



INGHAM COUNTY BAR ASSOCIATION

BRIEFS

APRIL 2018



9th Annual Barristers Night

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@ICBALawyers



New ICBA Logo And Letterhead Policy

At the February 2018 ICBA Board of Directors meeting, a new policy was adopted regarding the use of the ICBA logo and letterhead. If you are currently using or are planning to use the ICBA logo, we ask that you become familiar with and abide by the revised policy. You can read the full policy [here](#).

ABOUT ICBA

Founded in 1895, the Ingham County Bar Association continues its longstanding tradition of service to the legal profession and the greater Lansing community, bringing lawyers together to join in a strong organization that works to achieve objectives that transcend the individual.

INGHAM COUNTY BAR ASSOCIATION

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

Board of Directors

President:

Jessica S. Fox
517-663-3306
[jsf_law@yahoo.com](mailto:jf_law@yahoo.com)

President-Elect:

Mary Chartier
517-482-2000
mary@alanechartier.com

Vice President:

James L. Dalton
517-351-6200
dalton@willinghamcote.com

Treasurer:

Charles E. Barieri
517-371-8151
cbarbieri@fosterswift.com

Secretary:

Sandra Lake
517-482-8933
slake@speakerlaw.com

Past President:

Mark Kellogg
517-482-5800
mkellogg@fraserlawfirm.com

Pamela Amato

517-482-0222
pamato@mclpc.com

Hon. Hugh B. Clarke Jr.

517-483-4441
hugh.clarke@lansingmi.gov

Lindsay Dangl

517-351-2020
ldanal@mbsoclaw.com

Charles A. Lawler
517-318-3106
clawler@clarkhill.com

Stephen Sinas
517-394-7500
stevesinas@sinasdramis.com

H. James White
517-349-7744
jwhite@whiteschneider.com

Jessica Zimbelman
313-256-9833
jzimbelman@sado.org

Section Chairs

Bankruptcy Law

Norman Witte
517-485-0070
ncwitte@wittelaw.com

Patricia Scott
517-371-8132
pscott@fosterswift.com

Criminal Defense Law

Mary Chartier
517-482-2000
mary@alanechartier.com

Chris Wickman
517-529-2733
chriswickman@gmail.com

Employment & Labor Law

Pamela Dausman
517-371-8163
pdausman@fosterswift.com

Warren H. Krueger
517-482-2400
whkrueger@loomislaw.com

Family Law

Jennifer Martinez
517-347-7205
jmartinez@whiteschneider.com

Brooke Elise Van Buren-Hay
517-230-4165
bvbrunner@gmail.com

Immigration Law

Melissa Indish
517-323-4734
indishm@stvcc.org

Azin Arbab
517-515-6088
arbablaw@gmail.com

Litigation

Sandra Lake
517-482-8933
slake@speakerlaw.com

Holly E. Hicks
517-853-2929
hhicks@hallmatsonlaw.com

Probate & Trust

Rosemary H. Buhl
517-853-6900
rbuhl@blhlaw.com

Sally Babbitt
517-507-3306
sally@sallybabbittlaw.com

Real Estate

Bill Tomblin
517-349-8000
wdtomblaw@aol.com

Young Lawyers

Alexander S. Rusek
517-316-1195
alexrusek@whitelawpllc.com

Committee

Appointments

Awards: Lindsay Dangl/
Charles Lawler

Annual Dinner: Mary
Chartier



Annual Meeting: Mary Chartier

Ask A Lawyer: Ray Harris, Shane Hilyard

Barristers: Judge Hugh Clarke, Alexander Rusek

Bench Bar: Charles Barbieri, Edwar Zeineh

BRIEFS: Jordan Leaming, Brett DeGroff

Education: Sandra Lake, Patricia Scott

Meet the Judges: Jamie White, Charles Lawler, Karen Poole

Membership: Pamela Amato, Jessica Zimbelman

Nominating Committee: Mark Kellogg

Past Presidents: Mark Kellogg

Shrimp Dinner: Robert Refior, Elias Kafantaris

Sponsors: Steve Sinas, Jim Dalton

List Serve: Josh Ard

Social Media: TBD

Executive Director

Madelyne Lawry
517-627-3938
mawry@inghambar.org



President's Message

by *Jessica Fox*

517-663-3306

jsf_law@yahoo.com

As attorneys we have a responsibility to help the powerless, the uneducated and the victimized. We can do this in our jobs and our communities. How?

1. Donate to the Access to Justice Fund.
2. Take part in the Ingham County Bar Association's "Ask a Lawyer" Event (held in October of every year).
3. Provide pro bono services (see <http://www.michbar.org/programs/ATJ/home>).
4. Serve on the board of directors for an organization.
5. Volunteer for an organization that provides services to the most vulnerable in our society.

My Volunteer Work

For nearly 10 years now, I have served on the Board of Directors for CASA For Kids, Inc. CASA stands for Court Appointed Special

Advocates. The organization serves Barry, Eaton and Ingham counties.

CASA volunteers help children who come under the jurisdiction of the court due to abuse and/or neglect. CASA volunteers advocate for the best interest of the child. A volunteer meets with the child on a regular basis and files reports with the court for the duration of the case.



Children in care who have a CASA volunteer on their case are more likely to achieve permanency. They achieve it sooner. They also receive more needed services like counseling and medical care. CASA receives grant funds and raises money with events to provide these services.

Also, every year I plan CASA's "Superhero Run" that takes place in the fall. I dress up in a superhero costume and walk in the Charlotte Frontier Days Parade. I want to bring attention to CASA and its mission. No matter the costume, someone always recognizes me and calls my name.

What am I getting at? Get involved in your community. Give purely for the reward of giving. Whether you wear a costume or not, you can be someone's superhero.

On The Docket

For additional information on ICBA events, call 517-627-3938, email info@inghambar.org or visit [ICBA on Facebook](#) or the [ICBA website](#).

APRIL 19	Monthly Deliberations 5 PM	Sidebar East Lansing
MAY 16	Annual Shrimp Dinner 5 PM	Lansing Liederkranz Lansing
MAY 17	Monthly Deliberations 5 PM	Zoobies Old Town Tavern East Lansing
JUNE 21	Monthly Deliberations 5 PM	Spartan Brewpub Mason
JUNE 28	ICBF 14th Annual Memorial Golf Classic	Hawk Hollow Golf Course



Raising The Bar

Mary Chartier Recognized As A “Leader In The Law”



Chartier

Chartier & Nyamfukudza, PLC founding partner and criminal defense litigator Mary Chartier has been named a 2018 “Leader in the Law” by Michigan Lawyers Weekly.

Every year, Michigan Lawyers Weekly honors attorneys who have made outstanding contributions to the practice of law, demonstrated tremendous leadership and offered a wealth of expertise in their area of the law.

Chartier has successfully litigated numerous cases in federal and state courts. She is a nationally recognized speaker, having taught criminal defense, constitutional law and evidence at conferences in Cambridge, Orlando, Aspen and Key West, just to name a few.

In Michigan, Chartier has presented extensively, including for the Michigan Judges Association, the Criminal Defense Attorneys of Michigan and the highly regarded Hillman Advocacy Program, which provides federal courtroom training to trial lawyers.



By
Nan Elizabeth Casey

ncasey@necplc.com

Nan Elizabeth Casey has been an attorney and mediator in the Lansing and Petoskey areas for 38 years and is a board member of the Ingham County Bar Foundation. She is married to a Vietnam Veteran and is actively involved in fundraising and supporting numerous Veteran causes.

The most recent Volunteers of America (VOA) Veteran Tribute in Lansing recognized the lifetime of service of Major General Gregory J. Vадnais, the Adjutant General and Director of Military and Veteran Affairs for the State of Michigan. Accepting his award, [General Vадnais said](#), “This is for all my soldiers and airmen.”

Thanks to the generosity of numerous mid-Michigan attorneys, including ICBF officers and members Nan Elizabeth Casey, James Dunn and Richard McClellan, who all served on the Host Committee, the Veteran Tribute helped raise more than

Local Lawyers Support Volunteers Of America Veteran Tribute Fundraiser

\$100,000 for Veteran services in the mid-Michigan area.

The Veteran Tribute is a chance to celebrate the noble cause of military service and the self-sacrifice of an individual – in this case, General Vадnais. The event never fails to inspire. The VOA is energized by the example set by every one of the great Veterans who have been honored in the past: John Demmer, Jake Foglio, James Butler, Jim Dunn and William Strampel. The VOA considers it a great privilege to share their stories, in hopes others are inspired as well.

James Dunn, a Lansing attorney, pilot/professional hockey player/ lobbyist and U.S. Army Captain, is the most decorated Vietnam Veteran in Michigan. He survived his helicopter being shot down 11 times. Dunn served two tours in Vietnam and one tour in Korea. His military career was put on hold after taking 150 rounds (and losing his co-pilot) before being air lifted out of the jungle and enduring six surgeries.

In his comments at the fundraising event, Dunn said: “I have served

under numerous Generals in my years of Military service, but none compare to General Gregory Vадnais.” Lee Ann Vадnais, the General’s wife, and their son, daughter and grandchildren, as well as numerous other family members, attended the event. Retired General Vernon Andrews was also present.

