

Inter Alia

Among Other Things

Winter 2014

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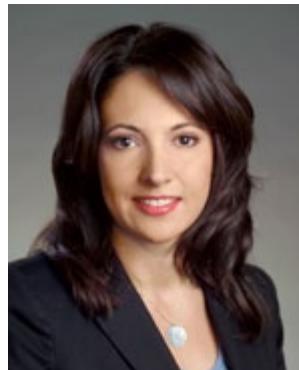
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Letter from the Chair: Welcome to Spring!?



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Here we are – The apparent end of winter and well into the 2013-2014 bar year. Time is flying and the Young Lawyers Section (YLS) has been busy. The year began with our annual planning retreat, where the incoming YLS council brainstormed a number of new programs, and we are now well into planning for the **7th Annual Young Lawyers Summit**, which will be held May 30-31, 2014 at the Lansing Radisson Hotel.

The Young Lawyers Summit is the annual section-wide gathering of the members of the YLS. The Summit has been held at numerous venues across the State of Michigan and we are pleased to bring the Summit to our magnificent state capitol for 2014. The event is designed to provide networking opportunities with fellow members of the YLS, exposure to other sections of the State Bar, as well as a wide array of educational programming.

The Summit will kick off with a group attending the Lansing Lugnuts game on Friday, May 30 (tickets available on a first-come, first-served basis once Summit registration opens). Saturday will offer a full day of educational sessions – many in partnership with other sections of the Bar – and will conclude with a dinner reception and live entertainment. Join us! Bring your friends and make some new ones. Registration will open soon, so keep an eye out.

In addition, each year the YLS honors a Michigan young lawyer who exhibits great leadership qualities and who has demonstrated exceptional service to the bar and service to the public with the **Regeana Myrick Outstanding Young Lawyer Award**. Further information and a nomination form are included at the end of this issue. Please help us spread the word and submit your nominations before May 2.

Finally, if you haven't already, please like our Facebook page, <https://www.facebook.com/sbmyls> and visit our website, <https://www.michbar.org/younglawyers/>, for the most up-to-date information about the YLS.

Looking forward to seeing you at YLS events throughout the year and, in particular, at the 7th Annual Summit in Lansing at the end of May.

ABA Conference Review

By Donald Rencher

This year's annual ABA conference was held in San Francisco, California. The Young Lawyer's Division (YLD) offered many informative panel discussions and programs for young attorneys to participate in.

The following is a synopsis of all the seminars and programs that I attended.

Thursday, August 8, 2013

YLD Delegate Dinner

Friday, August 9, 2013

8:45am – 9:30am

Young Lawyers Division Plenary Session

In this session, all new members were formally introduced and welcomed to the Young Lawyers Division. The introduction and welcome was followed by a speech given by the Honorable Edward M. Chen. Judge Chen was nominated by President Barack Obama to serve as judge for the U.S. District Court for the Northern District of California. Judge Chen was also the first Asian American to be given this appointment. In his speech, he touched on the difficulty of being raised in an immigrant family. He also discussed his time as an attorney for the American Civil Liberties Union (ACLU). Because of his time spent with the ACLU, his nomination by Barack Obama was often criticized. Judge Chen was officially appointed 2 years after his nomination. This is the longest period a judge has had to wait from a presidential nomination to official appointment.

9:45am – 10:45am

Insurance Claims: From Notice to Resolution

In my position with the Michigan State Housing Development Authority (MSHDA), I am required to insure that sufficient insurance is in place with any MSHDA originated loan. Whether the loan is for single family homes or large scale multi-family developments.

The panel consisted of several legal insurance experts. The panelist also included a USB flash drive that contained the entire PowerPoint presentation. I will provide the USB flash drive for YLS distribution.

Most of the discussion surrounded how to analyze a valid insurance claim. A claim is a demand in writing for some type of monetary relief or injunction. To further address those in attendance on how to analyze a legally valid claim, the panel went through several hypotheticals to discuss whether a valid claim exists.

With a claim, a Claimant must also have valid notice. The panel went into further discussion on how to analyze valid notice. One must always look to the four corners of the insurance policy to identify valid notice. After discussing valid notice, the panel went through additional hypotheticals.

