

INGHAM COUNTY BAR ASSOCIATION

**JANUARY** 

Momen Lawyers
Association
of Michigan

2019 WLAM MID-MICHIGAN **ANNUAL DINNER** 

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**2019 STELL** RECEPTION

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CAROLYN STELL AWARD WINNER

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# BRIEFS







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# **ICBA Logo And Letterhead Policy**

The ICBA has adopted a policy 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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Annual Dinner: Sandra Lake

**Annual Meeting:** Sandra Lake

**Ask A Lawyer:** Ray Harris, Brandon Schumacher

**Awards:** Pamela Amato, Steve Sinas Barristers: Teddy Eisenhut

**Bench Bar:** Lindsay Dangl, Chuck Barbieri

**BRIEFS:** Angela Wall, Editor; Mary Bowen, Board Liaison

**Judicial Review:** Charles Lawler, Alex Rusek

List Serve: Staff

**Meet the Judges:** Steve Sinas, Emily Jefferson

Membership: Emily Jefferson,

Jim Dalton

# **Monthly Deliberations:**

Alex Rusek

# Nominating Committee:

Mary Chartier

Past Presidents: Mary Chartier

# **Section Chair Liaison:**

Charles Lawler, Patricia Scott

**Shrimp Dinner**: Robert Refior, Elias Kafantaris

Social Media: Staff

**Sponsors:** Chris Wickman, Jessica Zimbelman

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Madelyne Lawry 517-627-3938





# President's Message

By Chuck Barbieri

# A LEGAL DECADE CLOSES, AND A NEW ONE BEGINS

As the latest decade closes, one can safely say that Lansing's lawyers and courts have been part of many significant legal national and state stories for the past ten years. From the aftermath of the Great Recession. which resulted in local bankruptcies and foreclosures, to the horrid Larry Nassar scandal, which spawned investigations, prosecutions and civil suits, Lansing has been a focal point of numerous legal developments.
Lansing area lawyers
also have been in the
midst of the Flint drinking
water suits, marijuana
legalization efforts and
new No Fault reforms.

The Ingham County Bar Association includes many of the lawyers involved in these prominent stories. Of course, ICBA members also toiled for the benefit of clients and citizens on many more mundane, but equally important matters needing criminal,

civil and administrative review. Their legal efforts served clients, furthered the rule of law and balanced the scales of justice during the past ten years.

On an organizational level, the ICBA has attempted to create a legal climate equal to the challenge of the legal issues that exist. During the past ten years, the ICBA started the Meet the Judges event, which is being held again in January for the ninth



year in order to allow practitioners to mingle with federal, state, county and administrative law jurists in an informal setting. While this event is not producing legal headlines, it is affording an opportunity for increased communication and relationship building.

In addition to this new precedent, the ICBA is hosting another biennial Bench Bar Conference, which will be held at the Veterans Memorial Courthouse on February 1, 2020. This conference will introduce the County's newest jurists and offers several breakout sessions. This year's sessions include

a primer on marijuana law, commentary on the new Michigan Court Rules, emerging probate law developments and an evaluation of mental health assistance challenges in criminal matters. These timely topics evidence the ICBA's twin commitments of promoting legal education and increasing access to justice.

Beyond continuing such new and old programs, the ICBA hopes to launch in the foreseeable future a public forum to introduce judicial candidates who will be asked to set forth their judicial goals and to answer questions.

This too hopefully will improve public awareness of courts and judges and increase public confidence in the legal system.

This quick listing of ICBA's efforts demonstrates the decades of service to this community and its citizens. Although it is impossible to predict all of the top legal stories for the next ten years, it is easy to surmise that this County's lawyers will stand up and take on the challenges that need legal resolution. And, it is easy to predict too that the ICBA will continue to assist and support those efforts.

# 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
1/16/20	Monthly Deliberations	Spartan Brew Pub
1/23/20	Meet The Judges	WMU Cooley Law School
2/1/20	Bench Bar Conference	Veterans Memorial Courthouse
2/12/20	ICBA Board Meeting	Foster, Swift, Collins & Smith, PC
2/20/20	Monthly Deliberations	Kelly's Downtown
3/12/20	11th Annual Barristers Night	University Club of MSU
3/19/20	Monthly Deliberations	Zoobie's
4/8/20	ICBA Board Meeting	Chartier & Nyamfukudza, PLC
4/16/20	Monthly Deliberations	Front 43
5/13/20	Annual Shrimp Dinner	Lansing Liederkrantz
5/21/20	Monthly Deliberations	Envie
6/18/20	Monthly Deliberations	The Exchange

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# **New ICBA Discussion List Policy**

The ICBA Discussion List Policy pertains to all ICBA Listservs. The Lists are designed to be used as a conduit for informational purposes only.

It is the general policy of the Ingham County Bar Association (ICBA) to be of the use of its ICBA Discussion Lists. This policy is intended to balance the licensed legal professional-service aspect of receiving information with the inconvenience of receiving too much information.

ICBA does not verify any information provided by its members the Discussion List and is not responsible for the information provided. This information is provided as a service to members and for ICBA business. ICBA takes no position with regard to the licensure, qualifications, or suitability of any person or expert on this list.

- Use by ICBA. The ICBA Discussion List is for the use of ICBA only and cannot be used for promotion of an activity unrelated to the purposes of the Association.
  - 1.1 ICBA will only use the ICBA Discussion List to post information or send messages to its members regarding issues, events, or activities directly related to the ICBA, the Ingham County Bar Foundation, and any other areas of interest or benefit to ICBA members as determined by the ICBA Board of Directors.
  - 1.2 In determining which messages are of interest or benefit to ICBA members, the Board of Directors must consider: (a) the relevance to the majority of members; (b) reliability and accuracy of information, (c) timeliness, (and d) whether the content of the message or announcement furthers the mission of the ICBA.

ICBA will not sell its Discussion List.

 Use by Members. The ICBA Discussion List is made available to members on a limited basis in connection with the practice of law only and it may not be used for any other purpose. Members using the ICBA Discussion List must comply with the terms of this policy:

- 2.1 No member may sell the ICBA Discussion List or the information contained therein.
- 2.2 The ICBA Discussion List cannot be used for personal gain or made available for commercial or solicitation purposes.
- 2.4 The ICBA Discussion List cannot be used in conjunction with any distribution of material which would tend to mislead, misinform, deceive or which is distasteful in content or presentation.
- 2.4 The ICBA Discussion List cannot be used for any fundraising activities not sponsored by the ICBA or approved by the Board of Directors.
- 2.5 ICBA does not guarantee confidentiality of your list serve postings. Please exercise tact and professionalism.
- 2.6 ICBA does not archive requests for information or responses.
- 2.7 The Board of Directors reserves the right to review and approve all messages and announcements as well as the right to edit or deny any requests for dissemination of information.
- 3. Use by Non-Members. Any use of the ICBA Discussion List for distribution of information by someone not a member of ICBA must be approved by majority vote of the Board of Directors and any such use must comply all terms of this policy. ICBA reserves the right to inspect the actual contents of any proposed mailing/emailing prior to providing mailing lists for the purpose of determining the category of user and to apply the terms and prohibitions of this policy.

Adopted at the 12/11/19 board meeting Replaces policy adopted at the April 9, 2014 Board Meeting



# Raising The Bar

# Attorney Shaina R. Reed Elected as Equity Shareholder at Fraser Trebilcock



Fraser Trebilcock is excited to announce that Shaina R. Reed has been elected as an Equity Shareholder of the firm.

Reed

Shaina is a trial lawyer with significant litigation experience

in a variety of practice areas including insurance defense, commercial litigation, probate litigation, and employment disputes. Shaina has obtained outstanding results for her clients, twice

receiving jury verdicts of "no cause" in favor of her clients on multimillion dollar claims, securing early dismissals through successful motion practice, and regularly negotiating favorable settlements after thorough and effective discovery.

Outside of the courtroom. Shaina is active in her community, chairing the General Liability Section of the Michigan Defense Trial Counsel, serving on the Court Rules Committee for the Probate and Estate Planning Section of the State Bar of Michigan, and participating as a committee member in the Women Lawyers' Association as well as the Greater Lansing Arts Council.

