MICHIGAN
BAR JOURNAL
JUNE 2025

LGBTQ+ LAW

- 24% of Michigan and MSU law students are LGBTQ+: Challenges and opportunities for lawyers, judges, and the legal profession in Michigan
- LGBTQ+ youth in foster care: Struggles, misconceptions, and how the legal community can do better
- Navigating the intersectionality of neurodiversity and LGBTQ+ clients' legal issues
- A conversation with Judge Amanda J. Shelton

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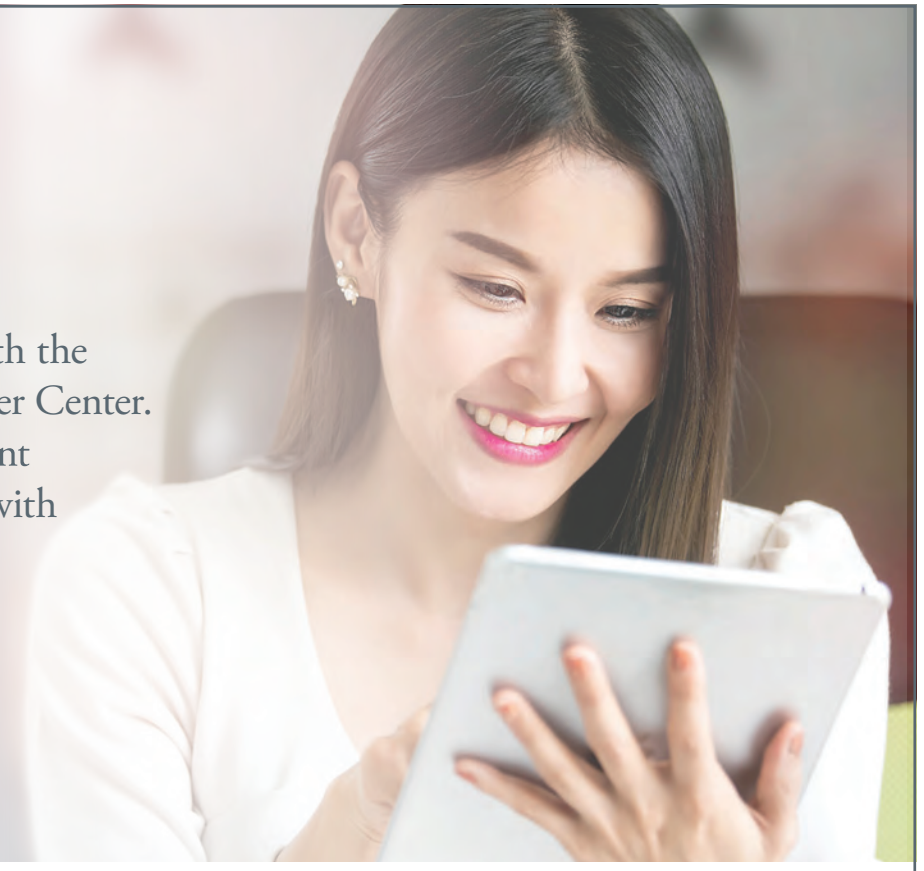

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LETTER TO THE EDITOR

Kudos to Dorene Philpot on her excellent article, "Protecting Children With Special Needs after *Perez v Sturgis Public Schools*" in the March *MBJ*.

Children with special needs such as dyslexia, autism and other disabilities are areas of law where lawyers, parents, judges and administrators must be knowledgeable to effectuate legal rights and responsibilities.

I am from a family of educators and realize the importance of children with special needs. Two of my siblings earned Ph.D.s from the University of Michigan. One sister was a former Chair of the Michigan Board of Psychology.

The State Bar of Michigan's Standing Committee on Michigan Bar Journal and Chair John Runyan should be given high marks for developing and publishing this educational theme."

Yours truly,

James A. Johnson, Southfield

Letters to the editor can be addressed to barjournal@michbar.org. Publication and editing are at the discretion of the editor.

SBM
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BOARD OF COMMISSIONERS MEETING SCHEDULE

JULY 25, 2025
SEPTEMBER 19, 2025

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MEMBER SUSPENSION FOR NONPAYMENT OF DUES

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

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

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

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September 19, 2025

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CIRCUIT 53
Vacancy

CIRCUIT 54
Vacancy

CIRCUIT 55
Mark Toaz

CIRCUIT 56
Timothy Hilton Havis
Adam Hunter Strong

CIRCUIT 57
Christina L. DeMoore

NEWS & MOVES

ARRIVALS & PROMOTIONS

RONITA BAHRI, with Goodman Acker, has been promoted to partner.

MARILENA DAVID has been named the director of the State Appellate Defender Office.

MATTHEW S. DOWLING has joined the Chicago office of Plunkett Cooney.

JAMES L. FRISCH has joined Plunkett Cooney.

DANIEL R. LEMON has joined the Britt Law Group PC in Grand Rapids as a senior attorney.

HANNAH N. SMITH has joined Wright Beamer, PLC.

LEADERSHIP

LEE HORNBERGER, an arbitrator based in Traverse City, has become a member of the arbitration roster of the Labor Relations Connection.

CONOR BOLAND, with Varnum, has been selected for Trinity Health's Up Next cohort.

KATIE DUCKWORTH, with Varnum, has joined the board of Westminster Child Development Center.

CAROLYN SULLIVAN, with Varnum, now serves as president of the Young Lawyers Section of the Grand Rapids Bar Association.

PRESENTATIONS & PUBLICATIONS

The **INGHAM COUNTY BAR ASSOCIATION** will host its annual meeting and shrimp dinner on Wednesday, May 15, 2025.

MITCHELL "MITCH" ZAJAC, with Butzel, will be a featured presenter during the 2025 EV Small Business Suppliers Forum on June 5, 2025, in Chattanooga.

AGENCY VACANCIES

The State Bar Board of Commissioners is seeking the names of members interested in filling the following agency vacancies:

INSTITUTE OF CONTINUING LEGAL EDUCATION EXECUTIVE COMMITTEE - One vacancy for a four-year term beginning October 1, 2025. The role of committee members is to assist with the development and approval of institute education policies; formulate and promulgate necessary rules and regulations for the administration and coordination of the institute's work; review and approve the institute's annual budget and the activities contemplated to support the budget; and generally, and whenever possible, promote the activities of the institute. The board meets three times a year, usually in February, June, and October.

MICHIGAN INDIAN LEGAL SERVICES BOARD OF TRUSTEES - Two vacancies for three-year terms beginning October 1, 2025. The MILS bylaws require that a majority of the board be American Indians. The board sets policy for a legal staff that provides specialized Indian law services to Indian communities statewide. The board hires an executive director. The board is responsible for operating the corporation in compliance with applicable law and grant requirements. Board members should have an understanding of and appreciation for the unique legal problems faced by American Indians. Board members are responsible for setting priorities for the allocation of the scarce resources of the program. The board is accountable to its funding sources. The board meets on Saturdays, on a minimum quarterly basis, in Traverse City.

DEADLINE FOR RESPONSES IS JULY 11, 2025

Applications received after the deadline indicated will not be considered. Those applying for an agency appointment should submit a resume and a letter outlining the applicant's background and nature of interest in the position.

Interested persons should submit their materials via email to the secretary of the State Bar in care of Marge Bossenbery at mbossenbery@michbar.org. Please do not send via US mail.

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

IN MEMORIAM

DANIEL J. BIERSDORF, P67452, of Minneapolis, Minn., died May 2, 2025. He was born in 1950 and was admitted to the Bar in 2004.

JOHN W. BISSELL, P25865, of East Lansing, died February 18, 2025. He was born in 1947 and was admitted to the Bar in 1976.

ROBERT N. BROWN, P25159, of Grosse Pointe Farms, died March 25, 2025. He was born in 1944, graduated from the University of Michigan Law School, and was admitted to the Bar in 1969.

JOHN F. BUCKERT, P58065, of Rochester Hills, died July 21, 2024. He was born in 1968, graduated from Detroit Mercy School of Law, and was admitted to the Bar in 1998.

KEITH D. CERMAK, P11756, of Sterling Heights, died April 17, 2025. He was born in 1947 and was admitted to the Bar in 1972.

ALPHONSE B. DALIMONTE, P25969, of Grand Ledge, died April 1, 2025. He was born in 1933, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1976.

WILLIAM S. FARR, P13306, of Grand Rapids, died April 25, 2025. He was born in 1935, graduated from the University of Michigan Law School, and was admitted to the Bar in 1961.

JEFFREY J. FLEURY, P53884, of Rochester Hills, died November 6, 2024. He was born in 1970, graduated from Detroit Mercy School of Law, and was admitted to the Bar in 1995.

ROBERT HENRY GOLDEN, P14108, of Southfield, died April 9, 2025. He was born in 1938, graduated from Wayne State University Law School, and was admitted to the Bar in 1961.

J. RONALD KAPLANSKY, P15700, of East Lansing, died April 7, 2025. He was born in 1940, graduated from Wayne State University Law School, and was admitted to the Bar in 1965.

RANDALL W. KRAKER, P27776, of Grand Rapids, died April 17, 2025. He was born in 1950 and was admitted to the Bar in 1977.

MICHAEL R. KRAMER, P16207, of Troy, died March 28, 2025. He was born in 1943, graduated from Wayne State University Law School, and was admitted to the Bar in 1969.

ROBERT R. LOHRMANN, P16770, of Kalamazoo, died April 2, 2025. He was born in 1946, graduated from Wayne State University Law School, and was admitted to the Bar in 1971.

NANCY L. MULLETT, P44713, of Grand Rapids, died January 25, 2025. She was born in 1957, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1990.

CHARLES S. OWEN, P30978, of Southfield, died December 27, 2024. He was born in 1949 and was admitted to the Bar in 1975.

MATTHEW L. POSNER, P33287, of Suttons Bay, died March 20, 2025. He was born in 1947, graduated from Wayne State University Law School, and was admitted to the Bar in 1981.

CHRIS E. ROSSMAN, P25611, of Detroit, died April 12, 2025. He was born in 1950, graduated from Wayne State University Law School, and was admitted to the Bar in 1975.

W. RICHARD SMITH, P20716, of Harbor Springs, died May 4, 2025. He was born in 1934, graduated from the University of Michigan Law School, and was admitted to the Bar in 1960.

JOHN W. UJLAKY, P27660, of Lansing, died April 13, 2025. He was born in 1949, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1977.

SAMUEL C. URSU, P37593, of Beverly Hills, died January 15, 2025. He was born in 1932, graduated from Detroit College of Law, and was admitted to the Bar in 1985.

DAMON L. WHITE, P55918, of Detroit, died November 9, 2024. He was born in 1967 and was admitted to the Bar in 1996.

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.

FROM THE PRESIDENT

JOSEPH PATRICK MCGILL

Perception vs. reality: Understanding public trust in lawyers in Michigan

In Michigan, as in many parts of the United States, the legal profession faces a complex interplay between public perception and the realities of legal practice. National surveys, such as those conducted by Gallup, indicate a declining trust in lawyers. However, Michigan-specific data and local initiatives offer a more nuanced understanding of this dynamic. The public perception of lawyers and its implications for the rule of law in Michigan is an ever-evolving issue that should concern all attorneys.

PUBLIC PERCEPTION OF LAWYERS IN MICHIGAN

In Gallup's annual survey conducted from December 2 to 18, 2024, lawyers were among the nine professions viewed more negatively than positively by Americans regarding honesty and ethical standards. While specific percentages for lawyers were not detailed, they were grouped with professions such as bankers and business executives, indicating a general public skepticism toward their ethical standards.

This negative perception of lawyers aligns with a broader decline in public confidence in the U.S. judicial system. In 2024, only 35% of Americans expressed confidence in the judiciary and courts, marking a record low and a significant drop from 60% in 2020. This decline is one of the steepest Gallup has measured globally and is notably larger than declines in other U.S. institutions during the same period.

Several factors contribute to this erosion of trust. High-profile political and various legal cases have intensified public scrutiny and skepticism toward the legal system. These events have led to perceptions of politicization within the judiciary, further diminishing public confidence.

The Gallup poll indicates that lawyers are among the professions viewed more negatively than positively by the American public. This sentiment reflects broader concerns about the ethical standards of the legal profession and a significant decline in trust in the U.S. judicial system. These findings suggest a significant disconnect between the public's perception of lawyers and the reality of legal practice in Michigan. Such perceptions can be influenced by various factors, including media portrayals, personal experiences, and political rhetoric.

FACTORS INFLUENCING PUBLIC PERCEPTION

Several factors contribute to the public's perception of lawyers in Michigan:

Media representation: Television shows and movies often portray lawyers in a dramatic light, sometimes emphasizing negative stereotypes. These portrayals can shape public opinion, especially when they depict lawyers as manipulative or self-serving.

High-profile cases: Notable legal battles and controversial cases can shape public opinion, especially when they involve perceived injustices or ethical dilemmas. For instance, high-profile personal injury cases or corporate lawsuits can lead to the perception that lawyers are primarily motivated by financial gain.

Political climate: Statements and actions by political figures can influence how professions are viewed. For example, rhetoric targeting "elite" professions can impact public trust. In Michigan, political discourse often includes critiques of the legal profession, framing lawyers as part of an out-of-touch elite.

Personal experience: Individuals who have had negative experiences with legal services may generalize these feelings toward the profession. A person who perceives their lawyer as unresponsive or overly expensive may develop a lasting negative view of lawyers in general.

These factors contribute to a public perception that may not accurately reflect the realities of legal practice in Michigan.

THE REALITY OF LEGAL PRACTICE IN MICHIGAN

While public perception may be influenced by various factors, the reality of legal practice in Michigan often contrasts with these views:

Ethical standards: The legal profession is governed by strict ethical guidelines and codes of conduct, ensuring accountability and professionalism. Lawyers in Michigan are required to adhere to the Michigan Rules of Professional Conduct, which set standards for ethical behavior.

Diverse specializations: Lawyers in Michigan specialize in various fields, from criminal defense to corporate law, each requiring a deep understanding of specific legal areas. This specialization allows lawyers to provide expert advice and representation tailored to their clients' needs.

Commitment to justice: Many lawyers are dedicated to upholding justice, advocating for the underrepresented, and contributing to societal well-being. Programs like the Michigan Indigent Defense Commission aim to ensure that individuals who cannot afford legal representation receive competent counsel.

These realities highlight the professionalism and dedication of lawyers in Michigan, contrasting with the negative stereotypes that may prevail in public perception.

THE IMPORTANCE OF PUBLIC PERCEPTION TO THE RULE OF LAW

The rule of law is a foundational principle that ensures laws are applied equally and fairly to all individuals, maintaining order and justice within society. Public trust in the legal system is essential for the rule of law to function effectively.

When the public perceives lawyers and the judiciary as trustworthy and competent, they are more likely to engage with the legal system, comply with laws, and respect legal decisions. Conversely, a lack of trust can lead to disengagement, noncompliance, and challenges to the legitimacy of legal institutions.

In Michigan, the declining public perception of lawyers, as indicated by various surveys, poses a threat to the rule of law. If the public believes that lawyers prioritize personal gain over justice, it undermines confidence in the entire legal system.

Furthermore, public perception influences the effectiveness of legal reforms and policies. For instance, initiatives aimed at improving access to justice or reforming sentencing laws may face resistance if the public lacks trust in the legal profession.

BRIDGING THE GAP: ENHANCING PUBLIC TRUST

To align public perception with the reality of legal practice, several steps can be taken:

Community engagement: Lawyers can participate in community outreach programs, offering legal education and pro bono services to build trust and understanding.

Transparency: Clear communication about legal processes, fees, and expectations can demystify the profession and reduce misconceptions.

Media collaboration: Working with media outlets to portray realistic and positive representations of legal work can help shift public opinion.

Professional development: Professional development is crucial for lawyers to maintain competence, adapt to legal advancements, and uphold ethical standards. In Michigan, various programs and initiatives support lawyers' growth, aiming to enhance their skills and public perception.

CONTINUING LEGAL EDUCATION (CLE) IN MICHIGAN

The Michigan Indigent Defense Commission mandates that attorneys complete at least 12 hours of continuing legal education annually, with specific requirements for those with fewer than two years of experience in criminal defense. This ensures that lawyers remain informed about legal developments and maintain high standards of practice.

Law school initiatives for professional development: Michigan law schools play a pivotal role in preparing future lawyers. For instance, Michigan State University College of Law offers comprehensive career services, including one-on-one advising, skills-building programs, and bar preparation support, to equip students for successful legal careers.

Similarly, the University of Michigan Law School's Practitioner Fellowships provide recent graduates with opportunities to work in public service institutions while engaging in professional development and networking activities.

BAR PASSAGE SUPPORT PROGRAMS

Programs like the Wolverine Bar Association's Walter H. Bentley III Minority Bar Passage Program focus on improving bar passage rates by offering targeted support, such as essay writing techniques and mentorship, to law school graduates preparing for the Michigan Bar Exam.

Career coaching and mentorship: The State Bar of Michigan provides career coaching services to assist lawyers at various stages of their careers. These services offer guidance on career goals, job

search strategies, and professional development, helping lawyers navigate their professional journeys effectively.

Specialized legal education resources: The Institute of Continuing Legal Education offers a wide range of practical resources, including how-to kits, legal updates, and sample forms, to help Michigan lawyers stay current with legal practices and enhance their expertise.

LAWYER WELL-BEING: HOW WELL-BEING CAN IMPACT PUBLIC PERCEPTION OF LAWYERS

The Michigan Task Force on Well-Being in the Law, established by the Michigan Supreme Court and the State Bar of Michigan, has made significant strides in promoting mental health and well-being among legal professionals. Their comprehensive report, released in August 2023, outlines 21 specific recommendations aimed at improving the work environment for lawyers, law students, and judges. These recommendations emphasize the importance of mental health support, reducing stigma, and fostering a culture of well-being within the legal community. The subsequent establishment of the Commission on Well-Being in the Law ensures the continued implementation and monitoring of these initiatives.

Furthermore, law schools in Michigan are increasingly recognizing the importance of addressing well-being from the outset of legal education. Institutions like the University of Michigan Law School are incorporating well-being initiatives into their curricula, providing students with the tools and resources needed to navigate the stresses of legal education and practice. These efforts not only support the mental health of future lawyers but also contribute to a more positive public perception of the profession.

CONCLUSION

The divergence between public perception and the reality of legal practice in Michigan presents a multifaceted challenge that impacts not only the legal profession but also the broader societal commitment to the rule of law. While negative stereotypes and misinformation about lawyers persist, initiatives at both the state and institutional levels are actively working to address these issues.

Professional development is also integral to the legal profession in Michigan, ensuring that lawyers maintain competence and uphold ethical standards. Through initiatives like CLE requirements, law school programs, bar passage support, career coaching, and specialized legal education resources, Michigan lawyers are equipped to meet the evolving demands of the legal field. These efforts not only enhance individual lawyer competence but also contribute to the public's trust in the legal profession, reinforcing the rule of law in Michigan.

Despite these advancements, the task of reshaping public perception remains ongoing. Continued efforts are necessary to bridge the gap between the public's views and the realities of legal practice. This includes enhancing transparency, engaging in community outreach, and promoting positive representations of lawyers in the media.

Ultimately, aligning public perception with the reality of legal practice is essential for maintaining the integrity of the rule of law in Michigan. A well-informed public that trusts its legal professionals is more likely to engage with the legal system, uphold legal norms, and contribute to a just society. By continuing to address the challenges of perception and reality, Michigan can foster a legal environment that is both effective and respected by the public it serves.

IN FOCUS

LGBTQ+ LAW

BY PETER KULAS-DOMINGUEZ

The State Bar of Michigan LGBTQ+ Law Section is pleased to present another LGBTQA law theme issue. Our section was honored to have a theme issue back in 2019, and it is great to be able to share some highlights of what the section has accomplished in its eight years of existence. Looking back, three things stick out to me: collaboration, inclusion, and change.

COLLABORATION

Over the years, the section has strived to collaborate with other State Bar sections. We have worked with the Family Law Section, the Young Lawyers Section, and the Criminal Law Section, just to name a few.

One major victory was years in the making. The section collaborated with legislators and other community stakeholders to reform parentage laws to treat LGBTQ+ and other nontraditional families equally. On April 1, 2025, the Michigan Family Protection Act became law, which reduces — and in some cases, eliminates — the need for families to go through a costly and invasive process to get documentation confirming their parental status. Additionally, one law repealed was one that made Michigan the only state to criminalize surrogacy contracts; it now protects surrogates and families using surrogacy and in vitro fertilization. Significant reforms also expanded usage of the affidavit of parentage by strengthening protections for parents who conceive via assisted reproductive technology and artificial insemination. This new law paves the way for Michiganders to start families and save time and money on government paperwork, and it promotes equal treatment under the law.

The section also recognized the need to support younger lawyers and encourage engagement with the Bar by sponsoring a booth at the Institute of Continuing Legal Education's Family Law Institute as part of the 2020 Young Lawyers Summit and creating a mentoring process within our section. After all, a section performs at its peak with strong leadership, a community of dedicated supporters, and that comes with supporting the younger generation at the beginnings of their career.

While these collaborations are more recent, I would be remiss not to mention that in the section's beginnings, we worked with the Michigan Law Revision Commission to address problems identified in the 2016 draft report titled "Same-Sex Marriage: A Review of Michigan's Constitutional Provisions and Statutes." The hope was to spur legislative reform to a multitude of gender-specific laws that needed to be neutralized following the U.S. Supreme Court ruling in *Obergefell v. Hodges* in 2015.

Finally, something I found rewarding and inspiring was the section's sponsorship of and participation in the third annual Gender and Sexuality Moot Court Competition at the Michigan State University College of Law in March of 2024 and 2025. Not only was the competition directed by section member and MSU law professor Heather Johnson, but I served as one of the judges in 2024 and was impressed with the talented law students who came from across the country to compete.

INCLUSION

The section adopted a position to remove the third sentence from a proposed amendment to the Michigan Code of Judicial Conduct Canon 2(F) that reads, "A judge should be particularly cautious with regard to membership activities that discriminate, or appear to discriminate, on the basis of race, gender, or other protected personal characteristic" and replace it with "A judge shall not hold membership in any organization that practices invidious discrimination on the basis of religion, race, national origin, ethnicity, sex, gender (including transgender), or sexual orientation."

