

# Inter Alia

*Among Other Things*

Spring 2018

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## Letter from the Chair



Syeda Davidson

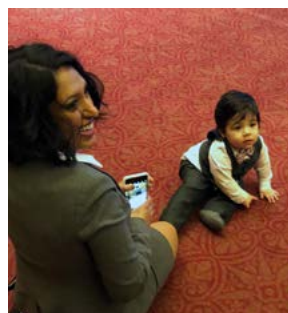
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To my fellow young lawyers:

I'm sure you've heard it from more seasoned practitioners, but I'm here to tell you that even your time as a young lawyer (or new lawyer) will fly. Both of these photos are from



the Supreme Court of the United States. The group shot was taken on November 5, 2013. I had only been practicing for four years and I was so excited to be getting sworn into SCOTUS with a group of my friends (and sponsored by my friend, Ex Officio Shenique Moss). I had only started at my current job two months before this photo, and I was so incredibly excited about that opportunity as well. My older brother drove overnight from Cincinnati to watch me, as he had in June of 2009 when I was admitted to the State Bar of Michigan. Along with all of the opportunities I was being given, the suit I was wearing was new.



The second photo is from November 27, 2017. It's also at SCOTUS. I'm wearing the same suit but this time, I'm the one who had the honor of moving for the admission of the group. I'm still excited, and there's still newness. But the newness is different. As you can see, I am sitting on the floor in my suit in the room at the Court where we are having breakfast, playing with my baby son. I know that my husband and I got some strange looks going through security at SCOTUS with a stroller, a diaper bag, a portable high chair, and a baby in a suit, but the staff was wonderful about it. After breakfast, my husband left with the baby and I had the honor of making a motion to the Supreme Court of the

Continued on next page

United States. Granted, it was just a motion for the admission of the group of attorneys I was with, but the nerves associated with addressing the justices were still very real!

The reason I tell you about these experiences is because I hope to encourage you to enjoy your time as a lawyer, and especially as a new lawyer. For most of us, practicing law is something that we do for much of the time that we're awake. That's why it's so important to enjoy it! Take advantage of opportunities like group admission trips to SCOTUS and yoga networking events. One such opportunity is our 11<sup>th</sup> Annual Young Lawyers Summit. This year, it will be held at Boyne Highlands Resort the weekend of June 15 to June 17, 2018. I have made so many friends by attending the Summit, and the council has gotten a lot of council members from prior attendees. I am hopeful that, like both of my trips to SCOTUS, this year's Summit could be a memory that you look upon fondly when you remember your time as a new lawyer.

Very truly yours,

*Syeda Davidson*

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## Meet Your Council Member Mixer

By Kristina Bilowus

Upon our admittance to SBM, young lawyers are automatically granted membership into YLS. How many of us know this? And, frankly, so what?

First, spread the word! Tell your colleagues about membership within YLS as there are different ways to get involved and take advantage of the many benefits. Why should you care? You gain access to conferences, programming, social events, educational experiences, and much more.

Where to start? Attend a local Meet Your Council Member Mixer! Presented in an informal setting, these networking opportunities bring together YLS Council and constituents. Constituents learn about different ways to get involved while

council members can learn about the interests and concerns of the young lawyers they represent. These happy-hour style gatherings are held in the districts where YLS council members serve.

The first mixer was held at HopCat in Royal Oak on December 15, 2017. The next Meet Your Committee event will take place on May 4th from 5-7pm, at the Jolly Pumpkin in Royal Oak (for District II). Please come by!



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

# What is the Indigent Defense Commission?

By Elisha M. Oakes

This is the first of several articles to be published in *Inter Alia* describing the Michigan Indigent Defense Commission's purpose, standards, and how it affects those representing indigent clients. I am a solo practitioner in Macomb County, Michigan. I have represented indigent clients since becoming licensed in 2013. It is important for newly licensed attorneys practicing criminal law to understand the purpose and importance of the Michigan Indigent Defense Commission and how the commission is working towards changing the criminal justice system in Michigan.

## The Lead to Reform

In June 2008, the National Legal Aid & Defender Association issued a report that ranked Michigan 44<sup>th</sup> in per capita spending on indigent defense representation. Michigan's average spending was 38 percent below the national average. On October 13, 2011, Governor Rick Snyder signed an executive order establishing the Michigan Advisory Commission on Indigent Defense. On June 22, 2012, the Michigan Advisory Commission on Indigent Defense issued a report. That report is lengthy so here is a short summary of the findings:

- Michigan has no statewide standards for defining and ensuring constitutionally adequate defense counsel for indigent defendants.
- Funding for county-provided indigent defense services at the trial level varies greatly across the state.
- The American Bar Association has developed standards for providing trial-level indigent defense services, which states minimum standards required for operation of a system consistent with the United States Constitution.
- Michigan should create a system that requires and ensures full, consistent, and statewide implementation of those

minimum standards, and adequate funding authorized by the legislature for that system.

- The commission found that Michigan's current system of providing legal representation for indigent criminal defendants lacks procedural safeguards to ensure effective public criminal defense services.

