

Inter Alia

Among Other Things

Winter 2017

www.michiganyounglawyers.com

Council Officers

Chairperson

Shenique A. Moss

Chairperson-Elect

Syeda F. Davidson

Secretary

Kara R. Hart-Negrich

Treasurer

Ryan Zemke

Council

Elizabeth K. Abdnour
Katherine J. Bennett
Kristina A. Bilowus
Matthew P. Breuer
Jerome Crawford
Tanya N. Cripps
Rabih Hamawi
Amy S. Krieg
Laura M. Kubit
Samantha J. Orvis
Ryan C. Plecha
Choi T. Portis
Erica N. Payne Roell
Colemon L. Potts
Roberta L. Sacharski
Aaron Sohaski
Brande N. Smith

Letter from the Chair



Shenique A. Moss

Wayne County Commission
500 Griswold St Ste 810
Detroit MI 48226-3480
P: (313) 224-0909
F: (313) 224-7484
E: smoss@waynecounty.com

As we head toward spring, it is hard to believe that we are almost halfway through the bar year. So far, the Young Lawyers Section has successfully co-sponsored the 2017 American Bar Association Young Lawyers Division Fall Conference, the 17th Annual National Trial Advocacy Competition, and various educational and professional development seminars. YLS has also implemented Wellness Wednesdays which focus on mental health and physical well-being and Thankful Thursdays which highlight pro bono opportunities.

Plans are currently underway for the 10th Annual Young Lawyer Summit which will be held at Crystal Mountain Resorts on April 28-29, 2017. This year's Summit will have two tracks: a litigation bootcamp and a professional and business development bootcamp. We have terrific programs and presenters lined up. During the Summit, we will present the Regena Myrick Outstanding Young Lawyer Award to a young lawyer who has demonstrated an overwhelming commitment to public service, service to the bar, as well as exceptional leadership. We encourage you to nominate a deserving young lawyer. We also hope that your schedule will permit you to attend the Summit and promise you will not be disappointed. If you have not attended any YLS events in the past, this is the perfect event. There are numerous opportunities to mix, mingle, and network with young lawyers from around the state.

If you are interested in getting more involved in the section, please consider joining one of our committees today; there are a number of openings. More information on the 2016-2017 YLS committees can be found on our website <http://connect.michbar.org/yys/council/committees>.

Sincerely,
Shenique

Ex Officio
Mark W. Jane

Managing Implicit Bias in the Legal Profession

Should lawyers be held accountable for conduct based on implicit bias—that is, for conduct based on biases they're unaware of?

Intuitively, some may respond with “Of course not! How can anyone be responsible for conduct he or she is unaware of?” But what if one is aware of harboring a bias—even if one is unaware of acting on it in particular circumstances—and aware the bias has significant harmful consequences in the real world?

Implicit bias consists of unintentional but strongly-held beliefs in favor of people from the “in-group.” It means we all maintain unconscious models of reality that help us categorize and process the many bits of information we perceive at any point in time, without feeling overwhelmed. Such biases, or schemas, begin to develop at an early stage and reflect the existing power relations in society.

The pervasiveness of implicit bias does not just depend on powerful in-group members—white men, for example—thinking they are superior. Rather, it takes place when everyone — men and women, whites and minorities—begins to believe, subconsciously, that the powerful group members are deserving of their elevated status.

“Fine,” one might say, “I get that implicit bias is unconscious processing of information by people that favors some at the expense of others. But what does it mean for an institution, like a large law firm, to harbor implicit bias?”

Implicit bias exists in the legal profession. In fact, it exists everywhere.

Consider a recent study that found law firm partners gave a significantly higher evaluation to an associate's memorandum when they were told the associate was white than when they were told the associate was black, and described the associate's potential as far more positive when they believed the associate was white.

Of course, it's likely the partners did not intend to discriminate. But the implicit bias—in this case, expecting the white associate to outperform the black associate, and unconsciously subjecting the black associate's memo to a more demanding evaluation and a harsher assessment—was common to all the partners, black and white alike.

