square account will not allow you to process payments online.

In order to process payments using Square, you’ll need to download the appropriate app for your mobile device. Square also offers a free credit card reader that plugs right into your mobile device’s 3.5 mm headphone jack. Square is compatible with your Apple iOS device running 4.0 and up, as well as your Android device running 2.1 and up. However, some of Square’s features may not be supported by your device. To see a complete list of features and to see what features your device supports, please visit Square’s help page.

So how does Square work? Your client wants to retain you and pay you by credit card. The client presents you the credit card, and you open up your Square App and swipe the card through the credit card reader. Once the charge is authorized, your client simply signs in the appropriate spot on your mobile device and then enters a telephone number or e-mail address to have a paperless receipt sent instantly.

With Square, there are no monthly fees, no contracts, no gateway fees, and a merchant account is not required. In fact, if you don’t use it, it doesn’t cost you anything! Square offers one simple fee - 2.75% of the amount charged per swipe - whether you take Visa, MasterCard, American Express or Discover. If you don’t have your card reader, you can key in the required information, but fees increase to 3.5% + 15 cents.

To receive your funds, you simply link your bank account, and the funds are directly deposited the next day. When businesses accept payments by swiping the credit card with the card reader, all funds are deposited into your bank account that evening and should be available the following day. If you manually enter the credit card information, rather than using the card reader, there is a $1,000.00 weekly deposit limit, and the remainder of the payment will be placed on hold for 30 days. If you intend to primarily enter your transactions manually, there is a procedure to have Square review your account for a increase in your deposit amounts.

What information is required to sign up? Your social security number, a US-based bank account, your date of birth, and a U.S. mailing address. An EIN and / or merchant bank account is optional. And there is no credit check. That’s it.

Please see Square on next page
If you don’t accept credit cards because of fees, fees, and more fees, give Square a try. It just may be the answer you’ve been looking for.

Note: As with any credit card processing service, as an attorney, you should ensure that you use Square in a manner that does not conflict with the Michigan Rules of Professional Conduct. Also, if you are primarily a bankruptcy attorney, Square may not approve your account.

To get you started with Square, here are a few links to Square YouTube Videos:
- Square presents: Getting Started
- Square presents: Processing Payments with the Card Reader
- Square presents: Fees
- Square presents: Accounting Spreadsheets

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Visit my website at www.derricketheridge.com or my blog, the Michigan Criminal Law Blog at www.micrimlawblog.com. For comments, please send me an e-mail at derrick@derricketheridge.com. Follow me on Twitter at www.twitter.com/micrimlawtweets.
Protecting yourself from data loss while maintaining data security

by Chris Fritz
fritzc@poweronlansing.com

If your computer were suddenly stolen or the hard drive failed, where would that leave you? If you’re like most people, you’d forever lose important files and irreplaceable memories. A disaster like that could cost you the project you’ve been working on, or if you’re lucky, maybe just add a half dozen hours of work to your already busy week.

Obviously, you want to back up. But practicality and security are often at odds with each other. Backing up sensitive or even confidential data to the cloud, with popular services like Dropbox.com, might make you cringe. And perhaps rightly - they’ve had their share of security problems in the past.

But what other options are there? If you work on a laptop, backing up to an external hard drive means actually remembering and taking the time to plug in and start the back up. On a regular basis! I’m guessing your to-do list has plenty on it already.

So here’s what I recommend: Try out CrashPlan at crashplan.com. Their free, downloadable program is simple to set up and they offer a free plan that lets you back up to another computer you own, via the Internet. This offers you the convenience of cloud backup (it works automatically in the background), without the security risk of having your files accessible via the web.

If you later choose to back up to the cloud as well, they also offer one of the best pricing plans I’ve seen, starting at $1.50/month for 10GB or $3/month for unlimited data. And hey, when their clients include giants of the tech industry, such as Google and HP, they must be doing something right.

