

Ingham County Bar Association

# BRIEFS



September 2023



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# ICBA Leaders

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**SAVE  
THE  
DATE**

**November 8, 2023**  
129th ICBA Annual Dinner

**February 3, 2024**  
ICBA Bench Bar



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@inghambar



@ICBALawyers



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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](http://www.inghambar.org)

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Lindsay Dangl

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### Shrimp Dinner

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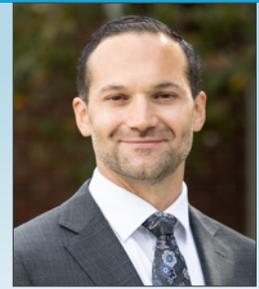
### Sponsors

Ermscie Augustin / Lindsay Dangl / Alexander Rusek

## EXECUTIVE DIRECTOR

Madelyne Lawry  
517-627-3938

# President's Message



Stephen Sinas,  
ICBA President  
[stevesinas@sinasdramis.com](mailto:stevesinas@sinasdramis.com)

## Looking Back While Looking Ahead

Becoming President of the Ingham County Bar Association (ICBA) is one of the greatest honors of my legal career. I am deeply humbled and grateful to lead a local bar association as fantastic as ours. ICBA has a rich history of defining, fostering, and cultivating the culture of our legal community here in the Greater Lansing area. ICBA provides us with so many opportunities to get to know each other beyond who we are as lawyers and better appreciate who we really are as people. On that note, through my years serving within ICBA, I have gotten to know and appreciate so many great people within our legal community whom I likely would not have otherwise met. Getting to know these people has truly enhanced my professional and personal life. In addition to having the pleasure of recognizing and saying hello to more people around town, I now better appreciate how many thoughtful, compassionate, and unique individuals make up our legal community. Ultimately, the advice I received early on in my legal career to get involved with ICBA was some of the best advice I ever received. Based on this experience, one of my first objectives as President is to convince more local lawyers to becoming actively involved with ICBA.

Over the past several years, I have had the privilege to work under the guidance and wisdom of several great previous ICBA presidents, including Mark Kellogg, Jessica Fox, Mary Chartier, Chuck Barbieri, and Charley Lawler. Moreover, as I begin this year as President, our Immediate Past President, Pam Amato, continues to provide me invaluable support and direction for which I am immensely grateful. Another objective I have as President is to serve ICBA with the same dedication, effort, and thoughtfulness as these people have done.

In addition to these recent past presidents, as I step into the presidency this year, there is another past president who is at the forefront of my mind. This person was President of ICBA in 1970. This person's name was Thomas G. Sinas, and he happens to be my grandfather, or, as we say in Greek, my "Papou." He died in 1985 when I was four years old. I only vaguely remember him as a person, but I have learned so much about him from others, including so many people in our legal community. Apparently, throughout the entire 122-year history of ICBA, I am the only President who also had a grandparent serve as President.

In the 1930's, when my Papou was just a boy, he and his family moved

## Bar Elects Sinas as President

Thomas G. Sinas Wednesday was elected president of the Ingham County Bar Association.

Sinas, who served as first vice-president of the 265-member lawyers group this year, succeeds Roland F. Rhead. C. Bruce Kelley was elected to



Sinas

move up from his present post of second vice-president to first. John Seaman was elected second vice-president.

Joe D. Sutton replaces Benjamin F. Gibson as secretary and Robert Hart replaces Burton P. Daugherty Jr. as treasurer.

A 1950 graduate of the University of Detroit law school, Sinas also attended Michigan State University. He has been practicing law in Lansing since graduation.

Sinas and his wife have three children and live at 1760 Nottingham.

from Chicago to the Lansing area. His parents, who were Greek immigrants, had just lost everything in the Great Depression. They were hoping for a better life in the Lansing area. His parents eventually opened a restaurant in Lansing called "The Crystal Lunch" which was located across the street from the former Oldsmobile factory. My Papou worked in the restaurant growing up and got to know the customers who regularly included Oldsmobile factory workers and a wide variety of other customers. Notably, the restaurant even had a younger customer by the name of Malcom Little, who would later become the famous Malcom X. My Papou's younger years in the Lansing area helped him see that despite any of its shortcomings, the Greater Lansing area was a special and unique place.

My Papou eventually began dating Martha Gikas, who would become my paternal grandmother, or "Yia-Yia", as we say in Greek. Her parents immigrated from Greece to Lansing in the early 1900's. Her family owned a restaurant and candy store known as the "Sugar Bowl," which was originally located at 106 South Washington Avenue. She grew up on Ionia Street, just a few blocks from where the legendary Lansing lawyer, Leo Farhat, grew up. Her family also recognized that the Lansing area was a special place to live and raise a family. Eventually, my Papou and Yia-Yia got married, and after he completed his law degree at Detroit College of Law, they moved back to Lansing, where they would raise their family. Shortly upon their return, in 1951, my Papou started the Sinas Dramis Law Firm with his best friend, Lee Dramis, who also believed in the Lansing area.

While My Papou worked hard as a lawyer over the years, he also worked hard to serve our community. He actively participated in Lansing civic matters and politics. He ran for the Lansing City Council. He served as the Chairman for the Michigan Library Board. He served on the Lansing City Planning Board. He even hired Leo Farhat to file a lawsuit against the City of Lansing because he objected to the City's decisions to sell downtown properties and allow them to be developed into parking lots and government buildings. He thought those decisions would degrade the tax-base, as well as the culture and nightlife of the downtown Lansing area that he loved. The dispute resulted in a Michigan Supreme Court decision, *Thomas G. Sinas v City of Lansing*, 382 Mich 407, which was decided in 1969 against my Papou based on technical legal grounds. The following year, in 1970, my Papou became president of ICBA, which he believed to be yet another opportunity to serve our community.

I hope I can also use my presidency to serve this community. One basic way I hope to advance that goal is to help our legal community feel as positive and proud as possible about working and living here, just as My Papou felt. When my wife, Heidi, and I were finishing graduate school in 2007, she was exploring employment opportunities at Michigan State University, and I was looking into working at Sinas Dramis. At that time, one of my mentors and now former law partner, Bernie Finn, told me that I should keep in mind that Ingham County is a great place to live and practice law. I questioned whether that was true and assumed that the other communities where I had

attended school, such as Ann Arbor and Detroit, were somehow better. I have since realized that Bernie was absolutely right. This is a great place to live and practice law. We have so many great lawyers in this area. We have a thoughtful judiciary that works

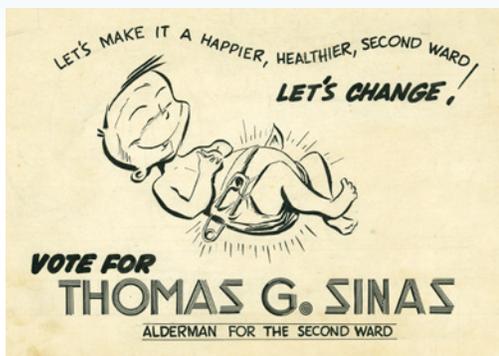
## Opens Office



**THOMAS G. SINAS**

Mr. Sinas, attorney, announced Tuesday the opening of his office for the general practice of law at 1714 Olds Tower building. He is a graduate of Eastern high school and attended Michigan State college. He received his L. L. B. degree from the University of Detroit. He is married and has one son. The family resides at 800 W. Ionia st.

with lawyers and their clients, so their cases are handled in an appropriate, civil, thoughtful, and practical manner. We have nice courthouses that have welcoming atmospheres and typically operate smoothly. We have a Big Ten University in town that provides us with various professional, educational, and cultural opportunities. We have two law schools that allow us to easily connect with young inspiring law students. Our legal community is further benefited by being in Michigan's capital city where Michigan's Supreme Court is located and where Michigan's Legislature debates and enacts our laws. There are also many great schools in the Greater Lansing area that provide the children of local attorneys with a good education. We enjoy a relatively good quality of life with ready access to various grocery and retail stores, health care resources, recreational activities, and outdoor spaces. We also do not waste too much of our lives dealing with heavy traffic and overly congested roads. Like most communities, ours is not without its imperfections, shortcomings, and controversies. And, yes, we could use a few more good restaurants and cool nighttime attractions. But, all things considered, I honestly cannot think of another legal community in Michigan



where I would rather practice law. This year, I hope I can somehow convince more people of the same.