Numerous ICBF and ICBA members participated in the most recent Veteran Tribute, including Linda Kurtz Craven, John Pirich (and wife Mary Beth) and Kevin McGraw (and wife Sharon). McGraw, who emceed the event for many years, is also a former member of the VOA Board of Directors. General Michael Stone, one of the highest-ranking military officers in Michigan and a State Bar of Michigan member, attended the Veteran Tribute to honor his boss, General Vадnais. Also present was Lansing attorney and lobbyist John Schick who, along with Pirich, was a member of the Host Committee. Attorneys Mary Pat Juraz and Jeff Stuckey attended the fundraiser, as did former U.S. Prosecutor and current director of the Michigan Veterans Affairs Agency, James Redfor. Also

in attendance were Nell Kuhnmuensch and Judge David Jordan, who is an ICBF Fellow. Judge Jordan has been instrumental in establishing and volunteering in the Ingham County Veterans Treatment Court, which has saved the lives of many military service personnel. In addition, numerous current and former state legislators and military officers were at the fundraising event.

Services Provided

By VOA

Lansing is the state's largest private provider of Veteran services – a part of the VOA's mission since it was founded in 1896.

All of VOA's programming is accredited by CARF International, the gold standard for rehabilitation services. VOA Veteran services cover almost the entire southern half of Michigan's Lower Peninsula, from Detroit to the Thumb area, to Muskegon, Grand Rapids and Benton Harbor ... and almost every county in between.

Support for the annual Veteran Tribute enables the VOA to continue its leadership in Veteran services across the state. The work focuses on three areas:



Transitional housing

– Residential and case management services for homeless Veterans facilities in Lansing, Detroit and Warren. Last year, these programs kept 300

veterans off the street and got them connected to life-saving services.

Employment – Connects homeless Veterans, and those at risk of

homelessness, to meaningful employment. Last year, the VOA placed 256 homeless Veterans into gainful employment.

Housing assistance and homeless prevention

– Low-income Veterans and their families have access to rent and utility, assistance and security deposits. These tools prevent homelessness or can be used to rapidly rehouse Veteran families who have fallen into homelessness. During the past nine months, 130 Veterans and their families have been placed into housing.

Although the above programs receive federal grants, annual fundraising is necessary to cover actual costs.

Tremendous progress has been made in recent years to combat Veteran homelessness. There has been a 22 percent reduction in homelessness from 2009-2016 (based on the annual Point In Time count in Michigan). However, there were still 822 homeless Michigan Veterans on a single night in 2016 – and that's 822 too many.

Donations can be made at www.voami.org.



DID YOU KNOW?

Various Michigan Court Rules Amended, New Rules Added

The Michigan Supreme Court has approved several new court rules and has revised various existing rules.

Proposed Rules Would Integrate Collaborative Process Into Trial Courts

The Michigan Supreme Court is considering amendments to MCR 3.201 (Applicability of Rules), MCR 3.210 (Hearings and Trials) and MCR 3.211 (Judgments and Orders), as a way to integrate the collaborative law process into Michigan’s trial court system.

The Supreme Court is also contemplating the addition of two new rules: MCR 3.222, Uniform Collaborative Law Act Process and Agreements, and MCR 3.223, Summary Proceeding for Entry of Consent Judgment or Order.

The collaborative law process is outlined in the Uniform Collaborative Law Act, 159 PA 2014 (MCL 691.1331-1354). In addition to incorporating the collaborative process into the trial court process, the proposals would add a similar process for parties not represented by counsel who seek to submit a consent judgment.

The Supreme Court’s proposal, issued March 14, 2018, can be found [here](#). Comments on the proposal should be directed to the Supreme Court Clerk in writing by July 1, 2018, and sent to PO Box 30052, Lansing, MI 48909, or emailed to ADMcomment@courts.mi.gov. When filing a comment, please refer to ADM File No. 2018-03. All comments will be posted on the Supreme Court website.

Addition of MCR 3.808 – adoption proceeding requirements to verify no pending appeal of termination.

Addition of MCR 3.810 – waives transcript fees from parental rights termination hearings for indigent respondents.

Amendment of MCR 6.425 – reflects changes to the appellate counsel assignment process and requires filing of all lower court transcripts.

Amendments of MCR 3.804, 3.971, and 3.977 and Addition of MCR 3.809 – requires notification to parents that child-support obligations may continue

after termination of parental rights.

Amendment of MCR 2.105 – references service on the “agent for service of process.”

Amendment of MCR 3.977 – requires trial courts to order the full transcript when appointing counsel for certain proceedings.

Amendment of MCR 3.903 – eliminates the confidentiality of juvenile guardianship information.

Amendments of MCR 2.410 and 2.411 and Addition of MCR 3.970 – involves mediation in child-protection cases.

SCAO Is Accepting Suggestions To Change Court Forms

The State Court Administrative Office (SCAO) is currently taking suggestions to revise SCAO-approved court forms, as well as suggestions for new forms, in the following areas:

- Estates and Protected Individuals Code
- Mental Health and Commitment
- Child Protective Proceedings
- Delinquency and Designated

Email your suggestions to courtformsinfo@courts.mi.gov no later than June 30, 2018. Be sure to include sufficient information, including: 1) your name, 2) your email address/telephone number, 3) the applicable form name and number (if there is one), 4) the reason for your suggestion and 5) any other information that will help SCAO present the proposal for public comment.

Welcome The New *BRIEFS Associate Editors!*

HILARY M. BARNARD



Barnard

A native of Ludington, Hilary Barnard graduated from Michigan State University College of Law in May 2017. She is an associate attorney with Wood & Associates in Battle Creek, where she practices family law.

Previously, Barnard worked for the Department of Licensing and Regulatory Affairs as a business analyst, the Department of Treasury as a law clerk in its Hearings Division and with Legal Services of Southcentral Michigan, where she was a law clerk and staffed the pro se clinic.

Barnard has earned her civil and domestic relations mediation certificates and is listed as a court roster mediator in Ingham County. In addition to her law degree, she earned a master's degree of music performance from Michigan State University and a bachelor's of music education from Central Michigan University.

An avid traveler, Barnard has been to seven countries and 30 of the United States. Outside law, she is an active trombonist and works with a high school band in the greater Lansing area.

She can be reached at barna1h@gmail.com

BRADLEY HORTON



Horton

Bradley Horton is a native of Hastings who moved to the Lansing area in 2015. He is employed at Tina S. Gray, PC, in Williamston.

Horton received his undergraduate degree from Grand Valley State University in April 2011. He earned his law degree from Western Michigan University Cooley Law School in May 2015.

Throughout college, Horton worked as a certified pharmacy technician. While attending law school, he served as a law clerk at the Department of Attorney General.

He can be reached at hortonb@cooley.edu

BRENNA JARDINE



Jardine

Brenna Jardine is the law clerk for 54-A District Court Chief Judge Louise Alderson. She earned her law degree, cum laude, from Michigan State University College of Law in May 2017.

While in law school, Jardine was a clerk for the Friend of the Court Bureau, an extern for the Michigan Department of Attorney General in the Health Care Fraud Division and a judicial intern for the District Court of Maryland, District 11. She was also an associate editor of the Michigan State Law Review.

She can be reached at jardineb20@gmail.com

Welcome The New *BRIEFS Associate Editors!*



JOHN MAISE

John Maise is an associate attorney at White Schneider, PC, where he practices labor and employment law.

A graduate of the University of Minnesota Law School, Maise has been practicing law in Michigan since 2014. He has extensive experience in personal injury law and tax law.

Maise applies the hard work and dedication he developed as a member of the University of Michigan Men's Rowing Team to all aspects of his law practice, understanding that success is based on hard work and teamwork.

Maise

He can be reached at jmaise@whiteschneider.com



TINA OLSON

Tina Olson is an assistant defender at the State Appellate Defender Office in Lansing. She is also the former chief appellate counsel for the Wyoming Office of the State Public Defender and past chair of the Wyoming Criminal Pattern Jury Instructions Committee.

Licensed to practice law in Michigan, Wyoming, Colorado and Texas, Olson has presented numerous continuing legal education programs at trainings and conferences. A graduate of Michigan State University, she earned her law degree from the University of Houston Law Center.

Olson

She can be reached at tolson@sado.org



DAVID SHEAFFER

David Sheaffer is a law clerk for Michigan Supreme Court Justice Richard Bernstein. Upon completing his clerkship, he hopes to pursue a career as a civil litigator.

Sheaffer earned his law degree from Michigan State University College of Law in 2017. While there, he served as an articles editor for Law Review.

Sheaffer

He can be reached at drsheaffer1@gmail.com

Howard “Jack” Weyers Jr.



By
Christine Caswell
517-282-1406
christine@caswellpllc.com
Attorney Christine Caswell is the owner of Caswell Law, PLLC in Lansing.

Like many elder law and disability rights attorneys, Howard “Jack” Weyers Jr. was drawn to the field by his personal story.

Weyers, a late-in-life attorney, dealt with his mother’s diagnosis of Alzheimer’s disease just as he was enrolling in

law school. She died during finals week of his second year. While it was a challenging time, this experience shaped Weyers for his current practice.

“With my mother being diagnosed with Alzheimer’s and being around that community of families of dementia patients and going through that process, it led me to where I am now,” Weyers says.

Formerly in the family insurance business at WEYCO INC. for 20 years, Weyers had to find a new path when the company was sold in 2007. “I had to decide what I wanted to do,” he says. “And I always wanted to go to law school.”

In 2015, at the age of 55, Weyers graduated magna cum laude from Western Michigan University Cooley Law School. He also decided to have children later in life – he has a 4 year old and twins on the way. “I’m going to be the oldest dad other than Michael Douglas,” he quips.

