MICHIGAN
BAR JOURNAL
JUNE 2026

MANAGING FLSA COLLECTIVE ACTIONS AFTER *CLARK*

ALSO IN THIS ISSUE:

- What the CLEAR report means for the regulation of the legal profession
- Splitting headache: Managing leaves for benefit-eligible employees
- Defeating motions for summary judgment in employment matters
- Generative AI: Common problems and hopeful solutions

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COLUMNS

NOTICES

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$ 3,850,000 Truck accident settlement
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$ 1,750,000 Macomb County premises liability jury verdict
$ 1,000,000 Motorcycle accident settlement

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MONEY JUDGMENT INTEREST RATE

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

For a complaint filed after Dec. 31, 1986, the rate as of January 1, 2025, is 4.083%. 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

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JULY 24, 2026
SEPTEMBER 18, 2026

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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 2025-2026 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, 2026, 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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Chapman Law Group
Announces Shareholder Promotions Of
Aaron J. Kemp
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Chapman Law Group is proud to announce the promotion of attorneys **Aaron J. Kemp**, **Jonathan C. Lanesky**, and **Devlin K. Scarber** to shareholders of the firm. The promotions reflect the firm's continued growth and recognize each attorney's longstanding dedication to healthcare law, client advocacy, and leadership within the organization. Also joining the ranks of shareholders in the firm's Florida offices are Sara A. Bazzigaluppi, Juan C. Santos, and Jonathan S. Meltz.

Aaron J. Kemp serves as Chairperson of Chapman Law Group's Professional Licensing & Regulatory Affairs practice in Michigan and has more than 20 years of experience representing healthcare professionals in licensing, credentialing, regulatory, and peer review matters. He regularly advises physicians, nurses, pharmacists, dentists, and other providers on complex administrative and licensing issues affecting their careers and practices.

Jonathan C. Lanesky is a healthcare compliance attorney whose practice focuses on healthcare business compliance, professional licensing defense, and healthcare business transactions. With more than 25 years of experience, he counsels healthcare professionals and organizations on operational compliance, regulatory risk management, Stark Law and Anti-Kickback matters, mergers and acquisitions, and CMS audits and appeals.

Devlin K. Scarber is an attorney in the firm's civil litigation and corrections practice, focusing on defense-side medical malpractice, negligence, and constitutional claims involving healthcare providers and correctional healthcare facilities. He brings over 20 years of litigation experience and extensive trial and appellate experience to complex healthcare defense matters.

"These attorneys have consistently demonstrated exceptional legal skill, leadership, and commitment to the healthcare professionals and organizations we serve," said **Ronald W. Chapman, Founder, President, and CEO of Chapman Law Group.** "Their promotions to shareholder reflect the tremendous value they bring to our clients, our firm, and the healthcare legal community."

Chapman Law Group is a healthcare defense law firm representing healthcare professionals and businesses nationwide. With offices in Michigan, Florida, and California, the firm focuses exclusively on healthcare law, including professional licensing defense, healthcare compliance, business formations and transactions, civil litigation defense, and federal healthcare fraud defense.

LETTER TO THE EDITOR

To the Editor:

Thank you and compliments to all those responsible for the April 2026 issue of the Michigan Bar Journal, including the organizers and author – contributors.

These analyses of "professionalism" are excellent.

As Mr. Leib explained so well "the role of lawyers in our justice system:"

"We are both custodians and guardians of the rule of law….And we are entrusted with that duty….we agreed to support the Constitution of the U.S. and the Constitution of the State of Michigan."

To this great thought and responsibility, for emphasis, I add the words of "'…a young doctor in Boston named Joseph Warren – the man who sent Paul Revere on his ride…. ACT WORTHY OF YOURSELVES.' " (Emphasis added.) Hannan, Inventing Freedom.

Appreciatively and respectfully,
George B. Walker

NEWS & MOVES

ARRIVALS & PROMOTIONS

JOSHUA D. BERNDT has joined Parmenter Law as an associate.

CATHERINE GAGNON has joined Tamarisk Legal Advisors PLLC as a partner.

MICHAEL PAPPAS has joined Howard & Howard in Detroit.

SAM S. YOUSIF has joined the Troy office of Butzel as an associate.

LEADERSHIP

JASON C. LONG, with Williams Williams Rattner & Plunkett, has been admitted to the American College of Real Estate Lawyers.

NEW OFFICE

GOODMAN ACKER announced the opening of a new office in Livonia.

PRESENTATIONS, PUBLICATIONS & EVENTS

THE ST. JOSEPH COUNTY BAR ASSOCIATION will host its annual golf outing scheduled for Friday, June 19 at noon at the Sauganash Country Club in Three Rivers, MI.

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

IN MEMORIAM

RICHARD ASHARE, P10271, of Grosse Pointe Woods, died December 2, 2024. He was born in 1930, graduated from Wayne State University Law School, and was admitted to the Bar in 1958.

JAMES W. BURDICK, P11397, of Bloomfield Hills, died April 9, 2026. He was born in 1943, graduated from University of Michigan Law School, and was admitted to the Bar in 1968.

RICHARD P. DIEHL, P35493, of Suffolk, Va., died March 16, 2026. He was born in 1940, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 1983.

JOSEPH E. ELDRED, P46914, of Battle Creek, died April 8, 2026. He was born in 1959, graduated from Thomas M. Cooley Law School, and was admitted to the Bar in 1992.

WILLIAM F. HAGGERTY, P30954, of East Lansing, died February 24, 2026. He was born in 1943, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 1980.

ROGER M. MACERONI, P45744, of Shelby Township, died October 31, 2025. He was born in 1962, graduated from Detroit College of Law, and was admitted to the Bar in 1992.

JOHN W. OLDHAM, P18454, of Farmington Hills, MI died October 18, 2020. He was born in 1926, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 1954.

DOLORES PRESTON MERRITT, P34159, of Detroit, died March 29, 2026. She was born in 1932, graduated from Wayne State University Law School, and was admitted to the Bar in 1982.

CAROLE A. MURRAY, P30835, of Clinton Township, died January 13, 2026. She was born in 1945, graduated from University of Detroit Mercy School of Law, and was admitted to the Bar in 1979.

MICHAEL ALAN SCHWARTZ, P30938, of Farmington Hills, died March 7, 2026. He was born in 1948, graduated from Fordham University School of Law, and was admitted to the Bar in 1980.

BRIAN E. SELBURN, P29749, of St. Clair Shores, died April 8, 2026. He was born in 1951, graduated from Detroit College of Law, and was admitted to the Bar in 1979.

JOHN R. STUMP, P21113, of Highland Beach, Fla., died April 11, 2026. He was born in 1935, graduated from West Virginia University College of Law, and was admitted to the Bar in 1964.

RALPH S. TYLER, III, P21657, of Baltimore, Md., died April 13, 2026. He was born in 1947, graduated from Case Western Reserve University School of Law and Harvard Law School, and was admitted to the Bar in 1973.

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

LISA J. HAMAMEH

What technology can't teach

Our world and our profession have changed profoundly since many of us entered into the legal profession.

When I became an attorney back in 2000, AOL email was standard (and I admit I still have my old AOL account), camera phones were just coming out, and Google was just starting to gain widespread popularity. Even as a Gen Xer, I remember typing on typewriters, using books for research, and having court hearings … *in courthouses*.

These days, it feels like we are facing constant uncertainty over how to appropriately balance the new opportunities new technology affords us with the connection, life lessons, and compassion our profession demands.

Artificial intelligence can now summarize cases, analyze contracts, organize discovery, draft emails, and help lawyers complete in minutes tasks that once took hours.

Even more important than making our jobs easier, technology is rapidly expanding access to justice in new, almost unimaginable ways.

Thanks to the rapid technical advances of the 21st Century, Michigan residents have access to reliable and accurate legal tools anywhere they can get an internet connection at michiganlegalhelp.com.

In FY 2025, Michigan Legal Help's do-it-yourself tools were used 157,625 times — providing critical support for residents who otherwise would have been stranded trying to navigate our courts.[1]

It really is great. Really. It is.

But …

We also need to acknowledge we've lost something in this vast, rapidly changing technological world. This doesn't mean that we should reject technology or even bemoan its advancements; it does mean we need to be aware, identify our shortcomings, and continue to evolve so that we can best serve our clients.

Lately, I've been thinking about — and hearing from attorneys as I travel around the state — how these changes have affected our newest lawyers.

Many attorneys who entered practice during or after the pandemic have had a very different introduction to the profession than those of us who started our careers a generation ago. They have mastered technologies and efficiencies many of us could not have imagined when we were new lawyers. Yet they have also missed experiences that, while sometimes inconvenient or even frustrating at the time, served as important training grounds.

They never had to spend a morning in a crowded courthouse waiting through motion call, posting names on courtroom boards, or running from courtroom to courtroom trying to make sure every matter was heard. They have participated in fewer in-person hearings and have had fewer opportunities to simply observe experienced attorneys in action. They tend to have seen far fewer trials than previous generations. And because so many of us work from home, and most of our work now occurs remotely, they have had fewer chances to stop by a colleague's office, ask questions, watch a seasoned attorney handle a difficult client, or absorb the countless unwritten lessons that are passed down through observation and watercooler conversation.

Not surprisingly, recent research suggests that many judges and attorneys recognize this challenge. In this issue of the *Michigan Bar Journal*, Michigan Supreme Court Chief Justice Megan K. Cavanagh discusses the findings from the Conference of Chief Justices' CLEAR report.[2]

The report found that 54 percent of more than 4,000 judges surveyed nationwide agreed or strongly agreed that attorneys in their

first five years of practice need additional training before they are prepared to practice in their court.

Attorneys themselves reached similar conclusions. Nearly 68 percent of lawyers with fewer than five years of experience — and almost 58 percent of more experienced lawyers — reported that the bar exam does not adequately test the skills needed in actual legal practice.

Those findings should not be viewed as criticism of our newest lawyers. Rather, they should be viewed as a call to action for the rest of us.

If technology has changed the way young lawyers enter the profession, then we must adapt the way we help them grow within it. That means making mentorship a priority. It means inviting younger attorneys to hearings, depositions, negotiations, and trials. It means creating opportunities for observation, feedback, and professional development. It means sharing not only our legal knowledge but also our judgment, professionalism, and understanding of what it means to serve clients and the justice system.

In a somewhat ironic twist, expanding technology has made our out-of-office relationships matter even more. Volunteering, joining a section, serving on a committee, and attending your local bar association meeting are now critical functions to strengthen and maintain our profession.

Technology does make us more efficient. It does expand access to justice. It does improve the delivery of legal services in remarkable ways. It does **not** replace the wisdom gained through experience or the value of one lawyer investing in another.

Our profession has changed profoundly since I graduated in 2000, and it will continue to change in ways we cannot yet imagine. Whatever the future holds, our responsibility remains the same: to leave the profession stronger than we found it by investing in those who follow us.

ENDNOTES.

1. Michigan Legal Help, *2025 Annual Report* (2025), p 7.
2. See Thinking and Acting Like a Lawyer: What the CLEAR Report Means for Regulation of the Legal Profession," starting on Page

JAMS congratulates State Bar of Michigan 50-Year Golden Celebration honoree

Victoria Roberts

Judge Roberts, a retired U.S. district court judge and JAMS neutral, has been a member of the Michigan State Bar for 50 years.

jamsadr.com/neutrals/victoria-roberts

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OF INTEREST

Michigan State Bar Foundation announces 2026 award recipients

The Michigan State Bar Foundation is pleased to announce the recipients of the 2026 Foundation Awards. Julie I. Fershtman will receive the Founders Award that honors lawyers who exemplify professional excellence and outstanding contributions to their community. The Access to Justice Award will be presented to David M. Blanchard in recognition of his exceptional work advancing access to justice for low-income families in Michigan.

"We are proud to recognize Julie Fershtman and David Blanchard for their leadership within the legal community and their steadfast commitment to advancing access to justice in our state. Their contributions have made a meaningful impact, and we are grateful for the care, integrity, and dedication they bring to this work," said Craig Lubben, MSBF Board President.

FOUNDERS AWARD

Julie Fershtman is a nationally recognized trial lawyer and respected leader in the legal profession, with 40 years of experience. As a shareholder with Foster Swift, her practice has included business, insurance, agribusiness, product liability, and equine-related matters while representing insurers, businesses and individuals in trials, arbitration and appeals. She is widely regarded as a leading voice in equine law.

Beyond her litigation practice, Ms. Fershtman is best known for her leadership and service in the legal community. She is a past President of the State Bar of Michigan and has long been recognized for her professionalism, mentoring and commitment to the rule of law. Her honors include induction into Michigan Lawyers Weekly's Michigan Lawyers Hall of Fame (2024) and being named Woman of the Year (2016). Julie retired from the Michigan State Bar Foundation's Board of Directors after more than 21 years of service, including her tenure as Vice President beginning in 2022, and she continues her involvement as a Fellow of the Foundation. A prolific author, she has published hundreds of articles and four books, two of which the ABA published. She regularly speaks around the country on liability and risk management.

ACCESS TO JUSTICE AWARD

David Blanchard is a respected employment law attorney whose career is centered on advancing access to justice and promoting fairness in the workplace. His work focuses on challenging unlawful employment practices and ensuring that working people can assert their rights with dignity and security. Through public impact litigation and collective actions, he has helped recover significant compensation for workers while driving broader reforms that strengthen accountability across workplaces and industries.

David's leadership extends beyond individual representation to building durable legal protections and resources that support working people and the public good. He has litigated employment and business disputes in state and federal courts and is widely respected for his commitment to ethical advocacy and systemic change. In 2025, through class action settlements, his firm helped to establish the Unemployment Legal Assistance Relief Fund, administered by the Michigan State Bar Foundation, to expand access to legal support for unemployed workers.

The Foundation awards will be presented in September during the Michigan State Bar Foundation's Fellows Reception.

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.

IN FOCUS

Labor and employment law

BY THOMAS J. DAVIS

Few specialists wear more hats than the employment lawyer. We spend the morning advising a client on a medical leave issue, pivot to a wage-and-hour collective action in the afternoon and worry at night whether our associates are quietly outsourcing their legal reasoning to ChatGPT. This issue of the *Michigan Bar Journal* addresses all three scenarios. For good measure, it throws in a plaintiff-side summary judgment playbook sharp enough to make this defense lawyer nervous.

Christina Nechiporchik tackles the maddeningly complex question of what happens to an employee's benefits during a leave of absence. Her article is a reminder that the regulatory alphabet soup of FMLA, ADA, ERISA and COBRA is both a compliance headache and a potential litigation minefield.

Sean Dutton and Ryan Bohannon examine the fallout of the Sixth Circuit's recent *Clark v. A&L Homecare & Training Center* decision, which raised the evidentiary showing necessary to obtain court-issued notice of FLSA claims to other potential collective-action members without clarifying whether the statute of limitations for those absent members may be tolled while discovery proceeds. Their article is required reading for anyone – plaintiff or defense – navigating the tension between the inherent delays of litigation and a statutory clock that refuses to stop running.

Richard Warren and Lauren Harrington offer a candid look at the use of artificial intelligence in the practice of law. This piece is no hallucination. It is an honest take on the ways that generative AI tools can both sharpen and dull an associate lawyer's professional edge. It also addresses the influx of *pro se* litigation fueled by generative AI (including dueling opinions on work-product privilege over AI queries and outputs – one of them from the Eastern District of Michigan) and surveys the increasing use of AI by employers in decision-making.

Finally, fellow council member Sarah Prescott provides a plaintiff-side playbook for avoiding summary judgment in employment cases. The article covers everything from case selection and forum choice to the direct and circumstantial routes to establishing a triable discrimination case under state and federal law. And despite its content, the article is not merely helpful to the plaintiff's bar. As I read it, I recalled Sun Tzu's maxim "Know thy enemy." Other defense counsel would do well to study Sarah's piece with that in mind.

Taken together, these four articles give a hint at the breadth of what employment lawyers do. Enjoy the issue.

Thomas J. Davis is a partner at Kienbaum Hardy Viviano Pelton & Forrest, P.L.C. in Birmingham, where he represents employers in trial and appellate matters involving discrimination, retaliation, wage-and-hour, and related employment claims. He serves as a Council Member of the State Bar of Michigan's Labor and Employment Law Section. He previously clerked for the Hon. Bruce M. Selya of the U.S. Court of Appeals for the First Circuit.

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THINKING AND ACTING LIKE A LAWYER

What the CLEAR report means for regulation of the legal profession

BY CHIEF JUSTICE MEGAN K. CAVANAGH

After every administration of the bar exam, I have the privilege of sending a congratulatory email to all bar passers, encouraging them to reach out to their local bar association for a swearing-in ceremony. I also urge these soon-to-be lawyers to give back to their home communities and to provide their services pro bono to those who cannot afford them.

Every time I send that email, I wonder whether these bar passers are really ready to represent their clients as required by the Rules of Professional Conduct. For example, as enumerated in the preamble:

> A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's ideals of public service.[1]

However, in the case of new lawyers, when the certificate of admission might only recently have been hung on the office wall, next to their law school diploma, what is that level of skill? Increasingly, I have come to believe that many of the recipients of that email are not ready. One second-year law student asked the question: "If you can 'think' like a lawyer, does that mean you can 'act' like a lawyer?"[2]

That's the question asked and answered in a report published last year by the Committee on Legal Education and Admissions Reform (the CLEAR report).[3] Endorsed by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA), the report reflects a wide-ranging stakeholder analysis that included feedback from thousands of judges, attorneys, and law students.

What did CLEAR find? They found that the "legal profession is not meeting the needs of the American people."[4] The report identifies the huge unmet need — the justice gap — that denies millions of people access to our justice system and leaves them to navigate difficult issues ranging from domestic violence to landlord-tenant concerns without help from a lawyer. To compound the problem, the report notes that changes in the legal profession mean there are fewer attorneys who have the skill set or resources needed to meet these needs.

This crisis in our profession is not new. For example, a 2009 law review article clearly identified the problem:

> Many law schools tend to focus on legal analysis to the exclusion of other equally important skills, and therefore give students an incomplete understanding of legal practice. As a result, a common perspective among new lawyers is that law school taught them how to think like a lawyer, but if they wish to actually learn how to be a lawyer, they must do so after earning their degree.[5]

A 2011 analysis in the Sunday edition of *The New York Times* drilled into the problem, interviewing young law firm associates who had just spent three years and well over six figures on their degrees.

