



INGHAM COUNTY BAR ASSOCIATION

BRIEFS

SEPTEMBER 2018

MARY CHARTIER

2018-2019

ICBA
PRESIDENT



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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
www.inghambar.org

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Young Lawyers

Katherine J. Bennett
Department of Attorney
General

Committee Appointments

Annual Dinner: Charles
Barbieri

Annual Meeting: Charles
Barbieri

Ask A Lawyer: Ray Harris,
Karen Phillips

Awards: Lindsay Dangl,
Charles Lawler

Barristers: Katherine
Bennett, YLS President

Bench Bar: TBA



BRIEFS: Traci Gentilozzi
(Editor), Sandra Lake (Board
Liaison)

Diversity: Jessica Zimbel-
man, Hon. Hugh Clarke Jr.,
Lindsay Dangl

Education: Sandra Lake,
Patricia Scott

List Serve: Staff

Meet the Judges: David
Nelson, Charles Barbieri,
Karen Poole, Alex Rusek

Membership: Pamela
Amato, Jessica Zimbelman

Monthly Deliberations:
Hon. Hugh Clarke Jr.,
Alex Rusek

Nominating Committee:
Jessica Fox

Past Presidents: Jessica Fox

Shrimp Dinner: Robert
Refior, Elias Kafantaris

Social Media: Staff

Sponsors: Stephen Sinas,
Jim Dalton

Executive Director

Madelyne Lawry
517-627-3938



President's Message

By *Mary Chartier*

mary@cndefenders.com

Welcome to a new year at the Ingham County Bar Association!

I'm excited and honored to be the new President of ICBA. We have a year filled with exciting events, and I hope you'll take advantage of the many educational and networking opportunities that ICBA offers.

I love the start of a new season whether it is spring, summer, fall or winter. I always feel energized because each season brings with it such unique aspects. Fall conjures up memories of the excitement I had when we would go back-to-school shopping for new clothes and school supplies. Likewise, I'm excited for this fall because of all that ICBA has planned. One special event is the Awards Dinner in November. It is an opportunity to honor the best among us and mingle with our colleagues.

As ICBA's new year starts, one of our goals is strategic planning for the future of the bar association. Every year, the State Bar of Michigan hosts a Leadership Forum. A regular topic is values, and this is what the ICBA Board will be discussing this year. We will reflect and articulate ICBA's values and ensure that what we offer our members best meets those values. We will base our strategic

planning on feedback from our members, including past surveys, so please feel free to share any input with us – what you like about ICBA and what you don't, and what you would like to see from us in the future.

The process of reflecting on values is an important one for all of us. I have enjoyed the opportunity to think about what is important to me as a person and as an attorney and to make sure that my daily activities incorporate those values. One of my values in my professional and personal life is laughter and enjoying life. That might seem unusual for professional values, but it's really important to me, which is why I strive to find ways to incorporate these values as much as I can. For example, when I attend court in another city, I try to enjoy lunch with a friend whenever possible. We have to eat anyway, and it is so much more enjoyable to share a meal and have a laugh with someone I like than eat in my car as I drive home.

Another personal and professional value that I have is to try to always challenge myself and keep learning – whether it's learning a new hobby or a new language (Buongiorno, Giudice Larkin!) or refining a trial skill or incorporating a new case to use in defending clients. Every situation is a learning experience if we allow it to be. In the words of the inspiring Nelson Mandela: "I never lose. I either win or learn."

The values that I possess are encompassed in the values that my business partner, Takura Nyamfukudza, and our entire team have determined for our firm. At C&N, we want to provide the best criminal defense litigation services to our clients, we want to provide the best interaction experiences for our clients with every member of their legal team and we want to be the best place to work because we believe that is the only way we can achieve our first two goals.

I hope that you take a bit of time to relax this fall and think about the values that are important to you, and then take the opportunity to ensure that these values are reflected in your personal and professional life. While you are doing that, please know that your ICBA Board members will be doing the same to ensure that we provide the best value that we can for your ICBA membership.

Please let me know if you have any suggestions or ideas. I would love to hear from you!

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](#).

Date	Event	Location
9/20/18	Past Presidents Reception	Lansing Brewing Company
9/20/18	Monthly Deliberations	Waterfront Bar and Grill
10/11/18	Ask A Lawyer	WMU-Cooley Law School
10/18/18	Monthly Deliberations	Spartan Hall of Fame Cafe
11/15/18	124th Annual Dinner	University Club – MSU
11/15/18	YLS Reception	University Club – MSU
11/15/18	ICBF Fellows Reception	University Club – MSU
11/15/18	Monthly Deliberations	American Fifth
12/20/18	Monthly Deliberations	Tavern and Tap
1/17/19	Monthly Deliberations	Spartan Brew Pub
2/21/19	Monthly Deliberations	Kelly's Downtown
3/21/19	Monthly Deliberations	Zoobie's
4/18/19	Monthly Deliberations	Xiao
5/16/19	Monthly Deliberations	Envie
6/20/19	Monthly Deliberations	The Exchange
7/18/19	Monthly Deliberations	Side Bar

Attention ICBA Members Who Are Veterans

In November, the ICBA is publishing a special edition of BRIEFS dedicated to Veterans. If you are an ICBA member who is also a Veteran, please send the following information to valeries@inghambar.org by **October 1, 2018**, to ensure you are included in this special issue:

- Name
- Branch of the military
- Active or inactive status
- Dates of service (ex. 1776-1783)





Raising The Bar

Marlaine Teahan Honored Among 2018 ‘Women In The Law’



Teahan

Fraser Trebilcock attorney Marlaine Teahan has been selected as one of the Top 30 “Women in the Law” by Michigan Lawyers Weekly.

Marlaine chairs the State Bar of Michigan’s Probate and Estate Planning Section and has served as co-chair of the ICBA Probate and Trust Law Section. A Past President of the Greater Lansing Estate Planning Council, Marlaine was a member of the Michigan Trust Code Drafting Committee and served as liaison to the State Court Administrative Office, Probate Court Forms Committee. She has also testified before committees of the Michigan Legislature on recommended changes to the Probate Code and before the Michigan Supreme Court on proposed changes to the Michigan Court Rules.

A fellow of the American College of Trust and Estate Council, Marlaine is a frequent presenter on trusts and estates law for the Institute of Continuing Legal Education (ICLE). She is also an editor of the ICLE book, *Trust Administration Under the Michigan Trust Code, 2010-2017*.

Marlaine received her law degree from the State University of New York at Buffalo School of Law.

Joshua Richardson Named 2018-2019 MDTC President



Richardson

Joshua Richardson has been named President of the Michigan Defense Trial Counsel (MDTC) for the 2018-2019 year. Previously, he served as MDTC vice-president.

Joshua practices in the Lansing office of Foster, Swift, Collins & Smith PC. He concentrates on commercial litigation, employment and real property litigation, information technology law and premises liability.

Joshua earned his law degree from the Indiana University School of Law.

Fraser Trebilcock Welcomes Jared Roberts



Roberts

Jared Roberts has joined the Lansing office of Fraser Trebilcock. Jared is a civil litigation attorney with nearly two decades of experience litigating and resolving disputes in the areas of commercial transactions, real estate transactions, contracts, real property and intellectual property.

Jared also defends professional and trade licensees and breach of duty disputes, handles real estate transactions, counsels clients on intellectual property, branding and mark registration, and provides general legal counseling to a variety of firms and individuals.

Jared received his law degree, magna cum laude, from Michigan State University College of Law.



Raising The Bar



Kurt Krause Joins Chartier & Nyamfukudza, PLC

Kurt Krause has joined Chartier & Nyamfukudza, PLC, where he litigates criminal defense matters throughout the state and in federal court, including white collar and health-care fraud cases.