These findings lead to the creation of the Michigan Indigent Defense Commission (MIDC) in 2013. The MIDC works to ensure the state's public defense system is fair, cost-effective, and constitutional while simultaneously protecting public safety and accountability. Currently there are four standards that have been approved by the Department of Licensing and Regulatory Affairs. The standards are:

- Education and training for defense counsel
- Initial interview
- Investigation and experts
- Counsel at first appearance and other critical stages
- Additional standards were open for comment until February 1, 2018. Those standards include:
  - Independence from the judiciary
  - Indigent defense workloads
  - Qualification and review
  - Economic disincentives or incentives

The next article, which should be published next month, will delve into the first four standards. After the second set of standards is approved by the Department of Licensing and Regulatory Affairs, an additional article will be published to address those standards. For more information on the MIDC visit <http://michiganidc.gov>.



# ABA YLD Midyear Meeting 2018

By Choi Portis

The American Bar Association Young Lawyers Division held its events for the 2018 Midyear Meeting in Vancouver, BC on February 1-3, 2018. Conference highlights included the public service implementation of “Home Safe Home,” YLD Assembly, Dine-Arounds, the YLD Fellows Debate and Reception, and the ABA TIPS Midyear Reception with the Young Lawyers Division.

## Friday

The conference began on Friday morning with the “Home Safe Home” public service project at the British Columbia Society for the Prevention of Cruelty to Animals and the ABA YLD Council meeting. Highlights from the meeting included a very spirited debate regarding the findings of the Redistricting Taskforce, which resulted in elimination of two of the five recommendations.

Programming included workshops entitled “They’re Aging Out—Now What?,” “How to Transition YLD Experience Into the Big Bar,” “Trial Academy for YLD—Evidence Conga Line,” and “Finding Your Voice.”

## Saturday

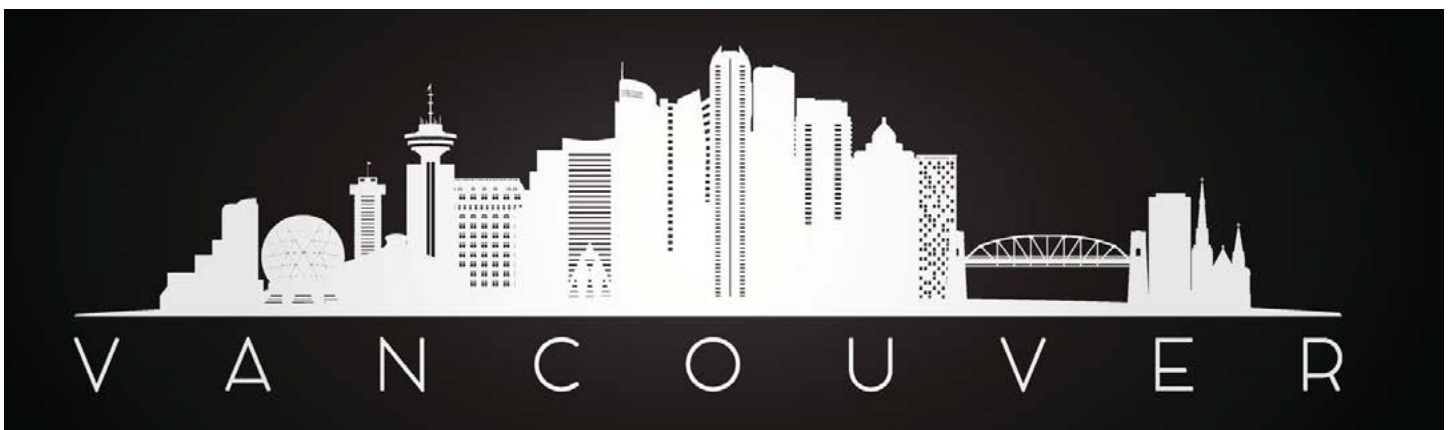
Saturday’s scheduled events began with the annual Diversity Dialogue Breakfast. This year’s topic was “Indigenous People of North America: Media Perspectives and Bias.” The panel and dialogue centered on indigenous communities in the United States and Canada and the impact of negative depictions, stereotypes, and implicit bias, specifically as it pertained to indigenous students’ interest in and access to legal education and the eventual practice of law. Panelists included ABA secretary and past president for the National Native American Bar Association (NNABA) Mary Smith, current

NNABA president and general counsel for the Fort McDowell Yavapai Nation Diandra Bennally, current YLD scholar Geneva Thompson, and past chair of the Aboriginal Lawyers Forum and elected country representative for the Canada Bar Association, British Columbia, Adam Munnings.

Saturday’s events also included the Candidates’ Forum and Delegate Breakfast. Saturday’s highlighted event was the YLD Assembly. The following resolutions were debated during the assembly; each of the resolutions passed.

- **Resolution 3YL:** This resolution urges all jurisdictions to adopt a Parental Leave Rule. The resolution is designed to promote young lawyers in the profession, as well as a more balanced lifestyle for lawyers with families.
- **Resolution 5YL:** This resolution requires the ABA to implement accreditation rules that require all for-profit law schools to implement and maintain transition plans to aid students enrolling in the school in the three years prior to the school’s closing. It also encourages state bars and legislatures to require that for-profit law schools in their state implement and maintain transition plans to aid students enrolling in the school in the three years prior to closing as a precondition of allowing its graduates to sit for the bar exam.
- **Resolution 8YL:** This resolution urges Congress to enact legislation requiring major party presidential candidates to make certain financial disclosures, particularly disclosure of tax returns, and in the alternative, this resolution urges states to require majority party presidential candidates to disclose tax returns prior to being included on their election ballots.