> What they did not get, for all that time and money, was much practical training. Law schools have long emphasized the theoretical over the useful, with classes that are often overstuffed with antiquated distinctions, like the variety of property law in post-feudal England.[6]

The New York Times analysis went on to note that while law schools are trying to expand programs that provide practical legal training, most faculty have little knowledge of the actual practice of law. At that time, the most recent study estimated that "nearly half of faculty members had never practiced law for a single day," leading one recent graduate to note that: "What they taught us in law school is how to graduate from law school."[7]

Fast-forward to today. The CLEAR report survey reveals much of the same. For example, in a survey of more than 4,000 judges nationwide, 54 percent responded "agree" or "strongly agree" when asked whether attorneys in their first five years of practice should receive further training before they are prepared to practice in their court.[8]

From the attorney perspective, there were also similar findings in the CLEAR report. For example, 68 percent of attorneys with less than five years of experience and nearly 58 percent of those with more than five years of experience said the bar exam was not a test of the skills needed in legal practice.[9] No doubt those less experienced lawyers wished that law school had taught them how to act like a lawyer and not just think like one.

What's the solution? The CLEAR report provides a detailed blueprint that begins by aligning the many stakeholders who must play a role, ranging from state supreme courts to law schools to the practicing bar. In particular, CLEAR identifies state supreme courts, as regulators of the legal profession, as a key driver for the reforms needed to confront this crisis, train lawyers that act like lawyers, and address the justice gap. This is a challenge I enthusiastically accept, and I welcome the support of the State Bar as Michigan examines solutions that might work for us.

The report makes a wide range of recommendations. Uniformly implementing these recommendations across 56 independent jurisdictions that license American attorneys will be a challenging endeavor.[10] Nonetheless, I encourage members of the bar to read the report and review all of the recommendations. My focus in this article is on Recommendation 6: Reform bar admissions processes to better meet public needs.[11] However, I would stress that these recommendations must not be applied in a vacuum; they must be connected with other recommendations and targeted to address the justice gap.

Given the Supreme Court's role in licensing lawyers, the Court is ideally positioned to work with the Board of Law Examiners to reform how new lawyers are educated and prepared to practice. Indeed, this process has already commenced in Michigan. The Board of Law Examiners recently investigated alternative pathways to licensure, when informing the Court of its recommendation that Michigan adopt the NextGen UBE examination, commencing in July of 2028.[12] The Board will continue to investigate these alternatives. Moreover, the NextGen UBE examination is a step in the right direction. It is designed to better measure the skills new lawyers need to be successful, such as incorporation of more performance tests and short answers, essays, and tasks requiring the application of law and facts from a single fact pattern. The exam was developed by NCBE after years of focus groups and studies involving all areas of the legal profession. In short, the NextGen UBE examination is designed to better test practice skills.

Consistent with the activities ongoing in Michigan, the CLEAR recommendations include:[13]

- Exploring innovative pathways to licensure that enhance practice readiness and address access to justice. Currently, 13 states have either enacted or are considering these reforms. For example, the Washington Supreme Court has "adopted in concept" a pathway in which "students would take experiential law school courses, complete 500 hours of work as a licensed legal intern, and submit to bar examiners a portfolio" of that work.[14]

- Developing passing scores for the NextGen UBE using evidence-based standards. While public protection remains paramount, we must recognize that high passing scores can potentially screen out qualified candidates, contributing to the shortage of competent, licensed lawyers. For example, the report notes that from "2009 through 2018, California alone screened out more than 12,000 qualified candidates who would have passed the bar exam in other jurisdictions."[15] The Michigan Board of Law Examiners is working with a nationally renowned psychometrician to ensure that Michigan's cut score is reliable, evidence based, and not unduly rigid while protecting the public.
- Consider allowing third-year law students to take the bar exam during law school. This concept adopts a testing approach used by the medical profession in which students take exams in three stages, with the first two administered during medical school. Students can only take the last step if they pass the first two and graduate. The Nevada Supreme Court is looking at a three-stage testing approach that includes a "foundational knowledge" multiple-choice test that students could take after completing about half of the credits in the JD curriculum.[16] The second component is a "Lawyering Performance Examination" taken after graduation, while the "third component, 40-60 hours of supervised practice including client responsibility, could be completed either during law school or after graduation."[17]
- Supporting score portability by exploring how to accept other jurisdictions' determination of competence. The challenge in this case is that while virtually all states allow reciprocity, "there is no set portability or reciprocity for those who graduated through an innovative licensure program."[18] Clearly, this reality means that any new approach to licensing would need to have a portability component. Otherwise, participants would have to "sit for the bar exam if they want to practice in another state."[19] Michigan currently accepts experiential practice licensure for admission without examination as long as the applicant has practiced for three years where licensed and has no pending bar complaints.[20] Other states need to follow suit.
- Carefully reviewing character and fitness requirements to streamline the process and focus on information that meaningfully predicts misconduct. This evaluation is vitally important because the result has a direct impact on protecting the public; however, this recommendation is difficult because research tells us that the current process "provides minimal predictive value."[21] Moreover, we also know that many law students who might need mental health treatment do not seek help "due to concerns about bar admission."[22] This is a specific area of concern that we have taken steps to address. Michigan removed its mental health question from the State Bar application. Further, the Board of Law Examiners regularly emphasizes with law schools the importance of wellness and seeking mental health treatment. The Court and the Board of Law Examiners remain open to partnering with the State Bar in examining potential reforms of the evaluation process in a way that balances "public protection with fairness to candidates."[23]

These are just a sample of the 18 detailed recommendations in the report targeted at state supreme courts. Every day, my colleagues across the country are tackling this important work — in addition to their regular responsibilities hearing and deciding cases and supervising the administration of trial courts. For our part, Michigan is ready to lead so that new members of the bar can both think like lawyers and act like lawyers. I am committed to working with the State Bar, our Board of Law Examiners, and other stakeholders to reach this goal, increase access to justice, and keep our promise to protect the public.

Chief Justice Megan K. Cavanagh is Chief Justice of the Michigan Supreme Court and has served on the court since 2019. She is a member of the CLEAR executive committee.

ENDNOTES

1. MRPC 1.0, Preamble.
2. Garvin, *Making the Case*, Harvard Magazine (Sept 01, 2003) <https://perma.cc/7AWE-TK8A> (all websites visited May 26, 2026).
3. *Committee on Legal Education and Admissions Reform (CLEAR), Report and Recommendations*, National Center for State Courts (July 27, 2025) <https://perma.cc/G45K-KA28>.
4. *Id.* at p 5.
5. Krannich, Holbrook, & McAdams, *Beyond Thinking Like a Lawyer and the Traditional Legal Paradigm: Toward a Comprehensive View of Legal Education*, 86 Denver L Rev 381 (2009) <https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1414&context=dlr>.
6. Segal, *What They Don't Teach Law Students: Lawyering*, The New York Times (Nov 19, 2011) <https://perma.cc/L8FR-WLEX>.
7. *Id.*
8. CLEAR Report, *supra* n 4 at p 22.
9. *Id.* at p 23.
10. Attorneys are licensed in the 50 states, the District of Columbia and 5 United States territories.
11. CLEAR Report, *supra* n 4 at p 15.
12. Woo, Schuette, & Lardner, *The NextGen Exam and Alternative Bar Admission Pathways*, The Regulatory Review (Jan 24, 2026) <https://perma.cc/4FUU-9NAC>.
13. CLEAR Report, *supra* n 4 at 15-16.
14. *Id.* at p 78.
15. *Id.* at p 68.
16. *Id.* at p 62-63.
17. *Id.*
18. *Id.* at p 91.
19. *Id.*
20. *Admission Without Exam*, State Bar of Michigan <https://perma.cc/Z8XQ-GJD4>.
21. CLEAR Report, *supra* n 4 at p 90.
22. *Id.*
23. *Id.*

Splitting headache: Managing leaves for benefit-eligible employees

BY CHRISTINA L. NECHIPORCHIK

The moment an employee requests a leave of absence, employers confront an alphabet soup of leave and benefits laws: FMLA, ADA, ERISA, COBRA, ACA, and USERRA. Complying with the nuances in the law often requires careful deliberation despite the pressure for an immediate answer. Employees may take a leave of absence for a variety of reasons and under a variety of laws. The Family and Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA) are triggered most frequently; however, an employer may also offer a general or personal leave of absence.[1] Regardless of the purported justification, the issue is what happens to an employee's benefits when the leave commences and whether employers (as the plan sponsors /administrators) are potentially exposed to liability for not properly managing an employee's benefits while they are on leave? The short answer is yes.

FMLA AND BENEFITS

FMLA requires an employer to maintain an employee's benefits. "During any FMLA leave, an employer must maintain the employee's coverage under any group health plan … on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period."[2] Employees must remain on the employer's group health plan and cannot be charged more than the employee's share of premiums while on FMLA. Both the employer and employee must continue making timely payments. The employer can offer the following options to the employee: prepay benefits,[3] pay monthly, or catch up on payments upon return from leave. Contrary to common assumptions, benefits can be terminated while an employee is on leave in limited circumstances. Examples include the employee's failure to timely pay pre-

miums or if the employee informs the employer of his or her intent not to return to work after exhaustion of leave.[4]

Frequently, employers forget an employee does not have to elect to continue any benefits during FMLA. FMLA is considered a qualifying life event that allows an employee to change a benefit selection in accordance with Internal Revenue Code Section 125. Additionally, even if the employee elects to discontinue benefits during leave, or benefits are terminated due to the employee's nonpayment, benefits must be reinstated once the employee returns from leave.[5]

The scenario most frequently creating liability arises when the employee submits a provider's note stating that the employee needs "two to three more weeks" before returning to work. Do benefits continue? Most employers, and sometimes their counsel, would answer yes. The reality is more complicated because to answer that question, the Employee Retirement Income Security Act (ERISA) plan document must be reviewed.

ERISA §402(a)(1) requires that every employee benefit plan be "established and maintained pursuant to a written instrument."[6] Regardless of employer size, if the employer sponsors a group health plan, there must be the "written instrument" — the plan document. ERISA plans must be administered "in accordance with the documents and instruments governing the plan."[7] An employer's handbook is not considered a plan document, because ERISA sets forth specific topics that must be addressed in the written plan document, including, but not limited to, benefits and eligibility, funding, and plan amendment and termination procedures.[8] Most handbooks do not include these provisions; nor should they. Another common misconception employers have is assuming the carrier booklets or carrier documents are the plan document. While carrier documents are critical, those documents might not fully address all of the requirements in Section 1102 and often refer to the employer's definition of eligibility.

The key will be determining how the employer's plan defines eligibility. A common definition of eligible employees includes "all active full-time employees who work a minimum of 30 hours a week." Utilizing this definition, if an employer continues benefits as is for those "two to three more weeks," the employer is effectively violating the terms of the plan. The employee is no longer "active", as the protected FMLA leave has ended, and is no longer working "a minimum of 30 hours a week." In this scenario, the employer should terminate benefits and send out a COBRA notice. To do otherwise risks breaching fiduciary obligations.

Fiduciary duty lawsuits continue to rise, but the overall risk to the average employer is relatively minimal. The more likely consequence is denial of coverage by a carrier, such as a stop-loss carrier, if the carrier conducts an audit and determines the employee was not benefits eligible. An employer would likely be responsible for the entire cost of all medical benefits and not be able to pass any costs onto the employee (absent contractual cost-sharing, such as a deductible or co-insurance).

ADA LEAVES

Employment counsel and employers in general also need to be cautious about benefit continuation when considering ADA leaves. The common assumption is that benefits must be continued during an ADA reasonable accommodation leave, but that is not always true. The confusion arises because, frequently, an employee is also utilizing FMLA and having ADA leave run concurrently. Equal employment opportunity Commission (EEOC) guidance states that one category of reasonable accommodation includes "modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges … [as] other similarly situated employees without disabilities."[9] The guidance further reiterates: "An employer must continue an employee's health insurance benefits during his/her leave period only if it does so for other employees in a similar leave status."[10] Thus, if an employer only continues health benefits during an FMLA leave and for no other leaves, the employer is not obligated to continue benefits during an ADA leave once FMLA leave has been exhausted.

Implementing a benefit plan that only allows for benefit continuation during FMLA or Uniformed Services Employment and Reemployment Rights Act (USERRA) leaves helps to further protect both employers and employees from potential discrimination. Neither party will have to contend with potentially being accused of or potentially being discriminated against on the basis of his or her disability or based upon a health factor in violation of HIPAA.[11]

GENERAL LEAVE OF ABSENCE

Employers may also grant general or personal leaves of absence (LOA) that would not qualify under FMLA or as an ADA accommodation. These policies are either informal or only detailed in an employee handbook. This could create significant issues for the employer, particularly depending upon the length of leave granted. As noted above, the plan documents control benefits — not the handbook. If a general LOA is not addressed in the plan (which typically only includes the protected leaves of FMLA and USERRA), then by granting a leave of absence and keeping the employee as an active participant with respect to benefits violates the plan documents. Arguably, the risks associated with keeping the employee on the plan for a leave of absence of 30 days or fewer is minimal, particularly if benefits are normally terminated at the end of the month for other situations, such as termination of employment. The risk becomes heightened in certain situations, a few of which are identified below:

1. The leave of absence was granted because the employee had not worked with the employer long enough or had enough hours to qualify for FMLA and is incurring substantial medical expenses during the LOA;

2. The leave of absence is greater than 30 days;
3. The employee on the LOA is near or has already hit stop loss, and there is a possibility of a review of claims or an audit;
4. There is a potential class action alleging breach of fiduciary duty and overall damages to the plan (the employer is still paying the employer's share for these individuals, premiums might be impacted, etc.)

Especially for fully insured plans, it is crucial to ensure carrier buy-in by including any general or personal LOA provisions in the plan document and to verify that the employer did not misrepresent any LOAs on any insurance applications (if asked on the application).

COBRA AND THE AFFORDABLE CARE ACT

COBRA exists precisely because ERISA does not require employer group health plans to provide active coverage indefinitely. An employee could remain an active employee with the employer but still lose benefit eligibility. This typically occurs due to a reduction in hours, such as when an employee takes a leave of absence, which is a qualifying event under COBRA. COBRA specifically lists as a qualifying event "[t]he termination … or reduction of hours of the covered employee's employment."[12]

When the employee needs additional time beyond protected leave (FMLA or USERRA), and the employer terminates the employee's benefits, the employee will be able to continue coverage under COBRA. While beyond the scope of this article, it is worth noting that inaccurate COBRA notices (e.g., failure to include an FSA or HRA) could lead to uncapped penalties accruing at $110 a day per qualified beneficiary.[13] Absent termination of benefits for failure to pay premiums, an employer should always be extending COBRA to any covered employees whose benefits terminated while they were on leave.

Under the Affordable Care Act (ACA), a covered large employer (an employer with 50 full-time employees, including full-time equivalents) needs to extend an offer of health insurance benefits to full-time employees. It is likely that an employee utilizing leave is a full-time employee and/or is within that employee's stability period based upon the employer's applicable measurement method. An employee within the stability period is considered a full-time employee for all ACA reporting purposes. Failing to extend an offer of coverage (COBRA is considered an offer coverage) to a full-time employee exposes the employer to penalties under §4980H.[14] As an example, most employers track employee hours and determine benefit eligibility utilizing a 12-month lookback measurement method. This means that for a calendar year ERISA plan implementing a 12-month lookback, the employee is within his or her stability period until December 31 and must receive an offer of coverage each month.[15]

WHAT ABOUT OTHER BENEFITS?

The term "benefits" is extremely broad. Most employers assume that every single benefit offered by the employer needs to be continued during a leave. That is not the case and again depends upon the type of leave and most importantly, upon the language in the plan documents, as well as on the contractual provisions with each carrier. For example, does the plan limit benefits on a leave of absence to only "health benefits" and define health benefits as medical, dental, and vision? If so, then continuing life insurance benefits is arguably not required. Does the contract with the life insurance carrier have a provision that the employee be "actively at work"? If an employee is required to be actively at work under the contract, a life insurance carrier could deny coverage, and the employer would likely be responsible for paying any benefits owed under that policy to the employee or his/her beneficiary.

Coordination of benefits with leaves of absence becomes complex rather quickly. Employers and their counsel should take the time to carefully review all policies and relevant documents touching on leaves and benefits before making decisions about benefit continuation.

Christina Nechiporchik has over a decade of experience helping employers effectively manage liability, defend employment and coverage litigation, navigate complex compliance and regulatory issues, assess areas of risk, and improve processes. Christina counsels employers on employment issues such as: developing employment policies, including those involving FMLA, FLSA, ADA; preparing job descriptions; conducting employee reviews and terminations; and assuring compliance with ERISA, COBRA, HIPAA, ACA, IRS regulations, FMLA, and ADA.

ENDNOTES

1. It is beyond the scope of this article to address any obligations under state laws regarding benefit continuation on state-mandated or protected leaves.
2. 29 CFR §825.209(a).
3. Employers should note the prepay or lump sum option is not available to employees when the FMLA spans two cafeteria plan years. 26 CFR §1.125-3, Q&A-3 and Q&A-5.
4. 29 CFR §825.212(a).
5. See 26 CFR §1.125-3, Q&A-2(a) and Q&A-2(b).
6. 29 USC §1104(a)(1).
7. ERISA §404(a)(1)(D); 29 USC §1104(a)(1)(D).
8. 29 USC §1102.
9. *Enforcement Guidance on Reasonable Accommodation and Undue Hardship Under the ADA*, US Equal Employment Opportunity Commission, 915.002 (issued Oct 17, 2002) <https://perma.cc/ER4S-U2FS>.
10. *Id.*
11. 42 USC §300gg-4(a)(1).
12. 29 USC §1163(2).
13. See 29 USC §1166(a)(4) and 29 CFR §2575.502c-1 for further details regarding notice and penalties. Penalties can be assessed by both the DOL and IRS.
14. See 26 USC §4980H and 26 CFR §54.48980H-1 *et seq.* for specific language and application of penalties and applicable measurement methods.
15. See 26 CFR §301.6056-1 for further guidance on reporting health insurance coverage by large employers.

DEFEATING MOTIONS FOR SUMMARY JUDGMENT IN EMPLOYMENT MATTERS

Starting with the end in mind

BY SARAH PRESCOTT

Defeating a motion for summary judgment is ideally not a single moment in employment litigation. This article is a field guide of practical strategies, favorite citations, and framing techniques to defeat these motions from a case's inception.

CASE SELECTION AS SUMMARY JUDGMENT STRATEGY

The single most important tool to defeat summary judgment is to choose a case that is built to last. Begin by assuming the defendant will entirely contradict the would-be client's account of what occurred. This isolates what is known and what must be gathered and helps to assess how a case may fare, even if the "unknowns" develop more favorably for the defense during discovery. The time to identify the reason given for termination and who the decision-makers were is *before,* not *after,* a case is filed. If *all* of the written evidence is in the hands of the would-be defendant, and *all* of the potential witnesses are on its payroll, that all-too-common reality needs to be faced immediately. Third parties should be interviewed swiftly. Examining a case in this way demonstrates how much depends on items fairly characterized as risky versus how much is already fixed and able to be probed.