The study demonstrates that implicit bias exists in the legal profession and has significant harmful consequences. Large law firms' partners harbor implicit biases just like everybody else, and these implicit biases influence their decision-making and conduct as partners. In particular, these implicit biases impact their interactions with other lawyers at the firm and their evaluations of associates' and other partners' performance.

Over time, the consequences are harsh and undeniable: associates with better evaluations will receive better assignments, and will be more likely to become better lawyers and more likely to be promoted.

Importantly, implicit bias is not only unfair to members of out-groups. It is harmful to law firms interested in accurately assessing the performance of its lawyers and wishing to retain and promote the best lawyers.

So how can implicit bias be managed in the legal profession?

The first step is **AWARENESS**. This does not merely mean teaching partners about implicit bias as an abstract phenomenon. Instead, it means educating lawyers about the specific ways in which implicit biases shape and inform their professional decision-making and in particular their exercise of judgment when assessing the performance of others.

The next step is **TRAINING**. Biases are commonplace, resistant to challenges (in part because they are unconscious), and impossible to eradicate fully. Yet studies show that awareness and repeated training do reduce the impact of implicit bias on decision-making.

Though awareness and training are the basic steps to managing implicit bias, here are some other best practices recommended by the ABA, MCCA, HNBA and NAWL, and other bar leaders for mitigating bias and promoting inclusion in the workplace.

- Examine hiring criteria in order to determine whether GPA and other objective criteria are the best predictors of success or if other factors should be equally important in selecting law students for interviews. The hiring criteria should match the competencies that are needed for the position and should also drive training, development, evaluations and promotions within the law firm.
- Evaluate interviewing skills and techniques and educate/train attorneys on the organization's diversity and inclusiveness commitment in order to effectively communicate with applicants during the interviews. It is also important to educate and train attorneys and staff involved in interviewing and hiring about the role of unconscious bias and to identify the factors that create successful attorneys in the firm and create interview questions that identify those characteristics in the candidates. Make sure that at least one individual who is part of the interview team has the responsibility to discuss diversity and inclusiveness initiatives at the firm.

- Work to increase pipeline efforts of diverse students into the profession, including participating in college and law school mentoring programs for diverse students and explore adding diverse 1L students into the summer program.
 - Lawyers with authority to allocate work should strive to be more self-aware and step outside of their comfort zones.
 - Rather than require a new associate or hire to prove himself, assume competence and allow him to succeed or fail based on the work product he produces for you.
 - Analyze diverse attorney departures from the firm to determine why these attorneys have left, which may include conducting thorough exit interviews. If a pattern emerges, address these issues as part of the retention process.
 - Incorporate diversity and inclusiveness questions in the annual evaluation process.
 - Develop affinity/support groups that are open to anyone interested in participating. All affinity groups should have a defined business purpose as well as foster supportive relationships and networking.
 - Personnel involved in evaluations need to have training on unconscious bias, and the organization should consider having one person review all evaluations for patterns of unconscious bias.
- Implicit bias is a real, harmful phenomenon. Large law firms that ignore it and its consequences for its lawyers ought to be held accountable. Indeed, lawyers should want to hold each other accountable: implicit bias taints merit-based evaluations and prevents many law firms from retaining and promoting its best lawyers.



Winter Stars of the Quarter

Each quarter the State Bar of Michigan Young Lawyers Section acknowledges outstanding leadership in executive council and committee members as a “Star of the Quarter” for a recent project or service achievement for the work of the section.

The State Bar of Michigan Young Lawyers Section is pleased to announce its Winter Stars of the Quarter:

- Liz Abdnour, Michigan State University Office of Institutional Equity, East Lansing
- Mark Jane, Butzel Long, Ann Arbor
- Amy Krieg, Michigan State University College of Law, East Lansing
- Aaron Sohaski, Henry Ford Health System, Detroit

ABA 2017 Midyear Meeting

By Choi Portis

This year’s Midyear Meeting was jam packed with diversity events, which included roundtable discussions regarding implicit bias, gender bias, the advancement of women in the profession, and implementation of our diversity outreach initiative, *What Do Lawyers Do 2.0*. For implementation of our diversity initiative, we visited Florida International University, where we had a very candid panel discussion with undergraduate students regarding the practice of law.