The section, while recognizing that most people — including most transgender people — are either male or female, acknowledges that not everyone fits into those categories. For example, some people have a gender that blends elements of being a man or a woman, or a gender different from either male or female. Some people don't identify with any gender, and some people's gender changes over time. People whose gender is neither male nor female use

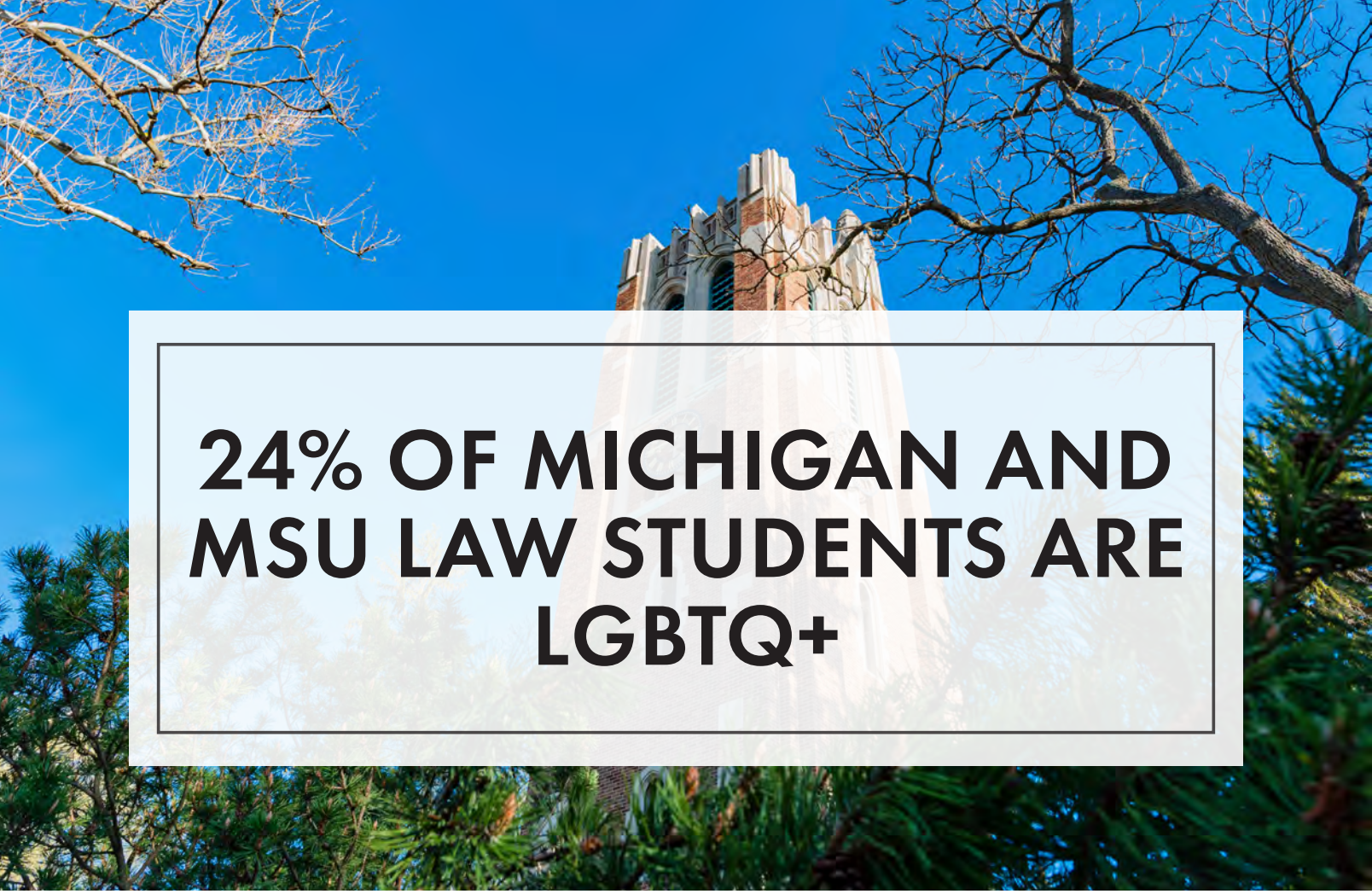
many different terms to describe themselves, with nonbinary being one of the most common. The section worked to change SBM forms to include nonbinary as a gender identity.

CHANGE

The section's focus on collaboration and inclusion is aimed at effectuating change. And we have seen a lot of positive changes for Michigan's LGBTQ+ community. The section shared its collective knowledge and submitted amicus briefs on equitable parentage and LGBTQ+ protections under the Elliott-Larsen Civil Rights Act, created and sent LGBTQ+ bench cards to Michigan judges, and made presentations to various agencies across the state to ensure our courts are culturally competent.

It's incredible to write about all the section's accomplishments in just eight years, but there remains a lot of work ahead of us. Please reach out to me, Kerene Moore, or anyone on the council if you have questions or would like to get involved with the section.

Peter Kulas-Dominguez, an attorney-referee for the 17th Circuit Court Family Division, is a member of the Grand Rapids Bar Association and a former council member and former chair of the SBM LGBTQA Law Section. He was honored by the Grand Rapids Bar Association in 2018 with its 3 in 10 Award, presented to attorneys in their first 10 years of practice for their outstanding professional achievements, exceptional public service, and significant contributions to the profession.



24% OF MICHIGAN AND MSU LAW STUDENTS ARE LGBTQ+

Challenges and opportunities for lawyers, judges, and the legal profession in Michigan

BY HEATHER L. JOHNSON

The number of individuals who identify as LGBTQ+[1] in Michigan is increasing. There is a greater recognition of diverse identities and a greater willingness for people, especially younger people, to be open about their identity.[2] Recent reports indicate that 4% of the Michigan population identifies as LGBTQ+.[3]

A GROWING NUMBER OF LGBTQ+ LAWYERS AND LAW STUDENTS

While the LGBTQ+ community has long been underrepresented in the legal field,[4] the number of LGBTQ+ attorneys is also steadily growing. Approximately 4.17% of attorneys at American law firms identify as LGBTQ+.[5] More law students identify as part of the LGBTQ+ community than ever before. A 2022 survey by the National Association for Law Placement found that 9.37% of law firm summer associates identified as LGBTQ+.[6] Even more eye-catching is the growing demographic data being reported nationally for students matriculating to law school. In 2024, both Michigan State University and the University of Michigan reported an increase in the number of LGBTQ+ law students in the entering class for fall 2024. MSU College of Law reported 24%[7]of the incoming students, and Michigan Law reported a similar, but slightly higher, percentage of 24.6%[8] of incoming students as LGBTQ+. While you might want to do a double take on these numbers, they are up only slightly from a year prior, when MSU College of Law reported 20%[9] and Michigan Law reported 22.1%[10] of their entering students identified as LGBTQ+. It is not a one-year blip or statistical

fluke. This means that approximately one out of every four students at the two largest law schools in Michigan identify as LGBTQ+, which is consistent with data from law schools across the nation, as indicated in the table below.[11]

2027 CLASS PROFILE DATA (% OF LGBTQ+ STUDENTS)

As LGBTQ+ rights continue to evolve in the United States, the legal profession must confront both new and persistent challenges. This essay will consider issues relating to evolving legal protections, judicial independence, mental health, and the influx of LGBTQ+-identified lawyers into legal practice. The last section of this essay explores recommendations for ways in which the legal profession can support the increasing number of LGBTQ+ lawyers by creating a more inclusive, supportive legal environment for all. (See table 1).

LEGAL PROTECTIONS AND THE EVOLVING STATUS OF LGBTQ+ RIGHTS

A Changing Legal Landscape

The landscape of LGBTQ+ rights in the United States is rapidly evolving, particularly in the wake of major Supreme Court decisions like *Obergefell v. Hodges* (2015),[12] which legalized same-sex marriage nationwide, and *Bostock v. Clayton County* (2020),[13] which extended Title VII of the Civil Rights Act of 1964 to prohibit employment discrimination based on sexual orientation and gender identity. Despite these decisions, many legal protections for LGBTQ+ individuals remain precarious, particularly in areas such as health care, housing, education, and public accommodations.

At the state level, Michigan has made many strides toward LGBTQ+ inclusion and equality. Michigan passed legislation expanding the Elliott-Larsen Civil Rights Act, solidifying protections for sexual orientation, gender identity, and expression to ensure that no Michigan resident can be fired from their job or evicted from their home based on how they identify.[14] Michigan became the 22nd state to ban conversion therapy for minors in 2023.[15] Michigan became the last state to decriminalize paid surrogacy to protect families that use IVF and to ensure LGBTQ+ parents are treated equally.[16] The Michigan Supreme Court amended the Michigan Court Rules to allow parties and attorneys to provide a preferred salutation or personal pronoun in court documents, and the rules require the courts to use the individual's name, preferred salutation or personal pronoun, or other respectful means to address, refer to, or identify the party or attorney.[17] And, most recently, Michigan became the 20th state to ban the gay/trans panic defense.[18]

However, LGBTQ+ rights continue to be subject to legal and political contention in Michigan. Ongoing cases involve challenges to the exclusion of LGBTQ+ protections under Michigan law in adoption and foster care, employment, and where religious freedom claims may conflict with nondiscrimination principles.[19]

Transgender Rights and State-Level Challenges

While *Bostock* extended protections against discrimination based on sexual orientation and gender identity in the workplace, transgender issues remain in dispute, such as access to gender-affirming health care, participation in sports, and recognition of gender on official documents. Michigan legislators introduced bills last session to limit access to gender-affirming health care for minors,[20] mirroring trends seen in states like Florida and Texas. Enactment of such legislation would create a patchwork of legal rules across the country and require lawyers to be agile in their representation of transgender individuals.

The Supreme Court has taken up the question of gender-affirming care after the Sixth Circuit rejected requests from families and medical providers to block laws in Tennessee and Kentucky that ban such care. In *United States v. Skrmetti*,[21] the Supreme Court will consider the ban targeting hormone therapies (hormone replacement therapy and puberty blockers), but not surgical care. In arguments before the Supreme Court and in its Cert Petition, the United States

Table 1. 2027 Class Profile Data

Law School	# of Students	% LGBTQ+	Men	Women	Non-binary or Other Gender
Michigan Law Schools					
Michigan State University	143	24%	44%	50%	6%
University of Michigan	320	24.6%	49.3%	48.4%	2.1%
Other Law Schools					
UC Berkeley [38]	350	35%	35%	60%	5%
Columbia[39]	394	26%	41%	56%	3%
Harvard[40]	793	22%	*	53%	*
Ohio State University[41]	160	19%	44%	55%	1%
University of Cincinnati[42]	137	20%	41%	55%	4%
University of Pennsylvania[43]	251	28%	*	50%	*
University of Virginia[44]	308	19%	46%	54%	*
Yale University[45]	204	22%	*	56%	*

*value not reported

Department of Justice under the Biden administration argued that the ban is a clear example of discrimination on the basis of sex and transgender status,[22] because allowing a doctor to prescribe testosterone to a cisgender teenage boy for any clinical diagnosis but not allowing the doctor to do the same for a transgender boy diagnosed with gender dysphoria, would be a violation of the Equal Protection Clause of the 14th Amendment. The Sixth, Eighth, and Eleventh Circuit Courts of Appeals[23] have allowed these bans to take effect. If the Supreme Court finds that states can ban medical treatment for trans youth with gender dysphoria, then existing laws banning gender-affirming care will stand, and other jurisdictions could also adopt similar bans.

JUDICIAL INDEPENDENCE AND EDUCATION IN A POLARIZED POLITICAL ENVIRONMENT

Education about the history of LGBTQ+ animus and the need to provide accurate historical information to the judiciary that may not be familiar with the LGBTQ+ community will fall to attorneys litigating these issues. For example, on December 4, 2024, in the oral arguments for the *United States v. Skrmetti,* questions from Supreme Court Justices Amy Coney Barrett and Brett Kavanaugh focused on *de jure* discrimination faced by trans people. Chase Strangio, the first known trans person to argue before the Supreme Court, was able to answer questions about the long history of cross-dressing laws targeting trans people and about laws banning trans people from military service.[24]

One of the most pressing challenges for attorneys who are trying to uphold the rule of law that protects LGBTQ+ rights is judicial independence. Political polarization has already begun to influence the way judges are selected, and when judges are nominated, they are questioned in the vetting process about their approach to cases involving LGBTQ+ rights.[25] In 2020, Lambda Legal provided legal reporting and analysis that "[n]early 40 percent of the federal judges that President Donald Trump has appointed to the courts of appeals have demonstrated history of hostility towards the LGBTQ+ community — an overall increase from the 1-in-3 number reported in Lambda Legal's 2018 and 2019 reports."[26]

Judicial independence has come under threat through calls for impeachment of judges,[27] attempts to limit courts jurisdictions,[28] and actual violence against judges and their families.[29]

Lawyers and judges in Michigan could face the challenge of navigating attempts to threaten and pressure them, especially in cases that are based on politically charged issues, such as those related to the fundamental rights affirmed in *Romer,*[30] *Obergefell,*[31] and *Bostock*.[32]

MENTAL HEALTH AND WELLNESS OF LGBTQ+ LEGAL PROFESSIONALS

LGBTQ+ lawyers, like their colleagues, face mental health challenges related to the high demands of legal practice.[33] However, LGBTQ+ lawyers may experience unique stressors, such as fear of discrimination, rejection, or harassment in the workplace. A survey by the American Bar Association in 2020 found that LGBTQ+ lawyers reported higher rates of stress, burnout, and depression compared to their heterosexual counterparts, with a disproportionate impact on transgender and non-binary lawyers.[34] These challenges are compounded by the intersectional barriers that LGBTQ+ lawyers of color face.[35] The State Bar of Michigan's Lawyers & Judges Assistance Program notes that improving and protecting attorneys' well-being helps to maximize their professional competency.[36]

The legal profession could address these mental health challenges by providing resources tailored specifically to LGBTQ+ lawyers. This could include creating support networks for LGBTQ+ lawyers, such as mentorship programs and peer-to-peer counseling, as well as providing access to confidential counseling services. The legal profession should also ensure that resources for managing mental health and wellness are easily accessible, emphasizing the importance of addressing both personal well-being and professional success.

The State Bar can also work to improve mental health resources for LGBTQ+ lawyers by promoting wellness initiatives of the LGBTQ+ Law Section that are sensitive to the unique stressors faced by LGBTQ+ individuals. Mental health workshops and peer support groups that are specifically geared toward LGBTQ+ lawyers would create a sense of community and alleviate some of the pressures unique to the experience of being an LGBTQ+ lawyer.

THE INFLUX OF LGBTQ+ LAWYERS: PREPARING THE LEGAL PROFESSION

The LGBTQ+ Law Section believes the legal profession should prepare for the increasing number of LGBTQ+ attorneys by creating an inclusive and welcoming environment. The legal profession should continue to work to see that all legal professionals, including LGBTQ+ lawyers, are treated with respect and given equal opportunities for advancement.

The LGBTQ+ Law Section also believes a critical step in this direction is providing training and professional development opportunities that focus on the specific needs of LGBTQ+ lawyers. The legal profession should offer continuing legal education courses that address the legal needs of LGBTQ+ individuals, as well as creating a platform for LGBTQ+ lawyers to engage in networking, professional development, and advocacy work. Additionally, mentorship programs are needed to connect LGBTQ+ law students and new lawyers with experienced professionals who can guide them through the challenges of the legal profession. The State Bar of Michigan should reflect a commitment to diversity and inclusion by creating a designated area for Michigan attorneys to identify their pronouns on their SBM profile. These steps will ensure that Michi-

gan creates a welcoming environment for all attorneys, which also will support recruitment and retention efforts of LGBTQ+ attorneys to keep top talent in Michigan.

ADDRESSING INTERSECTIONALITY: ADVOCATING FOR MARGINALIZED LGBTQ+ INDIVIDUALS

LGBTQ+ lawyers, judges, and legal professionals must also address intersectionality, particularly the ways in which race, gender, and socioeconomic status intersect with sexual orientation and gender identity. LGBTQ+ people of color, LGBTQ+ people with disabilities, and LGBTQ+ individuals from lower-income backgrounds face compounded discrimination in legal and social settings. California has just enacted a new law[37] clarifying that discrimination can happen based on an intersection or combination of protected characteristics that Michigan can look to as model legislation.

For example, a Black LGBTQ+ lawyer may face both racial discrimination and anti-LGBTQ+ bias, creating a need for a nuanced approach to professional development, mentorship, and advocacy. Targeting resources that focus on supporting LGBTQ+ lawyers from underrepresented groups could help address these issues by raising awareness about structural bias, deploying LGBTQ+ Law Section experts to offer programming for attorneys, developing mentorship programs, and creating diversity initiatives within legal institutions. Addressing these disparities requires a multifaceted approach that considers the unique needs of LGBTQ+ individuals at the intersection of multiple forms of oppression.

CONCLUSION

Acknowledging/recognizing the growing number of LGBTQ+ -identified individuals in the population at large and the increasing number of LGBTQ+ attorneys and judges in the legal profession is important. The legal profession should ensure that LGBTQ+ lawyers and judges are supported, respected, and given the tools to succeed in a profession that is still grappling with issues of bias, discrimination, and political polarization.

The increase in LGBTQ+ attorneys and judges comes at a time in which there are ongoing challenges focused on the evolving legal protections for LGBTQ+ individuals, particularly transgender rights, and at a time when judicial independence and education are critical. The LGBTQ+ Law Section believes the profession should help support these attorneys by creating an inclusive environment, providing professional development opportunities, and addressing the unique mental health and wellness needs of LGBTQ+ individuals, particularly those at the intersection of multiple marginalized identities.

By adopting proactive policies and initiatives, Michigan can help shape a legal profession that is diverse, inclusive, and capable of protecting the rights of all individuals, regardless of sexual orientation or gender identity.

Heather Johnson is fixed-term faculty and director of the Gender and Sexuality Moot Court Program at Michigan State University College of Law, where they teach courses in Law and Gender and Higher Education Law and Policy. Johnson regularly contributes to the LGBTQ+ Law Section of the State Bar of Michigan and uses she or they pronouns.

ENDNOTES

1. LGBTQ+ is used here as the acronym for Lesbian, Gay, Bisexual, Trans, Queer/Questioning, +. This acronym includes Intersex, Asexual, Agender, Pansexual, Two-Spirit, and Androgynous and may refer to anyone who is non-heterosexual, non-heteromantic, or non-cisgender. See *LGBTQIA Resource Center Glossary*, UC Davis <https://lgbtqia.ucdavis.edu/educated/glossary> (all websites accessed May 7, 2025).
2. LGBTQ+ individuals have been a historically undercounted population as a historically disfavored group, with consistent and reliable survey methods only developed in the last two decades to gain accurate data. Many individuals may remain closeted and do not self-identify for fear of harm or discrimination, which makes the LGBTQ+ populations hard to count. Recent survey data from Public Religion Research Institute (PRRI) indicates that the number of self-identified LGBTQ+ individuals is on the rise and that we can anticipate the number of individuals who outwardly identify as LGBTQ+ to continue to increase in the coming years based on the following data. Generation Z (born 1995-2012) are *significantly* more likely to identify as LGBTQ+, with 28% identifying as LGBTQ+, compared to 16% of millennials (born 1980-1994), 7% of Generation X (born 1965-1979), 4% of baby boomers (born 1946-1964), and 4% of the silent generation (1928-1945).
See *A Political and Cultural Glimpse Into America's Future: Generation Z's View on Generational Changes and The Challenges Of Opportunities Ahead*, Public Religion Research Institute (January 2024), p 11 <https://www.prri.org/wp-content/uploads/2024/01/PRRI-Jan-2024-Gen-Z-Draft.pdf>.
3. *LGBT Data & Demographic, LGBT Proportion of Population: Michigan,* UCLA School of Law Williams Institute, <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&area=26#density> (updated January 2019).
4. *2022 Report on Diversity in U.S. Law Firm,* National Association for Law Placement (January 2023) <https://www.nalp.org/uploads/Research/2022NALPReportonDiversity_Final.pdf>.
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6. *Id.*.
7. *Meet the Fall 2024 Incoming Class*, Michigan State University College of Law, <https://www.law.msu.edu/admissions/class-profile.html> (updated August 8, 2024).
8. *Meet Michigan Law's JD Class of 2027*, University of Michigan Law School <https://michigan.law.umich.edu/news/meet-michigan-laws-jd-class-2027>.
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10. *Meet Michigan Law's JD Class of 2026*, University of Michigan Law School <https://michigan.law.umich.edu/news/meet-michigan-laws-jd-class-2026>.
11. Random sample of ABA-approved law schools that report class profile statistics online. Law Schools are not required to report this data. The table was created from a sample of schools reporting LGBTQ+ data from a range of regions, rankings, and selectivity.
12. *Obergefell v. Hodges*, 576 US 644; 135 S Ct 2584; 192 L Ed 2d 609 (2015).
13. *Bostock v. Clayton Co, Ga*, 590 US 644; 140 S Ct 1731; 207 L Ed 2d 218 (2020). One of the cases consolidated at the Supreme Court included the Michigan case of *EEOC v. RG & GR Harris Funeral Homes Inc*, 884 F3d 560 (CA 6, 2018) where Aimee Stephens was terminated by Harris Funeral Homes because of her planned transition.
14. Elliott-Larsen Civil Rights Act, MCL 37.2101 (2024)
15. *Protecting Minors From Conversion Therapy*, Executive Directive, No. 2021-3.
16. Assisted Reproduction and Surrogacy Parentage Act, Public Act 24 (2024) <https://www.legislature.mi.gov/documents/2023-2024/publicact/pdf/2024-PA-0024.pdf>.
17. MCR 1.109(D)(1)(b).

18. MCL 760.1-777.69. See *Gay/Trans Panic Defense Bans*, Movement Advancement Project <www.mapresearch.org/equality-maps/panic_defense_bans>.
19. *Christian Healthcare Ctrs v. Nessel*, 117 F4th 826 (CA 6, 2024).
20. 2023 HB 4257; 2023 HB 4539; and 2023 HB 4540.
21. *US v. Skrmetti*, 144 S Ct 2679; 219 L Ed 2d 1297 (2024).
22. Petition for Writ of Certiorari, *Skrmetti*, *supra* n 29 <https://www.supremecourt.gov/DocketPDF/23/23-477/288875/20231106135238432 _U.S.%20v.%20Skrmetti%20-%20Pet.pdf>.
23. See *LW v. Skrmetti*, 83 F4th 460 (CA 6, 2023); *Brandt v. Rutledge*, 47 F4th 661 (CA 8, 2022); *Eknes Tucker v. Governor of Ala*, 80 F4th 1205, 1230 (CA 11, 2023) (The Sixth and Eleventh Circuits found that the ban for gender-affirming care for minors only triggered rational-basis review while the Eighth Circuit took a different course and found that the Alabama law did not amount to a sex-based or quasi-suspect classification for equal protection purposes because the classification was based on age.)
24. See Transcript of Oral Argument, *US v. Skrmetti*, 144 S Ct. 2679 at 109-111 (2024) <https://www.supremecourt.gov/oral_arguments/argument_transcripts/2024/23 477_c07d.pdf>.
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30. *Rover v. Evans*, 517 US 620; 116 S Ct 1620; 134 L Ed 2d 855 (1996).
31. *Obergefell*, *supra* n 20.
32. *Bostock*, *supra* n 21.
33. Healy & Fortgang, *The full weight of the law: how the legal professionals can recognize the rebound from depression* (ABA Book Pub, 2017), p 6.
34. *ABA Study: Disabled, LGBTQ+ lawyers face discrimination*, American Bar Association (July 20, 2020) <https://www.americanbar.org/news/abanews/aba-news-archives/2020/07/aba-study-lgbtq-disabled-lawyers/>.
35. *Id.*
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39. *JD 2024 Entering Class Profile*, Columbia Law School <https://www.law.columbia.edu/admissions/jd/entering>.
40. *HLS 1L Profile and Facts*, Harvard Law School <https://hls.harvard.edu/jdadmissions/apply-to-harvard-law-school/jdapplicants/hls-profile-and-facts/> (updated August 23, 2024).
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42. *JD Class Profile*, University of Cincinnati College of Law <https://law.uc.edu/admissions-aid/jd-class-profile.html>.
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LGBTQ+ YOUTH IN FOSTER CARE

Struggles, misconceptions, and how the legal community can do better

BY ANDREA G. FOGELSINGER

In recent years, there has been progress in raising awareness of the struggles faced by the LGBTQ+ community; however, there is still much to be done with acceptance and legal protections. While some young people find it easier to come out as their true identities and can do so in more welcoming environments than in the past, this is not the case for the entire LGBTQ+ community.

