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BAR JOURNAL
MARCH 2025

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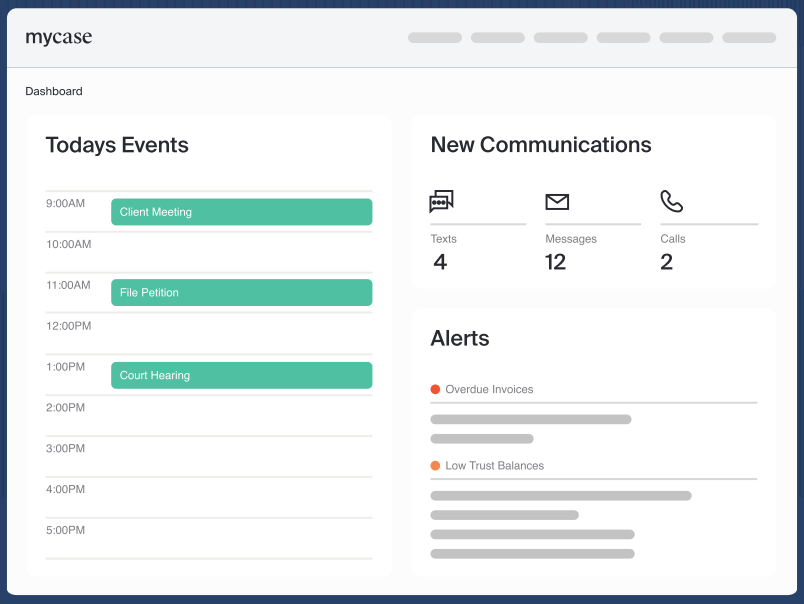

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MARCH 2025 | VOL. 104 | NO. 03

OF INTEREST

MICHIGAN
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OFFICIAL JOURNAL OF THE STATE BAR OF MICHIGAN
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COLUMNS

NOTICES

REFER YOUR INJURY CASES TO BUCKFIRE LAW FIRM

Our award-winning trial lawyers are the best choice to refer your personal injury and medical negligence cases.

Robert J. Lantzy, Attorney

We are the best law firm to refer your BIG CASES.

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$ 750,000 **Motorcycle accident settlement**

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- Other Personal Injuries

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Attorney Lawrence J. Buckfire is responsible for this ad: (313) 800-8386.

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MONEY JUDGMENT INTEREST RATE

MCL 600.6013 governs how to calculate the interest on a money judgment in a Michigan state court. Interest is calculated at six-month intervals in January and July of each year from when the complaint was filed as is compounded annually.

For a complaint filed after Dec. 31, 1986, the rate as of January 1, 2025, is 4.016%. This rate includes the statutory 1%.

A different rule applies for a complaint filed after June 30, 2002, that is based on a written instrument with its own specific interest rate. The rate is the lesser of:

13% per year, compounded annually; or

The specified rate, if it is fixed — or if it is variable, the variable rate when the complaint was filed if that rate was legal.

For past rates, see https://www.michigan.gov/taxes/interest-rates-for-money-judgments.

As the application of MCL 600.6013 varies depending on the circumstances, you should review the statute carefully.

RECENTLY RELEASED

MICHIGAN LAND TITLE STANDARDS

6TH EDITION
8TH SUPPLEMENT (2021)

The Eighth Supplement (2021) to the 6th Edition of the Michigan Land Title Standards prepared and published by the Land Title Standards Committee of the Real Property Law Section is now available for purchase.

Still need the 6th edition of the Michigan Land Title Standards and the previous supplements? They are also available for purchase.

DUTY TO REPORT AN ATTORNEY'S CRIMINAL CONVICTION

All Michigan attorneys are reminded of the reporting requirements of **MCR.9120(A)** when a lawyer is convicted of a crime

WHAT TO REPORT:

A lawyer's conviction of any crime, including misdemeanors. A conviction occurs upon the return of a verdict of guilty or upon the acceptance of a plea of guilty or no contest.

WHO MUST REPORT:

Notice must be given by all of the following:
1. The lawyer who was convicted;
2. The defense attorney who represented the lawyer; and
3. The prosecutor or other authority

WHEN TO REPORT:

Notice must be given by the lawyer, defense attorney, and prosecutor within 14 days after the conviction.

WHERE TO REPORT:

Written notice of a lawyer's conviction must be given to **both**:

Grievance Administrator
Attorney Grievance Commission
PNC Center
755 W. Big Beaver Road, Suite 2100
Troy, MI 48084

Attorney Discipline Board
333 W. Fort St., Suite 1700
Detroit, MI 48226

SBM
State Bar of Michigan

BOARD OF COMMISSIONERS MEETING SCHEDULE

APRIL 25, 2025
JUNE 13, 2025
JULY 25, 2025
SEPTEMBER 2025 (TBD)

SBM
State Bar of Michigan

MEMBER SUSPENSION FOR NONPAYMENT OF DUES

This list of active attorneys who are suspended for nonpayment of their State Bar of Michigan 2023-2024 dues is published on the State Bar's website at michbar.org/generalinfo/pdfs/suspension.pdf.

In accordance with Rule 4 of the Supreme Court's Rules Concerning the State Bar of Michigan, these attorneys are suspended from active membership effective Feb. 15, 2025, and are ineligible to practice law in the state.

For the most current status of each attorney, see our member directory at directory.michbar.org.

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April 26, 2025
September 2025 (TBD)

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CIRCUIT 35
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CIRCUIT 36
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CIRCUIT 41
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CIRCUIT 42
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CIRCUIT 43
Vacancy

CIRCUIT 44
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CIRCUIT 47
Vacancy

CIRCUIT 48
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CIRCUIT 51
Tracie Lynn McCarn-Dinehart

CIRCUIT 52
Vacancy

CIRCUIT 53
Vacancy

CIRCUIT 54
Vacancy

CIRCUIT 55
Mark Toaz

CIRCUIT 56
Timothy Hilton Havis
Adam Hunter Strong

CIRCUIT 57
Christina L. DeMoore

NEWS & MOVES

ARRIVALS AND PROMOTIONS

ERIN ARCHERD has been named associate dean of academic affairs at the University of Detroit Mercy School of Law.

MARK BREWER, a partner at Goodman Acker in Southfield, has been hired as general counsel for the Michigan AFL-CIO.

KEVIN CARLSON and **ROBIN WAGNER** with Pitt McGehee Palmer Bonanni & Rivers in Royal Oak were both promoted to equity partners, and **CHANNING ROBINSON-HOLMES** was promoted to partner.

DAVID DAWSON has become of counsel to Merel Law in Troy.

MICHAEL C. DECKER with Butzel in Troy has been appointed co-practice department chair for litigation.

HUNTER L. DESANTIS has joined Alexander & Angelas in Bingham Farms.

ROBERT DEVETSKI has joined Butzel in Niles as a senior attorney.

MICHAEL HAMBLIN has joined Maddin Hauser in Southfield.

JENNIFER L. LORD has joined Sterling Employment Law in Bloomfield Hills.

JACOB LOVETT has joined Parmenter Law in Muskegon.

KIMBERLY K. MUSCHONG has been named reporter of decisions for the Michigan Supreme Court.

ANTHONY PICCIRILLI has joined the Troy office of Dickinson Wright as an associate.

JASON TER AVEST has been named shareholder with Kreis Enderle in Battle Creek.

WILLIAM (BILL) STONE has joined Plunkett Cooney in Lansing as a senior attorney.

SARAH WESTON has joined the Birmingham office of Varnum as a partner.

LEADERSHIP

ELLEN BARTMAN JANNETTE with the Bloomfield Hills office of Plunkett Cooney has been appointed the firm's director of diversity, equity, and inclusion.

JEFF OTT with Warner Norcross + Judd in Grand Rapids and Midland has been elected vice president of the St. Cecilia Music Center board of directors.

NEW OFFICE

Sandra D. Glazier has formed **SANDRA D. GLAZIER P.C.** in Troy, focused on estate planning, estate and trust administration, probate litigation, and family law.

OTHER

BUTZEL is accepting applications for its inaugural Richard Rassel Butzel Core Values Scholarship, a $15,000 award to be presented annually to a deserving law school student in Michigan.

Proceeds from the **MIKE MORSE LAW FIRM** charitable holiday cookbook were donated to Detroit's Capuchin Soup Kitchen.

PRESENTATIONS, PUBLICATIONS, AND EVENTS

The **INGHAM COUTY BAR ASSOCIATION** hosts its annual shrimp dinner at VFW Post 701 in Lansing on Wednesday, May 21.

Have a milestone to announce?
Send your information to News & Moves at **newsandmoves@michbar.org.**

IN MEMORIAM

RICHARD L. BANTA, II, P39845, of River Rouge, died Sept. 27, 2024. He was born in 1955, graduated from Wayne State University Law School, and was admitted to the Bar in 1987.

JAMES W. BATCHELOR, P25500, of Grand Rapids, died Aug. 11, 2018. He was born in 1946 and was admitted to the Bar in 1975.

MARTIN L. BOYLE, P11083, of La Mesa, California, died April 5, 2024. He was born in 1928, graduated from University of Michigan Law School, and was admitted to the Bar in 1953.

DENIS W. BUDDS, P11352, of Flat Rock, died Feb. 6, 2025. He was born in 1945, graduated from Wayne State University Law School, and was admitted to the Bar in 1971.

LAWRENCE G. CAMPBELL, P11553, of Franklin, died Dec. 19, 2024. He was born in 1939, graduated from University of Detroit School of Law, and was admitted to the Bar in 1969.

CHARLES A. CARVER III, P11697, of San Francisco, California, died April 17, 2024. He was born in 1939, graduated from University of Michigan Law School, and was admitted to the Bar in 1965.

HON. RAYMOND A. CHARRON, P11806, of Brownstown, died June 26, 2024. He was born in 1943, graduated from Detroit College of Law, and was admitted to the Bar in 1970.

CARL S. CHRISTOPH, P41377, of Farmington, died Dec. 3, 2024. He was born in 1944, graduated from University of Detroit School of Law, and was admitted to the Bar in 1988.

WINSTON T. CHURCHILL II, P31125, of Clearwater, Florida, died Nov. 22, 2024. He was born in 1953, graduated from Detroit College of Law, and was admitted to the Bar in 1980.

DENNIS G. CROSS, P34379, of Petoskey, died July 29, 2024. He was born in 1945, graduated from Detroit College of Law, and was admitted to the Bar in 1982.

ROBERT H. DARLING, P25523, of Ann Arbor, died Sept. 5, 2024. He was born in 1947, graduated from Wayne State University Law School, and was admitted to the Bar in 1975.

DENNIS M. DAY, P12578, of Port Austin, died May 27, 2024. He was born in 1943, graduated from Wayne State University Law School, and was admitted to the Bar in 1969.

ADAM CASEY DECKER, P77641, of Rochester Hills, died Sept. 12, 2024. He was born in 1987 and was admitted to the Bar in 2013.

PATRICIA L. DONATH, P28265, of Bath, died Oct. 19, 2024. She was born in 1943 and was admitted to the Bar in 1977.

STEVEN A. DRAKOS, P42257, of Lake Orion, died June 14, 2024. He was born in 1962, graduated from Detroit College of Law, and was admitted to the Bar in 1989.

JOHN A. DUNWOODY, P25431, of Grosse Pointe Park, died Aug. 23, 2024. He was born in 1949, graduated from Detroit College of Law, and was admitted to the Bar in 1975.

AMY KRISTIN FEHN, P63169, of Beverly Hills, died July 31, 2024. She was born in 1969 and was admitted to the Bar in 2001.

ANGELA MIA FIFELSKI, P55726, of Fort Myers, Florida, died June 27, 2024. She was born in 1967, graduated from Detroit College of Law at Michigan State University, and was admitted to the Bar in 1996.

MARTHA P. FITZHUGH, P50034, of Bay City, died March 28, 2024. She was born in 1947, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1994.

WALTER P. FITZHUGH, P23454, of Bay City, died Oct. 14, 2024. He was born in 1948, graduated from Detroit College of Law, and was admitted to the Bar in 1973.

KENNETH M. GONKO, P30660, of Macomb, died Sept. 18, 2024. He was born in 1954, graduated from University of Detroit School of Law, and was admitted to the Bar in 1979.

FREDERICK GORDON, P14193, of Bloomfield Hills, died March 1, 2024. He was born in 1936, graduated from University of Michigan Law School, and was admitted to the Bar in 1963.

DANIEL H. GRNA, P27631, of Maumee, Ohio, died Sept. 4, 2024. He was born in 1951 and was admitted to the Bar in 1977.

LAWRENCE L. HAYES JR., P14771, of Hillsdale, died Nov. 29, 2024. He was born in 1937, graduated from University of Michigan Law School, and was admitted to the Bar in 1964.

BRIAN J. HOFFMAN, P60149, of Cadillac, died Jan. 9, 2025. He was born in 1970, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1999.

THOMAS G. KAVANAGH JR., P31168, of Beverly Hills, died Jan. 20, 2025. He was born in 1946, graduated from Detroit College of Law, and was admitted to the Bar in 1980.

JAMES J. KENT, P29031, of East Lansing, died Jan. 21, 2025. He was born in 1951, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1978.

GEORGE A. LEIKIN, P16534, of Bloomfield Hills, died Oct. 28, 2024. He was born in 1943, graduated from Wayne State University Law School, and was admitted to the Bar in 1968.

DAVID P. LEONARDSON, P44417, of Gaylord, died Jan. 29, 2025. He was born in 1942, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1990.

ROCQUE E. LIPFORD, P16709, of Stuart, Florida, died July 25, 2024. He was born in 1938, graduated from University of Michigan Law School, and was admitted to the Bar in 1965.

EVELYNE YUEN-KEI LO, P73978, of Newton, Massachusetts, died Jan. 11, 2025. She was born in 1975 and was admitted to the Bar in 2010.

JOSEPH R. LOBB, P26009, of Bloomfield Hills, died Feb. 29, 2024. He was born in 1948, graduated from Detroit College of Law, and was admitted to the Bar in 1976.

JAMES E. LOZIER, P25384, of Cheboygan, died July 12, 2024. He was born in 1949 and was admitted to the Bar in 1975.

MADELAINE P. LYDA, P41361, of Novi, died July 20, 2024. She was born in 1946, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1988.

TIMOTHY J. MACDONALD, P37655, of Grand Blanc, died May 24, 2024. He was born in 1957, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1985.

PHILIP CHRISTOPHER MAXWELL, P69266, of Alexandria, Virginia, died May 1, 2024. He was born in 1977, graduated from University of Michigan Law School, and was admitted to the Bar in 2006.

MICHAEL J. MCGANN, P17401, of Bloomfield Hills, died March 7, 2024. He was born in 1935, graduated from University of Detroit School of Law, and was admitted to the Bar in 1964.

NINA F. C. MERTEN, P34579, of Traverse City, died March 12, 2024. She was born in 1957 and was admitted to the Bar in 1982.

KIM S. MITCHELL, P41073, of Grand Rapids, died Sept. 21, 2024. She was born in 1954, graduated from University of Michigan Law School, and was admitted to the Bar in 1988.

DAVID R. MOSS, P65977, of Detroit, died Aug. 11, 2024. He was born in 1960 and was admitted to the Bar in 2003.

PAUL L. NINE, P18307, of Bloomfield Hills, died Jan. 14, 2025. He was born in 1940, graduated from Wayne State University Law School, and was admitted to the Bar in 1967.

WILLIAM C. PANZER, P18620, of West Bloomfield, died Jan. 28, 2025. He was born in 1941, graduated from University of Michigan Law School, and was admitted to the Bar in 1967.

ALLEN F. PEASE, P23987, of Royal Oak, died Nov. 22, 2024. He was born in 1944, graduated from Detroit College of Law, and was admitted to the Bar in 1974.

JOHN MICHAEL PETIT, P68502, of Canton, Ohio, died Jan. 20, 2025. He was born in 1967 and was admitted to the Bar in 2005.

RASUL M. RAHEEM, P37122, of Detroit, died June 2, 2024. He was born in 1957, graduated from Wayne State University Law School, and was admitted to the Bar in 1984.

JONATHAN F. ROSENTHAL, P66851, of Franklin, died Aug. 3, 2024. He was born in 1978 and was admitted to the Bar in 2004.

CHARLES R. ROUSSEAU, P19706, of Saginaw, died Jan. 19, 2025. He was born in 1944, graduated from Detroit College of Law, and was admitted to the Bar in 1973.

GLENN T. SARKA, P54397, of Marquette, died Jan. 23, 2025. He was born in 1965 and was admitted to the Bar in 1996.

STEPHEN J. SCHANZ, P30312, of Raleigh, North Carolina, died March 10, 2024. He was born in 1952 and was admitted to the Bar in 1979.

RONALD P. SCHIGUR, P19983, of San Antonio, Florida, died Jan. 10, 2025. He was born in 1939, graduated from Wayne State University Law School, and was admitted to the Bar in 1971.

ROBERT A. SEDLER, P31003, of Detroit, died Jan. 4, 2025. He was born in 1935 and was admitted to the Bar in 1959.

JOHN R. SHEK, P34788, of Boston, Massachusetts, died March 24, 2024. He was born in 1957, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1982.

ROBERT H. SKILTON III, P20550, of Grand Rapids, died Aug. 28, 2024. He was born in 1941 and was admitted to the Bar in 1971.

MARK D. TALENTI, P60473, of Farmington Hills, died June 16, 2024. He was born in 1962, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1999.

CHRISTOPHER L. TERRY, P21339, of Saint Clair Shores, died Jan. 8, 2025. He was born in 1947, graduated from Wayne State University Law School, and was admitted to the Bar in 1972.

DAVID J. WATTS, P44261, of Caseville, died Jan. 11, 2025. He was born in 1965 and was admitted to the Bar in 1990.

