

INGHAM COUNTY BAR ASSOCIATION BRIEFS

DECEMBER 2011 / JANUARY 2012

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Holiday party on Jan. 6 to benefit Greater Lansing Food Bank

The ICBA Young Lawyers Section, along with the SBM Young Lawyers Section, cordially invite members of the legal community to the 2nd Annual Ingham County Holiday Party. The event will be held from **5:30 p.m. to 8:00 p.m. on Friday, Jan. 6, 2012 at 621 Martini Lounge** (621 E. Michigan Ave, Lansing, Michigan). There will be



complimentary appetizers provided with a cash bar. In lieu of a cover charge, **we will be collecting canned goods and other non-perishable items to benefit the Greater Lansing Food Bank.** The Holiday Party is the ideal opportunity for members and non-members alike to acquaint or re-acquaint themselves with area judges, attorneys & law students, to learn about the happenings of the ICBA, and to mingle with old and new friends. For more information, please contact Shenique Moss at

moss@michigan.gov. Please RSVP by Jan. 3, 2012 to icba_yls@ymail.com as space is limited.

ICBA to host first annual "Meet the Judges" event Jan. 19

The ICBA welcomes both its members and non-members to attend its first annual *Meet the Judges Event* at **Cooley Law School** on **Thursday, Jan. 19, 2012 from 5:30 p.m. to 7:30 p.m.** Please mark the date on your calendar now and join us for some hors d'oeuvres and a cocktail.

The ICBA has invited justices, judges, magistrates, and referees from all levels of the state and federal courts to join us. We hope to have justices from the Michigan Supreme Court and the Court of Appeals as well as circuit



Hon. Clinton Canady III

Please see *Meet the judges* on [page 15](#)

Ingham County Bar Association

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BRIEFS

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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 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 (517) 627-3938, mlawry@inghambar.org.

BRIEFS Committee

BRIEFS publication meetings are held the 2nd Tuesday of the month at 7:30 a.m., usually at Speaker Law Firm, 230 Sycamore in Lansing. Committee members:

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On the Docket

For all ICBA events and registration links, go to <https://inghambar.org/calendar/cEvent.php>

Program	Start Time	Location	Cost	RSVP
Wednesday Dec. 28	Noon	Real Estate Section (includes lunch) “Title Insurance” Mike Hoskins Hall of Fame Cafe, 1601 W. Lake Lansing Road, East Lansing. map RSVP to jcn@thegallagherlawfirm.com	\$20/person	by Dec. 27 RSVP here
Friday Jan. 6	5:30 p.m. - 8 p.m.	Ingham County Holiday Party Sponsored partly by ICBA Young Lawyers Martini Lounge, 621 E. Michigan Ave, Lansing	Canned goods	by Jan. 3 icba_yls@ymail.com
Wednesday Jan. 11	Noon	Executive Committee Meeting Office of Scott Mandel 313 S. Washington Square, Lansing	Open to all board members	
Thursday Jan. 12	Noon	Bankruptcy Law Section (includes lunch) Judge James D. Gregg will speak on the topic of procedures and practices. State Bar of Michigan, 306 Townsend St.	\$10 members \$15 nonmembers \$20 on-site	by Nov. 9 RSVP here
Tuesday Jan. 17	Noon	Probate & Trust Section (includes lunch) Topic: “Estate Recovery” Attorney Michelyn Pasteur and Attorney Melisa Mysilwiec. State Bar of Michigan, 306 Townsend St	\$10 members \$15 nonmembers \$20 on-site	by Nov. 14 RSVP here
Wednesday Jan. 18	Noon	Luncheon Lecture Topic TBA State Bar of Michigan, 306 Townsend St.	\$10 members \$15 nonmembers \$20 on-site	by Nov. 15 RSVP here
Thursday Jan. 19	5:30 p.m. - 7:30 p.m.	First Annual “Meet the Judges” Reception Michigan Supreme Court justices, Court of Appeals judges, federal judges, and local judges will all be invited. Hors d’oeuvres and a bar with two beverage tickets will be provided. Capacity is limited so register early! Cooley Law School, 300 S. Capitol	\$30 members and their staff \$50 nonmembers \$25 students	by Jan. 19 RSVP here Sponsor here Register here
Wednesday Feb. 8	Noon	Board Meeting Office of Scott Mandel 313 S. Washington Square, Lansing	Open to all section chairs	
Saturday Feb. 25	TBA	Bench Bar Conference Topic TBA State Bar of Michigan, 306 Townsend St.	TBA	

Local Legal Events

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

Top 5 Under 35 Awards to be presented at Barristers Night

The Ingham County Bar Association is now accepting nominations for the 2012 Top 5 Under 35 Awards, which will be presented at the **Third Annual Barristers Night on Thursday, March 22, 2012.** The awards recognize outstanding young lawyers in our community who have distinguished themselves in their relatively short career by manifesting: exemplary character, integrity, judgment and legal scholarship; service to the profession and the bar; service to the community; and a reputation for or the advancement of the highest legal standards and professional responsibility. Click [here](#) to download the nomination form. **The deadline to submit nominations is 11:59 p.m. on Wednesday, Feb. 1, 2012.** For more information, please contact ICBA Executive Director, Madelyne Lawry at mlawry@inghambar.org.

NALS Leadership Academy - Moving Us Forward

Date: January 11, 2011
 Time: Free dinner buffet begins at 5:30 p.m.; presentations begins at 6:00 p.m.
 Location: Foster, Swift, Collins & Smith, P.C.
 313 S. Washington Square, Lansing

Speaker: National, State and Local NALS Officers

The call for nominations for state and local officers is just around the corner. Enhance your knowledge of the roles and core responsibilities needed for those who will move our association into the future from those who came before as well as members who are currently serving in those roles. Be inspired to develop YOUR association and promote your leadership skills for the benefit of our current and future members. Join us as we engage the wheels of empowerment.

All members are encouraged to attend. RSVP: Beverly Bishop, PLS at bishoppls@gmail.com or Ph: 517-881-8061.

NALS Business Meeting

Date: January 4, 2011
 Time: Noon
 Location: Foster, Swift, Collins & Smith, P.C.
 313 S. Washington Square, Lansing

All NALS (National Association of Legal Secretaries) members are welcome at the business meetings. It is highly recommended that all officers and committee chairs attend. Parking is available in lot at the rear of the building, entrance off Grand Avenue. Feel free to bring your lunch to this meeting.

RSVP to Meetings Chair Beverly Bishop, PLS at bishoppls@gmail.com or Ph: 517-881-8061.

In BRIEF



Adam Holland

Attorney Adam Holland has joined the Gallagher Law Firm with offices in Lansing, Detroit, Grand Rapids, and Mt. Pleasant. Mr. Holland will focus his practice on creditor's rights, real estate, and banking law. Adam earned his law degree from the Thomas M. Cooley Law School, where he graduated

magna cum laude. He completed his undergraduate studies at the University of Michigan, earning a degree in economics and moral and political philosophy.

Please see In BRIEF on next page

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In BRIEF (cont.)

Thomas M. Cooley Law School awarded this year's Frederick J. Griffith III Adjunct Faculty Award to **The Honorable Colleen A. O'Brien**, judge of the Oakland County Circuit Court, and **the Honorable Rosemarie E. Aquilina**, judge of the Ingham County Circuit Court. The award recognizes adjunct faculty members who best display dedication to the law school, excellence in teaching, passion for persuasive advocacy, compassion for law students and optimism about life and the future of legal education.

Cooley Professor Emeritus Otto Stockmeyer presented the award to Judge Aquilina Tuesday, Dec. 6 at Cooley's Lansing campus.



Pictured (left to right): Otto Stockmeyer, Judge Aquilina and Rick Griffith's wife, Margie Griffith.

The Michigan Supreme Court has appointed **the Honorable Janelle A. Lawless** as the Chief Judge of the Ingham County Circuit Court. Judge Lawless' appointment is for 2012 and 2013.

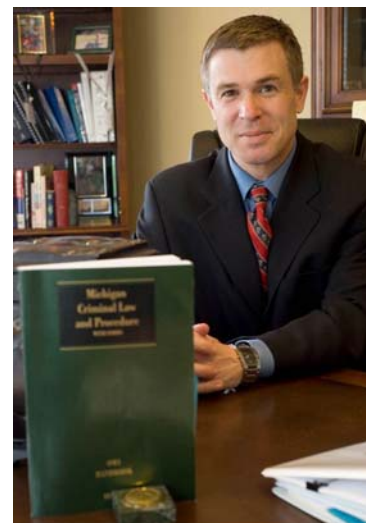
The Honorable William E. Collette will remain the Chief Judge through the end of 2011, and will continue to serve the residents of Ingham County from the Mason Courthouse in 2012 and beyond.