We also launched our Access to Education public service project, “Blossom.” This project will demonstrate the value of pursuing a secondary education to ninth-grade students through the use of a smart device platform, with the goal to equip students with the knowledge, skills, and exposure that they need to break down educational barriers and fill needs in their communities.

Updates from the ABA YLD Assembly

More than 200 young lawyers from across the nation participated in the American Bar Association Young Lawyers Division (YLD) Midyear Meeting held on Saturday, February 4, 2017, in Miami, Florida. The YLD Assembly is the principal policy-making body of the division, and any affirmative action it takes becomes the policy of the YLD. For any external policy position to take effect beyond the division and to bind the ABA, it must also be passed by the ABA House of Delegates.

At its Midyear Assembly, the YLD adopted 24 resolutions. Five resolutions were presented on the debate calendar (indicated with an asterisk), and 20 resolutions were presented on the consent calendar.

For additional information on the Midyear Assembly, please visit http://www.americanbar.org/groups/young_lawyers/about_us/assembly/2017-midyear-meeting.html. The next YLD Assembly will take place during the ABA Annual Meeting in New York on August 11-12, 2017.

Resolution No.	Summary	Results
YLD Resolution 1YL	This Resolution amends the ABA YLD bylaws to recognize the South Asian Bar Association Young Lawyers Division (“SABA YLD”) as a national affiliate so that SABA YLD could appoint a young lawyer member to the ABA YLD Council.	Adopted
YLD Resolution 2YL	This Resolution asks that the ABA adopt a policy recognizing that every human being has the fundamental right to safe, clean, affordable water. The committee also recommends that the ABA urge all federal, state, territorial, and local legislative bodies to adopt laws and policies recognizing the human right to safe, clean, affordable water.	Adopted
YLD Resolution 3YL	This Resolution urges the Young Lawyers Division to establish an accessibility task force to examine current accessibility practices across the ABA YLD, identify best practices, and develop recommendations on how to enhance accessibility within the YLD. Currently, the YLD’s website, forms, electronic documents, mobile apps, and CLE and program materials pose accessibility barriers for talking screen readers used by the blind.	Adopted
YLD Resolution 4YL	This Resolution urges the legislature of the United States to authorize retroactive application to all sections of the Trafficking Victims Protection Act (TVPA) and the Trafficking Victims Protection Reauthorization Act (TVPRA).	Adopted
YLD Resolution 5YL	This Resolution urges courts nationwide, federal and state, to make de-biasing training a priority for all judicial officers.	Adopted
YLD Resolution 6YL/HOD Resolution 300	This Resolution urges state, territorial, and tribal legislatures to review their laws and engage stakeholders to ensure that legal prohibitions on the luring or enticing of a minor for sexual acts explicitly address the use of the Internet and other electronic means of communication.	Adopted. Resolution also adopted as revised and amended by ABA HOD.
YLD Resolution 7YL	This Resolution urges twenty (20) remaining state legislatures to enact laws that permit the formation and incorporation of benefit corporations.	Adopted
YLD Resolution 8YL	The Resolution urges federal, state, tribal, and territorial courts and legislative bodies to adopt rules or enact legislation prohibiting courts from (1) imposing a longer period of incarceration or supervised release simply because a defendant cannot afford to pay full restitution, and (2) extending a term of supervised release simply because a defendant has been unable to satisfy a restitution order due to indigency.	Failed

