

Inter Alia

STATE BAR OF MICHIGAN YOUNG LAWYERS SECTION

STATE BAR OF MICHIGAN

www.michiganyounglawyers.com

FALL 2005

Notes from the Chair

By Jeffrey Kirkey

Quick! What are the three largest sections in the State Bar of Michigan?

- 3) Business Law Section
- 2) Probate & Estate Planning Section
- 1) Young Lawyers Section!



Jeffrey Kirkey

Is the YLS a mystery to you? Our section has the most members, but that doesn't mean we know the most about our section. Have you ever wondered how you became a member or how long you'll be a member? What's the mission of the section, and how can you get more involved? For many of our members, the details of their YLS membership are a bit fuzzy. I was uncertain about the YLS when I first graduated from law school. As I begin my term as chairperson, I want to give you a snapshot view of the Young Lawyers Section.

History

- Founded in 1940 as the Junior Bar Section the YLS is the oldest section of the State Bar of Michigan.
- In 1960, the Junior Bar Section changed its name to the Young Lawyers Section.

Membership

- There are over 6,300 members in our section, making it the largest section in the State Bar.
- Membership is automatic upon passing the bar exam and getting your license.
- You're a member until age 36 or for your first five years of practice.
- The section receives its funding from the State Bar of Michigan directly. None of us pay dues to be in the YLS.

Structure

There are three districts that make up the section:

- District 1 includes Wayne and Macomb Counties.
- District 2 consists of Oakland County.
- District 3 includes the rest of the state.

The Section is an affiliate of the American Bar Association Young Lawyers Division.

Council

- The section has a council made up of 22 members representing the three districts. The chair of the Law Student Section also sits on the council.
- To become a council member, a section member must run for election and, upon election, serve a two-year term.
- The council meets six to seven times each year and organizes programs that we think will be attractive and worthwhile to all YLS members.
- The section is represented by three council members who sit on the State Bar's Board of Commissioners.

Programs and Activities

- The section's purpose is to serve the Bar and serve the public. Every year, we organize programs that do both.

- Last year, the YLS won five ABA YLD first-place and second-place awards for our programs and for the *Inter Alia* newsletter.
- The section has a listserv. If you're not getting messages from the section, send me an email at jkirkey@umich.edu and I'll sign you up.
- The section has a web site at www.michiganyounglawyers.com

So, why do I tell you all of this? I want your feedback, and I want your involvement. The easiest way to get involved is to attend a YLS program. Our programs will help you in your career and will help you make a difference in your community. If you're ready for a greater challenge and want to help shape the future of the section, run for election to the section council. The rewards of active participation are plentiful. Similar to many things in life, you'll get more out of participating in YLS activities than you put in.

What made me decide to get involved? I work at ICLE, and I spend a lot of time at seminars talking to young lawyers. I see the difference that continuing education makes in their careers. New lawyers want to feel connected to other new lawyers and to experienced lawyers who can help answer their ques-

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New Executive Council for 2005-2006

We would like to congratulate those elected to the Executive Council for the Young Lawyers Section of the State Bar of Michigan. Your representatives this year for the three districts are:

District 1 – Wayne and Macomb Counties.

John J. Conway, Carlos Escurel, Jennifer Harvey, Chiri N. Holt, Brandy Y. Johnson, Felicia O. Johnson, Angelique Strong Marks.

District 2 – Oakland County.

Ryan J. Deel, Michelle D. King, Maureen M. McGinnis, Veronica V. McNally, Solon M. Phillips, Jessica Simmons, Elias T. Xenos.

District 3 – All Other Counties.

Danielle Mason Anderson, Bernhardt D. Christenson III, Thomas E. Evans, Robert K. Fergan, Jeffrey E. Kirkey, Sean P. McNally, Stephanie N. Smith.

In addition, officers were elected at the State Bar of Michigan Annual Meeting. Jeffrey Kirkey will serve as this year's chair. John Conway was elected to the office of chair-elect, while Robert Fergan was elected vice chair. This year's secretary/treasurer will be Bernhardt D. Christenson, and we welcome back Angelique Strong Marks, who will serve as the chair ex officio.



From left to right: Jeff Kirkey, Robert Fergan, Bernhardt (Chris) Christenson, John Conway

STATE BAR OF MICHIGAN YOUNG LAWYERS SECTION

EXECUTIVE COUNCIL 2005-2006

Jeffrey Kirkey, Ann Arbor
CHAIRPERSON

John J. Conway, Detroit
CHAIRPERSON-ELECT

Robert Fergan, Ann Arbor
VICE CHAIRPERSON

Bernhardt D. Christenson
SECRETARY/TREASURER

Angelique Strong Marks, Troy
EX-OFFICIO

DISTRICT ONE

WAYNE & MACOMB COUNTIES (6 SEATS)

John J. Conway, Detroit
Carlos A. Escurel, Jr. Detroit
Jennifer Harvey, Plymouth
Chiri N. Holt, Detroit
Brandy Y. Johnson, Detroit
Felicia O. Johnson, Detroit
Angelique Strong Marks, Troy

DISTRICT TWO

OAKLAND COUNTY (7 SEATS)

Ryan J. Deel, Troy
Michelle D. King, Southfield
Maureen M. McGinnis, Troy
Veronica V. McNally, West Bloomfield
Solon M. Phillips, Southfield
Jessica Simmons, Ferndale
Elias T. Xenos, Farmington Hills

DISTRICT THREE

REMAINING COUNTIES (7 SEATS)

Danielle Anderson, Kalamazoo
Bernhardt Christenson III, Flint
Thomas Evans, Hastings
Robert Fergan, Ann Arbor
Jeff Kirkey, Ann Arbor
Sean P. McNally, East Lansing
Stephanie N. Smith, Zeeland



Section Mission Statement

The Young Lawyers Section of the State Bar of Michigan provides education, information, and analysis about issues of concern through meetings, seminars, website, public service programs, and publication of a newsletter. Membership in the section is open to all members of the State Bar of Michigan. Statements made on behalf of the section do not necessarily reflect the views of the State Bar of Michigan.