Far too often, LGBTQ+ youth come out to hostile reactions from family members and are forced from their homes, run away, or enter the foster care system.[1] This is part of the reason LGBTQ+ youth are drastically overrepresented in the child welfare system. Studies show that about 30% of youth in foster care identify as LGBTQ+, and 5% identify as transgender.[2] In comparison, 11% of youth not in foster care identify as LGBTQ+, and 1% identify as transgender.[3]

This article provides an overview of the foster care system and, specifically, the issues LGBTQ+ youth can face so Michigan attorneys can better understand and better serve their clients.

FOSTER CARE

Michigan statute defines foster care as "a child's placement outside the child's parental home by and under the supervision of a child placing agency, the court, or the department [of health and human services]."[4] LGBTQ+ youth enter the child welfare system and foster care for many of the same reasons as other youth — their families cannot or choose not to provide a safe and stable home.[5] LGBTQ+ youth may also enter the system due to rejection by their families and neglect and abuse specifically due to identifying as LGBTQ+ or questioning their sexual orientation or gender identity.[6]

After facing the trauma and maltreatment that forced them into foster care, LGBTQ+ youth experience further bias and discrimination at the hands of a system often ill-equipped to competently meet their needs.[7] Far too many LGBTQ+ youth face harassment, hostility, and rejection once placed in a foster home.[8] As a result, LGBTQ+ youth are far more likely to experience multiple disrupted placements or homelessness once in the system, compounding the trauma they faced after having been removed from their families.[9] LGBTQ+ youth also face bias and discrimination when interacting with child protection and foster care workers in addition to policy and structural barriers that prevent them from receiving the services they need.[10]

In one study, twice as many LGBTQ+ youth reported being treated poorly in the foster care system compared to the rate reported by non-LGBTQ+ youth.[11] Misconceptions or lack of education regarding LGBTQ+ youth are often the cause of harmful interactions between the youth and workers. Even well-meaning child protection and foster care workers can be the source of negative interactions. The Human Rights Campaign has many resources to assist professionals working with LGBTQ+ youth.[12]

The unique challenges and barriers LGBTQ+ youth face in foster care must be considered and addressed to provide adequate and inclusive care.[13] With proper guidelines, child protection workers, foster workers, and advocates for LGBTQ+ youth can provide a more affirming environment for and better relationship with their clients.

MEDICAL CARE

Transgender youth in foster care face additional struggles regarding medical care. Gender-affirming care is recommended or seen as evidence-based patient care for transgender youth by several major medical and mental health organizations, including the American Academy of Pediatricians, the Endocrine Society, the American Academy of Child and Adolescent Psychiatry, the American Psychiatric Association, and the American Medical Association.[14]

Despite that support, state legislatures and administrations have increasingly passed — or are trying to pass — legislation or policies eliminating or endangering access to gender-affirming care for transgender youth.[15] As of 2023, transgender youth in 30 states had lost or are at risk of losing access to gender-affirming care due to passed or pending legislation.[16] Michigan lawmakers have introduced several bills that would potentially criminalize providing gender-affirming care to transgender youth.[17]

Threats and bans to gender-affirming care make access especially difficult for transgender youth in foster care, and it's even harder in states without a clear policy on supporting and providing necessary medical care to transgender youth. Notably, none of the Michigan Department of Health and Human Services (MDHHS) foster care manuals address gender-affirming care. At most, one manual references LGBTQ+ once in a list of specific life-skills assessments for youth in care.[18] However, MDHHS policies do state that "[a]ll children in foster care are entitled to health care services."[19]

Additionally, an MDHHS form, Rights and Responsibilities for Children and Youth in Foster Care, includes the right to receive medical and mental health care regularly or as needed.[20] While MDHHS policies do not specifically support gender-affirming care for transgender youth, federal policies and funding sources support LGBTQ+ youth with appropriate support and services, including gender-affirming care.[21] Michigan attorneys can use this to ensure the youth they represent receive the proper services and support.

Attorneys advocating for gender-affirming care can also cite the federal Department of Health and Human Services Administration on Children, Youth, and Families (DHHS) memorandum guiding child welfare agencies serving LGBTQ+ youth, which outlines how appropriately serving LGBTQ+ youth is required for federal funding.[22] The memorandum states that DHHS "and all leading national medical and pediatric associations confirm that providing gender-affirming medical care is in the best interest of children and youth who need it."[23] It further states that services and support should be individually tailored to the youth in care, including those related to the youth's sexual orientation, gender identity, or gender expression.[24]

HOW THE LEGAL COMMUNITY CAN HELP

What does this mean for the legal community working with LGBTQ+ youth? As advocates for youth in foster care (or any legal area), we can look closely at our own inherent biases and assess whether we provide a safe and affirming environment to all of our clients. We need to take time to educate ourselves and better understand the unique challenges LGBTQ+ youth face. If you work in a firm or at a court, this may include building the competency of your fellow judges, attorneys, and staff members.[25]

The Human Rights Campaign has resources specifically for advocates of youth in the foster care system.[26] Building this competency can help can minimize negative impacts LGBTQ+ youth face in foster care as advocates become better at identifying issues and prepare to zealously advocate for the appropriate and necessary care and supports. Additionally, attorneys should be aware of legislation that could negatively impact their LGBTQ+ youth clients.

CONCLUSION

LGBTQ+ youth are greatly overrepresented in the foster care system. Not only do they experience the trauma associated with entering the foster care system, but that trauma often continues due to hostile foster placements or foster care agencies that have not developed and implemented policies to best support the LGBTQ+ youth in their care. As legal practitioners working with LGBTQ+ youth, we can educate ourselves on the issues they face and use that knowledge to ensure they receive the understanding and advocacy they deserve and need.

The issues faced by LGBTQ+ youth in foster care are vast and multifaceted, including details beyond the scope of this article. If you are interested in learning more, please use the resources cited in this article or reach out to the author for more information.

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6. *Id.*
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12. The Human Rights Campaign has numerous resources for improving inclusion when working with LGBTQ+ youth, including guides for advocates in the child welfare system, building staff competency, addressing misconceptions, pronouns, caring for LGBTQ+ youth, foster care and adoption, and many more. *All Children – All Families: LGBTQ+ Resources for Youth-Serving Professionals*, Human Rights Campaign Foundation <https://www.thehrcfoundation.org/professional-resources/all-children-all-families-lgbtq-resources-for-youth-serving-professionals#caring-for-lgbtq-youth> [https://perma.cc/RD3F-N3AP].
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Navigating the intersectionality of neurodiversity and LGBTQ+ clients' legal issues

BY ANGIE MARTELL

To better serve clients and community members, court personnel and attorneys should develop an understanding of the intersection between neurodivergence, disability, and LGBTQ+ identities.

Neurodiversity, or neurodivergence, refers to variations in the human brain regarding sociability, learning, attention, mood, or other mental functions.[1] And while neurodiversity recognizes and embraces the natural variations in the human brain and that no two individuals think, learn, interact, or perceive the world alike, terms like "neurodivergent," "neuroatypical," and/or "neurovariant" describe individuals who do not abide by what society perceives as typical ways of thinking and/or functioning. In other words, neurodivergence describes and can be used by anyone who does not display a typical (i.e., neurotypical) model of mental functioning.

An estimated 15-20% of the U.S. population is neurodivergent.[2] A 2018 study found that almost 70% of people with autism identify as non-heterosexual.[3] Although neurodivergence is not an inherently queer experience, it can affect an individual's perception of gender, relationships, attraction, pronouns, and presentation; thus, neurodivergence, as well as dimensions of identity, privilege, and historical oppression, often interacts with LGBTQ+ peoples' lives. Studies have shown that neurodivergent individuals are more likely to have transgender or gender-expansive identities than neurotypical individuals.[4]

Contributing factors to the increase in neurodivergence in the LGBTQ+ population may involve economic, health, and social disparities and the global epidemic of violence LGBTQ+ individuals face.[5]

Neurodiversity is also an umbrella term encompassing neurocognitive differences, such as autism spectrum disorder (ASD), attention deficit hyperactivity disorder (ADHD), dyslexia, Tourette's syndrome, anxiety, obsessive-compulsive disorder, depression, intellectual disability, and schizophrenia as well as "normal" neurocognitive functioning or neurotypicality.[6] Moreover, neurodivergence is not a medical term; individuals with these conditions may or may not consider themselves to be neurodivergent or to have a disability.[7]

While not all neurodivergent people consider themselves to have a disability, and no reliable estimate for the number of Americans with disabilities who identify as LGBTQ+ exists, an increasing number of studies have found an association between ASD and gender dysphoria.[8] It is estimated that anywhere from 6-25% of individuals with gender dysphoria have ASD, and autistic LGBTQ+ adults report higher barriers to health care, unmet health-care needs, self-reported mental illness, and being refused services by a medical provider.[9]

The historical stigmatization of the LGBTQ+ community may create challenges for neurodivergent LGBTQ+ people to disclose these parts of their identities.[10] As with most people who don't fit neatly into the box of what is considered normal, neurodivergent LGBTQ+ people are often bullied, shunned, treated as outcasts, or otherwise targeted unfairly for being different. It can be difficult for legal and medical providers to accurately access support and services for these clients, and some neurodivergent and/or disabled LGBTQ+ people face specific barriers to education, training, and employment if they disclose their identities. As such, practitioners must be aware of barriers and biases affecting their ability to access justice in the legal system.

LEGAL PROTECTIONS FOR NEURODIVERGENT INDIVIDUALS

Generally, three federal laws provide most of the legal protections for neurodivergent individuals:

- The Americans with Disability Act (ADA)[11] is a federal civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including legal, educational institutions, employers, and places of public accommodations.[12]
- The Individuals with Disabilities Education Act (IDEA) ensures students with disabilities receive the support they need to have equal access to education.[13]
- Section 504 of the Rehabilitation Act is a civil rights law that prohibits discrimination against people with disabilities in programs and activities that receive federal funding.[14]

Michigan also has at least two laws protecting LGBTQ+ neurodivergent individuals:

- The Persons with Disabilities Civil Rights Act[15] prohibits discriminatory practices, policies, and customs in the exercise of those rights; its purpose is to prescribe penalties and provide remedies and promulgation of rules.
- The Elliott-Larsen Civil Rights Act[16] prohibits discrimination based on religion, race, color, national origin, age, sex, height, weight, familial or marital status, sexual orientation, and gender identity in employment, housing, education, and access to public accommodations.

DISCRIMINATION AT THE INTERSECTION OF NEURODIVERGENCE, GENDER IDENTITY, AND SEXUAL ORIENTATION

Discrimination against neurodiverse individuals is pervasive: It is in our educational, legal, and employment systems and public accommodations. Failing to understand the intersectionality between gender identity, sexual orientation identity, and neurodivergence often leads to discrimination. The failure to understand the needs and services a person requires may be intentional, unintentional, or have a disparate impact on a larger class.[17]

The ADA prohibits workplace harassment, employment discrimination, and discrimination in housing and public accommodations. The percentage of Equal Employment Opportunity Commission disability charges related to neurodiversity has increased 10% in the last six years from 31% in 2016 to 41% in 2022.[18]

LGBTQ+ people with disabilities under the ADA face unique challenges as a result of their disability status and potential biases related to their sexual orientation and gender identity and expression.[19]

The equal protection clause of the U.S. Constitution and Title IX of the Education Amendments Act protect students, including LGBTQ+ students, from discrimination based on sex, which courts have applied to include protections for transgender and gender nonconforming students.[20] LGBTQ+ youth and students who are neurodivergent or have individualized education programs or 504 plans — which both serve as blueprints for how schools support students with disabilities—may not have their needs met adequately. Neurodivergent LGBTQ+ people, especially youth, are more likely to face barriers to medical and gender-affirming care.[21] These issues often present in legal cases, especially in domestic cases regarding custody, parenting time, and guardianship.

ACCESS TO JUSTICE AND CHALLENGES NEURODIVERGENT LGBTQ+ PEOPLE FACE

Courts have recognized that access to justice is a vital part of our judicial system, and the promise of fairness, equality, due process,

and liberty are part of the fabric on which it is based. For LGBTQ+ people, however, that promise has not fully become reality.

All individuals deserve to be treated fairly with courtesy and respect without regard to their race, gender, or any other protected personal characteristic. Respectful treatment of litigants by the courts is an important characteristic.

Often, the models or programs chosen by courts either through the probation department, friend of the court, guardian ad litem, or court services may not appropriate for someone who is neurodivergent or not safe for someone who is neurodivergent and LGBTQ+. Documents presented to and reports generated by the court may fail to adequately address the complexities of the needs in a given case. In some cases, requests or court orders set people up for failure before they begin.

One notable example is the AppClose and Our Family Wizard co-parenting apps in domestic cases. On the surface, the apps are very useful in many respects and have helped many families. However, this one-size-fits-all approach and automatic notion of ordering their use disregards whether they could present challenges to parties with difficulties multitasking and/or recognizing what they're being asked to provide, or if they have a disability under the ADA. In situations not analyzed with that lens early on, litigants may seem defiant, indifferent, and noncompliant with the court's order — which unfairly benefits the opposing party and often places the neurodivergent party in a defensive posture with the court.

Attorneys representing neurodivergent clients need to explore these issues early in the litigation and determine whether the client can comply with what is required and, if not, why that particular task presents a problem and which solution may be appropriate. Attorneys should be mindful of clients' challenges and prepare to provide alternatives and/or request accommodations from the court. Early conversations with the client regarding the best method of communication (e.g., phone, text, email) and challenges they may have dealing with court services (e.g., friend of court or probation) are essential.

CONCLUSION

The justice system — and those who work within it — must acknowledge neurodiversity and help those clients navigate the challenges they face. Additionally, neurodiverse LGBTQ+ clients often deal with misconceptions and stereotypes that question their abilities and demean their identities. It is important that we deepen our knowledge of access issues and biases that may arise from a lack of understanding of neurodiversity in the legal sector. Accommodations, education, resources, and training are key to ensuring equality and justice in our legal system.

The author thanks Rory Conlin and S. Kerene Moore for their assistance with this article.

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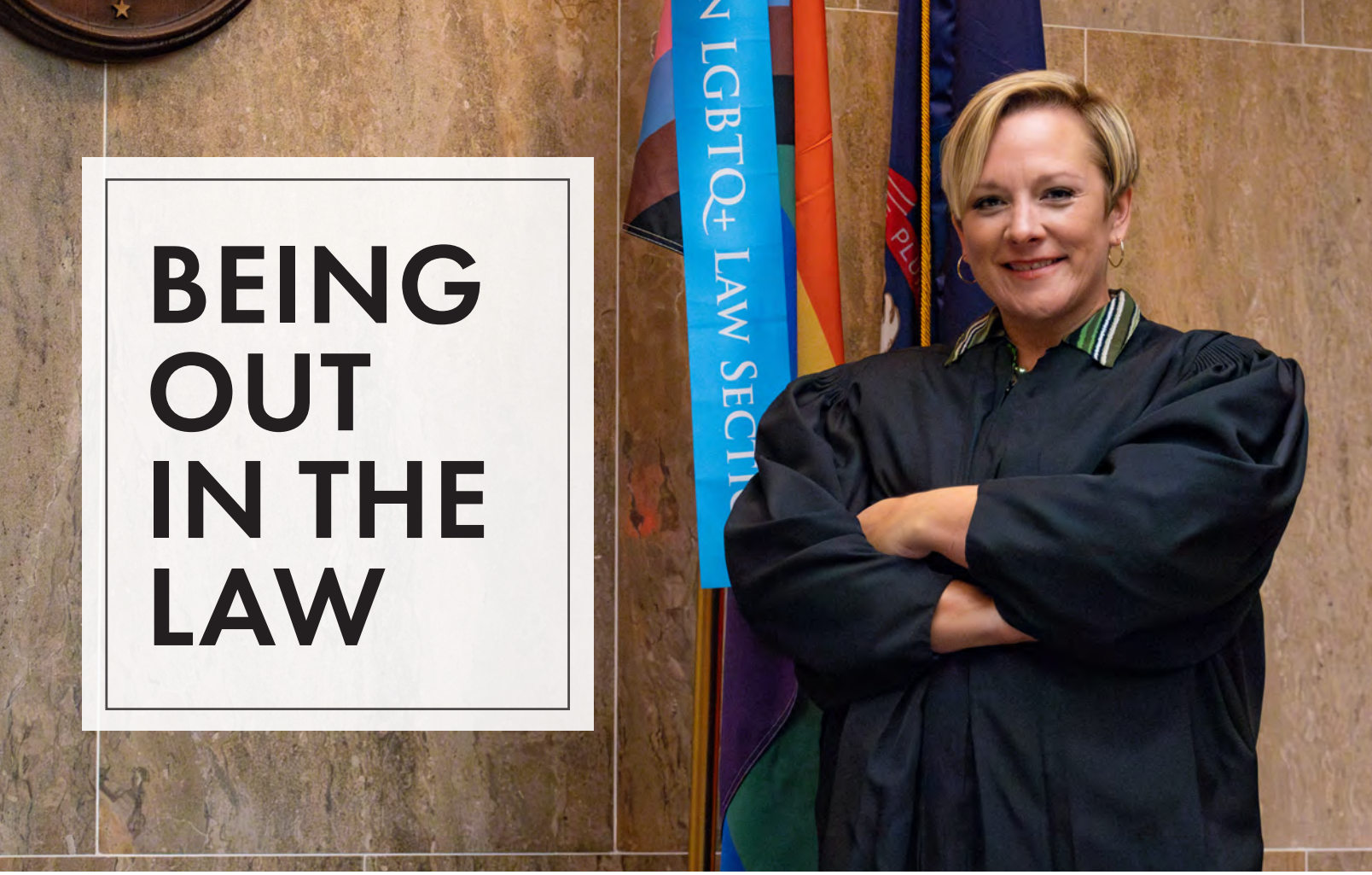

BEING OUT IN THE LAW

A conversation with Judge Amanda J. Shelton

BY SARAH PORTWOOD, ALEXANDER RIVARD, AND HAYLEY GRAY **EDITED BY** S. KERENE MOORE

Before her election to the Oakland County Sixth Judicial Circuit Court in 2022, Amanda J. Shelton practiced law for 18 years. A 2004 graduate of Wayne State University Law School, she worked in the commercial litigation group at Pepper Hamilton for seven years. During that time, she and her wife had two kids. In 2011, she and her best friend, Mary Deon, started a boutique litigation firm, Shelton & Deon Law Group, where for the next 11 years, Shelton represented small to mid-sized businesses in court and built a robust family law practice, which included a specialty in representing non-biological parents in same-sex couples arguing for custody and parenting time.

Shelton took the bench in January 2023, becoming the first openly lesbian woman elected to the Oakland County Circuit Court.

Editor's note: This interview has been edited for length and clarity.

Q: What led you to become a judge?

AJS: There is very little LGBTQ representation on the bench statewide. We needed somebody on the bench who not only had a diverse life perspective, but also had a long and diverse legal experience. I campaigned and maintained my practice all of 2022. It was a very busy year, but I was fortunate to be elected to the Oakland County Circuit Court and took the bench on January 3, 2023.

I did not hide who I was or who my family was when I campaigned. There was a real question on whether an openly lesbian candidate could win in this county. And I'm here to tell you, "Yes, you can." It was a whole lot of work, but I really enjoyed being able to speak

with lots and lots of Oakland County voters, and explaining why we select to do this work is incredibly important.

Q. Tell us a bit about your experience as a judge and how your identity has impacted your practice.

AJS: So far, my experience as a judge has been very satisfying and meaningful to me and, hopefully, to the litigants and attorneys who have passed through my courtroom. When you become a judge, you bring your life and work experience with you. I think it's important that the overall makeup of the judiciary reflects the community it serves. For me, it was critical that people from historically marginalized communities see themselves reflected somewhere among the various judges who serve them. I think it's important that people appearing in court, especially mine, know they will be heard for what they have to say and not prejudged because of who they are or how they appear. So far, that seems to really resonate with folks, and my staff and I work hard to make it happen every day. Is it perfect every day? No, but we try.

I think my experience as a litigator, a family law practitioner, a gay kid who grew up in Idaho, [and] a parent and spouse helped make me an empathetic and compassionate judge. I try to meet people where they are. It is intimidating for anybody — even folks who are in law school or are practicing attorneys — to walk into a courtroom. But our job, especially as family court judges, is to help people in crisis to get to the other side of it so they can be the parents they need to be for their kids and move on with their lives.

Anything we can do to make the process a little less threatening, a little less scary, and help people get through a traumatic time in their lives is our focus.

Q. As a judge, or even as an attorney before, what LGBTQ+ legal issues have you witnessed?

AJS: It's an exciting time to be a judge. I've worked on LGBTQ issues my entire career. I litigated with the ACLU in 2004 when the marriage amendment to the Michigan Constitution passed. It not only prohibited same-sex marriage in Michigan but prohibited any legal same-sex marriage done elsewhere from being recognized in Michigan. We litigated that case up to the Michigan Supreme Court and, unfortunately, lost there. However, that case paved the way for the LGBTQ civil rights cases that came after it. The marriage equality issue was ultimately appealed to the U.S. Supreme Court, which resulted in marriage equality becoming the law of the land. All of those cases, even when unsuccessful, helped lay the groundwork for success.

It's rewarding to see those things come to fruition now that I'm on the bench. I have same-sex divorce litigants and same-sex parents come before me routinely, and they're treated just like everybody else. Before marriage equality, the legal landscape in Michigan was very uncertain.

It also warms my heart to see greater understanding and acceptance for transgender people engaged in the legal process. Litigants are always a little bit nervous when they come to court, but the experience can be especially challenging for people who identify as trans — and that shouldn't be the case. I have the pride flag visible in my Zoom courtroom and my physical courtroom. My staff uses preferred pronouns for everyone to indicate to people, "You are welcome here as you are, and you will be heard here." When my colleagues see that I'm doing simple things like putting my pronouns in my Zoom identifications and email signature block, they're like, "Oh, yeah, I'll do that," and it grows from there.

Q. An amendment to the Michigan Court Rule 1.109 requires courts to use the name, honorific, and pronouns before the court. What changes have you noticed since its enactment?

AJS: I can only speak from my own experience, but I find that most of my colleagues really want to be respectful of litigants and the attorneys who appear before them but may not have the vocabulary or the comfort level to do that. I get questions from colleagues on how to address transgender litigants, [and] I encourage judges to simply ask, "How would you like me to refer to you today?" That usually goes a long way toward putting everybody at ease. When there's a name change in front of you for a transgender person, you signal to them that you're not going to call them by their "dead name." Using the phrase "dead name" helps communicate to the litigant, "Hey, we're good here. We're going to take care of you."

