

INGHAM COUNTY BAR ASSOCIATION

BRIEFS



OCTOBER 2011

INSIDE THIS ISSUE

- 1** Court consolidation coming?
- 1** ICBA 117th Annual Award Dinner
- 2** About ICBA and BRIEFS
- 3** On the Docket
- 4** Local Legal Events
- 5** In BRIEF
- 6** President's Message
- 7** Professionalism in Action at Cooley
- 9** Pro-bono: Providing hope
- 10** Cooley Law Review reveals data mining issues
- 11** Lansing Black Lawyers Association active
- 12** International Visitor Leadership Program
- 14** Section Chair Profile: Carrie E. Huff
- 15** Section Chair Profile: Mike Nichols
- 16** iPick Technology
- 20** Change of Venue Las Vegas: Where to stay
- 24** MSU College of Law Fair Housing Project
- 25** MSU College of Law: Landlords and Marijuana
- 28** Ads and Notices
- 29** Help Wanted

District, circuit, and probate courts expecting consolidation

by Christine Caswell
ccaswell461@gmail.com

Although the Judicial Crossroads Task Force held a press conference in conjunction with SBM on January 26, 2011, announcing its recommended changes to Michigan courts, and SBM published a report in March, many ICBA members attending the September 20 Probate Section meeting seemed surprised to learn that Michigan's courts will probably be streamlined to eliminate the current district, circuit, and probate court distinctions. Eaton Co. Chief Probate Judge Thomas K. Byerley told the group that judges will become "fungible," meaning that they will have to handle a greater



Christine Caswell

Please see *Courts* on [page 8](#)

October is Pro-Bono month!
See related articles on [pages 4 and 9](#).

Register now for ICBA Award Dinner!

The ICBA invites its members and guests to the beautiful **Country Club of Lansing** from **6 to 9 p.m.** on **Wednesday, November 2, 2011** for an enjoyable evening with your colleagues as we honor the best in our profession. Members \$75, nonmembers \$95; **please RSVP by Oct. 21**. For more info, contact Madelyne Lawry at 627-3938.

Annual Awards

At the dinner, the ICBA will present the [Camille S. Abood Distinguished Volunteer Award](#), [Theodore W. Swift Civility Award](#), [Leo A. Farhat Outstanding Attorney Award](#) and [Thomas E. Brennan, Sr. Lifetime Achievement Award](#) to members of the Ingham County Bar Association. The [Liberty Bell Award](#) will be awarded to a non-lawyer citizen.

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 Oct. 12	Noon	Board Meeting Office of Scott Mandel 313 S. Washington Square, Lansing	Open to section chairs	No
Thursday Oct. 13	Noon	Bankruptcy Law Section (includes lunch) Topic: "Mortgage Modifications - new proof of claim rules." Speaker: Janielle E. Ryan, Bankruptcy Attorney State Bar of Michigan 306 Townsend St.	\$10 members \$15 nonmembers \$20 on-site	by Oct. 12 RSVP here
Friday Oct. 14	8:30 a.m.	Criminal Law Section (includes breakfast) Topic: "Uncertainty Budgets: learn the secrets that even the Michigan Police don't know yet." State Bar of Michigan 306 Townsend St.	\$10 for members and nonmembers	by Oct. 13 RSVP here
Tuesday Oct. 18	Noon	Probate & Trust Section (includes lunch) Topic: "The Future of the Estate Planning Practice." Speakers: Nancy L. Little Bernick, Douglas A. Mielock State Bar of Michigan 306 Townsend St	\$10 members \$15 nonmembers \$20 on-site	by Oct. 17 RSVP here
Wednesday Oct. 19	Noon	Luncheon Lecture (includes lunch) Immigration Law Clinic team at St. Vincent Catholic Charities will discuss Immigration Consequences of Criminal Activity. State Bar of Michigan 306 Townsend St.	\$10 members \$15 nonmembers \$20 on-site	by Oct. 18 RSVP here
Thursday Oct. 20	Noon	Family Law Section (includes lunch) Topic: "Refinancing in Divorce, when you thought it was impossible for your client." Speakers: Steve Nardin and Charles Kupcek State Bar of Michigan 306 Townsend St.	\$10 members \$15 nonmembers \$20 on-site	by Oct. 20 RSVP here
Wednesday Oct. 26	Noon	Real Estate Section Luncheon Topic: "Tax Credits & Foreclosed Property" Speaker: Mike Peplowski Hall of Fame Cafe, 1601 W. Lake Lansing Road, East Lansing. map	\$10 members \$15 nonmembers \$20 on-site	by Oct. 20 RSVP here
Wednesday Nov. 2	6-9 p.m.	ICBA 117th Annual Dinner Cocktails 6 p.m., Dinner 7 p.m. Country Club of Lansing 2200 Moores River Drive, Lansing Sponsorships available	\$75 members \$95 nonmembers	by Oct. 21 RSVP here

Local Legal Events

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

Cooley open house to be Oct. 12 in Lansing

Those interested in attending Cooley Law School are welcome to attend any of its October open houses, held in Auburn Hills, Ann Arbor, Lansing, Grand Rapids, and Tampa Bay, Fla.

On **Wednesday, Oct. 12**, the Lansing campus will have its open house at the **Cooley Center, 300 S. Capitol, Lansing.**

Talk with representatives from admissions, financial aid, career services, and others; learn about honors scholarships and more; take a tour, sit in on a mock class, and attend an overview. For more info and registration, go to cooley.edu.

Carolyn Stell Scholarship Reception to be October 13

On **Thursday, October 13**, the Mid-Michigan Region of the Women Lawyers Association of Michigan will present the 19th annual 2011 Carolyn Stell Scholarship Reception. **Lori Pourzan**, managing attorney of the Lansing office of Legal Services of South Central Michigan, will be honored for her work to promote social justice in mid-Michigan.

The reception, with hors d'oeuvres and cash bar, will be **5:30 to 7:30 p.m. at Walnut Hills Golf Club, 2874 Lake Lansing Road, East Lansing.** Suggested donation \$30; donations of \$100 or more will be listed in the program and donors recognized at the reception, if received by October 7.

RSVP to Kris Arnett at karnett@hubbardlaw.com.

Legal Secretaries' Week program to be October 19

President Gerald Ford proclaimed the second week of October National Legal Secretaries' Court Observance Week, to recognize the contributions of legal assistants to American society. NALS of Lansing's program, at **5:30 p.m. October 19 at Sparrow Auditorium, 125 E. Michigan**, will focus on disaster preparedness efforts around Lansing. For info and registration, contact Deborah Surls, deb@surls.net, or 517-351-3550.