Kurt has practiced law for 30 years and has extensive litigation experience. As a former Assistant Attorney General and high-ranking state official, he has a unique understanding and perspective of government.

Kurt earned his law degree from DePaul University College of Law.

Krause



Shaina Reed Appointed MDTC Section Chair

Fraser Trebilcock attorney Shaina Reed has been appointed chair of the Michigan Defense Trial Counsel's (MDTC) General Liability Section.

For the past four years, Shaina has been named a "Rising Star" in Michigan by Super Lawyers Magazine, showcasing her talents in civil litigation, employment and labor law. She is involved in the State Bar of Michigan's Probate and Estate Planning Section, where she is a member of the Court Rules, Forms and Procedures Committee. She is also a member of the Women Lawyers Association of Michigan.

Shaina received her law degree from The John Marshall Law School.

Reed



Willingham & Coté Welcomes Cara Rumsey

Cara Rumsey has joined Willingham & Coté, PC as a member of the firm's Litigation and Insurance Practice Group. She represents insurance companies in disputed claims, primarily claims involving first-party no-fault personal injury protection (PIP) benefits.

Previously, Cara worked as a law clerk for the judges of the Ninth Circuit Court in Kalamazoo.

Cara earned her law degree from University of Toledo College of Law.

Rumsey



DID YOU KNOW?

Michigan's New Lawyer Advertising Rule Put On Hold

The rules that govern lawyer advertising in Michigan were supposed to undergo a rather significant change on September 1, 2018. But on August 30, 2018, the Michigan Supreme Court issued an [order](#), deferring the effective date of the rule change.

In its order, the Supreme Court said it wants more time to examine recently enacted revisions to the American Bar Association model rules and consider “issues that have been identified during the last several months.”

The amendment of [Rule 7.2 of the Michigan Rules of Professional Conduct](#) was adopted by the Supreme Court in May 2018 and requires that certain information be displayed in legal advertisements. The rule says: “Services of a lawyer or law firm that are advertised under the heading of a phone number, web address, or trade name shall identify the name, office address, and business telephone number of at least one lawyer responsible for the content of the advertisement.”

Proponents of the change say the purpose is to create transparency – specifically, to identify who is paying for ads in order to better protect the public and the profession. In an August 30, 2018 [Ingham County Legal News](#) article, attorney Jules Olsman, a proponent of the rule, explained why the amendment is needed. “This is about misrepresentation,” he told the Legal News. “It is to assure that entities that advertise that they provide legal services are, in fact, entities owned by attorneys or actually employ

attorneys to provide these services. ... We are not regulating content. We are requiring those who choose to advertise anonymously to simply place a banner on the ad indicating the name of the law firm or lawyer who is paying for it.”

The new rule also has its critics. One outspoken opponent is Michigan Auto Law in Farmington Hills. On behalf of the firm, attorneys Trent Collier and Donald Campbell asked the Michigan Supreme Court in July 2018 to vacate its order implementing the rule (see, “Attorneys Seek To Vacate Order On New Advertising Rule,” [Michigan Lawyers Weekly](#), August 2, 2018). In a letter to the justices, Collier and Campbell asserted the rule presents both cost concerns and First Amendment implications. According to Collier and Campbell: 1) the rule creates burdensome costs for certain law firms that are now required to replace signs on buildings, etc. and 2) because of the rule’s disclosure mandate, the character limit on pay-per-click sites (i.e., Google) will stifle the commercial speech of firms that advertise online.

With the Supreme Court now putting the rule’s effective date on hold, it appears the justices are, indeed, considering the concerns that have been raised. Stay with BRIEFS for updates on the amendment.

Pension Rights Project Helps Get Answers For Retirees

The [Mid-America Pension Rights Project](#) (MAPRP) assists clients with pension and 401(k) issues. The project works to find answers and solutions to pension-related problems.

Many families struggle to protect and understand their pension rights upon retirement. The Pension Rights Project assists persons who either worked in or are currently living in Michigan, Indiana, Kentucky, Ohio, Pennsylvania and Tennessee.

MAPRP is funded by the federal government through a grant provided by the Administration for Community Living and is a program of [Elder Law of Michigan, Inc.](#), a 501(c)(3) non-profit organization.

Since it began in 1998, the Pension Rights Project has assisted approximately



14,000 clients and has recovered more than \$67 million in pension benefits.

One MAPRP success story is Johnny Raby, who worked for 10 years at an exhaust company in Tennessee. He was 67 years old and knew that he should be receiving a pension.

What made matters worse was that, when he called his former employer, he was told there was no record of his employment. Raby was beginning to wonder if he would ever get his pension.

It was not until his wife read about and contacted the MAPRP that they began to get some answers. An MAPRP attorney was assigned to Raby's case and began investigating the status of his pension. The attorney was initially told that it would be at least six months before a determination would be made.



After four months, the company finally contacted the attorney with the same answer that they had initially told Raby: there was no record of his employment. The company then requested a Social Security Earnings report to verify his employment and years of service. Within a couple of months, Raby received a packet indicating the amount of his lifetime benefit. He was

very happy to finally receive his benefit. "I cannot speak highly enough about this service to provide counseling and information for retirees at no charge," he said.

Without the MAPRP's assistance, Raby might not have received the pension benefit that he had earned.

– Information provided by Sandra Wisnewski, Director, Mid-America Pension Rights Project

Recent Michigan Supreme Court Orders & Proposals

[Proposed Amendment of MCR 2.002](#) – would establish a uniform procedure regarding the determination of indigency for waiver of fees.

[Proposed Amendment of Canon 7 of the Michigan Code of Judicial Conduct](#) – would eliminate the \$100 limitation on campaign contribution solicitations to attorneys.

[Amendment of MCR 7.212](#) (effective 9/1/18) – requires an appellant to file an appendix with specific documents when filing the appellant's and/or the appellee's principal or responsive brief.

WANT TO SUBMIT AN ARTICLE?

HAVE A STORY IDEA?

Contact Traci Gentilozzi, BRIEFS Editor, at briefs@inghambar.org

Presenting Your 2018-2019 ICBA Board

Welcome to the beginning of another new year at the Ingham County Bar Association! The following individuals have been chosen to serve as your 2018-2019 ICBA Board of Directors.

President: Mary Chartier




Mary is a partner at Chartier & Nyamfukudza, PLC. She handles criminal defense matters in state and federal courts. (See, "Meet Mary Chartier, Your 2018-2019 ICBA President," on page 12)

Immediate Past President: Jessica Fox




Jessica is an attorney at Nolan, Thomsen & Villas, PC. She practices family law, probate and estate planning.

Jessica Zimbelman



Jessica is an assistant defender at the State Appellate Defender Office.

President-Elect: Charles Barbieri



Charles is a shareholder at Foster Swift Collins & Smith, PC. He is a member of the firm's Commercial Litigation Practice Group and focuses on environmental, First Amendment and media law matters.

Hon. Hugh Clarke Jr.




Hon. Hugh Clarke Jr. is a member of the 54-A District Court bench. Before becoming a judge, he practiced law for more than 30 years.

Alexander Rusek




Alex is an attorney at White Law, PLLC, where he handles personal injury and complex tort cases.

Vice President: Sandra Lake



Sandra is with Hall Matson, PLC. She focuses her practice on appellate law.

James Dalton



Jim retired from active practice in early 2018. He was a shareholder at Willingham & Cote', PC, for more than 40 years.

Katherine Bennett



Katherine is an Assistant Attorney General with the Michigan Department of Attorney General. She is President of the ICBA Young Lawyers Section.

Treasurer: Charles Lawler




Charles is an attorney at Clark Hill, PLC. He is a member of the firm's Litigation Practice Group and is the member-in-charge of the Lansing office.

