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APRIL 2025



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### ALSO IN THIS ISSUE

- Comparator evidence in the Sixth Circuit
- Using mediation to resolve discovery disputes

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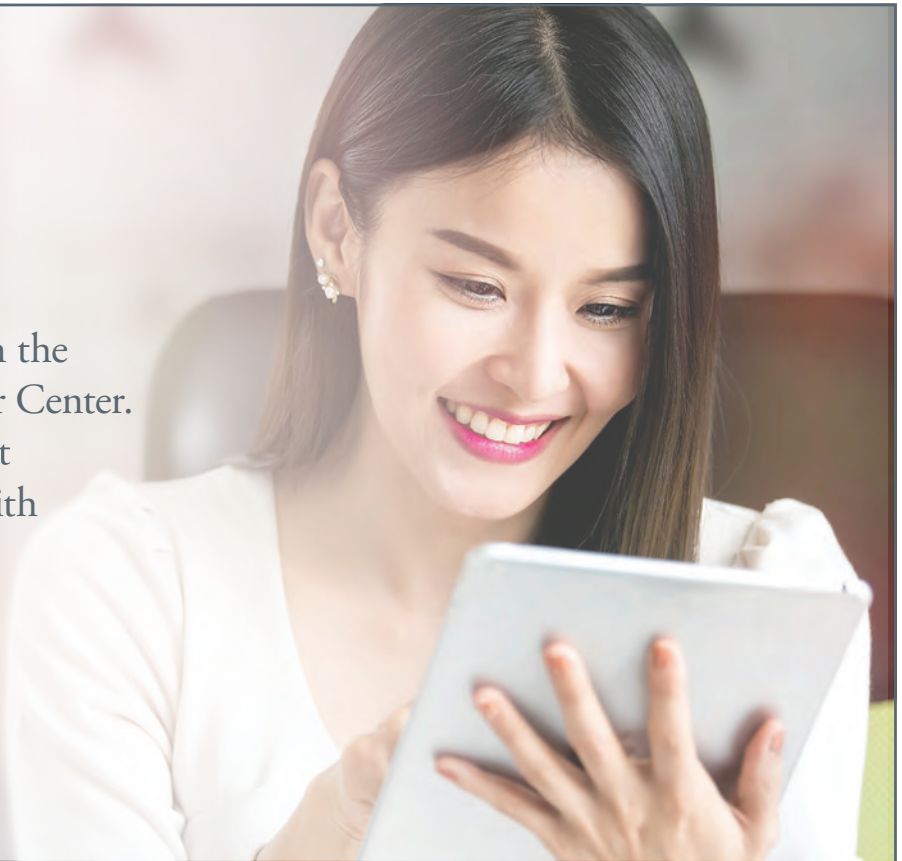






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103rd Legislature

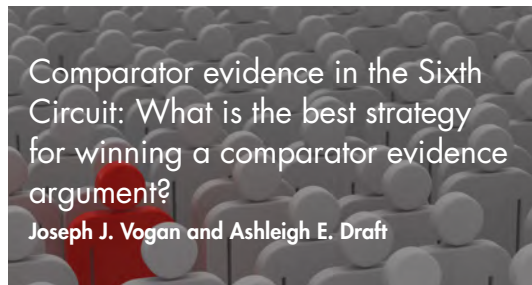
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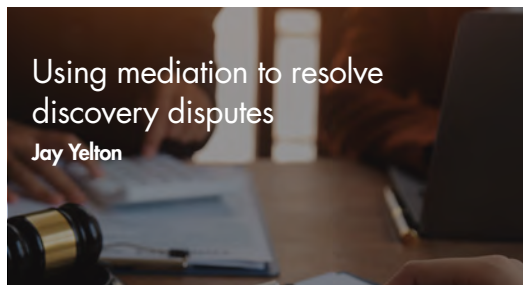
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# MONEY JUDGMENT INTEREST RATE

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

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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.

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# 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**:

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333 W. Fort St., Suite 1700  
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APRIL 25, 2025  
JUNE 13, 2025  
JULY 25, 2025  
SEPTEMBER 2025 (TBD)



## 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](http://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](http://directory.michbar.org).

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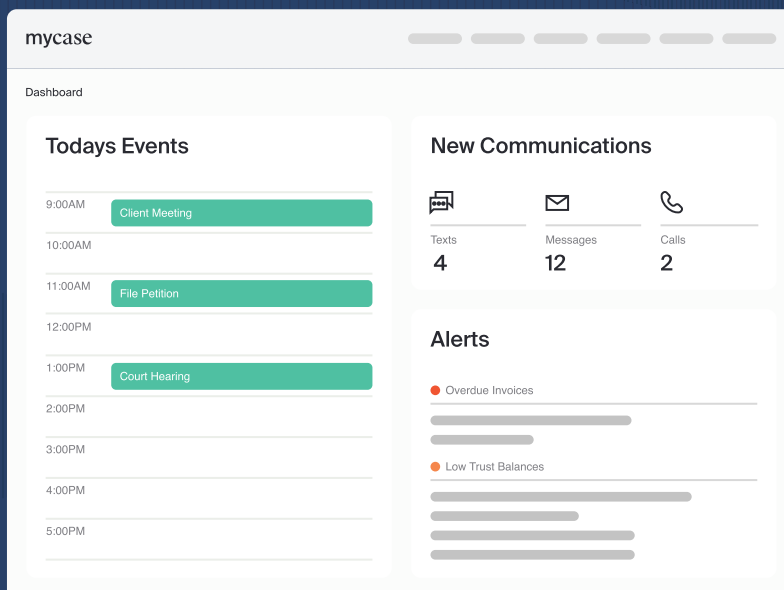
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## IN MEMORIAM

**THOMAS D. ANDERSON, JR.**, P10187, of Pierson, died December 11, 2024. He was born in 1934, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 1961.

**HON. PAT M. DONOFRIO**, P12880, of Naples, Fla., died February 11, 2025. He was born in 1944, graduated from Wayne State University Law School, and was admitted to the Bar in 1970.

**PAUL M. FAULKNER**, P22994, of Huntington Woods, died September 29, 2024. He was born in 1945, graduated from Wayne State University Law School, and was admitted to the Bar in 1973.

**MICHAEL M. GLUSAC**, P14064, of Chicago, Ill., died January 27, 2025. He was born in 1930, graduated from Wayne State University Law School, and was admitted to the Bar in 1956.

**JAMES D. GREGG**, P28667, of Rockford, died September 10, 2024. He was born in 1947, graduated from Wayne State University Law School, and was admitted to the Bar in 1978.

**ROBERT H. HARKNESS**, P14640, of Saint Augustine, Fla., died June 4, 2024. He was born in 1932, graduated from Detroit College of Law, and was admitted to the Bar in 1961.

**ROBERT L. HENRY, Jr.**, P14885, of Livonia, died August 15, 2024. He was born in 1935, graduated from Wayne State University Law School, and was admitted to the Bar in 1969.

**LOLANDA R. JOHNSON**, P35060, of Flint, died December 30, 2024. She was born in 1953, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1983.

**WILLIAM M. MCCLINTIC**, P17310, of Mount Pleasant, died April 30, 2024. He was born in 1943, graduated from Detroit College of Law, and was admitted to the Bar in 1970.

**JEFFREY H. MIRO**, P17822, of Hillsdale, N.Y., died October 4, 2024. He was born in 1942 and was admitted to the Bar in 1968.

**ANNETTE R. O'CONNER**, P52735, of Grove City, Pa., died February 7, 2025. She was born in 1966, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1995.

**BRUCE E. PETRICK**, P52485, of Saginaw, died December 21, 2024. He was born in 1963, graduated from Wayne State University Law School, and was admitted to the Bar in 1998.

**BARBARA L. QUENNEVILLE**, P28996, of Farmington Hills, died January 9, 2025. She was born in 1940, graduated from Detroit College of Law, and was admitted to the Bar in 1978.

**GEORGE T. ROUMELL, JR.**, P19700, of Grosse Pointe Farms, died January 17, 2025. He was born in 1928 and was admitted to the Bar in 1955.

**CHARLES A. SOBERMAN**, P23572, of West Bloomfield, died December 8, 2024. He was born in 1948 and was admitted to the Bar in 1974.

**EDWARD W. TENHOUTEN**, P21327, of Cadillac, died November 10, 2024. He was born in 1931, graduated from University of Michigan Law School, and was admitted to the Bar in 1956.

**HUGH B. THOMAS**, P40884, of Northville, died May 28, 2024. He was born in 1943 and was admitted to the Bar in 1987.

**ALLEN W. VENABLE**, P66149, of Southfield, died February 25, 2025. He was born in 1974 and was admitted to the Bar in 2003.

**JOHN A. WISE**, P22466, of Royal Oak, died November 20, 2024. He was born in 1938, graduated from University of Michigan Law School, and was admitted to the Bar in 1963.

**STUART L. YOUNG**, P22654, of Fort Myers, Fla., died February 27, 2025. He was born in 1942, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 1968.

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*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](mailto:barjournal@michbar.org).*

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## NEWS & MOVES

### ARRIVALS AND PROMOTIONS

**KELLY J. SHEFFERLY** has joined Plunkett Cooney in Bloomfield Hills as a member of its business transactions and planning practice group.

### LEADERSHIP

Warner Norcross + Judd has named five attorneys to new leadership roles in the firm: **R. MICHAEL AZZI** is a new executive partner in the Grand Rapids office; **SARAH R. BILETI** of Detroit is chair of the immigration practice group; **DENNIS W. LOUGHLIN** of Detroit chairs the bankruptcy, restructuring, and insolvency practice group; **BETH L. O'LAUGHLIN** is a new executive partner in the Holland office; and **KATHERINE L. PULLEN** in Detroit is the firm's new assistant general counsel.

### OTHER

Plunkett Cooney selected three law school students — **EBONY DANIELS** from the University of Detroit Mercy School of Law, **DILRAJ GILL** from Wayne State University Law School, and **RIMA SAAD** from Michigan State University College of Law — to receive \$2,500 scholarships based on their essay submissions to the firm's Laurel F. McGiffert Diversity, Equity and Inclusion Scholarship program.

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## FROM THE PRESIDENT

JOSEPH PATRICK MCGILL



# AI and the rule of law

Artificial intelligence (AI) has permeated nearly every aspect of modern life, from consumer technology to business operations and even government decision-making. The deployment of AI in various sectors is advancing at a rapid pace, with implications for law enforcement, data protection, employment, and governance. However, as AI continues to evolve, its integration with the rule of law raises fundamental questions about accountability, transparency, and fairness in society.

The rule of law is a cornerstone of democratic systems, ensuring that laws are applied equally and impartially and that individuals' rights are protected. As AI systems take on more influential roles, it is essential to explore how these systems align with or challenge the core principles of the rule of law. This article will examine the relationship between AI and the rule of law, focusing on concerns such as fairness, transparency, accountability, and human rights.

## THE RULE OF LAW: A BRIEF OVERVIEW

The concept of the rule of law is foundational to democratic governance and legal systems worldwide. It generally refers to the principle that all individuals and institutions, including the government, are subject to and accountable under the law. The rule of law has several key components:

1. **Equality Before the Law:** All individuals, regardless of status, should be treated equally under the law.
2. **Accountability:** Government and private entities must act in accordance with the law, and individuals can hold them accountable for illegal or unjust actions.
3. **Transparency:** Legal processes must be clear, accessible, and understandable, ensuring that individuals know their rights and obligations.
4. **Legal Certainty:** Laws should be stable and predictable, so

individuals can regulate their behavior accordingly.

5. **Protection of Fundamental Rights:** The rule of law ensures the protection of human rights, preventing arbitrary actions by the state or other powerful entities.

In the context of AI, these principles must be considered in the design, deployment, and regulation of AI systems. AI technologies, which rely on algorithms to make decisions, have the potential to impact legal frameworks in both positive and negative ways.

## AI AND ITS CHALLENGES TO THE RULE OF LAW

Artificial intelligence, particularly machine learning (ML) and deep learning algorithms, often operates in ways that are not entirely transparent to users, including law enforcement agencies, government bodies, and individuals. The obscurity of AI decision-making processes poses a significant challenge to the core tenets of the rule of law. There are several key concerns related to AI's impact on the rule of law.

### 1. Fairness and Discrimination

One of the most pressing concerns regarding AI and the rule of law is the potential for discrimination. AI systems are trained on large datasets that reflect historical data, which may contain biases. These biases can inadvertently be amplified when AI systems are deployed in legal contexts such as criminal justice or hiring practices.

Such biases conflict with the principle of equality before the law, as they can lead to discriminatory outcomes. AI systems must be regularly audited and regulated to ensure they do not perpetuate inequality, and individuals who are negatively affected must have avenues for redress.

### 2. Transparency and Accountability

The "black box" nature of many AI systems presents a challenge



to transparency. Most machine learning models, particularly deep learning systems, are highly complex and operate in ways that are not easily understood by humans. This complexity makes it difficult for individuals and legal authorities to understand how decisions are made, and thus, challenging to hold entities accountable for decisions made by AI.

The principle of accountability requires that people and organizations be able to understand the decisions made by AI and challenge them if necessary. As AI plays a more significant role in legal decisions, regulatory frameworks must evolve to ensure that AI systems are explainable and that individuals can contest AI decisions.

### 3. Privacy and Data Protection

The rule of law also encompasses the protection of personal data and privacy. AI systems often rely on large datasets to make decisions, many of which may contain sensitive personal information. Data privacy concerns are particularly important in areas such as surveillance, where AI can be used to track individuals' activities and behaviors. The use of AI in these contexts raises significant questions about individuals' rights to privacy and protection from arbitrary state interference.

For example, AI-powered facial recognition technology can be used by governments to monitor citizens without their consent, potentially infringing upon privacy rights. If AI systems are not properly regulated, they could result in widespread surveillance, mass data collection, and profiling, threatening the freedoms guaranteed under the rule of law.

In addition to transparency, there must be stringent safeguards in place to protect personal data and ensure that AI technologies comply with data protection laws, such as the General Data Protection Regulation (GDPR) in the European Union.

### 4. Legal Certainty and Predictability

The rapid advancement of AI technologies raises concerns about legal certainty. The law must keep pace with technological innovation, ensuring that AI systems are subject to clear and consistent legal guidelines. In the absence of clear legal frameworks, there is a risk of inconsistent decisions and arbitrary applications of AI.

For example, AI-generated content (e.g., deepfake videos or algorithmically written news articles) poses a significant challenge for copyright and defamation law. As AI-generated content becomes more common, legal systems must develop new frameworks to determine liability and protect intellectual property rights while ensuring that individuals are not unfairly harmed by false or misleading information.

In cases of AI errors or misapplications of the technology, there should be established procedures for liability. This ensures that AI

operates within a predictable legal environment, providing certainty to citizens and businesses alike.

## AI REGULATION: ENSURING THE RULE OF LAW IN THE AGE OF TECHNOLOGY

To address these challenges, comprehensive regulation of AI is essential. Governments, international bodies, and private entities must collaborate to create legal frameworks that protect the core principles of the rule of law while enabling innovation. Several key areas of regulation should include:

### 1. Bias Mitigation

Governments must introduce regulations that require AI systems to undergo regular audits for biases. These audits should assess the fairness of AI algorithms, particularly in sensitive areas such as law enforcement, hiring, and healthcare. AI systems should be designed to mitigate the risk of reinforcing discrimination, with mechanisms in place for redress when biases are identified.

### 2. Explainability and Transparency

To address concerns about transparency, AI systems should be required to provide explanations for their decisions, particularly when those decisions affect individuals' rights. This can be achieved through "explainable AI" (XAI) frameworks, which aim to make AI systems more interpretable and understandable. Such AI systems are programmed to explain the decision-making process and rationale.

