

Inter Alia

Among Other Things

Fall 2014

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Letter from the Chair



Andrea Irons

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The State Bar of Michigan Young Lawyers Section is off to another great start after the State Bar Annual Meeting. I am honored to serve as chair of this section and am looking forward to a great year of projects serving the Bar and the public. Also at the Annual Meeting, Mark Jane was elected chair-elect, Shenique Moss was elected secretary, and Syeda Davidson was elected treasurer. We also have several new council members and several returning council members who are all ready to serve and put on some great programs for the Young Lawyers.

The council also met in October for our annual retreat in Traverse City. Every year at the retreat the council starts planning out the year. We came up with some great program ideas that you will soon be getting notice of and we also started planning our Annual Summit.

Everyone who has been in practice less than 5 years or is under 36 years of age is automatically a member of the Young Lawyers Section. This section is the largest section of the bar with over 8,000 members.

Keep your eyes open for future editions of *Inter Alia*. We will have information regarding future Young Lawyers Section events and ABA events. A few council members just attended the ABA Young Lawyers Fall Conference in Portland, Oregon. There are a few articles in this edition about that conference. If you have any ideas for programming or would like to help put on a program, feel free to contact anyone on the council to express your willingness to help or become more involved with the Young Lawyers Section. If you don't have the time to help out, I hope to at least see you at one of the great events we have planned for the year.

Very truly yours,

Andrea C. Irons

Meet Your 2014-2015 Young Lawyers Section Executive Council



Andrea Irons

Chair: Andrea Irons, Clinton Township

Andrea Irons is a solo practitioner specializing in criminal defense primarily in Macomb County. She is also an assistant township attorney for the Charter Township of Clinton and of counsel at Towner & Towner, P.C. Andrea received her undergraduate degree in criminal justice from Grand Valley State University and her law degree from Thomas M. Cooley Law School. Currently, Andrea serves as chair of the State Bar of Michigan Young Lawyers Section. She previously served as chair of the Macomb County Young Lawyers Section. Andrea is also very involved in her community, working with groups such as the Clinton Township Goodfellows, The Century Club, and the Clinton Township Gratiot Cruise Committee. In her positions on the SBM Young Lawyers Council and the community, Andrea has participated in and helped plan several events and fundraisers that have benefited the local communities.



Mark W. Jane

Chair-Elect: Mark W. Jane (Ann Arbor)

Mark W. Jane is an associate with the Ann Arbor law firm Stevenson Keppelman Associates. He practices employee benefits and executive compensation, primarily counseling businesses regarding the legal implications underlying the creation and ongoing maintenance of their retirement and welfare plans.

Mark is the chair-elect of the SBM YLS, where he also serves as a District 3 representative based out of Ann Arbor. He also has a seat on the Board of Directors of the Washtenaw County Bar Association by virtue of his role as co-chair of the Judiciary Committee.

Mr. Jane received his B.A. from the University of Michigan in Ann Arbor, and his J.D. from Loyola University Chicago School of Law. He is admitted to the State Bar of Michigan, the State Bar of California, and the U.S. District Court for the Eastern District of Michigan.



Shenique A. Moss

Secretary: Shenique A. Moss (Lansing)

Shenique A. Moss is an assistant attorney general in the Finance Division of the Michigan Department of Attorney General. In her current position, she focuses on public finance, investment law, and securities law.

In addition to serving as the secretary of the State Bar of Michigan (SBM) Young Lawyers Section Executive Council, Shenique is a member of SBM Representative Assembly, the SBM District E Character and Fitness Committee, and the SBM Diversity and Inclusion Advisory Committee. She is also involved in the American Bar Association, where she serves as the ABA Young Lawyers Division (ABA YLD) diversity director and the ABA YLD district representative for District 20 (Michigan). Locally, she served as the 2012-2013 president of the Ingham County Bar Association Young Lawyers Section.

Shenique is admitted to practice law in Michigan, the United States Supreme Court, the United States District Court for the Eastern District of Michigan, the United States District Court for the Western District of Michigan, and the United States Tax Court.

Shenique attended Wayne State University for her undergraduate studies and graduated from Thomas M. Cooley Law School with her Juris Doctor and LL.M. She is also an ABA Business Law Section Fellow (2014-2016 class), a 2014 Collaborative Bar Leadership Academy Fellow, and a 2010 Michigan Political Leadership Program Fellow.



Syeda F. Davidson

Treasurer: Syeda F. Davidson (Clinton Township)

Syeda Davidson is an associate attorney at Burgess & Sharp, PLLC, where her practice is concentrated on employment and civil rights matters. Prior to that, she was a staff attorney at Lakeshore Legal Aid, where she represented low-income survivors of domestic violence in civil proceedings.

Syeda received her juris doctor, cum laude, from Thomas M. Cooley Law School in 2008. She has since held numerous leadership positions with the Oakland County Bar Association, where she has chaired the Law-Related Education Committee and the P.A.L.S. (Providing Access to Legal Services) Committee. She is the current chair-elect of the New Lawyers Committee. Nationally, Syeda is an associate editor for the American Bar Association’s publication, *The Young Lawyer*.

Syeda is active with organizations outside of the practice of law as well. She serves on the Board of Directors for Affirmations, a community center focused on LGBT education and advocacy in Ferndale, Michigan, and Detroit Together Men’s Chorus. She is also active with the American Civil Liberties Union.

Syeda’s hobbies include aerial acrobatics and playing the bass guitar. She resides in Royal Oak, Michigan, with her partner, Mark, and their cat, Kitty Cat.



Syeda F. Davidson

Immediate Past Chair: Hope V. Shovein (Southfield)

Hope Shovein is a senior attorney at Southfield-based Brooks Kushman PC, where her practice focuses on the procurement and enforcement of trademark rights. Hope’s work encompasses managing domestic and international trademark portfolios, representing clients in opposition and cancellation proceedings before the Trademark Trial and Appeal Board, arbitration proceedings under ICANN’s Uniform Domain Name Dispute Resolution Policy and other alternative dispute resolution policies, as well as litigation.