The Honorable Janelle Lawless

Mike Nichols has been selected to present at the American Academy of Forensic Sciences (AAFS) on Michigan Rule of Evidence 703. The AAFS will hold its annual conference in Atlanta, Georgia in February at which Nichols will present: "Michigan Rule of Evidence 703: a study in fairness." The AAFS is an organization of scientists, medical and legal professionals dedicated to the advancement of forensic evidence.

Nichols is the author of the *OWI Handbook* by West Publishing, an adjunct professor at Cooley Law School, and co-chair of the ICBA Criminal Law Section.



Mike Nichols and book OWI Handbook

Cooley Law School Director of Enrollment Programs and Student Services **Dr. Christopher Lewis** earned the Distinguished Service to the Profession Award for Region IV-East of the National Association of Student Personnel Administrators (NASPA).

The award is presented in recognition of an individual's outstanding contributions to the profession over an extended period of time. Criteria for the award include leadership and service to NASPA at the regional or national level, contribution beyond normal service required, and 10 years in the college student personnel profession and as a NASPA member.

In addition to regional recognition that accompanies this award, the recipient is considered for the national NASPA Fred Turner Distinguished Service Award.



Christopher Lewis

Cooley Law School students excel in Negotiation Competition

Two teams of Cooley Law School students advanced to the final rounds at the recent American Bar Association Regional Negotiation Competition in Ottawa, Canada.

The team of **Adria Vittitow** and **Channing Franklin** took first place in the competition's semi-final round Saturday, Nov. 12, while the team of **Shannon DeWall** and **Amanda Demitrish** took second place, advancing both teams to the final round. Vittitow and Franklin attend class at Cooley's Lansing campus, while Demitrish and DeWall attend class at Cooley's Auburn Hills campus. Alternate team members **Sueann Mitchell** and **Phil Reed**, who attend class at Cooley's Grand Rapids campus, assisted in coaching the teams to their victories.

Cooley competed against teams from the MSU College of Law, Salmon P. Chase College of Law at Northern Kentucky University, Osgoode Hall Law School at York University, Southwestern Law School, Moritz College of Law at Ohio State University, the University of Western Ontario Faculty of Law, the University of Ottawa Faculty of Law, Brandeis School of Law at the University of Louisville, and Valparaiso University School of Law.

In the final round on Sunday, Nov. 13, Cooley's team of DeWall and Demitrish came in second place, missing the top spot by only two points, while the team of Vittitow and Franklin came in third place, missing first place by only five points. The team fielded by Ohio State landed in

first place in the four-team final round. Of the six rounds in the competition, Cooley's teams won five rounds.

Cooley Law School Professor **Nancy Wonch** coached the teams and said Cooley's students received some very favorable feedback.

"The competition judges remarked on how professional, civil, ethical, and knowledgeable our teams were about the subject matter (real estate and torts) and how skilled we were in negotiating," she said.

Cooley faculty members **Dan Stauffer** and **Dustin Foster**, helped coach the teams in Grand Rapids and Auburn Hills, respectively; and Professor Anthony Flores helped in critiquing. Cooley's Alternative Dispute Resolution Board and Assistant Dean Christine Church were also thanked for their support, as were the professors, lawyers, and staff members who judged intra-school and finals competitions at the various campuses as part of the competition process. "This was truly a team effort and the Cooley reputation was enhanced as the result," Wonch said.



Left to Right: Amanda Demitrish, Channing Franklin, Adria Vittitow, Sueann Mitchell, Phil Reed, and (seated) Shannon DeWall.

State Bar of Michigan Board of Commissioners and Executive Board for 2011-2012

SBM Board of Commissioners



Seated from left to right: Thomas C. Rombach, Bruce A. Courtade, Julie I. Fershtman, Brian D. Einhorn, Lori A. Buiteweg. Standing from left to right: Stephen J. Gobbo, Michael J. Riordan, Richard J. Siriani, Donald G. Rockwell, Angelique Strong Marks, Edward L. Haroutunian, Lawrence P. Nolan, Felicia O. Johnson, Maureen M. McGinnis, Jennifer M. Grieco, Laurin' Roberts Thomas, Brandy Y. Robinson, Julie A. Sullivan, Donald E. McGinnis, David R. Brake, Dennis M. Barnes, Dana M. Warnez, Richard L. Cunningham, Gregory L. Ulrich, David A. Perkins, Robert J. Buchanan, Kathleen M. Allen, Colleen A. Pero, Margaret A. Costello and Jules B. Olsman. (Not pictured: James N. Erhart)

SBM Executive Board



Seated from left to right: Bruce A. Courtade, president-elect; Julie I. Fershtman, president; Brian D. Einhorn, vice president. Standing: Thomas C. Rombach, secretary; Stephen J. Gobbo, chairperson Representative Assembly, Margaret Costello, Laurin' C. Roberts Thomas, Dana M. Warnez, vice chair RA; Michael J. Riordan and Lori Buiteweg, treasurer.

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Remembering Bill Kritselis

The Great Winston Churchill once gave a speech to the students at Harrow College in England during World War II. Although the speech was short, it had a great impact on the students. Through the years, the words Churchill uttered on that day have acquired an almost mythical significance. It is said that Churchill walked to the podium, looked at the students and, according to some accounts, stated simply: “Never, ever, ever give up. Never give up. Never give up. Never, ever, ever give in. Never give in, never give in - in nothing, great or small, large or petty - never give in except to convictions of honor and good sense.”



Bill Kritselis

Bill never, ever, ever gave up. That is why he was so well suited for the profession to which he dedicated his life and why he so distinguished himself during the course of his long career.

Although those simple words eloquently captured the essence of the unique qualities that enabled Winston Churchill and the English people to survive the horrors of World War II, they also capture the essence of Bill Kritselis. Bill never, ever, ever gave up. That is why he was so well suited for the profession to which he dedicated his life and why he so distinguished himself during the course of his long career.

Bill Kritselis was a lawyer who represented seriously injured people and the families of those who had suffered wrongful death because of the wrongdoing of others. Perhaps no other people are more in need of a strong, courageous, dedicated, advocate than these poor souls. In Bill Kritselis, they found the quintessential champion of their causes. For Bill, there was no challenge too great, no battle too difficult, no odds too steep to deter him from his mission of representing those he often referred to as the “wounded sparrows” of our society.

When Bill Kritselis took on their case, he would never, ever give up. And he would never, ever be intimidated by the fear of defeat. For 50 years, Bill Kritselis maintained that level of passion and commitment to the people he served. From the beginning of his career until the very end, Bill gave his clients a strong voice and in the process, he gave them a sense of self-respect and basic human dignity.

In addition, there was a personal side to Bill that was equally special. He had a persona that inspired people, particularly the young, and an

*Please see **Bill Kritselis** on next page*

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Bill Kritselis, continued from previous page

optimism that fostered hope. He had the ability to speak to people in a way that made them feel important – that they mattered. Bill had a warmth and good-naturedness that caused virtually everyone he met to genuinely like him. He had a laugh that was infectious and a love of life that was contagious. Whether it was making or savoring a delicious meal, talking sports, debating politics, or regaling his friends with amazing stories, Bill taught all of us something about the art of enjoying every day and showed us what a wonderful adventure life can be if we live it with passion.

Bill faced the end of his life with that same indomitable spirit. Even though he was a man who seemed to fear nothing, there was always one thing he could not bear – the thought of surrender. It was something that was completely foreign to who he was. To Bill, the ultimate form of surrender was death. Therefore, as death approached, Bill resisted it with every ounce of strength he could summon. As he had done so often during his illustrious career, Bill refused to give up. He refused to give in. Just as he lived, Bill eventually died on his own terms.

Even though Bill is gone now, the body of his life's work remains as a constant reminder to his profession and to society as a whole, of certain fundamentally important ideals. During his 50-year career as a lawyer helping the injured, the sick, and the grieving, Bill taught us these things:

. . . There is nothing more noble than to bear the burden of another's unjust suffering.

. . . There is nothing more important than to remind a complacent world of the sanctity of life and the blessing of good health.

. . . And there is nothing more courageous than to look contemptuously upon the risk of personal defeat when there exists the real possibility of attaining justice.

If Bill Kritselis were here today, he would say to you, "*Believe these things and never, ever, ever give up.*"

*George T. Sinas
December 3, 2011*

After writing the following article about Bill in November 2006, I continued to develop my friendship with him for the next five years. Reading this article today after attending Bill's funeral service, speaking with his friends and family, and reading other remembrances about Bill, it strikes me how well this article captures him, even though in 2006 we had only known each other for a couple of years. I feel very fortunate to have been considered one of Bill's friends. -- Liisa Speaker

William Kritselis, an Esteemed Colleague

Editor's Note: This article was originally published in the November 2006 issue of BRIEFS.