Moreover, I hope that over the next year, our great Board of Directors and I can further advance the culture of ICBA itself. I am fortunate to lead an association that already has such a friendly and congenial culture within its membership. However, this year, we plan to make ICBA's culture even more welcoming and understanding of the needs of our members. In this regard, we have plans to advance the causes of diversity, equity, and inclusion within our association, as well

as plans to advance and promote lawyer wellness initiatives. Ultimately, we hope that through these efforts, ICBA can further advance a supportive and healthy culture within this great association.

In closing, thank you for the opportunity to lead ICBA this year. I look forward to working together with our Board of Directors to do all we can to help make sure the Greater Lansing area remains a special place to work as lawyers and live as people – just as it always has been.

If anyone ever has any questions, concerns, or ideas to share about ICBA, please feel free to contact me directly at [stevesinas@sinasdramis.com](mailto:stevesinas@sinasdramis.com).



THOMAS G. SINAS

## Library Unit Picks Sinas

(State Journal Capitol Bureau)

Thomas G. Sinas of Lansing Tuesday was elected chairman of the state board of libraries, succeeding the late Miss Anna E. Lindblom of Kalamazoo.

Mrs. Dorothy S. McAllister of Grand Rapids continues as vice chairman, and Loleta D. Fyan of Lansing is secretary. Other board members are Arthur Yabroff of Detroit and Mrs. Lillian Navarre of Monroe.

The board is responsible for policies governing the state library, distributing state grants to public libraries and setting certification requirements for librarians. The board also provides advisory services for all libraries in the state.



**ICBA**

# Get to Know Your Leaders

*This issue has been dedicated to the leaders and staff of the ICBA. They have given their time throughout this last year, an invaluable commodity, and we wish to thank them and acknowledge their dedication and hard work. Thank you all!*

#### *Not pictured*

Brandon Schumacher, Ask A Lawyer Co-Chair  
Elias Kafantaris, Shrimp Co-Chair  
Erica Terranova, Family Law Co-Chair  
Joann Schofield, Probate & Trust Law Co-Chair  
Nolan Erickson, Board Member  
Robert Refior, Shrimp Co-Chair



**Pam Amato**  
*Immediate Past President*  
[pamato@mclpc.com](mailto:pamato@mclpc.com)

#### **If you were not an attorney, what other profession would you be interested in pursuing?**

Head Chef in a 3-star Michelin restaurant in Amalfi, Italy. I would cook and bake with the freshest ingredients and complement them with the best wines. My guests would be served with one the most beautiful coasts as background to enjoy their meals in the world.

#### **What is one of your pet peeves?**

My pet peeves are seasonal. Spring/ Summer- invasive grass species. When I see these grasses in my lawn. I just want to rip them out by their roots. My yard is my happy place, and they are not welcome. Winter- salt and sludge. I can hear my car rusting in the winter and when the oily sludge falls on the floor of my garage...Yuck!

#### **What is the scariest thing you have ever done?**

Riding my mountain bike down a technical trail in Bend, Oregon as fast as I could and nearly out of control the entire time. It was fun and very scary. Fun until I hit a tree. Not really so bad- a trip to E/R, several stitches in my face, a new bike helmet and I was riding the next day.



**Ernschie Augustin**  
Board Member  
[ernsciea@gmail.com](mailto:ernsciea@gmail.com)

**If you weren't an attorney, what other profession would you be interested in pursuing?**

Doctor or Entrepreneur.

**What is something you have gotten better at as a you have gotten older?**

Self-Reflection.

**What is the scariest thing you have ever done?**

I don't really do scary things, but I take calculative risks.



**Frederick Baker, Jr.**  
BRIEFS Committee Member  
[fmbjrpllc@outlook.com](mailto:fmbjrpllc@outlook.com)

**If you could have dinner with any living person in the world today, who would it be?**

Shankar Vedantam ("The Hidden Brain").

**What is something you have gotten better at as a you have gotten older?**

Editing, although I seem to do my best work right after I hit send.

**What is the scariest thing you have ever done?**

Have cancer.



**Kristina Bilowus**  
DEI Co-Chair  
[bilowusk@msu.edu](mailto:bilowusk@msu.edu)

**If you weren't an attorney, what other profession would you be interested in pursuing?**

Writer.

**What is something you have gotten better at as a you have gotten older?**

Not caring about what other people think!

**What is one of your pet peeves?**

Intentional rudeness.



## BRIEFS Publication Schedule

- September
- December
- March
- June



**Mary A. Bowen**  
*Secretary*  
marybowenesq@att.net

**What is your favorite thing to do with your free time outside of work?**

Cooking new dishes. I love food!

**What is one of your pet peeves?**

Chyrons with misspelled words during news broadcasts. If you follow me on social media, I post screenshots of the errors all the time!

**What food could you eat and never get tired of?**

Chicken or Shrimp Fettucine Alfredo.



**Megan Cochran**  
*Paralegal/Legal Assistant Co-Chair*  
mcochrane@loomislaw.com

**If you could travel to any place in the world, where would it be?**

Greece.

**What is your favorite thing to do with your free time outside of work?**

Read.

**What food could you eat and never get tired of?**

Sushi.



**Lindsay N. Dangl**  
*President-Elect*  
ldangl@mbspclaw.org

**If you could have dinner with any living person in the world today, who would it be?**

I would say Jeffrey Deaver. He's one of my favorite authors. He creates interesting characters and I'd love to ask him about how he is able to write in such a captivating way.

**If you could travel to any place in the world, where would it be?**

Definitely Iceland. It's been on my bucket list for the longest time because we love hiking and this looks like a great place to be. The great news is that my husband and I are planning our trip for next fall!

**If you weren't an attorney, what other profession would you be interested in pursuing?**

Honestly, the legal world has always captivated me and I knew I wanted to be a litigator since I was in elementary school. It's hard to even picture myself in any other role. This has been my passion and calling from the start.



**Jackie Dupler**  
Board Member  
[jdupler@fosterswift.com](mailto:jdupler@fosterswift.com)

**If you could travel to any place in the world, where would it be?**

Japan - I would love to show my husband where I grew up.

**If you weren't an attorney, what other profession would you be interested in pursuing?**

Teacher.

**What is your favorite thing to do with your free time outside of work?**

Other than the cliché of spending time with my family and friends, working out.



**Ray Harris**  
Ask A Lawyer Co-Chair  
[rharris@billhlaw.com](mailto:rharris@billhlaw.com)

**What is your favorite thing to do with your free time outside of work?**

Spending time on the water.

**What is the scariest thing you have ever done?**

Skydived over Oahu, Hawaii.

**What food could you eat and never get tired of?**

A good steak.



**Lauren Kissel**  
Board Member  
[laurenkissel@sinasdramis.com](mailto:laurenkissel@sinasdramis.com)

**If you weren't an attorney, what other profession would you be interested in pursuing?**

Owning and running a cute little coffee shop/book store.

**What is your favorite thing to do with your free time outside of work?**

Playing soccer, reading a good book, and going on a walk with my two dogs.

**What food could you eat and never get tired of?**

Lemon chicken pasta that my husband makes.

SAVE  
THE  
DATE

**February 3, 2024**  
**ICBA Bench Bar**



**Jennifer Martinez**  
*Family Law Co-Chair*  
[jmartinez@whiteschneider.com](mailto:jmartinez@whiteschneider.com)

**If you could have dinner with any living person in the world today, who would it be?**

Michelle Obama.

**If you weren't an attorney, what other profession would you be interested in pursuing?**

Food Critic.

**What is a future goal you have for yourself that doesn't have to do with work?**

Walk a pilgrimage.



**Kelly McClintock**  
*Employment & Labor Law Chair*  
[mcclintock@bwlawonline.com](mailto:mcclintock@bwlawonline.com)

**If you could have dinner with any living person in the world today, who would it be?**

Beyonce.

**If you could travel to any place in the world, where would it be?**

Maldives.

**If you weren't an attorney, what other profession would you be interested in pursuing?**

Politics.



**Takura Nyamfukudza**  
*Criminal Defense Law Co-Chair*  
[takura@cndefenders.com](mailto:takura@cndefenders.com)

**If you could have dinner with any living person in the world today, who would it be?**

Sugar Ray Leonard. I, am a huge boxing fan and I try to spar at least a handful of times every month. In addition to being an Olympic gold medalist, Sugar Ray is one of the only boxers to win world titles in five different weight classes. He strikes me as a humble individual. For that reason, I picked him over a certain Michiganian who did not lose a single one of his 50 professional fights.

**What is one of your pet peeves?**

Paralysis by analysis. It grinds my gears when people are indecisive.

**What is the scariest thing you have ever done?**

I went on an excursion when I visited the Bahamas. During the excursion, I came into close contact with a nurse shark. The guide later claimed they are harmless. I almost ended up, swimming with the fishes because I swallowed a lot of water and panicked. Which I'm told is exactly what you should not do.