SBM pro-bono fair at Cooley on Oct. 17; others elsewhere

The State Bar of Michigan's Pro Bono Initiative will launch its first ever Michigan Pro Bono Fairs to coincide with Pro Bono Month.

The Lansing fair will be **4-6:30 p.m. on Oct. 17** at **Cooley Law School, 300 S. Capital Ave.** in Lansing. For more information contact Dionnie Wynter at (248) 751-7800, Ext. 7742.

Attorneys attending are under no obligation to take a case or to make a time commitment. The fairs are meant to be a chance to learn more, network with colleagues, and to consider new ways to provide pro bono services. For more info, contact Robert Mathis at rmathis@mail.michbar.org or at (517) 346-6412.

SBM to present “Tips and Tools for a Successful Practice” on Tuesday, Nov. 1

The State Bar of Michigan will present “Tips and Tools for a Successful Practice” from **8:45 a.m. to 4:30 p.m. on Tuesday, Nov. 1, 2011**, at the State Bar Building, 306 Townsend St. in Lansing. See the agenda at www.michbar.org/news/releases/archives10/tipstools_reg.pdf.

Registration is \$100 for lawyers in practice for less than five years, and \$125 for those practicing law for five years or more; includes a continental breakfast and a buffet lunch. Download the registration form at www.michbar.org/tipstools.cfm; must be received by **Thursday, Oct. 27**. No walk-in registrations accepted. Register online, fax the registration form to (517) 346-6365, or mail with a check or credit card payment to:

Tips and Tools for a Successful Practice Seminar
State Bar of Michigan
ATTN: Finance Department
Michael Franck Building
306 Townsend Street
Lansing, MI 48933-2012

For more info, contact Karen Spohn at (517) 346-6309 or e-mail kspohn@mail.michbar.org.

[Link to page 1](#)

In BRIEF

Liisa R. Speaker is the chairperson of the State Bar of Michigan's Appellate Practice Section for the 2011-2012 term. At the Appellate Practice Section's Annual meeting on September 15, 2011, Ms. Speaker moderated a panel of four Court of Appeals judges on the topic of "Published vs. Unpublished Opinions."



Liisa Speaker

ICBF accepting applications for 2011 grant funding

The Ingham County Bar Foundation is accepting grant applications for programs and applicants for 2011. Applications must be received by **5 p.m. Monday, October 31** via e-mail to lawry@icb-foundation.org. The ICBF supports programs which demonstrate innovative approaches or new ideas; benefit Ingham, Eaton and/or Clinton County residents; have potential for independent continuity; demonstrate community support; avoid duplication of services; address underserved needs or populations; and use challenge grants or other fund-matching arrangements to augment Foundation funds

Applicants should have a history of service reflecting clear ability to deliver quality service; demonstrate cooperative efforts between service providers in their area; request funds for services rather than capital expenses; and have sources of income in addition to the Foundation funds requested.

Application forms and instructions can be requested by email from lawry@icb-foundation.org. The Foundation may, in its discretion, request supplements to the applications and make on-site visits or require an applicant to appear at a Board or Committee meeting.

The information technology attorneys at **Foster Swift** have launched a [blog about the latest issues related to information technology](#). Such issues include trademark protection, intellectual property, e-discovery, e-commerce, the taxation of e-commerce and cloud-computing, and IT contracts. The blog focuses on providing practical insight and relevant news to IT users and non-IT users that encounter issues related to information technology. Find Foster Swift's Information Technology Law Blog at www.michiganitlaw.com.

Stephen J. Gobbo has been sworn in as the chair of the State Bar of Michigan Representative Assembly for 2011-2012. The Representative Assembly (RA) is the final policy-making body of the State Bar. It was created to increase representation and member participation in SBM policy.

Mr. Gobbo has served as chair of the RA Special Issues Committee, the Hearing Committee, the Special Committee on Grievance, the Attorney Grievance Commission, and Judicial Tenure Commission. He has

chaired SBM's Prisons and Corrections Section and the Administrative and Regulatory Law Section.

Mr. Gobbo has served as director of the State of Michigan Department of Licensing and Regulatory Affairs' Bureau of Commercial Services legal affairs division. He was designated state cemetery commissioner in June of 2008. He also served as administrative and chief financial officer for the Michigan Department of Corrections.

He received his master's degree in labor and industrial relations from New York Institute of Technology in 1990. He received his law degree from Thomas M. Cooley Law School in 1995.

Mr. Gobbo also serves as a member of the Dewitt Charter Township Planning Commission and has volunteered at Habitat for Humanity and Legal Aid of Central Michigan. He received ICBA's Pro Bono Legal Services Award in 1997 for his volunteer work on behalf of indigent clients.



Stephen Gobbo



Scott Mandel

...middle-age practitioners can realistically become physiologically younger by following a realistic lifestyle adjustment.

President's Message

by Scott Mandel

smandel@fosterswift.com

What does a sedentary, middle-aged lawyer do about the rest of their life? Chris Crowley, a trial attorney at Davis Polk & Wardwell in New York, decided to get healthy. Chris, along with his internist, Henry Lodge, M.D., then wrote the book "Younger Next Year."

Following an enjoyable, but hardly invigorating round of golf, ICBA member, Bruce Carruthers, asked me what I was doing about exercise and suggested this book. I am now passing on that suggestion to each of you.

In a highly readable, enjoyable, and often humorous way, Crowley and Lodge explain that middle-age practitioners can realistically become physiologically younger by following a realistic lifestyle adjustment. They explain in practical terms the importance of exercise, nutrition, and being connected to others and one's community.

Crowley tells a number of interesting stories leading to his conversion from a 40-pound overweight and out-of-shape lawyer to a healthy, happy, and thoroughly alive 70-year-old with a renewed zest for life.

Dr. Lodge explains the breakthroughs in medicine that now afford us the opportunity to dramatically reverse the affects of aging. Their central point is that nearly everyone can remain physically active without the decay associated with aging by adopting a lifestyle that encompasses exercise, nutrition, and connectiveness. They do not offer these remedies to offset any of the changes associated with one's appearance as they age. As an example, they are opposed to weight loss diets. Rather, they are concerned with functional performance.

They set out Harry's rules to lead to this result. They are: (1) exercise six days a week for the rest of your life; (2) do serious aerobic exercise four days a week for the rest of your life; (3) do serious strength training, with weights, two days a week for the rest of your life; (4) spend less than you make; (5) quit eating crap!; (6) care; and (7) connect and commit.

Chris readily confesses that he has never been an athlete. Neither was Dr. Lodge. Both have lived, and continue to live, hectic lives. Yet, they both found a way to follow these rules in ways that are do-able and fun. They emphasize that there is a great deal of flexibility in how one goes about doing these things. While golf does not satisfy the serious aerobic component: walking, biking, swimming, and cross country skiing are examples of activities that do.

