

Inter Alia

Among Other Things

Fall 2013

www.michiganyounglawyers.com

Council Officers

Chairperson

Felicia O. Johnson

Chairperson-Elect

Hope V. Shovein

Vice Chair

Andrea Irons

Secretary-Treasurer

Mark William Jane

Council

Syeda Farhana Davidson

Jade Jozzmenia Edwards

Nicholas G. Even

Stephanie Elena Farkas

Alana Marie Pauline Glass

Kara Rachel Hart-Negrich

Noah Page Hood

Aysha Jamil Kasham

Laura I. Marji

Shenique A. Moss

Donald Rencher

Derek Glen Russaw

Bonnie R. Shaw

Mwanaisha Atieno Sims

Lori Smith

R. Paul Vance

Ex Officio

Brandy Y. Robinson

Letter from the Chair



Felicia O. Johnson

Commission Counsel
Wayne County Commission
500 Griswold St Ste 810
Detroit, MI 48226

P: (313) 224-6459

F: (313) 224-7484

E: fjohnson@co.wayne.mi.us

I recently read the President's Page in the July 2013 *Michigan Bar Journal*. The article is about the lack of minority representation in the legal profession and the lack of minorities in leadership roles in the State Bar of Michigan (SBM). The article is a stark reminder that while our profession has made strides with regards to diversity and inclusion, there is more work to be done. If you have not read the article I encourage you to do so.

The article stirred my emotions. Perhaps that is because I know what it is like to walk the halls of a law firm and not see anyone who looks like me, or to have someone assume I am the secretary. It is amazing that in 2013, the makeup of the legal profession does not reflect the diversity in our communities. Even now, after glass ceilings have been shattered or, at least, cracked, very few minorities serve in leadership roles. The SBM has had 78 presidents and only four have been African American.

There are many reasons for the lack of diversity in our profession. We may agree or disagree about the reasons and the actions needed to diversify the profession. However, I hope we agree that our profession will grow and improve with diversity and inclusion.

For me, the article was a harsh reality, but there is hope. We are the hope. We are the future of the profession and we can make a difference. Let's decide today that the future of our profession will not be based on race, gender, age, family backgrounds or economics. Let's agree that every child, boy or girl, from every neighborhood, poor or wealthy, should have the opportunity to become a lawyer and the opportunity to be a leader in the profession.

I hope that my tenure on the YLS Executive Board and my year as YLS chair has made a difference. This will likely be my last letter as chair. I hope that you have enjoyed this year as much as I have. YLS has offered many spectacular programs this year and is planning several others, including a back-to-school event, a program with Dale Carnegie, networking strolls and a U.S. Supreme Court admissions trip (November). You will find more information regarding upcoming events within this newsletter. Please join us.

It has been my pleasure to serve as your chair and to diversify the ranks of the SBM.

Sincerely yours,

Felicia Johnson, Chair

New Lawyers Learn About Practicing Law in Ingham County

The State Bar of Michigan Young Lawyers Section held an “Introduction to Practicing Law in Ingham County” seminar on Friday, May 31, 2013. The seminar targeted individuals new to the practice of law, as well as veteran attorneys new to the practice of law in Ingham County. The goal of the seminar was to help new attorneys and attorneys new to Ingham County navigate the legal system without the feeling of intimidation or trial and error. The seminar also aimed to answer questions for attorneys who are considering starting their own practices, as well as to provide a networking opportunity for attendees.

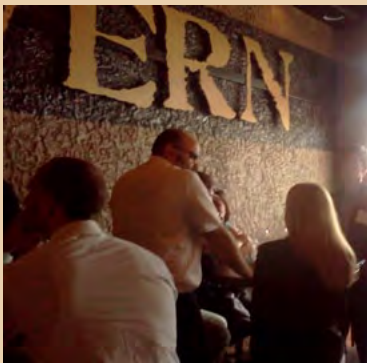
The seminar began in the Jury Assembly Room of the Veterans Memorial Courthouse in Lansing, Michigan. Court Clerks Maureen Winslow and Kay Taylor conducted tours of the courthouse, and they spoke with the attendees about the internal procedures of the circuit court and the Juvenile Division. Next, Probate Court Administrator and Register George Strander gave a new attorney training including many tips for practicing in probate court. The seminar also included a discussion by Deputy Court

Administrator Rhonda Swayze regarding the General Civil Division, and a talk by Robert Hotchkiss of Friend of the Court giving tips and procedures for practicing in the Family Division.

