



INGHAM COUNTY BAR ASSOCIATION

BRIEFS

MARCH 2018



BRIEFS IS BACK!

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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
[jfs_law@yahoo.com](mailto:jfslaw@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
cbarieri@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

Aaron L. Davis
517-377-0822
adavis@fraserlawfirm.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
mlawry@inghambar.org



President's Message

by *Jessica Fox*

517-663-3306

jsf_law@yahoo.com

We tend to think of November as the time when people are focusing on being more thankful for things and people in their lives. As attorneys, it often takes extra effort to look past what we deal with on a daily basis and balance that with our lives to keep a healthy perspective on things.

Thankfulness is a practice that we should engage in *all year long*, and I'd like to draw attention to the idea of thankfulness and gratitude as a lifestyle, and as a way to help keep a positive, healthy work-life balance.

I recently came across a quote/poem that really struck me, and I'd like to share it with you:

Be thankful that you don't already have everything you desire. If you did, what would there be to look forward to? Be thankful when you don't know something, for it gives you the opportunity to learn.

Be thankful for the difficult times. During those time you grow. Be thankful for your limitations, because they give you opportunities for improvement. Be thankful for each new challenge,

because it will build your strength and character.

Be thankful for your mistakes. They will teach you valuable lessons. Be thankful when you're tired and weary, because it means you've made a difference.

It's easy to be thankful for the good things. A life of rich fulfillment comes to those who are also thankful for the setbacks.

Gratitude can turn a negative into a positive. Find a way to be thankful for your troubles, and they can become your blessings.

- Author unknown

As attorneys, we are so often focused on problem solving that it is difficult to see the “silver lining” in any situation. We work in a profession where mistakes are inexcusable and we are expected to



know everything. This often leaves us living our lives tainted with negativity.

I challenge you, from this month forward, to make a conscious decision to practice gratitude. Find the positive in a difficult situation. Then share it with us on Facebook and Twitter using the hashtag **#ICBAGratitudeChallenge**.

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](#).

MARCH 22	9th Annual Barristers Night 6 PM	University Club of MSU Lansing
APRIL 5	ICBA-YLS CARE Educational Event 5:30 PM	CARE Offices Lansing
APRIL 11	ICBA Board Meeting 7:30 AM	Foster Swift Lansing
APRIL 19	Monthly Deliberations 5 PM	Sidebar East Lansing
MAY 16	Annual Shrimp Dinner 5 PM	Lansing Liederkrantz Lansing
MAY 17	Monthly Deliberations 5 PM	Zoobies Old Town Tavern East Lansing
JUNE 21	Monthly Deliberations 5 PM	Spartan Brewpub Mason



briefs@inghambar.org

A Note From The Editor

by *Traci Gentilozzi*

Hello, ICBA members! I am honored to be the new Editor of BRIEFS.

For many years, Roberta Gubbins served most excellently in this role. I certainly have big shoes to fill, and so I tip my Editor's hat to Roberta.

You may be wondering who I am. I've been an attorney and a legal writer/editor for more than two decades.

Some of you may know me from my many years at *Michigan Lawyers Weekly*, or from my time at the Sinas Dramis Law Firm or the State Court Administrative Office. I also had my own private law practice in downtown Grand Ledge for several years.

But enough of the past. Let's focus on the present ... and the future of BRIEFS.

As you can see, "BRIEFS Is Back" after a short break. You can also probably tell the look of BRIEFS has changed. With the help of a new digital designer, BRIEFS has gotten a makeover. We hope you find the publication refreshing, eye-catching and more user-friendly!

Because ICBA members are an integral part of BRIEFS, I encourage you to submit articles and news for publication. Writing articles is a fantastic way to not only share your expertise with your fellow bar members, but it is also a great promotional

tool for you and your law firm. Email your article and news submissions to briefs@inghambar.org. (Author Guidelines & Policies are on page 32 of this issue and can also be accessed [here](#).)

In addition, BRIEFS is always looking for story ideas, so please send your suggestions to briefs@inghambar.org. And if you ever have a concern or a question about BRIEFS, feel free to contact me by email – I'm here to assist in any way I can.

Again, I am thrilled to be serving as your BRIEFS Editor. I look forward to working with all of you!



Raising The Bar

Aaron Davis Is New Fraser Trebilcock Shareholder



Davis

Aaron Davis has been elected a shareholder at Fraser Trebilcock. Davis focuses his practice on commercial litigation and has experience in a diverse range of employment matters, including Title VII, Age Discrimination Employment Act, Americans with Disabilities Act, Family and Medical Leave Act, and the Fair Labor Standards Act. Davis has served as co-chair of the Young Lawyers Division of the Chicago Bar Association, is a member of the Michigan Inns of Court and is the acting chairperson of the Potter Park Zoological Society Board. He also co-chairs the Employment and Labor Law Section of the Ingham County Bar Association. Davis earned his law degree from The John Marshall School of Law and his undergraduate degree in political science from Michigan State University. He is licensed to practice law in Michigan, Illinois and Florida.