Hope serves on the State Bar of Michigan Board of Commissioners, is the ex officio (immediate past chair) of the SBM Young Lawyers Section, and sits on the council for the SBM Intellectual Property Law Section. She is also a member of the Enforcement Committee of the International Trademark Association. She was listed as a “Michigan Super Lawyer” for Intellectual Property in 2013 and 2014 and named a Michigan Super Lawyers Rising Star in 2011 and 2012. She was also named a Top Lawyer by DBusiness Magazine for 2011-2014 and an Up & Coming Lawyer by *Michigan Lawyers Weekly* in 2010. She speaks and publishes regularly on IP-related topics.

Hope received her bachelor of arts from Michigan State University and her juris doctor from University of Detroit Mercy School of Law.

District 1 (Macomb and Wayne Counties)

Laura I. Marji (Mount Clemens)



Laura I. Marji

Laura Marji was admitted to practice law in Michigan in June of 2010. Since that time, her office has been located in downtown Mt. Clemens. Today, her practice primarily concentrates on estate planning, probate, and family law. Laura is a graduate of Thomas M. Cooley Law School. She is working towards the completion of her legal masters in taxation at Cooley.

Laura is currently serving as a member of the Representative Assembly for the State Bar of Michigan, as well as the State Bar of Michigan Young Lawyers Section Council. She is also currently the vice president of the Women Lawyers Association of Michigan Macomb Region, treasurer of the Young Lawyers Section of the Macomb County Bar Association, member for the National Thomas M. Cooley Law School Alumni Executive Committee, and member of the Care House Board in Mt. Clemens.

Donald Rencher (Detroit)



Donald Rencher

Donald Rencher is a staff attorney for the Michigan State Housing Development Authority’s (the “Authority”) Office of Legal Affairs. Mr. Rencher serves as lead counsel over the Authority’s Single Family Portfolio. He is also responsible for matters relating to fair housing, multi-family real estate transactions, administrative law, and real property legislation. In 2002, Mr. Rencher graduated with a bachelor of arts in English and African-American studies from the University of Michigan and obtained his juris doctor with a concentration in administrative law from Thomas M. Cooley Law School in 2010. In March of 2012, Mr. Rencher was named as one of Ingham County’s Top 5 Under 35 [yrs. of age] attorneys.

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Mwanaisha A. Sims

Mwanaisha Atieno Sims (Detroit)

Mwanaisha A. Sims is originally from Detroit, Michigan, but grew up in Southfield Michigan. She attended the University of Michigan, Ann Arbor for undergrad where she double majored in English and African and African-American studies. While at the University of Michigan she studied at Oxford University in England, the University of Accra in Ghana, and the University of Capetown in South Africa.

Mwanaisha attended Thomas M. Cooley Law School and Western Michigan University where she received her juris doctorate and master of public administration, a joint degree program. While at Cooley, she studied at the University of Melbourne School of Law, in Melbourne, Australia, the University of Canterbury Law School in New Zealand, and the University of Barcelona School of Law in Spain.

After graduation, Mwanaisha accepted a position with the In-House Counsel Department with the Third Circuit Criminal Court in Detroit, Michigan. She wrote opinions and performed legal research for the judges in the criminal division. Currently, Mwanaisha works for the Wayne County Prosecutor's Office, where she has worked in the Pre-Screening/District Court Unit, Arraignment Courtroom, General Trials, and the Special Victims Unit Sexual Assault Team.

Mwanaisha is the Young Lawyer delegate for the American Bar Association House of Delegates.

Mwanaisha is licensed to practice law in Michigan and New York.



Ryan Zemke

Ryan Zemke (Utica)

Ryan Zemke is a solo practitioner in Macomb County focusing primarily on criminal defense. He currently serves as defense counsel for the 41B Drug & Sobriety Court in Clinton Township. He is also the president of H.E.A.L—a non-profit charity which provides support to drug/sobriety courts. While Ryan was recently elected as a member of the State Bar of Michigan Young Lawyers Section Executive Council, he has been involved with the Macomb County Bar Association Young Lawyers Section and currently serves as the secretary of the MCBA YLS Board of Directors.

Ryan completed his undergraduate studies at Michigan State University where he received a degree in political theory and constitutional democracy. He continued his studies at Thomas M. Cooley Law School where he graduated as part of the Clark J. Adams Class of 2008.

Ryan lives in Macomb County with his wife and two young children.



Matthew P. Breuer

District 2 (Oakland County)

Matthew P. Breuer (Bloomfield Hills)

Matthew Breuer is an associate at Cendrowski Corporate Advisors, LLC in Bloomfield Hills, Michigan. He joined the firm in 2012 and has worked in the firm's transactional and advisory services sector representing clients in corporate, private equity, banking, and nonprofit industries. Matthew received his bachelor's degree from Michigan State University in East Lansing, Michigan and his law degree from Wayne State University Law School in Detroit, Michigan.

Admitted to the State Bar of Michigan in November 2012, Matthews also holds memberships to the Oakland County Bar Association and the American Bar Association Business Law Section. He has been an active member of the Young Lawyers Section Executive Council since 2013 serving as a District 2 representative. Matthew has authored articles appearing in the *Michigan Defense Quarterly*, *Chicago Law Bulletin*, *Smart Business Chicago*, *The Value Examiner*, and other publications. In addition, he was a contributor to several prior Wiley publications, including *Cloud Computing and Electronic Discovery*; *Private Equity: History, Governance and Operations*; and *The Handbook of Fraud Deterrence*.