Lindsay Dangi




Lindsay is an attorney at Murphy & Spagnuolo, PC. She practices family law, workers' compensation, insurance law, municipal law and civil litigation.

Theodora Eisenhut




Theodora is an Assistant Prosecutor at the Ingham County Prosecutor's Office. She is the President-Elect of the ICBA Young Lawyers Section.

Secretary: Pamela Amato



Pamela is an associate at Mallory, Lapka, Scott & Selin, PLLC. She handles domestic relations, probate, landlord/tenant and property law matters.

Stephen Sinas



Stephen is a partner at the Sinas Dramis Law Firm. He concentrates his practice on personal injury law, auto no-fault law and constitutional law.

Madelyne Lawry, ICBA Executive Director



Madelyne is the backbone of the ICBA. She keeps everyone (and everything) organized!

Meet **MARY CHARTIER** Your 2018-2019 ICBA PRESIDENT

By
Traci Gentilozzi,
BRIEFS Editor



“A pit bull in high heels.” “Mike Tyson in the courtroom.”

These are just a few phrases that have been used to describe criminal defense attorney Mary Chartier of Chartier & Nyamfukudza, PLC in East Lansing. Throughout her career, Mary has represented defendants in hundreds of state and federal cases, serving as lead counsel in many of them.

In addition to her impeccable trial skills and tenacity, Mary is recognized for her appellate advocacy. She has argued before the Michigan Court of Appeals and Michigan Supreme Court on numerous occasions. In fact, Mary once obtained three victories at the Michigan Supreme Court in the same year – a claim that few lawyers can make.

Mary is also recognized for her commitment to helping the public grasp a better understanding of Michigan’s medical marijuana laws. In 2013, she successfully argued *People v Koon*, a groundbreaking medical marijuana case, before the Michigan Supreme Court. She also created and taught

the nation’s first marijuana law class at a law school and served as Chair of the State Bar of Michigan’s Marijuana Law Section.

A nationally recognized speaker, Mary has received numerous honors throughout her illustrious career. Most recently, she was named one of Michigan Lawyers Weekly’s 2018 “Leaders in the Law” and was presented the 2018 “Distinguished Barrister’s Award” by the Davis-Dunnings Bar Association.

Now, Mary has taken on a new role as the 2018-2019 President of the Ingham County Bar Association. She recently provided some insight on her new leadership position.

ICBA BRIEFS: *As the ICBA President, what is your message to the membership?*

Mary: Let ICBA help you! We offer so many opportunities from education to networking and much more. We want to serve you to make you happier and strengthen your advocacy. Please tell us what you need, so we can try to exceed your expectations.

ICBA BRIEFS: *What do you hope to achieve during your term as ICBA President? What issues will you focus on and how will you further the association's goals?*

Mary: My biggest goal is strategic planning for ICBA, both long term and short term. Strategic planning will help every future president fit her or his goals into our overall – and overarching – values and plans. And of course, I want to make sure that we have a lot of fun and laughs along the way!

On the issue of values, I hope ICBA as an organization – and every ICBA member – takes some time to really reflect on the values that are important to them and takes a look at what we're doing in our daily lives to see how closely they align. I also hope to address the issue of self-care for attorneys and those in the legal profession. It's so important that while we are taking care of the problems of others that we remember to take care of ourselves.

ICBA BRIEFS: *What challenges does ICBA (and bar associations in general) face? How will you address these challenges?*

Mary: Every bar association has to be attuned to the changing needs of attorneys and make sure that we are offering value for our membership. There are so many responsibilities that pull attorneys in many different directions, and bar associations have to be responsive to those needs, as well as the time constraints of attorneys. The ICBA Criminal Defense Law Section, for example, is working on providing webinars to help attorneys who cannot make in-person training sessions. We also have an active listserv that helps attorneys by providing information, guidance and support. ICBA is always looking at ways to improve our services, and we are always open to suggestions. Just let us know!

ICBA BRIEFS: *Why did you become a lawyer? Why did you choose to focus on criminal law?*

Mary: I love doing criminal defense work! I can't imagine doing anything else. I love breathing life into the Constitution every time I enter the courtroom. I enjoy the challenges that come with every case and I genuinely enjoy our clients. I absolutely love strategizing a case and then being in the courtroom in front of a jury. Representing people who are often unpopular, to say the least, and then presenting our defense to the jury is challenging and rewarding and fulfilling. I have the greatest job!

ICBA BRIEFS: *What is the most challenging case or legal issue that you have handled? Why was it so challenging?*

Mary: The biggest challenge that criminal defense attorneys face is the erosion of an understanding of the fundamental nature of our role in the justice system and of basic constitutional principles. Our job is enshrined in the Constitution, but many – including members of the bar – treat us as if we are an annoyance, to be merely tolerated at best.

John Adams, our nation's second president, defended British soldiers accused of murder. His defense of these soldiers was unpopular, to say the least. Numerous attorneys turned down the representation of these British

soldiers. They feared that representing such unpopular clients would harm their businesses and reputations. John Adams faced the same fears, but his courage was far greater. He later wrote that his representation of the soldiers was one of the best pieces of service that he could give to his country.

Our work may not always be as grand, but the work of defending the accused is the most noble work that I can imagine. To truly live out our constitutional principles every day makes it easy to go to work every morning. As [my law partner] Takura Nyamfukudza always says, "It's not work if you love it." He also usually finds a way to incorporate "la di da di, everybody" into some of his favorite sayings . . . but I don't think I can pull that off.

ICBA BRIEFS: *What do you consider your greatest legal success? Why?*

Mary: Of course, exonerations and acquittals are great legal successes in my career. Those are the result of working with an amazing team of passionate and highly skilled people who love what they do, and I've been blessed to have some major successes.

But the biggest success is the sheer pleasure of doing what I love every day with a group of people whom I genuinely respect, admire and enjoy spending time with. This starts with a terrific business partner, Takura Nyamfukudza, who shares my values, interests and passion for being a constitutional warrior. And it extends to every person I work with at the firm: Kim, Lizzy, Tony, Kurt and Marisa are the greatest! We share so many laughs every day. I can't think of a better group of people to work with and take on the government with. They are all so talented and work tirelessly to defend the rights of our clients!

And criminal defense attorneys as a whole are so supportive of one another. Because we are always fighting the



The C&N crew

government – and never each other – we want to see each other succeed. The most unexpected aspect of this profession has been the genuine friendships I’ve made along the way. I’ve relied on colleagues to be a listening ear and offer great advice when I am gearing up for trial. There are so many great people I am now friends with. It has truly been a gift!

ICBA BRIEFS: *What advancements have women made in the legal profession? What challenges do women lawyers still face?*

Mary: Women still face a tremendous amount of sexism,

even though some of it appears in more subtle ways than for women in the past. A recent study of the United States Supreme Court justices shows that women justices are interrupted more than their male colleagues. If female Supreme Court justices are interrupted, including by male advocates, then that is telling. There is definitely more work to be done. But on the positive side, I can say that as a criminal defense litigator, I have no issues fighting – and winning – against male colleagues. Jurors respond to a prepared, respectful and passionate advocate. They really don’t care about gender, in my experience.

THERE’S SOMETHING ABOUT MARY ...

What is it like to work alongside a fierce advocate like Mary Chartier? Nobody knows any better than Takura Nyamfukudza, Mary’s business partner at Chartier & Nyamfukudza (C&N) in East Lansing.

“I would like to congratulate Mary on becoming ICBA President,” Takura says. “With skills and a personality like hers, she won’t need luck. If you could not tell already, I am very proud of her. Complimenti, congratulazione, bravo!”



Takura Nyamfukudza and Mary Chartier

According to Takura, brevity is the biggest challenge he faces when he’s asked to speak about Mary, whom he calls his “awesome” business partner. “Her numerous accolades and extensive legal accomplishments are readily available online,” he notes. “That she is a terrific attorney cannot be doubted.”