**Tina Olson**  
*BRIEFS Committee Member*  
tolson@sado.org

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**If you could travel to any place in the world, where would it be?**  
South Africa.

**What is your favorite thing to do with your free time outside of work?**  
Live music!



**Lynn Osborne**  
*Bankruptcy Law Chair*  
lynnosbornepc@aol.com

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**If you could have dinner with any living person in the world today, who would it be?**  
Viola Davis.

**If you weren't an attorney, what other profession would you be interested in pursuing?**  
Psychology.

**What is the scariest thing you have ever done?**  
Zip lining.



**Alexander Rusek**  
*Vice President*  
arusek@fosterswift.com

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**What is a future goal you have for yourself that doesn't have to do with work?**

I would like to write a text book for law students on complex litigation and civil procedure from the perspective of a practitioner, "In The Trenches".

**What is the scariest thing you have ever done?**

Take a solo vacation to Istanbul, Turkey during a time of civil unrest in the country.

**What food could you eat and never get tired of?**

Pizza!



**Lizzy Sailor**  
*Paralegal/Legal Assistant Co-Chair*  
[cnlaw@cndefenders.com](mailto:cnlaw@cndefenders.com)

**What is something you have gotten better at as a you have gotten older?**

Standing up for myself and what I believe in. And making scrambled eggs. I'm a pro at that now.

**What is your favorite thing to do with your free time outside of work?**

Anything social. I joined a local kickball league this year and have loved it. You can also often find me singing poorly at karaoke.

**What is a future goal you have for yourself that doesn't have to do with work?**

Overcome my fear of deep water and learn how to scuba dive! I have a weird obsession with shipwrecks and I'd love to scuba dive one at some point. I should probably learn how to swim while I'm at it...



**Stephen Sinas**  
*President*  
[stevesinas@sinasdramis.com](mailto:stevesinas@sinasdramis.com)

**If you could have dinner with any living person in the world today, who would it be?**

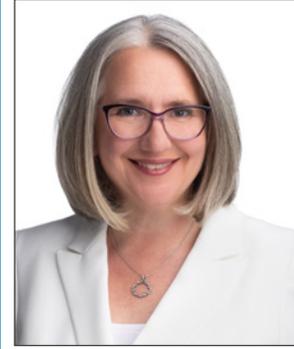
Barack Obama.

**If you could travel to any place in the world, where would it be?**

Iguazu Waterfalls.

**If you weren't an attorney, what other profession would you be interested in pursuing?**

Artist.



**Liisa Speaker**  
*BRIEFS Committee Member*  
[lspeaker@speakerlaw.com](mailto:lspeaker@speakerlaw.com)

**If you could have dinner with any living person in the world today, who would it be?**

author Isabel Allende.

**If you weren't an attorney, what other profession would you be interested in pursuing?**

Judge.

**What is something you have gotten better at as a you have gotten older?**

Running a business.



**Ted Seitz**  
Board Member  
[tseitz@dykema.com](mailto:tseitz@dykema.com)

**If you could travel to any place in the world, where would it be?**  
Istanbul.

**If you weren't, an attorney, what other profession would you be interested in pursuing?**  
I'll pick 2: Fiction Writer or Teacher/Coach.

**What food could you eat and never get tired of?**  
Anything from Woody's Oasis.



**William D (Bill) Tomblin**  
Real Estate Law Co-Chair  
[wdtomblaw@aol.com](mailto:wdtomblaw@aol.com)

**If you could have dinner with any living person in the world today, who would it be?**  
Henry Kissinger.

**What is a future goal you have for yourself that doesn't have to do with work?**  
Getting cast as the Major General in a production of Pirates of Penzance (and getting through the song with no mistakes).

**What is the scariest thing you have ever done?**  
Become a parent.



**Marisa Vinsky**  
Board Member  
[marisa@cndefenders.com](mailto:marisa@cndefenders.com)

**If you weren't an attorney, what other profession would you be interested in pursuing?**  
Librarian or working in a bookstore.

**What is the scariest thing you have ever done?**  
Bungee jumping in New Zealand.

**What food could you eat and never get tired of?**  
Macaroni and Cheese.



*Honorable* Kristen Simmons  
to sing the invocation.

## **129<sup>th</sup> ICBA Annual Dinner**

### **Wednesday, November 8, 2023**

University Club of MSU  
3435 Forest Road, Lansing, MI 48909-5111  
Reception - 6:00 p.m.  
Dinner - 6:30 p.m.  
Program - 7:00 p.m.



**Ellen Ward**  
*Real Estate Law Co-Chair*  
[ekleiman@osklaw.com](mailto:ekleiman@osklaw.com)

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**If you could have dinner with any living person in the world today, who would it be?**

Sharika.

**If you weren't an attorney, what other profession would you be interested in pursuing?**

Real Estate Broker.

**What is the scariest thing you have ever done?**

Move to California for law school.



**Chris Wickman**  
*Board Member*  
[cwickman@nicholslaw.net](mailto:cwickman@nicholslaw.net)

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**If you could have dinner with any living person in the world today, who would it be?**

Lin-Manuel Miranda. He's incredibly talented and seems a genuinely kind person.

**What is one of your pet peeves?**

Abuse of Power endowed by their community. Too many people forget they are elected to serve their community.

**What is the scariest thing you have ever done?**

Performing a marriage for the first time for two close friends. I had the potential to ruin their special day and start their marriage on the wrong foot (saying the wrong name, my surprise for them during the ceremony going poorly, etc.) 13 years and 4 kids later, it's going well.



**Jessica Zimbelman**  
*Treasurer*  
[jzimbelman@sado.org](mailto:jzimbelman@sado.org)

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**If you could have dinner with any living person in the world today, who would it be?**

Justice Sonia Sotomayor.

**If you could travel to any place in the world, where would it be?**

African safari.

**If you weren't an attorney, what other profession would you be interested in pursuing?**

Journalist or novelist.



Mitchell Zolton  
Real Estate Law Co-Chair  
[mzolton@fsbrlaw.com](mailto:mzolton@fsbrlaw.com)

**If you could travel to any place in the world, where would it be?**

Isle of Skye, Scotland.

**What is your favorite thing to do with your free time outside of work?**

Watch football.

**What food could you eat and never get tired of?**

Detroit-style pizza.

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Article Length and Format

- **Raising the Bar announcements:** 100-200 words
- **Local legal events notices:** 100-150 words
- **Columns:** 300-500 words
- **Articles:** 700-1,000 words
- Submit articles in a Word .doc/.docx

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Opinion Articles

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# Criminal Case Law Update

By Jessica Zimbelman, ICBA Treasurer  
Managing Attorney, State Appellate Defender Office

*\*Please enjoy the first edition of what will become a regular column in BRIEFS. The criminal case law update will include Michigan Supreme Court decisions and published Court of Appeals decisions from the prior quarter.*



Jessica Zimbelman  
[jzimbelman@sado.org](mailto:jzimbelman@sado.org)

## Michigan Supreme Court Decisions

**Ryan Deweerd, Docket No. 162966, issued June 9, 2023:** Offense Variable 19 was improperly scored based on Mr. Deweerd's denial of guilt to police.

**Robert Yarbrough, Docket No. 161513 issued July 14, 2023:** The Court held that the erroneous denial or deprivation of a peremptory strike of a prospective juror constitutes a structural error warranting automatic reversal.

**Candace Guyton, Docket No. 163700, issued July 18, 2023:** The Court remanded to the trial court to allow Ms. Guyton to withdraw her plea. The Court found Ms. Guyton's plea was not knowing or voluntary when the prosecutor said she was a habitual third when she was actually a habitual second.

**Richard McBrayer, Docket No. 164311, issued July 24, 2023:** The Court reinstated Mr. McBrayer's parole, finding the trial court abused its discretion in reversing the grant of parole.

**Menayetta Yeager, Docket No. 164055, issued July 27, 2023:** The Court remanded for a new trial, finding that trial counsel was ineffective for failing to request a voluntary manslaughter instruction.

**Frank King, Docket No. 162327, issued July 28, 2023:** The Court found that Mr. King did not need to affirmatively invoke his constitutional right to counsel to preserve that right, nor did he have to object to the invalid waiver of the right to counsel. Because Mr. King's waiver of counsel was invalid, he was deprived of counsel and his conviction must be automatically reversed.

**Anthony Veach, Docket No. 160469, issued July 28, 2023:** The Court granted Mr. Veach a new trial and held that there was a total closure of the courtroom at a critical stage and that the trial court did not consider reasonable alternatives to closure on the record.