Weyers co-owns Family and Elder Law of Mid-Michigan PC in Okemos with his partner, Emily M. Klavenski. Weyers, who originally practiced criminal and family law, says, “Our primary focus now is estate planning with an eye on the specter of long-term care. We do Medicaid planning, and my partner is VA accredited.”

Weyers says he wants to be a “different” attorney. “I want to treat people like family and return calls in a timely manner. I want to be of service to people. I saw other families trying to figure out how to pay for care, dropping loved ones off at nursing homes and never seeing them again. I had clients with ugly family [situations]. My first estate case was a probate administration for \$35,000 ... and it was an absolute war. That’s when we decided that we wanted to plan to protect our clients and to keep the family relationship together. So we slimmed the focus down to elder law and families.”



Weyers

Weyers is a member of Lawyers with Purpose, which focuses on long-term care and estate planning. He also makes presentations on special needs planning to groups such as the Special Olympics, Peckham, Inc. and Origami Brain Injury and Rehabilitation Center. Additionally, he is the 2018 sponsorship chair of the Lansing Walk for the Alzheimer’s Association.

“Our firm motto is ‘Where Family Matters,’” Weyers says. “We’re looking to be relational lawyers and, so far, it’s been two steps forward and one step back. But we’re starting to build a nice little family business.”



By
Liisa R. Speaker
(517) 482-8933

lspeaker@speakerlaw.com

Liisa R. Speaker is an appellate attorney at Speaker Law Firm, PLLC, and has advocated for reasonable fees in child welfare appointed appeals. In 2016, she and Bradley Hall collaborated on an educational program for the Appellate Practice Section titled, "The Economics of Court Appointed Appeals."



Extraordinary Fees In Court-Appointed Appeals

In court-appointed appeals, extraordinary fees are rarely requested. However, there has been a recent uptick in the requests for extraordinary fees and appeals from the denial of such fees.

Entitled To Reasonable Fee

Attorney John Ujlaky has repeatedly attempted to increase his fees in court-appointed appeals. Although he has been, for the most part, unsuccessful in obtaining the additional fees, he has achieved success for the bar by obtaining some law on reasonable fees for court-appointed cases.

Most significantly, Ujlaky obtained an order from the Michigan Supreme Court in *In re Attorney Fees of John W. Ujlaky (People v*

Simpson), 498 Mich 890 (2015), which held that "the trial court shall either award the requested fees or articulate on the record its basis for concluding such fees are not reasonable."

Bradley Hall, administrator of the Michigan Assigned Appellate Counsel System (MAACS), commented that MAACS "encourages its roster attorneys to move for reasonable fees whenever the trial court's fee policy does not otherwise allow them." Hall has stated this effort is beneficial to everyone. "We love to see this standardization and predictability in the system, as it encourages better lawyers and better representation, which benefits defendants and all other stakeholders," he said.

Attorney Mitchell Foster has also obtained a

significant published decision from the Court of Appeals on this same topic. In *In re Attorney Fees of Mitchell T. Foster (People v Boudrie)*, 317 Mich App 372 (2016), Foster was appointed to represent the defendant in a plea-based conviction appeal. He filed an application for leave to appeal in the Court of Appeals, which was denied for lack of merit presented. He then filed a petition for reasonable fees in the trial court to recover his fees for his time preparing the application. The trial court ruled that, because it is in a poor county, it could not afford to pay for services that have no merit or grounds to be filed. Foster appealed on the ground that the trial court could not deny him a reasonable fee. The Court of Appeals agreed with Foster and concluded that just because there was “no merit” in the appeal does not mean the attorney is not entitled to a reasonable fee. Thus, the Court of Appeals reversed the trial court’s decision and remanded the case to a different trial judge to determine the reasonable fee.

Regarding fees, Hall has commented that “it’s important to remind the courts that this difficult and unpredictable work carries real financial risk for appointed counsel, and the courts should not be free to avoid their constitutional obligations simply by adopting policies that provide reasonable compensation only in the rarest and simplest of cases.”

Establishing The Need

In addition to the Michigan Supreme Court order in *People v Simpson*, Ujlaky has obtained unpublished decisions that provide instruction to appellate attorneys on what they need to do to meet the burden of proving extraordinary fees.

In *In re Attorney Fees of John W. Ujlaky (People v Price)*, unpublished opinion of the Court of Appeals, issued April 27, 2017 (Docket No. 331067), Ujlaky requested extraordinary fees for a court-appointed appeal. In *Price*, after

the Court of Appeals denied leave, Ujlaky submitted a request for extraordinary fees. The trial court awarded him \$300 but denied the rest of the request without reasoning. The paperwork that Ujlaky filed shows the motion for extraordinary fees box was properly checked on the MAACS form. This box also requests that a motion be attached. Instead of a motion, Ujlaky provided an itemized copy of the billing, which contained almost five pages of details on work performed and the amount of time he spent on the tasks. After the trial court denied his request, Ujlaky filed a motion for reconsideration which explained that “a course of conduct was developed, which required extensive legal research.” The trial court denied the motion to reconsider, stating that Ujlaky did not show that the trial court committed palpable error or that the court abused its discretion.

Ujlaky appealed the denial to the Court of Appeals, which affirmed the trial court’s decision. In *Price*, the Court of Appeals set forth rules that must be adhered to for fees to be awarded. The Court also allowed for possible ways to obtain these extraordinary fees.

- The first criteria given is the box requesting extraordinary fees on the county fee form must be checked and a conforming motion must be attached. This puts the burden of proof on the party requesting fees to show the extraordinary circumstances associated with the case leading to the higher request.
- This is bootstrapped to the fact that the reasonableness of the fees depends on “the totality of special circumstances applicable to the case at hand.”
- The person requesting fees must show beyond a simple recitation of his or her proposed billing why the extraordinary fees are reasonable.

- There must have been an abuse of discretion by the trial court.

The Court of Appeals held that Ujlaky was unable to recover extraordinary fees beyond the court-appointed cap because “he did not attach a conforming motion for extraordinary fees. The billing statements did not provide the legal framework for his request or apply the relevant facts to that framework for purposes of determining whether his requested fees were reasonable.” Thus, Ujlaky failed to meet his burden.

In an interview, Ujlaky commented that he “wishes the Court of Appeals would follow the Supreme Court” on the reasonableness of fees from the previous order he obtained in *People v Simpson*. Unfortunately, appointed attorneys are already working for a rate significantly less than their normal rates, are being capped on how much they can make, and are doing extra work to request reasonable compensation when they have to file two motions and an appellate brief. In that same interview, Ujlaky stated he was “disappointed in the Court of Appeals approach and tenor.”

Other similar appellate decisions involving fees and Ujlaky have followed the same script. Only two of Ujlaky’s appeals returned a portion of extraordinary fees. In *In re Attorney Fees of John W. Ujlaky (People v Duncan)*, unpublished per curiam opinion of Court of Appeals, issued February 23, 2017 (Docket No. 330464), Ujlaky obtained \$330 above the appointed appeals cap from the trial court. The Court of Appeals ruled that he failed to meet his burden for the full request but was still entitled to some of the extraordinary fee award. The Court of Appeals in *Price*, discussed previously, also allowed an excess of \$300 above the court-appointed

appeals cap, as granted by the trial court.

In other cases, the Court of Appeals decided that Ujlaky failed to carry his burden of proof. For example, in *In re Attorney Fees of John W. Ujlaky (People v Withers)*, unpublished per curiam opinion of Court of Appeals, issued November 17, 2016 (Docket No. 329245), the Court of Appeals said appellate counsel “did not explain or offer any evidence showing that the underlying case was not a typical plea case.” And in *In re Attorney Fees of John W. Ujlaky (People v Simpson)*, unpublished per curiam opinion of Court of Appeals, issued February 23, 2017 (Docket No. 330491), the Court of Appeals affirmed the denial of fees, stating that Ujlaky failed to meet his burden of proof in that he was required to show why the extraordinary fees should be granted and failed to do so. The last of Ujlaky’s cases were reversed and remanded to the trial court to show why the fees were denied by the court. (*In re Attorney Fees of John W. Ujlaky (People v Delarosa)*, unpublished per curiam opinion of Court of Appeals, issued October 23, 2014 (Docket Nos. 316494 and 316809).)

After Ujlaky’s multiple requests regarding extraordinary fees for court-appointed appeals, and appeals from the same, he has recommended that anyone seeking to obtain extraordinary fees follow the directives of the Court of Appeals: check the box, file a motion, provide a detailed billing statement and explain the need for extraordinary fees.

Notably, Ujlaky’s efforts have given court-appointed appellate attorneys some guidance as to what the courts are expecting when extraordinary fees are requested. These explanations may pave the way for court-appointed appellate attorneys to be able to recover more of the money they so often deserve.

In addition to the line of cases regarding Ujlaky’s and Foster’s fees, there are at least two other recent decisions from the Court of Appeals that should be noted. In *In re Attorney Fees of Kenneth M. Malkin (People v Czekai)* (Docket No. 335496), the Court of Appeals was unpersuaded that the case was complex, requiring more than the 90 hours allotted for one of the combined cases. The Court did award 100 hours extra in another case, but not the entire 249 that was requested. In *In re Attorney Fees of Mitchell T. Foster (People v Bernard)* (Docket No. 334309), the Court recognized that “spending a significant but reasonable number of hours beyond the norm may [warrant additional compensation].” However, the Court of Appeals rejected the request for additional fees. In a lengthy dissent, Judge Gleicher argued for a fee hearing governed by the same standards as all other attorney fee requests.

