

# INGHAM COUNTY BAR ASSOCIATION

# BRIEFS



SEPTEMBER 2012

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## Resisting unlawful arrest

### *The common law is common again*

by Michael C. Van Huysse and Alexander S. Rusek

[mikevanhuysse@whitelawpllc.com](mailto:mikevanhuysse@whitelawpllc.com)

[alexanderrusek@whitelawpllc.com](mailto:alexanderrusek@whitelawpllc.com)

A long standing and historical right at common law, the right to resist an unlawful arrest, was seemingly eviscerated in Michigan by the Legislature and courts starting in 2002. However, the Michigan Supreme Court has returned the right to resist an



Michael C. Van Huysse

unlawful arrest to the people of Michigan with its recent decision in *People v Moreno*, \_\_\_ Mich \_\_\_, 2012 Mich LEXIS 463 (Mich Apr 20, 2012). Through its decision, the Supreme Court of Michigan has invalidated nearly a decade of Michigan



Alexander S. Rusek

Please see *Resisting arrest* on [page 21](#)

## SBM to vote on “inventory attorney” rule

### *Questions on issue drafted by ICBA*

The Master Lawyers Section of the State Bar of Michigan is proposing that all SBM members name an “inventory attorney” who would take over elements of their practice in the event that they become unavailable to serve their clients. The proposal will be voted on **September 20 at the SBM’s Annual Meeting in Grand Rapids** (see [page 4](#)).

According to a letter from Greg Ulrich, chair of the Master Lawyers Section, 71 percent of Michigan’s lawyers are solo practitioners, and “most especially for lawyers who practice alone, it is important to plan

Please see *Inventory attorney* on [page 23](#)

## Ingham County Bar Association

P.O. Box 66  
Grand Ledge, MI 48837  
<http://www.inghambar.org>

### ICBA Executive Director

Madelyne Lawry, 627-3938 [mlawry@inghambar.org](mailto:mlawry@inghambar.org)

### ICBA BOARD OF DIRECTORS

President Stacia Buchanan, 303-1630  
[staciabuchanan@yahoo.com](mailto:staciabuchanan@yahoo.com)  
President-Elect Josh Ard 655-9782 [Josh@ardlaw.com](mailto:Josh@ardlaw.com)  
Vice President Liisa Speaker, 482-8933,  
[lspeaker@speakerlaw.com](mailto:lspeaker@speakerlaw.com)  
Vice President Catherine Groll, 703-1100  
[cgroll@catherinegroll.com](mailto:cgroll@catherinegroll.com)  
Secretary Jason Hanselman 374-9181,  
[jhanselman@dykema.com](mailto:jhanselman@dykema.com)  
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[mkellogg@fraserlawfirm.com](mailto:mkellogg@fraserlawfirm.com)  
Past President Scott Mandel, 371-8185  
[smandel@fosterswift.com](mailto:smandel@fosterswift.com)  
Lisa Babcock 580-3485, [lisa.babcock.jd@gmail.com](mailto:lisa.babcock.jd@gmail.com)  
Thomas Brennan Jr. 339-6090  
[thomasbrennanjr@comcast.net](mailto:thomasbrennanjr@comcast.net)  
Hon. Clinton Canady III 483-6524  
[canadylaw@aol.com](mailto:canadylaw@aol.com)  
Mary Chartier, 482-2000 [mary@alanechartier.com](mailto:mary@alanechartier.com)  
James Dalton, 351-6200, [jdalton@willinghamcote.com](mailto:jdalton@willinghamcote.com)  
Jessica Fox, 663-3306 [jf\\_law@yahoo.com](mailto:jf_law@yahoo.com)  
Mark Hoover 333-0306, [mhoover@hghblaw.com](mailto:mhoover@hghblaw.com)

### SECTION CHAIRS

#### Bankruptcy Law

Andrew J. Gerdes, 853-1300, [agerdes@gerdesplc.com](mailto:agerdes@gerdesplc.com)

#### Child Welfare

Jodi Latuszek, 373-4987, [latuszekj@courts.mi.gov](mailto:latuszekj@courts.mi.gov)

#### Criminal Law

Mary Chartier, 482-2000 [mary@alanechartier.com](mailto:mary@alanechartier.com)

#### Family Law

Carrie Folts Huff 482-0222, [cfolts@mclpc.com](mailto:cfolts@mclpc.com)  
Todd Selin, 482-0222, [tselina@mclpc.com](mailto:tselina@mclpc.com)

#### Probate & Trust

Mary Schrauben, 371-5361, [mshrauben@borpc.com](mailto:mshrauben@borpc.com)  
Marlaine Teahan, 622-4121, [marlaine@teahan.com](mailto:marlaine@teahan.com)

#### Young Lawyer Section (YLS)

President: Shenique Moss, 373-1130  
[moss@michigan.gov](mailto:moss@michigan.gov)  
President-Elect: Christopher Wickman, 529-2733  
[chriswickman@gmail.com](mailto:chriswickman@gmail.com)  
Treasurer Michael Hill, 853-1517,  
[MSH@thegallagherlawfirm.com](mailto:MSH@thegallagherlawfirm.com)

## BRIEFS

Published by the Ingham County Bar Association nine times a year, September through June, with a combined December/January issue.

### Publications Committee Co-Chairs

Liisa Speaker	Jessica Fox
482-8933; fax 482-8936	663-3306
<a href="mailto:lspeaker@speakerlaw.com">lspeaker@speakerlaw.com</a>	<a href="mailto:jf_law@yahoo.com">jf_law@yahoo.com</a>

### Editor

Becky Scott  
290-3158  
[ICBAbriefs@gmail.com](mailto:ICBAbriefs@gmail.com)

### 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 editor 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 627-3938, [mlawry@inghambar.org](mailto:mlawry@inghambar.org).

### BRIEFS Committee

BRIEFS publication meetings are held the 2nd Monday of the month at noon, usually at Speaker Law Firm, 230 Sycamore in Lansing. Committee members:

Josh Ard, [Josh@ardlaw.com](mailto:Josh@ardlaw.com), 655-9782  
Lisa Babcock, [lisa.babcock.jd@gmail.com](mailto:lisa.babcock.jd@gmail.com), 580-3485  
Scott Breen, [SBreen@willinghamcote.com](mailto:SBreen@willinghamcote.com), 324-1021  
Christine Caswell, [ccaswell@voyager.net](mailto:ccaswell@voyager.net), 487-8950  
Derrick Etheridge, [derrick@derricketheridge.com](mailto:derrick@derricketheridge.com), 325-3031  
Jessica Fox, [jf\\_law@yahoo.com](mailto:jf_law@yahoo.com), 663-3306  
Deborah B. Frederick, [dfrederick@ingham.org](mailto:dfrederick@ingham.org), 483-6302  
Jason T. Hanselman, [jhanselman@dykema.com](mailto:jhanselman@dykema.com), 374-9181  
Valerie Lafferty, [laffertyv@comcast.net](mailto:laffertyv@comcast.net), 349-6660  
Jodi Latuszek, [latuszekj@courts.mi.gov](mailto:latuszekj@courts.mi.gov), 373-4987  
Michael J. Nichols, [mnichols@nicholslaw.net](mailto:mnichols@nicholslaw.net), 432-9000  
Gregory Palmer, [gpalmer@palmerwood.com](mailto:gpalmer@palmerwood.com), 616-459-6700 x303  
Lori Pourzan, [lpourzan@lsscm.org](mailto:lpourzan@lsscm.org), 394-2985 x 240  
Kevin Schumacher, [schumacher@glassenrhead.com](mailto:schumacher@glassenrhead.com), 482-3800  
Joshua S. Smith, [jssmith\\_30@juno.com](mailto:jssmith_30@juno.com), 335-1238  
Amy Timmer, [timmera@cooley.edu](mailto:timmera@cooley.edu), 371-5140  
Charles R. Toy, [toyc@cooley.edu](mailto:toyc@cooley.edu), 371-5140

# On the Docket

For all ICBA events and registration links, go to <https://inghambar.org/calendar/cEvent.php>  
Avoid higher on-site registration costs by securing your registration with advance payment!

