# Inter Alia Among Other Things

Winter 2008

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#### A View from the Chair: Just Do It!



Robert Fergan is Chair of Young Lawyers Section of the State Bar of Michigan. Mr. Fergan practices patent, trademark, copyright, and trade secret law for the firm of Brinks Hofer Gilson & Lione in Ann Arbor, Michigan. He can be reached at rfergan@brinkshofer.com or at (734) 302-6036.

Do what? It's a great tag line. Often, though, young attorneys spend a lot of time figuring out what to do and how to do it. I have talked with many successful attorneys over the years, seeking advice and collecting their wisdom. Consistently, these attorneys seem to get involved in more than just their practice. What they get involved in varies. For some it is bar leadership, for others it may be a favorite non-profit organization, but these people are involved not only in their practice but in their community.

One great resource for finding opportunities to serve on non-profit boards is <a href="http://www.boardnetusa.org">http://www.boardnetusa.org</a>. You can search through current opportunities to find a non-profit board that you are passionate about. Alternatively, you can put in a profile highlighting your interests/qualifications and see if an opportunity finds you.

If you are a young lawyer interested in bar leadership, getting involved is often as easy as raising your hand. At the local, state, or national level there are a wide array of opportunities. This is the time of year many organizations are lining up leaders for the next bar year. If you need help finding an opportunity feel free to drop me an email at rfergan@brinkshofer.com, I will probably have a few suggestions. One opportunity to learn more is the Young Lawyer Summit on May 16-17, 2008 in Mt. Pleasant. This is a great opportunity to meet other young lawyers from across the state, as well as attending some great substantive programming. In addition, the program is economical for that young lawyer budget. You can attend the summit for the day for \$50 or stay over night and attend the mixer for less than \$200 including your lodging. A registration form is included in this issue.

Finally, don't miss those everyday family events. I have met some of my best friends and from time to time pretty good business contacts through, yes – my kids. Coaching sports, organizing activities, or even just attending events, you would be surprised who you meet. So, just do it. Do life just as vigorously as you do your practice and success seems to follow.

## Wills for Heroes to be Implemented in West Michigan

by Emily Durham and Carlos Escurel

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"To protect the life and property of all citizens and residents in the face of emergencies, disasters, and terrorist acts." This is what a mission statement from a first-responder unit may look like. This statement is a promise to the people where this first-responder unit exists.

This promise extends to anyone in the area, whether a citizen or not. The people giving this promise do not, when responding to the "emergencies, disasters, and terrorist acts," stop to ask if the victim is a resident. Without fail, the officers of this unit respond and protect. Without question.

Such selfless work is often heralded as honorable, noble, and dignified. It is also often called a "duty." However, first-responders such as the officers of the unit above, the local volunteer fire department, or the township police department are not the only people who have a duty.

Attorneys also have a duty. On the day each one of us was sworn in, we took an oath that says, "I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any cause for lucre or malice." And by the Michigan Rules of Professional Conduct, Rule 6.1 tells us that we should provide "public interest legal service." While Michigan does not have a state *pro bono publico* requirement, the State Bar strongly encourages all members to give of themselves for the benefit of the public each year. Without question.

Following September 11, 2001, a South Carolina attorney saw a way to bring these two acts of duty and service together, transcending occupational borders. Wills for Heroes was founded by Anthony Hayes as a way to help those who selflessly give of themselves for the safety of the public. The program provides basic estate planning for first-responders, free of charge. In August 2004, attorney Jeffrey Jacobson brought the Wills for Heroes program to Arizona, and the Wills for Heroes Foundation was co-founded by Hayes and Jacobson in 2007.

The program has grown over the last several years, championed in 2007 by the ABA's Young Lawyers Division as the public service project for the 2007-2008 year. In late 2007, groups around

Michigan began to take interest. Young lawyers in Kalamazoo made the first contact to Wills for Heroes, and were quickly joined by the State Bar's Young Lawyers Section executive council. This program has been successfully implemented by the ABA YLD and respective local bar associations during the ABA's 2007 Annual Meeting in San Francisco, the ABA YLD's Fall Conference in Charlotte (NC), and the recent Midyear Meeting in Los Angeles in February 2008.

