

Inter Alia

Among Other Things

Spring 2015

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Letter from the Chair



Andrea Irons

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Spring is finally here!!! I don't know about anyone else but I sure am enjoying the rising temperatures. It's finally time for the 8th Annual Young Lawyers Section Summit. As you already know we will be returning to GreekTown Hotel & Casino in Detroit on May 29-30, 2015. Justice Richard Bernstein is our keynote speaker at our lunch on Saturday and we have a great list of presenters. We will also be presenting the Regena Myrick Outstanding Young Lawyer Award at the lunch on Saturday. We are still accepting nominations until Friday, April 24, 2015. If you haven't attended the Summit in the past, you need to attend this one. It is a wonderful opportunity to network and learn from some of the best lawyers we have in Michigan. The registration form is coming soon so keep an eye on your in-box. I'm looking forward to seeing new faces this year. And if you can't make the summit, keep your eye out for upcoming section events.

Very truly yours,

Andrea



Save the Date!

8th Annual Young Lawyers Summit
May 30, 2015
Hosted by the Young Lawyers Section

Date: Friday and Saturday, May 29-30, 2015

Place: Greektown Casino Hotel, 555 E. Lafayette Ave., Detroit, MI 48226; 1-877-424-5554

Hotel Reservations: Can be made by calling Greektown or by visiting <https://gc.synxis.com/rez.aspx?Hotel=23374&Chain=9056&group=YUNGLAW>.

There is a discounted rate of \$179 plus tax. A limited number of rooms will be reserved for this event, so be sure to make your reservations early! Mention promotional code “YUNGLAW” to obtain the Summit rate.

The Young Lawyers Summit is the annual section-wide gathering of the members of the YLS, which is the second largest section of the State Bar with approximately 8,000 members. The Summit has been held at numerous venues across the state of Michigan and we are pleased to bring the Summit back to Detroit in 2015. The event is designed to provide a networking opportunity for the State Bar’s newer lawyers, as well as a wide array of educational programming.

We are honored that **Michigan Supreme Court Justice Richard Bernstein** will join us to serve as the keynote speaker during the Saturday luncheon.

In addition, the **2015 Regeana Myrick Outstanding Young Lawyer Award** will be presented during the luncheon.

Visit <http://connect.michbar.org/yls/home> for more information in the coming days.

Please join us! Bring your friends and make some new ones. We look forward to seeing you in Detroit!

2015 ABA YLD Midyear Meeting

By Shenique Moss

The American Bar Association Young Lawyers Division (ABA YLD) held its 2015 Midyear Meeting at the Hilton Americas in beautiful Houston, Texas from February 5-7, 2015. The Midyear Meeting had a lot of terrific educational seminars and networking opportunities. In addition to the many substantive and health and wellness seminars, there were several diversity and inclusion seminars offered to attendees. Perhaps the most notable program was the “Firsts: A Conversation with Trailblazers of the Bar” Luncheon featuring Detroit’s own Dennis Archer (Dennis W. Archer PLLC/Dickinson Wright PLLC, Detroit, MI) along with other legal giants such as Paulette Brown (Locke Lord Edwards, Morristown, NJ); Hon. Bernice Donald (U.S. Court of Appeals for the Sixth Circuit, Memphis, TN); Robert Grey (Hunton & Williams, LLP, Richmond, VA); Roberta Cooper Ramo (Modrall Spering, Albuquerque, NM); Mary T. Torres (Beall & Biehler Law Firm, Albuquerque, NM); and Stephen Zack (Boies, Schiller & Flexner LLP, Miami, FL). The program was held in recognition of President-Elect Paulette Brown’s historic

role as the first woman of color to serve as president of the American Bar Association. The distinguished ABA trailblazers shared their personal experiences in the ABA and addressed the state of diversity in the bar, perceptions on how far we have come, where the ABA fits in, and steps on achieving progress. Overall, this Midyear Meeting went down in history as one of the best that I’ve attended during my YLD tenure.

The meeting started off on Thursday with the YLD Council meeting at noon. Attendees who are not members of the Council were able to attend various informative seminars such as “How to Run an Effective Meeting” and “Moving Up and Moving Out: Appointments, Scholarships, and Fellowships with the ABA and the YLD.” Thursday’s scheduled events ended with a first-time attendee orientation followed by a welcome reception at The Grove.