At the request of BRIEFS, Takura graciously agreed to give bar members a peek behind the curtain at C&N and

offered some observations about Mary, as she begins her term as ICBA President.

1. Mary is fun.

“It is fun to work with Mary!” Takura says. “Not only because we both love what we do, but she is a great leader and sets a perfect example for me, as well as our staff.”

“It has been said that success depends on one’s backbone, not your wishbone,” Takura says. “Mary breathes life into that adage on a daily basis. I don’t know when she sleeps. Even in stressful situations, Mary’s default response is to crack a joke and lighten the mood.”

“I’m not suggesting that our office atmosphere resembles that of ‘The Office,’” he notes. “We definitely take our work seriously. However, we also understand that all work and no play makes Johnny a dull boy. That will carry over to Mary’s role as ICBA President.”

2. Mary listens to people and appreciates their input.

“Mary understands that the free flow of ideas brings innovation, prosperity and stability,” Takura says. “These are



C&N skating fun in Grand Rapids

all things I know she will foster for the ICBA.” In addition, “she will not stand mute in the face of disrespect, even if it is not directed at her,” he says. “As such, the ICBA Board meetings will be fun yet productive.”

3. Mary is full of surprises.

According to Takura, Mary once worked as a waitress. “She chased down a guy who walked out on his bill and brought him back,” he says. “She also went to the bank where a woman who walked out on her bill worked – and sounded off to the woman’s superiors.”

“I suspect most people who read this will be surprised to learn that Mary likes Cardi B and Taylor Swift,” Takura says. “Indeed, she has an eclectic taste in music.”



By
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*John W. Fraser and Ashlee
N. Lynn are associate
attorneys at Grewal Law
PLLC. John practices
medical marijuana law and
is on the Council of the
Marijuana Law Section of
the State Bar of Michigan.
Ashlee handles family law
matters and sexual assault
cases, and assists with
the licensing of medical
marijuana businesses.*

this Court has been called on to give meaning to the MMMA in nine different cases. The many inconsistencies in the law have caused confusion for medical marijuana caregivers and patients, law enforcement, attorneys, and judges, and have consumed valuable public and private resources to interpret and apply it.”

While most of the issues concerning the MMMA occur within the criminal law context, there is plenty of room for confusion and argument in family law cases as well. As the number of registered medical marijuana patients continues to grow,² the likelihood that a custody or divorce case concerns one or both parents using medical marijuana has become a reality.

With emotions already running high and with the parties’ children involved, the interjection of a controversial subject

Family Law Issues In Medical Marijuana: A Smoky Situation

The Michigan Medical Marijuana¹ Act (MMMA), MCL 333.26421 *et seq.*, has been – and continues to be – a source of confusion for lawyers and judges alike.

When the Michigan Supreme Court last took up a case concerning the MMMA, Justice Zahra, writing for a unanimous court in *People v Hartwick*, 498 Mich 192 (2015), lamented the confusion in the law and wrote: “While the MMMA has been the law in Michigan for just under seven years [now 10 years],

like marijuana can cause some real headaches. It is essential for family-law attorneys to familiarize themselves with the MMMA and understand when a parent’s marijuana use can be considered by the court or the referee.

It is always important to understand the framework of Michigan law as it pertains to marijuana. Remember, marijuana is still illegal under Michigan law (see, e.g., MCL 333.7401(2)(d); MCL 333.7404(2)(d); MCL 333.7410). The MMMA provides some protections from prosecution or penalties so long as the patient or caregiver is acting in accordance with the MMMA (see, MCL 333.26424 and MCL 333.26428).

Notably, the protections of the MMMA also extend to custody and parenting-time questions. Section 4 of the MMMA (MCL 333.26424) outlines the requirements for a patient or caregiver to avail himself or herself from “broad immunity” from any “penalty” or punishment (see, *People v Kolanek*, 491 Mich 382, 395 (2012); *Braska v Challenge Mfg Co*, 307 Mich App 340, 358 (2014)).

In addition to offering this broad immunity, Section 4 also provides specific protections in child-custody matters. Section 4(d) of the MMMA (MCL 333.26424(d)) states: “A person shall not be denied custody or visitation of a minor for acting in accordance with this act, unless the person’s behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.” Section 4(d) essentially provides a two-step process for determining whether a parent’s medical marijuana use can be considered in the family-law context. First, the burden is on the medical marijuana patient or caregiver to prove that his or her actions comply with the MMMA. If this burden is met, then the burden

shifts to the other parent to prove that the patient or caregiver parent's actions "create[] an unreasonable danger to the minor that can be clearly articulated and substantiated" (see, MCL 333.26424(d)).

Once a patient or caregiver parent meets the first element by proving compliance with the MMMA, the court or referee cannot negatively consider the parent's medical use of marijuana in making child-custody or parenting-time decisions. The court may only negatively consider medical marijuana use by the patient or caregiver if the other parent can prove that the use of medical marijuana creates an unreasonable danger to the child – and this danger must be clearly articulated and substantiated.

This "clearly articulated and substantiated" burden of proof does not appear anywhere else in Michigan law. There are no published cases from the Michigan Court of Appeals or Michigan Supreme Court to offer any clarity as to where this burden of proof falls within the continuum of the preponderance of the evidence standard or the clear and convincing evidence standard. Based on the language in Section 4(d), it clearly contemplates a burden of proof higher than a "more likely than not" standard, as it first requires the danger to be unreasonable and then requires that danger to be clearly articulated and substantiated. The requirement for substantiation suggests further that the "unreasonable danger" complained of must

have actually, in fact, occurred on at least one prior occasion, as opposed to merely a concern about future behavior or habits.

Remember the patient or caregiver parent has the initial burden of proving compliance with the MMMA.³ Certain behaviors that are likely to be of concern in family-law contexts are already prohibited and not protected under the MMMA, such as driving under the influence or smoking marijuana in a public place (see, MCL 333.26427(b)(3), (4)). Evidence that the patient or caregiver parent has engaged in conduct that is not permitted or protected by the MMMA may be properly considered regardless of whether it created any danger to the minor.

While a significant amount of published appellate opinions exist concerning the MMMA in the criminal law context, there has yet to be a published appellate opinion concerning family-law issues and the MMMA. As a result, this area of the law has a lot of "smoke" that needs to be cleared by practitioners willing to "weed" through these complicated issues.

¹ While the MMMA and Michigan statutes use the spelling "marihuana," this article uses the more common vernacular "marijuana" unless directly citing a statutory provision.

² As of November 28, 2017, the Michigan Department of Licensing and Regulatory Affairs reported that there were 269,553 registered qualifying patients and 43,183 registered primary caregivers — up from 218,556 patients and 38,107 caregivers that were reported by LARA on December 22, 2016. Compare Michigan Department of Licensing and Regulatory Affairs, *Medical Marihuana Act Statistical Report with Program Information and Financial Data for Fiscal Year 2017* (Nov. 28, 2017), p 6, available at https://www.michigan.gov/documents/lara/Section_507_Medical_Marihuana_Act_-_FY_2017_Statistical_Report_MCL_333.26426_and_Program_Information_Section_507_Final_Draft_609198_7.pdf with Michigan Department of Licensing and Regulatory Affairs, *Medical Marihuana Act Statistical Report with Program Information and Financial Data for Fiscal Year 2016* (Dec. 22, 2016), p 6, available at https://www.michigan.gov/documents/lara/Medical_Marihuana_Act_-_FY_2016_Statistical_Report_MCL_333.26426_and_Program_Information_Section_507_546675_7.pdf.

