

Michigan Deserves Our Support

To the Editor:

I recently received two brochures advertising State Bar section conferences out of state. The Real Property Law Section is planning a conference in Arizona and the Negligence Law Section, in conjunction with the Michigan Association of Justice, is holding one in Las Vegas. While tax-deductible winter junkets to warm climates are always attractive to lawyers and others seeking a good time, I am very troubled that our Bar sections are planning such trips.

Recent polls and studies have ranked Michigan 49th out of 50 in “happiness,” and Michigan’s unemployment is officially the worst in the nation. Real estate and negligence lawyers have been laid off in alarming numbers because of the decline in real estate work and various degrees of tort “reform,” and foreclosures are at an all-time high.

Michigan has tremendous recreational and resort areas and conference centers—including Detroit, Grand Rapids, Lansing, Traverse City, and Mackinac Island, to name a few—that are underutilized. I recognize that the sections are semi-independent organizations with their own budgets and planning committees, but all members of the State Bar should be cognizant of the economic situation in Michigan and these out-of-state events should be embarrassing to all of us, especially the Bar leadership.

I urge the State Bar commissioners and president to communicate their displeasure to each section (I have myself, to them and to the Michigan Association of Justice) and to advocate reconsideration—even at the cost of a cancellation fee. We owe it to our state and fellow citizens.

**David Haron
Troy**

The Last Word on Whistleblowers

To the Editor:

I read with interest the article in the November 2009 issue of the *Michigan Bar Journal* entitled “Whistleblowers’ Protection Act: Shield and Weapon.” It should be emphasized with regard to the first element of protected activity—reporting to a public body a violation or a suspected violation of a law, regulation, or rule—that the law, regulation, or rule must be one that is “promulgated pursuant to law of this state, a political subdivision of this state, or the United States.” (MCL 15.362) Thus, a complaint to a public body about a breach of contract, even if it involves public funds, does not constitute protected activity under the WPA. Further, as most recently articulated by the Court of Appeals, the word “suspected” in the statute modifies only the word “violation,” and not the word “law.” Thus, reporting a suspected violation of an actual law is protected activity, but the reporting of a

suspected violation of a suspected law (i.e., a law that may not exist), is insufficient. See *Debano-Griffin v Lake County*, 2009 WL 3321510 (Mich App, October 15, 2009).

**Timothy M. Perrone
Lansing**

Another School of Thought

To the Editor:

I was delighted to read what I hope is an opening dialogue on the nature of legal education in the President’s Page article “Episodic Mentorship: A Professionalism Tool We Should Sharpen” (December 2009 *Michigan Bar Journal*). The article referred to four post-graduate prescriptive mandates in other jurisdictions. Those approaches don’t address the problems with law schools and their almost supernatural ability to maintain the status quo.

Compare the post-graduate prescriptive approaches mentioned in the article with that taken by Washington and Lee University School of Law, where the third year of law school has been replaced with real-world engagement. The status quo has been replaced. This would not have been possible without the help of lawyers in and around Virginia. Michigan lawyers can help legal educationists design pre-graduate improvement in their law school programs, too.

Although I prefer a pre-graduate program that replaces the third year of law school, it does not mean I would reject the call for Michigan lawyers to help with post-graduation “mentoring.” I just think Michigan lawyers and legal educationists can do better than that.

**David Meldman
Mahtomedi, Minnesota**

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