Resolution No.	Summary	Results
YLD Resolution 9 YL	This Resolution amends the ABA YLD bylaws to make coordinators voting members of council.	Adopted
YLD Resolution 10YL	This Resolution amends the ABA YLD Council Standing Rules to make coordinators voting members of council.	Adopted
House of Delegates Resolution 10A	This Resolution urges the Supreme Court of the United States to establish a panel of attorneys, with criteria and assignment procedures that are publicly available from which to appoint amicus curiae, special masters, and other counsel in proceedings before it and to consider diversity in the selection process for appointment.	Adopted. Resolution also adopted as revised by ABA HOD.
House of Delegates Resolution 10B	This resolution reaffirms and expands existing ABA policy regarding refugees in light of the January 27, 2017 Executive Order. The resolution further calls for the reaffirmation of Resolution 107F from the 2006 Midyear Meeting (2006M107F). In addition, it calls for increased funding and legislation to process and handle refugee applications. Finally, it urges Congress to pass legislation that would provide for individualized assessments of refugee applications and that they be conducted expeditiously and justly.	Adopted. Resolution also adopted by ABA HOD.
House of Delegates Resolution 100	This Resolution urges Congress to enact legislation to repeal the restrictions on federal student aid eligibility contained in the Higher Education Act, 20 U.S.C. § 1091(r), which affects eligibility for federal student aid based on certain drug convictions.	Adopted. Resolution also adopted by ABA HOD.
House of Delegates Resolution 101	This Resolution urges Congress to amend Title 28 of the United States Code to authorize the appointment of additional bankruptcy judges sufficient to meet the demands within each district and for other purposes.	Adopted. Resolution also adopted as revised by ABA HOD.
House of Delegates Resolution 102	This Resolution urges all state courts to develop and implement a plan to improve the delivery of civil justice guided by the Recommendations and Commentary of Call to Action: Achieving Civil Justice for All and urges bar associations to promote those Recommendations and Commentary.	Adopted. Resolution also adopted by ABA HOD.
House of Delegates Resolution 106	This Resolution adopts the Model Rule for Minimum Continuing Legal Education (MCLE) and Comments dated February 2017, recommends that supreme courts and CLE regulatory bodies (1) allow lawyers to choose CLE offered in a variety of program delivery formats and do not limit the number of credits that can be earned using a particular delivery format; (2) accredit programs that address substantive law, ethics, professionalism, diversity and inclusion, mental health and substance use disorders, law practice, and technology, and do not limit the number of credits that can be earned through any particular type of program; (3) require all lawyers to take CLE that addresses ethics and professionalism, diversity and inclusion, and mental health and substance use disorders; (4) consider the adoption of strategies that reduce administrative and financial burdens on CLE sponsors so that they can more easily offer programming that best meets lawyers' educational needs at a reasonable price; (5) treat in-house sponsors of CLE programs the same as other sponsors and allow for full accreditation of programs when all other accreditation standards have been met; and (6) adopt a special exemption for lawyers licensed in multiple jurisdictions, pursuant to which a lawyer is exempt from satisfying MCLE requirements if he or she satisfies the MCLE requirements of the jurisdiction where the lawyer's principal office is located.	Adopted. Resolution also adopted by ABA HOD.

