

Inter Alia

Among Other Things

Fall 2009

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Letter from the Chair



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Welcome to the 2009-2010 bar year! I am so pleased to be the current chair of the Young Lawyers Section. We have a very exciting year planned and continue to search for ways to give back to our communities and fellow attorneys.

It is hard to believe that the holiday season is swiftly approaching. Michigan residents and businesses continue to face extraordinary challenges. New graduates continue to enter our profession and the search for jobs is tougher than ever. The Young Lawyers Section strives to provide relevant continuing education and practice tips to our membership. Our networking events provide opportunities to meet other members and many of them have charitable components to raise funds and goods for various worthy causes around the state. Whether you are fresh out of law school, transitioning to a solo practice, practicing at a large firm or somewhere in between, we have programs and events that you will find fun and informative.

Now is the perfect time to get involved in the Young Lawyers Section. Michigan is a wonderful place to live, raise a family, and practice law. Let us know what we can do for you!

Regards,

Danielle Mason Anderson
Chair, Young Lawyers Section

We Need You to Volunteer to Serve Meals to Those in Need

Each year, members of the State Bar of Michigan Young Lawyers Section, the Wolverine Bar Association, and the D. Augustus Straker Bar Association team up to prepare and serve meals to some of our fellow citizens in need. The event allows participants to fellowship with other attorneys and to interact with members of community. The program continues to grow each year and proves to be beneficial to all. We invite you to join us again this year for a meaningful event.

Monday, November 23, 2009

8:30 a.m. - 11:30 a.m.

Central High School (Detroit)

(Packing and Distributing Food Baskets)

2425 Tuxedo, Detroit, MI 48206

Co-sponsored by the Wolverine Bar Association

Saturday, December 12, 2009

6:30 a.m. - 8:30 a.m.

Grace Centers of Hope (Pontiac)

(Breakfast Meal Service)

35 E. Huron Road, Pontiac, MI 48342 (248) 334-2187

Co-sponsored by the D. Augustus Straker Bar Association

Food will be distributed to Coalition on Temporary Shelters (COTS) and families at Central High School in Detroit

DUTY	START TIME	NUMBER OF VOLUNTEERS NEEDED
Packing Food Baskets	8:30 a.m.	6
Distributing Food	11:00 a.m.	2

Please contact Felicia Johnson at 313-549-6329 or fjohnson@co.wayne.mi.us for additional information.

DUTY	START TIME	NUMBER OF VOLUNTEERS NEEDED
Meal Preparation	6:30 a.m.	6
Meal Greeters	7:30 a.m.	2
Meal Servers	7:30 a.m.	8

Please contact Heather Anderson via e-mail at handerson@mail.michbar.org to volunteer. Please state the capacity in which you plan to serve.

Saturday January 16, 2010

12:45 p.m. - 2:45 p.m.

Kalamazoo Holiday Dinner

Ministry with Community

440 N. Church Street

Kalamazoo, MI 49007

Contact Danielle Mason Anderson at andersond@millercanfield.com to sign up.

Spotlight on Rising Star Maureen McGinnis

In this edition of *Inter Alia*, we feature a Spotlight on dynamic young lawyer Maureen M. McGinnis. Having been in private practice with her father since 2003, Maureen is the current Chair-Elect of the State Bar of Michigan Young Lawyers Section, and Chairperson of the Oakland County Bar Association’s New Lawyer Section. As of November, 3, 2009, Maureen is also a newly Elected Member of the Troy City Council. We sat down with Maureen to ask her a few questions about her rapid ascension in local politics in perhaps her most impressive victory yet.

Q: How long have you been practicing law, and what was your area of expertise before you decided to enter the political arena?

I have been practicing for six years and my focus is family and criminal law.

Q: What inspired you to pursue public office, and what steps did you take to prepare yourself for joining the legislative branch of Troy’s city government?

I was inspired by the need for good leadership as we navigate our way through very difficult economic times. I was born and raised in Troy and wanted to be a part of a group of people that would be called on to stabilize our financial situation and prepare for future growth and development in Troy.