The Assembly also included the introduction of Chair-elect Tommy Preston’s Men of Color Initiative.





# Desensitized Racism?

By Jerome Crawford

At the ABA Midyear Meeting in Vancouver, BC, I had the pleasure of attending the Diversity Dialogue Breakfast featuring a panel discussion on “Indigenous People of North America: Media Perspectives and Bias.” This topic was designed to explore perceptions of indigenous people in modern media and how there is an inherent bias about how such individuals are portrayed as compared to those categorized as non-indigenous (not only white, but also other minorities). As an initial matter, it is worth clarifying what is meant by the term “indigenous people” (also known as aboriginal people or native people) – these are defined broadly as ethnic groups who are the original inhabitants of a given region, in contrast to groups that have settled, occupied or colonized the area more recently. While the distinction is fundamentally overbroad, it does create for a baseline premise to understand an incredibly diverse grouping of cultures and traditions.

During the forum, the speakers candidly discussed how native/aboriginal people have been depicted throughout American history in film, music, television, politics, sports and pop culture. Namely, the dialogue explored themes like indigenous people exhibited as savage warriors lacking intelligence in early western movies to how troubling mascots and sports team names are still employed amid sweeping controversy and backlash (i.e., Atlanta Braves, Chicago Blackhawks, Cleveland Indians, Edmonton Eskimos, Kansas City Chiefs, and Washington Redskins).

Admittedly, the latter portion of the conversation struck a chord with me. As a black man born and raised in Detroit, MI, I am no stranger to the notions of direct and indirect prejudice and discrimination within my own ethnic community. And while I am fortunate to say that I have not personally experienced longstanding or life-altering situations based on the color of my skin to a great degree, I certainly have a heightened awareness and sensitivity to pick up on key indicators.

During the interchange, I began to put myself in the shoes of an indigenous person and ask some of the following questions:

- How would I feel about professional sports teams profiting in part from terms and monikers directly related to my ethnicity/cultural background (especially if members of the affected groups viewed such terms as racial slurs)?
- How would I react to non-members of my ethnic group freely using the terms in common parlance without concern for disrespecting that group or fear of retaliation?
- And, simply put, am I even as a minority myself, desensitized to the racist implications of these labels?

Of these self-imposed inquiries, the last resonated with me the most.

If I don my attorney hat, I could quite easily dive into the great debate regarding the legality of such mascot or team name uses in sports; but the human perspective prevails in this instance. After contemplating these concepts, I came to the realization that to raise an uproar for a non-black person using a racial slur historically directed toward blacks, but to simultaneously not acknowledge the similar outrage of an indigenous person in such a scenario would be flat out hypocritical. This sentiment holds true not just for minorities, but for any person that would have a problem with any negative, degrading, or, at worst, racist comment allowed to flow uninhibited and remain in use for primarily capitalistic motivations.

My charge to the legal community is this: let’s not forget that we are people first. What unites each of us is our human nature and the ties that bind us are far more prevalent than those that distinguish us from one another. In that vein, I encourage all practitioners to adopt the Golden Rule – treat others the way you want to be treated. Too often we focus on the black letter law (or lack thereof) that we fail to remember that real people are impacted. It is my hope that via raising awareness and continuing open, honest discourse that we can further the mission of a seemingly forgotten and belittled community as we collectively strive toward the shared ideals of fairness, equality, and justice.



# Collaborating and Connecting

By Kristina Bilowus

On January 27, all five Michigan law schools converged at the Western Michigan University Cooley Law School Auburn Hills campus. Was this an early bar exam exercise? No. Attendance required? Absolutely not.

Rarely do our law schools have the opportunity to come together outside of sending our applicants to the biannual administration of the Michigan Bar Exam. This event, “Taking the Next Step: Tips and Tools for Your Legal Education Journey,” provided an occasion for collaboration and connecting in the form of a panel discussion.

Sponsored by the State Bar of Michigan Young Lawyers Section and American Bar Association Young Lawyers Section (Law Student Outreach), the panel had two purposes. First, the presentation provided an opportunity for an all-law school forum for the state of MI where each school sent a representative from each stage of education. In so doing, a dialogue was created among peers and insight was gained regarding various stages of the legal education process. Secondly, the event provided an opportunity to engage in two principles promoted by both organizations and the legal profession: relationships and service.

The event began with a networking luncheon. Opening remarks about the panelists were provided as well as a keynote address, as delivered by Judge and Professor John (“Jack”) Gilbreath. In his keynote, Judge Gilbreath encouraged collegiality, passion for learning, and practical skill development. Deeming lawyers as the “physicians of society,” Judge Gilbreath commended the panel and audience for their participation and commitment to the profession.



The audience ranged from 1Ls to upcoming February Bar Exam test takers with about 20 participants throughout the event. The panelists—Sherwin Shushtari (1L WMU Cooley Law School), Michelle Shember (2L UDM School of Law), Graham Anderson (3L WSU Law School), Nicole Raap (3L MSU College of Law), and Peter Keros (2014 University of Michigan Law School graduate)—addressed academics and career planning and offered advice on a variety of law-related topics.