Liza Moore Receives Honorary MAAE Membership



Moore

Liza Moore has been granted honorary membership in the Michigan Association of Agriscience Educators (MAAE), a professional organization comprised of teachers and educators of agriscience in Michigan. Honorary membership is granted to those who have made distinct contributions to the progress of agriscience and natural resources education. Moore is with Foster Swift in Lansing, where she leads the firm's Agribusiness Practice Group. In 2012, Moore worked with other attorneys to create the Agricultural Law Section of the State Bar of Michigan and was elected the section's first chairperson. She also served as the 2015 president of the Board of Directors of the Michigan FFA Foundation. A graduate of the University of Chicago, Moore earned her law degree from Indiana University School of Law-Bloomington (now Maurer School of Law).



Raising The Bar

Fraser Trebilcock Announces 2018 Board of Directors

The shareholders at Fraser Trebilcock have elected Michael H. Perry as president of the firm. Perry previously served as the firm's president from 2003-2006. Shareholders H. Kirby Albright and Mark E. Kellogg were both re-elected to the firm's board of directors, where they will serve as vice president and treasurer/secretary, respectively.



Perry



Albright



Kellogg

Scott Breen Earns LL.M. In Taxation



Breen

Scott Breen has received the degree of Master of Laws (LL.M.) in Taxation from Western Michigan University Cooley Law School. Breen is treasurer at Willingham and Coté and is on its board of directors. He chairs the firm's Business and Corporate Practice Group and Real Estate Practice Group, and is a member of the firm's Hospitality and Alcohol Law Practice Group. The LL.M. degree complements Breen's business and real estate practice, allowing him to further his ability to provide tax efficient planning techniques and solve complex tax issues on behalf of individuals and businesses.



Raising The Bar (continued)



Mandel

Scott Mandel Granted ABOTA Membership

Lansing litigation attorney Scott Mandel has been granted membership into the American Board of Trial Advocates (ABOTA). Mandel is a shareholder at Foster Swift, where he focuses his practice on business litigation, employment litigation and insurance defense. Mandel is a past president of ICBA, was on the Michigan Defense Trial Counsel board, has served on the Hillman Advocacy Program Steering Committee and was on the Tri-County Pro Bono Project Board of Directors. Established in 1958, ABOTA is a national association comprised of experienced attorneys and judges who are dedicated to the preservation and promotion of the right to a civil jury trial as stated in the Seventh Amendment.



Madison

Norbert Madison Joins Fraser Trebilcock

Fraser Trebilcock is pleased to announce that Norbert Madison has joined the firm. Madison's primary focus is on real-estate matters, including the purchase, sale, leasing and financing of various types of real estate, as well as the development of industrial, office, retail, condominium and residential real estate. Madison also counsels clients in corporate and partnership law, including limited liability companies. Madison earned his law degree from the University of Detroit School of Law.

Willingham & Coté Elects 2018 Officers

Willingham & Coté has announced its 2018 officers. They are: president - Michael Stephenson; vice-president - Curt Hadley; treasurer - Scott Breen; and secretary - Torree Breen. The officers are responsible for the day-to-day management of the firm and for carrying out the directives of the board of directors. Each member serves a one-year term.



Stephenson



Hadley



S. Breen



T. Breen



Jim Graves
517-394-7500
jimgraves@sinasdramis.com
Jim Graves is a partner at the Sinas Dramis Law Firm. He is an ICBF fellow, board member and past president.

During the past year, eight new Fellows have joined the ranks of the prestigious Ingham County Bar Foundation's Fellowship Program. Membership as a Fellow in the ICBF is limited to no more than 5 percent of the active attorneys in the Tri-County Area (Ingham, Eaton and Clinton counties).

To be eligible for ICBF Fellowship, one must be a member of the State Bar of Michigan for a minimum of five years, be actively engaged in the practice of law in the Tri-County Area, possess

What Is An Ingham County Bar Foundation Fellow?

by *Jim Graves*

outstanding character and ethics, and have a reputation as a leader in the legal community. Practicing attorneys and judges are eligible for election.

Each year, a limited number of candidates are nominated for Fellowship by current Fellows. The nominees are then elected by the ICBF Board of Directors for Fellowship. Distinguished practitioners, bar leaders and district court, circuit court and appellate court judges comprise the ICBF Fellows membership. Annually, the ICBF holds a Fellows Reception immediately preceding the ICBA Annual



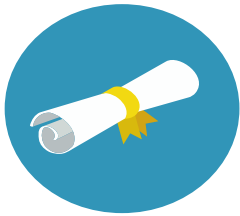
Dinner. ICBF Fellows help fulfill the important mission of the Ingham County Bar Foundation by supporting its goals with an individual financial commitment of \$1,000, payable in annual installments of not less than \$100.

ICBF Fellowship not only recognizes those who have excelled in gaining the respect of their peers, but it enables the ICBF to make annual grants to worthy law-related organizations and to foster the honor and integrity of the profession of law.