Consider a client who believes race was the cause of her termination, because she was the top-performing salesperson in her de-

partment. Compare a second woman claiming she was sexually assaulted by her boss one-on-one. Assuming the employer will dispute both claims, the two potential matters will look very different at summary judgment. The former will require substantial written discovery and carries the potential for a business judgment defense, fabrication of evidence, or the plaintiff simply being wrong about her relative performance. There are many "known unknowns." The latter case, by contrast, can be contradicted by the harasser's denial, but such a dispute should equate to the magic words — *motion denied*. The testimony of the second potential claimant may be all that is needed to prevail. This is not to say that the harassment case will prevail *at trial*. But it is pivotal to enter a matter having identified the unknowns in order to get to trial in the first place.

The next step is to consider if the case involves direct evidence or burden shifting, and the obstacles which will emerge in each situation. As to each case, sources can be used to reverse-engineer a summary judgment win. Case support is best considered *before* representation is undertaken and should be the focus before pleading and during discovery. In short, winning cases are built *backward,* from case law that points to the desired outcome and after careful consideration of the unknowns.

CLAIM SELECTION: THE BATTLEFIELD MATTERS

The second most powerful arrow in the quiver of a plaintiff's lawyer — after deciding *whether* to fight at all — is getting to pick *what* will be contested and where. The choice of claim(s) and forum can be outcome-determinative. State and federal laws differ in many ways. The size of the employer that may be sued, whether individuals may be named, whether exhaustion of administrative remedies is required, whether statute of limitation shorteners may apply — sometimes even the causal standards differ. For example, there is no parallel in federal law regarding Michigan's ban on height and weight discrimination.

When it comes to disability law, federal law does *not* require a written request for accommodation and is forgiving as to what must be said to trigger protections;[1] state law requires a written request on a short timeline.[2] The ADA Amendments Act of 2008 substantially reduced the burden on the plaintiff in proving she has a disability. *Morrissey v Laurel Health Care Co*.[3] is an example of a case in which the court applied the old standard, and dismissed the case on summary judgment, only to be reversed.

With regard to sex harassment, certain affirmative defenses available in federal cases do not exist as to state law claims. Under *Faragher v. City of Boca Raton*[4] and *Burlington Industries, Inc. v. Ellerth*,[5] an employer may avoid vicarious liability for a supervisor's hostile work environment harassment if no tangible employment action occurred (such as a classic hostile environment claim without termination), by proving that the employer took steps like adopting policies and training, and acting on them timely, and the employee unreasonably failed to take advantage of them. This is a true affirmative defense that can dispose of federal claims at summary judgment. It does not apply in Michigan.[6]

Individual liability also needs to be explored before filing, as there are many nuances that can create positive or unfortunate momentum at summary judgment. For example, it may be wise to include personal liability assault and battery claims where applicable. Winning as to intentional torts may not shift fees, but these claims often present clean and easy questions of fact for summary judgment (Defendant did or did not touch Plaintiff). Of course, not all claims can be pled against an individual. For claims arising under 42 U.S.C. § 1983, such as First Amendment retaliation cases or Equal Protection violations, personal liability for damages will depend on qualified immunity, essentially whether the wrong at issue was clearly established as a constitutional violation.[7] Supervisors are generally liable under Elliott-Larsen.[8] For Title VII claims, individual liability lies only for injunctive relief (essentially, these are treated as official capacity claims).[9] Most courts hold that the Family Medical Leave Act does not afford individual liability for public employees,[10] but the opposite is true under the Fair Labor Standards and Equal Pay Acts.[11]

THE CORE CASES: THE TRUSTIEST ARROWS IN THE QUIVER

While case and claim/forum selection are the plaintiff lawyer's most powerful tools, success at summary judgment also depends on a disciplined assessment of the law that will control the case. Ideally, a case should be winnable at the moment of filing, assuming it will be disputed in full, because of precedent already in hand. Every case needs development, but by choosing cases with the end in mind, discovery can be shaped around what has proven to be a winning formula elsewhere.

OVERCOMING SUMMARY JUDGMENT USING DIRECT EVIDENCE

The most dependable means of defeating summary judgment in retaliation and harassment (both state and federal) cases is developing direct evidence. This could include a decision-maker telling the plaintiff, "We need someone thinner in this role," or "We need to youth-enize our workforce." Assuming the defendant will deny saying these things, and the plaintiff will testify they were said, a credibility dispute arises, precluding resolution at summary judgment. The defense's only option is to try to trivialize the comments or to argue about *who* said them and *when*.

Overcoming an argument that a non-decision-maker cannot provide direct evidence

Remarks by anyone who "may have influenced" the decision may constitute direct evidence.[12] Lower-level supervisors who give negative reviews or issue write-ups can supply the discriminatory animus necessary to prevail, even where the senior supervisor exercised independent judgment and/or made independent inquiry.[13] Discovery should proceed accordingly.

Overcoming arguments that direct evidence comments came too late

Sometimes it is claimed that "direct" evidence must be generated *before* the termination decision. This is incorrect.[14] Seek out both pre- and post-termination comments in discovery.

Overcoming "stray" remarks defense

Reaching the conclusion that damning remarks are merely "stray" requires weighing evidence against the nonmovant and should not be permitted. That said, this defense is regularly raised on summary judgment. Develop a rich evidentiary record in context to defeat it. "[W]here the plaintiff presents evidence of multiple discriminatory remarks or other evidence of pretext, we do not view each discriminatory remark in isolation, but are mindful that the remarks buttress one another."[15] *Martin v. Langford*[16] is a plaintiff-friendly example of a court refusing to rule based on the "stray-ness" of a remark. The terminating supervisor stated the plaintiff was unsympathetic, "that maybe this was due to her religion, because Islam is unsympathetic."[17]

When discovery is complete, be sure to frame the "stray-ness" question correctly. Statements are always to be judged in the light most favorable to the nonmovant, drawing all reasonable inferences in her favor, and the question is whether, based on the statement, any reasonable jury could conclude that plaintiff's protected classification was ***a*** motivating factor. This does *not* require telling the plaintiff, "You are fired because of [protected category]."[18] Furthermore, in *DeBrow v. Century 21 Great Lakes, Inc.*, Michigan's Supreme Court held that a single comment could be sufficient, with the highly quotable reminder: "the trial court cannot make factual findings or weigh credibility in deciding a motion for summary disposition;" the dispute over the "stray-ness" of a remark is "for the finder of fact to consider."[19]

DEFEATING SUMMARY JUDGMENT USING BURDEN SHIFTING

To prove discrimination circumstantially, practitioners rely on the *McDonnell Douglas* burden-shifting test.[20] Most cases readily satisfy the first elements of the test so that the fight focuses on the employer's proffered explanation for termination, how similarly others were treated, and plaintiff's evidence that the reason given for adverse action was a pretext for retaliation or discrimination. One of the most-cited cases about who is "similar enough" is *Ercegovich v. Goodyear Tire & Rubber Co.*,[21] which held that being "similar" does not require being the same. But plan for robust discovery on comparators to frame the fight ideally. The very question, "Whether the comparison between similarly situated individuals is sufficiently relevant **is itself a jury question**."[22]

When it comes to arguing pretext, frame the burden appropriately: "In order 'to survive summary judgment, a plaintiff need only produce enough evidence to … rebut, but not disprove, the defendant's proffered rationale.'"[23] Moreover, "[t]his burden is not heavy."[24]

Below are proven winning paths to rebutting the employer's given reason for an adverse job action. Again, these factors are best considered at the point of case selection to determine if a case can survive summary judgment, and then they should be fully developed throughout discovery:

- **Lack of prior discipline for same conduct –** Plaintiff's own prior experience of *not* being disciplined for conduct that is later used to terminate may prove pretext.[25]
- **Violating internal policies –** An employer's departure from policy may be evidence of pretext.[26] Statements "made in violation of store policy" or departure from company policy suggest "there was a retaliatory motive."[27]
- **Not affording progressive discipline –** A subcategory within the larger context of violating internal policies, the "failure to uniformly apply a progressive discipline policy can be evidence of pretext, especially when the company asserts that policy as a rationale for the employee's termination."[28]
- **Failure to document –** Lack of personnel file documentation about an issue and failing to discuss an alleged performance issue with the employee before firing him allows an inference of pretext.[29]
- **Expert testimony –** "[E]xpert testimony suggesting that [plaintiff] acted reasonably during [allegedly terminable] incidents, and in accordance with local [nursing] standards" may allow an inference of pretext.[30]
- **Arbitration decisions –** A non-binding arbitration decision that the plaintiff did not violate policy allowed an inference of pretext.[31]
- **Waiting too long to discipline –** A "prolonged delay [two months] between [the defendant's] discovery of [plaintiff's admitted] policy violations and her termination … undercuts the company's proffered reason for its adverse employment action," creating a question of fact as to pretext.[32]
- **Shortcutting a performance improvement plan (PIP) –** If a warning or PIP has a stated duration, and the employee is fired sooner than that (with protected conduct in between), "the adverse employment action is unlike the action previously contemplated or does not occur on the schedule previously laid out, then the temporal proximity of the adverse action to the protected conduct is certainly evidence of causation."[33]
- **Biased remarks –** "[D]iscriminatory remarks, even by a non-decision-maker, can serve as probative evidence of pretext," including those that were not considered outright "direct" evidence.[34]
- **Adding reasons for adverse action mid-case –** Adding reasons for an adverse employment action as the case develops may create sufficient doubt to give issue of pretext to a jury.[35] This is a subcategory of broader case law that holds shifting explanations may prove pretext.[36]
- **Hiring after RIF –** Courts may look up to two years after a layoff due to stated economic concerns for evidence that the cost saving was merely pretext.[37]
- **"Lost" documentation –** The inability to produce original evaluation/ranking/rating forms in a layoff supports a triable question of fact as to causation.[38]

- **Training after supposed terminable offense –** Continuing to train the plaintiff when the managers had negative reports about attitude and only documenting the issue shortly before termination is evidence of pretext.[39]
- **Not considering demotion first –** Another fact that may contribute to a finding of pretext occurs where an employer "did not consider reasonable alternatives to demotion."[40]
- **Corrective steps after plaintiff reports an issue –** Actions the employer takes after and in response to a plaintiff's protected conduct to correct the issue may be circumstantial evidence of a motive to retaliate.[41]
- **Temporal proximity –** "When an employer takes an adverse action very soon after learning of an employee's protected activity, the temporal proximity alone may be sufficient to establish the causation element."[42] The shorter the better, but for example, *Rogers v. Henry Ford Health Sys.*[43] held that a roughly two-month period between the employee's protected activity and the material adverse event was, alone, "sufficient temporal proximity to establish a causal connection."[44] *Rymal v. Baergen*, 262 Mich. App. 274, 314 (2004), found the temporal proximity between October 1999 and March 2000 events was evidence of pretext.

Case law is replete with other winning facts for plaintiffs. Every win can be a blueprint for a subsequent triumph on a new client's similar facts. Case selection and issue framing based on known winners maximizes the odds of defeating summary judgment.

CONCLUSION

Summary judgment casts a long shadow over employment litigation. Yet the core principles remain: Credibility determinations, disputes over motive, and competing inferences belong to juries, not judges. Defeating summary judgment rarely turns on a single brilliant argument in a brief. More often, it is the result of disciplined work done months earlier: in careful case selection, thoughtful forum selection and claim framing, strategic discovery, and a clear understanding of the legal standards that govern — *before* they are needed at oral argument.

Sarah Prescott is a founding partner of Salvatore Prescott Porter & Porter, PLLC, where she represents employees in complex civil rights and employment matters. She is a recognized leader in Michigan's legal community, serving currently as Vice President of the State Bar's Labor and Employment Law Section. She is a frequent lecturer for ICLE and the University of Michigan Law School. Prescott's work focuses on advancing fairness and accountability in the workplace.

ENDNOTES

1. E.g., *King v Steward Trumbull Memorial Hosp Inc,* 30 F4th 551 (CA 6, 2022) (reiterating extensive case law holding that a person need not mention the ADA or "disability" nor provide any written doctor note to request accommodation).
2. MCL 37.1210(18).
3. *Morrissey v Laurel Health Care Co*, 946 F3d 292 (CA 6, 2019).
4. *Faragher v City of Boca Raton*, 524 US 775; 118 S Ct 2275; 141 L Ed 2d 662 (1998).
5. *Burlington Inds, Inc v Ellerth*, 524 US 742; 118 S Ct 2257 141 L Ed 2d 633 (1998).
6. *Chambers v Trettco, Inc*, 463 Mich 297; 614 NW2d 910 (2000).
7. *Harlow v Fitzgerald*, 457 US 800, 816; 102 S Ct 2727; 73 L Ed 2d 396 (1982). *But see Sova v City of Mt. Pleasant,* 142 F3d 898, 903 (CA 6, 1998) and *Pouillon v City of Owosso,* 206 F3d 711, 715 (CA 6, 2000) (holding that where a legal question of qualified immunity turns on disputed facts, the jury must determine liability).
8. *Elezovic v Ford Motor Co,* 472 Mich 408; 697 NW2d 851 (2005).
9. See e.g., *Little v BP Exploration & Oil Co,* 265 F3d 357, 362 n2 (CA 6, 2001).
10. *Mitchell v Chapman,* 343 F3d 811, 832 (CA 6, 2003).
11. See 29 USC 203(d); *Lorimer v Mayfield City Sch Dist Bd of Educ,* unpublished memorandum opinion and order of the United States District Court Northern District of Ohio, issued Aug 21, 2024 (Case No. 1:23-EDV-1695).
12. *Ercegovich v Goodyear Tire & Rubber Co,* 154 F3d 344, 355 (CA 6, 1998); *Taylor v Bd of Educ of Memphis City Schs*, 240 F Appx 717, 720 (CA 6, 2007).
13. *Staub v Proctor Hosp*, 562 US 411, 421; 131 S Ct 1186; 197 L Ed 2d 144 (2011).
14. *Sharp v Aker Plant Servs Grp, Inc*, 726 F3d 789, 799 (CA 6, 2013) and *Babb v Maryville Anesthesiologists PC*, 942 F3d 308, 324 (CA 6, 2019) are counter sources.
15. *Ercegovich, supra* n 12 at 356.
16. *Martin v Langford,* unpublished per curiam opinion of the Court of Appeals, issued Dec 22, 2016 (Docket No. 328815).
17. *Id.*
18. See, e.g., *Ondricko v MGM Grand Detroit, LLC*, 689 F3d 642, 650 (CA 6, 2012) ("how could I keep a white girl" was an example of a direct evidence comment).
19. *DeBrow v Century 21 Great Lakes, Inc*, 463 Mich 534, 540; 620 NW2d 826 (2001).
20. *McDonnell Douglas Corp v Green*, 411 US 792; 93 S Ct 1817; 36 L Ed 668 (1973).
21. *Ercegovich*, *supra* n 12 at 352.
22. *Bledsoe v Tennessee Valley Auth Bd of Directors,* 42 F4th 568, 586 (CA 6, 2022) (emphasis added) (instructors who taught different courses at a nuclear power plant could be similar, jury question). *Strickland v City of Detroit*, 995 F3d 495, 514 (CA 6, 2021) is a useful case because a district court was overruled for requiring the comparators to be too similar.
23. *Kean v Brinker Int'l, Inc*, 140 F4th 759, 775 (CA 6, 2025).
24. *Campbell-Jackson v State Farm Ins*, unpublished opinion of the United States Court of Appeals for the Sixth Circuit, issued Nov 27, 2024 (Case No. 23-1834) (citing *George v Youngstown State Univ*, 966 F3d 446, 460 (CA 6m 2020).
25. *Johnson v City of Detroit,* unpublished per curiam opinion of the Court of Appeals, issued Aug 5, 2025 (Docket No. 367098).
26. *Skalka v Fernald Environment Restoration Mgmt Corp,* 178 F3d 414, 422 (CA 6, 1999) (RIF procedure at issue).
27. *DeFlaviis v Lord & Taylor, Inc*, 223 Mich App 432, 442-443; 566 NW2d 661 (1997).
28. *Kean*, *supra* n 22; *Johnson*, *supra* n 25.
29. *Edelstein v Stephens*, unpublished order of the United States Court of Appeals for the Sixth Circuit, issued Aug 19, 2025 (Case Nos. 23-325, 24-3243) (plaintiff "presented evidence that her personnel record lacked documentation about her purported inability to fit in" allowed "the jury to draw an inference of retaliation").
30. *Babb v Maryville Anesthesiologists PC*, 942 F3d 308, 322 (CA 6, 2019).
31. *Smith v City of Union, Ohio,* 144 F4th 867, 876 (CA 6, 2025).
32. *Campbell-Jackson*, *supra* n 24.
33. *Montell v Diversified Clinical Servs, Inc*, 757 F3d 497, 507 (CA 6, 2014).
34. *Kean*, *supra* n 22.
35. *Hixon v Tennessee Valley Auth. Bd. of Directors*, 504 F Supp 3d 851, 873 (ED Tenn, 2020).
36. *Thurman v Yellow Freight Sys, Inc*, 90 F3d 1160, 1167 (CA 6, 1996).
37. *Debano-Griffin v Lake Co,* 493 Mich 167, 181; 828 NW2d 624 (2013) (during the two years after plaintiff was fired, "2005 and 2006 defendants hired additional full-time employees").
38. *Skalka*, *supra* n 26.
39. *Drerup v NetJets Aviation Inc*, unpublished opinion of the United States Court of Appeals for the Sixth Circuit, issued June 27, 2023 (Case NO. 22-3475).
40. *Bledsoe*, *supra* n 22 at 587.
41. *Debano-Griffin*, *supra* n 37 at 178.
42. *Edelstein, supra* n 29 (four days). *White v Dep't of Transp,* 334 Mich App 98, 124; 964 NW2d 88 (2020) is a case speaking to a few days of temporal proximity.
43. *Rogers v Henry Ford Health Sys*, 897 F3d 763, 776-777 (CA 6, 2018).
44. *Seeger v Cincinnati Bell Tel Co*, 681 F3d 274, 283-284 (CA 6, 2012) (collecting cases that hold similarly).

MANAGING FLSA COLLECTIVE ACTIONS AFTER *CLARK*

Practical lessons on expedited discovery, notice timing, and limitations strategy in FLSA matters before courts in the Sixth Circuit

BY SEAN T.H. DUTTON AND RYAN D. BOHANNON

The modern Fair Labor Standards Act (FLSA) collective action sits on an awkward foundation. Individual wage claims are typically too small to litigate alone, so Congress allowed for an opt-in collective in order to aggregate them, while sidestepping the more demanding requirements of a Rule 23 class action. But the mechanism contains a structural flaw: The FLSA provides no clear way to notify potential members, and the limitations period — two years, or three for willful violations — never stops running until each individual files a consent to join.[1] The longer it takes to conduct discovery, litigate the scope of the collective, and notify the potential collective members, the more of each employee's unpaid wage claims are consumed by the clock.

