

# Inter Alia

*Among Other Things*

Fall 2017

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*Ex Officio*

Mark W. Jane

**Letter from the Chair**

Shenique A. Moss

Wayne County Commission

500 Griswold St Ste 810

Detroit MI 48226-3480

P: (313) 224-0909

F: (313) 224-7484

E: smoss@waynecounty.com

**W**ow! It is hard to believe the bar year has ended. This is my final message as chair of the State Bar of Michigan Young Lawyers Section (“YLS”).

Thank you so much for allowing me the opportunity to serve you as your 2016-2017 YLS chair. It has been and continues to be a tremendous honor. It has also been a very exciting and rewarding experience for me both personally and professionally. This is truly an amazing section and I am so proud to be a part of it. I’ve seen the YLS go through so many great changes. I believe in the section’s mission, and how it uses its programming and initiatives to provide Michigan young lawyers with tremendous opportunities for professional development and individual growth—myself included. My only hope is that in my role as chair I contributed to that mission, and helped to facilitate an environment that allows for the growth and development of our members.

I am proud of the accomplishments we had this year as the YLS Executive Council focused on:

- **Educational Programs:** We provided quality and relevant educational programming events such as the American Bar Association Young Lawyers Division Fall Conference; «Navigating the District Court, Circuit Court, and Friend of the Court” Seminar; the 10<sup>th</sup> Annual Young Lawyer Summit; and the New Lawyers Seminar, to name a few.
- **YLS Membership Engagement:** We led a membership campaign, and got our members engaged in the section by inviting them to participate in one or more of our 12 committees.
- **Upper Peninsula (UP) Young Lawyer Outreach and Engagement:** We improved our UP young lawyer outreach and engagement by establishing a UP Engagement Committee, and holding our first program in recent times in the UP.
- **Law Student and Law Graduate Engagement:** We engaged law students and law graduates by inviting them to attend all of our programs and by hosting programs such as our National Trial Advocacy Competition and our “I Am YLS” table outreach during the bar exam.

- **Mental Health and Wellness:** We hosted mental health seminars and started #WellnessWednesday on our facebook page to raise awareness of the different mental health and wellness issues that young lawyers encounter.
- **Community Outreach and Pro Bono Opportunities:** We hosted outreach events around the state including our “Back to School: Know Your Rights” event and expungement fairs. We also started #ThankfulThursday on our facebook page to highlight various pro bono opportunities.

I would like to thank the members of the YLS Executive Council and our wonderful YLS committee members for their hard work and dedication this year. Without each of them, we would not have been able to accomplish what we accomplished this year. I also want to take this opportunity to congratulate Syeda Davidson, the section’s incoming chair. I am certain that she will do a fantastic job next bar year. As I look forward, I am excited by the steadfast commitment of our members, volunteers, and YLS Executive Council.

Finally, I wanted to highlight three amazing volunteer opportunities:

- Licensed Michigan attorneys are needed to volunteer their time to provide legal services to individuals affected by the June 2017 flooding that occurred near Midland. For more information, please visit <http://connect.michbar.org/yls/events/disasterlegalservices>.

- Licensed attorneys are needed to provide pro bono legal services to survivors of Hurricane Harvey. The ABA Young Lawyers Division Disaster Legal Services Program is coordinating with FEMA to provide direct legal assistance to disaster survivors. Additionally, the Texas Supreme Court has authorized out-of-state attorneys to provide pro bono legal services for the next six months for Harvey relief. For more information, please visit <http://ambar.org/harvey>.
- Licensed attorneys are needed to provide pro bono legal services to survivors of Hurricane Irma. The ABA Young Lawyers Division Disaster Legal Services Program is also coordinating with FEMA to provide direct legal assistance to disaster survivors of Hurricane Irma. For more information, please visit <http://ambar.org/irma>.

Attorneys will provide limited legal services to individuals and can volunteer for as many or few hours as you wish. Attorneys may volunteer their time and talent remotely from their current location so there is no travel requirement for the location. As such, I hope that you will consider joining one or both of these pro bono efforts.

Regards,

*Shenique*



**Join the State Bar of Michigan Young Lawyers Facebook page for information on upcoming events!**

## Meet Your YLS Council

We all have good and bad days as lawyers. We asked the YLS council to weigh in with their extremes on both ends. Here are their responses.

### Best Day as a Lawyer

“The day I received my first approval letter from the IRS for a qualified retirement plan correction. While it was not a difficult correction, it was still great getting that feeling of triumph on behalf of a client.”

– *Mark Jane, Ex Officio*

“The best days are when I feel that I really made a life-changing difference in a client’s life and having the client, client’s family, judge, and other attorneys in the room recognize such.”

– *Christopher Wickman, District 3*

“Any day that involves a two-word jury verdict.”

– *Ryan Zemke, Treasurer*

“A client told me that I changed her perception about attorneys.”