You can find more information about the ICBF [here](#).



DID YOU KNOW?



ICBA Offers Scholarships To Prospective Members

The ICBA can provide scholarships to prospective members who may be experiencing financial hardship and cannot pay the standard rates to be an active member of the bar. Recipients will remain anonymous. The ICBA president has the discretion whether to grant the scholarship. The scholarship is approved on an annual basis (i.e., it is not a benefit that automatically renews each year).

You can access the scholarship application [here](#).



Changes To Various Court, Professional Conduct Rules Proposed

The Michigan Supreme Court is currently considering several amendments to the Michigan Court Rules, Rules of Professional Conduct and Rules Concerning the State Bar.

The proposals include:

- *Rule 15 of the Rules Concerning the State Bar (Admission to the Bar)* - public comment period expires 4/1/2018
- *MCR 6.310 (Withdrawal or Vacation of Plea), MCR 6.429 (Correction and Appeal of Sentence) and MCR 6.431 (New Trial)* - public comment period expires 4/1/2018
- *MCR 5.125 (Interested Persons Defined) and MCR 5.409 (Report of Guardian; Inventories and Accounts of Conservators)* - public comment period expires 4/1/2018
- *MCR 9.211 (Review by Supreme Court)* - public comment period expires 4/1/2018
- *MCR 9.112 (Requests for Investigation) and MCR 9.131 (Investigation of Member or Employee of Board or Commission)* - public comment period expires 4/1/2018
- *MCR 6.610 (Criminal Procedure Generally)* - public comment period expires 4/1/2018
- *MRPC 1.16 (Declining or Terminating Representation)* - public comment period expires 4/1/2018
- *MCR 6.429 (Correction and Appeal of Sentence)* - public comment period expires 5/1/2018
- *MCR 6.417 (Mistrial)* - public comment period expires 5/1/2018
- *MRPC 1.18 (Duties to Prospective Client) and MRPC 7.3 (Direct Contact With Prospective Clients)* - public comment period expires 5/1/2018
- *MRPC 7.2 (Advertising)* - public comment period expires 5/1/2018

Click [here](#) for details on the proposals and how you can provide input.



The WMU-Cooley Moot Court Team. (L-R): Sophia Cheng, Tiffany Shelton, Geoffrey Bilabay, Allison Witte and Erinn Kane.

WMU-Cooley Has Excellent Showing In National Moot Court Competition

WMU-Cooley Law School made it to the quarterfinals of the Philip C. Jessup International Law Moot Court Competition, the largest moot court competition in the world.

The Midwest regional competition, held February 8-11 in Chicago, included 19 teams. The program simulated a dispute between countries litigated before the International Court of Justice. More than 100 teams world-wide participated in this year's competition.

WMU-Cooley went undefeated in the preliminary oral rounds, compiling a 4-0 record and besting teams from Northwestern, John Marshall, Valparaiso and Ohio State. In the quarterfinals, WMU-Cooley was matched up against Wisconsin State University (also undefeated in the preliminary rounds).

Although the quarterfinal round was close, WMU-Cooley did not advance. However, the WMU-Cooley students considered it quite an accomplishment going 2-1 against Big Ten schools like Ohio State and Northwestern.

In addition to the quarterfinal finish in the oral rounds, the WMU-Cooley team was recognized for the quality of its written briefs, earning an 8th place award.

Overall, it was an excellent showing by WMU-Cooley, reflecting an incredible amount of work and preparation.



(L-R): Sophia Cheng, Erinn Kane, Professor David Finnegan, Geoffrey Bilabay, Professor Paul Carrier, Tiffany Shelton, and Allison Witte.



By
Mike Nichols
mnichols@nicholslaw.net
Mike Nichols is a nationally-recognized drunk-driving and drugged-driving defense attorney. He is a National College for DUI Defense faculty member and a founding member of the DUI Defense Lawyers of America and the Michigan Association of OWI Attorneys.



[Editor's Note: This article is based on a presentation by attorney Karen Phillips of the Nichols Law Firm to the ICBA Criminal Defense Law Section. See related article on page 24.]

Once upon a time there was a new attorney who was running a two-lawyer shop in Lansing. I met this new attorney through the lawyer who was her partner. My wife and law partner, Wendy, and I were thinking of hiring this new attorney's partner when I realized, "This Karen person is pretty bright. And she knows numbers."

Now, 10 years later, Karen Phillips is a partner at the Nichols Law Firm and has developed a reputation as a denizen of driver's license issues. Karen focuses her practice on navigating the labyrinth that is

the Michigan Vehicle Code, the Secretary of State Act and all the other areas of law (including child support) that affect the privilege to be a licensed driver in Michigan.

I recently sat and listened as Karen offered insight to the ICBA Criminal Law Defense Section on driver's license issues. Here is what Karen had to say.

