

Inter Alia

Among Other Things

Fall 2007

www.michiganyounglawyers.com**Council Officers***Chairperson*

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From the Chair: Preview for the Year

Robert Fergan is Chair of Young Lawyers Section of the State Bar of Michigan. Mr. Fergan practices patent, copyright, and trademark law for the firm of Brinks Hofer Gilson & Lione in Ann Arbor, Michigan. He can be reached at rfergan@brinkshofer.com or at (734) 302-6036

Although many of you may feel like the year is coming to a close, our 2007-2008 bar year is just getting wound up. Welcome, I have the great privilege of serving you as chair for this bar year. As with every year, the excitement and drive of our council members is extraordinary.

The Young Lawyers Executive Council plans a number of events each year for your participation. Typically, these events are community service events or bar service events that allow you to mix and mingle with the young lawyer community. This includes similarly situated lawyers that will be developing and growing their practice at the same time that you will be. This is a great opportunity to meet skilled practitioners as well as develop deep friendships that will last throughout your career and beyond.

Our community service events allow young lawyers the opportunity to serve the public, thereby providing self-fulfillment and allowing the public to experience the true giving nature of the legal community. The bar service events provide opportunities for young lawyers to gain education, hone skills and receive mentoring to improve their practice of the law and career development. I hope you will take the opportunity to enjoy our programming this year.

In the coming months, look for programs such as "Take Charge of Your Career," "Basic Michigan Real Estate Practice," "Holiday Dinners" at various shelters, "Wills for Heroes", "We the Jury," "Back to School Barbeque," as well as, various social networking events. If you would like to help with the planning of events or have ideas for additional events, please feel free to contact me at any time this bar year.

The best way to receive information on our programming is to join our list serve at <http://www.michbar.org/younglawyers/listserv.cfm> and reading future issues Inter Alia.

The Young Lawyers Section includes attorneys licensed to practice in Michigan that are under the age of 35 or that have been practicing for less than five years in the State of Michigan. The Young Lawyers Section includes over 8,000 members of the approximately 38,000 attorney licensed to practice in Michigan. The Young Lawyers Executive Council is elected by each of you, the 8,000 plus members of the Young Lawyers Section, to help improve the practice of law for young lawyers throughout the state.

Second Chairing Effectively

By Sydney R. Turner, Lewis & Munday, P.C.

When I found out I was going to work on Mayor Kilpatrick's whistleblower trial I was very excited but I knew it would be no small matter to step into the role as second chair on a very public case. And as the boxes and piles of documents began to accumulate in my office, my excitement turned to worry; however, I turned to the best resource a young lawyer can have: organization skills. Without organization, the most talented and ambitious associate can quickly become overwhelmed and easily frazzled (Even when you are organized, this can happen too!). I want to share some key lessons I learned while embarking on the most gratifying learning experience of my career.



1. **Gather the intangible information:** Before you begin preparing for trial, talk to the lead lawyer. Find out the key facts of the case; discuss the themes that will be developed; and ask as many specific questions as you can before you begin. If you are not sure what role you will assume, you should ask—but assume the answer will be everything that your partner will not be doing.
2. **Come up with a plan:** Once you know the direction your partner wants to go in, you must know the file. This is especially true of a case that has an extensive appellate history. Get the docket sheet, take an inventory, and organize the case. You should create a comprehensive task list that covers every item that needs to be accomplished, including filing deadlines. This task list will change daily and should be the first and last document that you review every day before and during the trial.
3. **Manage the documents:** Partners expect when they refer to “some document” that “says that one thing,” it will appear magically in their hands. Your job is to ensure that happens. Not only does this mean that key documents have to be organized to allow for quick retrieval, but you must know their content as well. Memorizing helps.

Lists help too—you should have one before the trial with the documents that should be admitted, and one after the trial with the documents that have been admitted. Remember you are not only managing your own documents, but the opposing party's documents as well. In our case, the plaintiffs had 60 ex-

hibits in this case and the defendants had 49 exhibits. While I managed to have a majority of the documents memorized, I did not have them memorized by exhibit number. My lists allowed me to remember and manage the documents in a more effective manner.