"Throughout her time at the firm, Shaina has continued the tradition of providing excellent legal services to our clients, and I would like to congratulate her on this deserving achievement." said Michael H. Perry, President of Fraser Trebilcock.

Shaina has been recognized as a "Rising Star" in Michigan by Super Lawyers in the area of civil litigation every year since 2014. She graduated from The John Marshall School of Law, (J.D.), James Madison College at Michigan State University, (B.A.), and is licensed to practice in Michigan and Illinois.

# Fraser Trebilcock Welcomes Two New Attorneys to the Firm

Michigan. During her time there, she

attended numerous oral arguments and

observed a variety of criminal trials. She

also conducted research on Civil Rights,

and the Fair Credit Reporting Act. Amy's

bankruptcy, family law, estate planning.

litigation, and real estate law.

practice focuses on business and tax law.

domestic violence, the Fourth Amendment,



Wolanin

Vanderlaan

Fraser Trebilcock is excited to announce the addition of two new attorneys to the firm: Amy S. Wolanin and Emily M. Vanderlaan. Amy and Emily worked at Fraser Trebilcock as law clerks while pursuing their law degrees from the Michigan State University College of Law.

Amy was as an intern for the United States Attorney's Office for the Eastern District of

Before joining the firm,

Emily is no stranger to legal accolades. While at law school, she was a finalist for various moot court competitions, the Weschler National First Amendment Moot Court Competition (Fall 2018), and Intraschool Moot court Competition (Spring 2018). Before working with the

firm, Emily was a legal extern for the Ingham County Prosecutor's Office where she litigated initial depositional hearings, review hearings, and preliminary motions for juvenile court cases. Her practice focuses on appellate law, insurance law, intellectual property, litigation, and real estate law.

"We are thrilled to have Amy and Emily join the firm, and are confident that they will continue the mission of providing excellent legal services to our clients," said Michael H. Perry, President of Fraser Trebilcock.





# Gallagher Law Firm Welcomes Janice Porath as its CFO

Janice Porath, CPA has joined the Gallagher Law Firm as its CFO. Ms. Porath graduated from Central Michigan University with a degree in business administration. She has worked in public accounting, tax, audit and construction management for over 20 years. "Janice is a valued addition to the Gallagher

Law Firm team and is a key component for our continued growth and expansion". Pat Gallagher

Porath

# **East Lansing Firm Opens Traverse City location**



district, an established

professional hub.

Leveraging over fifty years of legal expertise in business law, insurance defense, estate planning, and hospitality/alcohol beverage law, the firm looks forward to delivering superior client experience and extensive legal knowledge to the families and businesses of northwestern Michigan. The office will be managed by Traverse City resident and current Willingham Coté attorney Joe Van Horn, partner and

member of the medical malpractice defense group. "Traverse City's centralized location will allow our firm to meet the demands of its clients as Traverse City and the surrounding northwest Michigan community grows" explains President Michael Stephenson.



# Former Michigan State Senator Joins Fraser Consulting as Director of Governmental Affairs



Robertson

Fraser Consulting, a full-service governmental and legislative affairs firm and a subsidiary of Fraser Trebilcock law firm, is pleased to announce the hiring of former Michigan

State Senator David B. Robertson to the firm as Director of Governmental Affairs.

Immediately prior to joining the firm, Mr. Robertson was a Michigan State Senator of the 14th District of Michigan, representing Southeastern Genesee County and Northwest Oakland County. While a State Senator, Mr. Robertson was elected Caucus Chairman by his colleagues, and introduced non-partisan legislation positively

impacting Michigan residents. He was the Chief Sponsor of Public Act 403 and 404 of 2004, which amended the Unarmed Combat Commission to have authority over the management and control of all amateur and professional boxing and mixed martial arts contests held in the state, allowing the growth of the sport's popularity and economic progress, all while putting much need regulations in place. Mr. Robertson also was the Chief Sponsor of Public Act 160 of 2013, which established sales tax on the difference between trade-in and purchase price for motor vehicles and titled watercraft.

Mr. Robertson was recognized by the Michigan State Medical Society as the Legislator of the Year in 2003, and in 2018, was recognized by the Michigan Dental Association as the Legislator of

the Year. He has also spent time serving as a Michigan State Representative of the 51st District, representing Genesee County. Mr. Robertson is a Paul Harris Fellow, and is a past president of the Grand Blanc Rotary Club. For four years, he was the Genesee County Commissioner, 5th District, representing the residents of Southern Genesee County to the Genesee Board of Commissioners.

"We are very excited to have Mr. Robertson join Fraser Consulting," says Michael Perry, President of Fraser Trebilcock. "His years of experience as both a State Senator and State Representative present a unique skillset that not many individuals possess, and we are pleased to have him lead as our Director of Governmental Affairs."



# **DID YOU KNOW?**

# Fraser Trebilcock Announces 2020 Board of Directors

The Shareholders of Fraser Trebilcock, one of Michigan's longestestablished full-service law firms, have re-elected Michael H. Perry as President of the firm. This is Mr. Perry's third consecutive year as President.

Shareholder Mark E. Kellogg was re-elected to the Board of Directors, where he will serve as Vice President, and Shareholder Marlaine C. Teahan was elected to the Board of Directors, where she will serve as Secretary/ Treasurer.

"I am honored to once again serve as President of Fraser Trebilcock, and as we begin to welcome a new year and decade, I am confident that we will continue our mission of providing excellent legal services to our clients," said Michael H. Perry.

The annual election of the Board of Directors allows Fraser Trebilcock to continue its tradition of exceptional client service, dedicated community involvement and professional excellence.



# Ingham County Circuit Judge Laura Baird 2019 Recipient of the Daniel J. Wright Lifetime Achievement Award



Ingham County
Circuit Court Judge
Laura Baird to
receive the Daniel
J. Wright Lifetime
Achievement Award
for Exemplary
Service to
Michigan's Children
and Families
during Adoption
Day festivities at

the Hall of Justice. Chief Justice McCormack will preside over the event with the assistance of

Justice Elizabeth Clement. Judicial colleagues and nominator, Macomb County Circuit Judge Tracey Yokich, will present the award.

The award, jointly sponsored by the Michigan Supreme Court and the Michigan Department of Health and Human Services, was established in honor of the late Daniel J. Wright of Grand Ledge. A former director of the Friend of the Court Bureau and Child Welfare Services division of the State Court Administrative Office, Wright helped create the state's "adoption forums" to deal with adoption barriers that were keeping children in foster care. He worked on legislation to give foster children a

voice in decisions about their lives. The law now requires courts to consult the child when holding a hearing about permanent home placement.

With the theme of "Giving Thanks for Families," more than 30 courts statewide will celebrate Adoption Month, 2019. Held on or near the Tuesday before Thanksgiving each year, Adoption Month has become a holiday tradition, highlighting the importance of adoption and the needs of children in foster care. Many courts will finalize adoptions, while others will hold informational events to reach potential adoptive parents.

# 2019 WLAM Mid-Michigan Annual Dinner

On Wednesday, July 10, 2019, WLAM Mid-Michigan hosted its 2019 Annual Dinner at the Hawk Hollow Golf Course & Banquet Center in Bath. The Annual Dinner is an evening that brings together judges, lawyers and other legal professionals to celebrate women lawyers in our area and to support the many activities that WLAM Mid-Michigan hosts throughout the year.