Q: How did you manage the demands of maintaining an active practice while running a successful campaign?

Time management was key in continuing my practice and running a successful campaign. I had to effectively prioritize all of my commitments and count on a wonderful group of supporters to help me get my message out to the voters.

Q: You were one of the youngest candidates for City Council, but ultimately turned out to be the top vote-getter. What factors do you think most contributed to your remarkable success?

I think that voters were very receptive to the fact that I was a “home grown” candidate and valued the experiences that I had growing up in Troy. People valued my open-minded ability to consider all of the options and honesty in addressing the issues before us. I think that people were happy to have a candidate running a positive campaign and

avoiding some of the traditional Troy politics that have plagued previous elections.

Q: What will be your priorities now that you have been elected to the position?

My number one priority will be working with council to address our budget issues.

Q: What particular skills do you believe a lawyer—and especially a young lawyer—can bring to the table in terms of shaping local policy?

I think the communication skills, professionalism, and innovative thinking abilities that I have developed as an attorney will greatly assist me in making decisions as a city council member. I think that the energy and networking skills that young lawyers are particularly known for will also be beneficial.

Q: Since Troy’s City Council Members are part-time elected officials, do you still plan to maintain your practice while you hold the position?

I absolutely plan to continue practicing and being involved with the legal community, especially my local (OCBA) and state bar (SBM) association Young Lawyer and New Lawyers councils. The relationships that I have gained through bar association involvement have had a wonderful impact on my career!

Q: What advice do you have for other young lawyers who may be interested in seeking political office?

Be true to yourself in whatever you do, professionally and personally. Young lawyers have a lot to offer the world and I would encourage everyone to find a way to get involved in their communities in some capacity that truly interests them.



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Effort Underway to Reform Michigan's Public Defense System

By Stephanie Chang

"Michigan is traveling down a dangerous road with our public defense system, the process for upholding the constitutionally mandated right to counsel – providing adults and children with an attorney if they cannot afford one. The warning signs are everywhere. ...it's time for state legislators to work together with leading experts and community members to find a better way."

– Regina Daniels Thomas, chief counsel of the Juvenile Law Group for the Legal Aid and Defender Association, *Detroit News* op-ed, October 16, 2009

The issue of public defense is one to which young lawyers in Michigan should stay attuned. Michigan has been consistently ranked as one of the worst states in terms of the funding and administration of public defense. The future of the system in which public defense services are delivered may be decided in the current legislative reform effort.

The Campaign for Justice (www.mijustice.org) heads a broad-based bipartisan coalition of bar associations, criminal justice professionals, service and treatment provider organizations, civil rights and social justice organizations, and faith-based groups working to reform of Michigan's failing public defense system. Legislative reform is urgently needed to improve cost effectiveness, protect the public's safety and protect the constitutional right to counsel.

Michigan at the bottom

As pointed out in the National Legal Aid and Defender Association study on Michigan's public defense system released last June, Michigan is one of only a handful of states with no state funding and no statewide standards for monitoring, training or administering public defense services for children facing delinquency proceedings or adults at the trial level.

Michigan ranks 44th out of the 50 states in per capita public defense funding. The state spends only 38 percent of the national average on public defense, yet Michigan's prison system is more than \$2 billion per year. Michigan's 83 counties – and their courts – all fund and administer public defense differently and many of these counties don't have the money to adequately fund public defense. Michigan taxpayer dollars are wasted on an inefficient and ineffective public defense system.

There are no standards for attorney performance, eligibility or workloads at the trial level or in juvenile delinquency cases.

The dedicated public defense attorneys responsible for delivering on a constitutional promise are laboring in a failing system that too often does not provide the necessary time or resources for effective defense representation.

Because of these problems, Michigan's system is failing the accused. The Constitution guarantees the accused the effective assistance of counsel, but that right is being denied in our state. In addition, our state's public defense system fails to protect public safety. With every wrongful conviction of an innocent individual, real perpetrators are free, jeopardizing public safety.