Peer interaction was especially important. Being similarly situated academically and professionally made the information very relatable. Overcoming obstacles, finding a job in the current economy, and how to create valuable networking experiences were other topics of discussion. Audience participation was great with follow-up questions and communication.

Before and after the panel, attorneys, faculty, and students networked. The cross-law school connections were especially helpful, as they created opportunities for future programming. Students indicated their enjoyment, faculty appreciated the comprehensive Q &A, and panelists were glad they attended. Several of the “soon-to-be-attorneys” indicated they would like to see similar events and were unaware YLS held these functions.

As take-away points, this program was a worthwhile investment. To improve upon, more publicity and greater attendance from the participating schools is to be encouraged. As our students prepare to become attorneys, seeing the benefits of being active in YLS is important. Furthermore, having increased contact with all the Michigan law schools broadens connections and visibility. By learning and growing together, the students will become better-equipped for their legal career ahead.

# Direct Examination

By James A. Johnson ©2017

*This article is dedicated to Kara Hart-Negrich and Shenique Moss of the State Bar of Michigan Young Lawyers Section.*

## Jury Instructions

One of the first tasks an attorney should perform in starting a case for trial is to prepare the jury instructions. In preparing the jury instructions you will set out the elements of your cause of action or defense. The jury instructions will have all the substantive law essential to prove your case. The jury instructions or court's charge should be your Bible and road map.

The primary purpose of direct examination is to establish the essential proof of facts in support of a claim or defense. Examining witnesses is like telling a story and you want to make certain that each witness tells his or her part of the story with clarity and believability. Use ordinary, everyday language and avoid legal jargon. For example, you should say: "You got out of the car," and not "you exited the vehicle."

## Theme

The purpose of the theme is to grab the attention of the jurors. You want to captivate their interest and understanding all the way to the jury deliberation room. The theme of the case is a one-sentence explanation of your theory. A theory is a succinct statement as to why the plaintiff should win or why the criminal defendant is not guilty of the charged crime. Here's a sampling:

"This is a case about a broken promise."

"Accidents don't just happen.... they are caused....by people."

"This is a case about defective construction work by the general contractor."

"This is a case about protecting the everyday consumer."

The defendant in a criminal case needs a good theme, just as much as, if not more than, the plaintiff in a civil case. For example: "This is a case of self-defense." "This is not a case about justice.... This is a case about injustice. Only you, through your verdict, can do justice."

The theme should flow logically from the facts and relate to the jurors' life experiences. The theme of the case is the basic underlying idea which explains both the legal theory and factual background of the case. And, it ties them together into a coherent and believable whole. The theme also dictates what witnesses to call and their order. The theme should be

evaluated, honed and changed throughout your preparation, until you have the best one.

## Evidentiary Foundations

An important procedural rule is that the proponent of an item of evidence must lay a foundation or predicate before formally offering the item into evidence. For example, the proponent of a letter or photo must present proof of its *authenticity* as a condition to its admission. The proponent must present proof that the article is what the proponent claims it is (Michigan Rule of Evidence 901(a) and Federal Rule of Evidence 901(a)—Requirement of Authentication or Identification: "The requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims.") The foundation is very simple when you elicit from the witness that he *recognizes* the author's handwriting on the letter, that he or she is *familiar* with the author's handwriting and has *a sufficient basis for familiarity*. MRE 901 (b) (2) and FRE 901 (b) (2) recognizes this authentication technique.

## Authentication Of Business Records

One of the most widely used exceptions to the hearsay rule is the business record exception. Business entries have a high degree of trustworthiness because the entry is routine that ensures the reliability of the record. FRE 803 (6) Records of a Regularly Conducted Activity and similarly MRE 803 (6).

The elements of the foundation for the business entry hearsay exception are:

1. The report was prepared by a business employee.
2. The employee had a business duty to report the information.
3. The employee had personal knowledge of the facts or events reported.
4. The written report was prepared contemporaneously with the facts or events.
5. It was a routine practice of the business to prepare such reports.
6. The written report was made in the regular course of business.

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The witness laying the foundation for admission of business records is usually the custodian of business records. However, any person who is familiar with the business practice of its record keeping can qualify. The witness need not have personal knowledge of the entry's preparation. The testifying witness need only explain his or her connection with the business and then describe the routine method with which the business prepares and maintains its records. Many jurisdictions have a form affidavit for execution by the custodian of records or other qualified witness that eliminates the personal appearance at trial for the admission of business records.

### Leading Questions

Leading questions are not ordinarily permitted on direct examination and are objectionable. A leading question is one that suggests the answer to the witness. MRE 611(d) and FRE 611(c) Leading Questions: "Leading questions *should not* be used on direct examination except as necessary to develop the witness's testimony." Ordinarily, the court should allow leading questions on cross examination. However, there are exceptions to this rule. There is no prohibition against using leading questions on *preliminary matters and on undisputed facts*. For example: Your name is John Ward? You work at the Federal Courthouse in Detroit? The accident occurred on W. Lafayette Blvd. in front of the Federal Courthouse? These leading questions are undisputed facts and permissible on direct examination.