Looking around the office of Bill Kritselis (or Mr. K, as many know him) one image stood out for me: a print of a Picasso painting depicting Don

Whether it was making or savoring a delicious meal, talking sports, debating politics, or regaling his friends with amazing stories, Bill taught us all something about the art of enjoying every day and showed us what a wonderful adventure life can be if we live it with passion.

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Bill Kritselis, continued from previous page

Quixote and Sancho Panza. The print in Bill's office, like the original painting, is black and white, and shows two men on their horses, with a windmill in the background. Many who are familiar with the story of Don Quixote think of him "tilting at windmills" and "dreaming the impossible dream." But the imagery of Don Quixote is much more significant – he was really trying to right wrongs, correct social injustices, and help those people in need. This Don Quixote print is symbolic of Bill Kritselis and his role as an attorney. The overriding theme from Bill's lengthy legal career is the message of civil justice. He cares about injured people and has fought for years to protect their rights. When asked about what keeps him motivated as an attorney to keep fighting these battles in the current political and judicial climate, Bill responds simply that "we owe it to the public."

The overriding theme from Bill's lengthy legal career is the message of civil justice....When asked about what keeps him motivated as an attorney to keep fighting these battles in the current political and judicial climate, Bill responds simply that "we owe it to the public."

Bill Kritselis has had a distinguished career as a trial attorney at the firm bearing his name, Church, Kritselis & Wyble. Bill has been an active member of the Michigan Trial Lawyers Association. It is no surprise that members of the plaintiff's bar hold Bill in high esteem. The measure of his successful career, however, is more clearly evidenced by the recent award bestowed upon him by the Michigan Defense Trial Counsel: the Respected Advocate Award. The MDTC awards a member of the plaintiffs bar for the "purpose of recognizing and honoring the individuals history of successful representation of clients and adherence to the highest standards of ethics."

Returning to Bill's quest for civil justice, he told me about one of the most memorable cases he worked on during his career: *Berger v. Weber*, 411 Mich 1 (1981). In that case, a mother sustained severe and permanent psychological and physical injuries from an automobile collision. The mother's husband brought suit, as next friend of the couple's daughter, seeking damages for the child's loss of society, companionship, love and affection of her mother. Prior to the *Berger* case, a child's loss of consortium was not a recoverable element of damages in Michigan. In fact, only one state in the union had adopted the doctrine. Bill Kritselis, along with other attorneys at his firm, worked on this case through the trial and appellate courts with the end result that the Michigan Supreme Court adopted the common law doctrine of a child's loss of consortium.

It would be easy to write volumes about Bill's trial victories and all the clients he has helped over the years, but space does not permit. I know Bill Kritselis to be warm, kind, and generous. In the past two years that I have known Bill, he has generously shared his time with me, swapping stories about cases, politics, and family. Bill was born and raised in Sault Ste. Marie, Michigan. In fact, my grandmother worked at Bill's family restaurant in "the Soo" when she was a young lady and Bill

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Bill Kritselis, continued from previous page

was a child. Even at a tender age, Bill tried to help out with his family's business. His parents must have instilled in him his desire to help others. Even today, at age 75, Bill is still practicing law, and trying to make a positive difference in this State. The Picasso print of Don Quixote in Bill's office is a reminder to Bill and to each of us to seek out our own quest for civil justice.

Liisa Speaker

I was saddened to hear of the passing of our good friend and colleague, Bill Kritselis. I first met Bill in 1963 and have considered him a friend and colleague ever since. Bill was a terrific lawyer. He always represented his clients with vim, vigor, and enthusiasm.

In addition to being smart, Bill had common sense and judgment, probably traceable to his U.P. roots. Bill loved food; whether to eat, cook or serve as a preface to negotiations. He believed it was easier to negotiate a good settlement for his clients if his opponent had a full stomach. Bill had a great sense of humor and was able to see funny things that would never be picked up by the average person. I loved to hear him laugh.

Bill will be truly missed by all of us who have had the opportunity to be engaged in the practice of law with him and to have shared a drink, a good laugh and a bit of sustenance.

*Tony Smith
December 8, 2011*

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Scott Mandel

In my judgment, what distinguishes our Association from so many others is how well we get along with each other.

President's Message

by *Scott Mandel*

smandel@fosterswift.com

Why does the Ingham County Bar Association have an annual dinner? Why should you consider attending it? Fresh on the heels of our 117th such dinner, these are fair questions. Our latest edition was a joyous affair held on November 2, 2011, at the Country Club of Lansing. Before a sell-out crowd of nearly 200, we were able to enjoy each other's company in a night of fellowship.

In my judgment, what distinguishes our Association from so many others is how well we get along with each other. The evening is designed to encourage all participants, whether they be fierce adversaries on cases, aligned comrades, or on opposite sides of the bench from each other, to relax and enjoy each other's company.

The evening also serves to remind us of the best that our profession has to offer by way of our award recipients. This year we also gave out the Liberty Bell Award to two non-lawyers who distinguished themselves for their contribution to the law by their work with soldiers and veterans: Heather Spielmaker, who established and runs the Thomas M. Cooley Service to Soldiers Legal Assistance Referral Program, affording legal services to members of the military; and Sergeant Major Dave Dunckel who acts as a mentor to military members who have encountered legal problems. Dave's contributions were highlighted in the role he played in helping to save the life of Staff Sgt. Brad Eifert whom I wrote about in my first column.

So, why do we bother doing this and why should you consider attending? I know no better reason than to simply give you the privilege of reading the email Dave sent to me following the dinner:

I want to thank you so much for the warm reception both my Father and I received at the 117th Annual IBCA Dinner. Below is the text of my Facebook post sharing the experience with my friends. I wanted to also share this with my new friends at the IBCA!

The Country Club

by *Dave Dunckel on Thursday, November 3, 2011 at 7:54pm*

The last time my dad was at the Country Club of Lansing was in the late 1930's. As near as he can recollect it was 1939. He wasn't there as a guest or a golfer, he was there as a caddy for a golf tournament. Last night we got an opportunity to change that.

He accompanied me to an award presentation at the 117th annual dinner of the Ingham County Bar Association. The chandeliered banquet hall was filled with legal luminaries like Supreme Court Justice Michael Cavanaugh, Prosecutor Stuart Dunning III, heavy hitters from all the big local law firms, senior military JAG counsel...and my dad and I. We were

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President's message, continued from previous page

there because I was getting an award (most undeserved I might add) for my volunteer work with the Ingham County Veteran's Court.

I picked him up at Independence Village in Grand Ledge, where he and Mom have been living since this summer. I detected a slight whiff of mothballs as I walked in, and correctly guessed it came from the suit he had squirreled away in the back of the closet. He had managed to drive to Meijer's the day before and bought himself a brand new short-sleeve white shirt and had spent a great deal of time making sure the knot in his tie looked just right. His hair was Brylcreem perfect and he was sporting his "Dress Cane" as we took the elevator downstairs, got into my truck, and headed to the country club.

Graciousness. That is the only way I can describe the reception my father got from the greater Lansing legal community. Judges, justices, barristers and court officials...they all seemed to go out of their way to shake his hand and welcome him and tell him how proud they were of me and the award I was about to receive. My father, a man who made his living driving a truck and eking out a living feeding us five kids, was the Belle of the Ball. I had to step away from the table for a moment to socialize with some acquaintances, and after a few minutes I recused myself to head back to check on my dad, and I see he is "holding court" with a half-dozen people from the adjoining table who had stopped by to introduce themselves.

During the awards ceremony I had an opportunity to make an acceptance speech. I was in my dress blue uniform, and the reception I received was so heartfelt that I found myself humbled and almost embarrassed. I was very brief. I thanked the Association for the recognition, and for their efforts for my fellow veterans that had fallen afoul of the law. I had the opportunity to thank my father for raising me the way he did, and pointed out that during this night that recognized the efforts of our Armed Forces, my father had served in WWII and had battled both the Japanese and Germans before returning home to raise his family. I let the audience know that the last time Dad had been in this room was over 70 years ago as a caddy who made a dollar bill for 18 holes.

He got a standing ovation. When I left the podium and sat down next to him the applause had not yet ceased. I could see a trace of moisture beneath his eyes as he placed his hand on my knee and said "I am proud of you, Son. So proud."

I thank the Lord we had last night. I love you, Dad.

SGM David Dunckel
DCSPER G-1 SGM
Michigan Army National Guard
OFC: 517-481-8323
BB: 517-993-3763
CELL: 517-282-0964

Graciousness. That is the only way I can describe the reception my father got from the greater Lansing legal community.



