

Inter Alia

STATE BAR OF MICHIGAN YOUNG LAWYERS SECTION

STATE BAR OF MICHIGAN

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WINTER 2005

Letter from the Chair: Find a Mentor



Angelique Strong Marks

When I decided I wanted to become an attorney, I made the decision because I wanted to “change the world.” This goal, coupled with the fact that I thought I was really good at winning an argu-

ment, prompted my decision to attend law school. After graduating from law school, I was ready to “change the world.” The problem with my goal was I was not sure how to accomplish it. My first legal position was, ironically, as an employment defense counsel, to which the initial response is usually that my decision was a far cry from my original goal. However, when I accepted the position I did so with the belief that there was just as much power to change the world from the defense side of the table as there was from the plaintiff’s side. That advice came from Professor David Williams, who was then a faculty member of Ohio State University. Not only did I come to appreciate the value of his advice, but I also came to appreciate the value of having a mentor as I navigated my way through my legal career to reach my professional goal of “changing the world.”

Since law school, I have adopted numerous mentors from whom I have learned lessons that have been invaluable to my career. My mentor Terence Page exemplified for me how to practice law with dignity and respect as he did every day I worked with him. My mentor William Mitchell showed me that you have

to take some chances in your career as he did when he left what was considered a very prestigious corporate position to start his own law firm. My mentor the Honorable Victoria Roberts taught me not to be afraid of opportunities as they come along, so long as they are consistent with your goals and your beliefs, as she did navigating her career to becoming a United States District Court Judge. My mentor the Honorable Eric Clay taught me that success in the profession is not defined by how much money you can make but by your impact in the profession, as he showed when he left a very lucrative position at his own nationally recognized law firm to serve as a member of the United States Court of Appeals. Lastly, my mentor Marcia Goffney

taught me that part of being a successful attorney is consistently giving back to help others succeed, as she did when she co-founded the Charting Your Own Course Foundation, as well as serving on many boards.

As you may have noticed, I used the word “adopted” to describe how my mentors received their titles. The fact is, you do not have to be in a formal mentoring program to adopt someone as your mentor. You must first identify members of the profession that exemplify the career accomplishments you desire to achieve and then take time to learn about that person. Perhaps the easiest way is to simply call

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Raising Donations Tops YLS List of Activities

The Young Lawyers Section has been hard at work raising money. The YLS hosted two events devoted to raising funds for victims of the Tsunami Disaster and for Michigan legal aid services.

On Thursday, January 27, the YLS hosted “Winterfest.” More than 100 people attended Winterfest at Cinq, located in the Bastone Restaurant in Royal Oak.

Metro Detroit-area lawyers braved the frigid cold and warmed up in the cozy confines of Cinq, where they enjoyed appetizers that were provided by the sponsorships of Special Counsel and the Law Student Section of the State Bar. More than \$5,000 was raised for the victims of the Tsunami Disaster, and has been forwarded to the American Red Cross.

Those who made donations by check will receive a charitable contribution letter from the American Red Cross in the mail. All cash dona-



Winterfest 2005

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Raising Donations . . .

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tions are also tax-deductible; however, individual charitable contribution letters will not be mailed.

Special thanks to the Young Lawyers of the Macomb County Bar Association for their \$1,200 donation, and also to the Michigan Defense Trial Counsel and Attorney John P. Jacobs, each made a donation of \$1,000.

On October 30, 2004, the YLS hosted the 8th Annual Race for Justice at Belle Isle Park in Detroit, Michigan. The YLS raised nearly \$3,000 for the State Bar of Michigan's Access to Justice Fund (ATJ). The ATJ is managed by the Michigan State Bar Foundation and supports 40 civil legal aid programs. In 2003, the ATJ handled more than 46,000 cases for low-income families across the State of Michigan.