MAACS Pilot Project

The MAACS is working on a pilot project, in hopes of making the process clearer – and to assure that criminal defendants are being provided effective assistance of counsel on their appeals.

The fee request form for the pilot project clearly states that a “request for fees beyond the maximum must be accompanied by a motion explaining why the case reasonably required additional effort.” In addition, the form helps identify what might qualify

as an extraordinary fee by describing “potential grounds for excess fees include but are not limited to, lengthy trials, complex legal issues, fact investigation, and trial court litigation.”

“Unfortunately, appointed attorneys are already working for a rate significantly less than their normal rates, are being capped on how much they can make, and are doing extra work to request reasonable compensation when they have to file two motions and an appellate brief.”

While MAACS Administrator Hall recognizes that “we still have a long way to go,” he says the MAACS is taking steps in the right direction. “More than half of the trial courts statewide have adopted a fair and predictable fee policy.”

Conclusion

Although it seems there are options about how to obtain extraordinary fees, some are less practical than others. Because attorneys requesting these fees carry the burden of proof, it will be their obligation to show why the extra money, above the capped amount,

is deserved. How do lawyers demonstrate they deserved the extra fee? Here are a few suggestions.

- Find an attorney in the area who handles similar cases and ask them to review the work that was performed in the matter and testify regarding the validity of the extraordinary fees (this will depend on whether an attorney is willing and qualified to speak on the matter, which could pose an obstacle).
- When attempting to show extraordinary fees, be sure to attach a highly detailed description of the work performed and the reasons the matter required more care and diligence than a typical court-appointed appeal.

Foster Swift In Lansing Turns Outdated Library Into New “Flex Space”

When it comes to legal research, gone are the hours spent combing through aisles of bookshelves in law firm libraries. Today’s attorneys use online resources that are available 24/7 to conduct their research.

This constant availability of research tools left the traditional law library in the Lansing office of Foster Swift Collins & Smith barely used.

So the firm came up with a plan: renovate the building’s lower level to make a modern, multi-purpose and multi-functional space. The goal was to turn the outdated library into a space that is engaging and accessible to both firm employees and clients.

The renovated room is intended to serve as a welcome center, training room and entertainment/event space. Equipped with full audio/video conferencing capabilities, the new space provides flexibility for the firm’s ongoing educational, collaborative and networking efforts.

The space was redesigned by Pace Howe, while DBI

delivered the furnishings and installations. The all-new features include mobile furniture, lounge seating, training tables and chairs, and powered breakout stations. There is even a shuffle board table and a bar for breaks and social events.

“When Foster Swift presented us with their vision of turning an under-utilized room into a modern, collaborative and flexible multi-purpose space, Pace Howe Design was excited to take on the creative challenge,” said Megan Stephanic, project designer. “The concept behind the project was to use adaptable furniture to create multiple environments within the space while also utilizing colors and finishes that maintained the corporate image of Foster Swift.”

“Megan did a great job designing a room that is very versatile,” said Kim Hafley, director of marketing at Foster Swift. “It can function as a seminar room and, within 10 minutes, change over for a networking event or a board meeting. With five large screen TVs, there’s not a bad seat in the room.”



Outstanding Young Lawyers Recognized At Barristers Night

On March 22, 2018, members of the bench and bar gathered at the 9th Annual Barristers Night to recognize the recipients of the Ingham County Bar Association’s “Top 5 Under 35” awards.

The “Top 5 Under 35” awards are presented each year to five members of the ICBA Young Lawyers Section, recognizing their talent, skill, professionalism and civility in the legal profession.

The 2018 “Top 5 Under 35” award recipients are:

- **Katherine J. Bennett**, Michigan Department of Attorney General
- **Theordora Eisenhut**, Ingham County Prosecutor’s Office
- **John W. Fraser**, Grewal Law PLC
- **Aylysh B. Gallagher**, Ingham County Prosecutor’s Office
- **Fredric G. Heidemann**, Thrun Law Firm PC

The 9th Annual Barristers Night was held at the University Club at Michigan State University. Michigan Court of Appeals Judge Amy Ronayne Krause welcomed the guests and presented the awards.

More Barristers Night photos can be viewed [here](#).



Keep Calm ... It's Almost Shrimp Dinner Time!



“Anyway, like I was sayin’, shrimp is the fruit of the sea. You can barbecue it, boil it, broil it, bake it, sauté it. Dey’s uh, shrimp-kabobs, shrimp creole, shrimp gumbo. Pan fried, deep fried, stir fried. There’s pineapple shrimp, lemon shrimp, coconut shrimp, pepper shrimp, shrimp soup, shrimp stew, shrimp salad, shrimp and potatoes, shrimp burger, shrimp sandwich. That – that’s about it.”
 ~ Benjamin Buford “Bubba” Blue in “Forrest Gump”

Come join your colleagues at the annual Shrimp Dinner, where you will indulge in a fabulous seafood meal – cooked and served by local lawyers and judges.

The 2018 Shrimp Dinner will be held May 16 from 5-9 p.m. at the Liederkranz Club, 5828 S. Pennsylvania Ave. in Lansing. Dinner will be promptly served at 6 p.m.

The chairs of the 2018 Shrimp Dinner are Robert Refior II and Elias Kafantaris.

Tickets are \$35 for ICBA members, \$45 for non-members and \$20 for students. All tickets sold after May 15 are \$45. To secure your reservation, you are encouraged to register and pay in advance. Click [here](#) to register.



Volunteers are needed to help with the dinner. If you are interested in volunteering, please email info@inghambar.org.

ICBA Seeking Nominations For Various Awards

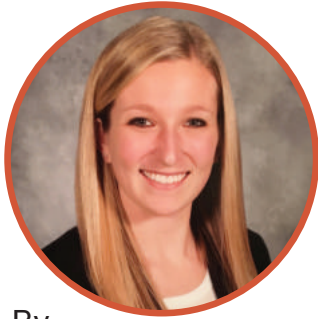


Nominations are currently being accepted for the following ICBA awards:

- Camille S. Abood Distinguished Volunteer Award
- Theodore W. Swift Civility Award
- Leo A. Farhat Outstanding Attorney Award
- Thomas E. Brennan Lifetime Achievement Award
- The Liberty Bell Award

The nomination deadline is August 27, 2018. Click [here](#) to find out more about each award, including the selection criteria.

Award recipients will be announced this fall and will be recognized at the 124th Annual Dinner on November 15, 2018 at the University Club of MSU. To register for the dinner, click [here](#). To sponsor the dinner, click [here](#).



By
Brenna Jardine
jardineb20@gmail.com
*Brenna Jardine is
the law clerk for 54-A
District Court Chief
Judge Louise Alderson.*

It is no secret the practice of law is a stressful profession. Attorneys' days are filled with tight deadlines, complicated issues and intricate laws. On top of the job demands, cases are often emotionally charged. With clients' lives in their hands, lawyers face pressure to not make mistakes. As a result, lawyers often endure late nights and long hours that are not conducive to self-care.

However, while it is important to excel in your career, it is equally important to work on and improve your physical and mental health. Yoga offers lawyers that opportunity.

If you are anything like me, you may be hesitant to believe that yoga can offer health benefits greater than or equal to other forms of exercise. Until about a year ago, I thought of yoga as a good stretch rather than a real workout. Honestly, I did not want to even try yoga because I did not think I would be good at it. I am not sure if I was more scared of hurting myself or being judged by others in the class. It was not until I was getting ready to graduate and taking the Michigan bar exam that I decided to give yoga a try.

Yoga Can Benefit Lawyers In Many Ways

My first yoga class was nothing like I imagined. The room was dim, the people were quiet and the mood was calm. The teacher led the class through a series of movements that were designed to both stretch and strengthen. The class was challenging, but it was manageable. There were plenty of options available to ensure that everyone could participate. I was the worst in the class, but no one seemed to notice or care – everyone was focused on themselves. After practicing yoga for a few weeks, I began to see ... and feel ... a change.

Yoga offers many of the same physical benefits as other exercise. While it is often thought of as a means of increasing flexibility, it also enhances muscle strength and tone. I noticed these improvements quickly.

According to the American Osteopathic Association (AOA), the physical benefits of yoga expand beyond those that are immediately noticeable. Along with strength and flexibility, yoga helps improve respiration, cardio and circulatory health, increases energy, helps maintain a balanced metabolism and reduces weight.

And although the physical benefits of yoga are present, the mental benefits of yoga are unparalleled. Yoga's meditation and breathing could be particularly helpful for lawyers' mental health. According to the AOA, yoga provides stress management, coping skills, mental clarity and calmness. It also can help cure headaches, fix sleep problems, center attention and sharpen

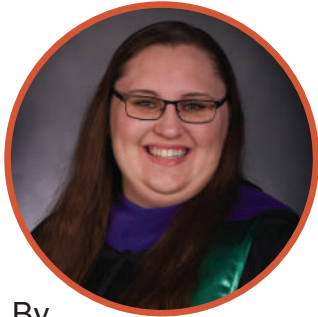


concentration. These benefits speak directly to the mental health of attorneys. Not only does yoga provide calmness in a busy day, but it provides tools to help cope with a stressful profession. In a day full of worrying about others' problems, yoga provides time to focus on yourself.