Next, a panel discussion entitled “Managing Your Law Practice” was held, featuring attorney panelists Heather Garvock, Elizabeth Jolliffe, and Liisa Speaker. Liisa Speaker spoke primarily about managing the non-legal business aspects of a law practice, and Elizabeth Jolliffe spoke primarily about time management and gave tips to new lawyers for achieving work/life balance, while Heather Garvock’s advice centered around ways that new lawyers can “make it rain” by finding clients to serve.

The seminar concluded with a networking reception for the attendees at an area restaurant, Tavern on the Square, followed by a second reception at P² Wine Bar.

Special thanks to Kara Hart-Negrich, Mark Jane, Shenique Moss, and Bonnie Shaw, District 3 representatives on the State Bar of Michigan Young Lawyers Section Executive Council, for putting on a terrific event!



ABA YLD Annual Meeting

By Shenique A. Moss

The American Bar Association Young Lawyers Division (ABA YLD) held its 2013 annual meeting at the Palace Hotel in San Francisco, California from August 8-10. The ABA YLD meeting was held in conjunction with the American Bar Association Annual Meeting. Several members of the State Bar of Michigan Young Lawyers Section (SBM YLS) attended and participated in two days of assembly meetings. During the ABA YLD Assembly, delegates from each state as well as the military branches and various national bar associations considered resolutions addressing current topics and issues facing the legal profession. The pro and con side of each issue was debated before the delegates voted. The ABA YLD Assembly adopted the following five resolutions:

- **Resolution 1YL:** This resolution urges the ABA to: (1) review its accreditation standards in order to remove barriers to innovation in legal education; and, (2) to encourage and facilitate ABA-accredited law schools to require all students to participate in at least one academic grading period of practical legal skills clinical experiences or classes through the use of an agency such as local legal aid service providers and school-sponsored clinics, in order to receive their law degree.
- **Resolution 2YL:** This resolution urges law schools to offer students access to foreign language (including sign language) classes as an elective and substantive law classes taught in a foreign language and urges law firms to provide employees with access to foreign language (including sign language) classes.
- **Resolution 3YL:** This resolution urges ABA-accredited law schools to report accurate financial data to prospective law students so that each prospective law student can make a fully-informed decision as to whether or not he or she should attend law school.
- **Resolution 4YL:** This resolution encourages all state, local, and specialty bar associations that currently have a section or division specifically dedicated to young or new lawyers to maintain that section or division.
- **Resolution 6YL:** This resolution urges federal, state, territorial and local officials and school administrators, after analysis of reported data on incidents on

bullying, to adopt a uniform definition of “bullying” and “protected class” in their respective statutory, administrative, and school policies and encourages the adoption of peer-to-peer mentoring programs, school counseling, and/or mediation programs for use by students, teachers, and administrators.

The ABA YLD recognized and presented various awards to noteworthy young attorneys who distinguished themselves in the areas of military service, professionalism, and child advocacy.

The ABA YLD also recognized various state and local affiliates for their efforts in programming and publications with its Awards of Achievement. The SBM YLS walked away with four Awards of Achievement: first place for its “Pathways to Success: Discovering the Leader and Rainmaker Within” program (minority programming), first place for its Men’s Oasis Shelter Legal Presentation and Luncheon (service to the public), second place for its *Inter Alia* publication (newsletter), and second place for its comprehensive portfolio of projects (totality of programming throughout the year).

More information about the events and Assembly at the 2013 annual meeting can be found at: (http://www.americanbar.org/groups/young_lawyers/events_cle/2013_aba_annual_meeting_yld/schedule.html).

The next ABA YLD conference is the ABA YLD fall conference in Phoenix, Arizona, October 10-12, 2013. I encourage each of you to attend the annual meeting which provides an invaluable opportunity to network, earn CLE credits (should you have bar membership in a state that requires them), and learn more about both the ABA and ABA YLD.