ERIC J. WELLS, P54292, of Bloomfield Hills, died Jan. 31, 2025. He was born in 1970, graduated from Detroit College of Law at Michigan State University, and was admitted to the Bar in 1999.

ROEDERICK C. WHITE SR., P47033, of Baton Rouge, Louisiana, died July 2, 2024. He was born in 1961, graduated from Wayne State University Law School, and was admitted to the Bar in 1992.

JOHN P. WILLIAMS, P22355, of Novi, died Jan. 22, 2025. He was born in 1939, graduated from University of Michigan Law School, and was admitted to the Bar in 1965.

RONALD C. WILSON, P22419, of Harrison, died Jan. 12, 2025. He was born in 1935, graduated from Wayne State University Law School, and was admitted to the Bar in 1966.

WALLACE C. WINTERS JR., P26384, of Taylor, died Jan. 21, 2025. He was born in 1949, graduated from University of Detroit School of Law, and was admitted to the Bar in 1976.

MICHAEL C. WOLOS, P35125, of Houghton Lake, died Aug. 8, 2024. He was born in 1952, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1983.

In Memoriam information is published as soon as possible after it is received. To notify us of the passing of a loved one or colleague, please email barjournal@michbar.org.

IN BRIEF

FOUR STATE BAR-BACKED LAWS SIGNED INTO LAW IN MICHIGAN

Four bills supported by the State Bar of Michigan were recently signed into law by Gov. Gretchen Whitmer. The laws address issues ranging from criminal sentencing reform to modernizing outdated legal procedures.

Here's a look at the new laws and what they mean for Michiganders:

Michigan Sentencing Commission

House Bills 4173 and 4384 collectively reestablish the Michigan Sentencing Commission and define its responsibilities, which will include analyzing sentencing guidelines and making recommendations to the Legislature to promote consistency and fairness in Michigan's criminal justice system. Michigan has not had a sentencing commission in more than a decade.

Court of Appeals Bar Admission Jurisdiction

Public Act 217 of 2024, formerly House Bill 5204, expands the jurisdiction of the Michigan Court of Appeals to include admitting individuals who meet the qualifications for membership in the State Bar of Michigan.

Name Change Petitions

Public Act 229 of 2024, previously House Bill 5300, updates the probate code's provisions related to name change proceedings. Among other things, the bill implements an earlier SBM recommendation that good cause for nonpublication is presumed when the petitioner is a victim of an assaultive crime, domestic violence, harassment, human trafficking, stalking, or is seeking to affirm their gender identity.

Two other high-profile bills fell just short of making it to the governor's desk although they passed in both the House and the Senate with strong bipartisan support. Because of small amendments, both the Judicial Protection Act and the final juvenile justice bill (which would have authorized the Michigan Indigent Defense Commission to develop and implement minimum standards for juvenile indigent defense) needed concurrence votes in the House that didn't occur. Both bills remain legislative priorities in the new legislative session.

ABA HOUSE OF DELEGATES SBM DELEGATE VACANCY

The State Bar Board of Commissioners is seeking names of people interested in filling the following vacancy:

ABA House of Delegates State Bar Delegate

One vacancy for a two-year term beginning at the close of the ABA Annual Meeting in August 2025.

The ABA House of Delegates has the ultimate responsibility for establishing policy both as to the administration of the association and its positions on professional and public issues. The House elects officers of the association and members of the board of governors; it elects members of the Committee on Scope and Correlation of Work; it has the sole authority to amend the association's bylaws; and it may amend the constitution. It authorizes committees and sections of the association and discontinues them. It sets association dues upon the recommendation of the board of governors.

Deadline for response is Monday, April 7, 2025.

Applications received after the deadline will not be considered.

Those applying for an agency appointment should submit a résumé and a letter outlining interest in the ABA, current position in the ABA, work on ABA committees and sections, accomplishments, and contributions to the State Bar and the ABA. Applications should be emailed to the SBM secretary in care of Marge Bossenbery at mbossenbery@michbar.org.

FROM THE PRESIDENT

JOSEPH PATRICK MCGILL

AI, networking, and leadership in the bar and your practice

Artificial intelligence (AI) is rapidly transforming various sectors including the legal profession, reshaping not just how lawyers work, but also how they network. Throughout my career, I've made networking a priority. It has played a critical role in creating opportunities, staying current in the profession, and expanding my horizons and points of view. Now, as president of the State Bar of Michigan, I'm excited to explore — and share — some of the ways AI can take attorney networking to the next level.

AI can play an important role in streamlining existing networking efforts, identifying key opportunities, and building the reputation necessary for leadership. AI doesn't replace the traditional methods of networking; it enhances them, making connections more efficient, data-driven, and targeted.

In this context, integrating AI into networking strategies can accelerate career advancement and create new pathways to leadership roles. Whether within a law practice or the broader legal community (e.g., bar associations), AI tools provide innovative ways to identify and connect with influential individuals, deepen relationships, and increase visibility — critical factors for securing leadership opportunities.

AI AND NETWORKING IN YOUR LEGAL PRACTICE

Enhancing networking efficiency

Traditionally, networking in a law practice involves attending events, meeting people through referrals, and nurturing relationships over time. There's nothing like shaking new and familiar hands at events big and small. While these practices are still essential, AI can amplify their effectiveness. In Michigan, for example, we have no shortage of events we can attend, from large annual events like the SBM Great Lakes Legal Conference to small events held by local bar associations or Bar sections.

So, what to attend? AI-driven tools can assist lawyers in identifying influencers whether within their firm, the legal community, or related industries. Also, AI platforms can analyze vast datasets to suggest valuable connections based on shared practice areas, goals, or professional trajectories.

Take, for example, something as common as LinkedIn's AI-driven recommendations or legal-specific platforms such as Avvo, Justia, and Martindale-Hubbell that can track individuals' activities, interests, and accomplishments and use that information to suggest personalized opportunities to network with key players. Those targeted approaches eliminate the inefficiencies of traditional networking methods and provide a clearer path to building the right relationships, allowing attorneys to optimize where to direct their networking efforts and save otherwise wasted time in efforts that would not yield the same value.

Building a leadership reputation

Networking is not just about connecting with people; it's about creating a reputation as someone capable of taking on leadership responsibilities. I can attest to the importance of developing a reputation for thought leadership, a common stepping stone toward acquiring leadership roles. It's another area in which AI can help legal professionals. There's a dizzying amount of information coming at us these days, so much that it can be difficult just to stay current, let alone take the role of a thought leader pushing things further. By analyzing data from legal publications, conference presentations, and blogs, AI can identify trends, emerging topics, and key areas

of expertise that align with a lawyer's interests. These insights allow for strategically focused networking efforts on topics and groups that can bolster one's reputation in those areas.

For example, say AI identifies a growing interest in data privacy law. An attorney could then attend related events, write articles, or join relevant committees — actions that increase their visibility as a thought leader. Networking at events or contributing to discussions about these timely issues positions them as an expert in the field, which can naturally lead to leadership opportunities in their practice. In this way, AI acts like a personal assistant, saving you time by gathering, crunching, and synthesizing data to allow you to focus on the most important work.

Data-driven career pathing

AI tools can offer valuable insights into career progression. The path to leadership can be complex and murky, but by analyzing patterns in career trajectories whether within one's firm or across the broader legal industry, AI can offer specific steps toward leadership positions. These tools can identify the skills, networking activities, or experience necessary for advancement, providing actionable advice based on data-driven analyses.

Moreover, AI can also identify gaps in a lawyer's current network and help them strategically expand their connections with people who can advocate for their leadership potential. This includes identifying rising stars and behind-the-scenes leaders within the firm or those with influence in related industries (such as finance or tech) with whom relationships could be valuable for future advancement.

AI AND NETWORKING IN THE BAR

Pathways to leadership

Networking within bar associations can significantly impact a lawyer's path to leadership positions such as serving as a committee chair, on the Board of Commissioners or Representative Assembly, or even as president.

Much like in a law firm, career advancement in a bar organization often depends on connecting with the right people, building a track record of service, and staying informed about upcoming openings for leadership roles. AI-powered platforms can sift through large amounts of information — such as a bar's event calendars, leadership updates, and committees — to help lawyers spot opportunities for involvement that align with their professional goals.

For example, AI can scan public bar association records to track upcoming elections for board positions, formation of new committees, or changes in leadership that could open doors for ambitious lawyers. Networking through these events and positions while using AI tools to stay updated on leadership opportunities can help lawyers become key figures in their bar association.

Strategic networking with key figures

Networking in bar associations is not just about attending events; it's about connecting with members who hold positions of influence or are actively involved in decision-making processes. In other words, there's networking and there's networking *well.* AI can help lawyers identify these key individuals by analyzing professional profiles, published works, leadership histories, and other data points available within a bar association or online platforms to optimize networking efforts.

For example, AI-driven tools such as relationship management software can track the activities of influential bar leaders and offer recommendations on when and how to approach these individuals for networking. It's still up to you to show up and do the work, but AI can help you identify opportunities to build relationships whether it's through social media, bar events, or smaller, targeted gatherings. Through the meaningful relationships a lawyer builds, bar leaders can become mentors and advocate for their advancement into leadership roles.

Enhancing bar engagement through data

Active participation in bar activities can significantly elevate a lawyer's profile within the legal community, and AI can provide a deeper understanding of effective engagement. By analyzing historical data on bar events, committee involvement, and individual engagement metrics, AI tools can help lawyers identify the most influential bar committees and activities that will increase their visibility. It can also help lawyers tailor their contributions to issues that matter most to bar leadership, making their involvement more impactful.

AI-driven insights can guide lawyers in choosing the right time to offer their services to a committee or propose initiatives that could advance their careers. By showing commitment to the broader legal community, lawyers can position themselves as an ideal candidate for future leadership positions ranging from committee chairmanships to board membership and beyond.

AI, ETHICS, AND LEADERSHIP DEVELOPMENT

While AI offers many opportunities for improving networking and advancing to leadership roles, ethical considerations must always be at the forefront. In the legal profession, client confidentiality and integrity are paramount. AI tools must be used responsibly. Lawyers should ensure that AI tools comply with privacy laws, protect sensitive information, and avoid any ethical conflicts.

Moreover, AI should enhance — and not replace — the human aspects of networking. Authenticity, trust, and personal rapport remain

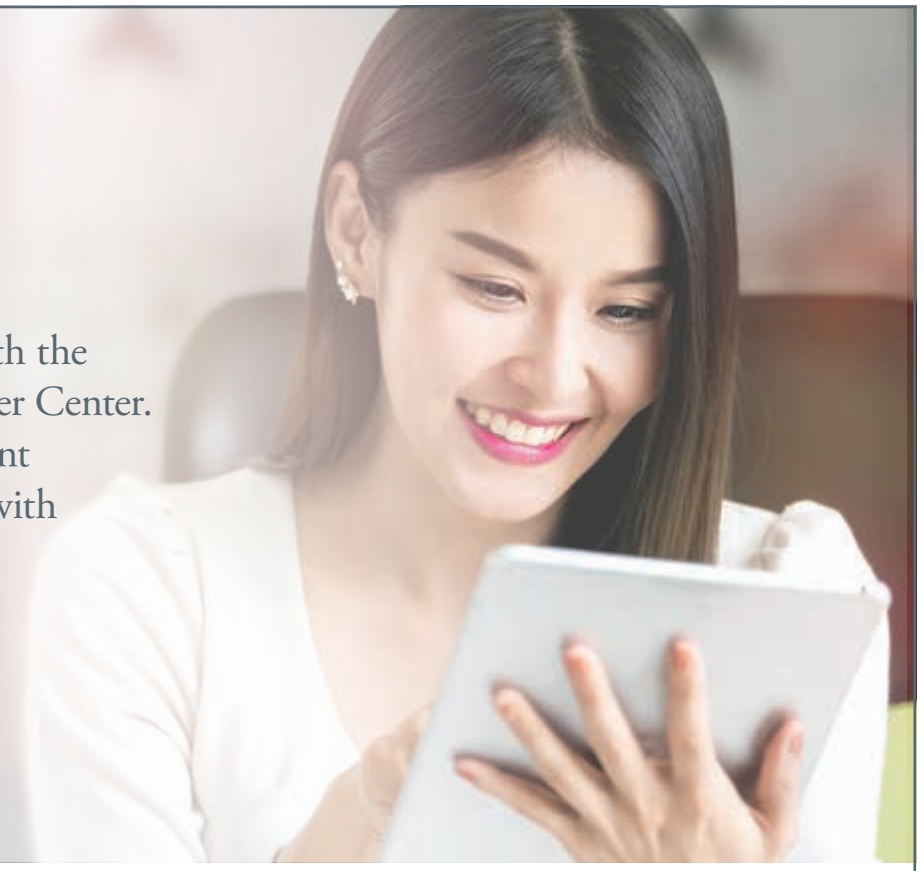
essential in building meaningful relationships. We've still got to shake those hands. But with AI, we can make sure we're shaking the right ones at the right times, cultivating an ideal and genuine network.

CONCLUSION

Artificial intelligence isn't going anywhere, and I hope Michigan attorneys utilize it to expand their networks, grow their careers, and help to elevate the profession as a whole. AI's integration into networking and leadership development provides significant opportunities for legal professionals to do just that. Whether in a law firm or within a bar association, AI can streamline the process of identifying key connections, recognizing leadership opportunities, and building the reputation necessary for career progression. Lawyers who embrace AI tools can enhance networking efficiency, improve their visibility, and position themselves as leaders within their practice areas and in the broader legal community.

Again, it is crucial to remember that AI is just a tool — true leadership still requires the human qualities of collaboration, empathy, and vision. But when used thoughtfully, AI can empower lawyers to build the connections and reputations they need to achieve leadership roles, propelling them toward greater professional success.

SBM
State Bar of Michigan



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STATE BAR OF MICHIGAN ELECTION NOTICE

GENERAL ANNOUNCEMENT

Members of the State Bar of Michigan are notified that the following elections will be held in June 2025:

- A statewide election for a non-judicial member of the Judicial Tenure Commission.
- Elections for 85 members of the Representative Assembly in 48 judicial circuits.
- Elections for seven members of the Board of Commissioners in five commissioner districts.
- Elections for 13 members of the Young Lawyers Section Executive Council in three districts.

Nominating petitions must be submitted by emailing them to csharlow@michbar.org no earlier than April 1, 2025, and no later than April 30, 2025. Nominating petitions for all elections can be accessed using the QR code on page 21.

Online voting will begin no later than June 1, 2025, and must be completed online no later than June 16, 2025. Ballots will be emailed to active Michigan attorneys at the email address they have on file. Check or update your contact information at michbar.org/MemberArea.

JUDICIAL TENURE COMMISSION

Active Michigan attorneys will elect one non-judicial member of the Judicial Tenure Commission for a term of three years beginning on Jan. 1, 2026, and expiring on Dec. 31, 2028. Article 6, Section 30 of the Michigan Constitution provides that three of the commission's nine members shall be State Bar members elected by the members of the State Bar. One of these shall be a judge and two shall not be judges. The seat to be filled by an election in June 2025 is to be held by a member who is not a judge.

STATEWIDE – NON-JUDICIAL

Elect one.

Incumbent eligible for reelection:
Thomas J. Ryan

REPRESENTATIVE ASSEMBLY

Active members in certain judicial circuits will elect members of the Representative Assembly for three-year terms in districts with seats that expire in September 2025 or for the balance of a seat's term in seats that are vacant or currently filled with an interim appointment. When a partial term is being filled by the election, the elected candidates will take office immediately upon certification of the election in June 2025.

2ND CIRCUIT – BERRIEN COUNTY

Elect one for a two-year term.

3RD CIRCUIT – WAYNE COUNTY

Elect two for a three-year term and two for a two-year term.

Incumbent eligible for reelection:
LaKena T. Crespo, Detroit

4TH CIRCUIT – JACKSON COUNTY

Elect one for a three-year term and one for a two-year term.

Incumbent eligible for reelection:
Brad A. Brelinski, Jackson

5TH CIRCUIT – BARRY COUNTY

Elect one for a two-year term.

6TH CIRCUIT – OAKLAND COUNTY

Elect eight for a three-year term, one for a two-year term, and five for a one-year term.

Incumbents eligible for reelection:
Fatima M. Bolyea, Southfield
James P. Brennan, Hazel Park
Tanisha M. Davis, Lathrup Village
Dennis M. Flessland, Huntington Woods
Elizabeth A. Hohauser, Troy
Toya Y. Jefferson, Southfield
Marcileen C. Pruitt, Southfield
Kymberly Kinchen Reeves, Novi
Rhonda Spencer Pozehl, Lake Orion
Michael E. Sawicky, Farmington Hills

7TH CIRCUIT – GENESEE COUNTY

Elect one for a three-year term and one for a two-year term.

Incumbent eligible for reelection:
Marc D. Morse, Grand Blanc

8TH CIRCUIT – MONTCALM AND IONIA COUNTIES

Elect one for a one-year term.

9TH CIRCUIT – KALAMAZOO COUNTY

Elect one for a three-year term and one for a two-year term.

Incumbent eligible for reelection:
Mark A. Holsomback, Kalamazoo

12TH CIRCUIT – BARAGA, HOUGHTON, AND KEWEENAW COUNTIES

Elect one for a three-year term.

13TH CIRCUIT – ANTRIM, GRAND TRAVERSE, AND LEELANAU COUNTIES

Elect three for a three-year term.

Incumbents eligible for reelection:
Agnieszka Jury, Traverse City
Anca I. Pop, Traverse City

14TH CIRCUIT – MUSKEGON COUNTY

Elect two for a two-year term.

15TH CIRCUIT – BRANCH COUNTY

Elect one for a two-year term.

16TH CIRCUIT – MACOMB COUNTY

Elect three for a three-year term and one for a one-year term.