One of the most important lessons of the day was the discussion of remedies. Panelist discussed that every attorney dealing with an insurance claim should always discuss with the Claimant as to exactly what they want. Do this instead of going to war over coverage issues. Many times problems can be resolved in some type of negotiation. This cuts out on attorney's fees and hours.

The panel closed the session by discussing Reservation of Rights Letters, Third Party Claims, and bad/good faith dealings.

11:00am – 12:00pm

If you build it, they will sue: Legal Challenges Building Stadium and Arena Development Projects.

I was interested in this panel discussion, because of my duties as a staff attorney at MSHDA. I am responsible for closing large scale multifamily developments. Although I only do residential, many of the commercial development deals run into similar legal complexities.

The panel included 2 attorneys. One attorney was responsible for closing the San Francisco 49'ers new football arena. The other attorney was responsible for closing the Moscone Center. Note: The Moscone Center is the complex that held the ABA conference. The panelist explained the background of the name of their seminar. Quote: "I was always told that you are not a successful business man until you are sued."

The panel discussed the most important part of building any stadium, arena or complex. First you must find the requisite amount of funding. The panel discussed the use of public (municipality bond financing) and private funds. Public funds always will come with public scrutiny. You have to deal with politics. You have to deal with residents of the city expressing their views on how their tax dollars are spent. They also talked about private financing. Private financing usually comes in as some private limited partner who only wants its investment back. Because of this, long negotiated agreements take place between the general partner and the limited partner. The partnerships discuss who receives what in their specific revenue streams. For example, who receives ticket sales, concession stand profits, parking,

luxury box money etc... Then who is responsible for maintenance and overhead costs? A good relationship between investors and sports teams are necessary. Additionally, terms and conditions must be and should be clearly spelled out.

The panel also discussed legal reviews. It seemed the most problematic issue that people face when building a development to that scale is the environmental review. This review seems to always complicate closings. Environmental issues are becoming even more prevalent now that most developers of arenas and large scale complexes want to build in urban/downtown areas. Many of these downtown areas housed factories that have been closed for years. Although the factories have been closed, the environmental destruction left behind has been truly detrimental.

The panel also discussed all the parts needed in a large scale closing: city (local acceptability), architects, contractors, developers, financing, zoning use (eminent domain).

I personally asked about the ethical dilemmas of building some of these arenas. The panel discussed how the current trend is to build arenas in urban environments (Eg: Ford Field, Comerica Park, and the new Red Wings Stadium), mainly because of the availability of public transit. What happens to the low-income people who live in that area once the arena is completed? Low-income individuals will now be either priced out of the market or made to move. The panel responded by saying that every arena must have a plan to successfully meet the concerns of the current residents. Doing this makes everything much smoother. Also, stadiums are now being built to last longer. This allows for stadiums to be a constant and positive affect on a community without fear of it leaving. An arena being demolished can cause devastation amongst communities (Eg: The Silverdome in Pontiac or the old Detroit Tiger Stadium).

I also asked how long an arena must stay in place before investors see any return. They answered by saying it depends. It depends on the managing entity and the success of the team.



Saturday, August 10, 2013

8:00am – 9:00am

Young Lawyers Division Networking Breakfast

9:00am – 12:00pm

Young Lawyers Division Assembly

At the Assembly, the YLD voted on several issues. The one main issue, which also seems to be the theme of the year, is to address bullying. The young lawyers voted on a resolution to encourage states to implement anti bullying laws.

3:45pm – 5:15pm

Emergency Manager Laws as an Alternative to Bankruptcy in Local Government

This session primarily focused on Detroit's Emergency Financial Manager Law (EM Law). The panelist consisted of Andy Dillon (Michigan Treasurer), Michael McGee (CEO of Miller Canfield), Steve Stapleton (Miller Canfield).

The individual that seemed to have the most knowledge of the effects of the EM Law was Andy Dillon. Andy Dillon not only serves as Treasurer for the State of Michigan, but he sits on the board of MSHDA, ran for governor of Michigan, and served as State Senator.

