

Inter Alia

Among Other Things

Spring 2017

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Letter from the Chair



Shenique A. Moss

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Happy Spring, Fellow Young Lawyers!

I'm so excited that we are only a few weeks away from the 10th Annual Young Lawyer Summit at Crystal Mountain Resort, in Thompsonville, Michigan (April 28-29, 2017). This year's Summit features a special keynote address by Michigan Supreme Court Chief Justice Stephen J. Markman, and two educational programming tracks that are designed to have broad appeal and provide articulable takeaways. The Professional and Business Development Track includes seminars on using social media to build a professional network, rainmaking, lean law, cultivating a professional image, and public speaking strategies. The Litigation Boot Camp Track includes seminars on legal writing, evidence, creating trial notebooks, perfecting voir dire, and overall trial strategy.

During the course of the weekend, attendees will also have the opportunity to improve their spontaneous critical thinking with Friday's interactive Improv workshop and to learn how to further leverage their strengths at Saturday's breakfast program. In addition to educational programming, attendees will also have the opportunity to network at various social events such as the golf scramble, distillery tour, welcome reception, bonfire, photo scavenger hunt, game night, and Sunday breakfast. A professional photographer will be onsite to take headshots, and résumé reviewers will be available to ensure that attendees are ready for their next employment opportunity. We will also present the 2017 Regeana Myrick Outstanding Young Lawyer Award to Katherine Marcuz and recognize finalists Ryan Berman and Abril Valdez. Needless to say, this year's Summit will not disappoint!

I am also pleased to announce a new program in partnership with the Alternative Dispute Resolution Section to provide mentorship, coaching, advice, and assistance to YLS members who have questions or concerns about the ADR process. To learn more about this terrific program, please visit: <http://connect.michbar.org/ypls/communityresources/adrpartnership>

Lastly, if you are interested in getting more involved in the oldest and second largest section of the State Bar of Michigan, please consider running for an executive council seat. Nominating petitions must be submitted by April 30, 2017. The Executive Council is divided into three districts by geographic regions (District 1: Macomb and Wayne Counties; District 2:

Oakland County; District 3: All remaining counties). Each district is assigned a certain number of seats on the council and council member terms are two years. The time commitment for YLS council members varies based on the assigned projects and level of involvement. However, it is truly an amazing opportunity to serve the profession and help other young lawyers and the community.

If you can't commit to getting involved with the council, I encourage you to consider joining one of our committees

today; there are still a number of openings. More information on the 2016-2017 YLS committees can be found on our website: <http://connect.michbar.org/yys/council/committees>.

Please don't hesitate to contact me with any questions.

Sincerely,
Shenique

YLS Introduces Two New Council Members

The Young Lawyers Section proudly introduces two new members to the executive council. Bobby A. Ficklin Jr., and Christopher B. Wickman will serve as representatives to District 3, which encompasses the entire State of Michigan, excluding Oakland, Wayne, and Macomb Counties.



Bobby A. Ficklin Jr. is the principal and managing attorney at The Ficklin Law Firm, PLLC, located in Lansing, MI. He primarily practices in Social Security disability appeals, criminal defense, probate, and small business and nonprofit startup.

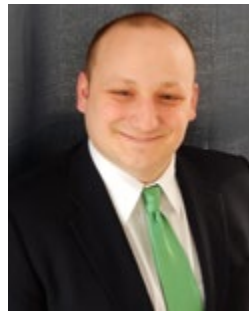
Mr. Ficklin is a recent addition to the State Bar of Michigan

Young Lawyers Section Executive Council, which he joined in March 2017. He also serves as the District XII president of Phi Alpha Delta Law Fraternity, International; and is a member of the Ingham County Bar Association; Young Lawyers Section; and the Davis Dunning Bar Association.

Mr. Ficklin is very active in the greater Lansing community as a volunteer mentor for The Turning Point of Lansing youth mentor group, president of the Lansing Graduate Chapter of Iota Phi Theta Fraternity, Inc., as a praise team member of Union Missionary Baptist Church, and various community service efforts.

Mr. Ficklin received his B.A. and master of public administration degrees from Valdosta State University in Valdosta,

GA; his MBA from the University of Phoenix, Western Michigan Campus, in East Lansing, MI; and his J.D. from Michigan State University College of Law, in East Lansing, MI. He is admitted to the State Bar of Michigan and the U.S. District Court for the Western District of Michigan.



Christopher B. Wickman is the sole partner of Equal Footing Law, P.C. based in Ingham County, Michigan. Mr. Wickman is a 2008 graduate of Michigan State University and a 2011 graduate of Temple University Beasley School of Law. Since passing the Michigan Bar Exam in 2011, he has practiced criminal defense supplemented by civil litigation. Mr. Wickman is an active member of the

Ingham County Bar Association having previously served on multiple committees and as the president of the Young Lawyers Section. In 2016, Mr. Wickman was named one of the Top 5 Under 35 [years of age] by the Ingham County Bar Association.

Mr. Wickman's focus in his dedication to the local and state bar is on educational programming. He is a frequent supporter of the American Red Cross having donated over 30 gallons of blood products to date. He lives in Lansing with his long-time girlfriend, Amanda, and their wire-haired pointing griffon, "Tramp."



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

Meet Your YLS Council

For this edition of *Inter Alia*, we asked the YLS council to weigh in on a couple of questions related to the practice of law. We hope you find the answers to be helpful (and in some cases, amusing!)

What was the best advice you received as a new practitioner?

“Time management is the most important trait a new lawyer can develop; always work on ways to become more efficient and keep your calendar within quick reach.”

—Mark Jane, Ex Officio

“No one ever said on their death bed, ‘I wish I worked more...’”

—Samantha Orvis, District 3

“It takes a lifetime to build a reputation, but only a minute to ruin it.”

—Christopher Wickman, District 3

“You can’t polish a turd.”

—Amy Krieg, District 3

“The best advice I’ve ever received was from my father: Attitude is everything. Although it isn’t specific to the practice of law, it is applicable to all aspects of life. Often we get so wrapped up in the stress of our lives that we forget that we are the product of our actions. To quote part of an essay written by Wayne Coyne: ‘Happiness is not a situation to be longed for or a convergence of lucky happenstance. Through the power of our own minds, we can help ourselves. This I believe.’”

—Tanya Cripps, District 2

“Most every mistake can be fixed. That was a hard one to learn as a new attorney. I’ve always been a Type A perfectionist, and I would bet many new attorneys are the same way. You pay attention to the small details—how else do you survive law school and the bar exam? But life is very stressful when you are carrying a heavy workload and still triple-checking every page of every copy of your 300-page exhibit packet. At some point you just have to take a deep breath and file it. And don’t kick yourself too hard if you notice an obvious typo 10 minutes after filing your first complaint. (How did I miss that the first 15 times I read it?) If it is a mistake that needs correcting, you are able to fix it most every time”

—Katherine Bennett, District 3

“Get involved. Being involved in both the local and state bar associations has both personal and professional benefits that are immeasurable. Networking will pay off when you least expect.”

—Ryan Zemke, Treasurer

“I graduated at the height of the great recession, and with an influx of new attorneys flooding the field, jobs were scarce. I applied for anything and everything, and I wound up being offered a good paying non-legal position. I discussed my options with various people, both long-practicing attorneys and newer lawyers who were several years ahead of me in their careers. The seasoned lawyers told me in no uncertain terms that taking the job would be a career killer, but the newer lawyers said to take it. At the time it stung my pride, but I took the job. Guess what? It didn’t end my legal career; it added to it. I learned so much about the industry (affordable housing) and was able to use that knowledge to grow and get the legal position that I wanted.”

—Kara Hart-Negrich, Secretary

“It’s nice if they like you. It’s better if they’re afraid of you.”

—Syeda Davidson, Chair-Elect

“Think like a lawyer, not like a law student.”

—Ryan Plecha, District 2

(quote attributed to David Senawi)

“There’s opportunity in everyone you meet so make those meetings count...’ Having attended law school in Ohio and returning to Michigan with very few legal connections, the best advice I got as a new practitioner was to realize that there is opportunity in everyone I met. When I returned to Michigan, I started my legal career as a solo practitioner. During that time, I shook hands and exchanged business cards with hundreds of attorneys, not in an effort to get different career opportunities but to increase my client referrals. Little did I know 8 months later I’d receive a call from a potential employer who got my information from someone I met at a networking event. I’m still not sure who the referring individual is, but I am extremely grateful. To have met someone, made a lasting positive impression, and be offered a career opportunity without seeking one goes to show that there really is opportunity in everyone you meet and to make those meetings count by leaving on a positive note.”