4. **Create a trial book:** Lead attorneys have different styles, and each will request different materials for their trial book. However, the general rule of thumb is to include those subjects and documents that must be produced or referred to at a moment's notice. For instance, the judge might request the parties to remind him of a prior court ruling during pre-trial—you should have a copy of such orders readily available. Your trial book may contain the following key documents: task sheet, Complaint, trial subpoenas and witness lists, motions in limine, subsequent orders, jury instructions, juror information, voir dire, exhibit lists, witness examination outlines, any charts, list of potential evidence objections, jury verdict forms, and daily notes. Your trial book should reflect the entire trial from beginning to end.
5. **Take a daily inventory during the trial:** Think about each day of trial as a day of objectives. Certain witnesses, testimony and documents must be introduced. As events can unfold dramatically from the expected, you must always review the day in detail in preparation for the next. Timetables may be thrown off by surprise witnesses, testimony that takes longer than expected, or the judge cutting the day short. The question then becomes: did you reach your objectives for the day, *and* what

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do you have to do for the next day? Contacting witnesses, setting up meetings, revising witness outlines, and updating the list of admitted exhibits will become your task as the associate. There will also be motions that come up during trial, be prepared for those as well.

6. **Don't become paralyzed if you make a mistake:** In your preparation, you are bound to run out of time on a motion, get stuck in traffic, or forget to bring a document to a meeting. Mistakes happen—repeat mistakes are a killer. Becoming paralyzed with fear or worry is a breeding ground for the very mistakes you are trying to avoid. Devise your plan, stick to it, and if a mistake happens just move on.
7. **Watch and learn.** The best part about participating in a trial as second chair is if you have done your job, you get to watch and learn how to try a case. If you are lucky enough to have this opportunity, then you should cherish every moment of it and catalog what you want to keep for your personal arsenal.

My life before and during this trial was the kind I have seen associates whine about on message boards—late nights, hunger, sleep deprivation, alienation of friends and family. But if you are a true litigator, these are the moments you have been waiting for. Trial is battle, and battle requires your full concentration. Now if you read this whole article thinking I would also reveal some inside information about the case itself, I can only say that losing is so not cool...but you will recover, and you will be a better lawyer for having had the experience.

Young Lawyers Section Sponsors U.S. Supreme Court Swearing-In Trip

February 27, 2008

The Young Lawyers Section of the State Bar of Michigan is sponsoring a ceremony for Michigan young lawyers seeking admission to the United States Supreme Court Bar. The admissions ceremony will take place on Wednesday, February 27, 2008 at 8:00 a.m. at the U.S. Supreme Court Building in Washington, D.C. The trip will include a delegation breakfast sponsored by the State Bar of Michigan.

The trip is limited to 11 applicants and one guest per applicant. An applicant must present a certificate of good standing with the State Bar of Michigan and have practiced for three or more years within the State of Michigan.

John J. Conway, Ex-Officio Chair of the YLS, is the delegation coordinator for the admissions ceremony. The trip is limited to the first eleven (11) persons to reserve a place. To reserve your place, please email Mr. Conway at john@johnjconway.com by November 30, 2007. Completed applications are due to Mr. Conway at his office located at 645 Griswold, Suite 3600, Detroit, Michigan 48226 no later than December 31, 2007. Applicants are responsible for their own travel costs, bar admission fees, and securing certificates of good standing. The admission application and further details regarding admission may be found at www.supremecourtus.gov.



Young Lawyers Section Council



Non District (Chair and Chair Ex officio)
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CARLOS A. ESCUREL • JENNIFER M. HARVEY • BRANDY Y. ROBINSON • FELICIA O. JOHNSON •
SOLON M. PHILLIPS

District 2
JAMES W. LOW • MAUREEN M. MCGINNIS • BRENT G. SEITZ • HOPE V. SHOVEIN • JESSICA SIMMONS

District 3
CHRIS CHRISTENSON • DANIELLE M. ANDERSON • ERIKA L. ANDERSON • TIMOTHY T. GARDNER, JR
• DAVID R. MILLAR • SEAN P. MCNALLY

New Officers

The council is pleased to announce the results of their officer elections. Robert Fergan assumes the chair of the section. Robert practices intellectual property law at the law firm of Brinks, Hofer, Gilson, and Lione in Ann Arbor, Michigan. Bernhardt (Chris) Christenson III was elected as Chair Elect of the Section. Chris practices at Chirstenson and Fiederlein, P.C. in Flint, Michigan. Danielle Anderson was elected to the position of Vice Chair of the Young Lawyers Section. Danielle practices financial institution litigation and transactional law at the Kalamazoo office of Miller, Canfield, Paddock and Stone, P.L.C.. As a new elected officer this year, Timothy Gardner, an assistant attorney general, from Lansing, Michigan will serve as the Secretary and Treasurer of the Section.