Into that tension, in 2023 the Sixth Circuit issued *Clark v. A&L Homecare & Training Ctr., LLC*,[2] rejecting the longstanding, easy-to-satisfy "conditional certification" rule for providing notice and imposing a requirement that the plaintiff show a "strong likelihood" that other employees are similarly situated before notice can be given.[3]

Clark addressed real problems with the prior standard: overly broad notice functioning as claim solicitation, settlement pressure untethered from merits, and front-loaded costs for defendants with individualized defenses. But it created a new problem: As the pre-notice phase lengthens, more of the short statute of limitations period runs before potential opt-ins learn the case exists. District courts are now improvising solutions, with inconsistent results.

THE LIMITATIONS-PERIOD PROBLEM

Under the FLSA, filing a complaint freezes the named plaintiff's clock — but no one else's. Instead, a non-named plaintiff's statute of limitations stops running only when that employee files written consent to join the action.[4] That differs from a Rule 23 class action, which tolls the limitations period during pre-certification proceedings.[5] Thus, even diligent plaintiffs' lawyers cannot file consents for employees unaware of the case.

For decades, courts handled FLSA notice through a two-stage path: an early "notice stage" asking only whether plaintiffs made a "modest factual showing" of similarity, followed by a more rigorous post-discovery analysis.[6] The Sixth Circuit's pre-*Clark* approach accepted this framework, requiring only that plaintiffs show their position was "similar, not identical" to other, unnamed employees.[7] While that approach had practical value — at the early stages of litigation, plaintiffs rarely have detailed evidence necessary to prove potential opt-ins are similarly situated — it also carried costs. "Conditional" certification often appeared as court-endorsed solicitation of the plaintiff's claims, and the mere fact of conditional certification brought with it intense settlement pressure regardless of the merits of the claim.[8]

THE *CLARK* STANDARD AND THE DELAY PROBLEM IT CREATES

Clark ended this prior framework. It stressed that the old "certification" terminology, borrowed from the class action context, was misleading. Unlike class certification, FLSA "conditional certification" had no impact on the character of the underlying lawsuit, because FLSA claims become collective only when similarly situated employees affirmatively join.[9] *Clark* thus held that notice should issue only if plaintiffs show a "strong likelihood" — a standard above a genuine issue of material fact but less than a preponderance — that the employees to be notified are similarly situated.[10] The Court grounded that rule in the Supreme Court's longstanding instruction that court-facilitated notice must not resemble "the solicitation of claims."[11]

This "strong likelihood" standard requires fact discovery — including what employees did what, under what policies, and subject to what defenses. That carries with it the delay inherent in discovery. And while the *Clark* majority tried to mitigate that delay by instructing district courts to "waste no time" adjudicating notice motions, "expedite" is not a magic word. The pre-notice discovery

phase creates a built-in delay that can often consume much, if not all, of the two-year limitations period.

EQUITABLE TOLLING AS A SAFETY VALVE

Equitable tolling has become a frequently litigated topic in FLSA cases. Although the U.S. Supreme Court has clarified that the FLSA is subject to ordinary legal principles and burdens of proof rather than specialized rules,[12] rendering equitable tolling "a rare remedy to be applied in unusual circumstances, not a cure-all for an entirely common state of affairs,"[13] courts nevertheless tend to apply equitable tolling in FLSA matters almost as a matter of course.[14]

Clark's majority opinion neither adopted nor mentioned an equitable-tolling rule. But the panel's two concurrences did. Judge Bush suggested that *Clark*'s heightened notice threshold "creates the need to toll the statute of limitations," and that "something akin to" the automatic tolling in class-action cases "may be well suited" to FLSA collective actions.[15] Judge White agreed with and expanded on Judge Bush's tolling remarks, stating that under this new standard, district courts must "move quickly" and "should freely grant equitable tolling to would-be opt-in plaintiffs."[16]

Litigators have seized on these opinions, with tolling becoming a standard feature in FLSA motions practice. And the instinct to seek tolling makes sense. But *Clark* did not answer the hard questions: Who can ask for tolling? When can a court grant it? When should tolling commence? And what showing is required? The absence of these answers is why district courts post-*Clark* have issued significantly inconsistent opinions.

THE LEGAL FAULT LINES *CLARK* LEFT EXPOSED

The tolling disputes following *Clark* implicate two significant unresolved questions.

Standing and advisory opinion concerns. The central justiciability argument is straightforward: A court may adjudicate only the rights of parties before it, and FLSA opt-ins are not parties until they file written consents. The Supreme Court has explained that Rule 23 certification creates a class with independent legal status, but FLSA "conditional certification" does not.[17] *Clark* likewise emphasized that an FLSA collective action "is not representative," because plaintiffs must "affirmatively choose" to join as parties.[18] And the Supreme Court has consistently rebuffed requests for relief "extend[ing] beyond named parties."[19] A Court ruling on issues not germane to the parties before it, and instead related only to *potential* opt-ins, violates Article III's prohibition against "advisory opinions" by allowing the Court to "pass ... judgments on theoretical disputes that may or may not materialize."[20] There is thus a substantial question whether any court may adjudicate equitable tolling for yet-to-join opt-ins.

Several post-*Clark* district courts have denied pre-opt-in tolling on the above lack-of-standing grounds, concluding that a named plaintiff cannot invoke equitable tolling "on behalf of potential opt-in plaintiffs" because doing so would adjudicate the rights of people not before the court.[21] Other district courts have permitted tolling, either by ignoring the standing issues[22] or rejecting them without meaningful analysis.[23]

Whether equitable tolling is statutorily permitted in FLSA cases. A separate issue is whether the FLSA permits tolling *at all*. Recent Supreme Court decisions have limited application of equitable tolling doctrine based upon statutory interpretation. In the Supreme Court's 2023 decision in *Arellano v. McDonough*, the Court explained that equitable tolling cannot apply when it "is inconsistent with the statutory scheme," because both statutory text and context can negate the general presumption that statutes of limitation are subject to equitable tolling.[24] Thus, when a statutory scheme "reinforces Congress's choice to set effective dates solely as prescribed in the text," courts treat those express exceptions as "detailed instructions" for how to "set effective dates solely as prescribed in the text."[25] And this can occur when Congress "sets forth time limitations in unusually emphatic form" and "reiterates its limitations several times in several different ways."[26] Indeed, in a recent unanimous opinion arising out of Michigan, the Supreme Court confirmed that when a statutory "provision speaks in strict, mandatory terms," coupled with a statutory structure that "includes a default deadline and several exceptions," equitable tolling is not proper.[27]

The FLSA fits that description. Congress provided that "every" FLSA action "shall be forever barred unless commenced within two years" (or three for willful violations).[28] It also emphatically specified that the statute of limitations continues to run for opt-in plaintiffs until they file a written consent, and provides no exceptions.[29] And while Congress provided specific exceptions to these categorical limitations when it amended the FLSA back in 1947, none of those exceptions apply.[30] Indeed, it made specific congressional findings that the amendments were intended to curtail "immense," judicially-created "liabilities" that had created an "extended and continuous uncertainty" for both employers and employees.[31] Taken together, the history and structure of the FLSA support the argument that the statute reflects a deliberate design: a short limitations period, strict opt-in rules, and carefully crafted exceptions. None of this reflects congressional intent for the judicial branch to create new tolling rules for unidentified nonparties.

Courts in the Sixth Circuit have not yet applied *Arellano*'s statutory-limitation reasoning to a post-*Clark* tolling determination, but it remains an open question regarding — and potentially significant defense to — aggressive tolling requests.

PRACTICAL TAKEAWAYS

So where does that leave us? Post-*Clark* practice is converging on three observable patterns.

First, as emphasized in *Clark*, many courts authorize targeted pre-notice discovery aimed at the "strong likelihood" question and order a short discovery window.[32]

Second, courts are splitting over whether equitable tolling is properly raised before opt-ins formally exist. Many courts likely will deny tolling for lack of standing or find that it is an issue to be raised by specific opt-ins once they are parties.[33] Other courts have granted tolling more readily, often based on *Clark*'s dicta.[34]

Third — and most practically — stipulated agreements on tolling (when acceptable for the parties) are becoming a best-available "fix." A time-limited, precisely defined agreement can reduce motion practice and sidestep the justiciability problem created by asking a court to decide nonparties' rights.[35]

Taken all together, then, FLSA practitioners must adapt to the new state of play following *Clark*.

For plaintiffs' counsel, that means that diligence is nonnegotiable after *Clark*. Courts that grant tolling often emphasize diligence; courts that deny tolling frequently describe generalized, prospective tolling as too speculative before opt-ins exist. The plaintiff who waits for months to move for notice — or who moves without a discovery plan tailored to the "likelihood" analysis — is wagering part of the collective's recovery on a bet that procedural delay will be minimal.

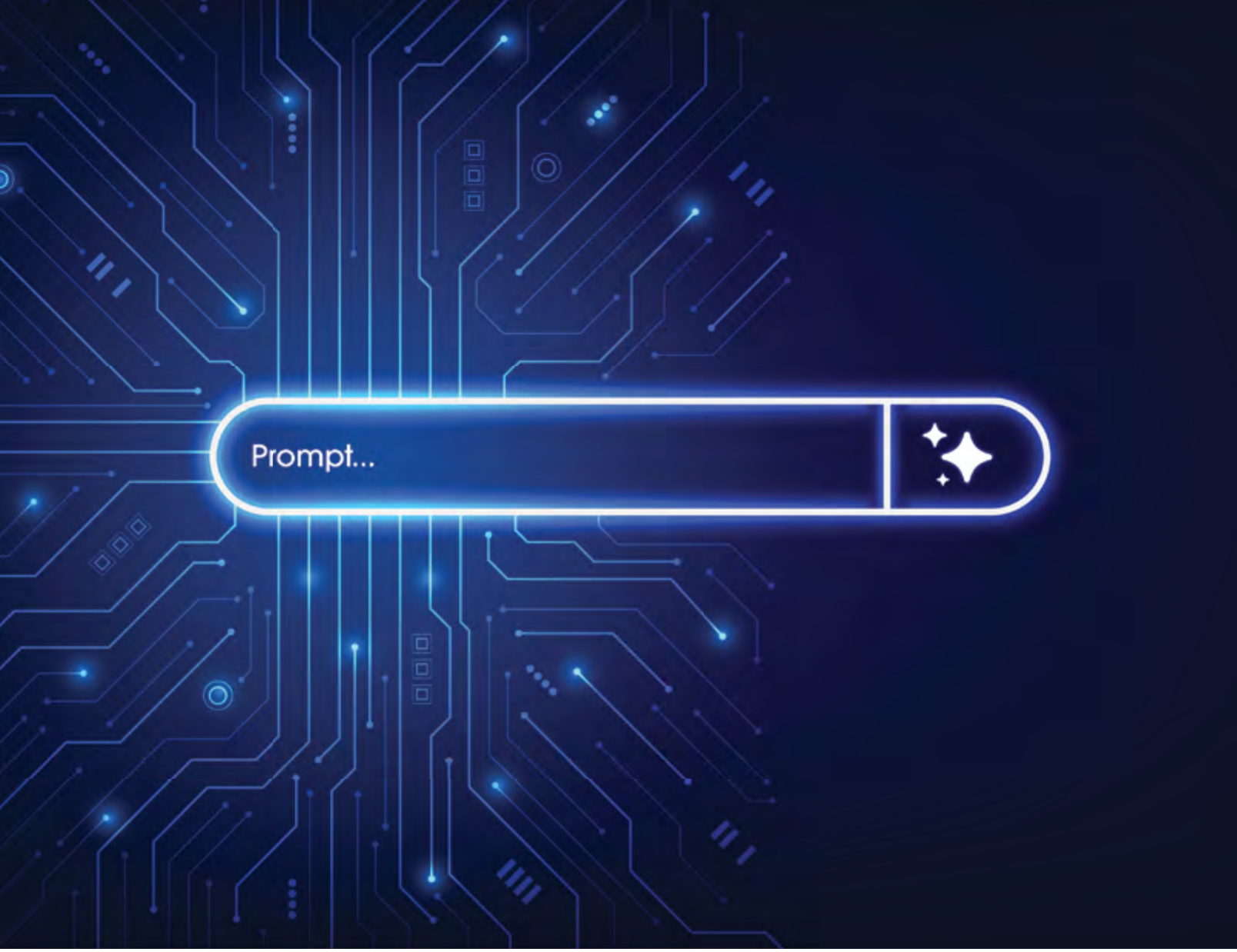
And for defense counsel, *Clark* is not a free pass. The "strong likelihood" standard reduces some of the "certify now, litigate later" pressure, but it increases the risk that courts will use tolling, expedited discovery, or both to prevent the two-year limitations period from becoming a merits-independent defense. Courts will likely view a defense strategy aimed at contesting similarity and running out the clock as inconsistent with *Clark*'s "waste no time" instruction and with equitable principles.

Sean T.H. Dutton is a commercial litigator at Kienbaum Hardy Viviano Pelton & Forrest, PLC, specializing in appellate litigation in state and federal courts nationwide, including the U.S. Supreme Court. Earlier in his career, he clerked for judges on the U.S. Court of Appeals for the Sixth Circuit and the Michigan Supreme Court.

Ryan D. Bohannon is an employment litigator at Kienbaum Hardy Viviano Pelton & Forrest, PLC, with extensive experience representing employers in state and federal courts, before administrative agencies, and in arbitration. He handles employment, wage-and-hour, contract, restrictive covenant, executive compensation, and workplace technology matters, and he counsels clients on employment and separation agreements and personnel policies.

ENDNOTES

1. 29 USC §§ 216(b), 256(b).
2. *Clark v A&L Homecare & Training Ctr, LLC*, 68 F4th 1003 (CA 6, 2023).
3. *Id.* at 1008, 1011.
4. 29 USC §§ 216(b), 256(b).
5. *See American Pipe & Constr Co v Utah*, 414 US 538; 94 S Ct 756; 38 L Ed 2d 713 (1974).
6. *Comer v Wal-Mart*, 454 F 3d 544, 546-547 (CA 6, 2006).
7. *Id.*
8. See *Swales v KLLM Transport Servs, LLC*, 985 F3d 430, 435 (CA 5, 2021).
9. *Clark*, *supra* n 2 at 1009–11.
10. *Id.* at 1011.
11. *Id.* at 1010 (quoting *Hoffman-La Roche Inc v Sperling*, 493 US 165, 174 (1989)).
12. *See, e.g., EMD Sales, Inc v Carrera*, 604 US 45, 49-52; 145 S Ct 34; 220 L Ed 2d 309 (2025).
13. *Wallace v Kato*, 549 US 384, 396; 127 S Ct 1091; 166 L Ed 2d 973 (2007).
14. This is despite the fact that the Supreme Court has held that equitable tolling is only permissible when the party seeking it (1) "pursued his rights diligently," but (2) "some extraordinary circumstance prevent[ed] him from bringing a timely action." *Lozano v Montoya Alvarez*, 572 US 1, 10; 134 S Ct 1224; 188 L Ed 2d 200 (2014). Similarly, the Sixth Circuit has, at times, applied a five-factor test involving proof that the opt-in (1) lacked notice of the suit, (2) had no constructive knowledge of the suit, (3) was diligent in pursuing his rights, (4) would not prejudice the defendant, and (5) was reasonable in remaining ignorant of the legal requirement that he join the lawsuit. *See Hayes v Comm'r of Social Security*, 895 F3d 449, 453-454 (CA 6, 2018).
15. *Id.* at 1014 (Bush, J., concurring).
16. *Id.* at 1015-21 (White, J., concurring in part and dissenting in part).
17. *Genesis Healthcare Corp v. Symczyk*, 569 U.S. 66, 75 (2013).
18. *Clark*, *supra* n 2 at 1009.
19. *Trump v CASA, Inc*, 606 US 831, 843; 145 S Ct 2540; 222 L Ed 2d 930 (2025).
20. *Safety Specialty Ins Co v Genesee Co. Bd of Comm'rs*, 53 F4th 1014, 1020 (CA 6, 2022) (citation omitted).
21. *Adames v. Ruth's Hospitality Group, Inc.*, unpublished memorandum opinion and order of the United States District Court for the Northern District of Ohio, issued Apr 9, 2024 (Case No. 1:22-cv-00036); see also *McCall v Soft-Lite LLC*, unpublished memorandum opinion and order of the United States District Court for the Northern District of Ohio, issued Aug 1, 2023 (Case No. 5:22-cv-816); *Jones v Ferro Corp*, unpublished memorandum opinion and order of the United States District Court for the Northern District of Ohio, issued July 11, 2023 (Case No. 1:22-cv-00253); *Hogan v Cleveland Ave Restaurant, Inc*, 690 F Supp 3d 759, 782 (SD Ohio, 2023); *Brittmon v Upreach, LLC*, 285 F Supp 3d 1033, 1046 (SD Ohio, 2018) (pre-*Clark* decision collecting cases rejecting tolling for this reason).
22. See, e.g., *Guy v Absopure Water Co*, 703 F Supp 3d 813, 819-821 (ED Mich, 2023); *Cordell v Sugar Creek Packing Co*, 691 F Supp 3d 838, 849-851 (SD Ohio, 2023); *Curry v Bostik, Inc*, unpublished memorandum opinion and order of the United States District Court for the Western District of Kentucky, issued July 22, 2025 (Case No. 3:22-cv-370).
23. *See Duncan v Magna Seating of America, Inc*, unpublished memorandum opinion and order of the United States District Court for the Eastern District of Michigan, issued Mar 11, 2024 (Case No. 22-12700).
24. *Arellano v McDonough*, 598 US 1, 6-7; 143 S Ct 543; 214 L Ed 2d 315 (2023).
25. *Id.* at 8.
26. *United States v Brockamp*, 519 US 347, 350-351; 117 S Ct 849; 136 L Ed 2d 818 (1997).
27. *Enbridge Energy, LP v Nessel*, 608 US __, ___; 146 S Ct 1074 (2026).
28. 29 USC § 255(a).
29. 29 USC § 256(b).
30. 29 USC § 255(b)–(d).
31. 29 USC § 251(a).
32. *Jones*, *supra* n 21, at *5, 8.
33. *Adames*, *supra* n 21 at *9.
34. *Guy*, *supra* n 22, at 819-821.
35. See, e.g., *McElroy v Fresh Mark, Inc*, unpublished memorandum opinion and order of the United States District Court for the Northern District of Ohio, issued Aug 1, 2023 (Case No. 5:22-cv-287); *Doe v. Blue Cross & Blue Shield United of Wisconsin*, 112 F3d 869, 875 (CA 7, 1997); *GM Harston Constr Co v City of Chicago*, unpublished memorandum opinion and order of the United States District Court for the Northern District of Illinois, issued Nov 4, 2003 (Case No. 01 C 268).