– *Matthew Breuer, District 2*

“I had been practicing for just over a year when a colleague asked me if I could cover an oral argument in the Court of Appeals that was scheduled to begin in less than 48 hours. I hadn’t been to the Court of Appeals before that point. But I’d always been interested in appellate advocacy and agreed to handle the argument right away without thinking about the fact that I would actually have to argue in less than 48 hours! I spent the next day and a half studying every fact of the case, rehearsing, and pacing around my office and home. When I got up to argue the case, the panel more or less indicated that the case was well briefed and they had no questions. Taking the hint, I rested on my brief. What a relief! A few weeks later, we received a favorable decision, which was another great day.”

– *Katherine Bennett, District 3*

“When I was at Lakeshore Legal Aid, I represented survivors of domestic violence in civil proceedings. I had one client whose husband brought her here from the Middle East. He decided he didn’t want to be married to her and filed for an annulment, alleging fraud, instead of a divorce. If he had prevailed, she would have been deported. In exchange for settling for a regular old divorce, he wanted her to agree to take nothing. The problem was, she hadn’t been permitted to work while she was here and had literally no money. I took the case to trial, got her a divorce instead of an annulment, and got her spousal support.”

– *Syeda Davidson, Chair-Elect*

### Worst Day as a Lawyer

“I litigated my first year of practice. In so doing, I drafted motions for summary judgment in two cases. The worst day I have ever had as a lawyer was finding out that I had lost my first case on summary judgment (although I found out I won my second case about a week later, so the bad feeling thankfully did not last).”

– *Mark Jane, Ex Officio*

“It would have to be one of the (thankfully) few times that I believed the judge or jury made the wrong decision disposing of a case and discussing such and appeal options with my client.”

– *Christopher Wickman, District 3*

“Any day that one of my clients loses his freedom.”

– *Ryan Zemke*

“I was working in a commercial real estate transaction and thought I had circulated a notice of a Tenant’s Right of First Refusal incorrectly under the notice provision to the current tenant. Unfortunately, due diligence had already commenced and I had to explain to the client he may have defaulted under their lease and the ROFR. However, the tenant had waived his ROFR directly to the client, and it was never forwarded to me.”

– *Matthew Breuer, District 2*

“I had an 8:30 a.m. motion in a rural county, a couple hours away from home. The night before, an infamous Michigan snowstorm hit. It snowed heavily all evening and throughout the overnight hours. I set out at 4:30 a.m. in my “broke new lawyer” vehicle—a 12-year-old Mercury Grand Marquis. At least I had a set of snow tires on it! I was nearly hit by a semi in a whiteout on the expressway and only got stuck once on an unplowed rural highway passing through what seemed to be the middle of a cornfield. It took twice as long to get there as it normally would, so I was very glad I had left home extremely early. I made it to the courtroom just in time. The motion ended up taking less than 5 minutes, and it was an unfavorable decision. I returned to my vehicle and got to experience the whole drive in reverse, but at least I had daylight for my drive back.”

– *Katherine Bennett, District 3*

“As an employment lawyer, it’s always a terrible day when a potential client decides not to fight for his rights after being illegally terminated because, having lost his job, he simply can’t afford to.”

– *Syeda Davidson, Chair-Elect*

# Michigan Supreme Court Update

By Amanda Urban

The Supreme Court of Michigan continues to undergo changes as Governor Snyder recently named Kurtis Wilder as Justice Robert P. Young’s successor and President Trump nominated Justice Joan Larsen to the U.S. Court of Appeals for the Sixth Circuit.

Kurtis Wilder has served on the Michigan Court of Appeals since 1998 and before that as a trial judge in Washtenaw County. Wilder received both his undergraduate and law degree from the University of Michigan and was in private practice before becoming a judge. In a press release Chief Justice Markman stated, “Judge Wilder brings a quarter century of experience on the trial and appellate courts of this state. Equally important, he brings what has been a consistent commitment to the equal rule of law and unwavering support for the values of the constitutions of the United States and the state of Michigan.” Following his swearing-in ceremony, Justice Wilder seemed enthusiastic about serving the people of the state of Michigan in his new role and ready to hit the ground running.

Joan Larsen only joined the Michigan Supreme Court in 2015, but has been part of the conversation regarding federal judicial appointments for quite some time as a name on Trump’s short list for potential U.S. Supreme Court nominations during his campaign. Prior to joining the Michigan Supreme Court, Larsen was a professor at the University of Michigan Law School, worked in private practice, and served in the U.S.

Department of Justice Office of Legal Counsel. In the press she is most often noted as a former law clerk to the late Justice

Antonin Scalia. Her opinions while serving on the Court include *Yono v Dep’t of Transportation*, 499 Mich 636 (2016) (holding that a designated parallel-parking lane is not “designed for vehicular travel” and thus is not included within the highway exception to immunity in the governmental tort liability act) and *Hodge v State Farm Mut Auto Ins Co*, 499 Mich 211 (2016) (holding that the amount in controversy, as used to limit the District Court’s jurisdiction to claims for less than \$25,000, is determined by the plaintiff’s prayer for relief rather than proofs). Larsen’s confirmation would lead to yet another vacancy on the Court relieving Justice Wilder from being the least junior member of the Court only a few months into his service.