Upcoming ABA YLD Conferences

- 2014 ABA Midyear Conference will be in Chicago, Illinois, February 9-11, 2014.
- 2014 ABA YLD Spring Conference will be in Pittsburgh, Pennsylvania, May 15-17, 2014.
- 2014 ABA Annual Conference will be in Boston, Massachusetts, August 7-10, 2014.
- 2014 ABA YLD Fall Conference will be in Portland, Oregon, date to be determined
- 2015 ABA Midyear Conference will be in Houston, Texas, February 4-10, 2015

Greetings from the “House”!

By Mwanaisha A. Sims

The 2013 ABA Annual Meeting was held in San Francisco August 8–13. Who knew the Bay Area had so many different seasons at once? It was late fall in downtown San Francisco, mid-summer in Napa, and late summer in the Redwoods. Despite the varying seasons, the “House” took care of business! The House was represented by 560 members from state and local bar associations, ABA entities, and ABA-affiliated organizations. New President James R. Silkenat outlined his initiatives for the ABA 2013–2014 year. William C. Hubbard became the president-elect of the American Bar Association. The House adopted policies on the “gay panic” defense, genocide, and mental health, just to name a few.

This year the House also had a number of very special orders. One of the first special orders was hearing from General Eric Holder. General Holder has launched a targeted Justice Department review of the criminal justice system. General Holder stated the results of the review included a series of significant actions that the department has undertaken to better protect the American people from crime, to increase support for those who become victims, and to ensure public safety by improving our criminal justice system as a whole.

Mwanaisha A. Sims currently works as an assistant prosecuting attorney for the Wayne County Prosecutors Office and holds a seat on the State Bar of Michigan Young Lawyers Council, and the American Bar Association House of Delegates.

The next special order was the presentation of the American Bar Association’s highest honor. The ABA Medal was awarded to former Secretary of State Hilary Rodham Clinton for her exemplary work in the legal community. Clinton urged the ABA to take up the cause to protect voting rights.

A panel discussion on “Issues of Concern Regarding Legal Education” was lead by past ABA President Robert Hirshon, professor at the University of Michigan. The panel discussed the number of graduating lawyers, their debt ratio and first year salary, and their ability to pay back law school debt. The numbers were astonishing and disheartening!

The Annual Meeting in San Francisco was fun in the House. The House did not end without recognizing the 50-year anniversary Fund for Justice and Education (FJE). For 50 years, the ABA FJE has funded ABA public service programs that provide lawyers with the resources to improve the justice system, their legal skills, and communities. Please consider becoming a member of the ABA and donating to the FJE.

I am proud to serve as your YLS House of Delegates rep and hope to see you at future SBM YLS events and the ABA YLD events!



2013 ABA YLD Spring Conference

By Shenique A. Moss

The American Bar Association Young Lawyers Division (ABA YLD) held its 2013 spring conference May 16–18 at the posh Graves 601 Hotel in the heart of downtown Minneapolis, Minnesota. More than 260 young attorneys, including many of our international affiliate friends from as far away as London and Northern Ireland, participated in the conference.

Thursday

The conference kicked off on Thursday afternoon with the ABA YLD Council meeting. Highlights from the meeting included (1) the ABA YLD Truth in Law School Education Committee providing various updates and proposed courses of action, (2) the ABA YLD president-elect announcing the ABA YLD 2013-14 public service project on anti-bullying, (3) the ABA YLD Council adopting a resolution amending the ABA YLD bylaws to create a National Native American Bar Association National Representative position, and (4) a brief presentation from each of the leaders of our international affiliates. For non-council members arriving in town early, the ABA YLD offered two CLE seminars. The first CLE seminar, “Social Media Discovery—‘Like’ It or Not, What Attorneys Need to Do,” focused on recent case law and associated discovery considerations for the preservation, collection, and use of social media in various types of litigation and investigations, while the second CLE seminar, “A Guide to Internal Investigations & Ethical Considerations for Young Lawyers,” focused on the ways attorneys can protect applicable privileges and comply with ethical requirements when conducting internal investigations. After the CLE seminars concluded, attendees had the opportunity to participate in various interactive group exercises during the **Improv for Lawyers Workshop**. Thursday’s scheduled events ended with a first-time attendee orientation followed by a welcome reception on the rooftop bar at Seven Skybar. The trendy

rooftop bar provided the perfect setting for networking along with breathtaking views of the vibrant city of Minneapolis.