A group led by Emily Durham, corporate inhouse counsel; Shaun Willis, partner with Willis & Willis, PLC; Danielle Mason Anderson, associate with Miller Canfield; and Jon Jilek, partner with Koning & Jilek, PC, coordinated the program in Kalamazoo County. The group is planning a spring launch event to serve first-responders in the Kalamazoo area. Michael Willis, partner with Willis & Willis, PLC, volunteered to draft the necessary estate planning documents, which were adopted by the State YLS for statewide use in other Wills for Heroes programs.

The attorneys in Kalamazoo, together with State Bar YLS executive council member Carlos Escurel, have worked with the Wills for Heroes Foundation and the ABA over the last several months to establish the program in Michigan. Following the launch in Kalamazoo, other groups around the state are planning similar kick-off events for their areas. A standard event will service a particular first-responder group, providing a complete and personalized basic estate planning packet with witnesses and notaries available to attest the document. Volunteers are welcome to serve as intake lawyers, witnesses, or notaries, as qualified.

More information on Wills for Heroes can be found at <a href="http://www.willsforheroes.org/">http://www.willsforheroes.org/</a> and <a href="http://www.abanet.org/yld/wills/home.html">http://www.abanet.org/yld/wills/home.html</a>. If you are interested in volunteering for the programs in Kalamazoo, please contact Emily Durham at <a href="ebcdurham@yahoo.com">ebcdurham@yahoo.com</a>. If you are interested in volunteering for other programs across the state, or wish to bring Wills for Heroes to your community, please contact Carlos Escurel at <a href="mailto:carlos escurel@hotmail.com">carlos escurel@hotmail.com</a>.



#### DEAR BOARD OF COMMISSIONERS:

As we stated last year, we, the Young Lawyers Section executive council, have observed and admired you, the Board of Commissioners, for some time. Despite your prowess in the courtroom and dedication to the State Bar, however, we were delighted to hand you a loss in our first annual Board of Commissioners vs. Young Lawyers Section executive council bowling challenge in 2007. That being said, we had a great time bowling with you, and were impressed with your generosity to Access to Justice.

As such, we, the Young Lawyers Section executive council challenge you, the Board of Commissioners, to a rematch immediately following your April 11, 2008 meeting. The second annual bowling challenge will take place at 4:00 p.m. at the Royal Scot Golf and Bowl in Lansing. Come and take home the trophy for the first time this year, if you can.

The Young Lawyers Section will cover the cost of the bowling, shoe rental, bowling shirts, and food; however, as with last year, each member of the losing team will be required to donate \$10 to Access to Justice, our designated charity. Please email your RSVP, along with your unisex shirt size, to Heather Anderson at handerson@mail.michbar.org.

We look forward to seeing you there.

Very truly yours,

THE YOUNG LAWYERS SECTION EXECUTIVE COUNCIL

## **Holiday Dinners**

n December 1, 2007, the State Bar of Michigan Young Lawyers Section and the Kalamazoo County Young Lawyers Section co-sponsored a holiday dinner at Ministry with Community in Kalamazoo. Several young lawyers from the Kalamazoo area, their families and friends volunteered to serve and purchase a special meal for those in need. It was a wonderful event attended by many and has become a tradition for both groups. Our participation is greatly appreciated by the folks at Ministry with Community and great to see so many people devote an afternoon to others during the busy holiday season.

On January 3, 2008, the State Bar of Michigan Young Lawyers Section and the Washtenaw County New Lawyers Section co-sponsored a holiday dinner at Alpha House, an interfaith homeless shelter located in Ann Arbor. Several young lawyers from southeast, Michigan volunteered, including Bonnie Shaw, Jacob Gunter, Larry Margolis, Bob Fergan, Parissa Ghazaeri, and Ryan Barr. The group purchased food, prepared and served a hearty dinner, cleaned up the homeless shelter kitchen, and participated in a children's activity. The event was spearheaded by Bonnie Shaw, who plans to coordinate similar charitable activities in the future.



Pictured from left to right are Bonnie Shaw, Jacob Gunter, Larry Margolis, Bob Fergan, and Robert J. Fergan (son of Bob Fergan). This picture has been provided courtesy of Frank Weir and the Washtenaw County Legal News.