**Joshua Stewart, Docket No. 162497, issued July 31, 2023:** The Court granted a new trial for Mr. Stewart and held that, under the totality of the circumstances, Mr. Stewart's statements were involuntary, and the trial court erred in failing to suppress them. The Court pointed to Mr. Stewart's age, lying/exaggerating the strength of the case against him, promises of leniency, and overall combative tone.

**Dametrious Posey, Docket No. 162373, issued July 31, 2023:** While the Court ultimately did not grant Mr. Posey a new trial on an in-court identification

issue finding no plain error or ineffective assistance of counsel, the Court vacated part of the Court of Appeals opinion and clarified that the key to identification evidence is whether it was rendered unreliable by state action, not just whether there was improper police activity. It extended the due process-based pre-admissibility screening protections from *Gray* and *Kachar* to witness identifications of a person on trial that take place for the first time at trial. The Court also held that all sentences, including those within the guidelines, are subject to review for reasonableness.

## Published Court of Appeals Decisions

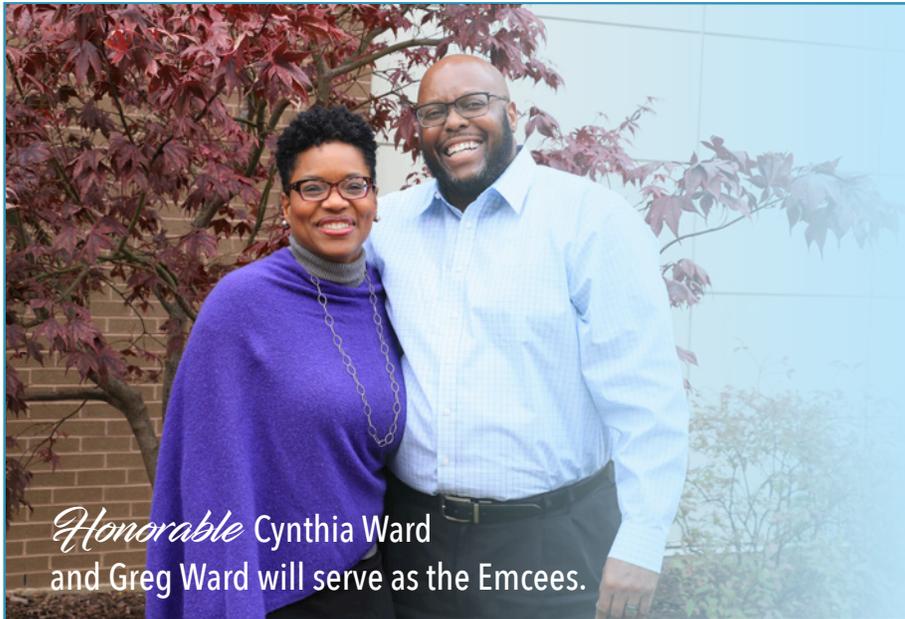
**David Adams, Docket No. 359017, issued June 15, 2023:** It does not violate double jeopardy for a person to be convicted in criminal court and to be sanctioned by the prison for the same assault.

**Lidi Maryanovska, Docket No. 362098, issued July 13, 2023:** For expungement purposes, if one conviction of a transaction carries a maximum penalty of 10 years or more, multiple convictions cannot be considered as one conviction under the “one bad night” rule.

**Ivan Francis, Docket No. 364998, issued July 20, 2023:** The Court analyzed MCL 750.451 and clarified the elements of engaging the services of a minor for purposes of prostitution.

**Kyle Pendergrass, Docket No. 362218, issued August 24, 2023:** While the trial court erred in imposing Lifetime Electronic Monitoring, the Court of Appeals held it was harmless error.

**Benjamin Urbanski, Docket No. 359011, issued August 31, 2023:** The trial court granted a new trial because of erroneous jury instructions in this operating while intoxicated case.



*Honorable* Cynthia Ward  
and Greg Ward will serve as the Emcees.

## 129<sup>th</sup> ICBA Annual Dinner Wednesday, November 8, 2023

University Club of MSU  
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Reception – 6:00 p.m.

Dinner – 6:30 p.m.

Program – 7:00 p.m.

Judge Simmons to sing the invocation

# Parental Leave Rights FOR Michigan Attorneys: Michigan Should Follow Florida's Lead and Adopt a Parental Leave Court Rule

By Catherine Tucker and Stephen Sinas



Catherine Tucker  
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Stephen Sinas  
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An increasing number of Michigan law firms and other employers in the legal industry are now offering better parental leave policies for practicing attorneys. While these parental leave policies demonstrate significant progress in our historically male-dominated field in which parental leave rights have not always been embraced, these policies alone do not assure that litigators will be able to truly leave work behind following the birth or arrival of a child. This is because, even if a lawyer is fortunate to be out of the office on an employer-approved leave, the scheduling order dates and deadlines on his or her caseload remain in full force and effect. As a result, and as a matter of professional responsibility, that lawyer is still obligated to work during the so-called “*leave*” period, or to burden his or her colleagues with handling cases of which they may have no knowledge or familiarity, or to scramble to seek stipulations or file motions to adjourn scheduling order dates and other deadlines on multiple litigated files. And, because adjournment decisions are discretionary, rather than mandatory, there is no guarantee that an adjournment request will be granted, even in cases in which medical or other compelling reasons for doing so exist, under the current version of the Michigan Court Rules.

Confronted with these same issues that burden litigator parents in Michigan, in 2019, Florida chose to adopt a new state Court Rule that provides for an automatic adjournment of dates on all litigated matters being handled by a biological or adoptive parent for a period of 3 months following the birth of her or his child. Although Michigan’s Court Rules recently underwent a significant overhaul in 2020, a measure like the one adopted in Florida was not among those changes. Nevertheless, now is as good a time as any for Michigan to act by adopting a court rule like the one adopted in Florida.

## Understanding Florida’s Parental Leave Court Rule

On December 19, 2019, the Florida Supreme Court adopted Florida Court Rule 2.570 which governs “*Parental Leave Continuance*.” As a matter of terminology, a continuance is akin to what most Michigan attorneys understand to be an adjournment or extension of dates. Essentially, Florida’s rule requires a trial court to grant a motion for adjournment or extension of dates for up to 90 days following the birth or adoption of a child to whom a “*lead attorney*” on that case is a parent. Importantly, the Florida rule does not discriminate; it appears to grant the

right to an adjournment to attorneys of both sexes and does not limit the right to only those attorneys who physically carry their child. Notably, too, while the Florida rule does not define “*lead attorney*,” all that an attorney requesting the leave must do is to attest in a pleading to the court that the attorney is the “*lead*” on a particular case.

Florida’s Rule further provides that 3 months is the presumptive maximum length a court must adjourn dates, absent a showing of good cause that a longer time is appropriate. Under the Rule, a trial court has the discretion to grant the motion for a more limited scope or duration than 3 months, but in doing so, the court must make a finding that (a) another party would be “*substantially prejudiced by the requested continuance*,”; or (b) the requested continuance would “*unreasonably delay an emergency or time sensitive proceeding or matter*.” Further, to do so, the rule requires that the court “*shall enter a written Order setting forth the specific grounds for the ruling*.” By contrast, if the trial court elects to grant a 90-day adjournment, it can do so as a matter of course and without any explanation.

It is important to understand that Florida’s Rule does *not* apply to all cases litigated in trial courts. Specifically, the rule exempts criminal, juvenile, and involuntary civil commitment or sexually violent predator cases. For those categories of cases, a motion for parental leave continuance is governed by any general rules regarding continuances set forth in the Florida Court Rules.

The essential principle underlying Florida’s Rule is that, when attorneys

have a child, they have a presumptive right to adjourn dates for 90 days on their cases and the burden falls on the opposing party or the Court to justify otherwise. This presumptive right provides attorneys with the assurance that, if and when they become a parent, they can focus on their own welfare and that of their family, without the undue stress of impending deadlines and the inherent uncertainty of whether courts or opposing counsel will agree to extend dates in all of their cases.

## Michigan Should Follow Suit - With Some Modifications

The Michigan Supreme Court should appoint a task force of attorneys and judges to consider how to move forward to adopt a court rule here in Michigan that provides for parental leave adjournments like that which Florida now offers its attorneys. This task force should more closely examine the Florida Rule and consider how it could be modified or improved upon and, ultimately, adopted and implemented here in Michigan.