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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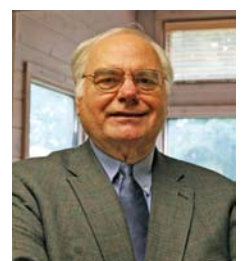
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Meet the judges, continued from [page 1](#)

judges from Ingham, Eaton, and Clinton counties attending. Invitations have been extended to state court magistrates and referees from those same counties. We have also invited district court judges and magistrates from the Western District of Michigan.

Not only is this a perfect opportunity to meet members of the judiciary in a casual atmosphere, but it is a great opportunity for local attorneys and law students who do not belong to the ICBA to apply their admission fee to a year of membership in the ICBA. The non-member admission fee of \$50 (and the \$25 student fee) includes not only two beverage tickets at the bar and hors d'oeuvres, but also a one-year membership to ICBA for 2012 (a value of \$75 to \$125 depending on years of practice). Being a member of the ICBA has many benefits including:

- Social events including the Shrimp Dinner, Holiday Party, Golf Outing, and Annual Dinner allowing our members to meet on an informal basis throughout the year.
- *BRIEFS*, which provides substantive articles on many areas of the law as well as the latest information on happenings in our local legal community.
- A website (www.inghambar.org) containing current ICBA event info as well as links to many helpful legal research and court sites.
- Numerous practice sections presenting specialized CLE programs and seminars.
- Luncheon Lecture Series and other seminars covering a variety of timely and interesting legal topics.
- Bench/Bar conferences designed to enhance communications between members of the bar and the judiciary.
- Numerous civic functions including Law Day Activities and Peer Mediation Projects with local school districts.
- An online membership directory as part of our website where other attorneys and members of the public can view your profile if you so desire.

As of December 7, the following judges have said they will attend:

Hon. Louise Alderson, 54A District Court, Lansing; **Hon. Thomas Boyd**, 55th District Court, Mason; **Hon. Clinton Canady III**, 30th Circuit Court, Ingham County; **Hon. Hugh Clarke**, 54A District Court, Lansing, **Hon. Joyce Dragonchuk**, Ingham County Circuit Court; **Hon. Thomas Eveland**, 56th Circuit Court, Charlotte; **Hon. Harvey Hoffman**, 56A District Court, Charlotte; **Hon. Robert Holmes Bell**, U.S. District Court, Western District of Michigan, Grand Rapids; **Hon. Jane Markey**, Michigan Court of Appeals, Grand Rapids; **Hon. Stephen Markman**, Michigan Supreme Court, Lansing; **Hon. Donald Owens**, Michigan Court of Appeals, Lansing; **Hon. Carol Reader**, 53rd District Court, Howell; **Hon. Amy Ronayne Krause**, Michigan Court of Appeals, Lansing; **Ref. Allen Schlossberg**, Eaton County Family Court, Charlotte; **Hon. Douglas Shapiro**, Michigan Court of Appeals, Lansing; **Hon. William Whitbeck**, Michigan Court of Appeals, Lansing; **Hon. Kurtis Wilder**, Michigan Court of Appeals, Detroit.

To register, download form at <https://inghambar.org/cEvent/viewFile.php?f=35>. We look forward to seeing you there!

...this is a great opportunity to apply the admission fee to a year of membership in the ICBA.

The Honorable Hugh B. Clarke Jr.



The Hon. Hugh B. Clarke Jr.

Getting to Know Our Judiciary



Judge Hugh B. Clarke Jr., is a graduate from Wayne State University in with a bachelor of science in criminal justice. He went on to attend and graduate from the Thomas M. Cooley Law School receiving his juris doctorate. During his legal career, Judge Clarke served two years as a special consultant (1977-1979) to the State Senate Committee on Judiciary and two years as the associate general counsel for the State Senate (1979-1981).

After leaving state government, Judge Clarke spent over 30 years in the private practice of law handling criminal, civil, probate and family law matters. He brings to the bench a varied and wide range of experience in various areas of the law. He has served on various State Bar of Michigan Committees, including the Committee on Standard Criminal Jury Instructions and the Character and Fitness Committee. In addition to memberships with the State Bar of Michigan and the Ingham County Bar Association, he is also a member of the Lansing Black Lawyers Association, Association of Black Judges of Michigan, Michigan District Judges Association as well as the American Judges Association. Judge Clarke in 1978 founded the Black Law Student Association at the Thomas M. Cooley Law School.

He has a broad base of community service including serving seven years on the Lansing Board of Education. During his tenure on the school board he served as Vice President, President and as chair of the Superintendent Search Committee. Judge Clarke has served on the Board of Directors of the Westside YM.CA and other civic organizations. Judge Clarke is a member of St. Paul's Episcopal Church where he serves as a licensed lay eucharistic minister, acolyte master and usher.

Judge Clarke was appointed to the 54A District Court in December of 2010 by former Governor Jennifer Granholm. He survived a challenge to that appointment by the Michigan attorney general after a unanimous Michigan Supreme Court decision in June 2011 ruled that Judge Clarke had a right to retain the seat under both the Michigan Constitution and state law.

Please see Judiciary on next page

Judiciary, continued from previous page

Questions and Answers for Judge Hugh Clarke

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

A. Green coconuts -- they have fluid inside and a jelly that you can scrape out for sustenance.

Q. What is your most vivid memory from law school?

A. GRADUATION!

Q. What is the weirdest thing you've ever eaten?

A. Fish eyes – my father always said they were brain food and he was the smartest person I knew.

Q. If you could sit down to dinner with one person (dead or alive) who would it be and why?

A. Former heavyweight champion Muhammed Ali. In the face of losing his title and ability to earn a living in boxing, he maintained his position on the draft as a conscientious objector and was eventually vindicated by the U.S. Supreme Court. His faith in what he was doing was a very powerful modern day story on standing up for what you believe in.

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. The Bible – it is full of stories of strength and faith to maintain my courage and strength.

Q. If you could tell a young lawyer one thing about practicing law, what would that be in 20 words or less.

A. ALWAYS BE MORE PREPARED THAN YOUR OPPONENT!

Q. What is the most exotic place or place furthest from Michigan that you have traveled?

A. Otsu, Japan.

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. I have learned the most from my late father. “Always be honest in your dealings with people.” And after I passed the bar, he always said my job was to look out for the “common man” – translated – protect the rights of those who have the least amongst you. I would pass that on to members of the bench, bar, and community in general.



Nelson Miller

"Law studies and law practice present psychological, emotional, ethical and other challenges that test the faith of law students and lawyers," said Miller.

Cooley dean and professor publishes book about faith and practicing law

Thomas M. Cooley Law School Associate Dean and Professor Nelson Miller recently published his 10th book. *The Faithful Lawyer: Flourishing from Law Study to Practice*. The book has footnotes and quotations from the Bible, each linked to the practice of law, and 24 law practice vignettes that illustrate how faith can be applied in the practice of law. *The Faithful Lawyer: Flourishing from Study to Practice* is published by Bridge Publishing Group and is available to purchase at [bridgepublishinggroup.com](http://www.bridgepublishinggroup.com/) <<http://www.bridgepublishinggroup.com/>> and [amazon.com](http://www.amazon.com/) <<http://www.amazon.com/>> .

"Law studies and law practice present psychological, emotional, ethical and other challenges that test the faith of law students and lawyers," said Miller. "The book shows students and attorneys how closely the study and practice of law are to faith and how traditional forms of faith can guide and support law students and lawyers in professional development."

Miller, who resides in Grand Haven, Mich. has been employed by Cooley Law School for eight years and previously practiced civil litigation for 16 years. He argued cases before the Michigan Supreme Court, Michigan Court of Appeals and United States Court of Appeals and has filed briefs in the United States Supreme Court. Miller provides pro bono legal services to individuals in need and advises nonprofit organizations. He was recently awarded the John W. Cumiskey Award for pro bono service by State Bar of Michigan.

Miller has published books ranging from the practice of tort law to the teaching of law. In addition to his other books, he has had several legal works published including: casebooks, book chapters, book reviews and articles on legal education, law practice, torts, civil procedure, professional responsibility, damages, international law, constitutional law, university law, bioethics and law history and philosophy. He has given presentations at national conferences on legal education and pro bono service.

Dean Miller teaches Torts I and II, Professional Responsibility, Civil Procedure II, No-Fault Insurance Law, Advanced Professional Ethics, Tax-Exempt Organizations, Health Law, and Employment and Workplace Discrimination Law. He is the Associate Dean of Cooley's Grand Rapids campus.