Incumbents eligible for reelection:
Lauren D. Walker, Mount Clemens
Ashley L. Zacharski, Mount Clemens

17TH CIRCUIT – KENT COUNTY

Elect three for a three-year term and one for a two-year term.

Incumbents eligible for reelection:
Brent T. Geers, Grand Rapids
Tobijah B. Koenig, Grand Rapids
Philip L. Strom, Grand Rapids

18TH CIRCUIT – BAY COUNTY

Elect two for a three-year term.

20TH CIRCUIT – OTTAWA COUNTY

Elect one for a three-year term.

22ND CIRCUIT– WASHTENAW COUNTY

Elect two for a three-year term.

Incumbent eligible for reelection:
Lisa C. Hagan, Ann Arbor

23RD CIRCUIT – ARENAC, IOSCO, ALCONA, AND OSCODA COUNTIES

Elect one for a one-year term.

24TH CIRCUIT – SANILAC COUNTY

Elect one for a one-year term.

25TH CIRCUIT – MARQUETTE COUNTY

Elect one for a three-year term.

Incumbent eligible for reelection:
Jeremy S. Pickens, Marquette

26TH CIRCUIT – ALPENA AND MONTMORENCY COUNTIES

Elect one for a one-year term.

Incumbent eligible for reelection:
Lucas B. Patton, Alpena

27TH CIRCUIT – NEWAYGO AND OCEANA COUNTIES

Elect one for a one-year term.

29TH CIRCUIT – CLINTON AND GRATIOT COUNTIES

Elect one for a three-year term.

Incumbent eligible for reelection:
Ann C. Sharkey, Ithaca

30TH CIRCUIT – INGHAM COUNTY

Elect one for a three-year term and one for a two-year term.

31ST CIRCUIT – ST. CLAIR COUNTY

Elect two for a three-year term.

Incumbent eligible for reelection:
Richard W. Schaaf, Marysville

33RD CIRCUIT – CHARLEVOIX COUNTY

Elect one for a two-year term.

35TH CIRCUIT – SHIAWASSEE COUNTY

Elect one for a two-year term.

36TH CIRCUIT – VAN BUREN COUNTY

Elect one for a three-year term.

37TH CIRCUIT – CALHOUN COUNTY

Elect two for a three-year term.

Incumbents eligible for reelection:
David E. Gilbert, Battle Creek
Lee D. Graham, Battle Creek

38TH CIRCUIT – MONROE COUNTY

Elect one for a three-year term and one for a two-year term.

Incumbent eligible for reelection:
Gregg P. Iddings, Monroe

39TH CIRCUIT – LENAWEE COUNTY

Elect one for a three-year term

Incumbent eligible for reelection:
Katarina L. DuMont, Adrian

40TH CIRCUIT – LAPEER COUNTY

Elect one for a three-year term

Incumbent eligible for reelection:
Bernard A. Jocuns, Lapeer

41ST CIRCUIT – DICKINSON, IRON, AND MENOMINEE COUNTIES

Elect one for a three-year term

42ND CIRCUIT – MIDLAND COUNTY

Elect two for a three-year term.

Incumbent eligible for reelection:
Patrick A. Czerwinski, Midland

43RD CIRCUIT – CASS COUNTY

Elect one for a three-year term.

44TH CIRCUIT – LIVINGSTON COUNTY

Elect one for a three-year term and one for a two-year term

Incumbent eligible for reelection:
David T. Bittner, Howell

46TH CIRCUIT – CRAWFORD, KALKASKA, AND OTSEGO COUNTIES

Elect one for a three-year term.

Incumbent eligible for reelection:
Courtney E. Cadotte, Gaylord

47TH CIRCUIT – DELTA COUNTY

Elect one for a two-year term.

48TH CIRCUIT – ALLEGAN COUNTY

Elect one for a one-year term.

49TH CIRCUIT – MECOSTA AND OSCEOLA COUNTIES

Elect one for a one-year term.

50TH CIRCUIT – CHIPPEWA COUNTY

Elect one for a three-year term.

Incumbent eligible for reelection:
Robert L. Stratton III, Sault Ste. Marie

51ST CIRCUIT – LAKE AND MASON COUNTIES

Elect one for a three-year term.

Incumbent eligible for reelection:
Tracie L. McCarn-Dinehart, Ludington

52ND CIRCUIT – HURON COUNTY

Elect one for a two-year term.

53RD CIRCUIT – CHEBOYGAN AND PRESQUE ISLE COUNTIES

Elect one for a two-year term.

54TH CIRCUIT – TUSCOLA COUNTY

Elect one for a one-year term.

55TH CIRCUIT – CLARE AND GLADWIN COUNTIES

Elect one for a two-year term.

56TH CIRCUIT – EATON COUNTY

Elect two for a three-year term.

Incumbent eligible for reelection:
Adam H. Strong, Charlotte

57TH CIRCUIT – EMMET COUNTY

Elect one for a three-year term.

Incumbent eligible for reelection:
Christina L. DeMoore, Petoskey

BOARD OF COMMISSIONERS

Active members will elect members of the Board of Commissioners in certain districts. The terms of the following commissioners of the State Bar will expire at the close of the September meeting of the 2024-2025 Board of Commissioners.

The three-year terms will be filled by election in June 2025. The following are the districts in which elections are to be held, the number of seats to be filled, and the names of incumbents.

DISTRICT A – JUDICIAL CIRCUITS 11, 12, 13, 19, 23, 25, 26, 28, 32, 33, 34, 41, 46, 47, 50, 51, 53, AND 57

Elect one.

Incumbent eligible for reelection:
Suzanne C. Larsen, Marquette

DISTRICT C – JUDICIAL CIRCUITS 14, 17, 20, 21, 27, 49, AND 55

Elect two.

Incumbents eligible for reelection:
Thomas P. Murray Jr., Grand Rapids
Nicholas M. Ohanesian, Grand Rapids

DISTRICT F – JUDICIAL CIRCUITS 1, 2, 5, 9, 15, 36, 37, 43, 45, AND 48

Elect one.

Incumbent eligible for reelection:
James L. Liggins Jr., Kalamazoo

DISTRICT H – JUDICIAL CIRCUITS 3, 38, AND 39

Elect one.

DISTRICT I – JUDICIAL CIRCUIT 6

Elect two.

Incumbents eligible for reelection:
James W. Low, Royal Oak
Gerard V. Mantese, Troy

YOUNG LAWYERS SECTION EXECUTIVE COUNCIL

The members of the Young Lawyers Section will elect members of the Executive Council for their districts. The terms of the following council members expire at the close of the Young Lawyers Section Executive Council meeting in September 2025.

These seats are to be filled in by election in June 2025 for two-year terms. The following are the districts in which elections are to be held, the number of seats to be filled, and the names of the incumbents.

DISTRICT 1 – MACOMB AND WAYNE COUNTIES

Elect four.

Incumbents eligible for reelection:
Ali A. Berro, Deaborn
Fawzeih H. Daher, Detroit
Tenika R. Griggs, Redford

DISTRICT 2 – OAKLAND COUNTY

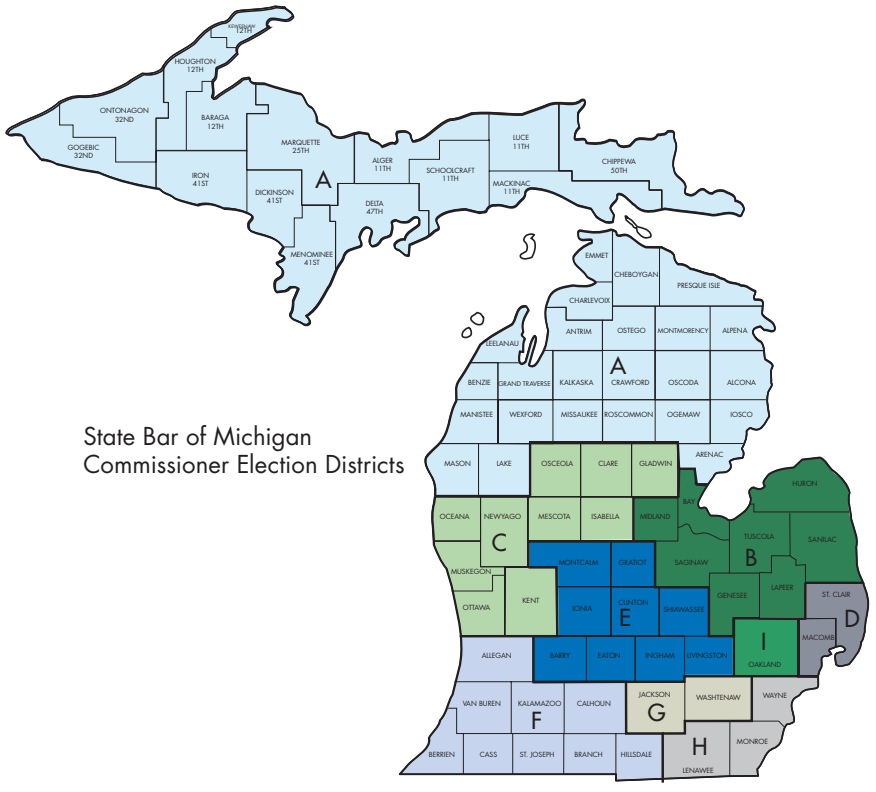
Elect four.

Incumbents eligible for reelection:
Isra K. Khuja, Troy
Alexander P. Sheldon-Smith, Farmington Hills
Kayla M. Toma, Farmington Hills
Jessica D. Warfield, Southfield

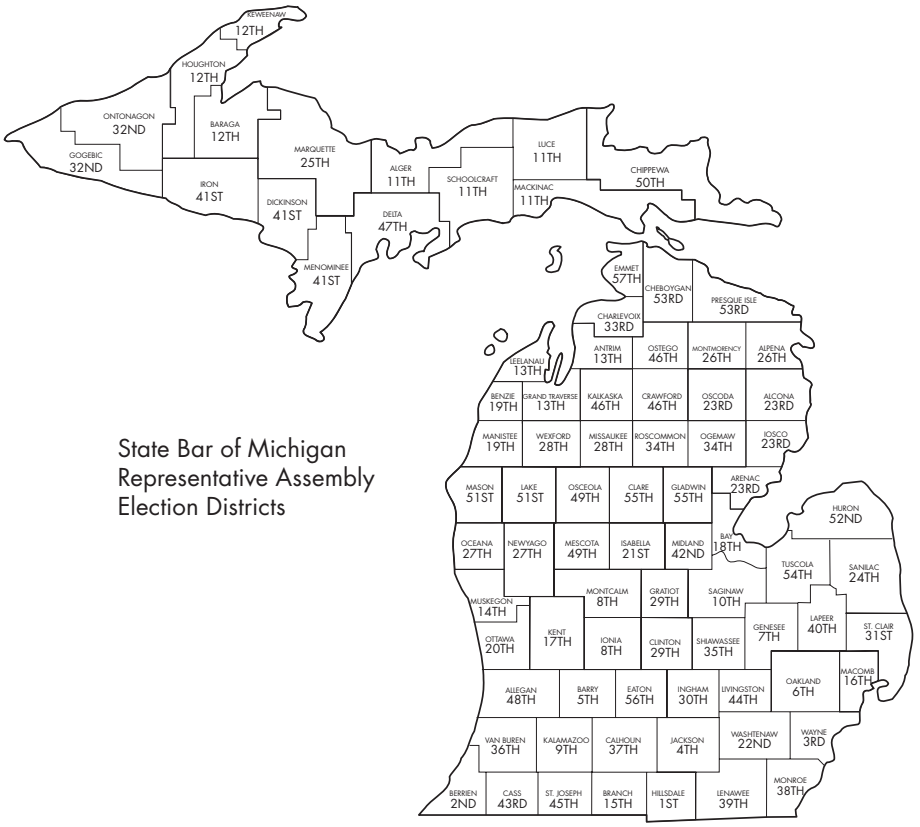
DISTRICT 3 – ALL COUNTIES EXCEPT MACOMB, OAKLAND, AND WAYNE

Elect five.

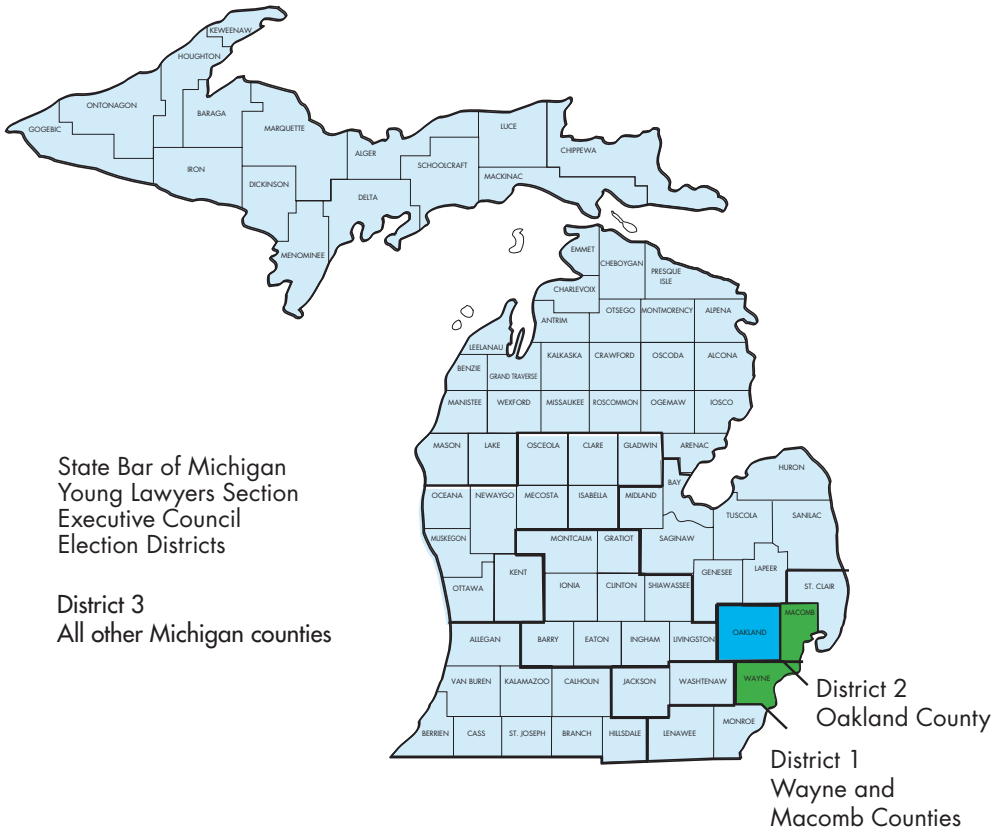
Incumbents eligible for reelection:
John F. Duffield, Allegan
Megan N. Mitchell, Davison
Alexandar J. Thibodeau, Grand Rapids
Marisa A. Vinsky, Okemos



State Bar of Michigan
Commissioner Election Districts



State Bar of Michigan
Representative Assembly
Election Districts



State Bar of Michigan
Young Lawyers Section
Executive Council
Election Districts

District 3
All other Michigan counties

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Protecting children with special needs after *Perez v. Sturgis Public Schools*

BY DORENE PHILPOT

In 2023, Michigan special education and disability law became the focus of a U.S. Supreme Court case involving a deaf Michigan child, which reversed a federal Sixth Circuit Court of Appeals decision.

In *Perez v. Sturgis Public Schools*,[1] the nation's highest court unanimously held that a federal law containing an "exhaustion of administrative remedies" requirement does not apply to federal claims where the only remedy sought is money damages. Additionally, this is true even if the claim can be categorized as one for the denial of a child's right to a free appropriate public education.

This decision in *Perez* means that, among other things, parents can pursue damages claims under the Americans with Disabilities Act without having to first go through a special education administrative due process hearing.

Children with special needs who qualify for special education services at schools are protected by a variety of federal and state laws. These laws include, but are not limited to, the Individuals with Disabilities Education Act (IDEA) and the Michigan Administrative Rules for Special Education (MARSE).[2]

Parents of children with special needs act as the primary enforcement mechanism for these laws by bringing actions against school districts, interlocals, and educational service agencies. Unfortunately, there is a shortage of attorneys who can represent the families

of the 14% of Michigan students who qualify for special education and related services[3] should they need legal counsel.

This article offers general information to Michigan attorneys on the basics of the laws protecting children with special needs.

INDIVIDUALIZED EDUCATION PLANS

Generally, Michigan schools are charged with providing an individualized education plan (IEP) for children with special needs. Generally speaking, an IEP is a multi-page document detailing plans for the child's education such as placement and services that the child will receive. The child's unique needs are supposed to be considered when educators and parents devise the IEP.

Federal and state laws generally require IEPs be written in a manner "appropriate" for the child's needs and conferring "meaningful" educational benefit to the child in the "least restrictive environment."[4] But what constitutes a "meaningful" benefit, what is appropriate for the child, and what is meant by "least restrictive environment"? These concepts are subject to debate and litigated in nearly every case pertaining to IEPs since laws don't define these words.

Special education laws do not provide for allocation of the very best possible services. Only an appropriate IEP designed to confer meaningful educational benefit does. However, what happens in many cases is that parents and schools often disagree about what's appropriate for the child — parents generally want more or better services for their children than schools are able or willing to provide. Most schools do not withhold services or qualified staff just to be contrarian. These deficiencies occur primarily because of limited resources, lack of staff, and lack of training.

RESOLVING DISPUTES

Several mechanisms can be used to help schools and parents resolve differences over IEPs. They include complaint investigations, mediation, and due process hearings.

Complaint Investigation

In a complaint investigation, a Michigan Department of Education (MDE) employee gathers information from the person who filed the complaint — typically the parents — and from school staff. Based on that information, the MDE tries to establish what happened (or didn't happen but should have) during the IEP process.