ABA YLD Fall Meeting

October 4-6, 2007

By Danielle Mason Anderson, District 20 Representative

The ABA YLD Fall Conference was held in the beautiful city of Charlotte, North Carolina. Additional information about the conference and the ABA YLD as a whole can be found at www.abanet.org/yld. This was a whirlwind meeting that was jam packed from the moment it began on Thursday until it ended on Saturday.

The meeting of the council on which I sit in my role as district representative for Michigan took place on Thursday afternoon. The meeting provided valuable programming. Topics included International Law 101, Contract Basics, Healthcare Fraud & Abuse Basics, and the ever popular "Movie Magic: How the Masters Try Cases," among others. Of course, the Fall Conference would not be complete without great social events. Thursday night included a First Timers Reception at the Charlotte Marriott City Center followed by a Welcome Reception at the Roof Garden at the Forum. Friday night marked the ABA YLD Dinner Dance held at the Speedway Club at Lowe's Motor Speedway.

On Saturday we kicked off the first YLD Summit, entitled "The Young Bar Leaders: The Next Generation." It provided state, local, and specialty young lawyer organization leaders public service and leadership training and allowed them to discuss their concerns, which ranged from membership and structure to project funding and implementation. This is an exciting new program that Justin Goldstein, the 2007-2008 ABA YLD chair, implemented. If the first summit is a measure of its success, it will be around for many bar years to come. Each summit will result in a white paper that I will forward when available.

The public service project for the current year is Wills for Heroes. It provides basic estate planning services to emergency first responders free of charge. Both the Kalamazoo County Bar Association and the State Bar of Michigan Young Lawyers Section are exploring implementing the program. As with everything contained herein, please refer to the website listed above for more information, or contact me.

The member service project continues the 101 Practice Series, aimed at capturing practical tips and fundamentals of legal substance for particular areas of law and legal practice. The 201 Practice Series goes a step beyond, relating more to "advanced" topics for young lawyers who already have a baseline knowledge in the relevant field.

The next ABA YLD conference is the ABA Midyear Meeting in Los Angeles, California, February 7-9, 2008. A YLD Membership Summit will be held in Los Angeles to provide young lawyers a forum to discuss concerns and issues affecting new lawyers. I encourage each of you to consider attending the meeting in February. You will find it to be an invaluable opportunity to network, earn CLE credits should you have bar membership in a state that requires them, and learn more about the ABA and ABA YLD. Please check out <http://www.abanet.org/yld/affiliateleaders/funding.html> to explore your funding options.



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Calendar of Events

Young Lawyers Council Meeting

November 28



Holiday Dinner Kalamazoo

December 1



New lawyers seminar

December 4-5



Holiday Dinner—Oakland County

December 8



Holiday Dinner—Wayne County

December 15



Holiday Dinner—Flint

December 19



S.K.I.P. Skating Party

December 27



ABA Midyear Meeting

February 7-9

2007 Holiday Dinners

The State Bar of Michigan Young Lawyers Section (YLS) will once again keep with its annual tradition and help prepare holiday meals in December for those in need in Oakland, Wayne, Genesee, and Kalamazoo Counties. More than 50 volunteers are needed to prepare and serve meals, help with decorations, and act as greeters. Volunteering for these dinners is a great way for our profession to close out the year by giving back to our communities and serving those less fortunate.

The first dinner is co-sponsored by the Kalamazoo County Young Lawyers and will take place on Saturday, December 1, 2007 at the Ministry with Community, 440 N. Church Street, Kalamazoo, MI. To volunteer for the Kalamazoo Holiday Dinner, please contact Danielle Anderson at (269) 381-7030 or via e-mail at andersond@MillerCanfield.com.