While the Florida Rule is a good starting place, there does appear to be some room for improvement. A few modifications that are worthy of consideration include:

1. **Modifying the start date of the adjournment – or extending the adjournment – based on medical circumstances or exigencies.** For example, if a child is born prematurely, or late, the adjournment could start on the date of his or her actual birth, rather than on the expected due date. Likewise, if the parent litigator is the birth

mother and experiences any health issue(s) that limit her ability to work before the child’s birth, the adjournment can begin on a date earlier than the birth date. Or, if she experiences any health issue(s) during or after birth that limits her ability to work for a period longer than 3 months, the adjournment can be extended for a reasonable length of time beyond the standard 90 days. Medical documentation could be required to support the need for additional adjournment in these cases.

2. **Expanding the right to all “counsel of record” in a particular case.**

As noted above, the Florida rule limits its application to the “*lead attorney*” on a given case. Aside from creating potential confusion by failing to define who qualifies as the “*lead attorney*,” the rule may also exclude attorneys who do not necessarily serve in the “*lead*” role on a given case but are nonetheless integral to the successful resolution of the case and representation of the client(s).

3. **Applying the Rule in all cases, including criminal and juvenile cases.**

Although there are reasons that criminal and juvenile cases can and, perhaps, should proceed in a more expedient matter than other matters, litigators who practice in those areas arguably should not be excluded from seeking or obtaining a reasonable adjournment on that basis alone. In those cases, the risk of prejudicial delay can be mitigated by permitting opposing counsel, or courts on their own initiative, to object to the extension if the adjournment would cause

substantial prejudice, just as Florida has done in other matters.

The first of these suggested modifications is inspired from these authors' personal experiences with becoming parents while working as litigators. One author had the experience of having both of his sons born unexpectedly prematurely. Fortunately, his children turned out to be healthy and thrived as babies, but, for several weeks following each of their births, family life was difficult, and the ongoing pressures of litigation dates and deadlines made it even more so. The other author had the experience of having a trial court judge deny her request to adjourn a trial date in an important case when she was almost nine months pregnant. Notably, he did so even though she had obtained documentation from her doctor confirming that she had been medically advised against traveling long distances, which would have been

required for her to represent her client at the week-long jury trial. Fortunately, the lawsuit resolved shortly before trial began, but the inability to obtain an adjournment created significant stress for the expectant mother and could have otherwise adversely affected her health. An automatic adjournment rule like the one Florida adopted, with some added flexibility regarding start date and time frame, would have avoided the (unnecessary) problems that both authors experienced as litigators while transitioning into a new role as parents.

### Closing Thoughts

As these authors can attest, fulfilling the roles of parent and litigator simultaneously can be challenging. Some of the unique challenges that parent litigators face are unavoidable. But parent litigators should be able to take meaningful time away from work at or around the time of a child's birth or arrival without the added burden and

uncertainty of seeking discretionary adjournments in dozens of litigated cases, or, worse yet, the fear or reality of missing an important court date or deadline. This would not be the case if Michigan adopted a parental leave rule like the one that Florida has implemented.

It should also be noted that although such a rule is intended to ease these and other burdens for parent litigators, the entire Michigan legal community will benefit from its adoption. Not only will it help litigators take their parental leave time so they can care for themselves and their families after having or adopting a child, but it will also help level the playing field, enhance gender equity, and promote the participation and retention of the talented litigators who plan to become dedicated parents. This is good for lawyers, jurists, clients, and our justice system as a whole.

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## Words to Consider

# Emotional Intelligence: Mastering Your Emotional State at Work

By William Frank Diedric



William Frank Diedrich  
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People are emotional and emotions can be messy. Most of us are easily manipulated into feeling anger or victimization by both media and political groups. We are emotionally triggered by certain words, sounds, and physical movements. This makes it difficult to be the master of your own emotional states. I have clients respond to emotional intelligence tools and material with words like: “Oh, I’ve already learned about that.” Or they may say: “I’ve been into self-improvement stuff for a long time.” The question is never “Have you learned it?” The real question is can you do it?” Do you have the ability to master your emotional state?

Mastering your emotional state does not mean stifling emotion nor does it mean becoming unemotional. It’s not apathy nor is it controlled anger. If not these then what is it and how do you become emotionally intelligent?

The following five elements make up emotional intelligence:

1. Your **awareness** of your emotional state at any moment.
2. Your ability to **accept** and flow with the way you feel.
3. Your ability to **direct** emotion into effective, non-destructive behavior.
4. Your ability to **read** the emotions of others while remaining calm and centered in yourself.

5. Your ability to **influence** the emotional states and behaviors of others.

The focus of this writing is on awareness and acceptance. Future articles will cover the remaining three elements.

Where do emotions come from? They don’t come from people who disagree with you. They don’t come from your ex or your children or parents. They don’t come from the opposing political party. They come from within you. You may say someone makes you angry, but in reality, you have anger within you. The other person is just a trigger, not a cause.

There are two types of triggers, internal and external. An internal trigger is a thought or feeling you have that sparks an emotional response. For example: someone you care about is driving home in inclement weather. You imagine them crashing into a ditch, being hurt, unconscious. Your thought triggers anxiety, fear, worry, etc. Nothing has actually happened, but your emotions are there.

The second type of trigger is external. A case does not go your way. A client or colleague criticizes you. You’re angry, hurt, defensive, or aggressive. We are seldom upset for the reasons we think we are. Often our angry or anxious reaction is due to some past event or

trauma that we have never resolved. Unresolved, it keeps coming up, challenging us.

Since people and situations are only triggers, and the true source of your emotional state is within, you are responsible. That is, you must respond. No one else can make it go away. To respond effectively you become the non-judgmental observer of yourself. You feel anxious about something. You step back and recognize your anxiety. You acknowledge that this is how you feel. You accept it. It isn't wrong or bad. It just is. We all experience emotion. It's what we do with them that matters.

Awareness means noticing how you feel. Is there tension? Where does the tension manifest? Shoulders? Lower back? Throat? Clenching your fists? What sensations are you experiencing? We tend to ignore these sensations and plow through. Instead, try acknowledging them and breathing deeply. Tension has us forgetting to breathe sometimes which only makes the tension worse. You can't make it all go away, but if you accept what it is, without judgement, emotions will flow through you. Emotions, especially negative ones, always have an expiration date. This is true when you acknowledge and accept them without judgement.

A manager I worked with held a staff meeting. He was abrupt, did not smile, and came across as dismissive. His staff members thought he was angry with them. After the meeting I asked him what was going on. He had just gone through a break-up with his significant other. He thought he was managing quite well, but he was unaware that everyone else could see he was upset. If you were in his position and needed to be at work, what would you do?

I asked him to let his staff know that he had some personal issues, that his mood was not about them. Sometimes just telling people you're going through something helps you to function more effectively and others to give you space and support.

We all deal with stress, but stress is not real. That is, things happen, deadlines are set, people and situations make demands of us, but all of those are neutral. They only have the meaning you give to them. When you say you are stressed, you are feeling anxious, or fearful, sometimes angry, frustrated, depressed, powerless, guilty, embarrassed, overwhelmed, or some other emotion. You own what you feel.

Easy to say you own it, but your mind and body tend to reject that idea. You go into Fight-Flight-or Freeze. In this state your emotional brain takes over, nudging out your thinking brain. Your reaction comes from two almond-shaped organs called amygdala. The prefrontal and frontal cortex, the thinking parts of the brain, are disengaged and you act on your conditioning. If it's Fight, your arms and hands tense as if you are ready to strike a blow. If it's Flight, your large skeletal muscles tense as if ready to run. If it's Freeze, your muscles contract as if to make yourself smaller or harder to penetrate. and you can't move. These reactions are automatic.

Flight. Flight, or Freeze works well if you are in an environment where actual physical threats may assail you and you'll need to fight, run, or hide. This is why people train in martial arts, combat, weaponry, and other self-defense modes so that when they go on automatic, their training takes over. When you go into Fight or Flight your training takes over.

Your training is your life experience, how you have reacted over the years, how you learned to react as a child.

So let's use stress as an example. All negative emotions create stress. Things are happening in your work, and you find yourself pressured, anxious, frustrated, angry, or feeling guilty. Stress is the gap between how you see it and how you want it. It looks like this:

How you see it: \_\_\_\_\_ The gap \_\_\_\_\_ How you want it. (Goal)

Goals create stress. This works well if the goal is attainable. It's attainable if your thoughts, feelings, and actions can influence the result. You prepare; you take appropriate steps; you succeed. Even if you don't succeed, you feel positive that you gave your best effort.