Certainly, there were scare tactics employed during the debate on the amended court rule. I had a colleague outside of my county say, "People are going to come in and they're going to require us to call them all sorts of things." That position struck me as unrealistic and unfairly dismissive of the very real concerns which motivated the rule change in the first place. I certainly haven't seen that alleged concern play out in my courtroom, and none of my colleagues seem to be having a hard time with the new rules either. Our job as jurists is to serve the people, and that means all the people, not just the people you're predisposed to be comfortable with.

Q. Going back in time a bit, you founded the Gay and Lesbian Law Caucus at Wayne State Law (the group is now known as OUTlaws). What was it like being a law student at that time?

AJS: I started law school in 2001 at Wayne State. I was surprised

that there was not an LGBTQ presence. Here we are in an urban university in the year 2001, and there was no LGBTQ presence at the law school. For a little bit, it was me sitting in a room by myself. I had some posters up, but it was just me.

Eventually, people came. Katie Strickfaden, who is a U-M undergrad alum and now the chief operating officer of Lakeshore Legal Aid, was at Wayne State Law at the time. I saw her in the hallway, and I did not know her yet, but I paused and said, "Hey, do you know you need to be at my meeting?" It was a funny and kind of an awkward conversation, but we wound up doing a lot of good work together, and the [group] became one of the most active on campus. It's rewarding to see how far the students have come at Wayne State Law regarding LGBTQ+ issues.

I also ran for the Student Board of Governors in my third year of law school. I was the first openly gay person to run for the presidency and win. During that campaign, there was a bit of pushback from my opponent because he was trying to weaponize my identity. That strategy backfired. Representing law students and the school itself was a very rewarding experience.

Q. What advice do you have for LGBTQ+ law students or other young people who are thinking about clerking or aspiring to be a judge?

AJS: I'm a big proponent of being out, but I also recognize that I can say that from a place of privilege as a white woman — and now as a middle-aged white woman.

When I was in law school, I had well-meaning professors who said, "Amanda, you cannot put on your resume that you were president of the Gay and Lesbian Law Caucus. You could get into one of these 'silk stocking' law firms, and then once you get there, maybe you can come out." But I was not going to turn Kay into Ken. I was not going to invent a boyfriend to come with me to events. It was important for me to be out, so I disregarded my professors' advice. At least I'd be honest and authentic with anyone thinking of hiring me.

Fortunately, it has really worked out for me. Now, would that work out for everybody? Not necessarily. It set me apart in on-campus interviews. It also projected to potential employers that I was comfortable in my own skin. I am sure I missed out on opportunities because of that disclosure, but I didn't want those opportunities anyway. I don't have any lawyers or judges in my family. I grew up poor in a single-mom household. I'd rather not have an opportunity than pretend to be somebody that I'm not in order to get an opportunity.

Twenty years down the road, it appears large law firms in particular have gotten the memo that it's important to be inclusive. Whether that's really happening is an open question. I always encourage law students to look at the partner ranks of prospective employers to see if they illustrate the firm's stated commitment to diversity. That can tell you a lot about a firm's culture.

Q. Michigan elects its judges as opposed to appointing them. What are the advantages and disadvantages to electing judges?

AJS: I think people are starting to realize the important role that judges play. All you have to do is listen to the news for 15 minutes and you'll hear, "Judge so-and-so from whatever court issued an opinion." For democracy to work, it's important for people to understand that although judicial elections in Michigan are nonpartisan, meaning you don't run under a party, the folks who are making decisions matter once the election is over.

It's also important to understand that judges move to different courts. They might start out in district court or circuit court, and then they might go up to the Court of Appeals or get appointed or run for the Supreme Court. So, it's incredibly important that people know to flip their ballot over and go to the nonpartisan section and figure out who the judicial candidates are. Trial court judges are the jurists with the most contact with community members. It is vital for a functioning democracy to have the best people on the bench from the trial courts to the Supreme Court, and voters need to do their homework before voting to ensure that happens.

Q. Can there be more LGBTQ+ representation at the appellate level?

AJS: Those who want changes at a higher level need to become engaged and organize behind candidates they feel are best suited to serve. I'm certainly grateful so many people felt that way about me. We still have a lot of work to do in our community to be better supporters of folks running for public office and those who would like to pursue higher levels of public office. We need to make sure that people from marginalized communities — and not just LGBTQ+ people — are getting opportunities to run for office and are properly supported. If folks want to address the many challenges remaining in our community, they must make sure they have a seat at the table.

Q. How do you manage mental health and burnout when faced with handling all these different cases?

AJS: I think third-party trauma is a real thing. Part of my docket is the abuse and neglect docket, and those are some very tough cases. After a tough case, it can be hard to leave the emotional baggage at the job and be fully present at home. Fortunately, my wife is super supportive. We've been together for 25 years. She has been through all my career ups and downs, including law school and studying for the bar. She's a great person to decompress with. I've gotten good — maybe too good — at compartmentalizing. Once I make a decision, I move on. You have to do that, or the size of the docket will destroy your mental health if you are constantly second-guessing your decisions.

My staff is very good at keeping my docket in check and helping me avoid burnout. Regardless of how heavy and hectic a day on the bench is, I can always count on them to lighten the mood while keeping me on track. Also, get a hot tub and a dog — preferably a rescue! A hot soak and time with my emotional support beagle is my go-to on tough days.

Sarah Portwood, Alexander Rivard, and Hayley Gray are members of OUTtreach, a division of Michigan Law OUTlaws, the LGBTQ+ student affinity organization at the University of Michigan Law School.

S. Kerene Moore is director of the conviction integrity and expungement unit for the Washtenaw County Prosecutor's Office.

OF INTEREST

Hon. Marilyn Kelly and Ashley Lowe Named as Michigan State Bar Foundation Award Recipients

The Michigan State Bar Foundation is pleased to announce the recipients of the 2025 Foundation Awards. Each year, the Foundation presents the Founders Award and the Access to Justice Award to honor the outstanding contributions of individuals whose work strengthens our legal system and promotes access to justice for all.

Justice Marilyn Kelly will receive the Founders Award. The award recognizes a lawyer who exemplifies professional excellence and outstanding community contributions. Ashley Lowe will receive the Access to Justice Award, which honors a person who has significantly advanced access to justice for low-income families in Michigan.

"It is a great privilege for the Foundation to acknowledge the remarkable contributions of this year's Foundation Award recipients," said Craig Lubben, President of the Michigan State Bar Foundation. "Their work reflects the highest ideals of the legal profession and contributes to achieving the goal of access to justice for all."

FOUNDERS AWARD

Justice Marilyn Kelly is the distinguished jurist in residence at the Wayne State University Law School, where she teaches a seminar focused on access to justice. Justice Kelly's illustrious legal career boasts of many accomplishments, including her 16-year tenure as chief justice of the Michigan Supreme Court. As chief justice, she created and led the Solutions on Self-Help Task Force that resulted in the creation of Michigan Legal Help. Michigan Legal Help is a nationally recognized online legal self-help platform that provides free resources and tools to help individuals understand and manage legal problems. She is an elected member and past chair of the Wayne State University Board of Governors. Her notable public service includes elections to the Michigan Court of Appeals and the Michigan State Board of Education, where she served as chair. Justice Kelly practiced law for 17 years and has been an active member of the State Bar of Michigan, where she served on the Representative Assembly and was a member of the Council of the Family Law Section. Justice Marilyn Kelly is a Fellow of the Michigan State Bar Foundation.

ACCESS TO JUSTICE AWARD

Ashley Lowe is the chief executive officer of Lakeshore Legal Aid in the Detroit metro region. She has dedicated her career to advocating for vulnerable populations who face barriers to accessing the justice system. Prior to joining Lakeshore, Lowe was the associate director of clinical education at Wayne State University Law School and a professor at Thomas M. Cooley Law School, where she founded and directed the Family Law Assistance Project. She began her career in Michigan at Dickinson Wright. She is an active member of the State Bar of Michigan, where she chairs the Justice Initiatives Committee and was recently elected to the Board of Commissioners. She also co-chairs the State Planning Body and is a member of the Justice for All Commission. A critical voice for access to justice, Lowe trains attorneys and speaks frequently about trauma-informed legal practice and the right to counsel in eviction cases. Lowe is a Fellow of the Michigan State Bar Foundation.

The Michigan State Bar Foundation, established in 1947, provides leadership and grants to improve the administration of justice and increase access to justice for all in the civil legal system.

MICHIGAN STATE BAR FOUNDATION MSBF

HOT TOPICS

The winding road to minimum wage increase and paid sick time for Michigan workers

BY JOHN PHILO

In *Mothering Justice v AG*,[1] the Michigan Supreme Court addressed whether an adopt-and-amend strategy by the state Legislature can be used to prevent citizens' initiatives from reaching the ballot. The strategy had been used to prevent initiatives from reaching the ballot in 2018. Those initiatives sought to increase the state minimum wage and eliminate tip credits for employers and to expand earned sick time for Michigan workers. The Court held that the strategy violated the Michigan Constitution, art. II, § 9, but the Court delayed implementation of the original enacted statutes due to perceived hardships, and, in part, seemed to suggest that a legislative solution might be sought in the interim. The impending implementation of the original statutes spurred the amendments found in Public Acts 1 and 2 of 2025.

After receiving the Governor's approval on February 21, Michigan's increased minimum wage law was enacted as Public Act 1 of 2025. Expanded paid sick leave was approved on the same day and was enacted as Public Act 2 of 2025. Both laws were given immediate effect.

Public Act 1 of 2025 amends Michigan's minimum wage law — the Improved Workforce Opportunity Wage Act[2]—to increase the state's minimum wage. Notable changes include a schedule of annual increases in the hourly wage rate for two years before it then becomes tied to changes in the rate of inflation. The Act also increases the wage rate paid by employers taking the tip credit for workers who receive gratuities and affects changes to the rate of overtime pay received by workers who are paid at Michigan's minimum wage rate.

As of February 21, 2025, the minimum wage for hourly workers has increased from $10.56 to $12.48.[3] The new rate will increase yearly until reaching $15 per hour on January 1, 2027.[4] Thereafter, the state treasurer is tasked with annually calculating an adjusted minimum wage.[5] Each year, the treasurer will adjust the minimum wage by multiplying the then-current wage rate by any increase in the Consumer Price Index for the Midwest region during the prior 12 months.[6] The calculations are made in October, published in November, and take effect on the first day of the following January.[7] The treasurer's adjusted minimum wage increases do not take effect if Michigan's unemployment rate, as determined by the U.S. Department of Labor's Bureau of Labor Statistics, for the preceding year is 8.5% or greater.[8]

The tip credit changes gradually increase the minimum cash wage (i.e., "tipped minimum wage") that employers must pay their employees who regularly and customarily receive tips (i.e., "gratuities"). Employers who take the tip credit are required to ensure that their employees receive a rate of pay equal to or greater than the minimum wage rate.[9] For such employees, the minimum wage they are paid is composed of a minimum cash wage that their employer pays and the tips that the employee receives from customers. The combined amount must meet or exceed the minimum wage rate. If it does not, the employer is required to make up any shortfall. Before the recent amendments,

Hot Topics is a new Michigan Bar Journal column edited by Gerard V. Mantese, and dedicated to significant and recent developments in the law. To contribute an article, contact Mr. Mantese at gmantese@manteselaw.com.

employers were required to pay tipped employees a minimum cash wage equal to 38% of the applicable minimum wage.[10]

Public Act 1's amendments establish a schedule for increases to the minimum cash wage for tipped employees. The schedule provides for yearly increases to the percentage of the applicable minimum wage that must be paid to tipped workers.[11] In 2026, the percentage will increase to 40% of the applicable minimum wage that must be paid as the minimum cash wage.[12] In 2027, the percentage will increase to 42%, with yearly increases thereafter until reaching a cap of 60% in 2035.[13]

The amendments provide that management and supervisors cannot receive any portion of an employee's tips and cannot share in employee tip pools.[14] Additionally, tips are the property of the employee and are required to be paid to the employee regardless of whether the employer takes a tip credit for the worker.[15] Employers must provide written notice to both customers and employees of the employers' plan for the distribution of any customer service charges.[16]

The final notable changes brought by Public Act 1 relate to overtime pay for hourly workers. Both federal and state law require overtime pay at one and a half times an employee's regular rate of pay.[17] A notable exception to this general rule applied to workers who were covered by both federal and state law and who were paid at Michigan's higher minimum wage rate. Before the amendments, overtime pay to such workers was only required at one and a half times the federal minimum wage rate and not at the workers' regular hourly rate — the Michigan minimum wage rate. The amendments eliminated this exemption, and all hourly workers, including those being paid at the Michigan minimum wage rate, must now receive pay at one and a half times their regular hourly rate.[18]

Except for a brief window during COVID-19,[19] federal law has never provided for employees to receive paid sick leave.[20] Michigan's Earned Sick Time Act[21] is thus the primary instrument requiring paid sick leave to employees.

Public Act 2's amendments expand the rights of Michigan workers to receive paid time off due to their illness and for the illness of family members. Some key changes include expanding the scope of employees covered, altering coverage between large and small employers, revising the accrual method for paid sick time, frontloading of paid sick time as an alternative to accrual, a new hire waiting period, and reducing enforcement options when rights under the Act may have been violated.[22]

The amendments differentiate between small and large businesses and provide differing requirements for each. Small businesses are defined as employers with 10 or fewer employees.[23] All employees are counted toward the threshold, regardless of whether they work full time or part time and regardless of whether the employees are working through a staffing agency.[24] An employer is not a small

Efforts to change conditions for minimum wage workers have been debated in the Michigan Supreme Court, ballot initiatives, and in the Michigan Legislature. Public Acts 1 and 2 of 2025 give minimum wage workers an asnwer as to what's next.

business if it had more than 10 employees on its payroll during 20 or more workweeks in either the current or preceding calendar year.[25]

Under Public Act 2, employees of small businesses accrue paid sick leave at a minimum of one hour of paid sick leave for every 30 hours worked.[26] The amendments delay implementation for small employers until October 1 of this year.[27] Employees of a small business can use up to 40 hours of paid earned sick time each year[28] and can carry over up to 40 hours of unused accrued sick time.[29] As an alternative to the accrual method, employers of small businesses may provide their employees with 40 or more hours of paid sick time at the beginning of the year.[30] This is known as frontloading and, if provided, employers are not required to carry over unused sick time from year to year.[31]

Employees of large businesses also accrue paid sick leave at a minimum rate of 1 hour for every 30 work hours.[32] Large employers are required to begin accrual as of the effective date of Public Act 2. Employees of a large business can use up to 72 hours of paid earned sick time each year and can carry over up to 72 hours.[33] In place of the accrual method, large employers may also offer frontloading by providing employees with 72 or more hours of paid sick time at the outset of the year.[34] Again, if provided, employers are not required to carry over unused earned sick time from year to year.[35]

Employees may begin using earned sick time as it accrues; however, employers may require new employees to wait 120 days until

using accrued sick time.[36] Both small businesses and other employers can provide for accrual rates that exceed the stated minimums and can provide higher carry-over limits.

While most changes expand existing rights of employees, Public Act 2 enacts one notable change that contracts employee rights under the statute. The recent amendments eliminate employees' ability to bring a civil action against their employer for violations of the Act's requirements.[37] As a result of these changes, the statute now vests enforcement exclusively within complaint procedures established by Michigan's Department of Labor and Economic Opportunity.[38]

In closing, it should be noted that the amendments of Public Act 1 and 2 of 2025 more closely approximate the requirements of the citizens' initiatives that prompted their enactment. However, the amendments continue to materially deviate from those initiatives in a number of areas. And while seemingly adopted in part at the suggestion of some justices on the Michigan Supreme Court in *Mothering Justice v AG*, it may remain to be determined just how far a legislative enactment can deviate from the provisions of a citizen's initiative and still remain compliant with the requirements of Michigan Constitution at art. II, § 9, particularly when the initiative was never placed on the ballot and the enacted provisions of the initiative never became law.

John Philo is the executive director of the Sugar Law Center for Economic & Social Justice. Mr. Philo has litigated cases throughout Michigan representing low-income workers, communities, and injured persons on matters of employment, constitutional, and tort law. He is an editor of the Lawyers Desk Reference and ICLE's Michigan Causes of Action Formbook and a contributing author to the NLG's Employee and Union Member Guide to Labor Law and Torts: Michigan Law and Practice.

ENDNOTES

1. *Mothering Justice v Attorney General*, ___ Mich ____; ___NW3d___; 2024 Mich.
2. MCL 408.931 *et seq.*
3. MCL 408.934.
4. *Id.*
5. *Id.*
6. *Id.*
7. *Id.*
8. *Id.*
9. MCL 408.934d.
10. *Id.*
11. *Id.*
12. *Id.*
13. *Id.*
14. *Id.*
15. *Id.*
16. *Id.*
17. 29 USC 207; MCL 408.414a.
18. See MCL 408.934a and MCL 408.940.
19. The Federal Emergency Paid Sick Leave Act (Division E of the Families First Coronavirus Response Act), Pub L No 116-127, 134 Stat 178 (March 18, 2020) expired by its terms on December 31, 2020.
20. The Federal Family and Medical Leave Act of 1993, 29 USC 2601 *et seq.* provides for *unpaid* leave.
21. MCL 408.961 *et seq.*
22. 2025 PA 2.
23. MCL 408.962.
24. *Id.*
25. *Id.*
26. MCL 408.963.
27. *Id.*
28. *Id.*
29. *Id.*
30. *Id.*
31. *Id.*
32. *Id.*
33. *Id.*
34. *Id.*
35. *Id.*
36. *Id.*
37. MCL 408.967.
38. *Id.*

BEST PRACTICES

Appeal bonds 101: A guide to the steps necessary to stay enforcement of a money judgment pending appeal

BY TIMOTHY A. DIEMER, ESQ. JACOBS AND DIEMER, P.C.

Without fail, the most complicated phase of any appeal from an adverse money judgment is procuring the bond necessary to halt enforcement of the judgment pending appeal. The filing of a claim of appeal, in and of itself, does not stay enforcement proceedings[1] which, if not stayed, can wreak havoc on a judgment debtor and jeopardize the success of even the strongest appellate arguments.

With no stay in place, a judgment creditor has a wide range of enforcement options under the Court Rules and statutory authorities. Enforcement efforts can range from the nuisance and embarrassment of a creditor's examination to the collection of funds through garnishment. For business entities, an unbonded money judgment can lead to the appointment of a receiver and unforeseen consequences such as a declaration of default under a loan agreement.

Although an appeal bond is not needed until 21 days after exhaustion of all post-trial remedies in the trial court,[2] procurement of the bond cannot be an afterthought and waiting until the clock starts ticking on the 21-day window can have disastrous consequences. Efforts to obtain the bond must be initiated well ahead of time, often before trial even starts given the intricacies of the bonding process.

This article is not designed to ring alarm bells but instead attempts to lift the curtain on the appeal bond process, which largely unfolds behind the scenes and requires much more care than mere preparation of the form approved by the State Court Administrative Office (SCAO).[3]

THE BASICS

A money judgment is not immediately enforceable and is instead subject to an automatic stay that expires either 21 days after entry of the judgment or 21 days after a decision on a timely filed motion challenging the judgment.[4] The 21-day window is not a coincidence as the expiration of the automatic stay coincides with the deadline for filing a claim of appeal.[5]

In order to stay enforcement of the judgment pending appeal, the appellant must post an appeal bond in an amount that is at least 110% of the judgment appealed from.[6] The bond amount includes costs, interest, and attorney's fees awarded through the date of the filing of the bond. The additional 10% is designed to serve as a cushion to account for the continued accumulation of interest during the pendency of the appeal, which typically lasts 18 months through conclusion in the Court of Appeals.[7] In the event a separate order awarding costs or attorney's fees is entered post-judgment, that separate award of costs or attorney's fees must also be separately appealed and bonded.[8]

The filing of an appeal bond in a form that substantially complies with the requirements of the court rule serves to stay enforcement of the judgment unless and until objections to the bond are sustained by the court.[9] Although objections to the bond are governed by MCR 7.209(G), if the appellant secures a bond in the required amount and the surety has sufficient assets to qualify as an appeal bond surety, the posting of the bond and a companion stay order typically occur on stipulation without much fuss or fanfare.

"Best Practices" is a regular column of the Michigan Bar Journal edited by George Strander of the Michigan Bar Journal Committee. To contribute an article, contact Mr. Strander at gstrander@yahoo.com

THE COMPLEXITIES

From the SCAO appeal bond form, one would never anticipate just how complicated and time-consuming the process of procuring an appeal bond actually is. Although the only filing seen by the Court and opposing counsel is the two-page, pre-printed form, an enormous amount of work occurs behind the scenes to obtain the necessary information to secure approval of the appeal bond by the party ultimately responsible for paying the judgment—the surety.

The main driving force of complexity is that under the terms of the appeal bond, the surety promises to pay the judgment plus costs and interest if the reviewing courts affirm the judgment or order appealed from, no matter what.[10] The obligation to pay the judgment applies equally to the judgment debtor and the surety and if one does not pay, the other is on the hook. The judgment debtor has a pre-existing obligation to pay the judgment anyway, so its promise to do so if the judgment is affirmed remains, but the surety assumes a new liability that would not otherwise exist.

Although the surety will have an agreement with the debtor that the debtor must pay the judgment, if the debtor fails to pay for whatever reason, the surety is obligated to do so. In other words, even if the debtor disappears to the Cayman Islands only to be never heard from again, the surety is still liable. The surety is liable even if the debtor stops paying appeal bond premiums, which can range between 1% and 2% of the bond amount per annum.

Because of the surety's inexorable liability, and its promise to pay the judgment, the surety requires absolute protection from the judgment debtor. If the amount of the liability is minimal and the judgment debtor is a well-established and a fiscally sound entity, the surety may be satisfied with an indemnity agreement. But in the vast majority of appeals, the surety requires dollar-for-dollar collateral in the form or cash or a letter of credit, in an amount matching its liability as surety. The posting of collateral and contractual arrangements between the surety and the judgment debtor is an intricate, time-consuming process that is fraught with peril.

If the amount of the bond is in the millions of dollars, the collateral requirement can hamper the judgment debtor's viability and continued operations of a business entity. Some sureties will consider other forms of collateral, such as a pledge of property. And when these alternate forms of collateral are posted, the surety retains substantial discretion to, for example, sell the property or demand additional collateral if during the passage of time the value of the collateral diminishes.

Some sureties also demand the right to settle the underlying claim in its sole discretion without input from the judgment debtor or its attorneys. The rationale for the surety's contractual right to potentially assume total control of the litigation is to prevent a situation where the value of the collateral has diminished to such an extent that it may be unprotected at the conclusion of the appeal and left without adequate collateral to make the surety whole upon payment of the liability.

While a surety may be willing to soften the language of the bond and allow control of the litigation to remain absolutely with the litigant and its attorneys, such accommodations are not standard and there is not always another surety in the marketplace to which the appellant can turn. Absent negotiation of less oppressive terms and conditions, the other option for the appellant is to fashion the stay order in such a way that does not allow the surety to settle a claim out from under the appellant and its attorneys.