Jerome Crawford (Troy)

Jerome Crawford is an associate attorney at Dickinson Wright PLLC. His practice focuses primarily on the areas of commercial litigation, intellectual property (copyright and trademark law), corporate, information technology, and entertainment/sports law. Jerome spent his entire educational tenure in the state of Michigan, attending Renaissance High School and Michigan State University for both undergrad and law school. During law school, he served in numerous roles including vice president of the Black Law Students Association for two years, director of entertainment for the Sports and Entertainment Law Society, and executive director of the trial side of Moot Court and Trial Advocacy Board.



Jerome Crawford

In addition to his practice, Jerome is a member of the State Bar of Michigan Young Lawyers Section Executive Council, serves on the Board of Directors for both the Wolverine Bar Association and the MSU College of Law Alumni Association, and is a member of the SBM Arts, Communications, Entertainment, and Sports Section (ACES) Executive Council. Since 2014, Jerome has served as a member of the State Bar of Michigan's Character and Fitness Committee for District I as well. On a national scale, Jerome was recently inducted into the ABA Scholars Program for the 2014-2015 bar year. He is also treasurer of Greater Loving Word Church International and a brother of Phi Beta Sigma Fraternity, Inc.

Tanya N. Cripps (Auburn Hills)

Tanya Cripps works at Chrysler Group LLC in the Corporate Real Estate Department in Auburn Hills, Michigan. Since joining the company in January 2014, Tanya has assisted the company with the leased and owned properties for Chrysler pertaining to tenant representation and acquisitions.

In addition to her work, Tanya has served on the Young Lawyers Section Executive Council as one of the District 2 representatives. She was also appointed as a director on the Oakland County Bar Association's New Lawyers Committee. Tanya has participated in various programs such as the Pro Bono Mentor, Elementary Mock Trial, the Mentor-Match Program for new lawyers, and the OCBA's 5K—Race Judicata.

She received her law degree at Thomas M. Cooley Law School with a concentration in business transactions, and received her undergraduate degree from Grand Valley State University double majoring in finance and economics.

In her spare time, Tanya enjoys traveling and running.

Stephanie E. Farkas (Bloomfield Hills)

Stephanie Farkas is an associate attorney at the Law Offices of Shannon M. Smith, P.C. She previously ran her own practice where she focused on criminal, appellate, and family law matters. She also worked as a legal assistant at the State Appellate Defender Office while attending law school. Stephanie received her juris doctor degree from Wayne State University Law School and her bachelor of arts degree from Michigan State University in political theory and constitutional democracy. Stephanie is licensed to practice in all Michigan state courts as well as the United States District Court for the Eastern District of Michigan. Stephanie has attended the Criminal Defense Attorneys of Michigan Trial College and continues to participate in various continuing legal education trainings. Stephanie also serves on the Executive Council of the Criminal Law Section.

Samantha J. Orvis (Troy)

Samantha Orvis has served on the YLS Executive Council since 2013 and was recently elected to the State Bar of Michigan's Representative Assembly with a term to begin in April 2015. She is employed with the Law Office of Storck & Dinverno, as an attorney in Nationwide's trial division and practices insurance defense litigation. Additionally, Samantha serves as the WLAM (Women Lawyers Association of Michigan) representative for the Women's Bar Association (Oakland County Region of WLAM). She has been actively involved with the WBA/WLAM for four years. Samantha continues her commitment to service by sitting on the Board of Directors for New Gateways, Inc., a community activity program which serves to enrich the lives of adults with mild to severe multiple intellectual and developmental disabilities. She earned her law degree cum laude from Wayne State University Law School in 2011, where she served as a member of the school's Student Board of Governors as well as on the Student Trial Advocacy team. She earned her bachelor of arts from the University of Michigan—Flint in 2008. Ryan is an attorney at Lippitt O'Keefe Gornbein, PLLC where his practice focuses on both civil litigation and complex commercial litigation. Based on the boutique nature of Lippitt O'Keefe Gornbein, most cases Ryan works on are complex and unique.



Tanya N. Cripps



Emma Burcusej Photographay

Stephanie E. Farkas



Samantha J. Orvis



Ryan C. Plecha

Ryan C. Plecha (Birmingham)

In Ryan's five-year career he has had the opportunity to be involved in many high-stake and diverse matters. A few of the most interesting cases include representation of two major retiree associations in the Detroit bankruptcy case; representation of a Michigan corporation in a multimillion dollar federal antitrust class action suit; representation of a big three automotive company in supplier disputes; representation of two hedge funds in a class action shareholder oppression case; representation of Ford Motor Company in various matters; and participation in prosecution of FLSA class action on behalf of employees of Michigan Department of Corrections (prison guards).

Through being a part of such exciting cases, Ryan has participated in a mock trial, been part of a team that drafted a request for a writ of certiorari to the Supreme Court of the United States, and was recently interviewed by the press for print, radio and television.

Ryan has been on the YLS council since 2013 and also has served on the OCBA Inns of Court, is an OCBA fellow, and has served on the ICLE advisory board.



Choi T. Portis

Choi T. Portis (Farmington Hills)

Choi Portis is an associate attorney at Seikaly & Stewart, P.C. in Farmington Hills. From a young age her parents taught her that hard work, morals and ethics go a long way. She has also always loved to help people. This view of life brought her to the practice of law.

Choi received her law degree from Thomas M. Cooley Law School, where they reinforced the values of knowledge, skills, and ethics. While at Cooley, Choi served in various leadership roles, including president of the Federal Bar Association, Student Division; vice president of the Black Law Students Association, communications chair of the Moot Court Board. Prior to entering law school, Choi received a B.S. from Eastern Michigan University in public law and government.

Choi's practice area is primarily general civil litigation, with a focus on civil rights and student protection. She gets satisfaction from helping clients that would not be able to help themselves. Choi is an active mentor to teenage girls, a mock trial coach, and a member of Michigan Association for Justice, the Oakland County Bar Association, and Alpha Kappa Alpha Sorority, Incorporated.



Jade J. Edwards

District 3 (All other Counties)

Jade J. Edwards (Burton)

Jade J. Edwards is principal at The Law Office of JJ Edwards PLLC. She is a graduate of University of Michigan (Flint) and Michigan State University College of Law.