The theme of the 2019 Annual Dinner was "Celebrating the Achievements of Women Lawyers 2018-2019." At the event, we recognized and honored two dozen women lawyers and judges in our Region who achieved significant professional accomplishments during the 2018-2019 membership year, including the following:

- Ernscie Augustine, DDBA's 2019 Rising Star Award recipient
- Katherine Bennett, 2018 Top 5 under 35 Award recipient
- Mary Chartier, 2018 Leader in the Law
- Allison Collins, 2019 Top 5 under 35 Award recipient
- Hon. Jan Cunningham, 2019 Leader in the Law and 2019 Marilyn J. Kelly Award recipient from State Bar Family Law Section
- Sara Cunningham, named officer of Loomis (Secretary)
- · Colline Devries-Burd, 2019 Top 5 under 35 Award recipient
- Hon. Joyce Draganchuk, 2019 Carolyn Stell Award recipient
- Hon. Shauna Dunnings, elected Ingham County Probate Court Judge
- Teddy Eisenhut, 2018 Top 5 under 35 Award recipient
- Anita Fox, appointed Director of DIFS for the State of Michigan
- Aylysh Gallagher, 2018 Top 5 under 35 Award recipient
- Emily Jefferson, DDBA's 2019 President's Award for Extraordinary Service recipient
- Susan Leduc, 2018 ICBA Distinguished Volunteer Award recipient
- Samantha Patwell, became a member/shareholder in Dickinson Wright (Lansing)
- Sarah Pulda, Mothers Against Drunk Driving 2019 Lifesaver Award recipient
- Shaina Reed, appointed Chair of Michigan Defense Trial Counsel Liability Section
- Catherine Reynolds, became Senior Vice-President and General Counsel of Consumer's Energy
- Patricia Scott, 2019 Leader in the Law
- Hon. Wanda Stokes, appointed Ingham County Circuit Court Judge
- Marlaine Teahan, Michigan Lawyer's Weekly 2018 Top 30 Women in the Law
- Amanda Tringl, 2019 Top 5 under 35 Award recipient

- Hon. Cynthia Ward, elected 54-A District Court Judge
- Katie Waskiewicz, promoted to Attorney Administrator in Licensing and Regulation Division of the Attorney General's Office

Following the recognition of this incredible group of women lawyers by WLAM Board member the Hon. Judge Draganchuk, attendees viewed a documentary chronicling the history of the statewide organization, which was founded in 1919 and is now 100 years old.

The documentary was followed by a panel discussion featuring former Attorney General Division Chief Susan Przekop-Shaw, who was a founding sister and





the first president of our regional organization, and Ingham County Circuit Court Judge Janelle Lawless, who is a longtime member of WLAM. Ms. Przekop-Shah and Judge Lawless focused their remarks on the history of our regional organization, their experiences as women lawyers (and as a judge) over the course of their careers, and the unique challenges that women lawyers face and the unique perspectives that they bring to the practice of law.

# The 2019 Annual Dinner was made possible by the generous support of the following sponsors:

- Platinum Sponsor: Sinas Dramis Law Firm
- Gold Sponsors: Foster Swift Collins & Smith, P.C.; Shannon
   L.W. Schlegel, PLLC; and the Davis-Dunnings Bar Association
- Silver Sponsors: Hon. Amy R. Krause (Michigan Court of Appeals); Chartier Nyamfukudza, P.L.C.; Chalgian & Tripp Law Offices P.L.L.C.
- Bronze Sponsors: Hon. Stacia Buchanan; Carol Siemon (Ingham County Prosecutor) and Michele R. Eaddy (Thrun Law Firm, P.C.)

As it has done in years past, WLAM used proceeds from the 2019 Annual Dinner to support the many events that WLAM Mid-Michigan hosts throughout the year.



# A Tribute to Carolyn Stell

# By Judge Joyce Draganchuk

Delivered with slide show at the 2019 Mid-Michigan WLAM Carolyn Stell Reception

As I look around the room, I see plenty of you who knew Carolyn Stell and practiced in front of her. But there are also others who never knew her. So with the kind assistance of David Jordon (who loaned the photos and other materials) and Aylysh Gallagher (who helped on the technical side), I put together this tribute to remind or inform everyone about who she was, what she stood for, and what we have to do going forward.

Carolyn was born in Shreveport, Louisiana to William Otis "Hook" Stell, a steamfitter, and Mary Elizabeth Harrison Stell, a teacher. She was the first born of 4 girls. Her sisters are Pat, Gloria (known as DoDo), and Susan.

She spoke of her parents often as an adult and credited them with her success. "I was raised in an atmosphere of honesty, hard work and fairness for others in the community," she said. And those are indeed the values that Carolyn demonstrated every day.

Her parents must have had a sense of humor too, because she once told a story about her father telling her he was 21 years old and her mother was 101. Carolyn went to school (when she was very young) and told this to her astonished teacher, who said it couldn't be true. But Carolyn insisted it was true, because her father had told her so.

As a child, she loved being in a rhythm band. She said "I don't remember what I played, just that it was fun. I probably played the tambourine." She was a diligent and superior student, getting nearly all A's and, of course, never tardy once.

She discovered gender inequality at a young age. "I wanted to be a newspaper boy and you couldn't be one if you were a girl," she said. "I remember my father telling me it isn't fair, but that's the way it was." Her father had correctly observed that that's the way it was, but he never told her that's the way it had to be. Her parents always told her that it didn't matter – she could be whatever she wanted to be.

She moved with her family to Arizona as a teenager where she

graduated from high school in Tucson, Arizona in 1959. Even then, she knew she was destined for greatness and so did others. Even then, she knew there would be hurdles. A boy gave her a ride home from high school. He said to her "I bet you wish you were a boy. You're smart, You're ambitious." Carolyn was stunned.

She excelled in high school and found an interest in journalism. David Jordon described her like this: "Back in high school there were smart kids who did well and "study bugs" who did well. Carolyn was both. She was brilliant and worked as hard as anyone I've ever known."

She later attended the University of Arizona where she majored in English. Carolyn said that her parents never gave her and her sisters the impression that marriage is all there is for girls, or that there are some things girls don't do. Also, she said, they made us feel we should be prepared to work. Despite her parents' strong message, there were inescapable societal norms at the time. After graduating from college, she said "I really did see only three careers – secretarial, nursing, and teaching." So, she worked as a secretary at Stanford University for several years.

But soon, the assassinations of Robert Kennedy and Martin Luther King Jr. drove her to think about law. The ensuing social unrest made her think about bringing about social change through law rather than the streets. She came to East Lansing in 1968 and began commuting to Ann Arbor to earn her law degree at the University of Michigan. Her daily commute took 3 hours a day, including parking and walking to class. She saw that as 15 hours a week of missed study time. "I did it by sheer stubbornness," she said, "but there are times I would have sold my soul for a train."

She first had thoughts of being a judge while she was in law school. Some of the impetus came from her school friends who always told her she would make a good judge. At the time, a woman aspiring to be a judge was a huge aspiration to have. Carolyn, however, wasn't sure at the time. She knew she had the ability to assess both sides of an issue, but she also considered herself too much of an advocate to be on the bench.

She was very much an advocate for the causes she cared about — education, social justice, equality. And her advocacy took shape after law school on the local level. After she graduated in 1974, she got involved in local issues in East Lansing. She was on a screening committee to help select a new city manager. She co-founded the East

### WLAM IN THE SPOTLIGHT

Lansing High School Parent Council committee. She was appointed to the East Lansing Cable Communications Commission and was chair of the Elected Officers Compensation Commission. She was an active member of the Economic Development Corporation – an unusual effort for a woman at the time. She was recognized for the impact she made and for her volunteerism by receiving the Diana Award, given to recognize the achievements of women who have demonstrated outstanding leadership in the workplace and in the community.

But she took her first dip into politics in 1977 when she filed to run for East Lansing City Council. She came in 4th in the primary but surprised everyone when she surged into being the top vote getter in the general election. She campaigned on a promise to draw more voices into the city's decision-making process and to drum up more public support for the arts. Those were core values for Carolyn that she carried with her all her life.

Even at the City Council level there is plenty of conflict and there were difficult decisions to make. But Carolyn always drew on the honesty and integrity she was raised with. That was reflected when she said, "in some areas you represent the people and in others, you lead them. If you have strong ethical feelings on an issue, I don't see how you could vote against them."

Two years after she was elected to City Council, she had to resign to avoid a conflict of interest. She had left her job at the Michigan Insurance Bureau and took a job with the State Court Administrative Office, which conflicted with her City Council position. When she left the City Council, George Griffiths, the Mayor of East Lansing at the time, said "Carolyn's been an immensely tremendous help and a strong participant in council decisions. She always knew her material and was prepared. She was always ready to make clear, concise decisions that contribute a great deal to our decisions."

In 1982, the Ingham County Circuit Court was in a bit of turmoil. Judge Hotchkiss had been suspended for 60 days and publicly reprimanded. He was up for re-election along with the other incumbent judge at the time, Michael Harrison. Two people—two men – had filed to run against the two incumbents. So now there were 4 men in the race – 2 incumbents and 2 challengers. Those numbers meant that there would be no primary. Instead, all 4 would proceed to the general election with the top 2 vote getters the winners.