This is a crisis that requires action by the legislature. We are pleased that House Speaker Andy Dillon (D-17) and House Judiciary Chair Mark Meadows (D-69) named a Subcommittee on Indigent Defense, chaired by Rep. Bob Constan (D-16) and including Rep. Justin Amash (R-72). We are urging legislators to work with the Campaign, our partner the State Bar of Michigan, and other experts to ensure a justice system that works for all.

Get involved

We need your help! We are expecting some big announcements soon regarding reform. This is the perfect time to sign up on our website for e-alerts for breaking news that you will not want to miss. If you are interested in hosting someone from the Campaign for Justice speakers' bureau at an upcoming community group meeting, a brown bag at your firm, or at your place of worship, call us. Call us at (517) 372-3050 or email us (info@mijustice.org) if you would like to share your own story or perspective about public defense or if you would like to write or submit a letter to the editor of your local newspaper.

2009 Barcelona Bar Association Conference

By James W. Low



James W. Low

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Sagrada Familia Church



Earlier this year, I was privileged to be invited by the President of the Il·lustre Col·legi d'Advocats de Barcelona (the Barcelona Bar Association) as the American representative to their annual opening ceremony in Barcelona, Spain. Officially titled the “Festivitat de Sant Raimon de Penyafort,” the festivities are named for Saint Raymond of Penyafort, who is the patron saint of lawyers in Spain. The festivities are analogous to the State Bar of Michigan’s Annual Meeting. This year, the events spanned a total of four days.

I, along with the European Young Bar Association executive committee, and delegations from Denmark, Belgium, England, Ireland, Wales, Italy, France, Greece, Canada, and the Netherlands attended the events and enjoyed the hospitality of the Grup d'Advocats Joves de Barcelona (the Barcelona Young Lawyers Association) during our stay. The rainy weather did not affect Barcelona’s vibrant and hospitable mood.

On the first night of the conference, we attended a welcome reception at the Town Hall (Ajuntament de Barcelona). The Town Hall itself was stunning, and looked more like a castle than city offices. During the reception, the local lawyers and foreign colleagues were addressed by the Mayor of Barcelona, the Barcelona Bar Association and the President of the Young Bar of Barcelona. Much to my surprise, the Mayor of Barcelona gave a special welcome in his speech to the “Lawyer from Detroit”, thanking me for coming such a long way to attend. The welcome reception was followed by an informal dinner at Barcelona’s famed Solo restaurant, where the local and foreign lawyers were able to chat and network.

The second day of the program featured a Black Tie gala sponsored by BMW and hosted in the stunning premises of the Institut Nacional d'Educació Física de Catalunya (the National Institute for Sports Science). The Institut Nacional d'Educació Física de Catalunya sits atop the Montjuïc hill overlooking Barcelona, and next to the Olympic Stadium. The gala was attended by many prominent Barcelona lawyers, as well as the various foreign delegates.

On our third day in Barcelona, a number of the foreign attendees took the day to sightsee. That day, we took a tour of the city featuring the architecture of Antoni Gaudí. The highlight of the tour was Gaudí’s unfinished Sagrada Família church, which has been continuously under construction since 1882, and which is not expected to be complete until at least 2026. We also visited the Olympic Stadium, constructed for the 1992 Summer Olympic Games.

That evening, the Barcelona Young Lawyers Association hosted a party at the Espais Actuals art gallery, a trendy modern art gallery turned, just for that night, into a lounge and dance club. The guests enjoyed cocktails and Catalan specialties, and were greeted and addressed by Hector Sbert, the President of the Barcelona Young Lawyers Association. The party, dancing and conversation went on into the early hours when attending guests said their goodbyes.