Also, under MRE 611(d)(3) and FRE 611(c) (2) leading questions are allowed on direct examination when a party calls a hostile witness, an adverse witness, or a witness identified with an adverse party.

Moreover, MRE 611(a) makes clear the court's inherent power to control the courtroom. Leading questions can be allowed during direct examination of a witness with learning disabilities, memory recall problems, or those with difficulty in communicating. The proper use of leading questions on direct examination permits the trial to move smoothly in ascertaining the truth and a just determination in the proceeding. Keeping in mind counsels' ethical duties, there is an almost universal unwillingness by appellate courts to reverse trial verdicts over the misuse of leading questions. There must be a showing of irreparable harm that rises to the level of an abuse of discretion. To show an abuse of discretion is a very high, if not impossible, threshold.

### Expert Witnesses

Expert opinion testimony is governed by FRE 702: "A witness who is qualified as an expert by knowledge, skill, experience, training or education may testify in the form of an opinion or otherwise if the expert's scientific, technical, or other specialized knowledge *will help the trier of fact* to understand

the evidence or to determine a fact in issue." If the proposed expert testimony will not help the trier of fact you can keep the expert from testifying at trial. The Michigan Rule of Evidence 702 is consistent with the Federal Rule.

The point of calling an expert witness is not to put a hired gun on the stand. The consummate trial lawyer will put a *teacher* on the stand. For example, after you qualify your expert: Dr. Ruben: "We need you to *teach us* about the location and function of the prostate gland in men. Could you tell us what is meant by the symbols BPH?" Or, "Tell us, Dr. Ruben, why are you here today?" Use headlines or transition phrases in guiding the witness's testimony. The *engaging expert* should act as a guide that can lead the fact finder through the technical, confusing, or unclear elements of the case. Choose an expert who is able to explain and convey information in a way that a lay person can understand. Moreover, the advocate should have the expert repeat the attorney's theory of the case in his testimony. *Permit the judge and jury to hear your story in another voice*. By reiterating this story through a different voice, you have reinforced your theory and persuaded the jury to accept your version and the correct verdict.

### Offer Of Proof

If the judge sustains an objection during direct examination precluding a material line of inquiry, you should make an offer of proof under FRE 103(a) (2) (c) or MRE 103 (a) (2). *An offer of proof states what the witness would have testified to and why the proponent wanted to elicit that testimony*.

The purpose of the offer of proof, on the record, is twofold. If there is an appeal the appellate court can evaluate whether the omission error was prejudicial and whether the appropriate disposition is to remand or enter judgment for a party. The second reason is that the trial judge may reconsider and change the ruling.

### Order Of Witnesses

The order of presenting witnesses is one of the most important strategies to determine in the trial. The order of proof to be acceptable to a jury must follow a logical pattern.

However, in certain cases, consider putting the defendant on as the first witness. This can have an extremely beneficial effect, because the defendant is prepared to testify in line with a properly laid out procedure by his own attorney. *You are not going to follow the procedure he expects and you get to cross examine him with leading questions*. The defendant is going to be completely off balance. Moreover, since you have taken his deposition you will know the kind of witness he will make, especially if he has made inconsistent statements in his deposition. This tactic is not to be used in every case but with trial experience you will know the proper case.

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## Conclusion

During direct examination you have the opportunity to shape your case to tell an interesting and compelling story. You want the jury to believe the facts from your client's point of view. Effective direct examination begins long before you go into the courtroom. Prepare the jury instructions or court's charge early and let it be your road map throughout the trial. Success or failure at trial rests in the manner in which you prepare and present your witnesses.

*The advocate should weave the theme throughout the trial. Determine a theme that will predominate and resonate with the jurors.* If you can construct a story in which the jurors can see themselves without improperly telling them to put themselves in the shoes of your client, you have made great strides in

winning your case. Moreover, if you can develop and deliver the right theme, as a model for understanding the evidence on direct examination and throughout the trial, one or more of the jurors will be arguing your case in the jury deliberation room. "That is not what this case is about." *"This case is about the general contractor's shoddy work."*

## About the Author

*James A. Johnson is an accomplished trial lawyer based in Southfield, Michigan. Mr. Johnson concentrates on serious personal injury, entertainment & sports law, insurance coverage, and federal crimes. He is an active member of the Michigan, Massachusetts, Texas and federal court bars. Johnson can be reached at [www.JamesAJohnsonEsq.com](http://www.JamesAJohnsonEsq.com)*



YLS Summit | Boyne Highlands Resort | June 15-17 2018| Details to come



# Outstanding Young Lawyers: Where Are They Now?

By Katherine Bennett

The YLS is seeking nominations for its annual Regeana Myrick Award. But who was Regeana Myrick? What is the purpose of the award?

Each year, YLS awards a deserving young lawyer its “Outstanding Young Lawyer Award.” In 1997, the section named the award after Regeana Myrick. Sadly, Regeana, a member of the YLS Executive Council, passed away in August of that year. Regeana herself was an outstanding young lawyer—a dedicated member of many bar associations and committed to education and public service. She is remembered not only for her many talents but also for her charitable spirit.

Many incredible young lawyers have won the award over the years and have continued to lead successful and exemplary legal careers. In fact, Michigan Supreme Court Justice Richard Bernstein won the award in 2004, just ten years before he won election to Michigan’s highest court.