Jade is a member of the Genesee County Bar Association; the Centennial Inns of Court; and the Mallory, VanDyne, Scott Bar Association.

Prior to being elected to the YLS Executive Council, Jade received the YLS's 2009 Regeana Myrick Outstanding Young Lawyer of the Year Award.



Kara R. Hart-Negrich

Kara R. Hart-Negrich (Lansing)

Kara Hart-Negrich took over for the deputy director and general counsel to the Michigan State Land Bank Fast Track Authority in early 2014.

She attended the University of Michigan-Dearborn and Wayne State University Law School. She passed the bar in 2010 and joined the YLS Council in 2011.

Kara lives and works in Lansing.



Aysha J. Kasham

Aysha J. Kasham (Ann Arbor)

Aysha J. Kasham is principal and founder of AJK Law, PLLC. Born and raised in Ann Arbor, MI, she is first-generation born American. Aysha earned her doctor of jurisprudence with honors from the University of Detroit Mercy School of Law in 2008 and her bachelor's degree in economics from University of Michigan, Ann Arbor, MI in 2001.

Aysha's practice includes all aspects of U.S. family and employment based immigration, including nonimmigrant and immigrant visas, labor certification and permanent residence, citizenship, LCA and I-9 compliance for corporate clients, in a wide variety of industries. Aysha gained significant

experience in immigration law while completing coursework with the UDM Immigration Law Clinic and clerkship for Toyota Motor Engineering & Manufacturing, Inc.

Prior to establishing the law firm of AJK Law, PLLC, Aysha practiced as corporate counsel in corporate settings assisting a diverse range of clients across many different industries, including universities and research institutions, automotive manufacturing/suppliers, philanthropic organizations, information technology and contingent labor workforce.

Aysha is a member of the Washtenaw Bar Association, Women Lawyers Association of Michigan, American Immigration Lawyers, Association of Corporate Counsel and the Ann Arbor Chamber of Commerce. She is an active member of the community and in her free time enjoys running, travelling, yoga and teaching ESL. She is fluent in English, Arabic and Spanish

Laura Kubit (Caro)

Based in Caro, Laura Kubit serves the low-income and senior populations of 11 counties in mid-Michigan as a civil legal aid attorney at Lakeshore Legal Aid. Laura handles elder, family, consumer, housing, and public benefits law matters. Though on the road a lot, Laura loves her job and is grateful to make a tangible difference in people’s lives every day.

Laura’s prior legal experience includes an internship with Chief Judge Gerald Rosen in the Federal District Court in Detroit and consumer arbitration work at The Googasian Firm in Bloomfield Hills.

Laura attended the University of Michigan (Ann Arbor) for her undergrad studies majoring in classical archaeology. She graduated from Wayne State University Law School with her juris doctor.

Prior to law school, Laura worked as a teacher trainer and community outreach volunteer with the Peace Corps in Ranong, Thailand. In this role, Laura co-taught participatory English lessons with her Thai teacher counterparts, as well as facilitated teacher trainings and student camps throughout the region, and helped to organized a national conference on migratory labor and human trafficking.

Laura is also an active member of the Oakland County Bar Association’s New Lawyers Committee, Inns of Court, and the Michigan High School Mock Trial Tournament.

Laura looks forward to working with the young lawyers of mid-Michigan to create opportunities for professional development and pro bono service.



Laura Kubit

Jason Miller (Grand Rapids)

Jason Miller practices law in Grand Rapids, Michigan as a part of Miller Johnson’s commercial litigation practice, representing clients in state and federal courts in a variety of matters including general civil, real estate, election, criminal constitutional and tax litigation.

Jason is a magna cum laude graduate of the University of Michigan law School where he was managing editor of the *Michigan Telecommunications & Technology Law Review*. After law school, he clerked for the Honorable Deborah L. Cook of the United States Court of Appeals for the Sixth Circuit. He holds a bachelor of arts from Michigan State University.

Jason is a frequent writer, having written numerous legal articles and one book on topics such as legal education, legal ethics, election law, media law, technology law, constitutional law, and products liability.

Jason is a member of the American Bar Association and the Grand Rapids Bar Association. He is vice chair of American Bar Association Young Lawyers Division Ethics & Professionalism Committee. He is also a member of the Federalist Society. In 2014, Jason was elected for inclusion in “Super Lawyers–Rising Stars” for general litigation.



Jason Miller

Roberta Sacharski (Lansing)

Roberta Sacharski is a magna cum laude graduate of Thomas M. Cooley Law School. While in law school, Roberta received numerous academic accolades, successfully competed in moot court competitions both locally and nationally, and served on the Board of the *Law Review* as the scholarly writing editor. Roberta has worked for the Washtenaw County Office of the Public Defender and had the distinct honor to intern with the Hon. David W. McKeague at the United States Court of Appeals for the Sixth Circuit. Roberta is now an associate attorney at Farhat & Story, P.C. in Lansing where her practice focuses on areas of family law, criminal defense, and civil litigation. Roberta is a proud



Roberta Sacharski

member of the Ingham and Genesee County bar associations as well as the Womens Lawyers Association of Michigan and the Ladies Auxiliary of the Veterans of Foreign Wars. Roberta is excited for the opportunity to further the objectives and purposes of the Young Lawyers Section by providing opportunities for new attorneys to learn, grow and support one another both professionally and personally.