Program	Start Time	Location	Cost	RSVP
Monday September 10	Noon	<b>BRIEFS Board Meeting</b> Speaker Law Firm 230 N. Sycamore St, Lansing. <a href="#">map</a>	Open to all BRIEFS contributors	
Tuesday September 11	10 a.m.	<b>ICBA Section Orientation</b> Jessica Fox presiding in Room One, State Bar of Michigan, 306 Townsend <a href="#">map</a>	Free	by Sept. 10 <a href="#">RSVP here</a>
Tuesday September 18	Noon	<b>Probate &amp; Trust section</b> (bring own lunch) Topic: "The Durable Power of Attorney Statute." Speaker: Marlaine C. Teahan, Fraser Trebilcock State Bar of Michigan, 306 Townsend Street <a href="#">map</a>	Free to members and nonmembers	by Sept. 17 <a href="#">RSVP here</a>
Saturday October 6	8 a.m. - 12:30 p.m.	<b>ICBA Bench-Bar Conference</b> Veterans Mem.Courthouse, 313 W. Kalamazoo Sponsorship \$200, <a href="#">download form</a> . NOTE: ICBA does not take phone reservations. Please complete form and return via fax, e-mail or through the ICBA website.	\$25 members \$35 nonmembers	by Sept. 14 <a href="#">RSVP here</a>
Monday October 8	Noon	<b>BRIEFS Board Meeting</b> Speaker Law Firm 230 N. Sycamore St, Lansing. <a href="#">map</a>	Open to all BRIEFS contributors	
Wednesday October 10	7:15 a.m.	<b>ICBA Board Meeting</b> Alane & Chartier PLC 403 Seymore Ave., Lansing. <a href="#">map</a>	Open to all section chairs	
Tuesday October 16	Noon	<b>Probate &amp; Trust section</b> (bring own lunch) Topic: "Estate Recovery Claims Process" Speakers: Michelyn E. Pasteur, Bernick, Radner & Ouellette, P.C.; Rhonda M. Clark- Kreuer, Rhonda M. Clark P.C. State Bar of Michigan, 306 Townsend Street <a href="#">map</a>	Free to members	by Sept. 17 <a href="#">RSVP here</a>
Wednesday November 7	5:30 p.m. reception 7 p.m. dinner 7:30 p.m. program	<b>ICBA 118th Annual Dinner</b> Space is limited -- register early! Sponsorship \$250, <a href="#">download form</a> Lexington Lansing Hotel 925 S. Creyts Road, Lansing <a href="#">map</a>	\$75 members \$95 nonmembers Free to ICBA judges	by Oct. 21 <a href="#">RSVP here</a>

# Local Legal Events

For legal events hosted by ICBA, see [“On the Docket” on page 3.](#)

## Sobriety testing practitioner training course Sept. 14-15

A standardized field sobriety testing (SFST) Practitioner Training Course is available in Detroit September 14-15, co-sponsored by the Michigan Association of OWI Attorneys. The course will be taught by Lance Platt, Ph.D. and will certify the attendee in the most current NHSTA SFST training curriculum. This is the same curriculum that law enforcement officers are trained in and testify to in court. Attendees will be trained in recognizing driving behavior exhibited by an impaired driver, typical clues of alcohol intoxication, the three standardized field sobriety tests, and different types of nystagmus.

The course will be Sept. 14 and 15 at the Courtyard Downtown Detroit, 333 East Jefferson Ave, Detroit. To register, or for more info, contact [www.warhorsemarketing.com](http://www.warhorsemarketing.com).

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## SBM Annual Meeting Sept. 19-21 in Grand Rapids

Members of the legal community will gather Sept. 19-21 at DeVos Place in Grand Rapids for the State Bar of Michigan Annual Meeting and Solo and Small Firm Institute. As usual the meeting will include business meetings, informational sessions and awards banquets.

Informational topics include “Recognizing Unintentional Intolerance and the Challenge it Presents to the Legal Profession,” “Insurance Coverage Conflicts and the Role of Independent Defense Counsel,” “Collaboration Between Tribal, State, and Local Governments,” “Preservation and Presentation of Issues on Appeal,” “Your Third Career: New views of law practice in a changing profession,” “Jury Trial Tools under Revised Rules,” “Concerns for Children in the Child Welfare System,” and more.

For more information on this year’s Annual Meeting, visit the [State Bar of Michigan Annual Meeting page](#).

## CP exam Sept 14 & 15, 28 & 29

The Assessment Center/Student Services Center at Lansing Community College West Campus, 5708 Cornerstone Drive in Delta Township, is now a testing center for the National Association of Legal Assistants (NALA) national certified paralegal (CP) exam.

Although the exam is offered at ACT testing centers throughout the United States, LCC is the first school in Michigan to provide this service directly to those paralegals in their community who would like to take the exam.

The exam will be offered twice this fall: Sept. 14 and 15 and Sept. 28 and 29. The first day will address communication, ethics, and substantive law and the second day will address legal research, judgment and legal analysis.

The event is free to LCC students and graduates and \$25 for others. The fee is due at the time the exam is taken. To take the exam you must RSVP at least 24 hours in advance. There is no cancellation penalty. To RSVP, contact: Matt Lemon, certification manager, at 517-267-5507 or email [lemonm@lcc.edu](mailto:lemonm@lcc.edu).

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## NALS education meeting and mixer Sept 11 and 25

A National Association of Legal Secretaries/ Paralegals (NALs) education meeting will discuss worker’s compensation at 5:30 p.m. Wednesday, Sept. 12 at La Senorita Mexican Restaurant, 2706 Lake Lansing Road, Lansing. Carole M. Schneider, PP, PLS, paralegal of Foster Swift Collins & Smith, PC will speak. RSVP to Beverly Bishop at [bishoppls@gmail.com](mailto:bishoppls@gmail.com) or call 881-8061 by Tuesday, Sept. 11.

NALS of Lansing will hold a Meet and Greet starting at 5:30 p.m. Tuesday, Sept. 25 at Waterfront Bar & Grille, Lansing City Market, 325 City Market Drive. RSVP by Monday, Sept. 17 to Vicki Ballinger, PLS, at [vballinger@fosterswift.com](mailto:vballinger@fosterswift.com) or 371-8232.

## In BRIEF

Gallagher & Associates CPAs, PLC is pleased to announce that **Jeremy “Jake” Mertens** has been admitted into the State Bar of Michigan. Jake



*Jeremy Mertens*

joined Gallagher & Associates CPA's, PLC in January 2012 as a manager, and provides professional services in the areas of tax planning, research, and compliance. Jake received his law degree from Albany Law School of Union University in 2006 and was admitted into the New York State Bar in 2007. Before joining Gallagher, he

spent five years with a Big Four accounting firm providing various professional tax services.