Resolution No.	Summary	Results
House of Delegates Resolution 107	This Resolution urges Congress to enact legislation deeming it unlawful for any governmental authority or any person acting on behalf of a governmental authority, to engage in a pattern or practice that deprives persons of their constitutional right to the effective assistance of counsel.	Adopted. Resolution withdrawn from the ABA HOD.
House of Delegates Resolution 108	This Resolution urges federal, state, local, territorial and tribal governments to adopt standards and regulatory systems that will improve community resilience programs and urges bar associations, businesses and other professional and non-profit organizations to actively participate in and advocate for community resilience initiatives.	Adopted. Resolution also adopted by ABA HOD.
House of Delegates Resolution 110B	This Resolution amends ABA Standards and Rules of Procedure for Approval of Law Schools Standard 316 to require at least 75 percent of a law school's graduates in a calendar year who sat for a bar examination to pass a bar examination administered within two years of their date of graduation in order for the law school to maintain accreditation.	Failed. YLD adopted the Resolution in the negative. ABA HOD did not concur with the Resolution.
House of Delegates Resolution 112C	This Resolution urges law enforcement authorities to develop and use prior to custodial interrogation of suspects translations of Miranda warnings in as many languages and dialects as necessary to accurately and fully inform individuals of their Miranda rights.	Adopted. Resolution also adopted by ABA HOD.
House of Delegates Resolution 112D	This Resolution urges the repeal and/or modification of the discriminatory prohibitions on blood donations by gay men and for the Food and Drug Administration to develop non-discriminatory but medically safe means of accepting blood donations and testing for infectious diseases.	Adopted. Resolution also adopted as revised by ABA HOD.
House of Delegates Resolution 113	This Resolution urges the United States Department of State to interpret the Immigration and Nationality Act, 8 U.S.C. § 1401, to recognize those children born to intended parents, even if those legally recognized parents do not have a biological (genetic or gestational) relationship to the child, so long as at least one of the intended U.S. citizen parents of the child is legally recognized by the place of birth or domicile and the relevant resident or physical presence requirements are met.	Adopted. Resolution also adopted by ABA HOD.
House of Delegates Resolution 114	This Resolution urges governments to enact legislation and implement public policy providing that custody, visitation, and access shall not be denied or restricted, nor shall a child be removed or parental rights terminated, based on a parent's disability, absent a showing that the disability is causally related to harm or an imminent risk of harm to the child.	Adopted. Resolution also adopted by ABA HOD.
House of Delegates Resolution 118	This Resolution urges lawmakers at all levels to work with the legal profession to collaborate in the identification and removal of legal barriers to veterans' access to due and necessary assistance, including housing, education, employment, treatment, benefits, and services, particularly those provided by the Department of Veterans Affairs.	Adopted. Resolution also adopted by ABA HOD.
House of Delegates Resolution 301	This Resolution proposes the preservation and development of laws, regulations, policies, and procedures that protect or increase due process and other safeguards for immigrant and asylum-seeking children, especially those who have entered the United States without a parent or legal guardian.	Adopted. Resolution also adopted by ABA HOD.

Wandering Wynwood

By Katherine J. Bennett

While at the 2017 ABA Mid-Year Meeting, I wanted to make sure to squeeze in a little bit of sight-seeing around a jam-packed schedule. The perfect opportunity arose just after the ABA-YLD assembly came to a close. It was a beautiful, sunny Saturday afternoon in Miami, and my husband and I had a couple of hours to explore. We strapped on our walking shoes, picked up some sandwiches, and began wandering toward Wynwood.

A friend had mentioned Wynwood to me before my trip, and despite traveling to Miami some 15 years ago, the name didn't even ring a bell. As it turns out, Wynwood is a historical part of town, but it was hardly a beacon for tourism back in 2002. Upon arriving in Miami in 2017, I saw the name mentioned in various travel guides and maps. The photographs of bright colors and detailed artwork intrigued me.

As it turns out, this part of Miami has been known as Wynwood Park, or simply Wynwood, for the last hundred years or so. By the middle of the twentieth century, the area was often times referred to as "Little San Juan" due to a growing Puerto Rican population. For several decades, the area was a bustling, culturally diverse part of town. Sadly, by the end of the century, the neighborhood began to decline due to rising unemployment and the devastating impact of drugs. But Wynwood wasn't done yet. In fact, the best was yet to come.

Although it is said that Wynwood first became a haven for artists as early as the 1980s, the growth of the Wynwood art

scene accelerated upon the investment of Goldman Properties shortly after the turn of the century. Goldman Properties founder, Tony Goldman, saw potential in the graffiti that some would say littered the streets of Wynwood. Mr. Goldman saw the artistic beauty of the urban environment, and the company began buying up properties. After several years, the streets themselves became masterpieces, and each building a colorful sight to behold. As of today, over 70 art galleries call Wynwood home.

Sandwiches in hand, my husband and I wandered north on Biscayne Boulevard and then east. We passed your usual urban businesses—restaurants, car dealerships, fitness clubs, and the like. But all of a sudden, the atmosphere began to change. The buildings became more industrial. The motor traffic quieted down, but we encountered many more pedestrians like ourselves. And the neighborhood became brighter. With each block, the colors seemed to explode. By the time we reached Wynwood Walls, the outdoor art gallery that serves as the heart of Wynwood, I was getting a blister on my left foot but couldn't stop looking at the buildings surrounding me. It was hard to resist the temptation to walk down the middle of the street just to get a better glimpse of them.