Law Student Section Chair

Zane Hatahet (University of Michigan Law School)



Zane Hatahet

Born in downtown Detroit and raised between Michigan and Dubai, Zane Sami Hatahet is the chair of the Law Student Section of the State Bar of Michigan. Zane first got involved with the SBM as a student representative for the University of Michigan Law School, but he later helped write the questions for the 2013 and 2014 1L Oral Advocacy Competitions and served as chair for the 2014 OAC. Through his academic career, Zane predominantly studied corporate transactional courses, with special interest in energy and environmental law. He worked as a judicial intern for Judge Cook in Detroit in 2013 and as in-house counsel for Marathon Petroleum Corporation in 2014. At school, he worked as a student attorney for the Michigan Unemployment Insurance Project, Tax Clinic, and Environmental Law Clinic, and served as president of the Middle East Law Students Association and as an executive editor of the *Michigan Journal of International Law*. In his community, Zane volunteers for the Office of Admissions at Michigan Law, doing tours for prospective students and acting as an orientation leader for 1Ls, and serves as a mentor for the UM Pre-Law Society. Zane will graduate in December and take the February bar exam.



Cracking the Legal Field Pipeline Mock Trial Competition

By Donald Rencher

While giving a speech to the American University Washington College of Law, Supreme Court Justice Sonia Sotomayor stated, “The lack of diversity in race, gender and background poses a huge danger to the judiciary, both federal and state.”

This sentiment has also been echoed throughout the legal profession. An article published in the May 27, 2013 edition of *The New York Times* reported that “[t]he share of the nation’s lawyers who are minorities and women, which had been growing slowly but steadily for years, fell in 2010 for the first time since NALP, the National Association for Law Placement, began keeping statistics in 1993. The deep recession not only disproportionately hurt African-Americans in many fields, but it also led businesses to make diversity programs less of a priority.”

Unlike those businesses, the State Bar of Michigan Young Lawyers Section (“SBM YLS”) recognizes the importance of diversity in our profession and continues to make it a top priority to implement programs that focus on issues of diversity and inspire future generations of diverse individuals to consider law as a viable career path.

The American Bar Association (“ABA”) Presidential Initiative Commission on Diversity in its report entitled *Diversity in the Legal Profession: Next Steps Report and Recommendations* encourages bar associations to support, fund, and expand the development of pipeline programs that help diverse youth imagine and work toward joining the legal profession as early as elementary or middle school, and particularly in high school and college. Over the years, the SBM YLS has done just that by supporting numerous pipeline efforts such as the Just the Beginning Foundation Summer Legal Institute – Detroit and the ABA’s Council on Legal Education Opportunity (“CLEO”) College Prelaw Summer Institute.

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The SBM YLS wholeheartedly believes that the best hope for achieving a more diverse profession is by making a concerted effort to reach young people at every stage of the education system.

Donald Rencher, a SBM YLS Executive Council member and chair of the section's Diversity Committee, stated, "I truly believe that by establishing a pipeline through community outreach and mentoring, we can help support and foster the aspirations of diverse students to become lawyers."

On Saturday, March 1, 2014, the SBM YLS held its newly developed pipeline program, "Cracking the Legal Field Pipeline Mock Trial Competition" (the "Program") at the University of Detroit Mercy School of Law ("U of D Law"). Approximately 80 students from the Detroit Metro area ranging in age from 6 to 18 years old participated in the all-day program which ran from 9:00 am until 5:00 pm. The participating students from SKIP, Inc., Detroit Cristo Rey High School, and Hope of Detroit Academy tried a criminal case involving an alleged homicide by a former boxer.

During the course of the program, students received firsthand knowledge of criminal courtroom procedures from the volunteers. Students in fourth grade and younger served as bailiffs in each courtroom, while the other student participants were split into teams of four by age group. Half of the students represented the prosecution (state) and the other half of the students represented the defense. Each team prepared an opening statement, direct examination, cross examination, and closing statement. Local area judges presided over the competition rounds, while the attorney and law student volunteers served as witnesses for the teams and assisted them in drafting their arguments and questions.

Despite this competition being many of the students' first venture into oral advocacy, the students did a wonderful job in the preliminary rounds trying to prove their case. A two-hour panel discussion luncheon on the legal profession featuring Judge Robert J. Colombo (3rd Circuit Court), Judge Katherine L. Hansen (36th District Court), Judge Qiana Denise Lillard (3rd Circuit Court), Judge Cylenthia LaToye Miller (36th District Court), Judge Margaret Van Houten (3rd Circuit Court), Jerome Crawford (an associate at Dickinson Wright PLLC) and Eyad Fakhoury (a U of D Law student) followed the preliminary rounds. Rencher served as moderator and asked the panel various questions submitted by the participating students.

The top four teams advancing to the final round were announced after the panel discussion. The participants watched as the top teams faced off before the judicial panel, with Judge Colombo presiding as chief judge. After a great final round, the top two teams were presented awards. Judge Lillard and Crawford then treated students to an impromptu demonstration of how actual attorneys may argue the mock trial problem. The students looked on in awe as Judge Lillard and Crawford eloquently presented their case for the prosecution and defense, respectively. Fakhoury also put his trial advocacy skills to use as co-counsel for defense.

All in all, the inaugural program was such a tremendous success that the SBM YLS has committed to expanding the program next year. Many of the participating judges have also already expressed interest in participating in the program next year. Rencher indicated that he was extremely excited to enter this pipeline program into the ABA Young Lawyers Division's Next Steps Diversity Challenge, a grant initiative designed to encourage young lawyer and law student groups to create and further enhance programs that encourage diversity and inclusion in the legal profession. "We specifically choose to host a mock trial competition and panel discussion to expose diverse K-12 students to oral advocacy and cultivate a strong interest in the law. Based on the conversations many of the volunteers had with the student participants at the conclusion of the program, I believe we accomplished just that with the help of our extremely diverse group of volunteers." Rencher remarked.

Rencher concluded by stating, "The SBM YLS is extremely grateful to each of the volunteers, especially the judges, for taking time out of their busy schedules to spend the better part of a Saturday with the students. The SBM YLS is also very appreciative of U of D Law Assistant Dean Denise Hickey and the U of D Law Arab-Chaldean Law Student Association for their assistance. The U of D Mercy School of Law provided an excellent venue and for most students, it was their first time in a law school."