First and foremost, remember that implied consent relates to the post-arrest chemical test, not the preliminary breath test (PBT). One of the biggest misperceptions, according to Karen, is that the officer

conducting the investigation is not going to arrest the person if he or she refuses the PBT. “I have found that, more often than not, the arrest decision is made before a PBT is even offered,” Karen says.

Chemical test rights are in MCL 257.625f. If the arresting officer goes “off script” and fails to read the individual his or her chemical test rights, this creates a defense that can be presented at the Secretary of State (SOS) hearing. There are four prongs to this SOS hearing:

- Did the officer have reasonable grounds to stop/arrest the driver?
- Was the driver validly arrested for a crime specified at MCL 257.625c?
- Did the officer read the person the statutory rights set forth at MCL 257.625?
- Did the driver unreasonably refuse to consent? (See, *People v Keen* and *People v Borchard Ruhland*.)

Notably, implied consent is still consent. Yet the person has the right to refuse, and to understand fully and completely the consequences of a refusal.

So how does a defense attorney recognize whether a client has been “charged” with an implied consent violation? If the client has an affidavit for a search warrant with his or her paperwork, “that’s usually a pretty good indication the driver refused [the chemical test] because, otherwise, why would the

officer go through the hassle of getting a warrant – especially if it’s the middle of the night?” Karen says.

When it comes to requesting an SOS hearing, the statute does not require the form that’s provided to the arrested individual specifically be used to invoke the right to a hearing. As long as a written request is made that includes the person’s driver’s license number, postmarked within 14 days of the arrest, then there is an automatic right to a hearing before an SOS hearing officer (MCL 257.625f).

Also, it’s important to remember that the arresting officer must immediately submit the notice of refusal to the SOS. If the officer fails to submit the notice to the driver, as well as to the SOS, then the driver wins.

Regarding venue, for implied consent it is the county in which the arrest occurred. The venue for an appeal to the circuit court is the same. A person may also pursue a “hardship” license in the circuit court for the county in which the incident occurred.

In addition, a person can appeal on the merits if he or she decides the hearing officer was wrong (MCL 257.323). According to Karen, the grounds for a “merit” appeal are:

- (a) In determining whether a petitioner is eligible for full driving privileges, the petitioner’s substantial rights have been



Phillips

prejudiced because the determination is any of the following:

(i) In violation of the Constitution of the United States, the state constitution of 1963, or a statute.

(ii) In excess of the secretary of state's statutory authority or jurisdiction.

(iii) Made upon unlawful procedure resulting in material prejudice to the petitioner.

(iv) Not supported by competent, material, and substantial evidence on the whole record.

(v) Arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion.

(vi) Affected by other substantial and material error of law.

(b) In determining whether a petitioner is eligible for review of a revocation or denial under section 303, or whether a petitioner is eligible for restricted driving privileges, 1 or more of the following apply:

(i) The petitioner's substantial rights have been prejudiced as described in subdivision (a).

The filing fee for an appeal is \$175. Typically, the prosecutor will represent the SOS.

The transcript request for an appeal is a form created by the SOS. The form is

available online by searching for "Secretary of State Transcript Request."

If you are pursuing relief strictly on the hardship aspect, you do not necessarily need the transcript. Also, remember that an impaired driving by controlled substance is a 180-day restricted license versus a 90-day restricted license that flows from an OWVI by alcohol.

According to Karen, here are some other things to keep in mind:

- Child endangerment (first offense) – the operator will receive a six-month sanction, with the first 90 days of no driving.
- Convictions of reckless driving within seven years will lead to a revocation.
- A revocation means the person loses his or her license and must ask for a license of some type to drive. A suspension means the person gets the license back automatically on the date the SOS says the license sanction is over, without having to petition the court or request relief.

All the news is not bad, however. For instance, to be considered a habitual offender, it must be the same offense as the offense of conviction – i.e., a reckless driving on someone's record within seven years of an OWI conviction will not trigger the revocation for a minimum of one year. Note that any section 625 conviction will

qualify as the same conviction; in other words, a conviction for operating while visibly impaired followed by a conviction for operating while intoxicated within seven years will trigger the revocation for a minimum of one year.

“There is good cause to allow for an appeal after the deadline by rule,” Karen says. “However, it seems to be applied in a pretty stingy manner.”

As for license restoration petitions, Karen says, “I usually have the client present five to six letters, because if a couple of those get stricken, then you have a buffer.” The letter must include certain information, including the date of sobriety. You can find the required information on the SOS website. Any letter without the required information will be stricken. Letters of community support also require certain

information. “Letters from co-workers are OK, but they really should be co-workers who see the petitioner outside work,” Karen says.

Regarding breath alcohol ignition interlock device (BAIID) violations, the best – and maybe the only – thing a client can do to verify that the episode was a device malfunction, as opposed to a relapse, is to get a urinalysis. According to Karen, this will determine whether the metabolite of alcohol, ethyl glucuronide, is present.

If your client is denied at the SOS level on a petition for reinstatement, he or she has 63 days to appeal to the circuit court.