#### **Fun Run**

s part of our commitment to benefit our community, YLS is co-sponsoring the Detroit Public Schools JROTC 5K Fun Run/Walk. The event will take place on Belle Isle, Saturday, April 19, 2008. Registration is from 7-8 a.m.; runners/walkers start promptly at 8:30 a.m. The fee per participant is \$15/each and includes a t-shirt. (The back will feature the YLS logo and that of other co-sponsors). The fee is tax-deductible.

Proceeds from the 5K Fun Run/Walk benefit the JROTC students by offsetting the costs of their summer camp program. The program helps students build confidence and develop leadership and teamwork. JROTC is not a recruiting tool for the military; rather, it emphasizes citizenship and strongly encourages its students to attend college. Many of these students are the first in their families to graduate high school and attend college.

YLS is building a team of young lawyer participants to run/walk the 5K and interact with students while we are there. This shows our support of the students by running/walking with them and also provides them the opportunity to discuss the law as a career with us young professionals.

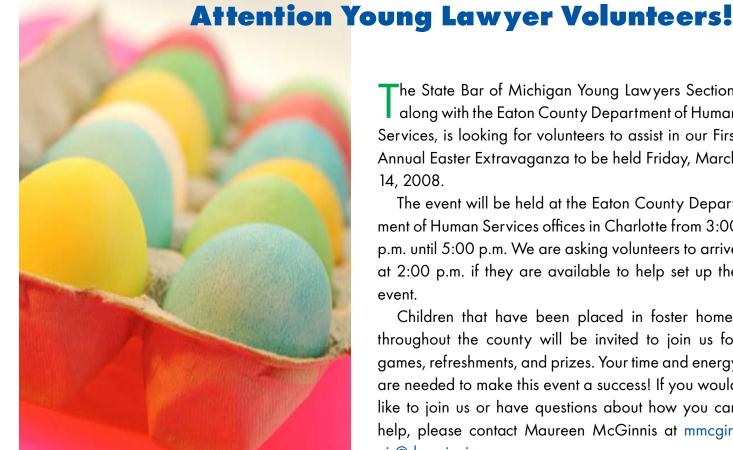
YLS wants to be the organization with the largest number of participants, so sign up today! Sign up for the 5K Fun Run/Walk by contacting Major Patricia Overton at (313) 873-9600 or jrotc.daisupply@detroitk12.org. Make checks payable to Department of Military Science. Sign up by April 1, 2008, to guarantee your t-shirt size.

We look forward to seeing you there!

What: Fun Run

Where: Belle Isle

When: April 19, 2008



The State Bar of Michigan Young Lawyers Section, along with the Eaton County Department of Human Services, is looking for volunteers to assist in our First Annual Easter Extravaganza to be held Friday, March 14, 2008.

The event will be held at the Eaton County Department of Human Services offices in Charlotte from 3:00 p.m. until 5:00 p.m. We are asking volunteers to arrive at 2:00 p.m. if they are available to help set up the event.

Children that have been placed in foster homes throughout the county will be invited to join us for games, refreshments, and prizes. Your time and energy are needed to make this event a success! If you would like to join us or have questions about how you can help, please contact Maureen McGinnis at mmcginnis@dmcginnis.com.

## **ABA YLD Midyear Meeting**

### February 7-9, 2008

By Danielle Mason Anderson, District 20 Representative

Dear Affiliate Leaders:

This report will summarize the 2008 midyear meeting held in Los Angeles, California, February 7-9, 2008 and provide you with updates about the ABA YLD 2007-2008 bar year.

The ABA YLD midyear conference was held in the sparkling city of Los Angeles, California. As always, additional information about the conference and the ABA YLD as a whole can be found at www.abanet.org/yld.

The council on which I sit in my role as district representative for Michigan met on Thursday afternoon. Council minutes will be forwarded when available. There were many lively discussions including the pros and cons of calling ourselves the New Lawyer Division as opposed to the Young Lawyer Division.

A welcome reception was held Thursday evening at One Sunset—a gorgeous venue with wonderful tapas meals. There were several firsttime attendees who took the opportunity to meet and mingle with their fellow YLD'ers.

Programs presented during the day on Friday included Speed Networking, Financial Planning, Ethical Issues in Intellectual Property Pretext Investigations, Modern Election Law, How Civil Juries Really Decide Cases, and The Mortgage Crisis in America. Numerous courses qualified for CLE credits, for those of you licensed in states that require CLE.