Once the investigation is complete, the MDE issues its decision. If it finds that any laws were violated, corrective action is ordered. Parents do not pay for an MDE complaint investigation, and while they can hire an attorney to represent them, it is not required.[5]

Mediation

Mediation, not surprisingly, works much like it does in other areas of law. If the state assigns a mediator to resolve the dispute, there is no cost to the parents.[6] However, if the parties decide to hire a private mediator, there is a cost associated with that person's time.

Statistically, a high percentage of special education mediations result in settlement,[7] making it a worthwhile tool for resolving disputes.

Due Process Hearing Requests

A special education due process hearing request involves an independent hearing officer assigned by the MDE. That officer conducts an administrative hearing and issues a decision on whether the child's substantive or procedural due process rights have been violated. Parents do not pay to use the due process hearing system.[8]

Parents can hire private counsel familiar with state and/or federal special education laws to represent them at the hearing; however, they foot the bill for representation. If the parents prevail, the federal IDEA law allows them to seek reimbursement from the school district for attorney fees and costs because special education due process cases are seen as civil rights matters.[9]

Federal and state laws provide that families can have a decision within 45 days of their request for hearing being submitted to the MDE.[10] Typically, decisions are handed down in a few months because a hearing usually requires coordinating the schedules of two attorneys and the hearing officer, and an average hearing lasts three to five days. After the hearing officer renders a decision, either party may appeal to state or federal court.[11]

The Michigan Department of Education has extensive information about the process on its website.[12]

HOT TOPICS IN SPECIAL EDUCATION LAW

There are many reasons schools and parents reach an impasse about what constitutes an appropriate IEP for a child. The following are the most common areas of dispute.

Autism Spectrum Disorders

Savvy parents of children with autism spectrum disorders want schools to utilize a type of therapy that has been proven scientifically to enable a high number of children with autism to eventually be placed in mainstreams classroom.[13] However, this therapy — usually called applied behavior analysis, applied verbal behavior therapy, or discreet trial training — is expensive to implement because it requires one-on-one assistance for the child by a registered behavior technician and a board-certified behavior analyst.

Ordinarily, schools don't have the funds or training to provide this level of one-on-one therapy. As such, even though it has been known for decades that this peer-reviewed, scientifically based method of instruction really works, schools don't offer this option to parents, creating a recipe for impasse.

Behavioral Problems

If a child has behaviors that impede his learning or the learning of others, the school needs to conduct a functional behavioral assessment (FBA) that uses a data-intensive review and analysis to determine what precedes the behavior, what the behavior is, and what the consequences are.

After the FBA takes place, a behavior intervention plan (BIP) is incorporated into the child's IEP. A well-designed BIP helps teachers appropriately and consistently extinguish behaviors that interfere with student learning and replaces them with appropriate behaviors.

For example, a child with an autism spectrum disorder, when given a particularly challenging assignment, might engage in extreme or intrusive behavior as an avoidance tactic because the teacher stops what she was doing to comfort him. Though the teacher's reaction might be natural, it can reinforce the child's habit of engaging in extreme or intrusive behavior to avoid doing challenging classwork.

An FBA and BIP would be warranted to address this situation.

Dyslexia

Dyslexia is a common developmental disability that requires specialized instruction. Children with dyslexia learn to read differently from their peers and often require unique methods and more intensive assistance than most schools are able and willing to provide. There is controversy about reading approaches for dyslexic students. Information about studies on effective instruction for these students can be found at the U.S. Department of Education What Works Clearinghouse.[14]

Suspension and Expulsion

Removing a special needs child from school for misbehavior is different than it is for a regular education child. A student with a disability may be suspended for up to 10 consecutive school days for misconduct.[15] The school does not have to provide educational services during the first 10 days of suspension in a school year, and students may be suspended for up to 10 consecutive school days for each separate incident.[16] However, when the number of days of suspension in a school year reaches 11, the school must provide educational services to the student and convene an IEP team meeting within 10 business days of the 11th day of suspension to develop a plan for assessing the student's behavior and reviewing and/or revising the existing behavior plan.[17]

A student with a disability may be expelled. However, before expulsion can occur, the school must notify the parents on the day the decision is made, provide the parents with a notice of rights, convene an IEP team meeting within 10 school days of the decision to expel the student, and conduct a manifestation determination[18] where a committee looks at whether the behavior was caused by the child's disability. Behavior caused by a disability cannot legally serve as a basis for expulsion.[19] If the behavior was not caused by the child's disability, the child may be expelled but educational services still must be provided so he or she can continue to make educational progress. Parents who disagree with the school's decision can request an expedited due process hearing.

Finally, a child who has not yet been identified by the school as having a disability but is suspended for more than 10 days or expelled can invoke the protections of the federal IDEA law if the school knew or should have known that the child had a disability but failed to evaluate the child and provide appropriate educational services.[20]

CONCLUSION

Though it is an oversimplification of this fascinating area of law, the purpose of this article is to provide attorneys with easily accessible and useful information as a primer on special education legal rights and responsibilities.

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Competency and the developmentally disabled in Michigan

BY MICHAEL F. ABRAMSKY

One advancement in legal civil rights is the requirement for defendants to be deemed competent before standing trial.

Milton Dusky was charged with kidnapping and rape and despite being diagnosed with schizophrenia, he was convicted.[1] A writ of certiorari filed with the U.S. Supreme Court argued for a reversal of his conviction on the grounds that he was not competent to stand trial.[2] In 1960, the Court granted the writ, ruling that a defendant must have sufficient ability to consult rationally with a lawyer and have a logical and factual understanding of the proceedings.[3]

This ruling was incorporated into the Michigan Health Code in 1974.[4] It states that:

> [a] defendant to a criminal charge shall be presumed competent to stand trial [and] determined incompetent to stand trial only if he is incapable because of his mental condition of understanding the nature and object of the proceedings against him or assisting his defense in a rational manner.[5]

Michigan has a unique system regarding competency evaluations. Whenever a prosecuting attorney or court wishes to question competency, defendants are referred to a state facility, the Center for Forensic Psychiatry.[6] There, a competency evaluation is conducted, and the center issues a written opinion.[7] Subsequently, a defense attorney may retain an independent psychiatrist or psychologist to

render a second opinion.[8] If the independent psychologist disagrees with the center's opinion, a competency hearing is held.[9] Each side presents its data and conclusions, and the presiding judge determines the outcome.[10] Defendants ruled incompetent may be ordered to participate in a restoration of competency procedure if the court determines there is reasonable probability for restoration.[11]

The state has several facilities housing these individuals where medication and coaching are used to treat mental health disorders and restore competency, which is defined by the courts in terms of cognitive abilities or acquisition of thinking through senses, thought, and experience.[12] Skills necessary to pass a competency exam are attainable for most with low- or average cognition.

Two classes of defendants may be found incompetent to stand trial.[13] The first are those going through psychotic episodes which present as scrambled thoughts, distortions of reality, and uncontrollable moods.[14] Often, such individuals are prescribed medications that lessen the thought disorder, enable clear thinking, and facilitate competency restoration. The second are the developmentally disabled who have severe deficits in thinking ability caused by a lack of brain development.[15] Unlike psychoses, which are transient abnormalities, developmental disabilities are not treatable.

A developmentally disabled person is defined as someone with an IQ of 70 or less.[16] Most of us are familiar with the bell curve of intelligence[17] that plots the distribution of intelligence in the general population. It includes four classes of developmentally disabled persons ranging from mild (IQs from 55 to 70) and moderate (40 to 55) to severe and, finally, profound, both of which describe individuals who rarely acquire language, often have major physical disabilities, and are incapacitated and require constant care. Mild to moderate individuals are mobile, participate in the community, and may be accused of crimes.

EVALUATING COMPETENCY IN THE DEVELOPMENTALLY DISABLED

Adequate psychological evaluation requires standardized tests and objective measures to determine who passes or fails. This principle will be illustrated through my history of competency evaluations as an independent examiner in opposition to the state and my critique of their procedures. I will also review adequate corrective procedures.

Center reports do not follow statutory guidelines

Forensic psychological reports are based on operational definitions of legal statutes and concepts, meaning that the forensic psychologist takes statutory concepts and translates them into quantifiable psychological parameters. The Center for Forensic Psychiatry follows this paradigm in its criminal responsibility evaluations by citing the statute and presenting organized data relevant to the statutory requirements. By contrast, their competency evaluations do not cite elements of the statute, and the presenting data does not operationalize around the two statutory prongs of competency.

Furthermore, there is no uniformity in the way data is presented — some seems anecdotal or fragmented, and some is germane to the specific statute. The center also uses a freeform question-and-answer method and there doesn't appear to be a uniform standard regarding questions, sequencing, or data organization.

Reports for competency restoration procedures are worse; they are a hodgepodge of anecdotes and rationalizations that lack organization or presentation. Defendants must achieve competency within 15 months or be released;[18] I have seen defendants "magically" restored to competence as the deadline nears. The criteria are often sketchy and not relevant to the standard. Furthermore, the examiner who initially found the individual incompetent does not participate in the reevaluation.

I have never examined a developmentally disabled individual who was found incompetent and later passed an objective competency exam after the restoration procedure was completed. In fact, given that such disabilities are fixed and unchangeable, one cannot restore that which never existed. The lack of systematic procedures means individuals may be given different exams and standards can be adjusted so anyone can be found competent.

Supporting data leading to conclusions is not presented

Scientific studies put forth conclusions, but the authors include the raw data that support them.

Reports from the center do not contain competency data. For instance, if a question-and-answer format was used to create the report, I have seen no record of the questions or answers. Without data to review, no one can effectively cross-examine or question the conclusions.

Many standardized competency evaluations exist.[19] All good psychological tests contain standardized questions, offer the same time frame for completion, and include a uniform scoring system to ensure reliability and allow for comparisons among individuals who take it. For example, the Wechsler Adult Intelligence Scales include the same questions and amount of time to complete the evaluation is the same across the board.[20] Answers are scored using a uniform procedure, allowing individuals to be assessed based on how they compare to an average score.

Center exams do not address necessary cognitive skills

Two cognitive elements are central to competency: understanding and reasoning.

"Understanding" refers to comprehension or the ability to know something and label it.[21] When we ask someone if they understand English, we refer to that individual's ability to recognize words and

what they mean. The quality of understanding is most germane to the first prong of competency, which refers to a factual and rational understanding of the proceedings.

It also refers primarily to sense data — data accessible through the senses like sight and sound. Most relevant is the defendant's ability to explain what he did or didn't do. Another function of understanding is recognizing the names and simple functions of court personnel, such as the judge.

Many developmentally disabled persons have simple understanding functions. Sense data is processed by a level of the brain that is less impaired; therefore, simple recognitory functioning and knowing, for example, that "a jury decides if I did it or not" are within the ability of many of these individuals.

"Reasoning" refers to the ability to think about ideas and make choices about contrasting ideas.[22] Reasoning is a higher-level skill than understanding because it requires the ability to contemplate thoughts or abstractions not available through the senses. It is most germane to the ability to assist counsel in a reasonable and rational manner with options like plea bargains, witness selection or alibis, and charges that are not concrete and often require the ability to weigh alternatives and make choices between two courses of action.

Reasoning is the highest level of cognitive functioning. It emanates from the layer of the brain impaired or missing in the developmentally disabled. The capacity to reason is necessary to assist counsel, yet it is what the developmentally disabled lack. Defense attorneys receive no guidance and, thus, must make those decisions for them. In essence, attorneys no longer represent the defendant and instead function as guardians.

In my experience, the center's reports do not address reasoning. They only measure understanding. Both skills are necessary to truly participate in legal proceedings.

Legal contextual issues bear on competency

In numerous decisions, the U. S. Supreme Court ruled that an IQ of 70 is the threshold for competence.[23] Therefore, those suspected of developmental disability should be tested psychometrically. An IQ of 70 or below should be considered a major element in arguing permanent incompetence.

The Supreme Court in 1993 implied a uniform competency standard when it ruled that competency in one area presumes competency in all.[24] Many developmentally disabled defendants have been deemed civilly incompetent and have a guardian handle their legal and financial affairs and make decisions for them. A defendant with a preappointed guardian has already been adjudicated as incompetent by the state, which should factor in deeming one criminally incompetent.

CONCLUSION

Establishing a competency standard was a milestone for civil rights because it set conceptual criteria applicable to all defendants. Clinical evaluations of competence take those legal standards and convert the conceptual definitions of the law into understandable and measurable yardsticks. To be effective, however, all defendants must be tested with instruments meeting the scientific criteria of reliability and validity so objective judgments can be made. Procedures that vary from one examination to the next essentially set different competency benchmarks for each defendant, violating the spirit and substance of the statute.

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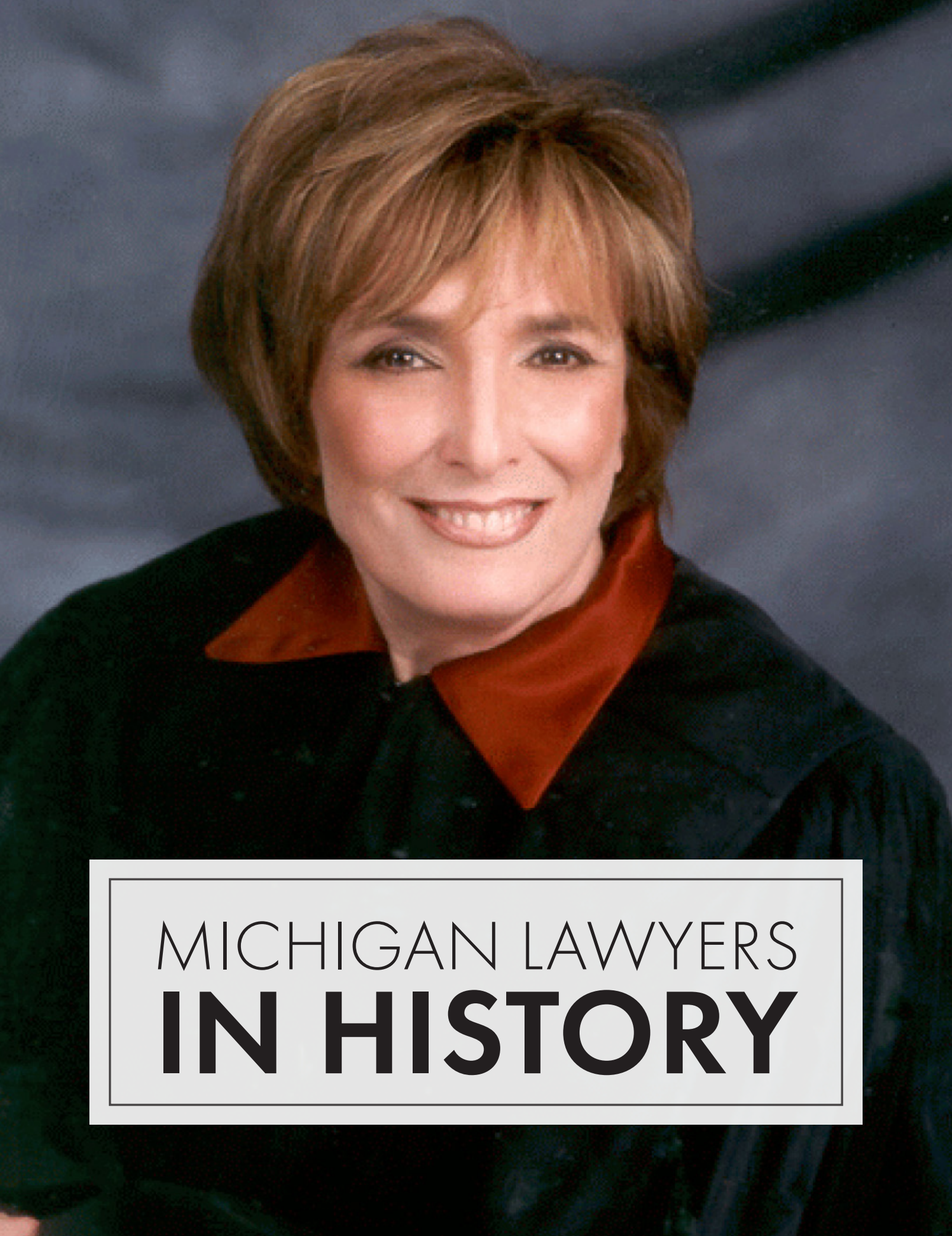

MICHIGAN LAWYERS IN HISTORY

Hon. Hilda Gage

BY CARRIE SHARLOW

Since 2010, the Michigan Judges Association has presented the Hilda Gage Judicial Excellence Award to a worthy judge who has contributed to the profession, legal scholarship, and the community.[1] It reminds members to emulate Gage and her "dedication to justice, her fierce courage, her uncommon sense of fairness, and her goodness as a human being."[2]

Hilda Frances Rosenberg Gage set a high bar.

She was only 39 in 1978 when she was first elected judge, winning a seat on the Oakland County Circuit Court. Her résumé was impressive, having earned bachelor's and master's degrees from the University of Michigan[3] and her law degree from Wayne State University Law School, where she graduated at "top of her class, with numerous honors for academic achievement."[4] Shortly thereafter, she became a partner at "one of the first law firms in the country with black, Jewish, and female partners."[5]

Most of the aforementioned accomplishments were done while multitasking. She taught in Ann Arbor and the Cherry Hill School District in Dearborn[6] while her husband earned a law degree of his own. Once he graduated, they started a family — three children in six years, the last of whom was born two years after Gage had started attending law school at night to earn her legal degree. Over the next five years, she balanced night school with her day job and home life.

She graduated at the top of her class.