Not sold on yoga yet? Are you a beginner? Too old? Too young? Too busy? Yoga provides an answer to all these. For beginners, modifications are available for almost every move. The best part? The availability of modifications ensures that no one is ever too old or too young to practice. In fact, yoga can be practiced anywhere for any amount of time. You do not need to attend a class. You can practice yoga while you are relaxing at home, sitting at your desk or even waiting for court. There are videos, books, apps and classes available to help you get started.

While yoga classes are typically an hour long, you do not need an entire free hour to practice yoga. You can still experience the benefits of yoga even if you only practice for a few minutes a day. Yoga is flexible.

(For more information on the benefits of yoga, visit the [American Osteopathic Association website](#).)



By
 Hilary Barnard
barna1h@gmail.com
Hilary Barnard is an attorney with Wood & Associates, handling family law cases in Ingham, Eaton and Calhoun counties.

A “Sign” Of The Times?

“Please don’t.” These words were published by WLNS as a desperate plea by authorities to curtail motorists’ ambitions to drive through rising waters that, just a few months ago, overtook roads in Lansing and surrounding areas.

Yet in the fearless fight against tyrannical powers, Michigan motorists continued to ignore the pleas and the road signs.

In the most recent revamp of “What Every Driver Must Know,” the Michigan Secretary of State reminds would-be drivers that they must pass a road signs test to get their license, and that disobeying traffic signals can be a three-point license violation.



Photo credit: Meridian Twp Police Dep’t

All over, Michigan road commissions and news articles indicate the resistance to road signage is strong. Why is there such resistance? Perhaps with more vehicles now including standard GPS features, motorists are looking to these devices to “outsmart” any unofficial ploy placed on the side of the road by local authorities.

During Michigan’s infamous construction – i.e., “orange-barrel” – season, roads across the state often include barricades. This act is surely in retaliation of inappropriate driving patterns. Especially bad weather and flooding also merit barricade placement on major roads. But this does not stop Michigan drivers, who will plow through ... come rain, sleet, snow or rising floodwaters!



Photo credit: Dave Coverly, “Speed Bump,” May 5, 2012



The pothole is a sure sign you’re in Michigan.

With no hope of victory, road commissions have only one choice to stop this incessant driving mayhem – the pride of Michigan: the pothole.

Clearly, the pothole is the way to rein in the unheeding driving population, and it is currently the real driving force on Michigan roads. But at the very least, road commissions could put a sign up to warn drivers of the hazard! ☺



By
Tina N. Olson
tolson@sado.org
Tina Olson is an
assistant defender at the
State Appellate Defender
Office in Lansing.

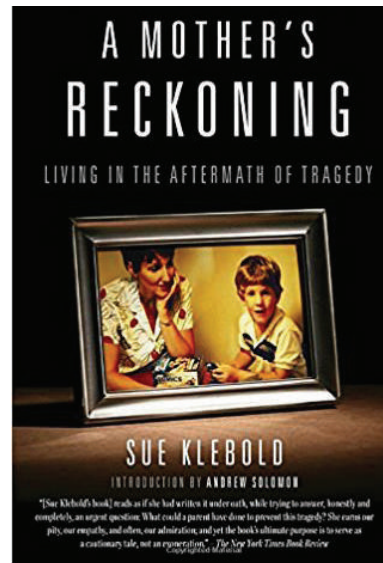
A Mother's Reckoning: Living In The Aftermath Of Tragedy

Nobody knows why two children walked into a high school set upon mayhem, slaughter and their own death, but everyone would like the answer – especially the mother of one of the shooters.

Sue Klebold is the mother of Columbine shooter Dylan Klebold and, in *A Mother's Reckoning: Living in the Aftermath of Tragedy*, she attempts to reconcile the child she knew with the murderer and suicide victim her son became. The topic remains as timely as the daily headlines, and the author's focus on mental health symptomology in teens, so often subtle and undetected, is timely as well.

Sue Klebold switches seamlessly from a 20-20 hindsight dissection of her son's actions in the months and weeks preceding Columbine, to relating the wealth of mental health (though she prefers the term "brain health") information she gleaned from innumerable experts in the years since April 20, 1999.

Sue Klebold cautions parents to observe the subtle and so-often undetected signs of teenage mental illness: somatic disturbances, trouble with the law (normalized as something teenagers do), increased irritability, spending more time isolated from the family ... to name but a few. As she notes, "Dylan was holding down a job, going to school, applying to colleges. Day before the massacre, he was eating dinner with us as usual, keeping the conversation light and carrying his dirty dishes to the sink."



In the early days of the Columbine aftermath, the Klebolds leaned heavily upon the assistance of their lawyer, Gary Lozow. Sue Klebold writes of their first clandestine meeting in a parking lot, after she and her husband managed to escape the horde of journalists swarming their home. Lozow met them in a convenience store parking lot, in the rain, and "... folded himself carefully into the available space in the backseat, wedging his feet between a litter box and a cat-carrying case." Lozow

offered professional guidance, counsel and compassion to two parents suffering the worst experience they could imagine.

While Sue Klebold's writing sometimes tends to flog the reader with her remorse and guilt, constantly assuring the reader she makes no excuses for Dylan's actions, the book is a worthy read in today's political, social and legal climate. How far do Second Amendment rights extend? How should mental health care education, screening and treatment be prioritized?

And at its core, the book leaves the reader with the uneasy sensation that there is little to no difference between the household that produced a school shooter and one's own.



ICBA SECTION NEWS

Young Lawyers Section

The Ingham County Bar Association-Young Lawyers Section (ICBA-YLS) is aimed at helping young lawyers and those who are new to the practice of law. The ICBA-YLS seeks to further the educational and professional advancement of young lawyers by providing educational, networking and social events that assist young lawyers in Ingham County.

The purpose of the ICBA-YLS is to:

- sponsor and support activities of interest and value to the community and young lawyers in Ingham County.
- cooperate, support, promote and coordinate activities with the ICBA, as well as other local, state and national young lawyer groups.
- establish good fellowship among the ICBA-YLS, the ICBA and members of the legal community.
- contribute to the educational and professional advancement of young lawyers.
- take such other action and perform such other functions as may be deemed appropriate.

The president of ICBA-YLS is Alexander Rusek. He can be reached at 517-316-1195 or at alexrusek@whitelawpllc.com.

Upcoming Events:

- 5th Annual Paper Chase 5K - June 3 (see page 26 for details).

Young Lawyers Gather At Lansing Brewing Company



This year, ICBA-YLS held its annual post-holiday party at the Lansing Brewing Company. Although it was a snowy night, many lawyers and judges attended. Those present had delicious refreshments and fantastic networking.

In total, \$339 was raised for the Ingham County and Eaton County chapters of Families Against Narcotics. Families Against Narcotics is a community-based program, helping those in recovery, as well as their families.

Featured Young Lawyer:



Melissa Eckman

1. Where do you work and what do you do there?

I am an investigator/facilitator at the Ingham County Friend of the Court. Previously, I worked as the law clerk and court officer for Chief Judge Janelle A. Lawless at the Ingham County Circuit Court. In that role, I learned a great deal about many different areas of the law and how the court system works.

2. Where did you go to school?

I attended Western Michigan University Cooley Law School, where I graduated cum laude in 2014.

3. When were you admitted to practice in Michigan?

I was admitted to practice in the summer of 2015.

4. Why did you go into the legal field?

Throughout my life, I have always wanted and strived to make a positive difference in people's lives. At a young age, I was taught that you should always leave a person better off than the way you found them. During my undergraduate years, I was pursuing science with aspirations to become a medical doctor. It always made me laugh when I would hear from professors that my calling was the law – I would just laugh it off and think, "I know I am passionate about issues of injustice in our society, but I will make my mark as a physician." This long-held aspiration began to change when I was fortunate to take part in humanitarian work in Kenya. While there, it opened my eyes to

the injustices in the world and the stark reality that medications and medical aid cannot be received by those most in need when corruption in government exists. Of course, the way to civilly battle corruption on any level is through the law. This learning experience also compounded on my education in many of my elective classes that challenged the very notion of injustice in American society. Once this seed was planted, I did not look back and my legal education became a reality. I am proud to be an attorney.

5. What advice do you have for those considering law school?

If you are someone who wants to make a positive difference in people's lives, then going into the legal field should be considered.

6. If you weren't a lawyer, what would you do?

If weren't a lawyer, I would have picked another career that helps to make a difference in people's lives, such as medicine.

7. Where did you grow up?

Utah. My fondest memories are the time I spent living in Park City, Utah. I greatly enjoyed the year-round activities such as trail running, mountain climbing, mountain biking, road biking and, of course, skiing.

8. Who is your biggest role model and why?

My biggest role model is my paternal grandfather. He was an immigrant from Sweden, a hard worker

and passionate. After arriving in America, his parents died when he was very young and he faced great adversities. But through hard work and determination, my grandfather was able to receive an education, open and run a profitable business – all while remaining grounded, loving and generous to others. He taught me the importance of helping people, and that we are stronger as a society when we reach out and help to bring each other up, instead of bringing each other down. My grandfather would always tell me that I could succeed in anything I chose to do and not to ever let anyone tell me differently. It is because of his love, guidance and support that I continue to try everyday to be as great as he was.

9. What do you do in your free time?

I enjoy spending my free time hanging out and going on many adventures with my husband Allen, our two daughters Ava and Addy, and our hairy four-legged child, Ty.