Now, if your computer were actually stolen, a secure backup won’t keep the thief from accessing your data. Even if you use a strong password, the right tools could bypass that easily. That is, unless you use something like the free TrueCrypt at truecrypt.org to encrypt your important files. But I’ll leave that for another article...

Have any questions, about this article or something else? Let me know at fritzc@poweronlansing.com. I’m here to help.

Chris Fritz is the founder & CEO of Power On, Lansing’s tech support and learning center. You can find him downtown at 114 W. Allegan, online at PowerOnLansing.com, or on the phone at 517-798-6098.
The Honorable Clinton Canady III

Clinton received his Bachelor of Business Administration degree from the University of Michigan, as well as his JD. He practiced with Stuart J. Dunnings Jr. (the father) at Dunnings and Canady for 13 years, before starting his own practice, Canady Law Offices, in 1987. Clinton had a general practice for 37 years, until his election to the Ingham County Circuit Court in November of 2010. He assumed office as of January 1, 2011. Clinton has held positions with the State Bar of Michigan, National Bar Association, Wolverine Bar Association was the co-founder of the Lansing Black Lawyers Association. He served on the Lansing Regional Chamber of Commerce as a Director, Commissioner of the Lansing Board of Water and Light, and many other community organizations.

Questions and Answers for Judge Clinton Canady III

Q. If you were stranded on a desert island what is the 1 item you couldn’t live without?
A. Water.

Q. What is your most vivid memory from law school?
A. The first day, walking into the initial section orientation.

Q. What is the weirdest thing you’ve ever eaten?
A. Duck bill, feet, intestines in Beijing, China.

Q. If you could sit down to dinner with one person (dead or alive) who would it be and why?
A. Nelson Mandela, He sustained a vision through years of confinement and lived to see the vision come forth.

Q. If you knew you were going to be stranded on a desert island what is the 1 book you would bring with you?
A. Bhagavad Gita

Q. If you could tell a young lawyer one thing about practicing law, what would that be in 20 words or less.
A. You are a fiduciary on behalf of the client. Always strive to place the client’s best interest first.

Q. What is the most exotic place or place furthest from Michigan that you have traveled?
A. Great Wall of China

Q. What is the one person you’ve learned the most from in your life and what is one lesson you’d like to pass on to members of the bench and/or bar?
A. Stuart J. Dunnings Jr. (the father). Always strive to work in your client’s best interest. This, on occasion, may be put in conflict with your client’s expectations. One’s expectation is not always in their best interest.
Vegas Virgin? Part Three - What to do!

by Tony Snyder
tsnyder@tonysnyder.com

So we’ve discussed where to stay and where to eat. Now it’s time to discuss where you go to play while you’re in Vegas!

THE BELLAGIO FOUNTAINS

Tune into just about anything Vegas related and it’s going to have some shot of the Bellagio fountains going off. They really are pretty cool. Considered the best free show in Las Vegas, the Fountains of Bellagio is a vast visual water symphony choreographed to light and music. The Bellagio fountain show takes place in front of the Bellagio hotel and is visible from numerous vantage points on the Strip, both from the street and neighboring structures.

THE MIRAGE VOLCANO

One of Las Vegas’ most renowned icons, the Volcano at the Mirage is a sight to see and an experience that should be on the top of your list of things to do in Las Vegas. In 2008, after undergoing quite a make-over, the Mirage volcano impresses audiences with its audio/visual spectacle that features never-before-seen fire effects. The Mirage volcano features more than 150 eruption spots, that shoot fireballs choreographed to the music. The volcano show lasts approximately 12 minutes and ends with a giant fire shooting 60 feet into the air.

The Mirage Volcano occurs daily (every hour on the hour) from dusk until 11pm. The first show is at 7pm. The volcano can be viewed from the sidewalk on the Vegas strip in front of the Mirage Hotel Casino or from inside the hotel premises. Personally, I’m a big fan of standing across the street, in front of Casino Royale to get a great view without all the stinky tourists climbing all over you.