**Kelly A. LaGrave**, ACP, a paralegal in the Business/Corporate Group of Foster Swift Collins & Smith, PC, has been elected first vice president of NALA (National Association of Legal Assistants/paralegals), during the association's 36<sup>th</sup> annual meeting in July. She will serve on the NALA board of directors during the 2012-13 operational year.

A paralegal since 1984, LaGrave has served in a number of other leadership positions for NALA, including a recent term as secretary. She is a member of the State Bar of Michigan Legal Assistants/Paralegal Section, and is also a member of the ICBA Legal Assistants Section. She also serves on the Paralegal Program Advisory Committee of Lansing Community College.

She has ACP (Advanced Certified Paralegal) credentials in Intellectual Property, Real Estate, and Contracts Administration/Contracts Management. Her BA degree is from James Madison College at Michigan State University.



*Kelly LaGrave*

Foster Swift attorney, **Michael Harrison**, of the Lansing office, has been named the vice chair of the TIPS Alternative Dispute Resolution General Committee for the American Bar Association. This committee is within the Tort Trial and Insurance Practice Section.

Harrison looks forward to continuing the important work of providing the public with meaningful alternatives to the court system in resolving conflicts and legal disputes.

Before joining Foster Swift in 2001, Michael Harrison served as a judge of the 30<sup>th</sup> Judicial Circuit of Michigan for nearly 25 years. He was chief judge for 12 years and served by assignment on the Michigan Court of Appeals on a number of occasions. Harrison completed his undergraduate degree at Albion College and received his law degree from the University of Michigan Law School.



*Michael Harrison*

**Lawrence Nolan**, founder and president of Nolan, Thomsen & Villas, P.C. in Eaton Rapids, has been elected treasurer of the State Bar of Michigan for the 2012-2013 bar year.

For more details about State Bar of Michigan officers, see related story on [page 7](#).



*Larry Nolan*

**NOTE: BRIEFS has a policy not to publish SuperLawyer announcements. There's too many of them!**

## President's Message



*Stacia Buchanan*

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*The goal for this year is to maintain the great programs we already have with a few revisions to make them better.*

---

by *Stacia Buchanan*

[staciabuchanan@yahoo.com](mailto:staciabuchanan@yahoo.com)

It is the beginning of another year of education, networking, and social events for ICBA. The ICBA has made numerous changes as of late, and the goal for this year is to maintain the great programs we already have with a few revisions to make them better.

I have heard many people questioning the changed format for the section meetings. The section meetings have been turned over to the section chairs to plan a time, venue, program, and if necessary, a meal. The purpose of these section meetings continues to be primarily education. The section chairs have done excellent jobs of seeking out topics and speakers, and will continue to do so in the coming year. The reasoning behind going from a catering format to a restaurant format is that it became apparent that providing catered meals for projected numbers of attendees was not fiscally responsible to our membership. When attendance was low, ICBA suffered a loss that aggregated into a larger loss of money that could be spent on other services for our membership. It is much more responsible to allow each section to determine the format of the meeting.

We have also changed the location of the Annual Dinner this year to the Lexington Hotel - Lansing. We held the dinner for many years at the Lansing Country Club, but our event has out grown their facility. Lexington Hotel - Lansing has provided excellent service for the Lawyers Got Talent event the past two years, and has a venue large enough to handle our growing group.

The Bench Bar Conference will continue to be held in even years, but it will now occur in fall. We have added the Meet the Judges event, which will occur in the late-winter or early-spring of odd years.

Additionally, with the retirement of Phil Villetua, we've had to pass his torch to new chairs of the Shrimp Dinner Committee. Welcome Elias (AKA Louie) Kafantaris as co-Chair of the Shrimp Dinner committee.

It is going to be a busy year maintaining our current programs. I welcome suggestions and comments on making ICBA better serve you.



SBM President Bruce Courtade



SBM President-elect Brian Einhorn



SBM Vice President Thomas Rombach



SBM Secretary Lori Buiteweg



SBM Treasurer Lawrence Nolan

## SBM Officers Elected for 2012-2013

**Bruce A. Courtade**, of Grand Rapids, has been elected president of the State Bar of Michigan for the 2012-2013 bar year. He will be sworn in as president of the more than 42,000-member organization at a luncheon on Thursday, Sept. 20 during the SBM Annual Meeting in Grand Rapids.

Also serving as officers for 2012-2013 will be President-elect **Brian D. Einhorn** of Southfield, Vice President **Thomas C. Rombach** of New Baltimore, Secretary **Lori A. Buiteweg** of Ann Arbor, and Treasurer **Lawrence P. Nolan** of Eaton Rapids.

Bruce Courtade is a shareholder at Rhoades McKee in Grand Rapids, and practices construction law, commercial litigation, general business counseling, and criminal defense. Brian Einhorn practices with Collins, Einhorn, Farrell & Ulanoff, PC in Southfield and concentrates on professional liability litigation, products liability litigation, construction defect defense, and insurance coverage dispute litigation. Tom Rombach is a solo practitioner who focuses on criminal and civil litigation, personal injury, and municipal law. Lori Buiteweg is a partner in Nichols, Sacks, Slank, Sendelbach, and Buiteweg, PC and focuses on family law. Lawrence Nolan is the founder and president of Nolan, Thomsen & Villas, P.C.

Dana M. Warnez, of Center Line, will be the 2012-2013 chair of the Representative Assembly. The Representative Assembly's vice-chair is Kathleen M. Allen of Grand Rapids. The Representative Assembly will elect a new clerk at its meeting in September.



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## Study shows employment for law graduates better than expected

Contrary to the perception advanced by certain media and blogs, the employment rate is very good for law school graduates.

Based on the most recent data available from the National Association for Legal Career Professionals (NALP), a recent study of the national employment market for recent graduates of U.S. ABA-accredited law schools concludes that within nine months of graduation, 90.5 percent of new lawyers either found employment or entered graduate school.

Of this employed group, 96.7 percent of graduates found professional employment, and 90.2 percent of those professional positions were full-time.

The unemployment rate for 2010 law school graduates who sought to enter the job market was 6.2 percent.

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[Link to page 1](#)



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*The website will also help users find a local attorney. This consists of links to websites for LSSCM, ICBA's membership directory, the SBM Lawyer Referral and Information services, Michigan Indian Legal Services, Elder Law of Michigan, and several other sites.*

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## New legal self-help website offers free info and forms to Michigan residents

A new legal self-help website, [www.michiganlegalhelp.org](http://www.michiganlegalhelp.org), offers information and many resources for Michigan residents who need to represent themselves in simple civil legal matters.

The Michigan Legal Help website is funded by the Michigan State Bar Foundation and the Legal Services Corporation. It is part of a pilot project overseen by the Solutions on Self-Help Task Force, which was established in 2010 by (then) Michigan Supreme Court Chief Justice Marilyn Kelly to improve and coordinate resources for self-represented persons.

"We are very pleased that the website will provide information to help people who cannot afford to hire a lawyer to handle basic legal problems," said Justice Kelly.

"This website will also benefit the courts because more self-expressed litigants will be better prepared when they go to court. It will also assist many members of the public who ask the courts for information on legal processes and help users who need lawyers find a local attorney," said State Court Administrator Chad Schmucker.

"The website is not a substitute for hiring a lawyer," said Project Director Angela Tripp. "It provides information, not legal advice, and many other states have similar resources. The Michigan website is modeled on an Illinois website that has operated successfully for more than a decade."

The website was created to make legal information easier to understand and to show people how to navigate the court system properly and efficiently. It can also help users look for a lawyer or legal self-help center in their area if they need more assistance. There are affiliated centers in Oscoda and Allegan counties and more will be opening in Oakland and Wayne counties.