For example: I coached basketball. If a game was close, maybe overtime, there was stress, the gap between the current score and winning the game. Even though I did not have control over the final score or my players' performance. I knew what to do to maximize our chances of winning. Fight, Flight, or Freeze was not triggered. FFF is triggered when you have no control. You have no control when your attention is focused on the past or the future. In other words, you are not present in the moment. I was present in the moment. I wasn't fretting about past mistakes or worrying about the outcome. I was completely focused on what to do right now.

The emotions we call stress show up when we aren't focused on what we can control. Let's say you need to deliver an important speech. You're anxious. You're worried that your audience

may not be convinced. You don't have ultimate control. The question for you is: "Am I prepared?" Or it may be: "Do I trust myself to do this?" You may be prepared and trust yourself mentally, but emotionally you're still anxious. Acknowledge what you feel. Accept what you feel without trying to judge it, fix it, or change it. Just feel it and breathe.

This is not only true for anxiety but for any emotional state. You're angry. You don't need to act it out and risk collateral damage to relationships. Feel it. Experience it. Accept it. If appropriate, tell someone how you feel without blaming your feelings on them. Take a break if needed. Stop adding thoughts that fuel the drama. That is, stop your victim thoughts and focus on how you feel.

If you don't accept your emotional state, then you resist it. Resistance shows up as rejection (blaming yourself for how you feel), Projection (Blaming others for how you feel.), or as Avoidance (self-medicating with alcohol, drugs, or other addictive behaviors in order not to feel.). Emotional awareness and acceptance include recognizing and accepting when you reject, project, or avoid. Once you do that you can move toward the emotional state and deal with it.

The alternative to emotional awareness and acceptance is the toll chronic negative emotion takes on your body, your mind, your relationships, and your work. Negative emotions (stress) that are experienced daily build up and can lead to heart problems, high blood pressure, respiratory problems, stomach and digestive issues, and bone and joint problems.

So, how do you begin. Begin by paying attention to your feelings. You wake up in the morning and you're anxious. Acknowledge it, accept it. Let yourself feel it. Breathe through it. Think of what you can do to prepare for the day. Emotions are energy in motion. Whatever you feel is energy. By becoming aware and accepting of your energy state, you can begin to direct the energy toward positive outcomes.

William Frank Diedrich is an executive coach, workshop leader, and author of nine books. He facilitates workshops on Emotional Intelligence with the goal of providing participants with tools to manage and direct emotional energy toward positive outcomes. Learn more about his work at <http://humanadulthood.com>

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# Featured Young Lawyer:

## *Jordan M. Ahlers*



Jordan M. Ahlers  
[jahlers@speakerlaw.com](mailto:jahlers@speakerlaw.com)

Jordan M. Ahlers is an Associate Attorney with the Speaker Law Firm in Lansing, Michigan, where the majority of her practice concerns family law appeals. Ms. Ahlers is a council member of the State Bar of Michigan Family Law Section and is active on the Amicus and Membership/Member Education committees and serves as the co-chair of the Parent Education Resource Committee for that Section. Ms. Ahlers is also a member of the Amicus committee for the Children's Law Section of the State Bar. Ms. Ahlers is a Board Member for the Ingham County Bar Association Young Lawyers Section.

### **1.) Where do you work and what do you do there?**

I work at the Speaker Law Firm in Lansing. We are an appellate boutique law firm, and my focus is primarily child custody, termination of parental rights, and guardianship appeals. I also do a bit of trial court consulting where I assist with ghost writing motions and trial briefs for family law attorneys all across the state.

### **2.) Where did you go to school?**

For undergrad, I attended Hillsdale College, where I majored in Psychology. I was a (mediocre) member of the varsity track team and a member of the Chi Omega Sorority. I received my JD from MSU College of Law. During my 3L year, I served as the President of the Federalist Society.

### **3.) When were you admitted to practice in Michigan?**

I was admitted to practice in November 2020. I took my bar exam remotely, from my almost empty apartment and let me tell you, it was a wild five hours, almost as wild as my virtual swearing-in ceremony where my audio cut out halfway through (I did get my oath on the record at least!)

### **4.) Why did you go into the legal field?**

I was one of those weird kids who, at

age 7, did not want to be a princess or a firefighter or an astronaut, I wanted to be a lawyer. I never really saw myself doing anything else. I also knew that I wanted to be able to make positive changes in the lives of people I work with, or at least help people take the steps to make those positive changes. I also really enjoy taking care of people, and making sure that their needs are met. However, like most lawyers, I am terrible at math so being a doctor or scientist or anything of that nature was immediately out of the question.

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

Expose yourself to lots of different aspects of the legal field and try to get as much practical experience in the field as you can. Law school does not teach you how to be a lawyer, so if being a lawyer is the end goal, make sure you know what that looks like before you decide to spend a whole lot of money and most of your sanity on a legal degree.

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

I would want to use my undergrad degree in some way, so I would probably be a therapist or something of that nature (not surprising since I work in family law). My actual dream job would be to host a reality TV show like Survivor

or The Challenge, for the travel, and because I find those kinds of shows hilarious.

**7.) Where did you grow up?**

I grew up in Los Alamos, New Mexico (yes, the one from the Oppenheimer movie). None of my family lives there anymore, however, as my parents moved to Athens, Texas; my older sister and my younger brother live in Mobile, Alabama with their families; and my younger sister lives in Buffalo, New York.

**8.) Who is your biggest role model and why?**

I promise I'm not just sucking up (I would say these same things to anyone who asked), but my biggest role model is my boss, Liisa Speaker. Not only is she a very well respected, highly

skilled, and knowledgeable attorney, she is probably the most compassionate and understanding person I have ever met. I tend to be quick to judge and am not exactly known for being warm and fuzzy, but being able to work for and with someone like Liisa makes me want to be better with everyone I interact with. She helped me find my passion for family law appeals and I couldn't be more grateful for the opportunity to learn from her.

**9.) What do you do in your free time?**

Strangely enough, I really like to read, particularly historical fiction, autobiographies, or fantasy. I also love puzzles and watching documentaries, TV shows/movies based on real life, and reality competition shows.

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

My boyfriend and I have a one-year-old White German Shepard named Murphy (aka "Murphy Moo," "Moo," "Schmoo," "Schmurda," "Schmurderer," "Moosey," "Moosimo")! He loves sticks, chasing rabbits, attempting to be a lap dog, and trying to make friends with the outdoor cat who lives next door (he has not been successful as of yet). He hates the garbage truck and birds, or as he calls them, the sky demons.

2023 Liberty Bell Award Winner  
**Amy Iseler**



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# Featured Young Lawyer:

*Aaron W. Levin*



Aaron W. Levin  
[levina@michigan.gov](mailto:levina@michigan.gov)

Aaron W. Levin is an Assistant Attorney General in the Corporate Oversight Division at the Michigan Department of Attorney General's Lansing office. Mr. Levin practices civil law focusing on consumer protection litigation, defending government agencies in constitutional and general civil cases, and corporate law. Mr. Levin also practices administrative law including securities regulation, insurance regulation, and emergency medical services personnel licensing. He is a member of the Ingham County Bar Association Young Lawyers Section Board of Directors and the ICBA Awards Committee.

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

I work at the Michigan Department of Attorney General in the Corporate Oversight Division. I do a lot of different things, but primarily I represent the state in cases related to consumer protection. It can be either directly under state or federal consumer protection laws, or in cases involving insurance regulation, securities regulation, emergency medical services personnel licensing, or corporate formation issues. I also defend the state in litigation, including constitutional challenges to state statutes or enforcement action. I really enjoy the variety of things I get to do.

## 2.) Where did you go to school?

I attended Michigan State University where I majored in psychology and played cymbals on the Spartan Marching Band Drumline. After I graduated, I attended Michigan State University College of Law.

## 3.) When were you admitted to practice in Michigan?

I was admitted in November 2016. I was clerking in Eaton County at the time and was admitted by the Judge I was working for. One of my uncles moved for my admission and most of my family was able to attend, as well as some

friends and many of the people that I worked with in the courthouse. It was a really special day. I still have a copy of the transcript.

## 4.) Why did you go into the legal field?

There wasn't any one particular reason. It was more that it felt right, and a lot of little things. I think on some level I didn't feel like I was ready to be done with school and start my next chapter, and you can do so much with a psychology degree that I think, for my own sake, I needed to narrow my focus. I'd always looked up to my uncle who is an attorney (now retired). And for years I'd been told I would be good at it. I wouldn't recommend anyone go into law for those reasons alone, but I've been very lucky. I have been able to see and do a lot of interesting things and am very happy with my decision.