Generative AI: Common problems and hopeful solutions

BY RICHARD W. WARREN AND LAUREN D. HARRINGTON

Moving fast with generative artificial intelligence (GAI) without thinking critically about its implications could cause downstream problems and potential liability. For law firms, focus must be given to the next generation of attorneys, who will likely use and rely more on GAI in their practice, and steps should be taken to ensure they continue to develop the analytical skills and professional judgment that define great lawyering. For labor and employment litigation, GAI has opened the courthouse doors to a surge of *pro se* plaintiffs while raising novel legal questions about work product, privilege, and discoverability that courts are only beginning to sort out. On the other hand, many employers are rushing to deploy GAI-powered tools in the workplace in areas such as hiring and discipline, where real challenges may exist in the form of algorithmic bias that could result in unintended unlawful employment practices if not appropriately assessed and managed.

GAI is a powerful tool, but deploying it effectively requires more than enthusiasm. It requires intention, oversight, and a willingness to grapple with hard questions.

GAI IN LAW FIRMS: *GAI AND ASSOCIATE GROWTH*

Before addressing problems that employers might face with GAI, it is worth evaluating the potential challenges GAI poses within law firms. Many tech-savvy associates now use GAI tools to perform the initial legwork for many assignments. For example, upon receiving a considerable volume of documents, an associate might load those documents into a GAI tool to identify what these documents consist of, generate a timeline, and explain how these documents support or defend the claims in a case. When dealing with a discovery motion, an associate might load the brief into a GAI tool and ask it to prepare a draft response. When presented with an opportunity to handle a complex legal issue, an associate might turn to a GAI tool for guidance on where to start. Prior to the advent of GAI, these were the types of tasks that associates were expected to perform through critical thinking, consultation with more senior attorneys, and/or manual research on their own. While more time-consuming and sometimes extremely tedious, these assignments were also valuable learning tools and opportunities for associates to hone their legal skills, develop their legal reasoning skills and acumen, and eventually become proficient in their chosen profession.

Historically, associates developed the necessary legal skills, such as analytical reasoning, anticipating opposing counsel's arguments, formulating practical solutions, and tailoring advice to clients' needs (i.e., "soft" or "EQ" skills),[1] by performing the fundamental and necessary legwork (i.e., "hard" skills like research, writing, reviewing, and categorizing documents). With GAI, associates are now able to partially or entirely bypass this crucial stage of professional development.

Nonetheless, the reality of the situation is clear. Clients often look to their counsel to handle their needs with financial efficiency—and utilizing GAI to perform the legwork is one of those measures that align with the clients' expectations. This means that early career attorneys will now need to develop their EQ skills another way, and it will likely take strong support from more experienced and established attorneys.

Forward-thinking firms are already evaluating and addressing these issues. It should come as no surprise that associates who are included in client meetings and conversations with leadership teams — not sporadically but regularly — feel more valued and supported. Inclusion in client meetings provides associates with valuable insight into a client's operations and challenges as well as into how the leadership interacts with the firm's clients, and with opportunities to observe, firsthand, how more experienced attorneys communicate their advice to the client. Increased collaboration is also a tool to instill value for associates and develop their fundamental legal skills. With GAI tools supplementing some of the more traditional ways to develop legal skills for associates in their formative years, firms may need to devote more time to nurturing their associates through collaboration and a more inclusive approach to their client relationship.

GAI IN LITIGATION: *GAI IS ALLOWING CLAIMS THAT WERE PREVIOUSLY REJECTED OUTRIGHT TO PROCESS*

The proliferation of GAI has ushered in a new era of *pro se* litigation that is concerning to most employers. Until recently, the complex procedural requirements for legal filings served as a barrier to many *pro se* claims without a legally cognizable cause of action. GAI has effectively dismantled that barrier. *Pro se* plaintiffs who previously would have been deterred by the intricacies of civil procedure, legal research, and persuasive legal writing are now armed with tools capable of generating complaints that satisfy the requisite pleading standards and motion papers accompanied by legal arguments. The result is an unmistakable uptick in self-represented litigants filing employment-related claims — many of which, in a pre-GAI world, would likely not have made it past the initial consultation with and assessment by a plaintiff's side attorney.

According to Lex Machina's 2026 Employment Litigation Report, federal employment lawsuits with unrepresented plaintiffs grew each year from 2021 through 2025.[2] In 2025, more than 16 percent of federal employment lawsuits were filed by individual plaintiffs without legal representation.[3] Courts across the country are grappling with dockets swelling with *pro se* filings that bear the unmistakable fingerprints of GAI assistance.[4] While these filings may not equate to pleadings prepared by licensed attorneys, they nevertheless articulate a cognizable legal theory such that Courts would decline to dismiss these claims outright. For employers, this means that claims with marginal merit that might have been dismissed at the initial pleading stage now require substantive legal defense.

Perhaps more concerning are the novel legal questions emerging from this trend. Courts have begun to wrestle with whether *pro se* plaintiffs can assert work-product protection over their GAI tool use, such as their queries and outputs. Recent decisions have reached strikingly different conclusions.

In *United States v. Heppner*, the Southern District of New York answered that question with a resounding no — at least on the facts presented.[5] In *Heppner*, a criminal defendant under indictment for securities fraud used the publicly available AI platform Claude to independently prepare documents outlining potential defense

strategies and legal theories. He later asserted both attorney-client privilege and work-product protection over those AI-generated materials. The court rejected both claims. On the work-product question, the court held that the doctrine "provides qualified protection for materials prepared by or at the behest of counsel in anticipation of litigation," and that Heppner's AI documents failed that test because they "were prepared by the defendant on his own volition" — without any direction from counsel.[6] The court further noted that while the documents may have influenced defense counsel's strategy going forward, they did not reflect the counsel's strategy at the time they were created. In short, because no attorney directed Heppner to use Claude, and the documents did not expose any attorney's mental processes, the work-product doctrine offered no shelter to the unrepresented, individual criminal defendant.

Closer to home, the Eastern District of Michigan in *Warner v. Gilbarco, Inc.*[7] reached a markedly different outcome. In *Warner*, a *pro se* employment discrimination plaintiff used ChatGPT extensively in connection with her litigation. Defendants moved to compel production of all documents and information concerning her use of AI tools, arguing that any work-product protection was waived when she disclosed her mental impressions to a third-party AI platform. The court disagreed and denied the motion. The court explained that "[a] pro se litigant has a right to assert work-product protection over such material" and held that using ChatGPT does not constitute a waiver of that protection, reasoning that the "work-product waiver has to be a waiver to an adversary or in a way likely to get in an adversary's hand." Critically, the court concluded that "ChatGPT (and other generative AI programs) are tools, not persons" — meaning disclosure to an AI platform is categorically different from disclosure to a human third party that would ordinarily trigger a waiver. The court characterized the defendants' demand as "a fishing expedition" into the plaintiff's "internal analysis and mental impressions" and warned that the defendants' theory would "nullify work-product protection in nearly every modern drafting environment, a result no court has endorsed."

Taken together, *Heppner* and *Warner* illustrate the rapidly evolving and unsettled nature of this area of law. What does this mean for employers and their HR teams? The answer, while perhaps unsatisfying in its simplicity, is that prevention must become the paramount focus. When the previously available procedural barriers to filing litigation have been lowered so dramatically, the only effective countermeasure is to reduce the occasions that give rise to claims in the first place. This requires a renewed commitment to compliance — not as a check-the-box exercise but as a living, breathing component of organizational culture.

Management training has become more critical than ever. Supervisors and managers should be armed with tools to recognize potential legal landmines. This means regular, substantive training on topics including harassment prevention, reasonable accommodations, wage and hour compliance, and proper documentation practices.

Equally important is attention to employee morale. Employees who are dissatisfied with their workplace tend to become disgruntled and litigious. In an era where GAI can transform workplace grievances into valid legal action with relative ease, attention to the human elements becomes paramount. Exit interviews, frequent check-ins, anonymous feedback opportunities, and genuine responsiveness to employee concerns are no longer just best practices — they have now become necessary risk mitigation strategies.

Lastly, management teams should be cautious in using GAI tools themselves. While undeniable efficiencies provided by these GAI tools may be alluring, these GAI tools are not substitutes for human judgment, especially in matters that carry significant legal risk. As seen in *Heppner*, GAI searches and outputs that contain leadership's internal thought processes that were not formulated at the direction of legal counsel could become discoverable if the matter proceeds to litigation.

GAI IN THE WORKPLACE: *AUTOMATED DECISION-MAKING SYSTEMS STILL REQUIRE HUMAN OVERSIGHT*

Beyond litigation, GAI has presented a host of challenges for employers who have integrated these tools into their day-to-day operations. Automated decision-making systems (ADMS) powered by GAI are being increasingly utilized in hiring, performance evaluation, promotion decisions, and workforce management. While these systems promise objectivity and efficiency, they also carry significant legal and ethical risks.

The idea of removing human subjectivity from employment decisions is appealing. After all, how can the decision be discriminatory if a cold, calculated machine makes the decision? The reasoning, however, is fundamentally flawed when one considers the fact that GAI systems are trained on historical data, and that data often reflects the very biases we seek to eliminate — commonly referred to as "algorithmic bias."[8]

Changes in the federal administration have caused regulatory bodies to revise or retract previous AI-related guidance for employers. In 2025, the U.S. Equal Employment Opportunity Commission (EEOC) retracted guidance on AI in employment selection procedures.[9] And the Department of Labor has placed a disclaimer on

their framework for AI-powered recruitment tools, stating that it "may be out of date or not reflect current policies."[10] However, state and local governments have continued to advance their own AI-workplace legislation. Illinois now requires employers to notify candidates when AI is used in video interview analysis and recently amended their Human Rights Act to include broader prohibitions on the use of GAI in hiring, promotion, and discipline decisions that could result in discrimination.[11] New York City's Local Law 144 mandates bias audits for automated employment decision tools.[12] Although Michigan has not yet enacted legislation around AI in the workplace, House Bill 5579 was introduced on February 24, 2026, that would ban employers from using AI programs to make decisions related to setting wages, hiring and firing workers, and tracking employees' facial patterns.[13] Under the proposed legislation, employers would also need to get written consent from employees when using an AI tool to monitor productivity.[14]

For employers seeking to harness the benefits of GAI while complying with applicable law and mitigating risks, several principles should guide implementation.

First, transparency is paramount. Employees and applicants should be informed when ADMS are being used and should understand, at least in general terms, how those systems operate.

Second, human oversight should be a central component of any ADMS deployment. These systems should be designed to augment, not replace, human decision-making. Critical employment decisions — terminations, denials of accommodation, promotion decisions — should always involve meaningful human review, from someone with the authority to override the system's recommendation when appropriate.

Third, regular auditing is essential. Employers should periodically assess their ADMS for disparate impact and other discriminatory effects. This auditing should be conducted by qualified professionals and should examine outcomes across protected categories.

Fourth, the use of ADMS should be documented in detail. Employers should maintain records of what ADMS are in use, how they were developed or procured, what data was used to train them, and what oversight mechanisms are in place. This documentation will prove invaluable in the event of a legal challenge and demonstrates a good-faith effort to deploy these tools responsibly.

Finally, employers should resist the temptation to view GAI as an "out" for difficult decisions. The most sensitive workplace matters — those involving discipline, accommodation, and termination — require the exercise of human judgment, empathy, and contextual understanding that GAI cannot replicate.

To conclude, GAI is here to stay. It is imperative for us in the legal profession to find a way to leverage its efficiencies without sacrificing the human judgment, mentorship, and compliance culture that remain essential to the practice of L&E law.

For over 24 years, **Richard Warren** has provided practical and effective employment law guidance to general counsel, managers, and HR professionals. His practice focuses on wage claims, non-competition and trade secret litigation, discrimination claims, and ERISA, ADA, and FMLA lawsuits. Richard is the first point of contact for high-level terminations, investigations, and compliance issues. He litigates at all levels of federal and state courts and represents employers before federal agencies.

Lauren Debra Harrington is an associate in the Detroit (Metro) office of Ogletree Deakins, where she devotes her practice exclusively to employment litigation and traditional labor law. Lauren counsels employers across diverse industries and represents management before federal and state courts, administrative agencies, and in arbitration involving a wide range of employment-related claims. She is also a trusted partner in navigating artificial intelligence in the workplace and exploring compliance strategies.

ENDNOTES

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13. Michigan 2026 HB 5579, Section 4(1) <https://perma.cc/4EXV-4BWY>.
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PLAIN LANGUAGE

The 20 most common sentence-level faults among legal writers

BY BRYAN A. GARNER

One from the archives. —JK

Occasionally I'll hear a silly, naive person ask why lawyers must have instruction in writing. The answer, of course, is that anyone who poses such a question is almost certainly unaware of their own ineptitude. There's writing in the sense of literacy (can you write your name?), and then there's *real writing*. It's no different from any other skill. You can bowl regularly and have an average score of 80. But I can't imagine complacency with such a record—if bowling is something you care about.

Let me take that back: I *can* imagine complacency with such a record because there are many, *many* legal writers whose skills correspond to those of a bowler who typically scores 80. And these legal writers are often quite self-satisfied. It's as if they think that 85 is the highest possible score because no one has told them that it goes all the way up to a perfect game of 300.

The sentence-level faults among these unconsciously bungling writers are predictable. Here are the top 20. If you can remember and identify these faults, you'll become a more effective writer and self-editor. Each correction is keyed to *Garner's Modern English Usage* (Oxford University Press, 5th ed. 2022) for a full explanation of the point. Read the faulty version of the sentence carefully, trying to spot the problem (usually italicized) and think about why it's a problem, before looking at the corrected version.

1. **Subject–verb disagreement.** Faulty: Set forth below *is* a summary and an analysis of the caselaw concerning anticipation and obviousness of these patent claims. Correct: *are*. (See *GMEU* at 238–39, 1044–47.)

2. **Unjustified passive voice.** Faulty: The election law provides that a proceeding may *be instituted* by a candidate or voter to contest the casting or canvassing of challenged ballots. Correct: The election law allows a candidate or voter to contest [etc.]. (See *GMEU* at 807–08.)

3. **Overcapitalization.** Faulty: Appellant has not shown that either the Trial Court or the Appellate Court grossly departed from proper judicial procedure. Correct: Make the initial capitals lowercase. (See *GMEU* at 179.)

4. **Misused commas.** Faulty: Even if it is assumed, arguendo, that attorney's fees could be awarded the amount of fee and other costs, are clearly excessive. Correct: Even if attorney's fees could be awarded, the fee amount and the other costs are clearly excessive. (See *GMEU* at 897–99.)

5. **Illogic and unclarity.** Faulty: Another frequently violated statute is exceeding the speed limit, which is unfortunate because of the condition of our highways compared to our modern high-speed automobiles. Correct: Another frequently violated statute is the speed limit, which was enacted in part to minimize damage to our highways—an especially important measure in an age of high-speed automobiles. (See *GMEU* at 569–71.)

6. **Misplaced modifiers.** Faulty: Spencer alleges that the medical center discriminated against her because she is black in violation of Title VII. Correct: Spencer alleges that the medical center violated Title VII of the Civil Rights Act by discriminating against her because she is black. (See *GMEU* at 291–92, 570, 712.)

"Plain Language," edited by Joseph Kimble, has been a regular feature of the *Michigan Bar Journal* for 42 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.

7. **Dangling participles.** Faulty: Even *while construing* every possible factual inference in plaintiff's favor, plaintiff has admitted everything that would justify the court in dismissing the complaint with prejudice. Correct: Even if the court construes every possible factual inference in plaintiff's favor, plaintiff has admitted everything that would justify the court's dismissing the complaint with prejudice. (See *GMEU* at 290–92.)

8. **Nonstandard idioms.** Faulty: *In all events*, plaintiff's theory *in regards to* the share price defies economic reality. Correct: Change *in all events* to *in any event* or *at all events*; change *in regards to* to *in regard to* or (better) *about*. (See *GMEU* generally.)

9. **Unparallel phrasings.** Faulty: The patentee must show that the established royalty rate was artificially low because of factors such as *widespread infringement, that the patent lacked public recognition, or to avoid patent challenges*. Correct: The patentee must show that the established royalty rate was artificially low because of a factor such as widespread infringement, the lack of public recognition, or a low profile intended to avoid patent challenges. (See *GMEU* at 801–02.)

10. **Misused possessives.** Faulty: The Jones' house is quite spacious. Correct: The Joneses' house is quite spacious. (See *GMEU* at 854–57.)

11. **Misunderstood mechanics of quoting.** Faulty: The court in that case stated that: ". . . [W]e do not today decide the constitutional question arguably at issue." Correct: The court in that case stated: "[W]e do not today decide the constitutional question arguably at issue." (Or: The court in that case stated that "we do not today decide the constitutional question arguably at issue.") (See *GMEU* at 902, 912–14.)

12. **Redundancy.** Faulty: Typically, a TIF statute authorizes the governing body to adopt a *redevelopment plan for an area providing for the means by which a designated area will be redeveloped*. Correct: Typically, a TIF statute authorizes the governing body to adopt a plan to redevelop a designated area. (See *GMEU* at 932–33.)

13. **Repetition.** Faulty: Only the parties who signed the participation agreement are bound by the participation agreement, and the participation agreement was signed by only four parties. Correct: Only the parties who signed the participation agreement are bound by it, and only four parties signed it. (See *GMEU* at 1020.)

14. **Comma splices with *however*.** Faulty: She did not file suit within seven years, however, the statute of limitations was tolled because of the discovery rule. Correct: She did not file suit within seven years; however, the statute of limitations was tolled because of the discovery rule. (Better yet: Although she did not file suit within seven years, the statute of limitations was tolled because of the discovery rule.) (See *GMEU* at 962–63.)

15. **Other comma splices.** Faulty: He decided not to testify before the jury, he thought that doing so would open him up to serious impeachment. Correct: He decided not to testify before the jury; he thought that doing so would open him up to serious impeachment. (See *GMEU* at 962–63.)

16. **Unclear antecedent.** Faulty: The committee's argument that First Union's appeal should be denied because *it* cannot obtain effective relief is contrary to the facts and is without logic. Correct: Although the committee argues that First Union cannot appeal because it cannot obtain effective relief, that argument is both illogical and contrary to the facts. (See *GMEU* at 712–13.)

17. **Misspellings.** Faulty: The *idiosyncracies* of legal theory relating to *in personum* jurisdiction require acknowledgment and analysis before they can be considered full-fledged *abberations*. Correct: The idiosyncrasies of legal theory relating to *in personam* jurisdiction require acknowledgment and analysis before they can be considered full-fledged aberrations. (See *GMEU* at 1024–26.)

18. **Subject–verb separation.** Faulty: Plaintiffs' contention that they are asserting a cause of action for unjust enrichment for which punitive damages are available *is* suspect. Correct: Although Plaintiffs contend that they are asserting a claim for unjust enrichment for which punitive damages are available, that contention is suspect. (See *GMEU* at 1047.)