Giving Back

It's needed





Nancy Little

“Nonprofit organizations always need people that have a legal background,” There are contracts that need to be reviewed and charitable giving questions. There is always a need for attorneys.”

Serving on nonprofit boards a good way to help the community

Interview with Nancy Little

by Christine Caswell

ccaswell461@gmail.com

Nancy Little, of counsel to Bernick Radner & Ouellette PC, believes in giving back to the Greater Lansing community. She currently serves on the board of directors for the Capital Region Community Foundation (CRCF), the Capital Area Humane Society (CAHS), and the Livingston Co. Chapter of the American Red Cross.

“Nonprofit organizations always need people that have a legal background,” Little said. “There are contracts that need to be reviewed and charitable giving questions. There is always a need for attorneys to volunteer their time.”

Little’s trust and estate planning skills come in especially handy at the CRCF, an organization that allows people without a lot of money to leave a legacy in the tri-county area.

“[The CRCF] is an exciting opportunity for people to give time and money generously who don’t have enough money to create a foundation of their own,” Little said. “They can create endowed funding in perpetuity to accomplish whatever goal they want to accomplish.”

There is a \$10,000 minimum to set up a separate fund or gifts can be made to the general fund. Community organizations submit grant requests to CRCF, and Little is on the Program and Distribution Committee that reviews those requests and makes the grants to organizations in Clinton, Eaton, and Ingham counties. More than \$2 million has been distributed so far in 2011.

As an animal lover, the Humane Society is Little’s “pet project,” and through her activities at the Red Cross, she is able to help the community with emergency needs. Both of these organizations are dependent on private contributions, so Little’s knowledge comes in handy in these cases as well.

“You’ll have charitable gifts coming in from estates, and the organizations might have difficulty getting information from the people handling the estate. I’m able to give them advice on what steps they should take and what they should expect from fiduciaries so their interests are protected,” Little said.

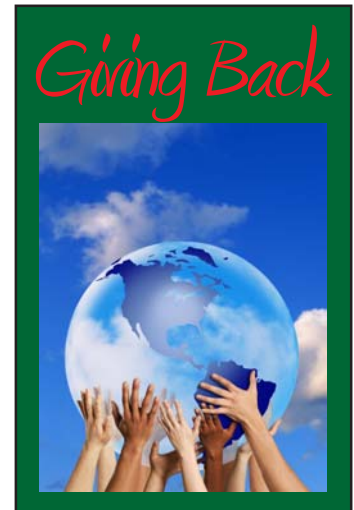
But Little said her contributions to these organizations contribute to her law practice as well. “I get to learn all about these [charitable]

Please see Nonprofit boards on next page

Nonprofit boards, continued from previous page

organizations that I can share with my clients,” she said. “If I have someone come with \$50,000 who wants to set up a foundation, it’s not economically feasible. The costs will be more than the income produced. But through an organization like the Capital Area Community Foundation, they can set up a private fund in perpetuity for whatever legal purpose they want.”

Little said she is proud so many local attorneys give back to the community. “In the tri-county area, we do have a great group of attorneys that give generously, and every board I’m on will have at least one other attorney on it,” she said. But Little also admitted that serving nonprofits is not just about giving but about receiving as well. “The rewards you derive from serving these organization is a great feeling,” she stated. “It’s a great feeling to know you’ve made a difference.”



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MICHIGAN STATE
UNIVERSITY
COLLEGE OF LAW

MSU College of Law Housing Law Clinic

MSU College of Law Housing Law Clinic gives back...



In September 2011, the MSU College of Law Housing and Tax Law Clinics students and faculty again participated as a service vendor at the annual **Project Community Connect** event in Lansing, sponsored by the Greater Lansing Homelessness Resolution Network, for those who are at-risk or are homeless. Students gave legal advice to 30 to 40 persons, and made referrals to the office for more extensive representation.



Students and faculty from the MSU College of Law Housing Law Clinic developed and conducted a **“Medical Marijuana and Rental Housing Rights”** forum in October 2011 for landlords and tenants at the East Lansing Public Library. Thomas Yeadon, Assistant East Lansing City Attorney, one of the drafter’s of the City’s medical marijuana ordinance, spoke about how state and local law interact on this rapidly changing issue.



On October 17, Professor Michele L. Halloran, Director of the MSU College of Law Legal Clinic and the Tax Clinic, served as a vendor at the State Bar of Michigan **Pro Bono Fair** in Lansing.



Students from the MSU College of Law Housing Law Clinic, under the supervision of Professor Elan S. Nichols, presented a **“Veterans’ Housing Law Rights”** seminar for the Veterans Support Group at the Department of Housing and Urban Development’s Veterans Affairs Supportive Housing program office in Lansing on October 21.



On November 4, the MSU Law Small Business Non-Profit Clinic (SBNP) Community Economic Development Inclusiveness Project involved its students in a **community outreach to serve entrepreneurs** on the MSU campus.



On November 11, SBNP students presented **three seminars** at the MSU International Center.



On November 18, two MSU Law Tax Law Clinic students conducted a **tax outreach for MSU engineering students** who had general tax questions, as well as concerns relative to the proper treatment of their scholarships and fellowships.

[Link to page 1](#)

New lawyers learn from pro bono work at Advent House Ministries

by Heidi Page

heidikpagejd@gmail.com

How do fledgling lawyers learn the ropes of handling certain types of cases? Especially when they don't have the structure of a traditional firm to guide them in gaining experience? For me – and a few other “young” lawyers – the answer is to do pro bono work under the teaching and guidance of seasoned lawyers; lawyers with extensive experience who are willing to teach us “greenies.”

Nancy Wonch, a professor at Cooley Law School, has more than 30 years of experience as a lawyer. She also is president of the Board of Directors at Advent House Ministries. Up until recently, Jim Mowry, a semi-retired lawyer with many years of experience in handling Social Security cases, volunteered to help the guests of Advent House Ministries, a homeless shelter on Lansing's west side. For many of these people, getting a regular Social Security Disability or SSI check is all the income they have, so receiving assistance in completing the forms and in administrative hearings when applications are denied makes a huge impact on these people's lives.

It was over three years ago that Jim started volunteering at Advent House, and the caseload steadily increased to about 12 hearings a month, which was getting overwhelming. Nancy knew just what to do: get some new attorneys and law students who are willing to do pro bono work and, as a result, learn the ropes of Social Security cases. She also brought Cooley Professors Kimberly O'Leary and Karen Truskowski on board. And the new lawyers, who are currently all solo or small practice practitioners, as well as the students, gain much needed experience. They are able to benefit from Nancy, Kim, and Karen's knowledge, expertise, and guidance. They gain experience in working with clients, putting together cases, and handling hearings, not to mention learning the ins-and-outs of the Social Security system. Eventually, through this project, the “young” lawyers will be able to incorporate Social Security cases into their own practices, earning the fees allowed when they win their cases—which is more likely to happen after the experience in working at Advent House.

The current Advent House volunteer lawyers being trained by Jim and Nancy are Christine Caswell, David Hatch, and myself, Heidi Page. But beyond the learning experience, there is enormous satisfaction that comes with being able to use knowledge and experience to make a real difference in the lives of others. And that, at least for me, really makes doing pro bono work worthwhile.

Heidi Page is a newly licensed attorney with Rebideaux & Page PLLC. She interned at the Sixty Plus, Inc., Elderlaw Clinic, did pro bono work while at the Thomas M. Cooley Law School, and is married with three children.



Heidi Page

...beyond the learning experience, there is enormous satisfaction that comes from being able to use knowledge and experience to make a real difference in the lives of others.



Liisa Speaker

On the Bright Side

Editor's Note: On the Bright Side highlights positive developments in the Capital Area community. BRIEFS welcomes guest contributions for this column. Please contact Liisa Speaker at lspeaker@speakerlaw.com if you would like to write a guest column.

Community Gardens

by Liisa Speaker

lspeaker@speakerlaw.com

My street had a pleasant surprise this summer, well actually two surprises - two community gardens were planted in vacant lots on my block. My neighborhood is the beneficiary of Ingham County LandBank's Garden Program. For that program, the LandBank tears down dilapidated houses and replaces the now-vacant lot with a community garden. The Greater Lansing Food Bank hosts a similar program called the Garden Project. According to Eric Schertzing, Ingham County's treasurer and a Land Bank board member, "the Land Bank is an economic development tool that tries to stabilize neighborhoods and create wealth in the community." Schertzing explained that the gardens are part of Land Bank's short-term and long-term plans. In some areas, gardens are planted, but the garden will eventually be replaced by a house. In other areas, the long-term strategy is to put the land to productive use. Some communities have "market gardens," which provide economic security for the community. Schertzing noted that the garden program has been "a process of shared leadership" with the local unit of government. According to Rebecca Bahar-Cook, Ingham County Commissioner and Land Bank Board Member, "Community gardens are a short and long term strategy for neighborhood revitalization. I'm delighted we [the LandBank] are working with the Greater Lansing Food Bank's Garden Project to help Lansing continue to grow."