Friday

Friday’s scheduled events started fairly early. Attendees had the option of either participating in the American Voter roll-out at Irondale High School or attending a networking breakfast. The early morning events were followed by an extremely informative plenary session featuring Minnesota Supreme Court Chief Justice Lorie S. Gildea followed by various CLE seminars. The seminars included topics such as anti-bullying laws, using a private investigator, tax incentives used by states to lure businesses, fracking, handling financial elder abuse cases, marriage equality, and diversity in the workplace. The sold-out ticketed luncheon, which followed the morning CLE seminars, included a panel discussion by in-house counsel from Medtronic, Inc., Target, and Best Buy Enterprise Services, which are all based in the twin cities. The dynamic panel shared their experiences and insight on how to land corporate clients and better meet the needs of existing corporate clients. The Third Annual International Oratory Competition and Reception was held at the conclusion of the scheduled CLE seminars. Young attorneys from across the country competed against our international colleagues in what can only be described as very spirited and entertaining debates. Following the competition, the dinner dance was held at the Nicollet Island Pavilion. Attendees feasted on a wonderful meal and dessert bar before dancing the night away on the small island located on the Mississippi River at the edge of downtown Minneapolis.

Saturday

Saturday morning began with breakfast and an Affiliate Showcase, where affiliates from across the nation promoted their most

Continued on next page

successful programs and projects. The remainder of the day featured CLE seminars and other informative programs on topics including how to use pro bono work to help with your career, personal branding, tips on getting published, and effective diversity and inclusion strategies. The finalists for the Next Steps Challenge also presented their project before the 2013 winner was announced. Finally, for those conference attendees who did not leave immediately after the close of the conference, the Minneapolis host committee organized a wonderful yacht cruise on Lake Minnetonka.

It's Not My Fault! An Overview of Compensation Under Michigan's No-Fault Act

By Nicholas G. Even and Eric A. Rogers



Nicholas G. Even



Eric A. Rogers

Car insurance bills are an all-too-familiar sight for drivers across the country. Michigan residents, who are part of a unique auto insurance system,

have an even greater reason to cringe than their counterparts in other states. Michigan resident auto insurance bills average among the highest in the nation,¹ due in large part to the yearly "MCCA Assessment," currently \$186 per vehicle.² Michigan drivers' more expensive auto insurance premiums result, at least in part, from a statutory scheme that affects virtually all residents, but is understood by relatively few. The Michigan legislature passed the Michigan No-Fault Automobile Insurance Act³ (the No-Fault Act) in 1972. It largely abolished the prior practice of litigating auto accident disputes over first-party benefits⁴ in favor of insurance carriers reimbursing their own insureds, in most circumstances regardless of fault.⁵

Regardless of the putative merits of the system, it is often far from intuitive. Consider the case of a driver who is involved in an accident in which a second driver is at fault. Using a common-sense approach, the fault-free driver might expect the at-fault driver to pay for

both the fault-free driver's vehicle damage *and* be liable in tort for any other damages. The reality is that each driver's insurance carrier (usually) reimburses its own driver for much of the damages. Not only that, but the fault-free driver might also see increased insurance rates in the next bill while the at-fault driver may be immune from the fault-free driver's claim for the remaining damages. *Pardon???*

Sorting out how damages work under the No-Fault Act can be an exercise in frustration; those not familiar with the statutory scheme are likely to end up with sore eyes and a throbbing headache. Although the text of the No-Fault Act itself is relatively short,⁶ it contains both innumerable internal references and specially, and often counterintuitively,⁷ defined terms. There is also a significant amount of common law accompanying and interpreting it.

This article summarizes the damages available under the No-Fault Act and who is responsible for paying them.⁸ When you inevitably receive your next phone call from a client, relative, or friend following his or her involvement in a car accident, this summary will provide you with a roadmap for answering the questions you are most likely to be asked, including:

- From whom do I recover damages?
- What does insurance cover?
- Whose insurance pays?
- What if I want to sue?