The Race for Justice winners were Jerry Tarkowski, men's overall winner; Daniel Mazljakowich, mens' runner-up; Mary Ross, women's overall winner; and Hope Calati, women's runner-up. The Race for Justice was sponsored by Howard & Howard Attorneys, P.C., Dickinson Wright, P.L.L.C., West Group, Warner, Norcross & Judd, L.L.P., Foster, Swift, Collins & Smith, P.C., and the United Auto Group, Inc.

Contributors to this article were Carlos Escurel, an associate attorney with Tanoury, Corbet, Shaw, Nauts & Es-sad, P.L.L.C., in Detroit, Michigan, who practices in the area of medical malpractice and negligence defense; Maureen M. McGinnis, a general practitioner with the Law Offices of Donald E. McGinnis, Jr. P.C. in Troy; and John J. Conway, of John J. Conway, P.C., Detroit, Michigan who practices in the area of employment law.

Race For Justice: Oona Friedland (front row, far left) and YLS members Patrick Murphy (front row, second from left); John J. Conway, (front row, third from right) race chairperson and vice chairperson of the YLS; Maureen Conway (front row, second from right); Angelique Strong Marks, (front row, far right) chairperson of the YLS; and Ann Crowley (back row, second from right) gathered after the race with some of the participants. Photo by John Meiu



Brigid Cornin, Chiara Mattieson, & Lara Nercessian



Susan Callaghan, Amy Neumann, & Matt Levine



Julie Gatti & Kaya Salwin



Carrie Fuca & Lucy Snyder



Carlos Escurel & Maureen McGinnis



Sarah Steskicki & Mark Sesi



Shaju Jacob, Bob Cox, & Tom Baglione



Karen Trickery & David Domstein



THE DOCKET

ABA-YLD Utah Mid-Year Meeting Draws Attendees From Around The County

The American Bar Association hosted its Mid-Year Meeting in Salt Lake City, Utah, February 9-13, 2005. The Young Lawyers Division (YLD) convened its division meeting at the Little America Hotel in downtown Salt Lake.

A number of young lawyers from Michigan attended the meeting, including, Angelique Strong Marks, Chair of the Michigan Young Lawyers Section and Delegate to the ABA House of Delegates; John J. Conway, the Vice-Chair of the Michigan YLS and ABA-YLD Representative for Michigan; and Robert K. Fergan, the Michigan State Bar YLS Secretary Treasurer. Sean McNally, YLS Council Member from East Lansing and Carlos Escurel, YLS Council Member from Detroit, Michigan were first time attendees.

At the Mid-Year Meeting, young lawyers participated in continuing legal education programs such as building a law practice and rainmaking at law firms. Other seminars focused

on developing programming that attracts young lawyers. One workshop centered on how to use legal writing skills to write a first novel.

On Saturday, February 12, 2005, those present from Michigan represented the State Bar at the ABA-YLD Assembly which debates various policy issues. The legal issue that was debated was whether to support the "Lawsuit Abuse Reduction Act" which, among other things, aims to codify Federal Rule 11 sanctions and provide for a "three strikes rule" requiring suspension of a lawyer who is found to violate the rule three times in same judicial district. The Rule 11 debate was very heated with a nearly unanimous vote against its adoption. All Michigan Delegates opposed its passage.

Submitted by John J. Conway, Michigan ABA-YLD District Representative

From the Chair

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the person up and invite him/her to lunch or tell the person you respect his/her career decisions and request any advice he/she can offer. You can also invite that person to serve as a panel member on a program you coordinate so his/her discussion benefits you as well as other members of the profession. Remember, your mentor does not have to have achieved the career goals to which you aspire but can be someone who demonstrates a characteristic that may help you reach your career goal. You can seek advice from that perspective and who knows how much more you can learn.

As for me, I am still attempting to reach my goals; I have held several positions since my first opportunity. Each one allowing me a chance to make a little difference in this world either by my work directly or by my employer's support for me in my various bar activities. I am thankful for each of my legal mentors and very much appreciative of all of their advice. If you don't have a mentor, it is not too late. As there are so many members of the profession that are making a positive impact on society and willing to mentor newer members to the profession, I am sure it will not be difficult to find at least one willing to serve as your mentor.