SIMPLER FORMS OF APPELLATE SECURITY ARE THE EXCEPTION NOT THE RULE

There are three statutes that can simplify or eliminate the appeal bond requirement altogether, but these statutes only apply in limited circumstance.[11] MCL 500.3036 allows a judgment debtor to post a liability insurance policy in lieu of an appeal bond. The benefits of this procedure are threefold because the judgment debtor need not: (1) pay appeal bond premiums to a surety; (2) post collateral; or (3) incur costs and attorney's fees which can accumulate quickly when a bond is procured.

That said, this beneficial statute only applies when the judgment debtor has a liability insurance policy that covers the judgment and when the insurer waives any coverage defenses it may have. In this scenario, if the policy limit is not sufficient to cover the entire amount of the judgment, the insurance policy can be posted, and an appeal bond is needed to make up the difference.[12]

One other statutory protection only comes into play when the monetary liability is outlandish. MCL 600.2607 caps the amount of the bond regardless of the amount of the judgment. The statutory cap was initially set at $25 million in 2003, but it is adjusted for inflation every five years with the current cap at $37,467,999.[13] In the case of an enormous money judgment, the cap allows the posting of a reduced bond rather than the 110% requirement.[14] But a bond approaching $38 million is a substantial commitment for even a large corporation.

Lastly, if the judgment debtor is a governmental entity, the appeal bond requirement by statute is waived altogether, a protection only available to a limited number of defendants.[15]

CONCLUSION

It is not uncommon for an appellate practitioner to get a call for assistance close to the expiration of the deadline for filing an appeal. Even under a tight timeline, a claim of appeal can be cobbled together on a moment's notice to vest the Court of Appeals with jurisdiction. The same cannot be said of procuring an appeal bond which cannot be accomplished on a moment's notice. Rather, the best course of action if a litigant knows a case is going to trial with the potential of appellate proceedings is to begin the appeal bond process before trial even begins.

Timothy A. Diemer of Jacobs and Diemer in Detroit concentrates his appellate practice on reversing money judgments, defending trial court victories against challenges on appeal, compelling interlocutory reversals of adverse evidentiary rulings, and wresting cases away from the trial court when controlling questions of law present an opportunity for early appellate review.

ENDNOTES

1. MCR 7.209(A)(1) ("an appeal does not stay the effect or enforceability of a judgment or order of a trial court unless the trial court or the Court of Appeals otherwise orders.")
2. MCR 2.614(A)(1).
3. *SCAO, Form MC 56* (May 2012) <https://www.courts.michigan.gov/4a2aa2/siteassets/forms/scao-approved/mc56.pdf> (all websites accessed May 13, 2025).
4. MCR 2.614(a)(1).
5. MCR 7.204(A)(1).
6. MCR 7.209(E)(2)(a).
7. *Id.*
8. The most frequent circumstance in which two separate money judgments had to be separately appealed and bonded was when a prevailing party obtained an award of case evaluation sanctions under the former version of MCR 2.403(O). The current version of the case evaluation rule no longer includes the sanctions provision so the circumstances in which post-judgment attorney's fees are awarded are limited to statutory grants of prevailing party attorney's fees, contractual attorney's fees awarded separately than the primary judgment or as offer of judgment sanctions under MCR 2.405. No matter the basis of the award, the appellate court rules define as a post-judgment order awarding costs and attorney's fees as a "final order" that can be appealed as of right. See MCR 7.202(6)(a)(*iv*).
9. MCR 7.204(4)-(5).
10. *SCAO, Form MC 56*, *supra* n 3. Paragraph 1(b) obligates the judgment debtor and the surety that, "If the reviewing court affirms the lower court judgment or the appeal is dismissed or discontinued, perform or satisfy the judgment or order appealed including costs and interest."
11. The trial court also has discretion to reduce the amount of the bond or waive the appeal bond requirement "as justice requires," but this protection typically applies where the judgment debtor is impoverished and unable to post a bond.
12. MCR 7.209(H)(3).
13.
14.
15. MCL 600.2611.
16. 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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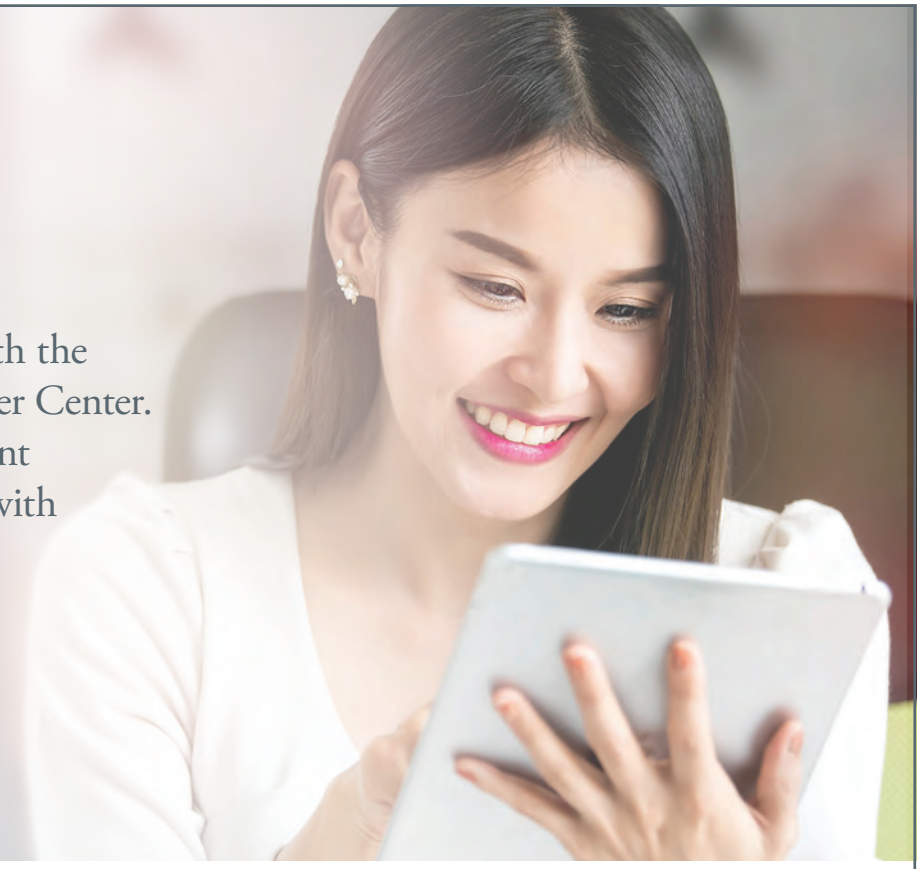

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PLAIN LANGUAGE

The wonderfully versatile em-dash

BY JOSEPH KIMBLE

We all know that legal writing could benefit from more periods. A strong contender for the second most neglected punctuation mark in legal writing is the em-dash, the long dash. You can often go for pages in opinions and briefs — or sometimes for the entire document — without seeing one. Writers who forgo it are denying themselves a useful and versatile device.

The em-dash can be used at the beginning of a sentence (as in *Teamwork — that's what we need*), but it most commonly appears at the end of the sentence or as a pair in midsentence. It can be used to provide structure to a lengthy sentence, to tuck an aside in the middle, to add emphasis, or to do any combination of these. What it sets off may explain, expand on, qualify, clarify, or restate — almost anything, really. It can replace a comma or commas, a colon, parentheses (with more emphasis, of course), and occasionally even a period. (*Teamwork is what we need~~. And~~ — and to make that happen, we must . . .*)

If you're concerned that em-dashes are too informal for legal writing, they are not too informal for justices of the United States Supreme Court, all of whom use them. Justice Kagan (the most prolific user), in *Chiafalo v Washington*, 591 US 578, 593 (2020): "Begin at the beginning — with the Nation's first contested election in 1796." Nor are they too informal for the United States federal court rules, which use them liberally. Federal Rule of Civil Procedure 2: "There is one form of action — the civil action." In fact, the very guidelines for drafting those rules recommend them:

- Garner & Kimble, *Essentials for Drafting Clear Legal Rules* (Washington, DC: Administrative Office of the United States Courts, 2024), p 105: "Embrace dashes, which are greatly underused in drafting."

So do leading authorities on legal writing:

- Garner, *The Winning Brief* (Chicago: University of Chicago Press, 3d ed, 2014), p 372: "[Dashes] are genuinely useful — even indispensable — to the writer who cares about rhythm, variety, and emphasis."
- Guberman, *Point Taken: How to Write Like the World's Best Judges* (New York: Oxford University Press, 2015), p 210: "The em-dash has long been a favorite of great writers, whether legal, judicial, or otherwise."

A few notes before getting to the examples. First, the other dash, the shorter en-dash, is used primarily in ranges (2020–2021, pages 150–52) and to show equal or closely related pairs (bench–bar conference). Second, there's no hard-and-fast rule on whether to add a space on each side of an em-dash; just be consistent. Third, avoid using three or more in a sentence; at a glance, it may not be apparent which two are paired. Finally, don't use so many that they draw attention to themselves. We grant that privilege to Emily Dickinson only.

I gathered the sentences below by skimming some opinions. (Confession: I found more dashes than I had expected to find.) Except as noted, none of the sentences can in any way be considered wrong or even deficient. Still, you can judge whether the em-dashes improve them, even if just a bit. I've bolded the em-dashes and put them in red for better visibility. (The struck-through original punctuation may still be a little hard to see.)

EXAMPLES

[Note to readers: For fun, I'll send a free copy of *Seeing Through Legalese: More Essays on Plain Language* to the first two people

"Plain Language," edited by Joseph Kimble, has been a regular feature of the *Michigan Bar Journal* for 41 years. To contribute an article, contact Prof. Kimble at Cooley Law School, 300 S. Capitol Ave., Lansing, MI 48933, or at kimblej@cooley.edu. For an index of past columns, visit www.michbar.org/plainlanguage.

who send me the full stage names of the blues masters whose last names I've used in the examples (replacing the actual names in the cases). I'll settle for five of the seven. kimblej@cooley.edu.]

Defendants summarily assert in their motion, — without any further argument or analysis, — that "the alleged statement is rank hearsay, which is totally inadmissible, and as such, simply not material."

James has already served a lengthy sentence, — almost twelve years, — which surely "reflect[s] the seriousness of [his] offense, and promote[s] respect for the law."

Neither of those officers — individually or combined — exercises sufficient direction and supervision over APJs to render them inferior officers. [No punctuation in the original.]

Unlike the District Court, however, we conclude that the Amended Complaint satisfies this less stringent standard, — albeit just barely, — by alleging facts that plausibly show a reasonably close resemblance between the plaintiffs and a comparator who received more favorable treatment from the defendants.

Plaintiff's principal argument — that he showed the officers a paper copy of his "permanent" accommodation from 2003, — does not change matters. [Oddly, the first dash was in the original but not the second one.]

The text of the guideline, — along with the clear congressional purpose in the First Step Act of removing the BOP from its gatekeeping role, — led this Court to its conclusion.

Plaintiff explains that Mr. Harpo made essentially the same statements recanting his testimony on three separate occasions to two different people: — first to Mr. Reed, in Ms. Thornton's presence, in 2000, and two more times to Ms. Taylor, in 2002 and 2006, — and that this frequency lends credibility to the inference that Mr. Harpo's earlier statements were coerced.

While Burnett's criminal history includes at least three prior violent felony convictions — including: robbery, assault, and unlawful use of a weapon, — as well as multiple burglary convictions, he has not had any disciplinary issues while incarcerated. [The colon after *including* is unnecessary.]

True, Mr. Morganfield had survived a motion for summary judgment, but the motion had been limited to the exhaustion of administrative remedies, — an issue substantially different from, and far less complex than, establishing deliberate indifference in a case involving a mentally ill inmate.

Accordingly, this Court finds that this statement could be considered potential exculpatory evidence, — and thus it is material.

Despite this command, the Sentencing Commission released its only policy statement related to compassionate-release motions in 2006, — over two decades after § 3582(c) was enacted.

This is an incorrect interpretation of these two orders. — ~~T~~the Court did not issue inconsistent rulings.

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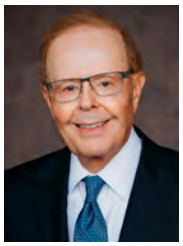

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LAW PRACTICE SOLUTIONS

The tech age is here. Embrace it

BY ROBINJIT K. EAGLESON, J.D.

The term "artificial intelligence" is not a comforting phrase. Maybe it is because the term "intelligence," when partnered with "artificial," feels synonymous with human evolution. Maybe it is the potential of surpassing human intelligence or the potential loss of human connection. Or maybe it's movies like movie *A.I. Artificial Intelligence*," *Ex Machina*, or *The Creator* (to name a few) that run through our head as they began generating legal and ethical discussions that the legal world has not begun to fully grasp. Who knows? But wherever that discomfort stems from, technology is evolving at a rapid pace and is changing the landscape of how lawyers practice today and in the future. So as the title of this article suggests, we must embrace the change that is already here and evolving daily.

Today, artificial intelligence, or AI, has automated routine tasks such as legal research, contract review, e-discovery, predictive analytics, and document generation, analysis, and management. This has allowed lawyers to spend more time focusing on strategic and complex legal matters. AI has allowed lawyers to increase their efficiency, improve accuracy, and provide enhanced client service. However, with these benefits comes risks such as bias in algorithms, data privacy concerns, and various ethical considerations, none of which have been fully understood or evaluated by the legal community at large. And as AI constantly changes, these risks constantly change as well. So how can lawyers begin to embrace AI especially considering that lawyers are naturally wary of new avenues that bring along unknown risks? Let's start with the data.

According to Clio's Legal Trends 2024 Report, AI usage among legal professionals jumped to 79%, up 19% in 2023, as evidence that legal work is being reshaped. Law firms are boosting tech spending by 20% annually with solo practitioners leading with a 56% increase. Additional key highlights to note within the report are as follows:

- AI could make law firms more effective in working with clients—as a result, they may need to invest more in marketing to attract an increased client pipeline. The ability to handle more clients will require a stronger emphasis on marketing strategies to sustain the workload and grow the business.
- The number of legal professionals using AI has surged, marking a significant shift in how law firms are integrating AI into their daily operations.
- Nearly three-quarters of a law firm's hourly billable tasks are exposed to AI automation, with 81% of legal secretaries' and administrative assistants' tasks being automatable, compared to 57% of lawyers' tasks.

Per the Bureau of Labor Statistics, lawyers regularly work 45-55 hours/week at small or mid-sized firms and possibly as many as 80 hours/week at larger firms. However, these hours are relative as the demanding hours are dependent on practice areas, geographical location, and firm size. With these demanding hours, it begs the question … can AI provide more of a work-life balance for lawyers? Possibly. With the use of AI, lawyers may be able to produce faster drafts of pleadings with fewer mistakes, expedite administrative tasks, focus attention on strategy based on predictive analysis, and achieve higher client satisfaction with faster results at lower costs all while meeting the professional and ethical standards attorneys must abide by. Based on the evidentiary data provided by the Clio Legal Trends Report, AI is being adopted by attorneys at an increasing rate to improve their efficiency, productivity, and to achieve more of a work-life balance. But if attorneys are slow to embrace the change, they may be left behind and may lack the technological competence to continue practice in this new age.

The fact is that lawyers cannot ignore the evolution of AI and cannot escape the use of it. AI will not replace lawyers as the public will continue to need their services to advocate and assist, but lawyers will need to change. Certain practice areas may not need lawyers, administration assistance may not be required as regularly, and how lawyers generally practice will have to evolve. This may

"Law Practice Solutions" is a regular column from the State Bar of Michigan Practice Management Resource Center (PMRC) featuring articles on practice, technology, and risk management for lawyers and staff. For more resources, visit the PMRC website at michbar.org/pmrc/content or call our helpline at 800.341.9715 to speak with a practice management advisor.

seem daunting considering that lawyers have practiced in their niche areas for years or even decades.

Lawyers are not widely known for their easy acceptance of change. We deal with laws written in the books from the 1800s, case law from a century ago, and advocating practices within the courtroom that have barely changed since its inception. However, we are also one of the fields that dealt heavily in person-to-person interactions and then overnight had to work virtually during a pandemic. We continued to advocate for our clients, draft pleadings, research, analyze, and strategize all while working in a virtual world. We were still needed then and will continue to be needed in the future but just in a different way. The legal field has shown it can change within minutes based on the environment around us. It is *how* we use AI that will generate trust with our clients and acceptance to change.

What we are seeing now is just the beginning stages of how AI is disrupting the natural fabric of the legal field. For example, the practice of billable hours is starting to change to more of a flat fee practice as AI reduces the need for long hours. Per Clio's Legal Trend Report, law firms are charging 34% more of their cases on a flat-fee basis compared to 2016. Law firms have found that flat fees enable them to capture the value of their services without being limited by time-based billing constraints.[5] Further, virtual receptionists are taking over for legal in-person receptionists and legal AI research and drafting is taking on the work of paralegals.

Lawyers must remain relevant to their clients by embracing and engaging with new technology. Otherwise, clients will not see a need to incur legal fees when AI may seemingly answer their questions for free or at a lower cost; thus, it is imperative that lawyers be able to identify and communicate the benefits that only lawyers can provide over AI and demonstrate that the cost to hire a lawyer is reasonable and warranted.

While continued legal education is necessary to remain competent in our fields, it will not be sufficient; continued technological information and training will also be paramount. Lawyers will need to rely on their state bars and sections more than ever as a resource, especially considering the daily change we see not only in technology but also in the analysis throughout the country of how AI should be used from state to state. Resources and training in practice management will be essential to understand how lawyers may use AI in a responsible way when serving their clients and the public. With all the aforementioned technological advancements, lawyers must also consider cybersecurity like never before.

Lawyers must ensure, both prior to the use of AI and as they continue to use AI in their daily practice, that they protect sensitive client data by implementing strong cybersecurity practices, adhering to data privacy laws, and understanding the legal implications of cyber breaches. According to Astra, cybersecurity statistics indicate that there are 2,200 cyberattacks per day, with a cyberattack happening every 39 seconds on average and the U.S. being the most attacked country since 2004. There are several cybersecurity practices that lawyers should consider to protect their firms:

- Routine Risk Assessments
- Defend the Network Perimeter
- Restrict Access to Data
- Manage Passwords and User Privileges
- Backup System
- Conduct Security Awareness Training for Employees
- Conduct Inventory of Data
- Use Encryption for Transmitting Sensitive Data
- Third-Party Vendor Management
- Establish an Incident Response Plan and Team … Train and Test
- Purchase a Standalone Cyber Liability Insurance Policy

Lawyers must have confidence in the tools they use and choosing a product takes time and diligence. As AI continues to move through law practices and the courts, guidelines and requirements may need to be set in place to ensure the lawyers, the clients, and the public are safeguarded. The use of AI must not be kept at arm's length but used with "caution and humility."

State bars will need to enhance their practice management resource centers to ensure that lawyers' demand of knowledge on how to use these tools appropriately is timely provided. Ethics departments will need to review rules of professional conduct and judicial canons, legislation will need to be monitored and potentially drafted, court rules may need further amendments, access to justice will need to analyze how AI can assist in providing services for the public, and unauthorized practice of law (UPL) will need to determine how UPL is defined in the new age of AI. Further, partner programs through state bars will play a crucial role in the development of technology through legal practices as state bars will need to research whether the benefit program will provide the basic and necessary protection for lawyers to inquire more into the use of the system. This is why state bars providing information and resources to its members is at a crucial point.

AI is revolutionizing the way lawyers work and think. The potential benefits are endless, but the risks must not be overlooked. Commitment to securing data and using technology in a safe manner while not allowing it to supplement the lawyer's judgement is essential for lawyers to maintain competence and the success of their legal practice.

Robinjit Kaur Eagleson is the Director of Lawyer Services at the State Bar of Michigan overseeing the Practice Management Resource Center, Lawyer Services, Events, and Preferred Partner Programs. She also serves as the Bar's liaison to the Awards Committee and the Strategic Planning and Engagement Committee.

LIBRARIES & LEGAL RESEARCH

Shepardizing citation research

BY KAITLIN KLEMP-SKIRVIN

FOUNDATIONS OF LEGAL CITATION INDEXING

The story of using citations in legal research begins with a lawyer's worst nightmare: looking like a fool in court. In 1807, Maine lawyer Simon Greenleaf based an argument on an English decision that had, unbeknownst to him, been overturned. We cannot judge Greenleaf too harshly for this mistake. Legal research in the nineteenth century was daunting due to the lack of published American caselaw. This unfortunate experience led Greenleaf to study "as far as he could, which of the apparently authoritative cases in the Reports had lost their force, and to give the information to the profession."[1] Greenleaf developed a lifelong friendship with Supreme Court Justice Joseph Story, who wrote that Greenleaf's work was "eminently useful, because it accustoms lawyers to reason upon principle, and to pass beyond the narrow boundary of authority."[2]

From 1821 to 1856, *Greenleaf's Overruled Cases* presented an alphabetical list of American and English cases that were overturned in American courts. It faced criticism for missing cases, but a perfect index with such a massive scope was unattainable at the time. State indexes, which were easier to maintain, developed throughout the mid-nineteenth century. By the 1870s, enough American reporters had been published to create a comprehensive pool of state and federal caselaw. A new wave of lawyers and legal scholars like Melville Below, George Wendling, and Robert Desty published indexes and digests. Frank Shepard also published an index, but Shepard was neither a lawyer nor a legal scholar.

SHEPARD'S CITATION SERVICE

Frank Shepard (1848-1900) was a lawbook salesman who worked for the company that published Wendling's index. The publication date of Shepard's first index, *Illinois Citations*, is up to debate. The year given by Lexis is 1873,[3] but some scholars claim it wasn't until 1875 — the year the Frank Shepard Company opened.[4][5] Shepard's legal citation index consisted of stamp-sized annotations printed on perforated sheets of gummed paper that were placed in the margins of case reporters. Its methodology was simple: Upon publication of a new case, citations were analyzed for change in precedent, and annotations were written. While many indexes were published only once and quickly went out of date, Shepard moved ahead of his competitors by implementing a subscription model for updates.

Shepard's company went through name changes, acquisitions, and technological advancements throughout the twentieth century, including contracting with West and Lexis simultaneously. In 1999, Lexis introduced a citator product named *New Shepard's* that eventually became the beloved *Shepard's Citation Service,* where we now enjoy online access to ever-updating color-coded icons that demonstrate the nuance of dicta. The goal remains the same: to stay on top of good law.

EUGENE GARFIELD: THE GRANDFATHER OF GOOGLE[6]

Dr. Eugene Garfield (1925-2017) earned a Bachelor's in Chemistry (1949) and Master's in Library Science (1954) from Columbia University. He completed a PhD in Structural Linguistics from the University of Pennsylvania in 1961.[7] In 1955, he developed a new method for indexing science scholarship using the "journal impact factor."[8] The "impact" assigned to each article was based on two elements: "the numerator, which is the number of citations in the current year to items published in the previous two years, and the denominator, which is the number of substantive articles and reviews published in the same two years."[9] This research came to life in 1964, when Garfield introduced the *Science Citation Index*, a tool for researchers "to follow citation links to find the specialized research most germane to their work."[10] Garfield continued to index scholarship of all disciplines throughout his career.[11] Clarivate hosts a database of Garfield's indexes called Web of Science, described as "documenting the most influential research in any given field as directly judged by researchers themselves, provid[ing] the basis for assessing and benchmarking the research performance of individuals, institutions, nations, and regions."[12]

Garfield received many letters in response to his indexing projects. One of these was from William Adair, former vice president of Shepard's, who encouraged Garfield to familiarize himself with *Shepard's* methodology. Intrigued, Garfield went to his local library and "screamed out 'Eureka!'" upon discovering *Shepard's*.[13] At the time, he was struggling to construct a method for indexing reviews. *Shepard's* shifted Garfield's perspective on citation indexing: Instead of having the impact factor be the researcher's focus, the primary document had to be the focus. After all, one of the purposes of citation research is to use a primary resource to find information on other resources.