19. **Tense shifts.** Faulty: He said that he feels angry at the contractor. Correct: He said that he felt angry at the contractor. (See *GMEU* at 1080–82.)

20. **Erroneous words.** Faulty: If she *had've* told the patient to *lay* on her back, the patient might not have had that *serious of an* injury. Correct: If she had told the patient to lie on her back, the patient might not have had so serious an injury. (See *GMEU* generally.)

Reprinted from Bryan A. Garner's ABA column in The Student Lawyer.

Bryan A. Garner is president of LawProse Inc., Distinguished Research Professor of Law at Southern Methodist University, chief editor of *Black's Law Dictionary*, and author of more than 25 books on language, advocacy, and law. He is the author of the "Grammar and Usage" chapter of *The Chicago Manual of Style*; of two books with the late Justice Antonin Scalia: *Making Your Case* (2008) and *Reading Law* (2012); and (with Joseph Kimble) of *Essentials for Drafting Clear Legal Rules*, available for free online.

BEST PRACTICES

Don't cross the bridge until you come to it: The premature use of initial disclosures

BY KENNEDY A. ROBINSON, SAMANTHA E. LUCKHAM AND DANIEL J. MCCARTHY

Plaintiff's Initial Disclosures—when must they be served? This article discusses a recurring issue with respect to the plaintiff's timing of serving initial disclosures: Must the plaintiff wait to serve initial disclosures only until after the defendant files their answer or responsive pleading, or can the plaintiff serve initial disclosures while the defendant's pre-answer dispositive motion is pending? This is a crucial question because the answer determines when time-consuming and expensive discovery begins.[1]

The authors below think that the court rules, namely, the timing provision of MCR 2.302(a)(5)(b)(i), require the initial and opposing pleadings to be served before initial disclosures are exchanged. In other words, the plaintiff cannot prematurely jump-start discovery if the defendant has not yet filed its answer or responsive pleading.

Consider the following simplified scenario: The plaintiff, "Peter," files suit against his former business partner, "Dennis," in 2025, and he alleges multiple breaches of contract and other business-related claims that occurred a decade ago in 2015. Upon being served with Peter's complaint, Dennis files his motion for summary disposition under MCR 2.116(C)(7) based on the statute of limitations.[2] The trial court schedules the hearing on Dennis' summary disposition down the road a few months out.

In the meantime, because Peter wants to keep pressure on Dennis, he serves his initial disclosures and follows them up with a set of interrogatories, requests for admissions, multiple document production requests, and his *duces tecum* deposition notice complete with his own deposition date. If one were to review MCR 2.301(A)(1) in a vacuum, there would be no issue. Again, the rule states that a party may engage in discovery after it serves its initial disclosures.

And one Oakland County Business Court has agreed. In *Alvers v Equityexperts.org*,[3] the Plaintiff served its initial disclosures when Defendants had filed a pre-answer motion for summary disposition. Defendants sought to quash Plaintiff's discovery requests and asserted that MCR 2.301(A)(1) and MCR 2.302(A)(5) precluded the serving of the initial disclosures and, thus, also precluded the initiation of discovery. But the Court disagreed. The Court observed that MCR 2.301(A)(1) provides that a party could initiate discovery following its initial disclosures. And under MCR 2.302(A)(5), the Court held that nothing in the rule stopped the plaintiff from serving its initial disclosures and proceeding with discovery.

Turning back to the *Peter v Dennis* case, Dennis now has to make the Sophie's Choice decision to either participate in discovery (and issue his own set of initial disclosures) or seek a protective order

"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.

under MCR 2.302(C) to stay discovery until the court rules on his pending summary disposition motion.[4] Both options are not ideal; they both require Dennis to incur significant expenses in costs and attorney fees. Indeed, most practitioners will readily agree that discovery comprises the most expensive aspect of civil litigation. But even if Dennis pursues a protective order, it's up to the trial court's discretion whether to grant it.

But we think that Dennis should not have to make such a choice. And with all due respect to the Oakland Business Court, we believe that its analysis is mistaken. When the Michigan Supreme Court amended the discovery rules to provide for the issuance of initial disclosures, the rules revealed the Court's intent that the pleadings be filed and framed before discovery proceeds.

Under MCR 2.301(A)(1), "a party may seek discovery only after the party serves its initial disclosures under MCR 2.302(A)." But under MCR 2.302(a)(5)(b)(i), "[A] party that files a complaint, counterclaim, cross-claim, or third-party complaint must serve its initial disclosures ***within*** 14 days ***after*** any opposing party files an answer to that pleading." (Emphasis added). The authors believe, however, that the Supreme Court's timing provision under MCR 2.302(a)(5)(b)(i) was intentional to serve as an express window of time when serving initial disclosures.

When construing the Michigan Court Rules, the Court relies on the same principles that guide statutory construction.[5] As such, the Court will look to the meaning and intent of a court rule derived directly from its plain language and relationship within the Michigan Court Rules collectively.[6] While looking at the plain language of a court rule, the Court must strive to "give effect to every word, phrase and clause and avoid an interpretation that would render any part surplusage or nugatory."[7]

Applying the foregoing to MCR 2.302(A)(5)(b)(i), it is crucial for the Court to review every word and apply meaning to each one. The rule expressly states that "[a] party that files a complaint, counterclaim, cross-claim, or third-party complaint must serve its initial disclosures ***within*** 14 days ***after*** any opposing party files an answer to that pleading."[8] Under this language, the operative time period to serve initial disclosures consists only of the 14-day window of time following the filing of an *answer to* the pleading. Cambridge's Advanced Learner's Dictionary & Thesaurus defines "within" as "inside or not beyond (a particular area, limit or period of time)."[9] Further, *Oxford's Learner's Dictionary* defines "after" (used as a preposition) as "later than something; following something in time."[10] Also crucial to understanding the plain meaning of the rule is understanding the definition of "answer" as defined by *Black's Law Dictionary:* "[a] defendant's first pleading that addresses the merits of the case, usu. by denying the plaintiff's allegations" and "[a]n answer usu. sets forth the defendant's defenses and counterclaims."[11]

So while MCR 2.301(A)(1) provides that a party may seek discovery only after the party serves its initial disclosures, the rule must be read in conjunction with MCR 2.302(A)(5), which specifies precisely *when* those disclosures may be served. The words "***within*** 14 days ***after*** any opposing party files an answer…"[12] can be construed only as a limitation of time as to when initial disclosures could be served. If the drafters intended the rule to allow for initial disclosures to be issued before the defendant filed an answer, they could have said so. Their inclusion of the modifier "within" demonstrates that the Supreme Court intentionally outlined and limited the time period to which initial disclosures are to be served. As such, if a defendant files a pre-answer summary disposition motion, the plaintiff cannot jump-start discovery by simply serving initial disclosures.

Indeed, the definition of "answer" further supports the authors' interpretation of the rule, as pre-answer dispositive motions do not qualify as an answer and, therefore, do not trigger the 14-day window to serve initial disclosures. Pre-answer dispositive motions such as a motion to dismiss are not "answers" to a complaint.[13] They do not provide any defenses or counterclaims in response to the plaintiff's complaint but rather may argue that the complaint is not legally sufficient.

The intended purpose of the discovery process is to uncover facts that are relevant to the case in preparation for trial. What would be the necessity of uncovering facts if the case is dead in the water to start? Even if a case were subject to arbitration, why would a Court allow discovery to proceed if a pre-answer motion to dismiss under MCR 2.116(C)(7) based on an agreement to arbitrate is pending?

Generally, courts have held that discovery is unwarranted when a dispositive motion to dismiss is pending.[14] Functionally and practically, MCR 2.302(A)(5)(b)(i) may eliminate the need for a protective order in some cases because discovery on a plaintiff's complaint should not proceed if a defendant's motion to dismiss is pending and ultimately granted.[15] The correct interpretation of the rule allows it to function effectively as an automatic stay of discovery until the defendant files an answer.[16]

MCR 2.302(A)(5)(b)(i) also serves the purpose of MCR 1.105, which requires the rules to be "construed, administered, and employed by the parties and the court to secure the just, speedy, and economical determination of every action and to avoid the consequence of error that does not affect the substantial rights of the parties." There is no need to waste time and money with discovery and the attendant discovery disputes if a dispositive motion is going to resolve the case.

The Court rules are not designed for gamesmanship, nor are they meant to pressure a party or otherwise provide a mechanism for annoyance and oppression.[17]

While a plaintiff may surely be aggrieved, such is not a basis for initiating discovery as a pressure tactic when a dispositive motion is pending. Until the Supreme Court says otherwise, a party may not simply rely on MCR 2.301(A) to serve initial disclosures and initiate discovery despite receiving a motion to dismiss in lieu of an answer. MCR 2.302(A)(5)(b)(i) prescribes when initial disclosures are to be served – and they are to be served only "within" the 14-day window following the filing of the answer.

As noted, the authors assert that the court rules require the filing of a responsive pleading before initial disclosures and discovery commences.

Kennedy Robinson and **Samantha Luckham** honored Butzel Long, P.C. with their superior and exemplary service as summer associates for the summer of 2025. **Daniel McCarthy** is a shareholder at Butzel Long, P.C., and he specializes in appellate and commercial litigation. Daniel thanks Kennedy and Samantha for their great work and contributions to this article.

ENDNOTES

1. See MCR 2.301(A)(1)("[A] party may seek discovery only after the party serves its initial disclosures . . . .")
2. See MCL 600.5801.
3. *Alvers v Equityexperts.org*, Oakland County Business Court (Case No. 2020-181899-CB).
4. In this simplified scenario, Dennis could also file a motion under MCR 2.109 to require Peter to furnish a security bond. But for the purpose of this article, this option will not be further discussed.
5. *Decker v Trux R US, Inc*, 307 Mich App 472, 479; 861 NW2d 59 (2014). See also *Henry v Dow Chem Co*, 484 Mich 483, 495; 772 NW2d 301 (2009).
6. *Henry, supra* n 7 at 495.
7. *People* v Comer, 500 Mich 278, 287; 901 NW2d 553 (2017); See also *Dykes v William Beaumont Hosp*, 246 Mich App 471, 484; 633 NW2d 440 (2001) ("The Court should avoid construing a court rule in a manner that results in a part of the rule becoming nugatory or surplusage.").
8. MCR 2.302(a)(5)(b)(i) (emphasis added).
9. *Cambridge Advanced Learner's Dictionary* (Cambridge University Press, 4h ed, 2013).
10. *Oxford Advanced Learner's Dictionary* (Oxford University Press, 10th ed, 2020).
11. Garner, *Black's Law Dictionary* (Thomson Reuters, 12th ed, 2024). See also MCR 2.110(A)(5), "the term 'pleading' includes only ... an answer to a complaint. ..."
12. MCR 2.302(a)(5)(b)(i).
13. See also MCR 2.110(A)(5), "the term 'pleading' includes only ... an answer to a complaint. ..."
14. See generally, *Forner, supra* n 6.
15. See generally, *Mitchell, supra* n 6.
16. See generally, *Forner, supra* n 6.
17. See MCR 2.302(C).

LIBRARIES & LEGAL RESEARCH

Two Michigan labor law champions

BY MARC LOVELL

Many areas of law have their champions — those who have forged accomplished careers with significant contributions to their areas of law that reflect their passion and dedication. Two such champions from Michigan who have had long, accomplished careers hallmarked by significant contributions to labor law come to mind (and one of them also has a special place in the Law Library's history.)

Harry T. Edwards graduated from the University of Michigan Law School in 1965 and launched a highly successful career that included the roles of practicing attorney and acclaimed appellate judge. He is currently a professor of law at New York University.[1] During his tenure as appellate judge serving on the United States Court of Appeals for the District of Columbia Circuit from 1980 to 1994, and subsequently as chief judge from 1994 to 2001,[2] Edwards heard appeals from numerous cases implicating labor law and labor issues.

One such case he heard as appellate judge for the D.C. Circuit was a case involving a mining accident.[3] A mining company, Freeman, and two supervisors it employed petitioned the Court of Appeals for the D.C. Circuit to review a Federal Mining and Safety and Health Review Commission (FMSHRC) order finding the employer and two of its supervisors liable for civil penalties for violating structural safety regulations after a concrete walkway in the old plant collapsed in June 1993, which injured four employees. A subsequent investigation concluded the collapse was caused by advanced, ongoing corrosion of the walkway's metal beams.

The two supervisors argued that the applicable statutory definition of "knowingly" required a showing of actual knowledge or specific intent to violate the law.[4] Judge Edwards rejected this argument and upheld the reasonableness of the FMSHRC's interpretation of "knowingly" under the *Chevron* standard, noting the range of meanings ascribed to this term under other acts and used by other agencies and by other courts, which at times even imbued both actual and constructive knowledge into its meaning. However, Judge Edwards went a step further and noted that the FMSHRC's ALJ based the order against the two supervisors on a finding of "high negligence," which was not sufficient to meet the definition of "knowingly" to impose liability on either of them under the statute. He granted the supervisors' petition for review and reversed the FMSHRC's findings of individual liability against them.

In a federal labor sector case,[5] a federal agency employer refused to provide the union with information about two terminated employees because the union did not know the identity of those employees and was not asked to represent them in pressing a grievance. Judge Edwards rejected this argument of the employer agency. He noted that the union represents potentially aggrieved employees, represents all members of the bargaining unit, and has

a legitimate concern with its own status as the exclusive bargaining representative, making it therefore entitled to the information under the applicable labor statute to assess its representational responsibilities. He reversed the Federal Labor Relations Authority's (FLRA's) determination which agreed with the employer's refusal to furnish the information, and he remanded the matter to the FLRA to determine whether release of the information would be consistent with the Privacy Act, an issue which was addressed at an initial FLRA hearing but was not reached upon subsequent FLRA review.

Edwards has authored several books and several articles on labor law and issues to which the Law Library has access in its print and/or electronic collections. He is the coauthor of *Labor Relations Law in the Public Sector*, *The Lawyer as Negotiator*, and *Collective Bargaining and Labor Arbitration*.[6] In addition, he is the author of several journal articles on subjects such as alternative dispute resolution, the duty to bargain, and labor relations law in the public sector.[7]

In addition, the University of Michigan Bentley Historical Library maintains in its collection the Harry T. Edwards Papers[8] which document his tenure as a board member and chairman of Amtrak, his role in University of Michigan Law School affairs, several labor arbitration cases in which he participated, and many other aspects of his illustrious career before being appointed to the federal judiciary by President Carter in 1980. The Library of Congress also has in its collection the Harry T. Edwards Papers which span the years 1940 to 2012.[9]

In 1998, when writing about the beginning of his teaching career at University of Michigan Law School, he stated he "had the benefit of working with a [new] Dean who was a brilliant scholar and teacher in my fields of interest — labor law, collective bargaining, arbitration, and employment discrimination."[10]

That new dean was Theodore J. St. Antoine.

St. Antoine practiced labor law in Washington, DC, and joined the University of Michigan law faculty in 1965, serving as dean of the law school from 1971 to 1978. His teaching specialties included labor and employment law and contract law.[11] He has been a labor arbitrator for over 40 years and was a member of the UAW's Public Review Board for over 35 years, including eight years as its chair.

It was during his term as dean that St. Antoine had a unique problem to tackle: The law school's library desperately needed room to grow, but the confines of the beautiful Law Quad, completed in 1933, did not have a footprint which would easily accommodate the needed growth. Concerns abounded about maintaining the revered aesthetics of the Law Quad while books continued to be stacked in the basement of Hutchins Hall, piled on the floors and even stored in stairwells. Something needed to be done.

Dean St. Antoine appointed a building committee, which was first tasked with selecting an architect. Many firms submitted their bids. After several interviews with architectural firm partners and visits to buildings from the final two contenders, a firm was finally chosen by the committee.

Subsequently, St. Antoine's efforts to forge ahead with the construction of a much-needed law library was fraught with ongoing challenges to overcome. A highly ambitious fundraising initiative to fund construction and continually addressing concerns about preserving the beauty of the Law Quad with any new design proposal were among those many challenges.

The new underground law library was finally completed in 1981.[12]

St. Antoine's career is hallmarked by significant contributions to labor law. In addition to his teaching at the University of Michigan Law School, he is author of *The Common Law of the Workplace: The Views of Arbitrators*, *Labor Relations Law: Cases and Materials*[13] and author of substantial scholarly work about aspects of labor law and issues[14] which the Law Library is pleased to house within its print and electronic collections.

There are no longer books piled on the floor. The Law Library is not only proud of St. Antoine's indelible footprint as an inherent part of its establishment but also extremely pleased to house in its collections the authored contributions of both St. Antoine and Edwards that augment our collective knowledge of labor law and labor law pedagogy and history.

Marc Lovell is the Assistant Director of Research and User Services at the University of Michigan Law Library. Previously, he served as the Federal Reserve Board's law librarian in Washington, DC, after heading a private international tax law practice and teaching tax law at the University of Illinois. A graduate of Wayne State University Law School (JD, 1993 and LLM, 2003), he is a member of the bar of Massachusetts and of Washington, DC.