Carolyn Stell never did anything that was easy. At almost the last minute, she filed to run in the field of 4 men. This meant 2 things: First, because there were now 5 people in the race, she would have to fight through a primary election. Second, if she made it to the general election,

she would have to beat at least one incumbent in order to win. She did not underestimate the difficulty of the run, but she never once thought it was not doable because she was a woman.

She worked hard, she had a large number of volunteers, and she had a lot of support. And at 3:00 a.m. on Wednesday, November 3, 1982, Carolyn Stell made Ingham County and Michigan history by being voted in as the first female judge in this county. There were only 7 other women serving as Circuit Judges in the entire state.

On December 28, 1982, Judge Carolyn Stell took the oath of office to a standing room only crowd of 250 people. Her friend, Michael Cavanagh, who had just been elevated from district court to the supreme court, administered the oath. "No doubt the electorate of Ingham County made a wise choice in electing Carolyn, he said. I trust that six years from now, I'll be saying 'keep a woman on the court."

Not only did Justice Cavanagh say, "keep a woman on the court" six years later, but a lot of other people joined him in saying "keep Carolyn Stell on the Court." She was re-elected in 1988 and 1994.

Judge Michael Harrison described her as "an achiever in whatever she has attempted. She approaches everything with competence and skill."

Ingham County's first female judge was a label that Carolyn saw as an asset and a burden. "That will always be a parenthetical after my name," she said. "It's something I'm real proud of." But even early on when she was first elected, she knew she would face hurdles. "It's very burdensome," she said. "You're judged by different standards. Your mistakes are seen as failures of the group as a whole."

Although she was proud of that moniker "first female judge in Ingham County," she looked forward to the day when being a woman, Hispanic, Black or disabled wouldn't even be relevant. "Equality depends on the quality of the judge and the lawyers – no matter the gender," she said. "Women must speak out against gender discrimination. If you make the compromise, you don't move things forward."

Carolyn was stern and serious on the bench. She had to be. Anything less than her all-business approach would have surely drawn criticism and unfair doubt about her abilities. But those who were lucky enough to know her off the bench know that she had a wicked sense of humor, and a love of wild socks, weird art, and goofy get-ups.

She loved her family dearly and showered them with love and attention. She relished her roles as mother, aunt, and grandmother. The joy that she brought them was only equaled by the joy they gave her. Her sisters

### WLAM IN THE SPOTLIGHT

were always held dear to her and even when adulthood took them miles apart, she was always there for them in their times of need.

No rendition of Carolyn's life would ever be complete without mentioning her husband, David Jordon. The man who was responsible for not only the fresh flowers that were delivered to Carolyn's office every single week, but also the man who supported her and believed in her every step of the way. Carolyn recognized the importance of that. "People treat you differently when you are a judge. It's an isolating experience. It's nice to have a spouse who understands," she said. The only thing they couldn't share, with them both being judges, was, ironically – work. To avoid conflicts of interest, Carolyn and David could not talk about any of the preliminary exams that David presided over. It led to some funny situations, Carolyn said. "He'll open his mouth to say something and he'll say, 'Forget it.' Or I'll just say, "I don't want to hear about it." But they still loved talking law with each other and exchanging their ideas about docket management as well as exchanging their wisdom on other court rulings. It was a two-way street and as David described, "It's good to know your spouse is sensitive to your professional successes and problems."

Recently, David told me "Nobody could have had a more supportive person on their side, and she was willing to tell me if I was missing some point or obsessing for no reason, always without making me feel like I'd been acting like an idiot, which I probably had been."

The life of Carolyn Stell was a life of honesty, hard work, and caring for others in the community – all the values of her parents that she epitomized throughout her life. Everybody told her that she had barriers and roles to play. Her parents taught her she did not. The easiest tasks were made challenging by her never- ending quest to complete them to perfection. The hardest tasks were achievable by her willingness to work harder than everyone else and to believe that anything was possible.

And that brings us to the other reason we are here tonight – to continue the legacy of Carolyn Stell by recognizing and encouraging a female law student who demonstrates Carolyn's values and aspires to exemplify them. The first Carolyn Stell scholarship award was made in 1993 and has been given every year since. It was expanded a number of years ago to include an award to a female lawyer who embodies those values. And while it is sad that the awards have been renamed this year to be memorial awards, it is also inspirational because it reminds us of who Carolyn Stell was, what she stood for, and what we must continue to strive to achieve.

Carolyn always supported other promising women who held high ideals and goals. She often lent her support to other women seeking office at all levels – starting with City Council to the highest levels of the judiciary. As she said, "We must keep the door open so other women can follow us."

So, as we gather together once a year and give out the Carolyn Stell Memorial Scholarship and Award, we must all vow to pass on to the next generation of women lawyers the story of who Carolyn Stell was and what she stood for. We must all vow to lift up that deserving female law student each year to give her a boost over the finish line. We must all vow to recognize each year a female lawyer who embodies the values that Carolyn held dear. By doing that, we honor Carolyn Stell and we ensure that her legacy survives. And most important, we hold the door open so other women can follow.











# Carolyn Stell Award Recipient

# By Carol Siemon

At the 2019 Stell Reception, the Carolyn Stell Award Committee was proud to present the 2019 Carolyn Stell Award to Ingham County Prosecutor Carol Siemon, the first female elected prosecutor in Ingham County.

Prosecutor Siemon has a long history of working to advance the rights of women and children. Some of her work highlights include leading the Juvenile Division of the Ingham County Prosecuting Attorney's office where she prosecuted cases and trained others in the area of child abuse and neglect. She also worked as an Investigator and Legal Specialist in the Office of Children's Ombudsman, where she investigated issues surrounding families and children. She trained child welfare professionals through positions with the State Court Administrative Office of Child Welfare Services and the Michigan Department of Human Services-Child Welfare Training Institute. Prior to her election as Ingham County Prosecutor in 2016, she was a Senior Policy Consultant with Public Policy Associates, Inc. and worked to support juvenile justice and to reduce disproportionate minority contact in the juvenile justice and child welfare systems.

Outside of her employment, Prosecutor Siemon has been a faculty member for Michigan Judicial Institute, the Institute of Continuing Legal Education, the University of Michigan Medical School, and the University of Michigan School of Social Work, all centering around issues of families and child welfare.

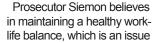


Prosecutor
Siemon has a long
association with
the Council Against
Domestic Assault, a
group more currently
known as EVE. She
prepared a handbook
on the legal rights of
battered women for
the Council and she
developed a weekly
in-shelter workshop

on legal rights and remedies for battered women. She has also served on the Michigan Human Trafficking Task Force and the Child Welfare Improvement Task Force. She currently participates with the Capital Area Sexual Assault Response Team on a regular basis.

Prosecutor Siemon has also worked to advance women in the legal profession. The leadership in the Prosecuting Attorney's office has changed since Prosecutor Siemon was elected. She openly and consistently has promoted female assistant prosecutors. Just prior to Prosecutor Siemon's election, close to 100% of the leadership in the office

was male despite a historical 50/50 gender split in the office. Today, more than half of the leadership positions are filled by females. Prosecutor Siemon has also shifted the assignment of homicides and other high-profile cases. Prior to her election, those cases were handled almost exclusively by male assistant prosecutors. Prosecutor Siemon has made sure that the distribution of assignments to high profile cases has equally included female assistant prosecutors.





that disproportionately affects women. As female assistant prosecutors start families, Prosecutor Siemon is steadfast in supporting their lives as mothers while they continue their careers as prosecutors. She has shifted assignments and shifted scheduling to ensure that women can achieve and maintain all the roles in life that they find fulfilling. If all private law firms could take a page from Prosecutor Siemon's book in this area, all women in the legal profession would benefit.

Prosecutor Siemon's support and promotion of women in the legal field reaches beyond the Prosecuting Attorney's office. She has informally mentored women who are lawyers or who may be seeking a legal career. She has spoken at events through MSU Law School and James Madison College to encourage women to move into positions of policy-making and power. As part of a "STEAM" one-week camp, she hosted a group of young black females and males for an afternoon to show them what prosecutors do and to introduce them to various aspects of the legal system. She spoke to them about why it is critical for them to engage and be leaders.