³ See *People v Manuel*, 319 Mich App 291, 299-300 (2017) (holding that a patient or caregiver has the burden of proof by a preponderance of the evidence of establishing that he or she is entitled to Section 4 immunity).



By
John A. Maise

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John Maise is an attorney at White Schneider PC, where he practices labor and employment law. He is also a BRIEFS Associate Editor.



On July 27, 2018, the Michigan Supreme Court issued its decision in *Michigan Gun Owners Inc v Ann Arbor Public Schools*, finding that school districts have the authority to regulate firearms within school grounds. (See, “Michigan Supreme Court Will Decide Guns In Schools Case,” BRIEFS, [June 2018 issue](#), p. 16.)

In so ruling, the Michigan Supreme Court overturned the Court of Appeals decision in *Michigan Coalition for Responsible Gun Owners v City of Ferndale*, 256 Mich App 401 (2003), which held that firearm regulation was completely occupied by state law.

The Michigan Supreme Court decision represents a significant loss for pro-gun groups in Michigan, which had previously enjoyed a string of victories in the Court of Appeals. Those Court of Appeals rulings in their favor had narrowed the application of the scope of firearm regulation to those entities specifically enumerated by the Firearms and Ammunition Act, 319 PA 1990 – that is, a city, village, township or county (MCL 123.1101).

The overruling of *City of Ferndale* is especially important for gun control groups in Michigan because it opens the door for entities not specifically listed in MCL 123.1101 to regulate firearms on their premise.

The decision also potentially lays the groundwork for *Capital Area District Library v Michigan Open Carry, Inc*, 298 Mich App 220 (2012), to be overturned. In that case, the Court of Appeals held that a district library established under the District Library Establishment Act, MCL 397.171, could not regulate firearms on its grounds by applying the doctrine of field pre-emption. This is an argument that may no longer hold water in the wake of the Michigan Supreme Court’s ruling that the

field of firearms is not completely occupied by state law.

It is important to note that the Michigan Supreme Court’s decision did not address the doctrine of conflict pre-emption, which was ultimately the source of the dissent by Chief Justice Stephen Markman, as well as the various concurring and dissenting (in part) opinions issued by Justice Kurtis Wilder, Justice Brian Zahra and Justice Elizabeth Clement. Conflict pre-emption would prohibit a school district from adopting a regulation in direct conflict with Michigan law. This argument stems from the assertion that a person who possesses a concealed carry permit is specifically authorized by MCL 750.237a(5)(c) to carry a firearm into a school zone. MCL 750.237a makes it a crime to carry a firearm into a weapon free school zone and licensed individuals with a concealed weapon permit are excluded by MCL 750.237(5)(c).

Furthermore, the concealed weapon statute only prohibits carrying a concealed weapon into a school, MCL 28.405o(1)(a). Chief Justice Markman, in his dissent, argued that school districts’ prohibition on firearms therefore conflicts with state law as a threshold issue. However, the majority of the justices found this argument was waived on appeal, and Justice Wilder and Justice Zahra would have requested the parties brief the issue in more detail.

Because the Michigan Supreme Court did not provide a definitive answer as to whether school districts’ policies are in conflict with the Michigan statutory scheme, this question is still ripe for litigation. It would be no surprise to see this issue raised at some point in the future by pro-firearm groups arguing along the lines of Chief Justice Markman’s dissent.

In the meantime, the *Michigan Gun Owners Inc v Ann Arbor Public Schools* decision is a significant victory for Michigan school districts. While the ruling is far from the end of firearm control litigation in this state, it seems the tide may be turning against pro-firearm groups.



By
Roberta M. Gubbins
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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.



Mention of the English legal system immediately calls to mind what we watch on British television – barristers in robes and wigs speaking in Shakespearean tones before a jury.

The public, and to some extent we members of the American Bar, view barristers

accompanied by the solicitor who hired him. The solicitor listens to the client and explains what is happening and why. So, not only do barristers not have to market themselves, they also do not have to talk to clients.

What about files? Do barristers have bulging file cabinets? Are their files stacked on the floor, the desk or cabinet tops awaiting various degrees of attention? No. There are no files. The solicitors hold the files. The means of communication between the solicitor and the barrister is the Brief. The Brief in the English system is a file telling the barrister what the solicitor wants done. It gives the barrister all the information he needs to do the job. It appears magically in the barrister's chambers and is tied with a pink ribbon. It is given to the barrister selected by the all-powerful clerk. When the work is done, the brief is returned to the solicitor.

Now think about this: barristers do not have to market themselves, do not have to talk to clients and have no files. This is sounding better.

And lastly, barristers do not negotiate fees. That task is performed by the senior clerk of chambers. The clerk will try to get as much as possible for the chamber's barristers because – remember – the fee directly affects the clerk's income. The clerk will also try to over-book the barristers so they are constantly busy. As barristers by custom may not turn down cases, it is possible for the clerk to keep his barristers quite busy.

In case you are wondering, barristers make decent money. Barristers who become Queen's Counsel or "take silk" (so-called because the QC wears a silk robe) generally earn the most. Any barrister can apply for this lofty status after 15 or 20 years of practice. The process of selection is secretive. Taking silk brings increased status, higher fees and the chance to get rid of all paperwork. That's because the QC is generally accompanied by a junior barrister who totes all the files, takes notes, gets tea and generally assists with the case.

Let's review. The barristers do not market themselves. They rarely talk to clients. They have no files. They do not negotiate fees. They wear robes and wigs that automatically give them an aura of distinction (and cover up any spills that may have occurred during lunch). The wigs are a bit inconvenient as they are made of horse hair, are warm and do tend to give one "wig head." And the robes need to be carried from court to court.

But even so, reflect and consider all the advantages of being a barrister. Maybe the time has come for us to lobby for wearing robes like our English counterparts.

with a sense of awe. While we may be impressed with their sense of presence, an understanding of how they work may well cause us to pause and consider this Elizabethan system in a new light. We may envy them, their wigs and robes.

The English bar is divided into two distinct groups of attorneys: solicitors and barristers. The roles of solicitors are distinguished primarily by two rules. First, the barrister's clients can only come to him/her via a solicitor and second, only barristers can argue most cases before the higher courts.

Let us consider the first rule. How do barristers get clients? In order to answer that question, one must understand how barristers are organized. Barristers can't form partnerships; thus, they have offices in "chambers" or suites of offices. These offices accommodate anywhere from seven to 15 barristers. One barrister acts as Head of Chambers or CEO. However, each barrister remains an independent attorney who cannot share fees. The barrister must rely for work on clients sent by solicitors.

Each set of chambers has a clerk (pronounced "clark"), whose sole function is to sell the services of the barristers. Clerks receive 5 to 10 percent of the gross income of chambers as salary. Thus, it is clearly in the best interests of the clerk to get as much business as possible for the chamber's stable of barristers. All this means, of course, that the barristers do not have to market themselves. No rubber chicken meals, no sitting on boards, no daily posts on social media. The clerk does all the work bringing in the solicitors who, in turn, bring in the clients.

The second rule states that only barristers can argue cases in the higher courts. A solicitor can appear in magistrate's court but must hire a barrister for his client if the matter goes to trial. It is a rule of etiquette that a barrister cannot appear in court alone and deal with the client himself. He must be



Young Lawyers Section

Another Successful Paper Chase!

On Sunday, June 3, 2018, ICBA-YLS hosted its 5th annual race fundraiser, The Paper Chase 5K Run/Walk, at the Meridian Township Municipal Complex. Several law firms formed race teams and more than 100 members of our local legal community came out for some friendly competition in support of a worthy cause!