Angelique Strong Marks serves as the 2004-2005 State Bar of Michigan Young Lawyers Section Chairperson. She is Vice President-Corporate Legal Counsel for Handleman Company.



**Stay In-the Know.
Join the Section Listserv.**

http://groups.michbar.org/mailman/listinfo/young_lawyers

Should Michigan Have the Death Penalty?

The deaths of two Detroit Police Officers, Matthew Bowens and Jennifer Fetting, ignited a plea from their families and other supporters to enact the death penalty in Michigan for convicted killers of police officers. Historically, in 1837, when Michigan became a state, the first official act of the legislature was to abolish the death penalty.

Words cannot express the empathy that we as law-abiding citizens have for their families and appreciation we have for Officers Bowens and Fetting for making the ultimate sacrifice in the line of duty. The irreparable damage caused certainly does not warrant the family's forgiveness. No matter what our particular background or life experience, we would be entitled to feel the same way if an immediate family member of ours met a similar fate.

The lives of law enforcement are not only precious to their family but all law-abiding citizens as well. Indeed, through their very duty to protect and serve, police prevent chaos and preserve a sense of community well-being, safety, and order. While police officers are to be commended for their courage, dedication, and sacrifice to protect the community, the life of every single human being is valuable. Tragically, in the year 2004, the city of Detroit's murder rate increased dramatically. Thus, this begs the question: if the death penalty is implemented, should it extend beyond the reach of officers, to those who kill civilians as well?

Morally, is the death penalty reprehensible? For instance, the Ten Commandments in the Bible state, "Thou Shall Not Kill." While the Bible is open for interpretation, there is no explicit exception for those who kill others first. Do two wrongs make it right? Is death too easy of an option? Instead, should perpetrators live the rest of their lives with their heinous act on their conscience? Perhaps the death penalty is not too cruel, harsh, or inhumane if the person actually committed the crime.

The criminal justice system, however, like medicine, is not an exact science and

prone to human error. There are serious flaws within the criminal justice system. As a criminal defense attorney I have even been surprised to the extent to which human error leads to serious flaws in the criminal justice system. Moreover, there are far too many instances whereby a person who commits a crime uses the identity of another that resembles them, such as a relative, who usually has no criminal record whatsoever.

Legally, the death penalty is permissible, but case law varies on the application of the death penalty. In the landmark case, *Furman v. Georgia*, 408 U.S. 238 (1972) the United States Supreme Court held the way in which the death penalty is imposed constituted "cruel and unusual punishment" under the Eighth Amendment and denied "Due Process of law and Equal Protection under the law" under the Fourteenth Amendment. In a watershed decision *Gregg v. Georgia*, 428 U.S.153 (1976), the Supreme Court approved several new death penalty statutes on the grounds that they addressed the problems of arbitrariness and discrimination. In addition, *Gregg* established a new, two-prong system of "guided discretion" in sentencing. First, guilt is determined. Second, the penalty is decided, with the jury weighing the aggravating and mitigating circumstances. In *Re Kevin Nigel Stanford*, 537 U.S. 968 (2002) the Supreme Court stated the practice of executing juveniles under the age of 18 is "a relic of the past and inconsistent with evolving standards of decency in a civilized society. We should put an end to this shameful practice."

Further, In *Atkins v. Virginia*, 536 U.S.304 (2002) the Supreme Court ruled that the executions of mentally retarded persons are "cruel and unusual" punishments prohibited by the Eighth Amendment of the U.S. Constitution.

Another concern is the extent to which the death penalty has a disproportionate effect on African-American males. In a seminal case, *McCleskey v. Kemp* 481 U.S. 279 (1987), the United States Supreme Court found that blacks murder whites were 4.3

times more likely to be sentenced to death than those who murder blacks. According to Amnesty International, since 1977, the overwhelming majority of death row defendants have been executed for killing white victims, although African-Americans make up 50% of all homicide victims.