Founded in 1940, the Young Lawyers Section ("YLS") is the oldest and largest section of the State Bar of Michigan. 2004 marks its 64th year! The YLS began as the "Junior Bar of Michigan." In 1961, its name was changed to the Young Lawyers Section.

The YLS is the largest section of the State Bar of Michigan and includes approximately 33% of the Bar Association. The reason for this size is that membership is automatic.

The YLS Bylaws provide that membership is for attorneys under 36 years of age or with less than 5 years of practice. The YLS Bylaws provide that the objectives and purposes of the YLS "shall be to sponsor and carry on activities of particular interest and value to young lawyers in Michigan; to coordinate activities of the various local young lawyer groups in Michigan; to cooperate fully with, and as an integral part of, the State Bar of Michigan ("STATE BAR"); and to cooperate with the various local bar associations in the State of Michigan, and the American Bar Association, including its Young Lawyers Division, in the promotion of their programs."

Mission as stated on the Section's website at:
<http://www.michbar.org/younglawyers/mission.cfm>

Young Lawyers Support Statewide Hurricane Katrina Relief Efforts

By Carlos Escurel

On Thursday, September 29, 2005, lawyers in Metro Detroit and Grand Rapids



Elias Xenos and Lucy Snyder

attended fund-raisers in their respective areas to benefit the survivors and victims of Hurricane Katrina. These two events raised total donations in the amount of over \$2500. In Metro Detroit, approximately 70 people attended the event held at Big Rock Brewery in Birmingham. Attendees also donated personal items, food, and clothing to the Hunger Action Coalition of Michigan, which were distributed to survivors who have relocated to the Metro Detroit area. The donations collected from this event were forwarded to the southeast Michigan chapter of the American Red

Rapids attended fund-raisers in their respective areas to benefit the survivors

Cross. In Grand Rapids, over fifty people attended the event held at The B.O.B. in Grand Rapids. The donations collected from this event were forwarded to the local Grand Rapids chapter of the American Red Cross, designated as "local hurricane relief," for those survivors relocated to Grand Rapids. The YLS of the State Bar of Michigan would like to thank the Grand Rapids Bar Association Young Lawyers Section, the barristers



Melinda Deel and Ryan Deel

of the Detroit Metropolitan Bar Association, the Grand Rapids Bar Association and the Young Lawyers Section of the Oakland County Bar Association for their support and co-sponsorship for these events.

On Thursday, October 6, 2005, lawyers in the Lansing area attended the third fund-raiser to benefit Hurricane Katrina

survivors and victims. This event was held at 621 in Lansing. Approximately 25 people attended this event, and over \$700

was raised in donations. These donations were forwarded to the southeast Michigan



J.J. Conway and Brent Seitz

chapter of the American Red Cross. The YLS of the State Bar of Michigan would like to thank the Ingham County Bar Association Young Lawyers Section for their support and co-sponsorship of this event. All in all, over \$3200 was raised in donations, which was accepted on behalf of the American Red Cross. Thank you to all of the people who attended these events, and most of all, thank you for your donations to support the YLS's Hurricane Relief efforts.

State Bar of Michigan Young Lawyers Section and the D. Augustus Straker Bar Association Hosted Community Outreach Program: S.K.I.P. to Make a Difference Community Outreach Program

By Angelique Strong Marks

On Saturday, August 27, 2005, the State Bar of Michigan Young Lawyers Section and D. Augustus Straker Bar Association working with S.K.I.P.-MI, Inc. (Save Kids of Incarcerated Parents), a non-profit organization, hosted a community outreach program called S.K.I.P. To Make A Difference. The event was held at the Hope United Methodist Church located at 26275 Northwestern Highway, Southfield, Michigan. The mission of this program was to provide an opportunity for young children who may have had a negative experience with the court system to gain a different perspective about attorneys and the law.

Over 30 lawyers volunteered to take part in the successful program. The 33 S.K.I.P. participants, elementary age students that attend a Detroit public school, were both excited and eager to actively

participate in the activities. The program began with brief speeches by several esteemed members of the Bar. The speakers included Mr. Kerry Phillips, an attorney with the offices of Kerry O. Phillips; The Honorable Denise Langford Morris of the Oakland County Circuit Court; The Honorable David Perkins, Wayne County Juvenile Court Referee; Solon M. Phillips, a bankruptcy attorney with the law firm of Stevenson & Bullock, P.L.C.; and Mark Boettcher of Michigan Heritage Bank.

After the informative presentations, each of the S.K.I.P. participants paired up with a volunteer attorney who served as the S.K.I.P. participant's buddy. In addition to the S.K.I.P. participant having an attorney to ask his/her buddy questions, the pair also took a special photo together and designed personalized picture frames. With the use of digital technol-

ogy, the photos were developed before the program ended, and each S.K.I.P. participant was given the picture frame and photo as a keepsake of the program.

The program concluded with a wonderfully catered meal that the attorneys and the S.K.I.P. participants enjoyed together. Prior to the program, Angelique Strong Marks, the program's co-chairperson, stated, "So often our young people have a negative experience with the legal system, be it the police, lawyers or judges, and they stop believing in the system and that any good can come from it. As attorneys, we need to help our young people restore their belief in the system and know that they can become involved in the system as adults and help make a change." At the conclusion of the program, all involved agreed that the program made a very important difference.