Today, we follow up with several winners in years past: Erika S. Julien (2005), Bridgette Sparkman (2007), Michael St. John (2011), Ronda L. Tate Truvillion (2013), Marilena David Martin (2014), and Takura Nyamfukudza (2015). Where are they now?

## What is your current position?

**Ms. Julien:** I am the sole shareholder of Julien Law PLLC, located in Ypsilanti, Michigan, practicing strictly in the area of felony/misdemeanor criminal defense. I am also an adjunct professor for both Eastern Michigan University and Wayne State University Law School, teaching criminal law and practice to our upcoming generations of criminal justice majors and law students.

**Ms. Sparkman:** I took over our partnership when my partner, Charles Owen, retired in May of 2015. Now it is a solo immigration practice.

**ALJ St. John:** I am an Administrative Law Judge for the State of Michigan. I hear cases on a wide range of administrative topics including professional licensing, special education, teacher tenure MIOSHA discrimination and safety citations, wage and hour, unemployment, nursing home complaints and involuntary transfers, Section 8 housing vouchers, transportation, and agriculture. In one particularly diverse and interesting week I heard cases about railroads, cheese, apple orchards, and middle school science.

**Ms. Tate Truvillion:** I am a shareholder at Lewis & Munday, P.C. As a member of the Firm’s Litigation Group, I specialize in labor and employment law and auto negligence defense. On

the labor and employment side, I defend employers against lawsuits and arbitrations initiated by their employees. The cases involve complaints ranging from age and race discrimination to sexual harassment and retaliation. Additionally, I counsel employers on day-to-day issues involving their employees, draft employment policies and conduct employment training. As to my auto negligence practice, I defend self-insured corporations when their employees are involved in automobile accidents where another person claims to be injured. I also defend these cases on behalf of insurance companies when their policies have been implicated.

**Ms. David-Martin:** I am the Training Director at the State Appellate Defender Office (SADO). SADO is a public defender office at the appellate level. I run a unit at SADO called the Criminal Defense Resource Center (CDRC). As training director, I am responsible for developing trainings for SADO attorneys as well as the statewide roster of court-appointed appellate lawyers handling felony criminal appeals. I also develop trainings for trial level attorneys throughout the state. CDRC also produces a wide array of resources aimed at helping court-appointed criminal defense attorneys, such as a newsletter, brief bank, expert witness database, bad cop database, a defender book series, and more. In addition to my CDRC management duties, I have an active case load taking direct appeal cases as well as juvenile lifer cases. Last year, I taught the Wayne State University Criminal Appellate Clinic. In my role here at SADO, I also manage our office’s holistic defense projects, including Project Reentry. Project Reentry assists clients with developing re-entry plans that will aid their transition back home into the community after their prison stay. I also manage our “Family Outreach Night,” which are quarterly events where we help our clients’ families understand the nature of a conviction, and appeal, and prison.

**Mr. Nyamfukudza:** I am a partner and litigator at Chartier & Nyamfukudza, P.L.C. We practice criminal defense and represent our clients at both the trial and appellate level in state and federal courts throughout Michigan.

## What is a “normal” day at work like for you?

**Ms. Julien:** A normal day for me is an utter balancing act between private criminal defense practice, teaching, and maintaining a healthy family, but that is part of the benefit of having a solo practice. I take total advantage of my personal flexibility and I am in constant service to my clients, my students, and my family. That means a daily switching of gears between



court hearings, client meetings, phone calls, jail visits, class lesson preparation, lecturing, getting my kids to/from school and activities, trial practice, reviewing police reports, legal research and motion preparation, buying groceries, doing laundry, coaching law student mock trial practices, watching patrol videos, cooking dinner, and so forth. Sometimes, I sleep.

**ALJ St. John:** On hearing days, I normally preside over hearings which are the administrative version of trials. On non-hearing days I write decisions on the cases that I have previously heard.

**Ms. David-Martin:** I have a healthy mix of management and administrative responsibilities along with direct case load responsibilities, which keeps me extremely busy. On a typical day, I will come into the office by 9 am, respond to outstanding emails, make a to-do list for the day, and get to work. Work could include: answering phone calls and emails from defense attorneys throughout the state who call with questions or requests for assistance, responding to client letters, writing and filing motions or briefs in my active cases, taking phone calls from incarcerated and released clients, conducting meetings about Project Reentry, juvenile lifers, or various management issues, attending conference calls relating to one of the committees I serve on, working on scheduling workshops for our clients, preparing for oral argument or court appearances, and managing the day to day operations of CDRC (editing publications, responding to forum messages, reviewing employee timesheets, populating the website with new content, publishing a newsletter, and more). I typically don't leave the office before 8 pm. When I leave any time before that, I always tell my husband that I'll be "leaving work early", to which he rolls his eyes.

**Mr. Nyamfukudza:** In a typical week, I spend at least three days in court. Because we practice all over, none of those proceedings are identical. That is what makes the practice of criminal defense so enjoyable for me. Misdemeanor and felony matters proceed at different paces depending on the jurisdiction. Some get resolved with a single phone call. Yet others can take up to a year to reach the trial stage and culminate in week-long proceedings before juries. Appellate matters proceed at a slower pace and the oral arguments do not involve as many fireworks as the trial level work. I enjoy both tremendously and I believe that it is incumbent on me to continually improve my skills in both arenas so that I remain a well-rounded litigator.