Chris's essential point is that each of us has shown enough discipline to go to work every day of our adult lives. He recognizes that we all have a myriad of reasons (excuses) for not following Harry's rules. Chris suggests we treat Harry's rules the same way we treat work, just show up and do it.

I recommend "Younger Next Year" to you. Even if you decide not to follow any of Harry's rules, you will be better for having read this highly enjoyable and informative book.

If you have any suggestions, please email those to me at smandel@fosterswift.com or give me a call at 371-8185.

[Link to page 1](#)

Cooley launches term with Professionalism in Action programs

Before incoming Thomas M. Cooley Law School students step into their first law school class, they are oriented to the importance of attorney ethics and professionalism through a collaborative program between the State Bar of Michigan and Cooley, called Professionalism in Action. Begun in 2009 by then State Bar of Michigan President Edward H. Pappas, the program brings students, local attorneys and judges together to discuss the role and importance of ethics and professionalism in both the study and practice of law.



Incoming students at Cooley Law School's Lansing campus, along with a distinguished roster of attorneys and judges, listen to opening remarks as they get ready for small-group sessions to discuss issues in professionalism and ethics. The attorneys and judges volunteered their time to explore important topics with the new students.



State Bar of Michigan President Anthony Jenkins speaks to the fall 2011 incoming class at Cooley Law School's Lansing campus. Mr. Jenkins, the students, and a host of attorneys and judges gathered for the school's Professionalism In Action program, in which participants explore a variety of topics in professionalism and ethics.

[Link to page 1](#)

Courts, continued from [page 1](#)

variety of cases as assigned by the chief judge. One chief judge could also oversee multiple counties, in addition to overseeing all of the court systems, Byerley said.

According to the Judicial Crossroads Task Force's "Report and Recommendations, Delivering Justice in the Face of Diminishing Resources," 2nd Edition, March 2011, the problem in Michigan is as follows:

"We now have four distinct types of courts (circuit, probate, district, and municipal), 246 separate courts, 586 judges, 234 chief judges, 118 different legislative bodies making funding decisions in various combinations and for various functions, and more than 150 different computer servers storing court data. Except for the four remaining courts funded exclusively by the cities they serve, all other trial courts are funded by a mix of local, state, and federal funding. On average, the state's share of trial court expenses is less than 25 percent. Some counties fund several types of courts—circuit, probate and district, through separate budgets; some counties fund some types of courts exclusively and share expenses with other counties for other types of courts. Trial court judges report to their constituents, their chief judges (unless they are the chief judge), their local funding unit, and to the Michigan Supreme Court, through their regional administrator. And this description actually oversimplifies the present reality."

Byerley also noted that part of this streamlining includes a "business court," which would hear only business cases. According to the Task Force report, "National evidence shows that business disputes can be resolved more quickly and successfully when specialized case management techniques are used, and that in their absence the processing of business cases can consume inordinate amounts of court time and negatively impact all court users."

Other Task Force recommendations include greater use of technology, reforming the Michigan Tax Tribunal, and improving the indigent public defender system. According to the report, "Nationally, Michigan ranks at the bottom for the amount of state dollars spent on indigent public defense." The Task Force recommends that public defense funding be shifted from the counties to the state.

Byerley also noted that the court streamlining was supposed to begin in early 2012, but so far no guidance has been given to the local court systems on how to do so. Additionally, he explained that many people missed the proposed streamlining changes in the report because the media was more focused on which counties would lose judges.

For a complete copy of the Task Force report, go to <http://www.michbar.org/judicialcrossroads/JudicialCrossroadsReport.pdf>.

...court streamlining was supposed to begin in early 2012, but so far no guidance has been given to the local court systems on how to do so.

Pro-bono: Providing hope to individuals in the community

by Kara Jennigs

lsscm-info@lsscm.org

For over 28 years, Arlene volunteered at her local community services agency. She reached out to those who were homebound, who lived in nursing homes, and those less fortunate. Only after a fall that broke her elbow did Arlene retire from her work. “I love helping people. If I could do it today, I would.”

Not much could bring the 83-year-old Arlene down, but while her elbow was on the mend she received troublesome letters from Medicare that kept her awake at night. Arlene had received a letter from Medicare alleging that she committed fraud, arising from a check that was meant to pay her medical expenses. Arlene’s fall occurred at the social service agency while Arlene was volunteering. The agency drafted a check to both Arlene and her treating hospital. Arlene signed over the check to the hospital to pay her medical expenses, and she never gave it a second thought – not until she received notice that Medicare intended to terminate her benefits for fraud.

She turned to a friend, who was also a long time volunteer, and that friend led her to Legal Services of South Central Michigan. We evaluated her case and decided that a pro bono attorney knowledgeable of both insurance law and Medicare would be perfect.

Enter **C. Mark Hoover** of Hackney Grover Hoover & Bean PLC. Mark has volunteered for years with LSSCM and agreed to meet with Arlene. Arlene and Mark met at his office in East Lansing and he swiftly drafted a letter to Medicare and resolved Arlene’s concerns.

It is with the ongoing support of Mark and other members of the private bar that LSSCM is able to help more people in need of legal assistance who have nowhere else to turn. The opportunities to work in various areas of law include foreclosure issues, family, elder abuse, landlord tenant, and public benefits law. We provide attorneys with technical support and regular training on the various legal topics we see most.

So please celebrate October as pro bono month with us by contacting Jane Martineau at (517) 394-2985, ext. 226 to become a part of our pro bono team. You can visit our website at www.lsscm.org for more information. And please consider attending the **Pro Bono Fair 2011, on October 17, 2011 from 4 to 6 p.m.** at Thomas M. Cooley Law School.

If you are unable to offer direct legal assistance to three low-income individuals in order to meet the SBM’s voluntary pro bono standard, we encourage you to donate \$300 to Legal Services of South Central Michigan through the Access to Justice fund. See our website for more information or respond to the year-end Friends of Legal Aid mailing. Together we can provide hope to low-income families and individuals in our community.

**Legal Services of
South Central
Michigan**



C. Mark Hoover

It is with the ongoing support of Mark and other members of the private bar that LSSCM is able to help more people in need of legal assistance who have nowhere else to turn.

Annual Cooley Law Review Symposium uncovers shocking lack of legal framework for data mining



Cooley Law School presented its annual Law Review Symposium Sept. 22, 2011. The event, “Who’s Mining Your Business: Privacy Infringement and Profits,” brought together experts in the field from around the country. Speakers talked about the process of data mining, how third parties collect and use the information, and the legal impact and appropriate responses to these practices.