10. So you have pets? Tell us about them.

Well, technically, we have a dog named Ty and a fish named Freddie. Our family tends to think of Ty and Freddie more like family than "pets." Ty was rescued from a high-kill pound in Ohio. We were asked to foster him and agreed to help out. Unknown to us, Ty was very sick and nearly died of the Parvovirus. He survived and we adopted him. Freddie, on the other hand, was purchased like most fish are ... from the store. He is a Beta and loves to attack pretty much anything that is placed in his tank. Fingers beware. Freddie is feisty.



YLS Paper Chase 5K Run/Walk Set For June 3



Professional Course Management & Timing | Certified 5K Course | Awards | Refreshments
Race Shirt with Registration (Register Before May 22) | \$25 Individual/\$20 Team Participant

INGHAM COUNTY BAR ASSOCIATION
YOUNG LAWYERS SECTION
PRESENTS

ALL AGES

THE PAPER CHASE
5K RUN/WALK

5TH ANNUAL

JUNE 3, 2018 | 10:00 AM

Meridian Township Complex

Please join the ICBA-YLS at its 5th Annual Paper Chase 5K Run/Walk on June 3, 2018!

Law firms and legal organizations are encouraged to assemble and/or sponsor teams of two or more participants with at least one team member a staff or owner of the firm/legal organization. Teams may consist any staff or owner of the firm/legal organization, family members, and friends!

SIGN UP TODAY: <https://goo.gl/JNfnnt>
Questions? katietucker@sinasdramis.com

SUPPORTING THE BOYS & GIRLS CLUB OF LANSING

Last year ICBA-YLS was able to sponsor 94 one-year memberships to the Boys & Girls Club of Lansing and we hope to sponsor more this year!

SPONSORSHIP LEVELS AVAILABLE

PLATINUM (\$1,000+) | GOLD (\$500+)
SILVER (\$250+) | BRONZE (\$100+)

BAIRD & ZULAKS
WHITE LAW PLLC
ALANE CHARTIER, PLLC ATTORNEYS & COUNSELORS AT LAW
CHURCH WYBLE
EDWIN FROBERG, L.L.C.
GFL THE LAW OFFICE OF GENE F. TURNWALD
SPEAKER
NUTHOUSE
M&V
FAHEY SCHULTZ BURZYCH RHODES LLC
NICHOLS LAWYERS
MURPHY & SPAGNUOLO
SINAS DRAMIS LAW FIRM
INGHAM COUNTY BAR ASSOCIATION

Ready, set ... go!

The Paper Chase – the ICBA-YLS annual 5K run/walk fundraiser – is slated for Sunday, June 3 at 10 a.m. This year’s race will be at the Meridian Township Complex. Proceeds support the Boys & Girls Club of Lansing and ICBA-YLS.

The event has grown significantly since it debuted in 2014. Last year, the event raised more than \$3,000 and attracted 94 participants, allowing ICBA-YLS to donate 94 one-year memberships for local youth to the Boys & Girls Club of Lansing. The 2018 goal is to raise more than \$4,500 and attract more than 125 participants.

If you’re interested in participating, registrations will be accepted until the day of the race. ICBA-YLS is also looking for volunteers to help on race day. To register or donate, click [here](#). For more information, contact Katie Tucker at katietucker@sinasdramis.com.



Family Law Section

The Family Law Section meets on the second Wednesday of the month from noon-1 p.m. in Rooms 1 and 2 of the State Bar of Michigan Building, 306 Townsend St. in Lansing. Lunch is always provided.

The Section will hold one more meeting – on May 9, 2018 – before taking a break for the summer. Guest speakers for the May 9 meeting are the Hon. Janelle Lawless and Lansing appellate attorney Liisa Speaker.

Section Co-Chairs are Brooke VanBuren-Hay, Jennipher Martinez and Erica Terranova.

If you have suggestions for meeting topics, want to sponsor a lunch or just have general questions, please email erica@baileyterranova.com.

Real Estate Section

The Real Estate Section holds its meetings at WMU-Cooley Law School, Room 911, 300 S. Capitol Ave., in Lansing.

Section Co-Chairs are Bill Tomblin, Hon. Valerie Lafferty and Christopher Patterson.

Upcoming Meetings:

April 27 - noon to 1 p.m. - Norman C. Witte, “ADA/FHA Accommodation Matters”

May 25 - noon to 1 p.m. - Eric A. Schertzing, Ingham County Treasurer and Land Bank Chair - foreclosure, land bank matters, the Ingham County economy and other real estate related matters

Lunch is served at meetings. Future speakers and topics will be announced. Member input is always appreciated.

If you plan to attend a meeting, please RSVP to Bill Tomblin at Wdtomblaw@aol.com.



Probate and Trust Section

The Probate and Trust Section has been having a great year!

Not only has the Section had member-sponsored lunches at every meeting, but also great speakers covering interesting and diverse topics. Some of the guest speakers have included Mills Funeral Home, Caring Transitions, Ingham County Probate Register George Strander, attorney Marlaine Teahan on “How to Mend a Broken Trust” and Clinton County Probate Judge Lisa Sullivan.

Section Co-Chairs are Rosemary Buhl and Sally Babbitt.

Upcoming Meetings:

- May 15 - Andrew Gerdes - “Navigating The Bankruptcy Process”
- June 19 - Summer Social

The Probate and Trust Section meets from noon to 1 p.m. in Room 911 at the Cooley Center on the third Tuesday of the month. Please RSVP for meetings via the ICBA Probate and Trust Facebook page or email Rosemary Buhl at rbuhl@BLLHlaw.com. Lunch is provided. Please join us!

Criminal Defense Law Section

The Criminal Defense Law Section is comprised of attorneys who defend people accused of committing crimes. The Section is dedicated to sharing knowledge related to emerging and important topics specific to criminal defense, and to offering opportunities for attorneys to hone critical skills needed to defend those accused by the government.

Section Co-Chairs are Mary Chartier, Takura Nyamfukudza and Christopher Wickman.

If you are looking for a way to learn about the latest in forensics or practice your evidentiary knowledge, then you’ll want to join the Section meetings. The Section meets at the State Bar of Michigan, 306 Townsend St., Rooms 1 and 2, in Lansing.

Upcoming Meetings:

- May 4 - 9:15 a.m. to noon
- June 1 - 9:15 a.m. to noon

There is no cost to attend meetings. Speakers and topics will be announced. If you have suggestions for future meetings or speakers, contact Mary Chartier at cnlaw@cndefenders.com. To RSVP for meetings, email cnlaw@cndefenders.com.



Bankruptcy Law Section



Peter Teholiz, a long-time Lansing bankruptcy guru, delivered a spell-binding presentation on Michigan real property taxes to the Bankruptcy Law Section.

Teholiz

Teholiz, a staff attorney at Rabo AgriFinance, also kindly provided lunch for the masses. We laughed, we cried and, by the end, there wasn't a dry eye in the house. The meeting at the Cooley Center was well-attended. Those present included Judge Scott Dales, Chapter 13 Trustee Barb Foley and Chapter 7 Trustee Scott Chernich.

Teholiz discussed the timeline for enforcement of tax liens and the somewhat convoluted statutory process for their foreclosure. He also addressed the treatment of tax liens in bankruptcy. A gross oversimplification of the Bankruptcy Code's treatment, as described by Teholiz, is that the Code tries its best not to disturb the process of enforcement of property tax liens. He pointed out there's really no compelling policy reason for the Code to interfere with the enforcement of ad valorem taxes. It's that old death and taxes thing.

Teholiz also discussed the probable reaction of local and counsel officials to the filing of a bankruptcy. Again grossly oversimplifying (and probably misquoting), he said that when it comes to differences in accounting practices (specifically the calculation of interest), local officials are likely to ignore any bankruptcy principles in favor of their own accounting practice of accruing all interest on the first of the month. On the other hand, they quite possibly might stop all collection efforts like a deer in the headlights when a bankruptcy petition is filed.

Teholiz stated that once the owner's rights in the property were terminated, there is generally no ability to retrieve the property by the owner or other interested parties, even if the amount of tax unpaid is relatively small. He discussed the aggressive assertion of this right by one county official, who will not be mentioned by name here. The one exception to this draconian outcome seems to be if the taxing authority failed to properly give the statutorily required notices. Judge Dales chimed in with a reminder that the Bankruptcy Court is also somewhat partial to the notion of due process.

Teholiz also provided a dire cautionary note regarding payment of delinquent taxes. It is important to keep track of where the taxes actually are, as they move from the local taxing authority to the county or, in some cases, the state. If you attempt an eleventh-hour payment at the local treasurer's office and the tax claim

has been transferred to the county, you risk the county taking the position that since it did not receive the payment on time, there was no redemption – and that is a bad thing.

Teholiz continues to be active in the ICBA and FBA Bankruptcy Sections, for which the respective bankruptcy sections are quite grateful.

The Bankruptcy Law Section meets at noon on the fourth Thursday of each month at the Cooley Center at WMU-Cooley Law School in downtown Lansing. Section Co-Chairs are Patricia Scott and Norm Witte.

Upcoming Meetings:

- April 26 - noon
- May 24 - noon
- June 28 - noon
- August 23 - noon
- September 27 - noon
- October 25 - noon
- November 15 - noon

For more information, please contact Patricia Scott or Norm Witte. (Actually, contact Patricia at psscott@fosterswift.com. She's more likely to respond promptly and responsibly.)