Regulations could mandate that AI systems provide clear, comprehensible explanations for their outputs, allowing individuals to challenge decisions that they believe are unjust. The development of AI systems that prioritize transparency from the outset should be promoted.

### 3. Data Protection and Privacy

Regulatory frameworks such as the GDPR set an important precedent for protecting data privacy. These frameworks should continue to be developed to address the unique challenges posed by AI, ensuring that AI systems do not infringe upon individuals' rights to privacy or freedom of expression. This necessarily presumes the establishment of strong data protection protocols and ensuring that individuals' personal data is not misused or exploited.

### 4. AI Accountability Mechanisms

Finally, clear accountability mechanisms should be established for AI developers, implementers, and users. Processes should be established to hold individuals or organizations responsible for harm caused by AI systems, particularly in cases where AI is used to infringe upon established legal rights. Liability for AI decisions should be clearly delineated, and affected parties must have access to legal recourse.

## CONCLUSION

AI presents both opportunities and challenges for the rule of law. As AI systems become more integrated into legal processes and decision-making, it is essential to ensure that the core principles of fairness, transparency, accountability, and privacy are upheld. Effective regulation, ethical considerations, and international cooperation will be crucial in ensuring that AI serves to support, rather than undermine, the rule of law. Only through a balanced approach can we attempt to ensure that AI technologies contribute positively

to society while respecting the rights and freedoms of individuals.

### References:

1. Susskind, R. (2020). *Tomorrow's Lawyers: An Introduction to Your Future*. Oxford University Press.
2. European Commission. (2021). *Artificial Intelligence Act Proposal*. European Union.
3. European Union. (2016). *General Data Protection Regulation (GDPR)*. Official Journal of the European Union.

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# Lawyer-legislators of Michigan's 103rd Legislature

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BY SCOTT ATKINSON

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Michigan's 103rd Legislature offers two different extremes when it comes to attorneys serving as lawmakers.

On one end, a Michigan attorney, Rep. Matt Hall, was elected by his Republican colleagues to be Speaker of the House, holding the most prominent and influential position in the legislature's lower chamber.

On the other end, 2025 marks a different kind of milestone, with only 10 lawyer-lawmakers serving, the lowest number in the state bar's history.

In his new position, Hall, R-Richland Township, will be the first attorney to serve as Speaker of the House since 2018. That was the same year that Hall was first elected to the House. Now, with six years of legislative experience behind him, two of which he served as Republican leader, Hall is stepping into the role of speaker after being elected by party colleagues.

Hall represents the 42nd District, which includes parts of Kalamazoo and Allegan counties. As speaker, he will preside over the House of Representatives' procedures, bringing experience as a constitutional law attorney who previously served as the West Michigan liaison for the Michigan Department of Attorney General.

In his time in office, Hall has served in several leadership capacities. In addition to his role as the Republican leader, he has served as Tax Policy Committee chair from 2021-2022, Joint Select Committee on the COVID-19 Pandemic chair in 2020, and Oversight Committee chair from 2019-2020.

The number of attorneys serving in Michigan's legislative chambers is down from 13, which was that of the previous Legislature. Michigan lost three attorney House members from the previous legislative session who did not seek reelection in 2024 and another who lost reelection. One new attorney lawmaker, Rep. Tonya Myers Phillips, D-Detroit, was elected this year. Sen. Sue Shink, D-Northfield Township, continues to serve as the only lawyer from the previous chamber.

The attorneys serving in the 103rd Legislature bring an array of backgrounds, ideas, and experiences to their positions and include small business owners, community activists, and a former county commissioner. Their careers as lawyers range from five years (Rep. Jason Hoskins, D-Southfield) to 40 years (Rep. Thomas Kuhn, R-Troy). In sum, the current slate of Michigan's lawyer lawmakers brings more than 200 years of legal experience to the Capitol.

The greatest concentration of lawyer-legislators (four) is from Metro Detroit, with the rest spanning across the lower half of the state in mid-, west and southeast Michigan.

The legislature will be looking at two high-profile bills supported by the State Bar that fell just short of reaching the governor's desk in 2024: the Judicial Protection Act and a juvenile justice bill that would ensure that young people are provided with their constitutionally guaranteed right to an attorney even if they cannot afford one. Both bills had minor amendments requiring concurrence votes that failed to take place by the end of the previous legislative session.

You can learn more about each of Michigan's lawyer lawmakers in the following profiles.



**SPEAKER MATT HALL**

R-42 | RICHLAND TOWNSHIP  
FOURTH TERM

Capitol Building 164

**Phone:** 517.373.1784

**Email:** matthall@house.mi.gov

**Website:** gophouse.org/member/  
repmatthall

**Bar Admit Date:** Nov. 3, 2017

**Law School:** Thomas M. Cooley  
Law School

**Standing Committees:** House Fiscal Governing; Legislative Council (Chair)

Speaker Matt Hall is serving his fourth term as state representative from Southwest Michigan. He lives in Richland Township and represents the 42nd House District, which includes portions of Kalamazoo and Allegan counties.

Hall is focused on strengthening public safety, providing value for taxpayer dollars, and restoring trust in government through strong accountability and transparency.

In his first term, he chaired the House Oversight Committee, where he worked to ensure that state government was transparent and accountable to the people. He also served as chair of the Joint Select Committee on the COVID-19 Pandemic. In this role, he measured whether the Whitmer administration's response to the pandemic actually worked, and he exposed billions of dollars of unemployment fraud.

In his second term, his colleagues elected him Republican caucus chair. He also presided over the House Tax Policy Committee, advancing numerous bipartisan efforts to provide tax relief to Michigan workers, families, and seniors. He successfully negotiated bipartisan tax cut plans that are saving small businesses and working families hundreds of millions of dollars each year.

In his third term, Hall was elected by his peers to serve as the House Minority Leader. He then became the Speaker of the House in January 2025.

After graduating with honors from Western Michigan University's Hawthorn College of Business, where he studied business management and public administration, he earned his Juris Doctor with a focus in Advanced Constitutional Advocacy from WMU-Cooley Law School.

Speaker Hall has been recognized with the Award for Conservative Excellence from the American Conservative Union, the Champion of Free Enterprise Award from the Michigan Chamber of Commerce, and the Legislative Economic Development Champion Award from the Michigan Economic Developers Association. He has also been recognized as Legislator of the Year by the Property Management Association of Michigan, the Legislator of the Year by the Michigan Manufacturers Association, and as the State Legislator of the Month by the American Legislative Exchange Council.

In 2022, the National Federation of Independent Business recognized him as a Guardian of Small Business – an award that he won again in 2024 – and the Michigan Manufacturers Association named him Legislator of the Year. In 2024, he was named Political Figure of the Year by MIRS, and Newsmaker of the Year by Gongwer News Service after he led the House Republicans to a victory that flipped control of the Michigan House of Representatives.

Speaker Hall is a constitutional law attorney and has served previously as the West Michigan liaison for the Michigan Department of Attorney General and in business development for a combat vehicle propulsion manufacturer.

Outside his official duties, Speaker Hall is the state chair of the American Legislative Exchange Council and a lifetime member of the National Rifle Association. He has previously held roles as a Republican National Convention delegate and rules committee member, a member of the Michigan Republican Party State Committee, a commissioner on the National Uniform Law Commission, and the Youth Vice Chair of the Michigan Republican Party.

LEFT: Speaker Hall on the floor of the Michigan Legislature. Photo courtesy of Michigan House Republicans.

RIGHT: Representative Hall (right) raises the gavel for the first time after being named Speaker. Photo courtesy of Mike Quillinan/Michigan House Republicans







## REPRESENTATIVE JOEY ANDREWS

D-38 | ST. JOSEPH | SECOND TERM  
House Office Building 887

**Phone:** 517.373.0827

**Email:** joeyandrews@house.mi.gov

**Website:** housedems.com/joey-andrews/

**Bar Admit Date:** Dec. 10, 2014

**Law School:** Wayne State University Law School

**Standing Committees:** Communications and Technology; Energy; Transportation and Infrastructure

Rep. Joey Andrews is serving his second term representing the 38th House District, which covers parts of Allegan, Berrien, and Van Buren counties.

Andrews was born in St. Joseph in 1988 and graduated from Lake Michigan Catholic High School in 2006. He attended Carson-Newman University in Tennessee, where he earned his bachelor's degree in history and music. He then attended law school at Wayne State University, graduating in 2013 and passing the Michigan bar the fol-

lowing year. After law school, Andrews returned to St. Joseph to help his parents' business survive the Great Recession. He also started his own business, a small solar panel installation company.

His political activism began as a community organizer in 2018. After the 2016 election, he worked to mobilize his community by amplifying a united voice against systemic problems. He then ran the southwest Michigan region for the Michigan One Campaign, helping President Joe Biden and U.S. Sen. Gary Peters win their races. Andrews also dedicated time to assisting local campaigns, bringing more young and diverse voices into politics. Following the 2020 election cycle, Andrews joined the Michigan AFL-CIO, first as its west Michigan regional field director and then as a policy analyst, applying his legal education to his passion for labor and public policy.

His roots in southwest Michigan go back more than 150 years. His great-grandfather was a Teamster and UAW member for Studebaker. Andrews' grandfather was a union carpenter who immigrated to America from Germany after World War II and built a life for his family in Decatur. Andrews is the fourth generation of his family to be a small business owner and the first in his immediate family to finish college.



## REPRESENTATIVE KELLY BREEN

D-21 | NOVI | THIRD TERM  
House Office Building 785

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**Email:** kellybreen@house.mi.gov

**Website:** housedems.com/kelly-breen

**Bar Admit Date:** May 13, 2003

**Law School:** Wayne State University Law School

**Standing Committees:** Finance; Judiciary

Rep. Kelly Breen is serving her third term representing the 21st House District, which encompasses parts of Farmington, Farmington Hills, Northville, Novi, and South Lyon.

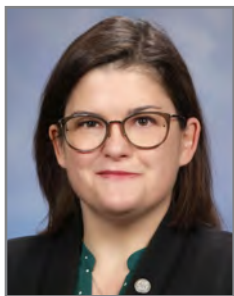
A lifelong Michigander born in Northville, Breen has a love for Michigan that was built on a deep sense of admiration and pride in her neighbors and her community. She has served many roles including attorney, activist, former Novi City Council Member, and

proud mother of two. She earned a bachelor's degree from Michigan State University's James Madison College and graduated from Wayne State University Law School.

Breen's advocacy was fostered when she joined neighbors to push back against an irresponsible local development project. That first taste of neighborhood activism led her to focus her time on supporting her community. Her advocacy and determination led her to her first elected office — a seat on the Novi City Council in 2017.

Her priorities as a legislator include standing up for public schools and teachers, fighting sexual abuse, and helping Michigan families access affordable, high-quality child care. She is part of a bipartisan task force addressing the issue of access to affordable child care in Michigan. As a member of anti-violence groups including the Sandy Hook Promise and Moms Demand Action for Gun Sense in America, she has brought programs to local schools and held a gun violence prevention town hall.

She is committed to collaboration and serving the true intent of public service — working to make everyone's lives better.



## REPRESENTATIVE KARA HOPE

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**Bar Admit Date:** June 6, 2003

**Law School:** Thomas M. Cooley Law School

**Standing Committees:** Judiciary; Transportation and Infrastructure

Rep. Kara Hope is serving her third term representing Michigan's 74th House District, which includes all of south Lansing and Delhi Township.

The daughter of two corrections officers, Hope learned early on about the value of public service. After receiving her bachelor's degree from Michigan State University, she returned to her hometown of Ionia, where she found work as a writer for the city's daily newspaper. Wanting to better serve her community, she enrolled at Thomas

M. Cooley Law School, where she was chosen as managing editor of the Cooley Law Review and interned with the Innocence Project.

After law school, Hope worked as a pre-hearing attorney in the Michigan Court of Appeals and later as a defense attorney before teaching at Cooley Law School. She started her solo practice in 2015, specializing in family law.

Hope ran for the Ingham County Board of Commissioners in 2012, where she served until her election to the House of Representatives. She is the founding president of the all-volunteer nonprofit Holt Community Arts Council, and she has donated legal services to Elder Law of Michigan, the Sam Corey Senior Center Club, and the Mid-Michigan Environmental Action Council.

Hope plans to fight for increased funding and training at every level of education, ensuring the improvement and proper maintenance of Michigan's roads and infrastructure, increasing health care access for all, and protecting the right of seniors to retire comfortably.

Hope and her husband raised their niece, who is now a college student, and their nephew, who is in high school.



## REPRESENTATIVE JASON HOSKINS

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**Bar Admit Date:** Dec. 17, 2020

**Law School:** University of Detroit Mercy School of Law

**Standing Committee:** Health Policy

Rep. Jason Hoskins is serving his second term in the 18th House District, which comprises Southfield, Lathrup Village, and parts of Farmington, Farmington Hills and Oak Park. He graduated from Eastern Michigan University with his bachelor's degree in political science and his master's degree in public administration with a concentration in local government management. He later received his law degree from the University of Detroit Mercy.

Hoskins helped create and later served as president of the UDM Law chapter of the American Civil Liberties Union and then as

board member and as vice president of ACLU of Michigan Metro Detroit Branch.

Prior to his time in office, Hoskins served on the Southfield City Council and chaired its legislative committee, where he worked on developing a community benefits ordinance to ensure that the city receives a benefit when developers get a tax abatement. He also served on the economic development committee, working to create a downtown space to attract and retain city residents, and on the neighborhood services committee, where he worked on policy to make streets safer.

Hoskins was a key staff member for former state Rep. Rudy Hobbs and current state Sen. Jeremy Moss. He was also an adjunct professor at Lawrence Technical University in Southfield.

During his first term in Lansing, Hoskins chaired the Committee on Economic Development and led many legislative initiatives to bolster Michigan's economy. His other legislative priorities include supporting education, fighting for justice and equality, investing in communities, ending gun violence, safeguarding elections, protecting the environment, and improving access to and affordability of health care.



## REPRESENTATIVE THOMAS KUHN

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**Bar Admit Date:** Nov. 13, 1985

**Law School:** Michigan State University Detroit College of Law

**Standing Committees:** Medicaid and Behavioral Health; Public Health (vice chair); Higher Education and Community Colleges; General Government (chair)

Rep. Kuhn was first elected to the House of Representatives in 2022. He represents the 57th House District, which is located in Macomb and Oakland counties and contains portions of Sterling Heights, Madison Heights, and Troy. He serves on the Appropriations Committee and is Republican vice chair on the Higher Education and Community Colleges subcommittee. He is also a member of the

Health and Human Services and General Government Appropriations subcommittees.

Kuhn graduated from the University of Michigan with a bachelor's degree in political science and later graduated from the University of Toronto with master's and doctorate degrees in political science. He studied law at the Detroit College of Law (now the Michigan State University College of Law).

Kuhn, who has practiced law for more than 35 years, served for 12 years on the Royal Oak City Commission and 12 years on the Oakland Community College Board of Trustees, including two years as chair. He also served as an Oakland County commissioner.

In addition to his service in local government, Kuhn has actively volunteered in his community. For many years, he coached youth sports and served on the board of the local youth baseball organization. He was Lakes chair of the Emerald Lakes Village Homeowners Association and served on the association board for 10 years.

Kuhn lives in Troy with his wife, Sherry. They have been married 28 years and have three children and four grandchildren.



## REPRESENTATIVE TONYA MYERS PHILLIPS

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**Bar Admit Date:** June 1, 2004

**Law School:** University of Michigan Law School

**Standing Committees:** Energy; Natural Resources and Tourism

State Rep. Tonya Myers Phillips is serving her first term representing the 7th House District, which includes central Detroit, northeast Detroit, and the cities of Hamtramck and Highland Park.