Friday’s scheduled events started fairly early with a networking breakfast and Candidates Forum followed by various CLE, professional development, and health and wellness seminar. The seminars included topics such as “Tips for Trial Lawyers:

An Appellate Perspective,” “Lawyers in Search of Soul: A Journey Towards Wholeness,” “Making the Transition to In-House Counsel,” “After the JD: Perspectives on Diversity in the Legal Profession,” and “Age of Innocence? A Look at Recent Immigration Cases Involving the Child Status Protection Act, Deferred Action and Unaccompanied Minors in Removal.”

Saturday began with the Diversity Dialogue Breakfast: Combatting Implicit Bias in the Legal Profession.

The YLD Assembly started at 9:00 am on Saturday. The State Bar of Michigan Young Lawyers Section (SBM YLS) sent a full delegation to represent ABA YLD District 20 (Michigan) at the YLD Assembly. During the ABA YLD Assembly, delegates from each state as well as the military branches and various national bar associations considered resolutions addressing important issues facing the legal profession. Top leaders of the ABA such as President William Hubbard, President-Elect Paulette Brown, and House of Delegates Chair Patricia Refo also addressed the YLD Assembly informing the group of young lawyers about upcoming initiatives and events and encouraging them to get more involved in the larger ABA. The ABA YLD recognized the National Young Lawyer Award recipient and finalists. The YLD Speaker, Dave Scriven-Young, introduced the YLD candidates for office:

- Secretary: Dana Hrelac, Hartford, CT and Tremaine “Teddy” Reese, Columbus, GA
- Assembly Clerk: Shenique Moss, Lansing, MI
- House of Delegates Representative: Andrew Schpak, Portland, OR

No other candidates announced their intention to seek one of the open positions prior to the fall of the gavel of the Midyear Assembly so the YLD secretary will be the only contested race for the 2015-2016 bar year.

The ABA YLD Assembly adopted the following six resolutions:

Consent Calendar

Resolution 1YL (Young Lawyers Division): This resolution encourages all stakeholders, including lawyers’ professional liability insurance providers, bar associations, pro bono legal services providers, and business entities, to closely examine the availability and scope of malpractice insurance coverage for attorneys providing pro bono legal services in all practice settings.

Resolution 2YL (Young Lawyers Division): This resolution encourages law schools to involve practicing lawyers and judges in the work of their hiring and tenure committees, so that law schools will benefit from the insight of experienced practitioners when identifying the teachers who will educate the next generation of lawyers for practice.

Debate Calendar

Resolution 107A (ABA House of Delegates): This resolution urges governments to adopt a presumption against the use of restraints on juveniles in court and to permit a court to allow such use only after providing the juvenile with an in-person opportunity to be heard and finding that the restraints are the least restrictive means necessary to prevent flight or harm to the juvenile or others.

Resolution 108B (ABA House of Delegates): This resolution urges each jurisdiction that imposes capital punishment to promulgate execution protocols in an open and transparent manner and require public review and comment prior to final adoption of any execution protocol, and require disclosure to the public by all relevant agencies of all relevant information regarding execution procedures.

Resolution 3YL (Young Lawyers Division): This resolution urges the bar admission authorities in each state, territory and the District of Columbia to consider participating in the development and implementation of the Uniform Bar Examination.

Resolution 113 (ABA House of Delegates): This resolution supports government appointed counsel for unaccompanied children in immigration proceedings and urges that immigration courts should not conduct any hearings, including final hearings, involving the taking of pleadings or presentation of evidence before an unaccompanied child has had a meaningful opportunity to consult with counsel about his or her specific legal options.