The conversation revolved around Detroit's serious financial issues. Currently, Detroit is bringing in approximately \$1,000,000,000 in revenues on an annual basis, but has about \$5,000,000,000 in liabilities on an annual basis. There was also a discussion about the Constitutionality of the EM Law. The panel informed those in attendance that all cities in this nation serve as a municipality of the state. Therefore, the state has the ability to make decision on behalf of cities (more or less).

The panel further discussed the City of Detroit's inability to handle finances effectively, establish a strong tax base, and continue necessary resources to its citizens (fire, police, etc.). The panel also discussed the difference between Chapter 9 Bankruptcy and Chapter 11 Bankruptcy.

The panel also discussed how they feel this move will push for more privatization and minimize the load on many local municipalities.

Interesting fact: "Detroit used to make 90% of all cars in the world. Detroit now is responsible for making 2% of the cars in the world." (Andrew Dillon).



Why Our Choices for Community Service Projects Are Important

By Syeda Davidson

This year, at the American Bar Association's Annual Meeting, incoming Young Lawyers Division President Mario Sullivan brought the room to tears when he talked about his inspiration for this year's public service project, Bullyproof. So when I had the opportunity to attend the Young Lawyers Division Fall Conference, I wanted to learn as much about the project as possible.

The division was showing the 2011 documentary, "Bully," as part of the conference. I later learned that the reason that leadership division chose that film was so that attendees at the conference would be motivated to implement the project in their home states. In my case, it worked.

"Bully" shows several students who are bullied at school, but mostly features a young boy named Alex Libby. He is relentlessly harassed at school in Sioux City, Iowa, beginning on the bus, where he is stabbed with pencils, threatened, and choked. In the end, it is not the bus driver or any school employee who informs Alex's parents of what is happening. The filmmakers, feeling that Alex's life is being threatened, show footage to his parents as well as administration. While watching the bullying is upsetting, this is the part where the film becomes truly infuriating.

Rightfully upset about the footage, The Libby's go to the Assistant Principal, Kim Lockwood, to discuss the issue. During the meeting, Lockwood tells The Libby's that school busses are the worst place for bullying, and that the best she can do is to move him onto another bus, where she cannot guarantee that the same thing won't happen. Dumbfounded, Alex's mother asked why the actual bully is not just removed. In response, Lockwood takes out a picture of two children in her family and tells The Libby's that if someone was hurting one of these children, she would be crying just like Mrs. Libby

was. Inexplicably, the meeting ends there, with no solution being offered.

Later, Alex meets with another member of administration, who wants to know why he didn't just report the bullying. Alex, in a moment of true courage, calls the administrator out, telling her that she did not do anything the last time he reported a bullying incident. In juxtaposition to Alex's courage, the administrator shows truly self-serving behavior by telling Alex that he does not know that she didn't do anything. Later, we watch the same administrator threaten a bully by saying that his behavior will go in his "permanent record."

I don't know about you, but this kind of threat would have had no effect on me as a child.

SPOILER ALERT. (Since this is a documentary, I am not concerned about delivering a spoiler.) Watching the utter cluelessness of the administration was incredibly frustrating. At the end of the film, Alex is finally happy and singing. However, this was not because the administration all of a sudden became competent, or because the bullies were appropriately charged. Alex was in a good mood at the end of the film because summer recess had started.

And what had we, as a society, done to fix the problem? Not a thing. We had failed.

I say "we" because Alex's situation is not unique. While there are some good administrators out there, things like this regularly occur in our school system. The division has put together a wealth of resources for us to use, as young lawyers, to help educate the public on this problem and try to combat it. You can find that information here: http://www.american-bar.org/groups/young_lawyers/initiatives/anti_bullying_initiative.html

I hope to implement this project in Michigan. I hope that some of you will join me.

Updates from the ABA-YLD Fall Conference

By Jade Jozzmenia Edwards

I recently had the privilege of attending the American Bar Association Young Lawyers Division Fall Conference in Phoenix, Arizona. I felt that I was at an advantage at the conference, in that I practice in a state that does not have CLE requirements, and thus could pick and choose what sessions to attend based solely on interest.