Crawford v Washington and Hearsay Evidence in Criminal Cases

Excerpt adapted from upcoming new edition of Michigan Courtroom Evidence (ICLE 2005), by Michael D. Wade and Hon. Dennis C. Kolenda

The U.S. Constitution can override standard evidence rules in some circumstances, at least in criminal cases. In *Crawford v Washington*, 541 US 36 (2004), the Supreme Court held that the Sixth Amendment right of confrontation precludes presenting against a criminal defendant some statements by unavailable witnesses, even if such statements satisfy traditional hearsay exceptions. In other words, in criminal prosecutions, evidence that satisfies one of the exceptions in MRE 803 or MRE 804, and, perhaps some evidence that is defined by MRE 801 to not be hearsay, may be inadmissible nonetheless.

Since the right of confrontation exists only in criminal prosecutions, *Crawford* has no impact on civil matters. Also, the right of confrontation applies only to criminal trials, not other criminal proceedings, such as preliminary examinations.¹ And since the right of confrontation belongs solely to defendants, *Crawford* restricts only hearsay sought to be presented by the prosecution. It does not restrict what hearsay can be presented by defendants.

Crawford does not render inadmissible all hearsay that would otherwise be admissible because of a recognized exception. Rather, the right of confrontation excludes otherwise admissible evidence (1) if the subject statement is testimonial in nature, (2) if the declarant is unavailable and (3) if the defendant did not have a prior opportunity to cross-examine the declarant with regard to the statement. If the hearsay is not testimonial, if the declarant testifies, or if the defendant had an opportunity to cross-examine the declarant, the hearsay is admissible if it satisfies an exception.

According to the *Crawford* court, “testimonial” includes formal statements to government officers, such as prior testimony at a preliminary hearing, before a grand jury, or at a formal trial,

and statements taken by police officers in the course of interrogations. On the other hand, a casual remark to an acquaintance does not “bear testimony.”

About unavailability, the Court said only that the witness must be “demonstrably unable to testify in person.” A declarant who is dead is obviously unavailable, as is someone not subject to the trial court’s subpoena powers. Of course, a declarant who invokes an absolute privilege against having to testify is unavailable. That was the situation presented in *Crawford*. Presumably, a defendant who is responsible for a declarant’s unavailability has forfeited the protections provided by the confrontation clause, but *Crawford* did not discuss that possibility. Presumably as well, the ability of the prosecution to rely on the unavailability of a witness will require some showing of diligence in seeking a live appearance. Before *Crawford*, our Supreme Court said that the constitutional right to confront one’s accusers requires reasonable diligence in seeking to find and produce an unavailable witness.² If the unavailability of a witness is established, the prosecution must also establish that the defendant had a meaningful opportunity to cross-examine the absent declarant. The opportunity to cross-examine need not have been taken, but it must have been genuinely available. Although *Crawford* did not attempt to specify what would constitute an adequate opportunity to cross-examine, it suggested that the opportunity to question a declarant must have been an opportunity for counsel to question him or her. Only cross-examination by counsel can replicate the primary objective of confrontation at trial, where defendants are entitled to be represented by counsel.

The impact of *Crawford* on some hearsay exceptions is fairly clear. For example, MRE 804(b)(1)’s acceptance of

former testimony likely survives *Crawford* because it requires that the declarant be unavailable and that the party against whom it is being offered “had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.” That exception, in other words, tracks *Crawford*. On the other hand, statements against penal interest otherwise made admissible by MRE 804(b)(3) are plainly inadmissible as a result of *Crawford*, unless the declarant is unavailable and the defendant had an opportunity to meaningfully cross-examine him or her if the statement was made to a government official of some kind, e.g., a police officer. It is unclear whether such a statement made to an acquaintance or family member is likewise inadmissible.

Also surviving *Crawford*, because the Supreme Court said they did, are business records that satisfy MRE 803(6), and co-conspirator statements defined by MRE 801(d)(2)(E) to not be hearsay. Statements that qualify as present sense impressions, MRE 803(1), excited utterances, MRE 803(2), and statements of existing mental, emotional or physical condition, MRE 803(3), likely do not offend the Confrontation Clause, at least when made to non-government officials. It is unclear whether such a statement made to a police officer responding to a call and investigating a crime is admissible. Also unclear is the admissibility of statements made for purposes of medical treatment or diagnoses, MRE 803(4), at least when not made in the course of a police investigation, e.g., during a sexual assault examination.

Endnotes

- 1 *Coy v Iowa*, 487 US 1012, 1015-1017 (1988).
- 2 *People v Bean*, 457 Mich 677, 682-683 (1998).

Notes from the Chair

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tions. The Young Lawyers Section helps accomplish both of these needs. Through the YLS, I've gained valuable experiences and life-long friends, and I know others who participate have too.

I'm really looking forward to this Bar Year. I hope you'll

email me when you have ideas for YLS activities or call me to learn more about the Section. Our Section has a long and wonderful history, and we have a bright future. Make this the year that you get involved.

ALL RISE A CALL FOR VOLUNTEERS

We Need You to Volunteer for the Holiday Programs for Those in Need!

Each year members of the State Bar of Michigan Young Lawyers Section, as well as members of various bar associations team up to prepare and serve dinners to some of America's citizens who are currently residing at shelters for people without their own permanent residence. The event allows the participants to fellowship with fellow attorneys and with residents of the shelters. Each year it proves both meaningful and beneficial to all involved.