The second dinner is co-sponsored by D. Augustus Bar Association and will take place on Saturday, December 8, 2007 at the Grace Centers of Hope, 35 E. Huron Road, Pontiac, MI. To volunteer for the Pontiac Holiday Dinner, please contact Brandy Robinson at (313) 256-9833 (ext. 227) or via e-mail at bjohnson@sado.org.

The third dinner is co-sponsored by the Wolverine Bar Association and will take place on Saturday, December 15, 2007 at the Highland Park Doorsteps Shelter, 224 Highland, Highland Park, MI. To volunteer for the Highland Park Holiday Dinner, please contact Brandy Robinson at (313) 256-9833 (ext. 227) or via e-mail at bjohnson@sado.org.

The final dinner is co-sponsored by the Genesee County Bar Association and will take place on Wednesday, December 19, 2007 at the Masonic Temple, 755 S. Saginaw Street, Flint, MI. To volunteer for the Flint Holiday Dinner, please contact the Genesee County Bar Association at (810) 232-6000 or via e-mail at gcbalaw.org.

The Young Lawyers Section has been a participant in the Holiday Dinner programs for approximately 9 years. Please remember to state the capacity in which you would like to serve.

Wills for Heroes— 2007-2008 ABA YLD Public Service Project

The Young Lawyers Section is pleased to announce the Public Service Project for the 2007-2008 bar year, Wills for Heroes. The ABA Young Lawyers Division has partnered with the Wills for Heroes Foundation (www.willsforheroes.org) to provide free wills, living wills, and health care and financial powers of attorney to first responders. Since November 2001, over 6,000 estate-planning documents have been provided for first responders. During the ABA YLD's last two conferences, the program was implemented in San Francisco, CA, and Charlotte, NC, helping to provide over 60 first responders in those cities with basic wills. During the upcoming bar year, the YLS plans to bring this program to communities around the metro Detroit area, as well as communities around the Kalamazoo, Grand Rapids, and Lansing metro areas. If you are interested in volunteering for this program, or would like this program implemented in your community, please contact Carlos Escurel at carlos_escurel@hotmail.com for more information.

Skating Party December 27, 2007

9 p.m. to 1 a.m.

BonaVenture Skating Rink
24505 Halsted Road, Farmington Hills, Michigan

Hosted by
Michigan Chapter of Save Kids of Incarcerated Parents
("S.K.I.P.")

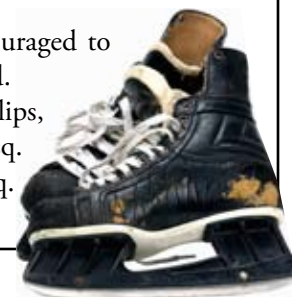
Sponsored by
Young Lawyers Section, State Bar of Michigan
D. Augustus Straker Bar Association
Wolverine Bar Association

S.K.I.P. is an organization committed to providing the children of incarcerated parents with positive experiences that will assist in shaping them into positive and productive citizens. S.K.I.P.'s Michigan chapter focuses on elementary age children who attend Detroit public schools.

The S.K.I.P. advisory board is hosting a skating party to raise money for its mission. Funds raised from this event will be used to support ongoing monthly programming.

YLS council and section members are encouraged to attend. Participants must be at least 16 years old.

For more information, contact: Solon M. Phillips, Esq. (313) 598-2724, Brandy Y. Robinson, Esq. (313) 598-9325, or Angelique Strong Marks, Esq. (248) 470-2616.



YLS & Lansing Black Lawyers Association Sponsor Free Legal Education Workshop

by Timothy T. Gardner, Jr.



Ingham County Court Deputy Administrator Shauna L. Dunnings addressing a question from the crowd.

As a young lawyer, I often meet citizens who are unaware of the steps that must be taken when they are confronted with a legal issue. Although many may disagree, citizens are challenged with a variety of barriers to becoming informed about the legal system such as lack of access to lawyers and limited financial resources. Therefore, the Young Lawyers Section (YLS) and Lansing Black Lawyers Association sponsored a free legal education workshop at the Foster Community Center, Lansing, Michigan on October 27, 2007.