“There is good cause to allow for an appeal after the deadline by rule,” Karen says. “However, it seems to be applied in a pretty stingy manner.” Appeal forms are on the SOS website.

As I took notes (and drafted this article) during Karen’s presentation, I kept thinking to myself: “Karen knows a lot.”

And she’s willing to share her knowledge. If you have questions, email Karen at kphillips@nicholslaw.net

A Glimpse Of The 2018 Bench-Bar Conference

Despite the wintry weather on Saturday, February 10, there was an excellent turnout for the 2018 Bench-Bar Conference.

The program, held at the Veterans Memorial Courthouse in downtown Lansing, was chaired by Chuck Barbieri. The conference was packed with helpful information for practitioners and included breakout sessions with various panels and guest speakers.

The ICBA would like to thank everyone for coming out on a snowy day. We'd also like to thank the generous sponsors that helped make the event possible.

You can find more photos of the Bench-Bar Conference [here](#).



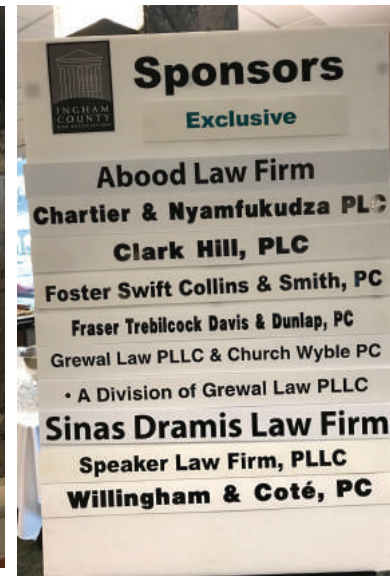
7th Annual “Meet the Judges” Reception

With record attendance, the 2018 “Meet the Judges” Reception was a big hit! The annual event took place January 25 in the lobby of Western Michigan University Cooley Law School in Lansing.

New to this year’s reception was that all judicial law clerks were invited to attend for free.

“Meet the Judges” is one of ICBA’s most popular events. It provides members of the legal community the opportunity to network with state and federal judges, as well as local court referees.

You can view more “Meet the Judges” photos [here](#).





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 of White Law, PLLC. He can be reached at 517-316-1195 or at alexrusek@whitelawpllc.com.

Upcoming Events:

April 5: Capital Area Response Effort, “Assisting Survivors of Domestic Violence”

When: 5:30-7:30 p.m.

Where: CARE Offices, 2500 S. Washington, Lansing

Cost: Free - dinner and refreshments provided by ICBA-YLS

Please RSVP to chrisbwickman@gmail.com

Featured Young Lawyer:



Ryan Mills

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

I am an associate with the Trusts & Estates Practice Group at Foster, Swift, Collins & Smith. My practice focuses primarily on estate planning, trust and estate administration, special needs planning, and trust & estate litigation.

2. Where did you go to school?

Because I didn't get into Hogwarts, I instead attended University of Illinois College of Law. Prior to that, I received my bachelor's degree at the University of Chicago.

3. When were you admitted to practice in Michigan?

November 2016.

4. Why did you go into the legal field?

The CIA wanted me to have a new cover, so estate planning and probate litigation seemed like an obvious choice. I do not have any attorneys in my family and the practice of law always intrigued me. I especially enjoy meeting with clients, getting to know their stories and learning how I can use the law to assist them.

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

Do well on the LSAT, get good outlines ... and good luck.

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

I would be a chef.

7. Where did you grow up?

I was born at Sparrow Hospital in Lansing (my parents attended MSU), but I grew up in Spring Lake, Michigan.

8. Who is your biggest role model and why?

Instead of the cliché family members, which of course fill the spot as my biggest role models, I would say Mick Jagger is pretty high up there. The guy is 74 years old and still sells out arenas and jumps around the stage like he's a kid. I hope to still have that attitude a few decades down the road.

9. What do you do in your free time?

I try to visit my friends back in Chicago as often as possible, hang out with my brothers and family in West Michigan, and check out restaurants I haven't been to, whenever I get a chance.

10. Do you have any pets? If so, tell us about them.

I finally live in a building that allows pets, but still don't have one. There will be a dog one day, though.



Family Law Section

The Family Law Section holds its meetings at the State Bar of Michigan, 306 Townsend St., Rooms 1 and 2, in Lansing.

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

Upcoming Meetings:

- April 11 - 12 p.m.
- May 9 - 12 p.m.

If you plan to attend a meeting, please RSVP to 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.

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

Upcoming Meetings:

- March 23 - noon to 1 p.m.
- April 27 - noon to 1 p.m.
- May 25 - noon to 1 p.m.

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



Clinton County Probate Judge Lisa Sullivan gets ready to speak at the Feb. 20 meeting of ICBA's Probate and Trust Section. ICBA member Mark Kellogg is seated to her right.

Clinton County Probate Judge Lisa Sullivan provided Probate and Trust Section members an enlightening “View From The Bench” at the Section’s Feb. 20, 2018 meeting.