Continued on next page

From whom do I recover damages?

After a motor vehicle accident,⁹ the first question is likely to be, “who is paying for any medical bills and property damage stemming from the accident?” Involved persons have two potential avenues for recovering resultant damages: first-party claims and third-party claims.

First-party claims (a/k/a personal protection insurance (PIP) claims) are claims to a driver’s insurer requesting coverage for damages sustained in the accident, including medical expenses and *some* lost wages and replacement services. In contrast, third-party claims are claims against the alleged at-fault parties in which an accident victim seeks damages, including pain and suffering, because of the negligence of another vehicle operator or owner in causing or contributing to the cause of an accident.

What does insurance cover?

The second question you may encounter is, “what will be covered by insurance?” Michigan’s available first-party benefits are arguably the most expansive in the country, with virtually unlimited medical benefits. This leads, in no small part, to the high premiums that Michigan drivers pay for auto insurance.

Whose insurance pays?

This seemingly innocuous question often results in protracted litigation between insurers. However, the process is usually transparent to—and much easier for—the insureds. Each claimant files a claim with his or her own respective insurance company. The insurance company pays the approved damages to its own insured. Later, the involved drivers’ insurance companies resolve which among them is responsible for the damages.

What if I want to sue?

Insurance does not cover all losses in all situations. The No-Fault Act provides a second avenue for the recovery of noneconomic damages and excess economic damages in the form of third-party auto negligence claims. Again, in a third-party claim, a person alleges that the negligence of a driver caused or contributed to the cause of the accident and the claimant’s injuries. However, there are some important caveats for claimants seeking third-party benefits under the No-Fault Act:

- Michigan’s comparative negligence principle applies²⁹
- A claimant who is over 50 percent at fault will not be awarded noneconomic damages³⁰
- Any percentage of fault under 50 percent attributable to a claimant will reduce the damage award³¹

Table 1: From Who Do I Recover Damages?

Type of Claim	Who may recover?	Who must pay?	What is covered?
First-Party (insurance claim)	Anyone involved in a motor vehicle accident	Insurance carriers, in order of priority	Limited economic damages
Third-Party (tort claim)	Anyone involved in a motor vehicle accident	At- fault parties	Economic damages in excess of first-party limits Non-economic damages

Table 2: What Does Insurance Cover?

Type of Damages	Allowable Recovery
Medical Expenses ¹⁰	<ul style="list-style-type: none"> • All reasonably necessary medical and rehabilitation expenses incurred as a result of the accident¹¹ • Lifetime uncapped benefits
Lost Wages ¹²	<ul style="list-style-type: none"> • Reimbursement for 85% of wages for work that the injured person would have performed but for the accident • Subject to a monthly limit¹³ • Limited to three years from the accident date
Limited Economic Damages Replacement Services ¹⁴	<ul style="list-style-type: none"> • Reimbursement for ordinary and necessary expenses incurred for services that the injured person would have performed but for the accident • Subject to a daily limit¹⁵ • Limited to three years from the accident date
Survivor’s Loss Benefits ¹⁶	<ul style="list-style-type: none"> • Funeral and burial expenses¹⁷ and reimbursement of all “tangible things of economic value” that the decedent would have provided but for the accident • Payable to dependents¹⁸ of a person who has died as a result of the accident • Limited to three years from the accident date
Property Damage ¹⁹	<ul style="list-style-type: none"> • Reimbursement for economic loss due to property damaged in the accident • Vehicle damage and certain other losses are excluded from coverage²⁰

Table 3: Whose Insurance Pays?

What type of damages are you claiming?	What were you doing?	Whose insurance pays?
Everything but Property Damage	Driving or riding in a vehicle insured by you, a spouse, or a relative that lives with you	Yours (or your spouse's or relative's) ²¹
	Driving or riding in a vehicle for hire	Insurer of the vehicle for hire ²²
	Driving or riding in a school bus, common carrier bus, nonprofit bus, or a taxi	Yours ²³
	Driving or riding in a vehicle owned by your or your spouse's employer	The employer's ²⁴
	Riding a motorcycle	The owners or registrants of the vehicles involved in the accident ²⁵
	Riding in a vehicle not covered above	The owners or registrants of the vehicle you were riding in ²⁶
	Not occupying a vehicle (walking, riding a bicycle, etc.)	The owners or registrants of the involved motor vehicles ²⁷
Property Damage	Anything	The owners or registrants of vehicles involved in the accident ²⁸

Table 4: What if I Want to Sue?

