

Inter Alia

Among Other Things

Winter 2006- 2007

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Happy Holidays

from the Young Lawyers Section Council

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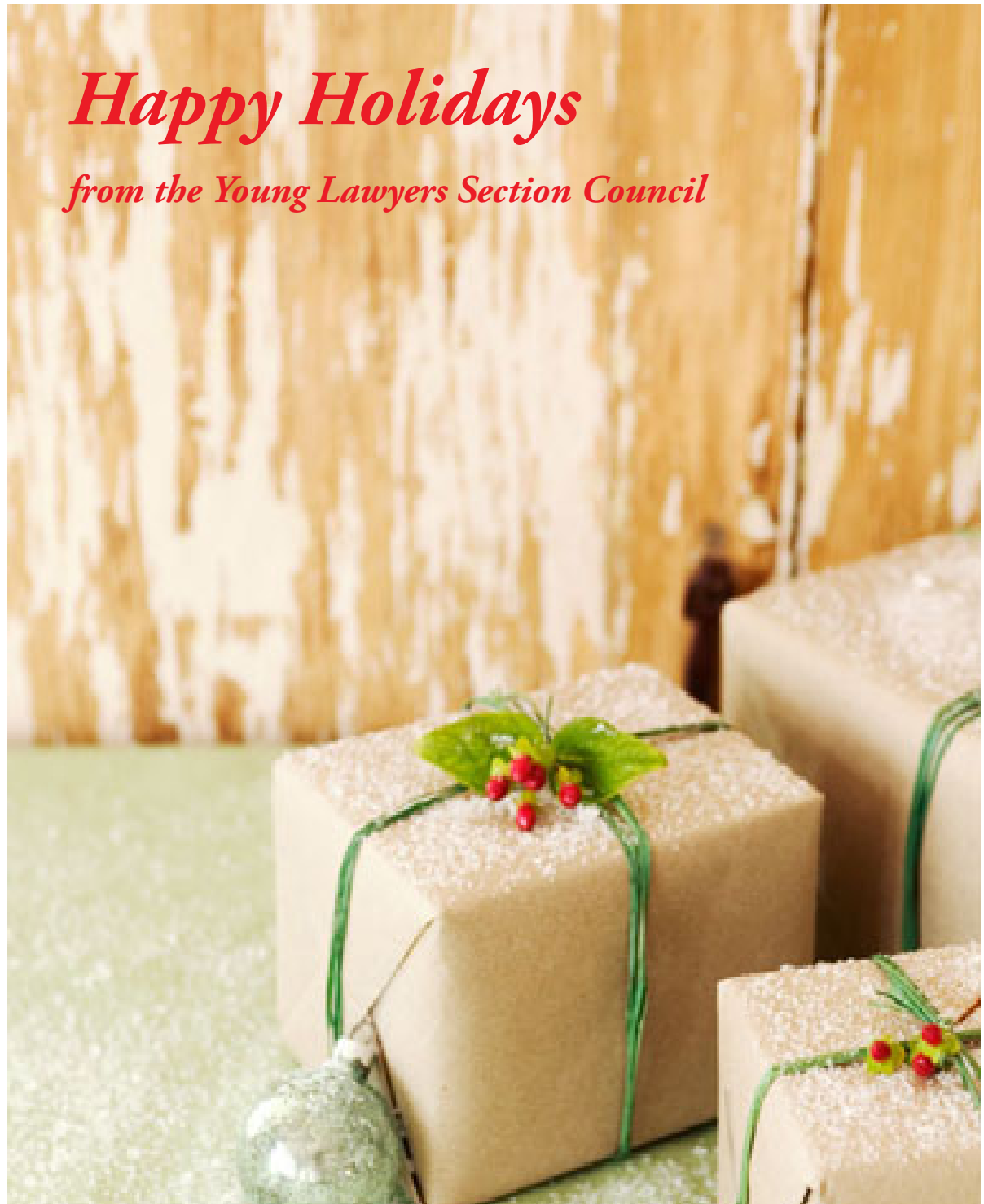
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From the Chair



John J. Conway

645 Griswold St Ste 3600
Detroit, MI 48226

P: (313) 961-6525

F: (313) 961-0754

E: john@johnjconway.com

On August 3, 2006, Mr. and Mrs. Charles R. Rutherford received the court relief they had sought. Their son, Charles R. Rutherford, Jr., was declared legally dead. This event capped a year of unimaginable suffering.