Gage still found time to volunteer at her local synagogue, Congregation Shaarey Zedek in Southfield, where she became its first female usher and later vice president of the Shaarey Zedek Sisterhood.[7] Around the same time, she was appointed to the Michigan Civil Rights Commission, where she served as secretary-treasurer.[8] She was also on the State Bar of Michigan General Practice Section Council, co-chair of the Grievance Committee with future Michigan Supreme Court Justice and Detroit Mayor Dennis W. Archer, and a Representative Assembly member.

In addition to her professional and personal accomplishments, Gage also suffered incredible heartache and hardship by the time she turned 39. When she was 11, her father, Jacob Rosenberg, died suddenly, leaving behind a wife, two school-aged children, and a married daughter and grandchild.[9] The family was still digesting the news when they learned that her maternal grandfather had died across town less than 24 hours later. The family had a double funeral.

The worst tragedies seemed to come in clusters. In 1974, four years before her election to the Oakland County court, her six-year-old son died of dysautonomia, a malfunction of the autonomic nervous system[10] that required around-the-clock care, frequent hospitalization, and nonstop queries from medical professionals regarding the rare disease. Gage "would rush her son to the hospital and have to explain to the medical staff" what was happening and what he needed.[11] She was still teaching and attending law school — remember, she graduated at the top of her Wayne State Law School class during this time — while juggling hospital visits, doctor's appointments, and everything else, including joining a new law firm. Around the same time, Gage was diagnosed with multiple sclerosis. She was told to "to drop out of your profession, go rest, [and] don't do anything stressful."[12]

That suggestion irritated Gage enough that it remained seared in her mind more than 20 years later.[13] By that time, she had been newly appointed to the Michigan Court of Appeals and was regarded as one of the most respected judges in the state.[14]

Gage stayed at the Oakland County Circuit Court for nearly 20 years and was elected chief judge by her fellow jurists.[15] She was known as "the picture of efficiency and the picture of a no-nonsense jurist"[16] and "a careful and fair-minded judge."[17] She was respected by her colleagues on the bench, so much so that she was elected president of the Michigan Judges Association, chair of the American Bar Association National Conference of State Trial Judges, and head of the Judicial Tenure Commission —the first woman to serve in each of those roles.[18]

All of this occurred after another year of multiple setbacks. Gage's multiple sclerosis flared up — she had been free of symptoms for a long time — around the same time her mother died, and her

marriage ended. Gage could have certainly rested on her laurels at that point; instead, she "made arrangements from her hospital bed for courtroom renovations that would allow her to stay on the bench"[19] and returned to work.

That was how Gage moved through life — "You have to play the hand you're dealt," she'd say.[20] And she did it well.

After her son was diagnosed with dysautonomia, she founded the Michigan chapter of the Dysautonomia Foundation and started raising money to fund research for a cure, all while educating the public about the little-known disease.[21] When she was diagnosed with multiple sclerosis, she worked closely with the Multiple Sclerosis Society locally and nationally and didn't let it stop her. Despite being advised to live a restful, stress-free life, she ran for a seat on the Oakland County bench. And when her disease flared up, she got a cane and, eventually, a wheelchair to continue in her chosen profession.

Gage's return to the bench coincided with her hearing some of the biggest cases of her career. She ruled that a Rochester Elks lodge had to "open its doors to women" and when the club balked, she told its members to stop delaying and hold another vote.[22] She heard one of Michigan's first right-to-die cases, which involved a quadriplegic patient who requested permission to turn off his ventilator. Gage ruled in the patient's favor, deciding that he "had the right to refuse any medical treatment."[23] Later, she recalled that the case hit close to home because the young man chose not to continue even though "he had so much he could contribute."[24]

Gage, too, felt she had more to contribute. After consulting with her doctor,[25] she decided to run for the Michigan Supreme Court. She lost, but was later appointed to fill a vacancy on the state Court of Appeals. Her investiture was held 18 years to the month after she won her first judicial election in Oakland County and 23 years since her multiple sclerosis diagnosis.

At the Court of Appeals investiture, a colleague noted that Gage was "who we all wish we could be."[26] Gage was 71 when passed away from complications due to multiple sclerosis in 2010. That same year, the Michigan Judicial Association began presenting the Hilda Gage Judicial Excellence Award to a sitting or retired circuit or appeals judge who has demonstrated competence in docket and trial management and made contributions to the legal profession through legal scholarship and community service.[27]

Carrie Sharlow is an administrative assistant at the State Bar of Michigan.

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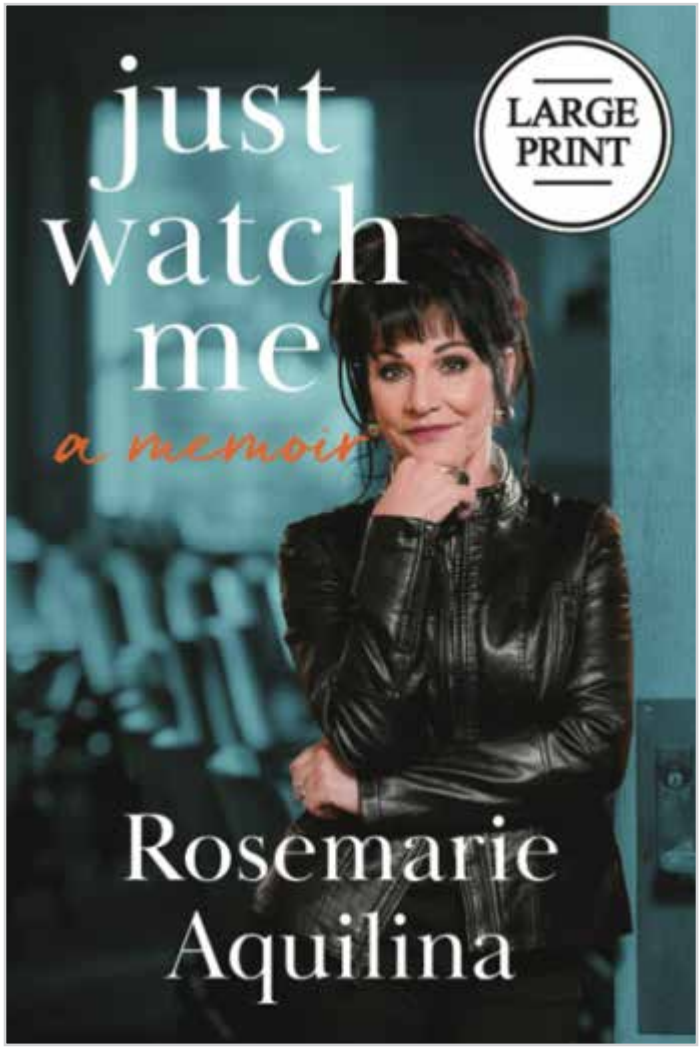
BOOK REVIEW

Just Watch Me: A Memoir

REVIEWED BY MATTHEW SMITH-MARIN



Written by Hon. Rosemarie Aquilina
Published by Sabieha Press (2022)
Soft cover | 268 Pages | $13.99

> *"You're worthy. You're going to do things. You're going to be somebody. You'll get through this. You'll make it through what comes next. You can do everything alone. You don't need anyone, except your kids. You're a lawyer. You can make and spend your own money. You're going to have your own voice. You can raise the children on your own if you need to. You can do this. You can accomplish so much more."* (p. 132)

The passage above beautifully summarizes the personal and professional journey of Hon. Rosemarie Aquilina. Her continued devotion to giving herself and those without a voice the ability to be valued and heard plays a primary role in "Just Watch Me: A Memoir," the book written by the judge in Ingham County's 30th Circuit Court.

Aquilina attended Michigan State University, where she received her bachelor's degree in English and journalism, then attended Thomas M. Cooley Law School, graduating with her law degree in 1984. After passing the bar exam, she worked as a campaign manager for state Sen. John Kelly, was a partner in Kelly's lobbying firm, formed Aquilina Law Firm, and hosted a radio talk show called "Ask the Family Lawyer." She was also the first female member of the Michigan Army National Guard Judge Advocate General's Corps, serving for 20 years, and then became a 55th District Court judge for four years prior to her appointment to the 30th Circuit Court. She is also an adjunct professor of law at Cooley Law School and Michigan State University School of Law.

Aquilina begins the book by delving into her childhood, exploring the profound ramification and impression her grandparents, parents, and siblings had on the trajectory of her life. She describes growing up in a German-Maltese patriarchal home and the interplay between that environment and her announcement to someday become a lawyer and, ultimately, a judge. Aquilina's childhood and high-school stories, anecdotes, and narrative make the reader

reflect on how all experiences and relationships — both positive and negative — affect both the course and outcomes of our lives.

The book then pivots to her early adult years and the many occasions throughout her career and personal life when male colleagues and men she was in relationships with tried to usurp her authority and steal her power. Aquilina discusses her determination to succeed and her sources of strength — including her children and her family — and how she channeled her personal drive to achieve her goals. Many times throughout the memoir, when told she won't succeed or asked why she would even try, she says to others around her, "Just watch me."

The final chapters describe Aquilina's experiences after being appointed to the Ingham County bench. She shares inspirational stories and describes how her personal goal of making a point to listen to every victim and defendant who passes through her courtroom can lead to rehabilitation and justice. Aquilina brings her memoir full circle with her thoughts and reflections on the Larry Nassar USA Gymnastics sex abuse trial and her role in empowering 169 people — all but 13 of whom were survivors — to speak prior to the disgraced Michigan doctor's sentencing. She also notes the profound impact the order for Nassar's sentencing had due to the national attention the trial had garnered — it "spoke to the pain of girls and women, boys and men, of all ages, cultures, and sexual preferences, who have suffered at the hands of predators all around our nation and the world," she wrote (p. 239).

Overall, "Just Watch Me: A Memoir" is certainly a worthwhile read. Aquilina's determination, perseverance, and grit inspire the reader to appreciate her story and her ability to uplift others by asking a simple question: "What would you like me to know?"

Matthew Smith-Marin is an associate professor and director of academic support services at the Cooley Law School Tampa Bay campus, where he teaches courses on introduction to law, contracts, and bar exam skills. A member of the Michigan Bar Journal Advisory Committee, Smith-Marin also oversees the Cooley Dean's Fellows peer-education program and the bar assignments for Cooley's Professional Development Series.

BEST PRACTICES

Best practices for managing supply chain pricing disputes

BY NICHOLAS J. ELLIS

Nearly anyone involved in supply chain activity today knows that for the last several years dating back to the COVID-19 pandemic, we have seen significant inflation in the U.S. and around the world. Manufacturers have faced rising costs for materials, labor, energy, transportation, and more. However, many manufacturers find themselves tied to long-term contracts that may not match up with the realities of the current economic climate. Such contracts often limit a seller's ability to simply increase prices to align with their rising costs. This dynamic has led to significant friction and a rising number of disputes as manufacturers in unprofitable contracts seek to raise prices while buyers push back and attempt to keep their costs from rising further. This article addresses some key issues and contractual provisions that parties must account for in such disputes.

UNDERSTAND THE TERMS OF THE CONTRACT

The first (and perhaps most important) step for any party involved in a pricing dispute is simply understanding which documents and terms constitute the contract that governs the parties' relationship. In cases where the parties have a clear, negotiated, and signed written agreement, this may be easy. However, that often is not the case. In many relationships, the parties will have discussions and exchange various documents — such as requests for quotation or proposal, quotations, purchase orders, acknowledgments, and invoices — all of which may contain different and sometimes contradictory terms without ever truly reducing their agreement to a final form signed by all parties.

The Uniform Commercial Code (UCC),[1] which governs contracts for the sale of goods, provides a very broad standard for recognizing the existence of a contract. Under the UCC, "[a] contract for sale of goods may be made in any manner sufficient to show agreement, including conduct by both parties which recognizes the existence of such a contract"[2] and "[a]n agreement sufficient to constitute a contract for sale may be found even though the moment of its making is undetermined."[3] However, confirming that a contract exists leaves open the question of what terms are actually included in the contract, which may require a separate analysis under the UCC "battle of the forms" provisions.[4]

Most pricing disputes hinge on three specific issues.

Pricing provisions

Perhaps the most obvious (but sometimes overlooked) contractual terms when reviewing a pricing dispute are the pricing provisions themselves. Parties must consider whether the contract truly is a pure fixed-price contract or whether there are other pricing provisions that need to be considered. If the contract includes specific provisions allowing the seller to increase prices, effect needs to be given to those rights. Some contracts may include provisions for indexing — adjusting the price based on a publicly available index. Such provisions are common in contracts in which raw material costs form a significant portion of the production cost. In contracts including these provisions, the parties must ensure they have accounted for any required changes in price. Finally, some contracts may include general statements or requirements that, while short of providing a clear and objective mandate to increase prices, indicate some intent by the parties that pricing might be revisited in the future. For example, some contracts might specify that the parties "review" or "discuss" pricing at certain points during their relationship. While there is limited case law addressing the impact of such clauses, they cannot be disregarded entirely. Generally, all contract provisions must be interpreted to give them some meaning.[5] In addition, any negotiation or pricing review is subject to the general obligation of good faith and fair dealing under the UCC.[6]

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Quantity terms

Aside from the pricing provisions, the most critical term in any contract for the sale of goods is the quantity term. Under the UCC, a written quantity term is the only provision that must appear in the contract.[7] Absent a written quantity term, any contract for the sale of goods over $1,000 is not enforceable to require the purchase or sale of any additional quantities and where such a provision otherwise exists, courts cannot require the purchase or sale of quantities in excess of those provided for in the written term.[8] If the seller does not have an ongoing obligation to supply additional quantities, it can require the buyer to agree to pay a higher price in exchange for the seller agreeing to accept orders for additional quantities.

In relationships where the parties operate on an order-by-order or spot-buy basis, the seller may be obligated to supply orders it has accepted at the contract price but is not obligated to accept further orders without agreeing on revised pricing. However, the written quantity term need not be expressly set forth as a specific number. A writing signed by the parties from which a quantity can be determined is sufficient, even if doing so requires reference to extrinsic evidence.

In many supply chain contracts, including in the automotive industry, it is common for the quantity to be based on the buyer's requirements.[9] However, when doing so, it is important that the parties properly draft the language of their written contracts to capture this intention, otherwise they risk creating a situation in which the contract may not actually have an enforceable provision. This is particularly true given a series of recent court decisions that have upended many common assumptions about the language necessary to create a requirements contract.

In 2023, the Michigan Supreme Court addressed the question of whether a purchase order designated as a blanket order, without more, was sufficient to form a requirements contract; it held that it was not.[10] Last year, the U.S. Sixth Circuit Court of Appeals examined language stating that an order "covers" the buyer's "requirements" but found that such language was insufficient; the court could not imply the term "all" in the buyer's requirements, leaving the language too indefinite.[11] In the face of these and other decisions in this realm involving the interpretation of contracts, it is critical that parties be updated of the latest developments.

Term and termination

Parties must consider the duration of the contract and any rights of early termination. If the contract expires and the seller has no further supply obligation, the seller has the power to set new pricing (or other terms) as a condition for entering into a new contract. When engaging in discussions regarding pricing, both buyers and sellers must be mindful of the remaining term and expiration date for the contract. Even if obligated to supply for a certain period, the seller maintains leverage if the buyer expects the need for continued purchases beyond the contract's expiration date. The seller can condition any future extension or new contract on the buyer's agreement to an immediate increase. Conversely, buyers that grant a price increase may want to condition that increase on the seller's agreement to extend the term of the contract.

In addition to the default duration, parties must be mindful of whether the agreement includes any rights of early termination. Of particular note, where the contract provides for successive performances but does not include a duration, the UCC generally permits for such contracts to be terminated by either party with reasonable notice.[12]

BUYER'S RESPONSES TO A REQUEST FOR INCREASE

When faced with a request for a price increase, buyers have a range of possible actions it can take in response. Assuming the buyer has evaluated the contract and believes that the seller's request is not warranted, the buyer likely will want to push back on the price increase request. If the seller has made a simple request for an increase, a firm, polite reminder that the seller has a contract and the buyer will not agree to a price increase is usually the right approach. However, if the seller has conditioned its performance on the buyer accepting the increase, the buyer may need to issue a notice stating that the seller's demand constitutes a breach of contract. The buyer may also demand "adequate assurance" under the UCC requesting the seller to confirm that it will perform its obligations and supply at the contract price when the time arises.[13] If the seller does not provide the requested assurances, the buyer may treat such failure as an immediate breach and exercise its remedies accordingly.[14]

When parties are unable to resolve a dispute through negotiation, it may be necessary for the buyer to take legal action to enforce its rights. Such actions usually take one of two forms. In one, the buyer has the option to pay the seller its demanded increase under protest while reserving its right to pursue a lawsuit for recovery of the delta. In the second, depending on the circumstances, the buyer may seek an injunction obligating the seller to continue supplying the product at the contract price. The buyer's ability to obtain an injunction can vary significantly depending on the facts of the specific situation. However, a request for an injunction generally requires the buyer to demonstrate a combination of the following factors:

- The buyer is likely to succeed on the merits of the dispute;
- the buyer will suffer irreparable harm without the injunction;
- the balance of harms favors issuance of the injunction; and
- where the public interest lies.[15]

CONCLUSION

With rising costs expected in many areas for the foreseeable future, both buyers and sellers should be mindful of their rights and obligations with respect to prices under their contractual agreements. Following the best practices and key terms addressed above will assist parties as they work through any disputes that may arise with respect to pricing.