Type of Damages	Allowable Recovery
Economic Damages in Excess of First-Party Limits ³²	Covers economic loss in excess of the daily, monthly, and three year limitations for: <ul style="list-style-type: none"> • Medical benefits • Lost wages (but not loss of earning capacity)³³ • Survivor's loss benefits
Noneconomic Damages ³⁴	<ul style="list-style-type: none"> • Only recoverable if the injured person has experienced a "threshold injury": death, permanent serious disfigurement, or serious impairment of a bodily function³⁵ • Includes pain and suffering, disability, loss of function, deprivation of social pleasure and enjoyment, mental anguish and distress, embarrassment and humiliation, and disfigurement

What of the \$186 "MCCA Assessment" that all Michigan drivers are required to pay annually as a part of their insurance premium? Because medical benefits payable under the Act are unlimited in duration, the Michigan legislature created the Michigan Catastrophic Claims Association (MCCA), "as a way of spreading costs across all Michigan motorists for providing these unique unlimited benefits."³⁶ The MCCA reimburses auto insurers for benefits paid in excess of \$400,000 for a particular accident.³⁷ Each year, the MCCA reviews and projects the future monetary needs of all such "catastrophic claims," and levies an appropriate surcharge (the MCCA Assessment) on all purchasers of no-fault insurance in Michigan.

Is Michigan's No-Fault Act the best way to approach auto insurance? This debate has raged in the Michigan legislature and among the insurance-buying public since the No-Fault Act's introduction. Regardless of one's personal views, a proper understanding of the present compensation system under the No-Fault Act will enable

you to provide competent advice to family, friends, and clients as to what they can expect and how they should proceed after they have been involved in a car accident.

Nicholas G. Even is Senior Counsel in Bowman and Brooke LLP's Bloomfield Hills, Michigan, office where he focuses his practice on the defense of trucking and commercial transportation, automotive product liability, motor vehicle warranty, and other personal injury claims. He is also a member of the State Bar of Michigan Young Lawyers Section's Executive Council.

Eric A. Rogers is a Summer Associate in Bowman and Brooke LLP's Bloomfield Hills, Michigan, office, and a third-year law student at the Michigan State University College of Law.

Endnotes

1 Melissa Anders, *Report: Michigan's car insurance rates among highest in country* <http://www.mlive.com/business/index.ssf/2013/03/report_michigans_car_insurance.html> (accessed August 1, 2013).

- 2 Michigan Catastrophic Claims Association, *MCCA sets 2013 – 2014 Insurance Company Assessment* <<http://michigancatastrophic.com/Portals/71/MCCA%20Press%20Release%20with%20exhibits.pdf>> (accessed July 31, 2013).
- 3 MCL 500.3101 *et seq.*
- 4 MCL 500.3135(3).
- 5 MCL 500.3114.
- 6 The entire Act is under 30 pages in large print. *See* MCL 500.3101 *et seq.*
- 7 For example, a motorcycle is *not* a “motor vehicle” under the No-Fault Act, but a trailer is. *See* MCL 500.3101(1)(c) and (e).
- 8 This summary is far from exhaustive, and assumes that all involved drivers have the mandatory insurance required by the No-Fault Act at minimum coverage levels. For a detailed, exhaustive examination of Michigan’s No-Fault Act, *see* GEORGE T. SINAS & WAYNE MILLER, *NO-FAULT LAW IN MICHIGAN* (2011 ed.).
- 9 In order to qualify as a motor vehicle accident under the Act, the accident must involve a motor vehicle and accidental bodily injury. MCL 500.3105. Only one motor vehicle need be involved, so cars running into pedestrians and private property are covered under the Act. *Id.* However, intentional acts are outside the purview of the Act, as are non-motor vehicle accidents, like motorcycle-motorcycle accidents. *See* MCL 500.30101(1)(c) (stating that motorcycles are not motor vehicles for purposes of the Act).
- 10 MCL 500.3107(1)(a).
- 11 Currently, HB 4612 is in front of the Michigan House of Representatives, and would cap medical expenses at \$1,000,000 per accident in exchange for less expensive insurance premiums. It was most recently referred for a second reading on May 7. There is significant opposition to any movement to cap medical benefits under the No-Fault Act. *See, e.g., Gary Gosselin, Commentary: No-fault bill in Michigan is just another wish list, <http://www.legalnews.com/ingham/1376787/> (accessed August 2, 2013).*
- 12 MCL 500.3107(1)(b).
- 13 At the time of this article’s publication, the monthly maximum wage loss benefit was \$4929.
- 14 MCL 500.3107(1)(c). These services are often household chores that the injured person can no longer perform.
- 15 Currently \$20 per day.
- 16 MCL 500.3108(1).
- 17 Funeral and burial expenses are reimbursed in the amount of not