## I am YLS

By Katherine Bennett

On July 25 and 26, 2017, the State Bar of Michigan-Young Lawyers Section hosted its “I am YLS” table at the Breslin Student Events Center at Michigan State University in East Lansing. Young lawyers staffing the table provided support items and words of encouragement to those taking the Michigan Bar Exam. Examinees were appreciative of the freebies, which included candy, tissues, earplugs, pencils, and the like. One examinee suggested that highlighters would be a helpful item, so YLS will plan on providing those in the future. Do you have any ideas on how YLS can better support bar examinees? If so, please contact Kara Hart-Negrich at [HartNegrichK@michigan.gov](mailto:HartNegrichK@michigan.gov).

The YLS would like to thank the following young lawyers who volunteered their time to provide this valuable service to examinees: Kara Hart-Negrich, Michigan State Housing Development Authority in Lansing; Jacquelyn Dupler, Sinas Dramis Brake Boughton & McIntyre in Lansing; Stephen Foucher,

Hackney Grover in East Lansing; Suzanne Sutherland, Hilger Hammond in Grand

Rapids; Katherine Bennett, Michigan Department of Attorney General in Lansing; Amy Krieg, Michigan State University College of Law in East Lansing; Christopher Wickman, Equal Footing Law in Okemos; and Bobby Ficklin, The Ficklin Law Firm in Lansing.



Stephen Foucher

# ABA Spring Conference

By Choi Portis

The American Bar Association Young Lawyers Division held its 2017 Spring Conference in Montreal, Canada from May 4-6. The conference was held in conjunction with the Young Bar Association of Montreal. The three-day program featured personal executive coaching sessions with Debra Forman, a professional certified coach and founder of Pinstripe Coaching, an executive coaching and training firm based in downtown Toronto.

**Thursday:** The conference began on Thursday afternoon with the ABA YLD Council meeting. Highlights from the meeting included a discussion on ABA YLD director and coordinator proxies; Resolution C2017-5: Amendments to the Finance Board Policy; and YLD Chair-Elect Dana Hrelc's 2017-2018 Year Ahead Report. In her report, she highlighted her public service project, *Home Safe Home*, which will focus on education regarding domestic violence, and child, elder, and animal abuse. Also on the agenda at the council meeting was a line item that directly impacts young lawyers in the state of Michigan. Currently there are nine young lawyer affiliates in the state of Michigan, with one elected district representative who represents them on the ABA YLD Council. A task force has been formed to evaluate redistricting the ABA YLD. During the task force presentation, they presented two proposals. One proposal would force Michigan to share a district representative with the state of Indiana. The other proposal would allow Michigan to continue the current practice of having its own district representative. I encourage each young lawyer in the state to lobby with me against the proposal regarding redistricting Michigan to share a District Representative with the state of Indiana. If you have more questions, please do not hesitate to contact me at [choi.portis@gmail.com](mailto:choi.portis@gmail.com).

For non-council members arriving early, the ABA YLD offered two CLE seminars. The first was an Affiliate Leadership Training, which was geared at engaging young lawyer bar leaders to maximize value for their members and increase overall efficiency. The workshop included TED talks by young lawyers and experts in each area. The second, *Be a Trusted Advisor: Leadership, Communication, and Relationship Building Skills*, was an interactive workshop in which young lawyers learned the key qualities required to be trusted by clients. Thursday's scheduled events ended with a first-time attendee orientation, and a Joint Welcome Reception co-hosted by the Young Bar Association of Montreal.

**Friday:** Friday's scheduled events began with a joint plenary session, *Comparative Analysis of Courts Systems in Canada and USA*, with the Honorable Justice Richard R. Wagner and the Honorable Justice Clement Gascon, both of the Supreme Court of Canada. The justices introduced attendees to the Supreme Court of Canada, while drawing parallels and comparisons to the Supreme Court of the United States. The justices also answered various questions regarding leave applications, the appeals process, and the decision process. Various CLE seminars followed the plenary session. Seminar topics included case navigation and trial techniques for small and solo firms; adoption; human trafficking; and the law concerning drones. The CLE seminars were followed by a joint networking luncheon with the Young Bar Association of Montreal, and the highly anticipated seminar *Handling a Profile Case*. The program featured Jerome F. Buting, author of *Making a Murderer*. Mr. Buting discussed how high profile cases affect the lawyer both on a personal and professional level. He also provided suggestions for lawyers who may encounter their own high profile cases.

Friday afternoon's CLE seminars included an informative seminar and debut of the *What do Lawyers Do* toolkit, which provides the framework for implementation of the project. The International Oratory Competition was held at the Court of Appeal of Quebec, which showcased the oratory skills of each contestant. The day concluded with the dinner dance, which was held at the Centre Des Sciences De Montreal, where attendees danced the night away in the Perspective 360 room, which provided a spectacular view of Montreal's city and port.

**Saturday:** Saturday morning began with breakfast and a Candidates Forum, where candidates standing for election at the ABA Annual Meeting August 10-12 in New York City provided their stump speeches in the last forum prior to the election. The bi-yearly Affiliate Showcase was also held, where affiliates from across the nation promoted their most successful programs and projects. The remainder of the day featured CLE seminars regarding topics such as mindful advocacy; bridging the justice gap through technology; the Dakota Access pipeline; and insights and perspectives from in-house counsel. The conference ended with the closing session in which the ABA Diversity team presented the EMBRACING Diversity award winners.