Although neither of us claims to be a student of art, my husband and I enjoyed the opportunity to study the art and discuss the messaging. Some of the murals were heartbreaking and emotional; others were witty and hilarious. As the sun beat down on us, we considered stopping for a cool beverage at one of the many local watering holes. But the lines

were out the door. It seemed we had chosen a popular spot to spend our Saturday afternoon. So we just kept walking and enjoying the truly unique scenery.

Wynwood is certainly a sight to behold, and perhaps the best part for young lawyers paying off student loans—it is a totally free way to spend an afternoon in Miami. So if your travels ever take you there, be sure to wander around Wynwood. You won't regret it.



Why Go to Law School?

“And they said to go to law school.” Joe, a colleague, and I were commiserating over our work woes. It was only Wednesday morning, but the 2 ½ days of the week that had gone by already felt like a full week. He had been told to *go* to law school and was now lamenting that he had. I was advised *not* to go to law school, and I often second guessed my decision that I had not listened to the naysayers. Maybe Joe was right—was being a lawyer a bad idea?

These thoughts were still in the back of mind the next day as I headed to Miami for the 2017 ABA YLD Midyear Meeting. The meeting was my first ABA experience and expectations were at a modest level. Less than 72 hours after my arrival, I was on a return flight home with exceeded expectations and renewed, deep respect for the profession I belong to. Why? Here are the reasons.

From the first CLE session I attended to the unapologetically honest (and hilarious) Fellows Debate, I was continuously reminded why being a lawyer is important—how being a young lawyer particularly—is a great honor and responsibility.

The seminars tackled contemporary concerns in the profession (i.e., mental health in the profession) and how law schools’ curriculums are changing for an evolving market to become more inclusive. Another session discussed the impact of fees and costs for youth involved with the criminal justice system. Yet another seminar directly concerned the gap in gender pay.

Both informative and interesting, the seminars provided insight. For young lawyers, the seminars gave practical and substantive information for issues we face.

In addition to the traditional legal education we received, other highlights of the meeting demonstrated how far the legal profession has come and how far it has yet to go. Personally, one of the most impactful moments was an implicit bias luncheon I attended. A cross-generational panel discussion was held to address ethnic/female/racial diversity in our law firms. Most importantly, the luncheon addressed solutions that can be implemented in our firms to raise awareness and to be more inclusive. Small group discussions were held at each table where each of us attending the luncheon could exchange ideas and strategies to take home and make our individual workplaces better. As a female in a white, male-dominated firm, I found this opportunity to be inspiring in how I can improve my own firm.

Another example of inspiration was the Diversity Outreach Program. In this initiative, the topic of “What Do Lawyers Do?” was explored. A panel of young lawyers answered general and specific questions for prospective law students at Florida International University School of Law. While fielding questions, the panel of attorneys discussed the pros and cons of law schools, while exemplifying the many roles attorneys play in today’s society.

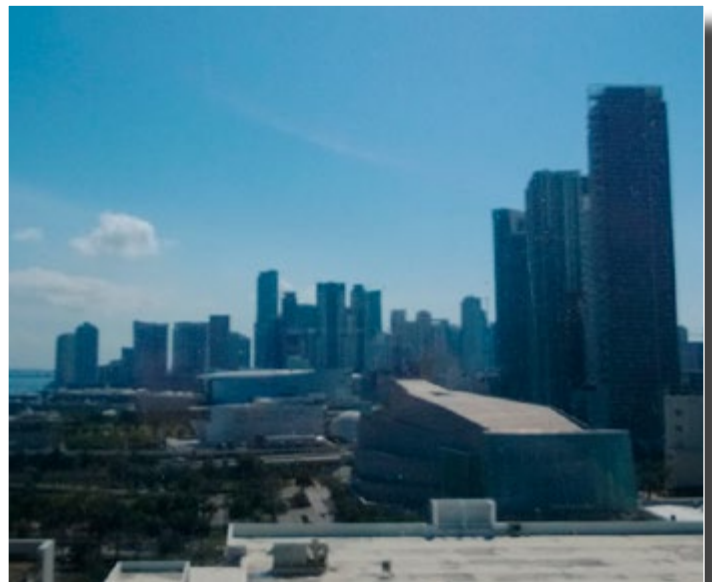
At our assembly, I learned firsthand how vigorous and passionate our young attorneys advocated and opposed the resolutions being brought. Taking part of such a process, I finally understood the reason I went to law school. Like an epiphany, this whole “role” which we serve made sense to me.