The sessions predominantly focused on either the anti-bullying initiative “Bullyproof”, or areas that would be of interest to young lawyers. There were sessions that addressed how to implement anti-bullying initiatives in local schools, educational seminars on legal issues related to bullying, and even a screening on the documentary *Bully*.

I attended a couple of seminars on financial planning for your lawyers that offered practical advice on saving, investing, and planning for retirement. Though it seems obvious, the theme was to plan early, and presentations highlighted considerable advantages to doing so. While strategies obviously wouldn't be the same for everyone, planning was key, with targeted goals in saving, spending, and paying down debt that proved invaluable. While disorganization, lack of time, procrastination, failure to seek help, and other reasons were given for a failure to get finances in order, a lack of financial strategy or direction was cited as the most significant reason for financial failure. The following tips were offered to young lawyers to help with achieving financial success:

- www.Nslsds.ed.gov and www.studentloans.gov are great starting points for student loan assistance and forgiveness, and make sure that extra payments are applied to the principal, not future payments;
- Go to www.ambar.org/LPMKnowledge for practical advice on law practice management;
- Create a budget!
- Include shopping, spa treatments, and other splurges in your budget.

Of equal interest and importance were the affiliate leader planning sessions, which as always proved invaluable. We began with a detailed overview of American Bar Association resources for its affiliates. The ABA website (www.americanbar.org) offers webinars, grants for bar activities, funding assistance to send members to conferences, programming ideas, resources for new bar admittees, and many other items of use for new attorneys. They award

approximately \$25,000 to young lawyer affiliates each year for service projects, along with additional funding sources. There is even an essay contest for Law Day that awards the winner with a trip to Washington D.C. These opportunities go unnoticed by many due to sheer lack of knowledge about them.

While strategies obviously wouldn't be the same for everyone, planning was key, with targeted goals in saving, spending, and paying down debt that proved invaluable.

Later, we had breakout sessions where we discussed different topics relevant to young lawyer affiliates. In these smaller groups we were able to brainstorm and have productive discussions on ideas for improving local bars in different areas. I went to the sessions on Funding & Budgets, Member Participation, and Service Projects. Some of the key tips were:

- Improve relationships with larger bar associations;
- Secure advertising from companies that lawyers use – locally this can mean process servers, recording services for depositions, etc.;
- Seminars can be a good source of fundraising;
- Hold events solely geared towards recruitment;
- Utilize the ABA or your State Bar for grants, mail lists, advice, postage etc.

Lastly, I learned about World Card Mobile, a telephone app that saves all your business cards! I can't even explain how great it is, but once you download it you'll see for yourself. Unlike most apps, I actually got the paid version (\$6.99) and it was more than worth it, which should tell you something.

Overall I would encourage everyone to take advantage of all the resources ABA has to offer, and if you attend a conference, I can assure you it will be a worthwhile experience.



Sports and Entertainment Law Symposium Strong in its Rookie Debut

By Jerome Crawford

The 1st Annual Sports and Entertainment Law Symposium was a huge success in its inaugural debut on Thursday, September 26, 2013 at Michigan State University College of Law. SBM-YLS partnered with the Law College and the student-run Sports and Entertainment Law Society to pull off this fantastic initiative. Although the program was [ambitiously] entitled an "Entertainment" program as well, the focus was primarily on the world of sports. SBM-YLS Executive Council Members and Co-Chairs Jerome Crawford and Paul Vance gathered an all-star team of panelists to tackle a hot topic in sports today: Performance Enhancing Drugs – or "PEDs" for short. If baseball is truly America's favorite pastime, then our most revered hobby has been under intense scrutiny for decades in the wake of the "steroid era." In light of recent developments in the MLB, this event served as forum to discuss and educate about these issues not only in baseball, but also in other pro sports (NFL, NHL, NBA), collegiate athletics, and the Olympics. Additionally, the program was used as a vehicle to provide law students and attorneys alike with a networking venue and unique insight on career opportunities within sports.