ICBA-YLS would like to thank the enthusiastic participants, dedicated volunteers and generous sponsors who came together to make this year's race another great success. Sponsors for this year's race included:

- **Gold Sponsors:** Ingham County Bar Foundation; Hon. Joyce Draganchuk; Grewal Law PLLC; White Law PLLC; Sinas Dramis Law Firm.
- **Silver Sponsors:** Thrun Law Firm, PC; Murphy & Spagnuolo, PC; MCV Law PLLC; Nichols Law Firm; Gene F. Turnwald, PC; Speaker Law Firm; Equal Footing Law, PC; Waggoner Financial Group; Oade, Stroud & Kleiman; Chartier & Nyamfukudza, PLC.
- **Bronze Sponsors:** Baird & Zulakis, PC.

With the collective support of these sponsors, participation and fundraising levels exceeded all prior years that ICBA-YLS has hosted the race, beginning with the inaugural race in 2014.

Proceeds from the race will not only fund the many educational and networking opportunities that ICBA-YLS sponsors throughout the year but will also benefit the incredible work of the Boys and Girls Club of Lansing. The funds raised from this year's race allowed ICBA-YLS to donate annual memberships to the Boys and Girls Club for 265 Lansing area youth!

Congratulations to the winners of this year's race.

Top 3 Male Finishers

1. Brian Jackson
2. Mathew Saffarian
3. Nick Marone

Top Boys (by age group)

1. 9 and under: Ryan Wescott
2. 10 – 13: David Fort
3. 14 – 17: Logan Yang

Top 3 Female Finishers

1. Danielle Lore
2. Tolam Cote
3. Angela Dardas

Top Girls (by age group)

1. 9 and under: Frances Melinn
2. 10 – 13: Aurora Dardas

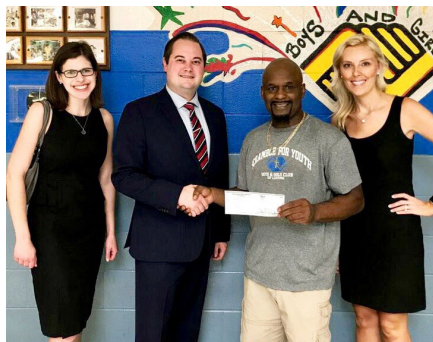
Law Firm Team Challenge Winner: Thrun Law Firm

Top Participating Law Firm: Thrun Law Firm

Top Participating Team: McNeil Family Dentistry

ICBA-YLS looks forward to seeing many of you again at next year's race. Plans for the 6th Annual Paper Chase 5K Run/Walk are already underway, so please check back here for more information in the coming months.

— Katie Tucker



YLS members Katherine Bennett, Alex Rusek and Katie Tucker present a check to the Boys and Girls Club of Lansing.



Featured Young Lawyer:



Brittany Nichol

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

I am an associate attorney at White Law PLLC. My practice area focuses primarily on civil litigation and administrative law. Over the past year, I have had the opportunity to represent more than 40 brave women of sexual assault. I do some criminal law and family law as well.

2. Where did you go to school?

I received my law degree from Michigan State University College of Law. I also attended Michigan State University for my undergraduate, where I received a Bachelor of Arts.

3. When were you admitted to practice in Michigan?

November 2017.

4. Why did you go into the legal field?

I was always interested

in the legal field. I enjoy thinking through problems and understanding how different issues fit together. I took a year off between undergraduate and law school to make sure this was the career that I truly wanted to pursue.

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

I would recommend shadowing an attorney to better understand the actual practice of law. Along that same line, I would also recommend taking as many practical classes in law school as possible.

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

If I was not a lawyer, I would be a teacher. I enjoy working with kids and being involved in the community. Plus,

having summers off would be nice!

7. Where did you grow up?

Haslett, Michigan.

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

I have one dog. She is a chocolate lab and her name is Ruby. Ruby is about a year-and-a-half old and is very spoiled.

9. What do you do in your free time?

I coach Junior Varsity basketball at Haslett High School. Our season is from November to March, so that takes up a large amount of my free time during the winter months. When I am not coaching or working, I enjoy spending time with my family and my dog Ruby.



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 ICBA-YLS President is Katherine Bennett. She can be reached at katherinejmontgomery@gmail.com.

Young Lawyers Section Board Meetings

YLS Board meetings are held the second Thursday of the month at 6 p.m. at Kelly's Downtown, 200 S. Washington Square, Lansing. **Note:** In October 2018, the YLS Board will meet on Wednesday, October 10, instead of Thursday, October 11. The Board will not meet in December.

Volunteers Wanted!

Are you an experienced practitioner looking for a way to share some of your insight with newer practitioners? If yes, then YLS is looking for you! YLS is seeking the assistance of practitioners who will present at upcoming educational events. The best part? Not only are you helping our local bar, but YLS will take care of the event logistics. Email Alex Rusek for details at alexrusek@whitelawpllc.com.

2018-2019 YLS Board Members

- President – Katherine Bennett, Department of Attorney General
- President-Elect – Teddy Eisenhut, Ingham County Prosecutor's Office
- Secretary – Brittany Nichol, White Law PLLC
- Treasurer – Mark DeLuca, Foster Swift Collins & Smith PC
- Immediate Past President – Alex Rusek, White Law PLLC
- Jackie Dupler, Sinas Dramis Law Firm
- Mike Van Huysse, MCV Law PLLC
- Mary Bowen, Law Office of M. Alexis Bowen PLC
- Chris Wickman, Equal Footing Law
- Ayllysh Gallagher, Ingham County Prosecutor's Office



Bankruptcy Law Section

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

Upcoming Meetings:

- September 27 - noon
- October 25 - noon
- November 15 - noon

Please feel free to join the Bankruptcy Section for its monthly meetings. Contact Section Co-Chairs Patricia Scott or Norm Witte for details. To RSVP for meetings, contact Patricia Scott at pscott@fosterswift.com.

Employment and Labor Law Section

The Employment and Labor Law Section holds its meetings from noon to 1 p.m. each month at WMU-Cooley Law School, 300 S. Capitol Ave., Room 911, in downtown Lansing.

Section Co-Chairs are Warren Krueger III and Pamela Dausman.

Upcoming Meetings:

- September 25 - noon to 1 p.m.
- October 23 - noon to 1 p.m.
- November 27 - noon to 1 p.m.
- No meeting in December
- January 22, 2019 - noon to 1 p.m.
- February 26, 2019 - noon to 1 p.m.
- March 26, 2019 - noon to 1 p.m.
- April 23, 2019 - noon to 1 p.m.
- May 28, 2019 - noon to 1 p.m.

To RSVP for Section meetings, please email mjfraker@loomislaw.com.



Criminal Defense Law Section

The Criminal Defense Law Section had its first meeting of the fiscal year on Friday, August 3, 2018. The Section hosted Christopher Wickman of Equal Footing Law, PC, who presented on sentencing process and theory.

Christopher provided a summary of the sentencing process and discussed the importance of a sentencing theory and how it can make a difference in the results of a case. He also walked through multiple real-life examples of sentencing theory from his years of practice. Finally, attendees had an opportunity to workshop their real-life cases in a safe and confidential format.

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.

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.

If you have suggestions for future topics, please contact



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

Upcoming Meetings:

- October 11 - 9:15 a.m. to noon
- November 9 - 9:15 a.m. to noon
- December 7 - 9:15 a.m. to noon
- January 4, 2019 - 9:15 a.m. to noon
- February 1, 2019 - 9:15 a.m. to noon
- March 1, 2019 - 9:15 a.m. to noon
- April 5, 2019 - 9:15 a.m. to noon
- May 3, 2019 - 9:15 a.m. to noon
- June 7, 2019 - 9:15 a.m. to noon

There is no cost to attend meetings. Speakers and topics will be announced. To RSVP for the Criminal Defense Law Section meetings, email chris@equalfootinglaw.com.

Stick It To 'Em!