The second YLD Summit was held Friday afternoon with roundtable discussions following a keynote presentation by Michael Brandwein. Discussion topics included 1) the framework of law firms; 2) young lawyer career management; 3) work-life balance; 4) law school debt; and 5) preparation for the legal profession and mentorship. It was well attended and provided the attendees with meaningful discussions and ideas to implement changes in our districts and our profession.

Friday evening, a dinner-dance was held at the awesome Pacific Design Center—Blue Building. Bright and early Saturday morning, the YLD

Assembly gathered. My recap would be just as lengthy as the Assembly, so instead, I attach the link to the agenda: at: http://www.abanet.org/yld/ assembly/MY08PUBLICAssemblyAgendaFinal. pdf.

The public service project continued in LA with a "Wills for Heroes" event in Beverly Hills. Wills for Heroes provides basic estate planning services to emergency first responders free of charge. The mayor of Beverly Hills attended the event that provided basic estate planning to the Beverly Hills Fire Department. http://www. abanet.org/yld/wills/home.html.

Affiliates in Michigan are in the process of getting the Wills for Heroes up and running in their areas. Please contact me for further information.

The next ABA YLD conference will be held in conjunction with ABA in Washington, D.C. from April 15-19, 2008. A welcome reception will be held on Thursday evening at 1223 Nightclub, and programming will be all day Friday. A Friday night dinner-dance is scheduled at Union Station. The third YLD Summit will be held on Saturday, April 19, 2008 and is titled "Diversity: The Next Generation" and promises to be a wonderful event. I encourage each of you to attend the meeting in April. April in D.C. is beautiful, and it will be an invaluable opportunity to network, meet your lawmakers, and experience the YLD. Please check out www.abanet.org/yld/affiliateleaders/funding.html to explore funding options. By way of preview, the Annual Meeting is scheduled for August 7-9, 2008, in New York City.

Please let me know about any programs or events that are taking place with your affiliates. I would like to include them in my report to the ABA YLD and may be able to offer assistance as well.

Like much of the state, I am hopeful that spring is just around the corner. Please feel free to contact me with any questions, concerns, or comments, at andersond@millercanfield.com or (269) 383-5880.



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## Young Lawyers Summit

May 16-17, 2008 Soaring Eagle Resort • Mt. Pleasant • MI

Various programs, networking and social opportunities, and the presentation of the Regeana Myrick Outstanding Young Lawyer Award

#### Friday Schedule:

Registration/Check In: 4:00 p.m.-7:00 p.m. Welcome Mixer: 7:00 p.m. - 10:00 p.m.

#### **Saturday Schedule:**

Registration/Continental Breakfast: 8:30 a.m. - 10:00 a.m. Speed Networking: 9:00 a.m. - 10:00 a.m. Programming: 10:00 a.m. - 12:00 p.m. Lunch: 12:00 p.m. - 1:00 p.m. Lunch sponsored by Brinks Hofer Gilson & Lione

1:00 p.m.-3:00 p.m. Programming: Special Group Program: 3:00 p.m.-4:00 p.m. Vendor Programs/Presentations: 4:00 p.m.-6:00 p.m.

6:00 p.m.

Dinner and award presentation: 7:00 p.m.-9:00 p.m.

Dinner sponsored by Paul Goebel Group 9:00 p.m.

Entertainment

BRINKS

HOFER

GILSON

& LIONE

Law Worldwide



Programs include:

- Landlord/Tenant Primer, presented by Chair Larry Schoffner, Real Property Law Section of the State Bar of Michigan
- Tips for Appellate Practice, presented by Court of Appeals Judge William C. Whitbeck
- Criminal Law and Opening Statements, a presentation by Michael
- Family Law Tips, presented by  $7^{\text{th}}$  Circuit Court Judge Joseph Farah
- Alternative Dispute Resolution, presented by Bob Wright
- How to Deal with Difficult Opposing Counsel, presented by Victoria Kremski and Martha Burkett, State Bar of Michigan
- 10 Intellectual Property Red Flags for Your Client's Business, presented by Kelly Burris
- Malpractice Avoidance
- Choice of Entity, presented by Jeffery Ammon, Business Law Section of the State Bar of Michigan
- Practice Management and Technology Aids to Help you Run at Full Throttle, presented by JoAnn Hathaway, Practice Management Resource Center, State Bar of Michigan
- Young Lawyer Leadership at the Local Bar Level, presented by Erika Butler-Akinyemi and Robert Fergan
- Evidence and Civil Procedure, presented by Hon. Dennis C. Kolenda

Sponsorships: Sponsorships are still available. To become a sponsor, please contact Felicia Johnson at (313) 224-6459 or by e-mail at fjohnson@co.wayne.mi.us.