Charles “Chuck” Rutherford was my friend. We had known each other since high school. We rode in the same after-school car pool at the University of Detroit Jesuit High School. We took guitar lessons from the same teacher, and we went to our first Eric Clapton concert when we were first able to drive. Although I was a year behind Chuck in school and we went to different colleges, our paths crossed again in law school. From there, we both went into solo law practice and covered court appearances for each other, grabbed beers after work, and talked of the ups and downs of being solo lawyers in Detroit.

For those in solo or small firm practice, eventually the issue of the “economics of law” takes hold. Not in the same manner that Judge Learned Hand meant, but rather, solo lawyers in time come to the stark realization that many wrongs simply cannot be righted. We realize that although a client may be justified in seeking legal redress, economically, usually for lack of damages, a lawyer cannot accept the case. Chuck never learned that lesson, or, as I suspect, chose to ignore it. He took on quixotic causes. He always focused on issues of liability – the harm that had been done to someone. Often times, the cases would be resolved, as one might suspect, on motion or the payment of small settlement, but Chuck took on the cause. He advocated for many clients for whom door after door had been closed. Occasionally, I would ask him, “What are you doing with that case?” The response was always the same: “What happened to her was wrong,” or “He was wronged,” or “What they’re doing isn’t right.” He was an altruist, and that spark of serving others made him great.

When Chuck went missing in the waters of Lake Huron during an ill-fated boat trip to Mackinac Island in August 2005, it brought together many of us who knew him in legal practice or from U of D High. It brought out the best in our profession. Chuck’s colleagues took over files, and opposing counsel extended untold professional courtesies. The office where Chuck maintained his practice kept his name on the door. Bench and bar pulled together to handle conservatorship issues and issues related to client protection. There was a communal sense of just wanting to do something, anything to try and make this terrible situation better.

Just as this tragedy brought out the best in our profession, it also brought out the worst. Lawyers unable to resist the glow of television klieg lights appeared on camera advancing bizarre theories. They made assumptions, and then speculated about their own assumptions before a television audience. The theories could have been quickly undone by any first year law student practicing a first cross examination for trial practice class.

The interesting thing about these events is that Chuck wouldn’t have focused on the negative. He was not the type of person that would have paid much attention to the negativity. He didn’t hold grudges. He was incapable of being mean or unkind. What a good way to live a good life.

As this episode draws to its sad close, I will never look out over the Great Lakes without in some way thinking about my friend, Chuck. Riding a ferry to Mackinac last summer, I looked out over the magnificent, icy blue waters of Lake Huron. These waters which provide us so much joy are so beautiful, yet so unforgiving. They claimed a great young man, a loving and devoted son, a friend to many, and a caring lawyer. Through our beautiful blue waters and into God’s arms, Charles R. Rutherford, Jr. will be forever missed.

Farewell, my friend, farewell.

The Young Lawyer Section Council



Front row (left to right): Robert Fergan, J.J. Conway, Danielle Mason, Anderson, B. Chris Christenson, and Jeff Kirkey
Middle row (left to right): Solon M. Phillips, Brandy Robinson, Chiri Holt, Jessica Simmons, Veronica McNally, Felicia Johnson, and Maureen McGinnis
Back row: Carols Escurel, Sean McNally, Ryan Deel, Timothy Gardner, Jr., and James Low.
Not pictured: Erika Anderson, and Brent Seitz.



Are You a Writer?

If so, we want to hear from you.