After learning about the prevalence and breadth of data sharing and data mining in contemporary society, both the experts and participants concluded that the law is simply behind. The panel encouraged the attendees to consider the appropriate legal responses to what Andreas Weigend called the “Social Data Revolution.”

The news about the state of the data industry was disconcerting to many participants.

“It was scary to hear about how much data we share about ourselves every day and how little privacy protection the law truly affords,” noted Cooley Law School Assistant Professor Derek Witte, who moderated the panel. “At the same time, we learned that, in the right hands, this social data revolution could be used to build a better future for everyone. For lawyers and regulators, the work is really just beginning on this issue.”

The panel of experts consisted of Chris Clifton, Associate Professor of Computer Science at Purdue University; Jason Shinn, an Internet attorney who works with businesses; DickDe Veaux, an expert in applied statistics, author, and member of the faculty at Williams College in Massachusetts; and Andreas S. Weigend, a behavioral marketing expert who teaches Data Mining and E-Business at Stanford University in California, and The Digital Networked Economy at Tsinghua in Beijing, China. Weigend delivered his presentation and participated in the panel discussion through Skype.

Howery commented, “We made a great choice in our selection of speakers. They were dynamic and entertaining, and helped make the topic meaningful and useful to attendees. We are thrilled and honored that they agreed to be a part of our event. And we couldn’t have asked for a better moderator. Professor Witte’s insight and ability to focus the discussion was invaluable.”



Behavior marketing expert Andreas Weigend participated in the panel discussion through Skype.

“It was scary to hear about how much data we share about ourselves every day and how little privacy protection the law truly affords.”

Lansing Black Lawyers Association active for community, attorneys, and law students

On Wednesday, September 28, the Lansing Black Lawyers Association (LBLA) held a law student/attorney mixer at the Radisson Hotel in Lansing. The mixer was well-attended and **President Janene McIntyre** expressed gratitude for the ample activity of the organization.

A non-profit organization, LBLA was created to foster the professional growth and development of its members; promote public confidence in, respect for, and knowledge of the law and legal profession; advance the causes of equal rights, equal opportunity, and equal treatment before the law; and to make significant contributions to the Greater Lansing Community.

LBLA programs are focused on helping minority law students, minority attorneys and the underprivileged community. They have partnered with various community-based organizations to provide community service, including the Black Child & Family Institute to provide our Law in the Brief, a monthly legal information seminar covering a variety of legal topics. LBLA's Mentorship Program, Judicial Clerkship Program and Bar Pass Program are programs focused on assisting minority law students. For attorneys, we have programs that provide them networking and professional development opportunities.

On November 18, 2011 the LBLA will celebrate its 30th Year Anniversary at the the University Club. Upcoming events include a two-part Black History series In February and its annual signature event, the Otis Smith Scholarship Dinner, in March 2012.



LBLA President Janene McIntyre greets an attendee while Judge Hugh Clarke signs in.



Frank Harrison Reynolds, Laurin' C. Roberts Thomas, and Judge Amy Krause share a laugh



Participants enjoy hors d'oeuvres at the mixer

International Visitor Leadership Program

by Frank Harrison Reynolds

freynolds@fosterswift.com



Frank Harrison Reynolds

In what part of the prison are political prisoners held? Are you able to hold an accused for multiple years before bringing him or her into a court for arraignment? The questions kept getting better!

Judges and attorneys from 22 countries met in the Eaton County Circuit Court recently for a panel presentation as part of the International Visitor Leadership Program through the U.S. Department of State.

The Honorable Thomas S. Eveland, Eaton County Prosecutor Jeffrey Sauter, and attorney **Frank Harrison Reynolds** from Foster, Swift, Collins & Smith, P.C., were members of the panel presentation to the visiting judges and attorneys. The general topic of discussion was media involvement in criminal cases, focused primarily on permissible limitations and management of the media during the course of criminal proceedings. The discussion centered on the fine balance between the First Amendment and a fair trial as well as the length of time and steps to take criminal cases to conclusion. There was a substantial discussion about how cameras in the courtroom impacted judicial proceedings as well as the effect of media presence on the trial participants, including witnesses, alleged victims, attorneys, the Judge and defendants.

This was the fourth annual presentation by these panel members as part of the State Department's U.S. Judicial System Multi-Regional Project. This year **participants came from Afghanistan, Armenia, Ethiopia, Fiji, Gambia, Ghana, Honduras, India, Israel, Lebanon, Macedonia, Malawi, Malaysia, Mauritius, Morocco, Nigeria, Philippines, Romania, Serbia, Sierra Leone, Uganda, and Zimbabwe**. The participants included judges, prosecuting attorneys, defense attorneys, legal trainers from the Norwegian Refugee Council, International Legal

The general topic of discussion was media involvement in criminal cases (and) the fine balance between the First Amendment and a fair trial.

*Please see **International** on next page*



Program participants came from 20+ countries

[Link to page 1](#)

International, continued from previous page

Relations Department of the Armenian Office of the Prosecutor General, Legal Aid Commission from Fiji, Honduras Transparency Institute, Dean of the Faculty of Law from the Maharaja Sayajirao University of Baroda, India, Malawi Deputy Commissioner of Prisons, Malaysia Project Coordinator for Southeast Asia Media Legal Defense Network, Philippine Senior State Counsel, Department of Justice, and Uganda Coordinator of Civil Society Coalition on Human Rights and Constitutional Law.

The participants were impressed with the speed with which it commonly takes in the United States for a case to go from arraignment through trial disposition. This was in contrast with some countries where it could take up to eight years to get an incarcerated individual to arraignment. The Michigan 14-day rule for a case to go from arraignment to preliminary examination was of particular interest to the visitors.

This group of judges and attorneys enjoyed a lengthy discussion followed by a question and answer period with the panel. After the discussion, the group of visitors were taken to the Eaton County Jail for a tour and discussion of jail policies, placement of incarcerated individuals, and procedures utilized by the Eaton County Jail staff.

Before the tour, one of the visitors asked the Eaton County Sheriff's Department jail representative what section housed the political prisoners. This caught the representative by surprise but he quickly recovered his composure and indicated that there are no sections in our jails for so-called "political prisoners."

The United States criminal justice system is certainly a beacon for third-world and emerging countries for providing safeguards and procedures to protect the rights of persons accused of crimes. The designed and intended fairness of the system sets it apart from many other systems. An important distinction is the fact that we have a criminal justice system that requires zealous advocacy on the part of prosecution and defense attorneys, rules and regulations for law enforcement, and an independent judiciary. All of this can only be insured by the independence and impartiality of the judicial branch of government.



Judge Thomas S. Eveland and visiting judges in jury box.