Our Dream Team Panel included the following: Howard Gourwitz (NHL Player-Agent); Jim Pignataro (Associate Athletic Director of Michigan State University); Storm Kirschenbaum (MLB Player-Agent); Quinton Sawyer (Athletic Trainer – MSU Men's Basketball); and Todd Williams (NFL Player-Agent). Gourwitz, Kirschenbaum, and Williams are all attorneys as well; thus, their insight, advice, and "war-stories" were particularly meaningful to the audience mostly comprised of law students. Likewise, Pignataro and Sawyer were able to offer a one-of-a-kind look into college athletics, perhaps sparking the interest of those in attendance toward alternative legal careers. And, of course, there was plenty of discussion on PED use in these respective realms and the role of the agent (or attorney or administrator) at various phases in the collective bargaining, prevention, and testing processes.

An attentive and engaged audience of over 60-70 actively listened to the wise counsel of the panelists as they were peppered with riveting discussion prompts

(by yours truly), chiming in with questions of their own throughout to keep the session interactive. Immediately following the forum was a strolling networking luncheon. Major kudos go to the all-star panelists themselves, for without them the event would not have been possible. Quick post-game interviews of attendees indicated that the symposium was a grand slam! Consequently, many fans are eagerly anticipating the sophomore season of this phenomenal event. On to next season!



Dale Carnegie Event Summary



On September 15 the Young Lawyers Section hosted “Stand and Deliver! A Public Speaking Workshop by Dale Carnegie®” at the Detroit Yacht Club. Attendees learned tips to help organize presentations, speak with confidence and clarity, hold their audience’s attention, and face challenging and unexpected questions. Dale Carnegie® is a world-wide leader in educating professionals in the art of public speaking and persuasion, and the YLS was pleased to be able to offer its members the unique opportunity to attend a condensed Dale Carnegie® public speaking workshop. Similar Dale Carnegie® courses are typically offered in a multi-week format at a much higher cost. The YLS hopes to offer similar workshops in the coming year. Stay tuned!

Back to School BBQ

On Saturday, August 24, the Young Lawyers Section sponsored a Back to School Fun Day at the Vista Maria campus in Dearborn Heights. The event featured games, DJ entertainment, a face painter, caricature artist, backpack and school supply giveaway, and, of course, a tasty BBQ lunch. A number of YLS members volunteered their time to make the day fun, serving 25 foster families, 68 children, and 15 Vista Maria staff members. A good time was had by all!

Vista Maria is a private, non-profit agency that has been successfully transitioning high-risk girls and children into adulthood since 1883. Its mission is to heal and restore Michigan's abused, neglected and poverty stricken women and children so the successfully transition into a productive and healthy adulthood, by providing a comprehensive continuum of healing relationships and care. For more information, visit www.vistamaria.org/fostercare.



YLS Retreat Summary

On Saturday, October 19, the Young Lawyers Section's incoming 2013-2014 Executive Council held its annual planning retreat at the CityFlats hotel in Holland, Michigan. Council members arrived in Holland early Saturday morning to welcome new members and begin brainstorming events for the 2013-2014 bar year.

Following a long day of reviewing State Bar policies, council information, budgets and program proposals, the council gathered for dinner in downtown Holland and enjoyed a fabulous fall evening. We look forward to meeting section members throughout the year at various YLS events. Do not hesitate to reach out to council members (identified on the cover page and also listed at <https://www.michbar.org/younglawyers>) if you have new program ideas or feedback on YLS programs.



The State Bar of Michigan Young Lawyers Section is now accepting nominations for the 2014 Regeana Myrick Outstanding Young Lawyer Award

In 1997, the State Bar of Michigan Young Lawyers Section ("YLS") renamed its "Outstanding Young Lawyer Award" in honor of Regeana Myrick, an Executive Council member of the YLS, who passed away in August of that year.

In addition to serving on the YLS Executive Council, Regeana was a dedicated member of many bar associations. Regeana was committed to education and public service. She is remembered by her family, friends and colleagues as a bright and charitable woman with many talents who was always mindful of those less fortunate than herself.