We cannot, however, have successful programs without you!

Saturday, December 10, 2005

Highland Park Doorsteps
(Highland Park)
224 Highland, Highland Park
(313)867-0111
Co-sponsored by the Wolverine
Bar Association

Meals	Start	# of volunteers needed
Meal Prep	3:30 p.m.	8
Meal Serv-	6:00 p.m.	7
Meal Greeters	6:00 p.m.	2

Please contact Angelique Strong Marks via e-mail at strongangelique@hotmail.com or at (248) 470-2616! Please state the date and the time you plan to help out.

Saturday, December 17, 2005

Grace Centers of Hope (Pontiac)
35 E. Huron Road, Pontiac (248) 334-2187
Co-sponsored by the D. Augustus Bar Association

Meals	Start	# of volunteers needed
Meal Prep	4:00 p.m.	8
Meal Serv-	6:30 p.m.	6
Meal Greet-	6:30 p.m.	2

Please contact Brady Johnson via e-mail at bjohnson@sado.org or at (313) 598-9325 to sign-up to volunteer! Please state the time you plan to help out.

Sunday, December 18, 2005

Ministry with Community (Kalamazoo)
440 N. Church Street,
Kalamazoo (269) 343-6073

Event	Start	# of volunteers
Meal		
Meal Set-up & Servers	12:30-2:45 p.m.	12-15

Please contact Danielle Mason Anderson via e-mail at andersond@millercafield.com or (269) 383-5880 to sign-up to volunteer!

Wednesday, December 21, 2005

Masonic Temple (Flint)
755 S. Saginaw Street, Flint, Michigan (810) 232-8641

Events	Start	# of volunteers needed
Meal		
Set-up Decorations	1:30-4:00 p.m.	2
Meal Servers	4:00-6:00	4
Clean-up	6:00-7:00 p.m.	2

Please contact Chris Christenson via e-mail at christensonlaw@aol.com or (810) 232-1112 to sign-up to volunteer! Please state the time you plan to help out.

We really need you to make this event a success!!!

Warning: Failure to Read This Article May be Dangerous to Your Health

By Tim Batdorf

For this article, I decided to interview a good friend of mine, Tom Fitzpatrick, who is a therapist and non-practicing attorney. Tom counsels several attorneys, from solo practitioners to attorneys in large law firms. The use of “he” or “him” in this interview is not meant to exclude female attorneys.

What do you see as the biggest challenge facing lawyers?

A high percentage of lawyers are very unhappy in their work because it consumes so much of their time. The rest of their lives are out of balance and strained. Many law students are not fully aware of what lies ahead after law school. Consequently, a large number of them become disillusioned and disappointed. Lawyers are among the most depressed people in our society according to studies done by bar associations. That’s because of their time constraints, the perceived need for perfection, a high conflict environment, and demands from multiple sources, including courts, clients, opposing counsel, partners and so forth.

How do lawyers cope?

Most attorneys who see me are non- coping attorneys, or at least, are not coping in a healthy way. Many try to cope by working more and more hours, and thereby further stressing themselves and doing damage to their personal lives. A large number turn to alcohol or drugs or other addictive behaviors like overspending, compulsive sex or gambling.

What are the primary reasons attorneys seek therapy?

To work through depression, anxiety disorders or addiction, or some combination of those maladies.

Could you describe the symptoms of depression, anxiety and addiction?

Symptoms of clinical depression include sleep disturbance, loss of energy, feelings of guilt or hopelessness or worthlessness, difficulty with concentration, loss of appetite, unwanted weight gain or weight loss, loss of pleasure in activities and thoughts of suicide. Any five of these can constitute sufficient basis for a diagnosis of clinical depression.

Anxiety disorder exists when a person experiences substantial worry most of the time about a number of activities and has difficulty controlling the fear or worry.

There are all kinds of symptoms of alcohol and drug dependence. Of course, there’s the problem of denial which prevents most dependent people from admitting the problem to themselves. The main difference between an alcoholic and a non-alcoholic is what alcohol does to the person. There are a number of symptoms of substance dependence including, but not limited to, blackouts (loss of memory of what happened while drinking) and drinking in a situation where all circumstances indicate it’s the wrong time to be drinking (like before an exam or a court appearance).

It is important to remember if your drinking is a problem for the people closest to you, then that constitutes a “drinking problem” for you. If, because of your drinking, your spouse is angry, or you don’t do your work, or you are not available for people, or you are putting yourself at risk of arrest, then you’ve got a problem whether you think it’s a problem or not because your loved ones are affected by your drinking. It’s common for people to say, “My drinking doesn’t hurt anyone other than me,” but it can (and does) hurt your employer, spouse, and loved ones.

How would a young lawyer know if he is at risk of winding up depressed, anxious or addicted?

He is at risk the rest of his life is out of balance, if the people that love him are frustrated with his unavailability, if he’s not sleeping well or eating properly. Those are some signs of being at risk. And the longer the attorney stays on a dysfunctional track, the harder it is to get off that track. If an attorney finds he is chronically

overstressed and unhappy as a result of his chosen work, he needs to take a look at all areas of his life, assess his expenses and ask whether they can be reduced so that he might have less pressure to stay in his current work situation. He needs to look at what types of work bring him greater enjoyment and satisfaction.

What about the lawyer who has a couple of kids and a mortgage?

Well, he still may be able to cut expenses, move to a smaller house, maybe his wife could work part-time, or take the kids out of private school. Lawyers get locked in a high-profile lifestyle. You know, the country club, the fancy cars, and these become not luxuries but necessities. Then, they truly become stuck.