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ENDNOTES

1. Enacted in Michigan at MLC § 440.2101, *et seq*.
2. MLC § 440.2204(1).
3. MLC § 440.2204(2).
4. See MLC § 440.2207.
5. *Gallo v Moen Inc*, 813 F3d 265, 273 (CA 6 2016) (courts may not interpret contracts in a manner that makes certain provisions superfluous).
6. MLC § 440.1304.
7. *Trost v Trost*, 525 Fed Appx 335, 345 (CA 6 2013).
8. MCL § 440.2201(1).
9. MCL § 440.2306.
10. *MSSC, Inc v Airboss Flexible Prods Co*, 511 Mich 176, 199; 999 NW2d 335 (2023).
11. *Higuchi Int'l Corp v Autoliv ASP, Inc*, 103 F 4th 400, 406-407 (CA 6 2024).
12. MCL 440.2309(2); Trentacosta & Kashcheyeva, *Risks and Strategies with Contracts of Indefinite Duration*, 32 Mich B J 13 (Fall 2012).
13. MCL § 440.2609.
14. *Id*.
15. *MSEA v Dep't of Mental Health*, 421 Mich 152, 157; 365 NW2d 93 (1984).

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PLAIN LANGUAGE

Is your arbitration clause clear enough?

BY MARK COONEY

The author is perhaps too modest to say so, but this article is adapted from part of his new book (with Diana Simon): The Case for Effective Legal Writing *(Carolina Academic Press, 2024). — JK*

Might plain language and a reader-centered design enhance your arbitration clause's chances of being enforced? Cases from across the country suggest that the answer is yes. When enforcing arbitration clauses, courts routinely point out the absence of fine print or "confusing legalese."[1] On the other hand, courts have rejected arbitration clauses that:

- were "a paragon of prolixity," with sentences that were "filled with statutory references and legal jargon," such that "[a] layperson trying to navigate th[e] block text, printed in tiny font, would not have an easy journey";[2]
- "consist[ed] of two pages of dense legalese — a lot for unsophisticated consumers to digest, particularly on their own";[3]
- were "legalistic" and found in a contract "so complex and full of legalese" that "large portions" of the contract would need to be rewritten "for it to be even remotely comprehensible to a layperson";[4]
- were "buried on page 10" of "twelve pages of legalese," such that the clause's validity was "a disputed matter" warranting discovery.[5]

If some courts seem impatient with arbitration clauses mired in jargon and poor typography, that may owe, in part, to arbitration's mixed reputation. Critics complain that stronger parties use arbitration to discourage or disadvantage weaker parties.[6] Critics also bemoan the fiction of consent by unwitting laypersons,[7] citing their "lack of understanding" or awareness.[8] We've all heard tales of patients signing on the dotted line moments before entering the surgical suite.[9] And employers' take-it-or-leave-it arbitration agreements are, in critics' eyes, instruments of "forced arbitration."[10]

Drafters should be mindful of these criticisms. Yes, the Federal Arbitration Act[11] reflects a national policy favoring arbitration.[12] But because the Act also reflects the "fundamental principle that arbitration is a matter of contract," state-law contract principles, including common-law defenses, still apply.[13] Indeed, arbitration agreements "may be invalidated by 'generally applicable contract defenses, such as fraud, duress, or unconscionability.'"[14]

This is conceivable even in an arbitration-friendly[15] state like Michigan. Our Supreme Court recently reminded us that Michigan's general pro-arbitration stance "does not go so far as to override foundational principles of contractual interpretation."[16] And Michigan's common-law contract principles include defenses such as unconscionability.[17]

UNCONSCIONABILITY FROM UNREADABILITY?

Michigan's unconscionability standard sets a high bar for litigants challenging an arbitration agreement's validity.[18] As in most jurisdictions,[19] the challenger must prove both procedural and substantive unconscionability.[20] Procedural unconscionability means that "the weaker party had no realistic alternative to acceptance of the term."[21] Substantive unconscionability means that the challenged term is so unreasonable that its inequity shocks the conscience.[22]

Unlike the out-of-state cases quoted at this column's start, Michigan's caselaw is quiet on the potential role of legalese and poor design in

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an unconscionability analysis. In a dissenting opinion, then–Michigan Court of Appeals Judge Janet Neff quoted a passage from *Williston on Contracts* acknowledging that "overwhelming bargaining strength or use of fine print or incomprehensible legalese may reflect procedural unfairness in that it takes advantage of or surprises the victim of the clause."[23] But Michigan's cases are mostly silent on this point, and evidence of legalese-based unconscionability challenges is sparse.[24]

The Michigan Supreme Court's recent leave grant in *Rayford v Am House Roseville I, LLC*[25] sought briefing on whether the defendant employer's contractually shortened limitations period "is an unconscionable contract of adhesion."[26] So it's not far-fetched to wonder whether the Court's eventual opinion might revisit Michigan's unconscionability rules and articulate a standard that tracks the national approach, which typically factors in a contract's clarity.

In fact, there are states in which legalese and poor design, by themselves, can doom an otherwise fair arbitration clause:

> If the arbitration clause is written in "legalese" and disguised in the "fine print," the provision may be unenforceable even though not substantively unconscionable.[27]

In jurisdictions that require both procedural and substantive unconscionability, a typical procedural-unconscionability analysis focuses on oppression from lack of choice and surprise from a provision's being "hidden within a prolix printed form."[28] As one court observed, "[o]ppressive terms ancillary to the main bargain can be concealed in fine print and couched in vague or obscure contractual language."[29]

Whatever unconscionability model prevails, lawyers who recycle dense, legalese-heavy forms may expose clients to unwelcome challenges — especially if the form is scrutinized outside Michigan.

WHAT TO DO?

Because courts are less likely to invalidate clear, accessible arbitration clauses,[30] lawyers serve clients well by using plain-language drafting techniques. Those techniques include:

- using informative, conspicuous headings;
- avoiding long blocks of dense text;
- avoiding arbitration clauses buried deep within lengthy documents;
- discarding legalese and inflated diction;
- avoiding long, complex sentences; and
- using confident, direct language.

Online research reveals arbitration clauses of every size, shape, and style. I found one that was 800-plus words of ALL-CAPS TEXT. A refreshing contrast was this example from the London Court of International Arbitration:[31]

> Any dispute arising out of or in connection with this contract, including any question regarding its existence, validity or termination, shall be referred to and finally resolved by arbitration under the LCIA Rules, which Rules are deemed to be incorporated by reference into this clause.
>
> The number of arbitrators shall be [____].
>
> The seat, or legal place, of arbitration shall be [the State of _____, United States of America, in the City of _____, _____ County].
>
> The language to be used in the arbitral proceedings shall be [_____].
>
> The governing law of the contract shall be the substantive law of [_____].

I see edits, but it's far clearer and more accessible than most.

I found the text for the next example, which you can see on the following page, in an employment contract. I've edited the provision and added organizational features common to consumer drafting.

An employee claiming to be blindsided by this arbitration clause would face a daunting challenge.

CONCLUSION

There's good cause to remain diligent when drafting arbitration language. Even in the most arbitration-friendly states, unconscionability remains a potential challenge. Knowing this should motivate drafters to prefer plain language. And besides, it's the right thing to do. Readers should have a fighting chance at understanding any important document that they sign.

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Arbitrating Disputes

If I have a dispute with the Company, how will it be resolved?

By signing this Contract, you and the Company agree to arbitrate any dispute concerning your employment. This includes a dispute about this Contract's meaning or about the Company's decision to discipline or discharge you.

What is the nature of the arbitration?

The arbitration will be a private, confidential proceeding that does not take place in a court or involve a judge or jury. It will result in a final decision. That decision will be binding, meaning that you and the Company must abide by it.

Who will conduct the arbitration?

A certified arbitrator selected by [_____] will conduct the arbitration. That arbitrator will be neutral (meaning will not favor either side) and will have experience relevant to the dispute.

What authority will the arbitrator have?

The arbitrator will follow [_____]'s rules, which you can find at [_____.com].

The arbitrator may:

- award any relief that you or the Company could seek in a court;
- require you and the Company to provide "discovery" — meaning sharing information, including documents, that could reasonably be expected to help resolve the dispute;
- issue a written opinion stating the decision; the reasons for the decision; and what relief, if any, is awarded; and
- take other actions allowed in [_____]'s rules.

Where will the arbitration take place?

The arbitration will take place at [_____]'s offices at _____, in _____, _____.

Why will my dispute be arbitrated instead of resolved in court?

Arbitration will ensure that the dispute is resolved quickly, privately, and economically.

Does this mean that I'm giving up a legal right?

Yes. By agreeing to arbitrate, you and the Company both give up the right to resolve a dispute in a court or an administrative agency.

May I still have an attorney?

Yes. You have the right to an attorney throughout the arbitration process.

Who will pay for the arbitration?

The Company will pay for the arbitration, including the arbitrator's fees and expenses.

ENDNOTES

1. See, e.g., *Cox v Station Casinos, LLC*, opinion of the United States District Court for the District of Nevada, issued June 25, 2014 (Case No. 2:14-CV-638-JCM-VCF), report and recommendation adopted July 21, 2014 (Case No. 2:14-CV-638 JCM VCF), at *1 ("The arbitration clause does not contain any fine print [or] confusing legalese, and appears to have been printed in twelve or thirteen point font.").
2. *OTO, LLC v Kho*, 8 Cal 5th 111, 128; 447 P3d 680 (2019).
3. *Dunn v Glob Tr Mgt, LLC*, 506 F Supp 3d 1214, 1235 (MD Fla 2020), rev'd on other grounds Case No. 21-10120 (2024) ("We do not address whether the arbitration agreements are enforceable . . . . Instead, in this decision, we hold only that the parties have agreed to delegate questions pertaining to the enforceability of their arbitration agreements to an arbitrator . . . .").
4. *Ronderos v USF Reddaway, Inc*, opinion of the United States District Court for the Central District of California, issued June 2, 2021 (Case No. EDCV21639MWFKKX).
5. *Horton v FedChoice Fed Credit Union*, opinion of the United States District Court for the Eastern District of Pennsylvania, issued October 13, 2016 (Case No. CV 16-0318).
6. See, e.g., Szalai, *The Consent Amendment: Restoring Meaningful Consent and Respect for Human Dignity in America's Civil Justice System*, 24 Va J Soc Policy & L 195, 200 (2017).
7. *Id.*
8. *Id.* at 210.
9. See, e.g., *Sosa v Paulos*, 924 P2d 357, 362 (Utah 1996) (plaintiff argued that arbitration agreement was procedurally unconscionable because hospital staff presented it for signing less than an hour before her surgery, when "she was already in her surgical clothing").
10. Bland et al., *From the Frontlines of the Modern Movement to End Forced Arbitration and Restore Jury Rights: An Essay in Three Parts*, 95 Chi–Kent L Rev 585 (2020).
11. 9 USCA § 1 *et seq.*
12. *Mastrobuono v Shearson Lehman Hutton, Inc*, 514 US 52, 56–57; 115 S Ct 1212; 131 L Ed 2d 76 (1995).
13. *Rent-A-Ctr, W, Inc v Jackson*, 561 US 63, 67–68; 130 S Ct 2772; 177 L Ed 2d 403 (2010).

14. *Id.* at 68 (quoting *Doctor's Assoc, Inc v Casarotto*, 517 US 681, 687; 116 S Ct 1652; 134 L Ed 2d 902 (1996)).
15. *Altobelli v Hartmann*, 499 Mich 284, 295; 884 NW2d 537 (2016).
16. *Lichon v Morse*, 507 Mich 424, 437; 968 NW2d 461 (2021).
17. *Titan Ins Co v Hyten*, 491 Mich 547, 554–55; 817 NW2d 562 (2012).
18. See *Lebenbom v UBS Fin Servs, Inc*, 326 Mich App 200, 217; 926 NW2d 865 (2018).
19. *Strand v US Bank Nat Ass'n ND*, 693 NW2d 918, 922 (ND 2005).
20. *Lebenbom*, 326 Mich App at 217.
21. *Id.*
22. *Id.*
23. *Clark v DaimlerChrysler Corp*, 268 Mich App 138, 148; 706 NW2d 471 (2005) (Neff, J., dissenting); *see also McGuire v CoolBrands Smoothies Franchise, LLC*, unpublished opinion of the California Court of Appeals, issued August 22, 2007 (Case No. H030202).
24. But see *Barth v First Consumer Credit, Inc*, unpublished opinion of the Court of Appeals, issued November 25, 2008 (Docket No. 278517), at *2 (describing a party's attempt to avoid an arbitration clause because, among other things, it was "buried in fine print on the back of the contract and did not provide clear notice" — yet remanding the case because the trial court hadn't considered that argument).
25. *Rayford v Am House Roseville I, LLC*, 513 Mich 1096; 6 NW3d 63 (2024).
26. *Id.*
27. *Schnuerle v Insight Communications Co, LP*, 376 SW3d 561, 576 n 12 (Ky 2012).
28. *OTO, LLC*, 8 Cal 5th at 126 (cleaned up).
29. *Schnuerle*, 376 SW3d at 576–77.
30. See, e.g., *Cox*, n 1 above.
31. *Recommended Clauses*, London Court of Int'l Arbitration <https://www.lcia.org/dispute_resolution_services/lcia_recommended_clauses.aspx> (accessed February 11, 2025).

ETHICAL PERSPECTIVE

Disaster preparedness

BY DELANEY BLAKEY

Disaster can strike at any time. Whether it is a natural disaster like a fire or hurricane, a cyberattack, or a global pandemic, disasters can leave a law firm unprepared. Lawyers have an ethical obligation to plan and prepare for disasters of all kinds and ensure that they protect client interests. The responsibility to protect client confidentiality, maintain communication, and preserve legal records does not cease in times of crisis.

Law firms should have in place a comprehensive disaster plan to ensure that they take reasonable steps to provide continuity of service and fulfill their obligations to their clients. An effective disaster plan should outline the firm's emergency contacts, designate a disaster response team and their responsibilities, provide details on electronic file storage and backup, identify alternative workspace arrangements if necessary, and include an inventory of client files, firm software, and key vendors.

This article explores the ethical obligation to prepare for disaster and provides practical steps to ensure attorneys remain compliant with their professional duties in the face of unforeseeable events.

ETHICAL OBLIGATIONS IN DISASTER PREPAREDNESS

Immediately after a disaster, the most important thing is human life. Lawyers should first ensure that they are physically free from the threat of harm, their employees are supported, and their clients are safe. Then, the focus can shift to providing continuity of service to clients.

Competence and diligence

Lawyers must take reasonable steps to ensure their legal services can continue even in the event of disaster as part of the duties of competence and diligence owed to clients under Michigan Rule of Procedural Conduct 1.1 and 1.3. MRPC 1.1 also requires lawyers to maintain technological competence,[1] which includes understanding the tools and systems necessary for remote work, secure communication, and document management in case of disaster. Lawyers must develop and maintain sufficient technological competency to ensure they can meet their ethical obligations after a disaster — even if the disaster renders computers and software unusable — and have a plan in place for restoring necessary software and managing compliance with electronic filing deadlines.

Communicating with clients

Under MRPC 1.4, lawyers must take steps to keep clients reasonably informed about the status of their legal matters so they have the ability to make informed decisions regarding their representation. There is no exception in the case of disaster.

Lawyers must take reasonable steps to communicate with clients after any disaster and promptly notify clients of any circumstances that might affect the handling of their legal matter. Immediately after any disaster, lawyers should assess all possible methods of communicating with clients. It is best practice to maintain a list of all current clients and their contact information or have the ability to create one on short notice. Lawyers should also ensure they have alternative means of communication with clients in case cyberattacks disrupt the usual channels (e.g., office phones, email) through outages or natural disasters down power lines.

When first contacting clients following a disaster, lawyers should prepare to tell them whether they will continue representing them or whether they will need to withdraw from representation. Lawyers must plan how to permanently protect certain client property with intrinsic value (original wills, deeds, etc.) and how to notify clients in case that property is destroyed.[2] Thus,

"Ethical Perspective" is a regular column providing the drafter's opinion regarding the application of the Michigan Rules of Professional Conduct. It is not legal advice. To contribute an article, please contact SBM Ethics at ethics@michbar.org.

lawyers should plan to notify clients in case natural disasters such as floods or fires cause document loss. Further, as stated in Ethics Opinion RI-109:

> Where client files in a lawyer's custody are damaged by fire, flood, or other circumstance beyond the control of the lawyer, and the retention period communicated to the client has not yet expired, or where the lawyer has failed to establish a record retention plan or has failed to communicate the plan to the client, the lawyer should make reasonable efforts to notify those clients affected.[3]

What is considered a "reasonable effort" may vary by case but likely requires "notice to the client by regular and certified mail, addressed to the client's last known address."[4]

Confidentiality

Under MRPC 1.6, lawyers must protect client confidentiality even in the event of a disaster. This obligation includes safeguarding physical and digital files from unauthorized access. Law firms should implement secure data backup systems and cybersecurity measures to protect client information from disclosure. Encrypted cloud storage and secure off-site backup ensure client information remains both accessible and secure. See our Cybersecurity FAQs at michbar.org/opinions/ethics/cybersecurityFAQs for more information.

Property safekeeping

In the event of natural disasters like floods, fires, or hurricanes, property, including client files, may be lost or destroyed. Client files kept only in their physical format or electronically on a local computer risk being lost forever.

Lawyers have a duty to safeguard client funds and property under MRPC 1.15, which includes planning for scenarios where disaster may compromise access to trust accounts or physical property. If lawyers regularly maintain client property with intrinsic value, they must consider whether a water- and fireproof-safe or file cabinet is appropriate.[5] Under MRPC 1.15, lawyers also have a duty to notify clients of loss of property with intrinsic value.[6]

Law firms should ensure that banks or other financial institutions they work with have procedures in place to protect client funds and allow access to them in an emergency. MRPC 1.15 requires lawyers to maintain detailed accounting of client and third-party funds and property held by the lawyer for five years after the end of representation. If a disaster causes destruction or loss of records, the firm should try to reconstruct those records from other sources to fulfill this ethical obligation.7 It is best practice to maintain an electronic copy of such documents in cloud storage to prevent the loss of files and important records.

Supervision and delegation

Lawyers with supervisory responsibilities must ensure that others in their firm are aware of and prepared to implement the disaster plan.[8] Fulfilling this ethical obligation requires lawyers in supervisory roles to implement effective training protocols and maintain a clear delegation of responsibilities in an emergency.