Phillips has dedicated her life to eliminating the systemic barriers that disproportionately impact the poor and working class. Born and raised in Detroit, Phillips returned to her community after receiving her bachelor's and law degrees from the University of Michigan. She has worked with community members and organizations advocating for government accountability; protecting constitutional rights, civil liberties, and workers' rights; expanding economic

rights and the social safety net for poor and working-class people.

Phillips is committed to fostering relationships between grassroots leaders and the legislature and prioritizes policies that strengthen the social safety net, foster equitable economic development, create and protect affordable housing, advance environmental justice, and increase access to justice.

Before joining the state legislature, Phillips worked with the Sugar Law Center for Economic and Social Justice, where she tackled environmental injustices and municipal and constitutional issues, strengthened the investigatory and enforcement provisions of the Detroit Living Wage Ordinance, and advocated for community benefits agreements.

In her private practice, Phillips also represented indigent criminal defendants. She advocates for widespread criminal justice reform and changing laws that disproportionately criminalize the poor.

She has also worked as a housing attorney for Michigan Legal Services and is a co-founder of the Detroit Right to Counsel Coalition.

Phillips joined Wayne State University Law School as an Adjunct Professor in 2022 and served on Detroit's Charter Revision Commission from 2010-2012.



## REPRESENTATIVE PENELOPE TSERNOGLOU

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**Bar Admit Date:** Nov. 22, 2004

**Law School:** Michigan State University College of Law

**Standing Committees:** Public Health and Food Security; State and Local Public Assistance Programs

Rep. Penelope Tsernoglou is serving her second term representing the 75th House District, which sits at the intersection of Clinton, Ingham, and Shiawassee counties. Her legislative priorities include expanding fair access to the ballot so that the voices of all Michiganders may be heard; advocating for labor unions, workers, and working families; increasing access to health care; reforming the criminal justice system; defending Michigan's water and air; protecting children from gun violence; and supporting public education.

Tsernoglou grew up in Southfield and graduated from the University of Michigan with degrees in psychology and sociology. After graduating from Michigan State University College of Law, she worked as a victims advocate for End Violent Encounters (EVE), Lansing's first shelter devoted to survivors of domestic violence, stalking, and sexual assault. Through EVE, she also worked at the Ingham County Sheriff's Office personal protection order office and the domestic violence support unit. She later worked as a defense attorney representing indigent defendants and juveniles in Ingham and Eaton counties.

Devoting much of her career to public service, Tsernoglou served three terms on the Ingham County Commission, spearheading the development and passage of two transformative millages that raised more than \$20 million for improvements to the countywide trail system and \$7 million to build a state-of-the-art animal shelter.

She has served on numerous boards and commissions including the Community Development Block Grant subcommittee of the East Lansing Human Relations Commission, the Capital Area Michigan Works! Board, the Ingham Drain Board of Determination, and the Tri-County Aging Consortium.



## REPRESENTATIVE DOUG WOZNIAK

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**Bar Admit Date:** May 21, 1998

**Law School:** Detroit College of Law at Michigan State University

**Standing Committees:** Families and Veterans; Judiciary; Regulatory Reform; Joint Committee on Administrative Rules (Chair)

Rep. Douglas C. Wozniak was first elected to serve in the Michigan House in 2018. He represents the 59th House District encompassing portions of Macomb and Shelby townships in Macomb County. Wozniak chairs the Joint Committee on Administrative Rules, is vice chair of Committee on Families and Veterans, and is a member of the Judiciary and Regulatory Reform committees.

A graduate of Harper Woods High School, Wozniak earned a bachelor's degree in mathematics from the University of Michigan and received his law degree from Detroit College of Law at Michigan State University. His career experience includes founding and owning the Law Offices of Douglas C. Wozniak and working as a realtor, broker, and life and health insurance agent.

Prior to winning a special election to the state senate in 2021, he served two terms in the state house and was a member of the Shelby Township Board of Trustees. He returned to the House of Representatives in January.

Wozniak has been active in numerous community groups including the Kiwanis Club Shelby Golden K, St. Kieran's Knights of Columbus, and the Shelby Lions. He has also served on numerous local committees and boards including the Macomb Board of Canvassers and the Northern Macomb Republican PAC.

Wozniak and his wife, Pamela, have one adult daughter.





## SENATOR SUE SHINK

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**Bar Admit Date:** Nov. 21, 1994

**Law School:** University of Michigan Law School

**Standing Committees:** Appropriations; Civil Rights, Judiciary, and Public Safety (Vice Chair); Energy and Environment; Housing and Human Services; Local Government; Natural Resources and Agriculture (Chair)  
**Appropriations Subcommittees:** Agriculture and Natural Resources (Vice Chair); Corrections & Judiciary (Chair); EGLE

Serving in her first term in the Michigan Senate, Shink is a community advocate, public servant, and mother who has dedicated her adult life to building healthier, more resilient communities. She believes that the government's role is to serve people with skill,

honesty, and integrity.

Shink grew up in southeastern Michigan and earned her bachelor's, master's, and law degrees from the University of Michigan in Ann Arbor. Prior to her election to the senate, Shink was chair of the Washtenaw County Board of Commissioners and a Northfield Township trustee. She also chaired the Agricultural Land Preservation Advisory Committee and was a member of the Huron River Watershed Council and the Washtenaw County Food Policy Council.

Hailing from a proud union family, Shink learned the importance of community, service above self, and treating others with respect at an early age. Her father was a civil engineer who grew up in poverty, and her mother was a longtime teacher. They balanced the demands of raising four kids and worked hard to build a middle-class life for the family. Shink started babysitting and lifeguarding in high school, working hard both in and outside of the classroom to contribute in any way she could at home.

Shink lives in Northfield Township on a small farm with her husband, Tom, where they raised their three daughters.



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# COMPARATOR EVIDENCE IN THE **SIXTH CIRCUIT**

## What is the best strategy for winning a comparator evidence argument?

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BY JOSEPH J. VOGAN AND ASHLEIGH E. DRAFT

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For purposes of deciding claims of employment discrimination and retaliation, it is relevant to consider whether a “comparable non-protected person was treated better” than the plaintiff.<sup>1</sup> This is referred to as “comparator” evidence. If the plaintiff was treated less favorably than someone outside the protected class, it may be inferred that the defendant acted with improper motive.<sup>2</sup> This is true, however, only if the comparator was “similarly situated” to the plaintiff.<sup>3</sup>

What exactly does this mean? What if the comparator engaged in similar — but not identical — conduct? What if the comparator worked in a different department under a different supervisor? Does the test vary depending on the context in which the question is being raised (e.g., discovery versus summary judgment)?

This article provides an update on the law of comparator evidence in the U.S. Sixth Circuit Court of Appeals along with a few practice pointers.

### **McDONNELL DOUGLAS FRAMEWORK**

Establishing a prima facie case of unlawful discrimination or retaliation requires the plaintiff to come forward with evidence suggesting discrimination or retaliation.<sup>4</sup> If the plaintiff has presented such evidence, the court must determine whether the evidence as a whole is sufficient to support a finding of pretext.<sup>5</sup> Comparator evidence is relevant at both the prima facie and pretext stage of analysis. It is also relevant at trial.

### **RELEVANT CONSIDERATIONS**

In the context of disciplinary action, the Sixth Circuit has identi-

fied four criteria to be considered when determining whether a non-protected person is similarly situated to the plaintiff: (1) did the comparator report to the same supervisor; (2) was the comparator subject to the same standards of conduct; (3) did the comparator engage in the same conduct; and (4) were the circumstances such as to distinguish the comparator's conduct from that of the plaintiff?<sup>6</sup> Some judges refer to this as a three-factor test<sup>7</sup> but the third factor actually consists of two parts: same conduct and differentiating or mitigating circumstances.<sup>8</sup> Outside the disciplinary context, the test may vary and will often focus on job qualifications, job experience, and past performance as opposed to conduct.<sup>9</sup>

## OUTSIDE THE PROTECTED GROUP

At the outset, it is important to remember that comparator evidence is only relevant to the extent that the comparator falls outside the protected group.<sup>10</sup> In many cases this is easy to discern, like when the plaintiff is claiming race or gender discrimination. In other cases, it is less clear. If the plaintiff claims disability discrimination, for example, a proper comparator is someone who is not disabled or not similarly disabled either in terms of disability type or severity. If the plaintiff claims retaliation for having engaged in protected activity (e.g., requesting accommodation under the Americans with Disabilities Act or requesting time off pursuant to the Family and Medical Leave Act), a comparator is someone who has not engaged in such activity. If the plaintiff claims age discrimination, a comparator is someone "substantially younger."<sup>11</sup> These subtle distinctions are often neglected by attorneys and judges when conducting comparator evidence analysis.

## SAME SUPERVISOR TEST

The same supervisor test intends to adjust for the fact that different supervisors may have different standards of job performance and conduct which have nothing to do with protected status or protected activity.<sup>12</sup> Some supervisors are lenient in enforcing work rules; others are more rigid. Thus, for purposes of comparing apples to apples, courts generally limit the comparator group to those who work in the same department or job classification and report to the same immediate supervisor.<sup>13</sup> This requirement, however, is flexible.<sup>14</sup>

## SAME STANDARDS TEST

The same standards component receives little discussion in the reported decisions but makes good sense as an employer may have different standards for different groups of employees.<sup>15</sup> For example, a managerial employee may be held to a higher standard of conduct than a non-managerial employee,<sup>16</sup> an employee who has previously engaged in poor performance or misconduct may be afforded less leeway compared to an employee with no such history.<sup>17</sup> An employer may have different rules for salaried versus hourly employees, professional versus non-professional workers, or union versus non-union.

An employer may be reluctant to discharge a union employee due to contractual restrictions, whereas an employer has the right to ter-

minate a non-union employee at will. A managerial employee with "over 10 years of experience" may be held to a higher standard than a coworker with "less than two years of management experience."<sup>18</sup> Such differences must be considered when determining whether employees are similarly situated.

## SAME CONDUCT TEST

Same conduct is generally defined as meaning "conduct of 'comparable seriousness.'"<sup>19</sup> The conduct need not be identical, but must be "similar in kind and severity."<sup>20</sup> If the plaintiff has engaged in multiple acts of misconduct as opposed to a single act of misconduct, the plaintiff must show that the comparator(s) engaged in the same or a similar set of misconduct.<sup>21</sup> The plaintiff cannot rely on their own "subjective belief" of whether their conduct equates with that of the comparator,<sup>22</sup> nor can an employee establish comparable serious conduct by showing that only "some" of the comparator's conduct was similar.<sup>23</sup> Employers have "discretion to assign different punishments to violations of different company policies."<sup>24</sup>

## DIFFERENTIATING OR MITIGATING CIRCUMSTANCES

Even when employees have engaged in the same conduct, the employer may have legitimate non-discriminatory reasons for imposing different penalties. These reasons will vary from case to case and often overlap with circumstances considered for purposes of determining whether the comparator was subject to the same standards and whether the comparator engaged in the same conduct.<sup>25</sup> Employers are expected to treat similarly situated persons the same, but the "law does not require, nor could it ever realistically require, employers to treat all of their employees all of the time in all matters with absolute, antiseptic, hindsight equality."<sup>26</sup>

## KNOWLEDGE

What if a comparator engages in the same conduct but the decision-maker is unaware of such conduct? Given that the purpose of comparator evidence is discerning the intent of the decision-maker, it would seem to follow that the decision-maker must have knowledge of the comparator's behavior. On the other hand, knowledge was not mentioned by the Sixth Circuit when it formulated its four-part test. In *Letner v. Wal-Mart Discount Department Store*,<sup>27</sup> the court found that the company was entitled to summary judgment on the grounds that plaintiff failed to "allege or prove" that the decision-maker knew of other situations that had been treated differently.

## NON-DISCIPLINARY DECISIONS

When making a hiring decision, the employer is necessarily comparing persons based on their relative qualifications including academic achievement, job skills, and prior job experience. The same is true when making layoffs and transfer or promotion decisions except that prior performance with the same employer is also a consideration.<sup>28</sup> The *Mitchell* factors are difficult to apply in these circumstances and are mostly irrelevant. Instead, courts have fo-

cused on whether “(1) the plaintiff was a plainly superior candidate, such that no reasonable employer would have chosen the latter applicant over the former, or (2) plaintiff was as qualified as if not better qualified than the successful applicant, and the record contains ‘other probative evidence of discrimination.’”<sup>29</sup>

## LITIGATIONS ISSUES

Comparator evidence is relevant at each stage of the litigation process, but the standard of proof varies. The standard of proof at the discovery stage is lower than at summary judgment and trial.<sup>30</sup> The standard of proof at the prima facie stage of the summary judgment analysis is lower than at the pretext stage.<sup>31</sup> Comparator evidence will sometimes consist of statistics which may or may not be probative depending on whether the statistics “address all ‘relevant’ aspects of the [p]laintiff’s employment situation.”<sup>32</sup> If reasonable minds could differ, the comparison between similarly situated individuals “is itself a jury question.”<sup>33</sup>

Trial issues fall into three groups: admissibility of evidence; sufficiency of evidence; and jury instructions. Admissibility issues may arise by objection at trial or by means of a motion in limine. For purposes of determining admissibility, the court must assess whether the comparator evidence is relevant by considering if the factors for determining whether a comparator or set of comparators is *sufficiently* similar and then determining whether the admission of such evidence would create unfair prejudice in terms of misleading the jury, confusing the jury, and causing delay.<sup>34</sup> This may depend on the amount of comparator evidence the plaintiff seeks to offer. Requiring the employer to defend its position on two or three comparators is different than requiring the employer to defend its decision on 10 or 12. Comparator evidence may also be excluded on grounds of hearsay or lack of personal knowledge.<sup>35</sup>

For purposes of determining whether evidence is sufficient to submit the case to the jury, the court must consider the strength of the comparator evidence in relation to the entirety of the other evidence in the case.<sup>36</sup> Even if the comparator evidence is sufficient to survive summary judgment, that does not mean that it is sufficient to withstand a motion for directed verdict.

It is not necessary, but certainly appropriate, for the court to instruct the jury on comparator evidence.<sup>37</sup> A sample instruction would be as follows:

Plaintiff has offered evidence regarding Defendant’s treatment of other employees. This is referred to as comparator evidence.

For purposes of determining whether [race/age/sex/etc.] was a determining factor in the termination decision, you may consider the comparator evidence, but only if you determine that the comparators were outside the protected class and were similarly situated to the Plaintiff in all relevant

respects. A similarly situated comparator is someone who dealt with the same supervisor, was governed by the same standards of conduct and engaged in the same conduct without such differentiating or mitigating circumstances as would distinguish the comparator’s conduct from Plaintiff’s conduct or explain why the comparator received different treatment.

If you find that one or more comparators were treated more favorably than the Plaintiff, but you find that such comparators were not similarly situated to the Plaintiff in all relevant respects, you must not consider that evidence for purposes of deciding whether [race/age/sex/etc.] was a determining factor in the termination decision. If you find that one or more comparators were treated more favorably than the Plaintiff, and you find that such comparators were similarly situated to the Plaintiff in all relevant respects, you may consider that evidence, along with all the other evidence, for purposes of deciding whether [race/age/sex/etc.] was a determining factor in the termination decision.

This instruction is designed for use in the context of a termination decision and may need to be modified for use in a different context.