So you’re suggesting simplification?

Yes, that’s a beautiful word to describe it. When a lawyer continues down these dysfunctional paths, it leads to health problems, relationship problems—the ultimate of which can be death, divorce, or alienation from children.

What if a young lawyer works for someone who is an alcoholic?

Then that young lawyer probably chose the wrong employer, because being around an alcoholic doesn’t just impact your work, it can impact your health, self esteem, and relationships.

I knew one attorney whose partners said to him, “Don’t come back to work after lunch.” In other words, he was drinking too much and then embarrassing people and not showing up for meetings. When he was confronted, the attorney was stunned and affronted, but he eventually got sober.

Imagine if you had a partner and you were relying upon him to write plead-

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ings or show up for court appearances or whatever. If he's drinking too much, you'd be seriously impacted, right?

How would alcoholism show-up at work?

Here are a few signs: being late in the mornings especially on Mondays, appearing exhausted or lethargic, missing deadlines, postponing meetings, seeking adjournments unreasonably. You can also smell the alcohol.

What do you recommend for an attorney who is working with a person who is substance dependent?

Number one: do not protect him from the negative effects of his using.

Generally substance-dependent people will not begin to recover until they have experienced some painful results from their using.

If the use is causing negative affects to a client, the firm or another lawyer, then something needs to be done, like suspending the substance dependent

lawyer from work or doing some type of intervention. Get the people who are affected by his behavior to tell him the impact of his behavior and press him to get help immediately.

What type of help?

Professional help, like therapy. A treatment center. Alcoholics Anonymous. Counseling and AA are a good combination.

We've spent a lot of time talking about addiction. Do you think this is a pervasive problem in the law or just a problem for a handful of lawyers?

I wouldn't necessarily call it pervasive, but it's not just a handful of lawyers either. And what exacerbates the problem is that many of those who are afflicted by it are resistant to admitting it, getting help and changing their lifestyles.

Any final thoughts?

Any lawyer who suffers from depression, anxiety or addiction needs to know

he is not alone. I recommend finding other attorneys, or non-attorneys, for that matter, who are experiencing the same problems.

If you have one of these problems, you are not alone. All of these problems can occur in combination with the others, particularly with attorneys who are inclined to use alcohol or drugs.

And remember, if you are using a substance to relieve stress or depression, it is like drinking salt water to relieve thirst.

Tim Batdorf is an estate planning, probate and business planning attorney with his law office based in Troy. He is the chairman of the board of directors for the Mankind Project - Windsor/Detroit Centre. He is a trained career coach and consultant through the Coaches Training Institute. You can contact Tim at tbatdorf@thebatdorffirm.com or at 248-797-9905.

Young Lawyer Awards

The Young Lawyers Section (YLS) of the State Bar of Michigan has won five national awards of achievement for its programs from the American Bar Association (ABA). The awards were presented in Chicago at the annual meeting of the ABA's Young Lawyers Division August 4-6, 2005.

The YLS received first place honors in the Service to the Public category for a program called "We the Jury" chaired by executive council member Chris Christenson. In the Newsletter category, *Inter Alia* newsletters, edited by executive council vice chairperson

John Conway during the 2004-05 Bar year and chairperson Angelique Strong Marks during 2003-04, also won first place.

Second place honors went to the Legal Writing Seminar chaired by executive council member Elias Xenos. In the Minority Project category, the seminar "Can Women Really Have It All?" chaired by Angelique Strong Marks and the honorable Victoria Roberts also took second place. The YLS also won second place for the comprehensiveness of its programs over the past year.

"The executive council was dedicated and hardworking, and the awards are national recognition for its efforts," said current chairperson Angelique Strong Marks. The applications for the awards were compiled and submitted by YLS chairperson-elect Jeff Kirkey. "I'm excited and encouraged by our strong showing. We now have a goal for 2005-06: to improve on this year's terrific performance," Kirkey added.

Message from the Chair Ex-Officio

By Angelique Strong Marks

I had originally planned on taking my normal course of action when writing my final chairperson's message and providing a very personal message calling all young lawyers to pursue what I believe is every young lawyer's goal of "changing the world." I was going to discuss my planned transition to the "senior bar" and even comment on how, as I was aging off the Young Lawyer's Executive Council, I no longer seemed to be able to comfortably refer to certain nuisance strands of hair as "premature grey" hair from the "stress" of being a lawyer. As I started down this familiar road, I thought perhaps instead of doing yet another "call to arms," I would demonstrate how we as young lawyers have been, in fact, changing the world.

This chairperson's message is dedicated to the State Bar of Michigan's Young Lawyers executive council for the 2004-2005 Bar year. As chairperson, I could not have dreamed of working with and for a better executive council. As lawyers, I know that you want facts and not emotion. So please, take some time to review all of our accomplishment this year. I have include an excerpt for the annual report that we submitted to the State Bar of Michigan, which is posted on the State Bar of Michigan's website. After reviewing the list, I am sure you will be proud to be a member of this section.

Again, to the executive council, I thank you so much for your time, commitment and dedication. I am sure that we will work together again as we "change the world."

Excerpt:

2004-2005 State Bar of Michigan
Young Lawyer Council's
Programs and Events

Habitat for Humanity (Robert Fergan and Ginta McNally)

On August 21, 2004, the State Bar of Michigan Young Lawyers Section

participated in the Habitat for Humanity home build in Lansing. We had quite a turnout this year; about 40 members and guests participated. We worked on two houses located side by side. This year we put up siding and trim, graded the yards, removed tree stumps, removed garbage, and painted a storage shed. Although the group accomplished a lot during the day, it seemed as though time flew by due to the good company and camaraderie.