Through her work with Fair and Just Prosecution, Prosecutor Siemon has supported and empowered female prosecutors across the country. She has publicly and assertively stood beside elected female prosecutors from Baltimore, St. Louis, Chicago, Boston, and Atlanta, who are all experiencing sexist and racist attacks.

Prosecutor Siemon's life work has been devoted to empowering and mentoring women. That she campaigned for former Ingham County Circuit Court Judge Carolyn Stell when she was running to be the first female judge in Ingham County makes it particularly fitting that she receive the Award the bears her name this year.

# The Stell Memorial Scholarship Recipient: Emily Paski

At the 2019 Stell Reception, the Carolyn Stell Memorial Scholarship Committee, which is chaired by the Hon. David Jordon, was proud to present the 2019 Carolyn Stell Memorial Scholarship to Michigan State University College of Law ("MSU-COL") student Emily Paski.

The purpose of the Scholarship is to provide financial assistance to a deserving female law school graduate which will enable her to apply, study for and pass the Michigan Bar Examination, and to gain admission to the State Bar of Michigan. Selection criteria include the following:

- Financial need:
- · Community service and involvement;
- Academic achievement; and
- Career objectives

Although there were several deserving applicants for the 2019 Scholarship, Ms. Paski truly stood out among her peers for her impressive academic achievements, notable professional experiences and aspirations, and her strong commitment to serving her community, all while raising her 6-year-old son as a single mother.

Ms. Paski's dedication to helping others began long before she entered law school. Shortly after completing her undergraduate studies at Western Michigan University, Ms. Paski interned for the Michigan Migrant Legal Assistance Project and worked as a communications director for Grace Children's Hospital in Haiti. She also worked as a grant administrator for Prevention Network, a non-profit dedicated to substance disorder prevention and mental health advocacy.

As a law student, Ms. Paski has remained active in serving her community through her involvement with several community service organizations with a focus on women, particularly mothers and families, including:

- Capital Area Perinatal Wellness Coalition (Founding Member)
- Capital Area Breastfeeding Coalition
- Greater Lansing Food Bank; and
- Willow Tree Family Center

In addition to her service to and involvement in the greater Lansing community, Ms. Paski is also active in several organizations at MSU-COL, including:

- International Law Review (Notes & Comments Editor)
- Diversity and Equity Services Office Student Parent Alliance (Liaison)
- Diversity, Equity and Inclusion Task Force;
- Multi-Cultural Executive Council;
- Public Interest Law Society;
- Progressive Law Society;
- Native American Law Student Association

As a 3L at MSU-COL, Ms. Paski maintains an impressive 3.84 GPA. During law school, she has earned her certification as a civil facilitative mediator and is a candidate for certification by MSU-COL's Indigenous Law and Policy Center. In addition, over her law school career, she has earned Jurisprudence Achievement Awards in several courses, including Research, Writing and Analysis; Advocacy; Topics in Cyberlaw; and Mediation.

In addition to her academic achievements, Ms. Paski has also achieved professional successes. Last year, she was selected to serve as a law clerk for Governor Gretchen Whitmer. In that role, she currently works with Michigan's 12 federally recognized tribes on regulation, natural resources, economic development, healthcare administration, and criminal justice issues. In addition, Ms. Paski was recently selected for a post-graduate Judicial Clerkship with Michigan Supreme Court Justice Megan Cavanagh, which she will begin in August of 2020. Ms. Paski plans to assist Justice Cavanagh in her role as Supreme Court liaison to Michigan's tribal courts, and she plans to continue her career in indigenous law and policy following her clerkship.



# WLAM Members Admitted to the SCOTUS

On November 13, 2019, twelve female attorneys from WLAM Mid-Michigan Region were admitted to the United States Supreme Court in Washington D.C. It was an exciting opportunity that each of these ladies will no doubt remember for the rest of their lives! The group was graciously sponsored by WLAM Mid-Michigan's very own Honorable Judge Michelle Rick of the Clinton County Circuit Court. Judge Rick's motion was granted by Chief Justice John Roberts, and the Clerk of the Court swore in the group during a session of Court, just before the Court heard arguments in two calendar cases. The group also enjoyed a breakfast at the United States Supreme Court Building before court, as well as a lecture from the Office of the Curator later in the day.

Those admitted include the following:

Katie Tucker- Sinas, Dramis, Larkin, Graves & Waldman P.C. Aylysh Gallagher- Ingham County Prosecutor's Office Katherine Bennett- Michigan Department of Attorney General Susan Chalgian- Chalgian & Tripp Law Offices Jackie Dupler- Sinas, Dramis, Larkin, Graves & Waldman P.C. Natalie Clinkscales- Ingham County Prosecutor's Office Kahla Crino- Ingham County Prosecutor's Office Colline Devries-Burd- The Nichols Law Firm Teddy Eisenhut- Ingham County Prosecutor's Office Judge Lisa Gigliotti- Michigan Office of Administrative Hearings and Rules

Laura Mitchell- Laura Mitchell Attorney at Law The Honorable Amy Ronayne Krause- Michigan Court of Appeals



**Photo Information (Left to Right):** Susie Chalgian, Jackie Dupler, Laura Mitchell, Judge Michelle Rick, Aylysh Gallagher, Kahla Crino, Judge Lisa Gigliotti, Colline Devries-Burd, Teddy Eisenhut, Katie Tucker, Natalie Clinkscales, Judge Amy Ronayne Krause, Katherine Bennett

# RECOGNIZING A POTENTIAL ROUNDUP CASE NON-HODGKIN LYMPHOMA AND MONSANTO

By Jonathon K. Homa & George T. Sinas

The Michigan personal injury attorneys at Sinas Dramis Law Firm wrote this article to provide a current report on the widespread Roundup litigation across the United States. Individuals can also use the following information to determine whether they have a legitimate Roundup cancer lawsuit against Monsanto as a result of exposure to Roundup products. To date, over 18,000 individuals in America have filed lawsuits against Monsanto, and that number grows every day. People who have regularly used Roundup products at home or work for a number of years have brought the majority of lawsuits against Monsanto.

# Roundup Ingredient – Glyphosate – and Cancer

Glyphosate is the active ingredient in Roundup and is the most heavily used agricultural chemical in the world. The use of glyphosate has been under heavy scrutiny since 2015 after the International Agency for Research on Cancer (IRAC) labeled the chemical a "probable carcinogen" for humans. The IRAC's determination was based on a comprehensive meta-analysis review, which compiled information gained

from hundreds of previously conducted studies on glyphosate.

In contrast, the Environmental Protection Agency (EPA) has classified glyphosate as "not likely to be carcinogenic to humans." This contradictory conclusion broke the EPA's longstanding practice of aligning with the IARC's cancer hazard assessments. However, many organizations have attacked the EPA's assessment, identifying problems with its study. Furthermore, there is reportedly a disturbingly close relationship between the EPA and Monsanto. Internal corporate documents made public during court proceedings revealed this troublesome relationship.

While many health organizations continue to disagree on the risk of contracting cancer from use of Roundup products, recent research gives weight to the determinations of the IRAC. Recently, the Agency for Toxic Substances and Disease Registry (ATSDR), a federal public health agency of the U.S. Department of Health, published a wide-scale, scientific review and assessment of glyphosate studies. The results of the

study found cancer risks resulting from pure glyphosate exposure in rodent studies, and mixed glyphosate product exposure in human epidemiologic studies. The report further confirms what Monsanto has adamantly denied – that Roundup products cause cancer.

# Types of Cancer Caused by Roundup

The most predominant type of cancer linked to glyphosate exposure is Non-Hodgkin Lymphoma. Non-Hodgkin Lymphoma originates in the lymphatic system where tumors develop from lymphocytes. There are approximately 60 different subtypes of Non-Hodgkin Lymphoma. All 60 types fall into two main categories, named for its site of origin – B cell lymphomas and T cell lymphomas.

B cell Lymphomas: B cells, also known as B lymphocytes, are a type of white blood cell that fight body infections by producing antibodies that neutralize foreign contaminants. The most prevalent subtypes of B cell lymphomas include diffuse large B cell lymphoma, follicular lymphoma, Burkitt lymphoma, and mantle cell lymphoma.