- less than \$1750 and not more than \$5000. MCL 500.3107(1)(a).
- 18 For the Act’s special definition of dependency, *see* MCL 500.3110.
- 19 MCL 500.3121-3127.
- 20 MCL 500.3121, 3123. However, if a car was parked in a reasonable manner during the accident, then this exclusion does not apply.
- 21 MCL 500.3114(1).
- 22 MCL 500.3114(2).
- 23 MCL 500.3114(1).
- 24 MCL 500.3114(3).
- 25 MCL 500.3114(5). Failing that, the insurers of the operators of the motor vehicles involved, the insurer of the operator of the motorcycle you were riding, and the insurer of the owner or registrant of the motorcycle you were riding are respectively next in line.
- 26 MCL 500.3114(4). Failing that, the insurer of the operator of the vehicle you were in is next in line.
- 27 MCL 500.3114(1). Failing that, the insurers of the operators of the involved motor vehicles are next in line.
- 28 MCL 500.3125. Failing that, the insurers of operators of vehicles involved in the accident are next in line.
- 29 MCL 500.3135(2)(b).
- 30 This bar doesn’t apply to excess economic damages. MCL 500.3135(2)(b).
- 31 MCL 500.3135(2)(b).
- 32 MCL 500.3135(3)(c).
- 33 *Argenta v Shahan, 424 Mich 83 (1985).*
- 34 MCL 500.3135(1).
- 35 MCL 500.3135(1). The “death” and “permanent serious disfigurement” categories are afforded straightforward interpretations, but what constitutes “serious impairment of a bodily function” has been the subject of a staggering amount of litigation through the years, and is well beyond the scope of this article.
- 36 State of Michigan Office of Financial and Insurance Services, *Michigan Catastrophic Claims Association* <http://www.michigan.gov/documents/cis_ofis_mcca_25093_7.pdf> (accessed August 2, 2013).
- 37 *Id.*



SMART FINANCIAL PLANNING SEMINAR

The **Young Lawyers Section** and the **Law Student Section** of the **State Bar of Michigan** Present:

“SMART FINANCIAL PLANNING SEMINAR”

A seminar aimed at helping law students and young attorneys manage their finances while taking into consideration student loans and obligations.

Certified Financial Advisers will discuss the necessary tools to manage student loans, and financial obligation post-graduation to achieve financial stability.

The seminar will be held at the **University of Detroit Mercy, School of Law** on **September 23, 2013** from **5:00 P.M. to 7:00 P.M.**

SPACE IS LIMITED and **RSVP's** must be received by **September 16, 2013** at <http://www.smartfinancialplanning.splashthat.com>

For more information, please contact **Marina Haddad** at marinahaddad86@gmail.com

THE NETWORKING STROLL (INGHAM COUNTY)

Sponsored by the State Bar of Michigan Young Lawyers Section in conjunction with
The Ingham County Bar Association Young Lawyer Section

Thursday, September 26, 2013
5:30 PM to 9:00 PM



Venue Line-Up

Kelly's Downtown Irish Pub
220 Washington Square S Lansing, MI
5:30pm to 6:30pm

P Squared Wine Bar
107 Washington Square S Lansing, MI
6:30pm to 7:15pm

Troppo
111 E Michigan Ave Lansing, MI
7:15pm to 8:00pm

Tavern on the Square
206 Washington Square S Lansing, MI
8:00pm to 9:00pm

- Food will be provided at every location and participants will spend approximately 45 minutes at each restaurant.
- There will be opportunities throughout the evening at each restaurant to win prizes.
- Appetizers provided by the State Bar of Michigan Young Lawyers Section. Cash bar will be available.