Organizations Team Up for Business Development Tips

By Mark Jane

In May 2011, in conjunction with the Women Lawyers Association of Michigan–Washtenaw Region (“WLAM”), the State Bar of Michigan Young Lawyers Section (“YLS”) hosted a “Pool Night” program at Sticks in Ypsilanti, Michigan. The event was a continuation of the successful “Social Skills Series” hosted jointly by the YLS and WLAM designed to provide networking and business development tips for local attorneys. (A past incarnation of the series included a wine-tasting seminar). The Pool Night was such an overwhelming success, the YLS and WLAM teamed up again in August 2012 to host a second Pool Night, with similar results.

As a result of the past successes, the SBM YLS teamed up once again with the WLAM to host a third Pool Night at Sticks on May 8, 2014. WLAM assisted YLS with publicity, while the YLS covered the cost of the food and preparing the advertisement flyer. Sticks graciously provided access to the pool tables free of charge. The event was well-attended, with attorneys of various disciplines and from various locations converging to mingle and learn the finer points of discussing business in a social environment.

Special thanks to YLS Secretary Mark Jane and WLAM Treasurer Anna Frushour for organizing and hosting the event.

ABA Fall Conference

By Donald Rencher

This year’s Fall ABA conference was packed with interesting legal presentations.

One such presentation was the “Beer and Beef: Portland’s Breweries & the Food Safety Modernization Act” presentation. This presentation covered three areas: 1) the history behind the FDA and the Food Safety Modernization Act; 2) issues concerning food safety; and 3) issues concerning alcohol regulation. The panelists were Claire Mitchell, Esq., Stoel Rives, LLP; Mary Jane Saunders, The Beer Institute; and Stephanie Page, Oregon Department of Agriculture. All presenters were knowledgeable professionals in the legal field of food and liquor.

It is important that the federal government implement a high standard of federal and local legislation to ensure the health and safety of the American population are protected. This protection of food and alcohol consumption is regulated by the Food and Safety Modernization Act (the “Act”). The goal of the Act is to: 1) provide preventive controls; 2) ensure inspection and compliance; 3) follow and regulate all imported food; 4) provide an effective response for anything that

causes danger to food and alcohol consumption; and 5) create enhanced partnerships.

Most of the presentation centered around key revisions to the Act that were recently implemented by the Food and Drug Administration (the “FDA”). These revisions have come about through a large increase of brewers and restaurants throughout the nation. The three changes discussed were issues concerning the hazard analysis, supplier verification and consistency with other proposed Act rules.

Hazard Analysis

The FDA is proposing a more comprehensive evaluation of food and supplier risks by combining the proposed requirement that an importer conduct a compliance status review of each food to be imported and each foreign supplier being considered, with the proposed requirement than an importer analyze the hazards in each food. The FDA is also expanding the factors that must be considered. (The compliance review would assess whether the food or supplier has been in violation of FDA regulations.)

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Panelists discussed the issue of the FDA putting too much emphasis on the hazard analysis and the supplier's regulatory compliance in deciding what supplier verification measures are needed, while overlooking important supplier risk considerations.

Supplier Verification

The FDA is proposing a provision for required supplier verification activities that is a hybrid of the two options presented in the originally proposed rule.

The approach that the FDA is proposing would provide importers the flexibility to determine appropriate verification measures based on food and supplier risks, while acknowledging the greater risk to public health posed by the most serious hazards in foods.

When there is reason to believe that a hazard will cause serious injuries or deaths, a clear, rigorous verification standard is required in the form of annual on-site auditing of the supplier. Importers would be allowed to use a different approach (possibly including less frequent auditing) only if they can establish that it will provide adequate assurance that the hazard is controlled.

Consistency with other proposed FSMA rules

To make the proposed changes, other FDA laws regarding the control of food and alcohol would have to be consistent.

This starts with changing the definitions of "very small importer" and "very small foreign supplier" to having no more than \$1 million in annual food sales rather than the previously proposed limit of \$500,000 in annual food sales, and deeming that importers that operate food facilities in compliance with any potential supplier verification provisions that may be included in the preventive controls rules are in compliance with any parallel FSVP requirements to avoid duplicative regulations.

The panelist discussed how all these changes would strongly affect the business of importing and the business of local brewers. The additional regulation would make it difficult for small brewers to do business, while the large brewers (Budweiser and Busch) have the economic means to easily comply with the changes. Implementing these rules could put a chill on the alcohol business.

"Canaries in the Coalmine"

By Hope Shovein, YLS Ex Officio

Several State Bar of Michigan Young Lawyers Section council members attended the American Bar Association's Young Lawyers Division's Fall Conference in Portland, Oregon from October 9-11. The YLD put on an overall great program, though one panel discussion stood out a bit, namely, "Canaries in the Coalmine: Succeeding as Female Counsel in Male-Dominated Industries."

Ms. Tracey Lesetar-Smith of Bellator MMA moderated the discussion and panelists included Sara Vanderhoff of Adidas International, Inc.; Karen Spencer of Nike, Inc.; and Brenna Legaard of Shwabe, Williamson & Wyatt. The moderator and panelists shared their experiences in male-dominated industries, addressing how women can continue to collectively break longstanding barriers and encourage dialogue on the elimination of bias in the profession, noting that women are also guilty of gender bias.

The moderator and panelists also kindly provided advice to attendees—which included both women and men. Perhaps one of the more memorable takeaways: Stop apologizing!