The website contains articles explaining specific areas of law, toolkits, forms and instructional checklists to help prepare people who represent themselves in court. Many court forms can be filled out online using a simple question and answer interview. The website also includes information about local community services and details about court.

Currently, there are sections regarding family law matters, protection from abuse, housing issues, consumer law problems, and expungement. Family law matters include divorce, custody, and child support. Consumer legal issues covered are suits regarding debts, small claims, installment payment plans and garnishment. The housing section deals with leases, security deposits, landlord/tenant issues, mobile homes, eviction and subsidized housing. Expungement provides information about setting aside an adult criminal conviction or a juvenile adjudication.




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*For only \$47.00 for 3 months of service, businesses can recycle office paper, junk mail, cardboard and most other types of paper, glass, plastics, metals and more.*

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## Recycling in the workplace

### *City of Lansing provides recycling service*

*by Lori Miller, Environmental Specialist  
Capital Area Recycling & Trash (CART)*

From a business viewpoint, waste makes no sense. You pay to buy things, you pay for their space, and when you have no further use for them, you pay more to get rid of them. Approximately one third of municipal solid waste is generated at businesses and nearly 28 percent of it is paper products. The average office worker can generate nearly two pounds of paper and paperboard products every day. Office settings are the most ideal locations for waste reduction and recycling programs, as 90 percent of all office waste is paper.

From an environmental viewpoint, recycling preserves resources, conserves energy and reduces pollution. When businesses participate in a recycling program, they are investing in a sustainable solution. Additional benefits, such as cost savings can result when trash services are reduced, due to an increase in recycling.

Over 100 businesses participated in a commercial recycling program conducted by the City of Lansing recently. Over 100,000 pounds of material were recovered for recycling, instead of being thrown away. With the pilot program having ended and a city wide collection system now in place, the majority of those pilot participants have signed up for the weekly recycling service. For only \$47.00 for 3 months of service, businesses can recycle office paper, junk mail, cardboard and most other types of paper, glass, plastics, metals and more. The City of Lansing's Capital Area Recycling and Trash office can be reached at 483-4400 or [recycle@lansingmi.gov](mailto:recycle@lansingmi.gov) for more information.

### **FUN FACT**

The average office worker uses 10,000 sheets of copy paper each year.

A survey of law firms found that each attorney generates 20,000 to 100,000 sheets a year.

*Sources: [blog.cleveland.com](http://blog.cleveland.com) 7/28/08 and ABA Journal ("One Paper-Pusing Lawyer = Tons of Greenhouse Gases" dated 09/19/07)*

### **FUN FACT**

A single lawyer can use up to 100,000 sheets of paper every year.\* That's enough to:

- Make up 12 40-foot trees.
- Line Interstate 90 from Dead Man's Curve to Lake County.
- Balance the scales of justice with 50 medium-sized pumpkins.
- Publish 271 copies of John Grisham's "The Partner."
- Stack as high as LeBron James . . . on stilts.

*\*Assumes the use of 8.5- by 11-inch copy paper, the upper range found in a sampling of eight law firms of different sizes by the Arnold & Porter law firm in Washington, D.C.*

*Source: Conservatree; Arnold & Porter; Purdue University Department of Horticulture.*

## Restaurant Review



1224 Turner St., Lansing

---

*I'm not normally a fan of ribs, but after eating the ones we were given I realized this is probably because I rarely encounter good ones. And these were good ones.*

---

## Meat: Carnivore's delight

by Becky Scott, BRIEFS Editor  
[icbabriefs@gmail.com](mailto:icbabriefs@gmail.com)

If you want to eat at Meat - Southern BBQ and Carnivore Cuisine in Old Town, come early! Looking for something new, we went there on a Saturday night about 6 p.m. We were greeted at the door by a server who told us that the restaurant was closing for the day, because they had sold all their meat except for some ribs. Did we want those?

Given the choice of getting ribs or looking for another restaurant, we accepted the ribs. And, having gotten the last meat available, we counted ourselves lucky. While we waited for the ribs to be packaged, three other parties came by looking for dinner.

We picnicked with the ribs by Brenke Fish Ladder nearby, but I did not have a chance to absorb the atmosphere inside the restaurant. There's no mistake about the meat theme! The rustic single dining room (9 small tables and two picnic tables) is permeated by a hickoryish, meaty aroma reminiscent of beef jerky. The ceiling is black with white string lights and the walls are deep red, broken up only a by a few photographs and a cowhide.

I'm not normally a fan of ribs, but after eating the ones we were given I realized this is probably because I rarely encounter good ones. And these were good ones. They were St. Louis style, not spare, but covered in meat that fell off the bone. The ribs weren't covered in sauce -- just seasoned blackened meat -- but we were provided a choice of hot or mild sauce to dip them in. We got the mild sauce and I found the ribs delicious with or without sauce. They left my tongue tingling with a pleasant subtle burn.

As a side we chose macaroni and cheese. It was home-made style and had definitely been baked. I found it a bit bland, but a few shakes of salt were sufficient to season it agreeably.

At \$24 for a full rack of ribs (2+ servings) some might find the meal a bit pricy. But taking into account the law of supply and demand, it's clear that Meat's patrons think the fare is worth every penny!





Josh Ard

## Legal language and the lay public

by Josh Ard

[josh@ardlaw.com](mailto:josh@ardlaw.com)

Legal language is one thing that separates lawyers from the general public. Sometimes this does little more than create humor, at least for those who recognize what is going on. An example of that involves the word *liable*, which many people confuse with libel. There was a [post in the blog Language Log](#) about that on August 18, 2012. The problem is that many people write “liable” when they mean “libel.” As was noted in the comments, there is at least one context in which “liable” is pronounced exactly like “libel,” at least by most speakers: “Whenever he drinks too much he’s liable to say things he shouldn’t.” The authors cited a court opinion which said in part “It mimics provisions of the policy that related to advertising injury involving liable, slander, and invasion of privacy.” Janet Welch referred to this discussion in one of her SBM blog postings for August. I did a Google search for the phrase “sued for liable” and found over 50,000 hits. I certainly didn’t read many of them, but in the ones at the top of the list, there was little awareness that the wrong word was used. This might be humorous, but probably causes little confusion or other problems.

Other examples are more dangerous. Consider the word “proximate” as in the phrase “proximate cause”. That is not an ordinary word for most English speakers. I am currently reading Hilary Mantel’s sequel to the award-winning *Wolf Hall, Bringing up the Bodies*. Ms. Mantel did use “proximate” as an adjective, but her usage is noticeably erudite. When lawyers say “proximate cause,” what do ordinary listeners hear? Well, in one scholarly investigation of a jury after their deliberation, the answer was that they heard “approximate cause,” and they weren’t very happy about that. Gail Stygall, *Trial Language: Differential Discourse Processing and Discursive Formation*, Amsterdam: John Benjamins Pub. Co., 1994. The jurors were annoyed that they were asked to decide important questions of tort law and neither the plaintiff’s nor the defendant’s lawyer seemed all that concerned with truth and accuracy because they kept talking about the approximate cause of the accident. Weren’t they concerned about the real cause? Obviously what happened is that both lawyers were comfortable with legal language and never bothered to think about using ordinary terms or explaining a legal term to a lay audience.