Financial Planning Seminar (Chairperson Chris Cobb)

On September 23, 2004, the State Bar of Michigan Young Lawyers Section hosted a Financial Planning Seminar for young lawyers. The event was held at the Troy Somerset hotel. Rick Bloom, a well-known radio personality and expert on financial planning, presented valuable information on financial planning. Over 50 young lawyers attended.

Mondays with the Suits (Chairperson Tom Evans)

Through the 2004-2005 school year, the State Bar of Michigan Young Lawyers Section hosted "Mondays with the Suits," which presented students in kindergarten through the 4th grade an opportunity to meet with and be read to by attorneys. Each Monday one attorney visits Delton Elementary School to read to a classroom of children. Additional dialogue on the legal profession and the lawyer's field of specialization develops between the children and attorney, depending on the kids' grade level and abilities. In addition to the positive contact between the students and the lawyer, the YLS also donated money to the school to purchase books.

The 2004-2005 Council



Legal Writing Seminars (Chairperson Elias Xenos)

On October 22, 2004 and November 8, 2005, the State Bar of Michigan Young Lawyers Section hosted legal writing seminars. Ms. Nancy Harbour, an expert on legal writing, was invited to speak at two seminar sessions, in Southfield and Lansing, to a group of young lawyers about legal writing. This seminar provided practical knowledge and communication tips that young attorneys could take back to their offices and apply immediately to their own legal writing. The seminar also included highlights from *A View from the Bench*©, Ms. Harbour's compilation of interviews with Michigan judges about what constitutes effective writing.

Race for Justice (Chairperson John Conway)

On October 30, 2004, the State Bar of Michigan Young Lawyers Section sponsored the Race for Justice. The 8th Annual YLS Race for Justice was held at Belle Isle Park in Detroit, Michigan. The Race is designed to bring members of the Young Lawyers Section of the State Bar of Michigan, their coworkers, and mentors together on a Saturday morning in the fall to walk/run a 5 kilometer race around the island. The course was plotted so that virtually the entire race was run along the Detroit River.

Can Women Really Have it All (Chairperson Angelique Strong Marks)

On November 4, 2004, the State Bar of Michigan Young Lawyers Section

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Message from the Chair Ex-Officio

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hosted the "Can Women Really Have It All?" seminar. The panel discussion focused on work life balance issues and addressed the all too familiar question of whether women can really have successful careers, marriages and families and if so, how. The program began with a hors d'oeuvres reception from 6:00 p.m. to 6:30 p.m., followed by the panel discussion from 6:30 p.m. to 8:00 p.m. The program was held at the Southfield Skyline Club located in Southfield, Michigan.

Moot Court Competition

On November 11 and 12, 2004, the State Bar of Michigan Young Lawyers Sections co-sponsored the University of Detroit Mercy Moot Court Competition. The SBM YLS contributed \$500.00 to co-sponsor the event.

Holiday Dinners for Those in Need (Chairperson Angelique Strong Marks)

On Saturday, December 4, 2005, the State Bar of Michigan Young Lawyers Section teamed with the D. Augustus Straker Bar, the Oakland County affiliate of the National Bar Association, and served over 200 residents of the Grace Center of Hope in Pontiac, Michigan. In addition to discussions on legal issues, the residents of the shelter also enjoyed saxophone music played by a high school volunteer. On the following Saturday, December 11, 2005, the State Bar of Michigan Young Lawyers Section served over 300 women and children at the Highland Park Rescue Mission, which is one of the state's most high-crisis cities. The residents received information regarding landlord/tenant rights and also fellow-shipped with the lawyer volunteers.

New Lawyers' Seminar

On December 7 and 8, 2004, the State Bar of Michigan Young Lawyers Section co-sponsored the New Lawyers Seminar with the United States District Court for the Eastern District of Michigan and the Federal Bar Association. There were over 100 young lawyers that attended the educational seminar. The YLS contributed \$500 and publicity as a co-sponsor of the program.

Winterfest (Chairpersons Carlos Escurel and Maureen McGinnis)

On January 27, 2005, the State Bar of Michigan Young Lawyers Section hosted the Winterfest. The event raised money for the American Red Cross tsunami disaster fund. Through cooperation from the YLS, Law Student Section and special counsel, funding was made available to cater the event and purchase minimal supplies needed for registration and donation taking. The event was held at Cinq in Royal Oak, an area that is known for attracting young professionals. We had terrific attendance, with approximately 115 people attending and more importantly, many of them donating to the tsunami fund. When all of the money was calculated and turned in to the Red Cross, we had raised over \$5,000.00! The Macomb County Bar Association alone donated \$1,000.00.

Trial and Appellate Advocacy Seminar (Chairperson Sean McNally)

On February 5, 2005, the State Bar of Michigan Young Lawyers Section held the Trial and Appellate Advocacy Seminar. The educational seminar focused on effective appellate and trial advocacy and the use of courtroom technology. The speakers included Chief Judge William C. Whitbeck of the Michigan Court of Appeals, John D. Pirich of Honigman, Miller, Schwartz & Cohn, LLP, and Eric J. Eggan of Honigman, Miller, Schwartz & Cohn, LLP.

American Bar Association Young Lawyers Division Mid-Year Meeting

From February 9-18, 2005, the American Bar Association Young Lawyers Division hosted its Mid-Year Meeting. The State Bar of Michigan Young Lawyers Division sent seven delegates to the meeting.