Please join the YLS in remembering Regeana Myrick this year at the 7th Annual Young Lawyers Summit on May 30-31, 2014 at the Lansing Radisson Hotel, where the "Outstanding Young Lawyer Award" will be presented during the luncheon on May 31 to a young lawyer who embodies Regeana's selflessness and scholarly legacy.

Nominations must be received by May 2, 2014.

The nomination form is included on the next page. For more information, please contact Andrea Irons at andrea.irons@gmail.com.

Past Award Recipients Include:

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

2014 REGEANA MYRICK OUTSTANDING YOUNG LAWYER APPLICATION

NOMINEE BACKGROUND INFORMATION

Name of Nominee

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

Preferred Mailing Address and Contact Number

Business/Employer's Address and Contact Number

Preferred E-mail Address

Law School and Date of Graduation

NOMINATED BY

Name, Preferred Mailing Address and Contact Number

Business/Employer's Address and Contact Number

Preferred E-mail Address

Relationship to Nominee

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

NOMINEE'S SERVICE TO THE PUBLIC

Please describe services you are aware of that the Nominee has provided to the public as a law student and/or since he/she has been admitted to practice. *Please be as specific as possible.*

If available, please give dates, locations, organizations involved and the role that the Nominee played in each public service listed in this section of the application. Feel free to attach photographs, articles or press releases relative to any of the public service endeavors listed.

NOMINEE'S SERVICE TO THE BAR

Please describe services you are aware of that the Nominee has provided to the Bar and the practice of law as a law student and/or since he/she has been admitted to practice. *Please be as specific as possible.*

If available, please give dates, locations, organizations involved, and the role that the Nominee played in each service to the Bar listed in this section of the application. Feel free to attach photographs, articles or press releases relative to any of the service endeavors listed.

Please give one example of an instance in which you believe the Nominee demonstrated outstanding leadership?

Any other additional information that you would like the Award Committee to know about:

PLEASE SUBMIT THIS NOMINATION NO LATER THAN FRIDAY, May 2, 2014 TO:

Regeana Myrick Outstanding Young Lawyer Award
c/o Andrea Irons
38770 Garfield Rd Ste 100
Clinton Township, MI 48038
or to andrea.irons@gmail.com

Announcements

YLS Gathering in Detroit

The Young Lawyers Section is hosting a gathering at the 3rd Street Bar with appetizers (sweet and savory pies) by Dangerously Delicious Pies Detroit.

Date: Thursday, March 27, 2014; 6:00–9:00 p.m.

Location: 3rd Street Bar, 4626 3rd Street, Detroit, MI 48201

RSVP to Bari Blake Wood at bariblakewood@gmail.com or Hope Shovein at hshovein@brookskushman.com before Tuesday, March 25, 2014

Judge Michael Talbot of the Michigan Court of Appeals, First District, will discuss his role as special judicial administrator of the 36th District Court and chief judge of the Court of Claims. Mark Peyser of Howard and Howard will also address the group about the importance of building litigation skills.

There is no cost to attend, but space is limited.



Social Skills Series Pool Night

Date: Thursday, May 8, 2014; 5:30–8:30 p.m.

Location: Sticks, 39 East Cross Street, Ypsilanti, MI 48198

RSVP by May 1 to Mark Jane at mwjane1980@yahoo.com or Anna Frushour at anna@frushourlaw.com

The popular Washtenaw County social skills series returns with Pool Night! Come join the Young Lawyers Section and the Women Lawyers Association of Michigan—Washtenaw Region at the annual networking skills event.

Complimentary refreshments will be available.



7th Annual Summit

Date: May 30-31, 2014

The Young Lawyers Section will host its 7th Annual Summit in the magnificent state capitol from May 30-31, 2014, at the Lansing Radisson Hotel. The Summit kicks off with a Friday night Lansing Lugnuts game (tickets will be available on a first come/first serve basis when Summit registration opens). Saturday will offer a full day of networking and educational sessions at the Lansing Radisson Hotel, followed by an evening reception with live entertainment at Tropo. The State Bar of Michigan New Member Orientation will also be held on Friday, May 30, from 2:00–5:00 p.m. Stay tuned for further details.