In its final presentation of the 2017-2018 ICBA year, the Criminal Defense Law Section hosted "Stick It To 'Em!" – a practical presentation on the cross-examination of difficult witnesses.

Presenting was Section Co-Chair Mary Chartier of Chartier & Nyamfukudza, PLC, an East Lansing criminal defense firm.

It was the Section's most well-attended event of the year. Attendees watched as Mary employed multiple practical cross-examination tactics to question the "witness," based on real examples from her



years of practice as a criminal defense attorney. Section Co-Chair Christopher Wickman played numerous roles (with flair), including lay, law enforcement and professional witnesses.

Using real-life situations, Mary explained the potential angles of attack on cross-examination in a pointed manner and gave everyone a lot of laughs along the way.

Thank you to Mary for such a wonderful presentation! And to Chris for being able to cry on cue ... who knew!



Real Estate Section

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

Section Co-Chairs are Bill Tomblin and Christopher Patterson.

Upcoming Meetings:

- September 28 - noon to 1 p.m.
Speaker: Stacy Hissong
Topic: Private landowner water disputes and drainage concerns
Lunch sponsor: Fahey Schultz Burzych Rhodes, PLC
- October 26 - noon to 1 p.m.
- No Meeting in November
- No Meeting in December
- January 25, 2019 - noon to 1 p.m.
- February 22, 2019 - noon to 1 p.m.
- March 22, 2019 - noon to 1 p.m.
- April 26, 2019 - noon to 1 p.m.
- May 24, 2019 - noon to 1 p.m.

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.

Family Law Section

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

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

Upcoming Meetings

- October 10 - noon to 1 p.m.
- November 14 - noon to 1 p.m.
- December 12 - noon to 1 p.m.
- January 9, 2019 - noon to 1 p.m.
- February 13, 2019 - noon to 1 p.m.
- March 13, 2019 - noon to 1 p.m.
- April 10, 2019 - noon to 1 p.m.
- May 8, 2019 - noon to 1 p.m.

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



Probate and Trust Section

The Probate and Trust Section holds its meetings on the third Tuesday of each month from noon to 1 p.m. at WMU-Cooley Law School, Room 911, 300 S. Capitol Ave. in Lansing.

Section Co-Chairs are Rosemary Buhl and Sally Babbitt.

Upcoming Meetings:

- October 16 - noon to 1 p.m.
Topic: Succession Planning/Ag Law
Speaker: Sally Babbitt
- November 20 – noon to 1 p.m.
Topic: Probate Updates
Speaker: George Strander
- December 18 – holiday luncheon (location TBD)
- January 15, 2019 – noon to 1 p.m.
Topic: Upside-Down Real Estate in Estates
Speaker: Erik Schertzing
- February 19, 2019 – noon to 1 p.m.
Topic: Business Basics
Speaker: Heather Gilkey
- March 19, 2019 – noon to 1 p.m.
Topic: A View from the Bench
Speaker: Judge Thomas Byerley
- April 16, 2019 – noon to 1 p.m.
Topic: Medicaid Protective Orders
Speaker: Carrie Ihrig Freeman
- May 21, 2019 - noon to 1 p.m. (topic and speaker TBD)
- June 18, 2019 - summer social (location TBD)

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

Join The Section's Facebook Page

The Probate and Trust Section 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.



Blogging: The Gift That Keeps On Giving



By
Traci R. Gentilozzi
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Attorney Traci Gentilozzi is the owner & operator of 360 Legal Solutions, PLLC, a company that focuses on legal content development and social media promotion for sole practitioners and small law firms.

It can sometimes be difficult to come up with new topics for a blog. But the truth is, you don't always need to publish brand-new blog content.

If you blog regularly, you already have a treasure chest full of ideas at your fingertips. Old blogs really are a gift that keeps on giving. Just pull out a gem from the treasure chest, dust it off, rework it and ... whala ... you have fresh content!

Here are some tips for making those old blog posts “new” again.

Time For A Makeover

If your living room is getting drab, you might liven it up with a fresh coat of paint, right? You can basically do the same with blog posts; that is, re-invigorate them with a makeover. A blog makeover can include:

- changing the images or graphics in the post.
- refreshing outdated information.
- adding more content (i.e., new legal developments, recent case law, etc.).
- revising the format of the post.
- rewriting the headline, subheads, etc.
- including new tips or practical examples.

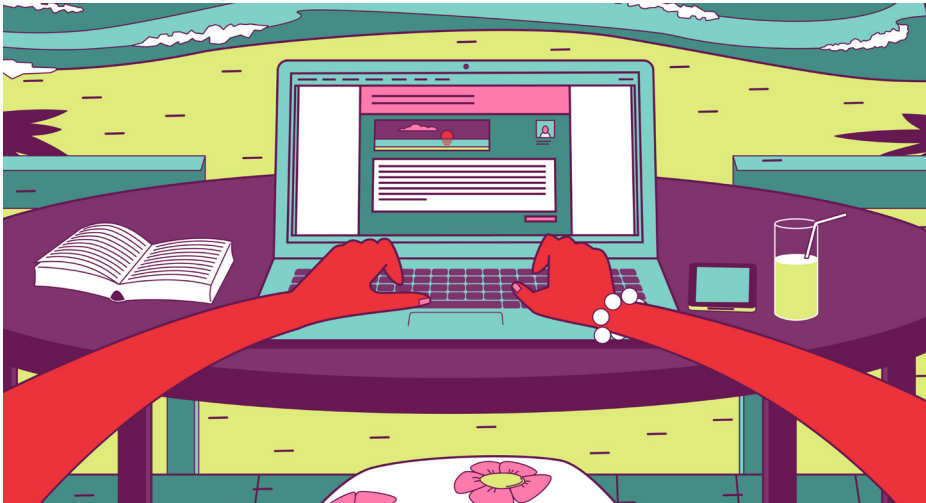
Once you've given the blog a makeover, be sure to change its publication date. This way, it will once again appear on the first page of your blog.

Keep in mind that sometimes you may not need to update an old blog post at all. If it's a “classic” that is still relevant, just repost it without changing a thing.

Create A Spin Off

Much like a television show produces “spin offs,” you can take a single concept from an old blog and create fresh, new content around it. In other words, one blog post can lead to many others!

For example, maybe your firm practices personal injury law and last year you published a blog outlining personal injury protection (PIP) benefits under the No-Fault Act. Why not create separate blog posts that detail each PIP benefit? That way, you can discuss the benefit in greater detail, discuss relevant case law, offer some practical tips, etc.



Another way to spin off a blog post is to explore the topic you already wrote about from a different perspective. For example, you can take that same general PIP benefits blog post and look at it from an insurer's point of view or a medical provider's perspective, making sure to address the legal concerns and/or relevant case law.

Same Content, Different Format

The truth is, some people do not like to read or do not have the time to read. What does this mean for your blog? It means there is an audience that you're likely not reaching. However, these non-readers would probably listen to or watch blog content.

You can capture the interest of this untapped audience by turning written blog posts into podcasts, infographics, slide shows or videos. By doing this, you not only put a fresh face on old content, but you can publish the "new" content on other sites with a backlink to your own site. In turn, this will bring

more visitors to your website.

If you're uncomfortable producing videos or speaking for podcasts, you don't have to do it yourself. With the help of websites like Fiverr, you can hire outside people to do it.

For instance, get someone to narrate your blog post. Guess what? Now you have a podcast. Or get someone to convert your blog into a PowerPoint presentation. Guess what? Now you have a slide show. Then if you combine the podcast with the slides, guess what? Now you have a video.

You can post these reformatted blogs on sites like YouTube (video); Vimeo (video); Visual.ly (infographics); iTunes (podcast); and Slide Share (slide shows).