It was great to see my colleagues from overseas once again. It is interesting to see the camaraderie amongst the young lawyers in Europe. Interestingly, many of the young lawyers from the various European countries routinely attending each other’s annual meetings. In addition, many of them make a point of visiting the American Bar Association Young Lawyers Division meetings as well. The European young lawyers do an excellent job of networking and learning from fellow young lawyers from different countries and continents. As our economy grows more global, we would be wise to follow their lead.



Barcelona Town Hall

YLS Volunteers Help Make 4th Annual Back-To-School Barbeque a Success

By Carlos Escurel

On Saturday, August 22, 2009, the Young Lawyers Section held its 4th Annual Back-To-School Barbeque at the Detroit Rescue Mission Devos Center, to benefit homeless and otherwise disadvantaged youth. This event was again co-sponsored by the D. Augustus Straker and Wolverine Bar Associations. This year, over thirty volunteers spent part of their Saturday afternoon by preparing food, decorating the event, stuffing and distributing approximately 300 backpacks, and playing games with the children. Since the first barbeque in 2006, this event has evolved from a small picnic to an event that has included indoor/outdoor games, face-painting clowns, a music-playing DJ, and backpacks for students from five different service organizations. Due to the overwhelming support of our volunteers and sponsors, the YLS expanded this program into a weeklong event where backpacks were passed out at various locations.

This year, children from Detroit Rescue Mission, Save Kids of Incarcerated Parents (SKIP), Coalition on Temporary Shelters (COTS), Matrix Human Services and Young Men in Transition each received a backpack filled with notebooks, pocket folders, paper, pens, pencils, erasers, a ruler and a pencil sharpener. On Saturday, at the Devos Center, 110 students participated in an end-of-summer barbeque celebration that included free throw contests, tug of war, musical chairs and a picnic-style lunch. Several volunteers also participated in a picnic celebration at COTS held on the same day, where 100 students received backpacks and school supplies. During the week following these events, the YLS distributed 65 backpacks and school supplies during a Matrix Human Services community outreach event, and distributed another 25 backpacks at an event for Young Men in Transition.

The YLS's commitment to children and public service continues each year through volunteer-driven events, such as the Back-To-School Barbeque. There are many homeless and otherwise disadvantaged families in the metro-Detroit community, and the YLS hopes that this event helps to provide these families with much needed school supplies and support from the bar. The YLS would like to thank all of the volunteers for their time and commitment to this event. Without your contributions and efforts, this event would never have expanded to help other various organizations.

Please feel free to contact Felicia Johnson at fjohnson@co.wayne.mi.us or Brandy Y. Robinson at byrobinson@gmail.com for information regarding this event. We look forward to working with even more volunteers next year for the 5th Annual Back-To-School Barbeque.



“Stand and Deliver!”

Dale Carnegie Public Speaking Workshop

By Hope V. Shovein

“Act enthusiastic and you will be enthusiastic.”

—Dale Breckenridge Carnegie (1888-1955)

On August 29, 2009, the State Bar of Michigan Young Lawyers Section (“YLS”) hosted a customized Dale Carnegie® public speaking seminar exclusively for YLS members at the Detroit Golf Club in Highland Park. Dale Carnegie®, www.dalecarnegie.com, is recognized world-wide as a leader in the art of public speaking and persuasion.

The well-attended event – fully booked at 45 participants – provided guests with individualized coaching, lectures and exercises on speaking with confidence and clarity, holding audience attention, and facing challenging and unexpected questions. As one attendee, YLS Council Member Bonnie Shaw, remarked, “The instructors were excellent and I appreciated the opportunity to be able to sharpen my speaking skills, both in front of an audience and in one-on-one business conversations.”

At the end of the day, one lucky participant, Maya Watson of Miller Canfield Paddock & Stone PLC, won a drawing for a full 12-week Dale Carnegie® Training course. Other participants were awarded copies of a book titled “*Dale Carnegie’s Scrapbook: A Treasury of the Wisdom of the Ages*” for their impressive performance in various exercises throughout the day, including David Campbell for his enthusiastic impromptu telling of a childhood anecdote, and Council Member Brent Seitz for his attention-grabbing organization of a presentation.