**T cell Lymphomas:** T cells are lymphocytes developed in the thymus

gland that are involved in killing cells infected by foreign invaders. Non-Hodgkin Lymphoma occurs less often in T cells than in B cells. The most common subtypes of Non-Hodgkin Lymphoma that involve T cells include peripheral T cell lymphoma and cutaneous T cell lymphoma. Therefore, if a person has been diagnosed with a form of either B cell or T cell Non-Hodgkin Lymphoma, exposure to Roundup products could be the cause of cancer.

# Roundup Exposure Parameters

Exposure can occur when glyphosate comes into contact with a person's skin, eyes, or lungs (breathing vapors). Also, a person may swallow some glyphosate if they eat or smoke after applying the product without washing their hands first. The most common form of exposure is through contact with the skin during application.

Monsanto claims that glyphosate's toxic effects in animal studies do not matter because Roundup product users are only exposed to "safe" levels that do not cause such effects. However, an expert pathologist who testified in two trials regarding Roundup's carcinogenic properties gave shocking testimony - that using Roundup more than two days per year doubles the risk of developing Non-Hodgkin Lymphoma. Information and research regarding the exact amount of Roundup exposure required to cause cancer is scarce. Regulators set safety limits for glyphosate exposure based on data from the industry's own toxicity studies on laboratory animals. These toxicity studies are supposed to provide



evidence of potential adverse effects on mammals, most commonly rats, whose physiology is similar to that of humans. As the Roundup litigation continues across the country, additional studies will no doubt be performed. These additional studies will continue to provide clarity on the exact levels of exposure that presents a significant risk to humans.

In light of the new research linking glyphosate to Non-Hodgkin Lymphoma, California added the ingredient to its list of chemicals known to cause cancer by the Office of Environmental Health Hazard Assessment on July 7, 2019. California's proposed "safe" exposure amount is 1.1 milligrams per day for a human weighing approximately 150 lbs. The set exposure amount correlates with the dose of glyphosate expected to cause no more than one case of cancer in every 100,000 people who are exposed to it over a lifetime. Notably, California's recommended limit of 1.1 milligrams per day is drastically lower than that of the EPA, which is currently set at 140 milligrams per day.

If a person has used Roundup regularly at their home or in their profession and subsequently developed Non-Hodgkin Lymphoma, glyphosate should be considered as a potential cause of cancer.

# What Should Lymphoma Patients Do?

If a lymphoma patient was exposed to Roundup and subsequently diagnosed with Non-Hodgkin Lymphoma or leukemia, it is important to make a decision regarding that patient's legal rights. The laws of Michigan protect individuals from dangerous products that cause serious health consequences to consumers. including Roundup products. If a person diagnosed with Non-Hodgkin Lymphoma does decide to take action, they may be eligible to receive compensation for medical expenses, pain and suffering, emotional distress, lost wages, and other losses. It's important to know your legal rights and to contact skilled legal assistance as soon as possible.

# The ICBA Liberty Bell Award Goes to Tim Skubick



By
Otto Stockmeyer
Stockmen@cooley.edu
Otto Stockmeyer joined the
WMU-Cooley Law School
faculty in 1977 and went
emeritus in 2015. This
article is derived from his
contribution to the school's
blog, at https://info.cooley.
edu/blog/update-the-libertybell-award

Purpose. On May 1 each year, organizations across the nation participate in Law Day, celebrating the role of law in American society. Of the many events that make up Law Day, few capture its spirit as well as a program first developed in our own state, the Liberty Bell Award.

The award honors persons or entities outside of the legal profession that have contributed to a greater understanding of our legal system, participated in it to the betterment of their communities, or helped to strengthen and improve the American system of justice.

By honoring non-lawyers, the

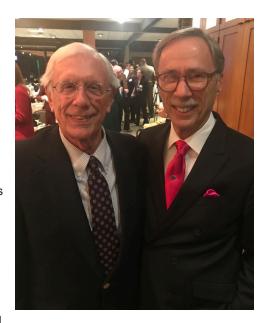
Liberty Bell Award helps dispel the notion that Law Day is solely a "lawyers' day." At the same time, media coverage of Liberty Bell Awards casts a positive reflection on local bar associations presenting them.

Origin. Flint attorney William P. Daniel conceived the idea of a Liberty Bell Award for non-lawyers in 1962, when he was a member of the State Bar of Michigan Young Lawyers Section. Young Lawyers Sections in several other states adopted the idea the following year. In 1964 the Board of Governors of the American Bar Association formally endorsed the award for bar associations nationally.

Since inception of the Liberty Bell Award nearly 60 years ago, thousands of individuals and organizations have received the recognition that they have not sought--but richly deserve--for their extraordinary contributions to our legal system. We who work in that system are in their debt. 2019 award. At its annual Awards Dinner November 14, 2019, the Ingham County Bar Association honored Tim

Skubick with its 2019 Liberty Bell Award. (Unlike most local bar associations, the ICBA presents the award in the fall.)

The 2019 Law
Day theme was
"Free Speech,
Free Press, Free
Society." It focuses
attention on these
cornerstones of
representative
government
and calls on all
Americans to
understand and
protect the rights
of free speech and
a free press.



Tim Skubick is a stalwart exemplar of freedom of speech and press. As WKAR-TV's Senior Capitol Correspondent, he is in his 50th year of covering Michigan government and politics. This makes him the longest serving political reporter in state history. Now in its 47th season, "Off the Record," which Skubick produces and anchors, is seen each week on all Michigan public television stations.

I was pleased to nominate Skubick for this honor. I want to thank attorneys Mike Nichols (a former TV reporter and WMU-Cooley alum) and Tom Woods, and political commentator Bill Ballenger, for writing letters in support of the nomination.

In a year celebrating freedom of speech and press, Tim Skubick--"the unchallenged dean of Lansing journalism"--was highly deserving of the ICBA's 2019 Liberty Bell Award.

# What Is Your Goal?

# By Colonel John J. Wojcik

Colonel Wojcik has served as the general counsel for the Michigan National Guard since 2002. In his practice, he supervises 24 military attorneys who provide strategic legal coverage for 11,000 employees, three Air Force bases, two Army Guard posts, and over 50 armories across the state of Michigan. In 2010-2011, he was called to service in Afghanistan in Operation Enduring Freedom, where he was awarded the Bronze Star among other awards. In 2017 he graduated from the prestigious U.S. Army War College, where he received a Master of Strategic Studies degree.

He helped facilitate the creation of the Ingham County Veteran's Court in East Lansing, and was a proponent in the creation of the Military and Veteran's Law Section of the State Bar of Michigan. In 2016, COL Wojcik was appointed by Governor Snyder to serve a 3 year-term on the State of Michigan Retirement Board, where he provides oversight over the state's investment of various state pension funds. Wojcik, a 1996 graduate of the Thomas M. Cooley Law School, has taught

there as an adjunct professor since 2004, where he has taught Military Law and Federal Contracting Law for the Homeland Security L.L.M. program. COL Wojcik is a certified Army comptroller and has taught numerous Federal Contracting certification courses for the National Guard Bureau throughout his military career. He has co-authored "Military Legal Matters Involving Family Law Practice" in ICLE's Michigan Family Law Manual for 2016, 2017, and 2018.

Do you think you're in the business of strategic communications? The answer might surprise you. In today's digital world, an errant e-mail can quickly find its way to the front page of a newspaper, or even worse, onto someone's blog or Twitter account where it can be shared with mercurial speed. It's time to re-think what we view as strategic communications. Start with your electronic communications.

- WRITE YOUR E-MAILS TO INFLUENCE FUTURE CONDUCT. Every communication you send should be sent with the goal of modifying someone's behavior on the other end of the communication. If your goal is to send the e-mail to make yourself feel better, stop what you're doing. Set your stopwatch, and wait 24 hours before sending anything. When you sit back down at your computer, ask yourself what result you're trying to achieve before you hit send. Then, draft the e-mail so it accomplishes that purpose. Remember that once you hit send, you've lost control of your audience.
- E-MAILS ARE NOT INTERNAL COMMUNICATIONS. While your e-mail may start off as a message to your boss or to a coworker, anyone in the chain can forward your e-mail outside your organization. When you write an e-mail, imagine it being read by opposing counsel or another company competing for your business or even by a journalist. Why is this important? Because it happens. Look no further than the e-mails sent between test pilots who complained of the MCAS system in the Boeing 737 Max. In today's world, e-mails between colleagues are called transcripts of an exchange and can have strategic ramifications. Assume that whatever you write in an e-mail is going to be seen by someone outside your organization, so you may want to keep the word "transcript" in your mind as you write.
- E-MAILS ARE NOT INFORMAL COMMUNICATIONS. E-mails are easy to send, but they are not informal communications – not anymore. In the legal field, e-mails (and content found in

the e-mails) regularly find their way into judicial opinions and investigative findings. Corporate e-mails can quickly end up in front of Congressional subcommittees. Consider how your language would be viewed if it was submitted as evidence. Use plain English. Double check your grammar and punctuation. Most importantly, stop using e-mails to communicate important ideas and concepts. There are much better channels to convey complicated messages, including in-person meetings or formal reports.