This might seem to be an isolated problem, but it is not. I did a Google search for the exact phrase “approximate cause.” Of course, Google immediately asked me if I meant “proximate cause”, but I assured them that I didn’t. There were over a million hits for the correct phrase, but over 18,000 for the incorrect one. One is from an article in the *Virginia Law Review* from 1916. One of the headings is “APPROXIMATE

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*In one scholarly investigation of a jury after their deliberation, the answer was that they heard “approximate cause,” and they weren’t very happy about that...The jurors were annoyed that ...neither the plaintiff’s nor the defendant’s lawyer seemed all that concerned with truth and accuracy because they kept talking about the approximate cause of the accident.*

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*Please see [Legal language](#) on next page*

[Link to page 1](#)

*Legal language, continued from previous page*

CAUSE.” The discussion is really about proximate cause. In fact one of the sentences talks about “the person sustaining injury as a proximate result of the wrongful act.” Presumably, this was simply a result of poor proofreading. Likewise, one finds a Chinese dissertation (in English) about the approximate cause principle in marine insurance, but the executive summary uses the correct word *proximate*. Sometimes, the problem isn’t caught at all. I found an opinion from Oregon, *Equitable Loan Assn. v. Hewitt*, 135 P 864 (1913) that used “approximate cause” throughout.

Sometimes courts discover the problem. In yet another case from Oregon in the same decade, the basis for an appeal is that the jury instruction referred to “approximate cause.” The appellate court wasn’t very concerned. “This was probably an inadvertence of the court or the stenographer; and, while there is a technical distinction between the two words, it is wholly improbable that the misuse of the word ‘approximate’ misled the jury or had any effect upon the verdict.” *Northwest Door Co. et al. v. Lewis*, 180 P 495 (1919).

The New Jersey court system views the problem more seriously, perhaps inspired by research on jurors’ comprehension of instructions. The committee responsible for jury instructions noted that research indicates that “jurors do not understand the technical language in most proximate cause charges. ([Some studies](#) indicate that jurors believe the charge instructs them to find the ‘approximate cause’).” I’m not particularly impressed by their recommended instruction. It uses the phrase “proximate cause” liberally, never defines it, but then says what their task is. Our Model Civil Jury Instruction 15.01 is better:

**Definition of “proximate cause”**

When I use the words “proximate cause” I mean first, that the negligent conduct must have been a cause of the plaintiff’s injury, and second, that the plaintiff’s injury must have been of a type that is a natural and probably result of the negligent conduct.

I’m not sure why the phrase has to be used at all, but this is better. [Indiana’s approach](#) might be better (download first link). The cited presentation suggests using a different term “responsible cause” and give definitions and examples.

The point of this article is not simply to consider these two examples in isolation, but to point out to lawyers that opportunities for misunderstanding are quite common, both in dealing with jurors and in talking with clients. How many problems are caused by lawyers talking legalese and ordinary people constructing a different message from the one intended?

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*The committee responsible for jury instructions noted that research indicates that “jurors do not understand the technical language in most proximate cause charges.”*

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# iPick Technology



Derrick Etheridge

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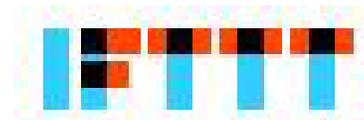
*IFTTT puts the Internet to work for you, by automating Internet searches and automatically sending you alerts.*

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## IFTTT (If This, Then That)

by Derrick Etheridge

[derrick@derricketheridge.com](mailto:derrick@derricketheridge.com)



This month, iPick iFTTT. IFTTT is pronounced like “Lift” without the “L.” IFTTT stands for “If This, Then That.” IFTTT puts the Internet to work for you.

IFTTT creates powerful connections between triggers and actions using channels. These connections are the ingredients to your recipes. Your recipe starts with channels, which are the basic building blocks of IFTTT, and each channel has its own triggers and actions. Some of the more popular channels include services that you are probably using already, such as Twitter, Facebook, Evernote, and e-mail. There are currently 50 channels and for a complete list of them, [click here](#). In order to use IFTTT, you will have to “activate” some of your chosen channels. In other words, you have to authorize IFTTT to access your information stored in the channel. For example, if you want to use Facebook as a channel, you will have to give IFTTT permission to access your information stored in Facebook.

Triggers are the “this” part of a recipe. Example triggers, from the IFTTT About page, include “I’m tagged in a photo on Facebook” or “I posted a tweet on Twitter.” Actions are the “that” part of a recipe. Example actions, again from the IFTTT About page, include “send me a text message” or “create a status message on Facebook.”

There are two types of recipes: personal and shared. Personal recipes are recipes that you create from your active channels. Shared recipes are useful templates shared by the IFTTT community. Here is a [link to the shared recipes page](#). There are currently around 2173 shared recipes.

To explain how IFTTT works, it is probably easier to give you a couple of examples.

The first example is a personal recipe I created. Suppose I am currently looking for a new apartment. I have been searching Craigslist daily and I have a Craigslist account. After a few days, I get tired of going to the Craigslist website and searching. But, I really need a new apartment. I want a three bedroom apartment. I would love one in the Delta Township / Grand Ledge area. And it has to be pet friendly. By using IFTTT I can automate this task. After signing up for an IFTTT account, I create a personal recipe. The channel is Craigslist. I activate Craigslist as a channel. I go to Craigslist and use the Craigslist search functions to create the search criteria that I want, which will create a unique URL (web address). I then copy that URL and use it to create a trigger called

*Please see iPick on next page*

[Link to page 1](#)

*iPick, continued from previous page*

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*Every time someone posts or advertises an apartment on Craigslist that matches my search criteria, I will now receive an email.*

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*With IFTTT I can get the weather automatically texted to me.*

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“New Post from Search” using my unique URL. Then I create my action. I choose to have the results e-mailed to me. I have already activated the e-mail channel. Every time someone posts or advertises an apartment on Craigslist that matches my search criteria, I will now receive an e-mail. Here is a link to a sample one that I created as described above.

The second example is a shared recipe. I like to be prepared for the weather every morning. Is it going to rain or snow? With IFTTT I can get the weather automatically texted to me. I just activate the Weather Channel and the SMS Channel (texts), and a shared recipe, and click on the “Use Recipe” button. The trigger is the Weather Channel. The trigger will monitor the weather conditions, which you can set to the condition you want monitored. If your selected condition occurs, you will be sent an SMS message, the Action. Easy, right? Here is a [link](#) to the shared recipe described.

The number of recipes are limitless. I have used a similar Craigslist recipe to find a house to rent in the past, so I know it works. If you want to automate some of the mundane out of your life, give IFTTT a try and let me know what you think.

Sources: –*IFTTT Website About Page* located at <https://ifttt.com/wtf> (last visited August 31, 2012).

*H. Derrick Etheridge, J.D., LL.M., of the Law Offices of Derrick Etheridge, PLLC, is a solo practitioner, whose law practice focuses on Criminal Defense.*

*Visit my website at [www.derricketheridge.com](http://www.derricketheridge.com) or my blog, the Michigan Criminal Law Blog at [www.micrimlawblog.com](http://www.micrimlawblog.com). For comments, please send me an e-mail at [derrick@derricketheridge.com](mailto:derrick@derricketheridge.com). Follow me on Twitter at [www.twitter.com/micrimlawtweets](http://www.twitter.com/micrimlawtweets).*

## Shelter Divison Program in 55th District

by Elizabeth Rios  
LSSCM Staff Attorney

Times are difficult in Ingham County and difficult times calls for innovative solutions. Ingham County's 55th District Court, spearheaded by Chief Judge Thomas Boyd, is poised to become the second court in the state to implement a Shelter Diversion Program (SDP) in an effort to divert the number of evictions and subsequent homelessness of our residents.