To get a good viewing spot, plan to arrive 8 minutes before the show is set to begin. This is important especially if you have young children.

Please see Vegas fun on next page
Vegas fun, continued from previous page

with you. We have also found that the best viewing spot is right in front of the Mirage entrance behind the valet kiosk. This spot will place you about 100 feet from the volcano and you will definitely feel the heat from the exploding volcano.

THE SIRENS OF TI
The Sirens is Treasure Island skanky-ist show on The Strip. The production features a clash between a group of beautiful, skanky sirens and a band of renegade STD-laced pirates. From daring swordplay to high-diving acrobatics and eye-popping pyrotechnics, the show is something you’ll only be able to stomach once. "VIP viewing" is available for hotel guests, but don’t stay at TI just for this alleged perk. The show runs for about 20 mins and starts at 7 pm., 8:30 pm., 10 pm. and 11:30 pm. daily.

FREEMONT STREET
Fremont Street is the second most famous street in Las Vegas, after the Las Vegas Strip. The Fremont Street Experience is an exciting pedestrian promenade located in the heart of the downtown casino corridor, it is the address for many famous casinos such as Binion’s Horseshoe, Four Queens, Golden Gate and the Golden Nugget. This really is “old school” Vegas at its best!!

Running as long as five blocks, the Fremont Experience is packed with free live nightly entertainment, great odds and loose slots, more than 60 restaurants, free light and sound shows, and ten classic casinos, all within four blocks. A distinct perk is that there are many new, fun bars starting to open up around here for your inexpensive drinking pleasure.

BELLAGIO CONSERVATORY
The exhibit, filled with lush plants, vibrant flowers and towering trees, changes five times a year and celebrates each of the four seasons and Chinese New Year. Winding pathways invite guests to experience this visually stunning display at their leisure. The Conservatory is free to the public and open 24 hours.

Am I missing something off this list? Let me know!

Tony@viceloungeonline.com
Help Wanted

**Associate attorney wanted**

Willingham & Coté, P.C., an AV-rated East Lansing law firm, seeks an associate attorney, with three to seven years experience, for its litigation department. Qualified candidates will have excellent writing, research skills and be self-motivated. Resumes should be sent to hiringpartner@willinghamcote.com.

**Legal secretary wanted**

An outstanding opportunity is available for an individual to join The Sinas Dramis Law Firm, an established Lansing law firm specializing in personal injury, as a paralegal to assist two partners. The ideal candidate will be experienced in client interactions, have experience with all aspects of litigation and will be able to work independently. This person must be exceedingly well-organized, flexible and enjoy the challenges of supporting two partners in a mid-sized office.

This position requires a minimum of a high school diploma. Three to five years of total previous legal secretary/paralegal experience required with at least two to three years of prior experience as a paralegal; experience in the auto no-fault/PIP law preferred. Must possess strong writing and organizational skills. General knowledge of Michigan no-fault law, PIP and medicine/medical terminology preferred. Benefits included: health insurance, life, disability, 401(k), and paid vacation.

Send resume accompanied by a cover letter and salary requirements to Julie Mann, CEO & President of Jmann Consulting Group at julie@jmannconsultinggroup.com. Candidates are not to contact the law firm directly.

**Seeking volunteers**

The Michigan Attorney Grievance Commission seeks licensed attorneys to serve as pro bono volunteer. Receivers pursuant to MCR 9.119(G), to assist in winding up the practice of lawyers who are deceased, incapacitated, missing, suspended or disbarred. Attorneys interested in serving in such capacity should submit a letter of interest to:

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Contact mlawry@inghambar.org or call 627-3938.

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Publication months: September to June with combined December/January issue.

Deadline for advertising is formally the 15th of the month for the following month. Acceptance of late submissions is subject to the discretion of the editor.

Graphics should be in JPG or GIF format, and provided as a separate file (not included in the document).

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