The participants were impressed with the speed with which it commonly takes in the United States for a case to go from arraignment through trial disposition.



Frank Harrison Reynolds, Jeff Sauter, and visiting judges

[Link to page 1](#)

Section Chair Profile: Carrie E. Huff



Carrie E. Huff
Family Law Section Chair

Q. Where are you originally from?

A. Cooperstown, New York

Q. What was your motivation for becoming a lawyer?

A. My grandfather and father

Q. What is your educational background?

A. I attended Belmont University from 1997 to 2000 and received a bachelor of science in political science and communications, while playing Division I soccer. I attended and graduated from Thomas M. Cooley Law School from 2000 to 2003. I took the February 2003 Michigan bar exam and was admitted to the Michigan bar in May 2003, and I took the July 2004 New York state bar exam and was admitted to the New York state bar in October 2004.

Q. How long have you been with your current firm and what is the nature of your practice?

A. I have been with Mallory, Cunningham, Lapka, Scott & Selin, PLLC, since June 2002. I completed my externship studies, under mentor Janice K. Cunningham, from September 2002 until December 2002 and remained as a law clerk while I studied and took the Michigan bar. In May 2003 I was hired as an associate attorney. I specialize in domestic relations issues, personal protection litigation and real estate litigation.

Q. What are some of the greatest challenges/rewards in your area of practice?

A. The emotional aspect. Domestic relations is a very emotionally charged area of the law with many ups and downs. However, it is very rewarding.

Q. Describe some of the most significant accomplishments of your career.

A. I was recently nominated one of Michigan's Super Lawyers Rising Stars for Young Attorneys.

Q. How did you become involved with the Ingham County Bar?

A. I was asked by Todd Selin if I would be interested in assisting with the Family Law Section. It has been a great experience.

Q. What do you feel ICBA provides to Michigan lawyers?

A. ICBA provides a means to gather local practitioners to promote unity, continuing legal education and social networking.

Q. Why would you encourage others to become involved with the Bar?

A. ICBA is a great organization that provides many social and educational opportunities to all levels of practitioners.

Q. What are some of your hobbies and interests outside of work?

A. I am the East Lansing High School freshman girl's soccer coach. I also love to golf, spend time with my husband and two step-children and watch college sports.

Section Chair Profile: Mike Nichols

Q. Where are you originally from?

A. Higgins Lake, Michigan

Q. What was your motivation for becoming a lawyer?

A. Advocacy

Q. What is your educational background?

A. Michigan State University: political science/pre-Law and night school at Thomas M. Cooley in Lansing.

Q. How long have you been with your current firm and what is the nature of your practice?

A. Six years; DUI/DUID Defense

Q. What are some of the greatest challenges/rewards in your area of practice?

A. Defending the Constitution

Q. Describe some of the most significant accomplishments of your career.

A. Getting a 'not guilty' on my first felony criminal case about 11 years ago; winning the 'uncertainty challenge' over blood alcohol testing; winning the Black Box Negligent Homicide Trial; writing the Michigan OWI Handbook for West.

Q. How did you become involved with the Ingham County Bar?

A. I heard about it through word of mouth and realized that a lot of really good lawyers were heavily involved in the programs and in producing the BRIEFS newspaper.

Q. What do you feel ICBA provides to Michigan lawyers?

A. Education and a sense of fraternity.

Q. What do you feel the greatest benefit has been to you in becoming involved with the Bar?

A. Getting to know other lawyers.

Q. Why would you encourage others to become involved with the Bar?

A. Because it's a great way to make your practice better, make yourself more profitable and expand your knowledge base.

Q. What are some of your hobbies and interests outside of work?

A. Running; I also like to read and watch movies; I'm currently trying to learn about technology and things like iPods, iPads and all the cool things that devices like smart phones do.



Mike Nichols
Criminal Law Section Chair

iPick Technology



Derrick Etheridge

Top 5 Video Game Picks for the Holiday Season

by Derrick Etheridge

derrick@derricketheridge.com

This month iPick my top five video game releases for this holiday season. I love to play video games. I mainly play on the XBOX 360, so my picks will be based on my experiences on that platform. The prices and release dates are also based on the XBOX 360 platform. Release dates are for North America, and the ratings are the ESRB ratings. It should be noted that some of these picks are not exclusive to the XBOX 360 platform, and I will indicate if the game is available on other platforms. I do not make any picks that are exclusive to the Playstation 3 platform or the Nintendo Wii platform. So, with out further ado:

Coming in at Number 5: **Halo: Combat Evolved Anniversary Edition.**

The original game Halo: Combat Evolved brought me back to gaming 10 years ago. Halo: Combat Evolved was a launch title for the original XBOX. Now, 10 years later the game is re-released in a remastered version of the original campaign, but now, it includes cooperative play over XBOX LIVE, achievements, and new challenges. The video game is a first-person shooter set in the twenty-sixth century. The main character that you play is Master Chief, a cybernetically enhanced super-soldier, who battles aliens in an effort to uncover the secrets of the Halo. Halo: Combat Evolved is an XBOX exclusive. It is rated Mature. The game is scheduled to be released on November 15, 2011, at the starting cost of \$39.99.



Coming in at Number 4: **Batman: Arkham City.** Batman: Arkham City is the sequel to Batman Arkham Asylum, and the events in this sequel take place around a year later. The game is an action-adventure game that incorporates elements of stealth and tactics. It is set in the world of Batman, and he will use his “detective skills” and his numerous gadgets to fight major villains, such as Hugo Strange, Two-Face, Joker, and Harley Quinn. This game will be available on all major platforms. It is rated Teen. The game is set to be released on October 18, 2011, at the starting cost of \$59.99.

Please see Video games on next page

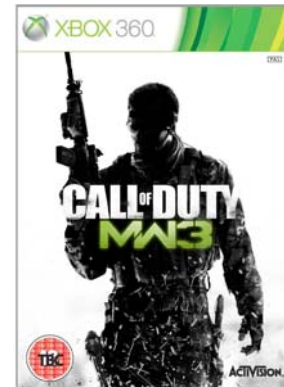
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Video games, continued from previous page

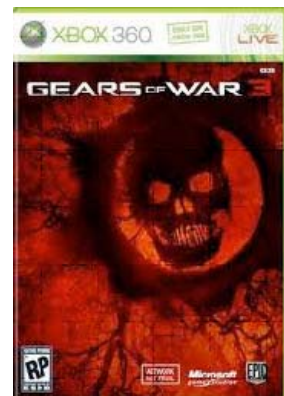
Coming in at Number 3: **Assassin's Creed Revelations**. The Assassin's Creed franchise is considered historical science fiction, set in the Renaissance era. It is a third person action-adventure game set in an open world and concentrating on stealth and parkour. This is the fourth game in the Assassin's Creed franchise, and it will be the last one to feature the character Ezio Auditore Da Frieze and Altair Ibn La'Ahad, and the final game to be set in the Renaissance era. The plot is based on character, Desmond Miles, who in 2012, uses the Animus to experience memories of his ancestors, so far Ezio and Altair. Much like the last Assassin's Creed game, Assassin's Creed: Brotherhood, this game will have multiplayer. The game will be available on XBOX 360, PS3, and Microsoft Windows. It is rated Mature. The game is scheduled to be released on November 15, 2011, at the starting cost of \$59.99.