The SDP is a partnership between the 55th District Court and members of the Greater Lansing Homeless Resolution Network Continuum of Care (GLHRN CoC): Department of Human Services (DHS), Capitol Area Community Services (CACS), Volunteers

of America (VOA), Salvation Army, Legal Services of South Central Michigan, and the MSU Landlord/Tenant Housing Clinic, as well as local landlords. The intent is to benefit both tenants and landlords, get landlords paid, prevent judgments, and keep tenants and their families housed, all while saving and utilizing funding more effectively.

The SDP is in the final planning stages and intends to launch in the fall of 2012. The 55th District has requested permission from the Supreme Court to rescind its local Court Rule 4.201 and expects approval soon. The SDP is focused specifically on landlord tenant non-payment of rent cases, in which the tenant has no defense other than they are experiencing financial hardship and do not have the money to pay their rent.

DHS, CACS, VOA, Salvation Army and MSU LL/T Housing Law Mobile Clinic will all be present at the courthouse. Once a tenant arrives at the courthouse on the day of the hearing, they will be screened for eligibility and financial assistance at several levels by the MSU Mobile Housing Clinic, VOA, DHS, Salvation Army and CACS. The tenants who do not qualify for the program because they have a defense (such as repairs), dispute the amount, or have a reason for not paying rent are referred to Legal Services of South Central Michigan or MSU LL/T Housing Law Clinic. If the tenant is pre-approved for financial assistance, the landlords are made aware and asked if they would like to participate in the Shelter Diversion Program; they will have assurances that the outstanding rent will be paid. If the landlord agrees to participate, the judge will then enter a settlement agreement, rather than a judgment, while still allowing the landlord to apply for a writ of eviction if not paid within the statutory 10 days.

The SDP provides significant benefits to both tenant and landlord, and can help stabilize the lives of the parties involved as well as the local housing market. Landlords primarily just want rent to be paid on time and

**Legal Services of  
South Central  
Michigan**




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*The intent of the shelter division program is to benefit both tenants and landlords.*

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*If the tenant is approved and the landlord participates in SDP, the landlord will have assurances that outstanding rent will be paid.*

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*SDP effectively and efficiently facilitates payment in full.*

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[Link to page 1](#)

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*SDP benefits tenants in that their rent gets paid in a time of financial hardship, and they enter into a settlement agreement rather than a judgment.*

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*For the program to be successful, it is important to have judges who are willing to take the time to implement it.*

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*SDP, continued from previous page*

in full. This program more effectively and efficiently facilitates payment in full. Landlords are encouraged to begin the court process when a tenant is no more than three months behind on rent to prevent an accumulation of rent owed.

The program equally benefits tenants in that their rent gets paid in a time of financial hardship and they enter into a settlement agreement rather than a judgment. Replacing the entry of a judgment with a settlement agreement prevents the case from negatively affecting a tenant's credit as well as applications for future rentals and low-income housing. The SDP streamlines the application process for tenants who need to request the help of community organizations to pay the rent owed, by having community organization representatives present to qualify the tenant for services on the spot.

The idea for our program began with DHS Director, Su'Alyn Holbrook, leading an Ingham County contingent to visit the 8th District in Kalamazoo, where Judge Julie Phillips has been running their version of an eviction diversion program in her courtroom. Kalamazoo has seen significant success in the 7 years they have been implementing this strategy. In Ingham County we are trying to adapt what has been successful in the 8th district to our own 55th district.

For the program to be successful, it is important to have judges who are willing to take the time to implement it, which is no small addition of docket space, time, and energy. Both Judge Boyd and Judge Allen should be commended in this regard because they have seen a way to possibly improve the lives of Ingham County residents, and they are making it a priority. Judge Boyd states, "This is a terrific example of how, with everyone working together, we can more efficiently and effectively serve the people of Ingham County."

The success of the SDP depends on our ability to work together and the dedication of the individuals representing the partner organizations. There is no doubt that the group of thoughtful committed people assembled to implement this program can successfully divert evictions for many in need in our community.

We encourage you to join your colleagues in supporting LSSCM. The local legal community can make a significant positive difference in our ability to provide services to our community. If you would like to provide pro bono assistance to eligible clients, please contact Lori Pourzan at 394-2985, ext. 240, or Jane Martineau at 394-2985, ext. 226. For more information about Legal Services of South Central Michigan or to donate online, please visit our website at [www.lsscm.org](http://www.lsscm.org).



## Change of Venue

# A Summer Sojourn in Italy

by Josh Ard

[josh@ardlaw.com](mailto:josh@ardlaw.com)

My wife received the summer off from her duties at Michigan State University and wanted to spend some time in Italy, where she had lived for five years earlier. She had to finish a book and decided she could do that just as well in Italy as in mid-Michigan, so I agreed to come along. So did one of our sons and his wife and our grandchild. Well, the grandson didn't really have a choice. My daughter-in-law is working on her dissertation at the University of Michigan and felt she could work there, also. My wife was tired of always negotiating matters in Italian, so she told me to take some intensive classes at the University for Foreigners in Perugia, which I did.

We rented a home in Collepino, a village with about 40 inhabitants at

2000 feet elevation on the slopes of Mt. Subasio in Umbria. Collepino lies about 1300 feet above the plains at the base of the mountain. Collepino is beautiful and the views from our yard were incredible. We were rather isolated, however. The only businesses in the village are an excellent restaurant and a bar. In Italy, bars are for coffee (the source of the word *barista*) as well as alcohol. Thus, if we needed something like milk, it took a twenty minute drive down winding, narrow mountain roads to get to a store in Spello, the closest town. One night we saw a mama wild boar and baby on the road.



Collepino, Italy

Isolation also applied to communications. Cell phone service was rather spotty and Internet service was even worse. The owner of our house used it only for vacations and weekends and had no Internet connections installed. We purchased wireless Internet (one Mifi connection and a couple of Internet dongles (called keys in Italian) from two different providers in hopes that one would work. At times, nothing did.

To make matters worse, our iPad decided to stop connecting. This created quite a bit of frustration. I was still administering the Ingham County Bar Association lists and a half dozen State Bar lists and couldn't get things done as quickly as I would have liked. I had to get involved when postings on the State Bar probate list got out of hand after the Supreme Court's health care decision. (Some people thought that was the proper venue for them to rant their political views, something I fail to understand. We could learn from Michael Jordan's explanation of why he didn't get involved in politics. "Well, Republicans buy shoes, too." He realized that political statements could lessen his appeal as an endorser.

Please see Italy on [page 25](#)

[Link to page 1](#)

*Resisting arrest, continued from [page 1](#)*


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*The common law right to resist an unlawful arrest is long and storied.*

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*In Michigan, you once again have the right to legally resist an unlawful arrest.*

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jurisprudence, and restored over 300 years of the common law to its former place of standing in Michigan *stare decisis*.

The common law right to resist an unlawful arrest is long and storied. Arguably, the right dates as far back as the issuance of the Magna Carta in 1215, as noted in the book *Not a Law at All* by Craig Hemmens and Daniel Levin. However, the earliest known case concerning the common law right is *Hopkin Huggett's Case* from 1666. By 1710, *The Queen v Tooley* had thoroughly established the common law right in England. The Supreme Court of the United States endorsed the common law rule in *Elk v United States*, 177 US 529 (1900) and stated that “[i]f the officer have no right to arrest, the other party might resist the illegal attempt to arrest him, using no more force than was absolutely necessary to repel the assault constituting the attempt to arrest.”