Please contact our editor,
B. Chris Christenson,
Christenson & Fiederlein PC,
at (810) 232-1112
or submit your article to him at
cchristenson@cflegal.net

Coming in 2007: The Practice Potpourri Telephone Seminar Series

Presented by the State Bar of Michigan's Young Lawyers Section, this series of telephone seminars is designed to introduce a variety of legal topics and to help young lawyers handle practice issues that are often challenging or unfamiliar.

The series consists of six telephone seminars that last one hour each and are taught by young lawyer experts on each subject.

Nuts & Bolts of Appellate Practice

Tuesday, January 23, 2007, 2 p.m. – 3 p.m.

- File a claim of appeal in the court of appeals
- Apply for leave to appeal
- Oral advocacy

Brandy Y. Robinson

State Appellate Defender Office, Detroit

Timothy Tyrone Gardner, Jr.

Michigan Attorney General's Office, Lansing

10 Red IP Flags - Identifying Costly Intellectual Property Issues Before They Become a Problem

Thursday, February 15, 2007, 2 p.m. – 3 p.m.

- Potential problems that corporate counsel and business attorneys may encounter in everyday activities
- The costly IP issues hidden in purchasing, marketing, human resources, product development, and management activities

Robert K. Fergan

Brinks Hofer Gilson & Lione PC, Ann Arbor

21st Century Legal Research

Tuesday, March 20, 2007, 2 p.m. – 3 p.m.

- Cutting down on the time spent researching—how to be the most efficient in your research efforts
- Knowing where to look—the best ways to find “THE” case
- Covering all of the bases—how to utilize all available resources in a timely manner
- Knowing Michigan law—the best Michigan sources
- Online research—the major differences between Lexis and Westlaw

Veronica Valentine McNally

Michigan State University College of Law,
East Lansing

Debt Collections in Michigan

Thursday, April 19, 2007, 2 p.m. – 3 p.m.

- Collection prior to suit
- Understanding the fair debt collection act
- Filing the lawsuit
- Collecting the judgment

Danielle Mason Anderson

Miller Canfield Paddock & Stone PLC,
Kalamazoo

Hitting You When You Least Expect It: A Basic Guide to ERISA Law for Non-ERISA Lawyers

Tuesday, May 22, 2007, 2 p.m. – 3 p.m.

- Overview of the Employee Retirement Income Security Act of 1974 (ERISA)
- How to file a benefit claim
- Administrative appeals, jurisdiction and venue
- The basics of an ERISA lawsuit
- The legal resolution of the claim
- Do's and don'ts of filing and defending an ERISA claim

John J. Conway

Law Offices of John J. Conway, Detroit

An Overview of Personal Protection Orders

Thursday, June 21, 2007, 2 p.m. – 3 p.m.

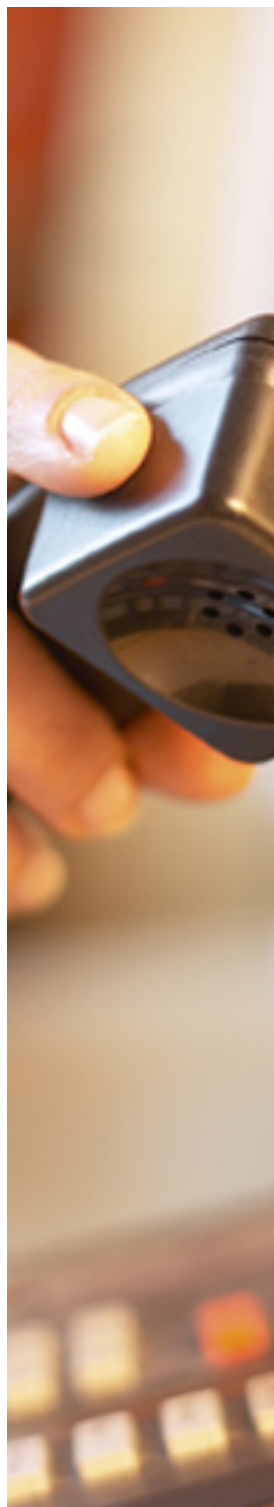
- MCL 600.2950, 600.2950a, 600.2950b
- Applicable court forms
- Notice and process serving
- Granting PPOs ex-parte vs. by a hearing
- Modification, extension and termination by order

Maureen M. McGinnis

Donald E. McGinnis, Jr. PC, Troy

B.D. Chris Christenson III

Christenson & Fiederlein PC, Flint



Legal Rights Day

By Timothy T. Gardner, Jr.