When there is vacant land available, neighbors interested in having a community garden can contact the LandBank (even if vacant lot is not owned by the Land Bank). Alternatively, if the Land Bank identifies a property that could be potentially converted to a garden, "the LandBank will contact the neighbors of the vacant lot and inquire if there is an interest in having a community garden and/or beautification project," according to Melissa Lott, the Garden Program coordinator. Once a parcel has been approved for a garden, Lott says the Land Bank tests the soil to ensure that it is safe for gardening. The Land Bank works with the community garden in tilling the land, providing compost, tools, seeds, plant starts. The Land Bank will also help in locating a water source.

*Please see **Gardens** on next page*



...According to Eric Schertzing, Ingham County's treasurer and a Land Bank board member, "the Land Bank is an economic development tool that tries to stabilize neighborhoods and create wealth in the community."

Gardens, continued from previous page

Once the garden is planted, the LandBank keeps in touch with the neighbors to make sure everything is going okay.

These garden programs have many obvious benefits, and other more subtle benefits. A garden program helps to feed people, but it also teaches them about the land and that they reap what they sow (both literally and figuratively). It helps the volunteers appreciate where their food comes from and how much work goes into putting food on the table. A garden program brings a community together, as people working together on the common goal of growing fruits and vegetables have something in common with each other. It improves the quality of a neighborhood by providing more green space. And, as in the case of my neighborhood, the garden program has removed blighted houses in exchange for well-tended plants - an exchange that I would accept any day!

Liisa R. Speaker is an appellate attorney in Lansing and lives in the Westside Neighborhood.

Going Green with Gardening

by Melissa Lott

The Ingham County Land Bank's mission is to return tax reverted, purchased, donated and unclaimed land to productive use more rapidly than may have been possible otherwise. It is a strategic economic tool that supports growth, prevents economic decline, and initiates investment within our communities. Eric Schertzing, the County Treasurer, serves as board chair. The Ingham County Land Bank Board of Directors consists of four additional members appointed by the Ingham County Board of Commissioners. Brian McGrain represents *District 3* which comprises the East side of Lansing including a portion of Lansing Township. Rebecca Bahar-Cook represents *District 4*, Central Lansing. Debbie De Leon represents *District 2*, North Lansing. Deb Nolan, represents *District 12*, Southern Meridian Township. "The Ingham County Land Bank and its staff are dedicated to improving the quality of Ingham County neighborhoods." says Schertzing.

You may have recently noticed some new signs on vacant properties throughout the City of Lansing. These signs are one of the many ways the Ingham County Land Bank is attempting to get the word out about its Garden Program. By alerting the public of available garden space, the Land Bank hopes to open discussions about various properties and the possibility of local residents planting gardens and helping with neighborhood beautification projects.

In October of 2009, the Ingham County Land Bank launched its Garden Program. The Garden Program serves as a liaison between the Land Bank, the City of Lansing, Lansing Township, local residents and potential

A garden program helps to feed people, but it also teaches them about the land and that they reap what they sow (both literally and figuratively).



The Garden Program serves as a liaison between the Land Bank, the City of Lansing, Lansing Township, local residents and potential gardeners in the creation of individual household and community gardens and beautification projects.

*Please see **Gardens** on next page*

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Gardens, continued from previous page

gardeners in the creation of individual household and community gardens and beautification projects. The Garden Program tries to reach a consensus on how to improve the neighborhoods, as well as the health, of its residents.

The Ingham County Land Bank is able to lease properties in exchange for a low annual fee and general care of the property. The Garden Program helps to match the gardeners with any resources such as tools, seeds or other items in order to make their garden a reality. Anything grown by the gardeners is theirs to keep, sell or donate.

The first year of the Garden Program saw the creation of twenty-one new gardens and one half acre urban farm. Of these twenty-one gardens, nineteen mainly produce fruits and vegetables and two are neighborhood beautification projects. Fourteen of the 2009 gardens continued to participate in the Garden Program a second year.

Additionally, 19 new gardens were created in 2010. Once again, household and community gardens were developed however; new classifications of gardens were introduced as well. Two of the gardens developed this year are Market Gardens meaning that not only do the

gardeners grow healthy food for their family; they also sell the produce at local farmers markets.

Another garden, consisting of five different households, sells its produce at a farm stand located at the garden. A group of MSU students work together in developing, maintaining and harvesting two gardens on Land Bank property and have developed relationships with the neighbors and a nearby church.

Overall the program has been a great success. The Ingham County Land Bank and the Garden Program has been able to not only provide land for striving gardens but also serve as a resource for gardeners and a partner to other garden programs throughout the area. By contacting the Land Bank's Garden Program you may inquire about vacant properties available for gardening in your

neighborhood.

Melissa Lott is the Garden Program coordinator for the AmeriCorps-Ingham County Land Bank. She can be reached at 600 W. Maple Avenue Lansing, MI 48906. Phone: 517.580.8825; Fax: 517.580.8857

The Garden Program helps to match the gardeners with any resources such as tools, seeds or other items in order to make their garden a reality. Anything grown by the gardeners is theirs to keep, sell or donate.



COMPUTER TECH TIPS

Locking up your sensitive data with TrueCrypt (and other security tips)

by Chris Fritz

fritz@poweronlansing.com

Do you have any sensitive information on your computer? Any confidential documents, saved passwords, or files you'd simply prefer remain private? Who doesn't?

The problem is, your computer doesn't have to be stolen for this information to fall into the wrong hands. All it takes is 30 seconds alone with your machine for someone to quickly copy it all onto a flash drive. That is, unless you take a few simple precautions.

First of all, you'll want to download TrueCrypt. This free program encrypts your most important files, so that even the FBI couldn't access them. TrueCrypt can be a little tricky to set up, but this detailed tutorial makes it a piece of cake.

Next, it's always a good idea to lock your computer when you step away from it. This can be done easily on any Windows machine, with the keyboard shortcut Win+L (that's holding down the key with the Windows logo, then pressing the L key). This keeps passer-by's from discretely accessing any information in less than 5 minutes – and only if they've brought some hacking tools. When you come back, you'll just type in your Windows password to log back in.

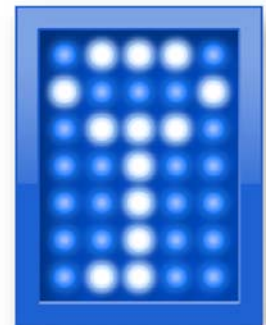
Finally, you'll want to find a way to keep your online passwords safe. The simplest solution is to just say no when your web browser asks if it should save an important password - but then you actually have to remember all your passwords yourself. If that solution doesn't work for you, I suggest using Firefox's master password or a secure password manager like LastPass.

If you have any other questions about keeping your data safe, feel free to shoot me an email at fritz@poweronlansing.com. Good luck and have fun!

Chris Fritz is the founder & CEO of Power On, a computer repair and tech support center, with a strong focus on education. You can find PowerOn downtown at 114 W. Allegan, online at PowerOnLansing.com, or on the phone at 517-798-6098.



Chris Fritz



It's always a good idea to lock your computer when you step away from it. This can be done easily on any Windows machine with the keyboard shortcut Win+L.



Kristie Dickinson

Realtime is when the court reporter hooks up to your laptop via cable, wireless, or Bluetooth and provides you with a rough copy of the transcript instantly.

Hooking up

by *Kristie Dickinson*
krisfield@sbcglobal.net

A few weeks ago I was gushing to an attorney about my new wireless realtime equipment when he interrupted and told me he had never heard of realtime. In an era of court reporters performing closed captioning for TV programs and court reporters taking their laptops to depositions to offer realtime, I was surprised to hear that he'd missed the realtime boat.

Realtime is when the court reporter hooks up to your laptop via cable, wireless, or Bluetooth and provides you with a rough copy of the transcript instantly. Think about it. Wouldn't you rather pay attention to what is going on instead of frantically scribbling notes that you'll need to go back and decipher later? Wouldn't you love to take the rough transcript home as soon as you are done to review for continuing testimony the next day or even another dep on the same case that day? Wouldn't you love to point out to a witness, "Well, now you are saying you did it, but four hours ago, on Page 72, Line 3, you said you didn't do it. Which is it?" I know, I know, it all sounds like an attorney fantasy; but you too can enjoy realtime with some simple setup.