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

Go in with an open mind. You're exposed to so many different areas of law and different career paths, and I wouldn't limit yourself to anything before seeing it all. I would also recommend taking both classes that will be on the bar exam and classes that maybe have more personal interest, along with getting work experience. In general, I think it's really hard to know

what being a lawyer is before you're doing it, so if there is an opportunity to shadow or really see what a lawyer does, I would encourage that.

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

Hard to say. I might be a teacher, or some kind of writer.

**7.) Where did you grow up?**

I grew up in Oak Park, Michigan.

**8.) Who is your biggest role model and why?**

It is hard to pick one person. My parents have probably had the biggest influence on me, and my uncle definitely influenced my decision to go into law. I've also been lucky enough to work with a lot of people that take their work seriously but made sure to enjoy working as well, which I try to carry with me.

**9.) What do you do in your free time?**

I like to play video games, read (science fiction, fantasy, humor, and graphic novels), watch TV shows/movies (a lot of comedies and superheroes), and spend time with my wife. We like to travel, and recently moved and are enjoying going on walks in our new neighborhood.

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

Not at the moment, but I love pets. I think we'll get a cat (or two) and maybe a dog at some point.



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# What's the Purpose of a DEI Committee, Anyway?

By Kristina Bilowus



Kristina Bilowus  
[bilowusk@msu.edu](mailto:bilowusk@msu.edu)

As co-chair of the ICBA Diversity, Equity, and Inclusion (DEI) Committee and Chair of the Oakland County Bar Association (OCBA) DEI Committee, I am occasionally asked this question by interested individuals. At first blush, it may seem that bar associations organically embody the concepts of diversity, equity, and inclusion. There are practice-specific sections, geographic affiliations, and affinity bar associations. What does a DEI Committee add?

At its core, it's an intentional space to learn, grow, and employ best practices for enhancing representation of the members of society. Our ICBA DEI Committee, while still in its initial stages, is committed to identifying, educating, and rectifying such gaps in the legal profession. Historically, our profession has not been widely diverse; nor have law schools been truly inclusive. For some, the concept of equity is used interchangeably with equality. For these reasons and more, DEI Committees are an essential component to our profession.

Diversity creates the opportunity for more talent to be shared, voices to be heard, and further creativity generated. On a few occasions when I have made that very statement, I have received an eye roll in response. When I question the response, I receive interesting answers.

In sum, I am often asked to articulate the business proposition for increasing diversity in the legal field and its overall benefit. While talent and creativity were “fine and well” as a concept, what was the bottom line?

Well, the bottom line is this: with greater diversity in the legal profession, lawyers and judges can better serve justice. As diversity is not a reference to a singular culture, race, or religion, but rather the range of human differences and expression, having diverse legal professionals better serve society as a whole. Clients are from every walk of life and need representation not only under the law, but also as an individual.

And from a business standpoint? Diverse attorneys can attract more clients, grow the innovation of the practice, and increase retention. For the judiciary, diversity increases open discourse, interrupt biases, and promotes impartiality under the law.

However, diversity cannot be an isolated concept or action. The mere fact that a firm hires a “woman attorney” or “a person of color,” is simply not enough. To retain talent and promote justice, diversity should not be a singular implementation. Rather equity and inclusivity need to be incorporated.

Definitionally, this also is true. Merriam Webster indicates equity is defined

as “justice according to natural law or right,” or, “freedom from bias or favoritism.”<sup>1</sup> Thus equity, is related to the notion of justice or fairness. Equality, as we know, is about sameness. From a DEI lens, treating everyone the “same” is not adequate or appropriate. Taking both terms together, equality distributes the very same for everyone without distinction. Equity distributes according to assessing needs individually. And even more importantly, equity considers society’s disparities. Uniting diversity with equity further complements the legal profession by addressing unfairness and by assessing individual needs. Clients and litigants will be better understood and represented; while retention of employees may be higher.

Inclusivity is the intentional act of valuing different ideas and perspectives. To be inclusive prioritizes diversity and gives it further meaning. While diversity may provide an individual a seat at the proverbial table, inclusivity requires that individual’s opinions to be heard and valued.

Putting the DEI equation together, I submit the following hypothetical. You’re throwing a dinner party at your home. Typically, you may only invite your neighborhood friends. They live

close to you, have children that are similar in age to yours, and belong to the same homeowner’s association. However, in this fictional example, you invite the new employee from the office who is in your practice group, and the newly married couple from your synagogue as well. You create diversity by bringing others to the table you would not typically have invited. As your guests assemble for dinner, one of your neighbors is on crutches. Rather than having the guest sit in the same exact manners as others, you offer them additional space to elevate their leg and room to stretch out. This creates an opportunity for equity, as the individual’s needs are assessed and not based simply on equal treatment.

Finally, everyone is assembled, the food is served, and conversation is flowing. Traditionally, the conversation focuses on the activities and adventures of the guests’ children. This is one of the areas of common ground with the regular guests and bonds them together. However, the newly married couple don’t have children. As the host, you can lead a conversation that everyone can participate in. Inclusivity is the intentional act of creating opportunities for everyone to have the ability to share and be valued for their contributions.

In sum, DEI is a comprehensive and intentional practice. While the dinner party example may seem superficial compared to the stress and the feeling of never-ending work legal professionals face, the legitimacy of DEI cannot be stressed enough.

Studies, statistics, narratives, and best business practices strengthen its validity. Whether you are seeking to retain talented staff, provide greater understanding and service to your clients, or enhance your quality as an arbiter of the law, employing DEI principles will continue to aid in elevating the legal profession. So, if you ever catch yourself sighing heavily or rolling your eyes when DEI in its many forms is mentioned (and it’s okay if you catch yourself doing that, that’s how we learn!), I urge you to spend five minutes researching its value. And I hope your research leads you to even more opportunities to explore. And finally, I encourage you to check out the ICBA DEI Committee. We’ll learn together how to enhance the quality of the great work we’re all committed to doing in the legal profession.

#### Endnotes

1. *Merriam-Webster Dictionary*, <https://www.merriam-webster.com/> (last accessed September 8, 2023).



ICBA SECTION NEWS

ICBA-YLS

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**Madison Ashley**  
*Database Support*  
[support@sharedresources.us](mailto:support@sharedresources.us)

**If you could have dinner with any living person in the world today, who would it be?**

Adam Sandler.

**If you weren't an attorney, what other profession would you be interested in pursuing?**

Nursing.

**What is a future goal you have for yourself that doesn't have to do with work?**

Raise a happy family.



**Tara Christensen**  
*Administrative Assistant*  
[tara@sharedresources.us](mailto:tara@sharedresources.us)

**What is something you have gotten better at as you have gotten older?**

Having patience.

**What is your favorite thing to do with your free time outside of work?**

I read A LOT :)

**What is the scariest thing you have ever done?**

Have children.

## 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](tel:8009680738) 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](#)





Owen Curtis  
Tech Support  
[support6@sharedresources.us](mailto:support6@sharedresources.us)

**If you could travel to any place in the world, where would it be?**

Iceland.

**What is your favorite thing to do with your free time outside of work?**

Watch and review films.

**What is a future goal you have for yourself that doesn't have to do with work?**

Graduate college.



Matt Hinkle  
Technology Supervisor  
[support4@sharedresources.us](mailto:support4@sharedresources.us)

**If you could have dinner with any living person in the world today, who would it be?**

Bryan Vorndran, current head of FBI's Cyber Division.

**If you could travel to any place in the world, where would it be?**

Egypt.

**What is the scariest thing you have ever done?**

To date, ride in a B-17G, a World War 2 bomber - the plane shuddered and shook more than any other plane I've ever been on!



Madelyne Lawry  
Executive Director  
[mlawry@inghambar.org](mailto:mlawry@inghambar.org)

**If you could have dinner with any living person today, who would it be?**

Jonathan Foust, MA, CSA Yoga & Meditation Teacher. I have listened to Jonathan every Monday @ 7:30 PM on FB live since COVID-19. His wisdom is inspiring.

**If you could travel to any place in the world, where would it be?**

Italy! My maternal grandfather migrated from there. I want to visit the area he came from.

**What is one of your pet peeves?**

When I get an email from a professional that does not contain a signature block.

Before email, professionals used letterhead with complete contact information. Today, I see emails from professionals with just their first names.

Looking up a phone number to respond to a request or get more information is time-consuming. Frustrating and not efficient use of my time.



Adam Legal  
Tech Support  
[support7@sharedresources.us](mailto:support7@sharedresources.us)

**If you could have dinner with any living person in the world today, who would it be?**

Ryan Gosling.

**If you could travel to any place in the world, where would it be?**

Iceland.

**What is one of your pet peeves?**

When I'm trying to listen to a song and someone starts singing it really bad.