—Brandee Smith, District 2

Continued on next page

“It’s a very challenging but rewarding profession. Never get too high in times of triumph, and never get too low in difficult times.”
—Matthew Breuer, District 2

“When I began my legal career, the best advice I ever received was to simply ‘focus on learning how to be a good lawyer.’ This sentiment echoed what I heard from practitioners during my law school days. We all enter the profession with specific interests, practice desires, and long-term goals for the substantive area we want to delve into (for me, it was sports and entertainment law); however, to be successful in our respective legal passion area, we have to develop basic skills and tools. It was refreshing to hear from established attorneys that as a newbie the primary mission should be to hone those foundational competencies.”
—Jerome Crawford, District 2

“Calendar the due dates and to-do list in more than one place/ calendar (calendar and a separate to-do list), sync them, and create a 48-hour reminder.”
—Rabih Hamawi, District 2

“The best advice I received as a young lawyer is to make sure that I have uncompromised ethical standards and to let excellence be my calling card (meaning strive for excellence in everything that I do).”
—Shenique Moss, Chair

“Your reputation is everything and is something to safeguard.’ ‘Find a mentor.’ These two key, and yet different, pieces of advice were nuggets of wisdom to me. Looking back at when I first heard these words, I understand there is even deeper meaning now!

‘Your reputation is everything and is something to safeguard.’ This phrase also means understand the legal world is super small and tightknit. What you say and do DOES get around. DO be professional and DON’T burn your bridges.

‘Find a mentor.’ Advice like this also means law school ain’t nothing like practice! You may feel like a fish out of water and second guess your decision that you embarked on this journey. Find someone who remembers what it felt like to be a spanking fresh attorney and will help you find a passion for the practice that is new to you.”
—Kristina Billowus, District 2

“Always be over prepared. Know your arguments from memory and rarely use notecards or pieces of paper to jog your memory. You should know this cold before going into oral argument. Also, be kind and courteous to your peers and any court personnel. You only have one reputation. Guard it.”
—Aaron Sohaski, District 1

“Don’t worry so much—you got this.”
—Erica Payne Roell, District 3

What was your most embarrassing “new lawyer” moment?

“There are too many. Here is one: After practicing for about three months, a friend from law school asked me to make his motion for admission. This was also my first time in the courtroom, and I was a little nervous. All went well, but I slipped on the stairs on my way out. I did a superman dive down the stairs (in a skirt). Marble stairs are pretty painful.”
—Erica Payne Roell, District 3

“So I could probably draft an entire column with my embarrassing moments. While nothing super horrific stands out, several equally horrifying incidents do. From falling down on my way to the podium, to accidentally hitting opposing counsel, to getting locked out of a courtroom, to being mistaken for the high school students that I was judging (“get back with your team!” a volunteer scolds me), humble pie is not absent from my professional life.”
—Kristina Billowus, District 2

“Talking over someone and drawing a legal conclusion before they were done with their recitation of the facts. Just listen to their story all the way through first.”
—Aaron Sohaski, District 1

“One of my most embarrassing moments occurred during my first case when I was representing a client in a probate matter. After saying my name for the record and indicating that I was representing a party involved, the judge proceeded to ask me if I was a lawyer. I said yes and he then asked if I was a lawyer in Michigan to which I also answered yes. Apparently, even though I was dressed in what I thought was my power suit (... and my pearls—lol) the judge thought I looked a little young to be practicing and actually said it in open court in front of a full courtroom.”
—Shenique Moss, Chair

“Two days ago when I was with a client outside of the Michigan History Museum, I pointed to the building to the left of it and asked what it was. That building was the Michigan Supreme Court Hall of Justice.”
—Kara Hart-Negrich, Secretary

“I accidentally put one of my first court appointed cases in my calendar for the wrong date (a day late). When I realized the mistake it was too late. Fearing a show cause hearing that would result in a fine or contempt I went to the court and personally apologized (while in great fear) to the judge’s clerk. The good news is that the clerk was so impressed with

my willingness to own up to the mistake and apologize that she wound up appointing me to a handful of new cases on the spot.”

—Ryan Zemke, District 1

“If I’ve had anything horribly embarrassing happen to me as a young attorney, I think I’ve repressed the memory. Nothing in particular comes to mind. I am accident prone, so I’m very familiar with the everyday embarrassments. Spilled coffee on myself right before a hearing? Been there. Tripped walking up to the podium? Been there too. Had a judge ask me a really tough, unexpected question that I had no idea how to answer? Unfortunately, yes. Instead of meditating over your embarrassing moment on the drive home, shrug it off and laugh about it. We’ve all been there.”

—Katherine Bennett, District 3

“As a transactional attorney with little courtroom experience, I guess I would say, going to court to fight a traffic ticket I received. Had no idea what to do; the only thing I knew was that I could bring a cell phone to court.”

—Tanya Cripps, District 2

“I was representing the ward in a Developmentally Disabled case in probate court, and I was the only attorney at the hearing. The judge asked me in the middle of the hearing if I was an attorney.”

—Amy Krieg, District 3

“I found out I passed the bar and walked into the State Bar building, handed them my paperwork, and said, ‘I’m ready.’ They handed it back and told me, ‘That’s not how this works.’”

—Christopher Wickman, District 3

“In my first civil jury trial and after the defense closing argument, plaintiff’s counsel gave a rebuttal argument and after plaintiff’s counsel sat down, I stood up (out of habit, who knows?) and said something along the lines of ‘nothing further from the defense, your honor.’ The judge then called both parties’ counsel to the bench to discuss how inappropriate it was for me to say that because it let the jury believe that I was entitled to say something additional, such as a defense rebuttal, when I was not entitled to say anything additional. I was embarrassed. Clearly I knew that I was not entitled to a rebuttal, but out of habit and because of nerves I did something that made me look stupid in the eyes of the judge... no harm, no foul. Lesson learned.”

—Samantha Orvis, District 3

“Getting chewed out by a judge the first time—it happens to everyone, but it still does not make it easy!”

—Mark Jane, Ex Officio

Do you have a question that you’d like to see your YLS council answer? Please feel free to send your submissions to syeda@bsglawfirm.com.



Spring Stars of the Quarter

Each quarter the State Bar of Michigan Young Lawyer Section acknowledges outstanding leadership in executive council and committee members as a “Star 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 Spring Stars of the Quarter:

- Kristina Bilowus, Findling Law PLC, Royal Oak
- Amy Krieg, Michigan State University College of Law, East Lansing
- Amanda Urban, Michigan Supreme Court, Lansing

The Young Lawyers Section Congratulates the Recipient of the Regeana Myrick Outstanding Young Lawyer Award

The State Bar of Michigan Young Lawyers Section will present Katherine Marcuz with the Regeana Myrick Outstanding Young Lawyer Award on Saturday, April 29, at Crystal Mountain Resort in Thompsonville.

Marcuz is an appellate attorney at the State Appellate Defender Office and principal attorney for the Appellate Investigation Project, an innovative collaboration between SADO and the Michigan Assigned Appellate Counsel System to provide MAACS roster attorneys with greater access to investigators and training on spotting and litigating extra-record issues in need of expert witnesses. Prior to beginning her work at SADO in 2012, Marcuz clerked for Hon. Catherine Easterly of the District of Columbia Court of Appeals. Prior to becoming an attorney she worked as a high school English teacher in Brooklyn, New York. She earned a bachelor's degree from Sarah Lawrence College, a master's degree in education from Brooklyn College and a law degree from the University of Michigan Law School.

The Young Lawyers Section also named two finalists for the Regeana Myrick Outstanding Young Lawyer Award. Ryan Berman runs his own law firm in Bloomfield Hills, working on international business law, real property law and criminal law. He is also a licensed real estate salesperson, mediator, political consultant, law enforcement trainer, reserve police officer, charter member of the International Law Enforcement Educators & Trainers Association, and a judge for the Michigan High School Mock Trial Tournament. He is a graduate of Michigan State University and Wayne State University Law School. Abril Valdes is an attorney with Clement and Hurst in Troy, focusing her practice on immigration, family law and criminal defense. She serves as secretary of the Hispanic Bar Association of Michigan, director of membership for the Women Lawyers Association of Michigan Wayne, Region and a Barristers Board member of the Detroit Bar Association. She is a graduate of California State University and the University of Detroit Mercy School of Law.

The award is named for Regeana Myrick, who was a very active member of the SBM Young Lawyers Section Executive Council when she died in 1997. It is presented annually to a young lawyer in Michigan who has demonstrated many of her best qualities, including an overwhelming commitment to public service, exemplary service to the State Bar, and exceptional professional accomplishments.

The Outstanding Young Lawyer Award will be presented as part of the SBM Young Lawyers Section 10th Annual Summit. The Summit contains a full day of seminars that will cover substantive and skill-based tracks on such topics as family law, civil rights law, insurance law, mediation, trial skills and advocacy, practice management and client development. It will also feature a keynote address from Michigan Supreme Court Chief Justice Stephen Markman.