INDEXING IN THE INFORMATION AGE

Coders in the 1990s were also inspired by the work of Garfield and his contemporaries. A new perspective was required, once again. In comparison to caselaw or journal articles, websites "frequently do not acknowledge one another's existence."[14] Research on the World Wide Web required analysis of text. Early search engines used basic metrics — for example, the frequency of a keyword. As the number of websites grew and coding became more complex, it was clear that an even more advanced algorithm was required to organize the online world.

IBM's CLEVER Project (1996) analyzed website text with an algorithm that categorized websites as either "hubs" or "authorities."[15] This algorithm is similar to Garfield's journal impact factor: Some websites are standalone authorities, while others are a hub of other websites. "Authorities" have a higher impact and therefore should be higher on a search result list than a "hub." Google's founders were also inspired by Garfield and his contemporaries. When Google discovers new websites, its algorithm tool, PageRank, identifies and indexes text using a variety of metrics.[16] When we conduct a search on Google, we are not searching the World Wide Web. Rather, we are searching Google's index of websites.

FINAL THOUGHTS

The evolution of citation indexing reflects the ever-present need for accurate and organized authoritative information. From sticking annotations in a reporter margin to digital indexing of websites, each step in the development of indexing has been driven by the goal to ensure the most relevant, reliable sources rise to the top.

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15. *Id.*
16. Bensman, *Eugene Garfield, Francis Narin, and PageRank: The Theoretical Bases of the Google Search Engine* <https://garfield.library.upenn.edu/bensman/bensmancornellarchives2014.pdf> (accessed May 15, 2025).

ETHICAL PERSPECTIVE

Prospective client conflicts – disqualification after consultation

BY DELANEY BLAKEY

It is not uncommon for a lawyer to run into this challenging dilemma — the lawyer briefly consults with a prospective client, the lawyer is never retained by that person, and, later on, an opposing party seeks the lawyer's representation in the same or a similar legal matter. Although this scenario involving potential conflicts of interest is particularly common in domestic relations matters, it can arise in any type of case.

In 2018, Michigan Rule of Professional Conduct (MRPC) 1.18 was promulgated to assist in answering the fundamental questions required to complete a conflicts of interest analysis: When does the attorney-client relationship form? Can a brief consultation conflict a lawyer out of representing an opposing party in the same or a similar legal matter? What about a more extensive consultation? When does a client truly become a client? What duties does a lawyer owe to prospective clients that never retained their services? This article aims to address these critical conflicts of interest questions.

EXTENSIVE CONSULTATION = CONFLICT

Prior to the enactment of MRPC 1.18, the Professional Ethics Committee, in ethics opinion RI-48,[1] addressed a situation in which a lawyer conducted a lengthy consultation with a client regarding potential representation in a divorce. The syllabus states that "[a] lawyer may not represent in a divorce action the husband of a woman who had previously consulted the lawyer regarding a divorce."[2] Although the woman who originally consulted with the lawyer did not retain the lawyer, the consultation involved detailed discussions about the details of her case and her relationship. Ten months later, the woman's husband sought representation from another lawyer within the same firm in the same divorce proceedings. The Professional Ethics Committee concluded that the original lawyer's representing the husband would be improper due to the substantial risk that confidential information from the initial consultation could be used to the disadvantage of the wife (i.e., the prospective client) and that that conflict imputed to the other lawyers at the firm.

MRPC 1.9 is particularly relevant in situations involving prospective client conflicts. It uses the terms "client" and "former client" when defining situations that constitute a conflict of interest. In particular, 1.9(a) states that:

> (a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client consents after consultation.

Further, 1.9(c) instructs that:

> (c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:
>
> 1. Use information relating to the representation to the disadvantage of the former client except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client, or when the information has become generally known; or
>
> 2. Reveal information relating to the representation except as Rule 1.6 or Rule 3.3 would permit or require with respect to a client.

"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.

Thus, determining when someone becomes a client is of utmost importance. In RI-48, discussed earlier, the Professional Ethics Committee gave the following guidance to Michigan lawyers:

> The three criteria to be examined in applying MPRC 1.9 are: (1) is the new representation materially adverse to the interest of a former client, (2) is the new representation the ''same or substantially related'' to the representation of the former client, and (3) could confidential information gained in the former representation be used to the disadvantage of the former client?[3]

The Professional Ethics Committee applied that standard to the facts at issue in RI-48 to determine that because the initial consultation was extensive, it was possible that confidential information learned by the lawyer during the consultation could be used to the disadvantage of the former client. Thus, the lawyer and the other attorneys in his firm[4] were all disqualified from the representation.

BRIEF CONSULATION IN COMPLIANCE WITH MRPC 1.18 PROBABLY ≠ CONFLICT

When the initial consultation is brief, the same disqualification concerns may not necessarily apply. In RI-154,[5] the Professional Ethics Committee stated that an attorney-client relationship is not established when a prospective client engages in only a brief consultation and does not disclose any confidential or sensitive information. In such cases, the law firm may still be able to represent the opposing party in litigation as no formal legal relationship has been created. This was later codified in MRPC 1.18.

According to the commentary on Michigan Rule of Professional Conduct 1.0, "[m]ost of the duties flowing from the client-lawyer relationship attach only after the client has requested the lawyer to render legal services and the lawyer has agreed to do so." However, there is no definitive test for determining exactly when an attorney-client relationship begins. The formation of such a relationship often hinges on the specific facts of the interaction, including the nature and depth of the consultation, whether legal advice was provided, and whether the prospective client reasonably believed that an attorney-client relationship had been formed.

The Committee further explains in RI-154 that "[w]hether a client-lawyer relationship exists for any specific purpose can depend on the circumstances and may be a question of fact."[6] Some individuals even attempt to exploit this ambiguity by consulting with a lawyer — not for genuine legal advice but strategically, to create a conflict that would prevent the lawyer from representing the opposing party. Some individuals may be seeking to *create* a conflict of interest. In some cases, a person may consult with a lawyer, not with the genuine intent of seeking legal advice but rather as a strategic maneuver to prevent that lawyer or firm from representing an opposing party in future litigation. This tactic, sometimes referred to as "conflict shopping," raises ethical concerns and underscores the importance of assessing the intent and substance of initial consultations. Law firms must remain vigilant in distinguishing between genuine inquiries and potential attempts to manipulate ethical rules for strategic advantage.

RULE 1.18

Even if no formal attorney-client relationship was created, MRPC 1.18 imposes duties to a prospective client if the lawyer received information that could be "significantly harmful" to that individual in the same or a substantially related matter. Even if the lawyer never explicitly agreed to representation, receiving sensitive information can create duties under MRPC 1.18. MRPC 1.18 was enacted after RI-48 and RI-154 were published in an attempt to codify the advice found in the opinions. It addresses a lawyer's duties to prospective clients — those who consult with an attorney about possible representation but do not ultimately retain them. Rule 1.18 states in part that:

(a) A person who consults with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.

(b) Even when no client-lawyer relationship ensues, a lawyer who has learned information from a prospective client shall not use or reveal that information, except as Rule 1.9 would permit with respect to information of a former client.

(c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).

Under this rule, even if no formal attorney-client relationship is established, MRPC 1.18 imposes obligations on a lawyer who receives information from a prospective client that could be deemed "significantly harmful" to them in the same or a substantially related matter. Furthermore, the rule prohibits a lawyer from representing a client in the same or a substantially related matter if the information obtained from the prospective client could be significantly harmful to them. A lawyer may still represent a client against someone they previously consulted with if both parties provide informed consent in writing. Alternatively, the other lawyers at the lawyer's firm may still represent the opposing party if proper screening measures are implemented to prevent the disclosure of confidential information. MRPC 1.18 seeks to balance the protection of prospective clients by ensuring that lawyers and law firms are not unduly restricted from taking on new clients.

To prevent conflicts under MRPC 1.18, lawyers should consider conditioning the consultation on the potential client's "informed

consent that no information disclosed during the consultation will prohibit the lawyer from representing a different client in the matter. If the agreement expressly so provides, the prospective client may also consent to the lawyer's subsequent use of information received from the prospective client."[7] Understanding and adhering to MRPC 1.18 helps protect both prospective clients and law firms while ensuring ethical standards are upheld in the legal profession.

CONCLUSION

In navigating the complexities of legal ethics, attorneys must be mindful of their duties to prospective clients, even when no formal attorney-client relationship is established. A brief consultation alone may not always lead to disqualification, but if confidential or significantly harmful information is shared, the lawyer may be barred from representing an opposing party in the same or a related matter. Regardless of whether a prospective client retains the lawyer, the duty of confidentiality under Michigan Rule of Professional Conduct 1.6 applies,[8] reinforcing the profession's commitment to trust and integrity. To avoid potential conflicts, attorneys should handle initial consultations with care, establish clear boundaries, and implement proper safeguards when necessary.[9]

Delaney Blakey is ethics counsel at the State Bar of Michigan.

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4. See MRPC 1.10 Imputed Disqualification: General Rule. "While lawyers are associated in a firm, none of them shall knowingly represent a client when any one of them practicing alone would be prohibited from doing so by Rules 1.7, 1.8(c), 1.9(a), or 2.2."
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8. See State Bar of Michigan, Ethics Opinion RI-240 (June 26, 1995) <https://www.michbar.org/opinions/ethics/numbered_opinions/RI-240>: "A lawyer who declines representation of a prospective client after preliminary investigative work must protect the confidences and secrets gained from the prospective client, even though the representation is declined."
9. The Conflicts of Interest Flowchart and the Ethics Helpline are two resources available that Michigan attorneys may consult when they have questions about potential conflicts of interest and disqualification. See *MRCP 1.7(a) Conflict of Interest: General Rule*, State Bar of Michigan <https://www.michbar.org/file/opinions/pdfs/MultipleClientRepFlowcharts.pdf>; *Ethics Helpline*, State Bar of Michigan <https://www.michbar.org/opinions/ethicsopinions#helpline>.

MONEY JUDGMENT INTEREST RATE

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

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

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

13% per year, compounded annually; or

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

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

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

RECENTLY RELEASED

MICHIGAN LAND TITLE STANDARDS

6TH EDITION
8TH SUPPLEMENT (2021)

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

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

DUTY TO REPORT AN ATTORNEY'S CRIMINAL CONVICTION

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

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

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

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

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

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

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

FROM THE COMMITTEE ON MODEL CRIMINAL JURY INSTRUCTIONS

The Committee has adopted an amendment to M Crim JI 7.3 (Lesser Offenses of Murder) to reflect the repeal of the negligent homicide statute, former MCL 750.324, and statutory involuntary manslaughter's status as a cognate lesser included offense of murder, see MCL 750.329; People v Smith, 478 Mich 64 (2007). The amended instruction is effective August 1, 2025.

[AMENDED] M Crim JI 7.3
Lesser Offenses: Involuntary Manslaughter

However, even if the defendant is not guilty of murder, [he / she] may be guilty of a less serious offense. If [he / she] willingly did something that was grossly negligent toward human life or if [he / she] intended to cause injury, [he / she] may be guilty of involuntary manslaughter. In a few moments, I will describe this crime in detail, and I will tell you what terms like "gross negligence" mean.

The Committee has adopted an amendment to M Crim JI 7.11 (Legal Insanity) to add a missing alternative method of satisfying the "substantial capacity" prong of the insanity defense under MCL 768.21a(1). The amended instruction is effective August 1, 2025.

[AMENDED] M Crim JI 7.11
Legal Insanity; Mental Illness; Intellectual Disability; Burden of Proof

(1) The defendant says that [he / she] is not guilty by reason of insanity. A person is legally insane if, as a result of mental illness or intellectual disability, [he / she] was incapable of appreciating the nature and quality of [his / her] conduct, or was incapable of understanding the wrongfulness of [his / her] conduct, or was unable to conform [his / her] conduct to the requirements of the law. The burden is on the defendant to show that [he / she] was legally insane.

(2) Before considering the insanity defense, you must be convinced beyond a reasonable doubt that the defendant committed the [crime / crimes] charged by the prosecutor. If you are not, your verdict should simply be not guilty of [that / those] offense[s]. If you are convinced that the defendant committed an offense, you should consider the defendant's claim that [he / she] was legally insane.

(3) In order to establish that [he / she] was legally insane, the defendant must prove two elements by a preponderance of the evidence. A preponderance of the evidence means that [he / she] must prove that it is more likely than not that each of the elements is true.

(4) First, the defendant must prove that [he / she] was mentally ill and/or intellectually disabled.[1]

(a) "Mental illness" means a substantial disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or the ability to cope with the ordinary demands of life.

(b) "Intellectual disability" means significantly subaverage intellectual functioning that appeared before the defendant was 18 years old and impaired two or more of [his / her] adaptive skills.[2]

(5) Second, the defendant must prove that, as a result of [his / her] mental illness and/or intellectual disability, [he / she] either lacked substantial capacity to appreciate the nature and quality of [his / her] conduct, or lacked substantial capacity to appreciate the wrongfulness of [his / her] conduct, or lacked substantial capacity to conform [his / her] conduct to the requirements of the law.

(6) You should consider these elements separately. If you find that the defendant has proved both of these elements by a preponderance of the evidence, then you must find [him / her] not guilty by reason of insanity. If the defendant has failed to prove either or both elements, [he / she] was not legally insane.

Use Notes

An individual who was under the influence of voluntarily consumed or injected alcohol or controlled substances at the time of his or her alleged offense is not considered to have been legally insane solely because of being under the influence of the alcohol or controlled substances. MCL 768.21a(2).

(1) This paragraph may be modified if the defendant is claiming only one aspect of this element.

(2) The court may provide the jury with a definition of adaptive skills where appropriate. The phrase is defined in MCL 330.1100a(3) and means skills in one or more of the following areas:

(a) Communication.

(b) Self-care.

(c) Home living.

(d) Social skills.

(e) Community use.

(f) Self-direction.

(g) Health and safety.

(h) Functional academics.

(i) Leisure.

(j) Work.

The Committee has adopted a new instruction, M Crim JI 14.1a (Perjury Committed During Investigative Subpoena Proceeding), for the crime of making a false statement under oath at an investigative subpoena proceeding, as set forth in MCL 767A.9. The new instruction is effective August 1, 2025.

[NEW] M Crim JI 14.1a
Perjury Committed During Investigative Subpoena Proceeding

(1) The defendant is charged with the crime of perjury during investigative subpoena proceedings.[1] To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant took an oath. An oath is a solemn promise to tell the truth.[2]

(3) Second, that the defendant took that oath during an investigative subpoena proceeding.

(4) Third, that while under that oath the defendant made a false statement. The statement that is alleged to have been made in this case is that [*give details of alleged false statement*].

(5) Fourth, that the defendant knew that the statement was false when [he / she] made it.

[(6) Fifth, that the investigation involved the crime of *(state capital crime being investigated)*.][3]

Use Notes

(1) This instruction should be used when the defendant is charged with violating MCL 767A.9. If the defendant is charged with perjury in a court proceeding under MCL 750.422, use M Crim JI 14.1. If the defendant is charged with making a false statement under oath in violation of MCL 750.423(1), use M Crim JI 14.2. If the defendant is charged with violating MCL 750.423(2) by making a false declaration in a record under penalty of perjury, use M Crim JI 14.2a.

(2) If appropriate, substitute "affirmation" for "oath."

(3) Use only where the allegations and evidence involve the aggravating factor of investigating a capital offense as set forth in MCL 767A.9(1)(b).

The Committee has adopted a new instruction, M Crim JI 15.18a (Moving Violation in a Work Zone or School Bus Zone Causing Death or Injury), for the offense of committing a moving traffic violation in a work zone or school bus zone that results in death or injury, as defined in MCL 257.601b. The new instruction applies only to offenses committed before April 2, 2025, and it will take effect on August 1, 2025.

[NEW] M Crim JI 15.18a
Moving Violation in a Work Zone or School Bus Zone Causing Death or Injury [Use for Acts Occurring Before April 2, 2025]

(1) [The defendant is charged with the crime / You may consider the lesser charge[1]] of committing a moving traffic violation in a [work / school bus] zone that caused [the death of / an injury to] a person. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant operated a motor vehicle.[2] To operate means to drive or have actual physical control of the vehicle.

(3) Second, that, while operating the motor vehicle, the defendant committed a moving violation by *[describe the moving violation that carries a 3 or more point penalty under MCL 257.320a].*

(4) Third, that when [he / she] committed the violation, the defendant was in a [work / school bus] zone:

[Select from the following:]

(a) A work zone is a portion of a street or highway that is between a "work zone begins" sign and an "end road work" sign.

(b) If construction, maintenance, or utility work activities were being conducted by a work crew and more than one moving vehicle, a work zone is a portion of a street or highway between a "begin work convoy" sign and an "end work convoy" sign.

(c) If construction, maintenance, surveying, or utility work activities were conducted by a work crew and one moving or stationary vehicle exhibiting a rotating beacon or strobe light, a work zone is a portion of a street or highway between the following points:

(i) 150 feet behind the rear of the vehicle or the point from which the beacon or strobe light is first visible on the street or highway behind the vehicle, whichever is the point closest to the vehicle, and

(ii) 150 feet in front of the front of the vehicle or the point from which the beacon or strobe light is first visible on the street or highway in front of the vehicle, whichever is the point closest to the vehicle.

(d) A "school bus zone" is the area within 20 feet of a school bus that has stopped and is displaying two alternately flashing red lights at the same level.[3]

(5) Fourth, that by committing the moving violation, the defendant caused [the death of *(name deceased)* / *(name injured person)* to suffer an injury[4]]. To cause [the death of *(name deceased)* / such injury to *(name injured person)*], the defendant's moving violation must have been a factual cause of the [death / injury], that is, but for committing the moving violation, the [death / injury] would not have occurred. In addition, the [death / injury] must have been a direct and natural result of committing the moving violation.

[(6) Fifth, that the (death / injury) was not caused by the negligence of *(name deceased / name injured person)* in the work zone or school bus zone.

Negligence is the failure to use ordinary care like a reasonably careful person would do under the circumstances. It is up to you to decide what a reasonably careful person would or would not do.[5]] [6]

Use Notes

(1) Use when instructing on this crime as a lesser offense.

(2) The term *motor vehicle* is defined in MCL 257.33.

(3) A *school bus zone* is defined in MCL 257.601b(5)(c) and does not include the opposite side of a divided highway per MCL 257.682(2).

(4) The word *injury* is not statutorily defined.

(5) This definition of *negligence* is drawn generally from M Civ JI 10.02 (Negligence of Adult – Definition).

(6) Read this paragraph only where the defense has introduced evidence of negligence by the deceased or injured person. This appears to be an affirmative defense.

The Committee has deleted M Crim JI 20.32 (Sodomy) and adopted amendments to M Crim JI 20.31 (Gross Indecency) and M Crim JI 20.33 (Indecent Exposure), to add an alternative element that would apply when the defendant is charged with being a sexually delinquent person under MCL 750.10a. The amended instructions are effective August 1, 2025.

[AMENDED] M Crim JI 20.31
Gross Indecency

(1) The defendant is charged with the crime of committing an act of gross indecency. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant engaged in a sexual act that involved one or more of the following:[1]

[Choose any of the following that apply:]

(a) entry into another person's [vagina / anus] by the defendant's [penis / finger / tongue / *(name object)*]. Any entry, no matter how slight, is enough. It does not matter whether the sexual act was completed or whether semen was ejaculated.

(b) entry into another person's mouth by the defendant's penis. Any entry, no matter how slight, is enough. It does not matter whether the sexual act was completed or whether semen was ejaculated.

(c) touching of another person's [genital openings / genital organs] with the defendant's mouth or tongue.

(d) entry by [any part of one person's body / some object] into the genital or anal opening of another person's body. Any entry, no matter how slight, is enough. It is alleged in this case that a sexual act was committed by [*state alleged act*]. It does not matter whether the sexual act was completed or whether semen was ejaculated.

(e) masturbation of oneself or another.

(f) masturbation in the presence of a minor, whether in a public place or private place.

[Add (3) unless only (2)(f) is being given.]

(3) Second, that the sexual act was committed in a public place. A place is public when a member of the public, who is in a place the public is generally invited or allowed to be, could have been exposed to or viewed the act.[2]

[Use the following paragraph only if the defendant is also charged with being a sexually delinquent person under MCL 750.10a.]

[(4) Third, that the defendant was a sexually delinquent person. A person is sexually delinquent when his or her behavior is characterized by repetitive or compulsive acts that show (a disregard of consequences or the recognized rights of others / the use of force on another person in attempting sexual relations of any nature / the commission of sexual aggressions against children under the age of 16[3]).]

Use Notes

(1) This list of acts is not intended to be exhaustive. *See People v Drake*, 246 Mich App 637; 633 NW2d 469 (2001).

(2) If necessary, the court may add that if the sexual act is committed in a public place, the consent of the participants or the acquiescence of any observer is not a defense.

(3) Read any that apply according to the charges and evidence.

M Crim JI 20.32
Sodomy

DELETED as being incompatible with the holding in *Lawrence v Texas*, 539 US 558 (2003).

[AMENDED] M Crim JI 20.33
Indecent Exposure

(1) The defendant is charged with the crime of indecent exposure. To prove this charge, the prosecutor must prove each of the

following elements beyond a reasonable doubt:

(2) First, that the defendant exposed [his / her] [*state part of body*].

(3) Second, that the defendant knew that [he / she] was exposing [his / her] [*state part of body*].

[*Use the following paragraph only if a violation of MCL 750.335a(2)(b) is charged.*]

(4) Third, that the defendant was fondling [his / her] [genitals / pubic area / buttocks / breasts[1]].

(5) [Third / Fourth], that the defendant did this in a place under circumstances in which another person might reasonably have been expected to observe it and which created a substantial risk that someone might be offended, or in a place where such exposure is likely to be an offense against your community's generally accepted standards of decency and morality. In determining this, you must think about the nature of the act and all of the circumstances surrounding the act. [*State any other relevant factors, e.g., the age and experience of the persons who observed the act, the purpose of the act, etc.*]

[*Use the following paragraph only if the defendant is also charged with being a sexually delinquent person under MCL 750.10a.*]

[(6) (Third / Fourth / Fifth), that the defendant was a sexually delinquent person. A person is sexually delinquent when his or her behavior is characterized by repetitive or compulsive acts that show (a disregard of consequences or the recognized rights of others / the use of force on another person in attempting sexual relations of any nature / the commission of sexual aggressions against children under the age of 16).[2]]

Use Notes

(1) MCL 750.335a(2)(b) indicates that the fondling of one's own breasts is prohibited only "if the person is female[.]" MCL 750.335a(3) indicates that this prohibition does not apply to "[a] mother's breastfeeding of a child or expressing breast milk[.]"