ADR Program (Chairperson Robert Fergan)

On February 16, 2005, the State Bar of Michigan Young Lawyers Section held an Introduction to Alternative Dispute Resolutions Program. This program gave participants an opportunity to hear experienced advocates give

the straight story on common mistakes attorneys make before and during an arbitration. Drafting tips and considerations regarding arbitration clauses were provided. The importance of being clear about the business objectives of your clients and understanding that arbitrators are not simply jurors or judges were discussed. Further, the arbitrators discussed how clients can achieve the goal of expeditious, sensible, thoughtful resolution of even complex claims through arbitration. Practical examples were provided illustrating how to get the most out of any ADR process-what has worked, what needs to be accomplished, best ways to ensure that clients get the best results, win or lose.

D. Augustus Straker MLK Oral Advocacy Competition

On February 19, 2005, the D. Augustus Straker Bar Association hosted the Dr. Martin Luther King Oral Advocacy Competition. The State Bar of Michigan Young Lawyers Section co-sponsored the event by providing \$750.00 in funds. Students of the Detroit and Oakland County school systems wrote essays regarding how they believed Dr. Martin Luther King would address a current event in society. The students were competing for savings bonds to be used towards their college education.

Achieving Success as a Young Lawyer (Chairperson Jessica Simmons)

On April 7, 2005, the State Bar of Michigan hosted Navigating Your Career as a Young Lawyer: Achieving Success. The program's speakers were Dennis Archer, former Detroit mayor and chairman of Dickinson Wright, PLLC; Nancy Diehl, President of the State Bar of Michigan; George Googasian of The Googasian Firm, PC; and Elisa Garcia of Domino's Pizza, LLC. They shared their experiences on the program topic as related to the areas of private practice, public service, corporate law, and leadership. A question-and-answer session followed the program.

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ATJ Fund Eligibility for Designated Donations

Programs for which designated contributions to the ATJ Fund may be received must be tax-exempt nonprofit entities and must meet ATJ Fund eligibility criteria.

These programs have previously demonstrated eligibility for ATJ gifts to support their delivery of civil legal services to low income people. (All ATJ gifts must be used for legal services for low-income people.) Other programs may also qualify; see eligible program criteria at www.atjfund.org. Programs followed by an asterisk (*) also seek designated endowment funds; they have met the endowment threshold or the program is seeking endowment donations toward the threshold required for a designated endowment.

Access to Justice Fund *

Lansing, MI

Access to Justice Fund – Hurricane Katrina Appeal

Lansing, MI

Access to Justice Center - LSSCM*

Lansing, MI

American Civil Liberties Union Fund of Michigan

Detroit, MI

Bay Area Women's Center

Bay City, MI

Center for Civil Justice

Saginaw, MI

Community Legal Resources *

Detroit, MI

Counsel & Advocacy Law Line - LLA*

Southfield, MI

Detroit Metropolitan Bar Association

Access to Justice Programs*

Detroit, MI

Diocese of Kalamazoo Immigration Assistance Program*

Kalamazoo, MI

Elder Law of Michigan*

(Legal Hotline for Michigan Seniors)

Lansing, MI

Farmworker Legal Services - LSSCM*

Bangor, MI

First Step Legal Advocacy Project

Taylor, MI

Free Legal Aid Clinic

Detroit, MI

Freedom House

Detroit, MI

Guild/Sugar Law Center

Detroit, MI

HAVEN *

Pontiac, MI

International Institute of Metropolitan Detroit

Detroit, MI

Lakeshore Legal Aid*

Clinton Township, MI

Legal Aid & Defender Association Civil Law Group*

Detroit, MI

Legal Aid of Western Michigan*

Grand Rapids, MI

Legal Assistance Center

Grand Rapids, MI

Legal Assistance Program of Macomb County*

Clinton Township, MI

Legal Services of Eastern Michigan*

Flint, MI

Legal Services of Northern Michigan*

Escanaba, MI

Legal Services of South Central Michigan*

Ann Arbor, MI

Battle Creek, MI

Jackson, MI

Lansing, MI

Monroe, MI

Michigan Indian Legal Services

Traverse City, MI

Michigan Legal Services*

Detroit, MI

Michigan Migrant Legal Assistance Project

Grand Rapids, MI

Michigan Poverty Law Program*

Ann Arbor, MI

Michigan Protection & Advocacy Service

Lansing, MI

Michigan State University

College of Law Clinical Law Program

East Lansing, MI

Neighborhood Legal Services of Michigan

(originally Wayne County Neighborhood Legal Services)

Detroit, MI

Prison Legal Services of Michigan*

Jackson, MI

Salvation Army William Booth Legal Aid Clinic

Detroit, MI

Sixty Plus, Elder Law Clinic

Lansing, MI

Student Advocacy Center of Michigan*

Ann Arbor, MI

Underground Railroad

Saginaw, MI

University of Detroit Mercy School of Law

Clinical Law Program

Detroit, MI

University of Michigan Law School Clinical Law Program

Ann Arbor, MI

Washtenaw County/EMU Legal Resource Center

Ann Arbor, MI

Women's Justice Center*

Detroit, MI

Women's Survival Center

Pontiac, MI

Notwithstanding your designation, endowment contributions will be used for needs throughout the state unless the program requests to have an ATJ Endowment Fund established for its benefit and contributions reach the threshold requirements for establishing the fund. All programs listed welcome designated gifts for current operations needs.

This brochure was designed to assist donors to the ATJ Fund in determining how they prefer their gift to be processed. This information is current as of 10/10/2005.

Should you have any questions or concerns, please contact campaign staff at 1-800-968-1442.