Katherine Marcuz



Ryan Berman



Abril Valdes

Past winners of the Regeana Myrick Outstanding Young Lawyer Award include the following individuals:

- | | | |
|-----------------------------|--------------------------|-----------------------------|
| 2016: Imran Syed | 2011: Michael St. John | 2006: Marla A. Linderman |
| 2015: Takura Nyamfukudza | 2010: David L. Campbell | 2005: Erika S. Julien |
| 2014: Marilena David-Martin | 2009: Jade Edwards | 2004: Richard Bernstein |
| 2013: Ronda L. Tate | 2008: Jonathan N. Jilek | 2003: Erika Butler-Akinyemi |
| 2012: Michelle A. Carter | 2007: Bridgette Sparkman | |

Michigan Supreme Court Update

By Amanda Urban

Among the biggest news from the Court so far this year is that Justice Robert P. Young is retiring from the Court after 18 years of service. He will be returning to his former firm Dickinson Wright by the end of April 2017. Reflecting on his six years as chief justice of the Court, Young felt that the Court “proved that good people who may differ in their opinions can come together and accomplish important things for the people [the Court] serves—and . . . do it amicably.” As former Justice Young joins the appellate practice at Dickinson Wright, his advocacy work is certain to come before the Court.

The Court heard oral argument on a number of interesting and impactful cases this term; a few of the big-hitters are summarized below.

Tax Law

“Charity” has been in hot dispute this term as the Court heard argument in two tax cases involving its holding in *Wexford Med Group v City of Cadillac*, 474 Mich 192 (2006), which established a number of factors an institution must meet to qualify as a “charitable institution” under the tax exemption statute MCL 211o. *SBC Health* concerns *Wexford’s* first factor requiring the institution be a nonprofit. *Id.* at 215. *Baruch* concerns *Wexford’s* third factor prohibiting the institution from offering its services on a discriminatory basis. *Id.*

***SBC Health v Kentwood*, 498 Mich 956 (2015)**

**Bloom Sluggert Morgan, PC, for Respondent-Appellant
City of Kentwood**

**Honigman Miller Schwartz and Cohn, LLP, for
Petitioner-Appellee SBC Health Midwest Inc.**

In October, the Court heard oral argument in *SBC Health* on whether the tax exemptions set forth under MCL 211.9(1)(a) for “charitable, educational, and scientific institutions” are available to a for-profit educational institution. Reversing the Tax Tribunal’s decision, the Court of Appeals held that the exemptions are available to for-profit educational institutions. The petitioner/appellant challenges that ruling arguing that it is contrary to the Court’s holding in *Wexford Med Group v City of Cadillac*, 474 Mich 192, 215 (2006) (stating that a charitable institution must be a nonprofit institution to qualify for tax exemptions under MCL 211.9(1)(a)). The case could have a big impact on private schools in Michigan.

***Baruch v Tittabawassee*, 499 Mich 887 (2016)**

**Rhoades McKee, PC, for Petitioner-Appellant Baruch
SLS Inc**

**Humphreys, Campbell, Dust & Humphreys, PC, for
Respondent-Appellee Township of Tittabawassee**

The Court heard oral argument regarding whether a charitable institution seeking tax exemptions under MCL 211.7o and 221.9(1)(a) is prohibited from offering “its charity on a discriminatory basis by choosing who, among the group it purports to serve, deserves the services” as established in *Wexford Med Group v City of Cadillac*, 474 Mich 192, 215 (2006), and if so, how “discriminatory basis” should be given proper meaning. Appellant Baruch challenges the Court of Appeal’s affirmance of the Tax Tribunal’s decision, which held that Baruch’s charity, an assisted living facility, purports to serve the elderly, yet Baruch’s income-based program is only offered to current residents under Baruch’s written policies. Therefore, Baruch discriminates within “the group it purports to serve” by not offering its income-based program to all elderly. Baruch argues that charities cannot guarantee charitable services to all who seek them and should be allowed to place limitations on their services. The case’s outcome will affect how and to whom charitable institutions across the state offer their services.

No-Fault

Apparently parked car injuries are becoming far too common as the Court heard argument in two cases this term concerning the parked car provisions under the No-Fault Act.

***Spectrum Health Hospital v Westfield Ins Co* 498 Mich 969 (2016)**

**Law Offices of Ronald M. Sangster, PLLC,
for Defendant-Appellant Westfield
Miller Johnson, for**

Plaintiff-Appellee Spectrum Health Hospital

The viability of *Miller v Auto-Owners Ins Co*, 411 Mich 633 (1981) is directly before the Court. *Miller* held that benefits are payable under the No-Fault Act for injuries arising out of the maintenance of a parked motor vehicle without regard to MCL 500.3106(1), which excludes from recovery benefits for injuries that occur while a vehicle is parked. Plaintiff argues that *Miller’s* interpretation of the No-Fault Act makes sense because most maintenance injuries occur while a vehicle is parked; therefore, the No-Fault Act cannot both

direct recovery of benefits for maintenance injuries and also prohibit recovery of benefits for injuries that occur while a car is parked. Defendant argues that *Miller* is directly at odds with the unambiguous language of the No-Fault Act. Insurers should watch closely as this case comes to a resolution since it will re-determine the scope of benefit recovery under the No-Fault Act if the Court overrules *Miller*.

***Kemp v Farm Bureau General Ins Co*, 499 Mich 861
(2016)**

**Marshall Lasser, PC, for Plaintiff-Appellant Daniel Kemp
Kopka Pinkus, Dolin & Eads, PLC, for Defendant-Appel-
lee Farm Bureau General Ins Co
Warner Norcross & Judd LLP, Co-counsel for Defendant-
Appellee Farm Bureau General Ins Co**

Under the Michigan No-Fault Act a claimant cannot seek recovery of benefits for injuries that occur while his vehicle is parked unless he meets one of the exceptions under the statute. MCL 500.3106(1). *Kemp* concerns the proper understanding of the second exception in relation to the Act's general requirements under MCL 500.3105(1). Plaintiff argues that his low back injury, which occurred while he was taking personal items out of his extended cab truck, is within the second exception for parked vehicle injuries—those injuries that are a direct result of physical contact with “property being lifted onto or lowered from the vehicle in the loading or unloading process.” MCL 500.3106(1)(b). Judge Beckering properly reached this conclusion in his dissent from the Court of Appeals panel. Defendant argues that the Court of Appeals majority correctly held that regardless of the parked car exceptions under MCL 500.3106(1)(b), plaintiff's injury did not result from using “a motor vehicle as a motor vehicle,” under MCL 500.3105(1), because his injury was not closely related to the transportation function of the vehicle. *McKenzie v Auto Club Ins Ass'n*, 458 Mich 214, 215 (1998). Furthermore, the causal relationship between plaintiff's injury and the parked motor vehicle was nothing more than incidental, fortuitous, or “but for” as required under *Putkamer v Transamerica Ins Corp of America*, 454 Mich 626 (1997). *Kemp* could clarify how a plaintiff who seeks an exemption under MCL 500.3106(1)(b) should meet the general requirements of MCL 500.3105(1).

Construction Law

***Dancer v Clark Construction Co and Better Built Con-
struction Services*, 887 NW2d 803 (Mich 2016)**

**Harvey Kruse, PC, for
Defendant-Appellant Clark Construction Co
Lennon Miller O'Connor & Bartosiewicz, PLC, for
Defendant-Appellant Better Built Construction
David A. Priehs, and Donald M. Fulkerson, for Plaintiff-
Appellee Ronnie and Annette Dancer**

Just this month the Court heard oral argument regarding

the proper understanding of the commonworkarea doctrine's “element three, danger creating a high degree of risk to a significant number of workmen, and element four, a common work area.” *Ormsby v Capital Welding, Inc*, 471 Mich 45, 58-59 (2004). The common work area doctrine is an exception to the common law rule that a general contractor is not strictly liable for the negligence of its subcontractors. Defendants contend that Judge Wilder, in dissent on the Court of Appeal's panel, correctly concluded that plaintiff was outside of the common work area when he was injured after falling from a scaffold, which he had raised to a height above that used by any other worker. Defendants further argue that the scaffold was not a common work area because it was owned and controlled exclusively by the subcontractor. Plaintiff argues that the height of the scaffold is not determinative of whether the scaffold was a “common work area,” and the Court of Appeal's majority correctly held that plaintiff's fall from the scaffold occurred in a common work area. Contractors across the state await an opinion from the Court that will hopefully clarify the muddy “common work area” doctrine of the common law.

Civil Law

***Winkler v Marist Fathers of Detroit*,
886 NW2d 643 (Mich 2016)**

**Nacht & Roumel, PC, for
Plaintiff-Appellant Bettina Winkler
Bodman, PLC, for
Defendant-Appellee Marist Fathers of Detroit**

The Court has asked the parties to address the Ecclesiastical Abstention Doctrine (EAD) and in particular its application to religious school admission decisions. The EAD provides that civil courts will not pass judgment on matters of church interpretation of canonical text or decisions relating to government of the religious polity. *Smith v Calvary Christian Church*, 462 Mich 679, 684 (2000). In *Dlaikan v Roodbeen*, 206 Mich App 591, 594 (1994), the Court of Appeals held civil courts lack subject matter jurisdiction over a religious school's admission decision per the EAD, whereas in *Lamont Community Church v Lamont Christian Reformed Church*, 285 Mich App 602, 616 (2009) the Court of Appeals stated that trial courts have jurisdiction to enter a judgment under the EAD, but the judgment must resolve the matter consistent with any determinations already made by the religious institution. *Winkler* provides an opportunity for the Court to clarify the proper understanding and application of the EAD.