## CONCLUSION

When confronted with a comparator evidence argument, either as plaintiff or defendant, it is important to consider the context in which the argument is being raised. Comparator evidence in the context of discipline is different than comparator evidence in the context of hiring, promotion, or layoff. Comparator evidence in the context of discovery is different than comparator evidence in the context of summary judgment or trial. If the employer loses the comparator argument with respect to whether the plaintiff has established a prima facie case, that does not mean the employer will lose the argument at the pretext stage or at trial. An employer confronted with a discovery request for comparator evidence should consider whether the evidence would help their position as opposed to just objecting. Throughout the litigation process, it is important to focus on the specifics of the comparator test and educate the court on the relevant factors and how they apply to the specifics of the case.



**Joseph J. Vogan** of Varnum in Grand Rapids focuses on employment law and litigation with experience in areas including the Fair Labor Standards Act, the Americans with Disabilities Act, wrongful discharge, the Elliott-Larson Civil Rights Act, Title VII, the Age Discrimination in Employment Act, retiree health insurance, the Family and Medical Leave Act, the Whistleblowers’ Protection Act, and more.





**Ashleigh E. Draft** is an associate on the labor and employment practice team at Varnum in Grand Rapids. She is experienced in workplace investigations, defending clients in labor arbitrations, and successfully resolving employment-related disputes, and advises clients on compliance with federal and state labor and employment laws and workplace matters including employee handbooks and policies, discrimination, and disability accommodations.

## ENDNOTES

1. *Manzer v Diamond Shamrock Chems Co*, 29 F3d 1078, 1084 (CA 6, 1994); *Mitchell v Toledo Hosp*, 964 F2d 577, 582-583 (CA 6, 1992).
2. *Mitchell*, *supra* n 1 at 583.
3. *Id.*
4. See e.g., *Middleton v Lexington-Fayette Urban Co Gov't*, unpublished opinion of the United States Court of Appeals for the Sixth Circuit, issued February 20, 2025 (Case No. 22-6040).
5. *Id.*
6. *Mitchell*, *supra* n 1 at 582-558; see also *Kinch v Pinnacle Food Groups, LLC*, 758 Fed Appx 473, 479 (CA 6, 2018).
7. See e.g., *Middleton*, *supra* n 4.
8. *Id.*
9. See e.g., *Jackson v FedEx Corporate Servs, Inc*, 518 F3d 388, 396-397 (CA 6, 2008); *Leadbetter v Gilley*, 385 F3d 683, 691-692 (CA 6, 2004); *McGrath v Lockheed Martin Corp*, 48 Fed Appx 543, 552-553 (CA 6, 2002); *Ercegovich v Goodyear Tire & Rubber Co*, 154 F3d 344 (CA 6, 1998).
10. *Mitchell*, *supra* n 1 at 582-583; *Ortiz v Hershey Co*, 580 Fed Appx 352, 357 (CA 6, 2014); *Sutherland v Mich Dep't of Treasury*, 344 F3d 603, 614 (CA 6, 2003). But see *Macy v Hopkins Co Sch Bd of Ed*, 484 F3d 357, 369 (CA 6, 2007).
11. *Grosjean v First Energy Corp*, 349 F3d 332, 337 (CA 6, 2003).
12. See e.g., *Kinch*, *supra* n 6 at 479; *Johnson v The Kroger Co*, 319 F3d 858, 867 (CA 6, 2003).
13. *Morton v Greater Cleveland Transit Auth*, unpublished opinion of the United States Court of Appeals for the Sixth Circuit, issued May 30, 2024 (Case No. 23-3660); *Middleton*, *supra* n 4; *Kinch*, *supra* n 6 at 479; see also *Jackson v VHS Detroit Receiving Hosp, Inc*, 814 F3d 769, 777 (CA 6, 2016); *Carson v Patterson Cos, Inc*, 423 Fed Appx 510, 513 (CA 6, 2011); *Baker v Noble Metal Processing, Inc*, 276 Fed Appx 477, 481 (CA 6, 2008); *Johnson*, *supra* n 12 at 867; *Smith v Leggett Wire Co*, 220 F3d 752, 762-763 (CA 6, 2000).
14. *Redlin v Gross Pointe Pub Sch Sys*, 921 F3d 599, 610 (CA 6, 2019); see also *McMillan v Castro*, 405 F3d 405, 414 (CA 6, 2005).
15. *Kinch*, *supra* n 6 at 479; see also *Morton*, *supra* n 13.
16. See e.g., *Martinez v Cracker Barrel Old Country Store, Inc*, 703 F3d 911, 917 (CA 6, 2013); *Pierce v Commonwealth Life Ins Co*, 40 F3d 796, 803-804 (CA 6, 1994).
17. See e.g., *Johnson v Ohio Dep't of Public Safety*, 942 F3d 329 (CA 6, 2019); *Tennial v United Parcel Serv, Inc*, 840 F3d 292, 304 (CA 6, 2016); *Ortiz*, *supra* n 10 at 356; *Campbell v Hamilton Co*, 23 Fed Appx 318, 325 (CA 6, 2001); *Mitchell v Georgia-Pacific Corp*, unpublished opinion of the United States Court of Appeals for the Sixth Circuit, issued July 15, 1996 (Case No. 95-5067).
18. *Tennial*, *supra* n 17 at 304.
19. *Mitchell*, *supra* n 1 at 583; see also *Middleton*, *supra* n 4; *Martinez*, *supra* n 16 at 916-917; *Macy*, *supra* n 10 at 370; *Haughton v Orchid Automation*, 206 Fed Appx 524 (CA 6, 2006); *Braithwaite v The Timken Co*, 258 F3d 488, 497 (CA 6, 2001); *Ercegovich*, *supra* n 9 at 352; *Hoskins v Oakland Co Sheriff's Dep't*, unpublished opinion of the United States Court of Appeals in the Sixth Circuit, issued July 31, 2000; *Manzer v Diamond Shamrock Chems Co*, 29 F3d 1078, 1084 (CA 6, 1994).
20. *Tennial*, *supra* n 17 at 309-310; see also *Morton*, *supra* n 13; *Johnson*, *supra* n 17 at 332; *Summerfield v Gorniak*, 560 F Appx 571, 572-573 (CA 6, 2014); *Martinez*, *supra* n 16 at 917; *Carson*, *supra* n 14 at 513; *Clayton v Meijer, Inc*, 281 F3d 605, 612 (CA 6, 2012); *Letner v Wal-Mart Discount Dep't Store*, 172 F3d 873, 878 (6th Cir. Jan 15, 1999); *Smith*, *supra* n 13 at 763; *Mitchell*, *supra* n 1 at 583.
21. *Warfield v Lebanon Correctional Institution*, 181 F3d 723, 730 (CA 6, 1999); see also *Braithwaite*, *supra* n 19 at 497 (CA 6, 2001).
22. *Hollins v Atlantic Co*, 188 F3d 652, 660 (CA 6, 1999); see also *Young v Sabbatine*, 238 F3d 426, unpublished opinion of the United States Court of Appeals for the Sixth Circuit, issued December 19, 2000 (Case No. 99-6336).
23. See *Warfield*, *supra* n 21 at 730; see also *Macy*, *supra* n 10 at 370-371.
24. *Letner*, *supra* n 20.
25. *Goodwin v Newcomb Oil Co.*, unpublished opinion of the United States Court of Appeals for the Sixth Circuit, issued April 26, 2024 (Case No 23-5594); *Middleton*, *supra* n 2; *Wright v Murray Guard, Inc*, 455 F3d 702, 710-711 (CA 6, 2006); *Haughton*, *supra* n 19 at 534; *Noble v Brinker Intern, Inc*, 391 F3d 715, 728-729 (CA 6, 2004); *Clayton*, *supra* n 20 at 611-612; *Campbell*, *supra* n 17 at 326; *Smith*, *supra* n 13 at 763; *Mitchell*, *supra* n 17.
26. *Letner*, *supra* n 20.
27. *Id.*
28. See e.g. *Ayers-Jennings v Fred's Inc*, 461 Fed Appx 472, 477-478 (CA 6, 2012); *Leadbetter*, *supra* n 9 at 692; *McGrath*, *supra* n 9 at 548.
29. *Ayers-Jennings*, *supra* n 28 at 490-491. But see *Hooker v City of Toledo*, 644 Fed Appx 675, 678 (CA 6, 2016).
30. *Bobo v United Parcel Serv, Inc*, 665 F3d 741, 751-753 (CA 6, 2012).
31. *Kinch*, *supra* n 6 at 479; see, e.g., *Arnold v City of Columbus*, 515 Fed Appx 524, 532-536 (CA 6, 2013); *Haughton v Orchid Automation Sys, Inc*, unpublished opinion of the United States District Court for the Middle District of Tennessee, issued July 27, 2005 (Case No 3-03-0768), *aff'd Haughton*, *supra* n 19; see generally *Mischer v Erie Metro Housing Auth*, 168 Fed Appx 709, 714 (CA 6, 2006).
32. *O'Donnell v City of Cleveland*, 838 F3d 718, 728 (CA 6, 2016).
33. *Goodwin*, *supra* n 25.
34. FRE 402; FRE 403.
35. *Lentz v Cincinnati Ins Co*, unpublished opinion of the United States District Court for the Southern District of Ohio, issued October 4, 2006 (Case No. 1:01CV599); see also *Letner*, *supra* n 20.
36. *Scola v Publix Super Markets, Inc*, 902 F 2d 1083, 1095 (ED Tenn, 2012); *Ogle v Sevier Co Regional Planning Comm*, unpublished opinion of the United States Court of Appeals for the Sixth Circuit, issued December 9, 2020 (Case No 19-6327); see generally *Chappell v GTE Prods, Inc.*, 803 F2d 261, 267-268 (CA 6, 1986).
37. *McMillan v Castro*, 405 F3d 405, 412-413 (CA 6, 2005); *EEOC v Gregg Appliances, Inc*, unpublished order of the United States District Court for the Middle District of Tennessee, issued August 17, 2015 (Case No. 3:10 C 00861).



# Using mediation to resolve discovery disputes

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BY JAY YELTON

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For more than 30 years in Michigan, alternative dispute resolution has played an essential role in settling cases before trial. In 2020, the Michigan Court Rules were amended to expand the scope of ADR to include resolution of discovery disputes.

MCR 2.411 (H) states in relevant part:

Mediation of Discovery Disputes. The parties may stipulate to or the court may order the mediation of discovery disputes ....

1. The order ... will specify the scope of issues or motions referred to the discovery mediator, or whether the mediator is appointed on an ongoing basis.

2. The mediation sessions will be conducted as determined by the mediator, with or without the parties, in any manner deemed reasonable and consistent with these rules and any court order.
3. The court may specify that discovery disputes must first be submitted to the mediator before being filed as a motion unless there is a need for expedited attention by the court.

Although this opportunity is relatively new for state court cases, it has been around for more than 60 years in federal courts pursuant to Federal Rule of Civil Procedure (FRCP) 53. FRCP 53(a)(1)(C) states that a court may appoint a master to "address pretrial ... matters

that cannot be effectively and timely addressed by an available district judge or magistrate judge.”

This article looks at how masters have been appointed in Michigan’s federal courts during the last 10 years and discusses the benefits and costs of doing so. Hopefully, this history will be valuable as attorneys and judges evaluate when and how to utilize discovery mediation under MCR 2.411(H).

## MORE APPOINTMENTS RESOLVE DISPUTES IN FEDERAL COURTS

In the last 10 years, there have been more than 200 master appointments in Michigan federal courts. During that time, there has been a substantial increase in appointments where the court seeks assistance with discovery management and/or discovery dispute resolution. Several reasons are likely to explain this trend. Over the last decade, the cost and complexity of producing, collecting, and preserving electronic data has increased significantly. In fact, those greater costs and complexities prompted the addition of detailed e-discovery provisions to the FRCP in 2015 and the MCR in 2020. Add to that that court dockets are much more burdened today than 10 years ago.

As a consequence, some courts believe that attorneys who are not communicating and cooperating should spend time with a discovery master before burdening it with discovery motions. As Hon. Stephen Murphy, U.S. District Court for the Eastern District of Michigan judge, explained:

In my chambers, we rarely lose patience with discovery matters that get out of control. That is because we appoint highly qualified discovery masters early on when disputes and motions begin to recur more than in a usual case. The service to the court of those masters is indispensable, and the cost savings to parties by their appointments is demonstrable. With more experience, good practice and sound procedure, discovery master appointments will continue to allow for better processes and judicial decision making that will also ensure the appointments are beneficial to efficient and fair dispute resolution.

## FOUR COMMON USES FOR A DISCOVERY MEDIATOR

### Developing an adequate discovery plan

In 1993, federal courts added Rule 26(f) requiring litigants to meet in person, plan for discovery, and submit their proposal for a discovery plan. The proposed discovery plan would help courts see that the timing and scope of initial disclosures and limitations on the extent of discovery under the rules would be tailored to the circumstances of the case. Addition of discovery conference requirements was considered one of the most successful of the 1993 amendments. In 2020, Michigan added MCR 2.401(C) stating that upon

court order or written request of either party, parties must confer among themselves and prepare a proposed discovery plan.

Unfortunately — and for a wide range of reasons — many attorneys fail to take this requirement seriously and submit incomplete and/or impractical discovery plans. Hon. Nora Barry Fischer and Richard N. Lettieri pointed to three reasons this occurs.

- Litigation in general and discovery disputes specifically are “too contentious for the parties to exert the minimal cooperation required to share the information necessary to reach resolution of key electronically stored information (ESI) issues.”
- Due to strategy or leverage, a party may choose not to resolve ESI issues at the meet-and-confer stage.
- Due to lack of skill or knowledge, counsel may be unable to address and resolve ESI disputes.

To the extent attorneys cannot communicate and cooperate, there is a need for ADR to facilitate what the court rules seek: “to secure the just, speedy and inexpensive determination of every action.”

As part of the discovery planning process, mediators can help attorneys identify discovery needs; create boundaries for data preservation; develop narrowly focused and proportional requests; craft collection protocols including sampling and search techniques; evaluate options for leveraging technology to search, cull, and review responsive discovery; evaluate alternative strategies for protecting confidential privilege and work product; agree on a process for resolving future discovery disputes; and determine forms of production.

Judges, attorneys, and parties find this type of assistance early in a case to be quite valuable. As Hon. David McKeague, a U.S. Sixth Circuit Court of Appeals judge, explained:

With the explosion of electronically stored information, the availability of trained and experienced mediators to assist lawyers with developing a discovery plan to obtain and review this ESI at the beginning of a case and then assist the parties and the courts to resolve discovery disputes will become increasingly valuable.

### Meeting and conferring prior to filing a discovery motion

A party may file a motion to compel and/or for sanctions if the opposing party fails to provide adequate answers to discovery requests.

Likewise, a party can move for a protective order to protect themselves from annoyance, embarrassment, oppression, or undue burden or expense. Before doing so, however, the moving party has a duty to confer in good faith with the party failing to act in an effort to obtain an appropriate response without court intervention.

Unfortunately, some attorneys attempt to comply with this duty by sending an email or leaving a voice mail message for opposing counsel. Hon. Iain Johnston, federal judge in the Northern District of Illinois, recently explained:

Most discovery conferences are drive-bys and the requirement to meet and confer is honored in the breach. I think a discovery mediator or master can be helpful, particularly if that person has some authority. By providing the necessary legal, technical, and facilitation skills needed to identify issues, offer an assessment of each, suggest options, and generally facilitate agreement, the court's expectation is that discovery mediators and masters will help resolve ESI issues in a timely fashion and at a significant reduction in costs, because early resolution of these issues will help avoid a later and more costly war of e-discovery motions.