**To R.S.V.P., please contact Shenique A. Moss at
mosss@michigan.gov by September 20, 2013**

The State Bar of Michigan Young Lawyers Section
NETWORKING STROLL

Thursday, September 26, 2013
5:00 p.m. to 8:00 p.m.

Restaurant Line-Up

Orleans Billiards Cafe
100 Macomb Place, Mt. Clemens, MI
5:00pm to 6:00pm

Bath City Bistro
75 Macomb Place, Mt. Clemens, MI
6:00pm to 7:00pm

Madisons Pub
15 N. Walnut St., Mt. Clemens, MI
7:00pm to 8:00pm

**To R.S.V.P., please contact Andrea Irons at
michiganyounglawyers@gmail.com by September 20th**

- Food will be provided at each restaurant and participants will spend approximately 50 minutes at each location.
- Participants will have an opportunity to network with other young lawyers in Macomb County.
- Appetizers provided by the State Bar of Michigan Young Lawyers Section. Cash bar available.

Annual Section Business Meeting

This event is offered in conjunction with the Bar's Annual Meeting

Date: Thursday, September 19, 2013

Time: 2:30 p.m.-5:30 p.m.

Location: Lansing Center, Lansing

Registration is requested to allow for proper facilities planning. Visit the *Bar's Annual Meeting* page for more details.

SBM
ICLE

Together Delivering More
to Bar Members

STATE BAR OF MICHIGAN
ANNUAL MEETING

&

ICLE SOLO & SMALL FIRM
INSTITUTE

Lansing Center, Lansing

September 18-20

**SAVE
the
DATE**

2013

SAVE THE DATES

Annual Business Meeting

This event is offered in conjunction with the Bar's Annual Meeting
Thursday, September 19, 2013
2:30 p.m.-5:30 p.m.
Lansing Center, Lansing
Registration is requested to allow for proper facilities planning. Visit the Bar's Annual Meeting page for more details.

Smart Financial Planning

Monday, September 23, 2013
UDM Law School
5:00 p.m.
RSVP to: www.smartfinancialplanning.splashthat.com
For more information contact Marina Haddad at mari-nahaddad86@gmail.com

Sports & Entertainment Symposium

Thursday, September 26, 2013
MSU College of Law (Castle Board Room)
11:30 a.m. - 1:00 p.m.
For more information contact Jerome Crawford at jcrawford@dickinsonwright.com or visit michbar.org/younglawyers

Networking Stroll - Ingham County

Thursday, September 26, 2013
Lansing, Michigan
5:30 p.m. - 9:00 p.m.
For more information contact Shenique Moss at moss@michigan.gov

Networking Stroll - Macomb County

Thursday, September 26, 2013
Mt. Clemens, Michigan
5:00 p.m. - 8:00 p.m.
For more information or to RSVP, please contact Andrea Irons at michiganyounglawyers@gmail.com by September 20



Visit michbar.org/younglawyers/news.cfm or facebook.com/sbmys for more information about upcoming YLS events.

Young Lawyer Volunteer Opportunity from the SBM Constitution Day Subcommittee

Constitution Day is a great opportunity for young lawyers to volunteer in local schools. This year, Constitution Day will be celebrated on September 17, 2013.

Watch a 90-second video at <https://vimeo.com/72016661> for more information on this unique opportunity, and the importance of your work as a Constitution Day volunteer!

Some of the larger counties, like Oakland, Macomb, and Washtenaw have established Constitution Day programs that you may be able to get involved with. For those interested in independently volunteering in a local school or helping to start a Constitution Day in your community, our website, www.constitutionday.info, has many helpful resources.

For more information contact Matthew Krichbaum, chair of SBM Constitution Day Subcommittee at matthew@srkllp.com.