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1. There are several brief online biographies of Edwards. See, e.g., *Harry T. Edwards*, United States Court of Appeals for the District of Columbia Circuit <https://perma.cc/4HQT-VR43> (all websites accessed May 26, 2026; and *Harry T. Edwards, Professor of Law*, New York University Law <https://perma.cc/KGN2-YXLR>.
2. Edwards elected the status of Senior Judge with the Court of Appeals for the District of Columbia Circuit in November 2005.
3. *Freeman United Coal Mining Co v Fed Mine Safety and Health Review Comm and Secretary of Labor*, 108 F3d 358 (CA DC, 1997).
4. *Id.*
5. *American Federation of Gov't Employees, AFL-CIO, Local 1345 v Federal Labor Relations Auth*, 793 F2d 1360 (CA DC,1986).
6. *Id.*
7. *See,* e.g., Edwards, Alternative Dispute Resolution: Panacea or Anathema?, 99 Harvard L Rev 668 (1986); Edwards, Emerging Duty to Bargain in the Public Sector, 77 Michigan L Rev 885 (1973); Edwards, The Developing Labor Relations Law in the Public Sector, Duquesne L Rev 357 (1972); Edwards, Where Are We Heading With Mandatory Arbitration of Statutory Claims in Employment?, 16 Georgia State University L Rev 293 (1999); and Edwards, Preferential Remedies for Employment Discrimination, 74 Michigan L Rev 1 (1975).
8. *Harry T. Edwards papers, circa 1965-1980*, University of Michigan Bentley Library <https://findingaids.lib.umich.edu/catalog/umich-bhl-85154#using-these-materials>.
9. *Harry T. Edwards Papers*, Library of Congress <https://findingaids.loc.gov/repositories/19/resources/6123>.
10. Edwards, *Professor Theodore J. St. Antoine: A Legendary Figure*, 96 Michigan L Rev 2192 (1998).
11. A detailed yet concise biography of St. Antoine and his recent scholarly work may be found on the University of Michigan's website. See *Theodore St. Antoine, James E. and Sarah A. Degan Professor Emeritus of Law*, University of Michigan Law <https://michigan.law.umich.edu/faculty-and-scholarship/our-faculty/theodore-j-st-antoine>.
12. A detailed account of St. Antoine's role in the construction of the Law Library may be found online. See Tobin, *The Law School Goes Under*, University of Michigan Heritage Project <https://heritage.umich.edu/stories/the-law-school-goes-under/>.
13. St. Antoine, *The Common Law of the Workplace: The Views of Arbitrator* (Bna Books, 1998).
14. St. Antoine's more recent scholarly works include: St. Antoine, *Making Employment Arbitration Fair and Accessible*, 12 Arbitration L Rev 1 (2020) < https://repository.law.umich.edu/facarticles/2254/>; and St. Antoine, *Labor and Employment Arbitration today: Mid-Life Crisis or New Golden Age?*, Ohio State J of Dispute Resolution 1 (2017) <https://perma.cc/NA8X-VATY>. Earlier works include St. Antoine, *A Seed Germinates: Unjust Discharge Reform Heads Toward Full Flower*, 67 Nebraska L Rev 56 (1988); St. Antoine, *Judicial Review of Labor Arbitration Awards: A Second Look At Enterprise Wheel and Its Progeny*, 75 Michigan L Rev 1137 (1977); St Antoine, *Mandatory Arbitration: Why It's Better Than It Looks*, 41 University of Michigan J of L Reform 783 (2008); and St. Antoine, *The Making of the Model Employment Termination Act*, 69 Washington L Rev 361 (1994).

PRACTICING WELLNESS

Move the cabinet: Provisional action and mental load in legal practice

BY KELLY RIEGEL-GREEN

There are moments when insight arrives not through complex theory but through a single, ordinary sentence.

A colleague once described a cabinet that had been sitting in the middle of her living room for months. She knew where it ultimately belonged, but it was not yet "time" to move it. The wall had not been painted. The flooring had not been installed. There were, in her words, "a million reasons" why moving it would be premature.

So the cabinet stayed.

Its presence created a persistent, low-level strain. It obstructed movement through the room, prevented other items from being put away, and made the space more difficult to manage. What began as a temporary placement became both a functional barrier and a psychological one.

During a conversation, a friend offered a simple observation: "You know you can just move the cabinet."

Not permanently. Not perfectly. Just move it.

And, if necessary, move it again.

This deceptively simple insight reflects a broader challenge frequently encountered in legal practice.

THE "CABINET PROBLEM" IN LEGAL PRACTICE

Attorneys are trained to think sequentially: Identify the issue, apply the rule, analyze, and conclude. They are also trained to anticipate risk, avoid error, and produce work that is both precise and defensible. These are essential professional competencies. However, in certain contexts, they can contribute to a form of functional paralysis.

Many lawyers encounter their own version of the "cabinet problem":

- A file that cannot be started until it is fully organized
- A brief that cannot be drafted until all research is complete
- A workspace that cannot be rearranged until larger improvements are finished
- A personal health or time-management plan that cannot begin until conditions are ideal

In each instance, a step that is, in reality, movable is treated as though it were fixed because it is tied to a future, preferred state.

The result is delay, accumulation of unfinished work, and increasing stress.

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

WHEN SOUND REASONING BECOMES A BARRIER

The difficulty in these situations is that the underlying reasoning is not flawed.

It is, in fact, logical to wait until flooring is installed before placing furniture.

It is logical to complete research before drafting a brief.

It is logical to prepare thoroughly before acting.

However, when such reasoning is applied rigidly, it can function less as guidance and more as a barrier to progress.

In the cabinet example, waiting for ideal conditions resulted in unintended consequences:

- Ongoing environmental stress
- Reduced usability of the space
- Additional friction in completing unrelated tasks

In legal practice, similar patterns may do the following:

- Delay forward movement on active matters
- Increase cognitive load across multiple cases
- Contribute to feelings of overwhelm and professional burnout

Perfectionistic thinking — prevalent in high-achieving professions, including law — has been linked to procrastination, increased stress, and diminished well-being.[1]

FROM FINAL DECISIONS TO PROVISIONAL ACTIONS

The directive to "just move the cabinet" is not an argument against planning or professional standards. Rather, it highlights an important distinction between **final decisions** and **provisional actions**.

A significant portion of legal work is inherently iterative. Drafts are revised. Strategies evolve. Files are reorganized. Arguments are refined.

Despite this, attorneys often approach intermediate steps as though they must be executed once, correctly, and in final form.

Reframing these steps as provisional allows for progress:

- Drafting a brief with the expectation of revision
- Organizing a file with the understanding that it will change
- Adjusting a workspace without waiting for ideal conditions

This shift does not reduce quality. Instead, it facilitates movement and reduces the psychological burden associated with initiating tasks.

COGNITIVE LOAD AND THE COST OF INCOMPLETION

From a psychological perspective, unfinished tasks are not neutral. Psychologists have long observed that incomplete activities tend to remain cognitively active — a phenomenon known as the Zeigarnik effect.[2]

In practice, this means that unresolved items continue to occupy attention, even when not actively being worked on. The cabinet in the middle of the room functions as a constant signal of incompletion.

Accumulated across multiple files, deadlines, and responsibilities, these "open loops" increase mental load and reduce available cognitive resources for focused work.

Taking even a small, reversible action can begin to close these loops.

Examples include the following:

- Producing a preliminary draft rather than waiting for ideal language
- Moving a file into active review status rather than allowing it to remain dormant
- Clearing a limited portion of a workspace rather than postponing action until a full reorganization is possible

Such actions do not complete the task. However, they reduce friction and create momentum.

THE ROLE OF PERMISSION IN PROFESSIONAL FUNCTIONING

Notably, the turning point in the cabinet example was not new information. It was permission.

"You can move it. And you can move it again."

Within the legal profession, internalized standards — often reinforced by training, workplace expectations, and professional culture — can become rigid constraints. These constraints may not be externally imposed, but they nonetheless shape behavior.

Permission, whether external or internally generated, can disrupt this pattern. It allows attorneys to engage in iterative work without perceiving it as substandard.

This is not a lowering of expectations. It is a recognition that high-quality work is often produced through a series of refinements rather than through a single, perfectly executed step.

PRACTICAL APPLICATION IN LEGAL PRACTICE

The "move the cabinet" principle can be operationalized through a structured approach:

1. **Identify the obstruction**
   Determine what task, file, or condition is currently impeding progress.
2. **Evaluate whether the constraint is real or assumed**
   Ask whether the step is truly irreversible or whether it can be modified later.
3. **Take a provisional action**
   Initiate movement — draft, organize, or begin — without requiring completion.

4. **Normalize iteration**
   Recognize that the initial action is part of a process, not a final product.

This framework is applicable across practice settings, from litigation and transactional work to administrative and personal domains.

CONCLUSION

Legal practice demands accuracy, foresight, and discipline. It also requires adaptability.

Not every step must be final. Not every condition must be ideal before action is taken.

In many instances, progress is achieved not through comprehensive planning alone but through incremental, reversible action.

Sometimes, the most effective course is also the simplest:

Move the cabinet.

And, if necessary, move it again.

Kelly Riegel-Green is a Michigan attorney with over 20 years of experience in family law, bankruptcy, estate planning and probate, and criminal matters. In addition to practicing in Michigan, Kelly is admitted to practice before the Supreme Court of the United States and the United States District Court for the Eastern District of Michigan. Her practice emphasizes practical, client-centered advocacy. Outside of her practice, she is a mother and a five-time half Ironman finisher.

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1. Sirois, *Procrastination and Stress: Exploring the Role of Self-Compassion*, 13 Self and Identity 128-145 (2014); Flett & Hewitt, *Perfectionism in the Self and Social Contexts*, 60 J of Personality and Social Psychology 456-470 (2020).
2. Nickerson, *Zeigarnik Effect Examples in Psychology*, Simply Psychology <https://perma.cc/DF6F-BDUZ> (updated May 11, 2026) (accessed May 15, 2026).

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LAW PRACTICE SOLUTIONS

Harmonizing work and life

BY ROBINJIT EAGLESON, J.D.

At a recent state bar section event, a comment from a section chair stayed with me. During a panel discussion on achieving work-life balance, he raised his hand to offer a different perspective: "balance" may be the prevailing buzzword, he suggested that "harmony" is a more fitting and meaningful way to describe the goal.

The concept of "work-life balance" has long been promoted as an aspirational standard for professionals. For many attorneys, however, it can feel unattainable, or even misleading. Legal practice rarely conforms to a predictable schedule; deadlines evolve, client needs can be urgent, and the stakes are often significant. In this context, striving for a rigid notion of balance may be less practical than pursuing a more adaptable framework: work-life harmony.

Work-life harmony acknowledges that professional and personal responsibilities are not opposing forces to be evenly divided but are interconnected elements of a single, dynamic whole.[1] For lawyers, this means recognizing that certain periods will demand greater focus on work, just as others should be deliberately reserved for personal priorities. The objective is not perfect equilibrium but thoughtful alignment, allowing career obligations and personal well-being to coexist without persistent tension.

A key component of work-life harmony is autonomy. When attorneys have meaningful control over their schedules, they are better positioned to integrate professional responsibilities with the practical demands of their personal lives. This may involve beginning the workday earlier to accommodate family commitments later in the day or setting aside uninterrupted periods for focused work followed by intentional time away. Flexibility, when coupled with accountability, enables lawyers to fulfill their obligations while preserving a sense of personal agency.

Technology has played a dual role in this discussion. On one hand, constant connectivity can blur boundaries and foster expectations of immediate responsiveness. On the other, it allows attorneys to work more efficiently and from virtually any location. Achieving work-life harmony therefore requires an intentional approach to technology,[2] using it to enhance productivity while establishing clear expectations around availability and response times. The mere fact that technology enables more immediate responsiveness does not mean that such responsiveness should be expected; attorneys, like all professionals, are human and require time to rest and recharge.

Equally critical is the ability to prioritize effectively. Not all tasks carry the same urgency or importance, yet the legal profession often places a premium on responsiveness over sound decision-making and perspective. Attorneys who develop the discipline to distinguish between what demands immediate attention and what can wait are

"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.

better equipped to safeguard their time and energy. Delegating thoughtfully, when it makes sense, can also help support this effort.

Firm culture also plays a significant role in determining whether work-life harmony is attainable. Environments that prize constant availability and equate long hours with commitment can make such harmony difficult to achieve. By contrast, organizations that emphasize outcomes encourage healthy boundaries, and model-sustainable practices create conditions in which attorneys can succeed both professionally and personally. Leadership is central in this regard, setting expectations that promote well-being without diminishing standards of excellence.

Although this article has examined only a selection of them, attorneys can draw on a range of practical, experience-tested strategies[3] to shift away from the idealized notion of "balance" and toward a more realistic and sustainable sense of work-life harmony:[4]

- Take control of your calendar. Treat your calendar as a strategic tool, not just a record of meetings. Block time for focused work, personal commitments, and even recovery time. If everything is flexible, nothing is protected.
- Set clear availability expectations. Let clients and colleagues know when you are and are not available. This can be as simple as setting up email response windows or using out-of-office messages during focused work periods. Most friction comes from unclear expectations, not actual unavailability.
- Prioritize with intention, not urgency. Resist the reflex to treat every request as immediate. Develop a system, whether formal or informal, to distinguish between urgent, important, and deferrable tasks. This reduces reactive work and preserves energy for high-value matters.
- Use technology deliberately. Turn off nonessential notifications, separate work and personal devices if possible, and leverage tools that streamline repetitive tasks. Technology should support your workflow, not dictate it.
- Build in transition time. Avoid stacking commitments back-to-back all day. Even short breaks between meetings or tasks can improve focus, reduce stress, and help you shift more effectively between professional and personal roles.
- Delegate and collaborate. You don't need to carry everything yourself. Effective delegation paired with clear instructions and trust frees up time for higher-level work and reduces unnecessary overload.
- Protect non-negotiables. Identify a few personal priorities that are essential to your well-being (family time, exercise, sleep) and treat them with the same respect as client commitments. If they're always the first to go, harmony will remain out of reach.
- Align workload with capacity. Be realistic about what you can take on. Saying yes to everything may feel responsive in the short term but often leads to diminished quality and burnout over time.
- Leverage firm culture where possible. If your organization supports flexibility or outcome-based performance, use it. If it doesn't, small individual boundaries can still make a meaningful difference.
- Reassess regularly. Work-life harmony isn't static. What works during a trial-heavy period may not work during a quieter season. Periodically evaluate what's working and what isn't, and adjust accordingly.

Achieving work-life harmony also requires a shift in mindset. It calls for moving beyond the notion that success in the legal profession must come at the expense of personal fulfillment and instead recognizing that a well-rounded life can enhance professional performance. Attorneys who are well-rested, engaged, and supported outside of work are often more focused, creative, and effective in their practice.

Ultimately, work-life harmony is not a static endpoint but an ongoing process. It requires continual adjustment as careers progress, personal circumstances evolve, and professional demands shift. For attorneys, pursuing harmony offers a more practical and sustainable framework, one that acknowledges the realities of legal practice while still allowing space for a meaningful life beyond it.

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1. Bartes, *Work-Life Harmony: A Symphony of Success*, Forbes (Nov 1, 2024) <https://www.forbes.com/councils/forbescoachescouncil/2024/11/01/work-life-harmony-a-symphony-of-success/> (all websites accessed May 15, 2026).
2. To access SBM exclusive discounts on technology that could benefit you, please visit https://www.michbar.org/programs/home.
3. Zalkin, *Work-Life Equilibrium: 12 Strategies for Legal Professionals*, Legal Reader Legal News and Analysis (Oct 23, 2024) <https://www.legalreader.com/work-life-equilibrium-12-strategies-for-legal-professionals/>.
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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.

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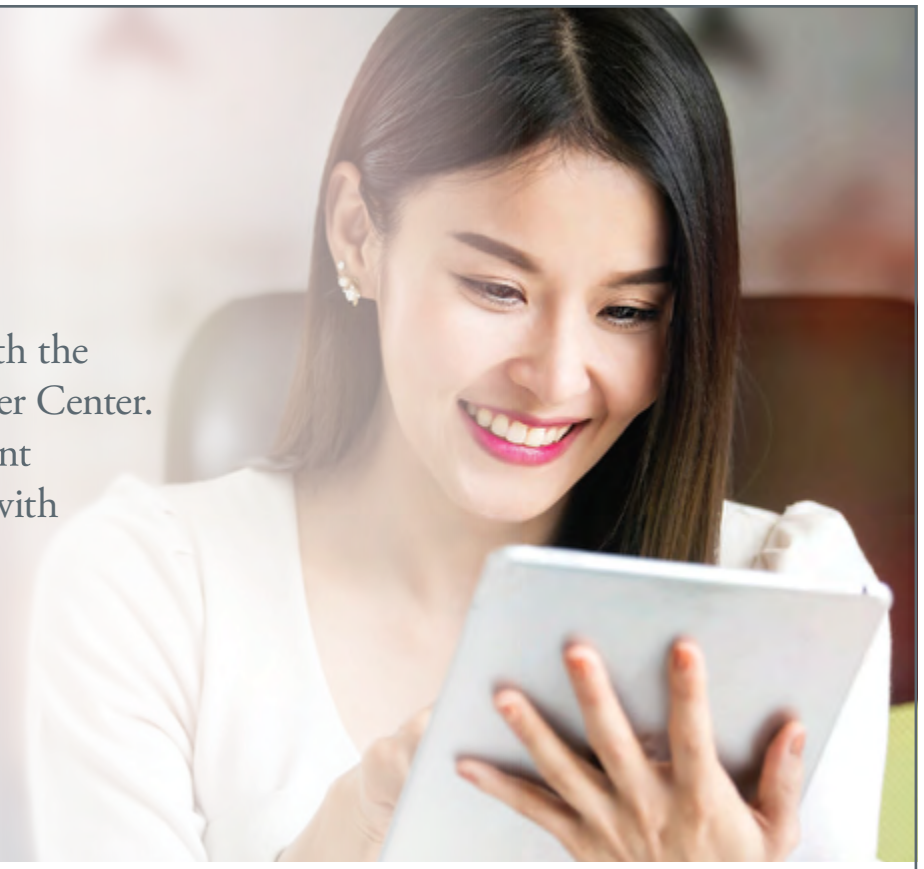

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ADM File No. 2024-07
Amendment of Rule 6 of the Rules Concerning the State Bar of Michigan

To read this file, visit perma.cc/T5H9-3334

ADM File No. 2026-01
Assignment to the Court of Claims

On order of the Court, Honorable Randy J. Wallace is assigned to serve as a Court of Claims judge for a partial term commencing on May 9, 2026, and expiring on May 1, 2027.

ORDERS OF DISCIPLINE & DISABILITY

DISBARMENT AND RESTITUTION

Robert A. Canner, P11572, Southfield. Disbarment, Effective December 12, 2025.[1]

The Grievance Administrator filed a three count formal complaint against respondent alleging that he committed professional misconduct during his representation of three separate clients. Respondent filed a timely answer to the complaint asserting his Fifth Amendment privilege to the majority of the allegations. Prior to the hearing in this matter, respondent amended his answer to the formal complaint by pleading no contest to each allegation to which respondent had originally asserted his Fifth Amendment privilege. At the hearing, the Grievance Administrator moved to dismiss Count Three of the formal complaint.

Based on respondent's admissions and pleas of no contest to the allegations of professional misconduct set forth in the remaining two counts of Formal Complaint 24-70-GA, Tri-County Hearing Panel #71 found that respondent intentionally misappropriated one client's funds by retaining them for himself, intentionally misappropriated another client's settlement funds by failing to disburse the remainder of the funds, and, intentionally commingled non-client funds with client funds by depositing non-client funds into his IOLTA during the time that his client's funds were required to be held in the IOLTA.

Specifically, the panel found that respondent engaged in professional misconduct by: failing to keep a client reasonably informed about the status of a matter and to comply promptly with reasonable requests for information, in violation of MRPC 1.4(a) (Count One); charging or collecting an illegal or clearly excessive fee, in violation of MRPC 1.5(a) (Counts One and Two); failing to put a contingent-fee agreement in writing, stating the method by which the fee is to be determined, in violation of MRPC 1.5(c) (Count One); failing to promptly pay or deliver any funds or other property that the client or third person is entitled to receive, except as stated in the rule or otherwise permitted by law or by agreement with the client or third person, and, upon request by the client or third person, promptly render a full accounting regarding such property, in violation of MRPC 1.15(b)(3) (Counts One and Two); failing to hold property of clients or third persons in connection with a representation separate from his own property, in violation of MRPC 1.15(d) (Counts One and Two); upon termination of representation, failing to take reasonable steps to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee that has not been earned, in violation of MRPC 1.16(d) (Count One); and, engaging in conduct involving dishonesty, fraud, deceit, misrepresentation, or violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b) (Counts One and Two). The panel found respondent's conduct to have also violated MCR 9.104(2)-(4) and MRPC 8.4(a) (Counts One and Two).