### **Assist with privilege, work product, and/or confidentiality determinations**

All state and federal court rules allow parties to withhold otherwise discoverable information on the basis that it is privileged or subject to protection as trial preparation material. Although procedural details can vary based on jurisdiction, most courts require the party making that claim to describe the nature of the information in a manner that enables other parties to assess it without revealing it.

Because it is a common area of controversy between parties, this process often results in courts being asked to evaluate thousands of documents to determine which are entitled protection in whole or in part. In these situations, many courts have recognized that a master experienced in attorney-client privilege and work product protection is ideally suited to quickly conduct a sampling-type review, make some preliminary rulings by category, and move parties toward resolving the remaining claims of privilege or protection.

### **Assist with discovery motions**

Discovery in civil litigation is intended to be a collaborative, self-executing process but in some cases, parties and/or their attorneys do not communicate or cooperate sufficiently and most, if not every, dispute results in motions practice. There is little deterrence to such a strategy, especially if delaying discovery or the trial as long as possible is seen as an advantage. A discovery mediator can readily work through such disputes. Hon. Elizabeth Stafford, magistrate for U.S. District Court for the Eastern District of Michigan, said:

Discovery mediation is a great way for parties to find solutions that satisfy their competing interests rather than engaging in costly, protracted, and unnecessary motion practice. I regard the appointment of a discovery mediator or special master with electronic discovery expertise as being a better option than having a judge micromanage the discovery process.

Other courts have also appointed masters to assist with discovery motions and/or management.

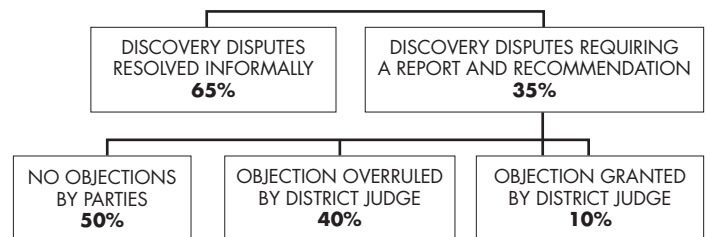
## **BENEFITS OF USING A MEDIATOR FOR DISCOVERY DISPUTES**

### **Quicker resolution**

The primary benefit is that it often takes less time to present discovery disputes to a mediator than to a court. In many situations, discovery disputes can be presented with minimal or no legal briefs (e.g. orally or through letters.) In Michigan federal court cases during the last few years where masters were appointed, the master typically met with the parties within one week and resolved half of the disputes within four weeks. It can take weeks — if not months — to have a discovery motion resolved by courts due to crowded dockets.

### **Value of self-determination**

There is a common misperception that a master appointed to resolve a discovery dispute will issue a recommendation and ruling (R&R) for the court's review and approval. As reflected below, in cases in which masters were appointed in Michigan



during the last few years, 65% of the disputes were resolved via negotiation (often reflected in a stipulation and order.)

Parties have substantial control over resolving discovery disputes when working with a master or mediator. It also appears that masters typically issue reasonable and well-founded R&Rs. On the other hand, presenting discovery disputes to a court risks the potential cost of an adverse ruling. As noted by InsideCounsel magazine:

[t]he risk that a misguided ruling on a discovery motion may impose undue burden, expense and business disruption on your company is an ever-present concern for most general counsel, and yet too many litigants make the 'penny-wise, pound foolish' decision to forego the relatively modest investment in a special master.<sup>1</sup>

### **Confidentiality**

It is important to note that parties can request that some or all of their communication during negotiations with the mediator be confidential. Confidential communications often result in a better under-



standing of discovery burdens and concerns, which empowers the mediator to explore creative solutions.

### Ability to select the appropriate mediator

While e-discovery was once associated only with complex civil cases, the current reality is that ESI has implications in nearly every single case in every court.<sup>2</sup> Some judges are experienced in handling e-discovery issues; however, some judges have not developed that capability. Unfortunately, if your case is assigned to a judge lacking that experience, you can't choose a different judge. It is much easier to select a mediator with the relevant experience to quickly and effectively resolve your dispute.

### Costs of mediating discovery disputes

Historically, there has been a belief that appointing a master adds an additional step and significant costs to an already long and expensive litigation process. However, there have been massive changes within the last decade (such as videoconferencing tools) that reduce those concerns. It is important to remember that in most situations, the master or mediator fees are split between parties.

### CONCLUSION

Most cases still do not require a discovery mediator's assistance. However, the American Bar Association encourages courts and attorneys to be aware of this alternative means for quickly and effectively resolving disputes whether they arise while developing a joint discovery plan or when discovery is ongoing.<sup>3</sup> For more information, including recommended forms and bios of experienced discovery masters and mediators, check the Electronic Discovery Reference Model bench book titled "Using Special Masters and Discovery Mediators to Avoid and Resolve Discovery Disputes."<sup>4</sup>



**Jay Yelton** is of counsel with Warner Norcross + Judd in Kalamazoo. After more than 30 years as a litigator and manager of e-discovery teams, he now serves as a discovery mediator and special master and teaches e-discovery courses at several law schools.

### ENDNOTES

1. Matthew Prewitt, *EDiscovery: Consider retaining a special master*, *InsideCounsel* (June 26, 2012).
2. The vast majority of Americans – 97% – now own a cellphone of some kind. The share of Americans that own a smartphone is now 85%. Along with mobile phones, Americans own a range of other information devices. About three-quarters of U.S. adults now own a desktop or laptop computer, while roughly half own a tablet computer. Mobile Fact Sheet, Pew Research Center <<https://www.pewresearch.org/internet/fact-sheet/mobile/>> [<https://perma.cc/KTF3-EJBW>] (posted November 12, 2024).
3. See *Resolution*, American Bar Association (January 2019) <[https://www.courtappointedneutrals.org/acam/assets/file/public/resources/aba\\_guidelines\\_on\\_the\\_appointment\\_and\\_use\\_of\\_special\\_masters%20\(court-appointed%20neutrals\)\\_in\\_federal\\_and\\_state\\_civil\\_litigation%20\(january%202019\).pdf](https://www.courtappointedneutrals.org/acam/assets/file/public/resources/aba_guidelines_on_the_appointment_and_use_of_special_masters%20(court-appointed%20neutrals)_in_federal_and_state_civil_litigation%20(january%202019).pdf)>.
4. Mary Mack, *EDRM Announces Special Masters and Discovery Mediation Bench Book* <<https://edrm.net/2022/08/edrm-announces-special-masters-and-discovery-mediation-bench-book/>> [<https://perma.cc/2Q9X-TMSK>] (posted August 24, 2022).



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## BEST PRACTICES

# Promoting mental health through firm leadership

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BY DAVID ANDERSON AND TRENT COLLIER

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By now, you've seen the statistics. You're probably aware that lawyers are disproportionately prone to mental health problems and substance-use concerns when compared to the general population.<sup>1</sup> This data should open individual attorneys' eyes to the need to seek professional counseling or just prioritize their own well-being. But it also poses a challenge for senior attorneys, particularly those with leadership roles in their firms: How can those of us with leadership roles help junior lawyers navigate mental health hazards in our profession? And should we even try?

Let's start with the second question. Is it a good idea for senior lawyers to take an interest in junior lawyers' mental health and substance-use issues? Is that even our business?

We think the answer is yes — and for a very pragmatic reason. As lawyers, we are zealous advocates of our clients' causes. The healthier we are — and the healthier our team is — the better we'll be at advocating for our clients. That, at least, is the self-interested rationale. There are better rationales, such as compassion and empathy and basic decency. But the truth is that healthy, grounded attorneys are better attorneys. And if we want to serve our clients well, the least we can do is foster a culture of health and well-being.

Easier said than done. Still, we have 10 suggestions on how to create a firm culture that guards against mental health problems.

**You can't just swoop in when there's a problem. Fostering well-being — and assisting junior lawyers with mental health problems**

— **requires genuine, ongoing communication.** Talking about mental health is hard. It requires an enormous amount of trust. If you wait until a junior lawyer seems to be having a problem, chances are slim that you'll have the kind of meaningful connection necessary to help them. But if you establish open lines of communication — if you check in when nothing's wrong — you're much more likely to have the sort of trusting relationship that allows honest communication.

**Listen to listen, not to "fix" the issue.** Creating a culture of well-being does not turn lawyers into psychotherapists. We may be concerned with mental health, but we're not mental health professionals. That's why it's so important to avoid trying to fix junior lawyers who share their mental health struggles. What they need from senior attorneys is not psychoanalysis; it's a willingness to listen and an ability to make others feel heard. That requires slowing down and fighting our lawyerly instinct to have just the right words for every occasion.

**Watch out for firm habits that foster mental health issues — e.g., making every firm event about alcohol or expecting communications late at night or on the weekends.** Getting serious about promoting mental health can require some soul-searching. Many of us created or inherited law firm cultures that aren't exactly geared toward junior lawyers' well-being. Maybe we're used to sending emails and demanding a response late in the evening or on weekends. Maybe we give assignments on short notice and have unrealistic expectations of what a junior lawyer can accomplish in the time given. Maybe every social event revolves around alcohol — or worse, maybe these events give the impression that drinking is nec-

essary to be part of the firm's "in" group. These habits undermine junior lawyers' attempts at wellness. There are two antidotes: drawing and respecting healthy boundaries at work and getting creative about firm socializing.

**Manage workload expectations.** What's "busy"? What should a junior attorney do when they get overloaded? Many of us practice law in a world where the billable hour is king. You can sugarcoat that reality only so much for associates. Ultimately, a junior lawyer has to be productive. But putting a little humanity back into the billable hour can go a long way toward reducing the pressure of having to bill more, more, and more. What exactly does "humanity" mean here? Ask junior lawyers to come to you if they find their workload unmanageable. Let them know exactly what's expected — but also let them know that there are remedies if they find themselves struggling to meet expectations.

**Be human. Share flaws.** Practicing law requires a degree of perfectionism. You can't miss deadlines. You can't miss the key case when briefing. Everything you say or write can have consequences from judicial displeasure to malpractice liability. Lawyers can take comfort that they're not doctors. No one dies when we make a mistake. But our work affects people's lives, often dramatically. And that's a lot of pressure to work under day in and day out. No wonder lawyers struggle with mental health and substance-use issues in disproportionate numbers.

The truth, however, is that none of us get through our career without making mistakes. And those mistakes usually aren't as consequential as we fear. Sharing those stories with junior associates can mitigate some of the anxiety that comes with practicing law. It reassures them that they'll be okay — even if they make a mistake. Could acknowledging your own errors encourage junior lawyers to be sloppier? Doubtful. A well-balanced lawyer will always outperform a stressed-out lawyer. Allowing junior associates to see our fallible humanity empowers them to do their best. It also fosters open communication.

**When an associate has a crisis, be willing to move heaven and earth so they can focus on recovery. Treat it just like any other medical crisis.** It is much easier to tell someone you have a ruptured appendix than it is to tell someone that you're suffering from suicidal ideation. The appendix doesn't feel like it's your fault; the suicidal ideation just might. No one expects you to power through a ruptured appendix. Attitudes toward suicidal ideation may be very different. No wonder shame and fear of stigma prevent people from sharing their struggles with mental illness. But the brain is just an organ. It's three pounds of tissue, and it can go wrong

like any other organ. So we should treat a junior lawyer's mental health crisis the same way we'd treat a junior lawyer's heart attack or emergency appendectomy. We should reassign that attorney's work, ensure that they can prioritize recovery, and make sure they know they can prioritize recovery.

**Be sensitive to differences in experience, especially across demographic groups.** Your experience 20 years ago as a member of your demographic group likely does not correspond to an associate's experience today. Lawyers seem particularly prone to the belief that the way we did things back in the day is the only right way to do things — "Back in my day, we were embarrassed if we only billed 220 hours a month!" or "Back in my day, this office would have been filled on Saturday morning!" This particular viewpoint may blind senior lawyers to the conditions that lawyers now face. It may also blind lawyers to ways in which experiences can differ based on gender, race, sexual orientation, and so on. You did the best you could with the pressures you faced. A lawyer in crisis may be facing pressures you haven't encountered or can't understand. There is only one solution to this problem: listening.

**Model wellness.** Senior lawyers can only expect junior lawyers to prioritize their mental health if those senior lawyers prioritize their own mental health. Molly Ranns, director of the State Bar of Michigan Lawyers and Judge Assistance Program, points out that modeling can mean working reasonable hours and not expecting associates to respond to emails at all hours. She also recalls one senior lawyer who decided to put their therapy appointments in their official calendar as a way of normalizing therapy. For a firm, modeling wellness can mean forming a well-being committee to telegraph its commitment to wellness and encourage innovation in wellness programs.

**Be skeptical of the tough-it-out approach.** It's not uncommon for senior lawyers to express the opinion that junior lawyers are just soft — that they lack the toughness earlier generations displayed in handling the ups and downs of practicing law. People just need to be tougher, or so the argument goes. There are good reasons to be skeptical of that approach. As Michigan Supreme Court Justice Megan Cavanagh, chair of the state's Commission on Well-Being in the Law, noted, research shows that lawyers really weren't better years ago. Lawyers in previous generations had serious mental health and substance-use issues. They just didn't talk about them.

**Assume there are mental health challenges within your team.** It's tempting to take a no-news-is-good-news approach to mental health management — to assume your team isn't experiencing problems if no one has actually mentioned one. But Ranns said that research shows roughly 30% of lawyers struggle with some form of men-

tal health or substance-use issue. Again, empathy and compassion should be enough for that figure to startle senior lawyers into action. But from a business perspective, that means 30% of your workforce is struggling with mental health challenges that could compromise their careers

## CONCLUSION

Serious mental health crises can happen to anyone, whether they've wrestled with mental illness for years or suddenly find themselves in a crisis. Help is available, and senior lawyers can use their platforms to increase the visibility of these resources. The State Bar of Michigan Lawyers and Judges Assistance Program confidential helpline is available at 800.996.5522. Also, dialing 988 connects callers directly to the national 988 Suicide and Crisis Lifeline, which is free and confidential.

The authors thank Michigan Supreme Court Justice Megan Cavanagh and State Bar of Michigan Lawyers and Judges Assistance Program Director Molly Ranns for their contributions to this article.

## ENDNOTE

1. See, e.g., Krill et al., *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, 10 J Addiction Med 1, 46-52 (2016) <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4736291/>> [<https://perma.cc/Q4L7-EHWE>] (website accessed March 12, 2025).



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## ETHICAL PERSPECTIVE

# Texting clients: Is your signal in the dust?

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BY ALECIA CHANDLER

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Texting clients or messaging through applications such as WhatsApp or Signal is a reality for most lawyers. Some lawyers refuse to communicate with clients via text; they are usually met with a response like, “OK, Boomer!” by those who do.

The Michigan Rules of Professional Conduct (MRPC) requires lawyers to understand technology.<sup>1</sup> Therefore, lawyers choosing to communicate with clients via text must consider additional ethical duties related to confidentiality, security, and preservation.

During the current AI renaissance, or RenAIssance, texting no longer refers to traditional short message service (SMS) or multimedia messaging service (MMS) transmissions from one mobile device to another. Now, texting refers to a host of app-driven communications through SMS, rich communication services (RCS)<sup>2</sup> or advanced messaging, and various messaging apps — all of which has led to a new frontier for legal ethics.

Forbes magazine in December reported that the FBI and CISA, the U.S. cyber defense agency, warned Americans to use encrypted messaging and phone calls amidst Chinese efforts to hack U.S. networks<sup>3</sup> and encouraged people to use encrypted messaging services to prevent data theft — data lawyers are required to protect under MRPC 1.6.

Since its widespread use became common in the mid-1990s, lawyers have been communicating with clients via text. So why are we still talking about using a 30-year-old technology? The landscape has changed, and ensuring communication is secure and ethical is no longer a simple task.