# A Brief Review of Federal Historic Preservation Laws

By Kara Hart-Negrich

In the United States, four federal statutes are the foundation of U.S. law involving archaeology and cultural heritage. Those laws are the Antiquities Act of 1906<sup>1</sup> (the “Antiquities Act”), the National Historic Preservation Act of 1966 (“NHPA”),<sup>2</sup> the Archaeological and Historic Preservation Act (“AHPA”) of 1974,<sup>3</sup> and the Archaeological Resources Protection Act (“ARPA”) of 1979.<sup>4</sup> Each law builds upon its predecessor, and the majority have been amended several times throughout the years.

The Antiquities Act was the first of its kind to pass in the U.S. It was prompted in part by the looting and destruction of archaeological sites in the southwestern U.S.,<sup>5</sup> as well as the dilapidation of Mount Vernon<sup>6</sup>. The Antiquities Act protects and preserves historic properties on federal land, and allows the President to accept private lands for federal protection.<sup>7</sup>

The NHPA is the most all-encompassing law of the four. Its passage established the Advisory Council on Historic Preservation (the “Advisory Council”), the State Historic Preservation Office and Officer (“SHPO”), the National Register of Historic Places (the “National Register”), and Section 106 Review.<sup>8</sup>

The role of the Advisory Council is to make recommendations to Congress and the president on policies related to historic preservation. In creating the SHPO, the NHPA allowed for each state to oversee its historic properties with guidance from the federal level. One role of SHPOs is to nominate properties in their state to the National Register, which is the official list of historic properties in the U.S. If the property is approved by the National Parks Service, the keeper of the National Register will add it to the National Register.

The Section 106 Review process of the NHPA requires federal agencies to determine whether there will be an adverse effect on a historic property if federal funding is involved in any way. If so, the agency is required to resolve and mitigate

the adverse effect by consulting with SHPO, Native American tribes, local historic districts, and local communities.

The AHPA expands upon an earlier law by requiring that all federal agencies preserve archaeological and historical remains found as a result of construction, excavation, etc. This had only previously been required of the Corps of Engineers, likely leading to the destruction of countless archaeological sites.

Finally, the ARPA builds on the Antiquities Act to further protect archaeological sites on federal lands, and to protect federally owned or administered collections. It added criminal punishments of up to \$100,000 and five years in prison for violators of the ARPA.<sup>9</sup>

## Endnotes

- 1 54 U.S.C. § 3201 *et seq.* (formerly cited as 16 U.S.C. § 461).
- 2 54 U.S.C. § 300101 *et seq.* (formerly cited as 16 U.S.C. § 470-1).
- 3 54 U.S.C. § 3125 (formerly cited as 16 U.S.C. § 469-469c-2).
- 4 16 U.S.C. § 470aa-470mm.
- 5 Archaeological Method and Theory: An Encyclopedia, edited by Linda Ellis, pp.33-35, Garland Publishing Co., New York and London, 2000.
- 6 Christopher Tunnard, “Landmarks of Beauty,” *With Heritage So Rich*, chaired by Albert Rains, directed by Laurence G. Henderson (New York: Random House, 1966), 30 & Mitchell Schwarzer, “Myths of Permanence and Transience in the Discourse on Historic Preservation in the United States,” *Journal of Architectural Education* 48, no. 1 (September 1994): 3-4.
- 7 *Id.*
- 8 *Id.*
- 9 *Id.*



# So You Want to Practice Law in Canada?

By Amy S. Krieg

I was recently in Montreal with the ABA YLD for its Spring Conference. I always have fun when I attend ABA YLD events, but this event was especially enjoyable because of its location in the French Canadian city of Montréal, which feels very much like Europe. We also had the opportunity to have a “fireside” chat with Canadian Supreme Court Justices Richard R. Wagner and Clément Gascon and to meet with them at a reception (would the U.S. Supreme Court justices ever do this? No!). I was thinking, “Wouldn’t it be nice to live in Canada?” But how would I practice law? Just like in the U.S., licensing in Canada is governed by a Law Society in each province.

## Ontario

The process to work in Ontario it is somewhat lengthy. You could obtain an LLB from a Canadian law school. If you received your law degree from a foreign law school, you would have to obtain a Certificate of Qualification, which may require a student take additional exams or an additional year of legal education. Once the student is qualified either by attending a Canadian law school or receiving the Certificate of Qualification, the student must write the licensing examination. Then the student must complete a 10-month legal internship, which is called articling, or complete the Law Practice Program where the student spends four months receiving additional education and four months at an internship placement. For those who

have been practicing in the US, the only step in the process that may be waived is the 10-month articling or Law Practice Program by applying for an articling exemption and complete the Professional Conduct and Practice in Ontario course. Once all of the steps have been completed, you may be called to the bar in Ontario. Alternatively, you could live in Ontario but give legal advice regarding US laws, but you would have to apply for a Foreign Legal Consultant permit.