**What work are you most proud of since winning the Regeana Myrick award? How does this work relate to your commitment to public service, exemplary service to the State Bar, and your professional accomplishments?**

**Ms. Julien:** I was the 2005 Regeana Myrick recipient and it really was such a crowning moment of my early years. I was

also named a Michigan Lawyer's Weekly "Lawyer of the Year" that same year so it was just an amazing time. At the time of these awards, in addition to lawyering, I was the first co-founding president the Washtenaw County/Eastern Michigan University Legal Resource Center, a non-profit organization that has since helped over 35,000 pro se litigants navigate the legal system. I was also heavily involved in a great deal of local bar association work and other board service. While my focus eventually evolved, my need to serve others never did. In the many years that have passed since then, I have been most proud of the ability to grow my personal and professional life in a way that never sacrificed my need to serve others. With a great deal of blood, sweat, and tears, if I look back and consider the sheer volume of human lives I have been able to touch, represent, teach, and have compassion for, it has all been worth it.

**Ms. Sparkman:** I am honored to have received the Regeana Myrick award and do my best at serving our community, especially in these difficult and trying times. I am most proud of our work reuniting families and being able to keep them together in the U.S. Often our work is pro bono or low bono as one of my colleagues described. My now retired partner Chuck, and I have made service our priority while trying to earn a living. We do our best to help those in need or direct them to others that may better suit their needs. Often in our practice, once a client trusts you they seek your advice on all areas of their lives. They also embrace you as part of their family. It has been wonderful to share in our clients' weddings, baptisms, and graduations.

**Ms. Tate Truvillion:** After winning the award, I was privileged to serve as President of the Wolverine Bar Association ("WBA"), one of the state's oldest and largest minority bar associations. During my tenure, we raised significant revenue that funded programming to: a) help attorneys enhance their law practice and skills, b) educate the public about critical legal and diversity issues, c) provide pro bono counseling to local community members, and d) assist law students with preparing for the bar exam and obtaining clerkship positions. Additionally, we awarded multiple scholarships and created a pipeline committee to help expose middle school and high school students to the legal field. The WBA was fundamental to my own professional development and it was truly rewarding to help ensure that our next generation of attorneys are provided access to those same invaluable opportunities. I firmly believe that to whom much is given, much is required. It is impossible for any one person to succeed completely on their own. Whether it was a parent, teacher, coach, or mentor, there is someone who inspired or motivated you to reach the next level. In working with the WBA, I had an opportunity to encourage others to reach back and help lift others to greater heights. Nothing is more important than giving back and paying it forward.

**Ms. David-Martin:** I am most proud of the development of Project Reentry. I am the manager of PR and supervise two staffers and a number of interns on the project. The broad mission of PR is to assist our clients with developing and following through with a reentry plan that will help them succeed upon release from prison. Reentering society after spending a number of years in prison can be a very challenging and scary process. The PR team helps our clients assess their needs, find housing, identify employment opportunities, develop a resume, locate a mentor, obtain a state ID, register for health care, and more. We also offer monthly workshops that help our clients with practical skills that will help them navigate society, including: technology, finance and money management, life-mapping, career readiness, relationship building, and more. PR has garnered a lot of attention and I was asked to present about our project at the National Legal Aid and Defender Association (NLADA) conference in June 2017 as a model for what an appellate-level reentry project could look like. The reentry plans created by PR are being used by judges at the time of sentencing, by prosecutors during negotiations, and by the parole board when it comes time for review. And the clients and their families also benefit greatly in having a plan. We've also developed a newsletter for reentering citizens, in which our clients contribute, as a way to empower them to have a voice. PR coordinates the newsletter's publication. There is really nothing like our project happening for individuals in MI and we are very proud of the work we have accomplished. The project has been such a success that we are working on ways to get funding and to expand to reach more clients. Managing PR takes a considerable amount of time, all of which I devote in addition to the hours necessary for my full-time job as Training Director and manager of CDRC. PR goes above and beyond direct legal representation and is an example of how thinking outside of the box can help to aid indigent clients in need of holistic services. SADO is committed to being a holistic public defender office and to

allowing for greater access to justice for our clients and PR is making that happen on a large scale and in a very effective way.