## MESSAGING APPS

The story of the creation of Dust is fascinating. In 2008, billionaire businessman Mark Cuban was required to provide all of his emails and messages after being charged with insider trading.<sup>4</sup> In response, he created Cyber Dust. Released in 2014 and now simply known as Dust, the messaging app preserved data in the cloud for 24 hours, after which it turned to “dust.”<sup>5</sup> During the same time period, Signal’s predecessor, Snapchat, and WhatsApp were gaining steam around the world. Secure messages with end-to-end encryption that would disappear upon transmission or shortly thereafter — and that are not accessible by hackers or anyone else after a short period — are intriguing to those of us required to maintain strict confidentiality.

Secure messaging apps should be reviewed to ensure both lawyer and client are using secure communication channels and necessary communications are preserved as required.

## CONFIDENTIALITY AND END-TO-END ENCRYPTION

Depending on the service provider, texting may not be confidential. No matter which service you use to communicate with clients, if the communication includes any confidence or secret, lawyers and staff<sup>6</sup> should use end-to-end encryption.<sup>7</sup> Per Ethics Opinion RI-381,<sup>8</sup> lawyers have a duty to understand technology and take reasonable steps to implement security measures, especially in the wake of federal warnings.

## PRESERVING TEXT MESSAGES BETWEEN CLIENTS AND ATTORNEYS

Text message communication between clients and attorneys should be preserved, with certain messages requiring mandatory preserva-

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“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](mailto:ethics@michbar.org).

tion. Upon withdrawal, lawyers are required to provide clients with access to their files. If the contents of text messages are required to be maintained, lawyers must do so. Even if preservation is not required, lawyers should consider whether keeping text messages is prudent just in case a client files a malpractice action or grievance.<sup>9</sup>

## LITIGATION HOLDS AND PRESERVATION OF ELECTRONIC COMMUNICATIONS

Last year, the federal Securities and Exchange Commission (SEC) filed numerous charges for widespread use of what it termed “off-channel communications” in an effort “to ensure that all regulated entities comply with the recordkeeping requirements ... essential to our ability to monitor and enforce compliance with the federal securities laws[.]”<sup>10</sup> While this has not yet impacted law firms, it should be considered when communicating with clients whose messages may require preservation.

Lawyers representing clients with electronic records under a litigation hold should evaluate whether substantive communications should be sent electronically, as they may be disclosed to opposing counsel by an employer or service provider during discovery.

## PRESERVING MESSAGES

Several apps archive preserved texts or similar messages.<sup>11</sup> Most of these apps are geared toward corporations subject to Financial Industry Regulatory Authority (FINRA) and SEC compliance. Some service providers maintain records that may be downloaded before expiration. If you choose this option for preservation, make sure you save messages before they expire — many expire after 30 days.

Also, client portals, some Voice over Internet Protocol phone systems, and messaging apps have established retention policies. Note that the messages must be retained in a format that is accessible; it can’t be simply data.

## SMISHING

Smishing, or scam text messages, is also an issue for law firms. Just like opening a malware-infected document corrupts your computer and the connected systems, opening a malware attachment in a text message can infect your device and all connected devices, potentially taking down your firm’s entire network. Lawyers must remain vigilant against these scams; a single compromised device can jeopardize client confidentiality and the firm’s operations as a whole. Implementing robust cybersecurity protocols and educating staff about smishing attempts are essential precautions. For more on cybersecurity, visit the State Bar of Michigan Cybersecurity FAQs web page at <https://www.michbar.org/opinions/ethics/cybersecurityFAQs>.

## LAWYERS: CUSTODIANS OF PRIVILEGED INFORMATION, GATEKEEPERS TO SECURE CHANNELS

Lawyers, especially those in small firms, have become targets for cybercriminals big and small. Accessing a small firm’s computer system can provide backdoor access to larger networks such as PACER or MiCOURT. Small firms tend to have less security and, therefore, become easier targets for backdoor access to governmental systems. Appropriate training and security protocols are imperative to ensure ethical compliance.

## LAW FIRM CONSIDERATIONS

**Messaging apps:** The following are among the most important factors for law firms of all sizes to consider with regard to messaging apps:

- Carefully reviewing the terms of service for each messaging app the firm uses to ensure proper security.
- Establishing end-to-end encryption. For each client, you must attempt to ensure he or she also establishes end-to-end encryption.
- Determining a retention policy for required data.
- Considering a phone service that provides for texting from a direct number in which data is retained and can be accessed by an administrator.

**Bring your own device policies:**<sup>12</sup> This is HUGE! Even if you only have one part-time staff person who uses their own device to access firm records or communicate with clients, you need a policy. Unfortunately, the majority of callers to the SBM Ethics Helpline who are victims of hacking were exposed due to a legal assistant’s mistake or a device being infected with malware, compromising the firm’s entire system.

**Text communication policy:** If you choose to communicate with clients via text about non-substantive matters only, that policy should be in writing and communicated to clients and staff.

**Record retention policy:** A record retention policy is required<sup>13</sup> and should include retention of text messages.

**Training in policies and smishing:** Preventing smishing attacks<sup>14</sup> requires both user education and technology. Artificial intelligence can be used to create realistic text messages mimicking those from clients or companies like the U.S. Postal Service.<sup>15</sup>

**Manage client expectations:** Advise clients of when texting is appropriate, which information should and should not be included, anti-

pated response times,<sup>16</sup> and how clients will be billed for messaging.

**Final tip for lawyers:** Be professional in text messages with clients. Do not give immediate, incomplete answers on substantive issues via text. Be careful of using emojis in responses; emojis are creating their own area of case law, and the implications can be detrimental.<sup>17</sup>

Remember: Dance like nobody is watching, and text and email as if it will be read aloud in court.

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Alecia Chandler is the Professional Responsibility Programs Director at the State Bar of Michigan.

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## ENDNOTES

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## LIBRARIES &amp; LEGAL RESEARCH

# Essential resources for new practitioners in immigration law

BY CHRISTOPHER LECLAIR AND SARAH BILETI

Immigration law is one of the most dynamic and complex areas of legal practice. It is deeply intertwined with political and policy changes, making it a constantly evolving field. For new practitioners, navigating this intricate web of statutes, regulations, and administrative procedures can be daunting. The key to success lies in accessing reliable resources that provide accurate, timely information and practical insights. This article highlights essential tools and strategies for staying informed, ensuring accuracy, and improving client outcomes in the challenging field of immigration law.

Immigration law is in perpetual flux, with frequent updates to regulations, forms, and policies. Practitioners face challenges such as regulatory ambiguity, evolving interpretations of the Immigration and Nationality Act, and risks associated with misinformation. Reliable resources are critical for overcoming these obstacles and enable attorneys to provide accurate advice and advocate effectively for their clients.

## FAVORITE RESOURCES AND TOOLS

### Government websites

Government websites are among the most reliable sources for up-to-date immigration information. Key platforms include:

- **USCIS.gov:** Offers official policy guidance, updates on forms, and case status tools.
- **Travel.state.gov:** Provides visa bulletin updates, consular information, and travel advisories.
- **CBP.gov:** Covers U.S. Customs and Border Protection policies, including travel programs and entry procedures.
- **FederalRegister.gov:** Publishes proposed and final regulations, enabling practitioners to monitor changes.

These platforms ensure timely updates and help to avoid misinformation, outdated materials, or reliance on fraudulent services. For example, USCIS.gov is indispensable for understanding documentation required for application filings or tracking processing times.

### Professional associations

Resources provided by professional associations offer in-depth coverage of U.S. immigration laws and provide the opportunity to obtain timely insights from experts and fellow immigration practitioners.

**American Immigration Lawyers Association (AILA):** AILA provides practitioner-focused materials, including case law updates and practice manuals. Its forums for peer collaboration include the organization's invaluable annual conference. AILA publishes the AILA8, which provides daily key updates on immigration law.

**AILALink:** AILA's premiere research platform offers access to key statutes, regulations, and practical guides.<sup>1</sup>

**Immigration Legal Resource Center (ILRC):** ILRC delivers authoritative training resources, publications, and procedural guides.

## LEGAL RESEARCH DATABASES

Comprehensive research platforms like LexisNexis and Westlaw are essential for immigration law practitioners. They provide access to:

- Case law on removal proceedings, asylum claims, and visa classifications.
- Administrative decisions from the Board of Immigration Appeals.
- In-depth analysis of statutes and regulations.

Additionally, practitioners should review Board of Alien Labor Certification Appeals (BALCA) case law, which is available on the U.S. Department of Labor website. It's a critical resource for navigating issues related to labor certifications and employer-sponsored immigration petitions.<sup>2</sup> BALCA decisions provide valuable precedent and interpretation of labor certification requirements and offer insight into common pitfalls and successful arguments in complex cases.

### Technology tools

Technology tools are essential for case management and client support in immigration law. They enable attorneys to maintain secure client files, track case progress and deadlines, generate immigration forms efficiently, and communicate updates seamlessly. Leveraging these tools helps streamline workflows, ensuring that practitioners can manage the demands of a fast-paced and complex practice.

## PRACTICAL TIPS FOR NEW PRACTITIONERS

### Stay current

Regularly monitor updates on government websites like USCIS.gov and Travel.state.gov to ensure you are current on recent policy or procedure changes. Subscribe to email alerts and follow trusted social media accounts to stay informed.

### Master foundational resources

Build a strong understanding of core immigration law texts, such as the Immigration and Nationality Act and the Code of Federal Regulations. Supplement this knowledge with reliable secondary sources like Kurzban's Immigration Law Sourcebook<sup>3</sup> and AILA-Link to deepen your expertise.

### Develop efficient research strategies

Start with robust resources for primary legal information like LexisNexis, Westlaw, or AILA-Link to dive deeper into case law and administrative decisions. Organize your findings systematically to streamline your workflow and save time.

### Engage with professional communities

Participate in forums and networks like AILA to connect with peers, share insights, and access collective expertise. Engaging with these communities can provide practical solutions to complex issues and ensures you are aware of emerging trends in immigration law.

### Build a research routine

Consistently dedicate time to reviewing updates, analyzing their implications, and integrating new information into your practice. Establishing a routine ensures that you remain proactive in addressing changes and are well-prepared to meet client needs.

## STEPS FOR HANDLING A NEW IMMIGRATION CASE

### Initial consultation

Meet with the client to gather detailed information about their immi-

gration history, goals, and concerns. Identify any immediate issues, deadlines, or priorities that need to be addressed early in the process.

### Document collection

Request and review all relevant documents, such as passports, prior applications, supporting evidence, and any correspondence with immigration authorities. This step ensures you have a complete record to build the case.

### Legal research

Conduct thorough research to identify applicable statutes, regulations, case law, and agency policies. Use trusted resources like USCIS.gov and AILA-Link to verify the research aligns with the client's specific circumstances.

### Case analysis and strategy development

Analyze the client's eligibility for immigration relief or benefits based on the information you've collected. Develop a clear, step-by-step strategy tailored to their situation that outlines actions and potential outcomes.

### Form preparation and filing

Accurately complete all required immigration forms, and assemble the necessary supporting documentation. Ensure compliance with USCIS or consular requirements to minimize delays or rejections.

### Client communication

Maintain consistent communication with the client, providing updates on case progress, timelines, and any additional information needed. Transparency helps build trust and ensures the client remains updated on their case.

### Monitor updates

Regularly track the status of applications and petitioners through tools like USCIS.gov. Stay alert regarding any procedural or policy changes that might impact the case, and adjust your approach as needed.

### Prepare for interviews or hearings

Assist the client in preparing for any required interviews or hearings. This includes reviewing likely questions, gathering information, and conducting mock interviews to ensure they feel confident.

### Resolve any issues or requests for evidence

Respond promptly and thoroughly to requests for evidence or other requests from USCIS or related agencies. Addressing these requests effectively is critical to advancing the case.

### Follow-up

After the final decision, make sure the client receives and understands the outcome. Provide guidance on next steps, such as main-

taining their status, filing for future benefits, or complying with any conditions of the decision.

## CONCLUSION

Effective research and case management are the cornerstones of success in the practice of immigration law. By leveraging reliable resources, new practitioners can navigate the complexities of immigration law with confidence. Staying informed, building a research routine, and engaging with experts and peer communities are essential steps toward becoming a more effective client advocate. As immigration law continues to evolve, these strategies will ensure that legal practitioners are well-equipped to address the challenges and opportunities of this dynamic field.

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## LAW PRACTICE SOLUTIONS

# Practice management and accounting software reimaged (Part I)

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BY JOANN L. HATHAWAY

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Practice management and accounting software have continued to evolve into critical tools for law firms, enabling them to operate more efficiently, reduce administrative burdens, and increase profitability. In the first installment of this two-part series, we explore the latest innovations in these areas with a focus on intuitive designs, advanced automation features, integration capabilities, and data analytics functions. These advancements allow legal professionals to focus on high-value tasks, improve their decision-making processes, and ultimately deliver better outcomes for their clients.

## FROM BASIC TOOLS TO COMPREHENSIVE SOLUTIONS

Practice management software has evolved significantly over the years. In its earliest iterations, it was primarily used for time tracking and matter management. Modern platforms encompass a wide range of functionalities, including client relationship management, document management, document assembly, billing, accounting, web development, task assignment, and even marketing support. This software has revolutionized the way law firms manage day-to-day operations by offering all-in-one solutions tailored to the unique needs of the legal profession while eliminating the need for multiple software systems and reducing inefficiencies.

The growth of cloud-based solutions has greatly expanded the accessibility of practice management systems. These platforms allow firms to operate seamlessly across locations and enable remote

work capabilities. Cloud-based systems ensure lawyers have access to files and calendars from any device, making it easier to collaborate and stay connected from anywhere.

## INTUITIVE, USER-FRIENDLY INTERFACES

One standout feature of practice management software is its user-centric design. Intuitive interfaces ensure that even those with minimal technical expertise can navigate the systems effectively. Features like drag-and-drop functionality, customizable dashboards and matter management, and streamlined workflows reduce the learning curve and enhance productivity. Many include visually appealing dashboards that display key performance indicators and matter status at a glance.

To further improve usability, many providers offer robust customer support and training resources. On-demand tutorials, webinars, and dedicated support teams ensure that users can quickly adapt to the software and maximize its potential, making advanced technology more accessible to firms of all sizes.

## PRACTICE AREA CUSTOMIZATIONS

Software providers now offer practice area customizations with tools designed to accommodate jurisdiction-specific rules and court filing requirements. For example, many platforms offer customizable modules tailored for specific practice areas like litigation, real estate, or intellectual property. This focus on customiza-



tion ensures the software meets the firm's specific needs, enabling it to deliver specialized client services.

In addition to practice area-specific features, software providers have also begun incorporating language localization and regional compliance tools. These features allow firms operating in multiple jurisdictions to comply with varying regulations, reducing the risk of errors and penalties.

## **AUTOMATED DOCUMENT MANAGEMENT**

Document management has traditionally been one of the most time-consuming functions of a law practice. Advanced automation tools, which are now built into many practice management platforms, enable lawyers to create, store, and retrieve documents with speed and accuracy. They also allow firms to automatically tag and categorize files, making retrieval a breeze.

Document assembly software — whether built into practice management software or synchronized with another platform — lets users generate contracts, pleadings, and other documents by populating templates with client data.

## **BILLING AND INVOICING**

Modern software automates billing processes and generates invoices based on time and expense tracking. Automated reminders for unpaid invoices and integration with payment gateways further simplify billing and improve cash flow management. Most software allows firms to track billable hours in real time and automatically convert them into detailed invoices, reducing errors and ensuring timely payments.