On Tuesday, October 3, 2006, the Young Lawyers Section (YLS) of the State Bar hosted a “Legal Rights Day” at Pontiac Northern High School. The purpose of the program was to prepare students to make a successful transition to adulthood. With more than 15 volunteer attorneys participating in the program, students were informed about their legal obligations when they turn 18. Attorney Tim Gardner, YLS executive council member, was the program chairperson.

The event was designed to address concerns that when some young adults turn 18, they are unprepared to exercise their legal rights. Although state and federal law allow 18 year olds to exercise some legal rights, preparing high school students to make good decisions was the primary goal of the program. With lawyers providing real world examples involving landlord-tenant law, effects of bad credit, and the legal requirements for operating a motor vehicle, students felt better prepared. “Understanding your legal rights prepares you for adulthood,” said Tim Gardner.

Special thanks to Principal Joanne Battle and Ms. Eloise Williams, instructor at Pontiac Northern High School, for their assistance.



Photo by *Detroit Legal News* photographer John Meiu

Front Row: (Left to Right) Veronica Leonard, D. Augustus Straker Bar President; Attorney Regina Triplett; Attorney Earlene Baggett Hayes; Attorney Aina Watkins; Thomas Cooley Law Professor Martha Moore; Attorney Kristine Jahn; YLS Executive Member Jessica Simmons; Attorney Elmeke Allen; Pontiac Northern Principal Joanne Battle; and Instructor Eloise Williams.

Back Row: (Left to Right) Ahmad Roby; YLS Program Chair Tim Gardner; YLS Executive Member Maureen McGinnis; and Attorney Myron Lloyd.

Telephone Seminar Series

Continued from page 4

The seminars are open to all members of the Young Lawyers Section at no charge. You can register for one or all of the seminars.

From your desk, you will be able to dial in to a toll free phone number, listen to the presenter, and simultaneously access the YLS website to look at seminar materials and sample documents that are being discussed. You can even get your individual questions answered during a question and answer period during each seminar. The seminars are free for YLS members.

Can't tune in on the scheduled dates? The seminars will be recorded, and you will be able to listen to them at your convenience at the YLS website where the seminars will stream via Windows Media Player and will be available as MP3 downloads.

Space will be limited, so register early. To register for these free seminars, please contact Susan McMann at the State Bar of Michigan at smcmann@mail.michbar.org or call 517-346-6367. Once registered, you will receive information on how to access the seminars. For more information, e-mail Jeff Kirkey at jkirkey@umich.edu or call 734-936-3434.

Be Heard

Call in to the YLS Council meetings and be heard. Here's what you need to do:

On: Jan. 24, Mar. 21, and July 25

Between: 6:05 p.m. - 6:15 p.m.

Call (800) 270-1153 and enter the passcode 146798# (you must enter the pound symbol to be connected). Voice your comments.

Scenes from this fall



B. Chris Christenson, Jeff Kirkey, Marla A. Linderman - winner of the Regeana Myrick award, Bob Fergan, Mrs. Myrick, and J.J. Conway at the Annual Meeting.



Jeff Kirkey, Jessica Simmons, Ryan Deel, Carlos Escurel, Bob Fergan, and J.J. Conway at the ABA fall conference in Honolulu.



The Myrick family and Erika S. Julien at the Annual Meeting.



Your Council hard at work during a programming and planning retreat in September.