***Todd v NBC Universal*, 500 Mich 886 (2016)**

**Steinport Law, PLC, for Plaintiff-Appellant Keith Todd
Honigman Miller Schwartz and Cohn, for Defendant-
Appellee NBC Universal**

The Court considered whether the NBC Universal show *Caught on Camera's* act of misidentifying and featuring plain-

tiff as a perpetrator of a particular crime recorded on a police car dash camera gave rise to a claim for intentional infliction of emotional distress (IIED). The Court also heard argument on the First Amendment implications of holding in the affirmative. This case was of particular interest to plaintiff attorneys because the Court has yet to formally adopt IIED as a tort in Michigan despite the fact that the Court of Appeals has recognized it. Following oral argument, the Court voted to deny plaintiff's application for leave to appeal,¹ leaving the Court of Appeals opinion on the matter as the law and once again declining an opportunity to formally recognize the tort. --- NW2d --- 2017 WL 1130015. The Court of Appeals held that NBC's conduct did not satisfy the "extreme and outrageous" conduct element of a claim for IIED.

Criminal Law

***People v Steanhouse v Masroor*, 499 Mich 934 (2016)
State Appellate Defender Office, for Defendant-Appellant
Alexander Steanhouse
Defendant-Appellant Mohammad Masroor in pro per
State Prosecutor's Office, for The People-Appellee**

Among the most watched of this term's cases is *Steanhouse/Masroor*, which follows in the wake of the Court's holding in *People v Lockridge*, 498 Mich 358 (2015) last term. *Lockridge* held that the United States Supreme Court's holding in *Alleyne v United States*, 133 S Ct 2151, 2155 (2013) (holding that the Sixth Amendment requires that "any fact that increases the mandatory minimum is an 'element' that must be submitted to the jury") applies to Michigan's Sentencing Guidelines. 498 Mich at 364, 369. *Lockridge* further held that Michigan's Sentencing Guidelines are unconstitutional to "the extent to which [they] require judicial fact-finding beyond facts admitted by the defendant or found by the jury to score offense variables (OVs) that mandatorily increase the floor of the guidelines minimum sentence range, i.e., the 'mandatory minimum' sentence under *Alleyne*." 498 Mich at 364 (emphasis in original). In *Steanhouse/Masroor*, the Court now considers the remedy for a sentencing violation following *Lockridge*.

Lockridge remedied possible Sixth Amendment violations when it created an advisory sentencing system where a defendant's sentence must be "reasonable" when the court departs from the guideline's range. *Lockridge*, 498 Mich at 392. This holding raised two questions: (1) when are the guidelines advisory; and (2) what is "reasonable?" The prosecutor argues that the guidelines are advisory when the trial court engages in judicial fact-finding to score the guidelines, but are mandatory when the trial court does not engage in judicial fact-finding to score the guidelines. Defendant suggests that only the bottom of the sentencing guideline's range is advisory while the top of the guideline's range remains mandatory regardless of judicial fact-finding. Defendant argues that reasonableness should be

defined under Michigan's former "proportionality test" while the prosecutor urges the Court to adopt the federal sentencing system's view of reasonableness.

Judicial Tenure Commission

Among its less well-known duties, the Court reviews the Judicial Tenure Commission's proposed sanctions for judicial misconduct. The Court heard argument in two JTC cases this term, both of which gained widespread media attention.

In re Gorcyca

Oakland County Judge Lisa Gorcyca is accused of misconduct regarding her service as the presiding judge over a lengthy and contentious custody case for three children ages 9, 10, and 13. The children had refused to attend parenting time with their father and accused him of assault. Judge Gorcyca found the children in contempt of court, had them handcuffed, and ordered them to Children's Village indefinitely, threatening that they could remain there until they were 18 or until their father felt they should be released. She told the little girl that she would have to go to the bathroom in public while at the Village. Among other comments, Judge Gorcyca compared the eldest child's behavior to Charlie Manson, and told him he was "mentally messed up," "very defiant," had "no manners" while making a circular gesture with her finger near her temple, apparently indicating that the child was crazy.

The JTC found that Judge Gorcyca abused her contempt power, subjected the children to unlawful detainer, engaged in inappropriate demeanor on the bench by making disparaging comments to the children and showed bias among the parties through degrading their mother while praising their father through statements such as "I like your father"; "I won't say what I think about your mother." The JTC recommends that Judge Gorcyca be publicly censured and suspended from office without pay for 30 days. Judge Gorcyca challenges the recommendation arguing that her actions were not judicial misconduct, but instead, were appealable legal errors. The Court heard argument on the matter with a full audience in March. The Court may accept, modify, or reject the JTC's recommendation. MCR 9.225. In reviewing the proposed sanction the Court will look to the seven factors established in *In re Brown*, 461 Mich 1291, 1292 (1999).

In re Simpson

14-A District Court (Washtenaw County) Judge J. Cedric Simpson is accused of interference with a police investigation, interference with a prosecution, and misrepresentation to the JTC regarding his involvement in a traffic accident. Judge Simpson's law student intern was in an early morning traffic accident (4:20 am) where officers suspected she may have been drinking. Judge Simpson arrived on the scene and represented

himself to the officer as a judicial officer indicating that the girl was his intern. After his intern was found to have a blood alcohol level of .137, Judge Simpson took her cell phone and car keys before she was taken to jail. After her release later that morning she took a cab to Judge Simpson's home. Judge Simpson then contacted the township prosecuting attorney pleading that his intern was a "good kid" caught up in an abusive relationship with an ex-boyfriend. After another call from Judge Simpson, the prosecuting attorney recused himself from the case and the Washtenaw County prosecutor charged the intern with operating while intoxicated.

During the JTC's investigation of the matter, Judge Simpson denied having an inappropriate relationship with his intern, but his phone records showed exchanges of approximately 10,000 calls and texts in the three months prior to the incident many of which were outside of normal business hours. The JTC concluded that Judge Simpson committed misconduct in office and conduct prejudicial to the administration of justice

and recommends that he be removed from office. Judge Simpson challenges the recommendation arguing that the JTC has not established that he in fact made any misrepresentations and that the proposed sanction is excessive given his conduct. At oral argument the JTC emphasized Judge Simpson's suspicious statements and actions regarding his close relationship with his intern and that they demonstrate that he has misrepresented the relationship. The Court's outcome may hinge on whether Judge Simpson in fact made misrepresentations and whether any such misrepresentations were under oath because misrepresentations under oath are reason for removal under the Court's precedent *In re Justin*, 490 Mich 394, 424 (2012).

Endnote

- 1 Justice Bernstein would have reversed part of the Court of Appeals judgment and remanded the case to the circuit court to hear the plaintiff's motion to amend his complaint to add claims of false light, invasion of privacy, and appropriation.

Spotlight On Young Lawyer, Amanda Urban

Name: Amanda Urban

Employer/Job Title: Judicial Law Clerk to Chief Justice Markman of the Michigan Supreme Court

Education: *Undergraduate:* University of Michigan *Law School:* University of Michigan Law School

State Bar of Michigan Admission Date: 2016

Where do you live? Lansing, MI

Where are you from? Kalamazoo, MI

Who or what inspired you to become a lawyer? I was inspired by the hard work, dedication, and accomplishments of one of my mentors, Robyn Hanson, while I was interning at the Department of Justice in the Environment and Natural Resources Division.

What made you decide to go into the field of law you practice in? Among various environmental controversies, the litigation concerning the Nestle Company when it opened its water-bottling plant in northern Michigan (after my clerkships I plan to practice in environmental law).

What do you love about practicing in Michigan? The community of lawyers; most practitioners are eager to get involved in the legal community and excited to mentor young lawyers.

If you weren't a lawyer what would you be doing? I would be a journalist. I was editor-in-chief of my high school newspaper and loved interviewing people, investigating and reporting on stories, and editing and designing a paper.

What legal or civic associations do you belong to? *Inter Alia* Committee Member, Young Lawyers Section, State Bar of Michigan; Environmental Litigation and Administrative Practice Committee, Environmental Law Section, State Bar of Michigan.

Besides your current job, what was your most memorable job (good or bad)? I was a manager of a Ben & Jerry's ice cream shop throughout college and it was the best job. I got to sample all sorts of fun flavors including what I like to think of as my own personal flavor—Urban Bourbon.