Overall, the event was a success. Council Member Nick Even commented, “This was easily the most beneficial single-day seminar I have ever attended. It was well-organized, fast-paced and replete with practical information and tips. Because of the interactive format of the program, I was able to retain and immediately put into practice much of what I learned.”

A special thanks to Dale Carnegie® instructors Mark Will and Julie Pfitzenmaier for customizing the one-day course to focus on relevant exercises for young lawyers, and also to Brooks Kushman P.C. of Southfield for providing lunch. Additional thanks to YLS Council Vice Chair Brandy Robinson and Council Members Brent Seitz and Hope Shovein for coordinating the event.

Hope Shovein practices trademark law at Brooks Kushman P.C. in Southfield, Michigan.



Professional Responsibility

By Jennifer Harvey

Don't blindly listen to your boss in regards to professional responsibility matters. The retainer agreement that you use with your clients is the most important legal document that you prepare. Never compromise your integrity, even in the smallest decisions. These are just three principles imparted by the panelists of the Young Lawyer's Section Seminar Practical Application of Professional Responsibility in Your Practice held at Cooley Law School (Auburn Hills campus) on Wednesday October 21, 2009.

The panelists were Don Campbell (prominent ethics practitioner), Martha Moore (Attorney Grievance Commission Secretary and Cooley Professor of Law in Professional Responsibility) and Dawn Evans (Director of Professional Standards, State Bar of Michigan). The panel was moderated by Jennifer M. Harvey who serves on the executive council of the Young Lawyer's Section.

Forty-five people, including members of the Young Lawyer's Section and Cooley Law School students, attended this event. The practitioners and students learned about ethics choices in responding to media, clarifying retainer agreements for professional protection, and pitfalls for young and new practitioners.

Martha Moore's comments from the panel summed up how lawyers should act both within the Professional Rules and also above and beyond with the highest integrity: be the lawyer that no one would ever approach to do something dishonest or untrustworthy. Make it known by both your word and deeds that you would never do anything that would even appear to be questionable.



Court Rules Red Flags Rule Does Not Apply to Lawyers

Following oral argument on October 29, 2009, the U.S. District Court for the District of Columbia ruled that the Federal Trade Commission (FTC) lacks authority to apply the Red Flags Rule to practicing lawyers, offering a reprieve to law firms across the country that faced weekend deadlines to put programs in place to meet the rule's requirements, scheduled to go into effect on November 1, 2009.

The Red Flags Rule is an identity-theft prevention measure that requires creditors who defer payments for goods and services to develop and implement written protocols to identify, detect, and respond to warning signs of identity theft. In the spring of 2009, the FTC announced without prior notice or warning that lawyers are considered "creditors" under the rule and thus subject to its provisions. In late July, the FTC, at the request of the American Bar Association, suspended application of the rule to lawyers until November 1, but it rejected the ABA's argument that the rule did not apply to lawyers. The ABA filed suit against the FTC on August 27, 2009, seeking an injunction to block the application of the rule to lawyers. Judge Reggie B. Walton of the U.S. District Court for the District of Columbia entered an order granting summary judgment as to Count I of the ABA's complaint alleging that the Commission's application of the Red Flags Rule to attorneys violates 5 U.S.C. § 706(2)(C) as it is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." A memorandum opinion with points and authorities will issue within 30 days.

Counsel for the ABA says it has won all the relief it sought in its challenge to the regulation, including injunctive relief. The order in ABA v. FTC was handed down October 30, 2009—two days before the Red Flags Rule was scheduled to go into effect. The FTC is reviewing whether to appeal the decision. It continues to maintain that lawyers are not exempt from the rule.

In early June and again in late July, the State Bar of Michigan published Member Alerts, providing members information about the rule, the FTC's position, and the ABA's response.

There is also pending federal legislation, H.R. 3763, that would exempt from the rule any legal practice with 20 or fewer employees. The bill was unanimously passed by the House of Representatives on October 20 and is awaiting Senate action.