More information about the events and Assembly at the 2015 Midyear Meeting can be found at: http://www.americanbar.org/groups/young_lawyers/events_cle/2015_midyear_meeting.html

Upcoming ABA YLD Conferences

2015 National Institute for New Partners: Washington, DC, April 17, 2015

2015 ABA YLD Spring Conference: Tampa Bay, Florida May 14-16, 2015

2015 ABA Annual Meeting: Chicago, Illinois, July 30-August 1, 2015

2015 ABA YLD Fall Conference: Little Rock, Arkansas, October 15-17, 2015

2016 ABA Midyear Meeting: San Diego, California, February 4-6, 2016

2016 ABA YLD Spring Conference: St. Louis, Missouri, May 5-7, 2016

2016 ABA Annual Meeting: San Francisco, California, August 4-6, 2016

The 2015 ABA Midyear Conference (Houston): A First Timer's Perspective

By Ryan C. Plecha

As young attorneys, we often get stuck in the doldrums and pressures of billable hours, deadlines, and all things related to “paying our dues.” I myself am often guilty of being consumed by the practice of law, and focus all of my energy on my clients and career. This commitment or “workaholism” is not something that happens overnight or is necessarily even something that I or other young lawyers feel is a problem or is avoidable. The practice of law is not easy, which is why it is called the practice of law: it always requires commitment to honing our skills, understanding the law, and representing our clients the best that we can. I know, personally, that finding employment in today’s legal marketplace is difficult and often pushes young attorneys to work even harder in their positions or solo practices.

You may be thinking that this introduction is unorganized and is not relevant to the title of the article, and you would be correct. The above thoughts and concerns are a few of the many things that went through my mind when I was selected to attend the ABA Midyear meeting and miss two days of work! The thoughts of making up billable hours, the anxiety of not being immediately responsive to my partners and clients, the unrealistic fear that the job I fought so hard for may vanish in two days, and many other stresses began to dominate my thoughts of the conference. I even tried to have another take my place in Houston. Without finding someone to do so, I got on the plane and arrived in Houston for the conference.

The stress and anxiety that I felt from being away from the office did not stay in Michigan but followed me to Houston. The first day before all of the sessions and programming started I was glued to my smartphone and laptop, which gave me a reassuring sense of comfort and normalcy. I even took my phone with me and lost a night of networking at the welcome reception.

The next day things started to change. I had the privilege of attending the ABA Trailblazers Diversity Luncheon. The lunch was composed of a panel that embodied “firsts” in ABA diversity. The speakers were powerful and passionate about not only the importance and struggles of diversity, but also about the practice of law. This was eye opening to me in a very real way. It made me realize that it is truly a privilege to practice law, and that justified my commitment to the profession.

Following lunch, I attended the plenary policy session as a representative of the State Bar of Michigan. Ironically or coincidentally, one of the topics discussed was “work/life balance.” The topic of work/life balance is trendy and something that I

never understood or could implement. I told the group that I think the mantra of balancing work and life places yet another pressure on young attorneys. Personally it has made me feel that if I work long hours I am doing something wrong. To that end, I came to a realization that there will never be a balance, but whether I am working or enjoying other parts of my life, I need to make the most of that time. This means being present in the moment and not focusing on what I should (or would rather) be doing. I felt that my sharing this with the group was a valuable contribution and would help others in the group and the ABA think about how to promote “work/life balance.”

That same night, after all of the programming and sessions, I attended the Great Gatsby-themed Young Lawyers Dinner Dance. I finally was able to enjoy myself and break free of the stress. It was during this dinner that I truly began making connections with other young lawyers and networking, and by networking I mean establishing relationships and not just trying to sell myself or a referral for the firm. The ABA Young Lawyers Midyear Meeting gave me a unique perspective and opportunity to begin understanding that the art of networking is more about the journey than the result; it is connecting with other people with similarities and learning from each other’s differences and unique perspectives.

Between the programming and newfound networking perspective, I truly began to understand the importance of my time at the ABA Midyear Meeting, which is the reason why I chose to write this article. Whether it’s an ABA conference, SBM program, or other event, young lawyers need to take time to cultivate relationships and break away from routine, because the change in location, perspective, or frame of mind will ultimately help us in our practice and lives by bringing new experiences and approaches to them.

The last thing I want to communicate to all of the other young lawyers is how to justify this time to our bosses, whether a partner in a firm or to oneself in a solo practice. The president-elect of the ABA Young Lawyers, Lacy L. Durham, really impressed me with her advice and story on how she did this. She emphasized that law is a business, so we should create business plans on how this is going to impact our business in a beneficial way. Obviously, tangible referrals are an easy way to do this, but, to use a popular cliché, think outside of the box. The relationships, new perspectives, positive energy, and resources provided by the ABA are hard to deny. Practice your powers of persuasion in presenting your business case for getting involved in the SBM YLS, ABA YLS or other organization.