What do you enjoy doing outside of work? Going to the gym and cooking recipes from my never-ending pinterest list

What was the best advice you have ever received? Even when life seems like it is off track, it is usually going in the right direction and you just cannot see around the corner yet. Also, happiness is a choice that you have to make an effort to make every day through your thoughts, actions, and decisions.



Amanda Urban

What book are you reading right now? *Guantánamo Diary* by Mohamedou Ould Slahi and *The Tongue—A Creative Force* by Charles Capps.

What do you listen to in your car on your way to/from work? 95.3 Shine.fm and 105.1 The Bounce.

What are three things your peers probably don't know about you?

- I like to watch the History Channel
- I love country music
- I'm a big fan of Tigers baseball

Describe yourself in three words. Driven, outgoing, clumsy.

What is your favorite restaurant? Meat, in Lansing, you have to try the brisket!

What is your favorite vacation destination? Las Vegas.

What is something you know now that you wish you knew as a law student? The job you accept right out of law school is not crucial. As long as you are growing your legal skills and network every day, you will be much more marketable after 2-3 years of practicing and doors will open.

What advice do you have for other young lawyers or law students? Get involved—in your profession, in your community or in whatever way you can.

A Lawyer's Playlist

For this edition of *Inter Alia*, we asked the members of the YLS council what's on their playlists to accommodate the many moods that accompany the practice of law. Here's what they had to offer:

What song embodies justice for you?

- "The Times They Are A-Changin'" by Bob Dylan. (While more a protest song, I'm from Minnesota and this song resonates justice nonetheless.) – *Mark Jane, Ex Officio*
- "Non-Stop" from Hamilton – *Christopher Wickman, District 3*



- "Rock and Eagle" by Charlie Kelly from *It's Always Sunny in Philadelphia* – *Tanya Cripps, District 2*
- "The Winner Takes It All" by ABBA – *Katherine Bennett, District 3*
- "Fight for Your Right" by Beastie Boys – *Ryan Zemke, Treasurer*
- "Civil War" by Guns N' Roses. Best summed up by the lyric, "You can't trust freedom when it's not in your hands," which calls everyone to be active in ensuring justice for all. – *Ryan Plecha, District 2*
- "Freedom" Theme from Panther. Not necessarily justice, but empowerment and a song I've always enjoyed and felt empowered after hearing. – *Brande Smith, District 2*
- "Sorrow" by Bad Religion – *Syeda Davidson, Chair-Elect*
- "A Change Is Gonna Come" by Sam Cooke – *Shenique Moss, Chair*
- I don't have a particular song in mind, but often the songs of the '60s evoke an image of justice. "Blowin' in the Wind" or "Sound of Silence" remind me of an era that strongly suggests justice. Furthermore, these songs remind me that I am charged with a great responsibility to bring justice for my clients and the era I live in. – *Kristina Billowus, District 2*
- "Do You Hear the People Sing?" from *Les Misérables* – *Aaron Sohaski, District 1*

Best song to get pumped for trial or a big hearing:

- "Let's Go Crazy" by Prince (Again, I'm a Minnesotan, so of course.) – *Mark Jane, Ex Officio*
- "Down with the Sickness" by Disturbed – *Christopher Wickman, District 3*

- “Till I Collapse” by Eminem. This is just my general pump up song. – *Tanya Cripps, District 2*
- “Don’t Stop” by Fleetwood Mac – *Katherine Bennett, District 3*
- “Thunderstruck” by ACDC – *Ryan Zemke, Treasurer*
- “Monster” by Skillet or “Jeekyll & Hyde” by Five Finger Death Punch. Both songs are illustrative of there being an internal force that is inside all of us—one that we summon to give us our courage and passion before entering a courtroom. – *Ryan Plecha, District 2*
- Anything by Young Jeezy. ANYTHING! Beats get you pumped, and his are the best. – *Brandt Smith, District 2*
- “Hurricane” by Bob Dylan – *Matthew Breuer, District 2*
- “Eye of the Tiger” from the *Rocky* series. As a former litigator, I have a fighter’s mentality. Now that I serve in an in-house counsel role and am much more of a generalist, that fighter approach still serves me well. No matter what, lawyers should never forget that we are *advocates*. We can advocate anywhere from the courtroom to the boardroom. And although the rules of engagement may change depending on the forum, that competitive drive to always zealously protect the client’s best interests will serve you well in the long run. – *Jerome Crawford, District 2*
- “Hall of Fame” by The Script, Featuring Will I Am – *Rabih Hamawi, District 2*
- Anything else by Bad Religion – *Syeda Davidson, Chair-Elect*



- “Reach” – *Kristina Billowus, District 2*
- “Don’t Stop Believin’” by Journey – *Aaron Sobaski, District 1*
- Anything by Nirvana – *Erica Payne Roelle, District 3*

Song that makes everything okay:

- “New Slang” by The Shins – *Mark Jane, Ex Officio*
- “Breathe” from “In the Heights,” particularly when sung by Mandy Gonzalez. It helped me get through things while studying for the bar exam. – *Christopher Wickman, District 3*
- There are so many... “Shake it Out” by Florence + The Machine – *Tanya Cripps, District 2*
- “Eye of the Storm” by Ryan Stevenson – *Katherine Bennett, District 3*
- “Wagon Wheel” by Darius Rucker – *Ryan Zemke, Treasurer*
- “I Try” by Mary Mary. It encourages me to keep trying, despite any obstacle and/or hardship. – *Brandt Smith, District 2*
- Eric Satie, white noise, or anything without words that won’t distract me relaxes me at work. – *Kara Hart-Negrich, Secretary*
- “Patience” by Guns N’ Roses. The lyrics, the instruments, and Axl Rose all lead to a relaxing state of patience.
- I have a few. “Funny Little Frog” by Belle and Sebastian and “Bohemian Like You” by The Dandy Warhols are constants. Right now, “I’m the Man Who Murdered Love” by XTC is also on this list because it’s my four-month-old son’s favorite song. – *Syeda Davidson, Chair-Elect*
- “Uptown Funk” by Mark Ronson featuring Bruno Mars – *Shenique Moss, Chair*
- My bad days with clients, bad days in court, et cetera, are nothing compared to Taylor’s Swift’s super sad breakups. Seriously though, doesn’t Taylor Swift make it better? – *Kristina Billowus, District 2*
- “Break My Stride” by Matthew Wilder – *Aaron Sobaski, District 1*
- This changes, but lately, I have enjoyed “Down” by Mariah Hill (thanks, super-cool Air-pod commercial) and “Morning Phase” by Beck – *Erica Payne Roelle, District 3*

Other thoughts:

- “I love silence. It always makes me feel good not to have to listen to anyone and not have to respond to anyone.” – *Amy Krieg, District 3*



YOUNG LAWYERS SECTION

10th Annual Young Lawyer Summit • April 28-29, 2017 Event Schedule

Friday (Attire: Casual)

3:06 pm 9-Hole Golf Scramble at the Bestie Valley Course (Optional—additional fee required)

There will be a contest for the longest drive and closest to the pin. Reserved tee times: 3:06 pm, 3:15 pm, 3:24 pm, and 3:33 pm. (\$20 if you bring your own clubs, \$35 if you need a rental set). For more information, please contact Aaron Sohaski (sohaski@gmail.com).

4:00 pm Iron Fish Distillery Tour (Optional—additional fee required, limited availability)

Participants are brought through every step of the soil-to-spirit process from growing and harvesting, to milling, mashing, fermenting, distilling and bottling done by hand at the distillery. At the end of the tour, participants will be allowed to taste from their first batches of Michigan Wheat Vodka, Woodland Gin, Rum and White Whiskey and leave with an embossed tasting glass and a memorable experience. Tours and tastings cost \$10 per person. Minors under 21 may tour free of charge and must be accompanied by adults at all times. For more information, please contact Shenique A. Moss (sheniquemoss@gmail.com).

5:30 pm Think Fast!: Improv(ed) Lawyering Workshop

Presenter: Jerome Crawford, Horizon Global Corporation

Start the Summit off right with some networking and improv fun! Whether your stage is the courtroom, negotiation table, or client interview, all lawyers can benefit from the skills learned during improvisation. Improvisation is about more than being funny; it involves active listening, confidence, creative thinking, flexibility, persuasion, and working as a team. Join us for this interactive experience and discover how the techniques used in improvisation can give you an edge in honing your legal skills. Take home tips and strategies for enhancing your ability to employ your skills in active listening, public speaking, and trouble-shooting.

7:00 pm Welcome Reception

8:30 pm Conversation, Snacks, Bonfire at Hospitality House

Saturday (Attire: Business casual unless otherwise noted)

7:00–7:30 am Zumba

7:30–8:00 am Yogalaties

8:00–8:55 am Welcome Breakfast & Maximize Your Strengths

Presenter: Elizabeth Joliffe, Your Benchmark Coach

Early in their careers, young lawyers often spend a lot of energy worrying about their shortcomings. Between the dreaded interview question “What is your greatest weakness” and agonizingly cursory performance reviews, they rarely consider or receive feedback on their strengths. Start your day off by learning how to identify and build on your unique strengths to take charge of your practice and career. Elizabeth Joliffe will lead this session; she is a career management and business development coach who helps motivated lawyers make changes to reach their goals and maximize their potential.