ACCESS TO JUSTICE FUND PLEDGE FORM



Access to Justice Fund • Michigan State Bar Foundation • 306 Townsend Street • Lansing, MI • 48933-2083

I would like to become part of the *Access to Justice Leadership Campaign* to fund civil legal services for the poor.

My gift is for the total amount of \$ _____

This is in addition to my existing ATJ pledge.

My gift will be paid as follows:

Paid in full by check payable to the **Access to Justice Fund** (enclosed).

Pledged in _____ annual installments of \$ _____ payable by _____ of each year. (Reminders will be sent each year.)

Please charge my credit card for the full amount of my gift.

Credit Card Type: Visa MasterCard American Express

Card Number _____

Expiration Date _____

Signature _____

To be paid with stocks, bonds, or mutual funds.

(Please request an ATJ stock transfer form.)

This gift is for (please check one box below):

Endowment fund (with Michigan tax credit)

Endowment fund (without tax credit)

Operations fund

If not designated, gifts will be placed in the endowment fund, without tax credit, for needs throughout the state.

If you want your donation to go to a specific organization, please view eligibility information at www.atjfund.org or look for insert.

List program name here: _____

Please check here if you do not want the gift amount disclosed to program.

Signature _____ Date _____

(A signature is required for program designation purposes.)

Bar P No. _____ Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Email _____

Access to Justice gifts are received and managed according to the **Access to Justice Fund Guidelines**.

■ My/Our name should appear in the **Annual Donor Recognition Booklet** as follows:

Name(s): _____

Check here if the gift represents a contribution from other individuals who should be publicly recognized. Include a list of names and amount attributable to each, as well as any designations.

Memorials and Honorariums:

My gift is: in memory of in honor of

_____ name of honoree/designee

Check here if you do NOT want to be publicly recognized.

Please contact me with information on planned giving to the **Access to Justice Fund**.

I have included the **Access to Justice Fund** in my will, trust, estate plan, or retirement plan.

Access to Justice Fund Giving Clubs:

Gifts up to \$149 Friend

\$150–\$299 Supporter

\$300–\$999 Sustainer

\$1,000–\$2,499 Sponsor

\$2,500–\$4,999 Patron

\$5,000–\$9,999 Benefactor

\$10,000–\$24,999 Steward's Club

\$25,000–\$99,999 President's Club

\$100,000 & up Founder's Club

If any designated program ceases to exist as a non-profit entity, or if certain minimum endowment balance requirements are not met, all funds so designated shall be allocated to the appropriate Access to Justice fund.

Any donations in excess of those needed for a particular appeal will be allocated to the appropriate Access to Justice fund.

Imprints (Chairpersons Michelle Johnson-Tidjani, Lavonda Jackson and Marcel Stoetzel)

In April 2005, the State Bar of Michigan Young Lawyers Section launched this year's 'Imprint' Mentoring Program, which is designed to pair young lawyers with middle to high school aged youths in Detroit and Lansing. These pairs act as penpals over the course of a two-to-three month time period, reading one book and alternating weekly letters in which they correspond with each other about the particular literary work. The program concludes with an informal luncheon held at the hosting school where attending students can meet their lawyer mentors. Past programs have cultivated relationships that are still being maintained.

We the Jury (Chairperson Chris Christenson)

In April 2005, the State Bar of Michigan Young Lawyers Section hosted a We the Jury program. The program is designed to introduce the legal system to children and give them an opportunity to participate in a jury selection and trial process.

Approximately 100 students from Mr. Molina's classes at Flint Southwestern Academy participated in the "We the Jury" program. The original "We

the Jury" program called for time in the classroom; however, we thought that if the students could tour the courts, it would have a greater impact. The students were instructed to pay attention to all of the various careers that they observed while on their tours, such as clerks, deputies, secretaries, attorneys, and judges. Arrangements were made to have the students tour the 67th District Court and holding cell area, as well as the 7th Circuit Court historic courtroom and the modern courtroom. While at the Circuit Court, the students reported to the jury board for the actual jury orientation.

Real lawyers from the Genesee County Prosecutor's office and real defense attorneys participated. This made the voir dire process very authentic as the students were split into three jury pools from which a jury was ultimately selected. The students were sequestered during their lunch and were asked to come up with a verdict. All three jury groups returned verdicts of not guilty.

50 Year Honoree Program (Chairperson Jeffrey Kirkey)

On May 17, 2005, the State Bar of Michigan Young Lawyers Section assisted the Senior Lawyers Section with the "State Bar of Michigan 50 Year Honorees Golden Celebration." This event was designed to honor attorneys

in Michigan who have been practicing law for 50 years. In 2005, there were 126 honorees, all of whom obtained their law licenses in 1955. The event was held at the Dearborn Inn in Dearborn, Michigan. Beginning with a "class photo," the honorees were next escorted into the dining room where they enjoyed lunch and opening remarks by current State Bar President Nancy Diehl, and the current State Bar executive director, John Berry. The entertainment began with music performed by The Forum Shoppers, a barbershop quartet consisting of three Michigan lawyers and a judge. Each of the 52 honorees who attended was then recognized by a council member of the Senior Lawyers Section, H. Rollin Allen. The Young Lawyers Section presented "A Golden Celebration Quiz Show" hosted by the Section's Chair-Elect, Jeff Kirkey. The quiz show kept things lively with trivia questions about the year 1955. Each honoree will receive a copy of the group photo and facts about 1955 in a folio.

Inter Alia (Editor John Conway)

The State Bar of Michigan Young Lawyers Section has published three of its scheduled four *Inter Alia* Newsletters. The newsletters are distributed to over 6,000 YLS members and posted on the section's website.

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