The first step to receiving realtime is to let the court reporter know that you would like it when you schedule your deposition or at least a day before the trial starts. I have realtime on my writer, so I don't usually bring a laptop to a deposition. Although I also have Bluetooth on my writer and can do a Bluetooth hookup to you, cell phones and other devices can sometimes cause interference; so I prefer to bring my laptop and do a wireless connection. If you are opposing counsel and did not schedule the reporter but would like realtime, it is your job to contact the scheduled reporting firm and request the realtime.

The next step is to be sure you have some sort of viewer software loaded on your laptop. There are a few different kinds, Caseview, LiveNote, De Noto, and Bridge to name a few. If you or your firm are not already working with a specific software, you can download a free Bridge viewer at www.eclipsecat.com. This is something that is your responsibility to do ahead of time.

The trickiest part about realtime is hooking up. Hence, my catchy title, which I'm sure caught your attention and caused you to read on. I'm sorry if this article isn't about what you were hoping it would be. If it is, please read on; if it isn't, get your mind out of the gutter and keep reading anyway.

The original way to connect your laptop to a court reporter is via cable. If you choose this route, it is your job to bring your own USB serial adapter that is compatible with your version of Windows and to have its driver loaded on your laptop. Reporters usually bring an extra or two but, if there are four attorneys that want realtime and someone else forgot their adapter, you want to be sure you're covered. You will also need to know which COM port your USB serial adapter is working on. You can find this by going to your control panel and clicking on the device manager.



*Please see **Hooking up** on next page*

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Hooking up, continued from previous page

Another hook-up option is wireless. With wireless, the reporter will give you what appears to be a small flash drive. It is a transmitter. If you haven't loaded the software for it in previous depositions, you will need to load the driver. For StenoCast wireless, you can load the driver ahead of time at www.stenocast.com/Drivers/StenoCastDriver_7.8.exe. Once you receive your transmitter, you simply plug it into one of your USB outlets and, wah-lah, hookup! When the deposition or day of trial is over, be sure to return the transmitter to the reporter.

If you do not load your drivers ahead of time and plan to have the reporter do it when you arrive at the dep or trial early, be sure that your IT department doesn't have your laptop locked down with administrative rights only that will keep the reporter from loading the needed drivers.

If you are still having trouble hooking up (I love saying that), oftentimes the reporter will let you look at their laptop; or sometimes they will be carrying an extra netbook for your convenience.

My last tip is, if you are planning to receive realtime, always arrive at the deposition about a half hour early to allow time for troubleshooting if it's needed. If you waltz in at the last minute and can't connect, you don't want to feel everyone's eyes burning into the back of your head as you hold things up trying to hook up.

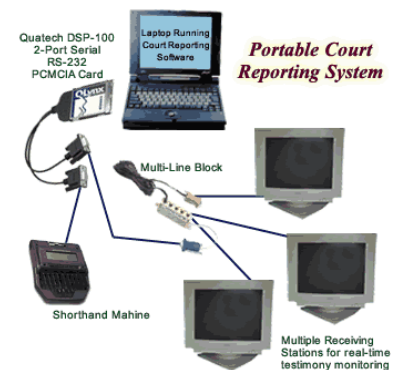
So how much does this wonderful technology cost? Different firms in different parts of the country charge different amounts. I would say your average range would be from \$1 to \$2 more a page. Don't be shy about asking the price when you schedule your reporter. Keep in mind that, although it's just a rough transcript, this is still much less expensive than ordering same day or overnight final copy transcripts at a cost that could send your reporter to Aruba for a week.

After a realtime job, the reporter will usually e-mail you what is called a dirty copy. Don't get excited, there are no pictures. This is simply the rough copy of the job, only the reporter goes home and globals in a few words or names, like Gershebowitz or Vung Tau, that maybe didn't translate to English during the deposition because they weren't in the reporter's dictionary yet. Remember, it's not a final transcript until the reporter signs it. You can also ask for a dirty copy after any job without realtime. If you ordered realtime, your dirty copy is usually complimentary. If you did not order realtime but want a dirty copy, the price is usually in the range of \$1 to \$2 a page more than the regular transcript. Still less than the trip to Aruba.

I know this may all seem overwhelming at first; but, once you get everything loaded and do it the first time, it becomes as simple as showing up and plugging in the transmitter from the reporter. The world, or at least that transcript, will be at your fingertips.

Kristie Dickinson has been a court reporter for 22 years and has been the president of Dickinson Reporting, Inc., for over 20 years. She has also worked as a professional actress, dancer, and stand-up comedian. When not working, she is active with animal rescue groups, takes her nationally-certified therapy dog for nursing home and hospice visits, is an avid tennis player, and juggles in a cookie business on the side.

Realtime requires special hookup hardware and software.



If you are planning to receive realtime, always arrive at the deposition about a half hour early to allow time for troubleshooting if it's needed.



Jessica Fox

What type of client are you dealing with?

by Jessica Fox

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As I sit in my office staring for a moment at the stack of files on the side of my desk, I often think what kind of lawyer am I? That, to me, seems to be one of those ethereal, philosophical, eternally evolving questions. More interesting to me though, when a client comes into my office for a consultation regarding a divorce is, “what kind of client are they?” and “what kind of client are they going to be?”

I’ve discovered in my relatively short time practicing law that there are a few different types of clients that find their way into your office for a consultation. Be it male or female, there tends to be certain categories that clients fall into. Some of the categories are easier to spot than others, and some of the categories are easier to deal with than others. Over the next few issues of BRIEFS I will be discussing a category of client, ways to identify them, and ways to effectively deal with them.

The first category I would like to tackle is not found very often (some would say never), but once they are identified they are the easiest client to deal with, and the best clients to have. These clients are what I would like to call the “Rational Divorce Client.” I know, I know, most of you would argue that rational and divorce client should NEVER be used in the same sentence, but these clients do exist.

These are the clients who come into your office for a divorce consultation and their custody request is joint legal and physical custody. Their parenting time request is approximately 50 percent, taking into account the children’s activities and the other parents work schedule. Or these are the clients who will admit that their work and/or travel schedule will not allow them an ordinary visitation schedule and they do not want to fight for visitation that they will not be able to exercise, but seek a visitation schedule that works for both parties and for the children. These are the clients who would like the parent with whom the children live to have all of the children’s things and whatever it is they need in order that the children’s lives are as uninterrupted as possible. These are the clients who have moved out of the marital home but continue to pay all of the bills so that the children will be taken care of while the divorce action is pending.

These clients quite frequently are not the ones filing for divorce, but understand that their spouse would like to end their relationship and they would like things to remain as civil and friendly as possible. Unfortunately these clients are often involved in relationships with clients from some of the other various categories that I will address in other issues.

The Rational Divorce Client will also provide you with any documentation you request, and keep you apprised of everything that is occurring. These clients are an absolute dream. I said they are a dream, not that they only exist in my dreams. These clients are the ones that are the easiest to represent because you will not find yourself in the position of explaining away to the judge their bad behavior during a divorce proceeding. If you ever get one of these clients in your office, good for you.

[Link to page 1](#)

The first category I would like to tackle is not found very often (some would say never), but once they are identified they are the easiest client to deal with, and the best clients to have. These clients are what I would like to call the “Rational Divorce Client.”

PROBATE LAW SECTION**Ingham County probate records go digital**

By Christine Caswell, Caswell Law PLLC
ccaswell461@gmail.com

Court Administrator & Probate Register George M. Strander told ICBA's Probate Section at the November 15 lunch program that the Ingham County Probate Court hopes to provide e-mail service and digital court records by mid-2012. The goal is to have all documents scanned and available for public review at least on the court's public terminals, if not actually on the Internet. Also, attorneys will be able to opt in for service by e-mail.

Strander also said that conservatorship accountings will now be due every year, as opposed to every three years, to catch mistakes in a more timely fashion. Strander sits as the judicial officer for these reviews on Monday afternoons. If the guardian ad litem does not find any problems with the file, then the conservator need not show up for the hearing but must still provide proof of service to all interested parties. If an interested party shows up for the hearing and contests the finding, then a hearing is scheduled before a judge.

Other issues Strander discussed included were a rule change, new case flow management guidelines, and form changes. The rule change was to MCR 5.208, amended Sept. 1, 2011, so that publication of notice to creditors does not need to include the last known address of the decedent. This amendment was made to protect a surviving spouse.

Additionally, the Supreme Court issued administrative orders, effective Sept. 1, 2011, that 75 percent of contested probate cases must be adjudicated within 182 days from the filing of an objection and 100 percent within 364 days. This is a change from the 90 percent goal within 273 days. For civil suits, 75 percent must be adjudicated within 364 days and 100 percent within 728 days. This is a change of the 90 percent goal within 546 days.