Coming in at Number 2: **Call of Duty: Modern Warfare 3**. The Call of Duty franchise is one of the hottest gaming franchises. It is a franchise that releases a game annually. It is a first-person shooter, the third in the Modern Warfare Series, and the eighth in the Call of Duty installment. It has three types of gameplay: the Campaign, Cooperative Play, and Multiplayer. Gamers generally buy the game for the multiplayer. And in the past the multiplayer has been awesome. I don't expect this game to disappoint. Killstreaks is revamped, as well as ranking up and perks. There will also be a few new game modes. The campaign will continue the storyline from the last Modern Warfare game - the Russian Federation continues its invasion of the United States. Also, new to the Call of Duty franchise is Call of Duty: Elite, a new free / subscription-based service that will take the multiplayer game to a whole new level. Its features include: lifetime statistics and social-network integration. The subscription version will be priced at \$49.99 annually. It will include: monthly downloadable content, daily competitions with virtual and real life prizes, the ability to level up your clan, pro analysis, strategies, and much more. This game will be available on all platforms, but I should note that XBOX 360 gets new multiplayer maps around 30 days before PS3 gets them. It is rated Mature. The game is scheduled to be released on November 8, 2011, at the starting cost of \$59.99. If you spring for the \$99.99 Hardened Edition the first year of Call of Duty Elite will be included.



Coming in at Number 1: **Gears of War 3**. This game is a third-person shooter. And it is the final game in the current story arc. The game has several types of gameplay: the Campaign, Multiplayer, a revamped Horde mode, and a new gamemode, Beast. You can play all of these modes in CO-OP, including 4-player CO-OP in the Campaign. The Gears of War series is a science fiction franchise that takes place on the fictional planet of Sera, and the first Gears of War focuses on the war between humans and creatures known as Locust. Gears of War 2 continues the saga. It takes place six months after the original. In Gears of War 3,



Please see Video games on next page

[Link to page 1](#)



Video games, continued from previous page

which occurs two years after Gear of War 2, there is a new threat faced by humans - the Lambent. In multiplayer, you'll find a Vs. mode, which is a competitive mode of 5 on 5 players. Games in this mode include: Team Deathmatch, Warzone, Execution, Capture the Leader, and King of the Hill. Horde is a cooperative game mode where 5 players must survive increasingly more difficult rounds of enemy forces. And finally, Beast mode is a new mode, much like Horde mode, except here, you play as Locusts, and you attack human forces that are manning command posts. In both Horde and Beast modes, you can now earn money to purchase improvements. In Horde, you can purchase upgrades - barricades, turrets, decoys - to improve your command post. In Beast, you earn money to purchase the ability to spawn as a stronger Locust. Gears of War 3 is an XBOX exclusive. It is rated Mature. The game was released on September 20, 2011, at the starting cost is \$59.99. Gears of War 3 Season Pass is also available for \$30.00. The Season Pass entitles you to the first four installments of downloadable content at a discount.

So, that is my top 5 video games for the upcoming holiday season. I am sure I missed your favorite because there are so many to choose from this holiday. I mean I could have very easily picked: Battlefield 3, or Rage, or Elder Scrolls V: Skyrim, or

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. Past iPick Technology articles are available on my blog, and the articles include hyperlinks. For comments, please send me an e-mail at derrick@derricketheridge.com. Follow me on Twitter at www.twitter.com/micrimlawtweets.

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[Link to page 1](#)



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[Link to page 1](#)



Change of Venue

VEGAS VIRGIN? PART TWO - WHERE TO STAY!

by Tony Snyder
tsnyder@tonysnyder.com

In September's BRIEFS we've discussed where to eat, but I think I've overlooked the most obvious topic: Where to Stay! There are so many awesome hotel-casino in Vegas that they all start to blur together after awhile. They all brag about having the best rooms, the best service, the best "fill in the blank"...so I've decided I'm going to weigh in with where to stay at why. The caveat: I'm only going to share with you the places I have stayed so that I can speak personally to what you'll get—not what I think you'd get if you stayed somewhere. That said, I'm a Caesar's Entertainment (herein: CE) junkie which means most of the places I'm going to recommend will be Caesar's-centric! It's nothing against MGM/Mirage (or whatever the hell they're calling themselves these days), it's just that with the Total Rewards system and CE having casinos all over the country, it's easy to stay/play at a CE property.

Alright, so let's start with the least expensive rooms and work our way up to the most expensive rooms, shall we? Any one of these hotel/casinos would make for an awesome first time stay in Vegas...

Imperial Palace (herein: IP): Man I love this hotel/casino. I usually get quite a scowl from my friends when I tell them this, but I really do. Of course, that said, it's because I lost my Vegas Virginity to this location. My "first time" was in 2006, my parents sent me out there as a congratulatory gift for passing the Michigan Bar Exam. I got on to one of those wholesale travel websites where you could book a flight and hotel

Please see Vegas rooms on next page



Imperial Palace

[Link to page 1](#)

Vegas rooms, continued from previous page

package as one price for a deep discount, and IP seemed like a great location at a great price. And, by and large, it really is. Look, I'm not going to candy coat the IP, it's an incredibly affordable hotel at an even more incredible location. VegasTripping.com recently stayed there and did a review on IP and I agree with the overall sense of the issue: You don't get what you don't pay for. The IP rooms are clean, they're (relatively) spacious and they're far from pretentious. Furthermore, the casino is great because it's one of the few places on the Strip where you're going to find table games at a \$5 minimum. The downside to the hotel is that the place is tired, in need of new carpeting/wallpaper, and the elevators are atrocious, to say the least. But for the elevator issues (they take FOREVER), I would rate this location as an A+ option...but I'll still give it an A to an A- overall. Don't let the poor reviews discourage you from staying here. Most of the people who trash the IP are comparing it to high-end hotels on the Strip and that's just an apples to oranges comparison.