## Québec

Québec is different not only because French is the official language of the province and lawyers are required to be fluent in French, but because they follow the civil law system. In Québec, a student may obtain a two-year undergraduate degree, then go on to three years of law school in order to receive a baccalaureate. After the law degree is obtained, a student must complete four or eight months of vocational training at the bar school. Then the student must undergo training similar to the Articling requirement in Ontario, but only for six months. If a foreign trained and licensed lawyer would like to practice in Québec, the lawyer must petition for admission to the bar in Québec and the Equivalences Committee will require French fluency and determine what additional education the lawyer needs to receive in order to be called to the bar.



# ABA YLD Annual Meeting

By Choi Portis

The American Bar Association Young Lawyers Division held its events for the 2017 Annual Meeting in New York City. Conference highlights included the Diversity Outreach implementation of *What Do Lawyers Do*; the CLE in the City series; and the welcome reception, featuring the *Tale of Two Pizzas*; the “It’s Lit” after party, co-sponsored by the ABA Section of Litigation; and the U.S. Army JAG Corp #Fit2Practice 5K run.

**Thursday:** The conference began on Thursday afternoon with the ABA YLD Council meeting. Highlights from the meeting included a discussion and the adoption of ABA YLD Resolutions C-2017-6 and C-2017, involving the creation of a new YLD committee, the State and Local Government Committee, and the student debt initiative; and YLD Chair-Elect Dana Hrelc’s 2017-2018 Year Ahead Report. In her report, she highlighted her public service project, *Home Safe Home*, which will focus on education regarding domestic violence, and child, elder, and animal abuse. Also on the agenda at the council meeting was a line item that directly impacts young lawyers in the state of Michigan. Currently, there are nine young lawyer affiliates in the state of Michigan, with one elected district representative who represents them on the ABA YLD Council. A task force has been formed to evaluate redistricting the ABA YLD. During the task force presentation, they presented two proposals. One proposal would force Michigan to share a district representative with the state of Indiana. The other proposal would allow Michigan to continue the current practice of having its own district representative. I presented a recommendation for adoption of Proposal 2 to the task force prior to the Annual Meeting.

During the question-and-answer period, the task force representatives indicated that they consulted with current district representatives as well as former district representatives, and developed an algorithm for determining how to redistrict the YLD.

At the conclusion of the conversation, Chair-Elect Dana Hrelc opened the idea of appointing new members to the redistricting task force. I again encourage each young lawyer in the state to lobby with me against the proposal regarding redistricting Michigan to share a district representative with the state of Indiana. If you have more questions, please do not hesitate to contact me at [choi.portis@gmail.com](mailto:choi.portis@gmail.com).

For non-council members arriving early, the ABA YLD offered several CLEs as part of their “CLE in the City” series. The tracks included the International Dispute Resolution Track, the Financial Technology Track, the Antitrust Track,

the Commercial Litigation Track, the Construction Law Track, the Corporate Governance/Mergers & Acquisitions/Securities Track, Financial Restructuring/Insolvency Track, the Legal Profession Track, the Trial Practice Track, and the United Nations Track. Thursday’s scheduled events ended with a first-time attendee orientation; the welcome reception, featuring the *Tale of Two Pizzas*; the YLD council dinner; and the “It’s Lit” after party co-sponsored by the ABA Section of Litigation.

**Friday:** Friday’s scheduled events began at 6:00 a.m. with the U.S. Army JAG Corp and #Fit2Practice 5K run. Programming included *Planting the Seed for a Judicial Career*, an informal mixer designed to provide young lawyers with the opportunity to connect with a diverse array of judges from state, federal, and specialty courts. Various CLE seminars followed the judicial mixer. Seminar topics included disability and due process; the anatomy of a solo/small firm; finding your grit to trump adversity; engaging with the media; ethical red flags for public lawyers; and medial marijuana. The first day of the YLD Assembly and the annual YLD Fellows Annual Gala concluded Friday’s activities.

**Saturday:** Saturday morning began with the second day of YLD Assembly. During Assembly, the following items were up for debate:

**14YL: (Submitted by the YLD Women in the Profession Committee):** This resolution urges law firms to implement an open or partially open compensation system in which attorney compensation or ranges of attorney compensation are made available to all attorneys in the firm, or alternatively, to all partners in the firm.

**15YL: (Submitted by the YLD Litigation Committee):** This resolution would urge federal district courts to coordinate on the best practices for pro bono panels allowing civil litigants to be appointed pro bono counsel to ensure consistency nationwide and to provide a framework for the development of more panels in districts not yet offering them.

**104: (Submitted to the ABA House of Delegates by the Standing Committee on the American Judicial System, Section of Litigation, Tort Trial And Insurance Practice Section, Criminal Justice Section, Washington State Bar Association, Hawaii State Bar Association, King County Bar**

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**Association, and Beverly Hills Bar Association):** This resolution reaffirms its opposition to restructuring the United States Court of Appeals for the Ninth Circuit and supports ongoing efforts by the Ninth Circuit and other federal courts to utilize technological and procedural innovations to ha

**108: (Submitted to the ABA House of Delegates by Law Student Division):** This resolution urges the bar admission authorities in each state and territory not to deny bar admission to undocumented immigrants who have met all the necessary prerequisite qualifications for admission in their respective jurisdictions, solely due to their immigration status.