(2) Read any that apply according to the charges and evidence.

The Committee has adopted a new instruction, M Crim JI 41.4 (Making, Possessing, or Providing an Eavesdropping Device), for the crime set forth in MCL 750.539f. The new instruction is effective August 1, 2025.

[NEW] M Crim JI 41.4
Making, Possessing, or Providing an Eavesdropping Device

(1) The defendant is charged with the crime of making, possessing, or providing an eavesdropping device. To prove this charge, the prosecutor must prove each of the following elements beyond a reasonable doubt:

(2) First, that the defendant [made a device[1] / possessed a device / provided a device to (*identify recipient*)] that could overhear, record, amplify, or transmit the private discussion of other persons.

(3) Second, that the defendant [intended to use the device / intended to allow the device to be used] to overhear, record, amplify, or transmit the private discussion of others without all persons' permission.[2]
[Persons can include individuals, partnerships, corporations, or associations.][3]

[*Use the following if the defendant is alleged to have provided the eavesdropping device to someone else:*]

(4) Third, that when the defendant provided the device, [he / she] knew that it was intended to be used to overhear, record, amplify, or transmit the private discussion of others without all persons' permission.

Use Notes

(1) MCL 750.539f provides "any device, contrivance, machine or apparatus designed or commonly used for eavesdropping." The court may use any synonymous term.

(2) This is the definition of *eavesdropping* found at MCL 750.539a(2).

(3) MCL 750.539a(4) defines *person* as "any individual, partnership, corporation or association." Use this definition where a complainant could be a partnership, corporation, or association.

ORDERS OF DISCIPLINE & DISABILITY

SUSPENSION AND RESTITUTION

John F. Calvin, P 74477, West Bloomfield. Suspension for 180 Days, effective April 25, 2025[1]

After proceedings conducted pursuant to MCR 9.115, Tri-County Hearing Panel #4 found that respondent committed professional misconduct as alleged in the three-count formal complaint. The misconduct found in Count One related to a client's property dispute and the lawsuit stemming from it, and respondent's failure to respond to the request for investigation related to the matter. In Count Two, respondent's misconduct involved respondent's neglect of a lawsuit filed in 46th District Court, failure to keep his client informed his client that the matter had been dismissed, and failure to refund his client or return the client's file. The misconduct found in Count Three revolved around respondent's neglect of a client's dispute with their condominium association.

The panel found that respondent neglected a legal matter entrusted to the lawyer, in violation of MRPC 1.1(c) (Counts One, Two, and Three); failed to act with reasonable diligence and promptness in representing the client, in violation of MRPC 1.3 (Counts One, Two, and Three); failed to keep the clients reasonably informed about the status of their matters and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a) (Counts One, Two, and Three); failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b) (Counts One, Two, and Three); failed to refund any advance payment of fee that has not been earned, in violation of MRPC 1.16(d) (Counts One, Two, and Three); failed to make reasonable efforts to expedite litigation consistent with the interests of the client, in violation of MRPC 3.2 (Count One); knowingly disobeyed an obligation under the rules of a tribunal, in violation of MRPC 3.4(c) (Count One); engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b) (Count One); and, failed to answer a request for investigation in conformity with MCR 9.113(A) & (B)(2), in violation of MCR 9.104(7) and MRPC 8.1(a)(2) (Count One). The panel found that respondent's conduct also violated MRPC 8.4(c) and MCR 9.104(1) (Counts One and Two); and,

MRPC 8.4(a) and MCR 9.104(2)-(4) (Counts One, Two, and Three).

The panel ordered that respondent's license to practice law in Michigan be suspended for 180 days, effective April 25, 2025, and that he pay restitution totaling $5,100.00. Costs were assessed in the amount of $2,543.04.

1. Respondent's license to practice law in Michigan has been continuously suspended since January 29, 2025. See Notice of Interim Suspension Pursuant to MCR 9.115(H)(1), issued on January 29, 2025.

DISBARMENT (BY CONSENT)

Lanny W. Fisher, P 69199, Buchanan. Disbarment effective April 2, 2025

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of Disbarment, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Kent County Hearing Panel #4. The stipulation contained respondent's acknowledgment that he was convicted by guilty plea of three counts of Criminal Sexual Conduct in the Fourth Degree - Force or Coercion, a misdemeanor, in violation of MCL 750.520e (PACC Charging Code 750.520E1A); and two counts of Engaging in the Services of Another for the Purpose of Prostitution, a misdemeanor, in violation of MCL 750.449a (PACC Charging Code 750.449A), in a matter titled People of the *State of Michigan v Lanny Winston* Fisher, Berrien County Circuit Court, Case No. 2023-015383-FC.

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

In accordance with the stipulation of the parties, the panel ordered that respondent be disbarred from the practice of law in Michigan, effective April 2, 2025. Total costs were assessed in the amount of $987.40.

DISBARMENT (BY CONSENT

Austin M. Hisrchhorn, P 15001, Huntington Woods. Effective April 2, 2025.

Respondent and the Grievance Administrator filed an Amended Stipulation for Consent Order of Discipline, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #64. The stipulation contained respondent's admissions to the factual allegations and allegations of professional misconduct set forth in the formal complaint. Specifically, respondent admitted to failing to comply with notification requirements of MCR 9.119 related to an earlier suspension of his law license; failing to withdraw from two litigation matters and continuing to represent clients during his period of suspension; appearing in court on behalf of a client at a probation violation hearing during his period of suspension; and, failing to answer the request for investigation and respond to the Grievance Administrator's demand for information.

Based upon respondent's admissions and the amended stipulation of the parties, the panel found that respondent knowingly made a false statement of material fact or law to a tribunal, in violation of MRPC 3.3(a) (Count One); violated an order of discipline, in violation of MCR 9.104(9) (Count One); failed to provide the required notification to all active clients of his order of suspension, in violation of MCR 9.119(A) (Count One); failed to provide the required notice to all tribunals and parties of his disqualification from the practice of law, in violation of MCR 9.119(B) (Count One); practiced law while his law license was suspended, in violation of MCR 9.119(E)(1) (Count One); held himself out as an attorney while his license was suspended, in violation of MCR 9.119(E)(4) (Count One); engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b) (Count One); failed to answer a request for investigation in conformity with MCR 9.113(A) and MCR 9.113(B)(2), in violation of MCR 9.104(7)

ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

(Count Two); and, knowingly failed to respond to a lawful demand for information from a disciplinary authority, in violation of MRPC 8.1(a)(2) (Count Two). The panel also found respondent's conduct to have violated MCR 9.104(1)-(4) (Counts One and Two), and MRPC 8.4(a) and (c) (Counts One and Two).

In accordance with the stipulation of the parties, the hearing panel ordered that respondent be disbarred, effective April 2, 2025. Total costs were assessed in the amount of $1,866.67.

SUSPENSION AND RESTITUTION

Suzanna Kostovski, P 39535, Washington, Michigan. Suspension for 180 Days, effective April 3, 2025[1]

After proceedings conducted pursuant to MCR 9.115, Tri-County Hearing Panel #21 found that respondent committed professional misconduct as alleged in the five-count formal complaint. Specifically, the panel found that respondent failed to exercise reasonable diligence and neglected four separate client matters; failed to adequately communicate with those clients and keep them reasonably informed; failed to surrender clients' files and failed to refund an unearned fee; and engaged in the practice of law while her license was suspended, and otherwise failed to comply with the requirements of her order of suspension.

The panel found that respondent handled a legal matter without preparation adequate in the circumstances, in violation of MRPC 1.1(b) [Count One]; neglected a legal matter entrusted to the lawyer, in violation of MRPC 1.1(c) [Counts One through Four]; failed to seek the lawful objectives of a client through reasonably available means permitted by law, in violation of MRPC 1.2(a) [Counts One through Four]; failed to act with reasonable diligence and promptness, in violation of MRPC 1.3 [Counts Two, Three, Four]; 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) [Counts One through Four]; failed to explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation, in violation of MRPC 1.4(b) [Counts One through Four]; failed to communicate the basis or rate of her fee, in violation of MRPC 1.5(b) [Count Four]; upon termination of representation, failed to take reasonable steps to protect a client's interests, such as surrendering papers to which the client is entitled and refunding an unearned fee, in violation of MRPC 1.16(d) [Counts Two, Four]; engaged in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflects adversely on the lawyer's

honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b) [Count Five]; violated an order of discipline, in violation of MCR 9.104(9) [Count Five]; failed to provide the required notification to all active clients of her order of suspension, and in those cases in which she provided the notice, failed to timely provide the notice, in violation of MCR 9.119(A) [Count Five]; failed to provide the required notice to all tribunals and parties of her disqualification from the practice of law, and in those cases in which she provided the notice, failed to timely provide the notice, in violation of MCR 9.119(B) [Count Five]; practiced law while her license was suspended, in violation of MCR 9.119(E)(1) [Count Five]; communicated with clients while her license was suspended, in violation of MCR 9.119(E)(2) [Count Five]; and held herself out as an attorney while her license was suspended, in violation of MCR 9.119(E)(4) [Count Five]. The panel further found that respondent's conduct violated MCR 9.104(1)-(3) [Counts One through Five]; and MRPC 8.4(a) and (c) [Counts One through Five].

The panel ordered that respondent's license to practice law in Michigan be suspended for 180 days, effective April 3, 2025, and that she pay restitution totaling $8,500.00. Costs were assessed in the amount of $2,777.14.

1. Respondent's license to practice law in Michigan has been continuously suspended since December 14, 2023. See Notice of Suspension With Conditions (By Consent), issued on December 18, 2023, in *Grievance Administrator v Suzanna Kostovski*, 22-10-GA.

REPRIMAND WITH CONDITIONS (BY CONSENT)

Michelle L. Radloff[1], P 51462, Farmington Hills, Michigan. Reprimand effective April 24, 2025.

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of a Reprimand With Conditions, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Grand Traverse County Hearing Panel #1. The stipulation contained respondent's admission that she committed professional misconduct in a breach of contract dispute between her client and a third party involving registering a dog litter with the American Kennel Club; and, by her failure to respond to two requests for investigation.

Based on respondent's admissions and the stipulation of the parties, the panel found that respondent neglected a legal matter, in violation of MRPC 1.1(c) [Count One]; failed to seek the lawful objectives of a client, in violation of MRPC 1.2(a) [Count One]; failed to act with reasonable diligence and promptness in representing a client, in violation of MRPC 1.3 [Count One]; failed to keep the client reasonably informed about the status of her matter and comply promptly with reasonable requests for information, in violation of MRPC 1.4(a) [Count One]; knowingly failed to answer a request for investigation or demand for information in conformity with MCR 9.113(A)-(B)(2), in violation of MCR 9.104(7) and MRPC 8.1(a)(2) [Count Two]; engaged in conduct prejudicial to the administration of justice, in violation of MRPC 8.4(c) and MCR 9.104(1) [Counts One and Two]; 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 One and Two]; and engaged in conduct that is contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3) [Count Two].

In accordance with the stipulation of the parties, the panel ordered that respondent be reprimanded and required her to comply with conditions relevant to the established misconduct. Costs were assessed in the amount of $942.44.

1. Respondent was previously known as Michelle L. Lund, Michelle L. Gullett, and Michelle L. Radloff, and is now known as Michelle L.G. Dallaire.

HEARING ON PETITION FOR REINSTATEMENT

Notice is given that **Omar Fahmi Shabaan, P80425,** has filed a petition in the Michigan Supreme Court, the Attorney Discipline Board, and the Attorney Grievance Commission seeking reinstatement as a member of the State Bar and restoration of his license to practice law in accordance with MCR 9.124(A). *In the Matter of the Reinstatement Petition of Omar Fahmi Shabaan (P80425),* ADB Case No. 25-32-RP.

Effective April 3, 2024, Petitioner was suspended for one year in ADB Case No. 24-8-RD, per the reciprocal discipline filed by

ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

the Grievance Administrator, pursuant to MCR 9.120(C). The Supreme Court of Ohio suspended Petitioner's license to practice law for two years, with one year stayed with conditions, effective October 11, 2023, in a matter titled *Disciplinary Counsel v Omar Fahmi Shaaban,* Case No. 2023-0179.[1]

The Attorney Discipline Board has assigned the reinstatement petition to Tri- County Hearing Panel #1. A virtual hearing is scheduled for Thursday, July 17, 2025, commencing at 9:30 a.m.

In the interest of maintaining the high standards imposed upon the legal profession as conditions for the privilege to practice law in this state, and of protecting the public, the judiciary, and the legal profession against conduct contrary to such standards, Petitioner will be required to establish his eligibility for reinstatement by clear and convincing evidence.

Any interested person may appear at the hearing and request to be heard in support of or in opposition to the petition for reinstatement.

Any person having information bearing on Petitioner's eligibility for reinstatement should contact:

Mary A. Bowen
Associate Counsel
Attorney Grievance Commission
755 W. Big Beaver Road, Suite 2100
Troy, MI 48084
(313) 961-6585

Requirements of the Petitioner
The Petitioner is required to establish by clear and convincing evidence the following:

1. He desires in good faith to be restored to the privilege to practice law in this state;
2. The term of the suspension or revocation of his license, whichever is applicable, has elapsed;
3. He has not practiced or attempted to practice law contrary to the requirement of his suspension or revocation;
4. He has complied fully with the terms of the order of discipline;
5. His conduct since the order of discipline has been exemplary and above reproach;
6. He has a proper understanding of and attitude toward the standards that are imposed on members of the Bar and will conduct himself in conformity with those standards;
7. He can safely be recommended to the public, the courts, and the legal profession as a person fit to be consulted by others and to represent them and otherwise act in matters of trust and confidence, and, in general, to aid in the administration of justice as a member of the Bar and as an officer of the court;
8. That if he has been out of the practice of law for three years or more, he has been recertified by the Board of Law Examiners; and,
9. He has reimbursed or has agreed to reimburse the Client Protection Fund

any money paid from the fund as a result of his conduct. Failure to fully reimburse as agreed is grounds for revocation of a reinstatement.

1. A stayed suspension is not included as a type of discipline available in Michigan under MCR 9.106.

ORDER OF REINSTATEMENT

On March 12, 2025, Tri-County Hearing Panel #7 entered an Order of Suspension and Restitution With Condition (By Consent) in this matter, suspending respondent's license to practice of law in Michigan for 30 days, effective March 21, 2025. On April 17, 2025, respondent filed an affidavit pursuant to MCR 9.123(A), attesting that he has fully complied with all requirements of the panel's order and will continue to comply with the order until and unless reinstated. The Board was advised on April 22, 2025, that the Grievance Administrator has no objection to respondent's reinstatement on the grounds set forth in MCR 9.123(A); and the Board being otherwise advised;

Now therefore, it is so ordered that respondent, **John O. Knappmann, P 42983,** is reinstated to the practice of law in Michigan, effective April 23, 2025.

FROM THE MICHIGAN SUPREME COURT

ADM File No. 2023-38
Proposed Amendments of Rules 9.110, 9.111, 9.115, 9.117, 9.118, 9.125, 9.128, 9.129, 9.131, 9.201, 9.211, 9.221, 9.224, 9.231, 9.232, 9.233, 9.234, 9.235, 9.236, 9.240, 9.241, 9.242, 9.243, 9.244, 9.245, 9.251, 9.261, and 9.263 of the Michigan Court Rules and Rules 1.12 and 3.5 of the Michigan Rules of Professional Conduct

To read this file, visit https://perma.cc/2RST-ASHL

ADM File No. 2024-40
Proposed Amendment of Rules 2, 3, 3.3, 4, 4.1, 4.2, 7, and 9 of the Michigan Continuing Judicial Education Rules

To read this file, visit https://perma.cc/EK2V-9K5S

ADM File No. 2023-10
Proposed Amendment of Rule 6.008 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.008 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

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

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

Rule 6.008 Criminal Jurisdiction (A)-(B) [Unchanged.]

(C) Remands Following Dismissal of Charges. If the circuit court dismisses all felony charges and the only remaining charges are those cognizable in the district court, the circuit court may remand the case to the district court for further proceedings to be held in accordance with applicable laws and rules.

(C)-(E) [Relettered as (D)-(F) but otherwise unchanged.]

Staff Comment (ADM File No. 2023-10): The proposed amendment of MCR 6.008 would incorporate the *People v Cramer*, 511 Mich 896 (2023) holding by clarifying that circuit courts can remand misdemeanor charges to the district court following the dismissal of all felony charges that were bound over.

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

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by August 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. 2023-10. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ADM File No. 2023-25
Proposed Amendment of Rule 1.6 of the Michigan Rules of Professional Conduct

On order of the Court, the following Local Court Rule 2.518 for the 19th Circuit Court and 85th District Court (Manistee County) is adopted, effective June 1, 2025.

LCR 2.518 Submission of Trial and Hearing Exhibits

(A) Introduction. This local rule establishes a procedure for represented and unrepresented parties to submit proposed exhibits to the court prior to hearings and trials.

(B) Submission of Exhibits in General.

(1) Exhibits are Not Court Records. Pursuant to MCR 1.109(A)(2), exhibits that are maintained by the court reporter or other authorized staff pursuant to MCR 2.518 or MCR 3.930 during the pendency of a proceeding are not court records.

(2) Personal Identifying Information. Motions and pleadings may reference attachments, except that such attachments shall not include unredacted personal identifying information, unless submitted in the form and manner established by the State Court Administrative Office.

(3) Attachment of Prohibited or Confidential Information. No

motion or pleading shall attach any document that is:
(a) described in MCR 3.229,
(b) within the scope of a protective order filed or requested in the action, or
(c) the subject of an entered order or pending motion to seal the document under MCR 8.119(I), unless such document is identified as nonpublic, confidential, or sealed, pursuant to applicable court rule. Attachments to pleadings that violate this rule are subject to being stricken pursuant to MCR 2.115(B).

(4) Prior Orders or Judgments. It is unnecessary and redundant to attach copies of prior court orders or judgments to pleadings filed in the same case, as such prior orders are already part of the record.

(5) Attachments to and Items Inserted Within Pleadings are Not Exhibits. No attachment to or item inserted, copied and pasted, or similarly included within a filed pleading shall be considered an exhibit. No attachment to or item inserted, copied and pasted, or similarly included within a filed pleading shall be simultaneously admissible as an exhibit at any subsequent hearing or trial (i.e., no attachment to a pleading may be removed from a court file to be used as an exhibit). A separate copy must be provided and marked as an exhibit at such a hearing or trial.

(6) Disposal of Exhibits. Pursuant to MCR 2.518, upon expiration of the applicable appeal period, parties shall retrieve the exhibits submitted by them except that any weapons and drugs shall be returned to the confiscating agency for proper disposition. If the exhibits are not requested and retrieved within 56 days after the conclusion of the applicable appeal period, the court may properly dispose of the exhibits without notice to the parties. Unretrieved exhibits that are confidential records or confidential electronic records may be disposed of by shredding or deletion, respectively.

(C) Prehearing and Pretrial Submission of Exhibits.

(1) Existing Pretrial Orders in a Case are Controlling. Documents, photographs, and other physical evidence shall be disclosed and exchanged between the parties in accordance with any pretrial or scheduling order entered in the case, and in accord with discovery requests pursuant to the Michigan Court Rules.

(2) Exchange of Exhibits in Absence of Pretrial Order. In the absence of a specific pretrial or scheduling order, parties shall exchange proposed exhibits at least fourteen (14) days before any evidentiary hearing or trial before the judge, and parties shall exchange proposed exhibits at least fourteen (14) days before any referee hearing or motion hearing, unless the court permits otherwise for good cause. These disclosure/exchange requirements do not apply to evidence submitted for rebuttal purposes. All proposed exhibits for any evidentiary hearing or trial are subject to admissibility under the Michigan Rules of Evidence. If the volume or nature of the proposed exhibit(s) makes them excessively expensive, difficult, or burdensome to print or submit in physical form, the proposing party shall promptly advise the court so as to determine whether electronic evidence can be exchanged between parties and presented to the court in a mutually-compatible electronic format, capable of being presented in court, and preserved as part of the electronic record. The timing of exhibit exchange under this rule does not override any requirements of the Michigan Court Rules imposing earlier exchange time frames.

(3) Court Staff Assistance is Limited. Court staff shall have no obligation to print any electronic file to paper or convert it to any other format prior to a hearing or trial. Any such printing done by court staff is strictly a courtesy to the judge and is conditioned upon court staff's time and availability. Judges and referees are not expected to search for proposed physical or electronic evidence prior to or during any hearing or trial, and submission of proposed exhibits directly to a judge or referee via email is prohibited as an ex parte communication.

(4) Prior Arrangement for Presentation of Electronic Evidence Required. Any party intending to present electronic evidence at any trial or hearing is responsible for confirming, before said trial or hearing, that:
(a) said electronic evidence is compatible with the court's technology;
(b) it can be seen, heard, or read during the trial or hearing;
(c) if admitted into evidence, it can be preserved as part of the court record; and
(d) said party will be capable of presenting said electronic evidence using available technology.

Failure to confirm such compatibility and capacity prior to the hearing or trial is not grounds for adjournment unless the court determines otherwise for good cause. Nothing in this subrule authorizes the court to refuse to admit evidence that is otherwise admissible pursuant to the Michigan Rules of Evidence.

Staff Comment (ADM File No. 2025-10): The adoption of LCR 2.518 facilitates the submission of proposed exhibits in the 19th Circuit Court and the 85th District Court (Manistee County).

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.

ADM File No. 2025-03 Proposed Amendment of Rule 1.111 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 1.111 of the Michigan Court Rules. 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

FROM THE MICHIGAN SUPREME COURT (CONTINUED)

views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

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

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

Rule 1.111 Foreign Language Interpreters

(A) Definitions. When used in this rule, the following words and phrases have the following definitions:

(1)-(3) [Unchanged.]

(4) "Certified foreign language interpreter" means a person who meets all of the following criteria~~has~~:

(a) has passed a foreign language interpreter test administered by the State Court Administrative Office or a similar state or federal test approved by the state court administrator,

(b) has met all the requirements established by the state court administrator for this interpreter classification, ~~and~~

(c) is registered with the State Court Administrative Office, and.

(d) provides foreign language interpreter services independently or on behalf of a registered interpreter firm.

(5) "Interpret" and "interpretation" mean the oral rendering of spoken or written communication from one language to another without change in meaning.

(6) "Qualified foreign language interpreter" means a person who meets all of the following criteria:

(a) has passed the written English proficiency exam administered by the State Court Administrative Office or a similar state or federal test approved by the state court administrator,

(b) within the last two calendar years, has passed the consecutive portion of a foreign language interpreter test administered by the State Court Administrative Office or a similar state or federal test approved by the state court administrator,

(c) is actively engaged in becoming certified by continuing to test on each portion of the oral examination in each calendar year,

(d) has been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services,

(e) meets the requirements established by the state court administrator for this interpreter classification,

(f) is registered with the State Court Administrative Office, and

(g) provides foreign language interpretation services independently or on behalf of a registered interpreter firm.