Creating a disaster plan

When creating your disaster plan, consider including the following information:

- An emergency contact who will oversee implementation of the disaster plan.
- A list of team members and their roles in an emergency.
- Clients' emergency contact information.
- Directions for accessing client files. Identify the person responsible for their backup storage and maintenance. If the files are stored in cloud-based platforms, the disaster plan should include the account name and password.
- An alternative workplace or plan for remote work. Identify a physical location that the firm may use in case the typical office location is unusable. Alternatively, have remote work procedures in place.[9]
- An inventory of firm software. Include a list of account numbers and login information. The firm must be prepared to reload the software on alternative computers to serve clients.
- A list of critical services and vendors. Again, include a list of account numbers and login information for services the firm regularly uses.
- A plan for paying employees if the disaster lasts for an extended period of time.

Succession planning

For solo or small-firm practitioners, an unexpected illness or event can disrupt your practice and potentially harm your clients. Safeguard both your clients' interests and your own by developing a plan that ensures the continuity of business operations as previously discussed. Further, as a part of the license renewal process, Rule 21[10] requires all active private practice attorneys in Michigan to name a person with knowledge of their practice and designate an

interim administrator or enroll in the State Bar of Michigan Interim Administrator Program. The mandatory requirements of Rule 21 must be completed, including designating an interim administrator as the custodian for your practice in the event you become incapacitated whether you are a solo practitioner or work for a large firm.

For more information on the SBM Interim Administration Program, visit michbar.org/For-Members/Rule-21.

CONCLUSION

Preparing for disaster is not only a logistical concern for lawyers; it is also an ethical requirement. With efficient preparation and planning and the use of available technology, lawyers can reduce the risk of violating the Michigan Rules of Professional Conduct following a disaster. By maintaining a thorough disaster plan to safeguard client interests, lawyers protect themselves as well. Preparing for disaster means equipping oneself to uphold the principles of confidentiality, competence, and diligence regardless of the challenges that arise.

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ENDNOTES

1. See SBM Ethics Opinion RI-381. ("Lawyers have ethical obligations to understand technology, including cybersecurity, take reasonable steps to implement cybersecurity measures, supervise lawyer and other firm personnel to ensure compliance with duties relating to cybersecurity, and timely notify clients in the event of a material data breach.")
2. SBM Ethics Opinion R-12.
3. SBM Ethics Opinion RI-109.
4. *Id.*
5. Note that the safe or cabinet should be fire and waterproof. If it is not waterproof, water from fire hoses may leak inside and destroy important client documents.
6. SBM Ethics Opinion R-12.
7. It may be wise to make note in the memo line of each check deposited into your IOLTA of the client's name and matter number. If a disaster strikes, this will assist you in re-creating your accounting records. See Peggy Gruenke, *Would You Pass a Trust Account Audit?*, Attorney at Work <https://www.attorneyatwork.com/pass-trust-account-audit/> [https://perma.cc/3K9C-UU6G] (all websites accessed February 10, 2025).
8. MRPC 5.1.
9. During the recent fires in the greater Los Angeles area, California law firms durned to remote work to keep their employees safe while continuing to represent their clients. One partner-in-charge of a large Los Angeles Office said that "the Los Angeles office is currently operating in business continuity mode. This approach allows us to maintain our operations effectively while ensuring that our team members are safe and supported." Staci Zaretsky, *Biglaw Firms in California Close Their Offices, Shift to Remote Work Amid Deadly Blazes*, Above the Law <https://abovethelaw.com/2025/01/biglaw-firms-in-california-close-their-offices-shift-to-remote-work-amid-deadly-blazes/> [https://perma.cc/XZ2B-KG4P].
10. Order of the Michigan Supreme Court, ADM File No. 2020-15, <https://www.courts.michigan.gov/4a6d5a/siteassets/rules-instructions-administrative-orders/proposed-and-recently-adopted-orders-on-admin-matters/adopted-orders/2020-15_2022-06-15_formor_sbm-iap.pdf> [https://perma.cc/85MA-PX2R].

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Whatever happened to Queenie's Law?

BY VIRGINIA C. THOMAS

We often look to the past to help us understand the present and make well-reasoned decisions that affect the future. Our courts follow a similar path when they look to a statute's legislative history for evidence of intent.

Courts are highly selective in what they will consider when interpreting the meaning of specific legislative language. Committee reports, hearings, floor debate, and other documents that record legislative exchanges on the merits of a pending bill are valued most. State courts may take a broader view of authoritative legislative documentation based on the resources produced during their respective legislative processes.

For example, neither chamber of the Michigan Legislature routinely records committee hearings or floor debate. Analyses are generated for most bills, but their interpretive value is diminished because they do not represent the words of the legislators themselves.[1] Recently, however, the Michigan Supreme Court employed corpus linguistics to aid in the definition of statutory terms.[2]

A lot of information is generated on bills introduced in a legislative session. While some of it may not rise to the level of authoritativeness required by courts for legislative history, it still provides a record useful to constituents in understanding what ultimately happened to a particular bill during the legislative process.

"IN A MANNER THAT CAUSES PAIN OR DISTRESS"

Michigan House Bill 4849 and its companion from the 2023-24 legislative term, Senate Bill 1019, instantiate the importance of legal history to our overall understanding of enacted or unenacted legislation. These bills would have, in part, amended the Public Health Code to prohibit public bodies[3] from using dogs in research experiments that would cause "pain or distress" to the animal. Experiments that may cause "death, injury, fear, or trauma" or those involving invasive procedures such as "penetrating the body, cutting body parts, performing surgery or surgical procedures, implanting a medical device, or administering an experimental agent or drug" would be outlawed.[4]

Both bills were named Queenie's Law after a female Dalmatian mix who had been subjected to six months of painful heart failure experiments at Wayne State University which culminated in her death in 2010.[5] The bill's sponsors sought an end to decades of deadly animal experimentation that faced growing opposition in the medical community[6] and the public at large.

Rep. Matt Koleszar and 10 colleagues[7] sponsored HB 4849, which was introduced on June 27, 2023. As introduced, the bill applied to research facilities registered with or licensed by the U.S. Department of Agriculture that used or intended to use dogs or cats for experimental purposes. HB 4849 was reported out of the Committee on Agriculture on Nov. 13, 2023, with the recommendation that substitute bill H-1 be adopted and passed.[8] The substitute bill would have limited the scope of the legislation to dogs only and applied to public bodies created by the state rather than research facilities generally.[9]

On Jan. 24, 2024, the Committee on Agriculture held a hearing on HB 4849 at which Rep. Koleszar explained the proposed substitute bill.[10] Despite a brief two-day notice, interested parties were prepared for the hearing. Eight individuals spoke, submitted written statements, or appeared in support of the bill, and 28 Michigan physicians and scientists advocated for the bill in a single letter of support. Representatives of national and statewide animal welfare organizations also participated in the hearing. The proponents argued that the experiments addressed by the legislation were inhumane, unproductive, unnecessary, and unethical given available research alternatives.

Seven individuals, most of whom represented private industry, voiced their opposition to the measure. They emphasized the necessity and productivity of the experiments and argued that research

facilities exceed government requirements to ensure the welfare of research animals. Some also stressed the crucial role of animal experimentation in biotechnological innovation and economic growth.

After the hearing, there was silence. Neither HB 4849 nor its recommended substitute were considered by the House.

SB 1019 was introduced on Sept. 26, 2024, just three months before the legislative term ended. The bill incorporated the language recommended by the House Committee on Agriculture in H-1. After a second reading, SB 1019 was referred to the Senate Committee on Regulatory Affairs. There was no further action on the bill.

EARLIER LEGISLATIVE EFFORTS

The aforementioned bills were just the latest to address the issues encompassed by Queenie's Law. A glance at the legal history shows similar bills were introduced years earlier.

During the 2019-20 legislative session, HB 5090 and SB 971 were introduced; the measures aimed to prohibit affiliates of public bodies in Michigan from carrying out experimentation on dogs "in a manner that causes pain or distress." These bills would have created new acts as opposed to amending sections of the Public Health Code as proposed in Queenie's Law, but neither received floor consideration.

Again, in the 2021-22 legislative session, SB 582 proposed an act similar to SB 971 from the previous term. The last action of record for this bill was referral to the Senate Committee on Agriculture.

Also in 2022, Michigan Attorney General Dana Nessel issued an opinion in response to a request by Rep. Koleszar.[11] At question was whether the Michigan Department of Health and Human Services (DHHS) was obligated to develop and implement standards for the treatment of animals used in research experiments. Nessel found that the DHHS is indeed charged with this responsibility, and the department's rules should be in line with federal standards. Only those research facilities complying with DHHS regulations would be permitted to register and continue animal experimentation operations.

NOT "JUST A BILL"[12]

Would effective DHHS regulations preclude the need for Queenie's Law, or would rules and legislation work best together? We shall see. As Yogi Berra is believed to have said, "It ain't over 'til it's over."[13]

Virginia C. Thomas is a librarian IV at Wayne State University.

ENDNOTES

1. *Frank W Lynch & Co v Flex Technologies*, Inc, 463 Mich 578, 588; 624 NW2d 180 (2001) (referring to bill analyses as "a feeble indicator of legislative intent").
2. See *People v Harris*, 499 Mich 332, 347-348; 885 NW2d 832 (2016).
3. As introduced, HB 4849 applied to research facilities registered with or licensed by the U.S. Dept. of Agriculture that use or intend to use a dog or cat for experimental purposes. On November 13, 2023, the bill was reported out of the Committee on Agriculture with the recommendation of substitute H-1.
4. House Legislative Analysis, HB 4849 (January 22, 1924).
5. Physicians Committee for Responsible Medicine, *Dog Experiments at Wayne State: Decades of Pain and Futility* (Oct 7, 2019) at 3 <https://www.pcrm.org/sites/default/files/2019-10/REPORT%20-%20Dog%20Experiments%20at%20Wayne%20State%20-%2010.07.19_0.pdf> [https://perma.cc/MA5K-S98R] (all websites accessed January 27, 2025).
6. *Id.* at 4-5.
7. Representatives Fitzgerald, Wilson, Weiss, Tsernoglou, Price, Hood, Morse, Haadsma, Tyrone Carter and Conlin joined Koleszar in sponsoring the bill.
8. 2023 House Journal 1647.
9. House Committee on Agriculture Substitute H-1 for HB 4849 (2023) defined "public body" as "this state; a city, village, township, county, school district, or public college or university; a single-purpose government agency; or any other body that is created by law."
10. 2024 House Journal ____. A list of hearing participants is provided in Committee Meeting Minutes at <https://house.mi.gov/Document/?DocumentId=38828&DocumentType=CommitteeMeetingMinutes>. Written testimony submitted to the committee is archived at <https://house.mi.gov/Committee/HAGRI/2023-2024> [https://perma.cc/3CZU-24QY].
11. Dana Nessel, Attorney General, Opinion No 7319 (May 9, 2022) <https://www.ag.state.mi.us/opinion/datafiles/2020s/op10398.htm>.
12. SchoolhouseRock, *I'm Just a Bill* <https://www.youtube.com/watch?v=SZ8psP4S6BQ>.
13. Riddle, *It Ain't Over: One of Baseball's Favorite Sayings Was Never Said*, December 2, 2020. <https://pitcherlist.com/it-aint-over-one-of-baseballs-favorite-sayings-was-never-said/> [https://perma.cc/S4WM-ET6N].

PRACTICING WELLNESS

Distress tolerance strategies

BY THOMAS J. GRDEN

No one likes reading the work of an anguished writer writing about how anguishing it is to be an anguished writer. And yet here we are, you, wondering when the wellness advice will begin, and me, agonizing self-indulgently over the next 1,000 words. Words that will be immortalized forever in the annals of Michigan Bar Journal history. The importance of the task overwhelmed me – I felt stuck, frozen and unable to type a single word. My analysis paralysis only began to subside when I started looking at things realistically: two months from now, hardly anyone will remember having read this column. With that change in perspective, the words began to gently glide forth.

This idea of "zooming out" is not novel or unique – peruse any fitness or lifestyle blog and you're bound to come across advice questioning "Will your problem matter five minutes from now? How about five days?" Nor is the concept of the spotlight effect – the psychological concept that posits humans overestimate the extent to which they are noticed by others. When I combined the two ideas, I was beset with confidence and felt less inundated by pressure. My reaction to this complex task was not atypical. After all, avoidance is a natural evolutionary reaction – it encompasses two-thirds of our fight, flight, or freeze responses, and is a major reason why we as humans rose to become the dominant species on this planet. Early Homo sapiens who heeded their anxious instincts were more likely to survive and pass on their genes and, unfortunately, modern humans can't turn our instincts off just because we've risen to the top of the food chain.

Even more unfortunately, society now demands that we push aside these instincts and remain functional. Zooming out proved to be my antidote to catastrophizing this time around, but here are a few more strategies I regularly employ when faced with a task that feels overwhelming. The first is a familiar technique with a few added wrinkles, namely, breaking the overwhelming task down into a series of small, more manageable tasks. For added effectiveness, after you've broken the task down, try setting a time limit for each task. If that isn't feasible, scheduling time on your calendar for each mini-task is a great time management tool.

Radical acceptance is another mental tactic that can help when the work begins to feel miserable. A concept of dialectical behavioral therapy (DBT), radical acceptance encourages us to acknowledge our discomfort, *and then move on*. Rather than ruminate on the subject, it is often more helpful to accept a lack of control over the situation and make an intentional choice to act anyway. Lamentations are a great tool to elicit validation from others, but they rarely contribute to getting the job done. This philosophy is deeply embedded in organizations such as Alcoholics Anonymous and other Twelve-Step groups, who pray for "Serenity to accept the things [they] cannot change," though I prefer the straightforwardness of friends who served in the U.S. military, who taught me to "embrace the suck." It's also important to note that radical acceptance does *not* equate to apathy or nihilism; rather, it's a conscious choice not to waste energy on matters beyond our control.

While radical acceptance is a great way to avoid making our discomfort worse, it doesn't do much for us in terms of diminishing that discomfort. Since stress has been proven to diminish our executive functioning (self-control, memory, and flexibility), it's important that we have ways to comfort ourselves. Enter another key lesson from DBT: Self-soothing through senses. By engaging our five senses with pleasant sensations, it can help ease stress and thus ensure that you're operating at your full mental capacity. This is a coping

"Practicing Wellness" is a regular column of the Michigan Bar Journal presented by the State Bar of Michigan Lawyers and Judges Assistance Program. If you'd like to contribute a guest column, please email contactljap@michbar.org

skill that is going to look differently for each person, but here are a few examples anyway:

- **Vison:** Focus on a piece of artwork pleasing to your eye, and reflect briefly on what makes it so pleasant. Look at an old photo of a happy memory.
- **Hearing:** Music is a great way to ease stress and improve your mood. If that isn't an option, take a moment and do nothing but listen to the sounds around you – focus on the quietest sound you can hear.
- **Smell:** Identify fragrances that are pleasant to you. For some, it may be as easy as perfume or flowers, while others may find smells such as fresh baked goods, cooking meat, or even the smell of fresh air calms their agitation.
- **Taste:** Pick something to eat that won't tempt you to overindulge. Remember, when you're stressed, your self-control is not at peak power, and there's no use trading stress for guilt and a stomachache.
- **Touch:** Easily the most flexible of the senses. Some may find simply applying lotion or hand sanitizer can pleasantly engage their sense of touch. Others may seek out a textured material they find pleasing (silk, satin, suede, denim, corduroy, nylon, etc.). For some, temperature might be what engages their sense of touch – a cool and smooth material such as ceramic or metal, or the warmth of a beloved pet.

One last important note to consider: If you find yourself regularly distressed to the point that you're using specific coping strategies on a daily basis, it may be indicative of a bigger problem. The State Bar of Michigan Lawyers and Judges Assistance Program (LJAP) exists to help legal professionals pursue greater health and well-being by offering confidential free services such as consultations or referrals to credentialed therapists vetted by LJAP staff. LJAP also hosts a free confidential virtual support group on Wednesday evenings between 6-7 p.m. Should you find yourself needing outside help, call the confidential LJAP helpline at (800) 996-5522 or send an e-mail to contactLJAP@michbar.org.

Thomas J. Grden is a clinical case manager with the State Bar of Michigan Lawyers and Judges Assistance Program.

ORDERS OF DISCIPLINE & DISABILITY

REPRIMAND WITH CONDITION (BY CONSENT)

Jack L. Berman, P10737, Livonia. Reprimand, effective Jan. 29, 2025.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Reprimand with Condition in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #2. The stipulation contained the respondent's admissions to the factual allegations and allegations of professional misconduct set forth in the formal complaint, namely that the respondent mismanaged his IOLTA by issuing two checks that were returned unpaid because there were insufficient funds in the respondent's IOLTA and that after being notified of the overdrafts, the respondent deposited personal or earned funds from his business checking account into his IOLTA to cover the overdrafts. The stipulation further contained the parties' agreement that the respondent be reprimanded with the condition that he attend the lawyer trust accounts seminar offered by the State Bar of Michigan.

Based upon the respondent's admissions as set forth in the parties' stipulation, the panel found that the respondent failed to maintain client funds paid in advance for court costs and expenses in his IOLTA in violation of MRPC 1.15(f); deposited or kept personal or earned fees in an IOLTA in violation of MRPC 1.15(g); engaged in conduct that is contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3); and violated or attempted to violate the Rules of Professional Conduct in violation of MRPC 8.4(a) and MCR 9.104(4).

In accordance with the stipulation of the parties, the panel ordered that the respondent be reprimanded and imposed a condition relevant to the established misconduct. Costs were assessed in the amount of $1,191.95.