Greetings from the “House”

By Mwanaisha A. Sims

The American Bar Association’s (“ABA”) Midyear Meeting took place in Houston, Texas from February 4-9. I had the honor of attending the ABA House of Delegates (“House”) meeting on Monday. The House is the policy-making body of the ABA and meets twice each year at the ABA Annual and Midyear meetings. Patricia Lee Refo of Phoenix, Arizona is 2014-2016 Chair for the House, and she did an excellent job leading the delegates’ discussions.

The Michigan ABA delegates traditionally meet for a 7:00 a.m. breakfast Monday morning before the House session begins at 8:30 a.m. The meeting is lead by our fearless leader Reginald Turner, Jr. We always have an ABA super-star stop by the breakfast, and this year ABA President William C. Hubbard stopped by to commend the Michigan delegation on the hard work we are doing with the State Bar of Michigan. President Hubbard spoke to us about using technology through smart phones to help better serve those who cannot afford legal services. After the breakfast the Michigan delegates proceed to the House together to begin the day’s work!

The House turned the Houston heat up and adopted some hot topic resolutions. Here are a few:

Criminal Justice Section: 107A – Urges governments to adopt a presumption against the use of restraints on juveniles in court; 107B – Urges governments to protect the integrity of criminal proceedings, in its truth-seeking function, by seeking to hold accountable those who unlawfully intimidate or tamper with victims; and 107C – Urges governments to adopt sentencing laws and procedures that both protect public safety and appropriately recognize the mitigating considerations of age and maturity of youthful offenders by enacting sentencing laws and rules of procedure.

Young Lawyers Division: 106 – Encourages law schools to offer comprehensive debt counseling and debt management education to all currently admitted and enrolled law students, and encourages bar associations to offer similar debt counseling and debt management education to young lawyers and newly admitted lawyers.

Death Penalty Due Process Review Project/Section of Individual Rights and Responsibilities: 108A – Urges all governments that impose capital punishment, and the military, to require that before a court can impose a sentence of death, a jury must unanimously recommend or vote to impose that sentence, and the jury in such cases must also unanimously agree on the existence of any fact that is a prerequisite for eligibility for the death penalty.

Commission on Domestic and Sexual Violence: 109A – Urges governments to enact civil protection order statutes that extend protection to minor and adult victims of sexual assault, rape, and stalking, outside of the context of an intimate partner relationship, and without the requirement of any relationship between the parties.

Coalition on Racial and Ethnic Justice: 112 – Urges legislative bodies and governmental agencies to refrain

from enacting stand-your-ground laws that eliminate the duty to retreat before using force in self-defense in public spaces, or repeal existing stand-your-ground laws.

You can find a complete list of all the resolutions adopted by the House at the midyear meetings at http://www.americanbar.org/groups/leadership/house_of_delegates/2015-houston-midyear-meeting.html.



Michigan Delegates

Combating Implicit Bias in the Legal Profession

By Roberta Sacharski

In my capacity as a member of the Executive Council of the Young Lawyer's Section of the State Bar of Michigan, I recently had the pleasure of attending the American Bar Association's Midyear meeting held in Houston, Texas. This was my first exposure to the ABA and what was at first an opportunity to escape a dreary February in Michigan soon became an eye-opening professional and personal experience. On Saturday, February 7, the ABA Young Lawyers Division hosted a "Diversity Dialogue Breakfast: Combating Implicit Bias in the Legal Profession." With several pointed topics proposed by well-prepared moderators, and a skilled facilitator strategically placed at each table, conversation flowed and was uninhibited. One thing became clear: bias in the legal profession exists and demands attention. I was also forced to examine my own implicit biases and how they affect my practice and my place in the legal community. If you haven't already, I challenge you to do the same.

At my table happened to be seated Paulette Brown, the ABA president-elect as well as a labor and employment law partner and chief diversity officer with the Morristown, N.J., office of Edwards Wildman Palmer, LLP. Ms. Brown displayed a passion for the topic of diversity and shared with my table her thoughts on the implicit biases that exist in our profession: gender bias: racial bias: bias based on nationality, sexual orientation, even weight, just to name a few. An individual at our table revealed that she had been approached no fewer than four times over the course of the meeting and asked by participants if she was a member of staff, a question which she attributed to her race. The stories were compelling and led me on a quest for knowledge. I have since learned that the ABA has only four goals, one of which is to eliminate bias and enhance diversity. In order to effectuate that goal, the ABA has an entire diversity plan dedicated to promoting full and equal participation in the association, the profession of law, and the justice system. The other three goals, adopted by the ABA House of Delegates in 2008, are to serve its members, improve the legal profession, and advance the rule of law.