Willow Nelson  
Graphic Design  
[support5@sharedresources.us](mailto:support5@sharedresources.us)

**If you could have dinner with any living person in the world today, who would it be?**

I can't choose, so I'll just say my dad.

**What is something you have gotten better at as a you have gotten older?**

Being kinder to myself.

**What is the scariest thing you have ever done?**

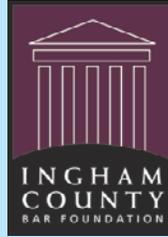
Saying goodbye forever.

## ICBA Membership Scholarship Application

ICBA may offer scholarships to prospective members who may be experiencing a hardship and cannot pay the standard rates to be an active member of the Bar.

Recipients will remain anonymous. It is up to the discretion of the ICBA President to grant scholarships, but it can only be approved on an annual basis (i.e. this is not a benefit that automatically renews year-to-year).

The scholarship application can be accessed [here](#).



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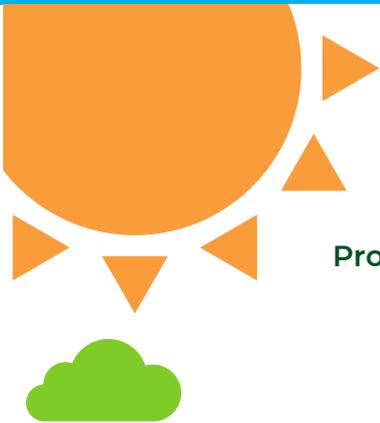
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- Women's: Michelle Gallagher

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### Women's Longest Drive

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### Skins Winners

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# Please welcome and *congratulate* the new DDBA Board for the 2023-2024 Board Year



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Please add [ddbalexecboard@gmail.com](mailto:ddbalexecboard@gmail.com) to your email list.

# Mandated Succession Planning

## Rule 21: Practice Succession Planning

By April Alleman, Succession Planning Program Counsel, State Bar of Michigan

*New requirements for Michigan private practice attorneys effective September 1, 2023. Read the Supreme Court Order [here](#). Required information will be collected during license renewal beginning the 2023-2024 Bar Year. Although not required until September, starting this summer, attorneys can nominate their designated interim attorney through the State Bar of Michigan's online Member Area.*



April Alleman  
[aalleman@michbar.org](mailto:aalleman@michbar.org)

### **How do I confirm my willingness to be an attorney's designated interim administrator?**

When an attorney nominates you as their interim administrator, you will receive an e-mail from the State Bar of Michigan notifying you and giving you the option to accept or decline to be the attorney's designated interim administrator. Notification will be sent to the State Bar and to the nominating attorney when you accept or decline. Until a nominated attorney confirms their willingness to be the private practice attorney's designated interim administrator, the private practice attorney has NOT fulfilled the requirements of Rule 21.

### **What happens if the attorney I nominated declines to be my designated interim administrator?**

If a nominated interim administrator declines the designation, the private practice attorney who nominated them will be notified via e-mail and will have the ability to nominate a different interim administrator. The newly nominated interim administrator will be sent an email to confirm their willingness to be designated interim administrator.

### **Contact Info:**

Email: [IAP@michbar.org](mailto:IAP@michbar.org)  
517-346-6355  
[www.michbar.org/Rule21](http://www.michbar.org/Rule21)



## Bankruptcy Law Section

The Bankruptcy Law Section meets at noon on the fourth Thursday of each month (Quarterly – September, December, May) at Noon, Location: Zoom.

**Upcoming Meetings:**

- TBA

Please feel free to join the Bankruptcy Section for its monthly meetings. Contact Section Chair Lynn Osborne for details.

To RSVP for meetings, contact Lynn Osborne at [lynnosbornepc@gmail.com](mailto:lynnosbornepc@gmail.com).

## 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. If you have suggestions for future topics, please contact Section Co-Chairs Marisa Vinsky, Takura Nyamfukudza or Christopher Wickman.

**Upcoming Meetings:** Dates/Times will vary and will be announced via Listserv - Location: Zoom

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](mailto: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 Chair is Kelly McClintock. Contact Kelly if you have ideas for topics and speakers.

**Upcoming Meetings:** 4<sup>th</sup> Tuesday of the month – Noon, Location: TBA

If you have questions about Section meetings, please email Kelly at [mcclintock@bwlawonline.com](mailto:mcclintock@bwlawonline.com).

## Family Law Section

The Family Law Section meets on the fourth Tuesday of the month from noon to 1 p.m. Location TBD. Lunch is provided.

Section Co-Chairs are Jennipher Martinez and Erica Terranova.

**Upcoming Meetings:**

2<sup>nd</sup> Wednesday of the month (no meetings June, July, August) at Noon, Location – Zoom

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



## Probate and Trust Section

Ernschie Augustin and Joann M. Schofield are the Co-Chairs for the Probate and Trust Section. The Section holds its in person meetings the second Wednesday of each month at 9:00 a.m. at Chalgian & Tripp Law Offices, PLLC, 1019 Trowbridge Road, East Lansing, MI 48823 (ZOOM option is available for those who are unable to attend in person). If you plan to attend the meeting in person, please RSVP to Ernschie at [augustin@augustinlawoffices.com](mailto:augustin@augustinlawoffices.com).

**Upcoming Meetings:**

- TBA

Please join the Section's Facebook Group by searching "ICBA Probate & Trust Law Section" and connect with us on social media. As a way to streamline RSVPs and minimize emails, you can RSVP for the Section meetings via Facebook. Are you feeling generous?

Please consider sponsoring breakfast for our in person meetings. If you are interested in sponsoring, please contact Joann at 517-377-0894 or email [jschofield@fraserlawfirm.com](mailto:jschofield@fraserlawfirm.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, virtual.

Section Co-Chairs are Elizabeth Cary, a Paralegal at Chartier & Nyamfukudza, PLC, and Megan Cochrane, a Paralegal at Loomis Law.

**Upcoming Meetings:**

3<sup>rd</sup> Wednesday of the month at Noon, Location – Zoom

If you have questions or would like to learn more about the Section, contact Elizabeth at [lizzy@cndefenders.com](mailto:lizzy@cndefenders.com).

## Real Estate Section

The Real Estate Section holds its meetings at noon on the fourth Thursday of each month. Location TBD.  
Section Co-Chairs are Bill Tomblin, Ellen E. Ward, and Mitchell Zolton.

**Upcoming Meetings:** 4<sup>th</sup> Friday of the month unless specified otherwise via Listserv (No meetings June, July, August, and December) — Noon

Location: 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](mailto:Wdtomblaw@aol.com).

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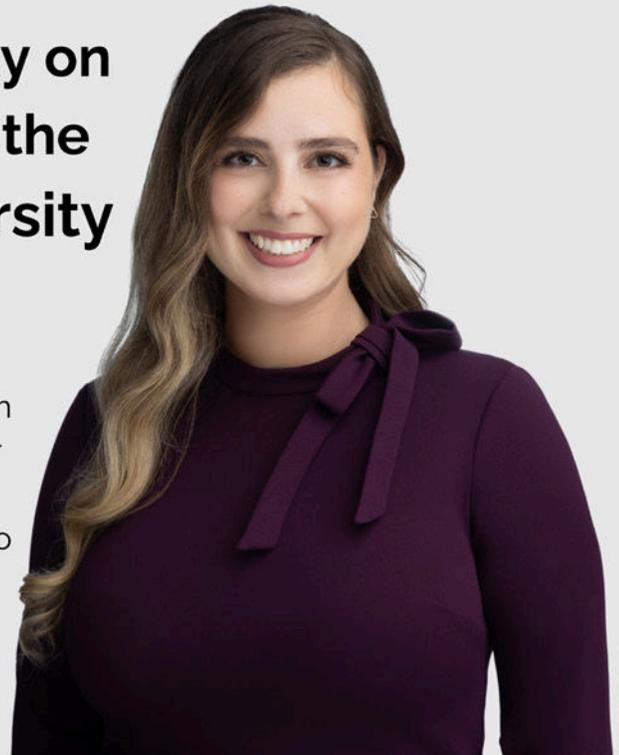
[Click here for more information](#)

## Congratulations to Marisa Vinsky on being selected as a member of the 2023 Central Michigan University 10 within 10!

The 10 Within 10 program recognizes young alumni who bring honor to Central Michigan University through work in their career or community. Marisa was recognized for her work in the criminal defense community, including her volunteer efforts at various expungement fairs and her pro bono work on wrongful conviction cases.

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# BRIEFS



## Welcome Fall!

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Next issue: Veterans



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