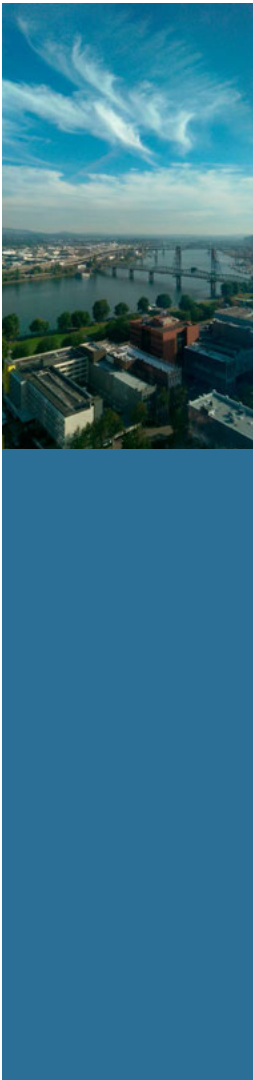
I'm sorry if you weren't there, but please consider attending ABA YLD functions in the future.



Calling All Writers

The State Bar of Michigan Young Lawyers Section is now accepting article proposals for the young lawyer themed November 2015 edition of the Michigan Bar Journal. Articles must be no longer than 2,500 words, including footnotes and fast facts. The subject matter must pertain and be of interest to our membership.

Anyone interested should submit the article proposal to Shenique A. Moss via e-mail at sheniquemoss@gmail.com by Wednesday, January 7, 2015.



Project Street Youth

By Kara Hart-Negrich

Each year, the Young Lawyers Division (YLD) of the American Bar Association (ABA) chooses a National Public Service Project. This year the YLD has partnered with the Center on Children and the Law and the Commission on Homelessness and Poverty to create Project Street Youth: Young Lawyers Advocating for Homeless Youth. The fall 2014 YLD Conference in Portland, Oregon focused on this topic, providing a seminar the first day of the conference and a legal clinic the next day.

The seminar, entitled Homeless Youth: Education and Action, featured four experts in the area of homeless youth: Kari Brenek, of New Avenues for Youth in Portland, OR; Alan Galloway from Davis Wright, Tremaine LLP in Portland, OR;

Serena Holthe from the Center for Children & Youth Justice in Seattle, WA; and Casey Trupin from Columbia Legal Services in Seattle, WA. According to the panel, it is estimated that 1.7 million young people find themselves on the street annually and that population grows every year. While each situation is different, many homeless youth need legal services and have no means of accessing them. The panelists spoke about their legal aid clinics and the many different legal issues that come up at the clinics. The issues run the gamut from the most common, such as criminal and family law issues, to the rare, such as trademark issues, making it useful to have volunteer attorneys with different specializations attend the clinics.

On Friday, October 10, a walk-in clinic was held at New Avenues for Youth in downtown Portland where homeless youth could sit down with a young lawyer, have their case evaluated, and then get legal advice from a young lawyer licensed in Oregon. I took part in this clinic, and though I'm not licensed in Oregon, I was able to offer advice on resources in the area and get ideas for the legal clinic that I will be putting on in Michigan to benefit homeless youth.

In the next few months I will be working to put together a clinic with the help of the Young Lawyers Section of the State Bar of Michigan. If you are interested in getting involved, please contact me at khartnegrich@gmail.com.

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Download the new app for your *iPhone* or *Android* device by searching in iTunes or GooglePlay for State Bar of Michigan. The app is also available for the iPad.

Download the mobile directory today!



The *Windsor* Fallout – What Employers and Individuals Should Expect

By Matthew P. Breuer

On June 26, 2013, the Supreme Court ruled in a landmark decision in *United States v. Windsor* that section three of the Defense of Marriage Act (DOMA) was unconstitutional. The Court's holding was based on a finding that section three of DOMA violated Due Process and equal protection concerns under the Fifth Amendment of the U.S. Constitution. Accordingly, federal law would now have to defer to a state's definition of marriage, and if the state recognized same-sex marriage, federal law would have to follow suit in doing the same. Regardless of any individual's position on the political spectrum, there is no denying that the fallout from the *Windsor* decision will carry momentous implications.

The litigation commenced when Edie Windsor challenged the constitutionality of DOMA after the federal government refused to recognize her marriage to a same-sex partner. Windsor had lived with Thea Spyer as a couple in New York and the two finally married in 2007 after a 40 year engagement. Spyer passed away two years later and the federal government refused to recognize their marriage and taxed Edie's inheritance from Spyer as it normally would with two individuals. Pursuant to federal tax law, spouses ordinarily can inherit another deceased spouse's assets without incurring estate taxes, but the federal government refused to recognize their marriage as valid. New York had recognized their marriage, but under DOMA the federal government did not have to do so. Consequently, Windsor brought suit seeking a refund of the estate taxes she was compelled to pay.

Constitutional and political issues aside, the implications of *Windsor* will perhaps have the greatest effect on employers and individuals with respect to taxes, retirement plans, health care plans, and other employee benefits despite the moderate amount of states that still have refused to recognize same-sex marriages.¹ On August 29, 2013, the IRS issued Treasury/IRS Guidance: Rev. Rul. 2013-17, which specifically noted that more than 200 hundred IRS Code provisions include the terms "spouse" or "marriage." Clearly, this was not an issue that the drafters of the IRS Code had originally anticipated. Therefore, The IRS concluded that gender-neutral terms that include spouse and marriage should include individuals married to a person of the same sex if the couple is lawfully married under the state and the term "marriage" includes such marriages of individuals of the same sex.² The IRS concluded that the consequence of this retroactive application to tax-

payers would apply to employers and affected employees and beneficiaries.

... the implications of *Windsor* will perhaps have the greatest effect on employers and individuals with respect to taxes, retirement plans, health care plans, and other employee benefits despite the moderate amount of states that still have refused to recognize same-sex marriages.