**115: (Submitted by Commission on Immigration, Section of Civil Rights and Social Justice Commission on Hispanic Legal Rights and Responsibilities, Commission on Domestic and Sexual Violence, Standing Committee on Legal Aid and Indigent Defendants, Massachusetts Bar Association, Criminal Justice Section, New York County Lawyers Association, Section of Litigation, New York City Bar Association, Working Group on Unaccompanied Minor Immigrants):** This resolution supports the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in immigration courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal circuit courts of appeals.

**118A: (Submitted to the ABA House of Delegates by the Standing Committee on Gun Violence, Section of Civil Rights and Social Justice, Section of Litigation, Commission on Youth at Risk, and Section of State and Local Government Law):** This resolution urges Congress to amend the Gun Control Act of 1968 to include, among the list of those ineligible to possess, purchase, sell, deliver or otherwise transfer any firearm, persons who have been previously convicted of a misdemeanor crime of violence that was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or diversity, or disability of any person.

**120: (Submitted to the ABA House of Delegates by the Commission on Veterans Legal Services Standing Committee on Legal Assistance for Military Personnel):** This resolution urges the administration and the Congress to support the review and improvement of the processes by which military records are corrected, discharge status petitions are considered, and the character of one's discharge is reviewed.

The YLD Assembly also included announcement of the winner of the HOD representative race, Sheena Hamilton from St. Louis, Missouri; the passing of the gavel for the incoming YLD chair and YLD speaker; a presentation from ABA Chair-Elect Hilarie Bass; and a presentation from the Colorado YLD delegates regarding the YLD fall 2017 conference.



## A Primer on ABA YLD Council and Assembly

By Amy Krieg, District Representative for the ABA YLD District 20/Michigan

Every August, the ABA holds its Annual Meeting to mark the end of one bar year and the beginning of another. At each meeting, leadership transitions take place. This year, I have been fortunate enough to be a part of one leadership transition, as the incoming district representative for ABA YLD members in Michigan, also known as District 20, for 2017-2019. I will replace Choi Portis, who has done an excellent job and so I have big shoes to fill. Until I joined the SBM YLS Council as one of the representatives for District 3, I had very little understanding of what the ABA YLD actually did and what the different leadership roles meant. At the outset of my representation, I would like to help provide some clarity about the organization of the ABA YLD leadership.

The ABA YLD makes decisions through its governing bodies, the ABA YLD Council (“Council”) and the YLD House of Delegates Assembly (“Assembly”). The Council has the “executive and administrative” duties of the division. [ABA YLD Bylaws § 5.1](#). The Assembly has the policymaking authority of the division. [ABA YLD Bylaws § 4.1](#). As a district representative, I am a voting member of the council on behalf of ABA YLD members in Michigan. I am the liaison with the [ABA YLD Michigan affiliates](#), and will inform the ABA YLD of the current events of the Michigan affiliates and inform the Michigan affiliates of current events and opportunities of the ABA YLD. Each district representative also has the responsibility of implementing [Disaster Legal Services](#) in the event of a federally declared disaster (e.g., 2014 Southeast Michigan flooding and the current Midland flooding).

There are a number of issues that the ABA YLD grappled with during its Annual Meeting. I served as a delegate to the [Assembly](#), which debated resolutions such as attorney wage transparency, best practices for pro bono counsel of federal courts, and amendments to the Gun Control Act of 1968. Most resolutions that passed the Assembly must be voted on by the “Big ABA” (the general ABA Assembly) if the resolution must become big ABA policy, ABA Model Rules of Professional Conduct, or be taken to Washington, DC to lobby for change. In addition, the council considered such matters as redistricting the ABA YLD and calling on the Section of Legal Education and Admissions to the Bar to require that two of its voting members be young lawyers to have an impact on the student loan crisis.

There are many ways to get involved in the ABA if you are a member; the easiest is to join an [ABA YLD committee](#) and offer to assist in your specialty area or anything that interests you. You could also submit a [resolution](#) for consideration by the ABA YLD. Proposed resolutions are considered by relevant committees. If you have something to say on the topic of the ABA, I would like to hear from you. Nothing is off limits, and I would especially like to hear from those who do not find membership valuable or who would like to offer a critique of the ABA. You can email me at [akrieg15@gmail.com](mailto:akrieg15@gmail.com).

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## The History of the Practice of Law in the Upper Peninsula and Northern Michigan Women in the Practice

By Erica N. Payne Roell and Priscilla Burnham, with contributions from Molly Ombrello

As Upper Peninsula lawyers, meetings with colleagues from other areas of the state generate a number of questions about what it is like to live and practice law in the Upper Peninsula. While some of these questions may elicit a bit of a smirk, most of us enjoy these inquiries and are proud of our ability to practice one of the greatest professions in such a wonderful place.