Golf: If you are interested in participating in a golf event on Sunday, please contact Sean McNally at smcnally@osklaw.com or (517) 351-3550.

Accommodations: Reserve directly with Soaring Eagle Resort at 1-877-2EAGLE2. Mention our group code 97P4Y9 and get a special room rate of \$129 per night. Limited number of rooms available at this rate. You can also register online at https://rooms.soaringeagle casino.com/smsworld/wc.dll?smsworld-availbox.

Members may register online at http://e.michbar.org

STATE BAR OF MICHIGAN | Young Lawyers Section

Registration

Young Lawyers	Summit • I	<b>May 16-</b> 1	17, 2008

P #:	C +1 ( + A +11 0000			
Name (to appear on name badge):	Cost before April 1, 2008  SBM member: x \$40=  (Includes events, lunch, dinner, and programming)			
Your Firm/Organization:	☐ Guests of member: x \$25= (Includes events, lunch, and dinner, NOT programming			
Address:	Cost after April 1, 2008			
City:State:Zip:				
Telephone: ( )	☐ Guests of member: x \$35=			
E-mail Address:				
Enclosed is check # for \$				
Please make check payable to: State Bar of Michigan	Mention our group code 97P4Y9 to get the rate of \$129 per room			
Please bill my: □ Visa □ MasterCard □ American Express	Mail your check and completed registration form to			
Card #:	State Bar of Michigan • Attn: Seminar Registration			
Expiration Date:	Michael Franck Building • 306 Townsend Street, Lansing, MI 48933			
	0			
Please print name as it appears on credit card:	Fax (ONLY if paying by credit card) the completed form and credit card information to: Attn: Seminar Registration at (517) 346-6365  Payment MUST be received on or before date of seminar.			
Authorized Signature:				

### **Taking Charge of Your Career**

n February 11, 2008, "Taking Charge of Your Career" was held at the Skyline Club in Southfield. The YLS hosted an esteemed panel that discussed topics aimed at helping lawyers make the most of their career in the legal profession. The panel included the following experts in this area: Timothy Batdorf, Martha Burkett, Timothy Dinan, Thomas Fitzpatrick, and Laura Sagolla.

Mr. Batdorf is a solo practitioner, career coach, and the author of *The Lawyer's Guide to* Being Human: How to Bring Who You Are to What You Do. He presented the attendees with a guide for assessing their satisfaction with their current practice. For those who desire a change, Mr. Batdorf offered a road map for transforming their current practice into a more gratifying one.

Martha Burkett is the program administrator for the State Bar of Michigan Lawyers and Judges Assistance Program. At the LJAP, Ms. Burkett works in program development and outreach activities relative to wellness and quality of life issues for members of the legal profession and law students alike. Ms. Burkett described the resources available at the LJAP to attorneys who are interested in changing their practice or struggling to balance their professional and personal duties.

Timothy Dinan is a solo practitioner and the founder of Conspiracy of One, an organization that helps lawyers start their own firms. Mr. Dinan provided attendees with valuable insight into what is needed to start a solo practice and discussed issues facing solo practitioners today.

Thomas Fitzpatrick is a non-practicing lawyer who counsels lawyers of all types in order to help them get the most satisfaction out of their law degree. Mr. Fitzpatrick discussed a variety of obstacles that he sees confronting lawyers today and provided suggestions for overcoming those obstacles.

Laura Sagolla is a practicing attorney at Kanji & Katzen, PLLC in Ann Arbor. She is the co-creator of Happy Healthy Lawyers, an annual conference at the University of Michigan Law School designed to educate attorneys and employers on how to boost attorney health and happiness. Ms. Sagolla provided the audience with pointers for coping with the demands placed on attorneys, both in the office and in their personal lives.