The Probate and Trust Section holds its meetings at WMU-Cooley Law School, Room 911, 300 S. Capitol Ave., in Lansing. The Section Co-Chairs are Rosemary Buhl and Sally Babbitt.

Upcoming Meetings:

- April 17 - Katie Lynwood, “Multi-State Practice”
- May 15 - Andy Gerdes, “Navigating the Bankruptcy Process”
- June 19 - Summer Social

If you plan to attend a meeting, please RSVP to Rosemary Buhl at rbuhl@BLLHlaw.com or via the ICBA Probate & Trust Facebook page.

Please Join The Section’s Facebook Page

The Probate and Trust Section now has a group Facebook page: [ICBA Probate & Trust Law Section](#). The Section encourages members to join the group. As a way to streamline RSVPs and minimize emails, you can RSVP for the Section meetings via this Facebook page. (Please let us know if you are not on Facebook.)

Lunch Sponsors

The sponsored lunches have been a very popular replacement for the brown bag lunches of old. The Section would like to continue the sponsored lunches. If you are interested in sponsoring a ¼ (\$100), a ½ (\$200) or full (\$400) lunch, please call Sally Babbitt at 517-507-3306 or email sally@sallybabbittlaw.com.



Criminal Defense Law Section

The ICBA Criminal Defense Law Section hosted Karen Phillips of the Nichols Law Firm in East Lansing on Friday, February 2, 2018. Phillips provided members a presentation on “Driver’s License Restoration in the State of Michigan.”

Phillips offered a detailed and practical presentation of the process for restoring Michigan driver’s license privileges, both via initial application and appeals, for individuals whose licenses have been suspended due to violation of the implied consent law, as well as individuals classified as repeat offenders by the Secretary of State.

Persons who attended, ranging from those freshly admitted to the State Bar of Michigan to those who have been practicing for decades, all learned something from Phillips’ excellent presentation. Thank you to Karen Phillips and the Nichols Law Firm for such wonderful insight! (See related story on Page 14.)

Prior to Phillips’ presentation, Lieutenant Traci Ruiz of the Lansing Police Department and Anethia Brewer presented and answered questions on the policy regarding visiting in-custody individuals at the 54-A District Court. Thank you to them for attending the Criminal Defense Law Section meeting and sharing information on the new policy.

About The 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. The 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:

- April 6 - 9:15 a.m. to noon
- 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.





Immigration Law Section

The Immigration Law Section Chairs are Azin Arbab and Melissa T. Indish.

Upcoming Meetings: To be announced

If you have questions about the Immigration Law Section, please contact Arbab at arbablaw@gmail.com or Indish at indishm@stvcc.org.

Employment and Labor Law Section

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

The Employment & Labor Law Section Chair is Warren Krueger III.

Upcoming Meetings:

- April 12
- May 10

Speakers and topics will be announced.

To RSVP for the Employment and Labor Law Section meetings, please email mjfraker@loomislaw.com.

Bankruptcy Law Section

The Bankruptcy Law Section meets the fourth Thursday of the month at WMU-Cooley Law School, Room 911, 300 S. Capitol Ave., in Lansing.

The ICBA Bankruptcy Law Section Co-Chairs are Patricia Scott and Norm Witte.

Upcoming Meetings:

- March 22 - 12 p.m.
- April 26 - 12 p.m.
- May 24 - 12 p.m.
- June 28 - 12 p.m.

For meetings, please RSVP to Patricia Scott at pscott@fosterswift.com or call (517) 371-8132.



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.

Lights, Camera, Action: Video Is The Way To Go

- It's predicted that 82% of all Internet traffic will be video by 2020.
- When given the choice, 4 times more Internet users prefer to watch a video than read text.

The picture is becoming increasingly clear: Internet users are choosing video over text. Most online traffic these days is people searching for video content – and the numbers are growing.

Video is also getting a lot of attention from search engines, particularly Google. After all, Google is in the business of finding and prioritizing

content that is relevant to its users' interests ... and Internet users love videos.

If your law firm is not already using videos as part of its digital marketing strategy, then it needs to get the camera rolling. Here is how video can help your law firm boost its online presence.

1. Video drives more traffic to your website.

Research shows that businesses using video see 41% more organic traffic than businesses that do not. With that said, be mindful of the type of video content you are creating and providing your website visitors.

What do Internet users want? They want information. That's why about 80% of videos listed on the search engine results page (SERP) are informational.

For law firms in particular, potential clients are four times more likely to watch a video with information about the firm than read the "About Us" or "Our Firm" web page. These types of informational videos – called "explainer videos" – are growing in popularity and, as a result, have also become Google's content of choice.

If your law firm wants to use an explainer video, it should be placed on the firm's home page, near the top. It should briefly explain the firm, what types of cases it handles, etc.