The panel ordered that respondent be disbarred effective April 17, 2030, to run consecutively with the disbarment imposed in *Grievance Administrator v Robert A. Canner*, Case No. 23-83-GA, and further ordered restitution totaling $16,549.10. Prior to the effective date of the original decision, respondent moved to amend the order to change the effective date of the discipline from April 17, 2030, to December 12, 2025. Following a hearing on the motion, the panel granted the requested relief. All other provisions of the original order remained unchanged. Costs were assessed in the amount of $2,485.44

[1] Respondent has been continuously ineligible to practice law in Michigan since his disbarment on April 16, 2025. See Notice of Disbarment and Restitution issued on October 21, 2025, in *Grievance Administrator v Robert A. Canner*, Case No. 23-83-GA.

ORDER AFFIRMING IN PART AND MODIFYING IN PART HEARING PANEL ORDER OF DISBARMENT AND RESTITUTION

On January 8, 2026, Tri-Valley Hearing Panel #2 issued an Order of Disbarment and Restitution in this matter disbarring respondent and ordering her to pay restitution totaling $266,091.90, effective January 30, 2026. Respondent filed a timely petition for review on January 29, 2026, but did not request a stay of the order of discipline; accordingly, respondent's disbarment took effect on January 30, 2026. Although respondent raised numerous issues in her original petition for review, in her brief in support, she narrowed the focus to only a review of the restitution ordered by the panel, abandoning all other issues.

The Attorney Discipline Board has conducted review proceedings in accordance with MCR 9.118, including review of the evidentiary record before the panel and consideration of the briefs and arguments presented by the parties at a review hearing conducted via Zoom videoconferencing on April 8, 2026. For the reasons discussed below, we modify the restitution amount ordered by the hearing panel.

This disciplinary proceeding arose from a formal complaint filed February 26, 2024, alleging that respondent engaged in extensive misconduct while representing clients in civil and probate matters, most notably in connection with her representation of Earline White in a partition action. The record reflects that respondent received substantial funds from Ms. White and a third-party lender, Charles Meiser, including loan proceeds and client funds intended for litigation purposes, but misused those funds through repeated transfers between accounts, depletion of balances, and online gambling. Respondent also misappropriated funds from the Estate of Candice Massey to cover obligations in Ms. White's matter.

Respondent was subsequently charged and convicted in January 2025 of embezzlement and issuing a non-sufficient funds check, resulting in a jail sentence, restitution order, and the automatic suspension of her license to practice law, in accordance with MCR 9.120(B)(1). Following respondent's default in this disciplinary proceeding, the hearing panel found multiple violations of the Michigan Rules of Professional Conduct and court rules, ordered that respondent be disbarred, effective January 30, 2026, and ordered respondent to pay restitution totaling $266,091.90; $68,500 to Ms. White, $100,000 to Mr. Meiser, and $97,591.90 to the Massey Estate, on or before January 30, 2026.

Again, the Board's review in this matter is limited to the propriety of the restitution ordered by the hearing panel. Respondent has expressly abandoned all other issues; therefore, questions as to the hearing panel's findings of misconduct and the appropriateness of the disbarment imposed by the panel are not before the Board. The sole question on review is whether the restitution ordered is supported by the whole record. See *Grievance Administrator v August*, 438 Mich 296, 304 (1991).

After careful review, we conclude that the hearing panel's restitution award is not supported by proper evidentiary support and must be modified. With respect to Earline White, the record establishes that respondent received a total of $74,000 from Ms. White in connection with the underlying litigation.

However, it is equally undisputed that respondent caused $70,000 to be paid on Ms. White's behalf to resolve that matter. While those funds were improperly taken from the Massey Estate, the fact remains that Ms. White received the full benefit of that payment. To the credit of counsel for the Grievance Administrator, at oral argument counsel acknowledged that the restitution amount may require modification in light of respondent's $70,000 payment for Ms. White's benefit, and later stipulated to that fact on the record. (Tr 04/08/26, pp 24–26.)

The hearing panel erred by failing to credit this $70,000 payment against the amount owed to Ms. White. The panel's reliance on the restitution ordered to be paid in the criminal proceeding is misplaced, as that amount was the product of a plea agreement and not

ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

an adjudicated determination which we would be bound to follow here. By ordering respondent to pay $68,500 in restitution to Ms. White without accounting for the $70,000 payment made on her behalf, the panel effectively awarded Ms. White more than she actually lost. On this record, Ms. White's net loss is $4,000, representing the difference between the total amount she provided to respondent and the amount ultimately paid for her benefit. Accordingly, restitution to Ms. White must be reduced to $4,000.

In contrast, the restitution awarded to Charles Meiser and the Estate of Candice Massey is supported by the record and is not meaningfully disputed. The evidence demonstrates that Mr. Meiser transferred $100,000 to respondent, which has not been repaid, and that respondent misappropriated approximately $97,591.90 from the Massey Estate, likewise not repaid. Those amounts were properly included in the hearing panel's order.[1]

When the $70,000 payment is properly credited, the total amount of funds misappropriated by respondent is reduced to approximately $199,591.90. The panel's restitution award of $266,091.90 therefore exceeds the actual loss by approximately $66,500, reflecting a clear mathematical and analytical error. Accordingly, we conclude that the hearing panel's order of disbarment and restitution must be modified to reflect the actual losses sustained.

Now therefore, it is ordered that the hearing panel's order of disbarment and restitution is affirmed in part and modified in part. Specifically, the $100,000 in restitution ordered to be paid to Charles Meiser and the $97,591.90 in restitution ordered to be paid to the Estate of Candice Massey are both affirmed. The $68,500 in restitution ordered to be paid to Earline White is reduced to $4,000.00.

It is further ordered that respondent shall not be eligible for reinstatement in accordance with MCR 9.123 unless she has fully complied with the restitution provisions of this order and with the restitution she agreed to pay as part of her plea agreement in *People v Michelle Lynn Elowski*, Oscoda County Circuit Court, Case Nos. 24-1953-FH, 24-1954-FH, and 24-1955-FH.

It is further ordered that all other provisions of the hearing panel's order of Disbarment and restitution remain in full force and effect.

[1] Although respondent argues that her billing statements show she was entitled to a portion of the funds she received from Ms. White and the Massey Estate because of work she completed, fee forfeiture may be ordered in instances of misconduct, even where the lawyer has done some work. See *Grievance Administrator v Thomas J McCallum*, 90-18-GA; 90-42-FA (ADB 1990) (citing *Rippey v Wilson*, 280 Mich 233 (1937)).

REPRIMAND (BY CONSENT)

Kimberly J. Hamman, P49768, Brighton. Reprimand, Effective April 24, 2026.

Respondent and the Grievance Administrator filed a 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 Livingston County Hearing Panel #1. Based on the parties' stipulation, and respondent's no contest pleas to the factual allegations and the allegations of professional misconduct, the panel found that respondent committed professional misconduct by engaging in the preparation of property and estate documents granting herself and her husband an interest in certain real estate owned by an unrepresented party, without taking reasonable efforts to advise the unrepresented party of her role in the transaction. The formal complaint further alleged that, during

litigation that resulted from the real estate transaction, respondent requested that a judge withdraw a request for investigation that the judge had filed against respondent.

Specifically the panel found that respondent failed to adequately inform a self-represented person who reasonably should have been known to misunderstand her role in the matter, in violation of MRPC 4.3(a); engaged in conduct that exposes the legal profession or the courts to obloquy, contempt, censure or reproach, in violation of MCR 9.104(2); engaged in conduct that is a violation of the Michigan Rules of Professional Conduct, in violation of MRPC 8.4(a) and MCR 9.104(4); and, attempted to obtain an agreement that a party withdraw a request for investigation, in violation of MCR 9.104(10)(b).

In accordance with the amended stipulation of the parties, the panel ordered that respondent be reprimanded. Costs were assessed in the amount of $762.14.

REPRIMAND (BY CONSENT)

Donovan Rashaad Johnson, P82508, Detroit. Reprimand, Effective April 28, 2026.

Respondent and the Grievance Administrator filed a Stipulation for Consent Order of Reprimand, in accordance with MCR 9.115(F)(5), which was approved by the Attorney Grievance Commission and accepted by Tri-County Hearing Panel #13. The stipulation contained respondent's admission that he was convicted by nolo contendere plea of Home Invasion 3rd Degree, a felony, in violation of MCR 750.110, in *People v Donovan Rashaad Johnson*, 6th Judicial District Court, Case No. 23283146-FH, and that the conviction constituted professional misconduct. However, in December 2024, the court postponed respondent's sentencing until November 17, 2025; on that date, in light of respondent's compliance with probation terms, the home invasion charge was dismissed, and respondent was sentenced for Disorderly Person, a misdemeanor, in violation of MCL 750.167.

Based upon respondent's conviction, admissions, and the parties' stipulation, the panel found that respondent committed professional misconduct when he engaged in conduct that violated a criminal law of a state or of the United States, an ordinance, or tribal law, in violation of MCR 9.104(5).

In accordance with the stipulation of the parties, the hearing panel ordered that respondent be reprimanded. Costs were assessed in the amount of $827.68.

REPRIMAND

Zhigang Ma, P72952, Northville. Reprimand, Effective April 16, 2026.

The Grievance Administrator filed a Notice of Filing of Reciprocal Discipline pursuant to MCR 9.120(C) that attached a certified copy of a Final Order Pursuant to 37 C.F.R. § 11.26 from the United States Patent and Trademark Office, issued on January 29, 2026, reprimanding respondent and placing him on probation for six months, effective January 29, 2026, in *In the Matter of Zhigang Ma*, Proceeding No. D2026-12.

An order regarding imposition of reciprocal discipline was issued by the Board on March 10, 2026, ordering the parties to inform the Board in writing, within 21 days from service of the order, (i) of any objection to the imposition of comparable discipline in Michigan based on the grounds set forth in MCR 9.120(C)(1), and (ii) whether a hearing was requested. On March 10, 2026, both parties notified the Attorney Discipline Board, in writing, that they were not requesting a hearing and did not object to the imposition of reciprocal discipline.

On March 18, 2026, the Attorney Discipline Board ordered that respondent be reprimanded, effective April 16, 2026. Costs were assessed in the amount of $1.511.02.

DISBARMENT

Aaron Spolin, P85889, Los Angeles, California. Suspension, Disbarment, Effective April 23, 2026.

In a reciprocal discipline proceeding filed pursuant to MCR 9.120(C), the Grievance Administrator filed a certified copy of an order from the California Supreme Court issued September 11, 2025, disbarring respondent from the practice of law, effective September 11, 2025, in the matter titled *In re Aaron Spolin*, Case Nos. SBC-24-O-30656; SBC-24-O-30844; S292012.

An order regarding imposition of reciprocal discipline was issued by the Board and served on the parties on October 22, 2025, ordering the parties to inform the Board in writing, within 21 days from service of the order, (i) of any objection to the imposition of comparable discipline in Michigan based on the grounds set forth in MCR 9.120(C)(1), and (ii) whether a hearing was requested. On November 19, 2025, respondent filed a letter of objection with the Board, and a request to submit additional briefing on the issue. Upon respondent's objection, this matter was assigned

ORDERS OF DISCIPLINE & DISABILITY (CONTINUED)

to Tri-County Hearing Panel #7 for disposition, pursuant to MCR 9.120(C)(3).

The panel denied respondent's request for additional briefing, finding that respondent was afforded due process in the disciplinary proceedings conducted by the California State Bar, and that it would not be clearly inappropriate to impose comparable discipline in Michigan. On April 1, 2026, the panel issued an order disbarring respondent from the practice of law in Michigan, effective April 23, 2026. Costs were assessed in the amount of $1,510.73.

DISBARMENT

Christopher J. Woolf, P79877, Dewitt. Disbarment, Effective August 7, 2025.[1]

The Grievance Administrator filed a Notice of Filing of a Judgment of Conviction in accordance with MCR 9.120(B)(3), advising that on August 7, 2025, respondent was convicted by guilty verdict of: Count One - Child Sexually Abusive Activity, a felony, in violation of MCL 750.145C(2); Count Two - Using a Computer to Commit the Crime of Child Sexually Abusive Activity, a felony, in violation of MCL 752.7973(D); Count Three - Accosting a Child for Immoral Purposes, a felony, in violation of MCL 750.145A-A; and Count Four - Using a Computer to Commit the Crime of Accosting a Child for Immoral Purposes, a felony, in violation of MCL 752.7973(F), in a matter titled *State of Michigan v Christopher James Woolf*, 30th Circuit – Ingham County Circuit Court, Case No. 24-000182-FH-C30. In accordance with MCR 9.120(B)(1), respondent's license to practice law in Michigan was automatically suspended, effective August 7, 2025, the date of respondent's felony convictions.

Based on his convictions, Washtenaw County Hearing Panel #2 found that respondent committed professional misconduct when he engaged in conduct that violated criminal laws of the 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 a violation of the criminal law, where such conduct reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer, in violation of MRPC 8.4(b).

The panel ordered that respondent be disbarred from the practice of law in Michigan. Total costs were assessed in the amount of $2,057.08.

[1] Respondent's license to practice law in Michigan has been continuously suspended since August 7, 2025, the date of respondent's felony conviction and automatic suspension pursuant to MCR 9.120(B)(1). See Notice of Automatic Interim Suspension issued September 12, 2025, in *Grievance Administrator v Christopher J. Woolf,* Case No. 25-81-AI.

NOTICE OF HEARING ON PETITION FOR REINSTATEMENT

Notice is given that **Mark Hermiz, P76378**, has filed a petition for reinstatement in the Supreme Court of the State of Michigan and with the Attorney Grievance Commission seeking reinstatement as a member of the Bar of this state and restoration of his license to practice law.

In *Grievance Administrator v Mark Hermiz*, 17-85-GA (ADB 2017), a panel found, by stipulation of the parties, that Petitioner committed acts of professional misconduct in his representation of Relief Physical Therapy and Rehab to obtain payment of insurance claims for medical services provided by the company to accident injury victims. Petitioner failed to enter into a signed, written contingent fee agreement with Relief Physical Therapy and Rehab; did not maintain adequate communications with the client concerning the settlement amounts; failed to adequately advise the client of the receipt of settlement checks; failed to provide a written disbursement sheet setting forth the disbursement of funds following settlement; and failed to maintain adequate bookkeeping records concerning his IOLTA account and the amounts he was due from each individual settlement.

Based upon Petitioner's admissions and the stipulation of the parties, the panel found that Petitioner failed to obtain specific settlement authority from his client in each matter, in violation of MRPC 1.2(a); failed to explain each settlement to his client through its authorized representative, in violation of MRPC 1.4(b); failed to keep a client reasonably informed about the status of a matter, in violation of MRPC 1.4(a); failed to enter into a written contingent fee agreement, in violation of MRPC 1.S(c); failed to issue a disbursement sheet for each settlement, in violation of MRPC 1.S(c); failed to notify his client promptly when settlement checks were received, in violation of MRPC 1.15(b)(1); failed to hold client funds separate from his own funds, in violation of MRPC 1.15(d); engaged in conduct that was in violation of the Rules of Professional Conduct, in viola-

tion of MRPC 8.4(a) and MCR 9.104(4); engaged in conduct that exposed the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2); and engaged in conduct that was contrary to justice, ethics, honesty, or good morals, in violation of MCR 9.104(3). Based on the parties' stipulation, the panel ordered Petitioner be suspended for 179 days, effective October 11, 2017, and ordered him to comply with the conditions contained in the parties' stipulation.

In *Grievance Administrator v Mark Hermiz*, 20-46-GA (ADB 2020), Petitioner entered into a stipulation containing his admissions to the allegations that he committed acts of professional misconduct in relation to his representation of a client and the client's company after being retained to negotiate or file civil actions to collect unpaid medical bills owed to the client and the client's company.

Based upon Petitioner's admissions and the stipulation of the parties, the panel found that Petitioner failed to obtain specific settlement authority from his client in each matter, in violation of MRPC 1.2(a); failed to keep a client reasonably informed about the status of a matter, in violation of MRPC 1.4(a); failed to explain each settlement to his client through its authorized representative, in violation of MRPC 1.4(b); failed to enter into a written contingent fee agreement, in violation of MRPC 1.5(c); failed to issue a disbursement sheet for each settlement, in violation of MRPC 1.5(c); failed to notify his client promptly when settlement checks were received, in violation of MRPC 1.15(b)(1); and, failed to hold client funds separate from his own funds, in violation of MRPC 1.15(d). Petitioner was also found to have violated MRPC 8.4(a) and MCR 9.104(2), (3), and (4). Based on the finding of misconduct and the stipulation of the parties, the panel suspended for 18 months, effective April 8, 2020, and ordered compliance with the conditions contained in the parties' stipulation.

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.

A hearing is scheduled for Tuesday, July 21, 2026, commencing at 9:30 a.m., at the State of Michigan Attorney Discipline Board, 333 W. Fort St., Ste. 1700, Detroit, MI 48226.

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, the petitioner will be required to establish his eligibility for reinstatement by clear and convincing evidence.

Any interested person may appear at such hearing and be heard in support of or in opposition to said petition for reinstatement. Any person having information bearing on the Petitioner's eligibility for reinstatement should contact:

Michael K. Mazur, Senior Associate Counsel
Attorney Grievance Commission
755 W. Big Beaver, Suite 2100
Troy, MI 48084
(313) 961-6585 mkmazur@agcmi.com

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.

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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
(This is both an AA and NA meeting.)

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.)

TUESDAY 6 PM*
St. Aloysius Church Office1
232 Washington Blvd.

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

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.

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

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

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

GAMBLERS ANONYMOUS

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

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

Virtual
MONDAY 7 PM
AA/NA meeting (St. Paul of the Cross)
Contact Arvin P. at 248.310.6360 for login information

MONDAY 8 PM
Join using this link https://ilaa.org/meetings-and-events/

TUESDAY 7 PM
AA/NA meeting (Royal Oak)
Contact Arvin P. at 248.310.6360 for login information

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

WEDNESDAY 6 PM
AA/NA meeting (Bloomfield Hills- Kirk of the Hills)
Contact Arvin P. at 248.310.6360 for login information

THURSDAY 7 PM*
Contact Mike M. at 517.281.9507 for information.

THURSDAY 7:30 PM
New Freedom
Contact Arvin P. at 248.310.6360 for login information

SUNDAY 7 PM*
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SUNDAY 7 PM*
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