The crux of the controversy is whether the death penalty is a deterrent to crime. Hence, does an "eye for an eye/tooth for a tooth" theory constitute the solution to the rising tide of violence? According to the Death Penalty Information Center, by the year 2000, the murder rate in death penalty states was 35% higher than in states without the death penalty. In 2001, the gap between death penalty states and the death penalty grew, reaching 37%. For 2002, the number was 36%.

The tragedy that surrounds the officers' deaths demonstrates that we as a society must combat societal ills, but leaves open the question, does violence beget more violence?

Jermaine A. Wyrick is an attorney and counselor-at-law with the Law Offices of Jermaine A. Wyrick P.L.L.C. His areas of practice are civil rights, criminal defense and personal injury.



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YOUNG LAWYERS SECTION

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THE BRIEFS

Can Women Really Have it All?

By Angelique Strong Marks

Can Women Really Have it All? Well, to be honest, we still do not know the answer! But on November 4, 2004, we had a stellar panel of women who seem to have it all giving us some pretty useful tips regarding work/life balance. As we were planning this program, I called the Honorable Victoria Roberts and said "not only do I wonder if we can have it all, but sometimes I have to wonder whether we can do it all." As she laughed, I knew she could relate to exactly what I was talking about. In fact, throughout the program there were numerous moments when the participants seemed to simultaneously acknowledge that they could relate to what was being said.

While we were able to take away advice regarding "date nights" and hiring additional assistance for domestic obligations like cooking and cleaning, we were challenged with statements like "women can have it all, but perhaps just not at the same time" and questions like "would women be happier if we just conceded that we, as women, simply have to do more?" Please understand that the program's purpose was not to actually answer this question (so I guess we were successful) nor was its purpose to conduct a critical examination of a woman's personal decision to work in or outside of the home. It was simply for members of the profession to discuss how women can balance the demands of their careers, organizational activities, family

commitments and if possible, still have a little time for self!

Thank you to the nearly 80 people who attended and to our prominent panel members who reflect the diversity of the legal profession and society. Our panel members were as follows: Leslie Banas, Honigman Miller Schwarz & Cohn LLP, Partner; Stacy Fox, Visteon Corporation, Senior Vice President, General Counsel & Secretary; Judith Levy, Assistant United States Attorney; Bonnie Mayfield, Dykema Gossett PLLC, Partner; The Honorable Denise Page Hood, United States District Court-Eastern District of Michigan; The Honorable Victoria Roberts, United States District Court-Eastern District of Michigan who also served as Moderator

This event's co-sponsors were Black Women's Lawyer Association, D. Augustus Straker Bar Association, Detroit Metropolitan Bar Association Barristers, National Association of Women Judges, Oakland County Women's Lawyer Association, Stonewall Bar Association and Special Counsel.

Written by Angelique Strong Marks. Ms. Marks serves as Vice President and Corporate Legal Counsel of Handleman Company. She is also a dedicated wife to her husband Jay and mother to her daughter Amari and Aunt to her niece Johnae. She also serves as Chairperson of the State Bar of Michigan Young Lawyers Section.



(Left to Right) Bonnie Mayfield; Leslie Banas; U.S. District Court Judge Victoria Roberts, Eastern District of Michigan program co-chair; Stacy Fox; U.S. District Court Judge Denise Page Hood, Eastern District of Michigan; Judith Levy; and Angelique Strong Marks, YLS Chair, and program co-chair. Photo by John Meiu

Thank You to All Our Many Volunteers

Despite all the negativity some members of society have placed on lawyers, we, as lawyers, play a role in much that is good in society. During the 2004 Holiday Season, the members of the State Bar of Michigan Young Lawyers Section participated in providing holiday dinners to residents of two of our area's major homeless shelters and reminded all who attended there are good attorneys who are also good people.