INTERIM SUSPENSION PURSUANT TO MCR 9.115(H)(1)

John F. Calvin, P74477, West Bloomfield. Interim suspension, effective Jan. 29, 2025.

The respondent failed to appear before Tri-County Hearing Panel #4 for a Jan. 22, 2025, hearing and satisfactory proofs were entered into the record that he possessed actual notice of the proceedings. As a result, the hearing panel issued an Order of Suspension Pursuant to MCR 9.115(H)(1) [Failure to Appear], effective Jan. 29, 2025, and until further order of the panel or the board.

REINSTATEMENT

On Oct. 22, 2024, Tri-County Hearing Panel #53 entered an Order of Suspension with Conditions (By Consent) in this matter, suspending the respondent from the practice of law in Michigan for 30 days, effective Nov. 15, 2024. On Jan. 30, 2025, the respondent filed an affidavit pursuant to MCR 9.123(A) attesting that she has fully complied with all requirements of the panel's order and will continue to comply with the order until and unless reinstated. No objection to the respondent's reinstatement was filed by the grievance administrator

pursuant to MCR 9.123(A), and the board being otherwise advised;

NOW THEREFORE,

IT IS ORDERED that the respondent, **Kiana E. Franulic,** P73015, is **REINSTATED** to the practice of law in Michigan, effective **Friday, Feb. 7, 2025.**

DISBARMENT

Mark D. Goldman, P42697, Scottsdale, Arizona. Disbarment, effective Feb. 11, 2025.[1]

The grievance administrator filed a Notice of Filing of Reciprocal Discipline pursuant to MCR 9.120(C) that attached a certified copy of a Final Judgment and Order issued by the presiding disciplinary judge of the Supreme Court of Arizona disbarring the respondent from the practice of law in Arizona effective Aug. 15, 2024, in a matter titled *In the Matter of a Suspended Member of the State Bar of Arizona, Mark D. Goldman,* PDJ 2024-9058.

An order regarding imposition of reciprocal discipline was issued by the board on Nov. 7, 2024, ordering the parties to, within 21 days from service of the order, inform the board in writing of any objection to the imposition of comparable discipline in Michigan based on the grounds set forth in MCR 9.120(C)(1) and whether a hearing was requested. The 21-day period referenced in MCR 9.120(C)(2)(b) expired without objections by either party and the respondent was deemed to be in default. As a result, the Attorney Discipline Board ordered that the respondent be disbarred from the practice of law in Michigan. Costs were assessed in the amount of $1,525.32.

1. The respondent has been continuously suspended from the practice of law in Michigan since April 3, 2024. See Notice of Suspension, issued April 3, 2024, in *Grievance Administrator v Mark D. Goldman,* 23-106-RD.

SUSPENSION WITH CONDITIONS (BY CONSENT)

Rebecca Louise McCluskey, P78345, Spring Arbor. Suspension, 30 days, effective Jan. 31, 2025.

The respondent and the grievance administrator filed a Stipulation for Consent Order of 30-Day Suspension with Conditions which was approved by the Attorney Grievance Commission and accepted by Washtenaw County Hearing Panel #1. The stipulation contained the respondent's admission that she was convicted on Oct. 4, 2023, of operating a motor vehicle while visibly impaired, a misdemeanor, in violation of MCL 257.625(3), in the matter titled *Summit Township v. Rebecca Louise McCluskey,* 12 District Court Case No. 3SU522O24A. The parties' stipulation also contained the respondent's admission that she violated her probation for the conviction, failed to answer a request for investigation, failed to timely answer another, and committed misconduct related to the enforcement of a child support order for a client as set forth in the formal complaint.

Based on the respondent's admissions and the stipulation of the parties, the panel found that the respondent neglected a legal matter entrusted to the lawyer in violation of MRPC 1.1(c) [count 3]; failed to act with reasonable diligence and promptness in representing a client in violation of MRPC 1.3 [count 3]; failed to keep the client reasonably informed about the status of her matter and comply promptly with reasonable requests for information in violation of MRPC 1.4(a) [count 3]; failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation in violation of MRPC 1.4(b) [count 3]; failed to withdraw from the representation of a client when the lawyer's physical or mental condition materially impaired the lawyer's ability to represent the client in violation of MRPC 1.16(a)(2) [count 3]; failed to refund any advance payment of fee that has not been earned in violation of MRPC 1.16(d) [count 3]; knowingly disobeyed an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists in violation of MRPC 3.4(c) [count 2]; engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in violation of MRPC 8.4(b) [count 3]; engaged in conduct that violates a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615 in violation of MCR 9.104(5); in connection with a disciplinary matter, knowingly made a false statement of material fact in violation of MRPC 8.1(a)

ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

(1) and MCR 9.104(6) [count 3]; and failed to answer a request for investigation in conformity with MCR 9.113(A) & (B)(2) in violation of MCR 9.104(7) [counts 2-3]. The panel also found that the respondent's conduct to be in violation of MCR 9.104(1) and MRPC 8.4(c) [counts 2-3]; MCR 9.104(2) & (3) [all counts]; and MCR 9.104(4) [count 3].

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent's license to practice law in Michigan be suspended for 30 days, effective Jan. 31, 2025, and that she be subject to conditions relevant to the established misconduct. Total costs were assessed in the amount of $975.72.

SUSPENSION (BY CONSENT)

Mathew C. Schwartz, P54980, Southfield. Suspension, 51 months, effective Oct. 15, 2020.

The respondent and the grievance administrator filed a Stipulation for Consent Order of a 51-Month Suspension in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission

and accepted by Tri-County Hearing Panel #54. The stipulation contained the respondent's admission that he was convicted by guilty plea on Oct. 15, 2020, of Conspiracy to Defraud the United States, a felony, in violation of 18 USC §371, and Conspiracy to Commit Theft from an Organization Receiving Federal Funds, a felony, in violation of 18 USC §371 and USC §666(a)(1)(A). In accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended effective Oct. 15, 2020, the date of the respondent's conviction.

Based on the respondent's admission and the stipulation of the parties, the panel found that the respondent engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law pursuant to MCR 2.615 in violation of MCR 9.104(5) and engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in violation of MRPC 8.4(b).

The panel ordered that the respondent's license to practice law in Michigan be suspended for 51 months, effective Oct. 15, 2020, the date of the respondent's automatic interim suspension from the practice of law in Michigan for his felony convictions. Costs were assessed in the amount of $770.40.

FROM THE MICHIGAN SUPREME COURT

ADM File No. 2023-22
Proposed Amendment of Rule 6.1 of the Michigan Rules of Professional Conduct

On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.1 of the Michigan Rules of Professional Conduct. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

Rule 6.1. Pro Bono Publico Service.

A lawyer should render public interest legal service. A lawyer may discharge this responsibility by annually:

(A) providing legal representation without charge to a minimum of three low-income individuals;

(B) providing at least 50 hours of legal representation or other services at no fee or at a substantially reduced fee to low-income individuals or to organizations that provide direct services to low-income individuals;

(C) participating in at least 50 hours of unpaid activities for improving the law, the legal system, or the legal profession; or

(D) contributing $300 or more to non-profit programs organized for the purpose of delivering civil legal services to low-income individuals or organizations. Lawyers whose income allows a higher contribution should contribute more than $500.~~providing professional services at no fee or a reduced fee to persons of limited means, or to public service or charitable groups or organizations. A lawyer may also discharge this responsibility by service in activities for improving the law, the legal system, or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.~~

Comment:

The ABA House of Delegates has formally acknowledged "the basic responsibility of each lawyer engaged in the practice of law to provide public interest legal services" without fee, or at a substantially reduced fee, in one or more of the following areas: poverty law, civil rights law, public rights law, charitable organization representation and the administration of justice. This rule expresses that policy, but is not intended to be enforced through the disciplinary process.

The rights and responsibilities of individuals and organizations in the United States are increasingly defined in legal terms. As a consequence, legal assistance in coping with the web of statutes, rules and regulations is imperative for persons of modest and limited means, as well as for the relatively well-to-do.

The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. Every lawyer, regardless of professional prominence or professional workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees continues to be an obligation of each lawyer as well as the profession generally, but the efforts of individual lawyers are often not enough to meet the need. Thus, it has been necessary for the profession and government to institute additional programs to provide legal services. Accordingly, legal aid offices, lawyer referral services and other related programs have been developed, and others will be developed by the profession and government. Every lawyer should support all proper efforts to meet this need for legal services.

Paragraphs (b) and (c) recognize that some lawyers may not be able to provide direct client representation and therefore allow alternative methods of service such as becoming a member of a local pro bono committee; serving on a board of directors of a legal aid or legal services program; training other lawyers through a structured program; engaging in community legal education programs; advising organizations that provide direct services to low-income individuals; serving on bar association committees; taking part in Law Day activities; acting as a continuing legal education instructor, mediator, or arbitrator; assisting law students in moot court, mock trial, or other practical law school activities; or engaging in other activities to improve the law, the legal system, or the profession. Each year, the State Bar's Committee on Pro Bono Involvement will publish a list of eligible programs to which a lawyer may financially contribute as contemplated in paragraph (d).

A lawyer may provide a combination of representation, services, activities, and financial contributions when fulfilling the responsibility to engage in pro bono efforts under this rule.

Staff Comment (ADM File No. 2023-22): The proposed amendment of MRPC 6.1 would clarify and expand the scope of pro bono service.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the secretary of the State Bar and to the state court administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by May 1, 2025 by clicking on the "Comment on this Proposal" link under this proposal on the Court's Proposed & Adopted Orders on Administrative Matters page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2023-22. Your comments and the comments of others will be posted under the chapter affected by this proposal.

NOTICE OF PUBLIC ADMINISTRATIVE HEARING

Pursuant to Administrative Order No. 1997-11, the Michigan Supreme Court will hold a public administrative hearing on **Wednesday, March 19**. Speakers may appear by videoconference (Zoom); attendees who are not speaking may view the livestream on the Court's YouTube channel.

Information About Speaking at the Public Hearing

The hearing will begin promptly at **9:30 a.m.** Speakers will join the videoconference meeting no later than 9:30 a.m. and will be called on by the chief justice.

Speakers will be allotted three minutes each to present their views on each agenda item for which the person registered, after which the speakers may be questioned by the justices.

Please be aware that comments offered at a public hearing must pertain directly to an item on the public hearing agenda.

Registration Information

To reserve a place on the agenda, please register online no later than Friday, March 14 at 5 p.m. If you are not able to register online, you may e-mail or call the Office of Administrative Counsel at ADMComment@courts.mi.gov or 517-373-1239.

A few days before the hearing, speakers will receive an invitation to participate in the Zoom meeting.

Speakers must turn on their cameras in order to participate in the public hearing.

The administrative matters on this hearing's agenda are:

1. **Proposed Amendments of MCR 2.107 and 3.203**
   Issue: Whether to adopt proposed amendments of MCR 2.107 and 3.203 that would expand the use of electronic service by requiring its use unless a party opts out and would clarify the use of electronic service in domestic relations cases.

2. **Proposed Amendments of MCR 3.207 and 3.210**
   Issue: Whether to adopt proposed amendments of MCR 3.207 and 3.210 that would address requests to change custody or parenting time, the issuance and service of certain ex parte orders, and the holding of evidentiary hearings prior to entering an order changing a child's established custodial environment in contested cases.

3. **Proposed Amendment of MCR 6.509**
   Issue: Whether to adopt a proposed amendment of MCR 6.509 that would clarify that defendants may file with the Court of Appeals an application for leave to appeal a trial court's decision on a motion for relief from judgment and a timely-filed motion to reconsider an order deciding a motion for relief from judgment.

4. **Proposed Amendments of MCR 6.508 and 6.509**
   Issue: Whether to adopt proposed amendments of MCR 6.508 and 6.509 regarding partial decisions on postjudgment motions for relief.

5. **Proposed Amendment of MCR 6.302**
   Issue: Whether to adopt a proposed amendment of MCR 6.302 that would require courts, after accepting a plea, to advise defendants of their ability to withdraw their plea and to specifically advise defendants of the consequences of misconduct in between plea acceptance and sentencing.

6. **Proposed Amendments of MCR 7.212, 7.305, and 7.312**
   Issue: Whether to adopt proposed amendments of MCR 7.212, 7.305, and 7.312 that would address the filing and timing of amicus curiae briefs.

7. **Proposed Amendment of MCR 6.433**
   Issue: Whether to adopt a proposed amendment of MCR 6.433 that would require an indigent defendant to provide

FROM THE MICHIGAN SUPREME COURT (CONTINUED)

certain information before a court can consider whether good cause exists to order transcription of additional proceedings.

8. **Proposed Amendment of MRPC 1.6**
Issue: Whether to adopt a proposed amendment of MRPC 1.6 that would provide an exception to the confidentiality rule by permitting a lawyer to reveal, to certain individuals, confidences or secrets to the extent reasonably necessary to protect a client from self-harm that may result in the client's death.

9. **Proposed Amendments of MCJC 4 and 6**
Issue: Whether to adopt proposed amendments of MCJC 4 and 6 that would expand the requirements of annual financial disclosure statements by judicial officers.

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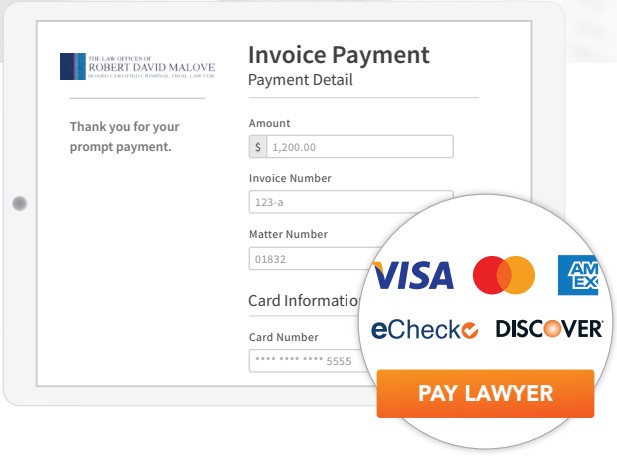

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EVENTS, PRESENTATIONS, PUBLICATIONS

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LAWYERS & JUDGES ASSISTANCE
MEETING DIRECTORY

The following list reflects the latest information about lawyers and judges AA and NA meetings. Meetings marked with "*" have been designated for lawyers, judges, and law students only. All other meetings are attended primarily by lawyers, judges, and law students, but also are attended by others seeking recovery. In addition, we have listed "Other Meetings," which others in recovery have recommended as being good meetings for those in the legal profession.

For questions about any of the meetings listed, please contact the Lawyers and Judges Assistance Program at 800.996.5522 or jclark@michbar.org.

PLEASE DO NOT HESITATE TO CONTACT LJAP DIRECTLY WITH QUESTIONS PERTAINING TO VIRTUAL 12-STEP MEETINGS. FOR MEETING LOGIN INFORMATION, CONTACT LJAP VOLUNTEERS ARVIN P. AT 248.310.6360 OR MIKE M. AT 517.242.4792.

ALCOHOLICS ANONYMOUS & OTHER SUPPORT GROUPS

Bloomfield Hills
WEDNESDAY 6 PM*
Virtual meeting
Kirk in the Hills Presbyterian Church
1340 W. Long Lake Rd.
1/2 mile west of Telegraph

Detroit
MONDAY 7 PM*
Lawyers and Judges AA
St. Paul of the Cross
23333 Schoolcraft Rd.
Just east of I-96 and Telegraph
(This is both an AA and NA meeting.)

East Lansing
WEDNESDAY 8 PM
Sense of Humor AA Meeting
Michigan State University Union
Lake Michigan Room

Houghton Lake
SECOND SATURDAY OF THE MONTH 1 PM
Lawyers and Judges AA Meeting
Houghton Lake Alano Club
2410 N. Markey Rd.
Contact Scott at 989.246.1200 with questions.

Royal Oak
TUESDAY 7 PM*
Lawyers and Judges AA
St. John's Episcopal Church
26998 Woodward Ave.

Stevensville
THURSDAY 4 PM*
Al-Anon of Berrien County
4162 Red Arrow Highway

Virtual
THURSDAY 7 PM*
Virtual meeting
Contact Mike M. at 517.242.4792 for information.

Virtual
THURSDAY 7:30 PM
Zoom
Contact Arvin P. at 248.310.6360 for Zoom information

Virtual
SUNDAY 7 PM*
Virtual meeting
Contact Mike M. at 517.242.4792 for information.

GAMBLERS ANONYMOUS

For a list of meetings, visit
gamblersanonymous.org/mtgdirMI.html.

Please note that these meetings are not specifically for lawyers and judges.

OTHER MEETINGS

Detroit
TUESDAY 6 PM
St. Aloysius Church Office
1232 Washington Blvd.

Detroit
FRIDAY 12 PM
Detroit Metropolitan Bar Association
645 Griswold
3550 Penobscot Bldg., 13th Floor
Smart Detroit Global Board Room 2

Farmington Hills
TUESDAY 7 AM
Antioch Lutheran Church
33360 W. 13 Mile
Corner of 13 Mile and Farmington Rd., use back entrance, basement

Monroe
TUESDAY 12:05 PM
Professionals in Recovery
Human Potential Center
22 W. 2nd St.
Closed meeting; restricted to professionals who are addicted to drugs and/or alcohol

Rochester
FRIDAY 8 PM
Rochester Presbyterian Church
1385 S. Adams
South of Avon Rd.
Closed meeting; men's group

Troy
FRIDAY 6 PM
The Business & Professional (STAG)
Closed Meeting of Narcotics Anonymous
Pilgrim Congregational Church
3061 N. Adams
2 blocks north of Big Beaver (16 Mile Rd.)

Virtual
SUNDAY 7 PM*
WOMEN ONLY
Contact Lynn C. at 269.396.7056 for login information.

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