Flamingo: You owe it to yourself to stay in one of their GO rooms. I've not heard positive things about their non-GO rooms, but again, these people dog the IP so I suspect the rooms are fine. That said, I've stayed in a GO room and I loved every second of it. I'm not going to lie when I say I kinda didn't want to leave my room, I loved it so much. At first I hated the color scheme (white, brown & pink) but the longer I was in the room, the more I liked it. The great thing about these rooms is how art deco awesome they are. First of all, the bathroom isn't the traditional walled off room, but instead it's frosted glass. Not exactly the kind of hotel room you'd want to share with Grandma, but with a lovely lady, it's pretty sweet. The shower itself is a standalone shower (meaning, no tub) with clear glass walls. In hindsight, I can't really recall if the shower was as large as I remember it being or if it had the appearance of spaciousness because the bathroom itself was so large and the glass walls allowed you to see everything in the bathroom. Regardless, it has a television set into the mirror in the bathroom (which my then girlfriend/now wife) absolutely loved. I don't understand her love of television in the shower but this gets her every time (Caesars Palace has it in some of their rooms). I really dug the lighting in the bathroom...I'm coming to the realization I perhaps loved the bathroom more than the room itself. The room itself had a mirrored light on the ceiling (70's porn-esque) and automated curtains for one touch open and closing (which is less and less atypical in rooms these days), which really yanks my crank (in a good way), for some reason. These rooms are newer so they cost a bit more than the standard rooms, but I think they're totally worth it. Our room over looked the flamingo garden and somewhat of the GO pool. This is a place I would say is worth the initial sticker shock compared to some of the other hotels I'm recommending. It's your first time in Vegas, come on, live a little!



Flamingo

Please see Vegas rooms on next oage

[Link to page 1](#)

Vegas rooms, continued from previous page

Bally's: My wife is head over heels in love with place. A lot of it is based on the fact she can navigate her way through it with such ease (a significant problem with Caesars Palace). The rooms are very very spacious. Surprisingly spacious...and incredibly inexpensive. I find that the \$20 trick works extremely well and it will typically get you upgraded to a mini-suite. We also love this place because we have met a wonderful cocktail server by the name of "Diane" who works in the video poker section of the casino in the back left corner by the deli. She now recognizes us upon seeing us and she always knows what we're drinking so she'll have it on her tray when she comes to greet us. She's a phenomenal face to the company and I've emailed CE's CEO to let him know. I'm pleased to say that he did forward the email to the president of Bally's/Paris and it was passed along to her. That said, Bally's is a fantastic stay with an excellent location the Strip. If you



Bally's

really didn't want to pay the per night rates of a Flamingo GO room but wanted something a little nicer/newer than IP, I would tell you flat out: Bally's is the place to stay. Nine out of 10 times I tell people this is where they want to stay when they ask my opinion on where they should stay.

Caesars Palace: Ok, the rooms themselves are great...getting to them, when in the casino, not so much. Both my parents and my wife hate this place for that reason alone. The casino is poorly laid out so getting around/through it is a mess. My parents, who had not been to Vegas since the early to middle '70's, stayed there on a comp for my wedding and said they'd never even step foot in there again because it's so convoluted. I have to agree. This is not the place you want to stay on your first trip out to Vegas, so keep reading...

Please see Vegas rooms on next page



Caesar's Palace

Vegas rooms, continued from previous page

Venetian: Stayed in both a standard room and a “Prima Suite” during my most recent stay. The standard rooms are fantastic, in and of themselves. I would stay at this hotel again, in a standard room if it were comped. The Prima suite is nice but it’s not that great. I would never spend \$350 a night on a hotel room but for my honeymoon. We were able to host a nice after wedding party in the room for our friends and family who came out to Vegas to support us, so that was nice. That said, I would probably not recommend this place on your first trip out to Vegas unless money is not a concern. At a going rate of \$180/night for a standard Venetian room, I would rather stay at Bally’s and use my extra \$125 (and CE doesn’t charge those ridiculous resort fees...an add-on just to get more out of the consumer) for the gaming floor.

Rio: Another place to stay WAY away from...unless you’re 21 years old and enjoy that scene. It’s like the idiots of Jersey Shore have infiltrated the place. While the rooms themselves are large and roomy, the location is off-Strip and I just hate not being on the Strip. The nice thing about this place, however, is that it’s reasonably priced (again with no resort fees) and if you’re 21, 22, 23 years old, this might just be the place for you!

Well, you’ve heard what I have to say...where would you tell a Vegas Virgin they should stay on their first trip out? Why specifically? tony@viceloungeonline.com



Venetian



Rio



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MSU College of Law Housing Law Clinic

MSU College of Law announces Fair Housing Project

The Michigan State University College of Law Housing Law Clinic announces its Fair Housing Project, an educational and community outreach and advocacy effort designed to increase public knowledge of fair housing laws in Michigan and around the country.

The project will consist of increased educational efforts led by Housing Law Clinic student clinicians during the 2011-12 academic year. Students will help coordinate educational programs for the public, research and write publications on fair housing, provide informational materials via the clinic's website, arrange guest lectures by experts in the field, and collaborate with fair housing centers across the state. Fair Housing Project initiatives will focus on Lansing, East Lansing, and the surrounding region of Ingham, Eaton, and Clinton Counties.

According to Brian Gilmore, associate clinical professor of law and director of the Housing Law Clinic, the project is designed to address a lack of fair housing resources in the immediate area. "It is important to not let this issue be ignored," says Professor Gilmore. "Fair housing is an important legal concept that too often is neglected. We hope this project will increase public awareness in our local communities about the significant legal issues surrounding fair housing."

The **Housing Law Clinic** at MSU College of Law is a consumer advocacy and research clinic that offers free legal advice and assistance to consumers with housing problems in the tri-county area. The clinic is one of several practice areas within the **MSU College of Law Legal Clinic**—a high-energy, small law firm environment in which students apply their knowledge of the substantive law to real-life situations under the guidance and supervision of licensed attorneys. The growing roster of Legal Clinic practice areas also includes Chance at Childhood, Civil Rights Law, First Amendment Law, Immigration Law, Plea and Sentencing, Small Business and Nonprofit Law, and Tax Law. Student clinicians provide an important service for the betterment of the community while discovering their niche in the field of law.

...the project is designed to address a lack of fair housing resources in the immediate area.



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MSU College of Law Housing Law Clinic

Landlords and Marihuana

by Dan Magee, Class of '11

Note: This article was written in spring 2011, before the more recent cases and other legal developments on the Michigan Medical Marihuana Act.