By 1888, the Michigan Supreme Court had recognized the common law right in *People v Clements*, 68 Mich 655 (1888). Over 75 years later, the Court in *People v Krum*, 374 Mich 356 (1965) stated that in Michigan “one may use such reasonable force as is necessary to prevent an illegal attachment and to resist an illegal arrest, the basis for such preventive or resistive action is the illegality of an officer’s action, to which defendant immediately reacts.”

However, the common law right to resist an unlawful arrest began to face scrutiny by legal scholars in the early 20th century, and in the early 1940s a trend started among several states to abandon the common law right completely. (NH Rev Stat Ann § 594:5 (1986) (enacted 1941); RI Gen Laws § 12-7-10 (1994) (enacted 1941); Del Code Ann tit. 11, § 464(d) (1995) (enacted 1953); Cal Penal Code § 834a (1985) (enacted 1957)) While other states modified or abandoned the right altogether, Michigan retained its common law rule until 2002.

Obstructing a public officer has long been a crime in Michigan. Section 479 of the Michigan Penal Code was the “resisting and obstructing” statute in place before 2002. Section 479 and its interpreting jurisprudence required that the arrest be lawful for the defendant to be found guilty of resisting and obstructing.

In 2002, the Legislature enacted Section 81d of the Michigan Penal Code. The statute no longer contained an explicit requirement that the arrest be lawful. In *People v Ventura*, 262 Mich App 370 (2004), the Court interpreted the new statute, and held that “[t]he language of *[the statute]* is abundantly clear and states only that an individual who resists a person the individual knows or has reason to know is performing his duties is guilty of a felony....Because the language of the statute is clear and unambiguous, further construction is neither necessary nor permitted, and we decline to ‘expand what the Legislature clearly intended to cover’ and ‘read in’ a lawfulness requirement.” The common law right to resist an unlawful arrest in Michigan had been destroyed.

*Please see [Resisting arrest](#) on next page*

[Link to page 1](#)

*Resisting arrest, continued from previous page*

After eight years, the Michigan Supreme Court addressed the holding in the *Ventura* decision. In *Moreno*, the defendant engaged in a physical struggle with police officers when they attempted to enter his home without a search warrant. Pursuant to MCL 750.81d(1) and (2), the defendant was charged with resisting and obstructing a police officer and resisting and obstructing a police officer, causing injury. The Court addressed whether “MCL 750.81d abrogates the common-law right to resist illegal police conduct, including unlawful arrests and unlawful entries into constitutionally protected areas.”

The *Moreno* Court first addressed whether the language of MCL 750.81d abrogated the common law right to resist an unlawful arrest. Looking to *Krum*, the Court found that there was a well established common law right to resist an unlawful arrest. The Court overturned *Ventura*, and stated that “nowhere in MCL 750.81d does the Legislature state that the right to resist unlawful conduct by an officer no longer exists.” The Court could simply not conclude that the Legislature intended to abrogate the common law right without any clear indication of its intent to do so.

The second issue addressed in *Moreno* was whether the legislative history of MCL 750.81d showed an intent by the Legislature to abrogate the common law right to resist an unlawful arrest. After examining the legislative history of MCL 750.81d, the Court held that it did not support the contention that there was an intent to abrogate the common law right by the Legislature.

Therefore, the language of MCL 750.81d does not abrogate the common law right to resist an unlawful arrest in the State of Michigan. As such, there is once again a common law right to resist an unlawful arrest in Michigan. As stated in *Krum*, “one may use such reasonable force as is necessary to prevent an illegal attachment and to resist an illegal arrest” and that “the basis for such preventative or resistive action is the illegality of an officer’s action, to which [a] defendant immediately reacts.” However, the Legislature may have the ability to abrogate the common law right if it does so by expressing its clear intent in future legislation. If it does so, the Court will most likely have to address the Constitutional arguments against such an abrogation that were not addressed by the majority in *Moreno*.

*Michael C. Van Huysse is an associate attorney at White Law PLLC in Okemos, MI. He practices in the areas of criminal defense, civil litigation, bankruptcy, and family law.*

*Alexander S. Rusek is a law clerk at White Law PLLC in Okemos, MI, and a member of the 2013 class at the Michigan State University College of Law.*

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*Through its decision, the Supreme Court of Michigan has invalidated nearly a decade of Michigan jurisprudence, and restored over 300 years of the common law to its former place of standing in Michigan stare decisis.*

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*Inventory attorney, continued from [page 1](#)*

for how the practice will be wound down -- particularly when that task may need to be done by someone else because the lawyer has died or become incapacitated.”

The letter said that the Master Lawyers Section believes that “an important first step in addressing this potential risk is to require every lawyer that represents clients (other than a governmental entity, public body, or political subdivision) to identify an active member of the Bar who has agreed to act as an ‘inventory attorney’ who will, in the event of death, disability or disappearance, take such action as is appropriate to protect the interests of the clients, including notifying the clients of the lawyer’s changed status, returning files and papers, and, where appropriate, retaining files.”

Members of the ICBA BRIEFS committee have drafted some questions for discussion at the meeting.

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*Members of ICBA  
BRIEFS have drafted  
some questions for  
discussion regarding  
an “inventory attorney”  
requirement,*

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1. Does the inventory attorney have any duties at the time of nomination? For example, should the inventory attorney even discover who the current clients are? The odds are that they would not be clients at the time the inventory attorney would act.

2. What ethical duties if any do attorneys have in selecting an inventory attorney? Are they liable if the inventory attorneys engages in malfeasance or nonfeasance?

3. What happens if an inventory attorney is called upon to act and discovers a conflict with a client of the nominating attorney?

4. What happens if an inventory attorney does not want to represent a client of the nominating attorney? Especially what happens if the inventory attorney cannot find anyone who will represent the client on the agreed-upon terms?

5. What are the criteria to say that a nominating attorney is incapacitated? Surely the threshold is lower than that for legal incapacity.

6. Can an inventory attorney resign before acting? What type of notice is necessary?

7. Can a nominating attorney replace inventory attorneys? What type of notice is necessary? Is notice to the clients required?

8. Does the nominating attorney need to add the inventory attorney to the nominating attorney’s malpractice insurance policy? And what type of due diligence does the nominating attorney need to do before selecting the inventory attorney?

9. Does the inventory attorney need to disclose the nomination to the inventory attorney’s malpractice carrier, and if the practice area of the nominating area is a higher risk area (criminal, family, patents, etc) does the inventory attorney see an increase in malpractice premium for this supposed added risk?

*Please see [Inventory attorney](#) on next page*

*Inventory attorney, continued from previous page*

10. How does the nominating attorney give the inventory attorney access to office/files in event of death? Does the nominating attorney have to hand over a copy of a key at the time of nomination? Or arrange it with a family member, or staff person if the nominating attorney has staff? By the same token, how does the now deceased nominating attorney share computer and software passwords with the inventory attorney?

11. What are the bare minimum obligations of the inventory attorney? Is it just to notify the clients? Notify the courts? Obtain extensions to filing deadlines?

Interested parties are encouraged to bring these questions to the SBM meeting where the proposal will be voted upon.

*Italy, continued from [page 20](#)*

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*We learned that it isn't easy to move to another country and fit in.*

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*One would think a village of 40 people would be quiet but that is actually mistaken.*

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I can't see how it helps lawyers to go out of bounds in expressing political views. Others are likely to think that they are misinformed or stupid. There is little upside.)