8:30–2:30 pm Professional Headshots (15-minute appointments)

Appointments will be available on a first come, first serve basis. Please contact Amy Krieg (akrieg15@gmail.com) to sign up.

8:30–2:30 pm Resume Review (20-minute appointments)

Appointments will be available on a first come, first serve basis. Please contact Amy Krieg (akrieg15@gmail.com) to sign up.



YOUNG LAWYERS SECTION

Registration

10th Annual Young Lawyer Summit • April 28-29, 2017

Registration Deadline: April 24, 2017

Crystal Mountain Resort • 12500 Crystal Mountain Dr. • Thompsonville, MI 49683 • 5 p.m., Friday - 10 p.m., Saturday

Two Ways to Register

Online: visit <http://e.michbar.org>

Mail: your check and completed registration form to:

State Bar of Michigan
Attn: Seminar Registration
Michael Franck Building
306 Townsend Street, Lansing, MI 48933

Hotel Information

Hotel reservations cannot be made with this form.

A block of rooms at the the Crystal Mountain Resort are being held until March 29, 2017. Reservations may be made by calling 1-855-520-2974, by utilizing the form on the next page or by booking online at [Book Online Here](#). This is a direct link to the Crystal Mountain online booking system with your group code (4617RV).

Materials

Please note: Materials will be posted in the event library several days before the seminar.

Note for non attorneys

Non attorneys MUST register for this event online to access the seminar materials. Create a non-member account if you do not already have one. Check to see if you have an account [here](#).

Questions

Contact Shenique A. Moss at 586-808-1908 or sheniquemoss@gmail.com.

Seminar Cancellation Policy: All cancellations must be received at least 48 business hours before the start of the event and registration refunds are subject to a \$20 cancellation fee. Cancellations must be received in writing by e-mail (tbellinger@mail.michbar.org), fax (517-372-5921 ATTN: Tina Bellinger), or by U.S. mail (306 Townsend St., Lansing, MI 48933 ATTN: Tina Bellinger.) No refunds will be made for requests received after that time. Refunds will be issued in the same form payment was made. Please allow two weeks for processing. Registrants who cancel will not receive seminar materials.

Cost: *(Please check your payment fees)*

Before or on April 14, 2017

- Young Lawyers Section Members\$45
(includes seminars, meals, and reception)
- Non Young Lawyers Section Members \$70
(Meals and receptions ONLY)
- Law School Student..... \$45
(includes seminars, meals, and receptio)

After April 14, 2017

- Young Lawyers Section Members \$60
(includes seminars, meals, and reception)
- Non Young Lawyers Section Members \$70
(Meals and reception ONLY)
- Law School Student..... \$60
(includes seminars, meals, and reception)

Friday Add Ons

- | | |
|---|--------------------|
| 9-Hole Golf Scramble (3:06 p.m.) | No. People |
| <input type="checkbox"/> (bringing my clubs) | \$20 x ___ = _____ |
| <input type="checkbox"/> (renting clubs) | \$35 x ___ = _____ |
| <input type="checkbox"/> Iron Fish Distillery Tour (4 p.m.) | \$10 x ___ = _____ |

Registration total: \$ _____

Meals

FRIDAY'S RECEPTION

- I plan to attend the Friday evening reception (7 p.m.)

SATURDAY'S BREAKFAST

- I plan to attend Saturday's breakfast (7:45 a.m.)

SATURDAY'S KEYNOTE LUNCHEON OPTIONS

- NO**, I will not be attending the luncheon program
 - YES**, I will attend the luncheon program
- Meal Option:** Fish Chicken Vegetarian

SATURDAY'S DINNER

- I plan to attend the Saturday evening dinner (6:30 p.m.)

Register at <http://e.michbar.org> and pay with a credit card.

P #: _____

Name: _____

Your Firm: _____

Your Law School (if a law school student): _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: (_____) _____

E-mail Address: _____

Special Dietary Needs: _____

Enclosed is check # _____ for \$ _____

Please make check payable to: STATE BAR OF MICHIGAN



Group Name: State Bar of Michigan - Young Lawyers Section

Group #: 4617RV

Issued: 2/20/17

Dates: April 28, 2017-April 30, 2017

Reservations may be made by calling 1-855-520-2974, by utilizing this form or by booking online at Book Online Here. This is a direct link to the Crystal Mountain online booking system with your group code. If the group code (4617RV) does not populate into the online booking system form automatically, it is possible your organization's security settings may be blocking this. In this case, after you click the link and get to the online booking system, you may need to click on the "Have a Special Code?" link and key in your group code (4617RV) manually to view the selections for your group.

Reservations must be made by March 29, 2017, reservations received after this date will be taken on a space-available basis and at the prevailing discounted rate. If room type requested is not available, the next available room type and rate will be confirmed. Crystal Mountain does it's best to accommodate requests, however cannot guarantee specific rooms/units. Please inquire with reservation staff for additional unit types available beyond those listed.

Check-in: 5:00pm

Check-out: 11:00am

Table with 4 columns: Room, Single/Double Rate, Single/Quad Rate, Indicate 1st & 2nd Choice. Rows include Studio, Hotel Room, Inn Suite, One Bedroom Condo, Two Bedroom Condo, Two Bedroom Cottage / Kinlochen, Three Bedroom Bungalow / Cottage / Kinlochen, and Four Bedroom Bungalow.

*Quoted rates are subject to 6% state tax, 2% local assessment and 9% service fee

Package Includes: Lodging Only (per unit, per night)

- Up to 2 children ages 17 & under sleep free when occupying same room with 1 paying adult.
There is a \$20.00 plus tax, per person, per night charge for additional adults above the quoted occupancy.
Credit card imprint is required at check-in for all guests.

Deposit / Cancellation Policy: A deposit equal to the first night's lodging is required with each reservation. Please make check or money order payable to Crystal Mountain or include a credit card number below. Do not send cash. Deposit is fully refundable if cancellation is made 14 days prior to your arrival date. Deposits are non-refundable if the cancellation occurs within 14 days of arrival. Modifications to your reservation including changing dates or reducing the length of your stay will result in a charge equal to one night's stay. No refund on unused portion of package stays.

Group #: 4617RV

Please Print

Arrival Date: Departure Date: Number of: Adults in Party: Children 17 & under:

Mr. Mrs. Ms. Dr. (circle one): Name :

Address:

City: State: Zip: Telephone #: (Home)

E-mail Address: (Work)

Conference attendees sharing same room:

Special requests: (handicap accessible, etc.):

Would you like to be contacted for lesson, recreation, tee time or spa reservations? Yes No

Signature: Date:

Tax exempt individual: If your agency is tax exempt you may qualify for exemption from the 6% state use tax; reservations are not exempt from the 9% service fee or the 2% assessment. To qualify for exemption please complete the tax exempt form and provide any required documentation. Reservations must be paid with agency funds. If an agency credit card is being used for payment, a credit card authorization form must be completed. In addition we must receive a legible copy of the credit card showing the last 4 digits of the card and the agency name. For your convenience Tax Exempt Instructions are included to provide the specific requirements and where to send your documents. (Personal funds or cash do not qualify for tax exemption)

Agency check enclosed.

Agency credit card completed below (MUST include credit card authorization form).

Please use my personal credit card to guarantee the reservation. Payment with agency funds will be provided prior to arrival.

AUTHORIZATION NOTE: I authorize and acknowledge that all of the charges below will be processed to my payment card as detailed above. (Due to PCI compliance; we can only accept the last 4 digits of the credit card by e-mail- once the reservation is set up a Reservation Agent will call you for the Credit card information).

Credit Card #: Expiration Date: / Billing Zip Code:

Agency or individuals name as it appears on Card: (Agency credit card or copy MUST be presented upon check in)

Please contact Reservations with any questions at 1-855-520-2974. The information can be provided in the following ways:

Mail to: Crystal Mountain Resort Reservations 12500 Crystal Mountain Drive Thompsonville, MI 49683
Fax to: 231-378-4879
Email to: reservations@crystallmountain.com



CRYSTAL MOUNTAIN ACCOMMODATIONS

Our accommodations offer a unique guest experience with a variety of different lodging options and conveniently allow houseguests to take advantage of our [houseguest perks](#) during their stay. All accommodations are non-smoking and feature daily stay-over service, air conditioning, satellite television, microwave, coffee maker, toaster, video player, hairdryer, iron and ironing board. Please visit our [Lodging and Package Details](#) and [Resort Map](#) for more information.