State form changes included check box options for inheritance tax and estate taxes on PC 591 to assist pro per applicants, and lines were added for the probate register's signature, name and address, as well as that of the attorney, on PC 618.

Strander also noted that when a conservatorship ends, the conservator needs to be able to demonstrate the proper transfer of ownership on any remaining assets.



Christine Caswell

Conservatorship accountings will now be due every year, as opposed to every three years, to catch mistakes in a more timely fashion.



Points to Practice



Paul Edwards

The candidate desperately wanted the job, but he was not able to get that message across in the interview and as a result he didn't go any further in the selection process.

Act like you want the job

by Paul Edwards

edwardsp@law.msu.edu

Following one of the many football games this fall I heard a coach characterize his team's play as uninspired. Not surprisingly his team had lost the game. "Uninspired" and "loss" seem to go together. The same holds true with interviewing. An uninspired interview results in a loss.

In a very competitive job market a job candidate cannot simply let his/her resume do the talking. The candidate must also demonstrate passion and enthusiasm for the position. Don't believe this is important? Consider this feedback from an employer regarding a job candidate who just interviewed for "his dream job:"

"We weren't impressed. He has a good resume, but he didn't seem very interested in the job."

This candidate desperately wanted the job, but he was not able to get that message across in the interview and as a result he didn't go any further in the selection process. Unfortunately this is not uncommon:

"Just sat there like a bump on a log and didn't engage with the interviewers"

"Was unprepared"

"A general lack of energy"

"Spoke in a monotone voice"

"Arrogant - acted like he was doing us a favor by just being there"

Often these signals are unintentional. Job candidates want to convey their sincere interest in a position, but sometimes their style and presentation sends a different message. Your resume can say only so much. You have to fill in the rest.

When preparing to interview, focus on content and presentation. A few tips:

- Own the room by enthusiastically engaging the interviewers. Act excited for the opportunity to interview for the position.
- Speak up and use inflection in your voice. A "low talker" who uses a monotone voice is more likely to put the interviewer to sleep, so add some energy to your voice.
- Be on time and do your research. Know about the employer and the type of work they do. This will speak volumes about your interest.
- Smile. You will make a much better impression than with a prune face.
- Maintain eye contact with the interviewer. Looking down at the table or around the room conveys a lack of interest.
- Tell the interviewer that you want the job. Don't beg or sound desperate, but convey to the interviewer that this is THE job you have been looking for, and why you are the best candidate. Don't keep it a secret if it's your dream job.

Focus not only on what you say but how you say it. Record yourself to get a better sense of the image and message you are presenting. This will allow you to see how you look and sound. Then ask yourself "would I hire me based on that performance?"

Paul Edwards is associate director of Career Services at Michigan State University College of Law. He can be reached at edwardsp@law.msu.edu.

Perfecting the cover letter

by Naomi Gaynor Neilsen

naomi.neilsen@law.msu.edu

Cover letters are an important part of any application. They should hook the employer into wanting to learn more about the applicant. If it is too long, the employer isn't going to read it: if too short, the employer is going to think the applicant really isn't interested in the position.

Cover letters are not easy to write. They take considerable amount of thought as the writer needs to effectively communicate how his/her experiences and skills will be an asset to that position and the organization. Below are some suggestions.

1. Let the employer know what you can do for them, not what they can do for you. Communicate how you can make a contribution to the firm. Think about the legal skills and experience you possess that would be important to that employer and for that position. Highlight your legal skills such as research and writing, oral advocacy, business development, and express those succinctly in the cover letter.

2. Expanding on the first item, how you are going to market yourself in the cover letter. Why should the employer hire you? How will you contribute? What makes you stand out, what makes you the best candidate?

3. While it may seem basic, spell check and proofread your cover letter. Better yet, have someone else read the cover letter as we often overlook our own mistakes.

4. Ensure that your cover letter is formatted in a business format and that you use the proper salutation.

In terms of putting the above into an actual letter, think about the structure of the letter.

1. Paragraph 1: Introductory paragraph - identify who you are and why you are interested in the position, expressed in terms of what you can do for the employer. For instance, if the position is for a litigation attorney, then you should indicate that your litigation experience will allow you to contribute immediately to the firm or indicate the way in which your oral advocacy skills will allow you to be an asset to them.

2. Paragraph 2: Think of this paragraph as your "marketing pitch". Without reiterating everything in your resume, highlight your practical experience and the skills you possess that make you the best candidate. At the end of the paragraph, in one sentence, summarize why you are the best candidate for the position.

3. Paragraph 3: Concluding paragraph - indicate the documents you've enclosed and that you are available at their convenience for an interview. State how you can be reached such as e-mail address and telephone number. Thank them for their consideration. Don't forget to sign your cover letter!

To effectively communicate your qualifications in a cover letter takes time. It is not something that you want to wait until the last minute to begin. If you are looking to reenter the job market soon, start drafting some practice cover letters now. You will be glad you did.

Naomi Gaynor Neilsen is an associate director of Career Services at MSU College of Law.



Points to Practice

Highlight your legal skills such as research and writing, oral advocacy, business development, and express those succinctly in the cover letter.

iPick Technology



Derrick Etheridge

Spotify music service

by Derrick Etheridge

derrick@derricketheridge.com

This month iPick Spotify. Spotify is a music service that became available in the United States on July 14, 2011. It originally launched in Sweden in October 2008, and it is now available in 12 countries. Spotify offers access to over 15 million tracks globally. And it currently has over 10 million active users and over 2.5 million paid subscribers.

So, how do you listen to music? Do you still purchase CDs? Or have you made the move to digital? Are you purchasing and downloading your music from iTunes or from Amazon? There may be a better solution – Spotify!

Using Spotify is simple. First, you create an account by choosing a username and a password. (Note: Since September 22, 2011, a Facebook account is mandatory to sign up for Spotify.) Next, you download and install the Spotify app on your computer. Spotify is compatible with PC and Mac computers.

Then just search and play. You can also access Spotify through your home audio system or mobile phone, but you will need a premium subscription. With Spotify, you stream your music. Music *you* selected. So, Spotify is much different than Internet radio options, such as Pandora or last.fm, where they select your music based on your past listening habits.

Spotify offers three types of accounts: Spotify Free, Spotify Unlimited, and Spotify Premium. Spotify Free is uh, free, but it has time limits and ads. Spotify Unlimited costs \$4.99 per month, but it gets rid of the time limits and the advertising. And finally, Spotify Premium is \$9.99 per month. And it has many more features, including: playing music on your mobile device, enabling offline mode for both your computer and mobile device, and enhanced sound quality. For a detailed list and discussion of the differences in each type of account, click [here](#).

Spotify is rich in features. One of my favorite is the ability to create playlists. Nothing new, right? We all know about playlists. You've probably made playlists for friends – for a road trip or a workout for instance. But, what sets Spotify playlists apart is the ability to share playlists and to collaborate on playlists. Instead of burning your friend a CD of the playlist, with Spotify you can place it in your friend's Spotify inbox with a message, or you can email a link of the playlist to them, or even text them a link. Want to share with other friends? Easy, you can share a link to the playlist on Facebook or Twitter.

Spotify is rich in features. Instead of burning your friend a CD of a playlist, with Spotify you can share a playlist online.

Please see Spotify on next page

[Link to page 1](#)

Spotify, continued from previous page

You can even make a collaborative playlist with friends. You create a playlist with your friend or friends and each of you can add or remove tracks. How about a playlist of the best songs of the '70s, '80s, or '90s? A playlist of your favorite cover songs? Your favorite classic rock songs? Your favorite rap songs? Or even your favorite country songs? You are only limited by your imagination.

The one negative I have about Spotify is that it requires a Facebook account to sign up. If you use and love Facebook, then no problem. If you don't like Facebook, sorry.

So, give Spotify a try. It just may be a better way to listen to music.

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 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.

The one negative I have about Spotify is that it requires a Facebook account to sign up.



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Office administrator/ legal assistant

Needed for two-attorney paperless law firm specializing in appeals in downtown Lansing. Computer experience required. Word processing/ Internet skills essential. Position's duties are split between case-related and firm administrative. Case-related duties include assisting with all aspects of appeals, such as preparing appendix, editing briefs, preparing index of authorities, filing at courthouse, and completing other required forms. Administrative duties with an emphasis on financials, account receivables, account payables, collections, invoicing, and preparing financial charts and reports. Other duties include general administrative tasks. Monday-Friday, 30+ hrs/wk, 6 hrs/day; competitive hourly pay; vacation; no benefits. E-Mail lspeaker@speakerlaw.com and send resume/CV in Adobe PDF format With references included.

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 high school diploma and three to five years of total previous legal secretary/paralegal experience 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.

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