Employment and Labor Law Section



Dausman

The Employment and Labor Law Section is pleased to announce that Pamela C. Dausman is the new Section Co-Chair, serving along with Co-Chair Warren Krueger III.

Dausman is an attorney at Foster, Swift, Collins & Smith, where she is a member of the General Litigation Practice Group. She focuses her practice on employment litigation, ERISA fiduciary matters and counseling employers on a wide array of legal issues. She has defended employers in state and federal court, as well as before the Michigan Department of Civil Rights and the Equal Employment Opportunity Commission.

In addition, Dausman has experience handling contract disputes, Uniform Commercial Code matters, premises liability claims, fire damage suits and no-fault insurance claims.

In 2010, Dausman was recognized by the ICBA as a "Top 5 Under 35" attorney. In 2012, she received the Michigan Defense Trial Counsel's "Golden Gavel Award."

The Employment and Labor Law Section holds its meetings at WMU-Cooley Law School, Room 911, 300 S. Capitol Ave., in Lansing.

Upcoming Meetings:

- May 10

Speakers and topics will be announced. To RSVP for meetings, email mjfraker@loomislaw.com.



By
 Traci R. Gentilozzi
 517-321-1324
traci.gentilozzi.360-legal-solutions@hotmail.com
Traci Gentilozzi is the owner & operator of 360 Legal Solutions, PLLC, a Lansing company that focuses on legal content development and promotion for sole practitioners and small law firms.

4 Ways To Get The Most Out Of Your Marketing Budget

According to a [study published](#) by a nationwide legal consulting firm, U.S. law firms will continue to face economic uncertainty throughout 2018. With this uncertainty comes mounting pressures to decrease overall costs, while at the same time increase productivity.

Economic doubt is one reason why law firms – no matter what their size – need to be sure they’re getting the most out of their marketing budget. How can firms do this? By devising a marketing strategy which, when implemented, will increase the

firm’s return on investment (ROI).

Here are some ways your law firm can get the biggest return on its marketing investment.

#1: Offer Quality Content

Content that is both informative and helpful is the backbone of any law firm marketing plan, which is why firms should always create new content.

According to experts, it is worth the investment to develop quality content that presents a law firm as an expert in a certain practice area. This can be accomplished by having the firm’s lawyers write the content (if they have the time), or by hiring a legal content development specialist (whether in-house or freelance).

The easiest way to offer quality content is posting videos and blogs to your law firm’s website. According to a recent [HubSpot survey](#), firms that published 16 or more blogs every month saw an online traffic presence three times higher than firms that published only one or two blogs a month.

When producing fresh content, keep these things in mind:

- the more informative and understandable the content is, the more likely it is your

followers will link to it or share it on their social media sites – in other words, don't write in "legalese" (don't use footnotes, don't cite to a lot of cases, etc.).

- after writing new content, be sure to enhance it for search engine optimization (SEO) – a process where key words and phrases are inserted in the content, to help drive more traffic to your website, your blog, etc.

Law firms should also consider posting articles and blogs on external authoritative legal websites, such as HG.org. Articles featured in publications, both online and print, help establish a firm's identity (see item #2 below) and develop trust with current and potential clients.

#2: Establish A Clear Identity

In the crowded world of legal services, law firms must develop their own identity and differentiate themselves from the competition. In other words, law firm "branding" is essential.



Any successful legal marketing strategy needs to include continuous improvement upon the law firm's existing brand. And if a firm doesn't yet have a brand, then one should be created – and the sooner the better.

One example of successful law firm branding in Michigan is The Sam Bernstein Law Firm. Perhaps you've heard these phrases: "1-800-Call-Sam." "The Bernstein Advantage." "Michigan's First Family of Law." And the newly coined "The Bernstein Biker Advantage." These phrases, used in television commercials and on the firm's website, clearly identify the firm and what it does.

#3: Create An Eye-Catching Logo

Studies show that nothing

can be more powerful than a well-designed law firm logo. Firms not only need to be recognized by existing clients, but also need to catch the eye of prospective clients – which is why a logo should be both identifiable and consistent.

To achieve a logo that's memorable, law firms should use a professional graphic designer or web designer. It's worth the investment.

#4: Integrate Your Brand

Once a law firm has developed a recognizable brand, that brand needs to be integrated into the firm's website, as well as its social media and public relations strategies.

Other ways for law firms to integrate their brand:

- participate in media interviews – print, television, radio, podcasts, etc.
- participate in online educational seminars.
- participate in and/or sponsor community outreach programs and fundraisers.



By

Jordan G. Leaming

jleaming@bcbsm.com

Jordan G. Leaming is an associate attorney with Blue Cross Blue Shield of Michigan. His areas of practice are health care, insurance, Medicaid and Medicare.

FOOD YOU SHOULD BE EATING

BOWDIE'S CHOPHOUSE

320 E. Michigan Ave.

Lansing, MI 48933

517-580-4792

<https://bowdieschophouse.com>

Lori and I recently spent some time at Bowdie's. The most pressing question I had going in was: is it Bow-Dees or Bo-Dees? I have polled a number of my friends on how one is to pronounce the name of the restaurant and have at least four variations. Luckily, I have the answer: "Bo-Dees."

This location has a bit of history for me. The first formal date Lori and I went on was to the Knight Cap. Ever since that date in 2010, we have gone back annually for the nostalgia.

While I will always say I was a big fan of the 2010, speak-easy meets intimate pub feel of the Knight Cap, I was never impressed with the flavor of the food. The problem with serving high-grade cuts of meat is that it is difficult to hide imperfections in quality and preparation. Most folks want a steak to stand on its

merits, no fancy garnishes or sauces needed. The current version of Bowdie's is a major improvement. Some of the original dark mahogany tones were swapped out before Bowdie's even occupied the space.

However, the blue and silver toned booths still provide a level of intimacy unique to the space. I am a big fan of the thoughtful bar space that is situated in the southwest corner of the dining area and most importantly Bowdie's has infused the location with flavor!



Before I get into the food descriptions, I will direct you to the website for excellent photos of the food product. My pictures do not do the plating justice. Lori and I ordered truffle fries and shrimp cocktail to start. Both were excellent. I am not a huge truffle fan in general and will happily report that the truffle oil did not overwhelm the appetizer. The shrimp cocktail was presented in a very aesthetically pleasing array. I feel the cocktail sauce will polarize diners: those that love horseradish

will want to go back daily, those that do not may just prefer the shrimp sans sauce. The sauce reminds me of St. Elmo's. There is a nice level of flavor and certainly a generous kick of horseradish.

A quick aside for my cocktail. I ended up ordering a Bowdie's Manhattan. This is the most unique version of the drink I have found in Lansing. It has a pleasant vanilla tone to it that really invites multiple orders – I had two.

For our next course, we ordered the brussels sprouts and a bone-in filet. These two dishes were my favorite. Any previous readers of my column know how much I love pork, and the brussels



sprouts were served with a healthy portion of pork belly and shaved parmesan. My new favorite food word is Umami and the brussels sprouts had that in spades.

The bone-in filet was everything the previous tenant of the space always lacked – flavor and execution. This cut of beef was prepared properly. It was served at temperature with some excellent fat (butter) melted

over the cut. I ordered the filet at 130 degrees and the color, texture and flavor all hit the mark.

Bowdie's is a welcome addition to my Lansing arsenal. Anyone who wants appetizers that provide punch, a cocktail that arrives with unique flavor or a steak that befits its title – Bowdie's is for you.

WLAM Members Learn About New “Phoenix Court”

By Susan Chalgian,
WLAM Mid-Michigan
Representative



Earlier this year, Ingham County Circuit Judge Laura Baird spoke to the [Mid-Michigan Region of the Women Lawyers Association of Michigan \(WLAM\)](#), to raise awareness of Ingham County’s new Phoenix Court.

The Phoenix Court is one of the first of its kind in Michigan. It treats minor victims of human trafficking. The court’s name comes from the bird of classical mythology that rose from the ashes to become a thing of beauty.

The Phoenix Court came about because Judge Baird took the initiative to learn more about treatment courts – how they run and their impact on the surrounding communities. She attended national judicial conferences and engaged in extensive training programs with her staff. She then established the Ingham County Phoenix Court.

The Phoenix Court is gender neutral and serves both labor- and sex-trafficking victims. The goal is to heal, stabilize and empower the victims, to show them a new definition of success compared to what their environment has taught them. Although many victims come to the Phoenix Court through screening of juvenile criminal defendants (assault and battery is commonplace in the trafficking environment), Judge Baird also took jurisdiction over families through referrals from schools, parents and others. Jurisdiction over both types of matters was authorized by a package of laws signed by Gov. Rick Snyder in 2014.

Judge Baird, who has served on the bench for more than 17 years, explained she knew for a long time that bad things were going on, and that her investigation

and training allowed her to put a name on it. Now, she can create valuable relationships with the victims, so they can learn trust and security from her and her court staff. Judge Baird says the process is challenging because it is often difficult for the young victims to process the harm they have experienced, which is necessary for them to envision a different future. Nonetheless, Judge Baird says she has been impressed with the progress some girls have made, and with the devotion of her staff to achieving even the smallest successes.

To help support and honor women leaders in our community, like Judge Baird, join the Mid-Michigan

Region of WLAM and attend the statewide WLAM Centennial Celebration on April 27, 2018 at the Colony Club in Detroit.