The program was moderated by John Conway, a solo practitioner specializing in employment law and a member of the State Bar Board of Commissioners.

#### Remember -

Back issues of this newsletter can be found at http://www. michbar.org/ younglawyers/ newsletter.cfm.



### Newly Redesigned SBM e-Journal Allows **Readers to Directly Access Practice Area Summaries**

The State Bar of Michigan free daily online publication, e-Journal, has been newly redesigned with enhanced features. Readers can now directly access the opinions and practice area summaries they are interested in without sorting through the entire edition.

This new customization feature will make reading faster and easier. Current subscribers should choose the "Manage Your Subscription" link in the upper right-hand corner of the *e-Journal* to make their practice area selections.

The e-Journal, sent daily to more than 16,000 subscribers, is one of the most popular services provided by the State Bar. It summarizes all opinions as they are released from the Michigan Supreme Court, Michigan Court of Appeals (published and unpublished), the U.S. Sixth Circuit Court of Appeals (published), and selected U.S. District Courts.

Apart from case summaries, the publication also contains legal news and updates, public policy, classifieds, calendar of events, and fields of practice listings. To sign up for the e-Journal please visit www.michbar.org/publications/signup.cfm.

## Regeana Myrick Outstanding Young Lawyer Award Application

#### Outstanding Young Lawyer Applications Due April 1, 2008

Applications for the Reagena Myrkick Outstanding Young Lawyer Award are now being accepted. The Outstanding Young Lawyer Award is named in honor of Regeana Myrick, who was an active member of the Young Lawyers Section and also served on its Executive Council. From the time of her swearing-in to the Bar to her untimely passing, Ms. Myrick exemplified the commitment to service to the public that the Outstanding Young Lawyer Award represents.

Application Prepared by:				
Name:	Employer:			
Address:	City:		State:	_ Zip:
Daytime Phone No.:		Fax No.:		
1. Name of Applicant				
Applicant's Date of Birth*:	College and	Graduation Month/Yea	ar:	
Law School and Graduation Month/Year:	Law School	Honors/Distinctions:_		
Other Post-Graduate Education:				
Month/Year Applicant was Admitted to Michigan Bar*:  *This information is relevant only to Applicant must be under 36 years of age of age of the Applicant About Applicant				
Employer:	Address:			
Phone No.:	Fax No.:			
For Each Service To The	omplete A Separ e Public Or Proj es Of This Form	ect Serving The Publi	c	
Date(s) Project or Service Took Place:				
Location(s) of Project or Service:				
Were other people involved in conducting the project or ser lawyers, and give approximate number who helped or work (15 people), State Bar Law Practice Management Section (2	rvice along with ked with applica	nt. [Example: Washte	please describe, naw County You	specify if they were
Project or Service Description. Please describe the Applicant the Applicant in the undertaking of the project.		eject in 250 words or le	ess. Also include	the role(s) played by
Approximate Number of People Who Benefited from the Ap	oplicant's Proiec	t or Service*:		
If exact number or range cannot be provided, please explain		· <u>·</u>		

	OPTIONAL ATTACHMENTS:
	Photographs Handouts/Materials
	Articles Press Releases, etc Other (specify)
4.	Applicant's Service to the Bar Using the form below, please describe the services which the applicant has provided to the Bar while he or she attended law school and/or since he or she has been a lawyer.
	Please Complete A Separate Form
	For Each Service To The Bar Or Project Serving The Bar
	(Make Copies Of This Form)
Pro	ject or Type of Service:
Da	te(s) Project or Service Took Place:
Lo	cation(s) of Project or Service:
law	re there other people involved in conducting the project or service with the applicant? If so, please describe. Specify if they were yers, and give approximate number who helped or worked with applicant. [Example: Washtenaw County Young Lawyers Section people), State Bar Law Practice Management Section (2 people), Saginaw Jaycees (19 people)]:
	ject or Service Description. Please describe in 250 words or less. Also include the role(s) played by the Applicant in the undertaking the project.
Ap	proximate Number of People Who Benefited from the Applicant's Project or Service*:
If e	exact number or range cannot be provided, please explain:
	OPTIONAL ATTACHMENTS:
	Photographs Handouts/Materials
	Articles Press Releases, etc Other (specify)