Like no other time in my life, being an attorney seemed like the most privileged and challenged role I can aspire to. More than ever, what we do, who we are, and what we can accomplish matters.

The Midyear Conference was not just my first ABA meeting; it sparked an interest and calling to accomplish more. With the political climate (frankly, it doesn’t matter whether we are Democrat or Republican by party), as young attorneys we are called to uphold truth, justice, and service the need of our constituents.

While I can never fully convey all that this conference meant to me, I know that being a young attorney is pivotal. WE can make a difference. WE can bring people together. Most importantly, WE are the vehicle to justice in the days and months ahead. The issues and concerns brought to light by my fellow ABA members, council members, and young lawyers remind me why I chose the path I did.

If I could take a time traveling machine back into a decade ago, I would tell my 20-something self to unequivocally go to law school in the face of so many who said not to. This generation of attorneys has so much ability and opportunity to make positive changes to our world. What a privilege! And with this privilege comes great responsibility. May this year of 2017 encourage, inspire, and revitalize our young attorneys across this country. Together, we’ll accomplish so much, like we already have. I’m so truly glad I never listened to those who said “no;” becoming an attorney was one of the best decisions I ever made.



David, Goliath and the Clients

Legal docudramas and legal TV series have been a part of pop culture for decades. For good or bad, these legal TV series have likely shaped the view of the legal system for many Americans that have not had any direct experience with the judicial process. Not only do these made-for-TV legal series provide a fictionalized perspective of the judicial process (both on the criminal and civil side), but they also provide many people with a false view of lawyers. I think it is safe to say that most, if not all, lawyers can honestly say that *Boston Legal*, *Law & Order*, *Perry Mason* or any other legal drama is not an accurate depiction of their practice or their profession. So what does this mean for lawyers?

That very question was the topic of an ABA program held at the Annual Conference in San Francisco entitled “Pop Culture and the Perception of Justice,” which was headlined by David E. Kelly and Jonathan Shapiro. These two giants of the legal series genre have been involved of countless successful legal series: *Ally McBeal*, *Boston Legal*, *The Practice*, and the soonto-stream Amazon show *Goliath* and had plenty to say about the topic. Both Kelly and Shapiro are lawyers that occasionally practice, but spend a majority of their time crafting legal drama. They each have a unique perspective of how the legal world they create compares and contrasts to the actual practice of law. One primary theme developed during the discussion really resonated with me: specifically, how lawyers can and need to adapt to meet the inflated and unrealistic demands of their TV-conditioned clients. This is also compounded by

the stigmas created about lawyers and perpetuated by the attorney caricatures playing lead roles on these series.

As a lawyer, we all must deal in some way with unrealistic expectations of clients, juries, or other people that have had their entire experience with the judicial process through their television screens. The first thing to remember is to be direct and clear about the timing and scheduling of litigation. No, you cannot go into an attorney’s office and have a jury verdict within an hour, despite what you see on TV. Also, creating realistic expectations for every aspect of your representation will serve both client and attorney well in the engagement. Setting expectations also can apply with juries. This is important in combatting the *CSI* effect, in which jurors have unrealistic expectations of evidence that will be presented, and setting out the true nature of what the jurors should expect and what will be proven. Kelly and Shapiro also talked about how it is vital to truly engage your client or jury with a “story” which is how they have generally been socialized and accustomed to thinking about the legal process. A lawyer can garner greater client communication and satisfaction by allowing a client to assist in compiling the facts and creating the story from the evidence, and his experience and will come across more genuine when presented.