Employer retirement plans have also experienced moderate change as a result of *Windsor*. Retroactive benefit claims must be considered from participants with same-sex spouses that were not recognized at the time benefits began. Given the retroactive application, rollover rules must also allow same-sex spouses with the ability to make direct rollovers to another qualified plan or IRA. This will without question force plan sponsors to review existing plan documents and definitions used for determining what constitutes a spouse. Employers will need to be privy to potential ramifications for failure to notify same-sex spouses and partners of new benefits and remain vigilant in monitoring federal agencies' interpretations of various federal laws and any reform passed.³

The holding in *Windsor* will also naturally affect the Family Medical Leave Act (FMLA). Eligible workers were permitted 12 weeks of unpaid, job-protected leave for specified family/medical reasons. This care extended to a spouse who had a serious health condition or another qualified emergency for a spouse who is a military member on active duty. Prior to *Windsor*, definition of spouse was limited to a member of the opposite-sex. Under the FMLA, spouse means husband or wife under law of the state of residence, which includes common law and same-sex marriages. There is little doubt that prudent employers will be forced to review FMLA policies and procedures and reconcile the overlap between state and federal law. How this will affect FMLA policies and procedures, however, remains to be seen.

It would be naïve to not expect continued litigation over the constitutionality of state laws or state constitutions that ban same-sex marriages or that fails to recognize same-sex marriages validly performed in other states. Accordingly, it

The *Windsor* Fallout ...
Continued from page 2

would benefit employers to be active in reviewing health care plans and other employee benefits policies and procedures. *Windsor* has brought a great deal of change in this arena, but even more change is likely to follow.

Endnotes

1 Thirty three states have laws similar to DOMA banning same-sex marriages and refusing to recognize other states' same-sex marriages. These states include Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Indiana, Kansas,

Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nevada, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wyoming.

2 IRS Rev. Proc. 2013-17

3 "DOMA Overruled: Implications for Health Care Plans and Other Employee Benefits" by Kathryn Kennedy, Ben Conley, and Anne Schmidt, February 7, 2014.

Seeking Volunteers for Disaster Legal Services

By Shenique Moss

As you are aware, President Obama recently declared a state of emergency for Macomb, Oakland, and Wayne counties due to the severe storm and flooding that occurred in August 2014. The State Bar of Michigan Young Lawyers Section (YLS) Disaster Legal Services Committee is looking for Michigan attorneys to help implement the Emergency Legal Services Response Plan in response to this declaration.

The YLS Disaster Legal Services Committee operates pursuant to an agreement between the Young Lawyers Division of the American Bar Association and the Federal Emergency Management Agency (FEMA). The YLS has agreed to act as the Michigan arm of the ABA's program designed to provide legal assistance to persons affected by major disasters. This legal assistance will primarily be provided through telephone "DLS hotlines" operated by the YLS and other legal service partners. A toll-free number is in the process of being established for survivors of this disaster to call. In addition to needing attorney volunteers to return calls, YLS also needs attorney volunteers to assist at one of the four current FEMA disaster recovery centers located in Macomb, Oakland, and Wayne counties. The centers are open Monday-Saturday from 8:00 a.m.–6:00 p.m.

Macomb County

Renaissance Unity Church
11200 E. 11 Mile Road
Warren, MI 48089

Oakland County

Gerry Kulick Community Center
1201 Livernois St.
Ferndale, MI 48220

Wayne County

Wayne County Community College Welcome Center
8200 West Outer Drive
Detroit, MI 48219

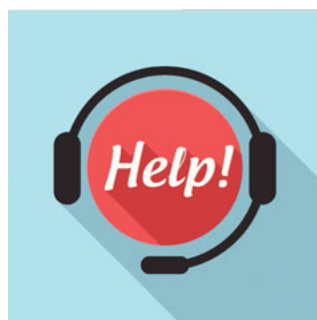
Wayne County

Wayne County Community College Education and Performing Arts Center
21000 Northline Road
Taylor, MI 48180

In providing these services to those in need, the YLS relies upon attorney volunteers. As an attorney volunteer, you can volunteer your time, talent, and skills for as many or as few hours (or cases) as you wish. While attorneys in the affected areas may be most familiar with the destruction, attorneys anywhere in the state can volunteer to help—not just those in the impacted areas. **All Michigan attorneys are welcome to volunteer regardless of area of practice or age.**

The role of an attorney volunteer is to provide pro bono legal advice to those affected by the declared disaster. We expect

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attorney volunteers to offer legal advice consistent with an initial consultation, assist the individual in completing forms, or perhaps send a letter or two on the individual's behalf. The attorney volunteer should listen to the circumstances confronting the individual(s) and provide guidance to them as to how they should proceed (e.g., whether they should pursue filing a claim with their insurer or how they should deal with their landlord or adjacent property owners). We believe that in many cases, the time required to respond to the issues raised will be minimal. Some survivors' questions can be answered in a half hour, while others may be more involved. We do note that it is not the attorney volunteer's role to undertake litigation or bankruptcy matters or to draft legal instruments. If the matter is more complex than the attorney volunteer is willing to handle on a pro bono basis, involves an unfamiliar area of the law, or is a fee generating case, the attorney volunteer should refer those individuals to the lawyer referral service offered by the State Bar of Michigan or one of the local bar associations.

The type of problems that attorneys can expect to be asked about include:

- Assistance with securing FEMA and other government benefits available to disaster victims
- Assistance with life, medical, and property insurance claims
- Help with home repair contracts and contractors
- Replacement of wills and other important legal documents destroyed in the disaster
- Assisting in consumer protection matters, remedies, and procedures
- Counseling on mortgage-foreclosure problems
- Counseling on landlord-tenant problems

To volunteer, please contact **Shenique A. Moss**, chair of the YLS Disaster Legal Services Committee, at sheniquemoss@gmail.com.

Practice Management Downloadable Library

For many years, the Bar's Practice Management Resource Center has offered a lending library that ships printed copies of books upon request. As an enhancement to that service, a free online library is now available that allows members to download e-books and audio books to office computers, laptops, smartphones, and tablets. Unlike the lending library, which requires return shipping, the downloadable library items are free to members and will automatically delete after the designated lending period expires. Follow these PRACTICE ez™ instructions to borrow a book today!

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- [How to Borrow for a Nook](#)
- [How to Borrow on a Kindle](#)