2. Video keeps visitors on your website longer, which boosts your site's credibility and authority.

The key to getting high rankings on Google is trust, credibility and quality content. One of the main

factors that builds trust with Google is your website's bounce rate – in other words, how long visitors stay on your website. If your website includes mostly text, it won't keep visitors' attention for as long. But if your site includes videos that are about 1-2 minutes long, then visitors will stay on your site and watch them. In turn, this means visitors are sticking around your site about 2 minutes longer than if you only had a web page with text. Google notices this, and its trust in your website is enhanced, thereby boosting your site's credibility.

3. Video, like text, offers the opportunity to use focus keywords, which increases the chances of your website being found in a search.

Focus keywords remain the single driving force behind Google rankings. But when it comes to text-only web pages, you can only use so many focus keywords or else your site will be penalized for "keyword stuffing." Video offers the opportunity to also use focus keywords, but in the form of "schema markup."

Schema markup is HTML code that allows you to include a description of the video where you choose to embed it on your website.



Remember: when Google "crawls" the web searching for content, it can only identify and index what it recognizes. Unfortunately, Google doesn't extract content from a video because it's not text.

However, schema markup lets you include a written description of the video for Google to find it. Basically, you have taken what Google otherwise would not have recognized and turned it into discoverable content, which boosts your website's authority with Google.

4. Video works with, and enhances, your law firm's existing content marketing strategy.

It can be challenging for law firms to come up with fresh ideas for online content, whether video or text. One main benefit of video is that it can serve many purposes.

- A video can be:
- shared on your firm's social media pages (note: to get more bang for your buck, upload the video directly from your website and not from your firm's YouTube channel).
 - embedded into an existing web page or blog post that includes content related to the video.
 - published on your firm's YouTube channel.
 - included in your firm's e-newsletter.
 - distributed to an email list.
 - used as content for a new blog post (which can be shared later across the same social media sites, etc.).

Turning a video into a blog post is simple. Use the video script to write the blog and insert additional information and resources, as well as links to other relevant blogs and web pages on your site. And be sure to choose – and use – an appropriate focus keyword several times in the blog, so it will be found ... and read!

Face-To-Face Networking: Why It's Still Important



By
Roberta Gubbins
734-255-9119

rmgubbins@yahoo.com

Roberta Gubbins ghostwrites articles, website content and blogs, writes a marketing column for the State Bar of Michigan and is editor of the SBM Master Lawyers Section newsletter.

“Are you ready?” Dick Advocate asked sister Sally. “I have to be there early to help set up.”

Sally sighed, “I’ve been talking all day. I don’t have any words left.”

“You’ll be fine. You like these events and you said you want to meet the new probate judge,” said Dick as they walked out together on their way to their bar association networking event.



Dick was right. Sally was the type who enjoyed their face-to-face networking efforts while Dick was more comfortable when he had a task to perform. Both, however, realize the importance of attending networking opportunities.

You Need To Network In Person

Lawyers, like the majority of humanity, are social beings. That means despite all your Internet social networking efforts, you need to get out of your office and go out into the world.

Meeting people face to face, sharing experiences, ideas and interests is a valuable opportunity to keep your name and practice a step ahead. Meeting in person lets your online acquaintances put a face and personality to the name they see on the blog or e-mail or website, and helps build trust while creating a positive rapport for future discussions.

Your reasons for attending an event will vary with the type of audience. Dick and Sally are attending a bar association event. As elder law practitioners, they receive a number of referrals from other attorneys and make referrals to lawyers in other areas of practice. Thus, their goal is to renew old acquaintances and meet new members. If they were attending a community event, they would want to meet new people and find a way to assist the group.

How To Succeed At Networking

Once you've decided why you're attending this particular event, here's how to make the most of your time.

- Pinpoint your networking goal.
- Discover who will be there, decide who you want to meet and ask yourself what you want to know about them.
- Have a 10 second introduction ready. People want to know both your name and area of practice.
- Think about what you have to give to others.

Now you're at the event, it's the cocktail hour, everyone is milling around. Some of you are naturals at these events – you can schmooze with the best of them. Others need help. People like to talk about themselves, so a few questions can get the conversation going.

- How long have you been a member of this organization?
- What keeps you busy outside of your practice?
- What got you interested in _____?
- I read your book, blog, article, etc.

- I just saw on LinkedIn that we went to the same college.

Don't monopolize the conversation and leave gracefully. Introduce the person to a new arrival if known, or simply comment on how much you've enjoyed talking with them and excuse yourself. Then move on.

However, you are not finished simply because the event is over. If you promised a follow-up, do it within a week of the event or you will lose credibility that you can never get back.

A healthy network is made up of contacts from all parts of your life. Face-to-face networking, in addition to your Internet campaign, will help your practice grow.



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).



FOOD YOU SHOULD BE EATING

(TRAVEL EDITION)



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.

Twisted Fish Company Alaskan Grill
 (907) 463-5033
info@twistedfishcompany.com
 550 S. Franklin St. Juneau, AK 99801

I was fortunate to recently enjoy two new experiences: cruising and exploring Alaska. I will attempt to include some appropriate descriptions of the food I thoroughly enjoyed; however, Alaska is one of those majestic places where words and photos tend to fall short.