 DON'T SEND SENSITIVE INFORMATION IN AN E-MAIL. Just because you receive an e-mail doesn't require that you respond to the message. If you're working with a sensitive matter, recognize that your responsive e-mail can run away from you – quickly. Don't be afraid to pick up the phone or simply walk down the hall and have a conversation with someone. You may even consider walking into someone's office and starting off the conversation by saying "I'm here to answer your e-mail."

https://www.nytimes.com/2019/10/18/business/boeing-flight-simulator-text-message.html

We've all been there. You've been working with a client or a colleague who has either said something or done something that makes you want to send a snarky response. Don't do it – ever. Between FOIA and electronic discovery rules, e-mails don't ever really go away Effective legal writing went through a paradigm shift in the 1990s, when lawyers like Professor Joseph Kimble urged attorneys stop writing like a lawyer, and to start writing in plain English so the reader could actually understand what they were trying to say. Using plain English isn't just good for lawyers though. Anyone who writes strategic communications for a client can benefit.

"Plain English: A Charter for Clear Writing" back in 1992. https://www.michbar.org/file/generalinfo/plainenglish/pdfs/92 dec.pdf



By
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Stockmen@cooley.edu
Otto Stockmeyer retired
from WMU-Cooley Law
School in 2014. He is a
past president of Scribes
– The American Society
of Legal Writers. This
article is excerpted from
his column in the Scribes
newsletter.



Background. Placing a shareholder proposal in a corporation's annual-meeting proxy statement is the only practical way for shareholders to communicate with each

other about corporate policy. Some years ago, I used the process successfully by drafting a shareholder proposal using plain-English principles. I believe that using plain English made a difference.

My shareholder proposal related to Goliath Bank (a pseudonym, obviously), Michigan's largest financial institution at the time. Goliath was the only large bank in Michigan that imposed fees on lawyers' IOLTA accounts. The Michigan State Bar Foundation uses IOLTA account interest to support access to justice for indigent citizens throughout the state.

As a former president of the foundation, and a Goliath shareholder, I was embarrassed that the bank's fees were nibbling away at funds that would otherwise go to the foundation. My shareholder proposal was intended to rally fellow shareholders to my point of view.

Drafting Considerations. Corporate investors are fairly sophisticated people. But often they are not lawyers and

cannot be expected to understand legalese. Shareholders are unlikely to vote in favor of something they won't read or can't understand.

Many proxy proposals are written in the form of a resolution, complete with whereases and wherefores. Instead, I used an inviting question-and-answer format. I avoided both legal jargon and technical business terms, and I organized short sentences (average length of 15 words) into short paragraphs.

The questions served as descriptive headings. Words of familiarity included "we" to refer to the proponents (me and members of my family), "you" for fellow shareholders, and "they" for other banks.

The biggest hurdle was to explain IOLTA accounts to laypeople. I tackled it head-on in the opening paragraph of the supporting statement. One unavoidably long sentence (29 words) was introduced by two shorter ones of 8 and 10 words.

Measuring Readability. Rudolph Flesch's book How to Write Plain English offers a formula for measuring readability. Applying the Flesch formula to my proposal produced a score of +51. This meant the proposal should be comprehensible to a high-school graduate and was on par with Time (+52) and Newsweek (+50).

In contrast, a representative sample of Goliath's proxy statement for the previous year scored -12. According to Dr. Flesch, this meant the proxy statement was comprehensible to someone with a postgraduate degree and was more difficult to read than the Harvard Law Review (+32) or the Internal Revenue Code (-6).

A SEC rule limits shareholder proposals to 500 words. This has the unfortunate effect of encouraging the use of long, compound, and technical words because they tend to carry more content than short ones. Don't succumb to that temptation. Use plain-English principles to pack a lot of information into a relatively short, direct, and easy-to-read document.

Conclusion. The bank retained a Wall Street law firm to try to exclude my proposal from the bank's annual-meeting materials. When that effort stalled, and the printing deadline loomed, Goliath's management capitulated.

I had corresponded with the CEO several times about the IOLTA-fee issue, with no success. I believe that what changed the bank's mind was the power of plain-English advocacy. When management realized that if shareholders read my proposal they would actually understand the issue, the bank capitulated.

# ==== Sidebar ===== Plain-English Shareholder Proposal

### **Proposal**

We recommend that the Board of Directors adopt a policy of waiving fees for all IOLTA accounts so that every dollar of interest goes to support the work of the Michigan State Bar Foundation. Then Goliath can join the foundation's IOLTA honor roll of banks.

### **Supporting Statement**

What are IOLTA accounts? "IOLTA" stands for "Interest on Lawyer Trust Accounts." The Michigan Supreme Court created the IOLTA program. Its purpose is to generate interest on pooled trust accounts that law offices maintain for client funds that are too small or short-term to justify creating separate accounts.

Where does the interest on IOLTA accounts go? Banks remit the interest in their IOLTA accounts to the Michigan

State Bar Foundation. The foundation is an IRS 501(c) (3) tax-exempt charity. It uses the IOLTA interest to make grants supporting legal services to the poor and improvements in the administration of justice.

IOLTA enables low-income citizens to receive assistance with urgent legal problems, such as protection from family violence, child support and custody issues, and victimization of the elderly. Information about IOLTA grants in the communities served by Goliath is available on request to the Michigan State Bar Foundation, 306 Townsend Street, Lansing, MI 48933.

What is the IOLTA Honor Roll of Banks? IOLTA rules permit a bank to impose reasonable fees on such accounts. The honor roll recognizes the generosity of banks that waive all fees on IOLTA accounts. They do this to maximize the amount of IOLTA interest available for foundation grants. The honor roll is published regularly in the Michigan Bar Journal.

What are other banks doing? More than 82 percent of the banks participating in Michigan's IOLTA program waive fees on all IOLTA accounts and are listed on the honor roll. This includes all the other major banks operating in Michigan: Bank One, Michigan National, National City, and Old Kent. Even so, the need still greatly outpaces available resources. A recent study found that only 20 percent of the legal needs of the poor are met each year.

What does Goliath do? Presently, Goliath imposes fees on IOLTA accounts with balances under \$5,000—even though law offices have no control over the balances held in such accounts. Ethics rules prohibit a lawyer from depositing personal funds into an IOLTA account, even to meet a bank's fee-waiver threshold.

Why is this a Board matter? Goliath should join the overwhelming majority of Michigan banks that have adopted the enlightened policy of waiving fees on all IOLTA accounts. As shareholders, we should be embarrassed that our bank is not on the honor roll.

Bank executives regard the matter of IOLTA fee waivers as merely one of product pricing. We believe, rather, that it poses a significant issue of corporate social responsibility, to which the board should respond affirmatively.

If you share our belief, please vote FOR this proposal.



# **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 Teddy Eisenhut. She can be reached at teisenhut@ingham.org.

# 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.

# **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.



# YLS Hosts Admission Ceremony For New Attorneys

On November 18, 2019, YLS hosted an admission ceremony for new attorneys at Western Michigan University Cooley Law School's Lansing campus. YLS appreciates Cooley's co-hosting of this twice annual

event! The Honorable Judge Clinton Canady III of the Ingham County Circuit Court kindly presided over the ceremony, and those without individual sponsors were sponsored by ICBA President Charles Barbieri of Foster, Swift, Collins & Smith P.C.