~~(a) A person who provides interpretation services, provided that the person has:~~

~~(i) registered with the State Court Administrative Office; and~~

~~(ii) passed the consecutive portion of a foreign language interpreter test administered by the State Court Administrative Office or a similar state or federal test approved by the state court administrator (if testing exists for the language), and is actively engaged in becoming certified; and~~

~~(iii) met the requirements established by the state court administrator for this interpreter classification; and~~

~~(iv) been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services, or~~

~~(b) A person who works for an entity that provides in-person interpretation services provided that:~~

~~(i) both the entity and the person have registered with the State Court Administrative Office; and~~

~~(ii) the person has met the requirements established by the state court administrator for this interpreter classification; and~~

~~(iii) the person has been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services, or~~

~~(c) A person who works for an entity that provides interpretation services by telecommunication equipment, provided that:~~

~~(i) the entity has registered with the State Court Administrative Office; and~~

~~(ii) the entity has met the requirements established by the state court administrator for this interpreter classification; and~~

~~(iii) the person has been determined by the court after voir dire to be competent to provide interpretation services for the proceeding in which the interpreter is providing services~~

(7) "Registered interpreter firm" means an entity that employs certified or qualified foreign language interpreters to provide foreign language interpretation services and that is registered with the State Court Administrative Office.

(B) [Unchanged.]

(C) Waiver of Appointment of Foreign Language Interpreter. A person may waive the right to a foreign language interpreter established under subrule (B)(1) unless the court determines

that the interpreter is required for the protection of the person's rights and the integrity of the case or court proceeding. The court must find on the record that a person's waiver of an interpreter is knowing and voluntary. When accepting the person's waiver, the court may use a foreign language interpreter. For purposes of this waiver, the court is not required to comply with the requirements of subrule (F) and the foreign language interpreter may participate remotely.

(D) Recordings. The court may make a recording of anything said by a foreign language interpreter or a limited English proficient person while testifying or responding to a colloquy during those portions of the proceedings.

(E) [Unchanged.]

(F) Appointment of Foreign Language Interpreters

(1)-(4) [Unchanged.]

(5) Except as otherwise provided in this subrule, iIf a party is financially able to pay for interpretation costs, the court may order the party to reimburse the court for all or a portion of interpretation costs. Reimbursement is prohibited in criminal cases.

(6)-(7) [Unchanged.]

(G) Administration of Oath or Affirmation to Interpreters. The court shall administer an oath or affirmation to a foreign language interpreter substantially conforming to the following: "Do you solemnly swear or affirm that you will truly, accurately, and impartially interpret in the matter now before the court and not divulge confidential communications, so help you God?"

(H) [Unchanged.]

Staff Comment (ADM File No. 2025-03): The proposed amendment of MCR 1.111 would prohibit reimbursement for interpreter services in criminal cases, update the definitions for "interpret," "certified foreign language interpreter," and "qualified foreign language interpreter," and add a new definition for a "registered interpreter firm."

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

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by August 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. 2025-03. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ADM File No. 2025-04 Proposed Amendment of Rule 3.613 of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.613 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the Public Administrative Hearings page.

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

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

Rule 3.613 Change of Name

(A) [Unchanged.]

(B) Published Notice; Contents. Unless otherwise provided in this rule, the court must order publication of the notice of the proceeding to change a name in a newspaper in the county where the action is pending. If the court has waived fees under MCR 2.002, it must pay the cost of any ordered publication, including any affidavit fee charged by the publisher or the publisher's agent for preparing the affidavit pursuant to MCR 2.106(G). Any case record reflecting court payment must be nonpublic. A published notice of a proceeding to change a name must include the name of the petitioner; the current name of the subject of the petition; the proposed name; and the time, date, and place of the hearing, or alternatively, the date by which a person with the same or similar name to the petitioner's proposed name must file a motion to intervene. Proof of service must be made as provided by MCR 2.106(G)(1).

(C) No Publication of Notice; Confidential Record. Upon receiving a petition showing~~establishing~~ good cause, the court must order that no publication of notice of the proceeding take place and that the record of the proceeding be confidential. Good cause includes but is not limited to evidence that publication or availability of the~~a~~ record of the proceeding could place the petitioner or another individual in physical danger, at an ~~or~~ increased ~~the~~ likelihood of such danger, orsuch as evidence ~~that the petitioner or another individual has been the victim of stalking, domestic~~ violence, human trafficking, harassment, or an ~~assaultive crime, or evidence that publication or the availability~~

~~of a record of the proceeding could place the petitioner or another individual~~ at risk of unlawful retaliation or discrimination. Good cause must be presumed as provided in MCL 711.3.

(1) A petition that shows~~Evidence supporting~~ good cause must state~~include the petitioner's or the endangered individual's sworn statement stating~~ the reason(s) why the petitioner or the endangered individual fears publication or availability of the record of the proceeding~~supporting good cause, including but not limited to fear of physical danger, if the record is published or otherwise available~~. The court must not require proof of an arrest or prosecution to find that a petition shows~~reach a finding of~~ good cause.

(2) [Unchanged.]

(3) If a petition requesting nonpublication under this subrule is granted, the court must:

(a) [Unchanged.]

(b) notify the petitioner of its decision and the time, date, and place of the hearing, if any, on the requested name change under subrule (A); and

(c) [Unchanged.]

(4) If a petition requesting nonpublication under this subrule is denied, the court must issue a written order that states the reasons for denying relief and advises the petitioner of the right to

(a)-(b) [Unchanged.]

(c) proceed with a hearing on the name change petition by submitting a publication of notice of hearing for name change form with the court within 14 days of entry of the order denying the petition requesting nonpublication. If the petitioner submits such form, ~~in accordance with subrule (B)~~ the court may~~must~~ set a time, date, and place of a hearing and must order publication in accordance with subrule (B).

(5)-(9) [Unchanged.]

(10) If a petition requesting nonpublication under this subrule is denied, and the petitioner or the court proceed with the~~setting a time, date, and place of a hearing on the petition for a~~ name change as provided in subrules (4)(c) or (6), the court must order that the record is no longer confidential.

(D) Minor's Signature. A petition for a change of name by a minor need not be signed in the presence of a judge. ~~However, the separate written consent that must be signed by a minor 14 years of age or older shall be signed in the presence of the~~ judge.

(E) Notice to Noncustodial Parent. Service on a noncustodial parent of a minor who is the subject of a petition for change of name must be made in the following manner:

(1) [Unchanged.]

(2) Address Unknown. If the noncustodial parent's address or whereabouts is not known and cannot be ascertained after diligent inquiry, that parent must be served with a notice of hearing by one of the following methods:

(a) by publishing in a newspaper and filing a proof of service as provided by MCR 2.106(G)(1). Unless otherwise provided in this rule, the notice must be published one time at least 14 days before the date of any~~the~~ hearing, must include the name of the noncustodial parent and a statement that the result of the hearing may be to bar or affect the noncustodial parent's interest in the matter, and that publication must be in the county where the court is located unless a different county is specified by statute, court rule, or order of the court. A notice published under this subrule need not set out the contents of the petition if it contains the information required under subrule (B). A single publication may be used to notify the general public and the noncustodial parent whose address cannot be ascertained if the notice contains the noncustodial parent's name.

(b) [Unchanged.]

(c) (F)-(G) [Unchanged.]

Staff Comment (ADM File No. 2025-04): The proposed amendment of MCR 3.613 would realign the rule with recent amendments of MCL 711.1 and MCL 711.3 regarding name change proceedings.

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

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by August 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. 2025-04. Your comments and the comments of others will be posted under the chapter affected by this proposal.

ADM File No. 2025-10
Adoption of Local Court Rule 2.518 for the 19th Circuit Court and 85th District Court (Manistee County)

On order of the Court, the following Local Court Rule 2.518 for the 19th Circuit Court and 85th District Court (Manistee County) is adopted, effective June 1, 2025.

LCR 2.518 Submission of Trial and Hearing Exhibits

(D) Introduction. This local rule establishes a procedure for represented and unrepresented parties to submit proposed exhibits

to the court prior to hearings and trials.

(E) Submission of Exhibits in General.

(1) Exhibits are Not Court Records. Pursuant to MCR 1.109(A)(2), exhibits that are maintained by the court reporter or other authorized staff pursuant to MCR 2.518 or MCR 3.930 during the pendency of a proceeding are not court records.

(2) Personal Identifying Information. Motions and pleadings may reference attachments, except that such attachments shall not include unredacted personal identifying information, unless submitted in the form and manner established by the State Court Administrative Office.

(3) Attachment of Prohibited or Confidential Information. No motion or pleading shall attach any document that is:

(a) described in MCR 3.229,

(b) within the scope of a protective order filed or requested in the action, or

(c) the subject of an entered order or pending motion to seal the document under MCR 8.119(I), unless such document is identified as nonpublic, confidential, or sealed, pursuant to applicable court rule. Attachments to pleadings that violate this rule are subject to being stricken pursuant to MCR 2.115(B).

(4) Prior Orders or Judgments. It is unnecessary and redundant to attach copies of prior court orders or judgments to pleadings filed in the same case, as such prior orders are already part of the record.

(5) Attachments to and Items Inserted Within Pleadings are Not Exhibits. No attachment to or item inserted, copied and pasted, or similarly included within a filed pleading shall be considered an exhibit. No attachment to or item inserted, copied and pasted, or similarly included within a filed pleading shall be simultaneously admissible as an exhibit at any subsequent hearing or trial (i.e., no attachment to a pleading may be removed from a court file to be used as an exhibit). A separate copy must be provided and marked as an exhibit at such a hearing or trial.

(6) Disposal of Exhibits. Pursuant to MCR 2.518, upon expiration of the applicable appeal period, parties shall retrieve the exhibits submitted by them except that any weapons and drugs shall be returned to the confiscating agency for proper disposition. If the exhibits are not requested and retrieved within 56 days after the conclusion of the applicable appeal period, the court may properly dispose of the exhibits without notice to the parties. Unretrieved exhibits that are confidential records or confidential electronic records may be disposed of by shredding or deletion, respectively.

(F) Prehearing and Pretrial Submission of Exhibits.

(1) Existing Pretrial Orders in a Case are Controlling. Documents, photographs, and other physical evidence shall be disclosed and exchanged between the parties in accordance with any pretrial or scheduling order entered in the case, and in accord with discovery requests pursuant to the Michigan Court Rules.

(2) Exchange of Exhibits in Absence of Pretrial Order. In the absence of a specific pretrial or scheduling order, parties shall exchange proposed exhibits at least fourteen (14) days before any evidentiary hearing or trial before the judge, and parties shall exchange proposed exhibits at least fourteen (14) days before any referee hearing or motion hearing, unless the court permits otherwise for good cause. These disclosure/exchange requirements do not apply to evidence submitted for rebuttal purposes. All proposed exhibits for any evidentiary hearing or trial are subject to admissibility under the Michigan Rules of Evidence. If the volume or nature of the proposed exhibit(s) makes them excessively expensive, difficult, or burdensome to print or submit in physical form, the proposing party shall promptly advise the court so as to determine whether electronic evidence can be exchanged between parties and presented to the court in a mutually-compatible electronic format, capable of being presented in court, and preserved as part of the electronic record. The timing of exhibit exchange under this rule does not override any requirements of the Michigan Court Rules imposing earlier exchange time frames.

(3) Court Staff Assistance is Limited. Court staff shall have no obligation to print any electronic file to paper or convert it to any other format prior to a hearing or trial. Any such printing done by court staff is strictly a courtesy to the judge and is conditioned upon court staff's time and availability. Judges and referees are not expected to search for proposed physical or electronic evidence prior to or during any hearing or trial, and submission of proposed exhibits directly to a judge or referee via email is prohibited as an ex parte communication.

(4) Prior Arrangement for Presentation of Electronic Evidence Required. Any party intending to present electronic evidence at any trial or hearing is responsible for confirming, before said trial or hearing, that:

(a) said electronic evidence is compatible with the court's technology;

(b) it can be seen, heard, or read during the trial or hearing;

(c) if admitted into evidence, it can be preserved as part of the court record; and

(d) said party will be capable of presenting said electronic evidence using available technology.

Failure to confirm such compatibility and capacity prior to the hearing or trial is not grounds for adjournment unless the court determines otherwise for good cause. Nothing in this subrule authorizes the court to refuse to admit evidence that is otherwise admissible pursuant to the Michigan Rules of Evidence.

Staff Comment (ADM File No. 2025-10): The adoption of LCR 2.518 facilitates the submission of proposed exhibits in the 19th Circuit Court and the 85th District Court (Manistee County).

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.

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Career Center. The State Bar of Michigan has partnered with an industry leader in job board development to create a unique SBM employment marketplace with features different from generalist job boards in including a highly targeted focus on employment opportunities in a certain sector, location, or demographic; anonymous résumé posting and job application enabling job candidates to stay connected to the employment market while maintaining full control over their confidential information; An advanced "job alert" system that notifies candidates of new opportunities matching their preselected criteria; and access to industry-specific jobs and top-quality candidates. Employer access to a large number of job seekers. The career center is free for job seekers. Employers pay a fee to post jobs. For more information visit the Career Center at https://jobs.michbar.org/.

Defense Litigation Attorney. Kaufman, Payton & Chapa is seeking an experienced defense litigation attorney with 5-10 years of experience for its practice located in Farmington Hills, Michigan. We are seeking an attorney to argue motions, contest hearings, arbitrations, and trials. Draft, review, and approve pleadings including complaints, motions, discovery, and post judgment supplemental proceedings. Must have strong communication, negotiation, writing, and listening skills. Attention to details and a strong commitment to client service. Candidates must be highly organized, self-motivated, have a strong work ethic, and be a team player. Competitive salary and benefits package will be offered. Benefits offered include health, dental, vision, and retirement plan. Please submit your résumé to Daniel S. Schell, Office Manager, DSSchell@kaufmanlaw.com.

Lakeshore Legal Aid serves low-income people, seniors, and survivors of domestic violence and sexual assault in a holistic manner to address clients' legal issues and improve our communities. Lakeshore provides free direct legal representation in southeast Michigan and the thumb and client intake, advice, and brief legal services throughout Michigan via our attorney-staffed hotline. Our practice areas include housing, family, consumer, elder, education, and public ben-

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efits law. Search the open positions with Lakeshore at https://lakeshorelegalaid.org/positions/ and apply today.

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EVENTS, PRESENTATIONS, PUBLICATIONS

Attorney's Resource Conference. Attention personal injury, medical malpractice, and any attorney who works on cases involving medical records! Join The Attorney's Resource Conference, August 12–14, 2025, in Garden Theater, Detroit, Michigan. This conference provides a dynamic and relaxing platform to build networks for case support while enhancing your skills and staying informed. Learn from top doctors, nurses, and attorneys. Enhance your expertise of medical issues, learn how they can impact your case, and be in the know so you are prepared and confident to present medical evidence. Whether you are an attorney concentrating in healthcare, personal injury, and medical malpractice, a nurse attorney, or a legal nurse consultant, you will be equipped with the knowledge and connections necessary to excel in your practice and provide the best possible representation for your clients all while offering an opportunity to relax and attend to your own self-care. To register or to learn more visit Attorney's Resource Conference (https://attorneysconference.com/home).

IMMIGRATION LAW

All Things Immigration Lead to Ray Law International, PC. With over 20 years of immigration experience, we successfully assist H.R., senior managers, and individuals overcome immigration barriers to bring key employees and family members to the U.S. Servicing businesses and individuals throughout the U.S. and the world through our three offices: Novi, MI; Chicago, IL; and Fort Lee, NJ. Find out more about our services, service and increase your immigration knowledge on YouTube or our Website. Referral fees are promptly paid in accordance with MRPC 1.5(e). (248) 735-8800/(888) 401-1016/ E-mail.

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, 31555 W. 14 Mile Road, Ste 100, Farmington Hills, MI 48334, www.antone.com.

MICHIGAN PARALEGAL GROUP

Do you need assistance with research, writing briefs, trial preparation, motion practice, billing, advertising, process serving and more. Contact Michigan Paralegal Group 517.677.0529.

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We'll work with you to create an advertising plan that is within your budget and gets your message in front of the right audience. Contact the State Bar of Michigan advertising department to discuss the best option. Email advertising@michbar.org, or call 517.346.6315 or 800.968.1442, ext. 6315.

OFFICE SPACE OR VIRTUAL SPACE AVAILABLE

Bingham Farms. Class A legal space available in existing legal suite. Offices in various sizes. Packages include lobby and receptionist, multiple conference rooms, high-speed internet and wi-fi, e-fax, phone (local and long distance included), copy and scan center, and shredding service. Excellent opportunity to gain case referrals and be part of a professional suite. Call 248.645.1700 for details and to view space.

Birmingham – Downtown. Executive corner office, 16 x 16 with picture windows and natural light, in Class "A" building, Old Woodward at Brown Street. Amenities include a shared conference room, spacious kitchen, and staff workstation. Available secured parking in garage under building. Sublease $1,975 /month. Contact Allan Nachman@WillowGP.com or 248.821.3730.

Farmington Hills. Attorney offices and administrative spaces available in a large, fully furnished, all attorney suite on Northwestern Highway in Farmington Hills ranging from $350 to $1,600 per month. The suite has full-time receptionist; three conference rooms; copier with scanning, high-speed internet; WI-FI and VoIP phone system in a building with 24-hour access. Ideal for small firm or sole practitioner. Call Jerry at 248.932.3510 to tour the suite and see available offices.

Farmington Hills. Located in the award-winning Kaufman Financial Center. One to five private office spaces, with staff cubicles, are available for immediate occupancy. The lease includes the use of several different sized conference rooms, including a conference room with dedicated internet, camera, soundbar and a large monitor for videoconferencing; reception area and receptionist; separate kitchen and dining area; copy and scan area; and shredding services. Please contact Daniel S. Schell, Office Manager, DSSchell@kaufmanlaw.com.

Plymouth. Four attorney offices available with up to two administrative spaces in a large suite in Plymouth (one mile west of I-275 on Ann Arbor Rd). Large conference room and waiting area included. Offices are located in a suite with a 35 year old law firm. Call or email Carol 734.453.7877 (cschultz@hpcswb.com) to tour or discuss.

RETIRING?

We will buy your practice. Looking to purchase estate planning practices of retiring attorneys in Detroit Metro area. Possible association opportunity. Reply to Accettura & Hurwitz, 32305 Grand River Ave., Farmington, MI 48336 or maccettura@elderlawmi.com.

SEXUAL ASSAULT & SEXUAL ABUSE REFERRALS

Buckfire & Buckfire, PC, trial attorney Robert J. Lantzy represents victims of sexual abuse in civil lawsuits throughout Michigan. Lantzy's sexual assault and abuse lawsuit experience includes the high-profile cases of Larry Nassar/Michigan State University, Ohio State University and other confidential lawsuits. Referral fees are guaranteed and promptly paid in accordance with MRPC 1.5(e). For more information, visit: https://buckfirelaw.com/case-types/sexual-abuse/ or call us at 313.800.8386. Founded in 1969, Buckfire Law is a Michigan-based personal injury law firm and is AV Rated.

LAWYERS & JUDGES ASSISTANCE
MEETING DIRECTORY

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

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

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

ALCOHOLICS ANONYMOUS & OTHER SUPPORT GROUPS

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

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

East Lansing
WEDNESDAY 8 PM
Sense of Humor AA Meeting
Michigan State University Union
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
MONDAY 8 PM
Join using this link https://ilaa.org/meetings-and-events/

Virtual
TUESDAY 8 PM
WOMEN ONLY
Join using this link https://ilaa.org/meetings-and-events/

Virtual
THURSDAY 7 PM*
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.

GAMBLERS ANONYMOUS

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

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

OTHER MEETINGS

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

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

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

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

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

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

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

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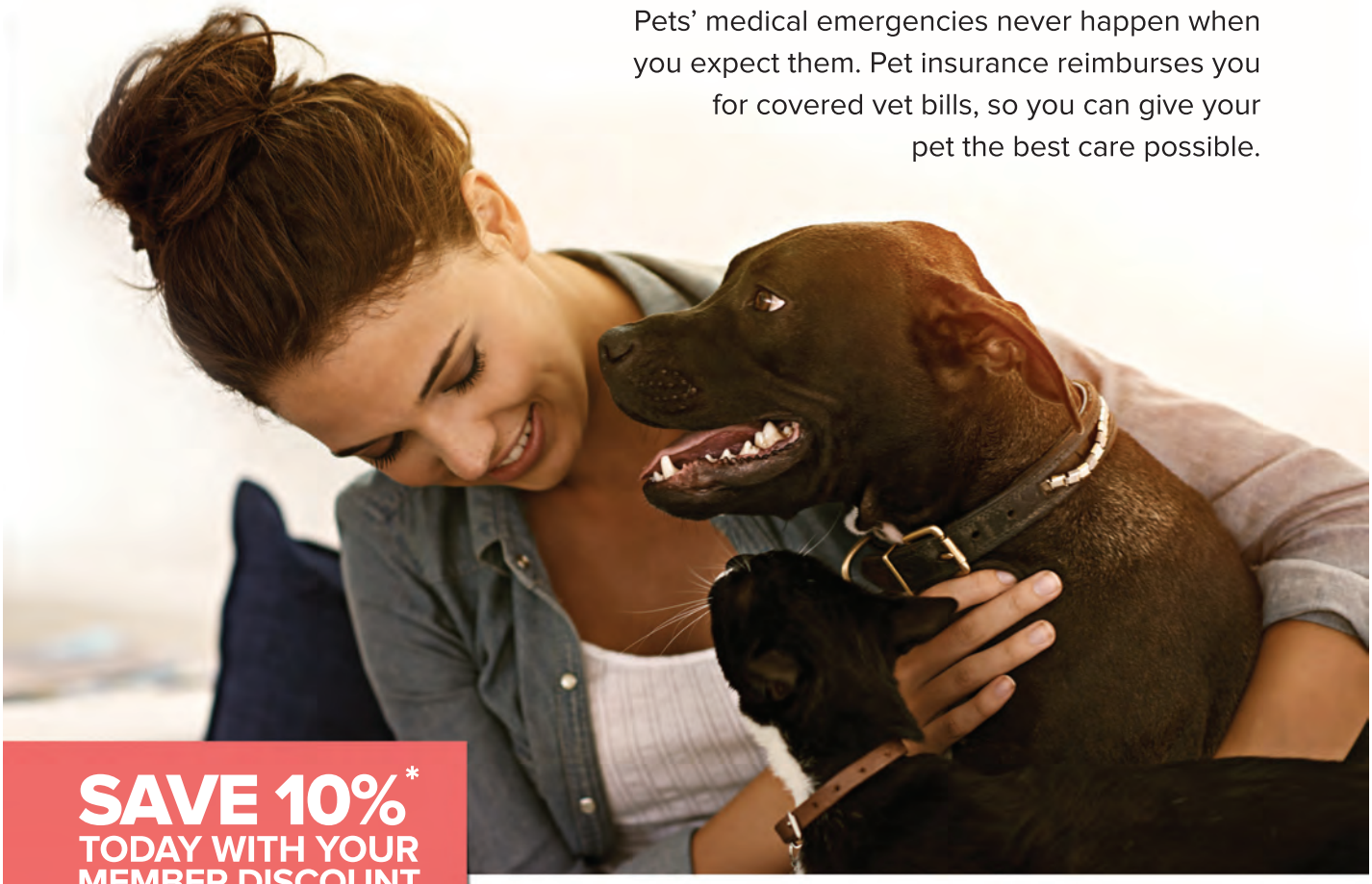

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