Some platforms also offer features like legal electronic data exchange standard (LEDES) billing, which guarantees compliance with client-specific invoice requirements. This feature is particularly valuable for firms working with corporate clients with standardized billing formats.

## **WORKFLOW AUTOMATION**

Workflow automation helps legal professionals manage deadlines, track progress on matters, and ensure compliance with procedural requirements. Notifications inform teams about critical tasks, reducing the risk of missing deadlines. Automated matter management can be set up to trigger reminders, create tasks, and assign responsibilities based on predefined parameters, features that create consistency and efficiency across all matters. Advanced workflow tools also allow firms to create templates for recurring tasks such as filing court documents or preparing for depositions.

## **CLIENT ONBOARDING**

Practice management systems can streamline client intake by automating collection of initial information, sending welcome emails, and populating matter management systems with new client data. Further, software can simplify the process of getting signatures on retainer agreements.

## **INTEGRATING WITH LEGAL RESEARCH TOOLS**

Many practice management platforms now integrate with legal research databases, giving lawyers access to matter law and statutes directly from their workspace. For instance, Clio integrates with Fastmatter, enabling users to conduct legal research without switching platforms, streamlining the research process and enhancing efficiency.

Legal research integration also includes AI-powered tools like Casetext and ROSS Intelligence, which provide contextual suggestions and predictive insights. These capabilities let lawyers find relevant precedents and strengthen their arguments.

## **EMAIL AND COMMUNICATION TOOLS**

Integration with email and communication tools leads to seamless client interaction. Features like centralized communication logs and automated email tracking improve transparency and accountability. Integration with Microsoft Outlook and other email clients allows for email syncing to relevant matters, eliminating the need for manual organization. Additionally, chat and messaging compatibility with tools like Slack lets teams collaborate in real time.

## **ACCOUNTING SOFTWARE INTEGRATION**

While many practice management solutions have full accounting functionality, almost all allow integration with accounting systems like QuickBooks or Xero for real-time financial tracking. These integrations (or built-in functionality) eliminate the need for duplicate data entry and guarantee accurate financial reporting. Firms can track revenue, monitor expenses, and generate detailed financial statements within a single interface. Additionally, tax prep features and compliance tracking help firms meet regulatory requirements.

## **UNIFIED CLIENT PORTALS**

Client portals are an essential feature; they allow clients to receive updates, share documents securely, and communicate with their legal team.

Most practice management platforms offer client portals that provide a central hub for collaboration, improving client satisfaction and fostering trust. Providing clients with 24/7 access to their mat-

ter information lets firms reduce the number of inquiries it receives while enhancing transparency.

Portals offer several advantages for transmitting information, documentation, and traditional communications. Enhanced security safeguards messages and attachments, keeping communications confidential and protecting attorney-client privilege; logs make it easy to track interactions; and clients can view messages and upload documents at their convenience.

## CONCLUSION

As practice management and accounting software continue to evolve, firms are gaining access to increasingly sophisticated tools

to enhance efficiency and client service. Next month, the second part of this series will explore additional key features, including data analytics capabilities, profitability and client satisfaction metrics, security and privacy considerations, and more.

**JoAnn L. Hathaway** is practice management advisor for the State Bar of Michigan Practice Management Resource Center.



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## PRACTICING WELLNESS

# Breathwork: A secret weapon against stress

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BY KARISSA WALLACE

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Studies continue to confirm that lawyers experience disproportionately high rates of poor mental health when compared to the general population. The 2024 American Lawyer Magazine/Law.com Compass mental health survey received responses from 2,500 lawyers nationwide,<sup>1</sup> and more than 50% of respondents reported experiencing signs of burnout,<sup>2</sup> including feeling exhausted, and experiencing physical and mental overwhelm and fatigue, an increasingly cynical and negative outlook (as well as moodiness and irritability), and a decreased sense of satisfaction and sense of accomplishment.

While systemic changes are crucial, lawyers can also empower themselves with practical tools to manage stress and cultivate well-being. One powerful, yet often overlooked, tool is breathwork. Breathwork, the conscious control and manipulation of breath, is a potent technique for regulating the nervous system and mitigating the harmful effects of stress. It's not just about taking a deep breath; it's about understanding how breathing patterns influence our physiology and using that knowledge to our advantage.

## SCIENCE BEHIND THE BREATH

Our breath is intimately connected to our autonomic nervous system (ANS), the body's control center for involuntary functions like heart rate, digestion, and respiration. The ANS has two main branches: the sympathetic nervous system (SNS), often called the fight-or-flight response, and the parasympathetic nervous system (PNS), the rest-and-digest system.<sup>3</sup>

When we experience stress, the SNS kicks in, releasing hormones like cortisol and adrenaline.<sup>4</sup> Our heart rate increases, our breathing becomes shallow and rapid, and our muscles tense. This is a survival mechanism designed to help us face immediate threats.

However, in the chronic stress environment of legal practice, this fight-or-flight response can be constantly activated, leading to burnout and a host of physical health problems.

Breathwork offers a direct pathway to influencing the ANS. By consciously slowing down and deepening our breathing, we can stimulate the PNS to counteract the effects of the SNS. Deep, diaphragmatic breathing activates the vagus nerve, a major component of the PNS, which sends signals to the brain to calm down, lower the heart rate, and reduce the production of stress hormones.<sup>5</sup> Essentially, we can use breathing to shift from a state of stress to a state of calm.

## WHEN LAWYERS CAN USE BREATHWORK

The beauty of breathwork lies in its accessibility. It can be practiced anywhere, anytime, and without any special equipment. Here are scenarios where lawyers can incorporate breathwork:

- **Before a big court appearance:** Feel the pressure mounting before a crucial hearing? A few minutes of focused breathing can help calm your nerves and sharpen your focus.
- **During a stressful negotiation:** Tensions rising in a difficult negotiation? Use a quick, discreet, breathwork exercise to center yourself and maintain composure.
- **After a long day in the office:** Feeling overwhelmed by the workload and don't want to take the stress home with you? Deep breathing can help release tension and promote relaxation before you call it a day.
- **Dealing with a difficult client:** Struggling to manage a demanding client? Breathwork can help you stay grounded and respond with clarity and professionalism.



- **Experiencing insomnia:** Trouble falling asleep due to racing thoughts? A calming breathwork practice can promote relaxation and prepare your body for rest.

## BEGINNER BREATHWORK EXERCISES FOR LAWYERS

The first step to an effective breathwork practice is ensuring you breathe deeply from your diaphragm, a muscle located at the bottom of your lungs, and not from the top of your lungs. This means that as you breathe in, your belly rises (as opposed to your chest rising) as you fill the bottom of your lungs with air. With each exhale, imagine releasing all stress and tension from your mind and body.

Here are three beginner-friendly exercises that lawyers can easily incorporate into their routines.

### Grounding breath (simple deep breaths)

**How to do it:** Inhale through your nose to your comfort level. Exhale through your nose. Repeat three or more times at a comfortable pace.

- **Benefits:** This simple and discreet method helps to quickly ground you in the present moment and create a small pause for reflection prior to you reacting to your circumstances.
- **When to use it:** This technique is good during stressful negotiations or tense conversations.

### Balancing breath (box breathing)

**How to do it:** Inhale deeply through your nose for a count of four, hold your breath for a count of four, exhale slowly through your mouth for a count of four, and hold your breath again for a count of four. Repeat this cycle for four rounds, visualizing a square or box with each breath.

- **Benefits:** Box breathing increases oxygen to your brain and body, promoting both alertness and calmness. It can be particularly useful for improving focus and concentration.
- **When to use it:** This exercise is ideal before important meetings or anytime you need to sharpen your focus.

### Calming breath (4-7-8 breath)

**How to do it:** Inhale deeply through your nose for a count of four, hold your breath for a count of seven, and exhale slowly and completely through your mouth for a count of eight while making a “whoosh” sound. Repeat this cycle four times.

- **Benefits:** This simple, yet powerful, technique is excellent for calming the nervous system, reducing anxiety, and promoting relaxation. The extended exhale helps activate the PNS and shift the body into a state of rest.

- **When to use it:** This is a great exercise to use before bed, during moments of anxiety, or when you need a quick dose of calm.

The benefits of breathwork compound; more consistent use primes your ANS to shift toward parasympathetic predominance.<sup>6</sup> Just like any skill, it takes time and dedication to master it. Start with a few minutes each day, and gradually increase the duration and frequency as you become more comfortable. Incorporate breathwork into your daily routine by setting reminders on your phone or integrating it with other habits, such as your morning coffee or commute. Experiment with different techniques and find what works best for you.

## CONCLUSION

For legal professionals, prioritizing mental health is not a luxury; it's a necessity. Breathwork offers a simple, accessible, and powerful way for lawyers to take control of stress, cultivate well-being, and proactively build resilience. By regularly practicing breathwork, lawyers can strengthen their nervous systems, improve their ability to handle stress, and enhance their performance.<sup>7</sup> Discover the transformative power of your own breath.

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7. Jerath, Edry, Barnes, & Jerath, *Physiology of long pranayamic breathing: neural respiratory elements may provide a mechanism that explains how slow deep breathing shifts the autonomic nervous system*, 67 *Med Hypotheses* 566-571 (2006) <<https://doi.org/10.1016/j.mehy.2006.02.042>>.

**Karissa Wallace** is a venture capital attorney, well-being coach, and publisher of the #BetterLawLife newsletter on LinkedIn. She provides resources for legal professionals, including stress management workshops for law schools and legal organizations. Connect with her on LinkedIn or via email at [Karissa@MissionMastered.com](mailto:Karissa@MissionMastered.com).

## PUBLIC POLICY REPORT

## 2025-2026 LEGISLATION

**SB 82** (Chang) **Courts: judges; Civil rights: public records.** Courts: judges; personal information and physical safety protections for judges, their families, and household members; enhance. Creates new act.

**POSITION: Support.**

## IN THE HALL OF JUSTICE

**Proposed Amendments of Rules 3.993 and 6.428 of the Michigan Court Rules (ADM File No. 2022-34)** – Appeals; Restoration of Appellate Rights (See Michigan Bar Journal Sept. 2023, p 68).

**STATUS:** Comment period expires April 1, 2025; Public hearing to be scheduled.

**POSITION: Support with an amendment deleting MCR 3.993(F) (1)-(3) and MCR 6.428(A)-(C).**

(Position adopted by roll-call vote: Commissioners voting in support of the position: Anderson, Bryant, Burrell, Christenson, Cripps-Serra, Crowley, Detzler, Eccleston, Evans, Hamameh, Holloman, Howlett, Kitchen-Troop, Larsen, Low, Lowe, Luckenbach, Mantese, Mason, McGill, Murray, Nyamfukudza, Ohanesian, Perkins, Shapiro. Commissioners voting in opposition: Clay, Walton. Commissioners abstaining: Lerner.)

**Proposed Amendment of Rule 7.209 of the Michigan Court Rules (ADM File No. 2023-33)** – Bond; Stay of Proceedings (See Michigan Bar Journal May 2023, p 52).

**STATUS:** Comment period expires April 1, 2025; Public hearing to be scheduled.

**POSITION: Support.**

**Proposed Amendment of Administrative Order No. 1985-5 (ADM File No. 2024-38)** – Juvenile Court Standards and Administrative Guidelines for the Care of Children

**STATUS:** Comment period expires April 1, 2025; Public hearing to be scheduled.

**POSITION: Support with a recommendation that the required training be offered more frequently either virtually or in person, in whole or in part, by the State Court Administrative Office to facilitate compliance with the Administrative Order.**

(Position adopted by roll-call vote: Commissioners voting in support of the position: Anderson, Bryant, Burrell, Christenson, Clay, Cripps-Serra, Crowley, Detzler, Eccleston, Evans, Hamameh, Holloman, Howlett, Kitchen-Troop, Larsen, Low, Lowe, Luckenbach, Mantese, Mason, McGill, Murray, Nyamfukudza, Ohanesian, Perkins, Shapiro, Walton. Commissioners abstaining: Lerner.)

## LEGAL NOTICE

NOTICE OF APPOINTMENT  
OF INTERIM ADMINISTRATOR

The 38th Circuit Court has ordered that:

Attorney **Matthew D. Budds**, P71938  
8 W. First St.  
P.O. Box 904  
Monroe, MI 48161  
734.735.4084

is hereby appointed Interim Administrator to serve on behalf of:

Attorney **Denis W. Budds**, P11352  
26131 East Huron Rive Drive  
Flat Rock, MI 48134  
734.782.2452

Ordered by 38th Circuit Court on February 20, 2025.  
Case no. 25-148598-CZ.

NOTICE OF APPOINTMENT  
OF INTERIM ADMINISTRATOR

The 3rd Circuit Court has ordered that:

Attorney **Lauren M. Underwood**, P45415  
30100 Telegraph Road,  
Suite 360  
Bingham Farms, MI 48025  
248.594.1919

is hereby appointed Interim Administrator to serve on behalf of:

Attorney **Wallace C. Winters**, P26384  
23755 Goddard Road  
Taylor, MI 48180  
313.288.8540

Ordered by 3rd Circuit Court on March 5, 2025.  
Case no. 25-003339-CZ.

## LEGAL NOTICE (CONTINUED)

**NOTICE OF APPOINTMENT  
OF INTERIM ADMINISTRATOR**

The 6th Circuit Court has ordered that:

Attorney **Robyn L. McCoy**, P63057  
2381 East Stadium Blvd.  
Ann Arbor, MI 48104  
734.769.0001

is hereby appointed Interim Administrator to serve on behalf of:

Attorney **Allen Wade Venable**, P66149  
16250 Northland Dr., Suite 390  
Southfield, MI 48075  
313.623.2024

Ordered by 6th Circuit Court on March 11, 2025.  
Case no. 2025-213241-PZ.



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## FROM THE MICHIGAN SUPREME COURT

## ADM File No. 2023-35

## Proposed Amendments of Canon 3 of the Michigan Code of Judicial Conduct and Rule 6.5 of the Michigan Rules of Professional Conduct

On order of the Court, this is to advise that the Court is considering amendments to Canon 3 of the Michigan Code of Judicial Conduct and Rule 6.5 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.]

### Michigan Code of Judicial Conduct

#### Canon 3. A Judge Should Perform the Duties of Office Impartially and Diligently.

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice. In the performance of these duties, the following standards apply:

##### A. Adjudicative Responsibilities:

(1)-(13) [Unchanged.]

(14) A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, based upon race, color, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, height, weight, sexual orientation, marital status, familial status, socioeconomic status, or political affiliation, and shall not permit court staff, court officials, or others subject to the judge's direction and control to do so. ~~Without regard to a person's race, gender, or other protected personal characteristic, a judge should treat every person fairly, with~~

~~courtesy and respect. To the extent possible, a judge should require staff, court officials, and others who are subject to the judge's direction and control to provide such fair, courteous, and respectful treatment to persons who have contact with the court.~~

(15) A judge shall require lawyers in proceedings before the court to refrain from manifesting bias or prejudice, or engaging in harassment as provided in MRPC 6.5.

(16) The restrictions of paragraphs (14) and (15) do not preclude judges or lawyers from making legitimate reference to the listed factors, or similar factors, when they are relevant to an issue in a proceeding.

B.-D. [Unchanged.]