The bottom line is that lawyers must take a moment to think about the expectations clients and jurors have in the judicial process and do what they can to best meet those expectations, but also by changing those expectations by educating them in the process.



Driving into the Future...

Imagine being chauffeured in your personal car without having to consider the added cost of hiring a personal driver. Better yet, imagine being able to program your car to drive you to work, drive your children to school, and return to your house and park, eliminating parking cost and saving you from having to fight traffic

during rush hour. Those are only a few of the benefits proponents of autonomous cars discussed at the 2017 American Bar Association Midyear Meeting session titled “Road Rage: The Future of Transportation Management in Big Cities.”

Autonomous cars are the wave of the future. Manufacturers such as General Motors and Audi currently have vehicles in their fleet that operate with autonomous technology. This driverless technology is expanding in the coming years with full driverless vehicles expected to be on the road in 2020. Michigan and California are just a few of the states that have passed legislation related to autonomous vehicles. In December of 2016, Governor Snyder signed new legislation in Michigan, which updated previously enacted laws allowing testing of autonomous vehicles, that permits self-driving vehicles to operate on any Michigan roadway and allows for self-driving vehicles to pick up passengers on demand. It also allows for testing of vehicles without steering wheels, pedals, or human control—allowances not permitted in other states that use autonomous technology. The new legislation is aimed at ensuring the full use of autonomous vehicles for the public and not just testing centers.

Proponents of self-driving cars report that such cars are safer than human-driven vehicles, citing statistical data collected from driverless car accidents versus human-driven motor vehicle accidents. Because these vehicles are sensory driven, they are able to relay data through their computer technology alerting of potential hazards, thereby reducing the likelihood of accidents. There are also environmental benefits in that autonomous vehicles are touted as being more fuel and energy efficient (reducing fuel use by reducing the stop-and-go in congestion). Ride sharing would also increase since a driverless vehicle could be programmed to stop at multiple destinations and return to a neutral parking location until needed again.



Most of the benefits of autonomous vehicles focus on the general well-being of passengers and the public: driverless cars will free up roads, provide additional access to public transportation, and create a safe and reliable form of transportation for young and elderly persons.

While the benefits of autonomous vehicles may be endless in the eyes of its proponents, the consequences of roads filled with driverless cars are worth the consideration when deciding to further the use of driverless technology. Autonomous cars are operated by computer technology that senses and detects its surroundings and reacts accordingly. A major concern of this technology is the ability of hackers to intercept the vehicles' computer systems causing widespread accidents. Additionally, due to the vehicles' reliance on computer technology, any power outages of other technology would affect the autonomous cars' ability to react (autonomous cars would not be able to detect a police officer directing traffic when traffic signals are out), thereby increasing the likelihood of accidents. Also, there's an issue with the ability of the average consumer being able to afford such technology. As is common, technology is costly. The expense of an autonomous vehicle could prevent its widespread use. Over time, the use of driverless cars would also negatively impact the transportation industry by eliminating the need for taxi drivers and other transportation personnel, creating an ever growing unemployment issue.

There is no end to the discussions about the pros and cons of autonomous vehicles. Each weighs heavily against the other. The members of this panel seemed to believe, as do many others, that despite the negative effects of driverless cars on society, states will continue to pass legislation permitting their use on public roadways and ultimately eliminating human-driven vehicles. That will be many years from now, but we should expect that our normal course of road travel will be significantly altered in our lifetime. Eventually there will be no more cruising down Woodward in the Dream Cruise in your 1970 Chevelle SS, unless you can somehow update the mechanics of that vehicle with the computer technology needed for autonomous driving.



YOUNG LAWYER SUMMIT

Join us at the beautiful Crystal Mountain Resort the weekend of April 28 for networking, learning, and fun! This year's Summit will not disappoint with all new litigation boot camp and business/professional development tracks. Plenty of fun activities are also planned!



FOLLOW US ON
facebook

APRIL 28-30, 2017
THOMPSONVILLE, MICHIGAN