This pride in the uniqueness of a UP practice was evident during the Young Lawyers Section’s first event in the Upper Peninsula. This June, lawyers in all stages of practice and from

all areas of the state gathered in Marquette to learn about the history of the practice of law in Northern Michigan and the Upper Peninsula. Guest speakers discussed the history of tribal law, criminal law, and women practicing in the Upper Peninsula. The program concluded with a tour of the Marquette County Courthouse, the setting for the famed *Anatomy of a Murder* and the stage where President Theodore Roosevelt won a libel lawsuit against a local newspaper that alleged he was a drunk.

Continued on next page

The women pioneers in the UP's legal field were of particular interest at the June program. History enthusiast and attorney Molly Ombrello shared the story of Adda Eldridge, the first woman attorney in Marquette and the UP in 1920. Molly's interest in Ms. Eldridge was sparked by the fact that she practices at the most recent rendition of Ms. Eldridge's firm, McDonald & Wolf, PLLC. Molly is expected to author an article detailing Ms. Eldridge's life, which will be published in the "Michigan Lawyers in History" series in an upcoming edition of the *Michigan Bar Journal*.

Remarkably, the second female attorney to practice in Marquette County came 50 years later when Priscilla Burnham, a new lawyer from Virginia, joined the Bar. Forty-three years later, Priscilla still practices law in Marquette, and she joined us to talk about her experiences. Many expected that she would discuss being treated differently because she was a woman in a traditional man's field, but she informed us that was not necessarily her experience. Instead, she was generally met with somewhat comical curiosity and courtesy.

On one particular instance, after a judge ordered a mistrial, Priscilla talked to the jury about how they perceived the case, but they did not want to talk about the merits. Rather, they were curious about what a lady lawyer wore: men's clothes or a dress? Would she have to wear the same outfit every day had there not been a mistrial? Another judge, in an abundance of consideration (and discomfort), could not conclude how to properly address Priscilla in court. "Do I call you *Miss* Burnham, *Ms.* Burnham, or *Mrs.* Burnham?" he would ask every time she was in his court, and he eventually left the bench without resolving this question.

Priscilla attributes some of her success to simply being a woman. Witnesses, jurors, and opposing counsel were often simply comfortable with her because she had that so-called

"soft touch." Consequently, they were more willing to talk to her, and she gathered more information and resolved more cases by just listening and taking time for people rather than being pushy.

However, the uniqueness of a UP *practice* was more impressionable upon her than being the only woman practicing in court. While selecting a jury in the Copper Country,<sup>1</sup> she discovered that she generally could not compete with methods used by local attorneys. Opposing counsel referred to each potential juror by first name and asked about his relatives—and did so all in Finnish!<sup>2</sup>

Travelling across the UP was always an adventure and it still can be. Priscilla recalled changing flat tires on long, isolated stretches of road in snow and rain and once even rescuing a loon. On her first visit to Ontonagon, her assistant thought that chartering a plane to travel would be a good choice. While she got to Ontonagon without incident, the airport was a different story. It consisted of a small grassy strip with a maintenance shack in the middle of nowhere. No cell phones. No pay phone. No taxi. No Uber. After resolving that she would be spending the night in that shack, a gentleman in an old pickup truck driving down an abutting dirt road picked her up and gave her a lift to town. After the trial, opposing counsel drove her back to the airport to catch her flight home. These are just two examples of UP kindness in its truest form.

After 43 years, there have been many changes to the practice of law in the UP. Though travel is still challenging and opposing counsel likely knows most of the potential jurors, two women judges on the Marquette County bench and approximately 40 percent of the Marquette County Bar Association members are now women. She believes that the addition of women to the profession has enriched it, and she is grateful for her successors and the intellectual frame of reference and different life experiences they bring to the bench and bar.



## Endnotes

- 1 The Copper Country is an area of the Upper Peninsula that includes Keweenaw County and portions of Houghton, Baraga, and Ontonagon counties and is named as such due to significant copper mining in the region.
- 2 The Upper Peninsula has the greatest concentration of Finnish Americans in the United States. Brittingham, Angela, and G. Patricia de la Cruz, *Ancestry: 2000, Census 2000 Brief* (June 2004).



## Summer Stars of the Quarter

Each quarter the State Bar of Michigan Young Lawyers Section acknowledges outstanding leadership in executive council and committee members as “Stars of the Quarter” for a recent project or service achievement toward the work of the section.