The free legal education workshop was designed to provide the public with an opportunity to learn about family law, small business law, estates/probate, and criminal law. These areas of law were addressed by the following presenters: attorney R. Vincent Green; State Bar Commissioner Laurin C. Roberts Thomas; Ingham County Court Deputy Administrator Shauna L. Dunnings; and Nicole Dandridge, staff attorney, MSU College of Law Clinic. During their presentations, attorneys advised citizens on how to

YLS and University of Detroit Mercy Law School Host Bar Exam Workshop

by Timothy Gardner, Jr.

On Monday, November 12, 2007, the Young Lawyers Section (YLS) of the State Bar of Michigan and University of Detroit Mercy Law School hosted a Bar Exam Workshop. The purpose of the program was to assist law students in writing effective essay exam responses, selecting bar exam courses, and crafting solid study plans. This panel discussion presents students with a unique opportunity to ask questions and prepare in advance for the rigors of the bar exam. The panelists included attorney Kelvin Scott, bar exam grader, State Bar of Michigan; attorney Tasha Washington, associate, Lee & Correll; and attorney Antoinette Gilbert, Karen S. Kienbaum & Associates.

“Preparing for the bar exam is a formidable task, but developing an effective strategy now can assist law graduates in passing the exam,” said YLS program chairperson, Tim Gardner. Special thanks to the University of Detroit Mercy Law School and Dean Loretta Lewins-Peck.



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protect their legal rights and answered general legal questions. In addition, attendees brought their children to the kids' Halloween costume party. The children were entertained by Shanigans the Clown and played games.

“Educating the public about legal issues is a fundamental principle supported by the State Bar of Michigan,”

Tim Gardner said. The mission of the State Bar of Michigan, in part, is to “aid in promoting improvements in the administration of justice and advancements in jurisprudence, in improving relations between the legal profession and the public...” Consistent with this mission, YLS continues to offer public service programs that inform the public about legal issues.

Lastly, the public received information concerning free legal resources offered by local organizations such as Legal Services of South Central Michigan; Sixty Plus, Inc, Elderlaw Clinic; and Elder Law of Michigan. Many thanks to the Lansing Black Lawyers Association.



Lansing Black Lawyers Association President Rico Neal and YLS program chairperson Tim Gardner with children at Kids Halloween Party.

Negotiating Your Best Deal Ever!

Many young lawyers haven't the first clue about how to negotiate effectively. The very thought of bargaining against a seasoned negotiator is a cause for panic for some. Yet, the demands of today's practice will inevitably require even the most junior attorney to negotiate in some way (e.g., through business contracts, plea negotiations, settlement discussions or otherwise). So what is the young lawyer to do?

To address this common concern, the YLS hosted a half-day seminar called "Negotiating Your Best Deal Ever!" at Southfield's Skyline Club on August 16, 2007. This event sought to demystify the negotiation process and arm participants with the confidence and skill needed to prevail in any negotiation setting.

The seminar featured national expert Charles B. Craver, George Washington University Law School Professor of Law and author of *Effective Legal Negotiation and Settlement*[®] and *The Intelligent Negotiator*[®]. Professor Craver guided participants through a series of hands-on exercises and negotiation scenarios. The more than 50 young lawyers in attendance learned about different negotiating styles, the psychology behind negotiation, and ethical dilemmas that arise with puffery, embellishment, and other forms of gamesmanship. A great time was had by all!

To learn more about the program or secure copies of seminar materials, please contact YLS council member and program Co-Chair Brandy Robinson at byrobinson@gmail.com.

The Second Annual Back-to-School Barbecue



The Young Lawyers Section's commitment to helping children succeed in life is strong and unwavering. The YLS has developed programs specifically to help children achieve their educational goals. A good education begins with a positive attitude and preparation.

On Saturday, August 25, 2007, the Young Lawyers Section held its second annual "Back-to School Barbecue" at the Detroit Rescue Mission Ministries Genesis House III in Detroit. This year's event was cosponsored by the D. Augustus Straker, Michigan, Asian-Pacific American, and Wolverine Bar Associations.