Studio Room, Hotel and Suite Options

[PINEHURST STUDIO ROOMS](#) ~ Studio Rooms are nestled among the pines and situated along the 9th fairway of our Betsie Valley golf course. Pinehurst offer a convenient location near Kinlochen and the Buck Quad chairlift, while remaining only a short distance from the village core. ~ Lodging Amenities • Sleeps 2 guests • One queen bed • Private bath with jetted tub in select units • Efficiency kitchen • Two-story building with exterior doorways; no elevator

[HAMLET HOTEL](#) OR [CRYSTAL COLONY HOTEL](#) ~ Hotel accommodations are conveniently located in the heart of the resort near the Kinlochen and Crystal Spa, and just a short distance away from the slopes, Park at Water's Edge and the Crystal Conference Center. ~ Lodging Amenities • Sleeps up to 4 guests • Two queen beds OR one queen bed and one queen Murphy bed • One bath with jetted tub in select units • Efficiency kitchen • Community ice machine available in building • Two or three-story building with interior hallways; no elevator; luggage service available at Front Desk

[INN AT THE MOUNTAIN SUITES](#) ~ Suites are located in the heart of the village core, next to the Crystal Conference Center, across from the Park at Water's Edge Outdoor Pool and close to the slopes. ~ Lodging Amenities • Sleeps up to 4 guests • Private bedroom with king bed • One queen Murphy bed in living area • Private bath with jetted tub for two • Efficiency kitchen • Electronic work station with voice and data ports • Private outdoor balcony • Community ice machine, washer and dryer available in building • Two-story building with interior hallways; has an elevator • *Barrier free accommodations upon request*

1-5 Bedroom Condo Options

[PINEHURST](#) ~ One, two or three Bedroom Condos nestled among the pines and situated along the 9th fairway of our Betsie Valley golf course. Pinehurst boasts beautiful views and offers a convenient location near Kinlochen and the Buck Quad chairlift, while remaining only a short distance from the village core. ~ Lodging Amenities • Sleeps 4-6 guests • Unit layout and bedding configuration varies • 1 or 2 baths • Full kitchen and dining area • Living room with fireplace • Two-story building with exterior doorways; no elevator

[WINTERGREEN](#) ~ One, two or three bedroom condos are beautifully situated along our Betsie Valley golf course and just steps away from the Park at Water's Edge Outdoor Pool, walking distance to the Crystal Conference Center and the slopes. ~ Lodging Amenities • Sleeps 4-8 guests • Unit layout and bedding configuration varies • 1 or 2 baths • Full kitchen and dining area • Living room with fireplace • Private outdoor patio or deck • Washer and dryer in select units • Two-story building with exterior doorways; no elevator

[KINLOCHEN](#) ~ One, two, or three bedroom condos are located just steps from the slopes and the first tee of the Betsie Valley golf course. Kinlochen is home to the Thistle Pub & Grille and the Pro Shop/Nordic Center. ~ Lodging Amenities • Sleeps 6-10 guests • Unit layout and bedding configuration varies • 1 or 2 baths • Full kitchen with dining area • Living room with fireplace • May have a private outdoor deck • Community ice machine, washer and dryer available in building • Three-story building with interior hallways; has an elevator

[MOUNTAINTOP](#) ~ Two bedroom accommodations, with breathtaking panoramic views, and ski-in/ski-out convenience in select units, are perched on the top of Crystal Mountain overlooking the beautiful Betsie River Valley and beyond. ~ Lodging Amenities • Sleeps 8-12 guests • Master bedroom with king • Unit layout and bedding configuration varies bed • Master bath with jetted tub for two • 1 1/2 guest baths • Full kitchen and dining area • Living room with fireplace • Washer and dryer • Walkout deck • Summer private outdoor pool • Three-story building with exterior doorways; no elevator

[MOUNTAINSIDE](#) ~ Located on the side of Crystal Mountain, our four and five bedroom condos are nestled on our Mountain Ridge or Betsie Valley golf courses, these accommodations are perfect for your family retreat. ~ Lodging Amenities • Sleeps 9-14 guests • Unit layout and bedding configuration varies • Master suite with king bed and jetted tub • 2 or 3 guest baths • Full kitchen and dining area • Living room with fireplace • Walkout deck • Gas grill available in the summer • May have a washer and dryer • Two or three-story building with exterior doorways; no elevator.

2-4 Bedroom Stand Alone Home Options

[COTTAGES AT WATER'S EDGE](#) ~ This unique neighborhood offers two and three bedroom cottages surrounded by gently flowing streams and waterscapes, just steps away from the slopes, Park at Water's Edge and Crystal Conference Center. ~ Lodging Amenities • Sleeps 6-9 guests • Master bedroom with king bed • Unit layout and bedding configuration varies • 1 or 2 baths • Full kitchen and dining area • Living room with gas-log fireplace or gas woodstove • Screened porch and sun deck • Washer and dryer • 1 3/4 or 2 baths • One or two-story building with exterior doorways; no elevator

[BUNGALOWS AT CRYSTAL GLEN](#) ~ Three and four bedroom Bungalow residences are located at the base of the slopes and just steps away from Crystal Spa, Peak Pool and Fitness Center, Kinlochen, and the Lodge. ~ Lodging Amenities • Sleeps 9-10 guests • Master bedroom with king bed • Unit layout and bedding configuration varies • 2 or 2 3/4 baths • Full kitchen and dining area • Living room with fireplace • Walkout deck • Washer and dryer • Two-story building with exterior doorways; no elevator

[RESORT HOMES](#) ~ Three and four bedroom private Resort Homes are furnished with all you need for the perfect retreat. Accommodations are located a short drive to the slopes, golf courses and Park at Water's Edge outdoor pool. ~ Lodging Amenities • Sleeps 8-16 guests • Unit layout and bedding configuration varies • 2 or 3 baths • Full kitchen and dining area • Living room with fireplace • Accommodations may have a deck • One to three-story building with exterior doorways; no elevator • *Wireless internet is only available in select resort homes*

Event Schedule

Friday (Attire: Casual)

3:06 pm 9-Hole Golf Scramble at the Bestie Valley Course (Optional—additional fee required)

There will be a contest for the longest drive and closest to the pin. Reserved tee times: 3:06 pm, 3:15 pm, 3:24 pm, and 3:33 pm. (\$20 if you bring your own clubs, \$35 if you need a rental set). For more information, please contact Aaron Sohaski (sohaski@gmail.com).

4:00 pm Iron Fish Distillery Tour (Optional—additional fee required, limited availability)

Participants are brought through every step of the soil-to-spirit process from growing and harvesting, to milling, mashing, fermenting, distilling and bottling done by hand at the distillery. At the end of the tour, participants will be allowed to taste from their first batches of Michigan Wheat Vodka, Woodland Gin, Rum and White Whiskey and leave with an embossed tasting glass and a memorable experience. Tours and tastings cost \$10 per person. Minors under 21 may tour free of charge and must be accompanied by adults at all times. For more information, please contact Shenique A. Moss (sheniquemoss@gmail.com).

5:30 pm Think Fast!: Improv(ed) Lawyering Workshop

Presenter: Jerome Crawford, Horizon Global Corporation

Start the Summit off right with some networking and improv fun! Whether your stage is the courtroom, negotiation table, or client interview, all lawyers can benefit from the skills learned during improvisation. Improvisation is about more than being funny; it involves active listening, confidence, creative thinking, flexibility, persuasion, and working as a team. Join us for this interactive experience and discover how the techniques used in improvisation can give you an edge in honing your legal skills. Take home tips and strategies for enhancing your ability to employ your skills in active listening, public speaking, and trouble-shooting.

7:00 pm Welcome Reception

8:30 pm Conversation, Snacks, Bonfire at Hospitality House

Saturday (Attire: Business casual unless otherwise noted)

7:00–7:30 am Zumba

7:30–8:00 am Yogalaties

8:00–8:55 am Welcome Breakfast & Maximize Your Strengths

Presenter: Elizabeth Joliffe, Your Benchmark Coach

Early in their careers, young lawyers often spend a lot of energy worrying about their shortcomings. Between the dreaded interview question “What is your greatest weakness” and agonizingly cursory performance reviews, they rarely consider or receive feedback on their strengths. Start your day off by learning how to identify and build on your unique strengths to take charge of your practice and career. Elizabeth Joliffe will lead this session; she is a career management and business development coach who helps motivated lawyers make changes to reach their goals and maximize their potential.

8:30–2:30 pm Professional Headshots (15-minute appointments)

Appointments will be available on a first come, first serve basis. Please contact Amy Krieg (akrieg15@gmail.com) to sign up.

8:30–2:30 pm Resume Review (20-minute appointments)

Appointments will be available on a first come, first serve basis. Please contact Amy Krieg (akrieg15@gmail.com) to sign up.