NALS Of Michigan Annual Meeting & Educational Conference

NALS of Michigan, the association for legal professionals, is holding its 57th Annual Meeting and Educational Conference April 27-28, 2018, at Shanty Creek Resort in Bellaire, Michigan.

Legal education sessions and an exhibit hall will be available to attendees on April 27. There will be three morning and three afternoon presentations. The NALS of Michigan annual meeting will be held April 28, with sessions in the morning, afternoon and evening.

The legal education seminar on April 27 includes (speakers and times subject to change):

- Keynote – Kim Hafley and Julie Holton
- Firearm 101 – Dave Bieganowski
- Law Enforcement Defense in Civil Rights Actions – Haider Kazim

- Ethics – John W. Allen
- Attorney General's SAKI project – Erin House
- Leadership – Tara Hughes, PP-SC, ACP, RP and Kathy Sieckman, PP, PLS-SC, ACP

The NALS of Michigan annual meeting on April 28 will include the presentation of the Certification Awards at a noon luncheon. There is an afternoon session followed by an evening Awards Banquet, with the presentation of the Legal Professional of Year Award and the installation of officers elected and appointed at the daytime sessions.

The cost is \$145 for NALS members and \$195 for non-members. Please refer to the registration form at www.nalsofmichigan.org for applicable fees and information, or contact Kathy Ann Blunck at kblunck@thompsononeillaw.com. For more information on NALS of Michigan, membership, education and/or certification, visit www.nalsofmichigan.org.

Want To Be On Ingham County's Appointed Counsel List?



The General Trial Division of the Ingham County Circuit Court is seeking applications from local attorneys to serve on the Ingham County Court Appointed Counsel C-level list.

Acceptance to the C-level list will also make attorneys eligible for service on the Friend of the Court and PPO appointment rosters.

To be eligible to be on the C-level criminal list, attorneys must be a member in good standing

of the State Bar of Michigan and must have their residence or principal office within Ingham County or the City of Lansing. An attorney's address with the State Bar of Michigan is presumptive evidence of an attorney's principal office.

If you are interested in joining the Ingham County Court Appointed Counsel list, please send a cover letter and resume to Rhonda K. Swayze, Deputy Court Administrator, PO Box 40771, Lansing, Michigan 48901-7971 or to rswayze@ingham.org.



Let BRIEFS Help Spread The Word About Your Upcoming Event!

If your association, organization, law school, etc. has an upcoming law-related event, send it to BRIEFS so we can share it with the legal community.

Please provide us the 1) event name, 2) location, 3) date, 4) time and 5) pertinent information describing the event, and we'll publish it in BRIEFS.

Send items to briefs@inghambar.org. The deadline is the 15th of each month for the following month's issue (i.e., April 15th for the May issue).



Lawyer Referral Application

Please take note that the Ingham County Bar Association does not do Lawyer Referrals. If you need to use this service provided by the State Bar of Michigan, please call them at **(800) 968-0738** between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, to speak with a lawyer referral representative or you can use the links below.

- [Lawyer Referral and Information Service Registration Form](#)
- [LRIS Quick Reference Guide](#)
- [Become a Lawyer Referral Service Panel Member](#)

BRIEFS AUTHOR GUIDELINES & POLICIES

IN GENERAL

Publication Schedule

BRIEFS is published by the Ingham County Bar Association nine times a year (September through June, with a combined December/January issue)

Copy Deadline

Content submissions are due the 15th of the month for the following month's issue (e.g., deadline is April 15 for the May issue). For the December/January combined issue, the deadline is November 15. Late submissions are accepted at the discretion of the editor.

BRIEFS Committee Meetings

A minimum of four committee meetings are held each fiscal year. Additional meetings are held, as necessary. To be added to the mailing list for meeting notices, email the editor at briefs@inghambar.org.

Author and Article Pictures

The preferred picture format is full-color .jpg (JPEG) files, 72 dpi or better. For head shots, the resolution should be high enough to be viewed clearly when approximating a 2" x 3" photo online. Please do not send thumbnail photos, as they will not be published.

Article Length

Article length varies, so the following is only a guideline. Articles may be edited to fit a specific amount of space.

Raising the Bar

Announcements: 100-200 words

Local Legal Events Notices: 100-150 words

Columns: 300-500 words

Articles: 700-1,000 words

Article Ideas

Writing an article for BRIEFS is an excellent way to publicize your expertise, and we encourage your submissions. Please send ideas for articles or completed articles to Traci Gentilozzi, editor, at briefs@inghambar.org. Within 24 hours, you will receive an email confirmation that your article was received.

Author Information

Along with your article, please include your full name, e-mail address and a short biography (2-3 sentences). Please also send a photo of yourself, preferably in .jpg (JPEG) format and in color, if possible.

MEMBER ANNOUNCEMENTS

News of career moves, presentations, honors, recognitions, etc. is published in the "Raising the Bar" section. We accept and publish announcements only for ICBA members.

BRIEFS does not accept or publish announcements based on peer recognition and review sites, such as Super Lawyers, Best Lawyers, Best Law Firms, etc.

BRIEFS does publish honors and awards given by legal publications such as Michigan Lawyers Weekly (i.e., Leaders in the Law) under the following conditions:

1. BRIEFS will only publish such announcements for ICBA members.
2. Announcements will appear only in Raising the Bar and are limited to 50-75 words.
3. Announcements must comply with any applicable copyright/trademark requirements of the publication.
4. ICBA takes no responsibility for the published announcement.

ADVERTISING

Details on display and classified advertising can be found [here](#).

ARCHIVED ISSUES

Past issues of BRIEFS can be found [here](#).

PUBLICATIONS COMMITTEE

Brett DeGross, Co-Chair
313-256-9833
brettdegross@gmail.com

Jordan Leaming, Co-Chair
801-836-9529
jordanleaming@gmail.com

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Please publish the advertising checked below in ICBA BRIEFS.

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Placement:

- One issue (please select month) Sept Oct Nov Dec/Jan Feb Mar April May June
- Four Issues (please select months) Sept Oct Nov Dec/Jan Feb Mar April May June
- Nine Issues (please select months) Sept Oct Nov Dec/Jan Feb Mar April May June

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Please return to ICBA:

P.O. Box 66, Grand Ledge, MI 48837
 Phone 517-627-3938 Fax 517-627-3950
 Email: info@inghambar.org

Cancellations: Cancellations of any part of a contract voids all rate and position agreements. No changes or cancellations 1 (one) week after published deadline.

Terms and Agreements: Advertiser and agencies are liable for all content and are responsible, without limitation, for any and all claims made thereof against the ICBA, its board members or contracted service providers. Publisher reserves the right to publish materials from a previous advertisement if new materials are not received by the published deadline. The word advertisement will appear on any ad that resembles editorial content. All advertisements remain property of the ICBA. BRIEFS committee chairs and editor reserves the right to revise, reject or omit any advertisement at any time without notice.

Entire Agreement: This contract constitutes the entire agreement and understanding between the parties relating to the subject matter of the contract. The terms of this contract and publication schedule set forth above may be changed.

Advertising payments must be submitted with contract for the selected term.

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BRIEFS Advertising Rates & Policies

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Rate Per Issue	Ad Size
\$100.00	Quarter Page
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Issue	Publication Schedule*	Submit Copy
Sep	Sept. 1 - 30	Aug 15
Oct	Oct 1 – 31	Sept 15
Nov	Nov 1 – Dec. 15	Oct 15
Dec /Jan	Dec. 15 - Jan. 31	Nov 15
Feb	Feb 1- 28 or 29	Jan 15
March	March 1 – 31	Feb 15
April	April 1 – 30	Mar 15
May	May 1 – 31	April 15
June	June 1- 30	May 15

Note: Previous issues of BRIEFS are always [accessible online](#).

Classified ads will be published for **FREE** for ICBA members in good standing. Non-ICBA members will be charged the “Law Firm/Business Link” advertising rate. A classified ad includes an advertisement of office space for rent/lease/sale, an employment opportunity, and/or a request for employment.

Multiple-Issue Rates – Full payment is required in advance

¼ page ad	.....\$100/1 issue	\$340/4 issues	\$560/9 issues
½ page ad	.....\$200/1 issue	\$780/4 issues	\$1120/9 issues
Full page ad	.....\$375/1 issue	\$1275/4 issues	\$2100/9 issues
Law firm/Business links	.....\$25/1 issue	\$85/4 issues	\$140/9 issues

Distribution

BRIEFS is distributed electronically (not in print format) to ICBA members, Michigan Supreme Court justices, Court of Appeals judges and local judges. The September issue of BRIEFS is sent to prospective ICBA members. ICBA members can always access archived issues of BRIEFS, and also receive bi-weekly member updates from the ICBA president.

Mechanical Requirements

Graphics should be in .jpg (JPEG) or .gif (GIF) format. Graphics must be provided as a separate file, and not just included in the document. Special fonts needed for advertising should be provided. Please use a minimum 12-point text size. Color does not cost extra because BRIEFS is only produced and distributed electronically.

Contact Traci Gentilozzi, editor, at briefs@inghambar.org with ad placement questions.

Advertising payments must be submitted with contract for the selected term.

Full payment is required in advance.

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THANKS FOR READING



BRIEFS



FEEDBACK?

briefs@inghambar.org

NEXT ISSUE:

- The End of Driver Responsibility Fees
 - Emoji as Evidence
 - Running Toward Relaxation