### Michigan Rules of Professional Conduct

#### Rule 6.5. Professional Conduct

(A) A lawyer shall not, by words or conduct manifest bias or prejudice for or against any person involved in the legal process, or engage in harassment against any person involved in the legal process, based upon race, color, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, height, weight, sexual orientation, marital status, familial status, socioeconomic status, or political affiliation, and ~~A lawyer shall treat with courtesy and respect all persons involved in the legal process. A lawyer shall take particular care to avoid treating such a person discourteously or disrespectfully because of the person's race, gender, or other protected personal characteristic. To the extent possible, a lawyer shall not permit~~ require subordinate lawyers and nonlawyer assistants to do so ~~provide such courteous and respectful treatment.~~

(B) A lawyer serving as an adjudicative officer, shall not, by words or conduct manifest bias or prejudice for or against any person, or engage in harassment against any person, based upon race, color, sex, gender identity or expression, religion, national origin, ethnicity, disability, age, height, weight, sexual orientation, marital status, familial status, socioeconomic status, or political affiliation, and ~~A lawyer serving as an adjudicative officer shall, without regard to a person's race, gender, or other protected personal characteristic, treat every person fairly, with courtesy and respect. To the extent possible, the lawyer shall not permit~~ require staff and others who



are subject to the adjudicative officer's direction and control to do so provide such fair, courteous, and respectful treatment to persons who have contact with the adjudicative tribunal.

Comment:

Duties of the Lawyer

[Paragraph 1 unchanged.]

A lawyer must pursue a client's interests with diligence. This often requires the lawyer to frame questions and statements in bold and direct terms. The prohibition against manifesting bias or prejudice or engaging in harassment~~The obligation to treat persons with courtesy and respect~~ is not inconsistent with the lawyer's right, where appropriate, to speak and write bluntly. Obviously, it is not possible to formulate a rule that will clearly divide what is properly challenging from what is impermissibly biased, prejudicial, or harassing~~rude~~. A lawyer's professional judgment must be employed here with care and discretion.

[Paragraphs 3-4 unchanged.]

A supervisory lawyer should make every reasonable effort to ensure that subordinate lawyers and nonlawyer assistants, as well as other agents, avoid biased, prejudicial, or harassing~~discourteous or disrespectful~~ behavior toward persons involved in the legal process. Further, a supervisory lawyer should make reasonable efforts to ensure that the firm has in effect policies and procedures that do not discriminate against members or employees of the firm on the

basis of the attributes identified in the rule~~race, gender, or other protected personal characteristic~~. See Rules 5.1 and 5.3.

Duties of Adjudicative Officers. [Unchanged.]

*Staff Comment (ADM File No. 2023-35):* The proposed amendments of MCJC 3 and MRPC 6.5 would incorporate the ABA Model Code of Judicial Conduct Canon 2, Rule 2.3 into Michigan's code and rule to prohibit bias, prejudice, and harassment.

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 the state court administrator so they can make the notifications specified in MCR 1.201.

Comments on the proposal may be submitted by July 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. 2023-35. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ZAHERA, J., would have declined to publish the proposal for comment.

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## ORDERS OF DISCIPLINE & DISABILITY

### DISBARMENT AND RESTITUTION

**Elizabeth Dallam Ayoub, P65413**, Holland.  
Disbarment, effective Feb. 26, 2025.<sup>1</sup>

After proceedings conducted pursuant to MCR 9.115, Muskegon County Hearing Panel #1 found that the respondent committed professional misconduct during her representation of clients in a case as alleged in a one-count formal complaint, namely that she failed to communicate settlement discussions to her clients, unilaterally terminated the attorney/client relationship, refused to appear at subsequent motion hearings, and failed to advise the court that she would not appear.

Based upon the evidence presented and reviewed, the panel found that the respondent neglected a client matter in violation

of MRPC 1.1(c); failed to act with reasonable diligence and promptness in representing a client in violation of MRPC 1.3; failed to keep a client reasonably informed about the status of a matter and comply with reasonable requests for information in violation of MRPC 1.4(a); failed to protect the client's interests upon the termination of representation in violation of MRPC 1.16(d); failed to refund unearned fees in violation of MRPC 1.16(d); engaged in conduct that violated the Rules of Professional Conduct in violation of MRPC 8.4(a) and MCR 9.104(4); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach in violation of MCR 9.104(2); and engaged in conduct that is contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3).

The panel ordered that the respondent be disbarred pay restitution in the total amount of \$27,809.66. Costs were assessed in the amount of \$2,756.35.

1. The respondent has been continuously suspended from the practice of law in Michigan since Nov. 14, 2024. See Notice of Interim Suspension Pursuant to MCR 9.115(H)(1) issued Nov. 14, 2024.

### REINSTATEMENT WITH CONDITIONS

**David D. Black, P43367**, St. Clair Shores.  
Reinstated, effective March 7, 2025.

The petitioner's license to practice law in Michigan has been continuously suspended since April 13, 2011. Grievance Administrator v. David D. Black, 11-50-AI; 11-125-JC (four-year suspension, effective April 13, 2011). On May 5, 2022, the petitioner filed a petition for reinstatement and on May 20, 2022, filed an amended petition for reinstatement pursuant to MCR 9.123(B) which was assigned to Tri-County Hearing Panel #102. After a hearing on the petition, the panel entered an order of eligibility for reinstatement on Dec. 15, 2023.

The grievance administrator filed a petition for review on Jan. 4, 2024. On Aug. 20, 2024, the board entered an order affirming the hearing panel's order of eligibility for reinstatement and adding conditions for a two-year period. The board further ordered that an order of reinstatement would be issued upon receipt of written verification that the petitioner paid his applicable membership dues to the State Bar of Michigan in accordance with Rules 2 and 3 of the Supreme Court Rules Governing the State Bar and that the petitioner had been recertified by the Board of Law Examiners.

On March 5-6, 2025, the board received written verification from the State Board of Law Examiners that the petitioner is entitled

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to recertification as a member of the State Bar of Michigan and that he has paid his applicable membership dues.

The board issued an Order of Reinstatement With Conditions reinstating petitioner to the practice of law in Michigan, effective March 7, 2025.

## **AUTOMATIC INTERIM SUSPENSION**

**Michelle L. Elowski, P74608**, Alpena. Effective Jan. 16, 2025.

On Jan. 16, 2025, the respondent was convicted by no contest plea of embezzlement by agent, over \$1,000 less than \$20,000, a felony, under MCL 750.174(4)(a); and check non-sufficient funds \$100 or more but less than \$500, a misdemeanor, under MCL 750.131(3)(b)(i) in *State of Michigan v Michelle L. Elowski*, Oscoda County 23rd Circuit Court, Case Nos. 24-1953-FH; 24-1954-FH. Upon the respondent's conviction and in accordance with MCR 9.120(B)(1), the respondent's license to practice law in Michigan was automatically suspended.

Upon the filing of a judgment of conviction, this matter will be assigned to a hearing panel for further proceedings. The interim suspension will remain in effect until the effective date of an order filed by a hearing panel under MCR 9.115(J).

## **DISBARMENT**

**Brandon John Janssen, P78132**, Detroit. Disbarment, effective Feb. 20, 2025.<sup>1</sup>

A show cause hearing was held in this matter on the grievance administrator's motion for an order to show cause why discipline should not be increased, which alleged that the respondent failed to comply with the Tri-County Hearing Panel #3 order of suspension and restitution with condition and the requirements of MCR 9.119 by continuing to practice law and by holding himself out as a Michigan attorney after the suspension of his license to practice law on March 19, 2024.

Based on the evidence admitted at the show cause hearing, the panel found that the respondent held himself out as an attorney in violation of MCR 9.119(E)(4); practiced law during a period of suspension in violation of MCR 9.119(E)(1); appeared as an attorney before a public authority in violation of MCR 9.119(E)(3); and, as such, violated an order of discipline in violation of MCR 9.104(9).

The hearing panel ordered that the respondent be disbarred from the practice of law in Michigan, effective Feb. 20, 2025. Costs were assessed in the amount of \$1,669.30.

<sup>1</sup> Respondent has been continuously suspended from the practice of law in Michigan since March 19, 2024. See Notice of Suspension and Restitution with Condition issued March 20, 2024, *Grievance Administrator v Brandon John Janssen*, Case No. 23-21-GA.

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

**Michael Orrin King Jr., P71345**, Grand Rapids. Interim suspension, effective Feb. 27, 2025.

The respondent failed to appear before Kent County Hearing Panel #1 for its Feb. 19, 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 Feb. 27, 2025, and until further order of the panel or the board.

## **SUSPENSION (BY CONSENT)**

**Dennis J. Malecki, P80291**, Grand Rapids. Suspension, 60 days, effective Feb. 26, 2025.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Discipline which was approved by the Attorney Grievance Commission and accepted by Kent County Hearing Panel #3. The stipulation contained the respondent's admission that he was convicted on Sept. 24, 2021, of operating with a blood alcohol content of .17 or more in violation of MCL 257.625(1)(c) as set forth in the Notice of Filing of Judgment of Conviction, and that his conviction constituted professional misconduct. The stipulation also contained the parties' agreement that the respondent's license to practice law in Michigan be suspended for 60 days.

Based on the respondent's conviction, admissions, and the parties' stipulation, the panel found that the respondent committed

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## ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

professional misconduct when he 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).

In accordance with the stipulation of the parties, the panel ordered that the respondent's license to practice law be suspended for 60 days, effective Feb. 26, 2025. Costs were assessed in the amount of \$760.99.

### DISBARMENT AND RESTITUTION (PENDING APPEAL)

**Craig A. Tank, P58360**, St. Clair Shores. Disbarment, effective March 1, 2025.

After proceedings conducted pursuant to MCR 9.115, the panel found that based on the respondent's plea of no contest to all 12 counts in the formal complaint, the respondent committed professional misconduct in 11 separate client matters and when he failed to cooperate with the administrator's investigation. Count 1 involved his representation of a criminal defendant and the

failure to inform his client that his law license was going to be suspended. Counts 2, 3, and 10 all involved conduct related to the respondent's representation of three separate criminal defendants and filing of motions for relief from judgment under MCR 6.500. Count 4 involved conduct related to a client's appeal of a district court sentence. Count 5 involved the respondent's conduct in a case where he was contacted by a woman to discuss her husband's potential entry into an inpatient alcohol rehabilitation program. Count 6 involved the respondent's representation of an incarcerated criminal defendant charged with fleeing and eluding. Count 7 involved the respondent's conduct during his representation of a client in a federal conspiracy to commit armed robbery case. Count 8 involved the respondent's conduct related to a client's intoxicated driving case. Count 9 involved conduct during the respondent's representation of an incarcerated individual charged with several seri-

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- Adjunct professor, Wayne State University Law School 2002-present
- Past chairperson, SBM Committee on Professional Ethics
- Past member, ABA Center for Professional Responsibility Committee on Continuing Legal Education
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### RHONDA SPENCER POZEHL (OF COUNSEL)

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- Former Supervising Senior Associate Counsel, Attorney Grievance Commission
- Experienced in all aspects of attorney discipline investigation, trials and appeals; and character and fitness matters
- Member, ABA, State Bar Representative Assembly, Oakland County Bar Association and Association of Professional Responsibility Lawyers
- Past member, SBM Professional Ethics, Payee Notification and Receivership Committees

### JAMES R. GEROMETTA (OF COUNSEL)

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- Former assistant federal defender and training director, Federal Community Defender Office, Eastern District of Michigan
- Over 24 years complex litigation experience
- Member, Association of Professional Responsibility Lawyers



ous crimes. Count 11 involved the respondent's conduct during his representation of a criminal defendant in a larceny case. Count 12 involved the respondent's failure to answer several requests for investigation.

The panel found through the respondent's plea of no contest that he neglected a legal matter entrusted to the lawyer in violation of MRPC 1.1(c) [counts 1-11]; failed to seek the lawful objectives of a client in violation of MRPC 1.2(a) [counts 1-11]; failed to act with reasonable diligence and promptness in violation of MRPC 1.3 [counts 1-11]; failed to keep a client reasonably informed about the status of a matter and comply promptly with a client's reasonable requests for information in violation of MRPC 1.4(a) [counts 1-11]; created a conflict of interest and failed to detail the conflict or seek consent after consultation in violation of MRPC 1.7 [count 5]; misappropriated funds by failing to deposit them in an IOLTA and withdraw them as earned in violation of MRPC 1.15(d) and (g) [count 11]; failed to take reasonable steps to protect a client's interests upon termination of representation such as failing to refund any advance payment of fee that has not been earned in violation of MRPC 1.16(d) [counts 1-11]; engaged in the unauthorized practice of law by holding himself out as an attorney to practice in the Eastern District of Michigan in violation of MRPC 5.5(b)(2) [count 7]; knowingly failed to respond to a lawful demand for information in violation of MRPC 8.1(a)(2) [count 12]; 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) [counts 1-11]; engaged in conduct prejudicial to the administration of justice in violation of 8.4(c) and MCR 9.104(1) [counts 1-12]; engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure, or reproach in violation of MCR 9.104(2) [counts 1-12]; engaged in conduct that is contrary to justice, ethics, honesty, or good morals in violation of MCR 9.104(3) [counts 1-12]; made a knowing misrepresentation of facts or circumstances surrounding a request

for investigation or complaint in violation of MCR 9.104(6) [counts 1, 2, and 11]; failed to timely answer a request for investigation in the time permitted in violation of MCR 9.104(A)(7) and MCR 9.113(B)(2) (count 12); and violated an order of discipline by holding himself out as a lawyer after a suspension in violation of MCR 9.104(9) and MCR 9.119(E) (count 1).

The panel ordered that the respondent be disbarred, effective March 1, 2025, to allow the respondent additional time to wrap up his practice. The respondent was also ordered to pay restitution totaling \$21,400. The respondent timely filed a petition for review and this matter will be scheduled for hearing before the Attorney Discipline Board.

## REPRIMAND WITH CONDITION (BY CONSENT)

**Dustin T. Wachler, P78656**, Royal Oak. Reprimand, effective Feb. 26, 2025.

The respondent and the grievance administrator filed a Stipulation for Consent Order of Reprimand in accordance with MCR 9.115(F)(5) which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #55. The stipulation contained the respondent's admissions that he was convicted by guilty pleas of: (1) on Feb. 28, 2022, Operating Vehicle While Impaired, a misdemeanor, in violation of MCL/PACC 257.6253-A; (2) on March 4, 2022, Operating While Visibly Impaired, a misdemeanor, in violation of MCL/PACC 257.6253-A; and (3) on June 13, 2022, Operator License

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## ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

Sus/Rev/Den — First Offense, a misdemeanor, in violation of MCL/PACC 257.9041(B) and Controlled Substance Use, a misdemeanor, in violation of MCL/PACC 333.74042(A) as set forth in the Notice of Filing of Judgment of Conviction and that his convictions constituted professional misconduct.

Based on the respondent's convictions, admissions, and the parties' stipulation, the panel found that the respondent committed professional misconduct when he 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).

In accordance with the stipulation of the parties, the hearing panel ordered that the respondent be reprimanded and be subject to a condition relevant to the established misconduct. Costs were assessed in the amount of \$787.20.


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**Antone, Casagrande & Adwers**, a Martindale-Hubbell AV-Rated law firm, has been assisting attorneys and their clients with immigration matters since 1993. As a firm, we focus exclusively on immigration law with expertise in employment and family immigration for individuals, small businesses, and multinational corporations ranging from business visas to permanent residency. 248.406.4100 or email us at [law@antone.com](mailto:law@antone.com), 31555 W. 14 Mile Road, Ste 100, Farmington Hills, MI 48334, [antone.com](http://antone.com).

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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](mailto: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  
49 Abbott Rd.  
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 login information

### Virtual

#### SUNDAY 7 PM\*

Virtual meeting  
Contact Mike M. at 517.242.4792 for information.

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## GAMBLERS ANONYMOUS

For a list of meetings, visit  
[gamblersanonymous.org/mtgdirMI.html](http://gamblersanonymous.org/mtgdirMI.html).

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

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## 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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