The YLS believes that the best way to start the school year is with an end-of-summer celebration. Imagine a picnic atmosphere, the smell of hot dogs and hamburgers grilling, children running around playing games, and a disc jockey playing music in the background. Oh – and backpacks overflowing with school supplies.

Approximately 200 kindergarten through 12th grade students and their parents participated in the barbecue. The students played indoor and outdoor group games while their parents relaxed to the smooth sounds of music. All of the participants ate a picnic style meal. Each of the 165 student participants received a sling backpack filled with notebooks, pocket folders, paper, pens, pencils, highlighters, an eraser, a ruler, a protractor, and a pencil sharpener.

More than 30 volunteers devoted an afternoon to this worthy cause. Volunteers prepared food, decorated, stuffed and distributed backpacks, and organized games for the children.

The YLS deeply appreciates all of the volunteers who braved the rain and supported the barbecue. No matter your task, your contribution was significant. The barbecue was a success because of your hard work and dedication.

The YLS's commitment to children is never-ending. The third annual Back-to-School Barbecue will be held on a Saturday afternoon in August 2008. We look forward to working with even more volunteers next year.

To all of our volunteers and cosponsors, we say THANK YOU!!!

Remember - Back issues of this newsletter can be found at <http://www.michbar.org/younglawyers/newsletter.cfm>.

SBM Young Lawyers Section Wins Five Achievement Awards from the American Bar Association

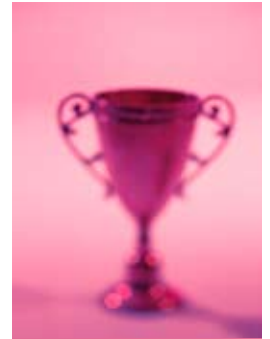
For the third year in a row, the Young Lawyers Section (YLS) of the State Bar of Michigan has been recognized for its programs with five national awards of achievement from the American Bar Association (ABA). The awards were presented in San Francisco at the annual meeting of the ABA's Young Lawyers Division August 9-11, 2007.

The YLS won first place nationally for the comprehensiveness of its programs over the past year. In addition, the section received second place honors for three individual programs and a special recognition for the *Inter Alia* newsletter.

The YLS received second place honors in the Service to the Bar category for a program called "Practice Management Telephone Seminar Series" organized by Jeff Kirkey. Recognition was

also received in the Minority Service category for the program "Choose Law" organized by YLS council members Solon Phillips and Felicia Johnson. In the Service to the Public category, the YLS received second place recognition for its program "Back to School BBQ to benefit Homeless Youth" organized by council members Felicia Johnson and Brandy Robinson. In the Newsletter category, *Inter Alia* was recognized. The newsletter was edited by YLS chairperson-elect Chris Christenson during the 2006-07 bar year.

"Again this year, Michigan young lawyers are making a difference in the community and profession. The council is already off to a great start for the 2007-2008 bar year and having a great time along the way," said Chair Robert Fegan.



Regeana Myrick Outstanding Young Lawyer Award

I am pleased to announce that Bridgette M. Sparkman won the Regeana Myrick Outstanding Young Lawyer Award this year. Ms. Sparkman is currently employed by Owen & Associates, PC in Southfield, Michigan, specializing in immigration law. She also handles extensive pro bono representation.

Ms. Sparkman proved to be an excellent candidate and recipient, as she completely embodies the spirit of Regeana Myrick.

At our annual meeting in September, we were lucky to have the president-elect of the State Bar of Michigan, Julie Fershtman, present. Ms. Fershtman served on the Young Lawyers Section council at the same time as Regeana Myrick, and she gave us some insight into the kind of person that Regeana Myrick was and how the award came to be created. It was wonderful to get a better understanding of the award.

Summer Splash Recap

On Friday, August 24, 2007, the State Bar - Young Lawyers Section and the Oakland County Bar Association's New Lawyers Committee co-sponsored their annual Summer Splash event at the Woodward Avenue Brewery in Ferndale, MI. Despite torrential rains that day, over forty new lawyers attended, and a great time was had by all. The attendees made donations to Lighthouse of Oakland County, the OCBA's chosen charity this year. The money raised from the various events throughout the year will be donated in an on-field presentation at the annual OCBA Tiger's game outing next year.