New attorneys admitted at the event were as followed:

Aiana Jamison, sponsored by Charles Barbieri Ivan Darling IV, sponsored by Zeina Bazzi Blair Hotz II, sponsored by Blair Hotz (his father) Leslie Barker, sponsored by Charles Barbieri



Photo information (left to right, standing with right hand raised): Leslie Barker, Blair Hotz II, Ivan Darling IV, Aiana Jamison

# **YLS Calendar Of Events**

January 2020: Post-Holiday Mixer (TBA)

February 13, 2020 @ 6 p.m. – ICBA-YLS Board Meeting (Kelly's Downtown)

March 2020: Educational Event (TBA)

March 19, 2020 @ 6 p.m. – ICBA-YLS Board Meeting (Kelly's Downtown)

April 9, 2020 @ 6 p.m. – ICBA-YLS Board Meeting (Kelly's Downtown)

April 2020: Collaborative Fitness Event (TBA)

April 2020: Haven House – Volunteer Opportunity (TBA)

May 14, 2020 @ 6 p.m. – ICBA-YLS Board Meeting (Kelly's Downtown)

May 2020: Swearing-in Ceremony (TBA)

June 2020: Annual Paper Chase 5K (TBA)

June 11, 2020 @ 6 p.m. – Last Annual Meeting ICBA-YLS Board Meeting (Kelly's Downtown)

July 2020: Past President's BBQ (TBA)

# SAVE THE DATE

ICBA-YLS is pleased to announce the date of our 7th Annual Paper Chase 5K Run/Walk:

Sunday, June 7, 2020

Location: Meridian Township Municipal Complex

Registration: 9:00 AM.

Race: 10:00AM.

Sponsorship opportunities will be announced soon.



# **2019 HORN OF PLENTY**

On November 22, 2019, numerous firms throughout the Greater Lansing area participated in this year's ICBA-YLS's Annual Horn of Plenty Drive, generously giving to those in need within our Mid-Michigan community. Donations were distributed to the Cristo Rey Community Center.

Not only did the donations include non-perishable food items; winter clothing; and personal needs items, e.g., diapers, shampoo, and soap, but they also included monetary donations amounting to nearly \$1,000.00! YLS and the Cristo Rey Community Center could not be more appreciative of everyone who gave to this year's Drive as the generosity assisted many families in anticipation of the upcoming holidays.

Below are some photographs of donations that were charitably given. Again, thank you to this year's participants!!









A Big Thank You to the Following Firms & Individuals Who Participated in the 2019 Horn of Plenty

- Chartier & Nyamfukudza, PLC
- MCV Law PLLC
- Clark Hill
- Murphy & Spagnuolo, PC
- Dykema Gossett
- Nolan Thomsen & Villas, PC
- Fahey Schultz Burzych Rhoades PLC
- Oade Stroud & Kleiman, PC
- Grewal Law. PLLC
- Plunkett Cooney
- Hackney Grover, PLC
- Shannon Schlegel
- Ingham County Prosecutor's Office
- Sinas Dramis Law Firm
- Ingham County Public Defender's Office
- The Nichols Law Firm, PLLC
- Law Office of Gene F. Turnwald
- Thrun Law Firm, PC
- Foster Swift Collins & Smith
- White Law. PLLC
- Fraser Trebilcock
- State Appellate Defender Office
- Speaker Law Firm PLLC

Thank You!!!!



# **Criminal Defense Law Section**

The Criminal Defense Law Section is comprised of criminal defense 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. The Section is also committed 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, they you'll want to join this section. 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: TBA** 

There is no cost to attend meetings. Speakers and topics will be announced. To RSVP for the Criminal Defense Law Section meetings, email Chris Wickman at cwickman@nicholslaw.net.

# **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-Chair is John Maise. Contact John if you have ideas for topics and speakers.

Stay tuned for an updated schedule of events.

**Upcoming Meetings: TBA** 

If you have questions about Section meetings, please email John at jmaise@whiteschneider.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:**

- February 12, 2020 noon to 1 p.m.
- March 11, 2020 noon to 1 p.m.
- April 8, 2020 noon to 1 p.m.
- May 13, 2020 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.

# Paralegal/Legal Assistant Section

The Paralegal/Legal Assistant Section offers free networking and educational events for legal staff in Ingham County. Meetings are held the third Wednesday of each month at the State Bar of Michigan Building, 306 Townsend St., in Lansing.

Section Co-Chairs are Elizabeth Cary, a Paralegal at Chartier & Nyamfukudza, PLC, and Heidi Pierce, a Paralegal at Buhl, Little, Lynwood & Harris, PLC.

### **Upcoming Meetings:**

- February 19, 2020 noon
- March 18, 2020 noon
- April 15, 2020 noon
- May 20, 2020 noon
- June 17, 2020 noon

If you have questions or would like to learn more about the Section, contact Elizabeth at lizzy@cndefenders.com.



# **Probate and Trust Section**

The Probate and Trust Section holds its meetings 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 Sally Babbitt and April Alleman. If you plan to attend a meeting, please RSVP to April Alleman at april@crenshawpeterson.com.

### **Upcoming Meetings:**

- February 18, 2020 noon to 1 p.m.
   Topic: View from the Bench
   Speaker: Ingham County Probate Judge Shauna
   Dunnings
- March 17, 2020 noon to 1 p.m.
   Topic: Branding & Marketing Your Firm Speaker: M3 Group

- April 21, 2019 noon to 1 p.m. Topic: Digital Asset Planning Speaker: TBD
- May 19, 2020 noon to 1 p.m.
   Topic: Retirement Options for Lawyers Speaker: Mark Quimby
- June 16, 2020 Annual Summer Social Luncheon (location TBD)

### 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  $\frac{1}{4}$  (\$100), a  $\frac{1}{2}$  (\$200) or full (\$400) lunch, please call Sally Babbitt at 517-507-3306 or email sally@sallybabbittlaw.com.

# **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:**

TBA

Lunch is served at meetings. Upcoming 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.

# 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:**

TBA

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.

# **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. The ICBA now offers a program that focuses on the increasing importance of social media marketing.

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 the links below.



2019-2020 Firm/Corporate Sponsorship Opportunities | 2019-2020 Vendor Sponsorship Opportunities

# ICBA Membership Scholarship Application

The Ingham County Bar Association may offer scholarships to prospective members who are experiencing a hardship and cannot pay the standard rates to be an active member of the bar.

Scholarship recipients remain anonymous. It is the discretion of the ICBA President to grant any scholarships. Scholarships can only be approved on an annual basis (i.e., the scholarship does not automatically renew year-to-year).

The scholarship application can be accessed here.

# 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 15<sup>th</sup> of each month for the following month's issue (i.e., May 15<sup>th</sup> for the June issue).



# Lawyer Referral Application

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

- Lawyer Referral and Information Service Registration Form
- LRIS Quick Reference Guide
- Become a Lawyer Referral Service Panel Member

### **BRIEFS AUTHOR GUIDELINES & POLICIES**

### **IN GENERAL**

### **Publication Schedule**

BRIEFS is published by the Ingham County Bar Association six times a year (September, November, January, February, April and June).

### **Copy Deadline**

Content submissions are due the 15th of the month for the following month's issue (e.g., deadline is May 15 for the June issue). 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.

# BRIEFS Advertising Contract Please publish the advertising checked below in ICBA BRIEFS.

Siz	e			
	1/4 page (4" x 4.5")	☐ F	Full Page (8.5 x 9.33	)
	½ page (8.5" x 4.5")		aw Firm/Business L	inks
	½ page (4" x 9.33")			
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□F	Four Issues (please select mor	nths) 🗖 Sept 🗖 N	lov □ Jan □ Feb	☐ April ☐ June
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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

	Publication	Submit
Issue	Schedule*	Сору
Sep	Sept. 1 - 30	Aug 15
Nov	Nov 1 - 30	Oct 15
Jan	Jan 1 - 31	Dec 15
Feb	Feb 1- 28 or 29	Jan 15
April	April 1 – 30	Mar 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

1/4 page ad	\$100/1 issue	\$300/4 issues	\$480/6 issues
½ page ad	\$200/1 issue	\$680/4 issues	\$900/6 issues
Full page ad	\$375/1 issue	\$1100/4 issues	\$1600/6 issues
Law firm/Business	links\$25/1 issue	\$75/4 issues	\$110/6 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 Angela Wall, 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.

# THANKS FOR READING BRIEFS