The State Bar of Michigan Young Lawyers Section is pleased to announce its Summer Stars of the Quarter:

- Katherine Bennett, Michigan Department of Attorney General, Lansing, MI
- Kristina Bilowus, Findling Law PLC, Royal Oak, MI
- Matt Breuer, Howard & Howard Attorneys PLLC, Royal Oak, MI
- Alexandria Casperson, Wayne County Register of Deeds, Detroit, MI
- Jerome Crawford, Horizon Global, Troy, MI
- Yusuf Moin Ghadimi, The Cronin Law Firm PLLC, Bloomfield Hills, MI
- Mark Jane, Butzel Long PC, Ann Arbor, MI
- Amy Krieg, Michigan State University College of Law, East Lansing, MI
- David Nyberg, Governor Rick Snyder Northern Michigan Office, Marquette, MI
- Molly P. Ombrello, McDonald & Wolf, PLLC, Marquette, MI
- Erica N. Payne Roell, Kendricks Bordeau Adamini Greenlee & Keefe PC, Marquette, MI
- Ryan C. Plecha, Kostopoulos Rodriguez PLLC, Birmingham, MI
- Choi Portis, Detroit Water and Sewerage Department, Detroit, MI
- Colemon L. Potts, Detroit Legal Group PLLC, Detroit, MI
- Aaron Sohaski, Henry Ford Health System, Hazel Park, MI
- Philip L. Strom, Delta County Prosecutor’s Office, Escanaba, MI
- Christopher Wickman, Equal Footing Law PC, Okemos, MI



## YLS Stars of the Year

The State Bar of Michigan Young Lawyers Section chair recognizes the following executive council and committee members for their outstanding service and contribution to the section during the 2016-2017 bar year:

- Elizabeth Kamm Abdnour, Michigan State University Office of Institutional Equity, East Lansing, MI
- Kristina Bilowus, Findling Law PLC, Royal Oak, MI
- Jerome Crawford, Horizon Global, Troy, MI
- Mark Jane, Butzel Long PC, Ann Arbor, MI
- Amy Krieg, Michigan State University College of Law, East Lansing, MI
- Laura M. Kubit, Lakeshore Legal Aid, Caro, MI
- Samantha Orvis, Garan Lucow Miller PC, Grand Blanc, MI
- Erica N. Payne Roell, Kendricks Bordeau Adamini Greenlee & Keefe PC, Marquette, MI
- Ryan C. Plecha, Kostopoulos Rodriguez PLLC, Birmingham, MI
- Choi Portis, Detroit Water and Sewerage Department, Detroit, MI
- Colemon L. Potts, Detroit Legal Group PLLC, Detroit, MI

# Young Attorneys Want Health and Wellness But Feel Constrained by Firm Culture

By Amy Krieg

The SBM YLS Health and Wellness Committee recently hosted a panel to give young lawyers tips, tools, and advice on well-being. The panel consisted of Tim Batdorf, an attorney and coach; Tish Vincent, director of Lawyers and Judges Assistance Program; and Laurie Orlando, an attorney and therapist. Laurie Orlando advised young lawyers that as stress levels go up, self-care will usually go down. Laurie stated that self-care should go up as stress levels rise.

The audience questioned whether young lawyers could really increase their self-care given the constraints of their careers. The audience members stated that they want a balanced life, but that they are expected to work long hours. They also pointed out that with a weak legal job market, if they do not put in long hours, another attorney will take their jobs.

The panel suggested a few solutions to this issue. First, as trained attorneys, they should be able to think of ways to drive within their organizations. Next, they suggested self-care tech-

niques, which take very little time. Young lawyers could find time to speak to family or friends or find pictures that make them laugh or smile. Attorneys could also become more aware of the way emotions affect their bodies, in order to alleviate the emotional reaction. If you notice that your jaw clenches or shoulder rise, then you can consciously diminish that reaction. Finally, the panel suggested that attorneys get more exercise, which will help the attorneys move their thoughts away from their brain and to the movement of their bodies, where their attention should naturally rest.

The goal of the Health and Wellness Committee is to improve the wellbeing of young lawyers. In an effort to tackle this issue, I welcome feedback, suggestions, and requests for programming. Feel free to e-mail me ([akrieg15@gmail.com](mailto:akrieg15@gmail.com)) or connect with me on social media on this issue ([LinkedIn](#) and [Twitter](#)).

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## A Lawyer's Playlist

As lawyers, we spend a lot of time in the car. We asked council members to weigh in on what's on their playlist right now.

### Best song about the law/judicial system

- "Biko" by Peter Gabriel (not the US system, but still about justice) – *Mark Jane, Ex Officio*
- "This Side of the Law" by Johnny Cash – *Christopher Wickman, District 3*
- "Sweet and Tender Hooligan" by The Smiths – *Syeda Davidson, Chair-Elect*
- "99 Problems" by Jay Z – *Ryan Zemke, Treasurer*
- Theme from *Law & Order* – *Katherine Bennett, District 3*

### Song That Best Summarizes Your Practice of Law

- "Working for the Weekend" by Loverboy – *Mark Jane, Ex Officio*
- "Criminal" by Fiona Apple – *Christopher Wickman, District 3*
- "The Ballad of Peter Pumpkinhead" by XTC, or "Black-Eyed Man" by Cowboy Junkies – *Syeda Davidson, Chair-Elect*
- "Fight the Power" by Public Enemy – *Ryan Zemke, Treasurer*
- "Here Comes the Sun" by The Beatles – *Katherine Bennett, District 3*

### Do you have a new anti-stress song since the last edition of *Inter Alia*?

- "No. 'Breathe' is still my go-to. I have been enjoying 'How Far I'll Go' and 'You're Welcome' from Moana a lot lately." – *Christopher Wickman, District 3*
- "Read My Mind" by The Killers – *Matthew Breuer, District 2*