Vast, gorgeous and frequently raining is how we experienced the temperate rainforest that is southern Alaska. I really enjoyed our time in Juneau. Our crew went out on a fishing charter, caught a few nice silver salmon and even watched a sea lion eat our biggest fish right off the line. Juneau is also home to the Mendenhall

glacier which is easily viewable from a number of spots around town (<http://www.alaska.org/detail/mendenhall-glacier-visitor-center>). Unlike some of the other ports we visited, Juneau has a feel that it does not solely exist to entertain tourists.

After our fishing excursion, we went into town to enjoy some of the freshest seafood available at Twisted Fish. The best part about this place is that it has a crane right outside the establishment to hoist up the fish and crab that were caught a couple hours prior to being placed on your plate. That fresh flavor cannot be rivaled. Instead of talking about cooking methods, I will just direct you to the photos of the crab legs, halibut tacos and silver salmon that were all some of the best I have ever experienced (<http://www.twistedfishcompany.com/>).

I highly recommend a trip to Alaska, whether by cruise ship, or flying into Juneau to explore some of the most pristine country I have ever seen. Late August through September are optimal times to enjoy a number of the limitless opportunities Alaska has to offer.





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 DeGroff, Co-Chair
313-256-9833
brettdegroff@gmail.com

Jordan Learning, Co-Chair
801-836-9529
jordanlearning@gmail.com

BRIEFS Advertising Contract

Please publish the advertising checked below in ICBA BRIEFS.

Size

- | | |
|---|---|
| <input type="checkbox"/> ¼ page (4" x 4.5") | <input type="checkbox"/> Full Page (8.5 x 9.33) |
| <input type="checkbox"/> ½ page (8.5" x 4.5") | <input type="checkbox"/> Links |
| <input type="checkbox"/> ½ page (4" x 9.33") | <input type="checkbox"/> |

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

Advertiser

Company		
Address		
City	State	Zip
Phone		Fax
E-mail address		Web Site
Authorized by (Name)		(Title)

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.

Full payment is required in advance.

- Use copy enclosed Copy mailed separately Check enclosed Paying by credit card (complete information)

- Visa MasterCard
**** We do not accept American Express**

Expiration Date

Credit Card Number	Authorized Signature
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BRIEFS Advertising Rates & Policies

Advertising Rates

Rate Per Issue	Ad Size
\$100.00	Quarter Page
\$200.00	Half Page Horizontal
\$200.00	Half Page Vertical
\$375.00	Full Page
\$25.00	Link

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.

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 the editor reserve 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.

THE INGHAM COUNTY BAR ASSOCIATION
YOUNG LAWYERS SECTION &
THE CAPITAL AREA RESPONSE EFFORT PRESENT:

APRIL 5, 2018 – 5:30PM – 7:30PM

ASSISTING SURVIVORS OF
DOMESTIC VIOLENCE
A Primer for Attorneys

WHEN

April 5, 2018
5:30 PM – 7:30 PM

WHERE

CARE Offices
2500 S. Washington
Lansing, MI 48910

WHO

All attorneys that may interact with survivors of domestic violence or who want to become involved in the response to and prevention of domestic violence in our community.

HOW MUCH

Free!

FOOD

Dinner and Refreshments Provided by the ICBA-YLS!

RSVP

chriswickman@gmail.com

The challenges facing the survivors of domestic violence can be wide-ranging and can include interactions with law enforcement, housing challenges, personal protection orders, financial independence, personal safety, and interactions with a court system not tailored to dealing with survivors of domestic violence.

Those currently in an abusive relationship or recently having left an abusive relationship will frequently turn to attorneys in a number of different practice areas for assistance and it's important that we, as attorneys, understand the challenges of this situation and the resources available to protect and support these survivors.

This seminar will be highly valuable to all attorneys that interact with survivors of domestic violence, such as those who practice family law, juvenile law, criminal law, estate planning, probate administration, abuse and neglect law, general litigation, governmental relations, appellate law, bankruptcy, housing law, and other areas of the law. The seminar will also be valuable to attorneys that would like become involved in our community's response to domestic violence and initiatives to prevent domestic violence in our community.

PRESENTED BY: **Kathleen Miller, J.D.** Program Coordinator
CARE
Alysh Gallagher, J.D. Assistant Prosecuting Attorney
Ingham County
Domestic Violence Unit

TOPICS WILL INCLUDE:

Trauma Informed Practice	Non-Intuitive Survivor Behaviors & Indicators of Trauma	Benefits of Attorney and Advocate Collaboration
Dynamics of Domestic Violence	Interplay Between Criminal & Civil Law When Domestic Violence is Involved	Resources for Clients That Are or Have Experienced Domestic Violence



THANKS FOR READING



BRIEFS



FEEDBACK?

briefs@inghambar.org

NEXT ISSUE:

- Barristers Night Coverage
 - Health + Wellness Tips
 - ICBA Member Profile