Our son needed to watch some Internet videos for his job on some nights and had to rent a hotel room in nearby Assisi to ensure service. The Internet problems also made our GPS useless. Before we left, we bought a Garmin unit that promised European service. When we got there, it said "Gosh. There is a problem. You need to reload all of the maps. It will take a few hours over the internet." We couldn't get an Internet connection to last for several hours, so the unit was totally useless.

We learned that it isn't easy to move to another country and fit in. We brought laptops but my wife needed a printer and my daughter-in-law needed a monitor. Between that and repeated trips to stores to get the Internet situation fixed a bit better, we spent several hours travelling from Collepio to the nearest city.

One would think a village of 40 people would be quiet but that is actually mistaken. The bar and restaurant drew many people from surrounding communities at night. We would often hear people sitting outside, talking loudly around midnight. Some nights there was live music, including an excellent French surf band, of all things. Since it was very hot there, we couldn't easily close all of the windows (no air conditioning). One couldn't make up the sleep early in the morning, either, because one of our neighbors often began construction work at around 6 a.m. Once classes started, that wasn't a problem because I had to get up at around 5:30 a.m. to get to Perugia early enough to make classes that started at 8 a.m.

The University for Foreigners in Perugia is perhaps best known in America for an alumna they don't like to talk about, Amanda Knox. The house where her roommate was murdered is just outside the historical center of Perugia, within walking distance of the main university building. I didn't know Italian at all and took an intensive beginning class. My classmates included three Guatemalans, a Thai, a Croat, a Greek, a Norwegian, an Englishman, a Japanese, and three students from North Carolina State. Classes began every day at 8 a.m. Depending on the day, we got out anywhere from 11 a.m. to 5 p.m. I managed to learn quite a bit of Italian. The Italian people are quite tolerant of people trying to use their language, so I was able to practice with some real Italians.

In Umbria and Tuscany, most of the towns are located pretty high on hills, primarily for defensive purposes. That is certainly true of Perugia, Spello, and Assisi. Perugia is a very old town, dating back to the Etruscan period. We went on a school trip to the historical



*University for Foreigners in Perugia*

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museum, which contained several Etruscan artifacts. For some reason, there is little Etruscan writing extant outside of burial sites. The language has not yet been deciphered but it does not seem to be similar to any other known European language. The Etruscans developed their alphabet from Greek and Etruscan was the source of the Roman writing system, which of course we use in English. Perugia's leaders chose the wrong side in a dispute with Augustus Caesar and one of the arches showed the result—he renamed the town adding Augustus to it.

Hill towns are beautiful, but are a nightmare for driving. We tried driving into Perugia once and it was a mess. Fortunately, Perugia has an excellent mini-metro, which runs from the historical center through the main train station to the outskirts with the soccer stadium.

One obvious attraction of Italy is the food and wine. Umbria is known as the green heart of Italy and is famous for its agriculture. Almost every spot except for towns and mountain tops had grapes, olives, fruit, or grain. Wine and baked goods were very cheap. We would spend 10 euros for something that would cost well over \$50 at Zingerman's. The food was uniformly great except for the bread. Umbria and Tuscany were subject to excessive salt taxes in medieval times. The people reacted by baking bread salt-free. I suppose people got used to it, but we never did. Salt-free bread is simply not very good. Fortunately, most bakeries also sold salted bread if you knew how to ask for it.



*Umbria, Italy*

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*Umbria is known as the green heart of Italy and is famous for its agriculture.*

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We went out some nights with Italian families, the family of a graduate student my wife worked with at MSU and the family of the babysitter we hired to help out with our grandson. Umbria is well known for wine, pasta, and farro, a wheat-like grain. It is also famous for truffles. I really think that Italian food is a relatively new development for Italy, created by tourists and internal migration. A generation or so ago, one would likely see only regional food. For example, pesto was uncommon outside of Genoa and pizza wasn't that common outside of the south. Now one finds these items on the menu everywhere, but there is still a home court advantage. My daughter-in-law ordered some pesto in Umbria and was disappointed in the results.

We visited many towns in the area, especially at night. It took us a couple of weeks to learn about sagras. A sagra is a festival, apparently originally religious, but nowadays the focus is on some food. We went to a truffle sagra in Ripa, where most dishes contained truffles. The food was served outdoors and there were various entertainments, including many for kids. That was actually the only place we went to where the truffle dishes contained actual slices of truffles, rather than something ground up that contained some pieces. We also attended a picantissima sagra in Pila, where the emphasis was on spicy foods. In Valtopina we

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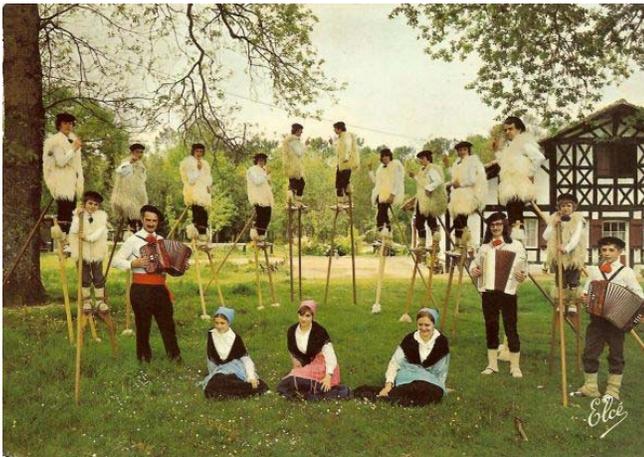
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arrived too late for the food but not for the unbelievable parade. It emphasized the medieval era. My Italian wasn't good enough to understand the commentary, but the parade included depictions of events. Many people walked in traditional dress and had to be extremely uncomfortable in the heat. The climate must have been different a few centuries ago. There were floats with people in nooses, a gentleman in a hospital being fed gruel, and a prostitute being sent off for punishment. The highlight for me was a man walking with his wild boar. Believe it or not, the boar wasn't all that happy marching in a parade. The man had to keep prodding it with a stick to keep it from running into the crowds lining the road.

*Medieval parade*

After classes ended, we spent a week in the south before returning home, first in Sorrento across the bay from Naples and then on Capri. The pizza and the bread were better, but wine prices were much worse. Local wine in Umbria was very cheap and we became spoiled. We happened to be in Capri while an international folk festival was occurring. The first night we saw a troupe from the Landes region of France, near the Spanish border. Shepherders there traditionally used stilts because of the soil. The troupe included persons on stilts doing dances, an amazing sight. The next night the entertainment was from Easter Island, a part of Polynesia that is now a part of Chile. It is considered the most isolated island in the world. The music reminded me more of Hawaii than anyplace else, no surprise there. The dances were similar to hulas. We were lucky enough to have dinner that night in a restaurant that served the troupe, something we didn't know about. After they finished eating, they put on a brief show in the restaurant.

*Landes shepherds on stilts*

My wife and son bought a lot of stuff in Italy. For my wife, the main temptation was ceramics. For my son, it was food. He bought ten to fifteen pounds of parmesan, after receiving a great deal. We also bought pasta, olive oil, wine, and a few other things, including some Italian books for me. The problem, of course, was getting it back. We read some information that I distrusted as being overly generous in its description of what we could bring and arrived at the counter with too many bags. We had a scale with us and were careful to have every bag below the limit. We found out that they didn't care so much about the weight as about the number. We did quite a bit of negotiation and combined some bags together and finally got everything on the flight. Even so, it took two large taxis to get everything from Detroit Metro to my son's home, where we had left our car.

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that current judges who are ICBA members can attend ICBA the  
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