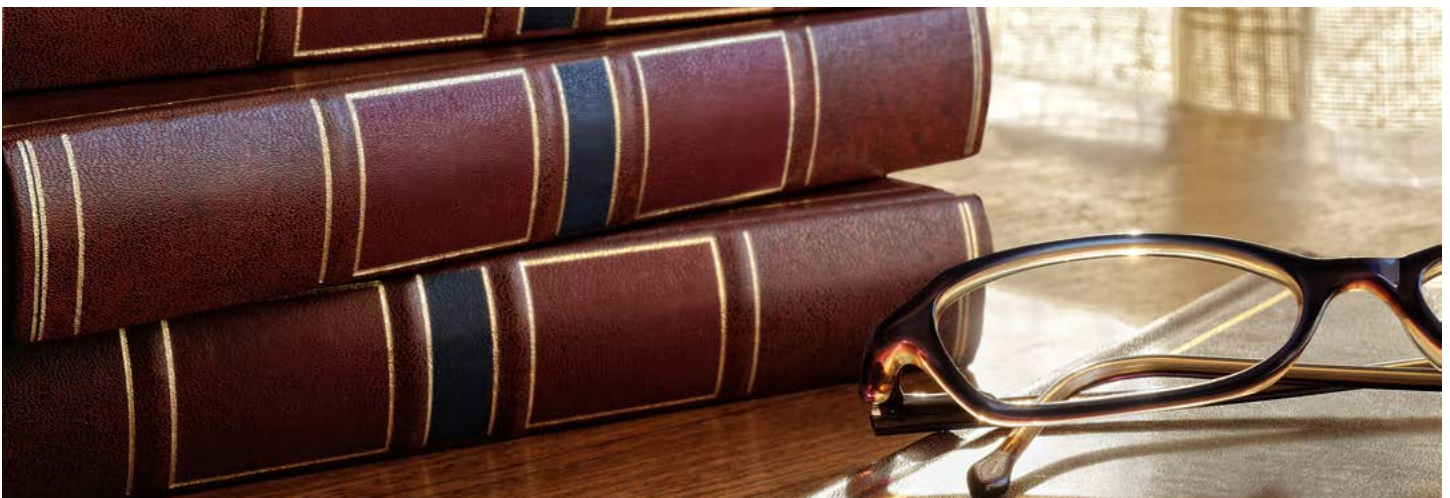
**Is there a notable experience you have had since you won the award that you would like to share with our readers?**

**Ms. Sparkman:** Yes! I have been blessed with a child (now 19 months old) with my husband after 8 years of marriage. I bring him into the office once a week when possible and he interacts with clients at times. He also attends events to raise funds and awareness in the community when appropriate. He will understand the importance of giving back and making a difference in our world.

**ALJ St. John:** Every case, big and small, means a great deal to the litigants who are arguing that case. I'm honored to have the opportunity to serve in this role and do my part to ensure that justice is served. There really isn't one case that stands out – I think that they are all important. I hope that the young lawyers reading this remember that although a case may become routine for them as they gain experience, it means the world to their clients.

**Ms. Tate Truvillion:** I was recently selected for the inaugural listing of Crain's Detroit Business "Notable Women Lawyers in Michigan." (No pun intended!)

**Mr. Nyamfukudza:** Any experienced litigator understands that nobody wins every trial. Only those who try easy cases win them all. My business partner and I joined a minority of criminal defense attorneys when we exonerated – not merely acquitted – our client who had spent nine years in prison for a crime that he did not commit. Our client was represented by a different attorney at his first trial which ended in a conviction. We represented him at the retrial and jostled with the government for over a week. On February 7, 2017, the jury, after deliberating less than a half hour, acquitted our client. He is now on the National Registry of Exonerations.





# Call for Nominations for the Regeana Myrick Outstanding Young Lawyer Award

The State Bar of Michigan Young Lawyers Section is now accepting nominations for the 2018 Regeana Myrick Outstanding Young Lawyer Award (the “Award”). This Award annually recognizes a Michigan young lawyer who has demonstrated an overwhelming commitment to public service, service to the bar, as well as exceptional leadership.

Nominees for the Award must:

- Be in good standing with the State Bar of Michigan; and
- Be 36 years old or younger OR have practiced for five years or less, whichever period is greater.

View the Nomination Form on the next page.

**Note:** Members of the State Bar of Michigan Young Lawyers Section Executive Council are not eligible. For a list of Council Members, please visit <http://connect.michbar.org/yls/council>.

The Award will be presented on Saturday, June 16<sup>th</sup>, 2018, at the 11<sup>th</sup> Annual Young Lawyers Summit at Boyne Highlands, Michigan. Nomination forms and supporting materials must be received no later than 11:59 pm on Friday, April 27<sup>th</sup>, 2018. No extensions will be granted.

For more information on nominations, please contact Kara Hart-Negrich at [hartnegrichk@michigan.gov](mailto:hartnegrichk@michigan.gov).

## History of the Award

In 1997, the Young Lawyers Section 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.

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

2017—Katherine Marcuz Finalists: Abril Valdez and Ryan Berman.

2016—Imran Syed Finalists: Mitra Jafary-Hariri and Emily Thomas

2015—Takura Nyamfukudza

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 A. Linderman

2005—Erika S. Julien

2004—Richard Bernstein

2003—Erika Butler-Akinyemi

**2018 REGEANA MYRICK  
OUTSTANDING YOUNG LAWYER NOMINATION FORM**

**NOMINEE BACKGROUND INFORMATION**

<b>Nominee's Name:</b>	<b>Date of Birth:</b>
<b>Firm/Employer:</b>	<b>Month/Year admitted to the State Bar of Michigan and P Number:</b>
<b>Firm/ Employer's Address:</b>	<b>Undergraduate Institution:</b>
<b>Phone(s):</b>	<b>Law School:</b>
<b>Email:</b>	<b>Law School Graduation Date:</b>

**NOMINATOR'S INFORMATION**

<b>Nominator's Name:</b>
<b>Firm/ Employer's Address:</b>
<b>Phone(s):</b>
<b>Email:</b>
<b>Please indicate in what capacity you know the Nominee:</b>