On the first two Saturdays in December, while many were out shopping or billing hours, members of our section were preparing and serving food to over 400 people at the two shelters. The meals included chicken, Honeybaked ham, meatballs, macaroni and cheese, yams, cranberry sauce, potato salad and fresh green salads and ice cream sundaes for dessert! On December 4, the YLS teamed with its longtime partner for this event, the D. Augustus Straker Bar Association at the Grace Centers for Hope in Pontiac. In addition to the wonderful meal, the residents were entertained with saxophone music played by Clifton Walker, son of the Honorable Cynthia Walker of the 50th District Court in Pontiac. On December 11, the YLS served several hundred residents, primarily women and children at the Highland Park Doorsteps Shelter. The residents were also provided information regarding landlord/tenant rights. Needless to say, the residents were very appreciative of not just the meal, but the fact that young lawyers would take the time out of their busy schedules to do something special for them.

As we continue our section's strong commitment to community service and to improving the image of lawyers in the community, we look forward to even more volunteers next holiday season.

Written by Angelique Strong Marks. Ms. Marks serves as Vice President and Corporate Legal Counsel of Handleman Company. She is also Chairperson of the State Bar of Michigan Young Lawyers Section.



(Seated Left to Right) Jason Nance, Steven G. Cozart, Angelique Strong Marks, Christien Dine, (Standing L-R) Debra Nance, Erika Butler-Akinyemi, Julie Fershtman, Greg Meyer, Ellen Tencer, Wayne Third Judicial Circuit Court Judge Gershwin A. Drain, and Carlos A. Escurel Photo by John Meiu



Volunteers make this a family affair



Chris Cobb



Angela Branch

Counsel for the Counselor Volunteers Needed

Help is needed in updating the “Counsel for the Counselor” handbook. This YLS handbook was first published in 2001 as a collection of articles on various practice areas with chapters on administrative hearings, automobile negligence, bankruptcy, choice of business entity, divorce, e-commerce, employment law, estate planning, and landlord-tenant relations.

If you have expertise in a substantive area, please consider editing or providing an article for the handbook. For more information contact Marcel Stoetzel at (269) 948-8321 or stoetzellaw@cablespeed.com.

Opportunities to Mentor a High School-Aged Youth

The ‘Imprint’ Mentoring Program pairs young lawyers with middle to high school-aged youths. These pairs correspond as pen pals during the program, reading a designated book and alternating weekly letters discussing the particular literary work. One core goal of this program is to cultivate mentor/mentee relationships between attorneys and students. The program also hopes to give students and young lawyers from diverse backgrounds an opportunity to get to know each other on a personal level.

The program began in Spring of 1999 in the Detroit Metro area at Southfield High School and was well received. The program even won a first place award in the 2000 ABA/YLD Awards of Achievement in its division. ‘Imprint’ has expanded and is now held in Southfield, Lansing and Ann Arbor. Volunteers are still needed for the January to March 2005 program. If you would like to volunteer to participate in the Lansing area program, please contact Marcel Stoetzel at (269) 948-8321 or at stoetzellaw@cablespeed.com. Don’t hesitate - volunteer today.

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Race For Justice: John Tarkowski (center) was the men’s overall winner in a recent “Race for Justice” at Detroit’s Belle Isle Park. Race co-chairs John Conway (left) and J. Christian Hauser celebrate with him. The event raised nearly \$3,000 to support the State Bar’s Access to Justice (ATJ) Fund. Other winners were: Mary Ross, Women’s Overall Winner; Daniel Mazljakowich, Men’s Runner-Up; and Hope Calati, Women’s Runner-Up. Corporate sponsors of the race, which was organized and hosted by the State Bar Young Lawyers Section, included Howard & Howard Attorneys, P.C.; Dickinson Wright PLLC; West Group; Warner Norcross & Judd LLP; Foster, Swift, Collins & Smith, P.C.; and United Auto Group, Inc.

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