9:00–9:55 am **TRACK I** [Litigation Bootcamp: Perfecting the Art of Voir Dire—Selecting the Best Jurors for Your Case](#)
Presenter: Mary Chartier, Alane & Chartier, PLC

Jury trials can be won and lost in voir dire, making the art of jury selection one of the most essential trial skills you need to acquire as an attorney. Voir dire is not just your only chance to eliminate unfavorable jurors, but also an opportunity to present your theory of the case to the jury. Choosing the decision-makers who will ultimately determine the fate of your client gives you an opportunity to talk to the jurors and gain an upper hand before the trial even begins. Are you fully equipped with all the necessary tools to select the best jury for your client? This seminar will teach you inventive and useful techniques to better understand juror behavior, fine-tune your jury selection tactics, avoid missed opportunities when questioning prospective jurors, and maximize your clients' chances for a successful verdict.

TRACK II [Professional and Business Development—Beyond LinkedIn: How to Build a Powerful Professional Network on Social Media](#)

Presenter: Samantha Meinke, State Bar of Michigan

As young people, we're pretty savvy about using social media to share personal pictures and stories that our friends find interesting, but most of us have no idea how to use it professionally as young lawyers, beyond posting our resumes on LinkedIn. When it comes to professionally marketing our work, we often look to older attorneys for guidance, but there are few examples of experienced attorneys who effectively use social media. That means it's up to us to use our creativity to capitalize on social media as a free, easy, and effective way to build a network of potential clients, collaborators, and employers. Samantha Meinke, communications manager at the State Bar of Michigan, will talk about how to transform your social media presence from personally pleasing to professionally powerful, putting you on the path to success.

10:05–11:00 am **TRACK I** [Litigation Bootcamp—Trial No Error: Tips on Trial Strategy](#)
Presenter: Ven Johnson, Johnson Law PLC

Trial is the rare culmination of months or years of work. It is highly nuanced and distilled storytelling to a group of regular people. With the expense and stakes involved, it is difficult for young attorneys to develop the skills needed for effective trial presentation. Historically gleaned through decades of hands-on experience and observation, trial skills are now often learned through workshops and off-the-clock mentoring. Don't miss this opportunity to hear best practices from someone who learned things the old-fashioned way. From powerful word choices to preventing a mistrial, this interactive seminar is full of key tips from one of Michigan's top litigators.

TRACK II [Professional and Business Development - Becoming an Articulate Advocate: Strategies for Powerful Public Speaking In and Out of Court](#)

Presenter: James L. Liggins, Jr, Miller Canfield

Public speaking is an essential component of every practicing lawyer's professional life and quite different than merely talking. Some lawyers may think that they are good public speakers just because they talk a lot, but it never occurs to them that their audience may not be engaged in what they are saying. Good public speaking is about the ability to communicate and connect with the audience. In order to be an articulate advocate for oneself and clients, a lawyer must learn to make his or her point in a powerful and effective way — every time — with everyone. While people think that all lawyers are automatically fearless and brilliant public speakers, reality is much different. The good news is that with practice and the right techniques, even the shyest transactional attorney can exhibit confidence - It's all about presentation. This interactive seminar will help participants polish their personal presentation style and learn how to better present a coherent, concise message in various public speaking environments – from one-on-one reporting to fellow associates, or partners, to discussion groups with clients, to speaking in court and at conferences.

11:05–12:00 pm **TRACK I** Litigation Bootcamp—Evidence Jeopardy: Enhancing Your On-the-Spot Evidence Knowledge in a Fun, Not-Painful Way!

Presenter: Hon. Joseph A. Farah, 7th Circuit Court (Genesee County)

As attorneys, we know that no case can be won on mere brilliance alone. Evidence is the backbone of effective advocacy. The rules of evidence are constantly evolving as a result of recent court decisions, technological advances in discovery, and changes to various rules. While it can be an onerous task to continuously analyze and apply evidentiary rules to your cases, you must continue to stay on top of it in order to be an effective advocate. How confident are you in your ability to recognize various evidentiary pitfalls? This interactive, “Jeopardy”-style seminar will put participant groups to the test and teach you how to avoid evidentiary pitfalls in the process.

TRACK II Professional and Business Development—Rainmaking: Much More than Simply Making Money

Moderator: Jade Edwards, Jade Edwards, PLLC

**Presenters: Elizabeth Sadowski, Colbert, Shepard & Sadowski LLP
Tracy Jane Andrews, Law Office of Tracy Jane Andrews, PLLC
Shelley Kester, Wilson & Kester, PLLC**

Join us for a thoughtful panel discussion that analyzes what it means to be a rainmaker in the legal profession and receive tips on how you can improve your own practice. As your panel will discuss, it’s not just about the money.

12:00–12:45 pm Vendor and Sponsor Showcase

12:45–2:00 pm LUNCHEON

Keynote address: Chief Justice Stephen J. Markman, Michigan Supreme Court

Presentation of the 2017 Regeana Myrick Outstanding Young Lawyer Award

2:10–3:05 pm **TRACK I** Litigation Bootcamp—Write Like the Best: A Hands-On Editorial Session

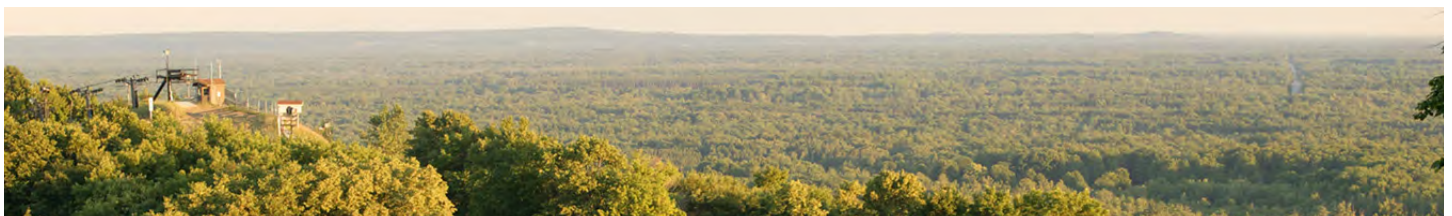
Presenter: J. Mark Cooney, Western Michigan University Cooley Law School

We occasionally read appellate opinions that ring like nothing else we’ve read in the law. How do these judges do it? What’s their secret? Why, for example, do opinions by Chief Justice John Roberts and Seventh Circuit Judges Frank Easterbrook and Gerald Posner seem so confident, crisp, and impressive? Come to this hands-on editing seminar and learn specific, concrete ways to get your writing to their level. Professor Mark Cooney will give you short writing samples, let you edit them, and give you feedback (including examples from these famous jurists).

TRACK II Professional and Business Development—Cut the Fat: Use Lean to Improve Efficiency, Reduce Cost, and Return Respect for People to Your Legal Practice

Presenter: Ken Grady, Seyfarth Shaw LLP

Industries from manufacturing to insurance to medical have used lean thinking to improve processes, reduce costs, improve quality, and help people achieve greater job satisfaction. Innovative law firms are applying lean to get the same benefits in the delivery of legal services and for their teams. Lean can be used with the related ideas of design thinking and agile project management. When combined, they increase an organization’s or lawyer’s ability to meet client demands, drive market differentiation, and create a more sustainable legal services delivery model. In this session, Ken Grady will discuss lean and related ideas any organization or individual can use with minimal investment.



Crystal Mountain Courtesy Photo

3:10–4:05 pm **TRACK I** Litigation Bootcamp—The Anatomy of the Ultimate Trial Notebook: From Case Screening to Verdict

Presenter: Anthony Flores, Western Michigan University Cooley Law School

If you “fail to plan, plan to fail.” This expression is most certainly true in litigation. Managing the vast amount of information needed for trial can be a daunting task but very doable with the right tools. The Trial Notebook, while often ignored, is the most powerful tool for all phases of a case. Most veteran trial attorneys will tell you that creating an effective trial notebook is the key to presenting your client’s case in an organized and understandable fashion. This seminar will teach you how to create a trial notebook that meets your unique needs and gives you an effective road map for the presentation of your case. A well-thought-out, well-organized trial notebook will provide the guidance and reference points you need at each stage of the proceedings and ensure that you remain calm, cool, and collected as you litigate your case.

TRACK II Professional and Business Development—The Professional, Professional: Cultivating an Image for an Entire Career and Beyond

Presenter: Bryan H. Levy, Bryan H. Levy PC

Professional responsibility is a requirement in most law schools. However, ethical concerns are just the tip of the iceberg when navigating a career in the legal world. Join Judge Bryan Levy as he poses contemporary issues attorneys face in a variety of settings. How do such dilemmas get resolved? Attend and find out.

5:00 pm **Photo Scavenger Hunt (Attire: Casual)**

Capture an image that fulfills the scavenger hunt requests. Share your photos and win a prize.

6:30 pm **Buffet Dinner (Attire: Casual)**

8:30 pm **Game Night at the Hospitality House (Attire: Casual)**

Sunday (Attire: Casual)

10:30 am **Breakfast at Thistle Pub & Grill at Crystal Mountain (Dutch treat)**



Crystal Mountain Courtesy Photo