On November 4, 2008, Michigan voters approved the Michigan Medical Marihuana Act (“MMMA”).¹ Several questions arise in the wake of this law concerning the rights of landlords who may be renting to tenants who have marihuana use cards and tenants who may be licensed to grow marihuana as “caregivers.” The “FAQ” section of the Michigan Department of Community Health’s (“MDCH”) website lists several questions regarding tenants’ rights, but the MDCH’s answer is essentially that the MMMA is silent on these issues and further advice should be sought from an attorney.² This article attempts to address two of the basic questions concerning landlord-tenant rights in regard to the MMMA.

1. Can landlords prohibit any use of marihuana on leased premises?

In 1968, Congress passed the Fair Housing Act (“FHA”) as part of the much broader Civil Rights Act. 42 U.S.C. § 3601. The FHA of 1968 prohibited discrimination of a tenant for the tenant’s inclusion in a protected class. *Id.* While disability was not one of the enumerated protected classes in 1968, Congress amended the FHA in 1988 by adding “disability” to the list of protected classes. Congress defines a “disability” as “a physical or mental impairment which substantially limits one or more of a person’s major life activities.” 42 U.S.C. § 3602. According to the Supreme Court of the United States, determining which



Several questions arise in the wake of (MMMA) concerning the rights of landlords who may be renting to tenants who have marihuana use cards and tenants who may be licensed to grow marihuana as “caregivers.”

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Whether these impairments would be considered “disabilities” under the FHA would depend on how significantly they affected each individual’s life.

Marihuana, continued from previous page

impairments constitute disabilities must proceed on a case-by-case basis and depends on how the specific impairment affects the individual in question. *Albertson’s, Inc. v. Kirkingburg*, 527 U.S. 555, 566 (1999) (quoting *Sutton v. United Airlines, Inc.*, 527 U.S. 471, 473 (1999)). Thus, the same impairment may be a “disability” for some people, but not others.

The answer to the question thus turns on two sub-issues: a) whether people who use marihuana for medical purposes are “disabled,” and b) whether leases prohibiting the legal use of marihuana as treatment would be discrimination on the basis of this disability.

a) Section three of the MMMA (MCL 333.26423) states that to be eligible for a medical marihuana card, patients must suffer from a debilitating medical condition, which means one or more of the following: cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, agitation of Alzheimer’s disease, nail patella...cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis.

Whether these impairments would be considered “disabilities” under the FHA would depend on how significantly they affected each individual person’s life. For example, while cancer would surely inhibit several, if not all, major life activities in its most advanced stages, an early form of cancer may have little affect on a person’s ability to perform major life activities. Thus, there is no broad answer as to whether these impairments would qualify as disabilities.

(b) The FHA does not absolutely prohibit denying disabled persons the ability to rent from a given landlord, it merely prohibits rejection on the basis of that disability. Accordingly, a potential tenant who was denied a lease for her legal use of marihuana would have to prove that she was discriminated against because of her disability. However, to allow a landlord to discriminate on the basis of a tenant’s treatment while prohibiting the landlord from discriminating on the basis of the tenant’s underlying impairment seems highly paradoxical and would completely undercut the effectiveness of the FHA.

To conclude, some qualifying impairments under the MMMA would be “disabilities” under the FHA while others would not. Differentiating between what would qualify as a disability may depend on the stage of the impairment. Because determining whether someone has a “disability” proceeds on a case-by-case basis and may change depending on the stage of the tenant’s impairment, landlords run the risk of violating the FHA with a lease provision that prohibits any use of marihuana on the premises. Landlords who do not want their tenants using marihuana in the leasehold would have to evaluate each prospective tenant’s impairment before the tenant signed the lease, and

Please see Marihuana on next page

Marihuana, continued from previous page

would have to constantly re-evaluate the tenant's condition if it was the type that could progressively worsen.

2. Can landlords prohibit licensed caregivers from growing marihuana on leased premises?

In addition to issuing licenses to marihuana users, the MDCH distributes licenses for caregivers to grow marihuana for marihuana users. Some caregivers also have a prescription and license to use marihuana. At first, it may seem that landlords would be allowed to prohibit tenants who are solely caregivers, and not licensed users, from growing marihuana on leased premises because they are not disabled. However, the FHA states "it shall be unlawful...[t]o discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of...any person associated with that buyer or renter." 42 U.S.C. § 3604 (f)(1) (limited in by Missouri case law on other grounds). As of this writing, very few courts have addressed this provision. The few cases that do interpret this provision mostly involve familial or romantic relationships. If forced to litigate the issue, the landlord would have to convince the trier that a lease provision prohibiting growing marihuana was not discrimination based on the caregiver's connection to a disabled person. As before, there does not seem to be a definitive answer as to whether such an argument would hold up in court. A plain reading of § 3604 broadly suggests such discrimination would be unlawful.

To conclude, landlords who want to prevent the use or growth of marihuana in their premises by licensed users or caregivers essentially have two options. First, avoid any risk of litigation by allowing the legal use and growth of medical marihuana on their premises. Second, evaluate the circumstances of each potential tenant to determine whether the user or caregiver would qualify for protection under the FHA and take the risk of persuading a judge or jury at trial of the merits of their conclusion.

(Footnotes)

¹ http://www.michigan.gov/mdch/0,1607,7-132-27417_51869-,00.html.

² http://www.michigan.gov/mdch/0,1607,7-132-27417_51869_52140-,00.html

If forced to litigate the issue, the landlord would have to convince the trier that a lease provision prohibiting growing marihuana was not discrimination based on the caregiver's connection to a disabled person.



Lawyer-to-Lawyer Referral

Intellectual Property

Duby & Associates, PLC, with offices in East Lansing, can assist clients in resolving any Internet and e-commerce issues and protecting and defending their copyright, trademark and trade secret rights.

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Help Wanted

Part-time attorney wanted

AV-rated East Lansing insurance defense firm looking for a **part-time attorney** with 2-10 years experience in **auto negligence, premises liability, no-fault insurance, general liability defense**. Experience w/ Word helpful. Pay commensurate w/ ability. Forward resume to: ATTN: Recruiting Supervisor, P.O. Box 4733, East Lansing, MI 48826.

Attorney experienced in automobile no-fault

The Sinas Dramis Law Firm, located in Lansing, is hiring an associate attorney who will work in matters involving automobile accidents, including first party insurance claims and third party claims against at-fault drivers. *It is preferred, not required, that the ideal candidate have at least 2-3 years of plaintiff's personal injury and automobile no fault experience.*

The position offers excellent potential, and a competitive benefits package and an attractive compensation structure. Send resume accompanied by a cover letter and salary requirements to Julie Mann, CEO & President of JMann Consulting Group at julie@jmannconsultinggroup.com. Candidates are not to contact the law firm directly.

Legal secretary wanted

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

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

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

Seeking volunteers

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

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Vista Solutions LLC, Haslett, MI
Rich and Joy Schaberg
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