I have also since learned that the State Bar of Michigan's own commitment to diversity dates back decades. In fact, the SBM has a Pledge to Achieve Diversity & Inclusion in the Legal Profession in Michigan which states:

We believe that diversity and inclusion are core values of the legal profession, and that these

values require a sustained commitment to strategies of inclusion.

Diversity is inclusive. It encompasses, among other things, race, ethnicity, gender, sexual orientation, gender identity and expression, religion, nationality, language, age, disability, marital and parental status, geographic origin, and socioeconomic background.

Diversity creates greater trust and confidence in the administration of justice and the rule of law, and enables us to better serve our clients and society. It makes us more effective and creative by bringing different perspectives, experiences, backgrounds, talents, and interests to the practice of law.

We believe that law schools, law firms, corporate counsel, solo and small firm lawyers, judges, government agencies, and bar associations must cooperatively work together to achieve diversity and inclusion, and that strategies designed to achieve diversity and inclusion will benefit from appropriate assessment and recognition.

Therefore, we pledge to continue working with others to achieve diversity and inclusion in the education, hiring, retention, and promotion of Michigan's attorneys and in the elevation of attorneys to leadership positions within our organizations, the judiciary, and the profession.

Out of the SBM's over 44,000 members, as of February 24, 2015, 749 individuals and 330 entities have signed this pledge and committed themselves to securing diversity and inclusion in the legal profession. This is a small, but growing number. I have signed the pledge and I invite you to do the same here: <http://www.michbar.org/diversity/pledge.cfm>. It is important that we push ourselves to become better people and better lawyers and everyday experiences afford us that opportunity. I cannot thank the ABA Young Lawyers Division enough for exposing me to such an important topic in the law.

The State Bar of Michigan Young Lawyers Section is Now Accepting Nominations for the 2015 Regeana Myrick Outstanding Young Lawyer Award

In 1997, the State Bar of Michigan Young Lawyers Section (“YLS”) renamed its “Outstanding Young Lawyer Award” in honor of Regeana Myrick, an executive council member of the YLS, who passed away in August of that year. In addition to serving on the YLS Executive Council, Regeana was a dedicated member of many bar associations. Regeana was committed to education and public service. She is remembered by her family, friends, and colleagues as a bright and charitable woman with many talents who was always mindful of those less fortunate than herself.

Please join the YLS in remembering Regeana Myrick this year at the 8th Annual Young Lawyers Summit on May 29-30, 2015, at Greektown Casino Hotel, where the “Regeana Myrick Outstanding Young Lawyer Award” will be presented to a young lawyer who embodies Regeana’s selflessness and scholarly legacy.

Nominations must be received by **Friday, April 24, 2015**. The nomination form is included on the next page. For more information, please contact Mark Jane at mark@skalaw.com.

Past Award Recipients Include:

2014 – Marilena David-Martin

2013 – Ronda L. Tate

2012 – Michelle A. Carter

2011 – Michael St. John

2010 – David L. Campbell

2009 – Jade Edwards

2008 – Jonathan N. Jilek

2007 – Bridgette Sparkman

2006 – Marla Linderman

2005 – Erika S. Julien

2004 – Richard Bernstein

2003 – Erika Butler-Akinyemi

**2015 REGEANA MYRICK
OUTSTANDING YOUNG LAWYER APPLICATION**

NOMINEE BACKGROUND INFORMATION

Name of Nominee

Date of Birth, Month/Year admitted to State
Bar of Michigan and P number

Preferred Mailing Address and Contact Number

Business/Employer's Address and Contact Number

Preferred E-mail Address

Law School and Date of Graduation

NOMINATED BY

Name, Preferred Mailing Address and Contact Number

Business/Employer's Address and Contact Number

Preferred E-mail Address

Relationship to Nominee

In 100 words or fewer, what qualities/characteristics does the nominee possess that makes him/her stand out in the legal community and beyond?