Show Off Your Best

In the world of blogging, some posts always perform better than others. Problem is, once you've been blogging for a while, even the most engaging blog posts

end up buried in your website archives. Why not push these top performers to the forefront again? This way, new website visitors can find them.

One way to show off your finest blogs is to create a web page dedicated solely to them – a "best of" page that houses your top-notch material. Depending on the web platform you use, there are various ways to do this.

Don't Be A Hoarder

A good way to make old blogs new again is to publish them on another website with a bigger audience. In other words, share your content with other websites and other people who may want to read it.

While many websites require never-before-published content, numerous sites welcome content that has already been published on your own blog. Some of these are Medium, Vox, Mashable, Entrepreneur and HG.org.

Long Live The Classics

Classic songs never die. The same is true for blog posts. If blogs published years ago are still relevant and provide valuable information, then update and republish them using the above-mentioned tips.

The point is this: don't let your blogs sit around collecting dust in an archive where they cannot be found. Brush them off, give them new life and let them get the attention they deserve.

Help Us Improve The Grade Of MSU's Inn Of Court



By
Charles Barbieri
cbarbieri@fosterswift.com
Charles Barbieri is a shareholder at Foster Swift Collins & Smith, PC, where he is a member of the Commercial Litigation Practice Group. He is President of the MSU Inn of Court.

The Michigan State University Inn of Court owes its start to the foresight of several jurists, practitioners and legal educators who, more than 20 years ago, believed the program could – and would – provide an opportunity for legal professionals and students to meet for the primary purpose of:

- exchanging legal ideas and trends in an open forum.
- promoting professional conduct and civility.
- encouraging respect for the rule of law.

All too often, these ideals get lost in the thicket of legal battle, the endless exchange of emails and the grind of everyday practice. These ideals also get drowned out by the rising tide of public disputes waged in all forms of media. Certainly, we can expect increasing legal turbulence ahead with the selection of the next U.S. Supreme Court justice, the ongoing Russian collusion probe, trade wars and bitter immigration fights.

Rather than despair, I hope that members of our profession in Ingham County and surrounding counties will look for opportunities to join and participate in the MSU Inn of Court program, county bar associations and other professional groups, or even form new ones, so the values of free and open exchange, courteous and civil conduct, and respect for the law are furthered.

I express this hope, in part, due to the recent death of Hon. Michael G. Harrison, who served as an Ingham County Circuit Court judge for 24 years. Judge Harrison – or simply Mike (his preferred moniker after he left the bench and returned to private practice to specialize in mediations) – was one of the founders of the MSU Inn of Court. He keenly

anticipated the value of this special legal program at MSU.

Fortunately for me, Judge Harrison extended an invitation so that I could join the MSU Inn of Court several years ago. While I thanked Mike several times over the years for this opportunity, he would deflect that thanks and instead push you to contribute your time and energy to the betterment of the organization. Mike, who was a frequent participant on other civic and professional boards, associations and groups, noted that he would make it a priority once he assumed any leadership role in these numerous organizations to identifying and making constructive improvements to those organizations. Mike always spelled “Commitment” with a capital “C.”

With Mike’s memory and legacy in mind, as this year’s MSU Inn of Court President I am hoping that Inn members will use the year to rededicate themselves to the ideals of the program, to invite others to join in that effort and to make sensible

changes and improvements to the program.

During the next year, I hope that the Inn of Court can offer more opportunities for students to mix with legal professionals in ways other than a monthly meeting. I also hope the Inn of Court will develop stronger and more interesting programs that help educate all segments of the Inn’s legal membership and consider participation in a legal service project reflective of the Inn’s position in the legal community and its university community.

In short, I invite you to join, support and participate in the MSU Inn of Court program. To find out more, you can contact Marie Annette Gordon, Inn Coordinator, at 517-432-6816 or at mgordon@law.msu.edu. Or you can reach out to me at 517-285-7155 or at cbarbieri@fosterswift.com.

It is certainly a better alternative than lamenting about the current legal malaise affecting our practices and overall national legal climate.



CALL FOR VOLUNTEER JUDGES!

Volunteer judges are needed for the November 2018 moot court competition being hosted by Michigan State University College of Law.

The competition will be held at MSU on Friday, November 2, from 5:30 p.m. to 9 p.m. and Saturday, November 3 from 8:30 a.m. to noon.

The competition serves as the capstone for law students who are taking the moot court competition class, which is a prerequisite for any student interested in representing the school in competitive moot court competitions across the country.

Food and refreshments are provided. All judges will receive a copy of the problem, a bench brief and parking information prior to the competition.

If you’re interested in volunteering, please contact David Sheaffer at drsheaffer1@gmail.com.

• HELP SUPPORT •

Mid-Michigan *Breast Cancer Patients*



Members of WLAM Mid-Michigan gathered at the home of Ingham County Circuit Judge Joyce Draganchuk on August 25, 2018, to create their entry in this year's "It's A Breast Thing" bra-decorating contest.

"It's A Breast Thing" is a non-profit organization that provides grants to residents of Clinton, Eaton, Ingham and Shiawassee counties who have monetary needs related to their breast cancer treatment.

The theme for this year's contest is "Celebrate Survivorship from State to State" and each bra entered is themed after a particular state. WLAM Mid-Michigan's state is Illinois and the theme is "Lady Lawyers Love the Land of Lincoln."

The contest will take place from 5-8 p.m. on Tuesday, October 2, 2018, at Eagle Eye Golf Club. Proceeds from the event will support the charity.

Please show your support by donating to "It's A Breast Thing" and voting for the bra decorated by WLAM Mid-Michigan! Each \$1 donation entitles the donor to one vote in the contest. WLAM Mid-Michigan hopes to raise at least \$1,000 through the contest. The top 12 vote-getters will be featured in a calendar and prizes are awarded to the top three winners.



Donations can be made at the October 2, 2018, event. You can also send a check made payable to "It's A Breast Thing Non Profit" to: Melanie Smith, WLAM Mid-Michigan Treasurer, 223 N. Jenison Ave., Lansing, MI 48915.



ICBA Sponsorship Opportunities

For more than 120 years, the Ingham County Bar Association has continued its tradition of service to the legal profession and the greater Lansing community.

As part of its longstanding commitment to the profession, the ICBA hosts events throughout the year that are educational and entertaining, in addition to networking opportunities for members. These events are made possible by the generous support of ICBA members.

One way for members to support the ICBA is through its annual sponsorship packages. This year, the ICBA is offering a new program that focuses on the increasing importance of social media marketing.

For the first time, law firms have the opportunity for their Facebook posts to be “shared” on the ICBA’s Facebook page. This means a law firm’s Facebook content will be seen by a larger audience, including ICBA members and those with whom ICBA has a relationship, thereby giving the law firm a greater presence throughout the legal community.

For more information on ICBA sponsorship opportunities, click on the links below.

[2018-2019 Sponsorship Package Descriptions](#)

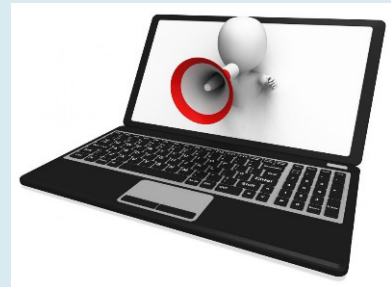
[2018-2019 Sponsorship Commitment Form](#)

Let BRIEFS Help Spread The Word About Your Event!

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

Please provide 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).



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Owned & Operated by
Attorney Traci R. Gentilozzi *

* Award-Winning Legal Writer
Editor, ICBA BRIEFS Magazine
Former Publisher & Editor, Michigan Lawyers Weekly
Former Communications Counsel, Sinas Dramis Law Firm



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

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

SBM

STATE BAR OF MICHIGAN

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 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.

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THANKS FOR READING BRIEFS



FEEDBACK?

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